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Analyzed New York decisions and citation



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ANALYZED

New York Decisions and Citations

1893~4~5~6~7,

COVERING ALL DUPLICATE REPORTS.

A TABLE OF CASES,

DECIDED, AFFIRMED, REVERSED, CITED, CRITICISED, DISAPPROVED, DISTINGUISHED, FOLLOWED OR OVERRULED,

—WITH—

ANALYSIS OF EACH CITATION, CRITICISM, ETC.

—BY—

JAMES G. GREENE,

(Of the Rochester Bar).

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PREFACE.

This volume covers the New York decisions and citations from the point where Benjamin's Table of Cases stopped to the end of the Court year of 1897—approximately, from October, 1892, to July, 1897.

While all that a Table of Cases usually contains is here given, the analyses of the points and applications of citations will save the lawyer much time and labor.

The arrangement of cases involving Political Divisions is alphabetical according to the proper name of the City, County, etc., instead of the generic name of the division or its officers ; for instance, the case of the Village of Lancaster v. Richardson, 4 Lans. 136, will be found under L and not under V, and in the form, Lancaster, Village of, v. Richardson.

The letter D indicates that the citation next after it is from a dissenting opinion.

Duplicate citations are in a parenthesis. The exact page where the citation appears in any report or reporter is given.

ROCHESTER, N. Y., 1898.

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Abb. N. C.—Abbott's New Cases.	How. App. Cas.—Howard's Appeal Cases.
Abb.—Abbott's Practice.	How.—Howard's Practice Reports.
Abb. N. S.—Abbott's Practice, New Series.	How. N. S.—Howard's Practice Reports, New Series.
Alb. L. J.—Albany Law Journal.	Hun—Hun.
Ann. Cas.—New York Annotated Cases.	Johns.—Johnson.
Anth. N. P.—Anthon's Nisi Prius.	Johns. Cas.—Johnson's Cases.
App. Div.—Appellate Division Reports.	Johns. Ch.—Johnson's Chancery.
Barb.—Barbour.	Keyes—Keyes.
Barb. Ch.—Barbour's Chancery.	Lalor's Supp.—Lalor's Supplement.
Bosw.—Bosworth.	Lans.—Lansing.
Bradf.—Bradford.	Law Bull.—New York Monthly Law Bulletin.
Cai.—Caines.	L. J.—New York Law Journal.
Cai. Cas.—Caines' Cases in Error.	Leg. Obs.—New York Legal Observer.
Ch. Sent.—Chancery Sentinel.	Lock. Rev. Cas.—Lockwood's Reversed Cases.
City Ct. R.—City Court Reports.	Misc.—Miscellaneous (Delehanty).
City Ct. R. Supp.—City Court Report Supplement.	N. Y.—New York Reports.
City H. Rec.—City Hall Recorder (Rogers).	N. Y. Crim.—New York Criminal Reports.
Civ. Pro.—Civil Procedure Reports (Browne).	Paige—Paige.
Civ. Pro. (McCarty)—Civil Procedure Reports (McCarty).	Park. Cr.—Parker's Criminal Reports.
Clarke—Clarke's Reports.	Redf.—Redfield.
Code R.—Code Reporter.	Robt.—Robertson.
Code R. N. S.—Code Reports, New Series.	Sandf.—Sandford's Superior Ct. Reports.
Col. & C.—Coleman & Caines' Cases.	Sandf. Ch.—Sandford's Chancery Reports.
Col. Cas.—Coleman's Cases.	Seld. N.—Selden's Notes.
Con.—Connoly.	Sheldon—Sheldon's Buffalo Superior Court Reports.
Cow.—Cowen.	Silv. Ct. App.—Silvernail's Court of Appeals Reports.
Cow. Cr. R.—Cowen's Criminal Reports.	Silv. S. Ct.—Silvernail's Supreme Court Reports.
Daly—Daly.	St. Rep.—New York State Reporter.
Dem.—Demarest.	Super.—New York Superior Court Reports.
Den.—Denio.	Supp.—New York Supplement.
Duer.—Duer.	Sweeny—Sweeny.
Edm.—Edmonds' Select Cases.	T. & C.—Thompson & Cook.
F. D. Sm.—E. D. Smith.	Trans. App.—Transcript Appeals.
Edw.—Edwards.	Tuck.—Tucker.
Hall.—Hall.	Wend.—Wendell.
Hill.—Hill.	Week. Dig.—New York Weekly Digest.
Hill & D.—Hill & Denio.	Wheeler Cr.—Wheeler's Criminal Cases.
Hill & D. Supp.—Hill & Denio Supplement (Lalor).	Yates Sel. Cas.—Yates' Select Cases.
Hilt.—Hilton.	
Hopk.—Hopkins.	

NEW YORK

DECISIONS AND CITATIONS,

FOR THE YEARS 1893-4-5-6-7,

WITH

AFFIRMANCES AND REVERSALS, AND ANALYSIS OF THE POINTS OF EACH CITATION,

COVERING ALL DUPLICATE REPORTS.

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Cited, Landlord and Tenant—Holding Over—Notice.

92 Hun, 512; (72 St. Rep. 214; 37 Supp. 61).

Adams v. Cohoes, City of, 127 N. Y. 175; 38 St. Rep. 678.

Cited, Landlord and Tenant—Holding Over.

92 Hun, 512; (72 St. Rep. 214; 37 Supp. 61). 9 App. Div. 594; (75 St. Rep. 1099; 3 Ann. Cas. 343; 41 Supp. 709). 12 Misc. 350; (67 St. Rep. 349; 2 Ann. Cas. 27; 33 Supp. 655). 18 Misc. 73; (41 Supp. 32). 18 Misc. 190; (41 Supp. 290). 65 St. Rep. 786; (33 Supp. 655). 79 St. Rep. 840; (45 Supp. 840).

Adams v. Conover, 87 N. Y. 422.

Cited, Appurtenances.

151 N. Y. 399.

Scope of Issues—Parol Evidence.

149 N. Y. 152.

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66 Hun, 159; (49 St. Rep. 138).

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Cited, Husband and Wife—Services of Wife—Recovery by Her.

79 Hun 306; (60 St. Rep. 864; 29 Supp. 431).

Adams v. Doelger, 15 Misc. 140; 71 St.

Rep. 823; 33 Supp. 801.

Adams v. East River Savings Institution, 136 N. Y. 52; 49 St. Rep. 61.

Affirming, 65 Hun 145; 47 St. Rep. 175; 20 Supp. 12.

Adams v. Fassett, 73 Hun 430; 56 St.

Rep. 31; 26 Supp. 447.

Affirmed, 149 N. Y. 61.

Adams v. Fassett, 149 N. Y. 61.**Adams v. Fitzpatrick**, 125 N. Y. 124; 34 St. Rep. 859.

Cited, Employment—Continuance.

82 Hun 461; (64 St. Rep. 436; 31 Supp. 782). 87 Hun, 398; (63 St. Rep. 428; 34 Supp. 305; 2 Ann. Cas. 156). 20 Misc. 703; 148 N. Y. 120; (2 Ann. Cas. 388).

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Adams v. Fort Plain Bank, 36 N. Y. 255.

Cited, Interest—On Money on Deposit—Demand.

1 Misc. 255; (22 Supp. 1087).

Interest—Contracts—Default.

66 Hun, 169; (48 St. Rep. 881; 21 Supp. 80).

Limitation of Action—When Statute Runs—Attorney's fees.

71 Hun, 555; (55 St. Rep. 102; 25 Supp. 140).

Adams v. Fox, 27 N. Y. 640.

Cited, Appeal—Dismissal—Where Motion Made.

15 Misc. 527; (72 St. Rep. 121; 37 Supp. 88).

Adams v. Glidden, 6 Dem. 197.

Cited, Disputed Claims—Formality.

16 App. Div. 38; (78 St. Rep. 808; 44 Supp. 808).

Adams v. Greenwich Ins. Co., 9 Hun. 45.

Cited, Insurable Interest.

89 Hun 235; (71 St. Rep. 569; 36 Supp. 573).

Adams v. Greenwich Insurance Co., 70 N. Y. 166.

Cited, Appeal—Grounds of Motion for Nonsuit—Title of Insured.

16 App. Div. 603; (78 St. Rep. 978; 44 Supp. 978).

Insurable Interest.

89 Hun, 236; (71 St. Rep. 570; 36 Supp. 573).

Witness—Impeachment.

64 St. Rep. 116; (31 Supp. 433).

Adams v. Grey, 11 Misc. 446; 65 St. Rep. 421; 32 Supp. 223.**Adams v. Holly**, 12 How. 326.

Cited, Pleading—Assumpsit—Common Counts.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

Adams v. Hopkins, 5 Johns. 252.

Cited, Attorneys—Liability for Expenses Incurred in Action.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Adams v. Hull, 2 Den. 306.

Cited, Parol—Consideration.

83 Hun, 402; (34 St. Rep. 426; 31 Supp. 756). 8 App. Div. 426; (75 St. Rep. 227; 40 Supp. 838).

Adams v. Irving Nat. Bank, 116 N. Y. 606; 27 St. Rep. 733.

Cited, Contracts—Duress.

2 Misc. 203; (49 St. Rep. 523; 21 Supp. 270).

80 Hun, 379; (61 St. Rep. 829; 30 Supp. 89).

Appeal—Scope of Review.

19 Misc. 105; 20 Misc. 554; 151 N. Y. 129; (3 Ann. Cas. 348.)

Adams v. Lamson Store Service Co.,

59 Hun, 127; 35 St. Rep. 513; 13 Supp. 118.

Cited, Pleading—Incorporation—Demurrer.

8 Misc. 356; (59 St. Rep. 531; 28 Supp. 695).

18 Misc. 427; (75 St. Rep. 1419; 41 Supp. 1059).

Adams v. McPartlin, 11 Abb. N. C. 369.

Cited, Action—Abatement—Pending Foreclosure of Subsequent Mortgage.

69 Hun, 423; (52 St. Rep. 838; 23 Supp. 462).

Adams v. Manhattan Ry. Co., 15

Misc. 17; (71 St. Rep. 476; 36 Supp. 426).

Adams v. Mills, 60 N. Y. 535.

Cited, Knowledge of Agent—Notice.

77 Hun, 58; (59 St. Rep. 430; 28 Supp. 248).

11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Adams v. Morgan, 51 St. Rep. 187; 21 Supp. 1057.

Jury—Struck—When Ordered.

Adams v. Morrison, 113 N. Y. 152; 22 St. Rep. 324.

Cited, Witnesses—Competency—Death of Other Party.

68 Hun, 536; (52 St. Rep. 578; 23 Supp. 255). 86 Hun, 403; (67 St. Rep. 232; 33 Supp. 479).

Adams v. New Jersey S. Co., 9 Misc.

25; (59 St. Rep. 720; 29 Supp. 56).

Affirmed, 151 N. Y. 163.

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10 Misc. 194; (62 St. Rep. 478; 30 Supp. 928). 19 Misc. 105; 19 Misc. 637; (78 St. Rep. 404; 44 Supp. 404).

Adams v. N. J. Steamboat Co., 151 N. Y. 163.

Adams v. N. Y. L. E. & W. R. Co. 20 Abb. N. C. 180.

Cited, Joint liability.

18 Misc. 78; (41 Supp. 584).

Adams v. N. Y. L. E. & W. R. Co. 49 St. Rep. 854; 21 Supp. 681.

Adams v. Olin, 140 N. Y. 150; 55 St. Rep. 257.

Reversing, 50 St. Rep. 934.

Cited, Limitation of Action—Demand.

141 N. Y. 218; (56 St. Rep. 822). 4 App. Div. 238; (74 St. Rep. 181; 38 Supp. 562).

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4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501). 76 St. Rep. 645; (42 Supp. 645).

Adams v. Olin, 78 Hun, 309; 60 St. Rep. 695; 29 Supp. 131.

Action—Special Proceeding.

85 Hun, 123; (66 St. Rep. 25; 32 Supp. 639; 2 Ann. Cas. 50). 85 Hun, 591; (66 St. Rep. 821; 33 Supp. 116; 2 Ann. Cas. 55).

Costs.

83 Hun, 406; (64 St. Rep. 669; 31 Supp. 880); 91 Hun, 93; (71 St. Rep. 705; 36 Supp. 685).

Adams v. Oswego Board of Supervisors, 66 Barb. 368.

Cited, Action—County Charges.

69 St. Rep. 624; 36 Supp. 657.

Adams v. Perkins, 25 How. 368.

* *Cited*, Costs—Additional Percentage as Damages—Computation.

31 Abb. N. C. 479; 62 St. Rep. 121; (30 Supp. 400).

Adams v. Perry, 43 N. Y. 487.

Cited, Trusts—Perpetuities.

1 Misc. 442; (23 Supp. 151). D. 50 St. Rep. 297; (21 Supp. 532). 82 Hun, 485; (64 St. Rep. 193; 31 Supp. 557).

Adams v. Popham, 76 N. Y. 410.

Cited, Nuisance—Special Damages.

71 Hun, 87; (54 St. Rep. 813; 24 Supp. 626). 147 N. Y. 663; (71 St. Rep. 268). 148 N. Y. 644. 18 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Adams v. Rivers, 11 Barb. 390.

Cited, Trespass.

67 Hun, 308; (50 St. Rep. 899; 22 Supp. 316).

Act of Omission.

71 Hun, 456; (54 St. Rep. 403; 24 Supp. 947).

Abuse of Process—Liability of Officer.

3 Misc. 231; (51 St. Rep. 867; 22 Supp. 748).

Adams v. Roberts, 1 Civ. Pro. 204; 62 How. 253.

Cited, Failure to Reply.

15 Misc. 26; (71 St. Rep. 481; 36 Supp. 430; 25 Civ. Pro. 144).

Adams v. Roscoe Lumber Company, 2 App. Div. 47; 72 St. Rep. 591; 37 Supp. 265.

Cited, Request of Both Parties for Direction of Verdict.

3 App. Div. 175; 38 Supp. 352; 3 Ann. Cas. 111.

Adams v. Sage, 28 N. Y. 103.

Cited, Contracts—Compromise of Disputed Claim.

66 Hun, 172; (49 St. Rep. 153; 21 Supp. 128). 11 App. Div. 419 (76 St. Rep. 368; 42 Supp. 368). 20 Misc. 55; (79 St. Rep. 332; 45 Supp. 332).

Adams v. Saratoga & W. R. Co., 11 Barb. 414.

Cited, Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 822.

Adams v. Saratoga & W. R. Co., 10 N. Y. 328.

Cited, Eminent Domain—Jurisdiction.

149 N. Y. 298.

Adams v. Speelman, 39 Hun, 35.

Cited, § 649 Code of Civil Procedure.

14 Misc. 388; (70 St. Rep. 745; 25 Civ. Pro. 158; 35 Supp. 1050).

Adams v. Stevens, 7 Misc. 468; 58 St. Rep. 510; 27 Supp. 993; 23 Civ. Pro. 356.

Cited, Misjoinder.

2 App. Div. 38; (73 St. Rep. 232; 37 Supp. 578).

Adams v. Stillman, 4 Misc. 259; 53 St. Rep. 180; 23 Supp. 810.

Cited, Attorneys—Costs.

9 Misc. 564; (62 St. Rep. 85; 30 Supp. 416; 1 Ann. Cas. 76; 24 Civ. Pro. 57).

Adams v. Symon, 22 Abb. N. C. 469; 6 Supp. 652.

Cited, 87 Hun, 151; (67 St. Rep. 775; 33 Supp. 1071).

Adams v. Tator, 42 Hun, 384; 6 St. Rep. 359.

Cited, Officers—De facto—Rights and Powers.

70 Hun, 4; (53 St. Rep. 448; 23 Supp. 952).

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Adams v. Van Alstyne, 25 N. Y. 232.

Cited, Line Fences—Division Agreement—Estoppel.

90 Hun. 30; (70 St. Rep. 226; 35 Supp. 565).

Adams v. Ward, 60 How. 288.

Cited, Costs—Interlocutory Judgment.

75 Hun. 366; (56 St. Rep. 766; 27 Supp. 84; 23 Civ. Pro. 296). 3 Misc. 262; (52 St. Rep. 174; 22 Supp. 761; 23 Civ. Pro. 150).

Adamson v. Nassau Electric R. Co., 12 Misc. 600; 67 St. Rep. 554; 33 Supp. 732.

Reversed, 89 Hun. 261; 68 St. Rep. 851; 34 Supp. 1073.

Adamson v. Nassau El. R. Co., 89 Hun. 261; 68 St. Rep. 851; 34 Supp. 1073.

Cited, Franchise—Power of Council.

14 Misc. 263; (70 St. Rep. 679; 35 Supp. 1004).

Judicial Control of Discretion.

16 Misc. 424; (74 St. Rep. 75; 38 Supp. 452).

Adamson v. Union Railroad Co., 74 Hun. 3; 56 St. Rep. 214; 26 Supp. 136.

Cited, Franchise—Powers of Council.

12 Misc. 601, 605; (67 St. Rep. 557, 589; 33 Supp. 735, 737). 89 Hun. 261; (68 St. Rep. 853; 34 Supp. 1074).

Adee v. Arnow, 91 Hun. 329; 72 St. Rep. 293; 36 Supp. 1020.

Adee v. Bigler, 81 N. Y. 349.

Cited, Equity—Remedy at Law.

10 Misc. 693; (65 St. Rep. 100; 31 Supp. 1005; 1 Ann. Cas. 340).

Adee v. Cornell, 25 Hun. 78.

Cited, Partnership — Participation in Profits.

16 Misc. 75; (73 St. Rep. 251; 37 Supp. 706).

Adee v. Crow, 7 Misc. 256; 58 St. Rep. 33; 27 Supp. 973.

Adee v. Hallett, 3 App. Div. 308; 73 St. Rep. 754; 38 Supp. 273.

Adee v. Howe, 15 Hun. 20.

Cited, Evidence — Declarations — Of Agents.

69 Hun. 45; (52 St. Rep. 830; 23 Supp. 444). 87 Hun. 594; (68 St. Rep. 522; 34 Supp. 565).

Adkins v. Adkins, 13 St. Rep. 193.

Cited, Wills—Legacies—When Charged on Lands.

30 Abb. N. C. 234; (34 Supp. 878).

Adler, Matter of, 60 Hun. 481; 39 St. Rep. 462; 15 Supp. 227.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 40). 6 App. Div. 565; (39 Supp. 719).

Adler v. Germania Fire Ins. Co., 17 Misc. 347; 39 Supp. 1070.

Reversing, 15 Misc. 471; (72 St. Rep. 787; 37 Supp. 207).

Adler v. Metropolitan El. R. Co., 138 N. Y. 173; 52 St. Rep. 160.

Modifying and Affirming, 46 St. Rep. 253; 18 Supp. 858.

Cited, Appeal—Damages—Elevated Railway—Conflict of Evidence.

5 Misc. 242; (54 St. Rep. 787).

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58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 407). 15 App. Div. 346; (78 St. Rep. 160; 44 Supp. 160).

Highways—Obstruction of View—Pillars.

6 Misc. 355; (26 Supp. 916).

Adler v. Order American Fraternal Circle, 28 Abb. N. C. 233; 19 Supp. 885; 22 Civ. Pro. 336.

Cited, Jurisdiction—Nunc Pro Tunc.

66 St. Rep. 154; (32 Supp. 875; 24 Civ. Pro. 236); 41 Supp. 203; (25 Civ. Pro. 366).

Adloff v. Schmitt, 13 Misc. 623; 69 St. Rep. 154; 34 Supp. 930.

Cited, Undisclosed Principal.

20 Misc. 348; (79 St. Rep. 852; 45 Supp. 852.)

Adolph v. Central Park N. & E. R. Co. 65 N. Y. 554.

Cited, Street Railways—Right to Drive Upon or Across Track—Negligence.

1 Misc. 159; (48 St. Rep. 710; 20 Supp. 623).

Adolph v. Central Pk. N. & E. R. Co. 76 N. Y. 530.

Cited, Street Railway—Right of Way on Track—Exclusiveness.

60 St. Rep. 173; 8 Misc. 42; (28 Supp. 519). 8 Misc. 385; (59 St. Rep. 600; 28 Supp. 698). 9 Misc. 272; (61 St. Rep. 325; 29 Supp. 749). 11 Misc. 178; (65 St. Rep. 171; 32 Supp. 115). 68 Hun. 371; (51 St. Rep. 891; 22 Supp. 823). 11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885).

Adriance v. Lagrave, 59 N. Y. 110.

Cited, Extradition—For What Offense Triable.

135 N. Y. 541; (48 St. Rep. 548). 81 Hun. 340; (63 St. Rep. 155; 30 Supp. 901). 79 Hun. 412; (61 St. Rep. 502; 29 Supp. 796).

Adriance v. McCafferty, 2 Robt. 153.

Cited, Statute—Strict Compliance.

22 Supp. 535; (30 Abb. N. C. 112).

Duplicate Citations in Parenthesis.

Adriance, Platt & Co. v. Coon, 15 App. Div. 92; 78 St. Rep. 288; 44 Supp. 288.

Adsit v. Adsit, 2 Johns. Ch. 448.

Cited, Dower—Election.

14 App. Div. 572; (77 St. Rep. 901; 43 Supp. 901). 10 Misc. 322; (63 St. Rep. 258; 30 Supp. 983). 16 Misc. 101; (72 St. Rep. 530; 37 Supp. 250).

Adsit v. Brady, 4 Hill, 630.

Cited, Highways—Defects—Liability of Town—Absence of Funds.

67 Hun, 626; (51 St. Rep. 111; 22 Supp. 472).

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143 N. Y. 165; (62 St. Rep. 189). 149 N. Y. 502.

Adsit v. Butler, 87 N. Y. 585.

Cited, Judgment Creditor's Action—Return of Execution—Necessity.

79 Hun, 106; (61 St. Rep. 182; 29 Supp. 637). 143 N. Y. 571; (62 St. Rep. 783; 1 Ann. Cas. 23). 152 N. Y. 124; 8 Misc. 420; (60 St. Rep. 444; 28 Supp. 666). 10 Misc. 692; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 339). 24 Supp. 472; (9 St. Rep. 390; 60 St. Rep. 75).

Adsit v. Wilson, 7 How. 64.

Cited, New Trial—Verdict Contrary to Evidence.

75 Hun, 246; (58 St. Rep. 613; 27 Supp. 52). 77 Hun, 77; (59 St. Rep. 838; 23 Supp. 293). 12 App. Div. 5; (76 St. Rep. 181; 42 Supp. 181).

Ætna F. Ins. Co. v. Tyler, 16 Wend. 385.

Cited, Insurance—Interest.

71 St. Rep. 570; (36 Supp. 573).

Ætna Ins. Co. v. New York, 14 Misc. 145; 70 St. Rep. 364; 35 Supp. 857.

Affirmed, 7 App. Div. 145; 74 St. Rep. 677; 40 Supp. 120.

Ætna Ins. Co. v. New York, 7 App. Div. 145; 74 St. Rep. 677; 40 Supp. 120.

Affirmed, 153 N. Y. 331.

Ætna Ins. Co. v. Wheeler, 49 N. Y. 616.

Cited, Carriers—When Liability Attaches. 85 Hun, 521; (66 St. Rep. 774; 33 Supp. 149).

Ætna Nat. Bank v. Fourth Nat. Bank, 46 N. Y. 82.

Cited, Banks—Deposit—Transfer.

70 Hun, 94; (53 St. Rep. 500; 23 Supp. 1126). 76 Hun, 573; (58 St. Rep. 240; 28 Supp. 233).

Banks—Relation to Depositor.

14 Misc. 316; (70 St. Rep. 748; 35 Supp. 1053). 145 N. Y. 190; (64 St. Rep. 591).

Contracts—For Benefit of Third Person—Availability.

78 Hun, 150; (60 St. Rep. 205; 28 Supp. 989). 18 Misc. 59; (75 St. Rep. 478; 41 Supp. 25).

A. F. Engelhardt Co. v. Benjamin, 5 App. Div. 475; 39 Supp. 31.

Agan v. File, 66 St. Rep. 418; 33 Supp. 1066.

Agar v. Curtiss, 8 App. Div. 337; 75 St. Rep. 200; 40 Supp. 815.

Cited, Limitation—Execution.

17 App. Div. 185; (79 St. Rep. 297; 45 Supp. 297).

Agar v. Tibbets, 56 Hun, 272; 30 St. Rep. 456; 9 Supp. 591.

Cited, Costs—Disputed Claim—Reference—Decedent's Estate.

8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670).

Agate v. Agate, 11 St. Rep. 579.

Cited, 81 Hun, 587; (63 St. Rep. 257; 30 Supp. 1119).

Agate v. House, 53 St. Rep. 890; 23 Supp. 716.

Agate v. House, 81 Hun, 586; 63 St. Rep. 256; 30 Supp. 1119.

Agate v. Lovebein, 57 N. Y. 604.

Cited, When Right of Action Complete.

10 App. Div. 70; (75 St. Rep. 1228; 41 Supp. 827).

Agate v. Lowenbein, 57 N. Y. 604.

Waste—Injury to Reversion.

8 Misc. 386; (59 St. Rep. 869; 29 Supp. 1108; 31 Abb. N. C. 390).

Agate v. Morrison, 84 N. Y. 672.

Cited, Evidence—Order—Discretion.

20 Misc. 19; (78 St. Rep. 776; 44 Supp. 776).

Agate v. Richards, 5 Bosw. 4⁶.

Cited, Evidence—Of Execution of Instrument—Proof of Identity.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635).

Agawam Bank v. Strever, 18 N. Y. 502

Cited, Mortgage—Continuing Security—To What Extends.

53 St. Rep. 655; (25 Supp. 236). 92 Hun 552; (38 Supp. 1046).

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80 Hun, 212; (61 St. Rep. 778; 30 Supp. 34)

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150 N. Y. 256.

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92 Hun, 171; (71 St. Rep. 206; 36 Supp. 368)

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Agricultural Ins. Co. v. Barnard, 96 N. Y. 525.

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77 Hun, 419; (60 St. Rep. 41; 28 Supp. 794). 85 Hun, 142; (65 St. Rep. 661; 32 Supp. 476). 85 Hun, 167; (66 St. Rep. 117; 32 Supp. 608). 4 App. Div. 355; (74 St. Rep. 200; 38 Supp. 573). 8 App. Div. 356; (40 Supp. 818).

Agudath Hakehiloth, Matter of, 18 Misc. 717; 76 St. Rep. 985; 42 Supp. 985.

Ahern v. Goodspeed, 72 N. Y. 108.

Cited, Principal and Agent—Implied Authority.

7 Misc. 606; (58 St. Rep. 79; 27 Supp. 867).

Ahern v. Kings County, 89 Hun, 148; 69 St. Rep. 104; 34 Supp. 1023.

Followed, 69 St. Rep. 105; (34 Supp. 1024).

Ahern v. National Steamship Co., 11 Abb. N. S. 356.

Cited, Appeal—Leave to Make.

16 Misc. 363; (74 St. Rep. 370; 25 Civ. Pro. 288; 38 Supp. 2).

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20 Misc. 363; (79 St. Rep. 924; 45 Supp. 924).

Ahern v. Steele, 115 N. Y. 203; 26 St. Rep. 295.

Distinguished, Railroads—Restoration of Highway—Liability—Necessity of Notice of Defect.

72 Hun, 472; (54 St. Rep. 783; 25 Supp. 247).

Cited, Nuisance—Liability—Notice.

75 Hun, 489; (57 St. Rep. 356; 27 Supp. 476). 12 Misc. 453; (67 St. Rep. 333; 33 Supp. 627). 13 Misc. 141; (68 St. Rep. 232; 34 Supp. 181).

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7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416). 17 App. Div. 191; (79 St. Rep. 370; 45 Supp. 370). 13 App. Div. 359; (43 Supp. 237).

Nuisance—What is—Awning.

9 Misc. 15; (59 St. Rep. 699; 29 Supp. 17).

A. H. King Co. v. Seed, 6 Misc. 4; 58 St. Rep. 116; 25 Supp. 1115.

Distinguished, Action—Parties—Intervention.

8 Misc. 618; (60 St. Rep. 824; 29 Supp. 329).

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8 App. Div. 589, 590; (40 Supp. 915, 916).

Ahlberg v. Ahlberg, 24 Supp. 919.

Ahlmyer v. Healy, 12 St. Rep. 677.

Cited, Inspection.

13 Misc. 50; (68 St. Rep. 9; 34 Supp. 53).

Ahoyke v. Wolcott, 4 Abb. 41.

Cited, Discovery—Possession.

86 Hun, 44; (67 St. Rep. 108; 33 Supp. 289; 2 Ann. Cas. 131).

Ahrens v. Burke, 63 How. 59.

Cited, Landlord and Tenant—Summary Proceeding—Adjournment by Justice.

2 Misc. 155; (50 St. Rep. 537; 23 Supp. 162; 23 Civ. Pro. 78).

Justice of Peace—Power to Adjourn.

2 Misc. 159; (50 St. Rep. 540).

District Courts—Adjournment without Answer.

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Ahrens v. United Growers' Co., 11 Misc. 108; 65 St. Rep. 91; 31 Supp. 997.

Ahrhart v. Stark, 10 Misc. 448; 64 St. Rep. 782; 31 Supp. 871.

Aiken v. Benedict, 39 Barb. 400.

Cited, Nuisance—Cornices and Gutters—As Affecting Title.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 407).

Aikin v. Albany V. & C. R. Co., 26 Barb. 289.

Cited, Covenants

90 Hun, 29; (70 St. Rep. 226; 35 Supp. 565).

Aikin v. Buck, 1 Wend. 466.

Cited, Personal Property—Action Against Trespasser or Wrongdoer—Sufficiency of Plaintiff Title or Possession.

1 Misc. 239. (23 Supp. 133).

Aikman v. Harsell, 98 N. Y. 186.

Cited, Dower—When Estate in Land.

14 Misc. 624; (71 St. Rep. 828; 36 Supp. 806); 11 App. Div. 515; (76 St. Rep. 807; 42 Supp. 807).

Ainley v. Manhattan R. Co., 47 Hun, 206; 13 St. Rep. 557.

Cited, Appeal—Necessity of Exceptions.

49 St. Rep. 302; (21 Supp. 48).

Ainsley v. Mead, 3 Lans. 116.

Cited, Husband and Wife—Agency.

87 Hun, 2; (67 St. Rep. 509; 33 Supp. 763).

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11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

Ainslie v. Boynton, 2 Barb. 258

Cited, Counterclaim—Equitable—Insolvent Creditor.

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Ainslie v. Hicks, 13 App. Div. 388; 77 St. Rep. 47; 43 Supp. 47.

Ainslie v. Radcliffe, 7 Paige 439.

Cited, Decedent's Debts—Priority—Judgments.

83 Hun, 202; (63 St. Rep. 857; 31 Supp. 410).

Duplicate Citations in Parenthesis.

Ainsworth v. Backus, 5 Hun, 414.

Cited, Damages.

89 Hun, 332; (69 St. Rep. 860; 35 Supp. 451).

Aitkin v. Aitkin, 4 App. Div. 414; 39 Supp. 443.

Akberg v. John Kress Brewing Co.
138 N. Y. 648; 53 St. Rep. 930.

Affirming, 65 Hun, 182; 47 St. Rep. 373; 19 Supp. 956.

Akers v. New York, 14 Misc. 524; 35 Supp. 1099.

Akers v. Overbeck, 18 Misc. 198; 75 St. Rep. 793; 41 Supp. 382.

Akersloot v. Second Ave. R. Co., 30 St. Rep. 146; 8 Supp. 926.

Cited, Appeal—Matters Not Raised Below.
9 Misc. 92; (59 St. Rep. 749; 29 Supp. 33).

Akersloot v. Second Ave. R. Co., 40 St. Rep. 231; 15 Supp. 864.

Cited, Damages.

D. 9 Misc 422; (61 St. Rep. 704; 30 Supp. 199).

Akersloot v. Second Ave. R. Co., 131 N. Y. 599; 43 St. Rep. 290.

Cited, Street Railways—Starting Cars—Admission of Passengers.

4 Misc. 470; (54 St. Rep. 346; 24 Supp. 494). 16 App. Div. 149.

Akin v. Albany N. R. Co., 14 How. 337.

Cited, Action—Bringing in Parties.

8 App. Div. 590; (75 St. Rep. 311; 40 Supp. 917).

Akin v. Amsterdam, Water Commissioners of, 82 Hun, 265; 63 St. Rep. 560; 31 Supp. 254.

Akin v. Kellogg, 119 N. Y. 441; 29 St. Rep. 561.

Cited, Dower—Provision in Lieu of—Election.

70 Hun, 138; (53 St. Rep. 759; 24 Supp. 409). 1 Misc. 275; (22 Supp. 1071). 10 Misc. 324; (63 St. Rep. 240; 30 Supp. 985).

Akin v. Meeker, 78 Hun, 387; 60 St. Rep. 697; 29 Supp. 132.

Affirmed, 149 N. Y. 610.

Akrill v. Selden, 1 Barb. 316.

Cited, Injunction—Jurisdiction—Irreparable Injury.

30 Abb. N. C. 412; (26 Supp. 918.)

A. L. & J. J. Reynolds Co. v. Dreyer,
12 Misc. 368; 67 St. Rep. 320; 33 Supp. 649.

A. L. & J. J. Reynolds Co. v. Third Ave. R. Co., 8 Misc. 313; 59 St. Rep. 276; 28 Supp. 731.

Alamango v. Albany County, Supervisors of, 25 Hun, 551.

Cited, Counties—Liability—Negligence—Discharging Public Duties.

79 Hun, 124; (61 St. Rep. 394; 29 Supp. 497). 147 N. Y. 58; (69 St. Rep. 309).

Albany, Matter of, 23 Wend. 277.

Cited, Appeal—Certiorari—Necessity of Interest.

135 N. Y. 449; (48 St. Rep. 433).

Certiorari—Equality—Admissions in Return.

70 St. Rep. 848; (36 Supp. 194).

Albany v. Cunliff, 2 N. Y. 165.

Cited, Ultra Vires.

10 Misc. 666; (64 St. Rep. 302; 31 Supp. 677). 20 Misc. 652.

Nuisance—Liability of Creator—Effect of Conveyance.

141 N. Y. 527; (57 St. Rep. 722).

Albany v. McNamara, 117 N. Y. 168; 27 St. Rep. 165.

Cited, Poor—Who Are.

49 St. Rep. 297; (21 Supp. 54).

Money Paid—Necessity of Request.

4 Misc. 238; (53 St. Rep. 635; 24 Supp. 761). 82 Hun, 83; (63 St. Rep. 377, 379; 31 Supp. 108).

Albany v. Trowbridge, 5 Hill, 71.

Cited, Wharfage.

151 N. Y. 477.

Albany v. Watervliet T. & R. Co.,
76 Hun, 136; 57 St. Rep. 453; 27 Supp. 844.

Cited, Proximate Cause.

13 App. Div. 585; (77 St. Rep. 1010; 43 Supp. 1010).

Albany Brass & Iron Co. v. Hoffman, 12 Misc. 167; 67 St. Rep. 247; 33 Supp. 600.

Affirmed, 86 Hun, 620; 66 St. Rep. 865; 33 Supp. 1125.

Albany City Bank v. Gaynor, 67 How. 421.

Cited, Supplementary proceedings—Receiver—Realty.

7 App. Div. 531; (40 Supp. 263). 62 St. Rep. 122; (30 Supp. 381).

Albany City Bank v. Schermerhorn, 9 Paige, 372.

Cited, Receiver—Levy after Appointment.

136 N. Y. 176; (48 St. Rep. 833).

Albany City Bank v. Schermerhorn, 10 Paige, 263.

Cited, Receivers—Actions Against—Contempt.

Duplicate Citations in Parenthesis.

72 Hun, 634; (54 St. Rep. 870; 25 Supp. 187).
Application for Distribution of Proceeds.
13 Misc. 492; (70 St. Rep. 139; 35 Supp. 527).

Albany City Fire Ins. Co. v. Devendorf, 43 Barb. 444.

Cited, Consideration—Receipt of Negotiable Note.

9 App. Div. 328; (41 Supp. 342).

Albany City Nat. Bank v. Hudson R. B. Mfg. Co., 79 Hun, 387; 61 St. Rep. 499; 29 Supp. 793.

Albany City Savings Institution, v. Burdick, 87 N. Y. 40.

Cited, Contracts—Reformation—Laches.
79 Hun, 47; (61 St. Rep. 134; 29 Supp. 654).
79 Hun, 72; (61 St. Rep. 663). 81 Hun, 470;
(63 St. Rep. 494; 31 Supp. 172). 135 N. Y.,
189. (48 St. Rep. 247). 16 Misc. 145; (74 St.
Rep. 541; 38 Supp. 952).

Notice—Res adjudicata.

144 N. Y. 665; (71 St. Rep. 304). 149
N. Y. 151.

Fraud—Negligence of Party Defrauded—
Matter of Opinion.

73 Hun, 439; (56 St. Rep. 25; 26 Supp. 337).
90 Hun, 232; (8 Misc. 111; 59 St. Rep. 512;
28 Supp. 622).

Pleading—Answer—Co-Defendants.

8 Misc. 475; (60 St. Rep. 604; 29 Supp. 550).
Equity—Retaining Jurisdiction for Com-
plete Relief.

78 Hun, 57; (60 St. Rep. 492; 28 Supp. 1089).

Albany County Bank v. Rider, 74
Hun, 349. 56 St. Rep. 391; 26 Supp.
490.

Cited, Striking out Affirmative Defense.

4 App. Div. 424; (38 Supp. 839).

Albany County, Supervisors of, v. Dorr, 25 Wend. 440.

Affirmed, 7 Hill, 583.

Cited, County Treasurer—Bond—Theft of
Funds.

77 Hun, 486; (60 St. Rep. 553; 28 Supp.
1093). D. 77 Hun, 489; (60 St. Rep. 555; 28
Supp. 1095). 151 N. Y. 139, 141.

Albany County, Supervisors of, v. Dorr, 7 Hill, 583.

Cited, Officers—Public Moneys—Liability.

151 N. Y. 140 92 Hun, 17; (72 St. Rep.
835; 37 Supp. 890).

Albany County Bank v. Rider, 74
Hun, 349; 56 St. Rep. 391; 26 Supp. 490.

Cited, Pleading—Sham—Affirmative De-
fense.

4 App. Div. 424; (74 St. Rep. 792; 38
Supp. 859).

Albany County Savings Bank v. McCarty, 71 Hun, 227; 54 St. Rep.
577; 24 Supp. 991.

Reversed, 149 N. Y. 71.

Cited, Certificate of Acknowledgment—
Weight as Evidence.

12 App. Div. 192; (76 St. Rep. 829; 42 Supp.
829).

Albany County Savings Bank v. McCarty, 149 N. Y. 71.

Cited, Certificate of Acknowledgment—
Weight as Evidence.

12 App. Div. 180, 192, 194; (76 St. Rep.
829, 830, 837; 42 Supp. 829, 830, 837). D. 79
St. Rep. 1065; (45 Supp. 1065).

Witness—Interest—Decedent's Estate.

17 App. Div. 268; (79 St. Rep. 564; 45
Supp. 564). 13 App. Div. 67; (77 St. Rep.
95; 43 Supp. 95).

Albany F. Ins. Co. v. Bay, 4 N. Y. 9.

Cited, Power to Sell—Implied Power to
Mortgage.

144 N. Y. 224; (63 St. Rep. 95). 147
N. Y. 568; (70 St. Rep. 336). 20 Misc. 235;
(79 St. Rep. 537; 45 Supp. 537).

Albany Hardware & Iron Co. v. Day, 11 App. Div. 230; 76 St. Rep. 971;
42 Supp. 971.

Albany Northern R. Co. v. Brownell, 24 N. Y. 345.

Cited, Highways—Establishment—Across
Railways—Compensation—Constitutional-
ity.

72 Hun, 591; (54 St. Rep. 880; 25 Supp. 158).
89 Hun, 434; (70 St. Rep. 159; 35 Supp. 508).
90 Hun, 12; (69 St. Rep. 728; 35 Supp. 341).
17 App. Div. 262; (79 St. Rep. 690; 45 Supp.
690).

Albany St. Matter of, 11 Wend. 149.

Cited, Eminent Domain—Amount of Land
Subject to.

49 St. Rep. 734; 20 Supp. 771.

Construction—Implied Exclusion.

6 App. Div. 289; (40 Supp. 541).

Albany & S. R. Co. v. Dayton, 0 Abb' N. S. 183.

Cited, Damages—Noise.

83 Hun, 145; (64 St. Rep. 267; 31 Supp.
631).

Albere v. Kingsland, 13 Supp. 794.

Cited, Assumption of Debt—Primary Lia-
bility.

16 Misc. 314; (39 Supp. 416).

Albert v. Albany R. Co., 5 App. Div.
544; 39 Supp. 430.

Duplicate Citations in Parenthesis.

Albert v. Bleeker St. R. Co., 2 Daly. 389.

Cited, Damages.

9 Misc. 154; (59 St. Rep. 664; 29 Supp. 72).
19 Misc. 647; (78 St. Rep. 419; 44 Supp. 419).

Albert v. N. Y. C. & H. R. R. Co., 80 Hun, 152; 61 St. Rep. 707; 29 Supp. 1126.

Reversed, 150 N. Y. 564.

Cited, Contributory Negligence.

91 Hun, 8; (71 St. Rep. 424; 36 Supp. 87).
Master and Servant—Risks Assumed.

11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817).

Alberti v. N. Y., L. E. & W. R. Co., 118 N. Y. 77; 27 St. Rep. 865.

Cited Evidence—Photographs.

139 N. Y. 83; (54 St. Rep. 428). 75 Hun, 256;
(58 St. Rep. 678; 27 Supp. 53). 79 St. Rep.
1116; (45 Supp. 1116).

Opinions—Future Results of Injuries.

73 Hun, 568; (56 St. Rep. 221; 26 Supp. 312). 81 Hun, 356; (63 St. Rep. 120; 30 Supp. 955). 1 App. Div. 211; (72 St. Rep. 740; 37 Supp. 132). 7 App. Div. 603; (74 St. Rep. 738; 40 Supp. 177).

Quality of Medical Attendance.

15 App. Div. 167; (78 St. Rep. 246; 44 Supp. 246).

Confidential Communications — Physicians—Waiver.

78 Hun, 225; (60 St. Rep. 223; 28 Supp. 954). 151 N. Y. 204; (3 Ann. Cas. 296).
148 N. Y. 92; (25 Civ. Pro. 172).

Character of Injuries.

75 St. Rep. 578.

Albert Palmer Co. v. VanOrden, 49 Super. 89.

Cited, Judgment—Opening Default—Service of Proposed Answer.

67 Hun 517; (51 St. Rep. 97; 22 Supp. 522; 23 Civ. Pro. 139).

Alberts v. Bache, 69 Hun, 255; 53 St. Rep. 230; 23 Supp. 502.

Albertson, Matter of, 113 N. Y. 434; 22 St. R. p. 728.

Cited, Life Estates—Expenses—Apportionment.

80 Hun, 540; (62 St. Rep. 616; 30 Supp. 642). 82 Hun, 116; (64 St. Rep. 166; 31 Supp. 577). 152 N. Y. 565, 576.

Net Income.

D. 15 App. Div. 288; (78 St. Rep. 587; 44 Supp. 587). 17 Misc. 687; (41 Supp. 544).

Albrecht, Matter of, 136 N. Y. 91; 49 St. Rep. 65.

Reversing, 56 Hun, 650; 32 St. Rep. 193; 10 Supp. 388.

Cited, Tenancy by Entirety—Payment of Whole Consideration by One Tenant.

67 Hun, 236; (50 St. Rep. 783; 22 Supp. 800).

Albrecht v. Canfield, 92 Hun, 240; 72 St. Rep. 323; 36 Supp. 910.

Albrecht v. Queens County, 84 Hun, 399; 65 St. Rep. 658; 32 Supp. 473.

Followed, 89 Hun, 20; (69 St. Rep. 25; 34 Supp. 1053). 65 St. Rep. 661; 32 Supp. 475.
89 Hun, 150; (69 St. Rep. 105; 34 Supp. 1024).

Cited, Action—Counties.

69 St. Rep. 626; (36 Supp. 659).

Albright v. Voorhies, 36 Hun, 437.

Cited, Evidence—Parol—To Vary Writing.

6 Misc. 393; (56 St. Rep. 400; 26 Supp. 743).

Albro v. Blume, 5 App. Div. 309; 39 Supp. 215.

Albro v. Figuera, 60 N. Y. 630.

Cited, Limitation of Action—Interruption of Statute—Part Payment.

141 N. Y. 493; (57 St. Rep. 584).

Albro Co. See A. T. Albro Co.

Alden v. Barnard, 15 Misc. 512; 74 St. Rep. 367; 37 Supp. 1069.

Alden v. Clark, 86 Hun, 357; 67 St. Rep. 154; 33 Supp. 454.

Cited, Receiver—Right to Attack Transfers.

92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940).

Alden v. Earle, 121 N. Y. 683; 31 St. Rep. 375.

Affirming, 56 Super. 366; 23 St. Rep. 961; 4 Supp. 548.

Cited, Brokers—Commissions—Complete Contract.

3 Misc. 423; (52 St. Rep. 433; 23 Supp. 155). 17 Misc. 264; (39 Supp. 1016).

Alderman v. Tirrell, 8 Johns. 326.

Cited, Guardian ad litem.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

Aldinger v. Pugh, 57 Hun, 181; 32 St. Rep. 513; 10 Supp. 684.

Affirmed, 132 N. Y. 407; 44 St. Rep. 566.

Cited, Contempt—Injunction.

6 Misc. 460; (56 St. Rep. 779; 27 Supp. 201). 67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 419).

Statutes—Repealing Effect.

8 Misc. 136; (60 St. Rep. 151; 28 Supp. 648). 10 Misc. 247; (62 St. Rep. 436; 30 Supp. 823). D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352).

*Duplicate Citations in Parenthesis.***Appeal—When Lies.**

74 Hun, 191; (56 St. Rep. 554; 26 Supp. 352).

Aldis v. Stewart, 4 Misc. 389; 53 St. Rep. 518; 24 Supp. 329.

Aldridge v. Aldridge, 120 N. Y. 614; 31 St. Rep. 948.

Cited, Appeal—Reversing Findings of Trial Court.

140 N. Y. 253; (55 St. Rep. 541). 144 N. Y. 117; (63 St. Rep. 19). 152 N. Y. 119. 152 N. Y. 168. 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 83 Hun, 10; (64 St. Rep. 327; 31 Supp. 613). 83 Hun, 152; (64 St. Rep. 137; 31 Supp. 583). 84 Hun, 423; (65 St. Rep. 693; 32 Supp. 419). 9 App. Div. 155; (75 St. Rep. 636; 41 Supp. 188). 11 App. Div. 561; (76 St. Rep. 592; 42 Supp. 592). 16 App. Div. 562; (78 St. Rep. 960; 44 Supp. 960). D. 4 Misc. 123; (53 St. Rep. 467; 23 Supp. 900). 9 Misc. 68; (59 St. Rep. 691; 29 Supp. 12). 3 App. Div. 179; (73 St. Rep. 623; 36 Supp. 468.)

Appeal—Review of Facts—Completeness of Evidence—Certificate.

73 Hun, 168; (57 St. Rep. 133; 25 Supp. 1062). 73 Hun, 440; (56 St. Rep. 26; 23 Supp. 338). 75 Hun, 200; (58 St. Rep. 670; 27 Supp. 47). 79 Hun, 567; (61 St. Rep. 589; 29 Supp. 902). 83 Hun, 8; (64 St. Rep. 196; 31 Supp. 561). D. 66 Hun, 375; (50 St. Rep. 868; 21 Supp. 1051). 6 App. Div. 191; (39 Supp. 1008). 9 App. Div. 56; (75 St. Rep. 565; 41 Supp. 104). 1 Misc. 318; (48 St. Rep. 717; 20 Supp. 675). 1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708). 2 Misc. 188; (49 St. Rep. 714; 21 Supp. 589). 4 Misc. 54; (53 St. Rep. 74; 23 Supp. 604). 4 Misc. 188; (53 St. Rep. 177; 23 Supp. 884). 4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681). 7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377). 8 Misc. 364; (59 St. Rep. 599; 28 Supp. 697). 9 Misc. 450; (61 St. Rep. 123; 30 Supp. 259). 17 Misc. 318; (40 Supp. 351). 12 Misc. 94; (66 St. Rep. 717; 33 Supp. 59). 14 Misc. 310; (70 St. Rep. 445; 35 Supp. 710). 49 St. Rep. 416; (20 Supp. 816).

Undue Influence.

16 App. Div. 615; (78 St. Rep. 975; 44 Supp. 975).

Aldrich v. Aldrich, 56 St. Rep. 345; 26 Supp. 344.

Aldrich v. Bailey, 132 N. Y. 85; 43 St. Rep. 568.

Cited, Vendor and Purchaser—Defective Title.

8 Misc. 128; (59 St. Rep. 523; 28 Supp. 486).

Deeds—Insanity of Grantor.

88 Hun, 119; (68 St. Rep. 276; 34 Supp. 589).

Aldrich v. Funk, 48 Hun, 367; 16 St. Rep. 503; 1 Supp. 541.

Cited, Contracts—Infancy—Ratification.

86 Hun, 372; (67 St. Rep. 228; 33 Supp. 475).

Aldridge v. Walker, 73 Hun, 281; 57 St. Rep. 273; 26 Supp. 296.

Cited, Evidence—Presumption—Judgment.

77 Hun, 372; (60 St. Rep. 419; 28 Supp. 881)

Aldridge v. Walker, 151 N. Y. 527.

Alexander, Matter of, 16 Abb. N. S. 9. *Cited*, Executors.

17 Misc. 472; (41 Supp. 257, 258.)

Alexander, Matter of, 83 Hun, 147; 63 St. Rep. 858; 31 Supp. 411.

Alexander, Matter of, 35 Supp. 658; 25 Civ. Pro. 42.

Alexander v. Alexander, 104 N. Y. 643; 5 St. Rep. 499.

Cited, Appeal—Waiver—Accepting Benefits of Determination.

137 N. Y. 609; (51 St. Rep. 75). 13 App. Div. 176; (43 Supp. 265). 19 Misc. 691; (78 St. Rep. 1109; 44 Supp. 1109).

Alexander v. Bennett, 38 Super. 492.

Cited, Courts—Jurisdiction.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).

Alexander v. Bennett, 60 N. Y. 204.

Cited, Courts—Jurisdiction.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).

Alexander v. Cauldwell, 83 N. Y. 480.

Cited, Corporations—Officers—Authority.

5 Misc. 325; (56 St. Rep. 55; 25 Supp. 817). 88 Hun, 463; (68 St. Rep. 810; 34 Supp. 873). 15 Misc. 432; (72 St. Rep. 477; 37 Supp. 167). 79 St. Rep. 656; (45 Supp. 656).

Ultra Vires.

3 App. Div. 276; (73 St. Rep. 853; 38 Supp. 235).

Alexander v. Donohoe, 68 Hun, 131; 52 St. Rep. 21; 22 Supp. 652.

Affirmed, 143 N. Y. 203; 62 St. Rep. 158.

Alexander v. Donohoe, 143 N. Y. 203; 62 St. Rep. 158.

Cited Stockholder's Action.

85 Hun, 219; (66 St. Rep. 389, 390; 32 Supp. 959; 24 Civ. Pro. 360, 362).

Alexander v. Durkee, 112 N. Y. 655; 20 St. Rep. 529.

Cited, Set Off—Discretion.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Duplicate Citations in Parenthesis.

Alexander v. Germania F. Ins. Co.,
66 N. Y. 464.

Cited, Insurance—Warranty.
11 App. Div. 413; (76 St. Rep. 286; 42 Supp. 286).

Agency.
17 Misc. 117; (39 Supp. 358).

Alexander v. Germania F. Ins. Co.,
2 Hun, 655.

Cited, Agency—Stipulation in Application.

17 Misc. 119; (39 Supp. 360).

Alexander v. Greene, 3 Hill, 9.

Cited, Carriers—Degree of Care—Tugs.
7 Misc. 657; (58 St. Rep. 385; 28 Supp. 51).

Alexander v. Griswold, 44 St. Rep.
121; 17 Supp. 522.

Cited, Possession.

73 Hun, 411; (58 St. Rep. 90; 26 Supp. 571). D. 73 Hun, 415; (58 St. Rep. 92; 26 Supp. 573). 15 Misc. 191; (72 St. Rep. 233; 36 Supp. 898). 20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Alexander v. Hard, 64 N. Y. 228.

Cited, Possession.

147 N. Y. 464; (70 St. Rep. 60). D. 147 N. Y. 490; (70 St. Rep. 64). 12 App. Div. 249; (76 St. Rep. 736; 42 Supp. 736).

Alexander v. Katte, 10 Daly, 506.

Cited, Pleading—Complaint—Demand for Relief.

2 Misc. 515; (51 St. Rep. 594; 22 Supp. 396).

Alexander Lumber Co. v. Abrahams, 19 Misc. 425; 77 St. Rep. 1139; 43 Supp. 1139.

Alexander Lumber Co. v. Abrahams, 20 Misc. 674.

Alexandre, Matter of, 70 St. Rep. 431; 35 Supp. 658.

Alexandria Bay Steamboat Co. v. N. Y. C. & H. R. R. Co., 79 St. Rep. 1091; 45 Supp. 1091.

Alford v. Cobb, 35 Hun, 651.

Followed, 14 Misc. 404; (70 St. Rep. 750; 35 Supp. 1042).

Alfred Shrimpton & Sons v. Dworsky, 21 Supp. 461.

Cited, Variance—Waiver—Issue—Outside Pleadings.

13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Alfred Shrimpton & Sons v. Eschwege, 10 App. Div. 56; 41 Supp. 966.

Algase v. Horse Owners' M. I. A. of Rochester, 77 Hun, 472; 60 St. Rep. 670; 29 Supp. 101.

Cited, Evidence—Admissions in Pleadings.

12 Misc. 374; (65 St. Rep. 778; 33 Supp. 644).

Algeo v. Duncan, 39 N. Y. 313.

Affirming, 24 How. 210.

Cited, Appeal—Review of Verdict.

9 Misc. 69; (59 St. Rep. 691; 29 Supp. 12). 88 Hun, 113; (68 St. Rep. 537; 34 Supp. 615).

New Trial—Weight of Evidence.

72 Hun, 427; (55 St. Rep. 174; 25 Supp. 155).

Alger v. Metropolitan Life Ins. Co.,
84 Hun, 271; 65 St. Rep. 481; 32 Supp. 323.

Alixanian v. Walton, 14 App. Div. 199; 77 St. Rep. 541; 43 Supp. 541.

Cited, Burden of Proof—Non-performance.

20 Misc. 615; (79 St. Rep. 1132; 45 Supp. 1132.)

Alkus v. Goettmann, 60 Hun, 470; 39 St. Rep. 576; 15 Supp. 183.

Cited, Specific Performance—Defective Title.

77 Hun, 210; (59 St. Rep. 765; 28 Supp. 329).

Allamon v. Albany, 43 Barb. 33.

Cited, Contracts—Implied Terms.

136 N. Y. 609; (50 St. Rep. 59). 18 Misc. 280; (41 Supp. 1037).

Allegany & K. R. Co. v. Weidenfeld,
5 Misc. 43; 25 Supp. 71.

Alleghany County, Supervisors of, v. Van Campen, 3 Wend. 48.

Cited, Public Officers—Bond—Breach.

77 Hun, 585; (60 St. Rep. 553; 28 Supp. 1093).

Alleghany County v. Wellsville, Town of, 90 Hun, 23; 70 St. Rep. 128; 35 Supp. 516.

Allegany Lumber Co. v. Hoyt, 77 Hun, 607; 58 St. Rep. 263; 28 Supp. 182.

Allen, Matter of, 29 Hun, 7.

Affirmed, 96 N. Y. 327.

Cited, Executors—Commissions—When Due.

51 St. Rep. 737.

Trustees—Resignations—Commissions.

9 App. Div. 288; (15 Misc. 546; 73 St. Rep. 125; 37 Supp. 586). 67 St. Rep. 664; (33 Supp. 982).

Allen, Matter of, 81 Hun, 91; 62 St. Rep. 636; 30 Supp. 683.

Affirmed, 151 N. Y. 243.

*Duplicate Citations in Parenthesis.***Allen, Matter of**, 151 N. Y. 243.*Cited*, Devise to Class—Who Take.

14 App. Div. 131; (77 St. Rep. 578; 43 Supp. 578).

Children.

14 App. Div. 132; (77 St. Rep. 579; 43 Supp. 579).

Allen v. Affleck, 64 How. 380.*Cited*, Separation Agreements—Custody of Child—Voidability.

82 Hun, 188; (64 St. Rep. 804; 31 Supp. 983; 2 Ann. Cas. 278).

Allen v. Allen, 3 Dem. 524.*Cited*, Executors—Accounting—Funeral Expenses—Monument.

89 Hun, 579; (69 St. Rep. 650; 35 Supp. 295). 79 St. Rep. 624; (45 Supp. 624).

Mourning Apparel.

16 Misc. 141; (38 Supp. 944).

Allen v. Allen, 18 Week. Dig. 184.*Affirmed*, 101 N. Y. 653.*Cited*, Evidence—Divorce.

88 Hun, 212; (68 St. Rep. 701; 34 Supp. 720).

Allen v. Allen, 149 N. Y. 280.**Allen v. Arkenburg**, 2 App. Div. 452; (74 St. Rep. 327; 37 Supp. 1032).**Allen v. Atlantic & Pacific Tea Co.**, 21 Hun, 22.*Cited*, Negligence—Proximate Cause.

76 Hun, 140; (57 St. Rep. 456; 27 Supp. 851).

Allen v. Banks, 7 App. Div. 405; 39 Supp. 1016.**Allen v. Blanchard**, 9 Cow. 631.*Cited*, Partnership—Liability for Contribution for Disbursement after Dissolution.

137 N. Y. 55; (50 St. Rep. 79).

Allen v. Bodine, 6 Barb. 383.*Cited*, Cross-Examination—Discretion.

18 Misc. 248; (75 St. Rep. 1003; 41 Supp. 610).

Allen v. Brown, 51 Barb. 86.*Cited*, Secret Interest—Availability.

81 Hun, 351; (63 St. Rep. 151; 30 Supp. 897). 151 N. Y. 509.

Allen v. Brown, 5 Lans. 511.*Cited*, Injunction — Damages — Counsel Fees.

84 Hun, 558; (65 St. Rep. 848; 32 Supp. 726).

Allen v. Brown, 44 N. Y. 228.*Cited*, Secret Interest—Availability.

151 N. Y. 509; 81 Hun, 351; (63 St. Rep. 152; 30 Supp. 897).

Assignment—Consideration.

18 Misc. 180; (75 St. Rep. 967; 41 Supp. 576). 18 Misc. 589; (76 St. Rep. 240; 42 Supp. 240).

Allen v. Buffalo, 39 N. Y. 386.*Cited*, Cloud on Title—Removal.

70 Hun, 424; (53 St. Rep. 689; 24 Supp. 466).

Allen v. Buffalo, R. & P. R. Co., 151 N. Y. 434.**Allen v. Church of the Beloved Disciple**, 16 Misc. 584; 74 St. Rep. 483; 38 Supp. 805.**Allen v. Clark**, 8 Misc. 680; 59 St. Rep. 283.**Allen v. Clark**, 108 N. Y. 269; 13 St. Rep. 609.*Distinguished*, Corporations—Stockholders—Primary Liability for Debts.

2 Misc. 396; (51 St. Rep. 124; 21 Supp. 949).

Cited, Corporations — Manufacturing — What are Debts.

49 St. Rep. 176; (21 Supp. 339).

Annual Report—Liability of Directors.

16 App. Div. 583; (78 St. Rep. 1001; 44 Supp. 1001).

Allen v. Clark, 49 St. Rep. 175; 21 Supp. 338.*Affirmed*, 141 N. Y. 584; 57 St. Rep. 868.**Allen v. Cowan**, 23 N. Y. 502.*Cited*, Gift—Delivery.

16 Misc. 139; (38 Supp. 943).

Allen v. Cowan, 28 Barb. 100.*Cited*, Fraud—Presumption—Burden of Disproving.

19 Misc. 163.

Allen v. Crary, 10 Wend. 349.*Cited*, Replevin—Agency.

4 App. Div. 616; (75 St. Rep. 343; 40 Supp. 942). D. 4 App. Div. 617; (38 Supp. 542; 73 St. Rep. 591; 40 Supp. 941).

Allen v. Crofoot, 7 Cow. 46.*Cited*, Pleading—Demurrer to Answer—Challenging Complaint On.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).

Allen v. Crofoot, 5 Wend. 506.*Cited*, Trespass—When Ab Initio.

81 Hun, 360; (63 St. Rep. 145; 30 Supp. 89). 3 Misc. 231; (51 St. Rep. 867; 22 Supp. 748).

Allen v. Culver, 3 Den. 284.*Cited*, Payment—Application

77 Hun, 179; (58 St. Rep. 726; 28 Supp. 419). 5 Misc. 218; (54 St. Rep. 832; 25 Supp. 102).

Account Stated.

86 Hun, 356; (67 St. Rep. 206; 33 Supp. 493).

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90 Hun, 29; (70 St. Rep. 226; 35 Supp. 565).

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6 App. Div. 607; (39 Supp. 974).

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88 Hun, 224; (68 St. Rep. 619; 34 Supp. 656).

Allen v. Eighmie, 14 Hun, 559.

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74 Hun, 113; (56 St. Rep. 381; 26 Supp. 382).

Allen v. Farmers' Loan & Trust Co., 18 App. Div. 27; 78 St. Rep. 398; 45 Supp. 398.

Allen v. Fosgate, 11 How. 218.

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71 Hun, 539; (54 St. Rep. 916; 24 Supp. 1082).

Allen v. Fox, 51 N. Y. 562.

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81 Hun, 319; (62 St. Rep. 684; 30 Supp. 722). 11 Misc. 60; (63 St. Rep. 442; 31 Supp. 838).

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70 Hun, 491; (53 St. Rep. 746; 24 Supp. 386).

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69 Hun, 563; (52 St. Rep. 718; 23 Supp. 401). 10 App. Div. 227; (41 Supp. 676).

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18 Misc. 213; (75 St. Rep. 790; 41 Supp. 379).

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17 Misc. 117; (39 Supp. 358).

Allen v. Grove Springs Hotel & S. Co., 85 Hun, 537; 67 St. Rep. 39; 33 Supp. 355.

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Allen v. Lardner, 78 Hun, 603; 60 St. Rep. 768; 29 Supp. 213.

Allen v. McConihue, 124 N. Y. 343; 30 St. Rep. 262.

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91 Hun, 433; (72 St. Rep. 363; 36 Supp. 841).

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Cited, Pleading—Demurrer to Answer—Challenging Complaint on.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22)

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Allen v. Merchants Bank, 22 Wend. 215.

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14 Misc. 424; (70 St. Rep. 258; 25 Civ. Pro. 105; 2 Ann. Cas. 379).

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Cited, Attachment—Affidavits—Sufficiency—Averting Cause of Action.

3 Misc. 69; (31 St. Rep. 774; 22 Supp. 697).

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Cited, Limitation of Action—Discovery of Fraud.

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Allen v. Patterson, 7 N. Y. 476.

Cited, Pleading—Complaint—Indebtedness.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599)

5 Misc. 517; (58 St. Rep. 104; 25 Supp. 967). 81 Hun, 578; (63 St. Rep. 226; 30 Supp. 1032)

86 Hun, 307; (67 St. Rep. 213; 33 Supp. 500)

1 App. Div. 583; (73 St. Rep. 155; 37 Supp. 539).

Allen v. Rodgers, 70 Hun, 48; (53 St. Rep. 502; 23 Supp. 1071).

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66 Hun, 501; (50 St. Rep. 440; 21 Supp. 377).

Allen v. Sisson, 66 Hun, 140; 48 St. Rep. 872.

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Allen v. Starring, 26 How. 57.

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87 Hun, 71; (67 St. Rep. 641; 33 Supp. 958).

Allen v. State Steamship Co., 43 St. Rep. 386.

Cited, Negligence—Nurses.

89 Hun, 74; (69 St. Rep. 431; 35 Supp. 37; 2 Ann. Cas. 265).

Allen v. St. Lawrence County F. Ins. Co., 88 Hun, 461; 68 St. Rep. 809; 34 Supp. 872.

Allen v. St. Louis Ins. Co., 85 N. Y. 473.

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Allen v. Stone, 10 Barb. 547.

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1 App. Div. 530; (73 St. Rep. 79; 37 Supp. 638).

Allen v. Tarrant Co., 7 App. Div. 172; 40 Supp. 114.

Allen v. Utica L. & E. R. Co., 15 Hun, 80.

Cited, Jurisdiction—Collateral Attack.

90 Hun, 531; (71 St. Rep. 40; 36 Supp. 33).

Allen v. Way, 7 Barb. 585.

Cited, Reference—Trial—Striking Out Evidence After Submission.

71 Hun, 535; (54 St. Rep. 919; 24 Supp. 1008).

Allen v. Webster, 15 Wend. 284.

Cited, Limitation of Action—Removal of Bar—Acknowledgment.

69 Hun, 425; (52 St. Rep. 630; 23 Supp. 470).

Allen v. Wharton, 13 Supp. 38.

Cited, Service of Process—Vacation.

19 Misc. 620; (78 St. Rep. 417; 44 Supp. 417).

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6 Misc. 112; (57 St. Rep. 858; 26 Supp. 15).
17 Misc. 59; (39 Supp. 842). 17 Misc. 298; (40 Supp. 386). 17 Misc. 578; (75 St. Rep. 67; 40 Supp. 665). 135 N. Y. 562; (48 St. Rep. 564). 79 St. Rep. 655; (45 Supp. 655).

Allentown Foundry & Machine Works v. Lorez, 16 App. Div. 72; 78 St. Rep. 639; 44 Supp. 639.

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2 Misc. 527; (34 Supp. 881). 8 App. Div. 196; (40 Supp. 338). 12 App. Div. 226; (77 St. Rep. 435; 43 Supp. 435). 79 St. Rep. 628; (45 Supp. 628).

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Cited, Equity—Remedy at Law—Usury.

69 Hun, 242; (53 St. Rep. 358; 23 Supp. 587). 16 Misc. 251; (73 St. Rep. 790; 38 Supp. 329).

Alley v. Turck, 8 App. Div. 50; 40 Supp. 433.

Alliance Insurance Co. v. Cleveland, 14 How. 408.

Cited, Note—As Changing Nature of Claim.

14 Misc. 47; (69 St. Rep. 380; 35 Supp. 135).

Alliger v. Brooklyn Daily Eagle, 25 St. Rep. 330; 6 Supp. 110.

Cited, Damages—Exemplary—Libel.

9 Misc. 430; (61 St. Rep. 734; 29 Supp. 1060).

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6 Misc. 168; (27 Supp. 124).

Alliger v. Mail Printing Ass'n, 49 St. Rep. 495.

Allis v. Leonard, 58 N. Y. 288.

Cited, Will—Instructions—Comments on Evidence.

4 Misc. 569; (25 Supp. 789). 8 App. Div. 148; (40 Supp. 490).

Allis v. Read, 45 N. Y. 142.

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19 Misc. 650; (78 St. Rep. 414; 44 Supp. 414).

Allis v. Stafford, 14 Hun, 418.

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16 App. Div. 549; (78 St. Rep. 995; 44 Supp. 995).

Allis v. Wheeler, 56 N. Y. 50.

Cited, Costs.

81 Hun, 363; (63 St. Rep. 150; 1 Ann. Cas. 19; 30 Supp. 796).

Duplicate Citations in Parenthesis.

Allison v. Abendroth, 108 N. Y. 470; 13 St. Rep. 831.

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6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22). Consideration.

16 Misc. 557; (74 St. Rep. 266; 38 Supp. 748).

Allison v. Loomis, 141 N. Y. 604; 58 St. Rep. 866.

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Allison v. T. A. Snider Preserve Co., 20 Misc. 367; 79 St. Rep. 923; 45 Supp. 923.

Allison Bros. Co. v. Allison, 70 Hun, 27; 53 St. Rep. 492; 23 Supp. 1065.

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Allison Bros. Co. v. Allison, 144 N. Y. 21; 63 St. Rep. 1.

Cited, Contracts—Reformation.

92 Hun, 605; (72 St. Rep. 721; 37 Supp. 455). 92 Hun, 117; 13 App. Div. 465; (77 St. Rep. 613; 43 Supp. 613).

Alport v. Jerrett, 41 St. Rep. 32; 16 Supp. 233.

Cited, Life Tenants—Charging Fee for Support.

67 Hun, 246; (50 St. Rep. 817; 22 Supp. 200).

Almgren v. Dutilh, 5 N. Y. 28.

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3 Misc. 518; (52 St. Rep. 496; 23 Supp. 334).

Almon v. Hamilton, 100 N. Y. 527.

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2 Misc. 287; (51 St. Rep. 153; 21 Supp. 1045).

Alperin v. Earle, 55 Hun, 211; 27 St. Rep. 806; 8 Supp. 51.

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50 St. Rep. 454; (21 Supp. 290). 5 Misc. 445; (26 Supp. 801). 11 Misc. 273; (65 St. Rep. 431; 32 Supp. 250). 20 Misc. 571; 6 App. Div. 180, 184; (39 Supp. 1024, 1027). 14 Misc. 441; (70 St. Rep. 732; 35 Supp. 1028).

Alsop v. Caines, 10 Johns. 396.

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Alsop v. Southold Savings Bank, 50 St. Rep. 672; 21 Supp. 300.

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10 App. Div. 595; (76 St. Rep. 134; 42 Supp. 134). D. 16 App. Div. 555; (78 St. Rep. 998; 44 Supp. 998). 17 App. Div. 11; (78 St. Rep. 842; 44 Supp. 842).

Alt v. Weidenberg, 6 Bosw. 176.

Cited, Warehousemen—Lien.

10 App. Div. 565; (76 St. Rep. 99; 42 Supp. 99). 16 Misc. 388; (73 St. Rep. 808; 38 Supp. 129).

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Cited, Mechanic's Lien—Waiver—Taking Note for Debt.

7 Misc. 87; (57 St. Rep. 97; 27 Supp. 361). 85 Hun, 479; (66 St. Rep. 741; 33 Supp. 130).

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67 Hun, 265; (51 St. Rep. 382; 22 Supp. 229).

Althorf v. Wolfe, 22 N. Y. 355.

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5 Misc. 270; (27 Supp. 898). 19 Misc. 646; (78 St. Rep. 418; 44 Supp. 418). 12 App. Div. 374; (76 St. Rep. 555; 42 Supp. 555).

Altman v. Hofeller, 137 N. Y. 619; 51 St. Rep. 197.

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73 Hun, 475; (57 St. Rep. 294; 26 Supp. 332).

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3 App. Div. 56; (73 St. Rep. 849; 38 Supp. 231).

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Cited, 83 Hun, 430; (64 St. Rep. 673; 31 Supp. 884).

Altman v. Wile, 141 N. Y. 574; 60 St. Rep. 324.

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Altrock v. Vandenburg, 54 St. Rep. 326; 25 Supp. 851.

Alyea v. Citizens' Savings Bank, 12 App. Div. 574; 76 St. Rep. 185; 42 Supp. 185.

Cited, Contract—Privity.

13 App. Div. 187; (77 St. Rep. 357; 43 Supp. 357).

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64 St. Rep. 116; (31 Supp. 433.)

Amato v. Sixth Ave. R. Co., 9 Misc. 4; 59 St. Rep. 674; 29 Supp. 51.

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10 Misc. 110; (62 St. Rep. 487; 30 Supp. 931).

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Amberg v. Kramer, 32 St. Rep. 177; 10 Supp. 302.

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American Aquol & Pyrodene Paint Co. v. Smith, 70 St. Rep. 503; 35 Supp. 723

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Cited, Insurance—Incumbrances—Severance.

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3 Misc. 9; (53 St. Rep. 631; 23 Supp. 798). 85 Hun, 569; (66 St. Rep. 799; 33 Supp. 127). 86 Hun, 385; (67 St. Rep. 188; 33 Supp. 474.) Champerty.

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Injunction—Elevated Railway—Alternative Compensation.

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American Bank Note Co. v. Met. El. Railway Co., 49 St. Rep. 375; 20 Supp. 219.

American Baptist Home Mission Society v. Foote, 52 Hun, 307; 23 St. Rep. 462; 5 Supp. 236.

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80 Hun, 374; (61 St. Rep. 796; 30 Supp. 3). 24 Supp. 878; (30 Abb. N. C. 234).

American Bible Soc. v. Hebard, 51 Barb. 552.

Affirmed, 41 N. Y. 619.

Cited, Limitation of Action—To Recover Legacy.

75 Hun, 380; (58 St. Rep. 661; 27 Supp. 113). 15 Misc. 560; (74 St. Rep. 1129; 37 Supp. 1131).

American Broom & Brush Co. v.

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American Central Ins. Co. v. Hagerty, 92 Hun, 26; 71 St. Rep. 712; 36 Supp. 558.

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American Credit Indemnity Co. v. Wimpfheimer, 14 App. Div. 498; 77 St. Rep. 909; 43 Supp. 909.

Duplicate Citations in Parenthesis.

American Distributing Co. v. Ashley, 87 Hun, 125; 67 St. Rep. 734; 33 Supp. 1049.

American Distributing Co. v. Distingill & C. F. Co., 67 St. Rep. 314; 33 Supp. 546; 24 Civ. Pro. 245.

American Dock & I. Co. v. Staley, 40 Super. 539.

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8 Misc. 225; (59 St. Rep. 452; 28 Supp. 567; 23 Civ. Pro. 440.)

American Encaustic Tiling Co. v. Reich, 34 St. Rep. 64; 11 Supp. 776.

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16 Misc. 27; (73 St. Rep. 244; 37 Supp. 650).

American Exchange Bank v. Brandreth, 12 Hun, 384.

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9 Misc. 103; (59 St. Rep. 717; 29 Supp. 315).

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American Exchange Nat. Bank v. N. Y. Belting & P. Co., 74 Hun, 446; 57 St. Rep. 185; 26 Supp. 822

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American Exchange Nat. Bank v. New York Belting & Packing Co., 148 N. Y. 698.

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American Exchange Nat. Bank v. Voisin, 44 Hun, 85; 7 St. Rep. 381.

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7 App. Div. 154; (74 St. Rep. 680; 40 Supp. 124).

American Forcite Power Mfg. Co. v. Brady, 4 App. Div. 95; 74 St. Rep. 496; 38 Supp. 545.

American Grocer v. Grocer Co., 51 How. 402.

Cited, Injunction—Slightness of Wrong. 8 Misc. 333; (60 St. Rep. 168; 29 Supp. 1112).

American Grocery Co. v. Flint, 5 App. Div. 263; 39 Supp. 153.

American Horse Exchange v. Strauss, 75 Hun, 192; 57 St. Rep. 791; 27 Supp. 282.

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16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3).

American Insulator Co. v. Bankers & M. Tel. Co., 13 Daly, 200; 7 Civ. Pro. R. 443.

Cited, Verification by Officer of Corporation.

11 Misc. 295; (65 St. Rep. 429; 32 Supp. 248). 18 Misc. 629; (77 St. Rep. 727; 43 Supp. 727).

American Ins. Co. v. Griswold, 14 Wend. 399.

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10 Misc. 173; (62 St. Rep. 508; 30 Supp. 1048).

American Ins. Co. v. Oakley, 9 Paige, 259.

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American Ins. Co. v. Oakley, 9 Paige, 496.

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66 Hun, 260; (49 St. Rep. 479; 21 Supp. 171).

American Ins. Co. v. Ogden, 20 Wend. 237.

Cited, Insurance—Constructive Total Loss of Vessel—Valuation in Policy.

72 Hun, 288; (55 St. Rep. 751; 25 Supp. 417).

American Lucol Co. v. Beecher, 7 App. Div. 269; 40 Supp. 104.

American Multiple Fabric Co. v. Eureka Fire Hose Co., 18 Abb. N. C. 70.

Cited, Pleading—Bill of Particulars—Itemizing Damages.

2 Misc. 112; (49 St. Rep. 348).

American Nat. Bank v. Wheelock, 45 Supp. 205.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Count In.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599).

American Nat. Bank of Providence v. Grace, 67 Hun, 432; 51 St. Rep. 308; 22 Supp. 121.

Duplicate Citations in Parenthesis.

- American Preservers Co. v. Columbia Investment Co.**, 7 Misc. 509; 60 St. Rep. 61; 28 Supp. 782.
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- American Preservers Co. v. Columbia Investment Co.**, 11 Misc. 126; 65 St. Rep. 56; 31 Supp. 1025.
- American Preservers Co. v. Drescher**, 4 Misc. 482; 54 St. Rep. 266; 24 Supp. 361.
- American Preservers Co. v. Wiltsie**, 10 Misc. 463; 64 St. Rep. 28; 31 Supp. 451.
- American Primitive Methodist Society v. Brooklyn Elevated R. Co.**, 46 Hun, 530.
Cited, Reference — Compulsory — Collateral Matters.
1 Misc. 380; (49 St. Rep. 122; 20 Supp. 867).
- American Rapid Telegraph Co. v. Hess**, 125 N. Y. 641; 36 St. Rep. 252).
Cited, License—Municipal Corporation—Telegraph Company—Vested Rights.
67 Hun, 23; (50 St. Rep. 302; 21 Supp. 557).
- American Seaman's Friend Soc. v. Hopper**, 33 N. Y. 619.
Cited, Wills—Testamentary Capacity.
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- American Society for P. of C. to Animals v. Gloversville**, 78 Hun, 40; 60 St. Rep. 808; 29 Supp. 257.
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- American Sugar Refining Co. v. Fancher**, 145 N. Y. 552; 65 St. Rep. 506; 2 Ann. Cas. 1.
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- American Surety Co. v. Crow**, 79 St. Rep. 279; 45 Supp. 279.
- American Surety Co. v. McDermott**, 5 Misc. 298; 56 St. Rep. 725; 25 Supp. 467).
Affirmed, 9 Misc. 132; 59 St. Rep. 725; 29 Supp. 76.
- American Surety Co. v. McDermott**, 9 Misc. 132; 59 St. Rep. 725; 29 Supp. 76.
- American Surety Co. v. Thurber**, 121 N. Y. 655; 30 St. Rep. 489.
Cited, Evidence—Parol—Modification—Sealed Instrument.
5 Misc. 300; (56 St. Rep. 726; 25 Supp. 469).
- American Tool Co. v. Smith**, 32 Hun, 121.
Cited, Replevin—For Property Taken for Taxes—Illegal Assessment.
7 Misc. 206; (56 St. Rep. 520; 27 Supp. 215). 81 Hun, 314; (27 Supp. 215).
- American Type Founders Co. v. Connor**, 6 Misc. 391; 56 St. Rep. 398; 26 Supp. 742.
- American Union Tel. Co. v. Middleton**, 80 N. Y. 408.
Cited, Courts—State—Jurisdiction—Trespass Without State.
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Courts—Jurisdiction—Objection to—How and When to be Raised.
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- American Writing Machine Co. v. Bushnell**, 9 Misc. 462; 61 St. Rep. 86; 30 Supp. 228.
Cited, Warranty—What Amounts to.
19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).
- Amerman v. Deane**, 132 N. Y. 355; 44 St. Rep. 567.
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74 Hun, 584; (57 St. Rep. 41; 26 Supp. 605). 67 Hun, 348; (51 St. Rep. 797; 22 Supp. 207). 15 App. Div. 468; (78 St. Rep. 438; 44 Supp. 438). 6 Misc. 351; (26 Supp. 914).
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24 Supp. 793; (30 Abb. N. C. 260). 17 Misc. 222; (40 Supp. 1046). 15 App. Div. 461; (78 St. Rep. 433; 44 Supp. 433).
- Amerman v. Kall**, 34 Hun, 126.
Cited, Intoxicating Liquors—Unlawful Sale—By Agent Without Authority—Receipt of Proc eds by Principal.
67 Hun, 580; (50 St. Rep. 845; 22 Supp. 479).

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Cited, Bailment—Hiring of Vessel—Excuse for Not Returning.

49 St. Rep. 97.

Ames v. Broadway & S. A. R. Co.,

24 St. Rep. 818; 4 Supp. 803.

Cited, Trial—Question of Fact—Negligence—Infants.

75 Hun, 458; (57 St. Rep. 682; 27 Supp. 506).

Ames v. Downing, 1 Bradf. 321.

Cited, Partners—Dissolution—Compensation of Surviving Partner.

82 Hun, 493; (64 St. Rep. 331; 31 Supp. 617).

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15 App. Div. 475; (78 St. Rep. 483; 44 Supp. 488).

Ames v. Jones, 77 N. Y. 614.

Cited, Sale—By sample.

67 Hun, 553; (51 St. Rep. 262; 22 Supp. 506). 5 Misc. 411; (55 St. Rep. 387; 25 Supp. 764).

Ames v. McNally, 6 Misc. 39; 55 St. Rep.

402; 26 Supp. 7.

Cited, Brokers—Commissions—Procuring Cause.

D. 6 App. Div. 97; (39 Supp. 482).

Ames v. N. Y. Union Ins. Co., 14 N. Y. 253.

Cited, Insurance—Limitation of Action—Waiver.

1 App. Div. 271; (72 St. Rep. 654; 37 Supp. 147). D. 9 App. Div. 357; (75 St. Rep. 734; 41 Supp. 320).

Ames v. Ratbaun, 37 How. 289; 55 Barb. 194.

Cited, Malicious Prosecution—Advice of Counsel.

2 Misc. 309; (51 St. Rep. 573; 21 Supp. 1002). 16 Misc. 33; (73 St. Rep. 282; 37 Supp. 663).

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503; 64 St. Rep. 758; 31 Supp. 885.

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509; 71 St. Rep. 607; 36 Supp. 576.

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Cited, Trusts.

15 Misc. 182; (72 St. Rep. 130; 37 Supp. 101).

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20 Misc. 563; 2 App. Div. 28; (72 St. Rep. 685; 37 Supp. 332).

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5 App. Div. 150; (39 Supp. 116).

Amherst College v. Ritch, 151 N. Y. 282.

Cited, Appeal—Findings—Presumption.

15 App. Div. 257; (78 St. Rep. 178; 44 Supp. 178). 152 N. Y. 432; 14 App. Div. 521; (77 St. Rep. 890; 43 Supp. 890).

Ammidown v. Century Rubber Co.,

59 Super. 460; 39 St. Rep. 350; 14 Supp. 769.

Cited, Pleading—Bill of Particulars—Ability to Furnish.

2 Misc. 484; (51 St. Rep. 162; 22 Supp. 175). 10 Misc. 28; (63 St. Rep. 243; 30 Supp. 1052).

Amory v. Amory, 6 Robt. 514; 33 How. 490.

Cited, Husband and Wife—Void Marriage—Existing Spouse.

27 Supp. 640; (31 Abb. N. C. 73).

Amoskeag Mfg. Co. v. Garner, 54 How. 297.

Cited, Trade Marks—Injunction.

92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386).

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Cited, Trade Mark—Description—Deceptive Resemblance.

135 N. Y. 252; (52 St. Rep. 342). 5 Misc. 83; (24 Supp. 894). 92 Hun, 67; (71 St. Rep. 155; 36 Supp. 385).

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D. 4 App. Div. 581; (74 St. Rep. 830; 38 Supp. 1020).

Amsbey v. Hinds, 46 Barb. 622.

Cited, Highways—Abandonment.

11 App. Div. 215; (76 St. Rep. 952; 42 Supp. 952).

Amsbey v. Hinds, 48 N. Y. 57.

Cited, Highways—Abandonment.

11 App. Div. 215; (76 St. Rep. 952; 42 Supp. 952).

Amsden v. Jacobs, 75 Hun, 312; 58 St. Rep. 196; 26 Supp. 1000.

Affirmed, 148 N. Y. 762.

Cited, Evidence—Intention.

86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900).

Amsinck v. North, 62 How. 114.

Cited, Discovery and Inspection.

13 Misc. 50; (68 St. Rep. 9; 34 Supp. 53).

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Cited, Eminent Domain—Extent of Right Acquired.

6 Misc. 200; (27 Supp. 870).

Amsterdam, Matter of Water Commissioners of, 96 N. Y. 351.

Cited, Strict Compliance.

56 Hun, 452; (67 St. Rep. 711; 33 Supp. 935).

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86 Hun, 456; (67 St. Rep. 714; 33 Supp. 938)

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Amsterdam, J. & G. R. Co., Matter of, 86 Hun, 578; 67 St. Rep. 878; 33 Supp. 1009.*Cited, Appeal—Review of Decision of Railroad Commissioners.*

92 Hun, 410; (72 St. Rep. 98; 36 Supp. 994). 4 App. Div. 270; (73 St. Rep. 585; 38 Supp. 535). 6 App. Div. 245; (39 Supp. 1007). D. 11 App. Div. 241; (76 St. Rep. 130; 42 Supp. 130).

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14 Misc. 495; (71 St. Rep. 789; 36 Supp. 623). 4 App. Div. 264; (73 St. Rep. 580; 38 Supp. 531).

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4 App. Div. 268; (73 St. Rep. 583; 38 Supp. 534).

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11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577).

Anderson, Matter of, 79 Hun, 170; 61 St. Rep. 424; 29 Supp. 476.**Anderson, Matter of,** 19 Misc. 210.**Anderson v. Anderson,** 74 Hun, 56; 26 Supp. 492.**Anderson v. Anderson,** 112 N. Y. 104; 20 St. Rep. 344.*Cited, Appeal—Extent of Review.*16 Misc. 7; (73 St. Rep. 286; 37 Supp. 687). *Wills—Actions—Relating to.*

79 Hun, 443. (61 St. Rep. 462; 29 Supp. 982; 24 Civ. Pro. 66). 9 App. Div. 439; (75 St. Rep. 688; 41 Supp. 277). 14 App. Div. 600; (77 St. Rep. 1120; 43 Supp. 1120). (64 St. Rep. 491; 31 Supp. 787).

Cited, Equity—Jurisdiction.

139 N. Y. 218; (54 St. Rep. 673). 86 Hun. 196; (67 St. Rep. 128; 33 Supp. 383). 88 Hun, 24. (68 St. Rep. 296; 34 Supp. 513; 2 Ann. Cas. 135).

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Anderson v. Austin, 34 Barb. 319.*Cited, Mortgage — Foreclosure — Setting Aside Sale.*

84 Hun, 493; (65 St. Rep. 697; 32 Supp. 424).

Anderson v. Blood, 86 Hun, 244; (66 St. Rep. 750; 33 Supp. 233).*Affirmed,* 152 N. Y. 285.*Cited, Judicial Notice—Contracts.*

18 Misc. 245. (75 St. Rep. 1001; 41 Supp. 607).

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67 Hun, 306; (50 St. Rep. 898; 22 Supp. 316).

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4 Misc. 535; (54 St. Rep. 132; 24 Supp. 701).

Anderson v. Culver, 127 N. Y. 377.*Cited, Foreclosure—Trial—Production of Bond.*

20 Misc. 385; (79 St. Rep. 605; 45 Supp. 605).

Anderson v. Davison, 42 Hun, 431; 5 St. Rep. 48.*Cited, Wills—Construction — Devise and Legacy—Charge on Real Estate.*

8 Misc. 194; (59 St. Rep. 481; 29 Supp. 1084).

Anderson v. Dickie, 1 Robt. 238.*Cited, Landlord and Tenant — Unsafe Premises—Liability to Strangers.*

13 App. Div. 360; (77 St. Rep. 240; 43 Supp. 240).

Anderson v. Dickinson, 72 Hun, 556. 55 St. Rep. 233; 25 Supp. 533.*Cited,* 68 St. Rep. 293; (34 Supp. 510).**Anderson v. Dickson,** 68 St. Rep. 293; 34 Supp. 510.**Anderson v. Dillaye,** 47 N. Y. 678.*Cited, Work and Labor—Compensation.*

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11 Misc. 404; (65 St. Rep. 315; 32 Supp. 287).

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Cited, Insurance—On Husband's Life—Assignment.

73 Hun, 277; (58 St. Rep. 72; 26 Supp. 373). 60 St. Rep. 155; (28 Supp. 482). 86 Hun, 532, 538; (67 St. Rep. 691, 695; 33 Supp. 915, 919). 13 App. Div. 532; (77 St. Rep. 650; 43 Supp. 650).

Anderson v. Hamilton, 16 Daly, 18; 29 St. Rep. 712; 8 Supp. 858.

Cited, Assignment for Creditors—Rent of Premises—Occupation by Assignee.

4 Misc. 202; (53 St. Rep. 489; 23 Supp. 1024). 9 Misc. 124; (59 St. Rep. 712; 29 Supp. 285).

Anderson v. Hernandez, 8 Misc. 640; 60 St. Rep. 133; 29 Supp. 1027; 31 Abb. N. C. 410.

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Anderson v. Highland Turnpike Co., 16 Johns. 86.

Cited, Accord and Satisfaction—Acceptance.

15 Misc. 220; (71 St. Rep. 590; 36 Supp. 789).

Anderson v. Hill, 53 Barb. 238.

Cited, Pleading—Joinder of Causes of Action.

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Anderson v. Hoople, 10 Misc. 497; 64 St. Rep. 784; 31 Supp. 874.

Anderson v. Hoople, 14 Misc. 246; 70 St. Rep. 499; 35 Supp. 754.

Anderson v. How, 116 N. Y. 336; 26 St. Rep. 787.

Cited, Evidence—Burden of Proof—Malicious Prosecution.

74 Hun, 433; (57 St. Rep. 179; 26 Supp. 472). 5 Misc. 554; (26 Supp. 58).

Malicious Prosecution—Constituents.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 999).

Malicious Prosecution—Probable Cause.

8 App. Div. 334; (75 St. Rep. 217; 40 Supp. 830).

Trial—Questions of Law and Fact—Probable Cause.

2 Misc. 306; (51 St. Rep. 570; 21 Supp. 1000; 14 Misc. 558; (70 St. Rep. 762; 33 Supp. 4). (50 St. Rep. 831; 22 Supp. 337).

Anderson v. Lemon, 8 N. Y. 236.

Cited, Partnership—Fiduciary Relation of Partners—Inconsistent Personal Dealings. 138 N. Y. 377; (52 St. Rep. 876; 30 Abb. N. C. 216).

Anderson v. Manhattan R. Co., 1 Misc. 504; 49 St. Rep. 233; 21 Supp. 1.

Cited, Negligence—Dangerous Conditions.

10 Misc. 707; (64 St. Rep. 635; 31 Supp. 829). 13 Misc. 441; (68 St. Rep. 376; 34 Supp. 473).

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Cited, New Trial—Surprise.

11 Misc. 334; (65 St. Rep. 415; 32 Supp. 234). 4 App. Div. 615; (74 St. Rep. 527; 38 Supp. 845).

Anderson v. McAleenan, 29 St. Rep. 406; 8 Supp. 483.

Cited, Pledge—Power of Disposition.

10 Misc. 71; (62 St. Rep. 264; 31 Supp. 151). 16 Misc. 381; (74 St. Rep. 312; 38 Supp. 58).

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7 Misc. 39; (57 St. Rep. 88; 27 Supp. 381). 2 Misc. 355; (51 St. Rep. 582; 21 Supp. 1100).

Certificate of Architect—Conclusiveness.

86 Hun, 335; (67 St. Rep. 166; 33 Supp. 532).

Anderson v. N. Y. & C. Mail Steamship Co., 17 Misc. 93; 39 Supp. 425.

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Anderson v. N. Y. & C. Mail S. S. Co., 13 App. Div. 218; 77 St. Rep. 213; 43 Supp. 213.

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Cited, Conversion—Corporate Stock.

3 Misc. 68; (51 St. Rep. 775; 22 Supp. 698). 16 App. Div. 605; (78 St. Rep. 972; 44 Supp. 972).

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Anderson v. Petereit, 86 Hun, 600; 67 St. Rep. 563; 33 Supp. 741.

Cited, Building Contract—Abandonment. 89 Hun, 72; (69 St. Rep. 275; 35 Supp. 64).

Anderson v. Porter, 7 Misc. 218; 58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 297.

Cited, Judgment—Courts not of Record—Execution.

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17 App. Div. 185; (79 St. Rep. 297; 45 Supp. 297).

Anderson v. Prindle, 23 Wend. 616.

Cited, Landlord and Tenant—Summary Proceedings—Notice to Quit.

3 Misc. 99; (51 St. Rep. 603; 22 Supp. 369).

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18 Misc. 191; (75 St. Rep. 700; 41 Supp. 290).

Anderson v. Read, 106 N. Y. 333; 11 St. Rep. 123.

Cited, Assignment—Of Contract—What Amounts to.

78 Hun, 390; (60 St. Rep. 699; 29 Supp. 134).

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91 Hun, 381; (36 Supp. 850).

Anderson v. Reid, 19 Misc. 95; 79 St. Rep. 742; 45 Supp. 742.

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Cited, Constitutionality—Courts—Jurisdiction.

3 App. Div. 420; (74 St. Rep. 174; 38 Supp. 766). 12 App. Div. 71; (76 St. Rep. 863; 42 Supp. 863).

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69 Hun 45; (52 St. Rep. 830; 23 Supp. 444). D. 69 Hun, 49; (52 St. Rep. 834; 28 Supp. 447). 75 Hun, 418; (58 St. Rep. 614; 27 Supp. 89). 11 Misc. 431; (65 St. Rep. 220; 32 Supp. 125). 151 N. Y. 526.

Evidence—Illegal—Effect.

10 Misc. 13; (62 St. Rep. 650; 30 Supp. 535). 88 Hun, 289; (68 St. Rep. 598; 34 Supp. 796). 148 N. Y. 489.

Anderson v. Rowland, 14 Misc. 401; 70 St. Rep. 743; 35 Supp. 1048.

Anderson v. Schesinger, 16 Misc. 535; 73 St. Rep. 663; 38 Supp. 296.

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Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (52 St. Rep. 631; 23 Supp. 470). 136 N. Y. 410; (49 St. Rep. 689).

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2 Misc. 396; (51 St. Rep. 124; 21 Supp. 949). 86 Hun, 102; (68 St. Rep. 148; 34 Supp. 269). 147 N. Y. 612; (71 St. Rep. 257).

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Cited, Pleading — Complaint — Supplemental Statements—Reference.

5 Misc. 259; (35 Supp. 105.)

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Anderson v. Steitz, 75 Hun, 347; 56 St. Rep. 769; 27 Supp. 65.

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14 Misc. 644; (70 St. Rep. 884; 35 Supp. 1107).

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7 Misc. 14; (56 St. Rep. 844; 27 Supp. 336).

Anderson v. Wolf, 41 Hun, 571; 4 St. Rep. 101.

Cited, Action—Parties—Defect—Demurrer.

72 Hun, 332; (55 St. Rep. 200; 25 Supp. 430). 8 Misc. 629; (61 St. Rep. 261; 29 Supp. 951).

Anderson v. Young, 66 Hun, 240; 49 St. Rep. 480; 21 Supp. 172.

Anderton v. Wolf, 41 Hun, 571.

Cited, Demurrer—Non-joinder.

83 Hun, 451; (29 Supp. 950).

Andrew v. Newcomb, 32 N. Y. 417.

Cited, Chattel Mortgage—Future Crops.

51 St. Rep. 37; (22 Supp. 1101). 75 Hun, 215; (58 St. Rep. 687; 27 Supp. 115; 31 Abb. N. C. 226). 80 Hun, 294; (61 St. Rep. 831; 30 Supp. 92).

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(60 St. Rep. 286).

Landlord and Tenant—Payment of Rent in Product of Property—Lien.

140 N. Y. 182; (55 St. Rep. 385).

Andrews v. Aetna L. Ins. Co., 92 N. Y. 596.

Cited, Agency—Ratification.

79 St. Rep. 409; (45 Supp. 409).

Andrews v. Appeal, 22 Hun, 429.

Cited, Covenants Running with Land.

147 N. Y. 467; (70 St. Rep. 62; 18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767).

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8 App. Div. 183; (40 Supp. 318; 3 Ann. Cas. 245).

Andrews v. Artisans' Bank, 26 N. Y. 298.

Cited, Bills and Notes—Discounting—Fraud—Availability.

14 App. Div. 436; (77 St. Rep. 829; 45 Supp. 829).

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Cited, Partition—Right to—Realty or Personality.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353). 79 St. Rep. 1011; (45 Supp. 1011).

Andrews v. Bond, 16 Barb. 633.

Cited, General Denial—Evidence Admissible Under.

6 App. Div. 428; (39 Supp. 545).

Distinguished, Pleading—Amendment—Changing Cause of Action.

21 Supp. 591.

Andrews v. Borland, 10 St. Rep. 396.

Cited, Affidavits—Sufficiency—Residence.

88 Hun, 371; (68 St. Rep. 767; 34 Supp. 828; 2 Ann. Cas. 209).

Andrews v. Brewster, 124 N. Y. 433;

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Cited, Parol Evidence—Consideration.

145 N. Y. 659; (71 St. Rep. 316).

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Andrews v. Cross, 17 Abb. N. C. 92.

Cited, Costs—Conditional for the Amendment of Pleading—Payment of—Retaxing.

6 Misc. 8; (56 St. Rep. 122; 26 Supp. 66).

Andrews v. Day Button Co., 132 N. Y. 348.

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79 St. Rep. 639; (45 Supp. 639).

Andrews v. Durant, 11 N. Y. 35.

Cited, Manufactured Article—Title.

87 Hun, 94; (67 St. Rep. 673; 33 Supp. 967). 89 Hun, 200; (69 St. Rep. 100; 34 Supp. 1019). 9 App. Div. 14; (75 St. Rep. 419; 40 Supp. 1100).

Andrews v. Durant, 18 N. Y. 496.

Cited, Interest.

135 N. Y. 104; (48 St. Rep. 368). 7 Misc. 7; (57 St. Rep. 81; 27 Supp. 324).

Andrews v. Gillespie, 47 N. Y. 487.

Cited, Reformation—Mistake—Delay in Moving to Correct.

18 App. Div. 86; (79 St. Rep. 463; 45 Supp. 463).

Judgment—Conclusiveness Upon Third Party.

144 N. Y. 665; (71 St. Rep. 304). 149 N. Y. 151.

Andrews v. Glenville Woolen Co. 50 N. Y. 282.

Cited, Injunction—Dissolution—Damages—Counsel Fees.

76 Hun, 38; (59 St. Rep. 628; 27 Supp. 589). 10 App. Div. 180; (75 St. Rep. 1262; 41 Supp. 894).

Andrews v. Keeler, 19 Hun, 87.

Cited, Bills and Notes—Maturity—Interest.

5 Misc. 195; (25 Supp. 657).

Andrews v. McNamara, 63 St. Rep. 868; 30 Supp. 1129.**Andrews v. Moller**, 37 Hun, 480.

Cited, Money Had—Action to Recover—Proof.

83 Hun, 297; (64 St. Rep. 664; 31 Supp. 937).

Andrews v. Monilaws, 8 Hun, 65.

Cited, Courts—Jurisdiction—Declination.

1 Misc. 461; (49 St. Rep. 610; 21 Supp. 792).

Equity—Jurisdiction—Remedy at Law.

6 Misc. 355; (26 Supp. 916). D. 78 St. Rep. 326; (44 Supp. 326).

Judgment—By Default—Limited to Demand of Complaint—Foreclosure.

54 St. Rep. 270. (23 Supp. 809).

Andrews v. Murray, 33 Barb. 354.

Cited, Action for Tort—Contribution.

16 App. Div. 619; (78 St. Rep. 1059; 44 Supp. 1059).

Andrews v. Nat. Bank of North America, 7 Hun, 20.

Cited, Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (52 St. Rep. 575; 23 Supp. 252).

Andrews v. Nowton, 3 Week. Dig. 507.

Cited, Evidence—Material Issue—Contradicting Witness.

11 Misc. 325; (65 St. Rep. 282; 32 Supp. 140). 12 Misc. 110; (66 St. Rep. 541; 32 Supp. 1136).

Andrews v. O'Mahoney, 112 N. Y. 567.

Cited, Judicial Sale—Bidder—Control of Court—Completing Purchase.

19 Misc. 41; (76 St. Rep. 875; 42 Supp. 875).

Andrews v. Prince, 31 Hun, 233.

Cited, Examination Before Trial—When Order Granted.

88 Hun, 312; (68 St. Rep. 570; 34 Supp. 751).

Andrews v. Raymond, 58 N. Y. 676.

Cited, Trial—Findings by the Court or Referee—Facts not Conclusively established.

1 Misc. 140; (48 St. Rep. 722; 20 Supp. 629.)

Andrews v. Schwartz, 55 How. 190.

Cited, Attachment—Transfer of Property.

19 Misc. 413; (78 St. Rep. 336; 44 Supp. 336).

Andrews v. Shattuck, 32 Barb. 396.

Cited, Conversion Demand—Inability to Comply.

82 Hun, 336; (64 St. Rep. 169; 31 Supp. 509). 17 Misc. 587; (75 St. Rep. 110; 40 Supp. 702).

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Andrews v. Thorp, 1 E. D. Smith, 615.
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7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

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Cited, Appeal—Damages—Reversal.

11 App. Div. 564; (76 St. Rep. 595; 42 Supp. 595).

Andrews v. Welling, 84 Hun, 40; 65 St. Rep. 126; 32 Supp. 4.

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Andrews v. White, 45 St. Rep. 669; 18 Supp. 586.

Cited, Contracts—Rescission—Return of Subject Matter.

13 Misc. 614; (69 St. Rep. 138; 34 Supp. 914).

Andrews v. Whitney, 82 Hun, 117; 63 St. Rep. 486; 31 Supp. 164.

Cited, Trust Fund—Availability to Creditors.

4 App. Div. 323; (74 St. Rep. 189; 38 Supp. 570).

Andrews v. Wolcott, 16 Barb. 21.

Cited, Covenants—Running with Land—Divisibility.

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Andrus v. Wheeler, 18 Misc. 646; 76 St. Rep. 525; 42 Supp. 525.

Angel v. Hollister, 38 N. Y. 378.

Cited, Replevin—Possession—Judgment For.

8 Misc. 609; (61 St. Rep. 54; 29 Supp. 394).

Angel v. Hume, Town of, 17 Hun, 374.

Cited, Statutes—Repeal—Effect on Existing Rights and Remedies.

71 Hun, 277; (54 St. Rep. 490; 24 Supp. 1023).

Angel v. Smith, 6 App. Div. 251; 39 Supp. 1115.

Cited, Judgment—Conclusiveness.

79 St. Rep. 638; (45 Supp. 638).

Angell v. Hartford F. Ins. Co., 59 N. Y. 171.

Cited, Insurance—Authority of Agent—Damages.

151 N. Y. 91; 92 Hun, 194; (71 St. Rep. 132; 36 Supp. 331).

Angell v. Hill, 45 St. Rep. 83.

Cited, Appeal—Justice's Judgment—Disregarding Technical Errors.

15 Misc. 438; (73 St. Rep. 7; 37 Supp. 928).

Angevine v. Jackson, 103 N. Y. 470; 3 St. Rep. 642; 25 Week. Dig. 52.

Cited, Appeal—Surrogate's Decree—Case.

69 Hun, 406; (52 St. Rep. 844; 23 Supp. 650). 5 Misc. 138; (25 Supp. 704).

Appeal—Surrogate's Decree—Findings—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 339). 4 App. Div. 2; (73 St. Rep. 791; 38 Supp. 330).

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12 Misc. 253; (68 St. Rep. 693; 31 Supp. 638).

Ankersmit v. Tuch, 114 N. Y. 51; 22 St. Rep. 300.

Cited, Witnesses—Contradiction—Foundation.

72 Hun, 417; (55 St. Rep. 294; 25 Supp. 178).

Annan, Matter of, 74 Hun, 19; 56 St. Rep. 219; 26 Supp. 258.

Annett v. Foster, 1 Daly, 502.

Cited, Master and Servant—When Relation Exists—Power of Control and Power to Terminate.

8 Misc. 435; (58 St. Rep. 854; 28 Supp. 678).

Annett v. Terry, 35 N. Y. 256.

Cited, Guardians—Bonds—Discharge.

138 N. Y. 201. (52 St. Rep. 142).

Anonymous, 12 Abb. N. C. 455, 457.

Cited, Christian Sabbath—Operation of Statutes.

18 Misc. 718; (76 St. Rep. 987; 42 Supp. 987).

Anonymous, 15 Abb. N. S. 311.

Cited, Alimony and Counsel Fees.

92 Hun, 418; (71 St. Rep. 663; 36 Supp. 612).

Anonymous, 17 Abb. 48.

Cited, Husband and Wife—Divorce—Affirmative Relief to Defendant.

67 Hun, 386; (51 St. Rep. 824; 23 Supp. 265; 23 Civ. Pro. 104).

Anonymous, 6 Cow. 389.

Cited, Action—Venue—Change—Convenience of Witnesses—Sufficiency of Affidavits.

72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629).

Anonymous, 7 Cow. 102.

Cited, Action—Change of Venue—Affidavits—Necessity—Witnesses.

70 Hun, 518; (53 St. Rep. 617; 24 Supp. 132). 72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629).

Anonymous, 1 Hill, 217.

Cited, Witnesses—Impeachment—Particular Instances of Want of Veracity.

1 Misc. 319; (48 St. Rep. 718; 20 Supp. 676).

Duplicate Citations in Parenthesis.

Anonymous, 1 Hill, 668.

Cited, Action—Change of Venue—Affidavits—Necessity—Witnesses.

70 Hun, 518; (53 St. Rep. 616; 24 Supp. 132).

Anonymous, 36 How. 366.

Cited, Appeal—Case—Failure to File—Abandonment.

76 Hun, 607; (59 St. Rep. 438; 28 Supp. 221; 23 Civ. Pro. 395).

Anonymous, 19 Misc. 197.

Anonymous, 59 N. Y. 313.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 481; 23 Civ. Pro. 39).

Anonymous, 60 N. Y. 262.

Cited, Libel and Slander—What Actionable—Unchastity.

138 N. Y. 531; (53 St. Rep. 102). 11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Anonymous, 67 N. Y. 598.

Cited, Sale—Fraud—Insolvency of Purchaser—Passing of Title.

11 Misc. 78; (59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 402).

Anonymous, 3 Sandf. 756.

Cited, Costs—Interlocutory Judgment—Items.

23 Civ. Pro. 296.

Anonymous, 14 St. Rep. 490; 14 Civ. Pro. 38.

Cited, Surrogate's Court—Powers of Own Motion—Judicial Settlement.

77 Hun, 207; (59 St. Rep. 768; 28 Supp. 365).

Anonymous, 3 Wend. 425.

Cited, Action—Change of Venue—Affidavits—Convenience of Witnesses—Necessity of.

70 Hun, 518; (53 St. Rep. 617; 24 Supp. 132); 72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629).

Anonymous, 4 Wend. 216.

Cited, Treble Damages—Province of Court.

16 Misc. 322; (73 St. Rep. 572; 37 Supp. 952).

Anonymous, 7 Wend. 331.

Cited, New Trial—Newly discovered Evidence—Case.

81 Hun, 163; (62 St. Rep. 663; 30 Supp. 707). 11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231).

Anonymous, 9 Wend. 503.

Cited, Justice's Court—Appeal—Judgment—Reversal—Effect.

7 Misc. 476; (28 Supp. 287).

Anonymous, 18 Wend. 514.

Cited, Action—Change of Venue—Convenience of Witnesses—Delay in Making Motion.

77 Hun, 13; (59 St. Rep. 831; 28 Supp. 280).

Anonymous v. Gelpcke, 5 Hun, 245.

Cited, Trustees—Acting Separately—Effect.

15 Misc. 236; (71 St. Rep. 826; 36 Supp. 804).

Anselment v. Daniell, 4 Misc. 144; 53

St. Rep. 133; 23 Supp. 875.

Cited, Negligence—Contributory.

6 Misc. 139; (56 St. Rep. 284; 26 Supp. 9). 5 Misc. 426; (26 Supp. 712). 10 Misc. 123; (62 St. Rep. 512; 30 Supp. 914). 14 Misc. 290; (70 St. Rep. 464; 35 Supp. 687).

Ansen v. Burt, 63 St. Rep. 251; 30 Supp. 1061.

Ansen v. Tuska, 19 Abb. 391.

Cited, Eminent Domain—Examination of Premises—To Procure Evidence as to Damages.

73 Hun, 424; (56 St. Rep. 11; 26 Supp. 431).

Ansonia Brass & C. Co. v. Gerlach,

8 Misc. 256; 59 St. Rep. 197; 28 Supp. 546.

Ansonia Brass & C. Co. v. New Lamp Chimney Co., 53 N. Y. 123.

Cited, Statutes—Construction.

19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

Ansorge v. Kaiser, 2 Abb. N. C. 305; 3 Supp. 785.

Cited, Counterclaim—Claim Already in Suit.

3 Misc. 374; (52 St. Rep. 260; 22 Supp. 1046; 30 Abb. N. C. 295).

Ansteth v. Buffalo R. Co., 9 Misc. 419;

61 St. Rep. 702; 30 Supp. 197.

Affirmed, 145 N. Y. 210; 64 St. Rep. 598.

Ansteth v. Buffalo R. Co., 145 N. Y. 210; 64 St. Rep. 598.

Cited, Appeal—Question of Fact.

92 Hun, 606; (70 St. Rep. 898; 36 Supp. 112).

Anthony v. American Glucose Co.,

49 St. Rep. 857; 21 Supp. 667.

Affirmed, 146 N. Y. 407; 71 St. Rep. 325.

Anthony v. American Glucose Co.,

146 N. Y. 407; 71 St. Rep. 325.

Anthony v. Glens Falls, 4 App. Div.

218; 73 St. Rep. 586; 38 Supp. 536.

Cited, Municipal Corporation—Negligence—Ice.

20 Misc. 569.

*Duplicate Citations in Parenthesis.***Anthony v. Harrison**, 14 Hun, 198.*Affirmed*, 74 N. Y. 613.*Cited*, Contract—Consideration.

2 Misc. 374; (50 St. Rep. 593; 21 Supp. 1094). 7 Misc. 685; (58 St. Rep. 380; 28 Supp. 40). 78 Hun, 124; (60 St. Rep. 185; 28 Supp. 993).

Evidence—Want of Consideration.

81 Hun, 303; (62 St. Rep. 751; 30 Supp. 788).

Anthony v. Leeret, 105 N. Y. 591; 8 St. Rep. 542.*Cited*, Master and Servant—Risks Assumed—Knowledge of Defects.

67 Hun, 199; (61 St. Rep. 388; 22 Supp. 102). 70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 88 Hun, 321; (68 St. Rep. 420; 34 Supp. 410).

Master and Servant—Degrees of Care by Each.

5 Misc. 324; 25 Supp. 815.

Anthony v. Stype, 19 Hun, 265.*Cited*, Attachment—Affidavit—Fraudulent Intent.

70 Hun, 16; (53 St. Rep. 287; 23 Supp. 1133).

Anthony v. Wise, 4 Supp. 129.*Cited*, Assignment—Testimony of Assignor—Estoppel.

17 Misc. 136; (39 Supp. 841).

Anthony v. Wood, 96 N. Y. 180.*Cited*, Attachment—Lien—Levy.

79 Hun, 148; (61 St. Rep. 358; 29 Supp. 766; 24 Civ. Pro. 35). 80 Hun, 594; (62 St. Rep. 554; 30 Supp. 558; 24 Civ. Pro. 94). 11 Misc. 238; (66 St. Rep. 460; 32 Supp. 975).

Anthony Street, Matter of, 20 Wend. 618.*Cited*, Condemnation Proceedings—Confirmation of Report—Property Owners—Rights in Awards.

90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789).

Apgar v. Hayward, 110 N. Y. 225.*Cited*, Assessment—Increase.

15 App. Div. 12; (78 St. Rep. 49; 44 Supp. 49).

Apollinaris Co. v. Venable, 10 Supp. 469.*Followed*, 79 St. Rep. 1145; (45 Supp. 1145).**Apollinaris Co. v. Venable**, 136 N. Y. 46; 48 St. Rep. 848.*Reversing*, 63 Hun, 554; 44 St. Rep. 838; 18 Supp. 535.*Cited*, Bonds—Injunction—Discontinuance.

2 Misc. 250; (50 St. Rep. 330; 21 Supp. 944). 9 App. Div. 257; (75 St. Rep. 885; 41 Supp. 493).

Appel v. Brooks, 4 Misc. 626; 54 St. Rep. 63; 24 Supp. 100.**Appel v. Buffalo, N. Y. & H. R. Co.**, 111 N. Y. 550; 20 St. Rep. 90.*Cited*, Master and Servant—Risks Assumed—Appliances—Safeguards—Knowledge.

72 Hun, 444; (54 St. Rep. 867; 25 Supp. 190). 72 Hun, 406; (55 St. Rep. 286; 25 Supp. 207). 70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 75 Hun, 326; (58 St. Rep. 215; 26 Supp. 1013; 31 Abb N. C. 294). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410). 1 Misc. 306; (48 St. Rep. 772; 20 Supp. 712). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835).

Master and Servant—Blocking Railway Frogs.

67 Hun, 200; (51 St. Rep. 389; 22 Supp. 102). 71 Hun, 25; (54 St. Rep. 202; 24 Supp. 617).

Applebee v. Duke, 50 St. Rep. 92; 21 Supp. 890.**Appleby v. Astor Fire Ins. Co.**, 54 N. Y. 253.*Cited*, Non-Suit—Direction of Verdict.

146 N. Y. 209; (66 St. Rep. 590; 2 Ann. Cas. 22).

Appleby v. Erie Co. Sav. Bank, 62 N. Y. 12.*Cited*, Appeal—Burden of Showing Harmful Error.

9 Misc. 166; (60 St. Rep. 636; 29 Supp. 722). 1 Misc. 174; (48 St. Rep. 683; 20 Supp. 654). 10 Misc. 183; (62 St. Rep. 490; 30 Supp. 939). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Banks—Savings—Possession of Pass Book—Negligence.

6 Misc. 11; (57 St. Rep. 858; 26 Supp. 15). 17 Misc. 577, 578; (75 St. Rep. 67; 40 Supp. 664, 665). 17 Misc. 60; (39 Supp. 842). 17 Misc. 298; (40 Supp. 386). 135 N. Y. 562; (48 St. Rep. 564).

Appleby v. Hollands, 8 App. Div. 375; 75 St. Rep. 191; 40 Supp. 808.**Appleby v. Robinson**, 44 Barb. 316.*Cited*, Undertaking—To What Judgments Extends.

113 Misc. 494; (70 St. Rep. 174; 35 Supp. 476). 3 App. Div. 271; (73 St. Rep. 695; 38 Supp. 202).

Applegate v. Westchester Hardwood Co., 8 Misc. 681; 59 St. Rep. 277; 28 Supp. 736.

*Duplicate Citations in Parenthesis;***Appleton v. Warner**, 51 Barb. 270.*Cited*, Counsel Fees.

92 Hun, 418; (71 St. Rep. 666; 36 Supp. 612).

Appleton v. Welch, 20 Misc. 343; 79

St. Rep. 751; 45 Supp. 751.

Appley, Matter of, 33 Supp. 724; 24

Civ. Pro. 386.

Apthorpe v. Comstock, 2 Paige 482.*Cited*, New Trial—Reception of Improper Evidence.

76 Hun, 589; (58 St. Rep. 275; 28 Supp. 217).

Evidence—Declarations.

87 Hun, 536; (69 St. Rep. 461; 35 Supp. 143).

Archer, Matter of, 23 Supp. 1041.*Cited*, Executors—Counsel Fees.

13 Misc. 747; (69 St. Rep. 569; 35 Supp. 253).

Archer v. Archer, 84 Hun, 297; 65 St.

Rep. 609; 32 Supp. 410.

Archer v. Dunhan, 89 Hun, 387; 35

Supp. 387.

Archer v. Eckerson, 10 App. Div. 598;

76 St. Rep. 137; 42 Supp. 137.

Archer v. McDonald, 36 Hun, 194.*Cited*, Bailment—Destruction—Compensation.

17 Misc. 390; (39 Supp. 1085).

Archer v. N. Y., New Haven & Hudson R. R. Co., 106 N. Y. 589; 11 St. Rep. 32.*Cited*, Evidence—Photographs.

139 N. Y. 83; (54 St. Rep. 428). 75 Hun, 256; (58 St. Rep. 678; 27 Supp. 53).

Trial—Question of Fact.

79 St. Rep. 1114; (45 Supp. 1114). 79 St. Rep. 1116; (45 Supp. 1116).

Archer v. Shea, 14 Hun, 493.*Cited*, Accommodation Paper—Notice.

16 Misc. 6.3; (73 St. Rep. 596; 38 Supp. 528).

Archibald v. N. Y. C. & H. R. R. Co., 1 App. Div. 251; 72 St. Rep. 689; 37 Supp. 336.**Arctic Fire Ins. Co. v. Austin**, 69 N. Y. 470.*Cited*, Trial—Questions of Law and of Fact—Construction of Writings.

137 N. Y. 253; (50 St. Rep. 708).

Arctic Fire Ins. Co. v. Hicks, 7 Abb. 204.*Cited*, Motions—Return Day.

14 Misc. 56; (69 St. Rep. 563; 35 Supp. 208; 2 Ann. Cas. 323).

Arend v. Cottle, 13 Misc. 612; 69 St. Rep. 136; 34 Supp. 913.**Arend v. Laing**, 79 Hun, 263; 61 St. Rep. 214; 29 Supp. 537.**Arend v. Smith**, 151 N. Y. 502.**Arend v. Liverpool, N. Y. & P. Steamship Co.**, 6 Lans. 457.*Affirmed*, 53 N. Y. 606.*Cited*, Assignment—Consideration.

18 Misc. 249; (75 St. Rep. 1004; 41 Supp. 610).

Arent v. Squire, 1 Daly, 347.*Cited*, Bailment—Injury—Presumption.

19 Misc. 191. 20 Misc. 602.

Arents v. Long Island R. Co., 89 Hun, 126; 69 St. Rep. 1; 34 Supp. 1085.**Areson v. Areson**, 3 Den. 458.*Cited*, Wills—Construction—Life Estates.

75 Hun, 436; (57 St. Rep. 342; 27 Supp. 676). 1 Misc. 29; (22 Supp. 1081). 5 Misc. 18; (25 Supp. 59).

Arff v. Star F. Ins. Co., 125 N. Y. 57; 34 St. Rep. 366.*Cited*, Agency—Insurance.

78 Hun, 85; (60 St. Rep. 821; 29 Supp. 335). 135 N. Y. 302; (47 St. Rep. 864). 142 N. Y. 389; (59 St. Rep. 780).

Argall v. Pitts, 78 N. Y. 239.*Cited*, Judgment—Default—Extent of Relief.

10 Misc. 676; (64 St. Rep. 295; 31 Supp. 670; 1 Ann. Cas. 273). 13 Misc. 204; (68 St. Rep. 235; 34 Supp. 185; 25 Civ. Pro. 4. 79 St. Rep. 637; (45 Supp. 637).

Argall v. Smith, 3 Den. 435.*Cited*, Limited Partnership—Noncompliance With Statute.

145 N. Y. 494; (65 St. Rep. 363).

Argersinger v. Levor, 54 Hun, 613; 17 Civ. Pro. 352; 28 St. Rep. 212; 7 Supp. 923.*Cited*, Pleading—Amendment—On Trial.

6 Misc. 149; (56 St. Rep. 410; 26 Supp. 34).

Argersinger v. McNaughton, 114 N. Y. 535; 24 St. Rep. 16.*Cited*, Agency—Authority to Warrant.

10 Misc. 142; (62 St. Rep. 470; 30 Supp. 930).

Agent—Personal Liability.

19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73).

Equally Innocent Parties—Who Shall

Bear Loss.

149 N. Y. 520.

Argotsinger v. Vines, 82 N. Y. 308.*Cited*, Damages—Measure—Injury to Real Property.

Duplicate Citations in Parenthesis.

73 Hun, 267; (57 St. Rep. 285; 26 Supp. 316). 74 Hun, 381; (56 St. Rep. 303; 26 Supp. 595). 71 Hun, 518; (55 St. Rep. 126; 24 Supp. 1010). 85 Hun, 69; (65 St. Rep. 864; 32 Supp. 644). 3 App. Div. 331; (73 St. Rep. 778; 38 Supp. 317). 14 App. Div. 141; (77 St. Rep. 451; 43 Supp. 451). 17 App. Div. 614; (79 St. Rep. 378; 45 Supp. 378). 135 N. Y. 123; (48 St. Rep. 932).

Evidence—Opinions—Value,

49 St. Rep. 484; (21 Supp. 235).

Action—Trespass.

30 Abb. N. C. 412; (26 Supp. 917).

Argus Co. v. Albany, 55 N. Y. 495.

Cited, Statute of Frauds—Sufficiency of Writing—Price.

72 Hun, 117; (55 St. Rep. 540; 25 Supp. 308; 30 Abb. N. C. 442).

Argus Co. v. Cassidy, 138 N. Y. 557.

Cited, Specific Performance — Personality.

148 N. Y. 527.

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17 Misc. 121; (40 Supp. 1041).

Corporations — Stock Transfers — Elections.

17 App. Div. 241, 245; (79 St. Rep. 573, 575; 45 Supp. 573, 575).

Argus Co. v. Manning, 138 N. Y. 557;

53 St. Rep. 270; 30 Abb. N. C. 381.

Arhart v. Stark, 6 Misc. 579; 57 St. Rep.

830; 27 Supp. 311.

Arkenburgh, Matter of, 13 Misc. 744;

69 St. Rep. 567; 35 Supp. 251.

Arkenburgh, Matter of, 15 Misc. 416;

72 St. Rep. 806; 38 Supp. 178.

Arkenburgh, Matter of, 17 Misc. 543;

41 Supp. 287.

Affirmed, 11 App. Div. 44.

Arkenburgh, Matter of, 11 App. Div.

193; 76 St. Rep. 965; 42 Supp. 965.

Arkenburgh v. Arkenburgh, 148 N. Y. 756.

Cited, 14 App. Div. 369; (77 St. Rep. 893; 43 Supp. 893).

Arkenburgh v. Arkenburgh, 14 App.

Div. 367; 77 St. Rep. 892; 43 Supp. 892.

Arkenburgh v. Wiggins, 13 App. Div.

96; 43 Supp. 294.

Arming v. Monteverde, 8 St. Rep. 812.

Cited, Pleading—Conversion.

16 Misc. 166; (72 St. Rep. 135; 37 Supp. 3).

Armatage v. Fisher, 74 Hun, 167; 56

St. Rep. 384; 26 Supp. 364.

Armitage v. Fisher, 4 Misc. 315; 24 Supp. 650.

Reversed, 74 Hun, 167; 56 St. Rep. 384; 26 Supp. 364.

Armitage v. Mace, 96 N. Y. 538.

Cited, 78 St. Rep. 378; (44 Supp. 378).

Armitage v. Pulver, 37 N. Y. 494.

Cited, Judgment—Extent of Relief—Demand in Pleading.

56 St. Rep. 58; (25 Supp. 800).

Contribution.

15 Misc. 354; (72 St. Rep. 861; 37 Supp. 881).

Armfield v. Solon, Town of, 136 N. Y.

663; 49 St. Rep. 848.

Modifying, 45 St. Rep. 905; 19 Supp. 44.

Following, 49 St. Rep. 840.

Armour v. Michigan Central R. Co.,

65 N. Y. 111.

Distinguished, Warehousemen—Description of Property in Receipt as Estoppel.

137 N. Y. 285; (50 St. Rep. 695).

Armour v. Transatlantic F. I. Co. of Hamburg, Germany, 90 N. Y.

450.

Cited, Insurance — Application — Warranty.

8 Misc. 492; (59 St. Rep. 408; 28 Supp. 762).

Arms v. Arms, 13 St. Rep. 196.

Cited, Evidence—Parol as to Writings—Complete Contract.

7 Misc. 315; (57 St. Rep. 555; 27 Supp. 904).

Witness—Credibility.

16 Misc. 27, (73 St. Rep. 244; 37 Supp. 650). 19 Misc. 68; (77 St. Rep. 173; 45 Supp. 173).

Arms v. Middleton, 23 Barb. 571.

Cited, Evidence—Documentary—Entries by Decedents.

49 St. Rep. 562; (20 Supp. 911.) 85 Hun, 562; (66 St. Rep. 832; 33 Supp. 204).

Armstrong v. Agricultural Ins. Co.,

130 N. Y. 560; 42 St. Rep. 555

Cited, Insurance—Conditions—Waiver—By Agents—Forfeiture.

141 N. Y. 224; (56 St. Rep. 803). 140 N. Y. 28; (55 St. Rep. 383). 150 N. Y. 194. 75 Hun, 88; (57 St. Rep. 742; 27 Supp. 160). 15 Misc. 344; (73 St. Rep. 323; 37 Supp. 624). 49 St. Rep. 140; (21 Supp. 31).

Violation of Policy—Effect.

10 App. Div. 227; (75 St. Rep. 1065; 41 Supp. 676).

Armstrong v. Combs, 15 App. Div.

246; 78 St. Rep. 171; 44 Supp. 171.

Armstrong v. Craig, 18 Barb. 387.

Cited, Appeal—From Justice's Judgment—Manifest Injustice.

3 Misc. 123; (23 Supp. 994).

Duplicate Citations in Parenthesis.

Armstrong v. Cummings, 58³ How. 331.

Cited, 10 Misc. 488; (65 St. Rep. 251; 32 Supp. 172).

Armstrong v. Cummings, 20 Hun, 313.

Cited, Injunction—Summary Proceedings.

20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Armstrong v. Cushney, 43 Barb. 340.

Cited, Bills—Reverting to Original Claim—Surrender.

16 Misc. 556; (74 St. Rep. 266; 38 Supp. 747). 19 Misc. 17; (76 St. Rep. 845; 42 Supp. 845).

Armstrong v. Danahy, 75 Hun, 405; 56 St. Rep. 743; 27 Supp. 60.

Armstrong v. Fort Edward,³ 84 Hun, 261; 65 St. Rep. 709; 42 Supp. 433.

Armstrong v. Lake Champlain Granite Co., 147 N. Y. 495; 70 St. Rep. 77.

Affirming, 54 St. Rep. 936.

Armstrong v. McKelvey, 39 Hun, 213.

Cited, Equitable Conversion.

17 Misc. 222, 224; (40 Supp. 1084, 1085).

Armstrong v. McKelvey, 104 N. Y. 179; 5 St. Rep. 611; 25 Week. Dig. 367.

Cited, Wills—Power to Sell—Estate Taken. 3 Misc. 440; (52 St. Rep. 328; 23 Supp. 172). 17 Misc. 222, 224; (40 Supp. 1084, 1085).

Set Off—Equitable—Cautious Application of Doctrine—Test.

70 Hun, 163; (53 St. Rep. 921; 24 Supp. 208). 71 Hun, 337; (55 St. Rep. 45; 24 Supp. 1120).

Armstrong v. McLean, 92 Hun, 397; 71 St. Rep. 857; 36 Supp. 764.

Armstrong v. People, 70 N. Y. 38.

Cited, Seduction—Promise of Marriage—Conditional.

78 Hun, 511; (61 St. Rep. 233; 29 Supp. 544). 144 N. Y. 364; (63 St. Rep. 667).

Corroborator—Extent.

92 Hun, 200; (71 St. Rep. 170; 36 Supp. 399).

Armstrong v. Tufts, 6 Barb. 432.

Cited, Bills—Reverting to Original Claim—Surrender.

16 Misc. 556; (74 St. Rep. 266; 38 Supp. 747).

Armstrong v. Warren, 83 Hun, 217; 64 St. Rep. 291; 31 Supp. 665).

3

Armstrong v. Wheeler, 9 Cow. 88.

Cited, Lease—Assignment—Presumption.

82 Hun, 535; (64 St. Rep. 336; 31 Supp. 611). 20 Misc. 116; (79 St. Rep. 3; 45 Supp. 3).

Arnal v. Rahlff, 4 Law Bul. 3.

Cited, Dismissal—Counterclaim.

10 Misc. 46; (62 St. Rep. 767; 30 Supp. 806).

Arneson v. Brooklyn City R. Co.,

9 Misc. 270; (61 St. Rep. 324; 29 Supp. 748).

Affirmed, 149 N. Y. 590.

Arnhout, Matter of, 1 Paige, 497.

Cited, 3 App. Div. 143; (74 St. Rep. 470; 38 Supp. 41).

Arnold, Matter of, 60 N. Y. 27.

Cited, Assessments—Confirmation—Conclusiveness as Judgment.

3 App. Div. 369; (74 St. Rep. 43; 38 Supp. 523).

Arnold v. Allen, 9 Daly, 198.

Cited, Husband and Wife—Necessaries for Wife.

2 Misc. 59; (49 St. Rep. 143; 20 Supp. 859).

4 Misc. 534; (54 St. Rep. 132; 24 Supp. 700). 18 Misc. 141; (75 St. Rep. 1441; 41 Supp. 1094).

Arnold v. Angell, 62 N. Y. 508.

Cited, Equity—Jurisdiction—Effect of Claiming, Without Proving Ground for Equitable Relief.

1 Misc. 156. (48 St. Rep. 712; 20 Supp. 625). 18 Misc. 334; (76 St. Rep. 112; 42 Supp. 112).

Pleading.

141 N. Y. 347. (57 St. Rep. 432). 3 Misc. 254; (51 St. Rep. 910; 22 Supp. 758). 7 Misc. 149; (57 St. Rep. 494; 27 Supp. 247). 7 Misc. 694; (58 St. Rep. 332; 28 Supp. 2; 23 Civ. Pro. 378). 9 Misc. 390; (61 St. Rep. 684; 30 Supp. 193).

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18 Misc. 333; (76 St. Rep. 111; 42 Supp. 111). 2 App. Div. 353; (73 St. Rep. 432, 433; 37 Supp. 756, 757).

Arnold v. Arnold, 90 N. Y. 580.

Cited, Partnership—Suit Between Partners.

7 Misc. 66; (57 St. Rep. 528; 27 Supp. 406).

Arnold v. Barger, 79 St. Rep. 1133; 45 Supp. 1133.

Arnold v. Clark, 45 Super, 252.

Cited, Damages—Landlord and Tenant—Failure to Repair.

5 Misc. 4; (25 Supp. 128).

Duplicate Citations in Parenthesis.

Arnold v. Delaware & H. C. Co., 16 St. Rep. 310; 1 Supp. 409.

Cited, Evidence—Burden of Proof—Negligence—Contributory Negligence.

4 Misc. 166; (53 St. Rep. 199; 23 Supp. 791).

Arnold v. Delaware & H. C. Co., 125 N. Y. 15; 34 St. Rep. 372.

Cited, Master and Servant—Risks Assumed.

6 Misc. 98; (56 St. Rep. 838; 26 Supp. 19).
12 Misc. 412; (67 St. Rep. 410; 33 Supp. 588).
9 App. Div. 629; (75 St. Rep. 919; 41 Supp. 529).

Master and Servant—Negligence of Co-servants.

6 Misc. 106; (55 St. Rep. 402; 26 Supp. 11).

Arnold v. Downing, 11 Barb. 554.

Cited, Limitation of Action—Interruption of Statute—Payment.

5 Misc. 214; (54 St. Rep. 796; 25 Supp. 467; 23 Civ. Pro. 227).

Arnold v. Fee, 87 Hun, 502; 69 St. Rep. 85; 34 Supp. 1028.

Affirmed. 148 N. Y. 214.

Arnold v. Fee, 148 N. Y. 214.

Cited, Easement—Mode of Using.

148 N. Y. 240.

Arnold v. Genslinger, 79 St. Rep. 1038; 45 Supp. 1038.

Arnold v. Green, 116 N. Y. 566; 27 St. Rep. 724.

Cited, Equitable Assignment.

88 Hun, 504; (68 St. Rep. 584; 34 Supp. 786; 2 Ann. Cas. 168). 12 Misc. 599; (70 St. Rep. 279; 35 Supp. 775).

Arnold v. Nat. Albany Exchange Bank, 3 T. & C. 769.

Cited, Name—Middle Letter as Part.

69 Hun, 16; (52 St. Rep. 552; 23 Supp. 216).

Arnold v. New York, 75 N. Y. 603.

Cited, General Exception.

19 Misc. 105; (43 Supp. 287).

Arnold v. Nichols, 64 N. Y. 117.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 86; (55 St. Rep. 398; 26 Supp. 40).
50 St. Rep. 164; (21 Supp. 360).

Partnership—Assumption of Debts—Rights of Creditors.

4 Misc. 524; (54 St. Rep. 129; 24 Supp. 734).

Arnold v. Norfolk & N. B. H. Co., 135 N. Y. 638; 48 St. Rep. 930.

Arnold v. Norfolk & N. B. H. Co., 76 Hun, 15; 58 St. Rep. 351; 28 Supp. 638.

Affirmed, 148 N. Y. 392.

Arnold v. Norfolk & N. B. H. Co., 148 N. Y. 392.

Arnold v. Oliver, 64 How. 452.

Cited, Judgment—Discharge—Bankruptcy.

9 Misc. 103; (59 St. Rep. 717; 29 Supp. 35).
Motion—Rehearing.

81 Hun, 98; (62 St. Rep. 551; 30 Supp. 618; 1 Ann. Cas. 150).

Arnold v. Pacific Mutual Ins. Co., 78 N. Y. 7.

Cited, Insurance—Policy—Construction.
138 N. Y. 25; (51 St. Rep. 717).

Question of Fact—Reasonableness of Delay.

84 Hun, 9; (65 St. Rep. 29; 31 Supp. 1089).

Arnold v. Patrick, 6 Paige, 310.

Cited, Evidence—Parol—Conditional Delivery of Sealed Instrument.

142 N. Y. 363; (59 St. Rep. 30). 75 Hun, 424; (39 St. Rep. 647; 27 Supp. 535).

Arnold v. Rock R. V. U. R. Co., 5 Duer, 210.

Cited, Bills and Notes—Protest—Service of Notice—Denial.

8 Misc. 518; (59 St. Rep. 275; 28 Supp. 747). 10 Misc. 347; (63 St. Rep. 421; 31 Supp. 32; 24 Civ. Pro. 186).

Arnold v. Rothchild's Sons Co., 15 App. Div. 606; 78 St. Rep. 676; 44 Supp. 676.

Arnold v. Sauford, 14 Johns. 417.

Cited, Appeal—Severance.

152 N. Y. 504.

Infancy—Availability—Appeal.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

Arnold v. Suffolk Bank, 27 Barb. 424.

Cited, Conversion—Of Corporate Stock.

3 Misc. 70; (51 St. Rep. 775; 22 Supp. 698.)

Arnold v. Wood, 13 Week. Dig. 302.

Cited, Brokers—Sale of Land—Commissioners—When Earned.

21 Supp. 443.

Arnot v. Bingham, 55 Hun, 553; 29 St. Rep. 878; 9 Supp. 68.

Cited, Banks—Collection—Title.

81 Hun, 493; (63 St. Rep. 303; 30 Supp. 1115). 92 Hun, 160; (72 St. Rep. 94; 36 Supp. 990).

Arnot v. Erie Railway Co., 67 N. Y. 315.

Cited, Parol Evidence—Consideration.

8 App. Div. 426; (75 St. Rep. 227; 40 Supp. 888).

*Duplicate Citations in Parenthesis.***Arnot v. McClure**, 4 Den. 41.*Cited*, Foreclosure—Title—Affidavits.

85 Hun, 453; (66 St. Rep. 208; 32 Supp. 890).

Arnot v. Pittston & Elmira Coal Co., 68 N. Y. 558.*Cited*, Contracts—Validity—Restraint of Trade.

139 N. Y. 264; (54 St. Rep. 522). 145 N. Y. 273; (64 St. Rep. 697). 91 Hun, 541; (70 St. Rep. 831; 36 Supp. 256).

Contracts—Illegality—Accounting.

72 Hun, 125; (55 St. Rep. 526; 25 Supp. 676). 148 N. Y. 539.

Arnot v. Wright, 55 Hun, 561; 29 St. Rep. 425; 9 Supp. 15.*Cited*, Attachment—Warrant—Recital of Grounds.

76 Hun, 124; (57 St. Rep. 478; 27 Supp. 824).

Arnour v. Steinbrenner, 1 Paige, 82.*Cited*, Discontinuance—Costs.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Arnoux v. Phyfe, 87 Hun, 401; 68 St.

Rep. 463; 34 Supp. 312.

Arnoux v. Phyfe, 6 App. Div. 605; 39 Supp. 973.**Arnow v. Ferguson**, 50 St. Rep. 509; 21 Supp. 195.**Arnson v. Abrahamson**, 16 Daly, 72; 30 St. Rep. 657.*Cited*, Accommodation Paper—Diversion—Notice.

16 Misc. 613; (73 St. Rep. 596; 32 Supp. 523.)

Arnstein v. Burroughs, 27 Supp. 958.*Cited*, Vendor and Purchaser—Defective Title—Encroachment.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 407). 13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

Arnstein v. Haulenbeek, 16 Daly, 382; 34 St. Rep. 297; 11 Supp. 701.*Cited*, Appeal—Common Pleas—Review of Evidence—Statement as to Completeness.

1 Misc. 318; (48 St. Rep. 717; 20 Supp. 675). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708). 1 Misc. 352; (48 St. Rep. 664; 20 Supp. 684). 1 Misc. 287; (48 St. Rep. 758; 20 Supp. 694). 1 Misc. 329; (49 St. Rep. 705; 20 Supp. 683). 2 Misc. 188; (49 St. Rep. 714; 21 Supp. 589). 4 Misc. 143; (53 St. Rep. 178; 23 Supp. 878). 4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 997). 7 Misc. 669; (58 St. Rep. 381; 28 Supp. 42). 8 Misc. 270;

(59 St. Rep. 202; 28 Supp. 716). 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 572; 81 Abb. N. C. 439). 9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 9 Misc. 164; (60 St. Rep. 634; 29 Supp. 720). 10 Misc. 146; (62 St. Rep. 479; 30 Supp. 915). 11 Misc. 381; (65 St. Rep. 293; 32 Supp. 146). 13 Misc. 168; (68 St. Rep. 96; 34 Supp. 112). 17 Misc. 139; 39 Supp. 401). 17 Misc. 354; (39 Supp. 1066). 17 Misc. 555; (75 St. Rep. 103; 40 Supp. 697). 18 Misc. 178; (75 St. Rep. 965; 41 Supp. 575).

Aron v. De Castro, 36 St. Rep. 716; 13 Supp. 372.*Affirmed*, 131 N. Y. 648.*Cited*, Fraud—Necessity of Damage to Redress.

84 Hun, 252; (65 St. Rep. 845; 32 Supp. 700).

Arosemena v. Hinckley, 43 Super. 45*Cited*, Action—Parties—On Contract made by Agent.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Demand—Necessity of

D. 4 Misc. 98; (53 St. Rep. 84; 23 Supp. 862).

Arrigo v. Catalano, 7 Misc. 515; 27 Supp. 995.**Arrow Steamship Co. v. Bennett**, 73 Hun, 81; 57 St. Rep. 113; 25 Supp. 1029.*Cited*, Pleading—Sufficiency—Construction.

8 Misc. 646; (61 St. Rep. 59; 29 Supp. 1044).

Arrow Steamship Co. v. Bennett, 57 St. Rep. 117; 26 Supp. 948; 23 Civ. Pro. 234.*Cited*, Pleading—Bill of Particulars, 15 Misc. 415; (71 St. Rep. 786; 36 Supp. 619; 25 Civ. Pro. 190)**Arthur v. Arthur**, 3 App. Div. 375; 74 St. Rep. 812; 38 Supp. 1002.**Arthur v. Brooks**, 14 Barb. 533.*Cited*, Pleading—Denial—Information and Belief.

5 Misc. 516; (58 St. Rep. 103; 25 Supp. 966).

Arthur v. Dalton, 14 App. Div. 108; 77 St. Rep. 583; 43 Supp. 583.**Arthur v. Dalton**, 14 App. Div. 115; 77 St. Rep. 581; 43 Supp. 581.**Arthur v. Glens Falls, Village of**, 66 Hun, 136; 48 St. Rep. 887; 21 Supp. 81.**Arthur v. Griswold**, 55 N. Y. 400.*Cited*, Corporations—Directors—Liability, 81 Hun, 127; (62 St. Rep. 661; 30 Supp. 705; 1 Ann. Cas. 30).*Fraud.*

Duplicate Citations in Parenthesis.

70 Hun, 410; (53 St. Rep. 707; 24 Supp. 433). 74 Hun, 113; (56 St. Rep. 381; 26 Supp. 362). 77 Hun, 370; (60 St. Rep. 418; 28 Supp. 879). 7 Misc. 321; (57 St. Rep. 464; 27 Supp. 906). 12 Misc. 278; (67 St. Rep. 815; 33 Supp. 1112). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601).

Appeal—Award of New Trial.

50 St. Rep. 880; (21 Supp. 335).

Arthur v. Griswold, 60 N. Y. 143.

Cited, Survivability — Challenging on Trial.

20 Misc. 66; (78 St. Rep. 432; 44 Supp. 432; 3 Ann. Cas. 387).

Arthur v. Harty, 17 Misc. 641; 40 Supp. 1091.

Arthur v. Homestead Fire Ins. Co., 78 N. Y. 462.

Cited, Attorney—Authority.

141 N. Y. 314; (57 St. Rep. 417).

Limitation—By Contract—Operation of Statute.

9 App. Div. 348; (75 St. Rep. 722; 41 Supp. 310).

Pleading—Reply.

16 App. Div. 205; (78 St. Rep. 722; 44 Supp. 722).

Artis v. Buffalo, R. & P. R. Co., 3 App. Div. 1; 73 St. Rep. 519; 37 Supp. 977.

S. C. Dissenting opinion, 74 St. Rep. 471 38 Supp. 42.

Artisans' Bank v. Backus, 36 N. Y. 110.

Cited, 1 App. Div. 28; (72 St. Rep. 64; 36 Supp. 963).

Artisans' Bank v. Park Bank, 41 Barb. 599.

Cited, Conflict of Laws.

15 Misc. 575; (72 St. Rep. 814; 38 Supp. 185).

Asche v. Asche, 113 N. Y. 232; 22 St. Rep. 799.

Cited, Trusts—Extinguishment—Union of Interests.

3 Misc. 167; (51 St. Rep. 564; 23 Supp. 289). 75 Hun, 241; (58 St. Rep. 634; 27 Supp. 3). 79 Hun, 432; (61 St. Rep. 467, 468; 29 Supp. 999, 1000).

Merger.

70 Hun, 79; (53 St. Rep. 445; 23 Supp. 1098). 92 Hun, 218; (71 St. Rep. 201; 36 Supp. 363).

Wills—Equitable Conversion.

136 N. Y. 134; (48 St. Rep. 836).

Ash v. Purnell, 32 St. Rep. 306; 11 Supp. 54.

Cited, Eviction—Subsequent Rent.

12 Misc. 152; (66 St. Rep. 513; 33 Supp. 13). 19 Misc. 604; (78 St. Rep. 402; 44 Supp. 402).

Ash v. Putnam, 1 Hill, 302.

Cited, Fraud—Sale—Passing of Title.

77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880). 11 Misc. 78; (59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 402). 31 Abb. N. C. 99; (30 Supp. 422).

Ashburner v. Balchen, 7 N. Y. 262.

Cited, Damages — Breach of Charter Party.

6 Misc. 142; (56 St. Rep. 696; 26 Supp. 36).

Asher v. Deyoe, 77 Hun, 531; 60 St. Rep. 268; 28 Supp. 890.

Cited, Bona Fides—Pre-extent Debt.

15 Misc. 172; (72 St. Rep. 173; 37 Supp. 21). 8 App. Div. 571; (75 St. Rep. 324; 40 Supp. 928).

Ashley v. Dickson, 48 N. Y. 430.

Cited, Action—Moral Obligation.

10 Misc. 355; (63 St. Rep. 416; 31 Supp. 26).

Ashley v. Turner, 22 Hun, 226.

Cited, Supplementary Proceedings—Receiver—Notice.

49 St. Rep. 461; (20 Supp. 952).

Ashley v. Whitney, 54 Super. 540; 6 St. Rep. 820.

Cited, Discovery—Discretion.

5 Misc. 494; (55 St. Rep. 160; 25 Supp. 801).

Ashner v. Abenheim, 19 Misc. 282; 77 St. Rep. 69; 43 Supp. 69.

Ashner v. Abenheim, 83 Hun, 34; 64 St. Rep. 129; 31 Supp. 514.

Cited, 19 Misc. 284, (77 St. Rep. 70; 43 Supp. 70).

Ashton v. Rochester, 133 N. Y. 187; 44 St. Rep. 526.

Cited, Res Adjudicata.

136 N. Y. 477; (49 St. Rep. 844). 135 N. Y. 324. (48 St. Rep. 371). 81 Hun, 458; (63 St. Rep. 618; 31 Supp. 216). 88 Hun, 384; (68 St. Rep. 773; 34 Supp. 836).

Parties—Intervention.

15 App. Div. 439; (78 St. Rep. 485; 44 Supp. 485).

A. Smith & Sons Carpet Co. v. Skinner, 73 St. Rep. 102; 36 Supp. 1000.

Association for Colored Orphans v. New York, 104 N. Y. 531; 6 St. Rep. 477; 26 Week. Dig. 91.

Cited, Taxes—Assessment—Correction.

142 N. Y. 351; (59 St. Rep. 23).

Amendment of Statute—Effect.

Duplicate Citations in Parenthesis.

- 6 App. Div. 497; (39 Supp. 565).
Taxes—When Fixed.
 7 App. Div. 151; (14 Misc. 148; 70 St. Rep. 366; 35 Supp. 858).
- Association for the Relief of Aged and Indigent Females v. Eagle-son**, 60 How. 9.
Cited, Interest—Rate After Maturity of Note.
 5 Misc. 197; (25 Supp. 659).
- Astheimer v. O'Pray**, 135 N.Y. 631; 48 St. Rep. 929.
- Astor v. Arcade R. Co.**, 113 N.Y. 93; 22 St. Rep. 1.
Cited, Constitutionality — Plurality of Subjects—Title—Local Bills.
 139 N. Y. 513; (54 St. Rep. 816). 144 N.Y. 409; (63 St. Rep. 649). 75 Hun, 479; (57 St. Rep. 263; 27 Supp. 486). 90 Hun, 485; (71 St. Rep. 46; 36 Supp. 38). 3 App. Div. 168; (73 St. Rep. 718; 38 Supp. 224). 11 App. Div. 149; (76 St. Rep. 900; 42 Supp. 900). 10 Misc. 59; (63 St. Rep. 163; 30 Supp. 857).
- Astor v. Hoyt**, 5 Wend. 603.
Cited, Mortgage—Nature of Mortgagee's Interest.
 71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530). 142 N. Y. 313; (59 St. Rep. 3).
- Astor v. Lent**, 6 Bosw. 612.
Cited, Lease—Assignment—Presumption.
 82 Hun, 536; (64 St. Rep. 337; 31 Supp. 612).
- Astor v. Miller**, 2 Paige, 68.
Cited, Mortgage—Nature of Mortgagee's Interest.
 71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).
- Astor v. New York**, 62 N. Y. 567.
Cited, Officers—Appointment — Delegation.
 8 App. Div. 256; (75 St. Rep. 21; 40 Supp. 625). 3 App. Div. 368; (74 St. Rep. 42; 38 Supp. 522).
- Astor v. Turner**, 11 Paige, 436.
Cited, Rents and Profits—Lien of Mortgagee.
 89 Hun, 23; (69 St. Rep. 9; 34 Supp. 1066).
- Astoria Veneer Mills v. Looschen**, 91 Hun, 545; 71 St. Rep. 634; 36 Supp. 753.
- Astreen v. Flanagan**, 3 Edw. Ch. 279.
Cited, Advancement—Presumption.
 143 N. Y. 217; (62 St. Rep. 165).
- A. T. Albro Co. v. Union Dime Sav. Inst.**, 15 App. Div. 351; 78 St. Rep. 150; 44 Supp. 150.
- Atcheson v. Mallon**, 43 N. Y. 147.
Cited, Contracts—Public Policy—Preventing Computation.
 66 Hun, 594; (50 St. Rep. 234; 21 Supp. 861). 9 Misc. 185; (60 St. Rep. 645; 29 Supp. 579).
- Atchison v. Bruff**, 50 Barb. 381.
Cited, Infants—Liability for Necessaries.
 10 Misc. 548; (64 St. Rep. 124; 31 Supp. 441).
- Atherton v. Atherton**, 82 Hun, 179; 64 St. Rep. 798; 31 Supp. 977.
Cited, Divorce—Foreign Decree—Effect.
 4 App. Div. 531; (40 Supp. 445).
- Atkins v. Elwell**, 45 N. Y. 753.
Cited, Evidence—Copy—General Objection—Availability.
 13 Misc. 168; (68 St. Rep. 97; 34 Supp. 113). 18 Misc. 216; (75 St. Rep. 903; 41 Supp. 508). 19 Misc. 155.
Evidence—Declaration.
 79 St. Rep. 392; (45 Supp. 392).
- Atkins v. Manhattan Railway Co.**, 57 Hun, 102; 32 St. Rep. 214; 10 Supp. 432.
Cited, Evidence—Expert Witness—Hypothetical Facts.
 12 Misc. 14; (66 St. Rep. 536; 33 Supp. 37).
- Atkins v. Saxton**, 6 Week. Dig. 210.
Cited, Attachment—Partnership Property—Leviable Interest.
 15 App. Div. 163; (78 St. Rep. 196; 44 Supp. 196).
- Atkinson v. Abraham**, 45 Hun, 238; 10 St. Rep. 342.
Cited, Contributory Negligence—Question of Fact or Law.
 D. 10 Misc. 714; (64 St. Rep. 617; 31 Supp. 810).
- Atkinson v. Manks**, 1 Cow. 691.
Cited, Appeal—Consent Order.
 74 Hun, 222; (56 St. Rep. 373; 26 Supp. 328).
Interpleader.
 86 Hun, 536; (67 St. Rep. 693; 33 Supp. 918).
- Atkinson v. Oelsner**, 32 St. Rep. 1083; 10 Supp. 822.
Cited, Negligence—Of Drivers.
 2 Misc. 75; (49 St. Rep. 631; 21 Supp. 784).
- Atkinson v. Rochester Printing Co.**, 43 Hun. 167.
Affirmed, 114 N. Y. 163; 23 St. Rep. 155.
Cited, Bills and Notes — Presumptive Value.
 19 Misc. 120; (77 St. Rep. 535; 43 Supp. 535).

Duplicate Citations in Parenthesis.

Atkinson v. Rochester Printing Co., 114 N.Y. 167; 23 St. Rep. 155.

Cited, Corporations—Preferential Transfers—Creditors.

11 Misc. 500; (61 St. Rep. 465; 32 Supp. 723).

Atkinson v. Singer Mfg Co., 69 St. Rep. 491; 35 Supp. 117.

Atkinson v. Truesdell, 28 St. Rep. 585; 7 Supp. 801.

Cited, New Trial—Motion—Costs.

11 Misc. 338; (65 St. Rep. 417; 32 Supp. 236). 73 St. Rep. 360; (33 Supp. 171; 1 Ann. Cas. 406). 5 App. Div. 38; (39 Supp. 72).

Atkinson v. Truesdell, 127 N.Y. 230; 33 St. Rep. 159.

Cited, Custom.

79 St. Rep. 1124; (45 Supp. 1124). 2 Misc. 356; (51 St. Rep. 583; 21 Supp. 1100). 19 Misc. 7; (76 St. Rep. 909; 42 Supp. 9(9)).

Cited, Contracts—Construction—Resort to Evidence.

72 Hun, 561; (55 St. Rep. 236; 25 Supp. 537).

Atlantic Ave. El. R. Co., Matter of, 136 N.Y. 292; 49 St. Rep. 389.

Atlantic Dock Co. v. Leavitt, 54 N.Y. 35.

Cited, Deeds—Covenants Running with the Land—Enforcement.

141 N.Y. 356; (57 St. Rep. 436). 19 Misc. 703; (79 St. Rep. 43; 45 Supp. 43).

Covenants—Grantee.

15 App. Div. 33; (78 St. Rep. 108; 44 Supp. 108).

Estoppel.

4 App. Div. 12; (73 St. Rep. 672; 38 Supp. 305).

Seal—Presumption—Recital.

5 App. Div. 449; (39 Supp. 217).

Atlantic Dock Co. v. New York, 53 N.Y. 64.

Cited, Payment—To Stranger—Effect.

6 Misc. 123; (57 St. Rep. 856; 26 Supp. 47). 11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165).

Atlantic Ins. Co. v. McLoon, 48 Barb. 27.

Cited, Carriers—Of Freight—Liability for Negligence.

67 Hun, 471; (51 St. Rep. 116; 23 Supp. 450).

Atlantic Nat. Bank of N. Y. v. Franklin, 55 N.Y. 235.

Cited, Bills and Notes—Accommodation—Diversion—Bona Fide Holder.

5 Misc. 544; (58 St. Rep. 15; 27 Supp. 228.) Note—Extension of Time By.

16 Misc. 556; (74 St. Rep. 265; 38 Supp. 747.) (18 Misc. 226; 75 St. Rep. 869; 41 Supp. 478).

Atlantic State Bank v. Savery, 82 N.Y. 291.

Cited, Banks—Officers—Liability for Acts Of.

77 Hun, 455; (60 St. Rep. 655; 29 Supp. 85).

Corporations—Ultra Vires—Availability. D. 151 N.Y. 46.

Atlantic Trust Co. v. Haskin-Wood Vulcanizing Co. See Fontana, Matter of.

Atlantic Trust Co. v. Kinderhook & H. Ry. Co., 17 App. Div. 212; 79 St. Rep. 492; 45 Supp. 492.

Atlantic & P. Tel. Co. v. Baltimore & O. R. Co., 46 Super. 377.

Affirmed, 87 N.Y. 355.

Cited, Foreign Corporations—Jurisdiction—Injunction.

12 Misc. 239; (67 St. Rep. 790; 33 Supp. 1087).

Injunction—Omission to Recite Grounds—Irregularity.

66 St. Rep. 682; (33 Supp. 47).

Injunction—When Available.

12 Misc. 307; (67 St. Rep. 843; 34 Supp. 42).

Atlantic & P. Tel. Co. v. Baltimore & O. R. Co., 87 N.Y. 355.

Cited, Courts—Jurisdiction—Objection.

12 Misc. 231; (67 St. Rep. 785; 33 Supp. 1082).

Atlantic & Pacific Tel. Co. v. Barnes, 64 N.Y. 385.

Cited, Principal and Surety—Avoidance—Concealment—Fraud.

76 Hun, 550; (58 St. Rep. 242; 28 Supp. 231). 91 Hun, 537; (71 St. Rep. 668; 36 Supp. 831).

Surety—Discharge.

16 Misc. 623; (39 Supp. 55).

Atlas Furniture Co. v. Freeman, 70 Hun, 13; 53 St. Rep. 284; 23 Supp. 1131.

Cited, Attachment—Grounds—Threats of Transfer.

20 Misc. 147; (79 St. Rep. 718; 45 Supp. 718).

Atlas Iron Construction Company, Matter of, 2 Ann. Cas. 124; 72 St. Rep. 801; 38 Supp. 172.

Atlas Iron Construction Co. v. Ferguson, 74 Hun, 637; 26 Supp. 1119.

Affirmed, 148 N.Y. 740.

14 App. Div. 473; (77 St. Rep. 848; 43 Supp. 848).

*Duplicate Citations in Parenthesis.***Attorney, Matter of**, 86 N. Y. 564.

Cited, Attorneys—Misconduct—Disbarment.

8 App. Div. 611; (41 Supp. 1113).

Attorney-General, Matter of, 79 Hun, 369; 67 St. Rep. 437; 29 Supp. 449.

Cited, 81 Hun, 541; (63 St. Rep. 282; 30 Supp. 1094).

Attorney-General, Matter of, 81 Hun, 541; 63 St. Rep. 281; 30 Supp. 1093.**Attorney-General v. Bank of Niagara**, Hopk. Ch. 354.

Cited, Injunction—To Restrain Exercise of Corporate Powers.

3 Misc. 334; (52 St. Rep. 318; 23 Supp. 124).

Corporations—Equity Jurisdiction Over. 143 N. Y. 263; (62 St. Rep. 155).

Attorney-Gen'l v. Continental L. Ins. Co., 64 How. 93.

Cited, Reference—Report and Findings—Exception.

76 Hun, 338; (59 St. Rep. 325; 27 Supp. 1040).

Attorney-Gen'l v. Continental L. Ins. Co., 28 Hun, 360.

Corporations—Receiver—Rights of Judgment Creditors.

83 Hun, 377; (63 St. Rep. 790; 31 Supp. 341).

Attorney-General v. Continental L. Ins. Co., 33 Hun, 138.

Cited, Insurance—Forfeiture—Waiver.

77 Hun, 385; (60 St. Rep. 399; 28 Supp. 852). 136 N. Y. 151; (48 St. Rep. 912).

Attorney-Gen'l v. Continental Life Ins. Co., 71 N. Y. 325.

Cited, Assignment—Equitable—Checks.

77 Hun, 170; (58 St. Rep. 719; 28 Supp. 413). 12 Misc. 22; (66 St. Rep. 721; 33 Supp. 64). 16 Misc. 318; (39 Supp. 395; 25 Civ. Pro. 405).

Attorney-Gen'l v. Continental Life Ins. Co., 90 N. Y. 45.

Cited, Action—Parties—Intervention.

70 Hun, 443; (53 St. Rep. 833; 24 Supp. 378). 5 Misc. 16; (25 Supp. 130).

Attorney-General v. Continental Life Ins. Co., 93 N. Y. 45.

Cited, Reference—Fees—Collection.

6 Misc. 172; (56 St. Rep. 695; 26 Supp. 893; 31 Abb. N. C. 110).

Attorney-Gen'l v. Guardian Mut. Life Ins. Co., 77 N. Y. 272.

Cited, Receivers—Corporation.

66 Hun, 100; (49 St. Rep. 412; 20 Supp. 775). 80 Hun, 425; (63 St. Rep. 115; 30 Supp. 360). 10 Misc. 689, 690; (65 St. Rep. 97, 98; 31 Supp. 1003, 1004; 1 Ann. Cas. 338). 20 Misc. 15; (78 St. Rep. 605; 44 Supp. 605). 153 N. Y. 537.

Attorney-General v. Guardian Mut. Life Ins. Co., 83 N. Y. 336.

Cited, Insurance—Suspension of Company—Payment of Premiums—Excuse.

17 Misc. 637; (74 St. Rep. 1015; 40 Supp. 591).

Insurance—Insolvency—Claims—Date of Determining.

17 App. Div. 382; (79 St. Rep. 224; 45 Supp. 224).

Attorney-General v. North American L. Ins. Co., 77 N. Y. 297; 6 Abb. N. C. 293.

Cited, Insolvency—Receiver—Right of Claimants to Intervene.

70 Hun, 443; (53 St. Rep. 838; 24 Supp. 378). 5 Misc. 16; (25 Supp. 130). 16 Misc. 191; (74 St. Rep. 811; 38 Supp. 1001). 150 N. Y. 122; (3 Ann. Cas. 255).

Attorney-Gen'l v. North Am. L. Ins. Co., 80 N. Y. 152.

Cited, Insurance—Insolvency—Right of Receiver to Funds.

147 N. Y. 28; (69 St. Rep. 335).

Attorney-Gen'l v. North Am. L. Ins. Co., 82 N. Y. 172.

Cited, Insurance—Insolvency—Rights of Receiver to Deposit.

147 N. Y. 28; (69 St. Rep. 335).

Legislative Power—Change of Rights and Obligations.

13 App. Div. 54; (77 St. Rep. 54; 43 Supp. 54).

Forfeitures.

15 Misc. 348; (73 St. Rep. 326; 37 Supp. 627).

Attorney-General v. North Am. L. Ins. Co., 85 N. Y. 485.

Cited, Insurance—Insolvency—Right of Receiver to Deposit.

69 St. Rep. 335.

Attorney-General v. North American L. Ins. Co., 91 N. Y. 57.

Cited, Corporations—Insolvent—Dissolution—Rights of Claimants to Intervene.

5 Misc. 16; (25 Supp. 130). 80 Hun, 425; (62 St. Rep. 114; 30 Supp. 360). 5 Misc. 142; (25 Supp. 707). 76 Hun, 363; (58 St. Rep. 471; 27 Supp. 793). 148 N. Y. 565.

Duplicate Citations in Parenthesis.

Attorney-Gen'l v. North Am. L. Ins. Co., Matter of, 92 N. Y. 654.

Cited, Insurance—Insolvency—Right of Receiver to Fund.

147 N. Y. 28; (69 St. Rep. 335).

Attorney-Gen'l v. Utica Ins. Co., 2 Johns. Ch. 371.

Cited, Charities—Enforcement—Intervention by People.

8 Misc. 638; (61 St. Rep. 267; 29 Supp. 956). 83 Hun, 459; (29 Supp. 950).

Courts—Jurisdiction—To Restrain Exercise of Corporate Powers.

3 Misc. 334; (52 St. Rep. 318; 23 Supp. 124). 143 N. Y. 263; (62 St. Rep. 155).

Atwater v. Canandaigua, Trustees of, 56 Hun, 293; 30 St. Rep. 587; 9 Supp. 557.

Affirmed, 124 N. Y. 602; 37 St. Rep. 234.

Cited, Waters — Diversion — Municipal Corporation.

66 Hun, 572; (50 St. Rep. 100; 21 Supp. 837).

Atwater v. Canandaigua, Trustees of, 124 N. Y. 602; 37 St. Rep. 234.

Cited, Damages—Injury to Real Property — Temporary Annoyances.

79 Hun, 482; (61 St. Rep. 461; 29 Supp. 1002).

Nuisance—Statutory Sanction.

139 N. Y. 501; (54 St. Rep. 799).

Public Improvements — Consequential Damages.

49 St. Rep. 261; 11 App. Div. 423; (76 St. Rep. 341; 42 Supp. 341). 151 N. Y. 162.

Atwater v. Lowe, 39 Hun, 150.

Cited, Animals—On Leased Farm—Injuries by.

67 Hun, 629; (51 St. Rep. 226; 22 Supp. 566).

Atwater v. Spader, 12 St. Rep. 506.

Cited, Counterclaim—Undertaking.

78 Hun, 20; (60 St. Rep. 482; 28 Supp. 1061). 89 Hun, 372; (69 St. Rep. 826; 35 Supp. 415).

Atwater v. Veteran, 26 St. Rep. 945; 6 Supp. 907.

Cited, Negligence—Contributory—Question for Jury.

79 Hun, 558; (61 St. Rep. 531; 29 Supp. 914).

Atwater v. Wilson, 13 Misc. 117; 68 St. Rep. 200; 34 Supp. 153.

Affirming, 10 Misc. 777; 63 St. Rep. 868.

Cited, Brokers—Commissions—Procuring Cause.

16 Misc. 436; (38 Supp. 970). 17 Misc. 555; (75 St. Rep. 102; 40 Supp. 696).

Atwood, Matter of, 10 Misc. 480; 65 St. Rep. 171; 32 Supp. 115.

Atwood v. Austin, 16 Johns. 180.

Cited, Action — Appearance — Justice's Court.

80 Hun, 35, 36; (61 St. Rep. 621; 29 Supp. 870).

Atwood v. Barney, 80 Hun, 1; 61 St. Rep. 485; 29 Supp. 810.

Cited, Evidence—Books of Account—Clerk.

13 App. Div. 208; (77 St. Rep. 258; 43 Supp. 258).

Atwood v. Beirne, 73 Hun, 547; 57 St. Rep. 264; 26 Supp. 149.

Cited, Malicious Prosecution—When Lies — Compromise.

17 Misc. 189; (39 Supp. 832).

Auburn Board of Education of, v. Quick, 99 N. Y. 138.

Cited, Bonds—Public Officers—Change of Duties of—Liability of Sureties.

5 Misc. 529; (58 St. Rep. 102; 25 Supp. 987).

Auburn Board of Excise, Com'rs of, v. Merchant, 103 N. Y. 143; 2 St. Rep. 760.

Cited, Constitutional Law—Regulation of Evidence—Presumptions.

139 N. Y. 42; (54 St. Rep. 436).

Auburn Button Co. v. Sylvester, 68 Hun, 401; 52 St. Rep. 180; 22 Supp. 891.

Cited, Receivers—Corporations—Actions.

4 Misc. 447; (53 St. Rep. 520; 24 Supp. 331). 82 Hun, 385; (63 St. Rep. 787; 31 Supp. 333; 24 Civ. Pro. 203; 1 Ann. Cas. 139).

Auburn Button Co. v. Sylvester, 72 Hun, 498; 54 St. Rep. 358; 25 Supp. 237.

Auburn City Bank v. Leonard, 20 How. 193.

Cited, Res adjudicata.

16 App. Div. 488; (78 St. Rep. 919; 44 Supp. 919).

Auburn City Nat. Bank v. Hunsiker, 72 N. Y. 252.

Cited, Surety—Discharge.

74 St. Rep. 226; (38 Supp. 598). 9 App. Div. 337, 338; (75 St. Rep. 753; 41 Supp. 337, 338).

Reargument.

8 App. Div. 611; (41 Supp. 1134).

Auburn Ex. Bank v. Fitch, 48 Barb. 344.

Cited, Fraudulent Conveyances — Consideration—Prior Indebtedness.

75 Hun, 521; (57 St. Rep. 350; 27 Supp. 730). 87 Hun, 551; (69 St. Rep. 458; 35 Supp. 139). 80 Hun, 481; (62 St. Rep. 368; 30 Supp. 516).

Duplicate Citations in Parenthesis.

Auburn Railway Co., Matter of, 88 Hun, 603; 69 St. Rep. 105; 34 Supp. 992.

Auburn & Cato P. R. Co. v. Douglass, 9 N. Y. 444.

Cited, Grants—Strict Construction.

143 N. Y. 610; (62 St. Rep. 813).

Auchmuty v. Ham, 1 Den. 495.

Cited, Damages.

71 Hun, 235; (54 St. Rep. 577; 24 Supp. 1086).

Dogs—Statutory Liability.

13 App. Div. 4; (77 St. Rep. 130; 43 Supp. 130).

Audubon v. Excelsior Ins. Co., 27 N. Y. 216.

Cited, Irregularity—Voidness.

80 Hun, 464; (62 St. Rep. 277; 30 Supp. 444).

Auerbach v. N. Y. C. & H. R. R. Co., 89 N. Y. 281.

Cited, Carriers — Passenger — Connecting Carrier.

66 Hun, 463; (50 St. Rep. 428; 21 Supp. 323). 89 Hun, 496; (70 St. Rep. 237; 35 Supp. 576).

Auerbach v. Peetsch, 44 St. Rep. 493; 18 Supp. 452.

Cited, Pleadings — Construction — As to Opening and Closing

9 Misc. 452; (61 St. Rep. 123; 30 Supp. 260). 1 Misc. 17; (48 St. Rep. 35; 20 Supp. 369).

Augner v. New York, 14 App. Div. 461; 77 St. Rep. 803; 43 Supp. 803.

August v. Fourth Nat. Bank, 15 St. Rep. 956; 1 Supp. 139.

Cited, Banking—Vouchers—Depositors—Negligence.

8 Misc. 281; (59 St. Rep. 233; 28 Supp. 712).

Auld v. Auld, 40 St. Rep. 904; 16 Supp. 803.

Cited, Evidence — Sufficiency—Adultery.

3 Misc. 412; (52 St. Rep. 437; 23 Supp. 300).

Aultman & Taylor Co. v. Syme, 87 Hun, 295; 68 St. Rep. 311; 34 Supp. 379.

On Reargument, 91 Hun, 632; (71 St. Rep. 559; 36 Supp. 528).

Cited, Time—Computation.

17 App. Div. 597; (79 St. Rep. 305; 45 Supp. 305).

Aultman & Taylor Co. v. Syme, 91 Hun, 632; 71 St. Rep. 559; 36 Supp. 528.

Cited, Computation of Time.

17 App. Div. 597, 598; (79 St. Rep. 305, 306; 45 Supp. 305, 306).

Aurora and Buffalo Plank-Road Co. v. Schrot, 90 Hun, 56; 70 St. Rep. 375; 35 Supp. 602.

Austen v. Crilly, 13 App. Div. 247; 76 St. Rep. 1097; 43 Supp. 1097.

Austen v. Niagara Fire Ins. Co., 16 App. Div. 86; 79 St. Rep. 106; 45 Supp. 106.

Austen v. Varian, 16 App. Div. 337; 78 St. Rep. 599; 44 Supp. 599.

Austin, Matter of, 79 St. Rep. 984; 45 Supp. 984.

Austin v. Ahearne, 61 N. Y. 6.

Cited, Reference—To Inquire and Report. 55 St. Rep. 218; (25 Supp. 462).

Wrong Conclusions — Correction on Appeal.

16 Misc. 155; (38 Supp. 833).

Austin v. Burns, 16 Barb. 643.

Cited, Appeal—Failure to Raise Objection Below—Waiver.

152 N. Y. 283; 18 Misc. 204; (75 St. Rep. 779; 41 Supp. 369).

Austin v. Carswell, 67 Hun, 579; 50 St. Rep. 844; 22 Supp. 478.

Cited, Irrelevant Evidence — Harmlessness.

92 Hun, 112; (71 St. Rep. 746; 26 Supp. 734).

Austin v. Daniels, 4 Den. 299.

Cited, Agency—Negligence

17 Misc. 210; (40 Supp. 1039).

Austin v. Dye, 46 N. Y. 500.

Cited, Conditional Sale—Bona Fide Purchaser.

8 App. Div. 270; (75 St. Rep. 323; 40 Supp. 927). 11 App. Div. 304; (76 St. Rep. 931; 42 Supp. 931).

15 App. Div. 44; (78 St. Rep. 118; 44 Supp. 118).

Austin v. Electric Co. N. Y. Law J. Oct. 9, 1893.

Cited, Taxes—Assessment—Review—Collateral Impeachment.

8 Misc. 13; (58 St. Rep. 308; 28 Supp. 77).

Austin v. Figueria, 7 Paige 56.

Cited, Execution—Sufficiency.

143 N. Y. 572; (63 St. Rep. 783; 1 Ann. Cas. 23).

Austin v. Goodrich, 49 N. Y. 266.

Cited, Pleading — Complaint—Adverse Claim to Land.

78 Hun, 384; (60 St. Rep. 741; 29 Supp. 184; 23 Civ. Pro. 330).

Pleading—Complaint—Statutory Cause of Action.

5 Misc. 255; (25 Supp. 94). 80 Hun, 16; (61 St. Rep. 494; 29 Supp. 834).

*Duplicate Citations in Parenthesis.***Austin v. Hall**, 13 Johns. 286.*Cited*, Joint Debtors—Release.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 310).

Austin v. Holland, 69 N. Y. 571.*Cited*, 12 Misc. 655; (35 Supp. 117).

Partnership—Dissolution—Notice.

14 Misc. 610; (71 St. Rep. 449; 36 Supp. 462).

Evidence—Mailing—Presumption.

20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

D. 2 Misc. 232; (50 St. Rep. 590; 22 Supp. 364). 85 Hun, 180; (65 St. Rep. 723; 32 Supp. 578).

Austin v. Hudson River Tel. Co., 73

Hun, 96; 56 St. Rep. 79; 25 Supp. 916.

Cited, Taxes—Domicile of Party—Situs of Property.

8 Misc. 15; (58 St. Rep. 310; 28 Supp. 80).

Taxes—When Lien Attaches.

87 Hun, 197; (67 St. Rep. 730).

Austin v. Long I. R. Co., 69 Hun, 67;

52 St. Rep. 746; 23 Supp. 193.

Affirmed, 140 N. Y. 639; 55 St. Rep. 931.**Austin v. Munro**, 47 N. Y. 360.*Cited*, Executors — Contracts — Liability On.

9 Misc. 301; (61 St. Rep. 315; 30 Supp. 269).

9 Misc. 231; (61 St. Rep. 297; 30 Supp. 285). 11 Misc. 163; (67 St. Rep. 296; 33 Supp. 552; 1 Ann. Cas. 110). 12 Misc. 321; (67 St. Rep. 547; 33 Supp. 732; 24 Civ. Pro. 374). 15 Misc. 541; (74 St. Rep. 560; 38 Supp. 107). 15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190). 19 Misc. 217; (78 St. Rep. 421; 44 Supp. 421). 20 Misc. 242; (79 St. Rep. 795; 45 Supp. 795). 78 Hun, 578; (61 St. Rep. 221; 29 Supp. 573). 2 App. Div. 16; (73 St. Rep. 236; 37 Supp. 641). 139 N. Y. 533; (54 St. Rep. 817).

Austin v. New Jersey Steamboat Co., 43 N. Y. 75.*Cited*, Negligence—Pilots—Collisions.

10 App. Div. 380; (75 St. Rep. 1397; 41 Supp. 1029).

Negligence—Concurrence of Third Person.

14 Misc. 526; (70 St. Rep. 697).

Austin v. Oakes, 15 St. Rep. 949; 1 Supp. 307.*Cited*, Wills—Construction—Intention as Touchstone.

53 St. Rep. 841; (24 Supp. 352).

Austin v. Oakes, 117 N. Y. 577; 28 St. Rep. 834.*Cited*, Wills—Power of Appointment.

84 Hun, 568; (66 St. Rep. 152; 32 Supp. 872).

Wills—Invalid Codicil—Effect on Valid Will.

54 St. Rep. 328; (25 Supp. 853).

Austin v. Rawdon, 42 N. Y. 155.*Cited*, Attorney—Relation to Client—Compensation—Summary Proceedings.

79 Hun, 397; (61 St. Rep. 501; 29 Supp. 795).

Austin v. Rawdon, 44 N. Y. 63.*Cited*, Pleading—Complaint—Conversion.

1 Misc. 387; (49 St. Rep. 640; 22 Supp. 77).

88 Hun, 262; (68 St. Rep. 555; 34 Supp. 736).

Austin v. Schluyter, 7 Hun, 275.*Cited*, Pleading—Complaint—Ejectment.

90 Hun, 508; (70 St. Rep. 643; 35 Supp. 964).

Austin v. Searing, 16 N. Y. 112.*Cited*, Associations—Decisions—Enforcement by Courts.

82 Hun, 134; (63 St. Rep. 388; 31 Supp. 97).

86 Hun, 381; (67 St. Rep. 225; 33 Supp. 513).

Austin v. Southworth, 13 Misc. 45; 68 St. Rep. 91; 34 Supp. 88.**Austin v. Staten Island R. T. Railroad Co.**, 39 St. Rep. 76; 14 Supp. 923.*Cited*, Appeal—Exceptions.

18 Misc. 432; (76 St. Rep. 25; 42 Supp. 25).

Austin v. Strong, 47 N. Y. 679.*Cited*, Landlord and Tenant—Holding Over.

92 Hun, 513; (72 St. Rep. 214; 37 Supp. 61).

Austin v. Vrooman, 128 N. Y. 229.*Cited*, Justice of Peace—Personal Liability.

9 App. Div. 178; (75 St. Rep. 522; 41 Supp. 63). 14 App. Div. 510; (78 St. Rep. 150; 44 Supp. 150).

Austin v. Waufol, 36 St. Rep. 779; 13 Supp. 184.*Cited*, Replevin—Right to Possession.

88 Hun, 235; (68 St. Rep. 722; 34 Supp. 800).

Pleading—Amendment—Waiver.

13 Misc. 61; (68 St. Rep. 189; 34 Supp. 142).

Austin v. Westchester Tel. Co., 8 Misc. 11; 58 St. Rep. 306; 28 Supp. 77.*Cited*, Pleading—Answer—Knowledge or Information.

16 Misc. 335; (39 Supp. 731).

Auten v. Jacobus, 20 Misc. 669.**Averell v. Barber**, 44 St. Rep. 542; 18 Supp. 81.*Cited*, 81 Hun. 99; (62 St. Rep. 551; 30 Supp. 681; 1 Ann. Cas. 150).

Duplicate Citations in Parenthesis.

Averill v. Emerson, 74 Hun, 157; 56 St. Rep. 297; 26 Supp. 650.

Averill v. Paterson, 10 N. Y. 500.

Cited, Action—Discontinuance.

10 Misc. 305; (63 St. Rep. 176; 30 Supp. 948; 24 Civ. Pro. 105). 85 Hun, 103; (66 St. Rep. 37; 32 Supp. 655).

Averill v. Williams, 4 Den. 295.

Cited, Attorneys—Authority.

11 Misc. 578; (66 St. Rep. 180; 32 Supp. 797). 11 Misc. 38; (66 St. Rep. 538; 33 Supp. 39).

Avery v. Ackart, 20 Misc. 631.

Avery v. Avery, 5 Misc. 75; 24 Supp. 737; 23 Civ. Pro. 204.

Avery v. Empire Woolen Co., 82 N. Y. 582.

Cited, Real Property—Boundaries—Practical Location.

71 Hun, 297; (54 St. Rep. 739; 24 Supp. 998).

Avery v. Equitable Life Assur. Soc., 117 N. Y. 451; 27 St. Rep. 699.

Cited, Contract—Reformation.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Laches.

81 Hun, 471; (63 St. Rep. 494; 31 Supp. 172).

Avery v. Everett, 110 N. Y. 317; 18 St. Rep. 213.

Cited, Criminal Law—Sentence for Felony—Effect on Civil Rights.

69 Hun, 440; (52 St. Rep. 702; 23 Supp. 455).

Wills—Construction—Death Referred to—Vesting.

8 App. Div. 66; (40 Supp. 409). 8 App. Div. 86; (40 Supp. 430). 11 App. Div. 341, 343; (76 St. Rep. 150, 151; 42 Supp. 150, 151). 148 N. Y. 305.

Avery v. Mabey, 135 N. Y. 657; 48 St. Rep. 932.

Avery v. N. Y. C. & H. R. R. Co., 30 St. Rep. 239; 9 Supp. 404.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

Avery v. N. Y. C. & H. R. R. Co., 106 N. Y. 142; 8 St. Rep. 612.

Cited, Pleading—Power to Amend—Limitation of New Cause of Action—Time.

9 Misc. 356; (60 St. Rep. 630; 29 Supp. 589). 4 Misc. 378; (25 Supp. 821).

Avery v. N. Y. C. & H. R. R. Co., 121 N. Y. 31; 30 St. Rep. 471.

Cited, Evidence—Opinions—Damages.

142 N. Y. 176; (58 St. Rep. 642).

Questions of Fact and Law—Reasonableness.

151 N. Y. 241; (3 Ann. Cas. 316). 14 App. Div. 496; (77 St. Rep. 1045; 43 Supp. 1045).

Avery v. Sand, 9 App. Div. 622; 75 St. Rep. 510; 41 Supp. 53.

Avery v. Slack, 17 Wend. 85.

Cited, Action—Appearance—Waiver of Objection to Jurisdiction.

2 Misc. 207; (49 St. Rep. 525; 21 Supp. 272). 5 Misc. 123; (25 Supp. 744). 12 App. Div. 24; (76 St. Rep. 485; 42 Supp. 485).

Avery v. Slack, 19 Wend. 50.

Cited, Costs—Towns—Excise Cases.

73 Hun, 429; (56 St. Rep. 625; 26 Supp. 932).

Avery v. Starbuck, 25 St. Rep. 354; 5 Supp. 779.

Affirmed, 38 St. Rep. 900.

Cited, Pleading—Amendment—Pending Trial—Discretion.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Avery v. Syracuse, 29 Hun, 537.

Cited, Municipal Corporations—Sidewalks.

82 Hun, 79; (63 St. Rep. 331; 31 Supp. 90).

Avery v. Willson, 81 N. Y. 341.

Cited, Contract—Performance—Waiver.

9 Misc. 113; (59 St. Rep. 733; 29 Supp. 45). 145 N. Y. 180, 182; (64 St. Rep. 585, 586). 16 Misc. 452; (38 Supp. 153). 12 App. Div. 331, 334; (76 St. Rep. 561, 563; 42 Supp. 561, 563).

Avery v. Woodbeck, 62 Barb. 557.

Cited, Notice of Appeal—Extent of Review.

91 Hun, 61; (71 St. Rep. 631; 33 Supp. 827).

Avery v. Woodin, 44 Hun, 266; 10 St. Rep. 160.

Cited, Appeal—Judgment by Default.

80 Hun, 177; (61 St. Rep. 783; 30 Supp. 53). 91 Hun, 300; (71 St. Rep. 117; 33 Supp. 333).

Appeal—Statutory Jurisdiction Only.

14 App. Div. 58; (77 St. Rep. 762; 43 Supp. 762).

Avrutin v. Hensel, 17 Misc. 160; 39 Supp. 322.

Ayer v. Colgrove, 81 Hun, 322; (62 St. Rep. 751; 30 Supp. 788).

Duplicate Citations in Parenthesis.

Ayers v. D., L. & W. R. Co., 60 St. Rep. 13; 28 Supp. 789.
Followed, 74 St. Rep. 621; (40 Supp. 12).

Ayers v. Delaware L. & W. R. Co., 4 App. Div. 511; 74 St. Rep. 619; 40 Supp. 11.

Ayers v. Lawrence, 59 N. Y. 192.
Cited, Tax-payers' Action.
 82 Hun, 90; (63 St. Rep. 496; 31 Supp. 175).
Statutes—Liberal Construction,
 D. 152 N. Y. 368.

Ayers v. O'Farrell, 10 Bosw. 143.
Cited, Evidence—Counterclaim.
 13 Misc. 149; (68 St. Rep. 20; 34 Supp. 65).

Aymar v. Bill, 5 Johns. Ch. 570.
Cited, Debt—Pledge—Severance.
 20 Misc. 386; (79 St. Rep. 605; 45 Supp. 605).

Ayrault, Matter of, 81 Hun, 107; 62 St. Rep. 628; 30 Supp. 654.

Ayrault v. Chamberlain, 33 Barb. 229.
Cited, Question of Fact—Conflict of Evidence.
 16 Misc. 633; (40 Supp. 990).

Ayrault v. Pacific Bank, 47 N. Y. 570.
Cited, Banks—Collections—Negligence.
 11 Misc. 289; (65 St. Rep. 446; 32 Supp. 271).

Ayrault v. Sacket, 17 How. 507.

Cited, Reference—Report—Rendition—Alteration.

66 Hun, 453; (50 St. Rep. 461; 21 Supp. 241). 13 Misc. 96; (68 St. Rep. 74; 34 Supp. 82). 14 Misc. 572; (72 St. Rep. 226; 37 Supp. 72).

Ayres v. Binghamton, Water Commissioners of, 23 Hun, 297.

Cited, Witness—Opinion.
 74 St. Rep. 158; (38 Supp. 665).

Ayres v. Delaware, L. & W. R. Co., 77 Hun, 414; 60 St. Rep. 13; 28 Supp. 789.

Ayres v. Hammondsport, 11 St. Rep. 706.

Cited, Verdict—Motion to Set Aside—Waiver.

10 Misc. 450; (64 St. Rep. 783; 31 Supp. 872).

Ayres v. Hammondsport, Village of, 130 N. Y. 665; 41 St. Rep. 692.

Cited, Proximate Cause.
 73 Hun, 128; (56 St. Rep. 65; 25 Supp. 957). 13 App. Div. 501; (77 St. Rep. 698; 43 Supp. 698).

Ayres v. Russell, 50 Hun, 282; 20 St. Rep. 323; 3 Supp. 338.

Cited, Kidnapping—Commitment to Insane Asylum.

66 Hun, 536; (51 St. Rep. 34; 21 Supp. 745).

B

Baas v. Pain, 54 St. Rep. 80; 24 Supp. 583.

Babbage v. Powers, 4 Silv. Sup. Ct. 211; 26 St. Rep. 799; 7 Supp. 306.
Affirmed, 130 N. Y. 281; 41 St. Rep. 521.
Cited, Nuisance—Liability of Landlord.
 4 Misc. 86; (53 St. Rep. 85; 23 Supp. 800; 30 Abb. N. C. 289).

Babbage v. Powers, 130 N. Y. 281; 41 St. Rep. 521.

Cited, Sidewalks—Obstruction—Liability of Owner.

71 Hun, 435; (54 St. Rep. 532; 24 Supp. 981). 6 Misc. 339; (56 St. Rep. 246; 26 Supp. 907). 81 Hun, 149, 150; (62 St. Rep. 639, 641; 30 Supp. 686, 687). 144 N. Y. 285; (63 St. Rep. 689; 1 Ann. Cas., 134). 13 Misc. 173; (68 St. Rep. 94; 34 Supp. 110). 13 Misc. 141; (68 St. Rep. 232; 34 Supp. 181, 182). D. 13 Misc. 143; (68 St. Rep. 233; 34 Supp. 183). 12 App. Div. 121; (76 St. Rep. 221; 42 Supp. 221).

Babbage v. Webster, 72 Hun, 456; 54 St. Rep. 863; 25 Supp. 300.

Cited, Costs—Disputed Claims—Reference.

8 Misc. 471; (60 St. Rep. 601; 29 Supp. 671).

Babbitt v. Brown, 68 Hun, 515; 52 St. Rep. 775; 23 Supp. 25.

Babbitt v. Crampton, 1 Civ. Pro. 169.
Cited, Discovery and Inspection.

13 Misc. 50; (68 St. Rep. 9; 34 Supp. 53).

Babbitt v. Gibbs, 150 N. Y. 281.

Babcock, Matter of, 115 N. Y. 450; 26 St. Rep. 382.

Cited, Executors—Taxes.

21 Supp. 1123; 5 Misc. 153; (25 Supp. 718) 150 N. Y. 56.

Taxes—Residence.

73 Hun, 98; (56 St. Rep. 79; 25 Supp. 917).

8 Misc. 15; (58 St. Rep. 310; 28 Supp. 80).

Taxes—When Liability Attaches.

Duplicate Citations in Parenthesis.

67 Hun, 322; (51 St. Rep. 832; 22 Supp. 214). 6 App. Div. 498; (39 Supp. 566.) 87 Hun, 197; (67 St. Rep. 730; 33 Supp. 1044). 12 App. Div. 332; (76 St. Rep. 55; 42 Supp. 55).

Babcock, Matter of, 2 Con., 82; 29 St. Rep. 947; 9 Supp. 554.

Cited, Executors—Accounting—Interest on Claims.

2 Misc. 284; (23 Supp. 970). 16 Misc. 407; (39 Supp. 724).

Babcock v. Babcock, 53 How. 97.

Cited, Dower—Inchoate.

84 Hun, 394; (65 St. Rep. 551; 32 Supp. 353). 147 N. Y. 386; (70 St. Rep. 37).

Babcock v. Beman, 11 N. Y. 200.

Cited, Corporations—Officers—Personal Liability.

85 Hun, 496; (67 St. Rep. 241; 33 Supp. 409).

Babcock v. Benson, 11 Supp. 455.

Cited, Gift—Delivery—Presumption.

16 App. Div. 546; (78 St. Rep. 993; 44 Supp. 993).

Babcock v. Bonnell, 80 N. Y. 244.

Cited, Compromise and Settlement—Disputed Claim.

74 Hun, 70; (56 St. Rep. 177; 26 Supp. 360).

Babcock v. Chase, 92 Hun, 264; 72 St. Rep. 401; 36 Supp. 879; 3 Ann. Cas. 25.

Cited, Contracts—Third Persons—Availability.

11 App. Div. 424; (76 St. Rep. 342; 42 Supp. 342).

Babcock v. Eckler, 24 N. Y. 633.

Cited, Fraud—Evidence—Intent.

3 Misc. 497; (23 Supp. 985). 18 Misc. 411; (76 St. Rep. 779; 42 Supp. 779). 20 Misc. 500; (79 St. Rep. 738; 45 Supp. 738).

Babcock v. Fitchburg R. Co., 140 N. Y. 308; 55 St. Rep. 640.

Reversing, 67 Hun, 469; 51 St. Rep. 115; 22 Supp. 449.

Cited, Evidence—Presumption—Contributory Negligence.

78 Hun, 17; (60 St. Rep. 800; 29 Supp. 249). 85 Hun, 26; (66 St. Rep. 168; 32 Supp. 600).

Babcock v. Jones, 42 St. Rep. 318; 17 Supp. 67.

Fraudulent Conveyances.

21 Supp. 547; D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).

Babcock v. Kuntzsch, 85 Hun, 33; 65 St. Rep. 841; 32 Supp. 587; 1 Ann. Cas. 300.

Cited, Affidavit—Amendment.

18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Babcock v. Kuntzsch, 85 Hun, 615; 66 St. Rep. 47; 32 Supp. 663.

Babcock v. Lake Shore & M. S. R. Co., 49 N. Y. 491.

Cited, Connecting Carriers—Forwarder.

20 Misc. 687.

Babcock v. New York, 24 Abb. N. C. 276.

Affirmed, 56 Hun, 196; 31 St. Rep. 110; 9 Supp. 368.

Cited, Municipal Corporations—Action—Notice.

18 Misc. 305, 306; (41 Supp. 1079, 1080).

Babcock v. New York, 56 Hun, 196; 9 Supp. 368; 31 St. Rep. 110.

Cited, Municipal Corporations—Action—Notice.

16 Misc. 304; (74 St. Rep. 387; 38 Supp. 91). 19 Misc. 258; (78 St. Rep. 218; 44 Supp. 218). 17 App. Div. 538; (79 St. Rep. 593; 45 Supp. 593).

Babcock v. Read, 99 N. Y. 609.

Cited, Contracts—Statute of Frauds—Speculation in Land.

73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

Babcock v. Utter, 1 Abb. Ct. App. Dec. 27; 1 Keyes, 397.

Cited, Easements—Creation—License.

139 N. Y. 24; (54 St. Rep. 411). 17 App. Div. 255; (79 St. Rep. 562; 45 Supp. 562).

Baber v. Broadway & Seventh Ave. R. Co., 9 Misc. 20; 59 St. Rep. 676; 29 Supp. 40.

Affirmed, 149 N. Y. 584.

Cited, Witness—Fabrication—Statements Made Out of Court.

12 Misc. 98; (66 St. Rep. 527; 33 Supp. 28). 16 Misc. 339; (33 Supp. 79).

Baber v. Broadway & Seventh Ave. R. Co., 10 Misc. 109; 62 St. Rep. 466; 30 Supp. 931.

Cited, Negligence—Master and Servant—Scope of Authority—Contributory Negligence.

13 Misc. 169; (68 St. Rep. 95; 34 Supp. 110).

Baber v. Broadway & Seventh Ave. R. Co., 13 Misc. 169; 68 St. Rep. 95; 34 Supp. 110.

Babin v. Ensley, 14 App. Div. 548; 77 St. Rep. 849; 43 Supp. 849.

Baccio v. People, 41 N. Y. 271.

Cited, Rape—Complaint by Victim.

51 St. Rep. 303; (22 Supp. 164).

Duplicate Citations in Parenthesis.

Bach v. Emerich, 35 Super. 548.

Cited, Contracts—Services—Waiver of Compensation—Brokers.

8 Misc. 378; (59 St. Rep. 538; 28 Supp. 703).

Bach v. Levy, 101 N. Y. 511.

Cited, Contracts—Breach of Warranty—Damages.

19 Misc. 153; (77 St. Rep. 206; 43 Supp. 206).

Bach v. N. Y. El. R. Co., 60 Hun, 128; 38 St. Rep. 421; 14 Supp. 620.

Cited, Elevated Railway—Remainderman—Past Damages.

4 Misc. 414; (53 St. Rep. 575; 24 Supp. 328).

Action—Parties—Remaindermen.

16 App. Div. 452; (79 St. Rep. 66; 45 Supp. 66).

Bach v. Tuch, 126 N. Y. 53; 36 St. Rep. 363.

Affirming, 32 St. Rep. 941.

Cited, Fraud—Election—Estoppel.

144 N. Y. 712; (71 St. Rep. 286). 11 App. Div. 419; (76 St. Rep. 368; 42 Supp. 368).

Bach v. Tuch, 10 Supp. 884; 4 Silv. 347; 19 Misc. 643; 78 St. Rep. 396; 44 Supp. 396.

Bacharach v. Von Eiff, 74 Hun, 533; 57 St. Rep. 186; 26 Supp. 842.

Backes, Matter of, 9 Misc. 504; 61 St. Rep. 739; 30 Supp. 394.

Backman v. Jenks, 55 Barb. 468.

Cited, Contracts—Locus.

150 N. Y. 322.

Backus v. Kimball, 62 Hun, 122; 41 St. Rep. 446; 16 Supp. 619.

Cited, Attachment—Action by Sheriff in Aid of.

91 Hun, 508; (71 St. Rep. 602; 36 Supp. 652; 25 Civ. Pro. 300).

Backus Mfg. Co. v. Feldman, 9 Misc. 387; (61 St. Rep. 682; 30 Supp. 189).

Bacon v. Burnham, 37 N. Y. 614.

Cited, Bills and Notes—Order of Liability of Endorsers.

66 Hun, 351; (50 St. Rep. 666; 21 Supp. 506). 3 Misc. 134; (51 St. Rep. 502; 22 Supp. 694). 4 Misc. 83; (53 St. Rep. 70; 23 Supp. 852). 73 Hun, 517; (56 St. Rep. 165; 26 Supp. 102). 14 Misc. 465; (72 St. Rep. 261; 36 Supp. 1113). 16 Misc. 569; (74 St. Rep. 119; 38 Supp. 778).

Bacon v. Frisbie, 80 N. Y. 394.

Cited, Evidence—Privileged Communications—Attorneys.

77 Hun, 574; (60 St. Rep. 517; 28 Supp. 1037). 18 Misc. 550; (41 Supp. 1005).

Privileged Communication—Question of Law.

8 App. Div. 147; (40 Supp. 489).

Bacon v. Hanna, 137 N. Y. 379; 50 St. Rep. 660.

Affirming, 43 St. Rep. 906; 17 Supp. 430.

Bacon v. Heywood, 11 Misc. 7; 63 St. Rep. 439; 31 Supp. 840.

Bacon v. Holloway, 2 E. D. Smith, 159.

Cited, Bills and Notes—Accommodation Paper—Knowledge of transferee.

74 Hun, 351; (56 St. Rep. 392; 26 Supp. 491).

Bacon v. Proctor, 13 Misc. 1; 67 St. Rep. 845; 33 Supp. 995.

Bacon v. United States Mut. Acc. Assn., 123 N. Y. 304.

Cited, Insurance—Exemption—Cause of Death.

148 N. Y. 600.

Bacon v. Van Schoonhoven, 87 N. Y. 446.

Cited, Mortgage—Bona fides.

152 N. Y. 164.

Badeau v. Mead, 14 Barb. 328.

Cited, Highway—Establishment—Indication on Map.

50 St. Rep. 354; (21 Supp. 829).

Badeau v. Rogers, 2 Paige, 209.

Cited, Interpleader.

18 Misc. 162; (41 Supp. 1037).

Badger v. Badger, 88 N. Y. 543.

Cited, Witnesses—Competency—Death of Other Party—Bystander.

68 Hun, 582; (52 St. Rep. 575; 23 Supp. 252).

Badger v. Benedict, 1 Hilt. 414.

Cited, Pleading—Joinder of Causes of Action.

6 Misc. 155; (26 Supp. 874).

Badger v. Mayer, 8 Misc. 533; 59 St. Rep. 398; 28 Supp. 765.

Baer, Matter of, 87 Hun, 483; 34 Supp. 1016.

Affirmed, 147 N. Y. 348. 69 St. Rep. 694.

Cited, Wills—Construction—Vesting.

9 App. Div. 604; (41 Supp. 739).

Baer, Matter of, 147 N. Y. 348; 69 St. Rep. 694.

Wills—Beneficiaries—Date of Ascertainment.

D. 10 App. Div. 164; (75 St. Rep. 1238; 41 Supp. 867). 10 App. Div. 579; (76 St. Rep. 417; 42 Supp. 417). 11 App. Div. 364; (76 St. Rep. 925; 42 Supp. 925). 12 App. Div. 255; (76 St. Rep. 732; 42 Supp. 732; 14 App. Div. 131; (77 St. Rep. 578; 43 Supp. 578).

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Baer v. Bonynge, 72 Hun, 33; 55 St. Rep. 474; 25 Supp. 666.
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Baer v. Bonynge, 147 N. Y. 393; 70 St. Rep. 41.

Baer v. Hudson St. P. S. & L. Ass'n, 75 Hun, 419; 56 St. Rep. 760; 27 Supp. 102.

Baer v. Koch, 2 Misc. 334; 51 St. Rep. 427; 21 Supp. 974.

Cited, Brokers—Services—Implied Promise to Pay.
9 Misc. 66; (59 St. Rep. 680; 29 Supp. 16).

Baer v. Leppert, 12 Hun, 516.
Cited, Bills and Notes—Protest—Mailing to Directory Address.
137 N. Y. 382; (50 St. Rep. 662).

Baer v. Seymour, 12 St. Rep. 166.
Cited, Pleading—Striking Out—Irrelevancy.

70 Hun, 597; (54 St. Rep. 235; 25 Supp. 601). 75 Hun, 368; (56 St. Rep. 768; 27 Supp. 106).

Pleading—Redundancy—Test.
85 Hun, 528; (67 St. Rep. 78; 33 Supp. 336).

Bagg v. Robinson, 12 Misc. 299; 67 St. Rep. 838; 34 Supp. 37.

Cited, Injunction—Complaint.
20 Misc. 193; 78 St. Rep. 1053; 44 Supp. 1053).

Baggott v. Boulger, 2 Duer, 160.
Cited, Guardians—Bonds—Discharge.
138 N. Y. 201; (52 St. Rep. 142).

Bagley v. Bowe, 105 N. Y. 171; 6 St. Rep. 842.

Cited, Assignment for Creditors—Rule of Construction.

6 Misc. 464; (27 Supp. 911). 145 N. Y. 224; (64 St. Rep. 603).

Trial—Verdict—Province of Court.
82 Hun, 154; (63 St. Rep. 753; 31 Supp. 305). 10 Misc. 657; (64 St. Rep. 497; 31 Supp. 793). 84 Hun, 136; (65 St. Rep. 657; 33 Supp. 472). 14 Misc. 508; (70 St. Rep. 692; 35 Supp. 1067). 11 App. Div. 174; (76 St. Rep. 606; 42 Supp. 606). 19 Misc. 18; (76 St. Rep. 846; 42 Supp. 846).

Bagley v. Consolidated Gas Co., 13 Misc. 6; 68 St. Rep. 237; 34 Supp. 187.

Bagley v. Consolidated Gas Co., 5 App. Div. 432; 39 Supp. 302.

Cited, Master and Servant—Negligence—Fellow Servants.

20 Misc. 35; (79 St. Rep. 325; 45 Supp. 325).

Bagley & Sewall Co. v. Ehrlicher, 8 App. Div. 581; 75 St. Rep. 317; 40 Supp. 922.

Bagley & Sewall Co. v. Saranac River P. & P. Co., 135 N. Y. 626; 48 St. Rep. 444.

Cited, Parol Evidence—Ambiguous Contract.

76 St. Rep. 565; (42 Supp. 565). 151 N. Y. 568.

Bagley v. Smith, 10 N. Y. 489.

Cited, Damages.
7 App. Div. 261; (40 Supp. 88). 13 App. Div. 104. (77 St. Rep. 315; 43 Supp. 315).

Bahr v. Boley, 85 Hun, 448; 66 St. Rep. 161; 32 Supp. 881.

Bahr v. National F. Co. of Hartford, 80 Hun, 309; 62 St. Rep. 341; 29 Supp. 1031.

Bahrenburgh v. Brooklyn City H. P. & P. R. Co., 56 N. Y. 652.

Cited, Question of Fact—Negligence—Infants.

75 Hun, 459; (57 St. Rep. 682; 27 Supp. 506). 12 App. Div. 153; (76 St. Rep. 665; 42 Supp. 665).

Bald v. Spence, 8 Misc. 535; 59 St. Rep. 261; 28 Supp. 774.

Bailey, Matter of, 31 Hun, 608.

Cited, Attorneys—Corporation—Costs.
7 Misc. 387; (58 St. Rep. 526; 28 Supp. 153). 9 Misc. 564; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 57; 1 Ann. Cas. 76). 13 Misc. 613; (69 St. Rep. 137; 34 Supp. 913).

Bailey, Matter of, 53 How. 446.

Cited, Assignment—For Creditors—Accounting—Presentation of Claims—Citations.

5 Misc. 114; (25 Supp. 738).

Bailey, Matter of, 47 Hun, 477.

Cited, Executors—Accounting—Counsel Fees.

3 Misc. 396; (24 Supp. 851). 5 Misc. 141; (25 Supp. 707). 86 Hun, 12; (66 St. Rep. 763; 33 Supp. 138).

Bailey v. Bailey, 97 N. Y. 460.

Cited, Perpetuities—Possible Suspension for more than Two Lives—Limit of Two Expressed.

141 N. Y. 21; (56 St. Rep. 578).

Perpetuities—Rents and Profits—Alienability.

10 App. Div. 399; (75 St. Rep. 1253; 41 Supp. 886).

Bailey v. Bailey, 142 N. Y. 632; 60 St. Rep. 865.

Affirming, 45 Hun, 278; 3 St. Rep. 132.

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Bailey v. Bancker, 3 Hill, 188.

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58 St. Rep. 295; (28 Supp. 159; 31 Abb. N. C. 29).

Bailey v. Briggs, 56 N. Y. 407.

Cited, Cloud On Title.

139 N. Y. 219; (54 St. Rep. 674).

Wills—Trusts—Jurisdiction to Interpret.

3 Misc. 471; (23 Supp. 737). 9 App. Div. 456; (75 St. Rep. 776; 41 Supp. 356).

Bailey v. Buchanan, County of, 115

N. Y. 297; 26 St. Rep. 128.

Cited, Interest—On Detached Interest Coupons.

136 N. Y. 481; (49 St. Rep. 846).

Coupons.

80 Hun, 121; (61 St. Rep. 787; 30 Supp. 58). 16 App. Div. 306; (78 St. Rep. 632; 44 Supp. 632).

Payment—Surrender of Evidence of Debt.

19 Misc. 701; (79 St. Rep. 12; 45 Supp. 12).

Bailey v. Buell, 50 N. Y. 662.

Cited, Taxes—Recovery of Paid.

69 Hun, 372; (52 St. Rep. 789; 23 Supp. 664).

Bailey v. Chamberlain, 51 St. Rep. 295; 22 Supp. 144.

Bailey v. Crowell, 13 Misc. 63; 68 St. Rep. 9; 34 Supp. 53; 1 Ann. Cas. 358.

Bailey v. Daigler, 50 Hun, 533; 20 St. Rep. 549; 3 Supp. 718.

Cited, Costs—Issue of Title—When Raised.

78 Hun, 594; (60 St. Rep. 766; 29 Supp. 210).

Bailey v. Hilton, 14 Hun, 3.

Cited, Wills—Probate—Discretion as to Opening Decree.

1 Misc. 392; (23 Supp. 145).

Bailey v. Hollister, 26 N. Y. 112.

Cited, Corporations—Liability of Stockholders—Change by Amendment of Statute.

2 Misc. 228; (52 St. Rep. 271; 23 Supp. 752).

Bailey v. Interstate Casualty Co. of N. Y., 8 App. Div. 127; 74 St. Rep. 942; 40 Supp. 513.

Bailey v. Johnson, 1 Daly, 61.

Cited, Mechanic's Lien—Contract—Completion.

4 Misc. 58; (53 St. Rep. 76; 23 Supp. 607).

Bailey v. Murphy, 138 N. Y. 50; 49 St. Rep. 82.

Modifying, 22 St. Rep. 102; 4 Supp. 579).

Cited, Attorneys—Lien—Enforcement.

9 Misc. 594; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 57; 1 Ann. Cas. 76). 16 Misc. 560; (74 St. Rep. 135; 38 Supp. 786; 25 Civ. Pro. 331). 152 N. Y. 528.

Bailey v. New York, 3 Hill, 531.

Cited, Municipal Corporations—Liability—City Water Works.

80 Hun, 167; (61 St. Rep. 713; 29 Supp. 1132). 148 N. Y. 52, 54.

Bailey v. Ogdens, 3 Johns, 399.

Cited, Sale—Acceptance—Bulky Articles.

3 Misc. 93; (51 St. Rep. 608; 22 Supp. 370).

Specific Performance—Contracts—Statute of Frauds—Definiteness.

68 Hun, 263; (52 St. Rep. 277; 22 Supp. 1001).

Bailey v. Park, 5 Hun, 41.

Cited, New Trial—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699). 67 Hun, 651; (51 St. Rep. 942; 23 Supp. 1154). 11 Misc. 236; (64 St. Rep. 450; 32 Supp. 784). 1 App. Div. 580; (73 St. Rep. 95; 37 Supp. 503). 74 St. Rep. 45; (16 Misc. 513; 38 Supp. 525).

Bailey v. Prince, 24 St. Rep. 632; 5 Supp. 896.

Cited, Arrest—Vacating—Duty of Court—Preponderance of Proof.

2 App. Div. 339; (73 St. Rep. 64; 37 Supp. 851; 3 Ann. Cas. 42).

Bailey v. Rome, Watertown & O.

R. Co., 139 N. Y. 302; 54 St. Rep. 550.

Cited, Master and Servant—Inspection—Appliances.

142 N. Y. 423; (59 St. Rep. 806). 80 Hun, 601; (61 St. Rep. 586; 29 Supp. 898). 12 Misc. 410, 411; (67 St. Rep. 409, 410; 33 Supp. 587). 88 Hun, 270; (68 St. Rep. 260; 34 Supp. 666). 90 Hun, 197; (70 St. Rep. 654; 35 Supp. 939). 92 Hun, 109; (71 St. Rep. 743; 36 Supp. 732). 11 App. Div. 19; (76 St. Rep. 142; 42 Supp. 142). 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 622). 15 App. Div. 262; (78 St. Rep. 200; 44 Supp. 200). 17 App. Div. 594; (79 St. Rep. 478; 45 Supp. 478).

Trial—Questions for Jury—Negligence.

73 Hun, 472; (53 St. Rep. 43; 26 Supp. 389). 5 App. Div. 31; (39 Supp. 68).

Negligence—Fellow Servants—Car Inspectors and Brakeman.

14 App. Div. 25; (43 Supp. 669).

Bailey v. Rome, W. & O. R. Co., 80 Hun, 4; 61 St. Rep. 490; 29 Supp. 816.

Cited, New Trial—Excessive Verdict—Power of Court.

8 App. Div. 409; (75 St. Rep. 266; 40 Supp. 870).

*Duplicate Citations in Parenthesis.***Bailey v. Ryder**, 10 N. Y. 363.

Cited, Pleading—Proof of New Cause of Action.

9 Misc. 96; (59 St. Rep. 694; 29 Supp. 6). 10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Bailey v. Sargent Granite Co., 29 Supp. 1105; 23 Civ. Pro. 319.**Bailey v. Schmidt**, 19 St. Rep. 50; 5 Supp. 405.

Cited, Costs—Against Personal Representatives.

56 Hun, 280; (49 St. Rep. 320; 21 Supp. 156).

Bailey v. Stewart, 2 Redf. 213.

Cited, Surrogate's Court—Vacation of Decree—Discretion.

1 Misc. 392; (23 Supp. 144). 73 Hun, 436; (56 St. Rep. 34; 26 Supp. 471).

Bailey v. Stone, 41 How. 346.

Cited, Justice's Court—Jurisdiction—When Ousted by Amount in Controversy.

75 Hun, 295; (56 St. Rep. 772; 27 Supp. 58; 23 Civ. Pro. 291; 31 Abb. N. C. 262).

Baillie v. Plaut, 11 Misc. 30; 65 St. Rep. 109; 31 Supp. 1015.**Baily v. Hornthal**, 89 Hun, 514; 69 St. Rep. 801; 35 Supp. 437.**Baily v. Hornthal**, 1 App. Div. 44; 72 St. Rep. 16; 36 Supp. 1082.**Bain v. Brown**, 56 N. Y. 285.

Cited, Principal and Agent—Conflict of Interest—Purchase from Principal.

8 Misc. 359; (59 St. Rep. 592; 28 Supp. 705).

Fiduciary Relation—Breach—Relief.

87 Hun, 10; (67 St. Rep. 488; 33 Supp. 872).

Bain v. Globe Ins. Co., 9 How. 443.

Cited, Writ and Process—Service—Corporations—Managing Agent.

78 Hun, 297; (60 St. Rep. 241; 28 Supp. 960).

Bainbridge v. Friedlander, 7 Misc. 257; 58 St. Rep. 22. 27 Supp. 261.**Bainbridge v. McCullough**, 1 Hun. 488; 3 T. & C. 486.

Cited, Accounting—Burden of Proof.

74 Hun, 207; (56 St. Rep. 292; 26 Supp. 816). 74 Hun, 362, 365; (56 St. Rep. 348, 350; 26 Supp. 684, 686). 68 Hun, 327; (67 St. Rep. 208; 33 Supp. 494).

Bainbridge v. Richmond, 17 Hun, 391; 78 N. Y. 618.

Cited, Evidence—Parol—Mortgage—Explanation—Purpose.

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

Bain v. Thomas, 2 Caines, 95.

Cited, Attorneys—Oral Stipulations.

146 N. Y. 279; (66 St. Rep. 629; 2 Ann. Cas. 85).

Baird, Matter of, 47 Hun, 77; 14 St. Rep. 172.

Cited, Evidence—Declarations—By one Not in Privity With Others Affected By.

56 St. Rep. 713; (25 Supp. 318).

Baird, Matter of, 75 Hun, 545; 27 Supp. 535.

Affirmed, 142 N. Y. 523; 60 St. Rep. 105.

Cited, Apportionment—Inequality.

90 Hun, 573.

Baird, Matter of, 142 N. Y. 523; 60 St. Rep. 105.

Cited, Elections—Districts.

71 St. Rep. 49, 53; (36 Supp. 42, 45, 49). 90 Hun, 572, 573, 576, 581.

Baird v. Baird, 81 Hun, 300; 62 St. Rep. 748; 30 Supp. 785.

Affirmed, 145 N. Y. 659; 71 St. Rep. 312.

Baird v. Baird, 145 N. Y. 659; 71 St. Rep. 312.

Cited, Evidence—Parol—Varying Terms of Instrument.

147 N. Y. 466; (70 St. Rep. 61). 16 Misc. 314; (39 Supp. 416); 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750).

Mortgage—Assignment—Cancellation.

148 N. Y. 414.

Baird v. Broome, 75 Hun, 545; 59 St. Rep. 640; 27 Supp. 535.

Cited, Supervisors—Discretion—Assembly Districts—Review.

71 St. Rep. 50; (36 Supp. 43).

Baird v. Daly, 68 N. Y. 547.

Cited, Expert Witness—Seaworthiness.

16 Misc. 338; (38 Supp. 78).

Baird v. Gillett, 47 N. Y. 186.

Cited, New Trial—Improper Testimony—Prejudice.

9 Misc. 182; (60 St. Rep. 641; 29 Supp. 586). 17 Misc. 160; (39 Supp. 329).

Baird v. Helfer, 12 App. Div. 23; 76 St. Rep. 484; 42 Supp. 484.

Cited, Courts—Inferior—Jurisdiction—Waiver by Appearance.

14 App. Div. 11; (77 St. Rep. 641; 43 Supp. 641).

Baird v. Kings County, Supervisors of, 138 N. Y. 95; 51 St. Rep. 690.

Reversing, 66 Hun, 335; 48 St. Rep. 342; 20 Supp. 470.

Cited, Election Districts—Apportionment.

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60 St. Rep. 106; 71 St. Rep. 49; (36 Supp. 42).

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142 N. Y. 277; (58 St. Rep. 582). 90 Hun, 572, 573.

Baird v. New York, 74 N. Y. 382.

Cited, Trial—Jury—Waiver—Equity Case—Damages.

69 Hun, 522; (52 St. Rep. 846).

Reference—Appeal—Waiver.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028).

Baird v. New York, 96 N. Y. 567.

Cited, Sale—Rescission—Fraud.

49 St. Rep. 441; (20 Supp. 830). 82 Hun, 73; (63 St. Rep. 505; 31 Supp. 190). 1 App. Div. 330; (72 St. Rep. 544; 37 Supp. 184).

Appeal—Review of Facts—Conflict of Evidence.

1 Misc. 139; (48 St. Rep. 721; 20 Supp. 628). 1 Misc. 178; (48 St. Rep. 673; 20 Supp. 690). 2 Misc. 61; (49 St. Rep. 712; 20 Supp. 869). D. 4 Misc. 123; (53 St. Rep. 467; 23 Supp. 900). 4 Misc. 229; (53 St. Rep. 482; 23 Supp. 912). 71 Hun, 340; (55 St. Rep. 38; 24 Supp. 1121). 71 Hun, 343; (55 St. Rep. 42; 25 Supp. 2). 71 Hun, 356; (55 St. Rep. 31; 25 Supp. 37). 71 Hun, 390; (55 St. Rep. 147; 24 Supp. 1136). 71 Hun, 610; (55 St. Rep. 32; 25 Supp. 31). 5 Misc. 407; (55 St. Rep. 389; 25 Supp. 763). 140 N. Y. 253; (55 St. Rep. 541). 73 Hun, 440; (56 St. Rep. 25; 26 Supp. 338). 74 Hun, 178; (56 St. Rep. 355; 23 Supp. 619). 7 Misc. 656; (58 St. Rep. 385; 28 Supp. 51). 8 Misc. 259; (59 St. Rep. 199; 28 Supp. 549). 78 Hun, 102; (60 St. Rep. 536; 28 Supp. 1073). 144 N. Y. 117; (63 St. Rep. 19). 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 10 Misc. 668; (64 St. Rep. 303; 31 Supp. 678; 1 Ann. Cas. 365). 12 Misc. 103; (66 St. Rep. 862; 33 Supp. 175). 86 Hun, 423; (67 St. Rep. 179; 33 Supp. 523). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 13 Misc. 259; (68 St. Rep. 90; 34 Supp. 87). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 663). 87 Hun, 591; (68 St. Rep. 641; 34 Supp. 577). 14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084). 92 Hun, 122; (71 St. Rep. 809; 36 Supp. 641). 3 App. Div. 186; (73 St. Rep. 628; 38 Supp. 473). 3 App. Div. 361; (73 St. Rep. 658; 38 Supp. 291). 3 App. Div. 311; (73 St. Rep. 757; 38 Supp. 276). 4 App. Div. 427; (74 St. Rep. 785; 38 Supp. 857). 12 App. Div. 180; (76 St. Rep. 887; 42 Supp. 837). 11 App. Div. 42; (76 St. Rep. 1026; 42 Supp. 1026). 16 App. Div. 562; (78 St. Rep. 960; 44 Supp. 960). 18 Misc. 206; (41 Supp. 371). 18 Misc.

251; (41 Supp. 612). 20 Misc. 603. 152 N. Y. 119. 152 N. Y. 168.

Evidence of Interested Party—Weight and effect.

1 Misc. 173; (48 St. Rep. 683; 20 Supp. 653).

Evidence—Circumstantial—Fraud.

70 Hun, 413; (53 St. Rep. 708; 24 Supp. 435). 12 Misc. 279; (67 St. Rep. 815; 23 Supp. 1112).

Baird v. N. Y. C. & H. R. R. Co., 16 App. Div. 490; 78 St. Rep. 926; 44 Supp. 926.

Baird v. Richardson, 4 St. Rep. 648.

Cited, Negligence—Contributory—Children

77 Hun, 413; (60 St. Rep. 17; 28 Supp. 793).

Bajus v. Syracuse, B. & N. Y. R. Co.,

103 N. Y. 312; 3 St. Rep. 96.

Cited, Master and Servant—Appliances.

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 88 Hun, 320, 321; (68 St. Rep. 419, 420; 34 Supp. 409, 410). 142 N. Y. 34; (58 St. Rep. 437).

Baker, Matter of, 11 How. 418.

Cited, Evidence—Records of Town Meetings.

73 Hun, 405; (55 St. Rep. 771; 26 Supp. 281).

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5 Misc. 461; (26 Supp. 231).

Baker, Matter of, 29 How. 485.

Cited, Personal Liberty.

13 Misc. 616; (69 St. Rep. 168; 34 Supp. 944).

Baker v. Bailey, 16 Barb. 54.

Cited, Pleading—Answer—Denial.

142 N. Y. 206; (58 St. Rep. 458; 31 Abb. N. C. 253). 11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Baker v. Baker, 16 Abb. N. C. 293.

Cited, Evidence—Communications Between Husband and Wife—Res Gestae.

9 Misc. 83; (59 St. Rep. 751; 29 Supp. 38).

Action—Enticement of Husband.

11 App. Div. 22; (77 St. Rep. 80; 43 Supp. 80).

Baker v. Baker, 70 Hun, 95; (53 St. Rep. 442; 23 Supp. 1083).

Baker v. Baker, 18 App. Div. 189; (79 St. Rep. 870; 45 Supp. 870).

Baker v. Barney, 8 Johns. 72.

Cited, Husband and Wife—Necessaries for Wife—Separate Maintenance.

2 Misc. 50; (49 St. Rep. 143; 20 Supp. 859). Separation Agreements.

16 App. Div. 615; (78 St. Rep. 976; 44 Supp. 976).

*Duplicate Citations in Parenthesis.***Baker v. Bliss**, 39 N. Y. 70.*Cited*, Notice.

71 Hun, 186; (3 Misc. 185; 54 St. Rep. 233; 23 Supp. 212). 83 Hun, 95; (63 St. Rep. 855; 31 Supp. 408). D. 86 Hun, 254; (66 St. Rep. 753; 33 Supp. 237).

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85 Hun, 287; (66 St. Rep. 468; 32 Supp. 984). 143 N. Y. 399; (62 St. Rep. 443). 147 N. Y. 596; (70 St. Rep. 352).

Distinguished, Trusts—Resulting—Payment of part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 351; 25 Supp. 680).

Baker v. Braman, 6 Hill, 47.*Cited*, Stipulations—Waiver of Statutory Provision—Time to Appeal.

6 Misc. 514; (57 St. Rep. 713; 27 Supp. 434).

Baker v. Brown, 150 N. Y. 567.**Baker v. Brundage**, 79 Hun, 382; 61 St. Rep. 498; 29 Supp. 792.**Baker v. Byrn**, 89 Hun, 115; 69 St. Rep. 469; 35 Supp. 55.**Baker v. Coachmen's U. B. Ass'n**, 53 St. Rep. 560.**Baker v. Coddling**, 3 Misc. 512; 52 St. Rep. 416; 23 Supp. 5.*Affirming*, 1 Misc. 513; 49 St. Rep. 924; 21 Supp. 1136.*Cited*, Costs—Stenographer's Minutes—Retaxation.

10 Misc. 139; (62 St. Rep. 494; 30 Supp. 922).

Baker v. Crosby, 33 St. Rep. 757; 11 Supp. 575.*Cited*, Insurance—On Life of Husband—Assignment.

60 St. Rep. 156; (28 Supp. 453).

Baker v. Dillman, 21 How. 444; 12 Abb. 313.*Cited*, Contract—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 214).

Baker v. Disbrow, 18 Hun, 29.*Affirmed*, 79 N. Y. 631.*Cited*, Trusts—Improper Investment—Remedies of Beneficiary.

66 Hun, 848; (50 St. Rep. 53; 21 Supp. 201).

Baker v. Drake, 66 N. Y. 518.*Cited*, Custom or Usage.

1 Misc. 180; (48 St. Rep. 688; 20 Supp. 640). 82 Hun, 611; 63 St. Rep. 753; 31 Supp. 303).

Brokers—Conversion.

17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 223).

Damages—Measure of—Goods Destroyed.

5 Misc. 272; (27 Supp. 899).

Baker v. Drake, 53 N. Y. 211.*Cited*, Damages—Extent of Compensation.

1 Misc. 430; (50 St. Rep. 565; 21 Supp. 424). 143 N. Y. 288; (62 St. Rep. 338).

Baker v. Eighth Ave. R. Co., 62

Hun, 39; 41 St. Rep. 353; 16 Supp. 319.

Cited, Highways—Children—Negligence.

145 N. Y. 199; (64 St. Rep. 592). 11 Misc. 321; (65 St. Rep. 301; 32 Supp. 154).

Baker v. Emerson, 4 App. Div. 348;

74 St. Rep. 213; 38 Supp. 576.

Baker v. Freeman, 9 Wend. 36.*Cited*, Damages—Measure—Conversion.

5 Misc. 25; (25 Supp. 144).

Baker v. Georgi, 10 App. Div. 249; 75

St. Rep. 1398; 41 Supp. 1030.

Baker v. Gilman, 52 Barb. 26.*Cited*, Fraudulent Conveyance—As to Liability for Tort.

4 App. Div. 216; (74 St. Rep. 190; 38 Supp. 547).

Baker v. Hatfield, 3 Civ. Pro. 303.*Cited*, Notice of Entry.

92 Hun, 327; (72 St. Rep. 241; 36 Supp. 906).

Baker v. Higgins, 21 N. Y. 397.*Cited*, Sales—Entire Delivery.

16 Misc. 450; (73 St. Rep. 340; 38 Supp. 152). 73 St. Rep. 349; (38 Supp. 160; 2 Ann. Cas. 374).

Baker v. Hoag, 7 Barb. 115; 7 N. Y. 555.*Cited*, Replevin—Lien.

5 Misc. 104; (24 Supp. 833).

Baker v. Hotchkiss, 97 N. Y. 395.*Cited*, Counterclaim.

69 Hun, 92; (53 St. Rep. 162; 23 Supp. 536).

Baker v. Home L. Ins. Co., 63 N. Y. 630.*Cited*, Appeal—Amendment of Record.

83 Hun, 304; (68 St. Rep. 587; 34 Supp. 768).

Baker v. Home L. Ins. Co., 64 N. Y. 648.*Cited*, Agency—Estoppel.

17 Misc. 116; (39 Supp. 357).

Baker v. Johns, 38 Hun, 625.*Cited*, Indian Lands—Leases—Confirmation.

75 Hun, 399; (57 St. Rep. 688; 27 Supp. 445).

Duplicate Citations in Parenthesis.

Baker v. Johnson, 42 N. Y. 126.

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Baker v. Kenworthy, 41 N. Y. 215.

Cited, Levy—Choses in Action.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

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12 Misc. 427; (67 St. Rep. 589; 33 Supp. 701).

Baker v. Kinsland, 10 Paige, 366.

Cited, Evidence—Search of Title.

67 Hun, 502; (51 St. Rep. 236; 22 Supp. 503).

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12 Misc. 521; (67 St. Rep. 378; 33 Supp. 664).

Sale of Realty for Debts—Proof of Debt.

20 Misc. 630.

Baker v. Leland, 9 App. Div. 365; 75 St. Rep. 812; 41 Supp. 399.

Baker v. Lever, 67 N. Y. 304.

Cited, Fraud—Diligence in Discovering.

147 N. Y. 415; (70 St. Rep. 52). 90 Hun. 226. (28 Supp. 624). 8 Misc. 115; (59 St. Rep. 515; 28 Supp. 624). 9 Misc. 81; (59 St. Rep. 550; 29 Supp. 719). 14 Misc. 521; (70 St. Rep. 702; 35 Supp. 1034).

Fraud—Vendor's Lien—Waiver.

79 Hun, 219; (61 St. Rep. 401; 29 Supp. 505).

Baker v. Lorillard, 4 N. Y. 257.

Cited, Wills—Construction—Remainder.

71 Hun, 58; (53 St. Rep. 859; 24 Supp. 611).

Equity—Jurisdiction—Infants.

147 N. Y. 570; (70 St. Rep. 338).

Baker v. Loring, 92 Hun, 61; 71 St.

Rep. 716; 36 Supp. 644.

Baker v. M'Duffie, 23 Wend. 289.

Cited, Sheriffs—Endorsement on Process—Conclusiveness.

9 Misc. 469; (61 St. Rep. 127; 30 Supp. 233).

Baker v. McLoughlin, 19 Week. Dig. 29.

Cited, Equity—Retention to Award Damages.

15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847).

Baker v. Manhattan R. Co., 118 N. Y. 533; 29 St. Rep. 936.

Cited, Damages—Measure—Negligence—Loss of Time.

67 Hun, 269; (51 St. Rep. 385; 22 Supp. 232). 4 App. Div. 51; (74 St. Rep. 123; 38 Supp. 693).

Baker v. Moore, 88 Hun, 458; 68 St. Rep. 786; 34 Supp. 874.

Baker v. Moore, 4 App. Div. 234; 74 St. Rep. 178; 38 Supp. 559.

Baker v. Mott, 78 Hun, 141; 60 St. Rep. 174; 28 Supp. 968.

Affirmed, 152 N. Y. 637.

Baker v. New York, 17 App. Div. 435; 79 St. Rep. 164; 45 Supp. 164.

Baker v. N. Y. Nat. Ex. Bank, 100 N. Y. 31.

Cited, Factors—Title of Proceeds of Sale.

70 Hun, 93; (53 St. Rep. 499; 23 Supp. 1125). 11 App. Div. 393; (76 St. Rep. 59; 42 Supp. 59). 17 App. Div. 343; (79 St. Rep. 266; 45 Supp. 266). 7 Misc. 583; (58 St. Rep. 503, 28 Supp. 5; 31 Abb. N. C. 102).

Following Funds—Identity.

11 Misc. 599; (67 St. Rep. 306; 33 Supp. 539). 11 Misc. 251; (65 St. Rep. 856; 32 Supp. 735). 86 Hun, 296; (67 St. Rep. 49; 33 Supp. 307). 88 Hun, 85; (68 St. Rep. 548; 34 Supp. 731; 2 Ann. Cas. 277). 91 Hun, 80, 81; (71 St. Rep. 373; 36 Supp. 171, 172). 3 App. Div. 569; (74 St. Rep. 5; 38 Supp. 246).

Baker v. N. Y. St. M. B. Ass'n, 9 St. Rep. 653.

Cited, Delay—Waiver.

87 Hun, 597; (63 St. Rep. 524; 34 Supp. 567).

Baker v. Oakwood, 49 Hun, 416; 22 St. Rep. 602; 3 Supp. 570.

Cited, Adverse Possession.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901).

Baker v. Oakwood, 123 N. Y. 16; 33 St. Rep. 223.

Cited, Adverse Possession.

3 Misc. 6; (53 St. Rep. 629; 23 Supp. 796). 89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348). 2 App. Div. 485; (74 St. Rep. 438; 38 Supp. 10).

Baker v. Remington, 45 N. Y. 323.

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Baker v. Robbins, 2 Den. 136.

Cited, Assignment—Tender—Rescission.

92 Hun, 392; (72 St. Rep. 281; 36 Supp. 1058).

Baker v. Simmons, 29 Barb. 198.

Cited, Verdict—Interference by Officer.

10 Misc. 442; (64 St. Rep. 17; 31 Supp. 463).

Baker v. Spencer, 47 N. Y. 562.

Cited, Contract—Rescission—Fraud.

61 St. Rep. 479; (30 Supp. 440).

. *Duplicate Citations in Parenthesis.*

Baker v. Stackpoole, 9 Cow. 420.

Cited, Payment—Application—Joint and Individual Indebtedness of Payor.
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Baker v. Sutton, 86 Hun, 588; 67 St. Rep. 776; 33 Supp. 1072.

Cited, Bill of Particulars—Negligence.
5 App. Div. 598; (39 Supp. 447).

Baker v. Sutton, 11 App. Div. 271; 76 St. Rep. 116; 42 Supp. 116.

Cited, New Trial—Weight of Evidence.
79 St. Rep. 1116; (45 Supp. 1116).

Baker v. Thomas, 61 Hun, 17; 39 St. Rep. 816; 15 Supp. 359.

Cited, Conveyance—Assignment.
86 Hun, 609; (67 St. Rep. 512; 33 Supp. 766).

Baker v. Thomas, 11 Misc. 112; 65 St. Rep. 116; 31 Supp. 993.

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Baker v. Thomas, 12 Misc. 432; 67 St. Rep. 275; 33 Supp. 613.

Cited, Brokers—Commissions.
13 Misc. 119, 131; (68 St. Rep. 201, 203; 34 Supp. 154, 155). 16 Misc. 392; (74 St. Rep. 310; 38 Supp. 54). 19 Misc. 520; (77 St. Rep. 1058; 43 Supp. 1058).

Baker Transfer Co. v. Merchants R. & I. Mfg. Co., 1 App. Div. 507; 72 St. Rep. 601; 37 Supp. 276.

Baker Transfer Co. v. Merchants R. & I. Mfg. Co., 12 App. Div. 260; 76 St. Rep. 76; 42 Supp. 76.

Baker v. Union Mutual Life Ins. Co., 43 N. Y. 283.

Cited, Insurance—Insurable Interest—Husband and Wife.

138 N. Y. 381; (52 St. Rep. 878; 30 Abb. N. C. 219). 8 Misc. 508; (59 St. Rep. 414; 28 Supp. 763).

Insurance—Agency of Insured for Beneficiary.

17 Misc. 176; (40 Supp. 998).

Balch v. Wurzbarger, 9 Misc. 74; 59 St. Rep. 657; 29 Supp. 62.

Balcom v. Adams, 18 St. Rep. 13; 2 Supp. 255.

Cited, Physical Examination—Time.

13 Misc. 633; (69 St. Rep. 140; 34 Supp. 920; 25 Civ. Pro. 59).

Balcom v. Manhattan Athletic Club, 60 St. Rep. 844; 29 Supp. 600.

Baldwin, Matter of, 87 Hun, 372; 68 St. Rep. 340; 34 Supp. 435; 25 Civ. Pro. 6; 2 Ann. Cas. 187.

Baldwin, Matter of, 11 App. Div. 551; 42 Supp. 642.

Baldwin v. Baldwin, 74 Hun, 415; 57 St. Rep. 207; 26 Supp. 579; 23 Civ. Pro. 268.

Baldwin v. Brown, 16 N. Y. 359.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 50; 24 Supp. 1125). 71 Hun, 297; (54 St. Rep. 739; 24 Supp. 998). D. 71 Hun, 306; (54 St. Rep. 846; 24 Supp. 1004). D. 2 App. Div. 488; (74 St. Rep. 440; 38 Supp. 12). 5 App. Div. 600; (39 Supp. 439). 13 App. Div. 159; (43 Supp. 331). 15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157). 13 Misc. 208; (67 St. Rep. 870; 34 Supp. 14).

Baldwin v. Burrows, 47 N. Y. 199.

Cited, Distinct Liabilities—General Verdict—Degree of Proof.

87 Hun, 191; (67 St. Rep. 449; 33 Supp. 806).

Baldwin v. Buffalo, 35 N. Y. 375.

Cited, Highways—Establishment—Boundaries—Damages of Land Owner—Other Easement.

137 N. Y. 94; (50 St. Rep. 188).

Baldwin v. Calkins, 10 Wend. 167.

Cited, Certiorari—Assessment.

86 Hun, 618; (70 St. Rep. 848; 36 Supp. 194).

Baldwin v. Doying, 114 N. Y. 452; 23 St. Rep. 759.

Cited, Appeal—Refusal of Findings—When Sufficient Ground for Reversal.

74 Hun, 550; (56 St. Rep. 857; 26 Supp. 638). 14 Misc. 313; (70 St. Rep. 459; 35 Supp. 768).

Evidence—Burden of Proof—Usury.

138 N. Y. 625; (52 St. Rep. 152). 150 N. Y. 364. 92 Hun, 384; (71 St. Rep. 712; 36 Supp. 692).

Usury.

13 Misc. 47; (75 St. Rep. 466; 41 Supp. 15).

Baldwin v. Golde, 88 Hun, 115; 68 St. Rep. 273; 34 Supp. 587.

Cited, Bona Fides—Possession.

12 App. Div. 198; (76 St. Rep. 833; 42 Supp. 833).

Baldwin v. June, 68 Hun, 284; 52 St. Rep. 192; 22 Supp. 832.

Baldwin v. Martin, 14 Abb. N. S. 9.

Cited, Limitation of Action—Burden of Proof.

152 N. Y. 539; (77 St. Rep. 383; 43 Supp. 383; 26 Civ. Pro. 35).

*Duplicate Citations in Parenthesis.***Baldwin v. Munn**, 2 Wend. 399.

Cited, Damages—Measure—Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 282; 26 Supp. 301).

Baldwin v. Oswego, City of, 1 Abb.

Dec. 62.

11 App. Div. 382; (76 St. Rep. 96; 43 Supp. 96).

Baldwin v. Perry, 25 Hun, 72.

Cited, Supplementary Proceedings—Proceedings Subsequent to Examination—Before what Judge—Residence of Debtor in Other District.

69 Hun, 345; (53 St. Rep. 316; 23 Supp. 471).

Baldwin v. Reardon, 48 Super. 166.

Cited, Costs—Extra Allowance.

79 St. Rep. 658; 45 Supp. 658.

Baldwin v. Roberts, 30 Hun, 163.

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7 Misc. 220; (58 St. Rep. 573; 27 Supp. 647; 23 Civ. Pro. 300).

Baldwin v. Short, 54 Hun, 473; 28 St.

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Cited, Fraudulent Conveyances—Preserving Equities of Grantee.

73 Hun, 442; (56 St. Rep. 27; 26 Supp. 340). D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).

Baldwin v. Short, 125 N. Y. 553; 36 St. Rep. 138.

Cited, Fraudulent Conveyance.

92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940). D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).

Fraudulent Conveyances—Consideration—Severance.

66 Hun, 37; (49 St. Rep. 435; 20 Supp. 782). 87 Hun, 551; (69 St. Rep. 458; 35 Supp. 140). 92 Hun, 336; (72 St. Rep. 708; 37 Supp. 413). 6 App. Div. 231; (39 Supp. 896).

Evidence—Declarations.

87 Hun, 555; (69 St. Rep. 461; 35 Supp. 143).

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83 Hun, 400; (63 St. Rep. 568; 31 Supp. 262).

Baldwin v. Smith, 91 Hun, 239; 72 St. Rep. 60; 36 Supp. 159.

3 App. Div. 352; (73 St. Rep. 667; 38 Supp. 300).

Baldwin v. Smith, 3 App. Div. 350; 73 St. Rep. 666; 38 Supp. 299.

Cited, Surrogate—Jurisdiction.

8 App. Div. 353; (75 St. Rep. 178; 40 Supp. 799).

Baldwin v. Sullivan Timber Co., 142

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Baldwin v. U. S. Telegraph Co., 45

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Cited, Telegraphs—Messages—Conditions.

6 Misc. 224; (56 St. Rep. 530; 26 Supp. 534).

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74 St. Rep. 315; (38 Supp. 60).

Baldwin v. Thibadeau, 43 St. Rep. 157;

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Cited, Dispossession—Rent.

19 Misc. 605; (78 St. Rep. 402; 44 Supp. 402).

Baldwin v. Van Deusen, 37 N. Y. 487.

Cited, Sale—Express Warranty—Exclusion of Implied.

72 Hun, 260; (55 St. Rep. 334; 25 Supp. 574).

Baldwin v. Von Micheroux, 5 Misc.

386; 25 Supp. 857.

Affirmed, 83 Hun, 43; 64 St. Rep. 382; 31 Supp. 696.

Cited, Invention of Employee.

D. 4 App. Div. 579; (74 St. Rep. 830; 38 Supp. 1018).

Baldwin v. Von Micheroux, 83 Hun,

43; 64 St. Rep. 382; 31 Supp. 696.

Baldwin's Bank of Penn Yan v.

Butler, 133 N. Y. 564; 44 St. Rep. 75.

Cited, Appeal—Exceptions.

144 N. Y. 333; (63 St. Rep. 691). 150 N. Y. 400; (3 Ann. Cas. 266). 19 Misc. 9; (76 St. Rep. 911; 42 Supp. 911).

Balen v. Jacquelin, 67 Hun, 311; 51 St.

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Baley v. Homestead F. Ins. Co., 80

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Cited, Insurance—Forfeiture.

77 Hun, 424; (60 St. Rep. 44; 28 Supp. 798).

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15 Misc. 193; (72 St. Rep. 234; 36 Supp. 899).

Insurance—Transfer of Interest.

78 Hun, 115; (60 St. Rep. 804; 29 Supp. 253). 149 N. Y. 387.

Balheimer v. Reichardt, 55 How. 414.

Cited, Brokers—Double Commissions.

6 Misc. 374; (56 St. Rep. 404; 26 Supp. 758).

Ball, Matter of, 11 Misc. 433; 67 St. Rep.

419; 33 Supp. 418.

Ball v. Dickson. (See *Ball v. Dixon*).**Ball v. Dixon**, 83 Hun, 344; 64 St. Rep.

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Duplicate Citations in Parenthesis.

Ball v. Evening Post Pub. Co., 38 Hun, 11.

Cited, Pleading—Answer—Libel—Justification—Evidence.

79 Hun, 570; (61 St. Rep. 538; 29 Supp. 922). 16 App. Div. 88; (78 St. Rep. 1074; 44 Supp. 1074).

Pleading—Bill of Particulars—Office of. 49 St. Rep. 11; (20 Supp. 970). 75 Hun, 286; (58 St. Rep. 200; 26 Supp. 1007).

Pleading—Bill of Particulars—Disclosure of Evidence.

66 Hun, 40; (49 St. Rep. 503; 20 Supp. 750). 2 Misc. 112; (49 St. Rep. 347; 20 Supp. 870). 2 Misc. 502; (51 St. Rep. 87; 22 Supp. 886).

Ball v. Evening Post Pub. Co., 12 Civ. Pro. 4; 5 St. Rep. 299.

Cited, Examination Before Trial—Intention to Use.

10 Misc. 477; (65 St. Rep. 259; 32 Supp. 180; 24 Civ. Pro. 278; 1 Ann. Cas. 170). 16 App. Div. 318; (78 St. Rep. 626; 44 Supp. 626).

Deposition—Privilege.

88 Hun, 311; (68 St. Rep. 569; 34 Supp. 751).

Ball v. Evening Post Pub. Co., 48 Hun, 149.

Cited, Bill of Particulars.

78 St. Rep. 80; (44 Supp. 80).

Ball v. Liney, 48 N. Y. 6.

Cited, Adverse Claimants—Interpleader. 139 N. Y. 239; (54 St. Rep. 550).

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2 Misc. 244; (51 St. Rep. 423; 21 Supp. 1006).

Warehousemen—Delivery to Other Than Bailor.

6 Misc. 232; (56 St. Rep. 538; 26 Supp. 544).

Ball v. Livonia Salt & M. Co., 8 Misc. 333; 59 St. Rep. 236; 28 Supp. 537.

Ball v. Miller, 17 How. 300.

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15 Misc. 535; (74 St. Rep. 298; 37 Supp. 1128; 25 Civ. Pro. 319).

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Ball v. Shell, 21 Wend. 222.

Cited, Sale—Fraud—Bona fide Purchasers of Vendee.

11 Misc. 79; (59 St. Rep. 473; 29 Supp. 595; 31 App. N. C. 403).

Ball v. Stover, 82 Hun, 460; 64 St. Rep. 486; 31 Supp. 781.

Ball Electric L. Co. v. Sanderson Bros., 38 St. Rep. 640; 14 Supp. 429.

Cited, Contrast—Substantial Compliance—Recovery—Deductions.

9 Misc. 479; (61 St. Rep. 103; 30 Supp. 241).

Ballard v. Beveridge, 6 App. Div. 349; 39 Supp. 566.

Ballard v. Burgett, 40 N. Y. 314.

Cited, Execution—Leviable Interest—Conditional Sale.

6 Misc. 237; (27 Supp. 82).

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75 Hun, 411; (56 St. Rep. 775; 27 Supp. 104). 8 App. Div. 570; (75 St. Rep. 323; 40 Supp. 927). 11 App. Div. 304; 76 St. Rep. 931; 42 Supp. 931). 15 App. Div. 44; (78 St. Rep. 118; 44 Supp. 118).

Ballard v. Burrowes, 2 Robt. 206.

Cited, Writ and Process—Service—Waiver of Defects—Disclaimer.

138 N. Y. 270; (52 St. Rep. 347).

Ballard v. Hitchcock Mfg. Co., 51 Hun, 188; 21 St. Rep. 548; 4 Supp. 940.

Cited, Master and Servant—Apparent Risks.

11 Misc. 6; (63 St. Rep. 463; 31 Supp. 835).

Ballard v. Hitchcock Mfg. Co., 71 Hun, 582; 55 St. Rep. 110; 24 Supp. 1101.

Affirmed, 145 N. Y. 619.

Master and Servant—Inspection and Repairs.

12 App. Div. 559; (76 St. Rep. 190; 42 Supp. 190). 16 Misc. 223; (73 St. Rep. 293; 37 Supp. 596). 11 App. Div. 454; (76 St. Rep. 345; 42 Supp. 345).

Ballard v. Walker, 3 Johns. Cas. 60.

Cited, Action—Signature—Mutuality.

19 Misc. 582; (77 St. Rep. 677; 43 Supp. 677).

Balleis, Matter of, 78 Hun, 275; 60 St. Rep. 792; 29 Supp. 261.

Affirmed, 144 N. Y. 132; 63 St. Rep. 27.

Balleis, Matter of, 144 N. Y. 132; 63 St. Rep. 27.

Balloton v. Seignett, 2 Abb. 121.

Cited, Injunction—Judicial Proceedings. 23 Civ. Pro. 222.

Ballou v. Manhattan Real Estate & Loan Co., 19 Misc. 698; (79 St. Rep. 10; 45 Supp. 10).

Ballou v. Orr, 14 Misc. 402; 70 St. Rep. 749; 35 Supp. 1040).

Duplicate Citations in Parenthesis.

- Ballou v. Parsons**, 55 N. Y. 673.
Cited, Stipulations—Enforcement.
 9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).
- Balmford v. Grand Lodge of A. O. U. W.**, 16 Misc. 4; 73 St. Rep. 239; 37 Supp. 645.
- Balmford v. Grand Lodge of A. O. U. W.**, 19 Misc. 1; 76 St. Rep. 881; 42 Supp. 881.
- Balogh v. Lyman**, 6 App. Div. 271; 39 Supp. 780.
- Baltimore & Ohio R. Co. v. Arthur**, 90 N. Y. 234.
Cited, Interpleader—Ignorance of Claimant's Rights.
 2 Misc. 444; (51 St. Rep. 566; 22 Supp. 188).
 Interpleader—Disputed Amount.
 89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 2 Ann. Cas. 223; 25 Civ. Pro. 292).
- Baltis v. Dobin**, 67 Barb. 507.
Cited, Real Party in Interest.
 7 App. Div. 586; (40 Supp. 307).
- Baltzen v. Nicolay**, 53 N. Y. 467.
Cited, Contracts—Statute of Frauds.
 72 Hun, 116; (55 St. Rep. 539; 25 Supp. 307; 30 Abb. N. C. 440).
 Agency—Implied Warranty of Authority.
 92 Hun, 401; (71 St. Rep. 575; 36 Supp. 660). 19 Misc. 192.
- Balz v. Shaw**, 11 Misc. 444; 65 St. Rep. 418; 32 Supp. 220.
Affirmed, 13 Misc. 181; 67 St. Rep. 861; 34 Supp. 5.
- Balz v. Shaw**, 11 Misc. 643; 66 St. Rep. 174; 32 Supp. 791.
- Balz v. Shaw**, 13 Misc. 181; 67 St. Rep. 861; 34 Supp. 5.
 Appeal—Issues Outside Pleadings.
 18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).
- Balz v. Underhill**, 19 Misc. 215; 78 St. Rep. 419; 44 Supp. 419.
- Bamberger v. Fillebrown**, 12 Misc. 328; 67 St. Rep. 321; 33 Supp. 614.
- Bamberger v. Fire Ass'n of N. Y.**, 32 St. Rep. 117; 10 Supp. 229.
Cited, Reference—What Issues Referable.
 52 St. Rep. 934; (25 Supp. 1128).
- Bame v. Seykora**, 77 Hun, 529; 60 St. Rep. 271; 28 Supp. 930.
- Bamman v. Binzen**, 16 Supp. 342.
Cited, Contracts—Validity—Indefiniteness.
 70 Hun, 581; (53 St. Rep. 882; 24 Supp. 307).
- Bamman v. Binzen**, 142 N. Y. 636; 60 St. Rep. 865.
Affirming, 65 Hun, 39; 47 St. Rep. 67; 19 Supp. 627.
- Bancroft v. Newburgh, City of**, 51 St. Rep. 408; 22 Supp. 38.
- Bang v. Dovey**, 11 Misc. 50; 65 St. Rep. 301; 32 Supp. 154.
- Bangs v. Duckinfield**, 18 N. Y. 592.
Cited, Courts—Jurisdiction.
 24 Supp. 682. 67 Hun, 306; (50 St. Rep. 897; 22 Supp. 314).
 Irregularity—Appointment of Guardian—Effect.
 83 Hun, 423; (64 St. Rep. 747; 31 Supp. 952).
 Receiver—Powers.
 10 Misc. 686; (65 St. Rep. 95; 31 Supp. 1001; 1 Ann. Cas. 337).
- Bangs v. Mosher**, 23 Barb. 478.
Cited, Note—Implied Extension of Time.
 9 App. Div. 322; (75 St. Rep. 747; 41 Supp. 332).
 Consideration.
 9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).
- Bangs v. National Macaroni Co.**, 15 App. Div. 522.
- Bangs v. Strong**, 7 Hill, 250.
Cited, Principal and Surety—Discharge of Surety by Change of Principal's Obligation.
 137 N. Y. 315; (50 St. Rep. 653).
- Bangs v. Strong**, 4 N. Y. 315.
Cited, Res Adjudicata.
 81 Hun, 458; (63 St. Rep. 618; 31 Supp. 216).
- Bauham v. Roberts**, 78 Hun, 246; 59 St. Rep. 877; 28 Supp. 828.
- Bank for Savings v. Webster**, 1 N. Y. Law Bul. 70.
Cited, Surety—Alteration of Contract.
 15 Misc. 543; (74 St. Rep. 562; 38 Supp. 109).
- Bank of Albion v. Burns**, 46 N. Y. 170.
Cited, Agency.
 9 Misc. 639; (62 St. Rep. 109; 30 Supp. 355).
 Bills and Notes—Extension.
 9 App. Div. 328; (75 St. Rep. 759; 41 Supp. 342).
- Bank of Albion v. Smith**, 27 Barb. 489.
Cited, Evidence—Parol—Conditions Precedent.
 7 Misc. 154; (57 St. Rep. 501; 27 Supp. 365).

*Duplicate Citations in Parenthesis.***Bank of Attica v. Manufacturers & T. Bank**, 20 N. Y. 501.*Cited*, Banks—Transfer of Stock—Restraint.

78 Hun, 95; (60 St. Rep. 513; 28 Supp. 1104).

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3 Misc. 70; (61 St. Rep. 775; 22 Supp. 698).

Bank of Attica v. Pottier & Stymus Mfg. Co., 17 St. Rep. 327; 1 Supp. 483.*Cited*, Trial—Question of Law.

69 Hun, 540; (53 St. Rep. 290; 23 Supp. 1092).

Corporations—Officers—Authority.

82 Hun, 543; (64 St. Rep. 203; 31 Supp. 523).

Bank of Auburn v. Putnam, 1 Abb. Ct. App. Dec. 80.*Cited*, Principal and Agent—Authority—Inference of From Course of Dealing.

1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679).

Bank of Auburn v. Roberts, 44 N. Y. 192.*Cited*, Eminent Domain—Ownership of Award—Mortgage.

3 Misc. 33; (50 St. Rep. 573; 21 Supp. 779). 142 N. Y. 313; (59 St. Rep. 3).

Bank of Batavia v. N. Y. L. E. & W. R. Co., 33 Hun, 589.*Cited*, Corporations—Officers—Authority.

87 Hun, 518; (68 St. Rep. 642; 34 Supp. 579). 88 Hun, 47; (68 St. Rep. 501; 34 Supp. 494).

Bank of Batavia v. N. Y. L. E. & W. R. Co., 106 N. Y. 195; 8 St. Rep. 209; 26 Week. Dig. 501.*Cited*, Corporations—Transfer of Stock—Representations by Officer as to Genuineness of Stock.

137 N. Y. 242; (50 St. Rep. 716).

Estoppel.

70 Hun, 528; (54 St. Rep. 51; 24 Supp. 396). 148 N. Y. 621.

Corporations—Officers—Authority.

143 N. Y. 563; (62 St. Rep. 778). 87 Hun, 518; (68 St. Rep. 642; 34 Supp. 579). 88 Hun, 47; (68 St. Rep. 501; 34 Supp. 494).

Bank of Beloit v. Beale, 34 N. Y. 473.*Cited*, Action—Choice of Remedies—Effect.

80 Hun, 237; (61 St. Rep. 648; 29 Supp. 1049). 87 Hun, 126; (67 St. Rep. 443; 33 Supp. 799).

Bank of British North America v. Delafield, 126 N. Y. 410; 37 St. Rep. 864.*Cited*, Estoppel—Admission—Failure to Reply to Letter.

141 N. Y. 510; (57 St. Rep. 593). 8 Misc. 220; (59 St. Rep. 235; 28 Supp. 583).

Accounting—Partnership.

82 Hun, 61; (63 St. Rep. 374; 31 Supp. 74). 16 Misc. 68; (73 St. Rep. 267; 37 Supp. 686).

Loan—Implication—Repayment.

13 App. Div. 145; (77 St. Rep. 381, 382; 43 Supp. 381, 382).

Bank of British North America v. Delafield, 80 Hun, 564; (62 St. Rep. 534; 30 Supp. 600).*Affirmed*, 152 N. Y. 624.**Bank of Buffalo v. Thompson**, 121 N. Y. 230; (30 St. Rep. 985).*Cited*, Mortgage—Continuing Security—Endorsement.

53 St. Rep. 655; (25 Supp. 233). 17 Misc. 531; (40 Supp. 875).

Bank of California v. Webb, 94 N. Y. 467.*Cited*, Payment—Application.

74 Hun, 178; (56 St. Rep. 355; 26 Supp. 620). 136 N. Y. 201; (49 St. Rep. 111). 14 Misc. 233; (70 St. Rep. 256; 35 Supp. 835).

Bank of Chenango v. Brown, 26 N. Y. 467.*Cited*, Legislature—Extent of Powers.

139 N. Y. 42; (54 St. Rep. 436). 152 N. Y. 75. 5 Misc. 582; (56 St. Rep. 279; 26 Supp. 169). 8 App. Div. 256; (75 St. Rep. 21; 40 Supp. 625).

Bank of Clarke County v. Gilman, 81 Hun, 486; 63 St. Rep. 299; 30 Supp. 1111.*Affirmed*, 152 N. Y. 634.*Cited*, Collections—Sub-agency.

11 Misc. 288; (65 St. Rep. 445; 32 Supp. 270).

Bank of Commerce v. Michel, 1 Sandf. 687.*Cited*, Stipulation of Prospective Testimony.

13 Misc. 12; (67 St. Rep. 877; 33 Supp. 1008).

Bank of Commerce v. Rutland & W. R. Co., 10 How. 1.*Cited*, Contracts—Breach—Place of Performance—Right of Action.

8 Misc. 295; (59 St. Rep. 211; 28 Supp. 574; 31 Abb. N. C. 442).

Action—Foreign Corporations.

12 Misc. 232; (67 St. Rep. 786; 33 Supp. 1082).

Bank of Commerce v. Union Bank, 3 N. Y. 230.*Cited*, Bills and Notes—Forgery—Recovery by Payer from Payee—Negligence.

Duplicate Citations in Parenthesis.

6 Misc. 62; (56 St. Rep. 602; 26 Supp. 887). 76 Hun, 480; (59 St. Rep. 362; 27 Supp. 1073).

Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030).

Bank of Commonwealth v. New York, 43 N. Y. 184.

Cited, Taxes—Unlawful Assessment—Recovery of Tax Paid.

74 Hun, 429; (57 St. Rep. 210; 26 Supp. 591). 7 App. Div. 153; (14 Misc. 150; 70 St. Rep. 367; 35 Supp. 860). 144 N. Y. 496; 64 St. Rep. 66).

Bank of Cooperstown v. Woods, 28 N. Y. 545.

Cited, Variance.

10 Misc. 170; (62 St. Rep. 506; 30 Supp. 1046).

Bank of Genesee v. Patchin Bank, 13 N. Y. 309.

Cited, Banks—Powers—Endorsement.

90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Agency—Corporate Liability.

85 Hun, 496; (67 St. Rep. 241; 33 Supp. 409).

Bank of Genesee v. Patchin Bank, 19 N. Y. 312.

Cited, Bills and Notes—Agency—Knowledge.

139 N. Y. 312; (54 St. Rep. 593).

Bills and Notes—Made by Public Agent—Personal Liability.

66 Hun, 143; 48 St. Rep. 873; 20 Supp. 972). 85 Hun, 496; (67 St. Rep. 241; 33 Supp. 409).

Bank of Genesee v. Spencer, 15 How. 14.

Orders—Ex parte—Mode of Reviewing.

D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp. 352).

Bank of Hamilton v. Klock, 73 Hun, 304; 57 St. Rep. 277; 26 Supp. 259.

Bank of Havana v. Magee, 20 N. Y. 355.

Cited, Misnomer—Amendment.

81 Hun, 195; (62 St. Rep. 706; 30 Supp. 762). 82 Hun, 578; (64 St. Rep. 369; 31 Supp. 739; 24 Civ. Pro. 177; 1 Ann. Cas. 33) D. 92 Hun, 431; (72 St. Rep. 108; 36 Supp. 1006).

Bank of Kinderhook v. Gifford, 40 Barb. 659.

Cited, Judgment—Opening Default

67 Hun, 517; (51 St. Rep. 97; 22 Supp. 522; 23 Civ. Pro. 139).

Bank of Lansingburgh v. Crary, 1 Barb. 542).

Cited, Chattel Mortgage—Of Property in Expectancy—When Lien Attaches.

142 N. Y. 577; (60 St. Rep. 286).

Bank of Louisville v. Ellery, 34 Barb. 630.

Cited, Draft—Discount Before Acceptance.

16 Misc. 438; (40 Supp. 389).

Bank of Lowville v. Edwards, 11 How. 216.

Cited, Demurrer—Capacity to Sue—Attacking Cause of Action.

18 Misc. 427; (75 St. Rep. 1419; 41 Supp. 1059). 20 Misc. 195; (79 St. Rep. 747; 45 Supp. 747).

Bank of Metropolis v. Faber, 1 App. Div. 341; 72 St. Rep. 673; 37 Supp. 423.

Affirmed, 150 N. Y. 200.

Followed, 72 St. Rep. 678; (37 Supp. 427).

Cited, Statutes—Repeal.

150 N. Y. 206. 18 Misc. 620; (77 St. Rep. 674; 43 Supp. 674).

Bank of Metropolis v. Faber, 150 N. Y. 200.

Cited, Statutes—Repeal.

18 Misc. 620; (77 St. Rep. 674; 43 Supp. 674).

Bank of Metropolis v. Lissner, 6 App. Div. 378; 74 St. Rep. 764; 40 Supp. 201.

Bank of Metropolis v. Lissner, 6 App. Div. 379; 39 Supp. 638.

Bank of Mobile v. Phoenix Ins. Co., 8 Civ. Pro. 212.

Cited, Costs—Extra Allowance—Only One Granted.

54 St. Rep. 323; (24 Supp. 486; 30 Abb. N. C. 281).

Bank of Monroe v. Culver, 2 Hill, 531.

Cited, Evidence—Memoranda.

150 N. Y. 392.

Bank of Montreal v. Recknagel, 109 N. Y. 482; 16 St. Rep. 398.

Cited, Contract—Conditions to be Performed—Materiality.

139 N. Y. 357; (54 St. Rep. 615).

Contracts—Construction—Circumstances. 2 Misc. 567; (49 St. Rep. 621; 21 Supp. 453). 16 App. Div. 120; (79 St. Rep. 130; 45 Supp. 130).

Bank of N. Y. National Banking Association v. American Dock & Trust Co., 70 Hun, 152; 53 St. Rep. 905; 24 Supp. 406.

Duplicate Citations in Parenthesis.

Affirmed, 143 N. Y. 559; 62 St. Rep. 776.
Cited, Corporations—Officers—Personal Interest—Notice.

74 Hun, 490; (57 St. Rep. 56; 26 Supp. 489).
 75 Hun, 57; (36 St. Rep. 863; 26 Supp. 1056).
 D. 75 Hun, 62, 63; (56 St. Rep. 867, 868; 26 Supp. 1060).

Bank of N. Y. National Banking Ass'n v. American D. & T. Co., 143 N. Y. 559; 62 St. Rep. 776.

Cited, Corporate Officer—Personal Dealings—Notice—Bona Fides.

87 Hun, 518; (68 St. Rep. 642; 34 Supp. 579). 6 App. Div. 68; (39 Supp. 627). 14 App. Div. 455; (77 St. Rep. 1030; 43 Supp. 1030). 77 St. Rep. 155; (43 Supp. 155). 149 N. Y. 178. 150 N. Y. 67.

Warehouse Certificate—Negotiability.

148 N. Y. 619.

Bank of N. Y. State v. Vanderhorst, 32 N. Y. 553.

Cited, Contracts—Termination—Death of Party.

4 Misc. 102; (53 St. Rep. 133; 30 Abb. N. C. 302; 23 Supp. 1012).

Bills and Notes—Accommodation—Bona Fide Holders—Diversion.

74 Hun, 447; (57 St. Rep. 185; 26 Supp. 823). 6 Misc. 83; (55 St. Rep. 395; 26 Supp. 27).

Pledge—Rights of Pledgee.

8 App. Div. 91; (74 St. Rep. 858; 40 Supp. 412).

Bank of Niagara, Matter of, 6 Paige 213.

Cited, Assignment for Creditors—Compensation of Assignee.

66 Hun, 154; (49 St. Rep. 156; 21 Supp. 211).

Bank of Niagara v. Johnson, 8 Wend. 645.

Cited, Corporations—Rights and Franchises.

5 App. Div. 7; (38 Supp. 1118).

Bank of Orleans v. Merrill, 2 Hill, 295.

Cited, Certificate of Deposit—Negotiability.

9 App. Div. 368; (41 Supp. 401).

Bank of Orleans v. Skinner, 9 Paige 305.

Cited, Affidavit—Information and Belief. 19 Misc. 670; (78 St. Rep. 1105; 44 Supp. 1105).

Bank of Orleans v. Torrey, 7 Hill, 260.

Cited, Trustees—Inconsistent Attitude.

14 Misc. 94; (69 St. Rep. 589; 35 Supp. 273).
 14 App. Div. 534; (78 St. Rep. 135; 44 Supp. 1281).

Bank of Oswego v. Doyle, 91 N. Y. 32.

Cited, Warehousemen—Liability—Mistake in Delivery.

6 Misc. 231; (56 St. Rep. 537; 26 Supp. 543).

Bank of Port Jefferson v. Darling,

91 Hun, 236; 72 St. Rep. 54; 36 Supp. 153.

Cited, Notice of Protest.

7 App. Div. 417; (74 St. Rep. 764; 40 Supp. 200).

Bank of Poughkeepsie v. Ibbotson, 24 Wend. 473.

Cited, Action—Parties—Resort to Trustees for Corporate Debts.

72 Hun, 330; (55 St. Rep. 198; 25 Supp. 429).

Corporation—Stockholders—Primary Liability for Debts.

2 Misc. 395; (51 St. Rep. 123; 21 Supp. 948).

Bank of Rochester v. Jones, 4 N. Y. 497.

Cited, Consignment—Bill of Lading—Transfer—Title.

85 Hun, 165; (66 St. Rep. 115; 32 Supp. 606). 89 Hun, 200; (69 St. Rep. 101; 34 Supp. 1020).

Bank of Rome v. Curtiss, 1 Hill, 275.

Cited, Execution—Duty and Liability of Executing Officer—Failure to Return—Defenses.

24 Supp. 820.

Bank of Rome v. Rome, 18 N. Y. 38.

Cited, Constitutionality—Statutes—Referendum to Municipality.

8 App. Div. 256; (75 St. Rep. 21; 40 Supp. 625).

Bank of Rome v. Rome, 19 N. Y. 20.

Cited, Bonds—Negotiability—Seal.

149 N. Y. 535.

Bank of Silver Creek v. Talcott, 22 Barb. 550.

Cited, Assignment for Creditors—Inventory—Error In—Effect.

80 Hun, 63; (61 St. Rep. 555; 29 Supp. 877).

Bank of Syracuse v. Hollister, 17 N. Y. 46.

Cited, Bills and Notes—Presentment.

1 App. Div. 28; (72 St. Rep. 66; 36 Supp. 963).

Bank of Toledo v. International Bank, 121 N. Y. 542.

Cited, Corporations—Irregularity in Incorporation—Availability.

4 Misc. 174; (53 St. Rep. 216; 23 Supp. 676). 140 N. Y. 584; (56 St. Rep. 437).

*Duplicate Citations in Parenthesis.***Bank of U. S. v. Davis**, 2 Hill, 451.*Cited*, Principal and Agent—Notice.77 Hun, 56; (59 St. Rep. 429; 28 Supp. 247).
D. 77 Hun, 61; (59 St. Rep. 432; 28 Supp. 250). 139 N. Y. 313; (54 St. Rep. 593). 149 N. Y. 518. 16 Misc. 87; (73 St. Rep. 253; 37 Supp. 672). 16 Misc. 532; (73 St. Rep. 597; 38 Supp. 507).**Bank of U. S. v. Housman**, 6 Paige, 526.*Cited*, Estoppel—Deed.

135 N. Y. 335; (48 St. Rep. 250).

Bank of Utica v. Ives, 17 Wend. 501.*Cited*, New Trial—Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 23 Supp. 699).

Bank of Utica v. Mersereau, 3 Barb. Ch. 528.*Cited*, Confidential Communication—Attorneys.

72 Hun, 497; (51 St. Rep. 773; 25 Supp. 269). 77 Hun, 574; (60 St. Rep. 517; 28 Supp. 1037).

Bank of Utica v. Smalley, 2 Cow. 770.*Cited*, Banks—Lien on Stock for Loans—Transfer.

78 Hun, 94; (60 St. Rep. 512; 28 Supp. 1102).

Stock Transfer—Transferor as Trustee for Transferee.

16 App. Div. 604; (78 St. Rep. 971; 44 Supp. 971).

Bank of Utica v. Smedes, 3 Cow. 662.*Cited*, Statutes—Public or Private.

11 Misc. 647; (67 St. Rep. 291; 33 Supp. 547; 24 Civ. Pro. 309).

Banker v. Knibloe, 69 Hun, 559; 53 St.

Rep. 289; 23 Supp. 1091.

Cited, Appeal—Request for Direction of Verdict—Effect.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 794).

Banks v. American Tract Society, 4 Sandf. Ch. 438.

10 App. Div. 48; (79 St. Rep. 1139; 41 Supp.

745).

Banks v. Beale, 34 N. Y. 473.*Cited*, Sale—Fraud—Election,

87 Hun, 127; (67 St. Rep. 444; 33 Supp. 800).

Banks v. Carter, 7 Daly, 417.*Cited*, Appeal—Reargument.

2 Misc. 63; (49 St. Rep. 350; 20 Supp. 845).

Banks v. Metcalfe, 1 Wheeler Cr. 381.*Cited*, Evidence—Age of Witness.

59 St. Rep. 516; (29 Supp. 1123).

Banks v. New York Club, 68 Hun, 92, 52 St. Rep. 245; 22 Supp. 727.*Affirmed*, 142 N. Y. 673; 60 St. Rep. 871.**Banks v. Phelan**, 4 Barb. 80.*Cited*, Wills—Validity—Misnomer of Beneficiaries.

3 Misc. 435; (23 Supp. 743).

Banks v. Van Antwerp, 5 Abb. 411.*Cited*, Pleading—Usury.

67 St. Rep. 836; (34 Supp. 35).

Bannatyne v. Florence Milling & M. Co., 77 Hun, 289; 59 St. Rep. 753; 28 Supp. 334.*Cited*, Pleading—Statute of Frauds.

89 Hun, 571; (70 St. Rep. 115; 35 Supp. 548).

Bannen v. McCahill, 30 St. Rep. 305; 8 Supp. 916.*Cited*, Agency—Husband and Wife.

87 Hun, 2; (67 St. Rep. 509; 33 Supp. 763).

Bannon v. Levy, 20 Misc. 581.**Bannon v. McGrane**, 45 Super. 517.*Cited*, Appeal—Review of Order for New Trial.

72 Hun, 428; (55 St. Rep. 174; 25 Supp. 155).

77 Hun, 396; 60 St. Rep. 420; 28 Supp. 882).

9. Misc. 69; (59 St. Rep. 691; 29 Supp. 12). 82

Hun, 47; (63 St. Rep. 484; 31 Supp. 163).

Banta v. Haggiteris, 135 N. Y. 636; 48 St. Rep. 930.**Banta v. Marcellus**, 2 Barb. 373.*Cited*, Action—Discontinuance.

10 Misc. 305; (63 St. Rep. 175; 30 Supp. 947; 24 Civ. Pro. 105).

Bantleon v. Meier. See Bantleon v. Meier.**Bantleon v. Meier**, 81 Hun, 162; 62 St. Rep. 662; 30 Supp. 706.*Cited*, New Trial—Motion—Case.

11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231). 4 App. Div. 615; 38 Supp. 845). 5 App. Div. 38; (39 Supp. 72).

Banyer v. Empie, 5 Hill, 48.*Cited*, Pleading—Complaint—Ejectment.

67 Hun, 106; (51 St. Rep. 551; 22 Supp. 21).

Ejectment—Claim of Title.

151 N. Y. 496.

Ejectment—Parties—Occupant.

81 Hun, 240; (62 St. Rep. 665; 30 Supp. 709).

Banzer v. Banzer, 10 Misc. 24; 62 St. Rep. 265; 30 Supp. 803.*Affirmed*, 11 Misc. 310; 65 St. Rep. 432; 32 Supp. 266.**Banzer v. Banzer**, 11 Misc. 310; 65 St. Rep. 432; 32 Supp. 266.

Duplicate Citations in Parenthesis.

Barber, Matter of, 92 Hun, 489; 72 St. Rep. 771; 37 Supp. 235.

Barber v. Bennett, 4 Sandf. 705.

Cited, Pleading—Striking Out—When Motion to be Made.

68 Hun, 383; (51 St. Rep. 898; 22 Supp. 814).

Barber v. Cary, 11 N. Y. 397.

Cited, Real Property—Estates in—Vesting of Fee.

9 Misc. 644; (62 St. Rep. 221; 30 Supp. 435).

Powers—Consent of Third Person—Death Before Execution.

14 App. Div. 88; (77 St. Rep. 445; 43 Supp. 445).

Barber v. Case, 12 How. 351.

Cited, Attorneys—Compensation—Reference.

12 Misc. 43, 44; (66 St. Rep. 534; 33 Supp. 35).

Barber v. Cromwell, 10 How. 351.

Cited, Reference—Long Account—Presumption as to Difficult Questions of Law.

2 Misc. 87; (49 St. Rep. 124; 20 Supp. 875).

Barber v. Gray, 3 Misc. 146; 51 St. Rep. 493; 23 Supp. 313.

Affirmed, 3 Misc. 637; 52 St. Rep. 937; 23 Supp. 1156.

Cited, 12 Misc. 34; (66 St. Rep. 619; 33 Supp. 89).

Barber v. Gray, 4 Misc. 193; 53 St. Rep. 486; 23 Supp. 1026.

Cited, 12 Misc. 34; (66 St. Rep. 691; 33 Supp. 89).

Barber v. Harris, 15 Wend. 615.

Cited, Tenancy by Entirety—Control Over by Husband.

67 Hun, 232; (50 St. Rep. 780; 22 Supp. 797; 1 Ann. Cas. 126). 144 N. Y. 313; (63 St. Rep. 708).

Barber v. Harrison, 6 City Hall Rec. 89.

Cited, Boarding House—Liability for Loss of Boarder's Goods.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 832).

Barber v. Kendall, 1 App. Div. 247; 72 St. Rep. 623; 37 Supp. 141.

Barber v. Ketchum, 7 Hill, 444.

Cited, Usury.

67 St. Rep. 836; (34 Supp. 35).

Protest—Notary's Certificate.

10 Misc. 344; (68 St. Rep. 419; 31 Supp. 30; 24 Civ. Pro. 183).

Barber v. New Scotland, 88 Hun, 522; 69 St. Rep. 31; 34 Supp. 968.

Barber v. Palmer, 70 Hun, 498; 53 St. Rep. 753; 24 Supp. 451.

Barber v. People, 17 Hun, 366.

Cited, Indictment—False Pretenses.

80 Hun, 133; (61 St. Rep. 785; 30 Supp. 55).

Barber v. Rutherford, 10 Misc. 784; 63 St. Rep. 868; 30 Supp. 1129.

Affirmed, 12 Misc. 33; 66 St. Rep. 690; 33 Supp. 89.

Cited, 12 Misc. 35; (33 Supp. 90).

Barber v. Rutherford, 12 Misc. 33; 66 St. Rep. 690; 33 Supp. 89.

Barber v. Stettheimer, 13 Hun, 198.

Cited, Appeal—Justice's Court—Return.

70 Hun, 52; (53 St. Rep. 505; 23 Supp. 1095). 80 Hun, 34; (61 St. Rep. 620; 29 Supp. 869).

Barber v. Winslow, 12 Wend. 102.

Cited, Appeal—Reversal—Presumption.

147 N. Y. 663; (71 St. Rep. 268).

Barber Asphalt-Paving Co. v. N. Y. Post Graduate Medical School and Hospital, 15 App. Div. 417; 78 St. Rep. 457; 44 Supp. 457.

Barbig v. Kick, 70 St. Rep. 470; 35 Supp. 676; 25 Civ. Pro. 237; 25 Civ. Pro. 62.

Barbour v. DeForest, 95 N. Y. 13.

Cited, Wills—Construction—Gift of Income—Accumulation.

75 Hun, 159; (58 St. Rep. 183; 26 Supp. 1089). 82 Hun, 606; (64 St. Rep. 353; 31 Supp. 766). 13 Misc. 349; (68 St. Rep. 519; 34 Supp. 563).

Barclay v. Culver, 30 Hun, 1.

Cited, Corporations—Capital Stock—Surplus Taxation.

78 Hun, 67; (60 St. Rep. 665; 29 Supp. 94).

Bard v. Poole, 12 N. Y. 495.

Cited, Corporations—Foreign—Right to do Business

3 Misc. 59; (51 St. Rep. 863; 22 Supp. 543). 140 N. Y. 590; (56 St. Rep. 441). 12 Misc. 232; (67 St. Rep. 786; 33 Supp. 1082).

Bardin v. Stevenson, 75 N. Y. 164.

Cited, Trial—Reception of Improper Evidence.

141 N. Y. 69; (56 St. Rep. 599). 148 N. Y. 487.

Barhydt v. Ellis, 45 N. Y. 107.

Cited, Contracts—Construction—Entirety.

9 Misc. 502; (61 St. Rep. 116; 30 Supp. 219).

*Duplicate Citations in Parenthesis.***Barhyte v. Shepherd**, 35 N. Y. 238.

Cited, Taxes—Assessment—Review—Collateral Impeachment.

8 Misc. 13; (58 St. Rep. 308; 28 Supp. 81).

Taxes—Assessment—Exemption—Apportionment.

80 Hun, 125; (61 St. Rep. 803; 30 Supp. 61).

Taxes—Assessors—Judicial Acts.

16 Misc. 417; (73 St. Rep. 342; 38 Supp. 155).

Judicial Action—Constituents.

4 App. Div. 404; (39 Supp. 611).

Baring v. Waterbury, 10 App. Div. 1;

75 St. Rep. 1007; 41 Supp. 612.

Barker, Matter of, 4 Misc. 40; 24 Supp. 723.**Barker v. Baker**, 5 Cow. 267.

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88 Hun, 131; (68 St. Rep. 682; 34 Supp. 627).

Barker v. Bradley, 42 N. Y. 316.

Cited, Evidence—Parol as to Writings—Explanation.

73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262). 73 Hun, 381; (57 St. Rep. 291; 26 Supp. 264). 76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235).

Evidence—Parol to Vary Writing—Consideration of Sealed Instrument.

2 Misc. 378; (50 St. Rep. 596; 21 Supp. 1096).

Barker v. Bucklin, 2 Den. 45.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 85; (55 St. Rep. 396; 26 Supp. 39). 86 Hun, 26; (66 St. Rep. 771; 33 Supp. 146). 5 App. Div. 359; (39 Supp. 231).

Barker v. Cent. Pk., N. & E. R. Co., 151 N. Y. 237; 3 Ann. Cas. 313.

Affirming, 3 Misc. 635; 51 St. Rep. 945; 22 Supp. 1132.

Cited, Reasonableness of Rules—Question of Law.

14 App. Div. 496; (77 St. Rep. 1045; 43 Supp. 1045).

Barker v. Cunard Steamship Co., 91

Hun, 495; 70 St. Rep. 858; 36 Supp. 256;

25 Civ. Pro. 108.

Cited, Courts—Jurisdiction—Presumption.

19 Misc. 270; (78 St. Rep. 250; 44 Supp. 250).

Residence.

17 App. Div. 396; (79 St. Rep. 181; 45 Supp. 181).

Barker v. Fort Ann W. Co., 76 Hun, 610; 57 St. Rep. 316.**Barker v. Harbeck**, 17 St. Rep. 678; 2 Supp. 425.

Cited, Trusts—Deposit in Name of Another.

69 Hun, 283; (53 St. Rep. 374; 23 Supp. 575).

Barker v. Laney, 90 Hun, 108; 70 St. Rep. 391; 35 Supp. 626.**Barker v. Laney**, 7 App. Div. 352; 40 Supp. 66.**Barker v. Mathews**, 1 Den. 335.

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71 Hun, 574; (55 St. Rep. 122; 24 Supp. 994).

Barker v. Mechanic Fire Ins. Co. of N. Y., 3 Wend. 94.

Cited, Agency—Liability on Bills and Notes.

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Barker v. N. Y. C. & H. R. R. Co., 24 N. Y. 599.

Cited, Master and Servant—Appliances—Presumption.

1 Misc. 308; (48 St. Rep. 773; 20 Supp. 713).

Barker v. People, 3 Cow. 686.

Cited, Constitutionality—Office—Eligibility.

150 N. Y. 484, 502.

Barkley v. Rensselaer & S. R. Co., 71 N. Y. 205.

Cited, Agency—Revocation—Notice.

12 Misc. 139; (66 St. Rep. 739; 33 Supp. 82).

Barker v. Savage, 45 N. Y. 191.

Cited, Negligence—Street Crossings—Street Railway—Degree of Care.

5 Misc. 426; (26 Supp. 712). 7 App. Div. 257; (74 St. Rep. 709; 40 Supp. 150).

Barker v. Savage, 1 Sweeny, 288.

Cited, Witness—Credibility—Offenses and Discharges.

3 App. Div. 128; (39 Supp. 394).

Barker v. White, 3 Keyes, 617.

Cited, Costs—Executors—Equity—Reference.

56 St. Rep. 431; (26 Supp. 94).

Barkley v. Wilcox, 86 N. Y. 140.

Cited, Easement.

3 App. Div. 160; (73 St. Rep. 781; 38 Supp. 320). 79 St. Rep. 474; (45 Supp. 474).

Barlow, Matter of, 15 St. Rep. 721.

Cited, Executors—Conduct of Estate—Purchase of Trust Property by.

24 Supp. 135.

*Duplicate Citations in Parenthesis.***Barlow v. Myers**, 64 N. Y. 41.

Cited, Contract—For Benefit of Third Person—Availability.

4 Misc. 526; (54 St. Rep. 130; 24 Supp. 736). 6 Misc. 85; (55 St. Rep. 397; 26 Supp. 39). 72 Hun, 51; (55 St. Rep. 844; 25 Supp. 601).

Guaranty—Assignability—New Firm.

139 N. Y. 270; (54 St. Rep. 554). 19 Misc. 161.

Transfer of Debt—Collaterals.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 455).

Barlow v. St. Nicholas Nat. Bank, 63 N. Y. 399.

Cited, Taxes—Lien—Levy.

12 App. Div. 322; (76 St. Rep. 55; 42 Supp. 55). 10 App. Div. 587; (76 St. Rep. 67; 42 Supp. 67).

Damages, 83 Hun, 478; (65 St. Rep. 82; 31 Supp. 1052).

Barlow v. Scott, 24 N. Y. 40.

Cited, Contracts—Construction—Understanding.

4 Misc. 131; (53 St. Rep. 209; 23 Supp. 1018). 12 Misc. 85; (66 St. Rep. 518; 33 Supp. 18). 17 Misc. 144; (39 Supp. 345).

Specific Performance.

7 App. Div. 231; (74 St. Rep. 657; 40 Supp. 47).

Trial—Jury—Waiver—Equity Case.

69 Hun, 522; (52 St. Rep. 846).

Barnaman v. Williams, 18 Abb. 158.

Cited, Courts—Of Limited Jurisdiction—Powers.

2 Misc. 71; (49 St. Rep. 148; 20 Supp. 863; 23 Civ. Pro. 26).

Barnard v. Campbell, 55 N. Y. 456.

Cited, Estoppel—Equitable—Acts of Agents.

9 Misc. 639; (62 St. Rep. 110; 30 Supp. 355). 4 App. Div. 294; (39 Supp. 451).

Barnard v. Campbell, 58 N. Y. 73.

Cited, Sale—Fraud—Rescission—Reclaiming Property—Bona fide Purchaser.

77 Hun, 533; (60 St. Rep. 270; 28 Supp. 891). 145 N. Y. 560, 561; (65 St. Rep. 510, 511; 2 Ann. Cas. 6). 4 App. Div. 130; (74 St. Rep. 810; 38 Supp. 999).

Barnard v. Gantz, 69 Hun, 104; 52 St. Rep. 604; 23 Supp. 260.**Barnard v. Gantz**, 79 Hun, 413; 50 St. Rep. 674; 21 Supp. 349.

Affirmed, 140 N. Y. 249; 55 St. Rep. 541.

Barnard v. Gantz, 140 N. Y. 249; 55 St. Rep. 541.

Cited, 143 N. Y. 340; (62 St. Rep. 305).

Appeal—Weight of Evidence—Reversal.

80 Hun, 393; (62 St. Rep. 46; 30 Supp. 318). 80 Hun, 398; (62 St. Rep. 59; 30 Supp. 333). 144 N. Y. 117; (63 St. Rep. 19). 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 83 Hun, 152; (64 St. Rep. 137; 31 Supp. 583). 84 Hun, 423; (65 St. Rep. 693; 32 Supp. 419). 86 Hun, 423; (67 St. Rep. 179; 33 Supp. 523). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 668). 88 Hun, 340; (68 St. Rep. 545; 34 Supp. 727). 147 N. Y. 414; (70 St. Rep. 51). 3 App. Div. 179; (73 St. Rep. 623; 38 Supp. 468). 9 App. Div. 155; (75 St. Rep. 636; 41 Supp. 188). 11 App. Div. 561; (76 St. Rep. 592; 42 Supp. 592). 152 N. Y. 119. 152 N. Y. 168.

Confidential Relation—Unfair Transactions—Burden of Proof.

3 App. Div. 311; (73 St. Rep. 756; 38 Supp. 275). 12 App. Div. 186; (76 St. Rep. 841; 42 Supp. 841). 79 St. Rep. 1055; (45 Supp. 1055).

Barnard v. Hall, 143 N. Y. 339; 62 St. Rep. 305.

Cited, Costs.

83 Hun, 239; (64 St. Rep. 159; 31 Supp. 570).

Barnard v. Heydrick, 49 Barb. 62.

Cited, Name—Evidence.

18 Misc. 216; (75 St. Rep. 903; 41 Supp. 509).

Barnard v. Kobbe, 3 Daly, 373.

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Cited, Supplementary Proceedings—Property Claimed by Third Person.

2 Misc. 403; (50 St. Rep. 586; 21 Supp. 980).

Barnard v. Kobbe, 54 N. Y. 516.

Supplementary Proceedings—Property Claimed by Third Person.

3 App. Div. 569; (73 St. Rep. 720; 25 Civ. Pro. 322; 38 Supp. 226; 3 Ann. Cas. 37).

Barnard v. Monnot, 1 Abb. Ct. App.

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Cited, Brokers—Real Estate—Commission.

139 N. Y. 281; (54 St. Rep. 653). 4 Misc. 181; (53 St. Rep. 175; 23 Supp. 1003). 13 Misc. 501; (68 St. Rep. 405, 406; 34 Supp. 677).

Barnard v. Starkey, 61 St. Rep. 616; 29 Supp. 865.**Barnes, Matter of**, 140 N. Y. 468; 55 St. Rep. 790

Reversing, 4 Misc. 136; 53 St. Rep. 119; 23 Supp. 600.

Barnes, Matter of, 7 App. Div. 13; 40 Supp. 494.

*Duplicate Citations in Parenthesis.***Barnes v. Badger**, 41 Barb. 98.

Cited, Justice's Court—Time of Rendering Judgment—Waiver.

88 Hun, 563; (68 St. Rep. 786; 34 Supp. 848).

Barnes v. Barrow, 61 N. Y. 39.

Cited, Guaranty—Conditions—Performance.

8 Misc. 219; (59 St. Rep. 235; 28 Supp. 583).

Guaranty—Discharge—Departure.

69 Hun, 363; (52 St. Rep. 694; 23 Supp. 627). D. 15 App. Div. 188; (78 St. Rep. 496; 44 Supp. 496).

Barnes v. Blake, 59 Hun, 371; 36 St. Rep. 210; 13 Supp. 77.

Cited, Partition—Parties—Husbands of Owners.

66 Hun, 512; (50 St. Rep. 150; 21 Supp. 398).

Barnes v. Brown, 80 N. Y. 527.

Cited, Corporations—Contracts—Power of Majority.

90 Hun, 300; (70 St. Rep. 311; 35 Supp. 869). 92 Hun, 237; (71 St. Rep. 798; 36 Supp. 631). 5 App. Div. 345; (39 Supp. 325). 148 N. Y. 527.

Trust Relation—Betrayal.

17 Misc. 710; (40 Supp. 908).

Barnes v. Brown, 130 N. Y. 372; 42 St. Rep. 536.

Cited, Joint Obligation—Death of One Party—Action against Representative.

84 Hun, 355; (65 St. Rep. 467; 32 Supp. 310). 7 App. Div. 169; (74 St. Rep. 662; 40 Supp. 49).

Barnes v. Camack, 1 Barb. 392.

Cited, Equity—Preservation of Incumbrance.

18 Misc. 132; 40 Supp. 1076.

Barnes v. Levy, 29 Supp. 1076; 23 Civ. Pro. 253.**Barnes v. Light**, 116 N. Y. 34; 26 St. Rep. 654.

Cited, Trial—Question for Jury—Adverse Possession—Ejectment.

70 Hun, 461; (53 St. Rep. 713; 24 Supp. 346). 79 St. Rep. 732; 45 Supp. 732).

Adverse Possession—Sufficiency of Possession.

80 Hun, 289; (62 St. Rep. 38; 30 Supp. 168). 88 Hun, 195; (68 St. Rep. 623; 34 Supp. 660). 12 App. Div. 109; (76 St. Rep. 533; 42 Supp. 533).

Barnes v. Luther, 77 Hun, 234; 59 St. Rep. 760; 28 Supp. 400.**Barnes v. McAllister**, 18 How. 534.

Cited, Injunction—Contract—Secret Processes.

D. 4 App. Div. 581; (74 St. Rep. 831; 38 Supp. 1020).

Barnes v. Meyer, 75 St. Rep. 649; 41 Supp. 210; 25 Civ. Pro. 372.**Barnes v. Morgan**, 3 Hun, 703.

Cited, Supplementary Proceedings—Priority Obtained—Lien—Equitable Assets.

2 Misc. 406; (50 St. Rep. 588; 21 Supp. 982).

Supplementary Proceedings—Object and Nature.

143 N. Y. 571; (62 St. Rep. 782; 1 Ann. Cas. 23).

Barnes v. Mott, 64 N. Y. 397.

Cited, Mortgage—Foreclosure—Subrogation.

50 St. Rep. 545; (21 Supp. 834). 66 St. Rep. 838; (33 Supp. 210).

Barnes v. Newcomb, 89 N. Y. 108.

Cited, Corporation—Insolvency—Counsel Fees.

91 Hun, 389; (70 St. Rep. 823; 36 Supp. 249). 148 N. Y. 564.

Barnes v. New York, 27 Hun, 236.

Cited, Interpleader—Affidavit For—Sufficiency.

75 Hun, 46; (58 St. Rep. 180; 26 Supp. 993; 23 Civ. Pro. 303).

Eminent Domain—Mortgagee—Rights of.

142 N. Y. 313; (59 St. Rep. 3).

Barnes v. Ontario Bank, 19 N. Y. 152.

Cited, Corporations—Power to Borrow Money.

7 Misc. 111; (57 St. Rep. 487; 27 Supp. 388).

Barnes v. O'Reilly, 73 Hun, 169; 56 St. Rep. 120; 25 Supp. 906.**Barnes v. Perine**, 12 N. Y. 18.

Cited, Appeal—What First Raisable on—Variance.

75 Hun, 372; (57 St. Rep. 695; 27 Supp. 449).

Trial—Submission to Jury—Exception—Necessity.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726).

Subscription—Consideration.

8 App. Div. 567; (75 St. Rep. 307; 40 Supp. 914).

Barnes v. Quigley, 59 N. Y. 265.

Cited, Pleading—Complaint—Irrelevant Allegations.

70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257).

Fraud—Proof.

4 App. Div. 231; (74 St. Rep. 196; 38 Supp. 553). 145 N. Y. 617; (71 St. Rep. 368).

*Duplicate Citations in Parenthesis.***Barnes v. Roberts**, 5 Bosw. 73*Cited*, Brokers—Commission.

11 Misc. 377; (65 St. Rep. 425; 32 Supp. 243). 20 Misc. 560.

Barnes v. Ryan, 66 Hun, 170; 49 St. Rep. 152; 21 Supp. 127.*Cited*, Compromise—Consideration.

66 St. Rep. 419; (32 Supp. 1066).

Barnes v. Seligman, 55 Hun, 339; 29 St. Rep. 68; 8 Supp. 834.*Cited*, Pleading—Amendment—On Trial.

74 Hun, 376; (56 St. Rep. 329; 26 Supp. 616).

Joint Obligation—Death of One Party—Action Against Representative.

84 Hun, 355; (65 St. Rep. 467; 32 Supp. 310).

Barnes v. Seligman, 51 St. Rep. 376; 22 Supp. 45.**Barnes v. West**, 16 Hun, 68.*Cited*, Reference—Compulsory.

1 Misc. 381; (49 St. Rep. 122; 20 Supp. 868). 9 App. Div. 622; (75 St. Rep. 511; 41 Supp. 53).

Reference—Long Account—Possibility.

74 Hun, 161; (56 St. Rep. 300; 26 Supp. 652).

Barnes v. Wheaton, 80 Hun, 8; 61 St. Rep. 492; 29 Supp. 830.*Cited*, Corporations—Foreign—Stockholder's Liability—Where Enforceable.

84 Hun, 192; (65 St. Rep. 319; 32 Supp. 196). 87 Hun, 331, 334; (68 St. Rep. 385, 387; 34 Supp. 428, 430). 148 N. Y. 27.

Barnett v. McCree, 76 Hun, 610; 57 St. Rep. 456; 27 Supp. 820.**Barnett v. Moore**, 20 Misc. 518.**Barnett v. Scribner**, 78 Hun, 270; 60 St. Rep. 793; 29 Supp. 262.**Barnett v. Selling**, 70 N. Y. 492.*Cited*, Replevin—For Documents—Check.

2 Misc. 253; (50 St. Rep. 341; 21 Supp. 950).

Replevin—Defense—Disposition Before Action.

4 App. Div. 616; (75 St. Rep. 341; 40 Supp. 443).

Barney v. Burstenbinder, 7 Lans. 210; 64 Barb. 212.*Cited*, Causes of Action—Situs—For Negligence.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 384; 23 Civ. Pro. 108).

Barney v. Dewey, 13 Johns. 224.*Cited*, Estoppel—Declarations—As Witness.

1 Misc. 462; (49 St. Rep. 611; 21 Supp. 792).

Barney v. Forbes, 118 N. Y. 580; 29 St. Rep. 980.*Cited*, Guaranty—Statute of Frauds—Failure to Express a Consideration.

27 Supp. 929; (30 Abb. N. C. 453). 80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854).

Pleading—Action on Guaranty—Failure to Show Consideration.

27 Supp. 931; (30 Abb. N. C. 454).

Barney v. Fuller, 133 N. Y. 605; 44 St. Rep. 902.*Cited*, Evidence.

88 Hun, 288; (68 St. Rep. 598; 34 Supp. 796). 17 App. Div. 225; (79 St. Rep. 553; 45 Supp. 553). 13 Misc. 372; (75 St. Rep. 1038; 41 Supp. 652).

Barney v. Griffin, 2 N. Y. 365.*Cited*, Assignment for Creditors—Preferences.

6 Misc. 463; (27 Supp. 911). 80 Hun 476; (62 St. Rep. 368; 30 Supp. 517).

Barney v. Keith, 6 Wend. 555.*Cited*, Costs—Certificate that Case Involved Title to Land—Setting Aside.

67 Hun, 293; (50 St. Rep. 772; 22 Supp. 424).

Barney v. King, 37 St. Rep. 533; 13 Supp. 685.*Cited*, Pleadings—Striking Out.

50 St. Rep. 745; (21 Supp. 677). 74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 76 Hun, 573; (58 St. Rep. 240; 28 Supp. 233).

Barney v. New York, 78 Hun, 337; 59 St. Rep. 459; 29 Supp. 175.*Cited*, Taxes—Recovering Back—Knowledge.

60 St. Rep. 876; (29 Supp. 178).

Barney v. New York, 78 Hun, 336; 61 St. Rep. 282; 29 Supp. 178.**Barney v. Oyster Bay & H. Steamboat Co.**, 67 N. Y. 301.*Cited*, Carriers—Exclusion of Hackmen from Stations—Discrimination

74 Hun, 128; (56 St. Rep. 876; 26 Supp. 861). 75 Hun, 361; (56 St. Rep. 753; 27 Supp. 73). 57 St. Rep. 775; (27 Supp. 197).

Barney v. Worthington, 37 N. Y. 112.*Cited*, Pleading—Setting Forth Facts or Legal Effect.

7 App. Div. 165; (39 Supp. 1104). 148 N. Y. 42.

Barnum v. Childs, 1 Sandf. 58.*Cited*, Contracts—Statute of Frauds—Specialty—Consideration.

80 Hun, 70; (61 St. Rep. 606; 29 Supp. 855).

Duplicate Citations in Parenthesis.

Barnum v. Fitzpatrick, 42 St. Rep. 179; 16 Supp. 934.

Landlord and Tenant—Health Regulations.

9 Misc. 51; (59 St. Rep. 710; 29 Supp. 279).

Landlord and Tenant—Summary Proceedings—Answer.

71 Hun, 255; (54 St. Rep. 479; 25 Supp. 9)

Barnum v. Hempstead, 7 Paige, 568.

Cited, Assignment for Creditors—Provision for Counsel Fees After Transfer.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 166).

Barnum v. Merchants Fire Ins. Co., 97 N. Y. 188.

Cited, Custom or Usage.

1 Misc. 180; (48 St. Rep. 688; 20 Supp. 640).

Insurance—Demand for Further Proofs—Extension.

16 App. Div. 88; (79 St. Rep. 107; 45 Supp. 107).

Barnum v. Seneca County Bank, 6 How. 82.

Cited, Appeal.

8 App. Div. 321; (75 St. Rep. 335; 40 Supp. 937).

Barnum v. Sullivan County, Sup'rs of, 137 N. Y. 179; 50 St. Rep. 381.

Affirmed, 62 Hun, 190; 41 St. Rep. 845; 16 Supp. 513.

Baron v. Brummer, 100 N. Y. 372.

Cited, Insurance—On Husband for Wife—Nature as Property—Creditors.

71 Hun, 396; (55 St. Rep. 33; 25 Supp. 27).

Insurance—Assignment.

86 Hun, 529; (67 St. Rep. 688; 33 Supp. 913).

Baron v. Korn, 51 Hun, 401; 21 St. Rep. 62; 4 Supp. 334.

Affirmed, 127 N. Y. 224; 38 St. Rep. 140.

Cited, Injunction—Obstruction of Street. 71 Hun, 291; (54 St. Rep. 737; 24 Supp. 1101).

Baron v. Korn, 127 N. Y. 224; 38 St. Rep. 140.

Cited, Injunction—Jurisdiction—Threatened Encroachment.

26 Supp. 917; (30 Abb N. C. 414). 6 Misc. 354; (26 Supp. 916).

Specific Performance—Defective Title—Encroaching Wall.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 409).

Barr v. Fish, 87 Hun, 522; 68 St. Rep. 496; 34 Supp. 487.

Barr v. N. Y., L. E. & W. R. Co., 96 N. Y. 444.

Cited, Action—Relief—Parties.

17 App. Div. 34; (78 St. Rep. 886; 44 Supp. 886).

Barr v. N. Y., L. E. & W. R. Co., 96 N. Y. 444.

Cited, Corporation—Fraud on Corporation—Stockholder's Action

150 N. Y. 427; (3 Ann. Cas. 364).

Barr v. N. Y., L. E. & W. R. Co., 125 N. Y. 263; 34 St. Rep. 743.

Cited, Corporation—Action by Stockholder—Fraud on Corporation.

72 Hun, 390; (55 St. Rep. 67; 25 Supp. 563; 31 Abb. N. C. 36).

Contracts—Repudiation—Restoration.

4 Misc. 572; (25 Supp. 795). 2 App. Div. 306; (73 St. Rep. 422; 37 Supp. 745). 13 App. Div. 541; (77 St. Rep. 731; 43 Supp. 731). 20 Misc. 486.

Corporations—Stockholders—Ratification.

2 Misc. 563; (24 Supp. 773). 90 Hun, 408; (70 St. Rep. 489; 35 Supp. 691). 20 Misc. 488.

Contracts—Voidness—Voidability.

13 App. Div. 216; (43 Supp. 309). 15 Misc. 584; (72 St. Rep. 118; 37 Supp. 85). 17 Misc. 273; (40 Supp. 367).

Corporations—Stock—Estoppel.

7 App. Div. 371; (40 Supp. 75).

Corporations—Directors—Personal Advantage.

90 Hun, 301; (70 St. Rep. 312; 35 Supp. 870).

Barr v. Stringer, 20 Misc. 374.

Barr & Company, Matter of, 6 Misc. 526; 56 St. Rep. 742; 27 Supp. 416.

Barranco v. Towner, 11 Misc. 666; 66 St. Rep. 341; 32 Supp. 914.

Barrere v. Barrere, 4 Johns. Ch. 187.

Cited, Separation—Reconciliation.

90 Hun, 17; (70 St. Rep. 321; 35 Supp. 879). 5 App. Div. 498; (39 Supp. 37).

Barrett, Matter of, 7 App. Div. 482; 40 Supp. 266.

Barrett v. American T. & T. Co., 56 Hun, 430; 31 St. Rep. 465; 10 Supp. 138.

Affirmed, 138 N. Y. 91; 53 St. Rep. 86.

Cited, Writ and Process—Service—Corporations—Managing Agent.

Duplicate Citations in Parenthesis.

78 Hun, 297; (60 St. Rep. 241; 28 Supp. 960). 78 Hun, 33; (60 St. Rep. 496; 28 Supp. 1031). 72 Hun, 603; (54 St. Rep. 764; 25 Supp. 264). D. 60 St. Rep. 260; (28 Supp. 962). 12 Misc. 431; (67 St. Rep. 352; 33; Supp. 681). D. 12 Misc. 483; (67 St. Rep. 384; 33 Supp. 682).

Barrett v. American Telephone & Telegraph Co., 138 N. Y. 491; 53 St. Rep. 86.

Affirming, 56 Hun, 430; 31 St. Rep. 465; 10 Supp. 138.

Cited, Writ and Process—Service—Corporations—Agent.

78 Hun, 33; (60 St. Rep. 496; 28 Supp. 1031). 16 Misc. 5; (73 St. Rep. 240; 37 Supp. 646). D. 60 St. Rep. 260; (28 Supp. 962)

Barrett v. Johnson, 77 Hun, 527; 60 St. Rep. 271; 28 Supp. 892.

Cited, Statute of Frauds—Pleading.

89 Hun, 571; (70 St. Rep. 115; 35 Supp. 548). D. 90 Hun, 597; (70 St. Rep. 566; 35 Supp. 991).

Barrett v. Joslynn, 9 Misc. 467; 61 St. Rep. 695; 29 Supp. 1070.

Barrett v. Kling, 16 Supp. 92.

Cited, Appeal—Review of Facts—Certificate.

9 App. Div. 144; (75 St. Rep. 600; 41 Supp. 142).

Barrett v. N. Y. C. & H. R. R. Co., 92 Hun, 606; 70 St. Rep. 898; 36 Supp. 1121.

Barrett v. Palmer, 135 N. Y. 336; 47 St. Rep. 876.

Followed, Court—State—Jurisdiction over Federal Lands.

67 Hun, 77; (51 St. Rep. 553; 21 Supp. 1120).

Cited, Master and Servant—Injury on Shipboard—Fellow Servants.

6 Misc. 127; (56 St. Rep. 344; 25 Supp. 1117).

Barrett v. Sayer, 34 St. Rep. 325; 12 Supp. 170.

Cited, Teachers—Salary—Remedies to Recover.

19 Misc. 469; (78 St. Rep. 570; 44 Supp. 570).

Barrett v. Smith, 128 N. Y. 607; 38 St. Rep. 922.

Cited, Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 76; (49 St. Rep. 631; 21 Supp. 785).

Highway—Negligence—Driving.

11 App. Div. 277; (76 St. Rep. 115; 42 Supp. 115).

Barrett v. Smith, 135 N. Y. 659; 48 St. Rep. 932.

Barrett v. Third Ave. R. Co., 45 N. Y. 628.

Cited, Appeal—Sufficiency of Evidence—Non Suit—Waiver.

1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708).

1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637).

Appeal—Motion for Non-suit—Waiver.

1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683; 2 Misc. 425; (50 St. Rep. 610; 21 Supp. 989). 2 Misc. 437; (51 St. Rep. 580; 21 Supp. 957). 4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 996). 6 Misc. 373; (56 St. Rep. 403; 26 Supp. 758). 8 Misc. 270; (59 St. Rep. 202; 28 Supp. 716). 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 573; 31 Abb. N. C. 439). 9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 10 Misc. 146; (62 St. Rep. 479; 30 Supp. 915). 10 Misc. 368; (63 St. Rep. 426; 31 Supp. 36). 10 Misc. 396; (63 St. Rep. 526; 31 Supp. 134). 13 Misc. 168; (68 St. Rep. 96; 34 Supp. 112). 18 Misc. 8; (75 St. Rep. 459; 41 Supp. 9). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911). 19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070). 89 Hun, 142; (72 St. Rep. 58; 36 Supp. 157). 91 Hun, 637; (70 St. Rep. 665; 35 Supp. 1005). 15 App. Div. 8; (77 St. Rep. 1114; 43 Supp. 1114).

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12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033). 12 Misc. 364; (65 St. Rep. 781; 33 Supp. 651). 20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323).

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13 App. Div. 175; (43 Supp. 265).

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141 N. Y. 314; (57 St. Rep. 417). 18 Misc. 284; (41 Supp. 1041).

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2 Misc. 499; (51 St. Rep. 82; 22 Supp. 391). 72 Hun, 427; (53 St. Rep. 174; 25 Supp. 155). 10 App. Div. 479; (75 St. Rep. 1424; 41 Supp. 1070). 20 Misc. 125; (79 St. Rep. 809; 45 Supp. 809).

Appeal—Discretionary Determination.

77 Hun, 397; (60 St. Rep. 420; 28 Supp. 882). 82 Hun, 47; (63 St. Rep. 484; 31 Supp. 162). 83 Hun, 11; (64 St. Rep. 327; 31 Supp. 614). 83 Hun, 359; (65 St. Rep. 68; 31 Supp. 1038). 88 Hun, 114; (68 St. Rep. 537; 34 Supp. 615). 4 App. Div. 333; (74 St. Rep. 184; 38 Supp. 564). 9 Misc. 68; (59 St. Rep. 691; 29 Supp. 12). 8 Misc. 447; (58 St. Rep. 850; 28 Supp. 648).

Barrett v. Warren, 3 Hill, 348.

Cited, Replevin.

88 Hun, 19; (68 St. Rep. 292; 34 Supp. 509).

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Barrett v. Weber, 125 N. Y. 18; 34 St. Rep. 358.

Cited, Compounding Crime.

86 Hun, 21; (67 St. Rep. 106; 33 Supp. 287).

Duress.

13 Misc. 321; (68 St. Rep. 367; 34 Supp. 444).

Presumption—Illegality of Contract.

5 Misc. 503; (26 Supp. 525).

Barrick v. Schifferdecker, 48 Hun, 355; 16 St. Rep. 449.

Reversed, 123 N. Y. 52; 33 St. Rep. 485.

Cited, Damages.

71 Hun, 363; (55 St. Rep. 19; 24 Supp. 1138).

Barrick v. Schifferdecker, 123 N. Y. 52; 33 St. Rep. 485.

Cited, Damages.

135 N. Y. 123; (48 St. Rep. 932). 152 N. Y. 48.

Barrill v. Calendar Insulating & W. P. Co., 50 Hun, 257; 19 St. Rep. 877; 2 Supp. 758

Cited, Corporations—Officers—Compensation.

3 Misc. 326; (52 St. Rep. 518; 23 Supp. 887). 49 St. Rep. 560; (30 Supp. 983). 83 Hun, 536; (65 St. Rep. 145; 32 Supp. 88). 152 N. Y. 254.

Barrington Apartment Ass'n v. Watson, 38 Hun, 545.

Cited, Injunction—Lease—Covenants.

6 Misc. 412; (27 Supp. 175).

Barron v. Yost, 35 St. Rep. 380; 12 Supp. 455.

Cited, Name—Fictitious—Doing Business Under—Effect on Note Taken.

6 Misc. 33; (56 St. Rep. 615; 25 Supp. 1008).

Barrow v. Barrow, 55 Hun, 503; 29 St. Rep. 240; 8 Supp. 783.

Cited, Wills—Legacies—Payment—Time. 135 N. Y. 297; (47 St. Rep. 815).

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19 Misc. 256; (78 St. Rep. 224; 44 Supp. 224).

Barrow v. Richard, 8 Paige, 351.

Cited, Covenants—Running with Land—Plat—Common Building Restrictions—Availability.

74 Hun, 582; (57 St. Rep. 40; 26 Supp. 605). 148 N. Y. 672.

Covenants—Creating Easement or Servitude—When Purchaser Take Subject to. 24 Supp. 788; (30 Abb. N. C. 260).

Barrowcliffe v. Cummins, 66 Hun, 1; 49 St. Rep. 776; 20 Supp. 787.

Barrow Steamship Co. v. Mexican Cent. R. Co., 134 N. Y. 15; 45 St. Rep. 379.

Cited Contract—Offer and Acceptance.

7 Misc. 712; (58 St. Rep. 336; 28 Supp.

49). 86 Hun, 377; (67 St. Rep. 223; 33 Supp.

510). 79 St. Rep. 1129; (45 Supp. 1129).

Appeal—Conclusiveness of Findings of Fact.

5 App. Div. 561; (39 Supp. 433; 3 Ann. Cas. 240).

Barrows v. Webster, 50 St. Rep. 353; 21 Supp. 828.

Barrows v. Webster, 144 N. Y. 422; 63 St. Rep. 637.

Affirming, 53 St. Rep. 937.

Barry v. Brune, 8 Hun, 395.

Affirmed, 71 N. Y. 261.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun, 467; (52 St. Rep. 901; 24 Supp. 223). 144 N. Y. 60; (63 St. Rep. 630).

Barry v. Brune, 71 N. Y. 261.

Cited, Insurance—Beneficiaries—Distribution.

17 Misc. 180; (40 Supp. 1001).

Barry v. Calder, 48 Hun, 449; 1 Supp. 586.

Cited, Pleading—§ 1721 Code of Civil Procedure.

28 Misc. 4; (76 St. Rep. 909; 44 Supp. 909).

Barry v. Equitable Life Assur. Society, 59 N. Y. 587.

Cited, Contracts—Cancellation—Duress—Fraud.

50 St. Rep. 460; (21 Supp. 244).

Insurance—On Husband for Wife—Nature as Property.

71 Hun, 397; (55 St. Rep. 34; 25 Supp. 28).

Insurance—Assignment.

150 N. Y. 273).

Barry v. Hamburg-Bremen Fire Ins. Co., 110 N. Y. 1; 16 St. Rep. 634.

Cited, Mortgage—Absolute Conveyance.

66 Hun, 228; (49 St. Rep. 135; 20 Supp. 910). 80 Hun, 205; (66 St. Rep. 800; 30 Supp. 7). 88 Hun, 355; (68 St. Rep. 576; 34 Supp. 758).

Barry v. Kennedy, 11 Abb. N. S. 421.

Cited, Market Stand—Transfer.

15 App. Div. 100; (78 St. Rep. 276; 44 Supp. 276).

Barry v. Lambert, 98 N. Y. 300.

Cited, Executors—Liability—Representative or Personal.

Duplicate Citations in Parenthesis.

76 Hun, 57; (59 St. Rep. 148; 27 Supp. 667). 8 App. Div. 545; (75 St. Rep. 254; 40 Supp. 861). 9 Misc. 231; (61 St. Rep. 297; 30 Supp. 285). 15 Misc. 541; (74 St. Rep. 560; 38 Supp. 107). 15 Misc. 601; (72 St. Rep. 819; 33 Supp. 190).

Executors—Powers—Severalty.

71 Hun, 398; (55 St. Rep. 35; 25 Supp. 28).

Trust—Personalty—Settlor as Trustee.

14) N. Y. 141; (55 St. Rep. 548).

Trust — Creation — Personal Property — Parol.

50 St. Rep. 290; (21 Supp. 526). D. 50 St. Rep. 295; (21 Supp. 530, 531). 79 Hun, 497; (61 St. Rep. 536; 29 Supp. 920).

Barry v. Merchants' Exchange Co., 1 Sandf. Ch. 280.

Cited, Corporations—Capital.

78 Hun, 67; (60 St. Rep. 664; 29 Supp. 94).

Corporations—Implied Powers.

19 Misc. 638; (78 St. Rep. 429; 44 Supp. 429).

Corporations—Mortgage.

13 Misc. 741; (69 St. Rep. 233; 35 Supp. 4).

Barry v. Mutual L. Ins. Co., 53 N. Y. 536.

Cited, Interpleader—Discretionary.

2 Misc. 442; (51 St. Rep. 566; 22 Supp. 189).

Stipulations—Relief.

12 App. Div. 39; (76 St. Rep. 364; 42 Supp. 364).

Barry v. N. Y. C. & H. R. R. Co., 92 N. Y. 289.

Cited, Railroads—Crossings—License.

67 Hun, 607; (51 St. Rep. 242; 22 Supp. 443). D. 67 Hun, 610; (51 St. Rep. 245; 22 Supp. 445). 7 App. Div. 428; (39 Supp. 914). 86 Hun, 521; (67 St. Rep. 668; 33 Supp. 988).

Railroads — Crossings — Signals — Negligence.

74 Hun, 38; 56 St. Rep. 212; 26 Supp. 401).

Trial—Question of Fact—Contributory Negligence.

71 Hun, 507; (55 St. Rep. 84; 24 Supp. 1092).

License—Negligence.

15 Misc. 255; (71 St. Rep. 471; 36 Supp. 420).

Barry v. Prescott Insurance Co., 35 Hun, 601.

Cited, Insurance—Occupancy.

86 Hun, 36; (67 St. Rep. 238; 33 Supp. 405). 92 Hun, 228; (72 St. Rep. 400; 36 Supp. 877).

Barry v. Ransom, 12 N. Y. 462.

Cited, Contracts—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 211).

Barry v. Second Avenue R. Co., 1 Misc. 502; (49 St. Rep. 705; 20 Supp. 871).

Barry v. Second Ave. R. Co., 136 N. Y. 669; 50 St. Rep. 929.

Affirming, 41 St. Rep. 342; 16 Supp. 518.

Barry v. Smith, 1 Misc. 240; 53 St. Rep. 57; 23 Supp. 129.

Affirmed, 69 Hun, 88; 53 St. Rep. 57; 23 Supp. 261.

Barse v. Herkimer, N. & P. N. G. R. Co., 13 St. Rep. 215.

Cited, Action—Highways.

92 Hun, 131; (72 St. Rep. 387; 36 Supp. 865).

Barstow Stove Co. v. Darling, 81 Hun, 564; 63 St. Rep. 226; 30 Supp. 1033.

Cited, Corporations—Knowledge.

17 Misc. 737; (40 Supp. 1069; 3 Ann. Cas. 203).

Barteau v. Phoenix Ins. Co., 67 N. Y. 595.

Cited, Insurance—False Representations—Knowledge of Agent.

9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207).

Bartels v. Fischer, 11 Misc. 460; 32 Supp. 1138.

Barth v. Backus, 140 N. Y. 230; 55 St. Rep. 561.

Reversing, 51 St. Rep. 111; 22 Supp. 460.

Cited, Conflict of Laws—Assignments.

140 N. Y. 567; (56 St. Rep. 594). 143 N. Y. 25.

Attachment—Lien

88 Hun, 399; (68 St. Rep. 758; 34 Supp. 820).

Bartholick, Matter of, 5 Supp. 842.

Cited, Wills—Testamentary Capacity.

5 Misc. 189; (24 Supp. 861).

Bartholick, Matter of, 35 St. Rep. 730; 12 Supp. 640.

Cited, Witnesses—Competency—Death of Other Party—Bystander—Interest.

68 Hun, 587; (52 St. Rep. 579; 23 Supp. 256).

Bartholick, Matter of, 141 N. Y. 166; 56 St. Rep. 684.

Bartholomay Brewing Co. v. Haley, 16 App. Div. 485; 78 St. Rep. 915; 44 Supp. 915.

Bartholomew v. Finnemore, 17 Barb. 428.

Cited, Infants—Disaffirmance of Contract—Reimbursement.

Duplicate Citations in Parenthesis.

- 2 Misc. 238; (50 St. Rep. 769; 21 Supp. 1008).
Disaffirmance—Estoppel.
 13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).
- Bartholomew v. Jackson**, 20 Johns. 23.
Cited, Implied Contract—Request.
 86 Hun, 190; (67 St. Rep. 56; 33 Supp. 314).
 11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).
- Bartholomew v. Lyon**, 67 Barb. 86.
Cited, Guardian—Demurrer,
 92 Hun, 241; (72 St. Rep. 324; 36 Supp. 941).
Defects—Subsequent Proof.
 19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706).
 20 Misc. 554. 20 Misc. 561.
- Bartholomew v. Mercantile M. Ins. Co.**, 34 Hun, 253.
Cited, Reformation.
 88 Hun, 345; (68 St. Rep. 388; 34 Supp. 399).
- Bartholomew v. N. Y. C. & H. R. R. Co.**, 102 N. Y. 716.
Cited, Carriers — Negligence — Jerking Train.
 18 App. Div. 46; (79 St. Rep. 332; 45 Supp. 382).
- Bartholomew v. Yaw**, 9 Paige, 165.
Cited, Usury—Availability
 88 Hun, 103; (68 St. Rep. 530; 34 Supp. 607).
- Bartlett, Matter of**, 4 Misc. 380; 25 Supp. 990.
- Bartlett v. Ackerman**, 49 St. Rep. 296; 21 Supp. 53.
- Bartlett v. Crozier**, 17 Johns. 439.
Cited, Presumption.
 5 Misc. 256; (25 Supp. 95).
- Bartlett v. Drew**, 57 N. Y. 587.
Cited, Corporate Assets—Trust Fund for Debts.
 14 App. Div. 374; (77 St. Rep. 1014; 43 Supp. 1014).
- Bartlett v. Goodrich**, 11 Misc. 653; 67 St. Rep. 315; 33 Supp. 444.
- Bartlett v. Goodrich**, 72 St. Rep. 1; 36 Supp. 770.
- Bartlett v. Judd**, 21 N. Y. 200.
Cited, Deeds—Reformation of Sheriff's—Parties.
 66 Hun, 451; (50 St. Rep. 133; 21 Supp. 421; 29 Abb. N. C. 422).
Limitation of Action.
 17 Misc. 427; (39 Supp. 714). 153 N. Y. 241.
- Bartlett v. Mugett**, 75 Hun, 292; 56 St. Rep. 771; 27 Supp. 56; 31 Abb. N. C. 259; 23 Civ. Pro. 288.
Cited, Jurisdiction—Consent.
 19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).
- Bartlett v. New York**, 5 Sandf. 44.
Cited, Domicile—Residence.
 53 St. Rep. 144; (23 Supp. 549). 11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 317). 13 App. Div. 249; (76 St. Rep. 1098; 42 Supp. 1098).
- Bartlett v. Robinson**, 39 N. Y. 187.
Cited, Reasonable Time — Question of Law.
 7 App. Div. 464; (39 Supp. 1022).
- Bartlett v. Spicer**, 75 N. Y. 528.
Cited, Judgment — Foreign — Defendant Not Personally Served — Effect in personam.
 50 St. Rep. 220.
- Bartlett v. Tarbox**, 1 Abb. Dec. 120.
Cited, Evidence—Admissions — Compromise.
 11 Misc. 425; (65 St. Rep. 121; 32 Supp. 128).
- Bartlett v. Tarrytown, Village of**, 55 Hun, 492; 30 St. Rep. 341; 8 Supp. 739.
Cited, Highway—Establishment of Grade —Municipal Corporations.
 66 Hun, 217; (49 St. Rep. 52; 21 Supp. 43). 142 N. Y. 125; (58 St. Rep. 629).
- Bartlett v. Wheeler**, 44 Barb. 162.
Cited, Statute of Frauds—Performance Within Year.
 72 Hun, 461; (54 St. Rep. 780; 25 Supp. 299).
- Bartley v. Richtmyer**, 4 N. Y. 38.
Cited, Parent and Child—Loss of Service —Recovery—Foundation of Action.
 7 Misc. 32; (57 St. Rep. 498; 27 Supp. 404).
- Barto v. Himrod**, 8 N. Y. 483.
Cited, Statutes — Legislature.— Expediency.
 D. 4 App. Div. 274; (74 St. Rep. 796; 38 Supp. 863).
- Barton v. Barton**, 24 Week. Dig. 219.
Cited, Appeal—Review of Discretionary Determination.
 2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).
- Barton v. Donnelly**, 6 Misc. 473; 57 St. Rep. 701; 27 Supp. 525.
- Barton v. Hermann**, 11 Abb. N. S. 378.

Duplicate Citations in Parenthesis.

Cited, Contract — Performance—Certificate—Waiver—Payment Without.

5 Misc. 233; (54 St. Rep. 829; 25 Supp. 99; 23 Civ. Pro. 177).

Barton v. Hosner, 24 Hun, 467.

Cited, Fraudulent Conveyance—Attack by Personal Representative.

80 Hun, 57; (61 St. Rep. 602; 29 Supp. 851).

Barton v. Lynch, 69 Hun, 1; 52 St. Rep. 540; 23 Supp. 217.

Cited, Mortgage—Absolute Conveyance.

80 Hun, 205; (61 St. Rep. 799; 30 Supp. 6.)

Barton v. N. Y. C. & H. R. R. Co., 1 T. & C. 297.

Cited, Negligence—Contributory—Question for Jury.

89 Hun, 563; (70 St. Rep. 114; 35 Supp. 546).

Barton v. Scramling, 31 Hun, 467.

Cited, Appeal — Evidence — Prejudicial Error.

32 Hun, 198; (64 St. Rep. 6; 31 Supp. 419).

Barton v. Speis, 5 Hun, 60.

Cited, Pleading—Misjoinder of Causes of Action—Demurrer.

7 Misc. 470; (58 St. Rep. 512; 27 Supp. 994; 23 Civ. Pro. 338).

Contracts—Guaranty — Separate Obligation.

9 App. Div. 248; (75 St. Rep. 882; 41 Supp. 490; 3 Ann. Cas. 299).

Barton v. Speis, 73 N. Y. 133.

Cited, Action—Stay—Multiplicity of Suits—Insolvency of Party.

6 Misc. 421; (27 Supp. 301).

Barton v. Syracuse, 36 N. Y. 54.

Cited, Drains and Sewers — Overflow—Liability of Municipality.

78 Hun, 245; (60 St. Rep. 5; 28 Supp. 827). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Bartow v. Sidway, 72 Hun, 435; 55 St. Rep. 268; 25 Supp. 179.

Barwick v. Youmans, 13 Misc. 769; 68 St. Rep. 191; 34 Supp. 143.

Basch, Matter of, 67 St. Rep. 412; 33 Supp. 424; 24 Civ. Pro. 264.

Bascom v. Albertson, 34 N. Y. 581.

Cited, Trust—To be Administered Abroad—Power of Trustees to Take.

136 N. Y. 142; (48 St. Rep. 842).

Charitable Uses—Indefinite Beneficiary.

147 N. Y. 109; (69 St. Rep. 404).

Charitable Gifts—Limitation of Testamentary Power.

12 App. Div. 277; (76 St. Rep. 907; 42 Supp. 907); D. 151 N. Y. 344.

Bascomb v. Smith, 34 N. Y. 320.

Cited, Merger—Intention.

152 N. Y. 165.

Baskin v. Baskin, 36 N. Y. 416.

Cited, Wills—Probate—Subscription and Publication.

4 Misc. 26; (24 Supp. 840). 17 Misc. 110; (75 St. Rep. 131; 40 Supp. 735).

Baskin v. Ingalls, 88 Hun, 618; 68 St. Rep. 391; 34 Supp. 402.

Bassell v. Elmore, 48 N. Y. 561.

Cited, Evidence — Slander—Repetition—Damages.

144 N. Y. 150; (63 St. Rep. 72).

Bassett v. Dean, 34 Hun, 250.

Cited, Landlord and Tenant—Destruction of Building—Surrender.

4 Misc. 207; (53 St. Rep. 488; 23 Supp. 1028).

Bassett v. Fish, 75 N. Y. 303.

Cited, Officers—Public—Neglect of Duty—Personal Liability.

66 Hun, 144; (48 St. Rep. 874; 20 Supp. 973).

Schools—Taxes—Collection—Action for.

74 Hun, 345; (55 St. Rep. 894; 26 Supp. 518).

Schools — Trustees — Quasi-Corporation—Powers.

15 Misc. 60; (72 St. Rep. 350; 36 Supp. 923).

Pleading—Amendment—Parties.

82 Hun, 577; (64 St. Rep. 368; 31 Supp. 738; 24 Civ. Pro. 177; 1 Ann. Cas. 33).

92 Hun, 428, 431; (72 St. Rep. 106, 108; 36 Supp. 1004, 1006).

Bassett v. French, 10 Misc. 672; (64 St. Rep. 292; 31 Supp. 667; 1 Ann. Cas. 270).

Cited, Damages.

16 Misc. 45; (73 St. Rep. 136; 37 Supp. 695). 17 Misc. 128; (39 Supp. 347).

Bassett v. Lederer, 1 Hun, 274; 3 T. & C. 671.

Cited, Pleading—General Denial—Proof of Payment.

78 Hun, 231; (60 St. Rep. 261; 28 Supp. 904).

Agency—Authority—Notice—Payment.

1 App. Div. 523; (73 St. Rep. 612; 37 Supp. 286). 10 App. Div. 521; (76 St. Rep. 301; 42 Supp. 301).

Bassett v. Spofford, 45 N. Y. 387.

Cited, Sale—Conversion.

4 App. Div. 294; 39 Supp. 452.

Duplicate Citations in Parenthesis.

Bassett v. Wheeler, 84 N. Y. 466.

Cited, Residence.

17 App. Div. 396; (79 St. Rep. 181; 45 Supp. 181).

Bassett v. Wood, 55 Hun, 587; 29 St. Rep. 901; 9 Supp. 79.

Cited, Possession—Notice—Bona Fides.

88 Hun, 358; (68 St. Rep. 578; 34 Supp. 760).

Bassford, Matter of, 50 N. Y. 509.

Cited, Publication.

6 App. Div. 238; (39 Supp. 994).

Bassford v. Swift, 17 Misc. 149; 39 Supp. 337.

Bassford v. White, 139 N. Y. 616; 54 St. Rep. 930.

Bastable v. Syracuse, 72 N. Y. 64.

Cited, Appeal—Order Authorizing Appeal to Court of Appeals.

138 N. Y. 556; (53 St. Rep. 269). 10 Misc. 738; (65 St. Rep. 215; 32 Supp. 120).

Bastable v. Syracuse, 8 Hun, 587.

Cited, Municipal—Corporations—Surface Waters.

84 Hun, 276; (65 St. Rep. 578; 32 Supp. 372).

Batcheldor v. Nugent, 24 Supp. 828; 23 Civ. Pro. 178.

Bate v. Graham, 11 N. Y. 237.

Cited, Pleadings—Defects in Complaint Cured by Answer.

6 Misc. 81; (55 St. Rep. 492; 26 Supp. 23).

Bateman, Matter of, 7 Misc. 633; 58 St. Rep. 326; 28 Supp. 36.

Affirmed, 145 N. Y. 623; 71 St. Rep. 289.

Bateman, Matter of, 145 N. Y. 623; 71 St. Rep. 289.

Bateman v. N. Y. C. & H. R. R. Co., 47 Hun, 429.

Cited, Damages—Evidence.

18 Misc. 33; (75 St. Rep. 519; 41 Supp. 60).

Bates v. Bates, 7 Misc. 547; 57 St. Rep. 725; 27 Supp. 872.

Bates v. Cobb, 5 Bosw. 29.

Cited, Pleading—Complaint—Assumpsit—Common Counts.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

Bates v. Conkling, 10 Wend. 389.

Cited, Conversion—Demand and Refusal. 20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Appeal—From Justice's Judgment—Return.

3 Misc. 125; (23 Supp. 995).

Bates v. Harding, 17 App. Div. 606; 79 St. Rep. 396; 45 Supp. 393.

Bates v. Lidgewood Mfg Co., 50 Hun, 420; 3 Supp. 307.

Cited, Ejectment—Proof—Possession.

12 App. Div. 105; (76 St. Rep. 530; 42 Supp. 530).

Bates v. N. Y. C. & H. R. R. Co., 84 Hun, 287; 65 St. Rep. 496; 32 Supp. 337.

Cited, Negligence—Contributory—Crossings.

91 Hun, 6; (71 St. Rep. 423; 36 Supp. 86). 92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699).

Bates v. Norris, 55 Super. 269.

Cited, Payment Pending Suit—Costs.

20 Misc. 414; (79 St. Rep. 1025; 45 Supp. 1025).

Bates v. Pinstein, 15 Abb. N. C. 480.

Cited, Attachment—Affidavit.

86 Hun, 399; (67 St. Rep. 220; 33 Supp. 507).

Bates v. Plonsky, 28 Hun, 112.

Cited, Attachment—Property Fraudulently Transferred.

136 N. Y. 261; (49 St. Rep. 382).

Injunction—Preservation of Fund.

7 Misc. 127; (57 St. Rep. 72; 27 Supp. 345).

Bates v. Reynolds, 7 Bosw. 685.

Cited, Judgment—Application to Court.

2 Misc. 206; (49 St. Rep. 524; 21 Supp. 271).

Bates v. Rosekrans, 37 N. Y. 409.

Cited, Set Off—Pleading.

69 Hun, 92; (53 St. Rep. 163; 23 Supp. 537). 2 App. Div. 559; (74 St. Rep. 401; 37 Supp. 1106).

Bates v. Salt Springs Nat. Bank, 88 Hun, 236; 68 St. Rep. 282; 34 Supp. 598.

Bates v. Schraeder, 13 Johns. 260.

Cited, Action—Waste—Parties.

11 Misc. 122; (66 St. Rep. 219; 32 Supp. 823).

Bates v. Stearnes, 23 Wend. 482.

Cited, Judgment—Conclusiveness—Ejectment.

75 Hun, 401; (57 St. Rep. 689; 27 Supp. 446).

Bates v. Trustees of Masonic H. & A. Fund, 7 Misc. 609; 58 St. Rep. 790; 27 Supp. 951.

Affirmed, 88 Hun, 236; 34 Supp. 598.

Mechanic's Lien—Assignment—Certificate.

13 Misc. 648; (69 St. Rep. 145; 34 Supp. 918).

Bates v. United Life Ins. Ass'n, 68 Hun, 144; 52 St. Rep. 86; 22 Supp. 626.

Affirmed, 142 N. Y. 677; 60 St. Rep. 871.

*Duplicate Citations in Parenthesis.***Bates v. Voorhies**, 7 How. 234.*Cited*, Usury.

20 Misc. 302; (79 St. Rep. 803; 45 Supp. 803).

Bath Gas Light Co. v. Claffy, 74 Hun,

638; 56 St. Rep. 426; 26 Supp. 287.

Affirmed, 151 N. Y. 24.**Bath Gas Light Co. v. Claffy**, 151 N. Y. 24.*Cited*, Ultra Vires—Estoppel.

11 App. Div. 73; (76 St. Rep. 763; 42 Supp. 763). 19 Misc. 463; (78 St. Rep. 565; 44 Supp. 565). 19 Misc. 658; (78 St. Rep. 430; 44 Supp. 430). 18 App. Div. 155; (79 St. Rep. 433; 45 Supp. 433).

Bath Gas Light Co. v. Claffy, 18 App.

Div. 155; 79 St. Rep. 433; 45 Supp. 433).

Bathgate v. Haskin, 59 N. Y. 533.*Cited*, Attorneys—Service Under Retainer—One Cause of Action.

70 Hun, 72; (53 St. Rep. 444; 23 Supp. 1104).

Attorneys—Relation to Client—Authority—Appeal.

4 Misc. 587; (25 Supp. 848).

Limitation of Action.

76 Hun, 448; (59 St. Rep. 183; 28 Supp. 107).

Bathgate v. Haskin, 63 N. Y. 261.*Cited*, Judgment—Offer—Necessity of Application to Court.

7 Misc. 528; (27 Supp. 1002).

Judgment—Offer of—Interest.

8 Misc. 620; (61 St. Rep. 334; 29 Supp. 822).

Costs—Equitable Action—Review on Appeal.

3 App. Div. 29; (74 St. Rep. 419; 37 Supp. 1072).

Bathmann v. Bathmann, 79 Hun, 477;

61 St. Rep. 270; 29 Supp. 959.

Bathrick v. Coffin, 13 App. Div. 101; 43 Supp. 313.**Battell v. Torrey**, 65 N. Y. 294.*Cited*, Infants—Mortgage of Property—Strict Compliance.

147 N. Y. 573; (70 St. Rep. 340).

Batterman, Matter of, 14 Misc. 213;

71 St. Rep. 515; 35 Supp. 593.

Batterman v. Albright, 122 N. Y. 484; 34 St. Rep. 131.*Cited*, Mortgage—Foreclosure—What Acquired by Purchaser.

3 Misc. 24; (51 St. Rep. 129; 22 Supp. 180). D. 71 Hun, 302; (54 St. Rep. 743; 24 Supp. 100). 17 App. Div. 149; (79 St. Rep. 300; 45 Supp. 300).

Batterman v. Pierce, 3 Hill, 171.*Cited*, Counterclaim—Contract—Breach.

70 Hun, 581; (53 St. Rep. 831; 24 Supp. 307). 13 App. Div. 597; (77 St. Rep. 682; 43 Supp. 682).

Evidence—Parol—Collateral Undertaking.

73 Hun, 313; (58 St. Rep. 63; 28 Supp. 377).

85 Hun, 73; (66 St. Rep. 28; 32 Supp. 645).

13 App. Div. 595; (77 St. Rep. 681; 43 Supp. 681). 16 Misc. 314; (39 Supp. 416).

Battle v. Coit, 26 N. Y. 404.*Cited*, Mortgage—Foreclosure—Note for Debt.

80 Hun, 210; (61 St. Rep. 776; 30 Supp. 32).

145 N. Y. 501; (65 St. Rep. 370).

Sale—Accessories.

6 Misc. 393; (56 St. Rep. 400; 26 Supp. 743).

92 Hun, 401; (71 St. Rep. 575; 36 Supp. 660).

18 Misc. 187; (75 St. Rep. 851; 41 Supp. 455).

Battle v. Rochester City Bank, 3 N. Y. 88.*Cited*, Contracts—Breach—Recovering Money Paid.

20 Misc. 45; (79 St. Rep. 330; 45 Supp. 380).

Batzel v. Batzel, 42 Super. 561.*Cited*, Trial—Jury—Adultery.

63 Hun, 368; (51 St. Rep. 883; 22 Supp. 860).

Baucus v. Barr, 45 Hun, 582; 10 St. Rep. 683.*Affirmed*, 107 N. Y. 624.*Cited*, Executors—Sureties—Liability.

12 Misc. 325; (67 St. Rep. 341; 33 Supp. 636).

Executors—Accounting—Debt due from Executor.

39 Supp. 828; (25 Civ. Pro. 421).

Baucus v. Stover, 89 N. Y. 1.*Cited*, Executors—Accounting—Debts due from Executor.

1 Misc. 250; (51 St. Rep. 511; 22 Supp. 912).

6 Misc. 504; (57 St. Rep. 706; 27 Supp. 427).

39 Supp. 828; (25 Civ. Pro. 421).

Bauder v. Lasher, 5 Lans. 335.*Cited*, Trial—Verdict—Conjecture.

53 St. Rep. 669.

Bauer v. Buffalo, 44 St. Rep. 814; 18 Supp. 672.*Cited*, Municipal Corporation—Claims for Injuries—Notice.

66 Hun, 138; (48 St. Rep. 888; 21 Supp. 82).

16 Misc. 304; (74 St. Rep. 387; 38 Supp. 90).

Bauer v. Gribbel, 2 App. Div. 80; 73 St. Rep. 307; 37 Supp. 609.

Duplicate Citations in Parenthesis.

Bauer v. Platt, 72 Hun, 326; 55 St. R.p. 196; 25 Supp. 426.

Cited, Equity—Jurisdiction—Corporate Debts—Multiplicity of Actions.

79 Hun, 105; (61 St. Rep. 182; 29 Supp. 637). 61 St. Rep. 471; (29 Supp. 974). D. 7 App. Div. 386; (40 Supp. 216).

Baulec v. N. Y. & Harlem R. Co., 19 N. Y. 356.

Cited, Trial—Questions of Law and Fact—Negligence.

2 Misc. 176; (49 St. Rep. 628; 21 Supp. 640). 51 St. Rep. 16; (21 Supp. 716). 69 Hun, 102; (52 St. R.p. 602; 23 Supp. 258; 30 Abb. N. C. 149). 5 Misc. 427; (26 Supp. 712). 80 Hun, 185; (61 St. Rep. 833; 30 Supp. 70). 13 Misc. 164; (68 St. Rep. 187; 34 Supp. 140).

Master and Servant—Defective Appliances—Knowledge.

73 Hun, 273; (58 St. Rep. 66; 26 Supp. 407).

Master and Servant—Master's duty in Selecting Fellow Servants and Appliances. 50 St. Rep. 515; (21 Supp. 313).

Evidence—Reputation—Incompetency of Co-employee.

85 Hun, 187; (65 St. Rep. 809; 32 Supp. 484). 13 App. Div. 442; (77 St. R. p. 608; 43 Supp. 608).

Baum v. Mullen, 47 N. Y. 577.

Cited, Husband and Wife—Liability for Torts.

135 N. Y. 206; (48 St. Rep. 415). 9 Misc. 36; (59 St. Rep. 545; 29 Supp. 295; 31 Abb. N. C. 318).

Baum v. Stone, 12 Week. Dig. 353.

Cited, Infants—Contracts—Avoidance.

68 Hun, 593; (52 St. Rep. 590; 23 Supp. 240).

Baum's Castorine Co. v. Thomas, 92 Hun, 1; 73 St. Rep. 41; 37 Supp. 913.

Bauman v. Holzhausen, 26 Hun, 505.

Cited, Statute of Frauds.

84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392). 87 Hun, 78; (67 St. Rep. 649; 33 Supp. 966).

Baumann v. DeLogerot, 74 Hun, 640; 58 St. Rep. 151; 26 Supp. 986.

Baumann v. Jefferson, 4 Misc. 147; 53 St. Rep. 116; 23 Supp. 685.

Cited, Conversion—Action by Assignee. 12 Misc. 155; (63 St. Rep. 667; 32 Supp. 1130).

Baumann v. Libetta, 3 Misc. 518; 52 St. Rep. 492; 23 Supp. 1.

Baumann v. Moseley, 73 Hun, 40; 56 St. Rep. 132; 25 Supp. 882.

Affirmed, 145 N. Y. 620; 65 St. Rep. 865.

Baumann v. Pinckney, 118 N. Y. 604; 30 St. Rep. 60.

Cited, Appeal—Material Error—Refusal to Make Finding Because Immaterial.

70 Hun, 560; (53 St. Rep. 616; 24 Supp. 194).

Contracts — Performance — Tender — Waiver.

73 Hun, 326; (56 St. Rep. 8; 26 Supp. 190). 82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708). 18 App. Div. 145; (79 St. Rep. 725; 45 Supp. 725).

Specific Performance—Remedy at Law.

10 App. Div. 553; (76 St. Rep. 438; 42 Supp. 438).

Baumann v. Post, 16 Daly, 385; 34 St. Rep. 368; 12 Supp. 213.

Cited, Warehouseman—Lien.

4 Misc. 151; (53 St. Rep. 119; 23 Supp. 688). 5 App. Div. 384, 390; (39 Supp. 260, 264).

Baumgartel v. Providence Wash. Ins. Co., 61 Hun, 118; 39 St. Rep. 627; 15 Supp. 573.

Reversed, 136 N. Y. 547; 50 St. Rep. 19.

Cited, Insurance — Conditions—Waiver by Agent.

7 App. Div. 587; (40 Supp. 308).

Baumgartel v. Providence Wash. Ins. Co., 136 N. Y. 547; 50 St. Rep. 19.

Cited, Insurance—Waiver of Conditions by Agents

141 N. Y. 224; (56 St. Rep. 803). 80 Hun, 254; (61 St. Rep. 781; 30 Supp. 51). 10 Misc. 159; (62 St. Rep. 523; 31 Supp. 4). 17 Misc. 117; (39 Supp. 358). 151 N. Y. 92.

Insurance—Breach of Condition—Effect.

41 Supp. 676.

Baumgarten v. Nickols, 69 Hun, 216; 53 St. Rep. 363; 23 Supp. 592.

Baumgras v. Baumgras, 5 Misc. 8; 24 Supp. 767.

Baumiller v. Workingman's Co-Operative Ass'n, 9 Misc. 157; 59 St. Rep. 653; 29 Supp. 26.

Cited, Insurance—Proofs—Waiver.

30 Supp. 217.

Baumler v. Ackerman, 63 Hun, 40 43 St. Rep. 87.

Cited, Supplementary Proceedings—When Must be Instituted—Several Executions.

80 Hun, 114; (61 St. Rep. 752; 30 Supp. 36). 143 N. Y. 571; (62 St. Rep. 782; 1 Ann. Cas. 22).

Duplicate Citations in Parenthesis.

Baxter v. Arnold, 9 How. 445.

Cited, Motion — Notice — Irregularities Considered on Appeal.

82 Hun, 438; (64 St. Rep. 357; 31 Supp. 742).

Baxter v. Ball, 86 N. Y. 195.

Cited, Partnership — Realty Purchased With Firm Money.

82 Hun, 600; (64 St. Rep. 182; 31 Supp. 547).

Baxter v. Baxter, 76 Hun, 98; 57 St. Rep. 458; 27 Supp. 834.

Cited, 13 App. Div. 68; (77 St. Rep. 96; 43 Supp. 96).

Baxter v. Baxter, 13 App. Div. 65; 77 St. Rep. 94; 43 Supp. 94.

Baxter v. Brooklyn L. Ins. Co., 29 St. Rep. 592.

Cited, Insurance—Premiums—Notice.

11 App. Div. 537; (76 St. Rep. 649; 42 Supp. 649).

Baxter v. Boston & Troy R. Co., 41 N. Y. 503.

Cited, Negligence—Contributory—Crossing—Obstruction of View.

91 Hun, 34; (71 St. Rep. 396; 36 Supp. 109).

Baxter v. Drake, 22 Hun, 565.

Affirmed, 85 N. Y. 503.

Cited, Arrest—Foreign Judgment.

73 Hun, 247; (57 St. Rep. 132; 25 Supp. 1043).

Baxter v. Drake, 85 N. Y. 502.

Cited, Arrest—Foreign Judgment.

50 St. Rep. 265; (21 Supp. 300).

Judgment—Foreign—Effect on Suit on Original Cause of Action.

60 St. Rep. 248; (28 Supp. 864).

Baxter v. McDonald, 5 Daly 508.

Cited, Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367).

Baxter v. McDonnell, 18 App. Div. 235; 79 St. Rep. 765; 45 Supp. 765.

Baxter v. Missouri K. & T. R. Co., 4 Hun, 630.

Cited, Attachment—Examination—Certificate.

67 St. Rep. 314; (33 Supp. 546; 24 Civ. Pro. 246).

Baxter v. Second Ave. R. Co., 30 How. 219.

Cited, Negligence — Imputed—Question of Law.

82 Hun, 273; (63 St. Rep. 796; 31 Supp. 347).

Baxter v. Warner, 6 Hun, 585.

Cited, Negligence—Illegal Act—Liability.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Bayard, Matter of, 61 How. 294.

Reversed, 25 Hun, 546.

Cited, Constitutionality—Criminal Law—Punishment—Variance in Localities.

13 Misc. 591; (69 St. Rep. 218; 35 Supp. 22).

Bayard, Matter of, 25 Hun, 546.

Cited, Constitutionality—Criminal Law—Punishment—Variance in Localities.

67 Hun, 526; (51 St. Rep. 345; 22 Supp. 871). 1 App. Div. 463; (72 St. Rep. 586; 35 Supp. 316). 4 App. Div. 190; (74 St. Rep. 596; 98 Supp. 912). 4 App. Div. 80.

Constitutional Law—Police Power.

79 Hun, 583; (61 St. Rep. 581; 29 Supp. 894).

Bayard v. Malcom, 1. Johns. 453.

Cited, Evidence—Parol—Varying Terms of Writing.

88 Hun, 339; (63 St. Rep. 545; 34 Supp. 727).

Bayer v. Phillips, 17 Abb. N. C. 425.

Cited, Trusts—Ownership of Property—Investment in Individual Name of Trustee.

5 Misc. 311; (25 Supp. 1108).

Guardians—Investments—Personality.

20 Misc. 539.

Bayles v. Vanderveer, 11 Misc. 207; 66 St. Rep. 572; 32 Supp. 1117.

Bayles v. Wallace, 56 Hun, 428; 32 St. Rep. 341; 10 Supp. 191.

Cited, Contract—Consideration—To Pay Sub-contractor.

70 Hun, 464; (53 St. Rep. 699; 24 Supp. 381). 148 N. Y. 88.

Baylis v. Stimson, 53 Super. 225.

Affirmed, 110 N. Y. 621; 16 St. Rep. 175.

Cited, Vendors—Defect of Title—Sufficiency.

8 Misc. 130; (59 St. Rep. 524; 28 Supp. 487).

Baylis v. Stimson, 110 N. Y. 621; 16 St. Rep. 175.

Cited, Pleading—Denial—Reference to Paragraphs.

8 Misc. 223; (59 St. Rep. 451; 28 Supp. 586; 23 Civ. Pro. 438). 67 St. Rep. 584, 685; (33 Supp. 714, 715; 24 Civ. Pro. 335, 338).

Bayliss v. Cockroft, 81 N. Y. 363.

Cited, Evidence—Belief.

49 St. Rep. 171; (21 Supp. 97).

Appeal—Exception—Motion to Strike Out Evidence.

91 Hun, 620; (71 St. Rep. 654; 36 Supp. 600).

Evidence—Usury—Intent.

D. 11 App. Div. 445; (76 St. Rep. 325; 42 Supp. 325).

Duplicate Citations in Parenthesis.

Beach, Matter of, 1 Misc. 27; 22 Supp. 1079.

Cited, Executors—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 398; (24 Supp. 852).

Beach, Matter of, 3 Misc. 393; 24 Supp. 717.

Beach v. Beach, 2 Hill, 260.

Cited, Husband and Wife—Separation.

13 Misc. 593; (71 St. Rep. 597; 36 Supp. 821). 4 App. Div. 599; (72 St. Rep. 114; 36 Supp. 892).

Beach v. Colles, 85 N. Y. 511.

Cited, Partnership—Advancements—Interest.

15 App. Div. 564; (78 St. Rep. 518; 44 Supp. 518).

Beach v. Cooke, 28 N. Y. 508.

Cited, Tender—Equity—Unascertained Amount.

139 N. Y. 470; (54 St. Rep. 726).

Judgment—Correction.

11 Misc. 572; (66 St. Rep. 105; 32 Supp. 776).

Extent of Relief.

12 Misc. 507; (67 St. Rep. 370; 33 Supp. 676).

Beach v. Crain, 2 N. Y. 86.

Cited, Covenant—Breach—Maintenance of Gate.

71 Hun, 456; (54 St. Rep. 403; 24 Supp. 947).

Deeds—Construction—Intention as Guide—60 St. Rep. 319.

Landlord and Tenant—Covenant to Repair.

9 Misc. 328; (30 Supp. 211).

Beach v. Elmira, 34 St. Rep. 522; 11 Supp. 913.

Cited, Municipality—Corporate Powers—Responsibility.

54 St. Rep. 573; (24 Supp. 1084).

Beach v. Endress, 51 Barb. 570.

Cited, Compromise and Settlement—Disputed claim.

74 Hun, 70; (56 St. Rep. 177; 26 Supp. 360).

Beach v. Hollister, 3 Hun, 519.

Cited, Tenancy by Entirety—Mortgage by Husband.

67 Hun, 232; (50 St. Rep. 780; 22 Supp. 798).

Beach v. New York, 14 Hun, 79.

Cited, Discovery—Examination Before Trial.

21 Supp. 1092. 15 Misc. 77; (72 Hun, 263 25 Civ. Pro. 245).

Beach v. New York, 32 St. Rep. 939; 10 Supp. 793.

Cited, Municipal Corporations—Employees—Discharge.

87 Hun, 298; (68 St. Rep. 272; 34 Supp. 347).

Beach v. Nixon, 9 N. Y. 35.

Cited, Landlord and Tenant—Lease—Termination—Summary Proceedings.

8 Misc. 186; (59 St. Rep. 478). 9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

Jurisdiction—Waiver—Consent.

15 Misc. 447; (72 St. Rep. 668; 37 Supp. 198).

Beach v. Raritan & D. B. R. Co., 37 N. Y. 457.

Cited, Evidence—Parol as to Writings—Complete Contract.

7 Misc. 315; (57 St. Rep. 554; 27 Supp. 904).

Evidence—Relevancy—Prices.

135 N. Y. 199; (48 St. Rep. 85). 15 Misc. 147; (71 St. Rep. 456; 36 Supp. 469).

Beach v. Ranney, 2 Hill, 309.

Cited, Libel and Slander—Pleading—Proof.

2 App. Div. 51; (72 St. Rep. 548; 37 Supp. 188).

Beach v. Smith, 30 N. Y. 116.

Cited, Corporations—Subscription for Stock—Payment of Percentage.

9 Misc. 426; (61 St. Rep. 707; 30 Supp. 264).

Beach v. Southworth, 6 Barb. 173.

Cited, Undertaking—Amendment.

11 Misc. 444; (65 St. Rep. 420; 32 Supp. 221).

Beach v. Sterne, 67 Hun, 341; (51 St. Rep. 819; 22 Supp. 330).

Affirmed, 143 N. Y. 634; 60 St. Rep. 873. 35 Supp. 413.

Beach Avenue, Matter of, 70 Hun, 351; 53 St. Rep. 822; 24 Supp. 37.

Beacon v. Rogers, 79 Hun, 220; 61 St. Rep. 364; 29 Supp. 507.

Beadle v. Monroe, 68 Hun, 323; 52 St. Rep. 182; 22 Supp. 981.

Beadleston v. Beadleston, 20 St. Rep. 21; 2 Supp. 809.

Cited, Evidence—Materiality—Divorce—General Conduct.

4 Misc. 455; (54 St. Rep. 938; 24 Supp. 1151).

Beadleston v. Beadleston, 103 N. Y. 402; 3 St. Rep. 634.

Cited, Husband and Wife—Divorce—Allowance for Expenses of Action.

Duplicate Citations in Parenthesis.

67 Hun, 493; (50 St. Rep. 847; 22 Supp. 569). 26 Supp. 292. 137 N. Y. 502; (51 St. Rep. 276). 73 Hun, 194; (56 St. Rep. 119; 25 Supp. 869). 82 Hun, 189; (64 St. Rep. 806; 31 Supp. 984). 11 App. Div. 202; (76 St. Rep. 584; 42 Supp. 584). 11 App. Div. 200; (76 St. Rep. 587; 42 Supp. 587). 19 Misc. 654; (78 St. Rep. 409; 44 Supp. 409).

Husband and Wife—Divorce—Alimony.
83 Hun, 189; (64 St. Rep. 145; 31 Supp. 592).

Beadleston & Woerz v. Morton, 16 Misc. 72; 73 St. Rep. 283; 37 Supp. 663.

Beadley & Currier Co. v. Ward, 15 App. Div. 386; 78 St. Rep. 164; 44 Supp. 164.

Beagle v. Harby, 73 Hun, 310; 58 St. Rep. 62; 26 Supp. 375.

Cited, Evidence—Parol—Contemporaneous Agreements.

79 St. Rep. 660; (45 Supp. 660).

Beakes, Matter of, 5 Dem. 128.

Cited, Executors—Removal.

8 Misc. 143; (59 St. Rep. 484; 29 Supp. 1081).

Beakes v. DaCunha, 126 N. Y. 293; 37 St. Rep. 14.

Cited, Contracts—Consideration—Guaranty.

2 Misc. 40; (51 St. Rep. 57; 21 Supp. 1030).

Guaranty—Notice.

69 St. Rep. 294; (35 Supp. 178).

Guaranty—Continuing.

14 Misc. 231; (70 St. Rep. 255; 35 Supp. 834).

Notice—Question of Fact.

20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

Witnesses — Competency — Transaction with Decedent—Contingent Interest.

77 Hun, 68; (59 St. Rep. 44; 28 Supp. 471).

Beakes v. Phoenix Ins. Co., 71 Hun, 613; 54 St. Rep. 290; 24 Supp. 544.

Reversed, 143 N. Y. 402; 62 St. Rep. 425.

Beakes v. Phoenix Ins. Co., 143 N. Y. 402; 62 St. Rep. 425.

Beal v. American Diamond Rock Boring Co., 15 Misc. 493; 72 St. Rep. 778; 37 Supp. 25.

Affirmed, 16 Misc. 540; 74 St. Rep. 261; 38 Supp. 743.

Beal v. American Diamond Rock-Boring Co., 16 Misc. 540; 74 St. Rep. 261; 38 Supp. 743.

Beal v. Finch, 11 N. Y. 128.

Cited, Tort—Several Defendants—Verdict.

90 Hun, 588; (70 St. Rep. 649; 35 Supp. 976).

Tort—Several Liability.

16 App. Div. 618; (78 St. Rep. 1058; 44 Supp. 1058).

Beall v. General Electric Co., 16 Misc. 611; 73 St. Rep. 594; 38 Supp. 527.

Beals v. Guernsey, 8 John. 446.

Cited, Interest—Recovery for Tort.

135 N. Y. 104; (48 St. Rep. 368).

Bean v. Carleton, 51 Hun, 318; 21 St. Rep. 220; 4 Supp. 61).

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 266).

Bean v. Tonnele, 94 N. Y. 331.

Cited, Presumption—Payment.

139 N. Y. 468; (54 St. Rep. 724). 73 Hun, 178; (56 St. Rep. 138; 25 Supp. 878). 88 Hun, 537; (63 St. Rep. 826; 34 Supp. 857). 69 St. Rep. 828; (35 Supp. 417). 9 Misc. 162; (59 St. Rep. 727; 29 Supp. 8).

Bean v. Tonnelle, 24 Hun, 353.

Cited, Motions and Orders—Ex parte—Affidavit—Previous Application.

4 Misc. 433; (53 St. Rep. 563; 24 Supp. 113). 88 Hun, 312; (68 St. Rep. 350; 34 Supp. 751).

Supplementary Proceedings — Time of Commencement—Limitation.

5 Misc. 486; (26 Supp. 735).

Bear v. American Rap. Tel. Co., 36 Hun, 400.

Cited, Action—Parties.

138 N. Y. 281; (52 St. Rep. 363). 8 Misc. 342; (60 St. Rep. 442; 29 Supp. 340). 82 Hun, 149; (63 St. Rep. 766; 31 Supp. 317). 12 App. Div. 338; (77 St. Rep. 57; 43 Supp. 57).

Appeal—Reversal for Defect of Parties.

138 N. Y. 146; (51 St. Rep. 852; 30 Abb. N. C. 342).

Beard, Matter of, 77 Hun, 111; 59 St. Rep. 851; 28 Supp. 305.

Affirmed, 60 St. Rep. 105.

Beard, Matter of, 60 St. Rep. 105.

Beard v. Beard, 140 N. Y. 260; 55 St. Rep. 408.

Cited, Interest—Trustees.

140 N. Y. 473; (55 St. Rep. 792). 140 N. Y. 617; (56 St. Rep. 488).

Beard v. Beard, 51 St. Rep. 735; 22 Supp. 1.

Beard v. Tilghman, 66 Hun, 12; 49 St. Rep. 508; 20 Supp. 736.

Duplicate Citations in Parenthesis.

Beard v. Tilghman, 66 Hun, 12; 49 St. Rep. 508; 20 Supp. 736.

Cited, Pleading—Variance.
82 Hun, 296; (64 St. Rep. 75; 31 Supp. 489). 19 Misc. 427; (77 St. Rep. 1140; 43 Supp. 1140).

Beards v. Wheeler, 76 N. Y. 213.

Cited, Fraudulent Conveyance—Preference of Creditor.

67 Hun, 149; (51 St. Rep. 744; 23 Supp. 223).

Judgment—Vacation.

9 App. Div. 98; (75 St. Rep. 539; 41 Supp. 78). 10 App. Div. 569; (76 St. Rep. 82; 42 Supp. 82).

Beardslee v. Beardslee, 5 Barb. 324.

Cited, Dower—Defeasance of Husband's Title by Condition Subsequent.

72 Hun, 567; (54 St. Rep. 848; 25 Supp. 627).

Wills—Bequest to Widow—Re-marriage.

4 Misc. 561; (25 Supp. 844).

Beardslee v. Dolge, 110 N. Y. 680.

Cited, Return—Conclusiveness.

143 N. Y. 163; (62 St. Rep. 188).

Beardslee v. Dolge, 143 N. Y. 160; 62 St. Rep. 187.

Cited, Certiorari.

4 App. Div. 542; (37 Supp. 920).

Return—Conclusiveness.

149 N. Y. 298; 149 N. Y. 555; (25 Civ. Pro. 371).

Beardslee v. Cook, 67 Hun, 101; 51 St. Rep. 405; 22 Supp. 36.

Reversed, 143 N. Y. 143; 62 St. Rep. 144.

Cited, Assignment—Equitable—Construction.

13 Misc. 647; (69 St. Rep. 144; 34 Supp. 918).

Beardsley v. Cook, 89 Hun, 151; 69 St. Rep. 240; 35 Supp. 12.

Beardsley v. Cook, 143 N. Y. 143; 62 St. Rep. 144.

Cited, Mechanic's Lien—Assignment—Equitable—Payments.

83 Hun, 567; (65 St. Rep. 7; 31 Supp. 1111). 13 Misc. 647; (69 St. Rep. 144; 34 Supp. 918). 89 Hun, 154; (69 St. Rep. 242; 35 Supp. 13). 15 App. Div. 389; (78 St. Rep. 165; 44 Supp. 165).

Mechanic's Lien—Burden of Proof.

1 App. Div. 361; (72 St. Rep. 515; 37 Supp. 329). 4 App. Div. 173; (38 Supp. 933).

Beardsley v. Davis, 52 Barb. 159.

Cited, Evidence—Parol—To Vary Writing.

10 Misc. 458; (64 St. Rep. 34; 31 Supp. 457).

Beardsley v. Duntley, 69 N. Y. 577.

Cited, Sale—Fraud—Proof.

11 Misc. 79; (59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 403).

Contracts—Statute of Frauds.

144 N. Y. 113; (63 St. Rep. 68).

Specific Performances—Parol Agreements—Respecting Land—Part Performance.

71 Hun, 173; (54 St. Rep. 194; 24 Supp. 563). 144 N. Y. 711; (71 St. Rep. 286).

Contracts—Reformation.

92 Hun, 606; (72 St. Rep. 727; 37 Supp. 754).

Beardsley v. Gaylord, 54 St. Rep. 234.

Affirmed, 142 N. Y. 662; 60 St. Rep. 868.

Beardsley v. Hotchkiss, 96 N. Y. 201.

Cited, Infants—Contracts—Avoidance.

68 Hun, 596; (52 St. Rep. 592; 23 Supp. 241). 86 Hun, 372; (67 St. Rep. 228; 33 Supp. 475). 88 Hun, 295; (68 St. Rep. 400; 34 Supp. 671). 15 Misc. 586; (72 St. Rep. 119; 37 Supp. 86). 13 App. Div. 548; (77 St. Rep. 665; 43 Supp. 665). 20 Misc. 244; (79 St. Rep. 796; 45 Supp. 796).

Infants—Maintenance.

4 Misc. 370; (25 Supp. 829). 8 Misc. 649; (61 St. Rep. 61; 29 Supp. 1046).

Real Property—Remainders—Alienation.

73 Hun, 480; (56 St. Rep. 13; 26 Supp. 438).

Beardsley v. Johnson, 121 N. Y. 224; 30 St. Rep. 691.

Cited, Corporations—Service of Process—Officers.

D. 12 Misc. 484; (67 St. Rep. 384; 33 Supp. 683).

Beardsley v. Lehigh Valley R. Co.,

142 N. Y. 173; 58 St. Rep. 641.

Affirming, 65 Hun, 502; 48 St. Rep. 485; 20 Supp. 458.

Cited, Condemnation—Award—Estoppel.

80 Hun, 280; (62 St. Rep. 36; 30 Supp. 166).

Beardsley v. N. Y., L. E. & W. R. Co., 17 Misc. 256; 40 Supp. 1077.

Affirmed, 15 App. Div. 251; 78 St. Rep. 175; 44 Supp. 175.

Cited, Railroads—Rate of Fare.

19 Misc. 121.

Beardsley v. N. Y., L. E. & W. R. Co., 15 App. Div. 251; 78 St. Rep. 175; 44 Supp. 175.

Beardsley v. Pope, 11 Misc. 117; 66 St. Rep. 351; 32 Supp. 926.

Reversed, 88 Hun, 560; 68 St. Rep. 784; 34 Supp. 846.

Beardsley v. Pope, 88 Hun, 560; 68 St. Rep. 784; 34 Supp. 846.

*Duplicate Citations in Parenthesis.***Beardsley v. Root**, 11 Johns. 464.

Cited, Assumpsit—Money Had and Received.

4 Misc. 80; (53 St. Rep. 138; 23 Supp. 780).

Agency—Election.

81 Hun, 351; (63 St. Rep. 151; 30 Supp. 897). 151 N. Y. 509.

Bearns v. Burras, 86 Hun, 258; 66 St. Rep. 854; 33 Supp. 262.

Bearss v. Copley, 10 N. Y. 93.

Cited, Witness—Expert—Qualification.

7 Misc. 180; (57 St. Rep. 547; 27 Supp. 349).

Witness—Cross-examination.

90 Hun, 73; (69 St. Rep. 863; 35 Supp. 459).

Beattie v. Beattie, 83 Hun, 295; 64 St. Rep. 663; 31 Supp. 936.

Affirmed, 153 N. Y. —.

Beatty v. Clark, 44 Hun, 126.

Cited, Evidence—Books of Account.

13 Misc. 635; (69 St. Rep. 165; 34 Supp. 940). 18 App. Div. 26; (79 St. Rep. 375; 45 Supp. 375). 13 App. Div. 209; (43 Supp. 259).

Beatty v. Hessman, 2 City Ct. R. 10.

Cited, Master and Servant—Negligence—Contributory.

11 Misc. 550; (64 St. Rep. 447; 32 Supp. 750).

Beattys v. Solon, Town of, 64 Hun, 120; 45 St. Rep. 899; 19 Supp. 37.

Modified, 136 N. Y. 662; 49 St. Rep. 847.

Cited, Corporations—Subscriptions—Validity—Payment of Percentage.

9 Misc. 425; (61 St. Rep. 707; 30 Supp. 264).

Beattys v. Solon, Town of, 136 N. Y. 662; 49 St. Rep. 847.

Cited, Interest.

4 App. Div. 367; (74 St. Rep. 248; 38 Supp. 730).

Beau v. Kiah, 4 Hun, 171.

Cited, Husband and Wife—Wife's Services.

9 Misc. 481; (61 St. Rep. 102; 30 Supp. 243). 19 Misc. 510; (77 St. Rep. 1099; 43 Supp. 1099).

Beaudrias v. Hogan, 16 App. Div. 38; 78 St. Rep. 785; 44 Supp. 785.

Beaver v. Beaver, 117 N. Y. 421; 27 St. Rep. 405.

Cited, Gift—Deposits.

137 N. Y. 63; (50 St. Rep. 69). 69 Hun, 282; (53 St. Rep. 373; 23 Supp. 575). 74 Hun, 55; (56 St. Rep. 171; 26 Supp. 323; 2

Ann. Cas. 346). 5 Misc. 537; (58 St. Rep. 99; 25 Supp. 835). 80 Hun, 146; (61 St. Rep. 636; 29 Supp. 1015).

Gift—Delivery.

137 N. Y. 219; (50 St. Rep. 402). 3 Misc. 278; (52 St. Rep. 393; 22 Supp. 780). 70 Hun, 477, 478; (53 St. Rep. 795, 796; 24 Supp. 286). 59 St. Rep. 606; (27 Supp. 618). 10 Misc. 453; (63 St. Rep. 328; 31 Supp. 86). 84 Hun, 205; (65 St. Rep. 741; 32 Supp. 541). 11 Misc. 156; (66 St. Rep. 559; 32 Supp. 1104). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Trust.

83 Hun, 249; (64 St. Rep. 261; 31 Supp. 624). 88 Hun, 15, 16; (68 St. Rep. 492; 34 Supp. 485). 147 N. Y. 46; (69 St. Rep. 304). 1 App. Div. 263; (72 St. Rep. 756; 37 Supp. 255). 15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281). 15 App. Div. 554; (78 St. Rep. 522; 44 Supp. 522). 7 Misc. 369; (59 St. Rep. 652; 27 Supp. 633).

Beaver v. Beaver, 137 N. Y. 59; 50 St. Rep. 69.

Reversing, 62 Hun, 194; 41 St. Rep. 607; 16 Supp. 476.

Cited, Gift.

7 Misc. 369; (59 St. Rep. 652; 27 Supp. 633). 88 Hun, 15; (68 St. Rep. 492; 34 Supp. 485).

Trust.

80 Hun, 146; (61 St. Rep. 636; 29 Supp. 1015). 92 Hun, 456; (72 St. Rep. 417; 36 Supp. 1008). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Bebinger v. Sweet, 1 Abb. N. C. 263.

Cited, Pleading—Separate Cause of Action—Numbering—Waiver.

53 St. Rep. 369; (23 Supp. 577).

Bechstein v. Schultz, 120 N. Y. 168.

Cited, Title — Foreclosure — Notice — Waiver.

17 App. Div. 321; (79 St. Rep. 209; 45 Supp. 209).

Becht v. Corbin, 92 N. Y. 658.

Cited, Negligence—Contributory—Observation.

11 Misc. 321; (65 St. Rep. 301; 32 Supp. 154).

Bechtle v. Manhattan R. Co., 62 St.

Rep. 120; 30 Supp. 410; 31 Abb. N. C. 483.

Beck, Matter of, Surr. Dec. 92, p. 16.

Cited, Wills—Bequests—Law of Domicile.

9 Misc. 529; (61 St. Rep. 680; 30 Supp. 393).

Beck, Matter of, 6 App. Div. 211; 39 Supp. 810.

*Duplicate Citations in Parenthesis.***Beck v. Allison**, 56 N. Y. 366.*Cited*, Equity—Relief.

3 Misc. 211; (52 St. Rep. 210; 23 Supp. 364). 138 N. Y. 459; (53 St. Rep. 23). 7 Misc. 44; (57 St. Rep. 91; 27 Supp. 384). 144 N. Y. 180; (62 St. Rep. 85). 18 Misc. 334; (76 St. Rep. 112; 42 Supp. 112).

Beck v. Brooklyn El. R. Co., 97 Hun.

30; 67 St. Rep. 510; 33 Supp. 764.

Beck v. Burdett, 1 Paige, 305.*Cited*, Creditors—Priority.

91 Hun, 73; (71 St. Rep. 90; 36 Supp. 177).

Beck v. Carter, 68 N. Y. 283.*Cited*, Negligence.

7 Misc. 641; (58 St. Rep. 345; 28 Supp. 54; 31 Abb. N. C. 282). 7 Misc. 646; (58 St. Rep. 393; 28 Supp. 15). 7 Misc. 273; (58 St. Rep. 532; 27 Supp. 892). 78 Hun, 397; (60 St. Rep. 787; 29 Supp. 228). 14 Misc. 440; (70 St. Rep. 732; 35 Supp. 1028). 15 Misc. 255; (71 St. Rep. 471; 36 Supp. 420). 4 App. Div. 484; (38 Supp. 686). D. 14 App. Div. 607; (77 St. Rep. 1118; 43 Supp. 1118).

Beck v. McGillis, 9 Barb. 35.

Cited, 11 App. Div. 361; (76 St. Rep. 923; 42 Supp. 923).

Devise—Aliens.

D. 11 App. Div. 365, 367; (76 St. Rep. 926; 42 Supp. 926).

Beck v. Sheldon, 48 N. Y. 365.*Cited*, Sale—Warranty.

149 N. Y. 604.

Beck v. Sherwood, 56 N. Y. 615.*Cited*, Assessment—Apportionment.

17 Misc. 690; (41 Supp. 546).

Beck v. Stephani, 9 How. 193.*Cited*, Interpleader.

89 Hun, 334; (69 St. Rep. 784; 35 Supp. 398; 25 Civ. Pro. 291; 2 Ann. Cas. 223).

Beck Street, Matter of, 19 Misc. 571;

78 St. Rep. 1087; 44 Supp. 1087.

Becker v. Barnum, 19 Week. Dig. 94.

Cited, Appeal—From Justice's Court—New Trial—Issues.

92 Hun, 187; (71 St. Rep. 645; 36 Supp. 592).

Becker v. Becker, 13 App. Div. 342; (77 St. Rep. 17; 43 Supp. 17).**Becker v. Boon**, 61 N. Y. 317.*Cited*, Tender.

6 Misc. 321; (56 St. Rep. 249; 26 Supp. 795). 82 Hun, 419; (63 St. Rep. 580; 31 Supp. 263). 84 Hun, 177; (65 St. Rep. 651; 32 Supp. 466). 89 Hun, 573; (70 St. Rep. 117; 35 Supp. 550). 16 Misc. 436; (39 Supp. 736). 18 Misc. 227; (75 St. Rep. 870; 41 Supp. 479). 19 Misc. 691; (78 St. Rep. 1109; 44 Supp. 1109).

Becker v. Cherry Creek, Town of,

70 Hun, 6; 53 St. Rep. 555; 24 Supp. 19.

Affirmed, 139 N. Y. 658; 54 St. Rep. 935.

Cited, Courts—Jurisdiction—Subject of Action—Locality.

8 Misc. 239; (59 St. Rep. 225; 28 Supp. 552). D. 8 Misc. 241; (59 St. Rep. 226; 28 Supp. 553).

Becker v. Cherry Creek, Town of,

77 Hun, 11; 59 St. Rep. 830; 28 Supp. 279.

Becker v. Church, 115 N. Y. 532.

Cited, Injunction—Summary Proceedings—Landlord and Tenant.

5 Misc. 165; (24 Supp. 913; 23 Civ. Pro. 221). 16 Misc. 463; (39 Supp. 922). 20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Becker v. Fisher, 13 App. Div. 555; 77 St. Rep. 685; 43 Supp. 685.**Becker v. Howard**, 66 N. Y. 5.

Cited, Mortgage—Redemption by Mortgagee From Tax Sale—Foreclosure—Grantee in Tax Deed as Party.

136 N. Y. 40; (49 St. Rep. 29).

Becker v. Jones, 37 Hun, 35.*Cited*, Limitation—Current Account.

5 App. Div. 583; (39 Supp. 385).

Becker v. Koch, 104 N. Y. 394; 5 St. Rep. 688.*Cited*, Appeal.

151 N. Y. 551.

Trial—Question of Fact—Credibility of Witnesses.

8 Misc. 447; (58 St. Rep. 851; 28 Supp. 686).

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59 St. Rep. 520; (28 Supp. 591). 9 Misc. 116; (59 St. Rep. 734; 29 Supp. 50). 10 Misc. 178; (62 St. Rep. 519; 30 Supp. 911). 18 Misc. 411; (76 St. Rep. 779; 42 Supp. 779). 20 Misc. 69; (78 St. Rep. 440; 44 Supp. 440). 16 App. Div. 195; (78 St. Rep. 746; 44 Supp. 746). 18 App. Div. 114; (79 St. Rep. 602; 45 Supp. 602).

Witness—Impeachment—Party's Own Witness—Inconsistent Declarations.

50 St. Rep. 307; (21 Supp. 499). 88 Hun, 544; (68 St. Rep. 710; 34 Supp. 775).

Becker v. Manhattan R. Co., 87 Hun, 317; 34 Supp. 1134.**Becker v. Metropolitan El. R. Co.**,

131 N. Y. 509; 43 St. Rep. 726.

Cited, Easement—Damages.

1 Misc. 111; (48 St. Rep. 680; 20 Supp. 649). 1 Misc. 156; (48 St. Rep. 712; 20 Supp. 625). 5 Misc. 244; (54 St. Rep. 788). 7 Misc. 94; (57

Duplicate Citations in Parenthesis.

St. Rep. 67; 27 Supp. 308). 76 Hun, 387; (59 St. Rep. 172; 28 Supp. 112.) 76 Hun, 427; (59 St. Rep. 355; 27 Supp. 1064). 10 Misc. 261; (64 St. Rep. 113; 31 Supp. 430), 85 Hun, 384; (66 St. Rep. 458; 32 Supp. 1054). 69 St. Rep. 660. 90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560). 147 N. Y. 301. D. 147 N. Y. 307. 308.

Evidence—Expert—Damages — Elevated Railway.

3 Misc. 431; (52 St. Rep. 447; 23 Supp. 168). 6 Misc. 430; (58 St. Rep. 584; 27 Supp. 133).

Becker v. Metropolitan El. R. Co., 30 Supp. 400.

Cited, Costs—Term Fee.

62 St. Rep. 121; (30 Supp. 399).

Becker v. National Prohibition Park Co., 69 Hun, 55; 52 St. Rep. 739; 23 Supp. 380.

Becker v. Porter, 17 App. Div. 183; 79 St. Rep. 296; 45 Supp. 296.

Becker v. Sitterly, 58 How. 38.

Cited, Inferior Courts—Jury—Judgment.

10 Misc. 750; (64 St. Rep. 620; 31 Supp. 813).

Becker v. Ten Eyck, 6 Paige, 68.

Cited, Contract — Public Policy — Division of Official Fees.

70 Hun, 546; (53 St. Rep. 612; 24 Supp. 373). 144 N. Y. 450; (63 St. Rep. 732).

Becker v. Torrance, 31 N. Y. 631.

Cited, Creditors—Priority.

89 Hun, 308; (69 St. Rep. 290; 35 Supp. 172). 8 App. Div. 558, 559, 560, 561; (75 St. Rep. 282, 283; 40 Supp. 887, 888; 889). 153 N. Y. 172.

Becker v. Van Valkenburgh, 29 Barb. 319.

Cited, Adverse Possession—Inclosure.

140 N. Y. 349; (55 St. Rep. 728). 19 Misc. 291; (77 St. Rep. 129; 43 Supp. 129).

Becker v. Warner, 90 Hun, 187; 70 St. Rep. 535; 35 Supp. 739.

Becker v. Weisner, 22 Alb. Law J. 156.

Cited, Pleading—Answer—Denial—Information and Belief—Frivolity.

78 Hun, 52; (60 St. Rep. 820; 29 Supp. 277).

Becker v. Winne, 7 Hun, 458.

Cited, Commission — Irregularities — Waiver.

20 Misc. 256; (79 St. Rep. 340; 45 Supp. 340).

Beckett, Matter of, 103 N. Y. 167.

16 Misc. 210; (38 Supp. 1128)

Beckett v. Place, 12 Misc. 323; 67 St. Rep. 340; 33 Supp. 634.

13 Misc. 779; (34 Supp. 1146).

Beckwith, Matter of, 3 Hun, 443.

Cited, Contracts—Lunatic—Avoidance.

88 Hun, 120; (68 St. Rep. 277; 34 Supp. 590).

Beckwith, Matter of, 87 N. Y. 503.

Cited, Lunatic—Allowance of Expenses

83 Hun, 28; (64 St. Rep. 341; 31 Supp. 604).

Beckwith v. Beckwith, 24 Week. Dig. 5.

Cited, Divorce—Foreign Decree.

82 Hun, 185; (64 St. Rep. 802; 31 Supp. 981).

Beckwith v. Burlingame, 16 Misc. 217; 39 Supp. 191.

Beckwith v. N. Y. C. R. Co., 64 Barb. 299.

Cited, Appeal—Review of Facts—Conflict of Evidence.

49 St. Rep. 271; (21 Supp. 141). 71 Hun, 390; (55 St. Rep. 47; 24 Supp. 1136). 71 Hun, 343; (55 St. Rep. 42; 25 Supp. 2). 71 Hun, 610; (55 St. Rep. 32; 25 Supp. 31). 6 Misc. 182; (26 Supp. 772; 31 Abb. N. C. 70). 10 Misc. 657; (64 St. Rep. 497; 31 Supp. 793). 92 Hun, 73; (71 St. Rep. 239; 36 Supp. 344).

Beckwith v. N. Y. C. & H. R. R. Co., 54 Hun, 446; 28 St. Rep. 130; 7 Supp. 519.

Affirmed, 125 N. Y. 759; 36 St. Rep. 1010.

Cited, Railroads — Crossings — Duty to Look—Proof.

79 Hun, 548; (61 St. Rep. 561; 29 Supp. 872). 82 Hun, 168, 171, 172; (63 St. Rep. 769, 771, 772; 31 Supp. 320, 323). 8 App. Div. 406; (75 St. Rep. 264; 40 Supp. 869).

Beckwith v. Oatman, 43 Hun, 265; 5 St. Rep. 445.

Cited, Negligence—Want of Ordinary Care and Skill.

11 Misc. 75; (66 St. Rep. 184; 32 Supp. 802).

Beckwith v. Union Bank of N. Y., 9 N. Y. 211.

Cited, Assignment—Notice.

15 App. Div. 601; (78 St. Rep. 831; 44 Supp. 831).

Beckwith v. Whalen, 9 Hun, 408.

Affirmed, 70 N. Y. 430.

Cited, Highways—Abandonment.

6 Misc. 202; (27 Supp. 871).

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Beckwith v. Whalen, 70 N. Y. 430.

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6 Misc. 202; (27 Supp. 871). 92 Hun, 309; (72 St. Rep. 394; 36 Supp. 872).

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11 App. Div. 504; (76 St. Rep. 912; 42 Supp. 912). 151 N. Y. 192.

Beddall v. British & Foreign Marine Ins. Co., 50 St. Rep. 745; 21 Supp. 709.

Affirmed, 143 N. Y. 94; 60 St. Rep. 471.

Beddall v. British & Foreign M. Ins. Co., 143 N. Y. 94; 60 St. Rep. 471.

Beddoe's Ex'r. v. Wadsworth, 21 Wend. 120.

Cited, Covenants — Running With the Land.

137 N. Y. 230; (50 St. Rep. 798). 142 N. Y. 87; (58 St. Rep. 414). 147 N. Y. 464; (70 St. Rep. 59). 152 N. Y. 461.

Bedell v. Arnold, 15 App. Div. 576; 78 St. Rep. 541; 44 Supp. 541.

Bedell v. Bedell, 37 Hun, 419.

Cited, Fraud—Of Third Party in Procuring Execution of Contract.

137 N. Y. 312; (50 St. Rep. 651).

Bedell v. Carll, 33 N. Y. 581.

Cited, Evidence — Presumption — Burden of Proof—Gifts.

76 Hun, 463; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 180). 16 App. Div. 546; (78 St. Rep. 993; 44 Supp. 993).

Pleadings—Surplusage—Disregarding.

71 Hun, 259; (54 St. Rep. 482; 24 Supp. 1075).

Bedell v. Chase, 34 N. Y. 386.

Cited, Evidence—Intention.

11 App. Div. 442; (76 St. Rep. 323, 42 Supp. 323).

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Bedell v. Guyon, 12 Hun, 396.

Cited, Wills—Construction—Vesting.

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Bedell v. Kennedy, 38 Hun, 510.

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Cited, Arbitration—Notice and Hearing—Waiver—Award—Effect.

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Bedell v. Long Island R. Co., 44 N. Y. 367.

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Bedell v. Powell, 13 Barb., 183.

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7 App. Div. 588; (40 Supp. 309).

Bedell v. Shaw, 59 N. Y. 46.

Cited, Adverse Possession—Lease—Possession Under.

141 N. Y. 364; (57 St. Rep. 440). 19 Misc. 290; (77 St. Rep. 128; 43 Supp. 128).

Bedford v. Sherman, 68 Hun, 317; 52 St. Rep. 98; 22 Supp. 892.

Cited, Action—Party In Interest—Assignment.

14 Misc. 13; (69 St. Rep. 498; 35 Supp. 126). 78 St. Rep. 378; (44 Supp. 378).

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Cited, Landlord and Tenant—Lease—Assignment.

6 Misc. 396; (56 St. Rep. 334; 26 Supp. 741). 8 Misc. 332; (59 St. Rep. 240; 28 Supp. 560). 82 Hun, 535; (64 St. Rep. 336; 31 Supp. 611). 11 Misc. 319; (65 St. Rep. 289; 32 Supp. 160). 13 Misc. 127; (67 St. Rep. 859; 34 Supp. 3). 20 Misc. 116; (79 St. Rep. 3; 45 Supp. 3).

Bedford v. Tupper, 30 Hun, 174.

Cited, Recording Acts—Omissions and Mistakes of Officer.

12 Misc. 497; (67 St. Rep. 397; 33 Supp. 672).

Bedlow, Matter of, 67 Hun, 408; 51 St. Rep. 782; 22 Supp. 290.

Cited, Evidence — Sufficiency — Wills — Undue Influence.

74 Hun, 472; (56 St. Rep. 704; 26 Supp. 501). 4 App. Div. 5; (73 St. Rep. 793; 38 Supp. 332, 333).

Bedlow v. N. Y. Floating Dry Dock Co., 112 N. Y. 263; 20 St. Rep. 707.

Cited, Landlord and Tenant—Adverse Possession.

85 Hun, 569; (66 St. Rep. 799; 33 Supp. 127). 4 App. Div. 315; (74 St. Rep. 163; 38 Supp. 703). D. 4 App. Div. 318; (39 Supp. 990).

Piers—Estate in.

91 Hun, 385, 387; (71 St. Rep. 11, 13; 36 Supp. 129, 130).

Municipal Corporations—Public Improvements—Powers.

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Duplicate Citations in Parenthesis.

Bedlow v. Stilwell, 91 Hun, 384; 71 St. Rep. 11; 36 Supp. 129.

Beebe v. Bank of N. Y., 1 Johns. 529.
Cited, Pleading—Relief Under—General Prayer for.

79 Hun, 377; (61 St. Rep. 441; 29 Supp. 455).

Beebe v. Bull, 12 Wend. 504.

Cited, Evidence — Exception — Availability.

18 Misc. 180; (75 St. Rep. 966; 41 Supp. 576).

Beebe v. Johnson, 19 Wend. 500.

Cited, Contracts—Performance, 19 Misc. 527; (43 Supp. 1064; 3 Ann. 375).

Beebe v. Kenyon, 3 Hun, 73.

Cited, Supplementary Proceedings—Order for Payment—Prior Transfer.

12 Misc. 628; (68 St. Rep. 133; 25 Civ. Pro. 46; 34 Supp. 254).

Beebe v. N. Y. & N. E. R. Co., 91 Hun, 294; 36 Supp. 1122.

Beebe v. Ranger, 35 Super. 452.

Cited, Brokers—Commissions—Complete Contract.

3 Misc. 426; (52 St. Rep. 441; 23 Supp. 157).

Beebe v. Richmond Light, Heat & Power Co., 13 Misc. 737; 69 St. Rep. 230; 35 Supp. 1.

Affirmed, 3 App. Div. 334; 73 St. Rep. 734; 38 Supp. 395.

Beebe v. Richmond Light, Heat & Power Co., 3 App. Div. 334; 73 St. Rep. 734; 38 Supp. 395.

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17 App. Div. 156; (79 St. Rep. 143; 45 Supp. 143).

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73 St. Rep. 738; (38 Supp. 399).

Beebe v. Richmond Light, Heat & Power Co., 6 App. Div. 187; 75 St. Rep. 397; 40 Supp. 1013.

Beebe v. Roberts, 3 E. D. Smith, 194.

Cited, Appeal—From Justice's Judgment—Return, Conclusiveness of, and Evidence to Contradict.

3 Misc. 125; (23 Supp. 995).

Beebe v. Sullivan County, Sup'rs. of, 142 N. Y. 631; 60 St. Rep. 865.

Affirming, 64 Hun, 377; 46 St. Rep. 222; 19 Supp. 629.

Beecher v. Conradt, 13 N. Y. 108.

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83 Hun, 383, 384; (64 St. Rep. 757; 31 Supp. 925). 88 Hun, 77; (68 St. Rep. 533; 34 Supp. 610).

Beecher v. Crouse, 19 Wend. 306.

Cited, Guardians—In Socage—Rights in Realty.

73 Hun, 148; (57 St. Rep. 17; 25 Supp. 1041).

Action—Next of Kin.

11 App. Div. 353; (76 St. Rep. 1011; 42 Supp. 1011).

Beecher v. Kendall, 14 Hun 327.

Cited, Justice's Court—Judgment—Review.

18 Misc. 292; (63 St. Rep. 245; 30 Supp. 1055; 24 Civ. Pro. 130).

Beecher v. Marquette & P. R. M. Co., 23 Alb. Law J. 316.

Cited, Corporations—Mortgage — Assent of Stockholders.

7 Misc. 211; (58 St. Rep. 41; 27 Supp. 679).

Beecher v. Schuback, 4 Misc. 54; 53 St. Rep. 74; 23 Supp. 604.

Beecher v. Schuback, 1 App. Div. 359; 72 St. Rep. 511; 37 Supp. 325.

Beecher v. Yale, 79 St. Rep. 622; 45 Supp. 622.

Beekman v. Brooklyn & Brighton Beach R. Co., 89 Hun, 14; 69 St. Rep. 262; 35 Supp. 84.

Beekman v. Frost, 18 Johns. 544.

Cited, Appeal—Questions Not Raised Below.

9 Misc. 120; (59 St. Rep. 708; 29 Supp. 290).

Beekman v. New York, 18 Misc. 509; 41 Supp. 990.

Beekman v. Saratoga & S. R. Co., 3 Paige, 45.

Cited, Eminent Domain—Exercise—Legislature.

14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

Beekman v. Third Ave. R. Co., 13 App. Div. 279; 77 St. Rep. 174; 43 Supp. 174.

Affirmed, 153 N. Y. 144.

Beekman v. Third Ave. R. Co., 153 N. Y. 144.

Beekman v. Van Dolsen, 70 Hun, 288; 53 St. Rep. 768; 24 Supp. 414.

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Cited, Corpse—Rights of Relatives.

11 Misc. 43; (63 St. Rep. 468; 31 Supp. 869). 1 App. Div. 555; (73 St. Rep. 193; 37 Supp. 474).

Duplicate Citations in Parenthesis.

- Beeman v. Banta**, 118 N. Y. 538; 29 St. Rep. 939.
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- Beeman v. Beeman**, 88 Hun, 14; 68 St. Rep. 491; 34 Supp. 484.
- Beemer v. Packard**, 92 Hun, 546; 38 Supp. 1045.
- Beer v. Canary**, 2 App. Div. 518; 74 St. Rep. 452; 38 Supp. 23.
- Beers v. Hendrickson**, 45 N. Y. 665.
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- Beers v. N. Y. Life Ins. Co.**, 66 Hun, 75; 49 St. Rep. 182; 20 Supp. 788.
Cited, Corporation—Officers—Employment—Ultra vires.
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- Beers v. Reynolds**, 11 N. Y. 97.
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- Behr v. Menendez**, 8 Misc. 690; 58 St. Rep. 814; 28 Supp. 526.
- Behrman v. Linde**, 47 Hun, 530; 15 St. Rep. 129; 5 Supp. 900.
- Cited*, Damages—Accruing After Suit Brought.
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- Beier v. Spaulding**, 92 Hun, 388; 72 St. Rep. 279; 36 Supp. 1056.
- Beil v. Horner**, 9 Misc. 492; 30 Supp. 227.
- Beilfus v. N. Y. L. E. & W. R. Co.**, 29 Hun, 556.
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- Beinhauer v. Gleason**, 15 St. Rep. 227.
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Cited, Contracts—Building—Conditions as to Underletting.
 77 Hun, 358; (60 St. Rep. 38; 28 Supp. 847).
 Contracts—Building—Performance—Excuse.
 82 Hun, 161; (63 St. Rep. 746; 31 Supp. 297).
- Beirne v. Dord**, 5 N. Y. 95.
Cited, Sale—By Sample.
 67 Hun, 553; (51 St. Rep. 262; 22 Supp. 506). 5 Misc. 411; (55 St. Rep. 387; 25 Supp. 764).
- Beisiegel v. N. Y. C. R. Co.**, 34 N. Y. 622.
Cited, Railway Crossings—Signals—Contributory Negligence.
 7 App. Div. 518; (40 Supp. 254).
- Beisiegel v. N. Y. C. R. Co.**, 40 N. Y. 9; 14 Abb. N. S. 29.
Cited Damages—Personal Injuries—Earnings.
 8 Misc. 230; (59 St. Rep. 447; 28 Supp. 722).
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- Beitz v. Fuller**, 92 Hun, 457; 72 St. Rep. 321; 36 Supp. 950.
- Belch v. N. Y. C. & H. R. R. Co.**, 90 Hun, 477; 71 St. Rep. 225; 36 Supp. 56.
- Belden v. Andrews**, 14 App. Div. 630; 77 St. Rep. 587; 43 Supp. 587.
- Belden v. Burke**, 72 Hun, 51; 55 St. Rep. 844; 25 Supp. 601.
Reversed, 147 N. Y. 542; 70 St. Rep. 99.

Duplicate Citations in Parenthesis.

- Belden v. Burke**, 72 Hun, 51; 55 St. Rep. 844.
Reversed, 147 N. Y. 542; 70 St. Rep. 99.
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 80 Hun, 576; (62 St. Rep. 585; 30 Supp. 592).
- Belden v. Burke**, 147 N. Y. 542; 70 St. Rep. 99.
- Belden v. Meeker**, 47 N. Y. 307.
Cited, Evidence—Presumption—Assignment—Consideration.
 7 Misc. 683; (58 St. Rep. 379; 28 Supp. 39).
- Belden v. N. Y. & H. R. Co.**, 15 How. 17.
Cited, Railroads—Action Against—Short Summons.
 20 Misc. 368; (79 St. Rep. 924; 45 Supp. 924);
- Belden v. State**, 103 N. Y. 1; 3 St. Rep. 8.
Cited, Judgment—Conclusiveness—Identity of Cause of Action.
 71 Hun, 566; (55 St. Rep. 103; 25 Supp. 141). 85 Hun, 18; (66 St. Rep. 129; 32 Supp. 618).
- Belden v. Union Warehouse Co.**, 11 App. Div. 160; 76 St. Rep. 650; 42 Supp. 750.
- Belden v. Wilcox**, 47 Hun, 331; 14 St. Rep. 374.
Cited, Attachment—Affidavit—Sufficiency—Cause of Action.
 73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416) 67 Hun, 204; (51 St. Rep. 519; 22 Supp. 65).
- Belgard v. McLaughlin**, 44 Hun, 557; 9 St. Rep. 33; 26 Week. Dig. 431.
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 5 Misc. 533; (58 St. Rep. 111; 25 Supp. 985).
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 72 St. Rep. 804; (38 Supp. 175; 1 Ann. Cas. 397).
- Belger v. Dinsmore**, 51 N. Y. 163.
Cited, Carriers—Limitation of Liability by Contract.
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 7 Misc. 132; (58 St. Rep. 10; 27 Supp. 338).
- Belgian Glass Co. v. Pabst**, 101 N. Y. 621.
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 10 Misc. 701; (64 St. Rep. 493; 31 Supp. 789).
- Belknap v. Bender**, 75 N. Y. 446.
Cited, Statute of Frauds—Payment of Another's Debt—Original Undertaking.
 72 Hun, 494; (54 St. Rep. 858; 25 Supp. 195). 144 N. Y. 435; (63 St. Rep. 659).
- Belknap v. Hasbrouck**, 13 Abb. 413.
Cited, Supplementary Proceedings—Place of Business—Agent.
 24 Supp. 829; (23 Civ. Pro. 179).
- Belknap v. Sealey**, 14 N. Y. 143.
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- Bell, Matter of**, see Heroy, Matter of.
- Bell, Matter of**, 23 Civ. Pro. 128; see Campbell, Matter of, 21 Supp. 685.
- Bell, Matter of**, 34 Supp. 191.
- Bell v. Bell**, 4 App. Div. 527; 40 Supp. 443.
Cited, Divorce—Foreign Decree.
 18 Misc. 710; (77 St. Rep. 747; 43 Supp. 747).
- Bell v. Bartholomew**, 122 Week. Dig. 33.
Cited, Appeal—Scope of Review.
 3 Misc. 71; (51 St. Rep. 857; 22 Supp. 555).
- Bell v. Bamstead**, 38 St. Rep. 393; 14 Supp. 697.
Cited, Appeal—Objections to Evidence, Sufficiency.
 1 Misc. 5; (48 St. Rep. 509; 20 Supp. 613).
- Bell v. Dagg**, 2 T. & C. 623.
Cited, Bills and Notes—Transfer—Warranty.
 18 Misc. 247; (75 St. Rep. 1002; 41 Supp. 609).
- Belknap v. Trimble**, 3 Paige 577.
Cited, Waters—Change of Course.
 15 App. Div. 172; (78 St. Rep. 284; 44 Supp. 284).
- Belknap v. Waters**, 11 N. Y. 477.
Cited, Action—Civil.
 2 App. Div. 412; (73 St. Rep. 542; 37 Supp. 1000).
- Bell v. Dole**, 11 Johns. 171.
Cited, Statute—Penal—Strict Construction.
 24 Supp. 938; (30 Abb. N. C. 125).
- Bell v. Gaynor**, 14 Misc. 334; 71 St. Rep. 71; 36 Supp. 122.
- Bell v. Good**, 46 St. Rep. 572; 19 Supp. 693.
Cited, Writ and Process—Service—Irregular Waiver.
 9 Misc. 210; (60 St. Rep. 841; 29 Supp. 382).

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Bell v. Leggett, 7 N. Y. 176.

Cited, Contracts—Public Policy—Suppression of Fraud.

3 Misc. 544; (52 St. Rep. 415; 23 Supp. 15).

Bell v. Litt, 12 App. Div. 626; (76 St. Rep. 112; 42 Supp. 112).

Bell v. Lyeoming Fire Ins. Co., 19 Hun, 238.

Cited, Evidence—Mailing—Presumption. 85 Hun, 180; (65 St. Rep. 723; 32 Supp. 578).

Insurance—Proofs of Loss—Condition Precedent.

85 Hun, 33; (66 St. Rep. 163; 32 Supp. 595).

Bell v. Merrifield, 109 N. Y. 202; 14 St. Rep. 796; 14 Civ. Pro. 146; 28 Week. Dig. 557.

Cited, Action—Form—Allegations as Test.

75 Hun, 137; (57 St. Rep. 796; 27 Supp. 278). 70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257). 5 Misc. 313; (26 Supp. 56). 143 N. Y. 381; 62 St. Rep. 345).

Equity—Enforcing Rights in Instruments. 140 N. Y. 255; (55 St. Rep. 543).

Judgment—Conclusiveness.

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85 Hun, 21; (66 St. Rep. 131; 32 Supp. 620). 146 N. Y. 209; (66 St. Rep. 590; 2 Ann. Cas. 22). 89 Hun, 550; (69 St. Rep. 647; 35 Supp. 293). 19 Misc. 333; (77 St. Rep. 504; 43 Supp. 504). 152 N. Y. 201.

Judgment—Extent of Relief.

56 St. Rep. 58; (25 Supp. 800). 61 St. Rep. 472; (29 Supp. 974). 10 Misc. 106; (62 St. Rep. 498; 30 Supp. 935). 89 Hun, 110; (68 St. Rep. 331; 34 Supp. 1063).

Trial—Equitable Actions—Right of Jury.

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Bell v. New York, 11 Hun, 511.

Cited, Reference—What Issue Referable.

52 St. Rep. 934; (25 Supp. 1128).

Bell v. New York, 105 N. Y. 139; 6 St. Rep. 847.

Cited, Statute—Construction.

70 Hun, 245; (54 St. Rep. 560). 73 Hun, 278; (58 St. Rep. 73; 26 Supp. 374). 16 App. Div. 100; (79 St. Rep. 13; 45 Supp. 13).

Mechanic's Lien—Construction—Officer—Service of Notice.

15 Misc. 60; (72 St. Rep. 350; 36 Supp. 923).

Bell v. Pierce, 51 N. Y. 12.

Cited, Taxation—Domicile—Residence.

53 St. Rep. 144; (23 Supp. 549). 24 Supp. 479.

Bell v. Rochester, 61 St. Rep. 721; 30 Supp. 365.

Bell v. Smith, 83 Hun, 438; 65 St. Rep. 211; 32 Supp. 54.

Bell v. Spotts, 50 How. 162.

Cited, Executors—Conduct of Estate—Assets—Negotiable Securities.

5 Misc. 563; (26 Supp. 724).

Bell v. Vernooy, 18 Hun, 125.

Cited, Reference—Waiver.

92 Hun, 293; (71 St. Rep. 779; 36 Supp. 714).

Bell v. Warn, 4 Hun, 406.

Cited, Wills—Repugnancy—Absolute Bequest with Gift Over.

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Bell v. Webb, 4 App. Div. 614; 36 Supp. 1122.

Bell v. Whitehead Bros. Co., 5 App. Div. 555; 39 Supp. 434.

Bell v. Yonkers, 78 Hun, 196; 60 St. Rep. 208; 28 Supp. 947.

Affirmed, 149 N. Y. 581.

Bell Asbestos Co. v. H. W. Jones Mfg Co., 74 St. Rep. 585.

Bellamy v. Guhl, 62 How. 460.

Cited, Writ and Process—Service—Infants.

3 Misc. 5; (53 St. Rep. 628; 23 Supp. 795).

Bellappi v. Hovey, 90 Hun, 135; 70 St. Rep. 389; 35 Supp. 624.

Beller v. Antisdell, 84 Hun, 252; 65 St. Rep. 719; 32 Supp. 575.

Bellinger v. Craigue, 31 Barb. 534.

Cited, Malpractice—Judgment for Services—Bar.

83 Hun, 23; (64 St. Rep. 213; 31 Supp. 582).

Negligence—Ordinary Care and Skill.

11 Misc. 15; (66 St. Rep. 184; 32 Supp. 802).

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17 App. Div. 248; (79 St. Rep. 588; 45 Supp. 588).

Bellinger v. Ford, 14 Barb. 250.

Cited, Inferior Courts—Want of Jurisdiction—Judgment.

19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

Bellinger v. Ford, 21 Barb. 311.

Cited, Executors—Acts Before Appointment—Doctrine of Relation.

88 Hun, 225; (68 St. Rep. 619; 34 Supp. 656).

*Duplicate Citations in Parenthesis.***Bellinger v. Gardner**, 2 Abb. 441.

Cited, Arrest — Undertaking — Amendment.

11 Misc. 444; (65 St. Rep. 420; 32 Supp. 221).

Bellinger v. Gray, 51 N. Y. 610.

Cited, Taxes—Supervisors—Illegal War-rant.

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Bellinger v. New York Central R. Co., 23 N. Y. 42.

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75 Hun, 484; (57 St. Rep. 370; 27 Supp. 472). 78 Hun, 477; (60 St. Rep. 747; 29 Supp. 190). 139 N. Y. 501; (54 St. Rep. 799). 20 Misc. 479; (79 St. Rep. 779; 45 Supp. 779). 13 App. Div. 189; 43 Supp. 311).

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66 Hun, 380; (50 St. Rep. 671; 21 Supp. 504). 75 Hun, 424; (57 St. Rep. 347; 27 Supp. 740). 13 Misc. 310, 312; (68 St. Rep. 724, 726; 34 Supp. 699, 701). 2 App. Div. 101; (73 St. Rep. 178; 37 Supp. 562).

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75 Hun, 490; (57 St. Rep. 356; 27 Supp. 476). 78 Hun, 563; (61 St. Rep. 245; 29 Supp. 564).

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141 N. Y. 525; (57 St. Rep. 721). 84 Hun, 320; (65 St. Rep. 582; 32 Supp. 376). 8 App. Div. 225; (40 Supp. 315).

Bellinger v. Shafer, 2 Sandf. Ch. 293.

Cited, Trustees—Authority to make Im-provements.

80 Hun, 533; (62 St. Rep. 611; 30 Supp. 637). 152 N. Y. 566.

Bello v. Metropolitan Street R. Co.,

14 Misc. 279; 70 St. Rep. 253; 35 Supp. 831.

Affirmed, 2 App. Div. 313; 73 St. Rep. 18; 37 Supp. 969.

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2 App. Div. 313; 73 St. Rep. 18; 37 Supp. 969.

Belloni v. Freeborn, 63 N. Y. 383.

Cited, Contracts—Guaranty—Indemnity.

2 Misc. 381; (50 St. Rep. 593; 21 Supp. 1099). 7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364). 1 App. Div. 218; (72 St. Rep. 659; 37 Supp. 182). 16 Misc. 314; (39 Supp. 416).

Guaranty—Contracts of—Rules of Con-struction.

1 Misc. 333; (48 St. Rep. 706; 20 Supp. 680). 92 Hun, 472; (71 St. Rep. 853; 36 Supp. 554). 149 N. Y. 365.

Bellows v. Elmendorf, 7 Lans. 462.

Cited, Penalty—Possession.

20 Misc. 121; (79 St. Rep. 75; 45 Supp. 75).

Belmont v. Coman, 22 N. Y. 438.

Cited, Deeds — Grantee—Incumbrance—Liability.

90 Hun, 203; (70 St. Rep. 531; 35 Supp. 735). 15 App. Div. 31; 78 St. Rep. 107; 44 Supp. 107.)

Belmont v. Erie R. Co., 52 Barb. 637.

Cited, Motion—Rehearing.

81 Hun, 99; (62 St. Rep. 551; 30 Supp. 618; 1 Ann. Cas. 150). 14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

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17 App. Div. 360; (79 St. Rep. 189; 45 Supp. 189).

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72 St. Rep. 802; (38 Supp. 173).

Belmont v. O'Brien, 12 N. Y. 394.

Cited, Trusts—Power in Trust.

61 St. Rep. 819. 80 Hun, 362; (30 Supp. 79). 84 Hun, 333; (65 St. Rep. 636; 32 Supp. 566).

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24 Supp. 664.

Mortgage—Limitation — Presumption of Payment.

10 App. Div. 139; (75 St. Rep. 1174; 41 Supp. 777). 14 App. Div. 122; (77 St. Rep. 514; 43 Supp. 514).

Belmont v. Sigua Iron Co., 12 App.

Div. 441; 76 St. Rep. 122; 42 Supp. 122.

Cited, Attachment—Affidavit.

20 Misc. 95; (79 St. Rep. 89; 45 Supp. 89).

Belmont Branch of the State Bank of Ohio v. Hoge, 35 N. Y. 65.

Cited, Bona Fides.

72 Hun, 448; (55 St. Rep. 274; 25 Supp. 209). 10 Misc. 502; (63 St. Rep. 621; 31 Supp. 196).

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8 App. Div. 91; (74 St. Rep. 858 04 Supp. 412).

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6 App. Div. 219; (39 Supp. 898).

Duplicate Citations in Parenthesis.

Belt v. American Central Ins. Co., 74 Hun, 448; 56 St. Rep. 638; 26 Supp. 692).

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Belt v. American Central Ins. Co., 148 N. Y. 624.

Cited, Insurance—Settlement Under Mistake—Remedy—Restoration.

8 App. Div. 196; (40 Supp. 338).

Belton v. Baxter, 54 N. Y. 245.

Cited, Highways—Use—Pedestrians.

2 Misc. 75; (49 St. Rep. 630; 21 Supp. 783). 11 Misc. 321; (65 St. Rep. 301; 32 Supp. 154). 14 Misc. 280; (70 St. Rep. 253; 35 Supp. 832).

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71 Hun, 507; (55 St. Rep. 84; 24 Supp. 1092). 6 Misc. 383; (56 St. Rep. 398; 26 Supp. 755). D. 80 Hun, 266; (61 St. Rep. 861; 30 Supp. 171).

Belton v. Baxter, 58 N. Y. 411.

Cited, Trial—Questions of Law and Fact.

2 Misc. 73; (49 St. Rep. 630; 21 Supp. 784). 1 Misc. 470; (49 St. Rep. 616; 21 Supp. 455). D. 57 St. Rep. 470; 27 Supp. 1044). 78 Hun, 185; (60 St. Rep. 246; 28 Supp. 917); 82 Hun, 273; (63 St. Rep. 796; 31 Supp. 347). 7 App. Div. 257; (74 St. Rep. 709; 40 Supp. 150).

Belton v. Hatch, 109 N. Y. 593; 16 St. Rep. 354.

Cited, Associations — Members — Rights and Obligations.

146 N. Y. 173; (66 St. Rep. 286). 149 N. Y. 427).

Beltz v. Yonkers, 74 Hun, 73; 56 St. Rep. 205; 26 Supp. 106.

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Cited, Sidewalk—Negligence —Contributory—Question of Fact.

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Beltz v. Yonkers, 148 N. Y. 67.

Cited, Highways—Slight Defects—Non-liability.

4 App. Div. 244; (74 St. Rep. 57; 38 Supp. 435). 18 Misc. 511; (41 Supp. 991). 11 App. Div. 358; (76 St. Rep. 107; 42 Supp. 107). 13 App. Div. 498; (77 St. Rep. 696; 43 Supp. 696). 15 App. Div. 230; (78 St. Rep. 123; 44 Supp. 123). 15 App. Div. 81; (78 St. Rep. 265; 44 Supp. 265). 151 N. Y. 74.

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79 St. Rep. 729; (45 Supp. 729).

Beman v. Douglas, 1 App. Div. 169; 73 St. Rep. 72; 37 Supp. 859.

Cited, Judgment—Effect.

79 St. Rep. 638; (45 Supp. 638).

Beman v. Todd, 124 N. Y. 114; 35 St. Rep. 214.

Cited, Lis Pendens—Cancellation.

24 Supp. 923; (30 Abb. N. C. 305). 11 Misc. 536; (66 St. Rep. 96; 32 Supp. 767). 10 App. Div. 37; (75 St. Rep. 1096; 41 Supp. 706).

Bemis v. Huntington, 78 St. Rep. 439; 44 Supp. 439.

Bendel v. Hettrick, 35 Super. 405.

Cited, Partnership — Release—Individual Debt.

11 Misc. 427; (65 St. Rep. 300; 32 Supp. 153).

Bender, Matter of, 86 Hun, 570; 67 St. Rep. 682; 33 Supp. 907.

Cited, Executors — Accounting — Allowance of Expenses.

19 Misc. 379; (78 St. Rep. 361; 44 Supp. 361).

Bender v. Bender, 88 Hun, 448; 68 St. Rep. 787; 34 Supp. 876; 2 Ann. Cas. 196.

Cited, Bill of Particulars—Office.

8 App. Div. 306; (75 St. Rep. 356; 40 Supp. 955).

Bender v. Blessing, 82 Hun, 320; 64 St. Rep. 79; 31 Supp. 481.

Cited, Limitations—Extension.

91 Hun, 74; (71 St. Rep. 99; 36 Supp. 163). 16 Misc. 403; (73 St. Rep. 607; 25 Civ. Pro. 314; 38 Supp. 516).

Bender v. Blessing, 91 Hun, 73; 71 St. Rep. 98; 36 Supp. 162.

Bender v. Hemstreet, 12 Misc. 620; 68 St. Rep. 254; 34 Supp. 423.

Bender v. Sherwood, 15 How. 258.

Cited, Interpleader—Admission of Part.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 2 Ann. Cas. 224; 25 Civ. Pro. 292).

Bendernagle v. Cocks, 19 Wend. 151.

Cited, Costs—Party in Interest.

12 Misc. 63; (66 St. Rep. 690; 33 Supp. 88; 24 Civ. Pro. 397).

Bendernagle v. Cocks, 19 Wend. 207.

Cited, Cause of Action—Installments of Demand.

78 Hun, 175; (60 St. Rep. 203; 28 Supp. 972).

Bendheim v. Morrow, 73 Hun, 90; 56 St. Rep. 105; 25 Supp. 900.

Cited, Mortgage—Satisfaction—By Trustees.

9 App. Div. 618; (75 St. Rep. 1213; 41 Supp. 813).

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Bendheim v. Morrow, 9 App. Div. 617;
75 St. Rep. 1212; 41 Supp. 812.

Bendit v. Annesley, 42 Barb. 192; 27
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Cited, Costs—Tender and Acceptance.
18 Misc. 635, 688; (76 St. Rep. 17, 19; 42
Supp. 17, 19; 3 Ann. Cas. 323).

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ter of.

Benedict, Matter of, 13 Abb. N. C. 67.
Cited, Executors—Accounting—Good

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24 Supp. 135.

Benedict v. Arnoux, 85 Hun, 283; 66
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Benedict v. Arnoux, 1 Ann. Cas. 407;
74 St. Rep. 776; 38 Supp. 882.

Cited, Action—Appearance—Mode.
17 Misc. 563; (75 St. Rep. 94; 40 Supp.
690).

Benedict v. Arnoux, 7 App. Div. 1; 39
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Benedict v. Benedict, 15 Hun, 305.
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Cited, Injunction—Damages by—Final
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70 Hun, 12; (53 St. Rep. 260; 23 Supp.
936). 9 App. Div. 257; (75 St. Rep. 884; 41
Supp. 493).

Benedict v. Benedict, 76 N. Y. 600.

Cited, Injunction—Action on Undertak-
ing—Final Decision.

67 Hun, 49; (50 St. Rep. 806; 21 Supp.
809). 9 App. Div. 257; (75 St. Rep. 884; 41
Supp. 493).

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11 Misc. 183; (65 St. Rep. 169; 32 Supp.
113).

Benedict v. Benedict, 85 N. Y. 625.

Cited, Vendor and Purchaser—Vendor's
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75 Hun, 454; (59 St. Rep. 647; 27 Supp.
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Benedict v. Cowden, 49 N. Y. 396.

Cited, Bills and Notes—Alteration—Lia-
bility.

10 Misc. 361; (63 St. Rep. 433; 31 Supp.
19).

Benedict v. Driggs, 34 Hun, 94.

Cited, Bills and Notes—Bona Fides.

15 Misc. 293; (72 St. Rep. 431; 36 Supp.
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Benedict v. Eldridge, 14 App. Div.
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Benedict v. Ferguson, 15 App. Div.
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Benedict v. Gilman, 4 Paige, 58.

Cited, Mortgage—Strict Foreclosure—
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138 N. Y. 143; (51 St. Rep. 850; 30 Abb.
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6 Misc. 196; (27 Supp. 34). 85 Hun, 57;
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Benedict v. Johnson, 2 Lans. 94.

Cited, New Trial—Terms—Proper.

70 Hun, 150; (53 St. Rep. 927; 24 Supp.
277).

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11 Misc. 248; (66 St. Rep. 516; 33 Supp.
16). 15 Misc. 259; (71 St. Rep. 494; 36 Supp.
443).

Benedict v. Lynch, 1. John. Ch. 370.

Cited, Contracts—Specific Performance—
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144 N. Y. 674; (71 St. Rep. 293).

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11 Misc. 560; (66 St. Rep. 102; 32 Supp.
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Cited, Action—Election of Remedies—
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4 Misc. 150; (53 St. Rep. 118; 23 Supp.
687).

Benedict v. Ocean Insurance Co.,
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Cited, Construction—Written and Printed
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14 Misc. 198; (70 St. Rep. 430; 35 Supp.
657).

Benedict v. Richardson, 68 Hun, 202;
51 St. Rep. 892; 22 Supp. 839.

Affirmed, 139 N. Y. 622; 54 St. Rep. 931.

Benedict v. Scheider, 38 St. Rep. 201;
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Cited, Master and Servant—Negligence—
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13 Misc. 158; (68 St. Rep. 187; 34 Supp.
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tributory—Assumption of Risk.

13 Misc. 165; (68 St. Rep. 188; 34 Supp.
140).

Benedict v. Seventh Ward R. Co.,
6 St. Rep. 548.

Cited, Injunction—When Denied.

82 Hun, 201; (63 St. Rep. 757; 31 Supp.
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Cited, Letter of Credit—Acceptance—Liability.

87 Hun, 34; (67 St. Rep. 503; 33 Supp. 752).

Benedict v. Sliter, 82 Hun, 190; 64 'St. Rep. 1; 31 Supp. 413.

Cited, Lunatic—Prior Expenses—Allowance.

8 App. Div. 401; (75 St. Rep. 241; 40 Supp. 850).

Benedict v. Webb, 98 N. Y. 460.

Cited, Power—As Part of Invalid Trust. 6 Misc. 379; (56 St. Rep. 339; 26 Supp. 745). 83 Hun, 530; (65 St. Rep. 815; 32 Supp. 490).

Trusts—Severance.

13 Misc. 434; (68 St. Rep. 414; 34 Supp. 686). 13 App. Div. 345; (77 St. Rep. 20; 43 Supp. 20).

Benedict v. Williams, 48 Hun, 123; 15 St. Rep. 677.

Cited, Sale—False Pretenses—Title.

145 N. Y. 561; (65 St. Rep. 511; 2 Ann. Cas. 7).

Benedict & Burnham Mfg Co. v. Thayer, 82 N. Y. 610.

Cited, Appeal—Security—Effect of Failure to Give.

3 Misc. 57; (51 St. Rep. 836; 22 Supp. 559; 23 Civ. Pro. 143; 29 Abb. N. C. 431).

Benesch v. John Hancock M. Life Ins. Co., 16 Daly, 394; 34 St. Rep. 16; 11 Supp. 714.

Cited, Principal and Agent—General Agent—Authority—Private Instructions.

3 Misc. 364; (53 St. Rep. 431; 23 Supp. 123).

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9 Misc. 91; (59 St. Rep. 749; 29 Supp. 32). 19 Misc. 285; (77 St. Rep. 70; 43 Supp. 70).

Benfield v. Vacuum Oil Co., 75 Hun, 209; 58 St. Rep. 663; 27 Supp. 16.

Affirmed, 151 N. Y. 671.

Bengston v. Thingvalla Steamship Co., 31 Hun, 96.

Cited, Corporations—Proof of Incorporation.

69 St. Rep. 191; (34 Supp. 1101; 25 Civ. Pro. 69). 11 Misc. 428; (65 St. Rep. 272; 32 Supp. 129).

Bengtoon, Matter of, Law J. Feb. 8, 1894.

Cited, Action—Parties—Suing as Poor Person.

62 St. Rep. 121; (30 Supp. 411).

Benham v. Cary, 11 Wend. 83.

Cited, Evidence—Fraudulent Conveyance—Contemporaneous Frauds.

3 Misc. 506; (23 Supp. 991).

Benjamin v. Allen, 7 Civ. Pro. 202.

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13 App. Div. 443; (77 St. Rep. 601; 43 Supp. 601).

Benjamin v. Benjamin, 5 N. Y. 383.

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1 Misc. 242; (53 St. Rep. 57; 23 Supp. 130). 1 Misc. 162; (48 St. Rep. 685; 20 Supp. 634). 18 Misc. 242; (75 St. Rep. 802; 41 Supp. 390).

Benjamin v. Coventry, 19 Wend. 353.

Cited, Evidence—Confidential Communications—Attorneys.

72 Hun, 497; (54 St. Rep. 773; 25 Supp. 269).

Benjamin v. DeGrott, 1 Den. 151.

Cited, Limitations—Suspension.

D. 9 App. Div. 351; (75 St. Rep. 728; 41 Supp. 315).

Benjamin v. Dimmick, 4 Redf. 7.

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1 Misc. 61; (23 Supp. 139).

Benjamin v. Elmira, Jefferson & Canandaigua R. Co., 49 Barb. 441.

Cited, Railroads—Mortgage—After Acquired Property.

9 App. Div. 89; (75 St. Rep. 499; 41 Supp. 43).

Benjamin v. Rogers, 126 N. Y. 60; 36 St. Rep. 393.

Cited, Bills and Notes—Accommodation—Restrictions As to Use.

73 Hun, 308; (57 St. Rep. 279; 26 Supp. 261). 14 Misc. 319; (70 St. Rep. 325; 35 Supp. 849, 851).

Bills and Notes—Accommodation—Bona-fide Transfer—Precedent Debt.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 27). Guaranty—Discharge.

3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760).

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15 Misc. 291; (72 St. Rep. 430; 36 Supp. 986).

Benjamin v. Welch, 73 Hun, 371; 55 St. Rep. 908; 26 Supp. 156.

Benner v. Atlantic Dredging Co., 134 N. Y. 156; 43 St. Rep. 774.

Cited, Public Improvements—Right—Injuries to Adjoining Property.

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3 Ann. Cas. 327). 11 App. Div. 423; (76 St. Rep. 341; 42 Supp. 341).

Benner v. Phoenix Towing & Trans. Co., 80 Hun, 412; 62 St. Rep. 65; 30 Supp. 290.

Bennet v. Bennet, 10 App. Div. 550; 76 St. Rep. 435; 42 Supp. 435.

Bennet v. Jenkins, 13 Johns. 50.

Cited, Damages—Breach of Covenant of Seizin—Improvements.

68 Hun, 74; (52 St. Rep. 224; 22 Supp. 596).

Damages—Measure—Eviction of Vendee. 73 Hun, 294; (37 St. Rep. 282; 26 Supp. 301).

Interest — Breach of Covenant Against Incumbrances.

68 Hun, 74; (53 St. Rep. 223; 22 Supp. 597).

Bennet v. Smith, 15 Johns. 355.

Cited, Bills and Notes—Void—Usury.

73 Hun, 593; (56 St. Rep. 180; 26 Supp. 180).

Bennet v. Wright, 77 Hun, 331; 60 St. Rep. 63; 28 Supp. 453.

Cited, Chattel Mortgage—Acts of Mortgage—Equitable Relief.

2 App. Div. 472; (74 St. Rep. 342; 37 Supp. 1044).

Bennett, Matter of, 6 Supp. 199.

Cited, Wills—Testamentary Capacity.

5 Misc. 189; (24 Supp. 861).

Bennett v. Abrams, 41 Barb. 619.

Cited Specific Performance—Relief when Specific Performance Impracticable.

2 Misc. 142; (50 St. Rep. 226; 21 Supp. 614).

Bennett v. Agricultural Ins. Co., 106 N. Y. 243; 8 St. Rep. 693.

Cited, Insurance — Incorrect Answers—Agents—Waiver.

10 Misc. 221; (63 St. Rep. 309; 30 Supp. 1070). 16 Misc. 534; (73 St. Rep. 598; 38 Supp. 509).

Bennett v. Austin, 81 N. Y. 308.

Cited, Fiduciary Relation—Breach.

14 Misc. 94; (69 St. R p 589; 35 Supp. 272).

Bennett v. Bates, 94 N. Y. 354.

Cited, Payment—Voluntary — Right to Recover, Back.

77 Hun, 602; (60 St. Rep. 459; 28 Supp. 1029).

Interest—Computation.

135 N. Y. 365; (48 St. Rep. 524).

Mortgage—Assumption—Disputing Validity.

12 Misc. 598; (70 St. Rep. 378; 35 Supp. 774).

Bennett v. Bell, 23 Supp. 1150.

36 Supp. 374.

Bennett v. Bennett, 116 N. Y. 584; 27 St. Rep. 679.

Cited, Action—Parties—Injuries to married Woman.

68 Hun, 251; (52 St. Rep. 185; 22 Supp. 975).

Damages—Injury to Marital Relation.

9 Misc. 38; (59 St. Rep. 546; 29 Supp. 297; 31 Abb. N. C. 321)

Husband and Wife—Alienation of Affections—Ground of Action.

79 Hun, 513; (61 St. Rep. 541; 29 Supp. 942). 79 Hun, 593; (61 St. Rep. 533; 29 Supp. 916). 88 Hun, 453, 456; (68 St. Rep. 712, 714; 34 Supp. 778, 780). 11 App. Div. 22; (77 St. Rep. 80; 43 Supp. 80). 150 N. Y. 180.

Bennett v. Brooklyn Heights R.

Co., 1 App. Div. 205; 72 St. Rep. 719; 37 Supp. 447.

Bennett v. Buchan, 76 N. Y. 386.

Cited, Sale—Fraud—Bona fides.

85 Hun, 287; (66 St. Rep. 468; 33 Supp. 984). D. 86 Hun, 254; (66 St. Rep. 753; 33 Supp. 237).

Bennett v. Byrne, 2 Barb. Ch. 216.

Cited, Guardians—Selection—Considerations.

74 Hun, 21; (56 St. Rep. 220; 26 Supp. 258).

Bennett v. Complete Electric Construction Co., 8 App. Div. 301; 40 Supp. 1139.

Bennett v. Cook, 43 N. Y. 537.

Cited, Limitation of Action—Nonresidents.

71 Hun, 597; (55 St. Rep. 122; 25 Supp. 58). 17 Misc. 136; (39 Supp. 341).

Bennett v. Culver, 97 N. Y. 250.

Cited, Conveyances—Construction.

3 App. Div. 287; (38 Supp. 1068). 10 App. Div. 551; (76 St. Rep. 437; 42 Supp. 437).

Bennett v. Draper, 139 N. Y. 266; 54 St. Rep. 553.

Affirming, 62 Hun, 524; 42 St. Rep. 921; 17 Supp. 98.

Cited, Contracts—Guaranty — Construction.

148 N. Y. 246.

Bennett v. Edwards, 27 Hun, 352.

Cited, Attachment—Affidavit by Attorney or Agent.

76 Hun, 358; (58 St. Rep. 482; 27 Supp. 803; 31 Abb. N. C. 203).

Attachment—Affidavits—Sufficiency.

77 Hun, 315; (59 St. Rep. 827; 28 Supp. 430). 18 Misc. 642, 643; (77 St. Rep. 776; 43 Supp. 776). 17 Misc. 243; (40 Supp. 1066).

Duplicate Citations in Parenthesis.

Bennett v. Egan, 3 Misc. 421; 52 St. Rep. 437; 23 Supp. 154.

Cited, Brokers—Commissions—Complete Contract.

11 Misc. 375; (65 St. Rep. 425; 32 Supp. 243).

Bennett v. Goble, 43 Hun, 354; 6 St. Rep. 862.

Cited, Costs—Security—Receiver.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790). 14 Misc. 79; (69 St. Rep. 552; 35 Supp. 197; 25 Civ. Pro. 24).

Bennett v. Gray, 92 Hun, 86; 71 St. Rep. 142; 36 Supp. 372.

Bennett v. Greenwich & Johnsons-ville R. Co., 84 Hun, 216; 65 St. Rep. 642; 32 Supp. 457.

Bennett v. Hurd, 3 Johns. 433.

Cited, Pleading—Statute—Proviso.

151 N. Y. 67.

Bennett v. Judson, 21 N. Y. 238.

Cited, Fraud — Misrepresentations — Knowledge of Truth.

5 Misc. 347; (55 St. Rep. 505). 13 Misc. 147; (68 St. Rep. 20; 34 Supp. 65). 18 Misc. 233; (75 St. Rep. 793; 41 Supp. 386).

Principal and Agent—Ratification—Responsibility of Principal.

139 N. Y. 331; (54 St. Rep. 620). 14 App. Div. 555; (77 St. Rep. 888; 43 Supp. 888). 79 St. Rep. 653; (45 Supp. 633).

Pleading—Facts or Legal Effect.

7 App. Div. 165; (39 Supp. 1104). 148 N. Y. 41.

Bennett v. Beeds Mfg. Co., 110 N. Y. 150; 16 St. Rep. 841.

Cited, Pleading—Answer—General Denial—Information and Belief.

5 Misc. 509; (58 St. Rep. 103; 25 Supp. 966). 7 Misc. 320; (57 St. Rep. 463; 27 Supp. 906). 16 Misc. 335; (39 Supp. 721). 17 Misc. 33; (39 Supp. 210).

Bennett v. Levi, 46 St. Rep. 754; 19 Supp. 226.

Cited, Appeal—First Questioning Sufficiency of Evidence on.

6 Misc. 373; (56 St. Rep. 403; 26 Supp. 758). 17 Misc. 296; (40 Supp. 372).

Trial—Requesting Direction of Verdict—Effect.

7 Misc. 72; (57 St. Rep. 492; 27 Supp. 376).

Bennett v. Lycoming County M. Ins. Co., 67 N. Y. 274.

Cited, Definitions—"Forthwith."

61 St. Rep. 837; (23 Civ. Pro. 400). 61 St. Rep. 837; (30 Supp. 146). 2 App. Div.

3; (72 St. Rep. 498; 37 Supp. 443). 4 App. Div. 506; (74 St. Rep. 619; 40 Supp. 10).

Insurance—Policy—Early Notice of Loss. 74 Hun, 149; (56 St. Rep. 395; 26 Supp. 244).

Bennett v. Lyndon, 8 App. Div. 387; 75 St. Rep. 161; 40 Supp. 786.

Bennett v. Matthews, 64 Barb. 410.

Cited, Pleading—Libel and Slander—Mitigating Facts.

16 App. Div. 83; (78 St. Rep. 1074; 44 Supp. 1074).

Bennett v. McGuire, 58 Barb. 625.

Cited, New Trial — Grounds — Improper Testimony—Prejudice.

9 Misc. 183; (60 St. Rep. 644; 29 Supp. 583).

Bennett v. Mulry, 6 Misc. 304; 58 St. Rep. 147; 26 Supp. 790.

Bennett v. N. Y. C. & H. R. R. Co., 40 St. Rep. 948; 16 Supp. 765.

Affirmed, 133 N. Y. 563.

Cited, Negligence—Contributory—Question of Fact.

92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699).

Bennett v. North British Ins. Co., 81 N. Y. 273.

Cited, Insurance—Waiver of Conditions — Knowledge of Inconsistent Facts.

137 N. Y. 396; (50 St. Rep. 683).

Insurance—Conditions—Waiver—Agents. 7 App. Div. 584; (40 Supp. 306).

Bennett v. Peck, 28 Hun, 447.

Cited, Mortgage — Extinction by Tax Sale.

136 N. Y. 41; (49 St. Rep. 30).

Bennett v. Schoellkopf, 12 App. Div. 98; 76 St. Rep. 1027; 42 Supp. 1027.

Bennett v. Smith, 23 Hun, 50.

Cited, Evidence — Relevancy — Libel — Good Faith.

71 Hun, 492; (54 St. Rep. 907; 24 Supp. 1065).

Bennett v. Stevenson, 53 N. Y. 508.

Cited, Mortgages—Enforcement—On Default of Interest.

76 Hun, 328; (59 St. Rep. 84; 27 Supp. 695). 77 Hun, 333; (60 St. Rep. 397; 28 Supp. 850.) 84 Hun, 427; (65 St. Rep. 611; 35 Supp. 412). 17 Misc. 705; (41 Supp. 511).

Bennett v. Taylor, 70 Hun, 51; 53 St. Rep. 504; 23 Supp. 1094.

Bennett v. Thompson, 76 Hun, 125; 57 St. Rep. 328; 27 Supp. 565.

*Duplicate Citations in Parenthesis.***Bennett v. Van Syckel**, 18 N. Y. 481.*Cited*, Appeal—Judgment—Accepting Benefit.

14 Misc. 187; (70 St. Rep. 519; 35 Supp. 654; 25 Civ. Pro. 147; 2 Ann. Cas. 164). 16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637). 19 Misc. 691; (78 St. Rep. 1109; 44 Supp. 1109).

Bennett v. Ward, 3 Caines, 259.*Cited*, Penalty—Enforcement—Right to Jury.

13 App. Div. 203; 77 St. Rep. 369; 45 Supp. 369).

Bennett v. Wardell, 43 Hun, 452; 6 St. Rep. 767.*Cited*, Bill of Particulars—Disclosure of Evidence.

82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496).

Bennett v. Watson, 19 Misc. 260; 78 St. Rep. 247; 44 Supp. 247; 26 Civ. Pro. 128.**Bennett v. Weaver**, 50 Hun, 111; 19 St. Rep. 41; 3 Supp. 776.*Cited*, Justice's Court—Jurisdiction—Residence of Parties.

77 Hun, 434; (60 St. Rep. 18; 28 Supp. 810). 77 Hun, 536; (60 St. Rep. 393; 28 Supp. 922).

Bennett v. W. U. Tel. Co., 18 St. Rep. 777; 2 Supp. 365.*Cited*, Telegraph Companies—Liability to Sender of Message—Assent to Conditions.

3 App. Div. 64; (3 Ann. Cas. 129; 38 Supp. 1058).

Bennett v. Whitney, 94 N. Y. 302.*Cited*, Officers—Public—Neglect of Duty—Liability.

66 Hun, 143; (48 St. Rep. 873; 20 Supp. 972). 78 Hun, 151; (60 St. Rep. 206; 28 Supp. 990).

Bennett v. Woolfolk, 80 Hun, 390; 62 St. Rep. 55; 30 Supp. 328.**Bennett v. Wright**, 77 Hun, 331; 60 St. Rep. 63; 28 Supp. 453.**Benninghoff v. Agricultural Ins. Co.**, 93 N. Y. 495.*Cited*, Insurance—Forfeiture—Waiver.

137 N. Y. 397; (50 St. Rep. 632). 140 N. Y. 28; (55 St. Rep. 382). 10 Misc. 221; (63 St. Rep. 310; 30 Supp. 1070). 12 Misc. 502; (67 St. Rep. 373; 33 Supp. 659). 150 N. Y. 195. 151 N. Y. 92. 20 Misc. 366; (79 St. Rep. 933; 45 Supp. 933).

Benoit v. Troy & L. R. Co., 77 Hun, 576; 60 St. Rep. 451; 28 Supp. 1024.**Bensel v. Gray**, 80 N. Y. 517.*Cited*, Vendor and Purchaser—Defects in Title—Waiver.

67 Hun, 349; (51 St. Rep. 798; 22 Supp. 208).

Bensel v. Gray, 12 J. & S. 372.*Affirmed*, 80 N. Y. 517.*Cited*, Tax Sale—Irregularities.

152 N. Y. 210.

Bensen v. Manhattan R. Co., 14

App. Div. 442; 77 St. Rep. 914; 43 Supp. 914.

Bensler v. Locke, 4 Misc. 486; 54 St. Rep. 262; 24 Supp. 364.**Benson, Matter of**, 96 N. Y. 499.*Cited*, Wills—Legacy—In Lieu of Dower—Lapsed.

140 N. Y. 429; (55 St. Rep. 803).

Wills—Lapsed Legacies—When Fall Into Residue.

3 Misc. 176; (23 Supp. 840).

Wills—Residuary Clause—Construction.

68 Hun, 442; (52 St. Rep. 676; 23 Supp. 101). 144 N. Y. 624; (64 St. Rep. 219). 153 N. Y. 254.

Trust—Gift of Interest—From What Time Computed.

5 Misc. 130; (25 Supp. 729).

Benson v. Corbin, 78 Hun, 202; 60 St. Rep. 211; 28 Supp. 963.*Affirmed*, 145 N. Y. 351; 64 St. Rep. 815.*Cited*, Wills—Construction—Contingent Devise Upon Death of Devisee—When Operates.

84 Hun, 260; (45 St. Rep. 799; 32 Supp. 530).

Benson v. Corbin, 145 N. Y. 351; 64 St. Rep. 815.*Cited*, Wills—Construction—Contingent Devise Upon Death of Devisee—When Operates.

147 N. Y. 355; (69 St. Rep. 697). 8 App. Div. 66; (40 Supp. 409).

Wills—Construction—Cutting Down Estate.

11 App. Div. 340; (76 St. Rep. 149; 42 Supp. 149).

Wills—Construction—Presumption of Legal Disposition.

20 Misc. 386; (79 St. Rep. 605; 45 Supp. 605).

Benson v. Gerlach, 20 St. Rep. 939; 4 Supp. 273.*Cited*, Bills and Notes—Possession—Presumption.

86 Hun, 478; (67 St. Rep. 508; 33 Supp. 885).

Duplicate Citations in Parenthesis.

Bent v. Glaenger, 17 Misc. 569; 75 St. Rep. 58; 40 Supp. 657.

Bentley v. Columbia Ins. Co., 17 N. Y. 421.

Cited, Principal and Agent—Agent Acting for Himself—Liability of Principal.

189 N. Y. 151; (54 St. Rep. 476).

Bentley v. Oswego Mut. Ben. Ass'n., 23 St. Rep. 470; 5 Supp. 223.

Cited, Insurance — Untrue Answer — Waiver.

12 Misc. 12; (66 St. Rep. 523; 33 Supp. 23).

Benton v. Hatch, 122 N. Y. 322; 33 St. Rep. 517.

Cited, Evidence—Relevancy—Under General Denial—Trespass—Title.

77 Hun, 494; (60 St. Rep. 22; 28 Supp. 807).

Benton v. Martin, 52 N. Y. 570.

Cited, Evidence—Parol Concerning Writing—Explanation.

5 Misc. 352; (55 St. Rep. 163, 25 Supp. 517). 73 Hun, 380; (57 St. Rep. 291; 26 Supp. 264). 73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262).

Written Instruments—Delivery under Condition.

153 N. Y. 133.

Benton v. Pratt, 2 Wend. 385.

Cited, Fraud—Action for—Proof of Fraud and Damages.

10 Misc. 357; (63 St. Rep. 417; 31 Supp. 27).

Contracts—Third Party Causing Breach—Action for.

20 Misc. 525.

Benton v. Wickwire, 54 N. Y. 226.

Cited, Mechanic's Lien—Basis.

66 Hun, 425; (50 St. Rep. 144; 21 Supp. 402). 8 Misc. 235; (59 St. Rep. 201; 28 Supp. 562). 10 Misc. 376; (64 St. Rep. 119; 31 Supp. 436).

Construction—Apparent Meaning.

148 N. Y. 431.

Benton v. Winner, 69 Hun, 494; 52 St. Rep. 628; 23 Supp. 413.

Benzing v. Steinway, 101 N. Y. 547.

Cited, Master and Servant—Risks Assumed.

67 Hun, 490; (51 St. Rep. 252; 22 Supp. 493). 8 Misc. 213; (59 St. Rep. 222; 28 Supp. 531). 85 Hun, 97; (66 St. Rep. 67; 32 Supp. 683). 148 N. Y. 378.

Master and Servant—Negligence—Duty of Master.

75 Hun, 326; (58 St. Rep. 215; 26 Supp. 1012; 31 Abb. N. C. 293). 76 Hun, 582; (58 St. Rep. 281; 28 Supp. 199). 15 Misc. 225; (71 St. Rep. 174; 36 Supp. 403).

Master and Servant—Safety of Appliances—Delegation of Duty.

6 Misc. 332; (56 St. Rep. 238; 26 Supp. 899). 1 Misc. 303; (48 St. Rep. 769; 20 Supp. 710). 77 Hun, 394; (60 St. Rep. 409; 28 Supp. 886). 78 Hun, 456; (60 St. Rep. 79); 29 Supp. 231). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 188). D. 5 App. Div. 438; (39 Supp. 306). 16 App. Div. 275; (78 St. Rep. 699; 44 Supp. 699). 17 App. Div. 423; (79 St. Rep. 238; 45 Supp. 238).

Master and Servant—Negligence—Fellow Servant.

D. 3 App. Div. 617; (74 St. Rep. 397; 38 Supp. 101). 79 St. Rep. 874; (45 Supp. 874).

Beram v. Kruscal, 18 Misc. 479; 76 St. Rep. 1121; 42 Supp. 1121.

Beran v. Tradesmen's Nat. Bank of N. Y., 137 N. Y. 450; 51 St. Rep. 170.

Berau v. O'Connell, 71 Hun, 21; 53 St. Rep. 867; 24 Supp. 597.

Berau v. O'Connell, 80 Hun, 431; 61 St. Rep. 821; 30 Supp. 81.

Affirmed, 150 N. Y. 572.

Berau v. O'Connell, 150 N. Y. 572.

Cited, 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887).

Berbling v. Glaser, 3 Misc. 624; 52 St. Rep. 266; 23 Supp. 118.

Berdell v. Parkhurst, 19 Hun, 358.

Cited, Husband and Wife—Conversion of Husband's Property by Wife.

66 Hun, 387; (49 St. Rep. 364; 21 Supp. 306).

Berford v. New York Iron Mine, 29 St. Rep. 207; 8 Supp. 193.

Cited, Pleading—Amendment—Change of Nature of Action.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293).

Berg v. Carroll, 30 St. Rep. 675.

Cited, Employment—Continuance.

13 Misc. 258; (63 St. Rep. 89; 34 Supp. 86).

Berg v. Carroll, 40 St. Rep. 811; 16 Supp. 175.

Cited, Appeal—Reversal of Findings—Insufficiency of Evidence.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717).

Evidence—Secondary—Necessary foundation.

1 Misc. 361; (48 St. Rep. 785; 20 Supp. 637).

Berg v. Parsons, 84 Hun, 60; 65 St. Rep. 31; 31 Supp. 1091.

Cited, Trial—Defect of Plaintiff's Proof—Supply by defendant.

19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706). 20 Misc. 554.

Duplicate Citations in Parenthesis.

Berg v. Parsons, 90 Hun, 267; 70 St. Rep. 284; 35 Supp. 780.

Berg v. Narragansett Steamship Co., 5 Daly, 394.

Cited, Carriers—Goods Marked Beyond Line—Liability.

13 Misc. 34; (68 St. Rep. 173; 34 Supp. 98).

Bergen v. Bennett, 1 Caine's Cas. 1.

Cited, Powers—With an Interest—When. 135 N. Y. 596; (49 St. Rep. 18)

Powers—Coupled With Interest—Revocation.

149 N. Y. 94.

Bergen v. Carmen, 79 N. Y. 146.

Cited, Equity—Administration of Complete Relief.

66 Hun, 60; (49 St. Rep. 489; 20 Supp. 748). 2 App. Div. 232; (73 St. Rep. 463; 37 Supp. 731).

Appeal—Order—Imposing Costs Conditionally.

16 Misc. 552; (74 St. Rep. 773; 38 Supp. 880.)

Bergen v. Deering, 70 Hun, 379; 53 St. Rep. 893; 24 Supp. 36.

Bergen v. Deering, 70 Hun, 381; 53 St. Rep. 894; 24 Supp. 35.

Bergen v. Powell, 94 N. Y. 591.

Cited, Office—Term—Removal.

84 Hun, 464; (65 St. Rep. 594; 32 Supp. 389). 15 Misc. 13; (72 St. Rep. 267).

Bergen v. Valentine, 63 How. 221.

Cited, Trusts—Increase—Right of Remainderman to.

75 Hun, 535; (57 St. Rep. 657; 27 Supp. 496).

Bergen v. Wyckoff, 84 N. Y. 659; 1 Civ. Pro. 1).

Cited, Judgment—Entry — Nunc pro tunc.

6 Misc. 53; (56 St. Rep. 607; 26 Supp. 730).

Berger v. Dubernet, 7 Robt. 1.

Cited, Appeal—Case—Failure to Serve—Effect.

76 Hun, 606; (59 St. Rep. 437; 28 Supp. 221; 23 Civ. Pro. 394).

Berger v. Varrelmann, 127 N. Y. 281; 38 St. Rep. 813.

Cited, Appeal—Looking Into Evidence for Support of Judgment.

68 Hun, 509; 52 St. Rep. 763; 23 Supp. 60). 149 N. Y. 58.

Assignment for Creditors — Validity — Preferences.

66 Hun, 9; (49 St. Rep. 192, 20 Supp. 811).

138 N. Y. 442; (53 St. Rep. 16; 30 Abb. N. C. 253). 24 Supp. 12. 3 Misc. 499; (23

Supp. 987). 54 St. Rep. 163; (24 Supp. 451). 146 N. Y. 44; (65 St. Rep. 766). D. 1 App. Div. 476, 483; (73 St. Rep. 165, 171; 37 Supp. 549, 554). 149 N. Y. 124.

Bergh's Case, 16 Abb. N. S. 284.

Cited, Contempt—When in Presence of Court—Jury Rooms.

8 Misc. 162; (60 St. Rep. 128; 28 Supp. 502).

Bergman v. Wolff, 33 St. Rep. 499; 11 Supp. 591.

Cited, Statutes—Repealing Effect—Special Application of General Act.

8 Misc. 136; (60 St. Rep. 151; 28 Supp. 648).

Bergmann v. Jones, 94 N. Y. 51.

Cited, Damages—Libel—Loss of Business.

51 St. Rep. 21; (21 Supp. 865).

Damages—Exemplary—Libel.

3 Misc. 319; (52 St. Rep. 401; 22 Supp. 770). 78 St. Rep. 1111; (44 Supp. 1111).

Evidence — Competency — Objection — Waiver.

135 N. Y. 455; (48 St. Rep. 428). 11 Misc. 333; (65 St. Rep. 414; 32 Supp. 233). 19 Misc. 508; (77 St. Rep. 1097; 43 Supp. 1097).

Libel—Per se—Ridicule, Disgrace, Contempt.

74 Hun, 241; (55 St. Rep. 681; 26 Supp. 235). 83 Hun, 352; (64 St. Rep. 655; 31 Supp. 928).

Libel—Falseness—Malice—Imputed.

6 Misc. 164; (27 Supp. 121). 16 Misc. 189; (72 St. Rep. 754; 37 Supp. 253).

Damages—Libel.

16 App. Div. 483; (78 St. Rep. 867; 44 Supp. 867).

Pleading—Special Damages—Grounds.

14 Misc. 485; (70 St. Rep. 436; 35 Supp. 700).

Bergmann v. Salmon, 69 Hun, 295; 53 St. Rep. 236; 23 Supp. 482.

Bergmann v. Salmon, 79 Hun, 456; 61 St. Rep. 449; 29 Supp. 968.

Affirmed, 150 N. Y. 575.

Berkowitz, v. Brown, 3 Misc. 1; 53 St. Rep. 625; 23 Supp. 792.

Cited, Husband and Wife—Transactions Between — Conveyances — Validity — Presumption.

7 Misc. 465; (59 St. Rep. 874; 28 Supp. 391).

Appeal — Judgment — Attacking — Presumption.

20 Misc. 475.

Berks v. Hotchkiss, 32 Hun, 27; 63 St. Rep. 354; 31 Supp. 16.

*Duplicate Citations in Parenthesis.***Berly v. Taylor**, 5 Hill, 577.

Cited, Action—Election of Remedies—Tort and Contract.

2 Misc. 118; (49 St. Rep. 230; 20 Supp. 874).

Trust—Benefit of Third Person—Refusal to Execute.

18 Misc. 59; (75 St. Rep. 478; 41 Supp. 24).

Trust—Benefit of Third Party—Adoption.

10 Misc. 454; (63 St. Rep. 329; 31 Supp. 87).

Bernard v. Henry Werner Co., 19 Misc. 173; 77 St. Rep. 220; 43 Supp. 220).

Bernard v. United Life Ins. Ass'n, 8 Misc. 499; 59 St. Rep. 399; 28 Supp. 756.

Bernard v. United Life Ins. Ass'n, 13 Misc. 10; 66 St. Rep. 521; 33 Supp. 22.

Reversing, 11 Misc. 441; 65 St. Rep. 421; 32 Supp. 223.

Followed, 15 Misc. 694; 71 St. Rep. 865; 37 Supp. 1143.

Cited, Insurance—Agent—Answers Filled in By—Estoppel.

17 Misc. 116; (39 Supp. 357). 18 Misc. 444; (76 St. Rep. 53; 42 Supp. 53).

Bernard v. United Life Ins. Ass'n, 17 Misc. 115; 39 Supp. 356.

Affirming, 15 Misc. 694; 71 St. Rep. 866; 37 Supp. 1143.

Cited, Insurance—Agent—Answers Filled in By—Estoppel.

18 Misc. 444; (76 St. Rep. 53; 42 Supp. 53).

Insurance — Policy — Liberal Construction.

D. 9 App. Div. 357; (75 St. Rep. 733; 41 Supp. 320).

Bernard v. United Life Ins. Ass'n, 14 App. Div. 142; 77 St. Rep. 527; 43 Supp. 527.

Bernard v. Werner Co. See **Bernard v. Henry Werner Co.**

Bernardi v. N. Y. C. & H. R. R. Co., 78 Hun, 454; 60 St. Rep. 789; 29 Supp. 230.

Berner v. Kaye, 14 Misc. 1; 69 St. Rep. 297; 35 Supp. 181.

Cited, Consideration—Bona fides.

17 Misc. 383; (39 Supp. 1062). 8 App. Div. 572; (75 St. Rep. 325; 40 Supp. 929).

Appeal—Trial—Inconsistent Position on Appeal.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

Berner v. Mitnacht, 2 Sweeny, 582.

Cited, Witness — Cross-examination — Credibility—Acts of Others.

3 App. Div. 128; (39 Supp. 394).

Berney v. Drexel, 33 Hun, 34.

56 St. Rep. 892; (26 Supp. 1128).

Pleading—Foreign Statutes.

18 Misc. 426; (75 St. Rep. 1419; 41 Supp. 1059).

Berney v. Drexel, 33 Hun, 419.

Cited, Pleading—Defect of Parties—Specific Allegation.

4 App. Div. 526; (40 Supp. 442).

Bernhard v. Rochester R. Co., 68 Hun, 369; 51 St. Rep. 880; 22 Supp. 821.

Cited, Trial—Question for Jury—Negligence—Management of Street Car.

78 Hun, 606; (55 St. Rep. 148; 25 Supp. 245).

Street Railway—Right of Way—Right to Drive on Track.

9 Misc. 272; (61 St. Rep. 325; 29 Supp. 749). 11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885).

Bernhardt v. Kurz, 2 Ann. Cas. 112; 38 Supp. 103.

Bernhardt v. Reussalaer & S. R. Co., 32 Barb. 165.

Affirmed, 1 Abb. Ct. App. Dec. 131.

Cited, Trial—Questions of Law and Fact—Negligence.

76 Hun, 137; (57 St. Rep. 454; 27 Supp. 849).

Bernhardt v. Reussalaer & S. R. Co., 1 Abb. Ct. App. Dec. 131.

Cited, Negligence—Error of Judgment—Question of Law or Fact.

82 Hun, 273; (63 St. Rep. 796; 31 Supp. 347). D. 57 St. Rep. 470; (27 Supp. 1044).

Bernheimer v. Herrman, 44 Hun, 110.

Cited, Payment—By Check.

19 Misc. 179.

Bernheimer v. Kilpatrick, 53 Hun, 316; 25 St. Rep. 837; 6 Supp. 858.

Cited, Real Property—Lateral Support—License.

50 St. Rep. 148; (21 Supp. 387).

Bernheimer v. Rindskopf, 116 N. Y. 428.

Cited, Partnership—Payment of Individual Debt.

11 App. Div. 82; (76 St. Rep. 982; 42 Supp. 982).

Appeal—Conflict of Evidence—Reversal. 152 N. Y. 168.

Bernsee, Matter of, 141 N. Y. 389; 57 St. Rep. 601.

Affirming, 71 Hun, 27; 53 St. Rep. 872; 24 Supp. 504.

*Duplicate Citations in Parenthesis.**Cited, Witness—Party in Interest.*

82 Hun, 146; (63 St. Rep. 763; 31 Supp. 315). 90 Hun, 8; (69 St. Rep. 852; 35 Supp. 363). 92 Hun, 384; (71 St. Rep. 712; 36 Supp. 692). 13 App. Div. 493; (77 St. Rep. 355; 43 Supp. 355).

Wills—Execution—Witness.

13 Misc. 299; (69 St. Rep. 189; 34 Supp. 1122).

Wills—Execution—Publication.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154).

Bernstein v. Dry Dock, E. B. & B. R. Co., 72 Hun, 46; 55 St. Rep. 341; 25 Supp. 669.

Cited, Negligence—Contributory—Jumping from Car.

77 Hun, 463; (60 St. Rep. 596; 28 Supp. 1011).

Bernstein v. Hilpoltsteiner, 18 Misc. 376; 75 St. Rep. 1045; 41 Supp. 659.

Bernstein v. Meech, 130 N. Y. 354; 41 St. Rep. 700.

Cited, Damages—Measure—Breach of Contract.

139 N. Y. 436; (54 St. Rep. 699). 142 N. Y. 188; (58 St. Rep. 647). 10 Misc. 675; (64 St. Rep. 294; 31 Supp. 669; 1 Ann. Cas. 272). 144 N. Y. 659.

Damages—Contracts—Speculative Profits—Production of Play.

69 Hun, 290; (53 St. Rep. 37; 23 Supp. 624).

Bernstein v. Nealis, 144 N. Y. 347; 63 St. Rep. 638.

Cited, Conveyance—Erroneous Description—Reference to Another Conveyance.

9 App. Div. 469; (75 St. Rep. 1461; 41 Supp. 217).

Bernstein v. Singer, 1 App. Div. 63; 72 St. Rep. 41; 36 Supp. 1093.

Bernstine v. Sweeny, 33 Super. 271.

Cited, Innkeepers—Guest—Loss of Property—Jewel or Ornament.

90 Hun, 190; (70 St. Rep. 538; 35 Supp. 741).

Berntsen v. Huner, 10 Misc. 6; 62 St. Rep. 654; 30 Supp. 540.

Berrian v. Methodist Society, 4 Abb. 424; 6 Duer. 682.

Cited, Corporations—Service of Process—Officer de facto.

14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071).

Berrien, Matter of, 5 Supp. 37.

Affirmed, 12 Supp. 585.

Cited, Wills—Testamentary Capacity.

5 Misc. 189; (24 Supp. 861).

Berrigan v. N. Y. L. E. & W. R. Co., 131 N. Y. 582; 42 St. Rep. 858.

Cited, Master and Servant—Duty of Master—Rules.

73 Hun, 272; (56 St. Rep. 65; 26 Supp. 407). 69 Hun, 27; (52 St. Rep. 817; 23 Supp. 461). 78 Hun, 494; (61 St. Rep. 212; 29 Supp. 535). 61 St. Rep. 585; (29 Supp. 898). 10 Misc. 336; (63 St. Rep. 517; 31 Supp. 135). 86 Hun, 97; (68 St. Rep. 42; 34 Supp. 199). 88 Hun, 325; (68 St. Rep. 559; 34 Supp. 741). 14 App. Div. 72; (17 St. Rep. 760; 43 Supp. 760). 80 Hun, 72; (29 Supp. 898). 151 N. Y. 584.

Berringer v. Schaefer, 52 How. 69.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Brery, Matter of, 26 Barb. 55.

Cited, Appeal—Stay—Effect.

2 Misc. 186; (49 St. Rep. 718; 21 Supp. 766; 23 Civ. Pro. 29).

Corporations—Action to Dissolve—Cessation of Powers and Franchises.

90 Hun, 437; (70 St. Rep. 301; 35 Supp. 816).

Berry v. American Central Insurance Co. of St. Louis, Mo., 30 St. Rep. 53; 8 Supp. 762.

Cited, Insurance—Policy—Waiver—Knowledge of Agent.

78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252).

Berry v. American Central Insurance Co. of St. Louis, Mo., 132 N. Y. 49; 43 St. Rep. 400.

Cited, Insurance—Forfeiture—Waiver—Knowledge of Agent.

74 Hun, 156; (56 St. Rep. 296; 26 Supp. 648). 142 N. Y. 337; (59 St. Rep. 779). 49 St. Rep. 140; (21 Supp. 31). 79 Hun, 120; (61 St. Rep. 372; 29 Supp. 515). 66 Hun, 548; (49 St. Rep. 868; 21 Supp. 665). 84 N. Y. 505; (65 St. Rep. 698; 32 Supp. 425). 16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509). 7 App. Div. 584; (40 Supp. 306). 15 App. Div. 621; (78 St. Rep. 770; 44 Supp. 770). 149 N. Y. 484.

Insurance—Policy—Avoidance—Mistake of Agent.

70 Hun, 491; (53 St. Rep. 746; 24 Supp. 386).

Rescission—Action For—Misrepresentations of Agent.

79 St. Rep. 629; (45 Supp. 629).

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12 App. Div. 226; (77 St. Rep. 434; 43 Supp. 434). 13 App. Div. 548; (77 St. Rep. 665; 43 Supp. 665). 8 App. Div. 196; (40 Supp. 338).

Berry v. Gavin, 88 Hun, 1; 68 St. Rep. 288; 34 Supp. 505.

Berry v. Mayhew, 1 Daly, 54.

Cited, Money Had and Received—Action For.

10 Misc. 234; (63 St. Rep. 251; 30 Supp. 1061).

Berry v. Rowley, 11 App. Div. 396; 76 St. Rep. 368; 42 Supp. 368.

Berry Harvester Co. v. Walter A. Wood Mowing & Reaping Machine Co., 152 N. Y. 540.

Bertha Zinc & Mineral Co. v. Clute, 7 Misc. 123; 57 St. Rep. 70; 27 Supp. 342.

Cited, Corporations — Foreign—Business Within State—Certificate.

10 Misc. 558; (65 St. Rep. 820; 32 Supp. 494). 88 Hun, 256; (68 St. Rep. 699; 34 Supp. 718).

Berthold v. Wallach, 14 Misc. 55; 69 St. Rep. 563; 35 Supp. 208.

Bertholf v. O'Reilly, 8 Hun, 16.

Affirmed, 74 N. Y. 509.

Cited, Sunday Law—Violation of—Defense—In Action for Negligence.

8 Misc. 658; (59 St. Rep. 539; 29 Supp. 1124; 31 Abb. N. C. 428).

Bertholf v. O'Reilly, 74 N. Y. 509.

Cited, Constitutional Law—Police Power.

67 Hun, 160; (51 St. Rep. 195; 22 Supp. 61). 4 App. Div. 187; (74 St. Rep. 594; 38 Supp. 910). 14 Misc. 334; (71 St. Rep. 71; 36 Supp. 123). 17 Misc. 2; (74 St. Rep. 519; 38 Supp. 837). 17 Misc. 413; (40 Supp. 1137). 19 Misc. 445; (77 St. Rep. 705; 43 Supp. 705).

Constitutionality — Laws Derogatory of Common Law.

92 Hun, 470; (71 St. Rep. 852; 36 Supp. 552).

Constitutionality—Assumption of Liability.

10 Misc. 80; (62 St. Rep. 398; 30 Supp. 474).

Constitutionality—Innocent Party.

13 App. Div. 199; (77 St. Rep. 367; 43 Supp. 367).

Constitutionality—Deprivation of Rights.

149 N. Y. 199.

Bertles v. Nunan, 92 N. Y. 152.

Cited, Husband and Wife—Creation of Tenancy by Entirety.

136 N. Y. 94; (49 St. Rep. 66). 79 Hun, 45; (61 St. Rep. 133; 29 Supp. 653). 13 App. Div. 474; (16 Misc. 656; 72 St. Rep. 163; 37 Supp. 11; 25 Civ. Pro. 272).

Husband and Wife—Tenancy by the Entirety Survivorship.

79 Hun, 45; (29 Supp. 653). 9 Misc. 664; (30 Supp. 837). 67 Hun, 231; (50 St. Rep. 780; 22 Supp. 797). 62 St. Rep. 414; (30 Supp. 837). 144 N. Y. 310; (63 St. Rep. 706). 83 Hun, 203; (63 St. Rep. 778; 31 Supp. 329). 89 Hun, 526; (69 St. Rep. 798; 35 Supp. 410).

Husband and Wife—Property Transactions—Disability of Wife—Effect of Statute.

79 Hun, 82; (61 St. Rep. 174; 29 Supp. 632). 88 Hun, 90; (68 St. Rep. 684; 2 Ann. Cas. 151; 34 Supp. 629). 149 N. Y. 529.

Husband and Wife—Tenancy by Entirety — Husband's Control Over.

8 Misc. 352; (59 St. Rep. 596; 28 Supp. 689). 144 N. Y. 313; (63 St. Rep. 708). 148 N. Y. 238; (2 Ann. Cas. 410).

Berwind v. Greenwich Ins. Co., 114 N. Y. 231.

Cited, Insurance — Marine — Seaworthiness.

10 App. Div. 202, 204; (75 St. Rep. 1273; 41 Supp. 904, 905).

Berwind-White Coal Mining Co. v.

Ewart, 11 Misc. 490; 64 St. Rep. 458; 32 Supp. 716.

Affirmed, 90 Misc. 60; 70 St. Rep. 233; 35 Supp. 573).

Cited, 35 Supp. 574.

Berwind-White Coal Mining Co. v.

Ewart, 90 Hun, 60; 70 St. Rep. 233; 35 Supp. 573.

Besel v. N. Y. C. & H. R. R. Co., 70 N. Y. 171.

Cited, Master and Servant—Machinery and Appliances—Master's Duty as to Condition.

1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710).

Master and Servant—Negligence of Fellow Servants.

136 N. Y. 82; (48 St. Rep. 846). 12 Misc. 411; (67 St. Rep. 410; 33 Supp. 587). 14 App. Div. 25; (43 Supp. 668).

Besson v. Southard, 10 N. Y. 236.

Cited, Malicious Prosecution—Constituents.

2 Misc. 305; (51 St. Rep. 571; 21 Supp. 999).

Trial—Questions of Law—Probable Cause in Malicious Prosecution.

60 St. Rep. 90. 2 Misc. 306; (51 St. Rep. 570; 21 Supp. 1030).

*Duplicate Citations in Parenthesis.***Best v. Bauder**, 29 How. 489.

Cited, License—As Condition Precedent to Recovery on Contract.

9 Misc. 379; (61 St. Rep. 483; 30 Supp. 254).

Best v. Staple, 61 N. Y. 71.

Cited, Chattel Mortgage—Delay in Filing—Intermediate Levy.

49 St. Rep. 536; (21 Supp. 175).

Best v. Stow, 2 Sandf. Ch. 298.

Cited, Contracts—Specific Performance—Mistake.

19 Misc. 439; (78 St. Rep. 483; 44 Supp. 483).

Best v. Thiel, 79 N. Y. 15.

Cited, Consideration—Sealed Instrument.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1094).

Evidence—Presumption—Consideration of Specialty.

6 Misc. 578; (57 St. Rep. 787; 27 Supp. 221). 145 N. Y. 662; (71 St. Rep. 314).

Wand of Consideration—Estoppel.

11 Misc. 587; (66 St. Rep. 340; 32 Supp. 1085). 15 Misc. 118; (71 St. Rep. 504; 36 Supp. 489).

Best v. Zeh, 82 Hun, 232; 63 St. Rep. 549; 31 Supp. 230.**Beste v. Burger**, 13 Daly, 317.

Cited, Assignment for Creditors—Preferences.

6 Misc. 464; (27 Supp. 911).

Betjeman v. New York El. R. Co.,

1 Misc. 138; 48 St. Rep. 721; 20 Supp. 628.

Cited, Appeal—Conflicting Evidence—Excessive Damages.

2 Misc. 113; (49 St. Rep. 232; 20 Supp. 857). D. 4 Misc. 123; (53 St. Rep. 467; 23 Supp. 900). 5 Misc. 242; (54 St. Rep. 786).

Appeal—Review of Findings by Court—Reversal, when Justified.

1 Misc. 143; (48 St. Rep. 725; 20 Supp. 631).

Betsinger v. Chapman, 24 Hun, 15.

Cited, Appeal—Review of Facts.

11 App. Div. 395; (76 St. Rep. 1124; 42 Supp. 1124).

Betsinger v. Schuyler, 46 Hun, 349; 12 St. Rep. 377.

Cited, Chattel Mortgage—Description of property.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

Bettinger v. Van Alstyne, 79 Hun, 517; 61 St. Rep. 591; 29 Supp. 904.**Bettis v. Goodwill**, 32 How. 137.

Cited, Costs—Offer of Judgment—Effect. 7 Misc. 538; (27 Supp. 1001.)

Betts v. Bache, 14 Abb. 279.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts In.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500..

Betts v. Betts, 4 Abb. N. C. 317.

Cited, Executors—Commissions—Reinvestments.

51 St. Rep. 737; (22 Supp. 2). 140 N. Y. 264; (55 St. Rep. 409).

Pleading—Bill of Particulars—Specific Demand.

4 Misc. 611; (53 St. Rep. 566; 24 Supp. 574).

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24 Supp. 94.

Request—To Department of Corporation—Who Takes.

1 App. Div. 162; (73 St. Rep. 25; 37 Supp. 921).

Betts v. Betts, 9 App. Div. 210; 75 St. Rep. 695; 41 Supp. 285.**Betts v. Gloversville Vill. of**, 29 St. Rep. 331; 8 Supp. 795.

Cited, Municipal Corporations—Streets—Faults in Plan of Construction.

80 Hun, 470; 62 St. Rep. 284; 30 Supp. 452).

Betts v. Jackson, 6 Wend. 173.

Cited, Wills—Failure to Find—Presumption.

88 Hun, 103; (63 St. Rep. 649; 34 Supp. 586).

Betts v. Williamshburgh, 15 Barb. 255.

Cited, Taxation—Illegal assessment—Injunction. 6 App. Div. 275; (39 Supp. 782).

Betz v. Buckel, 54 St. Rep. 324; 24 Supp. 487; 30 Abb. N. C. 278.**Betz v. Daily**, 3 St. Rep. 309.

Cited, Bills and Notes—Fraud—When Action for Complete.

18 Misc. 126; (41 Supp. 171).

Betzemann v. Brooks, 31 Hun, 271.

Cited, Attachment—Inoperative—Right to Order so Declaring.

8 App. Div. 307; (75 St. Rep. 388; 40 Supp. 995).

Beudel v. Hettrick, 35 Sup. Ct. 405.

Cited, Action—Parties—Partners.

16 Misc. 75; (73 St. Rep. 251; 37 Supp. 706).

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Cited, Evidence—Fraudulent Conveyance—Intent of Grantor.

14 App. Div. 624; (77 St. Rep. 981; 43 Supp. 981).

Bevan v. Cooper, 72 N. Y. 317.

Cited, Surrogate's Court—Jurisdiction—Statutory.

9 Misc. 386; (61 St. Rep. 681; 30 Supp. 274).

9 Misc. 386; (61 St. Rep. 681; 30 Supp. 275).

90 Hun, 113; (70 St. Rep. 394; 35 Supp. 629).

92 Hun, 480; (72 St. Rep. 415; 36 Supp. 1075).

14 App. Div. 447; (77 St. Rep. 917, 920; 43 Supp. 917, 920) 152 N. Y. 517.

Surrogate's Court—Jurisdiction—Assumption without Objection—Effect.

71 Hun, 348; (55 St. Rep. 22; 25 Supp. 6.)

Wills—Legacies—When a Charge on Realty.

3 Misc. 487; (23 Supp. 747). 8 App. Div. 352; (75 St. Rep. 177; 40 Supp. 798).

Bevans v. Pierce, 1 City Ct. R. 259.

Cited, Supplementary Proceedings—Priority Obtained—Lien—Equitable Assets.

2 Misc. 406; (50 St. Rep. 588; 21 Supp. 982).

Bevans v. Young, 135 N. Y. 631; 43 St. Rep. 929.**Bever v. Clark**, 8 Misc. 416; 59 St. Rep. 568; 28 Supp. 655.

Cited, Appeal—New Trial—Weight of Evidence—Reversal.

14 Misc. 604; (71 St. Rep. 447; 36 Supp. 459).

Beveridge v. N. Y. Elevated R. Co., 112 N. Y. 1; 20 St. Rep. 962.

Cited, Contract—For Benefit of Third Person—Availability to Latter.

4 Misc. 525; (54 St. Rep. 130; 24 Supp. 735).

6 Misc. 87; (53 St. Rep. 397; 26 Supp. 40).

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

79 Hun, 277; (60 St. Rep. 860; 29 Supp. 424).

92 Hun, 138, 139; (71 St. Rep. 728, 729; 36 Supp. 557, 558). 151 N. Y. 384.

Corporations—Powers—Manner of Exercise—Officers.

56 St. Rep. 510.

Corporations—Stockholders—Rights in Corporate Property.

49 St. Rep. 862; (21 Supp. 671).

Railroads—Franchises—Lease.

75 Hun, 591; (59 St. Rep. 161; 27 Supp. 669).

71 Hun, 282; (54 St. Rep. 528; 24 Supp. 1018).

84 Hun, 518; (66 St. Rep. 309; 32 Supp. 857).

Corporations—Powers of Directors—Stockholders.

11 Misc. 211; (66 St. Rep. 575; 32 Supp. 1120). 9 App. Div. 275; (75 St. Rep. 959; 41 Supp. 569). 150 N. Y. 432; (3 Ann. Cas. 366).

Judgment—Conclusiveness—As to Parties.

8 Misc. 245; (59 St. Rep. 220; 28 Supp. 546).

Bevier, Matter of, 17 Misc. 486; 41 Supp. 268**Bevier v. Delaware & Hudson C. Co.**, 13 Hun, 254.

Cited, Railroads—Adoption of Improved Appliances.

67 Hun, 635; (51 St. Rep. 105; 22 Supp. 475).

Fires—Sparks From Engine—Liability.

D. 140 N. Y. 319; (55 St. Rep. 647).

Bevier v. Schoonmaker, 29 How. 411.

Cited, Mortgage—Surplus Proceedings—Imposing Payment of Disbursements on Unsuccessful Claimant.

2 Misc. 394; (50 St. Rep. 607; 21 Supp. 988).

Bevins v. Albro, 86 Hun, 590; 67 St. Rep. 783; 33 Supp. 1079.

Cited, Attorneys—Lien.

11 App. Div. 471; (76 St. Rep. 330; 42 Supp. 330).

88 Hun, 514; (68 St. Rep. 583; 34 Supp. 785; 2 Ann. Cas. 194).

Beyea, Matter of, 10 Misc. 198; 63 St. Rep. 602; 31 Supp. 200.**Beyer v. Clark**, 28 Abb. N. C. 338; 22 Supp. 540.

Cited, Action—As Poor Person—Affidavits.

18 Misc. 355; (75 St. Rep. 1048; 41 Supp. 548).

18 Misc. 569; (76 St. Rep. 461; 42 Supp. 461).

Beyer v. Clark, 8 Misc. 416; 59 St. Rep. 568; 28 Supp. 655.

Cited, 18 Misc. 355; (41 Supp. 548).

Beyer v. Vietor, 2 Misc. 496; 51 St. Rep. 83; 22 Supp. 392.**Beyers v. Hodge**, 1 Misc. 76; 46 St. Rep. 685; 19 Supp. 830.**Bickart v. Hoffman**, 46 St. Rep. 896; 19 Supp. 472.

Cited, Appeal—Review of Verdict.

2 Misc. 189; (49 St. Rep. 715; 21 Supp. 589).

Brokers—Commission—Presence of Broker.

12 Misc. 433; (67 St. Rep. 276; 33 Supp. 614).

Duplicate Citations in Parenthesis.

Bickerton v. Jaques, 28 Hun, 119.

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73 Hun, 369; (55 St. Rep. 900; 26 Supp. 251).

Bickford v. Menier, 107 N. Y. 490; 12 St. Rep. 304.

Cited, Agency—Authority — Contracts—Modification.

70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281).

Agency—Undisclosed Principal—Authority.

151 N. Y. 12.

Bickford v. Menier, 9 Supp. 775.

Cited, Appeal—Reversal—Credibility of Evidence.

11 App. Div. 270; (76 St. Rep. 155; 42 Supp. 155).

Bickford v. Searles, 9 App. Div. 158; 75 St. Rep. 606; 41 Supp. 148.

Bicknell v. Spier, 4 Misc. 617; 53 St. Rep. 694.

Affirmed, 7 Misc. 108; 57 St. Rep. 485; 27 Supp. 386.

Bicknell v. Spier, 7 Misc. 108; 57 St. Rep. 485; 27 Supp. 383.

Bicknell v. Spier, 7 Misc. 735; 58 St. Rep. 377; 28 Supp. 4.

Biddle v. McLoughlin, 39 Supp. 837.

Bidelman v. State, 110 N. Y. 232.

Cited, Towns—Bridges—Right to Maintain Action for Injury to.

8 App. Div. 224; (40 Supp. 314).

Bidwell v. Astor Mut. L. Insurance Co., 16 N. Y. 263.

Cited, Equity—Retention of Action—Complete Relief.

15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847).

Bidwell v. Murray, Town of, 40 Hun, 190.

Cited, Highways—Duties and Liabilities of Town Commissioners.

80 Hun, 105; (51 St. Rep. 793; 30 Supp. 27).
Highways—Liability of Town—Want of Funds.

2 App. Div. 23; (72 St. Rep. 688; 37 Supp. 334).

Bidwell v. Northwestern Ins. Co., 19 N. Y. 179.

Cited, Insurance—Breach of Conditions by Insured—Rights of Mortgagee.

141 N. Y. 223; (56 St. Rep. 803).

Insurance — Incumbrances — Effect on Mortgagee's Rights as Beneficiary.

72 Hun, 295; (55 St. Rep. 756; 25 Supp. 422).

Bidwell v. Northwestern Ins. Co., 24 N. Y. 302.

Cited, Insurance — Forfeiture — Knowledge of Inconsistent Facts.

84 Hun, 8; (65 St. Rep. 28; 31 Supp. 1088).
16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509).

Bidwell v. Shaw, 9 Misc. 214; 60 St. Rep. 846; 29 Supp. 604.

Bidwell v. Sullivan, 10 App. Div. 135; 75 St. Rep. 1166; 41 Supp. 770.

Bidwell v. Sullivan, 79 St. Rep. 530; 45 Supp. 530.

Biel v. Horner, 9 Misc. 492; 61 St. Rep. 88; 30 Supp. 227.

Biel v. Randell, 20 Misc. 335; 79 St. Rep. 892; 45 Supp. 892.

Bieling v. Brooklyn, 120 N. Y. 98; 30 St. Rep. 811.

Cited, Municipal Corporations—Liability—Public Service—Negligent Performance.
80 Hun, 166; (51 St. Rep. 713; 29 Supp. 1132).

Bielschofsky v. People, 3 Hun, 40.

Affirmed, 60 N. Y. 616.

Cited Evidence—Intent—Similar Acts and Transactions.

82 Hun, 412; (63 St. Rep. 587; 31 Supp. 270). 18 App. Div. 242; (79 St. Rep. 952; 45 Supp. 952).

Bien v. Abbey, 36 St. Rep. 791; 13 Supp. 286.

Cited, Pleading—Answer — Denials—Extent of Proof Under

2 Misc. 387; (51 St. Rep. 222; 21 Supp. 992).

Bien v. Bixby, 18 Misc. 415; 75 St. Rep. 837; 41 Supp. 433.

Bien v. Hellman, 2 Misc. 168; 49 St. Rep. 617; 21 Supp. 618.

Cited, Discovery and Inspection—Necessity.

84 Hun, 152; (65 St. Rep. 837; 32 Supp. 509).

Bien v. Parsons, 15 Misc. 457; 72 St. Rep. 789; 37 Supp. 209.

Bienenstok v. Ammidown, 59 St. Rep. 471; 29 Supp. 593; 31 Abb. N. C. 400.

Affirmed, 11 Misc. 76; 32 Supp. 1138.

Cited, Notice — Inquiry — Extent of Knowledge Chargeable With.

12 Misc. 628; (68 St. Rep. 133; 34 Supp. 255; 25 Civ. Pro. 47).

Bier v. Cooke, 37 Hun, 38.

Cited, Nuisance—Damages.

85 Hun, 66; (65 St. Rep. 861; 32 Supp. 41).

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Bierbauer v. N. Y. C. & H. R. R. Co., 15 Hun, 559.

Affirmed, 77 N. Y. 588.

Cited, Damages—In Action for Death—When Verdict Not Excessive.

1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678). 80 Hun, 308; (62 St. Rep. 47; 30 Supp. 319). 11 Misc. 539; (64 St. Rep. 468; 32 Supp. 743).

Bierman v. City Mills Co., 151 N. Y. 482.

Bierman v. City Mills Co., 10 Misc. 140; 62 St. Rep. 468; 30 Supp. 929.

Cited, Sale—Warranty—By Agent.

16 Misc. 588; (74 St. Rep. 143; 38 Supp. 802).

Biershenk v. Stokes, 46 St. Rep. 179; 18 Supp. 854.

Cited, Judgment—Interlocutory — What Is.

9 Misc. 170; (60 St. Rep. 642; 29 Supp. 718). 10 Misc. 121; (62 St. Rep. 517; 30 Supp. 949; 24 Civ. Pro. 123). 16 Misc. 342; (38 Supp. 75.)

Mechanic's Lien—Cumulative Remedy—Action on Debt.

79 Hun, 210; (61 St. Rep. 167; 29 Supp. 625).

Bierschenk v. Stokes, 6 Misc. 607; 56 St. Rep. 608; 26 Supp. 88.

Affirmed, 7 Misc. 692; 58 St. Rep. 330; 28 Supp. 1.

Biershenk v. Stokes, 7 Misc. 692; 58 St. Rep. 330; 28 Supp. 1; 23 Civ. Pro. 375.

Cited, Appeal—Reversal—Unprejudicial Error.

10 Misc. 183; (62 St. Rep. 490; 130 Supp. 939). 12 Misc. 102; (66 St. Rep. 861; 33 Supp. 174).

Bigelow v. American Forcible Powder Man'g Co., 39 Hun, 599.

Cited, Damages—Keeping Down—Wrongful Discharge.

68 Hun, 172; 52 St. Rep. 68; 22 Supp. 607). 8 Misc. 276; (59 St. Rep. 206; 28 Supp. 720)

Bigelow v. Ayrault, 4. Barb. 143

Cited, Fraudulent Conveyances—To Creditor—Allowing to Stand as Security.

75 Hun, 521; (57 St. Rep. 349; 27 Supp. 730). D. 68 Hun, 292; (52 St. Rep. 198; 22 Supp. 857).

Bigelow v. Davol, 69 Hun, 74; 53 St. Rep. 407; 23 Supp. 494

Bigelow v. Davol, 150 N. Y. 327; 3 Ann. Cas. 258.

Bigelow v. Finch, 17 Barb. 394.

Cited, Chattel real.

147 N. Y. 602; (70 St. Rep. 354).

Bigelow v. Goble, 9 App. Div. 391; 75 St. Rep. 711; 41 Supp. 299).

Cited, Chattels—In Possession of Third Party—Extent of Mortgagee's Recovery.

77 St. Rep. 544; (43 Supp. 544).

Bigelow v. Heaton, 6 Hill, 43.

Cited, Lien—Waiver.

5 Misc. 104; (24 Supp. 833).

Bigelow v. Heaton, 4 Den. 496.

Cited, Lien—Waiver—By Delivery.

18 Misc. 204; (75 St. Rep. 779; 41 Supp. 36).

Bigelow v. Legg, 102 N. Y., 652.

Cited, Custom—Reasonableness.

19 Misc. 287; (77 St. Rep. 72; 43 Supp. 72).

Bigelow v. Stearns, 19 Johns. 39.

Cited, Courts—Jurisdiction—Of Limited —Proof of Facts Giving.

141 N. Y. 543; (57 St. Rep. 823).

Bigelow v. Tilden, 18 Misc. 689; 77 St. Rep. 858; 43 Supp. 858.

Biggert v. Hicks. 18 Misc. 593; 76 St. Rep. 236; 42 Supp. 236.

Cited, Insurance — Lloyd's Policy — Against Whom Action Maintainable.

17 App. Div. 41; (78 St. Rep. 890; 44 Supp. 890).

Biggert v. Nichols, 18 Misc. 596; 76 St. Rep. 472; 42 Supp. 472.

Bigler v. Duryee, 73 Hun, 556; 56 St. Rep. 150; 26 Supp. 112.

Bigler v. Hall, 54 N. Y. 167.

Cited, Contracts — Absolute — Enforcement.

91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841).

Bigler v. Morgan, 77 N. Y. 312.

Cited, Vendor and Purchaser—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 493; (24 Supp. 926). 8 Misc. 131; (59 St. Rep. 523; 28 Supp. 488). 13 Misc. 226; (68 St. Rep. 84; 34 Supp. 227.) 15 App. Div. 58; (78 St. Rep. 167; 44 Supp. 157). 18 App. Div. 146; (79 St. Rep. 725; 45 Supp. 725).

Vendors—Purchase Money—Recovery—Inability of Vendor to Perform.

8 Misc. 129; (59 St. Rep. 525; 28 Supp. 486). 148 N. Y. 562; (3 Ann. Cas. 24).

Vendor and Purchaser—Title—Covenants.

15 App. Div. 60; (78 St. Rep. 158; 44 Supp. 158).

*Duplicate Citations in Parenthesis.***Bigler v. National Bank of Newburgh**, 26 Hun, 520.*Cited*, Mortgage—Fixtures.

82 Hun, 225; (64 St. Rep. 798; 31 Supp. 976).

Bigler v. New York, 5 Abb. N. C. 51.*Cited*, Contract—Illegality—Payment of Public Money to Monopoly.

5 Misc. 392; (26 Supp. 933)

Municipal Corporations—Liability—Acts of Agents and Officers.

9 Misc. 350; (61 St. Rep. 248; 29 Supp. 593).

Bigler v. New York & S. B. F. & S. T. Co., 24 St. Rep. 603; 5 Supp. 347.*Affirmed*, 125 N. Y. 677*Cited*, Mechanic's Lien—Abandonment by Contractor—Materials Used by Owner—Personal Liability.

2 Misc. 277; (23 Supp. 777).

Biglow v. Sanders, 22 Barb. 147.*Cited*, Justice's Court Appeal—Reversal—Conflict of Evidence

84 Hun, 451; (65 St. Rep. 587; 32 Supp. 381), 10 App. Div. 604; (76 St. Rep. 371; 42 Supp. 371). 14 App. Div. 584; (77 St. Rep. 1101; 43 Supp. 1101).

Bihin v. Bihin, 17 Abb. 19.*Cited*, Divorce—"Cruel and Inhuman Treatment."

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980).

Bill v. Fourth Great Western Turnpike Co., 14 Johns. 416.*Cited*, Corporations—Defacto—Who May Attack.

91 Hun, 239; (72 St. Rep. 56; 36 Supp. 155).

Billings v. Baker, 28 Barb. 343.*Cited*, Real Property—Title—Vesting of.

9 Misc. 644; (62 St. Rep. 220; 30 Supp. 434).

Billings v. O'Brien, 14 Abb. N. S. 233.*Cited*, Public Officers—Unearned Salary—Assignment.

10 Misc. 335; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 168; 1 Ann. Cas. 80).

Billings v. Robinson, 28 Hun, 122.*Affirmed*, 94 N. Y. 415.*Cited*, Corporations—Transfer of Stock—Exemption from Liability to Company.

4 App. Div. 605; (39 Supp. 147). D. 4 App. Div. 608; (39 Supp. 150).

Billings v. Robinson, 94 N. Y. 415.*Cited*, Corporations—Stockholders—Liability for Debts—To Whom Available.

72 Hun, 332; (55 St. Rep. 200; 25 Supp. 430).

Corporation—Transfer of Stock—Exemption from Liability to Company.

4 App. Div. 605; (39 Supp. 147). 7 App. Div. 369; (40 Supp. 74).

Billings v. Russell, 101 N. Y. 226.

8 App. Div. 611; (41 Supp. 1134).

Evidence—Relevancy—Fraud.

4 Misc. 302; (53 St. Rep. 452; 24 Supp. 105).

Fraudulent Conveyances—Presence of Good Consideration.

72 Hun, 271; (55 St. Rep. 725; 25 Supp. 649). 87 Hun, 551; (69 St. Rep. 458; 35 Supp. 141). D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).

Fraudulent Conveyance—Intent to Defraud.

80 Hun, 244; (61 St. Rep. 626; 29 Supp. 995). 91 Hun, 506; (71 St. Rep. 601; 36 Supp. 651; 25 Civ. Pro. 298). 92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940). 19 Misc. 165.

Billington v. Billington, 4 Supp. 504; 16 Civ. Pro. 56.*Cited*, Appeal—Order—Supplementary Proceedings.

2 App. Div. 125; (76 St. Rep. 497; 42 Supp. 497).

Billington v. Cahill, 51 Hun, 132; 20 St. Rep. 615; 4 Supp. 660.*Cited*, Contracts—Statute of Frauds—Performance Within Year—Quantum Meruit.

67 Hun, 474; (51 St. Rep. 335; 22 Supp. 488).

Contracts—Of Employment—Statute of Frauds.

5 App. Div. 594; (39 Supp. 372).

Billington v. Wagoner, 33 N. Y. 31.*Cited*, Estoppel.

16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637).

Bills v. Nat. Park Bank, 47 Super. 302.*Cited*, Attachment—Contingent Claim.

80 Hun, 594; (62 St. Rep. 554; 30 Supp. 558; 24 Civ. Pro. 95). 17 Misc. 65; (39 Supp. 839).

Bills v. N. Y. C. R. Co., 84 N. Y. 5.*Cited*, Trial—Question of Fact—Negligence.

9 Misc. 9; (59 St. Rep. 739; 29 Supp. 21). 9 Misc. 160; (59 St. Rep. 682; 29 Supp. 14).

Billwiller v. Marks, 21 Civ. Pro. 162.*Cited*, Attachment—Affidavit—By Agent.

86 Hun, 399; (67 St. Rep. 220; 33 Supp. 507).

Duplicate Citations in Parenthesis.

Bilordeaux v. Bencke Lith. Co., 16 Daly, 78; 30 St. Rep. 656; 9 Supp. 507.

Cited, Contracts—Prohibited by Statutes—Enforcement.

8 Misc. 320; (59 St. Rep. 246; 28 Supp. 561).

Binson v. Bultman, 3 App. Div. 198; 73 St. Rep. 703; 38 Supp. 209.

Cited, Covenants—Building Restrictions—Enforcement.

10 App. Div. 557; (76 St. Rep. 337; 42 Supp. 337).

Bingham, Matter of, 127 N. Y. 296; 38 St. Rep. 765.

Cited, Wills—Equitable Conversion.

3 Misc. 439; (52 St. Rep. 327; 23 Supp. 172).

Wills—Charges Upon Land—For Debts.

136 N. Y. 112; (48 St. Rep. 891, 892). 3 Misc. 439; (52 St. Rep. 328; 23 Supp. 172). 16 Misc. 669; (39 Supp. 176; 25 Civ. Pro. 304). 18 Misc. 147; (41 Supp. 1103).

Bingham v. Marine Nat. Bank, 41 Hun, 377; 2 St. Rep. 638.

Affirmed, 112 N. Y. 661; 20 St. Rep. 292.

Cited, Trust Relation—Personal Contract—Enforcement.

12 Misc. 321; (67 St. Rep. 547; 33 Supp. 722; 24 Civ. Pro. 374). 83 Hun, 93; (68 St. Rep. 687). 34 Supp. 632; 2 Ann. Cas. 155). 2 App. Div. 227; (73 St. Rep. 395; 37 Supp. 721). 13 App. Div. 98; (43 Supp. 296).

Bingham v. Marine Nat. Bank, 18 Abb. N. C. 135.

Cited, Pleading—Misjoinder of Causes of Action.

11 App. Div. 521; (77 St. Rep. 44; 43 St. Rep. 44).

Bingham v. Tuttle, 82 Hun, 51; 63 St. Rep. 367; 31 Supp. 68.

Affirmed, 152 N. Y. 638.

Cited, Partnership—Partner's Share of the Division—How Considered.

16 Misc. 68; (73 St. Rep. 267; 37 Supp. 686).

Bingham v. Weiderwax, 1 N. Y. 509.

Cited, Evidence—Parol to Vary Writing—Consideration of Sealed Instrument.

2 Misc. 377; (50 St. Rep. 596; 21 Supp. 1096).

Binghamton General Electric Co., Matter of, 143 N. Y. 261; 62 St. Rep. 154.

Cited, Corporations—Dissolution—Equity—Restraint of Creditors.

1 App. Div. 378; (72 St. Rep. 583; 37 Supp. 313). 72 St. Rep. 802; (38 Supp. 173; 2 Ann. Cas. 126). 1 App. Div. 166; (73 St. Rep. 48; 37 Supp. 836).

Binghamton Opera House Co. v. Binghamton, 88 Hun, 620; 68 St. Rep. 252; 34 Supp. 421.

Binghamton Savings Bank v. Binghamton Trust Co., 85 Hun, 75; 66 St. Rep. 40; 32 Supp. 657.

Cited, Contracts—Promise for Benefit of Third Person.

92 Hun, 140; (71 St. Rep. 729; 36 Supp. 558).

Binney v. LeGal, 19 Barb. 592).

Cited, Judgment—On Offer—Partnership. 56 St. Rep. 77; (25 Supp. 936).

Binsse v. Wood, 37 N. Y. 526.

Cited, Trial—Motion for Non suit—Statement of Grounds.

141 N. Y. 165; (56 St. Rep. 684). 141 N. Y. 520; (57 St. Rep. 719). 20 Misc. 554.

Trial—Defect in Proofs—First Raising on Appeal.

148 N. Y. 135. 16 Misc. 381; (74 St. Rep. 312; 38 Supp. 58).

Birckhead v. Brown, 5 Hill, 634.

Cited, Written Instruments—Negotiability—Covenants in—Availability.

72 Hun, 73; (55 St. Rep. 859; 25 Supp. 613). Letter of Credit—Acceptance—Availability.

84 Hun, 600; (66 St. Rep. 146; 32 Supp. 866). 87 Hun, 34; (67 St. Rep. 503; 33 Supp. 752).

Bird, Matter of, 11 Supp. 895.

Cited, Transfer Tax—Exemptions—Value of Legacy.

10 Misc. 643; (66 St. Rep. 141; 32 Supp. 781).

Bird v. Everard, 4 Misc. 104; 53 St. Rep. 210; 23 Supp. 1008.

Cited, Bailment—Loss—Liability.

9 Misc. 452; (61 St. Rep. 89; 30 Supp. 247). 17 Misc. 376; (39 Supp. 1040).

Bailment—Loss—Damages.

16 Misc. 615; (73 St. Rep. 813; 38 Supp. 342).

Damages—Price.

19 Misc. 168.

Bird v. Kreiser, 57 St. Rep. 704; 27 Supp. 425.

Bird v. Lanphear, 92 Hun, 567; 72 St. Rep. 409; 36 Supp. 1069.

Cited, Misrepresentations—Action to Recover Moneys Paid Under.

11 App. Div. 615; (76 St. Rep. 625; 42 Supp. 625).

Duplicate Citations in Parenthesis.

Bird v. Lanphear, 11 App. Div. 613; 76 St. Rep. 623; 42 Supp. 623.

Bird v. Long Island R. Co., 11 App. Div. 134; 76 St. Rep. 888; 42 Supp. 888.

Bird v. Merkle, 144 N. Y. 544; 64 St. Rep. 243.

Cited, Wills—Charitable Bequests—Indefinite Beneficiary.

92 Hun. 101; (71 St. Rep. 762; 36 Supp. 566).

Wills—Charitable Bequest—Gift of Corpus.

3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

Wills—Charitable Gift—Limitation.

12 App. Div. 275, 276; (76 St. Rep. 906, 907; 42 Supp. 906, 907).

Bird v. New Jersey & N. Y. R. Co., 3 App. Div. 344; 73 St. Rep. 762; 38 Supp. 281.

Bird v. Pickford, 141 N. Y. 18; 56 St. Rep. 577.

Reversing, 71 Hun. 142; 54 St. Rep. 757; 25 Supp. 46.

Birdsall v. Clark, 7 Hun. 351.

Cited, Municipal Corporations—Grading of Streets—Consequential Damages.

84 Hun. 276; (65 St. Rep. 578; 32 Supp. 372).

Birdsall v. Davenport, 43 Hun. 552.

Cited, Written Instruments—Conversion—Right of Action in Transferee.

16 App. Div. 606; (78 St. Rep. 973; 44 Supp. 973).

Birdsall v. Edgerton, 25 Wend. 618.

Cited, Parent and Child—Bastard—Liability for Support.

8 App. Div. 516; (75 St. Rep. 155; 40 Supp. 780).

Birdsall v. Emmons, 69 St. Rep. 27; 34 Supp. 1056.

Birdsall v. Hewlett, 1 Paige. 32.

Cited, Wills—Payment of Legacy—Charge Upon Land.

18 Misc. 637; (76 St. Rep. 604; 42 Supp. 604).

Birdsall v. Keyes, 66 Hun. 233; 49 St. Rep. 299; 21 Supp. 87.

Cited, Appeal—To County Court—Costs—Effect of Offer of Judgment.

6 App. Div. 223; (39 Supp. 1035).

Birdsall v. Patterson, 51 N. Y. 45.

Cited, Appeal—Equity Action—Setting Aside Findings of Jury.

86 Hun. 141; (67 St. Rep. 126; 33 Supp. 381).

Birdsall v. Phillips, 17 Wend. 464.

Cited, Judicial Sale—Rights of Purchaser—Future Rent.

3 Misc. 534; (52 St. Rep. 491; 23 Supp. 332).

Landlord and Tenant—Assignment—Resulting Relation.

13 Misc. 65; (69 St. Rep. 10; 34 Supp. 54; 1 Ann. Cas. 359). 15 Misc. 136; (71 St. Rep. 826; 36 Supp. 804).

Birdsall v. Russell, 29 N. Y. 220.

Cited, Mortgage—Unrecorded—Knowledge of Grantee of Mortgagor.

72 Hun. 448; (55 St. Rep. 274; 25 Supp. 209).

Birdsall v. Twenty-Third St. R. Co., 8 Daly. 419.

Cited, Damages—Penalty or Liquidated—Amount Uncertain.

7 Misc. 133; (58 St. Rep. 10; 27 Supp. 338).

Birdsall v. Waite & P. Mfg. Co. v. Schwartz, 3 App. Div. 298; 74 St. Rep. 24; 38 Supp. 368.

Birdsall Co. v. Ayres, 50 St. Rep. 242; 21 Supp. 898.

Birge v. Berlin Iron Bridge Co., 133 N. Y. 477; 45 St. Rep. 874.

Cited, Appeal—Court of Appeals—Denial of Preliminary Injunction

141 N. Y. 125; (56 St. Rep. 666).

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16 Misc. 7; (73 St. Rep. 286; 37 Supp. 687).

Birkbeck v. Ackroyd, 74 N. Y. 356.

Cited, Husband and Wife—Joint Earnings.

9 Misc. 481; (61 St. Rep. 102; 30 Supp. 342).

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79 Hun. 306; (60 St. Rep. 864; 29 Supp. 431). 61 St. Rep. 332; (29 Supp. 820). 82 Hun. 403; (63 St. Rep. 558; 31 Supp. 252). 88 Hun. 209; (68 St. Rep. 397; 34 Supp. 669). 19 Misc. 510; (77 St. Rep. 1099; 43 Supp. 1099).

Birkett v. Knickerbocker Ice Co., 110 N. Y. 504; 18 St. Rep. 130.

Cited, Damages—In Action for Death of Child—When Verdict Not Excessive.

1 Misc. 137; (48 St. Rep. 651; 20 Supp. 677). 80 Hun. 308; (62 St. Rep. 47; 30 Supp. 320). 2 App. Div. 7; (73 St. Rep. 210; 37 Supp. 521).

Negligence—Driver of Vehicle, When Chargeable With.

1 Misc. 134; (48 St. Rep. 766; 20 Supp. 645).

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Negligence—Driving in Street—Pedestrians.

68 Hun, 184; (52 St. Rep. 217; 22 Supp. 733). 2 App. Div. 246; (73 St. Rep. 375; 37 Supp. 793).

Trial—Questions for Jury—Damages.

56 St. Rep. 890; (26 Supp. 1125).

Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 75; (49 St. Rep. 631; 21 Supp. 784). 1 Misc. 137; (48 St. Rep. 650; 20 Supp. 678). 139 N. Y. 494; (54 St. Rep. 837). 75 Hun, 456; (57 St. Rep. 681; 27 Supp. 506). 12 Misc. 486; (67 St. Rep. 386; 33 Supp. 684). 12 App. Div. 157; (76 St. Rep. 668; 42 Supp. 668). 18 App. Div. 179; (79 St. Rep. 955; 45 Supp. 955).

Parent and Child—Death of Child—Right of Parent to Recover Damages.

143 N. Y. 421; (62 St. Rep. 434). 10 Misc. 408; (65 St. Rep. 524; 31 Supp. 132).

Birmingham v. Rochester City & B. R. Co., 137 Y. Y. 13; 49 St. Rep. 888.

Followed, 77 Hun, 612; (59 St. Rep. 889; 28 Supp. 1129).

Railroads—Negligence—Conditions—Not Controlled by Defendant.

8 App. Div. 386; (75 St. Rep. 199; 40 Supp. 814).

Birmingham Iron F. V. Glen Cove Starch Mfg. Co., 78 N. Y. 31.

Cited, Mechanic's Lien—Extra—Territorial Force—Contracts to be Performed Out of State.

8 Misc. 235; (59 St. Rep. 200; 28 Supp. 561). 149 N. Y. 559.

Birnbaum v. Lord, 6 Misc. 535; 58 St. Rep. 12; 27 Supp. 135.

Affirmed, 7 Misc. 493; 58 St. Rep. 54; 27 Supp. 135.

Birnbaum v. Lord, 7 Misc. 493; 58 St. Rep. 54; 28 Supp. 17.

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Cited, Libel and Slander—Damages—Mitigating Facts.

67 St. Rep. 501; (33 Supp. 948; 24 Civ. Pro. 255). 147 N. Y. 634; (71 St. Rep. 250).

Bischoff v. Engel, 10 App. Div. 240; 75 St. Rep. 1215; 41 Supp. 815.

Bischoff v. N. Y. Elevated R. Co., 138 N. Y. 257; 52 St. Rep. 374.

Cited, Damages—Elevated Railroads—Offsetting Benefits.

73 Hun, 253; (57 St. Rep. 118). 14 App. Div. 439; (77 St. Rep. 874; 43 Supp. 874). D. 147 N. Y. 320; (69 St. Rep. 687).

Damages—Elevated Railway—Easements Apart From Fee.

5 Misc. 241; (54 St. Rep. 786; 25 Supp. 82). 33 Hun, 146; (64 St. Rep. 268; 31 Supp. 631).

Elevated Railroads—Rights of Abutting Owners—Past Damages.

9 Misc. 660; (30 Supp. 549).

Elevated Railroads—Damages—Effect on Adjoining Property.

149 N. Y. 399.

Elevated Railroads—Damages—Considering property as unit.

6 App. Div. 582; (40 Supp. 334.)

Appeal—Award of Damages—Erroneous rule.

144 N. Y. 119; (63 St. Rep. 21.)

Bishop v. Agricultural Ins. Co., 130 N. Y. 488; 42 St. Rep. 369.

Cited, Insurance—Loss—Appraisers.

137 N. Y. 146; (50 St. Rep. 179).

Insurance—Proof of Loss—Waiver by Agent.

8 App. Div. 357; (40 Supp. 819). 15 App. Div. 231; (78 St. Rep. 203; 44 Supp. 203).

Insurance—Proof of Loss—Waiver—Question of Fact.

7 App. Div. 594; (40 Supp. 312).

Bishop v. Bishop, 24 Supp. 888; 30 Abb. N. C. 296.

Bishop v. Cook, 13 Barb. 326.

Cited, Chattel Mortgage—Filing—Neglect of Clerk.

71 Hun, 552; (54 St. Rep. 927; 25 Supp. 45). 12 Misc. 498; (67 St. Rep. 397; 33 Supp. 672).

Bishop v. Goshen, 120 N. Y. 337; 31 St. Rep. 490.

Cited, Municipal Corporations—Negligence—Question of Fact.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Bishop v. Grand Lodge, E. O. M. A., 112 N. Y. 627; 21 St. Rep. 811.

Cited, Mutual Benefit Societies—Designation of Beneficiary.

6 Misc. 436; (58 St. Rep. 576; 27 Supp. 131). 87 Hun, 165; (67 St. Rep. 463; 33 Supp. 818).

Mutual Benefit Certificate—In What Capacity to be Sued on—Personal Representative.

83 Hun, 141; (7 Misc. 595; 58 St. Rep. 755; 28 Supp. 264). 10 Misc. 34; (63 St. Rep. 174; 30 Supp. 826).

Insurance—Beneficiary of Benefit Certificate—Who are "Legal Heirs."

66 Hun, 300; (49 St. Rep. 239; 20 Supp. 934). 145 N. Y. 573, 575; (65 St. Rep. 518, 519).

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Bishop v. Hendrick, 42 St. Rep. 296; 17 Supp. 241.

Affirmed, 136 N. Y. 643; 49 St. Rep. 914.

Bishop v. Hendrick, 136 N. Y. 643; 49 St. Rep. 914.

Bishop v. Hendrick, 82 Hun, 323; 64 St. Rep. 100; 31 Supp. 502.

Affirmed, 146 N. Y. 398.

Cited, Damages—Counsel Fees.

20 Misc. 316, 317; (79 St. Rep. 676, 677; 45 Supp. 676; 677).

Bishop v. Stebbins, 41 Hun, 243; 4 St. Rep. 138.

Cited, Fraudulent Conveyances — Consideration—Prior Indebtedness.

75 Hun, 521; (57 St. Rep. 350; 27 Supp. 730).

Biskupski v. Pospisil, 7 Misc. 434; 57 St. Rep. 641; 27 Supp. 1018.

Bissel v. Campbell, 54 N. Y. 353.

Cited, Trial—Nonsuit—Relation to Direction of Verdict.

141 N. Y. 520; (57 St. Rep. 719).

Bissel v. Hamlin, 20 N. Y. 519.

Cited, Case on Appeal—How to be Made.

79 St. Rep. 318; (45 Supp. 318).

Bissell v. Harrington, 18 Hun, 81.

Cited, Contracts—Statute of Frauds—Speculation in Land.

73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

Bissell v. Hopkins, 3 Cow. 166.

Cited, 79 St. Rep. 410; (45 Supp. 410).

Bissell v. Hopkins, 4 Cow. 53.

Cited, Interest—Recovery for Tort.

135 N. Y. 104; (48 St. Rep. 368).

Bissell v. Michigan, S. & N. I. R. Co., 22 N. Y. 258.

Cited, Corporations—Unauthorized Acts—Assent of Stockholders.

90 Hun, 407; (70 St. Rep. 483; 35 Supp. 691). 91 Hun, 457; (71 St. Rep. 164; 36 Supp. 393).

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151 N. Y. 35.

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151 N. Y. 37.

Bissell v. N. Y. C. R. Co., 23 N. Y. 61.

Cited, Deeds—Construction—Boundaries—Highways.

73 Hun, 598; (56 St. Rep. 228; 26 Supp. 104). 61 St. Rep. 839; (30 Supp. 125). 86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895). 11 App. Div. 214; (76 St. Rep. 952; 42 Supp. 952). 8 App. Div. 106; (40 Supp. 407). 8 App. Div. 620; (75 St. Rep. 423; 40 Supp. 1103).

Easements—Of Way—Rights of Abutting Owner.

137 N. Y. 322; (50 St. Rep. 719). 73 Hun, 583; (56 St. Rep. 235; 26 Supp. 422). 141 N. Y. 301; (57 St. Rep. 410). 1 App. Div. 444; (73 St. Rep. 105; 37 Supp. 513).

Highways — Establishment — Acceptance — Public — Easement.

135 N. Y. 345; (48 St. Rep. 69).

Highways—Rights of Abutters—Access.

138 N. Y. 191; (52 St. Rep. 158).

Bissell v. N. Y. C. & H. R. R. Co., 67 Barb. 385.

Cited, Penalty—Excessive—Action to Enforce.

19 Misc. 132.

Bissell v. Pearce, 23 N. Y. 252.

Cited, Liens—Agisters.

21 Supp. 30.

Bissell v. Saxton, 66 N. Y. 55.

Cited, Evidence — Declarations—Official Reports.

8 Misc. 584; (60 St. Rep. 583; 29 Supp. 1120).

Officers—Bonds—Duration of Liability of Sureties.

20 Misc. 277; (79 St. Rep. 421; 45 Supp. 421).

Bissing v. Smith, 85 Hun, 564; 66 St. Rep. 796; 33 Supp. 123.

Cited, Power in Trust—Execution—Presumption.

3 App. Div. 295. (38 Supp. 1073).

Bisson v. West Shore R. Co., 66 Hun, 604; 50 St. Rep. 370; 22 Supp. 31.

Affirmed, 143 N. Y. 125; 62 St. Rep. 133.

Bisson v. West Shore R. Co., 143 N. Y. 125; 62 St. Rep. 133.

Cited, Wills—Construction — Devise to Class—Who Included.

147 N. Y. 353; (69 St. Rep. 696).

Wills—Construction—Established Rules.

12 App. Div. 339; (76 St. Rep. 205; 42 Supp. 205).

Bittiner v. Goldman, 19 Misc. 146; 77 St. Rep. 389; 43 Supp. 389.

Cited, 20 Misc. 330; (79 St. Rep. 953; 45 Supp. 953).

Bittiner v. Goldman, 20 Misc. 330; 79 St. Rep. 953; 45 Supp. 953.

Bitting v. Vanderburgh, 17 How. 80.

Cited, Levy—Exemption of Householders—Working Tools.

3 Misc. 121; (23 Supp. 1058).

Bittner v. Crosstown St. R. Co., 12 Misc. 514; 67 St. Rep. 367; 33 Supp. 672.

Reversed, 153 N. Y. 76.

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Bixby v. Casino Company, 14 Misc. 346; 70 St. Rep. 471; 35 Supp. 677.

Cited, Summary Proceedings — Rent — Taxes.

13 Misc. 418, 420; (75 St. Rep. 839; 41 Supp. 435, 436).

Bixby v. Drexel, 56 How. 478.

Cited, Payment—Application of.

77 Hun, 179; (58 St. Rep. 726; 28 Supp. 420).

Bixby v. New York, 61 Hun, 490; 41 St. Rep. 68; 16 Supp. 364.

Cited, Statutes—Construction — Legislative Intent.

80 Hun, 370; (62 St. Rep. 62; 30 Supp. 236).

Black v. Continental National Bank, 2 Abb. N. C. 332.

12 Misc. 208; (67 St. Rep. 828; 34 Supp. 27).

Black v. Curry, 1 Civ. Pro. 193.

Cited, Witness—Production of Books—How Enforced.

29 Supp. 1076; (23 Civ. Pro. 253); 12 Misc. 68, 69; (67 St. Rep. 13, 14; 33 Supp. 179; 24 Civ. Pro. 328).

Black v. Maitland, 1 App. Div. 6; 71 St. Rep. 669; 36 Supp. 739.

Black v. Maitland, 11 App. Div. 188; 76 St. Rep. 653; 42 Supp. 653.

Black v. McAleenan, 78 Hun, 426; 60 St. Rep. 712; 29 Supp. 148.

Black v. Popper, 79 St. Rep. 927; 45 Supp. 927.

Black v. Third Ave. R. Co., 2 App. Div. 387; 73 St. Rep. 446; 37 Supp. 830.

Cited, Street Cars—Negligence—Starting Car.

13 App. Div. 298; (77 St. Rep. 29; 43 Supp. 29). 79 St. Rep. 1077; (45 Supp. 1077).

Black v. Williams, 51 Hun, 280; 21 St. Rep. 263.

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D. 67 Hun, 280; (50 St. Rep. 827; 22 Supp. 246.)

Blackley v. Sheldon, 7 Johns. 32.

Cited, Trial—Verdict—Interest—Correction.

7 Misc. 8; (57 St. Rep. 81; 27 Supp. 325).

Blackman v. Riley, 138 N. Y. 318; 52 St. Rep. 865.

Affirming, 63 Hun, 521; 45 St. Rep. 359; 18 Supp. 476.

Cited, Deeds—What Passes By—Bounded by Side of Street.

80 Hun, 291; (61 St. Rep. 839; 30 Supp. 125). 9 App. Div. 188; (75 St. Rep. 549; 41 Supp. 88).

Blackman v. Striker, 142 N. Y. 555; 60 St. Rep. 316.

Cited, Deeds — Construction — Reservation.

79 St. Rep. 642, 644; (45 Supp. 642, 644.)

Blackmar v. Thomas, 28 N. Y. 67.

Cited, Consignment — Advances — Payment—How Made.

3 App. Div. 581; (73 St. Rep. 811; 38 Supp. 340).

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15 Misc. 130; (71 St. Rep. 501; 36 Supp. 486).

Black River & Utica R. Co. v. Clarke, 25 N. Y. 208.

Cited, Corporations — Subscriptions to Stock—Validity—Payment of Percentage.

9 Misc. 426; (61 St. Rep. 707; 30 Supp. 264).

Blackstock v. N. Y. & E. R. Co., 20 N. Y. 48.

Cited, Master and Servant—Liability of Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 502).

Blackwell v. Bainbridge, 1 Misc. 499; 49 St. Rep. 707; 20 Supp. 950.

Blade v. Noland, 12 Wend. 173.

Cited, Lost Instruments—Indemnity Bond —Negotiability.

27 Supp. 286.

Bladsworth v. Rosenblatt, 20 Misc. 357; 79 St. Rep. 931; 45 Supp. 931.

Blaehinska v. Howard Mission & Home, 130 N. Y. 497; 42 St. Rep. 387.

Cited, Damages—Personal Injuries—Married Women—Household Services.

71 Hun, 531; (55 St. Rep. 90; 24 Supp. 1090). 19 Misc. 509; (77 St. Rep. 1098; 43 Supp. 1098).

Husband and Wife — Wife's Services — Rights of Husband.

50 St. Rep. 622; (21 Supp. 1069). 9 Misc. 37; (59 St. Rep. 546; 29 Supp. 296; 31 Abb. N. C. 320). 77 Hun, 17; (59 St. Rep. 261; 28 Supp. 275). 9 Misc. 481; (61 St. Rep. 102; 30 Supp. 242). (61 St. Rep. 332; 29 Supp. 820). 88 Hun, 90, 209; (68 St. Rep. 397, 634; 34 Supp. 629, 669; 2 Ann. Cas. 151).

Blain v. Pool, 13 St. Rep. 571.

Affirmed, 116 N. Y. 651; 26 St. Rep. 983.

Cited, Evidence — Competency — Assignment for Creditors — Inventory — Explanation.

80 Hun, 61; (61 St. Rep. 563; 29 Supp. 875).

Duplicate Citations in Parenthesis.

Blain v. Taylor, 19 Abb. 228.

Cited, Covenant—Running with Land—To whom Available.

49 St. Rep. 363; (21 Supp. 348).

Blair, Matter of, 67 St. Rep. 288; 33 Supp. 440; 24 Civ. Pro. 304.

Blair, Matter of, 84 Hun, 581; 66 St. Rep. 320; 32 Supp. 845.

Affirmed, 152 N. Y. 645.

Blair, Matter of, 152 N. Y. 645.

Cited, Wills—Execution—Subscription at End.

153 N. Y. 263.

Blair v. Bartlett, 75 N. Y. 150.

Cited, Counterclaim—Liquidation—Failure to Plead.

8 Misc. 623; (61 St. Rep. 335; 29 Supp. 824). 70 Hun, 134; (54 St. Rep. 105; 24 Supp. 56). 19 Misc. 364; (77 St. Rep. 504; 43 Supp. 504). 151 N. Y. 127; (3 Ann. Cas. 347).

Justice's Court — Default — Proof Required.

12 Misc. 508; (67 St. Rep. 376; 33 Supp. 662).

Action—Services of Physician—Denial—What Admissible Under.

83 Hun, 236; (64 St. Rep. 213; 31 Supp. 581).

Blair v. Erie R. Co., 66 N. Y. 313.

Cited, Carriers — Negligence — Contract Exempting From Liability.

18 App. Div. 17; (79 St. Rep. 467; 45 Supp. 467).

Blair v. Flack, 17 Supp. 64.

Cited, 37 Supp. 580.

Blair v. Flack, 50 St. Rep. 479; 21 Supp. 754.

Affirmed, 141 N. Y. 56; 56 St. Rep. 571.

37 Supp. 580.

Blair v. Flack, 141 N. Y. 53; 56 St. Rep. 571.

Cited, Appeal — Defective Proof—Presumptions.

142 N. Y. 649; (59 St. Rep. 169).

Appeal—Objection First Raised on Appeal.

151 N. Y. 129; (3 Ann. Cas. 348).

Blair v. Hagemeyer, 74 St. Rep. 497; 38 Supp. 632.

Blair v. Lynch, 105 N. Y. 636.

Cited, Limitations—Payment.

4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501).

Blair v. Wait, 69 N. Y. 113.

Cited, Estoppel—Equitable—Silence.

141 N. Y. 52; (56 St. Rep. 571).

Estoppel—Equitable—Representations.

3 Misc. 544; (52 St. Rep. 415; 23 Supp. 15).

69 Hun, 529; (52 St. Rep. 851).

Blake v. Blake, 30 Hun, 469.

Cited, Executors—Distribution and Division—As Necessary to Initiation of Testamentary Trust.

66 Hun, 420; (50 St. Rep. 313; 21 Supp. 514).

Blake v. Barnes, 66 Hun, 406; 12 Supp. 69.

Cited, Executors—Accounting — Action For.

50 St. Rep. 313; (21 Supp. 512).

Partnership—Firm Name—Rights of Survivor to Use.

15 Misc. 597; (72 St. Rep. 124; 37 Supp. 91).

Blake v. Bolte, 10 Misc. 333; 63 St. Rep. 408; 81 Supp. 124; 24 Civ. Pro. 166; 1 Ann. Cas. 78.

Reversing, 9 Misc. 714; 30 Supp. 209.

Affirmed, 12 Misc. 405; 67 St. Rep. 323; 33 Supp. 617.

Blake v. Bolte, 12 Misc. 405; 67 St. Rep. 323; 33 Supp. 617.

Blake v. Clausen, 16 Misc. 400; 73 St. Rep. 604; 25 Civ. Pro. 310; 38 Supp. 514.

Blake v. Clausen, 10 App. Div. 223; 75 St. Rep. 1168; 41 Supp. 772.

Blake v. Corbett, 120 N. Y. 327.

Cited, Chattel Mortgage.

149 N. Y. 131.

Blake v. Ferris, 5 N. Y. 48.

Cited, Master and Servant—Liability to Third Person—Independent Contractor.

2 Misc. 316; (50 St. Rep. 580; 21 Supp. 1019; 30 Abb. N. C. 164). 137 N. Y. 257; (50 St. Rep. 711). 2 Misc. 431; (51 St. Rep. 216; 22 Supp. 184). 7 Misc. 120; (57 St. Rep. 544; 27 Supp. 249). 78 Hun, 230; (60 St. Rep. 11; 28 Supp. 824). 87 Hun, 529; (68 St. Rep. 507; 34 Supp. 501). 16 Misc. 575; (74 St. Rep. 114; 38 Supp. 774). 15 App. Div. 244; (78 St. Rep. 236; 44 Supp. 236).

Master and Servant—When Relation Exists—Power of Control and Power to Terminate.

8 Misc. 435; (58 St. Rep. 854; 28 Supp. 678).

Blake v. Griswold, 103 N. Y. 429; 4 St. Rep. 221.

Cited, Corporations—Liability of Trustees for Debts.

49 St. Rep. 178; (21 Supp. 341). 68 Hun, 320; (52 St. Rep. 102; 22 Supp. 895).

Duplicate Citations in Parenthesis.

Corporations—Over-valuation — Liability of Stockholders.

11 Misc. 497; (64 St. Rep. 463; 32 Supp. 721).

Evidence—Entries in Corporation Books—Directors.

68 Hun, 322; (52 St. Rep. 100; 22 Supp. 896).

Blake v. Harrigan, 33 St. Rep. 210; 11 Supp. 209.

Cited, Pleading—Bill of Particulars—Necessity—Affidavit of Applicant.

74 Hun, 347; (56 St. Rep. 379; 26 Supp. 457).

Blake v. Harrigan, 38 St. Rep. 26; 14 Supp. 663.

Cited, Reference—What Issue Referable.

52 St. Rep. 934; (25 Supp. 1128). 7 App. Div. 308; (40 Supp. 275).

Blake v. Lyon & F. Mfg. Co., 75 N. Y. 611.

Cited, Appeal — Dismissal — As Bar to Second.

77 Hun, 388; (60 St. Rep. 401; 28 Supp. 854).

Appeal—Undertaking.

135 N. Y. 633; (48 St. Rep. 485).

Blake v. McNamara, 9 Misc. 212; 60 St. Rep. 832; 29 Supp. 676.

Blake v. Michigan So. R. Co., 17 How. 228.

Cited, Costs—Consolidation of Actions.

3 Misc. 111; (52 St. Rep. 213; 23 Supp. 683; 23 Civ. Pro. 89; 30 Abb. N. C. 132).

Blake v. Newwitter, 14 Misc. 633; 70 St. Rep. 711; 35 Supp. 1094.

Blake v. Voigt, 34 St. Rep. 295; 11 Supp. 716.

Affirmed, 134 N. Y. 69; 45 St. Rep. 606.

Cited, Statute of Frauds—Contracts—Performance Within Year.

10 Misc. 151; (62 St. Rep. 496; 30 Supp. 918).

Blake v. Voigt, 134 N. Y. 69; 45 St. Rep. 606.

Cited, Contracts—Statute of Frauds—Not to be Performed Within a Year.

2 Misc. 386; (51 St. Rep. 222; 21 Supp. 992). 11 Misc. 383; (65 St. Rep. 294; 32 Supp. 147).

Contracts—Statutory and Constitutional Restrictions—Construction.

40 Supp. 1016.

Blake & Johnson v. Krom, 36 St. Rep. 83; 13 Supp. 335.

Cited, Evidence—Insufficient.

11 Misc. 342; (65 St. Rep. 458; 32 Supp. 265).

Blakeley v. Calder, 15 N. Y. 617.

Cited, Vendor and Purchaser—Defective Title—Conclusiveness of Judgment.

19 Misc. 273; (78 St. Rep. 254; 44 Supp. 254).

Blakeman v. Mackay, 1 Hilt. 266.

Cited, Sale—Warranty—What Constitutes Question of Fact.

9 Misc. 464; (61 St. Rep. 88; 30 Supp. 229).

Blaker, Matter of, 12 St. Rep. 741.

Cited, Perpetuities—What is Unlawful Suspension.

79 Hun, 509; (61 St. Rep. 587; 29 Supp. 2)

Blakeslee v. Cattelain, 86 Hun, 574; 67 St. Rep. 632; 33 Supp. 903.

Blakeslee v. Fisher, 66 Hun, 261; 49 St. Rep. 474; 21 Supp. 217.

Cited, Mechanic's Lien—Abandonment by Contractor—Sub-contractor's Lien.

69 St. Rep. 295; (35 Supp. 179).

Blakeslee v. Sincepaugh, 71 Hun, 412; 54 St. Rep. 374; 24 Supp. 947.

Blakslee Mfg. Co. v. Blakslee Sons Iron Works, 129 N. Y. 155; 41 St. Rep. 178.

Affirming, 37 St. Rep. 707.

Cited, Waters—Land Under—Title of State.

71 Hun, 119; (53 St. Rep. 876; 24 Supp. 530).

Grant from State—Collateral Attack.

144 N. Y. 84; (63 St. Rep. 58). 3 App. Div. 85; (74 St. Rep. 838; 38 Supp. 1027).

Blanc v. Blanc, 67 Hun, 384; 51 St. Rep. 822; 22 Supp. 264; 23 Civ. Pro. 101.

Cited, Husband and Wife—Divorce—Counterclaim.

71 Hun, 526; (54 St. Rep. 890; 24 Supp. 1034).

Pleadings — Supplemental — Divorce—Adultery Since Action.

8 Misc. 93; (60 St. Rep. 161; 28 Supp. 1005; 31 Abb. N. C. 258). 5 Misc. 417; (26 Supp. 759).

Blanc v. Tennessee Coal, Iron & R. Co., 2 App. Div. 248; 72 St. Rep. 850; 37 Supp. 906.

Blancan, Matter of, 4 Redf. 151.

Cited, Wills—Designation of Executor.

18 App. Div. 191; (79 St. Rep. 871; 45 Supp. 871.)

Blanchard v. Blanchard, 4 Hun, 287; 6 T. & C. 551.

Affirmed, 70 N. Y. 615.

Cited, Partition—Effect of Executor's Power of Sale.

Duplicate Citations in Parenthesis.

72 Hun, 184; (55 St. Rep. 323; 25 Supp. 546).

Executors and Administrators—Power of Sale—Interest of Heirs.

49 St. Rep. 461; (20 Supp. 952).

Trusts—Limitations—Power in Trust—Intention to Bestow.

80 Hun, 361; (61 St. Rep. 819; 30 Supp. 79).

Blanchard v. Jefferson, 13 App. Div. 314; 77 St. Rep. 152; 43 Supp. 152.

Blanchard v. New Jersey Steamboat Co., 59 N. Y. 292.

Cited, Evidence—Value of Property—Rental and Sales.

7 Misc. 627; (58 St. Rep. 810; 28 Supp. 150; 31 Abb N. C. 270.)

Shipping—Collision—Duty to Avoid.

12 Misc. 366; (65 St. Rep. 782; 33 Supp. 653). 10 App. Div. 380; (75 St. Rep. 1397; 41 Supp. 1029).

Blanchard v. Trim, 38 N. Y. 225.

Cited, Statute of Frauds—Contracts—Verbal Modification.

147 N. Y. 409; (70 St. Rep. 49). 144 N. Y. 711; (71 St. Rep. 286).

Blanck v. Sadlier, 5 App. Div. 81; 38 Supp. 817.

Cited, Vendor and Purchaser—Title—Mortgage Payable in Gold.

79 St. Rep. 1016; (45 Supp. 1016.)

Blanck v. Sadlier, 16 Misc. 164; 38 Supp. 834.

Affirmed, 5 App. Div. 81; 38 Supp. 817.

Blank v. Blank, 107 N. Y. 91.

Cited, Judgment—Default by Fraud—Divorce.

50 St. Rep. 34; (21 Supp. 329).

Motions and Orders—As Bar—To Subsequent Action.

50 St. Rep. 237; (21 Supp. 655). 10 App. Div. 569; (76 St. Rep. 83; 42 Supp. 83).

Marriage—Fraud—Annulment.

6 App. Div. 435; (39 Supp. 540).

Blashfield v. Empire State T. & T. Co., 71 Hun, 532; 54 St. Rep. 917; 24 Supp. 1006.

Affirmed, 147 N. Y. 520; 70 St. Rep. 80.

Blashfield v. Empire State T. & T. Co., 147 N. Y. 520; 70 St. Rep. 88.

Blass v. Terry, 87 Hun, 563; 68 St. Rep. 378; 34 Supp. 475.

Blate v. Third Ave. R. Co., 16 App. Div. 287; 78 St. Rep. 615; 44 Supp. 615.

Blatz v. Rohrbach, 116 N. Y. 450; 27 St. Rep. 484.

Cited, Evidence—Presumption—Innocence—Civil Action.

6 Misc. 273; (58 St. Rep. 133; 26 Supp. 765).

Evidence—Burden of Proof—Civil—Damage Act.

8 Misc. 349; (59 St. Rep. 582; 28 Supp. 691).

Penalty—Action On—Strict Construction.

10 Misc. 462; (64 St. Rep. 27; 31 Supp. 451).

Blaustein v. Guindon, 83 Hun, 5; 64 St. Rep. 194; 31 Supp. 559.

Blaustein v. Warburton, 11 Misc. 631; 66 St. Rep. 170; 32 Supp. 786.

Blaut v. Borchardt, 12 Misc. 197; 67 St. Rep. 92; 33 Supp. 273.

Blaut v. Gabler, 77 N. Y. 461.

Cited, Statute of Frauds—Sale—Change of Possession.

19 Misc. 164.

Sale—Fraud—Question of Fact.

8 App. Div. 380; (75 St. Rep. 195; 40 Supp. 811).

Blauvelt, Matter of, 39 St. Rep. 774; 15 Supp. 536.

Reversed, 131 N. Y. 249; 43 St. Rep. 285.

Cited, Will—Construction—Limitation of Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431).

Blauvelt, Matter of, 20 Supp. 119.

Cited, Wills—Construction—Devise of Income—Power of Sale.

84 Hun, 126; (65 St. Rep. 682; 32 Supp. 554).

Blauvelt, Matter of, 131 N. Y. 249; 43 St. Rep. 285.

Cited, Executors—Rights and Duties—As to Life Tenancy.

2 Misc. 280; (23 Supp. 972).

Life Estate—Possession of Corpus by Tenant—Security.

18 App. Div. 112; (79 St. Rep. 601; 45 Supp. 601).

Real Property—Sale of—Proceeds of How Regarded.

89 Hun, 525; (69 St. Rep. 796; 35 Supp. 410).

Blazo v. Gill, 69 Hun, 69; 53 St. Rep. 154; 23 Supp. 373.

Affirmed, 143 N. Y. 232; 62 St. Rep. 182.

Blazo v. Gill, 143 N. Y. 232; 62 St. Rep. 182.

Cited, Expenditures—Proof.

20 Misc. 625.

Duplicate Citations in Parenthesis.

Blazy v. McLean, 77 Hun, 607; 59 St. Rep. 832; 28 Supp. 286.

Affirmed, 146 N. Y. 390; 71 St. Rep. 336.

Blazy v. McLean, 146 N. Y. 390; 1 St. Rep. 336.

Bleakley, Matter of, 5 Paige, 311.

Cited, Attorneys—Authority to Employ Counsel.

69 Hun, 443; (52 St. Rep. 783; 23 Supp. 423).

Bleakley v. Sullivan, 140 N. Y. 175; 55 St. Rep. 883.

Reversing, 62 Hun, 243; 42 St. Rep. 814; 16 Supp. 685.

Cited, Stipulations—As to Issues—Conclusiveness.

149 N. Y. 161.

Bleecker v. Johnston, 69 N. Y. 309.

Cited, Witnesses—Inference—Failure to Testify.

7 Misc. 565; (58 St. Rep. 358; 28 Supp. 86). 7 Misc. 600; (59 St. Rep. 294; 28 Supp. 129). 11 Misc. 73; (68 St. Rep. 22; 32 Supp. 752). D. 3 App. Div. 117; (39 Supp. 280). 7 App. Div. 590; (40 Supp. 311). 18 Misc. 30; (75 St. Rep. 516; 41 Supp. 59). 88 Hun, 214; 68 St. Rep. 703; 34 Supp. 723). 10 App. Div. 445; (76 St. Rep. 307; 42 Supp. 307). (79 St. Rep. 657; 45 Supp. 657).

Bleeker v. Bingham, 3 Paige, 246.

Cited, Contracts—For Benefit of Third Person—Availability.

5 App. Div. 359; (39 Supp. 231).

Bleeker v. Lynch, 1 Bradf. 458.

Cited, Wills—Testamentary Capacity—Age—Physical Condition.

56 St. Rep. 711; (25 Supp. 315).

Bleistein v. Associated Press S. N. Y., 136 N. Y. 662; 50 St. Rep. 9.

Blessing v. Davis, 24 Wend. 100.

Cited, Slander—Pleading—Setting Forth Words.

81 Hun, 51; (62 St. Rep. 563; 30 Supp. 585).

Blewitt, Matter of, 131 N. Y. 541; 43 St. Rep. 926.

Cited, Lunatics—Inquisition—Necessity of Notice to Lunatic.

137 N. Y. 330; (50 St. Rep. 659.)

Blewitt, Matter of, 138 N. Y. 148; 51 St. Rep. 843.

Affirming, 68 Hun, 127; 52 St. Rep. 929; 22 Supp. 1107.

Blewett v. Baker, 58 N. Y. 611.

Cited, Contracts—Tender—Excuse.

82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708).

Blewitt v. Booram, 142 N. Y. 357; 59 St. Rep. 27.

Cited, Evidence—Parol.

145 N. Y. 665; (71 St. Rep. 316). 78 St. Rep. 145; (44 Supp. 145).

Contracts—Seal.

149 N. Y. 537.

Bleyle v. N. Y. C. & H. R. R. Co., 11 St. Rep. 585.

Affirmed, 113 N. Y. 626; 22 St. Rep. 993.

Cited, Trial—Questions of Fact—Negligence.

66 Hun, 284; (49 St. Rep. 230; 21 Supp. 160).

Blinks v. Blinks, 5 Misc. 193; 25 Supp. 768.

Bliss, Matter of, 6 App. Div. 192; 39 Supp. 875; 3 Ann. Cas. 192.

Bliss v. Bliss, 7 Bosw. 339.

Cited, Counterclaim—Against Agent—Of Undisclosed Principal.

3 Misc. 352; (52 St. Rep. 427; 22 Supp. 928).

Bliss v. Cottle, 82 Barb. 322.

Cited, Conversion—Pleading—Specific Facts.

83 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Bliss v. Fosdick, 24 Supp. 939.

Bliss v. Fosdick, 76 Hun, 508; 58 St. Rep. 498; 27 Supp. 1053.

Bliss v. Fosdick, 60 St. Rep. 873.

Bliss v. Fosdick, 86 Hun, 162; 67 St. Rep. 59; 33 Supp. 317.

Affirmed, 151 N. Y. 625.

Cited, 17 App. Div. 11; (78 St. Rep. 843; 44 Supp. 843).

Gifts—How Regarded.

16 Misc. 176; (38 Supp. 1136). 78 St. Rep. 843; (44 Supp. 843).

Bliss v. Greeley, 45 N. Y. 671.

Cited, Waters—Spring—Easement—Grantee—Right of.

135 N. Y. 64; (48 St. Rep. 129).

Easements—Ancient Lights—Doctrine Obsolete.

23 Supp. 824.

Bliss v. Hoggson, 84 N. Y. 667.

Appeal—Record.

D. 74 Hun, 196; (56 St. Rep. 558; 26 Supp. 355).

Bliss v. Hornthal, 87 Hun, 110; 67 St. Rep. 887; 33 Supp. 1018.

*Duplicate Citations in Parenthesis.***Bliss v. Johnson**, 73 N. Y. 529.*Cited*, Forcible Entry and Detainer—Liability—True Owner.

69 Hun, 592; (53 St. Rep. 390; 23 Supp. 921).

Possession—Constructive—Realty.

73 Hun, 411; (58 St. Rep. 90; 26 Supp. 571). D. 73 Hun, 415; (58 St. Rep. 91; 26 Supp. 573).

Landlord and Tenant—Peaceable Possession of Landlord.

15 Misc. 191; (72 St. Rep. 233; 36 Supp. 898).

Forcible Entry.

83 Hun, 302; (64 St. Rep. 751; 31 Supp. 956).

Highways—Rights of Owner of Fee.

D. 86 Hun, 431; (67 St. Rep. 625; 33 Supp. 896).

Bliss v. Johnson, 94 N. Y. 235.*Cited*, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Real Property—Possession—Constructive.

71 Hun, 93; (54 St. Rep. 292; 24 Supp. 527). 73 Hun, 411; (58 St. Rep. 89; 26 Supp. 571). D. 73 Hun, 415; (58 St. Rep. 92; 26 Supp. 573). 92 Hun, 35; (72 St. Rep. 236; 36 Supp. 902).

Adverse Possession—Constituents.

D. 12 App. Div. 116; (76 St. Rep. 537; 42 Supp. 537).

Bliss v. Lawrence, 58 N. Y. 442.

Public Officers—Disposition of Fees in Advance.

51 St. Rep. 557. 53 St. Rep. 612. 141 N. Y. 12; (56 St. Rep. 562). 10 Misc. 335; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 168; 1 Ann. Cas. 80).

Bliss v. Matteson, 45 N. Y. 22.*Cited*, Assignment for Creditors—Composition—Secret Agreement.

142 N. Y. 411; (59 St. Rep. 798).

Bliss v. Murray, 7 Supp. 917.*Cited*, Injunction — To Restrain Summary Proceedings.

20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Summary Proceedings — Defective Petition—Availability.

20 Misc. 193; 194; (78 St. Rep. 1053; 44 Supp. 1053).

Bliss v. Raynor, 91 Hun, 250; 72 St. Rep. 57; 36 Supp. 156.**Bliss v. Schaub**, 48 Barb. 339.*Cited*, Bailment — Loss of Property — Rights of Bailee—Recovery for Damages.

7 Misc. 660; (58 St. Rep. 387; 28 Supp. 53).

Bliss v. Sherrill, 76 St. Rep. 432; 42 Supp. 432.**Bliss v. Sickles**, 50 St. Rep. 139; 21 Supp. 273.*Affirmed*, 142 N. Y. 647; 59 St. Rep. 168.*Cited*, Sale—Rescission—Fraudulent Statements to Third Person.

7 App. Div. 444; (39 Supp. 1056).

Bliss v. Sickles, 142 N. Y. 647; 59 St. Rep. 168.*Cited*, Evidence — Fraud—Contemporaneous.

16 Misc. 62; (73 St. Rep. 134; 37 Supp. 693). 16 App. Div. 52; (78 St. Rep. 1083; 44 Supp. 1083).

Bliss Co. v. Opera Glass Co., 60 Hun, 438; 39 St. Rep. 332; 15 Supp. 6.*Cited*, Attachment — Affidavits — Sufficiency—Counterclaims.

57 St. Rep. 318.

Bliss Co. v. United States Incandescent Gas-light Co., 149 N. Y. 30).**Bliven v. Hudson River R. Co.**, 36 N. Y. 403.*Cited*, Warehousemen—Delivery to Owner — Defense as to Bailor.

6 Misc. 232; (56 St. Rep. 537; 26 Supp. 544).

Bliven v. Peru Steel & Iron Co., 9 Abb. N. C. 205.*Cited*, Corporations—Dissolution—Equity. 72 St. Rep. 802; (38 Supp. 173; 2 Ann. Cas. 126).**Bliven v. Robinson**, 83 Hun, 208; 64 St. Rep. 288; 31 Supp. 662.*Affirmed*, 152 N. Y. 333.**Bliven v. Robinson**, 152 N. Y. 333.*Cited*, Direction of Verdict.

20 Misc. 680.

Bliven v. Seymour, 88 N. Y. 469.*Cited*, Life Tenants — Possession — Security.

6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153). Co-tenancy—Personalty.

140 N. Y. 104; (55 St. Rep. 312.) 150 N. Y. 93.

Wills — Construction — Appropriate Language.

2) Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Blizzard, Matter of. See New York, Matter of.**Block v. Harlem Bridge, M. & F. R. Co.**, 28 St. Rep. 495; 9 Supp. 164.*Cited*, Street Railways—Duty of Pedestrian in Crossing.

49 St. Rep. 438; (20 Supp. 803).

Duplicate Citations in Parenthesis.

Blodgett, Matter of, 89 N. Y. 392.

Cited, Constitutionality—Local Statute—Subjects.

144 N. Y. 409; (63 St. Rep. 649).

Blodgett, Matter of, 91 N. Y. 117.

Cited, Municipal Corporations—Assessments—Validity.

139 N. Y. 3; (54 St. Rep. 420). 82 Hun, 571; (64 St. Rep. 488; 31 Supp. 784). 85 Hun, 313; (66 St. Rep. 399; 32 Supp. 968).

Blodgett v. Hall, 11 Misc. 626; 66 St. Rep. 172; 32 Supp. 788).

Blodgett v. Race, 18 Hun, 132.

Cited, False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief.

74 Hun, 341; (56 St. Rep. 378; 26 Supp. 409). 143 N. Y. 269. 19 Misc. 670; (78 St. Rep. 1105; 44 Supp. 1105).

Information—Sufficiency—Warrant of Arrest Under.

9 Misc. 573; (62 St. Rep. 79; 30 Supp. 397).

Arrest—Jurisdiction—Evidence of Guilt.

19 Misc. 681; (78 St. Rep. 1107; 44 Supp. 1107).

Blomquist v. Arnold, N. Y. Daily Reg. June 26, 1884.

Cited, Brokers—Employment—Ratification.

11 Misc. 344; (65 St. Rep. 459; 32 Supp. 266).

Blood v. Goodrich, 9 Wend. 68.

Cited, Written Instrument—Verbal Modification.

147 N. Y. 408; (70 St. Rep. 49).

Blood v. Kane, 52 Hun, 225; 23 St. Rep. 298; 6 Supp. 353.

Reversed, 130 N. Y. 514; 42 St. Rep. 549.

Cited, Counterclaim—Assignment Before Commencement of Action.

14 Misc. 485; (70 St. Rep. 435; 35 Supp. 700).

Blood v. Kane, 130 N. Y. 514; 42 St. Rep. 549

Cited, Executors—Absolute Title to Property.

74 Hun, 364; (56 St. Rep. 349; 26 Supp. 686). 83 Hun, 82; (63 St. Rep. 849; 31 Supp. 366). 145 N. Y. 104; (64 St. Rep. 554). 88 Hun, 225; (68 St. Rep. 619; 34 Supp. 656). 19 Misc. 475; (78 St. Rep. 1042; 44 Supp. 1042).

Funeral Expenses—Who Chargeable with.

15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190). 79 St. Rep. 624; (45 Supp. 624).

Blood v. Smith, 5 Misc. 590; 55 St. Rep. 165; 25 Supp. 1143.

Bloodgood v. Ayres, 37 Hun, 356.

Cited, Waters—Springs—Diversion.

77 Hun, 496; (60 St. Rep. 23; 28 Supp. 808).

Bloodgood v. Bruen, 8 N. Y. 862.

Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 424; (52 St. Rep. 630; 23 Supp. 470).

Limitations—Executor—Revival of Claim By.

146 N. Y. 143; (66 St. Rep. 274; 2 Ann. Cas. 40). 15 Misc. 576; (72 St. Rep. 814; 38 Supp. 186).

Bloodgood v. Mass. Ben. Life Ass'n., 19 Misc. 460; 78 St. Rep. 563; 44 Supp. 563.

Bloodgood v. Mohawk & H. R. Co., 14 Wend. 51.

Cited, Eminent Domain—Taking Before Compensation.

66 Hun, 219; (49 St. Rep. 54; 21 Supp. 45).

Bloodgood v. Mohawk & H. R. Co., 18 Wend. 9.

Cited, Eminent Domain—Possession Pending Proceedings.

66 Hun, 310; (49 St. Rep. 600; 21 Supp. 133). 72 Hun, 594; (54 St. Rep. 882; 25 Supp. 160).

Corporations—Control Over.

14 Misc. 209; (70 St. Rep. 572; 35 Supp. 997).

Bloom v. Burdick, 1 Hill, 130.

Cited, Evidence—Presumption—Official Duty.

24 Supp. 674.

Courts—Jurisdiction—Presumption.

91 Hun, 497; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 111).

Bloom v. Huyck, 71 Hun, 252; 54 St. Rep. 477; 25 Supp. 7.

Cited, Summary Proceedings—Strict Compliance with Statute.

11 App. Div. 266; (76 St. Rep. 218; 42 Supp. 218).

Bloom v. National United B. S. & L. Co., 78 Hun, 553; 61 St. Rep. 213; 29 Supp. 536.

Bloom v. National United B. S. & L. Co., 81 Hun, 120; 62 St. Rep. 657; 30 Supp. 700; 1 Ann. Cas. 26.

Affirmed, 152 N. Y. 114.

Bloom v. National United B. S. & L. Co., 152 N. Y. 114.

Bloom v. P. Cox Shoe Mfg. Co., 83 Hun, 611; 64 St. Rep. 132; 31 Supp. 507.

Duplicate Citations in Parenthesis.

Bloom v. Pond's Extract Co., 18 Supp. 179; 27 Abb. N. C. 366.

Cited, Examination Before Trial—Production of Books.

12 Misc. 69; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 328).

Bloom v. Saberski, 8 Misc. 311; 59 St. Rep. 277; 28 Supp. 731.

Cited, Plumbers—License—Recovery for Services.

9 Misc. 211; (60 St. Rep. 840; 29 Supp. 684) 9 Misc. 379; (61 St. Rep. 483; 30 Supp. 254).

Bloom v. Standard Pub. Co., 78 St. Rep. 1110; 44 Supp. 1110.

Bloomer v. Bloomer, 2 Bradf. 339.

Cited, Gift—Causa Mortis—Revocation.

86 Hun. 173; (67 St. Rep. 67; 33 Supp. 323).

Bloomer v. Merrill, 1 Daly. 485.

Cited, Landlord and Tenant—Repairs.

16 Misc. 529; (38 Supp. 980).

Justice's Court—Judgment—Rendered After Statutory Time.

12 Misc. 159; (66 St. Rep. 359; 32 Supp. 1074).

Bloomer v. Sturges, 58 N. Y. 168.

Cited, Action—Parties—Foreclosure—Assignor of Mortgage.

72 Hun. 201; (55 St. Rep. 481; 25 Supp. 350). Foreclosure—Pleading—Allegations of Party's interest.

90 Hun. 587; (70 St. Rep. 651; 35 Supp. 978).

Judgment—Conclusiveness.

85 Hun. 68; (65 St. Rep. 363; 32 Supp. 643).

Bloomer v. Waldron, 3 Hill. 361.

Cited, Power of Sale—Acts Unauthorized Under.

144 N. Y. 224; (63 St. Rep. 95). 147 N. Y. 568; (70 St. Rep. 336). 20 Misc. 235; (79 St. Rep. 537; 45 Supp. 537).

Bloomfield v. Ketcham, 95 N. Y. 657.

Cited, Submission of Controversy—Affidavit—By Whom Made.

81 Hun. 283; (62 St. Rep. 754; 30 Supp. 791).

Bloomfield & Rochester Natural Gas Light Co. v. Richardson, 63 Barb. 437.

Cited, Highways—Public Uses—Water Mains.

66 Hun. 624; (48 St. Rep. 198; 20 Supp. 563).

Bloomfield & Rochester Natural Gas Light Co. v. Calkins, 63 N. Y. 386.

Cited, Highways—Rights of Owner of Fee.

143 N. Y. 141; (62 St. Rep. 143). 6 App. Div. 13; (39 Supp. 523).

Bloomington, Matter of, 73 St. Rep. 350; 38 Supp. 162.

Cited, Excise—Action of Board—Extent of Review.

15 Misc. 650; (73 St. Rep. 357; 38 Supp. 168).

Bloomington v. Adler, 7 Misc. 182; 57 St. Rep. 524; 27 Supp. 321.

Cited, District Court—Power to Vacate Judgment.

12 Misc. 159; (66 St. Rep. 359; 32 Supp. 1075).

Bloomington v. Brinckerhoff, 2 Misc. 49; 49 St. Rep. 142; 20 Supp. 858.

Cited, Husband and Wife—Liability of Husband—Necessaries—What to be Shown.

3 Misc. 551; (52 St. Rep. 486; 23 Supp. 17).

4 Misc. 534; (54 St. Rep. 132; 24 Supp. 701).

Husband and Wife—Necessaries—What Are.

7 Misc. 119; (57 St. Rep. 541; 27 Supp. 248).

Husband and Wife—Separation—Liability of Husband for Necessaries.

19 Misc. 361; (76 St. Rep. 559; 42 Supp. 559). 19 Misc. 151; (77 St. Rep. 467; 43 Supp. 467).

Bloomington v. Lisberger, 24 Hun. 355.

Cited, Order—Vacation—Prior Application.

10 Misc. 448.

Bloomington v. Seligman, 19 St. Rep. 64; 3 Supp. 243; 22 Abb. N. C. 98.

Cited, Assignment for Creditors—Validity—Stating Residence and Business.

138 N. Y. 445; (53 St. Rep. 19; 30 Abb. N. C. 245).

Bloomington v. Steubing, 10 Misc. 227; 63 St. Rep. 252; 30 Supp. 1062.

Affirmed, 12 Misc. 429; 67 St. Rep. 406; 33 Supp. 534.

Bloomington v. Steubing, 10 Misc. 229; 63 St. Rep. 246; 30 Supp. 1056.

Bloomington v. Steubing, 11 Misc. 635.

Reversed, 14 Misc. 549; 70 St. Rep. 718; 35 Supp. 1074.

Bloomington v. Steubing, 12 Misc. 429; 67 St. Rep. 406; 33 Supp. 534.

Cited, 14 Misc. 550; (70 St. Rep. 719; 35 Supp. 1074).

Bloomington v. Steubing, 14 Misc. 549; 70 St. Rep. 718; 35 Supp. 1074.

Duplicate Citations in Parenthesis.

Bloss v. Morrison, 47 Hun, 218; 14 St. Rep. 379.

Cited, Reference—Trial—Striking Out Evidence After Submission.

71 Hun, 535; (54 St. Rep. 919; 24 Supp. 1008).

Blossburg & Corning R. Co. v. Tioga R. Co., 1 Keyes, 486.

Cited, Contract—Of Employment—Right to Terminate—Notice.

1 Misc. 330; (48 St. Rep. 788; 20 Supp. 656).

Blossom v. Barrett, 37 N. Y. 434

Cited, Pleading—Separate Causes of Action—Numbering—Waiver.

53 St. Rep. 369; (23 Supp. 577).

Blossom v. Dodd, 43 N. Y. 264.

Cited, Carriers' Freight—Liability—Limitation.

68 Hun, 606; (52 St. Rep. 586; 23 Supp. 236).

Blossom v. Estes, 84 N. Y. 614.

Cited, Attachment—Service of Summons.

4 Misc. 270; (53 St. Rep. 318; 24 Supp. 102). 147 N. Y. 622; (71 St. Rep. 262; 2 Ann. Cas. 418).

Attachment—Vacation.

7 Misc. 398; (57 St. Rep. 557; 27 Supp. 922). 16 Misc. 166; (72 St. Rep. 135; 37 Supp. 2).

Attachment—Necessity of Requisite Facts. 16 Misc. 166; (72 St. Rep. 136; 37 Supp. 3).

Blossom v. Estes, 22 Hun, 472.

Affirmed, 84 N. Y. 614.

Cited, Attachment—Inoperative—Right to Order so Declaring.

8 App. Div. 307; (75 St. Rep. 388; 40 Supp. 995).

Blossom v. Griffin, 13 N. Y. 569.

Cited, Carriers' Freight—Acceptance—Destruction.

68 Hun, 601; (52 St. Rep. 583; 23 Supp. 233).

Contracts—Rescission—Effect on Prior Payments.

2 Misc. 367; (51 St. Rep. 211; 22 Supp. 375; 30 Abb. N. C. 11).

Evidence—Parol as to Writings—Explanation.

73 Hun, 380; (57 St. Rep. 291; 26 Supp. 264). 73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262). 17 Misc. 211; (40 Supp. 1040).

Blossom v. Lycoming F. Ins. Co., 64 N. Y. 162.

Cited, Insurance—Proof of Loss—Condition Precedent.

85 Hun, 33; (66 St. Rep. 163; 32 Supp. 595). 89 Hun, 38; (69 St. Rep. 251; 35 Supp. 72).

Insurance—Waiver of Conditions by Agent—Question of Fact.

7 App. Div. 594; (40 Supp. 313).

Blot v. Boiceau, 3 N. Y. 78.

Cited, Broker—Sale Without Authority—Damages.

10 Misc. 587; (64 St. Rep. 31; 31 Supp. 454).

Blott v. Rider, 47 How. 90.

Cited, Husband and Wife—Divorce—Alimony—Agreement.

9 Misc. 514; (61 St. Rep. 96; 30 Supp. 339).

Blow, Matter of, 2 Connolly, 360; 32 St. Rep. 290; 11 Supp. 193.

Cited, Executors—Accounting—Income—Unauthorized Dealings.

2 Misc. 280; (23 Supp. 972).

Executors—Rights and Duties—As to Life Tenancy.

2 Misc. 283; (23 Supp. 973).

Blowers v. Sturtevant, 4 Den. 46.

Cited, Husband and Wife—Necessaries for Wife—Separate Maintenance.

2 Misc. 51; (49 St. Rep. 143; 20 Supp. 819). 19 Misc. 150; (77 St. Rep. 466; 43 Supp. 466).

Blum, Matter of, 9 Misc. 571; 62 St. Rep. 78; 30 Supp. 396.

Blum v. Hartman, 3 Daly, 47.

Cited, Justice's Court Judgment—Non-suit.

90 Hun, 543; (71 St. Rep. 32; 36 Supp. 25).

Blum v. Jung, 63 St. Rep. 214; 30 Supp. 1030.

Blum v. Manhattan R. Co., 1 Misc.

119; 48 St. Rep. 680; 20 Supp. 722.

Cited, Evidence—Expert Testimony—As to Rental Value of Property Damaged by Elevated Railway.

1 Misc. 154; (48 St. Rep. 756; 20 Supp. 725).

Blum v. Munzesheimer, 50 St. Rep. 306; 21 Supp. 498.

Blumberg v. Bezosi, 19 Misc. 424; 77 St. Rep. 1151; 43 Supp. 1151.

Blumberg v. Bezosi, 20 Misc. 286; 79 St. Rep. 672; 45 Supp. 672.

Blumberg v. Briggs, 10 St. Rep. 242.

Cited, Summary Proceeding—Jury Trial—Direction of Verdict.

12 Misc. 154; (66 St. Rep. 516; 33 Supp. 17). 18 Misc. 192; (75 St. Rep. 701; 41 Supp. 291).

Blume v. Herman, 18 Misc. 574; 76 St. Rep. 479; 42 Supp. 479.

Duplicate Citations in Parenthesis.

Blumenthal v. Bloomingdale, 100 N. Y. 561.

Cited, Evidence—Competency—Whole of Transaction.

79 Hun, 564; (61 St. Rep. 578; 29 Supp. 891).

Statute of Frauds—Verbal Lease for One Year.

139 N. Y. 389; (54 St. Rep. 664; 30 Abb. N. C. 429).

Landlord and Tenant—Term.

18 Misc. 72; (75 St. Rep. 487; 41 Supp. 31).

Blumenthal v. Einstein, 81 Hun, 415; 63 St. Rep. 264; 30 Supp. 1126.

Blumenthal v. Lloyd, 18 Misc. 195; 75 St. Rep. 806; 41 Supp. 393.

Blumenthal v. New York El. R. Co., 60 Super. 95; 42 St. Rep. 683; 17 Supp. 481.

Modified, 137 N. Y. 559; 50 St. Rep. 932.

Cited, Injunction—Elevated Railway—Alternative Compensation.

78 Hun, 453; (60 St. Rep. 784; 29 Supp. 225). 14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

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24 Supp. 910.

Blumer v. National Starch Mfg. Co., 9 Misc. 235; 61 St. Rep. 299; 30 Supp. 299.

Affirmed, 84 Hun, 91; 65 St. Rep. 240; 32 Supp. 78.

Blumer v. National Starch Mfg. Co., 84 Hun, 91; 65 St. Rep. 240; 32 Supp. 78.

Blunt v. Aikin, 15 Wend. 522.

Cited, Nuisance—Liability of Occupant.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 181).

Blunt v. Barrett, 124 N. Y. 117; 35 St. Rep. 64.

Cited, Evidence—Burden of Proof—Shifting.

3 Misc. 461; (52 St. Rep. 443; 23 Supp. 181).

Blydenburgh v. Bingham, 38 N. Y. 371.

Cited, Surety—Discharge.

8 App. Div. 417; (75 St. Rep. 232; 40 Supp. 835).

Blydenburgh v. Cotheal, 4 N. Y. 418; 5 How. 200.

Cited, Time—Fractions of a Day.

7 Misc. 715; (58 St. Rep. 322; 28 Supp. 29). 150 N. Y. 229.

Board of Commissioners of Charities and Corrections v. McCloskey, 15 App. Div. 41; 78 St. Rep. Rep. 111; 44 Supp. 111.

Board of Home Missions of Presbyterian Church v. New York, 72 St. Rep. '48; 37 Supp. 96.

Board of Missions v. Scovell, 3 Dem. 516.

Cited, Wills—Description of Devisee or Legatee—Corporations.

3 Misc. 485; 23 Supp. 746.

Board of Pilots, Commissioners of, v. Clark, 33 N. Y. 251.

Cited, Landlord and Tenant—Lease—Holding Over—Liability of Tenant.

5 Misc. 265; 25 Supp. 106.

Board Public Works of Watertown, Etc., Matter of, 144 N. Y. 440; 64 St. Rep. 35.

Board of Railroad Commissioners, Matter of, 11 Misc. 103; 66 St. Rep. 570; 32 Supp. 1115.

Board of Rapid Transit Com., Matter of, 50 St. Rep. 418; 21 Supp. 570.

Board of Street Opening, Matter of, 111 N. Y. 581; 20 St. Rep. 133.

Cited, Eminent Domain—Review of Award by Court of Appeals.

137 N. Y. 97; 50 St. Rep. 183.

Board of Street Opening, Matter of, 133 N. Y. 436; 45 St. Rep. 638.

Cited, Eminent Domain—Review of Award by Court of Appeals.

137 N. Y. 97; (50 St. Rep. 183).

Board of Street Opening, Matter of, 64 Hun, 59; 45 St. Rep. 828; 18 Supp. 727.

Cited, Highways—Establishment—Assessments—New York City.

74 Hun, 562; (57 St. Rep. 32; 26 Supp. 856).

Board of Street Opening, Matter of, 68 Hun, 562; 52 St. Rep. 567; 22 Supp. 1021.

Affirmed, 139 N. Y. 657; 54 St. Rep. 934.

Board of Street Opening, Matter of, 74 Hun, 561; 57 St. Rep. 32; 26 Supp. 855.

Board of Street Opening, Matter of, 82 Hun, 580; 64 St. Rep. 362; 31 Supp. 732.

Affirmed, 148 N. Y. 764.

Board of Street Opening, Matter of, 86 Hun, 267; 67 St. Rep. 34; 33 Supp. 299.

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Board of Street Opening, Matter of, 16 St. Rep. 91; 1 Supp. 145.

Cited, 82 Hun, 583; 64 St. Rep. 364; 81 Supp. 734.

Board of Street Opening & Imp'vt, Matter of, 12 Misc. 526; 67 St. Rep. 250; 33 Supp. 594.

Affirmed, 91 Hun, 477; 70 St. Rep. 774; 36 Supp. 311.

Board of Street Opening & Imp'vt, Matter of, 89 Hun, 525; 69 St. Rep. 795; 35 Supp. 409.

Board of Street Opening & Imp'vt, Matter of, 12 Misc. 535; 67 St. Rep. 256; 33 Supp. 599.

Board of Street Opening & Imp'vt, Matter of, 91 Hun, 477; 70 St. Rep. 774; 36 Supp. 311.

Affirmed, 149 N. Y. 575.

Boardman, Matter of, 46 St. Rep. 444; 20 Supp. 60.

Cited, Wills—Construction of—Funeral Expenses—Amount.

9 Misc. 506; (61 St. Rep. 741; 30 Supp. 395).

Boardman v. Davidson, 7 Abb. N. S. 439.

Cited, Contracts — Reformation — Proof Required.

149 N. Y. 58.

Boardman v. Gaillard, 1 Hun, 217.

Cited, Custom—Knowledge.

2 Misc. 234; (79 St. Rep. 789; 45 Supp. 789).

Boardman v. Halliday, 10 Paige, 223.

Cited, Assignment for Creditors—Preferences.

6 Misc. 463; (27 Supp. 911).

Boardman v. Lake Shore & Mich. S. R. Co., 84 N. Y. 157.

Cited, Assignment — Equitable — Net Earnings—Guaranteed Stock.

139 N. Y. 179; (54 St. Rep. 506).

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9 Misc. 594; (62 St. Rep. 278; (30 Supp. 870). 17 Misc. 726; (41 Supp. 447). 18 Misc. 158; (41 Supp. 1034).

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76 Hun, 447; (59 St. Rep. 182; 28 Supp. 106).

Action — Against Corporations — Parties.

17 Misc. 727; (41 Supp. 448).

Boas v. New York, 85 Hun, 311; 66 St. Rep. 398; 32 Supp. 967.

Boas v. Thatcher Car & C. Co., 8 M. sc. 143; 59 St. Rep. 570; 28 Supp. 659.

Boasberg v. Cronan, 9 Supp. 664.

Cited, Insurance—Mutual Benefit—Beneficiary Fund.

17 Misc. 744; (41 Supp. 410).

Bock v. Healy, 8 Daly, 156.

Cited, Sale — Delayed Delivery — Retention.

12 Misc. 138; (66 St. Rep. 738; 33 Supp. 81).

Bockes v. Lansing, 74 N. Y. 437.

Cited, Equity—Legal Relief in.

68 Hun, 303; (52 St. Rep. 98; 23 Supp. 38).

Pleading—Amendment of—On Trial.

2 Misc. 409; (50 St. Rep. 615; 21 Supp. 964). 8 Misc. 489; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436).

Conveyance — Setting Aside — Void on Face.

5 Misc. 312; (25 Supp. 1109).

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83 Hun, 194; (67 St. Rep. 567; 33 Supp. 745). 67 Hun, 107; (51 St. Rep. 551; 22 Supp. 21).

Bocock v. Cochran, 32 Hun, 521.

Cited, Constitutionality—Local Courts—Jurisdiction.

12 App. Div. 63; (76 St. Rep. 860; 42 Supp. 860). 17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352).

Bodine v. Brown, 12 App. Div. 335; 76 St. Rep. 202; 42 Supp. 203.

Bodine v. Exchange Fire Ins. Co., 51 N. Y. 117.

Cited, Insurance—Agents—Powers—Notice.

135 N. Y. 302; (47 St. Rep. 864).

Insurance—Liability for Acts of Agent—Knowledge of Insurer.

142 N. Y. 389; (59 St. Rep. 780).

Insurance — Payment of Premium — Waiver—How Shown.

16 App. Div. 201; (78 St. Rep. 750; 44 Supp. 750). D. 8 App. Div. 108; (40 Supp. 465).

Bodine v. Killeen, 53 N. Y. 93.

Cited, Estoppel — Equitable—Acts and Declarations of Agent—Fraud.

9 Misc. 639; (62 St. Rep. 109; 30 Supp. 355).

Principal and Agent—Authority — Continuance of—Notice of Revocation.

71 Hun, 443; (51 St. Rep. 547; 25 Supp. 14

*Duplicate Citations in Parenthesis.***Bodle v. Chenango County Mut. Ins. Co.,** 2 N. Y. 53.*Cited, Insurance—Proof of Loss—Retention—Waiver.*

10 Misc. 174; (62 St. Rep. 508; 30 Supp. 1049).

Boechat v. Brown, 9 App. Div. 369; 75 St. Rep. 865; 41 Supp. 467.*Cited, Statutes—Construction—Repeal.*

13 App. Div. 591; (77 St. Rep. 457; 43 Supp. 457). 19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

Boehm v. Williamsburgh City Ins. Co., 35 N. Y. 131.*Cited, Insurance—Payment of Premium—Waiver.*

16 App. Div. 202; (78 St. Rep. 751; 44 Supp. 751).

Boehm v. Commercial Alliance Life Ins. Co., 9 Misc. 529; 62 St. Rep. 211; 30 Supp. 660.*Affirmed,* 35 Supp. 1103.*Cited, Insurance—Untrue Answers.*

11 App. Div. 406; (76 St. Rep. 449; 42 Supp. 449).

Boehm v. Lies, 138 N. Y. 609; 51 St. Rep. 932.**Boehm v. Mace,** 45 St. Rep. 285; 18 Supp. 106; 28 Abb. N. C. 138.*Cited, Master and Servant—Liability of Master—Freight Elevator.*

4 Misc. 163; (53 St. Rep. 196; 23 Supp. 789).

Negligence—Pleadings—Proof Under.

18 Misc. 11; (75 St. Rep. 450; 40 Supp. 1132).

Boehm v. Miller, 45 St. Rep. 281; 18 Supp. 137.*Cited, Evidence—Declarations—Inconsistent—Preliminary Cross-Examination.*

2 Misc. 327; (51 St. Rep. 583; 21 Supp. 997.)

Witness—Impeachment—Contradictory Statements.

1 Misc. 284; (48 St. Rep. 668; 20 Supp. 705).

Boehncke v. Brooklyn City Ry. Co., 3 Misc. 49; (51 St. Rep. 434; 22 Supp. 712.)**Boerum v. Schenck,** 41 N. Y. 182.*Cited, Trust Relation—Personal Purchase—Validity.*

69 Hun, 115; (53 St. Rep. 54; 23 Supp. 200). 10 App. Div. 609; (76 St. Rep. 357; 42 Supp. 357). 14 App. Div. 584; (78 St. Rep. 135; 44 Supp. 135).

Boese v. King, 78 N. Y. 471.*Cited, Assignment for Creditors—Validity—Coercive Participation of Creditors.*

55 St. Rep. 563.

Boess v. Clausen & Price Brewing Co., 12 App. Div. 366; 76 St. Rep. 848; 42 Supp. 848.**Boetzkes v. Manhattan R. Co.,** 1 App. Div. 526; 72 St. Rep. 551; 37 Supp. 461.**Bogardus v. Clarke,** 1 Edw. Ch. 266.*Affirmed,* 4 Paige, 623.*Cited, Wills—Probate—Refusal of—Conclusiveness on Devisees.*

89 Hun, 363; (69 St. Rep. 788; 35 Supp. 402; 25 Civ. Pro. 133).

Bogardus v. Clarke, 4 Paige, 623.*Cited, Wills—Probate—Refusal of—Conclusiveness on Devisee.*

60 St. Rep. 55; (28 Supp. 786; 31 Abb. N. C. 117). 86 Hun, 26; (67 St. Rep. 505; 33 Supp. 864); 89 Hun, 363; (69 St. Rep. 788; 35 Supp. 402; 25 Civ. Pro. 133). 149 N. Y. 236).

Bogardus v. Livingstone, 7 Abb. 428.*Cited, Attorneys—Relation to Client—Authority—Termination of.*

4 Misc. 590; (25 Supp. 850).

Bogardus v. N. Y. Life Ins. Co., 101 N. Y. 328.*Cited, Contracts—Performance—Tender—Excuse.*

2 Misc. 491; (24 Supp. 924). 71 St. Rep. 482; (36 Supp. 431). 148 N. Y. 562; (3 Ann. Cas. 24).

Pleading—Complaint—Contracts—Conditions Precedent.

72 Hun, 400; (55 St. Rep. 468; 25 Supp. 569). 11 Misc. 392; (65 St. Rep. 427; 32 Supp. 245). 15 Misc. 629; (72 St. Rep. 705; 37 Supp. 352). 15 App. Div. 384; (78 St. Rep. 77; 44 Supp. 77).

Demurrer—What Admitted Under.

82 Hun, 138; (63 St. Rep. 391; 31 Supp. 100). 10 Misc. 693; (65 St. Rep. 100; 31 Supp. 1006; 1 Ann. Cas. 340). 67 St. Rep. 836; (34 Supp. 35). 20 Misc. 526. 10 App. Div. 133; (75 St. Rep. 1063; 41 Supp. 674).

Bogardus v. Richtmeyer, 3 Abb. 179.*Cited, Costs—Payment Pending Action.*

18 Misc. 687; (76 St. Rep. 18; 42 Supp. 18; 3 Ann. Cas. 323).

Bogardus v. Trinity Church, 4 Paige, 178.*Affirmed,* 15 Wend. 111.

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Cited, Benevolent Societies — Power to Alienate or Incumber Realty.

138 N. Y. 456; (55 St. Rep. 21).

Common Law—Adoption by Colonies.

27 Supp. 930; (30 Abb. N. C. 454).

Co-tenancy—Adverse Possession.

89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348).

Bogardus v. Trinity Church, 4 Sandf. Ch. 633.

Cited, Unauthorized Conveyance to Corporation—Who May Attack.

20 Misc. 562.

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10 App. Div. 389; (75 St. Rep. 1158; 41 Supp. 763).

Bogardus v. Young, 64 Hun, 398; 46 St. Rep. 780; 19 Supp. 885.

Cited, Limitation of Action—Necessity of Demand.

2 Misc. 341; (50 St. Rep. 617; 21 Supp. 966).

Limitation of Action—When Statute Begins to Run—Contracts.

2 Misc. 342; (50 St. Rep. 617; 21 Supp. 966).

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92 Hun, 268; (72 St. Rep. 403; 36 Supp. 881; 3 Ann. Cas. 28).

Bogart, Matter of, 28 Hun, 466.

Cited, Legacy—Right to Set-off Debt Due From Legatee.

15 Misc. 177; (72 St. Rep. 142; 37 Supp. 38).

Bogart v. Dart, 25 Hun, 395.

Cited, Attachment—Personal Acts.

57 St. Rep. 318; (24 Supp. 643). 16 Misc. 166; (72 St. Rep. 135; 37 Supp. 3). 4 App. Div. 284; (74 St. Rep. 788; 38 Supp. 852). 15 App. Div. 163; (78 St. Rep. 196; 44 Supp. 196).

Attachment—Partnership—Acts of One Partner.

85 Hun, 592; (66 St. Rep. 794; 33 Supp. 121).

Bogart v. Delaware, L. & W. R. Co., 72 Hun, 412; 55 St. Rep. 291; 25 Supp. 175.

Affirmed, 145 N. Y. 283; 64 St. Rep. 702.

Cited, Railroads—Waterway—Sufficiency of Openings—Unusual Flood.

78 Hun, 568; (61 St. Rep. 245; 29 Supp. 564).

Bogart v. Delaware L. & W. R. R. Co., 145 N. Y. 283; 64 St. Rep. 702.

Bogart v. O'Regan, 1 E. D. Smith, 590.

Cited, Action — Parties — On Contract Made by Agent.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Bogert v. Bliss, 13 Misc. 72; 68 St. Rep. 195; 34 Supp. 147.

Affirmed 148 N. Y. 194.

Bogert v. Bliss, 148 N. Y. 194.

Bogert v. Furman, 10 Paige, 496.

Cited, Descent and Distribution—Who Are Heirs—Grandfather.

5 Misc. 432; (26 Supp. 721).

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Cited, Executors—Powers—Severalty.

71 Hun, 498; (55 St. Rep. 35; 25 Supp. 28). Wills—Equitable Conversion — Distribution.

74 Hun, 356; (56 St. Rep. 366; 26 Supp. 304). 7 Misc. 27; (57 St. Rep. 76; 27 Supp. 313). 7 Misc. 385; (58 St. Rep. 524; 28 Supp. 396).

Bogert v. Striker, 11 Misc. 88; 66 St. Rep. 198; 32 Supp. 815).

Bohan v. Port Jervis Gas Light Co., 122 N. Y. 18; 33 St. Rep. 246.

Cited, Constitutional Law—Police Power—Limitations on.

136 N. Y. 584; (49 St. Rep. 701).

Nuisance—Statutory Sanction.

139 N. Y. 502; (51 St. Rep. 799). 140 N. Y. 212; (55 St. Rep. 415). 88 Hun, 388; (68 St. Rep. 823; 34 Supp. 812). 20 Misc. 478; (79 St. Rep. 778; 45 Supp. 778).

Nuisance—Negligence.

73 Hun, 578; (57 St. Rep. 266; 26 Supp. 166).

Nuisance—Remedies—Injunction.

67 Hun, 404; (51 St. Rep. 779; 22 Supp. 276).

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9 Misc. 15; (59 St. Rep. 699; 29 Supp. 17).

Bohen v. Purroy, 49 St. Rep. 606.

Bohleber v. Waeldin, 69 Hun, 79; 52 St. Rep. 605; 23 Supp. 391.

80 Hun, 352; (62 St. Rep. 40; 30 Supp. 313).

Bohleber v. Waelden, 80 Hun, 349; 62 St. Rep. 40; 30 Supp. 312.

Affirmed, 150 N. Y. 405.

Bohleber v. Waelden, 150 N. Y. 405.

Bohlen v. Metropolitan Elevated R. Co., 121 N. Y. 546; 31 St. Rep. 888.

Cited, Judgment — Amendment — Power of Court.

23 Supp. 750; (23 Civ. Pro. 96). 84 Hun, 303; (65 St. Rep. 640). 12 Misc. 352; (65 St.

Duplicate Citations in Parenthesis.

Rep. 792; 33 Supp. 558). 146 N. Y. 260; (66 St. Rep. 633; 32 Supp. 454). 14 Misc. 513; (70 St. Rep. 691; 35 Supp. 1066). 150 N. Y. 333; (3 Ann. Cas. 263).

Bohm v. Loewer's, etc. Brewery Co.,
16 Daly, 80; 30 St. Rep. 424; 9 Supp. 514.

Cited, Corporations—Officers—Apparent Authority—By-Laws.

61 St. Rep. 120; (30 Supp. 251).

Bohm v. Metropolitan El. R. Co.,
129 N. Y. 576; 42 St. Rep. 247.

Cited, Appeal—Review of Courts or Referee's Findings of Fact—Reversal, when Justified.

1 Misc. 141; (48 St. Rep. 723; 20 Supp. 629).

Damages—Elevated Railways—Benefits.

1 Misc. 342; (48 St. Rep. 724; 20 Supp. 629). 137 N. Y. 598; (50 St. Rep. 665). 137 N. Y. 593; (50 St. Rep. 701). 137 N. Y. 305; (50 St. Rep. 704). 138 N. Y. 262; (52 St. Rep. 376). 73 Hun, 252; (57 St. Rep. 118; 25 Supp. 1049). 7 Misc. 92; (57 St. Rep. 65; 27 Supp. 306). 144 N. Y. 118; (63 St. Rep. 20). 10 Misc. 261; (64 St. Rep. 113; 31 Supp. 430). 85 Hun, 384; (66 St. Rep. 458; 32 Supp. 1054). 87 Hun, 105; (67 St. Rep. 653; 33 Supp. 975). 69 St. Rep. 660; 147 N. Y. 312; (69 St. Rep. 681). D. 147 N. Y. 316, 317; (69 St. Rep. 684, 685). 14 Misc. 294; (70 St. Rep. 441; 35 Supp. 706). D. 2 App. Div. 403; (73 St. Rep. 528; 37 Supp. 986). 147 N. Y. 301; D. 147 N. Y. 307.

Damages — Railways—Easements Apart From Fee.

3 Misc. 430; (52 St. Rep. 446; 23 Supp. 168). 69 Hun, 194; (53 St. Rep. 34; 23 Supp. 518). 90 Hun, 87; (70 St. Rep. 220; 35 Supp. 559). 79 St. Rep. 647, 648; (45 Supp. 647, 648).

Damages—Elevated Railway—Prevention of Rise of Value.

5 Misc. 240; (54 St. Rep. 786).

Damages — Nominal—Rental — Elevated Railroads.

4 Misc. 135; (53 St. Rep. 172; 23 Supp. 865). 1 Misc. 156; (48 St. Rep. 712; 20 Supp. 626).

Elevated Railways—Damages — Measure —Property Taken and Damaged.

1 Misc. 340; (48 St. Rep. 684; 20 Supp. 624). 138 N. Y. 551; (53 St. Rep. 182).

Elevated Railways—Damages—Taking or Impairing Easements—Effect on Remaining Property.

1 Misc. 153; (48 St. Rep. 756; 20 Supp. 724). 1 Misc. 111; (48 St. Rep. 680; 20 Supp. 649). 5 Misc. 244; (54 St. Rep. 788;

25 Supp. 82). 75 Hun, 66; (58 St. Rep. 165 26 Supp. 997). 76 Hun, 387; (59 St. Rep. 172; 28 Supp. 112). 6 App. Div. 335; (40 Supp. 525).

Trial—Findings—Evidentiary Facts.

138 N. Y. 178; (52 St. Rep. 162).

Bohnet, Matter of, 8 App. Div. 293; 3 Ann. Cas. 249; 40 Supp. 1140.

Bohnet v. Lithauer, 7 Hun, 238.

Cited, Case—How Made.

79 St. Rep. 319; (45 Supp. 319).

Bohnet v. New York, 150 N. Y. 279

Cited, Action—Parties — Bringing Into Court.

15 App. Div. 439; (78 St. Rep. 486; 44 Supp. 486).

Boies v. Benham, 127 N. Y. 620.

Cited, Vendor and Purchaser—Purchase Money Lien—Effect of Mortgage.

19 Misc. 91; (77 St. Rep. 835; 43 Supp. 835).

Bok v. Vincent, 12 Abb. 137.

Cited, Evidence — Upon Cross-examination—Effect Upon Opposite Party.

11 Misc. 324; (65 St. Rep. 282; 32 Supp. 140).

Boland v. Industrial Benefit Ass'n,

74 Hun, 335; 56 St. Rep. 382; 26 Supp. 433.

Cited, Insurance — Representations — Breach of Warranty.

79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769). 84 Hun, 130; (65 St. Rep. 738; 32 Supp. 514).

Insurance — Admission — Certificate of Death Conclusiveness.

78 Hun, 108; (60 St. Rep. 532; 28 Supp. 1077).

Boland v. N. Y. C. & H. R. R. Co.,

56 St. Rep. 890; 26 Supp. 1125.

Boldt v. N. Y. C. R. Co., 18 N. Y. 432.

Cited, Master and Servant—Negligence of Co-employee—Who are Fellow Servants.

71 Hun, 294; (54 St. Rep. 485; 24 Supp. 1073).

Bolen v. Bolen, 44 Hun, 362.

Cited, Gift—Of Mortgage.

9 App. Div. 213; (75 St. Rep. 696; 41 Supp. 237).

Bolen v. Crosby, 49 N. Y. 183.

Cited, Assignment — Judgment — What Passes.

49 St. Rep. 177; (21 Supp. 341).

Assignment—Of Corporate Debt—Penalty for Failure to Make Report.

68 Hun, 322; (52 St. Rep. 102; 22 Supp. 896).

Duplicate Citations in Parenthesis.

Bolin, Matter of, 136 N. Y. 177; 49 St. Rep. 59.

Cited, Gift—Deposit in Bank.

10 Misc. 755; (64 St. Rep. 632; 31 Supp. 826). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Gift—Delivery.

16 Misc. 412; (39 Supp. 732).

Gift—Possession by Alleged Donee.

17 App. Div. 11; (78 St. Rep. 842; 44 Supp. 842). D. 16 App. Div. 555; (78 St. Rep. 998; 44 Supp. 998).

Boller v. New York, 40 Super. 523.

Cited, Landlord and Tenant—Summary Proceeding—Adjournment by Justice.

2 Misc. 159; (50 St. Rep. 540; 21 Supp. 799).

Bolles v. Cantor, 6 App. Div. 365; 39 Supp. 652.

Bolles v. Duff, 43 N. Y. 469.

Cited, Strict Foreclosure.

15 App. Div. 282; (78 St. Rep. 591; 44 Supp. 591).

Bolles v. Duff, 56 Barb. 567.

Cited, Motions and Orders—Rehearing.

81 Hun, 99; (62 St. Rep. 551; 30 Supp. 618; 1 Ann. Cas. 150).

Bolster v. New York, 4 App. Div. 611; 72 St. Rep. 865; 38 Supp. 1141.

Bolt v. Hauser, 10 Supp. 397.

Affirmed, 57 Hun, 567; 33 St. Rep. 343; 11 Supp. 366.

Cited, Justice Court—Judgment Docketed in County Clerk's Office—Execution On.

8 App. Div. 340; (75 St. Rep. 201; 40 Supp. 816).

Bolt v. Hauser, 57 Hun, 567; 33 St. Rep. 343; 11 Supp. 366.

Cited, Judgment — Lien — Duration — Transcript from Justice.

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17 App. Div. 185; (79 St. Rep. 297; 45 Supp. 297).

Bolt v. Keyhoe, 30 Hun, 619.

Cited, Benevolent Societies—Relief Funds—Liability for Beneficiaries' Debts.

83 Hun, 463; (31 Supp. 1038).

Bolte v. Fichtner, 68 Hun, 147; 52 St. Rep. 250; 22 Supp. 725.

Bolton, Matter of, 71 Hun, 32; 54 St. Rep. 755; 24 Supp. 799.

Affirmed, 60 St. Rep. 340.

Bolton, Matter of, 60 St. Rep. 340.

Bolton, Matter of, 5 Misc. 475; 26 Supp. 333.

Affirmed, 141 N. Y. 554.

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Cited, Divisees—Executors—Control Over Realty.

89 Hun, 347; (70 St. Rep. 200; 35 Supp. 579).

Bolton, Matter of, 20 Misc. 532.

Bolton, Matter of, 83 Hun, 259; 64 St. Rep. 142; 31 Supp. 588.

Affirmed, 146 N. Y. 257; 66 St. Rep. 630.

Bolton, Matter of, 146 N. Y. 257; 66 St. Rep. 630.

Cited, Surrogate's Court—Jurisdiction—To Construe will—Proceeds of Realty.

3 App. Div. 352; (73 St. Rep. 667; 38 Supp. 301). 8 App. Div. 353; (40 Supp. 799).

Bolton v. Jacks, 6 Robt. 166.

Cited, Courts—Jurisdiction—Conclusiveness.

135 N. Y. 75; (47 St. Rep. 875).

Evidence—Presumption—Judgment—Impeachment.

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Executors—Power of sale—Personal or Official.

12 App. Div. 534; (76 St. Rep. 145; 42 Supp. 145).

Bolton v. Myers. See Bolton, Matter of.

Bolton v. Myers, 141 N. Y. 554; 60 St. Rep. 340.

Bolton v. New Rochelle, 84 Hun, 281; 65 St. Rep. 717; 32 Supp. 442.

Cited, Municipality—Sewer—Act of Another Party.

17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367).

Bolton v. Schriever, 135 N. Y. 65; 47 St. Rep. 870.

Cited, Surrogate's Court—Jurisdiction—Executors—Appointment—Conclusiveness.

77 Hun, 232; (59 St. Rep. 389; 28 Supp. 357; 23 Civ. Pro. 433). 79 Hun, 540; (61 St. Rep. 555; 29 Supp. 936). 146 N. Y. 331; (66 St. Rep. 641).

Judgment—Collateral Attack.

87 Hun, 184; (67 St. Rep. 781; 33 Supp. 1077).

Bomboy v. N. Y. C. & H. R. R. Co., 47 Hun, 425; 14 St. Rep. 291.

Cited, Railroads—Crossings—Negligence—Contributory.

80 Hun, 181, 182; 61 St. Rep. 631, 632; 29 Supp. 1010). 80 Hun, 156; (61 St. Rep. 710; 29 Supp. 1129).

Duplicate Citations in Parenthesis.

Bomeisler v. Forster, 10 App. Div. 43;
75 St. Rep. 1136; 41 Supp. 742.

Bommer v. Am. S. S. B. H. Mfg Co.,
44 Super, 454.

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Cited, Limitations—Accounting.

19 Misc. 331; (78 St. Rep. 270; 44 Supp.
270).

Bonadua v. Third Avenue R. Co.,
62 St. Rep. 120; 30 Supp. 410.

Bonard, Matter of, 16 Abb. N. S. 128.
Cited, Wills—Testamentary Capacity—
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5 Misc. 204; (25 Supp. 113). 18 Misc. 154;
(41 Supp. 1100).

Bond v. Mitchell, 3 Barb. 304.

Cited, Replevin — Pleading — Necessary
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88 Hun, 20; (68 St. Rep. 292; 34 Supp.
509).

Bond v. N. Y. C. & H. R. R. Co., 69
Hun, 476; 52 St. Rep. 637; 23 Supp.
450).

Cited, Appeal—Direction of Verdict—Fa-
vorable Construction.

D. 4 App. Div. 607; (39 Supp. 149).

Bond v. Smith, 113 N. Y. 378; 22 St.
Rep. 666.

Cited, Evidence—Burden of Proof—Con-
tributory Negligence.

69 Hun, 392; (52 St. Rep. 698; 23 Supp.
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159; 34 Supp. 935).

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3 Misc. 228; (51 St. Rep. 871; 22 Supp.
752). 11 App. Div. 375; (76 St. Rep. 233;
42 Supp. 233).

Bonden v. Prentiss, 59 St. Rep. 390;
28 Supp. 666.

Bondon, Matter of, Surr. Dec. 1892,
p. 115.

Cited, Taxes—Inheritance — Bonds and
Stocks—Foreign Corporations—Situs for
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6 Misc. 207; (57 St. Rep. 835; 27 Supp.
289).

Bondy v. Collier, 11 Misc. 443; 65 St.
Rep. 419; 32 Supp. 221.

Reversed, 13 Misc. 15; 67 St. Rep. 847; 33
Supp. 996.

Bondy v. Collier, 13 Misc. 15; 67 St.
Rep. 847; 33 Supp. 996; 2 Ann. Cas; 28.

Cited, Extent of Review.

18 Misc. 428; (76 St. Rep. 22; 42 Supp. 22).

Bonesteel v. Flack, 41 Barb. 433.

Cited, Evidence—Parol — Memorandum
—Modification.

76 Hun, 555; (58 St. Rep. 234; 28 Supp.
236).

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17 Misc. 85; (39 Supp. 855).

Bonesteel v. New York, 22 N. Y. 162.

Cited, Municipality — Contracts With—
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82 Hun, 71; (63 St. Rep. 503; 31 Supp.
188). D. 7 App. Div. 513, 514; (40 Supp.
242). 13 App. Div. 236; (77 St. Rep. 142).

Bonesteel v. Van Etten, 20 Hun, 468.

Cited, Statute of Frauds—Contracts Void
Under—Right of Recovery.

83 Hun, 405; (64 St. Rep. 668; 31 Supp.
880).

Boniface v. Relyea, 5 Abb. N. S. 259;
6 Robt. 397; 36 How. 457.

Cited, Master and Servant—Liability for
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8 Misc. 437; (58 St. Rep. 855; 28 Supp.
679).

Bonnaffe, Matter of, 23 N. Y. 169.

Cited, Creditors—Advantages Obtained
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7 App. Div. 202; (40 Supp. 297).

Bonnefond v. De Russy, 73 Hun, 377;
55 St. Rep. 918; 26 Supp. 193.

Bonnell v. Gardner, 74 St. Rep. 188.

Bonnell v. Griswold, 68 N. Y. 294.

Cited, Demurrer—Admissions Under.

10 Misc. 253; (63 St. Rep. 233; 30 Supp.
978). 10 Misc. 693; (65 St. Rep. 100; 31
Supp. 1006; 1 Ann. Cas. 340).

Bonnell v. Griswold, 80 N. Y. 128.

Cited, Corporations—Strict Construction
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137 N. Y. 344; (50 St. Rep. 645). 24 Supp.
936; (30 Abb. N. C. 122).

Corporations—Liability of Trustees for
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49 St. Rep. 178; (21 Supp. 341). 11 Misc.
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Bonnell v. Griswold, 89 N. Y. 122.

150 N. Y. 413.

Cited, Appeal—Review of Findings—In-
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9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6).

Corporations — Liability of Trustees for
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49 St. Rep. 178; (21 Supp. 341). 75 Hun,
346; (58 St. Rep. 295; 26 Supp. 1086).

*Duplicate Citations in Parenthesis.***Bonnell v. Wheeler**, 1 Hun, 332.*Affirmed*, 68 N. Y. 294.*Cited*, Assignment—Assignability—What Passes.

49 St. Rep. 178; (21 Supp. 341).

Bonner Brick Co. v. M. M. Canda Co., 76 St. Rep. 14; 42 Supp. 14; 3 Ann. Cas. 318.**Bonnet, Matter of**, 113 N. Y. 522; 23 St. Rep. 268.*Cited*, Wills — Construction—Residuary Clause.

141 N. Y. 34; (56 St. Rep. 585). 68 Hun, 442; (52 St. Rep. 676; 23 Supp. 101).

Wills—Lapsed Legacies—Residuum.

69 Hun, 486; (52 St. Rep. 728; 23 Supp. 727). 79 St. Rep. 625; (45 Supp. 625).

Bonnett, Matter of, 1 Connolly, 294; 9 Supp. 459.*Cited*, Wills—Probate—Revocation—Parties—Citations.

70 Hun, 110; (53 St. Rep. 544; 23 Supp. 1131).

Bonnett v. Townsend, 43 St. Rep. 98; 17 Supp. 566.*Cited*, Appeal—From Justice's Court—Award of New Trial.

69 Hun, 436; (52 St. Rep. 616; 22 Supp. 355).

Bonney v. Seeley, 2 Wend. 481.*Cited*, Pleading—Bill of Particulars—Variance.

3 Misc. 88; (51 St. Rep. 760; 22 Supp. 368).

Surety — Amount Recoverable against Principal.

81 Hun, 418; (63 St. Rep. 265; 30 Supp. 1127).

Bonwell v. Auld, 7 Misc. 447; 57 St. Rep. 572; 27 Supp. 936.*Affirmed*, 9 Misc. 65; 56 St. Rep. 679; 29 Supp. 15).**Bonwell v. Auld**, 9 Misc. 65; 59 St. Rep. 679; 29 Supp. 15.*Cited*, Brokers—Double Commissions

15 Misc. 153; (71 St. Rep. 436; 36 Supp. 484).

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17 Misc. 591; (75 St. Rep. 89; 40 Supp. 685).

Bonwell v. Howes, 15 Daly, 43; 19 St. Rep. 809; 2 Supp. 717.*Cited*, Broker—Authority to Employ Sub-Agent.

2 Misc. 399; (50 St. Rep. 612; 21 Supp. 953).

Bonyng v. Field, 81 N. Y. 159.*Cited*, Evidence—Custom—Contracts.

8 Misc. 339; (59 St. Rep. 242; 28 Supp. 564).

Attorneys—Services of Third Party—Who Liable for.

41 Supp. 280; (25 Civ. Pro. 350).

Bonyng v. Waterbury, 12 Hun, 534.*Cited*, New Trial—Newly Discovered Evidence.

82 Hun, 48; (63 St. Rep. 485; 31 Supp. 163).

Boody v. Lincoln Nat. Bank of N. Y., 70 Hun, 392; 24 Supp. 1139.**Booher v. Stewart**, 75 Hun, 214; 58 St. Rep. 666; 27 Supp. 114; 31 Abb. N. C. 224.*Cited*, Chattel Mortgages—Mortgageab Interest—Crops—Title in Lessor.

80 Hun, 294; (61 St. Rep. 831; 30 Supp. 92). 80 Hun, 294; (30 Supp. 92).

Bookheim v. Alexander, 64 Hun, 458; 46 St. Rep. 200.*Cited*, Trial—Question for Jury—Credibility of Witness.

79 Hun, 132; (61 St. Rep. 378; 29 Supp. 480).

Trial—Taking Case from Jury—On Testimony of Party.

74 Hun, 136; (55 St. Rep. 687; 26 Supp. 241).

Bookman v. N. Y. Elevated R. Co., 137 N. Y. 302; 50 St. Rep. 703.*Cited*, Damages—Elevated Railways—Benefits.

139 N. Y. 321; (54 St. Rep. 422). 76 Hun, 25; (59 St. Rep. 620; 27 Supp. 605).

Damages—Railways — Easements Apart From Fee.

3 Misc. 249; (52 St. Rep. 253; 22 Supp. 791). 3 Misc. 430; (52 St. Rep. 446; 23 Supp. 168). 3 Misc. 611; (52 St. Rep. 255; 22 Supp. 793). 3 Misc. 613; (52 St. Rep. 257; 21 Supp. 795). 5 Misc. 241; (54 St. Rep. 786; 25 Supp. 82). 7 Misc. 54; (57 St. Rep. 510; 27 Supp. 340). 144 N. Y. 118; (63 St. Rep. 20).

Evidence — Judicial Notice — Elevated Railway.

79 Hun, 289; (61 St. Rep. 30; 29 Supp. 356). 7 Misc. 91; (57 St. Rep. 65; 27 Supp. 306). 18 Misc. 245; (75 St. Rep. 1000; 41 Supp. 607).

Bookman v. N. Y. El. R. Co., 147 N. Y. 298.*Reversing*, 9 Misc. 727; 62 St. Rep. 873; 29 Supp. 1140.*Cited*, Damages.

D. 147 N. Y. 320; (69 St. Rep. 687). D. 2 App. Div. 401, 403; (73 St. Rep. 528, 530; 37 Supp. 986, 987). 79 St. Rep. 648; (45 Supp. 648).

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149 N. Y. 173. 148 N. Y. 356. ;

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Bookstaver v. Jayne, 60 N. Y. 146.

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3 Misc. 257; (52 St. Rep. 125; 22 Supp. 940). 1 Misc. 147; (48 St. Rep. 777; 20 Supp. 641). 153 N. Y. 133.

Bool v. Mix, 17 Wend. 119.

Cited, Infants—Contracts—Avoidance.

68 Hun, 595; (52 St. Rep. 592; 23 Supp. 241). 88 Hun, 294; (68 St. Rep. 400; 34 Supp. 671).

Boom v. Reed, 69 Hun, 426; 52 St. Rep. 777; 23 Supp. 421.

Boom v. Utica, 2 Barb. 104.

Cited, Contagious Disease—As Legal Offense.

19 Misc. 494; (77 St. Rep. 1106; 43 Supp. 1106; 3 Ann. Cas. 382).

Boomer v. Koon, 6 T. & C. 615.

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D. 3 Misc. 84, 85; (51 St. Rep. 764, 765; 22 Supp. 548, 549).

Boomer v. Laine, 10 Wend. 525.

Cited, Undertaking — Action on—When Complete.

89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414).

Boon v. McGucken, 67 Hun, 251; 50 St. Rep. 901; 22 Supp. 424; 23 Civ. Pro. 115.

Cited, Contempt — Punishment For — Order—Sufficiency of.

80 Hun, 76; (61 St. Rep. 767; 30 Supp. 17).

Boon v. Utica, City of, 4 Misc. 583; 25 Supp. 846.

Boon v. Utica, City of, 5 Misc. 391; 26 Supp. 932.

Boone v. Citizens' Savings Bank, 84 N. Y. 83.

Cited, Banking — Payment — To Wrong Person—Liability.

135 N. Y. 562.

Trusts—Death of Trustee—Right of Administrator.

2 Misc. 352; (50 St. Rep. 601; 22 Supp. 73). 2 App. Div. 570; (74 St. Rep. 321; 37 Supp. 1026).

Trusts—Deposit for Benefit of Third Person—Divesting of Title.

15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281).

Boone v. Homestead Loan Ass'n, 54 St. Rep. 63; 23 Supp. 203.

Boos v. World Mutual L. Ins. Co., 64 N. Y. 236.

Cited, Appeal—Exception — To Denial of New Trial—Effect.

2 Misc. 438; (51 St. Rep. 580; 21 Supp. 957). 89 Hun, 77; (69 St. Rep. 430; 35 Supp. 36).

Appeal—From Judgment — What Questions Reviewed.

4 Misc. 173; (53 St. Rep. 215; 23 Supp. 675). 10 Misc. 180; (62 St. Rep. 488; 30 Supp. 937). 15 Misc. 440; (73 St. Rep. 434; 37 Supp. 757).

Appeal—From Ruling on Motion for New Trial—What Reviewable.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612). 11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

Trial—Verdict—Motion to Set Aside—Exception—Review.

8 Misc. 271; (59 St. Rep. 202; 28 Supp. 716). 8 Misc. 293; 59 St. Rep. 210; 28 Supp. 573; 31 Abb. N. C. 439).

Appeal—Review of Facts—Necessity of Motion for New Trial.

1 Misc. 207; (49 St. Rep. 40; 20 Supp. 897). 49 St. Rep. 417; (20 Supp. 816). 50 St. Rep. 836; (22 Supp. 340).

Booss v. Marion, 129 N. Y. 336; 42 St. Rep. 265.

Cited, Assignment for Creditors—Application of Firm Property to Individual Debts.

72 Hun, 2; (55 St. Rep. 337; 25 Supp. 576). 147 N. Y. 593; (70 St. Rep. 350).

Booss v. Mihan, 5 Misc. 614; 53 St. Rep. 525; 24 Supp. 112.

Booth, Matter of, 13 St. Rep. 344.

Cited, Surrogate's Court—Reversal of Decree—Jury Trial.

D. 82 Hun, 444; (64 St. Rep. 793; 31 Supp. 972).

Booth v. Ammerman, 4 Bradf. 129.

Cited, Gift of Interest—Annuity or Income.

153 N. Y. 67.

Life Estate—Liability for Taxes.

16 Misc. 247; (39 Supp. 190).

Booth v. Baptist Church, 126 N. Y. 215; 37 St. Rep. 79.

Cited, Perpetuities—Contingent Suspension.

73 Hun, 299; (58 St. Rep. 69; 26 Supp. 427). 146 N. Y. 199; (66 St. Rep. 586).

Wills—Charitable Bequests—Validity.

3 Misc. 486; (23 Supp. 747). 18 Misc. 692; (77 St. Rep. 860; 43 Supp. 860). 79 St. Rep. 624; (15 Supp. 624).

Wills—Power of Appointment—Limitation.

79 Hun, 430; (61 St. Rep. 466; 29 Supp. 998).

*Duplicate Citations in Parenthesis.***Wills—Modification by Informal Paper.**

10 Misc. 533; (64 St. Rep. 775). D. 50 St. Rep. 295; (21 Supp. 530).

Booth v. Bierce, 38 N. Y. 463.

Cited, Contracts—Meeting of Minds.

1 Misc. 296; (48 St. Rep. 669; 20 Supp. 706).

Booth v. Boston & Albany R. Co., 73 N. Y. 38.

Cited, Master and Servant—Master's Duties—Delegation.

69 Hun, 377; (52 St. Rep. 797; 23 Supp. 657). 11 Misc. 669; (66 St. Rep. 362; 32 Supp. 914.) 90 Hun, 198; (70 St. Rep. 654; 35 Supp. 940).

Master and Servant—Risks Assumed—Knowledge.

4 Misc. 496; (54 St. Rep. 337; 24 Supp. 552). 4 App. Div. 205; (74 St. Rep. 220, 221; 38 Supp. 592, 593).

Negligence—Duty to Furnish Safe Place.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612).

Master and Servant—Insufficient Employees.

87 Hun, 540; (68 St. Rep. 602; 34 Supp. 299).

Booth v. Bunce, 31 N. Y. 246.

Cited, Trial—Motion for Non-suit—Statement of Grounds—Sufficiency.

141 N. Y. 520; (57 St. Rep. 719).

Trial—Defect in Proof—Waiver.

16 Misc. 181; (74 St. Rep. 312; 38 Supp. 58).

Booth v. Cleveland Rolling Mills Co., 6 Hun, 591.

Cited, Contracts—Implied Terms.

136 N. Y. 609; (50 St. Rep. 59).

Booth v. Cleveland Rolling Mills Co., 74 N. Y. 15.

Cited, Contracts—Implied Terms.

89 Hun, 446; (70 St. Rep. 154; 35 Supp. 503). 1 App. Div. 509, 510; (72 St. Rep. 603, 604; 37 Supp. 278). 4 App. Div. 300; (39 Supp. 486).

Contracts—Supplies—Delivery as Required.

4 Misc. 421; (53 St. Rep. 583; 24 Supp. 128).

Booth v. Eighmie, 60 N. Y. 238.

Cited, Contracts—Statute of Frauds—Promise to Pay Debt of Another.

9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196).

Booth v. Farmers' & M. Nat. Bank, 50 N. Y. 396.

Cited, Corporations—Powers of Officers.

128 N. Y. 479; (53 St. Rep. 66). 143 N. Y. 436; 62 St. Rep. 447).

Booth v. Kehoe, 71 N. Y. 341.

Cited, Chattel Mortgages Re-filing—Leasehold Estates.

18 Misc. 329; (41 Supp. 2).

Booth v. Powers, 56 N. Y. 22.

Cited, Damages—Measure—Conversion of Commercial Paper.

136 N. Y. 161; (48 St. Rep. 857). 2 Misc. 255; (50 St. Rep. 343; 21 Supp. 952).

Evidence—Judgment—Conclusiveness—Privilege.

61 St. Rep. 253; (29 Supp. 986). 68 Hun, 374; (52 St. Rep. 179; 22 Supp. 851). 13 Misc. 334; (68 St. Rep. 370; 34 Supp. 467).

Dishonor of Commercial paper—Presumption of Insolvency.

6 Misc. 448; (56 St. Rep. 622; 25 Supp. 1006). 18 Misc. 466; (75 St. Rep. 1361; 41 Supp. 984).

Estoppel—By Record—Judgment—Privilege.

7 Misc. 14; (56 St. Rep. 843; 27 Supp. 335).

Bills and Notes—Alteration—Recovery on Original Indebtedness.

10 Misc. 361; (63 St. Rep. 434; 31 Supp. 19).

Assignment—Evidence—Payments to Assignor.

5 App. Div. 555; (39 Supp. 438).

Booth v. Rome Watertown & T. R. Co., 140 N. Y. 267; 55 St. Rep. 656.

Cited, Negligence—Blasting—Reasonable Care.

142 N. Y. 136; (58 St. Rep. 615). 143 N. Y. 93; (60 St. Rep. 470). 91 Hun, 212; (71 St. Rep. 130; 36 Supp. 328). 13 App. Div. 305; (77 St. Rep. 6; 43 Supp. 6). D. 8 App. Div. 613; (40 Supp. 476). 10 App. Div. 442; (75 St. Rep. 1433; 41 Supp. 1086; 3 Ann. Cas. 327).

Injuries—From Lawful Use of Property—Liability.

6 Misc. 346; (56 St. Rep. 247; 26 Supp. 908). 143 N. Y. 310; 62 St. Rep. 316). 11 App. Div. 423; (76 St. Rep. 341; 42 Supp. 341). 17 Misc. 231; (40 Supp. 1045).

Nuisances—Statutory Authority—Liability.

75 Hun, 484; (57 St. Rep. 371; 27 Supp. 473). 88 Hun, 388; (68 St. Rep. 823; 34 Supp. 812). 17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367). 9 App. Div. 255; (41 Supp. 393).

Booth v. Smith, 79 Hun, 384; 61 St. Rep. 496; 29 Supp. 790.**Booth v. Smith**, 3 Wend. 66.

Cited, Accord and Satisfaction—Tender and Acceptance.

15 Misc. 220; (71 St. Rep. 590; 36 Supp. 789).

*Duplicate Citations in Parenthesis.***Booth v. Spuyten Duyvil Rolling Mill Co.**, 60 N. Y. 487.*Cited*, Contract—Performance—Destruction of Subject Matter.

4 Misc. 486; 54 St. Rep. 268; 24 Supp. 363).

Damages—Measure—Contracts—Consequential.

4 Misc. 541; (54 St. Rep. 246; 24 Supp. 825). 2 Misc. 380; (50 St. Rep. 598; 21 Supp. 1098). 3 App. Div. 224; (73 St. Rep. 620; 38 Supp. 464). 20 Misc. 580. 92 Hun, 464; (72 St. Rep. 435; 36 Supp. 1033). 143 N. Y. 452; (62 St. Rep. 457).

Booth Bros. & H. I. G. Co. v. Baird, 87 Hun, 452; 68 St. Rep. 324; 34 Supp. 392.**Boothe v. Spellman**, 79 St. Rep. 16; 45 Supp. 16.**Bopp v. Atkins**, 31 St. Rep. 555; 10 Supp. 539.*Cited*, Evidence—Parol—To Vary Writing. 10 Misc. 458; (64 St. Rep. 34; 31 Supp. 457).**Bopple v. Supreme Tent of K. O. T. M. of the World**, 79 St. Rep. 1096; 45 Supp. 1096.**Boquit v. Coburn**, 27 Barb. 230.*Cited*, Mortgage—Purchase on Sale by Foreclosure—Redemption.

6 Misc. 195; (27 Supp. 33).

Borden v. Delaware, Lackawanna & W. R. Co., 131 N. Y. 671; 43 St. Rep. 935*Cited*, Trial—Withdrawing Case from Jury—Failure to Show Absence of Contributory Negligence.

69 Hun, 483; (52 St. Rep. 839; 23 Supp. 432). 11 App. Div. 375; (76 St. Rep. 233; 42 Supp. 233).

Borden v. Fitch, 15 Johns. 121.*Cited*, Judgment—Foreign—Defendant Not Personally Served—Effect in Personam. 50 St. Rep. 220. 82 Hun, 185; (64 St. Rep. 802; 31 Supp. 981).**Borden v. South Side R. Co.**, 5 Hun, 184.*Affirmed*, 67 N. Y. 588.*Cited*, Adverse Possession—Occupancy by Permission.

3 App. Div. 347; (73 St. Rep. 764; 38 Supp. 283).

Borel v. Lawton, 90 N. Y. 293.*Cited*, Counterclaim—Connection with Adverse Claim.

2 Misc. 117; (49 St. Rep. 229; 20 Supp. 873).

Landlord and Tenant—Eviction—Counterclaim.

70 Hun, 145; (53 St. Rep. 778; 24 Supp. 90). 5 App. Div. 519; (38 Supp. 1076).

Landlord and Tenant—Injury to Premises—Eviction.

66 Hun, 330; (49 St. Rep. 912; 21 Supp. 297).

Landlord and Tenant—Abandonment by Tenant—When Justified.

2 Misc. 67; (49 St. Rep. 142; 20 Supp. 843). 147 N. Y. 253; (69 St. Rep. 529; 3 Ann. Cas. 74).

Landlord and Tenant—Covenant of Quiet Enjoyment—Breach—Eviction.

6 Misc. 532; (58 St. Rep. 18; 27 Supp. 139). 24 Supp. 474; 12 Misc. 520; (67 St. Rep. 378; 33 Supp. 664). 16 Misc. 2; (73 St. Rep. 270; 37 Supp. 667). 18 Misc. 397; (41 Supp. 443).

Landlord and Tenant—Eviction—Abandonment.

9 Misc. 155; (59 St. Rep. 660. 29 Supp. 26). 144 N. Y. 44; (63 St. Rep. 13). 12 Misc. 151; (66 St. Rep. 512; 33 Supp. 12). 19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081). 17 Misc. 605; (75 St. Rep. 54; 40 Supp. 654).

Borgeson v. United States Projectile Co., 2 App. Div. 57; (72 St. Rep. 548; 37 Supp. 458).**Borgfeldt & Co. v. Wood**, 92 Hun, 260; 71 St. Rep. 751; 36 Supp. 612.**Bork v. Martin**, 33 St. Rep. 659; 11 Supp. 569.*Affirmed*, 132 N. Y. 280; 43 St. Rep. 938.*Cited*, Trusts—Parol—Declaration of Trust—Proceeds of Sale.

6 Misc. 15; (58 St. Rep. 136; 25 Supp. 995).

Bork v. Martin, 132 N. Y. 280; 43 St. Rep. 938.*Cited*, Trust—Parol—Enforcement of Complete Performance.

2 App. Div. 459; (74 St. Rep. 333; 37 Supp. 1036; 1037).

Bork v. People, 91 N. Y. 5.*Cited*, Indictment—Several Acts in Count—Conviction on.

11 App. Div. 543; (76 St. Rep. 633; 42 Supp. 633).

Borland v. Hahn, 53 St. Rep. 887; 25 Supp. 131.**Borley v. Wheeler & Wilson Mfg. Co.**, 34 St. Rep. 987; 12 Supp. 45.*Cited*, Adjournment—Discretionary.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 432; 23 Civ. Pro. 40).

Appeal—Extent of Review—Matters of Discretion.

76 Hun, 59.; (58 St. Rep. 277; 28 Supp. 218).

Duplicate Citations in Parenthesis.

Born v. Schrenkeisen, 110 N. Y. 55; 16 St. Rep. 412.

Cited, Contracts—Reformation—Mistake.

79 Hun, 46; (61 St. Rep. 134; 29 Supp. 654). 92 Hun, 117, 118; (71 St. Rep. 768, 770; 36 Supp. 703, 705). 8 App. Div. 102; (40 Supp. 405). 18 Misc. 399; (41 Supp. 444).

Bornemann, Matter of, 6 App. Div. 524; 39 Supp. 686.

Bonestein v. Kauffman, 4 Misc. 83; 53 St. Rep. 69; 23 Supp. 852.

Cited, Bills and Notes—Indorsement—Accommodation—Liability.

9 Misc. 176; (60 St. Rep. 636; 29 Supp. 712). 13 Misc. 68; (68 St. Rep. 111; 34 Supp. 128). 14 Misc. 465; (72 St. Rep. 262; 36 Supp. 1113). 16 Misc. 567; (74 St. Rep. 117; 38 Supp. 777).

Borst v. Boyd, 3 Sandf. 501.

Cited, Mortgage — Redemption—Assignment and Possession.

12 Misc. 589; (68 St. Rep. 347; 34 Supp. 442; 24 Civ. Pro. 426).

Borst v. Corey, 15 N. Y. 505.

Cited, Limitation of Action—Equitable Remedies as to Land.

75 Hun, 379; (58 St. Rep. 661; 27 Supp. 113).

Limitation of Action — When Statute Runs.

9 Misc. 234; (61 St. Rep. 298; 30 Supp. 286). 19 Misc. 331; (78 St. Rep. 270; 44 Supp. 270). 147 N. Y. 672; (71 St. Rep. 273).

Limitation—Equity — Concurrent Jurisdiction.

74 St. Rep. 300. 15 Misc. 558; (37 Supp. 1130).

Equity—Jurisdiction—Subject Matter.

19 Misc. 599; (78 St. Rep. 316; 44 Supp. 316).

Borst v. Empie, 5 N. Y. 33.

Cited, Deeds — Construction — Contra proferentem.

60 St. Rep. 319.

Evidence—Of Execution of Instrument.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635).

Waters—Grant—Use—Quantity.

74 Hun, 17; (56 St. Rep. 741; 26 Supp. 148).

Borst v. Lake Shore & M. S. R. Co., 4 Hun, 346.

Affirmed, 66 N. Y. 639.

Cited, Railroads—Crossings—Engine in Highway—Negligence.

74 Hun, 200; (56 St. Rep. 321; 26 Supp. 325). 145 N. Y. 208; (64 St. Rep. 597). 13 App. Div. 580; (77 St. Rep. 1007; 43 Supp. 1007).

Railroads — Crossings—Negligence—Contributory—Question of Fact.

85 Hun, 157; (65 St. Rep. 665; 32 Supp. 480).

Boscowitz v. Held, 18 Misc. 674; 77 St. Rep. 818; 43 Supp. 818.

Bosko v. Delaware, L. & W. R. Co., 91 Hun, 320; 71 St. Rep. 1; 36 Supp. 261.

Cited, Appeal—Verdict against Weight of Evidence—New Trial.

19 Misc. 482; (77 St. Rep. 1071; 43 Supp. 1071).

Boskowitz v. Behr, 60 St. Rep. 716; 29 Supp. 152.

Boskowitz v. Held, 15 App. Div. 306; 78 St. Rep. 136; 44 Supp. 136.

Affirmed, 153 N. Y. —.

Bosley v. National M. Co., 123 N. Y. 550; 34 St. Rep. 277.

Cited, Trial—Exception—Availability.

8 Misc. 249; (59 St. Rep. 231; 28 Supp. 726). 10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17). 14 Misc. 321; (70 St. Rep. 327; 35 Supp. 751). 14 Misc. 639; (70 St. Rep. 766; 36 Supp. 8). 18 Misc. 36; (75 St. Rep. 462; 41 Supp. 12).

Sale—Fraud—Availability.

79 Hun, 568; (70 St. Rep. 119; 35 Supp. 552). 14 Misc. 521; (70 St. Rep. 701; 35 Supp. 1084).

Sale—Fraud—Relief in Equity.

81 Hun, 63; (62 St. Rep. 254; 30 Supp. 487).

Bossout v. R., W. & O. R. Co., 32 St. Rep. 884; 10 Supp. 602.

Affirmed, 126 N. Y. 646.

Cited, Master and Servant—Negligence—Incompetent Employees.

85 Hun, 188; (65 St. Rep. 810; 32 Supp. 485).

Boston & Albany R. Co., Matter of, 53 N. Y. 574.

Cited, Statutes—When Binding on State.

73 Hun, 259; (58 St. Rep. 82; 26 Supp. 566).

Boston & Albany R. Co. v. Greenbush, Village of, 52 N. Y. 510.

Cited, Highways—Establishment—Across Railways — Compensation — Constitutionality.

72 Hun, 592; (54 St. Rep. 881; 25 Supp. 159). 90 Hun, 12; (69 St. Rep. 728).

Highways—Across Railways—"Track."

17 App. Div. 263; (79 St. Rep. 690; 45 Supp. 690).

*Duplicate Citations in Parenthesis.***Boston, Hoosac Tunnel & Western R. Co., Matter of,** 79 N. Y. 64.

Cited, Eminent Domain—What Subject to—Property Already Appropriated to Public Use.

73 Hun, 260; (58 St. Rep. 82; 26 Supp. 567). 83 Hun, 412; (64 St. Rep. 418; 31 Supp. 748).

Boston & Providence Dispatch Ex.

Co. v. Metropolitan St. Ry. Co., 14 Misc. 25; 69 St. Rep. 378; 35 Supp. 134.

Boston & Providence Dispatch Ex.

Co. v. Metropolitan St. R. Co., 14 Misc. 571; 35 Supp. 1103.

Boston Road, Matter of, 27 Hun, 409.

Cited, Eminent Domain—Amount of Award—Review.

8 App. Div. 295; (40 Supp. 949).

Bostwick, Matter of, 4 Johns. Ch. 100.

Cited, Infants—Maintenance—Resort to Estate.

4 Misc. 369; (25 Supp. 829). 10 Misc. 548; (64 St. Rep. 124; 31 Supp. 448). 147 N. Y. 569; (70 St. Rep. 337). 92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609).

Bostwick v. Baltimore & Ohio R. Co., 45 N. Y. 712.

Cited, Carriers—Delay—Excuse.

11 Misc. 682; (67 St. Rep. 355; 33 Supp. 567).

Bostwick v. Barlow, 14 Hun, 177.

Cited, Highways—Defective Condition—Notice.

8 App. Div. 123; (40 Supp. 586).

Bostwick v. Beach, 31 Hun, 343.

Affirmed, 103 N. Y. 414; 3 St. Rep. 659; 25 Week. Dig. 98.

Cited, Vendor and Purchaser—Title—Obligation to Give Good.

82 Hun, 207; (63 St. Rep. 781; 31 Supp. 332).

Bostwick v. Beach, 103 N. Y. 414; 3 St. Rep. 659; 25 Week. Dig. 98.

Cited, Realty—Executory Contracts Relating to—Enforcement.

3 Misc. 425; (52 St. Rep. 440; 23 Supp. 157).

Vendors—Rights of Vendee—Injury Before Conveyance.

8 Misc. 19; (59 St. Rep. 306; 28 Supp. 67). 144 N. Y. 676; (71 St. Rep. 295).

Contracts—Representative Capacity—Enforcement.

15 Misc. 542; (74 St. Rep. 560, 561; 33 Supp. 108). 8 App. Div. 545; (75 St. Rep. 254; 40 Supp. 861).

Dower—Release.

16 Misc. 156; (38 Supp. 834).

Bostwick v. Brown, 15 Hun, 308.

Cited, Executors—Personal Judgments—Leave of Court to Enter.

88 Hun, 131; (68 St. Rep. 682; 34 Supp. 627).

Bostwick v. Frankfield, 74 N. Y. 207.

Cited, Realty—Contracts for Sale of—Equitable Conversion.

145 N. Y. 151, 156; (64 St. Rep. 567, 571).

Bostwick v. Menck, 40 N. Y. 383.

Followed, 137 N. Y. 545; (50 St. Rep. 931).

Cited, Supplementary Proceedings—Receiver—What Property Vested in.

6 App. Div. 263; (39 Supp. 891). 11 App. Div. 600; (76 St. Rep. 619; 42 Supp. 619).

Bostwick v. Menck, 4 Daly, 68.

Cited, Pleading—Complaint—Supplemental—Office.

7 Misc. 23; (57 St. Rep. 79; 27 Supp. 408).

Bostwick v. Scott, 40 Hun, 212.

Cited, Judgment—Assignment to One of Judgment Debtors—Enforcement.

17 App. Div. 247; (79 St. Rep. 587; 45 Supp. 587).

Bostwick v. Van Voorhis, 91 N. Y. 353.

Cited, Undertaking—Uncommunicated Knowledge by Oblige of Misconduct—Discharge of Surety.

91 Hun, 537; (71 St. Rep. 668; 36 Supp. 831).

Boswell v. Welshoefer, 9 Daly, 196.

Cited, Violation of Statute—As Defense—Necessity of Pleading.

10 Misc. 385; (63 St. Rep. 408; 31 Supp. 124).

Bosworth v. Higgins, 26 St. Rep. 474; 7 Supp. 210.

Cited, Pleading—Complaint—Action for Fraud—Requirement.

7 Misc. 321; (57 St. Rep. 464; 27 Supp. 907).

Bosworth v. Standard Oil Co. of N. Y., 92 Hun, 485, 72 St. Rep. 195; 37 Supp. 43.**Bosworth v. Vandewalker,** 53 N. Y. 597.

Cited, Courts—Jurisdiction—Presumption.

73 Hun, 286; (57 St. Rep. 276; 26 Supp. 299).

Evidence—Presumption—Judicial Record.

24 Supp. 668.

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3 Misc. 6; (53 St. Rep. 629; 23 Supp. 795).

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Both v. Cornell, 2 Redf. 261.

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76 Hun, 96; (57 St. Rep. 384; 27 Supp. 830).

Botsford v. Burr, 2 Johns. Ch. 405.

Cited, Statute of Frauds—Parol Agreement Relating to Land.

87 Hun, 77, 78; (67 St. Rep. 648, 649; 33 Supp. 955, 966).

Botsford v. Dodge, 65 How. 145.

Cited, Corporations—Directors—Failure to File Report—Joint and Several Liability.

5 Misc. 208; (25 Supp. 810).

Botsford v. McLean, 45 Barb. 478.

Cited, Contracts — Reformation—Mistake—Bills and Notes.

79 Hun, 72; (61 St. Rep. 663).

Bottom v. Scott, 11 St. Rep. 514.

Cited, Evidence — Burden of Proof—Promissory Notes — Consideration — Presumption.

7 Misc. 685; (58 St. Rep. 380; 28 Supp. 40).

Bouchaud v. Dias, 3 Den. 238.

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84 Hun, 549; (66 St. Rep. 316; 32 Supp. 842).

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D. 67 Hun, 576; (51 St. Rep. 497; 22 Supp. 587).

Bouck v. Wolston, 51 St. Rep. 256; 22 Supp. 439.

Bones v. Steffens, 43 St. Rep. 29; 16 Supp. 819.

Cited, Appeal—Reversal—Reception of Improper Evidence.

79 Hun, 517; (61 St. Rep. 544; 29 Supp. 944).

Evidence — Declarations — Absence of Other Party.

79 Hun, 594; (61 St. Rep. 533; 29 Supp. 916).

Boughton v. Flint, 74 N. Y. 476.

Cited, Interest—Money On Deposit—Demand—When Necessary.

1 Misc. 255; (22 Supp. 1087).

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4 Misc. 370; (25 Supp. 829).

Surrogate's Court—Jurisdiction—Claims of Executors.

6 Misc. 503; (57 St. Rep. 706; 27 Supp. 427).

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86 Hun, 327; (67 St. Rep. 203; 33 Supp. 495). 83 Hun, 537; (68 St. Rep. 825; 34 Supp. 857). 90 Hun, 97; (69 St. Rep. 767; 35 Supp. 367).

Limitation of Action — When Statute Runs—Money Received.

140 N. Y. 157; (55 St. Rep. 260). 75 St. Rep. 241. 4 App. Div. 462; (74 St. Rep. 154; 38 Supp. 662).

Boughton v. Smith, 51 St. Rep. 316; 22 Supp. 148.

Reversed, 142 N. Y. 674; 60 St. Rep. 389.

Boughton v. Smith, 142 N. Y. 674; 60 St. Rep. 3:9.

Cited, Contracts—Performance — Insufficient Proof Of.

81 Hun, 540; (63 St. Rep. 213; 30 Supp. 1020).

Bouker v. Long Island R. Co., 89 Hun, 132; 69 St. Rep. 225; 35 Supp. 30.

Bouker v. Long Island R. Co., 89 Hun, 202; 69 St. Rep. 219; 35 Supp. 23.

Bouker Contracting Co. v. Del Genovese, 33 Supp. 10.

Cited, Foreign Corporations—Certificate.

11 Misc. 634; (66 St. Rep. 510; 33 Supp. 10).

Bourdon v. Martin, 74 Hun, 246; 56 St. Rep. 814; 26 Supp. 378.

Affirmed, 142 N. Y. 669; 60 St. Rep. 870.

Bourdon v. Martin, 84 Hun, 179; 65 St. Rep. 716; 32 Supp. 441.

Bours v. Tuckerman, 7 Johns. 538.

Cited, Writ and Process—Service—Privilege—Parties and Witnesses.

55 St. Rep. 873; (26 Supp. 330).

Bouscher v. Larkins, 84 Hun, 288; 65 St. Rep. 540; 32 Supp. 805.

Boutel v. Owens, 2 Sandf. 655.

Cited, Contracts—Duress.

2 Misc. 203; (49 St. Rep. 522; 21 Supp. 270).

Bouton v. Hill, 4 App. Div. 251; 74 St. Rep. 47; 38 Supp. 498.

Bowden v. Fargo, 2 Misc. 551; 22 Supp. 889.

Affirmed, 22 Supp. 890.

Bowdish v. Briggs, 5 App. Div. 592; 39 Supp. 371.

Bowdish v. Page, 81 Hun, 170; 62 St. Rep. 676; 30 Supp. 691.

Affirmed, 153 N. Y. 104.

Cited, Assignment for Creditors — Assignee—Forfeiture of Creditor's Rights by. 8 App. Div. 538; (75 St. Rep. 278; 40 Supp. 884).

Bowdish v. Page, 153 N. Y. 104.

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Bowditch v. Ayrault, 188 N. Y. 222; 52 St. Rep. 330.

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Cited, Wills—Legacies—Vesting.

140 N. Y. 246; (55 St. Rep. 378). 145 N. Y. 538; (65 St. Rep. 343). 91 Hun, 126, 130; (7 St. R. p. 17, 21; 36 Supp. 134, 137, 138).

Wills—Construction—Rules—Time.

78 Hun, 523; (61 St. Rep. 9; 29 Supp. 404). 9 App. Div. 605; (75 St. Rep. 1132; 41 Supp. 739).

Surrogate's Court—Jurisdiction—Trustees Accounting—Decree in Effect.

78 Hun, 302; (61 St. Rep. 599; 29 Supp. 911).

Wills—Construction—Intent.

8 App. Div. 88; (40 Supp. 431).

Bowe v. Brunnbauer, 13 Misc. 631; 69 St. Rep. 138; 34 Supp. 919; 25 Civ. Pro. 56.

Bowe v. Ellis, 3 Misc. 92; 51 St. Rep. 607; 22 Supp. 369.

Bowe v. Jenkins, 69 Hun, 458; 53 St. Rep. 138; 23 Supp. 548.

Bowe v. McNab, 17 Misc. 414; 40 Supp. 1112.

Bowe v. McNab, 11 App. Div. 386; 76 St. Rep. 938; 42 Supp. 933.

Bowe v. U. S. Reflector Co., 36 Hun, 407.

Cited, Attachment—Discharge by Undertaking—Sheriff's Fees—Right to Hold Property For.

16 Misc. 152; (73 St. Rep. 665; 38 Supp. 298; 25 Civ. Pro. 236). 2 App. Div. 553, 555; (74 St. Rep. 465, 467; 3 Ann. Cas. 101; 38 Supp. 37, 38).

Bowe v. Wilkins, 105 N. Y. 322; 7 St. Rep. 538.

Cited, Pleadings—Liberal Construction.

16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601).

Attachment—Receipt of Proceeds—Notice—Liability of Plaintiff.

12 Misc. 38; (66 St. Rep. 538; 33 Supp. 39).

Bowen v. Argall, 24 Wend. 496.

Cited, Partnership—Limited—Departure from Statute—Liability as General Partner.

145 N. Y. 493; (65 St. Rep. 365; 1 Ann. Cas. 373).

Bowen v. Becht, 35 Hun, 434.

Cited, Trial—Motion for Judgment on Verdict—New Trial.

137 N. Y. 116; (50 St. Rep. 197).

Bowen v. Beck, 94 N. Y. 86.

Cited, Deeds—Covenants Running with the Land—Grantee's Signature—Enforcement.

141 N. Y. 356; (57 St. Rep. 436).

Bowen v. Delaware L. & W. R. R. Co., 82 Hun, 39; 63 St. Rep. 632; 31 Supp. 286).

Bowen v. Mandeville, 95 N. Y. 237.

Cited, Action—Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 939). 151 N. Y. 234.

Bowen v. National Bank, 11 Hun, 226.

Cited, Evidence—Parol—Collateral Writing.

19 Misc. 633; (78 St. Rep. 392; 44 Supp. 392). 19 Misc. 612; (78 St. Rep. 400; 44 Supp. 400).

Bowen v. N. Y. C. & H. R. R. Co., 89 Hun, 594; (70 St. Rep. 144; 35 Supp. 540).

Cited, Railroads—Negligence—Contributory—Closely Passing Trains.

12 App. Div. 593; (77 St. Rep. 87; 43 Supp. 87).

Bowen v. Rome, City of, 23 Week. Dig. 406.

Cited, Evidence—Burden of Proof—Negligence—Injury—Absence of Contributory Negligence.

5 Misc. 427; 26 Supp. 713.

Bowen v. Smidt, 49 St. Rep. 647; 20 Supp. 735.

Cited, Attorneys—Summary Proceeding—Assignee of Client.

12 Misc. 42; (66 St. Rep. 533; 33 Supp. 34).

Bowen v. State, 108 N. Y. 166; 13 St. Rep. 134.

Cited, State—Subjection to Jurisdiction of Courts—Consent.

140 N. Y. 482; (56 St. Rep. 455).

Bowen v. Stilwell, 9 Civ. Pro. 277.

Cited, Acknowledgment of Deeds—Certificate of Foreign Notary—Presumption and Proof as to Authority.

1 Misc. 57; (48 St. Rep. 551; 21 Supp. 782).

Bowen v. Sweeney, 66 Hun, 42; 49 St. Rep. 603; 20 Supp. 733.

Bowen v. Sweeney, 66 Hun, 42; 49 St. Rep. 605; 20 Supp. 734.

Bowen v. Sweeney, 143 N. Y. 349; 62 St. Rep. 306.

Bowen v. Sweeney, 89 Hun, 359; 69 St. Rep. 785; 35 Supp. 400; 25 Civ. Pro. 128.

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Bowen v. Webster, 3 App. Div. 86; 38 Supp. 517.

Bower v. Tiemann, 3 Den. 378.

Cited, Endorser — Discharge — Extension of Time.

1 Misc. 416; (49 St. Rep. 451; 20 Supp. 840).

Bowerman v. Bowerman, 76 Hun, 46; 59 St. Rep. 633; 27 Supp. 579.

Affirmed, 145 N. Y. 598; 65 St. Rep. 865.

Bowers v. Durant, 43 Hun, 348; 6 St. Rep. 535; 26 Week. Dig. 354.

Cited, Joinder — Legal Proceedings — Federal Courts.

69 Hun, 467; (52 St. Rep. 901; 24 Supp. 223).

Bowers v. Smith, 10 Paige, 193.

Cited, Equity — Jurisdiction — Construction of Devises.

135 N. Y. 218; (54 St. Rep. 673).

Executors — Nature of Estate Taken By.

2 Misc. 281; (23 Supp. 972).

Wills — Construction — Partial Intestacy — Trust — Right of Distributees.

8 Misc. 392; (59 St. Rep. 557; 28 Supp. 628).

Bowers v. Smith, 28 St. Rep. 346; 8 Supp. 226.

Cited, Husband and Wife — Wife's Services.

82 Hun, 403; (63 St. Rep. 558; 31 Supp. 252).

Bowery Bank v. Gerety, 91 Hun, 539; 70 St. Rep. 829; 36 Supp. 254.

Bowery Nat. Bank v. New York, 63 N. Y. 336.

Cited, Contracts — Performance — Certificate — Arbitrary Refusal of.

4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 4 Misc. 56; (53 St. Rep. 76; 23 Supp. 606). 3 Misc. 371; (52 St. Rep. 436; 23 Supp. 348). 13 Misc. 197; (68 St. Rep. 217; 34 Supp. 131).

Contract — Performance — Question of Fact.

8 Misc. 259; (59 St. Rep. 199; 28 Supp. 548).

Contracts — Certificate of Performance.

141 N. Y. 202; (56 St. Rep. 814). 86 Hun, 365; (67 St. Rep. 150; 33 Supp. 450).

Bowery Nat. Bank v. New York, 4 St. Rep. 565.

Cited, Interpleader — Affidavit for — Sufficiency of — Collusion.

75 Hun, 46; (58 St. Rep. 180; 26 Supp. 993; 23 Civ. Pro. 303).

Bowery Nat. Bank v. Wilson, 122 N. Y. 478; 34 St. Rep. 43.

Cited, Assignment — Of Fees and Salary.

51 St. Rep. 557. 141 N. Y. 12; (56 St. Rep. 562). 10 Misc. 335; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 168; 1 Ann. Cas. 80). 91 Hun, 540; (70 St. Rep. 829; 36 Supp. 255).

Bowery Savings Bank v. Belt, 66 Hun, 57; 49 St. Rep. 487; 20 Supp. 746.

Bowie v. Brahe, 3 Duer, 35.

Cited, Vendor and Purchaser — Defective Title — Encroachments.

13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

Bowie v. Brahe, 4 Duer, 676.

Cited, Ejectment — When Lies — To Recover Infinitesimal Quantity of Land.

26 Supp. 917; (30 Abb. N. C. 414). 58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 409). Realty — Encroachments.

13 Misc. 518; (63 St. Rep. 407; 34 Supp. 679).

Bowles v. Habermann, 95 N. Y. 246.

Cited, Criminal Law — Sentence for Felony — Effect on Civil Rights.

69 Hun, 440; (52 St. Rep. 702; 23 Supp. 455).

Bowling Green Savings Bank v. Todd, 52 N. Y. 489.

Cited, Attorneys — Lien — To What Attaches

72 Hun, 463; (55 St. Rep. 150; 25 Supp. 282). 12 Misc. 43; (66 St. Rep. 533; 33 Supp. 34). 3 App. Div. 590; (73 St. Rep. 721, 722; 25 Civ. Pro. 322; 38 Supp. 226; 3 Ann. Cas. 38). 16 App. Div. 129; (79 St. Rep. 115; 45 Supp. 115).

Attorneys — Moneys Received by — Summary Proceeding by Client to Recover.

1 App. Div. 115; (72 St. Rep. 220; 37 Supp. 67).

Bowman v. Agricultural Ins. Co., 59 N. Y. 521.

Cited, Evidence — Parol — Explanation of Writing.

12 App. Div. 619; (77 St. Rep. 133; 43 Supp. 133). 8 App. Div. 104; (40 Supp. 406).

Bowman v. Cornell, 39 Barb. 69.

Cited, Execution — Duty and Liability of Executing Officer — Failure to Return — Defenses.

24 Supp. 820.

Bowman v. Earle, 3 Duer. 691.

Cited, Bill of Particulars — Limitation of Recovery.

17 Misc. 630; (75 St. Rep. 57; 40 Supp. 656). 78 St. Rep. 80; (44 Supp. 80).

*Duplicate Citations in Parenthesis.***Bowman v. Hoffman**, 20 Supp. 415.

Cited, Pledge—When Pledgor's Title May be Extinguished.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 455).

Bowman v. McClenahan, 19 Misc. 438.

78 St. Rep. 482; 44 Supp. 482.

Bowman v. Russ, 6 Cow. 234.

Cited, Pleading—Justice's Judgment—Facts Conferring Jurisdiction.

91 Hun, 188; (71 St. Rep. 183; 36 Supp. 346).

Bowman v. Tallman, 19 Abb. 84.

Cited, Appeal—Stay—Effect.

2 Misc. 186; (49 St. Rep. 718; 21 Supp. 766; 23 Civ. Pro. 36.)

Bowman v. Tallman, 2 Robt. 285. 27

How. 212.

Affirmed, 3 Abb. Ct. App. Dec. 182 (note); 40 How. 1.

Cited, Attorney—Client—Representative Capacity—Personal Liability.

79 Hun, 147; (61 St. Rep. 357; 29 Supp. 765; 24 Civ. Pro. 34). 10 Misc. 349; 63 St. Rep. 411; 31 Supp. 127; 24 Civ. Pro. 200).

Bowman v. Tallman, 3 Abb. Ct. App.

Dec. 182 (note); 40 How. 1.

Cited, Attorney—Negligence—Liability.

79 St. Rep. 480; (45 Supp. 480).

Bowman v. Teall 23 Wend. 366.

Cited, Carriers—Delay in Transportation—Freezing of Waters.

11 Misc. 682; (67 St. Rep. 355; 33 Supp. 566).

Vested Cause of Action—How Discharged.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Bowman v. Travis, 54 N. Y. 640.

Cited, Real Property—Powers of Tenant in Common.

2 Misc. 173; (49 St. Rep. 626; 21 Supp. 636).

Bowman, Thompson & Co. v.

Fuerst, 76 Hun, 441; 59 St. Rep. 163; 28 Supp. 168.

Bowne v. Douglass, 38 Barb. 312.

Cited, Bills and Notes—Signature—As Representative Capacity.

82 Hun, 175; (63 St. Rep. 776; 31 Supp. 327).

Bowne v. Joy, 9 Johns. 221.

Cited, Action—Abatement—By Other Action—Foreign Attachment.

3 Misc. 327; (52 St. Rep. 518; 23 Supp. 887). 138 N. Y. 218; (52 St. Rep. 166). 6 Misc. 387; (56 St. Rep. 337; 26 Supp. 739; 31 Abb. N. C. 136).

Bowne v. Lynde, 91 N. Y. 92.

Cited, Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 295; (49 St. Rep. 256; 20 Supp. 922.)

Bowne v. Mellor, 6 Hill, 496.

Cited, Attachment—Undertaking—Liability on.

7 Misc. 141; (57 St. Rep. 107; 27 Supp. 397).

Bowus v. May, 120 N. Y. 357; 31 St. Rep. 700.

Cited, Taxes—Arrearages—Jurisdiction of Assessors.

13 Misc. 700; (69 St. Rep. 176; 34 Supp. 1095).

Bowyer v. Burlew, 3 T. & C. 362.

Cited, Animals—On Highway—Unlawfulness.

14 App. Div. 524; (77 St. Rep. 936; 43 Supp. 936).

Bowyer v. Schofield, 2 Keyes, 633; 1 Abb. Ct. App. Dec. 177.

Cited, Justices' Court—Jurisdiction—Title to Real Estate.

87 Hun, 533; (68 St. Rep. 670; 34 Supp. 290).

Box v. Costello, 6 Misc. 415; 27 Supp. 293.**Boyce v. Brockway**, 31 N. Y. 490.

Cited, Conversion—What Constitutes—Demand.

75 Hun, 94; (58 St. Rep. 153; 26 Supp. 1038). 92 Hun, 347; (72 St. Rep. 346; 36 Supp. 910). 73 St. Rep. 591; (38 Supp. 542). D. 4 App. Div. 617; (75 St. Rep. 343; 41 Supp. 944). 16 App. Div. 604; (78 St. Rep. 971; 44 Supp. 971).

Boyce v. Brown, 7 Barb. 80.

Cited, Pleading—General Allegations—What May Be Shown Under.

86 Hun, 308; (67 St. Rep. 214; 33 Supp. 501).

Boyce v. Manhattan R. Co., 118 N. Y. 314; 23 St. Rep. 692.

Cited, Carriers—Passenger—Lighting Platforms.

70 Hun, 183; (53 St. Rep. 907; 24 Supp. 46). D. 13 Misc. 107, 108; (68 St. Rep. 103, 104; 34 Supp. 119, 120). 5 App. Div. 352; (39 Supp. 311). 11 App. Div. 142; (76 St. Rep. 1048; 42 Supp. 1048).

Trial—Question of Fact—Contributory Negligence.

80 Hun, 214; (61 St. Rep. 762; 30 Supp. 11).

Trial—Question of Fact—Negligence.

3 Misc. 50; (51 St. Rep. 435; 22 Supp. 713).

*Duplicate Citations in Parenthesis.***Boyce v. People**, 55 N. Y. 644.

Cited, Evidence—Seduction—Conditional Promise of Marriage.

81 Hun, 324; (62 St. Rep. 752; 30 Supp. 789).

Criminal Law—Seduction—Conditional Promise of Marriage.

81 Hun, 392; (63 St. Rep. 132; 30 Supp. 878). 144 N. Y. 364; (63 St. Rep. 667).

Criminal Law—Seduction—Corroboration.

92 Hun, 200; (71 St. Rep. 170; 36 Supp. 399).

Boyce v. Cayuga, Supervisors of, 20 Barb. 294.

Cited, Counties—Duties of Officers—Liability.

69 St. Rep. 626; (36 Supp. 659).

Boyd, Matter of, 4 Redf. 154.

Cited, Executors—Accounting—Use and Occupation of Premises.

5 Misc. 149, 159; (25 Supp. 722).

Boyd v. Auchterlonie, 40 Supp. 1070.**Boyd v. Bassett**, 40 St. Rep. 658; 16 Supp. 10.

Cited, Mechanic's Lien—Notice—Verification.

66 Hun, 134; (48 St. Rep. 880; 21 Supp. 56).

Boyd v. Belmont, 58 How. 513.

Cited, Covenants—Running with Land.

18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767).

Boyd v. Boyd, 9 Misc. 161; 59 St. Rep. 727; 29 Supp. 7.

Reversed, 11 Misc. 357; 65 St. Rep. 502; 32 Supp. 295.

Cited, Evidence—Objections to—New Grounds on Appeal.

12 Misc. 110; (66 St. Rep. 541; 32 Supp. 1136).

Boyd v. Boyd, 10 Misc. 498; 63 St. Rep. 623; 31 Supp. 193.**Boyd v. Boyd**, 11 Misc. 377; 65 St. Rep. 502; 32 Supp. 295; 24 Civ. Pro. 230

Affirmed, 12 Misc. 119; 66 St. Rep. 731; 33 Supp. 74

Cited, New Trial—Newly Discovered Evidence—Case.

5 App. Div. 37; (39 Supp. 72).

Boyd v. Boyd, 12 Misc. 119; 66 St. Rep. 731; 33 Supp. 74; 2 Ann. Cas. 30.

Affirmed, 146 N. Y. 403; 70 St. Rep. 839.

Boyd v. Campbell, 12 Misc. 351; 65 St. Rep. 791; 33 Supp. 557.

Affirmed, 146 N. Y. 403; 70 St. Rep. 869.

Boyd v. Colt, 20 How. 384.

Cited, Evidence—Sufficiency—Writings. 4 Misc. 408; 53 St. Rep. 523; 23 Supp. 1063). D. 7 App. Div. 220; (74 St. Rep. 698; 40 Supp. 140).

Evidence—Written Admissions—Scope and Effect.

8 Misc. 286; (59 St. Rep. 216; 28 Supp. 708).

Boyd v. De La Montagnie, 73 N. Y. 498.

Cited, Contracts—Undue Influence—Burden of Proof.

83 Hun, 441; (65 St. Rep. 212; 32 Supp. 55). D. 1 App. Div. 330; (72 St. Rep. 542; 37 Supp. 374). 79 St. Rep. 1055; (45 Supp. 1055).

Boyd v. De Lancey, 91 Hun, 542; 70 St. Rep. 820; 36 Supp. 245.**Boyd v. De Lancey**, 17 App. Div. 567; 79 St. Rep. 693; 45 Supp. 693.**Boyd v. Disbrow**, 58 How. 399.

Cited, Justice's Court—Appeal—Limitation of.

7 Misc. 476; (28 Supp. 387).

Boyd v. Dunlap, 1 Johns. Ch. 478.

Cited, Fraudulent Conveyances—To Creditor—Allowing to Stand as Security.

75 Hun, 520; (57 St. Rep. 349; 27 Supp. 729). 6 App. Div. 221; (39 Supp. 896). D. 68 Hun, 292; (52 St. Rep. 198; 22 Supp. 857).

Boyd v. Fumonte, 4 Misc. 604; 54 St. Rep. 244; 24 Supp. 702.

Cited, Appeal—Error—Burden of Showing.

7 Misc. 313; (57 St. Rep. 553; 27 Supp. 903).

Boyd v. Gray, 34 How. 323.

Cited, Taxes—When Liability attaches.

90 Hun, 99; (69 St. Rep. 769; 35 Supp. 369).

Boyd v. Hoyt, 5 Paige 65.

Cited, Fraudulent Conveyance—Action to Set Aside—Mis joinder.

92 Hun, 25; (72 St. Rep. 831; 37 Supp. 886).

Boyd v. Kerwin, 15 Supp. 721.

Cited, Building Restrictions—"Tenement House."

19 Misc. 228; (77 St. Rep. 200; 43 Supp. 200).

Boyd v. L. H. Quinn Co., 17 Misc. 278; 40 Supp. 370.

Affirmed, 18 Misc. 169; 75 St. Rep. 803; 41 Supp. 391.

Boyd v. L. H. Quinn Co., 18 Misc. 169; 75 St. Rep. 803; 41 Supp. 391.

Duplicate Citations in Parenthesis.

Boyd v. McDonald, 35 St. Rep. 484; 12 Supp. 356.

Cited, Pleadings—Demurrer—Admissions Under.

84 Hun, 246; (65 St. Rep. 835; 32 Supp. 507; 1 Ann. Cas. 269). 86 Hun, 497; (67 St. Rep. 519; 33 Supp. 774).

Pleadings—Answer—Separate Denials.

14 Misc. 62; (69 St. Rep. 566; 35 Supp. 250). 18 Misc. 545; (77 St. Rep. 796; 43 Supp. 796).

Boyd v. Miller, 69 St. Rep. 2; 34 Supp. 1026.

Boyd v. Sametz, 17 Misc. 728; 40 Supp. 1070.

Boyd v. Stewart, 24 Supp. 830; 30 Abb. N. C. 127.

Boyden v. Baldwin, 12 Misc. 549; 67 St. Rep. 874; 34 Supp. 19.

Affirmed, 15 Misc. 103; 71 St. Rep. 430; 36 Supp. 478.

Boyden v. Baldwin, 15 Misc. 103; 71 St. Rep. 430; 36 Supp. 478.

Boyer v. Decker, 5 App. Div. 623; 40 Supp. 469.

Boyer v. Fenn, 18 Misc. 607; 77 St. Rep. 506; 43 Supp. 506.

Affirmed, 19 Misc. 128; 77 St. Rep. 533; 43 Supp. 533.

Boyer v. Fenn, 19 Misc. 128; 77 St. Rep. 533; 43 Supp. 533.

Boyer v. Little Falls, 5 App. Div. 1; 38 Supp. 1114.

Boyer v. Marshall, 5 St. Rep. 431.

Cited, Damages—Counsel Fees.

82 Hun, 334; (64 St. Rep. 107; 31 Supp. 508).

Boyer v. Pack, 2 Den. 107.

Cited, Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030).

Boyer v. Rhinehart, 137 N. Y. 564; 50 St. Rep. 933.

Boylan v. Prudential Ins. Co. of America, 18 Misc. 444; 76 St. Rep. 52; 42 Supp. 52.

Boyle v. Boyle, 106 N. Y. 654; 8 St. Rep. 874.

Cited, Attorneys—Contingent Fee—Lien.

137 N. Y. 540; (50 St. Rep. 31).

Boyle v. N. Y. L. E. & W. R. Co., 39 Hun, 171.

Affirmed, 115 N. Y. 636; 23 St. Rep. 731.

Cited, Railroads—Negligence—Animals on Track.

82 Hun, 310, 311; (63 St. Rep. 572, 573; 31 Supp. 242, 243). 2 App. Div. 119; (73 St. Rep. 149; 37 Supp. 533).

Boyle v. N. Y. L. E. & W. R. Co., 115 N. Y. 636; 23 St. Rep. 731.

Cited, Railroads—Negligence—Animals on Track.

82 Hun, 310; (63 St. Rep. 572; 31 Supp. 242). 73 St. Rep. 149; (37 Supp. 533).

Boyle v. Staten Is. & S. B. L. Co., 87 Hun, 233; 67 St. Rep. 424; 33 Supp. 836.

Boyle v. Staten Is. & S. B. L. Co., 79 St. Rep. 496; 45 Supp. 496.

Boyle v. Williams, 1 Misc. 112; 48 St. Rep. 651; 20 Supp. 727.

Boyleston v. Kerr, 2 Daly, 220.

Cited, False Imprisonment—Illegal Arrest—Personal Liability of Officer.

1 Misc. 150; (48 St. Rep. 658; 20 Supp. 701).

Boylston v. Wheeler, 61 N. Y. 521.

Cited, Pleading—Determination of Claim to Real Property—Possession.

23 Civ. Pro. 323.

Actual Possession—What is.

6 App. Div. 10; (39 Supp. 749).

Boylston v. Wheeler, 5 T. & C. 176.

Cited, Action—Commencement—Issuance of Summons—Service.

6 Misc. 251; (57 St. Rep. 764; 27 Supp. 161).

Boynton v. Andrews, 63 N. Y. 96.

Cited, Corporations—Stockholder's Liability.

11 Misc. 496; (64 St. Rep. 463; 32 Supp. 720). 85 Hun, 41; (66 St. Rep. 135; 32 Supp. 624). 151 N. Y. 65.

Boynton v. Hatch, 47 N. Y. 225.

Cited, Corporations—Liability of Stockholders.

151 N. Y. 65.

Boynton v. Keesville Electric L. & P. Co., 5 Misc. 118; 25 Supp. 741.

Affirmed, 78 Hun, 609; 59 St. Rep. 885; 28 Supp. 1117.

Boynton v. Squires, 85 Hun, 128; 65 St. Rep. 653; 32 Supp. 467.

Cited, Married Women—Separate Estate—Liability for Services and Materials Furnished.

17 Misc. 542; (40 Supp. 735).

Boynton Saw & File Co., Matter of, 34 Hun, 369.

Cited, Corporations—Voluntary Dissolution—Compliance with Statute.

D. 14 App. Div. 394; (78 St. Rep. 24; 44 Supp. 24).

*Duplicate Citations in Parenthesis.***Brabin v. Hyde**, 32 N. Y. 519.

Cited, Contracts—Statute of Frauds—Sale—Payment—Agreement to Apply Price on Prior Debt.

73 Hun, 339; (55 St. Rep. 922; 26 Supp. 271).

Brace v. N. Y. C. R. Co., 27 N. Y. 269.

Cited, Railroads—Negligence—Injury to Animals—Requirements at Crossings.

20 Misc. 364; (79 St. Rep. 926; 45 Supp. 926).

Bracco v. Tighe, 75 Hun, 140; 58 St. Rep. 589; 27 Supp. 34.**Bracket, Matter of**, 27 Hun, 605.

Certiorari.

D. 72 Hun, 368; (55 St. Rep. 452; 25 Supp. 785).

Bracket v. McNair, 14 Johns. 170.

Cited, Damages—Measure—Breach of Charter Party.

3 Misc. 17; (51 St. Rep. 127; 22 Supp. 360).

Brackett v. Barney, 27 N. Y. 633.

Cited, Evidence—Parol—As to Delivery of Instrument.

79 Hun, 523; (61 St. Rep. 594; 29 Supp. 907).

Contracts—Written—Execution by One Party.

15 Misc. 143; (71 St. Rep. 825; 36 Supp. 803).

Contracts—Written—Acceptance and Delivery.

12 App. Div. 196; 76 St. Rep. 832; 42 Supp. 832).

Brackett v. Baum, 50 N. Y. 8.

Cited, Dower—Dependency upon Seizin of Husband.

81 Hun, 262; (62 St. Rep. 756; 30 Supp. 794).

Brackett v. Griswold, 103 N. Y. 425.

Cited, Corporations—Liability for Failure to File Annual Report—What Must be Shown.

19 Misc. 267; (78 St. Rep. 382; 44 Supp. 382).

Action—For Deceit—Survival.

4 App. Div. 437; (38 Supp. 619).

Brackett v. Griswold, 112 N. Y. 454;

21 St. Rep. 791.

Cited, Contracts—Fraud—What to be Shown.

72 Hun, 314; (55 St. Rep. 353; 25 Supp. 684). 18 Misc. 644; (79 St. Rep. 896; 45 Supp. 896). 143 N. Y. 588; (62 St. Rep. 790). 12 Misc. 279; (67 St. Rep. 815; 33 Supp. 1112). 19 Misc. 512; (77 St. Rep. 1127; 43 Supp. 1127).

Corporations—Liability of Trustees for Debts.

49 St. Rep. 178; (21 Supp. 341).

Fraud—Constituents—Totality.

70 Hun, 411; (53 St. Rep. 707; 24 Supp. 434). 77 Hun, 370; (60 St. Rep. 418; 28 Supp. 879). 83 Hun, 373; (64 St. Rep. 649; 31 Supp. 913). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601).

Fraud—Legal and Equitable Relief.

72 Hun, 87; (55 St. Rep. 869; 25 Supp. 622).

Contracts—Fraud—Representations to Third Person.

17 Misc. 171; (40 Supp. 973).

Pleading—Complaint—Action for Fraud—Requirement.

7 Misc. 321; (57 St. Rep. 464; 27 Supp. 907).

Brackett v. Griswold, 128 N. Y. 644.

40 St. Rep. 81.

Cited, Appeal—Award of New Trial.

50 St. Rep. 880; (21 Supp. 335).

Brackett v. Harvey, 91 N. Y. 214.

Cited, Chattel Mortgage—Validity—Use of Property by Mortgagor—Restitution.

9 Misc. 681; (30 Supp. 556). 62 St. Rep. 268; (30 Supp. 556).

Conditional Sale—Permitted Sale of Property—Fraud on Creditors.

136 N. Y. 310, (49 St. Rep. 402).

Security for Debt—Validity—Expectation of Use by Debtor.

68 St. Rep. 718; (34 Supp. 783). 12 App. Div. 231; (77 St. Rep. 772; 43 Supp. 772).

Mortgage—Validity.

91 Hun, 452; (71 St. Rep. 160; 36 Supp. 390).

Security for Debt—Use by Debtor—Agency—In Favor of Other Creditors.

12 App. Div. 232; (77 St. Rep. 773; 43 Supp. 773).

Brackett v. Metropolitan Ins. Co.,

18 Misc. 239; 75 St. Rep. 786; 41 Supp. 375.

Bradbury v. Winterbottom, 13 Hun, 536.

Cited, Costs—Severance of Action.

68 Hun, 529; (52 St. Rep. 595; 22 Supp. 1007).

Bradford v. Bradford, 51 N. Y. 669.

Cited, Evidence—Documentary—Church Records.

73 Hun, 604; (56 St. Rep. 143; 26 Supp. 320).

Bradford v. Fox, 38 N. Y. 289.

Cited, Payment—Precedent Debt—Taking Note or Check.

17 Misc. 384; (39 Supp. 1063).

Duplicate Citations in Parenthesis.

Bills and Notes—Delay in Presentment for Payment.

16 Misc. 518; (39 Supp. 396; 25 Civ. Pro. 406).

Bradford, E. & C. R. Co. v. N. Y., L. E. & W. R. Co., 123 N. Y. 316; 83 St. Rep. 614.

Cited, Contracts—For Benefit of Third Party—Availability.

74 Hun, 233; (56 St. Rep. 325; 26 Supp. 623).

Pleading—Action at Law—Equitable Relief.

53 St. Rep. 153; (23 Supp. 817).

Contracts—To Advance Money—Re-payment on Demand—Breach—Damages.

5 App. Div. 107; (74 St. Rep. 846; 38 Supp. 1034).

Bradford Nat. Bank v. Taylor, 75 Hun, 297; 56 St. Rep. 754; 27 Supp. 96.

Bradhurst v. Field, 135 N. Y. 564; 48 St. Rep. 567.

Cited, Wills—Construction—Gift by Implication.

5 App. Div. 138; (39 Supp. 61).

Bradley, Matter of, 17 St. Rep. 836; 2 Supp. 751.

Cited, Executors — Accounting—Counsel Fees.

19 Misc. 382; (78 St. Rep. 364; 44 Supp. 364).

Bradley, Matter of, 70 Hun, 104; 53 St. Rep. 540; 23 Supp. 1127.

Bradley, Matter of, 141 N. Y. 527; 57 St. Rep. 816.

Cited, Officers—Qualifying—Oath of Office—Delivery of Books and Papers—Summary Application for.

8 Misc. 198; (58 St. Rep. 827; 28 Supp. 612).

15 App. Div. 574; (78 St. Rep. 572; 44 Supp. 572).

Bradley v. Aldrich, 40 N. Y. 504.

Cited, Equity—Retention for Legal Relief—Right to.

138 N. Y. 460; (53 St. Rep. 24). 81 Hun, 279, 281; (62 St. Rep. 758, 759; 30 Supp. 795, 796). 5 App. Div. 623; (39 Supp. 520). 18 Misc. 334; (76 St. Rep. 112; 42 Supp. 112). 17 App. Div. 319; (79 St. Rep. 253; 45 Supp. 253). 79 St. Rep. 983; (45 Supp. 983).

Pleading—Legal and Equitable Relief.

16 App. Div. 456; (79 St. Rep. 45; 45 Supp. 45).

Bradley v. Angel, 3 N. Y. 475.

Cited, Set-off—Unmatured Debt of Insolvent.

70 Hun, 162; (53 St. Rep. 921; 24 Supp. 207). 135 N. Y. 228; (47 St. Rep. 868).

Bradley v. Bosley, 1 Barb. Ch. 125.

3 App. Div. 153; (38 Supp. 166; 3 Ann. Cas. 213).

Fraud — Contract — Vendor's Lien — Waiver.

79 Hun, 220; (61 St. Rep. 401; 29 Supp. 505).

Vendor and Purchaser—Equitable Lien for Purchase Money—Availability.

85 Hun, 82; (66 St. Rep. 45; 32 Supp. 661).

Vendor and Purchaser—Fraud in Sale—Election of Remedies.

151 N. Y. 234.

Bradley v. Buffalo, N. Y. & E. R. Co., 34 N. Y. 427.

Cited, Railroads—Negligence—Failure to Maintain Fences—Injuries to Animals.

81 Hun, 283; (62 St. Rep. 747; 30 Supp. 784). 11 App. Div. 377; (76 St. Rep. 234; 42 Supp. 234).

Bradley v. DeGoicouria, 12 Daly, 393; 67 How. 76; 14 Abb. N. C. 53.

Cited, Landlord and Tenant—Eviction—What Constitutes and Sufficiency of Evidence of.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). 7 Misc. 725; (53 St. Rep. 330; 28 Supp. 45). 10 Misc. 121; (62 St. Rep. 518; 30 Supp. 950; 24 Civ. Pro. 123).

Bradley v. Dodge, 45 How. 57.

Cited, Physicians—Services of—Liability of Person Requesting.

18 Misc. 462; (75 St. Rep. 1345; 41 Supp. 951).

Bradley v. Murray, 54 St. Rep. 270; 23 Supp. 809.

Cited, Mortgage—Foreclosure—Judgment More Favorable Than Demand of Complaint—Parties Foreclosed.

54 St. Rep. 269; (23 Supp. 809).

Bradley v. Mutual B. L. Ins. Co., 45 N. Y. 422.

Cited, Evidence—Sufficiency and Weight—Positive as Against Negative.

1 Misc. 164; (48 St. Rep. 687; 20 Supp. 635).

Bradley v. N. Y. C. R. Co., 62 N. Y. 99.

Cited, Master and Servant—Vice Principal—Temporary Servants—Negligence.

77 Hun, 81; (59 St. Rep. 850; 28 Supp. 317).

Bradley v. Second Ave. R. Co., 90 Hun, 419; 70 St. Rep. 622; 35 Supp. 918.

Cited, Negligence — Contributory—Dangerous Position.

16 Misc. 163; (38 Supp. 836). 7 App. Div. 313; (40 Supp. 95).

Duplicate Citations in Parenthesis.

Bradley v. Shafer, 64 Hun, 428; 19 Supp 640,

Cited, Judgment—Against Parties Jointly—Power of Court to Modify.
17 Misc. 153; (39 Supp. 335).

Bradley v. Walker, 133 N. Y. 291; 52 St. Rep. 365.

Bradley v. Ward, 58 N. Y. 491.

Cited, Public Officer — Liability for Moneys Received.

D. 77 Hun, 489; (60 St. Rep. 556; 28 Supp. 1095).

Bradley v. Wheeler, 44 N. Y. 495.

Cited, Sale—Passing of Title.

140 N. Y. 72; (55 St. Rep. 264).

Sale—Transfer of Title — Goods From Unascertained Lot—Measurement.

9 Misc. 354; (60 St. Rep. 621; 29 Supp. 703).

Evidence—Contracts—Custom to Vary.
82 Hun, 611; (63 St. Rep. 753; 31 Supp. 303).

Bradley & Currier Co. v. Herter,
62 St. Rep. 72; 23 Civ. Pro. 408

Bradley & Currier Co. v. Lally, 2 Misc. 285; 51 St. Rep. 152; 21 Supp. 1044.

Affirmed, 3 Misc. 635; 51 St. Rep. 945; 22 Supp. 1131.

Bradley & Currier Co. v. Lally,
10 Misc. 366; 63 St. Rep. 405; 31 Supp. 120.

Bradley & Currier Co. v. Ward,
15 App. Div. 886; 78 St. Rep. 164; 44 Supp. 164.

Bradley Fertilizer Co. v. South Pub. Co., 4 Misc. 173; 53 St. Rep. 214; 23 Supp. 675.

Reversing, 1 Misc. 512; 49 St. Rep. 924; 21 Supp. 472.

Cited, Appeal—Case—Statement of Completeness of Evidence.

4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681).

New Trial—Refusal of—Non-Entry of Order—What Reviewable.

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Bradley Fertilizer Co. v. South Pub. Co., 44 St. Rep. 119.

Cited, Corporations—Creation—Defacto.
53 St. Rep. 216.

Bradley Fertilizing Co. v. South Pub. Co., 6 Misc. 128; 56 St. Rep. 342; 26 Supp. 4.

Bradner v. Faulkner, 12 N. Y. 472.

Cited, Wills—Legacies—Interest On.

5 Misc. 128; (25 Supp. 728).

Bradner v. Faulkner, 93 N. Y. 515.

Cited, Evidence — Relevancy—Malice—Failure to Plead.

79 Hun, 573; (61 St. Rep. 540; 29 Supp. 24).

Pleadings—Irrelevancy—Striking Out.

85 Hun, 528; (67 St. Rep. 78; 33 Supp. 336). 67 St. Rep. 590; (33 Supp. 689; 24 Civ. Pro. 346). 16 App. Div. 271; (78 St. Rep. 676; 44 Supp. 676).

False Imprisonment—Facts Constituting Defense.

14 Misc. 124; (70 St. Rep. 177; 35 Supp. 480).

Bradner v. Fitzhugh, 4 Week. Dig. 516.

Cited, Evidence — Presumption — From Delivery of Money—Payment of Debt.

4 Misc. 358; (54 St. Rep. 254; 24 Supp. 315).

Bradner v. Howard, 75 N. Y. 417.

Cited, Evidence — Documentary—Transcript of Judgment.

5 Misc. 533; (58 St. Rep. 111; 25 Supp. 985).

Bradner v. Howard, 14 Hun, 420.

Cited, Appeal—Position Inconsistent with that on Trial.

11 Misc. 174; (66 St. Rep. 545; 32 Supp. 1090).

Bradshaw v. Agricultural Ins. Co.,
187 N. Y. 137; 50 St. Rep. 174.

Cited, Appraisal—Disqualified Appraiser.
13 Misc. 510; (69 St. Rep. 116; 34 Supp. 950). 17 Misc. 122; (39 Supp. 330). 150 N. Y. 199.

Bradstreet v. Bailey, 4 Abb. 233.

Cited, Discovery—Books and Papers—Denial of Possession.

86 Hun, 44; (67 St. Rep. 103; 33 Supp. 289; 2 Ann. Cas. 131).

Bradstreet v. Bradstreet Co., 14 St. Rep. 260.

Cited, Pleading — Irrelevancy—Striking out—Discretion.

75 Hun, 368; (56 St. Rep. 768; 27 Supp. 106).

Bradstreet v. Clarke, 12 Wend. 602.

Cited, Power of Sale—Execution.

92 Hun, 35; (72 St. Rep. 237; 36 Supp. 903).

Bradt v. Benedict, 17 N. Y. 93.

Cited, Corporations — Dissolution — Suspension.

79 Hun, 107; (61 St. Rep. 183; 29 Supp. 638).

Bradt v. Church, 110 N. Y. 537; 18 St. Rep. 551.

Cited, Adverse Possession—Landlord and Tenant—Presumption.

4 App. Div. 314; (74 St. Rep. 162; 38 Supp. 703). D. 4 App. Div. 318; (39 Supp. 990).

4 App. Div. 381; (74 St. Rep. 526; 38 Supp. 841). 19 Misc. 291; (77 St. Rep. 128; 43

Supp. 128). 152 N. Y. 180.

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Bradt v. Koon, 4 Cow. 416.

Cited, Attorneys—Lien—Priority.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 197).

Brady, Matter of, 69 N. Y. 215.

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D. 74 Hun, 192; (56 St. Rep. 555; 26 Supp. 353).

Brady v. Beadleston, 62 Hun, 548; 42 St. Rep. 422; 17 Supp. 42.

Cited, Replevin—Possession.

8 Misc. 609; (61 St. Rep. 54; 29 Supp. 394).

Brady v. Begun, 36 Barb. 533.

Cited, Vendor and Purchaser—Purchase Price—Presumption of Payment from Lapse of Time.

13 Misc. 285; (68 St. Rep. 730; 34 Supp. 705).

Brady v. Brooklyn, 1 Barb. 584.

Cited, Corporations—Powers—Express and Incidental.

136 N. Y. 411; (49 St. Rep. 689). 19 Misc. 658; (78 St. Rep. 429; 44 Supp. 429).

Brady v. Cassidy, 104 N. Y. 147, 155; 5 St. Rep. 569; 25 Week. Dig. 318.

Cited, Evidence—Parol—In Aid of Writing.

3 Misc. 518; (52 St. Rep. 496; 23 Supp. 334). 145 N. Y. 176; (64 St. Rep. 583).

Trial—Questions of Law of and of Fact—Construction of Writings.

137 N. Y. 254. 12 App. Div. 172; (76 St. Rep. 583; 42 Supp. 583).

Brady v. Cassidy, 9 Misc. 107; 59 St. Rep. 729; 29 Supp. 45.

Affirmed. 145 N. Y. 171; 64 St. Rep. 582.

Cited, Contracts—Part Performance—Acceptance of—Waiver.

16 Misc. 452; (73 St. Rep. 342; 38 Supp. 153).

Brady v. Cassidy, 145 N. Y. 171; 64 St. Rep. 582.

Affirming, 59 St. Rep. 729.

Brady v. Cochran, 23 Hun, 274.

Cited, Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun, 523; (52 St. Rep. 846).

Brady v. Donnelly, 1 N. Y. 126.

Cited, Appeal—Waiver—By Inconsistent Acts.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028).

Brady v. Hutkoff, 13 Misc. 515; 69 St. Rep. 113; 34 Supp. 947.

Cited, Pleading—Denial—Effect of Other Allegations.

19 Misc. 3; (76 St. Rep. 882; 42 Supp. 882).

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79 Hun, 156; 61 St. Rep. 360; 29 Supp. 768.

Cited, New Trial—On New Evidence—When Granted.

88 Hun, 516; (69 St. Rep. 75; 34 Supp. 911).

Brady v. Manhattan R. Co., 127 N. Y. 46; 37 St. Rep. 340.

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Cited, Negligence—Evidence—Other Accidents.

5 App. Div. 580; (39 Supp. 382). 11 App. Div. 146; (76 St. Rep. 1050; 42 Supp. 1050).

Railroads—Negligence—Long Use of System.

81 Hun, 446; (63 St. Rep. 325; 31 Supp. 83).

Brady v. McCosker, 1 N. Y. 214.

Cited, Wills—Action to Declare Void—Equity.

9 App. Div. 35; (75 St. Rep. 573; 41 Supp. 112). 9 App. Div. 489; (41 Supp. 277). 14

App. Div. 599; (77 St. Rep. 1119; 43 Supp. 1119).

Action—Attacking Fraudulent Instrument—Parties.

88 Hun, 416; (68 St. Rep. 591; 34 Supp. 789; 2 Ann. Cas. 262). 87 Hun, 601; (68 St. Rep. 635; 34 Supp. 543).

Brady v. Nally, 8 Misc. 9; 58 St. Rep. 314; 28 Supp. 64; 23 Civ. Pro. 384.

Reversed, 151 N. Y. 258.

Brady v. Nally, 151 N. Y. 258.

Cited, Appeal—Objections First Raised On.

19 Misc. 170.

Brady v. New York, 20 N. Y. 312.

Cited, Municipal Corporations—Contracts—Non-compliance with Statute—Quantum meruit.

7 App. Div. 507, 518; (40 Supp. 237, 238). D. 7 App. Div. 513; (40 Supp. 242).

Brady v. New York, 9 Supp. 893.

14 App. Div. 152; (77 St. Rep. 452; 43 Supp. 452).

Brady v. New York, 132 N. Y. 415; 44 St. Rep. 613.

Affirming, 32 St. Rep. 99.

Cited, Municipal Corporations—Contracts of—Certificate—Conclusiveness.

144 N. Y. 67; (63 St. Rep. 41). 16 App. Div. 410; (79 St. Rep. 9; 45 Supp. 9).

Municipal Corporations—Contracts of—Modification by Officers.

82 Hun 70; (63 St. Rep. 503; 31 Supp. 188).

Brady v. New York, 14 App. Div. 152; 77 St. Rep. 452; 43 Supp. 452.

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Brady v. New York, Sup'rs of, 2 Sandf. 460.

Affirmed, 10 N. Y. 260.

Cited, Municipalities—Claims Against—How Enforced.

137 N. Y. 177; (50 St. Rep. 379). 151 N. Y. 115.

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Cited, Counties—Claims Against—How Enforced.

69 St. Rep. 625; (36 Supp. 657).

Brady v. Prudential Ins. Co. of Am., 9 Misc. 6; 59 St. Rep. 659; 29 Supp. 44.

Cited, Insurance—Forfeiture—Non-payment of Premium—Cancellation.

12 Misc. 129; (66 St. Rep. 725; 33 Supp. 68).

Brady v. Sackrider, 1 Sandf. 514.

Cited, Contract—Statute of Frauds—To Answer for Debt of Another.

66 Hun. 501; (50 St. Rep. 440; 21 Supp. 377).

Brady v. Smith, 8 Misc. 465; 60 St. Rep. 58; 28 Supp. 776.

Brady v. Smith, 60 St. Rep. 846; 29 Supp. 607.

Brady v. Valentine, 3 Misc. 19, 20; 50 St. Rep. 570; 21 Supp. 776.

Affirmed, 144 N. Y. 698.

Cited, Landlord and Tenant—Defects in Passage-way—Injury to Visitor.

20 Misc. 570.

Brady v. Waldron, 2 Johns. Ch. 148.

Cited, Injunction—When Granted—Waste—Security.

8 Misc. 386; (59 St. Rep. 869; 29 Supp. 1103; 31 Abb. N. C. 390).

Brady v. Weeks, 3 Barb. 157.

Cited, Nuisances—Fat Rendering.

67 Hun. 58; (51 St. Rep. 193; 22 Supp. 59).

Braem v. Merchants Nat. Bank of Syracuse, 25 St. Rep. 281; 6 Supp. 846.

Cited, Fraudulent Conveyances—Attack by Creditor—Conditions Precedent

10 Misc. 357, 358; (63 St. Rep. 417, 418; 31 Supp. 27, 28).

Braem v. Merchants Nat. Bank of Syracuse, 127 N. Y. 508; 40 St. Rep. 327.

Cited, Fraudulent Conveyances—Personalty—Setting Aside.

9 Misc. 202; (60 St. Rep. 850; 30 Supp. 208).

Fraudulent Conveyances—Attack by Creditors—Conditions Precedent.

10 Misc. 357; (63 St. Rep. 417; 31 Supp. 27).

11 Misc. 501; (64 St. Rep. 466; 32 Supp. 723). 92 Hun. 174; (74 St. Rep. 213; 38 Supp. 585).

Bragelman v. Daue, 69 N. Y. 69.

Cited, Bill of Sale—Chattel Mortgage.

149 N. Y. 131.

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81 Hun. 176; (62 St. Rep. 680; 30 Supp. 695). 2 App. Div. 463; (74 St. Rep. 338; 37 Supp. 1041).

Brague v. Lord, 67 N. Y. 495.

Cited, Witnesses—Competency—Death of Other Party.

68 Hun. 583; (52 St. Rep. 576; 23 Supp. 253). 86 Hun. 403; (67 St. Rep. 232; 33 Supp. 479). 4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 665).

Brainard v. Coper, 10 N. Y. 356.

Cited, Mortgage—Foreclosure—Rights of Lienors Not Parties to.

138 N. Y. 145; (51 St. Rep. 851; 30 Abb. N. C. 341).

Brainard v. Jones, 11 How. 569.

Cited, Pleading—Answer—Non-joinder of Parties.

76 Hun. 231; (59 St. Rep. 124; 27 Supp. 737).

Brainard v. Kings County, 84 Hun. 290; 65 St. Rep. 468; 32 Supp. 311.

Brainard v. Knapp, 9 Misc. 206; 60 St. Rep. 833; 29 Supp. 678.

Braine v. Rosswoog, 13 App. Div. 249; 76 St. Rep. 1098; 42 Supp. 1098.

Cited, Usury—Transaction Through Third Person.

19 Misc. 631; (78 St. Rep. 391; 44 Supp. 391).

Brainerd v. Bertram, 5 Abb. N. C. 102.

Cited, Pleading—Parties—One Suing in Behalf of Many.

D. 11 App. Div. 616; (76 St. Rep. 626; 42 Supp. 626).

Brainerd v. Dunning, 30 N. Y. 211.

Cited, Assignment for Creditors—Inventory—Error In—Effect.

61 St. Rep. 565; (29 Supp. 877). 80 Hun. 63; (29 Supp. 877).

Assignment for Creditors—Provision for Counsel Fees After Transfer—Validity Of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 266).

Assignment—For Creditors—To What Debts Applicable.

70 Hun. 58; (53 St. Rep. 557; 23 Supp. 1093). 144 N. Y. 274; (63 St. Rep. 694; 1 Ann. Cas. 147). 2 App. Div. 552; (74 St. Rep. 40; 38 Supp. 384). 151 N. Y. 596.

Duplicate Citations in Parenthesis.

Brainerd v. N. Y. C. & H. R. R. Co., 25 N. Y. 496.

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149 N. Y. 535.

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Cited, Judgment—What Is.
14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 2 Ann. Cas. 164; 25 Civ. Pro. 146).

Braithwaite, Matter of, 10 St. Rep. 170; 19 Abb. N. C. 113.

Cited, Wills—Validity—Law of Domicile.
9 Misc. 439; (61 St. Rep. 744; 30 Supp. 384).

Bram v. Bram, 34 Hun, 487; 20 Week. Dig. 519.

Cited, Tenancy by Entirety—Conveyance by Wife as Survivor.
67 Hun, 234; (50 St. Rep. 781; 22 Supp. 793).

Conveyance to Husband and Wife—Tenancy—Rights of Survivor.

82 Hun, 203; (63 St. Rep. 778; 31 Supp. 329).

Braman v. Bingham, 26 N. Y. 483.

Cited, Deed—Delivery to Grantee—Conditions.
142 N. Y. 363; (59 St. Rep. 30).

Bramble v. Hunt, 68 Hun, 204; 52 St. Rep. 92; 22 Supp. 842.

Cited, Witness—Examination—Hypothetical Question.
92 Hun, 126; (71 St. Rep. 812; 36 Supp. 644).

Bramhall v. Ferris, 14 N. Y. 41.

Cited, Power of Sale—Equitable Conversion.
18 App. Div. 191; (79 St. Rep. 871; 45 Supp. 871).

Branagh v. Brasselin, 66 St. Rep. 156; 32 Supp. 877.

Branch v. Levy, 46 Super. 423.

Cited, Witness—Credibility—When Must be Assumed.
19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Brand v. Brome, 70 Hun, 383; 54 St. Rep. 110; 24 Supp. 262.

Brand v. Focht, 1 Abb. Ct. App. Dec. 185.

Cited, Sale—Acceptance—Bulky Articles.
3 Misc. 94; (51 St. Rep. 608; 22 Supp. 370).

Brand v. Godwin, 15 Daly, 456; 29 St. Rep. 143; 8 Supp. 339.

Cited, Master and Servant—Satisfaction—Discharge.

6 Misc. 638; (56 St. Rep. 342; 27 Supp. 342).

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16 Misc. 362; (74 St. Rep. 369; 25 Civ. Pro. 287; 38 Supp. 1).

Brand v. New Jersey S. Co., 10 Misc. 128; 62 St. Rep. 470; 30 Supp. 903.

Brand v. Newton, 82 Hun, 550; 64 St. Rep. 386; 31 Supp. 700.

Brandon v. Avery, 22 N. Y. 469.

Cited, Courts—Jurisdiction—Territorial Definition.

139 N. Y. 513; (54 St. Rep. 816). 79 Hun, 91; (61 St. Rep. 160; 29 Supp. 618). 12 App. Div. 26; (76 St. Rep. 486; 42 Supp. 486). 12 App. Div. 64, 71; (76 St. Rep. 857, 863; 42 Supp. 857, 863). 16 App. Div. 40; (78 St. Rep. 786; 44 Supp. 786). 17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352).

Brandon v. People, 42 N. Y. 265.

Cited, Criminal Law—Accused Testifying—Cross-examination.

91 Hun, 623; (71 St. Rep. 655; 36 Supp. 602).

Brandon Manufacturing Co. v. Pettingill, 2 Abb. N. C. 162.

Cited, Discovery—Pendency of Action.
12 Misc. 68; (67 St. Rep. 13; 33 Supp. 179; 24 Civ. Pro. 327).

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Cited, Injunction—Publication of Libel.
30 Abb. N. C. 375; 67 Hun, 39; (50 St. Rep. 900; 22 Supp. 317). 8 Misc. 38; (58 St. Rep. 813; 28 Supp. 272; 31 Abb. N. C. 268).

Brandt v. Brandt, 13 Misc. 431; 68 St. Rep. 412; 34 Supp. 684.

Brandt v. Goodwin, 24 St. Rep. 305; 15 Daly, 456; 3 Supp. 87.

Cited, Contract—Employment—Discharge—Stipulated Grounds—Summary.
6 Misc. 601; (56 St. Rep. 606; 26 Supp. 885).

Brandt v. Moses, 137 N. Y. 616; 51 St. Rep. 931.

Brandt v. Radley, 23 Supp. 277.

Cited, Mechanic's Lien—Enforcement—Discharged by Bond.

3 Misc. 277; (51 St. Rep. 907; 23 Supp. 326). 10 Misc. 540; (64 St. Rep. 24; 31 Supp. 447; 1 Ann. Cas. 116). 145 N. Y. 247; (64 St. Rep. 686; 1 Ann. Cas. 224). 19 Misc. 616; (78 St. Rep. 425; 44 Supp. 425).

Brandt v. Schmeckenbecher, 89 Hun, 406; (69 St. Rep. 742; 35 Supp. 331).

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Brandt v. Seidler, 60 St. Rep. 848; 29 Supp. 1141.

Brandt v. Siedler, 10 Misc. 234; 63 St. Rep. 381; 31 Supp. 112.

Brandt v. Verdon, 44 St. Rep. 885; 18 Supp. 119.

Cited, Mechanic's Lien.

76 Hun, 452; (59 St. Rep. 179; 28 Supp. 109). (83 Hun, 415; (64 St. Rep. 730; 31 Supp. 960).

Brant v. Fowler, 7 Cow. 562.

Cited, Trial—Verdict—Vacation—Misconduct of Jury.

10 Misc. 438, 441; (64 St. Rep. 14, 16; 31 Supp. 460, 462).

Brantingham v. Fay, 1 Johns Cas. 256.

Cited, Appeal—Denial of Nominal Damages—Reversal.

144 N. Y. 49; (63 St. Rep. 16).

Brass v. Rathbone, 8 App. Div. 78; 40 Supp. 466.

Cited, Municipal Corporations—City Water—Excessive Consumption.

20 Misc. 136; (78 St. Rep. 882; 44 Supp. 882).

Brass v. Worth, 40 Barb. 648.

Cited, Guaranty—Departure—Ratification.

69 Hun, 364; (52 St. Rep. 695; 23 Supp. 627).

Brassell v. N. Y. C. & H. R. R. Co., 84 N. Y. 241.

Cited, Negligence—Contributory—Non-Exposure to Danger.

91 Hun, 36; (71 St. Rep. 398; 36 Supp. 110).

Negligence—Contributory—Duty to Look and Listen.

8 App. Div. 482; (75 St. Rep. 161; 40 Supp. 785).

Brassington v. Rohrs, 3 Misc. 258; 53 St. Rep. 171; 22 Supp. 761; 23 Civ. Pro. 146.

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Cited, Costs—Interlocutory Judgment.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 320).

Brassington v. Rohrs, 3 Misc. 262; 53 St. Rep. 252; 22 Supp. 1053.

Brater v. Andrews, 74 Hun, 640; 57 St. Rep. 206; 26 Supp. 918.

Brater v. Hopper, 77 Hun, 244; 60 St. Rep. 64; 28 Supp. 472.

Bratt, Matter of, 10 Misc. 491; 65 St. Rep. 247; 32 Supp. 168.

Braunsdorf, Matter of, 13 Misc. 666; 69 St. Rep. 652; 35 Supp. 298.

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Braunsdorf, Matter of, 2 App. Div. 73; 72 St. Rep. 764; 37 Supp. 229.

Braunsdorf v. Braunsdorf, 23 Supp. 722.

Bray, Matter of, 34 St. Rep. 641; 12 Supp. 366.

Cited, Criminal Law—Sentence—Fine and Imprisonment.

13 App. Div. 139; (77 St. Rep. 375; 43 Supp. 375).

Brayman v. Stephens, 79 Hun, 28; 61 St. Rep. 204; 29 Supp. 526.

Brayton v. N. Y. L. E. & W. R. Co., 72 Hun, 602; 54 St. Rep. 763; 25 Supp. 264.

Cited, Corporation—Agents—Service of Process.

78 Hun, 33; (60 St. Rep. 495; 28 Supp. 1030). 78 Hun, 298; (60 St. Rep. 241; 28 Supp. 960). 85 Hun, 406; (66 St. Rep. 478; 132 Supp. 994). 12 Misc. 479, 482; (67 St. Rep. 381, 384; 33 Supp. 680, 682).

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75 Hun, 487; (57 St. Rep. 372; 27 Supp. 474).

Brayton v. Sherman, 119 N. Y. 623; 28 St. Rep. 854.

Cited, Appeal—Case—Statement as to Completeness of Evidence—Review of Facts.

4 Misc. 188; (53 St. Rep. 177; 23 Supp. 884). 4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681). 7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377). 150 N. Y. 361.

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4 Misc. 142; (53 St. Rep. 130; 23 Supp. 778).

Breck v. Cole, 4 Sandf. 79.

Cited, Composition with Creditors—Secret Advantage.

66 Hun, 35; (49 St. Rep. 433; 20 Supp. 781). 142 N. Y. 410; (59 St. Rep. 797).

Breck v. Ringle, 36 St. Rep. 619; 13 Supp. 501.

Cited, Evidence—Declarations—Of Agents.

69 Hun, 44; (52 St. Rep. 830; 23 Supp. 443).

Breckenridge Co. v. Perkins, 140 N. Y. 638; 55 St. Rep. 931.

Breckenridge Co. v. Perkins, 14 App. Div. 629; 77 St. Rep. 800; 43 Supp. 800.

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Breed v. Padgett, 14 Week. Dig. 574.

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11 Misc. 87; (66 St. Rep. 197; 32 Supp. 815; 24 Civ. Pro. 215).

Breen v. Lennon, 10 App. Div. 36; 75 St. Rep. 1095; 41 Supp. 705.

Breen v. Locke, 46 Hun, 291.

Cited, Colonial Grants—Bed of Stream—Ownership.

14 Misc. 476, 477; (70 St. Rep. 361; 35 Supp. 844).

Breen v. New York Central R. Co., 109 N. Y. 297; 14 St. Rep. 835.

Cited, Evidence — Sufficiency — Negligence.

5 Misc. 268; (27 Supp. 897). 16 App. Div. 154; (78 St. Rep. 743; 44 Supp. 743).

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4 Misc. 166; (53 St. Rep. 198; 23 Supp. 791). Evidence—Presumption—Negligence.

5 Misc. 304; (25 Supp. 756). 87 Hun, 360; (68 St. Rep. 315; 34 Supp. 383). 14 Misc. 505; (70 St. Rep. 714; 35 Supp. 1069). 3 App. Div. 17; (73 St. Rep. 551; 37 Supp. 932). 7 App. Div. 407; (39 Supp. 1017). 17 Misc. 594; (75 St. Rep. 82; 40 Supp. 679).

Breen v. Rives, 78 St. Rep. 672; 44 Supp. 672.

Breen v. Union R. Co., 9 App. Div. 122; 41 Supp. 164.

Breese v. Bange, 2 E. D. Smith, 474.

Cited, Sale—On Execution—Effect of Reversal of Judgment.

10 Misc. 397; (63 St. Rep. 412; 31 Supp. 128).

Breese v. United S. Telegraph Co., 48 N. Y. 132.

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6 Misc. 224; (56 St. Rep. 530; 26 Supp. 534). 3 App. Div. 23; (73 St. Rep. 552; 37 Supp. 933; 3 Ann. Cas. 124). 16 Misc. 349; (74 St. Rep. 314; 38 Supp. 59; 3 Ann. Cas. 133). 3 App. Div. 64; (38 Supp. 1058; 3 Ann. Cas. 129).

Brehm v. Great Western R. Co., 34 Barb. 256.

Cited, Negligence—Concurrent.

90 Hun, 193; (70 St. Rep. 654; 35 Supp. 940).

Brehm v. New York, 104 N. Y. 186; 5 St. Rep. 661.

Cited, Limitation of Action—When Statute Runs—Demand Note.

70 Hun, 160; (53 St. Rep. 919; 24 Supp. 205).

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77 Hun, 37; (59 St. Rep. 442; 28 Supp. 229).

Limitation of Action — Suspension by Death.

11 Misc. 231; (66 St. Rep. 557; 32 Supp. 1102). 149 N. Y. 69.

Breil v. Buffalo, 144 N. Y. 163; 62 St. Rep. 863.

Cited, Negligence—Obstruction—Notice.

92 Hun, 341; (72 St. Rep. 332; 36 Supp. 927). 9 App. Div. 539; (75 St. Rep. 1020; 41 Supp. 634). 152 N. Y. 226.

Breiman v. Paasch, 7 Abb. N. C. 249.

Cited, Married Women—Enticement of Husband—Action by Wife.

11 App. Div. 22; (77 St. Rep. 80; 43 Supp. 80).

Bremiller v. Buffalo, R. & P. R. Co., 90 Hun, 226; 70 St. Rep. 221; 35 Supp. 561.

Brendon v. Worley, 8 Misc. 253; 59 St. Rep. 237; 28 Supp. 557.

Cited, Association—Officers—Term and Rights of.

20 Misc. 186; (79 St. Rep. 859; 45 Supp. 859).

Evidence—Parol—To Explain By-laws.

10 Misc. 748; (64 St. Rep. 623; 31 Supp. 816).

Brenen v. North, 7 App. Div. 79; 39 Supp. 975; 25 Civ. Pro. 398.

Cited, Submission—Costs—Agreement to Waive.

79 St. Rep. 1107; (45 Supp. 1107).

Brennan v. Brennan, 50 St. Rep. 260; 21 Supp. 195.

Brennan v. Brighton Beach R. Ass'n., 56 Hun, 188; 30 St. Rep. 406; 9 Supp. 220.

Cited, Horse Racing—Pool Selling—Legality.

8 Misc. 201; (58 St. Rep. 837; 28 Supp. 534). 77 Hun, 406; (60 St. Rep. 45; 28 Supp. 813). D. 87 Hun, 255; (67 St. Rep. 433; 33 Supp. 760).

Horse Racing—Associations—Wagers.

3 Misc. 434; (52 St. Rep. 510; 23 Supp. 299).

Brennan v. Brooklyn Heights R. Co., 12 Misc. 570; 67 St. Rep. 605; 33 Supp. 852.

Brennan v. Buffalo, 8 Misc. 178; 61 St. Rep. 326; 29 Supp. 750.

Brennan v. Buffalo, 13 App. Div. 453; 77 St. Rep. 597; 43 Supp. 597.

Duplicate Citations in Parenthesis.

Brennan v. Chapin, 46 St. Rep. 768; 19 Supp. 237.

Cited, Money Paid—Necessity of Request.
4 Misc. 239; (53 St. Rep. 635; 24 Supp. 762).

Brennan v. Ellis, 70 Hun, 472; 53 St. Rep. 624; 24 Supp. 426.

Brennan v. Gellick, N. Y. Law Journal, Apr. 29, 1892; 30 Abb. N. C. 166.

Cited, Blasting—As Nuisance per se.
2 Misc. 317; (50 St. Rep. 581; 21 Supp. 1023; 30 Abb. N. C. 166).

Brennan v. Gordon, 118 N. Y. 489; 29 St. Rep. 829.

Cited, Master and Servant—Negligence—Failure to Instruct.

15 Misc. 253; (71 St. Rep. 467; 36 Supp. 417). 12 App. Div. 59; (76 St. Rep. 1108; 42 Supp. 1108).

Brennan v. Hall, 131 N. Y. 160.

Cited, Appeal—Leave to Intervene—Discretion.

150 N. Y. 280; (3 Ann. Cas. 250).

Brennan v. Lachat, 14 Daly, 197; 6 St. Rep. 278.

Cited, Evidence — Negligence — Change after Accident.

12 Misc. 415, 419; (67 St. Rep. 573, 576; 33 Supp. 704, 706). 12 Misc. 419; (67 St. Rep. 576; 33 Supp. 706).

Brennan v. New York, 51 St. Rep. 617; 22 Supp. 304.

Brennan v. N. Y. C. & H. R. R. Co., 30 St. Rep. 378; 8 Supp. 716.

Cited, Injunction—Necessity of Irreparable Damage.

67 Hun, 308; (50 St. Rep. 900; 22 Supp. 316).

Brennan v. Schreiner, 20 Supp. 130; 28 Abb. N. C. 481.

Cited, Injunction—Motion for Continuance—Questions Postponed till Trial.

21 Supp. 108.

Master and Servant—Independent Contractor—Torts.

6 Misc. 342; (56 St. Rep. 245; 26 Supp. 905).

Brennan v. Security L. I. & A. Co., 4 Daly, 296.

Cited, Interests—Sales—Rights of Vendor to.

7 Misc. 7; (57 St. Rep. 81; 27 Supp. 324).

Trial—Verdict—Interest—Correction.

7 Misc. 7; (57 St. Rep. 81; 27 Supp. 325).

Brenneman, Matter of, 86 Hun, 289; 67 St. Rep. 44; 33 Supp. 302.

Cited, Trust Fund—Misapplication—Election by Beneficiary.

20 Misc. 539.

Bresky v. Third Ave. R. Co., 16 App. Div. 83; 79 St. Rep. 108; 45 Supp. 108.

Breslin, Matter of, 45 Hun, 210; 10 St. Rep. 80; 26 Week. Dig. 521.

Cited, Statutes—Construction — Contemporaneous History.

4 Misc. 554; (54 St. Rep. 207; 24 Supp. 743).

Breslin v. Peck, 38 Hun, 623.

Cited, Judgment—Against Parties Jointly — Payment by One—Effect.

92 Hun, 337; (72 St. Rep. 710; 37 Supp. 411).

Brett v. Catlin, 47 Barb. 404.

Cited, Witness—Credibility—Effect on — Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937).

Brett v. Harlan & Hollingsworth Co., 83 Hun, 555; 65 St. Rep. 8; 31 Supp. 1113.

Breuchaud v. New York, 61 Hun, 564; 41 St. Rep. 158; 16 Supp. 347.

Cited, Pleading—Mechanic's Lien—What Must be Alleged.

14 Misc. 113; (69 St. Rep. 620; 35 Supp. 244). 16 Misc. 103; (38 Supp. 571).

Brevoort v. Brevoort, 70 N. Y. 136.

Cited, Vendor and Purchaser—Defective Title—Irregularities in Judgment.

19 Misc. 273; (78 St. Rep. 254; 44 Supp. 254).

Brevoort v. Brooklyn, 89 N. Y. 128.

Cited, Taxes—Assessment Roll—Defective Verification.

11 Misc. 205; (65 St. Rep. 158; 32 Supp. 101). 30 Supp. 302.

Brevoort v. Grace, 53 N. Y. 245.

Cited, Afterborn Children — Protecting Rights.

136 N. Y. 17; (49 St. Rep. 22).

Infants—Power of Legislature Over Real Property.

79 Hun, 324; (61 St. Rep. 406; 29 Supp. 462). D. 79 Hun, 326; (61 St. Rep. 408; 29 Supp. 464). D. 11 App. Div. 369; (76 St. Rep. 927; 42 Supp. 927). 149 N. Y. 467. 147 N. Y. 572; (70 St. Rep. 339).

Judicial Sale — Protecting Contingent Rights of Strangers to Suit.

49 St. Rep. 22.

Brewer, Matter of, 43 Hun, 597.

Cited, Executors and Administrators—Duty as to Repairing—Paying Taxes, etc.

23 Supp. 1045.

Trustees—Right to Apply to Court for Instruction.

9 App. Div. 456; (47 Supp. 356).

Duplicate Citations in Parenthesis.

Brewer v. Ford, 54 Hun, 116; 26 St. Rep. 888; 7 Supp. 244.

Cited, Sale—Conditional—Default—Remedies of Vendor.

85 Hun, 127; (66 St. Rep. 215; 32 Supp. 594). 12 Misc. 545; (67 St. Rep. 273; 33 Supp. 611). 91 Hun, 372; (70 St. Rep. 836; 36 Supp. 184).

Brewer v. Ford, 59 Hun, 17; 35 St. Rep. 967; 12 Supp. 619.

Cited, Sale—Conditional—Default—Remedies of Vendor.

91 Hun, 372; (70 Supp. 836). 36 Supp. 184.

Brewer v. Ford, 126 N. Y. 643.

Cited, Sale—Conditional—Default—Vendor's Remedies.

91 Hun, 372; (70 St. Rep. 836; 36 Supp. 184).

Brewer v. Press Publishing Co., 20 Misc. 509.

Brewer v. Temple, 15 How. 286.

Cited, Pleading—Misjoinder of Causes of Action.

6 App. Div. 173; (39 Supp. 1029).

Brewer v. Tucker, 13 Abb. 76.

Cited, Receivers—Corporations—Vacation of Attachment.

4 Misc. 447; (53 St. Rep. 520; 24 Supp. 332).

Attachment—Affidavit upon Information and Belief.

17 Misc. 243; (40 Supp. 1067).

Attachment—Defective Affidavit—Auxiliary Proof.

17 Misc. 243; (40 Supp. 1066).

Brewerton v. Harris, 1 Johns. 145.

Cited, Set-off—Judgments.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Brewster v. Balch, 41 Super. 63.

Cited, Executors—Bond of—Construction—As to Liability of Surety.

12 Misc. 327; (67 St. Rep. 342; 33 Supp. 637).

Brewster v. Bates, 81 Hun, 294; 62 St. Rep. 744; 30 Supp. 780.

Brewster v. Carnes, 103 N. Y. 556; 4 St. Rep. 264.

Cited, Agency—Authority—Contracts—Modification.

70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281).

Mortgage—Assignment—Record of—Notice.

61 St. Rep. 340; (39 Supp. 828; 31 Abb. N. C. 313). 84 Hun, 537; (65 St. Rep. 855; 32 Supp. 733). 15 App. Div. 250; (78 St. Rep. 174; 44 Supp. 174).

Principal and Agent—Powers of Agent—To Receive Payment—Discharging Indebtedness.

75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533). 7 Misc. 459; (25 Supp. 88).

Recording Act—Conveyances—What Are. 86 Hun, 609; (67 St. Rep. 512; 33 Supp. 766).

Brewster v. Cropsey, 4 How. 219.

Cited, Sale—By Sheriff—Subsequently Received Executions.

147 N. Y. 164; (69 St. Rep. 424; 2 Ann. Cas. 359).

Brewster v. Countryman, 12 Wend. 446.

Cited, Contract—Interpretation—Indemnity.

79 Hun, 567; (61 St. Rep. 590; 29 Supp. 902).

Brewster v. Hatch, 122 N. Y. 349; 33 St. Rep. 527.

Cited, Fraud—Misrepresentations of promoters of Corporation—Liability.

72 Hun, 341; (55 St. Rep. 59; 25 Supp. 436).

Brewster v. Michigan C. R. Co., 5 How. 183.

Cited, Writ and Process—Service—Corporations—Managing Agent.

29 Supp. 1094. D. 60 St. Rep. 360; (28 Supp. 961).

Brewster v. Silence, 8 N. Y. 207.

Cited, Contracts—Guaranty—Consideration of.

80 Hun, 67; (61 St. Rep. 604; 29 Supp. 853).

Landlord and Tenant—Lease—Signer Unnamed in—Joint Liability.

71 Hun, 539; (54 St. Rep. 916; 24 Supp. 1082).

Pleading—Misjoinder of Causes of Action—Demurrer.

7 Misc. 470; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 358).

Brewster v. Silliman, 38 N. Y. 423.

Cited, Replevin—Damages.

11 Misc. 59; (63 St. Rep. 441; 31 Supp. 838). 8 App. Div. 421; (75 St. Rep. 237; 41 Supp. 846).

Brewster v. Stewart, 3 Wend. 441.

Discredited, Costs—Consolidation of Actions.

3 Misc. 112; (52 St. Rep. 213; 23 Supp. 683; 23 Civ. Pro. 89; 3 Abb. N. C. 133).

Brewster v. Syracuse, 19 N. Y. 116.

Cited, Statutes—Remedial—When May be Enacted.

92 Hun, 208; (71 St. Rep. 555; 36 Supp. 524).

*Duplicate Citations in Parenthesis.***Brewster v. Van Camp**, 8 Supp. 588.

Cited, Attachment—Affidavit—Information Derived From Another.

18 Misc. 643; (77 St. Rep. 776; 43 Supp. 776).

Brewster v. Wooster, 131 N. Y. 473;

43 St. Rep. 657.

Contract—Rescission—Effect.

D. 2 Misc. 371; (51 St. Rep. 213; 22 Supp. 378; 30 Abb. 15).

Brewster v. Wooster, 56 St. Rep. 844; 26 Supp. 912.

Affirmed, 141 N. Y. 570; 57 St. Rep. 867.

Brewster v. Wooster, 8 Misc. 29; 59 St. Rep. 382; 28 Supp. 654.**Brewster v. Wooster**, 9 Misc. 690; 62 St. Rep. 123; 30 Supp. 546; 24 Civ. Pro. 83**Briant v. Trimmer**, 47 N. Y. 96.

Cited, Appeal — Rulings on Evidence—Burden to Show Error.

1 Misc. 174; (48 St. Rep. 683; 20 Supp. 654). 9 Misc. 166; (60 St. Rep. 636; 29 Supp. 722). 10 Misc. 183; (62 St. Rep. 490; 30 Supp. 939). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Briardy v. Queens County, 65 St. Rep. 661; 32 Supp. 475.**Brice v. Bauer**, 108 N. Y. 428; 13 St. Rep. 765; 22 Week. Dig. 273.

Cited, Animals—Injuries by Vicious—Knowledge.

140 N. Y. 226; (55 St. Rep. 412.) 83 Hun, 114; (63 St. Rep. 853; 31 Supp. 370). 13 App. Div. 4; (77 St. Rep. 130; 43 Supp. 130). 17 App. Div. 140, 145; (79 St. Rep. 157, 160; 45 Supp. 157, 160).

Dogs—Vicious—Presumption from Biting. 5 App. Div. 605; (75 St. Rep. 126; 40 Supp. 729).

Evidence—Relevancy—Offer of Compromise.

4 Misc. 298; (53 St. Rep. 429; 23 Supp. 1030).

Brice v. Cayuga County, Supervisors of, 20 Barb. 294.

Cited, Counties—Claims Against—Liability.

69 St. Rep. 624; (36 Supp. 657).

Brick, Matter of, 15 Abb. 12.

Cited, Probate Courts—Early History.

89 Hun, 365; (69 St. Rep. 789; 35 Supp. 403; 25 Civ. Pro. 135).

Brick v. Brick, 66 N. Y. 144.

Cited, Appeal—Surrogate's Decree—Extent of Review—Improper Evidence.

71 Hun, 500; (54 St. Rep. 899; 24 Supp. 1057).

Evidence of Undue Influence Upon Testator—Circumstantial.

3 Misc. 576; (23 Supp. 759).

Wills—Undue Influence—Proof.

71 Hun, 503; (54 St. Rep. 899; 24 Supp. 1060). 54 St. Rep. 238.

Wills—Execution—Eccentricities.

18 Misc. 155; (75 St. Rep. 1448, 41 Supp. 1100).

Wills—Undue Influence—What Sufficient to Avoid Will.

1 Misc. 260; (22 Supp. 1061). 15 Misc. 316; (73 St. Rep. 439; 37 Supp. 762). 4 App. Div. 5; (73 St. Rep. 793; 33 Supp. 332). 13 App. Div. 119; (79 St. Rep. 616; 45 Supp. 616).

Brick v. Campbell, 122 N. Y. 337; 33 St. Rep. 520.

Cited, Insurance—On Husband's Life—Assignment.

73 Hun, 280; (58 St. Rep. 74; 26 Supp. 375). 86 Hun, 529, 530, 532; (67 St. Rep. 688, 689, 691; 33 Supp. 913, 915). 150 N. Y. 272.

Insurance—On Husband for Wife—Nature as Property.

71 Hun, 396; (55 St. Rep. 33; 25 Supp. 27).

Brick v. Gannar, 36 Hun, 52.

Cited, Statutes—Construction—Resort to Title.

73 Hun, 278; (58 St. Rep. 73; 26 Supp. 374).

Brick v. Hornbeck, 19 Misc. 218.**Brick v. Rochester, N. Y. & P. R. Co.**, 98 N. Y. 211.

Cited, Master and Servant—Fellow Servant—Superiority.

71 Hun, 589; (55 St. Rep. 115; 24 Supp. 1106).

Master and Servant—Risks Assumed—Incidental to Employment.

6 Misc. 93; (56 St. Rep. 838; 26 Supp. 19).

Master and Servant—Safe Place to Work—What Is.

12 Misc. 376; (65 St. Rep. 784; 33 Supp. 564).

Brick Presbyterian Church, Matter of, 3 Edw. Ch. 155.

Cited, Cemeteries and Churches—Pew Holders and Owners of Burial Lots—Estate of.

80 Hun, 271, 274; (62 St. Rep. 33, 35; 30 Supp. 159, 161).

Dead Bodies—Rights of Relatives Over.

11 Misc. 43; (63 St. Rep. 469; 21 Supp. 869).

Duplicate Citations in Parenthesis.

Brick Presbyterian Church v. New York, 5 Cow. 538.

Cited, Cemeteries—Removals and Interments—Legislative Control Over.

80 Hun, 269; (62 St. Rep. 32; 30 Supp. 158).

Covenants—Performance Made Impossible by Legislature—Excuse.

19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381)

Corporations—By-Laws—Force.

17 Misc. 557; (75 St. Rep. 98; 40 Supp. 693).

Brickell v. N. Y. C. & H. R. R. Co., 12 St. Rep. 450.

Affirmed, 120 N. Y. 290.

Cited, Railroads—Negligence—Contributory—Driving Across Track.

4 App. Div. 498; (38 Supp. 669).

Brickell v. N. Y. C. & H. R. R. Co., 120 N. Y. 290; 30 St. Rep. 932.

Cited, Negligence — Contributory — Of Driver—Imputation to Passenger.

73 Hun, 570; (56 St. Rep. 153; 26 Supp. 322). 88 Hun, 477; (69 St. Rep. 43; 34 Supp. 982). 3 App. Div. 372; (73 St. Rep. 701; 38 Supp. 207). 4 App. Div. 499; (38 Supp. 669).

Brickner v. N. Y. C. R. Co., 2 Lans. 506.

Cited, Master and Servant—Negligence—Fellow Servant.

D. 3 App. Div. 616; (74 St. Rep. 395; 38 Supp. 98).

Bridenbecker v. Lowell, 32 Barb. 9.

Cited, Debtor and Creditor—Marshaling Securities.

92 Hun, 398; (71 St. Rep. 858; 36 Supp. 765).

Bridenbecker v. Mason, 16 How. 203.

Cited, Costs—Offer of Judgment—Mechanic's Lien—Application to Court as Affecting.

7 Misc. 530; (27 Supp. 1003).

Bridge v. Johnson, 5 Wend. 342.

Cited, Pleading—General Issue—Set Off. 142 N. Y. 245; (58 St. Rep. 770). D. 142 N. Y. 256; (58 St. Rep. 778).

Bridge v. National Life Ass'n, 11 Misc. 658; 67 St. Rep. 297; 33 Supp. 553.

Affirmed, 1 App. Div. 630.

Bridge v. Payson, 5 Sandf. 210.

Cited, Pleading — Defenses — How Set Forth.

67 St. Rep. 591; (33 Supp. 690; 24 Civ. Pro. 347).

Bridgen v. Osmun, 92 Hun, 378; 72 St. Rep. 298; 36 Supp. 1025.

Bridgeport City Bank v. Empire Stone Dressing Co., 3 Barb. 421.

Cited, Corporations—Banking—Powers—Accommodation Indorsements Without Consideration.

90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Bridgeport F. & M. Ins. Co. v. Wilson, 34 N. Y. 275.

Cited, Indemnity—Notice of Suit—Judgment—Evidence of—Conclusiveness.

79 Hun, 568; (61 St. Rep. 590; 29 Supp. 993). 13 Misc. 71; (68 St. Rep. 193; 34 Supp. 151).

Evidence—Documentary—Damages by Ejectment—Judgment Roll.

66 Hun, 159; (49 St. Rep. 138).

Judgment—Conclusiveness—Agreement to Abide.

2 App. Div. 583; (74 St. Rep. 414; 37 Supp. 1117; 3 Ann. Cas. 119).

Bridger v. Goldsmith, 3 Misc. 535; 52 St. Rep. 409; 23 Supp. 9.

Affirmed, 143 N. Y. 424; 62 St. Rep. 435.

Bridger v. Goldsmith, 143 N. Y. 424; 62 St. Rep. 435.

Cited, Sale—Fraud—Estoppel.

D. 10 App. Div. 61; (75 St. Rep. 1346; 41 Supp. 970).

Bridger v. Pierson, 45 N. Y. 601.

Cited, Contracts—Construction—Concomitants.

49 St. Rep. 246; (20 Supp. 957). 2 Misc. 367; (51 St. Rep. 210; 23 Supp. 375; 30 Abn. N. C. 11).

Deeds — Reservation — For Benefit of Stranger.

60 St. Rep. 320.

Deeds—Reservations—Construction.

148 N. Y. 429.

Bridger v. Weeks, 30 N. Y. 328.

Cited, Trial—Findings by Court or Referee—Separate Findings of Fact.

21 Supp. 754.

Bridges v. Hyatt, 2 Abb. 449.

Cited, Evidence—Secondary—Sufficient Proof of Loss of Instrument.

71 St. Rep. 579; (36 Supp. 664).

Bridges v. Hyatt, 16 N. Y. 546.

Cited, Witness—Party in Interest—Assignor of Claim.

18 Misc. 25; (75 St. Rep. 1005; 41 Supp. 611).

Bridges v. Sullivan County, Board of Supervisors of, 92 N. Y. 570.

Cited Counties—Railroad Taxes.

71 Hun, 424; (54 St. Rep. 389; 24 Supp. 966).

Duplicate Citations in Parenthesis.

Taxes—Railroad—Right of Bonded Town To.

136 N. Y. 285; (49 St. Rep. 342). 137 N. Y. 175; (50 St. Rep. 378).

Counties—Action Against—Misappropriation of Funds.

89 Hun, 584, 587; (69 St. Rep. 641; 35 Supp. 286, 288). 11 App. Div. 229; (77 St. Rep. 149; 43 Supp. 149).

Bridges v. Wyckoff, 67 N. Y. 130.

Cited, **Easement—How Acquired—Extent Of.**

135 N. Y. 346; (48 St. Rep. 69).

Highways—Dedication—Necessity of Acceptance.

67 Hun, 550; (51 St. Rep. 102; 23 Supp. 492).

Bridgford, Matter of, 65 Hun, 227; 20 Supp. 281.

Cited, **Taxes—Illegal Assessment—Injunction to Restrain Collection.**

6 App. Div. 275; (39 Supp. 782).

Bridgford v. Crocker, 3 T. & C. 273.

Cited, **Trial—Reception of Evidence—Exceptions.**

69 Hun, 17; (52 St. Rep. 553; 23 Supp. 217).

Bridgford v. Crocker, 60 N. Y. 627.

Cited, **Action—Election of Remedies—Conversion.**

4 Misc. 150; (53 St. Rep. 118; 23 Supp. 687).

Sale—Executory—Breach by Vendee—Vendor's Remedies—Damages.

82 Hun, 525; (64 St. Rep. 391; 31 Supp. 705).

Briel v. Buffalo, 68 Hun, 219; 52 St. Rep. 292; 22 Supp. 845.

Reversed, 144 N. Y. 163; 62 St. Rep. 863.

Briel v. Buffalo, 144 N. Y. 163; 62 St. Rep. 863.

Cited, **Municipal Corporations—Streets—Obstruction—Notice.**

90 Hun, 93; (69 St. Rep. 864; 35 Supp. 360).

Briel v. Buffalo, 90 Hun, 93; 69 St. Rep. 864; 35 Supp. 359.

Briesen v. Long Island R. Co., 31 Hun, 112.

Cited, **Railroads—Noise—Damages.**

83 Hun, 145; (64 St. Rep. 267; 31 Supp. 631).

Brigden v. Osmun, 11 Misc. 232; 64 St. Rep. 448; 32 Supp. 782.

Brigg v. Hilton, 11 Daly, 335.

Affirmed, 99 N. Y. 517.

Cited, **Sale—Executory—Warranty—Effect of Acceptance of Goods.**

10 Misc. 648; (65 St. Rep. 217; 32 Supp. 122).

Brigg v. Hilton, 99 N. Y. 517.

Cited, **Evidence—Parol Concerning Writings—Collateral Parol Agreement.**

2 Misc. 256; (50 St. Rep. 340; 21 Supp. 930). 73 Hun, 312, 313; (53 St. Rep. 63; 26 Supp. 377). 10 Misc. 459; (64 St. Rep. 34; 31 Supp. 458). 84 Hun, 500; (65 St. Rep. 473; 32 Supp. 316). 85 Hun, 74; (66 St. Rep. 29; 32 Supp. 616). 151 N. Y. 568.

Sale—By Sample—Warranty—Acceptance—Right to Recover Damages.

81 Hun, 131; (62 St. Rep. 634; 30 Supp. 680). D. 140 N. Y. 203; (55 St. Rep. 582).

Trial—Verdict—Amendment by Court.

7 Misc. 507; (60 St. Rep. 172; 28 Supp. 495). 10 App. Div. 477; (76 St. Rep. 7; 42 Supp. 7).

Appeal—Irregular Judgment—Correction.

7 App. Div. 71; (39 Supp. 959). 19 Misc. 170.

Briggs v. Allen, 4 Hill, 538.

Cited, **Costs—When Allowed.**

135 N. Y. 271; (48 St. Rep. 108).

Briggs v. Austin, 129 N. Y. 208; 41 St. Rep. 378.

Cited, **Fraudulent Conveyances—Who Can Assail.**

67 Hun, 147; (51 St. Rep. 742; 22 Supp. 226).

Briggs v. Boyd, 56 N. Y. 289.

Cited, **Brokers—Commissions—Quantum Meruit.**

2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975).

Payment—Under Duress—Recovery.

11 Misc. 55; (63 St. Rep. 450; 31 Supp. 855).

Briggs v. Carroll, 50 Hun, 536; 20 St. Rep. 552; 3 Supp. 686.

Affirmed, 117 N. Y. 288; 27 St. Rep. 468.

Cited, **Wills—Legacies—When Charged on Lands.**

24 Supp. 878; (30 Abb. N. C. 234). 81 Hun, 118; (62 St. Rep. 675; 30 Supp. 690).

Briggs v. Carroll, 117 N. Y. 288; 27 St. Rep. 468.

Cited, **Wills—Legacies—Charge on Land.**

81 Hun, 118; (62 St. Rep. 675; 30 Supp. 690). 146 N. Y. 34; (65 St. Rep. 777). 89 Hun, 556; (69 St. Rep. 730; 35 Supp. 343). 14 Misc. 410, 413; (71 St. Rep. 506, 508; 36 Supp. 449, 450). 2 App. Div. 150; (73 St. Rep. 415; 37 Supp. 829).

Briggs v. Davis, 20 N. Y. 15.

Cited, **Trust—Alienability.**

3 Misc. 532; (53 St. Rep. 490; 23 Supp. 331).

*Duplicate Citations in Parenthesis.***Briggs v. Easterly**, 62 Barb. 51.

Cited, Corporations—Liability for Failure to File Annual Report—Availability.

81 Hun, 270; (62 St. Rep. 765; 30 Supp. 802; 1 Ann. Cas. 58).

Corporations—Liability of Directors—Delinquent Director.

11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Briggs v. Gardner, 60 Hun, 544; 15 Supp. 335.

Cited, Witness—Cross-examination—Scope.

7 App. Div. 587; (40 Supp. 308).

Briggs v. Jones, 8 Misc. 261; 59 St. Rep. 393; 28 Supp. 709.

Affirmed, 149 N. Y. 577.

Cited, Agency—Liability—Acts of Agent. 14 Misc. 326; (70 St. Rep. 682; 35 Supp. 1057).

Conversion—Demand.

19 Misc. 47; (76 St. Rep. 520; 42 Supp. 520).

Briggs v. Kennett, 8 Misc. 264; 59 St. Rep. 395; 28 Supp. 540.

Affirmed, 149 N. Y. 577.

Cited, Agency—Authority—Liability of Principal—Estoppel.

19 Misc. 179.

Briggs v. Knickerbocker Ice Co., 11 Misc. 197; 65 St. Rep. 152; 32 Supp. 95.**Briggs v. Langford**, 107 N. Y. 680; 12 St. Rep. 461.

Cited, Mortgage—Rights of Assignee—Equities.

67 Hun, 116; (51 St. Rep. 196; 22 Supp. 53). 20 Misc. 295; (79 St. Rep. 750; 45 Supp. 750).

Evidence—Parol—To Show Want of Consideration.

145 N. Y. 661, 666; (71 St. Rep. 313, 316).

Evidence—Declarations—To Show Equities.

81 Hun, 303; (62 St. Rep. 751; 30 Supp. 788).

Briggs v. Mackellar, 2 Abb. 30.

Cited, Common Councils—Investigations—Examination of Witnesses on—Scope.

16 Misc. 136; (74 St. Rep. 546; 38 Supp. 956).

Briggs v. N. Y. C. R. Co., 28 Barb. 515.
Cited, Carriers—Delay in Transportation Damages.

11 Misc. 689; (67 St. Rep. 359; 32 Supp. 571).

Briggs v. N. Y. C. & H. R. R. Co., 72 N. Y. 26.

Cited, Negligence—Non-compliance with Statute.

49 St. Rep. 852; (21 Supp. 723).

Railroads—Crossings—Signals.

49 St. Rep. 57.

Briggs v. Ottman, 15 Daly: 46; 20 St. Rep. 151; 3 Supp. 49.

Cited, Contracts—Performance—Presumption of Future.

3 Misc. 548; (52 St. Rep. 484; 23 Supp. 328).

Briggs v. Oliver, 68 N. Y. 336.

Cited, Chattel—Action to Foreclose Lien On—Equity Jurisdiction.

D. 2 App. Div. 289; (37 Supp. 903).

Creditors—Action by—Conditions Precedent.

10 Misc. 692; (65 St. Rep. 100; 31 Supp. 1005; 1 Ann. Cas. 340).

Briggs v. Partridge, 64 N. Y. 357.

Cited, Action—Parties—On Bond to Agents.

137 N. Y. 494; (51 St. Rep. 202).

Bills and Notes—Negotiation—Ostensible Parties.

139 N. Y. 311; (51 St. Rep. 591). 17 Misc. 647; (40 Supp. 195).

Evidence—Parol—Agency—Undisclosed Principal.

7 Misc. 634; (58 St. Rep. 327; 28 Supp. 37).

81 Hun, 478; (63 St. Rep. 191; 30 Supp. 998).

32 Hun, 177; (63 St. Rep. 777; 31 Supp. 328).

87 Hun, 62; (67 St. Rep. 885; 33 Supp. 1015).

16 Misc. 86; (73 St. Rep. 252; 37 Supp. 671).

13 App. Div. 564; (77 St. Rep. 814; 43 Supp. 814).

10 App. Div. 133; (75 St. Rep. 1062; 41 Supp. 674).

151 N. Y. 262.

Principal and Agent—Agent's Authority—Negotiable Paper.

24 Supp. 797.

Evidence—Parol—Modification—Sealed Instrument.

5 Misc. 300; (56 St. Rep. 727; 25 Supp. 469).

Briggs v. Penniman, 8 Cow. 387.

Cited, Equity—Jurisdiction—Corporate Debts—Multiplicity of Action.

79 Hun, 105; (61 St. Rep. 182; 29 Supp. 637).

Briggs v. Rowe, 1 Abb. Ct. App. Dec. 189.

Cited, Brokers—Commissions—Procuring Cause.

17 Misc. 615; (75 St. Rep. 86; 40 Supp. 632).

Briggs v. Thompson, 86 Hun, 607; 67 St. Rep. 511; 33 Supp. 765.

Duplicate Citations in Parenthesis.

Briggs v. Waldron, 83 N. Y. 582.

Cited, Direction of Verdict.
20 Misc. 680.

Briggs v. Wells, 12 Barb. 567.

Cited, Judgment—Conclusiveness—Ejectment.

75 Hun, 401; (57 St. Rep. 689; 27 Supp. 446).

Briggs v. Wheeler, 16 Hun, 583.

Cited, Appeal—Objections to Evidence—What Available.

2 Misc. 97; (49 St. Rep. 711; 20 Supp. 847). 7 Misc. 190; (57 St. Rep. 538; 27 Supp. 330). 12 Misc. 61; (66 St. Rep. 684; 33 Supp. 50).

Witness—Impeachment—Contradiction.

12 Misc. 59; (66 St. Rep. 683; 33 Supp. 49).

Brigham v. Gott, 3 Supp. 518.

Cited, Action—Legal or Equitable—Necessity of Equitable Relief.

5 App. Div. 585; (39 Supp. 379).

Bright v. Canadian International

S. Y. & A. Co., 83 Hun, 483; 65 St. Rep. 234; 32 Supp. 71.

Bright v. Chenango County Super's of, 18 Johns. 242.

Cited, Municipal Corporations—Officers—Payment in Excess of Salary.

10 Misc. 132; (62 St. Rep. 500; 30 Supp. 909). 14 Misc. 277; (76 St. Rep. 426; 35 Supp. 759).

Bright v. Currie, 5 Sandf. 433; 10 Leg. Obs. 204.

Cited, Discovery and Inspection—Of Papers of Adversary.

2 Misc. 170; (49 St. Rep. 618; 21 Supp. 619).

Brighton Board of Health v. Rochester, 1 Supp. 725.

Cited, Statutes—Repeal—Effect on Cause of Action.

90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891).

Brill v. Tuttle, 81 N. Y. 451.

Cited, Assignment—Equitable—Orders.

2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981). 69 Hun, 557; (53 St. Rep. 392; 24 Supp. 636). 141 N. Y. 496; (57 St. Rep. 586) 10 Misc. 310; (63 St. Rep. 537; 31 Supp. 286). 85 Hun, 508; (66 St. Rep. 700; 33 Supp. 93). 13 Misc. 646; (69 St. Rep. 143; 34 Supp. 917). D. 15 App. Div. 294; (78 St. Rep. 169; 44 Supp. 169). 17 App. Div. 447; (79 St. Rep. 170; 45 Supp. 170).

Brill v. Wright, 112 N. Y. 129; 20 St. Rep. 305.

Cited, Wills—Devise and Legacy—Charges on Real Estate.

8 Misc. 195; (59 St. Rep. 481; 29 Supp. 1084). 81 Hun, 118; (62 St. Rep. 675; 30 Supp. 690). 89 Hun, 556; (69 St. Rep. 730; 35 Supp. 343). 18 Misc. 147; (75 St. Rep. 451; 41 Supp. 1103).

Wills—Construction—Circumstances of Testator.

5 Misc. 172; (25 Supp. 724). 146 N. Y. 34; (65 St. Rep. 776).

Brinckerhoff v. Bostwick, 34 Hun, 352.

Cited, 83 Hun, 551; (65 St. Rep. 49; 31 Supp. 1071).

Brinckerhoff v. Bostwick, 43 Hun, 458.

Cited, Corporations—Action against Directors—Legal or Equitable.

83 Hun, 551; (65 St. Rep. 49; 31 Supp. 1072).

Brinckerhoff v. Bostwick, 88 N. Y. 52.

Cited, Corporations—Action by Stockholders on Corporate Demands.

66 Hun, 98; (49 St. Rep. 410; 20 Supp. 774).

Corporation—Action by Stockholder against Directors for Mismanagement—Demand that Company Bring.

71 Hun, 44; (54 St. Rep. 299; 24 Supp. 516). 72 Hun, 390; (55 St. Rep. 67; 25 Supp. 563; 31 Abb. N. C. 36). 142 N. Y. 193; (58 St. Rep. 304; 31 Abb. N. C. 307). 59 St. Rep. 379; (28 Supp. 605). 147 N. Y. 246; (69 St. Rep. 525).

Corporations—Dissolution—Rights of Stockholder—Inaction of Trustees.

5 Misc. 264; (25 Supp. 330).

Corporations—Mismanagement by Directors—Action by Stockholder for—Parties.

11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1121). D. 90 Hun, 355, 358; (70 St. Rep. 655, 657; 35 Supp. 941, 943). 18 Misc. 160; (41 Supp. 1066)

Equity Jurisdiction—Against Directors of Corporations.

61 St. Rep. 471; (29 Supp. 974). 81 Hun, 193; (62 St. Rep. 705; 30 Supp. 76). 83 Hun, 550; (65 St. Rep. 48; 31 Supp. 1071). 91 Hun, 612; (71 St. Rep. 192; 36 Supp. 355). D. 6 App. Div. 515, 516; (39 Supp. 710, 711).

Corporations—Banking—Care Required of Directors.

81 Hun, 189; (62 St. Rep. 703; 30 Supp. 753).

Duplicate Citations in Parenthesis.

Brinckerhoff v. Bostwick, 99 N. Y. 185.

Cited, Corporations—Directors—Action by Stockholders for Mismanagement of—Limitation.

83 Hun, 550; (65 St. Rep. 48; 31 Supp. 1071).

Corporations—Mismanagement by Directors—Action by Stockholder—Parties.

81 Hun, 123; (62 St. Rep. 658; 30 Supp. 702; 1 Ann. Cas. 29).

Corporations—Directors—Liability to Stockholders for Mismanagement.

81 Hun, 193; (62 St. Rep. 705; 30 Supp. 761).

Equitable Action—Against Directors of Corporations for Mismanagement.

83 Hun, 551; (65 St. Rep. 49; 31 Supp. 1071). D. 6 App. Div. 515, 516, 517; (39 Supp. 710, 711).

Corporations—Trust Relation—Between Directors and Stockholders.

18 Misc. 160; (41 Supp. 1066).

Action—By One in Behalf of Others—Right to Discontinue.

85 Hun, 103; (66 St. Rep. 37; 32 Supp. 634).

Brinckerhoff v. Bostwick, 105 N. Y. 567; 8 St. Rep. 196.

Cited, Corporations—Directors—Action for Mismanagement—Legal or Equitable.

143 N. Y. 382, 383; (62 St. Rep. 345, 346). 81 Hun, 193, 194; (62 St. Rep. 705, 706; 30 Supp. 761). 83 Hun, 549, 550, 551; (65 St. Rep. 47, 48, 49; 31 Supp. 1070, 1071, 1072). 6 App. Div. 512; (39 Supp. 708). D. 6 App. Div. 515, 516; (39 Supp. 710, 711). 18 Misc. 160, 163; (41 Supp. 1066, 1068). 11 App. Div. 520; (77 St. Rep. 43; 43 Supp. 43).

Brinckerhoff v. Lansing, 4 Johns. Ch. 65.

Cited, Estoppel—Equitable—Representations—Title to Land—Failure to Consult Records.

71 Hun, 417; (54 St. Rep. 378; 24 Supp. 951).

Brinckerhoff v. Lawrence, 2 Sandf. Ch. 400.

Cited, Deeds—Delivery—What Constitutes.

79 Hun, 525; (61 St. Rep. 595; 29 Supp. 908).

Brink v. Hanover Fire Ins. Co., 80 N. Y. 108.

Cited, Insurance—Conditions—Waiver.

140 N. Y. 28; (55 St. Rep. 382). 75 Hun, 88; (57 St. Rep. 743; 27 Supp. 158). 80 Hun, 602; (61 St. Rep. 721; 29 Supp. 1126). 10

Misc. 174; (62 St. Rep. 509; 30 Supp. 1049). 12 App. Div. 44; (76 St. Rep. 543; 42 Supp. 543). 11 App. Div. 538; (76 St. Rep. 650; 42 Supp. 650). 150 N. Y. 195).

Estoppel—Inconsistent Positions.

7 App. Div. 473; (39 Supp. 1109).

Brink v. Home Ins. Co., 2 App. Div. 122; 73 St. Rep. 326; 37 Supp. 628.

Brink v. Republic F. Ins. Co., 2 T. & C. 550.

Cited, Reference—What Issues Referable.

52 St. Rep. 934; (25 Supp. 1128).

Brinkerhoff v. Brown, 6 Johns. Ch. 139.

Cited, Actions—Multiplicity of Suits.

79 Hun, 96; (61 St. Rep. 143; 29 Supp. 665). 81 Hun, 193; (62 St. Rep. 706; 30 Supp. 761). 18 Misc. 162; (41 Supp. 1067).

Fraudulent Transaction—Action Attacking—Parties.

92 Hun, 25; (72 St. Rep. 831; 37 Supp. 886). 2 App. Div. 38; (73 St. Rep. 232; 37 Supp. 578). 8 App. Div. 45; (40 Supp. 456). 90 Hun, 358; (35 Supp. 942).

Brinkerhoff v. Brown, 4 Johns. Ch. 671.

Cited, Creditors—Action to Set Aside Fraudulent Conveyance—Conditions Precedent.

10 Misc. 356; (63 St. Rep. 416; 31 Supp. 27).

Brinkerhoff v. Sartwell, 85 Hun, 557; 66 St. Rep. 786; 33 Supp. 162.

Brinkley v. Brinkley, 47 N. Y. 40.

Cited, Appeal—Premature—Alternative Contempt Order.

71 Hun, 13; (53 St. Rep. 853; 24 Supp. 546).

Contempt—Punishment for—Alternate Order—Demand.

80 Hun, 77; (61 St. Rep. 768; 30 Supp. 17).

Contempt—Special Proceeding—Appeal.

67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 119).

Contempt—Refusal of Benefit of Proceedings.

145 N. Y. 138; (64 St. Rep. 546).

Contempt—Proceedings in Punishment.

19 Misc. 421; (77 St. Rep. 1138; 43 Supp. 1138).

Brinkley v. Brinkley, 50 N. Y. 184.

Cited, Husband and Wife—Divorce—Alimony—Disputed Marriage.

4 Misc. 449; (54 St. Rep. 159; 24 Supp. 336).

Brinkley v. Brinkley, 56 N. Y. 192.

Cited, Statutes—Construction—"Must."

90 Hun, 42; (70 St. Rep. 132; 35 Supp. 520; 25 Civ. Pro. 178).

Duplicate Citations in Parenthesis.

Brinkman v. Eisler, 26 St. Rep. 94; 7 Supp. 193.

Affirmed, 40 St. Rep. 865; 16 Supp. 154.

Cited, Contracts—For Act Prohibited by Statute—Enforcement.

77 Hun, 47; (59 St. Rep. 72; 28 Supp. 462).

Brisay v. Star Company, 13 Misc. 349; 69 St. Rep. 472; 35 Supp. 99.

Brisbane v. Adams, 3 N. Y. 129.

Cited, Contracts—Validity—Public Policy—Preventing Competition.

9 Misc. 185; (60 St. Rep. 646; 29 Supp. 579).

Brisbane v. Adams, 1 Sandf. 195.

Cited, New Trial—New Evidence—Cumulative.

16 Misc. 124; (38 Supp. 830).

Brisbane v. Brisbane 20 Hun, 48.

Cited, Examination Before Trial.

10 Misc. 447; (64 St. Rep. 20; 31 Supp. 467).

Brisbane v. Brisbane, 34 Hun, 339; 5 Civ. Pro. 352.

Cited, Pleadings—Striking Out—For Disobedience.

84 Hun, 348; (65 St. Rep. 554). 6 App. Div. 590; (39 Supp. 805).

Brisbane v. Macomber, 56 Barb. 375.

Cited, Courts—Inferior—Jury—Compliance with Statute.

10 Misc. 750; (64 St. Rep. 621; 31 Supp. 813).

Brisbane v. Pratt, 4 Den. 63.

Cited, Evidence—Declarations—Of Assignor of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598). 87 Hun, 556; (69 St. Rep. 462; 35 Supp. 143). 15 Misc. 292; (72 St. Rep. 430; 36 Supp. 986).

Briscoe v. Litt, 19 Misc. 5.

Cited, Appeal—Exceptions.

19 Misc. 167.

Bristol v. Equitable Life Assurance Society, 132 N. Y. 264.

Cited, Injunction—Trade Secrets—Employees.

79 Hun, 194. D. 4 App. Div. 589; (74 St. Rep. 830; 38 Supp. 1019).

Briscoe v. Litt, 18 Misc. 742; (75 St. Rep. 1472; 41 Supp. 1107).

Cited, Appeal—Review of Verdict.

19 Misc. 11; (76 St. Rep. 869; 42 Supp. 869).

Briscoe v. Litt, 19 Misc. 5; 76 St. Rep. 908; 42 Supp. 908.

Cited, Appeal—Error—Exception.

19 Misc. 483; (77 St. Rep. 1071; 43 Supp. 1071). 20 Misc. 86; (79 St. Rep. 91; 45 Supp.

91). 19 Misc. 502; (78 St. Rep. 27; 44 Supp. 27). 20 Misc. 297; (79 St. Rep. 760; 45 Supp. 760). 19 Misc. 115.

Appeal—Error—Waiver.

19 Misc. 503; (78 St. Rep. 28; 44 Supp. 28).

Brissell, Matter of, 16 App. Div. 137; 79 St. Rep. 122; 45 Supp. 122.

Bristed v. Harrell, 20 Misc. 348; 79 St. Rep. 918; 45 Supp. 918.

Bristol v. Burt, 7 Johns. 254.

Cited, Conversion—When Lies—Exercise of Dominion.

3 App. Div. 559; (38 Supp. 415).

Bristor v. Burr, 120 N. Y. 427; 31 St. Rep. 566.

Cited, Assault—Degree of Force—Justification.

80 Hun, 245; (61 St. Rep. 632; 28 Supp. 1039). 77 St. Rep. 1156; (43 Supp. 1156).

Ejectment—Servant or Agent.

151 N. Y. 496.

Bristor v. McBean, 1 App. Div. 217; 72 St. Rep. 658; 37 Supp. 181.

British C. Life Ins. Co. v. Commissioners of Taxes and A. for N. Y. City, 1 Keyes, 303.

Cited, Taxes—Assessment—Foreign Corporations.

141 N. Y. 121; (56 St. Rep. 588).

Britt v. Alexander, 15 Week. Dig. 444.

Cited, Master and Servant—Negligence—Fellow Servants.

17 Misc. 98; (39 Supp. 428).

Brittan v. Peabody, 4 Hill, 61.

Cited, Action—Change of Venue—Affidavits—Necessity of Witnesses.

70 Hun, 518; (53 St. Rep. 616; 24 Supp. 132). 72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629). 77 Hun, 13; (59 St. Rep. 831; 28 Supp. 280).

Britton v. Bohde, 85 Hun, 449; 66 St. Rep. 162; 32 Supp. 882.

Britton v. Frink, 3 How. 102.

Cited, Moneys Paid—Recovery.

20 Misc. 335; (79 St. Rep. 935; 45 Supp. 935).

Britton v. Hill, 1 Hilt. 528.

Cited, Bills and Notes—Rights of Transferees After Dishonor.

4 Misc. 72; (53 St. Rep. 128; 23 Supp. 786). 16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

Britton v. Lorenz, 45 N. Y. 51.

Cited, Evidence—Confidential Communications.

72 Hun, 497; (54 St. Rep. 773; 25 Supp. 270). 18 Misc. 550; (41 Supp. 1005).

Duplicate Citations in Parenthesis.

Britton v. Macdonald, 3 Misc. 514; 52 St. Rep. 494; 23 Supp. 350.

Depositions—Examination of Defendant—Before Trial.

7 Misc. 5; (57 St. Rep. 79; 27 Supp. 331). 7 Misc. 76; (57 St. Rep. 462; 27 Supp. 354). 15 Misc. 414; (72 St. Rep. 33; 25 Civ. Pro. 195).

Brizzee, Matter of, 63 St. Rep. 499; 31 Supp. 177.

Broad v. Hoffman, 6 Barb. 177.

Cited, Brokers—Commissions—Statutory Limitation.

79 St. Rep. 419; (45 Supp. 419).

Broadbelt v. Loew, 15 App. Div. 343; 78 St. Rep. 159; (44 Supp. 159).

Broadhead v. Lycoming Ins. Co., 14 Hun, 452.

Cited, Insurance—Policy—Warranty—Waiver—Knowledge of Agent.

78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252).

Broadhead v. Lycoming Ins. Co., 23 Hun, 397.

Cited, Insurance—Warranty—Waiver—Knowledge of Agent.

78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252). 7 App. Div. 580; (40 Supp. 304).

Broadway Savings Inst. v. Pelham, 83 Hun, 96; 63 St. Rep. 814; 31 Supp. 402.

See, 148 N. Y. 737.

Broadway Savings Inst. v. Pelham, 148 N. Y. 737.

Broadway & Seventh Ave. R. Co., Matter of, 69 Hun, 275; 53 St. Rep. 38; 23 Supp. 609.

Broadway & Seventh Ave. R. Co., Matter of, 73 Hun, 7; 57 St. Rep. 108; 25 Supp. 1080.

Cited, Condemnation Proceedings—Pleadings—Issues—How Tried.

86 Hun, 347; (67 St. Rep. 616; 33 Supp. 946).

Broadway & Seventh Ave. R. Co. v. Metzger, 39 St. Rep. 846; 15 Supp. 662.

Cited, Agents—Authority—Delegation.

5 Misc. 416; (55 St. Rep. 392; 25 Supp. 760). 9 Misc. 497; (61 St. Rep. 100; 30 Supp. 225).

Broadway Surface R. Co., Matter of, 34 Hun, 414.

Cited, Street Railways—Right of Way—Consent of Abutters—Commission.

68 Hun, 238; (52 St. Rep. 297; 22 Supp. 820).

Broadway Widening, Matter of, 63 Barb. 572.

Cited, Statutes—Construction—Public Officers—Time for Official Action.

67 Hun, 180; (51 St. Rep. 452; 22 Supp. 420). 144 N. Y. 411; (63 St. Rep. 650).

Condemnation Proceedings—Award—Review.

8 App. Div. 295; (40 Supp. 949).

Broadwell v. Holcomb, 65 How. 502.

Cited, Landlord and Tenant—Summary Proceedings—Stay.

2 Misc. 187; (49 St. Rep. 718; 21 Supp. 767; 23 Civ. Pro. 36). 20 Misc. 193; (76 St. Rep. 1052; 44 Supp. 1052).

Broat, Matter of, 6 Misc. 445; 56 St. Rep. 780; 27 Supp. 176.

Cited, Voters and Elections—Rival Factions—Recognition—Weight Given to by Court.

81 Hun, 406; (63 St. Rep. 125; 30 Supp. 967). D. 9 App. Div. 242; (41 Supp. 504).

Brock v. Aspenleiter, 70 Hun, 98; 53 St. Rep. 534; 23 Supp. 1099.

Brock v. Barnes, 40 Barb. 521.

Cited, Action—Parties—On Contract Made by Agent.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Brock v. Knower, 37 Hun, 609.

Cited, Sale—Breach—Damages.

89 Hun, 59; (63 St. Rep. 837; 34 Supp. 1002).

Brockport v. Johnston, 13 Abb. N. C. 468.

Cited, Injunctions—Ordinances—Remedy at Law.

75 Hun, 609; (59 St. Rep. 616; 27 Supp. 600).

Brockway, Matter of, 12 Misc. 240; 67 St. Rep. 893; 34 Supp. 42.

Brockway v. Burnap, 16 Barb. 369.

Cited, R-plevin—Parting with Possession.

88 Hun, 20; (68 St. Rep. 293; 34 Supp. 509).

Brockway v. Allen, 17 Wend. 40.

Cited, Bills and Notes—Made by Agent—Personal Liability.

63 Hun, 143; (48 St. Rep. 573; 20 Supp. 972).

Broderick v. Smith, 3 Lans. 26.

Cited, Executors and Administrators—Limitation of Action on Claims—Notice of Rejection—Necessity of.

1 Misc. 11; (48 St. Rep. 513; 20 Supp. 663).

Duplicate Citations in Parenthesis.

Brodhead, Matter of, 78 St. Rep. 357; 44 Supp. 357.

Broezel v. Buffalo, 6 Supp. 723.

Cited, Taxation — For Improvements — Power of Assessors to Determine Property Benefited.

90 Hun, 121; (70 St. Rep. 401; 35 Supp. 637).

Broistedt v. South Side R. Co., 55 N. Y. 220.

Cited, Trespass—Continuous—Relief by Injunction.

3 App. Div. 238; (73 St. Rep. 841; 38 Supp. 420).

Trespass—Relief—Determination of Legal Rights and Injunction.

17 App. Div. 281; (79 St. Rep. 679; 45 Supp. 679).

Broistedt v. Breslin, 5 St. Rep. 67.

Affirmed, 105 N. Y. 682.

Cited, Judgment—Confession—Statement—Sufficiency.

4 App. Div. 218; (73 St. Rep. 593; 38 Supp. 543).

Broistedt v. Breslin, 105 N. Y. 682.

Cited, Judgment — Confession — Statement.

151 N. Y. 539.

Broman v. Young, 35 Hun, 173.

Cited, Liens — Repairs to Mortgaged Chattel.

2 Misc. 195; (49 St. Rep. 573; 21 Supp. 265).

Brommer, Matter of, 60 St. Rep. 234; 28 Supp. 907.

Bronk v. Bareckley, 13 App. Div. 72; 77 St. Rep. 400; 43 Supp. 400.

Bronk v. Riley, 50 Hun, 489; 20 St. Rep. 401; 3 Supp. 446.

Cited, Injunction — When Granted — Necessity.

8 Misc. 479; (59 St. Rep. 875; 29 Supp. 581; 31 Abb. N. C. 339).

Injunctions—Temporary—Jurisdiction.

78 Hun, 165; (60 St. Rep. 202; 28 Supp. 987). 6 App. Div. 124; (39 Supp. 894).

Bronner v. Frauenthal, 37 N. Y. 166.

Cited, Trial—Reception of Evidence—Irresponsible Answers—Remedy.

141 N. Y. 69; (56 St. Rep. 599).

Bronner v. Loomis, 17 Hun, 439.

Cited, Chattel Mortgage—Bona fides.

14 Misc. 3; (69 St. Rep. 298; 35 Supp. 182).

Bronner v. Walter, 15 App. Div. 295; 78 St. Rep. 583; 44 Supp. 583.

Bronner Brick Co. v. M. M. Canda Co., 18 Misc. 631; 42 Supp. 14.

Bronson, Matter of, 1 App. Div. 546; 73 St. Rep. 203; 37 Supp. 476.

Reversed, 150 N. Y. 1; 3 Ann. Cas. 167.

Bronson, Matter of, 78 Hun, 351; 60 St. Rep. 725; 29 Supp. 112.

Cited, Examination Before Trial—Affidavit—Upon Information and Belief.

83 Hun, 343; (64 St. Rep. 736; 31 Supp. 966). 85 Hun, 419; (66 St. Rep. 206; 32 Supp. 889; 2 Ann. Cas. 57). 12 Misc. 211; (67 St. Rep. 891; 34 Supp. 25).

Bronson, Matter of, 150 N. Y. 1; 3 Ann. Cas. 167.

Cited, Transfer Tax—Property Subject to. 20 Misc. 531.

Transfer tax — Personalty — Vesting of Title in Foreign Executor.

79 St. Rep. 885; (45 Supp. 885).

Brouson v. Brouson, 67 Hun, 237; 50 St. Rep. 775; 22 Supp. 96.

Bronson v. Bronson, 48 How. 481.

Cited, Wills—Bequest—Vesting.

3 App. Div. 611; (73 St. Rep. 774; 38 Supp. 405).

Bronson v. Dimock, 4 Hun, 614.

Cited, Corporations—Liability For Failure to File Annual Report—Availability.

81 Hun, 270; (62 St. Rep. 765; 30 Supp. 802; 1 Ann. Cas. 58). 11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Bronson v. Forty-second St. M. & St. N. A. R. Co., 50 St. Rep. 740; 21 Supp. 695.

Bronson v. Gutches, 17 App. Div. 204; 79 St. Rep. 487; 45 Supp. 487.

Bronson v. Munson, 29 Hun, 54.

Cited, Limitation of Action—When Statute Runs — Money Received by Agent—Knowledge of Principal.

141 N. Y. 218; (56 St. Rep. 822). 1 Misc. 420; (49 St. Rep. 454; 20 Supp. 842).

Limitation of Action—When Statute Begins to Run.

16 Misc. 318; (39 Supp. 394; 25 Civ. Pro. 405).

Bronson v. Tuthill, 1 Abb. Ct. App. Dec. 206.

Cited, New Trial—Incompetent Evidence—Insufficient Defense.

1 App. Div. 389; (72 St. Rep. 634; 37 Supp. 295).

Bronx Gas & Electric Co. v. N. Y., 17 Misc. 433; 41 Supp. 358.

Brooke v. Tradesmen's National Bank, 68 Hun, 129; 52 St. Rep. 31; 22 Supp. 633.

Duplicate Citations in Parenthesis

Brooke v. Tradesmen's National Bank, 69 Hun, 202; 53 St. Rep. 595; 23 Supp. 802.

Brooker v. Filkins, 7 Misc. 390; 57 St. Rep. 564; 27 Supp. 918.

Brooker v. Filkins, 9 Misc. 146; 59 St. Rep. 735; 29 Supp. 68.

Affirming, 5 Misc. 595; 55 St. Rep. 167; 25 Supp. 514.

Cited, Appeal.
13 Misc. 168; (68 St. Rep. 96; 34 Supp. 112).

Trial—Summing Up—Reference to Outside Matters.

20 Misc. 304; (79 St. Rep. 805; 45 Supp. 805).

Brookhaven Highway Commissioners, Matter of, 74 Hun, 46; 26 Supp. 293.

Affirmed, 60 St. Rep. 874.

Brookhaven, Trustees of, v. Smith, 118 N. Y. 634; 30 St. Rep. 105.

Cited, Estoppel—Equitable—Title to Land.

67 Hun, 162; (51 St. Rep. 526; 22 Supp. 326).

Estoppel—By Declarations or Conduct—Equitable.

1 Misc. 71; (23 Supp. 143).

Estoppel—In Pais—Declarations.

49 St. Rep. 170; (31 Supp. 96). D. 16 App. Div. 125; (79 St. Rep. 133; 45 Supp. 133). 6 App. Div. 52; (39 Supp. 741).

Brookhaven, Trustees of, v. Strong, 60 N. Y. 56.

Cited, Waters—Land Under—Grant of Adjoining.

138 N. Y. 38; (51 St. Rep. 681). 15 App. Div. 269, 272; (78 St. Rep. 215, 217; 44 Supp. 215, 217).

Adverse Possession—Land Under Water.
5 App. Div. 429; (39 Supp. 252).

Brookline Nat. Bk. v. Moers, 79 St. Rep. 997; 45 Supp. 997.

Brooklyn, Matter of, 73 Hun, 499; 56 St. Rep. 232; 26 Supp. 198.

Affirmed, 143 N. Y. 596; 62 St. Rep. 809.

Brooklyn, Matter of, 10 Misc. 650; 65 St. Rep. 261.

Reversed, 88 Hun, 176; 34 Supp. 991.

Brooklyn, Matter of, 87 Hun, 54; 67 St. Rep. 485; 33 Supp. 869.

Brooklyn, Matter of, 88 Hun, 176; 34 Supp. 991.

Brooklyn, Matter of, 73 N. Y. 179.

Cited, Eminent Domain; Private Easements—Public Appropriation—Damages.

135 N. Y. 346; (48 St. Rep. 69). 141 N. Y. 301; (57 St. Rep. 410).

Brooklyn, Matter of, 143 N. Y. 596; 62 St. Rep. 809.

Cited, Corporations—Water Works—Exclusive Franchise.

16 App. Div. 505; (78 St. Rep. 878; 44 Supp. 878).

Corporations—Water Companies—Acquirement of Property of by Municipality.
148 N. Y. 111.

Brooklyn, Matter of, 148 N. Y. 107.

Brooklyn v. Breslin, 57 N. Y. 591.

Cited, Municipal Corporations—Regulation of Traffic—Hawkers and Peddlers.

2 Misc. 218; (51 St. Rep. 59; 21 Supp. 914).

Brooklyn v. Brooklyn City & N. R. Co., 11 App. Div. 168; 76 St. Rep. 371; 42 Supp. 371.

Cited, Appeal—Weight of Evidence—Reversal.

14 App. Div. 585; (77 St. Rep. 1102; 43 Supp. 1102).

Brooklyn v. Brooklyn City R. Co., 47 N. Y. 475.

Cited, Contracts—Performance—Satisfaction.

3 Misc. 370; (52 St. Rep. 435; 23 Supp. 348). 15 Misc. 29; (71 St. Rep. 495; 36 Supp. 445; 2 Ann. Cas. 342). 17 Misc. 145; (39 Supp. 345).

Municipal Corporations—Highways—Injuries In—Liability of Contractor.

81 Hun, 443; (63 St. Rep. 261; 30 Supp. 1125). 11 App. Div. 125; (76 St. Rep. 1041; 42 Supp. 1041).

Brooklyn v. Cleves, Lalor's, Supp. 231.

Cited, Municipal Corporations—Regulation of Traffic—Hawkers and Peddlers.

2 Misc. 218; (51 St. Rep. 59; 21 Supp. 914).

Brooklyn v. Franz. See Brooklyn, Matter of.

Brooklyn v. Furey, 9 Misc. 193; 61 St. Rep. 287; 30 Supp. 349.

Brooklyn v. Jourdan, 7 Abb. N. C. 25.

Cited, Corporations—Gas—Franchise—When Complete.

11 App. Div. 176; (76 St. Rep. 1072; 43 Supp. 1072).

Brooklyn v. Long Is. W. S. Co., 32 Supp. 182; 24 Civ. Pro. 117.

Brooklyn v. Long Is. W. S. Co., 69 St. Rep. 52; 34 Supp. 991; 25 Civ. Pro. 14.

Brooklyn v. Long Is. W. S. Co., 148 N. Y. 167.

Duplicate Citations in Parenthesis.

Brooklyn v. Mackay, 13 App. Div. 105; 76 St. Rep. 1063; 42 Supp. 1063.

Cited, Littoral Owners—Wharves—Right to Construct.

14 App. Div. 480; (77 St. Rep. 931; 43 Supp. 931).

Brooklyn v. Meserole, 26 Wend. 132.

Cited, Equity—Jurisdiction—Street Opening.

83 Hun, 179; (64 St. Rep. 287; 31 Supp. 657).

Brooklyn v. Toynbee, 31 Barb. 282.

Cited, Judgment—Conclusiveness—Civil Penalty—Criminal Prosecution.

6 Misc. 581; (57 St. Rep. 831; 27 Supp. 302). 19 Misc. 132.

Brooklyn Bank v. Degrauw, 23 Wend. 342.

Cited, Accord and Satisfaction—Necessity of Payment.

74 Hun, 236; (56 St. Rep. 368; 26 Supp. 460). 84 Hun, 321; (65 St. Rep. 583; 32 Supp. 377).

Accord and Satisfaction—Acceptance.

15 Misc. 220; (71 St. Rep. 590; 26 Supp. 789).

Brooklyn Bridge, Matter of, 75 Hun, 558; 59 St. Rep. 613; 27 Supp. 597.

Cited, Dower—Inchoate—Recognition and Protection.

84 Hun, 395; (65 St. Rep. 552; 32 Supp. 353).

Brooklyn Bridge, Matter of, 72 N.Y. 527.

Cited, Statutes—Construction—Legislative Intent.

19 Misc. 342; (78 St. Rep. 292; 44 Supp. 292).

Brooklyn C. R. Co. v. Strong, 75 N. Y. 591.

Cited, Witness—Credibility—Interest.

3 Misc. 244; (52 St. Rep. 138; 22 Supp. 942).

Brooklyn Elevated R. Co., Matter of, 76 Hun, 79; 57 St. Rep. 652; 27 Supp. 493.

Cited, Action—Stay—Pending Condemnation Proceedings.

89 Hun, 83; (69 St. Rep. 435).

Brooklyn Elevated R. Co., Matter of, 80 Hun, 355; 61 St. Rep. 845; 30 Supp. 131.

Cited, Appeal—Condemnation Proceedings—Review of Award.

6 App. Div. 575; (40 Supp. 329).

Brooklyn Elevated R. Co., Matter of, 87 Hun, 88; 33 Supp. 881.

Followed, 11 App. Div. 629; (41 Supp. 1107).

Cited, Condemnation Proceedings—Award—Extent of Review.

6 App. Div. 575; (40 Supp. 329). 79 St. Rep. 787; (45 Supp. 787).

Brooklyn Elevated R. Co., Matter of, 87 Hun, 104.

Brooklyn Elevated R. Co., Matter of, 125 N. Y. 434.

Cited, Corporations—Forfeiture of Franchise—Availability.

81 Hun, 256; (62 St. Rep. 714; 30 Supp. 771). 15 App. Div. 593; (78 St. Rep. 827; 44 Supp. 827).

Brooklyn Elevated R. Co., Matter of, 6 App. Div. 53; 39 Supp. 474.

Brooklyn Elevated R. Co., Matter of, 11 App. Div. 619; 4 Supp. 1107.

Brooklyn Elevated R. Co. v. Brooklyn, 2 App. Div. 98; 73 St. Rep. 177; 37 Supp. 560.

Brooklyn Elevated R. Co. v. Brooklyn, 16 Misc. 416; (73 St. Rep. 342; 38 Supp. 154).

Brooklyn Elevated R. Co. v. Brooklyn, 11 App. Div. 127; 76 St. Rep. 683; 42 Supp. 683.

Brooklyn Elevated R. Co. v. Flynn, 147 N. Y. 344; 69 St. Rep. 677.

Brooklyn Elevated R. Co. v. Flynn, 67 St. Rep. 652; 33 Supp. 974.

Brooklyn Elevated R. Co. v. Lewis, 67 St. R-p. 497; 33 Supp. 881.

Brooklyn Elevated R. Co. v. Nagel, 75 Hun, 590; 59 St. Rep. 161; 27 Supp. 669. *Affirmed*, 150 N. Y. 562.

Brooklyn Heights R. Co. v. Brooklyn, 152 N. Y. 244.

Brooklyn Masonic Relief Ass'n v. Hanson, 53 Hun, 149; 24 St. Rep. 704; 6 Supp. 161.

Cited, Insurance—Beneficiary of Benefit Certificate—Who are "Legal Heirs."

66 Hun, 301; (49 St. Rep. 340).

Brooklyn Oil Works v. Brown, 7 Abb. N. S. 382.

Cited, Adjournment—Diligence in Procuring Witness.

2 Misc. 182; (49 St. Rep. 720; 21 Supp. 583; 29 Abb N. C. 432; 23 Civ. Pro. 40) 13 Misc. 11; (67 St. Rep. 877; 33 Supp. 1008).

Brooklyn Park Com. v. Armstrong, 45 N. Y. 234.

Cited, Eminent Domain—Necessity of Exercise—Legislative Power.

16 App. Div. 511; (78 St. Rep. 932; 44 Supp. 932).

Marketable Title.

15 Misc. 384; (71 St. Rep. 586; 36 Supp. 672).

Duplicate Citations in Parenthesis.

Brooklyn S. T. Co. v. Brooklyn, 78 N. Y. 524.

Cited, Corporations—Franchise—Forfeiture—Delay.

8 Misc. 335; (52 St. Rep. 319; 23 Supp. 125). 143 N. Y. 72; (60 St. Rep. 460). 81 Hun, 255; (62 St. Rep. 714; 30 Supp. 771).

6 App. Div. 244; (39 Supp. 1006). 148 N. Y. 547.

Brooklyn Trust Co. v. Toler, 138 N. Y. 675; 53 St. Rep. 933.

Brooklyn, W. & N. R. Co. Matter of, 72 N. Y. 245.

Cited, Corporations—Franchise—Forfeiture—Delay.

3 Misc. 335; (52 St. Rep. 319; 23 Supp. 125). 6 App. Div. 245; (39 Supp. 1007). 148 N. Y. 547.

Brooklyn W. & N. R. Co., Matter of, 75 N. Y. 335.

Cited, Corporations—Franchise—Forfeiture—Delay.

3 Misc. 335; (52 St. Rep. 319; 23 Supp. 125).

Brooklyn & Rockaway Beach R. Co., v. Reid, 21 Hun, 273.

Cited, Action—Reference—Interposition of Counterclaim.

25 Civ. Pro. 378; (41 Supp. 226).

Brookman, Matter of, 11 Misc. 675; 67 St. Rep. 397; 33 Supp. 575.

Brookman v. Hamill, 43 N. Y. 554.

Cited, Judgment—Want of Jurisdiction—Availability on Appeal.

13 Misc. 243; (68 St. Rep. 15; 34 Supp. 59; 25 Civ. Pro. 261);

Brookman v. Kurzman, 94 N. Y. 272.

Cited, Deeds—Construction—Intent.

49 St. Rep. 471; (21 Supp. 92).

Deeds—Description—Construction.

73 Hun, 374; (55 St. Rep. 911; 26 Supp. 153). 15 Misc. 383; (71 St. Rep. 586; 36 Supp. 671). 9 App. Div. 469; (75 St. Rep. 1461; 41 Supp. 216).

Brookman v. Metcalf, 32 N. Y. 591.

Cited, Bills and Notes—Transferees—Bona fide Holders—Diversion.

74 Hun, 447; (57 St. Rep. 185; 26 Supp. 823). 10 Misc. 502; (65 St. Rep. 621; 31 Supp. 196).

Brookman v. Stetson, 13 Misc. 132; 68 St. Rep. 77; 34 Supp. 168.

Cited, Partnership—Holding Out as Partner—Liability.

16 Misc. 59; 73 St. Rep. 239; (37 Supp. 645).

Brook Ave., Matter of, 8 App. Div. 294; 40 Supp. 949.

Brooks, Matter of, 65 St. Rep. 255; 32 Supp. 176.

Cited, Transfer Tax—What Property Subject to.

10 Misc. 480; (65 St. Rep. 255; 32 Supp. 176).

Brooks v. Brooks, 4 Redf. 313.

Cited, Limitation of Action—When Action Barred—Executors—Income from Estate.

2 Misc. 283; (23 Supp. 974).

Brooks v. Curtis, 50 N. Y. 639.

Cited, Party Wall—Increase of Height by One Party—Liability for Fall

68 Hun, 294; (52 St. Rep. 284; 22 Supp. 987). 67 Hun, 316; (51 St. Rep. 439; 22 Supp. 132). 143 N. Y. 307, 308; (62 St. Rep. 3 3, 314).

Party Wall—Right to Remove and Rebuild.

67 Hun, 31; (50 St. Rep. 754; 21 Supp. 849).

Brooks v. Dick, 43 St. Rep. 37; 17 Supp. 259.

Affirmed, 135 N. Y. 652; 48 St. Rep. 555.

Cited, Bonds—Railroad.

49 St. Rep. 646; (20 Supp. 736).

Brooks v. Hanchett, 36 Hun, 70.

Cited, Pleading—Striking Out—When Motion to be Made.

68 Hun, 382; (51 St. Rep. 898; 22 Supp. 814).

Pleading—Motion to Make More Definite—Waiver.

13 App. Div. 125; (77 St. Rep. 60; 43 Supp. 60).

Brooks v. Harison, 91 N. Y. 83.

Cited, Libel—Malice—Injury to Feelings—As Element of Damages.

92 Hun, 520; (72 St. Rep. 201; 37 Supp. 48).

Brooks v. Hey, 23 Hun, 372.

Cited, Bills and Notes—Accommodation Maker—Diversion.

90 Hun, 117; (70 St. Rep. 517; 35 Supp. 652).

Brooks v. Kings County El. R. Co., 4 Misc. 288; 53 St. Rep. 452; 23 Supp. 1031.

Affirmed, 144 N. Y. 647; 64 St. Rep. 865.

Brooks v. Mexican N. C. Co., 49 Super. 234.

Cited, Courts—Superior Court of N. Y.—Jurisdiction—Foreign Corporations.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 383; 23 Civ. Pro. 108).

Duplicate Citations in Parenthesis.

Brooks v. Mexican N. C. Co., 50 Super. 281.

Cited, Courts—Superior Court of N. Y.—Jurisdiction—Foreign Corporations.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 383; 23 Civ. Pro. 108).

Brooks v. Mexican N. C. Co., 93 N. Y. 647.

Cited, Appeal—Discretionary Order.

14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1071). 16 Misc. 6; (73 St. Rep. 286; 37 Supp. 687).

Brooks v. Moore, 67 Barb. 393.

Cited, Appeal—Conflict of Evidence—Reversal.

92 Hun, 73; (71 St. Rep. 239; 36 Supp. 344).

Accord and Satisfaction—Disputed Claim.

19 Misc. 175; (77 St. Rep. 222; 43 Supp. 222).

Brooks v. Mortimer, 10 App. Div. 518; 76 St. Rep. 299; 42 Supp. 29.

Brooks v. New York, 12 Abb. N. C. 350.

Cited, Municipal Corporations—Relief of from Defaults in Actions.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

Brooks v. New York, 10 Supp. 773.

Cited, Judgment—Collateral Attack.

18 Misc. 554; (41 Supp. 877).

Brooks v. Rochester R. Co., 10 Misc. 88; 63 St. Rep. 508; 31 Supp. 179.

Cited, New Trial—Fraud upon Court and Jury.

12 App. Div. 411, 415; (76 St. Rep. 943, 946; (42 Supp. 943, 946). D. 12 App. Div. 420; (76 St. Rep. 949; 42 Supp. 949).

Brooks v. Schwerin, 54 N. Y. 343.

Cited, Damages—Personal Injuries—Married Women—Household Services.

71 Hun, 530; (55 St. Rep. 90; 24 Supp. 1089). 19 Misc. 509; (77 St. Rep. 1098; 43 Supp. 1098).

Husband and Wife—Services of Wife—Who Entitled to.

50 St. Rep. 622; (21 Supp. 1069). 79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431).

Highways—Use—Pedestrians.

2 Misc. 75; (49 St. Rep. 630; 21 Supp. 784).

Brooks v. Steen, 6 Hun, 516.

Cited, Trial—Weight of Evidence—Failure to Offer Evidence Upon Question.

11 Misc. 72; (66 St. Rep. 22; 32 Supp. 752). 12 App. Div. 193; (76 St. Rep. 829; 42 Supp. 829).

Brooks v. Tayntor, 17 Misc. 534; 40 Supp. 445.

Brooks v. Tayntor, 91 Hun, 338; 70 St. Rep. 822; 36 Supp. 246.

Cited, 17 Misc. 537; (40 Supp. 447).

Brooks v. Wilson, 53 Hun, 173; 26 St. Rep. 173; 6 Supp. 116.

Cited, Fraudulent Conveyance—Trust.

50 St. Rep. 103; (21 Supp. 870).

Fraudulent Conveyance—Rights of Parties to Transaction.

91 Hun, 71; (71 St. Rep. 89; 36 Supp. 176).

Brooks v. Wilson, 125 N. Y. 256.

Cited, Judgment—Conclusiveness.

4 App. Div. 58; (38 Supp. 630; 25 Civ. Pro. 337).

Broome v. Taylor, 76 N. Y. 564.

Cited, Pleading—Complaint—Facts Outside Instrument.

2 Misc. 297; (50 St. Rep. 329; 21 Supp. 929). 20 Misc. 699.

Broome v. Taylor, 9 Hun, 155.

Cited, Pleading—Time.

9 Hun, 496; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110).

Broome v. Van Hook, 1 Redf. 444.

Cited, Executors—Accounting—Money Advanced by Executors—Reimbursement.

5 Misc. 152; (25 Supp. 718). 10 App. Div. 597; (76 St. Rep. 136; 42 Supp. 136).

Broome v. Wellington, 1 Sandf. 664.

Cited, Attorneys—Parol Agreements Between.

146 N. Y. 279; (66 St. Rep. 629; 2 Ann. Cas. 85).

Brotherton v. Downey, 21 Hun, 436

Cited, Pleading—Denials—Forms.

16 Misc. 335; (39 Supp. 721).

Brotherton v. People, 75 N. Y. 159.

Cited, Trial—Charge to Jury—Form—Reasonable Doubt.

137 N. Y. 40; (50 St. Rep. 68).

Homicide—Defense of Insanity—Proof.

149 N. Y. 328.

Brouwer v. Harbeck, 9 N. Y. 589.

Cited, Corporations—Insolvency—What is.

81 Hun, 274; (62 St. Rep. 760; 30 Supp. 797). 4 App. Div. 151; (38 Supp. 578). 7 App. Div. 110.

Brouwer v. Jones, 23 Barb. 153.

Cited, Covenant—Creating Easement or Servitude—When Purchaser Take Subject to.

24 Supp. 788; (30 Abb. N. C. 269).

Duplicate Citations in Parenthesis.

Covenants—Running With Land—Plat—Common Building Restrictions—Availability.

74 Hun, 583; (57 St. Rep. 40; 26 Supp. 605). 148 N. Y. 672.

Brower v. Bowers, 1 Abb. Ct. App. Dec. 214.

Cited, Estoppel—Mutuality—Judgment. 66 Hun, 314; (49 St. Rep. 565; 20 Supp. 980).

Brower v. Brooklyn Trust Co, 50 St. Rep. 630; 21 Supp. 324.

Brower v. Kahn, 76 Hun, 68; 59 St. Rep. 629; 27 Supp. 592.

Brown, Matter of, 3 Civ. Pro. 39.

Cited, Executors and Administrators—Assignment of Legacy—Validity of—Determining on—Accounting.

68 Hun, 283; (52 St. Rep. 384; 22 Supp. 971).

Surrogate's Court—Jurisdiction—Validity of Assignment.

71 Hun, 343; (55 St. Rep. 22; 25 Supp. 5). 8 Misc. 581; (60 St. Rep. 691; 29 Supp. 1090; 24 Civ. Pro. 77).

Brown, Matter of, 5 Dem. 223.

Cited, Executors—Accounting—Sales—Commissions. 24 Supp. 96.

Brown, Matter of, 65 How. 461.

Cited, Judgment—Amendment. 9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Brown, Matter of, 38 St. Rep. 130; 14 Supp. 122.

Cited, Witnesses—Competency—Death of Other Party—Bystander—Interest.

68 Hun, 586; (52 St. Rep. 579; 23 Supp. 255).

Brown, Matter of, 66 St. Rep. 865; 33 Supp. 1125.

Brown, Matter of, 93 N. Y. 295.

Cited, Real Property—Remainder—Descendant.

66 Hun. 363; (50 St. Rep. 45; 21 Supp. 380).

Wills—Meaning of Words—Children—When Grandchildren Included.

140 N. Y. 605; (56 St. Rep. 493).

Wills—Construction—Ambiguity Affecting issue.

136 N. Y. 252; (49 St. Rep. 210). 3 Misc. 438; (52 St. Rep. 326; 23 Supp. 171). 81 Hun, 94; (62 St. Rep. 638; 30 Supp. 685). 11 Misc. 439; (67 St. Rep. 422; 33 Supp. 421). 18 App. Div. 215; (79 St. Rep. 958; 45 Supp. 958).

Brown, Matter of, 21 Wend. 316.

Cited, Attachment—Trustees—Powers.

81 Hun, 346; (63 St. Rep. 139; 30 Supp. 888).

Brown, Matter of, 19 Misc. 692; 78 St. Rep. 1096; 44 Supp. 1096.

Brown, Matter of, 31 Hun, 166.

Cited, Wills—Subscribing Witness a Beneficiary—Forfeiture—How Determined. 6 App. Div. 214; (39 Supp. 812).

Brown, Matter of, 47 Hun, 360.

Cited, Wills—Contesting—Who Entitled to.

4 App. Div. 431; (39 Supp. 509).

Brown, Matter of, 72 Hun, 160; 55 St. Rep. 517; 25 Supp. 694.

Cited, Guardians—Accounting—Liability on Bond.

85 Hun, 194; (65 St. Rep. 727; 32 Supp. 583).

Brown, Matter of, 91 Hun, 120; 71 St. Rep. 14; 36 Supp. 131.

Brown v. A. B. C. Fence Co., 52 Hun, 151; 23 St. Rep. 415; 5 Supp. 95.

Cited, Corporations—Dissolution—Preference—Wages of Employes—Who Are.

73 Hun, 332; (55 St. Rep. 907; 26 Supp. 212). 91 Hun, 315; (71 St. Rep. 558; 36 Supp. 527). 17 App. Div. 196; (79 St. Rep. 355; 45 Supp. 355). 79 St. Rep. 633; (45 Supp. 633).

Brown v. Allen, 73 Hun, 291; 57 St. Rep. 231; 26 Supp. 299.

Brown v. Allen, 88 Hun, 401; 68 St. Rep. 815; 34 Supp. 805.

Affirmed, 152 N. Y. 647.

Brown v. Balde, 3 Lans. 283.

Cited, Pleading—Action on Judgment—Denial—What in Issue.

17 Misc. 240; (39 Supp. 717)

Brown v. Barse, 3 App. Div. 257; 73 St. Rep. 769; 38 Supp. 400.

Cited, 10 App. Div. 444; (76 St. Rep. 307; 42 Supp. 307).

Brown v. Barse, 10 App. Div. 444; 76 St. Rep. 306; 42 Supp. 306.

Brown v. Bement, 8 Johns. 96.

Cited, Bill of Sale—Chattel Mortgage.

149 N. Y. 131.

Brown v. Blackman, 71 Hun, 356; 55 St. Rep. 15; 25 Supp. 15.

Affirmed, 151 N. Y. 670.

Brown v. Blydenburgh, 7 N. Y. 141.

Cited, Mortgage—Assignment—Rights of Assignee and Purchaser of Premises.

152 N. Y. 163.

*Duplicate Citations in Parenthesis.***Brown v. Bowen**, 30 N. Y. 519.*Cited*, Estoppel—Silence—Title.

69 Hun, 529; (52 St. Rep. 851).

Estoppel—What Constitutes—Question for Jury.

71 Hun, 448; (54 St. Rep. 547; 25 Supp. 14).

Estoppel—What Constitutes.

3 App. Div. 202; (73 St. Rep. 705; 38 Supp. 212). 7 App. Div. 499; (40 Supp. 232). 19 Misc. 67; (77 St. Rep. 172; 43 Supp. 172).

Presumption.

152 N. Y. 44.

Brown v. Bradshaw, 1 Duer, 199.*Cited*, New Trial—Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

Brown v. Broadway & S. Ave. R.

Co., 50 Super. 106.

Cited, Negligence—Contributory—Injury by Street Cars.

5 Misc. 427; (26 Supp. 713).

Brown v. Brown, 58 N. Y. 609.*Cited*, Appeal—Extent of Review—Power of Court Below to Amend Pleading.

9 Misc. 357; (60 St. Rep. 630; 29 Supp. 589).

Brown v. Brown, 34 Barb. 533.*Cited*, Evidence—Parol—Illegality of Contract.

5 Misc. 503; (26 Supp. 525).

Brown v. Brown, 1 Barb. Ch. 189.*Cited*, Executors—Foreign—Action Against—Equity Jurisdiction.

2 App. Div. 282; (72 St. Rep. 842; 37 Supp. 898).

Brown v. Brown, 6 Misc. 433; 58 St. Rep. 574; 27 Supp. 129.*Cited*, Association—Mutual Benefit—Beneficiary—Who May Be Designated.

17 Misc. 745; (41 Supp. 410).

Brown v. Brown, 40 Hun, 418.*Cited*, Rival Claimants—Payment to Wrong Party—Effect.

6 App. Div. 262; (39 Supp. 891).

Brown v. Brown, 79 Hun, 44; 61 St. Rep. 132; 29 Supp. 652.*Affirmed*, 150 N. Y. 574.**Brown v. Brown**, 83 Hun. 160; 64 St. Rep. 315; 31 Supp. 650.**Brown v. Buffalo Creek R. Co.**, 141 N. Y. 551; 57 St. Rep. 865.**Brown v. Buffalo, N. Y. & E. R. Co.**, 27 Hun, 342.*Cited*, Corporations—Stock and Stockholders—Rights of—Dividends—Actions to Enforce.

9 Misc. 595; (30 Supp. 870). 62 St. Rep. 238; 239; (30 Supp. 870, 871). 17 Misc. 726; (41 Supp. 447).

Brown v. Buffalo, R. & P. R. Co.,

4 App. Div. 465; 74 St. Rep. 149; 38 Supp. 655.

Brown v. Burnap, 17 App. Div. 129; (79

St. Rep. 149, 45 Supp. 149.

Brown v. Butchers & Drovers Bank, 6 Hill, 443.*Cited*, Bills and Notes—Fictitious Payee—Good Faith—Holder.

66 Hun, 616; (50 St. Rep. 919; 21 Supp. 927).

Contracts—Signature—Mode.

18 Misc. 216; (75 St. Rep. 903; 41 Supp. 509).

82 Hun, 178; (63 St. Rep. 777; 31 Supp. 328).

Brown v. Cady, 19 Wend. 477.*Cited*, Judgment—Of Inferior Court—Failure to Show—Jurisdictional Facts.

11 Misc. 454; (67 St. Rep. 419; 33 Supp. 417; 24 Civ. Pro. 431). 16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Brown v. Cayuga & Susquehanna R. Co., 12 N. Y. 486.*Cited* Railroads—Flooding of Lands—Nuisance—Liability.

75 Hun, 485; (57 St. Rep. 371; 27 Supp. 473).

Waters—Diversion.

75 Hun, 424; (57 St. Rep. 347; 27 Supp. 740).

Nuisance—Continuer—Liability.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 182). 16 Misc. 611; (74 St. Rep. 819; 38 Supp. 1008).

Brown v. Chadsey, 39 Barb. 253.*Cited*, Pleading—Answer—False Imprisonment—Justification—Necessity of Pleading.

2 Misc. 130; (49 St. Rep. 117; 20 Supp. 853).

Brown v. Champlin, 66 N. Y. 214.*Cited*, Pleading—Legal Effect of Facts.

1 App. Div. 133; (73 St. Rep. 57; 37 Supp. 845).

Brown v. Chubb, 135 N. Y. 174; 47 St. Rep. 828.

Duplicate Citations in Parenthesis.

Brown v. Clark, 77 N. Y. 369.

Cited, Constitution and Statutes—Abrogation—Change of Policy.

135 N. Y. 496; (47 St. Rep. 712).

Wills—Probate—Attestation Clause—Defective Memory of Witnesses.

58 St. Rep. 802; (27 Supp. 964). 17 Misc. 191; (75 St. Rep. 384; 40 Supp. 983). 16 App. Div. 139; (79 St. Rep. 123; 45 Supp. 123).

Will—Incorporation of Previous Instrument.

139 N. Y. 235; (54 St. Rep. 602). 90 Hun, 141; (70 St. Rep. 261; 35 Supp. 800). 153 N. Y. 265.

Wills—Revocation—Revival by Codicil.

51 St. Rep. 518; (23 Supp. 282).

Will—Revocation—Subsequent Marriage.

139 N. Y. 476; (54 St. Rep. 730).

Wills—Codicil—As Constituting One Instrument.

11 Misc. 677; (67 St. Rep. 399; 33 Supp. 576). 11 App. Div. 343; (76 St. Rep. 152; 42 Supp. 152).

Brown v. Clark, 81 Hun, 267; 62 St. Rep.

764; 30 Supp. 801; 1 Ann. Cas. 55.

Cited, Corporations—Discontinuance of Business—Annual Report.

87 Hun, 604; (68 St. Rep. 637; 34 Supp. 545)

Brown v. Central Nat. Bank, 39 Supp. 1121.

Brown v. Coddington, 72 Hun, 147; 55 St. Rep. 515; 25 Supp. 649.

Brown v. Colie, 1 E. D. Smith, 265.

Cited, Judgment—Amendment—Power and Time of.

23 Supp. 750; (23 Civ. Pro. 95).

Brown v. Cook, 9 Johns. 361.

Cited, Bailment—Necessity of Demand.

20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Brown v. Curtiss, 2 N. Y. 225.

Cited, Contracts—Statute of Frauds—Guaranty.

74 Hun, 113; (56 St. Rep. 381; 26 Supp. 362).

Guaranty—Construction—Original Undertaking.

79 Hun, 440; (61 St. Rep. 459; 29 Supp. 1026).

Brown v. Dean, 83 Hun, 613; 31 Supp. 1126.

Brown v. Delafield, 1 Den. 445.

Cited, Limitation of Action—Joint Debtors—Suspension—By Acts of One.

81 Hun, 298; (62 St. Rep. 746; 30 Supp. 783).

Brown v. Dennison, 15 App. Div. 525; 78 St. Rep. 535; 44 Supp. 535.

Brown v. Doscher, 49 St. Rep. 196; 20 Supp. 900.

Brown v. Doscher, 73 Hun, 107; 57 St. Rep. 224; 26 Supp. 951.

Affirmed, 147 N. Y. 647; 71 St. Rep. 277.

Brown v. Doscher, 147 N. Y. 647; 71 St. Rep. 277.

Brown v. Duane, 60 Hun, 98; 37 St. Rep. 691; 14 Supp. 450.

Cited, Statutes—Construction—Repeal.

10 Misc. 247; (62 St. Rep. 466; 30 Supp. 823). D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352). 1 App. Div. 597; (73 St. Rep. 224; 37 Supp. 480).

Brown v. Farmers' Loan & Trust Co., 24 Abb. N. C. 160.

Cited, Courts—Power of Lower Court After Determination by Appellate.

11 Misc. 268, 270; (65 St. Rep. 435, 436; 32 Supp. 251, 252).

Brown v. Ferguson, 2 Denio, 196.

Cited, Tender—What Constitutes.

16 Misc. 435; (39 Supp. 736).

Brown v. Finch, 45 St. Rep. 328.

Affirmed, 133 N. Y. 671; 18 Supp. 551.

Cited, Reference—Long Account—Possibility.

74 Hun, 161; (56 St. Rep. 300; 26 Supp. 652).

Brown v. Fishel, 83 Hun, 103; 63 St. Rep. 845; 31 Supp. 361.

Brown v. Foster, 108 N. Y. 387; 13 St. Rep. 805; 28 Week. Dig. 374.

Cited, Sale—Acceptance.

4 Misc. 489; (54 St. Rep. 263; 24 Supp. 366). 79 Hun, 55; (61 St. Rep. 184; 29 Supp. 640). 3 App. Div. 217; (73 St. Rep. 864; 38 Supp. 255). D. 140 N. Y. 205; (55 St. Rep. 583). 4 App. Div. 456; (38 Supp. 797). 6 App. Div. 4; (39 Supp. 463).

Sale—Retention—Waiver of Defects.

69 Hun, 434; (52 St. Rep. 615; 22 Supp. 354).

Brown v. Foster, 1 App. Div. 578; 73 St. Rep. 94; 37 Supp. 502.

Cited, Damages—Personal Injuries.

5 App. Div. 97; (74 St. Rep. 84; 38 Supp. 792).

Costs—New Trial.

16 Misc. 513, 514; (74 St. Rep. 45, 46; 35 Supp. 525, 526).

Brown v. Fox, 12 Misc. 147; 66 St. Rep. 714; 33 Supp. 57.

Duplicate Citations in Parenthesis.

Brown v. Gallaudet, 80 N. Y. 413.

Cited, Action — Counterclaim — Independent Claim.

12 Misc. 381; (67 St. Rep. 348; 33 Supp. 648). 17 App. Div. 248; (79 St. Rep. 588; 45 Supp. 588).

Brown v. Galley, Lalor's Supp. 308.

Cited, Waters—Riparian Owners—Rights Of—Trespassers.

76 Hun. 460; (59 St. Rep. 175; 28 Supp. 103).

Brown v. Gray, 70 Hun. 261; 53 St. Rep. 773; 24 Supp. 61.

Brown v. Gump, 59 How. 507.

Cited, Supplementary Proceedings—Place of Business—Principal and Agent.

24 Supp. 829; (43 Civ. Pro. 179).

Brown v. Guthrie, 110 N. Y. 435; 18 St. Rep. 311.

Cited, Assignment for Creditors—What Is.

54 St. Rep. 162; (24 Supp. 450).

Brown v. Hardie, 5 Robt. 678.

Cited, Appeal—Case—Failure to Serve—Effect.

76 Hun. 606; (59 St. Rep. 437; 28 Supp. 221; 23 Civ. Pro. 394).

Brown v. Harmon, 21 Barb. 508.

Cited, Pleading—Allegation of Time.

10 Misc. 654; (64 St. Rep. 499; 31 Supp. 796).

Brown v. Harris, 25 Barb. 134.

Cited, Trusts—Construction—"Avails."

D. 15 App. Div. 240; (78 St. Rep. 189; 44 Supp. 189).

Brown v. Helmuth, 2 Misc. 566; 50 St. Rep. 524; 21 Supp. 615.

Brown v. Howard, 14 Johns. 120.

Cited, Principal and Agent—Commission of Unlawful Act by Agent—Authority of Principal Over.

7 Misc. 691; (58 St. Rep. 388; 28 Supp. 146).

Brown v. Hyman, 27 Supp. 436.

Cited, Judgment—Justice's Court—Duration of Lien—Execution.

8 App. Div. 340; (75 St. Rep. 202; 40 Supp. 816).

Brown v. James, 2 App. Div. 105; 73 St. Rep. 144; 37 Supp. 529.

9 App. Div. 139; (41 Supp. 1107).

Appeal—Case—Certificate as to Evidence. 150 N. Y. 362; 3 App. Div. 220.

Brown v. James, 9 App. Div. 139; 75 St. Rep. 1473; 41 Supp. 1107.

Brown v. Jones, 46 Barb. 400.

Cited, Witness—Memorandum.

150 N. Y. 392.

Brown v. Jones, 3 Abb. 80; 1 Hilt. 204.

Cited, Constables—Statute Fixing Liability—Application.

92 Hun. 414; (71 St. Rep. 856; 36 Supp. 763).

Brown v. Knapp, 79 N. Y. 136.

Cited, Interest—Legacies—Infants.

75 Hun. 379; (58 St. Rep. 661; 27 Supp. 112). 80 Hun. 548; (62 St. Rep. 622; 33 Supp. 648).

Wills — Legacies — Interest—Support of Children.

5 Misc. 128; (25 Supp. 728).

Wills—Acceptance of Benefit—Incurrence of Liability.

81 Hun. 118; (62 St. Rep. 675; 30 Supp. 690). 143 N. Y. 547; (62 St. Rep. 796). 82 Hun. 210; (63 St. Rep. 788; 31 Supp. 334). 18 Misc. 635; (76 St. Rep. 604; 42 Supp. 604).

Brown v. Leavitt, 31 N. Y. 113.

Cited, Bills and Notes—Rights of Transferee—Bona fide Holders.

137 N. Y. 118; (50 St. Rep. 198).

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11 Misc. 8; (63 St. Rep. 439; 31 Supp. 841). 85 Hun. 382; (66 St. Rep. 465; 32 Supp. 981). 12 Misc. 72; (66 St. Rep. 676; 33 Supp. 83).

Brown v. Leigh, 49 N. Y. 78.

Cited, Pleadings—Amendments—Causes of Action.

8 Misc. 97; (60 St. Rep. 160; 28 Supp. 1007; 23 Civ. Pro. 403; 31 Abb. N. C. 255). 21 Supp. 590. 144 N. Y. 219; (63 St. Rep. 82; 1 Ann. Cas. 44).

10 Misc. 73; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 87; 1 Ann. Cas. 41). 91 Hun. 423; (70 St. Rep. 798; 36 Supp. 224).

Brown v. Leigh, 50 N. Y. 427.

Cited, Costs—On Appeal.

90 Hun. 254; (70 St. Rep. 264; 35 Supp. 834).

Brown v. London Assurance Corp., 40 Hun. 101.

Cited, Insurance—Forfeiture—Delay in Giving Notice of Loss.

13 App. Div. 527; (77 St. Rep. 638; 43 Supp. 638).

Brown v. Lyddy, 11 Hun. 451.

Cited, Arbitration—Notice and Hearing—Waiver—Award—Effect.

6 Misc. 418; (27 Supp. 295).

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12 App. Div. 425, 426; (76 St. Rep. 408, 409; 42 Supp. 408, 409).

*Duplicate Citations in Parenthesis.***Brown v. Lynch**, 1 Paige, 147.

Cited, Equity—Jurisdiction—Trust—Misapplication.

72 Hun, 88; (55 St. Rep. 870; 25 Supp. 623). 151 N. Y. 323.

Brown v. Lynch, 2 Bradf. 214.

Cited, Infants—How Affected by Acts of Parents.

20 Misc. 473.

Brown v. Mailler, 12 N. Y. 118.

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10 App. Div. 374; (75 St. Rep. 1375; 41 Supp. 1008).

Brown v. McCune, 5 Sandf. 224.

Cited, Estoppel—Equitable—Representations—Infants—Age.

71 Hun, 415; (54 St. Rep. 376; 24 Supp. 949).

Brown v. Mechanics' & T. Nat. Bank, 12 Supp. 861.

Cited, Agency—When Relation Exists.

16 App. Div. 209; (78 St. Rep. 646; 44 Supp. 646).

Brown v. Mechanics' & T. Nat. Bank, 16 App. Div. 207; 78 St. Rep. 645; 44 Supp. 645.**Brown v. Montgomery**, 20 N. Y. 287.

Cited, Evidence—Relevancy—Insolvency—Dishonor of Note—Judgment by Default.

6 Misc. 48; (56 St. Rep. 622; 25 Supp. 1006).

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143 N. Y. 592, 595; (62 St. Rep. 793, 794).

Dishonor of Commercial Paper—As Indicating Insolvency.

18 Misc. 466; (75 St. Rep. 1361; 41 Supp. 984).

Brown v. Moore, 90 Hun, 169; 70 St. Rep. 532; 35 Supp. 736.**Brown v. Neiss**, 46 How. 465.

Cited, Appeal—Dismissal—Diligence in Prosecuting.

3 Misc. 246; (51 St. Rep. 911; 22 Supp. 774).

Brown v. New York, 63 N. Y. 239.

Cited, Statutes—Remedial—Power of Legislature to Enact.

92 Hun, 208; (71 St. Rep. 555; 36 Supp. 524).

Municipal Corporations—Contracts—Violation of Charter—Recovery on.

D. 7 App. Div. 514; (40 Supp. 242; 75 St. Rep. 11).

Brown v. New York, 66 N. Y. 385.

Cited, Landlord and Tenant—Summary Proceedings—Adjournment by Justice.

2 Misc. 161; (50 St. Rep. 540; 21 Supp. 800).

Judgment—Conclusiveness—Default.

3 Misc. 63; (51 St. Rep. 772; 22 Supp. 557).

Cited, 72 Hun, 430; (54 St. Rep. 871; 25 Supp. 201).

Judgment—Conclusiveness—Summary Proceedings.

70 Hun, 131; (54 St. Rep. 104; 24 Supp. 55).

74 Hun, 553; (57 St. Rep. 160; 26 Supp. 444). 151 N. Y. 126; (3 Ann. Cas. 347).

Landlord and Tenant—Holding Over—Summary Proceedings.

9 Misc. 46; (59 St. Rep. 672; 29 Supp. 292).

Brown v. N. Y. C. R. Co., 32 N. Y. 579.

Cited, Evidence—Expressions of Pain, etc.—Action for Personal Injuries.

1 Misc. 353; (48 St. Rep. 664; 20 Supp. 684).

Evidence—Medical Opinions.

3 Misc. 457; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 84).

Railroads—Negligence per se.

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12 App. Div. 593; (77 St. Rep. 87; 43 Supp. 87).

Brown v. N. Y. C. R. Co., 44 N. Y. 79.

Cited, Contracts—Meeting of Minds—Offer—Acceptance.

6 Misc. 530; (57 St. Rep. 864; 27 Supp. 144). 86 Hun, 377; (67 St. Rep. 223; 33 Supp. 510).

Specific Performance—Contracts—Statute of Frauds—Definiteness.

68 Hun, 263; (52 St. Rep. 277; 22 Supp. 1001).

Contracts—Subsequent writing—Presumption as to Oral Agreement.

87 Hun, 480; (68 St. Rep. 319; 34 Supp. 386).

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Hun, 355; 56 St. Rep. 748; 27 Supp. 69.

Cited, Carriers—Exclusive Privileges—When Valid.

79 St. Rep. 1094; (45 Supp. 1094).

Brown v. Nichols, 42 N. Y. 26.

Cited, Creditor's Bill—Priority Obtained—Lien—Equitable Assets.

2 Misc. 406; (50 St. Rep. 588; 21 Supp. 982). 89 Hun, 308, 309; (59 St. Rep. 289, 290; 35 Supp. 172, 173). 153 N. Y. 172.

Judgment—Validity—Collateral Proceeding.

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(79 Supp. 943).

Duplicate Citations in Parenthesis.

Brown v. Norton, 50 Hun, 248; 19 St. Rep. 220; 2 Supp. 869.

Cited, Contracts.

144 N. Y. 214; (63 St. Rep. 79)

Brown v. People, 8 Hun, 562.

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Cited, Witness — Cross-examination — Scope.

3 App. Div. 128; 39 Supp. 394).

Brown v. Platt, 8 Bosw. 324.

Cited, Chattel Mortgage—Validity.

81 Hun, 174; (62 St. Rep. 678; 30 Supp. 693).

Brown v. Remington, 90 Hun, 214; 70 St. Rep. 385; 35 Supp. 621.

Brown v. Richter, 76 Hun, 469; 58 St. Rep. 703; 27 Supp. 1094.

Affirmed, 144 N. Y. 706.

Cited, Wills—Trust Provisions—Validity—Devisability.

17 Misc. 431; (41 Supp. 229).

Brown v. Ricketts, 4 Johns. Ch. 303.

Cited, Executors—Accounting—Interest.

5 Misc. 134; (25 Supp. 731). 15 Misc. 570; (72 St. Rep. 811; 38 Supp. 182). 8 App. Div. 345; (75 St. Rep. 171; 40 Supp. 793).

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4 Misc. 139; (53 St. Rep. 121; 23 Supp. 602).

Brown v. Ricketts, 3 Johns. Ch. 553.

Cited, Action—Parties—United in Interest—One for Benefit of All.

8 Misc. 341; (60 St. Rep. 442; 29 Supp. 340).

Brown v. Root Mfg Co., 76 Hun, 159;

57 St. Rep. 301; 27 Supp. 551.

Affirmed, 148 N. Y. 294.

Brown v. Root Mfg Co., 148 N. Y. 294; 3 Ann. Cas. 51.

Brown v. Saratoga R. Co., 18 N. Y. 495.

Cited, Judgment—Constitution of Judgment Roll.

70 Hun, 515; (53 St. Rep. 674; 24 Supp. 180).

Record—Answering After Demurrer—Effect.

85 Hun, 273; (66 St. Rep. 471; 32 Supp. 987).

Brown v. Sherman, 16 App. Div. 579.

Brown v. Sigourney, 72 N. Y. 122.

Cited, Appeal—Amount in Controversy.

146 N. Y. 382; (71 St. Rep. 370).

Brown v. Smith, 13 Hun, 408.

Affirmed, 80 N. Y. 650.

Cited, Corporations—Liability of Stockholders—Certificate of Full Payment.

66 Hun, 6; (49 St. Rep. 198; 20 Supp. 823).

85 Hun, 41; (66 St. Rep. 134; 32 Supp. 624).

147 N. Y. 601; (70 St. Rep. 353). 151 N. Y. 65.

Brown v. Smith, 80 N. Y. 650.

Cited, Corporations—Liability of Stockholders—Certificate of Payment.

151 N. Y. 66.

Brown v. Snell, 57 N. Y. 286.

Cited, Guardians—Liability on Bond—Accounting—Necessity for.

60 St. Rep. 316.

Brown v. Sprague, 5 Den. 545.

Cited, Estoppel—Equitable.

3 App. Div. 202; (73 St. Rep. 705; 38 Supp. 212).

Brown v. Story, 1 Paige, 588

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62 St. Rep. 120; (30 Supp. 411; 31 Abb. N. C. 483).

Brown v. Sullivan, 1 Misc. 161; 48 St.

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Cited, Appeal—Weight of Evidence—Test.

7 Misc. 161; (57 St. Rep. 539; 27 Supp. 325).

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7 Misc. 170; (57 St. Rep. 539; 27 Supp. 254).

12 Misc. 103; (66 St. Rep. 862; 33 Supp. 175).

13 Misc. 264; (67 St. Rep. 860; 34 Supp. 4).

13 Misc. 278; (68 St. Rep. 17; 34 Supp. 62).

13 Misc. 271; (68 St. Rep. 877; 34 Supp. 1144).

14 Misc. 344; (70 St. Rep. 461; 35 Supp. 684).

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9 Misc. 497; (61 St. Rep. 100; 30 Supp. 225).

14 Misc. 565; (70 St. Rep. 718; 35 Supp. 1073).

Brown v. Symes, 83 Hun, 159; 64 St.

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Cited, Accord and Satisfaction—Acceptance.

15 Misc. 221; (71 St. Rep. 591; 36 Supp. 790).

Accord and Satisfaction—Retention.

19 Misc. 176; (77 St. Rep. 223; 43 Supp. 223).

Brown v. Syracuse, 77 Hun, 411; 60 St.

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Cited, Negligence—Contributory—Question of Law or Fact.

10 Misc. 282; (63 St. Rep. 318; 30 Supp. 1078).

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84 Hun, 59; (65 St. Rep. 23; 31 Supp. 1083).

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Brown v. Tausick, 1 Misc. 16; 48 St. Rep. 35; 20 Supp. 369.

Brown v. Teel, 59 Hun, 91; 35 St. Rep. 507; 13 Supp. 142.

Affirmed, 128 N. Y. 678; 40 St. Rep. 979;
Cited, Pleading—Complaint—Adverse Claim to Land.
78 Hun, 384; (60 St. Rep. 741; 29 Supp. 184.)

Pleading—Complaint—Real Property—Injustice of Claim to.
23 Civ. Pro. 330.

Brown v. Third Ave. R. Co., 18 Misc. 584; 76 St. Rep. 700; 42 Supp. 700.

Brown v. Third Ave. R. Co., 19 Misc. 504; 77 St. Rep. 1094; 43 Supp. 1094.

Brown v. Thurber, 77 N. Y. 613; 58 How. 95.

Cited, Evidence—Parol—Written Contract—Modification—Parties to Agreement.
76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

Brown v. Tilden, 50 St. Rep. 366; 22 Supp. 11.

Affirmed, 140 N. Y. 620; 55 St. Rep. 929.

Brown v. Torrey, 42 Super, 1.

Cited, Estoppel.
D. 4 Misc. 482; (54 St. Rep. 335; 24 Supp. 573).

Brown v. Tracy, 9 How. 93.

Cited, Arrest—Escape—Surrender to Officer with other Process.

79 Hun, 465; (61 St. Rep. 251; 29 Supp. 984).

Brown v. Twenty-third St. R. Co., 21 St. Rep. 475; 4 Supp. 192.

Affirmed, 121 N. Y. 667; 30 St. Rep. 1014.

Cited, Negligence—Conflicting Evidence—Question of Fact.

10 Misc. 280; (63 St. Rep. 269; 30 Supp. 1081). 91 Hun, 36; (71 St. Rep. 198; 36 Supp. 110).

Brown v. United States & Brazil M. S. Co., 8 Misc. 562; 59 St. Rep. 466; 28 Supp. 642; 31 Abb. N. C. 392.

Brown v. Volkening, 64 N. Y. 76.

Cited, Notice—Real Property—Possession.

140 N. Y. 348; (55 St. Rep. 727). 4 Misc. 85; (69 St. Rep. 583; 35 Supp. 267). 89 Hun, 545; (69 St. Rep. 734; 35 Supp. 347). 1 App. Div. 171; (73 St. Rep. 74; 37 Supp. 861). 152 N. Y. 43.

Possession—Realty—What Constitutes.

D. 147 N. Y. 471; (70 St. Rep. 64).

Possession—Constructive—Realty.

73 Hun, 411; (58 St. Rep. 89; 26 Supp. 571). 75 St. Rep. 291.

Brown v. Wakeman, 45 St. Rep. 671; 18 Supp. 363.

Cited, Appeal—Question First Raised on.
13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Brown v. Walker, 8 Supp. 59.

Cited, Attorneys—Endorsement of Name on Papers.

24 Supp. 829; (23 Civ. Pro. 180).

Brown v. Weber, 38 N. Y. 187.

Cited, Contracts—Statute of Frauds—Payment of Another's Debt.

1 Misc. 206; (49 St. Rep. 82; 20 Supp. 379).
2 Misc. 419; (51 St. Rep. 426; 21 Supp. 947).
72 Hun, 494; (54 St. Rep. 858; 25 Supp. 195). 72 Hun, 511; (54 St. Rep. 769; 25 Supp. 216). 9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196). D. 90 Hun, 601; (70 St. Rep. 569; 35 Supp. 994). 79 St. Rep. 432; (45 Supp. 432).

Brown v. Wigton, 45 St. Rep. 135; 18 Supp. 490.

Cited, Attachment—Vacating—Rights of Party to Succeed.

79 Hun, 408; (61 St. Rep. 503; 29 Supp. 797). 6 Misc. 294; (58 St. Rep. 146; 26 Supp. 790). 81 Hun, 386; (63 St. Rep. 135; 30 Supp. 880).

Brown v. Williams, 4 Wend. 360.

Cited, Bills and Notes—Release of Maker—Effect as to Endorsers.

7 Misc. 425; (57 St. Rep. 647; 27 Supp. 1017).

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Pleading—Bill of Particulars—Variance.
3 Misc. 88; (51 St. Rep. 760; 22 Supp. 368).

Brown v. Wysong, 1 App. Div. 423; 72 St. Rep. 607; 32 Supp. 231.

Brown v. Zeiss, 9 Daly, 240.

Cited Mechanic's Lien—Death of Owner—Remedy Against Heir.

7 Misc. 404; (58 St. Rep. 52; 27 Supp. 979). 144 N. Y. 521; (64 St. Rep. 47).

Browne v. Bedford, 4 Den. 304.

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4 M. sc. 369; (25 Supp. 829).

Browne v. Berger, 14 St. Rep. 60.

Cited, New Trial—Verdict Against Weight of Evidence.

2 Misc. 49; (51 St. Rep. 52; 21 Supp. 1086).

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Cited, Water Courses—Non-navigable—Rights of Public in.

16 App. Div. 532; (78 St. Rep. 1016; 44 Supp. 1016).

Browne v. West, 9 App. Div. 135; 75 St. Rep. 604; 41 Supp. 146.**Brownell v. Carnley**, 3 Duer. 9.

Cited, Attachment—Manner of Levy—Property in Custom House.

61 St. Rep. 834; (30 Supp. 147; 23 Civ. Pro. 339).

Brownell v. Curtis, 10 Paige, 210.

Cited, Assignment—Rights of Parties.

5 App. Div. 41; (74 St. Rep. 640; 40 Supp. 31).

Brownell v. Greenwich, Town of, 114 N. Y. 518; 24 St. Rep. 6

Cited, Pleading—Complaint—Sufficiency. 75 Hun, 428; (57 St. Rep. 345; 27 Supp. 684). 90 Hun, 530; (71 St. Rep. 39; 36 Supp. 32).

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Municipality—Bonds—Payment of Commissions for Sale.

84 Hun, 265; (65 St. Rep. 711; 32 Supp. 436). D. 84 Hun, 266; (65 St. Rep. 712; 32 Supp. 437).

Brownell v. National Bank of Gloversville, 20 Hun, 517.

Cited, Discovery—Necessity.

83 Hun, 343; (64 St. Rep. 736; 31 Supp. 966). 84 Hun, 152, 153; (65 St. Rep. 837, 838; 32 Supp. 509, 510).

Brownell v. National Bank of Gloversville, 13 Week. Dig. 371.

Cited, Pleading—Definiteness—Test.

67 Hun, 433; (51 St. Rep. 309; 22 Supp. 122). 10 Misc. 29; (63 St. Rep. 243; 30 Supp. 1053).

Brownell v. Ruckman, 85 N. Y. 648.

Cited, Appeal—Court of Appeals—Discretionary Determination.

140 N. Y. 328; (55 St. Rep. 742).

Browning v. Home Ins. Co. of Columbus, 71 N. Y. 508

Cited, Insurance—Change of Interest—What Is.

136 N. Y. 383; (49 St. Rep. 671). 149 N. Y. 387.

Browning v. Vanderhoven, 4 Abb. N. C. 166.

Cited, Executors—Accounting—Effect on Persons Not Made Party.

39 Supp. 829; (25 Civ. Pro. 423).

Brownson v. Chapman, 63 N. Y. 625.

Cited, Contract—Statute of Frauds—Sale—Corporate Stock.

72 Hun, 116; (55 St. Rep. 539; 25 Supp. 307; 30 Abb. N. C. 440).

Brozek v. Steinway Ry. Co., 10 App. Div. 360; 75 St. Rep. 1384; 41 Supp. 1017.**Bruce v. Bruce**, 136 N. Y. 643; 49 St. Rep. 914.**Bruce v. Barr**, 67 N. Y. 237.

Cited, Pleading—Defenses—Consistency. 138 N. Y. 472; (52 St. Rep. 906). 78 Hun, 52; (60 St. Rep. 819; 29 Supp. 277). 78 Hun, 81; (60 St. Rep. 796; 29 Supp. 265). 13 Misc. 517; (69 St. Rep. 114; 34 Supp. 948).

Contracts—To pay in Case of Another's Default.

79 St. Rep. 999; (45 Supp. 999).

Bruce v. Davenport, 1 Abb. Ct. App. Dec. 233.

Cited, New Trial—Condition—Of Receiving Previous Testimony.

17 App. Div. 516; (79 St. Rep. 586; 45 Supp. 586).

Bruce v. Delaware & H. C. Co., 19 Barb. 371.

Cited, Injunction—Slightness of Wrong. 8 Misc. 383; (60 St. Rep. 168; 29 Supp. 1112).

Nuisance—Injunction—Necessity.

8 Misc. 479; (59 St. Rep. 876; 29 Supp. 581. 31 Abb. N. C. 339).

Bruce v. Kelly, 39 Super 27.

Cited, Fraudulent Transaction—Failure to explain on Trial—Presumption—Bona fides.

7 App. Div. 590; (40 Supp. 310).

Bruce v. Platt, 80 N. Y. 379.

Cited, Corporations—Dissolutions—Surrender.

79 Hun, 106; (61 St. Rep. 183; 29 Supp. 638).

Corporations — Suspension of Business—Filing of Annual Report.

81 Hun, 270; (62 St. Rep. 765; 30 Supp. 802). 11 Misc. 528; (64 St. Rep. 458; 32 Supp. 747). 87 Hun, 604; (68 St. Rep. 657; 34 Supp. 545).

Corporations—Strict Construction of Statutory Penalty for Failure to File Report.

137 N. Y. 344; (50 St. Rep. 645).

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Cited, Limitation of Action—Specific Performance.

144 N. Y. 111; (63 St. Rep. 66). 82 Hun, 104; (63 St. Rep. 603; 31 Supp. 205).

*Duplicate Citations in Parenthesis.***Bruecher v. Port Chester, Village of**, 101 N. Y. 240.*Cited*, Assessments—Void—Payment Under Coercion—Relief.

135 N. Y. 463; (48 St. Rep. 437). 144 N. Y. 493; (64 St. Rep. 64). 14 Misc. 150; (70 St. Rep. 367; 33 Supp. 860). 7 App. Div. 153. 91 Hun, 216; (71 St. Rep. 135; 36 Supp. 212). 151 N. Y. 18.

Bruell v. Colell, 1 City Ct. R. 308.*Cited*, Damages—Contracts—To Time of Trial.

4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117).

Bruen v. Gillet, 115 N. Y. 10; 23 St. Rep. 780.*Cited*, Trusts—Liability for Acts of Co-Trustees.

72 Hun, 276; (55 St. Rep. 364; 25 Supp. 586). 72 Hun, 280; (55 St. Rep. 361; 25 Supp. 589). 85 Hun, 516; (66 St. Rep. 782; 33 Supp. 159). 1 App. Div. 280; (72 St. Rep. 695; 37 Supp. 342).

Trustees—Liability.

145 N. Y. 473; (63 St. Rep. 399).

Bruen v. Hone, 2 Barb. 586.*Cited*, Account Stated—Impeachment—Fraud.

67 Hun, 390; (51 St. Rep. 315; 22 Supp. 128). 144 N. Y. 688; (71 St. Rep. 342).

Judgment—Conclusiveness—Extent.

135 N. Y. 136; (48 St. Rep. 388). 73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298).

Bruen v. Manhattan R. Co., 39 St. Rep. 86; 14 Supp. 788.*Cited*, Costs—Title to Land—When Involved.

4 Misc. 134; (53 St. Rep. 171; 23 Supp. 864; 30 Abb. N. C. 309).

Brumfield v. Boutall, 24 Hun, 451.*Cited*, Estoppel—Equitable—Infants—Representations as to Title—Fraud.

71 Hun, 415; (54 St. Rep. 376; 24 Supp. 949).

Brumfield v. Potter & Stymus Mfg. Co., 4 Misc. 194; 53 St. Rep. 489; 23 Supp. 1025.*Reversing*, 1 Misc. 93; 48 St. Rep. 516; 20 Supp. 615.**Brummer v. Cohn**, 86 N. Y. 11.*Cited*, Insurance—Insurable Interest—Husband and Wife.

138 N. Y. 380; (52 St. Rep. 878; 30 Abb. N. C. 219).

Insurance—On Husband in Favor of Wife—Assignment.

140 N. Y. 462; (55 St. Rep. 789).

Brumskill v. James, 11 N. Y. 294.*Cited*, Judgment—Form—Joint or Several.

6 Misc. 78; (55 St. Rep. 490; 26 Supp. 21). 81 Hun, 89; (62 St. Rep. 625; 30 Supp. 651; 24 Civ. Pro. 144; 1 Ann. Cas. 66). 85 Hun, 129; (65 St. Rep. 654; 32 Supp. 469).

Brundage, Matter of. See Dusenberry, Matter of.**Brundage v. Brundage**, 60 N. Y. 544.*Cited*, Wills—When in Effect.

13 Misc. 346; (68 St. Rep. 518; 34 Supp. 561).

Brundage v. McCormick, 69 Hun, 65; 52 St. Rep. 733; 23 Supp. 262.**Brundage v. Port Chester, Village of**, 102 N. Y. 494; 2 St. Rep. 398.*Cited*, Assumpsit—Money Paid—Mistake—Actual Payment.

6 Misc. 151; (56 St. Rep. 233; 26 Supp. 17).

Brundin v. Supreme Council of Chosen Friends, 13 App. Div. 147;

76 St. Rep. 1043; 42 Supp. 1043.

Brunner v. Storm, 1 Sandf. Ch. 357.*Cited*, Wills—Construction—Division—Per Capita or Stirpes.

143 N. Y. 130, 131; (62 St. Rep. 134, 135).

Brunner v. Kaempfer, 2 App. Div. 117; 73 St. Rep. 141; 37 Supp. 700.**Brunner v. Kaempfer**, 39 Supp. 1121.**Bruno v. Brooklyn City R. Co.**, 5 Misc. 3.7; 55 St. Rep. 215; 25 Supp. 507.*Affirmed*, 147 N. Y. 711; 71 St. Rep. 872.**Bruno v. Walsh**, 5 Misc. 355; 55 St. Rep. 163; 25 Supp. 511.**Brunor, Matter of**, 19 Misc. 203; 77 St. Rep. 1141; 43 Supp. 1141.**Brunswick B. C. Co. v. Stevenson**, 21 St. Rep. 862; 4 Supp. 123.*Cited*, Chattel Mortgage—Future Crops.

51 St. Rep. 36; (22 Supp. 1100).

Brush v. Barrett. See Brust v. Barrett.**Brush v. Barrett**, 82 N. Y. 400.*Cited*, Check—Presentment—When Excused.

12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).

Limitation—Action on Check—Failure of Presentment.

16 Misc. 317; (39 Supp. 395; 25 Civ. Pro. 404).

Brush v. Blot, 11 App. Div. 626; 76 St. Rep. 761; 42 Supp. 761.**Brush v. Blot**, 16 App. Div. 80; 78 St. Rep. 1073; 44 Supp. 1073.

Duplicate Citations in Parenthesis.

Brush v. Hoar, 15 St. Rep. 859; 1 Supp. 112.

Cited, Action—Leave to Bring—Failure to Obtain—Waiver.

19 Misc. 56; (76 St. Rep. 826; 42 Supp. 826).

Brush v. Holland, 3 Bradf. 240.

Cited, Evidence—Declarations—By One Not in Privy with Others Affected By.

56 St. Rep. 713; (25 Supp. 318).

Brush v. Jay, 113 N. Y. 482; 23 St. Rep. 258.

Cited, Partnership — Dissolution — Accounting—Limitation of Action.

142 N. Y. 32 (59 St. Rep. 8).

Brush v. Lee, 36 N. Y. 49.

Cited, Appeal—Weight of Evidence—Reversal.

18 Misc. 23; (75 St. Rep. 495; 41 Supp. 39).

Brush v. Long Island R. Co., 10 App.

Div. 535; 76 St. Rep. 103; 42 Supp. 103.

Cited, Negligence — Fires — Evidence—Spark Arrester—Emission From.

11 App. Div. 22; (76 St. Rep. 917; 42 Supp. 917).

Damages—Interest—Tort Action.

11 App. Div. 54; (76 St. Rep. 918; 42 Supp. 918).

Brush v. Manhattan R. Co., 44 St. Rep. 111; 17 Supp. 540.

Cited, Evidence—Damage from Elevated Railway — Loss of Rental of Neighboring Property.

3 Misc. 251; (52 St. Rep. 254; 22 Supp. 792). 10 Misc. 724; (64 St. Rep. 639; 31 Supp. 817).

Brush v. Manhattan R. Co., 13 Supp. 908.

Cited, Equity—Jurisdiction — Effect of Claiming Without Proving Ground for—Equitable Relief.

1 Misc. 156; (48 St. Rep. 712; 20 Supp. 625).

Elevated Railways — Injury to Easements—Injunctive Relief.

14 Misc. 296; (70 St. Rep. 443; 35 Supp. 707).

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12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71).

Brusie v. Peck Bros. & Co., 135 N. Y. 622; 48 St. Rep. 439.

Brusie v. Peck Bros. & Co., 42 St. Rep. 803; 16 Supp. 648.

Cited, Appeal—Harmless Error—Improper Remarks.

87 Hun, 586; (68 St. Rep. 637; 34 Supp. 574).

Brusie v. Peck Bros. & Co., 6 St. Rep. 709.

Cited, Pleading—Amendment — Laches. 16 St. Rep. 57; (25 Supp. 807).

Brusso v. Buffalo, 90 N. Y. 679.

Cited, Highways—Presumption — Safety of Highway.

141 N. Y. 250; (56 St. Rep. 813). D. 90 Hun, 473; (70 St. Rep. 647; 35 Supp. 974).

Highways—Duty of Municipality.

49 St. Rep. 271; (21 Supp. 141).

Municipal Corporation—Liability for Acts of Contractor.

2 Misc. 319; (50 St. Rep. 582; 21 Supp. 1021; 30 Abb. N. C. 169). 14 App. Div. 4; (77 St. Rep. 620; 43 Supp. 620).

Highways—Defects—Liability of Municipality—Notice.

135 N. Y. 102; (48 St. Rep. 366). 88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Highways — Obstructions — Liability — Contractor.

82 Hun, 389; (63 St. Rep. 554; 31 Supp. 235).

Brust v. Barrett, 16 Hun, 409.

Affirmed, 82 N. Y. 400.

Cited, Limitation—Check—Failure of Pre-
sentment.

16 Misc. 317; (39 Supp. 395; 25 Civ. Pro. 404). 7 App. Div. 464; (39 Supp. 1022).

Bruyn, Matter of, 17 Misc. 481; 41 Supp. 414.

Bruyn v. Russell, 52 Hun, 17; 22 St. Rep. 374; 4 Supp. 784.

Cited, Evidence—Handwriting—Comparison.

90 Hun, 381; (70 St. Rep. 617; 35 Supp. 913).

Bruyn v. Russell, 60 Hun, 280; 38 St. Rep. 50; 14 Supp. 591.

Cited, New Trial—Verdict against Weight of Evidence.

2 Misc. 49; (51 St. Rep. 52; 21 Supp. 1086).

Bryan v. Baldwin, 52 N. Y. 232.

Cited, Pledge—Extinguishment of Vendor's Title.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 455).

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17 Misc. 534; (40 Supp. 878).

Bryan v. Butts, 27 Barb. 503.

Cited, Mortgage—Purchase Money—Priority.

55 St. Rep. 6; (24 Supp. 1133).

Mortgage—Foreclosure—Transfer of Title—Necessity of Recording Affidavits.

85 Hun, 453; (66 St. Rep. 208; 32 Supp. 890).

Duplicate Citations in Parenthesis.

- Bryan v. Olsen**, 20 Misc. 604.
- Bryan v. University Pub. Co.**, 112 N. Y. 382; 21 St. Rep. 21; 16 Civ. Pro. 279.
Cited, Courts—Jurisdiction—Test.
8 Misc. 238; (59 St. Rep. 224; 28 Supp. 551). D. 8 Misc. 240; (59 St. Rep. 225; 28 Supp. 553).
Summons — Publication — Upon what Granted and what Must be Shown.
142 N. Y. 177; (62 St. Rep. 195). (16 Misc. 148; (74 St. Rep. 363; 37 Supp. 1064; 25 Civ. Pro. 224). 9 App. Div. 463; (75 St. Rep. 861; 41 Supp. 464).
- Bryant, Matter of**, 152 N. Y. 412.
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- Bryant v. Bryant**, 42 N. Y. 11.
Cited, Personalty—Transfer of Title—Delivery of Writing.
20 Misc. 575.
- Bryant v. Gay**, 88 Hun, 614; 68 St. Rep. 687; 34 Supp. 632.
Affirmed, 153 N. Y. —.
- Bryant v. Grant**, 87 Hun, 68; 67 St. Rep. 639; 33 Supp. 957.
- Bryant v. N. Y. C. & H. R. R. Co.**, 81 Hun, 164; 62 St. Rep. 670; 30 Supp. 737.
- Bryant v. Ondrak**, 87 Hun, 477; 68 St. Rep. 316; 34 Supp. 384.
- Bryant v. Poughkeepsie Mut. Ins. Co.**, 17 N. Y. 200.
Cited, Contracts—Construction—Written and Printed Parts—Inconsistency.
78 Hun, 25; (60 St. Rep. 494; 28 Supp. 1015).
- Bryant v. Randolph, Town of**, 133 N. Y. 70; 44 St. Rep. 85.
Cited, Highways—Defective—Liability of Town.
60 St. Rep. 113; 88 Hun, 525; (69 St. Rep. 33; 34 Supp. 970).
Highways—Duty to Guard Embankment.
66 Hun, 360; (50 St. Rep. 43; 21 Supp. 293). 82 Hun, 417; (63 St. Rep. 839; 31 Supp. 355). 17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 1.6).
Trial—Questions of Fact—Negligence—Injury on Highway.
67 Hun, 625; (51 St. Rep. 113; 22 Supp. 471). 151 N. Y. 442.
Railroads—Defective Condition of Highway at Crossing.
66 Hun, 379; (50 St. Rep. 671; 21 Supp. 504). 15 App. Div. 220; (78 St. Rep. 194; 44 Supp. 194).
- Public Officers—Breach of Duty—Liability to Individual.
143 N. Y. 165; (62 St. Rep. 189). D. 7 St. Rep. 107; (43 Supp. 107). 13 App. Div. 37.
- Bryant v. Thompson**, 128 N. Y. 426
40 St. Rep. 439.
Cited, Appeal—Mandamus—Actual Litigation.
139 N. Y. 448; (54 St. Rep. 707).
Appeal—Who May—Party Aggrieved.
76 Hun, 510; (58 St. Rep. 499; 27 Supp. 1054).
Executors—Accounting—Appeal.
140 N. Y. 430; (55 St. Rep. 804).
Executors — Accounting — Attacking—Necessity of Interest.
69 Hun, 487; (52 St. Rep. 729; 23 Supp. 727).
- Bryar v. Willecocks**, 3 Cow. 159.
Cited, Limitation of Action—Acknowledgment—Including Claim Against Executor in Inventory.
1 Misc. 252; (51 St. Rep. 513; 22 Supp. 913).
- Bryce v. Brockaway**, 31 N. Y. 490.
Cited, Conversion—When Action for Lies—Exercise of Dominion Over Property.
4 App. Div. 616; (40 Supp. 942).
- Bryce v. Louisville N. A. & C. R. Co.**, 73 Hun, 233; 57 St. Rep. 116; 25 Supp. 1043).
- Bryce v. Lorillard Fire Ins. Co.**, 55 N. Y. 240.
Cited, Insurance—Warranty—Location of Chattels.
80 Hun, 309; (62 St. Rep. 341; 29 Supp. 1031).
Contracts — Action to Reform — When Lies—Evidence.
135 N. Y. 189; 48 St. Rep. 246). 7 App. Div. 586; (40 Supp. 308). D. 70 Hun, 314; (54 St. Rep. 179; 24 Supp. 162).
Insurance—Forfeiture—Location of Property.
80 Hun, 309; (62 St. Rep. 341).
Contracts—Validity—Mistake.
82 Hun, 610; (64 St. Rep. 412; 31 Supp. 726).
- Bryer v. Foerster**, 9 App. Div. 542; 75 St. Rep. 1013; 41 Supp. 617.
Cited, Master and Servant—Defective Scaffold—Liability.
16 App. Div. 279, 287; (78 St. Rep. 702, 708; 44 Supp. 702, 708).
- Bryer v. Foerster**, 14 App. Div. 315; 77 St. Rep. 801; 43 Supp. 801.

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Cited, Appeal—Costs—Extra Allowance
Difficult Case—Discretionary.

92 Hun, 55; (71 St. Rep. 742; 36 Supp. 730).

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D. 74 Hun, 193; (56 St. Rep. 556; 26 Supp. 353). 8 App. Div. 71; (40 Supp. 460).

Bryon v. Low, 109 N. Y. 291.

Cited, Contracts—Performance—Certificate—Conclusiveness.

12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524).

Bryon v. New York, 54 Super. 411.

Cited, Contracts—Concurrent Obligations—Performance—Excuse.

15 Misc. 5; (71 St. Rep. 482; 36 Supp. 431).

Bryson v. St. Helen, 79 Hun, 167; 61 St. Rep. 390; 29 Supp. 524.**Buchan, Matter of**, 16 Misc. 204; 38 Supp. 1124.

Cited, Wills—Execution.

D. 9 App. Div. 569; (41 Supp. 702).

Buchan v. Sumner, 2 Barb. Ch. 165.

Cited, Judgment—Undocketed—Priority Over Party With Notice.

89 Hun, 545; (69 St. Rep. 734; 35 Supp. 347).

Partnership—Realty—How Treated.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80). 6 App. Div. 31; (39 Supp. 528).

Buchanan, Matter of, 146 N. Y. 264; 66 St. Rep. 621.**Buchanan v. Ashdown**, 71 Hun, 327; 55 St. Rep. 47; 24 Supp. 1122.**Buchanan v. Exchange F. Ins. Co.**, 61 N. Y. 26.

Cited, Insurance—Forfeiture—Waiver.

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Buchanan v. Little, 6 App. Div. 527; 39 Supp. 671.**Buchanan v. Prospect Park Hotel Co.**, 14 Misc. 435; 70 St. Rep. 447; 35 Supp. 71.**Buchanan v. Tebbetts**, 69 Hun, 81; 52 St. Rep. 613; 23 Supp. 244.**Buchanan v. Tilden**, 5 App. Div. 354; 39 Supp. 228.

Cited, Contracts—For Benefit of Third Person—Availability.

D. 9 App. Div. 414; (75 St. Rep. 981; 41 Supp. 590). 79 St. Rep. 418; (45 Supp. 418).

Buchanan v. Tilden, 79 St. Rep. 417; 45 Supp. 417.**Buchanan v. Whitman**, 76 Hun, 67; 59 St. Rep. 619; 27 Supp. 604.

Affirmed, 151 N. Y. 253; 3 Ann. Cas. 349.

Buchanan v. Whitman, 151 N. Y. 253; 3 Ann. Cas. 349.

Cited, Time—Computation of.

17 App. Div. 599; (79 St. Rep. 307; 45 Supp. 307).

Bucher v. N. Y. C. & H. R. R. Co., 98 N. Y. 128.

Cited, Negligence—Contributory—Sudden Peril.

67 Hun, 488; (51 St. Rep. 251; 22 Supp. 482).

Trial—Question of Fact—Negligence—Contributory—Alighting from Moving Trains.

80 Hun, 199; (61 St. Rep. 806; 30 Supp. 63). 145 N. Y. 515; (65 St. Rep. 378).

Bucher v. Pryibil, 79 St. Rep. 972; 45 Supp. 972.**Buchholz v. N. Y., L. E. & W. R. Co.**, 66 Hun, 377; 50 St. Rep. 670; 21 Supp. 503.

Reversed, 148 N. Y. 640.

Cited, Nuisance—Statutory Sanction—Railroad Structure.

78 Hun, 477; (69 St. Rep. 748; 29 Supp. 190).

Buchholz v. N. Y., L. E. & W. R. Co., 148 N. Y. 640.**Buck v. Alley**, 145 N. Y. 488; 65 St. Rep. 363; 1 Ann. Cas. 370.**Buck v. Alley**, 82 Hun, 29; 31 Supp. 324.

Reversed, 145 N. Y. 488; 65 St. Rep. 363; 1 Ann. Cas. 370.

Buck v. Amidon, 4 Daily, 126; 41 How. 370.

Cited, Principal and Agent—Personal Liability of Agents—Proof.

7 Misc. 316; (57 St. Rep. 555; 27 Supp. 905). 18 Misc. 462; (75 St. Rep. 1324; 41 Supp. 951).

Buck v. Barker, 5 St. Rep. 826.

Cited, Pleading—Power to Amend—Limitation of New Cause of Action.

9 Misc. 356; (60 St. Rep. 630; 29 Supp. 589).

Buck v. Glens Falls, 4 App. Div. 323; 74 St. Rep. 209; 38 Supp. 532.

Cited, Negligence—Ice on Sidewalk—Presumption.

13 App. Div. 502; (77 St. Rep. 698; 43 Supp. 698). 20 Misc. 569.

Buck v. Hopkins, 63 St. Rep. 772; 31 Supp. 324.

*Duplicate Citations in Parenthesis.***Buck v. Lockport**, 6 Lans. 251.

Cited, Mandamus—Existence of Other Remedy—Effect.

71 Hun, 464; (54 St. Rep. 405; 24 Supp. 976). 14 Misc. 46; (68 St. Rep. 170; 35 Supp. 225). D. 77 St. Rep. 107; (43 Supp. 107). 13 App. Div. 37. (77 St. Rep. 107; 43 Supp. 107).

Buck v. Remsen, 34 N. Y. 383.

Cited, Judgment—Erroneous in Form—How Corrected.

17 Misc. 361; (39 Supp. 1089).

Buck v. Webb, 58 Hun, 185; 33 St. Rep. 824; 11 Supp. 617.

Cited, Negligence.

73 Hun, 472; (56 St. Rep. 42; 26 Supp. 389).

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92 Hun, 244; (72 St. Rep. 315; 36 Supp. 950).

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Cited, Judgment—Final Disposition of Issue.

15 Misc. 125; (71 St. Rep. 839; 36 Supp. 816).

Buckingham v. Dickinson, 54 N. Y. 682.

Cited, Appeal—Amendment of Record.

10 Misc. 739; (65 St. Rep. 216; 32 Supp. 120).

Buckland v. Gallup, 40 Hun, 61.

Affirmed, 105 N. Y. 453; 8 St. Rep. 56.

Cited, Executors—Personal Liability.

88 Hun, 93; (68 St. Rep. 687; 34 Supp. 632; 2 Ann. Cas. 155).

Buckland v. Gallup, 105 N. Y. 453; 8 St. Rep. 56.

Cited, Executors—Liability for Costs.

88 Hun, 130; (68 St. Rep. 681; 34 Supp. 626).

Buckland v. Gallup, 22 Week. Dig. 23.

Cited, Wills—Limitation Over—Validity.

10 Misc. 26; (62 St. Rep. 267; 30 Supp. 805). 11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Buckley v. Artcher, 21 Barb. 585.

Cited, Sale—Fraud in—Insolvency of Purchaser—Passing of Title.

11 Misc. 78; (59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 402).

Buckley v. Buckley, 11 Barb. 43.

Cited, Fixtures.

92 Hun, 334; (72 St. Rep. 303; 36 Supp. 930).

Partnership—Realty of—How Treated.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Wills—Devise—When Chargeable with Debts.

18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1103).

Buckley v. Drake, 41 Hun, 384.

Cited, Highways—Opening—Commissioners—When Not Disqualified.

20 Misc. 522.

Buckley v. Drake, 9 Civ. Pro. 336.

Cited, Certiorari—What Papers May Be Considered—Affidavits.

14 Misc. 178; (69 St. Rep. 815; 35 Supp. 463).

Buckley v. Gutta Percha & R. Mfg. Co., 113 N. Y. 540; 23 St. Rep. 618.

Cited, Master and Servant—Negligence—Instructions—Knowledge.

139 N. Y. 460; (54 St. Rep. 712). 9 App. Div. 149; (75 St. Rep. 562; 41 Supp. 101). 11 App. Div. 114; (76 St. Rep. 938; 42 Supp. 938). 76 St. Rep. 1108; (42 Supp. 1108). 20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Master and Servant—Risks Assumed—Obviousness.

7 Misc. 13; (56 St. Rep. 843; 27 Supp. 335). 11 Misc. 7; (63 St. Rep. 464; 31 Supp. 836). 11 Misc. 549; (64 St. Rep. 447; 32 Supp. 750). 12 Misc. 215; (66 St. Rep. 855; 33 Supp. 264). 13 Misc. 399; (68 St. Rep. 117; 34 Supp. 238).

Master and Servant—Dangerous Machinery—Guarding.

4 Misc. 502; (54 St. Rep. 341; 24 Supp. 556). 13 Misc. 400; (68 St. Rep. 118; 34 Supp. 239).

Master and Servant—Liability of Master to Servant—Places—Appliances.

142 N. Y. 34; (58 St. Rep. 437).

Buckley v. Gutta Percha & R. Mfg. Co., 3 Civ. Pro. 429.

Affirmed, 93 N. Y. 637.

Cited, Costs—Non-resident—Security.

13 Misc. 144; (68 St. Rep. 99; 34 Supp. 115).

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Buckley v. Harrison, 10 Misc. 683; 65 St. Rep. 93; 31 Supp. 999; 1 Ann. Cas. 335.

Cited, Receivers—Right to Maintain Action.

11 Misc. 299; (65 St. Rep. 501; 32 Supp. 293; 1 Ann. Cas. 97). 13 Misc. 137; (68 St. Rep. 107; 34 Supp. 122).

Buckley v. Port Henry Iron Ore Co., 17 St. Rep. 436; 2 Supp. 133

Cited, Master and Servant—Risks Assumed.

67 Hun, 490; (51 St. Rep. 252; 22 Supp. 483). 15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279).

Bucklin v. Bucklin, 1 Abb. Ct. App. Dec. 212; 1 Keyes, 141.

Cited, Contracts—Consideration—Executory Gift.

78 Hun, 125; (60 St. Rep. 186; 28 Supp. 994). D. 78 Hun, 132; (60 St. Rep. 191; 28 Supp. 999). 9 App. Div. 213; (75 St. Rep. 696; 41 Supp. 287).

Trusts—Of Personality—Limitations upon. 15 App. Div. 239; (78 St. Rep. 188; 44 Supp. 188.)

Limitation of Action—Successive Transfers of Claim.

82 Hun, 104; (63 St. Rep. 607; 31 Supp. 205).

Limitation of Action—Infants.

11 Misc. 385; (65 St. Rep. 295; 32 Supp. 148).

Bucklin v. Chapin, 53 Barb. 488.

Cited, Reference—Of Claim against Estate—Jurisdiction—When Acquired.

92 Hun, 293; (71 St. Rep. 779; 36 Supp. 713).

Bucklin v. Chapin, 1 Lans. 443.

Cited, Reference—Of Claim against Estate—When Proceeding Commenced.

85 Hun, 121; (66 St. Rep. 24; 32 Supp. 637; 2 Ann. Cas. 48).

Executors—Claim Barred by Statute—Recognition by Executor.

15 Misc. 576; (72 St. Rep. 814; 38 Supp. 186).

Bucklin v. Ford, 5 Barb. 393.

Cited, Limitation of Action—Construction of Statute—Implied Exceptions.

74 Hun, 296; (55 St. Rep. 679; 26 Supp. 215). 78 Hun, 307; (60 St. Rep. 178; 28 Supp. 978).

Limitation of Action—Suspension—No Person to Sue.

9 App. Div. 347; (75 St. Rep. 721, 722; 41 Supp. 309). D. 9 App. Div. 350; (75 St. Rep. 728; 41 Supp. 315).

Buckmaster v. Thompson, 36 N. Y. 558.

Cited, Specific Performance—Contracts—Statute of Frauds—Definiteness.

68 Hun, 263; (52 St. Rep. 277; 22 Supp. 1001).

Bucyrus Steam Shovel & Dredge Co. v. Meyer, 70 Hun, 371; 53 St. Rep. 914; 24 Supp. 246.

Budd v. Allen, 69 Hun, 535; 53 St. Rep. 290; 24 Supp. 5.

Budd v. Jackson, 26 How. 398.

Cited, Costs—Offer of Judgment.

88 Hun, 228; (68 St. Rep. 259; 34 Supp. 664).

Budd v. Monroe, 18 Hun, 316.

Cited, Costs—Between Defendants.

4 Misc. 415; (53 St. Rep. 576; 24 Supp. 329).

Budlong, Matter of, 33 Hun, 235.

Affirmed, 100 N. Y. 203.

Cited, Costs—Probate of Will—Contest.

71 Hun, 504; (54 St. Rep. 902; 24 Supp. 1060).

Budlong, Matter of, 100 N. Y. 203.

Cited, Guardian—Ad Litem—Allowance of Expenses—Out of What Estate.

7 App. Div. 12; (39 Supp. 764).

Budlong, Matter of, 26 St. Rep. 863; 7 Supp. 289.

Affirmed, 126 N. Y. 423; 38 St. Rep. 436.

Cited, Wills—Probate—Contest—Duties and Obligations of Testator—Intention.

9 Misc. 679; (62 St. Rep. 424; 30 Supp. 847).

Budlong, Matter of, 126 N. Y. 423; 38 St. Rep. 436.

Cited, Appeal—To Court of Appeals—From Reversal on Facts—Probate of Will.

141 N. Y. 171; (56 St. Rep. 686).

Wills—Execution—Undue Influence.

83 Hun, 331; (64 St. Rep. 377; 31 Supp. 691). 18 App. Div. 129; (79 St. Rep. 616; 45 Supp. 616).

Budlong v. Van Nostrand, 24 Barb. 25.

Cited, Evidence—Declaration—Of Agent—When Admissible.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Budweiser Brewing Co. v. Capparelli, 16 Misc. 502; 38 Supp. 972.

Buck v. Collis, 17 App. Div. 465; 79 St. Rep. 291; 45 Supp. 291.

Buck v. Metropolitan Elevated R. Co., 73 Hun, 251; 57 St. Rep. 118; 25 Supp. 1048.

*Duplicate Citations in Parenthesis.***Buel v. Boughton**, 2 Den. 91.

Cited, Money Had and Received—Action to Recover—Principles Applied.

4 Misc. 314; (24 Supp. 262). 11 Misc. 243; (65 St. Rep. 305; 32 Supp. 165). 89 Hun, 537; (69 St. Rep. 643; 35 Supp. 283). 89 Hun, 551; (69 St. Rep. 648; 35 Supp. 293).

Buel v. N. Y. C. R. Co., 31 N. Y. 314.

Cited, Evidence—Expert—Medical.

9 Misc. 233; (61 St. Rep. 148; 29 Supp. 723).

Negligence—Contributory—Sudden Peril.

90 Hun, 563; (71 St. Rep. 31; 36 Supp. 23). 4 App. Div. 497; (33 Supp. 668).

Buel v. Southwick, 70 N. Y. 531.

Cited, Wills—Devise—Extent of Interest—Reduction by Subsequent Limitation.

78 Hun, 206; (60 St. Rep. 214; 28 Supp. 966).

Wills — Construction — Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27). 67 Hun, 275; (50 St. Rep. 823; 22 Supp. 243).

Buell v. Hollins, 16 Misc. 551; 74 St.

Rep. 772; 38 Supp. 879.

Cited, Appeal—Review of Facts.

20 Misc. 325; (79 St. Rep. 915; 45 Supp. 915).

Buell v. Lockport, Trustees of, 3 N. Y. 197.

Cited, Stipulations—Waiver of Statutory Provision.

6 Misc. 514; (57 St. Rep. 713; 27 Supp. 434). 16 Misc. 527; (74 St. Rep. 637; 40 Supp. 26).

Waiver.

90 Hun, 185; (70 St. Rep. 663; 35 Supp. 948). 15 App. Div. 63; (78 St. Rep. 145; 44 Supp. 145).

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Cited, Attachment — Affidavits — Sufficiency.

50 St. Rep. 829; (22 Supp. 874). 76 Hun, 358; (58 St. Rep. 482; 27 Supp. 803; 31 Abb. N. C. 203). 147 N. Y. 159; (69 St. Rep. 421).

Attachment—Affidavits—Information and Belief.

67 Hun, 204; (51 St. Rep. 519; 22 Supp. 66). D. 67 Hun, 126; (51 St. Rep. 549; 22 Supp. 19). 4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852). 12 App. Div. 537; (76 St. Rep. 399; 42 Supp. 399). 17 Misc. 243; (40 Supp. 1066). 18 Misc. 643; (77 St. Rep. 777; 43 Supp. 777).

Buffalo, Matter of, 16 Hun, 497.

Affirmed, 78 N. Y. 362.

Cited, Highways—Extension—Strict Compliance With Statute—Vote on Resolution. 27 Supp. 845.

Buffalo, Matter of, 73 Hun, 422; 54 St. Rep. 875; 25 Supp. 218.**Buffalo, Matter of**, 64 N. Y. 547.

Cited, Eminent Domain—Appointment of Commission—Appeal.

73 Hun, 260; (58 St. Rep. 83; 26 Supp. 567).

Eminent Domain—Appeal—When Lies.

86 Hun, 410; (67 St. Rep. 196; 33 Supp. 470). 92 Hun, 191; (71 St. Rep. 648; 36 Supp. 595).

Buffalo, Matter of, 68 N. Y. 167.

Cited, Eminent Domain—What Subject to—Previous Appropriation to Public Use.

72 Hun, 424; (54 St. Rep. 876; 25 Supp. 219). 73 Hun, 259; (58 St. Rep. 82; 26 Supp. 567). 83 Hun, 411; (64 St. Rep. 418; 31 Supp. 748). 5 App. Div. 469; (39 Supp. 22).

Buffalo, Matter of, 78 N. Y. 362.

Cited, Courts—Control Over Own Proceedings, Extent of.

21 Supp. 597; 2 Misc. 403; (50 St. Rep. 615; 21 Supp. 964). 10 App. Div. 394; (41 Supp. 770).

Limitation of Motion—When Barred—Vacation of Naturalization.

8 Misc. 432; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 417).

Judgment—Modification—Partition.

60 St. Rep. 101.

Buffalo, Matter of, 139 N. Y. 422; 54 St. Rep. 692.

Cited, Courts—Inferior—Jurisdiction—Territory.

12 App. Div. 70; (76 St. Rep. 861; 42 Supp. 861).

Buffalo, Matter of, 15 Supp. 858.

Cited, Constitutional Law—Legislative Power.

79 St. Rep. 776; (45 Supp. 776).

Buffalo v. Babcock, 56 N. Y. 268.

Cited, Health—Nuisance—Abatement.

140 N. Y. 22; (55 St. Rep. 427).

Buffalo v. Balcom, 134 N. Y. 532; 47 St. Rep. 907.

Cited, Ultra vires—As Defense to Executed Contract.

56 St. Rep. 428; (26 Supp. 289). D. 151 N. Y. 47.

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9 Misc. 615; (62 St. Rep. 92; 30 Supp. 427).

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Buffalo v. Bettinger, 76 N. Y. 393.

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136 N. Y. 411; (49 St. Rep. 690). 90 Hun, 77; (69 St. Rep. 848; 35 Supp. 455).

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Buffalo v. Hoffeld, 6 Misc. 197; 27 Supp. 869.

Buffalo v. Holloway, 7 N. Y. 493.

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8 Misc. 440; (58 St. Rep. 857; 28 Supp. 682).

Buffalo v. Marion, 13 Misc. 639; 69 St. Rep. 170; 34 Supp. 945.

Buffalo v. Neal, 86 Hun, 76; 67 St. Rep. 115; 33 Supp. 346.

Buffalo v. N. Y. L. E. & W. R. Co., 54 St. Rep. 150; 23 Supp. 303.

Buffalo v. N. Y., L. E. & W. R. Co., 6 Misc. 630; 57 St. Rep. 829; 27 Supp. 297.

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Buffalo v. Pratt, 131 N. Y. 293; 43 St. Rep. 278.

Cited, Damages — Nominal—Injury to Fee of Street.

77 Hun, 144; (59 St. Rep. 41; 28 Supp. 467). 1 App. Div. 444, 445; (73 St. Rep. 105, 106; 37 Supp. 513).

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Easements — Right of Way—Rights of Abutting Owner.

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Buffalo v. Pratt, 39 St. Rep. 417.

Affirmed, 131 N. Y. 293; 43 St. Rep. 278.

Cited, Eminent Domain — Highways—Taking of Fee—Abutting Owner—Substantial Damages.

14 Misc. 294, 296; (70 St. Rep. 442; 35 Supp. 707).

Buffalo v. Schleifer, 2 Misc. 216; 51 St. Rep. 58; 21 Supp. 913.

Buffalo v. Smith, 8 Misc. 348; 59 St. Rep. 581; 28 Supp. 690.

Buffalo v. Webster, 10 Wend. 100.

Cited, Municipal Corporations—Regulation of Traffic—Hawkers and Peddlers.

2 Misc. 218; (51 St. Rep. 59; 21 Supp. 914).

Buffalo, B. & L. R. Co. v. N. Y., L. E. & W. R. Co., 72 Hun, 583; 54 St. Rep. 872; 25 Supp. 265.

Cited, Railroads—Intersection—Proceedings to Acquire Rights at.

83 Hun, 412; (64 St. Rep. 419; 31 Supp. 749).

Buffalo, B. & L. R. Co. v. N. Y., L. E. & W. R. Co., 72 Hun, 587; 54 St. Rep. 877; 25 Supp. 155.

Cited, Eminent Domain—Railroads—Intersection—Legislative power.

90 Hun, 11, 13; (69 St. Rep. 726, 728; 35 Supp. 339 341). 11 App. Div. 283; (76 St. Rep. 1013; 42 Supp. 1013).

Buffalo Cath. Inst. v. Bitter, 87 N. Y. 250.

Cited, Pleadings—Demurrer—What Admitted under.

10 Misc. 693; (65 St. Rep. 100; 31 Supp. 1006; 1 Ann. Cas. 340).

Buffalo Cemetery Ass'n v. Buffalo, 118 N. Y. 61; (27 St. Rep. 749).

Cited, Statutes—Repealing Effect—General or Local.

73 Hun, 585; (56 St. Rep. 192; 26 Supp. 287). 10 Misc. 247; (62 St. Rep. 466; 30 Supp. 823). 86 Hun, 81; (67 St. Rep. 119; (33 Supp. 349). D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352). 6 App. Div. 89; (39 Supp. 767). 13 App. Div. 591; (77 St. Rep. 457. 43 Supp. 457).

Buffalo City Cemetery v. Buffalo, 46 N. Y. 503.

Cited, Cemeteries—Lot Owners—Nature of Estate.

80 Hun, 271, 273; (62 St. Rep. 33; 30 Supp. 159, 161).

Buffalo Cement Co. v. McNaughton, 90 Hun, 74; 69 St. Rep. 846; 35 Supp. 453.

Cited, Bond—Of Contractor—Availability. 92 Hun, 470; (36 Supp. 552).

Buffalo Chemical Works v. Bank of Commerce, 79 Hun, 93; 61 St. Rep. 143; 29 Supp. 663.

Buffalo E. S. R. Co. v. Buffalo St. R. Co., 111 N. Y. 132; 19 St. Rep. 574;

Cited, Contracts—Construction—Giving Effect to all parts.

4 App. Div. 595; (73 St. Rep. 651; 38 Supp. 494).

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13 App. Div. 80; (77 St. Rep. 406; 43 Supp. 406).

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- Constitutionality—Presumption of.
17 Misc. 259; (40 Supp. 1079).
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- Buffalo German Ins. Co. v. Third Nat. Bank of Buffalo**, 19 Misc. 564; 77 St. Rep. 550; 43 Supp. 550.
- Buffalo Ice Co. v. Cook**, 9 Misc. 434; 61 St. Rep. 731; 29 Supp. 1057.
- Buffalo Loan, T. & S. D. Co. v. Knights T. & M. M. A. Ass'n**, 126 N. Y. 450; 38 St. Rep. 247.
Cited, Insurance — Preliminary Proof—Conclusiveness.
78 Hun, 107; (60 St. Rep. 533; 28 Supp. 1077).
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81 Hun, 290; (62 St. Rep. 721; 30 Supp. 778). 12 Misc. 418; (67 St. Rep. 575, 576; 33 Supp. 706).
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87 Hun, 19; (67 St. Rep. 491; 33 Supp. 875).
- Buffalo Loan, T. & S. D. Co. v. Leonard**, 9 App. Div. 384; 75 St. Rep. 705; 41 Supp. 294.
- Buffalo Loan T. & S. D. Co. v. Medina Gas & E. L. Co.**, 12 App. Div. 199; 76 St. Rep. 781; 42 Supp. 781.
- Buffalo L. Oil Co. v. Everest**, 30 Hun, 586.
Cited, Conspiracy—Action for — Necessity of Damage.
11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1120).
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19 Misc. 294; (78 St. Rep. 338; 44 Supp. 338).
- Buffalo L. Oil Co. v. Standard Oil Co.**, 42 Hun, 153; 3 St. Rep. 450.
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Cited, Conspiracy—Civil — Recovery for Fraud Against One Conspirator.
50 St. Rep. 437; (21 Supp. 409).
- Buffalo Lubricating Oil Co. v. Standard Oil Co.**, 106 N. Y. 669.
Cited, Conspiracy—To Destroy Business—Corporation—Liability of.
3 Misc. 584; (24 Supp. 649).
- Buffalo Mut. G. L. Co., Matter of**, 81 Hun, 615; 32 Supp. 1139.
- Buffalo Mut. G. L. Co., Matter of**, 144 N. Y. 228; 63 St. Rep. 98.
Cited, Taxes—Power of Assessors to Determine Legality.
88 Hun, 383; (68 St. Rep. 773; 34 Supp. 835).
Taxes—Jurisdiction of County Court—Conditions Precedent.
9 App. Div. 631; (41 Supp. 1116).
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16 Misc. 131; (74 St. Rep. 545; 38 Supp. 955).
- Buffalo, N. Y. & E. R. Co., Matter of**, 74 St. Rep. 345; 37 Supp. 1048.
- Buffalo, N. Y. & E. R. Co. v. Stigeler**, 61 N. Y. 348.
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73 Hun, 375; (55 St. Rep. 911; 26 Supp. 158). 49 St. Rep. 470; (21 Supp. 91).
- Buffalo, N. Y. & P. R. Co., Matter of**, 32 Hun, 289.
Cited, Eminent Domain—Commissioners—Misconduct—Removal.
69 Hun, 602; (53 St. Rep. 551; 23 Supp. 945).
- Buffalo Orphan Asylum v. Karowney**, 61 St. Rep. 185; 29 Supp. 649.
- Buffalo Pipe Line Co. v. New York, L. E. & W. R. Co.**, 10 Abb. N. C. 107.
Cited, Evidence—Judicial Notice—Inland Rivers.
16 App. Div. 532; (78 St. Rep. 1016; 44 Supp. 1016).
- Buffalo Press Club v. Greene**, 5 Misc. 501; 26 Supp. 525.
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- Buffalo Press Club v. Greene**, 86 Hun, 20; 67 St. Rep. 105; 33 Supp. 286.
- Buffalo, R. & P. R. Co. v. Lavery**, 75 Hun, 396; 57 St. Rep. 686; 27 Supp. 443.
Affirmed, 149 N. Y. 576.
- Buffalo Stone & C. Co. v. Delaware, L. & W. R. Co.**, 130 N. Y. 152; 41 St. Rep. 259.
Cited, Equity—Remedy at Law—Necessity of Pleading.
78 Hun, 442; (60 St. Rep. 757; 29 Supp. 204). 76 Hun, 604; (58 St. Rep. 258; 28 Supp. 203). 61 St. Rep. 646; (29 Supp. 204).

*Duplicate Citations in Parenthesis.***Buffalo & A. R. Co. v. Cary**, 26 N. Y. 75.

Cited, Corporations—De facto—Defective Incorporation—Right to Maintain Action.

9 Misc. 425; (61 St. Rep. 706; 30 Supp. 264). 81 Hun, 253; (63 St. Rep. 712; 30 Supp. 769).

Corporations — Treatment as Such—Estoppel.

143 N. Y. 543; (62 St. Rep. 828).

Corporations — De facto—What Constitutes.

81 Hun, 257; (62 St. Rep. 715; 30 Supp. 772).

Buffalo & B. P. R. Co. v. Commissioners of Highways, 10 How. 239.

Cited, Statutes—Construction—"May."

82 Hun, 506; (64 St. Rep. 483; 31 Supp. 779).

Buffalo & H. T. Co. v. Buffalo, 58 N. Y. 639.

Cited, Interest—On Recovery for Injury to Property.

135 N. Y. 104; (48 St. Rep. 368).

Municipal Corporations — Liability for Tortious Acts of Officers.

10 Misc. 636; (64 St. Rep. 302; 31 Supp. 677; 1 Ann. Cas. 363).

Buffalo & Jamestown R. Co. v. Clark, 22 Hun, 359.

Cited, Corporations — Subscription to Stock—Validity—Payment of Percentage.

9 Misc. 426; (61 St. Rep. 707; 30 Supp. 253).

Buffalo & Jamestown R. Co. v. Gifford, 87 N. Y. 294.

Cited, Corporations—Stockholders—Creation of Relation.

71 Hun, 376; (55 St. Rep. 26; 25 Supp. 22).

Corporations—Subscription to Stock—Validity—Payment of Percentage.

9 Misc. 426; (61 St. Rep. 707; 30 Supp. 265).

Buffalo & N. Y. City R. Co. v. Brainard, 9 N. Y. 100.

Cited, Eminent Domain—Discretion.

14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

Buffalo & N. Y. City R. Co. v. Dudley, 14 N. Y. 336.

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71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23).

Buffalo & Pittsburgh R. Co. v. Hatch, 20 N. Y. 157.

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Cited, Taxes—Assessment—Review—Collateral Impeachment.

58 St. Rep. 308; (28 Supp. 79). 11 App. Div. 132; (76 St. Rep. 686; 42 Supp. 686).

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Buffum v. Forster, 77 Hun, 27; 59 St. Rep. 833; 28 Supp. 285.

Cited, Exemptions—Property Purchased with Pension Money.

9 Misc. 649; (62 St. Rep. 204; 30 Supp. 512). 10 Misc. 331; (64 St. Rep. 312; 31 Supp. 687).

Buhl v. Ball, 41 Hun, 61; 2 St. Rep. 270.

Cited, Attachment—Impeachment—Supplemental Affidavits.

51 St. Rep. 42; (22 Supp. 1097). 76 Hun, 281; (59 St. Rep. 107; 27 Supp. 772). 17 Misc. 243; (40 Supp. 1066).

Attachment—Affidavits — Knowledge of Affiant.

2 Misc. 104; (49 St. Rep. 705; 21 Supp. 5). 9 App. Div. 581; (75 St. Rep. 1101; 41 Supp. 711; 3 Ann. Cas. 203). 17 Misc. 243; (40 Supp. 1067). 17 Misc. 735, 736; (40 Supp. 1067, 1068).

Buhler v. Gibbons, 24 St. Rep. 303; 3 Supp. 815.

Cited, Landlord and Tenant—Lease—Covenants—Orders of Health Department.

9 Misc. 50; (59 St. Rep. 710; 29 Supp. 279).

Buhler v. Wentworth, 17 Barb. 649.

Cited, Pleading—Libel—General Denial—Justification.

79 Hun, 571; (61 St. Rep. 538; 29 Supp. 922).

Buhrens v Dry Dock, E. B. & B. R. Co., 53 Hun, 571; 25 St. Rep. 191; 6 Supp. 224.

Affirmed, 125 N. Y. 702.

Cited, Street Cars — Wagons—Relative Rights.

10 Misc. 542; (64 St. Rep. 126; 31 Supp. 442). (14 Misc. 385; (70 St. Rep. 753; 35 Supp. 1045). 3 App. Div. 220; (74 St. Rep. 19; 38 Supp. 363). 10 App. Div. 362; (75 St. Rep. 1385; 41 Supp. 1018). 16 App. Div. 85; (79 St. Rep. 109; 45 Supp. 109). 14 Misc. 389; (70 St. Rep. 756; 35 Supp. 1048).

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7 App. Div. 602; (74 St. Rep. 737; 40 Supp. 176).

Duplicate Citations in Parenthesis.

Buhrmaster v. Ainsworth, 90 Hun, 563; 71 St. Rep. 404; 36 Supp. 68.

Bukofzer v. U. S. Grand Lodge I. O. S. of B., 139 N. Y. 612; 54 St. Rep. 930.

Bulena v. Newman, 10 Misc. 460; 64 St. Rep. 26; 31 Supp. 449.

Bulger v. Rosa, 47 Hun, 435.
Cited, Judgment—Collateral Attack.
18 Misc. 554; (41 Supp. 878).

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Cited, Trial—Direction of Verdict—Test.
136 N. Y. 311; (49 St. Rep. 403). 5 Misc. 427; (26 Supp. 713). 11 App. Div. 82; (76 St. Rep. 982; 42 Supp. 982). 19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Trial—Taking Case From Jury—Scintilla of Evidence.

51 St. Rep. 16; (31 Supp. 716). 74 Hun, 388; (56 St. Rep. 384; 26 Supp. 434.)

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86 Hun, 342; (67 St. Rep. 158; 33 Supp. 458).

Partnership—Power of Partner—Transfer of Firm Property.

12 Misc. 621; (68 S. Rep. 255; 34 Supp. 424). 11 App. Div. 174; (76 St. Rep. 606; 42 Supp. 606). 20 Misc. 71; (78 St. Rep. 442; 44 Supp. 442).

Bulkeley v. Keteltas, 6 N. Y. 384.

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2 Misc. 306; (51 St. Rep. 571; 21 Supp. 1000).

Bulkley v. Dayton, 14 Johns. 387.

Cited, Liability to Several—Release by One Party—Effect.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 310).

Bulkley v. Kimball, 46 St. Rep. 543; 19 Supp. 672.

Cited, Mechanic's Lien—Notice—Specification of Work or Materials.

2 Misc. 272; (23 Supp. 774).

Bulkley v. Moses, 23 Supp. 125; 23 Civ. Pro. 28.

Cited, Mechanic's Lien—Bond to Discharge—When May be Resorted to.

10 Misc. 540; (64 St. Rep. 25; 31 Supp. 448; 1 Ann. Cas. 116).

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73 Hun, 176; (57 St. Rep. 148; 25 Supp. 1100).

Bulkley v. Port Henry Iron Ore Co. of Lake Champlain, 117 N. Y. 645; 27 St. Rep. 978.

Cited, Master and Servant—Risks Assumed—Knowledge.

4 Misc. 502; (54 St. Rep. 337; 24 Supp. 552). 15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279).

Bulkley v. Redmond, 2 Bradf. 281.

Cited, Wills—Revocation—Presumption.
88 Hun, 107; (68 St. Rep. 649; 34 Supp. 586)

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Cited, Wills—Probate—Capacity—Mistaken Judgment.

9 Misc. 523; (61 St. Rep. 676; 30 Supp. 389).

Bull, Matter of, 51 St. Rep. 558; 23 Supp. 283.

Bull v. Church, 5 Hill, 206.

Cited, Dower—Devise in Lieu of.

16 Misc. 100; (72 St. Rep. 530; 37 Supp. 250).

Dower—Provision for Wife—When Must Elect.

16 Misc. 105; (72 St. Rep. 743; 37 Supp. 353).

Bull v. Rothschild, 22 St. Rep. 536; 4 Supp. 826; 16 Civ. Pro. 356.

Cited, Pleading—Complaint—Supplemental—Office.

7 Misc. 23; (57 St. Rep. 79; 27 Supp. 403).

Bull v. Willard, 9 Barb. 641.

Cited, Contracts—Written—Previous oral Negotiations.

19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Bullard v. Benson, 1 Dem. 486.

Cited, Wills—Legacies—Interest—Time of—In Lieu of Dower.

5 Misc. 129; (25 Supp. 728).

Bullard v. Harris, 49 St. Rep. 133; 21 Supp. 9.

Bullard v. Harris, 70 Hun, 599; 53 St. Rep. 732; 24 Supp. 374.

Bullard v. Kenyon, 49 St. Rep. 132; 21 Supp. 32.

Cited, Chattel Mortgage—Failure to File—Rights of Creditor

69 Hun, 581; (53 St. Rep. 263; 24 Supp. 23).

Bullard v. Kenyon, 70 Hun, 599; 53 St. Rep. 731; 24 Supp. 374.

Bullard v. Kenyon, 78 Hun, 26; 61 St. Rep. 58; 29 Supp. 772.

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Cited, Witness—Impeachment — Party's Own Witness—Inconsistent Declaration—Surprise.

50 St. Rep. 307; (21 Supp. 499).

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18 Misc. 555; (41 Supp. 992).

Bullard v. Saratoga Victory Co., 77 N. Y. 525.

Cited, Waters—Riparian Rights—Reasonable Use.

70 Hun, 559; (53 St. Rep. 615; 24 Supp. 193).

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77 Hun, 431; (60 St. Rep. 40; 28 Supp. 799).

Bullard v. Sherwood, 85 N. Y. 253.

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3 Misc. 63; (51 St. Rep. 772; 22 Supp. 557).

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10 Misc. 676; (64 St. Rep. 295; 31 Supp. 670; 1 Ann. Cas. 273). 13 Misc. 204; (68 St. Rep. 235; 34 Supp. 185; 25 Civ. Pro. 4). 79 St. Rep. 637; (45 Supp. 637).

Bullion v. Bullion, 73 Hun, 437; 56 St.

Rep. 24; 26 Supp. 337.

Cited, Appeal—Finding—Weight of Evidence.

77 Hun, 455; (60 St. Rep. 655; 29 Supp. 84).

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75 Hun, 517; (57 St. Rep. 672; 27 Supp. 465).

Bullis v. Montgomery, 50 N. Y. 352.

Cited, Replevin—Sheriff—Protection of Process

83 Hun, 207; (64 St. Rep. 153; 31 Supp. 599). 8 App. Div. 312; (75 St. Rep. 330; 40 Supp. 933).

Possession—Actual.

81 Hun, 175; (61 St. Rep. 679; 30 Supp. 694).

66 St. Rep. 297; (33 Supp. 835).

Evidence — Admissions—Of Party to Fraudulent Conveyance.

87 Hun, 556; (69 St. Rep. 462; 35 Supp. 144).

Judgment—Reversal as to Some of Parties—Effect on Remainder.

14 App. Div. 630; (17 St. Rep. 588; 43 Supp. 588).

Bullock v. Babcock, 3 Wend. 391.

Cited, Proximate Cause—Unintentional Injury.

79 Hun, 505; (61 St. Rep. 259; 29 Supp. 949).

Incompetent Persons—Tortious Acts—Liability.

143 N. Y. 448; (63 St. Rep. 454).

Bullock v. Bullock, 85 Hun, 373; 66 St. Rep. 493; 32 Supp. 1009.

Cited, Bill of Particulars—Denial of Before Answer—As Bar to Subsequent Granting.

87 Hun, 229; (67 St. Rep. 427; 33 Supp. 754).

Bullock v. Durham, Town of, 64 Hun, 380; 46 St. Rep. 459; 19 Supp. 635.

Cited, Highways—Defects—Liability of Town—Absence of Funds.

67 Hun, 626; (51 St. Rep. 114; 22 Supp. 472).

Statutes — Construction—Retroactive Effect.

69 Hun, 571; (53 St. Rep. 255; 23 Supp. 961).

Highways—Defects—Town Liability—Notice.

11 App. Div. 510; (76 St. Rep. 780; 42 Supp. 780).

Bullock v. New York, 99 N. Y. 654.

Cited, Highways—Defective Sidewalk—Contributory Negligence.

67 Hun, 209; (51 St. Rep. 393; 22 Supp. 107). 77 Hun, 412; (60 St. Rep. 17; 28 Supp. 793). 10 Misc. 282; (63 St. Rep. 318; 30 Supp. 1078).

Highways—Defects—Care Required of Travelers.

51 St. Rep. 468; (22 Supp. 38).

Highways—Defects Known to Pedestrian—Contributory Negligence—Question of Fact.

13 App. Div. 504; (77 St. Rep. 660; 43 Supp. 660).

Municipal Corporations—Defective Sidewalks—Liability.

82 Hun, 77; (63 St. Rep. 330; 31 Supp. 89).

Highways — Defective — Negligence — Question of Fact.

88 Hun, 231; (68 St. Rep. 556; 34 Supp. 733).

Municipal Corporations—Defective Streets—Notice.

18 Misc. 510; (41 Supp. 991).

Bulymore v. Cooper, 46 N. Y. 236.

Cited, Prisoners—Civil—Discharge of—Application for—Sufficiency—Schedule of Property.

7 Misc. 467; (58 St. Rep. 512; 27 Supp. 992; 23 Civ. Pro. 331).

*Duplicate Citations in Parenthesis.***Bulson v. Lohnes**, 29 N. Y. 291.*Cited*, Arbitration—Umpire—Procedure—Rehearing Before
74 Hun, 67; (56 St. Rep. 200; 26 Supp. 120).**Bump v. Betts**, 19 Wend. 421.*Cited*, Malicious Prosecution—Civil—When Actionable.
60 St. Rep. 89**Bump v. Daheny**, 59 Hun, 619; 36 St. Rep. 114; 12 Supp. 901.*Cited*, Attachment—Affidavits—Sufficiency.
71 Hun, 599; (55 St. Rep. 13; 24 Supp. 1095; 23 Civ. Pro. 230).

Justice's Court—Appeal—Judgment.

7 Misc. 477; (28 Supp. 387).

Justice's Court—Error in Non-vacation of Attachment—Effect on Judgment.

17 Misc. 106; (40 Supp. 740).

Bump v. Dehany. See **Bump v. Daheny**.**Bump v. Pratt**, 84 Hun, 201; 65 St. Rep. 739; 32 Supp. 538.**Bumpus v. Bumpus**, 79 Hun, 526; 61 St. Rep. 566; 29 Supp. 878.**Bumpus v. Maynard**, 38 Barb. 636.*Cited*, Levy—Exemption of Householders—Working Tools.

3 Misc. 121; (23 Supp. 1058).

Bumpstead v. Dividend Mut. Ins. Co., 12 N. Y. 81.*Cited*, Insurance—Statement of Cause of Loss in Proofs Furnished to Insurer.

137 N. Y. 401; (50 St. Rep. 685).

Insurance—Conditions—Performance—Excuse.

11 Misc. 517; (66 St. Rep. 108; 32 Supp. 761). D. 9 App. Div. 351; (75 St. Rep. 725; 41 Supp. 316). D. 9 App. Div. 361; (75 St. Rep. 729; 41 Supp. 312).

Bumstead v. Sanders, 139 N. Y. 641; 54 St. Rep. 932.**Bunce v. Reed**, 16 Barb. 347.*Cited*, Mortgage—Foreclosure—By Advertisement—Mistake in Amount.

69 Hun, 34; (52 St. Rep. 822; 23 Supp. 436).

Writ and Process—Service—By Publication—Strict Compliance.

2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969).

Bundschu v. Simon, 23 Supp. 714; 23 Civ. Pro. 80.**Bundschuh v. Mayer**, 81 Hun, 111; 62 St. Rep. 597; 30 Supp. 622; 1 Ann. Cas. 60.*Cited*, Animals—Injuries By—Liability of Harbinger.

14 Misc. 499; (70 St. Rep. 723; 35 Supp. 1078).

Bundy v. Bundy, 38 N. Y. 410.*Cited*, Wills—Construction—Heirs.

73 Hun, 489; (56 St. Rep. 30; 26 Supp. 896). 11 Misc. 439; (67 St. Rep. 423; 33 Supp. 421). 86 Hun, 111; (68 St. Rep. 46; 34 Supp. 202). 11 App. Div. 172; (76 St. Rep. 614; 42 Supp. 614).

Wills—Just Provisions—Rights of Beneficiary for Support Under—Amount—Taxing of

4 Misc. 342; (24 Supp. 312).

Bundy v. Newton, 138 N. Y. 613, 53 St. Rep. 9.0.**Bunge v. Koop**, 48 N. Y. 225.*Cited*, Insurance—Cancellation After Unknown Loss—Rebate.

138 N. Y. 93; (51 St. Rep. 663).

Contract—Repudiation—Recovery.

7 Misc. 637; (58 St. Rep. 373; 28 Supp. 27). 82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708).

Pleading—Construction—Allegations.

8 Misc. 223; (59 St. Rep. 451; 28 Supp. 566; 23 Civ. Pro. 438).

Bunker v. Langs, 76 Hun, 543; 58 St. Rep. 241; 28 Supp. 210.*Cited*, Action—Parties—Non-residence—Waiver.

16 App. Div. 623; (78 St. Rep. 1061; 44 Supp. 1061).

Pleading—Allegation of Residence—Necessity of.

17 Misc. 369; (40 Supp. 70).

Bunn v. Croul, 10 Johns. 239.*Cited*, Trial—Instruction by Judge—Publicity—Presence of Parties.

6 Misc. 115; (58 St. Rep. 2; 26 Supp. 44). 79 Hun, 26; (61 St. Rep. 242; 29 Supp. 562). 92 Hun, 197; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20).

Bunn v. Daly, 24 Hun, 526.*Cited*, Supplementary Proceedings—Availability to Reach Legal Estate in Lands.

41 Supp. 225; (25 Civ. Pro. 382.)

Statutes—Supplementary Proceedings—Sale on Execution—Construction.

7 App. Div. 531; (40 Supp. 263).

Bunn v. Lett, 47 St. Rep. 77; 19 Supp. 728.*Cited*, Payment and Tender—Sale at Agreed Price—Purchaser's Duty to Tender Specific Sum.

1 Misc. 510; (48 St. Rep. 937; 20 Supp. 617).

Duplicate Citations in Parenthesis.

Bunn v. Winthrop, 1 Johns. Ch. 329.

Cited, Contracts — Consideration — Immoral—Seduction.

70 Hun, 114; (54 St. Rep. 186; 24 Supp. 197).

Bunnell v. Gardner, 4 App. Div. 321; 38 Supp. 569.

Bunnell v. Greathead, 49 Barb. 106.

Cited, Husband and Wife—Dbauchment of Wife—Power of Husband to Prevent.

19 Misc. 237; (78 St. Rep. 220; 44 Supp. 220).

Bunnell v. Stern, 122 N. Y. 539; 34 Supp. 218.

Cited, Bailment—Liability of Bailee.

4 Misc. 105; (53 St. Rep. 211; 22 Supp. 1009). 17 Misc. 376; (39 Supp. 1040).

Bailment — Liability — Restaurant Keeper.

9 Misc. 462; (61 St. Rep. 89; 30 Supp. 247). 20 Misc. 345; (79 St. Rep. 752; 45 Supp. 752).

Bailment—Shopkeeper—Liability.

89 Hun, 129; (68 St. Rep. 843; 34 Supp. 1008).

Bunyan v. Pearson, 8 App. Div. 84; 40 Supp. 429.

Cited, Wills—Devise—Vesting.

19 Misc. 404; (78 St. Rep. 346; 44 Supp. 346).

Burborn v. McDonough, 14 Misc. 4; 69 St. Rep. 377; 35 Supp. 132.

Burbridge v. Kilgannon, 14 Misc. 450; 70 St. Rep. 726; 35 Supp. 1022.

Burby v. Roome, 7 Misc. 167; 57 St. Rep. 511; 27 Supp. 250.

Burch v. Cavanaugh, 12 Abb. N. S. 410.

Cited, Injunction—When Granted—Necessity.

8 Misc. 479; (59 St. Rep. 876; 29 Supp. 581).

Injunction—To Restrain Arrest.

11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1087).

Burch v. Newbury, 10 N. Y. 374.

Cited, Constitutional Law—Retrospective Statutes.

13 Misc. 99; (68 St. Rep. 33; 34 Supp. 79; 1 Ann. Cas. 388).

Legislature—Powers.

6 App. Div. 284; (40 Supp. 538).

Burchard v. Phillips, 11 Paige, 66.

Cited, Money Had and Received—Summary Proceedings for.

5 Misc. 115; (25 Supp. 739).

Burchell v. Green, 6 Misc. 236; 27 Supp. 22.

Affirmed, 80 Hun, 602; 61 St. Rep. 869; 29 Supp. 1141.

Sale—Conditional—Interest of Vendee.

85 Hun, 127; (66 St. Rep. 214; 32 Supp. 594).

Burchfield v. Northern Cent. R. Co., 57 Barb. 589.

Cited, Railroads—Lessee—Maintenance of Fences—Injury to Animals.

8 App. Div. 393; (75 St. Rep. 167; 40 Supp. 790).

Burckle v. Eckhart, 3 N. Y. 132.

Cited, Contracts—Breach—Place of Performance—Right of Action.

8 Misc. 295; (59 St. Rep. 211; 28 Supp. 574; 31 Abb. N. C. 442).

Courts—Jurisdiction—Waiver.

17 Misc. 147; (39 Supp. 411). D. 16 App. Div. 628; (78 St. Rep. 1065; 44 Supp. 1065).

Burckle v. Shannon, 7 Misc. 309; 58 St. Rep. 42; 27 Supp. 899.

Burd, Matter of, 9 Week. Dig. 562.

Cited, Attorneys—Disbarment—Conversion.

8 App. Div. 611; (41 Supp. 1113).

Burden v. Burden, 8 App. Div. 160; 75 St. Rep. 1322; 40 Supp. 499.

Burden v. Burden, 10 App. Div. 340; 41 Supp. 948.

Burden v. Pratt, 1 T. & C. 554.

Cited, Witness—Cross Examination—Failure to Appear For.

67 Hun, 189; (51 St. Rep. 404; 22 Supp. 95).

Burdick, Matter of, 53 St. Rep. 842; 24 Supp. 346.

Burdick v. Cameron, 10 App. Div. 589; 76 St. Rep. 78; 42 Supp. 78.

Burdick v. Freeman, 46 Hun, 138; 10 St. Rep. 756.

Affirmed, 120 N. Y. 420; 31 St. Rep. 427.

Cited, Courts—Jurisdiction—Non-Residents—Discretion.

14 Misc. 424; (70 St. Rep. 258; 25 Civ. Pro. 105; 2 Ann. Cas. 378).

Burdick v. Freeman, 120 N. Y. 420; 31 St. Rep. 427.

Cited, Courts—Jurisdiction—Non-Residents—Discretion.

76 Hun, 310; (59 St. Rep. 87; 27 Supp. 689). 14 Misc. 424; (70 St. Rep. 258; 25 Civ. Pro. 105).

Courts—Jurisdiction—Declination.

1 Misc. 460; (49 St. Rep. 610; 21 Supp. 792).

Trial—Requests to Charge—Relation to Evidence.

6 Misc. 337; (56 St. Rep. 241; 26 Supp. 902).

*Duplicate Citations in Parenthesis***Burdick v. Green**, 15 Johns. 247.

Cited, Mortgage—Foreclosure — Defense — Note for Debt.

80 Hun, 210; (61 St. Rep. 776; 30 Supp. 32).
Debt—Taking Note—Action on Indebtedness—Surrender of Note on trial.

16 Misc. 556; (74 St. Rep. 266; 38 Supp. 747). 17 Misc. 384; (39 Supp. 1063). 19 Misc. 17; (76 St. Rep. 845; 42 Supp. 845).

Burdick v. Green, 18 Johns. 14.

Cited, Process—When Operative.

1 App. Div. 591; (73 St. Rep. 113; 37 Supp. 488).

Burditt v. N. Y. C. & H. R. R. Co., 71 Hun, 361; 55 St. Rep. 18; 24 Supp. 1137.

Cited, Trespass — Unauthorized Maintenance of Railroad Tracks—Relief.

11 App. Div. 531; (76 St. Rep. 592; 42 Supp. 592).

Burger v. Burger, 111 N. Y. 523; 20 St. Rep. 105.

Cited, Appeal—To Court of Appeals—From Reversal On Facts—Probate of Will.

141 N. Y. 171; (56 St. Rep. 686).

Appeal—From Surrogate's Decree—Case.

69 Hun, 406; (52 St. Rep. 844; 23 Supp. 650).

Appeal—Review of Facts—Motion for New Trial.

135 N. Y. 416; (48 St. Rep. 436). 50 St. Rep. 836; (22 Supp. 340).

Appeal—From Surrogate's Decree—Review of Facts.

84 Hun, 524; (65 St. Rep. 617; 32 Supp. 401). 4 App. Div. 2; (73 St. Rep. 791; 38 Supp. 330). 39 Supp. 552. 10 App. Div. 594; (76 St. Rep. 134; 42 Supp. 134).

Burger v. Koelsch, 77 Hun, 44; (59 St. Rep. 69; 28 Supp. 460).**Burgess v. Abbott**, 6 Hill, 135.

Cited, Pleading—Answer — Non-Joinder of Parties.

76 Hun, 231; (59 St. Rep. 124; 27 Supp. 737).

Burgess v. Badger, 82 Hun, 488; 64 St. Rep. 327; 31 Supp. 614.**Burgess v. Simonson**, 45 N. Y. 25.

Cited, Judgment—Conclusiveness.

4 App. Div. 58; (38 Supp. 630; 25 Civ. Pro. 289).

Burgess v. Smith, 2 Barb. Ch. 276.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun, 467; (52 St. Rep. 900; 24 Supp. 223).

Burgess v. Tucker, 5 Johns. 105.

Cited, Pleading—General Issue—Notice of Set-Off.

142 N. Y. 245; (58 St. Rep. 770). D. 142 N. Y. 256; (58 St. Rep. 778).

Burgevin v. N. Y. C. & H. R. R. Co., 69 Hun, 479; 52 St. Rep. 617; 23 Supp. 415.

Cited, Carriers — Passenger — Baggage—Duration of Liability.

81 Hun, 475; (63 St. Rep. 216; 30 Supp. 1023).

84 Hun, 538; (66 St. Rep. 323; 32 Supp. 449).

Burgoyne v. Eastern & W. R. Co., 13 Supp. 537.

Cited, Courts — Foreign Corporations—Sequestration of Property.

18 Misc. 552; (41 Supp. 876).

Burnham v. Comfort, 108 N. Y. 535.

Cited, Wills—Ademption, What Constitutes—Intention of Donor.

1 Misc. 64; (23 Supp. 139).

Burhans v. Blanchard, 1 Den. 626.

Cited, Executors—Personal Judgment—Leave to Enter.

88 Hun, 131; (68 St. Rep. 682; 34 Supp. 627).

Burhans v. Carter, 13 Hun, 153.

Cited, Evidence—Parol—Condition Precedent.

7 Misc. 154; (57 St. Rep. 501; 27 Supp. 365).

Burhans v. Tibbitts, 7 How. 21.

Cited, Trial—Verdict—Interest—Correction.

7 Misc. 8; (57 St. Rep. 81; 27 Supp. 325).

Burhans v. Van Zandt, 7 N. Y. 523.

Cited, Res adjudicata.

81 Hun, 458; (63 St. Rep. 618; 31 Supp. 216).

Co-tenants — Purchase of Outstanding Title by One.

89 Hun, 546; (69 St. Rep. 734; 35 Supp. 347).

Burk v. Edson General El. Co., 89 Hun, 498; 69 St. Rep. 757; 35 Supp. 313.**Burk v. Deleware & H. C. Co.**, 86 Hun, 519; 67 St. Rep. 667; 33 Supp. 986.**Burkard v. Brooklyn**, 6 Misc. 431; 58 St. Rep. 302; 26 Supp. 1112.

Cited, Condemnation — Award — Subsequent Conveyance—Assignment.

8 Misc. 599; (61 St. Rep. 51; 29 Supp. 391).

*Duplicate Citations in Parenthesis.***Burke, Matter of**, 62 N. Y. 224.*Cited*, Definitions—Paving.

66 Hun, 185; (49 St. Rep. 165; 21 Supp. 151).

Burke v. Burke, 5 Misc. 312; 26 Supp. 55; 31 Abb. N. C. 63.**Burke v. Burke**, 5 Misc. 319; 26 Supp. 57.**Burke v. Burke**, 75 Hun, 412; 56 St. Rep. 763; 27 Supp. 67.**Burke v. Burpo**, 75 Hun, 568; 59 St. Rep. 144; 27 Supp. 684.*Cited*, Bastardy Proceedings—Testimony of Mother—Credibility.

83 Hun, 305; (64 St. Rep. 739; 31 Supp. 944).

Bastardy Proceedings—By Whom to be Instituted.

8 App. Div. 466; (75 St. Rep. 213; 40 Supp. 827).

Burke v. Candee, 63 Barb. 552.*Cited*, Costs—Extra Allowance—Computation.

52 St. Rep. 13; (23 Supp. 546). 3 App. Div. 43; (74 St. Rep. 429; 37 Supp. 1082).

Costs—Extra Allowance—Indemnity.

86 Hun, 474; (67 St. Rep. 636; 33 Supp. 889).

Costs—Extra Allowance—Discretion.

88 Hun, 348; (68 St. Rep. 390; 34 Supp. 401). 92 Hun, 56; (71 St. Rep. 742; 36 Supp. 730).

Burke v. Manhattan R. Co., 13 Daly, 75.*Cited*, Railroads—Adoption of Improved Appliances.

67 Hun, 635; (51 St. Rep. 105; 22 Supp. 475).

Burke v. New York, 7 App. Div. 128; 40 Supp. 81.*Cited*, Municipal Corporations—Contracts—Certificate—Conclusiveness.

12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524).

Burke v. N. Y. C. & H. R. R. Co., 49 St. Rep. 370; 20 Supp. 808.**Burke v. N. Y. C. & H. R. R. Co.**, 73 Hun, 32; 57 St. Rep. 7; 25 Supp. 1009.*Cited*, Railroads—Negligence—Contributory—Duty to Look.

9 Misc. 484; (61 St. Rep. 89; 30 Supp. 247). 10 Misc. 123; (62 St. Rep. 511; 30 Supp. 913). 85 Hun, 113; (66 St. Rep. 34; 32 Supp. 651). 91 Hun, 36; (71 St. Rep. 398; 36 Supp. 111). 17 Misc. 156; (39 Supp. 337).

Burke v. N. Y., N. H. & H. Co., 39 St. Rep. 241; 15 Supp. 148; 59 Super. 569.*Cited*, Pleading—Defense—Separate Statement.

67 St. Rep. 591; (33 Supp. 690; 24 Civ. Pro. 348).

Burke v. Niagara Fire Insurance Co., 34 St. Rep. 701; 12 Supp. 254.*Cited*, Insurance—Transfer of Policy—"As Interest May Appear."

70 Hun, 492; (53 St. Rep. 747; 24 Supp. 386).

Burke v. Nichols, 1 Abb. Ct. App. Dec. 260; 2 Keyes, 670.*Cited*, Covenants—Of Seizin—Breach.

9 Misc. 135; (59 St. Rep. 714; 29 Supp. 282).

Burke v. Phillips, 20 Misc. 413; 79 St. Rep. 1024; 45 Supp. 1024.**Burke v. Slattery**, 10 Misc. 754; 64 St. Rep. 631; 31 Supp. 825.**Burke v. Syracuse, B. & N. Y. R. Co.**, 69 Hun, 21; 52 St. Rep. 813; 23 Supp. 458.*Cited*, Railroads—Injury to Employee—Liability.

85 Hun, 153; (66 St. Rep. 90; 32 Supp. 632).

Burke v. Thompson Meter Co, 135 N. Y. 651; 48 St. Rep. 931.**Burke v. Thorn**, 44 Barb. 363.*Cited*, Pleading—Reply—Admission.

8 Misc. 225; (59 St. Rep. 452; 28 Supp. 567; 23 Civ. Pro. 440).

Burke v. Tindale, 60 St. Rep. 835; 29 Supp. 1141.**Burke v. Tindale**, 12 Misc. 31; 66 St. Rep. 520; 33 Supp. 20.*Cited*, 13 Misc. 778; (68 St. Rep. 366; 34 Supp. 1135).**Burke v. Tindale**, 13 Misc. 778; 68 St. Rep. 366; 34 Supp. 1135.**Burke v. Witherbee**, 98 N. Y. 562.*Cited*, Master and Servant—Machinery and Appliances—Master's Duty as to Condition.

1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). 67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 4 Misc. 162; (53 St. Rep. 196; 23 Supp. 788). 7 Misc. 105; (57 St. Rep. 483; 27 Supp. 411). 142 N. Y. 34; (58 St. Rep. 437). 7 App. Div. 420; (39 Supp. 918). D. 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 822).

Master and Servant—Hazard Assumed by Servant—Use of Explosive.

50 St. Rep. 558; (21 Supp. 822).

Master and Servant—Liability of Master to Servant—Appliances—Negligence—Imputed.

Duplicate Citations in Parenthesis.

9 Misc. 396; (61 St. Rep. 688; 29 Supp. 1064).

Master and Servant—Appliances—Degree of Perfection.

67 Hun, 589; (51 St. Rep. 240; 22 Supp. 458). 67 Hun, 635; (51 St. Rep. 105; 22 Supp. 475); 11 Misc. 5; (63 St. Rep. 463; 81 Supp. 835). 86 Hun, 39; (66 St. Rep. 835; 33 Supp. 206). 12 Misc. 338; (67 St. Rep. 337; 33 Supp. 631). 13 Misc. 176; (68 St. Rep. 26; 34 Supp. 71). 83 Hun, 320; (68 St. Rep. 419; 34 Supp. 409). 14 Misc. 419; (70 St. Rep. 418; 35 Supp. 761).

Negligence—Unsafe Appliances.

4 App. Div. 244; (74 St. Rep. 57; 38 Supp. 435).

Burke v. Wolfe, 38 Super. 263.

Cited, Evidence—Documentary—Entries by Decedents.

49 St. Rep. 563; (20 Supp. 912).

Burkhalter v. Second Nat'l Bank of Erie, Pa., 42 N. Y. 538.

Cited, Bills and Notes—Presentation—Diligence.

138 N. Y. 497; (53 St. Rep. 114).

Burkhard v. Smith, 19 Misc. 31; 76 St. Rep. 638; 42 Supp. 638.

Cited, Courts—District—Judgment by Default—Appeal.

20 Misc. 369; (79 St. Rep. 925; 45 Supp. 925).

Burkitt v. Harper, 79 N. Y. 273.

Cited, Mechanic's Lien—Consent of Owner of Realty—How Shown.

137 N. Y. 193; (50 St. Rep. 388).

Mechanic's Lien—Contract With Stranger—Consent of Owner.

139 N. Y. 199; (54 St. Rep. 464).

Mechanic's Lien—Property Under Lease—Consent of Owner.

59 St. Rep. 553; (28 Supp. 650). 10 Misc. 375; (64 St. Rep. 118; 31 Supp. 435). 11 Misc. 96; (66 St. Rep. 191; 32 Supp. 813). 14 App. Div. 568; (77 St. Rep. 1034; 43 Supp. 1054).

Burkle v. Luce, 1 N. Y. 239.

Cited, Costs—Special Proceeding—Public Officer.

9 Misc. 510; (61 St. Rep. 82; 30 Supp. 346). Costs—Increased.

66 Hun, 54; (66 St. Rep. 785; 33 Supp. 160).

Burlew v. Hubbell, 1 T. & C. 236.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 265).

Burley v. Barnhard, 9 St. Rep. 587; 27 Week. Dig. 6.

Cited, Husband and Wife—Right of Husband—Services of Wife.

77 Hun, 18; (59 St. Rep. 261; 28 Supp. 275). 61 St. Rep. 332; (29 Supp. 821). 82 Hun, 402; (63 St. Rep. 558; 31 Supp. 252).

Witness—Interested Party—Husband and Wife.

82 Hun, 403; (63 St. Rep. 559; 31 Supp. 253). 88 Hun, 210, 211; (68 St. Rep. 398, 399; 34 Supp. 670).

Burley v. German Am. Bank, 5 Civ. Pro. 172.

Cited, Pleading—Answer—Denials—Sufficiency.

15 App. Div. 27; (78 St. Rep. 125; 44 Supp. 125).

Burley v. Hartson, 40 Hun, 121.

Cited, Assignment—For Creditors—Preference of Claims of Employees.

79 St. Rep. 632; (45 Supp. 632).

Burling v. Gunther, 12 Daly, 6.

Cited, Brokers—Commissions—When Earned.

19 Misc. 103.

Burling v. King, 68 Barb. 633.

Cited, Contracts—Conditions Precedent—Performance—Recovery.

6 Misc. 314; (58 St. Rep. 298; 26 Supp. 1106). 13 App. Div. 541; (77 St. Rep. 731; 43 Supp. 731).

Burling v. King, 2 T. & C. 545.

Cited, Specific Performance—Matter of Right—Judicial Discretion.

6 Misc. 318; (58 St. Rep. 301; 26 Supp. 1108).

Burlingame v. Burlingame, 7 Cow. 92.

Cited, Contracts—Statute of Frauds—Performance—Compensation.

72 Hun, 632; (55 St. Rep. 285; 25 Supp. 1st 4).

Burlingame v. Burlingame, 8 Cow. 141.

Cited, Malicious Prosecution—Probable Cause.

8 App. Div. 335; (75 St. Rep. 219; 40 Supp. 832).

Burlingame v. Parce, 12 Hun, 149.

Cited, Action—Stay—Multiplicity.

77 Hun, 569; (60 St. Rep. 488; 28 Supp. 1033).

Lien—Assignment as Collateral—Enforcement.

72 Hun, 214; (55 St. Rep. 347; 25 Supp. 654).

Mortgage—Rights of Mortgagor.

6 App. Div. 248; (39 Supp. 1032).

Duplicate Citations in Parenthesis.

Burmeister, Matter of, 76 N. Y. 174.

Cited, Definitions—Paving.

66 Hun, 185; (49 St. Rep. 165; 21 Supp. 151).

Burnap v. National Bank of Potsdam, 96 N. Y. 125.

Cited, Appeal—Exceptions — Findings—Requests.

5 Misc. 522; (54 St. Rep. 826; 25 Supp. 464). 148 N. Y. 515.

Trial—Omission to Find—Request.

8 Misc. 258; (59 St. Rep. 199; 28 Supp. 548).

Burnell v. N. Y. C. R. R. Co., 45 N. Y. 184.

Cited, Carriers — Connecting Carriers—Loss of Baggage.

66 Hun, 459; (50 St. Rep. 425; 21 Supp. 320).

Carriers—Passenger—Baggage—Duration of Liability.

69 Hun, 480; (52 St. Rep. 618; 23 Supp. 416). 81 Hun, 474; (63 St. Rep. 216; 30 Supp. 1022). 84 Hun, 538; (66 St. Rep. 323; 32 Supp. 849).

Burnet v. Bookstaver, 10 Hun, 481.

Cited, Lunatics—Actions On Behalf Of—In Whose Name

73 Hun, 483; (56 St. Rep. 16; 26 Supp. 441). 3 App. Div. 392; (74 St. Rep. 167; 38 Supp. 708).

Burnet v. Denniston, 5 Johns. Ch. 35.

Cited, Mortgage—Foreclosure by Advertisement—Compliance With Statute.

69 Hun, 37; (52 St. Rep. 824; 23 Supp. 438.) D. 69 Hun, 47; (52 St. Rep. 832; 23 Supp. 445).

Burnet, Matter of, 15 St. Rep. 116.

Cited, Appeal—Surrogate's Court—When Lies.

88 Hun, 445; (68 St. Rep. 394; 34 Supp. 405).

Burnett v. Noble, 5 Redf. 69.

Cited Executors — Accounting—Claims Barred by Statute—Allowance.

15 Misc. 576; (72 St. Rep. 814; 38 Supp. 186).

Burnett v. Scribner, 16 Barb. 621.

Cited, Landlord and Tenant—Lease—Condition Subsequent—Summary Proceedings.

9 Misc. 489; (61 St. Rep. 98; 30 Supp. 244).

Landlord and Tenant — Lease—Surrender.

89 Hun, 66; (69 St. Rep. 249; 35 Supp. 69).

Burnett v. Snyder, 76 N. Y. 344.

Cited, Partnership — Holding Out as Partners—Liability for Debts.

16 Misc. 59; (73 St. Rep. 239); 37 Supp. 645).

Burnett v. Snyder, 81 N. Y. 550.

Cited, Partnership—What Constitutes—Participation in Profits.

76 Hun, 506; (59 St. Rep. 371; 27 Supp. 1069).

Burnett v. Wadsworth, 57 N. Y. 634.

Cited, Deeds — Description — Construction.

15 App. Div. 270; (78 St. Rep. 215; 44 Supp. 215).

Burnett v. Wright, 44 St. Rep. 14; 17 Supp. 309.

Cited, Limitation of Action — When Barred—Reformation of Mortgage.

70 Hun, 513; (56 St. Rep. 618; 24 Supp. 370).

Burnett v. Wright, 135 N. Y. 543; 48 St. Rep. 541.

Cited, Limitation of Mortgage — When Barred—Reformation of Mortgage.

70 Hun, 514; (53 St. Rep. 618; 24 Supp. 370).

Burnham v. Butler, 31 N. Y. 480.

Cited, Appeal — From Justice's Court—Weight of Evidence—Reversal.

10 App. Div. 604; (76 St. Rep. 371; 42 Supp. 37). 11 App. Div. 63; (76 St. Rep. 458; 42 Supp. 458). 16 App. Div. 468; (78 St. Rep. 936; 44 Supp. 936).

Negligence—Joint Liability.

12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033).

Burnham v. Cape Vincent Seed Co.,

142 N. Y. 169; 58 St. Rep. 638.

Burnham v. Comfort, 108 N. Y. 535.

Cited, Wills—Devise—Revocation.

5 App. Div. 135; (39 Supp. 60).

Burnham v. Edison Electric Illuminating Co. of N. Y., 13 App.

Div. 363; 43 Supp. 242.

Burnham v. Onderdonk, 41 N. Y. 425.

Cited, Real Property—Conflicting Claims—Remedy.

78 Hun, 383; (60 St. Rep. 740; 29 Supp. 182).

Burns, Matter of, 16 App. Div. 507; 78 St. Rep. 930; 44 Supp. 930.

Cited, Constitutional Law—Eminent Domain—Private Use.

16 App. Div. 539; (78 St. Rep. 1021; 44 Supp. 1021).

Burns v. Allen, 89 Hun, 532; 69 St. Rep. 729; 35 Supp. 842.

Cited, Wills—Legacies—Charge on Land.

8 App. Div. 353; (75 St. Rep. 178; 40 Supp. 799).

Duplicate Citations in Parenthesis.

Burns v. Bryant, 31 N. Y. 453.

Cited, Landlord and Tenant—Notice to Quit—Sufficiency.

83 Hun, 302; (64 St. Rep. 751; 31 Supp. 956).

Burns v. Delaware, L. & W. R. Co.,

63 Hun, 19; 42 St. Rep. 171; 17 Supp. 415; 22 Civ. Pro. 43.

Cited, Costs.

D. 7 App. Div. 388; (40 Supp. 218).

Burns v. Delaware, L. & W. R. Co.,

135 N. Y. 268; 48 St. R.p. 106.

Modifying 63 Hun. 19; 42 St. Rep. 171; 17 Supp. 415; 22 Civ. Pro. 43.

Cited, Costs—Prevailing Party—Several Causes of Action.

3 App. Div. 317; (78 St. Rep. 741; 38 Supp. 260). 7 App. Div. 383; (40 Supp. 216). 15 App. Div. 120; (78 St. Rep. 381; (44 Supp. 381).

Burns v. Erben, 40 N. Y. 463.

Cited, False Imprisonment—Warrant—Probable Cause—Liability of Officer.

142 N. Y. 448; (59 St. Rep. 818).

False Imprisonment—Arrest by Private Citizen.

2 Misc. 128; (49 St. Rep. 117; 20 Supp. 853).

Trial—Questions of Law and Fact—Probable Cause.

2 Misc. 306; (51 St. Rep. 571; 21 Supp. 1600).

False Imprisonment—Unauthorized Arrest.

13 Misc. 765; (69 St. Rep. 609; (35 Supp. 234). 17 Misc. 88; (39 Supp. 831).

Burns v. Glens Falls, S. H. & Ft. E.

St. R. Co., 4 App. Div. 426; 74 St. Rep. 785; 38 Supp. 856.

Burns v. Houston, West St. & P. F.

R. Co., 15 Misc. 19; 71 St. Rep. 864; 36 Supp. 774.

Burns v. Johnston, 3 App. Div. 406; 38 Supp. 978.

Burns v. Matthews, 146 N. Y. 386; 71 St. Rep. 333.

Burns v. N. Y. C. & H. R. R. Co., 13 App. Div. 433; 77 St. Rep. 391; 43 Supp. 391.

Burns v. O'Neil, 10 Hun, 494.

Cited, Courts—County—Jurisdiction—Showing—Residence.

5 Misc. 100; (24 Supp. 837; 23 Civ. Pro. 215).

Pleadings—Complaint—Allegations as to Residence—Sufficiency.

76 Hun, 545; (58 St. Rep. 244; 28 Supp. 211).

Pleadings—Allegation of Time.

91 Hun, 496; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110).

Burns v. Pethcal, 75 Hun, 437; 57 St. R.p. 661; 27 Supp. 499.

Cited, Negligence—Acts of Agent—Liability.

89 Hun, 419; (69 St. Rep. 764; 35 Supp. 320).

Burns v. Walsh, 10 Misc. 48; 62 St. Rep. 768; 30 Supp. 807.

Reversed, 10 Misc. 699; 64 St. Rep. 492; 31 Supp. 788.

Burns v. Walsh, 10 Misc. 699; 64 St. Rep. 492; 31 Supp. 788.

Burns v. Winchell, 44 Hun, 261.

Cited, Conversion—Over-due Mortgage—Right of Mortgagor to Maintain Action.

16 Misc. 579; (74 St. Rep. 175; 33 Supp. 767).

Burns v. Yonkers, City of, 83 Hun, 211; 64 St. Rep. 354; 31 Supp. 757.

Cited, 34 Supp. 1135.

Burns v. Yonkers, City of, 34 Supp. 1135.

Burns & Barclay Co. v. Metropolitan Sav. Bank, 77 St. Rep. 452; 43 Supp. 1152.

Burnside v. Matthews, 54 N. Y. 78.

68 St. Rep. 390; (34 Supp. 401).

Burr, Matter of, 16 Misc. 89; 74 St. Rep. 490; 38 Supp. 811.

Burr v. Beers, 24 N. Y. 178.

Cited, Covenant—Effect—Breach—Enforcement.

135 N. Y. 222; (48 St. Rep. 395). 85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660). 19 Misc. 615; (78 St. R.p. 424; 44 Supp. 424).

Partnership—Assumption of Debts—Rights of Creditors.

4 Misc. 525; (54 St. Rep. 129; 24 Supp. 734).

Contracts—For Benefit of Third Person—Availability.

85 Hun, 550; (67 St. Rep. 43; 33 Supp. 359). 5 App. Div. 359; (39 Supp. 231). 150 N. Y. 238.

Burr v. Rurr, 7 Hill, 207.

Cited, Husband and Wife—Divorce—Alimony—Agreement.

9 Misc. 514; (61 St. Rep. 96; 30 Supp. 339).

Burr v. Burr, 10 Paige, 20.

Cited, Husband and Wife—Alimony—Allowance—Discretion.

143 N. Y. 241; (62 St. Rep. 187).

Husband and Wife—Action for Separation—Condoned Cruelty—Revival.

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980).

Husband and Wife—Alimony—Maintenance and Support.

79 St. Rep. 403; (45 Supp. 403).

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Burr v. DeLaVergne, 102 N. Y. 415;
2 St. Rep. 414.

Cited, Partnership — Dissolution — Accounting—Assignment.

69 Hun, 412; (52 St. Rep. 725; 23 Supp. 551).

Partnership—Property of—Inventions by Co-partner.

5 Misc. 387; (25 Supp. 853).

Patents—Oral Agreement to Sell—Enforcement.

151 N. Y. 451.

Burr v. Mills, 21 Wend. 290.

Cited, Deeds—Reservation—Construction.

148 N. Y. 429.

Burr v. Stenton, 43 N. Y. 462.

Cited, Foreclosure — Surplus Moneys — Who Entitled to.

D. 2 App. Div. 237; (73 St. Rep. 466; 37 Supp. 734).

Burr v. Wilcox, 22 N. Y. 551.

Cited, Taxes—Exemption—Certificates of Stock—Foreign Corporations.

77 Hun, 214; (59 St. Rep. 769; 28 Supp. 353).

Corporations—Stock—Sale—Necessity of Certificate.

16 App. Div. 530; (78 St. Rep. 1032; 44 Supp. 1032).

Burrall v. Bushwick R. Co., 75 N. Y. 211.

Cited, Corporations—Capital Stock—Taxation.

78 Hun, 66; (60 St. Rep. 664; 29 Supp. 94).

Corporations—Stockholders — Interest in Corporate Property—Resemblance to Partnership.

140 N. Y. 78; (55 St. Rep. 268).

Burrell v. Do Sin, 10 Misc. 745; 64 St.

Rep. 612; 31 Supp. 804; 24 Civ. Pro. 243; 1 Ana. Cas. 189.

Burrill v. Boardman, 43 N. Y. 254.

Cited, Wills—Trusts—Perpetuities.

7 App. Div. 439; (75 St. Rep. 410; 40 Supp. 1034).

Burrill v. Chenango Mut. Ins. Co., 1 Edm. Sel. Cas. 233.

Cited, Insurance, Fire—Policy Covering Distinct Subjects—Partial Breach.

1 Misc. 117; (48 St. Rep. 655; 20 Supp. 647).

Burrill v. Hollands, 78 Hun, 583; 61 St. Rep. 373; 29 Supp. 515.

Burritt v. Koster, Bail & Co., 7 Misc. 75; 57 St. Rep. 461; 27 Supp. 353.

Burritt v. Saratoga County Mut. F. Ins. Co., 5 Hill, 188.

Cited, Insurance, Fire—Condition of Title —Duty of Insured to Disclose Interest—Incumbrances.

1 Misc. 119; (48 St. Rep. 656; 20 Supp. 648).

Burroughs v. Tostevan, 75 N. Y. 567.

Cited, Courts—Chancery — Jurisdiction — Foreclosure.

135 N. Y. 278; (48 St. Rep. 87).

Mortgage—Enforcement—Personal Judgment—Failure of Lien.

138 N. Y. 458; (53 St. Rep. 22). 86 Hun, 183; (67 St. Rep. 87; 33 Supp. 345).

Mechanic's Lien—Enforcement—Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 326).

Burroughs v. Tradesman's Nat.

Bank of N. Y., 87 Hun, 6; 67 St. Rep. 481; 33 Supp. 864.

Burrows v. Atlas S. S. Co., 46 St. Rep.

533; 18 Supp. 781.

Cited, Trial—Question of Fact—Effect of Request by Each Party for Direction of Verdict.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9).

Burrows v. Dickinson, 35 Hun, 492.

Cited, Referee—Removal—Misconduct.

3 Misc. 444; (52 St. Rep. 321; 23 Supp. 178).

Referee—Misconduct—Setting Aside Report.

1 App. Div. 106; (72 St. Rep. 227, 229; 37 Supp. 73, 75). 1 App. Div. 106; (14 Misc. 574; 72 St. Rep. 227; 37 Supp. 75).

Burrows v. Erie Railway Co., 63 N. Y. 556.

Cited, Railroads—Negligence — Attempt to Alight When Train in Motion.

5 App. Div. 29; (39 Supp. 67).

Burrows v. Miller, 5 How 51.

Cited, Action—Abatement — By Other Action—Foreign Attachment.

3 Misc. 327; (52 St. Rep. 518; 23 Supp. 887.)

Burrows v. Webster, 21 Supp. 828.

Burrows v. Whitaker, 71 N. Y. 291.

Cited, Sale—Transfer of Title—Goods from Ascertained Lot—Measurement.

9 Misc. 354; (60 St. Rep. 621; 29 Supp. 703).

Burt v. Dewey, 40 N. Y. 283.

Cited, Warranty — Title—Recovery by Vendee.

78 Hun, 392; (60 St. Rep. 700; 29 Supp. 125).

*Duplicate Citations in Parenthesis.***Burt v. Horner**, 5 Barb. 501.

Cited, Guaranty—Of Collection—Foreign Principal—Enforcement—Prior Resort to Principal.

14 App Div. 422; (77 St. Rep. 962; 43 Supp. 962).

Burt v. Lima & H. F. R. Co., 21 Supp. 482.

Burt v. Lustig, 137 N. Y. 538; 50 St. Rep. 980.

Burt v. Nafis, 73 Hun, 574; 56 St. Rep. 200; 26 Supp. 184.

Burt v. Oneida Community, 137 N. Y. 346; 50 St. Rep. 722.

Burt v. Sternburg, 4 Cow. 559.

Cited, Judgment—Trespass q. c.—Conclusion as to title.

136 N. Y. 573; (50 St. Rep. 27).

Burtis v. Buffalo & State Line R. Co., 24 N. Y. 269.

Cited, Carriers—Connecting Carriers—Loss of Baggage.

66 Hun, 459; (50 St. Rep. 425; 21 Supp. 320).

Burtis v. Burtis, Hopk. Ch. 557.

Cited, Divorce—Application of Law of England.

90 Hun, 416; (35 Supp. 879).

Burtis v. Dickinson, 81 Hun, 343; 63 St. Rep. 138; 30 Supp. 886.

Burtis v. Thompson, 42 N. Y. 246.

Cited, Contracts—Executory—Repudiation—Right to Damages.

137 N. Y. 485; (51 St. Rep. 284). 20 Misc. 94; (79 St. Rep. 69; 45 Supp. 69).

Contracts—Breach—Notification in Advance of Refusal to Perform.

4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117).

Burton, Matter of, 4 Misc. 512; 25 Supp. 824.

Cited, Wills—Married Woman—Revocation by Subsequent Marriage.

90 Hun, 365; (70 St. Rep. 558; 35 Supp. 896).

Burton Co. v. Cowan, 80 Hun, 392; 30 Supp. 317.

Affirmed, 150 N. Y. 583.

Cited, Appeal—Referee's Findings of Fact—Reversal.

4 App. Div. 448; (74 St. Rep. 237; 38 Supp. 608). 12 App. Div. 179; (76 St. Rep. 836; 42 Supp. 836).

Burton Co. v. Cowan, 150 N. Y. 583.

Cited, Appeal—Referee's Findings of Fact—Reversal.

12 App. Div. 179; (76 St. Rep. 836; 42 Supp. 836).

Burtus v. Tisdall, 4 Barb. 571.

Cited, Partnership—Payment of Personal Debts.

82 Hun 55, 56; (63 St. Rep. 370; 31 Supp. 70).

Burwell v. Jackson, 9 N. Y. 535.

Cited, Vendor and Purchase—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 492; (24 Supp. 925). 148 N. Y. 562; (3 Ann. Cas. 24.)

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50 St. Rep. 812; (21 Supp. 883). 92 Hun, 391; (72 St. Rep. 280; 36 Supp. 1057).

Burwell v. Knight, 51 Barb. 267.

Cited, Judgment—What Matters Concluded—Special Contract—Extras.

3 Misc. 154; (51 St. Rep. 490; 22 Supp. 712).

Bush, Matter of, 62 St. Rep. 1; 30 Supp. 171.

Bush v. Dennison, 14 How. 307.

Cited, Appeal—What Errors Reviewable.

91 Hun, 61; (71 St. Rep. 632; 36 Supp. 828).

Bush v. Hicks, 60 N. Y. 298.

Cited, Deeds—Reformation—Mistake.

79 St. Rep. 462; (45 Supp. 462).

Bush v. Lathrop, 22 N. Y. 535.

Cited, Assignment—Choses in Action—Rights of Assignee.

80 Hun, 211; (61 St. Rep. 777; 30 Supp. 33). 11 Misc. 601; (67 St. Rep. 308; 33 Supp. 540). 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750).

Assignment—Priority—Notice.

5 Misc. 237; (54 St. Rep. 834; 25 Supp. 335).

Estoppel—Statements to Third Persons—Negotiability.

70 Hun, 528; (54 St. Rep. 51; 24 Supp. 396). 11 Misc. 603; (67 St. Rep. 309; 33 Supp. 542).

Bush v. Lyon, 9 Cow. 52.

Cited, Conversion—Title.

7 Misc. 691; (58 St. Rep. 388; 28 Supp. 146).

Conversion—Necessity of Discharge of Lien.

81 Hun, 523; (63 St. Rep. 210; 30 Supp. 1016).

Bush v. McKenzie, 21 Supp. 279.

Bush v. Orange County, Board of Supervisors of, 13 Misc. 707; 69 St. Rep. 282; 35 Supp. 167.

Bush v. Orange County, Board of Supervisors of, 10 App. Div. 542; 76 St. Rep. 417; 42 Supp. 417.

*Duplicate Citations in Parenthesis.***Bush v. Prosser**, 11 N. Y. 347.

Cited, Evidence — Relevancy — Libel — Disproving Malice.

71 Hun, 491; (54 St. Rep. 907; 24 Supp. 1064). 67 St. Rep. 501; (33 Supp. 848; 24 Civ. Pro. 255).

Evidence — Competency — Slander — Mitigating Circumstances.

79 Hun, 563; (61 St. Rep. 578; 29 Supp. 890).

Libel — Mitigating Circumstances — What Are.

147 N. Y. 634; (71 St. Rep. 250).

Pleading — Libel — Justification — Sufficiency.

16 App. Div. 83; (78 St. Rep. 1074; 44 Supp. 1074)

Libel — General Dislike — Not Actionable.

D. 16 App. Div. 484; (78 St. Rep. 867; 44 Supp. 867).

Bush v. Roberts, 111 N. Y. 278; 19 St. Rep. 122.

Cited, Fraudulent Conveyance — Good Faith on Part of Grantee.

76 Hun, 541; (58 St. Rep. 262; 28 Supp. 207). D. 86 Hun, 255; (66 St. Rep. 754; 33 Supp. 238). 152 N. Y. 293.

Evidence — Declarations — Of Former Owner.

86 Hun, 478; (67 St. Rep. 508; 33 Supp. 886). 87 Hun, 555; (69 St. Rep. 461; 35 Supp. 143).

Bush v. Rochester City Bank, 48 N. Y. 659.

Cited, Appeal — Extent of Review — Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Bush v. Westchester Fire Ins. Co., 63 N. Y. 531.

Cited, Insurance — Agent — Authority.

88 Hun, 463; (68 St. Rep. 818; 34 Supp. 873). 7 App. Div. 593; (10 Supp. 312).

Bushaw v. Woman's Mut. Ins. & Acc. Co., 28 St. Rep. 524; 8 Supp. 423.

Cited, Insurance — Agency — Authority.

12 Misc. 12; (66 St. Rep. 522; 33 Supp. 23). 17 Misc. 119; (39 Supp. 360).

Bushby v. N. Y., L. E. & W. R. Co., 107 N. Y. 374; 12 St. Rep. 9.

Cited, Master and Servant — Safety of Place of Employment.

71 Hun, 588; (55 St. Rep. 114; 24 Supp. 1105). 76 Hun, 582; (58 St. Rep. 281; 28 Supp. 199).

Master and Servant — Machinery and Appliances — What Servant May Assume as to Condition — Delegation of Inspection.

1 Misc. 303; (48 St. Rep. 769; 20 Supp. 710).

Master and Servant — Unsafe Machinery and Appliances.

87 Hun, 614; (68 St. Rep. 157; 34 Supp. 278). 88 Hun, 270; (68 St. Rep. 261; 34 Supp. 666). 11 App. Div. 19; (76 St. Rep. 142; 42 Supp. 142). 11 App. Div. 455; (76 St. Rep. 345; 42 Supp. 345). 17 App. Div. 59; (79 St. Rep. 478; 45 Supp. 478).

Master and Servant — Machinery and Appliance — Delegation.

84 Hun, 233; (65 St. Rep. 805; 32 Supp. 536). 86 Hun, 41; (66 St. Rep. 836; 33 Supp. 208). 2 App. Div. 63; (72 St. Rep. 504; 37 Supp. 318). 12 App. Div. 559; (76 St. Rep. 191; 42 Supp. 191).

Bushey v. Santiff, 86 Hun, 384; 67 St. Rep. 187; 33 Supp. 473.**Bushnell, Matter of**, 19 Misc. 307; 78 St. Rep. 257; 44 Supp. 257.**Bushnell v. Carpenter**, 92 N. Y. 270.

Cited, Wills — Gift — Vesting.

2 App. Div. 532; (74 St. Rep. 268; 37 Supp. 1088). 9 App. Div. 605; (75 St. Rep. 1132; 41 Supp. 739).

Bushnell v. Durant, 83 Hun, 32; 64 St. Rep. 334; 31 Supp. 608.

Cited, Change of Venue — Convenience of Witnesses.

15 App. Div. 95; (78 St. Rep. 290; 44 Supp. 290).

Change of Venue — Affidavit — Sufficiency. 5 App. Div. 557; (39 Supp. 435).

Busse v. Schenck, 12 Daly, 12.

Cited, Co-trustees — Contracts by One.

15 Misc. 136; (71 St. Rep. 826; 36 Supp. 804).

Bussey & McLeod Stove Co. v. Wilkins, 1 App. Div. 154; 72 St. Rep. 421; 36 Supp. 977.**Bussman v. Western Transit Co.**, 9 Misc. 410; 61 St. Rep. 697; 29 Supp. 1066.**Buster v. Newkirk**, 20 Johns. 75.

Cited, Waters — Lakes — Owners of Fish.

75 Hun, 474; (57 St. Rep. 360; 27 Supp. 483).

Buswell v. Pioneer, 37 N. Y. 312.

Cited, Contracts — Memorandum — Receipt

76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235).

Evidence — Parol — Payment by Note.

17 Misc. 583; (75 St. Rep. 96; 40 Supp. 691).

Butcher v. Henning, 90 Hun, 565; 74 St. Rep. 665; 35 Supp. 1006.

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Butcher v. Hyde, 10 Misc. 275; 63 St. Rep. 312; 30 Supp. 1073.
Reversed, 152 N. Y. 142.

Butcher v. Hyde, 152 N. Y. 142.

Butez v. Fonda J. & G. R. Co., 20 Misc. 123; 79 St. Rep. 808; 45 Supp. 808.

Butler, Matter of, 1 Connolly, 58; 9 Supp. 641.

Cited, Executors and Administrators—Commissions—Amount and Necessity of Allowance.

23 Supp. 852.

Executors—Accounting—Commissions—Appropriation of Before Allowance by Court.

24 Supp. 99.

Interest—Executors.

2 Misc. 278, 282; (23 Supp. 973).

Butler, Matter of, 58 Hun, 400; 34 St. Rep. 189; 12 Supp. 201.

Affirmed, 136 N. Y. 649; 49 St. Rep. 915.

Cited, Taxes—Inheritance—In loco parentis.

1 Misc. 454; (51 St. Rep. 516; 22 Supp. 1078). 11 Misc. 698; (67 St. Rep. 403; 33 Supp. 580). 69 St. Rep. 381; (34 Supp. 1123). 91 Hun, 140; (71 St. Rep. 639; 36 Supp. 542).

Butler, Matter of, 101 N. Y. 307.

Cited, Action—Discontinuance—Voluntary.

67 Hun, 647; (51 St. Rep. 230; 22 Supp. 343). 51 St. Rep. 912; (22 Supp. 451). 85 Hun, 101; (66 St. Rep. 36; 32 Supp. 653).

Butler v. Ballard, 43 Super. 191.

Cited, Partnership—Accounting—Rule For.

68 Hun, 175; (52 St. Rep. 79; 22 Supp. 680).

Butler v. Benson, 1 Barb. 526.

Cited, Wills—Execution.

13 Misc. 469; (63 St. Rep. 743; 34 Supp. 708; 25 Civ. Pro. 29). 17 Misc. 190; (75 St. Rep. 384; 40 Supp. 982).

Butler v. Butler, Hoff. Ch. 344.

Cited, Perpetuities—Personalty.

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Butler v. Butler, 77 N. Y. 472.

Cited, Contracts—Failure of Performance.

1 App. Div. 384; (72 St. Rep. 461; 37 Supp. 397). 16 Misc. 450; 73 St. Rep. 340; 38 Supp. 153).

Contracts—Prevention of Performance—Recovery.

1 App. Div. 383; (72 St. Rep. 460; 37 Supp. 396).

Butler v. Clark, 66 Hun, 444; 50 St. Rep. 123; 21 Supp. 415; 29 Abb. N. C. 413.

Affirmed, 142 N. Y. 636; 60 St. Rep. 865.

Butler v. Dinan, 139 N. Y. 613; 54 St. Rep. 930.

Butler v. Evening Mail Ass'n, 61 N. Y. 634.

Cited, Agency—Liability of Principal.

41 Supp. 280; (25 Civ. Pro. 351).

Butler v. Farley, 17 St. Rep. 109; 1 Supp. 849.

Cited, Pleading—Amendments—Terms—Costs.

6 Misc. 364; (27 Supp. 226).

Butler v. Glens Falls S. H. & Ft. E. St. R. Co., 17 St. Rep. 565.

Affirmed, 121 N. Y. 112; 30 St. Rep. 678.

Cited, Railroads—Street—Injury on Platform—Immunity From Liability.

147 N. Y. 383; (70 St. Rep. 36; 2 Ann. Cas. 321).

Butler v. Glens Falls S. H. & Ft. E. St. R. Co., 121 N. Y. 112; 30 St. Rep. 678.

Cited, Railroads—Street—Injury On Platform—Immunity From Liability.

147 N. Y. 383; 70 St. Rep. 36.

Juror—Competency—Grounds of Challenge.

2 App. Div. 379; (73 St. Rep. 473; 37 Supp. 774).

Butler v. Johnson, 111 N. Y. 204; 19 St. Rep. 85.

Cited, Cloud on Title—What Is—Remedy.

139 N. Y. 221; (34 St. Rep. 675).

Cloud on Title—Prevention Of—Equity.

77 Hun, 29; (50 St. Rep. 834; 28 Supp. 286).

Executors—Outlawed Claim—Duty to Resist Payment.

2 Misc. 360; (51 St. Rep. 122; 21 Supp. 995). 146 N. Y. 143; (66 St. Rep. 274; 2 Ann. Cas. 40). 1 App. Div. 326; (72 St. Rep. 587; 37 Supp. 261). 15 Misc. 576; (72 St. Rep. 814; 38 Supp. 186). 4 App. Div. 476; 74 St. Rep. 488; 38 Supp. 809). 19 Misc. 217; (78 St. Rep. 421; 44 Supp. 421).

Limitation of Action—Legal and Equitable Relief—One Barred.

73 Hun, 112; (56 St. Rep. 126; 25 Supp. 882). 75 Hun, 380; (58 St. Rep. 661; 27 Supp. 113). 83 Hun, 548, 551; (65 St. Rep. 46, 49; 31 Supp. 1069, 1071). 152 N. Y. 535.

Executors and Administrators—Sale of Land to Pay Outlawed Debt.

136 N. Y. 423; (49 St. Rep. 819).

Limitation of Motion—When Barred—Vacation of Naturalization.

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8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 418).

Limitation of Action — When Statute Runs Right to Enforce Claim.

67 Hun, 80; (51 St. Rep. 552; 21 Supp. 1118) 7 Misc. 266; (58 St. Rep. 527; 27 Supp. 1011). 15 Misc. 560, 562; 74 St. Rep. 301, 303. 37 Supp. 1131, 1133).

Butler v. Kent, 19 Johns. 223.

Cited, Negligence—Proximate Cause.

76 Hun, 139; (57 St. Rep. 455; 27 Supp. 850).

Butler v. Kidder, 87 N. Y. 98.

Cited, Landlord and Tenant—Destruction of Building—Liability of Tenant on Lease.

1 Misc. 235; (49 St. Rep. 218; 20 Supp. 948). D. 1 Misc. 235; (49 St. Rep. 219; 20 Supp. 948). 3 Misc. 234; (51 St. Rep. 866; 22 Supp. 706).

Butler v. Livermore, 52 Barb. 570.

Cited, Trial—Dismissal of Answer on.

4 Misc. 82; (53 St. Rep. 71; 23 Supp. 854).

Butler v. Manhattan R. Co., 3 Misc. 453; 52 St. Rep. 498; 23 Supp. 163; 30 Abb. N. C. 78.

Affirmed, 143 N. Y. 630; 60 St. Rep. 873.

Cited, Evidence—Privileged Communications—Physicians—Waiver.

4 Misc. 404; (53 St. Rep. 666; 24 Supp. 144).

Butler v. Manhattan R. Co., 4 Misc. 401; 53 St. Rep. 664; 24 Supp. 142.

Reversed, 143 N. Y. 417; 62 St. Rep. 432.

Butler v. Manhattan R. Co., 143 N. Y. 417; 62 St. Rep. 432.

Cited, 10 Misc. 408; 63 St.

Rep. 524; 31 Supp. 132.

Damages—Speculative—Province of Jury. D. 14 App. Div. 50; (77 St. Rep. 999; 43 Supp. 999).

Evidence—Competency—Res Gestae.

20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606)

Butler v. Mann, 9 Abb. N. C. 49.

Cited, Pleading—Bill of Particulars—Use of Power to Order.

2 Misc. 484; (51 St. Rep. 162; 22 Supp. 175).

Pleading—How Cause of Action to be Stated.

20 Misc. 282; (79 St. Rep. 846; 45 Supp. 846).

Butler v. Mason, 16 How. 546.

Cited, Pleading—Anticipating Defense of Statute of Limitations.

77 St. Rep. 383; (43 Supp. 383).

Butler v. Miller, 1 Den. 407.

Cited, Damages—Measure—Conversion.

5 Misc. 20; (25 Supp. 144).

Butler v. Miller, 1 N. Y. 496.

Cited, Chattel Mortgage—Default—Title to Property.

138 N. Y. 504; (53 St. Rep. 104). D. 138 N. Y. 512; (53 St. Rep. 109).

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2 Misc. 185; (49 St. Rep. 717; 21 Supp. 766; 23 Civ. Pro. 35). 17 Misc. 383; (39 Supp. 1062).

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19 Misc. 165.

Butler v. New York, 1 Hill, 489.

Cited, Arbitration—Award—Intendments in Favor of.

3 Misc. 290; (52 St. Rep. 409; 22 Supp. 783).

Butler v. Palmer, 1 Hill, 324.

Cited, Statutes—Construction—Retrospective Operation.

66 Hun, 397; (50 St. Rep. 120; 21 Supp. 520). 13 Misc. 101; (68 St. Rep. 34; 34 Supp. 80; 1 Ann. Cas. 389).

Statutes—Repeal—Effect on Liabilities.

141 N. Y. 164; (56 St. Rep. 633).

Statutes—Repeal—Effect on Remedy.

67 Hun, 491; (51 St. Rep. 253; 22 Supp. 484). 13 Misc. 44; (68 St. Rep. 164; 34 Supp. 94). 90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891). 8 App. Div. 574; (75 St. Rep. 326; 40 Supp. 930).

Butler v. Potter, 17 Johns. 145.

Cited, Justice of the Peace—When Liable for Acts.

89 Hun, 182; (68 St. Rep. 849; 34 Supp. 1036).

Butler v. Prentiss, 71 St. Rep. 383; 36 Supp. 301.

Butler v. Smalley, 101 N. Y. 71.

Cited, Corporations—Liability of Trustees—Filing Report.

137 N. Y. 345; (50 St. Rep. 645).

Butler v. Steinway R. Co. of L. I. City, 87 Hun, 10; 67 St. Rep. 498; 33 Supp. 845.

Butler v. Stoddard, 7 Paige, 163.

Cited, Fraudulent Conveyances—Accounting—Interest.

75 Hun, 522; (57 St. Rep. 351; 27 Supp. 732).

Statute of Frauds—Sale—Change of Possession.

19 Misc. 164.

Butler v. Third Ave. R. Co., 73 St. Rep. 245; 37 Supp. 651.

Butler v. Townsend, 84 Hun, 100; 65 St. Rep. 33; 31 Supp. 1094.

Duplicate Citations in Parenthesis.

Butler v. Townsend, 126 N. Y. 105; 36 St. Rep. 508.

Cited, Master and Servant—Master's Duty—Safety of Place to Labor—Act of Independent Contractor.

77 Hun, 562; (60 St. Rep. 283; 28 Supp. 920). 142 N. Y. 137; (58 St. Rep. 616).

Master and Servant—Liability of Master to Servant—Places—Inspection.

5 Misc. 323; (25 Supp. 814). 71 Hun, 587; (55 St. Rep. 113; 24 Supp. 1104).

Negligence—Dangerous Structure—Who Liable.

137 N. Y. 257; (50 St. Rep. 711). 15 App. Div. 243; (78 St. Rep. 235; 44 Supp. 235).

Master and Servant—When Relation Exists—Power of Control and Power to Terminate.

8 Misc. 435; (58 St. Rep. 854; 28 Supp. 678).

Master and Servant—Liability of Master—Material—Disposition of.

76 Hun, 583; (58 St. Rep. 282; 28 Supp. 199). 8 App. Div. 438; (75 St. Rep. 296; 40 Supp. 898).

Master and Servant—Place—Appliance.

1 App. Div. 267; (72 St. Rep. 521; 37 Supp. 176). 9 App. Div. 132; (75 St. Rep. 587, 588; 41 Supp. 130).

Master and Servant—Negligence—Fellow Servants.

16 App. Div. 276; (78 St. Rep. 700; 44 Supp. 700). 9 App. Div. 133; (41 Supp. 131). 151 N. Y. 422.

Butler v. Truslow, 55 Barb. 293.

Cited, Witness—Credibility—Effect on of—Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937).

Butler v. Trustees of Protestant Episcopal Church, 92 Hun, 96; 71 St. Rep. 758; 36 Supp. 562.

Butler v. Tucker, 24 Wend. 447.

Cited, Contract—Building—Architect's Certificate—Conclusiveness.

70 Hun, 527; (54 St. Rep. 50; 24 Supp. 395). 12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524).

Contracts—Building—Performance—Certificates—Impeachment.

7 Misc. 42; (57 St. Rep. 90; 27 Supp. 383).

Contracts—Performance—Satisfaction.

13 Misc. 198; (68 St. Rep. 217; 34 Supp. 131). 15 Misc. 29; (71 St. Rep. 496; 36 Supp. 445; 2 Ann. Cas. 342).

Butler v. Weeks, 12 Misc. 192; (67 St. Rep. 793; 33 Supp. 1090).

Butler v. Wright, 2 Wend. 369.

Cited, Judgment—Conclusiveness—Installment of Demand.

78 Hun, 175; (60 St. Rep. 203; 28 Supp. 972).

Butler v. Wright, 20 Johns. 367.

Cited, Indemnity—Payments Made in Behalf of Another—Recovery.

145 N. Y. 450; (65 St. Rep. 388).

Butt v. Peck, 1 Daly, 83.

Cited, Assignment for Creditors—Inventory—Error in—Effect.

80 Hun, 63; (61 St. Rep. 565; 29 Supp. 877).

Assignment for Creditors—Provision for Costs and Expenses—Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 265).

Butterfield, Matter of, 78 Hun, 121; 60 St. Rep. 184; 28 Supp. 992.

Butterfield v. Cowing, 112 N. Y. 486; 21 St. Rep. 500; 20 Supp. 369.

Cited, Estoppel—Equitable—Acquiescence.

72 Hun, 279; (55 St. Rep. 364; 25 Supp. 589). 63 Hun, 499; (65 St. Rep. 78; 31 Supp. 1047).

Mortgage—To Trustee—Rights of Cestui Que Trust as to Proceeds.

13 App. Div. 620; (77 St. Rep. 826; 43 Supp. 826).

Butterfield v. Oppenheimer, 135 N. Y. 648; 48 St. Rep. 931.

Butterfield v. Radde, 38 Super. 44.

Cited, Appeal—Permission—When Granted.

12 Misc. 636; (65 St. Rep. 883; 32 Supp. 1150). 16 Misc. 363; (25 Civ. Pro. 288).

Butterfield v. Radde, 40 Super. 169.

Cited, Appeal—Reargument.

74 St. Rep. 371; (38 Supp. 2).

Butterfield v. Spencer, 1 Bosw. 1.

Cited, Contracts—Writing Sufficient to Constitute.

10 Misc. 458; (64 St. Rep. 34; 31 Supp. 457).

Butterick Pub. Co. v. King, 15 App. Div. 403; 78 St. Rep. 60; 44 Supp. 60.

Butternuts & Oxford Turnpike Co. v. North, 1 Hill, 518.

Cited, Contracts—Conditional Stock Subscriptions—Validity.

3 App. Div. 124; (39 Supp. 423).

Butterworth v. Boutilier, 50 St. Rep. 828; 22 Supp. 872.

Duplicate Citations in Parenthesis.

Butterworth v. Clarkson, 3 Misc., 338; 52 St. Rep. 9; 22 Supp. 714.

Cited, Master and Servant—Risks Assumed—Acts of Fellow Servants.

7 Misc. 12; (56 St. Rep. 842; 27 Supp. 334). 5 Misc. 322; (25 Supp. 814).

Butterworth v. Crawford, 46 N. Y. 349.

Cited, Easement — Prescriptive — Unapparent or equivocal servitude.

23 Supp. 825.

Butterworth v. Gould, 41 N. Y. 450.

Cited, Rival Claimants—Payment to One Party—Rights of Other Claimant.

11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165). 6 App. Div. 258, 262; (39 Supp. 887, 890). 2 App. Div. 528; (74 St. Rep. 276; 37 Supp. 1094). D. 7 App. Div. 162; (74 St. Rep. 687; 40 Supp. 129).

Butterworth v. O'Brien, 24 How. 438.

Cited, Corporations — Receiver — Representative of Whom.

10 Misc. 690, 692; (65 St. Rep. 98, 99; 31 Supp. 1004, 1005; 1 Ann. Cas. 339).

Buttery v. Rome, W. & O. R. Co., 14 St. Rep. 131.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Buttler v. Manhattan R. Co., 143 N. Y. 417.

Cited, Evidence—Hearsay.

152 N. Y. 343.

Buttling v. Hatton, 79 St. Rep. 720; 45 Supp. 720.

Buttman v. Dennett, 9 Misc. 462; 61 St. Rep. 89; 30 Supp. 247.

Cited, Bailment—Liability for Loss of Property.

13 Misc. 230; (67 St. Rep. 867; 34 Supp. 12). 17 Misc. 376; (39 Supp. 1040).

Button v. Chapin, 7 Civ. Pro. 278.

Cited, Replevin—Damages—Time of Trial. 79 Hun, 545; (61 St. Rep. 551; 29 Supp. 933). Replevin—Judgment—Possession.

7 Misc. 672; (58 St. Rep. 343; 28 Supp. 58; 23 Civ. Pro. 323).

Button v. Hibbard, 82 Hun, 289; 64 St. Rep. 80; 31 Supp. 483.

Button v. Hudson River R. Co., 18 N. Y. 243.

Cited, Evidence — Sufficiency — Circumstantial—Absence of Contributory Negligence.

141 N. Y. 249; (56 St. Rep. 812). D. 90 Hun, 472; (70 St. Rep. 647; 35 Supp. 974). Negligence—Relative Duties of Parties.

10 Misc. 131; (62 St. Rep. 472; 30 Supp. 905).

Button v. Kinnitz, 88 Hun, 35; 68 St. Rep. 305; 34 Supp. 522.

Button v. McCauley, 1 Abb. Ct. App. Dec. 282.

Cited, Contract—Breach of Promise—Statements.

71 Hun, 439; (54 St. Rep. 540; 24 Supp. 983).

Damages—Mitigation—Breach of Promise—Misconduct.

25 Supp. 78; (31 Abb. N. C. 55).

Evidence — Materiality — Damages—Mitigation—Conduct.

25 Supp. 78; (31 Abb. N. C. 55).

Button v. Rathbone, Sard & Co., 126 N. Y. 187; 36 St. Rep. 945.

Cited, Mortgage—Chattel—Failure to File—To what Creditors Available.

49 St. Rep. 133; (21 Supp. 33). 69 Hun, 581; (53 St. Rep. 263; 24 Supp. 23). 81 Hun, 173; (62 St. Rep. 677; 30 Supp. 693). 92 Hun, 178; (72 St. Rep. 729; 37 Supp. 456). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Chattel Mortgage—Precedent Debt—Bona Fides.

92 Hun, 178; (72 St. Rep. 730; 37 Supp. 456).

Button v. Rathbone, Sard & Co., 35 St. Rep. 169; 12 Supp. 667.

Affirmed, 126 N. Y. 187.

Cited, Chattel Mortgage—When Bill of Sale is.

149 N. Y. 131.

Butts v. Collins, 13 Wend. 139.

Cited, Action—Elction of Remedies—Tort and Contract.

2 Misc. 119 (49 St. Rep. 230; 20 Supp. 874).

Mortgage—Unliquidated damages—Foreclosure by Advertisement.

41 N. Y. 309; (57 St. Rep. 414).

Butts v. Fillmore, 142 N. Y. 630; 60 St. Rep. 865.

Butts v. J. C. Mackay Co., 72 Hun, 562; 55 St. Rep. 137; 25 Supp. 531.

Butts v. Lowville, Village of, 15 Week. Dig. 144.

Cited, Witnesses—Privilege—Waiver.

8 Misc. 175; (60 St. Rep. 147; 28 Supp. 511).

Butts v. Wood, 37 N. Y. 317.

Cited, Corporation—Action by Stockholder—Fraud on Corporation—Refusal to Sue

72 Hun, 390; (55 St. Rep. 67; 25 Supp. 563; 31 Abb. N. C. 37).

Corporations—Breach of Trust by Officers—Relief.

147 N. Y. 247; (69 St. Rep. 526).

Contracts—Who May Enforce.

92 Hun, 139; (71 St. Rep. 728; 36 Supp. 558).

Duplicate Citations in Parenthesis.

Byam v. Collins, 111 N. Y. 143; 19 St. Rep. 581.

Cited, Libel and Slander — Privileged Communications.

138 N. Y. 523; (53 St. Rep. 97).

Libel—Privileged Communication—Question of Law or Fact.

147 N. Y. 636; (71 St. Rep. 251).

Byass v. Smith, 4 Bosw. 679.

Cited, Witnesses — Privilege—Question for Court.

8 Misc. 175; (60 St. Rep. 147; 28 Supp. 511).

Byrne, Matter of, 1 Edw. 41.

Cited, Infants—Application to Sue as Poor Person—Prior Appointment of Guardian.

9 App. Div. 609; (41 Supp. 822).

Byrne v. Benton, 3 Month Law Bul. 100.

Cited, Pleading—Answer—Denial.

16 Misc. 335; (39 Supp. 721).

Byrne v. Brooklyn City & N. R. Co., 6 Misc. 6; 58 St. Rep. 121; 26 Supp. 65.

Cited, Witness — Failure to Produce—Effect.

88 Hun, 214; (68 St. Rep. 703; 34 Supp. 722).

Byrne v. Brooklyn City & N. R. Co., 6 Misc. 260; 58 St. Rep. 121; 26 Supp. 760.

Affirmed, 145 N. Y. 619; 65 St. Rep. 865;

20 Misc. 71; (78 St. Rep. 442; 44 Supp. 442).

Byrne v. Brooklyn City R. Co., 6 Misc. 441; 58 St. Rep. 573; 27 Supp. 126.

Affirmed, 144 N. Y. 705.

Byrne v. N. Y. C. & H. R. R. Co., 83 N. Y. 620.

Cited, Negligence—Contributory—Children.

4 Misc. 87; (53 St. Rep. 86; 23 Supp. 800; 30 Abb. N. C. 290). 84 Hun, 59; (65 St. Rep. 23, 31 Supp. 1083). 12 App. Div. 555; (76 St. Rep. 166; 42 Supp. 166).

Trial — Question of Fact — Contributory Negligence.

71 Hun, 507; (55 St. Rep. 84; 24 Supp. 1092).

Byrne v. N. Y. C. & H. R. R. Co., 144 N. Y. 362; 5 St. Rep. 722; 25 Week. Dig. 14.

Cited, Railroads — Crossings — Signals—Negligence.

74 Hun, 38; (56 St. Rep. 212; 26 Supp. 401). 20 Misc. 295; (79 St. Rep. 668; 45 Supp. 668).

Railroads — Street — Negligence—Warnings.

15 Misc. 32; (71 St. Rep. 490; 36 Supp. 440). 17 Misc. 156; (39 Supp. 336).

Railroads—Negligence — Licensee—Care Required.

145 N. Y. 306; (64 St. Rep. 712). 86 Hun, 522; (87 St. Rep. 669; 33 Supp. 988). 7 App. Div. 428; (39 Supp. 914).

Byrne v. Syracuse, 79 Hun, 555; 61 St. Rep. 530; 29 Supp. 912.

Affirmed, 151 N. Y. 658.

Byrne v. Van Hoesen, 5 Johns. 64.

Cited, Guardians—Rights in Realty.

73 Hun, 148; (57 St. Rep. 17; 25 Supp. 1041). 13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95; 25 Civ. Pro. 107).

Byrnes v. Baldwin, 17 Misc. 280; 40 Supp. 386.

Byrnes v. Byrnes, 102 N. Y. 4.

Cited, Evidence — Documents — Competency—Subsequent Proof.

7 Misc. 149; (57 St. Rep. 494; 27 Supp. 247).

Byrnes v. Cohoes, City of, 67 N. Y. 204.

Cited, Waters — Diversion — Municipal Corporation—Liability.

66 Hun, 573; (50 St. Rep. 100; 21 Supp. 8:7). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745). 84 Hun, 276; (65 St. Rep. 578; 32 Supp. 372). 11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577).

Byrnes v. Deleware & H. C. Co., 7 Week. Dig. 549.

Cited, Orders—Exceptions to be Heard in Appellate Court.

81 Hun, 562; (63 St. Rep. 341; 31 Supp. 48; 24 Civ. Pro. 163).

Byrnes v. Labagh, 12 Civ. Pro. 417.

Cited, Special Proceeding—Motion in Action.

150 N. Y. 125; (3 Ann. Cas. 257).

Byrnes v. Ladew, 15 Misc. 413; 72 St. Rep. 33; 25 Civ. Pro. 194; 36 Supp. 1048.

Byrnes v. Lewis, 83 Hun, 310; 65 St. Rep. 59; 31 Supp. 1028.

Byrnes v. Matthews, 12 St. Rep. 74.

Cited, Libel—Libelous Words—Construction to be Given.

14 Misc. 417; (70 St. Rep. 439; 35 Supp. 704).

Duplicate Citations in Parenthesis.

Byrnes v. N. Y., L. E. & W. R. Co.,
71 Hun, 209; 54 St. Rep. 288; 24 Supp.
517.

Byrnes v. N. Y., L. E. & W. R. Co.,
113 N. Y. 251; 22 St. Rep. 936.

*Cited, Master and Servant—Negligence of
Fellow Servant.*

3 Misc. 229; (51 St. Rep. 872; 22 Supp.
753).

*Master and Servant—Machinery and Ap-
pliances—Rules.*

1 Misc. 303; (48 St. Rep. 769; 20 Supp.
710.) 81 Hun, 168; (62 St. Rep. 672; 20
Supp. 739).

*Master and Servant—Negligence—Defect-
ive Appliances.*

12 Misc. 412; (67 St. Rep. 410; 33 Supp.
588). 11 App. Div. 19; (76 St. Rep. 142; 42
Supp. 143).

Byrnes v. Palmer, 79 St. Rep. 479; 45
Supp. 479.

Byrnes v. Rayner, 84 Hun, 199; 65 St.
Rep. 742; 32 Supp. 542.

*Cited, Husband and Wife—Liability of
Husband for Necessaries.*

18 Misc. 141; (75 St. Rep. 1441; 41 Supp.
1094).

Byrnes v. Stilwell, 103 N. Y. 453; 4 St.
Rep. 241.

*Cited, Wills — Construction—Extent of
Devisee's Estate.*

66 Hun, 611; (50 St. Rep. 90; 22 Supp.
9). 142 N. Y. 439; (59 St. Rep. 814).

*Wills—Devise—Extent of Interest—Re-
duction by Subsequent Limitation.*

78 Hun, 206; (60 St. Rep. 214; 28 Supp.
966). 144 N. Y. 297; (63 St. Rep. 721). 11
App. Div. 340; (76 St. Rep. 149; 42 Supp. 149).

Wills—Devise Over—Implication of

54 St. Rep. 30; (24 Supp. 231).

Wills—Construction—Intent.

3 App. Div. 40; (74 St. Rep. 404; 37 Supp.
1109). 8 App. Div. 198; (40 Supp. 438);

*Wills — Construction — Preservation of
Vested Rights.*

79 St. Rep. 626; (45 Supp. 626).

Byron, Matter of, 16 Supp. 760.

*Cited, Wills — Contest—Expenses—Ste-
nographer's Fees.*

15 App. Div. 547; (78 St. Rep. 555; 44
Supp. 555).

Byron v. Bell, 32 St. Rep. 323; 10 Supp.
693.

*Cited, Contracts — Performance—Condi-
tions Precedent—Construction.*

13 Misc. 197; (68 St. Rep. 217; 34 Supp.
131).

Byron v. Durrie, 6 Abb. N. C. 135.

*Cited Appeal—Review of Discretionary
Determination.*

2 Misc. 409; (50 St. Rep. 616; 21 Supp.
965).

*Costs—Discontinuance— Discretion — Re-
view.*

53 St. Rep. 741; (24 Supp. 246).

Byron v. Low, 109 N. Y. 291; 14 St. Rep.
823; 28 Week. Dig. 459.

*Cited, Contracts—Performance—Certifi-
cates—Quantum Meruit.*

73 Hun, 509; (56 St. Rep. 207; 26 Supp.
382)

Contracts — Certificate — Conclusiveness.

11 Misc. 50; (63 St. Rep. 470; 31 Supp. 846).
89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317).
19 Misc. 560; (78 St. Rep. 875; 44 Supp. 875).

*Contracts — Enforcement — Conditions
Precedent.*

16 Misc. 222; (73 St. Rep. 524; 37 Supp.
982; 3 Ann. Cas. 123). 13 App. Div. 418;
(77 St. Rep. 12; 43 Supp. 12).

Byxhie v. Wood, 24 N. Y. 607.

*Cited, Pleading—Complaint—Contracts—
Effect of Allegations Sounding in Tort.*

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42).
10 Misc. 234; (63 St. Rep. 251; 30 Supp.
1061). 13 Misc. 58; (68 St. Rep. 22; 34 Supp.
67). 19 Misc. 193.

Assignability.

80 Hun, 391; (62 St. Rep. 55; 30 Supp. 329).
89 Hun, 109; (68 St. Rep. 830; 34 Supp. 1067).

C

Cable v. Bonnell, 9 Misc. 154; 59 St.
Rep. 660; 29 Supp. 25).

Caccavo v. Rome, W. & O. R. Co., 36
St. Rep. 932; 13 Supp. 884.

Cited, Costs—Security For—Poverty.

6 Misc. 265; (58 St. Rep. 133; 26 Supp.
766).

Cadwell v. Arnheim, 81 Hun, 39; 62
St. Rep. 574; 30 Supp. 573.

Reversed, 152 N. Y. 132.

Cadwell v. Arnheim, 152 N. Y. 132.

Cady v. Brennan, 82 Hun, 262; 63 St.
Rep. 505; 31 Supp. 190.

Cady v. Bradshaw, 116 N. Y. 188; 26
St. Rep. 518.

*Cited, Witness—Credibility—Question for
Jury.*

16 Misc. 551; (74 St. Rep. 172; 38 Supp.
712).

Duplicate Citations in Parenthesis.

Cady v. Fairchild, 18 Johns. 129.

Cited, Appeal—Reversal—Right to Nominal Damages Only.

4 Misc. 135; (53 St. Rep. 171; 23 Supp. 865; 30 Abb. N. C. 309).

Cady v. Jennings, 17 Hun, 213.

Cited, Mortgage — Equities — Want of Consideration.

81 Hun, 303; (62 St. Rep. 751; 30 Supp. 788).

Cady v. Potter, 55 Barb. 463.

Cited, Pleading—Bill of Particulars—Specific Demand.

4 Misc. 611; (53 St. Rep. 186; 24 Supp. 574).

Cager, Matter of, 111 N. Y. 343; 19 St. Rep. 497.

Cited, Taxes—Inheritance—Exemption.

3 Misc. 390; (24 Supp. 714).

Taxes—Inheritance—Remainders.

73 Hun, 190; (56 St. Rep. 116; 25 Supp. 913). 19 Misc. 395; (78 St. Rep. 350; 44 Supp. 350).

Taxes—Inheritance—Individual Shares.

6 Misc. 280; (27 Supp. 234). 143 N. Y. 330; (62 St. Rep. 246). 83 Hun, 70; (68 St. Rep. 539; 34 Supp. 617). 152 N. Y. 100.

Taxes—Inheritance—Ultior Devisees.

5 Misc. 443; (26 Supp. 891).

Surrogate — Jurisdiction — Accounting—Determining Validity of Devise.

137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477).

Wills—Construction—Life Estates—Enlargement—Words of.

5 Misc. 19; (25 Supp. 60).

Cagger v. Lansing, 64 N. Y. 417.

Cited, Trial—Nonsuit—When Proper.

5 Misc. 427; (26 Supp. 713). 19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Cagger v. Schultes, 82 Hun, 378; 63 St. Rep. 557; 31 Supp. 250; 1 Ann. Cas. 215.

Cagwin v. Hancock, Town of, 84 N. Y. 532.

Cited, Evidence—Of Service of Notice to Redeem From Tax Sale—Affidavit of Lessee.

22 Supp. 538; (30 Abb. N. C. 118).

Municipal Corporations—Assessments—Improvements—Consent of Abutters.

60 St. Rep. 510; (28 Supp. 1024).

Towns — Evidence of Indebtedness — Equities—Non-compliance with Statute.

83 Hun, 99; (63 St. Rep. 816; 31 Supp. 404). 149 N. Y. 297.

Municipal Corporations—Officers—Acts of—Impeachment.

143 N. Y. 164; (62 St. Rep. 189).

Cahalin v. Cochran, 1 St. Rep. 583.

Cited, Negligence—Presumption.

D. 9 Misc. 11; (59 St. Rep. 740; 29 Supp. 23). 10 Misc. 706; (64 St. Rep. 634, 635; 31 Supp. 829).

Cahen v. Continental L. Ins. Co., 41 Super. 296.

Cited, Evidence—Confidential Communications—Physicians—Waiver.

78 Hun, 227; (60 St. Rep. 224; 28 Supp. 956). 151 N. Y. 203; (3 Ann. Cas. 296).

Cahill v. Heuser, 2 App. Div. 292; 73 St. Rep. 450; 37 Supp. 736.

Cahill v. Hilton, 31 Hun, 114.

Cited, New Trial—Surprise—Absence of Witness.

2 Misc. 549; (23 Supp. 685; 23 Civ. Pro. 156).

Cahill v. Hilton, 106 N. Y. 512; 11 St. Rep. 26.

Cited, Evidence — Presumptions — Negligence—Master and Servant.

140 N. Y. 453; (55 St. Rep. 835). 67 Hun, 200; (51 St. Rep. 389; 22 Supp. 102). 18 Misc. 246; (41 Supp. 608).

Master and Servant—Assumption of Risk.

142 N. Y. 111; (58 St. Rep. 450). 50 St. Rep. 834; (22 Supp. 346). 10 App. Div. 313; (75 St. Rep. 1193; 41 Supp. 795).

Master and Servant—Liability of Master—Negligence—Personal Fault.

5 Misc. 323; (25 Supp. 814). 6 Misc. 105; (55 St. Rep. 401; 26 Supp. 10). 12 Misc. 333; (65 St. Rep. 789; 33 Supp. 640).

Cahill v. Russell, 140 N. Y. 402; 55 St. Rep. 805.

Cited, Wills—Sale of Realty—Executors—Disposition of Proceeds.

146 N. Y. 260; (66 St. Rep. 631). 8 App. Div. 353; (75 St. Rep. 178; 40 Supp. 799).

Wills—Power of Sale—Implication.

16 App. Div. 397; (79 St. Rep. 58; 45 Supp. 58).

Cahill Iron Works v. Pemberton, 27 Supp. 927, 931; 30 Abb. N. C. 450.

Cited, Pleading—Writing—Presumption. 12 Misc. 295; (67 St. Rep. 101; 33 Supp. 281).

Expression of Consideration.

18 Misc. 447; (76 St. Rep. 44; 42 Supp. 44).

Cahn v. Gottschalk, 16 St. Rep. 818; 2 Supp. 13.

Cited, Trade-marks—Arbitrary Designation of Product—Infringement.

7 Misc. 461; (59 St. Rep. 871; 28 Supp. 388).

Trade-Marks — Use of Name—Infringement.

10 Misc. 272; (63 St. Rep. 316; 30 Supp. 1076).

Duplicate Citations in Parenthesis.

Cahn v. Hewsey, 8 Misc. 384; 59 St. Rep. 868; 29 Supp. 1107; 31 Abb. N. C. 387.

Cahn v. Hoffman House, 7 Misc. 461; 59 St. Rep. 871; 28 Supp. 388.

Cain, Matter of, 135 N. Y. 649; 48 St. Rep. 931.

Cain v. Flood, 38 St. Rep. 196; 14 Supp. 776; 21 Civ. P. 116.

Affirmed, 138 N. Y. 639; 53 St. Rep. 929.

Cited, *Forcible Entry and Detainer—What Constitutes*.

9 Misc. 454; (61 St. Rep. 91; 30 Supp. 249; 24 Civ. Pro. 81).

Landlord and Tenant—Peaceable Possession—Rights Under.

15 Misc. 191; (72 St. Rep. 233; 36 Supp. 898).

Cain v. Syracuse, 95 N. Y. 83

Cited, *Municipal Corporation—Liability—Optional Exercise of Power Given by Statute*.

80 Hun, 168; (61 St. Rep. 714; 29 Supp. 1133).

Statutes—Public or official Duties—When Mandatory.

3 Misc. 132; (23 Supp. 1061). 148 N. Y. 55.

Cain v. Syracuse, B. & N. Y. R. Co., 20 Misc. 459; 79 St. Rep. 538; 45 Supp. 538.

Caine v. Benevolent & P. Order of Elks, 88 Hun, 154; 68 St. Rep. 624; 34 Supp. 528.

Caines v. Brisbane, 13 Johns. 9.

Cited, *Pleading—General Denial—Set Off*, 142 N. Y. 244; (58 St. Rep. 770).

Caines v. Chabert, 3 Edw. Ch. 312.

Cited, *Life Tenant—Liability—Taxes*.

8 Misc. 343; (6) St. Rep. 443; 29 Supp. 340).

Cairnes v. Bleecker, 12 Johns. 300.

Cited, *Agency—Acts of Agent—Ratification by Principal*.

13 Misc. 630; (69 St. Rep. 163; 34 Supp. 939). 92 Hun, 31; (71 St. Rep. 716; 36 Supp. 562).

Cairnes v. Walter, 7 Misc. 431; 57 St. Rep. 649; 27 Supp. 973.

Cited, *Landlord and Tenant—Repairs—Contract*.

19 Misc. 311; (78 St. Rep. 478; 44 Supp. 478).

Cairns v. Chaubert, 9 Paige, 160.

Cited *Life Tenancy—In Property to be Converted—Income Before Conversion*.

16 Misc. 248; (39 Supp. 191).

Caldwell v. Cassidy, 8 Cow. 271.

Cited, *Tender—Continued Readiness to Pay—Bringing Money Into Court*.

75 Hun, 388; (57 St. Rep. 700; 27 Supp. 454).

Caldwell v. Central Park, N. & E. R. R. Co., 7 Misc. 67; 57 St. Rep. 489; 27 Supp. 397.

Cited, *Damages—Pain and Anguish*.

10 Misc. 194; (62 St. Rep. 478; 30 Supp. 928).

Caldwell v. Erie Transfer Co., 13 Misc. 37; 67 St. Rep. 843; 33 Supp. 993.

Caldwell v. Murphy, 11 N. Y. 416.

Cited, *Trial—Instructions to Jury—Exceptions*.

8 Misc. 294; (59 St. Rep. 210; 28 Supp. 574; 31 Abb. N. C. 440).

Caldwell v. New Jersey Steamboat Co., 47 N. Y. 282.

Cited, *Appeal—Extent of Review—Instructions to Jury*.

6 Misc. 335; (56 St. Rep. 240; 26 Supp. 903). 77 Hun, 466; (60 St. Rep. 599; 28 Supp. 1013). 19 Misc. 166.

Trial—Instructions to Jury—Particular Words and Expressions.

9 Misc. 111; (59 St. Rep. 731; 29 Supp. 47). 92 Hun, 363; (71 St. Rep. 548; 36 Supp. 517). 12 App. Div. 503; (76 St. Rep. 247; 42 Supp. 247).

Negligence—Presumption—Necessity of Explanation.

3 App. Div. 17; (73 St. Rep. 552; 37 Supp. 932).

Negligence—Compliance with Statute—Liability.

12 App. Div. 572; (76 St. Rep. 200; 42 Supp. 200).

Negligence—Burden of Proof—Shifting.

10 Misc. 706; (64 St. Rep. 635; 31 Supp. 829). 85 Hun, 170; (63 St. Rep. 630; 33 Supp. 592).

Trial—Re opening Case—Allowance Discretionary.

11 Misc. 18; (63 St. Rep. 454; 31 Supp. 871).

Negligence—Damages—Exemplary.

20 Misc. 208; (79 St. Rep. 754; 45 Supp. 754).

Calhoun v. Delhi & Middletown R. Co., 28 Hun, 379.

Cited, *Statute—Repeal—Effects on Existing Rights and Remedies*.

71 Hun, 277; (54 St. Rep. 490; 24 Supp. 1023).

Duplicate Citations in Parenthesis.

Calhoun v. Millard, 121 N. Y. 69; 30 St. Rep. 759.

Cited, Equity — Relief — Discretion—Instruments.

135 N. Y. 352; (48 St. Rep. 391).

Estoppel—Laches—Legal Rights.

67 Hun, 168; (51 St. Rep. 530; 22 Supp. 330).

Injunction—Discretion of Court.

140 N. Y. 97; (55 St. Rep. 567).

Judgment—Conclusiveness.

71 Hun, 572; (55 St. Rep. 101; 25 Supp. 138).

Equity—Relief—Laches.

81 Hun, 471; (63 St. Rep. 494; 31 Supp. 172). 147 N. Y. 559; (70 St. Rep. 111).

Calkin v. Manhattan Oil Co., 65 N. Y. 557.

Cited, Injunction — Temporary — Discretionary.

49 St. Rep. 317; (21 Supp. 147).

Calkins v. Calkins, 3 Barb. 305.

Cited, Mortgage—Nature of Mortgagor's Interest.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).

Calkins v. Falk, 1 Abb. Ct. App. Dec. 291.

Cited, Statute of Frauds—Memorandum—Sufficiency.

10 Misc. 698; (64 St. Rep. 643; 31 Supp. 823).

Calkins v. Long, 22 Barb. 97.

Cited, Contract — Consideration — Sealed Instrument.

2 Misc. 374; (50 St. Rep. 594; 21 Supp. 1094).

Calkins v. Smith, 48 N. Y. 614.

Cited, Partnership — Payment by One Partner of Individual Debt.

11 Misc. 300; (65 St. Rep. 591; 32 Supp. 294; 1 Ann. Cas. 98).

Fraud—Capacity in Which Injured Party Wronged.

11 App. Div. 614; (76 St. Rep. 625; 42 Supp. 625).

Callaghan, Matter of, 69 Hun, 161; 52 St. Rep. 537; 23 Supp. 378.

Callaghan v. Delaware, L. & W. R. Co., 52 Hun, 276; 22 St. Rep. 594; 5 Supp. 285.

Cited, Railroads — Crossings — Opening Gates.

74 Hun, 199; (56 St. Rep. 320; 26 Supp. 324).

Callahan, Matter of, 66 Hun, 118; 49 St. Rep. 425; 20 Supp. 824.

Affirmed, 139 N. Y. 51; 54 St. Rep. 442.

Cited, Surrogate's Court—Powers—Judicial Settlement.

77 Hun, 207; (59 St. Rep. 768; 28 Supp. 365).

Callahan, Matter of, 87 Hun, 210; 33 Supp. 1016.

Reversed, 152 N. Y. 320.

Callahan, Matter of, 139 N. Y. 51; 54 St. Rep. 442.

Callahan, Matter of, 152 N. Y. 320.

Callahan v. Gilman, 107 N. Y. 360.

Cited, Streets—Exceptional User—Extent of Right.

6 App. Div. 400; (39 Supp. 674).

Callahan v. Gilman, 11 App. Div. 522; 76 St. Rep. 497; 42 Supp. 497.

Callahan v. Matthews, 87 Hun, 527; 68 St. Rep. 506; 34 Supp. 499.

Callahan v. O'Brien, 72 Hun, 216; 55 St. Rep. 201; 25 Supp. 410.

Callahan v. O'Rourke, 17 App. Div. 277; 79 St. Rep. 764; 4 Supp. 764.

Callahan v. Searles, 60 St. Rep. 214; 28 Supp. 904.

Callahan v. Sharp, 27 Hun, 85.

On reargument, 3 App. Div. 428; (74 St. Rep. 141; 38 Supp. 800).

Affirmed, 95 N. Y. 672.

Cited, Negligence—Of Driver—Imputed. 3 App. Div. 428; (74 St. Rep. 141; 38 Supp. 800). 38 Supp. 670.

Callahan v. Sharp, 95 N. Y. 672.

Cited, Negligence—Of Driver—Imputed. 3 App. Div. 428; (74 St. Rep. 141; 38 Supp. 800).

Callahan v. Crow, 91 Hun, 346; 70 St. Rep. 799; 36 Supp. 225.

Callanan v. Clement, 18 Misc. 621; 76 St. Rep. 514; 42 Supp. 514.

Callanan v. Gilman, 107 N. Y. 360; 12 St. Rep. 21.

Cited, Appeal—Grounds of Reversal—Refusal of Referee to Make Finding.

49 St. Rep. 262; (20 Supp. 932). 150 N. Y. 435.

Nuisance—Encroachment on Highway—Private Action.

66 Hun, 244; (49 St. Rep. 433; 21 Supp. 174). 147 N. Y. 664; (71 St. Rep. 268). 148 N. Y. 644.

Highways—Sidewalks—Use for Delivery of Merchandise.

3 Misc. 300; (52 St. Rep. 121; 23 Supp. 932).

Duplicate Citations in Parenthesis.

Highways—Repair—Deposits in—Question For Jury.

71 Hun, 435; (54 St. Rep. 532; 24 Supp. 980).

Highways—Obstruction—Nuisance.

6 Misc. 342; (56 St. Rep. 245; 26 Supp. 205). 13 Misc. 572; (63 St. Rep. 740; 34 Supp. 697). 9 App. Div. 215; (41 Supp. 169).

Callanan v. Van Vleck, 36 Barb. 324.

Affirmed, 41 N. Y. 619.

Cited, Agency—Termination of Relation—When Occurs.

152 N. Y. 170.

Callister, Matter of, 88 Hun, 87; 68 St.

Rep. 683; 34 Supp. 623; 2 Ann. Cas. 146.

Modified, 153 N. Y. 294.

Cited, Executors—Individual Acts—Validity.

16 App. Div. 606; (78 St. Rep. 973; 44 Supp. 973).

Calmbacher v. Newman, 45 St. Rep. 567; 18 Supp. 198; 28 Abb. N. C. 155.

Cited, Judgment—Amendment—Power of Court.

23 Supp. 750; (23 Civ. Pro. 96).

Calvo v. Davies, 8 Hun, 222.

Affirmed, 73 N. Y. 211.

Cited Surety—Discharge—Modification of contract.

15 App. Div. 18; (78 St. Rep. 127; 44 Supp. 127).

Calvo v. Davies, 73 N. Y. 211;

Cited, Partnership—Liability of Retiring Partner—Release.

4 Misc. 406; (52 St. Rep. 523; 23 Supp. 1062).

Surety—Discharge—Modification of Contract—Extension.

14 Misc. 585; (71 St. Rep. 803; 36 Supp. 635). 5 App. Div. 183; (38 Supp. 540). 15 App. Div. 19; (78 St. Rep. 127; 44 Supp. 127).

Calyer v. Calyer, 4 Redf. 305.

Cited Surrogate—Powers—Property of Which Executors have no Control.

89 Hun, 51; (69 St. Rep. 429; 35 Supp. 35).

Camacho v. Hamilton Bank Note & Eng. Co., 2 App. Div. 369; 37 Supp. 725.

Cited, Corporations—Contracts of Employment by officers—Ratification.

79 St. Rep. 116; (45 Supp. 1106).

Cambeis v. Third Ave. R. Co., 1 Misc. 158; (48 St. Rep. 709; 20 Supp. 633).

Cambrelleng v. Graham, 79 Hun, 247; 60 St. Rep. 855; 29 Supp. 419.

Cambrelleng v. Graham, 84 Hun, 550; 66 St. Rep. 317; 32 Supp. 843.

Cambrelleng v. Purton, 125 N. Y. 610; 36 St. Rep. 190.

Cited, Vendor and Purchaser—Rights of Parties—Title.

24 Supp. 663. 79 St. Rep. 482; (45 Supp. 482). 20 Misc. 562.

Vendor and Purchaser—Title—Doubtful.

15 Misc. 380; (71 St. Rep. 584; 36 Supp. 669).

Cambridge Valley Bank v. Delano, 48 N. Y. 326.

Cited, Purchaser—Matters Affecting Title—Notice.

70 Hun, 21; (53 St. Rep. 398; 23 Supp. 1112). 3 App. Div. 297; (38 Supp. 1074).

Notice—Equities.

19 Misc. 570; (77 St. Rep. 554; 43 Supp. 554).

Cambridge Valley Bank v. Lynch, 76 N. Y. 514.

Cited, Appeal—Demurrer—Judgment.

68 Hun, 507; (52 St. Rep. 601; 22 Supp. 1016). 74 Hun, 523; (56 St. Rep. 719; 26 Supp. 826; 31 Abb. N. C. 139). 76 Hun, 316; (59 St. Rep. 188; 28 Supp. 167). 9 Misc. 337; (60 St. Rep. 608; 29 Supp. 705). 9 Misc. 661; (61 St. Rep. 412; 30 Supp. 552). 85 Hun, 106; (66 St. Rep. 34; 32 Supp. 652). 13 Misc. 323; (68 St. Rep. 363; 34 Supp. 459). 18 Misc. 596; (76 St. Rep. 472; 42 Supp. 472).

Cameron, Matter of, 76 Hun, 429; 58 St. Rep. 228; 27 Supp. 1031.

Cameron v. Crouse, 11 App. Div. 391; 76 St. Rep. 53; 42 Supp. 58.

Cameron v. Irwin, 5 Hill, 272.

Cited, Mortgage—Payment—Result.

13 Misc. 74; (68 St. Rep. 196; 34 Supp. 148). 148 N. Y. 260.

Cameron v. Leonard, 11 App. Div. 631; 76 St. Rep. 73; 42 Supp. 73.

Cited, 79 St. Rep. 155; 45 Supp. 155.

Cameron v. Leonard, 17 App. Div. 127; 79 St. Rep. 155; 45 Supp. 155.

Cameron v. N. Y. C. & H. R. R. Co., 77 Hun, 59; 60 St. Rep. 273; 28 Supp. 898.

Reversed, 145 N. Y. 400; 64 St. Rep. 839.

Cameron v. N. Y. C. & H. R. R. Co., 145 N. Y. 400; 64 St. Rep. 839.

Cited, Master and Servant—Negligence—Incompetent Employees.

16 App. Div. 496; (78 St. Rep. 929; 44 Supp. 929).

Duplicate Citations in Parenthesis.

Cameron v. N. Y. & Mt. Vernon W. Co., 62 Hun, 269; 42 St. Rep. 912; 16 Supp. 757.

Affirmed, 133 N. Y. 336; 45 St. Rep. 212.
Cited, Contracts—Consolidation of Business Interests—Public Policy.
143 N. Y. 439; (62 St. Rep. 449).

Cameron v. N. Y. & Mt. Vernon W. Co., 133 N. Y. 336; 45 St. Rep. 212.

Cited, Water Companies—Statutes Creating—Incorporation into Subsequent Enactments.

143 N. Y. 534; (62 St. Rep. 824).

Corporations—Statutes—Accrued Rights—Repeal.

11 Misc. 492; (64 St. Rep. 460; 32 Supp. 717). 147 N. Y. 603; (70 St. Rep. 355).

Cameron v. Seaman, 69 N. Y. 336.

Cited, Corporations—Liability of Trustees—Filing Report.

137 N. Y. 345; (50 St. Rep. 645).

Cameron v. Tompkins, 72 Hun, 113; 55 St. Rep. 537; 25 Supp. 305; 30 Abb. N. C. 434.

Cameron v. Tribune Ass'n, 27 St. Rep. 907; 7 Supp. 739.

Cited, Evidence—Relevancy—Libel—Disproving Malice.

71 Hun, 491; (54 St. Rep. 907; 24 Supp. 1064).

Camp, Matter of, 81 Hun, 387; 63 St. Rep. 160; 30 Supp. 884; 24 Civ. Pro. 159.

Camp, Matter of, 91 Hun, 204; 70 St. Rep. 900; 36 Supp. 1123

Cited, Guardian and Ward—Guardian Tenant by Curtesy—Accounting.

18 App. Div. 113; (79 St. Rep. 601; 45 Supp. 601).

Camp, Matter of, 126 N. Y. 377; 37 St. Rep. 767.

Cited, Life Tenants—Personalty—Security.

141 N. Y. 28; (56 St. Rep. 583).

Limitation of Action—When Statute Runs—Accounting.

4 Misc. 40; (24 Supp. 724). 10 Misc. 199; (63 St. Rep. 602; 31 Supp. 201). 10 Misc. 472; (65 St. Rep. 162; 32 Supp. 105). 74 St. Rep. 302; (37 Supp. 1132).

Limitation of Action—When Statute Runs.

4 App. Div. 463; (74 St. Rep. 155; 38 Supp. 662).

Condemnation Proceedings—Award—How Proceeds Held.

89 Hun, 526; (69 St. Rep. 796; 35 Supp. 410).

Award—Rights of Heirs and Tenant by Curtesy—Accounting.

70 St. Rep. 900; (36 Supp. 1123). 18 App. Div. 113; (79 St. Rep. 601; 45 Supp. 601).

Camp, Matter of, 18 App. Div. 110; 79 St. Rep. 600; 45 Supp. 600.

Camp v. Camp, 18 Hun, 217.

Cited, Wills—Advancements—Ademption.

1 Misc. 64; (23 Supp. 139).

Camp v. Chamberlain, 5 Den. 198.

Cited, Execution—Levy—Application of Property—Priority.

79 Hun, 148; (61 St. Rep. 357; 29 Supp. 765; 24 Civ. Pro. 35).

Camp v. Gifford, 67 Barb. 434.

Cited, Vendor and Purchaser—Lien—Purchase Money—Burden of Proof.

85 Hun, 82; (66 St. Rep. 45; 32 Supp. 661).

Camp v. Ingersoll, 86 N. Y. 423.

Cited, Reference—Long Account—Collaterally Involved.

139 N. Y. 452; (54 St. Rep. 706). 49 St. Rep. 311; (21 Supp. 46). 136 N. Y. 510; (49 St. Rep. 748). 5 App. Div. 116; (39 Supp. 47). 148 N. Y. 586; (3 Ann. Cas. 62).

Reference—Long Account—Possibility.

74 Hun, 161; (56 St. Rep. 300; 26 Supp. 652). 5 App. Div. 227; (39 Supp. 205).

Reference—To Take Account—Facts Outside Pleadings.

1 Misc. 379; (49 St. Rep. 120; 20 Supp. 868).

Reference—Compulsory—Equity Actions.

141 N. Y. 488; (57 St. Rep. 596).

Camp v. Mehrhoff, 2 Misc. 567; 49 St. Rep. 621; 21 Supp. 453.

Camp v. Morse, 5 Den. 161.

Cited, Vendor and Purchaser—Title—Time to Acquire.

88 Hun, 79; (68 St. Rep. 534; 34 Supp. 611).

Camp v. Smith, 136 N. Y. 187; 49 St. Rep. 103.

Camp v. Treanor, 142 N. Y. 478; 60 St. Rep. 85.

Cited, 143 N. Y. 649.

Camp v. Treanor, 143 N. Y. 649; 60 St. Rep. 478.

Reargument of, 142 N. Y. 478; 60 St. Rep. 85.

Camp v. Wood, 76 N. Y. 92.

Cited, Negligence—Public Place—Care Required as to Condition.

15 Misc. 88; (71 St. Rep. 514; 36 Supp. 455).

Duplicate Citations in Parenthesis.

Camp Mfg. Co. v. Harriman, 18 Misc. 619, 722; 77 St. Rep. 673; 43 Supp. 673.

Camp Mfg. Co. Reamer, 14 App. Div. 408; 77 St. Rep. 1027; 43 Supp. 1027.

Cited, Liability of Directors—Judgment Against Corporation.

15 App. Div. 326; (78 St. Rep. 105; 44 Supp. 105). 16 App. Div. 586; (78 St. Rep. 1003; 44 Supp. 1003).

Campanello v. New York Central R. Co., 39 St. Rep. 445; 15 Supp. 670.

Affirmed, 136 N. Y. 644; 49 St. Rep. 914.

Cited, New Trial—Grounds—Statutory—Provision of.

6 Misc. 183; (26 Supp. 772; 31 Abb. N. C. 70).

New Trial—Motion on Minutes—Order—Effect.

8 Misc. 446; (58 St. Rep. 850; 28 Supp. 685).

New Trial—Request and Exception—Appeal.

D. 12 Misc. 519; (67 St. Rep. 370; 33 Supp. 675).

Campanello v. N. Y. C. & H. R. R. Co., 139 N. Y. 619; 54 St. Rep. 931.

Campbell, Matter of, 88 Hun, 374; 68 St. Rep. 769; 34 Supp. 831.

92 Hun, 97; (71 St. Rep. 758; 36 Supp. 563).

Campbell v. Allen, 60 St. Rep. 102.

Campbell v. Arbuckle, 21 St. Rep. 412.

Cited Damages—Excessiveness.

D. 1 Misc. 203; (50 St. Rep. 915; 21 Supp. 772).

Campbell v. Arnold, 1 Johns. 511.

Cited, Trespass—Civil—Who May Bring Action—Party in Possession.

75 Hun, 237; (58 St. Rep. 659; 27 Supp. 40).

Campbell v. Beaumont, 91 N. Y. 464.

Cited, Wills—Bequest—Request as to Disposition—Trust.

140 N. Y. 128; (55 St. Rep. 301).

3 Misc. 439; (52 St. Rep. 327; 23 Supp. 172). 9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278).

Wills—Construction—Devise With Power to Sell—Limitation Over.

5 Misc. 14; (24 Supp. 771). 10 Misc. 26; (62 St. Rep. 267; 30 Supp. 805).

Wills—Construction—Life Estate.

75 Hun, 435; (57 St. Rep. 342; 27 Supp. 676). 6 Misc. 525; (53 St. Rep. 519; 27 Supp. 880). 84 Hun, 127; (65 St. Rep. 683; 32 Supp. 555).

Wills—Construction—Vesting of Estate.

142 N. Y. 439; (59 St. Rep. 814).

Wills—Devise—Construction—Cutting Down by Subsequent Language.

73 Hun, 483; (56 St. Rep. 30; 26 Supp. 395). 11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268). 3 App. Div. 440; (39 Supp. 513). 19 Misc. 208; (77 St. Rep. 1145; 43 Supp. 1145). 19 Misc. 473; (78 St. Rep. 1040; 44 Supp. 1040).

Campbell v. Bristol, 19 Wend. 101.

Cited, Attorneys—Unauthorized Appearance—Relief.

66 Hun, 259; (49 St. Rep. 478; 21 Supp. 170).

Campbell v. Campbell, 90 Hun, 233; 69 St. Rep. 634; 35 Supp. 280.

Campbell v. Campbell, 70 St. Rep. 490; 35 Supp. 693.

Campbell v. Campbell, 7 St. Rep. 441.

Cited, Pleading—Supplemental—When Permitted.

12 Misc. 308; (67 St. Rep. 837; 34 Supp. 36).

Campbell v. Campbell, 23 Abb. N. C. 187; 23 St. Rep. 352; 5 Supp. 171.

Cited, Pleading—Sufficiency.

88 Hun, 384; (68 St. Rep. 774; 34 Supp. 836).

Campbell v. Consalus, 25 N. Y. 613.

Cited, Judgment—Conclusiveness—As to immaterial facts.

137 N. Y. 268; (50 St. Rep. 791). 79 St. Rep. 402; (45 Supp. 402). 79 St. Rep. 483; (45 Supp. 483).

Campbell v. Coon, 8 Misc. 234; 59 St. Rep. 200; 28 Supp. 561.

Reverse, 149 N. Y. 556.

Campbell v. Coon, 149 N. Y. 556.

Campbell v. Ellwanger, 81 Hun, 259; 62 St. Rep. 754; 30 Supp. 792.

Campbell v. Evans, 45 N. Y. 356.

Cited, Constitutional Law—Due Process—Notice.

13 App. Div. 201; (77 St. Rep. 368; 43 Supp. 368).

Campbell v. Foster, 35 N. Y. 361.

Cited, Trust Fund—Reaching Surplus in Creditor's Action.

3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 367; 3 Ann. Cas. 161). 41 Supp. 225; (25 Civ. Pro. 332).

Campbell v. Friedlander, 61 St. Rep. 349; 29 Supp. 790.

Campbell v. Genet, 2 Hilt. 290.

Cited, Set-off—Joint Against Individual Debt.

12 App. Div. 81; (77 St. Rep. 362; 43 Supp. 362).

Supplementary Proceedings—Receiver—After Acquired Property.

83 Hun, 130; (64 St. Rep. 265; 31 Supp. 628).

*Duplicate Citations in Parenthesis.***Campbell v. Hall**, 16 N. Y. 575.

Cited, Estoppel — Parties in Priority — Availability.

15 App. Div. 45; (78 St. Rep. 118; 44 Supp. 118).

Judgment—Conclusiveness—Persons Not Made Parties.

17 App. Div. 149; (79 St. Rep. 300; 45 Supp. 300).

Campbell v. Hubbard, 38 Hun, 306.

Cited, Evidence—Competency—Personal Communication.

92 Hun, 274; (72 St. Rep. 317; 36 Supp. 954).

Campbell v. Hughes, 73 Hun, 14; 57 St. Rep. 120; 25 Supp. 1021.**Campbell v. Hurd**, 74 Hun, 235; 56 St. Rep. 368; 26 Supp. 458.**Campbell v. Jimenes**, 3 Misc. 516; 52 St. Rep. 495; 23 Supp. 333.

Cited, Contracts—Termination—Employment by Firm—Death of Partner.

4 Misc. 103; (53 St. Rep. 131; 23 Supp. 1010; 30 Abb. N. C. 303).

Evidence—Parol—Ambiguous Writing.

12 Misc. 16; (66 St. Rep. 537; 33 Supp. 38). 13 Misc. 47; (68 St. Rep. 93; 34 Supp. 90).

Trial—Questions for Jury—Construction of Ambiguous Contract.

5 Misc. 593; (56 St. Rep. 900; 25 Supp. 1143). 16 Misc. 297; (74 St. Rep. 569; 38 Supp. 116).

Campbell v. Jimenes, 5 Misc. 593; 56 St. Rep. 900; 25 Supp. 1143.

Reversed, 7 Misc. 77; 57 St. Rep. 480; 27 Supp. 351.

Campbell v. Jimenes, 7 Misc. 77; 57 St. Rep. 480; 27 Supp. 351.

Cited, Evidence—Parol—In Aid of Writing.

12 Misc. 16; (66 St. Rep. 537; 33 Supp. 38). 13 Misc. 255; (68 St. Rep. 206; 34 Supp. 159).

Campbell v. Lake Shore & M. S. R. Co., 136 N. Y. 646; 49 St. Rep. 915.**Campbell v. Maginn**, 53 Super. 514.

Cited, Witnesses—Competency—Death of Other Party—Bystander—Interest.

68 Hun, 587; (52 St. Rep. 579; 23 Supp. 256).

Campbell v. Mallory, 22 How. 183.

Cited, Landlord and Tenant—Summary Proceedings—Jurisdiction by Consent.

71 Hun, 133; (54 St. Rep. 104; 24 Supp. 55).

Campbell v. Mesier, 4 Johns. Ch. 334.

Cited, Party Wall—Right to Remove and Rebuild.

67 Hun, 31; (50 St. Rep. 754; 21 Supp. 849).

Campbell v. Morgan, 68 Hun, 490; 52 St. Rep. 648; 22 Supp. 1001.**Campbell v. Morrison**, 7 Paige, 157.

Cited, Injunction—Affidavits — Affiant's Knowledge.

19 Misc. 670; (78 St. Rep. 1105; 44 Supp. 1105).

Campbell v. Muller, 19 Misc. 189.**Campbell v. N. Y. C. & H. R. R. Co.**, 19 St. Rep. 659; 8 Supp. 694.

Cited, Negligence—Contributory — Question for Jury.

79 Hun, 558; (61 St. Rep. 531; 29 Supp. 914).

Campbell v. New York Cotton Exchange, 47 Super. 558.

Cited, Appeal—Extent of Review—Order Overruling Demurrer.

9 Misc. 661; (62 St. Rep. 412; 30 Supp. 552).

Campbell v. N. Y. Life Ins. Co., 14 App. Div. 611; 78 St. Rep. 5; 44 Supp. 5.**Campbell v. Parker**, 9 Bosw. 322.

Cited, Conversion—Demand.

92 Hun, 247; (72 St. Rep. 336; 36 Supp. 910).

Campbell v. Perkins, 8 N. Y. 430.

Cited, Bankruptcy—Discharge—Notice.

49 St. Rep. 551; (20 Supp. 867).

Infants—Action ex-Contractor—Liability in Tort.

D. 4 App. Div. 583; (74 St. Rep. 633; 38 Supp. 1021).

Campbell v. Perry, 29 St. Rep. 670; 9 Supp. 330.

Cited, Action—Parties—Injuries to Married Woman.

63 Hun, 251; (52 St. Rep. 185; 22 Supp. 975).

Campbell v. Post, 20 Misc. 339; 79 St. Rep. 919; 45 Supp. 919.**Campbell v. Prague**, 6 App. Div. 554; 39 Supp. 558.

Cited, Vendor and Purchaser — Title — Groundless Objections to.

17 App. Div. 325; (79 St. Rep. 211; 45 Supp. 211).

Vendor and Purchaser—Title—Readiness to Discharge Liens.

19 Misc. 554; (77 St. Rep. 399; 43 Supp. 399). 19 Misc. 582; (77 St. Rep. 678; 43 Supp. 678).

*Duplicate Citations in Parenthesis.***Campbell v. Purdy**, 5 Redf. 434.

Cited, Executors and Administrators—Accounting—Own Counsel Fees as Attorney for Estate.

3 Misc. 567; (24 Supp. 721).

Campbell v. Rawdon, 18 N. Y. 412.

Cited, Wills—Devise to Class—Who Take.
54 St. Rep. 28; (24 Supp. 230)

Campbell v. Seaman, 63 N. Y. 568.

Cited, Injunction—Discretion in Granting.

67 Hun, 308; (50 St. Rep. 900; 22 Supp. 316).

Land—Prior Occupancy—Superiority of Rights as to Adjoining Owners.

140 N. Y. 278; (55 St. Rep. 663).

Railroads—Flooding of Lands—Nuisance—Liability.

75 Hun, 485; (57 St. Rep. 371; 27 Supp. 473).

Campbell v. Sherman, 29 St. Rep. 156; 8 Supp. 630.

Cited, Action — By Partners — Counterclaim—Individual Debt.

14 Misc. 483; (70 St. Rep. 434; 35 Supp. 699).

Campbell v. Sloane, 51 St. Rep. 328; 22 Supp. 81.**Campbell v. Stakes**, 2 Wend. 137.

Cited, Infants—Action Ex contractu—Liability in Tort.

D. 4 App. Div. 583; (74 St. Rep. 833; 38 Supp. 1021).

Campbell v. Stokes, 66 Hun, 381; 49 St. Rep. 357; 21 Supp. 493.

Affirmed, 142 N. Y. 23; 58 St. Rep. 451.

Cited, Vendor and Purchaser—Rights of Parties—Unmerchantable Title.

24 Supp. 663.

Campbell v. Stokes, 142 N. Y. 23; 58 St. Rep. 451.

Cited, Partition — Necessary Parties — Vested Interests.

79 Hun, 293; (60 St. Rep. 563; 29 Supp. 386; 31 Abb. N. C. 471).

Wills—Construction—Gift—Vesting.

145 N. Y. 538; (65 St. Rep. 343). 84 Hun, 333; (65 St. Rep. 635; 32 Supp. 555). 147 N. Y. 74; (69 St. Rep. 317). 10 App. Div. 165; (75 St. Rep. 1239; 41 Supp. 867). D. 11 App. Div. 368; (76 St. Rep. 926; 42 Supp. 926). 11 App. Div. 362; (76 St. Rep. 924; 42 Supp. 924). 18 App. Div. 192; (79 St. Rep. 872; 45 Supp. 872).

Wills—Construction—Vesting—Intent.

9 App. Div. 605; (41 Supp. 739).

Campbell v. Texas R. Co., 15 Misc. 442; 72 St. Rep. 792; 37 Supp. 213.**Campbell v. Tousey**, 7 Cow. 64.

Cited, Executor—De Son Tort.

145 N. Y. 617; (71 St. Rep. 367).

Campbell v. Union R. Co. of N. Y., 9 Misc. 484; 61 St. Rep. 89; 30 Supp. 246.**Campbell v. United States Foundry Co.**, 73 Hun, 576; 57 St. Rep. 265; 26 Supp. 165.

Cited, Nuisance—What is—Negligence—Imputed.

9 Misc. 14; (59 St. Rep. 698; 29 Supp. 17).

Evidence—Prior and Subsequent Condition.

20 Misc. 339; (79 St. Rep. 746; 45 Supp. 746).

Campbell v. Vedder, 1 Abb. Ct. App. Dec. 295; 3 Keyes, 174.

Cited, Vendor and Purchaser—Bona Fides —“Subsequent Purchaser.”

152 N. Y. 163.

Campbell v. Woodworth, 20 N. Y. 499.

Cited, Conversion—Value of Property—Auction—Evidence.

135 N. Y. 198; (48 St. Rep. 84).

Evidence — Relevancy — Value — Purchase Price.

4 Misc. 106; (53 St. Rep. 212; 23 Supp. 1009). 144 N. Y. 566; (64 St. Rep. 236). 3 App. Div. 423; (74 St. Rep. 99; 33 Supp. 764).

Campbell v. Woodworth, 24 N. Y. 304.

Cited, Assignment to Creditors—Compensation of Assignee.

66 Hun, 154; (49 St. Rep. 156; 21 Supp. 211).

Campbell Printing Press and Mfg. Co. v. Damon, 48 Hun, 509; 16 St. Rep. 133; 1 Supp. 185.

Cited, Chattel Mortgage—Void for Not Filing—Liability of Mortgagee With Possession.

86 Hun, 360; (67 St. Rep. 155; 33 Supp. 6).

Campbell Printing Press and Mfg. Co. v. Walker, 114 N. Y. 7; 22 St. Rep. 173.

Cited, Judgment — Conclusiveness—On What Points.

3 Misc. 63; (51 St. Rep. 772; 22 Supp. 557). 51 St. Rep. 374; (22 Supp. 25). 73 Hun, 234; (57 St. Rep. 275; 26 Supp. 298). 85 Hun, 15; (66 St. Rep. 127; 32 Supp. 616). 151 N. Y. 128; (3 Ann. Cas. 348).

Sale—Conditional—Passing of Title.

6 Misc. 382; (56 St. Rep. 407; 26 Supp. 751).

*Duplicate Citations in Parenthesis.***Campbell Printing Press and Mfg.****Co v. Yorkston**, 11 Misc. 340; 65 St.

Rep. 457; 32 Supp. 263.

Reversing, 10 Misc. 780; 63 St. Rep. 869; 30 Supp. 1130.**Campion v. Parker**, 78 Hun, 234; 59

St. Rep. 878; 28 Supp. 827.

Cited, Appeal—Review of Facts.

14 App. Div. 585; (77 St. Rep. 1102; 43 Supp. 1102).

Canaday v. Stiger, 55 N. Y. 452.*Cited*, Set Off—Equitable—Test Of.

55 St. Rep. 45; (24 Supp. 1120).

Vendor and Purchaser—Equitable Relief—Negligence of Party Seeking.

89 Hun, 59; (69 St. Rep. 6; 34 Supp. 1062).

Canaday v. Stiger, 35 Super. 423.*Affirmed*, 55 N. Y. 452.*Cited*, Appeal—Increasing Judgment—Special Proceeding.

68 Hun, 8; (52 St. Rep. 461; 22 Supp. 833).

Canajoharie Church v. Lieber, 2

Paige, 43.

Cited, Contracts—Specific Performance—Equitable Adjustment of Rights.

81 Hun, 106; (62 St. Rep. 690; 30 Supp. 728).

Canajoharie Nat. Bank v. Diefendorf, 123 N. Y. 191; 33 St. Rep. 389.*Cited*, Bills and Notes—Diversion—Bona Fide Holder.

6 Misc. 543; (58 St. Rep. 14; 27 Supp. 228). 74 Hun, 447; (57 St. Rep. 185; 26 Supp. 823). 77 Hun, 454; (60 St. Rep. 654; 29 Supp. 84). 148 N. Y. 706. 150 N. Y. 66. D. 150 N. Y. 73.

Bills and Notes—Fraud—Bona fides—Burden of Proof.

145 N. Y. 506; (65 St. Rep. 373). 2 App. Div. 108; (73 St. Rep. 147; 37 Supp. 531). 8 App. Div. 93; (74 St. Rep. 859; 40 Supp. 412).

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3 Misc. 244; (52 St. Rep. 138; 22 Supp. 943). 3 Misc. 453; (52 St. Rep. 504; 23 Supp. 184). 7 Misc. 174; (57 St. Rep. 523; 27 Supp. 327). 7 Misc. 178; (57 St. Rep. 546; 27 Supp. 348). 6 Misc. 112; (57 St. Rep. 858; 26 Supp. 16). 11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 319). 14 Misc. 565; (70 St. Rep. 718; 35 Supp. 1073). 1 App. Div. 3; (72 St. Rep. 64; 36 Supp. 961). 16 Misc. 550; (74 St. Rep. 172; 38 Supp. 712).

Trial—Questions of Fact—Credibility of Witness.

2 Misc. 310; (51 St. Rep. 574; 21 Supp. 1003). 6 Misc. 67; (55 St. Rep. 778; 26 Supp. 80). 75 Hun, 50; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 153). 78 Hun, 185; (60 St. Rep. 246; 28 Supp. 917). 79 Hun, 131; (61 St. Rep. 378; 29 Supp. 480). 83 Hun, 419; (64 St. Rep. 742; 31 Supp. 946). 16 Misc. 551; (74 St. Rep. 172; 38 Supp. 712). 15 App. Div. 58; (78 St. Rep. 156; 44 Supp. 156).

Trial—Questions of Law and Fact—Bona fides of Transfer of Note.

49 St. Rep. 871; (21 Supp. 657). 5 Misc. 547; (25 Supp. 975). 90 Hun, 116; (70 St. Rep. 516; 35 Supp. 651). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Evidence—Relevancy—Affecting Credibility of Witness.

2 Misc. 426; (50 St. Rep. 611; 21 Supp. 990).

Evidence—Corroborative of Interested Witness—Validity and Sufficiency of.

1 Misc. 170; (48 St. Rep. 675; 20 Supp. 632). 1 Misc. 164; (48 St. Rep. 687; 20 Supp. 636). 1 Misc. 363; (48 St. Rep. 787; 20 Supp. 638). 1 Misc. 133; (48 St. Rep. 766; 20 Supp. 645). 1 Misc. 173; (48 St. Rep. 633; 20 Supp. 653).

Trial—Sufficiency of Evidence to go to Jury—Bona fides.

68 Hun, 592; (52 St. Rep. 589; 23 Supp. 239).

Canal Appraisers v. People, 17 Wend. 571.*Cited*, Grants—Ancient—Construction—What Passes.

9 App. Div. 184; (75 St. Rep. 550; 41 Supp. 89).

Canal Bank v. Bank of Albany, 1 Hill, 287.*Cited*, Bills and Notes—Rights of Transferee—Indorser's Contract.

76 Hun, 478; (59 St. Rep. 360; 27 Supp. 1072).

Canal Street, Matter of, 11 Wend. 154.*Cited*, Eminent Domain—Award—When Rights in Accrue.

90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789).

Canal and Walker Sts., Matter of, 12 N. Y. 406.*Cited*, Courts—Supreme—Jurisdiction.

10 Misc. 248; (63 St. Rep. 862; 31 Supp. 421).

Eminent Domain—Award—Confirmation—Conclusiveness.

D. 89 Hun, 603; (69 St. Rep. 31; 34 Supp. 1060).

Duplicate Citations in Parenthesis.

Canandaigua v. Benedict, 8 App. Div. 475; 40 Supp. 707.

Canandaigua v. Benedict, 13 App. Div. 600; 77 St. Rep. 630; 43 Supp. 630.

Canandaigua, Trustees of, v. Foster, 81 Hun, 147; 62 St. Rep. 639; 30 Supp. 686.

Cited, Money Paid—On Account of Acts of Another—Contractual Relation—Recovery.

11 Misc. 55; (63 St. Rep. 450; 31 Supp. 855).

Canandaigua Water Works Co. v. Canandaigua, 90 Hun, 605; 35 Supp. 101.

Cited, Municipal Corporations—Water Works—Acquisition by Municipality.

16 App. Div. 506; (78 St. Rep. 879; 44 Supp. 879).

Canandarqua Academy v. McKech-nie, 19 Hun, 62.

Cited, Official Acts—Liberal Construc-tion.

12 Misc. 498; (67 St. Rep. 397; 33 Supp. 672).

Canandarqua Academy v. McKech-nie, 90 N. Y. 618.

Cited, Acknowledgment.

92 Hun, 217; (71 St. Rep. 200; 36 Supp. 362). 18 Misc. 411; (76 St. Rep. 779; 42 Supp. 779).

Canary v. Russell, 9 Misc. 558; 61 St. Rep. 665; 30 Supp. 122.

Canary v. Russell, 10 Misc. 597; 63 St. Rep. 740; 31 Supp. 291; 24 Civ. Pro. 109.

Canastota & M. Plank-road Co. v. Parkill, 50 Barb. 601.

Cited, Action for Penalty—Strict Con-struction.

86 Hun, 464; (77 St. Rep. 639; 33 Supp. 892).

Canavan v. Dwyer, 14 Misc. 304; 70 St. Rep. 420; 35 Supp. 763.

Canavan v. Stuyvesant, 7 Misc. 113; 57 St. Rep. 513; 27 Supp. 413.

Cited, Negligence—Contributory—Child—Sui juris.

12 Misc. 74; (66 St. Rep. 687; 33 Supp. 53). D. 6 App. Div. 183; (39 Supp. 1026).

Appeal—Two Causes of Action—Reversal. 10 Misc. 114; (62 St. Rep. 527; 30 Supp. 925). 18 Misc. 76; (75 St. Rep. 490; 41 Supp. 34).

Canavan v. Stuyvesant, 12 Misc. 74; 66 St. Rep. 687; 33 Supp. 53.

Cancellation on the Registry List of the Names of Certain Women, Matter of, 5 Misc. 375; 26 Supp. 167.

Cited, Voters—Elective Franchise—Wo-men.

5 Misc. 580; (26 Supp. 173).

Cancemi v. People, 18 N. Y. 128.

Cited, Criminal Law—Procurement of Evidence by Search Warrant.

75 Hun, 173; (56 St. Rep. 735; 26 Supp. 1050).

Canda v. Casey, 14 Misc. 322; 70 St. Rep. 680; 35 Supp. 1054.

Canda v. Golliner, 73 Hun, 493; 56 St. Rep. 153; 26 Supp. 449.

Cited, Supplementary Proceedings—In-junction Order—Contempt.

15 Misc. 640; (72 St. Rep. 679; 37 Supp. 428).

Canda v. Robbins, 28 St. Rep. 394; 7 Supp. 895.

Cited, Reference—Long Account—What is.

4 Misc. 423; (63 St. Rep. 518; 24 Supp. 333).

Canda v. Totten, 87 Hun, 72; 67 St. Rep. 645; 33 Supp. 962.

Candee v. Hayward, 37 N. Y. 653.

Cited, Contract—Illegal—Enforcement—Punitive Enactments as Effecting.

8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533).

Candee v. Lord, 2 N. Y. 269.

Cited, Debtor and Creditor—Trust Rela-tion.

69 Hun, 163; (52 St. Rep. 539; 23 Supp. 379). 17 App. Div. 155; (79 St. Rep. 143; 45 Supp. 143).

Judgment—Conclusiveness.

145 N. Y. 611; (71 St. Rep. 363). 4 App. Div. 57, 58; (38 Supp. 629, 630; 25 Civ. Pro. 336, 338). 18 Misc. 554; (41 Supp. 878). 11 App. Div. 388; (76 St. Rep. 939; 42 Supp. 939).

Candee v. Smith, 93 N. Y. 349.

Cited, Joint Debtors—Judgment against One—Effect of.

141 N. Y. 450; (57 St. Rep. 629).

Candee v. Wilcox, 14 Week. Dig. 245.

Cited, Arrest—Civil—Undertaking.

6 Misc. 439; (53 St. Rep. 302; 26 Supp. 1111).

Candor, Town of, v. Tioga, Town of, 11 App. Div. 502; 76 St. Rep. 911; 42 Supp. 911.

Duplicate Citations in Parenthesis.

Cane v. New York, 34 Supp. 675; N. Y. L. J. Jan. 18, 1898.

Cited, Civil Service Laws—Position by Appointment—Day Laborer.
13 Misc. 567; (68 St. Rep. 403; 34 Supp. 675).

Canfield v. Baltimore & O. R. Co., 75 N. Y. 144.

Cited, Carriers—Loss of Property—Presumption as to Condition.
2 App. Div. 296; (72 St. Rep. 956; 37 Supp. 910).

Canfield v. Baltimore & O. R. Co., 93 N. Y. 532.

Cited, Carriers—Loss of Property—Liability.
12 Misc. 118; (66 St. Rep. 695; 33 Supp. 94). 16 Misc. 614; (73 St. Rep. 813; 38 Supp. 341).

Canfield v. Crandall, 4 Dem. 111.

Cited, Wills—Description—Of Devisee or Legatee—Corporations.
3 Misc. 484; (23 Supp. 747).

Wills—Construction—Charitable Bequest—Error in Name.
1 App. Div. 163; (73 St. Rep. 25; 37 Supp. 922).

Canfield v. Gaylord, 12 Wend. 236.

Cited, Judgment—But One in Action.
14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 2 Ann. Cas. 164; 25 Civ. Pro. 146).

Canfield v. N. Y. C. & H. R. R. Co., 139 N. Y. 617; 54 St. Rep. 931.

Canniff v. New York, 4 E. D. Smith, 430.

Cited, Officers—Taking Oath of Office—Before Whom.
73 Hun, 406; (55 St. Rep. 772; 26 Supp. 282).

Municipal Corporations—Officers—Liability for Compensation.
91 Hun, 28; (71 St. Rep. 430; (36 Supp. 92).

Cannon v. Brooklyn City R. Co., 9 Misc. 282; 61 St. Rep. 147; 29 Supp. 722.
Affirmed, 149 N. Y. 615.

Followed, 14 Misc. 400; (70 St. Rep. 757; 35 Supp. 1039).

Cited, Evidence—Action for Personal Injuries—Appearance.
9 App. Div. 75; (75 St. Rep. 579; 41 Supp. 121).

Cannon v. Brooklyn City R. Co., 14 Misc. 400; 70 St. Rep. 756; 35 Supp. 1039).

Cannon v. Northwestern M. L. Ins. Co., 29 Hun, 470.

Cited, Insurance—Policy—Assignment.
13 App. Div. 532; (77 St. Rep. 651; 43 Supp. 651).

Cantine, Matter of, 14 Misc. 159; 70 St. Rep. 205; 35 Supp. 594.

Cantner v. Auerbach, 20 Misc. 6; 78 St. Rep. 601; 44 Supp. 601.

Cantner v. Auerbach, 20 Misc. 281; 79 St. Rep. 846; 45 Supp. 846.

Canton v. Simpson, 2 App. Div. 561; 74 St. Rep. 441; 38 Supp. 13.

Cited, Negligence—Contributory—Sudden Peril.
19 Misc. 645; (78 St. Rep. 418; 44 Supp. 418).

Canton Lumber Co. v. Spears, 71 St. Rep. 79; 36 Supp. 307.

Canton S. & Dental Co. v. Webb, 42 St. Rep. 187; 16 Supp. 932.

Cited, Conditional Sales—Recording Act—Subsequent Purchaser—Pledge.
10 Misc. 71; (62 St. Rep. 265; 31 Supp. 151). 16 Misc. 380; (74 St. Rep. 312; 38 Supp. 58).

Cantoni v. Forster, 12 Misc. 343; 67 St. Rep. 353; 33 Supp. 565.

Affirmed, 146 N. Y. 405; 70 St. Rep. 869.

Cantoni v. Forster, 12 Misc. 376; 67 St. Rep. 345; 33 Supp. 645.

Affirmed, 146 N. Y. 405; 70 St. Rep. 869.

Cantor v. Claflin, 35 St. Rep. 247; 12 Supp. 759.

Cited, Sale—Fraud—Statements to Commercial Agency.
7 App. Div. 444; (39 Supp. 1056).

Cantor v. Tattersalls of N. Y., Limited, 13 Misc. 17; 68 St. Rep. 171; 34 Supp. 96.

Canzi v. Conner, 4 Abb. N. C. 148.

Cited, Appeal—Settlement of Case—Discretion.
13 App. Div. 551; (77 St. Rep. 735; 43 Supp. 735).

Capel v. Lyons, 46 St. Rep. 298; 20 Supp. 49.

Affirmed, 3 Misc. 73; 51 St. Rep. 601; 22 Supp. 378.

Cited, Damages—Torts—Measure of Compensation—Profits.
8 Misc. 543; (59 St. Rep. 269).

Duplicate Citations in Parenthesis.

Capel v. Lyons, 3 Misc. 73; 51 St. Rep. 601; 22 Supp. 378.

Cited, Appeal—Discretionary Determination.

14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1070).

Capet v. Parker, 3 Sandf. 662.

Cited, Injunction—Summary Proceedings—Landlord and Tenant.

5 Misc. 168; (24 Supp. 915; 23 Civ. Pro. 224).

Capwell v. Ormsby, 2 E. D. Smith, 180.

Cited, Appeal—From Justice's Judgment Return—Remedy if Incorrect.

3 Misc. 125; (23 Supp. 995).

Capital City Athletic Ass'n v. Police Com'rs of Greenbush, 9 Misc. 189; 61 St. Rep. 284; 29 Supp. 804.

Capital City Bank v. Parent, 134 N. Y. 527.

Cited, Creditor's Action—Foreign Debtor—Prior Judgment.

12 App. Div. 477; (76 St. Rep. 36; 42 Supp. 36).

Cappel, Matter of, 2 App. Div. 617; 37 Supp. 1144.

Capron, Matter of, 30 St. Rep. 948; 10 Supp. 23.

Cited, Tax—Inheritance—Relation of Parent.

11 Misc. 699; (67 St. Rep. 403; 33 Supp. 581).

Capron v. Thompson, 86 N. Y. 418.

Cited, Appeal—Dismissal of Complaint on Reversal.

1 Misc. 499; (49 St. Rep. 707).

Appeal—To General Term—Judgment Absolute, Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697).

Brokers—Stocks—Margins—Sale—Notice.

141 N. Y. 73; (56 St. Rep. 590). 67 Hun, 4; (50 St. Rep. 487; 21 Supp. 692). 141 N. Y. 403; (57 St. Rep. 616).

Brokers—Stocks—Conversion.

17 App. Div. 231; (79 St. Rep. 220; 45 Supp. 220).

Caponigri v. Altieri, 11 Misc. 372; 65 St. Rep. 288; 32 Supp. 159.

Caraher v Royal Ins. Co., 63 Hun, 82; 44 St. Rep. 141; 17 Supp. 858.

Affirmed, 136 N. Y. 645; 49 St. Rep. 915.

Cited, Insurance—Policy Conditions—Occupancy—Operation.

70 Hun, 493; (53 St. Rep. 747; 24 Supp. 386).

Card v. Card, 39 N. Y. 317.

Cited, Witness—Competency—Transaction with Decedent.

8 Misc. 83; (58 St. Rep. 830; 28 Supp. 597).

Card v. Manhattan R. Co., 103 N. Y. 670; 1 Silv Ct. App. 199; 3 St. Rep. 641.

Cited, Carriers—Passenger—Contributory Negligence—Boarding Moving Train.

5 Misc. 211; (54 St. Rep. 794; 25 Supp. 93).

Card v. Meincke, 70 Hun, 332; 54 St. Rep. 285; 24 Supp. 375.

Cited, Judgment—Entry—Form—Conformity to decision.

92 Hun, 83; (71 St. Rep. 805; 36 Supp. 637).

Card v. Meincke, 72 Hun, 299; 25 Supp. 1119.

Cited, Trust Fund—Creditor's Action to Reach Surplus.

3 App. Div. 282; (74 St. Rep. 22; 38 Supp. 367; 3 Ann. Cas. 161).

Cardell v. McNiel, 21 N. Y. 336.

Cited, Contracts—Statute of Frauds—Guaranty.

74 Hun, 113; (56 St. Rep. 381; 26 Supp. 362).

Guaranty—Construction of—Original Undertaking.

79 Hun, 440; (61 St. Rep. 459; 29 Supp. 1026.) 79 St. Rep. 999; (45 Supp. 999).

Cardot v. Barney, 63 N. Y. 281.

Cited, Liability—Representative Capacity. 15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190).

Carey, Matter of, 14 Misc. 486; 71 St. Rep. 593; 36 Supp. 817.

Carey, Matter of, 11 App. Div. 289; 76 St. Rep. 346; 42 Supp. 346.

Carey v. Browne, 67 Hun, 516; 51 St. Rep. 96; 22 Supp. 521; 23 Civ. Pro. 137.

Carey v. Flack, 20 Misc. 295; 79 St. Rep. 759; 45 Supp. 759.

Carey v. Kieferdorf, 75 St. Rep. 340; 40 Supp. 941.

Carey v. Smith, 5 App. Div. 505; 38 Supp. 1079.

Cited, Appeal—Weight of Evidence—Reversal.

8 App. Div. 389; (75 St. Rep. 163; 40 Supp. 787). 12 App. Div. 179; (76 St. Rep. 836; 42 Supp. 86). 20 Misc. 603.

Carhart v. Auburn Gas Light Co., 22 Barb. 297.

Cited, Trespass—Nominal Damages.

4 Misc. 133; (53 St. Rep. 170; 23 Supp. 864; 30 Abb. N. C. 308).

Carhart v. Ryder, 11 Daly, 101.

Cited, Landlord and Tenant—Right of Abandonment—Election.

17 Misc. 606; (75 St. Rep. 55; 40 Supp. 654).

Duplicate Citations in Parenthesis.

Carillo v. Carillo, 53 Hun, 359; 6 Supp. 305.

Cited, Bill of Particulars—Affidavit—Knowledge.

19 Misc. 478; (77 St. Rep. 1111; 43 Supp. 1111).

Carillo v. Carillo. See *De Carillo v. Carillo*.

Carl v. Ayres, 53 N. Y. 14.

Cited, Malicious Prosecution—Probable cause.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 999).

Carland, Matter of, 15 Misc. 355; 73 St. Rep. 1; 37 Supp. 922.

Carle v. Underhill, 3 Bradf. 101.

Cited, Wills—When Writing Is—How Determined.

16 Misc. 206; (38 Supp. 1126).

Carleton v. Carleton, 23 Hun, 251.

Cited, Summons—Publication—Affidavit—Sufficiency.

7 App. Div. 82; (39 Supp. 977; 25 Civ. Pro. 401).

Carleton v. Carleton, 85 N. Y. 313.

Cited, Summons—Publication—Affidavit—Sufficiency.

14 Misc. 77; (69 St. Rep. 555; 35 Supp. 200; 25 Civ. Pro. 20; 2 Ann. Cas. 97).

Carleton v. Darcy, 75 N. Y. 375.

Cited, Eminent Domain—Procedure—Discontinuance.

76 Hun, 91; (57 St. Rep. 475; 27 Supp. 847).

Action—Discontinuance—Discretion.

85 Hun, 101; (66 St. Rep. 36; 32 Supp. 653).

Carleton v. Lombard, Ayers & Co., 72 Hun, 254; 55 St. Rep. 330; 25 Supp. 570.

Carleton v. Lombard, Ayers & Co., 149 N. Y. 137.

Cited, Sale—Goods of Manufacturer—Implied Warranty.

151 N. Y. 490.

Evidence—Judgment—Extrinsic Facts of Matters Litigated.

152 N. Y. 201.

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20 Misc. 5; (78 St. Rep. 910; 44 Supp. 910). 151 N. Y. 617.

Carleton v. Lombard, Ayres & Co., 149 N. Y. 601.

Carleton v. Packard, 71 Hun, 338; 55 St. Rep. 37; 24 Supp. 1120.

Carley v. N. Y. Ontario & W. R. Co., 16 St. Rep. 307.

Cited, Appeal—Harmless Error.

74 Hun, 382; (56 St. Rep. 304; 26 Supp. 596).

Carley v. Tod, 83 Hun, 53; 64 St. Rep. 271; 31 Supp. 635.

Carlin v. Richardson, 17 St. Rep. 399; 1 Supp. 772.

Cited, Counterclaim—Necessity of Setting up.

17 App. Div. 248; (79 St. Rep. 588; 45 Supp. 588).

Carling v. Purcell, 3 Misc. 55; 51 St. Rep. 835; 22 Supp. 558; 23 Civ. Pro. 140; 29 Abb. N. C. 478.

Cited, Appeal—Undertaking On—When Necessary.

5 Misc. 418; (25 Supp. 960). 16 Misc. 40; (73 St. Rep. 44; 37 Supp. 917).

Court—Special Term—Jurisdiction—Perfection of Appeal.

7 Misc. 391; (57 St. Rep. 565; 27 Supp. 918).

Carll v. Northport, 11 App. Div. 120; 76 St. Rep. 576; 42 Supp. 576.

Cited, Trespass—Continuing—Damages in Full.

13 App. Div. 190; (43 Supp. 311).

Carll v. Oakley, 97 N. Y. 633.

Cited, Judgment—Acceptance of Benefits Under—Appeal—Waiver.

16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637).

Carll v. Spofford, 45 N. Y. 61.

Cited, Contracts—Statement of Cost—Effect Upon Amount of Recovery.

10 App. Div. 92; (41 Supp. 784).

Carlson v. Phoenix Bridge Co., 132 N. Y. 273; 43 St. Rep. 942.

Cited, Master and Servant—Defective Appliances—Equal Knowledge.

72 Hun, 445; (54 St. Rep. 863; 25 Supp. 191).

Master and Servant—Places and Appliances—Care Required.

4 Misc. 162; (53 St. Rep. 196; 23 Supp. 788). 142 N. Y. 34; (58 St. Rep. 438). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835). 13 Misc. 176; (68 St. Rep. 26; 34 Supp. 71). 9 App. Div. 526; (14 Misc. 420; 70 St. Rep. 419; 35 Supp. 762). 8 App. Div. 386; (75 St. Rep. 199; 40 Supp. 814).

Carlson v. Winterson, 1 Misc. 207; 49 St. Rep. 39; 20 Supp. 897.

Reversed, 3 Misc. 63; 51 St. Rep. 775; 22 Supp. 553.

Cited, Appeal—Review of Evidence—Necessity of Motion for New Trial.

50 St. Rep. 836; (22 Supp. 340).

Duplicate Citations in Parenthesis.

Carlson v. Winterson, 3 Misc. 63; 51 St. Rep. 775; 22 Supp. 553.

Carlson v. Winterson, 7 Misc. 15; 57 St. Rep. 100; 27 Supp. 368.

Cited, Appeal—Reversal—Restitution. 11 Misc. 270; (65 St. Rep. 436; 32 Supp. 251, 252).

Carlson v. Winterson, 7 Misc. 689; 58 St. Rep. 390; 28 Supp. 20.

Carlson v. Winterson, 10 Misc. 388; 64 St. Rep. 113; 31 Supp. 430.

Affirming, 9 Misc. 711; 60 St. Rep. 878; 29 Supp. 1142.

Carlson v. Winterson, 11 Misc. 267; 65 St. Rep. 434; 32 Supp. 251.

Reversing, 10 Misc. 793; 64 St. Rep. 871; 31 Supp. 1126.

Carlson v. Winterson, 146 N. Y. 345; 66 St. Rep. 649.

Reversing and Modifying, 11 Misc. 267; 65 St. Rep. 434; 32 Supp. 251.

Cited, 147 N. Y. 657; (71 St. Rep. 265).

Appeal — Reversal — Restitution — By What Court Made.

20 Misc. 336; (79 St. Rep. 893; 45 Supp. 893).

Carlson v. Winterson, 147 N. Y. 652; 71 St. Rep. 263.

Affirming, 10 Misc. 388; 64 St. Rep. 113; 31 Supp. 1142.

Carlton St., Matter of, 16 Hun, 497.

Cited, Eminent Domain — Procedure — Compliance with Statute.

76 Hun, 90; (57 St. Rep. 474).

Carman, Matter of, 3 Redf. 46.

Cited, Executors and Administrators—Compensation of—Third Person Employed to Transact Ordinary Business.

1 Misc. 33; (22 Supp. 1034).

Carman v. Beach, 63 N. Y. 97.

Cited, Principal and Agent — Double Agency.

142 N. Y. 74; (58 St. Rep. 317; 31 Abb. N. C. 459). 11 Misc. 331; (65 St. Rep. 413; 32 Supp. 232). 15 App. Div. 537; (78 St. Rep. 574; 44 Supp. 574).

Carman v. Farmers' Loan & Trust Co., 70 Hun, 283; 53 St. Rep. 824; 24 Supp. 39.

Carman v. Kelly, 5 Hun, 283.

Cited, Contract—For Benefit of Third Person—Availability to Latter.

4 Misc. 527; (54 St. Rep. 130; 24 Supp. 736).

Carmen v. McInerow, 13 N. Y. 70.

Cited, Mechanic's Lien — Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021).

Mechanic's Lien—To What Attaches—Supplies for Sub-contractor.

72 Hun, 420; (54 St. Rep. 883; 25 Supp. 204).

Carman v. Plass, 23 N. Y. 286.

Cited, Pleading—Joinder — Community of Interests.

16 Misc. 98; (74 St. Rep. 234; 37 Supp. 1103; 25 Civ. Pro. 20). 9 App. Div. 249; (75 St. Rep. 882; 41 Supp. 490; 3 Ann. Cas. 299).

Carman v. Pultz, 21 N. Y. 547.

Cited, Appeal — Extent of Review—Harmless Error.

9 Misc. 163; (60 St. Rep. 636; 29 Supp. 722).

Appeal—Rulings on Evidence—Burden to Show Error.

1 Misc. 174; (48 St. Rep. 683; 20 Supp. 654). 13 Misc. 116; (63 St. Rep. 200; 34 Supp. 153). 79 St. Rep. 317; (45 Supp. 317).

Appeal—Error—Presumption.

9 Misc. 324; (60 St. Rep. 446; 30 Supp. 261). 10 Misc. 183; (62 St. Rep. 490; 30 Supp. 939). 2 App. Div. 349; (73 St. Rep. 429; 37 Supp. 753). 20 Misc. 370; (79 St. Rep. 756; 45 Supp. 756).

Carmony v. Mt. Vernon, 3 App. Div. 347; 73 St. Rep. 775; 38 Supp. 314.

Carnaghan v. Exporters & P. Oil Co., 32 St. Rep. 1117; 11 Supp. 172.

Cited, Corporations—Service of Process—Officers—Resignation.

16 Misc. 49; (73 St. Rep. 275; 37 Supp. 656).

Carnal v. People, 1 Park. Cr. 262.

Cited, Criminal Law—Sentence—Suspension.

141 N. Y. 293.

Criminal Law—Suspension of Sentence—Reprieve.

146 N. Y. 273; (66 St. Rep. 626).

Carnes v. Platt, 1 Sweeny, 140; 7 Abb. N. S. 42.

Cited, Deeds—Execution—Delivery—Intention.

12 App. Div. 196; (76 St. Rep. 832; 42 Supp. 832).

Carney v. Brome, 77 Hun, 583; 60 St. Rep. 453; 28 Supp. 1019.

Duplicate Citations in Parenthesis.

Carney v. N. Y. Life Ins. Co., 79 St. Rep. 1103; 45 Supp. 1103.

Carney v. Reilly, 18 Misc. 11; 75 St. Rep. 440; 40 Supp. 1123.

Cited, Appeal—Review of Facts.

18 Misc. 17; (75 St. Rep. 431; 40 Supp. 1116). 18 Misc. 430; (76 St. Rep. 24; 42 Supp. 24). 19 Misc. 55; (76 St. Rep. 826; 42 Supp. 826).

Carnick v. Myers, 14 Barb. 9

Cited, Levy and Sale—Abuse of Process—Liability of Officer.

3 Misc. 231; (51 St. Rep. 867; 22 Supp. 748).

Carnright v. Gray, 57 Hun, 518; 33 St. Rep. 98; 11 Supp. 278.

Affirmed, 127 N. Y. 92; 38 St. Rep. 56.

Cited, Bills and Notes—Consideration.

84 Hun, 599; (66 St. Rep. 145; 32 Supp. 865).

Carnwright v. Gray, 127 N. Y. 92; 38 St. Rep. 56.

Cited, Bills and Notes—Consideration—Payable after Death.

77 Hun, 16; (59 St. Rep. 260; 28 Supp. 274). 83 Hun, 176; (64 St. Rep. 151; 31 Supp. 597). 8 App. Div. 607; (75 St. Rep. 400; 49 Supp. 1017).

Evidence—Burden of Proof—Bills and Notes—Consideration.

80 Hun, 286; (61 St. Rep. 862; 30 Supp. 162). 84 Hun, 599; (66 St. Rep. 145; 32 Supp. 865).

Contracts—Consideration—Necessity of Showing.

D. 84 Hun, 603; (66 St. Rep. 148; 32 Supp. 868).

Carow v. Mowatt, 2 Edw. Ch. 57.

Cited, Executors and Administrators—Eligibility—Infants.

57 St. Rep. 761; (27 Supp. 208). 77 Hun, 232; (59 St. Rep. 389; 28 Supp. 357; 23 Civ. Pro. 433).

Carpenter, Matter of, 11 Misc. 690; 66 St. Rep. 222; 32 Supp. 826.

Carpenter, Matter of, 131 N. Y. 86; 42 St. Rep. 627.

Cited, Trusts—Creation—Parol.

79 Hun, 498; (61 St. Rep. 536; 29 Supp. 920). 146 N. Y. 19; (65 St. Rep. 572). 90 Hun, 73; (69 St. Rep. 863; 35 Supp. 459).

Trusts—Death of Trustee—Re-appointment.

85 Hun, 13; (66 St. Rep. 125; 32 Supp. 614).

Carpenter, Matter of, 50 St. Rep. 631; 21 Supp. 351.

Carpenter v. Allen, 45 Super. 322.

Cited, Attorneys—Authority—To Commence Action.

11 Misc. 650; (66 St. Rep. 178; 32 Supp. 795; 24 Civ. Pro. 264).

Carpenter v. Black Hawk Gold Mining Co., 65 N. Y. 43.

Cited, Mortgage—After Acquired Property.

88 Hun, 589; (69 St. Rep. 66; 34 Supp. 902).

Corporations—Mortgage—Franchise.

13 Misc. 741; (69 St. Rep. 233; 35 Supp. 4).

Corporations—Mortgage—Power to Execute.

91 Hun, 458; (71 St. Rep. 160; 36 Supp. 390).

Carpenter v. Blake, 10 Hun, 358.

Cited, Physicians—Skill Required.

67 Hun 513; (51 St. Rep. 259; 22 Supp. 517).

Veterinary Surgeon—Skill—Care.

69 Hun, 428; (52 St. Rep. 779; 23 Supp. 422).

Witness—Cross-Examination—Scope.

82 Hun, 413; (63 St. Rep. 588; 31 Supp. 270).

Carpenter v. Blake, 50 N. Y. 696.

Cited, Evidence—Malpractice—Reputation for Skill.

83 Hun, 268, 269; (64 St. Rep. 788, 789; 31 Supp. 967, 968).

Carpenter v. Blake, 75 N. Y. 12.

Cited, Physicians—Degree of Care Required of.

136 N. Y. 7; (48 St. Rep. 823).

Opticians—Liability for Negligence.

11 Misc. 75; (66 St. Rep. 184; 32 Supp. 802).

Carpenter v. Blake, 60 Barb. 490.

Cited, Malpractice—Evidence—Reputation for Skill.

83 Hun, 268; (64 St. Rep. 789; 31 Supp. 967).

Carpenter v. Blake, 2 Lans. 206.

Cited, Witness—Examination—Hypothetical Question.

68 Hun, 207; (52 St. Rep. 94; 22 Supp. 844). 92 Hun, 126; (71 St. Rep. 812; 36 Supp. 644).

Carpenter v. Boston & Albany R. Co., 97 N. Y. 494.

Cited, Carriers—Assault by Servant on passenger.

1 Misc. 369; (49 St. Rep. 723; 21 Supp. 458).

Carriers—Passenger—Station Platform—Mail Bag—Injury to Passenger.

77 Hun, 416; (60 St. Rep. 14; 28 Supp. 790). 4 App. Div. 513; (74 St. Rep. 621; 40 Supp. 112).

*Duplicate Citations in Parenthesis.***Carpenter v. Buffalo, N. Y. & Phil. R. Co.**, 38 Hun, 116.*Cited*, Damages—Excessiveness.

68 Hun, 108; (52 St. Rep. 220; 22 Supp. 736).

Carpenter v. Butler, 29 Hun, 251.*Cited*, Judgment—Action On—Leave of Court.

67 St. Rep. 583; (33 Supp. 713; 24 Civ. Pro. 333). 17 App. Div. 247; (79 St. Rep. 587; 45 Supp. 587).

Judgment—Assignment — Right of Assignee.

17 Misc. 241; (39 Supp. 718).

Carpenter v. Carpenter, 40 Hun, 263.*Cited*, Cloud on Title—When Removable.

67 Hun, 250; (50 St. Rep. 819; 22 Supp. 202).

Carpenter v. Carpenter, 66 Hun, 177;

49 St. Rep. 40; 20 Supp. 928.

Carpenter v. Carpenter, 131 N. Y. 101; 42 St. Rep. 718.*Cited*, Cotenancy—Adverse Purchase by One Cotenant—Rights of Parties.

73 Hun, 150; (57 St. Rep. 18; 25 Supp. 1042). 89 Hun, 546; (69 St. Rep. 734; 35 Supp. 347). 2 App. Div. 457; (74 St. Rep. 331; 37 Supp. 1035).

Fraud — By Person in Trust Relation — Rights of Parties.

13 Misc. 731; (69 St. Rep. 564; 35 Supp. 209).

Carpenter v. Carpenter, 2 Dem. 534.*Cited*, Wills — Construction of—Life Estate, to What Property Limited.

1 Misc. 29; (22 Supp. 1081).

Carpenter v. Carpenter, 19 How. 539.*Cited*, Husband and Wife—Divorce—Alimony and Counsel Fees.

4 Misc. 383; (24 Supp. 484).

Carpenter v. Coe, 67 Barb. 411.*Cited*, New Trial — New Evidence — Impeaching Witness.

79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769). 4 Misc. 509; (26 Supp. 278). 11 Misc. 335; (65 St. Rep. 415; 32 Supp. 235). 20 Misc. 175; (79 St. Rep. 736; 45 Supp. 736).

Carpenter v. Continental Ins. Co., 31 Hun, 78.*Cited*, Action — Venue — Change — Convenience of Witnesses—Sufficiency of Affidavits.

72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629).

Venue — Change — Discretionary — Appeal.

88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658).

Carpenter v. Cummings, 18 Misc. 587; 76 St. Rep. 239; 42 Supp. 239.**Carpenter v. Cummings**, 20 Misc. 661.**Carpenter v. Eastern Trans. Co.**, 71 N. Y. 574.*Cited*, Evidence—Opinions—Negligence.

77 Hun, 364; (60 St. Rep. 404; 28 Supp. 869).

Carpenter v. Fisher, 12 App. Div. 622; 77 St. Rep. 418; 43 Supp. 418.**Carpenter v. German American Ins. Co.**, 135 N. Y. 293; 47 St. Rep. 862.*Cited*, Insurance—Waiver of Forfeiture.

68 Hun, 308; (52 St. Rep. 280; 23 Supp. 41). 142 N. Y. 387; (59 St. Rep. 779). 11 Misc. 517; (66 St. Rep. 108; 32 Supp. 761). 16 Misc. 534; (73 St. Rep. 599; 28 Supp. 509). 7 App. Div. 584; (40 Supp. 306).

Insurance — Conditions — Performance—Question for Jury.

11 Misc. 518; (66 St. Rep. 109; 32 Supp. 762).

Carpenter v. Halsey, 60 Barb. 45.*Cited*, Fences—Division—Location.

82 Hun, 152; (63 St. Rep. 392; 31 Supp. 101).

Carpenter v. Keating, 10 Abb. N. S. 223.*Cited*, Relief—Injunction—When Granted.

12 Misc. 380; (67 St. Rep. 348; 33 Supp. 647).

Carpenter v. Kent, 101 N. Y. 591.*Cited*, Account Stated—Impeachment—Severance.

74 Hun, 390; (26 Supp. 461). 144 N. Y. 688. (71 St. Rep. 342). 6 App. Div. 353; (39 Supp. 569).

Account Stated—Surcharging.

56 St. Rep. 390; (26 Supp. 462).

Carpenter v. Knapp, 50 St. Rep. 261; 21 Supp. 297.**Carpenter v. Knapp**, 74 Hun, 99; 57 St. Rep. 745; 26 Supp. 436.*Affirmed*, 142 N. Y. 677; 60 St. Rep. 871.**Carpenter v. Leavitt**, 10 Misc. 49; 62 St. Rep. 769; 30 Supp. 808.**Carpenter v. Manhattan Ins. Co.**, 93 N. Y. 552.*Cited*, Counterclaim—Torts.

70 Hun, 26; (53 St. Rep. 441; 23 Supp. 1123). 81 Hun, 423; (63 St. Rep. 357; 31 Supp. 7). 20 Misc. 672.

Pleading—Counterclaim — Relation between Counterclaim and Subject of Action.

6 Misc. 533; (58 St. Rep. 18; 27 Supp. 139). 5 App. Div. 519; (38 Supp. 1076).

Duplicate Citations in Parenthesis.

Carpenter v. Miles, 92 Hun, 51; 71 St. Rep. 154; 36 Supp. 383).

Carpenter v. Muren, 42 Barb. 300.

Cited, Fraudulent Conveyances—Consideration—Prior Indebtedness.

75 Hun, 521; (57 St. Rep. 350; 27 Supp. 730).

Fraudulent Conveyance—Participation by Grantee in Fraud.

D. 14 App. Div. 626; (77 St. Rep. 983; 43 Supp. 983).

Carpenter v. Negus, 17 Misc. 172; 40 Supp. 995

Carpenter v. N. Y. & N. H. R. Co., 5 Abb. 297.

Cited, Courts—Jurisdiction—Over Corporations—Restraining Officers.

9 Misc. 593; (62 St. Rep. 238; 30 Supp. 870).

Carpenter v. N. Y., N. H. & H. R. Co., 124 N. Y. 53; 34 St. Rep. 854.

Cited, Carriers—Liability—Passengers—Conveniences—Negligence.

76 Hun, 45; (59 St. Rep. 630; 27 Supp. 594).

Carriers—Passenger—Sleeping Car—Loss of valuables

78 Hun, 543; (61 St. Rep. 171; 29 Supp. 629). 9 Misc. 27; (59 St. Rep. 721; 29 Supp. 57). 151 N. Y. 168.

Carpenter v. Osborn, 102 N. Y. 552.

Cited, Judgment—Conclusiveness—As to What Points.

4 App. Div. 58; (38 Supp. 630; 25 Civ. Pro. 338). 11 App. Div. 383; (76 St. Rep. 939; 42 Supp. 939).

Debtor and Creditor—Trust Relation.

17 App. Div. 155; (79 St. Rep. 143; 44 Supp. 143).

Carpenter v. Oswego & S. R. Co., 24 N. Y. 655;

Cited, Ejectment—When Proper Remedy—Possession of Land by Railroad.

76 Hun, 603; (58 St. Rep. 257; 28 Supp. 202).

Carpenter v. Ottley, 2 Lans. 451.

Cited, Ejectment—Defense—Equitable.

17 Misc. 427; (39 Supp. 714).

Carpenter v. Pennsylvania R. Co., 13 App. Div. 328; (77 St. Rep. 203; 43 Supp. 203).

Cited, Evidence—Failure to Produce—Presumption.

20 Misc. 71; (78 St. Rep. 442; 44 Supp. 442).

Carpenter v. People, 8 Barb. 603.

Cited, Chastity.

153 N. Y. 96.

Carpenter v. People, 64 N. Y. 483.

Cited, Officers — De Facto — Collateral Challenge of Title.

139 N. Y. 511; (54 St. Rep. 84). 14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071). 7 App. Div. 66; (74 St. Rep. 722; 40 Supp. 163).

Carpenter v. Shook, 137 N. Y. 627; 51 St. Rep. 931.

Carpenter v. Soule, 88 N. Y. 251.

Cited, Gift—Deed of or Delivery to Perfect.

70 Hun, 477; (53 St. Rep. 795; 24 Supp. 286).

Wills—Undue Influence—Proof.

71 Hun, 500; (54 St. Rep. 899; 24 Supp. 1057).

Witnesses—Competency—Deceased Party—Interest.

74 Hun, 277; (56 St. Rep. 288; 26 Supp. 578). 5 App. Div. 564; (39 Supp. 414). 13 App. Div. 67; (77 St. Rep. 95; 43 Supp. 95). 149 N. Y. 84.

Carpenter v. Stevens, 12 Wend. 589.

Cited, Surety — Discharge — Non-Existence of Subject Matter.

16 Misc. 624; (39 Supp. 56).

Carpenter v. Silwell, 11 N. Y. 61.

Cited, Judgment—Execution.

143 N. Y. 572; (63 St. Rep. 783; 1 Ann. Cas. 23).

Carpenter v. Ward, 30 N. Y. 243.

Cited, Witnesses — Cross-Examination — Contradiction.

68 Hun, 19; (52 St. Rep. 239; 23 Supp. 640).

Witness—Cross-Examination — Collateral Matter.

76 Hun, 174; (57 St. Rep. 333; 27 Supp. 569). 20 Misc. 427; (79 St. Rep. 1030; 45 Supp. 1030).

Carpenter v. West, 5 How. 53.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court.

22 Supp. 1052; (23 Civ. Pro. 54).

Carpenter v. Wright, 4 B. & W. 655.

Cited, Injunction—Damages By—Final Determination.

70 Hun, 12; (53 St. Rep. 260; 23 Supp. 936).

Carples v. New York & H. R. Co.,

16 App. Div. 158; 78 St. Rep. 670; 44 Supp. 670.

Carr, Matter of, 46 St. Rep. 585.

Cited, Surrogate's Court—Jurisdiction—To Open and Vacate Decree.

4 Misc. 39; (23 Supp. 847).

Duplicate Citations in Parenthesis.

Carr v. Anderson, 6 App. Div. 6; 39 Supp. 746.

Carr v. Breese, 81 N. Y. 584.

Cited, Fraudulent Conveyance—Transaction Between Husband and Wife—Consideration.

59 St. Rep. 331; (27 Supp. 1029).

Carr v. Carr, 52 N. Y. 251.

Cited, Trial—Conduct—Jury—Waiver.

77 Hun, 449; (60 St. Rep. 650; 29 Supp. 80).

Trusts—Resulting.

83 Hun, 334; (64 St. Rep. 778; 31 Supp. 904). 87 Hun, 78; (67 St. Rep. 649; 33 Supp. 966).

Conveyance—When Mortgage.

83 Hun, 356; (68 St. Rep. 577; 34 Supp. 758).

Carr v. Dooley, 19 Misc. 553; 77 St. Rep. 399; 43 Supp. 399.

Cited, Vendor and Purchaser—Defective Title—Readiness to Satisfy Incumbrances. 19 Misc. 582; (77 St. Rep. 678; 43 Supp. 678).

Carr v. Rischer, 119 N. Y. 117; 28 St. Rep. 260.

Cited, Corporations—Failure to File Annual Report—Liability—Basis of Action.

86 Hun, 323; (67 St. Rep. 198; 33 Supp. 485). 16 App. Div. 584; (78 St. Rep. 1001; 44 Supp. 1001).

Action—Abatement—Effect of Judgment Before Death.

14 Misc. 115; (69 St. Rep. 300; 35 Supp. 184; 25 Civ. Pro. 71). 6 App. Div. 483; (3 Ann. Cas. 309; 39 Supp. 684).

Carr v. Risher, 50 Hun, 147; 19 St. Rep. 718; 2 Supp. 792.

Cited, Corporations—Manufacturing—Annual Report.

49 St. Rep. 177; (21 Supp. 340).

Corporations—Annual Report—Liability—Debt.

86 Hun, 324; (67 St. Rep. 200; 33 Supp. 486).

Carr v. Sheehan, 81 Hun, 291; 62 St. Rep. 736; 30 Supp. 753.

Cited, Master and Servant—Negligence—Contributory—Knowledge of Danger.

11 App. Div. 274; (76 St. Rep. 118; 42 Supp. 118).

Carr v. Sullivan, 68 Hun, 246; 52 St. Rep. 385; 22 Supp. 972.

Cited, Trial—Waiver of Right to go to Jury.

149 N. Y. 483.

Carr v. Thompson, 87 N. Y. 160.

Cited, Limitation of Action—When Barred—Judgment Creditor's Action.

60 St. Rep. 74.

Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822). 4 App. Div. 240; (74 St. Rep. 182; 38 Supp. 563).

Limitation of Action—Fraud—When Statute Runs.

5 App. Div. 585; (39 Supp. 379).

Carr v. Tompkins, 46 St. Rep. 585; 19 Supp. 647.

Cited, Surrogate's Court—Setting Aside Decree—Irregularity—Limitation.

4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

Carradine v. Hotchkiss, 120 N. Y. 608; 31 St. Rep. 951.

Cited, Evidence—Notice to Adverse Party to Produce Document—Effect of.

1 Misc. 192; (48 St. Rep. 639; 20 Supp. 666).

Trial—Reopening Case—Discretion.

11 Misc. 18; (63 St. Rep. 453; 31 Supp. 871).

Carrarher v. Carrarher, 42 How. 458.

Cited, Appeal—Case—Failure to File—Abandonment.

76 Hun, 607; (59 St. Rep. 438; 28 Supp. 221; 23 Civ. Pro. 395).

Carrere v. Dun, 17 Misc. 294; 46 Supp. 372.

Reversed, 18 Misc. 18; 75 St. Rep. 491; 41 Supp. 34.

Carrere v. Dun, 18 Misc. 18; 75 St. Rep. 491; 41 Supp. 34.

Carrey v. Spencer, 72 St. Rep. 108; 36 Supp. 886.

Carrier v. United Paper Co., 73 Hun, 287; 57 St. Rep. 748; 26 Supp. 414.

Cited, Mortgage—Assumption by Grantee—Availability.

85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660).

Contracts—For Benefit of Third Person—Availability.

92 Hun, 140; (71 St. Rep. 729; 36 Supp. 558). 14 App. Div. 14; 77 St. Rep. 655; 43 Supp. 655).

Carrillo v. Carrillo, 25 St. Rep. 425; 6 Supp. 305.

Cited, Pleading—Striking Out—When Motion to be Made.

68 Hun, 382; (51 St. Rep. 898; 22 Supp. 814).

Duplicate Citations in Parenthesis.

Carrington v. People, 6 Park. Cr. 336.

Cited, Appeal—Review of Facts—Conflict of Evidence.

73 Hun, 208; (57 St. Rep. 140; 25 Supp. 1016). 87 Hun, 618; (67 St. Rep. 475; 33 Supp. 830).

Carroll v. Collins, 6 App. Div. 106; 74 St. Rep. 667; 40 Supp. 54.

Carroll v. Cone, 40 Barb. 220.

Affirmed, 41 N. Y. 216.

Cited, Levy—Choses in Action—Not Subject to.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981). 11 Misc. 116; (65 St. Rep. 93; 31 Supp. 999). 12 Misc. 428; (67 St. Rep. 589; 33 Supp. 703).

Carroll v. Deimel, 95 N. Y. 252.

Cited, Evidence — Relevancy — Similar Transactions.

139 N. Y. 524; (54 St. Rep. 807).

Evidence — Competency — Books of Account.

150 N. Y. 268.

Trial—Equitable Action—Jury.

12 Misc. 344; (67 St. Rep. 354; 33 Supp. 565).

New Trial—Grounds—Improper Testimony—Prejudice.

9 Misc. 142; (60 St. Rep. 644; 29 Supp. 583). 88 Hun, 289; (68 St. Rep. 598; 34 Supp. 796).

Carroll v. Goslin, 2 E. D. Smith, 376.

Cited, Default—Opening—Service—Evidence—Proof.

19 Misc. 33; (76 St. Rep. 640; 42 Supp. 640).

Carroll v. Hughes, 5 Redf. 337.

Cited, Executors—Accounting—Commissions—Appropriation of Before Allowance by Court.

24 Supp. 99.

Executors and Administrators—Commissions—Assignment.

51 St. Rep. 558; (23 Supp. 20).

Interest — Fiduciary Officers — Commissions in Advance.

51 St. Rep. 739.

Carroll v. Langan, 63 Hun, 380; 44 St. Rep. 224; 18 Supp. 290.

Cited, Courts—Jurisdiction—Territory.

3 App. Div. 419; (74 St. Rep. 173; 33 Supp. 766).

Carroll v. Lufkins, 29 Hun, 17.

Cited, Referee—Removal—Misconduct.

3 Misc. 444; (52 St. Rep. 321; 23 Supp. 178).

Referee—Misconduct—Setting Aside Report.

1 App. Div. 106. 14 Misc. 574; (72 St. Rep. 227, 229; 37 Supp. 73, 75).

Carroll v. N. Y. El. R. Co., 14 App. Div. 278; 77 St. Rep. 524; 43 Supp. 524.

Carroll v. N. Y. Life Ins. & Trust Co., 67 Hun, 438; 51 St. Rep. 639; 22 Supp. 234.

Carroll v. O'Shea, 2 Misc. 437; 51 St. Rep. 579; 21 Supp. 956.

Cited, Appeal—City Court to Common Pleas—Exception to Denial of Motion for New Trial.

4 Misc. 186; (53 St. Rep. 224; 23 Supp. 996).

Appeal — Objections and Exceptions — Sufficiency.

7 Misc. 189; (57 St. Rep. 542; 27 Supp. 315). 8 Misc. 271; (59 St. Rep. 202; 28 Supp. 716). 16 Misc. 573; (38 Supp. 994).

Trial—Verdict—Motion to Set Aside—Exception—Review.

8 Misc. 293; (59 St. Rep. 210; 28 Supp. 573; 31 Abb. N. C. 439).

Trial—Omission to Move to Dismiss—Effect.

7 Misc. 317; (57 St. Rep. 552; 27 Supp. 902). 9 Misc. 498; (61 St. Rep. 129; 30 Supp. 23.). 16 Misc. 82; (73 St. Rep. 242; 37 Supp. 648).

Carroll v. Pettit, 67 Hun, 418; 51 St. Rep. 649; 22 Supp. 250.

Carroll v. Staten Island R. Co., 58 N. Y. 126.

Cited, Negligence—Dangerous Premises.

7 Misc. 642; (58 St. Rep. 346; 28 Supp. 55; 31 Abb. N. C. 283).

Carriers—By Water — Negligence — Non-compliance With Statute.

147 N. Y. 392; (70 St. Rep. 41).

Master and Servant—Negligence of Servant—Attributable to Master.

19 Misc. 278.

Carroll v. Staten Island R. Co., 65 Barb. 32.

Affirmed, 58 N. Y. 127.

Cited, Sunday Law—Violation of—Defense—In Action for Negligence.

8 Misc. 658; (59 St. Rep. 639; 29 Supp. 1124; 31 Abb. N. C. 428).

Carroll v. Sweet, 128 N. Y. 19; 37 St. Rep. 868.

Cited, Payment—By Check—Conditional. 76 Hun, 199; (58 St. Rep. 478; 27 Supp. 798).

Referee—Report—Sending Back for Correction.

92 Hun, 84; (71 St. Rep. 806; 36 Supp. 638).

Bills and Notes—Check as Security—Necessity of Presentment.

Duplicate Citations in Parenthesis.

9 Misc. 333; (61 St. Rep. 673; 30 Supp. 204). 18 Misc. 226; (75 St. Rep. 869; 41 Supp. 478).

Bills and Notes—Debt—When Operate as Payment.

84 Hun, 270; (56 St. Rep. 578; 32 Supp. 1124). 86 Hun, 323; (67 St. Rep. 199; 33 Supp. 485). 17 Misc. 384; (39 Supp. 1063)

Carroll v. Sweet, 9 Misc. 332; 61 St. Rep. 673; 30 Supp. 204.

Cited, Bills and Notes—Taking as Security—Presentment.

18 Misc. 236; (41 Supp. 478).

Carroll v. Tucker, 2 Misc. 397; 50 St. Rep. 611; 21 Supp. 952.

Cited, Agents—Authority—Delegation.

5 Misc. 416; (55 St. Rep. 392; 25 Supp. 760).

Brokers—Real Property—Employment of Sub-broker.

6 Misc. 126; (55 St. Rep. 698; 26 Supp. 6). 78 Hun, 548; (61 St. Rep. 230; 29 Supp. 555).

Brokers—Real Estate—Compensation—How Defeated—Purchase by Broker.

8 Misc. 358; (59 St. Rep. 592; 28 Supp. 705).

Brokers—Commissions—When Earned.

12 Misc. 434; (67 St. Rep. 276; 33 Supp. 614).

Carroll v. Tucker, 6 Misc. 612; 56 St. Rep. 521; 26 Supp. 86.

Carroll v. Tucker, 7 Misc. 482; 58 St. Rep. 44; 27 Supp. 985.

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D. 12 Misc. 518; (67 St. Rep. 369; 33 Supp. 675).

Carroll v. White, 33 Barb. 615.

Cited, Libel—Physician—Words Actionable per se.

16 App. Div. 481; (78 St. Rep. 865; 44 Supp. 865).

Carson v. Dessau, 21 Supp. 794.

Carson v. Dessau, 142 N. Y. 445; 59 St. Rep. 817.

Carson v. Murray, 3 Paige, 483.

Cited, Husband and Wife—Separation Agreement—Actual Separation.

13 Misc. 593, 594; (71 St. Rep. 597; 598; 36 Supp. 821, 822).

Carson v. N. Y. Terminal Express Co., 74 Hun, 536; 57 St. Rep. 208; 26 Supp. 639.

Carter, Matter of, See Jacob, Matter of.

Carter v. Arguimbau, 31 Abb. N. C. 3.

Carter v. Beckwith, 104 N. Y. 236; 5 St. Rep. 617.

Cited, Executors—Claims—Rejection—Costs

83 Hun, 406; (64 St. Rep. 669; 31 Supp. 880).

Carter v. Beckwith, 128 N. Y. 312.

Cited, Lunatics—Continuance of Insanity—Presumption.

19 Misc. 75; (78 St. Rep. 93; 44 Supp. 93).

Carter v. Bloodgood, 3 Sandf. Ch. 293.

Cited, Wills—Construction—Inadvertence.

17 Misc. 192; (75 St. Rep. 386; 40 Supp. 984). 18 Misc. 278; (41 Supp. 1012).

Carter v. Board of Education of Presbyterian Church, 68 Hun, 435; 52 St. Rep. 672; 23 Supp. 95.

Affirmed, 144 N. Y. 621; 64 St. Rep. 218.

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Cited, Wills—Construction—Residuary Legatees—What Take.

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Cited, Action—Against Sheriff—Substitution of Indemnitors.

16 Misc. 672; (39 Supp. 130; 25 Civ. Pro. 235).

Carter v. Brooklyn Life Ins. Co., 110 N. Y. 15.

Cited, Insurance—Statute Requiring Notice—Construction.

16 Misc. 326; 38 Supp. 623.

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11 App. Div. 535; (76 St. Rep. 648; 42 Supp. 648). 18 Misc. 95; (76 St. Rep. 976; 42 Supp. 976).

Carter v. Clarke, 7 Rob. 490.

Cited, Supplementary Proceedings—Second Examination.

11 Misc. 379; (65 St. Rep. 291; 32 Supp. 132; 24 Civ. Pro. 270; 1 Ann. Cas. 316).

Carter v. De Camp, 40 Hun, 258.

Cited, Pleading—Demurrer—Available Grounds.

12 Misc. 312; (67 St. Rep. 812; 33 Supp. 1108).

Duplicate Citations in Parenthesis.

Carter v. Good, 57 Hun, 116; 32 St. Rep. 501; 10 Supp. 647.

Cited, Depositions—Examination Before Trial.

1 Misc. 90; (48 St. Rep. 33; 20 Supp. 372).
2 Misc. 345; (50 St. Rep. 609; 21 Supp. 1013). 3 Misc. 515; (52 St. Rep. 495; 23 Supp. 351).

Examination Before Trial—Fiduciary Relation.

12 Misc. 69; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 329). 88 Hun, 310; (68 St. Rep. 569; 34 Supp. 750).

Carter v. Hamilton, 11 Barb. 147.

Cited, Evidence—Parol—To Vary Writing.
83 Hun, 539; (68 St. Rep. 827; 34 Supp. 858).

Carter v. Hammett, 18 Barb. 608.

Cited, Landlord and Tenant—Lease—Subletting—Holding Over—Liability of Tenant.
5 Misc. 266; (25 Supp. 107).

Carter v. Hodge, 6 Misc. 575; 57 St. Rep. 785; 27 Supp. 219.

Reversed, 150 N. Y. 532.

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Carter v. Holahan, 92 N. Y. 498.

Cited, Mortgage—Assumption by Grantee—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Carter v. N. Y. Elevated R. Co., 134 N. Y. 163; 45 St. Rep. 848.

Cited, Trial—Objections to Evidence—Opinions—Sufficiency.
77 Hun, 142; (59 St. Rep. 40; 28 Supp. 465).

Carter v. Pitcher, 87 Hun, 580; 68 St. Rep. 661; 34 Supp. 549.

Carter v. Presbyterian Ch. of U. S. A., 144 N. Y. 621; 64 St. Rep. 218.

Carter v. Wallace, 32 Hun, 384.

Cited, Sale—Right to Return Property—Title.

18 Misc. 175; (75 St. Rep. 966; 41 Supp. 575).

Carter v. Youngs, 42 Super. 169.

Cited, Service—Substituted—Jurisdiction—Upon What Depends.
20 Misc. 473.

Carter Rice Co. v. Howard, 11 Misc. 625; 66 St. Rep. 168; 32 Supp. 785.

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Carter, Rice Co. v. Howard, 17 Misc. 381; 39 Supp. 1060.

Cited, Appeal—Objections First Raised on—Availability.

18 Misc. 37; (75 St. Rep. 463; 41 Supp. 12).
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19 Misc. 643; (78 St. Rep. 396; 44 Supp. 396).

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Cited, Municipal Corporation—Powers.

14 App. Div. 16; (77 St. Rep. 656; 43 Supp. 656). 19 Misc. 445; (77 St. Rep. 704; 43 Supp. 704). D. 151 N. Y. 41.

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Cited, Landlord and Tenant—Lease—Repairs.

7 Misc. 432; (57 St. Rep. 650; 27 Supp. 974).

Evidence—Parol—Concerning Writing—Condition Precedent.

19 Misc. 311; (78 St. Rep. 478; 44 Supp. 478).

Cartwright v. Rome, W. & O. R. Co., 85 Hun, 517; 66 St. Rep. 772; 33 Supp. 147.

Carver, Matter of, 3 Misc. 567; 23 Supp. 763.

Cited, Wills—Testamentary Capacity—What Constitutes.

16 Misc. 182; (38 Supp. 1132).

Carver, Matter of, 4 Misc. 592; 25 Supp. 991.

Carver v. Barker, 73 Hun, 416; 56 St. Rep. 38; 26 Supp. 919.

Carver v. Creque, 48 N. Y. 385.

Cited, 7 App. Div. 156; (74 St. Rep. 682; 40 Supp. 125).

Bills and Notes—Conversion—Remedies.
68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241).

Carville v. Crane, 5 Hill, 483.

Cited, Contracts—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 214).

Cary v. Cleveland & Toledo R. Co., 29 Barb. 35.

Cited, Carriers—Connecting Carriers—Loss of Baggage.

66 Hun, 459; (50 St. Rep. 425; 21 Supp. 320).

*Duplicate Citations in Parenthesis.***Cary v. Gregory**, 88 Super. 127.

Cited, Executors—Contracts of—Personal Liability.

19 Misc. 555; (77 St. Rep. 400; 43 Supp. 400).

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D. 76 Hun, 59; (59 St. Rep. 150; 27 Supp. 668).

Cary v. Gruman, 4 Hill, 625.

Cited, Evidence—Materiality—Prices.

135 N. Y. 199; (48 St. Rep. 84).

Cary v. Hotailing, 1 Hill, 311.

Cited, Infants—Liability for Torts.

2 Misc. 237; (50 St. Rep. 768; 21 Supp. 1007).

Evidence — Fraudulent Transaction — Other Frauds.

3 Misc. 506; (23 Supp. 991). 149 N. Y. 39.

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74 Hun, 391; (56 St. Rep. 424; 26 Supp. 456).

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77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880).

Cary v. Western Union Tel. Co., 20 Abb. N. C. 333.

Cited, Contracts—Illegal—Public Policy.

19 Misc. 21; (76 St. Rep. 772; 42 Supp. 772).

Cary v. White, 52 N. Y. 138.

Cited, Mortgage — Unrecorded — Bona Fide Purchaser.

49 St. Rep. 279; (21 Supp. 164).

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92 Hun, 179; (72 St. Rep. 730; 37 Supp. 456).

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66 St. Rep. 837; (33 Supp. 209). 1 App. Div. 191; (72 St. Rep. 558; 37 Supp. 157).

Contracts—Consideration — Extension of Time.

8 App. Div. 92; (74 St. Rep. 859; 40 Supp. 412).

Contracts—Security—Extension of Time.

16 Misc. 556; (74 St. Rep. 265; 38 Supp. 747).

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9 App. Div. 328; (75 St. Rep. 759; 41 Supp. 342).

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18 Misc. 226; (41 Supp. 478).

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9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8).

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68 Hun, 235; (51 St. Rep. 875; 22 Supp. 881). 68 Hun, 583; (52 St. Rep. 575; 23 Supp. 252). 140 N. Y. 286; (55 St. Rep. 640). 13 Misc. 487; (70 St. Rep. 193; 35 Supp. 496).

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Caryl v. Stafford, 69 Hun, 318; 53 St. Rep. 426; 23 Supp. 534.**Casco Nat'l Bank of Portland, Maine, v. Clark**, 139 N. Y. 307; 54 St. Rep. 590.

Cited, Corporations—Officers—Liability—Notes.

80 Hun, 436; (61 St. Rep. 824; 30 Supp. 84). 77 Hun, 455; (60 St. Rep. 655; 29 Supp. 85). 84 Hun, 378; (65 St. Rep. 588; 32 Supp. 383). 85 Hun, 496; (67 St. Rep. 241; 33 Supp. 409). 150 N. Y. 458.

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13 App. Div. 564; (77 St. Rep. 814; 43 Supp. 814).

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84 Hun, 582; (66 St. Rep. 320; 32 Supp. 846).

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Case v. Boughton, 11 Wend. 106.

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81 Hun, 142; (62 St. Rep. 725; 30 Supp. 742).

Case v. Carroll, 35 N. Y. 385.

Cited, Assignment — As Collateral — Rights of Assignor on Foreclosure.

69 Hun, 41; (52 St. Rep. 828; 23 Supp. 441).

Case v. Case, 16 Misc. 394; 39 Supp. 530.

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Case v. Case, 49 Hun, 83; 1 Supp. 714.

Cited, Gift—Fiduciary Relation—Burden of Establishing Validity.

78 St. Rep. 842; (44 Supp. 842). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995).

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17 App. Div. 11; (78 St. Rep. 842; 44 Supp. 842).

Case v. Cayuga Co., 88 Hun, 59; 68 St. Rep. 632; 34 Supp. 595.

Case v. Hall, 24 Wend. 102.

Cited, Warranty — Title — Recovery by Vendee.

78 Hun, 392; (60 St. Rep. 700; 29 Supp. 135).

Case v. Haight, 3 Wend. 632.

Cited, Deeds—Construction—Reservations and Exceptions.

79 St. Rep. 641; (45 Supp. 641).

Case v. Merchants' Banking Ass'n., 4 N. Y. 166.

Cited, Bills and Notes—Bona Fides—Burden.

88 Hun, 6; (68 St. Rep. 503; 34 Supp. 497)

Case v. N. Y. C. & H. R. R. Co., 75 Hun, 527; 57 St. Rep. 653; 27 Supp. 496.

Cited, Railroads—Crossings—Flagman—Cattle Guards.

6 App. Div. 198; (39 Supp. 987).

Case v. Northern Central R. Co., 59 Barb. 644.

Cited, Evidence—Sufficiency—Railroad Fires.

68 Hun, 327; (52 St. Rep. 103; 22 Supp. 959).

Case v. Perew, 34 Hun, 130.

Cited, Custom—Effect on Rule of Law.

76 Hun, 184; (57 St. Rep. 309; 27 Supp. 564).

Case v. Phenix Bridge Co., 34 St. Rep. 581; 11 Supp. 724; 19 Civ. Pro. 373.

Cited, Pleading—Amendment—New Cause of Action—Referee.

76 Hun, 447; (59 St. Rep. 182; 28 Supp. 106).

Case v. Phoenix Bridge Co., 134 N. Y. 78; 45 St. Rep. 603.

Cited, Evidence—Parol—Negotiations Previous to Writings.

77 Hun, 358; (60 St. Rep. 38; 28 Supp. 847). 4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882). 76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235). 12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1077). 87 Hun, 95; (67 St. Rep. 674; 33 Supp. 967). 16 Misc. 529; (38 Supp. 980). D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683). 79 St. Rep. 660; (45 Supp. 660). 151 N. Y. 568.

Casey v. Brush, 2 Caines, 293.

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7 Misc. 66; (57 St. Rep. 528; 27 Supp. 406).

Casey v. Casey, 2 Barb. 59.

Cited, Pleading.

20 Misc. 645.

Casey v. Casey, 19 Misc. 272; 78 St. Rep. 254; 44 Supp. 254.

Casey v. Casey, 79 St. Rep. 877; 45 Supp. 877.

Casey v. Dunn, 29 St. Rep. 355; 8 Supp. 305.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Casey v. Gardiner, 4 Bradf. 13.

Cited, Executors—Appointment—Retraction of Renunciation.

92 Hun, 322; (72 St. Rep. 406; 36 Supp. 884).

Casey v. Leslie, 12 App. Div. 34; 76 St. Rep. 362; 42 Supp. 362.

Casey v. N. Y. C. & H. R. R. Co., 78 N. Y. 518.

Cited, Evidence—Relevancy—Railway Crossings—Flagman—Obstructions to View.

74 Hun, 37; (56 St. Rep. 211; 26 Supp. 400).

Witness—Examination—Opinions.

7 App. Div. 399; (39 Supp. 948).

Casey v. N. Y. C. & H. R. R. Co., 6 Abb. N. C. 104.

Cited, Witness—Examination—Facts and Opinions.

7 App. Div. 399; (39 Supp. 948).

Railroads—Negligence—Contributory—Children.

12 App. Div. 158; (76 St. Rep. 669; 42 Supp. 669).

Casey v. N. Y. C. & H. R. R. Co., 25 Week. Dig. 568.

Cited, Evidence—Sufficiency—Negligence.

5 Misc. 427; (26 Supp. 713).

Casey v. Stewart, 10 Misc. 783; 62 St. Rep. 768; 30 Supp. 808.

Reversed, 13 Misc. 67; 68 St. Rep. 111; 34 Supp. 127.

Casey v. Stewart, 13 Misc. 67; 68 St. Rep. 111; 34 Supp. 127.

Cashman v. Henry, 75 N. Y. 103.

Cited, Mortgage—Assumption by Grantee—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Duplicate Citations in Parenthesis.

Cashman v. Reynolds, 123 N. Y. 138; 56 Hun, 333; 33 St. Rep. 70; 9 Supp. 614.

Cited, Pleading—Construction—Answer and Demurrer—Office of.

8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549).

Casler v. Sitts, 6 Hun, 659.

Cited, Reformation—Mistake—Subsequent Purchaser.

79 St. Rep. 460; (45 Supp. 460).

Casola v. Vasquez, 85 Hun, 314; 65 St. Rep. 870; 32 Supp. 1140.

Reversed, 147 N. Y. 258; 69 St. Rep. 540; 2 Ann. Cas. 281.

Casola v. Vasquez, 147 N. Y. 258; 69 St. Rep. 540; 2 Ann. Cas. 281.

Cited, Attachment—Fraudulent Transfers—Sufficient Showing of Fraud.

16 Misc. 134; (38 Supp. 832). 5 App. Div. 624; (39 Supp. 412). 13 App. Div. 13; (77 St. Rep. 377; 43 Supp. 377). 19 Misc. 413; (78 St. Rep. 336; 44 Supp. 336). 17 App. Div. 231; (79 St. Rep. 728; 45 Supp. 728). 20 Misc. 147; (79 St. Rep. 718; 45 Supp. 718).

Casoni v. Jerome, 58 N. Y. 315.

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138 N. Y. 360; (52 St. Rep. 884).

Bonds—Of Trustees—Conclusiveness of Decree Against Principal on Surety.

70 Hun, 320; (54 St. Rep. 35; 24 Supp. 438). 12 Misc. 327; (67 St. Rep. 343; 33 Supp. 634).

Guardians—Bonds—Discharge.

138 N. Y. 201; (52 St. Rep. 142).

Levy—Liability of Indemnitors.

137 N. Y. 441; (51 St. Rep. 80).

Principal and Surety—Fraud of Principal on Surety—Effect on Innocent Third Person.

137 N. Y. 313; (50 St. Rep. 652).

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15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190).

Caspar v. O'Brien, 47 How. 80.

Cited, Appeal—First Questioning Sufficiency of Evidence On.

6 Misc. 373; (56 St. Rep. 403; 26 Supp. 758). 10 Misc. 396; (63 St. Rep. 526; 31 Supp. 134).

Appeal—Weight or Sufficiency of Evidence When Conceded.

1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708).

Appeal—Refusal of Non-Suit—Waiver by not Renewing Motion or Asking Direction of Verdict.

1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683).

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79 Hun, 439; (61 St. Rep. 458; 29 Supp. 1035).

Cass v. Cass, 41 St. Rep. 36; 16 Supp. 229.

Cited, Reference—Questions of Law—Indication on Application.

4 Misc. 423; (53 St. Rep. 517; 24 Supp. 333).

Cass v. Cass, 15 App. Div. 235; 78 St. Rep. 186; 44 Supp. 186.

Cass v. Higebotam, 100 N. Y. 248.

Cited, Mortgage—Payment—Tender.

74 Hun, 528; (57 St. Rep. 193; 26 Supp. 825).

Pledge—Effect of Payment.

6 Misc. 82; (55 St. Rep. 394; 26 Supp. 26).

Tender—Keeping Good.

18 Misc. 421; (75 St. Rep. 842; 41 Supp. 437).

Cass v. N. Y. & New Haven R. Co., 1 E. D. Smith, 525.

Cited, Action—Conversion—Demand.

4 Misc. 151; (53 St. Rep. 118; 23 Supp. 688).

Cass v. Shewman, 61 Hun, 472; 16 Supp. 236.

Cited, Guaranty—Enforcement—Prior Resort to Principal.

19 Misc. 664; (78 St. Rep. 512; 44 Supp. 512).

Cassagne v. Marvin, 16 St. Rep. 327; 1 Supp. 590.

Cited, 143 N. Y. 302; 62 St. Rep. 312.

Trusts—For Bondholders—Certificates.

51 St. Rep. 468; (22 Supp. 431).

Cassagne v. Marvin, 51 St. Rep. 466; 22 Supp. 431.

Reversed, 143 N. Y. 292; 62 St. Rep. 308.

Cassagne v. Marvin, 143 N. Y. 292; 62 St. Rep. 308.

Cassagne v. Ostrander, 20 St. Rep. 146; 3 Supp. 844.

Cited, Trusts—For Bondholders—Certificates.

51 St. Rep. 467; (22 Supp. 431).

Cassery v. Witherbee, 119 N. Y. 523; 30 St. Rep. 92.

Cited, Tender—Equity—Unascertained Amount.

139 N. Y. 470; (54 St. Rep. 726).

Chattel Mortgage—Sale Under—Value of Property.

4 App. Div. 301; (39 Supp. 486).

Chattel Mortgage—Title of Mortgagee.

D. 133 N. Y. 512; (53 St. Rep. 109).

Duplicate Citations in Parenthesis.

- Cassiano v. Strano**, 4 Misc. 279; 53 St. Rep. 529; 23 Supp. 1034.
- Cassiano v. Strano**, 4 Misc. 282; 53 St. Rep. 531; 23 Supp. 1036.
- Cassidy v. Aldhous**, 3 Misc. 627; 52 St. Rep. 940; 23 Supp. 318.
Affirmed, 7 Misc. 543; 58 St. Rep. 49; 27 Supp. 991.
Cited, Trial—Non-suit—Insufficiency of Evidence.
 7 Misc. 249; (58 St. Rep. 28; 27 Supp. 268).
- Cassidy v. Aldhous**, 7 Misc. 247; 58 St. Rep. 27; 27 Supp. 267.
- Cassidy v. Aldhous**, 7 Misc. 543; 58 St. Rep. 49; 27 Supp. 991.
Cited, Contracts—Rescission—Rights of Parties.
 86 Hun, 379; (67 St. Rep. 221; 33 Supp. 512).
- Cassidy v. Atlantic Ave. R. Co.**, 9 Misc. 275; 61 St. Rep. 149; 29 Supp. 724.
Followed, 12 Misc. 648; (33 Supp. 1126).
Cited, Contributory Negligence.
 90 Hun, 420; (70 St. Rep. 623; 35 Supp. 919).
- Cassidy v. Atlantic Ave. R. Co.**, 12 Misc. 648; 66 St. Rep. 866; 33 Supp. 1126.
- Cassidy v. Brooklyn**, 60 Barb. 105.
Affirmed, 47 N. Y. 659.
Cited, Mayor—Power to Veto Appointments.
 76 Hun, 84; (59 St. Rep. 197; 28 Supp. 601).
 1 App. Div. 258; (72 St. Rep. 594; 37 Supp. 268).
- Cassidy v. Brooklyn Daily Eagle**, 138 N. Y. 239; 52 St. Rep. 336.
Cited, Libel—Repetition After Action Commenced.
 75 Hun, 536; (57 St. Rep. 658; 27 Supp. 487).
- Cassidy v. Hall**, 97 N. Y. 159.
Cited, Partnership—What Constitutes.
 7 Misc. 668; (58 St. Rep. 809; 28 Supp. 13).
 16 Misc. 75; (73 St. Rep. 251; 37 Supp. 706).
 40 Supp. 226.
 Evidence—Declarations—Partnership.
 8 Misc. 503; (59 St. Rep. 413; 28 Supp. 764).
- Cassidy v. LeFevre**, 45 N. Y. 562.
Cited, Contract—Performance—Waiver—Recovery.
 9 Misc. 114; (59 St. Rep. 734; 29 Supp. 49).
 8 Misc. 260; (59 St. Rep. 200; 28 Supp. 549).
 135 N. Y. 217; (47 St. Rep. 847).
- Cassidy v. McFarland**, 2 Misc. 189; 50 St. Rep. 199; 21 Supp. 585.
Reversed, 139 N. Y. 201; 54 St. Rep. 605.
- Cassidy v. McFarland**, 139 N. Y. 201; 54 St. Rep. 605.
Reversing, 2 Misc. 86; 49 St. Rep. 123; 20 Supp. 875.
Cited, 92 Hun, 110; (71 St. Rep. 744; 36 Supp. 732).
 Action—Nature of—Test—Complaint.
 77 Hun, 369; (60 St. Rep. 47; 28 Supp. 878).
 Reference—Long Account.
 142 N. Y. 249; (58 St. Rep. 773).
 75 Hun, 289; (58 St. Rep. 218; 26 Supp. 1076).
 6 Misc. 91; (55 St. Rep. 399; 26 Supp. 24).
- Cassidy v. New York**, 62 Hun, 358; 42 St. Rep. 933; 17 Supp. 71.
Cited, Award—Ownership—Action.
 88 Hun, 277; (68 St. Rep. 251; 34 Supp. 420).
- Cassidy v. Poughkeepsie**, 71 Hun, 144; 54 St. Rep. 224; 24 Supp. 523.
Affirmed, 143 N. Y. 670; 63 St. Rep. 865.
- Cassin v. Delany**, 38 N. Y. 178.
Cited, Damages.
 11 App. Div. 564; (76 St. Rep. 595; 42 Supp. 595).
- Casten v. Decker**, 3 St. Rep. 429.
Cited, Contracts—Durability—Performance—Excuse.
 73 St. Rep. 349; (38 Supp. 161; 2 Ann. Cas. 374).
- Casterton v. McIntyre**, 3 Misc. 380; 54 St. Rep. 148; 23 Supp. 301.
- Casterton v. Vienna, Town of**, 17 App. Div. 94; 78 St. Rep. 868; 44 Supp. 868.
- Castle v. Corn Exchange Bank**, 75 Hun, 89; 58 St. Rep. 151; 26 Supp. 1035.
Affirmed, 148 N. Y. 122.
- Castle v. Corn Exchange Bank**, 148 N. Y. 122.
- Castle v. Duryee**, 1 Abb. Ct. App. Dec. 327.
Cited, Negligence—Use of Fire Arms.
 77 Hun, 313; (60 St. Rep. 404; 28 Supp. 869).
- Castle v. Greenwich Fire Ins. Co.**, 79 St. Rep. 901; 45 Supp. 901.
- Castle v. Noyes**, 14 N. Y. 329.
Cited, Judgment—Conclusiveness—In Favor of One Entitled to Recover Over—Availability.
 71 Hun, 111; (54 St. Rep. 72; 24 Supp. 605).

Duplicate Citations in Parenthesis.

Castner v. Duryea, 16 App. Div. 249; 78 St. Rep. 708; 44 Supp. 708.

Castoriano v. Dupe, 145 N. Y. 250; 64 St. R-p. 688.

Cited, Preliminary Injunction — Review on Appeal.

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Castoriano v. Miller, 15 Misc. 254; 36 Supp. 419.

Caswell v. Davis, 58 N. Y. 223.

Cited, Trademarks — Descriptive Combination.

7 Misc. 462; (59 St. Rep. 871; 28 Supp. 389). 60 St. Rep. 81. 72 Hun, 247; (55 St. Rep. 700; 25 Supp. 592). 142 N. Y. 471; (50 St. Rep. 485; 21 Supp. 698). 5 Misc. 84; (24 Supp. 894). 83 Hun, 578; (65 St. Rep. 138; 32 Supp. 15).

Caswell v. Hazard, 121 N. Y. 484; 31 St. Rep. 576.

Cited, Trademark—Family Name—Injunction.

25 Supp. 480. 7 Misc. 58; (57 St. Rep. 86; 27 Supp. 372).

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15 Misc. 597; (72 St. Rep. 124; 37 Supp. 91). 15 App. Div. 527; (78 St. Rep. 533; 44 Supp. 536).

Caswell v. Putman, 41 Hun, 521; 4 St. Rep. 106.

Cited, Conversion—Bailee—Acts of Servant &c.

8 Misc. 263; (59 St. Rep. 395; 28 Supp. 711).

Caswell v. Putnam, 120 N. Y. 153; 30 St. Rep. 878.

Cited, Brokers — Stocks—Possession of Certificate for Customer.

53 St. Rep. 652; (25 Supp. 263). 1 App. Div. 394; (72 St. Rep. 464; 37 Supp. 400). 17 App. Div. 331, 335; (79 St. Rep. 220, 222; 45 Supp. 220, 222).

Catlin v. Adirondack Co., 19 Hun, 339. *Appeal dismissed*, 81 N. Y. 379.

Cited, Reference—Effect of Reversal of Judgment.

3 Misc. 615; (52 St. Rep. 937; 23 Supp. 1161).

Catlin v. Adirondack Co., 81 N. Y. 379.

Cited, Reversal—Effect on Reference.

9 App. Div. 259; (75 St. Rep. 889; 41 Supp. 497).

Catlin v. Adirondack Co., 11 Abb. N. C. 377.

Cited, Carrier—Non-delivery—Tort or Contract.

16 Misc. 614; (73 St. Rep. 813; 38 Supp. 341).

Catlin v. Catlin, 2 Hun, 378.

Cited, Reference—Report—Time of Filing and Taking Exceptions.

21 Supp. 796.

Catlin v. Cole, 10 Abb. 387; 19 How. 82.

Cited, Case—Resettlement.

64 St. Rep. 624; (31 Supp. 844).

Catlin v. Gunter, 11 N. Y. 368.

Cited, Usury—Question of Fact.

92 Hun, 383; (71 St. Rep. 711; 36 Supp. 691).

Variance.

16 App. Div. 610; (78 St. Rep. 983; 44 Supp. 983). 10 Misc. 170; (62 St. Rep. 506; 30 Supp. 1046). 10 Misc. 654; (64 St. Rep. 500; 31 Supp. 796).

Catlin v. Jackson, 8 Johns 406.

Cited, Attachments—Lien—Priority.

79 Hun, 149; (61 St. Rep. 358; 29 Supp. 766; 24 Civ. Pro. 37).

Catlin v. Latson, 4 Abb. 248.

Cited, Opening Default—Merits of Defense.

17 Misc. 234; (40 Supp. 1054).

Catlin v. Martin, 69 N. Y. 393.

Cited, Husband and Wife—Desertion—Necessaries.

19 Misc. 150; (77 St. Rep. 466; 43 Supp. 466).

Catlin v. Ricketts, 91 N. Y. 668.

Cited, Attachment—Jurisdiction.

8 App. Div. 307; (75 St. Rep. 388; 40 Supp. 995).

Catlin v. Rundle, 1 App. Div. 157 73 St. Rep. 521; 37 Supp. 979.

Catlin v. Tobias, 26 N. Y. 217.

Cited, Contracts—Entirety—Performance.

16 Misc. 450; (73 St. Rep. 340; 38 Supp. 152).

Catlin v. Trinity College, 49 Hun, 278;

17 St. Rep. 707; 1 Supp. 808.

Affirmed, 113 N. Y. 133; 22 St. Rep. 189.

Cited, 86 Hun, 202; (67 St. Rep. 133; 33 Supp. 388).

Catlin v. Trinity College, 113 N. Y.

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Cited, Taxes—Collateral Inheritance—Charitable Corporations.

136 N. Y. 336; (49 St. Rep. 631). 135 N. Y. 233; (47 St. Rep. 879). 137 N. Y. 210; (50 St. Rep. 407).

Catlin v. St. Paul's Church.

See *Catlin v. Trinity College*.

Catlin v. Valentine, 9 Paige, 575.

Cited, Nuisances—Fat Rendering.

67 Hun, 58; (51 St. Rep. 193; 22 Supp. 59).

Duplicate Citations in Parenthesis.

Caton v. Rumney, 13 Wend. 387.

Cited, Carriers—Degree of Care—Tugs.

7 Misc. 657; (58 St. Rep. 385; 28 Supp. 51).

Catoosa Springs Co. v. Linch, 18 Misc.

209; 75 St. Rep. 788; 41 Supp. 377.

Cattaberry v. Knox, 17 App. Div. 372;

79 St. Rep. 272; 45 Supp. 272.

Cattaraugus County, Sup. of Poor of, v. Erie County Sup. of Poor of, 50 St. Rep. 347; 21 Supp. 729.

Affirmed. 60 St. Rep. 875.

Cattaraugus Cutlery Co. v. Case, 30

St. Rep. 961; 9 Supp. 862.

Cited, Attachment—Affidavit—Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416).

Cauchois v. Proctor, 79 Hun, 388; 61

St. Rep. 508; 29 Supp. 770.

Cauchois v. Proctor, 1 App. Div. 16;

72 St. Rep. 320; 36 Supp. 957.

Caulfield v. Davenport, 75 Hun, 541;

57 St. Rep. 655; 27 Supp. 494.

Cited, Bequest—Mortgage.

20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606).

Caughey v. Smith, 47 N. Y. 244.

Cited, Master and Servant—Enticement of Servant.

67 Hun, 302; (50 St. Rep. 894; 22 Supp. 311).

Caujolle v. Ferrie, 23 N. Y. 90.

Cited, Presumption—Legitimacy.

1 App. Div. 233; (72 St. Rep. 621; 37 Supp. 309).

Caulfield v. Sullivan, 85 N. Y. 153.

Cited, Estoppel—Equitable—Accepting Terms of Will.

7 Misc. 341; (58 St. Rep. 566; 28 Supp. 133). 82 Hun, 209; (63 St. Rep. 783; 31 Supp. 334). 87 Hun, 346; (68 St. Rep. 468; 34 Supp. 316).

Legacy—Election.

10 Misc. 494; (65 St. Rep. 249; 32 Supp. 170).

Wills—Legacy—In Payment for Services—Acceptance.

5 Misc. 438; (55 St. Rep. 82; 25 Supp. 793).

Caulkins v. Bolton, 31 Hun, 458.

Affirmed, 98 N. Y. 511.

Cited, Administrator de Bonis Non.

17 App. Div. 5; (78 St. Rep. 838; 44 Supp. 838). 16 Misc. 524; (74 St. Rep. 771; 40 Supp. 208).

Caulkins v. Chamberlain, 22 Week. Dig. 93.

Cited, Evidence—Certificates—Proof of Facts Essential to Confer Title to Land.

22 Supp. 538; (30 Abb. N. C. 117).

Caulkins v. Harris, 9 Johns. 324.

Cited, Interest—Breach of Covenant Against Incumbrances.

68 Hun, 76; (52 St. Rep. 224; 22 Supp. 597).

Caulkins v. Hellman, 47 N. Y. 449.

Cited, Sale—Acceptance—Sufficiency.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464).

Non-Suit—Several Causes of Action.

149 N. Y. 565.

Causidere v. Beers, 1 Abb. Ct. App. Dec. 333.

Cited, Money Had and Received—Recovery—Title.

4 Misc. 314; (24 Supp. 262).

Cavalli v. Allen, 57 N. Y. 508.

Cited, Equity—Jurisdiction for Complete Relief.

77 Hun, 5; (59 St. Rep. 420; 28 Supp. 225).

Cavanagh v. Dinsmore, 12 Hun, 465.

Cited, Master and Servant—Deviation from Employment.

16 App. Div. 178; (78 St. Rep. 661; 44 Supp. 661).

Cavanagh v. Morrow, 67 How. 241.

Cited, Assignment for Creditors—Presentation of Claims—As Bar to Attack on Assignment.

68 Hun, 484; (52 St. Rep. 666; 23 Supp. 29).

Cavanagh v. Ocean Steam Navigation Co., 19 Civ. Pro. 391; 13 Supp. 540.

Cited, Conflict of Laws—Procedure—Right.

12 App. Div. 31; (76 St. Rep. 172; 42 Supp. 172).

Cavanagh v. O'Neill, 20 Misc. 233; 79 St. Rep. 789; 45 Supp. 789.

Caven v. Troy, 15 App. Div. 163; 78 St. Rep. 244; 44 Supp. 244.

Cavin v. Brooklyn, 28 St. Rep. 955; 24 Abb. N. C. 279. See *Harrigan v. Brooklyn*, 119 N. Y. 156.

Cited, Municipal Corporations—Notice of Claims for Damages.

49 St. Rep. 275; (21 Supp. 145).

Cavin v. Gleason, 105 N. Y. 256; 7 St. Rep. 13.

Cited, Banking—Deposits—Special Appropriation—Trust.

78 Hun, 168; (58 St. Rep. 717; 28 Supp. 412).

Following Property.

Duplicate Citations in Parenthesis.

11 Misc. 80; (59 St. Rep. 473; 29 Supp. 596; 31 Abb. N. C. 404). 138 N. Y. 376; (53 St. Rep. 876; 30 Abb. N. C. 215). 145 N. Y. 562; (65 St. Rep. 512; 2 Ann. Cas. 9). 86 Hun, 296; (67 St. Rep. 49; 33 Supp. 307). 8 App. Div. 212; (40 Supp. 209). 12 Misc. 582; (67 St. R. p. 804; 33 Supp. 1101). 19 Misc. 316, (78 St. Rep. 260; 44 Supp. 260). 41 Supp. 849.

Trust Creditors—Precedence.

81 Hun, 58 59; (63 St. Rep. 251, 252; 30 Supp. 483, 484). D. 2 App. Div. 203; (73 St. Rep. 368; 37 Supp. 787).

Caw v. Robertson, 5 N. Y. 125.

Cited, Wills—Probate—Witnesses.

76 Hun, 519; (59 St. Rep. 369; 27 Supp. 1080). 6 App. Div. 214; (39 Supp. 812).

Cawley v. Costello, 15 Hun, 303.

Cited, Endorsement—Guaranty.

81 Hun, 38; (62 St. Rep. 542; 30 Supp. 609).

Caykendoll, Matter of, 6 Cow. 53.

Cited, Verdict—Impeachment by Affidavit of Jurors.

91 Hun, 200; (71 St. Rep. 128; 36 Supp. 326). 79 St. Rep. 903; (45 Supp. 903).

Caylus v. N. Y., Kingston & S. R. Co., 76 N. Y. 609.

Cited, Action—Election of Remedies—Effect—Contract—Fraud.

50 St. R. p. 265; (21 Supp. 300). 11 App. Div. 232; (76 St. Rep. 973; 42 Supp. 973).

Judgment—Conclusiveness—For Purchase Price—Action for Fraud.

72 Hun, 625; (54 St. Rep. 866; 25 Supp. 530).

Cayuga County Bank v. Bennett, 5 Hill, 236.

Cited, Bills and Notes—Notice of Non-payment—Decedent.

7 App. Div. 415; (74 St. Rep. 763; 40 Supp. 199).

Cayuga County Bank v. Warden, 1 N. Y. 413.

Cited, Notice of Protest.

1 App. Div. 28; (72 St. Rep. 66; 36 Supp. 963). D. 2 Misc. 231; (50 St. Rep. 589; 22 Supp. 364).

Cayuga Nation of Indians v. State, 99 N. Y. 235.

Cited, Statutes—Retroaction.

71 St. Rep. 351; (37 Supp. 1053).

Caywood v. Van Ness, 74 Hun, 28; 56 St. R. p. 213; 26 Supp. 379.

Affirmed 145 N. Y. 600; 65 St. Rep. 865.*Cited, Corporate Stock—Transfer—Delivery—Conversion.*

16 App. Div. 604; (78 St. Rep. 971; 44 Supp. 971).

Cazet v. Hubbell, 36 N. Y. 677.

Cited, Judicial Sale—Jurisdiction Over Purchaser.

84 Hun, 298; (65 St. Rep. 610; 33 Supp. 411).

Caziarc v. Abram French Company, 72 St. Rep. 77; 36 Supp. 971.

C. B. Keogh Mfg. Co. v. Eisenberg, 7 Misc. 79; 57 St. Rep. 91; 27 Supp. 356.

C. B. Keogh Mfg. Co. v. Molton, 40 St. Rep. 688; 16 Supp. 65.

Cited, Reference—Long Account.

73 Hun, 492; (58 St. Rep. 37; 26 Supp. 481).

Center v. Everard, 19 Misc. 156; 77 St. Rep. 416; 43 Supp. 416.

Center v. Weed, 138 N. Y. 532; 53 St. Rep. 88; 18 Supp. 554.

Affirming, 63 Hun, 560; 44 St. Rep. 463; 18 Supp. 554.

Center v. Weed, 63 Hun, 560; 44 St. Rep. 463; 18 Supp. 554.

Cited, Pleading—Equitable Actions—Defenses—Remedy at Law.

76 Hun, 604; (58 St. Rep. 258; 28 Supp. 203).

Pleading—Failure to Plead—Waiver.

75 Hun, 372; (57 St. Rep. 695; 27 Supp. 449).

Central Bank v. Empire Stone Dressing Co., 26 Barb. 23.

Cited, Ultra Vires—Accommodation Endorsement.

90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Central Bank of Rochester v. Thein, 76 Hun, 571; 58 St. Rep. 239; 28 Supp. 232.

Central City Bank v. Dana, 32 Barb. 296.

Cited, Note for Precedent Debt—Reverting to Original Demand—Surrender on Trial.

16 Misc. 556; (74 St. Rep. 266; 38 Supp. 747).

Central City Sav. Bank v. Walker, 66 N. Y. 424.

Cited, Partnership—Intention.

92 Hun, 255; (72 St. Rep. 331; 36 Supp. 948). 2 App. Div. 349; (73 St. Rep. 430; 37 Supp. 753).

Central Crosstown R. Co. v. Bleeker St. & F. F. R. Co., 49 How. 233.

Cited, Injunction—Irreparable Injury.

82 Hun, 284; (64 St. Rep. 72; 31 Supp. 472).

Duplicate Citations in Parenthesis.

Central Crosstown R. Co. v. Metropolitan St. R. Co., 16 App. Div. 229; 78 St. Rep. 752; 44 Supp. 752.

Central Crosstown R. Co. v. Metropolitan St. R. Co., 17 Misc. 716; 40 Supp. 1095.

Central Gas & Electric Fixture Co. v. Kohn, 8 Misc. 235; 52 St. Rep. 129; 22 Supp. 758.

Affirming, 1 Misc. 224; 49 St. Rep. 212; 20 Supp. 884.

Central Gas & Electric Fixture Co. v. Sheridan, 1 Misc. 386; 49 St. Rep. 639; 22 Supp. 76.

Central Nat. Bank v. North River Bank, 44 Hun, 114; 8 St. Rep. 466.

Cited, Banking—Forgeries—Laches. 76 Hun, 478; (59 St. Rep. 360; 27 Supp. 1072).

Central Nat. Bank v. Seligman, 138 N. Y. 435; 53 St. Rep. 14; 30 Abb. N. C. 245.

Reversing, 64 Hun, 615; 47 St. Rep. 17; 19 Supp. 362.

Cited, Assignment for Creditors—Preferences.

142 N. Y. 289; (58 St. Rep. 789). 146 N. Y. 40, 44; (65 St. Rep. 764, 766). 149 N. Y. 124, 125. 76 Hun, 370; (58 St. Rep. 472; 27 Supp. 794). 79 Hun, 233; (61 St. Rep. 26; 29 Supp. 399). 16 App. Div. 260; (78 St. Rep. 634; 44 Supp. 624). D. 1 App. Div. 483; (73 St. Rep. 171; 37 Supp. 554). D. 37 Supp. 554.

Central Nat. Bank of N. Y. v. Valentine, 18 Hun, 417.

Cited, Bills and Notes—Bona fides—Crediting Discounted Note.

80 Hun, 259; (61 St. Rep. 864; 30 Supp. 165).

Central Nat. Bank of N. Y. v. White, 139 N. Y. 631; 54 St. Rep. 712.

Affirming, 47 St. Rep. 301; 19 Supp. 820.

Central Nat. Bk. of Troy v. Fort Ann Woolen Co., 57 St. Rep. 316; 24 Supp. 640.

Affirmed, 76 Hun, 610; 60 St. Rep. 873; 27 Supp. 1114.

Cited, Attachment—Knowledge of Affiant.

4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852).

86 Hun, 399; (67 St. Rep. 220; 33 Supp. 507). 4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852).

Central Park Commissioners, Matter of, 50 N. Y. 493.

Cited, Eminent Domain—Confirmation—Effect.

67 Hun, 195; (51 St. Rep. 534; 22 Supp. 115).

Statutes—Repeal.

13 App. Div. 591; (77 St. Rep. 457; 43 Supp. 457).

Central Park Commissioners, Matter of, 51 Barb. 277.

Cited, Eminent Domain—Review of Award.

11 Misc. 693; (66 St. Rep. 224; 32 Supp. 827).

Central Park Baptist Church v. Patterson, 9 Misc. 452; 61 St. Rep. 90; 30 Supp. 248; 24 Civ. Pro. 79.

Central Park Baptist Church v. Patterson, 12 Misc. 636; 65 St. Rep. 871; 32 Supp. 1140.

Central Park Extension, Matter of, 16 Abb. 56.

Cited, Eminent Domain—Award—Vacation for Inadequacy.

78 Hun, 261; (60 St. Rep. 238; 28 Supp. 911).

Central Presbyterian Church of Rochester v. Thompson, 8 App. Div. 565; 75 St. Rep. 305; 40 Supp. 912.

Central Stamping Co., Matter of, 79 Hun, 369; 61 St. Rep. 437; 29 Supp. 449.

Central Trust Co. v. N. Y. C. & N. R. Co., 42 Hun, 602; 4 St. Rep. 639.

Cited, Appeal ability.

88 Hun, 328; (68 St. Rep. 572; 34 Supp. 753; 2 Ann. Cas. 136).

Central Trust of Co. N. Y. v. New York Equipment Co., 74 Hun, 405; 56 St. Rep. 648; 26 Supp. 850; 31 Abb. N. C. 121.

Central Trust Co. of N. Y. v. New York Equipment Co., 87 Hun, 421; 68 St. Rep. 331; 34 Supp. 349.

Central Trust Co. of N. Y. v. Weeks, 15 App. Div. 598; 78 St. Rep. 828; 44 Supp. 828.

Cercle Francais de L'Harmonie v. French, 44 Hun, 123; 7 St. Rep. 475; 19 Abb. N. C. 32.

Cited, Injunctions—Temporary—Jurisdiction.

78 Hun, 165; (60 St. Rep. 202; 28 Supp. 987). 11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1087).

Duplicate Citations in Parenthesis.

Certwell v. Hoyt, 6 Hun, 575.

Cited, Parent and Child—Obligation to Support—Third Person—Promise.

8 Misc. 648; (61 St. Rep. 60; 29 Supp. 1047).

Chace v. Kerr Salt Company, 77 Hun, 71; 59 St. Rep. 835; 28 Supp. 309.

Chace v. Lamphere, 67 Hun, 599; 51 St. Rep. 108; 22 Supp. 404.

Affirmed, 148 N. Y. 206.

Chace v. Lamphere, 148 N. Y. 206.

Chace v. Warsaw Water Works Co., 79 Hun, 151; 61 St. Rep. 190; 29 Supp. 729.

Affirmed, 150 N. Y. 575.

Chadsey v. Guion, 97 N. Y. 333.

Cited, Inconsistency—Written and Printed Parts.

12 Misc. 106; (66 St. Rep. 681; 33 Supp. 86).

Chadwick v. Fonner, 69 N. Y. 404.

Cited, Evidence—Declarations.

141 N. Y. 229; (56 St. Rep. 806). 18 Misc. 319; (76 St. Rep. 999; 42 Supp. 999).

Chadwick v. Wilson, 73 Hun, 485; 56 St. Rep. 28; 26 Supp. 394.

Cited, Costs—Discretion—Review.

12 App. Div. 80; (77 St. Rep. 362; 43 Supp. 362).

Chadwick v. Woodward, 12 Daly, 399.

Cited, Damages—Ill Health of Tenant.

7 Misc. 173; (57 St. Rep. 551; 27 Supp. 321).

Chaffe v. Baptist Missionary Society, 10 Paige, 85.

Cited, Wills—Subscription and Publication.

4 Misc. 26; (24 Supp. 840).

Chaffee v. Equitable Reserve F. L. Ass'n, 18 St. Rep. 960; 2 Supp. 481; 56 Super. 267.

Cited, Depositions—Production of Papers.

12 Misc. 68; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 328).

Chaffee v. Morss, 67 Barb. 252.

Cited, Witness—Credibility—Question of Fact.

2 Misc. 300; (50 St. Rep. 334; 21 Supp. 943). 92 Hun, 73; (71 St. Rep. 239; 36 Supp. 344).

Chaffin v. Gantz, 17 Misc. 425; 39 Supp. 712.

Chaimson v. Menshing, 12 Misc. 651; 67 St. Rep. 90; 33 Supp. 271.

Challenge Corn-Planter Co. v. Diel, 92 Hun, 165; 71 St. Rep. 202; 36 Supp. 364.

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Chamberlain, Matter of, 4 Cow. 49.

Cited, Contempt—Court to Decide.

82 Hun, 245; (63 St. Rep. 823; 31 Supp. 375).

Contempt—Justification.

82 Hun, 253; (63 St. Rep. 828; 31 Supp. 381).

Chamberlain, Matter of, 140 N. Y. 390; 55 St. Rep. 665.

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Chamberlain v. Almy, 3 Misc. 555; 52 St. Rep. 522; 23 Supp. 316.

Chamberlain v. Beller, 18 N. Y. 115.

Cited, Sheriff—Execution—Undertaking.

91 Hun, 71; (71 St. Rep. 89; 36 Supp. 176).

Chamberlain v. Buffalo, N. Y. & P. R. Co., 31 Hun, 339.

Cited, Injunction—Vacation—Undertaking.

82 Hun, 201; (63 St. Rep. 758; 31 Supp. 309).

Chamberlain v. Chamberlain, 25 Hun, 199.

Cited, Costs—Offer of Judgment.

148 N. Y. 291.

Chamberlain v. Chamberlain, 63 Hun, 96; 43 St. Rep. 502; 17 Supp. 578.

Cited, Modification of Judgment.

14 App. Div. 544; (77 St. Rep. 942; 34 Supp. 942).

Chamberlain v. Chamberlain, 43 N. Y. 424.

Cited, Conflict of Laws.

136 N. Y. 140; (48 St. Rep. 843). 9 Misc. 529; (61 St. Rep. 680; 30 Supp. 394). 9 App. Div. 514; (75 St. Rep. 1058; 41 Supp. 670).

9 Misc. 529. (61 St. Rep. 680; 30 Supp. 394).

Wills—Excessive Bequests to Charity.

151 N. Y. 334. D. 151 N. Y. 344. D. 151 N. Y. 358. 12 App. Div. 276; (76 St. Rep. 907; 42 Supp. 907); 15 Misc. 321. (73 St. Rep. 124; 3 Supp. 585).

Dower—Provision in Lieu of—Election.

70 Hun, 138; (53 St. Rep. 760; 24 Supp. 410). 7 Misc. 341; (58 St. Rep. 566; 28 Supp. 133).

Dower—No Part of Husband's Estate.

9 App. Div. 171; (75 St. Rep. 507; 41 Supp. 50).

Trusts—Creation.

3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

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18 App. Div. 193; (79 St. Rep. 872; 45 Supp. 872).

Legacy—Acceptance—Estoppel.

5 Misc. 438; (55 St. Rep. 82; 25 Supp. 793). 82 Hun, 209; (63 St. Rep. 783; 31 Supp. 334).

Duplicate Citations in Parenthesis.

Chamberlain v. Chamberlain, 44 Super. 116.

Cited, Patents—Transfer—Title.

92 Hun. 254; (72 St. Rep. 330; 36 Supp. 948).

Chamberlain v. Darrow, 46 Hun. 48; 11 St. Rep. 100.

Cited, Statutes — Construction — Liberality.

4 Misc. 364; (53 St. Rep. 848; 24 Supp. 323).

Chamberlain v. Day, 3 Cow. 353.

Cited, Set-off—Judgment — Assignment.

73 St. Rep. 361; (88 Supp. 172; 1 Ann. Cas. 196).

Chamberlain v. Dumville, 50 St. Rep. 356; 21 Supp. 827.

Chamberlain v. Dunlop, 126 N. Y. 45; 86 St. Rep. 373.

Cited, Covenants of decedent—Liability of Personal Representatives.

11 Misc. 168; (65 St. Rep. 150; 32 Supp. 93). 3 App. Div. 90; (38 Supp. 919).

Chamberlain v. Kaylor, 2 E. D. Smith 134.

Cited, Pleading—Singular or Plural Terms.

13 Misc. 193; (68 St. Rep. 222; 34 Supp. 136).

Chamberlain v. Lindsay, 1 Hun. 231. *Cited*, New Trial.

73 Hun. 197; (56 St. Rep. 129; 25 Supp. 915). 10 App. Div. 479; (41 Supp. 1070). 20 Misc. 125; (79 St. Rep. 809; 45 Supp. 809).

Chamberlain v. O'Conner, 1 E. D. Smith 665.

Cited, Interpleader—Disputed Amount.

89 Hun. 385; (69 St. Rep. 784; 35 Supp. 399; 2 Ann. Cas. 224; 25 Civ. Pro. 292).

Chamberlain v. Parker, 45 N. Y. 569. *Cited*, Covenants—When Cause of Action Perfect.

10 App. Div. 70; (75 St. Rep. 1228; 41 Supp. 827).

Chamberlain v. Rochester Seamless P. V. Co., 7 Hun. 557.

Cited, Voluntary Dissolution of Corporation—Strict Compliance.

D. 14 App. Div. 394; (78 St. Rep. 24; 44 Supp. 24).

Chamberlain v. Spargur, 86 N. Y. 603.

Cited, Estoppel—Deed.

135 N. Y. 332; (48 St. Rep. 248).

Chamberlain v. Taylor, 105 N. Y. 185; 7 St. Rep. 517; 26 Week. Dig. 478.

Cited, Wills—Equitable Conversion.

3 Misc. 439; (52 St. Rep. 328, 23 Supp. 172). 18 App. Div. 193; (79 St. Rep. 872; 45 Supp. 872).

Wills—Powers—Construction.

136 N. Y. 110; (48 St. Rep. 891). 89 Hun. 51; (69 St. Rep. 429; 35 Supp. 36). 18 Misc. 274; (41 Supp. 1052).

Trusts.

D. 15 App. Div. 240; (78 St. Rep. 189; 44 Supp. 189). 10 Misc. 636; (66 St. Rep. 216; 32 Supp. 819).

Chamberlain v. Western Trans. Co., 44 N. Y. 305.

Cited, Statutes—Construction—Intent.

66 Hun. 133; (49 St. Rep. 47; 21 Supp. 49). 49 St. Rep. 47.

Chambers, Matter of, 17 App. Div. 340; 79 St. Rep. 264; 45 Supp. 264.

Chambers v. Appleton, 84 N. Y. 649; 11 Week. Dig. 524.

Cited, Reference—Long Account—Procurement of Subscriptions.

78 Hun. 274; (60 St. Rep. 794; 29 Supp. 263).

Chambers v. Chambers, 66 St. Rep. 155; 32 Supp. 876; 24 Civ. Pro. 187.

Chambers v. Clearwater, 1 Keyes 310; 1 Abb. Dec. 341.

Cited, Courts—Judges—When Disqualified.

4 App. Div. 403; (39 Supp. 610).

Judgment—Void—Collateral Attack.

6 App. Div. 245; (39 Supp. 1007).

Chambers v. Lancaster, 3 App. Div. 215; 73 St. Rep. 862; 33 Supp. 253.

Cited, Sale—Warranty—Defects—Acceptance.

6 App. Div. 4; (39 Supp. 463).

Sale—Warranty—Failure to Plead—Effect.

41 Supp. 1129.

Chambers v. Smith, 60 Hun. 248; 38 St. Rep. 213; 14 Supp. 706.

Cited, Insolvency—Assignment for Creditors—Fraudulent—Withholding Assets.

3 Misc. 497; (23 Supp. 985).

Assignment for Creditors—Preference—Fictitious Debt.

18 Misc. 408; (76 St. Rep. 777; 42 Supp. 777).

Chambers & McKee Glass Co. v. Roberts, 2 App. Div. 181; 73 St. Rep. 68; 37 Supp. 855.

Chambers & McKee Glass Co. v. Roberts, 4 App. Div. 20; 73 St. Rep. 668; 38 Supp. 301.

Cited, Attachment—Vacation.

5 App. Div. 621; (72 St. Rep. 869; 38 Supp. 1145).

Duplicate Citations in Parenthesis.

Champion v. Brown, 6 Johns. Ch. 398.
Cited, Vendor—Lien—Security—Waiver.
141 N. Y. 468; (57 St. Rep. 606).

Contracts—For Sale of Land—Death of
Vendor—Rights of Parties.
145 N. Y. 151; (64 St. Rep. 567).

Champion v. Recknagel, 6 App. Div.
151; 39 Supp. 814.

Champion v. Williams, 36 St. Rep.
706.

Cited, Life — Tenants—Personalty — Se-
curity.
141 N. Y. 27; (56 St. Rep. 582).

Champlin v. Butler, 18 Johns. 169.
Cited, Chattel—Mortgage—Earnings of
Vessel.
138 N. Y. 504; (53 St. Rep. 105).

Champlin v. Champlin, 2 Edw. Ch.
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Champlin v. Johnson, 39 Barb. 606.
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138 N. Y. 505; (53 St. Rep. 104).

Champlin v. Penn Yan, 34 Hun, 33.
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Champlin v. Rowley, 18 Wend. 187.
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Champlin v. Rowley, 13 Wend. 258.
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Champlin v. Stoddart, 30 Hun, 300.
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Champney v. Blanchard, 39 N. Y.
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Cited, Gift — Causa Mortis—Death of
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Champney v. Coope, 32 N. Y. 543.

Cited, Mortgage—Payment—Effect.
11 Misc. 89; (66 St. Rep. 198; 32 Supp.
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Chance v. Isaacs, 5 Paige, 592.

Cited, Insolvency and Assignment —
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Chandler v. Bunn, Lator's Supp. 167.

Cited, Chattel Mortgage—Place of Filing
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3 Misc. 529; (52 St. Rep. 493; 23 Supp. 2).

Chandler v. Herrick, 19 Johns. 129.
Cited, Contracts—Not to Sue—Effect.
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Chandler v. Hoag, 2 Hun, 613.

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Chandler v. Powers, 1 Civ. Pro. 355.
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Channon v. Lusk, 2 Lans. 211.
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Chapin, Matter of, 89 Hun, 603; 69 St.
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Chapin v. Candee & Company, 14
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Chapin v. Churchill, 12 How. 367.
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Chapin v. Dobson, 78 N. Y. 74.

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Evidence—Parol—Concerning Writing—Part Performance — Entirety of Oral Contract.

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79 Hun, 535; (61 St. Rep. 546; 29 Supp. 927).

Chapin v. Hollister, 7 Lans. 456.

Cited, Evidence—Assignment—Consideration.

18 Misc. 248; (75 St. Rep. 1003; 41 Supp. 610).

Chapin v. Merrill, 4 Wend. 657.

Cited, Contracts—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 214). 145 N. Y. 449; (65 St. Rep. 388).

Chapin v. Overin, 72 Hun, 511; 55 St. Rep. 130; 25 Supp. 627.

Cited, Action—Venue—Change—Affidavit—Sufficiency.

5 App. Div. 557; (39 Supp. 435).

Chapin v. Pratt, 49 St. Rep. 42; 20 Supp. 952.

Chapin v. Shafer, 49 N. Y. 407.

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Chapin v. Thompson, 16 Hun, 53.

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Chapin v. Thompson, 80 N. Y. 275; 23 Hun, 12.

Cited, Trial—Motion for Judgment on Verdict—New Trial.

137 N. Y. 116; (50 St. Rep. 197). 76 Hun, 591; (58 St. Rep. 276; 28 Supp. 218).

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20 Misc. 271; (79 St. Rep. 845; 45 Supp. 845).

Chapman, Matter of, 15 Misc. 296; 73 St. Rep. 440; 37 Supp. 763.

Chapman v. Atlantic Ave. R. Co., 14 Misc. 34; 70 St. Rep. 753; 35 Supp. 1045.

Chapman v. Brooklyn, 40 N. Y. 372.

Cited, Contracts—Failure of Consideration—Recovery of Moneys Paid.

13 App. Div. 541; (77 St. Rep. 731; 43 Supp. 731). 148 N. Y. 134.

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Chapman v. Comstock, 58 Hun, 325; 11 Supp. 920.

Affirmed, 134 N. Y. 509.

Cited, Corporations—Illegal Receipt of Money—Recovery.

8 App. Div. 433; (75 St. Rep. 247; 40 Supp. 854).

Chapman v. Comstock, 134 N. Y. 509; 47 St. Rep. 650.

Cited, Appeal—To Court of Appeals—New Trial.

144 N. Y. 615; (64 St. Rep. 215; 1 Ann. Cas. 178). 150 N. Y. 89; (3 Ann. Cas. 248).

Chapman v. Dyett, 11 Wend. 31.

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10 Misc. 349; (63 St. Rep. 411; 31 Supp. 127; 24 Civ. Pro. 199).

Chapman v. Erie R. Co., 55 N. Y. 579.

Cited, Master and Servant—Defective Appliances—Knowledge.

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9 Misc. 116; (59 St. Rep. 735; 29 Supp. 50).
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145 N. Y. 571; (65 St. Rep. 516).

Chapman v. Forbes, 123 N. Y. 532; 84 St. Rep. 351.

Cited, Action — Parties—Defect — Demurrer.

72 Hun, 332; (55 St. Rep. 200; 25 Supp. 430).

Action—Parties—Bringing in.

83 Hun, 397; (64 St. Rep. 787; 31 Supp. 878). 145 N. Y. 396; (64 St. Rep. 837). 11 Misc. 250; (65 St. Rep. 856; 32 Supp. 734). 13 Misc. 5; (67 St. Rep. 850; 33 Supp. 999). 8 App. Div. 587, 588; (75 St. Rep. 309; 40 Supp. 915, 916).

Action—Parties—Intervention.

8 Misc. 613; (60 St. Rep. 824; 29 Supp. 329). 144 N. Y. 93; (63 St. Rep. 63). 85 Hun, 450; (66 St. Rep. 162; 32 Supp. 882). 85 Hun, 499; (67 St. Rep. 114; 33 Supp. 365). 4 App. Div. 54, 59, 61; (38 Supp. 627, 628, 630; 25 Civ. Pro. 333, 335, 339). 15 App. Div. 439; (78 St. Rep. 485; 44 Supp. 485).

Action—Parties—"Subject of Action."

D. 4 App. Div. 60; (38 Supp. 631; 25 Civ. Pro. 340).

Action—Proper or Necessary Parties—Replevin.

6 Misc. 6; (58 St. Rep. 117; 25 Supp. 1116).

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49 St. Rep. 421; (20 Supp. 827). 11 Misc. 57; (63 St. Rep. 451; 31 Supp. 856). 13 Misc. 5; (67 St. Rep. 849; 33 Supp. 999). 18 Misc. 60; (75 St. Rep. 479; 41 Supp. 25). 19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73). 19 Misc. 149; (77 St. Rep. 391; 43 Supp. 391). 19 Misc. 512; (77 St. Rep. 1127; 43 Supp. 1127).

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4 Misc. 112; (53 St. Rep. 459; 23 Supp. 893).

Chapman v. Frank, 15 Daly, 282; 25 St. Rep. 740; 5 Supp. 448.

Cited, Evidence—Judgment—Privy.

68 Hun, 374; (52 St. Rep. 179; 22 Supp. 851).

Chapman v. Gates, 46 Barb. 313.

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Cited, Eminent Domain—Taking Before Compensation.

66 Hun, 219; (49 St. Rep. 54; 21 Supp. 45).

Chapman v. Gates, 54 N. Y. 132.

Cited, Constitutional Law—Eminent Domain—Sufficiency of Provision for Compensation.

67 Hun, 599; (51 St. Rep. 96; 22 Supp. 435).

Highways — Obstruction — Questions of Law and Fact.

147 N. Y. 663; (71 St. Rep. 268).

Chapman v. Hall, 8 App. Div. 64; 40 Supp. 408.

Chapman v. McCormick, 86 N. Y. 479.

Cited, Trial—Instructions to Jury—Rights and Duties Respecting.

7 App. Div. 324; (40 Supp. 224). 12 App. Div. 510; (76 St. Rep. 695; 42 Supp. 695).

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9 Misc. 464; (61 St. Rep. 88; 30 Supp. 229).

Chapman v. New Haven R. Co., 19 N. Y. 341.

Cited, Negligence—Contributory — Presumption.

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20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323).

Chapman v. N. Y. C. R. Co., 33 N. Y. 369.

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4 App. Div. 224; (74 St. Rep. 216; 38 Supp. 589).

Chapman v. O'Brien, 39 Super. 244.

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Chapman v. Rochester, 110 N. Y. 273; 18 St. Rep. 133.

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67 Hun, 165; (51 St. Rep. 528; 22 Supp. 328).

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Municipal Corporations—Duties and Liabilities—Sewers—Outlets.

77 Hun, 605; (60 St. Rep. 485; 28 Supp. 1044). 17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367).

Chapman v. Rodgers, 12 Hun, 342.

Cited, Wills—Probate—Devise of Real Property—Necessary Witnesses.

76 Hun, 520; (59 St. Rep. 368; 27 Supp. 1080).

Chapman v. Rose, 56 N. Y. 137.

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137 N. Y. 313; (50 St. Rep. 652).

Written Instruments—Execution—Duty to Know Contents.

18 Misc. 44; (75 St. Rep. 452; 40 Supp. 1134).

Chapman v. Taylor, Town of, 136 N. Y. 663; 49 St. Rep. 848.

Chapman v. Wackerman, 75 Hun, 285; 58 St. Rep. 199; 26 Supp. 1006.

Chapman v. Western Union T. Co., 46 Alb. Law. J. 409.

Cited, Damages—Measure of—Mental Anguish.

8 Misc. 38; (58 St. Rep. 813; 28 Supp. 272; 31 Abb. N. C. 268).

Chappell v. Dann, 21 Barb. 17.

Cited, Trust Relation—Contracts in Breach of—Right of Election.

81 Hun, 351; (63 St. Rep. 151; 30 Supp. 897). 151 N. Y. 509.

Chappell v. Spencer, 23 Barb. 584.

Cited, Bills and Notes—Alteration—Burden of Proof.

3 Misc. 82; (51 St. Rep. 762; 22 Supp. 547). D. 3 Misc. 85; (51 St. Rep. 765; 22 Supp. 549).

Chapuis v. Mathot, 91 Hun, 565; 72 St. Rep. 355; 36 Supp. 835.

Chard v. Holt, 136 N. Y. 30; 49 St. Rep. 26.

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Charde v. Brooklyn, 8 Misc. 598; 61 St. Rep. 51; 29 Supp. 390.

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Cited, Eminent Domain—Award—Subsequent Conveyance—Assignment.

87 Hun, 37, 38; (67 St. Rep. 612, 613, 614; 33 Supp. 860, 861, 862).

Charles v. Prentice, 68 Hun, 229; 52 St. Rep. 294; 22 Supp. 1123.

Charles S. Higgins Co. v. Amalgamated Soap Co., 10 Misc. 268; 63 St. Rep. 314; 30 Supp. 1074.

Charles S. Higgins Co. v. Higgins Soap Co., 71 Hun, 101; 54 St. Rep. 89; 24 Supp. 801.

Reversed, 144 N. Y. 462; 63 St. Rep. 724.

Charles S. Higgins Co. v. Higgins Soap Co., 144 N. Y. 462; 63 St. Rep. 724.

Charlick, Matter of, 11 Abb. N. C. 56.

Cited, Surrogate's Court—Jurisdiction—Claims of Legatee.

9 Misc. 386; (61 St. Rep. 682; 30 Supp. 275). 20 Misc. 160; (79 St. Rep. 910; 45 Supp. 910).

Charlier v. Saginaw Steel S. S. Co., 40 Supp. 278.

Charlock v. Freely, 125 N. Y. 357; 34 St. Rep. 971.

Cited, Master and Servant—Independent Contractor—Torts.

6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906).

Municipal Corporation—Liability for Acts of Contractor.

2 Misc. 320; (50 St. Rep. 582; 21 Supp. 1021; 30 Abb. N. C. 158). 14 App. Div. 138; (77 St. Rep. 449; 43 Supp. 449).

Charlton v. Scoville, 68 Hun, 348; 52 St. Rep. 306; 22 Supp. 883.

Affirmed, 144 N. Y. 691; 71 St. Rep. 544.

Charlton v. Scoville, 144 N. Y. 691; 71 St. Rep. 344.

Charter v. Stevens, 3 Den. 33.

Cited, Chattel Mortgage—Effect of Possession and Sale by Mortgagee.

81 Hun, 142; (62 St. Rep. 725; 30 Supp. 742). 12 Misc. 540; (67 St. Rep. 270; 33 Supp. 608).

Charwat v. Vopelak, 18 Misc. 601; 76 St. Rep. 235; 42 Supp. 235.

Cited, Trial—Going to Jury—Effect Upon Rights.

20 Misc. 90; (79 St. Rep. 88; 45 Supp. 88).

Charwat v. Vopelak, 19 Misc. 500.

*Duplicate Citations in Parenthesis.***Chase, Matter of**, 32 Hun, 318.

Cited, Surrogate—Appointment and Removal of Executors—Discretion

88 Hun, 301; (68 St. Rep. 265; 34 Supp. 341).

Chase, Matter of, 41 Hun, 213.

Cited, 11 App. Div. 587; (76 St. Rep. 673; 42 Supp. 673).

Chase v Chase, 95 N. Y. 373.

Cited, Public Improvements—Assessment—Void—Relief.

135 N. Y. 468; (48 St. Rep. 467) 77 Hun, 227; (59 St. R. p. 823; 28 Supp. 366). 151 N. Y. 22.

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Chase v. Day, 17 Johns 114.

Cited, Contracts—Benefiting Third Persons—When Independent.

150 N. Y. 239.

Chase v. Hamilton Ins Co., 20 N. Y. 52.

Cited, Insurance—False Representations—Knowledge of Agent.

9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207). 7 App. Div. 583; (40 Supp. 305).

Insurance—Breach of Warranty—Forfeiture.

1 App. Div. 95; (72 St. Rep. 21; 36 Supp. 1078). 11 App. Div. 413; (76 St. Rep. 286; 42 Supp. 286).

Chase v. Saratoga County, 33 Barb. 603.

Cited, Counties—Claims Against—Action On.

69 St. Rep. 626; (36 Supp. 659).

Chase v. Lawson, 36 Hun, 221.

Cited, Summons—Service—Publication—Sufficiency of Affidavits.

1 Misc. 77; (69 St. Rep. 555; 37 Supp. 200; 25 Civ. Pro. 20; 2 Ann. Cas. 97).

Chase v. Lord, 77 N. Y. 1.

Cited, Corporations—Stockholders—Liability—Construction of Statute.

80 Hun, 16; (61 St. Rep. 494; 29 Supp. 884).

Chase v. N. Y. C. R. Co., 26 N. Y. 523.

Cited, Penalties—Construction—Benefit of Doubt.

8 App. Div. 19; (74 St. Rep. 747; 40 Supp. 186).

Chase v. N. Y. C. R. Co., 24 Barb. 273.

Cited, Damages—Measure—Flooding Land.

71 Hun, 518; (55 St. Rep. 126; 24 Supp. 1010).

Chase v. Peck, 21 N. Y. 581.

Cited, Vendor and Purchaser.—Vendor's Lien—Unpaid Purchase Money.

75 Hun, 454; (59 St. Rep. 647; 27 Supp. 53).

Mortgage—Equitable—Deposit of Title Deeds.

81 Hun, 105; (62 St. Rep. 690; 30 Supp. 128).

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Chase v. People F. Ins. Co., 14 Hun, 456.

Cited, Insurance—Conditions—Knowledge of Agent—Waiver.

7 App. Div. 585; (40 Supp. 307).

Chase v. Saratoga County, Supervisors of, 33 Barb. 603.

Cited, County Charges—Action.

69 St. Rep. 625; (36 Supp. 657).

Chase v. Vanderbilt, 37 Super. 334.

Affirmed, 62 N. Y. 307.

Cited, Corporations—Foreign—Jurisdiction.

12 Misc. 239; (67 St. Rep. 790; 33 Supp. 1087).

Chase v. Vanderbilt, 62 N. Y. 307.

Cited, Corporations—Foreign—Jurisdiction.

12 Misc. 239; (67 St. Rep. 790; 33 Supp. 1087).

Action—Against Corporations—Parties.

17 Misc. 727; (41 Supp. 448).

Chase Nat'l Bank v. Faurot, 72 Hun, 373; 56 St. Rep. 179; 25 Supp. 447.

Affirmed, 149 N. Y. 532.

Cited, Bills and Notes—Seal—Negotiability.

81 Hun, 35; (62 St. Rep. 540; 30 Supp. 607).

Chase National Bank v. Faurot, 149 N. Y. 532.

Cited, Courts—Adherence to Technical Rule.

9 App. Div. 170; (75 St. Rep. 506; 41 Supp. 49).

Chatfield v. Simonson, 92 N. Y. 209.

Cited, Pleading—Complaint—Allegations of Legal Conclusions.

67 Hun, 97; (51 St. Rep. 378; 22 Supp. 35).

Pleadings—Relief Under—Facts Stated.

61 St. Rep. 451; (29 Supp. 970).

Pleadings—General Denial—What Admissible Under.

64 St. Rep. 213; (31 Supp. 213). 15 App. Div. 537; (78 St. Rep. 574; 44 Supp. 574). 17 App. Div. 407; (79 St. Rep. 228; 45 Supp. 228).

*Duplicate Citations in Parenthesis.***Chatham Bank v. Betts**, 37 N. Y. 356.

Cited, Usury—Indorsement—Consideration for.

79 Hun, 64; (61 St. Rep. 403; 29 Supp. 506). 4 App. Div. 587; (74 St. Rep. 54; 38 Supp. 505).

Chatham Nat. Bank of N. Y. v. Pratt, 135 N. Y. 423; 48 St. Rep. 478.

Cited, Trial—Question of Fact—Diligence—Sureties.

138 N. Y. 205; (52 St. Rep. 145).

Chatham Nat. Bank of N. Y. v. Hochstadter, 11 Daly, 343.

Cited, Power of Attorney—Authority—To Endorse Check.

91 Hun, 488; (70 St. Rep. 820; 36 Supp. 244).

Chatterton v. Fox, 5 Duer. 64.

Cited, Landlord and Tenant—Eviction—Damages.

90 Hun, 564; (71 St. Rep. 405; 36 Supp. 69).

Chatzkelson v. State of Cal. Steamship Co., 7 Misc. 240; 58 St. Rep. 33; 27 Supp. 270.**Chaude v. Shepard**, 122 N. Y. 397.

Cited, Landlord and Tenant—Termination of Lease—Deposit.

18 Misc. 449; (75 St. Rep. 1367; 41 Supp. 996).

Chauncey v. Arnold, 24 N. Y. 330.

Cited, Contracts—Requisites—Signed in Blank—Authority of Person Filling Out.

137 N. Y. 187; (50 St. Rep. 391). 79 Hun, 474; (61 St. Rep. 629; 29 Supp. 1033).

Chauncey v. Lane, 3 How. 248.

Cited, Process—Civil—Execution of—When Will be Restrained.

8 App. Div. 154; (40 Supp. 511).

Chautauqua County Bank v. Risley, 19 N. Y. 369.

Cited, Creditor's Bill—Fraudulent Transfer—Priority.

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14 App. Div. 316; (77 St. Rep. 802; 43 Supp. 802).

Chautauqua County Bank v. White, 6 N. Y. 236.

Cited, Equity—Bill to Set Aside Transfers.

1 Ann. Cas. 400.

Action—Pleading—Fraud—Proof.

10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Chave v. N. Y. & Harlem R. Co., 15 St. Rep. 964; 1 Supp. 264.

Cited, Carriers—Passenger—Contributory Negligence—Riding On Platform.

78 Hun, 16; (60 St. Rep. 799; 29 Supp. 248).

Cheeney v. Arnold, 18 Barb. 434.

Cited, Wills—Execution—Proof.

13 Misc. 469; (68 St. Rep. 743; 34 Supp. 708; 25 Civ. Pro. 28). 13 Misc. 300; (69 St. Rep. 190; 34 Supp. 1122).

Cheesebrough, Matter of, 73 N. Y. 232.

Cited, Eminent Domain—Trespass—Valuation of Assessment.

11 App. Div. 227; (77 St. Rep. 459; 43 Supp. 45).

Cheesebrough v. Lieber, 18 Misc. 459; 76 St. Rep. 1122; 42 Supp. 1122.**Cheeseman v. Thorne**, 1 Edw. Ch. 629.

Cited, Afterborn Children—Protecting Rights Of.

136 N. Y. 17; (49 St. Rep. 22).

Judicial Sale—Protecting Contingent Rights of Strangers to Suit.

49 St. Rep. 32.

Cheetham v. Lewis, 3 Johns. 42.

Cited, Pleadings—Common Law—Allegations of Time—Proof.

87 Hun, 531; (68 St. Rep. 652; 34 Supp. 480).

Cheever v. Brown, 40 St. Rep. 610.

Cited, Partnership—Debt of Partner to Firm—Insolvency of Partner.

13 App. Div. 145; (77 St. Rep. 381, 382; 43 Supp. 381, 382).

Cheever v. Lamar, 16 Hun, 130.

Cited, Evidence—Action Between Partners—Firm Account Books.

13 App. Div. 314; (77 St. Rep. 153; 43 Supp. 153).

Cheever v. Pittsburgh, Shenango & L. E. R. Co., 72 Hun, 380; 55 St. Rep. 181; 25 Supp. 449.

Reversed, 150 N. Y. 59.

Cited, Notice—Constructive—Extent.

75 Hun, 58; (56 St. Rep. 864; 26 Supp. 1057).

Cheever v. Pittsburgh, Shenango & L. E. R. Co., 74 Hun, 539; 57 St. Rep. 183; 26 Supp. 829.**Cheever v. Pittsburgh, S. & L. E. R. Co.**, 150 N. Y. 59.

Cited, Corporations—Evidence of Debt of—Officers—Validity.

12 App. Div. 20; (76 St. Rep. 784; 42 Supp. 784).

Duplicate Citations in Parenthesis.

Cheever v. Schall, 87 Hun, 32; 67 St. Rep. 502; 33 Supp. 751.

Chegaray v. Jenkins, 5 N. Y. 376.

Cited, Municipality—Erroneous Determination—Validity of Subsequent Acts. 149 N. Y. 297.

Chellis v. Chapman, 125 N. Y. 214; 35 St. Rep. 17.

Cited, Appeal—Construction of Charge to Jury.

6 Misc. 335; (56 St. Rep. 240; 26 Supp. 901). 9 Misc. 111; (59 St. Rep. 731; 29 Supp. 47). 152 N. Y. 158.

Damages.

4 Misc. 399; (53 St. Rep. 516; 23 Supp. 1064). D. 1 Misc. 202; (50 St. Rep. 914, 915; 21 Supp. 772).

Chemical Nat. Bank v. Colwell, 132 N. Y. 250; 43 St. Rep. 876.

Cited, Corporations—Stockholders—Transfer of Stock—When Effective.

71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23). 138 N. Y. 572; (53 St. Rep. 278; 30 Abb. N. C. 393). 17 App. Div. 241; (79 St. Rep. 571; 45 Supp. 571).

Corporations—Officers—Resignation.

2 Misc. 184; (49 St. Rep. 716; 23 Civ. Pro. 33; 21 Supp. 764).

Corporations—Directors—When Liability Ceases.

9 App. Div. 300; (75 St. Rep. 643; 41 Supp. 195).

Corporations—Directors—Necessity of Being Stockholders—Object.

17 Misc. 720; (40 Supp. 911).

Chemical Nat. Bank v. Colwell, 29 St. Rep. 726; 9 Supp. 285.

Cited, Corporations—Notes—Execution.

82 Hun, 543; (64 St. Rep. 203; 31 Supp. 525).

Chemical Nat. Bank v. Kohner, 85 N. Y. 189.

Cited, Assignment for Creditors—Accounting—Composition—Oral Agreement. 73 Hun, 60; (57 St. Rep. 127; 25 Supp. 1061).

Corporation—Bank—President and Cashier—Authority—Presumption.

61 St. Rep. 120; (30 Supp. 251).

Chemung Canal Bank v. Chemung County, Supervisors of, 5 Den. 517.

Cited, Limitation of Action—Removal of Bar—Sufficiency of Writing.

136 N. Y. 410; (49 St. Rep. 689).

Chemung Canal Bank v. Judson, 8 N. Y. 254.

Cited, Evidence—Presumptions—Judgment.

24 Supp. 667.

Judgment—Want of Jurisdiction—Estoppel of Assenting Party.

136 N. Y. 29; (48 St. Rep. 897).

Judgment—Want of Jurisdiction—Collateral Attack.

143 N. Y. 165; (62 St. Rep. 189).

Chenango, Bank of, v. Brown, 26 N. Y. 467.

Cited, Constitutional Law—Powers of Legislature.

5 Misc. 582; (26 Supp. 174). D. 150 N. Y. 509.

Chenango B. Co. v. Binghamton B. Co., 27 N. Y. 87.

Cited, Corporations—Franchises—Exclusive Privileges.

143 N. Y. 610; (62 St. Rep. 813).

Chenango Bridge Co. v. Paige, 83 N. Y. 178.

Cited, Corporations—Acts of Officers—Personal Liability.

14 Misc. 499; (70 St. Rep. 723; 35 Supp. 1078).

Legal Rights—Acquirement—Effect of Wrongful Motive.

150 N. Y. 432; (3 Ann. Cas. 366).

Constitutionality—Eminent Domain—Taking Without Compensation.

16 App. Div. 536; (78 St. Rep. 1019; 44 Supp. 1019).

Constitutionality—Void Statute—Rights Under.

148 N. Y. 371. D. 150 N. Y. 512.

Cheney v. Arnold, 15 N. Y. 345.

Cited, Husband and Wife—Marriage—Contract—Sufficiency.

24 Supp. 920.

Cheney v. N. Y. C. & H. R. R. Co., 16 Hun, 415.

Cited, Appeal—Case—Completeness of Evidence—Review of Facts.

49 St. Rep. 416; (20 Supp. 816). 9 Misc. 82; (59 St. Rep. 551; 29 Supp. 720). 2 Misc. 188; (49 St. Rep. 714; 21 Supp. 589). 8 Misc. 596; (60 St. Rep. 828; 29 Supp. 322). 6 App. Div. 191; (39 Supp. 1008).

Appeal—Weight of Evidence—Review of Facts.

10 Misc. 657; (64 St. Rep. 497; 81 Supp. 793). 14 Misc. 604; (71 St. Rep. 447; 36 Supp. 459).

Cheney v. N. Y. C. & H. R. R. Co., 75 St. Rep. 423; 40 Supp. 1103.

Duplicate Citations in Parenthesis.

Cheney v. Price, 90 Hun, 238; 72 St. Rep. 568; 37 Supp. 117.

Cheney v. Syracuse, Ontario and New York Railroad Co., 8 App. Div. 620; 40 Supp. 1103.

Cheney v. Troy Hospital Ass'n, 65 N. Y. 282.

Cited, Mechanic's Lien—Of Subcontractor—To what Attachés.

2 Misc. 271; (23 Supp. 773).

Mechanic's Lien—Rights of Lienor—Payment in Advance of Contract.

78 Hun, 247; (59 St. Rep. 878; 28 Supp. 829).

Cheney v. Woodruff, 45 N. Y. 98.

Cited, Mortgage—Foreclosure—When Purchaser Becomes Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020). 13 App. Div. 390; (77 St. Rep. 49; 43 Supp. 49).

Cherry Creek, Town of, v. Becker, 123 N. Y. 161; 33 St. Rep. 311.

Cited, Statutes—Effect of Repeal on Existing Rights.

2 Misc. 5; (49 St. Rep. 593; 21 Supp. 1089).

Municipal Corporations—Official Determination of Existence of Fact—Conclusiveness.

149 N. Y. 298.

Cherwat v. Vopelak, 19 Misc. 500; 78 St. Rep. 26; 44 Supp. 26.

Chesebrough v. Conover, 140 N. Y. 382; 55 St. Rep. 728.

Cited, Contracts—Validity—To Influence Legislation.

141 N. Y. 347; (57 St. Rep. 432).

Trial—Reception of Evidence—Objection—Waiver—Exception.

8 Misc. 274; (59 St. Rep. 205; 28 Supp. 718). 20 Misc. 305; (79 St. Rep. 805; 45 Supp. 805).

Trial—Reception of Incompetent Evidence—Disregarding.

8 Misc. 232; (59 St. Rep. 448; 28 Supp. 724). 13 Misc. 219; (68 St. Rep. 214; 34 Supp. 234). 87 Hun, 586; (68 St. Rep. 637; 34 Supp. 574). 14 Misc. 312; (70 St. Rep. 458; 35 Supp. 767). 14 Misc. 332; (70 St. Rep. 359; 35 Supp. 842). 17 Misc. 566; (75 St. Rep. 101; 40 Supp. 695).

Chesebrough Mfg. Co. v. Coleman, 44 Hun, 545; 9 St. Rep. 360.

Cited, Corporations—Situs for Taxation.

66 Hun, 123; (49 St. Rep. 602; 20 Supp. 821). 73 Hun, 99; (56 St. Rep. 80; 25 Supp. 917).

Corporations—Certificate of Incorporation—Conclusiveness as to Location of Principal Place of Business.

87 Hun, 343; (68 St. Rep. 150; 34 Supp. 270).

Chesley v. Hughes, 83 Hun, 357; (65 St. Rep. 66; 31 Supp. 1036).

Chesley v. Morton, 9 App. Div. 461; 75 St. Rep. 860; 41 Supp. 463.

Chester v. Bank of Kingston, 16 N. Y. 336.

Cited, Evidence—Parol—Mortgage—Explanation—Purpose.

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

Chester v. Comstock, 40 N. Y. 575.

Cited, Fraud—Representations—Knowledge of Maker.

72 Hun, 315; (55 St. Rep. 355; 25 Supp. 684).

Chester v. Dickerson, 52 Barb. 349.

Affirmed, 54 N. Y. 1.

Cited, Partnership—Realty—How Treated.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Chester v. Dickerson, 54 N. Y. 1.

Cited, Contracts—Statute of Frauds—Speculation in Land.

73 Hun, 391; (57 St. Rep. 291; 26 Supp. 265).

Partnership—Notes—Object of Partnership—Power of Partner.

139 N. Y. 300; (54 St. Rep. 619).

Partnership—Misrepresentations of Members—Liability.

72 Hun, 340; (55 St. Rep. 59; 25 Supp. 435).

Chester v. Jumel, 24 St. Rep. 214; 5 Supp. 809.

Reversed, 125 N. Y. 237; 35 St. Rep. 4.

Cited, Attorneys—Contingent Fee—Assignment.

29 Supp. 1096; (23 Civ. Pro. 263).

Chester v. Jumel, 24 St. Rep. 230; 5 Supp. 823.

Cited, Costs—Between Defendants.

4 Misc. 415; (53 St. Rep. 576; 24 Supp. 329).

Action—Equitable—Retention to Award Damages.

15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847).

Chester v. Jumel, 125 N. Y. 237; 35 St. Rep. 4.

Cited, Attorneys—Contingent Fee—Lien.

137 N. Y. 540; (50 St. Rep. 31).

Assignment for Creditors—Preferences—Interest.

6 Misc. 465; (27 Supp. 911).

Interest—Sales—From When Computed.

7 Misc. 7; (57 St. Rep. 81; 27 Supp. 324).

*Duplicate Citations in Parenthesis.***Chicago & Great Eastern R. Co., v. Dane**, 43 N. Y. 240.*Cited*, Contracts—Consideration—Mutuality.

23 Supp. 275; (29 Abb. N. C. 409). 73 Hun, 88; (57 St. Rep. 145; 25 Supp. 1037). 75 Hun, 465; (57 St. Rep. 366; 27 Supp. 457). 7 Misc. 712; (58 St. Rep. 337; 28 Supp. 49). 5 App. Div. 214, 216; (39 Supp. 132). 79 St. Rep. 1129; (45 Supp. 1129).

Contracts—Consideration—Sufficiency—Option of Promisee to Become Bound.

50 St. Rep. 365; (21 Supp. 890).

Contracts—Offer—Right of Withdrawal Before Acceptance.

86 Hun, 552; (67 St. Rep. 532; 33 Supp. 787).

Chilcott v. Trimble, 13 Barb. 502.*Cited*, Parent and Child—Obligation to Support—Third Person—Promise.

8 Misc. 648; (61 St. Rep. 60; 29 Supp. 1045).

Contracts—Consideration—Past Service.

11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

Chilcott v. Waddingham, 1 Law Bul. 50.*Cited*, Action—Failure to Prosecute—Dismissal of Complaint—Waiver.

12 Misc. 207; (67 St. Rep. 830; 34 Supp. 28; 1 Ann. Cas. 325).

Child v. Brace, 4 Paige, 309.*Cited*, Creditor's Action—When Lies—Conditions Precedent.

143 N. Y. 571; (62 St. Rep. 783; 1 Ann. Cas. 23).

Child v. Chappell, 9 N. Y. 246.*Cited*, Ejectment—When Proper Remedy—Easement.

79 Hun, 215; (61 St. Rep. 139; 29 Supp. 659).

Highways—Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 821. 150 N. Y. 147.

Highways—Rights of Abutters.

71 Hun, 290; (54 St. Rep. 736; 24 Supp. 1100).

Child v. Starr, 4 Hill, 369.*Cited*, Deeds—Boundary by Highway—What Passes.

8 App. Div. 106; (40 Supp. 407).

Lands—Adjoining Waterways—Presumption of Ownership of Bed.

9 App. Div. 152; (75 St. Rep. 634; 41 Supp. 186).

Children's Aid Society v. Love-ridge, 70 N. Y. 387.*Cited*, Wills—Testamentary Capacity—Insane Delusions.

71 Hun, 499; (54 St. Rep. 898; 24 Supp. 1055). 5 Misc. 204; (25 Supp. 113). 15 Misc. 311; (73 St. Rep. 436; 37 Supp. 759).

Wills—Undue Influence—What Constitutes and How Proved.

1 Misc. 46; (22 Supp. 1057). 1 Misc. 260; (54 St. Rep. 238; 22 Supp. 1061). 3 Misc. 576; (23 Supp. 759). 5 Misc. 183; (24 Supp. 858). 67 Hun, 532; (48 St. Rep. 452; 20 Supp. 540). 15 Misc. 358; (73 St. Rep. 3; 37 Supp. 924). 17 Misc. 197; (40 Supp. 976). 9 App. Div. 380; (41 Supp. 487). 15 App. Div. 571; (78 St. Rep. 550; 44 Supp. 550).

Wills—Witnesses—Executors as.

71 Hun, 499; (54 St. Rep. 899; 24 Supp. 1055). 49 St. Rep. 367; (21 Supp. 351).

Childs, Matter of, 5 Misc. 560; 26 Supp. 721.**Childs v. Barnum**, 11 Barb. 14.*Cited*, Statute of Frauds—Writing Under Seal—Expression of Consideration.

80 Hun, 70.

Childs v. Bostwick, 65 How. 146.*Cited*, Mechanic's Lien—Enforcement—Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 326).

Childs v. Delaney, 1 T. & C. 508.*Cited*, Evidence—Agency—Instructions of Principal.

20 Misc. 610.

Childs v. N. Y., O. & W. R. Co., 77 Hun, 539; 60 St. Rep. 276; 28 Supp. 894.**Childs v. Smith**, 55 Barb. 45.*Cited*, Corporations—Creation—De-facto. 4 Misc. 174; (53 St. Rep. 216; 23 Supp. 676).**Childs v. Tuttle**, 48 Hun, 228; 17 St. Rep. 943.*Cited*, Pleading—Bill of Particulars—Action for Causing Boycott.

21 Supp. 342. 78 Hun, 504; (61 St. Rep. 164; 29 Supp. 622).

Pleading—Bill of Particulars—When Granted—Note—Payable to Bearer.

75 Hun, 286; (58 St. Rep. 200; 26 Supp. 1007).

Pleading—Bill of Particulars—Special Damages.

55 St. Rep. 435; (25 Supp. 348).

Chili, Matter of Draining Certain Swamp Lands in the Town of 5 Hun, 116.*Cited*, Drainage of Swamps—Duty of County Court.

3 App. Div. 35; (74 St. Rep. 357; 37 Supp. 1059).

Duplicate Citations in Parenthesis.

Chillingworth v. Freeman, 67 Barb. 379.

Cited, Equity—Avoiding Transfers.
1 Ann. Cas. 400.

Chilton v. Butler, 1 E. D. Smith, 150.

Cited, Brokers—Real Estate—Commissions—Consummation by Owner.
2 Misc. 336; (51 St. Rep. 427; 21 Supp. 976).

Brokers—Commissions—Right of Principal to Otherwise Effect Sale.

17 Misc. 403; (39 Supp. 1058).

China Mutual Ins. Co. v. Force, 142 N. Y. 90; 58 St. Rep. 400.

Cited, Conflict of Laws—Shipping—What Law Governs Liability.

4 App. Div. 594; (73 St. Rep. 650; 38 Supp. 493).

Chinn v. Keith 4 T. & C. 126

Cited, Wills—Devise—Vested Remainder.
17 App. Div. 525; (79 St. Rep. 557; 45 Supp. 557).

Chinnery v. United States Industrial Ins. Co., 15 App. Div. 515; 78 St. Rep. 581; 44 Supp. 581.

Chipman v. Montgomery, 63 N. Y. 221.

Cited, Actions—Transfers Between Law and Equity.

68 Hun, 303; (52 St. Rep. 98; 23 Supp. 38).

Contracts—Rescission—Retention of Benefits.

6 Misc. 588; (57 St. Rep. 855; 27 Supp. 629).

Trial—Mode—Equitable Actions and Actions at Law.

8 Misc. 488; (59 St. Rep. 257; 29 Supp. 344; 23 Civ. Pro. 447; 31 Abb. N. C. 434). 2 App. Div. 111; (73 St. Rep. 218; 37 Supp. 528). 9 App. Div. 456, 437; (75 St. Rep. 776; 41 Supp. 356, 357).

Wills—Probate—Revocation—By Legatee—Return of Legacy.

73 Hun, 114; (56 St. Rep. 135; 25 Supp. 941).

Wills—Trusts—Jurisdiction to Interpret.
3 Misc. 471; (23 Supp. 737).

Chipman v. Palmer, 77 N. Y. 51.

Cited, Damages—Measure—Nuisance—Several Wrongdoers.

54 St. Rep. 575; (24 Supp. 1084).

Pleading—Demurrer—When Lies—Misjoinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20).

Highways—Obstruction—Nuisance—Relief to Party Injured.

147 N. Y. 663; (71 St. Rep. 268).

Chisholm v. State, 141 N. Y. 246; 56 St. Rep. 811.

Cited, 14 Misc. 637; (70 St. Rep. 887; 35 Supp. 1110).

Evidence—Burden of Proof—Contributory Negligence.

77 Hun, 442; (60 St. Rep. 675; 29 Supp. 106).

Cited, Evidence—Absence of Contributory Negligence—How Shown.

79 Hun, 548; (61 St. Rep. 560; 29 Supp. 872). D 90 Hun, 472; (70 St. Rep. 647; 35 Supp. 974). 17 App. Div. 79; (79 St. Rep. 303; 45 Supp. 303).

Negligence—Contributory—Questions of Fact.

82 Hun, 170; (63 St. Rep. 771; 31 Supp. 322). 82 Hun, 35; (63 St. Rep. 861; 31 Supp. 420). 11 Misc. 538; (64 St. Rep. 468; 32 Supp. 743). 85 Hun, 113; (66 St. Rep. 34; 32 Supp. 651). 88 Hun, 268; (68 St. Rep. 566; 34 Supp. 747). 88 Hun, 199; (68 St. Rep. 697; 34 Supp. 716). 88 Hun, 466; (68 St. Rep. 793; 34 Supp. 860). 92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699). 14 Misc. 290; (70 St. Rep. 463; 35 Supp. 687). 12 App. Div. 385; (76 St. Rep. 745; 42 Supp. 745). D. 12 App. Div. 391; (76 St. Rep. 748; 42 Supp. 748). 78 St. Rep. 1118; (44 Supp. 1118). 79 St. Rep. 1114; (45 Supp. 1114).

Chittenden v. Gates, 18 App. Div. 169; 79 St. Rep. 768; 45 Supp. 768.

Chittenden v. Wurster, 14 App. Div. 483; 77 St. Rep. 1035; 43 Supp. 1035.

Reversed, 152 N. Y. 345.

Cited, Constitutional Law—Existing Statutes—Abrogation.

18 App. Div. 166; (79 St. Rep. 775; 45 Supp. 775).

Office—Determination of Right to.

15 App. Div. 507; (78 St. Rep. 580; 44 Supp. 580).

Chittenden v. Wurster, 152 N. Y. 345.

Chouteau v. Suydam, 21 N. Y. 179.

Cited, Evidence—Parol—As to Delivery of Instrument.

79 Hun, 523; (61 St. Rep. 594; 29 Supp. 907).

Written Instrument—Unexecuted by Portion of Parties—Enforcement.

89 Hun, 47; (69 St. Rep. 228; 35 Supp. 33).

Chretien v. Doney, 1 N. Y. 419.

Cited, Landlord and Tenant—Lease with Privilege of Renewal—Term.

83 Hun, 115; (63 St. Rep. 837; 31 Supp. 353). 13 Misc. 565; (34 Supp. 468; 2 Ann. Cas. 195).

Duplicate Citations in Parenthesis.

Chrigstrom v. McGregor, 74 Hun, 343; 55 St. Rep. 892; 26 Supp. 517.

Chrimes v. Squier, 4 App. Div. 611; 74 St. Rep. 806; 38 Supp. 996.

Christ v. Chetwood, 1 Misc. 418; 49 St. Rep. 452; 20 Supp. 841.

Affirmed, 3 Misc. 614; 51 St. Rep. 945; 22 Supp. 1133.

Christ v. Chetwood, 6 Misc. 619; 55 St. Rep. 776; 26 Supp. 80.

Christ v. Chetwood, 8 Misc. 81; 58 St. Rep. 815; 28 Supp. 1148.

Christenson v. Eno, 106 N. Y. 97; 8 St. Rep. 682.

Cited, Corporations—Stockholders—Liability—Enforcement—Foreign Statute.

80 Hun, 19; (61 St. Rep. 496; 29 Supp. 836). 84 Hun, 192; (65 St. Rep. 319; 32 Supp. 196). 148 N. Y. 27.

Christian Jensen Co., Matter of, 128 N. Y. 550; 40 St. Rep. 621.

Cited, Receivers—Bond—Effect of Failure to Give.

50 St. Rep. 450; (21 Supp. 295; 23 Civ. Pro. 43).

Receivers—Qualifying—Security.

140 N. Y. 419; (55 St. Rep. 811).

Receivers—Vesting of Title—Relation.

136 N. Y. 173; (48 St. Rep. 831). 89 Hun, 211; (69 St. Rep. 46; 34 Supp. 985). 12 App. Div. 493; (76 St. Rep. 803; 42 Supp. 803). D. 16 App. Div. 405; (79 St. Rep. 18; 45 Supp. 18).

Receivers—What Property Passes To.

13 Misc. 491; (70 St. Rep. 138; 35 Supp. 526). 7 App. Div. 552; (74 St. Rep. 706; 40 Supp. 147). 16 App. Div. 151; (79 St. Rep. 102; 45 Supp. 102).

Christianson v. Sintard, 19 Abb. 221.

Cited, Action—Cause Of—How Discharged.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Christie v. Bishop, 1 Barb. Ch. 105.

Cited, Evidence—Declarations—Of Assignor of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598).

Christie v. Bowne, 76 Hun, 42; 59 St. Rep. 157; 27 Supp. 657.

Christie v. Bowne, 83 Hun, 107; 63 St. Rep. 805; 31 Supp. 390.

Cited, Corporations—Stockholders' Liability—Statutes—Repeal.

11 Misc. 492; (64 St. Rep. 460; 32 Supp. 718).

Christie v. Cornelius Callahan Co., 51 St. Rep. 413; 22 Supp. 37.

Christie v. Gage, 71 N. Y. 189.

Cited, Benevolent Societies—Alienation of Realty—Leave of Court.

138 N. Y. 457; (53 St. Rep. 21).

Champerty—What Sufficient Possession to Constitute.

85 Hun, 37; (66 St. Rep. 137; 32 Supp. 626).

Christie v. Shankey, 46 Hun, 680; 12 St. Rep. 657.

Cited, 2 App. Div. 521; (74 St. Rep. 454; 38 Supp. 25).

Injunction—When Granted.

12 Misc. 307; (67 St. Rep. 843; 34 Supp. 42).

Christie Manufacturing Co., Matter of, 15 Misc. 588; 72 St. Rep. 350; 36 Supp. 934.

Christie Manufacturing Co. v. Travers Bros., 14 Misc. 577; 70 St. Rep. 724; 35 Supp. 1079.

Christopher v. Austin, 11 N. Y. 216.

Cited, Landlord and Tenant—Partial Eviction—Suspension of Rent.

19 Misc. 523; (77 St. Rep. 1031; 43 Supp. 1081).

Christopher & Tenth St. R. Co. v. Twenty-third St. R. Co., 78 Hun, 462; 60 St. Rep. 774; 29 Supp. 233.

Affirmed, 149 N. Y. 51.

Cited, Pleading — Amendment — New Cause of Action.

92 Hun, 119; (71 St. Rep. 770; 36 Supp. 705).

Christopher & Tenth St. R. Co. v. Twenty-third St. R. Co., 149 N. Y. 51.

Cited, Written Instrument — Construction.

79 St. Rep. 988; (45 Supp. 988).

Christopher & Tenth St. R. Co. v. Twenty-third St. R. Co., 48 St. Rep. 805; 20 Supp. 556.

Cited, Costs—Extra Allowance.

14 Misc. 513; (70 St. Rep. 691; 35 Supp. 1066).

Christy v. Libby, 5 Abb. N. S. 192.

Cited, Principal and Agent—Accounting.

72 Hun, 583; (55 St. Rep. 245; 25 Supp. 285).

Chrysler v. Canady, 90 N. Y. 272.

Cited, Fraud — Representations — As to Value.

50 St. Rep. 436; (21 Supp. 408). 82 Hun, 297; (64 St. Rep. 75; 31 Supp. 489).

*Duplicate Citations in Parenthesis.***Chrysler v. Renois**, 43 N. Y. 209.*Cited*, Bills and Notes—Bona Fides.

11 Misc. 9; (63 St. Rep. 439; 31 Supp. 841).

Chrystal v. Troy & Boston R. Co.,

105 N. Y. 164; 6 St. Rep. 833.

Cited, Railroads—Persons on Track—Duty of Engineer.

78 Hun, 251; (60 St. Rep. 8; 28 Supp. 819).

75 Hun, 460; (57 St. Rep. 683; 27 Supp.

507). 88 Hun, 490; (68 St. Rep. 806; 34

Supp. 869). 14 Misc. 280; (70 St. Rep. 253;

35 Supp. 832).

Chrystie v. Phyfe, 19 N. Y. 344.*Cited*, Real Property—Remainders—Alienation.

73 Hun, 479; (56 St. Rep. 13; 26 Supp. 438).

Wills—Construction—Irreconcilable Conflict between Provisions.

1 Misc. 30; (22 Supp. 1082). 8 App. Div. 198; (40 Supp. 438).

Wills—Construction—Intent.

D. 79 St. Rep. 1121; (45 Supp. 1121).

20 Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Chubbuck v. Vernam, 42 N. Y. 432.*Cited*, Appeal—Record—Case—Conclusions—Review—Presumptions.

135 N. Y. 212; (47 St. Rep. 844).

Chu Pawn v. Irwin, 82 Hun, 607; 31

Supp. 724.

Cited, Contracts—Written—Execution—Failure to Observe Terms.

15 App. Div. 299; (78 St. Rep. 922; 44 Supp. 922).

Church, Matter of, 92 N. Y. 1.*Cited*, Courts—Superior Court of Buffalo—Jurisdiction—Eminent Domain.

139 N. Y. 431; (54 St. Rep. 697).

Statutes—Construction—Local or General—Constitutionality.

75 Hun, 122; (57 St. Rep. 735; 27 Supp. 147). 81 Hun, 440; (63 St. Rep. 287; 30

Supp. 1099). 8 App. Div. 252; (40 Supp. 623). D. 8 App. Div. 275; (40 Supp. 639).

Constitutionality—Legislative Power to Delegate Legislation.

3 App. Div. 368; (38 Supp. 523).

Church v. Brown, 21 N. Y. 315.*Cited*, Guaranty—Failure to State Consideration—Statute of Frauds.

27 Supp. 932; (30 Abb. N. C. 456). 80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854).

Letter of Credit—Special—What Constitutes.

16 App. Div. 117; (79 St. Rep. 128; 45 Supp. 128).

Church v. Bull, 2 Den. 430.*Cited*, Wills—Dower—Bequest in Addition to.

1 Misc. 276; (22 Supp. 1072).

Wills—Dower—When Provision in Lieu of.

16 Misc. 100; (72 St. Rep. 530; 37 Supp. 250).

Church v. Butterfield, 19 Misc. 265; 78

St. Rep. 381; 44 Supp. 381.

Church v. Church, 3 Sandf. 434.*Cited*, Dower—In What Property—Equitable Interest in Lands.

5 Misc. 128; (25 Supp. 728).

Church v. Gilman, 15 Wend. 656.*Cited*, Deeds—Necessity of Delivery and Acceptance.

148 N. Y. 514.

Church v. Haeger, 66 St. Rep. 631; 33 Supp. 47.**Church v. Howard**, 17 Hun, 5.*Cited*, Contracts—Liability—Effect of the Acts of Another.

16 Misc. 403; (73 St. Rep. 607; 25 Civ. Pro. 314; 38 Supp. 576).

Church v. Howard, 79 N. Y. 415.*Cited*, Evidence—Declarations—Of Executor.

71 Hun, 401; (55 St. Rep. 37; 25 Supp. 30). 5 App. Div. 150; (39 Supp. 116).

Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (52 St. Rep. 575; 23 Supp. 252). 15 Misc. 291; (72 St. Rep. 429; 36 Supp. 985).

Written Instrument—Enforcement—Discharge as Defense—When Available.

87 Hun, 67; (67 St. Rep. 492; 33 Supp. 876).

Evidence—Objections to—Repetition of Grounds.

64 St. Rep. 116; (31 Supp. 432). 16 Misc. 62; (73 St. Rep. 134; 37 Supp. 693).

Church v. Kidd, 3 Hun, 254.*Cited*, New Trial—Interlocutory Judgment—When Motion Too Late.

6 Misc. 131; (56 St. Rep. 624; 26 Supp. 38).

Church v. Landers, 10 Wend. 79.*Cited*, Husband and Wife—Wife as Agent.

7 Misc. 175; (57 St. Rep. 523; 27 Supp. 327).

Church v. Murphy, 20 Misc. 112; 79 St. Rep. 73; 45 Supp. 73.**Church v. Olendorf**, 49 Hun, 439; 19 St. Rep. 700; 3 Supp. 557.*Cited*, Limitation of Action—When Statute Runs—Claim Against Decedent.

53 St. Rep. 845; (24 Supp. 349). 11 Misc. 231; (66 St. Rep. 557; 32 Supp. 1102).

Duplicate Citations in Parenthesis.

Church v. People's Bld'g, L. & S. Ass'n, 72 St. Rep. 293; 36 Supp. 1020.

Church v. Rhodes, 6 How. 281.

Cited, Statutes — Repeal — Effect Upon Inchoate Rights.

90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891). 8 App. Div. 574; (75 St. Rep. 326; 40 Supp. 930).

Church v. Schoonmaker, 115 N. Y. 570; 26 St. Rep. 779.

Cited, Landlord and Tenant — Possession by Tenant — Presumption of Subordination.

85 Hun, 569; (66 St. Rep. 799; 33 Supp. 127). 4 App. Div. 315; (74 St. Rep. 163; 38 Supp. 703).

Church v. Seeley, 110 N. Y. 457; 18 St. Rep. 280.

Cited, Landlord and Tenant — Apportionment of Rent.

14 Misc. 530; (70 St. Rep. 709; 35 Supp. 1091; 2 Ann. Cas. 341).

Church v. Sparrow, 5 Wend. 223.

Cited, Partnership — Money Borrowed and Appropriated by Partner — Firm Liability.

14 Misc. 564; (70 St. Rep. 717; 35 Supp. 1072).

Church v. Stanton, 9 St. Rep. 121.

Cited, Pleading — Misjoinder of Causes of Action — Demurrer.

7 Misc. 470; (58 St. Rep. 512; 27 Supp. 994; 23 Civ. Pro. 359).

Church v. Van Buren, 55 How. 489.

Cited, Judgment — Action on — Commencing Without Leave.

18 Misc. 507; (76 St. Rep. 1084; 42 Supp. 1084).

Church v. Wright, 74 St. Rep. 161; 38 Supp. 701.

Church v. Wright, 4 App. Div. 312; 39 Supp. 989.

Church Co. v. Clarke. See John Church Co. v. Clarke.

Church of Our Lady of Mercy, Matter of, 32 N. Y. 967; 10 Supp. 683.

Distinguished, Highway — Establishment of Grade — Municipal Corporations.

66 Hun, 217; (49 St. Rep. 52; 21 Supp. 43).

Church of Redemption v. Grace Church, 68 N. Y. 570.

Cited, Wills — Excessive Charitable Bequest — Who May Attack.

2 App. Div. 27; (72 St. Rep. 685; 37 Supp. 332). 20 Misc. 562.

Church Street, Matter of, 49 Barb. 455.

Cited, Taxes — Assessments — Determination of Benefits — Discretion of Assessors.

70 St. Rep. 847; (36 Supp. 193).

Churchill v. Hunt, 3 Den. 321.

Cited, Contract — To Pay the Debt of Another — Indemnity.

7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364).

Contracts — For Benefit of Another — When Independent.

16 Misc. 314; (39 Supp. 416).

Undertaking — Breach — Damages.

16 Misc. 81; (73 St. Rep. 289; 34 Supp. 690).

Churchill v. Lewis, 17 Abb. N. C. 226.

Cited, Married Woman — Maintenance of Action for Enticement of Husband.

11 App. Div. 22; (77 St. Rep. 80; 43 Supp. 80).

Churchill v. Loeser, 89 Hun, 613; 69 St. Rep. 754; 35 Supp. 310.

Churchill v. Onderdonk, 59 N. Y. 134.

Cited, Pleading — Determination of Claim to Real Property — Possession.

23 Civ. Pro. 328.

Lands — Actual Possession — What Constitutes.

D. 147 N. Y. 470; (70 St. Rep. 64.) 6 App. Div. 10; (39 Supp. 749). 18 Misc. 321; (76 St. Rep. 1000; 42 Supp. 1000).

Churchman v. Merritt, 50 Hun, 270; 19 St. Rep. 171; 2 Supp. 843; 15 Civ. Pro. 245.

Cited, Costs — Security For — Practice — Notice.

8 Misc. 99; (60 St. Rep. 161; 28 Supp. 1004). 70 St. Rep. 380; (35 Supp. 607; 25 Civ. Pro. 53).

Churchman v. Merritt, 51 Hun, 375; 21 St. Rep. 743.

Cited, Deposition — Examination Before Trial — When Denied.

15 Misc. 413; (72 St. Rep. 33; 25 Civ. Pro. 195).

Chwatal v. Schreiner, 3 Misc. 192; 53 St. Rep. 47; 23 Supp. 206.

Affirmed, 77 Hun, 611; 29 Supp. 1142.

Cited, Vendor and Purchaser — Rights of Parties — Title.

24 Supp. 663.

Chwatal v. Schreiner, 148 N. Y. 683.

Ciancimino v. Man, 1 Misc. 121; 48 St. Rep. 697; 20 Supp. 702.

Cited, Corporations — Title to Office — Injunction — Equity.

12 Misc. 401; (68 St. Rep. 121; 34 Supp. 242).

Duplicate Citations in Parenthesis.

Cielfield v. Browning, 9 Misc. 98; 62 St. Rep. 222; 29 Supp. 710.

Cincinnati Nat. Bank v. Tilden, 50 St. Rep. 366; 22 Supp. 11.

Affirmed, 140 N. Y. 620; 55 St. Rep. 939.

Cited, Assignment for Creditors—Assignee—Assignment as Guide.

144 N. Y. 273; (63 St. Rep. 693; 1 Ann. Cas. 147).

Assignment—Reference.

135 N. Y. 602; (48 St. Rep. 826). 86 Hun, 419; (67 St. Rep. 177; 33 Supp. 520). 149 N. Y. 122.

Citizens' Nat. Bank v. Importers & Traders' Bank, 119 N. Y. 199; 29 St. Rep. 1.

Cited, Corporations—Banking—Failure to Pay Check—Damages.

87 Hun, 7, 8; (67 St. Rep. 481, 482; 33 Supp. 864, 866).

Citizens' Nat. Bank of Adams v. Fuller, 75 St. Rep. 1476; 41 Supp. 1109.

Citizens' Nat. Bank of Corry v. Weston, 81 Hun, 84; 62 St. Rep. 552; 30 Supp. 619.

Citizens' Nat. Bank of Saratoga Springs v. Fonda, 18 Misc. 114; 41 Supp. 112.

Citizens' Nat. Bank of Saratoga Springs v. Hodges, 80 Hun, 471; 62 St. Rep. 278; 30 Supp. 445.

Citizens' Savings Bank v. Wilder, 11 App. Div. 63; 76 St. Rep. 481; 42 Supp. 481.

City Bank v. Bangs, 4 Paige, 285.

Cited, Appeal—From Decree Directing Payment of Money in Court—Stay.

5 App. Div. 210; (39 Supp. 138).

City Bank v. Lumley, 28 How. 397.

Cited, Affidavits—Irregularities.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 304).

City Bank v. R. W. & O. R. Co., 44 N. Y. 136.

Cited, Consignment—Advances—Bill of Lading—Transfer—Title.

85 Hun, 165; (66 St. Rep. 115; 32 Supp. 606). 89 Hun, 200; (69 St. Rep. 101; 34 Supp. 1020).

City Bank of Brooklyn v. Deerbom, 20 N. Y. 244.

Cited, Appeal—Harmless Error.

4 Misc. 143; (53 St. Rep. 179; 23 Supp. 878).

City Bank of Brooklyn v. McChesney, 20 N. Y. 240.

Cited, Declarations.

15 Misc. 292; (72 St. Rep. 430; 36 Supp. 986).

City Bank of Columbus v. Bruce, 17 N. Y. 507.

Cited, Corporations—Reduction of Capital Stock—Retiring Stock.

D. 87 Hun, 440; (68 St. Rep. 70; 34 Supp. 222).

City Bank of Rochester v. Westbury, 16 Hun, 458.

Cited, Mortgage—Chattel—Fraudulent.

80 Hun, 87; (69 St. Rep. 468; 35 Supp. 55).

City Nat. Bank of Poughkeepsie v. Phelps, 16 Hun, 158.

Cited, Guaranty—Continuance.

14 Misc. 231; (70 St. Rep. 255; 35 Supp. 834).

City Nat. Bank of Poughkeepsie v. Phelps, 86 N. Y. 484.

Cited, Bills and Notes—For Previous Debt—Effect.

5 Misc. 256; (25 Supp. 94).

Surety—Bills and Notes—Effect of Renewal.

16 Misc. 675; (74 St. Rep. 226; 38 Supp. 598). 9 App. Div. 327; (75 St. Rep. 753, 758; 41 Supp. 341).

Guaranty—Acceptance—Notice.

4 App. Div. 26; (74 St. Rep. 839; 38 Supp. 1023).

Debtor and Creditor—Extension of Liability.

9 App. Div. 336; (41 Supp. 337).

Clafin v. Baere, 57 How. 78.

Cited, Attachment—Vacation—Undertaking to Discharge as Waiver.

2 App. Div. 555; (74 St. Rep. 467; 38 Supp. 38; 3 Ann. Cas. 102).

Attachment—Affidavits—Upon Information.

17 Misc. 243; (40 Supp. 1066). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336).

Clafin v. Baere, 59 How. 20.

Cited, Appeal—Attachment—Vacation.

14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1070).

Clafin v. Boorum, 122 N. Y. 385; 33 St. Rep. 640.

Cited, Bills and Notes—Accommodation Paper—Usury—Knowledge of.

8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555).

Bills and Notes—Usury—Legal Inception.

91 Hun, 196; (70 St. Rep. 789; 36 Supp. 215).

*Duplicate Citations in Parenthesis.***Clafin v. Davidson**, 53 Super. 122.

Cited, Costs—Replevin—Value of Property.

8 App. Div. 421; (75 St. Rep. 237; 41 Supp. 846). 19 Misc. 351; (77 St. Rep. 490; 43 Supp. 490). 20 Misc. 430; (79 St. Rep. 1029; 45 Supp. 1029).

Clafin v. Farmers' and Citizens' Bank, 25 N. Y. 293.

Cited, Banks—Checks—Certification—Officers—Individual Check.

141 N. Y. 388; (57 St. Rep. 601).

Checks—Bona Fide Holders—Delay in Presenting.

77 Hun, 58; (59 St. Rep. 431; 28 Supp. 249).

Corporations—Officers—Authority—Individual Benefit—Notice.

70 Hun, 154; (53 St. Rep. 906; 24 Supp. 408). D. 75 Hun, 62; (56 St. Rep. 867; 26 Supp. 1060).

Insurance—Agents—Acting for Both Parties—Reinsurance.

138 N. Y. 449; (53 St. Rep. 13).

Principal and Agent—Agent Acting for Himself—Liability of Principal.

139 N. Y. 151; (54 St. Rep. 476). 143 N. Y. 564; (62 St. Rep. 778).

Clafin v. Flack, 36 St. Rep. 728; 13 Supp. 269.

Cited, Appeal—Case—Certificate—Completeness of Evidence—Review.

49 St. Rep. 416. 4 Misc. 189; (53 St. Rep. 177; 23 Supp. 884). 4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681). 7 Misc. 34; (57 St. Rep. 507; 27 Supp. 378). 9 Misc. 82; (59 St. Rep. 551; 29 Supp. 720). 9 Misc. 450; (61 St. Rep. 122; 30 Supp. 258).

Sale—Fraud—Statements to Mercantile Agency.

7 App. Div. 444; (39 Supp. 1056).

Clafin v. Gordon, 39 Hun, 54.

Cited, Action—To Attack Fraudulent Conveyance—Bringing in Parties.

92 Hun, 421; (71 St. Rep. 578; 36 Supp. 663).

Clafin v. Hamlin, 62 How. 284.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun, 467; (52 St. Rep. 900; 24 Supp. 223).

Injunction—Power of Court to Restrain Action in Foreign Court.

16 App. Div. 73; (78 St. Rep. 690; 44 Supp. 690).

Clafin v. Lenheim, 5 Hun, 269.

Cited, Agency—Want of Authority—Notice.

10 App. Div. 521; (76 St. Rep. 301; 42 Supp. 301).

Clafin v. Lenheim, 66 N. Y. 301.

Cited, Agency—Revocation of Authority—Liability of Principal—Notice.

139 N. Y. 289; (54 St. Rep. 460). 12 Misc. 139; (66 St. Rep. 739; 33 Supp. 82). 19 Misc. 151; (77 St. Rep. 467; 43 Supp. 467).

Clafin v. Meyer, 75 N. Y. 260.

Cited, Arbitration—Effect as to Discontinuance of Action.

77 Hun, 357; (60 St. Rep. 37; 28 Supp. 846).

Bailment—Duty of Bailee to Return Article.

4 Misc. 483; (54 St. Rep. 266; 24 Supp. 362).

Bailment—Hire—Care—Liability of Bailee.

7 Misc. 121; (57 St. Rep. 544; 27 Supp. 249).

Bailment—Liability of Bailee—Loss by Theft.

4 Misc. 530; (54 St. Rep. 126; 24 Supp. 822).

Evidence—Sufficiency—Negligence.

5 Misc. 427; (26 Supp. 712).

Negligence—Presumption—Burden of Proof.

16 Misc. 38; (73 St. Rep. 401; 31 Supp. 814). 17 Misc. 376; (39 Supp. 1040). 9 App. Div. 38; (75 St. Rep. 556; 41 Supp. 96). 18 Misc. 207; (75 St. Rep. 781; 41 Supp. 371). 19 Misc. 639; (78 St. Rep. 411; 44 Supp. 411).

Clafin v. N.Y. Standard Watch Co.,

3 Misc. 629; 52 St. Rep. 516; 23 Supp. 324.

Affirmed, 7 Misc. 668; 58 St. Rep. 380; 28 Supp. 42.

Clafin v. N.Y. Standard Watch Co.,

7 Misc. 668; 58 St. Rep. 380; 28 Supp. 42.

Cited, Appeal—Review of Facts—Reversal.

16 Misc. 30; (73 St. Rep. 262; 37 Supp. 681). 16 Misc. 32; (73 St. Rep. 281; 37 Supp. 662). 17 Misc. 139; (39 Supp. 401). 17 Misc. 354; (39 Supp. 1066). 18 Misc. 178; (75 St. Rep. 965; 41 Supp. 575).

Clafin v. Ostrom, 54 N. Y. 581.

Cited, Partnership—Assumption of Debts—Rights of Creditors.

4 Misc. 525; (54 St. Rep. 129; 24 Supp. 734).

Clafin v. Robertson, 23 St. Rep. 305; 6 Supp. 430.

Cited, Costs—On Discontinuance of Action.

12 Misc. 54; (66 St. Rep. 674; 33 Supp. 42; 24 Civ. Pro. 393). 9 App. Div. 207; (41 Supp. 377; 3 Ann. Cas. 357).

Duplicate Citations in Parenthesis.

Claffin v. Smith, 13 Abb. N. C. 205.

Cited, Pleadings—Bill of Particulars—In Actions to Annul Assignments.

50 St. Rep. 496; (21 Supp. 738)

Claffin v. Smith, 35 Hun, 372; 15 Abb. N. C. 241.

Cited, Acknowledgment—Certificate of. 49 St. Rep. 463; (21 Supp. 90). D. 89 Hun, 161; (69 St. Rep. 215; 35 Supp. 19). 92 Hun, 217; (71 St. Rep. 200; 36 Supp. 363).

Clancy v. Byrne, 56 N. Y. 129.

Cited, Landlord and Tenant—Lease—Covenants—Repairs.

6 Misc. 156; (28 Supp. 875).

Wharves—New York City—As Highways.

78 Hun, 395; (60 St. Rep. 786; 29 Supp. 227).

Negligence—Unsafe Place—Liability.

11 App. Div. 594; (76 St. Rep. 598; 42 Supp. 598). 11 App. Div. 190; (76 St. Rep. 654; 42 Supp. 654).

Clancy v. Troy & L. R. Co., 88 Hun, 496; 68 St. Rep. 789; 34 Supp. 877.

Cited, Negligence—Contributory—Close Calculations.

14 Misc. 280; (70 St. Rep. 253; 35 Supp. 832).

Clapp, Matter of, 20 How. 385.

Cited, Lunacy Proceedings—Payment of Expenses.

3 App. Div. 143; (74 St. Rep. 470; 38 Supp. 41).

Clapp v. Bromagham, 9 Cow. 530.

Cited, Co-tenancy—Adverse Possession. 89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348).

Clapp v. Byrnes, 3 App. Div. 284; 38 Supp. 1063.

Clapp v. Clapp, 44 Hun, 451; 9 St. Rep. 275.

Cited, Executors—Contracts—Liability of Estate.

9 Misc. 232; (61 St. Rep. 297; 30 Supp. 285).

Clapp v. Devlin, 35 Super. 170.

Cited, Slander—Sense in Which Words Used—Question for Jury.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Clapp v. Ellington, 87 Hun, 542; 68 St. Rep. 35; 34 Supp. 283.

Cited, Towns—Bridges Between—Defects—Joint Liability.

11 App. Div. 509; (76 St. Rep. 780; 42 Supp. 780).

Question for Jury.

8 App. Div. 611; (41 Supp. 1134).

Clapp v. Fullerton, 34 N. Y. 190.

Cited, Appeal—Surrogate's Decree—Extent of Review—Improper Evidence.

71 Hun, 503; (54 St. Rep. 898; 24 Supp. 1056). 5 App. Div. 528; (38 Supp. 1063).

Evidence—Opinions—Rationality.

183 N. Y. 409; (52 St. Rep. 921). 71 Hun, 503; (54 St. Rep. 900; 24 Supp. 1056). 148 N. Y. 569. 151 N. Y. 220.

Wills—Undue Influence.

136 N. Y. 517; (49 St. Rep. 697). 78 Hun, 48; (60 St. Rep. 505; 28 Supp. 1066).

Wills—Testamentary Capacity—Mistaken Impressions.

67 Hun, 414; (51 St. Rep. 785; 22 Supp. 292). 9 Misc. 527; (61 St. Rep. 679; 30 Supp. 392).

Equity—Incompetent Evidence—Harmless Error.

19 Misc. 200; (77 St. Rep. 65; 43 Supp. 65).

Clapp v. Graves, 26 N. Y. 418.

Cited, Action—Parties—Appearance—Waiver—Jurisdiction.

76 Hun, 544; (58 St. Rep. 244; 28 Supp. 211). 16 App. Div. 625; (78 St. Rep. 1063; 44 Supp. 1063).

Clapp v. Graves, 2 Hilt. 243.

Cited, Appeal—Leave—When Granted. 16 Misc. 363; (74 St. Rep. 370; 25 Civ. Pro. 287; 38 Supp. 1).

Clapp v. Hawley, 97 N. Y. 610.

Cited, Appeal—Extension of Time.

6 Misc. 514; (57 St. Rep. 713; 27 Supp. 434). 11 Misc. 125; (65 St. Rep. 102; 31 Supp. 10.8).

Appeal—Order Requiring Acceptance of Notice of Appeal—Substantial Right.

12 Misc. 403; (67 St. Rep. 596; 33 Supp. 694).

Clapp v. McCabe, 84 Hun, 379; 65 St. Rep. 699; 32 Supp. 425.

Cited, Judgment—Conclusiveness—Matters Litigated.

18 App. Div. 33; (79 St. Rep. 403; 45 Supp. 403).

Judgment—Foreclosure—When Title Not Divested.

3 App. Div. 285; (38 Supp. 1066; 79 St. Rep. 480, 481; 45 Supp. 480, 481).

Clapp v. Wright, 21 Hun, 240.

Cited, Counterclaim—What Constitutes.

88 Hun, 258; (68 St. Rep. 700; 34 Supp. 720).

Clapper, Matter of, 3 Hill, 458.

Cited, Highways—Laying Out—Jurisdiction of Commissioners—Impeachment.

143 N. Y. 164; (62 St. Rep. 189).

Clapper v. Kells, 78 Hun, 34; 60 St. Rep. 455; 28 Supp. 1018.

Duplicate Citations in Parenthesis.

Clapper v. Waterford, Town of, 131 N. Y. 382; 43 St. Rep. 316.

Cited, Highways—Defects—Liability of Town—Absence of Funds.

67 Hun, 626; (51 St. Rep. 114; 22 Supp. 472). 2 App. Div. 23; (72 St. Rep. 688; 37 Supp. 334). 11 App. Div. 482; (76 St. Rep. 353; 42 Supp. 353).

Highways — Duties and Liabilities of Town Over—Commissioners.

80 Hun, 105; (61 St. Rep. 793; 30 Supp. 27). 88 Hun, 525; (69 St. Rep. 33; 34 Supp. 970).

Highways—Defective—Personal Injuries—Liability of Owner.

60 St. Rep. 113.

Municipal Corporations—Unforeseen Accident—Liability.

148 N. Y. 71.

Highways—Defects—Diligence to Obtain Funds—Question for Jury.

11 App. Div. 482; (76 St. Rep. 352; 42 Supp. 352).

Evidence — Negligence — Condition of locus in quo.

84 Hun, 238; (65 St. Rep. 745; 32 Supp. 545).

Evidence—Negligence—Subsequent Acts.

12 Misc. 415, 419; (67 St. Rep. 573, 576; 33 Supp. 704, 706). 91 Hun, 15; (71 St. Rep. 391; 36 Supp. 104).

Clapsaddle, Matter of, 4 Misc. 355; 54 St. Rep. 251; 24 Supp. 313.

Clare v. Lockard, 21 Abb. N. C. 173.

Cited, Service—Substituted—Publication—Equivalence.

18 Misc. 388; (75 St. Rep. 1040; 41 Supp. 654).

Clare v. National City Bank, 1 Sweeney, 539.

Cited, Negligence—Injuries from Falling Articles—Presumption.

84 Hun, 113; (65 St. Rep. 223; 32 Supp. 60).

Clark, Matter of, 5 Misc. 68; 25 Supp. 712.

Clark, Matter of, 16 Misc. 405; 39 Supp. 722.

Clark, Matter of, 40 Hun, 233.

Cited, Witnesses — Competency—Parties in Interest.

77 Hun, 5; (59 St. Rep. 421; 28 Supp. 225). 92 Hun, 450; (72 St. Rep. 72; 36 Supp. 969).

Evidence—Wills—Probate — Declarations of Testator.

16 Misc. 185; (38 Supp. 1134).

Clark, Matter of, 62 Hun, 275; 42 St. Rep. 300; 17 Supp. 93.

Cited, Trusts—Increase—Who Entitled to.

75 Hun, 534; (57 St. Rep. 657; 27 Supp. 496). 85 Hun, 574; (66 St. Rep. 826; 33 Supp. 198). 67 St. Rep. 661; (33 Supp. 980).

Clark, Matter of, 74 Hun, 294; 55 St. Rep. 678; 26 Supp. 214.

Reverse, 148 N. Y. 1.

Clark, Matter of, 75 Hun, 471; 57 St. Rep. 339; 27 Supp. 681.

Clark, Matter of, 82 Hun, 341; 64 St. Rep. 85; 31 Supp. 476.

Cited, Appeal—Presumptions in Support of Judgment—Treating Conclusions of Law as Findings of Fact.

68 Hun, 364; (51 St. Rep. 885; 22 Supp. 864).

Executors—Accounting—Deceased Executor.

74 Hun, 208; (56 St. Rep. 293; 26 Supp. 817). 13 App. Div. 23; (77 St. Rep. 114; 43 Supp. 114).

Reference—Report and Findings—Effect of.

75 Hun, 200; (58 St. Rep. 670; 27 Supp. 47).

Surrogate's Court—Reference—Powers of Referee.

1 App. Div. 40; (72 St. Rep. 75; 36 Supp. 973).

Clark, Matter of, 3 Redf. 225.

Cited, Executors—Sale of Land for Debts—Order of Sale—Previous Conveyance by Devisee.

79 Hun, 180; (61 St. Rep. 190; 29 Supp. 729).

Clark, Matter of, 22 St. Rep. 354; 5 Supp. 199; 1 Connolly, 431.

Cited, Taxes—Inheritance—Remainders.

73 Hun, 188; (56 St. Rep. 115; 25 Supp. 911).

Clark, Matter of, 9 Wend. 212.

Cited, Extradition — Habeas Corpus — What Inquired Into.

15 Misc. 306; (72 St. Rep. 112; 36 Supp. 890).

Clark, Matter of. See New York and Brooklyn B., Matter of.

Clark v. Aldrich, 4 App. Div. 523; 40 Supp. 440.

Clark v. Amsterdam, Water Com'rs of, 148 N. Y. 1.

Clark v. Baird, 9 N. Y. 183.

Cited, Deeds—Description—Practical Location.

Duplicate Citations in Parenthesis.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Evidence—Expert Testimony—Real Property—Who Qualified to Give.

7 Misc. 627; (58 St. Rep. 810; 28 Supp. 150; 31 Abb. N. C. 269). 14 Misc. 295; (70 St. Rep. 442; 35 Supp. 707).

Clark v. Bamer, 2 Lans. 67.

Cited, Fraud—Suppression of Facts.

3 Misc. 541; (52 St. Rep. 413; 23 Supp. 13).

Clark v. Barnes, 37 Hun, 389.

Cited, Master and Servant—Dangerous Place of Work.

4 Misc. 501; (54 St. Rep. 341; 24 Supp. 555).

Clark v. Barnes, 76 N. Y. 301.

Cited, Constitutional Law—Lease—Term. 40 Supp. 1015.

Clark v. Bininger, 75 N. Y. 344.

Cited, Contempt—Supplementary Proceedings—Amount of Fine.

3 Misc. 560; (52 St. Rep. 516; 23 Supp. 314).

Clark v. Bogardus, 12 Wend. 67.

Cited, Wills—Legacy to Creditor—Satisfaction of Debt.

50 St. Rep. 879; (21 Supp. 335).

Clark v. Bradley, 139 N. Y. 653; 54 St. Rep. 934.

Clark v. Brockway, 3 Keyes, 13; 1 Abb. Ct. App. Dec. 351.

Cited, Counterclaim—Assignment for Creditors—Maturity.

78 Hun, 372; (60 St. Rep. 724; 29 Supp. 180).

Creditor's Action—Receiver—Priorities.

8 App. Div. 558; (75 St. Rep. 282; 40 Supp. 887).

Creditor's Action—Lien—When Acquired.

8 App. Div. 563; (75 St. Rep. 286; 40 Supp. 891).

Receiver—Payment of Claims—Priorities.

12 Misc. 57; (66 St. Rep. 686; 33 Supp. 51).

Clark v. Brooks, 2 Abb. N. S. 385.

Cited, Partition—Interlocutory Judgment.

60 St. Rep. 100.

Clark v. Bruce, 12 Hun, 274.

Cited, Evidence—Expert—When Admissible.

16 App. Div. 576; (78 St. Rep. 951; 44 Supp. 951).

Clark v. Cammann, 14 App. Div. 127; 77 St. Rep. 575; 43 Supp. 575.

Clark v. Campbell, 54 How. 166.

Cited, Action—Change of Venue—Demand for Proper County.

76 Hun, 118; (57 St. Rep. 381; 27 Supp. 833).

Clark v. Carroll, 61 How. 47.

Cited, Appeal—From District Court—Power to Receive Evidence, Examine Witnesses, etc.

1 Misc. 172; (48 St. Rep. 693; 20 Supp. 655).

Clark v. Clark, 24 Barb. 581.

Cited, Wills—Devise—Vesting of Estate—Death of Life Tenant.

79 Hun, 5.0; (61 St. Rep. 588; 29 Supp. 901).

Clark v. Clark, 25 Barb. 76.

Cited, Trademark—Imitations—Family Names.

7 Misc. 58; (57 St. Rep. 86; 27 Supp. 372). D. 67 Hun, 483; (50 St. Rep. 843; 22 Supp. 496).

Clark v. Clark, 52 St. Rep. 228; 22 Supp. 646.

Affirmed, 138 N. Y. 653; 53 St. Rep. 931.

Clark v. Clark, 7 Paige, 607.

Cited, Courts—Powers—Annulment of Process and Restitution.

81 Hun, 381; (63 St. Rep. 182).

Clark v. Clark, 8 Paige, 152.

Cited, Executors—Accounting—Verification of Claim by Creditor.

4 Misc. 360; (54 St. Rep. 255; 24 Supp. 316).

Executors—Accounting—Personal Claim—Proof Required.

19 Misc. 387; (78 St. Rep. 368; 44 Supp. 368).

Life Estate—Security for Remaindermen.

19 Misc. 84; (77 St. Rep. 973; 43 Supp. 973).

Executors—Conveyances to of Land in Payment of Mortgage—Personalty.

78 Hun, 190; (60 St. Rep. 267; 28 Supp. 927). 82 Hun, 147; (63 St. Rep. 764; 31 Supp. 316).

Clark v. Clark, 84 Hun, 362; 65 St. Rep. 483; 32 Supp. 325.

Clark v. Clark, 91 Hun, 295; 71 St. Rep. 62; 36 Supp. 294.

Clark v. Clark, 147 N. Y. 639; 71 St. Rep. 273.

Clark v. Clark, 47 N. Y. 664.

Cited, Evidence—Recorded Instrument—Weight Given To.

149 N. Y. 79.

Clark v. Clark, 7 Robt. 276.

Cited, Pleading—Answer—Sham.

10 Misc. 305; (63 St. Rep. 176; 30 Supp. 948; 24 Civ. Pro. 105).

Clark v. Coles, 50 How. 178.

Cited, Pleading—Misjoinder.

82 Hun, 367, 368; (64 St. Rep. 84, 85; 31 Supp. 475, 476).

Duplicate Citations in Parenthesis.

Clark v. Costello, 79 Hun, 588; 61 St. Rep. 556; 29 Supp. 937.

Cited, Conversion—When Lies—Conditions Precedent.

81 Hun, 523; (63 St. Rep. 210; 30 Supp. 1016).

Clark v. Crandall, 3 Barb. 612.

Cited, Tender—When Excused.

82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708). 18 Misc. 187; (75 St. Rep. 852; 41 Supp. 455).

Clark v. Crego, 51 N. Y. 646.

Cited, Pleading—Complaint—Statements of Essential Elements of Cause of Action.

1 Misc. 194; (48 St. Rep. 516; 10 Supp. 614).

Clark v. Davenport, 95 N. Y. 477.

Cited, Cloud on Title—Tax Lease—Comptroller's Certificate—Notice.

141 N. Y. 362; (57 St. Rep. 439).

Equity—Jurisdiction—Cloud on Title—Tax.

141 N. Y. 424; (57 St. Rep. 581).

Clark v. Davis, 19 Supp. 191; 28 Abb. N. C. 135.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Clark v. Devoe, 124 N. Y. 120; 35 St. R. p. 206.

Cited, Contracts—Construction—Concomitants.

49 St. Rep. 246; (20 Supp. 957). 60 St. Rep. 319.

Covenants—Running With Land.

147 N. Y. 467; (70 St. Rep. 62).

Contracts—Construction—Intent—Surrounding Facts.

19 Misc. 561; (78 St. Rep. 876; 44 Supp. 876).

Contracts—Construction—Surplusage.

17 Misc. 532; (40 Supp. 877).

Deeds—Restrictions—Construction.

79 St. Rep. 642, 644; (45 Supp. 642, 644).

Clark v. Dillon, 27 N. Y. 370.

Cited, Pleading—Complaint—Statement of Interest.

8 Misc. 269; (59 St. Rep. 229; 28 Supp. 571). 13 Misc. 138; (68 St. Rep. 107; 34 Supp. 128).

Pleadings—Construction—Ambiguity.

6 Misc. 81; (55 St. Rep. 492; 26 Supp. 23). 9 Misc. 59; (59 St. Rep. 684; 29 Supp. 2). 17 Misc. 51; (39 Supp. 339).

Pleading—Construction—Liberal.

8 Misc. 223; (59 St. Rep. 451; 28 Supp. 566; 23 Civ. Pro. 438). 16 Misc. 433; (74 St. Rep. 232; 38 Supp. 604; 25 Civ. Pro. 347).

Pleading—Construction—Interpolation.

16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601). 17 Misc. 647; (74 St. Rep. 757; 40 Supp. 194).

Clark v. Dillon, 15 Abb. N. C. 261.

Cited, Pleadings—Answer—Form of Denials.

16 Misc. 335; (39 Supp. 721).

Clark v. Donaldson, 49 How. 63.

Cited, Appeal—Case—Clear Showing of Errors.

79 St. Rep. 317; (45 Supp. 317).

Clark v. Douglass, 5 App. Div. 547; 75

St. Rep. 144; 40 Supp. 769.

Clark v. Dunkirk, Village of, 12 Hun, 181.

Affirmed, 75 N. Y. 612.

Cited, Taxes—Assessment—Erroneous Apportionment of Benefits—Vacation.

83 Hun, 180; (64 St. Rep. 288; 31 Supp. 660). 70 St. Rep. 849; (36 Supp. 194).

Clark v. Dunkirk, Village of, 75 N. Y. 612.

Cited, Taxes—Erroneous Assessment—Vacation.

70 St. Rep. 849; (36 Supp. 194).

Clark v. Eighth Ave. R. Co., 36 N. Y. 135.

Cited, Carriers.

92 Hun, 142; (71 St. Rep. 148; 36 Supp. 378).

Cited, Carriers—Passenger—Contributory Negligence.

78 Hun, 16; (60 St. Rep. 799; 29 Supp. 216).

Contributory Negligence.

16 Misc. 163; (33 Supp. 836). 90 Hun, 420; (70 St. Rep. 623; 35 Supp. 919). 92 Hun, 147; (71 St. Rep. 152; 36 Supp. 382). 5 App. Div. 493; (38 Supp. 1078). 7 App. Div. 315; (40 Supp. 95).

Clark v. Eldred, 54 Hun, 5; 26 St. Rep. 61; 7 Supp. 95.

Cited, Eminent Domain—Commissioners—Misconduct—Removal.

69 Hun, 603; (53 St. Rep. 551; 23 Supp. 915).

Appeal—New Trial.

92 Hun, 51; (71 St. Rep. 154; 36 Supp. 384).

Clark v. Exchange Printing Co., 74

Hun, 71; 56 St. Rep. 226; 26 Supp. 401.

Reversed, 148 N. Y. 721.

Cited, Fraud—Sale—Collusion.

80 Hun, 401; (62 St. Rep. 43; 30 Supp. 315).

Clark v. Exchange Printing Co., 148 N. Y. 721.

Clark v. Farmers Woolen Mfg Co., 15 Wend. 256.

Cited, Bills and Notes—Negotiability—Seal.

149 N. Y. 536.

Duplicate Citations in Parenthesis.

Clark v. Farrell, 86 Hun, 156; 67 St. Rep. 67; 33 Supp. 324.

Clark v. Fey, 121 N. Y. 470; 31 St. Rep. 424.

Cited, Contract—Clauses—Materiality.

139 N. Y. 357; (54 St. Rep. 615). 10 Misc. 647; (65 St. Rep. 217; 32 Supp. 122).

Clark v. Fitch, 2 Wend. 459.

Cited, Attorneys—Authority—When and How Objection Raised.

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Clark v. Ford, 1 Abb. Ct. App. Dec. 359.

Cited, Executors — Accounting—Limitation.

9 Misc. 234; (61 St. Rep. 299; 30 Supp. 287). 15 Misc. 559; (74 St. Rep. 301; 37 Supp. 1131).

Clark v. Fox. See *Clarke v. Fox*.

Clark v. Gallagher, 20 How. 308.

Cited, Checks—Bona fide Holders—Prior Debt

77 Hun, 58; (59 St. Rep. 431; 28 Supp. 248).

Clark v. Garrison, 3 Barb. 372.

Cited, Justice's Court—Adjournment—Delay Before Proceeding to Trial.

1 Misc. 498; (23 Supp. 134).

15 Misc. 174; (72 St. Rep. 170; 37 Supp. 18).

Clark v. Gifford, 10 Wend. 310.

Cited, Escrow—When Effective.

17 Misc. 351; (39 Supp. 1073).

Clark v. Gilbert, 26 N. Y. 279; 32 Barb. 576.

Cited, Evidence — Damages — Contract Void by Statute of Frauds.

72 Hun, 632; (55 St. Rep. 284; 25 Supp. 163).

Clark v. Goodridge, 44 How. 226.

Cited, Motions and Orders—Finality—Fine and Alternative Imprisonment for Contempt.

6 Misc. 121; (57 St. Rep. 862; 26 Supp. 53).

Clark v. Goodridge, 41 N. Y. 210.

Cited, Attachment—Manner of Levy—Manual Delivery.

61 St. Rep. 834; (23 Civ. Pro. 333).

Clark v. Greenfield, 13 Misc. 124; 67 St. Rep. 857; 34 Supp. 1.

Clark v. Griffith, 24 N. Y. 595.

Replevin—Wrongful Detention.

D. 4 Misc. 95; (53 St. Rep. 82; 23 Supp. 860).

Clark v. Hall, 7 Paige, 382.

Cited, Judgment—Entry—Form—Correction.

3 Misc. 429; (52 St. Rep. 446; 23 Supp. 167).

Clark v. Henry, 2 Cow. 324.

Cited, Written Instruments—As Security—Right of Redemption.

84 Hun, 498; (65 St. Rep. 472; 32 Supp. 315).

Clark v. Holdridge, 12 App. Div. 613; 77 St. Rep. 115; 43 Supp. 115.

Clark v. Hooper, 69 Hun, 445; 52 St. Rep. 631; 23 Supp. 447.

Clark v. Howard, 74 Hun, 238; 56 St. Rep. 322; 26 Supp. 620.

Reversed, 150 N. Y. 232.

Clark v. Howard, 150 N. Y. 232.

Clark v. Jammes, 87 Hun, 215; 67 St. Rep. 757; 33 Supp. 1020.

Cited, Covenants—Building Restrictions—Construction.

19 Misc. 228, 229; (77 St. Rep. 199, 200; 43 Supp. 199, 200).

Clark v. Kingsley, 37 Hun, 246.

Cited, Decent and Distribution—Advancements — What Constitutes — Statute Construed.

1 Misc. 63; (23 Supp. 138).

Clark v. Lake Shore & Mich. S. R. Co., 94 N. Y. 217.

Cited, Limitation of Action—Statutes—Application.

83 Hun, 548; (65 St. Rep. 47; 31 Supp. 1070).

Clark v. Lude, 63 Hun, 363; 43 St. Rep. 607; 18 Supp. 271.

Cited, Trial—Verdict—Interest—Correction.

7 Misc. 8; (57 St. Rep. 82; 27 Supp. 325). 19 Misc. 169.

Clark v. Lynch, 65 St. Rep. 68; 31 Supp. 1038.

Clark v. Lynch, 46 Barb. 69.

Cited Wills—Devise to Class.

82 Hun, 474; (64 St. Rep. 359; 31 Supp. 729).

Clark v. Mackin, 95 N. Y. 346.

Cited, Action—Parties—Foreclosure—Assignor of Mortgage.

72 Hun, 201; (55 St. Rep. 481; 25 Supp. 350).

Clark v. Marsiglia, 1 Den. 317.

Cited, Contracts—Discontinuance of Undertaking—Compelling Performance.

83 Hun, 281; (64 St. Rep. 721; 31 Supp. 921). 18 Misc. 107; (41 Supp. 890).

Duplicate Citations in Parenthesis.

Clark v. McDuffie, 49 St. Rep. 535; 21 Supp. 174.

Clark v. McNeal, 114 N. Y. 287; 23 St. Rep. 249.

Cited, Evidence—Presumption—Payment—Deed.

7 Misc. 252; (58 St. Rep. 30; 27 Supp. 265).
Mortgage — Foreclosure — Purchaser's Title.

17 App. Div. 151; (79 St. Rep. 301; 45 Supp. 301).

Clark v. Mechanics' Nat. Bank, 8 Daly, 481.

Cited, Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 530; 27 Supp. 367). 86 Hun, 140; (67 St. Rep. 125; 33 Supp. 380). 14 Misc. 604; (71 St. Rep. 447; 36 Supp. 459).

Clark v. Mechanics' Nat. Bank, 11 Daly, 239.

Cited, Account Stated — Retention of Statement—Settlement.

74 Hun, 441; (57 St. Rep. 240; 26 Supp. 702).

Clark v. Merchants' Bank, 2 N. Y. 380.

Cited, Factors—Title to Proceeds of Sale.
70 Hun, 9; (53 St. Rep. 499; 23 Supp. 1125).

Clark v. Middletown-Goshen Traction Co., 10 App. Div. 354; 41 Supp. 1109; 75 St. Rep. 1476.

Clark v. Miller, 54 N. Y. 528.

Cited, Officers—Wrongful Acts—Relief to Individual.

143 N. Y. 165; (62 St. Rep. 189).

Constitutional Law—Statutes Conflicting With—Void in Toto.

D. 148 N. Y. 371.

Clark v. Mosher, 107 N. Y. 118; 11 St. Rep. 753.

Cited, Action—Change of Nature of—Interpleader.

12 Misc. 55; (66 St. Rep. 674; 33 Supp. 43; 24 Civ. Pro. 394). 92 Hun, 456; (72 St. Rep. 417; 36 Supp. 1007). 12 App. Div. 80; (77 St. Rep. 361; 43 Supp. 361).

Clark v. Myers, 11 Hun, 608.

Cited, Contribution—Between Stockholders.

66 Hun, 556; (49 St. Rep. 867; 21 Supp. 658).

Clark v. New York, 4 N. Y. 338.

Cited, Contract — Modification — Rights Under.

9 Misc. 115; (59 St. Rep. 734; 29 Supp. 49).

Contracts—Quantum Meruit.

11 Misc. 407; (65 St. Rep. 283; 32 Supp. 157).

Clark v. N. Y. C. & H. R. R. Co., 4 App. Div. 331; 74 St. Rep. 183; 38 Supp. 563.

Clark v. N. Y. C. & H. R. R. Co., 17 Misc. 113; 40 Supp. 730.

Clark v. N. Y., Lake Erie & W. R. Co., 40 Hun, 605; 2 St. Rep. 249.

Affirmed, 113 N. Y. 670; 23 St. Rep. 994.
Cited, Carriers—Trespassers—Ejection.

9 Misc. 420; (61 St. Rep. 703; 30 Supp. 198).

Master and Servant—Liability of Master to Third Persons—Acts of Servant.

9 Misc. 6; (59 St. Rep. 675; 29 Supp. 52).
D. 9 Misc. 424; (61 St. Rep. 706; 30 Supp. 200). 80 Hun, 277; (61 St. Rep. 851; 30 Supp. 138). 145 N. Y. 213; (64 St. Rep. 599).

Evidence—Failure to Produce—Consideration by Jury.

7 App. Div. 590; (40 Supp. 311).

Clark v. N. Y., Lake Erie & W. R. Co., 80 Hun, 320; 61 St. Rep. 840; 30 Supp. 126.

Clark v. N. Y. Life Ins. Co., 64 N. Y. 33.

Cited, Contracts—Construction—Circumstances.

2 Misc. 567; (49 St. Rep. 621; 21 Supp. 453).

Clark v. Nixon, 5 Hill, 36.

Cited, Evidence — Record of Unauthenticated Deed.

2 Misc. 440; (51 St. Rep. 119; 21 Supp. 973).

Clark v. Norman, 68 Hun, 372; 52 St. Rep. 177; 22 Supp. 849.

Clark v. Norton, 49 N. Y. 243.

Cited, Taxes—Assessment—Date.

56 St. Rep. 792; (27 Supp. 204). 150 N. Y. 56. 90 Hun, 99; (69 St. Rep. 769; 35 Supp. 369).

Assessment—Revision—Increase.

15 App. Div. 11; (78 St. Rep. 48; 44 Supp. 48).

Clark v. Owens, 18 N. Y. 434.

Cited, Death—Presumption.

20 Misc. 250; (79 St. Rep. 968; 45 Supp. 968).

Clark v. People, 2 Lans. 329.

Cited, Pleading—False Pretenses—Reliance.

82 Hun, 411; (63 St. Rep. 586; 31 Supp. 269).

Clark v. People, 26 Wend. 599.

Cited, Constitution—Construction.

13 Misc. 459; (68 St. Rep. 610; 34 Supp. 647). 15 App. Div. 89; (78 St. Rep. 303; 44 Supp. 303).

*Duplicate Citations in Parenthesis.***Clark v. Phelps**, 4 Cow. 190.

Cited, Highways—Establishment—Trespass.

143 N. Y. 164; (62 St. Rep. 189).

Clark v. Pinney, 6 Cow. 297.

Cited, Appeal—Reversal—Restitution.

9 Misc. 323; (60 St. Rep. 456; 30 Supp. 261).

Clark v. Poor, 73 Hun, 143; 56 St. Rep. 122; 25 Supp. 908.

Cited, Pleading—Demurrer—Judgment. 73 Hun, 383; (60 St. Rep. 741).

Pleading—Demurrer—Attacking Complaint on.

23 Civ. Pro. 329.

Clark v. Post, 113 N. Y. 17.

Cited, Pleading—Variance.

8 App. Div. 335; (75 St. Rep. 218; 40 Supp. 831).

Clark v. Rochester, 43 Hun, 271.

Cited, Waters.

11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577).

Clark v. Rowling, 3 N. Y. 216.

Cited, Judgment—Merger of Securities.

2 Misc. 185; (49 St. Rep. 717; 21 Supp. 764; 23 Civ. Pro. 35).

Costs.

20 Misc. 308; (79 St. Rep. 665; 45 Supp. 665).

Clark v. Sheldon, 106 N. Y. 104; 8 St. Rep. 537.

Cited, Taxes—Railroad—Rights of Bonded Towns.

136 N. Y. 407; (49 St. Rep. 686). 136 N. Y. 285; (49 St. Rep. 342). 137 N. Y. 174; (50 St. Rep. 377). 72 Hun, 618; (55 St. Rep. 278; 25 Supp. 197).

Clark v. Sheldon, 134 N. Y. 333; 48 St. Rep. 279.

Cited, Taxes—Railroad—Rights of Bonded Towns.

72 Hun, 618; (55 St. Rep. 278; 25 Supp. 197). 87 Hun, 611; (68 St. Rep. 528; 34 Supp. 571, 572). 89 Hun, 587; (69 St. Rep. 643; 35 Supp. 289).

Clark v. Sickler, 64 N. Y. 231.

Cited, Principal and Surety—Discharge.

137 N. Y. 443; (61 St. Rep. 81). 8 App. Div. 417; (75 St. Rep. 223; 40 Supp. 835).

Clark v. Sisson, 22 N. Y. 312.

Cited, Bills and Notes—Accommodation—Usury—Knowledge.

8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555).

Clark v. Skinner, 20 Johns. 465.

Cited, Replevin—For Goods Taken by Levy—Right to Possession.

140 N. Y. 599; (56 St. Rep. 498).

Replevin—Right of Action—Right to Possession.

4 Misc. 92; (53 St. Rep. 80; 23 Supp. 880).

Clark v. Smith, 7 Misc. 572; 58 St. Rep. 407; 28 Supp. 89.

Affirmed, 9 Misc. 164; 60 St. Rep. 634; 29 Supp. 720.

Clark v. Smith, 9 Misc. 164; 60 St. Rep. 634; 29 Supp. 720.

Cited, Appeal—Error—Harmless.

9 Misc. 452; (61 St. Rep. 123; 30 Supp. 259).

Appeal—Extent of Review.

14 Misc. 505; (70 St. Rep. 714; 35 Supp. 1069).

Clark v. Smith, 9 Misc. 697; 61 St. Rep. 92; 30 Supp. 246.**Clark v. Starin**, 47 Hun, 345; 14 St. Rep. 558.

Cited, False Imprisonment—What Constitutes.

60 St. Rep. 215; (28 Supp. 905).

Clarke v. State, 142 N. Y. 101; 58 St. Rep. 444.

State Laborers—Who Included.

144 N. Y. 416; (63 St. Rep. 653). 87 Hun, 575; (68 St. Rep. 665; 34 Supp. 533).

Compensation—Effect of Contract.

81 Hun, 368; (63 St. Rep. 143; 30 Supp. 976). 87 Hun, 579; (68 St. Rep. 667; 34 Supp. 555).

Constitutionality—Wages of Laborers.

91 Hun, 26; (71 St. Rep. 429; 36 Supp. 91).

Clark v. Story, 29 Barb. 295.

Cited, Pleading—Answer—Counterclaim—Assignment of.

9 Misc. 71; (59 St. Rep. 687; 29 Supp. 66).

Clark v. Sullivan, 10 Supp. 397.

Cited Costs—Taxation—Discretion—Motion for New Trial.

24 Supp. 304.

Clark v. Swift, 38 St. Rep. 129; 14 Supp. 61.

Cited, Appeal—Case—Certification—Completeness of Evidence.

5 Misc. 230; (54 St. Rep. 837; 25 Supp. 97; 23 Civ. Pro. 173).

Clark v. Syracuse, 13 Barb. 32.

Cited, Nuisance—Health Officers—Destruction of Property.

140 N. Y. 10; (55 St. Rep. 421).

Police Power—Damnum Absque Injuria.

145 N. Y. 43; (64 St. Rep. 512; 1 Ann. Cas. 248).

Duplicate Citations in Parenthesis.

Clark v. Taylor, 37 Hun, 312.

Cited, Fraudulent Conveyances.
87 Hun, 238, 239; (67 St. Rep. 724, 725; 33 Supp. 1038, 1039; 1 Ann. Cas. 393).

Clark v. Thayer, 14 App. Div. 510; 77 St. Rep. 897; 43 Supp. 897.

Clark v. Thorp, 2 Bosw. 680.

Cited, Pleading—General Denial—Issues Under.

6 Misc. 305; (58 St. Rep. 148; 26 Supp. 791).

Clark v. Tryon, 4 Misc. 63; 53 St. Rep. 123; 23 Supp. 780.

Reversing, 2 Misc. 457; 51 St. Rep. 146; 21 Supp. 1075.

Cited, Pleading—Evidentiary Facts.

7 Misc. 84; (57 St. Rep. 94; 27 Supp. 359).

Bills and Notes—Notice of Non-payment—Subsequent Promise.

17 Misc. 275; (40 Supp. 354).

Clark v. Van Amburgh, 14 Hun, 557.

Cited, Limitation of Action—Acknowledgment—Including Claim Against Executor in Inventory.

1 Misc. 252; (51 St. Rep. 513; 22 Supp. 913).

Clark v. Van Vracken, 20 Barb. 278.

Cited, Trial—Jury—Talisman—Challenge—Waiver.

7 Misc. 184; (57 St. Rep. 525; 27 Supp. 322).

Clark v. Vorce, 15 Wend. 193.

Cited, Witness—Examination—Meanings and Motives.

145 N. Y. 24; (64 St. Rep. 439).

Clark v. Wethey, 19 Wend. 320.

Cited, Deeds—Construction—Exceptions.

49 St. Rep. 471; (21 Supp. 91).

Deeds—Description—Practical Location.

71 Hun, 332; (55 St. Rep. 50; 24 Supp. 1125).

Clark v. Wilcklow, 75 Hun, 290; 58 St. Rep. 514; 27 Supp. 43.

Clark v. Woodruff, 83 N. Y. 518.

Cited, Contracts—Construction—Printed and Written Parts.

49 St. Rep. 246; (20 Supp. 957). 14 Misc. 198; (70 St. Rep. 430; 35 Supp. 657).

Knowledge—Ratification.

12 Misc. 38; (66 St. Rep. 538; 33 Supp. 39). 20 Misc. 366; (79 St. Rep. 933; 45 Supp. 934).

Clark v. Wyatt, 39 N. Y. 452; 54 St. Rep. 708.

Clarke, Matter of, 40 St. Rep. 12; 15 Supp. 370.

Cited, Tender—Costs.

9 Misc. 48; (59 St. Rep. 673; 29 Supp. 293).

Clarke v. Anderson, 2 City Ct. Rep. 115.

Cited, Overflow of Water—Presumption of Negligence.

16 Misc. 47; (73 St. Rep. 260; 37 Supp. 679).

Clarke v. Bogardus, 12 Wend. 67.

Cited, Legacy—Debt of Legatee—Offset.

15 Misc. 177; (72 St. Rep. 142; 37 Supp. 38).

Clarke v. Clarke, 11 Abb. 228.

Cited, Marriage—Annulment—Fraud.

6 App. Div. 436; (1 Ann. Cas. 381; 39 Supp. 540). 12 Misc. 448; (67 St. Rep. 835; 34 Supp. 34; 25 Civ. Pro. 41). 17 Misc. 330; (40 Supp. 1010; 3 Ann. Cas. 199).

Clarke v. Clarke, 8 Misc. 339; 60 St. Rep. 441; 29 Supp. 338.

Clarke v. Clarke, 145 N. Y. 476; 65 St. Rep. 401.

Clarke v. Crandall, 27 Barb. 73.

Cited, Tender.

82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708).

Clarke v. Fox, 91 Hun, 298; 71 St. Rep. 841; 36 Supp. 674.

Clarke v. Fox, 10 App. Div. 514; 75 St. Rep. 1438; 41 Supp. 1091.

Clarke v. Gibbons, 83 N. Y. 107.

Cited, Limitation of Action—Redemption of Real Property.

59 St. Rep. 516; (29 Supp. 1123).

Clarke v. Goodridge, 41 N. Y. 210.

Cited, Levy—Chattels Held for Custom Duties.

61 St. Rep. 834; (30 Supp. 147).

Clarke v. Howland, 85 N. Y. 204.

Cited, Landlord and Tenant—Lease—Holding Over—Renewal—Presumption.

77 Hun, 200; (59 St. Rep. 763; 28 Supp. 354).

Clarke v. Hughes, 13 Barb. 147.

Cited, Pleading—Adverse Possession.

87 Hun, 52; (67 St. Rep. 484; 33 Supp. 867).

Clarke v. Leupp, 88 N. Y. 228.

Distinguished, Life Tenants—Charging Land for Support.

67 Hun, 246; (50 St. Rep. 818; 22 Supp. 200).

Cited, Wills—Bequest—Request as to Disposition—Trust.

Duplicate Citations in Parenthesis.

140 N. Y. 128; (55 St. Rep. 301). 66 Hun. 611; (50 St. Rep. 90; 22 Supp. 9). 68 Hun. 448; (52 St. Rep. 686; 23 Supp. 45). 8 Misc. 439; (52 St. Rep. 327; 23 Supp. 172). 19 Misc. 209; (77 St. Rep. 1145; 43 Supp. 1145).

Wills—Construction—Cutting Down Estate.

136 N. Y. 243; (49 St. Rep. 205). 15 App. Div. 237; (78 St. Rep. 187; 44 Supp. 187). 19 Misc. 26; (62 St. Rep. 267; 30 Supp. 805). 13 Misc. 371; (69 St. Rep. 484; 35 Supp. 111) 19 Misc. 473; (78 St. Rep. 1040; 44 Supp. 1040).

Clarke v. Lourie, 82 N. Y. 580.

Cited, Orders—Discretion—Presumption on Appeal.

16 Misc. 7; (73 St. Rep. 286; 37 Supp. 687).

20 Misc. 281; (79 St. Rep. 745; 45 Supp. 745).

Clark v. Meigs, 10 Bosw. 337.

Cited, Irregularity—Waiver.

16 Misc. 143; (74 St. Rep. 548, 38 Supp. 958).

Clarke v. Nassau Electric R. Co., 9

App. Div. 51; 75 St. Rep. 539; 41 Supp. 78.

Cited, Presumption—Negligence.

17 App. Div. 400; (79 St. Rep. 163; 45 Supp. 163).

Clarke v. New York, 55 Super. 259.

Cited, Taxes—Assessment—Sale for Non-payment—Excessive Interest.

5 Misc. 190; (25 Supp. 816).

Clarke v. Priest, 18 Misc. 501; 76 St. Rep. 766; 42 Supp. 766.

Clarke v. Rochester, 29 How. 97.

Affirmed, 29 How. 111, 112.

Cited, Extra Allowance—Time of Application.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

Clarke v. Rochester, 28 N. Y. 605.

Cited, 75 St. Rep. 21.

Clarke v. Rochester, 34 N. Y. 355.

Cited, Judgment—Costs as Part of.

14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 25 Civ. Pro. 146; 2 Ann. Cas. 164).

Extra Allowance—Time of Application.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

Clarke v. Sawyer, 2 N. Y. 498.

Cited, Equity—Jurisdiction—Wills.

14 App. Div. 600; (77 St. Rep. 1120; 43 Supp. 1120).

Clarke v. Schell, 84 Hun, 28; 65 St. Rep. 83; 31 Supp. 1053.

Clarke v. Van Surlay, 15 Wend. 436.

Cited, Constitutionality—Special Act—Sale of Infant's Land.

149 N. Y. 466.

Clarke v. Westcott, 2 App. Div. 503; 74 St. Rep. 406; 37 Supp. 1111.

Clarkson v. Clarkson, 18 Barb. 646.

Cited, Wills—Construction—Intention—Income—Life Tenancy.

146 N. Y. 103; (66 St. Rep. 255). 67 St. Rep. 631; (33 Supp. 980).

Clarkson v. Edes, 4 Cow. 470.

Cited, Shipping—When Owners in Possession Under Charter Party.

70 Hun, 264; (53 St. Rep. 775; 24 Supp. 62).

Clarkson v. Skidmore, 46 N. Y. 297.

Cited Foreclosure—Right of Lessee to Surplus.

D. 2 App. Div. 236; (73 St. Rep. 466; 37 Supp. 734).

Clarkson v. Western Assurance Co.,

92 Hun, 527; 72 St. Rep. 205; 37 Supp. 53.

Cited, Insurance—Parol.

8 App. Div. 195; (40 Supp. 337).

Clason v. Bailey, 14 Johns. 484.

Cited, Contracts—Mutuality.

144 N. Y. 674; (71 St. Rep. 293). 19 Misc. 582; (77 St. Rep. 677; 42 Supp. 677).

Clason v. Baldwin, 36 St. Rep. 982; 13 Supp. 371.

Cited, 87 Hun, 373; (68 St. Rep. 341; 34 Supp. 437; 25 Civ. Pro. 8; 2 Ann. Cas. 189).

Judgment—Direction For.

6 App. Div. 260; (39 Supp. 888).

Clason v. Baldwin, 56 Hun, 326; 31 St. Rep. 350; 9 Supp. 609.

Cited, Ejectment—Damages.

49 St. Rep. 249; (20 Supp. 959). 76 Hun, 601; (58 St. Rep. 257; 28 Supp. 202).

Clason v. Baldwin, 37 St. Rep. 213; 13 Supp. 681; 20 Civ. Pro. 291.

Cited, Pleadings—Amendment—Ejectment and Damages.

49 St. Rep. 249; (20 Supp. 959).

Clason v. Baldwin, 68 Hun, 404; 52 St. Rep. 748; 23 Supp. 50.

Affirmed, 152 N. Y. 204.

Clason v. Baldwin, 129 N. Y. 183; 41 St. Rep. 496; 21 Civ. Pro. 383.

Cited, Pleadings—Amendment—Ejectment and Damages.

49 St. Rep. 249; (20 Supp. 959).

Clason v. Baldwin, 152 N. Y. 204.

Cited, Stipulations—Duration.

16 App. Div. 53; (78 St. Rep. 1083; 44 Supp. 1083).

Duplicate Citations in Parenthesis.

Clason v. Clason, 6 Paige, 541.

Cited, Partition—Actual Partition.

50 St. Rep. 881. 79 St. Rep. 771; (45 Supp. 771).

Clason v. Corley, 5 Sandf. 447.

Cited, Mortgage—Foreclosure—When Purchaser Becomes Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020). 17 App. Div. 323; (79 St. Rep. 210; 45 Supp. 210).

Clason v. Kehoe, 87 Hun, 368; 68 St. Rep. 336; 34 Supp. 431.

Clason v. Nassau Ferry Co., 20 Misc. 315; 79 St. Rep. 675; 45 Supp. 675.

Classey v. Metropolitan L. Ins. Co., 84 Hun, 350; 32 Supp. 335.

Cited, Insurable Interest.

16 Misc. 327; (38 Supp. 623).

Waiver of Forfeitures.

40 Supp. 26.

Clausmann, Matter of, 9 St. Rep. 182.

Cited, Evidence—Undue Influence—Opportunity for—Wills.

5 Misc. 183; (24 Supp. 858).

Clauss, Matter of, 16 App. Div. 34; 78 St. Rep. 805; 44 Supp. 805.

Clay v. Clay, 21 Hun, 609.

Cited, Husband and Wife—Divorce—Co-respondent—Intervention.

5 Misc. 319; (26 Supp. 57).

Clay v. Wood, 91 Hun, 398; 70 St. Rep. 781; 36 Supp. 317.

Affirmed, 153 N. Y. 134.

Clay v. Wood, 153 N. Y. 134.

Clayton, Matter of, 1 Connolly, 444; 22 St. Rep. 886; 5 Supp. 266.

Cited, Executors—Accounting—Limitation.

9 Misc. 234; (61 St. Rep. 299; 30 Supp. 287). 3 Misc. 566; (24 Supp. 720). 10 Misc. 199; (63 St. Rep. 602; 31 Supp. 201). 15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Limitation of Action—Executors—Income From Estate.

2 Misc. 282; (23 Supp. 974).

Clayton v. Keeler, 18 Misc. 488; 76 St. Rep. 1051; 42 Supp. 1051.

Clayton v. Wardell, 4 N. Y. 230.

Cited, Evidence—Presumption—Marriage—Co-habitation.

24 Supp. 920.

Clearman v. Clearman, 2 Supp. 356;

15 Civ. Pro. 313.

Cited, Husband and Wife—Abandonment—Refusal to Return.

5 Misc. 557; (26 Supp. 31).

Clearwater, Matter of, 2 Supp. 99.

Cited, Wills—Testamentary Capacity.

17 Misc. 553; (41 Supp. 268).

Cleary v. Blake, 14 App. Div. 602; 77 St. Rep. 1115; 43 Supp. 1115.

Cleary v. Christie, 41 Hun, 566; 4 St. Rep. 117.

Cited, Contempt—Civil—Fine—Based Upon Damage to Party.

6 Misc. 120; (57 St. Rep. 861; 26 Supp. 52).

Cleary v. Municipal Electric L. Co., 47 St. Rep. 172; 19 Supp. 951.

Affirmed, 139 N. Y. 643; 54 St. Rep. 932.

Cited, Contracts—Fraud—Cancellation—Consideration.

79 Hun, 309; (61 St. Rep. 432; 29 Supp. 439).

Cleary v. Municipal Electric L. Co., 139 N. Y. 643; 54 St. Rep. 932.

Cited, Contracts—Rescission—Fraud.

76 Hun, 42; (59 St. Rep. 633; 27 Supp. 584).

Clegg v. Metropolitan Street R. Co., 1 App. Div. 207; 72 St. Rep. 737; 37 Supp. 130.

Cited, Evidence—Expert—Physicians.

9 App. Div. 74; (75 St. Rep. 578; 41 Supp. 120). 20 Misc. 434; (79 St. Rep. 1046; 45 Supp. 1046).

Clegg v. N. Y. Newspaper Union, 51 Hun, 232; 21 St. Rep. 215; 4 Supp. 280.

Cited, New Trial—New Evidence—Probable Effect on Result.

50 St. Rep. 475; (21 Supp. 700). 4 Misc. 511; (26 Supp. 280).

New Trial—Substantial Justice.

4 App. Div. 333; (74 St. Rep. 184; 38 Supp. 565).

Clegg v. N. Y. Newspaper Union, 72 Hun, 395; 55 St. Rep. 464; 25 Supp. 565.

Cited, Parol Assignment.

17 Misc. 137; (39 Supp. 342).

Cleghorn v. Cleghorn, 61 St. Rep. 429 Supp. 432.

Cleghorn v. N. Y. C. & H. R. R. Co., 56 N. Y. 44.

Cited, Damages—Exemplary—Act of Servant.

79 Hun, 38; (61 St. Rep. 197; 29 Supp. 756). 20 Misc. 208; (79 St. Rep. 753; 45 Supp. 753).

Damages—Punitive—Intent of Wrongdoer.

1 Misc. 372; (49 St. Rep. 723; 21 Supp. 458). 6 Misc. 164; (27 Supp. 121).

Duplicate Citations in Parenthesis.

Exemplary Damages—Discretion of Jury.
20 Misc. 210; (79 St. Rep. 755; 45 Supp. 755).

Evidence — Competency — Habits — Previous Intoxication.

79 Hun, 579; (61 St. Rep. 575; 29 Supp. 887).

Clemans v. Supreme Assembly, R. S. of G. F., 131 N. Y. 485; 43 St. Rep. 571.

Cited, Insurance—False Statement in Application Caused by Agent.

50 St. Rep. 520; (21 Supp. 348). 9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207).

Insurance—Statements—In Application—When Warranties.

78 Hun, 226; (60 St. Rep. 224; 28 Supp. 955). 79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769).

Clemans v. Supreme Assembly R. S. of G. F., 50 St. Rep. 519; 21 Supp. 348.

Cited, Appeal—Review of Verdict—Conflicting Evidence.

69 Hun, 18; (52 St. Rep. 553; 23 Supp. 217).

Clemence v. Auburn, City of, 66 N. Y. 334.

Distinguished, Highways — Opening in Curb for Drainage—Personal Injuries From.

67 Hun, 36; (51 St. Rep. 409; 22 Supp. 39).

Cited, Non-Suit—Dismissal of Complaint, When Proper.

1 Misc. 100; (48 St. Rep. 676; 20 Supp. 691). 88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738). 89 Hun, 338; (69 St. Rep. 820; 35 Supp. 376).

Clemens v. Clemens, 37 N. Y. 59.

Cited, Judgment—Conclusiveness — Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298). 85 Hun, 15; (66 St. Rep. 127; 32 Supp. 616). 85 Hun, 68; (65 St. Rep. 863; 32 Supp. 643). 19 Misc. 365; (77 St. Rep. 505; 43 Supp. 505).

Clement v. Congress Spring Co., 91 Hun, 636; 70 St. Rep. 664; 35 Supp. 1004.

Cited, Omission to Move for Non-suit—Effect.

15 App. Div. 8; (77 St. Rep. 1114; 43 Supp. 1114).

Clement v. N. Y. C. & H. R. R. Co., 30 St. Rep. 713; 9 Supp. 601.

Cited, Tender—When Available—Money Judgment.

9 Misc. 46; (59 St. Rep. 672; 29 Supp. 292).

Clementi v. Jackson, 92 N. Y. 591.

Cited, Mandamus—Taxes—To Receive Assessment.

5 Misc. 191; (25 Supp. 816).

Taxes—Validation.

10 App. Div. 585; (76 St. Rep. 66; 42 Supp. 66).

Taxes—Payment.

4 App. Div. 17; (74 St. Rep. 16; 38 Supp. 360).

Clements v. Yturria, 81 N. Y. 285.

Cited, Trover—Possession.

79 Hun, 554; (61 St. Rep. 572; 29 Supp. 884). 15 App. Div. 159; (78 St. Rep. 204; 44 Supp. 204). 14 Misc. 316; (70 St. Rep. 748; 35 Supp. 1053).

Clemmons v. Gorman, 7 Misc. 45; 57 St. Rep. 61; 27 Supp. 354.

Clemmons v. Rouse, 4 App. Div. 129; 74 St. Rep. 809; 38 Supp. 999.

Clendinning v. Lindner, 9 Misc. 682; 62 St. Rep. 79; 30 Supp. 543.

Clendinning v. Lindner, 64 St. Rep. 623; 31 Supp. 844.

Clenighan v. McFarland, 11 Supp. 719.

Cited, Parol—Evidence.

16 Misc. 530; (38 Supp. 981).

Cleu v. McPherson, 14 Super. 480.

Cited, Sale—Executory—Rescission.

88 Hun, 248; (68 St. Rep. 561; 34 Supp. 743).

Cleveland v. Boerum, 24 N. Y. 613.

Cited, Assignee of Bankrupt—Notice—Limitation.

82 Hun, 43; (63 St. Rep. 635; 31 Supp. 289).

Cleveland v. Johnson, 5 Misc. 484; 26 Supp. 734.

Cleveland v. Loder, 7 Paige, 557.

Cited, Usury—Contingent Benefit.

16 Misc. 250; (73 St. Rep. 789; 38 Supp. 328).

Cleveland v. New Jersey Steamboat Co., 68 N. Y. 306.

Cited, Master and Servant—Machinery—Knowledge of Dangerous Condition.

4 Misc. 164; (53 St. Rep. 197; 23 Supp. 790).

Degree of Care.

153 N. Y. 269. D. 13 Misc. 109; (68 St. Rep. 105; 34 Supp. 120, 121). 4 App. Div. 244; (74 St. Rep. 57; 38 Supp. 435).

Evidence—Lack of Other Accidents.

10 App. Div. 368; (75 St. Rep. 1305; 41 Supp. 933).

Duplicate Citations in Parenthesis.

Cleveland v. N. J. Steamboat Co., 125 N. Y. 299; 34 St. Rep. 938.

Cited, Proximate Cause—Unforeseen Accident.

79 Hun, 506; (61 St. Rep. 260; 29 Supp. 949). 13 Misc. 314; (68 St. Rep. 727; 34 Supp. 702).

Absence of Similar Accidents.

13 Misc. 438; (68 St. Rep. 374; 34 Supp. 471).

Cleveland v. Pittsford, Town of, 72 Hun, 552; 54 St. Rep. 848; 25 Supp. 630.

Cited, Highways—Negligence in Driving.

79 Hun, 558; (61 St. Rep. 531; 29 Supp. 914).

Cleveland v. Rogers, 6 Wend. 438.

Cited, Jurisdiction—Pleading.

91 Hun, 188; (71 St. Rep. 183; 36 Supp. 346).

Cleveland v. Wilder, 78 Hun, 591; 60 St. Rep. 761; 29 Supp. 209.

Cleveland, Lorain & W. R. Co. v. Kent, 87 Hun, 329; 68 St. Rep. 384; 34 Supp. 427.

Cleves v. Willoughby, 7 Hill, 83.

Cited, Landlord and Tenant—Lease—Repairs.

79 Hun, 67; (61 St. Rep. 146; 29 Supp. 668).

Clews v. Bank of N. Y. Nat. Banking Ass'n, 105 N. Y. 398; 7 St. Rep. 368.

Cited, Appeal—Extent of Review—Dismissal of Cause at Opening—Offers of Proof.

7 Misc. 646; (58 St. Rep. 392; 28 Supp. 14). 82 Hun, 126; (63 St. Rep. 382; 31 Supp. 91). 11 App. Div. 436; (76 St. Rep. 327; 42 Supp. 327).

Estoppel.

148 N. Y. 659.

Clifford v. Dam, 81 N. Y. 52.

Cited, Highways—Obstruction — License by Municipality—Nuisance.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 320). 144 N. Y. 283; (63 St. Rep. 687; 1 Ann. Cas. 134). 11 App. Div. 531; (76 St. Rep. 812; 42 Supp. 812). 13 Misc. 141; (68 St. Rep. 231; 34 Supp. 181). D. 13 Misc. 142; (68 St. Rep. 233; 34 Supp. 182). 13 Misc. 310; (68 St. Rep. 724; 34 Supp. 699).

Negligence—Injuries by—Distinguished From Nuisance.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 319). 135 N. Y. 242; (47 St. Rep. 832). 17 App. Div. 189; (79 St. Rep. 368; 45 Supp. 368).

Clifford v. Gates, 53 St. Rep. 877; 23 Supp. 1085.

Clifford v. Kampfe, 84 Hun, 393; 65 St. Rep. 550; 32 Supp. 352.

Affirmed, 147 N. Y. 383; 70 St. Rep. 36.

Cited, Husband and Wife—Identity of Wife.

39 Supp. 517.

Clifford v. Kampfe, 147 N. Y. 383; 70 St. Rep. 36.

Cited, Husband and Wife—Identity of Wife.

39 Supp. 517.

Dower—As Estate in Lands.

10 App. Div. 396; (75 St. Rep. 1156; 41 Supp. 762).

Clifford v. O'Neill, 12 App. Div. 17; 76 St. Rep. 607; 42 Supp. 607.

Clift v. Moses, 44 Hun, 312; 7 St. Rep. 691.

Affirmed, 116 N. Y. 144; 26 St. Rep. 405.

Cited, Wills—Power of Sale—Title of Devises.

72 Hun, 182; (55 St. Rep. 322; 25 Supp. 545). 89 Hun, 347; (70 St. Rep. 200; 35 Supp. 579).

Equitable Conversion.

81 Hun, 20; (62 St. Rep. 263; 30 Supp. 570).

Clift v. Moses, 75 Hun, 517; 57 St. Rep. 347; 27 Supp. 728.

Affirmed, 151 N. Y. 628.

Cited, Fraudulent Conveyances—As Security.

6 App. Div. 221; (39 Supp. 897).

Clift v. Moses, 112 N. Y. 426; 21 St. Rep. 777.

Cited, Witnesses—Competency—Transactions With Decedent.

50 St. Rep. 506; (21 Supp. 810). 78 Hun, 416; (60 St. Rep. 737; 29 Supp. 173). 6 App. Div. 536; (39 Supp. 551). 90 Hun, 458; (72 St. Rep. 190; 37 Supp. 73). 68 Hun, 536; (52 St. Rep. 579; 23 Supp. 255).

Clift v. Moses, 116 N. Y. 144; 26 St. Rep. 405.

Cited, Wills—Charges Upon Land.

136 N. Y. 112; (48 St. Rep. 892). 18 Misc. 436; (75 St. Rep. 1188; 41 Supp. 790).

Wills—Powers—Rents and Profits.

24 Supp. 95. 10 Misc. 636; (66 St. Rep. 216; 32 Supp. 819). 18 App. Div. 193; (79 St. Rep. 872; 45 Supp. 872).

Equitable Conversion.

23 Supp. 846. 14 Misc. 410, 413; (71 St. Rep. 507; 36 Supp. 449). 81 Hun, 20; (62 St. Rep. 263; 30 Supp. 571).

*Duplicate Citations in Parenthesis.***Clift v. Rodger**, 25 Hun, 39.

Cited, Pleading—Bills and Notes—Protest—Excuse for failure.

2 Misc. 459; (51 St. Rep. 147; 21 Supp. 107^r).

4 Misc. 65; (53 St. Rep. 124; 23 Supp. 782).

Pleading—Excuse for Non-Performance.

15 App. Div. 58; (78 St. Rep. 156; 44 Supp. 156). 10 Misc. 152; (62 St. Rep. 497; 30 Supp. 919).

Clifton v. Brown, 27 Hun, 231.

Cited, Pleading—Service—Intermediate Notice of Trial.

3 Misc. 260; (52 St. Rep. 172; 22 Supp. 62; 23 Civ. Pro. 148).

Clinchy v. Appgar, 16 Misc. 374; 38 Supp. 79.**Cline v. Sherman**, 78 Hun, 298; 61 St. Rep. 596; 29 Supp. 909.

Affirmed, 144 N. Y. 601; 64 St. Rep. 232.

Cline v. Sherman, 144 N. Y. 601; 64 St. Rep. 232.**Clinical Instruction Co. v. New York El. R. Co.**, 2 App. Div. 619; 74 St. Rep. 449; 38 Supp. 21**Clinical Instruction Co. v. New York El. R. Co.**, 81 Hun, 608; 63 St. Rep. 200; 30 Supp. 1006.**Clinton, Matter of**, 16 Misc. 199; 74 St. Rep. 535; 38 Supp. 945.**Clinton, Matter of**, 12 App. Div. 132; 76 St. Rep. 674; 42 Supp. 674;**Clinton v. Hope Ins. Co.**, 45 N. Y. 454.

Cited Insurance by Estate of Decedent. 90 Hun, 99; (69 St. Rep. 769; 35 Supp. 369).

Clinton v. Myers, 46 N. Y. 511.

Cited, Waters—Right to Divert. 86 Hun, 460; (67 St. Rep. 718; 33 Supp. 941).

Motive—Materiality.

150 N. Y. 432; (3 Ann. Cas. 366).

Clinton v. Rowland, 24 Barb. 634.

Cited, Parent and Child—Necessaries—Father's Obligations.

8 Misc. 649; (61 St. Rep. 61; 29 Supp. 104; 1 Ann. Cas. 295). 85 Hun, 29; (66 St. Rep. 110; 32 Supp. 602).

Clinton v. Dwight, Water Com'rs of, 101 N. Y. 9.

Cited, Title of Act.

10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822).

Clinton Bank v. Collignon, 83 Hun, 467; 65 St. Rep. 11; 31 Supp. 1116; 24 Civ. Pro. 279.**Clock v. Chadeagne**, 10 Hun, 97.

Cited, Executors—Accounting—Vouchers.

5 Misc. 141; (25 Supp. 706).

Accounting—Limitation.

15 Misc. 559; (74 St. Rep. 301; 37 Supp. 1181).

Clokey v. Evansville & T. R. H. R. Co., 16 App. Div. 304; 78 St. Rep. 631; 44 Supp. 631.**Cloos v. Cloos**, 55 Hun, 450; 29 St. Rep. 200; 8 Supp. 660.

Cited, Partition—Right To—Joint Tenants—Survivorship.

74 Hun, 417; (57 St. Rep. 203; 26 Supp. 580; 23 Civ. Pro. 276).

Close v. Beals, 2 Misc. 1; 49 St. Rep. 590; 21 Supp. 1086.**Close v. Beals**, 5 Misc. 587; 27 Supp. 1134;**Close v. Brady**, 4 Misc. 474; 54 St. Rep. 330; 24 Supp. 567.

Affirmed, 144 N. Y. 648; 64 St. Rep. 865.

Close v. Clark, 16 Daly, 91; 33 St. Rep. 671; 9 Supp. 538.

Cited, Mechanic's Lien—Erroneous Statement.

76 Hun, 452; (59 St. Rep. 179; 28 Supp. 109). 149 N. Y. 443.

Mechanic's Lien—Notice—Specification of Work or Materials.

2 Misc. 272; (23 Supp. 774).

Performance—Delay—Excuse.

82 Hun, 161, 163; (63 St. Rep. 746, 747; 31 Supp. 297; 298).

Equity—Substantial Justice.

82 Hun, 164; (63 St. Rep. 748; 31 Supp. 299).

Close v. Flesher, 8 Misc. 299; 58 St. Rep. 283; 28 Supp. 737.**Close v. Millring**, 2 Misc. 1; 49 St. Rep. 590; 21 Supp. 1086.**Close v. Noye**, 2 Misc. 226; 52 St. Rep. 271; 23 Supp. 751.

Affirmed, 4 Misc. 616; 54 St. Rep. 330; 24 Supp. 567.

Close v. Noye, 5 Misc. 616; 58 St. Rep. 115; 26 Supp. 93.**Close v. Noye**, 147 N. Y. 597; 70 St. Rep. 353.

Reversing, 4 Misc. 616; 54 St. Rep. 330; 24 Supp. 567.

Cited, Certificate of Payment of Stock.

151 N. Y. 66.

*Duplicate Citations in Parenthesis.***Close v. Olney**, 1 Den. 319.

Cited, Witness—Privilege—Limitations.
6 App. Div. 171; (39 Supp. 1036).

Close v. Potter, 2 Misc. 1; 49 St. Rep. 590; 21 Supp. 1086.**Close v. Potter**, 5 Misc. 503; 25 Supp. 972.

Followed, 5 Misc. 588; (27 Supp. 1134).

Close v. Sherwood, 5 Misc. 550; 58 St. Rep. 100; 25 Supp. 980.**Close v. Van Husen**, 19 Barb. 505.

Cited, Legacy to Debtor—Effect.
15 Misc. 178; (72 St. Rep. 142; 37 Supp. 38).

Closius v. Reiners, 13 App. Div. 163; 43 Supp. 297.**Closs v. Eldert**, 16 Misc. 104; 72 St. Rep. 742; 37 Supp. 353.**Clothier v. Adriance**, 51 N. Y. 322.

Cited, Bills and Notes—Rights of Transferee—Bona Fide Holders.
137 N. Y. 118; (50 St. Rep. 198). 11 Misc. 9; (63 St. Rep. 439; 31 Supp. 841).

Clover, Matter of, 8 App. Div. 556; 75 St. Rep. 280; 40 Supp. 885.**Clover v. Greenwich Ins. Co.**, 101 N. Y. 277.

Cited, Insurance—Rebuilding Clause.
84 Hun, 324; (65 St. Rep. 553; 32 Supp. 355).
152 N. Y. 135.

Clover v. Silverman, 6 Misc. 347; 58 St. Rep. 137; 26 Supp. 779.**Clowes v. Dickenson**, 8 Cow. 328.

Cited, Appeal—Waiver
4 App. Div. 366; (74 St. Rep. 247; 38 Supp. 729).

Clowes v. Vanderheyden, 17 Johns. 167.

Cited, Husband and Wife—Conveyance of Wife's Realty.

138 N. Y. 297 (52 St. Rep. 367).

Cluff v. Day, 124 N. Y. 195.

Cited, Executors—Accounting—Continuing as Trustee.

5 Misc. 311; (25 Supp. 1108).

Executors—As Trustee.

79 St. Rep. 624; (45 Supp. 624).

Cluff v. Day, 141 N. Y. 580; 60 St. Rep. 321.

Affirming, 2 Misc. 571; 50 St. Rep. 941; 21 Supp. 1133.

Cited, Stare decisis.

142 N. Y. 81; (58 St. Rep. 410). 145 N. Y. 229; (64 St. Rep. 607). 13 Misc. 417; (69 St. Rep. 361; 35 Supp. 150).

Clum v. Smith, 5 Hill, 560.

Cited, Verdict—Impeachment—By Affidavits of Jurors.

1 Misc. 397; (49 St. Rep. 879; 20 Supp. 899).

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

86 Hun, 62; (68 St. Rep. 52; 34 Supp. 206).

13 Misc. 512; (69 St. Rep. 117; 34 Supp. 951).

79 St. Rep. 904; (45 Supp. 904).

Clute, Matter of, 14 App. Div. 234; 77 St. Rep. 573; 43 Supp. 573.**Clute v. Bool**, 8 Paige, 83.

Cited, Trusts—Accumulation—Annuities.
140 N. Y. 529; (56 St. Rep. 470).

Trusts—Rights of Creditors of Beneficiary.

3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 366; 3 Ann. Cas. 160).

Clute v. Clute, 3 Den. 263.

Cited, Time—Fractions of a Day.

7 Misc. 715; (58 St. Rep. 322; 28 Supp. 29).
150 N. Y. 229.

Clute v. Clute, 4 Den. 241.

Cited, Time—Fractions of a Day.

79 Hun, 410; (61 St. Rep. 344; 29 Supp. 810).

Clute v. Emmerich, 21 Hun, 122.

Cited, Presumption—Official Certificates.
12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Clute v. Emmerich, 99 N. Y. 342.

Cited, Judgment—Lien.

1 App. Div. 171; (73 St. Rep. 74; 57 Supp. 861).

Clute v. Emmerich, 9 St. Rep. 710; 2 Supp. 874; 16 Civ. Pro. 123.

Cited, Revival—Payment of Costs.

17 App. Div. 227; (79 St. Rep. 541; 45 Supp. 541).

Clute v. Gould, 28 Hun, 348.

Cited, Attorneys—Lien for Costs—Decedent's Estate.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Clute v. Mahon, 31 St. Rep. 405; 9 Supp. 713.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 426; 23 Civ. Pro. 40).

Clute v. McCrea, 12 St. Rep. 647.

Cited, Pleading—Complaint—Loan—Maturity.

26 Supp. 734; (23 Civ. Pro. 188).

Clute v. Robison, 33 Hun, 283.

Cited, Contracts—Public Officers—Authority.

69 Hun, 444; (52 St. Rep. 783; 23 Supp. 423).

*Duplicate Citations in Parenthesis.***Clute v. Small**, 17 Wend. 238.

Cited, Note—Alteration—Recovery on Original Consideration.

10 Misc. 361; (63 St. Rep. 434; 31 Supp. 19).

Clute v. Warner, 8 App. Div. 40; 40 Supp. 392.

Cited, Note—Maturity—Election.

12 App. Div. 598; (42 Supp. 1080).

Clyde v. Rogers, 87 N. Y. 625.

Cited, Appeal—Review of Discretionary Determination.

7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331).

2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 426; 23 Civ. Pro. 39).

Clyde & Rose Plank Road Co. v. Parker, 23 Barb. 323.

Cited, Courts—Jurisdiction—Consent.

75 Hun, 297; (56 St. Rep. 774; 27 Supp. 59; 31 Abb. N. C. 265; 23 Civ. Pro. 294).

Cmielewski v. Mollenhauer Sugar Refining Co., 11 App. Div. 111; 76 St. Rep. 936; 42 Supp. 936.

Cited, Master and Servant—Warnings.

20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Coakley v. Maher, 36 Hun, 157.

Cited, Appeal—Review of Facts—Necessity of Motion for New Trial.

1 Misc. 207; (49 St. Rep. 40; 20 Supp. 897).

Coale v. Suckert, 18 Misc. 76; 75 St. Rep. 973; 41 Supp. 583.**Coates v. First Nat. Bank of Emporia**, 91 N. Y. 20.

Cited, Appeal—Objections not Taken at Trial.

1 Misc. 173; (48 St. Rep. 682; 20 Supp. 653).

Coates v. Morris, 1 Law Bull. 29.

Cited, Costs—Security for—Interpleader.

1 Misc. 219; (49 St. Rep. 79; 20 Supp. 878).

Coats v. Donnell, 94 N. Y. 168.

Cited, Assignment—Property in Expectancy—Equity.

138 N. Y. 506; (53 St. Rep. 106).

Chattel Mortgage—Description of Property.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

Chattel Mortgage—Of Property in Expectancy—When Lien Attaches.

60 St. Rep. 288.

Chattel Mortgage—Validity—After Acquired Property—Third Persons.

66 Hun, 586; (50 St. Rep. 110; 21 Supp. 817).

Corporations—Foreign—Transfers by Insolvent.

3 Misc. 420; (52 St. Rep. 449; 23 Supp. 297). 56 St. Rep. 506; 81 Hun, 275; (62 St. Rep. 761; 30 Supp. 797). 145 N. Y. 445; (65 St. Rep. 386). 78 St. Rep. 378; (44 Supp. 378).

Corporations—Power to Borrow Money.

7 Misc. 111; (57 St. Rep. 487; 27 Supp. 388).

Coates v. New York, 7 Cow. 585.

Cited, Legislature—Power to Enact Public Health Laws.

80 Hun, 269; (62 St. Rep. 32; 30 Supp. 158). 145 N. Y. 44; (64 St. Rep. 513; 1 Ann. Cas. 248).

Coatsworth v. Thompson, 5 St. Rep. 809.

Cited, Summary Proceedings—Defective Petition—Jurisdiction.

16 Misc. 320; (73 St. Rep. 570; 37 Supp. 951).

Cobb, Matter of, 14 Misc. 409; 71 St. R. p. 506; 36 Supp. 448.**Cobb v. Dolphin Mfg. Co.**, 108 N. Y. 463; 13 St. Rep. 697.

Cited, Appraisal—Necessity of Taking Evidence.

13 Misc. 510; (69 St. Rep. 116; 34 Supp. 950).

Cobb v. Hanford, 88 Hun, 21; 68 St. Rep. 294; 34 Supp. 511; 2 Ann. Cas. 182.**Cobb v. Hatfield**, 46 N. Y. 533.

Cited, Contracts—Fraud—Voidability.

4 Misc. 116; (52 St. Rep. 462; 23 Supp. 895).

Contracts—Fraud—Ratification.

81 Hun, 14; (62 St. Rep. 403; 30 Supp. 527). 82 Hun, 73; (63 St. Rep. 505; 31 Supp. 190). 1 App. Div. 330; (72 St. Rep. 544; 37 Supp. 184). 1 App. Div. 250; (72 St. Rep. 625; 37 Supp. 144). 7 App. Div. 122; (40 Supp. 103). 17 Misc. 606; (75 St. Rep. 55; 40 Supp. 654).

Cobb v. Knapp, 71 N. Y. 348.

Cited, Agency—Liability of Agent to Third Persons—Undisclosed Principal—Knowledge of.

7 Misc. 727; (58 St. Rep. 367; 28 Supp. 20). 14 App. Div. 98; (77 St. Rep. 481; 43 Supp. 481). 19 Misc. 624; (78 St. Rep. 384; 44 Supp. 384).

Agency—Undisclosed—What Agent Must Show to Escape Liability.

10 Misc. 728; (65 St. Rep. 105; 31 Supp. 1011). 19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73).

Election of Remedies—More Than One Debtor.

84 Hun, 379; (65 St. Rep. 589; 32 Supp. 383). 19 Misc. 643; (78 St. Rep. 396; 44 Supp. 396).

Duplicate Citations in Parenthesis.

Cobb v. Welcher, 75 Hun, 283; 58 St. Rep. 200; 26 Supp. 1068.

Cited, Master and Servant—Negligence—Guarding Machinery.

13 Misc. 177; (68 St. Rep. 27; 34 Supp. 72). 10 App. Div. 490; (76 St. Rep. 227; 42 Supp. 227). 13 App. Div. 512; (77 St. Rep. 702; 43 Supp. 702).

Cobb v. Wells, 124 N. Y. 77; 34 St. Rep. 968.

Cited, Evidence—Documentary—Account Books—Keeping of Clerks.

80 Hun, 3; (61 St. Rep. 486; 29 Supp. 812).

Coburn, Matter of, 9 Misc. 437; 61 St. Rep. 743; 30 Supp. 383.

Coby v. Ibert, 6 Misc. 16; 58 St. Rep. 117; 25 Supp. 998.

Cochran v. American Opera Co., 20 Abb. N. C. 114.

Cited, Creditor's Actions—Multiplicity of Suits—Power to Restrain.

8 App. Div. 583; (75 St. Rep. 319; 40 Supp. 924).

Cochran v. Anglo-American Dry Dock, etc. Co., 69 Hun, 168; 53 St. Rep. 165; 23 Supp. 404.

Cited, 31 Supp. 110.

Cochran v. Dinsmore, 49 N. Y. 249.

Cited, Carriers—Loss of Goods—Burden of Proof.

86 Hun, 558; (67 St. Rep. 518; 33 Supp. 772).

Negligence—Question of Law or Fact.

D. 10 Misc. 714; (64 St. Rep. 617; 31 Supp. 810).

Cochran v. Gottwald, 42 Super. 214.

Cited, Costs—Appeal—To Abide Event—What Included.

6 Misc. 367; (56 St. Rep. 405; 26 Supp. 747).

Cochran v. Kennedy, 10 Daly, 346.

Cited, Surety—Discharge—By Extension of Time.

9 App. Div. 327; (75 St. Rep. 758; 41 Supp. 341).

Cochran v. Reich, 91 Hun, 440; 70 St. Rep. 807; 36 Supp. 223; 25 Civ. Pro. 147;

2 Ann. Cas. 313.

Cited, Pleading—General Denial—Proof of Payment.

14 App. Div. 20; (77 St. Rep. 542; 43 Supp. 542). 20 Misc. 402; (79 St. Rep. 1041; 45 Supp. 1041).

Cochran v. Reich, 20 Misc. 593.

Cochran v. Reich, 20 Misc. 623.

Cochran v. Smith, 73 Hun, 597; 56 St. Rep. 227; 26 Supp. 103.

Cochran v. Van Surlay, 20 Wend. 365.

Cited, Infants—Powers of Legislature Over Real Property—Divesting of Title.

79 Hun, 324; (61 St. Rep. 406; 29 Supp. 462). 149 N. Y. 467.

Constitutional Law—Statutes—Conflict—Presumption Against.

19 Misc. 123. D. 150 N. Y. 509.

Cochran v. Weichers, 119 N. Y. 399; 29 St. Rep. 388.

Cited, Corporations—Stockholders—Liability.

11 Misc. 492; (64 St. Rep. 460; 32 Supp. 718). 148 N. Y. 28. D. 4 Misc. 479; (54 St. Rep. 333; 24 Supp. 571).

Cochran Cotton Seed Oil Co. v. Haebler, 1 Misc. 251; 50 St. Rep. 331; 21 Supp. 945.

Affirmed, 142 N. Y. 664; 60 St. Rep. 870.

Cochran Cotton Seed Oil Co. v. Haebler, 142 N. Y. 664; 60 St. Rep. 870.

Cochran Cotton Seed Oil Co. v. Kugelman, 7 Misc. 705; 58 St. Rep. 364; 28 Supp. 40.

Cochran Cotton Seed Oil Co. v. Phoenix Ins. Co., 7 Misc. 695; 58 St. Rep. 381; 23 Supp. 45.

Cochrane v. Anglo-American Dry Dock & W. Co., 81 Hun, 389; 63 St. Rep. 380.

Cochrane v. Hawver, 54 Hun, 556; 7 St. Rep. 907.

Cited, Wills—Direction to Pay Debts—Personal Estate, When Chargeable With Encumbrances.

24 Supp. 876; (30 Abb. N. C. 225).

Cochrane v. Schell, 140 N. Y. 516; 56 St. Rep. 464.

Affirming, 64 Hun, 576; 46 St. Rep. 819; 19 Supp. 424.

Cited, Trusts—Express—Rents and Profits—Annuities.

8 Misc. 124; (58 St. Rep. 747; 28 Supp. 374). 13 App. Div. 346; (77 St. Rep. 20; 43 Supp. 20).

Trusts—Rents and Profits—Accumulation.

19 Misc. 404, 406; (78 St. Rep. 346, 347; 44 Supp. 346, 347). 16 App. Div. 444; (79 St. Rep. 193; 45 Supp. 196).

Cochrane Carpet Co. v. Howells, 81 Hun, 610; 63 St. Rep. 222; 30 Supp. 1029.

Cochrane Carpet Co. v. Howells, 86 Hun, 243; 67 St. Rep. 51; 33 Supp. 309.

*Duplicate Citations in Parenthesis.***Cock v. Moore**, 18 Hun, 31.*Cited*, Contracts—For Benefit of Third Person—Availability.

74 Hun, 165; (56 St. Rep. 290; 26 Supp. 599).

Cockcroft v. New York & Harlem R. Co., 69 N. Y. 201.*Cited*, Contracts—Sale of Lands—Breach—Damages.

17 App. Div. 579; (79 St. Rep. 697; 45 Supp. 697).

Cockerill v. Loonam, 36 Hun, 353.*Cited*, Pleading—Reply—Admission.

8 Misc. 225; (59 St. Rep. 452; 28 Supp. 567; 23 Civ. Pro. 440).

Cocks v. Barker, 49 N. Y. 107.*Cited*, Evidence—Parol—Conditional Delivery of Sealed Instrument.

142 N. Y. 364; (59 St. Rep. 31).

Evidence—Parol to Vary Writing.

2 Misc. 377; (50 St. Rep. 595; 21 Supp. 1096).

Cocks v. Haviland, 124 N. Y. 426; 36 St. Rep. 408.*Cited*, Co-executors—Liability for Acts of Each Other.

85 Hun, 516; (66 St. Rep. 782; 33 Supp. 159).

Codd v. Rathbone, 19 N. Y. 37.*Cited*, Appeal—Attitude Inconsistent With That on Trial.

1 Misc. 324; (48 St. Rep. 701; 20 Supp. 672). 1 Misc. 294; (48 St. Rep. 763; 20 Supp. 698).

Codding v. Scott, 1 Misc. 485; 49 St. Rep. 884; 21 Supp. 473.**Coddington v. Bay**, 20 Johns. 637.*Cited*, Bills and Notes—Bona fide Transferee—Precedent Debt.

3 Misc. 65; (51 St. Rep. 775; 22 Supp. 554).

Bills and Notes—Rights of Transferee—Bona fide Holders.

137 N. Y. 118; (50 St. Rep. 198). 18 Misc. 382; (75 St. Rep. 1042; 41 Supp. 656).

Coddington v. Bowen, 24 St. Rep. 832; 6 Supp. 355.*Cited*, Husband and Wife—Services of Husband on Wife's Property—Creditors.

89 Hun, 601; (69 St. Rep. 645; 35 Supp. 290).

Coddington v. Brooklyn Crosstown R. Co., 102 N. Y. 66.*Cited*, Railroads—Street—Care Required Towards Passengers.

D. 13 Misc. 135; (68 St. Rep. 237; 34 Supp. 186).

Coddington v. Gilbert, 17 N. Y. 489.*Cited*, Bonds—Theft Before Issue—Bona fide Holder.

73 Hun, 593; (56 St. Rep. 179; 26 Supp. 99).

Codwise v. Hacker, 1 Caines, 526.*Cited*, Agency—Ratification by Principal. 16 Misc. 160; (73 St. Rep. 564; 37 Supp. 945).**Coe, Matter of**, 19 Misc. 549; 78 St. Rep. 910; 44 Supp. 910.**Coe v. Bearup**, 14 Week. Dig. 246.*Cited*, Dedication—Of Streets and Alleys—Acceptance. 23 Supp. 821.**Coe v. DeWitt**, 22 Hun, 428.*Cited*, Wills—Remainder—Vesting. 8 App. Div. 86; (40 Supp. 430).**Coe v. Hobby**, 72 N. Y. 141.*Cited*, Contract—Under Seal—Parol Modification of.

1 Misc. 187; (48 St. Rep. 694; 21 Supp. 6). 83 Hun, 116; (63 St. Rep. 838; 31 Supp. 354).

Landlord and Tenant—Surrender of Lease—When Termination of Estate.

76 Hun, 305; (57 St. Rep. 803; 27 Supp. 778). 11 Misc. 323; (65 St. Rep. 221; 33 Supp. 126). 4 App. Div. 420; (74 St. Rep. 533; 38 Supp. 850). 18 Misc. 456; (75 St. Rep. 1337; 41 Supp. 962).

Contracts—Want of Consideration—Payment of Part in Full Satisfaction.

138 N. Y. 93; (51 St. Rep. 663).

Coe v. Raymond, 89 N. Y. 612.*Cited*, Appeal—Review of Facts—Conflict of Evidence.

8 Misc. 297; (59 St. Rep. 214; 28 Supp. 577; 31 Abb. N. C. 444).

Coe v. Schultz, 47 Barb. 64.*Cited*, Nuisance—Health Officers—Destruction of Property.

140 N. Y. 10; (55 St. Rep. 421). 19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381).

Coe v. Smith, 24 Wend. 341.*Cited*, Poor—Removal—Intent. 49 St. Rep. 297; (21 Supp. 54).**Coe v. Tough**, 116 N. Y. 273; 26 St. Rep. 661.*Cited*, Statute of Frauds—Memorandum—Subscription.

16 Misc. 79; (73 St. Rep. 259; 37 Supp. 678).

Sale—Evidence of.

17 Misc. 85; (39 Supp. 855).

Duplicate Citations in Parenthesis.

Coffin v. Brooklyn, 116 N. Y. 159; 26 St. Rep. 421.

Cited, Taxes—Void—Recovery of Money Paid by Certificate Holder.

4 App. Div. 20; (74 St. Rep. 18; 38 Supp. 362).

Coffin v. Coffin, 23 N. Y. 9.

Cited, Evidence of Undue Influence—Draughtsman as Legatee.

3 Misc. 577; (23 Supp. 759).

Wills—Execution—Publication and Request.

13 Misc. 556; (70 St. Rep. 192; 35 Supp. 495). 15 Misc. 212; (72 St. Rep. 760; 37 Supp. 225). 17 Misc. 550; (75 St. Rep. 676; 41 Supp. 265).

Coffin v. Grand Rapids Hydraulic Co., 46 St. Rep. 851; 18 Supp. 782.

Affirmed, 136 N. Y. 655; 50 St. Rep. 15.

Cited, Pleading—Conclusions of Law.

82 Hun, 138; (63 St. Rep. 191; 31 Supp. 100).

Coffin v. Grand Rapids Hydraulic Co., 136 N. Y. 655; 50 St. Rep. 15.

Coffin v. Hollister, 124 N. Y. 644; 36 St. Rep. 271.

Cited, Fraud—Constituents—Totality.

77 Hun, 370; (60 St. Rep. 418; 28 Supp. 880).

Coffin v. Leech, 12 Misc. 593; 70 St. Rep. 275; 35 Supp. 771.

Coffin v. Lester, 36 Hun, 347.

Cited, Service—Publication—Order—Irregularities.

14 App. Div. 217; (77 St. Rep. 469; 43 Supp. 469).

Coffin v. Lockhart, 71 Hun, 262; 54 St. Rep. 580; 24 Supp. 1025.

Coffin v. McLean, 80 N. Y. 560.

Cited, Surety—Action Against—Set-Off. 15 App. Div. 499; (78 St. Rep. 527; 44 Supp. 527).

Coffin v. Reynolds, 37 N. Y. 640.

Cited, Pleading—Answer—Sufficiency—When Raised.

8 Misc. 476; (60 St. Rep. 604; 29 Supp. 549).

Dismissal of Complaint—Discretion.

10 Misc. 166; (62 St. Rep. 484; 30 Supp. 830). 20 Misc. 699.

Coffin v. Talman, 8 N. Y. 465.

Cited, Covenants—Running with Land.

84 Hun, 550; (66 St. Rep. 317; 32 Supp. 842). 11 App. Div. 163; (76 St. Rep. 652; 42 Supp. 652).

Coffin v. Tracy, 3 Caines, 129.

Cited Courts—Jurisdiction—Want of—Confession of Judgment.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317). 16 App. Div. 628; (78 St. Rep. 1065; 44 Supp. 1065).

Courts—Want of Jurisdiction—Consent.

79 St. Rep. 767; (45 Supp. 767).

Coggeshall v. Pelton, 7 Johns. Ch. 292.

Cited, Wills—Bequest to Municipality—Validity.

12 App. Div. 275; (76 St. Rep. 906; 42 Supp. 906).

Coghill v. American Exchange Bank, 1 N. Y. 113.

Cited, Bills and Notes—Fictitious Payee—Rights of Holder.

140 N. Y. 560; (56 St. Rep. 501).

Coggsall v. Green, 9 Hun, 471.

Cited, Executor—Qualification—"Improvvidence."

12 Misc. 475; (68 St. Rep. 138; 34 Supp. 259).

Coghlan v. Third Ave. R. Co., 16 Misc. 677; 39 Supp. 113; 25 Civ. Pro. 249.

Affirmed, 7 App. Div. 124; 39 Supp. 1098.

Coghlan v. Third Ave. R. Co., 7 App. Div. 124; 39 Supp. 1098.

Cogswell v. Chubb, 1 App. Div. 93; 73 St. Rep. 20; 36 Supp. 1076.

Cited, Insurance—Warranty—Breach.

11 App. Div. 413; (76 St. Rep. 286; 42 Supp. 286).

Cogswell v. Cogswell, 3 Edw. Ch. 321.

Cited, Life Tenants—Remainder-men—Repairs and Improvements.

80 Hun, 534; (62 St. Rep. 612; 30 Supp. 638). 152 N. Y. 566.

Cogswell v. N. Y., New Haven & H. R. Co., 103 N. Y. 10; 3 St. Rep. 56.

Cited, Eminent Domain—Consequential Inquiries.

135 N. Y. 411; (48 St. Rep. 424).

Eminent Domain—Exercise of Right—Strict Conformity.

140 N. Y. 272; (55 St. Rep. 662).

Nuisance—Creation—Authority.

140 N. Y. 212; (55 St. Rep. 415).

Nuisance—Statutory Sanction.

139 N. Y. 502; (54 St. Rep. 799). 75 Hun, 484; (57 St. Rep. 370; 27 Supp. 472). 88 Hun, 387; (68 St. Rep. 822; 34 Supp. 811). 9 App. Div. 255; (75 St. Rep. 810; 41 Supp. 398). 20 Misc. 479; (79 St. Rep. 779; 45 Supp. 779).

Nuisance—What Constitutes.

140 N. Y. 272; (55 St. Rep. 658).

Duplicate Citations in Parenthesis.

Cogswell v. N. Y., New Haven & H. R. Co., 105 N. Y. 319; 7 St. Rep. 203; 26 Week. Dig. 280.

Cited, Trial—Jury—Waiver—Equity Case. 69 Hun, 522; (52 St. Rep. 846).

138 N. Y. 460; (53 St. Rep. 23). 88 Hun, 112; (68 St. Rep. 536; 34 Supp. 614). 4 App. Div. 411; (39 Supp. 443).

Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun, 523; (52 St. Rep. 846).

Action—In Equity—Defense—Remedy at Law—When Available.

143 N. Y. 277; (62 St. Rep. 327).

Action—When for Nuisance.

7 App. Div. 320; (74 St. Rep. 730; 40 Supp. 170).

Cohen, Matter of, 84 Hun, 586; 32 Supp. 851.

Cohen v. Berlin & Jones Envelope Co., 9 App. Div. 425; 75 St. Rep. 763; 41 Supp. 345.

Cohen v. Clemons, 7 Misc. 449; 57 St. Rep. 566; 27 Supp. 933.

Cohen v. Cohen, 72 Hun, 393; 55 St. Rep. 463; 25 Supp. 387.

Cohen v. Cohen, 11 Misc. 704; 66 St. Rep. 336; 32 Supp. 1082; 1 Ann. Cas. 226.

Cited, Divorce—Action by Husband for—Obligations.

13 Misc. 297; (69 St. Rep. 210; 34 Supp. 1120).

Cohen v. Dry Dock, E. B. & B. R. Co., 69 N. Y. 170.

Cited, Negligence—Question of Fact.

92 Hun, 606; (70 St. Rep. 898; 36 Supp. 1121).

Cohen v. Dupont, 1 Sandf. 260.

Cited, Landlord and Tenant—Eviction, What Constitutes.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). 16 Misc. 54; (73 St. Rep. 265; 37 Supp. 684).

Pleading—Sufficiency.

15 Misc. 130; (71 St. Rep. 501; 36 Supp. 486).

Cohen v. Gorman, 55 St. Rep. 217; 25 Supp. 460.

Cited, Action—Parties—Substitution—Sheriff's Indemnitors.

7 Misc. 47; (57 St. Rep. 63; 27 Supp. 356).

Cohen v. Hirsch, 6 Misc. 596; 55 St. Rep. 691; 26 Supp. 1.

Cohen v. Hymes, 64 Hun, 54; 18 Supp. 571.

Limitation—When Statute Runs—Letters of Administration.

9 App. Div. 347; (75 St. Rep. 722; 41 Supp. 309).

Cohen v. Jarecky, 90 Hun, 266; 70 St. Rep. 601; 35 Supp. 935.

Cohen v. Kelly, 35 Super. 42.

Cited, Trial—Misleading Instructions to Jury—New Trial.

D. 12 Misc. 519; (67 St. Rep. 370; 33 Supp. 675).

Cohen v. New York, 113 N. Y. 532; 23 St. Rep. 509.

Cited, Municipal Corporations—Ordinances—License of Nuisance—Liability.

139 N. Y. 13; (54 St. Rep. 419).

Municipal Corporations—Streets—Obstructions—Liability.

13 Misc. 571; (38 St. Rep. 739; 34 Supp. 697). 16 Misc. 315; (73 St. Rep. 677; 38 Supp. 310). 6 App. Div. 399; (39 Supp. 674). 9 App. Div. 64; (75 St. Rep. 603; 41 Supp. 145). 152 N. Y. 225.

Nuisance—Liability of Person Creating. 79 St. Rep. 1080; (45 Supp. 1080).

Municipal Corporations—Defects in Streets—Negligence—Question of Fact.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Streets—Nuisance in—Power of Municipality to Authorize.

4 App. Div. 567; (73 St. Rep. 603; 38 Supp. 512). 19 Misc. 456; (78 St. Rep. 559; 44 Supp. 559).

Corporations—When Acts Ultra Vires.

10 Misc. 666; (64 St. Rep. 302; 31 Supp. 677; 1 Ann. Cas. 363).

Streets—Obstruction—Nuisance.

10 App. Div. 386; (41 Supp. 873). 15 App. Div. 230; 78 St. Rep. 123; 44 Supp. 123). 79 St. Rep. 1080; (45 Supp. 1080).

Cohen v. Moshkowitz, 17 Misc. 389; 39 Supp. 1084.

Cited, Trial—Request for Direction of Verdict—Effect.

16 App. Div. 610; (78 St. Rep. 983; 44 Supp. 983).

Bailment—Loss of Goods—Services for Work on.

18 Misc. 206; (41 Supp. 372).

Cohen v. O'Connor, 5 Daly, 28.

Cited, Agency—Payment to Agent.

19 Misc. 179.

Cohen v. Rothschild, 19 Misc. 356; 77 St. Rep. 509; 43 Supp. 509.

Duplicate Citations in Parenthesis.

- Cohen v. Salet**, 2 Misc. 51; 49 St. Rep. 144; 21 Supp. 585.
- Cohen v. Silverman**, 4 App. Div. 503; 74 St. Rep. 617; 40 Supp. 8.
- Cohen v. Simmons**, 50 St. Rep. 146; 21 Supp. 385.
Affirmed, 142 N. Y. 671; 60 St. Rep. 870.
- Cohen v. Waldron**, 17 Misc. 639; 74 St. Rep. 642; 40 Supp. 31.
- Cohn, Matter of**, 5 Dem. 338.
Cited, Executors—Management of Estate—Accounting—Counsel's Fees—Payment of.
5 Misc. 142; (25 Supp. 707).
- Cohn, Matter of**, 78 N. Y. 248.
Cited, Executors and Trustees—Removal—Misconduct.
17 Misc. 521; (41 Supp. 426). 17 Misc. 710; (40 Supp. 908).
- Cohn v. Baldwin**, 74 Hun, 346; 56 St. Rep. 379; 26 Supp. 457.
- Cohn v. Baldwin**, 141 N. Y. 563; 60 St. Rep. 337.
- Cohn v. Beckhardt**, 44 St. Rep. 544; 18 Supp. 84.
Cited, Pleading—Nature of Action.
17 Misc. 306; (40 Supp. 378).
- Cohn v. Borst**, 36 Hun, 562.
Cited, Joint Stock Associations—What are.
6 Misc. 208; (56 St. Rep. 697; 26 Supp. 537).
- Cohn v. Goldman**, 76 N. Y. 284.
Cited, Appeal—Questions Not Raised Below Not Reviewable.
1 Misc. 294; (48 St. Rep. 763; 20 Supp. 693). 1 Misc. 173; (48 St. Rep. 682; 20 Supp. 653).
- Cohn v. Goldman**, 43 Super. 436.
Cited, Appeal—Order Denying New Trial—When Lies.
18 Misc. 575; (76 St. Rep. 480; 42 Supp. 480).
- Cohn v. Heusner**, 9 Misc. 482; 61 St. Rep. 92; 30 Supp. 244.
- Cohn v. Hill**, 9 Misc. 326; 30 Supp. 209.
- Cohn v. Husson**, 13 Daly, 334; 6 St. Rep. 292.
Cited, Costs—Conditioned for Favor Granted—Payment—Retaxing.
6 Misc. 8; (58 St. Rep. 122; 26 Supp. 66). 6 Misc. 368; (56 St. Rep. 405; 26 Supp. 748). 12 Misc. 383; (67 St. Rep. 405; 33 Supp. 582; 24 Civ. Pro. 406).
- Cohn v. Husson**, 113 N. Y. 662; 23 St. Rep. 504.
Cited, Pleadings—Defects in Complaint Cured by Answer.
6 Misc. 81; (55 St. Rep. 492; 26 Supp. 23). 82 Hun, 364; (64 St. Rep. 83; 31 Supp. 486).
- Cohn v. Husson**, 66 How. 150.
Cited, Pleading—Reply—Counterclaim.
11 Misc. 88; (66 St. Rep. 198; 32 Supp. 815; 24 Civ. Pro. 216). 16 Misc. 356; (38 Supp. 76). 12 App. Div. 32; (77 St. Rep. 363; 43 Supp. 363).
- Cohn v. Kahn**, 14 Misc. 255; 70 St. Rep. 250; 35 Supp. 829.
- Cohn v. Metropolitan Elevated R. Co.**, 135 N. Y. 646; 49 St. Rep. 339.
Cited, Appeal—Damages—Elevated Railway—Conflict of Evidence.
5 Misc. 242; (54 St. Rep. 787).
- Cohn v. N. Y. C. & H. R. R. Co.**, 6 App. Div. 196; 39 Supp. 986.
- Cohn v. New York Mut. L. Ins. Co.**, 50 N. Y. 610.
Cited, Insurance—Forfeiture—Remedy of Insured.
15 Misc. 349; (73 St. Rep. 326; 37 Supp. 627).
Contracts—Insurance—Indivisibility of Performance.
17 Misc. 368; (39 Supp. 1059).
- Cohnfield v. Walsh**, 2 App. Div. 190; 73 St. Rep. 448; 37 Supp. 833.
- Cohoes v. Cropsey**, 55 N. Y. 685.
Cited, Contracts—Consideration.
86 Hun, 21; (67 St. Rep. 106; 33 Supp. 287).
- Cohoes v. Delaware & H. C. Co.**, 54 Hun, 558; 27 St. Rep. 613; 7 Supp. 885.
Reversed, 134 N. Y. 397; 47 St. Rep. 612.
Cited, Highways—Dedication—Necessity of Acceptance.
67 Hun, 550; (51 St. Rep. 102; 22 Supp. 492).
- Cohoes v. Delaware & H. C. Co.**, 134 N. Y. 397; 47 St. Rep. 612.
Cited, Highways—Dedication—Revocation Before Acceptance.
76 Hun, 164; (57 St. Rep. 324; 27 Supp. 544).
Highways—Establishment—User.
78 Hun, 282; (60 St. Rep. 226; 28 Supp. 859). 86 Hun, 14; (67 St. Rep. 111; 33 Supp. 361).
Highways—Creation—Dedication.
92 Hun, 308; (72 St. Rep. 393; 36 Supp. 871, 872). 39 Supp. 6, 10.
Appeal—Inconsistent Findings—Construction.
85 Hun, 183; (66 St. Rep. 165; 32 Supp. 597).

Duplicate Citations in Parenthesis.

Cohoes v. Morrison, 42 Hun, 216; 5 St. Rep. 106.

Affirmed, 116 N. Y. 662; 27 St. Rep. 982.

Cited, Bonds—Indemnity—Contractor—Recovery Against Obligee—Fault of Obligor.

70 Hun, 254; (54 St. Rep. 4; 24 Supp. 299).

Evidence—Competency—Judgment Roll.

81 Hun, 442; (63 St. Rep. 260; 30 Supp. 1123).

Coie v. Carl, 82 Hun, 360; 64 St. Rep. 155; 31 Supp. 565.

Coit v. Campbell, 82 N. Y. 509.

Cited, Action—Abatement—Death—Revival

137 N. Y. 553; (50 St. Rep. 214). 77 Hun, 91; (59 St. Rep. 866; 28 Supp. 312). 14 Misc. 115; (69 St. Rep. 300; 35 Supp. 184; 25 Civ. Pro. 71).

Action—Abatement—Revival—Laches.

137 N. Y. 499; (51 St. Rep. 205). 17 Misc. 104; (11 App. Div. 49; 39 Supp. 500).

Action—Abatement—Successor in Interest.

136 N. Y. 216; (49 St. Rep. 211; 29 Abb. N. C. 464). 10 Misc. 305; (30 Supp. 947; 24 Civ. Pro. 104).

Coit v. Goodhart, 5 App. Div. 115; 39 Supp. 47.

Coit v. Goodhart, 5 App. Div. 444; 39 Supp. 48.

Coit v. Patchen, 77 N. Y. 533.

Cited, Wills—Testamentary Capacity—Insane Delusions.

5 Misc. 204; (25 Supp. 113).

Wills—Undue Influence—Proof.

67 Hun, 532; (48 St. Rep. 452).

15 Misc. 214; (72 St. Rep. 762; 37 Supp. 226).

Coit v. Planer, 4 Abb. N. S. 140.

Cited, Landlord and Tenant—Rent—Implied Promise.

139 N. Y. 300; (54 St. Rep. 634).

Coit v. Rolston, 44 Hun, 548; 9 St. Rep. 232.

Cited, Wills—Construction—Legacy—When Vests.

78 Hun, 523; (61 St. Rep. 9; 29 Supp. 405).

Coit v. Stewart, 50 N. Y. 17.

Cited, Contract—Bond—Penalty.

73 Hun, 22; (60 St. Rep. 483; 28 Supp. 1061).

Colberg v. Emerson, 61 St. Rep. 833; 30 Supp. 146; 23 Civ. Pro. 337.

Sheriff—Compensation—Attachment.

16 Misc. 152; (73 St. Rep. 665; 38 Supp. 298).

Colburn v. Canandaigua Trustees' 15 St. Rep. 668.

Affirmed, 114 N. Y. 617.

Cited, Municipal Corporations—Streets—Negligence—Question of Fact.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Colburn v. Marsh, 68 Hun, 269; 52 St. Rep. 378; 22 Supp. 990.

Affirmed, 144 N. Y. 657.

Cited, Easements—Prescription—User.

86 Hun, 385; (67 St. Rep. 188; 33 Supp. 474).

Colburn v. Morton, 1 Abb. Ct. App. Dec. 378.

Cited, Trustees—Dealing with Trust Estate—Benefits.

80 Hun, 233; (61 St. Rep. 643; 29 Supp. 1022).

Colburn v. Morton, 5 Abb. N. S. 308.

Cited, Executors—Accounting—Surcharge—Measure.

8 App. Div. 844; (75 St. Rep. 171; 40 Supp. 793).

Colburn v. Woodworth, 31 Barb. 381.

Cited, Master and Servant—Wrongful Discharge—Damages.

9 Misc. 392; (30 Supp. 194). 10 Misc. 674; (64 St. Rep. 294; 31 Supp. 669).

Colby v. Colby, 81 Hun, 221; 62 St. Rep. 631; 30 Supp. 677; 24 Civ. Pro. 148.

Colby v. Osgood, 29 Barb. 339.

Cited, Law—Progressive Science.

18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767).

Colden v. Botts, 12 Wend 234.

Cited, Appeal—Interest of Appellant—Necessity of.

135 N. Y. 449; (48 St. Rep. 433).

Colden v. Eldred, 15 Johns. 220.

Cited, Contract—Illegal—Enforcement—Punitive Enactment as Effecting.

8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533).

Coldwell-Wilcox Co. v. Sullivan, 3 App. Div. 359; 73 St. Rep. 657; 38 Supp. 290.

Cited, Appeal—Conflicting Evidence—Adaptation of Trial Court.

18 Misc. 206; (75 St. Rep. 781; 41 Supp. 371). 18 Misc. 252; (75 St. Rep. 1006; 41 Supp. 612).

Cole, Matter of, 16 Misc. 134; 74 St. Rep. 545; 38 Supp. 955.

Cole v. Blunt, 2 Bosw. 116.

Cited, Pleading—Complaint—Necessary Allegations.

16 Misc. 536; (73 St. Rep. 663; 38 Supp. 296).

*Duplicate Citations in Parenthesis.***Cole v. Cole**, 50 How. 59.*Cited*, New Trial—New Evidence.

16 Misc. 120; (38 Supp. 827).

Evidence—Cumulative—What Is.

16 Misc. 121, 124; (38 Supp. 828, 830).

Cole v. Fall Brook Coal Co., 40 St.

Rep. 834; 16 Supp. 789.

Cited, New Trial—Fraud Upon Court and Jury.

10 Misc. 96; (63 St. Rep. 513; 31 Supp. 184). 12 App. Div. 411, 415; (76 St. Rep. 943, 946; 42 Supp. 943, 946). D. 12 App. Div. 419; (76 St. Rep. 949; 42 Supp. 949).

Cole v. Fall Brook Coal Co., 87 Hun, 581; 68 St. Rep. 636; 34 Supp. 572.**Cole v. Germania Ins. Co.**, 99 N. Y. 36.*Cited*, Fraud—Presumption of Innocence—Burden of Proof.

143 N. Y. 504; (62 St. Rep. 850).

Insurance—Mortgage Clause—Acts of Mortgagor.

16 App. Div. 590; (78 St. Rep. 981; 44 Supp. 981).

Cole v. Hughes, 54 N. Y. 444*Cited*, Party Wall—Agreement.

135 N. Y. 318; (48 St. Rep. 78).

Party Walls—Covenants—Rights of Grantee.

6 Misc. 351; (26 Supp. 914). 11 Misc. 10; (63 St. Rep. 445; 31 Supp. 852; 1 Ann. Cas. 334). 11 Misc. 715; (64 St. Rep. 630; 31 Supp. 864). D. 71 Hun, 307; (54 St. Rep. 746; 24 Supp. 1005).

Cole v. Jessup, 10 N. Y. 96.*Cited*, Evidence—Memorandum—When Competent.

150 N. Y. 392.

Limitation of Action—Absence from State.

83 Hun, 222; (64 St. Rep. 158; 31 Supp. 569; 1 Ann. Cas. 211). 20 Misc. 340; (79 St. Rep. 920; 45 Supp. 920).

Cole v. Lowry, 23 Supp. 674; 23 Civ. Pro. 113.**Cole v. Malcolm**, 66 N. Y. 363.*Cited*, Principal and Surety—Subrogation—Assignment—Relief by Motion.

77 Hun, 582; (60 St. Rep. 538; 28 Supp. 1043).

Subrogation—When Right Exists.

72 Hun, 513; (54 St. Rep. 770; 25 Supp. 217). 4 App. Div. 19; (74 St. Rep. 17; 38 Supp. 361).

Cole v. Mann, 62 N. Y. 1.*Cited*, Execution—Leviable Interest—Conditional Sale.

6 Misc. 237; (27 Supp. 82). 85 Hun, 126; (66 St. Rep. 214; 32 Supp. 593).

Sales—Bills of Lading—Title—Credit.

28 Supp. 257; (31 Abb. N. C. 25).

Sale—Retention of Title as Security—Fraud On Vendee's Creditors.

136 N. Y. 310; (49 St. Rep. 401).

Sale—Conditional—Purchase from Vendee.

11 App. Div. 304 (76 St. Rep. 931; 42 Supp. 931).

Cole v. Millerton Iron Co., 133 N. Y. 164; 44 St. Rep. 512.*Cited*, Corporations—Insolvency—Creditors—Rights Of.

79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661). 11 Misc. 500; (64 St. Rep. 465; 32 Supp. 723).

Corporations—Assets—Trust Fund for Creditors.

11 Misc. 501; (64 St. Rep. 466; 32 Supp. 724). 14 App. Div. 374; (77 St. Rep. 1014; 43 Supp. 1014).

Corporations—Fraudulent Transfers—Creditors.

15 App. Div. 30, 33; (78 St. Rep. 107, 108; 44 Supp. 107, 108).

Cole v. Moffit, 20 Barb. 18.*Cited*, Mortgage—Foreclosure—Irregularities.

84 Hun, 492; (65 St. Rep. 697; 32 Supp. 424).

Cole v. Reynolds, 18 N. Y. 74.*Cited*, Partnership—Divided Profits—Right of Partners To.

82 Hun, 61; (63 St. Rep. 374; 31 Supp. 74).

Cole v. Rome, W. & O. R. Co., 72 Hun, 467; 55 St. Rep. 245; 25 Supp. 276.**Cole v. Sackett**, 1 Hill, 516.*Cited*, Payment—Precedent Debt—Promissory Note.

16 Misc. 555; (74 St. Rep. 265; 38 Supp. 746).

Cole v. Sanford, 77 Hun, 198; 59 St. Rep. 763; 28 Supp. 353.*Cited*, Landlord and Tenant—Rent—Abandonment.

17 Misc. 607; (75 St. Rep. 56; 40 Supp. 655).

Cole v. State, 102 N. Y. 48.*Cited*, Claims—Against State—Legislative Power.

144 N. Y. 410; (63 St. Rep. 650).

Cole v. Stearns, 20 Misc. 502.**Cole v. Terpenning**, 25 Hun, 482.*Cited*, Limitation of Action—Decedent's Estate—Proceeding to Enforce Payment of Claims Against.

70 Hun, 66; (53 St. Rep. 511; 23 Supp. 1107). 15 Misc. 559; (74 St. Rep. 301; 37 Supp. 1131)

*Duplicate Citations in Parenthesis.***Cole v. Tyler**, 65 N. Y. 73.*Cited*, Fraudulent Conveyance—As to Creditors—Intent.

76 Hun, 560; (58 St. Rep. 251; 28 Supp. 191). 9 App. Div. 114; (75 St. Rep. 497; 41 Supp. 41).

Cole v. Van Keuren, 51 How. 453.*Cited*, New Trial—New Evidence—Cumulative.

16 Misc. 123; (33 Supp. 830).

Colegrove v. Breed, 2 Den. 125.*Cited*, Action — Parties—Substitution — Receivers.

140 N. Y. 420; (55 St. Rep. 811).

Colegrove v. N. Y. & Harlem R. Co., 6 Duer. 382.*Affirmed*, 20 N. Y. 492.*Cited*, Trespass—Joint Liability.

12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033).

Colegrove v. N. Y. & Harlem R. Co., 20 N. Y. 492.*Cited*, Pleading—Construction — Consideration of Whole.

41 Supp. 648; (25 Civ. Pro. 278).

Colelli v. New Jersey & P. C. Works, 87 Hun, 428; 68 St. Rep. 461; 34 Supp. 310.**Coleman, Matter of**, 111 N. Y. 220; 19 St. Rep. 501.*Cited*, Evidence—Confidential Communications—Physicians—Waiver.

78 Hun, 227; (66 St. Rep. 224; 28 Supp. 954). 85 Hun, 579; (66 St. Rep. 829; 33 Supp. 201; 2 Ann. Cas. 79; 24 Civ. Pro. 418). 148 N. Y. 92; (25 Civ. Pro. 172; 2 Ann. Cas. 296).

Wills—Witnesses—Attorney.

49 St. Rep. 367; (21 Supp. 351). 151 N. Y. 202; (3 Ann. Cas. 295).

Evidence—Declarations—Res Gestae.

71 Hun, 497; (54 St. Rep. 897; 24 Supp. 1055).

Coleman v. Baur, 93 N. Y. 17.*Cited*, Husband and Wife—Services of Wife—Who Entitled to.

88 Hun, 209; (68 St. Rep. 397; 34 Supp. 669).

Coleman v. Beach, 97 N. Y. 545.*Cited* Deeds—Construction.

49 St. Rep. 246; (20 Supp. 957). 3 App. Div. 287; (38 Supp. 1068).

Contracts—Construction—Intent.

84 Hun, 93; (65 St. Rep. 242; 32 Supp. 79).

Coleman v. Bean, 32 How. 370.*Cited*, Attachment — Undertaking—Validity.

6 Misc. 306; (58 St. Rep. 148; 26 Supp. 792).

Coleman v. Bresnahan, 54 Hun, 619; 28 St. Rep. 208; 8 Supp. 158.*Cited*, Covenants — Construction — Running with the Land.

142 N. Y. 87; (58 St. Rep. 413).

Tenancy by Entirety—Mortgage by Husband.

67 Hun, 232; (50 St. Rep. 780; 22 Supp. 797).

Conveyance — To Husband and Wife — Tenancy—Survivorship.

82 Hun, 203; (63 St. Rep. 778; 31 Supp. 330).

Courts—Liberal Tendencies.

18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767).

Coleman v. Burr, 25 Hun, 239.*Affirmed*, 93 N. Y. 17.*Cited*, Damages — Personal Injuries — Married Woman—House: old Services.

71 Hun, 531; (55 St. Rep. 90; 24 Supp. 1090).

Fraudulent Conveyances—Receiver—Referee—Accounting.

75 Hun, 522; (57 St. Rep. 351; 27 Supp. 731).

Coleman v. Burr, 93 N. Y. 17.*Cited*, Husband and Wife — Services of Wife—Who Entitled to.

79 Hun, 306; (60 St. Rep. 834; 23 Supp. 431). 144 N. Y. 612; (64 St. Rep. 254). 13 Misc. 601; (64 St. Rep. 371; 35 Supp. 159).

Cited, Evidence—Sufficiency—Fraud

79 Hun, 230; (61 St. Rep. 24; 29 Supp. 3).

Husband and Wife—Services of Wife—Liability of Husband.

50 St. Rep. 622, (21 Supp. 1069). 77 Hun, 16; (59 St. Rep. 261; 28 Supp. 275). 61 St. Rep. 332; (29 Supp. 820).

Husband and Wife—Joint Services—Presumption Upon Husband's Property.

86 Hun, 25; (66 St. Rep. 771; 33 Supp. 146).

Fraudulent Conveyance—As to Creditors —Intent.

76 Hun, 560; (58 St. Rep. 251; 28 Supp. 191). 17 Misc. 444; (41 Supp. 205).

Fraudulent Conveyances — Transactions Between Relatives—Proof.

7 Misc. 60; (59 St. Rep. 294; 28 Supp. 129).

Coleman v. Chauncey, 7 Robt. 578.*Cited*, Costs—Extra Allowance—Computation.

3 Misc. 241; (51 St. Rep. 905; 22 Supp. 772).

Duplicate Citations in Parenthesis.

Coleman v. Eyre, 45 N. Y. 38.

Cited, Contracts—Statute of Frauds—Speculation in Land.

73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

Coleman v. First Nat'l Bank of Elmira, 53 N. Y. 388.

Cited, Evidence—Parol—Written Contracts—Modification—Parties to Agreement.

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236). 7 Misc. 634; (58 St. Rep. 327; 28 Supp. 37). 81 Hun, 478, 479; (63 St. Rep. 191, 192; 30 Supp. 998, 999). 151 N. Y. 262. 152 N. Y. 31.

Principal and Agent—Contracts—Undisclosed Principal.

53 St. Rep. 652; (25 Supp. 263). 13 Misc. 65; (69 St. Rep. 155; 34 Supp. 931). 17 Misc. 648; (74 St. Rep. 758; 40 Supp. 195).

Corporations—Banking—Deposits—Liability.

79 St. Rep. 655; (45 Supp. 655).

Coleman v. Garrigues, 18 Barb. 60.

Cited, Brokers—Real Estate—Commissions—When Earned.

141 N. Y. 519; (57 St. Rep. 718).

Coleman v. Hiler, 85 Hun, 547; 67 St. Rep. 41; 33 Supp. 357.

Cited, Contracts—For Benefit of Third Person—Availability.

90 Hun, 78; (69 St. Rep. 848; 35 Supp. 455). 92 Hun, 268; (72 St. Rep. 404; 36 Supp. 881; 3 Ann. Cas. 28).

Coleman v. Hill, 72 St. Rep. 823; 38 Supp. 424.

Coleman v. Livingston, 36 Super. 32. *Affirmed*, 56 N. Y. 658.

Cited, Warehouseman—Injured Property—Presumption of Negligence.

20 Misc. 603.

Coleman v. Manhattan Beach I. Co., 94 N. Y. 229.

Cited, Evidence—Parol—Intent of writing.

49 St. Rep. 471; (21 Supp. 91). 17 App. Div. 190; (79 St. Rep. 369; 45 Supp. 369).

Deeds—Description—Indefinite.

D. 83 Hun, 615; (68 St. Rep. 875; 30 Supp. 1142).

Deed—Construction—What Passes Under.

82 Hun, 406; (63 St. Rep. 568. 31 Supp. 239). 8 App. Div. 375; (75 St. Rep. 157; 40 Supp. 783).

Coleman v. People, 55 N. Y. 81.

Cited, Evidence—Criminal Law—Other Offenses.

88 Hun, 506, 507, 508; (69 St. Rep. 37, 38, 39; 34 Supp. 975, 976). 150 N. Y. 386.

Coleman v. People, 58 N. Y. 555.

Cited, Evidence—Criminal Law—Other Offenses.

88 Hun, 506; (69 St. Rep. 38; 34 Supp. 975).

New Trial—Grounds—Improper Testimony—Prejudice.

9 Misc. 183; (60 St. Rep. 644; 29 Supp. 586).

Criminal Law—Certificate of Doubt—Improper Evidence.

19 Misc. 557; (78 St. Rep. 904; 44 Supp. 904).

Coleman v. Phoenix Ins. Co. of Hartford, 3 App. Div. 65; 38 Supp. 986.

Coleman v. Pickett, 82 Hun, 287; 64 St. Rep. 78; 31 Supp. 480.

Coleman v. Rung, 10 Misc. 456; 64 St. Rep. 32; 31 Supp. 456.

Coleman v. Second Ave. R. Co., 114 N. Y. 609; 24 St. Rep. 566.

Cited, Carriers—Passenger—Alighting from Carriage—Contributory Negligence.

72 Hun, 466; (54 St. Rep. 777; 25 Supp. 243).

Carriers—Passenger—Contributory Negligence—Injury on Platform.

83 Hun, 467; (68 St. Rep. 794; 34 Supp. 860). 90 Hun, 420; (70 St. Rep. 623; 35 Supp. 919).

Coleman v. Southwick, 9 Johns. 45.

Cited, New Trial—Excessive Damages—Rulings of Court—Libel.

6 Misc. 168; (27 Supp. 124).

Trial—Verdict—Amounts.

69 Hun, 351; (52 St. Rep. 712; 23 Supp. 634).

Coleman v. Van Rensselaer, 44 How. 368.

Cited, Mortgage—Personal Liability of Mortgagor for Debt.

17 Misc. 647; (74 St. Rep. 756; 40 Supp. 195).

Coler v. Pittsburg Bridge Co., 84 Hun, 285; 65 St. Rep. 714; 32 Supp. 39; 1 Ann. Cas. 232.

Reversed, 146 N. Y. 281; 66 St. Rep. 616; 2 Ann. Cas. 71.

Cited, Service—Corporations—Agent—Notice.

12 Misc. 481; (67 St. Rep. 382; 33 Supp. 681).

Coler v. Pittsburgh Bridge Co., 146 N. Y. 281; 66 St. Rep. 616; 2 Ann. Cas. 71.

*Duplicate Citations in Parenthesis.***Coles v. Appleby**, 87 N. Y. 144.*Cited*, Mortgage—Payment—Extinguishment.

11 Misc. 89, 90; (66 St. Rep. 198, 199; 32 Supp. 816, 817). 13 Misc. 75; (68 St. Rep. 197; 34 Supp. 149). 92 Hun, 218; (71 St. Rep. 201; 36 Supp. 364). 148 N. Y. 200.

Coles v. Bowne, 10 Paige 526.*Cited*, Contracts—Specific Performance—Mistake.

19 Misc. 439; (78 St. Rep. 483; 44 Supp. 483).

Coles v. Coles, 15 Johns. 159.*Cited*, Co-Tenants—Breach of Trust—Election by Injured Party.

81 Hun, 351; (63 St. Rep. 151; 30 Supp. 897). 151 N. Y. 510.

Coles v. Williamsburgh, Trustees of, 10 Wend. 759.*Cited*, Eminent Domain—Taking Before Compensation.

66 Hun, 219; (49 St. Rep. 54; 21 Supp. 45).

Colgate v. Pennsylvania Coal Co., 102 N. Y. 120; 1 St. Rep. 166.*Cited*, Conversion—Bills of Lading—Assignment Of—Delivery of Goods.

142 N. Y. 172; (58 St. Rep. 640).

Colgin v. United States Mercantile Reporting Co., 8 App. Div. 617; 75 St. Rep. 363; 40 Supp. 961.**Colgrove v. N. Y. & H. R. Co.**, 6 Duer, 382.*Affirmed*, 20 N. Y. 492;*Cited*, Appeal—Non-Suit—How Evidence Considered.

41 Supp. 648; (25 Civ. Pro. 278).

Colgrove v. N. Y. & N. H. R. Co., 20 N. Y. 492.*Cited*, Negligence—Concurrent Causes—Joint Liability.

20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323).

Colgrove v. Tallman, 67 N. Y. 95.*Cited*, Partnership—Liability of Retiring Partner—Surety.

4 Misc. 406; (53 St. Rep. 521; 23 Supp. 1062). 84 Hun, 355; (65 St. Rep. 467; 32 Supp. 310). 2 App. Div. 346; (73 St. Rep. 52; 37 Supp. 84). 19 Misc. 684; (78 St. Rep. 1055; 44 Supp. 1055).

Colie v. Tift, 47 N. Y. 119.*Cited*, Trial—Equitable Action—Jury.

12 Misc. 344; (67 St. Rep. 354; 33 Supp. 565).

College Point, Trustees of, v. Dennett, 5 T & C 217.*Cited*, Damages—Evidence—Adaptability.

85 Hun, 426; (66 St. Rep. 210; 32 Supp. 892).

Collender v. Dinsmore, 53 N. Y. 200.*Cited*, Evidence—Oral to Vary Writing—Usage and Custom.

4 Misc. 171; (53 St. Rep. 222; 23 Supp. 883).

19 Misc. 287; (77 St. Rep. 72; 43 Supp. 72).

Evidence—Parol—Ambiguous Writing.

144 N. Y. 422; (63 St. Rep. 655).

Collender v. Phelan, 79 N. Y. 366.*Cited*, Partnership—Advancements by Partner—Interest.

15 App. Div. 564; (78 St. Rep. 518; 44 Supp. 518).

Trial—Findings—Errors In.

16 Misc. 350; (74 St. Rep. 315; 38 Supp. 61; 3 Ann. Cas. 134).

Collender v. Smith, 20 Misc. 612; 79 St.

Rep. 1130; 45 Supp. 1130.

Collier v. Coates, 17 Barb. 471.*Cited*, Contracts—Void by Statute of Frauds—Recovery of Money Paid.

17 Misc. 159; (39 Supp. 329). 19 Misc. 650; (78 St. Rep. 414; 44 Supp. 414).

Collier v. Miller, 137 N. Y. 332; 50 St. Rep. 784.*Affirming*, 62 Hun, 99; 42 St. Rep. 66; 16 Supp. 633.*Cited*, Estoppel—By Silence—Knowledge. 137 N. Y. 229; (50 St. Rep. 798).**Collier v. Munn**, 41 N. Y. 143.*Cited*, Assignment for Creditors—Compensation of Assignee.

66 Hun, 155; 49 St. Rep. 156; 21 Supp. 211).

Executors—Accounting—Services—Compensation.

9 Misc. 299; (61 St. Rep. 314; 30 Supp. 268). 13 Misc. 672; (69 St. Rep. 656; 35 Supp. 301).

Executors—Compensation of—As Attorney for Estate.

3 Misc. 178; (23 Supp. 841).

Mortgage—Validity—To Executor for Services to Estate.

69 Hun, 77; (53 St. Rep. 410; 23 Supp. 496).

Collier v. Rutledge, 136 N. Y. 621; 49 St. Rep. 75.**Collier v. Van Hoesen**, 6 Week. Dig. 49.*Cited*, Appeal—Justice's Return—Conclusiveness.

80 Hun, 34; (61 St. Rep. 620; 29 Supp. 869).

Colligan v. McKernan, 2 Dem. 421.*Cited*, Wills—Probate—Necessary Witnesses.

76 Hun, 522; (59 St. Rep. 369; 27 Supp. 1082).

Duplicate Citations in Parenthesis.

Colligan v. Scott, 58 N. Y. 670.

Cited, Trial—Question of Fact—Waiver of Right to Submission of by Motion for Non-suit.

1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697).

Collins, Matter of, 16 Misc. 598; 40 Supp. 517.

Collins, Matter of, 70 Hun, 583; 53 St. Rep. 832; 24 Supp. 234.

Collins, Matter of, 70 Hun, 273; 54 St. Rep. 23; 24 Supp. 226.

Affirmed, 144 N. Y. 522; 64 St. Rep. 48.

Collins, Matter of, 144 N. Y. 522; 64 St. Rep. 48.

Collins, Matter of, 6 Dem. 286.

Cited, New Trial—New Evidence—Affidavits of Witnesses.

84 Hun, 589; (56 St. Rep. 327; 32 Supp. 852).

Collins v. Ball, 31 Hun, 187.

Cited, Undertaking—For Stay Pending Appeal—Disregard or Failure to Enforce Stay—Liability of Sureties.

138 N. Y. 366; (52 St. Rep. 890).

Collins v. Beebe, 54 Hun, 318; 27 St. Rep. 4; 7 Supp. 441.

Cited, Attachment—Warrant—Recital of Grounds.

76 Hun, 124; (57 St. Rep. 478; 27 Supp. 824).

Supplementary Proceedings—Examination of Third Party—Affidavit.

19 Misc. 667; (78 St. Rep. 1103; 44 Supp. 1103).

Collins v. Bennett, 46 N. Y. 490.

Cited, Bailment—For Trial—Degree of Care—Question of Fact.

8 Misc. 456; (59 St. Rep. 575; 28 Supp. 669).

Evidence—Presumption—Injury to Bailment.

3 Misc. 605; (52 St. Rep. 859; 23 Supp. 338). 144 N. Y. 6; (63 St. Rep. 18).

Judgment—Conclusiveness.

10 App. Div. 565; (76 St. Rep. 99; 42 Supp. 99). 151 N. Y. 127; (3 Ann. Cas. 347).

Collins v. Brooks, 20 How. 327.

Cited, Sale—Rescission—Recovery of Money Paid.

19 Misc. 538; (77 St. Rep. 1079; 43 Supp. 1079).

Collins v. Brundage, 79 Hun, 382; 61 St. Rep. 498; 29 Supp. 792.

Collins v. Burns, 63 N. Y. 1.

Cited, Contracts—Building—Performance.

3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760).

Trial—Directing Verdict—Question of Law.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 725).

Collins v. Collins, 11 Misc. 28; 65 St. Rep. 111; 31 Supp. 1017.

Collins v. Collins, 10 Hun, 272.

Cited, Divorce—Alimony—When to Commence.

83 Hun, 189; (64 St. Rep. 145; 31 Supp. 592).

Collins v. Collins, 36 St. Rep. 591; 13 Supp. 28.

Affirmed, 131 N. Y. 648.

Cited, Partition—Claimants under Will—Complete Determination of Rights.

88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815; 2 Ann. Cas. 122).

Collins v. Collins, 71 N. Y. 273.

Cited, Husband and Wife—Divorce—Alimony—Disputed Marriage.

4 Misc. 449; (54 St. Rep. 159; 24 Supp. 336).

Divorce—Alimony—Pendente Lite.

92 Hun, 418; (71 St. Rep. 666; 36 Supp. 612).

Collins v. Collins, 80 N. Y. 1.

Cited, Husband and Wife—Divorce—Alimony.

4 App. Div. 148; (74 St. Rep. 504; 38 Supp. 639). 18 Misc. 78; (75 St. Rep. 975; 41 Supp. 584).

Collins v. Collins, 8 App. Div. 502; 75 St. Rep. 300; 40 Supp. 902.

Collins v. Crimmins, 11 Misc. 24; 64 St. Rep. 626; 31 Supp. 860.

Cited, Master and Servant—Negligence—Unsafe Place—Liability.

6 App. Div. 36; (19 Supp. 456). 20 Misc. 35; (79 St. Rep. 325; 45 Supp. 321).

Collins v. Fairchild, 17 St. Rep. 545; 2 Supp. 153.

Cited, Married Woman—Materials Furnished for Separate Estate—Liability.

17 Misc. 541; (40 Supp. 738).

Collins v. Hasbrouck, 56 N. Y. 157.

Cited, Landlord and Tenant—Lease—Assignment—Sub-lease.

6 Misc. 397; (56 St. Rep. 334; 26 Supp. 740). 13 Misc. 126; (67 St. Rep. 839; 34 Supp. 3).

Landlord and Tenant—Lease—Receipt of Rent—Waiver of Forfeiture.

6 Misc. 411; (27 Supp. 175) 82 Hun, 535; (64 St. Rep. 336; 31 Supp. 611).

*Duplicate Citations in Parenthesis.***Collins v. Hoxie**, 9 Paige, 81.*Cited*, Wills—Gift—Equal Division.

143 N. Y. 130, 131; (62 St. Rep. 134, 135).

Collins v. Hydorn, 135 N. Y. 320; 48 St.

Rep. 570.

Reversing, 63 Hun, 286; 42 St. Rep. 241; 17 Supp. 228.*Cited*, Estoppel—By Record—Judgment—Privy.

7 Misc. 14; (56 St. Rep. 843; 27 Supp. 335). 13 Misc. 334; (68 St. Rep. 370; 34 Supp. 467). 79 St. Rep. 638; (45 Supp. 638).

Judgment—Conclusiveness—Privy—Representative Capacity.

80 Hun, 259; (61 St. Rep. 253; 29 Supp. 987). 5 Misc. 310; (25 Supp. 1103). 79 Hun, 530; (51 St. Rep. 568; 29 Supp. 880). 85 Hun, 18; (66 St. Rep. 129; 32 Supp. 618). 12 Misc. 212; (67 St. Rep. 824; 33 Supp. 1121). 14 Misc. 644; (70 St. Rep. 884; 35 Supp. 1107). 153 N. Y. 173.

Collins v. Jewell, 3 Misc. 341; 51 St.

Rep. 927; 22 Supp. 716; 23 Civ. Pro. 153.

Collins v. Long Island City, 132 N. Y.

321; 44 St. Rep. 427.

Cited, Taxes Assessment—Validity.

62 St. Rep. 118; (30 Supp. 364).

Collins v. Long Island R. Co., 46 St.

Rep. 252; 18 Supp. 779.

Cited, Negligence—Joint—Liability.

12 Misc. 364; (65 St. Rep. 781; 33 Supp. 651).

Collins v. N. Y. C. & H. R. R. Co.,

5 Hun, 499.

Affirmed, 71 N. Y. 609.*Cited*, Railroads—Fires—Negligence.

67 Hun, 642; (51 St. Rep. 473; 23 Supp. 563).

Collins v. N. Y. C. & H. R. R. Co.,

71 N. Y. 609.

Cited, Railroads—Fires—Negligence.

67 Hun, 642; (51 St. Rep. 473; 22 Supp. 563).

Collins v. N. Y. C. & H. R. R. Co.,

33 St. Rep. 569; 11 Supp. 308.

Cited, Evidence—Sufficiency—Railroad Fires.

67 Hun, 634; (51 St. Rep. 104; 22 Supp. 475). 68 Hun, 327; (52 St. Rep. 103; 22 Supp. 959).

Collins v. N. Y. C. & H. R. R. Co., 71

Hun, 504; 55 St. Rep. 82; 24 Supp. 1090.

Cited, Railroads—Negligence—Duty to Licensee.

86 Hun, 523; (67 St. Rep. 669; 33 Supp. 989).

Collins v. N. Y. C. & St. L. R. Co., 92

Hun, 563; 72 St. Rep. 325, 36 Supp. 942.

Cited, Railroads—Accident at Crossing—Contributory Negligence.

13 App. Div. 489; (77 St. Rep. 395; 43 Supp. 395).

Collins v. North Side Pub. Co., 1

Misc. 211; 49 St. Rep. 37; 20 Supp. 892.

Affirmed, 3 Misc. 635; 51 St. Rep. 945; 22 Supp. 1132.**Collins v. Robinson**, 72 Hun, 495; 54

St. Rep. 771; 25 Supp. 263.

Collins v. Ryan, 32 Barb. 647.*Cited*, Service—Sufficiency of Proof.

20 Misc. 474.

Collins v. Saratoga Springs, 70 Hun,

583; 53 St. Rep. 832; 24 Supp. 234.

Affirmed, 140 N. Y. 637; 55 St. Rep. 931.*Cited*, Villages—Street Commissions—Counsel Fees.

1 App. Div. 129; (73 St. Rep. 28; 37 Supp. 866).

Collins v. Saratoga Springs, 140 N. Y.

637; 55 St. Rep. 931.

Cited, Villages—Street Commissioners—Counsel Fees.

1 App. Div. 129; (73 St. Rep. 28; 37 Supp. 866).

Collins v. Schaffer, 78 Hun, 512; 61 St.

Rep. 222; 29 Supp. 574.

Collins v. Steuart, 2 App. Div. 271; 72

St. Rep. 836; 37 Supp. 891.

Collins v. Suau, 7 Robt 94.*Cited*, Pleading—Counterclaim—Sham.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 913). 4 App. Div. 424; (74 St. Rep. 792; 38 Supp. 859).

Collins v. Underwood 1 E D Smith, 318.*Cited*, Shipping—Maritime Contract or Service—Jurisdiction of District Court.

1 Misc. 175; (48 St. Rep. 696; 20 Supp. 689).

Collis v. Bull, 75 Hun, 466; 57 St. Rep.

373; 27 Supp. 478.

Affirmed, 148 N. Y. 747.**Collis v. N. Y. C. & H. R. R. Co.**, 71

Hun, 504; 55 St. Rep. 82; 24 Supp. 1090.

Collister v. Fassitt, 7 App. Div. 20; 39 Supp. 800.**Collister v. Fassitt**, 16 Misc. 395; 74 St. Rep. 229; 38 Supp. 601.*Reversed*, 7 App. Div. 20; 39 Supp. 800.

Duplicate Citations in Parenthesis.

Collomb v. Caldwell, 16 N. Y. 484.

Cited, Assignment—Reservation of Surplus—Validity.

80 Hun, 482; (62 St. Rep. 368; 30 Supp. 517).

Collumb v. Read, 24 N. Y. 505.

Cited, Partnership—Real Estate.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80). 82 Hun, 600; (64 St. Rep. 182; 31 Supp. 547). 6 App. Div. 31; (39 Supp. 528).

Collyer, Matter of, 1 Connolly, 546; 9 Supp. 297.

Cited, Executors and Administrators—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 398; (24 Supp. 852). 23 Supp. 1048. 5 Misc. 139; (25 Supp. 705).

Executors—Accounting—Expenses of Collecting Testimony.

19 Misc. 379; (78 St. Rep. 361, 362; 44 Supp. 361, 362).

Collyer v. Collyer, 50 Hun, 422; 21 St. Rep. 118; 3 Supp. 310.

Cited, Pleading—Power to Amend—Limitation of New Cause of Action.

9 Misc. 336; (60 St. Rep. 630; 29 Supp. 589).

Collyer v. Collyer, 4 Dem. 53.

Cited, Wills—Establishment of Lost—Proof—Sufficiency.

19 Misc. 337; (78 St. Rep. 356; 44 Supp. 356).

Collyer v. Collyer, 110 N. Y. 481; 18 St. Rep. 210.

Cited, Evidence—Presumption—Inability to Find Will After Death of Person—Destruction of.

24 Supp. 845. 88 Hun, 103; (68 St. Rep. 649; 34 Supp. 586).

Wills—Unsuccessful Attempt to Establish—Costs.

12 Misc. 325; (67 St. Rep. 341; 33 Supp. 636).

Collyer v. Collyer, 113 N. Y. 442; 22 St. Rep. 723.

Cited, Landlord and Tenant—Rent—Implied Promise.

139 N. Y. 300; (54 St. Rep. 634). 76 Hun, 192; (57 St. Rep. 338; 27 Supp. 578). 146 N. Y. 323; (66 St. Rep. 636).

Landlord and Tenant—Rent—Implied Promise—Question of Fact or Law.

20 Misc. 423; (79 St. Rep. 1047; 45 Supp. 1047).

Contracts—For Board and Services—When Implied.

13 Misc. 599; (69 St. Rep. 369; 35 Supp. 157). 19 Misc. 94; (77 St. Rep. 972; 43 Supp. 972).

Colman v. Crump, 70 N. Y. 573.

Cited, Trademarks—Similarity—Deception.

7 Misc. 58; (57 St. Rep. 86; 27 Supp. 372). 138 N. Y. 252; (52 St. Rep. 342). 139 N. Y. 368; (54 St. Rep. 605). 92 Hun, 67; (71 St. Rep. 155; 36 Supp. 385).

Colman v. Dixon, 50 N. Y. 572.

Cited, Trial—By Jury—Right to—Injunction and Damages.

69 Hun, 522; (52 St. Rep. 846).

Trial—By Jury—Discretion of Court.

6 Misc. 93; (55 St. Rep. 400; 26 Supp. 25).

12 Misc. 344; (67 St. Rep. 354; 33 Supp. 565).

Colman v. Shattuck, 62 N. Y. 348.

Cited, Constitutional Law—Regulation of Evidence—Presumptions.

139 N. Y. 44; (54 St. Rep. 438).

Evidence—Burden of Proof—Invalidity of Instrument.

22 Supp. 538; (30 Abb. N. C. 111).

Colon v. Lisk, 13 App. Div. 195; 77 St. Rep. 364; 43 Supp. 364.

Affirmed, 153 N. Y. 188.

Fine—How May be Collected.

13 App. Div. 136; (77 St. Rep. 374; 43 Supp. 374).

Colon v. Lisk, 153 N. Y. 188.

Coloney v. Farrow, 91 Hun, 82; 71 St. Rep. 101; 36 Supp. 164.

Coloney v. Farrow, 5 App. Div. 607; 39 Supp. 460.

Colonial City Traction Co. v. Kingston City R. Co., 15 App. Div. 195; 78 St. Rep. 732; 44 Supp. 732.

Colorado State Bank v. Gallagher, 76 Hun, 310; 59 St. Rep. 86; 27 Supp. 688.

Colrick v. Swinburne, 105 N. Y. 503; 8 St. Rep. 172; 26 Week. Dig. 430.

Cited, Damages—Measure—Nuisance.

69 Hun, 527; (52 St. Rep. 850).

Damages—Measure of—Flooding of Lands.

77 Hun, 606; (60 St. Rep. 486; 28 Supp. 1045).

Evidence—Burden of Proof—Failure to Keep Down Damages.

4 Misc. 542; (54 St. Rep. 247; 24 Supp. 826).

Waters—Springs—Diversion.

77 Hun, 496; (60 St. Rep. 23; 28 Supp. 808).

Pleading—Complaint—Form of Demand for Damages.

11 App. Div. 336; (76 St. Rep. 1115; 42 Supp. 1115).

*Duplicate Citations in Parenthesis.***Colson v. Arnot**, 57 N. Y. 253.

Cited, Bills and Notes—Forged Indorsement.

14 Misc. 175, 176; (69 St. Rep. 813, 814; 35 Supp. 383, 384).

Colston v. Pemberton, 20 Misc. 410; 79 St Rep. 1034; 45 Supp. 1034.**Colt v. Davis**, 20 St. Rep. 309; 3 Supp. 354.

Cited, Pleading—F frivolous—How Taken Advantage Of.

12 Misc. 214; (67 St. Rep. 893; 37 Supp. 26).

Colt v. Heard, 10 Hun, 189.

Cited, Will—Construction—Limitation of Disposition by Legatee—Life Estate.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431). 9 Misc. 625; (62 St. Rep. 244; 30 Supp. 852).

Wills—Construction—Devise—Life Estate—Words of Enlargement.

5 Misc. 20; (25 Supp. 60).

84 Hun, 127; (65 St. Rep. 683; 32 Supp. 555).

Colt v. Lasnier, 9 Cow. 320.

Cited, Action—Parties—Bringing in Necessary.

72 Hun, 392; (55 St. Rep. 69; 25 Supp. 564; 31 Abb. N. C. 39).

Colt v. Owens, 90 N. Y. 368.

Cited, Brokers—Sale of Stock—Notice—Measure of Damages.

141 N. Y. 403; (57 St. Rep. 616).

Contract—Interpretation—Time of Performance.

77 Hun, 516; (60 St. Rep. 661; 29 Supp. 91).

Carriers—Consignee—Reasonable Time—Question of Law.

90 Hun, 557; (71 St. Rep. 35; 36 Supp. 28).

Colt v. Phoenix Fire Ins. Co., 54 N. Y. 695.

Cited, Contracts—Construction—Reasonable.

4 Misc. 131; (53 St. Rep. 209; 23 Supp. 1018).

Insurance—Transfer of Interest—Execution Sale.

78 Hun, 115; (60 St. Rep. 804; 29 Supp. 253).

Colt v. Sixth Ave. R. Co., 49 N. Y. 671.

Cited, New Trial—Verdict Contrary to Evidence.

75 Hun, 245; (58 St. Rep. 613; 27 Supp. 52). 81 Hun, 114; (62 St. Rep. 635; 30 Supp. 682).

14 Misc. 604; (71 St. Rep. 447; 36 Supp. 460).

Trial—When Case Should go to Jury.

14 Misc. 508; (70 St. Rep. 692; 35 Supp. 1067). 91 Hun, 87; (71 St. Rep. 103; 36 Supp. 167). 11 App. Div. 174; (76 St. Rep. 606; 42 Supp. 6.6).

Colton v. Fox, 67 N. Y. 348.

Cited, Wills—Construction—Intention.

10 Misc. 566; (65 St. Rep. 264; 32 Supp. 185).

Colton v. New York El. R. Co., 7

Misc. 626; 58 St. Rep. 809; 28 Supp. 149; 31 Abb. N. C. 269.

Colton v. New York El. R. Co., 151 N. Y. 263.

Cited, Preferred Cause—Prevention of Settlement of Estate.

151 N. Y. 647.

Colton v. Ross, 2 Paige, 396.

Cited, Pleading—Relief Under—Disjunctive Prayer—General Prayer.

79 Hun, 377; (60 St. Rep. 441; 29 Supp. 455).

Action—Equitable—Right to Full Consideration of Case.

7 App. Div. 231; (74 St. Rep. 657; 40 Supp. 45).

Columbia College v. Lynch, 70 N. Y. 410.

Cited, Contract—Specific Performance—Enforcement—Subsequent Change in Condition.

6 Misc. 244; (27 Supp. 78).

Covenants—Incumbrances—What are.

68 Hun, 73; (52 St. Rep. 223; 22 Supp. 596).

Covenant—Restricting Use of Land—Deed.

30 Abb. N. C. 267; (24 Supp. 787).

Covenant—Restraining Use of Land—To Whose Benefit Enures.

30 Abb. N. C. 272; (24 Supp. 791). 148 N. Y. 672.

Covenants—Running with the Land—Enforcement.

141 N. Y. 355; (57 St. Rep. 436). 16 App. Div. 416; (79 St. Rep. 34; 45 Supp. 34).

Real Property—Restrictions

6 Misc. 266; (21 Supp. 1092). 67 Hun, 347; (51 St. Rep. 797; 22 Supp. 206). 3 App. Div. 201; (73 St. Rep. 704; 38 Supp. 211). 17 Misc. 660; (40 Supp. 1031).

Covenant—Running with Land—Enforcement—Building Restriction.

139 N. Y. 102; (54 St. Rep. 469). 67 Hun, 347; (51 St. Rep. 797; 22 Supp. 207). 30 Abb. N. C. 274; (24 Supp. 791). 79 Hun, 318; (61 St. Rep. 389; 29 Supp. 490). 3 App. Div. 202; (73 St. Rep. 706; 38 Supp. 212). 17 Misc. 241; (40 Supp. 1045).

Columbia College v. Thacher, 87 N. Y. 311.

Contracts—Specific Performance—Change of Conditions

144 N. Y. 159; (63 St. Rep. 51).

Duplicate Citations in Parenthesis.

Columbian Inst. v. Cregan, 11 Civ. Pro. 87; 8 St. Rep. 287.

Cited, Supplementary Proceedings—Receiver—What Passes to.

83 Hun, 130; (64 St. Rep. 265; 31 Supp. 629).

Supplementary Proceedings—Salary of Public Officer.

10 Misc. 334; (63 St. Rep. 409; 31 Supp. 125; 1 Ann. Cas. 80).

Columbus W. Co. v. Hodenpyl, 135 N. Y. 430; 48 St. Rep. 446.

Affirming, 61 Hun, 557; 41 St. Rep. 393; 16 Supp. 337.

Colville v. Besly, 2 Den. 139.

Cited, Money Had and Received—Right to Recover.

4 Misc. 314; (24 Supp. 262).

Colville v. Miles, 127 N. Y. 159.

Cited, Landlord and Tenant—Agreements Respecting Crops—Rights of Tenant's Creditors.

92 Hun, 609; (74 St. Rep. 474, 477; 38 Supp. 45).

Colvin v. Corwin, 15 Wend. 557.

Cited, Justice of Peace—Failure to Docket Judgment—Effect of.

23 Supp. 672.

Colvin v. Holbrook, 2 N. Y. 126.

Cited, Master and Servant—Liability of Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 502).

Agency — Payment to Agent — From Whom Recoverable.

16 Misc. 373; (74 St. Rep. 435; 38 Supp. 68).

Colvin v. Shaw, 79 Hun, 56; 61 St. Rep. 174; 29 Supp. 644.

Colvin v. U. S. Mut. Acc. Ass'n, 66 Hun, 543; 50 St. Rep. 345; 21 Supp. 734

Cited, Insurance—Payment of Premium by Mail—When Authorized.

77 Hun, 423; (60 St. Rep. 43; 28 Supp. 797).

Colvin v. Young, 81 Hun, 116; 62 St. Rep. 673; 30 Supp. 689.

Colwell, Matter of, 15 St. Rep. 742.

Cited, Wills—Legatee—Debt Due From—Satisfaction of Legacy.

15 Misc. 177; (72 St. Rep. 142; 37 Supp. 38).

Colwell v. Colwell, 14 App. Div. 80; 77 St. Rep. 439; 43 Supp. 439.

Colwell v. Devlin, 20 Misc. 355; 79 St. Rep. 850; 45 Supp. 850.

Colwell v. Devlin, 20 Misc. 616.

Colwell v. Lawrence, 38 N. Y. 71.

Cited, Evidence—Parol—To Vary Writing.

10 Misc. 458; (64 St. Rep. 34; 31 Supp. 457).

Contracts—Forfeiture—Construction.

11 App. Div. 380; (76 St. Rep. 95; 42 Supp. 95).

Colwell v. Manhattan R. Co., 57 Hun, 452; 10 Supp. 636.

Cited, Carriers—Injury to Passenger—Sudden Movement of Train.

79 St. Rep. 382; (45 Supp. 382).

Colwell v. Tompkins, 6 App. Div. 93; 39 Supp. 478.

Cited, Brokers—Commissions—Procuring Cause.

19 Misc. 488; (77 St. Rep. 1061; 43 Supp. 1061). 79 St. Rep. 388; (45 Supp. 388).

Coman v. Lakey, 80 N. Y. 345.

Cited, Lien—Equitable.

144 N. Y. 112; (63 St. Rep. 67).

Combs, Matter of, 3 Dem. 348.

Cited, Wills—Legacies—Interest—Time of—In Lieu of Dower.

5 Misc. 129; (25 Supp. 728).

Combs v. Dunn, 56 How. 169.

Cited, Pleading—Complaint—When Action in Tort.

4 App. Div. 230; (74 St. Rep. 196; 38 Supp. 553).

Cameau v. Guild Farm Oil Co., 3 Daly, 218.

Cited, Judgment—Effect—In Assumpsit for Conversion.

3 Misc. 70; (51 St. Rep. 775; 22 Supp. 698).

Comer v. Cunningham, 77 N. Y. 391.

Cited, Sale—Conditional—In Whom Title.

85 Hun, 126; (66 St. Rep. 214; 32 Supp. 593).

Comer v. Mackey, 73 Hun, 236; 57 St. Rep. 26; 25 Supp. 1023.

Affirmed, 147 N. Y. 574; 70 St. Rep. 340.

Cited, Appeal—Case—Absence of Evidence—Questions to be Considered.

3 App. Div. 88; (38 Supp. 918).

Comfort v. Fulton, 39 Barb. 56.

Cited, False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief.

74 Hun, 341; (56 St. Rep. 378; 26 Supp. 410). 9 Misc. 573; (62 St. Rep. 79; 30 Supp. 397).

Comin, Matter of, 9 App. Div. 492; 41 Supp. 323.

Comings, Matter of, 51 St. Rep. 562; 23 Supp. 287.

*Duplicate Citations in Parenthesis.***Comin v. Hetfield**, 80 N. Y. 261.

Cited, Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (52 St. Rep. 575; 23 Supp. 251).

Comins v. Jefferson County, Supervisors of, 64 N. Y. 626.

Cited, Taxes—Illegal Assessment—Injunction to Restrain Collection.

6 App. Div. 275; (39 Supp. 782).

Comley v. Dazian, 114 N. Y. 161; 22 St. Rep. 813.

Cited, Bills and Notes—Conversion—Remedies.

68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241).

Conversion—Property Entrusted to Agent—Violation of Orders.

70 Hun, 165; (53 St. Rep. 923; 24 Supp. 273). 10 Misc. 588; (64 St. Rep. 31; 31 Supp. 455).

Mortgage—Assumption by Grantee—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Comly v. New York, 1 Civ. Pro. 306.

Cited, Taxation of Costs—What Items Reviewable.

20 Misc. 617.

Commerce Ex. Nat. Bank v. Blye, 123 N. Y. 132; 33 St. Rep. 75.

Cited, Damages—When Not Recoverable.

82 Hun, 315; (64 St. Rep. 108; 31 Supp. 509).

Commercial Bank v. Bolton, 87 Hun, 547; 69 St. Rep. 456; 35 Supp. 138.**Commercial Bank v. Cameron**, 79 Hun, 63; 61 St. Rep. 402; 29 Supp. 505.

Cited, Agency—When Relation Exists.

81 Hun, 244; (62 St. Rep. 718; 30 Supp. 775).

Usury—Consideration for Indorsement.

4 App. Div. 587; (74 St. Rep. 54; 38 Supp. 505).

Commercial Bank v. Catto, 13 App. Div. 608; 77 St. Rep. 777; 43 Supp. 777.**Commercial Bank v. Dunham**, 13 How. 541.

Cited, Discovery—Necessity—Sufficiency of Subpoena Duces Tecum.

5 Misc. 494; (55 St. Rep. 160; 25 Supp. 801).

Commercial Bank v. Foltz, 75 St. Rep. 631; 41 Supp. 183.**Commercial Bank v. Foltz**, 13 App. Div. 608; 77 St. Rep. 985; 43 Supp. 985.**Commercial Bank v. Kortright**, 22 Wend. 348.

Cited, Judgment—Effect—In Assumpsit for Conversion.

3 Misc. 70; (51 St. Rep. 775; 22 Supp. 698).

Commercial Bank of Albany v. Hughes, 17 Wend. 94.

Cited, Banking—Deposits—Bank's Control Over.

77 Hun, 178; (58 St. Rep. 725; 28 Supp. 419).

Bills and Notes—Necessity of Demand of Payment.

16 Misc. 318; (39 Supp. 395; 25 Civ. Pro. 405).

Bills and Notes—Presentment—Reasonable Time—Burden of Proof.

16 Misc. 318; (39 Supp. 396; 25 Civ. Pro. 406).

Commercial Bank of Albany v. Ten Eyck, 48 N. Y. 305.

Cited, Tort—When Actionable—Damages.

9 Misc. 37; (59 St. Rep. 546; 29 Supp. 296; 31 Abb. N. C. 320).

Corporations—Banking—Wrongful Acts of Officer—Liability in Tort.

17 Misc. 209; (40 Supp. 1039).

Commercial Bank of Buffalo v. Warren, 15 N. Y. 577.

Cited, Principal and Agent—Ratification.

74 Hun, 280; (56 St. Rep. 348; 26 Supp. 811). 82 Hun, 178; (63 St. Rep. 778; 31 Supp. 328). 16 Misc. 158; (73 St. Rep. 563; 37 Supp. 944).

Commercial Bank of Keokuk v. Pfeiffer, 22 Hun, 327.

Affirmed, 108 N. Y. 242; 13 St. Rep. 506.

Cited, Corporations—Contracting with as Such—Estoppel.

143 N. Y. 543; (62 St. Rep. 828).

Commercial Bank of Keokuk v. Pfeiffer, 108 N. Y. 242.

Cited, Consignment—Discount of Draft—Subrogation.

85 Hun, 164; (66 St. Rep. 115; 32 Supp. 606).

Corporations—Contracting with as Such—Estoppel.

143 N. Y. 543; (62 St. Rep. 828).

Commercial Bank of Lake Erie v. Norton, 1 Hill, 501.

Cited, Accommodation Paper—Notice.

16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

Accommodation Paper—Notice—Discount Before Acceptance.

16 Misc. 438; (40 Supp. 389).

*Duplicate Citations in Parenthesis.***Commercial Bank of Pennsylvania v. Union Bank**, 11 N. Y. 203.

Cited, Banks — Collections—Liability for Acts of Agents.

11 Misc. 289; (65 St. Rep. 446; 32 Supp. 271).

Commercial Bank of Rochester v. Davy, 81 Hun, 200; 62 St. Rep. 681; 30 Supp. 718.**Commercial Bank of Rochester v. McDougall & Southwick Co.**, 8 App. Div. 1; 74 St. Rep. 751; 40 Supp. 189.**Commercial Bank of Rochester v. Rochester**, 41 N. Y. 619.

Affirmed, 41 Barb. 341.

Cited, Pleading—Conclusions of Law. 8 App. Div. 58; (40 Supp. 427).

Commercial Bank of Rochester v. Spencer, 76 N. Y. 155.

Cited, Pleading—Answer—Sham—Striking Out.

74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 4 App. Div. 424; (74 St. Rep. 792; 38 Supp. 859).

Commercial Bank of Rochester v. Weinberg, 70 Hun, 597; 53 St. Rep. 653; 25 Supp. 235.**Commercial Ins. Co. v. Janes**, 13 App. Div. 46; 77 St. Rep. 66; 43 Supp. 66.**Commercial Nat. Bank of Chicago v. Hand**, 9 App. Div. 614; 75 St. Rep. 1224; 41 Supp. 823.**Commercial Nat. Bank of Pennsylvania v. Heilbronner**, 108 N. Y. 439.

Cited, Factors—Title to Consigned Goods—Lien.

11 App. Div. 393; (76 St. Rep. 59; 42 Supp. 59).

Factors — Consignment — Relation of Debtor and Creditor.

17 App. Div. 343; (79 St. Rep. 266; 45 Supp. 266).

Commercial Telegram Co. v. Smith, 15 St. Rep. 19.

Cited, Contracts — Preliminary Correspondence—Subsequent Writing.

86 Hun, 378; (67 St. Rep. 223; 33 Supp. 511).

Commercial Telegram Co. v. Smith, 57 Hun, 176; 32 St. Rep. 445; 10 Supp. 433.

Cited, Attorneys—Vacation of Satisfaction of Judgment.

15 Misc. 368; (72 St. Rep. 471; 37 Supp. 407; 25 Civ. Pro. 140). 16 Misc. 560; (74 St. Rep. 135; 25 Civ. Pro. 331; 38 Supp. 786).

Commercial Travelers' Ass'n v. Newkirk, 16 Supp. 177.

Cited, Attachment—Money Due Under Insurance Policy.

17 Misc. 66; (39 Supp. 839).

Commercial Union Assurance Co. v. Smith, 40 St. Rep. 758; 16 Supp. 114.

Cited, Appeal—Extent of Review—Abstract Questions.

80 Hun, 91; (61 St. Rep. 773; 30 Supp. 22). 16 Misc. 546; (74 St. Rep. 140; 38 Supp. 788).

Commerford v. Atlantic Ave. R. Co., 8 Misc. 599; 61 St. Rep. 51; 29 Supp. 391.**Commission Co. v. Russ**, 8 Cow. 123.

Cited, Pleading—Amendment—To Bring in New Parties.

8 App. Div. 588; (75 St. Rep. 309; 40 Supp. 916).

Commissioners of Canal Fund v. Kempshall, 26 Wend. 401.

Cited, Grants—Ancient—Construction—Highways.

9 App. Div. 184; (75 St. Rep. 510; 41 Supp. 89).

Commissioners of Central P'k, Matter of, 50 N. Y. 493.

Cited, Statutes—Local—Repeal—Implied General Statutes.

77 Hun, 376; (60 St. Rep. 412; 28 Supp. 874). 81 Hun, 357 (63 St. Rep. 121; 30 Supp. 956). 82 Hun, 93; (63 St. Rep. 498; 31 Supp. 177). 86 Hun, 81, 84; (67 St. Rep. 119, 121; 33 Supp. 349, 352).

Eminent Domain—Award—Extent of Review.

D 89 Hun, 603; (69 St. Rep. 31; 34 Supp. 1060).

Commissioners of Dept. Pub. Works, Matter of, 99 N. Y. 683.

Cited, Municipal Corporations—Opening Street—Discontinuance of Proceedings.

82 Hun, 582; (64 St. Rep. 364; 31 Supp. 733).

Commissioners of Pilots v. Clark, 33 N. Y. 251.

Cited, Landlord and Tenant—Holding Over—New Term.

9 App. Div. 594; (75 St. Rep. 1099; 41 Supp. 709; 3 Ann. Cas. 342).

Commissioners of Pilots v. Spoford, 3 Hun, 52.

Cited, Costs—When Allowed.

16 Misc. 333; (39 Supp. 732).

Duplicate Citations in Parenthesis.

Commissioners of Excise v. Purdy, 36 Barb. 266.

Cited, Action—Irregularity in Commencing—How Taken Advantage Of.

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Commissioners of Public Parks, Matter of, 47 Hun, 302; 13 St. Rep. 581.

Cited, Statutes—Repealing Effect—General On Special Act.

74 Hun, 565; (57 St. Rep. 34; 26 Supp. 857).

Commissioners of the State Reservation at Niagara Falls, Matter of, 102 N. Y. 734; 2 St. Rep. 533.

Cited, Appeal—Condemnation Proceedings.

147 N. Y. 346; (69 St. Rep. 678).

Commissioners of Washington Park, Matter of, 52 N. Y. 131.

Cited, Contracts—Construction—What Considered.

92 Hun, 576; (72 St. Rep. 291; 36 Supp. 1019).

Commissioners of Washington Park, Matter of, 56 N. Y. 144.

Cited, Eminent Domain—Procedure—Discontinuance.

76 Hun, 91; (57 St. Rep. 475). 90 Hun, 177; (70 St. Rep. 293; 35 Supp. 789).

Eminent Domain—Award—Landowners Right to.

2 Misc. 11; (49 St. Rep. 579; 21 Supp. 604).

Common Council of Amsterdam, Matter of, 126 N. Y. 158; 36 St. Rep. 948.

Cited, Municipal Corporations—Assessment—Benefits.

70 St. Rep. 849; (36 Supp. 195).

Commonwealth v. Levy, 2 Wheeler, Cr. Cas. 245.

Cited, Evidence—Handwriting—Question of Fact.

D. 148 N. Y. 501.

Communipau Coal Co. v. Gray, 84 Hun, 606; 65 St. Rep. 44; 31 Supp. 1027.

Compton v. Beecher, 17 App. Div. 38; 78 St. Rep. 887; 44 Supp. 887.

Compton v. Bowns, 5 Misc. 213; 54 St. Rep. 795; 25 Supp. 465; 23 Civ. Pro. 225.

Compton v. Bowns, 6 Misc. 594; 56 St. Rep. 623; 26 Supp. 18.

Compton v. Green, 9 How. 228.

Cited, Set-off—Joint Against Individual Debt.

12 App. Div. 81; (77 St. Rep. 362; 33 Supp. 362).

Compton v. Heissenbittel, 38 St. Rep. 458; 13 Supp. 594.

Cited, Wharves—Wharfage Charges—Giving History of Case on Former Trial.

1 Misc. 82; (48 St. Rep. 506; 20 Supp. 403).

Compton v. Heissenbittel, 41 St. Rep. 346; 16 Supp. 524.

Cited, Wharves—Wharfage Charges—Giving History of Case on Former Trial.

1 Misc. 82; (48 St. Rep. 507; 20 Supp. 403).

Compton v. Heissenbittel, 2 Misc. 340; 50 St. Rep. 616; 21 Supp. 965.

Reversing, 1 Misc. 81; 48 St. Rep. 506; 20 Supp. 402.

Compton v. Mellis, 46 St. Rep. 563.

Affirmed, 2 Misc. 301; 50 St. Rep. 334; 21 Supp. 940.

Cited, Corporations—Assignment for Creditors—Validity.

72 St. Rep. 804; (38 Supp. 175).

Compton v. Mellis, 2 Misc. 301; 50 St. Rep. 334; 21 Supp. 940.

Compton v. "The Chelsea," 139 N. Y. 538; 54 St. Rep. 843.

Reversing, 70 Hun, 361; 54 St. Rep. 112; 24 Supp. 241.

Cited, Damages—Unlawful Dispossession.

16 Misc. 323; (73 St. Rep. 572; 37 Supp. 953).

Comstock v. Ames, 3 Keyes, 357.

Cited, Appeal—Review of Facts—Findings—Presumption.

9 Misc. 96; (59 St. Rep. 694; 29 Supp. 5).

Comstock v. Beardsley, 15 Wend. 348.

Cited, Taxes—Sale—Redemption—Occupancy—Notice.

67 Hun, 592; (51 St. Rep. 355; 22 Supp. 459).

Comstock v. Carr, 6 Wend. 526.

8 App. Div. 574; (75 St. Rep. 326; 40 Supp. 930).

Comstock v. Dodge, 43 How. 97.

Cited, Assault and Battery—Right to Possession—Question of Fact.

77 St. Rep. 1156; (43 Supp. 1156).

Ejectment—Against Whom Lies—Occupant.

151 N. Y. 496.

Comstock v. Drohan, 8 Hun, 373.

Affirmed, 71 N. Y. 9.

Cited, Evidence—Documentary—Damages by Ejectment—Judgment Roll.

66 Hun, 159; (49 St. Rep. 138; 20 Supp. 969).

*Duplicate Citations in Parenthesis.***Comstock v. Drohan**, 71 N. Y. 9.*Cited*, Mortgage—Assuming—Liability.

71 Hun, 269; (54 St. Rep. 585; 24 Supp. 1029).

Comstock v. Dye, 13 Hun, 113.*Cited*, New Trial—Costs.

51 St. Rep. 942; (23 Supp. 1154).

Comstock v. Green, 83 Hun, 64; 68 St.

Rep. 650; 34 Supp. 605.

Comstock v. Hier, 73 N. Y. 269.*Cited*, Bills and Notes—Conversion—Remedies.

68 Hun, 594; (52 St. Rep. 591; 23 Supp. 241).

Bills and Notes—Accommodation Indorser—Diversion.

141 N. Y. 386; (57 St. Rep. 599). 6 Misc. 544; (58 St. Rep. 15; 27 Supp. 228).

Bills and Notes—Conversion—Damages.

88 Hun, 296; (68 St. Rep. 401; 34 Supp. 672).

Comstock v. Hopkins, 40 St. Rep. 568; 15 Supp. 908.*Cited*, Statutes—Construction—Civil Damage Act.

69 Hun, 568; (53 St. Rep. 253; 23 Supp. 959).

Comstock v. Johnson, 46 N. Y. 615.*Cited*, Waters—Grant—Use—Quantity.

74 Hun, 16; (56 St. Rep. 741; 26 Supp. 148). 148 N. Y. 439.

Conveyance—Appurtenances.

151 N. Y. 399.

Comstock v. Smith, 7 Johns. 87.*Cited*, Pleading—Contract for Services—Request.

86 Hun, 190; (67 St. Rep. 56; 33 Supp. 314).

Comyns v. Riker, 83 Hun, 471; 65 St. Rep. 72; 31 Supp. 1042.*Cited*, Fraudulent Conveyance—Gifts.

90 Hun, 608; (70 St. Rep. 610; 35 Supp. 907).

Conabeer v. N. Y. C. & H. R. R. Co., 84 Hun, 34; 65 St. Rep. 128; 32 Supp. 6.**Conable v. Smith**, 61 Hun, 185; 40 St. Rep. 577; 15 Supp. 921.*Cited*, Bills and Notes—Alteration.

10 Misc. 361; (63 St. Rep. 433; 31 Supp. 19).

Conant v. Van Schaik, 24 Barb. 87.*Cited*, Statutes—Effect of Repeal on Existing Rights.

2 Misc. 5; (49 St. Rep. 593; 21 Supp. 1089).

Conant v. Wright, 9 App. Div. 621.**Conant v. Wright**, 19 Misc. 321; 78 St. Rep. 727; 44 Supp. 727.**Conaughty v. Nichols**, 42 N. Y. 83.*Cited*, Pleading—Complaint—Contracts—Effect of Allegations Sounding in Tort.

6 Misc. 90; (55 St. Rep. 418; 26 Supp. 42). 71 Hun 259; (54 St. Rep. 482; 24 Supp. 1075). 89 Hun, 110; (68 St. Rep. 830; 34 Supp. 1068).

Pleading—Complaint—Ejectment—Irrelevant Allegations.

70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257).

Conaughty v. Saratoga County Bank, 28 Hun, 373.*Cited*, Costs—Extra Allowance—Computation—Subject Matter Involved.

4 App. Div. 342; (74 St. Rep. 592; 38 Supp. 908).

Conaughty v. Saratoga County Bank, 92 N. Y. 401.*Cited*, Costs—Extra Allowance.

3 Misc. 241; (51 St. Rep. 906; 22 Supp. 772). 67 Hun, 70; (51 St. Rep. 412; 22 Supp. 55). 135 N. Y. 413; (48 St. Rep. 425). 14 Misc. 513; (70 St. Rep. 691; 35 Supp. 1066).

Costs—Extra Allowance—Subject Matter Involved.

3 App. Div. 20; (73 St. Rep. 532; 37 Supp. 990). 4 App. Div. 342; (74 St. Rep. 592; 38 Supp. 908). 17 App. Div. 266; (79 St. Rep. 692; 45 Supp. 692.)

Concordia Savings & Aid Ass'n v. Read, 93 N. Y. 474.*Cited*, Building and Loan Associations—Dividends—Premiums—Earnings.

54 St. Rep. 66; (23 Supp. 206).

Building and Loan Associations—By-Laws—Effect on Members.

13 Misc. 691; (69 St. Rep. 212; 35 Supp. 16). D. 5 Misc. 524; (58 St. Rep. 96; 25 Supp. 839).

Pleading—Answer—Existence of Corporation.

7 Misc. 414; (58 St. Rep. 571; 28 Supp. 140; 23 Civ. Pro. 382). 69 St. Rep. 191; (34 Supp. 1101; 25 Civ. Pro. 69). 11 Misc. 428; (65 St. Rep. 272; 32 Supp. 129). 4 App. Div. 425; (74 St. Rep. 793; 38 Supp. 861).

Conde v. Hall, 92 Hun, 335; 72 St. Rep. 708; 37 Supp. 411.**Conderman v. Conderman**, 44 Hun, 191; 7 St. Rep. 789.*Cited*, Trial—Jury—Adultery.

68 Hun, 368; (51 St. Rep. 883; 22 Supp. 860). 76 Hun, 587, 590; (58 St. Rep. 274, 275; 28 Supp. 215, 217). 92 Hun, 386; (72 St. Rep. 277; 36 Supp. 1054).

Trial—Right to Jury.

88 Hun, 112; (63 St. Rep. 536; 34 Supp. 614).

*Duplicate Citations in Parenthesis.***Conderman v. Hicks**, 3 Lans. 108.*Cited*, Contract—Illegality—Against Public Policy.

5 Misc. 503; (26 Supp. 526). 86 Hun, 21; (67 St. Rep. 106; 33 Supp. 287).

Conderman v. Smith, 41 Barb. 404.*Cited*, Chattel Mortgage—Future Crops. 51 St. Rep. 36; (22 Supp. 1100). 82 Hun, 391; (63 St. Rep. 792; 31 Supp. 342).

Contingent Interest — Recognition in Law.

83 Hun, 396; (64 St. Rep. 786; 31 Supp. 877).

Conderman v. Trenchard, 58 Barb. 165.*Cited*, Contract—Illegality—Against Public Policy.

5 Misc. 503; (26 Supp. 526). 86 Hun, 21; (67 St. Rep. 106; 33 Supp. 287).

Condict v. Cowdrey, 139 N. Y. 273; 54 St. Rep. 648.*Cited*, Brokers—Real Estate—Compensation—Agreement to Consummate a Sale.

8 Misc. 371; (59 St. Rep. 584; 28 Supp. 699). 11 Misc. 376; (65 St. Rep. 425; 32 Supp. 243).

Brokers—Commissions — Consummation. 83 Hun, 156; (64 St. Rep. 160; 31 Supp. 571). 17 Misc. 574; (75 St. Rep. 81; 40 Supp. 677).

Condict v. Grand Trunk R. Co., 54 N. Y. 500.*Cited*, Carriers—Connecting Carriers—Loss of Baggage.

66 Hun, 460; (50 St. Rep. 425; 21 Supp. 320). 89 Hun, 495; (70 St. Rep. 236; 35 Supp. 576).

Carriers—Connecting—Receipt of Goods Marked Beyond Destination.

13 Misc. 34; (68 St. Rep. 173; 34 Supp. 98).

Condit v. Baldwin, 21 N. Y. 219.*Cited*, Usury—Agent Taking Bonus—Burden of Proof.

92 Hun, 384; (71 St. Rep. 711; 36 Supp. 691).

Usury—Bonus to Agent.

17 Misc. 130; (39 Supp. 419).

Usury—What is.

150 N. Y. 363.

Usury—Burden of Proof.

150 N. Y. 364.

Condit v. Cowdrey, 123 N. Y. 463; 34 St. Rep. 107.*Cited*, Brokers—Real Estate—Option.

139 N. Y. 278; (54 St. Rep. 651).

Evidence—Parol—Writing.

147 N. Y. 466; (70 St. Rep. 61). 16 Misc. 297; (74 St. Rep. 569; 37 Supp. 116).

Condit v. Sill, 44 St. Rep. 284; 18 Supp. 97.*Cited*, Brokers — Commissions — Double Employment.

13 Misc. 121; (68 St. Rep. 203; 34 Supp. 156).

Witnesses — Credibility — Question for Jury.

20 Misc. 20; (78 St. Rep. 776; 44 Supp. 776).

Evidence—General Denial—What Admissible Under.

17 App. Div. 407; (79 St. Rep. 228; 45 Supp. 228).

Condon v. Church of St. Augustine, 14 Misc. 181; 69 St. Rep. 811; 35 Supp. 382.**Condouris v. Imperial Turkish T. & C. Co.**, 3 Misc. 66; 51 St. Rep. 772; 22 Supp. 695.**Cone v. Delaware, L. & W. R. Co.**, 81 N. Y. 206.*Cited*, Master and Servant — Risks Assumed—Obedience of Orders.

6 Misc. 333; (56 St. Rep. 238; 26 Supp. 899).

Master and Servant—Fellow Servants—Concurrent Negligence.

90 Hun, 198; (70 St. Rep. 654; 35 Supp. 940).

Master and Servant — Duty to Furnish Safe Place and Appliances.

15 Misc. 224; (71 St. Rep. 174; 36 Supp. 403).

Cone v. Empire Plaid Mills, 12 App. Div. 314; 76 St. Rep. 160; 42 Supp. 160.**Cone v. Niagara Fire Ins. Co.**, 60 N. Y. 619.*Cited*, Insurance — Insurable Interest — Buildings in Process of Erection by Contractor.

71 Hun, 371; (55 St. Rep. 9; 24 Supp. 1132).

Insurance—Insurable Interest—Title.

78 Hun, 113; (60 St. Rep. 803; 29 Supp. 253).

Insurance—Conditions—Change of Title. 149 N. Y. 387.

Insurance Policy—Reformation—To Show Facts.

1 App. Div. 586; (40 Supp. 308).

Coney Island & B. R. Co., Matter of, 12 Hun, 451.*Cited*, Railroads—Statutory Location of Route.

5 App. Div. 469; (39 Supp. 22).

Duplicate Citations in Parenthesis.

Coney Island, Ft. H. & B. R. Co. v. Kennedy, 15 App. Div. 588; 78 St. Rep. 825; 44 Supp. 825.

Congdon & Aylesworth v. Sheehan, 11 App. Div. 456; 76 St. Rep. 255; 42 Supp. 255.

Conger v. Duryee, 90 N. Y. 594.

Cited, Landlord and Tenant—Lease—Receipt of Rent—Waiver of Forfeiture.

6 Misc. 411; (27 Supp. 175). 13 Misc. 127; (67 St. Rep. 859; 34 Supp. 3).

Landlord and Tenant—Payment of Rent.

20 Misc. 615; (79 St. Rep. 1132; 45 Supp. 1132).

Conger v. N.Y., W. S. & B. R. Co., 120 N. Y. 29; 30 St. Rep. 124.

Cited, Covenants—Building Restrictions—Enforcement.

2 App. Div. 82; (73 St. Rep. 308; 37 Supp. 610). 3 App. Div. 202; (73 St. Rep. 706; 38 Supp. 212).

Contracts—Specific Performance—Discretion.

17 Misc. 231; (40 Supp. 1045).

Conger v. Treadway, 50 Hun, 451; 20 St. Rep. 774.

Cited, Cemeteries—Burial Lot—Statute of Frauds.

12 Misc. 253; (68 St. Rep. 5; 34 Supp. 49).

Congregation Beth Elohim v. Central Presbyterian Ch., 10 Abb. N. S. 484.

Cited, Contracts—For Sale of Land—Breach—Damages.

19 Misc. 583; (77 St. Rep. 678; 43 Supp. 678).

Congregation Shomri Laboker Anshe Sakoler v. Sindrack, 15 App. Div. 82; 78 St. Rep. 295; 44 Supp. 295.

Congreve v. Morgan, 18 N. Y. 84.

Cited, Nuisance—Opening in Highway—Liability.

13 Misc. 141; (68 St. Rep. 231; 34 Supp. 181).

Congreve v. Smith, 18 N. Y. 79.

Cited, Nuisance—Negligence—Materiality.

135 N. Y. 242; (47 St. Rep. 832).

Highways—Interference—Liability.

72 Hun, 241; (55 St. Rep. 441; 25 Supp. 392). 13 Misc. 140; (68 St. Rep. 231; 34 Supp. 181).

Negligence—Violation of Statute—Liability.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Conhocton Stone Road v. Buffalo, N. Y. & E. R. Co., 51 N. Y. 573.

Cited, Railroads—Restoration of Highway—Liability—Necessity of Notice of Defect.

72 Hun, 472; (54 St. Rep. 782; 25 Supp. 247).

Nuisance—Grantee of Premises—Liability—Notice.

75 Hun, 489; (57 St. Rep. 356; 27 Supp. 476). 17 Misc. 133; (39 Supp. 349).

Conkey v. Bond, 34 Barb. 276.

Affirmed, 36 N. Y. 427.

Cited, Principal and Agent—Contracts—Participation of Agent in—Voidability as to Principal.

72 Hun, 208; (55 St. Rep. 631; 25 Supp. 372).

Conklin v. Barton, 43 Barb. 435.

Cited, Evidence—Incompetent—Failure to Plead.

4 App. Div. 420; (74 St. Rep. 533; 38 Supp. 850).

Conklin v. Bauer, 62 N. Y. 620.

Cited, Mechanic's Lien—Consent of Owner.

11 App. Div. 478; (76 St. Rep. 257; 42 Supp. 237).

Conklin v. Conklin, 20 Hun, 278.

Cited, Gift—Delivery—Necessity.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781).

Gift—Possession by alleged donee.

17 App. Div. 11; (78 St. Rep. 842; 44 Supp. 842). D. 16 App. Div. 555; (78 St. Rep. 998; 44 Supp. 998).

Conklin v. Dutcher, 5 How. 386.

Cited, Attachment—Affidavits—Sufficiency.

50 St. Rep. 829; (22 Supp. 874).

Conklin v. Elmira, 11 App. Div. 402;

76 St. Rep. 518; 42 Supp. 518.

Conklin v. Field, 37 How. 455.

Cited, Pleadings—New Matter—Reply—Justice's Courts.

9 Misc. 57; (59 St. Rep. 666; 29 Supp. 74).

Conklin v. New York El. R. Co., 13

Supp. 782; 18 Civ. Pro. 366.

Cited, Judgment—Amendment—Power and Time of.

23 Civ. Pro. 96; (23 Supp. 750).

Conklin v. N.Y. Ontario & W.R. Co.,

102 N. Y. 107; 1 St. Rep. 677.

Cited, Railroads—Changing Grade of Street—Liability to Abutter.

136 N. Y. 531; (49 St. Rep. 895). 6 App. Div. 331, 336; (40 Supp. 522, 526). D. 6 App. Div. 345, 346; (40 Supp. 532, 533). 148 N. Y. 645.

Duplicate Citations in Parenthesis.

Railroads — Restoration of Highway at Crossing.

66 Hun, 379; (50 St. Rep. 671; 21 Supp. 504).

Nuisance—Statutory Sanction—Railroad Structure.

78 Hun, 477; (60 St. Rep. 747; 29 Supp. 190).

Conklin v. Second Nat. Bank, 45 N. Y. 655.

Cited, Corporations—Banking — Stock—Illegal Conditions.

19 Misc. 570; (77 St. Rep. 555; 43 Supp. 555).

Conklin v. Thompson, 29 Barb. 218.

Cited, Appeal—Review of Findings of Fact.

69 Hun, 427; (52 St. Rep. 778; 23 Supp. 421).

Nuisance—Fire Works in Street.

139 N. Y. 11; (54 St. Rep. 417).

Torts—Liability of Incompetent Persons For.

143 N. Y. 448; (62 St. Rep. 454).

Conklin v. Wood, 3 E. D. Smith, 662.

Cited, Mechanic's Lien—Verification of Notice.

2 Misc. 439; (51 St. Rep. 118; 21 Supp. 972).

Conkling v. Brooklyn Lumber Co.,

10 App. Div. 404; 75 St. Rep. 1200; 41 Supp. 801.

Conkling v. New York El. R. Co.,

76 Hun, 420; 59 St. Rep. 316; 27 Supp. 1098.

Conkling v. Shelley, 28 N. Y. 360.

Cited, Agency—As to Creditors.

12 App. Div. 232; (77 St. Rep. 773; 43 Supp. 773).

Conkling v. Zerega, 72 Hun, 134; 55

St. Rep. 672; 25 Supp. 558.

Conlan v. N. Y. C. & H. R. R. Co.,

74 Hun, 115; 56 St. Rep. 316; 26 Supp. 659.

Affirmed, 148 N. Y. 748.

Conley v. Meeker, 85 N. Y. 618.

Cited, Trial—Requests for Instructions—Following Language of,

141 N. Y. 594; (60 St. Rep. 331).

Witness—Impeachment—Specific Facts.

88 Hun, 368; (68 St. Rep. 797; 34 Supp. 864).

Conley v. Schiller, 24 Supp. 473.

Conlin v. Rogers, 39 St. Rep. 51; 14 Supp. 782.

Cited, Non-suit—When Proper—Negligence.

1 Misc. 101; (48 St. Rep. 676; 20 Supp. 691).

Negligence — Contributory — Freedom From.

3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752).

Conly v. Clay, 90 Hun, 20; 70 St. Rep. 133; 35 Supp. 521.

Cited, Penalty—Action to Recover—Burden of Proof.

7 App. Div. 470; (39 Supp. 1107).

Connah v. Hale, 23 Wend. 462.

Cited, Conversion—What Constitutes.

82 Hun, 336; (64 St. Rep. 108; 31 Supp. 569).

Connal, Matter of, 51 St. Rep. 562; 23 Supp. 287.

Connaughton v. Brooklyn & Brighton R. Co.,

13 Misc. 401; 68 St. Rep. 122; 34 Supp. 243.

Connecticut v. Jackson, 1 Johns. Ch. 13.

Cited, Interest—Computation—Running Accounts—Partial Payments.

75 Hun, 523; (57 St. Rep. 351; 27 Supp. 732).

Connecticut F. Ins. Co. v. Erie R. Co.,

73 N. Y. 399.

Cited, Subrogation—Insurance—Carriers.

68 Hun, 600; (52 St. Rep. 582; 23 Supp. 232).

Connecticut Mut. L. Ins. Co. v. Cleveland, C. & C. R. Co.,

41 Barb. 9.

Cited, Interest—Computation.

4 App. Div. 367; (74 St. Rep. 248; 38 Supp. 730).

Connecticut Mut. L. Ins. Co. v. Cornwall,

72 Hun, 199; 55 St. Rep. 480; 25 Supp. 348.

Connecticut Mut. L. Ins. Co. v. Van Campen,

32 St. Rep. 1125; 11 Supp. 193.

Cited, Insurance—On Husband's Life—Assignment.

73 Hun, 280; (58 St. Rep. 74; 26 Supp. 375).

60 St. Rep. 155; (28 Supp. 482).

86 Hun, 539; (67 St. Rep. 695; 33 Supp. 920).

13 App. Div. 532; (77 St. Rep. 650; 43 Supp. 650).

Insurance—On Husband's Life—Assignment—Who May Attack.

19 Misc. 590; (78 St. Rep. 1047; 44 Supp. 1047).

Connecticut Nat'l Bank v. Bayles,

17 App. Div. 596; 79 St. Rep. 305; 45 Supp. 305.

Connell v. Averill, 8 App. Div. 524; 75

St. Rep. 247; 40 Supp. 855.

Cited, Evidence—Custom—When Admissible.

19 Mi.-c. 287; (77 St. Rep. 72; 43 Supp. 72).

Connell v. Stalker, 20 Misc. 423; 79 St. Rep. 1048; 45 Supp. 1048.

Duplicate Citations in Parenthesis.

- Connolly v. Manhattan R. Co.**, 60 Hun, 495; 39 St. Rep. 561; 15 Supp. 176.
Cited, Evidence—Opinion—Basis.
 10 Misc. 50; (62 St. Rep. 769; 30 Supp. 809). 12 Misc. 14; (66 St. Rep. 536, 33 Supp. 37).
- Connolly v. Manhattan R. Co.**, 142 N. Y. 377; 59 St. Rep. 775.
Reversing, 68 Hun, 456; (52 St. Rep. 462; 23 Supp. 88).
- Connolly v. O'Connor**, 17 St. Rep. 261; 1 Supp. 489.
Affirmed, 117 N. Y. 91; 26 St. Rep. 840.
Cited, Witnesses—Competency—Death of Other Party—Bystander—Interest.
 68 Hun, 586; (52 St. Rep. 579; 23 Supp. 255).
- Connolly v. O'Connor**, 117 N. Y. 91; 26 St. Rep. 840; 18 Civ. Pro. 8.
Cited, Witnesses — Competency—Transaction With Decedent—Interest.
 77 Hun, 68; (59 St. Rep. 44; 28 Supp. 471). 145 N. Y. 18; (65 St. Rep. 572).
- Connolly v. Rist**, 20 Misc. 31; 79 St. Rep. 321; 45 Supp. 321.
- Conner, Matter of**, 6 App. Div. 594; 39 Supp. 900.
- Conner v. New York**, 5 N. Y. 285.
Cited, Municipal Corporations — Employes—Control Over—Compensation.
 30 Supp. 406.
- Conner v. New York**, 137 N. Y. 545; 50 St. Rep. 931.
- Conner v. Reeves**, 103 N. Y. 527; 4 St. Rep. 216.
Cited, Injunction — Undertaking—Final Determination.
 78 Hun, 178; (60 St. Rep. 245; 28 Supp. 939).
 Judgment—Conclusiveness.
 145 N. Y. 144; (64 St. Rep. 550).
 Undertaking — Judgment Against Principal—Effect on Surety.
 146 N. Y. 256; (66 St. Rep. 615).
- Conner v. Watson**, 1 App. Div. 54; 72 St. Rep. 224; 37 Supp. 71.
- Conneughton v. Brooklyn**, 7 Misc. 289; 58 St. Rep. 542; 27 Supp. 888.
- Connitt v. Reformed Protestant Dutch Church**, 4 Lans. 339.
Affirmed, 54 N. Y. 551.
Cited, Religious Corporations—Acts—Interference by Civil Courts.
 82 Hun, 133; (63 St. Rep. 337; 31 Supp. 96).
- Connitt v. Reformed Protestant Dutch Church**, 54 N. Y. 551.
Cited, Religious Societies — Acts of—Jurisdiction of Civil Courts.
 79 St. Rep. 766; (45 Supp. 766). 20 Misc. 239; (79 St. Rep. 792; 45 Supp. 792).
- Connolly v. Central Vermont R. Co.**, 4 App. Div. 221; 74 St. Rep. 214; 38 Supp. 587.
Cited, Railroads—Injuries to Animals—Defective Fence.
 11 App. Div. 378; (76 St. Rep. 234; 42 Supp. 234).
- Connolly v. Clark**, 20 Misc. 415; 79 St. Rep. 1042; 45 Supp. 1042.
- Connolly v. Knickerbocker Ice Co.**, 114 N. Y. 104; 22 St. Rep. 675.
Cited, Negligence — Violation of Ordinance.
 68 Hun, 497; (52 St. Rep. 678; 23 Supp. 82).
 Evidence—Burden of Proof—Contributory Negligence.
 69 Hun, 392; (52 St. Rep. 698; 23 Supp. 630). 90 Hun, 420; (70 St. Rep. 623; 35 Supp. 919).
 Negligence—Contributory.
 9 App. Div. 83; (75 St. Rep. 551; 41 Supp. 91).
- Connolly v. Manhattan R. Co.**, 75 St. Rep. 391; 40 Supp. 1007.
- Connolly v. Maurer**, 6 Misc. 98; 56 St. Rep. 838; 26 Supp. 18.
Cited, Master and Servant—Liability of Master to Servant—Fellow Servants.
 8 Misc. 212; (59 St. Rep. 222; 28 Supp. 580). 13 Misc. 55; (68 St. Rep. 99; 34 Supp. 114). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 187). 14 Misc. 469; (70 St. Rep. 729; 35 Supp. 1025).
- Connolly v. Newton**, 85 Hun, 552; 66 St. Rep. 704; 33 Supp. 102.
- Connolly v. Poillon**, 41 Barb. 366.
Cited, Master and Servant—Risks Assumed—Obedience of Orders.
 6 Misc. 333; (56 St. Rep. 238; 26 Supp. 899). 9 Misc. 10; (59 St. Rep. 739; 29 Supp. 22).
- Connor v. New York**, 152 N. Y. 49.
- Connors v. Elmira, Cortland, etc. R. Co.**, 92 Hun, 339; 72 St. Rep. 331; 36 Supp. 926.
- Connors v. People**, 50 N. Y. 240.
Cited, Witness—Accused Person.
 14 Misc. 36; (69 St. Rep. 616; 35 Supp. 240). 91 Hun, 623; (71 St. Rep. 655; 36 Supp. 602).
 Constitutional Rights—Waiver.
 18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528).

*Duplicate Citations in Parenthesis.***Connoss v. Meir**, 2 E. D. [Smith, 314.*Cited*, Pleading—Answer—Failure to Deny—Effect as Admission—Damages—Torts.

74 Hun, 558; (57 St. Rep. 235; 26 Supp. 630).

Pleading—Conversion—Allegation] of Value.

20 Misc. 324; (79 St. Rep. 686; 45 Supp. 686).

Conover v. Lennon, 45 St. Rep. 942; 19 Supp. 910.*Cited*, Mechanic's Lien—Notice—Verification—Form.

3 Misc. 92; (51 St. Rep. 755; 22 Supp. 545).

Conover v. Lennon, 46 St. Rep. 18; 18 Supp. 162.*Cited*. Damages—Delay in Building—Loss of Rent.

4 Misc. 190; (53 St. Rep. 178; 23 Supp. 885).

Conover v. Mutual Ins. Co. of Albany, 1 N. Y. 290.*Cited*, Corporations—Powers of Officers.

138 N. Y. 479; (53 St. Rep. 66). 143. N. Y. 436; (62 S. Rep. 447).

Insurance, Fire—Conditions as to "Unconditional and Sole Ownership"—Incumbrances.

1 Misc. 116; (48 St. Rep. 654; 20 Supp. 647).

Conover v. New York, 25 Barb. 513.*Cited*, Courts—"Jurisdiction"—Control Over Actions.

12 Misc. 465; (67 St. Rep. 834; 34 Supp. 32).

Conover v. Wood, 5 Abb. 84.*Cited*, Contempt—Courts.

82 Hun, 245; (63 St. Rep. 823; 31 Supp. 375).

Conrad v. Ithaca, Trustees of, 16 N. Y. 158.*Cited*, Municipal Corporations—Liability—Private Powers and Duties.

80 Hun, 186; (61 St. Rep. 713; 29 Supp. 1132). 84 Hun, 401; (65 St. Rep. 660; 32 Supp. 474).

Municipal Corporations—Defective Streets—Liability.

12 Misc. 632; (69 St. Rep. 129; 34 Supp. 961). 11 App. Div. 277; (76 St. Rep. 114; 42 Supp. 114).

Conroe v. National Protection Ins. Co., 10 How. 403.*Cited*, Corporation—Residence—Taxation.

73 Hun, 101; (56 St. Rep. 81; 25 Supp. 919).

Conrow v. Little, 115 N. Y. 887; 26 St. Rep. 527.*Cited*, Action—Election of Remedies—Inconsistency.

79 Hun, 60; (61 St. Rep. 176; 29 Supp. 647). 87 Hun, 126; (67 St. Rep. 443; 33 Supp. 800).

Action—Election of Remedies—Effect.

80 Hun 238; (61 St. Rep. 648; 29 Supp. 1049). 9 Misc. 114; (59 St. Rep. 733; 29 Supp. 45). 16 Misc. 55; (73 St. Rep. 85; 37 Supp. 636). 10 App. Div. 429; (75 St. Rep. 1136; 41 Supp. 1089).

Contracts—Rescission—Effect on Prior Payments.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9).

Conroy v. Cunningham, 70 Hun, 600; 24 Supp. 75.**Consalus, Matter of**, 95 N. Y. 340.*Cited*, Evidence—Burden of Proof—Usury.

138 N. Y. 624; (52 St. Rep. 152).

Usury—Security Tainted With—Recovery on Indebtedness.

15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847).

Usury—What Constitutes.

150 N. Y. 363.

Conselyea v. Blanchard, 103 N. Y. 222.*Cited*, Appeal—Inconsistent Findings—Construction.

16 Misc. 361; (74 St. Rep. 381; 38 Supp. 84).

Conselyea v. Supreme Council American Legion of Honor, 3 App. Div. 464; 74 St. Rep. 7; 38 Supp. 248.**Conselyea v. Swift**, 103 N. Y. 604; 4 St. Rep. 278.*Cited*, Trial—Right to Open and Close—Substantiality.

9 Misc. 267; (61 St. Rep. 319; 29 Supp. 743).

Action—On Note—Burden of Proof.

17 Misc. 35; (39 Supp. 212).

Consequa v. Fanning, 2 Johns. Ch. 431.*Cited*, 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321).**Consequa v. Fanning**, 3 Johns. 587.*Cited*, Interest—By Way of Penalty—Satisfaction of Principal—Effect of.

1 Misc. 256; (22 Supp. 1087).

Considerant v. Brisbane, 2 Bosw. 471; 14 How. 487.*Cited*, Corporation—Stock Subscription—Enforcement—Tender of Certificate.

16 App. Div. 521; (78 St. Rep. 1032; 44 Supp. 1032).

Duplicate Citations in Parenthesis.

Considerant v. Brisbane, 22 N. Y. 389.

Cited, Action — Parties — On Contract Made by Agent.

2 Misc. 261; (50 St. Rep. 766; 21 Supp. 968).

Contract—Agent—Availability—Trust.

9 Misc. 73; (59 St. Rep. 689; 29 Supp. 67).

Corporations—Stock Subscription — Enforcement—Tender of Certificate.

16 App. Div. 521; (78 St. Rep. 1032; 44 Supp. 1032).

Consolidated Gas Co. v. New York, 17 Supp. 826.

Cited, 40 Supp. 222.

Consolidated Kansas City Smelting & Refining Co., Matter of, 13 App. Div. 50; 43 Supp. 51.

Constable v. Hardenbergh, 14 Misc. 159; 69 St. Rep. 740; 35 Supp. 353.

Affirmed, 4 App. Div. 143; 74 St. Rep. 123; 38 Supp. 694.

Constable v. Hardenbergh, 76 Hun, 434; 59 St. Rep. 318; 27 Supp. 1022.

Cited, Pleading — Bill of Particulars—Affidavit—Knowledge.

82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496).

Constable v. Hardenburgh, 4 App. Div. 143; 74 St. Rep. 123; 33 Supp. 694.

Constant v. Barrett, 13 Misc. 249; 68 St. Rep. 210; 34 Supp. 163.

Cited, Courts—Inferior — Equitable Defenses.

16 Misc. 341; (38 Supp. 74).

Courts—District—Equitable Jurisdiction.

18 Misc. 421; (75 St. Rep. 842; 41 Supp. 437).

Constant v. Barrett, 14 Misc. 570; 70 St. Rep. 709; 35 Supp. 1092.

Constable v. Lefever, 49 St. Rep. 294; 21 Supp. 38.

Constant v. University of Rochester, 111 N. Y. 604; 20 St. Rep. 211.

Cited, Notice—Imputed—Agents.

8 Misc. 644; (60 St. Rep. 135; 29 Supp. 1028; 31 Abb. N. C. 414). 11 Misc. 82; (59 St. Rep. 475; 29 Supp. 597; 31 Abb. N. C. 406). 12 Misc. 39; (66 St. Rep. 538; 33 Supp. 40). D. 86 Hun, 251; (66 St. Rep. 751; 33 Supp. 235). 85 Hun, 560; (66 St. Rep. 79; 33 Supp. 164). 2 App. Div. 243; (74 St. Rep. 242; 38 Supp. 615). 150 N. Y. 137.

Constant v. University of Rochester, 133 N. Y. 640; 45 St. Rep. 252.

Cited, Evidence—Sufficiency—Fraud.

70 Hun, 413; (53 St. Rep. 708; 24 Supp. 435). 12 Misc. 279; (67 St. Rep. 815; 33 Supp. 1112). 18 Misc. 111; (41 Supp. 837).

Construction Reporter Co. v. Crowninshield, 16 Misc. 381; 38 Supp. 72.

Continental Const. & Imp. Co. v. Vinal, 14 Civ. Pro. 293; 15 St. Rep. 968; 1 Supp. 200.

Cited, Pleading — Complaint — Supplemental—Office.

7 Misc. 23; (57 St. Rep. 79; 27 Supp. 408)

Consumers' Gas. & E. L. Co. v. Congress S. Co., 61 Hun, 133; 39 St. Rep. 703; 15 Supp. 624.

Cited, Municipal Corporations—Streets—Proper Use.

62 St. Rep. 275; (30 Supp. 442);

Continental Ins. Co. v. Aetna Ins. Co., 138 N. Y. 16; 51 St. Rep. 712.

Reversing, 62 Hun, 554; 42 St. Rep. 775; 17 Supp. 106.

Cited, Guaranty—Construction — Intention of Parties.

139 N. Y. 272; (54 St. Rep. 555).

Continental Ins. Co. v. Greenwich Ins. Co., 51 St. Rep. 718.

Continental Ins. Co. v. Phoenix Ins. Co. of Brooklyn, 51 St. Rep. 718.

Continental Nat. Bank v. Adams, 4 Hun, 666.

Cited, New Trial—Surprise—Diligence.

73 Hun, 197; (56 St. Rep. 129; 25 Supp. 915).

Continental Nat. Bank v. Bell, 125 N. Y. 38; 34 St. Rep. 481.

Cited, Bills and Notes—Accommodation — Rights of Pledgee.

4 Misc. 258; (53 St. Rep. 692; 23 Supp. 814).

Pledge—To What Indebtedness Applicable.

6 Misc. 82; (55 St. Rep. 394; 26 Supp. 26).

Continental Nat. Bank v. Nat. Bank of the Commonwealth, 50 N. Y. 575).

Cited, Estoppel—Representations.

69 Hun, 529; (52 St. Rep. 851). 135 N. Y. 305; (47 St. Rep. 866). 87 Hun, 474; (68 St. Rep. 481; 34 Supp. 330). 6 App. Div. 52; (39 Supp. 741).

Continental Nat. Bank v. Townsend, 87 N. Y. 8; 13 Week. Dig. 295.

Cited, Bills and Notes—Accommodation — Bona Fide Transfer—Precedent Debt.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26). 80 Hun, 212; (61 St. Rep. 778; 30 Supp. 34).

Duplicate Citations in Parenthesis.

Continental Nat. Bank of Boston v. Strauss, 17 Supp. 188; 60 Super. 151.

Affirmed, 137 N. Y. 148; 50 St. Rep. 203.

Cited, Partnership—Limited—Burden of Proof.

18 Misc. 555; (41 Supp. 992).

Continental Nat. Bank of Boston v. Strauss, 137 N. Y. 148, 553; 50 St. Rep. 203.

Cited, Partnership—Rights of Special Partners.

85 Hun, 594; (66 St. Rep. 795; 33 Supp. 123). 11 App. Div. 313; (76 St. Rep. 502; 42 Supp. 502).

Partnership—Limited—Burden of Proof. 16 App. Div. 329; (78 St. Rep. 618; 44 Supp. 618).

Trial—Affirmative—Burden of Proof.

20 Misc. 417; (79 St. Rep. 1043; 45 Supp. 1043).

Statutes—Compliance with—Presumption.

19 Misc. 614; (78 St. Rep. 423; 44 Supp. 423).

Continental Nat. Bank of Boston v. Thurber, 74 Hun, 632; 57 St. Rep. 226; 26 Supp. 976.

Affirmed, 143 N. Y. 648; 60 St. Rep. 873.

Continental Store Service Co. v. Clark, 100 N. Y. 365.

Cited, Courts—Jurisdiction—Action for Royalty on Patents.

60 St. Rep. 289.

Continental Trust Co. v. Nobel, 10 Misc. 325; 63 St. Rep. 187; 30 Supp. 994.

Continental Trust Co. v. Wetmore, 67 Hun, 9; 50 St. Rep. 491; 21 Supp. 746.

Cited, 149 N. Y. 525.

Husband and Wife—Divorce—Alimony—Sequestration of Husband's Property—Trust Fund.

79 Hun, 269; (60 St. Rep. 569; 29 Supp. 440).

Converse v. Kellogg, 7 Barb. 590.

Cited, Perpetuities—Construction of Statute—"Absolute."

74 Hun, 428; (57 St. Rep. 181; 26 Supp. 704). 10 Misc. 571; (65 St. Rep. 267; 32 Supp. 188).

Converse v. McArthur, 17 Barb. 410.

Cited, Courts—Judges—Disqualification. 4 App. Div. 403; (39 Supp. 610).

Converse v. Sickles, 17 Misc. 169; 40 Supp. 971.

Converse v. Sickles, 74 Hun, 429; 57 St. Rep. 208; 26 Supp. 590.

Reversed, 146 N. Y. 200; 66 St. Rep. 586; 2 Ann. Cas. 16.

Converse v. Sickles, 146 N. Y. 200; 66 St. Rep. 586; 2 Ann. Cas. 16.

Cited, 17 Misc. 170; (40 Supp. 971).

Res adjudicata.

16 Misc. 477; (39 Supp. 933). 8 App. Div. 153; (40 Supp. 511). 12 App. Div. 549; (76 St. Rep. 422; 42 Supp. 422).

Converse v. Sickles, 16 App. Div. 49; 78 St. Rep. 1080; 44 Supp. 1080.

Converseville Co. v. Chambersburg Woolen Co., 14 Hun, 609.

Cited, Factors—Under Del Credere Agreement—Liability for Moneys Received in Fiduciary Capacity.

7 Misc. 584; (58 St. Rep. 506; 28 Supp. 5; 31 Abb. N. C. 102).

Conville v. Shook, 4 Misc. 616; 24 Supp. 547.

Affirmed, 144 N. Y. 686; 71 St. Rep. 341.

Conville v. Shook, 144 N. Y. 686; 71 St. Rep. 341.

Cited, Accounting—Impeachment.

6 App. Div. 353; (39 Supp. 569.)

Conway, Matter of, 9 Misc. 652; 62 St. Rep. 343; 30 Supp. 835.

Conway, Matter of, 124 N. Y. 455; 36 St. Rep. 486.

Cited, Wills—Execution—Subscription.

84 Hun, 582; (66 St. Rep. 320; 32 Supp. 846). 90 Hun, 141, 143; (70 St. Rep. 261, 263; 35 Supp. 801, 802). 153 N. Y. 263, 264.

Conway v. Barber, 6 Misc. 627; 58 St. Rep. 12; 27 Supp. 136.

Conway v. Carpenter, 73 Hun, 540; 56 St. Rep. 429; 26 Supp. 255.

Cited, Assault—Justification—Ejection.

80 Hun, 429; (62 St. Rep. 44; 30 Supp. 316).

Conway v. Carpenter, 80 Hun, 428; 62 St. Rep. 43; 30 Supp. 315.

Conway v. Carpenter, 89 Hun, 607; 34 Supp. 1136.

Conway v. Conway, 4 Misc. 312; 24 Supp. 261.

Conway, v. N. Y. C. & H. R. R. Co., 11 Misc. 641; 66 St. Rep. 347; 32 Supp. 921.

Reversed, 13 Misc. 53; 68 St. Rep. 97; 34 Supp. 113.

Conway v. N. Y. C. & H. R. R. Co., 13 Misc. 53; 68 St. Rep. 97; 34 Supp. 113.

Cited, Master and Servant—Negligence—Fellow Servant.

14 Misc. 469; (70 St. Rep. 729; 35 Supp. 1025).

Duplicate Citations in Parenthesis.

Conway v. Phoenix Mut. Life Ins. Co., 140 N. Y. 79; 55 St. Rep. 571.

Cited, Insurance—Conditions of Policy—Waiver—Power of Agents.
76 Hun, 270; (59 St. Rep. 119; 27 Supp. 726).

Conway v. Starkweather, 1 Den. 113.

Cited, Landlord and Tenant—Lease—Holding Over—Liability of Tenant.

5 Misc. 265; (25 Supp. 106). 19 Misc. 525; (77 St. Rep. 1062; 43 Supp. 1062; 3 Ann. Cas. 374).

Conyngham v. Duffy, 125 N. Y. 200; 34 St. Rep. 736.

Cited, Supplementary Proceedings—When Must be Instituted—Several Executions.

80 Hun, 114; (61 St. Rep. 752; 30 Supp. 36; 1 Ann. Cas. 22). 5 Misc. 485; (26 Supp. 735). 143 N. Y. 571; (62 St. Rep. 782).

Conyngham v. Shiel, 20 Misc. 590.

Cook, Matter of, 68 Hun, 280; 52 St. Rep. 382; 22 Supp. 969.

Cited, Surrogate's Court—Jurisdiction—Validity of Assignment of Legacy.

71 Hun, 348; (55 St. Rep. 22; 25 Supp. 5).

Cook v. Barnes, 36 N. Y. 520.

Cited, Usury—Security Tainted With—Recovery on Indebtedness.

15 Misc. 425; (73 St. Rep. 60; 37 Supp. 847).

Cook v. Barr, 44 N. Y. 156.

Cited, Evidence—Declarations and Admissions—Against Interest.

2 Misc. 327; (51 St. Rep. 586; 21 Supp. 997). 9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8). 16 Misc. 27; (73 St. Rep. 244; 37 Supp. 650). 16 App. Div. 431; (79 St. Rep. 84; 45 Supp. 84).

Evidence—Parol—Trust—Establishment.

84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392).

Trusts—Creation—Declaration—Sufficiency.

140 N. Y. 119; (55 St. Rep. 373). 66 Hun, 73; (49 St. Rep. 494; 20 Supp. 753).

Cook v. Bennett, 60 Hun, 8; 38 St. Rep. 632; 14 Supp. 683.

Cited, Chattel Mortgage—Sales by Mortgagee.

71 Hun, 515; (54 St. Rep. 910; 24 Supp. 1068).

Cook v. Berrott, 50 St. Rep. 163; 21 Supp. 358.

Cook v. Champlain Transportation Co., 1 Den. 91.

Cited, Waste—Action for—Against Whom Lies.

11 Misc. 120; (66 St. Rep. 219; 32 Supp. 823; 24 Civ. Pro. 193).

Cook v. Covil, 18 Hun, 288.

Cited, Highways—Encroachment—Removal—Commissioners.

92 Hun, 133; (72 St. Rep. 389; 36 Supp. 867). 149 N. Y. 511.

Cook v. Dean, 11 App. Div. 123; 76 St. Rep. 1040; 42 Supp. 1040.

Cook v. Dowling, 6 Misc. 271; 58 St. Rep. 131; 26 Supp. 764.

Cook v. Finck, 20 Misc. 110.

Cook v. Freudenthal, 80 N. Y. 202.

Cited, Undertaking—Statutory—Enlargement of Liabilities—Validity.

8 App. Div. 217; (40 Supp. 436).

Cook v. Gregg, 46 N. Y. 439.

Cited, Constitutional Law—Temporary Seizure—Without Process.

13 App. Div. 200; (77 St. Rep. 367; 43 Supp. 267).

Cook v. Harris, 61 N. Y. 448.

Cited, Highway—Encroachments—Removal by Commissioner.

67 Hun, 292; (50 St. Rep. 771; 22 Supp. 423).

Highways—Dedication—Acceptance.

90 Hun, 124; (70 St. Rep. 404; 35 Supp. 639). 39 Supp. 11.

Highways—Dedication—How Shown.

92 Hun, 308; (72 St. Rep. 394; 36 Supp. 871).

Cook v. Jenkins, 79 N. Y. 575.

Cited, 41 Supp. 226; (25 Civ. Pro. 379).

Trial—Mode—Counterclaim—Affirmative Judgment—Framing of Issues.

61 St. Rep. 853; (30 Supp. 149.)

Cook v. Kroemeke, 4 Daly, 268.

Cited, Vendor and Purchaser—Ability to Carry Out Contracts—Presumption.

18 Misc. 245; (75 St. Rep. 1000; 41 Supp. 607).

Cook v. Litchfield, 5 Sandf. 330.

Cited, Action—Abatement—By Other Action—Foreign Court.

138 N. Y. 218; (52 St. Rep. 166).

Cook v. Litchfield, 9 N. Y. 279.

Cited, Bills and Notes—Lex Loci Contractus.

15 Misc. 575; (72 St. Rep. 814; 38 Supp. 185).

Cook v. Long Island R. Co., 138 N. Y. 642; 53 St. Rep. 930.

Cook v. Lowry, 95 N. Y. 103.

Cited, Perpetuities—Accumulation of Rents—Disposition.

140 N. Y. 104; (55 St. Rep. 312).

Trusts—Personalty or Realty—Assimilation of Rules.

140 N. Y. 534; (56 St. Rep. 474).

Trustees—Commissions—Disallowance.

152 N. Y. 583.

Duplicate Citations in Parenthesis.

Cook v. Matteson, 33 St. Rep. 497; 11 Supp. 572.

Cited, Pleading—Definiteness.

67 Hun, 434; (51 St. Rep. 309; 22 Supp. 122). 12 Misc. 459; (68 St. Rep. 134; 34 Supp. 256).

Cook v. New Amsterdam Real Estate Ass'n, 85 Hun, 417; 66 St. Rep. 206; 32 Supp. 888; 2 Ann. Cas. 55.

Cook v. New Amsterdam Real Estate Ass'n, 2 App. Div. 55; 72 St. Rep. 563; 37 Supp. 161.

Cook v. New York, 61 St. Rep. 671; 30 Supp. 404.

Cook v. N. Y. C. & H. R. R. Co., 35 St. Rep. 525; 15 Supp. 45.

Cited, Railroads—Negligence—Contribution—Question of Fact.

86 Hun, 620; (67 St. Rep. 541; 33 Supp. 794).

Cook v. N. Y. C. & H. R. R. Co., 128 N. Y. 635.

Cited, Railroads—Negligence—Contribution—Question of Fact.

83 Hun, 620; (67 St. Rep. 540; 33 Supp. 794).

Cook v. N. Y. El. R. Co., 3 Misc. 248; 52 St. Rep. 253; 22 Supp. 790.

Reversed, 144 N. Y. 115; 63 St. Rep. 18.

Cited, Damages—Elevated Railway—Easement Apart From Fee.

3 Misc. 611; (52 St. Rep. 256; 22 Supp. 793). 3 Misc. 612; (52 St. Rep. 257; 22 Supp. 795).

Evidence—Damages From Elevated Railway—Decline in Rentals of Other Property.

10 Misc. 139; (62 St. Rep. 493; 30 Supp. 922).

Cook v. N. Y. El. R. Co., 144 N. Y. 115; 63 St. Rep. 18.

Cited, Appeal—Review of Facts—Reversal.

152 N. Y. 168.

Evidence—Damages—Eminent Domain—Effect on Business.

17 App. Div. 62; (78 St. Rep. 848; 44 Supp. 848).

Evidence—Damages by Elevated Railway—Effect on Other Property.

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Cook v. People, 2 T. & C. 404.

Cited, Seduction—Second Offense.

153 N. Y. 95.

Cook v. Phillips, 56 N. Y. 310.

Cited, Brokers—Commissions—Statutory Limit—Charges in Excess.

79 St. Rep. 419; (45 Supp. 419).

Cook v. Rowell, 88 Hun, 620; 34 Supp. 1137.

Cited, Bills and Notes—Endorsement—Consideration.

17 Misc. 383; (39 Supp. 1062).

Cook v. Ryan, 29 Hun, 249.

Cited, Executors—Conveyance To of Land in Payment of Mortgage On—Estate In Land—Power of Sale.

78 Hun, 190; (60 St. Rep. 267; 28 Supp. 927). 66 Hun, 348; (50 St. Rep. 52; 21 Supp. 200). 82 Hun, 147; (63 St. Rep. 764; 31 Supp. 316).

Cook v. Shattuck, 21 Supp. 29.

Cook v. Soule, 56 N. Y. 420.

Cited, Landlord and Tenant—Defects in Building—Duty of Tenant to Protect Goods.

69 Hun, 142; (53 St. Rep. 407; 23 Supp. 377).

Landlord and Tenant—Action for Rent—Counterclaim of Damages.

6 Misc. 533; (58 St. Rep. 18; 27 Supp. 139). 144 N. Y. 44; (63 St. Rep. 12). 5 App. Div. 519; (38 Supp. 1076).

Landlord and Tenant—Covenants to Repair—Liability of Landlord.

8 Misc. 40; (59 St. Rep. 337; 28 Supp. 520). 79 Hun, 67; (61 St. Rep. 146; 29 Supp. 668). 144 N. Y. 48; (63 St. Rep. 15). 15 Misc. 3; (72 St. Rep. 5; 35 Supp. 876). 19 Misc. 311; (78 St. Rep. 479; 44 Supp. 479).

Cook v. Standard Oil Co., 9 App. Div. 102; 75 St. Rep. 610; 41 Supp. 152.

Cook v. Thurston, 18 Misc. 506; 76 St. Rep. 1034; 42 Supp. 1084.

Cook v. Travis, 20 N. Y. 400.

Cited, Notice—Real Property—Possession.

140 N. Y. 348; (55 St. Rep. 727). 86 Hun, 610; (67 St. Rep. 513; 33 Supp. 767). 14 Misc. 85; (69 St. Rep. 583; 35 Supp. 267).

Deed—Sheriff's Sale On Execution—Relation.

4 App. Div. 197; (74 St. Rep. 177; 38 Supp. 558).

Cook v. Warren, 88 N. Y. 37.

Cited, Pleadings—F frivolous Demurrer.

50 St. Rep. 757; (31 Supp. 846). 80 Hun, 604; (64 St. Rep. 884; 31 Supp. 1135).

Pleading—Construction.

8 Misc. 223; (59 St. Rep. 451; 28 Supp. 566; 23 Civ. Pro. 438).

Witness—Impeachment—Contradictory Statements.

1 Misc. 284.

Pleading—Demurrer.

14 Misc. 82; (69 St. Rep. 582; 35 Supp. 265).

Duplicate Citations in Parenthesis.

Pleadings—Striking Out for Frivolity.
50 St. Rep. 745; (21 Supp. 677). 13 Misc. 193; (68 St. Rep. 222; 34 Supp. 136). 20 Misc. 142; (79 St. Rep. 810; 45 Supp. 810).

Cook v. Whipple, 55 N. Y. 150.

Cited, Appeal—What First Raisable—Jurisdiction.

8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 443).

Cooke v. Chase, 85 Hun, 616; 72 St. Rep. 731; 37 Supp. 124.

Cooke v. Lalance Grojean Mfg. Co., 29 Hun, 641.

Cited, Eminent Domain—Examination of Premises—To Procure Evidence as to Damages.

73 Hun, 424; (56 St. Rep. 11; 26 Supp. 431).

Cooke v. McAleenau, 18 Misc. 219; 75 St. Rep. 870; 41 Supp. 479.

Cooke v. Meeker, 36 N. Y. 15.

Cited, Trust—Gift of Interest—From what Time Computed.

5 Misc. 130; (35 Supp. 729). 85 Hun, 421; (66 St. Rep. 206; 32 Supp. 883). 7 App. Div. 15; (40 Supp. 495). 19 Misc. 256; (78 St. Rep. 224; 44 Supp. 224).

Wills—Legacies—Payment—Time.

135 N. Y. 297; (47 St. Rep. 815).

Cooke v. Millard, 65 N. Y. 352.

Cited, Sale—Acceptance—Sufficiency.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464).

Sale—Of Goods to be Manufactured.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463). 1 App. Div. 385; (72 St. Rep. 462; 37 Supp. 398). 17 Misc. 732; (41 Supp. 414).

Cooke v. Platt, 98 N. Y. 35.

Cited, Trusts—Direction for Application of Proceeds.

49 St. Rep. 16.

Will—Trusts—Creation.

135 N. Y. 594; (49 St. Rep. 16).

Wills—Construction—Equitable Conversion.

81 Hun, 20; (62 St. Rep. 259; 30 Supp. 570). 10 Misc. 636; (66 St. Rep. 216; 32 Supp. 89). 89 Hun, 51; (69 St. Rep. 429; 35 Supp. 36). 90 Hun, 102; (70 St. Rep. 413; 35 Supp. 617). 15 App. Div. 240; (78 St. Rep. 189; 44 Supp. 189).

Wills—Trusts—Termination.

145 N. Y. 368; (64 St. Rep. 823).

Cooke v. Smith, 7 Hill, 186.

Cited, Set-off—Judgments.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 190).

Cooke v. State Nat. Bank of Boston, 52 N. Y. 96.

Cited, Banks—Certification of Checks—Liability of Bank for.

77 Hun, 168; (58 St. Rep. 718; 28 Supp. 412).

Trial—Question of Fact—Waiver of Right to Submission of by Motion for Non-suit.

1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697).

Courts—Jurisdiction—When Exclusive.

1 Misc. 460; (49 St. Rep. 610; 21 Supp. 791). 86 Hun, 196; (67 St. Rep. 128; 33 Supp. 383).

Cooke v. Underhill Mfg Co., 138 N. Y. 610; 51 St. Rep. 657.

Affirming, 57 Hun, 107; 32 St. Rep. 548; 10 Supp. 446.

Cookingham v. Lasher, 2 Keyes, 454.

Cited, Partnership—Individual Liability on Contracts.

2 Misc. 338; (51 St. Rep. 430; 21 Supp. 977).

Cookman v N. Y. El. R. Co., 69 St. Rep. 659.

Cooledge v. Cooledge, 1 Barb Ch. 77.

Cited, Husband and Wife—Divorce—Alimony—Determining.

138 N. Y. 282; (51 St. Rep. 363). 14 Misc. 598; (71 St. Rep. 11; 36 Supp. 272).

Cooley, Matter of, 6 Den. 77.

Cited, Executors—Accounting—Income—Unauthorized Dealings.

2 Misc. 282; (23 Supp. 973).

Surrogate's Court—Jurisdiction—Executors—Money in Hands of not Assets.

5 Misc. 159; (35 Supp. 722).

Cooley v. Lobdell, 82 Hun, 98; 63 St. Rep. 603; 31 Supp. 202.

Combs v. Bateman, 10 Barb. 573.

Cited, Payment—Note.

85 Hun, 491; (66 St. Rep. 761; 33 Supp. 135).

Coon v. Knap, 8 N. Y. 402.

Cited, Evidence—Parol to Vary Writing.

2 Misc. 377; (50 St. Rep. 596; 21 Supp. 1096). 13 Misc. 260; (68 St. Rep. 90; 34 Supp. 88). 18 App. Div. 52; (79 St. Rep. 391; 45 Supp. 391).

Accord and Satisfaction—Receipts.

11 App. Div. 352; (76 St. Rep. 1010; 42 Supp. 1010).

Coon v. Reed, 1 Hilt. 511.

Cited, Sale—Rescission—Recovery of Purchase Price.

19 Misc. 538; (77 St. Rep. 1079; 43 Supp. 1079).

Duplicate Citations in Parenthesis.

Coonley v. Albany, City of, 57 Hun, 327; 10 Supp. 512.

Cited, Municipal Corporations—Negligence—Obstruction of Streets.

15 App. Div. 230; (78 St. Rep. 123; 44 Supp. 123).

Coonley v. Wood, 36 Hun, 559.

Cited, Joint Debtor—Payment by One—Effect on Debt.

70 Hun, 471; (53 St. Rep. 623; 24 Supp. 289).

Coons v. Chambers, 1 Abb. Ct. App. Dec. 439.

Cited, Evidence—Previous Letters—To Vary Written Contract.

19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Coop, Matter of, 24 St. Rep. 417; 6 Supp. 664.

Cited, Wills—Probate—Contest—Duties and Obligations of Testator—Intention.

9 Misc. 679; (63 St. Rep. 424; 30 Supp. 847).

Coope v. Bowles, 42 Barb. 88.

Cited, Receiver—When May Maintain Action.

10 Misc. 691; (65 St. Rep. 98; 31 Supp. 1004; 1 Ann. Cas. 339).

Coope v. Lowerre, 1 Barb. Ch. 55.

Cited, Executors—Qualification.

12 Misc. 474; (68 St. Rep. 137; 34 Supp. 259). 92 Hun, 323; (72 St. Rep. 406; 36 Supp. 884).

Cooper, Matter of, 6 Misc. 501; 57 St. Rep. 704; 27 Supp. 425.

Cooper, Matter of, 93 N. Y. 507.

Cited, Constitutional Law—Waiver of Provision.

143 N. Y. 26; (60 St. Rep. 366). 7 Misc. 334; (58 St. Rep. 562; 28 Supp. 174).

Estoppel—Equitable—Waiver of Constitutional or Statutory Privilege.

140 N. Y. 466; (55 St. Rep. 832). 82 Hun, 267; (63 St. Rep. 561; 31 Supp. 255). 90 Hun, 185; (70 St. Rep. 683; 35 Supp. 948). 11 App. Div. 431; (76 St. Rep. 314; 42 Supp. 314). 20 Misc. 351; (79 St. Rep. 781; 45 Supp. 781).

Cooper v. Brooklyn, 11 App. Div. 71; 76 St. Rep. 762; 42 Supp. 762.

Cooper v. Dedrick, 22 Barb. 516.

Cited, Contracts—Guaranty—Consideration of.

80 Hun, 67; (61 St. Rep. 604; 29 Supp. 853).

Cooper v. Eastern Transportation Co., 75 N. Y. 116.

Cited, Navigation—Right of Way—Custom—Negligence.

76 Hun, 183; (57 St. Rep. 308; 27 Supp. 563). 12 Misc. 363; (65 St. Rep. 782; 33 Supp. 653). 10 App. Div. 379; (75 St. Rep. 1396; 41 Supp. 1029).

Appeal—Necessity of exception.

29 Misc. 9; (76 St. Rep. 911; 42 Supp. 911).

Cooper v. Felter, 6 Lans. 485.

Cited, Executors—Claims Against Estate—Delay in Rejection.

16 App. Div. 37; (78 St. Rep. 807; 44 Supp. 80).

Cooper v. First Presbyterian Ch. of Sandy Hill, 32 Barb. 222.

Cited, Religious Societies—Rights of Pew Owners—New Edifice.

52 St. Rep. 641; (23 Supp. 1014).

Cooper v. Greeley, 1 Den. 317.

Cited, Libel—What is Per Se—Obloquy Less Than Crime.

69 Hun, 359; (52 St. Rep. 793; 23 Supp. 653).

Pleading—Answer—Demurrer—Sufficiency of Complaint.

80 Hun, 29; (61 St. Rep. 612; 29 Supp. 861).

Cooper v. Jolly, 30 Hun, 224.

Affirmed, 96 N. Y. 667.

Cited, Costs—When Allowed.

135 N. Y. 269; (48 St. Rep. 103). 3 App. Div. 317; (73 St. Rep. 741; 38 Supp. 260). 7 App. Div. 383, 386; (40 Supp. 216, 217).

Cooper v. Jones, 4 Sandf. 699.

Cited, Pleading—Amendments—Of Course.

8 Misc. 96; (60 St. Rep. 160; 28 Supp. 1006; 23 Civ. Pro. 400; 31 Abb. N. C. 254).

Cooper v. Kaue, 19 Wend. 386.

Cited, Excavation—To Whom Soil Belongs.

73 St. Rep. 337; (38 Supp. 149).

Cooper v. Manhattan R. Co., 85 Hun, 217; 66 St. Rep. 407; 32 Supp. 1054.

Cooper v. Metropolitan L. Ins. Co., 1 App. Div. 291; 72 St. Rep. 736; 37 Supp. 129.

Cooper v. Monroe, 77 Hun, 1; 59 St. Rep. 418; 28 Supp. 222.

Cooper v. Newland, 17 Abb. 342.

Cited, Assignment—Of Security—Debt. 18 Misc. 187; (75 St. Rep. 852; 41 Supp. 455).

Cooper v. Remsen, 5 Johns 459.

Cited, Wills—Validity—Devise—Public Policy—Separation from Husband.

60 St. Rep. 528; (28 Supp. 1055).

*Duplicate Citations in Parenthesis.***Cooper v. Stone**, 24 Wend. 434.

Cited, Libel—Privileged Communication.
71 Hun, 488; (54 St. Rep. 902; 24 Supp. 1062).

Cooper v. Tim, 16 Misc. 372; 74 St. Rep. 435; 38 Supp. 67.**Cooper v. Whitney**, 3 Hill, 95.

Cited, Mortgage—Mortgagee in possession—Ejectment.
81 Hun, 261; (62 St. Rep. 755; 30 Supp. 793).

Cooper Mfg. Co. v. Warner, 5 App. Div. 43; 74 St. Rep. 850; 38 Supp. 1038.**Copcutt, Matter of**, 69 Hun, 110; 23 Supp. 394.**Copcutt v. Yonkers**, 83 Hun, 178; 64 St. Rep. 286; 31 Supp. 659.**Cope v. Wheeler**, 41 N. Y. 303.

Cited, Action—Money had and Received—Principles Governing.

89 Hun, 587; (69 St. Rep. 643; 35 Supp. 288). 89 Hun, 551; (69 St. Rep. 648; 35 Supp. 293).

Copeland v. Lutgen, 17 Misc. 604; 75 St. Rep. 53; 40 Supp. 653.**Coplay Iron Co. v. Pope**, 108 N. Y. 232; 13 St. Rep. 480; 28 Week. Dig. 287.

Cited, Sale—Executory.
69 Hun, 434; (52 St. Rep. 615; 22 Supp. 353).

Sale—Executory—Warranty.
149 N. Y. 149; 149 N. Y. 601.

Sale—Executory—Warranty—Effect of Acceptance.

10 Misc. 648; (65 St. Rep. 218; 32 Supp. 123).
140 N. Y. 205; (55 St. Rep. 583).

Sale—Executory—Non-compliance with Contract—Return.

12 Misc. 142; (66 St. Rep. 360; 32 Supp. 1076).

Copley v. Hay, 16 Daly, 446; 34 St. Rep. 777; 12 Supp. 277.

Cited, Mechanic's Lien—Bond to Discharge—Remedy on.

23 Supp. 126; (23 Civ. Pro. 29). 10 Misc. 539; (64 St. Rep. 24; 31 Supp. 447; 1 Ann. Cas. 115). 10 Misc. 538; (64 St. Rep. 25; 31 Supp. 448).

Mechanic's Lien—Enforcement—Discharged by Bond.

3 Misc. 277; (51 St. Rep. 907; 23 Supp. 326). 83 Hun, 415; (64 St. Rep. 730; 31 Supp. 960). 19 Misc. 616; (78 St. Rep. 425; 44 Supp. 425).;

Copley v. O'Neill, 57 Barb. 299.

Cited, Trustees—Improvements on Property—Reimbursement.

80 Hun, 533, 534; (62 St. Rep. 611, 612; 30 Supp. 637, 638).

Copp v. Colorado Coal & Iron Co., 20 Misc. 702.**Coppell v. Hollins**, 91 Hun, 570; 71 St. Rep. 529; 36 Supp. 500.**Copperman v. People**, 56 N. Y. 591.

Cited, Evidence—Criminal Law—Other Offenses.

88 Hun, 507; (69 St. Rep. 38; 34 Supp. 975). 92 Hun, 50; (72 St. Rep. 392; 36 Supp. 869).

Coppins v. N. Y. C. & H. R. R. Co., 48 Hun, 292; 17 St. Rep. 916.

Affirmed, 122 N. Y. 557; 34 St. Rep. 214.

Cited, Master and Servant—Liability of Master to Servant—Co-servants—Negligence—Damages.

80 Hun, 7; (61 St. Rep. 492; 29 Supp. 318).

2 App. Div. 60; (72 St. Rep. 551; 37 Supp. 461).

Damages—Personal Injuries—Excessive.
8 App. Div. 409; (75 St. Rep. 266; 40 Supp. 870).

Coppins v. N. Y. C. & H. R. R. Co., 122 N. Y. 557; 34 St. Rep. 214.

Cited, Master and Servant—Care in Selecting Co-servants.

69 Hun, 25; (52 St. Rep. 816; 23 Supp. 460). 50 St. Rep. 515; (21 Supp. 313).

Master and Servant—Incompetent Co-servants—Liability of Master.

77 Hun, 522; (60 St. Rep. 275; 28 Supp. 900). 85 Hun, 186; (65 St. Rep. 808; 32 Supp. 483).

Master and Servant—Negligence of Co-servant—Liability of Master.

80 Hun, 72; (61 St. Rep. 586; 29 Supp. 898). 145 N. Y. 407; (64 St. Rep. 842). 15 App. Div. 261; (78 St. Rep. 200; 44 Supp. 200).

Master and Servant—Concurrent Negligence of Both.

2 Misc. 33; (49 St. Rep. 571; 21 Supp. 261).

Master and Servant—Defective Appliance—Assumption of Risk.

4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 593).

Master and Servant—Machinery and Appliances—Presumption of Performance of Duty by Master.

1 Misc. 308; (48 St. Rep. 769; 20 Supp. 410).

Duplicate Citations in Parenthesis.

Master and Servant—Machinery and Appliances—Master Delegating Duty of Inspection to Others.

1 Misc. 303; (48 St. Rep. 769; 20 Supp. 713).

Coppock v. Long Island R. Co., 89 Hun, 186; 69 St. Rep. 11; 34 Supp. 1039.

Corbett, Matter of, 90 Hun, 182; 70 St. Rep. 661; 35 Supp. 945.

Cited, Trustee—Claim Against Estate—Irregular Answer—Waiver.

20 Misc. 160; (79 St. Rep. 911; 45 Supp. 911).

Corbett v. Brooklyn, Bath & W. E. R. Co., 84 Hun, 375; 32 Supp. 1141.

Corbett v. De Comeau, 5 Abb. N. C. 169.

Cited, Deposition—Examination Before Trial—Privilege.

88 Hun, 311; (68 St. Rep. 569; 34 Supp. 751).

Corbett v. De Comeau, 54 How. 506.

Cited, Deposition—Examination Before Trial—Affidavit.

18 Misc. 562; (76 St. Rep. 698; 42 Supp. 698).

Corbett v. Spring Garden Ins. Co., 85 Hun, 250; 66 St. Rep. 411; 32 Supp. 1059.

Corbett v. Twenty-third St. R. Co., 114 N. Y. 579; 24 St. Rep. 538.

Cited, Appeal—Death of Party—Intermediate Decision and Judgment.

6 Misc. 51; (55 St. Rep. 927).

Action—Personal Injuries—Abatement.

6 App. Div. 484; (3 Ann. Cas. 399; 39 Supp. 685).

Corbett v. Westcott, 2 Dem. 559.

Cited, Judgment—Irregularity—Setting Aside—Time.

4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

Corbitt v. Metropolitan L. Ins. Co., 10 Misc. 221; 63 St. Rep. 309; 30 Supp. 1069.

Corcoran v. Delaware, Lackawanna & W. R. Co., 126 N. Y. 673; 33 St. Rep. 251.

Cited, Master and Servant—Liability of Master—Rules.

1 Misc. 303; (48 St. Rep. 769; 20 Supp. 711). 1 App. Div. 181; (72 St. Rep. 560; 37 Supp. 159). 14 App. Div. 72; (77 St. Rep. 760; 43 Supp. 760).

Corcoran v. Holbrook, 59 N. Y. 517.

Cited, Master and Servant—Places and Tools—Subordinates.

77 Hun, 393; (60 St. Rep. 409; 28 Supp. 886).

Master and Servant—Vice-Principal.

69 Hun, 377; (52 St. Rep. 796; 23 Supp. 657).

Master and Servant—Delegation of Duties

91 Hun, 245; (71 St. Rep. 106; 36 Supp. 210). 7 App. Div. 421; (39 Supp. 918).

Corcoran v. Judson, 24 N. Y. 106.

Cited, Damages—Measure—Partial Eviction of Grantee.

16 Hun, 159; (49 St. Rep. 138; 20 Supp. 969).

Damages—Counsel Fees.

82 Hun, 334; (64 St. Rep. 107; 31 Supp. 508).

Corcoran v. Mannering, 10 App. Div. 516; 75 St. Rep. 1437; 41 Supp. 1090.

Corcoran v. N. Y. C. & H. R. R. Co., 20 Misc. 197; 79 St. Rep. 861; 45 Supp. 861.

Corcoran v. Peekskill, Village of, 108 N. Y. 151; 13 St. Rep. 105.

Cited, Evidence—Negligence—Subsequent Condition of Place.

77 Hun, 441; (60 St. Rep. 675; 29 Supp. 106). 17 App. Div. 186; (79 St. Rep. 361; 45 Supp. 361).

Evidence—Negligence—Subsequent Repairs.

81 Hun, 136; (62 St. Rep. 733; 30 Supp. 750). 12 Misc. 415, 419; (67 St. Rep. 573; 576; 33 Supp. 704, 706).

Corcoran v. Ulster & D. R. Co., 75 St. Rep. 482; 40 Supp. 1117.

Cordas v. Morrison, 70 Hun, 99; 53 St. Rep. 512; 23 Supp. 1076.

Cordelia v. Dwyer, 9 Misc. 399; 61 St. Rep. 690; 29 Supp. 1073.

Affirmed, 153 N. Y. —

Cordell v. N. Y. C. & H. R. R. Co., 70 N. Y. 119.

Cited, Railroads—Negligence—Question of Fact.

92 Hun, 151; (71 St. Rep. 722; 36 Supp. 698). D. 57 St. Rep. 469; (27 Supp. 1043).

Cordell v. N. Y. C. & H. R. R. Co., 75 N. Y. 330.

Cited, Evidence—Burden of Proof—Contributory Negligence.

69 Hun, 101; (52 St. Rep. 602; 23 Supp. 258; 30 Abb. N. C. 147). 7 Misc. 650; (58 St. Rep. 395; 28 Supp. 17). 87 Hun, 469; (68 St. Rep. 457; 34 Supp. 378). 16 Misc. 163; (38 Supp. 836). 12 App. Div. 591; (77 St. Rep. 85; 43 Supp. 85). 17 App. Div. 179; (79 St. Rep. 303; 45 Supp. 303).

Duplicate Citations in Parenthesis.

Evidence—Burden of Proof—Negligence.
69 Hun. 391; (52 St. Rep. 697; 23 Supp. 629). 5 Misc. 305; (25 Supp. 756). 86 Hun. 521; (67 St. Rep. 668; 33 Supp. 987).

Negligence — Contributory — Freedom From.

3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752). 10 Misc. 282; (63 St. Rep. 318; 30 Supp. 1078). 87 Hun. 466; (68 St. Rep. 454; 34 Supp. 375). 13 App. Div. 489; (77 St. Rep. 395; 43 Supp. 395).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 74; (49 St. Rep. 630; 21 Supp. 784).

Cordier v. Cordier, 26 How. 187.

Cited, Pleading — Supplemental Complaint.

3 App. Div. 153; (73 St. Rep. 355; 38 Supp. 166; 3 Ann. Cas. 213).

Corey v. Long, 12 Abb. N. S. 427.

Cited, Receiver—Power to Appoint Deputies.

18 Misc. 390; (75 St. Rep. 1039; 41 Supp. 653).

Corkings v. State, 99 N. Y. 491.

Cited, Judgment—Conclusiveness upon State of Proceedings against State Officers.

137 N. Y. 376; (50 St. Rep. 647).

Corley v. McElmeel, 87 Hun. 23; 67 St. Rep. 503; 33 Supp. 862.

Affirmed, 149 N. Y. 228.

Corley v. McElmeel, 149 N. Y. 228.

Cited, Wills—Probate Proceedings—Effect upon Devises.

6 App. Div. 11; (39 Supp. 750). 10 App. Div. 401; (41 Supp. 1130). 12 App. Div. 534; (76 St. Rep. 145; 42 Supp. 145). 13 App. Div. 68; (77 St. Rep. 96; 43 Supp. 96). 14 App. Div. 601; (77 St. Rep. 1121; 43 Supp. 1121). 79 St. Rep. 614; (45 Supp. 614).

Wills—Devise—Action Involving Validity—Jury.

14 App. Div. 599; (77 St. Rep. 1119; 43 Supp. 1119).

Corley v. McElmeel, 60 St. Rep. 53; 28 Supp. 785; 31 Abb. N. C. 113.

Corley v. New York & H. R. Co., 12 App. Div. 409; 76 St. Rep. 941; 42 Supp. 941.

Cited, New Trial—Exciting Sympathies of Jury.

20 Misc. 125; (79 St. Rep. 809; 45 Supp. 809).

Corlies, Matter of, 11 Misc. 670; 67 St. Rep. 360; 33 Supp. 572.

Corlies v. Cumming, 6 Cow. 181.

Cited, Agency — Breach of Relation by Agent—Liability to Principal.

81 Hun. 351; (63 St. Rep. 152; 30 Supp. 898).

Factors — Advance by — Resort to Consigned Property.

3 App. Div. 581; (73 St. Rep. 811; 38 Supp. 340).

Corliss v. Brooklyn Heights R. Co., 73 St. Rep. 867.

Corliss v. E. W. Walker Co., 30 Abb. N. C. 372.

Cited, Injunction — Unauthorized Biography.

8 Misc. 38; (58 St. Rep. 813; 28 Supp. 272; 31 Abb. N. C. 268).

Corn v. Rosenthal, 1 Misc. 168; 48 St. Rep. 674; 20 Supp. 632.

Affirmed, 3 Misc. 72; 51 St. Rep. 858; 22 Supp. 700.

Cited, Evidence—Parol—To Vary Writing.

3 Misc. 73; (51 St. Rep. 858; 22 Supp. 700).

Evidence — Parol Concerning Writing—Condition Precedent.

5 Misc. 351; (55 St. Rep. 163; 25 Supp. 516).

Corn v. Rosenthal, 3 Misc. 72; 51 St. Rep. 858; 22 Supp. 700.

Cited, Judgment — Conclusiveness — On Former Appeal.

71 Hun. 615; (55 St. Rep. 95; 24 Supp. 1081).

Corn v. Tamsen, 16 Misc. 670; 39 Supp. 129; 25 Civ. Pro. 283.

Corn Exchange Bank v. American D. & T. Co., 78 Hun. 400; 60 St. Rep. 68; 29 Supp. 158.

Reversed, 149 N. Y. 174.

Corn Exchange Bank v. American D. & T. Co., 149 N. Y. 174.

Cited, Corporations—President—Liability of Company for Acts of.

14 App. Div. 456; (77 St. Rep. 1031; 43 Supp. 1031).

Corn Exchange Bank v. American Dock & Trust Co., 14 App. Div. 453; 77 St. Rep. 1028; 43 Supp. 1028.

Corn Exchange Bank v. Blye, 101 N. Y. 303.

Cited, Banks — National — Insolvency — Preferences.

60 St. Rep. 307.

Receivers — Right to Maintain Replevin Against.

143 N. Y. 347; (62 St. Rep. 335).

Duplicate Citations in Parenthesis.

Corn Exchange Bank v. Blye, 119 N. Y. 414.

Cited, Action — Conduct—Irregularity—What is.

5 Misc. 115; (25 Supp. 739).

Judgment—Irregular in Form—Mode of Correction.

15 App. Div. 284; (76 St. Rep. 592; 44 Supp. 592).

Corn Exchange Bank v. Blye. See Commerce Nat. Bank v. Blye.

Corn Exchange Bank v. Bossio, 8 App. Div. 306; 75 St. Rep. 388; 40 Supp. 994.

Corn Exchange Bank v. Bossio, 8 App. Div. 617; 40 Supp. 1141.

Corn Exchange Bank v. Farmers' Nat. Bank, 118 N. Y. 443; 29 St. Rep. 965.

Cited, Bills and Notes—Bona Fide Holder—Banks—Collection.

75 Hun, 91; (58 St. Rep. 151; 26 Supp. 1036). 81 Hun, 490; (63 St. Rep. 301; 30 Supp. 1113).

Bills and Notes—Collections—To Whom Sub-Agent Liable.

17 App. Div. 499; (79 St. Rep. 535; 45 Supp. 535). 148 N. Y. 128.

Corn Exchange Bank v. Nassau Bank, 91 N. Y. 74.

Cited, Bills and Notes—Rights of Transferee—Indorser's Contract.

76 Hun, 478; (59 St. Rep. 362; 27 Supp. 1072).

Evidence—Local Custom.

67 St. Rep. 26; (33 Supp. 291).

Corn Exchange Nat. Bank v. Kimball, 20 Abb. N. C. 290.

Cited, Action—Stay—Acts in Violation of—Nullity.

16 Misc. 565; (38 Supp. 941).

Corn Exchange Insurance Co. v. Babcock, 57 Barb. 231.

Cited, Surety — Action Against — Defenses.

89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414).

Cornell, Matter of, 17 Misc. 468; 75 St. Rep. 928; 41 Supp. 255.

Cornell, Matter of, 17 Misc. 680; 41 Supp. 539.

Cornell, Matter of, 110 N. Y. 351; 18 St. Rep. 200.

Cited, Interest—Trustees.

140 N. Y. 473; (55 St. Rep. 792).

Assignment for Creditors — Assignee — Duty to Attach Fraudulent Transfers.

8 App. Div. 39; (40 Supp. 400).

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Cornell, Matter of, 137 N. Y. 600; 50 St. Rep. 927.

Cornell, Matter of, 15 App. Div. 285; 78 St. Rep. 585; 44 Supp. 585.

Cornell v. Barnes, 7 Hill, 35.

Cited, Jurisdiction—Inferior — Necessity of Showing.

76 Hun, 89; (57 St. Rep. 473; 27 Supp. 845).

Cornell v. Barney, 94 N. Y. 394.

Cited, Mechanic's Lien—Who Entitled to.

83 Hun, 258; (64 St. Rep. 864; 31 Supp. 1104).

Cornell v. Donovan, 14 Daly, 295; 14 St. Rep. 687.

Cited, Eminent Domain—Award—Obligation to Pay.

140 N. Y. 307; (55 St. Rep. 651).

Pleading—Counterclaim—Statutory Undertaking.

89 Hun, 372; (69 St. Rep. 826; 35 Supp. 415).

Cornell v. Eagan, 1 St. Rep. 265.

Cited, Guaranty—Discharge—Departure.

69 Hun, 362; (52 St. Rep. 694; 23 Supp. 626).

Cornell v. Emigrant I. Sav. Bank, 9 St. Rep. 72.

Cited, Banks — Savings Banks—Possession of Pass Book—Forged Order—Negligence of Teller.

50 St. Rep. 275; (21 Supp. 654).

Cornell v. Markham, 19 Hun, 275.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 291; 26 Supp. 266). 18 Misc. 372; (75 St. Rep. 1038; 41 Supp. 652).

Cornell v. Moulton, 3 Den. 12.

Cited, Bills and Notes—When Due.

88 Hun, 539; (68 St. Rep. 827; 34 Supp. 858).

Limitation of Action—Computation of Time.

17 App. Div. 599; (79 St. Rep. 307; 45 Supp. 307).

Cornell v. N. Y. El. R. Co., 37 St. Rep. 624; 13 Supp. 511.

Cited, Trial—By Jury—Right to—Injunction and Damages.

69 Hun, 522; (52 St. Rep. 846).

Trial—Mode—Equitable and Legal in Same Action.

69 Hun, 523; (52 St. Rep. 846).

Cornell v. Roach, 101 N. Y. 373.

Cited, Corporations — Manufacturing—Annual Report.

30 Abb. N. C. 119; (24 Supp. 938).

Duplicate Citations in Parenthesis.

Cornell v. Skaneateles R. Co., 40 St. Rep. 1; 15 Supp. 581.

Cited, Railroads — Negligence — Private Crossings.

86 Hun, 522; (67 St. Rep. 669; 33 Supp. 989.)

Cornell v. U. S. Illuminating Co., 41 St. Rep. 172; 16 Supp. 308.

Cited, Reference—Compulsory—Affidavit—Sufficiency.

75 Hun, 289; (58 St. Rep. 218; 26 Supp. 1076).

Reference—What Issue Referable.

52 St. Rep. 934; (25 Supp. 1128).

Corner v. Mackey, 147 N. Y. 574; 70 St. Rep. 340.

Cited, Appeal—Evidence Not in Record—What Reviewable.

3 App. Div. 88; (38 Supp. 918).

Corner v. Mackey. See *Corner v. Mackey*.

Cornes v. Wilkin, 14 Hun, 428.

Affirmed, 79 N. Y. 129.

Cited, Limitation of Action—Claim Against Decedent's Estate—Notice.

2 Misc. 358; (51 St. Rep. 121; 21 Supp. 994).

Corning, Matter of, 3 Misc. 160; 51 St. Rep. 265; 23 Supp. 285.

Corning v. Corning, 6 N. Y. 97.

Cited, Witnesses—Impeachment—Specific Acts.

1 Misc. 319; (48 St. Rep. 718; 20 Supp. 676). 18 Misc. 390; (64 St. Rep. 115; 31 Supp. 432).

Corning v. Gould, 16 Wend. 531.

Cited, Easements—Abandonment—Intention.

137 N. Y. 326; (50 St. Rep. 721). 147 N. Y. 371, 376; (70 St. Rep. 29, 32).

Corning, Town of, v. Head, 86 Hun, 12; 67 St. Rep. 110; 33 Supp. 360.

8 App. Div. 611; (41 Supp. 1134).

Corning v. McCullough, 1 N. Y. 47.

Cited, Contribution — Between Stockholders.

66 Hun, 556; (49 St. Rep. 867; 21 Supp. 658).

Corporations — Liability of Stockholders—Nature.

84 Hun, 190; (65 St. Rep. 318; 32 Supp. 195). 147 N. Y. 609; (71 St. Rep. 255). 92 Hun, 338; (72 St. Rep. 710; 37 Supp. 412). D. 4 Misc. 479; (54 St. Rep. 333; 24 Supp. 571).

Corning v. Roosevelt, 18 Civ. Pro. 399; 25 Abb. N. C. 220; 33 St. Rep. 154. 11 Supp. 758.

Cited, Pleading—Demurrer to Counterclaim—Sufficiency of Complaint.

1 Misc. 368; (48 St. Rep. 716; 20 Supp. 722). 80 Hun, 28; (61 St. Rep. 611; 29 Supp. 860).

Pleading — Answer — Demurrer — Judgment.

11 Misc. 185; (66 St. Rep. 333; 32 Supp. 1079).

Corning v. Smith, 6 N. Y. 82.

Cited, Mortgage — Foreclosure — Prior Claimant.

2 Misc. 122; (49 St. Rep. 226; 20 Supp. 848).

4 App. Div. 196; (74 St. Rep. 177; 38 Supp. 557).

Corning v. Southland, 3 Hill, 552.

Cited, Sheriff's Instructions as to process—Justification Under.

73 Hun, 396; (58 St. Rep. 85; 26 Supp. 560).

Attorney—Authority.

9 Misc. 371; (60 St. Rep. 633; 29 Supp. 694;

24 Civ. Pro. 53).

Corning v. Troy Iron & Nail Factory,

34 Barb. 486.

Cited, Easements — Interference with—Injunction Relief.

14 Misc. 296; (70 St. Rep. 443; 35 Supp. 708).

Corning v. Troy Iron & Nail Factory, 39 Barb. 311.

Affirmed. 40 N. Y. 191.

Cited, Co-Tenancy—Power of One Co-Tenant to Bind Others.

49 St. Rep. 736; (20 Supp. 772). 17 Misc. 153; (39 Supp. 334).

Injunction—Diversion of Waters—Riparian Owner.

79 Hun, 153; (61 St. Rep. 191; 29 Supp. 730).

Corning v. Troy Iron & Nail Factory, 40 N. Y. 191.

Cited, Injunction—Diversion of Waters—Riparian Owner.

49 St. Rep. 310; (21 Supp. 123). 79 Hun,

153; (61 St. Rep. 191; 29 Supp. 730). 91

Hun, 275; (71 St. Rep. 109; 36 Supp. 94).

13 App. Div. 45; (77 St. Rep. 31; 43 Supp. 31).

Equity—Jurisdiction—Remedy at Law.

76 Hun, 603; (58 St. Rep. 257; 28 Supp. 202).

Injunction — Trespass—Pecuniary Damage.

76 Hun, 285; (58 St. Rep. 601; 27 Supp. 759). 148 N. Y. 358.

Corning v. Troy Iron & Nail Factory, 44 N. Y. 577.

Cited, Deeds—Description—Practical Location.

Duplicate Citations in Parenthesis.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Trial—Sufficiency of Evidence to go to Jury.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 646).

Trial—Withdrawing Case From Jury—Preponderance of Evidence.

137 N. Y. 426; (51 St. Rep. 68).

Corning v. Walker, 14 Week Dig. 314.

Cited, Evidence—Acts and Declarations of Agent—Financial Condition of Firm.

80 Hun, 222; (61 St. Rep. 755; 30 Supp. 40).

Corning v. White, 2 Paige, 567.

Cited, Creditor's Action—Priority.

153 N. Y. 171.

Corning Foundation for Christian Work, Matter of, 16 Misc. 309; 39 Supp. 385.

Cornish v. Carpon, 136 N. Y. 232; 49 St. Rep. 199.

Cornish v. Farm Bld'g Fire Ins. Co., 74 N. Y. 295.

Cited, Evidence—Opinions — Conclusive-ness.

68 Hun, 328; (52 St. Rep. 104; 22 Supp. 960). 143 N. Y. 188, 189; (62 St. Rep. 168, 169).

Insurance—Construction of Policy—Increase of Hazard.

71 Hun, 355; (55 St. Rep. 31; 25 Supp. 37).

Cornish v. Graff, 36 Hun, 160.

Cited, Appeal—Record—When Certificate of Completeness of Evidence Necessary.

2 Misc. 187; (49 St. Rep. 714; 21 Supp. 589).

Cornuel v. Heinze, 51 St. Rep. 461; 22 Supp. 117.

Cornwall v. Cornwall, 30 Hun, 573.

Cited, Husband and Wife—Divorce—Adultery Pending Action.

67 Hun, 386; (51 St. Rep. 824; 22 Supp. 266; 23 Civ. Pro. 104).

Cornwall v. Sachs, 69 Hun, 283; 53 St. Rep. 247; 23 Supp. 500.

Cited, Injunction—Preliminary—Pendency of Action—Right to.

4 Misc. 329; (24 Supp. 659).

Cornwell v. Baldwin's Bank of Penn Yan, 12 App. Div. 227; 77 St. Rep. 771; 43 Supp. 771.

Cornwell v. Clement, 87 Hun, 50; 33 Supp. 866.

Cited, Pleading—Complaint—Construction on Demurrer.

19 Misc. 268; (78 St. Rep. 383; 44 Supp. 383).

Cornwell v. Clement, 10 App. Div. 446; 76 St. Rep. 295; 42 Supp. 295.

Cornwell v. Clements, 69 St. Rep. 111; 34 Supp. 998.

Cornwell v. Deck, 2 Redf. 87.

Cited, Executors—Accounting—Funeral Expenses.

2 Misc. 383; (51 St. Rep. 588; 21 Supp. 1009).

Cornwell v. Haight, 21 N. Y. 462.

Cited, Contracts—Performance—Tender. 147 N. Y. 235; (49 St. Rep. 521). 82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708).

Cornwell v. Riker, 2 Dem. 354.

Cited, Wills—Testamentary Capacity.

9 Misc. 523; (61 St. Rep. 676; 30 Supp. 389), 5 Misc. 185; (24 Supp. 859).

Cornwell v. Wooley, 1 Abb. Ct. App. Dec. 441.

Cited, Wills—Probate—Witness Receiving Gift—Competency.

6 App. Div. 214; (39 Supp. 812).

Corp v. Brown, 2 Sandf. 293.

Cited, Brokers—Charges Beyond Statutory Allowance—Amount Recoverable.

79 St. Rep. 419; (45 Supp. 419).

Correll v. Graugert, 12 Misc. 209; 67 St. Rep. 892; 34 Supp. 25.

Correll v. Lauterbach, 14 Misc. 469; 71 St. Rep. 754; 36 Supp. 615.

Correll v. Lauterbach, 12 App. Div. 531; 76 St. Rep. 143; 42 Supp. 113.

Corrigan v. Coney Island Jockey Club, 15 Supp. 705; 40 St. Rep. 142.

Cited, Horse Racing—Discrimination—Injunctive Relief.

D. 87 Hun, 255; (67 St. Rep. 433; 33 Supp. 760).

Corrigan v. Coney Island Jockey Club, 2 Misc. 512; 51 St. Rep. 592; 22 Supp. 394.

Corrigan v. Kiernan, 1 Bradf. 208.

Cited, Guardian — Testamentary — Appointment.

5 Misc. 273; (26 Supp. 774).

Corrigan v. Ritter, 39 St. Rep. 311; 15 Supp. 163.

Cited, Pleading—Action on Contract—Counterclaim in Tort.

11 Misc. 405; (65 St. Rep. 315; 32 Supp. 288).

Corsan v. Oliver, 2 Abb N. C. 352.

Cited, Conversion—Prior Transfer of Possession.

85 Hun, 166; (66 St. Rep. 116; 32 Supp. 607).

Duplicate Citations in Parenthesis.

Corse v. Corse, 72 Hun, 39; 55 St. Rep. 461; 25 Supp. 290.

Affirmed, 144 N. Y. 569; 64 St. Rep. 238.

Corse v. Corse, 144 N. Y. 569; 64 St. Rep. 238.

Corse v. Peck, 102 N. Y. 513; 2 St. Rep. 493.

Cited, Evidence—Parol—To Vary Written Contract.

7 Misc. 634; (58 St. Rep. 327; 28 Supp. 37).

Evidence—Parol—To Explain Writing.

151 N. Y. 568.

Corser v. Russell, 20 Abb. N. C. 316; 9 St. Rep. 56.

Cited, Trial—Reception of Evidence—Objection—Necessity.

74 Hun, 444; (57 St. Rep. 190; 26 Supp. 841).

Cortland v. Howard, 1 App. Div. 131; 73 St. Rep. 56; 37 Supp. 843.

Cited; Criminal Law — Information — Time of Offense.

8 App. Div. 135; (40 Supp. 493).

Cortland Howe Ventilating Stove Co. v. Howe, 92 Hun, 113; 71 St. Rep. 766; 36 Supp. 701.

Cortland Mfg Co., Matter of, 79 St. Rep. 630; 45 Supp. 630.

Cortland Wagon Co. v. Lynch, 82 Hun, 173; 63 St. Rep. 774; 31 Supp. 325.

Cited, Agency—Bills and Notes.

13 App. Div. 564; (77 St. Rep. 814; 43 Supp. 814).

Cortland & Homer Horse R. Co., Matter of, 98 N. Y. 336.

Cited, Costs—Special Proceedings—Discretionary.

83 Hun, 413; (64 St. Rep. 419; 31 Supp. 748).

Corwin, Matter of, 10 Misc. 196; 64 St. Rep. 10; 31 Supp. 426.

Cited, Claims—Against Estate—Right of Claimant to Sell Realty.

15 Misc. 604; (72 St. Rep. 821; 38 Supp. 192).

Corwin, Matter of, 135 N. Y. 245; 48 St. Rep. 238.

Affirming, 64 Hun, 167; 46 St. Rep. 148; 19 Supp. 142.

Cited, Taxes—Grievance Day—Appearance by Agent.

140 N. Y. 441; (55 St. Rep. 797).

Taxes—Review of Assessment—Petition—Sufficiency.

144 N. Y. 485; (64 St. Rep. 60). D. 83 Hun, 16; (64 St. Rep. 475; 31 Supp. 772). 3 App. Div. 172; (73 St. Rep. 732; 38 Supp. 392).

Taxes—Reduction.

83 Hun, 377; (64 St. Rep. 753; 31 Supp. 958).

Taxes—Review of Assessment—Certiorari—What Reviewable.

90 Hun, 504; (71 St. Rep. 403; 36 Supp. 67).

Corwin v. Corwin, 6 N. Y. 342.

Cited, Vendor and Purchaser—Consideration.

10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 338).

Corwin v. Daly, 7 Bosw. 222.

Cited, Injunction—To Restrain Employees from Use of Trade Secrets.

D. 4 App. Div. 581; (74 St. Rep. 831; 38 Supp. 1020).

Corwin v. Merritt, 3 Barb. 341.

Cited, Eminent Domain—Right—Jurisdiction—Showing.

76 Hun, 89; (57 St. Rep. 473).

Jurisdiction — Inferior — Necessity of Showing.

27 Supp. 845.

Corwin v. N. Y. & E. R. Co., 13 N. Y. 42.

Cited, Railroads — Fences — Injury to Stock.

72 Hun, 470; (54 St. Rep. 763; 25 Supp. 229). 81 Hun, 285; (62 St. Rep. 747; 30 Supp. 784). 11 App. Div. 377; (76 St. Rep. 234; 42 Supp. 234).

Corwith v. Barry, 69 Hun, 113; 53 St. 53; 23 Supp. 200.

Corwith v. Griffing, 21 Barb. 9.

Cited, Motions—Laches.

8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 418).

Cory v. Long, 12 Abb. N. S. 427.

Cited, Receiver—When Creditor Entitled To.

143 N. Y. 572; (62 St. Rep. 783).

Coryell, Matter of, 4 App. Div. 429; 39 Supp. 508.

Cosgray v. New England Piano Co. of N. Y., 10 App. Div. 351; 75 St. Rep. 1254; 41 Supp. 886.

Cosgriff v. Dewey, 89 Hun, 4; 69 St. Rep. 111; 34 Supp. 999.

Cosgriff v. Foss, 152 N. Y. 104.

Affirmed, 65 Hun, 184; 19 Supp. 941.

Cited, Repairs and Improvements—Trust Estates—Who Liable For.

152 N. Y. 565.

Cosgrove v. N. Y. C. & H. R. R. Co., 87 N. Y. 88.

Cited, Railroads—Accident at Crossing—Unmanageable Horses.

81 Hun, 154; (62 St. Rep. 735; 30 Supp. 753).

*Duplicate Citations in Parenthesis.***Cosgrove v. Ogden**, 49 N. Y. 255.

Cited, Master and Servant—Acts of Servant—Liability of Master.

8 Misc. 435; (58 St. Rep. 854; 28 Supp. 678). 8 App. Div. 158; (40 Supp. 478).

Trial—Question of Fact—Negligence—Infants.

75 Hun, 459; (57 St. Rep. 682; 27 Supp. 507). 14 Misc. 613; (71 St. Rep. 451; 36 Supp. 464).

Master and Servant—Master's Liability for Acts of Servant—Test.

85 Hun, 152; (66 St. Rep. 89; 32 Supp. 631). 16 Misc. 575; (74 St. Rep. 114; 38 Supp. 774). 16 App. Div. 178; (78 St. Rep. 661; 44 Supp. 661). 17 App. Div. 111; (78 St. Rep. 946; 44 Supp. 946). 20 Misc. 99; (79 St. Rep. 86; 45 Supp. 86).

Negligence—Contributory—Of Parents—Imputed to Child.

12 App. Div. 153; (76 St. Rep. 665; 42 Supp. 665).

Cossitt v. Winchell, 39 Hun, 439.

Cited, Attachment—Service of Summons. 147 N. Y. 622; (71 St. Rep. 262; 2 Ann. Cas. 219).

Costello v. Curtis, 18 Week. Dig. 20.

Cited, Betting and Gaming—Prize—Wager.

4 App. Div. 88; (39 Supp. 870).

Costello v. Herbst, 16 Misc. 687; 38 Supp. 1123.

Affirmed, 18 Misc. 176; 75 St. Rep. 964; 41 Supp. 574.

Costello v. Herbst, 18 Misc. 176; 75 St. Rep. 964; 41 Supp. 574.**Costello v. Judson**, 21 Hun, 396.

Cited, Master and Servant—Minor—Hazardous Employment—Assumption of Risk.

11 Misc. 550; (64 St. Rep. 447; 32 Supp. 750).

Costello v. Syracuse, B. & N. Y. R. Co., 65 Barb. 92.

Cited, Appeal—Errors on Trial—Absence of Exceptions.

11 Misc. 243; (66 St. Rep. 516; 33 Supp. 16).

Costello v. Third Ave. R. Co., 16 App. Div. 213; 78 St. Rep. 620; 44 Supp. 620.**Coster v. Albany**, 43 N. Y. 399.

Cited, Contract—For Benefit of Third Person—Availability to Latter.

3 Misc. 554; (52 St. Rep. 525; 23 Supp. 323). 6 Misc. 86; (55 St. Rep. 397; 26 Supp. 39). 85 Hun, 550; (67 St. Rep. 43; 33 Supp. 359).

Damages—Change of Grade of Highway—Injury to Abutter's Approach as Element.

66 Hun, 331; (50 St. Rep. 672; 21 Supp. 505).

Coster v. Coster, 50 St. Rep. 880; 21 Supp. 203.**Coster v. Greenpoint Ferry Co.**, 5 Civ. Pro. 146.

Affirmed, 98 N. Y. 660.

Cited, Attorneys—Lien for Costs—Decedent's Estate.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Attorneys—Lien—Enforcement—Settlement Between Parties.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134). 152 N. Y. 527.

Coster v. Griswold, 4 Edw. 364.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun, 466; (52 St. Rep. 900; 24 Supp. 222).

Coster v. Lorillard, 14 Wend. 265.

Cited, Trusts—Solidarity—Severance.

140 N. Y. 145; (55 St. Rep. 550).

Trusts—Beneficiaries as Trustees.

D. 70 Hun, 333; (54 St. Rep. 45; 24 Supp. 447).

Wills—Devise—Invalidity in Part—Intestacy.

7 Misc. 339; (58 St. Rep. 565; 28 Supp. 132). 82 Hun, 372; (64 St. Rep. 92; 31 Supp. 493).

Wills—Perpetuities.

82 Hun, 372; (64 St. Rep. 91; 31 Supp. 492).

Wills—Devise to Several—Tenancy.

3 App. Div. 171; (38 Supp. 400).

Wills—Devise—Vested Remainder.

17 App. Div. 525; (79 St. Rep. 557; 45 Supp. 557).

Costigan v. Mohawk & H. R. Co., 2 Den. 609.

Cited, Master and Servant—Discharge of Servant—Damages—Measure.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194). 6 Misc. 316; (58 St. Rep. 299; 26 Supp. 1107).

Master and Servant—Wrongful Discharge—Keeping Down Damages.

7 App. Div. 171; (74 St. Rep. 664; 40 Supp. 51).

Cosulich v. Standard Oil Co., 122 N. Y. 118; 33 St. Rep. 287.

Cited, Evidence—Burden of Proof—Railroad Fires—Defective Engine.

67 Hun, 642; (51 St. Rep. 473; 22 Supp. 563).

*Duplicate Citations in Parenthesis.***Evidence—Presumptions—Negligence.**

68 Hun. 455; (52 St. Rep. 753; 23 Supp. 75). 87 Hun. 358; (68 St. Rep. 313; 34 Supp. 381). 12 App. Div. 564; (76 St. Rep. 194; 42 Supp. 194). 17 App. Div. 400; (79 St. Rep. 163; 45 Supp. 163).

Evidence—Presumption—Performance of Duty.

4 Misc. 530; (54 St. Rep. 127; 24 Supp. 822). 17 Misc. 377; (39 Supp. 1041).

Master and Servant—Liability of Master to Servant—Places—Appliances.

142 N. Y. 34; (53 St. Rep. 437).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 176; (49 St. Rep. 628; 21 Supp. 640).

Negligence — Accident — Duty Towards Person in Vicinity.

7 App. Div. 407; (39 Supp. 1017). 15 App. Div. 76; (78 St. Rep. 285; 44 Supp. 285).

Cott v. Lewiston R. Co., 36 N. Y. 214.

Cited, Railroads—Restoration of Highway.

92 Hun. 132; (72 St. Rep. 388; 36 Supp. 866). 151 N. Y. 441.

Cottle v. Sullivan, 8 Misc. 185; 59 St. Rep. 477.**Cottman v. Grace,** 112 N. Y. 299; 20 St. Rep. 783.

Cited, Wills—Construction—Description of Beneficiaries—Validity of Gift to.

8 Misc. 395; (59 St. Rep. 558; 28 Supp. 629).

Wills—Construction—Legacy — Corporations—Power to Take—Trust.

77 Hun. 303; (59 St. Rep. 166; 28 Supp. 404).

Wills—Perpetuities—Illegal Suspension of Alienation.

1 Misc. 443; (23 Supp. 153). 79 St. Rep. 625; (45 Supp. 625). D. 50 St. Rep. 297; (31 Supp. 532).

Cotton v. Burkelman, 2 Misc. 165; 50 St. Rep. 216; 21 Supp. 623.

Affirmed, 142 N. Y. 160; 58 St. Rep. 304.

Cotton v. Burkelman, 142 N. Y. 160; 58 St. Rep. 304.**Cottrell, Matter of,** 95 N. Y. 329.

Cited, Wills—Execution—Attestation.

71 Hun. 29; (53 St. Rep. 873; 24 Supp. 505). 141 N. Y. 156; (56 St. Rep. 679). 141 N. Y. 393; (57 St. Rep. 603). D. 9 App. Div. 568; (41 Supp. 701).

Wills — Probate — Attestation Clause—Defective Memory of.

58 St. Rep. 802; (27 Supp. 964). 9 Misc. 577; (62 St. Rep. 227; 30 Supp. 850). 13 Misc. 555; (70 St. Rep. 191; 35 Supp. 494). 14 Misc. 490; (71 St. Rep. 596; 36 Supp. 820). 17 Misc. 550; (41 Supp. 266). 16 App. Div. 139; (79 St. Rep. 124; 45 Supp. 124).

Wills—Probate—Witnesses—Other Than Subscribing.

57 St. Rep. 847; (27 Supp. 650). 16 Misc. 209; (38 Supp. 1128).

Wills—Execution—Publication.

85 Hun. 587; (66 St. Rep. 779; 33 Supp. 154).

Wills—Probate—Execution—Question of Fact.

88 Hun. 291; (68 St. Rep. 418; 34 Supp. 408).

Cottrell v. Marshall Infirmary of Troy, 70 Hun. 495; 53 St. Rep. 783; 24 Supp. 381.**Couch v. Millard,** 41 Hun. 212; 7 St. Rep. 167.

Cited, Costs—Extra Allowance—Right to Tax Costs Essential to Granting.

54 St. Rep. 326; (24 Supp. 490).

Costs—In Equity.

49 St. Rep. 277; (21 Supp. 58). 85 Hun. 57; (66 St. Rep. 61; 32 Supp. 677). 88 Hun. 229; (68 St. Rep. 259; 34 Supp. 665).

Costs—In Equity—Partial Success.

71 Hun. 547; (54 St. Rep. 915; 24 Supp. 1079).

Couch v. Millard, 3 How. N. S. 22.

Cited, Costs—Extra Allowance.

79 St. Rep. 659; (45 Supp. 659).

Couch v. Mulhane, 63 How. 79.

Cited, Action—Appearance—How Made.

74 St. Rep. 776; (38 Supp. 882; 1 Ann. Cas. 408). 17 Misc. 563; (75 St. Rep. 94; 40 Supp. 690).

Coudert v. Cohn, 118 N. Y. 309; 28 St. Rep. 684.

Cited, Landlord and Tenant—Lease—Renewal.

11 Misc. 347; (65 St. Rep. 276; 32 Supp. 134). 3 App. Div. 600; (73 St. Rep. 855; 38 Supp. 238).

Landlord and Tenant—Oral Lease—Reference to in Determining Term.

18 Misc. 70, 72; 75 St. Rep. 485; 41 Supp. 30, 31.

Coudert v. De Logerot, 62 St. Rep. 26 30 Supp. 114.**Coughlin v. Fay,** 68 Hun. 521; 52 St. Rep. 661; 22 Supp. 1095.**Coughlin v. Fay,** 14 App. Div. 376; 77 St. Rep. 875; 43 Supp. 875.

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Coughlin v. N. Y. C. & H. R. Co., 71 N. Y. 443.

Cited, Attorneys—Lien—Non-assignable Cause of Action.

86 Hun, 161; (66 St. Rep. 807; 33 Supp. 252).

Coughtry v. Globe Woolen Co, 56 N. Y. 124.

Cited, Master and Servant—Independent Contractors—Negligence—Who Liable.

8 Misc. 441; (58 St. Rep. 838; 28 Supp. 682). 13 Misc. 394; (68 St. Rep. 127; 34 Supp. 249).

Master and Servant—Liability of Master to Servant—As to Places—Negligence.

8 Misc. 659; (59 St. Rep. 539; 29 Supp. 1125; 31 Abb. N. C. 429).

Negligence—Actionable—Degree of Care.

7 Misc. 641; (58 St. Rep. 345; 28 Supp. 54; 31 Abb. N. C. 28).

Proximate Cause—Liability of Vendor of Machine—Damage from.

78 Hun, 154; (60 St. Rep. 207; 28 Supp. 992).

Coulson v. Whiting, 12 Daly, 408

Cited, Landlord and Tenant—Abandonment.

17 Misc. 605; (75 St. Rep. 55; 40 Supp. 654).

Coulter v. American M. U. Express Co., 56 N. Y. 585.

Cited, Negligence—Contributory—Sudden Peril.

90 Hun, 562; (71 St. Rep. 31; 36 Supp. 24). 4 App. Div. 497; (38 Supp. 668).

Coulter v. Richmond, 59 N. Y. 478.

Cited, Bills and Notes—Endorsement—Liability to Payee.

73 Hun, 517; (56 St. Rep. 165; 26 Supp. 102). 82 Hun, 26; (63 St. Rep. 337; 31 Supp. 43). 84 Hun, 142; (65 St. Rep. 692; 32 Supp. 418). 14 Misc. 465; (72 St. Rep. 262; 36 Supp. 1113).

Bills and Notes—Indorsement—Prior to Delivery to Payee.

4 Misc. 83; (53 St. Rep. 70; 23 Supp. 852). 83 Hun, 195; (63 St. Rep. 810; 31 Supp. 399). D. 16 App. Div. 345; (78 St. Rep. 1037; 44 Supp. 1037).

Bills and Notes—Endorsement Before Delivery to Payee—Presumption—Rebuttal.

16 App. Div. 340; (78 St. Rep. 1034; 44 Supp. 1034). 16 Misc. 567; (74 St. Rep. 117; 38 Supp. 776).

Bills and Notes—Order of Liability of Endorsers.

66 Hun, 351; (50 St. Rep. 666; 21 Supp. 506). 3 Misc. 135; (51 St. Rep. 502; 22 Supp. 695). 3 Misc. 376; (52 St. Rep. 425; 22 Supp. 925). 72 Hun, 167; (55 St. Rep. 62; 25 Supp. 390). 73 Hun, 517; (56 St. Rep. 165; 26 Supp. 102). 11 Misc. 626; (66 St. Rep. 169; 32 Supp. 785).

Countryman v. Countryman, 28 Supp. 258; 23 Civ. Pro. 161.

Countryman v. Deck, 13 Abb. N. C. 110.

Cited, Covenants—Running With Land—Personal—Division Fence.

90 Hun, 29; (70 St. Rep. 226; 35 Supp. 565).

Countryman v. Lighthill, 24 Hun, 405.

Cited, Encroachments — When Relief Granted.

82 Hun, 152; (63 St. Rep. 393; 31 Supp. 102).

Countryman v. Norton, 21 Hun, 17.

Cited, Referees—Disqualification—Use of Prior Testimony.

17 App. Div. 516; (79 St. Rep. 586; 45 Supp. 586).

Coursen v. Hamlin, 2 Duer. 513.

Cited, Partnership—Winding Up—Compensation to Liquidating Partner.

82 Hun, 494; (64 St. Rep. 331; 31 Supp. 618).

Coursey v. Morton, 132 N. Y. 556; 43 St. Rep. 673.

Cited, Assignment for Creditors—Fraudulent—Withholding Assets.

3 Misc. 498; (23 Supp. 986). 14 Misc. 161; (69 St. Rep. 741; 35 Supp. 351). 3 App. Div. 300; (74 St. Rep. 26; 38 Supp. 370). 4 App. Div. 145; (74 St. Rep. 125; 38 Supp. 696). 18 Misc. 409; (76 St. Rep. 777; 42 Supp. 777). 20 Misc. 68; (78 St. Rep. 440; 44 Supp. 440).

Fraud—Presumption—Natural Result of Acts.

18 Misc. 466; (75 St. Rep. 1362; 41 Supp. 984).

Courtland County v. Herkimer County, 44 N. Y. 22.

Cited, Evidence—Declaration of Party After Transaction.

75 Hun, 418; (58 St. Rep. 614; 27 Supp. 89).

Poor—Removal—Intent.

49 St. Rep. 297; (21 Supp. 54).

Courtney v. Baker, 60 N. Y. 1.

Cited, Master and Servant—Scope of Employment—Question of Law or Fact.

12 Misc. 19; (66 St. Rep. 526; 33 Supp. 26)

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Courtney v. Baker, 37 Super. 249.

Cited, Master and Servant—Acts Outside Employment—Liability of Master.

11 Misc. 33; (63 St. Rep. 446; 31 Supp. 842).

Courtney v. Eighth Ward Bank of Brooklyn, 14 Misc. 386; 70 St. Rep. 744; 25 Civ. Pro. 156; 35 Supp. 1049.

Courtney v. New York Elevated R. Co., 10 Misc. 115; (62 St. Rep. 473; 30 Supp. 932).

Cousins v. Swords, 14 App. Div. 338; 77 St. Rep. 907; 43 Supp. 907.

Coutant v. People, 11 Wend. 511.

Cited, Constitutional Law—Constructions—Reference to Debates and Journals.

15 App. Div. 89; (78 St. Rep. 303; 44 Supp. 303).

Coutant v. Servoss, 3 Barb. 128.

Cited, Power of Sale — What Authorized Under.

20 Misc. 234; (79 St. Rep. 537; 45 Supp. 537).

Covart v. Johnston, 40 St. Rep. 62; 15 Supp. 785.

Affirmed, 137 N. Y. 560; 50 St. Rep. 932.

Cited, Contracts—Sale of Land—Specific Performance—Mistake.

19 Misc. 439; (78 St. Rep. 483; 44 Supp. 483).

Covart v. Johnston, 137 N. Y. 560; 50 St. Rep. 932.

Covell v. Hart, 14 Hun, 252.

Cited, Costs—Taxation—Fees—Stipulation of Parties.

9 Misc. 101; (59 St. Rep. 720; 29 Supp. 75).

Attorneys—Expenses in Conduct of Case—Who Liable For.

41 Supp. 280; (25 Civ. Pro. 550).

Covell v. Weston, 20 Johns. 414.

Cited, Descent — Debts of Ancestor — Lien.

61 St. Rep. 278; (29 Supp. 964).

Devise—Lien of Testator's Debts—Duration.

74 Hun, 278; (56 St. Rep. 288; 26 Supp. 579).

Covenhoven v. Shuler, 2 Paige, 122.

Cited, Life Tenants — Personalty—Security.

141 N. Y. 28; (56 St. Rep. 582).

Coventry v. Barton, 17 Johns. 142.

Cited, Indemnity—Against Wrongful Act—Validity.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 079).

Covert v. Brooklyn, 6 App. Div. 73; 39 Supp. 744.

Cited, 13 App. Div. 189; (77 St. Rep. 310; 43 Supp. 310).

Covert v. Brooklyn, 13 App. Div. 188; 77 St. Rep. 310; 43 Supp. 310.

Covert v. Cranford, 141 N. Y. 521; 57 St. Rep. 720.

Cited, Waters—Diversion—Right to Relief. 84 Hun, 320; (65 St. Rep. 582; 32 Supp. 376). 6 App. Div. 74; (39 Supp. 744).

Covert v. Valentine, 50 St. Rep. 516; 21 Supp. 219.

Cited, Damages—Measure of—Flooding of Lands.

77 Hun, 606; (60 St. Rep. 486; 28 Supp. 1045).

Covill v. Hill, 4 Den. 323.

Cited, Chattels — Possessor — Sale by — Title.

11 Misc. 645; (66 St. Rep. 176; 32 Supp. 793).

Cowan v. Snyder, 5 Supp. 340; 24 St. Rep. 438.

Cited, Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 77; (49 St. Rep. 632; 21 Supp. 786).

Cowden v. Wright, 24 Wend. 429.

Cited, Damage — Measure of — Mental Anguish—Parent and Child—Loss of Service.

8 Misc. 37; (58 St. Rep. 812; 28 Supp. 271; 31 Abb. N. C. 267).

Cowdin v. Gottgetreu, 55 N. Y. 650.

Cited, Trial—Questions of Fact—Statute of Frauds—Promise to Pay Another's Debt.

9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196).

Cowdrey, Matter of, 5 Dem. 453; 8 St. Rep. 774.

Cited, Surrogate's Court—Powers—Judicial Settlement.

77 Hun, 207; (59 St. Rep. 768; 28 Supp. 365).

Cowdrey v. Coit, 44 N. Y. 382.

Cited, Vendor and Purchaser—Failure of Title—Eviction—Damages.

88 Hun, 403; (68 St. Rep. 817; 34 Supp. 806).

Cowdrey v. Turner, 85 Hun, 451; 66 St. Rep. 207; 32 Supp. 889.

Cowee v. Cornell, 75 N. Y. 91.

Cited, Bills and Notes—Consideration.

77 Hun, 16; (59 St. Rep. 261; 28 Supp. 275).

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Evidence—Presumptions—Undue Influence—Confidential Relations.

137 N. Y. 613; (51 St. Rep. 76). 140 N. Y. 256; (55 St. Rep. 544). 11 App. Div. 58; (76 St. Rep. 989; 42 Supp. 989).

147 N. Y. 247; (69 St. Rep. 526). 17 Misc. 710; (40 Supp. 908).

Cowen v. Paddock, 137 N. Y. 188; 50 St. Rep. 386.

Cited, Mechanic's Lien—Contract With Stranger—Consent of Owner.

139 N. Y. 199; (54 St. Rep. 464). 10 Misc. 376; (64 St. Rep. 118; 31 Supp. 435). 11 Misc. 96; (66 St. Rep. 195; 32 Supp. 813). 14 App. Div. 568; (77 St. Rep. 1054; 43 Supp. 1054). 152 N. Y. 29;

Mechanic's Lien—Trespasser—Consent.

83 Hun, 259; (64 St. Rep. 864; 31 Supp. 1105).

Trial—Dismissal of Complaint—When Amounts to Non-Suit.

10 Misc. 724; (64 St. Rep. 639; 31 Supp. 818).

Cowen v. Rinaldo, 8 Misc. 115; 58 St. Rep. 741; 28 Supp. 369.

Reversed, 82 Hun, 479; (64 St. Rep. 189; 31 Supp. 554).

Cowen v. Rinaldo, 82 Hun, 479; 64 St. Rep. 189; 31 Supp. 554.

Cited, Wills—Devise in Trust—Perpetuities.

13 App. Div. 347; (77 St. Rep. 21; 43 Supp. 21).

Cowenhoven v. Ball, 118 N. Y. 231; 28 St. Rep. 870.

Cited, Trial—Irregularities—Waiver.

82 Hun, 267; (63 St. Rep. 561; 31 Supp. 255). 88 Hun, 179; (68 St. Rep. 426; 34 Supp. 416). 4 App. Div. 447; (74 St. Rep. 606; 38 Supp. 895). 3 App. Div. 382; (38 Supp. 991).

Cowenhoven v. Schuler, 2 Paige 122.

Cited, Life Tenant—Remainderman—Respective Rights and Duties.

16 Misc. 248; (39 Supp. 191).

Cowhill v. Roberts, 71 Hun, 127; 54 St. Rep. 219; 24 Supp. 533.

Affirmed, 144 N. Y. 649; 64 St. Rep. 865.

Cited, Master and Servant—Liability of Master to Servant—Degree of Care.

5 Misc. 324; (25 Supp. 815).

Cowing v. Altman, 71 N. Y. 435.

Cited, Bills and Notes—Transferees—Bona Fide Holders—Diversion.

74 Hun, 447; (57 St. Rep. 186; 26 Supp. 823).

Bills and Notes—Transferee—Notice—Failure to Enquire.

148 N. Y. 622.

Date of Instrument—Delivery—Presumption.

D. 4 Misc. 481; (54 St. Rep. 334; 24 Supp. 572).

Cowing v. Altman, 79 N. Y. 167.

Cited, Trial—Pleadings—Variance—Waiver.

18 Misc. 205; (41 Supp. 370).

Cowing v. Howard, 46 Barb. 579.

Cited, Trustees—Accounting—Interest.

75 Hun, 524; (57 St. Rep. 352; 27 Supp. 732). 15 Misc. 570; (38 Supp. 182).

Cowles v. Watson, 14 Hun, 41.

Cited, New Trial—Inadequate Damages.

71 Hun, 116; (54 St. Rep. 297; 24 Supp. 640).

Cowley v. People, 83 N. Y. 464.

Cited, Evidence—Photographs—Verification.

50 St. Rep. 456; (21 Supp. 206).

Evidence—Photographs.

139 N. Y. 83; (54 St. Rep. 428). 75 Hun, 257; (58 St. Rep. 679; 27 Supp. 54). 79 St. Rep. 1116; (45 Supp. 1116).

Corporations—Wrongful Acts of Officers—Personal Responsibility.

19 Misc. 295; (78 St. Rep. 339; 44 Supp. 339).

Cowper v. Theall, 40 Hun, 520; 2 St. Rep. 108.

Cited, Injunction—Perpetual Stay of Prior Action.

139 N. Y. 118; (54 St. Rep. 642).

Cox v. Albany Brewing Co., 2 Silv. S. Ct. 590; 24 St. Rep. 942; 6 Supp. 841.

Cited, Trial—Sufficiency of Evidence to go to Jury—Authority of Agent.

3 Misc. 363; (52 St. Rep. 430; 23 Supp. 122).

Cox v. Albany Brewing Co., 56 Hun, 489; 31 St. Rep. 666; 10 Supp. 213.

Cited, Agency—Authority of Agent—Principal's Liability.

88 Hun, 153; (68 St. Rep. 304; 34 Supp. 521). 92 Hun, 247; (71 St. Rep. 775; 36 Supp. 709).

Cox v. Broderick, 4 E. D. Smith, 721.

Cited, Mortgage—Foreclosure—When Purchaser Becomes Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020).

Mechanic's Lien—Sub contractor—Indebtedness From Owner to Contractor.

20 Misc. 103; (79 St. Rep. 78; 45 Supp. 78).

Cox v. Davis, 8 App. Div. 491; 75 St. Rep. 136; 40 Supp. 761.

*Duplicate Citations in Parenthesis.***Cox v. Jagger**, 2 Cow. 638.

Cited, Arbitration — Award — Effect of Partial Invalidity.

137 N. Y. 296; (50 St. Rep. 689).

Cox v. James, 59 Barb. 144.

Cited, Dedication—Streets and Alleys—Acceptance.

23 Supp. 821.

Cox v. James, 45 N. Y. 557.

Cited, Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 821.

Easement—Right of Way—Appurtenant.

71 Hun, 290; (54 St. Rep. 736; 24 Supp. 1100). 16 Misc. 645; (40 Supp. 759).

Equity—Remedy at Law—Necessity of Pleading.

78 Hun, 442; (60 St. Rep. 757; 29 Supp. 204). 61 St. Rep. 646; (29 Supp. 204). 84 Hun, 86; (65 St. Rep. 208; 32 Supp. 51).

Deeds—Executed by Husband and Wife—Presumption.

11 Misc. 581; (66 St. Rep. 190; 32 Supp. 807).

Cox v. New York, 103 N. Y. 519; 3 St. Rep. 672.

Cited, Payment—Voluntary—Right to Recover Back.

77 Hun, 602; (60 St. Rep. 459; 28 Supp. 1029).

Statutes—Construction—Presumption of Legislative Knowledge.

D. 7 App. Div. 572; (74 St. Rep. 726; 40 Supp. 166).

Cox v. N. Y. C. & H. R. R. Co., 63 N. Y. 414.

Cited, Stipulations—Enforcement.

9 Misc. 370, 371; (60 St. Rep. 632, 633; 29 Supp. 692, 693; 24 Civ. Pro. 51, 52).

Attorneys—Authority.

85 Hun, 193; (65 St. Rep. 726; 32 Supp. 582). 18 Misc. 284; (41 Supp. 1041). 20 Misc. 66; (78 St. Rep. 432; 44 Supp. 432; 3 Ann. Cas. 387).

Cox v. Pearce, 112 N. Y. 637; 21 St. Rep. 808.

Cited, Insurance—Application Not Signed by Insured—Knowledge of Agent.

1 Misc. 479; (50 St. Rep. 838; 21 Supp. 471).

Insurance—Agents—Notice.

92 Hun, 31; (71 St. Rep. 716; 36 Supp. 562). 16 App. Div. 600; (78 St. Rep. 978; 44 Supp. 978). 79 St. Rep. 621; (45 Supp. 621).

Cox v. People, 80 N. Y. 500.

Cited, Evidence—Confession.

80 Hun, 46; (61 St. Rep. 527; 29 Supp. 846).

Indictment—Sufficiency—Common Law Form.

22 Supp. 691.

Trial—Criminal Action—District Attorney—Temporary.

7 App. Div. 566; (74 St. Rep. 722; 40 Supp. 163).

Jurors—Irregularity—Prejudice.

D. 74 Hun, 328; (56 St. Rep. 314; 26 Supp. 822).

Cox v. Stokes, 78 Hun, 331; 60 St. Rep. 706; 29 Supp. 141.**Cox v. Weller**, 6 T. & C. 309.

Cited, Contract—Statute of Frauds—Innovation.

2 Misc. 302; (50 St. Rep. 335; 21 Supp. 941).

Coxe v. State, 144 N. Y. 396; 63 St. Rep. 642.

Cited, Lands—Under Water—Alienation by State.

15 App. Div. 271, 272; (78 St. Rep. 217; 44 Supp. 217).

Statutes—Repeal—Effect of General Upon Special Statute.

19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

Constitutionality — Statutes — Construction.

150 N. Y. 494.

Coykendall v. Eaton, 55 Barb. 188.

Cited, Bailment—Innkeeper—Wrong Delivery.

17 Misc. 402; (39 Supp. 1033).

Coyle v. F. M. Society, 17 Week. Dig. 17.

Cited, Benevolent Associations—By-Laws—Retroaction.

19 Misc. 183.

Coyle v. Mangam, 3 Misc. 11; 50 St. Rep. 567; 21 Supp. 773.**Coyle v. Metropolitan Life Ins. Co.**, 5 Misc. 586; 54 St. Rep. 792; 25 Supp. 90.**Coyle v. Third Ave. R. Co.**, 17 Misc. 282; 75 St. Rep. 449; 40 Supp. 362.

Reversed, 18 Misc. 9; 40 Supp. 1131.

Cited, 77 St. Rep. 500; (43 Supp. 500).

Coyle v. Third Ave. R. Co., 18 Misc. 9; 40 Supp. 1131.

Cited, 77 St. Rep. 500; (43 Supp. 500).

Coyle v. Third Ave. R. Co., 19 Misc. 345; 77 St. Rep. 499; 43 Supp. 499.

Duplicate Citations in Parenthesis.

Coyle v. Western R. Corporation, 47 Barb. 152.

Cited, Carriers—Freight—Acceptance—Destruction.

68 Hun, 601; (52 St. Rep. 583; 23 Supp. 233).

Coyne v. Weaver, 84 N. Y. 386.

Cited, Contracts—Construction.

146 N. Y. 24; (65 St. Rep. 760). 15 App. Div. 127; (78 St. Rep. 332; 44 Supp. 332).

Cozine v. Graham, 2 Paige, 177.

Cited, Contract—Impeachment—Validity.

77 Hun, 294; (59 St. Rep. 757; 28 Supp. 340).

Contracts—Statute of Frauds—Necessity of Pleading.

55 St. Rep. 297; (25 Supp. 454; 30 Abb. N. C. 448). 89 Hun, 571; (70 St. Rep. 116; 35 Supp. 548).

Pleadings—Answer—Statute of Frauds—Waiver.

139 N. Y. 386; (54 St. Rep. 662; 30 Abb. N. C. 425).

Pleading—Demurrer to Cause of Action—Truth of Facts Alleged in Complaint Presumed.

30 Abb. N. C. 456; (27 Supp. 932).

Craft v. Merrill, 14 N. Y. 456.

Cited, Foreclosure—Sale—Auctioneer's Affidavit.

88 Hun, 354; (68 St. Rep. 675; 34 Supp. 757).

Cragg v. Riggs, 5 Redf. 82.

Cited, Life Tenant—Remainder-man—Relative Rights.

67 St. Rep. 661; (33 Supp. 980).

Cragie v. Hadley, 99 N. Y. 131.

Cited, Banks—Deposit—Following—Insolvency.

79 Hun, 251; (61 St. Rep. 21; 29 Supp. 416). 77 Hun, 165; (58 St. Rep. 715; 28 Supp. 409).

Principal and Agent—Knowledge of Agent—Notice to Principal.

77 Hun, 455; (60 St. Rep. 655; 29 Supp. 85). Bills and Notes—Deposit of Check—Bona Fide Holder.

81 Hun, 451; (63 St. Rep. 361).

Cragin v. Lovell, 88 N. Y. 258.

Cited, Pleading—Counterclaim—Perfecting by References

3 Misc. 375; (52 St. Rep. 261; 22 Supp. 1047; 30 Abb. N. C. 295).

Pleading—Counterclaim—How to be Set Forth.

14 Misc. 482; (70 St. Rep. 434; 35 Supp. 698). 18 Misc. 545; (77 St. Rep. 796; 43 Supp. 796).

Trespass—Land Without State—Jurisdiction.

135 N. Y. 339; (47 St. Rep. 877). 140 N. Y. 466; (55 St. Rep. 833).

Cragin v. N. Y. C. R. Co., 51 N. Y. 61*

Cited, Carriers—Liability—Freight—Livestock—Unruliness—Negligence.

8 Misc. 25; (59 St. Rep. 312; 28 Supp. 71).

Craig v. Andes, 93 N. Y. 405.

Cited, Municipalities—Obligations of—Equities.

83 Hun, 99; (63 St. Rep. 816; 31 Supp. 404).

Judgment—Want of Jurisdiction—Validity.

87 Hun, 184; (67 St. Rep. 781; 33 Supp. 1077). 92 Hun, 7; (73 St. Rep. 12; 37 Supp. 964).

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).

Craig v. Butler, 83 Hun, 286; 64 St. Rep. 733; 31 Supp. 963.

Cited, Landlord and Tenant—Rent—When due.

14 Misc. 530; (70 St. Rep. 708; 35 Supp. 1091; 2 Ann. Cas. 340).

Craig v. Craig, 66 Hun, 452; 50 St. Rep. 461; 21 Supp. 241.

Cited, Referee—Power to Re-open Case.

13 Misc. 96; (68 St. Rep. 74; 34 Supp. 82).

Craig v. Craig, 3 Barb. Ch. 76.

Cited, Gift—Delivery—Necessity.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781). 16 Misc. 179; (38 Supp. 1139).

Wills—Legacies—Payment—Time.

135 N. Y. 297; (47 St. Rep. 815).

Wills—Trusts—Income of Estate.

3 Misc. 470; (23 Supp. 737).

Craig v. Hyde, 24 How. 813.

Cited, Pleading—Amendment—Different Cause of Action.

91 Hun, 424; (70 St. Rep. 798; 36 Supp. 224).

Craig v. Parkis, 40 N. Y. 181.

Cited, Guaranty—Collection—Effect.

135 N. Y. 377; (48 St. Rep. 472).

Guaranty—Collection—Diligence in Prosecution—Question of Law.

20 Misc. 386; (79 St. Rep. 605; 45 Supp. 605).

Assignment—Debt—Collaterals.

18 Misc. 138; (75 St. Rep. 851; 41 Supp. 455). 14 App. Div. 422; (77 St. Rep. 961; 43 Supp. 961).

Craig v. Rochester City & B. R. Co., 39 N. Y. 404.

Cited, Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325).

Street Railways—Construction—Rights—Compensation.

5 Misc. 61; (25 Supp. 115). D. 86 Hun, 431; (67 St. Rep. 626; 33 Supp. 597). 10 App. Div. 355; (41 Supp. 1109).

*Duplicate Citations in Parenthesis.***Highways—Rights of Abutters in.**

11 App. Div. 216; (76 St. Rep. 953; 42 Supp. 953).

Highways—Obstructions in—Rights of Abutters.

143 N. Y. 140; (62 St. Rep. 142). 6 App. Div. 17; (39 Supp. 526).

Craig v. Swinerton, 8 Hun, 144.

Cited, Mechanic's Lien—Consent of Owner.

11 App. Div. 477; (76 St. Rep. 257; 42 Supp. 257).

Craig v. Ward, 36 Barb. 377.

Cited, Pleading—Variance.

10 Misc. 654; (64 St. Rep. 500; 31 Supp. 796).

Craig v. Wells, 11 N. Y. 315.

Cited, Deeds—Construction—Exception and Reservation.

72 Hun, 411; (55 St. Rep. 290; 25 Supp. 339). 60 St. Rep. 320. 148 N. Y. 429.

Ejectment—Condition Subsequent—Breach—Construction.

141 N. Y. 376; (57 St. Rep. 445).

Craighhead v. Brooklyn City R. Co.,

123 N. Y. 391; 33 St. Rep. 620.

Cited, Street Railways—Negligence—Elevated Railroad—Columns.

6 Misc. 300; (58 St. Rep. 141; 26 Supp. 784).

Negligence—Unforseen Accident—Liability.

148 N. Y. 71.

Craighhead v. Peterson, 72 N. Y. 279.

Cited, Agency—Exceeding Authority—Effect.

13 Misc. 275; (68 St. Rep. 228; 34 Supp. 177). 79 St. Rep. 408; (45 Supp. 408).

Agency—Exceeding Authority—Ratification by Principal.

14 Misc. 325; (70 St. Rep. 682; 35 Supp. 1056).

Craigie v. Hadley, 99 N. Y. 131.

Cited, Banks—Insolvent—Deposit—Following.

145 N. Y. 506; (65 St. Rep. 372).

Crain v. Cavana, 62 Barb. 109.

Cited, Husband and Wife—Divorce—Alimony.

79 St. Rep. 404; (45 Supp. 404).

Crain v. Fox, 16 Barb. 184.

Cited, Easements—Abandonment.

137 N. Y. 326; (50 St. Rep. 721). 142 N. Y. 181; (58 St. Rep. 644).

Crain v. Petrie, 6 Hill. 522.

Cited, Damages—Proximate Cause.

13 App. Div. 332; (77 St. Rep. 205; 43 Supp. 205).

Crain v. Wright, 36 Hun, 74.

Affirmed, 114 N. Y. 307; 23 St. Rep. 245.

Cited, Life Tenants—Charging Land for Support.

67 Hun, 246; (50 St. Rep. 818; 22 Supp. 200).

Deeds—Delivery—Sufficiency.

68 Hun, 494; (52 St. Rep. 652; 22 Supp. 1004).

Trial—Question of Fact—Delivery of deed.

79 Hun, 525; (61 St. Rep. 595; 29 Supp. 908).

Crain v. Wright, 114 N. Y. 307; 23 St. Rep. 245.

Cited, Will—Construction—Extent of Devisee's Estate.

66 Hun, 611; (50 St. Rep. 90; 22 Supp. 9).

11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Wills—Construction—Life Estate to Widow.

75 Hun, 435; (57 St. Rep. 342; 27 Supp. 676).

Wills—Devise—Extent of Estate—Benefit and Support.

9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278).

Cram v. Cram, 2 Redf. 244.

Cited, Life Tenant—Remainderman—Relative Rights and Liabilities.

16 Misc. 248; (39 Supp. 190).

Cram v. Gas Engine & P. Co., 75 Hun,

316; 58 St. Rep. 201; 26 Supp. 1069.

Cram v. Mitchell, 1 Sandf. Ch. 251.

Cited, Principal and Agent—Conflict of Interest—Purchase From Principal.

8 Misc. 359; (59 St. Rep. 592; 28 Supp. 705).

Cram v. Springer Lithographing

Co., 10 Misc. 660; 64 St. Rep. 304; 31 Supp. 679.

Cram v. Springer Lithographing

Co., 10 Misc. 780; 63 St. Rep. 869; 30 Supp. 1130.

Modified and Affirmed, 10 Misc. 660; 64 St. Rep. 304; 31 Supp. 679.

Cramer v. Amberg, 15 Daly, 205; 23 St. Rep. 60; 4 Supp. 613; 16 Civ. Pro. 445.

Cited, Landlord and Tenant—Condition Subsequent—Summary Proceedings.

3 Misc. 511; (52 St. Rep. 420; 23 Supp. 8).

9 Misc. 488; (61 St. Rep. 98; 30 Supp. 243).

Cramer v. Benton, 4 Lans. 291.

Cited, Limitation of Action—When Barred—Reformation of Mortgage.

70 Hun, 513; (53 St. Rep. 618; 24 Supp. 370).

Duplicate Citations in Parenthesis.

Cramer v. Lovejoy, 41 Hun, 581; 5 St. Rep. 190.

Cited, Pleading—Amendment—Terms.

10 Misc. 216; (63 St. Rep. 381; 31 Supp. 111; 1 Ann. Cas. 39).

Pleading—Amendment—Power of Court.

88 Hun, 383; (68 St. Rep. 773; 34 Supp. 835).

Cramer v. Lovejoy, 17 Week. Dig. 381.

Cited, Evidence—Parol—Condition Precedent.

7 Misc. 154; (57 St. Rep. 501; 27 Supp. 365).

Cramer v. Riggs, 17 Wend. 209.

Cited, Libel—What is per se—Obloquy Less Than Crime.

69 Hun, 358; (52 St. Rep. 793; 23 Supp. 653).

Crampton v. Brooklyn El. R. Co.,

3 App. Div. 263, 73 St. Rep. 723; 38 Supp. 384.

Cited, Damages—Elevated Railroads.

6 App. Div. 53; (39 Supp. 474).

Crandall v. Beach, 7 How. 271.

Cited, Summons—Fictitious Name.

11 Misc. 577; (66 St. Rep. 179; 32 Supp. 797).

Crandall v. Brown, 18 Hun, 461.

Cited, Chattel Mortgage—Change of Possession,

15 Misc. 524; (74 St. Rep. 421; 37 Supp. 1075; 2 Ann. Cas. 413). 20 Misc. 397.

Bill of Sale—Possession—Sufficiency.

19 Misc. 164.

Crandall v. Clark, 7 Barb. 169.

Cited, Bills and Notes—Demand and Notice—Failure of.

4 Misc. 65; (53 St. Rep. 124; 23 Supp. 782).

Crandall v. Lehigh Valley R. Co., 72

Hun, 431; 55 St. Rep. 170; 25 Supp. 151.

Affirmed, 151 N. Y. 642.

Crandall v. Phillips, 18 App. Div. 118;

77 St. Rep. 299; 43 Supp. 299.

Cited, Railroads—Accident at Crossing—Contributory Negligence.

80 Hun, 94; (62 St. Rep. 6; 30 Supp. 177.)

Crane, Matter of, 81 Hun, 96; 62 St. Rep. 549; 30 Supp. 616; 1 Ann. Cas. 148).

Cited, Supplementary Proceedings—Receiver—What Property Entitled to.

7 App. Div. 531; (40 Supp. 23).

Crane, Matter of, 12 App. Div. 271; 76 St. Rep. 904; 42 Supp. 904.

Crane v. Baudouine, 65 Barb. 260.

Cited, Physicians—Services—Liability of Person Requesting.

18 Misc. 463; (75 St. Rep. 1325; 41 Supp. 951).

Crane v. Baudouine, 55 N. Y. 256.

Cited, Appeal—Review of Findings of Fact—Reversal—When Justified.

1 Misc. 140; (48 St. Rep. 722; 20 Supp. 629). 8 Misc. 259; (59 St. Rep. 199; 28 Supp. 549). 86 Hun, 423; (67 St. Rep. 179; 33

Supp. 523). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 668).

Parent and Child—Obligation to Support—Third Person—Promise.

8 Misc. 649; (61 St. Rep. 61; 29 Supp. 1046; 1 Ann. Cas. 295). 85 Hun, 29; (66 St. Rep. 111; 32 Supp. 603).

Physicians—Services—Liability of Person Requesting.

18 Misc. 141; (75 St. Rep. 1441; 41 Supp. 1094). 18 Misc. 463; (75 St. Rep. 1325; 41 Supp. 951).

Evidence—Opinions—Consent.

66 Hun, 250; (49 St. Rep. 540; 21 Supp. 182).

Crane v. Cranitch, 3 Misc. 557; 52 St.

Rep. 515; 23 Supp. 320.

Crane v. Genin, 60 N. Y. 127.

Cited, Mechanic's Lien—To what Attaches—Supplies for Sub-contractor.

72 Hun, 420; (54 St. Rep. 884; 25 Supp. 204).

Mechanic's Lien—Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021). 148 N. Y. 676.

Mechanic's Lien—Sub-Contractor—Necessity of Owner Owning Contractor

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78).

Crane v. Gruenewald, 120 N. Y. 274;

30 St. Rep. 971.

Cited, Evidence—Burden of Proof—Acts and Declarations of Agent—Agency to Receive Payment.

7 Misc. 459; (25 Supp. 88).

Principal and Agent—Powers of Agent—To Receive Payment—Discharging Indebtedness.

75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533).

Crane v. Hardman, 4 E. D. Smith, 448.

Cited, Pleadings—District Courts.

15 Misc. 130; (71 St. Rep. 501; 36 Supp. 486).

Witness—Impeachment—Contradictory Statements.

1 Misc. 284; (48 St. Rep. 667; 20 Supp. 705).

Witness—Cross Examination—Contradictory Statement.

2 Misc. 327; (51 St. Rep. 586; 21 Supp. 996). 12 Misc. 60; (66 St. Rep. 683; 33 Supp. 49).

Duplicate Citations in Parenthesis.

Crane v. Knubel, 43 How. 389; 84 Super. 443.

Affirmed, 61 N. Y. 645.

Cited, Contracts—Performance—Recovery.

17 Misc. 360; (39 Supp. 1088). 15 App. Div. 384; (78 St. Rep. 77; 44 Supp. 77).

Crane v. McDonald, 118 N. Y. 648; 30 St. Rep. 98; 2 Silv. Ct. App. Cas. 341.

Cited, Interpleader—Affidavit For—Sufficiency Of—Collusion.

75 Hun, 45; (58 St. Rep. 180; 26 Supp. 993; 23 Civ. Pro. 303).

Interpleader—Basis For—When Proper.

73 Hun, 346; (55 St. Rep. 770; 26 Supp. 180). 60 St. Rep. 154; (28 Supp. 481). 85 Hun, 391; (66 St. Rep. 295; 32 Supp. 904). 86 Hun, 534, 535, 537; (67 St. Rep. 692, 693, 694; 33 Supp. 917, 918). 89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 2 Ann. Cas. 224; 25 Civ. Pro. 292).

Crane v. Powell, 46 St. Rep. 668; 19 Supp. 220.

Affirmed, 139 N. Y. 379; 54 St. Rep. 659.

Cited, Pleading—Defense—Statute of Frauds—Necessity of Plea Of.

2 Misc. 125; (49 St. Rep. 131; 21 Supp. 463). 2 Misc. 302; (50 St. Rep. 334; 21 Supp. 940). 7 Misc. 243; (58 St. Rep. 24; 27 Supp. 263).

Contracts—Breach—Tender of Performance.

20 Misc. 94; (79 St. Rep. 69; 45 Supp. 69).

Crane v. Powell, 139 N. Y. 39; 54 St. Rep. 659; 30 Abb. N. C. 419.

Cited, Appeal—Evidence—Failure to Object.

7 Misc. 313; (57 St. Rep. 553; 27 Supp. 903). 9 Misc. 464; (61 St. Rep. 87; 30 Supp. 229). 16 Misc. 71; (73 St. Rep. 81; 37 Supp. 631).

Contract—Statute of Frauds—Necessity of Pleading—Waiver of Statute.

77 Hun, 529; (60 St. Rep. 272; 28 Supp. 893). 77 Hun, 291; (59 St. Rep. 754; 28 Supp. 339). 9 Misc. 119; (59 St. Rep. 707; 29 Supp. 290). 11 Misc. 261; (64 St. Rep. 257; 32 Supp. 838). 11 Misc. 32; (65 St. Rep. 110; 31 Supp. 1017). 13 Misc. 639; (69 St. Rep. 152; 34 Supp. 927). 89 Hun, 571; (70 St. Rep. 115; 35 Supp. 548). 90 Hun, 592; (70 St. Rep. 562; 35 Supp. 988). D. 90 Hun, 597, 599; (70 St. Rep. 566, 567; 35 Supp. 992, 993). 144 N. Y. 710; (71 St. Rep. 285).

Trusts—Creation—Declaration—Sufficiency.

140 N. Y. 120; (55 St. Rep. 374). 2 App. Div. 177; (73 St. Rep. 454; 37 Supp. 740). 5 App. Div. 594; (39 Supp. 372). 10 App. Div. 325; (75 St. Rep. 1393; 41 Supp. 1025). 19 Misc. 21; (76 St. Rep. 773; 42 Supp. 773). 15 App. Div. 491; (78 St. Rep. 507; 44 Supp. 507).

Appeal—Questions Not Raised Below—Statute of Frauds—Evidence of Parol Agreement.

80 Hun, 136; (61 St. Rep. 623; 29 Supp. 1040). 10 Misc. 769; (62 St. Rep. 510; 30 Supp. 948). 87 Hun, 34; (67 St. Rep. 503; 33 Supp. 752). 16 Misc. 577; (74 St. Rep. 260; 38 Supp. 742). 20 Misc. 287; (79 St. Rep. 674; 45 Supp. 674).

Trial—Special Defense—Necessity of Pleading.

17 Misc. 241; (39 Supp. 717).

Statute of Frauds—Waiver of Defense.

17 Misc. 326; (40 Supp. 383). 75 St. Rep. 792.

Crane v. Robinson, 19 Misc. 40; 76 St. Rep. 874; 42 Supp. 874.

Crane v. Schloss, 39 St. Rep. 92; 14 Supp. 886.

Cited, Appeal—Errors—Necessity of Exception.

18 Misc. 432; (76 St. Rep. 25; 43 Supp. 25).

Crane v. Shuler, 91 Hun, 635; 70 St. Rep. 641; 35 Supp. 970.

Affirmed, 153 N. Y. —.

Cranford v. Brooklyn, 13 App. Div. 151; 77 St. Rep. 246; 43 Supp. 246.

Cranford v. Tyrrell, 128 N. Y. 341; 40 St. Rep. 414.

Cited, Nuisance—Abatement—Injunction.

7 Misc. 376; (27 Supp. 909).

Equity—Wrongful Injury to Property—Injunction.

91 Hun, 492; (71 St. Rep. 387; 36 Supp. 305).

Crannell v. Comstock, 12 Hun, 293.

Cited, Appeal—Justice's Court—New Trial—Jurisdiction.

75 Hun, 296; (56 St. Rep. 773; 27 Supp. 59; 31 Abb. N. C. 261; 23 Civ. Pro. 293). 87 Hun, 537; (68 St. Rep. 671; 34 Supp. 291).

Cranston v. N. Y. C. & H. R. R. Co., 103 N. Y. 614; 4 St. Rep. 300.

Cited, Trial—Failure to Make Out Case—Duty of Court.

89 Hun, 291; (69 St. Rep. 438; 35 Supp. 45).

*Duplicate Citations in Parenthesis.***Crapo v. People**, 15 Hun, 269.*Affirmed*, 76 N. Y. 288.*Cited*, Witness—Credibility—Cross Examination—Scope.

3 App. Div. 128; (39 Supp. 394).

Crary v. Crary, 46 St. Rep. 307; 18 Supp. 753.*Cited*, Trial—Witnesses—Failure to Call—Effect.

6 Misc. 262; (58 St. Rep. 129; 26 Supp. 761). 85 Hun, 93; (66 St. Rep. 73; 32 Supp. 689). 88 Hun, 214; (68 St. Rep. 703; 34 Supp. 722).

Crary v. Goodman, 12 N. Y. 266.*Cited*, Ejectment—Defense—Equitable Title.

17 Misc. 427; (39 Supp. 714). 8 App. Div. 615; (40 Supp. 599).

Crary v. Goodman, 22 N. Y. 170.*Cited*, Champerty—Conveyance—Adverse Title.

70 Hun, 487; (54 St. Rep. 59; 24 Supp. 253). 84 Hun, 280; (63 St. Rep. 590; 32 Supp. 384). 85 Hun, 37; (66 St. Rep. 137; 32 Supp. 626). 87 Hun, 52; (67 St. Rep. 484; 33 Supp. 867). 1 App. Div. 416; (72 St. Rep. 496; 37 Supp. 441).

Possession—Adverse—What Constitutes.

85 Hun, 569; (66 St. Rep. 799; 33 Supp. 127). 19 Misc. 291; (77 Supp. 129; 43 Supp. 129).

Possession—Adverse—Extent of Claim—What Governs.

15 Misc. 381; (71 St. Rep. 584; 36 Supp. 670).

Statutes—Champerty—Strict Construction.

18 Misc. 321; (76 St. Rep. 1000; 43 Supp. 1000).

Crary v. Norwood, 5 Abb. 219.*Cited*, Costs—Interlocutory Judgment on Demurrer—Items.

75 Hun, 366; (56 St. Rep. 766; 27 Supp. 84; 23 Civ. Pro. 296).

Craske v. Christian U. Pub. Co., 17 Hun, 319.*Cited*, Landlord and Tenant—Lease—Termination.

18 Misc. 74; (75 St. Rep. 488; 41 Supp. 33).

Cressley v. McArdle, 74 Hun, 133; 56 St. Rep. 396; 26 Supp. 420.**Craсто v. White**, 52 Hun, 473; 23 St. Rep. 535; 5 Supp. 718.*Cited*, Pleading—Answer—Designating Defense as Partial.

74 Hun, 123; (55 St. Rep. 877; 26 Supp. 432).

Pleading—Answer—Separate Defense—Reference to Cause of Action.

78 Hun, 80; (60 St. Rep. 796; 29 Supp. 265).

Crate v. Benzinger, 13 App. Div. 617; 77 St. Rep. 824; 43 Supp. 824.**Crater v. Bininger**, 45 N. Y. 548.*Cited*, Partnership—Partners—Action by One Against Others.

13 Misc. 65; (68 St. Rep. 10; 34 Supp. 55; 1 Ann. Cas. 360).

Craver v. Germain, 17 Misc. 244; 40 Supp. 1056.**Crawford, Matter of**, 113 N. Y. 366; 22 St. Rep. 942.*Cited*, Deeds—Delivery—Destruction—Revocation.

79 Hun, 524; (61 St. Rep. 595; 29 Supp. 907).

Wills—Construction—Bequest to Children—Who Included.

3 Misc. 175; (23 Supp. 839).

Crawford, Matter of, 113 N. Y. 560; 23 St. Rep. 722.*Cited*, Executors and Trustees Under Will—Separate Functions—Tests—Commissions. 77 Hun, 113; (59 St. Rep. 853; 28 Supp. 307).

Gift—Delivery—Recording Assignment of Mortgage.

71 Hun, 360; (55 St. Rep. 17; 25 Supp. 18).

Gift—Deposit in Bank to Donee's Credit—Possession of evidence of.

137 N. Y. 66; (50 St. Rep. 71).

Gift—Savings Bank Deposits—What Constitutes.

74 Hun, 55; (56 St. Rep. 171; 26 Supp. 323).

Trusts—Creation—Implied—Abortive Gift.

137 N. Y. 219; (50 St. Rep. 402).

Trusts—Creation—Purchase of Mortgage with Donor's Money.

80 Hun, 151; (61 St. Rep. 639; 29 Supp. 1018).

Crawford v. Delaware, L. & W. R. Co., 54 Super. 262; 13 St. Rep. 298.*Cited*, Railroads—Crossings—Duty to Give Signals.

8 App. Div. 125; (40 Supp. 485).

Crawford v. Delaware, L. & W. R. Co., 55 Super. 255.*Cited*, Damages—Personal Injuries—Future Pain and Disability.

18 Misc. 33; (75 St. Rep. 519; 41 Supp. 60).

Crawford, v. Delaware, L. & W. R. Co., 121 N. Y. 652.*Cited*, Railroads—Crossings—Contributory Negligence—Imputed.

3 App. Div. 428; (74 St. Rep. 141; 38 Supp. 800).

*Duplicate Citations in Parenthesis.***Crawford v. Kastner**, 26 Hun. 440.

Cited, Equity — Restraint of Summary Proceedings.

16 Misc. 462; (39 Supp. 922).

Crawford v. Lockwood, 9 How. 547.

Cited, Estoppel — Waiver in Written Agreement.

143 N. Y. 429; (62 St. Rep. 438). 4 App. Div. 477; (74 St. Rep. 488; 38 Supp. 810).

Crawford v. Mail and Express Publishing Co., 9 App. Div. 481; 75 St. Rep. 740; 41 Supp. 325.

Cited, Insurance—Intemperance — Question of Fact.

77 St. Rep. 671; (43 Supp. 671).

Crawford v. Metropolitan Elevated R. Co., 120 N. Y. 624; 30 St. Rep. 866.

Cited, Appeal—Objections to Evidence—Sufficiency.

7 Misc. 67; (57 St. Rep. 528; 27 Supp. 406).

Trial—Objection to Evidence—Stating Grounds.

7 Misc. 112; (57 St. Rep. 488; 27 Supp. 389).

Crawford v. Millspaugh, 13 Johns. 87.

Cited, Release—Validity—Consideration. 15 App. Div. 63; (78 St. Rep. 145; 44 Supp. 145).

Crawford v. Omsbee, 6 App. Div. 50; 39 Supp. 740.**Crawford v. Price**, 51 St. Rep. 927; 22 Supp. 644.**Crawford v. Redding**, 8 Misc. 306; 59 St. Rep. 278; 28 Supp. 734.**Crawford v. Tyng**, 2 Misc. 469; 51 St. Rep. 153; 21 Supp. 1041.**Crawford v. Tyng**, 7 Misc. 239; 58 St. Rep. 37; 27 Supp. 424.

Reversed, 10 Misc. 143; 62 St. Rep. 475; 30 Supp. 907.

Crawford v. Tyng, 10 Misc. 143; 62 St. Rep. 475; 30 Supp. 907.**Crawford v. West Side Bank**, 100 N. Y. 50.

Cited, Bills and Notes—Alteration—Materiality.

75 Hun, 308; (56 St. Rep. 758; 27 Supp. 100).

Writ and Process—Service—Designated Person—Delivery of Designation.

7 Misc. 102; (57 St. Rep. 100; 27 Supp. 402).

Crawford v. Wilson, 4 Barb. 504.

Cited, Domicile—Existing—Presumption of Continuance.

90 Hun, 234; (69 St. Rep. 635; 35 Supp. 281).

Trial—Direction of Verdict—When Justified.

18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510).

Crawford v. Wilson & Baillie Mt'g Co., 8 Misc. 48; 59 St. Rep. 457; 28 Supp. 514.

Affirmed, 144 N. Y. 708.

Cream City Furniture Co. v. Squier, 2 Misc. 438; 51 St. Rep. 118; 21 Supp. 972.

Cited, Mechanic's Lien—When Lien Exists—Notice—Filing.

7 Misc. 680; (58 St. Rep. 372; 28 Supp. 23; 31 Abb. N. C. 301).

Creamer v. Mitchell, 12 App. Div. 350; 76 St. Rep. 207; 42 Supp. 207.**Crebarry v. National Transit Co.**, 77 Hun, 74; 59 St. Rep. 836; 28 Supp. 291.**Cree v. Bristol**, 12 Misc. 1; 66 St. Rep. 518; 33 Supp. 19.**Creed v. Hartmann**, 29 N. Y. 591.

Cited, Negligence—Sidewalks—Obstructions—Contractor—Who Liable.

82 Hun, 389; (63 St. Rep. 554; 31 Supp. 235). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Negligence—Concurrent—Joint Liability. 20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323).

Negligence—Joint Liability—Parties.

16 App. Div. 618; (78 St. Rep. 1058; 44 Supp. 1058).

Creegan v. Robertson, 74 Hun, 22; 56 St. Rep. 161; 26 Supp. 326.**Cregan v. Marston**, 126 N. Y. 568; 38 St. Rep. 428.

Cited, Master and Servant—Safety of Place to Work—Continuance.

69 Hun, 377; (52 St. Rep. 797; 23 Supp. 657). 76 Hun, 581; (58 St. Rep. 280; 28 Supp. 198). 144 N. Y. 557; (64 St. Rep. 249). 89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537). 16 App. Div. 56; (78 St. Rep. 1068; 44 Supp. 1068). 17 App. Div. 593; (79 St. Rep. 478; 45 Supp. 478).

Master and Servant—Negligence of Co-Servant.

6 Misc. 106; (55 St. Rep. 402; 26 Supp. 11). 6 Misc. 264; (58 St. Rep. 131; 26 Supp. 763). 10 Misc. 23; (62 St. Rep. 644; 30 Supp. 531). 12 Misc. 341; (67 St. Rep. 339; 33 Supp. 633). 151 N. Y. 422.

*Duplicate Citations in Parenthesis.***Master and Servant—Risks Assumed—Appliances.**

6 Misc. 324; (56 St. Rep. 254; 26 Supp. 797); 49 St. Rep. 361; (21¹/₂ Supp. 305). 11 Misc. 4; (63 St. Rep. 462; 31 Supp. 835). 13 Misc. 54; (68 St. Rep. 98; 34 Supp. 114). 9 App. Div. 526; (14 Misc. 420; 70 St. Rep. 419; 35 Supp. 762). 1 App. Div. 268; (72 St. Rep. 521; 37 Supp. 176). 10 App. Div. 466; (76 St. Rep. 30; 42 Supp. 30).

Master and Servant—Duties of Master to Servant.

15 Misc. 225; (71 St. Rep. 174; 34 Supp. 403).

Master and Servant—Appliances—Relative Duties.

5 App. Div. 616; (39 Supp. 466). 9 App. Div. 133; (75 St. Rep. 588; 41 Supp. 131).

Master and Servant—Appliances—Delegation.

15 App. Div. 262; (78 St. Rep. 200; 44 Supp. 200).

Cregin v. Brooklyn Cross-town R. Co., 75 N. Y. 192.

Cited, Cause of Action—Tort—Survival.

66 Hun, 334; (50 St. Rep. 254; 21 Supp. 579). 143 N. Y. 402; (62 St. Rep. 445). 90 Hun, 134, 135; (70 St. Rep. 508; 35 Supp. 644). 79 St. Rep. 713; (45 Supp. 713).

Cregin v. Brooklyn Cross-town R. Co., 83 N. Y. 595.

Cited, Damages—Measure—Death.

78 Hun, 280; (60 St. Rep. 233; 28 Supp. 863).

Cause of Action—Injuries to Property—Survival.

90 Hun, 134; (70 St. Rep. 508; 35 Supp. 644).

Creiger, Matter of, 1 Barb. Ch. 598.

Cited, Wills—Devise—Vesting of Estate—Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901).

Creighton v. Haggerty, 50 Super. 9.

Cited, Contracts—Rescission—Effect on Prior Payments.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9).

Cremins v. East Lake Woolen Co., 41 Supp. 202; 25 Civ. Pro. 365.**Cremore v. Huber, 18 App. Div. 231; 79 St. Rep. 947; 45 Supp. 947.****Cressey v. Sabre, 17 Hun, 120.**

Cited, Chattel Mortgage—Future Crops. 51 St. Rep. 36; (22 Supp. 1100).

Justice of Peace — Consideration of Equities.

51 St. Rep. 36; (22 Supp. 1100).

Chattel Mortgage—Future Crops—Trover.

82 Hun, 392; (63 St. Rep. 792; 31 Supp. 343).

Creuse v. Defiganieri, 10 Bosw. 122.

Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (52 St. Rep. 630; 23 Supp. 470).

Cribben v. Schillinger, 30 Hun, 248.

Cited, Attachment—Affidavits—Affiant's Knowledge.

50 St. Rep. 828; (22 Supp. 873).

Cridler v. Curry, 66 Barb. 336.

Cited, Trustees—Action by—Parties.

78 St. Rep. 920; (44 Supp. 920).

Crim v. Starkweather, 38 St. Rep.

314; 12 Supp. 791.

Affirmed, 136 N. Y. 635; 49 St. Rep. 68.

Cited, Appeal—Material Errors.

1 Misc. 336; (48 St. Rep. 708; 20 Supp. 682).

Crim v. Starkweather, 136 N. Y. 635; 49 St. Rep. 68.

Cited, Appeal—Refusal of Findings—When Sufficient Ground for Reversal.

74 Hun, 550; (56 St. Rep. 857; 26 Supp. 638). 92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386).

Appeal—Review of Evidence—Conflict of Evidence.

142 N. Y. 210; (58 St. Rep. 652). 150 N. Y. 264.

Appeal—Harmless Error.

18 Misc. 209; (75 St. Rep. 783; 41 Supp. 373).

Crimmins v. Metropolitan El. R. Co., 87 Hun, 187; 67 St. Rep. 665; 33 Supp. 984.**Crimmins v. Metropolitan El. R. Co., 69 St. Rep. 797; 35 Supp. 442.****Crippen v. Heermance, 9 Paige, 211.**

Cited, Costs—In Equity—Partial Success. 71 Hun, 547; (54 St. Rep. 915; 24 Supp. 1079).

Crippen v. Hudson, 13 N. Y. 161.

Cited, Creditor's Action—Exhaustion of Legal Remedies.

143 N. Y. 571; (62 St. Rep. 783; 1 Ann. Cas. 23).

Crippen v. Morss, 49 N. Y. 63.

Cited, Easements—Who May Create.

3 App. Div. 239; (73 St. Rep. 842; 38 Supp. 420).

Easements—Creation by one Co-Tenant—Effect.

150 N. Y. 149.

Crippen v. Ingersoll, 10 Wend. 603.

Cited, Costs—Failure to Demand in Notice of Motion.

17 App. Div. 533; (79 St. Rep. 554; 45 Supp. 554).

Duplicate Citations in Parenthesis.

Crise, Matter of, 26 St. Rep. 84; 7 Supp. 202; 2 Connolly, 59.

Cited, Trusts—Implied—Transfer of Title. 7 Misc. 370; (59 St. Rep. 653; 27 Supp. 634).

Crisp v. Rice, 83 Hun, 465; 64 St. Rep. 645; 31 Supp. 908.

Cited, Justice's Court—Adjournment.

9 App. Div. 28; (75 St. Rep. 599; 41 Supp. 141). 14 App. Div. 10; (77 St. Rep. 641; 43 Supp. 641).

Crispin v. Babbitt, 81 N. Y. 516.

Cited, Master and Servant—Appliances—Delegation.

78 Hun, 456; (60 St. Rep. 790; 29 Supp. 231). 13 Misc. 54; (68 St. Rep. 98; 34 Supp. 114). 18 App. Div. 228; (79 St. Rep. 945; 45 Supp. 945).

Master and Servant—Assumed Risks.

1 Misc. 306; (48 St. Rep. 772; 20 Supp. 712).

Master and Servant—Risks Assumed—Acts of Fellow Servants.

7 Misc. 12; (56 St. Rep. 842; 27 Supp. 324). 10 Misc. 23; (62 St. Rep. 644; 30 Supp. 531).

Master and Servant—Fellow Servants—Test as to Who Are.

6 Misc. 99; (56 St. Rep. 839; 26 Supp. 19). 76 Hun, 584; (58 St. Rep. 282; 28 Supp. 200).

Master and Servant—Liability of Master to Servant—Fellow Servants—Negligence.

142 N. Y. 420; (59 St. Rep. 803). 5 Misc. 322; (25 Supp. 813). 3 Misc. 229; (51 St. Rep. 871; 22 Supp. 752). 11 App. Div. 454; (76 St. Rep. 345; 42 Supp. 345).

Master and Servant—Fellow Servants—Superiority.

71 Hun, 587; (55 St. Rep. 113; 24 Supp. 1104). 135 N. Y. 3; (47 St. Rep. 854). 87 Hun, 521; (68 St. Rep. 154). 16 Misc. 223; (73 St. Rep. 293; 37 Supp. 596). 3 App. Div. 615; (74 St. Rep. 394; 38 Supp. 98). D. 3 App. Div. 617; (74 St. Rep. 399; 38 Supp. 102). 15 App. Div. 331; (78 St. Rep. 2; 44 Supp. 2).

Master and Servant—Injuries—Liability of Master.

3 Misc. 339; (52 St. Rep. 10; 22 Supp. 715).

Crist v. Burlingame, 62 Barb. 351.

Cited, Guaranty—Construction—Intent.

D. 15 App. Div. 178; (78 St. Rep. 184; 44 Supp. 184).

Crist v. Erie R. Co., 1 T. & C. 435.

Affirmed, 58 N. Y. 638.

Cited, Railroads—Fires—Proof.

67 Hun, 641; (51 St. Rep. 472; 22 Supp. 562).

Crist v. Erie R. Co., 58 N. Y. 638.

Cited, Appeal—Extent of Review—Instructions to Jury.

77 Hun, 466; (60 St. Rep. 599; 28 Supp. 1013). 19 Misc. 166.

Railroads—Adoption of Improved Appliances—Evidence—Sufficiency—Railroad Fires.

67 Hun, 635; (51 St. Rep. 104; 22 Supp. 474). D. 140 N. Y. 319; (55 St. Rep. 647).

Cristiano v. Millers, 15 Misc. 254; 71 St. Rep. 470; 36 Supp. 419.

Critelli v. Rogers, 87 Hun, 530; 68 St. Rep. 651; 34 Supp. 479.

Affirmed, 151 N. Y. 675.

Critten v. Vredenburg, 4 App. Div. 216; 73 St. Rep. 592; 38 Supp. 542.

Affirmed, 151 N. Y. 536.

Critten v. Vredenburg, 151 N. Y. 536.

Crittenden v. Adams, 5 How. 310.

Cited, Pleading—Service by Mail.

2 Misc. 230; (50 St. Rep. 539; 22 Supp. 363).

Crittenden v. Crittenden, 1 Hill. 359.

Cited, Costs—When Allowed.

135 N. Y. 271; (48 St. Rep. 108).

Crittenden v. Fairchild, 41 N. Y. 289.

Cited, Power—Sale—Proceeds—Substitution.

139 N. Y. 220; (54 St. Rep. 674).

Wills—Absolute Devise—Power of Sale.

1 App. Div. 287; (72 St. Rep. 769; 37 Supp. 234).

Crittenden v. Johnston, 7 App. Div. 258; 40 Supp. 87.

Crocheron v. N. S. S. I. Ferry Co., 56 N. Y. 656.

Cited, Carriers—Negligence—Appliances.

D. 81 Hun, 550; (63 St. Rep. 291; 30 Supp. 1103). 151 N. Y. 434. 153 N. Y. 269.

Negligence—Unforeseen Accident—Liability.

4 App. Div. 244; (74 St. Rep. 57; 38 Supp. 435). 153 N. Y. 270.

Evidence—Negligence—No Previous Accident.

10 App. Div. 368; (75 St. Rep. 1304; 41 Supp. 933).

Crocker v. Gollner, 135 N. Y. 662; 48 St. Rep. 569.

Crocker v. Knickerbocker Ice Co., 92 N. Y. 652.

Cited, Negligence—Highways—Fast Driving.

1 Misc. 133; (48 St. Rep. 766; 20 Supp. 645). 2 Misc. 486; 51 St. Rep. 151; 22 Supp. 79).

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Crocker v. Lewis, 79 Hun, 400; 61 St. Rep. 503; 29 Supp. 798.

Affirmed, 144 N. Y. 140; 63 St. Rep. 31.

Crocker v. Lewis, 144 N. Y. 140; 63 St. Rep. 31.

Crocker v. Whitney, 71 N. Y. 161.

Cited, Notice—Equities—Failure to Investigate.

19 Misc. 569; (77 St. Rep. 554; 43 Supp. 554).

Croft v. Williams, 88 N. Y. 384.

Cited, Trusts—Liability for Conversion by Co-Trustee.

72 Hun, 276; (55 St. Rep. 361; 25 Supp. 586). 85 Hun, 516; (66 St. Rep. 782; 33 Supp. 159). 1 App. Div. 280; (72 St. Rep. 694; 37 Supp. 342).

Croft v. Brooklyn Ferry Co., 36 Barb. 201.

Cited, Evidence—Competency—Opinions. 18 Misc. 246; (41 Supp. 608.)

Croghan v. Livingston, 17 N. Y. 218.

Cited, Courts — Jurisdiction — Infants — Partition.

24 Supp. 667.

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Crombie v. Waldo, 42 St. Rep. 225; 17 Supp. 372.

Reversed, 137 N. Y. 129; 50 St. Rep. 180.

Cited, Brokers — Commissions — Quantum Meruit.

2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975).

Crombie v. Waldo, 137 N. Y. 129; 50 St. Rep. 180.

Cited, Brokers—Commissions—Complete Contract.

3 Misc. 423; (52 St. Rep. 437; 23 Supp. 155). 11 Misc. 376; (65 St. Rep. 425; 32 Supp. 243).

Crommelin v. N. Y. & Harlem R. Co., 4 Keyes, 90.

Cited, Liens—Agisters.

21 Supp. 30.

Cromwell v. Benjamin, 41 Barb. 558.

Cited, Parent and Child—Necessaries—Parent's Liability.

85 Hun, 29; (66 St. Rep. 110, 111; 32 Supp. 602; 1 Ann. Cas. 295).

Cromwell v. Brooklyn F. Ins. Co., 44 N. Y. 42.

Cited, Insurance—Assignment of Contract—Right of Assignee.

77 Hun, 478; (60 St. Rep. 674; 29 Supp. 105).

Insurance — Covenants — Inurement for Benefit of Covenantee.

11 Misc. 169; (65 St. Rep. 151; 32 Supp. 94).

Cromwell v. Cromwell, 2 Edw. Ch. 495.

Cited, Wills—Devise—Perpetuities.

11 Misc. 466; (67 St. Rep. 280; 33 Supp. 432).

Cromwell v. Hall, 88 Hun, 617; 68 St. Rep. 869; 34 Supp. 1137.

Cromwell v. Hewitt, 40 N. Y. 491.

Cited, Bills and Notes—Liability of Endorser of Non-negotiable Paper.

66 Hun, 353; (50 St. Rep. 668; 21 Supp. 508). 81 Hun, 36, 38; (62 St. Rep. 540, 542; 30 Supp. 607, 609). 87 Hun, 261; (67 St. Rep. 474; 33 Supp. 829).

Cromwell v. Hughes, 12 Misc. 372; 65 St. Rep. 777; 33 Supp. 643.

Cromwell v. Hull, 97 N. Y. 209.

Cited, Courts—Jurisdiction.

71 Hun, 525; (54 St. Rep. 889; 24 Supp. 1034).

Cromwell v. MacLean, 123 N. Y. 474; 34 St. Rep. 85.

Cited, Mortgage — Extinction by Tax Sale.

136 N. Y. 41; (49 St. Rep. 30).

Municipal Corporations — Improvements — Assessments.

69 Hun, 506; (52 St. Rep. 619; 23 Supp. 425).

Taxes—Assessment—Personalty—Heirs of Decedent.

77 Hun, 538; (60 St. Rep. 396; 28 Supp. 889).

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67 Hun, 504; (51 St. Rep. 237; 22 Supp. 504).

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5 App. Div. 522; (38 Supp. 1089).

Mortgage — Foreclosure — What May be Litigated.

146 N. Y. 242; (66 St. Rep. 607). 14 Misc. 87; (69 St. Rep. 585; 35 Supp. 268).

Taxes — Validity—Confirmation by Statute.

139 N. Y. 136; (54 St. Rep. 511). 11 Misc. 507, 512; (67 St. Rep. 284; 287; 33 Supp. 436, 439). 90 Hun, 126; (70 St. Rep. 405; 35 Supp. 640). 92 Hun, 206, 209; (71 St. Rep. 553, 556; 36 Supp. 522, 525). 7 App. Div. 366; (74 St. Rep. 676; 40 Supp. 62). 10 App. Div. 582; (76 St. Rep. 64; 42 Supp. 64).

Statutes—Repeal—Effect of General Upon Special Statute.

86 Hun, 83; (67 St. Rep. 120; 33 Supp. 350).

Cromwell v. Romer, 18 Week. Dig. 440.

Cited, Venue—Change—Discretion.

88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658).

Duplicate Citations in Parenthesis:

Cromwell v. Selden, 3 N. Y. 253.

Cited, Water Power—Grant of—Measurement.

69 Hun, 474; (52 St. Rep. 841; 23 Supp. 399).

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74 Hun, 15; (56 St. Rep. 740; 26 Supp. 147). 148 N. Y. 438.

Crone v. N. Y. C. & H. R. R. Co., 141 N. Y. 604; 58 St. Rep. 866.

Croner v. Cowdrey, 139 N. Y. 471; 54 St. Rep. 728.

Cronin v. Cronin, 9 Civ. Pro. 137; 3 How. N. S. 184.

Cited, Interpleader.

89 Hun, 384; (69 St. Rep. 784; 35 Supp. 398; 2 Ann. Cas. 223; 25 Civ. Pro. 291).

Cronin v. Crooks, 76 Hun, 120; 57 St. Rep. 475; 27 Supp. 822.

Affirmed, 143 N. Y. 352; 62 St. Rep. 307.

Cited, Attachments—Affidavit—Recitals—Sufficiency.

76 Hun, 565; (58 St. Rep. 246; 28 Supp. 213).

Cronin v. Crooks, 143 N. Y. 352; 62 St. Rep. 307.

Cited, Attachment — Grounds — Statement of.

88 Hun, 373; (68 St. Rep. 765; 34 Supp. 827; 2 Ann. Cas. 161). 90 Hun, 42, (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179). 15 Misc. 411; (72 St. Rep. 252; 36 Supp. 893; 25 Civ. Pro. 203; 2 Ann. Cas. 366). 17 Misc. 272; (40 Supp. 355).

Cronin v. Gundy, 16 Hun, 520.

Cited, Officers—De Facto.

70 Hun, 5; (53 St. Rep. 449; 23 Supp. 952).

Police—Appointment—Oath.

52 St. Rep. 643; (23 Supp. 732).

Cronin v. People, 82 N. Y. 318.

Cited, Constitutional Law—Police Power—Fat Rendering.

67 Hun, 53; (51 St. Rep. 189; 22 Supp. 61).

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54 St. Rep. 154; (23 Supp. 303).

Cronin v. Stoddard, 97 N. Y. 271.

Cited, Intoxicating Liquors—Licenses—Authority of Commissioner.

67 Hun, 179; (51 St. Rep. 450; 22 Supp. 418).

Intoxicating Liquors — License by De Facto Board—Protection.

70 Hun, 5; (53 St. Rep. 449; 23 Supp. 952).

Officers—Oath of Office—Effect of Omission.

73 Hun, 407; (55 St. Rep. 773; 26 Supp. 282).

Cronin v. Tebo, 71 Hun, 59; 54 St. Rep. 91; 24 Supp. 644.

Affirmed 144 N. Y. 660; 71 St. Rep. 300.

Cronin v. Tebo, 144 N. Y. 660; 71 St. Rep. 300.

Cronk v. Whittaker, 1 E. D. Smith, 647.

Cited, Mechanic's Lien—Foreclosure—Subsequent Liens.

17 Misc. 361; (39 Supp. 1089).

Cronk v. Wilson, 40 Hun, 269.

Cited, Deeds—Construction—Exceptions. 49 St. Rep. 471; (21 Supp. 91).

Cronkhite v. Cronkhite, 91 N. Y. 323.

Cited, Easements—Creation—License.

139 N. Y. 24; (54 St. Rep. 411).

License—Revocation.

10 App. Div. 458; (76 St. Rep. 5; 42 Supp. 5). 12 App. Div. 20; (76 St. Rep. 609; 42 Supp. 609).

Estoppel — Equitable — Expenditure by Licensee.

67 Hun, 167; (51 St. Rep. 530; 22 Supp. 329).

Crook v. Crook. 12 St. Rep. 663.

Cited, Appeal — Extension of Time — Power of Court.

12 Misc. 403; (67 St. Rep. 596; 33 Supp. 695).

Crook v. Hamlin, 140 N. Y. 297; (55 St. Rep. 636).

Cook v. Rindskopf, 105 N. Y. 476; 8 St. Rep. 66.

Cited, Assignment for Creditors—Application of firm property to Individual Debts.

72 Hun, 2; (55 St. Rep. 337; 25 Supp. 576).

Assignment for Creditors—By Partnership—Rights of Assignee in Individual Property.

3 App. Div. 304; (74 St. Rep. 28; 38 Supp. 372).

Evidence—Competency—Assignment for Creditors—Inventory—Explanation.

80 Hun, 61; (61 St. Rep. 563; 29 Supp. 875).

Contracts—Assignments—Construction.

6 Misc. 464; (27 Supp. 911). 145 N. Y. 224; (64 St. Rep. 603).

Crooke v. Andrews, 40 N. Y. 547.

Cited, Cloud on Title—What Is—Removal.

70 Hun, 424; (53 St. Rep. 689; 24 Supp. 466). D. 78 St. Rep. 326; (44 Supp. 326).

Crooke v. Brooklyn F. & C. I. R. Co., 8 Week Dig. 252.

Cited, Injunction—To Obtain Compensation.

67 Hun, 309; (50 St. Rep. 900; 22 Supp. 317).

Duplicate Citations in Parenthesis.

Crooke v. Kings, County of, 97 N. Y. 421.

Cited, Executors and Administrators—Duty as to Repairing—Paying Taxes, etc. 23 Supp. 1045.

Perpetuities—Possible Suspension for More than Two Lives—Limit of Two Expressed.

141 N. Y. 21; (56 St. Rep. 578). 15 App. Div. 239; (78 St. Rep. 188; 44 Supp. 188).

Powers—Life Tenant—Alienation.

141 N. Y. 505; (57 St. Rep. 590).

Wills—Construction—Power of Sale—Execution of.

9 Misc. 320; (60 St. Rep. 427; 30 Supp. 152).

Power of Sale—Failure to Exercise—Effect.

147 N. Y. 109; (69 St. Rep. 405).

Crooks v. Moore, 1 Sandf. 297.

Cited, Sale—Delivery—Failure Demand—Vendor's Rights.

79 Hun, 553; (61 St. Rep. 571; 29 Supp. 883).

Crooks v. Rumball, 79 St. Rep. 361; 45 Supp. 361.

Crooks v. Second Ave. R. Co., 49 St. Rep. 376.

Cropsey v. McKinney, 30 Barb. 47.

Cited, Husband and Wife—Separation Agreement—Validity.

13 Misc. 693; (71 St. Rep. 597; 36 Supp. 821).

Cropsey v. Ogden, 11 N. Y. 228.

Cited, Husband and Wife—Void Marriage—Existing Spouse.

27 Supp. 640; (31 Abb. N. C. 74).

Crosby, Matter of, 8 Cow. 119.

Cited, Appeal—Extension of Time—Stipulation—Waiver of Limitation.

6 Misc. 514; (57 St. Rep. 713; 27 Supp. 434).

Crosby v. Clark, 80 Hun, 426; 62 St. Rep. 56; 30 Supp. 329.

Affirmed, 145 N. Y. 622; 65 St. Rep. 865.

Cited, Conversion—Advances—Diversion.

4 App. Div. 237; (74 St. Rep. 180; 38 Supp. 561).

Crosby v. Crafts, 5 Hun, 327.

Affirmed, 69 N. Y. 607.

Cited, Principal and Surety—Collateral Securities—Right of Creditors to.

79 Hun, 400; (61 St. Rep. 346; 29 Supp. 783).

Crosby v. Day, 81 N. Y. 242.

Cited, Appeal—Exception to Exclusion of Evidence—Waiver by Subsequent Introduction.

1 Misc. 361; (48 St. Rep. 785; 20 Supp. 637). 2 Misc. 425; (50 St. Rep. 610; 21 Supp. 990); 4 Misc. 144; (53 St. Rep. 179; 23 Supp. 878).

Crosby v. Delaware & H. Canal Co., 49 St. Rep. 1; 21 Supp. 83.

Crosby v. Delaware & H. Canal Co., 141 N. Y. 589; 60 St. Rep. 327.

Crosby v. Fitzpatrick, 23 Week. Dig. 35.

Cited, Costs—Discontinuance—Discretion—Review.

53 St. Rep. 741; (24 Supp. 246).

Crosby v. N. Y. C. & H. R. R. Co., 88 Hun, 196; 68 St. Rep. 695; 34 Supp. 714.

Followed, 5 App. Div. 619; 72 St. Rep. 866.

Crosby v. N. Y. C. & H. R. R. Co., 5 App. Div. 619; 72 St. Rep. 866; 38 Supp. 1142.

Crosby v. Nichols, 3 Bosw. 450.

Cited, Partnership—Division of Assets—Rights of Partners.

82 Hun, 57; (63 St. Rep. 371; 31 Supp. 72).

Crosby v. Root, 19 Misc. 359; 77 St. Rep. 512; 43 Supp. 512.

Crosby v. Stephan, 97 N. Y. 606.

Cited, Appeal—Costs—Failure to Specify Ground in Notice of Appeal.

16 Misc. 552; (74 St. Rep. 773; 38 Supp. 880).

Crosby v. Wood, 6 N. Y. 369.

Cited, Contracts—Consideration—Sufficiency.

20 Misc. 200; (79 St. Rep. 864; 45 Supp. 864).

Crosby v. Workingmen's Co-Operative Ass'n, 6 App. Div. 440; 39 Supp. 678.

Crosdale v. Lanigan, 129 N. Y. 604; 42 St. Rep. 350.

Cited, Contracts—Enforcement—Uncertainty.

3 App. Div. 489; (74 St. Rep. 64; 38 Supp. 441).

License—Revocation.

12 App. Div. 20; (76 St. Rep. 609; 42 Supp. 609).

Crosher, Matter of, 11 Supp. 504.

Cited, Appeal—Premature—Alternative Contempt Order.

71 Hun, 13; (53 St. Rep. 853; 24 Supp. 516).

Duplicate Citations in Parenthesis.

Cross, Matter of, 85 Hun, 343.

Cited, Police Commissioners—Proceedings Before—Rulings on Evidence.

16 App. Div. 375; (78 St. Rep. 1011; 44 Supp. 1011). 66 St. Rep. 362; (32 Supp. 933).

Cross v. Anglo-American Banking Co., 79 Hun, 424; 61 St. Rep. 270; 29 Supp. 960.

Cross v. Beard, 26 N. Y. 85.

Cited, Shipping—Delay—Demurrage.

6 Misc. 141; (55 St. Rep. 695; 26 Supp. 36).

Cross v. Clark, 1 Civ. Pro. 17.

Cited, Order to Show Cause—Nature and Effect.

D. 74 Hun, 192; (56 St. Rep. 555; 26 Supp. 352).

Cross v. Cross, 37 Hun, 643; 22 Week. Dig. 309.

Affirmed, 108 N. Y. 628; 13 St. Rep. 470.

Cited, Divorce—Foreign Decree—Conclusiveness.

82 Hun, 185; (64 St. Rep. 803; 31 Supp. 981).

Cross v. Cross, 108 N. Y. 628; 13 St. Rep. 470.

Cited, Trial—Adverse Witness—Effect Upon Party Calling.

10 Misc. 178; (62 St. Rep. 519; 30 Supp. 911).

Divorce—Foreign Decree—Conclusiveness.

1 App. Div. 573; (73 St. Rep. 221; 37 Supp. 481). 4 App. Div. 530, 531; (40 Supp. 444, 445).

Cross v. Elmira, 86 Hun, 467; 67 St. Rep. 617; 33 Supp. 947.

Followed, 39 Supp. 1128.

Cited, Municipal Corporations—Notice of Claim—Sufficiency.

88 Hun, 283; (68 St. Rep. 557; 34 Supp. 739).

Cross v. Koster, 17 App. Div. 402; 79 St. Rep. 215; 45 Supp. 215.

Cross v. Long Island L. & T. Co., 75 Hun, 533; 57 St. Rep. 656; 27 Supp. 495.

Cross v. National F. Ins. Co., 132 N. Y. 133; 43 St. Rep. 482.

Cited, Insurance—Condition of Title—Disclosure of Interest—Incumbrances, etc. 1 Misc. 118; (48 St. Rep. 656; 20 Supp. 648). 78 Hun, 113; 60 St. Rep. 803; 29 Supp. 252).

Insurance—Forfeiture—Waiver—Knowledge of Agent.

74 Hun, 156; (56 St. Rep. 296; 26 Supp. 648). 79 Hun, 120; (61 St. Rep. 372; 29 Supp. 515). 7 App. Div. 584; (40 Supp. 306).

Insurance—Inconsistent Facts—Knowledge of Agent.

66 Hun, 548; (49 St. Rep. 868; 21 Supp. 665).

Insurance—To Whom Available—Interest of Insured.

71 Hun, 370; (55 St. Rep. 8; 24 Supp. 1132).

Liability—Exemption—Waiver by Acts of Agent.

3 App. Div. 26; (73 St. Rep. 554; 37 Supp. 935; 3 Ann. Cas. 126).

Cross v. National F. Ins. Co., 17 Civ. Pro. 199; 24 St. Rep. 860; 6 Supp. 84.

Cited, Deposition—Examination Before Trial—Affidavit.

12 Misc. 211; (67 St. Rep. 891; 34 Supp. 25).

Cross v. O'Donnell, 44 N. Y. 661.

Cited, Sale—Statute of Frauds—Delivery and Acceptance.

15 Misc. 471; (72 St. Rep. 794; 37 Supp. 215). 17 Misc. 139; (39 Supp. 401).

Cross v. Smith, 85 Hun, 49; 66 St. Rep. 55; 32 Supp. 671.

Cited, 85 Hun, 62; (66 St. Rep. 64; 32 Supp. 679).

Costs—Equitable Action—Success in Part. 7 App. Div. 358; (40 Supp. 70).

Cross v. Long Is. L. & T Co., 75 Hun, 533; 57 St. Rep. 656; 27 Supp. 495.

Cited, Wills—Gift of Income—What Includes.

85 Hun, 574; (66 St. Rep. 826; 33 Supp. 198). 67 St. Rep. 662; (33 Supp. 981).

Cross v. United States Trust Co., 33 St. Rep. 149; 10 Supp. 781.

Affirmed, 131 N. Y. 330; 43 St. Rep. 254.

Cited, Courts—Jurisdiction.

87 Hun, 332; (68 St. Rep. 386; 34 Supp. 429).

Cross v. United States Trust Co., 131 N. Y. 330; 43 St. Rep. 254.

Cited, Conflict of Laws—Distribution of Estate—Residence of Decedent.

71 Hun, 612; (54 St. Rep. 216; 24 Supp. 562). 60 St. Rep. 339.

Conflict of Laws—Personal Property—Law of Place Governing.

3 Misc. 204; (23 Supp. 272).

Personal Property—Situs for Transmission by Decedent.

3 Misc. 162; (51 St. Rep. 266; 23 Supp. 286). 17 App. Div. 308; (79 St. Rep. 204; 45 Supp. 204).

Perpetuities—Foreign Trust—What Law Governs.

136 N. Y. 139; (48 St. Rep. 840).

Perpetuities—Foreign Wills.

140 N. Y. 41; (55 St. Rep. 591).

Wills—Construction—Devise and Legacy—Suspension of the Power of Alienation.

Duplicate Citations in Parenthesis.

8 Misc. 124; (58 St. Rep. 746; 28 Supp. 373).

Wills—Trust Provisions Under—Validity—Divisibility.

76 Hun, 472; (58 St. Rep. 705; 27 Supp. 1096). 82 Hun, 486; (64 St. Rep. 193; 31 Supp. 558). 84 Hun, 336; (65 St. Rep. 638; 32 Supp. 568). 13 App. Div. 345; (77 St. Rep. 19; 43 Supp. 19).

Cross Town St. R. Co. of Buffalo, Matter of, 68 Hun, 236; 52 St. Rep. 295; 22 Supp. 818.

Cited, Railroads—Street—Construction—Consent.

88 Hun, 606; (69 St. Rep. 108; 34 Supp. 995).

Crossley v. Adams, 55 St. Rep. 218; 25 Supp. 262.

Crossley v. Hojer, 11 Misc. 57; 63 St. Rep. 440; 31 Supp. 837.

Crossman, Matter of, 113 N. Y. 503; 23 St. Rep. 259.

Cited, Wills — Construction — Residuary Clause.

141 N. Y. 34; (56 St. Rep. 585).

Wills—Lapsed Legacies—Residuum.

69 Hun, 486; (52 St. Rep. 728; 23 Supp. 727).

Wills—Devise—Limitation Over.

1 App. Div. 275; (72 St. Rep. 562; 37 Supp. 161).

Crossman v. Bradley, 53 Barb. 125.

Cited, Assault and Battery—Attempt to Commit Rape—Consent—Damages.

75 Hun, 392; (57 St. Rep. 691; 27 Supp. 440).

Crossman v. Crossman, 95 N. Y. 145.

Cited, Evidence—Presumptions and Burden of Proof.

3 Misc. 570; (23 Supp. 754).

Wills—Execution—Interlineations.

90 Hun, 141; (70 St. Rep. 261; 35 Supp. 800).

Crossman v. Universal Rubber Co., 127 N. Y. 34; 37 St. Rep. 230.

Cited, Action—Election of Remedy—Inconsistency.

79 Hun, 60; (61 St. Rep. 177; 29 Supp. 647). 144 N. Y. 712; (71 St. Rep. 286). 16 Misc. 55; (73 St. Rep. 85; 37 Supp. 636).

Action—Election of Remedy—Knowledge.

73 Hun, 431; (54 St. Rep. 872; 25 Supp. 202).

Crotty v. Jarvis, 1 Misc. 316; 48 St. Rep. 781; 20 Supp. 728.

Crotty v. Kimball, 22 Week. Dig. 433.

Cited, Arrest—Complaint—Necessity of Stating Specific Amount.

16 Misc. 173; (74 St. Rep. 364; 37 Supp. 1065; 25 Civ. Pro. 231).

Crotty v. McKenzie, 42 Super. 192.

Cited, Judgment—Satisfaction of Record—Effect.

72 Hun, 625; (54 St. Rep. 866; 25 Supp. 531).

Crouch v. Gutmann, 134 N. Y. 45; 45 St. Rep. 470.

Cited, 80 Hun, 605; (64 St. Rep. 883).

Contract — Building — Termination — Notice.

76 Hun, 144; (57 St. Rep. 322; 27 Supp. 542).

Contract — Performance — Waiver — Recovery.

9 Misc. 114; (59 St. Rep. 734; 29 Supp. 49).

Contracts — Performance — Certificate — Arbitrary Refusal of.

4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 86 Hun, 185; (67 St. Rep. 88; 33 Supp. 346).

Contracts—Building—Architect's Certificate.

11 Misc. 50; (63 St. Rep. 470; 31 Supp. 846).

Mechanic's Lien—Abandonment of Contract—Completion of by Owner—Effect.

7 Misc. 617; (58 St. Rep. 794; 27 Supp. 955).

Contracts—Building—Order on Owner—Assignment—Rights of Assignee.

143 N. Y. 150; (62 St. Rep. 147).

Contracts — Building — Substantial Performance.

83 Hun, 110; (63 St. Rep. 844; 31 Supp. 361). 10 Misc. 670; (64 St. Rep. 298; 31 Supp. 673). 86 Hun, 601; (67 St. Rep. 564; 33 Supp. 742).

Trial—Question of Fact—Substantial Defects in Building.

77 Hun, 347; (60 St. Rep. 30; 28 Supp. 840).

Trial—Questions of Fact—Substitutional Performance of Contract.

60 St. Rep. 297.

Crouch v. Hoyt, 62 St. Rep. 126; 30 Supp. 406; 24 Civ. Pro. 60; 1 Ann. Cas. 76.

Crouch v. Miller, 141 N. Y. 495; 57 St. Rep. 585.

Cited, Assignment—Equitable—Order.

13 Misc. 646; (69 St. Rep. 144; 34 Supp. 917).

Duplicate Citations in Parenthesis.

Crouch v. Trimby & Brewster Shoe Co., 83 Hun, 276; 64 St. Rep. 659; 31 Supp. 932.

Crouse v. Schrimpton & Sons, 10 Misc. 51; 62 St. Rep. 770; 30 Supp. 809.

Crouse v. Whipple, 34 How. 333.

Cited, Appeal—Order in Supplementary Proceedings.

12 Misc. 406; (67 St. Rep. 324; 33 Supp. 618).

Crouse v. Bailey, 32 St. Rep. 394; 10 Supp. 273; Dissenting Opinion 11 Supp. 910.

Cited, Sheriffs—Instructions as to Process—Justification Under.

73 Hun, 396; (58 St. Rep. 85; 26 Supp. 560).

Crouse v. First National Bank of Penn Yan, 137 N. Y. 383; 50 St. Rep. 655.

Crouse v. Frothingham, 97 N. Y. 105.

Cited, Assignment for Creditors—Fraudulent Conveyance—Who May Attack.

86 Hun, 420; (67 St. Rep. 177; 33 Supp. 521).

Crouse v. Garlock, 45 How. 78.

Cited, Evidence—Competency—Consent. 66 Hun, 250; (49 St. Rep. 540; 21 Supp. 182).

Crouse v. Whittlesey, 49 St. Rep. 549; 20 Supp. 965.

Affirmed, 138 N. Y. 615; 51 St. Rep. 933.

Crouse v. Wilson, 73 Hun, 353; 56 St. Rep. 1; 26 Supp. 923.

Crouter v. Crouter, 133 N. Y. 55; 44 St. Rep. 315.

Cited, Guardians—Appointment—Citation of Infant.

136 N. Y. 392; (49 St. Rep. 832).

Judgment—Void—Lack of Jurisdiction.

24 Supp. 676. 15 Misc. 168; (72 St. Rep. 171; 87 Supp. 19).

Vendor and Purchaser—Title—Defective.

82 Hun, 214; (63 St. Rep. 786; 31 Supp. 337). 38 Supp. 104; (2 Ann. Cas. 113).

Croveno v. Atlantic Ave. R. Co., 150 N. Y. 225.

Cited, Appeal—Action for Personal Injuries—Limitation.

150 N. Y. 278.

Crow v. Gleason, 141 N. Y. 489; 57 St. Rep. 583.

Cited, Limitation of Action—Part Payment.

84 Hun, 356; (65 St. Rep. 467; 32 Supp. 310). 4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501). 11 App. Div. 555. 15 App. Div. 217; (78 St. Rep. 197; 44 Supp. 197).

Crow v. Greenwich Ins. Co., 66 Hun, 54; 49 St. Rep. 489; 20 Supp. 753

Crowe v. Lewin, 95 N. Y. 423.

Cited, Mortgage—Assumption by Grantee—Equities—Availability.

87 Hun, 567; (68 St. Rep. 381; 34 Supp. 478).

Contracts — Rescission — Misrepresentations.

14 Misc. 521; (70 St. Rep. 702; 35 Supp. 1084). 11 App. Div. 620; (76 St. Rep. 168; 42 Supp. 168). D. 13 App. Div. 162.

Crowe v. N. Y. C. & H. R. R. Co., 70 Hun, 37; 53 St. Rep. 558; 23 Supp. 1100.

Crowell v. Thomas, 90 Hun, 193; 70 St. Rep. 651; 35 Supp. 936.

Cited, Master and Servant—Negligence—Unsafe Place—Fellow Servants.

D. 3 App. Div. 618; (74 St. Rep. 399; 38 Supp. 102).

Crowley v. Murphy, 11 Misc. 579; 66 St. Rep. 189; 32 Supp. 806.

Crown v. Orr, 71 Hun, 613; 54 St. Rep. 808; 24 Supp. 620.

Reversed, 140 N. Y. 450; 55 St. Rep. 834.

Crown v. Orr, 140 N. Y. 450; 55 St. Rep. 834.

Cited, Master and Servant—Injuries to Servant—Assumption of Risk.

142 N. Y. 111; (58 St. Rep. 450). 11 Misc. 6, 7; (63 St. Rep. 463, 464; 31 Supp. 835, 836). 12 Misc. 215; (66 St. Rep. 855; 33 Supp. 263). 13 Misc. 642; (69 St. Rep. 141; 34 Supp. 1089). 13 Misc. 663; (69 St. Rep. 160; 34 Supp. 935). D. 2 App. Div. 67; (72 St. Rep. 507; 37 Supp. 321). 4 App. Div. 330; (74 St. Rep. 188; 38 Supp. 569). 4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 592). 5 App. Div. 503; (38 Supp. 1092). 9 App. Div. 445; (75 St. Rep. 1032; 41 Supp. 635). 11 App. Div. 274; (76 St. Rep. 118; 42 Supp. 118). 11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817). 78 St. Rep. 266; 44 Supp. 266). 19 Misc. 115.

Master and Servant—Assumption of Risks—Reasonable Care of Master.

80 Hun, 155; (61 St. Rep. 709; 29 Supp. 1128).

Master and Servant—Injuries to Servant—Basis of Master's Liability.

77 Hun, 562; (60 St. Rep. 283; 28 Supp. 920).

Master and Servant—Dangerous Machinery—Instructions.

9 App. Div. 149; (75 St. Rep. 562; 41 Supp. 102). 76 St. Rep. 1108; (42 Supp. 1108). 78 St. Rep. 267; (44 Supp. 267). 20 Misc. 52.

Duplicate Citations in Parenthesis.

Master and Servant—Negligence—Fellow Servants.

15 Misc. 156; (72 St. Rep. 256). 3 App. Div. 138; (39 Supp. 366).

Crown Point Iron Co. v. Aetna Ins. Co., 127 N. Y. 608; 40 St. Rep. 426.

Cited, Insurance—Policy—Cancellation. 92 Hun, 193; (71 St. Rep. 131; 36 Supp. 320).

Insurance—Prohibition against Other Insurance—Knowledge of Agent.

66 Hun, 224; (49 St. Rep. 9; 21 Supp. 52).

Contracts—Locus.

150 N. Y. 322.

Crowninshield v. Cayuga, Supervisors of, 124 N. Y. 583; 37 St. Rep. 96.

Cited, Taxes—Railroads—Rights of Bonded Towns.

136 N. Y. 407; (49 St. Rep. 686).

Towns—Action by against County—Misappropriation of Funds.

89 Hun, 584; (69 St. Rep. 641; 35 Supp. 286).

Crowns v. Vail, 51 Hun, 204; 21 St. Rep. 208; 4 Supp. 324.

Cited, Attachment—Affidavits—Counterclaims.

50 St. Rep. 828; (22 Supp. 873).

Attachment—Affidavit by Attorney or Agent—Sufficiency of.

76 Hun, 358; (58 St. Rep. 482; 27 Supp. 803; 31 Abb. N. C. 202).

Attachment—Affidavits—Knowledge of Affiant.

2 Misc. 104; (49 St. Rep. 705; 21 Supp. 5).

5 App. Div. 221; (39 Supp. 119). 17 Misc. 737; (40 Supp. 1069; 3 Ann. Cas. 203). 9 App. Div. 581; (75 St. Rep. 1101; 41 Supp. 711). D. 9 App. Div. 590; (75 St. Rep. 1108; 41 Supp. 717). 18 Misc. 89; (41 Supp. 838).

Attachment—Affidavit—Information and Belief.

17 Misc. 243; (40 Supp. 1066).

Crozier v. Boston, N. Y. & N. S. S. Co., 43 How. 466.

Cited, Carriers—Duties and Liability—As to Passenger—Baggage and Property—Contributory Negligence.

9 Misc. 29; (59 St. Rep. 721; 29 Supp. 56).

Carriers—Passengers—Property—Carrier Liable for Loss of.

151 N. Y. 167.

Crozier v. Bray, 120 N. Y. 366; 31 St. Rep. 506.

Cited, Will—Construction—Limitation of Disposition by Devisee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431). 11 App. Div. 223; (77 St. Rep. 421; 43 Supp. 421).

Wills—Construction—Devise—Life Estates—Limitations Over—Validity.

9 Misc. 625; (62 St. Rep. 244; 30 Supp. 852).

Wills—Construction—Intention of Testator.

5 Misc. 13; (24 Supp. 770.)

Crozier v. People, 1 Parker Crim. 453.

Cited, Seduction—Age of Consent.

153 N. Y. 94.

Crozier v. Read, 78 Hun, 181; 60 St. Rep. 215; 28 Supp. 914.

Cited, Negligence—Management of Horses in Street.

85 Hun, 91; (66 St. Rep. 72; 32 Supp. 688).

Negligence—Prima Facie—Injury in Street.

13 Misc. 439; (68 St. Rep. 375; 34 Supp. 472).

Negligence—Question of Fact—Injuries by Horses in Street.

85 Hun, 93; (66 St. Rep. 74; 32 Supp. 689).

10 App. Div. 6-6; (75 St. Rep. 1477).

Crozier v. Read, 10 App. Div. 626; 75 St. Rep. 1477.

Cruger, Matter of, 84 N. Y. 619.

Cited, Taxes—Assessment—Benefits—Determination by Assessors—Review.

70 St. Rep. 847; (36 Supp. 193).

Cruger, Matter of, 68 St. Rep. 241.

Cruger v. Dougherty, 43 N. Y. 107.

Cited, Taxes—Assessment—Personalty—Heirs of Decedent.

77 Hun, 538; (60 St. Rep. 396; 28 Supp. 889).

Cruger v. Hudson R. R. Co., 12 N. Y. 190.

Cited, Statutes—Construction—Meaning of Words.

72 Hun, 220; (55 St. Rep. 204; 25 Supp. 413).

Eminent Domain—Ascertainment of Damages—"Jury."

80 Hun, 387; (62 St. Rep. 53; 30 Supp. 336). 151 N. Y. 81.

Appearance—Special.

16 Misc. 166; (72 St. Rep. 135; 37 Supp. 2).

Cruger v. Jones, 18 Barb. 467.

Cited, Trusts—Alienation—Powers of Court.

136 N. Y. 331; (49 St. Rep. 674). 92 Hun, 8; (73 St. Rep. 13; 37 Supp. 964).

Cruikshank, Matter of, 63 St. Rep. 254.

Duplicate Citations in Parenthesis.

Cruikshank v. Cruikshank, 9 How. 350.

Cited, Executors—Conduct of Estate—Claims Against—Presentment Made. 7 Misc. 346; (58 St. Rep. 518; 28 Supp. 84).

Executors—Claims Against Estate—Presentment—Costs.

88 Hun, 315; (68 St. Rep. 581; 34 Supp. 763).

Cruikshank v. Goodwin, 49 St. Rep. 603; 20 Supp. 757.

Cruikshank v. Gordon, 48 Hun, 308; 15 St. Rep. 897; 1 Supp. 443.

Cited, Slander—Words Actionable per se. 84 Hun, 296; (65 St. Rep. 542; 32 Supp. 307).

Cruikshank v. Gordon, 118 N. Y. 178; 28 St. Rep. 784.

Cited, Appeal—Reception of Evidence—Necessity of Stating Ground of Objection.

1 Misc. 362; (48 St. Rep. 786; 20 Supp. 638). 1 Misc. 287; (48 St. Rep. 758; 20 Supp. 694). 2 Misc. 425; (50 St. Rep. 610; 21 Supp. 990). 9 Misc. 153; (59 St. Rep. 663; 29 Supp. 72). 8 Misc. 292; (59 St. Rep. 239; 28 Supp. 572; 31 Abb. N. C. 439). 16 Misc. 375; (38 Supp. 81). 16 Misc. 573; (38 Supp. 994).

Appeal—Exceptions to Evidence—Objection.

2 Misc. 437; (51 St. Rep. 579; 21 Supp. 956). 4 Misc. 187; (53 St. Rep. 225; 23 Supp. 997). 7 Misc. 72; (57 St. Rep. 492; 27 Supp. 376). 7 Misc. 67; (57 St. Rep. 528; 27 Supp. 406). 7 Misc. 112; (57 St. Rep. 488; 27 Supp. 389). 7 Misc. 494; (58 St. Rep. 54; 28 Supp. 18).

Exceptions — Discretionary Rulings — Ground of Objection.

4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880).

Appeal—Exceptions—Different Grounds Urged at Trial.

1 Misc. 294; (48 St. Rep. 763; 20 Supp. 698).

Libel and Slander—Damages—Repetition. 144 N. Y. 150; (63 St. Rep. 72).

Libel and Slander—Words Reflecting Upon Business Ability—Actionable per se.

147 N. Y. 630; (71 St. Rep. 247). 16 App. Div. 481; (78 St. Rep. 865; 44 Supp. 865).

Cruikshank v. Home for the Friendless, 113 N. Y. 337; 22 St. Rep. 733.

Cited, Perpetuities—Personalty. 26 Supp. 705.

Perpetuities — Term of Suspension of Alienation.

74 Hun, 428; (57 St. Rep. 182). 13 Misc. 433; (68 St. Rep. 413; 34 Supp. 685). 5 App. Div. 323; (39 Supp. 245).

Wills—Construction—Residuary Clause. 141 N. Y. 34; (56 St. Rep. 585). 151 N. Y. 249; (152 N. Y. 485).

Wills—Devise—Limitation over—When Vests.

1 App. Div. 275; (72 St. Rep. 562; 37 Supp. 161).

Cruikshank v. Van Ness, 81 Hun, 590.

Crumbie v. Manhattan R. Co., 88 Hun, 1; 64 St. Rep. 69; 31 Supp. 497.

Cited, Deposition—Examination Before Trial—Equitable Action.

67 St. Rep. 548; (33 Supp. 734; 24 Civ. Pro. 384).

Crummey v. Mills, 40 Hun, 370.

Cited, Infants—Rights Under Executed Contract.

2 Misc. 238; (50 St. Rep. 769; 21 Supp. 1008).

Cruse v. Findlay, 16 Misc. 576; 74 St. Rep. 259; 38 Supp. 741.

Crystal v. Flannelly, 2 E. D. Smith, 583.

Cited, Mechanic's Lien—Death of Owner—Right to File.

7 Misc. 404; (58 St. Rep. 52; 27 Supp. 979). 144 N. Y. 521; (64 St. Rep. 47).

Crystie v. Phylfe, 19 N. Y. 344.

Cited, Wills—Meaning of Words—Issue. 140 N. Y. 540; (56 St. Rep. 477).

Cudahy v. Rhinehart, 133 N. Y. 248; 44 St. Rep. 898.

Cited, Appeal—General Term—Necessity of Exceptions.

72 Hun, 615; (55 St. Rep. 170; 25 Supp. 186).

Attachment—Priority.

91 Hun, 70; (71 St. Rep. 88; 36 Supp. 175).

Cuddeback, Matter of, 3 App. Div. 103; 39 Supp. 388.

Cited, Election Law—Certificate of Nomination—County Clerk's Decision—Time of Appeal.

D. 9 App. Div. 243; (41 Supp. 595).

Cudlipp v. Whipple, 4 Duer, 610.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599). 86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Cudney v. Cudney, 68 N. Y. 148.

Cited, Wills—Execution—Undue Influence—What Constitutes.

3 Misc. 577; (23 Supp. 759). 5 Misc. 183; (24 Supp. 858). 19 Misc. 392; (78 St. Rep. 343; 44 Supp. 343). 15 Misc. 316; (73 St. Rep. 439; 37 Supp. 762).

Duplicate Citations in Parenthesis.

Wills—Undue Influence—What Constitutes and How Proved.

1 Misc. 46; (22 Supp. 1057). 4 App. Div. 5; (38 Supp. 333). 17 Misc. 198; (75 St. Rep. 376; 40 Supp. 976). 19 Misc. 205; (77 St. Rep. 1142; 43 Supp. 1142).

Wills—Validity—Undue Influence—Burden of Proof.

78 Hun, 48; (60 St. Rep. 504; 28 Supp. 1065).

Cuff v. Dorland, 57 N. Y. 560.

Cited, Appeal—To General Term—Controverted questions of Fact Not Reviewable.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697). 8 Misc. 297; (59 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 444).

Cuff v. Dorland, 55 Barb. 481.

Cited, Actions—Equitable—Retention to Award Damages.

151 N. Y. 383.

Culhaue v. N. Y. C. & H. R. R. Co., 60 N. Y. 183.

Cited, Evidence—Sufficiency—Signals at Railway Crossing.

67 Hun, 585; (51 St. Rep. 248; 22 Supp. 465). 71 Hun, 579; (55 St. Rep. 92; 24 Supp. 1070). 88 Hun, 267; (68 St. Rep. 565; 34 Supp. 747). 88 Hun, 473; (69 St. Rep. 41; 34 Supp. 980). 16 App. Div. 1; (78 St. Rep. 824; 44 Supp. 824).

Railroads—Crossings—Signals.

68 Hun, 499; (52 St. Rep. 680; 23 Supp. 83).

Trial—Withdrawing Case from Jury—Scintilla of Evidence.

51 St. Rep. 16; (21 Supp. 716).

Cullen, Matter of, 53 Hun, 534.

Affirmed, 119 N. Y. 628.

Cited, Taxes—Assessment—Validity.

151 N. Y. 20.

Cullen v. Cullen, 55 Super. 346; 18 St. Rep. 381.

Cited, 74 St. Rep. 611; (40 Supp. 2).

Cullen v. Delaware & Hud. Canal Co., 113 N. Y. 667; 23 St. Rep. 719; 2 Silv. Ct. App. 255.

Cited, Negligence—Contributory—Brakeman On Cars—Overhead Bridge—Looking. 138 N. Y. 305; (52 St. Rep. 353).

Railroads—Crossings—Care of Traveler.

69 Hun, 483; (52 St. Rep. 839; 23 Supp. 432). 80 Hun, 94; (62 St. Rep. 6; 30 Supp. 177). 82 Hun, 168; (63 St. Rep. 769; 31 Supp. 320). 89 Hun, 563; (70 St. Rep. 114; 35 Supp. 547). 92 Hun, 566; (72 St. Rep. 327; 36 Supp. 944). 17 Misc. 156; (39 Supp. 337).

Cullen v. Gallagher, 15 Misc. 146; 71 St. Rep. 456; 36 Supp. 468.

Cullen v. Hernz, 13 St. Rep. 333.

Cited, Fraud—Sale of Real Estate—Matters of Opinion—Knowledge of.

8 Misc. 111; (59 St. Rep. 512; 28 Supp. 622). 90 Hun, 222.

Fraud—Action for—Intent to Defraud.

12 Misc. 506; (67 St. Rep. 370; 33 Supp. 676).

Cullen v. National Sheet Metal Roofing Co., 114 N. Y. 45.

Cited, Master and Servant—Knowledge of Danger—Assumption of Risk.

10 App. Div. 313; (75 St. Rep. 1193; 41 Supp. 795).

Cullen v. Norton, 52 Hun, 9; 22 St. Rep. 221; 4 Supp. 704.

Cited, Master and Servant—Furnishing Safe Place to Work.

69 Hun, 377; (52 St. Rep. 796; 23 Supp. 657).

Master and Servant—Risks Assumed.

67 Hun, 490; (51 St. Rep. 252; 22 Supp. 483).

Cullen v. Norton, 126 N. Y. 1; 36 St. Rep. 859.

Cited, Master and Servant—Fellow Servants—Test as to Who Are.

6 Misc. 99; (56 St. Rep. 839; 26 Supp. 19).

Master and Servant—Hazard Assumed by Servant—Use of Explosives.

50 St. Rep. 558; (21 Supp. 822).

Master and Servant—Negligence of Fellow Servant.

67 Hun, 589; (51 St. Rep. 240; 22 Supp. 457). 3 Misc. 229; (51 St. Rep. 871; 22 Supp. 752). 5 Misc. 323; (25 Supp. 813). 76 Hun, 584; (58 St. Rep. 282; 28 Supp. 198). 142 N. Y. 421; (59 St. Rep. 804). 15 App. Div. 107; (78 St. Rep. 279; 44 Supp. 279). 15 App. Div. 331; (78 St. Rep. 2; 44 Supp. 2).

Master and Servant—Risks Assumed—Acts of Fellow Servants.

56 St. Rep. 842; 3 Misc. 339; (52 St. Rep. 10; 22 Supp. 715). 10 Misc. 23; (62 St. Rep. 644; 30 Supp. 531). 11 Misc. 27; (64 St. Rep. 628; 31 Supp. 862). 13 Misc. 54; (68 St. Rep. 98; 34 Supp. 114). 87 Hun, 521; (68 St. Rep. 154). 89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537). 15 Misc. 157; (72 St. Rep. 256). 1 App. Div. 268, 269; (72 St. Rep. 521; 37 Supp. 177). 16 Misc. 224; (73 St. Rep. 294; 37 Supp. 597). D. 3 App. Div. 615, 616; (74 St. Rep. 394, 396; 38 Supp. 98, 99). 5 App. Div. 433; (39 Supp. 302). D. 5 App. Div. 437; (39 Supp. 305). 11 App. Div. 454, 455; (76 St. Rep. 345, 346; 42 Supp. 345, 346). 79 St. Rep. 874; (45 Supp. 874).

Duplicate Citations in Parenthesis.

Master and Servant—Dangerous Appliance—Assumption of Risk.

11 Misc. 3; (63 St. Rep. 462; 31 Supp. 835). 85 Hun, 98; (66 St. Rep. 68; 32 Supp. 684).

Master and Servant—Dangerous Place—Liability of Master.

6 App. Div. 36; (39 Supp. 457).

Master and Servant—Risks Assumed.

13 Misc. 664; (69 St. Rep. 160; 34 Supp. 936). 3 App. Div. 531; (73 St. Rep. 683; 38 Supp. 358). 151 N. Y. 422.

Trial—Question of Fact — Negligence—Master and Servant—Increase of Hazard.

70 Hun, 459; (53 St. Rep. 691; 24 Supp. 503).

Master and Servant—Safety of Appliances—Delegation of Duty.

6 Misc. 332; (56 St. Rep. 238; 26 Supp. 899).

Culliford v. Gadd, 135 N. Y. 632; 48 St. Rep. 485.

Cited, Appeal—Dismissal—As Bar to Second.

77 Hun, 388; (60 St. Rep. 401; 28 Supp. 854).

Culliford v. Gadd, 44 St. Rep. 222; 17 Supp. 457.

Affirmed, 139 N. Y. 618; 54 St. Rep. 931. 70 St. Rep. 173; (35 Supp. 476). 73 St. Rep. 692; (38 Supp. 200).

Culliford v. Gadd, 139 N. Y. 618; 54 St. Rep. 931.

Culliford v. Gadd, 2 Misc. 574; 51 St. Rep. 609; 22 Supp. 539.

Culliford v. Walzer, 13 Misc. 493; 70 St. Rep. 173; 35 Supp. 475.

Affirmed, 3 App. Div. 266; 73 St. Rep. 692; 38 Supp. 199.

Culliford v. Walser, 3 App. Div. 266; 73 St. Rep. 692; 38 Supp. 199.

Cullin v. Supreme Tent of K. of M. of W., 77 Hun, 6; 59 St. Rep. 251; 28 Supp. 276.

Cullom, Matter of, 5 Misc. 173; 25 Supp. 599.

Affirmed, 76 Hun, 610; 27 Supp. 1105.

Cited, Taxes — Inheritance—Legacy to United States.

73 Hun, 590; (56 St. Rep. 161; 26 Supp. 192).

Cullum, Matter of, 145 N. Y. 593.

Cited, Tax—Transfer.

148 N. Y. 313.

Culross v. Gibbons, 130 N. Y. 447; 42 St. Rep. 527.

Cited, Judgment—Conclusiveness.

2 Misc. 9; (49 St. Rep. 578; 21 Supp. 603). 81 Hun, 458; (63 St. Rep. 618; 31 Supp. 216). 18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Culver v. Rhodes, 87 N. Y. 348.

Cited, Adverse Possession—Intent.

3 Misc. 9; (53 St. Rep. 631; 23 Supp. 797).

Adverse Possession—What Constitutes—As to Co-Tenants.

15 Misc. 381; (71 St. Rep. 584; 36 Supp. 669).

Cumber v. Schoenfeld, 34 St. Rep. 770; 12 Supp. 282; 16 Daly, 454.

Cited, Appeal—Exceptions—Necessity.

4 Misc. 400; (53 St. Rep. 516; 23 Supp. 1065).

Pleading—Amendment—Changing Cause of Action.

9 Misc. 75; (59 St. Rep. 657; 29 Supp. 63). 66 Hun, 197; (49 St. Rep. 181; 21 Supp. 228). 10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942). 10 Misc. 8; (62 St. Rep. 656; 30 Supp. 541).

Cumberland v. Codrington, 3 John. Ch. 229.

Cited, Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 295; (49 St. Rep. 255; 20 Supp. 922).

Contracts—For Benefit of Third Person—Availability.

5 App. Div. 359; (39 Supp. 231).

Wills—Direction to Pay Debts—Personal Estate—When Chargeable With Incumbrance.

30 Abb. N. C. 225; (24 Supp. 876.)

Wills—Devise — Charges on Land—Assessments.

7 Misc. 411; (58 St. Rep. 568; 28 Supp. 252). 144 N. Y. 478; (63 St. Rep. 731).

Cumberland Coal & Iron Co. v. Sherman, 30 Barb. 553.

Cited, Principal and Agent—Conflict of Interest—Purchase From Principal.

8 Misc. 359; (59 St. Rep. 592; 28 Supp. 705).

Trustees—Unauthorized Acts—Ratification by Cestui Que Trust.

17 App. Div. 548; (79 St. Rep. 547; 45 Supp. 547).

Cumberland Coal & Iron Co. v. Hoffman Steam C. Co., 30 Barb. 171.

Cited, Courts—Jurisdiction—Foreign Corporations.

12 Misc. 236; (67 St. Rep. 788; 33 Supp. 1085).

Duplicate Citations in Parenthesis.

Cuming v. Brooklyn City R. Co., 109 N. Y. 95; 14 St. Rep. 788.

Cited, Damage—Measure of—Mental Anguish—Parent and Child—Loss of Service. 8 Misc. 37; (58 St. Rep. 812; 28 Supp. 271; 31 Abb. N. C. 267).

Damages—Personal Injuries—Earning Capacity.

81 Hun, 136; (62 St. Rep. 733; 30 Supp. 751).

Cuming v. Roderick, 16 App. Div. 339; 78 St. Rep. 1033; 44 Supp. 1033.

Cumming v. Brooklyn, 11 Paige, 596.

Cited, Municipal Corporations—Contracts—Payment—Failure to Make Assessment.

82 Hun, 72; (63 St. Rep. 504; 31 Supp. 189). 11 App. Div. 381; (76 St. Rep. 96; 42 Supp. 96).

Cumming v. Brooklyn City R. Co., 104 N. Y. 669; 5 St. Rep. 737.

Cited, Railroads—Crossings—Flagmen. 75 Hun, 530; (57 St. Rep. 654; 27 Supp. 498).

Negligence—Contributory—Of Parent—Imputation to Child.

12 App. Div. 158; (76 St. Rep. 669; 42 Supp. 669). 6 App. Div. 208; (39 Supp. 806).

Negligence—Personal Injuries—Absence of Employee.

D. 74 St. Rep. 223; (38 Supp. 595).

Cumming v. Brown, 43 N. Y. 514.

Cited, Sheriff—Rights.

3 App. Div. 60; (74 St. Rep. 850; 38 Supp. 1038).

Cumming v. Egerton, 9 Bosw. 684.

Cited, Costs—Liability—Receivers.

74 Hun, 247; (56 St. Rep. 815; 26 Supp. 379).

Costs—Allowance to Receiver.

11 App. Div. 601; (76 St. Rep. 619; 42 Supp. 619).

Cumming v. Hackley, 8 Johns. 156.

Cited, Payment—Giving of Bond and Mortgage.

81 Hun, 352; (63 St. Rep. 152; 30 Supp. 898).

Cummings v. American Gear & Spring Co., 87 Hun, 598; 68 St. Rep. 653; 34 Supp. 541.

Cited, Pleading—Action Attacking Fraudulent Conveyance—Sufficiency of Complaint.

8 App. Div. 46; (40 Supp. 457).

Cummings v. Hausen, 63 How. 351.

Cited, Damages—Contracts—To Time of Trial.

4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117).

Cummings v. Line, 138 N. Y. 675; 53 St. Rep. 933.

Cummings v. Morris, 3 Bosw. 560.

Cited, Trial—Reception of Evidence—Exceptions—Waiver.

77 Hun, 471; (60 St. Rep. 544; 28 Supp. 1080).

Cummings v. Morris, 25 N. Y. 625.

Cited, Bills and Notes—Ownership.

4 Misc. 72; (53 St. Rep. 129; 23 Supp. 786).

Cummings v. Rosenberg, 6 Misc. 538; 58 St. Rep. 11; 27 Supp. 134.

Cummings v. Union Bluestone Co., 15 App. Div. 602; 78 St. Rep. 787; 44 Supp. 787.

Cummings v. Williamson, 1 Sand. Ch. 17.

Cited, Power of Sale—Right to Pledge or Mortgage.

144 N. Y. 224; (63 St. Rep. 95).

Cummings v. Zimmer, 5 App. Div. 540; 39 Supp. 490.

Cummins v. Agricultural Ins. Co., 67 N. Y. 260.

Cited, Insurance—Preliminary Proofs—Conclusiveness.

8 Misc. 616; (60 St. Rep. 831; 29 Supp. 325). 84 Hun, 130; (65 St. Rep. 738; 32 Supp. 513). 149 N. Y. 488.

Cummins v. Bennett, 8 Paige, 79.

Cited, Action—Discontinuance.

85 Hun, 102; (66 St. Rep. 36; 32 Supp. 654).

Cumpston v. McNair, 1 Wend. 457.

Cited, Appeal—Decision by Jury Instead of Court—Harmless Error.

4 App. Div. 455; (38 Supp. 796).

Appeal—Reversible Error—Erroneous Submission to Jury—Correct Determination.

68 Hun, 168; (52 St. Rep. 77; 22 Supp. 651).

Cummins v. Syracuse, 100 N. Y. 637.

Cited, Municipal Corporation—Liability—Condition of Streets—Negligence—Contributory.

79 Hun, 558; (61 St. Rep. 532; 29 Supp. 914).

Cunard, Matter of, 27 St. Rep. 123; 7 Supp. 553.

Cited, Executors—Summary Proceeding to Recover Property of Estate—Scope.

77 Hun, 566; (60 St. Rep. 506; 28 Supp. 1049). 83 Hun, 41; (64 St. Rep. 471; 31 Supp. 768). 11 App. Div. 290; (76 St. Rep. 347; 42 Supp. 347).

*Duplicate Citations in Parenthesis.***Cunard v. Francklyn**, 111 N. Y. 511.

Cited, Pleading—Bill of Particulars—Right to, and Discretion as to Requiring.

1 Misc. 88; (48 St. Rep. 642; 20 Supp. 375).

Pleading—Redundancy—Materiality of Redundant Matter.

1 Misc. 128; (48 St. Rep. 662; 20 Supp. 651).

Cunard v. Manhattan R. Co., 1 Misc.

151; 48 St. Rep. 755; 20 Supp. 724.

Cunard Steamship Co. v. Voorhis, 104 N. Y. 525.

Cited, Appeal—Courts—Want of Jurisdiction—Validity of Judgment.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).

Cuniff v. Beecher, 84 Hun. 137; 66 St. Rep. 399; 32 Supp. 1067.**Cunningham, Matter of**, 1 Hun. 214.

Cited, Claims—Against Decedent's Estate—Services, etc.—Allowance.

82 Hun. 196; (64 St. Rep. 5; 31 Supp. 417).

Cunningham, Matter of, Surr. Dec. 1892, 439.

Cited, Taxes—Inheritance—What Liable to.

5 Misc. 442; (26 Supp. 891).

Cunningham v. Cassidy, 17 N. Y. 276.

Cited, Sales—Judicial—In Gross—Validity.

92 Hun. 157; (71 St. Rep. 147; 36 Supp. 377). 18 Misc. 175; (75 St. Rep. 846; 41 Supp. 440).

Cunningham v. Cohn, 14 Misc. 12; 69 St. Rep. 498; 35 Supp. 125.**Cunningham v. Davenport**, 74 Hun. 53; 56 St. Rep. 171; 26 Supp. 322.

Reversed, 147 N. Y. 43; 69 St. Rep. 302; 2 Ann. Cas. 344.

Cited, Trusts—Creation—Retention of Instrument Creating—Money Deposited in Bank for Benefit of Another.

80 Hun. 148, 149; (61 St. Rep. 638; 29 Supp. 1017).

Cunningham v. Davenport, 147 N. Y. 43; 69 St. Rep. 302; 2 Ann. Cas. 344.

Cited, Trusts—Creation—Deposit in Savings Bank.

1 App. Div. 262; (72 St. Rep. 755; 37 Supp. 254). 2 App. Div. 167; (73 St. Rep. 46; 37 Supp. 918). 19 Misc. 512; (77 St. Rep. 1128; 43 Supp. 1128). 15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281). 15 App. Div. 554; (78 St. Rep. 522; 44 Supp. 522).

Cunningham v. Doyle, 5 Misc. 219; 54 St. Rep. 784; 25 Supp. 476.

Cited, Mechanic's Lien—Enforcement—Bond to Discharge.

145 N. Y. 247; (64 St. Rep. 686; 1 Ann. Cas. 116). 10 Misc. 540; (64 St. Rep. 24; 31 Supp. 447; 1 Ann. Cas. 224).

Cunningham v. East Riv. Electric L. Co., 42 St. Rep. 212; 17 Supp. 372.

Cited, False Imprisonment—Action for—When Lies.

13 Misc. 330; (68 St. Rep. 366; 34 Supp. 463).

Pleading—Joinder of Causes—False Imprisonment and Malicious Prosecution.

14 Misc. 557; (70 St. Rep. 762; 33 Supp. 3). 17 Misc. 87; (39 Supp. 831).

Cunningham v. Fitzgerald, 138 N. Y. 165; 51 St. Rep. 840.

Cited, Eminent Domain—Private Easements—Public Appropriation—Damages.

141 N. Y. 301; (57 St. Rep. 410).

Lands—Bounded by Streets—Right of Owner to Prevent Interference with.

144 N. Y. 326; (63 St. Rep. 716). 147 N. Y. 342; (69 St. Rep. 676).

Lands—Bounded by Street—Extent of Owner's Interest in Street.

84 Hun. 213; (65 St. Rep. 751; 32 Supp. 551).

Cunningham v. Freeborn, 11 Wend. 240.

Cited, Assignment for Creditors—Preferring Endorser.

49 St. Rep. 464; (21 Supp. 71).

Cunningham v. Gans, 79 Hun. 434; 61 St. Rep. 249; 29 Supp. 979.

Cited, 13 Misc. 166; (68 St. Rep. 77; 34 Supp. 167).

Evidence—Uncontradicted—Duty of Court and Jury to Consider.

4 App. Div. 534; (74 St. Rep. 630; 40 Supp. 21). 19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Cunningham v. Hatch, 3 Misc. 101; 54 St. Rep. 859; 22 Supp. 791; 23 Civ. Pro. 82; 30 Abb. N. C. 31.

Cited, Mechanic's Lien—Security to Discharge—Contempt.

13 Misc. 83; (68 St. Rep. 179; 34 Supp. 104; 1 Ann. Cas. 419).

Cunningham v. Hatch, 45 St. Rep. 685; 18 Supp. 458.

Cited, Mechanic's Lien—Enforcement—Deposit to Discharge.

83 Hun. 415; (64 St. Rep. 730; 31 Supp. 960).

Duplicate Citations in Parenthesis.

Cunningham v. Hedge, 12 App. Div. 212; 76 St. Rep. 549; 42 Supp. 549.

Cunningham v. Judson, 100 N. Y. 179.

Followed 70 St. Rep. 887; 35 Supp. 1109.

Cunningham v. Lake Shore & Michigan Southern R. Co., 5 App. Div. 619; 41 Supp. 1111.
Affirmed, 150 N. Y. 569.

Cunningham v. Massena Springs & F. C. R. Co., 63 Hun, 439; 44 St. Rep. 723; 18 Supp. 600.

Affirmed, 138 N. Y. 614; 51 St. Rep. 933.

Cited, Contracts—Rescission—Effect On Prior Payments.

2 Misc. 368; (51 St. Rep. 211; 22 Supp. 376; 30 Abb. N. C. 12).

Corporations—Liabilities—Contracts with Officers—Acceptance of Benefits.

73 Hun, 454; (56 St. Rep. 22; 26 Supp. 478). 6 App. Div. 170; (39 Supp. 793).

Cunningham v. Parker, 146 N. Y. 29; 65 St. Rep. 774.

Cited, Wills—Debts—When Charge on Land.

18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1108).

Cunningham v. Pell, 5 Paige, 607.

Cited, Joint Tort Feasors—Several Liability.

141 N. Y. 454; (57 St. Rep. 632).

Cunningham v. Scott, 90 Hun, 460; 70 St. Rep. 543; 35 Supp. 881.

Cunningham v. Wathen, 14 App. Div. 553; 77 St. Rep. 886; 43 Supp. 836.

Cunningham v. White, 45 How. 486.

Cited, Injunction—Damages By—Final Determination.

70 Hun, 12; (53 St. Rep. 260; 23 Supp. 936).

Cunningham v. Whitford, 74 Hun, 273; 56 St. Rep. 285; 26 Supp. 575.

Curley v. Tomlinson, 5 Daly, 283.

Cited, Appeal—Jurisdiction—N. Y. Common Pleas, General Term—Weight of Evidence.

7 Misc. 161; (57 St. Rep. 539; 27 Supp. 325.)

Appeal—From District Court—Review of Evidence.

1 Misc. 163; (48 St. Rep. 686; 20 Supp. 635). 13 Misc. 264; (67 St. Rep. 860; 34 Supp. 4). 14 Misc. 344; (70 St. Rep. 461; 35 Supp. 684).

Appeal—Reargument.

2 Misc. 63; (49 St. Rep. 350; 20 Supp. 845)
16 Misc. 364; (74 St. Rep. 370; 38 Supp. 2).

Curnan v. Delaware & Otsego R. Co., 138 N. Y. 480; 53 St. Rep. 25.

Curran v. Galen, 2 Misc. 553; 52 St. Rep. 479; 22 Supp. 836.

Affirmed, 77 Hun, 610; 59 St. Rep. 891.

Curran v. Galen, 152 N. Y. 33.

Cited, Labor Organizations—Unlawful Acts—Deprivation of Work.

20 Misc. 424; (79 St. Rep. 1049; 45 Supp. 1049).

Curran v. Weiss, 6 Misc. 138; 56 St. Rep. 284; 26 Supp. 8.

Currey v. Buffalo, 135 N. Y. 366; 48 St. Rep. 482.

Cited, Municipal Corporations—Negligence—Notice of Claim.

16 Misc. 304; (74 St. Rep. 387; 38 Supp. 90).

Currie v. Hart, 2 Sandf. 353.

Cited, Assignment for Creditors—Provisions for Counsel Fees After Transfer—Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 266)

Currie v. Riley, 14 Week. Dig. 407.

Cited, Attachment—Vacation—Undertaking to Discharge.

2 App. Div. 555; (74 St. Rep. 467; 38 Supp. 38; 3 Ann. Cas. 102).

Currier v. Henderson,

See. Dow-Currier v. Henderson.

Currier v. Poor, 84 Hun, 45; 65 St. Rep. 237; 32 Supp. 74.

Curran v. Fanning, 13 Hun, 458.

Cited, Wills—Charitable Gift—Who Takes.

3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

Curry, Matter of, 25 Hun, 321.

Cited, Constitutional Law—Due Process—Condemnation Proceedings.

90 Hun, 179; (70 St. Rep. 295; 35 Supp. 791).

Curry v. Buffalo, 135 N. Y. 366; 48 St. Rep. 482.

Affirming, 57 Hun, 25; 31 St. Rep. 745; 10 Supp. 392.

Followed, 1 App. Div. 630; (36 Supp. 1133).

Cited, Municipal Corporations—Claims for Injuries—Notice

70 Hun, 592; (53 St. Rep. 744; 24 Supp. 185). 87 Hun, 29; (67 St. Rep. 568; 33 Supp. 746).

92 Hun, 440; (72 St. Rep. 99; 36 Supp. 998). 1 App. Div. 587; (73 St. Rep. 187; 37 Supp. 465).

15 App. Div. 328; (78 St. Rep. 40; 44 Supp. 40). 19 Misc. 258; (78 St. Rep. 218; 44 Supp. 218).

17 App. Div. 538; (79 St. Rep. 593; 45 Supp. 593).

Municipal Corporations—Claims for Injuries—Conditions Precedent—Legislative Power.

6 App. Div. 129; (40 Supp. 582).

Duplicate Citations in Parenthesis.

Curry v. Curry, 10 Hun. 366.

Cited, Husband and Wife—Antenuptial Release of Dower—Consideration.

67 Hun. 333; (51 St. Rep. 792; 22 Supp. 301).

Curry v. Farley, 8 Daly. 228.

Cited, Constable—Failure to Return Execution—Liability—Nature.

92 Hun. 414; (71 St. Rep. 856; 36 Supp. 763).

Curry v. Fowler, 87 N. Y. 33.

Cited, Partnership—Creditors—When Relation Exists as to.

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Curry v. Gleason, 71 Hun. 613; 54 St. Rep. 88; 24 Supp. 613.

Cited, Appeal—Review of Verdict—Reversal.

80 Hun. 493; (62 St. Rep. 389; 30 Supp. 489).

Curry v. Powers, 70 N. Y. 212.

Cited, Gift—Causa Mortis—Change of Possession.

70 Hun. 567; (53 St. Rep. 671; 24 Supp. 268).

Gift—Validity—Necessity of Renunciation of Title by Donor.

16 Misc. 412; (39 Supp. 728).

Curry v. Pringle, 11 Johns. 444.

Cited, Courts—Jurisdiction—Limited—Proof of Facts Giving.

141 N. Y. 543; (57 St. Rep. 823).

Curry v. Rochester Railway Co, 90 Hun. 280; 70 St. Rep. 146; 35 Supp. 543.

Curry v. Union Electric R. Co., 86 Hun. 559; 67 St. Rep. 551; 33 Supp. 728.

Curry v. Wiborn, 12 App. Div. 1; 76 St. Rep. 178; 42 Supp. 178.

Cited, Summons—Commencement of Action by—Right to Set Up any Cause of Action in Complaint.

15 App. Div. 446; (78 St. Rep. 452; 44 Supp. 452).

Curser, Matter of, 89 N. Y. 401.

Cited, Statutes—Repeal—Implication—Inconsistency.

77 Hun. 375; (60 St. Rep. 412; 28 Supp. 873). 8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534).

Curtin v. Barton, 139 N. Y. 505; 54 St. Rep. 812.

Cited, Courts—Local—Jurisdiction.

79 Hun. 91; (61 St. Rep. 160; 29 Supp. 618). 12 App. Div. 28; (76 St. Rep. 488; 42 Supp. 488). 12 App. Div. 64, 69; (76 St. Rep. 557, 861; 42 Supp. 857, 861).

Legislature—Exercise of Authority Beyond Jurisdiction—Presumption.

17 Misc. 259; (40 Supp. 1080).

Constitutionality—Pool Selling.

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Constitutional Law—Statutes Conflicting with—Validity of Prior Acts.

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Curtin v. Western Union Tel. Co.,

13 App. Div. 253; 76 St. Rep. 1109; 42 Supp. 1109; 3 Ann. Cas. 286.

Curtin v. Western Union Tel. Co.,

16 Misc. 347; 74 St. Rep. 313; 38 Supp. 58; 3 Ann. Cas. 180.

Curtin v. Western Union Tel. Co.,

14 Misc. 459; 72 St. Rep. 260.

Reversed, 16 Misc. 347; 74 St. Rep. 313; 38 Supp. 58.

Curtis, Matter of, 73 Hun. 185; 56 St.

Rep. 113; 25 Supp. 909.

Affirmed, 142 N. Y. 219; 58 St. Rep. 348.

Cited, Taxes—Inheritance—Remainders.

76 Hun. 257; (59 St. Rep. 100; 27 Supp. 741).

Taxes—Inheritance—Contingent Interests.

76 Hun. 403; (58 St. Rep. 702; 27 Supp. 1089). 85 Hun. 246, 248; (66 St. Rep. 304, 305; 32 Supp. 908, 910).

Curtis, Matter of, 142 N. Y. 219; 58 St. Rep. 348.

Cited, Taxes—Inheritance—Contingent Interests.

143 N. Y. 124; (62 St. Rep. 132). 143 N. Y. 334; (62 St. Rep. 248).

Taxes—Inheritance—What Taxable.

9 Misc. 306; (61 St. Rep. 74; 30 Supp. 305). 85 Hun. 246; (66 St. Rep. 304; 32 Supp. 908). 152 N. Y. 100.

Taxes—Inheritance—Future Estates—Postponement of Collection.

147 N. Y. 75; (69 St. Rep. 318). 91 Hun. 63; (71 St. Rep. 633; 36 Supp. 829). 149 N. Y. 549.

Taxes—Inheritance—Equitable Conversion.

3 App. Div. 210; (73 St. Rep. 759; 38 Supp. 278).

Taxes—Inheritance—Remainders—Death of Decedent Before Enactment of Statute. 153 N. Y. 9

Curtis v. Avon, G. & M. M. R. Co., 49 Barb. 148.

Cited, Evidence—Declaration of Agent.

84 Hun. 310; (65 St. Rep. 490; 32 Supp. 333).

Duplicate Citations in Parenthesis.

Curtis v. Crane, 6 St. Rep. 748.

Affirmed, 121 N. Y. 650; 30 St. Rep. 1011.

Cited, Bills and Notes—Delivery—Bona Fide Holder.

49 St. Rep. 563; (20 Supp. 912).

Curtis v. Del., L. & W. R. Co., 74 N. Y. 116.

Cited, Conflict of Laws — Contracts—What Law Governs.

87 Hun, 94; (67 St. Rep. 673; 33 Supp. 967). 150 N. Y. 322.

Carriers—Liability for Loss of Baggage.

16 Misc. 613; (73 St. Rep. 813; 38 Supp. 341).

Curtis v. Fay, 37 Barb. 64.

Cited, Witness—Impeachment—Scope of Examination.

147 N. Y. 656; (71 St. Rep. 265).

Curtis v. Giles, 7 Misc. 590; 58 St. Rep. 503; 28 Supp. 489.

Curtis v. Knox, 2 Den. 341.

Cited, Witnesses—Privilege—Question for Court.

8 Misc. 175; (60 St. Rep. 147; 28 Supp. 511).

Curtis v. Leavitt, 17 Barb. 309.

Cited, Statutes—Penal—Strict Constructions.

30 Abb. N. C. 119; (24 Supp. 938).

Curtis v. Leavitt, 15 N. Y. 9.

Cited, Corporations — Mortgage — For What Authorized.

7 Misc. 209; (58 St. Rep. 39; 27 Supp. 678).

Corporations—Unauthorized Mortgage—Who May Object to.

13 Misc. 742; (69 St. Rep. 233; 35 Supp. 4.

Statutes—Repeal—Effect on Liabilities.

141 N. Y. 164; (56 St. Rep. 683). 69 Hun, 570; (53 St. Rep. 254; 23 Supp. 961). 90

Hun, 210; (70 St. Rep. 553; 35 Supp. 891).

Usury—Statute Relating To—Repeal as

to Corporations.

6 App. Div. 219; (39 Supp. 898).

Fraudulent Conveyance—Return of Surplus.

80 Hun, 485; (62 St. Rep. 370; 30 Supp. 518).

Corporations — Receiver — Whom Represents.

10 Misc. 690, 692; (65 St. Rep. 98, 99; 31 Supp. 1004, 1005; 1 Ann. Cas. 339).

Corporations—Powers—Implied.

144 N. Y. 172; (63 St. Rep. 46).

Corporations—Ultra Vires Acts—Restriction of Defense.

151 N. Y. 37.

Corporations—Banking—"Insolvency."

12 App. Div. 364; (76 St. Rep. 739; 42 Supp. 739).

Curtis v. Leavitt, 10 How. 491.

Cited, Appeal—Judgment Directing Payment of Money Out of Court—Security.

5 App. Div. 210; (39 Supp. 138).

Curtiss v. McNair, 6 Hun, 550.

Affirmed, 68 N. Y. 198.

Cited, County Clerks—Fees — Searching Records.

12 App. Div. 146; (76 St. Rep. 1070; 42 Supp. 1070).

Curtis v. Moore, 10 Misc. 341; 63 St. Rep. 434; 31 Supp. 19.

Affirmed, 152 N. Y. 159.

Curtis v. Moore, 152 N. Y. 159.

Curtis v. Ritzman, 7 Misc. 254; 58 St. Rep. 35; 27 Supp. 259.

Curtis v. Ritzman, 7 Misc. 400; 58 St. Rep. 53; 27 Supp. 971.

Curtis v. Rochester & S. R. Co., 18 N. Y. 534.

Cited, Damages—For Pain and Suffering—Under General Allegation in Action for Personal Injuries.

1 Misc. 354; (48 St. Rep. 665; 20 Supp. 685).

Damages—Measure Of—Personal Injuries—Resulting Damages—Future

8 Misc. 10; (58 St. Rep. 817; 28 Supp. 599). 18 Misc. 30, 33; (75 St. Rep. 517, 519; 41 Supp. 59, 61).

Evidence—Presumptions—Of Negligence.

50 St. Rep. 834; (22 Supp. 345).

Negligence—Burden of Proof—Shifting.

144 N. Y. 6; (63 St. Rep. 18). 10 Misc. 706; (64 St. Rep. 635; 31 Supp. 829).

Curtis v. Saddlery H. Mfg. Co., 7 Misc. 316; 57 St. Rep. 551; 27 Supp. 901.

Cited, Trial—Motion for Dismissal—Presumption.

9 Misc. 498; (61 St. Rep. 129; 30 Supp. 231).

Appeal—Litigation of Outside Matters—Failure to Object To.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

Curtis v. Soltau, 34 St. Rep. 767; 12 Supp. 285.

Cited, Evidence—Parol—In Aid of Writing.

14 Misc. 349; (70 St. Rep. 323; 35 Supp. 847).

Curtis v. Tyler, 9 Paige, 432.

Cited, Mortgage—Assumption—Right to Collaterals.

85 Hun, 81; (66 St. Rep. 44; 32 Supp. 660).

Duplicate Citations in Parenthesis.

Curtis v. Wheeler & Wilson Mfg Co., 141 N. Y. 511; 57 St. Rep. 715.

Curtis v. Wheeler & Wilson Mfg Co., 40 St. Rep. 724; 16 Supp. 48.

Cited, Appeal — Weight of Evidence — Extent of Review.

13 Misc. 166; (68 St. Rep. 77; 34 Supp. 167).

Curtiss, Matter of, 15 Misc. 545; 73 St. Rep. 124; 37 Supp. 586.

Affirmed, 9 App. Div. 285; 41 Supp. 1111.

Curtiss, Matter of, 9 App. Div. 285; 41 Supp. 1111.

Curtiss, Matter of, 39 Supp. 1123.
41 Supp. 1111.

Curtiss v. Ayrault, 47 N. Y. 73.

Cited, Covenant — Restricting Use of Land—Deed.

30 Abb. N. C. 272; (24 Supp. 787).

Conveyance—Reciprocal Easement.

17 Misc. 660; (40 Supp. 1031).

Vendor and Purchaser — Appurtenant Easements.

151 N. Y. 399.

Curtiss v. Follett, 15 Barb. 337.

Cited, Deed—Tax Sale—Presumptive Evidence of Title—Legislature.

84 Hun, 280; (65 St. Rep. 590; 32 Supp. 385).

Curtiss v. Mott, 90 Hun, 439; 70 St. Rep. 606; 35 Supp. 938.

Curtiss v. Rochester & Syracuse R. Co., 20 Barb. 282.

Cited, Damages—Personal Injuries—Pain and Suffering.

18 Misc. 30; (75 St. Rep. 517; 41 Supp. 58).

Curvin v. Rochester R. Co., 78 Hun, 555; 61 St. Rep. 420; 29 Supp. 521.

Cush v. Abraham, 2 Supp. 391.

Cited, Actions—Consolidation—Courts—Jurisdictional Amount.

18 Misc. 736; (41 Supp. 1116).

Cushing v. Buslander, 49 Hun, 19; 17 St. Rep. 245; 1 Supp. 505.

Cited, Injunction — Preliminary — Complaint as Affidavit.

7 Misc. 126; (57 St. Rep. 71; 27 Supp. 344). 4 Misc. 324; (24 Supp. 655).

Cushingham v. Phillips, 1. E. D. Smith 416.

Cited, Action — Appearance — Omitted Service—Waiver.

7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

Cushing v. Vanderbilt, 7 Daly, 512.

Cited, Courts—Power to Order Restitution.

20 Misc. 337; (79 St. Rep. 894; 45 Supp. 894).

Cushman v. Family Fund Society, 36 St. Rep. 856; 13 Supp. 428.

Cited, Pleading—Equitable Defense—When Available without Prayer for Equitable Relief.

1 Misc. 147; (48 St. Rep. 777; 20 Supp. 641).

Mutual Benefit Associations—Action for Death Benefit—Funds—Burden of Proof.

17 Misc. 638; (40 Supp. 592).

Cushman v. Horton, 59 N. Y. 149.

Cited, Wills—Construction—Heirs.

145 N. Y. 122; (64 St. Rep. 561).

Cushman v. Jewell, 7 Hun, 525.

Cited, Contracts—Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun, 386; (60 St. Rep. 400; 28 Supp. 852).

Cushman v. Leland, 93 N. Y. 652.

Cited, Injunction—Concerning Legal Proceedings—Multiplicity of Suits.

76 Hun, 22; (59 St. Rep. 153; 27 Supp. 662).

Courts—Supreme—Power to Stay Action Pending in Inferior Court.

1 App. Div. 559; (73 St. Rep. 203; 37 Supp. 476).

Cushman v. Oothout, 38 Hun, 54; 68 St. Rep. 299; 34 Supp. 516.

Cushman v. Thayer Mfg. I. Co., 76 N. Y. 365.

Cited, Equity—Remedy at Law.

9 Misc. 418; (61 St. Rep. 702; 30 Supp. 191). 2 App. Div. 472; (74 St. Rep. 342; 37 Supp. 1044).

Cushman v. United States L. Ins. Co., 63 N. Y. 404.

Cited, Insurance—Policy—Avoidance by False Statements in Application—When Statements Warranties.

78 Hun, 226; (60 St. Rep. 222; 28 Supp. 954).

Cushman v. United States L. Ins. Co., 70 N. Y. 72.

Cited, Insurance — Application — Subsequent Illness—Misrepresentation.

78 Hun, 108; (60 St. Rep. 534; 28 Supp. 1078).

Insurance — Application — Misrepresentations as to Health—What Constitutes.

11 App. Div. 406; (76 St. Rep. 449; 42 Supp. 449).

Insurance—Preliminary Proofs of Loss—Conclusiveness.

3 Misc. 460; (52 St. Rep. 443; 23 Supp. 181).

Duplicate Citations in Parenthesis.

Cusick v. Adams, 115 N. Y. 55; 23 St. Rep. 548.

Cited, Negligence—Dangerous Structure—Trespassers.

78 Hun, 3; (60 St. Rep. 540; 28 Supp. 1098).

Negligence—Trespassers and Licensees.

7 Misc. 646; (58 St. Rep. 393; 28 Supp. 14). 145 N. Y. 306; (64 St. Rep. 712). 15 Misc. 255; (71 St. Rep. 471; 36 Supp. 420). 4 App. Div. 137; (74 St. Rep. 97; 38 Supp. 762). 5 App. Div. 19; (39 Supp. 286).

Negligence—Trespassers—Private Bridges. 7 Misc. 274; (58 St. Rep. 533; 27 Supp. 893).

Cussack v. Tweedy, 126 N. Y. 81; 36 St. Rep. 455.

Cited, Wills—Trusts—Power of Sale—Termination.

1 App. Div. 287; (72 St. Rep. 770; 37 Supp. 234).

Custer v. Greenpoint Ferry Co. See *Coster v. Greenpoint Ferry Co.*

Cuthbert v. Babcock, 2 Den. 96.

Cited, Wills—Power of Testator to Name Successive Executors.

17 Misc. 473; (75 St. Rep. 668; 41 Supp. 258).

Cuthbert v. Chauvet, 136 N. Y. 336; 49 St. Rep. 671.

Cited, Trusts—Dissolution of.

79 Hun, 432; (61 St. Rep. 467; 29 Supp. 999). 20 Misc. 373.

Trusts—Control of Courts Over.

81 Hun, 570; (63 St. Rep. 612; 31 Supp. 210). 92 Hun, 8; (73 St. Rep. 13; 37 Supp. 964).

Trustees—Duty to Protect Estate Against Acts of Others.

14 Misc. 303; (70 St. Rep. 685; 35 Supp. 1060; 2 Ann. Cas. 214; 25 Civ. Pro. 127).

Cuthbert v. Hutchins, 7 App. Div. 251; 40 Supp. 277.

Cutler v. New York. See *Cutter v. New York.*

Cutler v. Parsons, 13 App. Div. 376; 77 St. Rep. 187; 43 Supp. 187.

Cutler v. Wright, 22 N. Y. 472.

Cited, Pleading—Demurrer—Effect as Admission.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 319). 70 Hun, 596; (53 St. Rep. 783; 24 Supp. 187). 27 Supp. 929; (30 Abb. N. C. 453). 7 Misc. 716; (58 St. Rep. 322; 28 Supp. 30).

Pleading—Motion to Dismiss—Admissions.

10 Misc. 164; (62 St. Rep. 482; 30 Supp. 828).

Cutter v. Cutter, 48 Super. 470.

Cited, Arbitration—Agreement for—Effect.

6 Misc. 416; (27 Supp. 294).

Cutter v. Hume, 138 N. Y. 630; 51 St. Rep. 934.

Cutter v. Morris, 7 St. Rep. 426.

Cited, Costs—Copy Stenographer's Minutes. 8 App. Div. 310; (75 St. Rep. 337; 40 Supp. 939).

Cutter v. Morris, 116 N. Y. 310; 26 St. Rep. 508.

Cited, Married Women—Services Rendered for Benefit of Separate Estate—Presumption.

85 Hun, 129; (65 St. Rep. 653; 32 Supp. 463).

Cutter v. New York, 92 N. Y. 166.

Cited, Interest—Acceptance of Principal—Waiver.

140 N. Y. 428; (55 St. Rep. 802). 1 Misc. 256; (32 Supp. 1087). 39 Supp. 882. 76 St. Rep. 17; (42 Supp. 17; 3 Ann. Cas. 321). 14 App. Div. 154; (77 St. Rep. 453; 43 Supp. 453).

Interest—As Damages for Default.

17 App. Div. 505; (79 St. Rep. 527; 45 Supp. 527).

Cutting v. Cutting, 86 N. Y. 522.

Cited, Powers—General and Beneficial.

141 N. Y. 503; (57 St. Rep. 590). 144 N. Y. 778; (64 St. Rep. 242).

Trusts—Personalty or Realty—Assimilation of Rules.

140 N. Y. 534; (56 St. Rep. 474).

Trusts—Rents and Profits—Availability to Creditors of cestui que trust.

140 N. Y. 105; (55 St. Rep. 313).

Wills—Power of Appointment—Delegation.

9 Misc. 321; (60 St. Rep. 428; 30 Supp. 152).

Cutting v. Damerel, 23 Hun, 339.

Reversed, 88 N. Y. 410.

Cited, Corporations—Assessment on Stock—Enforcement—Certificate.

16 App. Div. 522; (78 St. Rep. 1032; 44 Supp. 1032).

Cutting v. Damerel, 88 N. Y. 410.

Cited, Corporations—Stockholders—Transfer of Stock—When Effective.

71 Hun, 378; (55 St. Rep. 27; 25 Supp. 23).

Corporations—Transfer of Stock—When Transferor Exempt from Liability to Corporation.

D. 4 App. Div. 608; (39 Supp. 149).

*Duplicate Citations in Parenthesis.***Cutting v. Lincoln**, 9 Abb. N. S. 436.

Cited, Incompetent Persons—Sale of Real Estate—Effect.

75 Hun, 451; (59 St. Rep. 644; 27 Supp. 532).

Cutting v. Marlor, 78 N. Y. 454.

Cited, Corporations—Banking—Misappropriation by Officers—Liability of Bank.

79 St. Rep. 654; (45 Supp. 654).

Cutting v. Massa, 15 St. Rep. 316.

Cited, Pleading—Judgment—Sufficiency.

90 Hun, 530; (71 St. Rep. 39; 36 Supp. 32).
91 Hun, 189; (71 St. Rep. 184; 36 Supp. 347).

Cutting v. Stokes, 72 Hun, 376; 55 St. Rep. 184; 25 Supp. 365.

Affirmed, 148 N. Y. 730.

Cuykendall v. Corning, 88 N. Y. 129.

Cited, Pleading—Action to Enforce Stockholder's Liability—What Must be Alleged.
145 N. Y. 94; (64 St. Rep. 540).

Cuykendall v. Donylass, 17 Week. Dig. 315.

Cited, Appeal—Re-argument.

73 St. Rep. 870; (39 Supp. 1126).

Cuyler v. Bradt, 2 Caines, 326.

Cited, Deeds—Recitals—Effect as Notice to Grantee.

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Cuyler v. Coats, 10 How. 141.

Cited, Action—Discontinuance.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Costs — Taxation — Failure to object to Items—Effect.

16 Misc. 513; (74 St. Rep. 45; 38 Supp. 525).

Cuyler v. Rochester, 12 Wend. 165.

Cited, Villages — Power of Trustees — Waiver.

20 Misc. 652.

Cyrenius v. Mutual Life Ins. Co. of N. Y., 73 Hun, 365; 55 St. Rep. 897; 26 Supp. 248.

Affirmed, 145 N. Y. 576; 65 St. Rep. 520.

Cyrenius v. Mutual Life Ins. Co. of N. Y., 145 N. Y. 576; 65 St. Rep. 520.**Cythe v. La Fountain**, 51 Barb. 186.

Cited, Contracts—Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun, 386; (60 St. Rep. 399; 28 Supp. 852).

Costs — Allowance — Compliance with Statute.

88 Hun, 229; (68 St. Rep. 260; 34 Supp. 665).

D

Dabney v. Stevens, 2 Sweeny, 415.

Affirmed, 46 N. Y. 681.

Cited, Agency—Notice.

D. 75 Hun, 62; (56 St. Rep. 867; 26 Supp. 1060).

Daby v. Ericsson, 45 N. Y. 786.

Cited, Evidence—Presumption—Of Payment—Financial Circumstances of Parties.

73 Hun, 178; (56 St. Rep. 138; 25 Supp. 878).

Evidence—Of Execution of Instrument—Proof of Identity.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635).

Payment—Presumption of.

9 Misc. 162; (59 St. Rep. 727; 29 Supp. 8).

Dacey v. Agricultural Ins. Co., 21 Hun, 83.

Cited, Insurance—On Real and Personal Property.

69 Hun, 505; (52 St. Rep. 719; 23 Supp. 402).

Dada v. Piper, 41 Hun, 254.

Cited, Libel—Privilege—Pleadings.

84 Hun, 120; (65 St. Rep. 648; 32 Supp. 463; 1 Ann. Cas. 331).

Dadirrian v. Theodorian, 84 Hun, 296; 32 Supp. 1141.**Dadirrian v. Theodorian**, 15 Misc. 300; 73 St. Rep. 309; 37 Supp. 611.**Dady v. New York**, 57 Hun, 456; 32 St. Rep. 1032; 10 Supp. 819.

Cited, Specific Performance—Inequitable.
61 St. Rep. 132; (30 Supp. 409).

Daggett, Matter of, 1 Misc. 248; 51 St. Rep. 510; 22 Supp. 911.**Daggett, Matter of**, 29 St. Rep. 864; 9 Supp. 652.

Cited, Descent and Distribution—Widow.
90 Hun, 97; (69 St. Rep. 767; 35 Supp. 367).

Daggett v. Daggett, 5 Paige, 509.

Cited, Husband and Wife—Divorce—Alimony—Agreement.

Duplicate Citations in Parenthesis.

9 Misc. 514; (61 St. Rep. 96; 30 Supp. 339).

Contracts — Public Policy — Agreements Relating to Marriage.

19 Misc. 226; (78 St. Rep. 243; 44 Supp. 243).

Daggett v. Daggett, 37 St. Rep. 810; 14 Supp. 182.

Cited, Descent and Distribution—Widow's Interest.

90 Hun, 97; (69 St. Rep. 767; 35 Supp. 367).

Dailey v. Crowley, 5 Lans. 301.

Cited, Evidence — Damages — Purchase Price.

144 N. Y. 566; (64 St. Rep. 236).

Dailey v. Dailey, 9 Misc. 511; 61 St. Rep. 94; 30 Supp. 337.

Dailey v. Young, 13 Supp. 435.

Cited, Brokers — Commissions — Modification of Terms.

16 Misc. 486; (38 Supp. 970). 17 Misc. 555; (75 St. Rep. 102; 40 Supp. 696).

Dain v. Wycoff, 7 N. Y. 191.

Cited, Parent and Child—Loss of Service—Recovery—Foundation of Action.

7 Misc. 32; (57 St. Rep. 498; 27 Supp. 404).

Dake v. Butler, 7 Misc. 302; 58 St. Rep. 550; 28 Supp. 134.

Dake v. Miller, 15 Hun, 356.

Cited, Action — Parties — Appearance — Waiver—Jurisdiction.

76 Hun, 545; (58 St. Rep. 244; 28 Supp. 211).

Dakin v. Danning, 7 Hill. 30.

Cited, Payment—Tender in Court—Right of Defendant to Judgment.

18 Misc. 227; (75 St. Rep. 870; 41 Supp. 479).

Dakin v. Demming, 6 Paige, 95.

Cited, Trustees — Commissions — When Payable.

73 Hun, 55; (56 St. Rep. 104; 25 Supp. 935).

Dakin v. Hudson, 6 Cow. 221.

Cited, Eminent Domain — Right—Jurisdiction—Showing.

76 Hun, 89; (57 St. Rep. 473).

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27 Supp. 845.

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91 Hun, 188; (71 St. Rep. 183; 36 Supp. 346).

Dakin v. Liverpool, London & G. Ins. Co., 77 N. Y. 600.

Cited, Compromise and Satisfaction—When and Upon Whom Binding.

77 Hun, 477; (60 St. Rep. 674; 29 Supp. 105).

Dakin v. Walton, 85 Hun, 561; 66 St. Rep. 832; 33 Supp. 203.

Dakin v. Williams, 11 Wend. 67.

Cited, Contracts—Conditions Precedent—Necessity of Performance.

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Dale v. Brinckerhoff, 7 Daly, 45.

Cited, Sale—Duty of Vendee After Rejection.

4 Misc. 439; (54 St. Rep. 263; 24 Supp. 366).

Warehousemen—Right to Sell Property.

18 Misc. 441; (76 St. Rep. 377; 42 Supp. 377).

Dale v. Delaware, L. & W. R. Co., 73 N. Y. 468.

Cited, Master and Servant—Contributory Negligence—Car Platforms—Elevators.

4 Misc. 166; (53 St. Rep. 198; 23 Supp. 791).

Evidence—Negligence—Change in Place.

81 Hun, 136; (62 St. Rep. 733; 30 Supp. 750).

12 Misc. 419; (67 St. Rep. 576; 33 Supp. 706).

Dale v. Gilbert, 128 N. Y. 625; 40 St. Rep. 353.

Cited, Admissions — Written — Right to Ignore.

13 Misc. 516; (69 St. Rep. 113; 34 Supp. 947).

Dale v. Hepburn, 11 Misc. 286; 65 St. Rep. 444; 32 Supp. 269.

Cited, Agency—Attorney Employed by Collection Agency—Principal.

17 Misc. 335; (39 Supp. 1078).

Dale v. Roosevelt, 5 Johns. Ch. 174.

Cited, Vendor and Purchaser—Mutual Mistake—Purchaser's Right to Relief.

152 N. Y. 575.

Dale v. Smithson, 12 Abb. 237.

Cited, Injunction—Trade Mark—Protection of Deceptive.

72 Hun, 253; (55 St. Rep. 706; 25 Supp. 597).

Dale v. Syracuse, 71 Hun, 449; 54 St. Rep. 381; 24 Supp. 968.

Affirmed, 148 N. Y. 550.

Cited, Negligence—Contributory—Question for Jury.

9 Misc. 160; (59 St. Rep. 682; 29 Supp. 14). 10 Misc. 282; (63 St. Rep. 318; 30 Supp. 1078). 86 Hun, 470; (67 St. Rep. 618; 33 Supp. 948).

Duplicate Citations in Parenthesis.

Daley v. Port Jervis, M. & N. Y. R. Co., 80 Hun, 174; 61 St. Rep. 632; 29 Supp. 1011.

Daley v. Schaaf, 28 Hun, 315.
Cited, Master and Servant—Assurance of Safety by Master—Risks Assumed.
4 App. Div. 330; (74 St. Rep. 188; 38 Supp. 569).

Daley v. Union Dry Dock Co., 9 Misc. 394; 61 St. Rep. 636; 29 Supp. 1063.

Dallas v. Fosdick, 40 How. 249.
Cited, School Privileges—Legislative Control Over.
84 Hun, 459; (65 St. Rep. 479; 32 Supp. 322).

Dalrymple v. Arnold, 21 Hun, 110.
Cited, Executors — Funeral Expenses—Charge Upon Estate.
2 App. Div. 16; (73 St. Rep. 236; 37 Supp. 641).

Executors—Claim for Funeral Expenses—Relation of Holder to Estate.
15 Misc. 604; (72 St. Rep. 321; 38 Supp. 192).

Dalrymple v. Hannum, 54 N. Y. 654.
Cited, Appeal—Discretionary Orders.
150 N. Y. 269.

Dalrymple v. Hillenbrand, 62 N. Y. 5.
Cited, Bills and Notes—Transferees—Bona fide Holders—Diversion.
74 Hun, 447; (57 St. Rep. 186; 26 Supp. 823).

Dalrymple v. Williams, 63 N. Y. 361.
Cited, Trial—Jurors—Verdict—Impeachment by Affidavits of Jurors.
3 Misc. 323; (52 St. Rep. 214; 23 Supp. 24). 25 Supp. 487. 11 Misc. 336; (65 St. Rep. 416; 32 Supp. 235). 91 Hun, 200; (71 St. Rep. 128; 36 Supp. 326). 79 St. Rep. 904; (45 Supp. 904).

Trial—Verdict—Power of Court to Correct.
2 App. Div. 611; (38 Supp. 34; 3 Ann. Cas. 107).

Dalton v. Loughlin, 4 Abb. N. C. 187.
Cited, Justice's Court—Failure to Render Judgment Within Statutory Time—Effect.
11 Misc. 419; (65 St. Rep. 880; 32 Supp. 1148).

Dalton v. Smith, 86 N. Y. 176.
Cited, Assignment—As Collateral—Rights of Assignor on Foreclosure.
69 Hun, 41; (52 St. Rep. 828; 23 Supp. 441).

Dalton v. Vanderveer, 8 Misc. 484; 59 St. Rep. 254; 29 Supp. 342; 23 Civ. Pro. 443; 31 Abb. N. C. 430.

Cited, Actions—Legal and Equitable—Similarity.

11 App. Div. 49; (17 Misc. 104; 39 Supp. 500).

Trial—In Equity—Non-prejudicial Errors.
77 St. Rep. 65; (43 Supp. 65).

Daly, Matter of, 88 Hun, 188; 68 St. Rep. 424; 34 Supp. 414.

Daly, Matter of, 72 St. Rep. 735; 37 Supp. 128.

Daly, Matter of, 18 App. Div. 194; 79 St. Rep. 785; 45 Supp. 785.

Daly v. Alexander Smith & Sons' Carpet Co., 69 Hun, 77; 53 St. Rep. 55; 23 Supp. 269.

Daly v. Amberg, 126 N. Y. 490; 38 St. Rep. 513.

Cited, Contempt—Order—Erroneous.
6 Misc. 460; (56 St. Rep. 779; 27 Supp. 201). 17 App. Div. 582; (79 St. Rep. 576; 45 Supp. 576).

Contempt—Before Process Issued—Notice.

80 Hun, 441; (62 St. Rep. 291; 30 Supp. 460). D. 136 N. Y. 266; (49 St. Rep. 386).

Daly v. Amberg, 36 St. Rep. 713; 13 Supp. 379.

Cited, Injunction—Irregularities.
66 St. Rep. 682; (33 Supp. 47).

Daly v. Byrne, 77 N. Y. 182.

Cited, Evidence—Relevancy—Libel—Similar Attacks.

138 N. Y. 242; (52 St. Rep. 338).

Libel — Repetition After Action Commenced.

75 Hun, 537; (57 St. Rep. 659; 27 Supp. 487). 144 N. Y. 150; (68 St. Rep. 72).

Trial—Reception of Evidence—Objections—Sufficiency.

85 Hun, 180; (65 St. Rep. 723; 32 Supp. 579).

Trial—Improper Remarks by Court—Mode of Review.

20 Misc. 303; (79 St. Rep. 803; 45 Supp. 803).

Daly v. Byrne, 1 Abb. N. C. 150.

Cited, Evidence — Relevancy — Malice — Failure to Plead.

79 Hun, 573; (61 St. Rep. 540; 29 Supp. 924).

Pleading — Libel — Answer — Absence of Malice.

67 St. Rep. 501; (33 Supp. 848; 24 Civ. Pro. 255).

Duplicate Citations in Parenthesis.

Daly v. Greenburg, 69 Hun, 333; 53 St. Rep. 419; 23 Supp. 582.

Daly v. Smith, 38 Super. 158; 49 How. 150.

Cited, Injunction—Services—Contract—Legal Remedy.

66 Hun, 505; (50 St. Rep. 125; 21 Supp. 315).

Daly v. Wise, 132 N. Y. 306; 44 St. Rep. 422.

Cited, Appeal—Review of Evidence—Direction of Verdict Asked by Both Parties.

3 Misc. 610; (51 St. Rep. 858; 22 Supp. 558). 12 Misc. 106; (66 St. Rep. 680; 33 Supp. 85). 5 App. Div. 561; (39 Supp. 432).

Fraud—Misrepresentations—By Landlord as to Condition of Premises.

5 Misc. 347; (55 St. Rep. 505; 25 Supp. 527).

Fraud—Representations—Knowledge of Maker.

72 Hun, 315; (55 St. Rep. 355; 25 Supp. 684). 13 Misc. 147; (38 St. Rep. 20; 34 Supp. 64; 3 Ann. Cas. 240).

Daly v. Wise, 7 Supp. 902; 15 Daly, 431.

Cited, Landlord and Tenant—Abandonment.

17 Misc. 605; (75 St. Rep. 54; 40 Supp. 654).

Dalzell v. Fahy's Watch Case Co., 5 Misc. 493; 55 St. Rep. 159; 25 Supp. 800.

Dalzell v. Fahy's Watch Case Co., 12 Misc. 357; 67 St. Rep. 353; 33 Supp. 564.

Dalzell v. Fahy's Watch Case Co., 138 N. Y. 285; 52 St. Rep. 34.

Cited, Contracts—Waiver of Full Performance—Recovery.

145 N. Y. 180; (64 St. Rep. 585).

Dalzell v. Long Island, R. Co., 119 N. Y. 626.

Cited, Appeal to Court of Appeals—Absence of Questions of Law.

150 N. Y. 222.

Damainville v. Mann, 32 N. Y. 197.

Cited, Contracts—Liability of Strangers to.

D. 2 App. Div. 134; (37 Supp. 878).

Dammann v. Schulting, 75 N. Y. 55. *Cited*, Contracts—Mistake—When Warrants Relief.

138 N. Y. 93; (51 St. Rep. 664).

Fraud—When Concealment Amounts to. 14 App. Div. 502; (77 St. Rep. 912; 43 Supp. 912).

Dammann v. Peterson, 17 Misc. 369; 40 Supp. 70.

Cited, Courts—District—Jurisdiction of Parties—Dismissal.

20 Misc. 342; (79 St. Rep. 757; 45 Supp. 757).

Dammert v. Osborn, 140 N. Y. 30; 55 St. Rep. 586.

Reversing, 65 Hun, 585; 48 St. Rep. 602; 20 Supp. 474.

Cited, Wills—Construction—Religious and Charitable Institutions—Effect of Statute Pertaining to.

8 Misc. 396; (59 St. Rep. 559; 28 Supp. 630). 92 Hun, 101; (71 St. Rep. 762; 36 Supp. 567). 147 N. Y. 109; (69 St. Rep. 404).

Wills—Distribution—What Law Governs. 14 Misc. 105; (69 St. Rep. 562; 35 Supp. 207).

Action—Equitable—Retention to Award Complete Relief.

84 Hun, 185; (55 St. Rep. 795; 32 Supp. 572).

Costs—Action Determining Validity of Testamentary Gift.

92 Hun, 182; (71 St. Rep. 762; 36 Supp. 567).

Dammert v. Osborn, 141 N. Y. 564; 60 St. Rep. 337.

Damuth v. Lee, 20 Misc. 439.

Dan v. Brown, 4 Cow. 483.

Cited, Wills—Probate—Devise of Real Property—Necessary Witnesses.

76 Hun, 519; (59 St. Rep. 367; 27 Supp. 1080).

Dana v. Crown Point Iron Co., 67 Hun, 586; 51 St. Rep. 238; 22 Supp. 455.

Dana v. Fiedler, 12 N. Y. 40.

Cited, Evidence—Parol—In Aid of Writing.

144 N. Y. 422; (63 St. Rep. 655).

Evidence—Custom.

79 St. Rep. 1124; (45 Supp. 1124).

Assignment for Creditors—Preferences—Interest.

6 Misc. 465; (27 Supp. 912).

Damages—Measure—Contracts—Sale.

51 St. Rep. 91.

Interest—Sales—Right of Vendor to.

7 Misc. 7; (57 St. Rep. 81; 27 Supp. 324).

Interest—On Damages.

4 Misc. 120; (53 St. Rep. 465; 23 Supp. 898).

Interest—As Element of Debt.

18 Misc. 196; (75 St. Rep. 807; 41 Supp. 394).

Interest—Allowed as Damages.

10 App. Div. 473; (76 St. Rep. 305; 42 Supp. 305).

Duplicate Citations in Parenthesis.

Dana v. Murray, 122 N. Y. 604; 34 St. Rep. 611.

Cited, Power—Appointment—Suspension of Alienation by.

70 Hun, 271; (53 St. Rep. 897; 24 Supp. 32).

15 Misc. 376; (72 St. Rep. 828; 38 Supp. 43).

5 App. Div. 323; (39 Supp. 244).

Wills—Construction—Perpetuities.

3 Misc. 472; (23 Supp. 738).

Dana v. N. Y. C. & H. R. R. Co., 92 N. Y. 639.

Cited, Master and Servant — Assumed Risks.

1 Misc. 306; (48 St. Rep. 772; 20 Supp. 712).

Master and Servant — Liability of Master to Servant—Acts of Master — Fellow Servant—Negligence.

142 N. Y. 424; (59 St. Rep. 806). 15 App.

Div. 108; (78 St. Rep. 279; 44 Supp. 279).

Master and Servant—Railroads—Rules.

1 Misc. 426; (49 St. Rep. 638; 21 Supp. 429).

Dana v. Tucker, 4 Johns. 487.

Cited, Trial — Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 214; 23 Supp. 25).

Dana v. Wright, 23 Hun, 29.

Cited, Statute of Frauds—Oral Agreement for Sale of Land — Part Performance.

82 Hun, 102; (63 St. Rep. 605; 31 Supp. 204).

Danaher v. Brooklyn, 119 N. Y. 241; 29 St. Rep. 391.

Cited, Municipal Corporations—Liability—Public Well—Impure Water—Reasonable Care.

80 Hun, 169; (61 St. Rep. 715; 29 Supp. 1134).

Danaher v. Brooklyn, 22 St. Rep. 641; 4 Supp. 312.

Cited, Municipal Corporations—Failure to Exercise Power—Liability.

91 Hun, 312; (72 St. Rep. 297; 36 Supp. 1024).

D'Andre v. Zimmerman, 16 Misc. 499; 38 Supp. 1121.

Modified and Affirmed, 17 Misc. 357; 39 Supp. 1086.

D'Andre v. Zimmerman, 17 Misc. 357; 39 Supp. 1086.

Daniel v. New York News Publishing Co., 51 St. Rep. 18; 21 Supp. 862.

Affirmed, 142 N. Y. 660; 60 St. Rep. 868.

Daniels, Matter of, 71 Hun, 199; 53 St. Rep. 859; 24 Supp. 506.

Daniels v. Empire State Savings Bank, 92 Hun, 450; 74 St. Rep. 207; 38 Supp. 580.

Daniels v. Lyon, 9 N. Y. 549.

Cited, Costs—Success by One of Several Defendants.

81 Hun, 363; (63 St. Rep. 150; 30 Supp. 896; 1 Ann. Cas. 19).

Daniels v. Patterson, 3 N. Y. 47.

Cited, Action—Irregularity in Commencement—When Available,

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146).

Daniels v. Smith, 130 N. Y. 696; 3 Silv. Ct. App. 672; 42 St. Rep. 644.

Cited, Appeal — Exceptions—Findings—Requests.

5 Misc. 222; (54 St. Rep. 825; 25 Supp. 464).

Appeal—Findings—When Reviewable.

13 Misc. 220; (68 St. Rep. 116; 34 Supp. 237).

Daniels v. Smith, 130 N. Y. 696

Cited, Evidence—Parol—Collateral Writing.

19 Misc. 633; (78 St. Rep. 392; 44 Supp. 392). 19 Misc. 612; (78 St. Rep. 400; 44 Supp. 400).

Daniels v. Staten Island R. T. Co., 125 N. Y. 407; 85 St. Rep. 435.

Cited, Railroads — Contributory Negligence—Crossings.

71 Hun, 581; (55 St. Rep. 94; 24 Supp. 1071). 80 Hun, 182; (61 St. Rep. 632; 29 Supp. 1010). 87 Hun, 97; (67 St. Rep. 677; 33 Supp. 954).

Railroads—Highway Crossing—Duty to Look and Listen—Negligence.

80 Hun, 156; (61 St. Rep. 710; 29 Supp. 1129). 13 App. Div. 489; (77 St. Rep. 895; 43 Supp. 395).

Danihee v. Hyatt, 68 Hun, 255; 52 St. Rep. 188; 22 Supp. 995.

Cited, Ejectment—Possession—Dismissal of Complaint.

81 Hun, 239; (62 St. Rep. 664; 30 Supp. 708).

Danihee v. Hyatt, 81 Hun, 238; 62 St. Rep. 663; 30 Supp. 707.

Affirmed, 151 N. Y. 493.

Danihee v. Hyatt, 151 N. Y. 493.

Duplicate Citations in Parenthesis.

Dannat v. Fuller, 120 N. Y. 554, 558; 31 St. Rep. 825.

Cited, Contracts—Performance—Condition—Default.

4 Misc. 439; (54 St. Rep. 189; 24 Supp. 696).

Dannat v. Jones, 2 Dem. 602.

Affirmed, 37 Hun, 450; 103 N. Y. 621.

Cited, Executors—Accounting—Costs and Disbursements.

3 Misc. 159; (23 Supp. 978).

Executors—Profits—Disposition.

17 Misc. 686; (75 St. Rep. 933; 41 Supp. 543).

Dannat v. New York, 66 N. Y. 585.

Cited, Municipal Corporations—Claims Against—Mandamus.

18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

Danolds v. Lord, 83 Hun, 359; 64 St. Rep. 651; 31 Supp. 915.

Dansville & Mt. Morris R. Co. v. Hammond, 77 Hun, 39; 59 St. Rep. 49; 23 Supp. 454.

Cited, Condemnation Proceedings—Practice.

86 Hun, 450; (67 St. Rep. 710; 33 Supp. 934). 13 App. Div. 602; (77 St. Rep. 631; 43 Supp. 631).

Danziger v. Boyd, 120 N. Y. 628; 30 St. Rep. 889.

Cited, Champerty—Possession—Disputed Boundary.

85 Hun, 37; (66 St. Rep. 139; 32 Supp. 626).

Danziger v. Falkenberg, 9 Misc. 705; 60 St. Rep. 607; 29 Supp. 586.

Affirmed, 149 N. Y. 597.

Danziger v. Metropolitan Elevated R. Co., 81 Hun, 5; 62 St. Rep. 581; 30 Supp. 580.

Danziger v. Simonson, 116 N. Y. 329; 26 St. Rep. 708.

Cited, Mechanic's Lien—Enforcement—Lis pendens—Expiration of Time.

7 Misc. 618; (58 St. Rep. 795; 27 Supp. 956).

Mechanic's Lien—Foreclosure—Rights of Several Defendants.

9 Misc. 381; (61 St. Rep. 484; 30 Supp. 255).

Darbee v. Elwood, 2 Hun, 599.

Cited, New Trial—Newly Discovered Evidence.

82 Hun, 48; (63 St. Rep. 485; 31 Supp. 163).

Darby v. Condit, 1 Duer, 599.

Cited, Costs—Security—Receiver.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790).

Darling, Matter of, 6 Supp. 191.

Cited, Wills—Testamentary Capacity.

5 Misc. 189; (24 Supp. 861).

Darling v. Arthur, 22 Hun, 84.

Cited, Wills—Execution—Publication.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154). 13 Misc. 556; (35 Supp. 495).

Darling v. Klock, 74 Hun, 248; 55 St. Rep. 874; 26 Supp. 445.

Darling v. Powell, 20 Misc. 240; 79 St. Rep. 794; 45 Supp. 794.

Darling v. Rogers, 22 Wend. 483.

Cited, Wills—Void in Part—When Void in Toto.

13 Misc. 434; (68 St. Rep. 413; 34 Supp. 685).

Darlington v. New York, 2 Robt. 274.

Affirmed, 31 N. Y. 164.

Cited, Constitutional Law—Construction of Statute—Resort to Legislative Journals. 148 N. Y. 556.

Darlington v. New York, 31 N. Y. 164.

Cited, Municipal Corporations—Property of—Nature of Ownership—Legislative Control Over.

80 Hun, 167; (61 St. Rep. 713; 29 Supp. 1132).

Municipal Corporations—Public and Private Powers.

148 N. Y. 52.

Darmour v. Chapman, 2 App. Div. 112; 73 St. Rep. 255; 37 Supp. 674.

Darragh v. McKim, 2 Hun, 337.

Cited, Action—Change of Venue—Convenience of Witness—Delay in Making Motion.

77 Hun, 13; (59 St. Rep. 831; 28 Supp. 280).

Action—Change of Venue—Demand for—Proper County.

76 Hun, 118; (57 St. Rep. 381; 27 Supp. 833).

Darragh v. Ross, 28 St. Rep. 632; 7 Supp. 864.

Cited, Money Had and Received—Misapplication—Recovery.

4 App. Div. 237; (74 St. Rep. 180; 38 Supp. 561).

Darrah v. Boys, 16 Daly, 209; 32 St. Rep. 297; 10 Supp. 697.

Cited, Appeal—Conflicting Evidence.

2 Misc. 71; (49 St. Rep. 148; 23 Civ. Pro. 27).

Duplicate Citations in Parenthesis.

Darrow v. Calkins, 6 App. Div. 28; 39 Supp. 527.

Darrow v. Cornell, 12 App. Div. 604; 76 St. Rep. 1081; 45 Supp. 1081.

Darrow v. Family Fund Society, 116 N. Y. 537; 27 St. Rep. 474.

Cited, Insurance — Policy — Construction — Against Insurer.

5 Misc. 251; (54 St. Rep. 321; 25 Supp. 473). D. 81 Hun, 335; (63 St. Rep. 159; 30 Supp. 883). 88 Hun, 97; (68 St. Rep. 659; 34 Supp. 547). 13 App. Div. 480; (77 St. Rep. 337; 43 Supp. 337).

Darrow v. Morgan, 65 N. Y. 333.

Cited, Mechanic's Lien — Enforcement — Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 326). 7 Misc. 44; (57 St. Rep. 91; 27 Supp. 384).

Darrow v. Riley, 5 Misc. 363; 26 Supp. 91.

Dart v. Farmers' Bank, 27 Barb. 337.

Cited, Courts — Jurisdiction — Foreign Corporations.

18 Misc. 553; (41 Supp. 877).

Dart v. Lainbeer, 107 N. Y. 664; 12 St. Rep. 48.

Cited, Damages — Measure of — Breach of Contract — Future Profits.

75 Hun, 230; (58 St. Rep. 669; 27 Supp. 9; 31 Abb. N. C. 219). 14 Misc. 548; (70 St. Rep. 769; 33 Supp. 10). 12 App. Div. 489, 490; (76 St. Rep. 902, 903; 42 Supp. 902, 903). 13 App. Div. 104; (77 St. Rep. 315; 43 Supp. 315).

Dart v. McAdam, 27 Barb. 187.

Cited, Mortgage — Foreclosure — Defense — Nominal Damages.

13 App. Div. 187; (77 St. Rep. 357; 43 Supp. 357).

Dart v. Solomon, 5 St. Rep. 911.

Cited, Trial — Right to Bring Action on For — Notice of Trial.

18 Misc. 297; (76 St. Rep. 110; 42 Supp. 110).

Dart v. Walker, 3 Daly, 136.

Cited, Evidence — Admissions of Agent.

19 Misc. 77; (77 St. Rep. 172; 43 Supp. 172).

Dash v. Van Kleeck, 7 Johns. 477.

Cited, Statutes — Retroactive Effect.

141 N. Y. 165; (56 St. Rep. 683). 13 Misc. 101; (68 St. Rep. 34; 34 Supp. 80; 1 Ann. Cas. 389). D. 11 App. Div. 310; (76 St. Rep. 928; 42 Supp. 928). 13 App. Div. 73; (77 St. Rep. 403; 43 Supp. 403).

Dater v. Fletcher, 14 Misc. 288; 70 St. Rep. 462; 35 Supp. 686.

Daub v. Yonkers R. Co., 69 Hun, 138; 52 St. Rep. 527; 23 Supp. 268.

Daubney v. Hughes, 60 N. Y. 187.

Cited, Husband and Wife — Necessaries for Wife — Separate Maintenance.

2 Misc. 51; (49 St. Rep. 143; 20 Supp. 859).

Dauchey v. Drake, 85 N. Y. 407.

Cited, Contract — Conditions to be Performed — Materiality.

139 N. Y. 357; (54 St. Rep. 615).

Trial — Questions of Fact — Substitutional Performance of Contract.

60 St. Rep. 297.

Dauchy v. Brown, 41 Barb. 555.

Cited, Justice's Court — Judgment — Subsequent Changes.

92 Hun, 80; (73 St. Rep. 303; 37 Supp. 605).

Dauchy v. Tutt, 19 Week. Dig. 490.

Cited, Contracts — Entire — Performance.

14 Misc. 13; (69 St. Rep. 499; 35 Supp. 126).

Dauscha v. Brower, 72 Hun, 221; 55 St. Rep. 435; 25 Supp. 361.

Cited, Appeal — Sufficiency of Evidence — Objections to First Made on Appeal.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

Davenport v. Brooklyn City R. Co., 100 N. Y. 632.

Cited, Negligence — Contributory — Driving Before Car.

6 Misc. 384; (56 St. Rep. 398; 26 Supp. 755).

Street Railways — Negligence — Contributory — Failure to Observe.

145 N. Y. 200; (64 St. Rep. 593).

Davenport v. Davids, 140 N. Y. 634; 55 St. Rep. 930.

Davenport v. Hulme, 11 Misc. 521; 66 St. Rep. 185; 32 Supp. 803.

Davenport v. Kelly, 42 N. Y. 193.

Cited, Creditor's Bill — Lien — Priority.

89 Hun, 308; (69 St. Rep. 290; 35 Supp. 172). 153 N. Y. 172.

Supplementary Proceedings — Receiver — Priority.

8 App. Div. 560; (75 St. Rep. 284; 40 Supp. 889).

Davenport v. Morrissey, 14 App. Div. 586; 78 St. Rep. 29; 44 Supp. 29.

Cited, Contracts — Construction — Surrounding Circumstances.

D. 15 App. Div. 36; (78 St. Rep. 110; 44 Supp. 110).

*Duplicate Citations in Parenthesis.***Davenport v. Ruckman**, 37 N. Y. 568.

Cited, Highways — Defects — Care Required of Travelers.

51 St. Rep. 408; (22 Supp. 33). 7 App. Div. 522; (40 Supp. 257). 11 App. Div. 269; (76 St. Rep. 154; 42 Supp. 154).

Davenport Glucose Mfg. Co. v. Taussig, 83 Hun, 32.

Cited, Witnesses—Privilege.

8 Misc. 176; (60 St. Rep. 147; 28 Supp. 511; 88 Hun, 312; (68 St. Rep. 570; 34 Supp. 751).

Daveny v. Shattuck, 9 Daly, 66.

Cited, Contracts—Enforcement.

12 Misc. 306; (67 St. Rep. 842; 34 Supp. 41).

Davey v. Lohrmann, 1 Misc. 317; 48 St. Rep. 716; 20 Supp. 675.

Cited, Appeal—Case—Absence of Certificate as to Evidence—What Reviewable.

11 Misc. 381; (65 St. Rep. 293; 32 Supp. 146). 150 N. Y. 361.

Evidence—Error—Harmfulness.

D. 19 Misc. 425.

Trial—Witness—Credibility.

10 Misc. 178; (62 St. Rep. 519; 30 Supp. 911). 13 Misc. 212; (68 St. Rep. 87; 34 Supp. 230). 13 Misc. 217; (68 St. Rep. 113; 30 Supp. 231).

David v. Williamsburg Ins. Co., 83 N. Y. 265.

Cited, Bills and Notes—Fictitious Payee—Good Faith Holder.

66 Hun, 616; (50 St. Rep. 919; 21 Supp. 927).

David Jones Co., Matter of, 67 Hun, 360; 51 St. Rep. 829; 22 Supp. 318.**David Mayer Brewing Co v. Rizzo**, 13 Misc. 336; 68 St. Rep. 361; 34 Supp. 457.**David Stevenson Brewing Co. v. Culbertson**, 18 Misc. 486; 41 Supp. 1039.**David Stevenson Brewing Co. v. Iba**, 12 Misc. 329; 65 St. Rep. 784; 33 Supp. 642; 1 Ann. Cas. 356.**Davidge v. Mayo**, 5 Supp. 475.

Cited, Pleading—Construction—Demand for Relief—Counterclaim.

26 Supp. 733; (23 Civ. Pro. 187).

Davidoff v. Wheeler & Wilson Mfg. Co., 14 Misc. 456; 70 St. Rep. 742; 35 Supp. 1019.

Affirmed, 16 Misc. 31; 73 St. Rep. 280; 37 Supp. 661.

Davidoff v. Wheeler & Wilson Mfg. Co., 16 Misc. 31; 73 St. Rep. 280; 37 Supp. 661.

Cited, Appeal—Weight of Evidence.

18 Misc. 12; (75 St. Rep. 441; 40 Supp. 1124).

Davidow v. Auerbach, 15 App. Div. 424; 78 St. Rep. 461; 44 Supp. 461.**Davidsburgh v. Knickerbocker L. Ins. Co.**, 90 N. Y. 526.

Cited, Courts—Jurisdiction—Foreign Corporations.

8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 437).

Courts—Jurisdiction—Parties.

16 Misc. 383; (74 St. Rep. 432; 38 Supp. 65). 14 App. Div. 250; (77 St. Rep. 430; 43 Supp. 430).

Courts—Want of Jurisdiction—Availability.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317). 16 App. Div. 619, 628; (78 St. Rep. 1059; 1069; 44 Supp. 1059, 1065).

Courts—Statutory Jurisdiction—Strict Compliance.

15 App. Div. 423; (73 St. Rep. 562; 44 Supp. 562).

Davidson v. Alfaro, 80 N. Y. 660.

Cited, Counterclaim—Equitable—Insolvent Creditor.

22 Supp. 143.

Appeal—To Court of Appeals—Amount in Controversy.

146 N. Y. 382; (71 St. Rep. 370).

Set-Off—Judgment—Attorney's Lien.

72 St. Rep. 804; (38 Supp. 176; 1 Ann. Cas. 193).

Davidson v. Baker, 24 How. 39.

Cited, Service—Of Summons and Complaint—Mode.

12 Misc. 210; (67 St. Rep. 892; 34 Supp. 25).

Davidson v. Blumor, 7 Daly, 205.

Cited, Landlord and Tenant—Recitals in Agent's Receipt for Rent—Effect on Lease. 18 Misc. 456; (41 Supp. 962).

Davidson v. Cornell, 132 N. Y. 228; 43 St. Rep. 887.

Cited, Evidence—Expressions of Pain, etc.—Action for Personal Injuries.

1 Misc. 352; (48 St. Rep. 664; 20 Supp. 684).

Master and Servant—Appliances—Obvious Defects—Orders.

3 Misc. 528; (52 St. Rep. 419; 23 Supp. 5).

Master and Servant—Risks of Employment Assumed by Servant.

Duplicate Citations in Parenthesis.

71 Hun, 24; (54 St. Rep. 202; 24 Supp. 617). 67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102).

Master and Servant—Servant's Assumption of Risk—Reliance on Master's Care.

77 Hun, 393; (60 St. Rep. 408; 28 Supp. 886).

Master and Servant—Risks—Assumed—Knowledge of Defects.

70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 11 Misc. 6; (83 St. Rep. 463; 31 Supp. 835). 85 Hun, 97; (66 St. Rep. 67; 32 Supp. 683). 13 Misc. 165; (68 St. Rep. 188; 34 Supp. 140). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410). 13 Misc. 642; (69 St. Rep. 141; 34 Supp. 1090). 13 Misc. 663; (69 St. Rep. 160; 34 Supp. 935). 15 Misc. 225; (71 St. Rep. 175; 36 Supp. 404). 15 App. Div. 261; (78 St. Rep. 200; 44 Supp. 200).

Trial—Question for Jury—Safety of Place of Labor—Furnished by Master.

4 Misc. 504; (54 St. Rep. 342; 24 Supp. 557).

Davidson v. Gas Light Co. See *Davidson v. Westchester Gas Light Co.*

Davidson v. Horn, 47 Hun, 51.

Cited, Justice's Judgment—Filing of Transcript—Effect.

8 App. Div. 540; (75 St. Rep. 202; 40 Supp. 816).

Davidson v. Hutchins, 1 Hilt. 123.

Cited, Partnership—Admissions by One Partner.

17 Misc. 152; (39 Supp. 334).

Davidson v. Mexican Nat. R. Co., 11 App. Div. 28; 76 St. Rep. 1015; 42 Supp. 1015.

Davidson v. Miner, 9 How. 524.

Cited, Witness—Interest—Assignor of Claim.

18 Misc. 249; (75 St. Rep. 1004; 41 Supp. 611).

Davidson v. Weed, 20 Misc. 147; 79 St. Rep. 718; 45 Supp. 718.

Davidson v. Westchester Gas Light Co., 99 N. Y. 553.

Cited, Contract—Implied—Services.

7 Misc. 170; (57 St. Rep. 539; 27 Supp. 254). 82 Hun, 196; (64 St. Rep. 5; 31 Supp. 417). 19 Misc. 93; (77 St. Rep. 971; 43 Supp. 971).

Corporations—Mortgage By—Consent of Stockholders.

17 App. Div. 157; (79 St. Rep. 143; 45 Supp. 143).

Mortgage—Fixtures.

88 Hun, 591; (69 St. Rep. 68; 34 Supp. 904).

Davidson Steam Pump Co. v. Peerless Mfg Co., 13 Supp. 268.

Cited, Appeal—Excessive Verdict—When Not Reviewable.

18 Misc. 163; (75 St. Rep. 914; 41 Supp. 524).

Davies v. Clark, 10 App. Div. 68; 75 St. Rep. 1126; 41 Supp. 825.

Cited, 76 St. Rep. 1123; (42 Supp. 1123).

Davies v. Clark, 76 St. Rep. 1123; 42 Supp. 1123.

Davies v. Davies, 55 Barb. 130.

Cited, Divorce—Cruelty—What Acts of Considered.

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980).

Davies v. Fish, 35 Hun, 430.

Cited, Examination Before Trial—Witness—Privilege.

76 Hun, 611; (59 St. Rep. 881; 28 Supp. 1106). 88 Hun, 312; (68 St. Rep. 570; 34 Supp. 751).

Davies v. Fish, 19 Abb. N. C. 24.

Cited, Action—Right of Intervention,

10 Misc. 215; (64 St. Rep. 9; 31 Supp. 426).

Davies v. Fish, 47 Hun, 314; 13 St. Rep. 554.

Cited, Assignment for Creditors—Assignee—Action Against—Right of Creditors.

8 Misc. 7; (59 St. Rep. 385; 28 Supp. 393).

Davies v. Harvey Steel Co., 6 App. Div. 166; 39 Supp. 791.

Davies v. New York, 93 N. Y. 250.

Cited, Judgment—Offer—Acceptance—Effect as Bar.

8 Misc. 623; (61 St. Rep. 336; 29 Supp. 824), 150 N. Y. 186.

Davies v. New York Concert Co., 41 Hun, 492.

Cited, Bill and Notes—Action on—Defense—Readiness to Pay.

16 Misc. 503; (38 Supp. 973).

Davies v. Pelham Hod Elevating Co., 76 Hun, 289; 57 St. Rep. 805; 27 Supp. 709.

Davies v. Racer, 72 Hun, 43; 55 St. Rep. 191; 25 Supp. 293.

Davis, Matter of, 91 Hun, 53; 71 St. Rep. 625; 36 Supp. 822.

Affirmed, 149 N. Y. 539.

Davis, Matter of, 91 Hun, 209. 71 St. Rep. 181; 36 Supp. 344.

Davis, Matter of, 149 N. Y. 539,

Cited, Tax—Transfer—Procedure—Law Applicable.

20 Misc. 76; (79 St. Rep. 822; 45 Supp. 822). 79 St. Rep. 884; (45 Supp. 884). 152 N. Y. 104.

Duplicate Citations in Parenthesis.

Davis, Matter of, 19 How. 323.

Cited, Officers—Contests of Title—Prima Facie Title—Effect.

5 Misc. 461; (26 Supp. 231).

Davis, Matter of. See Ingraham, Matter of.

Davis v. Aikin, 85 Hun, 554; 66 St. Rep. 706; 33 Supp. 103.

Cited, Pleading—Action in Tort—Counterclaim.

13 Misc. 502; (69 St. Rep. 122; 34 Supp. 955).

Davis v. Allen, 3 N. Y. 168.

Cited, Evidence—Parol—To Explain Receipt.

1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

Appeal—Findings of Referee—Extent of Review.

13 Misc. 221; (68 St. Rep. 116; 34 Supp. 237).

Davis v. American Central Ins. Co., 7 App. Div. 488; 40 Supp. 248.

Cited, Insurance—Policy — Construction Favorable to Insured.

D. 9 App. Div. 364; (75 St. Rep. 727; 41 Supp. 314).

Davis v. American Society, 75 N. Y. 362.

Cited, Equity—Jurisdiction—Restraining Illegal Acts—Public Bodies.

4 Misc. 325; (24 Supp. 656).

Injunction—Criminal Proceedings.

9 Misc. 191; (61 St. Rep. 286; 29 Supp. 806). 11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1087). 6 App. Div. 276; (39 Supp. 783).

Davis v. Bechstein, 69 N. Y. 440.

Cited, Sale — Bona Fide Purchasers — Fraud of Seller in Procuring Title.

75 Hun, 411; (56 St. Rep. 775; 27 Supp. 104).

Evidence—Parol—Consideration.

145 N. Y. 661, 666; (71 St. Rep. 313, 316).

Assignment—Bond and Mortgage—Equities.

81 Hun, 303; (62 St. Rep. 750; 30 Supp. 787). 11 Misc. 599; (67 St. Rep. 307; 33 Supp. 539). 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750).

Davis v. Bemis, 40 N. Y. 453.

Cited, Master and Servant—Violation of Order by Servant—Effect on Master's Liability.

54 St. Rep. 155; (23 Supp. 308).

Principal and Agent—Knowledge of Agent—Notice to Principal.

77 Hun, 456; (60 St. Rep. 655; 29 Supp. 85).

Davis v. Bonn, 13 Misc. 331; 68 St. Rep. 368; 34 Supp. 465.

Davis v. Bonn, 16 Misc. 19; 73 St. Rep. 287; 37 Supp. 688.

Davis v. Bonn, 16 Misc. 365; 74 St. Rep. 371; 38 Supp. 3.

Davis v. Borst, 58 N. Y. 669.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 431; 23 Civ. Pro. 40).

Davis v. Bowe, 118 N. Y. 55.

Cited, Attorney — Authority — Presumption as to Duty.

4 Misc. 587; (25 Supp. 847).

Attorneys—Authority.

13 App. Div. 607; (77 St. Rep. 987; 43 Supp. 987).

Davis v. Bruns, 23 Hun, 648.

Cited, Fraudulent Conveyance—Creditor's Action Attacking—When Maintainable.

12 App. Div. 477; (76 St. Rep. 37; 42 Supp. 37).

Davis v. Cornue, 2 App. Div. 220; 73 St. Rep. 370; 37 Supp. 788.

Reversed, 151 N. Y. 172.

Davis v. Cornue, 151 N. Y. 172.

Davis v. Crandall, 101 N. Y. 311; 1 St. Rep. 64.

Cited, Guardians—Appointment—Citation of Infant.

136 N. Y. 392; (49 St. Rep. 882).

Davis v. Darling, 80 Hun, 299; 62 St. Rep. 48; 30 Supp. 321.

Davis v. Davis, 2 Misc. 549; 51 St. Rep. 509; 22 Supp. 191.

Cited, Divorce—Foreign Decree—Conclusiveness.

82 Hun, 185, 186; (64 St. Rep. 803; 31 Supp. 981).

Davis v. Davis, 4 Misc. 454; 54 St. Rep. 938; 24 Supp. 1151.

Davis v. Davis, 83 Hun, 500; 65 St. Rep. 132; 32 Supp. 10.

Davis v. Davis, 86 Hun, 400; 67 St. Rep. 230; 33 Supp. 477.

Davis v. Davis, 75 N. Y. 221.

Cited, Husband and Wife—Divorce—Alimony.

7 Misc. 581; (58 St. Rep. 397; 28 Supp. 156; 31 Abb. N. C. 238). 5 App. Div. 498; (39 Supp. 37).

Husband and Wife—Right of Wife to Custody of Children—Separation.

12 App. Div. 402; (76 St. Rep. 426; 42 Supp. 426).

Duplicate Citations in Parenthesis.

Davis v. Dayton, 6 Misc. 623; 56 St. Rep. 601; 26 Supp. 727.

Affirmed, 7 Misc. 488; 58 St. Rep. 61; 27 Supp. 969.

Davis v. Dayton, 7 Misc. 488; 58 St. Rep. 61; 27 Supp. 969.

Davis v. Duffie, 8 Bosw. 617; 4 Abb. N. S. 478.

Cited, Criminal Law — Sentence for Felony—Effect on Civil Rights.

69 Hun, 440; (52 St. Rep. 702; 23 Supp. 455).

Davis v. Fox, 1 App. Div. 403; 72 St. Rep. 473; 37 Supp. 163.

Davis v. Gallagher, 55 Hun, 593; 9 Supp. 11.

Cited, Witness — Personal Transactions With Decedents—Removal of Disability.

1 Misc. 32; (22 Supp. 1083).

Davis v. Gallagher, 124 N. Y. 487; 36 St. Rep. 461.

Cited, Evidence—Declarations — Of Executor.

71 Hun, 401; (55 St. Rep. 37; 25 Supp. 30).

Evidence—Declarations—Res Gestae.

78 Hun, 520; (61 St. Rep. 210; 29 Supp. 533).

Davis v. Garr, 6 N. Y. 124.

Cited, Limitation of Action—Suspension of Statute—Death of One Party.

11 Misc. 229, (66 St. Rep. 555; 32 Supp. 1101). D. 9 App. Div. 350; (75 St. Rep. 728; 41 Supp. 315).

Davis v. Graves, 29 Barb. 480.

Cited, Fraudulent Conveyance—Trust.

50 St. Rep. 102; (21 Supp. 870).

Davis v. Gorton, 16 N. Y. 225.

Cited, Master and Servant—General Hiring—Term.

11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

Davis v. Grand Rapids Fire Ins. Co., 15 Misc. 78; 71 St. Rep. 591; 36 Supp. 791.

Davis v. Grand Rapids Fire Ins. Co., 15 Misc. 263; 71 St. Rep. 813; 36 Supp. 792.

Davis v. Grand Rapids Fire Ins. Co., 5 App. Div. 36; 39 Supp. 71.

Cited, Costs—Motion for New Trial.

19 Misc. 418; (77 St. Rep. 1134; 43 Supp. 1134); 20 Misc. 175; (79 St. Rep. 733; 45 Supp. 736).

Davis v. Grand Rapids Fire Ins. Co., 7 App. Div. 403; 39 Supp. 619.

Davis v. Guardian Assurance Co., 87 Hun, 414; 68 St. Rep. 483; 34 Supp. 332.

Davis v. Howard, 73 Hun, 347; 55 St. Rep. 762; 26 Supp. 194.

Davis v. Jones, 8 Civ. Pro. 43.

Cited, Action—Appearance in—Mode.

74 St. Rep. 776; (38 Supp. 883; 1 Ann. Cas. 408).

Davis v. Kerr, 3 App. Div. 322; 73 St. Rep. 726; 38 Supp. 387.

Davis v. Kling, 77 Hun, 598; 60 St. Rep. 456; 28 Supp. 1026.

Davis v. Knipp, 92 Hun, 297; 71 St. Rep. 770; 36 Supp. 705.

Davis v. Lambertson, 56 Barb. 480.

Cited, Nuisance—Pollution of Stream—Equitable Relief.

85 Hun, 66; (65 St. Rep. 861; 32 Supp. 641).

Davis v. Leopold, 87 N. Y. 620.

Cited, Trial—By Court or Referee—Requests to Find—Complex.

73 Hun, 442; (56 St. Rep. 27; 26 Supp. 340). 73 Hun, 352; (55 St. Rep. 765; 26 Supp. 197). 73 Hun, 338; (55 St. Rep. 921; 26 Supp. 270). 82 Hun, 597; (64 St. Rep. 179; 31 Supp. 544). 148 N. Y. 512.

Fraudulent Conveyance—Action to Set Aside—Rights of Transferee.

12 App. Div. 187; (76 St. Rep. 842; 42 Supp. 842). D. 68 Hun, 291; (52 St. Rep. 193; 22 Supp. 857).

Davis v. Marvine, 11 App. Div. 440; 76 St. Rep. 322; 42 Supp. 322.

Davis v. Morris, 36 N. Y. 569.

Cited, Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun, 523; (52 St. Rep. 843).

Davis v. Myers, 86 Hun, 236; 67 St. Rep. 37; 33 Supp. 352.

Davis v. New York, 2 Duer. 666.

Cited, Action—Parties—Interest—People.

83 Hun, 459; (29 Supp. 950).

Davis v. New York, 14 N. Y. 506.

Cited, Action—Parties—Interest—People.

8 Misc. 637; (61 St. Rep. 267; 29 Supp. 956). 83 Hun, 459; (29 Supp. 950).

Nuisance—Public—What is.

135 N. Y. 242; (47 St. Rep. 832).

Municipal Corporations — Change in Streets—Advisability—Courts.

62 St. Rep. 275; (30 Supp. 442).

Streets—Rights in — Power of Municipality to Grant.

153 N. Y. 152.

Highways—Obstruction in as Nuisance.

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67 Hun, 292; (50 St. Rep. 771; 22 Supp. 428). 9 App. Div. 62; (75 St. Rep. 602; 41 Supp. 144).

Nuisance — Public — Liability of Party Maintaining.

12 Misc. 416; (67 St. Rep. 574; 33 Supp. 705). 147 N. Y. 663; (71 St. Rep. 268).

Pleading—Complaint—Sufficiency.

16 Misc. 338; (74 St. Rep. 384; 38 Supp. 88).

Pleading — Complaint — Amendment — Parties.

92 Hun, 428; (72 St. Rep. 106; 36 Supp. 1004). D. 92 Hun, 431; (72 St. Rep. 108; 36 Supp. 1006).

Davis v. N. Y. C. & H. R. R. Co., 47 N. Y. 400.

Cited, Railroads — Crossings — Contributory Negligence—Duty of Traveler.

9 App. Div. 67; (75 St. Rep. 508; 41 Supp. 50).

Davis v. N. Y., L. E. & W. R. Co., 69 Hun, 174; 52 St. Rep. 740; 23 Supp. 358.

Cited, Evidence—Opinions and Conclusions—Matters of Fact.

75 Hun, 606; (59 St. Rep. 625; 27 Supp. 595).

Davis v. N. Y., L. E. & W. R. Co., 78 Hun, 235; 59 St. Rep. 879; 28 Supp. 819.

Affirmed, 145 N. Y. 621; 65 St. Rep. 865.

Davis v. N. Y., L. E. & W. R. Co., 110 N. Y. 646; 17 St. Rep. 172.

Cited, Pleading — Amendment — New Cause of Action—Test.

78 Hun, 471; (60 St. Rep. 780; 29 Supp. 245). 6 Misc. 19; (58 St. Rep. 119; 25 Supp. 1000). 10 Misc. 668; (64 St. Rep. 304; 31 Supp. 679; 1 Ann. Cas. 365).

Pleading—Amendment.

10 Misc. 158; (62 St. Rep. 522; 31 Supp. 4). 1 App. Div. 282; (72 St. Rep. 696; 37 Supp. 343).

Davis v. Packard, 6 Wend. 327.

Cited, Pleading—Jurisdiction—Demurrer, 8 Misc. 297; (59 St. Rep. 212; 28 Supp. 576; 31 Abb. N. C. 437).

Davis v. Reynolds, 48 How. 210.

Affirmed, 5 Hun, 651.

Cited, Action—Parties—Trustee.

20 Misc. 409; (79 St. Rep. 1028; 45 Supp. 1028).

Davis v. Reynolds, 5 Hun, 651.

Cited, Action — Parties — On Contract Made by Agent.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Davis v. Rochester, Town of, 49 St. Rep. 533; 21 Supp. 215.

Davis v. R. W. & O. R. Co., 10 Supp. 334.

Cited, Evidence—Burden of Proof—Preponderance of Evidence—Civil Case—Verdict Showing Party Guilty of Crime.

4 Misc. 566; (25 Supp. 787).

Davis v. Seaman, 64 Hun, 572; 46 St. Rep. 810; 19 Supp. 260.

Cited, Evidence—Books of Account.

13 Misc. 635; (69 St. Rep. 165; 34 Supp. 941).

Davis v. Spencer, 24 N. Y. 386.

Cited, Payment—What Constitutes.

4 App. Div. 255; (74 St. Rep. 50; 38 Supp. 502).

Appeal—Weight of Evidence.

18 Misc. 23; (75 St. Rep. 495; 41 Supp. 39).

Davis v. Stanford, 37 Hun, 531.

Cited, Deposition—Right to Take—Denial of Knowledge by Witness on Application.

70 Hun, 540; (53 St. Rep. 740; 24 Supp. 241). 11 Misc. 521; (64 St. Rep. 470; 32 741).

Davis v. Staten Island R. T. Co., 1 App. Div. 178; 72 St. Rep. 559; 37 Supp. 157.

Davis v. Stover, 58 N. Y. 473.

Cited, Counterclaim—Decedents' Estate—Services to Representative.

139 N. Y. 531; (54 St. Rep. 817). 8 App. Div. 545; (75 St. Rep. 255; 40 Supp. 861).

Davis v. Tallcot, 12 N. Y. 184.

Cited, Judgment — Conclusiveness—Extent.

57 St. Rep. 275; (26 Supp. 298).

Davis v. Toulmin, 77 N. Y. 280.

Cited, Principal and Surety—Defense of Surety—Counterclaim of Principal, 139 N. Y. 336; (54 St. Rep. 631).

Davis v. Willis, 50 St. Rep. 835; 22 Supp. 339.

Davis v. Zimmerman, 91 Hun, 489; 71 St. Rep. 385; 36 Supp. 303.

Cited, Injunction—When Granted.

2 App. Div. 521; (74 St. Rep. 454; 38 Supp. 25).

Davis Sewing Machine Co. v. Best, 50 Hun, 76; 23 St. Rep. 876; 4 Supp. 510.

Cited, Appeal—Case — Certificate—Completeness of Evidence.

79 Hun, 567; (61 St. Rep. 589; 29 Supp. 902). 5 Misc. 230; (54 St. Rep. 827; 25 Supp. 97; 23 Civ. Pro. 173).

*Duplicate Citations in Parenthesis.***Davison's Case**, 13 Abb. 129.

Cited, Contempt—Procedure—Commitment.

67 Hun. 37; (51 St. Rep. 28; 21 Supp. 679).
17 Misc. 219; (40 Supp. 1052).

Davison v. Associates of Jersey County, 71 N. Y. 333.

Cited, Trial—Jury—Waiver—Equity Case—Damages.

69 Hun. 522; (52 St. Rep. 846).

Davison v. Budlong, 40 Hun. 245.

Cited, Statute of Limitation—Computation of Time.

3 Misc. 142; (51 St. Rep. 499; 22 Supp. 922).

17 App. Div. 601; (79 St. Rep. 308; 45 Supp. 308).

Davison v. Farr, 18 Misc. 124; 41 Supp. 170.**Davison v. Luckman**, 45 St. Rep. 727; 18 Supp. 663.

Cited, Appeal—Review of Justice's Judgment—Substantial Justice.

71 Hun. 484; (54 St. Rep. 549; 24 Supp. 977). 15 Misc. 438; (73 St. Rep. 7; 37 Supp. 928).

Davison v. Powell, 16 How. 467.

Cited, Pleading—Denial.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Davoue v. Fanning, 2 Johns. Ch. 252.
Cited, Trustees—Dealing With Trust Estate—Individual Benefits.

6 Misc. 511; (57 St. Rep. 711; 27 Supp. 432). 2 App. Div. 304; (73 St. Rep. 420; 37 Supp. 744). 17 Misc. 710; (40 Supp. 908).

Dawley v. Brown, 79 N. Y. 390.

Cited, Adverse Possession—Comptroller's Lease—Possession Under.

141 N. Y. 364; (57 St. Rep. 440).

Champerly—Conveyance—Adverse Title.

70 Hun. 487; (54 St. Rep. 59; 24 Supp. 256). 85 Hun. 37; (66 St. Rep. 137; 32 Supp. 626). 1 App. Div. 416; (72 St. Rep. 496; 37 Supp. 441).

Judgment—Ejectment—Avoidance in Subsequent Action.

136 N. Y. 574; (50 St. Rep. 27). 75 Hun. 401; (57 St. Rep. 689; 27 Supp. 446).

Judgment—Conclusiveness.

18 Misc. 520; (41 Supp. 990). 16 App. Div. 489; (78 St. Rep. 916; 44 Supp. 916).

Dawson, Matter of, 59 Hun. 242; 36 St. Rep. 311; 12 Supp. 781.

Cited, Partnership—Retirement by Partner—Surety.

84 Hun. 355; (65 St. Rep. 467; 32 Supp. 310).

Dawson, Matter of, 110 N. Y. 114; 16 St. Rep. 844.

Cited, Execution—Lien—To What Attaches—When Effectual.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

Dawson v. Horan, 51 Barb. 459.

Cited, Justices of Peace—City of Rochester—Inferior Jurisdiction—City Officers.

12 App. Div. 63; (76 St. Rep. 857; 42 Supp. 857).

Dawson v. Parsons, 10 Misc. 428; 63 St. Rep. 320; 31 Supp. 78.**Dawson v. Parsons**, 16 Misc. 190; 74 St. Rep. 810; 38 Supp. 1000.**Dawson v. Parsons**, 74 Hun. 221; 56 St. Rep. 372; 26 Supp. 327.**Dawson v. Parsons**, 137 N. Y. 605; 49 St. Rep. 916.**Dawson v. People**, 25 N. Y. 399.

Cited, Indictment—Effect of Surplusage.

137 N. Y. 524; (51 St. Rep. 290).

Statutes—Construction—Public Officers—

Time for Official Action.

67 Hun. 180; (51 St. Rep. 452; 22 Supp. 420).

Dawson v. Troy, City of, 49 Hun. 322; 17 St. Rep. 559; 2 Supp. 137.

Cited, Municipal Corporations—Notice of Action—Personal Injuries—Conditions Precedent.

135 N. Y. 370; (48 St. Rep. 484). 16 Misc. 304; (74 St. Rep. 387; 38 Supp. 90). 18 Misc. 306; (41 Supp. 1080). 19 Misc. 253; (78 St. Rep. 218; 44 Supp. 218).

Day, Matter of, 53 St. Rep. 638; 24 Supp. 873.**Day, Matter of**, 1 Bradf. 476.

Cited, Wills—Joint Execution—Validity.

10 Misc. 302, 303; (64 St. Rep. 307; 31 Supp. 681).

Wills—Mutual Revocation.

85 Hun. 264; (66 St. Rep. 440; 32 Supp. 1036; 1 Ann. Cas. 411).

Day v. Alverson, 9 Wend. 223.

Cited, Ejectment—Possession Under Claim of Ownership.

14 Misc. 375; (71 St. Rep. 416; 36 Supp. 80).

Day v. Bach, 87 N. Y. 56.

Cited, Attachment—Vacation—Trespass.

7 Misc. 398; (57 St. Rep. 557; 27 Supp. 921). 10 Misc. 348, 349; (63 St. Rep. 410, 411; 31 Supp. 126, 127; 24 Civ. Pro. 198).

Execution—Irregular—Damages for Issuing—Vacation—As Condition.

23 Civ. Pro. 241; (31 Abb. N. C. 43; 5 Misc. 314; 25 Supp. 932).

Process—Erroneous and Void—Distinction Between.

4 Misc. 270; (53 St. Rep. 319; 24 Supp. 102).

Duplicate Citations in Parenthesis.

Day v. Brooklyn City R. Co., 12 Hun, 435.

Cited, Master and Servant—Liability of Master to Third Persons—Acts of Servant. 9 Misc. 6; (59 St. Rep. 676; 29 Supp. 52).

Day v. Day, 4 Misc. 235; 24 Supp. 873.

Day v. Day, 94 N. Y. 153.

Cited, Towns—Bridges Between—Joint Liability—Notice—Waiver.

87 Hun, 546; (68 St. Rep. 37; 34 Supp. 385).

Day v. Day, 26 Supp. 759.

Cited, Pleadings Supplemental—Divorce—Adultery Since Action.

8 Misc. 98; (60 St. Rep. 161; 28 Supp. 1005; 31 Abb. N. C. 258). 5 Misc. 417; (26 Supp. 759).

Day v. Duckworth, 17 Misc. 305; 40 Supp. 378.

Day v. Flushing, North Shore & Cent. R. Co., 75 N. Y. 610.

Cited, Negligence—Contributory.

14 Misc. 281; (70 St. Rep. 254; 35 Supp. 853).

Day v. Greenbaum, 82 Hun, 533; 64 St. Rep. 335; 31 Supp. 610.

Affirmed, 152 N. Y. 641.

Day v. Hammond, 57 N. Y. 479.

Cited, Arbitration—Notice and Hearing—Waiver—Award—Effect.

6 Misc. 418; (27 Supp. 295).

Arbitration—Oath of Arbitrators.

74 Hun, 65; (56 St. Rep. 198; 26 Supp. 119).

Day v. Harris, 37 St. Rep. 322; 14 Supp. 3; 20 Civ. Pro. 255.

Cited, Service—Witness—Privilege.

10 Misc. 292; (63 St. Rep. 245; 30 Supp. 1055; 24 Civ. Pro. 129).

Day v. Hunt, 112 N. Y. 191; 20 St. Rep. 233.

Cited, Specific Performance—Absolute Right to.

50 St. Rep. 812; (21 Supp. 885).

Specific Performance—When Granted.

9 App. Div. 218; (75 St. Rep. 622; 41 Supp. 173). 152 N. Y. 310.

Specific Performance—Necessity of Tender of Performance.

10 App. Div. 552; (76 St. Rep. 437; 42 Supp. 437).

Day v. New Lots, Town of, 107 N. Y. 148; 11 St. Rep. 361; 27 Week. Dig. 349.

Cited, Pleadings—Sufficiency of Proof.

8 Misc. 10; (58 St. Rep. 314; 28 Supp. 64; 23 Civ. Pro. 385). 11 Misc. 301; (65 St. Rep. 502; 32 Supp. 295; 1 Ann. Cas. 98). 87 Hun, 193; (67 St. Rep. 450; 33 Supp. 807). 17 Misc. 153; (39 Supp. 335).

Pleading—Variance.

69 Hun, 494; (52 St. Rep. 723; 23 Supp. 413). 80 Hun, 414; (62 St. Rep. 66; 30 Supp. 291). 85 Hun, 60; (66 St. Rep. 62; 32 Supp. 678). 89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317).

Appeal—Admission of Evidence Upon Argument.

80 Hun, 442; (62 St. Rep. 292; 30 Supp. 461). 87 Hun, 278; (67 St. Rep. 437; 33 Supp. 810).

Day v. N. Y. C. R. Co., 22 Hun, 412.

Cited, Contracts—Statute of Frauds—Performance Within Year.

72 Hun, 461; (54 St. Rep. 780; 25 Supp. 299).

Day v. N. Y. C. R. Co., 51 N. Y. 583.

Cited, Contracts—Statute of Frauds—Part Performance—Compensation.

72 Hun, 632; (55 St. Rep. 284; 25 Supp. 163). 71 Hun, 481; (54 St. Rep. 408; 24 Supp. 1013). 83 Hun, 405; (64 St. Rep. 668; 31 Supp. 879).

Day v. N. Y. El. R. Co., 3 Misc. 616; 52 St. Rep. 319; 23 Supp. 179.

Day v. Ogdensburgh & L. C. R. Co., 107 N. Y. 129; 11 St. Rep. 335.

Cited, Corporation—Power of Directors—Income—Rights of Bondholders.

139 N. Y. 184; (54 St. Rep. 509).

Railroads—Consolidation—Rights of Bondholders.

69 Hun, 385; (52 St. Rep. 803; 23 Supp. 642). 89 Hun, 320; (70 St. Rep. 227; 35 Supp. 567).

Day v. Orient Mut. Ins. Co., 1 Daly 13.

Cited, Insurance—Breach of Warranty—Forfeiture.

1 App. Div. 95; (72 St. Rep. 21; 36 Supp. 1078).

Day v. Pool, 63 Barb. 506.

Affirmed, 52 N. Y. 416.

Cited, Sale—Express Warranty—Survival After Acceptance.

79 Hun, 55; (61 St. Rep. 184; 29 Supp. 640).

Day v. Pool, 52 N. Y. 416.

Cited, Sale—Express Warranty—Effect of Acceptance.

10 Misc. 648; (65 St. Rep. 217; 32 Supp. 123).

*Duplicate Citations in Parenthesis.***Day v. Roth**, 18 N. Y. 448.*Cited*, Trusts — Personalty — Creation — Parol.

80 Hun, 149; (61 St. Rep. 638; 29 Supp. 1017). 3 App. Div. 59; (74 St. Rep. 849; 38 Supp. 1036).

Trust—Implied—Declaration to Create.

79 Hun, 497; (61 St. Rep. 536; 29 Supp. 920).

Trusts—Parol—Delivery of Property.

6 Misc. 508; (57 St. Rep. 709; 27 Supp. 430).

Trusts—Creation—Conveyance in Name of Another.

11 Misc. 231; (64 St. Rep. 257; 32 Supp. 838).

Day v. Saunders, 1 Abb. Ct. App. Dec. 495.*Cited*, Bills and Notes—Rights of Transferee—Bona Fide Holders.

50 St. Rep. 198; (137 N. Y. 110).

11 Misc. 8; (63 St. Rep. 439; 31 Supp. 841).

Day v. Studebaker Bros. Mfg. Co.,

13 Misc. 320; 68 St. Rep. 366; 34 Supp. 463.

Day v. United States Car Spring Co.,

2 Duer, 608.

Cited, Foreign Corporations—Receiver—Power to Appoint.

18 Misc. 552; (41 Supp. 876).

Dayger, Matter of, 47 Hun, 127.*Cited*, Wills—Subscription at End.

19 Misc. 679; (78 St. Rep. 606; 44 Supp. 606).

Dayton v. H. B. Clafin Co., 41 Supp. 839.**Dayton v. H. B. Clafin Co.**, 79 St. Rep. 1005; 45 Supp. 1005.**Dayton v. Parke**, 67 Hun, 137; 51 St. Rep. 542; 22 Supp. 613.*Reversed*, 142 N. Y. 391; 59 St. Rep. 788.**Dayton v. Parke**, 142 N. Y. 391; 59 St. Rep. 788.*Cited*, Shipping—Demurrage—Liability of Consignee.

10 App. Div. 405; (75 St. Rep. 1201; 41 Supp. 802).

Evidence—Hearsay—Failure of Proof

19 Misc. 372; (77 St. Rep. 489; 43 Supp. 489).

Dayton v. N. Y., L. E. & W. R. Co.,

81 Hun, 284; 62 St. Rep. 747; 38 Supp. 783.

Cited, Railroads—Fences—Injury to Stock.

4 App. Div. 224; (74 St. Rep. 216; 38 Supp. 588).

Dayton v. Wilkes, 17 How. 510.*Cited*, Injunction—Good Will—Right of Vendee.

8 Misc. 301; (59 St. Rep. 285; 28 Supp. 738)

Deagan v. Von Glahn, 75 Hun, 39; 58

St. Rep. 155; 26 Supp. 989.

Deal v. Maxwell, 51 N. Y. 652.*Cited*, Statute of Frauds—Property Not in Existence.

17 Misc. 732; (41 Supp. 414).

Dean, Matter of, 83 Hun, 413; 64 St.

Rep. 729; 31 Supp. 959.

Dean, Matter of, 2 Cow. 605.*Cited*, Time—Computation of—Statute of Limitation.

17 App. Div. 599; (79 St. Rep. 307; 45 Supp. 307).

Dean v. Benn, 69 Hun, 519; 52 St. Rep. 844; 23 Supp. 708.*Affirmed*, 142 N. Y. 684; 60 St. Rep. 871.*Cited*, Trial—Right to Jury—Waiver.

88 Hun, 113; (68 St. Rep. 537; 34 Supp. 614).

Dean v. Benn, 142 N. Y. 684; 60 St. Rep. 871.*Cited*, Trial—Right to Jury—Waiver.

88 Hun, 113; (68 St. Rep. 537; 34 Supp. 614).

Dean v. Biggs, 25 Hun, 122.*Affirmed*, 93 N. Y. 662.*Cited*, Corporations—Mortgage—Property Included—Choses in Action.

3 App. Div. 125, 126; (39 Supp. 424, 425).

Dean v. Clark, 80 Hun, 80; 61 St. Rep.

746; 30 Supp. 45.

Dean v. DeWolf, 16 Hun, 186.*Affirmed*, 82 N. Y. 626.*Cited*, Corporations—Dissolution—Preferences—Wages of Employees—Who are.

73 Hun, 331; (55 St. Rep. 906; 26 Supp. 212). 79 St. Rep. 631; (45 Supp. 631).

Dean v. Driggs, 82 Hun, 561; 64 St. Rep.

183; 31 Supp. 548.

Affirmed, 145 N. Y. 595; 65 St. Rep. 865.**Dean v. Driggs**, 137 N. Y. 274; 50 St.

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Dean v. Driggs, 7 Supp. 449.

82 Hun, 562; (64 St. Rep. 183; 31 Supp. 549).

Dean v. Gilbert, 92 Hun, 427; 72 St.

Rep. 106; 36 Supp. 1004.

Dean v. Gridley, 10 Wend. 254.*Cited*, Pleading—Justice's Court—Misjoinder—How Taken Advantage of.

85 Hun, 502; (66 St. Rep. 831; 33 Supp. 203).

Duplicate Citations in Parenthesis.

Dean v. Marschall, 90 Hun, 335; 70 St. Rep. 504; 35 Supp. 724.

Dean v. Metropolitan El. R. Co., 119 N. Y. 540; 30 St. Rep. 81.

Cited, Husband and Wife—Conveyances Between.

3 Misc. 4; (53 St. Rep. 627; 23 Supp. 794).

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79 Hun, 80; (61 St. Rep. 172; 29 Supp. 631).

Husband and Wife—Gift—Validity—Rights of Creditors.

7 Misc. 466; (59 St. Rep. 874; 28 Supp. 392).

Elevated Railway—Recovery for Easements Taken—Necessity of Showing Title.

1 App. Div. 53; (72 St. Rep. 159; 37 Supp. 7).

Statutes—Construction—Changing Common Law.

24 Supp. 12. 10 Misc. 408; (63 St. Rep. 525; 31 Supp. 133).

Dean v. Raplee, 75 Hun, 389; 57 St. Rep. 690; 27 Supp. 438.

Affirmed, 145 N. Y. 319; 64 St. Rep. 677.

Dean v. Raplee, 145 N. Y. 319; 64 St. Rep. 677.

Dean v. Van Nostran, 23 Week. Dig. 97.

Cited, Witness—Credibility of—Interested Party.

7 Misc. 683; (58 St. Rep. 379; 28 Supp. 39).

85 Hun, 47; (66 St. Rep. 50; 32 Supp. 666).

86 Hun, 41; (66 St. Rep. 835; 33 Supp. 207).

Dean v. Woodward, 52 Hun, 421; 24 St. Rep. 461; 5 Supp. 593.

Cited, Contracts—Employment—Renewal.

82 Hun, 461; (64 St. Rep. 486; 31 Supp. 782).

Deansville Cemetery Ass'n, Matter of, 66 N. Y. 569.

Cited, Cemeteries—Burial Lots—Estate of Owners.

80 Hun, 273; (62 St. Rep. 84; 30 Supp. 161).

Statutes—Legislative Determination—Review by Courts.

89 Hun, 299; (69 St. Rep. 280; 35 Supp. 164).

Constitutional Law—Eminent Domain—Taking for Private Purposes.

16 App. Div. 510; (78 St. Rep. 931; 44 Supp. 931). 14 Misc. 270; (70 St. Rep. 674; 35 Supp. 1015). 16 App. Div. 539; (78 St. Rep. 1021; 44 Supp. 1021).

Constitutional Law—Police Power.

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Dearborn v. The S. A. Holmes Refining Co., 7 Misc. 513; 28 Supp. 493.

Dearing, Matter of, 4 Dem. 81.

Cited, Executors—Removal.

8 Misc. 143; (59 St. Rep. 484; 29 Supp. 1081).

Dearing v. Pearson, 6 Misc. 617; 55 St. Rep. 774; 26 Supp. 74.

Affirmed, 8 Misc. 277; 59 St. Rep. 207; 28 Supp. 714.

Cited, Appeal—Case—Settlement.

11 Misc. 445; (65 St. Rep. 419; 32 Supp. 220).

Dearing v. Pearson, 8 Misc. 269; 59 St. Rep. 201; 28 Supp. 715.

Cited, Appeal—Review of Weight of Evidence.

12 Misc. 16; (66 St. Rep. 537; 33 Supp. 38).

12 Misc. 106; (66 St. Rep. 680; 33 Supp. 85). 18 Misc. 206; (75 St. Rep. 780; 41 Supp. 370).

Appeal—Exceptions.

12 Misc. 48; (66 St. Rep. 728; 33 Supp. 71).

14 Misc. 310; (70 St. Rep. 445; 35 Supp. 710).

Contracts—Employment—Breach—Damages—Keeping Down.

19 Misc. 7; (76 St. Rep. 910; 42 Supp. 910).

Dearing v. Sears, 19 St. Rep. 325; 3 Supp. 31.

Cited, Brokers—Compensation—Acting for Both Parties.

8 Misc. 361; (59 St. Rep. 594; 28 Supp. 707).

Deas v. Wandell, 3 T. & C. 128.

Cited, Wills—Undue Influence—What Constitutes and How Proved.

1 Misc. 46; (22 Supp. 1057).

DeBarante v. Deyermant, 41 N. Y. 355.

Cited, Appeal—Order Refusing to Open Default.

2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 39).

Action—Order Discontinuing—Costs.

9 App. Div. 207; (41 Supp. 377; 3 Ann. Cas. 358; 75 St. Rep. 787).

Appeal—Order Pending Action.

16 Misc. 552; (74 St. Rep. 773; 38 Supp. 880).

DeBautte v. Curiel, 2 Misc. 170; 49 St. Rep. 622; 21 Supp. 617.

Affirmed, 142 N. Y. 635; 60 St. Rep. 865.

De Bavier v. Funke, 50 St. Rep. 442; 21 Supp. 410.

Affirmed, 142 N. Y. 633; 60 St. Rep. 865.

Duplicate Citations in Parenthesis.

De Bemer v. Drew, 57 Barb. 438.

Cited Foreign Corporations—Receiver—Power to Appoint.

18 Misc. 553; (41 Supp. 876).

De Bevoise v. Ingalls, 84 Hun. 186; 68 St. Rep. 423; 34 Supp. 413.

Debevoise v. N. Y., Lake Erie & W. R. Co., 98 N. Y. 377.

Cited, Pleading—Necessity to Plead—Foreign Statute.

80 Hun. 16; (61 St. Rep. 493; 29 Supp. 834).

Action—For Wrongful Death in Another State—When Lies.

12 App. Div. 30; (76 St. Rep. 171; 43 Supp. 171).

De Bost v. Albert Palmer Co., 35 Hun., 386.

Cited. Bills and Notes—Made by Officers of Corporation—Necessity of Showing Authority.

15 App. Div. 524.

De Braekeleer & Co. v. Schwabeland. See *E. De Braekeleer & Co. v. Schwabeland*.

De Bussierre v. Holladay, 4 Abb. N. C. 111; 55 How. 20.

Cited. Equity—Remedy at Law—Necessity of Pleading.

78 Hun. 442; (60 St. Rep. 757; 29 Supp. 204). 61 St. Rep. 646; (29 Supp. 204).

De Camp, Matter of, 7. Hun. 478; 60 St. Rep. 670; 29 Supp. 99.

Reversed, 151 N. Y. 517.

Cited, Appeal—Extent of Review—Acts of Highway Commissioners.

88 Hun. 140; (68 St. Rep. 281; 34 Supp. 594). 7 App. Div. 46; (40 Supp. 26).

De Camp, Matter of, 151 N. Y. 557.

Cited, Eminent Domain—Decision of County Court—To What Extent Conclusive.

152 N. Y. 216.

De Camp v. McIntire, 115 N. Y. 258; 26 St. Rep. 266.

Cited, Evidence—Parol—In Aid of Writing.

12 Misc. 16; (66 St. Rep. 537; 33 Supp. 38).

De Camp v. Thomson, 16 App. Div. 528; 78 St. Rep. 104; 44 Supp. 1014.

De Canio v. New York, 15 Misc. 38; 71 St. Rep. 473; 36 Supp. 423.

De Carrillo v. Carrillo, 53 Hun. 359; 25 St. Rep. 423; 6 Supp. 305.

Cited, Pleading—Bill of Particulars—Divorce.

76 Hun. 588; (58 St. Rep. 274; 28 Supp. 215).

De Castro v. Compagnie F. Du Tel De Paris a N. Y., 85 Hun. 231; 66 St. Rep. 391; 32 Supp. 960.

De Caumont v. Bogert, 36 Hun. 382. *Cited*, Gift—Deed of or Delivery to Perfect.

70 Hun. 477; (53 St. Rep. 795; 24 Supp. 286).

De Caumont v. Morgan, 21 Week. Dig. 357.

Cited, Pleading—Misjoinder of Causes of Action—Demurrer.

7 Misc. 470; (58 St. Rep. 512; 27 Supp. 994; 23 Civ. Pro. 359).

De Cernea v. Cornell, 3 Misc. 241; 52 St. Rep. 136; 22 Supp. 941.

Reversing, 1 Misc. 399; 49 St. Rep. 871; 20 Supp. 895.

Dechert v. Municipal Electric Light Co., 65 St. Rep. 849; 32 Supp. 727.

Dechert v. Municipal Electric Light Co., 9 App. Div. 573; 75 St. Rep. 1081; 41 Supp. 692.

Deck v. Johnson, 1 Abb. Ct. App. Dec. 497.

Cited, Evidence—Declarations—Of Agent as to Authority.

49 St. Rep. 736; (20 Supp. 772). 17 Misc. 153; (39 Supp. 334).

Deckelmann, Matter of, 84 Hun. 476; 65 St. Rep. 620; 32 Supp. 404.

Deckelmann v. Braunsdorf. See *Deckelmann, Matter of*.

Decker v. Anderson, 39 Barb. 346.

Cited, Replevin—Liability on Bond—Failure to justify.

6 Misc. 477; (57 St. Rep. 703; 27 Supp. 528).

Decker v. Boice, 83 N. Y. 215.

Cited, Mortgage—Effect of Record on Rights of Assignee.

137 N. Y. 339; (50 St. Rep. 785). 12 Misc. 330; (65 St. Rep. 785; 33 Supp. 643; 1 Ann. Cas. 357).

Decker v. Carr, 11 App. Div. 432; 76 St. Rep. 243; 42 Supp. 243.

Decker v. Decker, 17 Hun. 13.

Cited, Trespass—Parties in Joint Possession.

82 Hun. 361; (64 St. Rep. 156; 31 Supp. 566).

Decker v. Decker, 108 N. Y. 128; 13 St. Rep. 131.

Cited, Action—Parties—Defect—Waiver. 4 Misc. 414; (53 St. Rep. 575; 24 Supp. 328).

Duplicate Citations in Parenthesis.

Limitation of Action—When Barred—
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60 St. Rep. 75.

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4 App. Div. 58; (38 Supp. 630; 25 Civ. Pro. 338).

Judgment—Correction.

92 Hun, 84; (71 St. Rep. 805; 36 Supp. 638). 16 App. Div. 471; (78 St. Rep. 938; 44 Supp. 938).

Decker v. Ekelman, 17 Misc. 665; 41 Supp. 412.

Decker v. Fisher, 4 Barb. 595.

Cited, Fish—In Private Pond—Ownership.

66 Hun, 193; (49 St. Rep. 174; 21 Supp. 126).

Decker v. Gardner, 124 N. Y. 334; 36 St. Rep. 267.

Cited, Corporations—Sequestration—Effect.

63 Hun, 402; (52 St. Rep. 181; 22 Supp. 892).

Corporations—Dissolution—Suspension.

79 Hun, 107; (61 St. Rep. 183; 29 Supp. 638). Receivers—Title.

4 Misc. 113; (53 St. Rep. 460; 23 Supp. 893). 10 Misc. 166; (62 St. Rep. 484; 30 Supp. 830). 16 App. Div. 151; (79 St. Rep. 102; 45 Supp. 102).

Action—Equitable—Impounding Fund Pending Litigation.

92 Hun, 571; (72 St. Rep. 411; 36 Supp. 1071).

Mortgage—Foreclosure—Receiver Pending Action.

6 App. Div. 247; (39 Supp. 1032).

Corporations—Receiver—Powers and Duties.

10 Misc. 686, 690; (65 St. Rep. 95, 98; 31 Supp. 1001, 1004; 1 Ann. Cas. 337). 12 Misc. 57; (66 St. Rep. 686; 33 Supp. 51). 11 App. Div. 257; (76 St. Rep. 216; 42 Supp. 216).

Decker v. Gaylord, 8 Hun, 110.

Cited, Landlord and Tenant—Lease—Signer Unnamed in—Joint Liability.

71 Hun, 538; (54 St. Rep. 916; 24 Supp. 1083).

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75 St. Rep. 882; (3 Ann. Cas. 299).

Decker v. Gaylord, 35 Hun, 584.

Cited, Evidence—Slander—Malice—Extrinsic Matters.

5 App. Div. 608; (39 Supp. 460).

Decker v. Hassel, 26 How. 528.

Cited, Contract—Master and Servant—Discharge of Servant—Damages—Measure of.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194). 9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194).

Decker v. Kitchen, 26 Hun, 173.

Cited, Judgment—Default—Irregularity—Setting Aside—Laches.

7 Misc. 523; (64 St. Rep. 373; 27 Supp. 1007).

Decker v. Livingston, 15 Johns. 479.

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86 Hun, 206; (67 St. Rep. 53; 33 Supp. 311).

Evidence—Receipt—Presumption.

9 Misc. 481; (61 St. Rep. 101; 30 Supp. 242).

Decker v. Mathews, 12 N. Y. 313.

Cited, Bills and Notes—Conversion—Remedies.

68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241). 86 Hun, 547; (67 St. Rep. 522; 33 Supp. 777). 18 Misc. 126; (41 Supp. 171).

Bills and Notes—Conversion—Value—Presumption.

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Decker v. Miller, 2 Paige, 149.

Cited, Executors—Action Against Co-Executor for Claim of Estate.

75 Hun, 135; (57 St. Rep. 794; 27 Supp. 277).

Decker v. Morton, 1 Redf. 477.

Cited, Surrogate's Court—Jurisdiction—Contest as to Share.

8 Misc. 581; (60 St. Rep. 691; 29 Supp. 1089; 24 Civ. Pro. 76).

Decker v. O'Brien, 13 Misc. 94; 68 St. Rep. 73; 34 Supp. 81.

Decker v. O'Brien, 1 App. Div. 81; 72 St. Rep. 22; 36 Supp. 1079.

Decker v. Saltzman, 59 N. Y. 275.

Cited, Debtor and Creditor—Payment to Wrong Party—Rights of Creditor.

11 Misc. 214; (65 St. Rep. 306; 32 Supp. 165). 2 App. Div. 528; (74 St. Rep. 276; 37 Supp. 1094).

Decker v. Sexton, 19 Misc. 59; 77 St. Rep. 167; 43 Supp. 167.

Cited, Courts—District—Setting Aside Verdict—Summary Proceedings.

20 Misc. 595.

Decker v. Union Dime Savings Institution, 15 App. Div. 553; 78 St. Rep. 521; 44 Supp. 521.

De Clemente v. Winstanley, 8 Misc. 45; 59 St. Rep. 455; 28 Supp. 513.

DeComeau v. Guild Farm Oil Company, 3 Daly, 218.

Cited, Judgment—Effect—In Assumpsit for Conversion.

3 Misc. 70; (51 St. Rep. 772; 23 Supp. 695).

See Comeau v. Guild Farm Oil Co.

Duplicate Citations in Parenthesis

De Cordova v. Barnum, 130 N. Y. 615.

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5 App. Div. 146; (39 Supp. 85).

De Cordova v. Powter, 16 St. Rep. 1006; 1 Supp. 147.

Cited, Evidence — Declarations — Partnership.

8 Misc. 503; (59 St. Rep. 413; 28 Supp. 764).

De Couche v. Savetier, 3 Johns. Ch. 190.

Cited, Trustees — Liability — Statute of Limitations.

139 N. Y. 469; (54 St. Rep. 725). 86 Hun, 402; (67 St. Rep. 231; 33 Supp. 478).

Dederer v. Voorhies, 81 N. Y. 153.

Cited, Equity — Jurisdiction — Cloud on Title — Tax.

141 N. Y. 424; (57 St. Rep. 581).

Dederick v. Leman, 9 Johns. 333.

Cited, Debtor and Creditor — Payment of Part as Full Satisfaction.

20 Misc. 3; (78 St. Rep. 909; 44 Supp. 909).

Dederick's Admrs. v. Richley, 19 Wend. 108.

Cited, Reference — Action for Tort.

D. 142 N. Y. 260; (58 St. Rep. 781).

Deegan v. Wade, 144 N. Y. 573; 64 St. Rep. 240.

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Deeley v. Dwight, 132 N. Y. 59; 43 St. Rep. 469.

Cited, Chattel Mortgage — Validity — After Acquired Property.

66 Hun, 586; (50 St. Rep. 110; 21 Supp. 817). 82 Hun, 391; (63 St. Rep. 792; 31 Supp. 342). 19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706). 11 App. Div. 304; (76 St. Rep. 931; 42 Supp. 931).

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14 Misc. 316; (70 St. Rep. 748; 35 Supp. 1053).

Replevin — Right to Maintain — Interest of Plaintiff in Chattel.

2 Misc. 253; (50 St. Rep. 342; 21 Supp. 950). 1 App. Div. 627; (72 St. Rep. 535; 37 Supp. 367).

Deene v. Milne, 113 N. Y. 303; 22 St. Rep. 620.

Cited, Contract — Breach — Equitable Relief.

12 Misc. 380; (67 St. Rep. 348; 33 Supp. 647).

Deering, Matter of, 93 N. Y. 361.

Cited, Municipal Corporations — Public Work — Injury to Private Property.

11 App. Div. 423; (76 St. Rep. 341; 42 Supp. 341).

Deering v. Metcalf, 74 N. Y. 501.

Cited, Witness — Credibility — Falsity in one Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937). D. 10 Misc. 716; (64 St. Rep. 619; 31 Supp. 811). 14 Misc. 313; (70 St. Rep. 458; 35 Supp. 768). 20 Misc. 304; (79 St. Rep. 804; 45 Supp. 804).

Deeves v. Metropolitan Realty Co.,

6 Misc. 91; 55 St. Rep. 399; 26 Supp. 23.

Affirmed, 141 N. Y. 587; 58 St. Rep. 865.

Cited, Trial — Right of Jury — Waiver — Mechanic's Lien — Counterclaim for Damages.

62 St. Rep. 73; (23 Civ. Pro. 410; 30 Supp. 271).

Deeves v. Metropolitan Realty Co.,

41 Supp. 647; 25 Civ. Pro. 276.

De Fino v. Stern, 5 App. Div. 56; 74 St. Rep. 242; 38 Supp. 616.

De Forest, Matter of, 86 Hun. 300; 66

St. Rep. 844; 33 Supp. 216; 24 Civ. Pro. 363; 1 Ann. Cas. 234.

De Forest v. Bates, 1 Edw. Ch. 393.

Cited, Principal and Agent — Power of Attorney — Revocation.

8 Misc. 226; (59 St. Rep. 453; 28 Supp. 568; 23 Civ. Pro. 442).

DeForest v. Farley, 62 N. Y. 628.

Cited, Vendor and Purchaser — Title — Established by Judgment.

19 Misc. 273; (78 St. Rep. 254; 44 Supp. 254).

DeForest v. Huntington, Town of.

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DeForest v. Jewett, 23 Hun, 490.

Affirmed, 88 N. Y. 264.

Cited, Master and Servant — Liability of Master to Servant — Assumption of Risks.

75 Hun, 213; (58 St. Rep. 665; 27 Supp. 18).

DeForest v. Jewett, 88 N. Y. 264.

Cited, Master and Servant — Servant's Assumption of Risks.

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102).

Master and Servant — Apparent Risks.

71 Hun, 131; (54 St. Rep. 222; 24 Supp. 536).

Master and Servant — Risks Assumed — Appliances — Safeguards.

72 Hun, 444; (54 St. Rep. 867; 25 Supp. 190).

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Master and Servant—Contributory Negligence—Assumption of Risks.

139 N. Y. 337; (54 St. Rep. 658).

Master and Servant—Risks Assumed—Knowledge of Defects.

70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 70 Hun, 458; (53 St. Rep. 691; 24 Supp. 503). 72 Hun, 405; (55 St. Rep. 286; 25 Supp. 207). 75 Hun, 326; (58 St. Rep. 215; 26 Supp. 1013; 31 Abb. N. C. 294). 10 Misc. 339; (63 St. Rep. 518; 31 Supp. 137). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410).

DeForest v. Leete, 16 Johns. 122.

Cited, Damages—Breach of Covenant Against Incumbrances.

83 Hun, 477; (65 St. Rep. 81; 31 Supp. 1052). 8 App. Div. 183; (40 Supp. 317; 3 Ann. Cas. 245).

DeForest v. Peck, 84 Hun, 299; 65 St. Rep. 611; 32 Supp. 413.

DeForest v. Walters, 78 Hun, 611; 60 St. Rep. 1; 28 Supp. 831.

Affirmed, 153 N. Y. 229.

DeForest v. Walters, 153 N. Y. 229.

DeFrece, Matter of, 6 Misc. 274; 26 Supp. 866.

DeFrece v. Nat'l Life Ins. Co., 136 N. Y. 144; 48 St. Rep. 909.

Cited, Insurance—Forfeiture—Waiver.

77 Hun, 384; (60 St. Rep. 398; 28 Supp. 851). 16 Misc. 325; (38 Supp. 622).

De Freest v. Bloomingdale, 5 Den. 304.

Cited, Evidence—Presumption—Payment—Notes and Receipts—Conclusiveness.

74 Hun, 179; (56 St. Rep. 356; 26 Supp. 620). 74 Hun, 140; (56 St. Rep. 306; 26 Supp. 239).

De Freest v. Troy, 34 Hun, 580.

Cited, Appeal—Power of General Term.

10 Misc. 738; (65 St. Rep. 215; 33 Supp. 120).

De Freest v. Warner, 30 Hun, 94.

Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (52 St. Rep. 631; 23 Supp. 470).

DeFreest v. Warner, 98 N. Y. 217.

Cited, Statute of Limitations—Acts of Strangers.

15 Misc. 563; (74 St. Rep. 304; 37 Supp. 1134).

Degaramo, Matter of, 86 Hun, 390; 67 St. Rep. 215; 33 Supp. 502.

Degen, Matter of, 89 Hun, 143; 68 St. Rep. 869; 34 Supp. 1137.

Degener v. Stiles, 6 Supp. 474.

Cited, Mortgage—Foreclosure—Receiver. 19 Misc. 219.

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Affirmed, 142 N. Y. 641; 60 St. Rep. 865.

Degener v. Underwood, 62 St. Rep. 121; 30 Supp. 399; 31 Abb. N. C. 479.

Degnan v. Brooklyn City R. Co., 14 Misc. 388; 70 St. Rep. 755; 35 Supp. 1047.

Degnan v. Ransom, 83 Hun, 267; 64 St. Rep. 788; 31 Supp. 966.

De Graff v. N. Y. C. & H. R. R. Co., 76 N. Y. 125.

Cited, Master and Servant—Risks Assumed—Knowledge of Dangers.

140 N. Y. 453; (55 St. Rep. 835). 15 Misc. 253; (71 St. Rep. 467; 36 Supp. 416).

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1 Misc. 304; (48 St. Rep. 770; 20 Supp. 711).

Negligence—Defects in Structure—Presumption.

10 Misc. 736; (64 St. Rep. 505; 31 Supp. 803).

Master and Servant—Machinery and Appliances—Master's Duty Respecting.

D. 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 822).

Degrauw v. Warner, 89 Hun, 9; 69 St. Rep. 271; 35 Supp. 59.

DeGraw v. Clason, 11 Paige 136.

Cited, Wills—Annuity—Payment—Enforcement.

17 App. Div. 311; (79 St. Rep. 206; 45 Supp. 206).

DeGraw v. Elmore, 50 N. Y. 1.

Cited, Fraud—Recovery.

145 N. Y. 617; (71 St. Rep. 368).

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2 Misc. 259; (50 St. Rep. 336; 21 Supp. 939).

Pleading—Complaint—Ejectment—Irrelevant Allegations.

70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257).

DeGroot v. Jay, 30 Barb. 483.

Cited, Action—Stay—Pending Other Action—Non-parties.

139 N. Y. 489; (54 St. Rep. 802).

Receiver—Action Against—Absence of Leave—Remedy.

72 Hun, 635; (54 St. Rep. 670; 25 Supp. 188).

Action—Bringing Without Leave—Contempt.

16 App. Div. 498; (78 St. Rep. 902; 44 Supp. 902).

Duplicate Citations in Parenthesis.

DeGrove v. Metropolitan Ins. Co.,
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8 Misc. 615; (60 St. Rep. 831; 29 Supp. 325).

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DeHerques v. Marti, 85 N. Y. 609.

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138 N. Y. 541; (53 St. Rep. 93).

Dehn v. Manderville, 68 Hun, 335; 52 St. Rep. 281; 22 Supp. 984.

Cited, Criminal Law—Liability.

8 Misc. 171; (60 St. Rep. 148; 28 Supp. 508).

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8 Misc. 549; (60 St. Rep. 691; 29 Supp. 789; 24 Civ. Pro. 6).

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8 Misc. 177; (60 St. Rep. 148; 28 Supp. 508).

Deininger v. Miller, 7 App. Div. 409;
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Deitlin v. Egan, 46 St. Rep. 762; 19 Supp. 392; 22 Civ. Pro. 398.

Cited, Attachment—Credibility of Defendant's Affidavit.

2 Misc. 422; (50 St. Rep. 764; 22 Supp. 75).

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1 Misc. 124; (48 St. Rep. 699; 20 Supp. 704).

DeJonge v. Brenneman, 23 Hun, 332.
Cited, Contempt—Civil—Punishment.

67 Hun, 256; (50 St. Rep. 904; 22 Supp. 427; 23 Civ. Pro. 121).

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3 Misc. 560; (52 St. Rep. 516; 23 Supp. 314). 14 Misc. 190; (70 St. Rep. 195; 35 Supp. 465).

DeKay v. Bliss, 120 N. Y. 91; 30 St. Rep. 820.

Cited, Action—Defense—Condition Precedent.

71 Hun, 461; (54 St. Rep. 537; 24 Supp. 987).

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11 Misc. 429; (65 St. Rep. 272; 32 Supp. 130). 8 App. Div. 604; (75 St. Rep. 406; 40 Supp. 1021).

DeKay v. Irving, 5 Den. 646.

Cited, Wills—Severance.

82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Delacroix v. Bulkley, 13 Wend. 71.

Cited, Contracts — Under Seal — Parol Modification.

11 App. Div. 3; (76 St. Rep. 386; 42 Supp. 386).

DeLacy v. Adams, 3 Misc. 432; 52 St. Rep. 539; 23 Supp. 297.

DeLacy v. Walcott, 36 St. Rep. 79; 13 Supp. 800.

Cited, Depositions—Examination of Defendant to Frame Complaint—Grounds.

7 Misc. 5; (57 St. Rep. 79; 27 Supp. 331).

DeLacy v. Walcott, 2 Misc. 132; 50 St. Rep. 527; 21 Supp. 619.

Delafield v. Barlow, 107 N. Y. 535; 12 St. Rep. 494.

Cited, Wills—Equitable Conversion—Distribution.

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9 Misc. 687; (62 St. Rep. 123; 30 Supp. 546).

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144 N. Y. 563; (64 St. Rep. 238). 14 Misc. 411; (71 St. Rep. 507; 36 Supp. 449). 2 App. Div. 524; (74 St. Rep. 416; 37 Supp. 1120). 18 Misc. 436; (75 St. Rep. 1187; 41 Supp. 789).

Delafield v. DeGrauw, 3 Keyes, 467.

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69 Hun, 434; (52 St. Rep. 615; 22 Supp. 354).

Delafield v. Illinois, State of, 8 Paige, 527.

Cited, Municipal Corporations—Bonds—Sale Below Par.

86 Hun, 551; (67 St. Rep. 531; 33 Supp. 786).

Delafield v. Illinois, State of, 2 Hill, 159; 26 Wend. 192.

Cited, Courts—Jurisdiction—When Exclusive.

1 Misc. 460; (49 St. Rep. 610; 21 Supp. 791).

Municipal Corporations—Bonds—Sale Below Par.

86 Hun, 551; (67 St. Rep. 531; 33 Supp. 786).

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13 Misc. 618; (69 St. Rep. 169; 34 Supp. 945).

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Cited, Wills—Testamentary Capacity—Test.

74 Hun, 464; (56 St. Rep. 689; 26 Supp. 495). 2 Misc. 333; (51 St. Rep. 418; 21 Supp. 962). 3 Misc. 573; (23 Supp. 757). 5 Misc. 186; (24 Supp. 860). 5 Misc. 200; (25 Supp. 110). 56 St. Rep. 711; (25 Supp. 316). 75 Hun, 594; (59 St. Rep. 619; 27 Supp. 604). 16 Misc. 243; (39 Supp. 187). 18 Misc. 151; (75 St. Rep. 1445; 41 Supp. 1098).

Wills—Probate—Contest—Sufficiency of Evidence—Prior Will.

6 Misc. 499; (27 Supp. 245). 5 Misc. 73; (25 Supp. 714).

Wills—Probate—Testamentary Capacity—Sufficiency of Evidence.

82 Hun, 50; (63 St. Rep. 499; 31 Supp. 178).

Delafield v. Shipman, 103 N. Y. 463; 4 St. Rep. 247; 18 Abb. N. C. 291; 25 Week. Dig. 50.

Cited, Wills—Legacies—Lapse.

54 St. Rep. 30; (24 Supp. 230).

Wills—Construction—Vesting—Time.

78 Hun, 523; (61 St. Rep. 9; 29 Supp. 404). 85 Hun, 245; (36 St. Rep. 303; 32 Supp. 908). 147 N. Y. 354; (69 St. Rep. 696). 15 Misc. 376; (72 St. Rep. 828; 38 Supp. 431). 3 App. Div. 42; (74 St. Rep. 405; 37 Supp. 1110). 6 App. Div. 59; (39 Supp. 621). 9 App. Div. 605; (75 St. Rep. 1132; 41 Supp. 739). 10 App. Div. 580; (76 St. Rep. 417; 42 Supp. 417). 14 App. Div. 131; (77 St. Rep. 578; 43 Supp. 578).

Wills—Accumulation of Rents—Disposition.

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Wills—Gift—Individual.

6 App. Div. 58; (39 Supp. 620).

Delafield v. Westfield, Village of, 77 Hun, 124; 59 St. Rep. 73; 28 Supp. 440.**Delafield v. White**, 19 Abb. N. C. 104.

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5 App. Div. 311; (39 Supp. 216).

Delamater v. Miller, 1 Cow. 75.

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DeLancey v. Piepgrass, 73 Hun, 607; 56 St. Rep. 835; 26 Supp. 806.**DeLancey v. Piepgrass**, 73 Hun, 68; 56 St. Rep. 181.**DeLancey v. Piepgrass**, 73 Hun, 610; 56 St. Rep. 736; 26 Supp. 807.**DeLancey v. Piepgras**, 76 Hun, 70; 27 Supp. 1110.**DeLancey v. Piepgras**, 138 N. Y. 26; 51 St. Rep. 680.

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DeLancey v. Piepgrass, 141 N. Y. 88; 56 St. Rep. 651.**DeLancey v. Stearns**, 66 N. Y. 157.

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15 Misc. 172; (72 St. Rep. 173; 37 Supp. 21). 8 App. Div. 571; (75 St. Rep. 324; 40 Supp. 928).

Deland v. Richardson, 4 Den. 95.

Cited, Actions—Adjournment—Stipulation for in Absence of Justice.

3 Misc. 124; (23 Supp. 995).

Delaney, Matter of, 70 St. Rep. 636; 35 Supp. 964.**Delaney v. Brett**, 51 N. Y. 78.

Cited, New Trial—Grounds—Statutory Provision.

6 Misc. 183; (26 Supp. 772; 31 Abb. N. C. 70).

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3 App. Div. 188; (73 St. Rep. 630; 38 Supp. 475). 79 St. Rep. 316; (45 Supp. 316).

Delaney v. McCormack, 88 N. Y. 174.

Cited, Wills—Construction—Rules—Time.

78 Hun, 523; (61 St. Rep. 9; 29 Supp. 404). 145 N. Y. 538; (65 St. Rep. 343). 87 Hun, 486; (69 St. Rep. 98; 34 Supp. 1017). 147 N. Y. 354; (69 St. Rep. 696). 15 Misc. 376; (72 St. Rep. 828; 38 Supp. 431). 10 App. Div. 579; (76 St. Rep. 417; 42 Supp. 417). 12 App. Div. 256; (76 St. Rep. 733; 42 Supp. 733).

Trusts—Death of Trustee—Effect.

2 App. Div. 271; (74 St. Rep. 321; 37 Supp. 1026). 2 App. Div. 524; (74 St. Rep. 416; 37 Supp. 1120).

Delaney v. Miller, 78 Hun, 18; 60 St. Rep. 481; 28 Supp. 1159.

Cited, Pleading—Counterclaim—Costs.

84 Hun, 247; (65 St. Rep. 835; 32 Supp. 507; 1 Ann. Cas. 269).

Duplicate Citations in Parenthesis.

Delaney v. Miller, 84 Hun, 244; 65 St. Rep. 834; 32 Supp. 505; 1 Ann. Cas. 266.

Cited, Attorney's Lien—Set-off.

86 Hun, 591; (67 St. Rep. 783; 33 Supp. 1060). 11 App. Div. 471; (76 St. Rep. 330; 42 Supp. 330).

Appeal Bond—Action on—Counterclaim.

89 Hun, 372; (69 St. Rep. 825; 35 Supp. 415).

Delaney v. Pennsylvania R. Co., 78 Hun, 393; 60 St. Rep. 785; 29 Supp. 236. *Affirmed*, 144 N. Y. 718.

Delaney v. Valentine, 80 Hun, 476; 62 St. Rep. 364; 30 Supp. 512.

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Delaney v. Valentine, 11 App. Div. 523; 76 St. Rep. 335; 42 Supp. 335.

Cited, 76 St. Rep. 1123; (42 Supp. 1123).

Delaney v. Valentine, 11 App. Div. 316; 76 St. Rep. 571; 42 Supp. 571.

Cited, 76 St. Rep. 1123; (42 Supp. 1123).

Delaney v. Valentine, 76 St. Rep. 1123; 42 Supp. 1123.

Delaney v. Van Aulen, 84 N. Y. 16.

Cited, Wills—Gift of Interest—Annuity.

82 Hun, 429, 431; (63 St. Rep. 563, 564; 31 Supp. 257, 258) 153 N. Y. 67.

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14 App. Div. 112; (77 St. Rep. 585; 43 Supp. 585).

Delaney v. Yonkers R. Co., 13 App. Div. 114; 77 St. Rep. 225; 43 Supp. 225.

Delano v. Harp, 37 Hun, 275.

Cited, Appeal—Review of Direction of Verdict—Necessity of Case.

3 Misc. 375; (52 St. Rep. 261; 22 Supp. 1047; 30 Abb. N. C. 296).

De Lano v. Wright, 1 Robt. 298.

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138 N. Y. 505; (53 St. Rep. 105).

Delany v. Van Derveer, 7 Supp. 132; 26 St. Rep. 100.

Cited, Pleadings—Sufficiency of Proof.

8 Misc. 10; (58 St. Rep. 314; 28 Supp. 64; 23 Civ. Pro. 385).

Delap v. Brooklyn, 3 Misc. 22; 51 St. Rep. 128; 22 Supp. 179.

Affirmed, 144 N. Y. 265; 63 St. Rep. 107.

Cited, Eminent Domain—Conveyance Pending Condemnation—Right to Award.

3 Misc. 620; (51 St. Rep. 434).

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8 Misc. 599; (61 St. Rep. 51; 29 Supp. 391).

Eminent Domain—Award—Assignment of—Rights of Mortgagee.

6 Misc. 429; (58 St. Rep. 584; 27 Supp. 126). 6 Misc. 431; (58 St. Rep. 302; 26 Supp. 1112).

Delap v. Brooklyn, 144 N. Y. 265; 63 St. Rep. 107.

Cited, Condemnation Proceedings—Award—Assignment.

87 Hun, 37; (67 St. Rep. 612; 33 Supp. 860).

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6 App. Div. 565; (39 Supp. 720).

De Lavalette v. Wendt, 11 Hun, 432.

Cited, Damages—Measure—Contracts—Profits.

71 Hun, 195; (54 St. Rep. 73; 24 Supp. 567).

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6 Misc. 209; (56 St. Rep. 697; 26 Supp. 538).

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11 Misc. 248; (66 St. Rep. 516; 33 Supp. 16).

De Lavallette v. Wendt, 75 N. Y. 579.

Cited, Evidence—Parol as to Writings—Explanation.

73 Hun, 381; (57 St. Rep. 291; 26 Supp. 264). 3 Misc. 256; (52 St. Rep. 125; 22 Supp. 939).

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Delavergne v. Norris, 7 Johns. 358.

Cited, Damages—Breach of Covenant Against Incumbrances.

83 Hun, 476, 477; (65 St. Rep. 81, 82; 31 Supp. 1051, 1052). 8 App. Div. 183; (40 Supp. 317). 152 N. Y. 302.

Delavigne v. United Ins. Co., 1 Johns. Cas. 310.

Cited, Insurance—Recovery of Premiums Paid.

17 Misc. 369; (39 Supp. 1060).

Delaware Bank v. Jarvis, 20 N. Y. 226.

Cited, Warranty—Title—Recovery by Vendee.

78 Hun, 392; (60 St. Rep. 700; 29 Supp. 135).

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73 Hun, 387; (58 St. Rep. 77; 26 Supp. 454).

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18 Misc. 247; (75 St. Rep. 1002; 41 Supp. 609). 148 N. Y. 134.

Duplicate Citations in Parenthesis.

Delaware, L. & W. R. Co. v. Buffalo, 4 App. Div. 562; 73 St. Rep. 600; 38 Supp. 510.

Delaware, L. & W. R. Co. v. Buffalo, 65 Hun, 464; 48 St. Rep. 501; 20 Supp. 448.

Cited, Railroads—Consent by Municipality to Cross Street—Revocation. 4 App. Div. 566; (73 St. Rep. 602; 38 Supp. 511).

Delaware, L. & W. R. Co. v. Burkard, 36 Hun, 57.

Cited, Surety—Discharge—Extension of Time. 16 Misc. 675; (74 St. Rep. 226; 38 Supp. 598).

Delaware, L. & W. R. Co. v. Burkard, 40 Hun, 625.

Cited, Costs—Separate Defendants. 67 St. Rep. 330; (33 Supp. 624; 24 Civ. Pro. 408). 15 Misc. 122; (71 St. Rep. 837; 36 Supp. 814).

Delaware, L. & W. R. Co. v. Burkard, 109 N. Y. 648.

Cited, Appeal—Order. 151 N. Y. 551.

Delaware, L. & W. R. Co. v. Burkard, 114 N. Y. 197.

Cited, Surety—Discharge—Extension of Time. 9 App. Div. 320, 333; (41 Supp. 331, 335).

Delaware, L. & W. R. Co. v. Gilbert, 44 Hun, 201; 8 St. Rep. 215.

Cited, Ex cutors—Personal Liability. 13 Misc. 321; (67 St. Rep. 547; 33 Supp. 722; 24 Civ. Pro. 374). 88 Hun, 93; (68 St. Rep. 687; 34 Supp. 632; 2 Ann. Cas. 155). 20 Misc. 507.

Delaware, L. & W. R. Co. v. N. Y., S. & W. R. Co., 12 Misc. 230; 67 St. Rep. 784; 33 Supp. 1081.

Delaware & Hud. Canal Co., Matter of, 60 Hun, 204; 37 St. Rep. 839; 14 Supp. 585.

Cited, Taxes—Assessment—Remedial Statutes. 92 Hun, 208; (71 St. Rep. 555; 36 Supp. 524).

Delaware & Hud. Canal Co., Matter of, 69 N. Y. 209.

Cited, Appeal—Court of Appeals—Condemnation Proceedings—Second Report. 141 N. Y. 537; (57 St. Rep. 820).

Eminent Domain—Review of Award by Court of Appeals.

137 N. Y. 97; (50 St. Rep. 183).

Eminent Domain—Confirmation—Effect.

67 Hun, 195; (51 St. Rep. 534; 22 Supp. 115).

Statutes—Repeal—Effect of General on Special.

81 Hun, 357; (63 St. Rep. 121; 30 Supp. 956). 17 App. Div. 100; (78 St. Rep. 872 44 Supp. 872).

Delaware & Hud. Canal Co., Matter of, 129 N. Y. 105; 41 St. Rep. 241.

Cited, Statutes—Retroactive Effect. 70 Hun, 556; (53 St. Rep. 604; 24 Supp. 192).

Delaware & Hud. Canal Co. v. Atkins, 121 N. Y. 246; 30 St. Rep. 928.

Cited, Taxes—Assessment—Review—Certi rari.

137 N. Y. 12; (49 St. Rep. 888). 16 Misc. 417; (73 St. Rep. 344; 38 Supp. 155). 81 Hun, 311, 313.

Injunction—Collection of Tax—Erroneous Assessment.

7 Misc. 204; (56 St. Rep. 518; 27 Supp. 213). 6 App. Div. 275; (39 Supp. 782).

Delaware & Hud. Canal Co. v. Penn. Coal Co., 50 N. Y. 250.

Cited, Arbitration—Award—Conclusiveness.

3 Misc. 289; (52 St. Rep. 408; 22 Supp. 787). 12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524)

Agreements to Arbitrate—Validity.

86 Hun, 381; (67 St. Rep. 225; 33 Supp. 513; 2 Ann. Cas. 287). 2 App. Div. 580; (74 St. Rep. 412; 37 Supp. 1116; 3 Ann. Cas. 118). 4 App. Div. 395; (38 Supp. 856). 14 Misc. 502; (70 St. Rep. 686; 35 Supp. 1061). 15 Misc. 609; (73 St. Rep. 117; 37 Supp. 492). 147 N. Y. 328; (69 St. Rep. 69).

Delaware & Hud. Canal Co. v. Westchester Bank, 4 Den. 97.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 85; (55 St. Rep. 390; 26 Supp. 39).

Delaware & Hud. Canal Co. v. Whitehall, 90 N. Y. 21.

Cited, Highways—Establishment—Across Railways—Compensation—Constitutionality.

72 Hun, 592; (54 St. Rep. 881; 25 Supp. 159).

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69 Hun, 167; (52 St. Rep. 533; 23 Supp. 457).

Highways—Establishment Across Railways—"Track."

17 App. Div. 263; (79 St. Rep. 690; 45 Supp. 690). 90 Hun, 12; (69 St. Rep. 728; 35 Supp. 341).

Duplicate Citations in Parenthesis.

Delcomyn v. Chamberlain, 48 How. 409

Cited, Costs—Disbursements—Necessity. 8 Misc. 422; (59 St. Rep. 35; 28 Supp. 664).

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52 St. Rep. 13; (23 Supp. 546). 86 Hun, 474; (67 St. Rep. 636; 33 Supp. 889). 3 App. Div. 48; (74 St. Rep. 430; 37 Supp. 1083).

Delehanty v. Hake, 10 App. Div. 230; 75 St. Rep. 1264; 41 Supp. 896.

Del Genovese v. New York, 14 St. Rep. 197.

Cited, Appeal—From Judgment—What Questions Reviewed.

4 Misc. 173; (53 St. Rep. 215; 23 Supp. 675). 15 Misc. 440; (73 St. Rep. 434; 37 Supp. 757).

Del Genovese v. Third Ave. R. Co., 13 App. Div. 412; 77 St. Rep. 8; 43 St. Rep. 8.

Delin v. Stohl, 2 Civ. Pro. 222.

Cited, Replevin—Justice's Court—Necessity for Requisition.

77 Hun, 530; (60 St. Rep. 271; 23 Supp. 931).

Delise v. Palladino, 16 Misc. 74; 73 St. Rep. 250; 37 Supp. 705.

De Llamosas v. De Llamosas, 62 N. Y. 618.

Cited, Divorce—Alimony and Expenses—Allowance.

18 Misc. 78; (75 St. Rep. 975; 41 Supp. 584).

Delmore v. Owen, 44 Hun, 296; 7 St. Rep. 584.

Affirmed, 110 N. Y. 679; 18 St. Rep. 1030.

Cited, Attachment—Affidavit—Existence of Lien.

79 Hun, 85; (61 St. Rep. 366; 29 Supp. 509).

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77 Hun, 316; (59 St. Rep. 828; 28 Supp. 430).

Delmotte v. Taylor, 1 Redf. 417.

Cited, Gifts—Causa Mortis.

86 Hun, 173; (67 St. Rep. 67; 33 Supp. 323).

De Loge v. N. Y. C. & H. R. R. Co., 93 Hun, 149; 71 St. Rep. 721; 36 Supp. 697.

DeLong, Matter of, 9 App. Div. 633; 75 St. Rep. 1479; 41 Supp. 1111.

DeLong, Matter of, 41 Supp. 201; 25 Civ. Pro. 363.

Cited, 41 Supp. 1111.

DeLong v. DeLong Hook & Eye Co., 10 Misc. 577; 65 St. Rep. 326; 32 Supp. 203.

Modified and Affirmed, 89 Hun, 399; 70 St. Rep. 161; 35 Supp. 509.

Cited, Injunction—Trademark.

92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386).

DeLong v. DeLong Hook & Eye Co., 7 App. Div. 33; 39 Supp. 903.

DeLong v. DeLong Hook & Eye Co., 89 Hun, 399; 70 St. Rep. 161; 35 Supp. 509.

De Loraz v. McDowell, 68 Hun, 170; 52 St. Rep. 67; 22 Supp. 606.

Affirmed, 142 N. Y. 664; 60 St. Rep. 870.

Cited, Master and Servant—Wrongful Discharge—Damages—Other Employment.

8 App. Div. 528; (75 St. Rep. 250; 40 Supp. 858).

DeLuka v. Goodwin, 142 N. Y. 194; 58 St. Rep. 648.

Del Piano v. Caponigri, 20 Misc. 541.

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Del Valle v. Hyland, 76 Hun, 493; 59 St. Rep. 321; 27 Supp. 1059.

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Cited, Trial—Findings—Sufficiency.

6 App. Div. 115; (39 Supp. 477).

Del Valle v. Navarro, 21 Abb. N. C. 136.

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14 Misc. 82; (69 St. Rep. 532; 35 Supp. 265).

Corporation—Sequestration—Dissolution.

82 Hun, 305; (63 St. Rep. 787; 31 Supp. 338; 24 Civ. Pro. 203; 1 Ann. Cas. 139).

Demann v. Eighth Ave. R. Co., 10 Misc. 191; 62 St. Rep. 476; 30 Supp. 926.

Cited, Street Railways—Negligence—Sudden Starting of Car.

19 Misc. 142.

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Cited, Executors—Accounting—Liability for Property Taken by Co-Executor.

2 Misc. 284; (23 Supp. 974).

Demarest v. Darg, 32 N. Y. 281.

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81 Hun, 458; (63 St. Rep. 618; 31 Supp. 216). 10 App. Div. 567; (76 St. Rep. 81; 42 Supp. 81).

Duplicate Citations in Parenthesis.

Demarest v. Flack, 16 Daly, 337; 32 St. Rep. 675; 11 Supp. 83.

Cited, Corporations—Creation—De facto. 4 Misc. 175; (53 St. Rep. 216; 23 Supp. 677).

Demarest v. Flack, 128 N. Y. 205; 40 St. Rep. 383.

Cited, Pleading—Denial—What Admissible Under.

13 Misc. 142; (68 St. Rep. 232; 34 Supp. 182).

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72 Hun, 22; (55 St. Rep. 71; 25 Supp. 311).

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9 Misc. 378; (61 St. Rep. 482; 30 Supp. 253).

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89 Hun, 419; (69 St. Rep. 763; 35 Supp. 319).

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86 Hun, 322; (67 St. Rep. 198; 33 Supp. 484).

Corporations—Foreign—Certificate.

88 Hun, 256; (68 St. Rep. 699; 34 Supp. 718).

Corporations—Foreign—Recognition by Courts.

143 N. Y. 542; (62 St. Rep. 827). 17 Misc. 303; (40 Supp. 360). 18 Misc. 426; (75 St. Rep. 1418; 41 Supp. 1058).

Demarest v. House, 91 Hun, 290; 71 St. Rep. 59; 36 Supp. 291.

Demarest v. New York, 74 Hun, 517; 57 St. Rep. 211; 26 Supp. 585.

Affirmed, 147 N. Y. 203; 69 St. Rep. 505.

Demarest v. New York, 147 N. Y. 203; 69 St. Rep. 505.

Cited, Statutes—Constitutionality—Consideration of.

14 Misc. 351; (71 St. Rep. 76; 36 Supp. 127). 3 App. Div. 193; (73 St. Rep. 636; 38 Supp. 480). 6 App. Div. 307; (40 Supp. 553). 150 N. Y. 496.

Corporations—De Facto Officers—Conclusiveness of Acts.

14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071).

Demarest v. Wickham, 63 N. Y. 320.

Cited, Statutes—Constitutionality—When Involved.

6 App. Div. 307; (40 Supp. 553).

De Mars v. Boehm, 6 Misc. 33; 56 St. Rep. 612; 26 Supp. 67.

De Matteis v. La Maida, 74 Hun, 432; 57 St. Rep. 178; 26 Supp. 471.

Demby v. Kingston, City of, 60 Hun, 294; 38 St. Rep. 42; 14 Supp. 601.

Affirmed, 133 N. Y. 638; 44 St. Rep. 929.

Cited, Tenancy by Entirety—Mortgage by Husband.

67 Hun, 232; (50 St. Rep. 780; 22 Supp. 797).

De Meli v. DeMeli, 67 How. 32.

Affirmed, 120 N. Y. 485; 31 St. Rep. 784.

Cited, Divorce—Cruel and Inhuman Treatment—What Constitutes.

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980).

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11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 317).

De Meli v. De Meli, 120 N. Y. 485; 31 St. Rep. 704.

Cited, Courts—Jurisdiction—Divorce—Residence.

24 Supp. 481. 90 Hun, 234; (69 St. Rep. 635; 35 Supp. 281).

Divorce—Foreign Decree—Conclusiveness.

82 Hun, 185; (64 St. Rep. 803; 31 Supp. 931). 86 Hun, 394; (67 St. Rep. 27; 33 Supp. 503). 88 Hun, 567; (68 St. Rep. 824; 34 Supp. 855). 92 Hun, 164; (71 St. Rep. 551; 36 Supp. 520). 1 App. Div. 573; (73 St. Rep. 221; 37 Supp. 482).

Courts—Jurisdiction—Residence.

4 App. Div. 305; (39 Supp. 503). 19 Misc. 83; (77 St. Rep. 968; 43 Supp. 968). 19 Misc. 262; (78 St. Rep. 248; 44 Supp. 248). 17 App. Div. 396; (79 St. Rep. 181; 45 Supp. 181). 148 N. Y. 309; (25 Civ. Pro. 208; 2 Ann. Cas. 427).

Evidence—Relevancy—Divorce—Cruelty. 141; N. Y. 462; (57 St. Rep. 636).

Husband and Wife—Divorce—Invalid—Subsequent Marriage.

2 Misc. 550; (51 St. Rep. 509; 22 Supp. 192).

Witness—Deposition of—Impeachment—Contradictory Evidence.

79 Hun, 539; (61 St. Rep. 554; 29 Supp. 936).

Evidence—Admissibility—Competent as to One Issue.

143 N. Y. 240; (62 St. Rep. 187).

Demerest v. Willard, 8 Cow. 206.

Cited, Judicial Sale—Rights of Purchaser—Future Rents.

3 Misc. 534; (52 St. Rep. 491; 23 Supp. 332).

Demeyer v. Legg, 18 Barb. 14.

Cited, Evidence—Competency—Recitals in Deeds.

17 Misc. 326; (40 Supp. 383).

Duplicate Citations in Parenthesis.

DeMilt v. Hill, 89 Hun, 56; 69 St. Rep. 4; 34 Supp. 1060.

Deming v. Chapman, 11 How. 362.
Cited, Injunction—Use of Trade Secret by Former Employee.

D. 4 App. Div. 576; (74 St. Rep. 827; 38 Supp. 1016).

Deming v. Puleston, 35 Super. 309.

Affirmed, 55 N. Y. 655.

Cited, Corporations—Stockholder's Liability—Debt in Judgment.

86 Hun, 325; (67 St. Rep. 200; 33 Supp. 486).

Deming v. Puleston, 55 N. Y. 655.

Cited, Corporations—Liability of Stockholder—Debt in Judgment.

86 Hun, 325; (67 St. Rep. 200; 33 Supp. 486).

Demings v. Supreme Lodge Knights of Pythias of the World, 131 N. Y. 522; 43 St. Rep. 872.

Cited, Insurance—Benefit Society—Constitution as Part of Contract.

68 Hun, 359; (52 St. Rep. 201; 22 Supp. 803).

Evidence—When Presumptive Proof.

143 N. Y. 543; (62 St. Rep. 829).

Democratic Co. Committee v. Republican Co. Committee, 74 Hun, 76; 56 St. Rep. 221; 26 Supp. 290.

Demond v. Brooklyn City R. Co., 8 Misc. 610; 60 St. Rep. 824; 29 Supp. 318.

Cited, Damages—Excessive—Personal Injuries.

86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

Dempewolf v. Hills, 53 Super. 105.

Cited, Pleading — Bill of Particulars — Disclosure of Evidence.

2 Misc. 503; (51 St. Rep. 87; 22 Supp. 386).

Dempsey v. Baldwin, 15 Misc. 455; 72 St. Rep. 178; 37 Supp. 28.

Dempsey v. Horner, 17 Misc. 616; 75 St. Rep. 71; 40 Supp. 668.

Dempsey v. Kipp, 61 N. Y. 462.

Cited, Evidence — Parol — Written Contracts — Modification — Parties to Agreement.

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

Dempsey v. McKenna, 18 App. Div. 200; 79 St. Rep. 973; 45 Supp. 973.

Dempsey v. New York Central & Hudson River R. Co., 81 Hun, 156; 62 St. Rep. 686; 30 Supp. 724.

Affirmed, 146 N. Y. 290; 66 St. Rep. 651.

Dempsey v. N. Y. C. & H. R. Co., 81 Hun, 156; 62 St. Rep. 686; 30 Supp. 724.

Cited, Negligence—Contributory—Workmen Required to be on Railroad Track.

89 Hun, 563; (70 St. Rep. 114; 35 Supp. 546).

Dempsey v. N. Y. C. & H. R. R. Co., 146 N. Y. 290; 66 St. Rep. 651.

Dempsey v. Paige, 4 E. D. Smith, 218.

Cited, Action — Appearance — Omitted Service—Waiver.

7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

Appeal — Review of Facts — Conflict of Evidence.

8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555).

6 Misc. 153; (56 St. Rep. 282; 26 Supp. 3).

7 Misc. 182; (57 St. Rep. 536; 27 Supp. 339).

Dempsey v. Willett, 16 Hun, 264.

Cited, Pleadings—Construction.

5 Misc. 260; (25 Supp. 105).

Denick, Matter of, 92 Hun, 61; 71 St. Rep. 549; 36 Supp. 518.

Denick v. Hubbard, 27 Hun, 347.

Cited, Surety—Discharge—Extension of Time.

9 App. Div. 322; (75 St. Rep. 747; 41 Supp. 332).

DeNierth v. Sidner, 25 How. 419.

Cited, Affidavit — Sufficiency — Information.

17 Misc. 243; (40 Supp. 1066).

Denike, Matter of, 6 Supp. 450.

Cited, Executors and Administrators — Accounting—Costs and Disbursements.

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Denike v. De Graaf, 87 Hun, 61; 67

St. Rep. 884; 33 Supp. 1015.

Affirmed, 152 N. Y. 650.

Denike v. Denike, 8 Misc. 604; 60 St. Rep. 826; 29 Supp. 320.

Denike v. Denike, 13 Misc. 381; 68 St. Rep. 128; 34 Supp. 250.

Denike v. N. Y. & R. Lime & Cement Co., 80 N. Y. 599.

Cited, Corporations—Dissolution.

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Denise v. Denise, 110 N. Y. 562; 18 St. Rep. 873.

Cited, Action—Disputed Claim—Reference—Special Proceeding.

8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670).

Trial—Reception of Evidence—Irresponsible Answers—Remedy.

141 N. Y. 69; (56 St. Rep. 599).

Duplicate Citations in Parenthesis.

Evidence—Competency—Personal Transactions.

90 Hun, 131; (70 St. Rep. 512; 35 Supp. 647).

Costs—Claim Against Estate—Action on. 9 App. Div. 626; (75 St. Rep. 457; 41 Supp. 8).

Denise v. Fairport, 11 Misc. 199; 65 St. Rep. 154; 32 Supp. 97.

Denise v. Swett, 68 Hun, 188; 52 St. Rep. 114; 22 Supp. 950.

Denise v. Swett, 142 N. Y. 602; 60 St. Rep. 289.

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Denison v. Ford, 7 Daly, 384.

Cited, Landlord and Tenant—Eviction—What Constitutes and Sufficiency of Evidence of.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). Landlord and Tenant—Eviction—What Amounts to.

2 Misc. 66; (49 St. Rep. 142; 20 Supp. 843). 16 Misc. 378; (74 St. Rep. 383; 38 Supp. 86).

Landlord and Tenant—Eviction—Damages.

18 Misc. 230; (75 St. Rep. 912; 41 Supp. 523).

Denison v. Ford, 10 Daly 412.

Cited, Damages — Measure — Trespass—Loss of Profits.

3 Misc. 75; (51 St. Rep. 602; 22 Supp. 379).

Denken v. Canavan, 17 Misc. 392, 39 Supp. 1078.

Dennis v. Jones, 1 Dem. 80.

Cited, Sale—Of Decedent's Realty to Pay Debts—Petition—Defective.

17 Misc. 478; (75 St. Rep. 925; 41 Supp. 537).

Sale—Of Decedent's Realty — Jurisdictional Errors—Availability to Creditors.

17 Misc. 479; (75 St. Rep. 925; 41 Supp. 538).

Dennis v. Massachusetts B. Association, 120 N. Y. 496; 31 St. Rep. 652.

Cited, Insurance—Benefit Association—Forfeiture—Payment of Assessment.

87 Hun, 205; (67 St. Rep. 755; 33 Supp. 1068). 11 App. Div. 262; (76 St. Rep. 121; 42 Supp. 121). 18 Misc. 97; (76 St. Rep. 978; 42 Supp. 978).

Contracts—Performance—Satisfaction.

D. 91 Hun, 395; (70 St. Rep. 842; 36 Supp. 189).

Dennis v. Snell, 54 Barb. 411.

Cited, Appeal—Pleading—Amendment—Discretion.

82 Hun, 434; (64 St. Rep. 111; 31 Supp. 511).

Dennison v. Carnahan, 1 E. D. Smith, 144.

Cited, Pleading — Answer—Of Knowledge and Information—District Courts.

7 Misc. 321; (57 St. Rep. 463; 27 Supp. 906). 20 Misc. 332; (79 St. Rep. 807; 45 Supp. 807).

Dennison v. Musgrave, 20 Misc. 678.

Denniston v. Trimmer, 27 Hun, 393.

Cited, Justice's Court — New Trial in County Court—Counterclaim.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 913).

Dennistoun v. McAllister, 4 E. D. Smith, 729.

Cited, Mechanic's Lien—Breach of Contract—Damages—Quantum Meruit.

12 Misc. 104; (66 St. Rep. 863; 33 Supp. 176).

Dennistown v. Barr, 28 Supp. 255; 31 Abb. N. C. 21.

Denny v. Bleumenthal, 8 Misc. 544; 59 St. Rep. 263; 28 Supp. 744.

Cited, New Trial—New Evidence—Affidavits of Witnesses.

84 Hun, 589; (66 St. Rep. 327; 32 Supp. 852).

Denny v. Manhattan R. Co., 2 Den. 115.

Affirmed, 5 Den. 639.

Cited, Master and Servant—Liability of Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 502).

Denny v. Smith, 18 N. Y. 567.

Cited, Limitation of Action—Joint Debtors—Absence From State.

81 Hun, 299; (62 St. Rep. 746; 30 Supp. 783).

De Nottebeck v. Astor, 13 N. Y. 98.

Cited, Wills — Construction — Circumstances of Testator.

5 Misc. 172; (25 Supp. 724).

Denslow v. Bush, 9 Misc. 337; 60 St. Rep. 608; 29 Supp. 705.

Cited, Appeal—Order Sustaining Demurrer.

14 Misc. 234; (35 Supp. 714).

Densmore v. Searle, 7 App. Div. 45; 39 Supp. 948.

Dent v. North American S. Co., 49 N. Y. 390.

Cited, Deeds—Construction.

49 St. Rep. 471; (21 Supp. 91). 75 St. Rep. 173.

Evidence—Parol to Vary Writing.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1095).

Duplicate Citations in Parenthesis.

Denton, Matter of, 137 N. Y. 428; 51 St. Rep. 60.

Cited, Wills—Construction—Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27).

Wills—Contingent Devise—Survivorship—Time.

147 N. Y. 354; (69 St. Rep. 696).

Denton v. Carroll, 4 App. Div. 532; 74 St. Rep. 628; 40 Supp. 19.

Denton v. Livingston, 9 Johns. 97.

Cited, Levy—Choses in Action—Not Subject To.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

Denton v. Merrill, 43 Hun, 224; 5 St. Rep. 387.

Cited, Assignment for Creditors—Validity—Schedules Made by Assignee.

86 Hun, 421; (67 St. Rep. 178; 33 Supp. 521).

Denton v. Noyes, 6 Johns. 296.

Cited, Attorneys—Authority—Conduct of Action.

9 Misc. 371; (60 St. Rep. 633; 29 Supp. 694; 24 Civ. Pro. 53).

Attorneys—Authority to Appear—Presumption Of.

2 Misc. 153; (50 St. Rep. 536; 23 Supp. 160; 23 Civ. Pro. 75).

Attorneys—Unauthorized Appearance—Relief.

66 Hun, 259; (49 St. Rep. 478; 21 Supp. 170). 144 N. Y. 294; (63 St. Rep. 720).

Denton v. Ontario Co. Nat. Bank, 77 Hun, 83; 59 St. Rep. 838; 28 Supp. 293.

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Denton v. Ontario Co. Nat. Bank, 150 N. Y. 126.

Cited, Foreclosure—Strict—When Justified.

15 App. Div. 282; (78 St. Rep. 591; 44 Supp. 591).

Denton v. Sanford, 103 N. Y. 607; St. 4 Rep. 281.

Cited, Surrogate's Court—Jurisdiction—Trustees' Accounting—Decree and Effect.

78 Hun, 302; (61 St. Rep. 599; 29 Supp. 911).

Deobold v. Opperman, 111 N. Y. 531; 20 St. Rep. 81.

Cited, Executors—Contracts Of—Public Policy.

88 Hun, 225; (68 St. Rep. 619; 34 Supp. 656). 11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

Executors—Sureties—Liability for Acts of Executor.

12 Misc. 327; (67 St. Rep. 342; 33 Supp. 637).

Executors—Sureties—Conclusiveness of Decree Upon.

152 N. Y. 503.

Department of Buildings of N. Y. v. Field, 9 App. Div. 500; 75 St. Rep. 1479; 41 Supp. 1112.

Department of Buildings of N. Y. v. Field, 12 App. Div. 258; 76 St. Rep. 691; 42 Supp. 691.

Department of Public Parks, Matter of, 59 Hun, 529; 69 St. Rep. 743; 35 Supp. 332.

Department of Public Works, Matter of, 60 N. Y. 319.

Cited, Eminent Domain—Award—When Right to Accrues.

90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789).

Department of Public Parks, Matter of, 73 N. Y. 560.

Cited, Judgment—Conclusiveness—Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298).

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3 App. Div. 369; (38 Supp. 523).

Department of Public Works, Matter of, 86 N. Y. 437.

Cited, Constitutionality—Statutes—Local—Title.

10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822.)

Depew v. Beakes, 78 St. Rep. 774; 44 Supp. 774.

Depew v. Dewey, 2 T. & C. 515.

Cited, Limitation of Motion—When Barred—Vacation of Naturalization.

8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 418).

Depew v. Dewey, 56 N. Y. 657.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 431; 23 Civ. Pro. 40).

Depew v. Ketchum, 75 Hun, 227; 58 St. Rep. 668; 27 Supp. 8; 31 Abb. N. C. 210.

Depew v. Leal, 2 Abb. 131.

Cited, Replevin—Affidavit—Amendment. 18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Duplicate Citations in Parenthesis.

Depew and Southwestern R. Co., Matter of, 92 Hun, 406; 72 St. Rep. 95; 36 Supp. 991.

Cited, Railroads—Certificate of Construction—Determination of Right to—What Involved.

D. 74 St. Rep. 801; (38 Supp. 867).

Railroads—Certificate of Construction—Impeachment—Burden.

6 App. Div. 245; (39 Supp. 1007).

De Peyster v. Clarkson, 2 Wend. 77.

Cited, Executors—Accounting—Interest. 5 Misc. 134; (25 Supp. 731). 15 Misc. 571; (72 St. Rep. 811; 38 Supp. 132).

De Peyster v. Clendining, 8 Paige, 295.

Cited, Trusts—Personalty—Annuities.

140 N. Y. 534; (56 St. Rep. 474).

De Peyster v. Ferres, 11 Paige, 13.

Cited, Assignment for Creditors—Death of Assignee—Substitution of Personal Representative.

2 Misc. 351; (50 St. Rep. 601; 22 Supp. 73).

Trusts—Death of Trustee—Effect.

2 App. Div. 570; (74 St. Rep. 320; 37 Supp. 1025).

Depeyster v. Graves, 2 Johns. Ch. 148.

Cited, Injunction—When Vacated—Procurement by Fraud, and Abuse of.

1 Misc. 124; (48 St. Rep. 699; 20 Supp. 704).

DePeyster v. Hasbrouck, 11 N. Y. 582.

Cited, Mortgage—Equitable—Advances.

144 N. Y. 112; (63 St. Rep. 67).

DePeyster v. Mali, 92 N. Y. 262.

Cited, Deeds—Bounding on Highway—Rights.

139 N. Y. 405; (54 St. Rep. 681).

DePeyster v. Michael, 6 N. Y. 467.

Cited, Real Property—Grant—Breach of Condition Subsequent—Right to Re-enter. 79 Hun, 490; (61 St. Rep. 474; 29 Supp. 1004).

Depierris v. Slavin, 74 Hun, 628; 53 St. Rep. 157; 26 Supp. 970.

Depierris v. Slaven, 79 Hun, 279; 61 St. Rep. 31; 29 Supp. 360.

Depierris v. Slaven, 5 App. Div. 147; 39 Supp. 114.

DePierres v. Thorn, 4 Bosw. 266.

Cited, Limitation of Action—Equitable Action—Cases Unprovided for by Statute.

142 N. Y. 6; (58 St. Rep. 428).

Depirro v. N. Y. C. & H. R. R. Co., 13 Misc. 665; 34 Supp. 1138.

Deposit, Village of, v. Vaill, 5 Hun, 310.

Cited, Courts—Local—Territorial Jurisdiction.

12 App. Div. 69; (76 St. Rep. 860; 42 Supp. 860).

Courts—Inferior—Legislative Power.

17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352). 3 App. Div. 420; (74 St. Rep. 174; 38 Supp. 766).

Depuy, Matter of, 28 St. Rep. 42; 8 Supp. 229.

Cited, Limitation of Action—Decedent's Estate—Proceeding to Enforce Payment of Claims Against.

70 Hun, 66; (53 St. Rep. 511; 23 Supp. 1107).

DePuy v. Cook, 90 Hun, 43; 35 Supp. 632.

DePuy v. Strong, 37 N. Y. 372.

Cited, Action—Injuries to Realty Held in Common—Parties.

6 App. Div. 106; (39 Supp. 637).

Depuy v. Wurtz, 53 N. Y. 556.

Cited, Courts—Jurisdiction—Residence—Domicile.

11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 317). 148 N. Y. 309.

Deraismes v. Deraismes, 72 N. Y. 154.

Cited, Wills—Construction—Devise—Charges on Estate—Intention.

8 Misc. 342; (60 St. Rep. 443; 29 Supp. 340).

Deraismes v. Dunham, 22 Hun, 86.

Cited, Trustees—Removal—Co-trustees.

17 Misc. 711; (40 Supp. 909).

Derham v. Lee, 47 Super. 174.

Cited, Pleading—Co-defendants—Answer—Service on Co-defendant—Action at Law. 8 Misc. 477; (60 St. Rep. 605; 29 Supp. 550).

Derham v. Lee, 87 N. Y. 599.

Cited, Equity—Retaining Jurisdiction for Complete Relief—Bringing in Additional Parties.

5 Misc. 50; (25 Supp. 75).

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78 Hun, 57; (60 St. Rep. 492; 28 Supp. 1089). 4 Misc. 112; (53 St. Rep. 459; 23 Supp. 893). 85 Hun, 85; (66 St. Rep. 47; 32 Supp. 663).

De Ridder v. Schermerhorn, 10 Barb. 638.

Cited, Landlord and Tenant—Lease—Signer Unnamed in—Joint Liability.

71 Hun, 539; (54 St. Rep. 916; 24 Supp. 1082).

Duplicate Citations in Parenthesis.

Guaranty—Principal and Surety—Several Liability.

9 App. Div. 248; (41 Supp. 490; 3 Ann. Cas. 299).

Dering v. N. Y. C. & H. R. R. Co., 50 St. Rep. 832; 22 Supp. 344.

De Rivafinoli v. Corsetti, 4 Paige, 264.

Cited, Specific Performance—Contracts for Service.

67 Hun, 303; (50 St. Rep. 895; 22 Supp. 312).

De Rivas v. De Herques, 12 Week. Dig. 87.

Cited, Life Tenants—Possession—Security.

6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153).

Derleth v. De Graff, 104 N. Y. 661.

Cited, Appeal—Order of Affirmance.

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Dermott v. State, 99 N. Y. 101.

Cited, Contracts—Implied Terms.

136 N. Y. 609; (50 St. Rep. 60).

De Rozas v. Metropolitan St. R. Co., 13 App. Div. 296; 77 St. Rep. 27; 43 Supp. 27.

Cited, Street Railways — Negligence—Sudden Movement of Car.

16 App. Div. 149.

De Russy, Matter of, 37 St. Rep. 646; 14 Supp. 177.

Cited, Special Proceedings—What Are—Intermediate Accounting.

6 App. Div. 412; (39 Supp. 378).

De Rutte v. N. Y. Albany & B. Tel. Co., 1 Daly, 547.

Cited, Telegraphs—Messages—Transmission—Negligence.

6 Misc. 226; (56 St. Rep. 531; 26 Supp. 535).

De Ruyter v. Trustees of St. Peter's Church, 3 Barb. Ch. 119.

Affirmed, 3 N. Y. 238.

Cited, Assignment—For Creditors—Corporations.

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138 N. Y. 456; (53 St. Rep. 21).

De Ruyter v. St. Peter's Church, 3 N. Y. 238.

Cited, Assignment for Creditors—Power of Corporation to Make.

55 St. Rep. 566. 4 Misc. 245; (24 Supp. 693).

Corporations—Mortgage—For What Authorized.

7 Misc. 209; (58 St. Rep. 39; 27 Supp. 678).

Des Arts v. Leggett, 16 N. Y. 582.

Cited, Lost Instruments—Destruction—Estoppel.

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Desbrough v. Desbrough, 29 Hun, 593.

Cited, Husband and Wife—Separation Agreement—Validity.

16 App. Div. 615; (78 St. Rep. 976; 44 Supp. 976).

Des Marets v. H. Ward Leonard & Co., 12 Misc. 81, 66 St. Rep. 693; 33 Supp. 92.

Desmond-Dunne Co. v. Friedman-Doscher Co., 16 App. Div. 141; 79 St. Rep. 111; 45 Supp. 111.

Despard v. Churchill, 53 N. Y. 192.

Cited, Foreign Laws — Application — Remission to Home Tribunal.

140 N. Y. 46; (55 St. Rep. 594). 9 App. Div. 505; (75 St. Rep. 105; 41 Supp. 663).

Trust — To be Administered Abroad — What Law Governs.

136 N. Y. 142; (48 St. Rep. 842).

Leasehold Estate—Personalty.

5 App. Div. 387; (39 Supp. 262). 5 App. Div. 512; (38 Supp. 1085). 18 Misc. 330; (41 Supp. 2). 75 St. Rep. 650; (41 Supp. 211; 25 Civ. Pro. 373).

Despard v. Wallbridge, 15 N. Y. 374.

Cited, Landlord and Tenant—Rent—Implied Promise.

139 N. Y. 300; (54 St. Rep. 634).

Landlord and Tenant—Estoppel of Tenant to Deny Landlord's Title.

66 Hun, 565; (50 St. Rep. 624; 21 Supp. 839).

Landlord and Tenant — Holding Over — Increased Rent.

65 St. Rep. 787; (33 Supp. 655). 12 Misc. 351; (67 St. Rep. 350; 33 Supp. 655; 2 Ann. Cas. 27). 20 Misc. 596.

De St. Laurent v. Gescheidt, 18 App. Div. 121; 79 St. Rep. 730; 45 Supp. 730.

De St. Laurent v. Slater, 19 Misc. 197; 77 St. Rep. 63; 43 Supp. 63.

Detmold v. Drake, 46 N. Y. 318.

Cited, Eminent Domain—Award—Possession—Deduction of Rent.

73 Hun, 45; (57 St. Rep. 143; 25 Supp. 1036).

Rights—Constitutional—Waiver.

18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528).

Detroit White Lead Co. v. Knaszak, 13 Misc. 619; 69 St. Rep. 149; 34 Supp. 924.

Duplicate Citations in Parenthesis.

Deuterman v. Gainsborg, 9 App. Div. 151; 75 St. Rep. 634; 41 Supp. 185.

Deutermann v. Wilson, 15 Civ. Pro. 411; 3 Supp. 118.

Cited, Landlord and Tenant — Summary Proceedings—Adjournment by Justice. 2 Misc. 159; (50 St. Rep. 540; 21 Supp. 799).

Deutsche Bank v. Sonneborn, 6 Week. Dig. 153.

Cited, Supplemental Answer—Consideration of Merits on Motion to Serve.

16 App. Div. 76; (78 St. Rep. 692; 44 Supp. 692).

Devale v. Ackerman, 66 St. Rep. 513; 33 Supp. 13.

Cited, Compromise—Consideration.

12 Misc. 440; (67 St. Rep. 367; 33 Supp. 592).

De Van v. Commercial Travelers' Mut. Acc. Ass'n, 92 Hun, 256; 72 St. Rep. 304; 36 Supp. 931.

De Vaucene, Matter of, 31 How. 289.

Cited, Constitutionality — Statutes—Invalid in Part—Severance.

19 Misc. 124.

Develin v. Coleman, 50 N. Y. 531.

Cited, Bills and Notes—Conversion—Remedies.

68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241). 86 Hun, 547; (67 St. Rep. 522; 33 Supp. 777).

Devendorf v. Beardsley, 23 Barb. 656.

Cited, Contracts—Fraud — Disaffirmance—Waiver.

13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Devendorf v. Dickinson, 21 How. 275.

Cited, Receivers—Costs.

11 App. Div. 600; (76 St. Rep. 619; 42 Supp. 619).

Corporations — Receiver — Powers and Duties.

20 Misc. 15; (78 St. Rep. 605; 44 Supp. 605).

Devendorf v. Wert, 42 Barb. 227.

Cited, Appeal—Reversal—Right to Nominal Damages Only.

4 Misc. 133; (53 St. Rep. 170; 23 Supp. 864; 30 Abb. N. C. 308).

Devereaux v. Clifford, 11 App. Div. 401; 76 St. Rep. 687; 42 Supp. 687.

Devereux v. Sun Fire Office of L., 51 Hun, 147; 20 St. Rep. 584; 4 Supp. 655.

Cited, Contract — Reformation — Sufficiency of Proof.

50 St. Rep. 551; (21 Supp. 880). 92 Hun, 117, 119; (71 St. Rep. 768, 770; 36 Supp. 703, 705).

De Verry v. Schuyler, 28 St. Rep. 233; 8 Supp. 221.

Cited, Parent and Child—Advancements—What Constitutes.

90 Hun, 459; (72 St. Rep. 190; 37 Supp. 78).

Devin v. Patchin, 26 N. Y. 441.

Cited, Judgment—Amendment.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Executors—As Almoners of Estate.

19 Misc. 377; (78 St. Rep. 360; 44 Supp. 360).

Executors — Allowance of Costs — To Counsel.

20 Misc. 309; (79 St. Rep. 665; 45 Supp. 665).

Devine v. Brooklyn Heights R. Co.,

1 App. Div. 237; 72 St. Rep. 629; 37 Supp. 170.

Devine v. Duncan, 2 Abb. N. C. 328.

Cited, Pleadings — Amendments — Of Course—Causes of Action.

8 Misc. 97; (60 St. Rep. 160; 28 Supp. 1007; 23 Civ. Pro. 403; 31 Abb. N. C. 255).

Devinney v. Corey, 23 St. Rep. 308; 5 Supp. 289.

Cited, Contracts—Statutes of Fraud—Agreement Concerning Land—Part Performance.

77 Hun, 5; (59 St. Rep. 419; 28 Supp. 224).

Devlin v. Boyd, 69 Hun, 328; 53 St. Rep. 241; 23 Supp. 523.

Devlin v. Brady, 36 N. Y. 531.

Cited, Contracts—Validity—Public Policy.

11 Misc. 525; (66 St. Rep. 188; 32 Supp. 805).

Devlin v. Greenwich Savings Bank, 125 N. Y. 756; 35 St. Rep. 922.

Cited, Appeal—Review of Facts—Conflict of Evidence.

71 Hun, 343; (55 St. Rep. 42; 25 Supp. 2). 71 Hun 390; (55 St. Rep. 47; 24 Supp. 1136).

140 N. Y. 253; (55 St. Rep. 542). 144 N. Y. 117; (63 St. Rep. 19). 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 86 Hun, 423; (67 St. Rep. 179; 33 Supp. 523). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 668). 4 App. Div. 419; (74 St. Rep. 533; 38 Supp. 850). 8 App. Div. 611; (41 Supp. 1134). 152 N. Y. 119. 152 N. Y. 168.

Appeal—Review of Grant of New Trial.

138 N. Y. 480; (53 St. Rep. 66).

Evidence—Burden of Proof—Gift.

Duplicate Citations in Parenthesis.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781). 6 Misc. 273; (58 St. Rep. 132; 26 Supp. 765). 76 Hun, 463; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 160). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995). 78 St. Rep. 842; (44 Supp. 842).

Witnesses—Competency—Death of Other Party Bystander.

68 Hun, 585; (52 St. Rep. 578; 23 Supp. 254).

Devlin v. Kosel, 3 Misc. 40; 51 St. Rep. 130; 22 Supp. 361.

Affirmed, 142 N. Y. 676; 60 St. Rep. 871.

Devlin v. Metropolitan St. R. Co., 17 App. Div. 491; 79 St. Rep. 505; 45 Supp. 505.

Devlin v. New York, 4 Misc. 106; 56 St. Rep. 455; 23 Supp. 888.

Cited, Municipal Corporations—Fraud in Obtaining Contracts—Waiver—Recovery.

82 Hun, 73; (53 St. Rep. 505; 31 Supp. 190).

Receiver—Pendente lite—Title to Property.

11 Misc. 299; (65 St. Rep. 501; 32 Supp. 293; 1 Ann. Cas. 97).

Devlin v. New York, 63 N. Y. 8.

Cited, Contracts—When Assignable—Descendibility of.

7 Misc. 667; (53 St. Rep. 809; 28 Supp. 13).

Contract—Assignment—Effect.

135 N. Y. 216; (47 St. Rep. 847). 147 N. Y. 489; (70 St. Rep. 73).

Municipal Corporations—Contracts—Execution—Assignability.

4 Misc. 117; (53 St. Rep. 466; 23 Supp. 891).

Municipal Corporations—Contracts—Prevention of Performance—Damages.

10 Misc. 667; (64 St. Rep. 303; 31 Supp. 678; 1 Ann. Cas. 364).

Damages—Measure—Contract.

2 Misc. 381; (50 St. Rep. 598; 21 Supp. 1098). 4 Misc. 110; (53 St. Rep. 458; 23 Supp. 896). D. 4 Misc. 122; (53 St. Rep. 466; 23 Supp. 899). 7 App. Div. 261; (40 Supp. 89).

Devlin v. New York, 131 N. Y. 123.

Cited, Interest—Effect of Payment of Principal.

14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454). 39 Supp. 883.

Devlin v. New York, 27 Abb. N. C. 311; 37 St. Rep. 508; 13 Supp. 924.

Cited, Reference—Report—Judgment.

87 Hun, 374, 375; (68 St. Rep. 341, 342; 34 Supp. 437, 438; 25 Civ. Proc. 8, 9; 2 Ann. Cas. 189).

Devlin v. New York, 7 Daly, 466.

Cited, Referee—Removal—Misconduct.

3 Misc. 444; (52 St. Rep. 321; 23 Supp. 178).

Devlin v. New York, 9 Daly, 831.

Cited, Action—Stay—Invalidity of Acts Done While Operative.

16 Misc. 565; (38 Supp. 941).

Devlin v. Smith, 25 Hun, 206.

Cited, Master and Servant—Master's Duty as to Appliance.

71 Hun, 132; (54 St. Rep. 223; 24 Supp. 536).

Devlin v. Smith, 89 N. Y. 470.

Cited, Master and Servant—Defective Appliances—Knowledge.

3 Misc. 229; (51 St. Rep. 872; 22 Supp. 753). 6 Misc. 105; (55 St. Rep. 401; 26 Supp. 10). 73 Hun, 273; (58 St. Rep. 66; 26 Supp. 407).

Master and Servant—Liability of Master to Servant—Places—Appliances.

142 N. Y. 34; (58 St. Rep. 437). 86 Hun, 39; (66 St. Rep. 335; 33 Supp. 206).

Master and Servant—Liability of Master to Servant—Duty to Warn and Instruct.

75 Hun, 213; (58 St. Rep. 666; 27 Supp. 18).

Master and Servant—Master's Liability—Acts of Third Person.

77 Hun, 562; (60 St. Rep. 283; 23 Supp. 920). 142 N. Y. 137; (58 St. Rep. 616). 13 Misc. 394; (68 St. Rep. 127; 34 Supp. 249). 8 App. Div. 438; (75 St. Rep. 296; 40 Supp. 898). 18 Misc. 200; (75 St. Rep. 794; 41 Supp. 383).

Devlin v. Woodgate, 34 Barb. 252.

Cited, Statute of Frauds—Contracts for Default of Another—When Independent.

13 Misc. 639; (69 St. Rep. 152; 34 Supp. 928).

Devoe v. Brandt, 53 N. Y. 462.

Cited, Sale—Fraud—Rescission—Reclaiming Property—Bona Fide Purchaser.

77 Hun, 533; (60 St. Rep. 270; 28 Supp. 891).

Sale—Fraud in—Insolvency of Purchaser—Passing Title.

11 Misc. 78; (59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 402). 77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880).

Devoe v. Davis, 12 Week. Dig. 544.

Cited, False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief.

74 Hun, 341; (56 St. Rep. 378; 26 Supp. 410).

*Duplicate Citations in Parenthesis.***Devo v. New York**, 35 Barb. 264.

Cited, Statutes—Repealing—Effect—Constitutionality.

74 Hun, 520; (57 St. Rep. 212; 26 Supp. 586).

Devo v. New York, 36 N. Y. 449.

Cited, Officers—Salary—Right to Recover Salary Paid to Intruder.

74 Hun, 520; (57 St. Rep. 213; 26 Supp. 587).

De Wardener v. Metropolitan St. R. Co., 1 App. Div. 240; 87 Supp. 133.

Cited, Damages—Excessive—Personal Injuries.

2 App. Div. 60; (72 St. Rep. 551; 37 Supp. 461).

Dewey, Matter of, 82 Hun, 426; 63 St. Rep. 561; 31 Supp. 255.

Reversed, 153 N. Y. 63.

Dewey, Matter of, 153 N. Y. 63.**Dewey v. Barber**. See *Dewey, Matter of*.**Dewey v. Field**, 13 How. 437.

Cited, Reference—Long Account—Presumption as to Difficult Questions of Law.

2 Misc. 87; (49 St. Rep. 124; 20 Supp. 875).

Reference—Questions of Law—Indication on Application

4 Misc. 423; (53 St. Rep. 517; 24 Supp. 333).

Dewey v. Greene, 4 Den. 93.

Cited, Action—Appearance—Waiver of Objection to Jurisdiction.

2 Misc. 207; (49 St. Rep. 525; 21 Supp. 272). 12 App. Div. 24; (76 St. Rep. 485; 42 Supp. 485).

Dewey v. Moyer, 72 N. Y. 70.

Cited, Evidence—Declarations—Co-conspirators.

138 N. Y. 465; (53 St. Rep. 8). 87 Hun, 556; (69 St. Rep. 461; 35 Supp. 143). 18 Misc. 35; (75 St. Rep. 461; 41 Supp. 11).

Assignment for Creditors—Action to Set Aside Fraudulent Conveyance—When Creditors May Bring.

15 App. Div. 115; (78 St. Rep. 300; 44 Supp. 300).

Fraudulent Conveyance—Rights of Grantee.

D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).

Dewey v. Stewart, 6 How. 465.

Cited, Costs—On Granting New Trial.

16 Misc. 514; (74 St. Rep. 45; 38 Supp. 525).

De Witt v. Agricultural Ins. Co., 89 Hun, 229; 71 St. Rep. 566; 36 Supp. 570.**De Witt v. Barly**, 17 N. Y. 340

Cited, Witness—Opinions as to Rationality.

79 St. Rep. 616; (45 Supp. 616).

De Witt v. Brill, 6 Misc. 44; 56 St. Rep. 616; 25 Supp. 1001.

Cited, Pleading—New Matter—Incorporating Denials With.

10 Misc. 205; (13 St. Rep. 178; 30 Supp. 946; 24 Civ. Pro. 91; 1 Ann Cas. 74).

De Witt v. Brisbane, 16 N. Y. 508.

Cited, Contracts—Illegal—Recovery.

9 Misc. 379; (61 St. Rep. 483; 30 Supp. 254).

De Witt v. Buchanan, 54 Barb. 31.

Cited, Courts—Foreign Litigants—Discretionary Jurisdiction.

14 Misc. 424; (10 St. Rep. 258; 25 Civ. Pro. 105; 2 Ann. Cas. 27).

DeWitt v. Chandler, 11 Abb. 459.

Cited, Wills—Bequest to Foreign Corporation—Power to Take—Foreign Law.

138 N. Y. 141; (48 St. Rep. 841).

DeWitt v. Dennis, 30 How. 131.

Cited, Contempt—Commitment.

147 N. Y. 296; (69 St. Rep. 670).

DeWitt v. DeWitt, 46 Hun, 258; 11 St. Rep. 549.

Cited, Interest—Unliquidated Claim.

82 Hun, 198; (64 St. Rep. 6; 31 Supp. 418).

DeWitt v. Greener, 11 Civ. Pro. 327.

Cited, Pleading—Amendment—On Trial.

6 Misc. 149; (56 St. Rep. 410; 26 Supp. 34).

DeWitt v. Gunn, 68 St. Rep. 790; 34 Supp. 879; 24 Civ. Pro. 406.**DeWitt v. Hastings**, 69 N. Y. 518.

Cited, Corporations—Creation—De facto.

4 Misc. 175; (53 St. Rep. 216; 23 Supp. 677).

DeWitt v. Ithaca, Village of, 15 Hun, 568.

Cited, Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 821.

DeWitt v. Post, 11 Johns. 460.

Cited, Judgment—Against Infant Without Appointment of Guardian.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

DeWitt v. Swift, 3 How. 280.

Cited, Pleading—Demurrer—When Proper Remedy.

77 Hun, 428; (60 St. Rep. 50; 28 Supp. 802).

Duplicate Citations in Parenthesis.

DeWitt v. Walton, 9 N. Y. 571.

Cited, Bills and Notes—Addition of Official Title—Liability.

139 N. Y. 309; (54 St. Rep. 591). 82 Hun, 175, 177; (63 St. Rep. 776, 777; 31 Supp. 327, 323).

Bills and Notes—Undisclosed Principal—When Liable.

77 St. Rep. 814; (43 Supp. 814).

Contracts—Form—In Representative Capacity.

5 Misc. 299; (56 St. Rep. 726; 25 Supp. 468). 24 Supp. 797.

DeWitt Wire Cloth Co. v. New Jersey Wire Cloth Co., 14 Supp. 277.

Cited, Conspiracy—Restraint of Trade—Regulation of Prices.

66 Hun, 593; (50 St. Rep. 233; 21 Supp. 861). 19 Misc. 296; (73 St. Rep. 340; 44 Supp. 340).

DeWolf v. Capital City Ins. Co., 16 Hun, 116.

Cited, Insurance—Transfer of Policy—“As Interest May Appear.”

70 Hun, 492; (53 St. Rep. 747; 24 Supp. 386).

DeWolfe v. Abraham, 151 N. Y. 186; 3 Ann. Cas. 301

DeWolfe v. Abraham, 6 App. Div. 172; 39 Supp. 1029.

Reversed, 151 N. Y. 186; 3 Ann. Cas. 301.

Dexter v. Adler, 76 Hun, 439; 59 St. Rep. 443; 27 Supp. 1121.

Dexter v. Adler, 76 Hun, 439; 59 St. Rep. 443; 27 Supp. 1121.

Cited, Assignment for Creditors—Vacation in Suit by Creditor—Assignee's Commissions.

90 Hun, 428; (70 St. Rep. 625; 35 Supp. 952).

Dexter v. Adler, 1 Supp. 684.

Cited, Assignment for Creditors—Accounting—Commission.

76 Hun, 366; (58 St. Rep. 469; 27 Supp. 791).

Dexter v. Alfred, 74 Hun, 259; 56 St. Rep. 264; 26 Supp. 592.

Dexter v. Alfred, 19 Supp. 770.

Cited, Pleadings—Counterclaim.

5 Misc. 260; (25 Supp. 105).

Dexter v. Beard, 130 N. Y. 549; 42 St. Rep. 603.

Cited, Covenants—Charge Upon Land.

147 N. Y. 467; (70 St. Rep. 62).

Dexter v. Dustin, 70 Hun, 515; 53 St. Rep. 673; 24 Supp. 129.

Dexter v. Fulton, 86 Hun, 433; 67 St. Rep. 630; 33 Supp. 901.

Dexter v. Ivins, 133 N. Y. 551; 44 St. Rep. 244.

Cited, Pleadings—Amendment—New Cause of Action.

9 Misc. 75; (59 St. Rep. 657; 29 Supp. 63).

10 Misc. 8; (62 St. Rep. 656; 30 Supp. 541).

Trial—Question for Jury—Ambiguity.

6 Misc. 95; (55 St. Rep. 403; 26 Supp. 8).

Dexter v. Norton, 47 N. Y. 62.

Cited, Contract—Performance—Destruction of Subject Matter.

4 Misc. 486; (54 St. Rep. 268; 24 Supp. 363). 92 Hun, 464; (72 St. Rep. 435; 36 Supp. 1033).

Contract—Performance—Excuses—Conditions—Continued Existence.

142 N. Y. 462; (59 St. Rep. 784). 16 Misc.

624; (39 Supp. 56). 9 App. Div. 14; (75 St.

Rep. 419; 40 Supp. 1100). D. 9 App. Div.

354; (75 St. Rep. 731; 41 Supp. 318). 16

App. Div. 121; (79 St. Rep. 130; 45 Supp.

130). 149 N. Y. 493

Dexter Sulphite Pulp & Paper Co. v. Frontenac Paper Co., 20 Misc. 442.

Dexter & L. Plank-Road Co. v. Allen, 16 Barb. 15.

Cited, Statutes—General and Special—Implied Repeal.

15 App. Div. 254; (78 St. Rep. 177; 44 Supp. 177).

Dey v. Dox, 9 Wend. 129.

Cited, Sale—Failure to Deliver Subject Matter—Damages.

148 N. Y. 384.

Dey v. Dunham, 2 Johns. Ch. 181.

Cited, Conveyance—Of Lands—Undocketed Judgment—Effect upon Purchaser.

89 Hun, 545; (69 St. Rep. 734; 35 Supp. 347).

Dey v. Prentice, 90 Hun, 27; 70 St. Rep. 224; 35 Supp. 563.

Dey Ermand, Matter of, 24 Hun, 1.

Cited, Surrogate's Court—Decree, Power to Open, Vacate, etc.

3 Misc. 394; (24 Supp. 718).

Dey Ermand v. Chamberlain, 88 N. Y. 658.

Cited, Deed—Unauthorized Insertion of Clause—Liability under.

82 Hun, 385; (63 St. Rep. 596; 31 Supp. 278). 87 Hun, 565; (68 St. Rep. 380; 34 Supp. 477).

Deyo v. Bleakley, 24 Barb. 9.

Cited, Landlord and Tenant—Lease—Expiration.

76 Hun, 68; (59 St. Rep. 620; 27 Supp. 605). 151 N. Y. 256; (3 Ann. Cas. 351).

Duplicate Citations in Parenthesis.

Deyo v. Morss, 74 Hun, 224; 56 St. Rep. 364; 26 Supp. 305.

Reversed, 144 N. Y. 216; 63 St. Rep. 80.

Cited, Pleading—Amendment—Admissions.

7 Misc. 616; (58 St. Rep. 794; 27 Supp. 955).

Pleading—Amendment—New Cause of Action.

91 Hun, 423; (70 St. Rep. 798; 36 Supp. 224).

Deyo v. Morss, 144 N. Y. 216; 63 St. Rep. 80; 1 Ann. Cas. 42.

Cited, Pleading—Amendment—Change of Cause of Action.

84 Hun, 44; (65 St. Rep. 74; 31 Supp. 1044). 12 Misc. 372; (67 St. Rep. 303; 33 Supp. 559). 91 Hun, 423; (70 St. Rep. 798; 36 Supp. 224).

Deyo v. Rood, 3 Hill, 527.

Cited, Penalties—Recovery of Several in One Action.

7 App. Div. 481; (39 Supp. 1114).

Deyo v. Van Valkenburgh, 5 Hill, 242.

Cited, False Imprisonment—Privileged Person.

10 Misc. 351; (63 St. Rep. 413; 31 Supp. 24; 24 Civ. Pro. 171).

Deyoe v. Ewing, 70 Hun, 545; 53 St. Rep. 610; 24 Supp. 372.

Deyoe v. Woodworth, 70 Hun, 599; 53 St. Rep. 613; 24 Supp. 373.

Affirmed, 144 N. Y. 448; 63 St. Rep. 731.

Deyoe v. Woodworth, 144 N. Y. 448; 63 St. Rep. 731.

De Young v. Irving, 5 App. Div. 499; 38 Supp. 1089.

De Youngs v. Jung, 7 Misc. 56; 57 St. Rep. 84; 27 Supp. 370.

De Youngs v. Jung, 25 Supp. 479.

De Zell v. Odell, 3 Hill, 215.

Cited, Estoppel.

12 Misc. 137; (66 St. Rep. 737; 33 Supp. 80).

3 App. Div. 202; (73 St. Rep. 705; 38 Supp. 212). 6 App. Div. 52; (39 Supp. 741).

Dezengremel v. Dezengremel, 24 Hun, 457.

Cited, Pleading—Complaint—Limitation of Action.

77 St. Rep. 383; (43 Supp. 383).

D. G. Burton Company v. Cowan.
See *Burton Company v. Cowan*.

D. G. Burton Co. v. Cowen, 80 Hun, 392; 62 St. Rep. 45; 30 Supp. 317.

Cited, Appeal—Findings—Conflict of Evidence.

12 App. Div. 179; (76 St. Rep. 836; 42 Supp. 836).

Diamond v. Brooklyn, 71 St. Rep. 112; 36 Supp. 97.

Diamond Brick Co. v. N. Y. C. & H. R. R. Co., 58 Hun, 396; 34 St. Rep. 637; 12 Supp. 22.

Cited, Railroads—Gates.

2 App. Div. 119; (73 St. Rep. 149; 37 Supp. 533). 4 App. Div. 223; (74 St. Rep. 215; 38 Supp. 588).

Diamond Match Co. v. Roeber 35 Hun, 421.

Cited, Contracts—Restraint of Trade—Injunction.

13 App. Div. 213; (77 St. Rep. 341; 43 Supp. 341).

Diamond Match Co. v. Roeber, 106 N. Y. 473; 11 St. Rep. 47.

Cited, Contracts—Restraint of Trade.

53 St. Rep. 852; (24 Supp. 545). 136 N. Y. 340; (50 St. Rep. 13). 90 Hun, 289; (70 St. Rep. 599; 35 Supp. 932). 90 Hun, 434; (70 St. Rep. 605; 35 Supp. 981). 143 N. Y. 439; (62 St. Rep. 449).

Contracts—Restraint of Trade—Assignment.

67 Hun, 226; (50 St. Rep. 773; 22 Supp. 723). 143 N. Y. 493; (62 St. Rep. 803).

Contracts—Restraint of Trade—Limitations.

72 Hun, 45; (55 St. Rep. 193; 25 Supp. 295). 5 Misc. 492; (55 St. Rep. 158; 25 Supp. 767).

Contracts—Restraint of Trade—Injunction.

13 App. Div. 213; (77 St. Rep. 341; 43 Supp. 341). 12 Misc. 369; (67 St. Rep. 321; 33 Supp. 650). 12 Misc. 472; (67 St. Rep. 610; 33 Supp. 858).

Dias v. Brunell, 24 Wend. 9.

Cited, Death of Trustee—Substitution of Personal Representative.

2 Misc. 351; (50 St. Rep. 601; 22 Supp. 73). 2 App. Div. 570; (74 St. Rep. 320; 37 Supp. 1025).

Dibble v. Clapp, 31 How. 420.

Cited, West Point—State Jurisdiction Over.

22 Supp. 138.

Dibble v. Dimick, 4 Misc. 190; 53 St. Rep. 225; 23 Supp. 680.

Affirmed, 143 N. Y. 540; 62 St. Rep. 225.

Cited, Appeal—Case—Certification—Completeness of Evidence.

7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377). 5 Misc. 229; (54 St. Rep. 827; 25 Supp. 96; 23 Civ. Pro. 172).

Duplicate Citations in Parenthesis.

Dibble v. Dimick, 143 N. Y. 549; 62 St. Rep. 798.

Cited, Appeal—Record—Opinion.

143 N. Y. 510. 16 Misc. 7; (73 St. Rep. 286; 37 Supp. 687). 19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070).

Appeal—Certificate of Completeness of Evidence.

86 Hun, 438; (67 St. Rep. 628; 33 Supp. 899).

Dibble v. Rogers, 13 Wend. 536.

Cited, Acknowledgment—Certificate.

89 Hun, 399; (69 St. Rep. 845; 35 Supp. 434).

Dibblee v. Metcalf, 13 Misc. 136; 68 St. Rep. 106; 34 Supp. 122.

Dick v. Livingston, 41 Hun, 455; 4 St. Rep. 302.

Cited, Appeal from Final Judgment—Reviewing Interlocutory.

51 St. Rep. 811; (22 Supp. 281). 84 Hun, 161; (65 St. Rep. 730; 32 Supp. 446).

Appealability—Order Overruling Demurrer.

2 App. Div. 558; (37 Supp. 1105).

Dick v. Phillips, 41 Hun, 603; 5 St. Rep. 228; 25 Week. Dig. 29.

Cited, Inspection and Discovery—Procedure.

12 Misc. 68; (67 St. Rep. 13; 33 Supp. 179; 24 Civ. Pro. 327). 88 Hun, 326; (68 St. Rep. 570; 34 Supp. 752).

Dickerman, Matter of, 34 Hun, 585.

Distinguished, 9 Misc. 626; (62 St. Rep. 244; 30 Supp. 853).

Dickerson v. Benham, 20 How. 343.

Affirming, 10 Abb. 390.

Cited, Receivers—Corporations—Vacation of Attachment.

4 Misc. 447; (53 St. Rep. 520; 24 Supp. 332).

Dickerson v. Cook, 16 Barb. 509.

Cited, Statutes—Retroaction.

14 Misc. 425; (70 St. Rep. 259; 2 Ann. Cas. 379; 25 Civ. Pro. 106). 18 Misc. 194; (75 St. Rep. 703; 41 Supp. 293).

Dickerson v. Jenkins, 14 Misc. 115; 70 St. Rep. 378; 35 Supp. 605.

Dickerson v. Tillinghast, 4 Paige, 215.

Cited, Recording Act—Bona Fides.

135 N. Y. 48; (48 St. Rep. 256). 18 Misc. 132; (40 Supp. 1076).

Dickerson v. Van Tine, 1 Sandf. 724.

Cited, Receivers—Powers.

18 Misc. 390; (75 St. Rep. 1039; 41 Supp. 653).

Dickerson v. Wason, 47 N. Y. 439.

Cited, Notes—Collection—Bona Fides—Title.

81 Hun, 490, 493; (63 St. Rep. 301, 303; 30 Supp. 1113, 1115).

Dickey v. Bates, 13 Misc. 489; 70 St. Rep. 136; 35 Supp. 525.

Distinguished, Receivers—Action—Substitution.

16 App. Div. 151; (79 St. Rep. 102; 45 Supp. 102).

Dickey v. N. Y. Ins. Co., 4 Cow. 222.

Affirmed, 3 Wend. 658.

Cited, Insurance—Constructive Total Loss of Vessel—Valuation in Policy.

72 Hun, 287; (55 St. Rep. 751; 25 Supp. 417).

Dickins v. N. Y. C. R. Co., 23 N. Y. 158.

Cited, Cause of Action for Death—Beneficiaries.

86 Hun, 395; (67 St. Rep. 218; 33 Supp. 504).

Dickinson v. Devlin, 46 Super. 232.

Cited, Pleading—Surplusage.

64 St. Rep. 28; (31 Supp. 451).

Dickinson v. Edwards, 77 N. Y. 573.

Cited, Conflict of Laws—Contracts—Lex Loci.

9 Misc. 299; (61 St. Rep. 314; 30 Supp. 268). 150 N. Y. 323. D. 151 N. Y. 48.

Dickinson v. Hart, 50 St. Rep. 504; 21 Supp. 307.

Dickinson v. Hart, 142 N. Y. 183; 58 St. Rep. 645.

Affirming, 50 St. Rep. 504; 21 Supp. 307.

Cited, Damages—Profits.

12 App. Div. 489, 490; (76 St. Rep. 902, 903; 42 Supp. 902, 903).

Dickinson v. New York, 92 N. Y. 584.

Cited, Action—Demand.

79 Hun, 266; (60 St. Rep. 560; 29 Supp. 351).

Negligence—Limitation.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 319).

Nuisance—Negligence Distinguished.

72 Hun, 241; (55 St. Rep. 441; 25 Supp. 392). 13 App. Div. 357; (77 St. Rep. 238; 43 Supp. 328).

Dickinson v. Onderdonk, 18 Hun, 479.

Cited, Execution—Supplementary Proceedings—Order to Deliver Property to Creditor.

3 Misc. 118; (23 Supp. 1058).

Duplicate Citations in Parenthesis.

Dickinson v. Poughkeepsie, 75 N. Y. 65.

Cited, Municipal Contracts—Authority.

D. 7 App. Div. 512; (40 Supp. 241).

Evidence—Presumptions—Knowledge of Custom.

3 Misc. 244; (52 St. Rep. 138; 22 Supp. 942).

Dickinson v. Price, 64 Hun, 149; 45 St. Rep. 159; 18 Supp. 801.

Cited, Summary Proceedings—Void Lease. 15 Misc. 137; (71 St. Rep. 827; 36 Supp. 805).

Res Adjudicata.

85 Hun, 18; (66 St. Rep. 130; 32 Supp. 619).

Dickson v. Knapp, 17 App. Div. 36; 78 St. Rep. 636; 44 Supp. 636.

Dickson v. McCoy, 39 N. Y. 400.

Cited, Animals—Scienter—Viciousness—Negligence.

77 Hun, 577; (60 St. Rep. 452; 28 Supp. 1024). 85 Hun, 91; (66 St. Rep. 72; 32 Supp. 688). 86 Hun, 2; (66 St. Rep. 711; 33 Supp. 109).

Animals—Trespass—Liability of Owner.

79 Hun, 508; (61 St. Rep. 257; 29 Supp. 947).

Didsbury v. Van Tassell, 56 Hun, 423; 10 Supp. 32.

Cited, Service of Process—Holidays.

6 App. Div. 526; (39 Supp. 687).

Dieboldt v. United States Baking Co., 72 Hun, 403; 55 St. Rep. 285; 25 Supp. 205.

Cited, Master and Servant—Negligence—Guards.

81 Hun, 197; (62 St. Rep. 729; 30 Supp. 746).

Diebolt v. United States Baking Co., 81 Hun, 195; 62 St. Rep. 728; 30 Supp. 745.

Dieckerhoff v. Adler, 12 Misc. 445; 67 St. Rep. 599; 33 Supp. 693.

Dieckerhoff v. Alder, 39 Supp. 599.

Diefendorf v. Diefendorf, 132 N. Y. 100; 43 St. Rep. 384.

Cited, Deeds—Delivery.

10 Misc. 454; (63 St. Rep. 329; 31 Supp. 87).

Diefenthaler v. New York, 111 N. Y. 331; 19 St. Rep. 126.

Cited, Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822).

Taxes—Void Assessment—Vacating—Taxpayer's Action.

77 Hun, 226; (59 St. Rep. 824; 28 Supp. 866). 151 N. Y. 22.

Dieffenbach v. N. Y., L. E. & W. R. Co., 5 App. Div. 91; 74 St. Rep. 80; 38 Supp. 788.

Dieffenbach v. Roch, 112 N. Y. 621; 21 St. Rep. 570; 16 Civ. Pro. 172.

Cited, Judgment—Lien—Duration—Transcript from Justice.

27 Supp. 437.

Limitation of Action—Transcript of Justice's Judgment.

6 Misc. 402; (56 St. Rep. 632; 26 Supp. 777). 7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 299). 8 App. Div. 339; (75 St. Rep. 201; 40 Supp. 816). 17 App. Div. 184; (79 St. Rep. 297; 45 Supp. 297).

Dieffendori v. Reformed Calvinist Ch., 20 John. 12.

Cited, Church Rules—Rights Under.

20 Misc. 239; (79 St. Rep. 792; 45 Supp. 792).

Diehl v. Metropolitan El. R. Co., 11 Misc. 14; 63 St. Rep. 442; 31 Supp. 839.

Dienst v. McCaffrey, 66 St. Rep. 200; 32 Supp. 818; 24 Civ. Pro. 238.

Cited, Attorney's Lien—Priority.

18 Misc. 40; (75 St. Rep. 445; 40 Supp. 1128).

Dieter v. Fallon, 34 St. Rep. 680; 12 Supp. 33.

Cited, Brokers—Commissions—Complete Contract.

3 Misc. 425; (52 St. Rep. 440; 23 Supp. 157).

Dietlin v. Egan, 46 St. Rep. 762; 19 Supp. 392.

Cited, Weight of Evidence.

13 Misc. 144; (68 St. Rep. 99; 34 Supp. 115). 13 Misc. 78; (63 St. Rep. 229; 25 Civ. Pro. 37).

Dietlin v. Egan, 2 Misc. 52; 49 St. Rep. 712; 21 Supp. 6.

See 46 St. Rep. 762; 19 Supp. 392; 23 Civ. Pro. 398.

Dietz, Matter of, 50 N. Y. 88.

Cited, Wills—Joinder

10 Misc. 301; (64 St. Rep. 306; 31 Supp. 681).

Dietz v. Dike. See Dietz v. Field.

Dietz v. Farish, 79 N. Y. 520.

Cited, Contracts—Delivery.

17 Misc. 395; (39 Supp. 1094).

Dietz v. Farish, 43 Super. 87.

Cited, Courts—Powers Over Process and Judgments.

3 Misc. 120; (23 Supp. 1057). 23 Civ. Pro. 96; (23 Supp. 750). 7 Misc. 247; (58 St. Rep. 21; (27 Supp. 264).

Duplicate Citations in Parenthesis.

Dietz v. Field, 17 Misc. 26; 39 Supp. 257.

Dietz v. Field, 10 App. Div. 425; 75 St. Rep. 1434; 41 Supp. 1087.

Diffin v. Reid, 15 Misc. 268; (71 St. Rep. 178; 36 Supp. 407).

Dignan v. Dignan, 17 Misc. 268; 40 Supp. 320.

Dike v. Drexel, 11 App. Div. 77; 76 St. Rep. 979; 42 Supp. 979.

Dike v. Lewis, 4 Den. 237.
Cited, Tax Sale—Strict Compliance.
11 App. Div. 515; (76 St. Rep. 807; 42 Supp. 807).

Dike v. Long, 142 N. Y. 674; 60 St. Rep. 871.
Reversing, 52 St. Rep. 936.

Dikeman v. Puckhafer, 1 Daly, 489.
Cited, Index — Effect of Omission of Clerk.
12 Misc. 498; (67 St. Rep. 397; 33 Supp. 672).

Dill v. Harbeck, 17 St. Rep. 607; 1 Supp. 832.
Cited, Specific Performance—Parol Agreements Concerning Land — Performance by One Party.
73 Hun, 350; (55 St. Rep. 764; 26 Supp. 195).

Dill v. Wisner, 88 N. Y. 153.
Cited, Wills — Construction — Trust or Charge.
3 Misc. 533; (52 St. Rep. 491; 23 Supp. 331).

Dilaye v. Commercial Bank of Whitehall, 51 N. Y. 345
Cited, Securities — Secret Trust — Bona fide Purchaser.
12 Misc. 268; (67 St. Rep. 33; 33 Supp. 298).

Dillaye v. Greenough, 45 N. Y. 438.
Cited, Trust—Omission of Beneficiary.
3 App. Div. 290, 292; (38 Supp. 1070, 1071).

Dilleber v. Home Life Ins. Co., 69 N. Y. 256.
Cited, Trial—Objections to Evidence—Repetition.
147 N. Y. 656; (71 St. Rep. 265).

Dilleber v. Home Life Ins. Co., 87 N. Y. 79.
Cited, Hypothetical Questions—Scope.
1 App. Div. 621; (73 St. Rep. 93; 37 Supp. 501).

Dillenbeck v. Jerome, 7 Cow. 294.
Cited, Conversion—Title.

7 Misc. 691; (58 St. Rep. 388; 28 Supp. 146).

Damages.
88 Hun, 458; (68 St. Rep. 798; 34 Supp. 865).

Dillingham v. Barron, 26 Supp. 1109.

Dillingham v. Flack, 43 St. Rep. 806; 17 Supp. 867.

Distinguished, New Trial—New Evidence—Probable Effect on Result.
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Cited, New Trial—New Evidence—Diligence.

73 Hun, 198; (56 St. Rep. 130; 25 Supp. 916). 1 App. Div. 46; (72 St. Rep. 17; 36 Supp. 1084).

Dillingham v. Flack, 43 St. Rep. 810; 17 Supp. 879.

Cited, Appeal—Review of Facts—Motion for New Trial.
49 St. Rep. 417; (20 Supp. 816).

Trial—Request to Direct Verdict—Effect.
5 Misc. 266; (25 Supp. 107).

Dillon v. Anderson, 43 N. Y. 231.
Cited, Evidence—Intent.

11 App. Div. 442; (76 St. Rep. 323; 42 Supp. 323). D. 11 App. Div. 445; (76 St. Rep. 325; 42 Supp. 325).

Damages.
14 Misc. 14; (69 St. Rep. 499; 35 Supp. 127). 18 Misc. 441; (76 St. Rep. 377; 42 Supp. 377).

Dillon v. Cockcroft, 90 N. Y. 649.

Cited, Appeal—Review of Evidence—Request for Direction of Verdict.

3 Misc. 610; (51 St. Rep. 858; 22 Supp. 558). 8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726). 147 N. Y. 705; (69 St. Rep. 713). 81 Hun, 479; (63 St. Rep. 191; 30 Supp. 998).

Trial—Questions of Fact—When for Court Only.

74 Hun, 166; (56 St. Rep. 291; 26 Supp. 600). 73 Hun, 372; (55 St. Rep. 909; 26 Supp. 157). 69 Hun, 540; (53 St. Rep. 290; 23 Supp. 1092). 68 Hun, 248; (52 St. Rep. 386; 22 Supp. 973). 66 Hun, 582; (50 St. Rep. 105; 21 Supp. 848). 79 Hun, 116; (61 St. Rep. 12; 29 Supp. 407). 79 Hun, 119; (61 St. Rep. 872; 29 Supp. 515). 84 Hun, 360; (65 St. Rep. 547; 32 Supp. 349). 85 Hun, 571; (66 St. Rep. 800; 33 Supp. 128). 87 Hun, 563; (68 St. Rep. 491; 34 Supp. 484). 89 Hun, 26; (69 St. Rep. 432; 35 Supp. 38). 92 Hun, 403; (71 St. Rep. 576; 36 Supp. 662). 7 App. Div. 578; (40 Supp. 302). 16 App. Div. 610; (78 St. Rep. 933; 44 Supp. 983). 3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760). 4 Misc. 84; (53 St. Rep. 70; 23 Supp. 853). 12 Misc. 106; (66 St. Rep. 680; 33 Supp. 85).

Duplicate Citations in Parenthesis.

Dillon v. Commercial Cable Co., 87 Hun, 444; 68 St. Rep. 449; 34 Supp. 370.

Dillon v. Erie Railroad Co., 19 Misc. 116; 77 St. Rep. 320; 43 Supp. 320.
Cited, Railroads—Mileage Books.
15 App. Div. 257; (78 St. Rep. 178; 44 Supp. 178),

Dillon v. Masterson, 42 Super. 176.
Cited, Contracts—Time—Waiver—Default.
4 Misc. 440; (54 St. Rep. 141; 24 Supp. 697).

Dillon v. Syracuse, City of, 29 St. Rep. 912.
Cited, Municipal Contracts—Certificate of Engineer.
144 N. Y. 68; (63 St. Rep. 41).

Dilts v. Sweet, 49 St. Rep. 275; 21 Supp. 57.

Cited, Referee—Discretion—Review.
88 Hun, 229; (68 St. Rep. 259; 34 Supp. 665).

Di Messiah v. Gern, 10 Misc. 30; 63 St. Rep. 172; 30 Supp. 824.

Dimick v. Cooley, 3 Civ. Pro. 141.
Cited, Attorneys—Lien for Costs—Decedent's Estate.
9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Attorney—Removal—Compensation.
1 App. Div. 338; (72 St. Rep. 617; 37 Supp. 292). 16 Misc. 560; (74 St. Rep. 134; 25 Civ. Pro. 330; 38 Supp. 786).
Lien—Leave to prosecute.
18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Dimick v. Lockwood, 10 Wend. 142.
Cited, Damages—Breach of Covenant.
68 Hun, 74; (52 St. Rep. 225; 22 Supp. 596).
73 Hun, 294; (57 St. Rep. 283; 26 Supp. 301).
83 Hun, 477; (65 St. Rep. 82; 31 Supp. 1052).
8 App. Div. 183; (40 Supp. 317; 3 Ann. Cas. 244).

Dimick v. Patterson, 142 N. Y. 322; 59 St. Rep. 8.

Reversing, 66 Hun, 492; 50 St. Rep. 421; 21 Supp. 404.

Cited, Wills—Construction—Vesting of Estate.

11 Misc. 435; (67 St. Rep. 420; 33 Supp. 418).

Dimmick v. Patterson, 66 Hun, 492; 50 St. Rep. 421; 21 Supp. 404.

Dimock, Matter of, 11 Misc. 610; 66 St. Rep. 352; 32 Supp. 927; 24 Civ. Pro. 312.
Affirmed, 4 App. Div. 301; 39 Supp. 501.

Dimock, Matter of, 4 App. Div. 301; 39 Supp. 501.

Dimon v. Dunn, 15 N. Y. 498.

Cited, Pleading—Denials.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Dinan v. Coneys, 67 Hun, 141; 51 St. Rep. 370; 22 Supp. 46; 23 Civ. Pro. 157.
Reversed, 143 N. Y. 544; 62 St. Rep. 795.

Dinan v. Coneys, 143 N. Y. 544; 62 St. Rep. 795.

Dinehart v. Wells, 2 Barb. 432.

Cited, Costs—Claim of Title to Land—When in Issue.

69 Hun, 456; (52 St. Rep. 621; 23 Supp. 403).

Dinehart v. Wilson, 15 Barb. 595.

Cited, Landlord and Tenant—Occupancy on Shares—Rent—Reserving Portion of Crops.

1 Misc. 242; (53 St. Rep. 58; 23 Supp. 131).

Dingley v. Bon, 130 N. Y. 607; 42 St. Rep. 646.

Cited, Specific Performance—Land Contract—Title.

5 Misc. 330; (56 St. Rep. 56; 25 Supp. 750).

Dingley v. Star Knitting Co., 134 N. Y. 552; 48 St. Rep. 336.

Cited, Master and Servant—Defective Appliances—Equal Knowledge.

72 Hun, 445; (54 St. Rep. 868; 25 Supp. 191).

Dinniny v. Gavin, 4 App. Div. 298; 39 Supp. 485.

Dinniny v. New York & New Haven R. Co., 49 N. Y. 546.

Cited, Carriers—Baggage.

81 Hun, 475; (63 St. Rep. 216; 30 Supp. 1022).

Dinkel v. Wehle, 11 Abb. N. C. 124.

Cited, Attorneys—Liability for Expenses Incurred in Action.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Dinkel v. Wehle, 61 How. 159.

Cited, Appeal—Notice of—Date of Entry of Judgment.

7 Misc. 401; (58 St. Rep. 59; 27 Supp. 972.)

Dinley v. McCullagh, 92 Hun, 454; 72 St. Rep. 416; 36 Supp. 1007.

Cited, Interpleader—Action in Equity.

12 App. Div. 80; (77 St. Rep. 361; 43 Supp. 361).

Dinnihan v. Lake Ontario Beach Imp. Co., 8 App. Div. 509; 75 St. Rep. 139; 40 Supp. 764.

Dinsmore v. Commercial Travelers' Ass'n, 14 Supp. 676; 38 St. Rep. 624.

Cited, Contempt—Civil—Punishment.

67 Hun, 259; (50 St. Rep. 907; 22 Supp. 429; 23 Civ. Pro. 125).

Duplicate Citations in Parenthesis.

Dinsmore v. Adams, 66 N. Y. 618; 48 How. 274.

Cited, Judgments—Courts—Power of—To Open and Correct Judgments.

66 Hun, 401; (50 St. Rep. 132; 21 Supp. 397; 29 Abb. N. C. 404; 23 Civ. Pro. 13). 2 Misc. 408; (50 St. Rep. 614; 21 Supp. 964).

Dinsmore v. Duncan, 57 N. Y. 573.

Cited, Action—Election of Remedies—Effect.

6 Misc. 160; (27 Supp. 218).

Negotiable Instruments—Seal.

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Dinsmore v. Neresheimer, 32 Hun, 204.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun, 466; (52 St. Rep. 900; 24 Supp. 222).

Dintruff v. Tuthill, 62 Hun, 591; 43 St. Rep. 704; 17 Supp. 556.

Cited, Attachments—Affidavit—Recitals—Sufficiency.

76 Hun, 566; (58 St. Rep. 246; 28 Supp. 213). 76 Hun, 124; (57 St. Rep. 478; 27 Supp. 824)

Affidavits—Recital of Facts in the Alternative.

75 Hun, 337; (58 St. Rep. 210; 26 Supp. 1004). 143 N. Y. 352; (62 St. Rep. 308).

Directors of Rapid-Transit Ferry Co., Matter of, 15 App. Div. 530; 78 St. Rep. 539; 44 Supp. 539.

Disbrow v. Harris, 122 N. Y. 362.

Cited, Pleading—Complaint—Sufficiency of.

1 Misc. 194; (48 St. Rep. 516; 20 Supp. 614).

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148 N. Y. 430. 84 Hun, 430; (65 St. Rep. 619; 32 Supp. 403).

Disbrow v. Westchester Hardwood Co., 17 App. Div. 610; (79 St. Rep. 376; 45 Supp. 376).

Dishaw v. Wadleigh, 15 App. Div. 105; 78 St. Rep. 207; 44 Supp. 207.

Dishno v. Reynolds, 17 Hun, 137.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 266).

Distin v. Rose, 69 N. Y. 122.

Cited, Evidence—Relevancy—Slander—Remoteness.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109). 89 Hun, 354; (69 St. Rep. 801; 35 Supp. 437). 10 App. Div. 515; (75 St. Rep. 1439; 41 Supp. 1092).

Distler v. Long Island R. Co., 78 Hun, 252; 60 St. Rep. 216; 28 Supp. 865

Reversed, 151 N. Y. 424; 3 Ann. Cas. 334.

Contributory Negligence—Boarding Moving Train—Invitation of Employee.

82 Hun, 38; (63 St. Rep. 477; 31 Supp. 155).

Distler v. Long Island R. Co., 151 N. Y. 424; 3 Ann. Cas. 334.

Cited, Contributory Negligence.

16 App. Div. 106; (79 St. Rep. 119; 45 Supp. 119).

Ditchett v. Spuyten D. & P. M. R. Co., 67 N. Y. 425.

Cited, Railroads—Liability—Fences.

7 Misc. 646; (58 St. Rep. 392; 28 Supp. 14).

Ditmars v. Sackett, 81 Hun, 317; 62 St. Rep. 633; 30 Supp. 721.

Cited, 92 Hun, 384; (71 St. Rep. 712; 36 Supp. 692).

Ditmars v. Sackett, 92 Hun, 381; 71 St. Rep. 710; 36 Supp. 690.

Cited, Evidence—§ 829 Code of Civil Procedure.

13 App. Div. 493; (77 St. Rep. 355; 43 Supp. 355).

Ditmars v. Smith, 3 App. Div. 57; 74 St. Rep. 848; 38 Supp. 1036.

Ditmas v. Bass, 50 St. Rep. 632; 21 Supp. 201.

Ditmas v. Ditmas, 76 St. Rep. 108; 42 Supp. 108.

Ditmas v. Hitchings, 61 St. Rep. 513; 29 Supp. 776.

Divan v. Phelps, 34 Barb. 224.

Cited, Insolvent Corporation—Set Off.

90 Misc. 438; (70 St. Rep. 301; 35 Supp. 816).

D'Ivernois v. Leavitt, 8 Abb. 59.

Cited, Jurisdiction—Interlocutory Proceedings.

2 App. Div. 415; (73 St. Rep. 545; 37 Supp. 1002).

Divver v. Hall, 20 Misc. 677.

Dix v. Briggs, 9 Paige. 595.

Cited, Equity—Exhaustion of Legal Remedy.

143 N. Y. 571; (62 St. Rep. 783; 1 Ann. Cas. 23).

Dix v. Van Wyck, 2 Hill, 522.

Cited, Usury—Availability.

91 Hun, 568; (72 St. Rep. 358; 36 Supp. 837).

Duplicate Citations in Parenthesis.

Dixon, Matter of, 50 St. Rep. 629; 21 Supp. 343.

Cited, Accounting—Costs.

17 Misc. 490; (41 Supp. 272).

Dixon v. Brooklyn City & N. R. R. Co., 100 N. Y. 170.

Cited, Street Railroads—Abutting Owners—Duty to Remove Snow.

83 Hun. 252; (63 St. Rep. 808; 31 Supp. 396).

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16 App. Div. 205; (78 St. Rep. 722; 44 Supp. 722). 12 Misc. 416; (67 St. Rep. 574; 33 Supp. 705).

Dixon v. Clow, 24 Wend. 188.

Cited, Appeal—Reversal—Nominal Damages.

4 Misc. 134; (53 St. Rep. 171; 23 Supp. 864; 30 Abb. N. C. 309).

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76 Hun. 500; (59 St. Rep. 335; 27 Supp. 1091).

Dixon v. Dixon, 8 St. Rep. 816.

Cited, Motions and Orders—Vacation Without Notice.

3 Misc. 115; (23 Supp. 1054).

Dixon v. Dixon, 12 St. Rep. 505.

Cited, Appeal—From Judgment—Extent of Review.

4 Misc. 173; (53 St. Rep. 215; 23 Supp. 675). 11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

Dixon v. Frazee, 1 E. D. Smith, 32.

Cited, Contract—Statute of Frauds—To Answer for Debt of Another.

66 Hun. 501; (50 St. Rep. 440; 21 Supp. 377).

Dixon v. Western Union Tel. Co.,

3 App. Div. 60; 38 Supp. 1056; 3 Ann. Cas. 126.

Dixon v. Syracuse, 10 Misc. 306; 63 St. Rep. 534; 31 Supp. 283.

Dobbin v. Bradley, 17 Wend. 422.

Cited, Surety—Modification of Contract.

15 App. Div. 18; (78 St. Rep. 127; 44 Supp. 127).

Dobbins v. Brown, 119 N. Y. 188; 28 St. Rep. 957.

Cited, Evidence—Presumptions—Of Negligence.

50 St. Rep. 834; (22 Supp. 345). 1 Misc. 304; (78 St. Rep. 771; 20 Supp. 711). 5 Misc. 305; (25 Supp. 757). D. 9 Misc. 12; (59 St. Rep. 740; 29 Supp. 23). 9 Misc. 60; (59 St. Rep. 684; 29 Supp. 3). 12 Misc. 333; (65 St. Rep. 789; 33 Supp. 640). 68 Hun. 456; (52 St. Rep. 754; 23 Supp. 75). 7 App. Div. 408; (39 Supp. 1018).

Evidence—Sufficiency—Negligence.

3 Misc. 223; (51 St. Rep. 871; 22 Supp. 752). 1 Misc. 101; (48 St. Rep. 676; 20 Supp. 691). 6 Misc. 105; (55 St. Rep. 401; 26 Supp. 10). 17 App. Div. 592; (79 St. Rep. 477; 45 Supp. 477).

Master and Servant—Places—Appliances.

142 N. Y. 34; (58 St. Rep. 437). 71 Hun. 587; (55 St. Rep. 113; 24 Supp. 1104). 17 App. Div. 48; (78 St. Rep. 967; 44 Supp. 967). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 331).

Dobert v. Troy City Railway Co., 91

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Dobson, Matter of, 146 N. Y. 357.

Cited, Statutes—Repeal.

150 N. Y. 343; 13 App. Div. 591; (77 St. Rep. 457; 43 Supp. 457). 17 Misc. 257; (40 Supp. 1078).

Dobson v. Kuhula, 49 St. Rep. 735; 20 Supp. 771.

Cited, Co-tenants—Contracts—Powers.

17 Misc. 153; (39 Supp. 334).

Dobson v. Pearce, 12 N. Y. 156.

Cited, Fraud—As Avoiding Judgment.

144 N. Y. 62; (63 St. Rep. 632). 151 N. Y. 178; D. 87 Hun. 43; (67 St. Rep. 680; 33 Supp. 956). 87 Hun. 515; (63 St. Rep. 510; 34 Supp. 504). 12 App. Div. 15; (76 St. Rep. 176; 42 Supp. 176).

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91 Hun. 49; (71 St. Rep. 380; 36 Supp. 298).

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16 Misc. 625; (39 Supp. 57). 17 Misc. 427; (39 Supp. 713).

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81 Hun. 459; (63 St. Rep. 619; 31 Supp. 217). 12 App. Div. 36; (76 St. Rep. 363; 42 Supp. 363).

Dobson v. Racey, 8 N. Y. 216.

Cited, Principal and Agent—Conflict of Interests.

8 Misc. 358, 359; (59 St. Rep. 592; 28 Supp. 705).

Dockstader, Matter of, 6 Dem. 106; 19 St. Rep. 245.

Cited, Wills—Probate—Witness—Mark.

76 Hun. 2; (53 St. Rep. 732; 27 Supp. 957). 58 St. Rep. 799; (27 Supp. 962). 15 Misc. 211; (72 St. Rep. 760; 37 Supp. 225).

Dockstader v. Sammons, 4 Hill, 546.

Cited, Increased Costs.

86 Hun. 54; (66 St. Rep. 785; 33 Supp. 160).

Docter v. Darling, 68 Hun. 70; 52 St. Rep. 221; 22 Supp. 594.

Duplicate Citations in Parenthesis.

Docter v. Schnepf, 7 Civ. Pro. 144; 2 How. N. S. 52.

Cited, Affidavit—Age of Affiant—Presumption.

17 Misc. 272; (40 Supp. 355).

Dodd v. Averill, 7 App. Div. 290; 39 Supp. 1097.

Dodd v. Averill, 14 Misc. 518; 70 St. Rep. 715; 35 Supp. 1070.

Dodd v. Bell, 15 App. Div. 258; 78 St. Rep. 198; 44 Supp. 198.

Dodd v. Curry, 4 How. 123.

Cited, Costs—Taxation—Two Trial Fees. 23 Supp. 674; (23 Civ. Pro. 114).

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7 Misc. 543; (58 St. Rep. 320; 28 Supp. 62).

Dodd v. Dreyfus, 17 Hun, 600.

Cited, Partnership—Liability of Retiring Partner—Release.

4 Misc. 406; (53 St. Rep. 522; 23 Supp. 1062).

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9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).

Dodds v. Hakes, 114 N. Y. 260; 23 St. Rep. 192.

Cited, Arbitration—Award—Necessity of Finality.

137 N. Y. 297; (50 St. Rep. 690).

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139 N. Y. 436; (54 St. Rep. 699). 90 Hun, 564; (71 St. Rep. 405; 36 Supp. 69). 91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841).

Dode v. Manhattan R. Co., 70 Hun, 374; 54 St. Rep. 286; 24 Supp. 422; 23 Civ. Pro. 180.

Affirmed, 140 N. Y. 637; 55 St. Rep. 931.

Cited, Extra Allowance—Basis of Computation.

12 Misc. 347; (67 St. Rep. 388; 33 Supp. 686).

Dode v. Manhattan R. Co., 140 N. Y. 637; 55 St. Rep. 931.

Affirming, 70 Hun, 374; (54 St. Rep. 286; 24 Supp. 422; 23 Civ. Pro. 180).

Cited, Extra Allowance—Basis of Computation.

12 Misc. 347; (67 St. Rep. 388; 33 Supp. 687).

Dodge v. Colby, 108 N. Y. 445; 13 St. Rep. 848.

Cited, Courts—Jurisdiction—Objection to—How and When to be Raised.

140 N. Y. 466; (55 St. Rep. 832).

Courts—State—Jurisdiction—Trespass.

135 N. Y. 339; (47 St. Rep. 877).

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8 Misc. 92; (60 St. Rep. 157; 28 Supp. 779).

Dodge v. Crandall, 30 N. Y. 294.

Cited, Specialty—Parol Modification.

87 Hun, 102; (67 St. Rep. 494; 33 Supp. 878). 11 App. Div. 3; (76 St. Rep. 386; 42 Supp. 386).

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18 Misc. 437; (75 St. Rep. 1189; 41 Supp. 790).

Dodge v. Eckert, 71 Hun, 257; 54 St. Rep. 481; 24 Supp. 1074.

Dodge v. Lambert, 2 Bosw. 570.

Cited, Injunction — Lease—Covenants—Enforcement.

6 Misc. 412; (27 Supp. 175).

Dodge v. Lawson, 19 Supp. 904; 23 Civ. Pro. 112.

Cited, Interpleader — Variance of Amounts.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 309; 25 Civ. Pro. 292; 2 Ann. Cas. 224).

Dodge v. Manning, 11 Paige, 334.

Cited, Executors—Application of Personality to Payment of Debts — Specific Legacies.

15 Misc. 569; (72 St. Rep. 810; 38 Supp. 181).

Dodge v. Manning, 1 N. Y. 298.

Cited, Legacies — Charges on Land—Priority.

75 Hun, 379; (58 St. Rep. 661; 27 Supp. 113).

Dodge v. Miller, 81 Hun, 102; 62 St. Rep. 689; 30 Supp. 726.

Dodge v. Ockerhausen, 51 St. Rep. 195; 22 Supp. 25.

Dodge v. Pond, 23 N. Y. 69.

Cited, Post Mortem Gifts Other Than by Will.

50 St. Rep. 230; (21 Supp. 663). D. 78 Hun, 132; (60 St. Rep. 191; 28 Supp. 999).

Wills—Perpetuity.

74 Hun, 300; (56 St. Rep. 271; 26 Supp. 671). 140 N. Y. 536; (56 St. Rep. 475).

Wills—Equitable Conversion.

1 Misc. 455; (51 St. Rep. 517; 22 Supp. 1079). 14 Misc. 411; (71 St. Rep. 507; 36 Supp. 449).

Dodge v. Potter, 18 Barb. 193.

Cited, Chattel Mortgage—Filing—Neglect of Town Clerk.

71 Hun, 552; (54 St. Rep. 927; 25 Supp. 45). 12 Misc. 497; (67 St. Rep. 397; 33 Supp. 672).

Dodge v. Stevens, 94 N. Y. 209.

Cited, Action—Parties—Enforcement of Lien—For Debt of Ancestor.

Duplicate Citations in Parenthesis.

61 St. Rep. 280; (29 Supp. 966).
Purchase by Trustee.
 10 App. Div. 608; (76 St. Rep. 357. 42 Supp. 357). 15 Misc. 584; (72 St. Rep. 118; 37 Supp. 85).

Dodge v. Stevens, 105 N. Y. 585; 8 St. Rep. 671.
Cited, Real Property—Remainders—Contingent—Vesting.
 2 Misc. 559; (24 Supp. 775).
Sale of Infant's Property.
 15 Misc. 587; (72 St. Rep. 120; 37 Supp. 87).

Dodge v. St. John, 96 N. Y. 260.
Cited, Guardians—Bonds—Discharge.
 138 N. Y. 201; (52 St. Rep. 142).

Dodge v. Weill, 81 Hun, 113; 62 St. Rep. 635; 30 Supp. 681.

Dodge v. Wellman, 1 Abb. Ct. App. Dec. 512.
Cited, Ejectment—Equitable Defense—Ownership.
 17 Misc. 427; (39 Supp. 714).

Dodge v. Zimmer, 110 N. Y. 43; 16 St. Rep. 657.
Cited, Contract—Interpretation—Contra Proferentem.
 79 Hun, 567; (61 St. Rep. 590; 29 Supp. 902).
Evidence—Parol—Practical Construction.
 21 Supp. 68. 35 Hun, 177; (65 St. Rep. 627; 32 Supp. 590). 13 Misc. 47; (68 St. Rep. 93; 34 Supp. 90). 16 Misc. 218; (39 Supp. 192). 76 St. Rep. 565; (42 Supp. 565).
Money Paid—Implied Request.
 11 Misc. 55; (63 St. Rep. 450; 31 Supp. 854).

Dodin v. Dodin, 17 Misc. 35; 40 Supp. 748.

Dodin v. Dodin, 16 App. Div. 42; 78 St. Rep. 800; 44 Supp. 800.

Dodworth v. Jones, 4 Duer, 201.
Cited, Replevin—Title—Right to Possession—Stereotype Plates.
 31 Abb. N. C. 375.

Doe v. Campbell, 10 Johns. 475.
Cited, Adverse Possession—Continuity—Privacy.
 80 Hun, 289; (62 St. Rep. 38; 30 Supp. 168).

Doe v. Doe, 52 Hun, 405; 5 Supp. 514.
Cited, Alimony—Transfer of Property as.
 79 St. Rep. 404; (45 Supp. 404).

Doe v. Provoost, 4 Johns. 60.
Cited, Wills—Construction—Circumstances of Testator.
 5 Misc. 172; (25 Supp. 724).

Doe v. Doe, 2 Barb. 200.
Cited, Wills—Attestation—Request to Witnesses—Made by Scriviner—Assent of Testator.
 141 N. Y. 157; (56 St. Rep. 680).

Doe v. Doe, 1 Johns. Cas. 402.
Cited, Defective Acknowledgment—Registry—Notice.
 15 App. Div. 250; (78 St. Rep. 174; 44 Supp. 174).

Doe v. Thompson, 5 Cowen, 371.
Cited, Adverse Possession—Continuity—Duration.
 3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Doebold v. Opperman, 111 N. Y. 531; 20 St. Rep. 81.
Cited, Action—Fraud—Damage.
 84 Hun, 252; (65 St. Rep. 845; 32 Supp. 700).

Doellner v. Tynan, 38 How. 176.
Cited, Injunction—Necessities of Trade.
 8 Misc. 481; (59 St. Rep. 877; 29 Supp. 582; 31 Abb. N. C. 341).

Doherty v. Lord, 5 Misc. 596; 55 St. Rep. 160; 25 Supp. 752.
Affirmed, 8 Misc. 227; 59 St. Rep. 445; 28 Supp. 720.

Doherty v. Lord, 8 Misc. 227; 59 St. Rep. 445; 28 Supp. 720.
Cited, Witness—Impeachment—Inconsistent Statements.
 12 Misc. 60; (66 St. Rep. 683; 33 Supp. 49).
Question of Fact—Relation of Master and Servant.
 10 Misc. 124; (62 St. Rep. 512; 30 Supp. 914).

Doherty v. Matsell, 119 N. Y. 646.
Cited, Adverse Possession—Burden of Proof.
 D. 12 App. Div. 116; (76 St. Rep. 537; 42 Supp. 537). 15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157). 19 Misc. 291; (77 St. Rep. 128; 43 Supp. 128).

Doherty v. Shields, 86 Hun, 303; 67 St. Rep. 211; 33 Supp. 487.

Doherty v. Sweetser, 82 Hun, 556; 64 St. Rep. 313; 31 Supp. 649.
Cited, Negligence—Presumption—Unattended Horse.
 6 App. Div. 71, 72; (39 Supp. 472, 473).

Dohn v. Dawson, 84 Hun, 110; 65 St. Rep. 221; 32 Supp. 59.

Dohn v. Dawson, 90 Hun, 271; 70 St. Rep. 608; 35 Supp. 984.
Cited, Negligence—Presumption—Character of Accident.
 7 App. Div. 407; (39 Supp. 1017).

*Duplicate Citations in Parenthesis.***Dohn v. Farmers' Joint Stock Ins. Co.,** 5th Lans. 275.*Cited, Waiver—Time Limitations.*

13 Misc. 691; (69 St. Rep. 212; 35 Supp. 16).

Dohrmann, Matter of, 15 App. Div. 67; 78 St. Rep. 280; 44 Supp. 280.**Doig v. Haverly,** 92 Hun, 176; 72 St. Rep. 728; 37 Supp. 455.**Doing v. New York O. & W. R. Co.,** 73 Hun, 270; 58 St. Rep. 64; 26 Supp. 405.*Reversed,* 151 N. Y. 579.*Cited, Master and Servant—Rules.*

88 Hun, 325; (68 St. Rep. 559; 34 Supp. 741).

Doing v. New York O. & W. R. Co., 151 N. Y. 579.*Cited, Master and Servant—Safe Place to Work—Appliances.*

15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279). 17 App. Div. 593; (79 St. Rep. 478; 45 Supp. 478).

Doke v. James, 4 N. Y. 568.*Cited, Arbitration—Award—Modification After Delivery.*

137 N. Y. 294; (50 St. Rep. 688).

Dolan, Matter of, 4 Redf. 511.*Cited, Wills—Legacies—Priority.*

5 Misc. 126; (25 Supp. 727).

Dolan, Matter of, 88 N. Y. 309.*Cited, Surrogate—Jurisdiction—Sale of Property to Pay Debts.*

17 Misc. 480; (75 St. Rep. 927; 41 Supp. 539).

Sale of Property to Pay Debts—Title Conveyed.

88 Hun, 357; (68 St. Rep. 578; 34 Supp. 759).

Dolan v. Aetna Ins. Co., 22 Hun, 396.*Cited, Jury—Possession of Improper Papers.*

17 Misc. 83; (39 Supp. 854).

Insurance—False Statement of Loss.

87 Hun, 419; (68 St. Rep. 486; 34 Supp. 335).

Dolan v. Delaware & H. C. Co., 71 N. Y. 285.*Cited, Trial—Instructions—As to Effect of Belief of Certain Testimony—Credibility.*

2 Misc. 174; (49 St. Rep. 627; 21 Supp. 637). 4 Misc. 569; (25 Supp. 789). 9 Misc. 116; (59 St. Rep. 735; 29 Supp. 50). 10 Misc. 288; (63 St. Rep. 272; 30 Supp. 1084). 16 Misc. 13; (73 St. Rep. 291; 37 Supp. 594).

Negligence—Railroad Crossing—Flagman.

4 App. Div. 552; (74 St. Rep. 821; 38 Supp. 1011). 85 Hun, 159; (65 St. Rep. 667; 32 Supp. 482). 8 App. Div. 142; (40 Supp. 474).

Dolan v. Merritt, 18 Hun, 27.*Cited, Reference—Report and Findings.* 9 Misc. 95; (59 St. Rep. 693; 29 Supp. 5).**Dolan v. New York,** 62 N. Y. 472.*Cited, Judgment—Conclusiveness—Ex- tent.*

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298).

Confirmation—Effect as Judgment.

3 App. Div. 369; (38 Supp. 523).

Dolan v. New York, 68 N. Y. 274.*Cited, Officers—Right to Recover Salary Paid to Intruder.*

74 Hun, 520; (57 St. Rep. 213; 26 Supp. 587).

Officers—Salary—De facto Entitled to From Public Funds.

147 N. Y. 208; (69 St. Rep. 506).

Dolan v. New York, 4 Abb. N. S. 397.*Cited, Contract—Illegality—Payment of Public Money to Monopoly.*

5 Misc. 392; (26 Supp. 933).

Dolan v. People, 64 N. Y. 485.*Cited, Indictment—Harmless Irregularities.*

1 App. Div. 568; (74 St. Rep. 723; 40 Supp. 161).

Officers—De facto.

14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071).

Dolan v. Rogers, 149 N. Y. 489.*Affirming,* 79 Hun, 610; 62 St. Rep. 871; 29 Supp. 1143.*Cited, Contracts—Performance—Excuse.*

150 N. Y. 431; (3 Ann. Cas. 365).

Dolbeer v. Stout, 46 St. Rep. 858; 19 Supp. 820.*Reversed,* 139 N. Y. 486; 54 St. Rep. 801.*Cited, Action—Stay—Multiplicity.*

77 Hun, 569; (60 St. Rep. 488; 28 Supp. 1033).

Dolbeer v. Stout, 139 N. Y. 486; 54 St. Rep. 801.*Reversing,* 46 St. Rep. 858; 19 Supp. 820.*Cited, Action—Stay.*

16 App. Div. 73; (78 St. Rep. 690; 44 Supp. 690).

Dolevin v. Wilder, 34 How. 488.*Cited, Evidence—Relevancy—Malice.*

85 Hun, 528; (67 St. Rep. 78; 33 Supp. 335).

Doll v. Noble, 116 N. Y. 230; 26 St. Rep. 629.*Cited, Contracts—Performance—Conditions as to Payment—Certificate—Refusal.*

Duplicate Citations in Parenthesis.

4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 10 Misc. 658; (64 St. Rep. 498; 31 Supp. 794). 13 Misc. 197; (68 St. Rep. 217; 34 Supp. 131). 86 Hun, 365; (67 St. Rep. 150; 33 Supp. 450). 139 N. Y. 182; (54 St. Rep. 508). 141 N. Y. 202; (56 St. Rep. 814). Satisfaction.

3 Misc. 371; (52 St. Rep. 436; 23 Supp. 348). 15 Misc. 29; (71 St. Rep. 495; 36 Supp. 444; 2 Ann. Cas. 342).

Dollard v. Roberts, 28 St. Rep. 569; 8 Supp. 432.

Affirmed, 130 N. Y. 269; 41 St. Rep. 253.

Cited, Landlord and Tenant—Landlord's Liability—Repairs.

7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416).

Dollard v. Roberts, 130 N. Y. 269; 41 St. Rep. 253.

Cited, Landlord and Tenant—Liability of Landlord — Tenement House — Common Premises.

5 Misc. 445; (26 Supp. 802). 20 Misc. 571. D. 6 App. Div. 184; (39 Supp. 1026).

Doller v. Union R. Co., 7 App. Div. 283; 39 Supp. 770.

Cited, Contributory Negligence.

7 App. Div. 257; (74 St. Rep. 709; 40 Supp. 150).

Dollner v. Lintz, 9 Daly, 17.

Cited, Verdict—Weight of Evidence.

10 Misc. 657; (64 St. Rep. 497; 31 Supp. 793).

Dolloway v. Turrill, 26 Wend. 383.

Cited, Prosecution.

5 App. Div. 326; (39 Supp. 293).

Dolon v. Davidson, 16 Misc. 316; 39 Supp. 394; 25 Civ. Pro. 403.

Dolph v. White, 12 N. Y. 296.

Cited, Lease—Liability of Assignee.

4 App. Div. 151; (74 St. Rep. 775; 38 Supp. 881).

Dolz v. Atlantic & G. S. T. Co., 3 Civ. Pro. 162.

Cited, Attachment—Pleading—Cause of Action.

11 Misc. 296; (65 St. Rep. 430; 32 Supp. 248).

Domestic Sewing Machine Co. v. Barry, 2 Misc. 264; 51 St. Rep. 219; 21 Supp. 970.

Dominick v. Michael, 4 Sandf. 374.

Cited, Specific Performance.

20 Misc. 477.

Dominick v. Sayre, 3 Sandf. 555.

Cited, Powers—Execution—Imperativeness.

140 N. Y. 342; (55 St. Rep. 737). 153 N. Y. 143.

Dominy v. Miller, 33 Barb. 386.

Cited, Title — Possession — Deeds—Presumption.

12 App. Div. 105, 107; (76 St. Rep. 530, 531; 42 Supp. 530, 531).

Domschke v. Metropolitan Elevated R. Co., 74 Hun, 442; 57 St. Rep. 189; 26 Supp. 840.

Affirmed, 148 N. Y. 337.

Cited, Pleading—Variance—Waiver.

9 Misc. 67; (59 St. Rep. 680; 29 Supp. 16. Equity—Complete Relief.

12 App. Div. 265; (76 St. Rep. 509; 42 Supp. 509).

Domschke v. Metropolitan Elevated R. Co., 148 N. Y. 337.

Cited, Action — Conveyance Pending—Substitution of Parties.

4 App. Div. 81; (38 Supp. 689).

Donadi v. New York State Mut. Ins. Co., 2 E. D. Smith, 519.

Cited, Agency—Scope—Burden of Proof.

13 Misc. 87; (63 St. Rep. 182; 34 Supp. 108; 25 Civ. Pro. 51).

Donahue v. Case, 61 N. Y. 631.

Cited, Evidence—Declarations — Occupation of Land.

73 Hun, 263; (57 St. Rep. 286; 26 Supp. 317).

Donahue v. N. Y. C. & H. R. R. Co., 15 Misc. 256; 71 St. Rep. 491; 36 Supp. 441.

Donahue v. O'Connor, 45 Super. 279.

Cited, Taxation—Redemption.

22 Supp. 534; (30 Abb. N. C. 111) 5 Misc. 190; (25 Supp. 816). 152 N. Y. 210.

Donahue v. Wippert, 7 Misc. 506; 60 St. Rep. 171; 28 Supp. 495.

Donai v. Lutjens, 20 Misc. 221; 79 St. Rep. 364; 45 Supp. 364.

Donald v. Elliott, 11 Misc. 120; 66 St. Rep. 218; 32 Supp. 821; 24 Civ. Pro. 190.

Donaldson v. O'Connor, 1 E. D. Smith, 695.

Cited, Liens—Mechanics—Time for Filing Notice—Effect of Delay.

2 Misc. 235; (50 St. Rep. 759; 21 Supp. 971).

Donaldson v. Wood, 23 Wend. 395.

Cited, Statutes—Construction—Intent.

66 Hun, 130; (49 St. Rep. 47; 21 Supp. 49).

Donelly v. O'Day, 1 Misc. 165; 48 St. Rep. 709; 20 Supp. 688.

Donivan v. Manhattan R. Co., 1 Misc. 368; 49 St. Rep. 722; 21 Supp. 457.

Duplicate Citations in Parenthesis.

Cited, Damages — Exemplary—Act of Servant.

79 Hun, 38; (61 St. Rep. 197; 29 Supp. 736). 6 Misc. 164; (27 Supp. 121).

Malicious Prosecution—Liability of Corporation.

2 Misc. 504; (51 St. Rep. 570; 21 Supp. 999).

Donlon, Matter of, 66 Hun, 199; 49 St. Rep. 150; 21 Supp. 114.

Donlon v. Davidson, 16 Misc. 316; 39 Supp. 394; 25 Civ. Pro. 405.

Donlon v. Davidson, 7 App. Div. 461; 39 Supp. 1020.

Donlon v. English, 89 Hun, 67; 69 St. Rep. 260; 35 Supp. 82; 2 Ann. Cas. 299.

Cited, Evidence—Memoranda.

17 Misc. 84; (39 Supp. 854.)

Donlon & Miller Mfg Co. v. Carnella, 89 Hun, 21; 69 St. Rep. 8; 34 Supp. 1065.

Donnegan v. Erhardt, 119 N. Y. 468; 29 St. Rep. 589.

Cited, Master and Servant—Appliances.

1 Misc. 426; (49 St. Rep. 638; 21 Supp. 428). 8 App. Div. 386; (75 St. Rep. 199; 40 Supp. 814).

Railroads—Tracks—Degree of Care.

8 App. Div. 462; (75 St. Rep. 151; 40 Supp. 777).

Negligence—Violation of Statute.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Donnell v. Cornell, 1 Code R. N. S. 288.

Cited, Opening Default—When Motion Can be Made.

5 App. Div. 516. (39 Supp. 39).

Donnell v. Heru, 12 Daly 230.

Cited, Statute of Frauds—Promise to Pay for Goods Furnished Another—Title to Goods.

9 Misc. 409; (61 St. Rep. 696; 30 Supp. 30). 1 App. Div. 386; (72 St. Rep. 462; 37 Supp. 398). 9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196).

Donnell v. New York, 68 Hun, 55; 52 St. Rep. 37; 22 Supp. 661.

Donnelly v. Brooklyn, 121 N. Y. 9; 30 St. Rep. 501.

Cited, Eminent Domain—Grant of Right—Effect.

3 Misc. 24; (51 St. Rep. 129; 22 Supp. 180). 11 Misc. 460; (66 St. Rep. 21; 32 Supp. 740); 144 N. Y. 268; (63 St. Rep. 108).

Municipal Corporations—Claims Against—Payment.

82 Hun, 72; (63 St. Rep. 504; 31 Supp. 189). 11 App. Div. 382; (76 St. Rep. 96; 42 Supp. 96).

Judgments—Interest.

14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454).

Donnelly v. Brooklyn City R. Co., 109 N. Y. 16.

Cited, Contributory Negligence — Imputed.

4 App. Div. 498; (38 Supp. 669). 88 Hun, 477; (69 St. Rep. 44; 34 Supp. 983).

Donnelly v. Brown, 43 Hun, 470.

Cited, Master and Servant — Risks Assumed.

3 App. Div. 149; (74 St. Rep. 482; 38 Supp. 52).

Donnelly v. Cowen, 20 Misc. 100; 79 St. Rep. 71; 45 Supp. 71.

Donnelly v. Deering, 24 Week. Dig. 18.

Cited, Evidence—Presumption — Assignment—Consideration.

7 Misc. 683; (58 St. Rep. 379; 28 Supp. 39).

Donnelly v. Donnelly, 50 St. Rep. 250; 21 Supp. 684.

Donnelly v. Jenkins, 58 How. 252.

Cited, Landlord and Tenant—Elevators—Negligence.

13 Misc. 497; (68 St. Rep. 408; 34 Supp. 680; 2 Ann. Cas. 180).

Donnelly v. Libby, 1 Sweeny, 259.

Cited, Mechanic's Lien — Sufficiency of Notice—Description of Property.

7 Misc. 535; (27 Supp. 999).

Donnelly v. McArdle, 14 App. Div. 217; 77 St. Rep. 530; 43 Supp. 560.

Cited, New Trial—Surprise—Laches.

15 App. Div. 359; (78 St. Rep. 60; 44 Supp. 60).

Donnelly v. New York & Harlem R. Co., 3 App. Div. 408; 74 St. Rep. 169; 38 Supp. 709.

Donnelly v. Pancoast, 15 App. Div. 323; 78 St. Rep. 104; 44 Supp. 104.

Donnelly Contracting Co. v. Stanton, 6 Misc. 168; 27 Supp. 124.

Donner v. Ogilive, 49 Hun, 229; 1 Supp. 633.

Cited, Landlord and Tenant — Defective Premises—Knowledge of Landlord.

18 Misc. 412; (76 St. Rep. 510; 42 Supp. 510).

*Duplicate Citations in Parenthesis.***Donohue, Matter of**, 1 Abb. N. C. 1.

Cited, Constitutional Law — Powers of Legislature — Protection of Children — Habeas Corpus.

79 Hun, 583; (61 St. Rep. 581; 29 Supp. 894).

Appeal — Judgments — Review—Habeas Corpus.

88 Hun, 262; (68 St. Rep. 554; 34 Supp. 736).

Donohue v. Henry, 4 E. D. Smith; 162.

Cited, Witness—Credibility.

18 Misc. 252; (75 St. Rep. 1006; 41 Supp. 612).

Donohue v. Hungerford, 1 App. Div. 528; 73 St. Rep. 78; 37 Supp. 628.**Donohue v. Kendall**, 50 Super. 386; 98 N. Y. 635.

Cited, Landlord and Tenant—Liability of Landlord to Tenant — Tenement Houses—Hallways.

5 Misc. 445; (26 Supp. 802).

Executors — Torts of Decedent — Liability.

20 Misc. 507.

Donohue v. Meares, 47 St. Rep. 188; 19 Supp. 585.

Cited, Pleading—Bill of Particulars—In Negligence Cases.

49 St. Rep. 12; (20 Supp. 971). 6 Misc. 423; 27 Supp. 296).

Donohue v. People, 56 N. Y. 208;

Cited, Homicide—Premeditation.

139. N. Y. 361; (54 St. Rep. 588).

Donohue v. Syracuse & E. S. R. Co., 11 App. Div. 525; 76 St. Rep. 808; 42 Supp. 808.**Donovan v. Board**, 1 Civ. Pro. 311.

Cited, Costs—Conditioned for Favor Granted.

6 Misc. 8; (58 St. Rep. 122; 26 Supp. 66).

Donovan v. Board of Education of New York, 44 Super. 53.

Cited, Pleadings—Admissions—Effect.

69 St. Rep. 113; (34 Supp. 947).

Donovan v. Clark, 76 Hun, 339; 59 St. Rep. 136; 27 Supp. 686.**Donovan v. Clark**, 138 N. Y. 631; 52 St. Rep. 358.

Affirming, 45 St. Rep. 936.

Cited, Appeal—Review of Equity Causes — Exceptions to Evidence—Effect.

74 Hun, 559; (56 St. Rep. 857; 26 Supp. 638). 92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386).

Donovan v. Cornell, 3 How. N. S. 525.

Cited, Factors—Under Del Credere Agreement—Liability for Moneys Received in A Fiduciary Capacity.

7 Misc. 584; (58 St. Rep. 506; 28 Supp. 5; 31 Abb. N. C. 102).

Donovan v. Cornell, 8 Civ. Pro. 283.

Cited Pleading—Contract — Allegations of Tort—Surplusage.

19 Misc. 193.

Donovan v. Fonn, 1 Hopk. Ch. 59.

Cited, Discovery—Equity.

53 St. Rep. 153; (23 Supp. 817).

Donovan v. Frazier, 15 App. Div. 521; 78 St. Rep. 533; 44 Supp. 533.**Donovan v. Long Island R. Co.**, 67 Hun, 73; 51 St. Rep. 183. 22 Supp. 63.**Donovan v. New York**, 33 N. Y. 291.

Cited, Public Officers—Authority—Third Parties Notice.

9 App. Div. 189; (75 St. Rep. 531; 41 Supp. 70).

Donovan v. Sheridan, 4 Misc. 433; 53 St. Rep. 586; 24 Supp. 116.

Cited, Actions — Breach of Contract—Right to Sue.

20 Misc. 93; (79 St. Rep. 69; 45 Supp. 69).

Donovan v. Wheeler, 67 Hun, 68; 51 St. Rep. 411; 22 Supp. 54.**Dooley v. Noan**, 57 Hun, 535; 33 St. Rep. 118; 11 Supp. 239.

Cited, Evidence—Account Books.

13 Misc. 635; (69 St. Rep. 165; 34 Supp. 941). 84 Hun, 122; (65 St. Rep. 641; 32 Supp. 456).

Dooley v. Royal Baking Powder Co., 1 Month Law Bull. 18.

Cited, Pleading—Bill of Particulars—Disclosure of Proof.

2 Misc. 112; (49 St. Rep. 348; 20 Supp. 870).

Doolittle v. Broome County, Supervisors of, 18 N. Y. 155.

Cited, Nuisance — Abatement — Public Remedy.

75 Hun, 565; (59 St. Rep. 638; 27 Supp. 53). 138 N. Y. 180; (52 St. Rep. 163). 147 N. Y. 664; (71 St. Rep. 268).

Doolittle v. Gambee, 88 Hun, 364; 68 St. Rep. 795; 34 Supp. 861.**Doolittle v. Lewis**, 7 Johns. Ch. 45.

Cited, Executors—Foreign—Authority—Discharge of Decedent's Claims.

29 Abb. N. C. 473; (21 Supp. 912). 13 App. Div. 326; (77 St. Rep. 143; 43 Supp. 143).

Duplicate Citations in Parenthesis.

Doolittle v. Selkirk, 7 Misc. 722; 58 St. Rep. 328; 28 Supp. 43.

Cited, Landlord and Tenant—Reletting—Estoppel. 1.

85 Hun, 511; (67 St. Rep. 85; 33 Supp. 342).

Doolittle v. Stone, 23 St. Rep. 319; 8 Supp. 605.

Cited, Evidence—Documentary—Entries by Decedents.

49 St. Rep. 562; (20 Supp. 912).

Doolittle v. Stone, 136 N. Y. 613; 49 St. Rep. 90.

Affirming, 45 St. Rep. 940.

Doolittle v. Tice, 41 Barb. 181.

Cited, Adverse Possession—Statute—Construction.

D. 12 App. Div. 116; (76 St. Rep. 538; 42 Supp. 538).

Doorley v. McConnell, 78 Hun, 580; 61 St. Rep. 397; 29 Supp. 500.

Doorley v. O'Gorman, 6 App. Div. 591; 39 Supp. 768.

Doran, Matter of, 2 Ann. Cas. 40; 73 St. Rep. 593; 38 Supp. 541.

Cited, Executors—Claims—Admissions.

16 App. Div. 37; (78 St. Rep. 807; 44 Supp. 807).

Doran v. Brooklyn & New York Ferry Co., 138 N. Y. 628; 51 St. Rep. 934.

Affirming, 46 St. Rep. 310; 19 Supp. 172.

Doran v. Bussard, 18 App. Div. 36; 79 St. Rep. 387; 45 Supp. 387.

Doran v. Troy, 22 Week. Dig. 230.

Affirmed, 104 N. Y. 684.

Cited, Children—Negligence—Imputation to Parent.

12 App. Div. 154; (76 St. Rep. 666; 42 Supp. 666). 6 App. Div. 210; (39 Supp. 808).

Children—Negligence—Imputation to Parent.

12 App. Div. 154; (76 St. Rep. 666; 42 Supp. 666).

Dorchester v. Dorchester, 121 N. Y. 156; 30 St. Rep. 498.

Cited, Appeal—Interlocutory Judgment.

73 Hun, 443; (56 St. Rep. 28; 26 Supp. 340). 75 Hun, 516; (57 St. Rep. 670; 27 Supp. 464).

Dord v. People, 9 Barb. 671.

Cited, Indictment.

D. 67 Hun, 576; (51 St. Rep. 487; 23 Supp. 588).

Doremus v. Crosby, 66 Hun, 126; 49 St. Rep. 808; 20 Supp. 906.

Doremus v. Doremus. See *Doremus v. Crosby*.

Doremus v. Doremus, 66 Hun 111; 49 St. Rep. 800; 21 Supp. 13.

Doremus v. Doremus, 76 Hun, 337; 59 St. Rep. 324; 27 Supp. 1039.

Doremus v. Williams, 4 Hun, 458.

Cited, Assignment—Of Contract—What Amounts to

78 Hun, 390; (60 St. Rep. 699; 29 Supp. 134).

Dorendinger v. Tschechtelin, 12 Daly 34.

Cited, False Imprisonment—Malice—Sufficient Proof.

1 Misc. 222; (49 St. Rep. 223; 20 Supp. 881).

Dorland v. Dorland, 2 Barb. 63.

Cited, Wills—Construction—Intent of Testator.

11 Misc. 224; (65 St. Rep. 308; 32 Supp. 168).

Dorlon v. Christie, 39 Barb. 610.

Cited, Notes—Extension of Time—Effect on Endorser.

9 App. Div. 322, 328; (75 St. Rep. 747, 758; 41 Supp. 332, 342). 16 Misc. 675; (74 St. Rep. 226; 30 Supp. 598).

Dorlon v. Lewis, 9 How. 1.

Cited, Referee—Removal—Misconduct.

3 Misc. 443; (53 St. Rep. 321; 23 Supp. 178). 14 Misc. 573; (72 St. Rep. 227; 37 Supp. 73). 1 App. Div. 166; (72 St. Rep. 229; 37 Supp. 75).

Dorman, Matter of, 5 Dem. 112.

Cited, Wills—Probate—Testamentary Capacity.

19 Misc. 78; (78 St. Rep. 96; 44 Supp. 96).

Dorman v. Broadway R. Co., 117 N. Y. 655; 27 St. Rep. 841.

Cited, Street Railways—Crossing Tracks—Negligence of Motormen.

10 Misc. 286; (63 St. Rep. 271; 30 Supp. 1083). 11 Misc. 664; (66 St. Rep. 343; 32 Supp. 917).

Dorman v. Gannon, 4 App. Div. 458; 74 St. Rep. 152; 38 Supp. 659.

Cited, Decedent's Estate—Claims—Demand—Limitation.

9 App. Div. 366; (75 St. Rep. 813; 41 Supp. 400). 4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 666).

Dorn v. Backer, 61 N. Y. 261.

Cited, Taxes—Assessment—Farm Divided by Town Line.

71 Hun, 284; (51 St. Rep. 732; 24 Supp. 1019).

Public Officers—Misfeasance—Liability. 143 N. Y. 165; (62 St. Rep. 189).

Duplicate Citations in Parenthesis.

Dorn v. Oyster Bay, 84 Hun, 510; 65 St. Rep. 604; 32 Supp. 341.

Dorney v. Thacher, 76 Hun, 361; 58 St. Rep. 466; 27 Supp. 787.

Cited, Assignment for Creditors—Fees.
90 Hun, 428; (70 St. Rep. 625; 35 Supp. 952).

Dorr v. Barney, 12 Hun, 259.

Cited, Landlord and Tenant—Lease—Holding Over—Liability of Tenant.
5 Misc. 285; (25 Supp. 106).

Dorr v. Beck, 76 Hun, 540; 58 St. Rep. 261; 28 Supp. 206.

Affirmed, 149 N.Y. 581.

Cited, Fraudulent Conveyance—Intent—Good Faith of Grantee.
86 Hun, 419; (67 St. Rep. 177; 33 Supp. 520).

Dorr v. Dansville G. L. Co., 18 Hun, 274.

Cited, Trial—By Jury—Right to—Injunction and Damages.

69 Hun, 522; (52 St. Rep. 846).

Dorr v. McCullough, 8 App. Div. 327; 75 St. Rep. 188; 40 Supp. 806.

Cited, 77 St. Rep. 968; 43 Supp. 968.

Dorr v. New Jersey Steam Nav. Co., 11 N.Y. 485.

Cited, Carriers—Freight—Liability—Limitation.

68 Hun, 606; (52 St. Rep. 586; 23 Supp. 236). 13 Misc. 91; (68 St. Rep. 193; 31 Supp. 145).

Dorris v. French, 4 Hun, 292.

Cited, Corporations—Stockholders—Creation of Relation.

71 Hun, 375; (55 St. Rep. 25; 25 Supp. 21).

Dorris v. Sweeney, 64 Barb. 636.

Cited, Corporations—Stockholders—Creation of Relation.

71 Hun, 375; (55 St. Rep. 25; 25 Supp. 21).

Dorrity v. Rapp, 72 N. Y. 307.

Cited, Excavations—Protection of Adjoining Wall.

141 N. Y. 210; (56 St. Rep. 819). 17 Misc. 393; (39 Supp. 1079). 3 Misc. 75; (51 St. Rep. 602; 22 Supp. 379).

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ing Done by Independent Contractor

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Dorschel v. Burkly, 18 Misc. 240; 75 St. Rep. 801; 41 Supp. 389.

Cited, Summary Proceedings—Claim of Title—Jurisdiction of Justice.

19 Misc. 30; (76 St. Rep. 483; 42 Supp. 483). 19 Misc. 69; (77 St. Rep. 174; 43 Supp. 174). 20 Misc. 595.

Dorsey v. Pike, 32 St. Rep. 258; 10 Supp. 268.

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17 Misc. 542; (40 Supp. 738).

Dorthy, Matter of, 8 App. Div. 611; 75 St. Rep. 1480; 41 Supp. 1112.

Dorwin v. Potter, 5 Den. 806.

Cited, Landlord and Tenant—Failure of Landlord to Repair—Rights of Tenant.

15 Misc. 3; (72 St. Rep. 4; 36 Supp. 776).

Dorwin v. Westbrook, 71 Hun, 405; 54 St. Rep. 390; 21 Supp. 955.

86 Hun, 364; (67 St. Rep. 149; 33 Supp. 449). 11 App. Div. 395; (76 St. Rep. 1123; 42 Supp. 1123).

Dorwin v. Westbrook, 86 Hun, 368; 67 St. Rep. 149; 33 Supp. 449.

Cited, Instruments—Execution—Setting Aside—Fraud.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Dorwin v. Westbrook, 11 App. Div. 394; 76 St. Rep. 1123; 42 Supp. 1123.

Doty, Matter of, 7 Misc. 193; 56 St. Rep. 626; 27 Supp. 653.

Doty v. Baker, 11 Hun, 222.

Cited, Dower—Release—Consideration.

75 Hun, 561; (59 St. Rep. 615; 27 Supp. 599).

Doty v. Brown, 4 N. Y. 71.

Cited, Former Judgment—Conclusiveness.

85 Hun, 15; (66 St. Rep. 127; 32 Supp. 616).

Former Judgment—Issues Adjudicated—Parol Evidence.

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Doty v. Clint, 11 St. Rep. 87.

Affirmed. 21 N. Y. 654; 30 St. Rep. 1012.

Cited, Fraudulent Conveyances—Husband and Wife

11 Misc. 2; (63 St. Rep. 452; 31 Supp. 850).

Doty v. Miller, 43 Barb. 529.

Cited, Brokers—Right to Commission.

16 Misc. 386; (38 Supp. 82).

Doty v. Smith, 68 Hun, 199; 51 St. Rep. 898; 22 Supp. 840.

Doty v. Willson, 47 N. Y. 580.

Cited, Gifts—Evidence.

10 App. Div. 595; (76 St. Rep. 134; 42 Supp. 134).

Duplicate Citations in Parenthesis.

- Dougan v. Champlain T. Co.,** 56 N. Y. 1.
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- Dougan v. Evansville & T. H. R. Co.,** 15 App. Div. 483; 78 St. Rep. 503; 44 Supp. 503.
 16 App. Div. 308; (78 St. Rep. 634; 44 Supp. 634).
- Dougherty v. Horseheads, Village of,** 73 Hun, 443; 56 St. Rep. 43; 26 Supp. 642.
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- Dougherty v. Horseheads, Village of,** 39 Supp. 447.
- Dougherty v. Metropolitan L. Ins. Co.,** 87 Hun, 15; 67 St. Rep. 489; 33 Supp. 873.
Cited, Life Insurance—Testimony of Physician—Waiver.
 11 App. Div. 431; (76 St. Rep. 313; 42 Supp. 313).
- Dougherty v. Metropolitan Life Ins. Co.,** 3 App. Div. 313; 73 St. Rep. 739; 38 Supp. 258.
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 D. 9 App. Div. 327; (75 St. Rep. 733; 41 Supp. 320).
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- Dougherty v. R., W. & O. R. Co.,** 138 N. Y. 641; 53 St. Rep. 929.
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- Dougherty v. R., W. & O. R. Co.,** 45 St. Rep. 154; 18 Supp. 841.
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- Dougherty v. Stone,** 66 Hun, 498; 50 St. Rep. 438; 21 Supp. 375.
- Dougherty v. Valloton,** 38 Super. 455.
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 2 Misc. 408; (50 St. Rep. 615; 21 Supp. 964).
- Dougherty v. Van Nostrand,** 1 Hoff. Ch. 68.
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 20 Misc. 211; (79 St. Rep. 373; 45 Supp. 733).
- Doughty v. Brill,** 36 Barb. 483.
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- Doughty v. Devlin,** 1 E. D. Smith, 625.
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 77 Hun, 429; (28 Supp. 803; 60 St. Rep. 51).
- Doughty v. Hope,** 1 N. Y. 79.
Cited, Highways—Laying Out—Determination of Public Authorities.
 147 N. Y. 663; (71 St. Rep. 263).
- Douglas, Matter of,** 48 Hun, 318; 1 Supp. 126.
Cited, 81 Hun, 615; (65 St. Rep. 870; 32 Supp. 1139).
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- Douglas v. Carpenter,** 17 App. Div. 329; 79 St. Rep. 219; 45 Supp. 219.
- Douglas v. Coonley,** 84 Hun, 158; 65 St. Rep. 729; 32 Supp. 444.
- Douglas v. Crugar,** 89 N. Y. 15.
Cited, Trusts—Alienation—Powers of Court.
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 3 Misc. 532; (52 St. Rep. 490; 23 Supp. 331).
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 3 Misc. 167; (51 St. Rep. 564; 23 Supp. 286).

*Duplicate Citations in Parenthesis.***Douglas v. Delano**, 20 Week. Dig. 85.*Cited*, Examination Before Trial—When Allowed.

84 Hun. 152; (65 St. Rep. 837; 32 Supp. 509).

Douglas v. Douglas, 13 Abb. N. S. 291.*Cited*, Husband and Wife—Divorce—Alimony—Amount.

3 Misc. 599; (52 St. Rep. 856; 23 Supp. 340).

Douglas v. Haberstro, 8 Abb. N. C. 230; 58 How. 276.*Cited*, Attorneys—Appearance.

1 Ann. Cas. 408; (74 St. Rep. 776; 38 Supp. 882).

Douglas v. Haberstro, 10 Abb. N. C. 6.*Cited*, Exceptions—Hearing at General Term First Instance.

20 Misc. 564.

Douglas v. Phoenix Ins. Co., 63 Hun. 393; 18 Supp. 259.*Cited*, Pleadings—Demurrer—Admissions.

19 Misc. 268; (78 St. Rep. 383; 44 Supp. 383).

Insurance—Policy—Attachment.

17 Misc. 65; (39 Supp. 838).

Douglas v. Leonard, 17 Supp. 591.*Cited*, Brokers—Commissions—Liability for—Guardian.

4 Misc. 186; (53 St. Rep. 224; 23 Supp. 996).

Douglas v. New York, 2 Duer. 110.*Cited*, Domicile—Residence.

53 St. Rep. 142. 13 App. Div. 249; (76 St. Rep. 1098; 42 Supp. 1098).

Douglas v. N. Y. El. R. Co., 14 App.

Div. 471; 77 St. Rep. 847; 43 Supp. 847.

Douglas v. Phoenix Ins. Co., 43 St. Rep. 309.*Cited*, Insurance Policies—Attachment.

20 Misc. 16; (79 St. Rep. 89; 45 Supp. 89).

Douglas v. Smith, 50 St. Rep. 808; 21 Supp. 813.**Douglas v. Yost**, 64 Hun. 155; 45 St. Rep. 850.*Cited*, Executors—Conduct of Estate—Accounting—Counsel Fees.

5 Misc. 142; (25 Supp. 707).

Douglass v. Board of Supervisors.

See Douglas, Matter of.

Douglass v. Ferris, 138 N. Y. 192; 52 St. Rep. 138.*Modifying and Affirming*, 63 Hun. 413; 44 St. Rep. 710; 18 Supp. 685.*Cited*, Pleading—Failure to Plead—Proof of New Cause of Action.

9 Misc. 96; (59 St. Rep. 694; 29 Supp. 6). 20 Misc. 188; (79 St. Rep. 860; 45 Supp. 860).

Pleadings—Relief—Without Allegations. 7 Misc. 632; (58 St. Rep. 364; 28 Supp. 35; 23 Civ. Pro. 344).*Pleading—Variance—Waiver.*

6 Misc. 89; (55 St. Rep. 488; 26 Supp. 42).

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4 App. Div. 251; (73 St. Rep. 611; 38 Supp. 520). 10 App. Div. 130; (75 St. Rep. 1387; 41 Supp. 1021). 152 N. Y. 503.

Douglass v. Ferris, 63 Hun. 413; 44 St. Rep. 710; 18 Supp. 685.*Cited*, Principal and Surety—Priority of Surety.

4 App. Div. 249; (73 St. Rep. 610; 38 Supp. 519).

Douglass v. Haberstro, 82 N. Y. 572.*Cited*, Appeal—Reviewing Discretionary Determinations.

68 Hun. 368; (51 St. Rep. 883; 22 Supp. 859).

Douglass v. Habersfro, 88 N. Y. 611.*Cited*, Sheriffs—Instructions as to Process—Justification Under.

73 Hun. 396; (58 St. Rep. 85; 26 Supp. 560).

Douglass v. Halsted, 81 Hun. 65; 62 St. Rep. 256; 30 Supp. 592.*Cited*, Brokers—Commission—Procuring Purchaser.

19 Misc. 519; (77 St. Rep. 1058; 43 Supp. 1038).

Douglass v. Halsted, 11 App. Div. 101; 76 St. Rep. 588; 42 Supp. 588.**Douglass v. Hazen**, 8 App. Div. 25; 75 St. Rep. 395; 40 Supp. 1012.**Douglass v. Howland**, 24 Wend. 35.*Cited*, Contracts—Guaranty—Consideration of—Statute of Frauds.

61 St. Rep. 604; (29 Supp. 853).

Cited, Evidence—Declarations—Documentary—Official Reports—Account Stated.

8 Misc. 585; (60 St. Rep. 583; 29 Supp. 1121).

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137 N. Y. 435; (51 St. Rep. 80).

Principal and Surety—Declaration—Res Gestae.

9 Misc. 470; (61 St. Rep. 127; 30 Supp. 237). 9 Misc. 470; (61 St. Rep. 127; 30 Supp. 236).

Principal and Surety—Contract of Surety—Expression of Consideration.

80 Hun. 67, 70; (29 Supp. 833, 854).

Duplicate Citations in Parenthesis.

Douglass v. Ireland, 78 N. Y. 100.

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66 Hun. 6; (49 St. Rep. 198; 20 Supp. 823). 151 N.Y. 66. 85 Hun. 41; (66 St. Rep. 134; 32 Supp. 624). 11 Misc. 496; (64 St. Rep. 463; 32 Supp. 720).

Douglass v. Leonard, 44 St. Rep. 293; 17 Supp. 591.

Cited, Pleading—Parties—Non joinder.

16 Misc. 18; (73 St. Rep. 278; 37 Supp. 658; 25 Civ. Pro. 255).

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17 Misc. 590; (75 St. Rep. 89; 40 Supp. 684).

Douglass v. Leonard, 18 Supp. 144.

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Douglass v. Merchants Ins. Co., 118 N. Y. 484; 29 St. Rep. 944.

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76 Hun. 179; (57 St. Rep. 334; 27 Supp. 571). 87 Hun. 398; (68 St. Rep. 428, 34 Supp. 305). 2 Ann. Cas. 156.

Douglass v. Meyer, 21 Supp. 1091.

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15 Misc. 414; (72 St. Rep. 33; 25 Civ. Pro. 195).

Douglass v. Phoenix Ins. Co. of Brooklyn 63 Hun. 393; 44 St. Rep. 237; 18 Supp. 259.

Affirmed, 138 N. Y. 209; 52 St. Rep. 164.

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6 Misc. 387; (56 St. Rep. 336; 26 Supp. 738; 31 Abb. N. C. 136).

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3 Misc. 328; (52 St. Rep. 519; 23 Supp. 888). 6 Misc. 385; (56 St. Rep. 333; 26 Supp. 738; 31 Abb. N. C. 134).

Douglass v. Phoenix Ins. Co. of Brooklyn, 138 N. Y. 209; 52 St. Rep. 164.

Cited, Pleading — Defenses—Aiding One by Reference to Other—Demurrer.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 319). 86 Hun. 497; (67 St. Rep. 519; 33 Supp. 774). 84 Hun. 246; (65 St. Rep. 835; 32 Supp. 506; 1 Ann. Cas. 269).

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16 Misc. 686; (39 Supp. 174). 148 N. Y. 25. 152 N. Y. 204. 17 Misc. 562; (75 St. Rep. 94; 40 Supp. 689). 80 Hun. 503; (62 St. Rep. 393; 30 Supp. 493). 2 App. Div. 252; (72 St. Rep. 853; 37 Supp. 907).

Douglass v. Reilly, 8 Hun. 85.

Cited, County Court—Jurisdiction—Vacation of Judgment.

5 App. Div. 517; (39 Supp. 39).

Douglass v. Seiferd, 18 Misc. 188; 75 St. Rep. 698; 41 Supp. 289.

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19 Misc. 68; (77 St. Rep. 174; 43 Supp. 174).

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Dounce v. Dow, 64 N. Y. 411.

Cited, Sale—Implied Warranty of Quality.

66 Hun. 519; (50 St. Rep. 155; 21 Supp. 393). 75 Hun. 320; (58 St. Rep. 204; 26 Supp. 1072). 149 N. Y. 604. 10 Misc. 142; (62 St. Rep. 469; 30 Supp. 930).

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4 Misc. 407; (53 St. Rep. 522; 23 Supp. 1063). 11 App. Div. 482; (76 St. Rep. 353; 42 Supp. 353).

Doupe v. Genin, 45 N. Y. 122.

Cited, Landlord and Tenant—Failure of Landlord to Repair.

16 Misc. 71; (73 St. Rep. 81; 37 Supp. 632).

Douw v. Keay, 16 Misc. 192; 38 Supp. 994.

Dovale v. Ackerman, 11 Misc. 245; 66 St. Rep. 513; 33 Supp. 13.

Affirmed, 2 App. Div. 404; 73 St. Rep. 7; 37 Supp. 959.

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Dovale v. Ackerman, 11 N. Y. 5.

Cited, Costs — Conditioned for Favor Granted.

6 Misc. 8; (58 St. Rep. 122; 26 Supp. 66).

Dovale v. Ackermann, 15 Supp. 196; 39 St. Rep. 517.

Cited, Contracts—Payment of Debt of Another—Consideration.

23 App. Div. 407; (37 Supp. 961). 11 Misc. 246; (66 St. Rep. 514; 33 Supp. 14).

Dovale v. Ackermann, 2 App. Div. 404; 73 St. Rep. 7; 37 Supp. 959.

Dovan v. Dinsmore, 33 Barb. 86.

Cited, Pleading—Answer—Materiality—Responsiveness—Denial.

25 Supp. 78; (31 Abb. N. C. 55).

Duplicate Citations in Parenthesis.

Dow v. Dow, 50 St. Rep. 628; 21 Supp. 487.

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Affirmed, 144 N. Y. 426; 63 St. Rep. 656.

Dow v. Iowa Central R. Co., 144 N. Y. 426; 63 St. Rep. 656.

Dow-Currier v. Henderson, 85 Hun, 300; 66 St. Rep. 383; 32 Supp. 953.

Cited, Personal Injuries—After Effects—Proximate Cause.

D. 14 App. Div. 54; (77 St. Rep. 1003; 43 Supp. 1003). 33 Supp. 1127.

Dow-Curriere v. Henderson, 33 Supp. 1127.

Dowd, Matter of, 19 Misc. 688; 78 St. Rep. 1094; 44 Supp. 1094.

Dowd v. American Fire Ins. Co., 41 Hun, 139; 3 St. Rep. 793.

Cited, Insurance — Representations — Ownership of Property.

69 Hun, 503; (52 St. Rep. 718; 23 Supp. 401).

Dowd v. Brooklyn Heights R. Co., 9 Misc. 279; (61 St. Rep. 321; 29 Supp. 745).

Cited, Street Railways—Injury to Pedestrian — Negligence of Motorman — Facts for Jury.

10 Misc. 263; (63 St. Rep. 312; 30 Supp. 1072). 10 Misc. 545; (64 St. Rep. 23; 51 Supp. 446).

Dowd v. Smith, 8 Misc. 619; 61 St. Rep. 333; 29 Supp. 821.

Affirmed, 80 Hun, 604; 31 Supp. 1127.

Cited, Offer of Judgment—Costs.

3 App. Div. 29; (74 St. Rep. 419; 37 Supp. 1072).

Dowdle v. Bayer, 9 App. Div. 308; 75 St. Rep. 632; 41 Supp. 184.

Dowdle v. Camp, 12 Johns. 451.

Cited, Contracts—Payments—Recovery.

17 Misc. 159; (39 Supp. 329).

Dowdney v. McCullom, 59 N. Y. 367.

Cited, Mechanic's Lien—Enforcement.

11 Misc. 534; (66 St. Rep. 94; 32 Supp. 765).

Dowdney v. Volkening, 37 Super. 313.

Cited, Bills of Particulars.

15 Misc. 415; (71 St. Rep. 786; 38 Supp. 619; 25 Civ. Pro. 189).

Dowe v. Schutt, 2 Den. 621.

Cited, Bills and Notes—Accommodation Paper—Usury—Knowledge of.

8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555).

Dowley v. Schiffer, 36 St. Rep. 869; 13 Supp. 552.

Cited, Contracts—Prohibited by Statutes—Enforcement.

59 St. Rep. 246; (38 Supp. 561).

Contracts—Divisibility—Recovery.

14 Misc. 326; (70 St. Rep. 682; 35 Supp. 1057).

Dowling v. N. Y. C. & H. R. R. Co., 90 N. Y. 670.

Cited, Negligence—Contributory—Children.

77 Hun, 413; (60 St. Rep. 17; 28 Supp. 793).

Downes v. Phoenix Bank of Charlestown, 6 Hull, 297.

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136 N. Y. 167; (49 St. Rep. 103). 9 App. Div. 366, 368; (75 St. Rep. 813; 41 Supp. 400, 401).

Courts—General Jurisdiction—Presumption of Jurisdiction.

91 Hun, 497; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 111).

Pleading—Parties—Non-residence.

91 Hun, 498; (70 St. Rep. 860; 36 Supp. 258; 25 Civ. Pro. 112).

Downing v. Kelly, 49 Barb. 547.

Cited, Assignment—Benefit of Creditors—Fraud.

63 St. Rep. 567; (31 Supp. 261).

Downing v. Marshall, 23 N. Y. 366.

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135 N. Y. 594; (49 St. Rep. 16).

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140 N. Y. 65; (55 St. Rep. 316).

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11 App. Div. 342; (76 St. Rep. 151; 42 Supp. 151). D. 11 App. Div. 367; (76 St. Rep. 926; 42 Supp. 926). D. 11 App. Div.

371; (76 St. Rep. 928; 42 Supp. 928). 15 Misc. 377; (72 St. Rep. 828; 38 Supp. 431).

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D. 151 N. Y. 351.

Downing v. Marshall, 37 N. Y. 380.

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5 Misc. 142; (25 Supp. 707). 76 Hun, 369; (58 St. Rep. 471; 27 Supp. 793).

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Costs—Extra Allowance—To Guardians ad Litem.

66 Hun, 129; (49 St. Rep. 810; 20 Supp. 907).

Downing v. McAleenan, 42 St. Rep. 672; 16 Supp. 916.

Cited, Eminent Domain—Examination of Premises—To Procure Evidence as to Damages.

73 Hun, 424; (56 St. Rep. 11; 26 Supp. 431).

Downing v. Rugar, 21 Wend. 178.

Cited, Contracts—Public Officers—Authority—Presumption.

69 Hun, 444; (52 St. Rep. 783; 23 Supp. 423).

Officers—Delegation of Authority.

75 Hun, 571; (59 St. Rep. 147; 27 Supp. 686). 147 N. Y. 663; (71 St. Rep. 268). 149 N. Y. 83.

Downing v. St. Columba's R. C. T. A. B. Society, 10 Daly, 262.

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13 Misc. 688; (69 St. Rep. 601; 35 Supp. 222).

Downs v. Farley, 12 Civ. Pro. 119; 18 Abb. N. C. 464.

Cited, Action—As Poor Person—When Allowed.

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Downs v. N. Y. C. R. Co., 47 N. Y. 83.

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75 Hun, 459; (57 St. Rep. 682; 27 Supp. 507).

Downs v. N. Y. C. R. Co., 56 N. Y. 664.

Cited, Appeal—Immaterial Errors.

1 Misc. 324; (48 St. Rep. 702; 20 Supp. 673). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Downs v. Taylor, 10 Misc. 742; 64 St. Rep. 502; 31 Supp. 799.

Dows v. Greene, 24 N. Y. 638.

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4 Misc. 314; (24 Supp. 262).

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59 St. Rep. 473; (29 Supp. 596; 31 Abb. N. C. 404). 145 N. Y. 561; (65 St. Rep. 511; 2 Ann. Cas. 8).

Sales—Fraud—Following Proceeds.

91 Hun, 81; (71 St. Rep. 373; 36 Supp. 172). 11 Misc. 80; (29 Supp. 596).

Dows v. Morewood, 10 Barb. 183.

Cited, Payment—Application by Court—Age of Debt—Unsecured Demand.

139 N. Y. 125; (54 St. Rep. 647).

Dows v. Morrison, 2 Misc. 54; 49 St. Rep. 143; 20 Supp. 860.

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9 Misc. 75; (59 St. Rep. 657; 29 Supp. 63).

Dows v. Perrin, 16 N. Y. 325.

Cited, Warehouseman—Receipts—Negotiability.

137 N. Y. 289; (50 St. Rep. 698).

Doyle v. Albany R. Co., 5 App. Div. 601. 39 Supp. 440.

Doyle v. Baird, 15 Daly, 287; 25 St. Rep. 749; 6 Supp. 517.

Cited, Master and Servant—Liability of Master to Servant—Excavations.

6 Misc. 445; (58 St. Rep. 580; 27 Supp. 129).

Negligence—Contributory—Imputation—Laborers.

9 Misc. 10; (59 St. Rep. 739; 29 Supp. 23).

Doyle v. Beaupre, 137 N. Y. 558; 50 St. Rep. 932.

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Doyle v. Curley, 2 Law Bul. 48.

Cited, Receiver—Costs—Security.

86 Hun, 500; (67 St. Rep. 536; 33 Supp. 790).

Doyle v. Doyle, 15 St. Rep. 318.

Cited, Decedent's Estate—Discovery of Property—Dismissal of Proceedings by Surrogate.

83 Hun, 41; (64 St. Rep. 471; 31 Supp. 768).

Doyle v. Levy, 89 Hun, 350; 69 St. Rep. 798; 35 Supp. 434.

Doyle v. Lord, 64 N. Y. 432.

Cited, Easements—Ancient Lights—Adjoining Owners.

4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826). 23 Supp. 824.

Landlord and Tenant—Landlord's Liability—Use of Common Yard.

7 Misc. 117; (57 St. Rep. 515; 27 Supp. 415). 19 Misc. 522; (77 St. Rep. 1080; 43 Supp. 1080).

Duplicate Citations in Parenthesis.

Doyle v. Manhattan R. Co., 128 N. Y. 488; 40 St. Rep. 474.

Cited, Damages—Elevated Railway—Benefits.

3 Misc. 337; (52 St. Rep. 8; 22 Supp. 738).

Evidence—Expert—Damages—Value of Property—Elevated Railway.

3 Misc. 431; (52 St. Rep. 447; 23 Supp. 169).

138 N. Y. 552; (53 St. Rep. 183).

Evidence—Of Diminuation of Rental Value.

1 Misc. 144, (48 St. Rep. 726; 20 Supp. 631). 149 N. Y. 162. 17 App. Div. 62; (78 St. Rep. 848; 44 Supp. 848).

Trial—Objections to Evidence—Opinions—Sufficiency.

77 Hun, 143; (59 St. Rep. 40; 28 Supp. 466).

Doyle v. Met. El. R. Co., 1 Misc. 376; 49 St. Rep. 118; 20 Supp. 865; 29 Abb. N. C. 272.

Affirmed, 136 N. Y. 505; 49 St. Rep. 746

Cited, Appeal—Order—Review.

16 Misc. 553; (74 St. Rep. 774; 38 Supp. 880).

Doyle v. Metropolitan El. R. Co., 136 N. Y. 505; 49 St. Rep. 746.

Cited, Constitutional Law—Evasion of Question—Other Decisive Points in Case.

139 N. Y. 511; (54 St. Rep. 814).

Evidence—Damages—As to Light and Air—Elevated Railroads.

75 Hun, 67; (58 St. Rep. 165; 26 Supp. 997). D. 2 App. Div. 403; (73 St. Rep. 530; 37 Supp. 987).

Equity—Jurisdiction—Trespass—Damages.

148 N. Y. 355. 149 N. Y. 173.

Equity Action—Compulsory Reference.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028). 92 Hun, 524; (72 St. Rep. 434; 36 Supp. 1032). 5 App. Div. 227; (39 Supp. 205). 65 St. Rep. 788; (12 Misc. 332; 33 Supp. 656).

Doyle v. N. Y., E. & E. Infirmary, 80 N. Y. 631.

Cited, Charitable Institutions—Negligence of Servants—Liability.

89 Hun, 74; (69 St. Rep. 431; 35 Supp. 37; 2 Ann. Cas. 265).

Doyle v. Peerless Petroleum Co., 44 Barb. 249.

Cited, Corporations De Facto—Members—Estoppel.

81 Hun, 254; (62 St. Rep. 713; 30 Supp. 770).

Doyle v. Pennsylvania & N. Y. C. R. Co., 139 N. Y. 637; 54 St. Rep. 719.

Doyle v. St. James Church, 7 Wend. 178.

Cited, Interest—Unliquidated Account. 53 St. Rep. 669.

Doyle v. Trinity Church, Rector, etc., of, 133 N. Y. 372; 45 St. Rep. 205.

Affirming, 39 St. Rep. 888.

Cited, Duress—What Constitutes.

13 Misc. 321; (68 St. Rep. 367; 34 Supp. 464).

Doyle v. Unglish, 50 St. Rep. 244; 21 Supp. 650.

Doyle v. Unglish, 143 N. Y. 556; 62 St. Rep. 801.

Affirming, 50 St. Rep. 244; 21 Supp. 650.

Cited, Contracts—Burden of Proof.

20 Misc. 417; (79 St. Rep. 1043; 45 Supp. 1043).

Doyle v. White, 14 Misc. 417; 70 St. Rep. 417; 35 Supp. 760.

Affirmed, 9 App. Div. 521; 75 St. Rep. 1025; 41 Supp. 628.

Doyle v. White, 9 App. Div. 521; 75 St. Rep. 1025; 41 Supp. 628.

Drago v. Smith, 92 Hun, 536; 72 St. Rep. 418; 36 Supp. 975.

Cited, Attorney—Lien.

16 Misc. 559; (74 St. Rep. 134; 38 Supp. 785; 25 Civ. Pro. 329).

Drake, Matter of, 69 Hun, 95; 52 St. Rep. 606.

Drake v. Barrymore, 14 Johns. 166.

Cited, Tort—Judgment in.

90 Hun, 588; (70 St. Rep. 649; 35 Supp. 976).

Drake v. Cockroft, 4 E. D. Smith, 34.

Cited, Pleading—Denials.

1 Misc. 108; (48 St. Rep. 659; 20 Supp. 679).

Pleading—Counterclaim.

10 Misc. 746; (64 St. Rep. 613; 31 Supp. 805; 24 Civ. Pro. 244; 1 Ann. Cas. 191). 11 Misc. 405; (65 St. Rep. 315; 32 Supp. 288).

Drake v. Drake, 56 Hun, 590; 31 St. Rep. 921; 10 Supp. 183.

Affirmed, 134 N. Y. 220; 48 St. Rep. 216.

Cited, Wills—Construction—"Issue."

3 Misc. 195; (53 St. Rep. 50; 23 Supp. 208). 86 Hun, 109; (68 St. Rep. 45; 34 Supp. 201).

Drake v. Drake, 134 N. Y. 220; 48 St. Rep. 216.

Cited, Powers—Construction—Appointment.

Duplicate Citations in Parenthesis.

87 Hun, 449; (51 St. Rep. 630; 22 Supp. 286).

Wills—Construction—"Issue."

3 Misc. 195; (53 St. Rep. 49; 23 Supp. 208). 148 N. Y. 687. 12 App. Div. 338; (76 St. Rep. 204; (42 Supp. 204).

Drake v. Gilmore, 52 N. Y. 389.

Cited Statute—Penalty.

19 Misc. 132.

Drake v. Grant, 22 St. Rep. 502; 4 Supp. 899

Cited, Actions—Survival.

90 Hun, 134; (70 St. Rep. 508; 35 Supp. 644).

Drake v. Hudson R. R. Co., 7 Barb. 508.

Cited, Railroads—Easement.

8 App. Div. 285; (75 St. Rep. 44; 40 Supp. 646); 18 Misc. 269; (41 Supp. 1053).

Drake v. Lawrence, 19 Hun, 112.

Cited, Devise—Remainder.

86 Hun, 110; (68 St. Rep. 46; 34 Supp. 201).

Drake v. N. Y. C. & H. R. R. Co., 80 Hun, 190; 62 St. Rep. 592; 30 Supp. 671.

Drake v. N. Y. Iron Mine, 67 Hun, 77; 51 St. Rep. 551; 21 Supp. 1117.

Drake v. N. Y. Iron Mine, 71 Hun, 211; 54 St. Rep. 211; 24 Supp. 518

Drake v. N. Y. Iron Mine, 75 Hun, 539; 57 St. Rep. 657; 27 Supp. 489.

Drake v. N. Y. Iron Mine, 89 Hun, 280; 68 St. Rep. 839; 34 Supp. 1005.

Drake v. N. Y. Iron Mine, 50 St. Rep. 678; 21 Supp. 491.

Drake v. N. Y. L. & W. R. Co., 75 Hun, 422; 57 St. Rep. 345; 27 Supp. 739.

Drake v. Paige, 127 N. Y. 562; 40 St. Rep. 244.

Cited, Executors—Power of Sale.

1 App. Div. 287; (72 St. Rep. 769; 37 Supp. 234)

Drake v. Pell, 3 Edw. 251.

Cited, Wills—Construction—Intention.

53 St. Rep. 811; (24 Supp. 351).

Drake v. Price, 5 N. Y. 430.

Cited, Executors—Commissions—Reinvestments.

140 N. Y. 264; (55 St. Rep. 409).

Drake v. Port Richmond, 1 App. Div. 243; 72 St. Rep. 662; 37 Supp. 191.

Drake v. Seaman, 97 N. Y. 230.

Cited, Contracts—Statute of Frauds—Performance Within Year.

72 Hun, 461; (54 St. Rep. 780; 25 Supp. 299).

Contracts—Statute of Frauds—Sales—Sufficiency of Writing.

72 Hun, 117; (55 St. Rep. 539; 25 Supp. 308; 30 Abb. N. C. 441).

Guaranty—Statute of Frauds—Failure to Express a Consideration.

27 Supp. 930; (30 Abb. N. C. 453). 61 St. Rep. 604; (29 Supp. 853).

Specific Performance—Contracts—Statute of Frauds.

68 Hun, 263; (52 St. Rep. 277; 22 Supp. 1001). 80 Hun, 67.

Drake v. Siebold, 81 Hun, 178; 62 St. Rep. 694; 36 Supp. 697.

Drake v. Smith, 12 Hun. 532).

Cited, Assignment—Action for Conversion.

4 Misc. 149; (53 St. Rep. 117; 23 Supp. 686).

Drake v. State of New York, 144 N. Y. 414; 63 St. Rep. 652.

Drake v. Thayer, 5 Robt. 694.

Cited, Pleading—Bill of Particulars—Disclosure of Evidence.

2 Misc. 503; (51 St. Rep. 87; 22 Supp. 385).

Drake v. Timpson & Deer Co., 12 Misc. 635; 67 St. Rep. 15; 33 Supp. 180.

Drake v. Weinman & Co., 12 Misc. 65; 67 St. Rep. 11; 33 Supp. 177; 24 Civ. Pro. 823.

Cited, 12 Misc. 635; (67 St. Rep. 15; 33 Supp. 181).

Drake v. Wilkie, 30 Hun, 537.

Cited, Limitation of Action—Decedent's Estate—Proceeding to Enforce Payment of Claims Against.

70 Hun, 66; (53 St. Rep. 511; 23 Supp. 1107).

15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Drane, Matter of. See Flint, Matter of.

Draper v. Commercial Insurance Co., 4 Duer 234.

Reversed, 21 N. Y. 378.

Cited, Vessel—Seaworthiness—Competent Officers.

67 Hun, 395; (51 St. Rep. 321; 22 Supp. 157).

Draper v. Day, 11 How. 439.

Cited, Reference—Compulsory—To Take Testimony.

136 N. Y. 509; (49 St. Rep. 748).

Trial—Mode of Taking Evidence in Equity Cases.

1 Misc. 378; (49 St. Rep. 120).

Draper v. L. & H. C. Co., Prest., Etc., 118 N. Y. 118; 27 St. Rep. 931.

Affirming, 42 Hun, 654.

Cited, Carrier—Delivery.

10 Misc. 130; (62 St. Rep. 471; 30 Supp. 904). 9 App. Div. 38; (75 St. Rep. 556; 41 Supp. 96).

Duplicate Citations in Parenthesis.

- Draper v. Draper**, 71 Hun, 349; 55 St. Rep. 11; 24 Supp. 1127.
- Draper v. Salisbury**, 11 Misc. 573; 66 St. Rep. 83; 32 Supp. 757.
- Draper v. Stouvenel**, 88 N. Y. 219.
Cited, Appeal—Review of Facts.
18 Misc. 23; (75 St. Rep. 495; 41 Supp. 39).
- Draper v. Trescott**, 29 Barb. 401.
Cited, Judgment—Estoppel.
16 Misc. 56; (73 St. Rep. 86; 37 Supp. 637).
- Dreher, v. Connolley**, 16 Daly, 106; 30 St. Rep. 674; 9 Supp. 635.
Cited, Appeal—Facts—Conflict of Evidence.
7 Misc. 183; (57 St. Rep. 525; 27 Supp. 321).
Co-partnership—Estoppel.
15 Misc. 441; (72 St. Rep. 781; 37 Supp. 20).
- Dreunna v. Boice**, 19 Misc. 641; 78 St. Rep. 394; 44 Supp. 394.
- Drennan v. New York**, 14 Misc. 112; 69 St. Rep. 619; 35 Supp. 244.
Cited, Complaint—Demurrer.
16 Misc. 103; (38 Supp. 572).
- Drescher v. Dry Dock E. B. & B. R. Co.**, 12 App. Div. 626; 76 St. Rep. 1124; 42 Supp. 1124.
- Dresser v. Dresser**, 35 Barb. 573.
Cited, Damages—Measure—Contract—Entirety of Recovery.
2 Misc. 380; (50 St. Rep. 598; 21 Supp. 1098).
- Dresser v. Dresser**, 40 Barb. 300.
Cited, Co-tenants—Use and Occupation—Holding Over.
86 Hun, 260; (66 St. Rep. 803; 33 Supp. 247).
- Dresser v. Van Pelt**, 15 How. 19.
Cited, Courts—Judges—Termination of Office—Pending Action.
129 N. Y. 143; (54 St. Rep. 558).
Order—Judges.
92 Hun, 241; (72 St. Rep. 324; 36 Supp. 941).
- Drew v. Keufer**. See **Drew v. Longwell**.
- Drew v. Longwell**, 81 Hun, 144; 62 St. Rep. 697; 30 Supp. 733; 1 Ann. Cas. 67.
Cited, Corporation—Dissolution.
14 App. Div. 324; (77 St. Rep. 840; 43 Supp. 840).
- Drew v. Sixth Ave. R. Co.**, 26 N. Y. 49.
Cited, Damages—Personal Injuries—Future.
8 Misc. 90; (58 St. Rep. 817; 28 Supp. 599).
- Drew v. Swift**, 46 N. Y. 204.
Cited, Contracts—Description—Parol Evidence.
15 Misc. 383; (71 St. Rep. 585; 36 Supp. 671).
- Drexel v. Pease**, 129 N. Y. 96; 41 St. Rep. 236.
Cited, Reference—Compulsory—Long Account.
136 N. Y. 513; (49 St. Rep. 751; 1 Misc. 376).
Reference—Compulsory—Collateral Facts.
49 St. Rep. 301; (21 Supp. 46).
Sales—Bills of Lading—Title—Credit.
28 Supp. 257; (31 App. N. C. 24).
- Drexel v. Pease**, 133 N. Y. 129.
Cited, Sales—Bills of Lading—Title.
31 Abb. N. C. 24; (28 Supp. 257).
Bailment—Lien—Extent.
87 Hun, 129; (67 St. Rep. 445; 33 Supp. 80).
- Dreyer v. Meyer**, 74 St. Rep. 586; 38 Supp. 902.
- Dreyfus v. Casey**, 52 Hun, 95; 23 St. Rep. 397; 5 Supp. 605.
Cited, Interpleader—Affidavit—Sufficiency—Collusion.
75 Hun, 46; (58 St. Rep. 180; 26 Supp. 993; 23 Civ. Pro. 303).
- Dreyfuss Co. v. Charles Seale & Co.**, 18 Misc. 551; 41 Supp. 875.
- Driggs v. Dean**, 87 Hun, 319; 68 St. Rep. 266; 34 Supp. 342.
D. 2 App. Div. 129; (73 St. Rep. 35; 37 Supp. 872).
- Driggs v. Dean**, 2 App. Div. 124; 73 St. Rep. 33; 37 Supp. 871.
- Driggs v. Dwight**, 17 Wend. 71.
Cited, Landlord and Tenant—Failure to Give Possession—Damages.
139 N. Y. 436; (54 St. Rep. 699).
- Driggs v. Phillips**, 103 N. Y. 77; 3 St. Rep. 69.
Cited, Highways—Discontinuance—Estoppel.
50 St. Rep. 514; (21 Supp. 100).
Highway—Commissioner—Jurisdiction.
67 Hun, 293; (50 St. Rep. 771; 22 Supp. 423).
Highway—Establishment—Authority.
135 N. Y. 347; (48 St. Rep. 392).
Nuisance—Encroachment—On Highway—Private Action.
66 Hun, 244; (49 St. Rep. 483; 21 Supp. 174).
Highway—Dedication—Abandonment.
39 Supp. 10, 19.

Duplicate Citations in Parenthesis.

Drischler v. Van Den Henden, 49 Super. 508.

Cited, Decedent's Estate—Securities—Possession.

D. 16 App. Div. 555; (78 St. Rep. 998; 44 Supp. 998). 78 St. Rep. 842; (44 Supp. 842).

Driscoll v. German Am. Ins. Co., 74 Hun, 153; 56 St. Rep. 294; 26 Supp. 646.

Driscoll v. Newark & R. Lime & C. Co., 37 N. Y. 637.

Cited, Railroads—Reasonable Care.

81 Hun, 158; (62 St. Rep. 688; 30 Supp. 725).

Driscoll v. New York, 11 Hun, 101.

Cited, Notice—Imputed—Negligence.

7 Misc. 117; (57 St. Rep. 516; 27 Supp. 415).

Trial—Questions for Jury—Contributory Negligence—Knowledge.

71 Hun, 452; (54 St. Rep. 383; 24 Supp. 970).

Driscoll v. West Bradley & C. M. Co., 59 N. Y. 96.

Cited, Corporations—Stock—Transfer—Lien.

78 Hun, 95; (60 St. Rep. 513; 28 Supp. 1103). 6 App. Div. 65; (39 Supp. 625). 19 Misc. 570; (77 St. Rep. 555; 43 Supp. 555).

Dr. Jaegers Sanitary Woolen System Co. v. Le Boutillier, 47 Hun, 521.

Cited, Trademarks.

5 Misc. 88; (24 Supp. 897).

Dr. Jaeger's Sanitary Woolen S. Co. v. Le Boutillier, 5 Misc. 78; 24 Supp. 890.

Droham v. Norton, 1 Misc. 486; 50 St. Rep. 908; 21 Supp. 579.

Druckenmiller v. Shoninger, 15 Daly, 477; 29 St. Rep. 143; 8 Supp. 482.

Cited, Action—Removal from District Court to Common Pleas — Pleadings—Amendment.

3 Misc. 330; (53 St. Rep. 632; 23 Supp. 335; 23 Civ. Pro. 92).

Drucker v. Manhattan R. Co., 106 N. Y. 157; 8 St. Rep. 599.

Cited, Damages.

71 Hun, 233; (54 St. Rep. 575; 24 Supp. 1086). 77 Hun, 554; (60 St. Rep. 394; 28 Supp. 902). 2 Misc. 62; (49 St. Rep. 350) 7 Misc. 628; (58 St. Rep. 810; 28 Supp. 150; 31 Abb. N. C. 271). 137 N. Y. 160; (50 St. Rep. 206). 1 Misc. 144; (48 St. Rep. 726; 20 Supp. 631).

17 App. Div. 62; (78 St. Rep. 848; 44 Supp. 848). 6 App. Div. 53; (39 Supp. 474). 12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71). 14 Misc. 295; (70 St. Rep. 442; 35 Supp. 707). 14 Misc. 296; (70 St. Rep. 443; 35 Supp. 708).

Drucker v. Metropolitan El. R. Co., 73 Hun, 102; 56 St. Rep. 130; 25 Supp. 922.

Affirmed, 148 N. Y. 729.

Drucker v. Simon, 4 Daly, 53.

Cited, Damages—Eviction.

90 Hun, 564; (71 St. Rep. 405; 36 Supp. 69).

Drummond v. Husson, 1 Duer. 242.

Affirmed, 14 N. Y. 60.

Cited, Appeal—Dismissal—As Bar to Second.

77 Hun, 388; (60 St. Rep. 401; 28 Supp. 854).

Drummond v. Husson, 14 N. Y. 60.

Cited, Undertaking—Appeal—Dismissal.

80 Hun, 129; (61 St. Rep. 790; 30 Supp. 25).

Drummond v. Matthews, 42 St. Rep. 117; 17 Supp. 726.

Cited, Judgment—Default—Opening—Delay.

7 Misc. 422; (57 St. Rep. 649; 27 Supp. 975).

Drury v. Clark, 16 How. 424.

Cited, Foreclosure—Complaint—Interest of Defendants.

16 Misc. 194; (38 Supp. 995).

Drury v. Wigg, 19 Week. Dig. 417.

Cited, Findings—Sufficiency.

88 Hun, 460; (68 St. Rep. 787; 34 Supp. 875).

Drury v. Wilson, 4 App. Div. 232; 73 St. Rep. 588; 38 Supp. 538.

Cited, Property—Possession—Title.

8 App. Div. 378; (75 St. Rep. 193; 40 Supp. 809).

Dry Dock E. B. & B. R. Co. v. New York, 55 Barb. 298.

Cited, Railroads—Construction—Municipal Interference.

2 App. Div. 102; (73 St. Rep. 179; 37 Supp. 562).

Dry Dock, E. B. & B. R. Co. v. New York, 47 Hun, 221; 13 St. Rep. 391.

Cited, Railroads—Construction—Injunction.

12 Misc. 633; (69 St. Rep. 130; 34 Supp. 961).

Dry Dock, E. B. & B. R. Co. v. North & East R. R. Co., 3 Misc. 61; 51 St. Rep. 771; 22 Supp. 556.

Dryer v. Brown, 52 Hun, 321; 23 St. Rep. 695; 5 Supp. 486.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 266).

Decedent's Estate—Claim—Reference—Procedure.

66 St. Rep. 26; (32 Supp. 640; 2 Ann. Cas. 51).

Duplicate Citations in Parenthesis.

Dryer v. Brown, 30 St. Rep. 48; 10 Supp. 53.

Cited, Decedent's Estate—Claim—Reference—Procedure.

85 Hun, 124; (66 St. Rep. 26; 32 Supp. 640; 2 Ann. Cas. 51).

Duane v. Paige, 82 Hun, 139; 63 St. Rep. 759; 31 Supp. 310.

Duanesburgh, Town of, v. Jenkins, 57 N. Y. 177.

Cited, Statutes — Validating—To What Extent Effective.

71 Hun, 317; (54 St. Rep. 754; 25 Supp. 66). 92 Hun, 208; (71 St. Rep. 555; 36 Supp. 524).

Taxes — Assessment — Collection — Demand.

8 Misc. 14; (58 St. Rep. 309; 28 Supp. 79).

Duanesburgh, Town of, v. Jenkins, 40 Barb. 574.

Cited, Affidavits—As Proof of Facts.

14 App. Div. 90; (77 St. Rep. 461; 43 Supp. 461).

Dubois v. Beaver, 25 N. Y. 123.

Cited, Pleading—Allegations of Time—Proof.

87 Hun, 531; (68 St. Rep. 651; 34 Supp. 480). 5 App. Div. 156; (39 Supp. 43).

Trespass—Damages—Treble—Practice.

16 Misc. 322; (73 St. Rep. 572; 37 Supp. 952).

Du Bois v. Brown, 1 Dem. 317.

Cited, Executors—Accounting—Decree—Distribution—Share.

8 Misc. 580; (60 St. Rep. 690; 29 Supp. 1089; 24 Civ. Pro. 76).

Dubois v. Budlong, 15 Abb. 445.

Cited, Nuisances—Fat Rendering.

67 Hun, 58; (51 St. Rep. 193; 22 Supp. 59).

Dubois v. Cassidy, 75 N. Y. 298.

Cited, Execution—Receiver in Supplementary Proceedings—Right of to After Acquired Property.

67 Hun, 12; (50 St. Rep. 492). 83 Hun, 130; (64 St. Rep. 265; 31 Supp. 628).

Dubois v. Delaware & Hudson C. Co., 12 Wend. 334.

Cited, Pleading—Bill of Particulars—Variance.

3 Misc. 88; (51 St. Rep. 760; 22 Supp. 368).

Dubois v. Dubois, 6 Cow. 494.

Cited, Attachment—Property Not Subject to Levy Under.

12 Misc. 427; (67 St. Rep. 589; 33 Supp. 702).

Dubois v. Hermance, 56 N. Y. 673.

Cited, Contracts—Seal—Presumption of Consideration.

145 N. Y. 662; (71 St. Rep. 314).

Pleading—General Denial—Evidence Admissible.

11 App. Div. 531; (76 St. Rep. 813; 42 Supp. 813).

Contracts—Money Paid for Another's Default—Damages.

11 Misc. 54; (63 St. Rep. 441; 31 Supp. 856).

Dubois v. Hull, 43 Barb. 26

Cited, Vendor and Purchaser—Vendor's Lien—Unpaid Purchase Money.

75 Hun, 454; (59 St. Rep. 647; 27 Supp. 535). 85 Hun, 83; (66 St. Rep. 45; 32 Supp. 662).

Dubois v. Kingston, City of, 102 N. Y. 219; 1 St. Rep. 350.

Cited, Municipal Corporations—Liability—As to Condition of Streets.

8 Misc. 412; (5 St. Rep. 494; 28 Supp. 674).

Negligence—Safe Place—Duty to Maintain.

15 Misc. 88; (71 St. Rep. 514; 36 Supp. 455).

Municipal Corporations—Streets—Injury to Pedestrian—Previous Accidents — Liability.

18 Misc. 510; (41 Supp. 990).

Negligence — Contributory — Failure to Avoid Obstruction.

79 St. Rep. 730; (45 Supp. 730).

Du Bois v. Lamson, 18 Week. Dig. 490.

Cited, Estoppel—Equitable—Partnership.

59 St. Rep. 886; (28 Supp. 1118).

Dubois v. N. Y. C. & H. R. R. Co.,

88 Hun, 10; 68 St. Rep. 158; 34 Supp. 279.

Du Bois v. Ray, 35 N. Y. 162.

Cited, Wills — Construction — Doubtful Provision.

145 N. Y. 367; (64 St. Rep. 823). 18 Misc. 277; (41 Supp. 1012). 20 Misc. 385; (79 St. Rep. 704; 45 Supp. 604).

Wills—Construction—Time of Vesting.

11 Misc. 465; (67 St. Rep. 280; 33 Supp. 432).

Wills—Construction—Presumption of Intent to Make Valid Disposition.

20 Misc. 386; (79 St. Rep. 604; 45 Supp. 605).

DuBois v. Ray, 7 Bosw. 244.

Cited, Wills—Construction—Perpetuities.

3 Misc. 473; (23 Supp. 739).

Duplicate Citations in Parenthesis.

DuBois v. Union Dime Savings Institution, 89 Hun, 382; 69 St. Rep. 782; 35 Supp. 397; 25 Civ. Pro. 288; 2 Ann. Cas. 221.

Ducan v. De Witt, 7 Hun, 184.

Cited, Costs—Extra Allowance—Difficult Case.

15 App. Div. 213; (78 St. Rep. 261; 44 Supp. 261).

Ducker v. Rapp, 67 N. Y. 464.

Cited, Surety—Discharge—Extension of Time.

14 Misc. 585; (71 St. Rep. 803; 36 Supp. 635). 13 App. Div. 452; (77 St. Rep. 603; 43 Supp. 603).

Ducker v. Rapp, 67 N. Y. 464.

15 App. Div. 19; (78 St. Rep. 127; 44 Supp. 127).

Duckwitz v. Fuller, 7 App. Div. 372; 75 St. Rep. 368; 40 Supp. 965.

Duckworth v. Roach, 81 N. Y. 49.

Cited, Limitation of Action—When Statute Runs—New Remedy.

53 St. Rep. 845; (24 Supp. 349).

Limitation of Action—Corporations—Failure to File Report—Action to Enforce Liability.

16 Misc. 402; (73 St. Rep. 605; 25 Civ. Pro. 312; 38 Supp. 515).

Duclos v. Benner, 62 Hun, 428; 42 St. Rep. 929; 17 Supp. 168.

Reversed, 136 N. Y. 560; 49 St. Rep. 960.

Cited, Trusts—Increase—Right of Remainderman to.

75 Hun, 535; (57 St. Rep. 657; 27 Supp. 496). 85 Hun, 574; (66 St. Rep. 826; 33 Supp. 198). 67 St. Rep. 662; (33 Supp. 981).

Duclos v. Benner, 5 Supp. 733.

Cited, Trusts—Increase—Who Entitled to.

67 St. Rep. 662; (33 Supp. 981).

Duclos v. Benner, 136 N. Y. 560; 49 St. Rep. 690.

Cited, Interest—Legacy.

80 Hun, 549; (62 St. Rep. 633; 30 Supp. 649). Trusts—Increase—Rights of Beneficiary. 85 Hun, 574; (66 St. Rep. 826; 33 Supp. 198). 67 St. Rep. 662; (33 Supp. 981).

Duclos v. Cunningham, 102 N. Y. 678; 2 St. Rep. 13.

Cited, Brokers—Real Estate—Ability of Purchaser.

2 Misc. 173; (49 St. Rep. 627; 21 Supp. 636).

Brokers—Real Estate—Commission—When Earned.

139 N. Y. 280; (54 St. Rep. 653). 137 N. Y. 506; (51 St. Rep. 179). 4 Misc. 181; (53 St. Rep. 175; 23 Supp. 1003).

Duden v. Waitzfelder, 16 Hun, 337.

Cited, Payment—What Constitutes—Mutual Mistake of Fact.

75 Hun, 453; (59 St. Rep. 646; 27 Supp. 534).

Dudley v. Brinck, 8 Misc. 76; 58 St. Rep. 815; 28 Supp. 527.

Dudley v. Brinck, 28 Supp. 428.

Cited, Attachment—Affidavits—Sufficiency.

30 Supp. 527.

Dudley v. Congregation of Third Order of St. Francis, 138 N. Y. 451; 53 St. Rep. 19.

Affirming, 65 Hun, 21; 47 St. Rep. 60; 19 Supp. 605; 22 Civ. Pro. 380.

Cited, Pleading—Equitable Actions—Defenses—Remedy at Law.

76 Hun, 604; (58 St. Rep. 258; 28 Supp. 203). 143 N. Y. 277; (62 St. Rep. 327). 84 Hun, 147; (65 St. Rep. 807; 32 Supp. 538). Equity—Retention for Legal Relief.

60 St. Rep. 170; (28 Supp. 484). 81 Hun, 281; (62 St. Rep. 759; 30 Supp. 796). 86 Hun, 184; (67 St. Rep. 87; 33 Supp. 345). 1 App. Div. 153; (72 St. Rep. 716; 37 Supp. 419). 18 Misc. 334; (76 St. Rep. 112; 42 Supp. 112). 14 App. Div. 374; (77 St. Rep. 1014; 43 Supp. 1014). 17 App. Div. 319; (79 St. Rep. 253; 45 Supp. 253).

Dudley v. Danforth, 61 N. Y. 626.

Cited, Fraudulent Conveyances—Indebtedness to Grantee—Consideration—Bona fides.

75 Hun, 520; (57 St. Rep. 349; 27 Supp. 730). 71 Hun, 514; (54 St. Rep. 909; 24 Supp. 1067). D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857). 18 Misc. 409; (76 St. Rep. 777; 42 Supp. 777).

Sale—Validity—Participation in Fraud by Vendee.

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Dudley v. Flushing Jockey Club, 14 Misc. 58; 69 St. Rep. 621; 35 Supp. 245.

Dudley v. Hawley, 40 Barb. 397.

Cited, Trover—Conversion—Pursuit of Property.

71 Hun, 574; (55 St. Rep. 123; 24 Supp. 995).

Dudley v. Mahew, 3 N. Y. 9.

Cited, Courts—Jurisdiction—Failure to Object.

140 N. Y. 467; (55 St. Rep. 833). 15 Misc. 447; (72 St. Rep. 663; 37 Supp. 198).

Courts—Jurisdiction—Consent.

18 Misc. 389; (75 St. Rep. 1041; 41 Supp. 654). 79 St. Rep. 767; (45 Supp. 767).

Remedies—Statutory—Strict Compliance. 16 App. Div. 190; (78 St. Rep. 715; 44 Supp. 715).

Duplicate Citations in Parenthesis.

Dudley v. Novill, 11 App. Div. 203; 76 St. Rep. 681; 42 Supp. 681.

Dudley v. Press Publishing Co., 53 Hun, 347; 25 St. Rep. 32; 6 Supp. 383.

Cited, Deposition—Examination Before Trial—Non-resident.

11 Misc. 520; (64 St. Rep. 469; 32 Supp. 741).

Deposition—Examination Before Trial—Extension of Time to Answer.

90 Hun, 345; (70 St. Rep. 493; 35 Supp. 695; 25 Civ. Pro. 97).

Dudley v. Press Publishing Co., 58 Hun, 182; 33 St. Rep. 781; 11 Supp. 337.

Cited, Deposition—Examination Before Trial—Vacation.

90 Hun, 345; (70 St. Rep. 493; 35 Supp. 695; 25 Civ. Pro. 97).

Dudley v. Satterlee, 8 Misc. 538; 59 St. Rep. 265; 28 Supp. 741.

Dueber Watch Case Mfg Co. v. Am. W. W. Co., 51 St. Rep. 459; 22 Supp. 69.

Dueber Watch Case Mfg Co. v. E. Howard Watch & Clock Co., 3 Misc. 582; 24 Supp. 647.

Dueber Watch Case Mfg. Co. v. Keystone W. C. Co., 66 Hun, 634; 50 St. Rep. 417; 21 Supp. 342; 23 Civ. Pro. 44.

Cited, Pleading—Bill of Particulars—Affidavit of Attorney.

82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496). 13 Misc. 323; (68 St. Rep. 366; 34 Supp. 462). 19 Misc. 479; (77 St. Rep. 1112; 43 Supp. 1112).

Dueber Watch Case Mfg Co. v. Noyes, 21 Supp. 341.

Duell v. McCraw, 86 Hun, 331; 67 St. Rep. 163; 33 Supp. 528.

Duesenbury v. Hoadley, 49 St. Rep. 560.

Duff v. Hart, 40 St. Rep. 676; 16 Supp. 163.

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1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). 2 Misc. 66; (49 St. Rep. 142). 3 Misc. 80; (51 St. Rep. 758; 23 Supp. 20).

Landlord and Tenant—Rent—Defense—Constructive Eviction.

10 Misc. 121; (62 St. Rep. 518; 30 Supp. 950; 24 Civ. Pro. 123).

Landlord and Tenant—Covenant—Quiet Enjoyment.

14 Misc. 340; (70 St. Rep. 456; 35 Supp. 681).

Duff v. Hutchinson, 57 Hun, 152; 10 Supp. 857; 52 St. Rep. 949.

Cited, Contracts—Rescission—Retention of Benefits.

6 Misc. 588; (57 St. Rep. 853; 27 Supp. 629).

Duffany v. Ferguson, 66 N. Y. 482.

Cited, Fraud—Representations—Knowledge of Maker.

72 Hun, 315; (55 St. Rep. 355; 25 Supp. 684). 11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333).

Duffus v. Bangs, 122 N. Y. 423; 34 St. Rep. 222.

Distinguished, Landlord and Tenant—Away-Going Crop—Re-entry by Landlord.

69 Hun, 592; (53 St. Rep. 390; 23 Supp. 921).

Duffus v. Cole, 39 St. Rep. 838; 15 Supp. 370.

Cited, Contempt—Violation of Injunction.

67 Hun, 255; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 120).

Duffus v. Howard Furnace Co., 15 Misc. 169; 72 St. Rep. 172; 37 Supp. 19.

Reversed, 8 App. Div. 567; 75 St. Rep. 320; 40 Supp. 925.

Cited, Sale—Conditional—Portable Furnace—Unfiled Agreement—Rights of Mortgagee.

8 App. Div. 571; (75 St. Rep. 324; 40 Supp. 928).

Duffus v. Howard Furnace Co., 8 App. Div. 567; 75 St. Rep. 320; 40 Supp. 925.

Cited, Sale—Personalty—Equities—Effect on Vendee.

15 App. Div. 40; (78 St. Rep. 118; 44 Supp. 118).

Sale—Conditional—Failure to File Agreement—Rights of Mortgagee.

15 App. Div. 40; (78 St. Rep. 121; 44 Supp. 121).

Duffus v. Schwinger, 7 Misc. 499; 58 St. Rep. 796; 27 Supp. 949.

Reversed, 79 Hun, 541; 61 St. Rep. 549; 29 Supp. 930.

Duffus v. Schwinger, 79 Hun, 541; 61 St. Rep. 549; 29 Supp. 930.

Duffus v. Schwinger, 92 Hun, 70; 71 St. Rep. 237; 36 Supp. 342.

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Cited, Wills—Debts and Legacies—Charge Upon Land.

18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1103).

Duplicate Citations in Parenthesis.

Duffy v. Dawson, 2 Misc. 401; 50 St. Rep. 584; 21 Supp. 978.

Duffy v. Duffy, 50 Hun, 266; 19 St. Rep. 228; 3 Supp. 23.

Affirmed, 130 N. Y. 654; 41 St. Rep. 950.
Cited, Partition—Effect of Executor's Power of Sale.

72 Hun, 185; (55 St. Rep. 324; 25 Supp. 547).

Duffy v. Duffy, 70 Hun, 135; 53 St. Rep. 758; 24 Supp. 408.

Duffy v. Duffy, 117 N. Y. 647.

Cited, Action—Abatement—By Death—Revival—Discretion of Court.

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Duffy v. Duncan, 35 N. Y. 187.

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4 Misc. 140; (53 St. Rep. 122; 23 Supp. 603).

Duffy v. Duncan, 32 Barb. 587.

Cited, Executors—When Charged With Interest.
15 Misc. 570; (38 Supp. 182).

Duffy v. Durant Land Imp't Co., 78 Hun, 314; 60 St. Rep. 729; 29 Supp. 165.

Duffy v. O'Donovan, 46 N. Y. 223.

Cited, Contracts—Statute of Frauds—Necessity of Pleading.
55 St. Rep. 297; (25 Supp. 454; 30 Abb. N. C. 448).

Estoppel—Inconsistent Claims.
4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697).

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7 Misc. 606; (58 St. Rep. 759; 27 Supp. 867).

Duffy v. People, 26 N. Y. 588.

Cited, Trial—Fact—Criminal Intent.
9 Misc. 448; (61 St. Rep. 70; 29 Supp. 1038).

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Duffy v. Wunsch, 42 N. Y. 243.

Cited, Statute of Frauds—Promise to Pay Debt of Another.
9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196).

Dugan v. Denyse, 13 App. Div. 214; 77 St. Rep. 43; Supp. 308.

Duggan v. Third Ave. R. Co., 8 Misc. 89; 58 St. Rep. 816; 28 Supp. 598.

Affirmed, 9 Misc. 158; 59 St. Rep. 681; 29 Supp. 13.

Duggan v. Third Ave. R. Co., 9 Misc. 158; 59 St. Rep. 681; 29 Supp. 13.

Duhrkop v. White, 13 App. Div. 293; 77 St. Rep. 190; 43 Supp. 190.

Duhrkop v. White, 15 App. Div. 613; 78 St. Rep. 694; 44 Supp. 694.

Duke v. Tenth & Twenty-third St. F. Co., 9 Misc. 288; 61 St. Rep. 514; 29 Supp. 739.

Affirmed, 145 N. Y. 640; 67 St. Rep. 897.

Dukes v. Eastern Distilling Co., 51 Hun, 605; 22 St. Rep. 833; 4 Supp. 562.

Cited, Negligence—Railroad Bridges—Nuisance.

80 Hun, 396; (62 St. Rep. 51; 30 Supp. 324).

Dall v. Rohr, 13 Misc. 530; 70 St. Rep. 134; 35 Supp. 523.

Dumes v. Sizer, 3 App. Div. 11; 73 St. Rep. 548; 37 Supp. 929.

Cited, Negligence—Unexplained Accident—Presumption

7 App. Div. 407; (39 Supp. 1017). 8 App. Div. 443; (75 St. Rep. 299; 40 Supp. 901).

Dumois v. Hill, 11 Misc. 242; 65 St. Rep. 305; 32 Supp. 164.

Affirmed, 2 App. Div. 525; 74 St. Rep. 274; 37 Supp. 1093.

Cited, 74 St. Rep. 275; (37 Supp. 1094).

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Dumois v. Hill, 2 App. Div. 525; 74 St. Rep. 274; 37 Supp. 1093.

Dumond v. Baker, 4 App. Div. 194; 74 St. Rep. 176; 38 Supp. 557.

Dumond v. Carpenter, 3 Johns. 184.

Cited, Money Had—Misapplication—Recovery.

4 App. Div. 237; (74 St. Rep. 180; 38 Supp. 561).

Dumont v. Smith, 4 Den. 319.

Cited, Levy and Sale—Abuse of Process—Liability of Officer.

3 Misc. 231; (51 St. Rep. 867; 22 Supp. 748). Trespass—Entry by Permission.

81 Hun, 360; (63 St. Rep. 145; 30 Supp. 891).

*Duplicate Citations in Parenthesis.***Duncan, Matter of**, 10 Daly, 95.

Cited, Assignment for Creditors—Preferences—Order of Interest.

6 Misc. 465; (27 Supp. 912).

Duncan v. Berlin, 60 N. Y. 151.

Cited, Banks—Deposit—Effect of Outstanding Checks Upon.

12 Misc. 22; (66 St. Rep. 721; 33 Supp. 64).

Duncan v. Brennan, 83 N. Y. 487.

Cited, Pledge—To What Indebtedness Applicable.

6 Misc. 82; (55 St. Rep. 394; 26 Supp. 26).

17 Misc. 530; (40 Supp. 875).

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88 Hun, 235; (68 St. Rep. 722; 34 Supp. 800).

Duncan v. China Mut. Ins. Co., 129 N. Y. 237; 41 St. Rep. 368.

Cited, Pleading—Answer—Counterclaim—To Whom Available—Trustee of Express Trusts.

9 Misc. 73; (59 St. Rep. 689; 29 Supp. 67).

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7 App. Div. 586; (40 Supp. 307).

Duncan v. George C. Treadwell Co., 82 Hun, 376; 63 St. Rep. 790; 31 Supp. 340.

Cited, Receivers—Right of Creditors to Enforce Collection of Claims.

91 Hun, 227; (72 St. Rep. 53; 36 Supp. 152). 14 App. Div. 338; (77 St. Rep. 791; 43 Supp. 791).

Duncan v. Guest. See Heelas, Matter of.**Duncan v. Lyon**, 3 Johns. Ch. 351.

Cited, Set-Off.

D. 142 N. Y. 260; (58 St. Rep. 781).

Duncan v. Mutual A. Ass'n, 13 Supp. 620.

Affirmed, 129 N. Y. 623.

Cited, Insurance—Accident—Violation of Law—Crossing Railway Tracks.

7 App. Div. 428; (39 Supp. 915).

Duncan v. New York Mutual Ins. Co., 138 N. Y. 88; 51 St. Rep. 661.**Duncan v. New York Mutual Ins. Co.**, 46 St. Rep. 241; 18 Supp. 863.

Cited, Contracts—Rescission—Effect on Prior Payments.

2 Misc. 369; (51 St. Rep. 211; 22 Supp. 376; 30 Abb. N. C. 12).

Duncan v. Ray, 19 Wend. 530.

Cited, Pleading—Bill of Particulars—Variance.

3 Misc. 88; (51 St. Rep. 760; 22 Supp. 368).

Duncan v. Spear, 11 Wend. 54.

Cited, Personal Property—Torts Concerning—Title in Third Person as Defense.

141 N. Y. 5; (56 St. Rep. 479).

Duncan v. Sun Fire Ins. Co., 2 Wend. 625.

Cited, Action—Stay—Validity of Acts Pending.

13 Misc. 565; (38 Supp. 941).

Dunckel v. Dunckel, 56 Hun, 25; 29 St. Rep. 477; 8 Supp. 888.

Cited, Statute of Frauds—Oral Agreement for Sale of Land—Part Performance.

82 Hun, 102; (63 St. Rep. 605; 31 Supp. 204). 86 Hun, 507; (67 St. Rep. 529; 33 Supp. 783).

Dunckel v. Dunckel, 141 N. Y. 427; 57 St. Rep. 618.

Cited, Specific Performance—Oral Land Contracts—Part Performance.

86 Hun, 504, 507; (67 St. Rep. 527, 529; 33 Supp. 782, 783).

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8 App. Div. 371; (75 St. Rep. 187; 4 Supp. 805).

Statute of Frauds—Oral Lease—Part Performance—Payment of Purchase Money.

17 Misc. 159; (39 Supp. 328).

Dunckle v. Kocker, 11 Barb. 387.

Cited, Animals—Trespass—Liability of Owner.

79 Hun, 503; (61 St. Rep. 257; 29 Supp. 947).

Dunckle v. Wiles, 5 Den. 296.

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136 N. Y. 573; (50 St. Rep. 27).

Duncomb v. N. Y. Housatonic & N. R. Co., 84 N. Y. 190.

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78 Hun, 216; (60 St. Rep. 219; 28 Supp. 935) Corporations—Mortgage—Bonds, Validity.

69 Hun, 168; (53 St. Rep. 165; 23 Supp. 407) Corporations—Evidences of Debt—Defense of Ultra Vires.

144 N. Y. 341; (63 St. Rep. 674). 19 Misc. 570; (77 St. Rep. 555; 43 Supp. 555).

Corporations—Officers—Personal Dealings.

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Corporations—Unauthorized Acts—Disaffirmance—Restoration.

2 App. Div. 306; (73 St. Rep. 422; 37 Supp. 745). 8 App. Div. 433; (75 St. Rep. 247; 40 Supp. 854). 17 App. Div. 157; (79 St. Rep. 144; 45 Supp. 144).

*Duplicate Citations in Parenthesis.***Duncomb v. N. Y., Housatonic & N. R. Co.,** 88 N. Y. 1.

Cited, Bonds—Railroad—Enforcement by Stockholders.

78 Hun, 216; (60 St. Rep. 219; 28 Supp. 935).
Corporations—Pledge—Induced by Officer.

83 Hun, 497; (65 St. Rep. 76; 31 Supp. 1047).

Dundee Chemical Works v. N. Y. Mut. Ins. Co., 12 Misc. 353; 67 St. Rep. 333; 33 Supp. 628.

Cited, Principal and Surety—Subrogation—Assignment—Relief by Motion.

77 Hun, 582; (60 St. Rep. 538; 28 Supp. 1043).

Dunford v. Weaver, 84 N. Y. 445.

Cited, Executors—Accounting—Charging Expenses of to Executor.

12 Misc. 325; (67 St. Rep. 341; 33 Supp. 636).
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15 Misc. 365; (72 St. Rep. 472; 37 Supp. 408; 25 Civ. Pro. 142).

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3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 201).

Dung v. Parker, 52 N. Y. 594.

Cited, Contracts—Void under Statute of Frauds—Rights of Parties.

18 Misc. 72; (75 St. Rep. 486; 41 Supp. 31).
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12 Misc. 164; (67 St. Rep. 97; 33 Supp. 278).

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Cited, Limitation of Action—When Action Barred—Executors—Income from Estate.

2 Misc. 283; (23 Supp. 974).
Limitation of Action—Executors—Accounting.

10 Misc. 198; (63 St. Rep. 602; 31 Supp. 201). 15 Misc. 559; (74 St. Rep. 301; 37 Supp. 1131-1133).

Dunham, Matter of, 121 N. Y. 575; 31 St. Rep. 858.

Cited, Witnesses—Competency—Decease of Other Party—Transactions in Presence of Witness.

141 N. Y. 392; (57 St. Rep. 603). 67 Hun, 650; (51 St. Rep. 940; 23 Supp. 1153). 68 Hun, 584; (52 St. Rep. 577; 23 Supp. 218, 254). 86 Hun, 403; (67 St. Rep. 232; 33 Supp. 479). 90 Hun, 8; (69 St. Rep. 852; 35 Supp. 363). 13 App. Div. 493; (77 St. Rep. 355; 43 Supp. 355). 17 App. Div. 268; 79 St. Rep. 564; 45 Supp. 564).

Dunham v. Bower, 77 N. Y. 76.

Cited, Judgment—Conclusiveness—Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298). 85 Hun, 15, 16; (66 St. Rep. 127, 128; 32 Supp. 616, 617). 151 N. Y. 127; (3 Ann. Cas. 347).

Dunham v. Countryman, 66 Barb. 268.

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Dunham v. Cudlipp, 94 N. Y. 129.

Cited, Evidence—Admissions in Pleadings—Controversion.

85 Hun, 62; (66 St. Rep. 63; 32 Supp. 679).
13 Misc. 576; (69 St. Rep. 113; 31 Supp. 947).
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17 Misc. 639, 640; (74 St. Rep. 642, 643; 40 Supp. 32, 33).

Dunham v. Lodge, 10 Barb. 566.

Cited, Limitation of Action—Bills and Notes—Payment by One Co-Maker.

82 Hun, 322; (61 St. Rep. 80; 31 Supp. 482).
Dunham v. Griswold, 100 N. Y. 224.

Cited, Compromise and Settlement—Disputed Claim.

74 Hun, 70; (56 St. Rep. 177; 26 Supp. 360).
Evidence—Compromise of Claim—Circumstances of.

75 Hun, 33; (58 St. Rep. 176; 26 Supp. 978).

Dunham v. Mann. See **Dunham v. Pettie.****Dunham v. Mercantile Mut. Ins. Co.,** 44 Super. 387; 6 Abb. N. C. 70.

Cited, Deposition—Examination Before Trial—N n Resident.

90 Hun, 344; (70 St. Rep. 492; 35 Supp. 694; 25 Civ. Pro. 97).

Dunham v. Osborn, 1 Paige, 634.

Cited, Wills—Devise—Vesting of Estates—Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901).

Dunham v. Parmenter, 74 Hun, 559; 57 St. Rep. 225; 26 Supp. 955.**Dunham v. Pettie,** 1 Daly, 112.

Cited, Sale—Delivery—Tender of Order on Bailee.

6 Misc. 97; (55 St. Rep. 494; 26 Supp. 14).

Dunham v. Pettie, 8 N. Y. 508.

Cited, Sale—Delivery—Tender of Order on Bailee.

6 Misc. 97; (55 St. Rep. 494; 26 Supp. 14).
Sale—Contract—Completion.

79 Hun, 117; (61 St. Rep. 12; 29 Supp. 408).

Duplicate Citations in Parenthesis.

Dunham v. Ringrose, 72 Hun, 300; 55 St. Rep. 519; 25 Supp. 454.

Dunham v. Rochester, 5 Cow. 462.

Cited, Municipal Corporations — Regulation of Traffic.

2 Misc. 218; (51 St. Rep. 59; 21 Supp. 914).

Municipal Corporations — Ordinances — Limitation of Right to Enact.

143 N. Y. 66; (60 St. Rep. 350). 19 Misc. 445; (77 St. Rep. 704; 43 Supp. 704).

Dunham v. Sage, 52 N. Y. 229.

Cited, Limitation of Action—Disability—Infants.

11 Misc. 385; (65 St. Rep. 295; 32 Supp. 148).

Dunham v. Sage, 7 Lans. 419.

Cited, Limitation of Action—Suspension—Appointment of Representative.

9 App. Div. 346, 347; (75 St. Rep. 721, 722; 41 Supp. 309, 310).

Dunham v. Simmons, 3 Hill, 609.

Cited, Justice's Court — Pleading—Misjoinder—Waiver.

85 Hun, 501; (66 St. Rep. 830; 33 Supp. 202). Justice's Court—Pleading—Misjoinder—

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85 Hun, 501; (66 St. Rep. 831; 33 Supp. 203).

Dunham v. Townshend, 118 N. Y. 281; 28 St. Rep. 864.

Cited, Adverse Possession—Husband and Wife

3 Misc. 8; (53 St. Rep. 630; 23 Supp. 796). Appeal—Consideration of Outside Records

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Dunham v. Whitehead, 21 N. Y. 131.

Cited, Assignment—For Payment of Debt—Attack by Other Creditors.

3 App. Div. 60; (74 St. Rep. 850; 38 Supp. 1038).

Dunham v. Williams, 37 N. Y. 251.

9 App. Div. 182; (75 St. Rep. 548; 41 Supp. 88).

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Dunham v. Wyckoff, 3 Wend. 280.

Cited, Personal Property — Replevin — Right of Action—Revoking Offer of Sale—Demand—Possession.

4 Misc. 93; (53 St. Rep. 78; 23 Supp. 856). Replevin—When Lies—Trespass.

88 Hun, 19; (68 St. Rep. 292; 34 Supp. 509).

Dunkell v. Simons, 15 Daly, 352; 27 St. Rep. 811; 7 Supp. 665.

Cited, Contract—Services—Discharge.

8 Misc. 335; (59 St. Rep. 237; 28 Supp. 538).

Dunkin v. Vandenberg, 1 Paige, 622.

Cited, Set-off — Judgments — Attorney's Lien.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Dunkirk, Town of, v. Lake Shore

& Michigan S. R. Co., 75 Hun, 366; 56 St. Rep. 767; 27 Supp. 105.

Cited, Pleading — Irrelevancy—Striking Out—Rules.

7 App. Div. 166; (39 Supp. 1104)

Dunkley v. Van Buren, 3 Johns. Ch. 330.

Cited, Courts—Chancery—Jurisdiction—Foreclosure.

135 N. Y. 278; (48 St. Rep. 87).

Dunlap v. Hawkins, 2 T. & C. 292.

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79 St. Rep. 319; (45 Supp. 319).

Dunlap v. Toy, 19 Misc. 627; 78 St. Rep. 388; 44 Supp. 388.

Dunlay v. American Tel. & Tel. Co.,

4 App. Div. 432; (75 St. Rep. 49; 40 Supp. 606).

Dunlevy v. Tallmadge, 32 N. Y. 457.

Cited, Equity—Fraud.

135 N. Y. 630; (48 St. Rep. 450).

Fraudulent Conveyance—Attack by Creditors—Necessity of Judgment.

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143 N. Y. 571; (62 St. Rep. 783; 1 Ann. Cas. 23).

Dunlop v. Avery, 89 N. Y. 592.

Cited, Insurance, When Mortgagee Entitled to Benefit.

11 Misc. 169; (65 St. Rep. 151; 32 Supp. 94).

Dunlop v. Paterson Fire Ins. Co., 74 N. Y. 145.

Cited, Action—Parties—Intervention.

12 Misc. 648; (67 St. Rep. 92; 33 Supp. 273).

Dunlop v. Patterson, 5 Cow. 243.

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2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937).

Dunlop v. Richards, 2 E. D. Smith, 181.

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2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975).

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Dunlop v. Wilken, 87 Hun, 618; 67 St. Rep. 451; 33 Supp. 807.

Dunn, Matter of, 14 Supp. 14; 37 St. Rep. 802.

Cited, Appeal—When Lies.

D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp. 352).

Dunn v. Ballantyne, 5 App. Div. 483; 38 Supp. 1102.

Cited, Negligence—Injury From Obstructions.

20 Misc. 34; (79 St. Rep. 324; 45 Supp. 324).

Dunn v. Devlin, 2 Daly, 122.

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10 Misc. 347; (63 St. Rep. 421; 31 Supp. 32; 24 Civ. Pro. 186).

Dunn v. Dunn, 4 Paige, 425.

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70 Hun, 438; (54 St. Rep. 57; 24 Supp. 305).

Dunn v. Meserole, 5 Daly, 434.

Cited, Motions and Orders—Renewal.

68 Hun, 389; (52 St. Rep. 204; 22 Supp. 861).

Dunn v. Parsons, 50 St. Rep. 94; 21 Supp. 901.

Dunn v. People, 29 N. Y. 523.

Cited, Witness—Credibility—Effect on Of Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937). D. 10 Misc. 716; (64 St. Rep. 619; 31 Supp. 811). 14 Misc. 313; (70 St. Rep. 458; 35 Supp. 768). 19 Misc. 233; (78 St. Rep. 221; 44 Supp. 221).

Criminal Law—Evidence—Conviction on Testimony of Accomplice.

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Dunn v. Sharpe, 9 Misc. 636; 62 St. Rep. 108; 30 Supp. 353.

Dunn v. Steubing, 120 N. Y. 232; 30 St. Rep. 653.

Cited, Contracts—Performance—Time—Waiver.

72 Hun, 174; (55 St. Rep. 675; 25 Supp. 377). 92 Hun, 277; (71 St. Rep. 682; 36 Supp. 752).

Contracts—Building—Delay in Performance—Enforcement of Provision for Damages.

69 St. Rep. 295; (35 Supp. 179).

Dunn v. Utsch, 2 Misc. 211; 49 St. Rep. 595; 21 Supp. 262.

Dunn v. Wehle, 12 Misc. 653; 67 St. Rep. 299; 33 Supp. 555.

Reversed, 14 Misc. 542; 70 St. Rep. 710; 35 Supp. 1093.

Dunn v. Wehle, 14 Misc. 542; 70 St. Rep. 710; 35 Supp. 1093.

Dunn v. Whalen, 50 St. Rep. 101; 21 Supp. 869.

Dunnell v. Keteltas, 16 Abb. 205.

Cited, Arbitration Agreement—Refusal to Carry Out—Fixing of Damages by Court.

12 App. Div. 429; (76 St. Rep. 410; 42 Supp. 410).

Dunning v. Dunning, 82 Hun, 462; 64 St. Rep. 397; 31 Supp. 719.

Cited, Courts—Jurisdiction—Exclusive.

86 Hun, 197; (67 St. Rep. 129; 33 Supp. 384).

Dunning v. Leavitt, 85 N. Y. 30.

D. 147 N. Y. 468; (70 St. Rep. 62).

Mortgage — Assumption by Grantee—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Real Property—Conveyance—Consideration.

135 N. Y. 48; (48 St. Rep. 255).

Mortgage—Assumption by Grantee—Defenses—Availability to Grantee.

87 Hun, 567; (68 St. Rep. 381; 34 Supp. 478).

Dunning v. Ocean Nat. Bank, 6 Lans. 298.

Cited, Limitation of Action—Claim in favor of Decedent—When Statute Runs.

9 App. Div. 347, 351; (75 St. Rep. 722, 728; 41 Supp. 310, 315).

Dunning v. Ocean Nat. Bank, 61 N. Y. 497.

Cited, Equity — Foreclosure—Equitable Assignment.

135 N. Y. 279; (48 St. Rep. 88).

Mortgage—Foreclosure—Deceased Mortgagor—Surplus as Realty.

60 St. Rep. 104.

Limitation of Action—Claim in favor of Decedent—Appointment of Executor.

9 App. Div. 347; (41 Supp. 310).

Dunning v. Jacobs, 15 Misc. 85; 71 St. Rep. 512; 36 Supp. 453.

Dunsbach v. Hollister, 49 Hun, 352; 17 St. Rep. 461; 2 Supp. 94.

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Cited, Master and Servant—Master's Business—Question for Jury.

71 Hun, 434; (54 St. Rep. 531; 24 Supp. 980).

Injunction—Nuisance.

67 Hun, 307; (50 St. Rep. 899; 22 Supp. 315).

Dunscomb v. Dunscomb, 1 Johns. Ch 508.

Duplicate Citations in Parenthesis.

Cited, Executors—Accounting—Interest.
5 Misc. 133; (25 Supp. 731). 15 Misc. 570;
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4 Misc. 138; (53 St. Rep. 120; 23 Supp.
601).

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14 Misc. 27; (69 St. Rep. 380; 35 Supp.
136).

Dunstan v. Higgins, 138 N. Y. 70; 51
St. Rep. 710.

Cited, Foreign Judgments—Divorce—Ali-
mony—Enforcement.

7 Misc. 580; (58 St. Rep. 395; 28 Supp. 155;
31 Abb. N. C. 237).

Judgment—Foreign—Conclusiveness.

14 Misc. 345; (70 St. Rep. 463; 35 Supp.
685). 17 Misc. 238; (39 Supp. 715).

Judgment—Foreign—Authentication.

20 Misc. 333; (79 St. Rep. 807; 45 Supp.
807).

Judgment—Conclusiveness.

79 St. Rep. 638; (45 Supp. 638).

Dunster v. Kelly, 110 N. Y. 558; 18 St.
Rep. 548.

Cited, Action—Title to Real Property—
When Involved—Right to Possession.

11 Misc. 635. 14 Misc. 342; (70 St. Rep.
474; 35 Supp. 680).

Dunton v. Hume, 15 App. Div. 122; 78
St. Rep. 305; 44 Supp. 305.

Duntz v. Duntz, 44 Barb. 461.

Cited, Money Paid—When May be Re-
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15 Misc. 206; (72 St. Rep. 184; 37 Supp.
35).

Duntz v. Horton, 83 Hun, 332; 64 St.
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Duparquet v. Fairchild, 49 Hun, 471;
2 Supp. 264.

Cited, Pleading—Verification by Attor-
ney—Sufficiency.

18 Misc. 631; (77 St. Rep. 728; 43 Supp.
728).

Duparquet v. Knubel, 24 Hun, 653.

Cited, Evidence — Parol — Independent
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85 Hun, 73; (66 St. Rep. 28; 32 Supp.
646).

Duplex Safety Boiler Co. v. Garden,
101 N. Y. 387; 1 St. Rep. 51.

Cited, Contract—Of Sale of Manufac-
tured Article—Substantial Performance—
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1 Misc. 19; (48 St. Rep. 36; 20 Supp. 370).

Vendor and Purchaser—Title Required—
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3 Misc. 371; (52 St. Rep. 436; 23 Supp.
348).

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ceptance.

10 Misc. 655; (64 St. Rep. 498; 31 Supp.
795).

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13 Misc. 197; (68 St. Rep. 217; 34 Supp.
131). 34 Supp. 293. 15 Misc. 29; (71 St.
Rep. 495, 496; 36 Supp. 444, 445; 2 Ann.
Cas. 342). 2 App. Div. 447; (73 St. Rep.
535; 37 Supp. 993). 17 Misc. 145; (39 Supp.
345). 9 App. Div. 483; (75 St. Rep. 741; 41
Supp. 327). 13 App. Div. 516; (77 St. Rep.
671; 43 Supp. 671). 148 N. Y. 256; (2 Ann.
Cas. 396).

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12 Misc. 306; (67 St. Rep. 842; 34 Supp.
42).

Dupre v. Rein, 7 Abb. N. C. 256.

Cited, Husband and Wife—Separation
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13 Misc. 593; (71 St. Rep. 597; 36 Supp.
821).

DuPuy v. Cook, 70 St. Rep. 397; 35 Supp.
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Dupuy v. Wurtz, 53 N. Y. 556.

Cited, Domicile—Residence.

53 St. Rep. 141.

Duprat v. Havemeyer, 18 Week. Dig.
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Cited, Pleading — Relevancy — Striking
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85 Hun, 528; (67 St. Rep. 78; 33 Supp.
336). 90 Hun, 236; (69 St. Rep. 636; 35
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427). 19 Misc. 83; (77 St. Rep. 968; 43
Supp. 968). 19 Misc. 262; (78 St. Rep. 248;
44 Supp. 248). 17 App. Div. 395; (79 St.
Rep. 181; 45 Supp. 181).

Will—Validity—Law of Domicile.

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Durand v. Acken, 7 Misc. 440; 57 St. Rep.
636; 27 Supp. 937.

Durando v. Durando, 23 N. Y. 331.

Cited, Wills—Devise—Vesting of Estate—
Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp.
901).

Durant v. Abendroth, 48 Hun, 16; 1
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Cited, Costs—Taxation—Discretionary—
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*Duplicate Citations in Parenthesis.***Durant v. Abendroth**, 69 N. Y. 148.

Cited, Verdict—Subject to Opinion of Court.

92 Hun, 529; (72 St. Rep. 207; 37 Supp. 54).

Partnership—Limited—Creation—Payment of Cash.

75 Hun, 81; (58 St. Rep. 158; 26 Supp. 962).

Partnership—Limited—Liability as General Partner.

145 N. Y. 494; (65 St. Rep. 366; 1 Ann. Cas. 373). 18 Misc. 555; (41 Supp. 992).

Durant v. Abendroth, 97 N. Y. 132.

Cited, Judgment—Conclusiveness—In rem.

78 Hun, 126; (60 St. Rep. 186; 28 Supp. 995). 84 Hun, 523; (65 St. Rep. 617; 32 Supp. 400). 152 N. Y. 196; (73 Hun, 436; 56 St. Rep. 35; 26 Supp. 471).

Partnership—Limited—Creation—Compliance of Certificate With Statute.

72 Hun, 236; (55 St. Rep. 714; 25 Supp. 256).

Durant v. Abendroth, 8 Civ. Pro. 87.

Cited, Appeal—Power of Court to Extend Time.

11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008).

Durant v. East River Electric Light Co., 18 St. Rep. 934; 2 Supp. 389.

Cited, Pleading—Bill of Particulars.

12 Misc. 459; (68 St. Rep. 134; 34 Supp. 256).

Durant Land Imp't Co. v. Thomson-Houston Electric Co., 2 Misc. 182; 49 St. Rep. 715; 21 Supp. 764; 23 Civ. Pro. 29.**Durant Land Imp't Co. v. East River Electric Light Co.**, 15 Daly, 337; 25 St. Rep. 928; 6 Supp. 659; 17 Civ. Pro. 224.

Cited, Landlord and Tenant—Summary Proceedings—Demand.

2 Misc. 183; (49 St. Rep. 716; 21 Supp. 765; 23 Civ. Pro. 31). 9 Misc. 46; (59 St. Rep. 672; 29 Supp. 292).

Pleadings—Bill of Particulars.

71 Hun, 256; (54 St. Rep. 480; 25 Supp. 10).

Durant v. Kenyon, 32 Hun, 634.

Cited, Conveyance—Realty of Railway Company—What Passes.

17 App. Div. 190; (79 St. Rep. 369; 45 Supp. 369).

Durant v. Pierson, 12 Supp. 145.

Cited, Costs—Extra Allowance.

79 St. Rep. 659; (45 Supp. 659).

Durell v. Haley, 1 Paige, 492.

Cited, Sale—Fraud in—Insolvency of Purchaser—Concealment of—Passing of Title.

59 St. Rep. 472; (29 Supp. 595; 31 Abb. N. C. 402). 11 Misc. 78. 77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880).

Durfee v. Johnstown, G. & K. H. R. Co., 71 Hun, 279; 54 St. Rep. 526; 24 Supp. 1016.**Durfee v. Pomeroy**, 7 App. Div. 431; 75 St. Rep. 407; 40 Supp. 1022.**Durgin v. Ireland**, 14 N. Y. 322.

Cited, Subrogation—Insurance—Carriers. 68 Hun, 600; (52 St. Rep. 582; 23 Supp. 232).

Durham v. Bower, 77 N. Y. 76.

Cited, Counterclaim—Liquidation—Failure to Plead.

8 Misc. 623; (61 St. Rep. 335; 29 Supp. 824).

Durham v. Chapin, 13 App. Div. 94; 77 St. Rep. 342; 43 Supp. 342.**Durkee v. Delaware & Hudson Canal Co.**, 88 Hun, 471; 69 St. Rep. 39; 34 Supp. 978.**Durkin v. Sharp**, 88 N. Y. 225.

Cited, Master and Servant—Negligence—Defective Machinery—Inspection.

12 App. Div. 559, 573; (76 St. Rep. 190, 201; 42 Supp. 190, 201).

Master and Servant—Injury to Servant—Appliances.

17 App. Div. 48; (78 St. Rep. 967; 44 Supp. 967). 79 St. Rep. 973; (45 Supp. 973).

Durkin v. Troy, 61 Barb. 437.

Cited, Municipal Corporations—Liability—Condition of Streets—Negligence—Contributory.

79 Hun, 559; (61 St. Rep. 532; 29 Supp. 915).

Durland v. Durland, 83 Hun, 174; 64 St. Rep. 149; 31 Supp. 596.

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Cited, Contracts—For Benefit of Third Person—Availability.

79 Hun, 277; (60 St. Rep. 860; 29 Supp. 424). 6 Misc. 86; (55 St. Rep. 397; 26 Supp. 39). 92 Hun, 140; (71 St. Rep. 729; 36 Supp. 558). 5 App. Div. 361, 364; (39 Supp. 232, 234). D. 5 App. Div. 372; (39 Supp. 240). 40 Supp. 450.

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Mortgage — Assumption by Grantee — Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416). 85 Hun, 81; (66 St. Rep. 44; 32 Supp. 660).

Durr v. Green Island, Vil. of, 71 Hun, 260; 54 St. Rep. 482; 24 Supp. 1014.

Cited, Municipality—Snow on Sidewalk—Injury to Pedestrian.

13 App. Div. 505; (77 St. Rep. 661; 43 Supp. 661).

Durst v. Burton, 47 N. Y. 167.

Cited, Sale—Breach—Damages.

17 Misc. 279; (40 Supp. 371).

Duryea, Matter of, 17 App. Div. 540; 79 St. Rep. 703; 45 Supp. 703.

Duryea v. Andrews, 34 St. Rep. 774; 12 Supp. 42.

Cited, Limitation of Action—Running of Statute—Possession of Chattel.

85 Hun, 48; (66 St. Rep. 50; 32 Supp. 667).

Duryea v. Bonnell, 18 App. Div. 151; 79 St. Rep. 435; 45 Supp. 435.

Duryea v. Fuechsel, 76 Hun, 404; 59 St. Rep. 325; 27 Supp. 1037.

See 145 N. Y. 654; 71 St. Rep. 308.

Duryea v. Fuechsel, 145 N. Y. 654; 71 St. Rep. 308.

Duryea v. Mackey, 151 N. Y. 204.

Reversing, 74 Hun, 638; 56 St. Rep. 887; 26 Supp. 1120.

Duryea v. New York, 26 Hun. 120.

Cited, Damages—Measure of—Flooding of Lands.

77 Hun, 606; (60 St. Rep. 486; 28 Supp. 1045).

Duryea v. New York, 62 N. Y. 592.

Cited, Deeds—Construction—Contra Proferentem.

60 St. Rep. 319.

Duryea v. Rayner, 11 Misc. 294; 32 Supp. 247.

Cited, Pleading—Verification—By Corporation.

18 Misc. 629; (77 St. Rep. 727; 43 Supp. 727).

Duryea v. Traphagen, 84 N. Y. 652.

Cited, Courts—Judges—Disqualification. 152 N. Y. 71.

Duryea v. Vosburgh, 138 N. Y. 621; 52 St. Rep. 154.

Duryea v. Vosburgh, 121 N. Y. 57; 30 St. Rep. 683.

Cited, Appeal—To Court of Appeals—What Reviewable.

144 N. Y. 383; (63 St. Rep. 691).

Duryea, Watts & Co. v. Rayner, 11 Misc. 294; 65 St. Rep. 429; 32 Supp. 247.

Cited, Complaint—Sufficiency—Breach of Contract of Sale.

20 Misc. 546.

Duryea, Watts & Co. v. Rayner, 20 Misc. 544.

Duryee v. Dennison, 5 Johns. 248.

Cited, Bills and Notes—Demand and Notice—Promise by Drawer or Indorser.

4 Misc. 69; (53 St. Rep. 127; 23 Supp. 784).

New Trial—New Evidence—Impeachment.

11 Misc. 335; (65 St. Rep. 415; 32 Supp. 235). 12 App. Div. 410; (76 St. Rep. 942; 42 Supp. 942).

Duryee v. Lester, 75 N. Y. 442.

Cited, Pleading—Necessity to Plead—Brokers Dual Capacity.

9 Misc. 67; (59 St. Rep. 680; 29 Supp. 16). 15 App. Div. 533; (78 St. Rep. 574; 44 Supp. 574).

Duryee v. New York, 96 N. Y. 477.

Cited, Actions—Tort—Interest.

135 N. Y. 105; (48 St. Rep. 368). 10 App. Div. 540; (76 St. Rep. 107; 42 Supp. 107). 11 App. Div. 54; (76 St. Rep. 918; 42 Supp. 918).

Landlord and Tenant—Lease—Limitation of Action.

8 Misc. 187; (59 St. Rep. 479).

Real Property—Grant Of—Breach of Condition Subsequent—Right to Renter.

79 Hun, 491; (61 St. Rep. 475; 29 Supp. 1004).

Statute—Construction—Giving Effect to Valid Parts.

22 Supp. 534; (30 Abb. N. C. 111). D. 150 N. Y. 521.

License—Revocation—Equitable Relief to Licensee.

10 App. Div. 458; (76 St. Rep. 5; 42 Supp. 5).

Duschnes v. Heyman, 2 App. Div. 354; 73 St. Rep. 53; 37 Supp. 841.

Dusenberry, Matter of, 10 Misc. 633; 66 St. Rep. 217; 32 Supp. 820.

Dusenberry v. Ellis, 3 Johns. Cas. 70.

Cited, Personal Liability of Agent. 19 Misc. 192.

Dusenbury v. Hulbert, 59 N. Y. 541.

Cited, Vendor and Purchaser—Unpaid Purchase Price—When Lien for Attaches.

19 Misc. 90; (77 St. Rep. 834; 43 Supp. 834).

*Duplicate Citations in Parenthesis.***Dusenbury v. Mutual Telegraph Co.,** 11 Abb. N. C. 440.*Cited*, Eminent Domain—Highways—Additional Burden—Abutting Owner—Compensation.

D. 86 Hun, 432; (67 St. Rep. 626; 33 Supp. 897).

Dustan v. McAndrew, 44 N. Y. 72.*Cited*, Damages—Measure—Contract of Sale.

140 N. Y. 75; (55 St. Rep. 265). 82 Hun, 525; (64 St. Rep. 391; 31 Supp. 705). 87 Hun, 561; (68 St. Rep. 489; 34 Supp. 482). 19 Misc. 584; (77 St. Rep. 679; 43 Supp. 679).

Sale—Refusal to Accept—Vendor's Remedies.

20 Misc. 546.

Sale—Repudiation—Retention and Suit by Vendor.

79 St. Rep. 785; (45 Supp. 785).

Dutch Church v. Mott, 7 Paige, 77.*Cited*, Contract—Specific Performance—Real Estate—Perfection of Title.

7 Misc. 608; (58 St. Rep. 761; 27 Supp. 869).

Dutcher v. Dutcher, 88 Hun, 221; 68 St. Rep. 616; 34 Supp. 653.**Dutcher v. Importers & T. Bank,** 59 N. Y. 5.*Cited*, Corporations—Insolvency—Payments—Usual Course of Business.

79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661).

Dutcher v. Swartwood, 15 Hun, 31.*Cited*, Chattel Mortgage—Void—Possession of Mortgage—Effect on Creditors.

81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693).

Dutchess County v. Harding, 49 N. Y. 321.*Cited*, Sale—Warranty—Implied.

69 Hun, 434; (52 St. Rep. 615; 22 Supp. 354).

Sale—Acceptance—Effect on Warranty. 10 Misc. 648; (65 St. Rep. 218; 32 Supp. 123).

Dutchess County Mut. Ins. Co. v. Poughkeepsie, 51 Hun, 695; 4 Supp. 93.*Cited*, Taxation—Exemption—Mutual Insurance Companies.

7 App. Div. 151; (74 St. Rep. 679; 40 Supp. 123).

Dutchess County Mut. Ins. Co. v. Van Wagonen, 132 N. Y. 398; 44 St. Rep. 441.*Cited*, Assignment for Creditors—Validity—Stating Residence and Business.

138 N. Y. 445; (53 St. Rep. 19; 30 Abb. N. C. 257).

Statutes—Construction—Mandatory Words.

70 St. Rep. 132; (35 Supp. 520; 25 Civ. Pro. 178).

Dutchess & C. County R. Co. v. Mabbett, 58 N. Y. 397.*Cited*, Contracts—Requisites—Signed in Blank—Authority of Person Filling Out.

137 N. Y. 187; (50 St. Rep. 391).

Dutton v. Holden, 4 Wend. 643.*Cited*, Landlord and Tenant—Lease—Entry by Landlord to Make Repairs.

82 Hun, 200; (63 St. Rep. 757; 31 Supp. 308).

Dutton v. Kelsey, 2 Wend. 615.*Cited*, Justice's Court—Jurisdiction—Constable's Bonds.

5 Misc. 530; (58 St. Rep. 111; 25 Supp. 983).

Dutton v. Smith, 10 App. Div. 566; 76 St. Rep. 80; 42 Supp. 80.**Dutton v. Willner,** 52 N. Y. 312.*Cited*, Principal and Agent—Duties of Agent—Conflict of Interest.

8 Misc. 361; (59 St. Rep. 594; 28 Supp. 707). 5 App. Div. 79; (74 St. Rep. 86; 38 Supp. 750).

Duvol v. Wilson, 9 Barb. 487.*Cited*, Real Property—Conveyance—Consideration.

135 N. Y. 45; (48 St. Rep. 253).

Duyckinck v. N. Y. El. R. Co., 5 Civ. Pro. 22.*Cited*, Pleading—Service—Intermediate Notice of Trial.

3 Misc. 260; (52 St. Rep. 173; 22 Supp. 762; 23 Civ. Pro. 148).

Duygan v. Third Ave. R. Co., 6 Misc. 66; 55 St. Rep. 777; 26 Supp. 79.**Dwight v. Badgley,** 60 Hun, 144; 38 St. Rep. 112; 14 Supp. 498.*Cited*, Contract—Brokers—Intent—Sale on Margin.

75 Hun, 314; (58 St. Rep. 198; 26 Supp. 1002).

Evidence—Parol—Intent in Sale of Stock. 86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900).

Dwight v. Badgley, 75 Hun, 174; 58 St. Rep. 585; 27 Supp. 107.*Cited*, 38 Supp. 876.**Dwight v. Cutting,** 91 Hun, 38; 71 St. Rep. 114; 36 Supp. 99.

Duplicate Citations in Parenthesis.

Dwight v. Elmira C. & N. R. Co., 29 St. Rep. 250; 5 Silv. Supreme Ct. 596; 8 Supp. 789.

Cited, Appeal — Case — Settlement and Certification.

73 Hun, 377; (55 St. Rep. 919; 26 Supp. 193).

New Trial — Hearing — Settlement of Case.

4 Misc. 142; (53 St. Rep. 130; 23 Supp. 778).

Dwight v. Elmira C. & N. R. Co., 132 N. Y. 199; 43 St. Rep. 723.

Cited, Damages — Measure — Injury to Land.

78 Hun, 571; (61 St. Rep. 246; 29 Supp. 566). 73 Hun, 267; (57 St. Rep. 285; 26 Supp. 316).

Damages—Measure—Injury to Trees.

72 Hun, 505; (54 St. Rep. 863; 25 Supp. 193). 5 Misc. 64; (25 Supp. 117). 74 Hun, 381; (56 St. Rep. 308; 26 Supp. 595). 61 St. Rep. 840; (31 Abb. N. C. 200; 29 Supp. 1095). 80 Hun, 292; (30 Supp. 126). 86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895). 88 Hun, 457; (68 St. Rep. 797; 34 Supp. 864). 12 App. Div. 616; (77 St. Rep. 118; 43 Supp. 118). 17 App. Div. 613; (79 St. Rep. 378; 45 Supp. 378). 148 N. Y. 116.

Evidence—Opinion—Damages.

71 Hun, 534; (54 St. Rep. 918; 24 Supp. 1008).

Dwight v. Germania Life Ins. Co., 84 N. Y. 493.

Cited, Pleading—Bill of Particulars—Denial of Performance of Contract.

2 Misc. 453; (51 St. Rep. 165; 21 Supp. 1034).

Pleading — Bill of Particulars—Right to, and Discretion as to Requiring.

1 Misc. 88; (48 St. Rep. 642; 20 Supp. 375). 19 Misc. 478; (77 St. Rep. 1111; 43 Supp. 1111).

Pleading — Bill of Particulars — Special Damages.

55 St. Rep. 435; (25 Supp. 348).

Pleading—Bill of Particulars—Non-issuable Facts.

83 Hun, 313; (65 St. Rep. 61; 31 Supp. 1030).

Pleading—Bill of Particulars—Negligence.

5 App. Div. 598; (39 Supp. 447).

Dwight v. Germania L. Ins. Co., 103 N. Y. 341; 3 St. Rep. 115; 25 Week. Dig. 1.

Cited, Contract—Ambiguous Terms—Interpretation—Question of Law and Fact.

60 St. Rep. 479; 11 Misc. 374; (65 St. Rep. 424; 32 Supp. 242). 84 Hun, 359; (65 St. Rep. 547; 32 Supp. 348).

Trial—Questions of Law and Fact—Construction of Writings.

137 N. Y. 254; (79 St. Rep. 962; 45 Supp. 962). 143 N. Y. 650.

Evidence—Parol—Ambiguous writing.

12 Misc. 16; (66 St. Rep. 537; 33 Supp. 38).

Trial — Withdrawing Case from Jury—Scintilla of Evidence.

51 St. Rep. 15; (21 Supp. 716). 2 Misc. 409; (50 St. Rep. 613; 21 Supp. 954). 137 N. Y. 426; (51 St. Rep. 68). 69 Hun, 102; (52 St. Rep. 602; 23 Supp. 258; 30 Abb. N. C. 149). 5 Misc. 427; (26 Supp. 713).

Trial—Sufficiency of Evidence to go to Jury.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 646). 5 Misc. 324; (25 Supp. 815). 5 Misc. 305; (25 Supp. 756). 80 Hun, 185; (61 St. Rep. 833; 30 Supp. 70). 11 Misc. 349; (65 St. Rep. 277; 32 Supp. 135).

13 Misc. 20; (68 St. Rep. 162; 34 Supp. 91).

Evidence—Burden of Proof—Establishing Case.

2 Misc. 301; (50 St. Rep. 354; 21 Supp. 943).

Evidence—Sufficiency—Negligence—Master and Servant.

6 Misc. 106; (55 St. Rep. 401; 26 Supp. 10).

Insurance—Policy—Avoidance by False Statements in Application.

78 Hun, 2.6; (60 St. Rep. 224; 28 Supp. 955).

Insurance — Policy—Conditions of Contract.

9 Misc. 259; (60 St. Rep. 581; 30 Supp. 207).

Insurance—Policy — Construction — Unfavorable.

5 Misc. 251; (54 St. Rep. 821; 25 Supp. 473). 9 Misc. 259; (60 St. Rep. 581; 30 Supp. 207).

Insurance—Policy—Warranties.

9 Misc. 536. 74 Hun, 388; (56 St. Rep. 383; 26 Supp. 433). 8 Misc. 492; (59 St. Rep. 408; 24 Supp. 762). 78 Hun, 106; (60 St. Rep. 532; 28 Supp. 1076). 9 Misc. 257; (60 St. Rep. 582; 30 Supp. 207). 79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769). 62 St. Rep. 215; (30 Supp. 665). 84 Hun, 130; (65 St. Rep. 738; 32 Supp. 514).

Dwight v. Newell, 3 N. Y. 185.

Cited, Liens—Equitable—Priority—Legal Liens.

79 Hun, 406; (61 St. Rep. 507; 29 Supp. 802).

Dwight v. Northern Indiana R. Co., 54 Barb. 271.

Cited, Evidence—Burden of Proof—Damage from Injunction.

71 Hun, 384; (55 St. Rep. 53; 25 Supp. 34).

*Duplicate Citations in Parenthesis.***Dwight v. St. John**, 25 N. Y. 203.

Cited, Judgment—Res Adjudicata—Order.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298). 10 App. Div. 567, 569; (76 St. Rep. 81, 83; 42 Supp. 81, 83).

Dwight v. Webster, 32 Barb. 47.

Cited, Mortgages—Enforcement—On Default of Interest.

76 Hun, 328; (59 St. Rep. 84; 27 Supp. 695).

Dwinelle v. Edey, 102 N. Y. 423.

Cited, Limitation of Action—Sealed Instrument.

19 Misc. 332; (78 St. Rep. 270; 44 Supp. 270).

Dwinelle v. Howland, 1 Abb. 87.

Cited, Deposition—Certification—Transmission.

78 Hun, 517; (61 St. Rep. 225; 29 Supp. 577).

Dwinelle v. N. Y. C. & H. R. R. Co., 120 N. Y. 117; 30 St. Rep. 578.

Cited, Carriers—Liability for Assaults Upon Passengers.

1 Misc. 369; (49 St. Rep. 722, 21 Supp. 458). 73 Hun, 513; (56 St. Rep. 190; 26 Supp. 162). 76 Hun, 396; (59 St. Rep. 193; 28 Supp. 124).

Master and Servant—Negligence—When Doctrine of Respondent Superior Applies.

137 N. Y. 257; (50 St. Rep. 711). 20 Misc. 461; (79 St. Rep. 539; 45 Supp. 539).

Master and Servant—Tort—Master's Business—Question for Jury.

71 Hun, 433; (54 St. Rep. 531; 24 Supp. 979).

Dwyer, Matter of, 14 Misc. 204; 70 St. Rep. 546; 35 Supp. 884.**Dwyer v. Rorke**, 8 App. Div. 617; 40 Supp. 934.**Dwyer v. Rorke**, 10 App. Div. 236; 75 St. Rep. 1112; 41 Supp. 721.**Dwyer v. Wells**, 5 Misc. 18; 25 Supp. 59.**Dyckman v. Valiente**, 42 N. Y. 549.

Cited, Co-tenants—Accounting—Lien for Reimbursement.

4 Misc. 353; (54 St. Rep. 257; 24 Supp. 354).

Dye v. Delaware, Lack. & W. R. Co., 8 Misc. 688; 59 St. Rep. 583; 28 Supp. 689.

Affirmed, 146 N. Y. 400; 70 St. Rep. 869.

Dyer v. Dyer, 17 Misc. 421; 41 Supp. 198.**Dyer v. Erie R. Co.**, 71 N. Y. 228.

Cited, Evidence—Sufficiency—Signals at Railway Crossing.

67 Hun, 585; (51 St. Rep. 248; 22 Supp. 435). D. 57 St. Rep. 469; (27 Supp. 1043).

Negligence—Imputed—Third Person.

92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699). 3 App. Div. 428; (74 St. Rep. 141; 38 Supp. 800). 12 App. Div. 159; (76 St. Rep. 669 42 Supp. 669).

Negligence—Contributory—Sudden Peril.

81 Hun, 154; (62 St. Rep. 735; 30 Supp. 752). 90 Hun, 3; (69 St. Rep. 740; 35 Supp. 353). 14 Misc. 526; (70 St. Rep. 697).

Railroads—Negligence—Signals.

4 App. Div. 332; (74 St. Rep. 183; 38 Supp. 564; 8 App. Div. 125; (40 Supp. 485.) 14 App. Div. 348; (77 St. Rep. 924; 43 Supp. 924).

Dyer v. Erving, 2 Dem. 160.

Cited, Evidence—Presumption and Burden of Proof—Alterations in Will.

3 Misc. 569; (23 Supp. 754).

Dyett v. Central Trust Co., 140 N. Y. 54; 55 St. Rep. 314.**Dyett v. Hyman**, 129 N. Y. 351; 41 St. Rep. 644.

Cited, Action—Parties—Joint Feasors.

9 Misc. 152; (59 St. Rep. 662; 29 Supp. 71).

Tort—Joint Feasors—Several Liability.

9 Misc. 34, 35; (59 St. Rep. 544; 29 Supp. 295; 31 Abb. N. C. 318). 7 Misc. 73; (57 St. Rep. 492; 27 Supp. 376).

Levy and Sale—Liability of Indemnitors.

1 Misc. 223; (49 St. Rep. 221; 21 Supp. 467). 67 St. Rep. 587; (83 Supp. 717; 24 Civ. Pro. 342). 13 App. Div. 181; (77 St. Rep. 388; 43 Supp. 388).

Dyett v. Pendleton, 8 Cow. 727.

Cited, Landlord and Tenant—Eviction, What Constitutes, and Sufficiency of Evidence of.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). 66 Hun, 330; (49 St. Rep. 912; 21 Supp. 297); 24 Supp. 473. 7 Misc. 724; (58 St. Rep. 329; 28 Supp. 44).

Landlord and Tenant—Rent—Eviction as Defense.

147 N. Y. 253; (69 St. Rep. 529; 3 Ann. Cas. 74). 19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Dygert v. Pletts, 25 Wend. 402.

Cited, Deeds—Judicial Sale—Accuracy—Reformation.

66 Hun, 448; (50 St. Rep. 136; 21 Supp. 419; 29 Abb. N. C. 419).

Duplicate Citations in Parenthesis.

Dygert v. Remerschnider, 32 N. Y. 629.

Cited, Contracts—Statutes of Fraud—Part Performance—Land—Possession.

76 Hun, 154; (57 St. Rep. 313; 27 Supp. 556). 86 Hun, 504; (67 St. Rep. 527; 33 Supp. 781).

Fraudulent Conveyance—Intent—Proof.

76 Hun, 559; (58 St. Rep. 250; 28 Supp. 191).

Dygert v. Schenck, 23 Wend. 446.

Cited, Highways—Use—Owner of Fee—Liability.

71 Hun, 435; (54 St. Rep. 532; 24 Supp. 981).

Negligence—Violation of Statute—Liability.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008.)

Dyke v. Erie R. Co., 45 N. Y. 113.

Cited, Contracts—Interpretation—What Law Governs.

142 N. Y. 100; (58 St. Rep. 406). 87 Hun, 94; (67 St. Rep. 673; 33 Supp. 967). 4 App. Div. 594; (73 St. Rep. 650; 38 Supp. 493).

Dyke v. Spargur, 143 N. Y. 651; 62 St. Rep. 529.

Cited, Ejectment—Dispute of Vendor's Possession by Vendee.

9 App. Div. 25; (75 St. Rep. 595; 41 Supp. 138).

Dyker Meadow Land & Imp'vt Co. v. Cook, 3 App. Div. 164; 73 St. Rep. 716; 38 Supp. 223

Dykers v. Townsend, 24 N. Y. 57.

Cited, Principal and Agent—Contracts—Undisclosed Principal.

53 St. Rep. 652; (25 Supp. 263).

Evidence—Parol—To Charge Undisclosed Principal.

81 Hun, 478; (63 St. Rep. 191; 30 Supp. 998).

Dykman v. Keeney, 16 App. Div. 131; 79 St. Rep. 137; 45 Supp. 137.

Dykman v. Keeney, 10 App. Div. 610; 76 St. Rep. 488; 42 Supp. 488.

Cited, Corporations—Unauthorized Dividend—Relief against Directors.

16 App. Div. 133; (79 St. Rep. 138; 45 Supp. 138).

Dykman v. Northridge, 80 Hun, 258; 61 St. Rep. 863; 30 Supp. 164.

Cited, Bills and Notes—Bona Fides—Evidence—Books of Account.

1 App. Div. 27; (72 St. Rep. 64; 36 Supp. 962).

Dykman v. Northbridge, 1 App. Div. 26; 72 St. Rep. 64; 36 Supp. 962.

Affirmed, 153 N. Y. —.

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Eadie v. Slimmon, 26 N. Y. 9.

Cited, Equity—Duress—Undue Influence.

80 Hun, 379; (61 St. Rep. 829; 30 Supp. 89). 1 App. Div. 230; (72 St. Rep. 542; 37 Supp. 374).

Insurance—On Life of Husband—Assignment.

60 St. Rep. 154; (28 Supp. 481). 140 N. Y. 460; (55 St. Rep. 788). 150 N. Y. 272. 71 Hun, 396; (55 St. Rep. 33; 25 Supp. 27).

Eads v. Wynne, 79 Hun, 463; 61 St. Rep. 240; 29 Supp. 983.

Eager, Matter of, 46 N. Y. 100.

Cited, Assessments—Discretion in Making.

70 St. Rep. 847; (36 Supp. 193).

Eager v. Crawford, 76 N. Y. 97.

Cited, Res Gestae—Unsigned Paper.

144 N. Y. 714; (71 St. Rep. 288).

Partnership—Third Party—Compensation.

40 Supp. 226.

Eager v. Fireman's Fund Ins. Co., 71 Hun, 352; 55 St. Rep. 29; 25 Supp. 35.

Affirmed, 148 N. Y. 726.

Eager v. Price, 2 Paige, 333.

Cited, Creditor's Bill—Lien Acquired by.

50 St. Rep. 623; (21 Supp. 1069).

Eagle Bank of New Haven v. Holley, 7 Cow. 514.

Cited, Opening Default—Inquest.

17 Misc. 235; (40 Supp. 1055).

Eagle Fire Co. v. Lent, 6 Paige, 635.

Cited, Foreclosure—Parties.

4 App. Div. 196; (74 St. Rep. 177; 38 Supp. 557). 1 App. Div. 525; (72 St. Rep. 529; 37 Supp. 249).

Eagle S. M. Co. v. Andrew, 33 St. Rep. 123; 11 Supp. 234.

Cited, Contracts—Damages—Measure.

20 Misc. 580.

Eagle Tube Co. v. Edward Barr Co., 16 Daly, 212; 32 St. Rep. 299; 10 Supp. 113.

*Duplicate Citations in Parenthesis.**Cited, Damages.*

4 Misc. 541; (54 St. Rep. 246; 24 Supp. 825). 7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364). 20 Misc. 580.

Eakin v. Brown, 1 E. D. Smith, 36.

Cited, Landlord and Tenant—Liability of Tenants to Each Other—Negligence.

8 Misc. 311; (59 St. Rep. 282; 28 Supp. 729).

Eakins, Matter of, 13 Misc. 557; 70 St. Rep. 186; 35 Supp. 489.

Eames v. Bagg 8 App. Div. 541; 75 St. Rep. 251; 40 Supp. 858.

Eames v. Morgan, 77 Hun, 612; 59 St. Rep. 886; 28 Supp. 1120.

Affirmed, 150 N. Y. 573.

Eames Vacuum Brake Co. v. Prosser. 88 Hun, 343; 68 St. Rep. 388; 34 Supp. 398.

Cited, Costs—Extra Allowance.

3 App. Div. 48; (74 St. Rep. 430; 37 Supp. 1083).

Earing v. Laussingh, 7 Wend. 185.

Cited, Highway—Center of.

9 App. Div. 71; (75 St. Rep. 575; 41 Supp. 117).

Earl v. Brewer, 20 Misc. 437.

Earl v. Camp, 16 Wend. 562.

Cited, Damages—Extent of Compensation—Conversion of Chattels by Vendor—Vendee's Interest.

1 Misc. 430; (50 St. Rep. 565; 21 Supp. 324)

Executions—Sheriffs—When protected.

D. 16 App. Div. 474; (78 St. Rep. 941; 44 Supp. 941).

Earl v. Crouch, 32 St. Rep. 13; 10 Supp. 882.

Cited, Negligence—Control of Cause of Injury.

12 Misc. 452, 454; (67 St. Rep. 332; 333; 33 Supp. 626, 627). 5 App. Div. 486; (38 Supp. 1103).

Earl v. Crouch, 16 Supp. 770; 40 St. Rep. 847.

Affirmed, 131 N. Y. 613.

Cited, Negligence—Control of Cause of Injury.

20 Misc. 34; (79 St. Rep. 324; 45 Supp. 324). 5 App. Div. 486; (38 Supp. 1103). 12 Misc. 452; (67 St. Rep. 332; 33 Supp. 626).

Earle v. Earle, 93 N. Y. 104.

Cited, Trusts—Liability for Conversion by Co-trustee.

72 Hun, 276; (55 St. Rep. 361; 25 Supp. 586).

Earl v. Grim,¹ Johns Ch. 494.

Cited, Remainders—Devise by Implication.

29 Misc. 474; (78 St. Rep. 1042; 44 Supp. 1042). D. 50 St. Rep. 298; (21 Supp. 532).

Earl v. Lefferts, 1 Johns. Cas. 395.

Discredited, Costs—Consolidation of Actions.

3 Misc. 111; (52 St. Rep. 213; 23 Supp. 683; 23 Civ. Pro. 89; 30 Abb. N. C. 132).

Earl v. Peck, 64 N. Y. 596.

Cited, Bills and Notes—Consideration.

77 Hun, 17; (59 St. Rep. 260; 28 Supp. 275). 92 Hun 267; (72 St. Rep. 403; 36 Supp. 881; 3 Ann. Cas. 28).

Earl v. Spooner, 3 Den. 246.

Cited, Attachment—Undertaking.

7 Misc. 140; (57 St. Rep. 107; 27 Supp. 396).

Earl v. Van Alstine, 8 Barb. 630.

Cited, Vicious Animals—Presumption of Notice.

5 App. Div. 606; (75 St. Rep. 127; 40 Supp. 730).

Earle v. Beeman, 1 App. Div. 136; 72 St. Rep. 353; 36 Supp. 833.

Earl v. Campbell, 14 How. 330.

Cited, Statute of Frauds—Memorandum—Sufficiency.

10 Misc. 698; (64 St. Rep. 643; 31 Supp. 822).

Earle v. Earle, 93 N. Y. 104.

Cited, Trust Fund—Management.

85 Hun, 516; (66 St. Rep. 782; 33 Supp. 157). 3 App. Div. 328; (73 St. Rep. 730; 38 Supp. 391).

Judgments—Modification.

1 App. Div. 283; (72 St. Rep. 697; 37 Supp. 344).

Earle v. Gorham Mfg Co., 2 App. Div. 460; 74 St. Rep. 333; 37 Supp. 1037.

Earle v. Hart, 20 Hun, 75.

Cited, Intervention—Right.

15 App. Div. 437; (78 St. Rep. 484; 44 Supp. 484). 18 Misc. 174; (75 St. Rep. 845; 41 Supp. 439).

Earle v. McGoldrick, 15 Misc. 135; 71 St. Rep. 825; 33 Supp. 803.

Earle v. Robinson, 12 Misc. 536; 67 St. Rep. 268; 33 Supp. 606.

Earle v. Robinson, 84 Hun. 577; 65 St. Rep. 851; 32 Supp. 730.

Earle v. Robinson, 91 Hun, 363; 70 St. Rep. 831; 36 Supp. 178.

Earley v. St. Patrick's Church Society of Rochester, 81 Hun; 369; 63 St. Rep. 235; 30 Supp. 979.

Duplicate Citations in Parenthesis.

East v. Cayuga Lake Ice Line, 50 St. Rep. 362; 21 Supp. 887.

East v. Prudential Ins. Co., 11 App. Div. 190; 76 St. Rep. 584; 42 Supp. 584.

East Eighteenth St., Matter of, 76 Hun, 603; 59 St. Rep. 628; 27 Supp. 591. *Affirmed*, 142 N. Y. 645; 60 St. Rep. 868.

Easterbrook v. Erie R. Co., 51 Barb. 94.

Cited, Damages—Measure—Diversion of Water.

71 Hun, 517; (55 St. Rep. 126; 24 Supp. 1010).

Easterly v. Barber, 65 N. Y. 252.

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18 Misc. 101; (41 Supp. 832).

East Hampton, Trustees of Freeholders of, v. Bowman, 136 N. Y. 521; 49 St. Rep. 820.

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Cited, Ratification.

13 Misc. 630; (69 St. Rep. 163; 34 Supp. 939). 16 Misc. 87; (73 St. Rep. 253; 37 Supp. 672).

East Hampton, Trustees of, v. Kirk, 68 N. Y. 459.

Cited, Adverse Possession—Claim of Title.

70 Hun, 541; (53 St. Rep. 750; 24 Supp. 189).

Deeds—Description—Shore as Boundary. 71 Hun, 50; (54 St. Rep. 88; 24 Supp. 540).

Direction of Verdict—Appeal—Review of Fact.

145 N. Y. 237; (64 St. Rep. 718). 89 Hun, 338; (69 St. Rep. 820; 35 Supp. 376).

East Hampton, Trustees of, v. Kirk, 84 N. Y. 215.

Cited, Waters—Riparian Lands—Possession.

140 N. Y. 349; (55 St. Rep. 728).

East Hampton, Trustees of, v. Vail, 71 Hun, 94; 54 St. Rep. 78; 24 Supp. 583.

East Hampton, Trustees of, v. Vail, 151 N. Y. 463.

Eastman v. Gray, 81 Hun, 362; 63 St. Rep. 149; 30 Supp. 895; 1 Ann. Cas. 18.

Eastman v. Shaw, 65 N. Y. 522.

Cited, Written Instruments—Delivery.

73 Hun, 592; (56 St. Rep. 179; 26 Supp. 99.)

Written Instruments—Delivery—Parol Evidence.

73 Hun, 380; (57 St. Rep. 291; 26 Supp. 264). 73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262).

Bills and Notes—Usury—Inception.

7 Misc. 431; (57 St. Rep. 644; 27 Supp. 944). 8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555). 77 St. Rep. 496; (43 Supp. 496).

Eastman v. New York, 152 N. Y. 468.

Eastman v. State, 141 N. Y. 562; 57 St. Rep. 866.

Eastman Kodak Co. v. Reichenbach, 79 Hun, 183; 62 St. Rep. 97; 29 Supp. 1143.

Cited, Master and Servant—Trade Secrets.

4 App. Div. 574; (73 St. Rep. 645; 38 Supp. 489). D. 4 App. Div. 579; (74 St. Rep. 830; 38 Supp. 1019).

Easton v. Durland's Riding Academy Co., 7 App. Div. 288; 40 Supp. 283.

Easton v. Malavazi, 7 Daly, 147.

Cited, Attachment—Papers—Sufficiency.

3 Misc. 70; (51 St. Rep. 775; 22 Supp. 698).

Easton v. Pickersgill, 55 N. Y. 310.

Cited, Contracts—Construction—By Parties.

8 Misc. 65; (59 St. Rep. 298; 28 Supp. 616). Public Officers—Practical Construction of Statute.

12 Misc. 534; (67 St. Rep. 255; 33 Supp. 599). 90 Hun, 120; (70 St. Rep. 401; 35 Supp. 636). 10 Misc. 247; (62 St. Rep. 466; 30 Supp. 823).

Easton Nat. Bank v. Buffalo Chemical Wks., 48 Hun, 557; 15 St. Rep. 924; 1 Supp. 250.

Cited, Judgment Creditors' Action—Effect of Statutes.

1 Ann. Cas. 400.

East River Bank v. Cutting, 1 Bosw. 636.

Cited, County Court—Parties—Jurisdiction.

16 App. Div. 620; (78 St. Rep. 1059; 44 Supp. 1059).

East River Bank v. Hoyt, 32 N. Y. 119.

Cited, Usury.

91 Hun, 196; (70 St. Rep. 790; 36 Supp. 216).

East River Bank v. Hoyt, 22 How. 478.

Cited, New Trial—Verdict Against Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

Duplicate Citations in Parenthesis.

East River Bridge Co., Matter of, 75 Hun, 119; 57 St. Rep. 732; 27 Supp. 145.

Cited, Railroads—Construction—Commissioners.

6 App. Div. 142; (40 Supp. 335).

* **East River Bridge Co., Matter of,** 143 N. Y. 249; 62 St. Rep. 148.

Cited, 6 App. Div. 143; (40 Supp. 336).

East River Electric Light Co. v. Clark, 45 St. Rep. 635; 18 Supp. 463.

Cited, Pleading—Fraud—Answer—Scienter.

7 Misc. 322; (57 St. Rep. 464; 27 Supp. 907).

East River Gaslight Co. v. Donnelly, 93 N. Y. 557.

Cited, Public Officers—Judicial Action.

1 App. Div. 259; (72 St. Rep. 594; 37 Supp. 268).

East River Nat. Bank v. Gove, 57 N. Y. 597.

Cited, Findings—Request for—Appeal.

11 Misc. 9; (63 St. Rep. 440; 31 Supp. 841).

Eastwood v. Retsof Mining Co., 86 Hun, 91; 68 St. Rep. 38; 34 Supp. 196.

Affirmed, 152 N. Y. 651.

Cited, Master and Servant—Rules.

10 App. Div. 468; (76 St. Rep. 32; 42 Supp. 32). 14 App. Div. 347; (77 St. Rep. 923; 43 Supp. 923).

Eaton v. Alger, 2 Keyes, 41.

Cited, Receipts—Parol Evidence.

18 Misc. 589; (76 St. Rep. 240; 42 Supp. 240).

Eaton v. Alger, 47 N. Y. 345.

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18 Misc. 246; (75 St. Rep. 1002; 41 Supp. 608). 18 Misc. 589. (76 St. Rep. 240; 42 Supp. 240).

Eaton v. Alger, 57 Barb. 179.

Cited, Party in Interest.

18 Misc. 175; (75 St. Rep. 845; 41 Supp. 440).

Eaton v. Aspinwall, 19 N. Y. 119.

Cited, Corporation De Facto—Estoppel.

143 N. Y. 543; (62 St. Rep. 828). 81 Hun, 253; (62 St. Rep. 712; 30 Supp. 769).

Eaton v. Delaware, L. & W. R. Co., 57 N. Y. 382.

Cited, Carrier—Liability to Employee.

17 App. Div. 125; (79 St. Rep. 100; 45 Supp. 100).

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13 Misc. 275; (68 St. Rep. 228; 34 Supp. 178).

Eaton v. N. Y. C. & H. R. R. Co., 14 App. Div. 20; 77 St. Rep. 666; 43 Supp. 666.

Eaton v. North, 7 Barb. 636.

Cited, Foreign Commission — Justice's Court.

78 Hun, 515; (61 St. Rep. 224; 29 Supp. 576).

Eaton v. Waldron, 67 Hun, 551; 51 St. Rep. 261; 22 Supp. 504.

Cited, Sales—Sample.

12 App. Div. 622; (76 St. Rep. 690; 42 Supp. 690).

Eaton v. Wells, 82 N. Y. 576.

Cited, Pleading — Demurrer — Judgment on—Direction for Decision.

71 Hun, 2; (53 St. Rep. 876; 24 Supp. 784; 23 Civ. Pro. 209). 61 St. Rep. 5; (29 Supp. 432). 53 St. Rep. 154; (23 Supp. 818).

Tender—Effect.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293). 12 Misc. 113; (66 St. Rep. 696; 33 Supp. 95). 18 Misc. 666; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 323).

Eaton Cole & B. Co. v. Avery, 83 N. Y. 31.

Cited, Fraud—Mercantile Agency—State-ments.

59 St. Rep. 519; (28 Supp. 589). 7 App. Div. 444; (39 Supp. 1056). 16 App. Div. 52; (78 St. Rep. 1083; 44 Supp. 1083).

Eaves Costume Co. v. Pratt, 2 Misc. 420; 50 St. Rep. 763; 22 Supp. 74.

E. B. v. E. C. B., 28 Barb. 299.

Cited, Appeal—Waiver of Service.

14 Misc. 23; (69 St. Rep. 496; 35 Supp. 124).

Ebbinghausen v. Worth Club, 4 Abb. N. C. 300.

Cited, Joint Stock Associations—What Are.

6 Misc. 208; (56 St. Rep. 697; 26 Supp. 537).

Ebenreitter v. Dahlman, 18 Misc. 351; 75 St. Rep. 948; 41 Supp. 559.

Ebenreiter v. Dahlman, 19 Misc. 9; 76 St. Rep. 867; 42 Supp. 867.

Cited, Appeal—Exceptions—Review.

19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911). 19 Misc. 502; (78 St. Rep. 27; 44 Supp. 27). 19 Misc. 115. 19 Misc. 167. 19 Misc. 483; (77 St. Rep. 1071; 43 Supp. 1071). 20 Misc. 85; (79 St. Rep. 91; 45 Supp. 91). 20 Misc. 90; (79 St. Rep. 87; 45 Supp. 87).

Failure to Move for Non-suit—Waiver.

19 Misc. 502; (78 St. Rep. 28; 44 Supp. 28).

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19 Misc. 169.

*Duplicate Citations in Parenthesis.***Ebling v. The Aqueduct Commissioners.**

Cited, Commissioners—Bids—Award.
14 Misc. 261; (70 St. Rep. 678; 35 Supp. 1002).

Ebling v. Dreyer, 79 Hun, 319; 61 St. Rep. 403; 29 Supp. 459.

Reversed, 149 N. Y. 460.

Ebling v. Dreyer, 149 N. Y. 460.

Cited, Legislature—Real Estate—Contingent Interest—Disposal.

D. 11 App. Div. 369; (76 St. Rep. 927; 42 Supp. 927).

Ebling v. Husson, 54 Super. 377.

Cited, Chattel Mortgages—Creditors.

18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Eccles v. Darragh, 48 Super. 528.

Cited, Negligence—Presumption.

84 Hun, 118; (65 St. Rep. 223; 32 Supp. 60).

Eccles v. Radam, 75 Hun, 535; 57 St. Rep. 657; 27 Supp. 486.

Eckenroth v. Egan, 20 Misc. 508.

Eckenroth v. Vought, 2 Misc. 583; 51 St. Rep. 420; 21 Supp. 1132.

Eckensberger v. Amend, 7 Misc. 452; 57 St. Rep. 569; 27 Supp. 941.

Reversed, 10 Misc. 145; 62 St. Rep. 479; 30 Supp. 915.

Cited, Failure to Move for Dismissal or Direction of Verdict—Appeal—Review.

89 Hun, 142; (72 St. Rep. 58; 36 Supp. 157).

Eckensberger v. Amend, 10 Misc. 145; 62 St. Rep. 479; 30 Supp. 915.

Cited, Appeal—Extent of Review.

19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911). 19 Misc. 502; (78 St. Rep. 26; 44 Supp. 26). 19 Misc. 503; (78 St. Rep. 28; 44 Supp. 28). 19 Misc. 10; (76 St. Rep. 868; 42 Supp. 868). 89 Hun, 142; (72 St. Rep. 58; 36 Supp. 158). 16 Misc. 357; (38 Supp. 77). 20 Misc. 303; (79 St. Rep. 804; 45 Supp. 804). 20 Misc. 90; (79 St. Rep. 88; 45 Supp. 88).

Eckerson v. Archer, 10 App. Div. 344; 75 St. Rep. 1202; 41 Supp. 802.

Cited, 77 St. Rep. 66; (43 Supp. 66).

Eckerson v. Crippen, 110 N. Y. 585; 18 St. Rep. 698.

Cited, License—Revocation.

139 N. Y. 24; (54 St. Rep. 411).

Eckerson v. Haverstraw, Village of, 6 App. Div. 102; 39 Supp. 635.

Eckert v. Clark, 14 Misc. 18; 69 St. Rep. 491; 35 Supp. 118.

Cited, Copartners—Counterclaim.

16 Misc. 67; (73 St. Rep. 267; 37 Supp. 686).

Eckert v. Clark, 16 Misc. 67; 73 St. Rep. 266; 37 Supp. 685.

Eckert v. Eckert, 13 App. Div. 490; 77 St. Rep. 353; 43 Supp. 353.

Eckert v. Lennert, 2 Misc. 198; 49 St. Rep. 575; 21 Supp. 258.

Eckert v. Long I. R. Co., 43 N. Y. 502.

Cited, Negligence—Proximate Cause.

137 N. Y. 6; (50 St. Rep. 7).

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148 N. Y. 186. 82 Hun, 274; (63 St. Rep. 796; 31 Supp. 347). D. 83 Hun, 278; (63 St. Rep. 799; 31 Supp. 350). 16 App. Div. 257; (78 St. Rep. 643; 44 Supp. 643). 79 St. Rep. 447; (45 Supp. 447).

Eckford v. DeKay, 6 Paige, 565.

Cited, Guardian and Ward—Recovery for Improvements.

20 Misc. 537.

Eckford v. De Kay, 8 Paige, 89.

Cited, Guardian and Ward—Investment Repudiation.

20 Misc. 537.

Eckhard v. Donohue, 9 Daly, 214.

Cited, Livery Stable Keepers—Lien.

5 Misc. 102; (24 Supp. 832). 7 Misc. 171; (57 St. Rep. 532; 27 Supp. 336). 83 Hun, 191; (64 St. Rep. 154; 31 Supp. 600).

Eckhardt v. People, 83 N. Y. 462.

Cited, Indictments—Offense—Statement.

92 Hun, 357; (71 St. Rep. 543; 36 Supp. 513).

Eckstein v. Frank, 1 Daly, 334.

Cited, Estoppel—Equitable—Representations of Infants as to Age.

71 Hun, 415; (54 St. Rep. 376; 24 Supp. 949).

Infants—Liability for Torts.

2 Misc. 237; (50 St. Rep. 768; 21 Supp. 1007).

Edall v. New England R. Co., 18 App. Div. 216; 79 St. Rep. 959; 45 Supp. 959.

Cited, Questions of Law and Fact.

79 St. Rep. 962; (45 Supp. 962).

Eddy, Matter of, 10 Misc. 211; 64 St. Rep. 7; 31 Supp. 423.

Eddy v. Davis, 116 N. Y. 247; 26 St. Rep. 701.

Cited, Tender—Waiver.

82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708).

Purchase Money—Recovery.

83 Hun, 383; (64 St. Rep. 757; 31 Supp. 926). 88 Hun, 79; (68 St. Rep. 533; 34 Supp. 610).

Duplicate Citations in Parenthesis.

Eddy v. Farmers' Mut. Ins. Co. of Orleans and Niagara Counties, 18 Misc. 297; 41 Supp. 854.

Delivery—Performance.

12 Misc. 137; (66 St. Rep. 737; 33 Supp. 81).

Tender—Waiver.

18 App. Div. 154; (79 St. Rep. 437; 45 Supp. 437).

Eddy v. London Assurance Corporation, 143 N. Y. 311; 62 St. Rep. 316.

Affirming, 65 Hun. 308; 48 St. Rep. 10; 20 Supp. 216.

Cited, Insurance—Mortgagee's Rights.

16 App. Div. 588; (78 St. Rep. 980; 44 Supp. 980).

Eddy v. Smith, 13 Wend. 488.

Cited, Action—Money Had and Received.

89 Hun. 551; (69 St. Rep. 648; 35 Supp. 293). 89 Hun. 587; (69 St. Rep. 643; 35 Supp. 288).

E. De Braekeleer & Co. v. Schwabeland, 86 Hun. 143; 66 St. Rep. 840; 33 Supp. 212.

Edelsohn v. Singer Mfg. Co., 1 Misc. 166; 48 St. Rep. 673; 20 Supp. 655.

Eder v. Gildersleeve, 85 Hun. 411; 66 St. Rep. 408; 32 Supp. 1056.

Edesheimer v. Quackenbush, 68 Hun. 427; 52 St. Rep. 769; 23 Supp. 75.

Edgecomb v. Buckhout, 83 Hun. 168; 64 St. Rep. 320; 31 Supp. 655.

Reversed and Affirmed, 146 N. Y. 332; 66 St. Rep. 641.

Edgecomb v. Buckhout, 146 N. Y. 332; 66 St. Rep. 641.

Edgell v. Clarke, 79 St. Rep. 979; 45 Supp. 979.

Edgerton v. N. Y. & H. R. Co., 35 Barb. 389.

Affirmed, 39 N. Y. 227.

Cited, Pleadings—General Averment—Proof.

11 App. Div. 438; (76 St. Rep. 328; 42 Supp. 328).

Edgerton v. N. Y. & H. R. Co., 39 N. Y. 527.

Cited, Pleading—Proof.

13 Misc. 16; (75 St. Rep. 450; 40 Supp. 1132).

Railroads—Presumptive Negligence.

85 Hun. 169; (65 St. Rep. 629; 32 Supp. 592).

Street Railways—Use of Tracks.

7 App. Div. 314; (40 Supp. 94).

Abnormal Causes—Burden of Proof.

10 Misc. 706; (64 St. Rep. 635; 31 Supp. 829).

Edgerton v. Page, 20 N. Y. 281.

Cited, Landlord and Tenant—Eviction.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). 2 Misc. 67; 49 St. Rep. 142; 20 Supp. 843). 6 Misc. 533; (58 St. Rep. 18; 27 Supp. 139). 7 Misc. 724; (58 St. Rep. 329; 28 Supp. 44).

Partial Eviction—Effect.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Counterclaim.

2 Misc. 117; (49 St. Rep. 229; 20 Supp. 873). 70 Hun. 145; (53 St. Rep. 778; 24 Supp. 90). 147 N. Y. 253; (69 St. Rep. 529; 3 Ann. Cas. 74). 10 Misc. 121; (62 St. Rep. 518; 30 Supp. 950; 24 Civ. Pro. 123). 5 App. Div. 519; (36 Supp. 1076).

Edick v. Green, 38 Hun. 202.

Cited, Attachment—Corporations—Personal Acts of Officer.

57 St. Rep. 318; (24 Supp. 642). 86 Hun. 399; (67 St. Rep. 220; 38 Supp. 507).

Edington v. Aetna Life Ins. Co., 77 N. Y. 561.

Cited, Insurance—Warranties—Breach.

78 Hun. 195; (60 St. Rep. 258; 28 Supp. 947).

Physicians—Opinions.

8 App. Div. 77; (40 Supp. 421).

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79 St. Rep. 1099; (45 Supp. 1099).

Edison Electric Illuminating Co. v. Gustavino Fireproof Const. Co., 16 App. Div. 358; 78 St. Rep. 1022; 44 Supp. 1022.

Edison Electric Illuminating Co. v. Gustavino Fireproof Const. Co., 16 App. Div. 353; 78 St. Rep. 1026; 44 Supp. 1026.

Edison Electric Illuminating Co. v. Riker, 90 Hun. 608; 70 St. Rep. 610; 35 Supp. 906.

Edison Gen'l Electric Co. v. Zebbley, 72 Hun. 166; 55 St. Rep. 62; 25 Supp. 389.

Edmesten v. Lyde, 1 Paige. 637.

Cited, Judgment—Creditor's Action—Lien Acquired by.

50 St. Rep. 623; (21 Supp. 1069). 153 N. Y. 171.

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92 Hun. 420; (71 St. Rep. 578; 36 Supp. 663).

Duplicate Citations in Parenthesis.

Edmondston v. McLoud, 16 N. Y. 543.

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50 St. Rep. 880; (21 Supp. 335).

Edsall v. Howell, 86 Hun, 424; 67 St. Rep. 621; 33 Supp. 892.

Edson, Matter of, 70 Hun, 122; 53 St. Rep. 807; 24 Supp. 71.
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5 Misc. 454; (25 Supp. 938).

Edson, Matter of, 70 St. Rep. 282; 35 Supp. 779.

Edson v. Bartow, 15 Misc. 179; 72 St. Rep. 128; 37 Supp. 99.

Edson v. Bartow, 10 App. Div. 104; 75 St. Rep. 1115; 41 Supp. 723.

Edson v. Dillaye, 8 How. 273.
Cited, Costs—Interlocutory Judgment on Demurrer—Items.
75 Hun, 366; (56 St. Rep. 766; 27 Supp. 84; 23 Civ. Pro. 296).

Edson v. Girvan, 29 Hun, 422.
Cited, Complaint—Specific Relief—Demurrer.
88 Hun, 85; (68 St. Rep. 548; 34 Supp. 730; 1 Ann. Cas. 276).

Edson v. Parsons, 85 Hun, 263; 66 St. Rep. 440; 32 Supp. 1033; 1 Ann. Cas. 409.

Edwards, Matter of, 85 Hun, 436; 66 St. Rep. 231; 32 Supp. 901.

Edwards v. Bishop, 4 N. Y. 61.
Cited, Adverse Possession—Acts and Declaration.
79 Hun, 511; (61 St. Rep. 589; 29 Supp. 901).

Edwards v. Bodine, 11 Paige, 223.
Cited, Injunction—Damages—Assessment.
82 Hun, 334; (64 St. Rep. 107; 31 Supp. 508).

Edwards v. Bonneau, 1 Sandf. 610.
Cited, Written Notice—Secondary Evidence.
11 App. Div. 265; (76 St. Rep. 218; 42 Supp. 218).

Edwards v. Buffalo, R. & P. R. Co., 8 App. Div. 390; 75 St. Rep. 164; 40 Supp. 788.

Edwards v. Davis, 16 Johns. 281.
Cited, Parent and Child—Support of Parent by Child.
136 N. Y. 123; (49 St. Rep. 34).

Edwards v. Dooley, '20 N. Y. 540; 31 St. Rep. 710.

Cited, Principal and Agent—Agent's Authority—Contracts.
69 Hun, 545; (53 St. Rep. 289; 23 Supp. 940). 70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281). 149 N. Y. 519.

Sales—Implied Notice—Caveat Emptor.
11 Misc. 85; (59 St. Rep. 477; 29 Supp. 599; 31 Abb. N. C. 409).

Edwards v. Lent, 8 How. 28.

Cited, Pleadings—Denial.
16 Misc. 335; (39 Supp. 721).

Edwards v. N. Y. & H. R. Co., 98 N. Y. 245.

Cited, Landlord and Tenant—Covenant to Repair—Negligence.
5 Misc. 5; (25 Supp. 127). 18 Misc. 413; (76 St. Rep. 510; 42 Supp. 510). 13 App. Div. 359; (77 St. Rep. 240; 43 Supp. 240).

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73 Hun, 273; (58 St. Rep. 66; 26 Supp. 407).

Edwards v. Noyes, 65 N. Y. 125.
Cited, Lost Deed—Proof.

9 App. Div. 46; (75 St. Rep. 524; 41 Supp. 65).

Edward Thompson Co. v. Lobenthal, 67 St. Rep. 419; 33 Supp. 417; 24 Civ. Pro. 247.

Eels v. American T. & T. Co., 65 Hun, 516; 48 St. Rep. 303; 20 Supp. 600.
Cited, Telegraphs—Highways—Abutting Proprietor.

71 Hun, 533; (54 St. Rep. 918; 24 Supp. 1007).

Eels v. American T. & T. Co., 143 N. Y. 133; 62 St. Rep. 138.

Affirming, 65 Hun, 516; 48 St. Rep. 303; 20 Supp. 600.

Cited, Telegraph Poles—Municipal Consent—Abutting Owners.

6 App. Div. 12; (39 Supp. 522). 6 App. Div. 339; (40 Supp. 528). 8 App. Div. 283; (75 St. Rep. 43; 40 Supp. 645). 8 App. Div. 284; (75 St. Rep. 43; 40 Supp. 645). 39 Supp. 221.

Telegraph Companies—Statute—Construction.

6 App. Div. 307; (40 Supp. 554).

Effray v. Masson, 45 St. Rep. 296; 18 Supp. 353; 28 Abb. N. C. 207.

Cited, Pleading—Answer—Issue.
2 Misc. 125; (49 St. Rep. 131; 21 Supp. 463).

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Witnesses — Impeachment — Contradictory Statements.

8 Misc. 540; (59 St. Rep. 267; 28 Supp. 743). 12 Misc. 59; (66 St. Rep. 633; 33 Supp. 49). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Egan, Matter of, 7 Misc. 262; 59 St. Rep. 372; 27 Supp. 1009.

Egan v. Dry Dock E. B. & B. R. Co., 12 App. Div. 556; 76 St. Rep. 188; 42 Supp. 188.

Cited, 12 App. Div. 502; (76 St. Rep. 246; 42 Supp. 246).

Egan v. Health Department of N. Y., 9 App. Div. 431; 75 St. Rep. 770; 41 Supp. 352.

Egan v. Health Department of N. Y., 20 Misc. 38; 79 St. Rep. 325; 45 Supp. 325.

Egan v. Kieferdorf, 16 Misc. 385; 38 Supp. 81.

Cited, Agents—Commission.

17 Misc. 153; (39 Supp. 335).

Egan v. New Jersey Steamboat Co., 86 Hun, 542; 67 St. Rep. 538; 33 Supp. 791.

Egan v. Rochester, 68 Hun, 331; 52 St. Rep. 285; 22 Supp. 955.

Egan v. Laemmle, 5 Misc. 224; 54 St. Rep. 789; 25 Supp. 330.

Egan v. Rooney, 38 How. 131.

Cited, Attorneys—Authority After Judgment.

49 St. Rep. 603; (20 Supp. 757).

E. G. Blakeslee Mfg. Co. v. E. G. Blakeslee's Sons Iron Works, 129 N. Y. 155; 41 St. Rep. 178.

Cited, Public Land—Patents—Nullification.

135 N. Y. 92; (48 St. Rep. 378). 138 N. Y. 42; (51 St. Rep. 686).

Vendee and Purchaser—Submerged Land—Conveyance.

135 N. Y. 450; (48 St. Rep. 434).

Egener v. New York & R. B. R. Co., 3 App. Div. 157; 73 St. Rep. 779; 38 Supp. 319.

Egerer v. N. Y. C. & H. R. R. Co., 130 N. Y. 108; 41 St. Rep. 488.

Cited, Highways—Rights of Abutters.

90 Hun, 86; (70 St. Rep. 219; 35 Supp. 558).

Egert v. Wicker, 10 How. 193.

Cited, Pleading—Amendment—Laches.

56 St. Rep. 57; (25 Supp. 807). 6 Misc. 364; (27 Supp. 226).

Eggers v. Manhattan R. Co., 42 St. Rep. 123; 18 Supp. 181; 27 Abb. N. C. 463.

Cited, Elevated Railroads—Maintenance and Operation—Injunction—Fee Damages. 24 Supp. 909. 14 Misc. 191; (70 St. Rep. 195; 35 Supp. 466).

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20 Misc. 78; (79 St. Rep. 822; 45 Supp. 822).

Eggler v. People, 56 N. Y. 642

Cited, Evidence — Relevancy — Personal Injuries—Death from Surgical Operation.

6 Misc. 338; (56 St. Rep. 242; 26 Supp. 902).

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141 N. Y. 191; (56 St. Rep. 830).

Eggleston v. Columbia Turnpike Road, 18 Hun, 146.

Cited, Highways—Objects in—Frightening Teams.

71 Hun, 434; (54 St. Rep. 531; 24 Supp. 980).

Eggleston v. Columbia Turnpike Road, 82 N. Y. 278.

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11 App. Div. 276; (76 St. Rep. 114; 42 Supp. 114). 15 App. Div. 231; (78 St. Rep. 123; 44 Supp. 123).

Eggleston v. N. Y. & Harlem R. Co., 35 Barb. 162.

Cited, License—Revocation.

10 App. Div. 458; (76 St. Rep. 5; 42 Supp. 5).

Eggleston v. Rumble, 49 St. Rep. 373; 20 Supp. 819.

Eggleston v. Smiley, 17 Johns. 133.

Cited, Trial—Jury—Talesman—Challenge—Waiver.

7 Misc. 184; (57 St. Rep. 525; 27 Supp. 322).

Ehle v. Judson, 24 Wend. 97.

Cited, Consideration—Subsequent Promise.

11 Misc. 370; (65 St. Rep. 463; 32 Supp. 288).

Ehle v. Quackenboss, 6 Hill, 537.

Cited, Pleading—Right of Possession.

14 Misc. 342; (70 St. Rep. 474; 35 Supp. 680).

Ehle v. Brayton, 50 St. Rep. 349; 21 Supp. 825.

Ehler v. Willis, 63 How. 341.

Cited, Costs—Items—Trial Fee—Discontinuance at Call of Calendar.

49 St. Rep. 303; (20 Supp. 967).

Duplicate Citations in Parenthesis.

Ehmer v. Title Guarantee & Trust Co., 89 Hun. 120; 69 St. Rep. 423; 34 Supp. 1132.

Ehrehart v. Wood, 71 Hun. 609; 55 St. Rep. 31; 25 Supp. 31.

Ehrgott v. Forgetston, 43 St. Rep. 60; 17 Supp. 381.

Cited, Equity — Jurisdiction — Adequate Remedy at Law—Cancellation of Usurious Instrument.

6 Misc. 348; (58 St. Rep. 137; 26 Supp. 780).

Ehrgott v. New York, 96 N. Y. 264.

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6 Misc. 269; (57 St. Rep. 784; 27 Supp. 231). 20 Misc. 438; (79 St. Rep. 1045; 45 Supp. 1045). 18 Misc. 168; (75 St. Rep. 915; 41 Supp. 525). 81 Hun. 549; (63 St. Rep. 290; 30 Supp. 1102). 82 Hun. 157; (63 St. Rep. 756; 31 Supp. 307). D. 14 App. Div. 40; (77 St. Rep. 993; 43 Supp. 993). 78 Hun. 170; (60 St. Rep. 194; 28 Supp. 967). 85 Hun. 92; (66 St. Rep. 73; 32 Supp. 689).

Municipal Corporations—Acts of Employees.

80 Hun. 167; (61 St. Rep. 713; 29 Supp. 1132). 84 Hun. 284; (65 St. Rep. 718; 32 Supp. 444). 10 Misc. 665; (64 St. Rep. 302; 31 Supp. 677; 1 Ann. Cas. 363).

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7 Misc. 649; (58 St. Rep. 394; 28 Supp. 16). 77 Hun. 542; (60 St. Rep. 278; 28 Supp. 896). 18 Misc. 29; (75 St. Rep. 516; 41 Supp. 58). 13 App. Div. 171; (77 St. Rep. 262; 43 Supp. 262). 65 St. Rep. 113; (31 Supp. 1020). 11 Misc. 75; (66 St. Rep. 185; 32 Supp. 802).

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49 St. Rep. 568; (30 Supp. 916). 13 App. Div. 582; (77 St. Rep. 1008; 43 Supp. 1008). 14 App. Div. 37; (77 St. Rep. 991; 43 Supp. 991).

Trial—Proximate and Concurrent Causes of Accident—Question for Jury.

1 Misc. 125; (48 St. Rep. 768; 20 Supp. 645). 135 N. Y. 102; (48 St. Rep. 367).

Municipal Corporations—Nuisance.

17 App. Div. 209; (79 St. Rep. 366; 45 Supp. 366).

Ehrich v. Bucki, 7 Misc. 118; 57 St. Rep. 540; 27 Supp. 247.

Cited, Husband and Wife—Family Necessaries.

92 Hun. 372; (71 St. Rep. 581; 36 Supp. 667).

Married Woman—Necessaries—Express Agreement.

18 Misc. 141; (75 St. Rep. 1441; 41 Supp. 1094).

Ehrichs v. DeMill, 75 N. Y. 370.

Cited, Appeal—To General Term—Judgment Absolute—Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697). 144 N. Y. 460; (63 St. Rep. 737)

Ehrlich v. Adams, 4 Misc. 614; 53 St. Rep. 588; 23 Supp. 1163.

Ehrman v. Brooklyn City R. Co., 14 Supp. 336; 38 St. Rep. 990.

Cited, Damages—Extrinsic Facts—Influence Upon Jury.

D. 9 Misc. 422; (61 St. Rep. 704; 30 Supp. 199).

Ehrman v. Rothschild, 23 Hun. 273.

Cited, Appeal—Review of Facts—Necessity of Motion for New Trial—Entry of Order.

1 Misc. 207; (49 St. Rep. 40; 20 Supp. 897). 89 Hun. 77; (69 St. Rep. 430; 35 Supp. 36).

Eichberg v. Wickham, 21 Supp. 647.

Eichhold v. Tiffany, 20 Misc. 680.

Eichner v. Bowery Sav. Bank of N. Y., 18 Misc. 749; 78 St. Rep. 332; 44 Supp. 332.

Eichner v. Bowery Bank of N. Y., 20 Misc. 90; 79 St. Rep. 68; 45 Supp. 68.

Eickemeyer Field Co. v. Rice, 49 St. Rep. 46.

Eidlitz v. Rothschild, 87 Hun. 243; 67 St. Rep. 733; 33 Supp. 1047.

Eifinger v. Brooklyn Heights R. Co., 13 Misc. 389; 68 St. Rep. 118; 34 Supp. 239.

Eighmie v. Taylor, 39 Hun. 366.

Cited, Pleading—Amendment—Changing Cause of Action.

21 Supp. 591; 91 Hun. 425; (70 St. Rep. 799; 36 Supp. 225).

Eighmie v. Taylor, 68 Hun. 573; 52 St. Rep. 569; 23 Supp. 248.

Cited, Witnesses—Competency.

79 Hun. 130; (61 St. Rep. 427; 29 Supp. 434).

Eighmie v. Taylor, 98 N. Y. 288.

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77 Hun. 358; (60 St. Rep. 38; 28 Supp. 847). 2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1095). 144 N. Y. 421; (63 St. Rep. 655). 83 Hun. 232; (64 St. Rep. 339; 31 Supp. 602). D. 3 App. Div. 496; (74 St. Rep. 69; 38 Supp. 446). 16 Misc. 218; (39 Supp. 192). 16 Misc. 529; (38 Supp. 980). 151 N. Y. 568.

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D. 140 N. Y. 205; (55 St. Rep. 583).

Eighmy v. People, 79 N. Y. 546.

Cited, Evidence—Declarations—Res Gestæ.

56 St. Rep. 714; (25 Supp. 318).

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Eightieth St., Matter of, 16 Abb. 169.
Cited, Certiorari—Review.

14 Misc. 177; (69 St. Rep. 815; 35 Supp. 463).

Einstein v. Climax Cycle Co., 18 Misc. 88; 41 Supp. 837; 3 Ann. Cas. 203.

Cited, Attachment—Affidavit.

20 Misc. 95; (79 St. Rep. 89; 45 Supp. 89).

Einstein v. Climax Cycle Co., 13 App. Div. 624; 76 St. Rep. 1124; 42 Supp. 1124.

Einstein v. General Electric Co., 9 App. Div. 570; 75 St. Rep. 1207; 41 Supp. 808.

Einstein v. Rochester Gas & Electric Co., 77 Hun, 149; 59 St. Rep. 63; 28 Supp. 434.

Affirmed, 146 N. Y. 46; 65 St. Rep. 768.

Einstein v. Rochester Gas & Electric Co., 146 N. Y. 46; 65 St. Rep. 768.

Cited, Corporations—Stock—Increase.

4 App. Div. 289; (39 Supp. 449).

Eiseman v. Heine, 2 App. Div. 319; 73 St. Rep. 74; 37 Supp. 861.

Eisenlord v. Clum, 67 Hun, 518; 51 St. Rep. 98; 22 Supp. 574.

Cited, Appeal—Review of Facts.

92 Hun, 73; (71 St. Rep. 239; 36 Supp. 344).

Eisenlord v. Clum, 126 N. Y. 552; 38 St. Rep. 446.

Cited, Evidence—Admissions—Declarations.

1 Misc. 432; (50 St. Rep. 562; 21 Supp. 425). 1 App. Div. 233; (7 St. Rep. 621; 37 Supp. 310). 148 N. Y. 213.

Witness—Disqualification—Interest.

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Cited, Evidence—Objection—Appeal.

19 Misc. 163.

Eisert v. Brandt, 9 Misc. 713; 60 St. Rep. 836; 29 Supp. 1143.

Affirmed, 10 Misc. 393; 63 St. Rep. 405; 31 Supp. 121.

Eisert v. Brandt, 10 Misc. 393; 63 St. Rep. 405; 31 Supp. 121.

Eisler v. Brooklyn Heights R. Co., 70 St. Rep. 465; 35 Supp. 670.

Eisler v. Union Transfer & Storage Co., 16 Daly. 456; 35 St. Rep. 374; 12 Supp. 732.

Cited, Warehouseman—Lien.

4 Misc. 151; (53 St. Rep. 119; 23 Supp. 688).

Eisner, Matter of, 5 Dem. 383; 8 St. Rep. 748; 26 Week. Dig. 141.

Cited, Executors—Accounting—Personal Claim of Executor.

2 Misc. 223; (54 St. Rep. 274; 23 Supp. 769). 2 Misc. 223; (23 Supp. 769). 6 Misc. 503; (57 St. Rep. 706; 27 Supp. 427).

Eisner, Matter of, 6 App. Div. 563; 39 Supp. 718.

Eisner v. Curiel, 2 App. Div. 522; 74 St. Rep. 415; 37 Supp. 1119.

Cited, Parties—Defect.

79 St. Rep. 1011; (45 Supp. 1011).

Eisner v. Curiel, 20 Misc. 245; 79 St. Rep. 1010; 45 Supp. 1010.

Eisner v. Eisner, 89 Hun, 480; 69 St. Rep. 779; 35 Supp. 393.

Cited, 35 Supp. 395.

Eisner v. Eisner, 5 App. Div. 117; 38 Supp. 671.

Eisner v. Keller, 3 Daly. 485.

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9 App. Div. 328, 329; (75 St. Rep. 758, 760; 41 Supp. 342, 343).

Eisner v. Kochler, 1 Den. 277.

Cited, Residuary Estate—Advancements.
1 Misc. 65; (23 Supp. 140).

Eisner v. Stern, 69 St. Rep. 781; 35 Supp. 395.

Ekendahl v. Hayes, 10 App. Div. 487; 76 St. Rep. 236; 42 Supp. 226.

Elba, Matter of, 30 Hun, 548.

Cited, Order of Judge—Appeal.

66 Hun, 306; (49 St. Rep. 291; 21 Supp. 65).

Elbert v. Haebler, 149 N. Y. 343.

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Elder v. Rouse, 15 Wend. 218.

Cited, Indebtedness—Acknowledgment—Effect.

8 App. Div. 607; (75 St. Rep. 400; 40 Supp. 1017).

Eldred v. Eames, 115 N. Y. 401; 26 St. Rep. 277; 17 Civ. Pro. 413.

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77 Hun, 572; (60 St. Rep. 515; 28 Supp. 1036). 68 Hun, 8; (52 St. Rep. 461; 22 Supp. 833). 56 St. Rep. 432; (26 Supp. 95). 5 Misc. 570; (26 Supp. 668). 81 Hun, 434; (63 St. Rep. 186; 30 Supp. 993). 83 Hun, 406; (64 St. Rep. 669; 31 Supp. 880). 85 Hun, 122, 124; (66 St. Rep. 25, 26; 32 Supp. 638; 639; 2 Ann. Cas. 49). 85 Hun, 589; (66 St. Rep. 820; 33 Supp. 115; 2 Ann. Cas. 53). 1 App. Div. 41; (72 St. Rep. 76; 36 Supp. 973).

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Special Proceeding—Statutory Authority.

D. 76 Hun, 58; (59 St. Rep. 149; 27 Supp. 667).

Eldredge v. Eldredge, 79 Hun, 511; 6 St. Rep. 540; 29 Supp. 941.

Cited, Married Woman—Action by. 88 Hun, 453; (68 St. Rep. 712; 34 Supp. 777).

Eldridge, Matter of, 82 N. Y. 161.

Cited, Appeal—Extent of Review.

143 N. Y. 530; (62 St. Rep. 823).

Attorney—Misconduct.

8 App. Div. 611; (41 Supp. 1113).

Attorneys—Degree of Punishment.

10 App. Div. 513.

Eldridge v. Atlas Steamship Co., 134 N. Y. 187; 48 St. Rep. 257.

Cited, Master and Servant—Servant's Assumption of Risk—Known Dangers.

75 Hun, 327; (58 St. Rep. 215; 26 Supp. 1013; 31 Abb. N. C. 294).

Seamen—Regulations—Obedience.

17 Misc. 96; (39 Supp. 428).

Eldridge v. Atlas Steamship Co., 58 Hun, 96; 11 Supp. 468.

Affirmed, 134 N. Y. 187.

Cited, Seamen—Regulations—Obedience.

17 Misc. 96; (39 Supp. 428).

Eldridge v. Crow, 5 Misc. 591; 56 St. Rep. 900; 25 Supp. 797.

Affirmed, 7 Misc. 150; 57 St. Rep. 498; 27 Supp. 362.

Eldridge v. Crow, 7 Misc. 150; 57 St. Rep. 498; 27 Supp. 362.

Eldridge v. Hill, 2 Johns. Ch. 281.

Cited, Injunction—Successive Suits.

143 N. Y. 270; (62 St. Rep. 534).

Eldridge v. Kenning, 35 St. Rep. 190; 12 Supp. 693.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Eldridge v. Rochester City & B. R. Co., 54 Hun, 194; 7 Supp. 439.

Cited, Easements—Right of Way—Subsequent Change by Grantee.

5 Misc. 63; (25 Supp. 116).

Eldridge v. Strenz, 39 Super. 295.

Cited, Costs—Extra Allowance—Judgment Absolute.

54 St. Rep. 323; (24 Supp. 486; 30 Abb. N. C. 284).

Eldridge v. Underhill, 17 Hun, 241.

Cited, Appeal—Errors—Correction.

1 App. Div. 8; (71 St. Rep. 670; 36 Supp. 740).

Election of Directors of Rapid Transit Ferry Co., Matter of, 77 St. Rep. 538; 43 Supp. 538.

Election of Member of Assembly for First District of Erie County, Matter of, 18 Misc. 391; 77 St. Rep. 710; 43 Supp. 710.

Electric Construction Co. v. Hefferman, 34 St. Rep. 436; 12 Supp. 336.

Cited, Highways—Use—Poles.

62 St. Rep. 275; (30 Supp. 442).

Electric Power Co., Matter of, 73 St. Rep. 738; 38 Supp. 399.

Electric Power Co. v. Metropolitan T. & T. Co., 75 Hun, 68; 57 St. Rep. 57; 27 Supp. 93.

Affirmed, 148 N. Y. 746.

Electric Power S. Co. v. Whiting, 17 Week. Dig. 263.

Cited, Injunction—When Granted—Necessity.

8 Misc. 479; (59 St. Rep. 876; 29 Supp. 581; 31 Abb. N. C. 339).

Electro-Silicon Co. v. Hazard, 29 Hun, 369.

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142 N. Y. 477; (50 St. Rep. 485; 21 Supp. 698). 60 St. Rep. 85.

Eleventh Ave., Matter of, 81 N. Y. 436.

Cited, Dedication—Streets and Alleys—Acceptance.

23 Supp. 821; 1 App. Div. 443; (73 St. Rep. 105; 37 Supp. 512).

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76 Hun, 211; (59 St. Rep. 109; 27 Supp. 769).

78 Hun, 490; (60 St. Rep. 760; 29 Supp. 207).

3 Misc. 33; (50 St. Rep. 574; 21 Supp. 779).

3 Misc. 404; (24 Supp. 690).

135 N. Y. 345; (48 St. Rep. 69).

141 N. Y. 301; (57 St. Rep. 410).

142 N. Y. 311; (59 St. Rep. 4).

2 App. Div. 233; (73 St. Rep. 463; 37 Supp. 731).

D. 2 App. Div. 236; (73 St. Rep. 465; 37 Supp. 733).

17 Misc. 456; (41 Supp. 233).

Eleventh Ward Savings Bank v. Hay, 8 Daly, 328.

Affirmed, 73 N. Y. 609.

Cited, Actions—Consolidation—Motion.

20 Misc. 508.

Elfenhein v. Von Hafen, 3 Misc. 626; 52 St. Rep. 941; 23 Supp. 348.

Elfers v. Woolley, 116 N. Y. 294.

Cited, Evidence—Demonstrative.

13 Misc. 404; (68 St. Rep. 877).

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- Elias, Matter of**, 4 Dem. 139.
Cited, Executors—Discovery.
 67 St. Rep. 413; (33 Supp. 424; 24 Civ. Pro. 266).
- Elias, Matter of**, 17 Misc. 718; 40 Supp. 910.
- Elias v. Manhattan R. Co.**, 85 Hun, 383; 56 St. Rep. 458; 32 Supp. 1053.
- Elias v. Schweyer**, 13 App. Div. 336; 77 St. Rep. 55; 43 Supp. 55.
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 16 App. Div. 452; (79 St. Rep. 66; 45 Supp. 66).
- Elias v. Schweyer**, 17 Misc. 707; 40 Supp. 906.
- Elisberg v. Marks**, 20 Misc. 617.
- Elkan v. Hitchcock**, 15 Misc. 218; 71 St. Rep. 589; 36 Supp. 788.
- Elkin v. People**, 28 N. Y. 177.
Cited, Conspiracy—Criminal—Felony—Merger.
 7 Misc. 481; (57 St. Rep. 724; 28 Supp. 399; 31 Abb. N. C. 179).
- Elkins, Matter of**, 74 St. Rep. 299.
- Ellensohn, Matter of**, See Rupaner, Matter of.
- Ellensohn v. Haselbach**, 17 Misc. 92 39 Supp. 322; 25 Civ. Pro. 345.
- Ellensohn v. Keyes**, 6 App. Div. 601; 39 Supp. 774; 25 Civ. Pro. 353.
- Ellenstein v. Klee**, 12 Misc. 112; 66 St. Rep. 695; 33 Supp. 94.
- Ellerson v. Westcott**, 88 Hun, 389; 68 St. Rep. 751; 34 Supp. 813; 2 Ann. Cas. 118.
Reversed, 148 N. Y. 149; 2 Ann. Cas. 120.
- Ellerson v. Wescott**, 148 N. Y. 149; 2 Ann. Cas. 420.
Cited, Descent of Property—Murder of Ancestor by Heir.
 16 Misc. 448; (74 St. Rep. 239; 38 Supp. 612). 5 App. Div. 193; (39 Supp. 157). 16 Misc. 446; (38 Supp. 612).
- Ellert v. Kelly**, 10 How. 392.
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- Ellick, Matter of**, 19 Week. Dig. 231.
Cited, Wills—Jury Trial.
 11 App. Div. 211; (76 St. Rep. 921; 43 Supp. 921).
- Ellick v. Metropolitan St. R. Co.**, 15 App. Div. 556; 78 St. Rep. 523; 44 Supp. 523.
- Elliott v. Mut. B. L. Ass'n of America**, 76 Hun, 378; 59 St. Rep. 139; 27 Supp. 696.
Cited, Insurance—Life—Agents—Representations.
 8 Misc. 501; (59 St. Rep. 400; 28 Supp. 758). 20 Misc. 232; (79 St. Rep. 415; 45 Supp. 415).
- Elliott v. Brown**, 2 Wend. 497.
Cited, Assault—Resistance.
 79 St. Rep. 949; (45 Supp. 949).
- Elliott v. Luengene**, 17 Misc. 78; 39 Supp. 850.
 20 Misc. 23; (78 St. Rep. 778; 44 Supp. 778).
- Elliott v. Luegene**, 19 Misc. 428; 77 St. Rep. 1140; 43 Supp. 1140.
- Elliott v. Luengene**, 20 Misc. 18; 76 St. Rep. 775; 44 Supp. 775.
- Elliott v. N. Y. C. & H. R. R. Co.**, 53 Hun, 78; 24 St. Rep. 825; 6 Supp. 363.
Cited, Assault—Ejectment from Train.
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- Elliott v. N. Y. Endowment Co.**, 73 Hun, 519; 56 St. Rep. 156; 26 Supp. 107.
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- Elliott v. Rossell**, 10 John. 1.
Cited, Carrier—Baggage—Damages.
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- Elliott v. Smith**, 77 Hun, 116; 59 St. Rep. 841; 28 Supp. 288.
- Elliott v. Vallaro**, 78 St. Rep. 1072; 44 Supp. 1072.
- Elliott v. Wood**, 53 Barb. 285.
Cited, Mortgage—Foreclosure by Advertisement—Effect.
 69 Hun, 36; (52 St. Rep. 823; 23 Supp. 437).
- Elliott v. Wood**, 45 N. Y. 71.
Cited, Mortgage—Foreclosure—Mortgagee as Purchaser.
 69 Hun, 36; (52 St. Rep. 825; 23 Supp. 438).
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- Ellis, Matter of**. See Hurd, Matter of.
- Ellis, Matter of**, 6 Misc. 171; 56 St. Rep. 694; 26 Supp. 893.
- Ellis v. Albany C. F. Ins. Co.**, 50 N. Y. 402.
Cited, Insurance—Agents—Parol Contract—Authority—Revocation.

Duplicate Citations in Parenthesis.

78 Hun, 85; (60 St. Rep. 821; 29 Supp. 335). 88 Hun, 463; (68 St. Rep. 810; 34 Supp. 873). 92 Hun, 535; (72 St. Rep. 212; 37 Supp. 59). 8 App. Div. 195; (40 Supp. 337). 142 N. Y. 389; (59 St. Rep. 780). 92 Hun, 194; (71 St. Rep. 132; 86 Supp. 331). 151 N. Y. 91.

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Cited, Fraud—Representations—Value—Opinions.

79 Hun, 218; (61 St. Rep. 400; 29 Supp. 504). 90 Hun, 222; (28 Supp. 622). 15 App. Div. 85; (78 St. Rep. 288; 44 Supp. 288). 4 Misc. 463; (54 St. Rep. 117; 24 Supp. 334). 8 Misc. 111; (59 St. Rep. 512; 28 Supp. 622). 15 Misc. 617; (38 Supp. 70). 139 N. Y. 294; (54 St. Rep. 497). 145 N. Y. 425; (65 St. Rep. 351).

Ellis v. Filon, 85 Hun, 485; 66 St. Rep. 764; 33 Supp. 138.

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Ellis v. Horrman, 90 N. Y. 466.

Cited, Evidence—Presumption and Rebuttal—Good Faith—Notice.

72 Hun, 502; (54 St. Rep. 861; 25 Supp. 239).

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70 Hun, 21; (53 St. Rep. 398; 23 Supp. 1112).

Ellis v. Jacob, 17 App. Div. 471; 79 St. Rep. 177; 45 Supp. 177.

Ellis v. McCormick, 1 Hilt. 313.

Cited, Contracts—Avoidance.

18 Misc. 44; (75 St. Rep. 452; 46 Supp. 1134).

Ellis v. Myers, 28 St. Rep. 120; 8 Supp. 139.

Cited, Evidence—Competency—Assignment for Creditors—Inventory.

80 Hun, 61; (61 St. Rep. 563; 29 Supp. 875).

Ellis v. N. Y., L. E. & W. R. Co, 95 N. Y. 545.

Cited, Master and Servant—Appliances—Concurring Negligence.

77 Hun, 394; (60 St. Rep. 409; 28 Supp. 886). 81 Hun, 168; (62 St. Rep. 672; 30 Supp. 740). 9 App. Div. 128; (75 St. Rep. 510; 41 Supp. 52). D. 11 App. Div. 579; (76 St. Rep. 823; 42 Supp. 823). 1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). 6 Misc. 332; (56 St. Rep. 238; 26 Supp. 899). 11 Misc. 134; (65 St. Rep. 113; 31 Supp. 1020). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 188).

Trial—Question of Fact—Contributory Negligence.

61 St. Rep. 586; (29 Supp. 899).

Ellis v. People, 21 How. 856.

Cited, Trial—Instruction—Exceptions.

* 77 Hun, 465; (60 St. Rep. 598; 28 Supp. 1012).

Ellis v. Thompson, 1 App. Div. 606; 73 St. Rep. 180; 37 Supp. 468.

Ellis H. Roberts & Co. v. Buckley, 61 St. Rep. 561; 29 Supp. 873.

Ellison v. Allen, 62 St. Rep. 274; 30 Supp. 441.

Ellison v. Bernstein, 60 How. 145.

Cited, Attachment—Affidavits—Knowledge—Of Facts.

2 Misc. 104; (49 St. Rep. 705; 21 Supp. 5). 17 Misc. 243; (40 Supp. 1066). 17 Misc. 737; (40 Supp. 1069; 3 Ann. Cas. 203).

Ellison v. Jones, 39 St. Rep. 948; 15 Supp. 356.

Cited, Master and Servant—Termination of Employment—Justification.

6 Misc. 102; (55 St. Rep. 495; 26 Supp. 28).

Ellis v. Tousley, 1 Paige, 280.

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Ellsworth v. Campbell, 31 Barb. 134.

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67 Hun, 517; (51 St. Rep. 97; 22 Supp. 522; 23 Civ. Pro. 139).

Ellsworth v. Lockwood, 42 N. Y. 89.

Cited, Action—Parties—Liens—Subrogation.

72 Hun, 201; (55 St. Rep. 481; 25 Supp. 349).

Ellsworth v. Phelps, 30 Hun, 636.

Cited, 12 App. Div. 232; (77 St. Rep. 773; 43 Supp. 773).

Ellsworth v. St. Louis, A. & T. H. R. Co., 98 N. Y. 553.

Cited, Corporations—Foreign—Status.

3 Misc. 59; (51 St. Rep. 863; 22 Supp. 543).

Ellwanger v. Fish, 60 N. Y. 651.

Cited, Appeal—Immaterial Errors.

1 Misc. 324; (43 St. Rep. 702; 20 Supp. 673). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Ellwood v. Northrup, 106 N. Y. 172; 8 St. Rep. 687.

Cited, Trusts—Creation—Declaration—Sufficiency.

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Ellwood v. Rochester, 123 N. Y. 229; 33 St. Rep. 260.

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Elmendorf v. Harris, 23 Wend. 628.

Cited, Arbitration—Notice and Hearing—Rehearing.

74 Hun, 67; (56 St. Rep. 199; 26 Supp. 120). 6 Misc. 417; (27 Supp. 294).

Elmendorf v. Lansing, 5 Cow. 468.

Cited, Contracts—Interpretation—General and Particular Statements.

16 Misc. 46; (73 St. Rep. 266; 37 Supp. 685).

Elmendorf v. Lockwood, 57 N. Y. 322.

Cited, Dower—Release.

11 Misc. 255; (64 St. Rep. 575). 66 St. Rep. 191; (32 Supp. 809).

Elmer, Matter of, 88 Hun, 290; 68 St. Rep. 417; 34 Supp. 406.

Elmer v. Mutual Benefit Life Ass'n, 47 St. Rep. 35; 19 Supp. 289.

Affirmed, 138 N. Y. 642; 53 St. Rep. 930.

Cited, 79 St. Rep. 1100; (45 Supp. 1100)

Elmer v. Mutual Benefit Life Ass'n, 138 N. Y. 642; 53 St. Rep. 930.

Affirming, 47 St. Rep. 35; 19 Supp. 239.

Elmer v. Kechele, 1 Redf. 472.

Cited, Administrators—Disqualification. 12 Misc. 475; (68 St. Rep. 138; 34 Supp. 259).

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Elmira I. & S. R. Co. v. Harris, 124 N. Y. 289; 35 St. Rep. 343.

Cited, Partnership—Dissolution—Notice. 86 Hun, 440; (67 St. Rep. 630; 33 Supp. 901). 79 St. Rep. 71; (45 Supp. 71).

Elmira Savings Bank v. Davis, 73 Hun, 337; 55 St. Rep. 912; 26 Supp. 200.

Affirmed, 142 N. Y. 590; 60 St. Rep. 305.

Elmira Savings Bank v. Davis, 142 N. Y. 590; 60 St. Rep. 305.

Cited, National Banking Law—Preferences.

146 N. Y. 176; (66 St. Rep. 288). 92 Hun, 301; (71 St. Rep. 773; 36 Supp. 707).

Elmira, Trustees of, v. Dunn, 23 Barb. 402.

Cited, Lease—As Asset—Decedent's Estate. 5 App. Div. 512; (38 Supp. 1085).

Elmore v. Thomas, 7 Abb. 70.

Cited, Reference—Compulsory—Extrinsic Facts.

1 Misc. 380; (49 St. Rep. 121; 20 Supp. 867).

Elsas v. Alford, 1 City Ct. Rep. 123.

Cited, Association—By-Law.

16 Misc. 42; (73 St. Rep. 261; 37 Supp. 680).

Elsberg v. Sowards, 66 Hun, 28; 49 St. Rep. 778; 21 Supp. 10.

Cited, Insurance—Transfer—Rights of Assignee.

69 Hun, 80; (52 St. Rep. 606; 23 Supp. 392).

Elsey v. Metcalf, 1 Den. 323.

Cited, Evidence—Presumption—Deeds—Recording—Parol Evidence.

79 Hun, 525; (61 St. Rep. 596; 29 Supp. 908).

Elsheimer v. Niagara Falls, City of, 78 St. Rep. 1116; 44 Supp. 1116.

Elsner v. Prudential Ins. Co. of Am., 13 Misc. 395; 68 St. Rep. 124; 34 Supp. 246.

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17 Misc. 235; (40 Supp. 1055).

Elting v. Dayton, 63 Hun, 629; 43 St. Rep. 363; 17 Supp. 849.

Cited, Appeal—Incompetent Evidence—Objection and Exception.

3 Misc. 91; (51 St. Rep. 755; 22 Supp. 545).

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7 Misc. 81; (57 St. Rep. 93; 27 Supp. 357).

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4 Misc. 171; (53 St. Rep. 222; 23 Supp. 883). 1 App. Div. 363; (72 St. Rep. 514; 37 Supp. 327). 10 Misc. 152; (62 St. Rep. 497; 30 Supp. 919). 41 Supp. 648; (25 Civ. Pro. 277). 80 Hun, 414; (62 St. Rep. 66; 30 Supp. 291). 15 App. Div. 384; (78 St. Rep. 77; 44 Supp. 77).

Elting v. Dayton, 67 Hun, 425; 51 St. Rep. 439; 22 Supp. 154.

Cited, Pleading—Amendment.

91 Hun, 424; (70 St. Rep. 799; 36 Supp. 225).

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Elwell v. Chamberlain, 4 Bosw. 320.

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Cited, Principal and Agent—Ratification—Responsibility.

18 Misc. 224; (75 St. Rep. 798; 41 Supp. 287).

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Cited, Principal and Agent — Ratification — Responsibility of Principal.

139 N. Y. 331; (54 St. Rep. 620).

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14 App. Div. 344; (77 St. Rep. 940; 43 Supp. 940). 67 St. Rep. 836; (34 Supp. 35).

Elwell v. Fabre, 37 St. Rep. 352; 13 Supp. 829.

Cited, Appeal—Two Causes of Action—Reversal.

7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416).

Elwell v. McDonald, 83 Hun, 516; 67 St. Rep. 159; 33 Supp. 459.**Elwell v. McQueen**, 10 Wend. 519.

Cited, Justice's Court—Non-suit.

90 Hun, 543; (71 St. Rep. 32; 36 Supp. 25).

Elwin v. Routh, 1 Civ. Pro. 131.

Cited, Costs — Opening Default—Suing as Poor Person.

5 Misc. 262; (25 Supp. 103; 31 Abb. N. C. 46).

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19 Misc. 346; (77 St. Rep. 500; 43 Supp. 500).

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Cited, Mortgage — Foreclosure — Defense — Note for Debt

80 Hun, 210; (61 St. Rep. 776; 30 Supp. 32).

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81 Hun, 418; (63 St. Rep. 265; 30 Supp. 1127).

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5 App. Div. 150; (39 Supp. 116). 14 Misc. 585; (71 St. Rep. 803; 36 Supp. 636).

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5 Misc. 265; (25 Supp. 106). 9 Misc. 683; (62 St. Rep. 80; 30 Supp. 543).

Elwood v. Gardner, 45 N. Y. 349.

Cited, Arrest—Order—Motion to Vacate.

2 App. Div. 338; (73 St. Rep. 63; 37 Supp. 851; 3 Ann. Cas. 42).

Elwood v. Rochester, 43 Hun, 102; 6 St. Rep. 132.

Cited, Municipal Improvements—Equality of Assessment.

88 Hun, 168; (68 St. Rep. 632; 34 Supp. 536). 78 St. Rep. 322; (44 Supp. 322). 11 Misc. 204; (65 St. Rep. 167; 32 Supp. 100). 70 St. Rep. 849; (36 Supp. 195).

Elwood v. Rochester, 122 N. Y. 229; 33 St. Rep. 260.

Cited, Municipal Corporations—Improvements—Assessments—Omissions.

139 N. Y. 139; (54 St. Rep. 512). 78 St. Rep. 322, 324; (44 Supp. 322, 324).

Elwood v. Western U. Tel. Co., 45 N. Y. 549.

Cited, Trial—Questions for Jury—Credibility of Party.

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67 Hun, 520; (51 St. Rep. 99; 22 Supp. 575).

Witnesses—Credibility—Interest.

1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679). 1 Misc. 183; (48 St. Rep. 766; 20 Supp. 645). 1 Misc. 164; (48 St. Rep. 687; 20 Supp. 636). 1 Misc. 169; (48 St. Rep. 675; 20 Supp. 632). 1 Misc. 173; (48 St. Rep. 683; 20 Supp. 653). 1 Misc. 178; (48 St. Rep. 673; 20 Supp. 690). 1 Misc. 286; (48 St. Rep. 758; 20 Supp. 694). 1 Misc. 320; (48 St. Rep. 719; 20 Supp. 676). 1 Misc. 363; (48 St. Rep. 787; 20 Supp. 638). 3 Misc. 244; (52 St. Rep. 138; 22 Supp. 942). 3 Misc. 453; (52 St. Rep. 504; 23 Supp. 184). 4 Misc. 75; (53 St. Rep. 73; 23 Supp. 608). 7 Misc. 162; (57 St. Rep. 540; 27 Supp. 326). 7 Misc. 174; (57 St. Rep. 523; 27 Supp. 326). 7 Misc. 178; (57 St. Rep. 546; 27 Supp. 348). 10 Misc. 706; (64 St. Rep. 634; 31 Supp. 829). 11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 320). 12 Misc. 74; (66 St. Rep. 677; 33 Supp. 84). 16 Misc. 28; (73 St. Rep. 244; 37 Supp. 650). 16 Misc. 551; (74 St. Rep. 172; 38 Supp. 712). 19 Misc. 68; (71 St. Rep. 174; 43 Supp. 173). 84 Hun, 171; (65 St. Rep. 685; 32 Supp. 557). 85 Hun, 47; (66 St. Rep. 50; 32 Supp. 666). 86 Hun, 41; (66 St. Rep. 835; 33 Supp. 207). 92 Hun, 38; 71 St. Rep. 801; 36 Supp. 634). 92 Hun, 109; (71 St. Rep. 743; 36 Supp. 732). 3 App. Div. 50; (74 St. Rep. 361; 37 Supp. 1062). 4 App. Div. 225; (74 St. Rep. 217; 38 Supp. 590). 4 App. Div. 534; (74 St. Rep. 630; 40 Supp. 21). 12 App. Div. 623; (76 St. Rep. 1154; 43 Supp. 1154). 13 App. Div. 561; (77 St. Rep. 688; 43 Supp. 688). 14 App. Div. 525; (77 St. Rep. 936; 43 Supp. 936).

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Cited, Highways—Obstruction.

6 App. Div. 400; (39 Supp. 674).

13 Misc. 572; (68 St. Rep. 740; 34 Supp. 697).

Ely v. Clute, 19 Hun. 35.

Cited, Bills and Notes—Recovery Against Endorser—Effect.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22).

Witness—Competency—Interest.

16 App. Div. 549; (78 St. Rep. 995; 44 Supp. 995).

Ely v. Cooke, 28 N. Y. 365.

Cited, Judgment by Confession—Statement.

4 App. Div. 217; (73 St. Rep. 592; 38 Supp. 543).

Ely v. Fahy, 79 Hun. 65; 61 St. Rep. 145; 29 Supp. 667.

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Cited, Statutes—Construction—Amendments—Retrospective Operation.

66 Hun. 396; (50 St. Rep. 120; 21 Supp. 520). 69 Hun. 303; (53 St. Rep. 250; 23 Supp. 514). 13 App. Div. 591; (77 St. Rep. 457; 43 Supp. 457). 16 App. Div. 44; (78 St. Rep. 802; 44 Supp. 802). 136 N. Y. 353; (49 St. Rep. 600). 13 Misc. 703; (69 St. Rep. 179; 34 Supp. 1099). 17 Misc. 39; (40 Supp. 751). 69 St. Rep. 382; (34 Supp. 1124).

Ely v. N. Y. C. & H. R. R. Co., 88 Hun. 323; 68 St. Rep. 558; 34 Supp. 739.

Ely v. Padden, 13 St. Rep. 53.

Cited, Representations—Reliance Upon.

18 Misc. 224; (75 St. Rep. 798; 41 Supp. 387).

Ely v. Rochester, 26 Barb. 133.

Cited, Distinguished—Waters—Diversion—Municipal Corporation.

66 Hun. 572; (50 St. Rep. 100; 21 Supp. 837).

Ely v. Taylor, 42 Hun. 205; 5 St. Rep. 127.

Cited, Costs—Executors—Referred Claim—Certificate.

72 Hun. 457; (54 St. Rep. 864; 25 Supp. 301). 83 Hun. 406; (64 St. Rep. 669; 31 Supp. 880).

Elze v. Baumann, 2 Misc. 72; 49 St. Rep. 629; 21 Supp. 782.

Cited, Negligence per se.

14 Misc. 280; (70 St. Rep. 253; 35 Supp. 832). 11 Misc. 72; (66 St. Rep. 22; 32 Supp. 752).

Emans v. Bickman, 12 Hun. 425.

Cited, Executors and Administrators—

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1 Misc. 31; (22 Supp. 1082). 9 Misc. 506; (61 St. Rep. 741; 30 Supp. 395).

Embler v. Hartford Steam Boiler Inspection & Ins. Co., 8 App. Div. 186; 40 Supp. 450.

Embler v. Wallkill, Town of, 132 N. Y. 222; 43 St. Rep. 631.

Affirming, 57 Hun. 384; 32 St. Rep. 700; 10 Supp. 797.

Cited, Notice—Imputed—Negligence.

7 Misc. 117; (57 St. Rep. 516; 27 Supp. 415).

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Embree v. Hanna, 5 Johns. 101.

Cited, Action—Abatement—By Other Action—Foreign Attachment.

3 Misc. 327; (52 St. Rep. 518; 23 Supp. 887). 6 Misc. 387; (56 St. Rep. 137; 26 Supp. 739; 31 Abb. N. C. 133). 138 N. Y. 218; (52 St. Rep. 166).

Pleading—Answer—Foreign Attachment.

6 Misc. 387; (56 St. Rep. 337; 26 Supp. 738; 31 Abb. N. C. 131).

Embury, Matter of, 20 Misc. 75; 79 St. Rep. 821; 45 Supp. 821.

Embury, Matter of, 79 St. Rep. 881; 45 Supp. 881.

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Cited, Courts—Jurisdiction—Presumption.

6 Misc. 385; (56 St. Rep. 335; 26 Supp. 737; 31 Abb. N. C. 131). 49 St. Rep. 734; (20 Supp. 771). 16 App. Div. 510; (78 St. Rep. 931; 44 Supp. 931). 16 App. Div. 539; (78 St. Rep. 1021; 44 Supp. 1021).

Estoppel—Equitable—Waiver of Constitutional or Statutory Privilege.

140 N. Y. 466; (55 St. Rep. 832). 98 Hun. 563; (68 St. Rep. 786; 34 Supp. 848). 60 St. Rep. 366. 143 N. Y. 26; (60 St. Rep. 366).

Judgment—Conclusiveness—Identity of Cause of Action.

71 Hun. 566; (55 St. Rep. 103; 25 Supp. 141). 73 Hun. 284; (57 St. Rep. 275; 26 Supp. 298). 17 App. Div. 315; (79 St. Rep. 250; 45 Supp. 250). 19 Misc. 364; (77 St. Rep. 504; 43 Supp. 504). 7 Misc. 542; (58 St. Rep. 320; 28 Supp. 61). 137 N. Y. 263; (50 St. Rep. 791). 85 Hun. 15; (66 St. Rep. 127; 32 Supp. 616).

Embury v. Sheldon, 68 N. Y. 227.

Cited, Trusts—Extent of Trustee's Title.

140 N. Y. 146; (55 St. Rep. 551). 10 App. Div. 580; (76 St. Rep. 417; 42 Supp. 417).

*Duplicate Citations in Parenthesis.***Wills — Construction — Contingency of Death.**

69 Hun, 610; (53 St. Rep. 546; 24 Supp. 27). 142 N. Y. 437; (59 St. Rep. 813). 3 App. Div. 42; (74 St. Rep. 405; 37 Supp. 1110). 10 App. Div. 576; (76 St. Rep. 415; 42 Supp. 415).

Trusts—Remainders—Vesting.

17 Misc. 253; (40 Supp. 1062). 17 Misc. 254; (40 Supp. 1063). 20 Misc. 58; (79 St. Rep. 335; (45 Supp. 385); 79 St. Rep. 626; (45 Supp. 626).

Emerson v. Auburn & O. L. R. Co.,
13 Hun, 150.

Cited, Writ and Process—Service—Corporations—Managing Agent.

29 Supp. 1094. D. 60 St. Rep. 260; (28 Supp. 961).

Emerson v. Bowers, 14 N. Y. 449.

Cited, Executors and Administrators—Incompetency.

12 Misc. 474; (68 St. Rep. 138; 34 Supp. 259).

Emerson v. Emerson, 68 Hun, 37; 52
St. Rep. 40; 22 Supp. 684.

Affirmed, 143 N. Y. 633; 60 St. Rep. 874.

Emerson v. Emerson, 26 Supp. 291.**Emerson v. Emerson, 26 Supp. 292.****Emerson v. Emerson, 113 N. Y. 633; 60**
St. Rep. 874.**Emerson v. Spicer, 46 N. Y. 594.**

Cited, Guardians—In Socage—Rights in Realty.

73 Hun, 143; (57 St. Rep. 17; 25 Supp. 1041).

Guardians — Leases By—Voidability by Successor.

3 Misc. 108; (51 St. Rep. 834; 22 Supp. 708).

Emery v. Baltz, 94 N. Y. 408.

Cited, Guaranty—Discharge.

3 Misc. 238. (52 St. Rep. 132; 22 Supp. 260).

Pleading—Answer—Denials—Legal Conclusion.

1 Misc. 108; (48 St. Rep. 659; 20 Supp. 679). 7 Misc. 199; (56 St. Rep. 515; 27 Supp. 210). 81 Hun, 308; (27 Supp. 210).

Emery v. Emery, 9 How. 131.

Cited, Judgment—On Offer—Joint Property.

56 St. Rep. 77; (25 Supp. 937).

Emery v. N. Y., L. E. & W. R. Co.,
9 Misc. 310; 60 St. Rep. 573; 30 Supp. 306.**Emery v. Pease, 20 N. Y. 62.**

Cited, Pleading — Construction — Sufficiency.

7 Misc. 652; (58 St. Rep. 339; 28 Supp. 152). 5 App. Div. 623; (39 Supp. 530).

Emery v. Wilson, 79 N. Y. 78.

Cited, Accounting—Profits.

83 Hun, 361; (64 St. Rep. 653; 31 Supp. 916).

Emigrant's Industrial Savings
Bank, Matter of, 75 N. Y. 388.

Cited, Assessment—Illegality.

145 N. Y. 248, (66 St. Rep. 610; 2 Ann. Cas. 90).

Emigrant's Industrial Savings
Bank v. Goldman, 75 N. Y. 127.

Cited, Action — Parties — Foreclosure—Prior Mortgagee.

69 Hun, 423; (53 St. Rep. 838; 23 Supp. 462). 144 N. Y. 239; (63 St. Rep. 103). 84 Hun, 532; (66 St. Rep. 331; 32 Supp. 856). 1 App. Div. 525; (72 St. Rep. 529; 37 Supp. 249).

Emmens v. St. John, 79 Hun, 99; 61
St. Rep. 135; 29 Supp. 655.

Cited, Brokers — Real Estate—Commissions.

20 Misc. 560.

Emmet, Matter of, 150 N. Y. 538.**Emmet, Matter of, 9 App. Div. 237; 41**
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Reversed, 151 N. Y. 564.

Cited, Written Contract—Parol Evidence.
D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683).

Emmet v. Penoyer, 151 N. Y. 564.**Emmitt v. New York, 128 N. Y. 117;**
38 St. Rep. 907.

Cited, Officers—Public—Who Are.

69 Hun, 293; (53 St. Rep. 234; 23 Supp. 485). 91 Hun, 473; (70 St. Rep. 780; 36 Supp. 3.6). 6 App. Div. 136; (39 Supp. 992).

Officers—Suspension or Dismissal—Salary.

137 N. Y. 200; (50 St. Rep. 413). 70 Hun, 209; (54 St. Rep. 100; 24 Supp. 2). D. 70 Hun, 210; (54 St. Rep. 101; 24 Supp. 2). 61 St. Rep. 672; (30 Supp. 405). 152 N. Y. 233. 11 Misc. 307; (65 St. Rep. 442; 32 Supp. 258). 15 Misc. 41; (71 St. Rep. 475; 36 Supp. 425). 18 Misc. 537; (76 St. Rep. 548; 42 Supp. 548). 30 Supp. 405.

Emmons v. McMillan Co., 20 Misc.
400; 79 St. Rep. 1026; 45 Supp. 1026.

*Duplicate Citations in Parenthesis.***Emmons v. Wheeler**, 3 Hun, 545.*Cited*, Appeal—Review.

3 App. Div. 189; (73 St. Rep. 630; 38 Supp. 475). 14 Misc. 499; (70 St. Rep. 722; 35 Supp. 1078).

Empire City Bank, Matter of, 18 N. Y. 199.*Cited*, Statutes—Construction—Directory Provisions.

17 Misc. 366; (74 St. Rep. 854; 40 Supp. 64; 25 Civ. Pro. 344).

Notice.

17 Misc. 537; (40 Supp. 447).

Empire City Subway Co. v. Broadway & S. Ave. R. Co., 87 Hun, 279; 67 St. Rep. 741; 53 Supp. 1055.*Cited*, Costs—Extra Allowance.

3 App. Div. 2; (73 St. Rep. 532; 37 Supp. 990). 17 App. Div. 266; (79 St. Rep. 692; 45 Supp. 692). 67 St. Rep. 745.

Empire City Subway Co. v. Columbus & N. Ave. R. Co., 67 St. Rep. 745; 53 Supp. 1055.**Empire City Traction Co., Matter of**, 4 App. Div. 103; 38 Supp. 983.**Empire State Ins. Co. v. American Cent. Ins. Co.**, 138 N. Y. 446; 53 St. Rep. 12.*Affirming*, 64 Hun, 485; 46 St. Rep. 75; 19 Supp. 504.*Cited*, Principal and Agent—Double Agency—Matters of Discretion.

142 N. Y. 75; (58 St. Rep. 317; 31 Abb. N. C. 459). 17 Misc. 591; (75 St. Rep. 89; 40 Supp. 685).

Empire State Savings Bank of Buffalo v. Beard, 81 Hun, 184; 62 St. Rep. 701; 30 Supp. 756.*Reversed*, 150 N. Y. 572.*Cited*, Corporations—Directors—Shareholder's Actions.

18 Misc. 160; (41 Supp. 1066).

Empire State Savings Bank of Buffalo v. Beard, 151 N. Y. 638.**Empire State T. & T. Co. v. Bickford**, 142 N. Y. 224.*Cited*, Accounting—Reference.

5 App. Div. 227; (39 Supp. 205).

Empire State T. & T. Co. v. Bickford, 142 N. Y. 224; 58 St. Rep. 654.*Reversing*, 72 Hun, 580; 55 St. Rep. 243; 25 Supp. 283.**Empire State Type Founding Co. v. Grant**, 114 N. Y. 40; 22 St. Rep. 302.*Cited*, Evidence—Sufficiency—Conversion.

4 Misc. 88; (53 St. Rep. 77; 23 Supp. 855). D. 4 Misc. 98; (53 St. Rep. 84; 23 Supp. 862).

Sale—Conditional—Passing of Title.

6 Misc. 382; (56 St. Rep. 407; 26 Supp. 751). 9 Misc. 476; (61 St. Rep. 112; 30 Supp. 221). 12 Misc. 639; (66 St. Rep. 670; 32 Supp. 1133).

Empire Warehouse Co. v. Mallett, 84 Hun, 561; 66 St. Rep. 313; 32 Supp. 861.**Employers' Liability A. Corp. v. Employers' Liability Ins. Co. of U. S.**, 78 Hun, 446; 60 St. Rep. 772; 29 Supp. 217.**Employers' Liability A. Corp. v. Employers' Liability Ins. Co.**, 24 Abb. N. C. 368; 10 Supp. 845.*Cited*, Corporation—Similarity of Name.

83 Hun, 576; (65 St. Rep. 136; 32 Supp. 14). 10 Misc. 582; (65 St. Rep. 330; 32 Supp. 206).

Engel v. Eastern Brewing Co., 19 Misc. 632; 78 St. Rep. 391; 44 Supp. 391.**Engel v. Eureka Club**, 137 N. Y. 100; 50 St. Rep. 188.*Reversing*, 45 St. Rep. 940; 18 Supp. 945.*Cited*, Master and Servant—Independent Contractor—Torts.

6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906). 143 N. Y. 310; (62 St. Rep. 315).

Engel v. Fischer, 102 N. Y. 400; 2 St. Rep. 56.*Cited*, Limitation of Action—Foreign Obligation—Assumed Name.

6 Misc. 36; (55 St. Rep. 513; 25 Supp. 1003).

Engel v. Schoolherr, 12 Daly, 417.*Cited*, Appeal—To General Term—Reversal on Evidence.

2 Misc. 298; (50 St. Rep. 332; 21 Supp. 941).

New Trial—Verdict Against Evidence.

7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367). 9 Misc. 83; (59 St. Rep. 751; 29 Supp. 37).

Engelbach v. Ibert, 10 Misc. 535; 64 St. Rep. 121; 31 Supp. 438.*Cited*, Negligence—Proximate Cause.

13 App. Div. 585; (77 St. Rep. 1010; 43 Supp. 1010).

Engelbrecht, Matter of, 15 App. Div. 541; 78 St. Rep. 551; 44 Supp. 551. 78 St. Rep. 556; (44 Supp. 556).

Duplicate Citations in Parenthesis.

Engelhardt v. Brooklyn, 3 Misc. 30; 50 St. Rep. 572; 21 Supp. 777.

Affirming, 44 St. Rep. 474; 19 Supp. 173.

See **Engelhardt v. Brooklyn**.

Cited, 22 Supp. 1136.

Eminent Domain — Award—Assignment of—Right of Mortgagee.

6 Misc. 429; (58 St. Rep. 584; 27 Supp. 126). 6 Misc. 431; (58 St. Rep. 302; 26 Supp. 1112). 8 Misc. 599; (61 St. Rep. 51; 29 Supp. 391).

Engelhardt v. Delaware, Lackawanna & W. R. Co., 78 Hun, 588; 60 St. Rep. 861; 29 Supp. 425.

Engelhardt v. Fifth Ward Permanent Dime Saving & Loan Ass'n, 148 N. Y. 281.

See **Engelhardt v. Fifth Ward, etc.**, Ass'n.

Engelhardt Co. v. Benjamin, 2 App. Div. 91; 73 St. Rep. 147; 37 Supp. 531.

Cited, Arrest in Civil Action.

20 Misc. 405; (79 St. Rep. 1042; 45 Supp. 1042).

Engelhorn v. Reitlinger, 122 N. Y. 76; 33 St. Rep. 275.

Cited, Evidence—Parol—To Vary Writing,

71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23). 73 Hun, 313; (53 St. Rep. 63; 26 Supp. 377). 76 Hun, 555; (58 St. Rep. 234; 28 Supp. 236). 87 Hun, 95; (67 St. Rep. 674; 33 Supp. 967). 15 App. Div. 300; (78 St. Rep. 923; 44 Supp. 923). 2 Misc. 378; (50 St. Rep. 596; 21 Supp. 1096). 5 Misc. 352; (55 St. Rep. 163; 25 Supp. 517). 4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882). 16 Misc. 529; (33 Supp. 980). 144 N. Y. 421; (63 St. Rep. 655). 151 N. Y. 568.

Engle v. Bonneau, 2 Sandf. 679.

Cited, Jurisdiction—Consent.

15 Misc. 447; (72 St. Rep. 668; 37 Supp. 198).

Englehardt v. Benjamin,

Cited, Appeal — Facts — Certificate of Completeness of Evidence.

74 St. Rep. 18.

Englehardt v. Brooklyn, 44 St. Rep. 474; 19 Supp. 173.

See **Engelhardt v. Brooklyn**.

Cited, Eminent Domain — Conveyance Pending Condemnation—Right to Award.

3 Misc. 620; (51 St. Rep. 434). 3 Misc. 23; (51 St. Rep. 129; 22 Supp. 180). 87 Hun, 37; (67 St. Rep. 612; 33 Supp. 860).

Englehardt v. Fifth Ward, Etc., Loan Ass'n, 5 Misc. 518; 58 St. Rep. 92; 25 Supp. 835.

Reversed, 148 N. Y. 281.

Disapproved, 15 Misc. 429; 72 St. Rep. 476; 37 Supp. 166.

Cited, Loan Associations—Certificates—Payment.

13 Misc. 692; (69 St. Rep. 213; 35 Supp. 17).

Englehardt Co. v. Benjamin.

See **A. F. Engelhardt Co. v. Benjamin**.

Englehardt Co. v. Kaufman. See **A. F. Englehardt Co. v. Kaufman**.

English Bank of Rio De Janeiro v. Barr, 31 Abb. N. C. 7.

English v. Hanford, 75 Hun, 428; 57 St. Rep. 352; 27 Supp. 672.

English v. Lee, 63 Hun, 572; 18 Supp. 576.

Cited, Mechanic's Lien — Subsequent Lienors.

17 Misc. 361; (39 Supp. 1089).

English v. Major, 36 St. Rep. 69; 12 Supp. 935.

Cited, Evidence—Sufficiency—Malicious Prosecution.

69 Hun, 58; (53 St. Rep. 328; 23 Supp. 704). 17 Misc. 92; (39 Supp. 834).

Ennis v. Brown, 1 App. Div. 22; 71 St. Rep. 844; 36 Supp. 737.

Ennis v. Curry, 22 Hun, 584.

Cited, Attorneys—Costs.

84 Hun, 247; (65 St. Rep. 836; 32 Supp. 507; 1 Ann. Cas. 270).

Ennis v. Ennis, 48 Hun, 11; 15 St. Rep. 243.

Cited, Husband and Wife — Antenuptial Release of Dower—Consideration.

67 Hun, 333; (51 St. Rep. 792; 22 Supp. 301).

Ennis v. Gray, 87 Hun, 355; 68 St. Rep. 312; 34 Supp. 379.

Ennis v. Harmony F. Ins. Co., 3 Bosw. 516.

Cited, Insurance—Assignment—Parties.

83 Hun, 397; (64 St. Rep. 787; 31 Supp. 878). 7 App. Div. 586; (40 Supp. 307).

Eno v. Croke, 10 N. Y. 60.

Cited, Assignment—Consideration.

17 Misc. 137; (39 Supp. 342).

Eno v. Del Vecchu, 4 Duer. 53.

Cited, Party Wall—Continuous User—Presumption.

D. 14 App. Div. 430; (77 St. Rep. 1022; 43 Supp. 1022).

Eno v. New York, 68 N. Y. 214.

Cited, Public Improvements—Assessment—Void—Relief.

135 N. Y. 468; (48 St. Rep. 468).

Eno v. N. Y. El. R. Co., 15 App. Div. 336; 78 St. Rep. 61; 44 Supp. 61.

*Duplicate Citations in Parenthesis.***Eno v. Woodworth**, 4 N. Y. 249.*Cited*, Contracts—Sale—Loan—Recovery.

66 Hun, 582; (50 St. Rep. 105; 21 Supp. 843).

Contracts—Rescission.

13 Misc. 58; (68 St. Rep. 22; 34 Supp. 67).

Enoch v. Wehrkamp, 3 Bosw. 398.*Cited*, Agents—Consignment—Lien.

11 App. Div. 393; (76 St. Rep. 60; 42 Supp. 60).

Enoch Morgan's Sons Co. v. Troxell, 89 N. Y. 292.*Cited*, Trademarks—What Constitute.

147 N. Y. 651; (71 St. Rep. 279).

Enos v. Enos, 135 N. Y. 609; 48 St. Rep. 392.*Cited*, New Trial—Bias of Jury—Excessive Verdict.

9 Misc. 429; (61 St. Rep. 734; 29 Supp. 1060).

Enright v. Montauk Fire Ins. Co.,

142 N. Y. 667; 60 St. Rep. 870.

Affirming, 40 St. Rep. 642; 15 Supp. 893.**Enright v. Seymour**, 4 Misc. 567; 53

St. Rep. 209; 24 Supp. 704.

Ensign, Matter of, 103 N. Y. 284.*Cited*, Administration—Divorce—Effect.

17 Misc. 485; (41 Supp. 417).

Ensign v. Barse, 107 N. Y. 329; 12 St. Rep. 39.*Cited*, Statutes — Validating—To What Extent Effective.

71 Hun, 317; (54 St. Rep. 754; 25 Supp. 66). 92 Hun, 206, 207; (71 St. Rep. 554; 36 Supp. 522, 523).

Taxes—Validity — Confirmation by Statute.

139 N. Y. 136; (54 St. Rep. 511).

Taxes—Sale for Non-payment — Setting Aside.

67 Hun, 504; (51 St. Rep. 237; 22 Supp. 504).

Assessors—Jurisdiction.

145 N. Y. 457; (65 St. Rep. 391). 10 App. Div. 584; (76 St. Rep. 65; 42 Supp. 65). 10 App. Div. 583; (76 St. Rep. 64; 42 Supp. 64).

Ensign v. Colburn, 11 Paige, 503.*Cited*, Injunction—Waste.

8 Misc. 386; (59 St. Rep. 869; 29 Supp. 1108; 31 Abb. N. C. 389).

Ensign v. Ensign, 120 N. Y. 655; 31 St. Rep. 657.*Cited*, Appeal—Review of Questions of Fact.

49 St. Rep. 169; (21 Supp. 95).

Evidence — Sufficiency — Deed as Mortgage.

69 Hun, 11; (52 St. Rep. 548; 23 Supp. 224).

Mortgage — Foreclosure — Purchaser — Trust Relation to Mortgagor.

69 Hun, 43; (52 St. Rep. 829; 23 Supp. 442).

Ensign v. Hooker, 16 Misc. 492; 38 Supp. 968.**Ensign v. Hooker**, 6 App. Div. 425; 39 Supp. 543.*Cited*, Evidence—Specification of Objection.

18 Misc. 180; (75 St. Rep. 966; 41 Supp. 576).

Ensign v. Jarvis, 147 N. Y. 687; 69 St. Rep. 544.*Affirming*, 50 St. Rep. 937.**Ensign v. Livingston County, Supervisors of**, 25 Hun, 20.*Cited*, Counties—Liability—Negligence.

79 Hun, 124; (61 St. Rep. 394; 29 Supp. 497). 147 N. Y. 57; (69 St. Rep. 309).

Ensign v. McKinney, 30 Hun, 249.*Cited*, Deed—Execution—Presumption.

12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Ensign v. Webster, 1 Johns. Cas. 145.*Cited*, Evidence—Parol—To Explain Receipt.

1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

Enston, Matter of, 113 N. Y. 174; 22 St. Rep. 569.*Cited*, Personal Property — Situs for Transmission by Decedent.

3 Misc. 162; (51 St. Rep. 266; 23 Supp. 286). 1 App. Div. 548; (73 St. Rep. 205; 37 Supp. 478). D. 150 N. Y. 11, 22; (3 Ann. Cas. 169, 171). 144 N. Y. 12; (62 St. Rep. 858).

Transfer Tax—Construction.

150 N. Y. 6, 9. (144 N. Y. 10; 62 St. Rep. 857). 5 Misc. 441; (26 Supp. 890). 20 Misc. 79; (79 St. Rep. 824; 45 Supp. 824). 79 St. Rep. 882; (45 Supp. 882).

Surrogate—Jurisdiction—Extent in Inheritance Tax Proceedings.

137 N. Y. 407; (51 St. Rep. 3; 29 Abb. N. C. 477).

Taxes—Collateral Inheritance—What is Subject to—Exemption.

137 N. Y. 83; (50 St. Rep. 84). 2 App. Div. 592; (73 St. Rep. 815; 38 Supp. 132). 77 Hun, 213; (59 St. Rep. 769; 28 Supp. 353). 6 Misc. 207; (57 St. Rep. 835; 27 Supp. 288).

Duplicate Citations in Parenthesis.

Eppendorf v. Brooklyn City R. Co.,
69 N. Y. 195.

Cited, Negligence—Question of Fact.

12 App. Div. 452; (76 St. Rep. 715; 42 Supp. 715). 16 App. Div. 106; (79 St. Rep. 118; 45 Supp. 118).

Epstein v. Hodgetts, 4 Misc. 272; 53 St. Rep. 321; 24 Supp. 137.

Affirmed, 6 Misc. 635; 56 St. Rep. 896; 25 Supp. 1141.

Equitable Bank v. Claassen, 3 Misc. 148; 51 St. Rep. 503; 23 Supp. 310.

Equitable Bank v. Claassen, 3 Misc. 151; 51 St. Rep. 505; 23 Supp. 311.

Equitable Co-Operative Foundry Co. v. Hersee, 33 Hun, 169.

Cited, Action—Inconsistent Remedies—Election.

4 Misc. 373; (25 Supp. 832).

Equitable Co-Operative Foundry Co. v. Hersee, 103 N. Y. 25; 3 St. Rep. 100.

Cited, Estoppel—Rescission of Sale for Fraud—Recovery for Part Unreclaimed.

72 Hun, 625; (54 St. Rep. 866; 25 Supp. 530). 10 App. Div. 428; (41 Supp. 1089). 85 Hun, 193; (65 St. Rep. 726; 32 Supp. 582).

Equitable Gas Light Co. v. French,
10 Misc. 749; 64 St. Rep. 620; 31 Supp. 812.

Equitable General Providing Co. v. Stein, 16 Misc. 582; 74 St. Rep. 115; 38 Supp. 774.

Equitable Life Assurance Soc. v. Bostwick, 100 N. Y. 628.

Cited, Grantee—Liability for Incumbrance.

90 Misc. 203; (70 St. Rep. 531; 35 Supp. 735).

Equitable Life Assurance Soc. v. Brennan, 30 Abb. N. C. 260; 24 Supp. 784.

Equitable Life Assurance Soc. v. Brennan, 74 Hun, 576; 57 St. Rep. 35; 26 Supp. 600.

Reversed, 148 N. Y. 661.

Equitable Life Assurance Soc. v. Brennan, 148 N. Y. 661.

15 App. Div. 462; (78 St. Rep. 434; 44 Supp. 434). 19 Misc. 703; (79 St. Rep. 43; 45 Supp. 43).

Equitable Life Assur. Soc. v. Cuyler, 75 N. Y. 511.

Cited, Pleading—Counterclaim.

92 Hun, 396. (71 St. Rep. 861; 36 Supp. 767). 2 App. Div. 122; (73 St. Rep. 296; 37 Supp. 599). 4 App. Div. 424; (74 St. Rep. 792; 38 Supp. 860).

Equitable Life Assurance Soc. v. Hughes, 125 N. Y. 106; 34 St. Rep. 591.

Cited, Costs—Disbursements—Statutory Warrant—Practice.

75 Hun, 510; (57 St. Rep. 684; 27 Supp. 512). 86 Hun, 56; (66 St. Rep. 786; 33 Supp. 161).

Equitable Life Ins. Soc. of U. S. v. Stevens, 63 N. Y. 341.

Cited, Courts—Chancery—Jurisdiction—Foreclosure.

135 N. Y. 278; (48 St. Rep. 87).

Infants—Proceedings to Lease Lands—Discretion of Court.

3 Misc. 109; (51 St. Rep. 834; 22 Supp. 708). 18 Misc. 174; (41 Supp. 440). D. 5 App. Div. 185.

Equitable Reserve Fund Ass'n, Matter of, 131 N. Y. 354; 43 St. Rep. 204.

Followed, 145 N. Y. 606; 65 St. Rep. 867.

Cited, Benefit Societies—Contracts—Construction.

145 N. Y. 568; (65 St. Rep. 515). 150 N. Y. 108, 113, 114 83 Hun, 600; (64 St. Rep. 854; 31 Supp. 1121). 83 Hun, 604; (64 St. Rep. 856; 31 Supp. 1124). 14 Misc. 154; (70 St. Rep. 302; 35 Supp. 795). 18 Misc. 262; (41 Supp. 640).

Benefit Societies—Funds—Distribution.

17 App. Div. 372; (79 St. Rep. 224; 45 Supp. 224). 18 Misc. 267; (41 Supp. 644).

Equity Gas Light Co. of Brooklyn v. McKeige, 139 N. Y. 237; 54 St. Rep. 550.

Affirming, 47 St. Rep. 364; 19 Supp. 914.

Cited—Interpleader—When Proper.

60 St. Rep. 154; (28 Supp. 481).

Erbe v. Monteverde, 13 Misc. 404; 69 St. Rep. 476; 35 Supp. 102.

Cited, Police Justice—Jury Trial.

13 Misc. 408; (69 St. Rep. 478; 35 Supp. 105).

Erben v. Lorillard, 19 N. Y. 299.

Cited, Appeal—Incompetent Evidence.

1 Misc. 474; (49 St. Rep. 621; 21 Supp. 639). 10 Misc. 94; (63 St. Rep. 511; 31 Supp. 182). 79 Hun, 516; (61 St. Rep. 543; 29 Supp. 943). 4 Misc. 391; (53 St. Rep. 519; 24 Supp. 331). 9 Misc. 183; (60 St. Rep. 644; 29 Supp. 586).

Contracts—Statute of Frauds—Part Performance.

67 Hun, 476; (51 St. Rep. 336; 22 Supp. 489). 71 Hun, 481; (54 St. Rep. 408; 24 Supp. 1013).

Duplicate Citations in Parenthesis.

Evidence — Declarations—As Part of the Res Gestae.

79 Hun, 594; (61 St. Rep. 533; 29 Supp. 917).

Landlord and Tenant.

18 Misc.72; (75 St. Rep. 486; 41 Supp. 31).

Erhard v. Kings County, 69 St. Rep. 624; 36 Supp. 656.

Erickson v. Brooklyn Heights R. Co., 11 Misc. 662; 66 St. Rep. 342; 32 Supp. 915.

Erickson v. Quinn, 47 N. Y. 410.

Cited, **Fraudulent Conveyance — Consideration—Intent.**

76 Hun, 559; (58 St. Rep. 250; 28 Supp. 191). 18 Misc. 116; (41 Supp. 113).

Fraudulent Conveyance—Creditor's Remedy.

1 App. Div. 148; (72 St. Rep. 713; 37 Supp. 415).

Erickson v. Quinn, 15 Abb. 166.

Cited, **Fraudulent Conveyance—Creditor's Remedy.**

1 App. Div. 149; (72 St. Rep. 713; 37 Supp. 416).

Erickson v. Twenty-third St. R. Co., 71 Hun, 108; 24 Supp. 603.

Affirmed, 144 N. Y. 653; 64 St. Rep. 866.

Erie County, Board of Supervisors of, v. Buffalo, 138 N. Y. 629; 51 St. Rep. 934.

Affirming, 63 Hun, 565; 45 St. Rep. 365; 18 Supp. 635.

Erie County Savings Bank v. Coit, 104 N. Y. 532; 5 St. Rep. 790.

Cited, **Bond—Consideration.**

74 Hun, 607; (57 St. Rep. 251; 26 Supp. 654). 148 N. Y. 246. 19 Misc. 662; (78 St. Rep. 511; 44 Supp. 511). 81 Hun, 206; (62 St. Rep. 708; 30 Supp. 766). 86 Hun, 125; (67 St. Rep. 20; 33 Supp. 186)

Erie County Savings Bank v. Roop, 48 N. Y. 292.

Cited, **Estoppel—Equitable—Silence.**

69 Hun, 529; (52 St. Rep. 851). 72 Hun, 279; (55 St. Rep. 363; 25 Supp. 588). 56 St. Rep. 571.

Erie County Savings Bank v. Roop, 80 N. Y. 591.

Cited, **Mortgage—Foreclosure—Judgment—Deficiency.**

9 Misc. 640; (62 St. Rep. 110; 30 Supp. 355).

Erie Malleable Iron Co., Matter of, 90 Hun, 62; 71 St. Rep. 520; 35 Supp. 597.

Cited, **Equity—Remedy at Law.**

18 Misc. 334; (76 St. Rep. 111; 42 Supp. 111).

Erie Preserving Co. v. Pearsall, 45 Super. 636.

Cited, **Agency—Authority.**

11 Misc. 427; (65 St. Rep. 299; 32 Supp. 152).

Erie Railway Co. v. Ramsey, 45 N. Y. 637.

Cited, **Contempt—Violation of Injunction.**

67 Hun, 255; (50 St. Rep. 904; 22 Supp. 427; 23 Civ. Pro. 120). D. 136 N. Y. 265; (49 St. Rep. 385). 78 Hun, 158; (60 St. Rep. 196; 28 Supp. 982).

Contempt—Supplementary Proceedings—Amount of Fine.

3 Misc. 560; (52 St. Rep. 516; 23 Supp. 315).

Contempt—Special Proceeding.

11 App. Div. 472; (76 St. Rep. 331; 42 Supp. 331).

Equity — Jurisdiction — Multiplicity of Suits.

5 Misc. 52; (25 Supp. 76). 8 App. Div. 583; (40 Supp. 924). 143 N. Y. 269; (62 St. Rep. 533). 139 N. Y. 118; (54 St. Rep. 642). 5 Misc. 166; (24 Supp. 915; 23 Civ. Pro. 234).

Erie Railway Co. v. Ramsey, 57 Barb. 449.

Cited, **Motions—Renewal—New Facts.**

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381.)

Erie & Cent. N. Y. R. Co. v. Welch, 1 App. Div. 140; 73 St. Rep. 539; 37 Supp. 996.

Erkenbrach v. Erkenbrach, 96 N. Y. 456.

Cited, **Divorce—Decree.**

82 Hun, 189; (64 St. Rep. 805; 31 Supp. 984). 11 App. Div. 199; (76 St. Rep. 587; 42 Supp. 587). 16 Misc. 335; (76 St. Rep. 147; 42 Supp. 147).

Erkson v. Johnston, 8 App. Div. 31; 40 Supp. 401.

Erlacher, Matter of, 3 Redf. 8.

Cited, **Executors and Administrators—Accounting—Funeral Expenses.**

1 Misc. 31; (22 Supp. 1082). 3 Misc. 179; (23 Supp. 841).

Ernst v. Brown Hoisting & C. Co., 4 Misc. 450; 54 St. Rep. 260; 24 Supp. 359.

Affirmed, 144 N. Y. 331; 64 St. Rep. 866.

Ernst v. Crosby, 50 St. Rep. 429; 21 Supp. 365.

Duplicate Citations in Parenthesis.

Ernst v. Crosby, 140 N. Y. 384; 55 St. Rep. 732.

Affirming, 50 St. Rep. 429; 21 Supp. 365.

Cited, Landlord and Tenant—Lease—Covenants.

9 Misc. 50; (59 St. Rep. 710; 29 Supp. 279).

Landlord and Tenant—Lease—Unlawful Purposes.

79 St. Rep. 953; (45 Supp. 953).

Ernst v. Estey Wire Works Co., 20 Misc. 365; 79 St. Rep. 932; 45 Supp. 932.

Ernst v. Hudson R. R. Co., 35 N. Y. 9. *Cited*, Negligence—What is Ordinary Care.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 822).

Trial—Non-suit.

3 Misc. 362; (52 St. Rep. 430; 23 Supp. 122).

Verdict—Appeal—Review.

11 App. Div. 395; (76 St. Rep. 1124; 42 Supp. 1124).

Ernst v. Hudson R. R. Co., 39 N. Y. 61.

Cited, Street Railways—Duty of Drivers—Obstructions.

2 Misc. 540; (51 St. Rep. 592; 22 Supp. 382).

Ernst v. Parsons, 54 How. 163.

Cited, Covenants—Running with Land—Assignability.

18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767).

Erschler v. Lennox, 11 App. Div. 511; 76 St. Rep. 805; 42 Supp. 805.

Erwin v. Curtis, 43 Hun, 292; 6 St. Rep. 116; 112 N. Y. 660; 20 St. Rep. 978.

Cited, Evidence—Sufficiency—Deed as Mortgage.

69 Hun, 11; (52 St. Rep. 548; 23 Supp. 224).

Mortgage—Foreclosure—Purchaser—Trust Relation to Mortgagor—Proof of.

69 Hun, 43; (52 St. Rep. 829; 23 Supp. 442).

Erwin v. Downs, 15 N. Y. 575.

Cited, Bills and Notes—Indorsment—Indorsers—Liability—Validity.

77 Hun, 88; (59 St. Rep. 861; 28 Supp. 314).

Erwin v. Erwin, 54 Hun, 166; 26 St. Rep. 759; 7 Supp. 365.

Cited, Evidence.

51 St. Rep. 941; (23 Supp. 1149).

Witnesses—Competency—Death of Other Party—Bystander—Interest.

68 Hun, 588; (52 St. Rep. 580; 23 Supp. 257). 86 Hun, 403; (67 St. Rep. 232; 33 Supp. 479). 13 App. Div. 492; (77 St. Rep. 354; 43 Supp. 354).

Erwin v. Erwin, 139 N. Y. 616; 54 St. Rep. 930;

Affirming, 44 St. Rep. 6; 17 Supp. 442.

Erwin v. Hamilton, 50 How. 32.

Cited, Trial—Exhortation by Court to Jury to Agree.

2 Misc. 129; (49 St. Rep. 118; 20 Supp. 854).

Erwin v. Loper, 43 N. Y. 521.

Cited, Executors and Administrators—Claims Against Estate—Failure to Present—Effect.

7 Misc. 345; (58 St. Rep. 517; 28 Supp. 83). 145 N. Y. 104; (64 St. Rep. 553).

Executors and Administrators—Power of Sale for Debts—Application of Avals.

23 Civ. Pro. 131; (21 Supp. 688). 146 N. Y. 260; 66 St. Rep. 631). 67 Hun, 16; (51 St. Rep. 9; 21 Supp. 688). 136 N. Y. 113; (48 St. Rep. 893). 140 N. Y. 408; (55 St. Rep. 808).

Eschbach v. Hughes, 7 Misc. 172; 57 St. Rep. 550; 27 Supp. 320.

Cited, Landlord and Tenant—Failure to Repair—Damages.

20 Misc. 360; (79 St. Rep. 930; 45 Supp. 930).

Eschman v. Alt, 4 Misc. 305; 24 Supp. 763.

Esmay v. Fauning, 9 Barb. 176.

Cited, Conversion—What Constitutes—Acts of Bailee.

8 Misc. 262; (59 St. Rep. 394; 28 Supp. 710). 20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Esmond v. Bullard, 16 Hun, 65.

Cited, Corporations—Trustees—Liability for Debts—Unliquidated Demand.

74 Hun, 330; (55 St. Rep. 895; 26 Supp. 554).

Esmond v. Tuttle, 20 Week. Dig. 156.

Cited, Appeal—Objection to Evidence—Sufficiency.

7 Misc. 192; (57 St. Rep. 538; 27 Supp. 330).

Espenscheid v. Espenscheid, 151 N. Y. 668.

Espie, Matter of, 2 Redf. 445.

Cited, Surrogate's Court—Order to Show Cause—Affidavit.

12 Misc. 255; (34 Supp. 638).

Surrogate—Expiration of Office—New Surrogate—Practice.

12 Misc. 258; (34 Supp. 640).

Duplicate Citations in Parenthesis.

Essex v. N. Y. & Canada R. Co., 8 Hun, 361.

Cited, Pleading—Irrelevancy — Striking Out—Discretion.

75 Hun, 368; (56 St. Rep. 768; 27 Supp. 106). 2 Misc. 346; (50 St. Rep. 761; 21 Supp. 1038). 85 Hun, 528; (67 St. Rep. 79; 33 Supp. 336).

Essex Co. Nat. Bank v. Johnson, 40 St. Rep. 919; 16 Supp. 71.

Cited, Attachment — Affidavits — Sufficiency—Counterclaims.

57 St. Rep. 318; (24 Supp. 642). 81 Hun, 565; (63 St. Rep. 227; 30 Supp. 1035). 2 Misc. 104; (49 St. Rep. 705; 21 Supp. 5).

Estelle v. Dinsbear, 9 Misc. 485; 61 St. Rep. 96; 30 Supp. 226.

Cited, District Courts—Defense—Fraud. 15 Misc. 130; (61 St. Rep. 501; 36 Supp. 486). 16 Misc. 382; (38 Supp. 72).

Estelle v. Dinsbeer, 9 Misc. 487; 61 St. Rep. 97; 30 Supp. 243.

Estes v. Dean, 1 App. Div. 34; 71 St. Rep. 678; 26 Supp. 747.

Estes v. Wilcox, 67 N. Y. 264.

Cited, Judgment Creditor's Action—Exhaustion of Remedy at Law.

79 Hun, 106; (61 St. Rep. 182; 29 Supp. 637). 152 N. Y. 124.

Estevez v. Purdy, 66 N. Y. 446.

Cited, Usury—Burden of Proof.

150 N. Y. 364.

Usury—Gratuity to Agent.

17 Misc. 130; (39 Supp. 419).

Estus v. Baldwin, 9 How. 80.

Cited, Judgment—Restitution.

16 Misc. 431; (39 Supp. 857).

Eten v. Luyster, 60 N. Y. 252.

Cited, Damages.

2 Misc. 381; (50 St. Rep. 598; 21 Supp. 1093). 16 Misc. 322; (73 St. Rep. 571; 37 Supp. 952).

Damages.

16 Misc. 323; (73 St. Rep. 572; 37 Supp. 952).

Ethel St., Matter of, 3 Misc. 403; 24 Supp. 689.

Etherington v. Prospect Park & C. I. R. Co., 88 N. Y. 641.

Cited, Parent and Child—Prospective Services—Damages.

143 N. Y. 421; (62 St. Rep. 434). 10 Misc. 408; (63 St. Rep. 524; 31 Supp. 13).

Ethridge v. Orcutt, 12 St. Rep. 372.

Cited, Replevin—Defective Affidavits—Amendment.

18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Ettenheimer v. Heffernan, 66 Barb. 374.

Cited, Escheat.

139 N. Y. 476; (54 St. Rep. 730).

Ettlinger v. Persian Rug & Carpet Co., 66 Hun, 94; 49 St. Rep. 408.

Affirmed, 142 N. Y. 189; 58 St. Rep. 303; 31 Abb. N. C. 301.

Etz v. Place, 81 Hun, 203; 62 St. Rep. 707; 30 Supp. 765.

Eureka Basin, W. & Mfg Co. of L. I., Matter of, 96 N. Y. 42.

Cited, Eminent Domain—Public Use.

135 N. Y. 260; (47 St. Rep. 818). 89 Hun, 299; (69 St. Rep. 280; 35 Supp. 164).

Eureka Mower Co., Matter of, 86 Hun, 309; 67 St. Rep. 200; 35 Supp. 486.

Cited, Fixtures.

92 Hun, 334; (73 St. Rep. 304; 36 Supp. 931). 79 St. Rep. 639; (45 Supp. 639).

Evah Bros. v. California Insurance Co., 20 St. Rep. 207; 3 Supp. 39.

Cited, Insurance — Notice of Loss — Waiver.

11 Misc. 517; (66 St. Rep. 108; 32 Supp. 761).

Evans v. Backer, 101 N. Y. 289.

Cited, Irregularity—Waiver.

92 Hun, 327; (72 St. Rep. 241; 36 Supp. 906).

Evans v. Begleys, 2 Wend. 243.

Cited, Contracts—Duress.

2 Misc. 203; (49 St. Rep. 522; 21 Supp. 269).

Evans v. Board of Street Com'rs of Hudson, 89 Hun, 206; 65 St. Rep. 747; 32 Supp. 547.

Evans v. Burton, 5 St. Rep. 216.

Cited, Pleading—Irrelevancy—Award of Costs.

75 Hun, 368; (56 St. Rep. 768; 27 Supp. 106).

Evans v. Burton, 42 Hun, 652.

Cited, Judgment—Default.

12 Misc. 507; (67 St. Rep. 370; 33 Supp. 676).

Evans v. Cleveland, 12 Hun, 140.

Cited, Action — Survival — Objection — Availability.

20 Misc. 66; (78 St. Rep. 432; 44 Supp. 432; 3 Ann. Cas. 387).

Evans v. Cleveland, 72 N. Y. 486.

Cited, Action — Abatement — Revival — Laches.

137 N. Y. 499; (51 St. Rep. 205).

Duplicate Citations in Parenthesis.

Evans v. Conklin, 71 Hun, 536; 54 St. Rep. 915; 24 Supp. 1081.

Cited, Landlord and Tenant—Lease—Action Upon.

9 App. Div. 248; (75 St. Rep. 832; 41 Supp. 490; 3 Ann. Cas. 299).

Evans v. Ellis, 5 Den. 640.

Cited, Attorney and Client—Contracts—Burden of Proof.

84 Hun, 590; (66 St. Rep. 328; 32 Supp. 853).

Evans v. Evans, 9 Paige, 178.

Cited, Partnership — Dissolution — Liquidating Partner.

142 N. Y. 7; (58 St. Rep. 429).

Evans v. Harris, 19 Barb. 416.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599).

Evans v. Holmes, 46 How. 515.

Cited, Arrest—Motion Papers.

14 Misc. 47; (69 St. Rep. 379; 35 Supp. 135).

Evans v. Howell, 75 Hun, 199; 58 St. Rep. 670; 27 Supp. 46.

Evans v. Kalbfleisch, 16 Abb. N. S. 13.

Cited, Pleading — Complaint — Quantum Meruit.

2 Misc. 88; (49 St. Rep. 125; 20 Supp. 876).

Evans v. Keystone Gas Co., 72 Hun, 503; 54 St. Rep. 861; 25 Supp. 191.

Affirmed, 148 N. Y. 112.

Cited, Shade Trees — Injuries to — Damages.

86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895).

Evans v. The Keystone Gas Co., 148 N. Y. 112.

Evans v. Lake Shore & Michigan Southern R. Co., 12 Hun, 289.

Cited, Master and Servant—Risks.

70 Hun, 458; (53 St. Rep. 691; 24 Supp. 503).

Evans v. Ogsbury, 2 App. Div. 556; 74 St. Rep. 399; 37 Supp. 1104.

Evans v. Schoonmaker, 2 Dem. 249.

Affirmed, 31 Hun, 638.

Cited, Administrators—Bond.

20 Misc. 78; (79 St. Rep. 823; 45 Supp. 823).

Evans v. Silbermann, 7 App. Div. 139; 40 Supp. 298.

Evans v. Sims, 82 Hun, 396; 63 St. Rep. 565; 31 Supp. 259.

Affirmed, 152 N. Y. 622.

Cited, Surrogate's Court—Evidence—Exclusion.

5 App. Div. 528; (38 Supp. 1183).

Evans v. United States Life Ins. Co., 64 N. Y. 304.

Cited, Contracts—Breach—Subsequent Incapacity.

143 N. Y. 452; (62 St. Rep. 457).

Evans v. Utica, 69 N. Y. 166.

Cited, Contributory Negligence—Submission to Jury.

13 App. Div. 503; (77 St. Rep. 659; 43 Supp. 659). 17 App. Div. 112; (78 St. Rep. 943; 44 Supp. 943).

Evans v. Voght & Bros. Mfg Co., 5 Misc. 330; 55 St. Rep. 212; 25 Supp. 509.

Cited, Negligence—Presumption.

12 Misc. 334; (65 St. Rep. 789; 33 Supp. 641).

Evans v. Warner, 21 Hun, 574.

Cited, Evidence—Sufficiency—Intent to Defraud Creditors—Threats of Preferential Assignment.

73 Hun, 352; (55 St. Rep. 765; 26 Supp. 197). 20 Misc. 147; (79 St. Rep. 718; 45 Supp. 718).

Fraud—What Constitutes—Intent to Assign.

70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133). 19 Misc. 413; (78 St. Rep. 336; 44 Supp. 336).

Evansville Nat. Bank v. Kaufman, 93 N. Y. 273.

Cited, Evidence—Parol—Ambiguity—Construction.

142 N. Y. 210; (58 St. Rep. 651). 12 Misc. 307; (67 St. Rep. 84; 34 Supp. 42). 1 Misc. 334; (48 St. Rep. 707; 20 Supp. 680). 2 App. Div. 586; (74 St. Rep. 446; 37 Supp. 17). 86 Hun, 126; (67 St. Rep. 21; 33 Supp. 187). 8 App. Div. 104; (40 Supp. 406).

Guaranty—Consideration—What Will Discharge Guarantor.

69 Hun, 363; (52 St. Rep. 694; 23 Supp. 626). 92 Hun, 170; (71 St. Rep. 206; 36 Supp. 367). 74 Hun, 232; (56 St. Rep. 325; 26 Supp. 623).

Contracts—Statutes of Fraud—Guaranty Consideration.

80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854). 81 Hun, 206; (62 St. Rep. 708; 30 Supp. 766). 34 Supp. 42.

• *Duplicate Citations in Parenthesis.*

Letters of Credit—General and Special Guarantee.

84 Hun, 598; (66 St. Rep. 144; 32 Supp. 864). 84 Hun, 600; (66 St. Rep. 146; 32 Supp. 866). D. 9 App. Div. 415; (75 St. Rep. 981; 41 Supp. 590).

Evarts v. Kiehl, 102 N. Y. 296.

Cited, 31 Supp. 1132.

Everard v. New York, 89 Hun, 425; 69 St. Rep. 760; 35 Supp. 315.

Everts v. U. S. Mut. Accident Ass'n, 40 St. Rep. 878; 16 Supp. 27.

Cited, Associations—Mutual Benefit—Illegal Assessments—Relief.

76 Hun, 537; (58 St. Rep. 270; 28 Supp. 179).

Pleading—Amendment—After Judgment—Omissions.

7 Misc. 518; (27 Supp. 996).

Everets, Matter of. See *Stevenson, Matter of*.

Everett v. Coffin, 6 Wend. 603.

Cited, Conversion—What Constitutes—Defense.

79 Hun, 590; (61 St. Rep. 557; 29 Supp. 934). 81 Hun, 528; (63 St. Rep. 210; 30 Supp. 1016).

Everett v. Everett, 48 N. Y. 218.

Cited, Trusts.

83 Hun, 364; (64 St. Rep. 778; 31 Supp. 905).

Everett v. Morrison, 50 St. Rep. 33; 21 Supp. 328.

Everett v. Morrison, 69 Hun, 146; 52 St. Rep. 525; 23 Supp. 377.

Everett v. N. Y. Engraving and Printing Co., 19 Misc. 360; 77 St. Rep. 502; 43 Supp. 502.

Everett v. Saltus, 15 Wend. 474.

Cited, Estoppel—Inconsistent Claims.

4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697).

Everett v. Schepmoes, 6 Hun, 479.

Cited, Partnership—Real Estate—Dower. 10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Evergreens, Matter of, 47 N. Y. 216.

Cited, Statutes—Repealing Effect—General on Local.

73 Hun, 585; (56 St. Rep. 192; 26 Supp. 287). 17 App. Div. 100; (78 St. Rep. 872; 44 Supp. 872). 86 Hun, 81; (67 St. Rep. 119; 33 Supp. 349). 82 Hun, 93; (63 St. Rep. 498; 31 Supp. 177).

Everitt v. Strong, 5 Hill, 163.

Affirmed. 7 Hill, 585.

Cited, Partners—Choses in Action—Assignment.

20 Misc. 314; (79 St. Rep. 848; 45 Supp. 848).

Everitt v. Conklin, 90 N. Y. 645.

Cited, Money Had and Received—When Proper Form of Action.

49 St. Rep. 421; (20 Supp. 827).

Everitt v. Everitt, 29 N. Y. 39.

Cited, Joint Tenants—Personalty—Cotenancy In.

140 N. Y. 104; (55 St. Rep. 312).

Trusts—Solidarity—Severance.

140 N. Y. 145; (55 St. Rep. 550).

Wills—Perpetuities—What is Unlawful Suspension.

79 Hun, 509; (61 St. Rep. 587; 29 Supp. 900).

Conveyances—Two or More Persons—Effect.

150 N. Y. 93. 3 App. Div. 171; (73 St. Rep. 739; 38 Supp. 400).

Estates—Vesting.

6 App. Div. 490; (39 Supp. 651).

Estates—Survivorship.

11 Misc. 466; (67 St. Rep. 280; 33 Supp. 432).

Real Estate—Conversion.

79 St. Rep. 1070; (45 Supp. 1070).

Everitt v. Everitt, 41 Barb. 385.

Cited, Witnesses—Credibility.

13 Misc. 469; (68 St. Rep. 743; 34 Supp. 708; 25 Civ. Pro. 29).

Decedent's Estate—Action—Limitation.

9 App. Div. 347; (75 St. Rep. 722; 41 Supp. 309).

Everitt v. N. Y. Engraving and Printing Co., 14 Misc. 580; 70 St.

Rep. 694; 35 Supp. 1097.

Cited, 19 Misc. 363; (77 St. Rep. 504; 43 Supp. 504).

Res Adjudicata.

19 Misc. 360; (77 St. Rep. 502; 43 Supp. 502).

Contract—Restraint of Trade.

15 Misc. 104; (71 St. Rep. 431; 36 Supp. 479).

Everitt v. Park, 88 Hun, 368; 63 St. Rep.

765; 34 Supp. 827; 2 Ann. Cas. 205.

Evers v. Long Island City, 78 Hun.

242; 60 St. Rep. 3; 28 Supp. 825.

Evers v. O'Mara, 13 Misc. 240; 68 St. Rep. 357; 34 Supp. 453.

Evers v. Weil, 135 N. Y. 649; 48 St. Rep. 931.

*Duplicate Citations in Parenthesis.***Evers v. Weil**, 17 Supp. 29.*Cited*, Agents—Service of Notice.

7 App. Div. 471; (39 Supp. 1108).

Everson v. Carpenter, 17 Wend. 419.*Cited*, Witness—Impeachment—Contradictory Statements.

1 Misc. 284; (48 St. Rep. 668; 20 Supp. 705). 2 Misc. 337; (51 St. Rep. 586; 21 Supp. 996). 12 Misc. 60; (66 St. Rep. 683; 33 Supp. 49).

Everson v. Gehrman, 2 Abb. 413.*Cited*, Appeal—Costs.

49 St. Rep. 264; (20 Supp. 925).

Everson v. McMullen, 113 N. Y. 293
22 St. Rep. 787.*Cited*, Mortgage—Payment—Estate.

12 Misc. 593; (70 St. Rep. 278; 35 Supp. 774).

Everson v. Powers, 89 N. Y. 537.*Affirming*, 60 How. 166.*Cited*, Master and Servant—Discharge—Damages.

67 Hun. 354; (51 St. Rep. 648; 22 Supp. 263). 9 Misc. 392; (61 St. Rep. 685; 30 Supp. 195). 152 N. Y. 149. 10 Misc. 675; (64 St. Rep. 295; 31 Supp. 669; 1 Ann. Cas. 272). 16 Misc. 300; (74 St. Rep. 572; 38 Supp. 118).

Everson v. Powers, 60 How. 166.*Cited*, Master and Servant—Wrongful Discharge—Damages.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194). 16 Misc. 300; 74 St. Rep. 572; 38 Supp. 118).

Everts v. Everts, 62 Barb. 577.*Cited*, Surrogate's Court—Appearance—Effect.

92 Hun. 293; (71 St. Rep. 779; 36 Supp. 713).

Evertson v. Booth, 19 Johns. 485.*Cited*, Creditors—Securities—Vested Rights.

143 N. Y. 264; (62 St. Rep. 155). 72 St. Rep. 584; (37 Supp. 313).

**Evertson v. National Bank of New-
port**, 65 N. Y. 14.*Cited*, Negotiable Instruments—Coupons.

149 N. Y. 536; 20 Misc. 657.

Evertson v. Tappen, 5 Johns. Ch. 497.*Cited*, Accounting—Infants—Claim for Board—Allowance for Services.

10 App. Div. 597; (76 St. Rep. 137; 42 Supp. 137). 15 Misc. 206; (72 St. Rep. 186; 37 Supp. 35).

Evoy v. Expressmen's Aid Society,
51 St. Rep. 38; 21 Supp. 641.*Cited*, Pleading—Amendment.

92 Hun. 429; (72 St. Rep. 107; 36 Supp. 1005).

Ewald v. American News Co., 18
Misc. 468; 75 St. Rep. 1247; 41 Supp.
881.**Ewart v. Bank of Monroe**, 70 Hun,
90; 53 St. Rep. 497; 23 Supp. 1124.*Cited*, Executors—Suits Affecting Estate—Counterclaims.

8 Misc. 151; (59 St. Rep. 385; 29 Supp. 304).

E. W. Bliss Co. See Bliss Co.**E. W. Bliss Co. v. United States In-
candescent G. Co.**, 60 St. Rep. 721;
29 Supp. 110.**Ewen, Matter of**, 7 Misc. 619; 59 St.
Rep. 310; 28 Supp. 583.**Ewer, Matter of**, 70 Hun. 239; 54 St.
Rep. 348; 24 Supp. 500.*Affirming*, 47 St. Rep. 501.*Cited*, Constitutional Law—Police Power—Children.

79 Hun. 583; (61 St. Rep. 581; 29 Supp. 894).

Ewen v. Perrine, 5 Redf. 640.*Cited*, Undue Influence—Burden of Proof.

9 App. Div. 381; (75 St. Rep. 878; 41 Supp. 487).

Ewen v. Terry, 8 Cow. 126.*Cited*, Set-off—Judgments.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

**Excelsior Brick Co. v. Haverstraw,
Vil. of**, 142 N. Y. 146; 58 St. Rep. 620.*Reversing*, 50 St. Rep. 513; 21 Supp. 99.*Cited*, Highways—Non-user.

11 App. Div. 215; (76 St. Rep. 952; 42 Supp. 952).

**Excelsior Fire Ins. Co. v. Royal Ins.
Co. of Liverpool**, 55 N. Y. 348.*Cited*, Insurance—Insurable Interest—Property Unpaid For.

71 Hun. 370; (55 St. Rep. 8; 24 Supp. 1132). 11 Misc. 169; (65 St. Rep. 150; 32 Supp. 94).

**Excelsior Grain Binder Co. v. Stay-
ner**, 25 Hun. 91; 58 How. 273.*Cited*, Contracts—Prohibited by Statutes—Enforcement.8 Misc. 320; (59 St. Rep. 246; 28 Supp. 561)
Corporation—Subscription to Stock—Val-
idity—Payment of Percentage.

9 Misc. 426; (61 St. Rep. 707; 30 Supp. 264).

Excelsior P. Co. v. Lacey, 63 N. Y.
422.*Cited*, Corporations—Dividends—Limita-
tion on Declaration of

141 N. Y. 254; (56 St. Rep. 824).

Duplicate Citations in Parenthesis.

Excelsior Steam Power Co. v. Cosmopolitan Pub. Co., 80 Hun, 592; 62 St Rep. 553; 30 Supp. 557; 24 Civ. Pro. 92.

Cited, Attachment—Insurance Policy. 19 Misc. 602; (78 St. Rep. 370; 44 Supp. 370).

Attachment—Contingent Rights. 16 App. Div. 356; (78 St. Rep. 1030; 44 Supp. 1030).

Excelsior Steam-Power Co. v. Halsted, 5 App. Div. 124; 39 Supp. 43.

Cited, Landlord and Tenant—Holding over.

19 Misc. 529; (77 St. Rep. 1065; 43 Supp. 1065; 3 Ann. Cas. 374.)

Exchange Fire Ins. Co. v. Norris, 74 Hun, 527; 57 St. Rep. 191; 26 Supp. 823.

Cited, Pleading—Frivolous.

68 St. Rep. 223; (34 Supp. 136).

Exchange Nat. Bank v. Monteath, 17 Barb. 171.

Affirmed, 26 N. Y. 505.

Cited, Principal and Agent—Authority of Agent—Apparent—Liability of Principal. 8 Misc. 267; (59 St. Rep. 397; 28 Supp. 542).

Excise Board, Matter of, 72 St. Rep. 822; 38 Supp. 425.

Cited, Excise License — Commissioner's Discretion.

72 St. Rep. 806; (38 Supp. 178).

Exempt Firemen's Ben. F. Trustees v. Roome, 93 N. Y. 313.

Cited, Statutes—Construction—Resort to title.

73 Hun, 278; (58 St. Rep. 73; 26 Supp. 374).

Exhorn v. Exhorn, 1 App. Div. 124; 72 St. Rep. 222; 37 Supp. 68.

Eyre v. Beebe, 28 How. 333.

Cited, Limitation of Action — When Statute Runs—Creditor's Action.

68 Hun, 379; (52 St. Rep. 313; 22 Supp. 1014).

Eyre v. Higbee, 15 How. 42.

Cited, Pleading—Actual Fraud—Proof.

19 Misc. 512; (77 St. Rep. 1127; 43 Supp. 1127).

Eyring v. Hercules Land Co., 9 App. Div. 306; 75 St. Rep. 639; 41 Supp. 191.

Eysaman, Matter of, 113 N. Y. 62; 22 St. Rep. 136.

Cited, Appeal—Harmless Error—Incompetent Evidence.

71 Hun, 401; (55 St. Rep. 37; 25 Supp. 30).

73 Hun, 264; (57 St. Rep. 289; 26 Supp. 268).

Witnesses—Competency—Death of Other Party.

67 Hun, 650; (51 St. Rep. 940; 23 Supp. 1153). 68 Hun, 583; (52 St. Rep. 577; 23 Supp. 253).

71 Hun, 30; (53 St. Rep. 873; 24 Supp. 505). 78 Hun, 49; (60 St. Rep. 505; 28 Supp. 1066).

141 N. Y. 392; (57 St. Rep. 602). 49 St. Rep. 250; (20 Supp. 960), 86 Hun, 403; (67 St. Rep. 232; 33 Supp. 479).

6 App. Div. 215; (39 Supp. 812).

F

Fagan v. Gurney, 14 Week. Dig. 468.

Cited, Trusts—Creation — Principal and Income.

D. 50 St. Rep. 296; (21 Supp. 531).

Fagan v. Strong, 17 Civ. Pro. 438; 7 Supp. 919.

Cited, Pleading—Foreign Statute.

80 Hun, 16; (61 St. Rep. 493; 29 Supp. 834).

Fagnan v. Knox, 66 N. Y. 525.

Cited, Evidence—Burden of Proof—Want of Probable cause—Malice—Malicious Prosecution.

5 Misc. 554; (26 Supp. 58). 8 App. Div. 336; (75 St. Rep. 219; 40 Supp. 832). 2 Misc. 305; (51 St. Rep. 571; 21 Supp. 1000). 60 St. Rep. 94; (50 St. Rep. 831; 22 Supp. 337). 16 Misc. 33; (73 St. Rep. 282; 37 Supp. 663).

Money Had and Received—Recovery—Title.

4 Misc. 314; (24 Supp. 262).

Faherty v. Schuyler Tow-Boat Line, 43 Hun, 432.

Cited, Venue—Change by Complaint.

12 App. Div. 603; (77 St. Rep. 112; 43 Supp. 112).

Fahr v. Manhattan R. Co., 9 Misc. 57; 59 St. Rep. 683; 29 Supp. 1.

Cited, Contributory Negligence.

10 Misc. 417; (63 St. Rep. 522; 31 Supp. 141).

Fahy v. Muhlker, 1 Misc. 321; 20 Supp. 671.

Cited, Appeal—Review.

17 Misc. 380; (40 Supp. 98).

Fahy v. North, 19 Barb. 341.

Cited, Contract—Performance.

73 St. Rep. 350; (38 Supp. 161; 2 Ann. Cas. 374).

Failing v. Syracuse, 4 Misc. 50; 24 Supp. 705.

*Duplicate Citations in Parenthesis.***Fairbanks v. Corlies**, 1 Abb. 150.*Cited*, Appeal—Party Aggrieved.

13 App. Div. 603; (77 St. Rep. 630, 632; 43 Supp. 630; 632).

Fairbanks v. Mothersell, 60 Barb. 406.*Cited*, Married Woman—Services—Presumption.

85 Hun. 129; (65 St. Rep. 653; 32 Supp. 468).

Fairbanks v. Sargent, 104 N. Y. 108; 5 St. Rep. 531.*Cited*, Assignment—Equitable—Orders.

2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981).

Assignment—Priority—Notice.

5 Misc. 238; (54 St. Rep. 834; 25 Supp. 335). 147 N. Y. 283; (69 St. Rep. 674).

Assignment—Of Claim in Suit—Rights of Assignee in Settlement.

137 N. Y. 456; (51 St. Rep. 172). 8 App. Div. 562; (75 St. Rep. 286; 40 Supp. 890).

Attorneys—Contingent Fee—Lien.

137 N. Y. 540; (50 St. Rep. 31).

Bills and Notes—Diversion—Bona Fide Holder—Protection.

8 App. Div. 7; (74 St. Rep. 755; 40 Supp. 192).

Fairbanks v. Sargent, 117 N. Y. 320; 27 St. Rep. 411.*Cited*, Assignment—Of Claim in Suit—Rights of Assignee in Settlement.

137 N. Y. 456; (51 St. Rep. 172).

Assignment—Priority—Notice.

5 Misc. 238; (54 St. Rep. 834; 25 Supp. 335).

Attorneys—Contingent Fee—Lien.

137 N. Y. 540; (50 St. Rep. 31).

Fairbanks Canning Co. v. Metzger, 118 N. Y. 260; 28 St. Rep. 775.*Cited*, Sale—Retention—Waiver of Defects.

69 Hun. 435; (52 St. Rep. 615; 22 Supp. 354).

Bill of Sale—Warranty.

19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094). 10 Misc. 648; (65 St. Rep. 218; 32 Supp. 122). 16 Misc. 589; (74 St. Rep. 144; 38 Supp. 803).

Sale—Warranty—Express.

2 Misc. 257; (50 St. Rep. 341; 21 Supp. 931).

Sale—Express Warranty—Survival After Acceptance.

79 Hun. 55; (61 St. Rep. 184; 29 Supp. 640). D. 140 N. Y. 203; (55 St. Rep. 582).

Fairchild, Matter of, 151 N. Y. 359.**Fairchild, Matter of**, 10 Daly. 74.*Cited*, Costs—Extra Allowance—Disputed Claims Against Insolvent's Estate.

6 Misc. 527; (86 St. Rep. 743; 27 Supp. 417).

Fairchild, Matter of, 151 N. Y. 359.*Cited*, Appellate Division—Findings of Fact—Review in Court of Appeals.

152 N. Y. 450.

Fairchild v. Bentley, 30 Barb. 147.*Cited*, Animals—Trespass—Liability of Owner.

79 Hun. 503; (61 St. Rep. 257; 29 Supp. 947).

Fairchild v. Case, 24 Wend. 381.*Cited*, Arrest—Escape—Excuse of Officers.

79 Hun. 465; (61 St. Rep. 251; 29 Supp. 984).

Fairchild v. Edson, 81 Hun. 80; 62 St. Rep. 548; 30 Supp. 615.*Affirmed*, 144 N. Y. 645; 64 St. Rep. 866.**Fairchild v. Edson**, 5 Misc. 451; 25 Supp. 937.*Modified*, 77 Hun. 298; 59 St. Rep. 163; 28 Supp. 401.

Wills—Construction—Trusts.

72 St. Rep. 130; (37 Supp. 101).

Fairchild v. Edson, 77 Hun. 298; 59 St. Rep. 163; 28 Supp. 401.*Cited*, 81 Hun. 80; (62 St. Rep. 549; 30 Supp. 615).

Wills—Construction—Trusts.

72 St. Rep. 130; (37 Supp. 101). 10 App. Div. 114, 117; (75 St. Rep. 1121, 1124; 41 Supp. 730, 732).

Fairchild v. Fairchild, 64 N. Y. 471.*Cited*, Partnership—Property—Nature.

53 St. Rep. 849; (25 Supp. 132). 85 Hun. 483; (66 St. Rep. 702; 33 Supp. 99). 82 Hun. 241; (63 St. Rep. 591; 31 Supp. 273).

Partnership Property—Proof—Parol Evidence.

82 Hun. 600; (64 St. Rep. 182; 31 Supp. 547). 10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Partnership Property—Legal Title—Trustee.

6 App. Div. 29; (39 Supp. 528).

Fairchild v. Lynch, 9 Week. Dig. 181.*Cited*, Pleading—Defense—Construction.

86 Hun. 482; (69 St. Rep. 464; 35 Supp. 51).

Fairchild v. McMahon, 139 N. Y. 290; 54 St. Rep. 495.*Affirming*, 47 St. Rep. 760; 20 Supp. 31.*Cited*, Fraud—Opinion—Representations.

82 Hun. 297; (64 St. Rep. 75; 31 Supp. 490). 15 App. Div. 85; (78 St. Rep. 288; 44 Supp. 288). 14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084). 79 St. Rep. 628, 629; (45 Supp. 628, 629).

Duplicate Citations in Parenthesis.

Fraud—Misrepresentation—Agent.

14 Misc. 521; (70 St. Rep. 702; 35 Supp. 1084). 19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73).

Fairchild v. Ogdensburgh, Clayton & Rome R. Co., 15 N. Y. 837.

Cited, Bills and Notes—Presentment.

20 Misc. 567.

Fairfax v. N. Y. C. & H. R. R. Co., 67 N. Y. 11.

Cited, Bailment—Delivery by Bailee.

4 Misc. 483; (54 St. Rep. 266; 24 Supp. 362). 16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Bailment—Loss—Negligence—Presumption.

18 Misc. 207; (75 St. Rep. 781; 41 Supp. 371)

Fairfax v. N. Y. C. & H. R. R. Co., 73 N. Y. 167.

Cited, Carriers—Loss of Baggage—Damages.

16 Misc. 614, 615; (73 St. Rep. 813; 38 Supp. 342).

Fairman v. Brush, 39 St. Rep. 231; 15 Supp. 44.

Distinguished, Reference—Report—Alteration of.

Cited, 66 Hun, 453; (50 St. Rep. 461; 21 Supp. 241).

Fairport Board of Education U. F. School v. Fonda, 77 N. Y. 350.

Cited, Officers—De Facto—Validity of Acts.

71 Hun, 316; (54 St. Rep. 753; 25 Supp. 65).

Fairweather, Matter of, 143 N. Y. 114; 62 St. Rep. 127.

Cited, Transfer Tax Law—Saving Clause—Construction.

90 Misc. 165; (70 St. Rep. 287; 35 Supp. 783).

Fairweather v. Satterly, 7 Robt. 546.

Cited, Guardian ad Litem—Failure to Appear—Effect.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

Fake v. Eddy, 15 Wend. 76.

Cited, Interest—By Way of Penalty—Satisfaction of Principal, Effect of.

1 Misc. 256; (22 Supp. 1087). 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321).

Fake v. Kellogg, 49 St. Rep. 465; 20 Supp. 985.

Fake v. Smith, 2 Abb. Ct. App. Dec. 76.

Cited, Bills and Notes—Endorser—Warranty.

18 Misc. 247; (75 St. Rep. 1002; 41 Supp. 609).

Fake v. Whipple, 39 N. Y. 394.

Cited, Public Officers—Responsibility—Degree of Care.

D. 77 Hun, 489; (60 St. Rep. 556; 28 Supp. 1095).

Falconer v. Freeman, 4 Sandf. Ch. 565.

Cited, Attachment—Property Fraudulently Transferred.

136 N. Y. 261; (49 St. Rep. 382). 81 Hun, 345; (63 St. Rep. 139; 30 Supp. 888).

Fales v. Globe Knitting Co., 51 Hun, 487; 21 St. Rep. 708; 4 Supp. 284.

Cited, Pleading—Demurrer—Form of Judgment on—Joint Defendants.

1 Misc. 424; (50 St. Rep. 567; 21 Supp. 249).

Falk v. Kareski, 32 Supp. 1128.

Falk v. Wolfsohn, 7 Misc. 313; 57 St. Rep. 553; 27 Supp. 903.

Falkenburg, Matter of, 19 Misc. 418; 77 St. Rep. 1137; 43 Supp. 1137.

Cited, D. 20 Misc. 697.

Falkenberg, Matter of, 20 Misc. 692.

Fall Brook Coal Co. v. Hecksher, 42 Hun, 534.

Cited, Contempt—Fine—Actual Damage.

11 App. Div. 401; (76 St. Rep. 688; 42 Supp. 688).

Fallkill National Bank of P. v. Sleight, 1 App. Div. 189; 72 St. Rep. 557; 37 Supp. 155.

Fallon v. Central Pk. N. & E. R. R. Co., 64 N. Y. 13.

Cited, Negligence—Contributory—Children.

75 Hun, 457; (57 St. Rep. 681; 27 Supp. 506). 12 App. Div. 154; (76 St. Rep. 666; 42 Supp. 666). 2 Misc. 76; (49 St. Rep. 631; 21 Supp. 785).

Fallon v. Durant, 60 How. 178.

Cited, Pleading—Answer—Denial.

16 Misc. 335; (39 Supp. 731).

Fallon v. Keleher, 16 Hun, 266.

Cited, Arbitration—Award—Modification After Delivery.

137 N. Y. 294; (50 St. Rep. 688).

Fallon v. Lawler, 102 N. Y. 228; 1 St. Rep. 397.

Cited, Pleading—Failure to Plead—Evidence of Substitute Agreement—Objection.

7 Misc. 112; (57 St. Rep. 488; 27 Supp. 389).

Duplicate Citations in Parenthesis.

Trial—Issues Outside Pleadings.

3 Misc. 254; (51 St. Rep. 909; 22 Supp. 757). 144 N. Y. 712; (71 St. Rep. 286). 10 Misc. 127; (62 St. Rep. 516; 30 Supp. 942).

Trial—Defects—Availability on Appeal.

151 N. Y. 260.

Payment—Waiver.

86 Hun, 337; (67 St. Rep. 168; 33 Supp. 533).

Falls, Matter of, 29 St. Rep. 759; 10 Supp. 41.

Cited, Appeal—From Surrogate's Decree—Case.

69 Hun, 406; (52 St. Rep. 844; 23 Supp. 650). 12 Misc. 256; (34 Supp. 639).

Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Faltiska v. N. Y. L. E. & W. R. Co., 12 Misc. 478; 67 St. Rep. 381; 33 Supp. 679.

Fancher v. N. Y. L. E. & W. R. Co., 75 Hun, 350; 56 St. Rep. 745; 27 Supp. 62.

Fancher v. Pinon, 18 Misc. 385; 75 St. Rep. 1483; 41 Supp. 1114.

Fandel v. Third Ave. R. Co., 15 App. Div. 426; 78 St. Rep. 462; 44 Supp. 462.

Faneuil Hall National Bank v. Bussing, 147 N. Y. 665; 71 St. Rep. 269.

Reversing, 65 St. Rep. 874; 32 Supp. 1142.

Fannessey v. Western Union T. Co., 6 Misc. 322; 56 St. Rep. 253; 26 Supp. 796.

Fannin v. McMullen, 2 Abb. N. S. 224. *Cited*, Statute of Frauds—Part Performance.

86 Hun, 505; (67 St. Rep. 527; 33 Supp. 782).

Fanning v. Fanning, 2 Misc. 90; 49 St. Rep. 234; 20 Supp. 849.

Cited, Divorce—Evidence.

11 Misc. 594; (66 St. Rep. 336; 32 Supp. 1081).

Fanning v. International Seed Co., 89 Hun, 146; 69 St. Rep. 239; 35 Supp. 10.

Fanning v. Osborne, 34 Hun, 121.

Cited, Street Railroads—Highways—Unauthorized Use.

81 Hun, 258; (62 St. Rep. 716; 30 Supp. 772).

Fanning v. Osborne, 102 N. Y. 441.

Cited, Street Railroads—Highways—Unauthorized Use—Abutting Owners—Damages.

153 N. Y. 152. 81 Hun, 258; (62 St. Rep. 716; 30 Supp. 772). 13 App. Div. 282; (77 St. Rep. 176; 43 Supp. 176). 17 Misc. 716; (40 Supp. 1095).

Street Railroads—Grant of Franchise—Public Policy.

88 Hun, 63; (68 St. Rep. 635; 34 Supp. 598).

Fanton v. Coachmen's Benevolent Union, 13 Misc. 245; 68 St. Rep. 209.

Farbush v. Clarkson, 17 App. Div. 327; 79 St. Rep. 215; 45 Supp. 215.

Fargis v. Walton, 107 N. Y. 398; 12 St. Rep. 60.

80 Hun, 70; (61 St. Rep. 606; 29 Supp. 855).

Contracts—Statute of Frauds—Sufficiency of Writing—Consideration—Specialty.

61 St. Rep. 606; (29 Supp. 855). 16 App. Div. 203; (78 St. Rep. 751; 44 Supp. 751).

Licenses—Revocation.

12 Misc. 304; (67 St. Rep. 841; 34 Supp. 40).

Fargo, Matter of, 20 Misc. 137; 79 St. Rep. 732; 45 Supp. 732.

Fargo v. Arthur, 43 How. 193.

Cited, Interpleader.

39 Hun, 385; (69 St. Rep. 785; 35 Supp. 199; 25 Civ. Pro. 293; 2 Ann. Cas. 224).

Fargo v. Helmer, 43 Hun, 17.

Cited, Costs.

25 Civ. Pro. 345.

Fargo v. N. Y. & New England R. Co., 3 Misc. 205; 52 St. Rep. 205; 23 Supp. 3rd.

Cited, Injunction—Preliminary—Specific Performance.

8 Misc. 302; (59 St. Rep. 285; 28 Supp. 739).

Fargo v. Owen, 79 Hun, 181; 61 St. Rep. 154; 29 Supp. 611.

Fargo v. Squiers, 6 App. Div. 485; 39 Supp. 648.

Cited, Wills—Construction—Intent of Testator.

9 App. Div. 605; (75 St. Rep. 1132; 42 Supp. 739).

Farian v. Wiegel, 76 Hun, 462; 58 St. Rep. 707; 28 Supp. 95; 31 Abb. N. C. 159.

Cited, Decedent's Estates—Gifts—Evidence to Sustain.

D. 16 App. Div. 556; (78 St. Rep. 999; 44 Supp. 999). 15 Misc. 538; (74 St. Rep. 558; 38 Supp. 106). 17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842).

Duplicate Citations in Parenthesis.

Fariera v. Smith, 3 Misc. 255; 52 St. Rep. 124; 22 Supp. 939.

Faris v. Peck, 10 Abb. N. S. 55.

Cited. Forgery—What Constitutes—Person of Same Name.

76 Hun, 478; (59 St. Rep. 360; 27 Supp. 1072).

Farish v. Austin, 25 Hun, 430.

Cited, 67 St. Rep. 583; (33 Supp. 713; 24 Civ. Pro. 333).

Judgment—Leave to Sue.

13 Misc. 507; (76 St. Rep. 1084; 42 Supp. 1084).

Farjeon v. Fogg, 6 Misc. 219; 73 St. Rep. 522; 37 Supp. 980; 3 Ann. Cas. 120.

Cited. Insurance—Restriction of Right to Sue—Public Policy.

17 App. Div. 41; (78 St. Rep. 890; 44 Supp. 890). 18 Misc. 593; (76 St. Rep. 236; 42 Supp. 236). 19 Misc. 243; (76 St. Rep. 995; 42 Supp. 995).

Farleigh v. Cadman, 11 App. Div. 628; 75 St. Rep. 1338; 41 Supp. 981.

Farley, Matter of, 15 St. Rep. 727.

Cited. Taxes—Inheritance—Exemptions.

4 Misc. 231; (25 Supp. 109).

Farley v. Amsterdam, 70 Hun, 600; 53 St. Rep. 936; 24 Supp. 1144.

Following, 66 Hun, 214; 49 St. Rep. 51; 21 Supp. 42.

Farley v. Amsterdam, 144 N. Y. 631.

Farley v. Carpenter, 27 Hun, 359.

Cited. Vendor and Purchaser—Fraud—Notice.

D. 86 Hun, 255; (66 St. Rep. 754; 33 Supp. 238).

Farley v. Cleveland, 4 Cow. 432.

Cited. Contracts—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 508; (54 St. Rep. 766; 25 Supp. 214). 150 N. Y. 239. 6 App. Div. 408; (39 Supp. 667).

Farley v. Lyddy, 8 Daly, 514.

Cited. Appeal—To General Term C. P.—Scope of Review.

3 Misc. 71; (51 St. Rep. 857; 22 Supp. 555). 12 Misc. 16; (66 St. Rep. 536; 33 Supp. 38).

Farley v. McConnell, 7 Lans. 428; 52 N. Y. 630.

Cited. Political Divisions—Judicial Notice.

80 Hun, 341; (62 St. Rep. 17; 30 Supp. 106).

Farley v. New York, 152 N. Y. 222.

Cited. Highways—Obstruction—Nuisance.

79 St. Rep. 1080; (45 Supp. 1080.)

Farley v. New York, 9 App. Div. 536; 75 St. Rep. 1018; 41 Supp. 622.

Reversed, 153 N. Y. 222.

Farley v. New York, 15 Misc. 33; 72 St. Rep. 264; 2 Ann. Cas. 324.

Farley v. Picard, 78 Hun, 160; 61 St. Rep. 516; 29 Supp. 802.

Cited. Vicious Animals—Injuries by.

17 App. Div. 142; (79 St. Rep. 158; 45 Supp. 158).

Farley v. Pickard, 151 N. Y. 662.

Farley v. Shoemaker, 17 St. Rep. 205; 1 Supp. 729.

Cited. Attachment—Affidavits—Sufficiency—Declarations of Third Persons.

76 Hun, 610; (57 St. Rep. 319; 24 Supp. 644). 90 Hun, 567; (70 St. Rep. 543; 35 Supp. 881).

Farman v. Feeley, 56 N. Y. 451.

Cited. Malicious Prosecution—Probable Cause.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 999).

Farmer v. National Life Ass'n of Hartford, 138 N. Y. 265; 52 St. Rep. 346.

Affirming, 67 Hun, 119; 51 St. Rep. 183; 21 Supp. 1056.

Farmer v. National Life Ass'n of Hartford, 73 Hun, 522; 56 St. Rep. 154; 26 Supp. 126.

Cited. Examination of Party Before Trial—Crimination.

88 Hun, 312; (68 St. Rep. 570; 34 Supp. 751).

Farmer v. National Life Association of Hartford, 138 N. Y. 265.

Cited. Courts—Appearance—Estoppel.

17 Misc. 564; (75 St. Rep. 95; 40 Supp. 690).

Farmer v. Robbins, 47 How. 415.

Cited. Privilege of Witness.

10 Misc. 291; (63 St. Rep. 245; 30 Supp. 1054; 24 Civ. Pro. 129).

Farmers Bank of Amsterdam v. Blair, 44 Barb. 641.

Cited. Bills and Notes—Recovery Against Endorser—Effect on Maker's Liability to Holder.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22).

Bills and Notes—Release of Maker—Effect as to Endorsers.

7 Misc. 425; (57 St. Rep. 647; 27 Supp. 1017).

Contracts—Consideration—Compromise of Disputed claim.

66 Hun, 172; (49 St. Rep. 153; 21 Supp. 128). 82 Hun, 149; (63 St. Rep. 765; 31 Supp. 317). 19 Misc. 175; (77 St. Rep. 222; 43 Supp. 232).

*Duplicate Citations in Parenthesis.***Farmers' Bank of Bridgeport v. Vail**, 21 N. Y. 485.*Cited*, Bills and Notes—Protest.

138 N. Y. 497; (53 St. Rep. 114).

Bills and Notes—Prior Endorsers—Protest—Notice.

9 Misc. 88; (59 St. Rep. 690; 29 Supp. 62).

Farmers' Bank of Fayetteville v. Hale, 59 N. Y. 53.*Cited*, Statutes—Legislative interpretation.

17 App. Div. 71; (78 St. Rep. 857; 44 Supp. 957).

Farmers' Bank of Washington Co. v. Cowan, 2 Abb. Ct. App. Dec. 88*Cited*, Trial—Striking Out—Testimony—Irresponsible.

4 Misc. 533; (54 St. Rep. 120; 24 Supp. 576). 3 Misc. 306; (52 St. Rep. 122; 22 Supp. 933).

Farmers' and Citizens' Nat. Bank v. Noxon, 45 N. Y. 762.*Cited*, Bills and Notes—Diversion—Bona Fide of Holder.

6 Misc. 543; (58 St. Rep. 14; 27 Supp. 228). 145 N. Y. 507; (65 St. Rep. 373). 75 St. Rep. 1042.

Farmers & Mechanics' Bank v. Butchers' & D. Bank, 16 N. Y. 125.*Cited*, Bills and Notes—Apparent Authority to Make—Corporations—Bona Fide Holders.

4 Misc. 574; (25 Supp. 796). 90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Estoppel—Statements to Third Persons—Negotiability.

70 Hun, 528; (54 St. Rep. 51; 24 Supp. 396).

Farmers & Mechanics' Bank v. Empire Stone Dressing Co., 5 Bosw. 275.*Cited*, Bills and Notes—Corporations—Accommodation—Endorser.

90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Farmers & Mechanics' Nat. Bank v. Gregory, 49 Barb. 155.*Cited*, Tenancy by the Entirety—Effect of Married Woman's Acts on.

67 Hun, 232; (50 St. Rep. 780; 22 Supp. 797).

Farmers & Mechanics' Nat. Bank v. Logan, 74 N. Y. 568.*Cited*, Sale—Bills of Lading—Title—Advantage of Purchase Money.

31 Abb. N. C. 14. 31 Abb. N. C. 5. 31 Abb. N. C. 21; (28 Supp. 257). 89 Hun, 200; (69 St. Rep. 101; 34 Supp. 1020) 11 App. Div. 309; (76 St. Rep. 391; 42 Supp. 391).

Farmers & M. Bank of Michigan v. Evans, 4 Barb. 487.*Cited*, Guaranty—Obligation of—Restriction.

14 Misc. 231, 232, 233; (70 St. Rep. 255; 35 Supp. 884).

Farmers' Loan & Trust Co. v. Aberle, 18 Misc. 257; 41 Supp. 638.**Farmers' Loan & Trust Co. v. Baker**, 20 Misc. 387.**Farmers' Loan & Trust Co. v. Bankers & M. Tel. Co.**, 83 Hun, 560; 65 St. Rep. 35; 31 Supp. 1096.*Affirmed*, 148 N. Y. 315.**Farmers' Loan & Trust Co. v. Bankers & M. Tel. Co.**, 109 N. Y. 342; 15 St. Rep. 516.*Cited*, 146 N. Y. 377; (67 St. Rep. 899).

Appeal—Waiver—Accepting Benefits of Determination.

137 N. Y. 609; (51 St. Rep. 75). 91 Hun, 334; (72 St. Rep. 104; 36 Supp. 1002). 4 App. Div. 366; (74 St. Rep. 248; 38 Supp. 729).

Farmers' Loan & Trust Co. v. Bankers & M. Tel. Co., 148 N. Y. 315.**Farmers' Loan & Trust Co. v. Carroll**, 5 Barb. 613.*Cited*, Trust—Express—Agreement for Accounting by Mortgagee on Foreclosure.

69 Hun, 41; (52 St. Rep. 827; 23 Supp. 441).

Farmers' Loan & Trust Co. v. Dickson, 9 Abb. 61.*Cited*, Action—Commencement—Issuance of Summons—Service.

6 Misc. 251; (57 St. Rep. 764; 27 Supp. 162).

Farmers' Loan & Trust Co. v. Eno, 21 Abb. N. C. 219.*Cited*, Deeds—Judicial Sales—Reformation.

66 Hun, 448; (50 St. Rep. 136; 21 Supp. 419; 29 Abb. N. C. 419).

Farmers' Loan & Trust Co. v. Equity Gaslight Co., 84 Hun, 373; 65 St. Rep. 591; 32 Supp. 385.**Farmers' Loan & Trust Co. v. Farmers' L. & T. Co. of Kansas**, 1 Supp. 44.*Cited*, Corporation—Change of Name.

83 Hun, 576; (65 St. Rep. 137; 32 Supp. 14).

Farmers' Loan & Trust Co. v. Hotel Brunswick Co., 76 St. Rep. 693; 42 Supp. 693.

Duplicate Citations in Parenthesis.

Farmers' Loan & Trust Co. v. Hotel Brunswick Co., 76 St. Rep. 350; 42 Supp. 350.

Farmers' Loan & Trust Co. v. Hoffman House, 7 Misc. 358; 58 St. Rep. 684; 27 Supp. 634.

Farmers' Loan & Trust Co. v. Hendrickson, 25 Barb. 484.

Cited, Chattel Mortgage—Failure to File—Notice—Priority of Levy.

136 N. Y. 322; (49 St. Rep. 743).

Farmers' Loan & Trust Co. v. Housatonic R. Co., 152 N. Y. 251.

Cited, Appeal—Review—Evidence—Specific Objection.

20 Misc. 117; (79 St. Rep. 3; 45 Supp. 3).

Farmers' Loan & Trust Co. v. Long Beach Imp. Co., 27 Hun, 89.

Cited, Chattel Mortgage—Future Crops. 51 St. Rep. 36; (22 Supp. 1100).

Mortgage—After Acquired property—Effect as against Creditors.

17 Misc. 22; (39 Supp. 871).

Farmers' Loan & Trust Co. v. New York & N. R. Co., 78 Hun, 213; 60 St. Rep. 217; 28 Supp. 933.

Reversed, 150 N. Y. 410; 3 Ann. Cas. 359.

Cited, Corporations—Stockholders—Purchase of Stock.

14 Misc. 139; (72 St. Rep. 249; 36 Supp. 1102).

Farmers' Loan & Trust Co. v. New York & Northern R. Co., 150 N. Y. 410; 3 Ann. Cas. 359.

Cited, Corporations—Fraud of Directors—Stockholders' rights.

17 App. Div. 34; (78 St. Rep. 886; 44 Supp. 886).

Farmers' Loan & Trust Co. v. Siefke, 144 N. Y. 354; 63 St. Rep. 662; 1 Ann. Cas. 159.

Cited, Burden of Proof.

149 N. Y. 50. 90 Hun, 425; (60 St. Rep. 542; 35 Supp. 746). 15 Misc. 295; (71 St. Rep. 178; 36 Supp. 407). 20 Misc. 417; (79 St. Rep. 1043; 45 Supp. 1043). 20 Misc. 684. 79 St. Rep. 392; (45 Supp. 392).

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67 St. Rep. 548; (33 Supp. 723; 24 Civ. Pro. 384).

Farmers Loan & Trust Co. v. Staten Island Belt Line R. Co., 6 App. Div. 148; 39 Supp. 996.

Farmers Loan & Trust Co. v. Staten Island Belt-Line R. Co., 17 Misc. 168; 39 Supp. 872.

rmed, 6 App. Div. 148; 39 Supp. 996.

Farmers Loan & Trust Co. v. United Lines Tel. Co., 47 Hun, 315; 14 St. Rep. 269.

Cited, Pleading—Amendment—Change of Nature of Action.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293).

Farmers Loan & Trust Co. v. Walworth, 1 N. Y. 433.

Cited, Principal and Agent—Agent's Authority—Ratification.

7 Misc. 460; (25 Supp. 89).

Farmers Loan & Trust Co. v. Wilson, 139 N. Y. 284; 54 St. Rep. 458.

Affirming, 64 Hun, 194; 45 St. Rep. 623; 19 Supp. 142.

Farmers' National Bank v. Houston, 44 Hun, 567; 8 St. Rep. 557.

Cited, Reference—Compulsory—To Take Testimony.

136 N. Y. 509; (49 St. Rep. 748).

Reference—Compulsory—Facts Outside Pleadings.

1 Misc. 380; (49 St. Rep. 121; 20 Supp. 867).

Referees—To Take Testimony Before Trial.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028).

Farmers' Nat. Bank v. Leland, 50 N. Y. 673.

Cited, Pleading—Answer—False—Sham—Striking Out.

5 Misc. 511; (58 St. Rep. 106; 25 Supp. 969).

Farmers' Nat. Bank v. Thomas, 79 Hun, 595; 61 St. Rep. 518; 29 Supp. 837.

Cited, Bills and Notes—Filling Blank.

83 Hun, 531; (65 St. Rep. 50; 31 Supp. 1073). D. 83 Hun, 583; (65 St. Rep. 51; 31 Supp. 1074).

Farmers' National Bank v. Underwood, 90 Hun, 342; 70 St. Rep. 491; 35 Supp. 693; 25 Civ. Pro. 94.

Cited, Non-resident Party—Examination Before Action.

6 App. Div. 374; (39 Supp. 597).

Farmers' National Bank v. Underwood, 6 App. Div. 373; 39 Supp. 596.

Farmers' National Bank v. Underwood, 12 App. Div. 269; 76 St. Rep. 500; 42 Supp. 500.

Farmers' National Bank v. Underwood, 78 St. Rep. 121; 44 Supp. 121.

Duplicate Citations in Parenthesis.

Farmers' Nat. Bank v. Van Slyke, 49 Hun, 7; 17 St. Rep. 519; 1 Supp. 508.

Cited, Principal and Surety—Avoidance—Concealment.

76 Hun, 550; (58 St. Rep. 242; 28 Supp. 231). 91 Hun, 537; (71 St. Rep. 668; 36 Supp. 831). 2 App. Div. 106; (73 St. Rep. 145; 37 Supp. 529).

Farnam v. Barnum, 2 How. N. S. 396.

Cited, Action—Parties—United Interests—One for Benefit of All.

8 Misc. 341; (60 St. Rep. 442; 29 Supp. 340).

Farnam v. Feeley, 56 N. Y. 451.

Cited, Malicious Prosecution—Probable Cause.

6 App. Div. 475; (39 Supp. 603). 17 Misc. 89; (39 Supp. 832).

Farnham v. Benedict, 107 N. Y. 159;

11 St. Rep. 450; 27 Week. Dig. 437.

Cited, Bills and Notes—Conversion—Remedies—Bona Fide Holders.

68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241). 88 Hun, 296; (68 St. Rep. 401; 34 Supp. 672).

Corporations—Organization—Conditions Precedent.

81 Hun, 253; (62 St. Rep. 712; 30 Supp. 770). 6 App. Div. 245; (39 Supp. 1007).

Corporations—Fraud in Organization.

81 Hun, 256; (62 St. Rep. 714; 30 Supp. 771).

Farnham v. Hildreth, 32 Barb. 277.

Cited, Summons—Misnomer—Jurisdiction.

11 Misc. 254; (65 St. Rep. 858; 64 St. Rep. 612; 32 Supp. 737). 11 Misc. 577; (66 St. Rep. 179; 32 Supp. 797).

Farnham v. Hotchkiss, 2 Keyes, 9.

Cited, Failure of Title.

88 Hun, 403; (68 St. Rep. 817; 34 Supp. 806)

Farnham v. Mallory, 2 Abb. Ct. App. Dec. 100; 3 Keyes, 527; 5 Abb. N. S. 380.

Cited, Estoppel—Executor's Authority—Joining in Execution of Lease.

1 Misc. 196; (49 St. Rep. 80; 20 Supp. 877).

Farnshaw v. Myers, 17 St. Rep. 703; 1 Supp. 901.

Cited, Evidence—Acts and Declarations of Party—Property Rights.

79 Hun, 511; (61 St. Rep. 589; 29 Supp. 901).

Farnsworth v. Ebbs, 2 Hun, 438.

Cited, Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (52 St. Rep. 575; 23 Supp. 251).

Farnsworth v. Halstead, 18 Civ. Pro. 227; 10 Supp. 763.

Cited, Pleading—Answer—Sham—Striking Out.

74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 76 Hun, 574; (58 St. Rep. 240; 28 Supp. 233). 88 Hun, 602; (68 St. Rep. 706; 34 Supp. 771).

Pleading—Sham—Striking Out.

15 Misc. 406; (72 St. Rep. 39; 36 Supp. 1091).

Farnsworth v. Wood, 91 N. Y. 308.

Cited, Corporations—Stockholders—Liability for Debts—To Whom Available.

72 Hun, 332; (55 St. Rep. 200; 25 Supp. 430). 87 Hun, 603; (68 St. Rep. 656; 34 Supp. 544). 92 Hun, 338; (72 St. Rep. 710; 37 Supp. 412).

Farr v. Nichols, 132 N. Y. 327; 44 St. Rep. 555.

Cited, Mortgage—Future Advances—Record.

55 St. Rep. 7; (24 Supp. 1134).

Farr v. Smith, 9 Wend. 338.

Cited, Execution—Void.

84 Hun, 169; (65 St. Rep. 736; 32 Supp. 452).

Farrand v. Marshall, 21 Barb. 409.

Cited, Trespass—Resulting From Acts on Adjoining Land.

2 Misc. 434; (51 St. Rep. 217; 22 Supp. 185).

Farrar v. Lee, 10 App. Div. 130; 75 St. Rep. 1061; 41 Supp. 672.

Farrell, Matter of, Tuck. 110.

Cited, Executors—Accounting—Charges.

2 Misc. 291; (33 Supp. 980).

Farrell v. Amberg, 8 Misc. 220; 59 St. Rep. 449; 23 Supp. 564; 23 Civ. Pro. 434.

Farrell v. Calkins, 10 Barb. 348.

Cited, Judgments—Entire—Reversal or Affirmance.

152 N. Y. 504, 505.

Farrell v. Friedlander, 63 Hun, 254; 43 St. Rep. 445; 18 Supp. 215.

Cited, Trial—Question of Law—Probable Cause.

5 Misc. 554; (26 Supp. 59).

Farrell v. Harrison, 14 Misc. 462; 70 St. Rep. 733; 35 Supp. 1029.

Farrell v. Hill, 69 Hun, 455; 52 St. Rep. 620; 23 Supp. 402.

Farrell v. Houston & W. S. & P. F. R. Co., 21 St. Rep. 84; 4 Supp. 597.

Distinguished, Carriers—Passenger—Riding on Platform of Street Car—Negligence—Speed at Switch.

9 Misc. 278; (61 St. Rep. 151; 29 Supp. 726).

Duplicate Citations in Parenthesis.

Farrell v. Manhattan R. Co., 87 Hun, 302; 68 St. Rep. 870; 34 Supp. 1139.

Farrell v. New York Juvenile Asylum, 2 App. Div. 496; 74 St. Rep. 414; 37 Supp. 1118; 3 Ann. Cas. 13.

Farrell v. Noel, 17 App. Div. 319; 79 St. Rep. 207; 45 Supp. 207.

Farrelly v. Hubbard, 148 N. Y. 592.

Farrelly v. Hubbard, 84 Hun, 391; 65 St. Rep. 715; 32 Supp. 440.
Reversed, 148 N. Y. 592.

Farren v. McDonnell, 74 Hun, 176; 56 St. Rep. 354; 26 Supp. 619.

Affirmed, 148 N. Y. 741.

Cited, Appeal—Findings—Review.

92 Hun, 122; (71 St. Rep. 809; 36 Supp. 641).

Farrington v. Brady, 11 App. Div. 1; 76 St. Rep. 385; 42 Supp. 385.

Farrington v. Bullard, 40 Barb. 512.

Cited, Fraud — False Representations—Actionable.

9 Misc. 97; (59 St. Rep. 635; 29 Supp. 6).
15 Misc. 618; (38 Supp. 70). 13 App. Div. 166; (77 St. Rep. 299; 43 Supp. 299).

Farrington v. Farmers' L. & T. Co., 50 St. Rep. 264; 21 Supp. 194.

Farrington v. New York, 83 Hun, 124; 63 St. Rep. 820; 31 Supp. 371.

Farrington v. Root, 10 Misc. 447; 63 St. Rep. 410; 31 Supp. 126; 24 Civ. Pro. 196.

Farron v. Sherwood, 17 N. Y. 227.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599). 148 N. Y. 42. 7 App. Div. 165; (39 Supp. 1104).

Farrow v. Holland Trust Co., 74 Hun, 585; 57 St. Rep. 163; 26 Supp. 502.

Farwell v. Davis, 66 Barb. 73.

Cited, Contract—Breach—Damages.

11 Misc. 689; (67 St. Rep. 359; 33 Supp. 571).

Farwell v. Furniss, 67 How. 188.

Cited, Evidence—Sufficiency—Intent to Defraud Creditors—Threats Of Preferential Assignment.

73 Hun, 352; (55 St. Rep. 765; 26 Supp. 197). 70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133).

Farwell v. Importers & Traders' Nat. Bank, 90 N. Y. 483.

Cited, Pledge—Stock — Ownership—Sale—Notice.

141 N. Y. 326; (57 St. Rep. 422).

Pledge—Effect of Payment.

6 Misc. 82; (55 St. Rep. 394; 26 Supp. 26).
8 App. Div. 41; (40 Supp. 393).

Farwell v. Tweddle, 10 Abb. N. C. 94.
Cited, Trust Funds—Investment—Premiums.

17 App. Div. 546; (79 St. Rep. 545; 45 Supp. 545).

Fash v. Third Ave. R. Co., 1 Daly, 148.

Cited, Street Railroads—Construction of Track—Negligence.

13 Misc. 311; (68 St. Rep. 725; 34 Supp. 700).

Fasnacht v. Stehn, 53 Barb. 650.

Cited, Trial—Mode—Plea of Nul Tiel Record.

2 Misc. 178; (49 St. Rep. 721; 21 Supp. 584; 23 Civ. Pro. 58).

Fassett v. Smith, 23 N. Y. 252.

Cited, Sale—Fraud in—Bona Fide Purchasers of Vendee.

59 St. Rep. 473; (29 Supp. 595; 31 Abb. N. C. 403). 145 N. Y. 561; (65 St. Rep. 511; 2 Ann. Cas. 7). 11 Misc. 79; (29 Supp. 595).

Mortgaged Premises—Possession—Notice.

86 Hun, 610; (67 St. Rep. 513; 33 Supp. 767).

Fassett v. Tallmadge, 14 Abb. 188.

Cited, Judgment—Enforcement—Direction for Payment out of Fund—Execution.

50 St. Rep. 417; (21 Supp. 563; 23 Civ. Pro. 52).

Fassett v. Tallmadge, 15 Abb. 205.

Cited, Judgment—Opening Default.

67 Hun, 517; (51 St. Rep. 97; 22 Supp. 522; 23 Civ. Pro. 139).

Fassin v. Hubbard, 55 N. Y. 465.

Cited, Deposition — Testimony — Competency.

81 Hun, 539; (63 St. Rep. 212; 30 Supp. 1019). 20 Misc. 256; (79 St. Rep. 340; 45 Supp. 340).

Fatman v. Fatman, 45 St. Rep. 859; 18 Supp. 847; 22 Civ. Pro. 149.

Cited, Deposition—Affidavit for—Examination to Frame Complaint.

70 Hun, 539; (53 St. Rep. 739; 24 Supp. 240). 12 Misc. 69; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 329). 15 Misc. 76; (72 St. Rep. 263; 25 Civ. Pro. 245). 2 Misc. 344; (50 St. Rep. 618; 21 Supp. 1013).

Faulkner, Matter of, 7 Hill, 181.

Cited, Executors—Accounting—Acts before Appointment.

2 Misc. 291; (23 Supp. 960).

*Duplicate Citations in Parenthesis.***Faulkner v. Hart**, 82 N. Y. 413.*Cited*, Conflict of Laws—Contracts.

49 St. Rep. 730; (20 Supp. 796). 142 N. Y. 100; (58 St. Rep. 406).

Contracts—Breach.

12 Misc. 552; (68 St. Rep. 875). 17 Misc. 391; (39 Supp. 1086).

Faulkner v. McClure, 18 Johns. 134.*Cited*, Actions — Incompetent Parties — Appearance.

7 App. Div. 349; (39 Supp. 943).

Faulkner v. McNeil, 78 Hun, 505; 61 St. Rep. 226; 29 Supp. 551.**Faure v. Winans**, Hopk. Ch. 283.*Cited*, Payment of Insurance—Successor to Title—Allowance.

10 App. Div. 473; (76 St. Rep. 305; 42 Supp. 305).

Faurot v. Brooklyn Heights R. Co.,

14 Misc. 398; 70 St. Rep. 754; 35 Supp. 1046.

Favro v. Troy & West Troy Bridge**Co.**, 4 App. Div. 241; 74 St. Rep. 55; 39 Supp. 438.**Faxon v. Ball**, 50 St. Rep. 495; 21 Supp. 737.*Cited*, Pleading — Bill of Particulars — Right to.

76 Hun, 436; (59 St. Rep. 319; 27 Supp. 1023).

Faxon v. Mason, 76 Hun, 408; 59 St. Rep. 328; 27 Supp. 1025.*Affirmed*, 148 N. Y. 750.*Cited*, Trial—Findings—Sufficiency.

76 Hun, 497; (59 St. Rep. 324; 27 Supp. 1061).

Faxon v. Mason, 87 Hun, 139; 67 St. Rep. 446; 33 Supp. 802.**Faxon v. Mason**, 90 Hun, 426; 70 St. Rep. 624; 35 Supp. 950.**Fay, Matter of**, 6 Misc. 462; 27 Supp. 910.*Cited*, Claims—Interest—Allowance of.

18 Misc. 196; (41 Supp. 394).

Fay v. Fay, 69 Hun, 150; 52 St. Rep. 610; 23 Supp. 408.**Fay v. Grant**, 53 Hun, 44; 23 St. Rep. 571; 5 Supp. 910.*Affirmed*, 126 N. Y. 624; 36 St. Rep. 1012.*Cited*, Evidence — Competency — Assignment for Creditors—Inventory — Explanation.

61 St. Rep. 563; (29 Supp. 875). 80 Hun, 61; (61 St. Rep. 563; 29 Supp. 875). 4 App. Div. 145; (38 Supp. 695).

Fay v. Holloran, 35 Barb. 295.*Cited*, Rents—Reservation.

10 Misc. 488; (65 St. Rep. 251; 32 Supp. 172).

Fay v. Muhler, 1 Misc. 321; 48 St. Rep. 699; 20 Supp. 671.*Cited*, Appeal—Objections Inconsistent with Attitude Below.

2 Misc. 61; (49 St. Rep. 712; 20 Supp. 869). 11 Misc. 393; (65 St. Rep. 428; 32 Supp. 247). 14 Misc. 4; (69 St. Rep. 299; 35 Supp. 183). 15 Misc. 125; (71 St. Rep. 839; 26 Supp. 816). 16 Misc. 615; (73 St. Rep. 814; 38 Supp. 342). 16 Misc. 586; (74 St. Rep. 484; 38 Supp. 806). 17 Misc. 141; (39 Supp. 402). 17 Misc. 384; (39 Supp. 1063). 18 Misc. 37; (75 St. Rep. 463; 41 Supp. 12). 18 Misc. 205; (75 St. Rep. 780, 783; 41 Supp. 370).

Arrest—Civil—Action on Undertaking.

2 Misc. 416; (51 St. Rep. 579; 21 Supp. 1015).

Mechanic's Lien—Enforcement—Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 326).

Immaterial Errors.

18 Misc. 209; (41 Supp. 373). 18 Misc. 246; (41 Supp. 608).

Fay v. O'Neill, 36 N. Y. 11.*Cited*, False Imprisonment—Discontinuance of Proceeding—Effect.

17 Misc. 88; (39 Supp. 832).

Fayerweather, Matter of, 62 St. Rep. 74; 31 Abb. N. C. 287; 30 Supp. 273.**Fayerweather, Matter of**, 143 N. Y. 114; 62 St. Rep. 127.**Fayerweather v. Phenix Ins. Co.**, 118 N. Y. 324, 327; 28 St. Rep. 689.*Cited*, Subrogation—Insurance—Carriers.

68 Hun, 600; (52 St. Rep. 582; 23 Supp. 232).

Carriers—Insurers—Subrogation.

9 App. Div. 8; (75 St. Rep. 430; 40 Supp. 1115). 12 Hun, 355; (67 St. Rep. 335; 33 Supp. 629).

Fealy v. Bull, 71 Hun, 402; 54 St. Rep. 542; 24 Supp. 988.*Cited*, New Trial—Order.

16 Misc. 514; (38 Supp. 526). 74 St. Rep. 46.

Fealy v. Bull, 11 App. Div. 468; 76 S. Rep. 569; 42 Supp. 569.**Fear v. Wickham**, 135 N. Y. 223.*Cited*, Insolvent Estate—Set-Off.

6 App. Div. 599; (39 Supp. 774)

Duplicate Citations in Parenthesis.

Fearing v. Irwin, 55 N. Y. 486.

Cited, Highway—Closing—Constitutionality of Laws.

139 N. Y. 409; (54 St. Rep. 684).

Featherson v. Newburgh & C. T. Co., 71 Hun, 109; 54 St. Rep. 71; 24 Supp. 603.

14 Misc. 644; (70 St. Rep. 844; 35 Supp. 1107).

Fechtman v. Huber, 10 App. Div. 624; 75 St. Rep. 1189; 41 Supp. 791.

Federgreen v. Town of Fallsburgh, 25 Hun, 152.

Cited, Public Corporations — Liability Created by Statute.

91 Hun, 28; (71 St. Rep. 430; 36 Supp. 92).

Feely v. Jones, 79 Hun, 18; 61 St. Rep. 434; 29 Supp. 446.

Affirmed, 151 N. Y. 656.

Feeney, Matter of, 20 Misc. 272; 79 St. Rep. 830; 45 Supp. 830.

Feeney v. Long Island R. Co., 116 N. Y. 375; 26 St. Rep. 729.

Cited, Damages—Measure Of—Personal Injuries—Resulting Damages—Future
8 Misc. 90; (53 St. Rep. 817; 28 Supp. 599).
4 App. Div. 51; (55 St. Rep. 123; 38 Supp. 693).

Damages—For Pain and Suffering—Under General Allegation in Action for Personal Injuries.

1 Misc. 354; (48 St. Rep. 665; 20 Supp. 685).

Trial—Questions for Jury—Contributory Negligence.

74 Hun, 119; (56 St. Rep. 318; 26 Supp. 661). 11 Misc. 538; (64 St. Rep. 468; 32 Supp. 743).

Feeney v. Minisceongo Towing Co., 50 St. Rep. 252; 21 Supp. 325.

Feeter v. Arkenburgh, 147 N. Y. 237; 69 St. Rep. 523; 2 Ann. Cas. 270.

Cited, Compulsory Reference—Long Account.

1 App. Div. 308; (72 St. Rep. 523; 37 Supp. 248). 7 App. Div. 307; (40 Supp. 274).

Feeter v. Weber, 78 N. Y. 334.

Cited, Compromise—Enforcement.

20 Misc. 55; (79 St. Rep. 332; 45 Supp. 332).

Feier v. Third Ave. R. Co., 9 App. Div. 607; 75 St. Rep. 1222; 41 Supp. 821.

Cited, Guardian ad litem—Appointment.
13 App. Div. 376; (77 St. Rep. 216; 43 Supp. 216).

Feiner v. Kobre, 13 Misc. 499; 68 St. Rep. 404; 34 Supp. 676.

Feinstein v. Jacobs, 15 Misc. 474; 72 St. Rep. 698; 37 Supp. 345.

Feist v. New York, 15 App. Div. 495; 78 St. Rep. 497; 41 Supp. 497.

Feist v. Schiffer, 79 Hun, 275; 60 St. Rep. 859; 29 Supp. 423.

Cited, Contracts—Promise for Benefit of Third Party.

92 Hun, 139; (71 St. Rep. 728; 36 Supp. 558).

Feist v. Third Ave. R. Co., 13 Misc. 240; 68 St. Rep. 13; 34 Supp. 57; 25 Civ. Pro. 257.

Fejdowski v. President, Etc., Delaware & H. Canal Co., 12 App. Div. 589; 77 St. Rep. 84; 43 Supp. 84.

Cited, Railroads—Accident at Crossing—Contributory Negligence.

17 App. Div. 179; (79 St. Rep. 304; 45 Supp. 304).

Feldman v. Beier, 78 N. Y. 293.

Cited, Bills and Notes—Consideration—Prior Indebtedness—Extension of Time of Payment.

7 Misc. 111; (57 St. Rep. 488; 27 Supp. 388).

Feldman v. Grand Lodge, A. O. U. W., 46 St. Rep. 122; 19 Supp. 73.

Cited, Interpleader—When Proper.

69 Hun, 403; (53 St. Rep. 147; 23 Supp. 660).

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16 Misc. 277; (74 St. Rep. 581; 38 Supp. 128).

Feldman v. McGraw, 1 App. Div. 574; 72 St. Rep. 489; 37 Supp. 434.

Pleading—Usury Effect.

14 App. Div. 631; (77 St. Rep. 885; 43 Supp. 885).

Feldman v. McGraw, 14 App. Div. 631; 77 St. Rep. 885; 43 Supp. 885.

Felice v. N. Y. C. & H. R. R. Co., 14 App. Div. 345; 77 St. Rep. 922; 43 Supp. 922.

Fell v. Locomotive Works, 20 St. Rep. 577; 3 Supp. 381.

Cited, Witness — Impeachment—Discretion of Court.

20 Misc. 19; (78 St. Rep. 776; 44 Supp. 776).

Fellows v. Fellows, 4 Cow. 682.

Cited, Pleading—Joinder of Causes.

92 Hun, 25; (72 St. Rep. 831; 37 Supp. 886).

Fellows v. Kittredge, 56 How. 498.

Cited, Judgment — Discharge — Bankruptcy.

9 Misc. 103; (59 St. Rep. 717; 29 Supp. 35).

*Duplicate Citations in Parenthesis.***Fellows v. Longyor**, 91 N. Y. 324.*Cited*, Loan—Bonus—Effect.

11 App. Div. 444; (76 St. Rep. 324; 42 Supp. 324).

Fellows v. Muller, 48 How. 82; 38 Super.

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Cited, Pleading — Answer — Sham—Denial.

4 Misc. 507; (25 Supp. 871). o Misc. 513; (58 St. Rep. 107; 25 Supp. 971).

Fellows v. New York, 8 Hun, 484.*Cited*, Public Officers—Right to Employment.

32 Supp. 280.

Fellows v. Prentiss, 3 Den. 512.*Cited*, Sureties—Extension of Time—Discharge.

9 App. Div. 322, 328, 329; (75 St. Rep. 747; 753, 758; 41 Supp. 337).

Negotiable Instruments — Delivery to Creditor—Consideration.

9 App. Div. 336; (75 St. Rep. 760; 41 Supp. 342).

Fellows v. Stevens, 24 Wend. 294.*Cited*, Assignment for Creditors—Composition—Secret Agreement.

142 N. Y. 411; (59 St. Rep. 798). 73 Hun, 60; (57 St. Rep. 127; 25 Supp. 1061).

Fellows v. Van Hying, 23 How. 230.*Cited*, Contract—Illegality—Against Public Policy.

5 Misc. 503; (26 Supp. 526).

Fellows v. Wilson, 31 Barb. 162.*Cited*, Witnesses—Privilege—Question for Court.

8 Misc. 175; (60 St. Rep. 147; 28 Supp. 511).

Fells v. Vestvali, 2 Keyes, 152.*Cited*, Contracts — Statute of Frauds — Performance—Compensation.

72 Hun, 632; (55 St. Rep. 285; 25 Supp. 164).

Evidence — Of Amount Promised — To Prove Value of Professional Services.

1 Misc. 345; (48 St. Rep. 780; 20 Supp. 717).

Pleading — Complaint — Sufficiency—Assumpsit—Common Counts.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

Contracts — Performance — Recovery — Pleading.

7 Misc. 84; (57 St. Rep. 94; 27 Supp. 359). 11 Misc. 407; (65 St. Rep. 283; 32 Supp. 157). 16 Misc. 27; (73 St. Rep. 244; 37 Supp. 650).

Felska v. N. Y. C. & H. R. R. Co.,

152 N. Y. 339.

Felt v. Tiffany, 11 Hun, 62.*Cited*, Trial—Question for Jury—Value of Professional Services.

1 Misc. 346; (48 St. Rep. 780; 20 Supp. 718).

Felter v. Maddock, 11 Misc. 297; 65

St. Rep. 499; 32 Supp. 292; 1 Ann. Cas. 92.

Felthousen v. Amsterdam, City of,

69 Hun, 505; 52 St. Rep. 619; 23 Supp. 424.

Feltman v. Gulf Brewery, 42 How. 488.*Cited*, Conversion—Demand — Recovery.

20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Felts v. Clapper, 69 Hun, 373; 52 St.

Rep. 808; 23 Supp. 508.

Fenlon v. Dempsey, 50 Hun, 131; 19

St. Rep. 231; 2 Supp. 763.

Cited, Contempt—Punishment.

68 St. Rep. 791; (34 Supp. 879; 24 Civ. Pro. 407). 67 St. Rep. 109; (2 Ann. Cas. 133).

Fenlon v. Dempsey, 26 St. Rep. 243; 7

Supp. 435.

Cited, Contempt—Punishment.

68 St. Rep. 711; (34 Supp. 879; 24 Civ. Pro. 407).

Fenlon v. Dempsey, 21 Abb. N. C. 291.*Cited*, Contempt—Punishment.

86 Hun, 45; (67 St. Rep. 109; 33 Supp. 290).

Fenlon v. Dempsey, 22 Abb. N. C. 114;

2 Supp. 763.

Cited, Contempt—Punishment.

86 Hun, 45; (33 Supp. 290).

Performance—Presumption.

17 Misc. 122; (39 Supp. 311).

Fenn v. Bolles, 7 Abb. 202.*Cited*, Good Will—What is.

7 Misc. 486; (58 St. Rep. 57; 27 Supp. 982). 12 Misc. 471; (67 St. Rep. 610; 33 Supp. 857).

Fenner v. Buffalo & S. L. R. Co.,

44 N. Y. 505.

Cited, Carrier—Baggage—Delivery.

10 Misc. 130; (62 St. Rep. 471; 30 Supp. 904). 81 Hun, 474; (63 St. Rep. 216; 30 Supp. 1022). 84 Hun, 538; (66 St. Rep. 323; 32 Supp. 849). 9 App. Div. 173; (75 St. Rep. 545; 41 Supp. 85).

Fenner v. Sanborn, 37 Barb. 610.*Cited*, Supplementary Proceedings—Delivery of Property—Order.

7 App. Div. 530; (40 Supp. 262).

Duplicate Citations in Parenthesis.

Fennessy v. Ross, 90 Hun, 298; 70 St. Rep. 310; 35 Supp. 868.

Cited, Corporations—Contract to Sell Official Positions in—Public Policy.
5 App. Div. 343; (39 Supp. 324).

Fennessy v. Ross, 5 App. Div. 342; 39 Supp. 323.

Fenno v. Hannon, 32 St. Rep. 760; 10 Supp. 408.

Cited, Evidence—Sufficiency—Fraud.
70 Hun, 413; (53 St. Rep. 708; 24 Supp. 435). 12 Misc. 279; (67 St. Rep. 815; 33 Supp. 1112).

Fenton v. Dempsey, 10 St. Rep. 733.

Cited, Deposition—Production of Papers.
12 Misc. 69; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 338).

Fenton v. Robinson, 4 Hun, 252.

Cited, Principal and Surety—Negligence as Affecting Sureties—Liability to Innocent Third Person.
137 N. Y. 313; (50 St. Rep. 652).

Fenton v. Second Ave. R. Co., 126 N. Y. 625; 36 St. Rep. 385.

Cited, Street Railways—Tracks—Rights of Travelers.

3 Misc. 522; (52 St. Rep. 486; 23 Supp. 21).
Contributory Negligence.

78 Hun, 419; (60 St. Rep. 451; 28 Supp. 1106). 49 St. Rep. 433; (20 Supp. 803). 5 Misc. 426; (26 Supp. 712). 145 N. Y. 199; (64 St. Rep. 592). 88 Hun, 490; (68 St. Rep. 806; 34 Supp. 869). 10 App. Div. 197; (75 St. Rep. 1171; 41 Supp. 775). 14 App. Div. 516; (77 St. Rep. 1024; 43 Supp. 1024). 15 App. Div. 412; (78 St. Rep. 37; 44 Supp. 37). D. 15 App. Div. 435; (78 St. Rep. 468; 44 Supp. 468). 16 App. Div. 85; (79 St. Rep. 109; 45 Supp. 109). 11 Misc. 321; (65 St. Rep. 301; 32 Supp. 154). 11 Misc. 664; (66 St. Rep. 343; 32 Supp. 917). 14 Misc. 280; (70 St. Rep. 253; 35 Supp. 833). 10 Misc. 286; (63 St. Rep. 271; 30 Supp. 1083).

Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 78; (49 St. Rep. 632; 21 Supp. 786). 12 App. Div. 383; (76 St. Rep. 513; 42 Supp. 513). 15 Misc. 31; (71 St. Rep. 490; 36 Supp. 439).

Fera v. Wickham, 135 N. Y. 223; 47 St. Rep. 866.

Reversing, 61 Hun, 343; 40 St. Rep. 644; 15 Supp. 892.

Cited, Assignment for Creditors—Rights of Creditors—Counterclaims.

8 Misc. 151; (59 St. Rep. 386; 29 Supp. 304). 70 Hun, 95; (53 St. Rep. 500; 23 Supp. 1126). 78 Hun, 371; (60 St. Rep. 724; 29 Supp.

180). 9 Misc. 246; (60 St. Rep. 585; 30 Supp. 263). 81 Hun, 599; (63 St. Rep. 222; 30 Supp. 1029). 10 Misc. 224; (63 St. Rep. 249; 30 Supp. 1059). 12 Misc. 57; (66 St. Rep. 686; 33 Supp. 52). 12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1077). 14 Misc. 239; (70 St. Rep. 501; 35 Supp. 756). 90 Hun, 108; (70 St. Rep. 411; 35 Supp. 615). 19 Misc. 15; (76 St. Rep. 844; 42 Supp. 844). 18 Misc. 381; (41 Supp. 1117). 8 App. Div. 41; (40 Supp. 393).

Ferdon v. Canfield, 39 Hun, 571.

Cited, Insurance—Policy—Construction—Beneficiary.

73 Hun, 370; (55 St. Rep. 900; 26 Supp. 251).

Ferdon v. Canfield, 104 N. Y. 143; 5 St. Rep. 583.

Cited, Insurance—Policy—Construction—Beneficiary.

145 N. Y. 580; (65 St. Rep. 522). 11 App. Div. 536; (76 St. Rep. 648; 42 Supp. 648). 16 Misc. 326; (38 Supp. 623).

Ferdon v. Cunningham, 20 How. 154.

Cited, License—Ordinance—Condition of Recovery for Services.

9 Misc. 211; (60 St. Rep. 840; 29 Supp. 684). 8 Misc. 312; (59 St. Rep. 278; 28 Supp. 731).

Ferdon v. Ferdon. See *Ferdon v. Harrigan*.

Ferdou v. Harrigan, 71 St. Rep. 671; 36 Supp. 741.

Ferguson v. Ann Harbor R. Co., 17 App. Div. 336; 79 St. Rep. 172; 45 Supp. 172.

Ferguson v. Arnow, 60 St. Rep. 301.

Reversing, 50 St. Rep. 852; 21 Supp. 308.

Ferguson v. Baker, 116 N. Y. 257; 26 St. Rep. 626.

Cited, Evidence—Parol—Concerning Writing—Part Performance—Entirety of Oral Contract.

73 Hun, 313; (58 St. Rep. 63; 26 Supp. 377).

Partnership—Suit Between Partners.

7 Misc. 66; (57 St. Rep. 528; 27 Supp. 406).

Ferguson v. Bruckman, 16 App. Div. 67; 78 St. Rep. 812; 44 Supp. 812.

Ferguson v. Burk, 4 E. D. Smith, 760.

Cited, Mechanic's Lien—Subcontractors—Effect.

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78).

Ferguson v. Commonwealth Rubber Co., 74 St. Rep. 31; 38 Supp. 37.

*Duplicate Citations in Parenthesis.***Ferguson v. Crawford**, 70 N. Y. 253.

Cited, Attorneys—Unauthorized Appearance—Relief.

66 Hun, 259; (49 St. Rep. 478; 21 Supp. 170). 144 N. Y. 294; (63 St. Rep. 720). 17 Misc. 238; (39 Supp. 715).

Courts—Jurisdiction—Presumption.

6 Misc. 385; (56 St. Rep. 335; 26 Supp. 737; 31 Abb. N. C. 133). 145 N. Y. 144; (64 St. Rep. 550). 24 Supp. 667.

Judgment—Collateral Attack.

143 N. Y. 165; (62 St. Rep. 189). 10 App. Div. 567; (76 St. Rep. 81; 42 Supp. 81). 11 Misc. 120; (66 St. Rep. 352; 32 Supp. 927).

Process—Failure to Serve—Relief.

87 Hun, 181; (67 St. Rep. 779; 33 Supp. 1075). 87 Hun, 183; (67 St. Rep. 780; 33 Supp. 1076). 17 Misc. 240; (39 Supp. 717).

Ferguson v. Crawford, 86 N. Y. 609.

Cited, Judgment—Attack—Burden of Proof.

20 Misc. 475.

Attorney and Client—Want of Authority.

4 Misc. 590; (25 Supp. 850). 8 Misc. 297; (59 St. Rep. 212; 23 Supp. 575; 31 Abb. N. C. 443). 79 St. Rep. 1064; (45 Supp. 1064).

Judgment—Failure to Serve Process—Evidence.

87 Hun, 184; (67 St. Rep. 781; 33 Supp. 1077). 17 Misc. 239; (39 Supp. 716).

Ferguson v. Ehret, 10 Misc. 217; 63 St. Rep. 253; 30 Supp. 1063.

Ferguson v. Ehret, 14 Misc. 454; 70 St. Rep. 725; 35 Supp. 1020.

Ferguson v. Ferguson, 3 Sandf. 307.

Cited, Husband and Wife—Divorce—Adultery—Question of Fact.

76 Hun, 586; (58 St. Rep. 273; 28 Supp. 214).

Ferguson v. Gill, 74 Hun, 566; 57 St. Rep. 213; 26 Supp. 596.

Cited, Appeal—Review of Verdict—Abuse of Discretion.

9 Misc. 69; (59 St. Rep. 691; 29 Supp. 12). 87 Hun, 591; (68 St. Rep. 641; 34 Supp. 577). 76 App. Div. 402; (39 Supp. 900). 13 Misc. 167; (63 St. Rep. 77; 34 Supp. 167). 20 Misc. 351; (79 St. Rep. 781; 45 Supp. 781). 20 Misc. 361; (79 St. Rep. 931; 45 Supp. 931).

Ferguson v. Hubbell, 97 N. Y. 507.

Cited, Evidence—Expert Testimony—What Not a Proper Subject of.

1 Misc. 120; (48 St. Rep. 681; 20 Supp. 723). 2 App. Div. 482; (74 St. Rep. 282; 37 Supp. 1100). 16 App. Div. 576; (78 St. Rep.

951; 44 Supp. 951). 10 Misc. 14; (62 St. Rep. 651). 12 Misc. 15; (66 St. Rep. 536; 33 Supp. 37). 30 Supp. 536.

Master and Servant—Independent Contractor—Torts.

6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906).

Ferguson v. Kimball, 3 Barb. Ch. 616.

Cited, Mortgage—Foreclosure—By Advertisement—Mistake in Amount.

69 Hun, 34; (52 St. Rep. 823; 23 Supp. 436).

Mortgage—Foreclosure by Advertisement—Unliquidated Amount.

D. 69 Hun, 47; (52 St. Rep. 832; 23 Supp. 446).

Ferguson v. Neilson, 33 St. Rep. 814; 11 Supp. 524.

Cited, Courts—Action for Tort Arising Out of State—Refusal to Entertain Jurisdiction.

87 Hun, 332; (68 St. Rep. 386; 34 Supp. 429). 14 App. Div. 249; (77 St. Rep. 430; 43 Supp. 430).

Ferguson v. Ross, 126 N. Y. 459; 37 St. Rep. 836.

Cited, Constitutional Law—Local Bills.

66 Hun, 139; (48 St. Rep. 889; 21 Supp. 83).

Statutes—Construction—Local or General.

74 Hun, 59; (56 St. Rep. 225; 26 Supp. 314). 8 App. Div. 252; (75 St. Rep. 18; 40 Supp. 622). 81 Hun, 440; (63 St. Rep. 287; 30 Supp. 1099). 3 Misc. 39; (53 St. Rep. 46; 22 Supp. 335).

Ferguson v. Smith, 15 Misc. 251; 71 St. Rep. 465; 36 Supp. 415.

Ferguson v. Tweedy, 43 N. Y. 543.

Cited, Wills—Devise—Vesting of Estate—Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901). 6 App. Div. 10; (39 Supp. 749).

Ferguson v. U. S. Land & Impvt. Co., 33 St. Rep. 425; 11 Supp. 738.

Cited, Appeal—Objections—Availability. 20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Ferguson v. Zeltner, 75 St. Rep. 945; 41 Supp. 556.

Ferguson v. Zeltner, 38 Supp. 126.

Fern v. Osterhout, 11 App. Div. 319; 76 St. Rep. 450; 42 Supp. 450.

Fernandez v. Fernandez, 15 App. Div. 469; 78 St. Rep. 499; 44 Supp. 499.

Fernandez v. Great Western Ins. Co., 48 N. Y. 571.

Cited, Insurance—Marine—Warranty.

84 Hun, 10; (65 St. Rep. 30; 31 Supp. 1090)

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Fernbacher v. Fernbacher, 4 Den. 227.

Cited, Executors and Administrators—Securing Legacies—Requiring Life Tenant to Secure Remainderman.

21 Supp. 103.

Surrogate—Jurisdiction—Construction of Will.

67 St. Rep. 412; (33 Supp. 423; 24 Civ. Pro. 258).

Fernbacher v. Roosevelt, 96 Hun, 441; 70 St. Rep. 575; 35 Supp. 898.

Fernbacher v. Roosevelt, 14 Misc. 199; 35 Supp. 898.

Affirmed, 90 Hun, 441; 70 St. Rep. 575; 35 Supp. 898.

Fernbacher, Matter of, 17 Abb. N. C. 339.

Cited, Wills—Contingent Bequest—Security.

67 Hun, 274; (50 St. Rep. 823; 22 Supp. 242).

Fernschild v. D. G. Yuengling Brewing Co., 16 Misc. 278; 74 St. Rep. 572; 38 Supp. 119.

Cited, Corporations — Assumption of Debts.

15 App. Div. 30; (78 St. Rep. 106; 44 Supp. 106).

Fernschild v. D. G. Yuengling Brewing Co., 18 Misc. 49; 75 St. Rep. 435; 40 Supp. 1119.

Fernschild v. D. G. Yuengling Brewing Co., 15 App. Div. 29; 78 St. Rep. 106; 44 Supp. 106.

Fero v. Ruscoe, 4 N. Y. 162.

Cited, Slander and Libel—Justification—Sufficiency.

49 St. Rep. 775; (20 Supp. 836). 149 N. Y. 475.

Ferrari v. Saitta, 82 Hun, 613; 63 St. Rep. 352; 31 Supp. 14.

Ferree v. Elsworth, 1 Misc. 93; 47 St. Rep. 119; 19 Supp. 659.

Cited, Courts — Jurisdiction — District Courts.

9 Misc. 72; (19 St. Rep. 638; 29 Supp. 67).

Courts—District—Equitable Powers—Relief from Contract for Mistake.

6 Misc. 108; (55 St. Rep. 690; 26 Supp. 32).

Ferrer, Matter of, Surr. Dec. 1892, 45.

Cited, Taxes — Inheritance — What Liable to.

5 Misc. 442; (36 Supp. 891).

Ferrer v. Pyne, 81 N. Y. 281.

Cited, Wills—Construction.

143 N. Y. 131; (62 St. Rep. 135). 82 Hun, 474; (64 St. Rep. 359; 31 Supp. 729).

Ferrier v. Ferrier, 4 Edw. Ch. 296.

Cited, Husband and Wife — Divorce—Adultery Since Action.

7 Misc. 34; (57 St. Rep. 79; 27 Supp. 409).

Ferrin v. Myrick, 41 N. Y. 315.

Cited, Executors and Administrators—Accounting—Expenses—Liability of Estate.

1 Misc. 31; (22 Supp. 1082). 9 Misc. 232;

(61 St. Rep. 297). 13 Misc. 378; (69 St. Rep.

488; 35 Supp. 115; 25 Civ. Pro. 82). 5 Misc.

139; (25 Supp. 705). 13 Misc. 379; (69 St.

Rep. 489; 35 Supp. 116; 25 Civ. Pro. 83).

9 Misc. 232; (61 St. Rep. 297; 30 Supp. 285).

15 Misc. 599; (72 St. Rep. 818; 38 Supp.

189). 15 Misc. 602; (72 St. Rep. 820; 38

Supp. 191). 79 St. Rep. 624; (45 Supp. 624).

D. 76 Hun. 59; (59 St. Rep. 150; 27 Supp. 668).

Executors—Personal Liability.

2 App. Div. 16; (73 St. Rep. 236; 37 Supp.

641). 15 Misc. 600; (72 St. Rep. 819; 38

Supp. 190). 1 App. Div. 117; (72 St.

Rep. 221; 37 Supp. 68).

Ferris, Matter of, 10 St. Rep. 480.

Cited, Legislature—Delegation of Authority—Assessors.

90 Hun, 121; (70 St. Rep. 401; 35 Supp. 636).

Ferris v. Burrows, 34 Hun, 104.

Cited, Executors—Judicial Settlement—Set-off.

85 Hun, 14; (66 St. Rep. 126; 32 Supp. 616).

Ferris v. Burrows, 99 N. Y. 616.

Cited, Executor—Judicial Settlement—Set-off.

85 Hun, 15; (66 St. Rep. 126; 32 Supp. 616).

Ferris v. Ferris, 10 Misc. 317; 63 St. Rep. 169; 30 Supp. 951.

Ferris v. Ferris, 10 Misc. 320; 63 St. Rep. 237; 30 Supp. 982.

Ferris v. Ferris, 28 Barb. 29; 16 How. 109.

Cited, Mortgages—Enforcement—Default of Interest.

76 Hun, 328; (59 St. Rep. 84; 27 Supp. 695).

77 Hun, 383; (60 St. Rep. 397; 23 Supp. 850).

Ferris v. Ferris, 56 N. Y. 64.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 431; 23 Civ. Pro. 40).

Ferris v. Fisher, 67 Hun, 134; 51 St. Rep. 536; 21 Supp. 1114.

Cited, Pleading—Substantive and Evidential Facts.

4 Misc. 66; (53 St. Rep. 125; 23 Supp. 783).

Duplicate Citations in Parenthesis.

Ferris v. Hard, 6 Misc. 359; 27 Supp. 222.

Ferris v. Hard, 135 N. Y. 354; 48 St. Rep. 514.

Cited, Interest—Contracts.

5 Misc. 195; (25 Supp. 658).

Pleading—Admission.

86 Hun, 483; (69 St. Rep. 465; 35 Supp. 52). 19 Misc. 4; (76 St. Rep. 883; 42 Supp. 883).

Consideration—Parol—Evidence to Explain.

83 Hun, 402; (64 St. Rep. 426; 31 Supp. 756).

Ferris v. Hard, 15 Civ. Pro. 171; 17 St. Rep. 364.

Cited, Foreclosure—Costs—Allowance. 152 N. Y. 617.

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25 Civ. Pro. 256.

Ferris v. Haynes, 40 Supp. 1141.

Ferris v. Kilmer, 48 N. Y. 300.

Cited, Permission to Use Name—Effect.

14 App. Div. 100; (77 St. Rep. 482; 43 Supp. 482).

Ferris v. Spooner, 102 N. Y. 10.

Cited, Contracts — Executor — Repudiation—Right to Damages.

137 N. Y. 486; (51 St. Rep. 284).

Ferris v. Tannebaum, 27 Abb. N. C. 136; 39 St. Rep. 71; 15 Supp. 295.

Cited, Arrest—Civil—Liability on Undertaking—When Fixed.

9 Misc. 204; (49 St. Rep. 523; 21 Supp. 270).

Pleading—Matters Occurring Since Pleading—Effect.

18 Misc. 683; (76 St. Rep. 15; 42 Supp. 15; 3 Ann. Cas. 320).

Ferris v. Van Buskirk, 18 Barb. 397.

Cited, Fences—Division Line.

82 Hun, 151; (63 St. Rep. 392; 31 Supp. 101).

Ferris v. Van Vechten, 73 N. Y. 113.

Cited, Sale—Fraud in—Following Property.

59 St. Rep. 473; (29 Supp. 596; 31 Abb. N. C. 404).

Trusts—Misapplication—Following Funds.

138 N. Y. 376; (52 St. Rep. 875; 30 Abb. N. C. 215). 141 N. Y. 448; (57 St. Rep. 628). 79 Hun, 538; (61 St. Rep. 554; 29 Supp. 935). 86 Hun, 296; (67 St. Rep. 49; 33 Supp. 307). 8 App. Div. 412; (75 St. Rep. 258; 40 Supp. 864). 15 App. Div. 132; (78 St. Rep. 228; 44 Supp. 228). 11 Misc. 80; (29 Supp. 596). 12 Misc. 582; (67 St. Rep. 804; 33 Supp. 1101).

Ferry v. Sampson, 112 N. Y. 415.

Cited, Vendor and Purchaser—Rights of Parties—Title.

24 Supp. 667. 20 Misc. 563. 84 Hun, 456; (65 St. Rep. 601; 32 Supp. 396). 15 Misc. 384; (71 St. Rep. 586; 36 Supp. 672).

Ferry v. Stephens, 66 N. Y. 321.

Cited, Gifts—Evidence to Sustain.

11 Misc. 156; (66 St. Rep. 559; 32 Supp. 1104).

Fetes v. Volmer, 28 St. Rep. 317; 8 Supp. 294.

Cited, Writ and Process—Service—Publication.

73 Hun, 436; (56 St. Rep. 35; 26 Supp. 471).

Fetridge v. Wells, 4 Abb. 144.

Cited, Injunction—Trade Mark—Protection of Deceptive.

72 Hun, 253; (55 St. Rep. 706; 25 Supp. 597).

Fettretch v. Leamy, 9 Bosw. 510.

Cited Party Wall—Rights of Parties.

72 Hun, 378; (55 St. Rep. 185; 25 Supp. 366).

Fettretch v. McKay, 47 N. Y. 426.

Cited, Sham Pleading—Counter claim—Effect.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 913). 4 App. Div. 424; (74 St. Rep. 792; 38 Supp. 859).

Fettrich v. Totten, 2 Abb. N. S. 264.

Cited, Mechanic's Lien—Discharge.

11 Misc. 534; (66 St. Rep. 94; 32 Supp. 765).

Feust, Matter of, 121 N. Y. 299.

Cited, Public Improvements—Assessment—Void—Relief.

135 N. Y. 468; (48 St. Rep. 463).

Fiebel v. Obersky, 13 Abb. N. S. 403.

Cited, Contract—To Marry Infant—Breach—Rights of Parties.

19 Misc. 648; (78 St. Rep. 405; 44 Supp. 405).

Fidler v. Delevan, 20 Wend. 57.

Cited, Libel—Pleading—Justification—Sufficiency.

16 App. Div. 82; (78 St. Rep. 1073; 43 Supp. 1073).

Field, Matter of, 131 N. Y. 184; 42 St. Rep. 863.

Cited, Summons—Service—Order of Publication—Requisites.

2 App. Div. 96; (73 St. Rep. 213; 37 Supp. 534; 23 Civ. Pro. 231).

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149 N. Y. 467.

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D. 79 Hun, 328; (61 St. Rep. 409; 29 Supp. 465).

Field v. Chapman, 13 Abb. 320.

Cited, Injunction—Vacation — Contempt for Violating.

6 Misc. 412; (27 Supp. 175).

Field v. Field, 77 N. Y. 294.

Cited, Assignment for Creditors — Accounting—Citation.

5 Misc. 113; (25 Supp. 738).

Limitation of Action—Executors—Short Statute—Publication of Notice.

60 St. Rep. 132; (28 Supp. 451; 23 Civ. Pro. 427).

Appeal — Costs — Executors — Disputed Claim.

83 Hun, 406; (64 St. Rep. 669; 31 Supp. 880).

Field v. Field, 9 Wend. 394.

Cited, Corporations—Meetings—Quorum.

15 App. Div. 532; (78 St. Rep. 539; 44 Supp. 539).

Field v. Gibson, 20 Hun, 274.

Cited, Executors—Foreign — Actions by and Against.

13 App. Div. 326; (77 St. Rep. 143; 43 Supp. 143).

Field v. Ingreham, 15 Misc. 529; 74 St.

Rep. 306; 37 Supp. 1134.

Field v. Knapp, 108 N. Y. 87; 12 St. Rep. 790.

Cited, Pleading — General Denial—Evidence Admissible.

13 Misc. 516; (69 St. Rep. 114; 34 Supp. 948).

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17 App. Div. 278; (79 St. Rep. 765; 45 Supp. 765).

Field v. Leavitt, 37 Super. 215.

Cited, Brokers—Delay in Selling—Liability.

86 Hun, 116; (67 St. Rep. 138; 33 Supp. 393; 2 Ann. Cas. 105).

Field v. Munson, 47 N. Y. 221.

Cited, Contracts — Construction — Concomitants.

49 St. Rep. 246; (20 Supp. 957).

Field v. New York, 6 N. Y. 179.

Cited, Appeal—What First Raisable on—Variance.

75 Hun, 372; (57 St. Rep. 695; 27 Supp. 449).

Assignment — Equitable—Contingent Interests.

51 St. Rep. 801; (22 Supp. 211). 146 N. Y. 19; (65 St. Rep. 572).

Assignment — Property in Expectancy — Equity.

138 N. Y. 506; (53 St. Rep. 106). 29 Supp. 1097; (23 Civ. Pro. 263). 79 Hun, 497; (61 St. Rep. 536; (29 Supp. 920). 83 Hun, 396; (64 St. Rep. 786; 31 Supp. 877). 147 N. Y. 489; (70 St. Rep. 73).

Field v. New York, 38 Hun, 590.

Cited, Wills—Legacy—Limitations as to Enjoyment.

1 App. Div. 163; (73 St. Rep. 26; 37 Supp. 922).

Field v. N. Y. C. R. Co., 32 N. Y. 339.

Cited, Evidence — Sufficiency — Railroad Fires.

67 Hun, 637; (51 St. Rep. 107; 22 Supp. 477). 67 Hun, 641; (51 St. Rep. 472; 22 Supp. 562). 68 Hun, 327; (52 St. Rep. 103; 22 Supp. 959).

Railroads — Use of Appliance to Avoid Fires.

67 Hun, 471; (51 St. Rep. 116; 22 Supp. 450).

Field v. Schieffelin, 7 Johns. 150.

Cited, Guardian — Rights and Powers as to Ward's Realty.

13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95; 25 Civ. Pro. 107).

Trustees — When Third Person Dealing With Protected.

143 N. Y. 396; (62 St. Rep. 442).

Field v. Van Cott, 15 Abb. N. S. 349; 5 Daly, 308.

Cited, Action — Parties—Joint and Several Liability.

5 Misc. 208; (25 Supp. 810). 15 Misc. 353; (72 St. Rep. 860; 37 Supp. 881).

Fieldhouse v. Neville, 16 Week. Dig. 472.

Cited, Appeal—Dismissal—Abstract Questions.

4 Misc. 613; (53 St. Rep. 523; 24 Supp. 357).

Fieldings v. Mills, 2 Bosw. 489.

Cited, Costs—Offer of Judgment—Counterclaim.

77 Hun, 594; (60 St. Rep. 498; 28 Supp. 1048).

Fieldas v. Moul, 15 Abb. 6.

Cited, Justice's Judgment — Erroneous Amount—Correction on Appeal.

92 Hun, 414; (71 St. Rep. 857; 36 Supp. 763).

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Fiero v. Meaker. See Meaker v. Fiero.

Fiero v. N. Y. C. & H. R. R. Co., 71 Hun, 213; 54 St. Rep. 373; 24 Supp. 805.

Cited, Railroads—Guards—Negligence—Question for Jury.

80 Hun, 493; (62 St. Rep. 388; 30 Supp. 489).

Fiero v. Reynolds, 20 Barb. 275.

Cited, Waiver—Constitutional Benefit. 88 Hun, 563; (68 St. Rep. 786; 34 Supp. 848).

Fieseler v. Stege, 86 Hun, 595; 33 Supp. 749.

Fiestier v. Shepard, 92 N. Y. 251.

Cited, Appeal—What First Ra'sable On—Jurisdiction.

8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 443).

Surrogate's Court — Jurisdiction—Claims of Legatees.

9 Misc. 386; (61 St. Rep. 681; 30 Supp. 275). 20 Misc. 160; (79 St. Rep. 910; 45 Supp. 910).

Fifield v. New York L. & W. R. Co., 137 N. Y. 554; 50 St. Rep. 931.

Following, Fifield v. New York L. & W. R. Co., 125 N. Y. 704.

Fifth Ave., Matter of. See Keegan, Matter of.

Fifth Ave., Matter of, 91 Hun, 259; 36 Supp. 141.

Affirmed, 152 N. Y. 648.

Fifth Ave. Bank v. Colgate, 120 N. Y. 381; 31 St. Rep. 431.

Cited, Partnership—Limited—Renewal—Certificate.

72 Hun, 234; (55 St. Rep. 712; 25 Supp. 254).

Partnership—Rights of Special Partner. 85 Hun, 594; (66 St. Rep. 795; 33 Supp. 123).

Statutes—Construction — Words — Ordinary Meaning.

71 Hun, 249; (54 St. Rep. 571; 24 Supp. 1050).

Fifth Ave. Bank v. Forty-second St. & G. S. F. R. Co., 44 St. Rep. 79; 17 Supp. 826.

Affirmed, 137 N. Y. 231; 50 St. Rep. 712.

Cited, Banks—Savings Banks—Contracts—In Violation of Statutory Restriction.

66 Hun, 541; (50 St. Rep. 271; 21 Supp. 645).

Fifth Ave. Bank v. Forty-second St. & G. St. F. R. Co., 137 N. Y. 231; 50 St. Rep. 712.

Followed, 148 N. Y. 727.

Cited, Bills and Notes—Bona Fide Purchasers—Statements in Note.

75 Hun, 116; (58 St. Rep. 194; 26 Supp. 1101).

Corporations—Liability—Authorized Acts of Officers.

139 N. Y. 150; (54 St. Rep. 475). 88 Hun, 48; (68 St. Rep. 502; 34 Supp. 495). 89 Hun, 389; (35 Supp. 388). 2 App. Div. 512; (74 St. Rep. 326; 37 Supp. 1031). 7 App. Div. 369; (40 Supp. 74).

Corporations — Officers — Authority — Warehouse Receipts.

70 Hun, 153; (53 St. Rep. 906; 24 Supp. 407). 148 N. Y. 621.

Corporations—Holders of Stock—Right to New Certificate.

75 Hun, 103; (58 St. Rep. 168; 26 Supp. 1062).

Corporations — Liability — For Acts of Agents—Certificates—Representation.

74 Hun, 509; (57 St. Rep. 217; 26 Supp. 547). 148 N. Y. 657.

Corporations—Stock Certificates — Negotiability.

74 Hun, 492; (57 St. Rep. 53; 26 Supp. 487).

Estoppel—Equitable—Acts or Declarations of Agent or Officers.

4 Misc. 574; (25 Supp. 796).

Principal and Agent—Liability of principal—Torts.

75 Hun, 73; (57 St. Rep. 60; 27 Supp. 96).

Fifth Ave. Bank v. Forty Second St. & G. St. F. R. Co., 6 App. Div. 567; 40 Supp. 219.

Fifth Ave. Bank of Brooklyn, v. Cudlipp, 1 App. Div. 524; 72 St. Rep. 528; 37 Supp. 248.

Cited, Parties—Mortgage—Foreclosure.

4 App. Div. 196; (74 St. Rep. 177; 38 Supp. 557).

Fifth Nat. Bank v. Central Nat. Bank, 82 Hun. 559; 64 St. Rep. 176; 31 Supp. 541.

Affirmed, 152 N. Y. 636.

Fifth Nat. Bank v. Navas'a Phosphate Co., 119 N. Y. 256; 29 St. Rep. 686.

Cited, Corporations—Powers of Officers—Bills and Notes.

67 Hun, 464; (51 St. Rep. 327; 22 Supp. 153).

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6 App. Div. 68; (39 Supp. 627). 148 N. Y. 633.

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Firher v. McKerness, 69 St. Rep. 494; 35 Supp. 121.

Filbert v. Delaware & H. C. Co., 121 N. Y. 207; 30 St. Rep. 494.

Cited, Master and Servant—Negligence of Fellow servant.

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Filer v. Korn, 3 Misc. 624; 52 St. Rep. 266; 23 Supp. 115.

Filer v. New York Central R. Co., 49 N. Y. 42.

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1 Misc. 354; (48 St. Rep. 665; 20 Supp. 685).

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8 Misc. 90; (58 St. Rep. 817; 28 Supp. 599). 11 Misc. 417; (65 St. Rep. 440; 32 Supp. 256).

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9 Misc. 283; (61 St. Rep. 148; 29 Supp. 723). 3 Misc. 457; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 84). 7 App. Div. 603; (74 St. Rep. 738; 40 Supp. 177).

Witness—Expert—Hypothetical Questions—Scope.

84 Hun, 462; (65 St. Rep. 573; 32 Supp. 367). 13 Misc. 653; (69 St. Rep. 146; 34 Supp. 921).

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Filer v. N. Y. C. R. Co., 49 N. Y. 47.

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71 Hun, 530; (55 St. Rep. 90; 24 Supp. 1089).

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5 App. Div. 21; (39 Supp. 66). D. 145 N. Y. 522; (65 St. Rep. 383).

Trial—Questions of Law and Fact—Negligence.

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Filippini v. Stead, 4 Misc. 405; 53 St. Rep. 520; 23 Supp. 1061.

Cited, Trial—Right to Go to Jury—Waiver.

11 App. Div. 482; (76 St. Rep. 353; 42 Supp. 353).

Filke v. Boston & Albany R. Co., 53 N. Y. 549.

Cited, Master and Servant—Negligence—Inadequate Employes.

87 Hun, 540; (68 St. Rep. 602; 34 Supp. 299).

Filkins v. People, 69 N. Y. 101.

Cited, Assault—Defense—Protection of Property.

142 N. Y. 369; (59 St. Rep. 33).

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9 Misc. 5; (59 St. Rep. 675; 29 Supp. 52).

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9 Misc. 449; (61 St. Rep. 70; 29 Supp. 1038).

Filkins v. Whyland, 24 N. Y. 338.

Cited, Contracts—Memorandum—Receipt.

76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235).

Filley, Matter of, 47 St. Rep. 428; 20 Supp. 427.

Cited, Surrogate's Courts—Setting Aside Decree—Irregularity—Limitation.

4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847). 9 Misc. 623; (62 St. Rep. 243; 30 Supp. 851).

Filley v. Gilman, 34 Super. 339.

Cited, Power of Attorney—Authority—Bills and Notes.

91 Hun, 488; (70 St. Rep. 820; 36 Supp. 244).

Fillo v. Jones, 4 Keyes, 328.

Cited, Appeal—Objections to Evidence—Grounds Considered.

10 Misc. 394; (63 St. Rep. 406; 31 Supp. 122).

Fillo v. Jones, 2 Abb. Ct. App. Dec. 121.

Cited, 19 Misc. 168.

Filon v. Miller Brewing Co., 38 St. Rep. 602; 15 Supp. 57.

Cited, Corporations—Accommodation Endorsement—Ultra Vires.

90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Corporations—Guaranty—Ultra Vires.

20 Misc. 63; (79 St. Rep. 338; 45 Supp. 338).

Duplicate Citations in Parenthesis.

Filson v. Crawford, 23 St. Rep. 335; 5 Supp. 882.

Cited, Action—Damage from Elevated Railway—Conveyance Pending—Effect.

60 St. Rep. 170; (28 Supp. 484).

Equity—Injunctive Relief—Transfer of Property—Failure of Cause of Action.

8 Misc. 534; (59 St. Rep. 399; 28 Supp. 766).

Finan v. O'Dowd, 6 App. Div. 268; 75 St. Rep. 391; 40 Supp. 969.

Finch v. Skilton, 79 Hun, 531; 61 St. Rep. 544; 29 Supp. 925.

Finch v. Galligher, 12 Supp. 487.

Cited, Service of Process—Witness—Privilege.

10 Misc. 353; (63 St. Rep. 415; 31 Supp. 25; 24 Civ. Pro. 174).

Finch v. Wilkes, 17 Misc. 428; 41 Supp. 227.

Fincke v. Funcke, 25 Hun, 616.

Cited, Receivers—When May Sue.

10 Misc. 691; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 340).

Fincke v. Police Commissioners, 66 How. 318.

Cited, Injunction—When Granted—Remedy at Law.

8 Misc. 300; (59 St. Rep. 284; 28 Supp. 738).

Injunction—Arrest.

11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1087).

Finegan v. New York, 4 App. Div. 15; 74 St. Rep. 14; 38 Supp. 358.

Finelite v. Dorian, 14 App. Div. 125; 77 St. Rep. 446; 43 Supp. 446.

Finelite v. Finelite, 68 Hun, 82; 52 St. Rep. 243; 22 Supp. 729.

Fines v. Sillery, 73 Hun, 549; 58 St. Rep. 461; 26 Supp. 181.

Finger v. Kingston, City of, 29 St. Rep. 702; 9 Supp. 175.

Cited, Pleading—Irrelevancy—Striking Out.

75 Hun, 368; (56 St. Rep. 768; 27 Supp. 106). 85 Hun, 528; (67 St. Rep. 78; 33 Supp. 336).

Fink v. Albany & Susquehanna R. Co., 4 Lans. 147.

Cited, Damages—Expulsion of Passenger From Train.

88 Hun, 182; (68 St. Rep. 383; 34 Supp. 426).

Fink v. Allen, 36 Super. 350.

Cited, Mortgage—Enforcement—Defense—Foreclosure of Prior Mortgage Pending.

71 Hun, 459; (54 St. Rep. 536; 24 Supp. 987).

Fink v. Berg, 50 Hun, 211; 19 St. Rep. 322; 2 Supp. 851.

Cited, Descent—Debts of Ancestors—Lien.

61 St. Rep. 279; (29 Supp. 965).

Fink v. Jetter, 38 Hun, 163.

Cited, Pleading—Bill of Particulars—Knowledge of Applicant.

49 St. Rep. 11; (20 Supp. 970). 69 Hun, 341; (53 St. Rep. 362; 23 Supp. 591). 74 Hun, 348; (56 St. Rep. 380; 26 Supp. 458). 82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496). 14 Misc. 127; (35 Supp. 655).

Pleading—Bill of Particulars—Itemizing Damages.

2 Misc. 112; (49 St. Rep. 348; 20 Supp. 870).

Fink v. Manhattan R. Co., 29 St. Rep. 153; 8 Supp. 327.

Cited, Pleading—Complaint—Amendment—Rights of Defendant.

10 Misc. 73; (63 St. Rep. 171; 30 Supp. 35; 24 Civ. Pro. 87).

Finkelmeier v. Bates, 48 Super. 433.

Cited, Landlord and Tenant—Action for Rent—Counterclaim.

10 Misc. 746; (64 St. Rep. 613; 31 Supp. 805; 24 Civ. Pro. 244; 1 Ann. Cas. 191). 5 App. Div. 519; (38 Supp. 1076).

Finkelstein v. Barnett, 16 Misc. 488; 74 St. Rep. 551; 38 Supp. 961.

Affirmed, 17 Misc. 564; 75 St. Rep. 99; 40 Supp. 694.

Finkelstein v. Barnett, 17 Misc. 564; 75 St. Rep. 99; 40 Supp. 694.

Finkelstein v. Crane, 2 Misc. 545; 51 St. Rep. 613; 22 Supp. 399.

Finkelstein v. Waldo, 20 Misc. 701.

Finlay v. Chapman, 119 N. Y. 404; 29 St. Rep. 579.

Cited, Appeal—General Term—Review of Order for Discovery.

69 Hun, 498; (52 St. Rep. 836; 23 Supp. 713). 92 Hun, 605; (71 St. Rep. 173; 36 Supp. 402).

Appeal—Review of Discretionary Determination—Examination of Party Before Trial.

7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331).

Finlay v. Cook, 54 Barb. 9.

Cited, Adverse Possession—Constructive Possession—True Title.

139 N. Y. 445; (54 St. Rep. 704).

Officers—Official Duty—Presumption of Performance Of.

22 Supp. 536; (30 Abb. N. C. 114).

Finlay v. De Castroverde, 68 Hun, 59; 52 St. Rep. 228; 22 Supp. 716.

Duplicate Citations in Parenthesis.

Finlay v. Leary, 87 Hun, 8; 67 St. Rep. 438; 33 Supp. 872.

Finlayson v. Wiman, 84 Hun, 357; 65 St. Rep. 545; 32 Supp. 347.

Finley v. Hudson Elevated R. Co., 64 Hun, 373; 46 St. Rep. 202; 19 Supp. 621.

Cited, Master and Servant—Liability to Third Persons—Tort Outside Scope of Employment.

78 Hun, 526; (61 St. Rep. 237; 29 Supp. 542).

Finn, Matter of, 1 Misc. 280; 54 St. Rep. 301; 22 Supp. 1066.

Finn v. Duffy, 15 Misc. 126; 71 St. Rep. 436; 36 Supp. 490.

Finn v. Finn, 62 How. 83.

Cited, Husband and Wife—Validity of Marriage—Other Spouse.

71 Hun, 525; (54 St. Rep. 889; 24 Supp. 1034).

Finn v. Lally, 13 Misc. 532; 70 St. Rep. 214; 35 Supp. 553.

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Finn v. Lally, 1 App. Div. 411; 72 St. Rep. 492; 37 Supp. 437.

Finnegan v. Carraher, 47 N. Y. 493.

Cited, Estoppel—Representations.

6 App. Div. 52; (39 Supp. 741).

Finnell v. Delaware, Lack & W. R. Co., 129 N. Y. 669.

Cited, Master and Servant—Injuries to Brakeman—Contributory Negligence.

11 App. Div. 140; (76 St. Rep. 892; 42 Supp. 892).

Finnerty v. Barker, 7 N. Y. Leg. Obs. 316.

Cited, Pleading—Complaint—Slander—Setting Forth Words.

81 Hun, 51; (62 St. Rep. 563; 30 Supp. 585).

Finnerty v. Prentice, 19 Alb. L. J. 160; 75 N. Y. 615.

Cited, Master and Servant—Negligence—Minors—Instructions.

76 St. Rep. 1108; (42 Supp. 1108).

Finnigan, Matter of, 91 Hun, 176; 71 St. Rep. 133; 36 Supp. 331.

Fire Department v. Zeigler.

Cited, Injunction—Relief After Objectionable Act is Done.

72 Hun, 98; (55 St. Rep. 635; 25 Supp. 556)

Fire Department of N. Y. v. Atlas Steamship Co., 106 N. Y. 566; 11 St. Rep. 113.

Cited, Municipal Corporations—Building Regulations—Fire Limits.

9 Misc. 198; (61 St. Rep. 290; 30 Supp. 252).

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75 St. Rep. 20; (40 Supp. 624).

Fire Department of New York v.

Gilmour, 4 Misc. 202; 53 St. Rep.

490; 23 Supp. 1022.

Affirmed, 149 N. Y. 453.

Fire Department of N. Y. v. Gilmour, 149 N. Y. 453.

Cited, Municipal Corporations—Order for Vacation of Building—Notice.

20 Misc. 40; (79 St. Rep. 326; 45 Supp. 326).

Fire Department of N. Y. v. Harrison, 2 Hilt. 455.

Cited, Constitutional Law—Action on Penalty—Jury Trial.

13 App. Div. 203; (77 St. Rep. 369; 43 Supp. 369).

Fire Department of N. Y. v. Noble,

3 E. D. Smith, 440.

Cited, Corporations—Foreign—Status.

3 Misc. 59; (51 St. Rep. 863; 22 Supp. 543).

First Ave. Bank v. Forty-second St. & G. St. Ferry R. Co., 137 N. Y.

231; 50 St. Rep. 712.

Cited, Corporations—Stock—Representations by Officers—Liability of Company.

69 St. Rep. 774; (35 Supp. 388).

First Baptist Church v. Brooklyn Fire Ins. Co., 19 N. Y. 305.

Cited, Insurance—Prepayment of Premium—Waiver.

16 App. Div. 201; (78 St. Rep. 750; 44 Supp. 750). D. 8 App. Div. 108; (40 Supp. 464).

Statute of Frauds.

11 Misc. 383; (65 St. Rep. 294; 32 Supp. 147). 40 Supp. 1016.

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4 App. Div. 522; (74 St. Rep. 628; 40 Supp. 18).

First Baptist Church in Brooklyn v. Brooklyn Fire Ins. Co., 23 How.

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Cited, Trial—Presenting Evidence—Indicating Materiality.

3 Misc. 457; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 84). 4 Misc. 187; (53 St. Rep. 225; 23 Supp. 997).

Duplicate Citations in Parenthesis.

First Baptist Church in Brooklyn v. Brooklyn Fire Ins. Co., 18 Barb. 69.

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4 App. Div. 522; (74 St. Rep. 628; 40 Supp. 18).

First Baptist Church in Brooklyn v. Brooklyn Fire Ins. Co., 28 N. Y. 153.

Cited, Contracts—Meeting of Minds.
1 Misc. 296; (48 St. Rep. 669; 20 Supp. 706).
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4 App. Div. 522; (74 St. Rep. 628; 40 Supp. 18).

Evidence—Admissions—Agent
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First Baptist Society v. Rapalee, 16 Wend. 605.

Cited, Incorporation—Estoppel.
81 Hun, 251; (62 St. Rep. 712; 30 Supp. 769).

First Nat. Bank of Amsterdam v. Schuler, 89 Hun, 303; 69 St. Rep. 287. 35 Supp. 171.

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First Nat. Bank of Amsterdam v. Shuler, 153 N. Y. 163.

First Nat. Bank of Baldwinsville v. Cornell, 8 App. Div. 427; 75 St. Rep. 242; 40 Supp. 850.

First Nat. Bank of Ballston Spa v. North America, Insurance Co. of, 50 N. Y. 45;

Cited, Insurance—Warranty—Breach.
11 App. Div. 413; (76 St. Rep. 286; 42; Supp. 286).

First Nat. Bank of Ballston Spa v. Saratoga, Board Supervisors of 106 N. Y. 488; 11 St. Rep. 150.

Cited, Money Paid—Necessity of Request.
4 Misc. 233; (53 St. Rep. 635; 24 Supp. 762).

First Nat. Bank of Batavia v. Tarbox, 38 Hun, 57,

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First Nat. Bank of Brooklyn v. Stuetzer, 80 Hun, 435; 61 St. Rep. 823; 30 Supp. 83.

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Cited, Bills and Notes—When not Corporation Obligation.

84 Hun, 378; (65 St. Rep. 588; 32 Supp. 383).

First Nat. Bank of Brooklyn v. Wallace, 84 Hun, 376; 65 St. Rep. 588; 32 Supp. 382.

Cited, Election of Remedies—Several Debtors.

14 App. Div. 98; (76 St. Rep. 854; 42 Supp. 854).

First Nat. Bank of Brooklyn v. Wallis, 150 N. Y. 455.

First Nat. Bank of Buffalo v. Wood, 71 N. Y. 405.

Cited, Surety—Discharge.
85 Hun, 201; (66 St. Rep. 488; 32 Supp. 1003). 89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414). 13 App. Div. 451; (77 St. Rep. 602; 43 Supp. 602).

First Nat. Bank of Canandaigua v. Martin, 49 Hun, 571; 18 St. Rep. 414; 2 Supp. 315.

Cited, Supplementary Proceedings—Receiver—Direction for Surrender of Debtor's Land.

50 St. Rep. 107; (21 Supp. 924). 62 St. Rep. 122; (30 Supp. 381). 7 App. Div. 530, 532; (40 Supp. 262).

Supplementary Proceedings — Reaching Real Estate.

41 Supp. 225; (25 Civ. Pro. 382).

First Nat. Bank of Carthage v. Eaton, 85 Hun, 106; 66 St. Rep. 34; 32 Supp. 652.

First Nat. Bank of Champlain v. Palmer, 70 Hun, 493; 53 St. Rep. 753; 24 Supp. 451.

First Nat. Bank of Champlain v. Wood, 86 Hun, 491; 67 St. Rep. 523; 33 Supp. 777.

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6 App. Div. 116; (39 Supp. 477).

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8 App. Div. 38; (40 Supp. 400).

First Nat. Bank of Champlain v. Wood, 128 N. Y. 35; 38 St. Rep. 422.

Reversing, 45 Hun, 411; 10 St. Rep. 87.

Cited, Partnership — Divided Profits—Rights of Partners Respecting.

82 Hun, 58; (63 St. Rep. 372; 31 Supp. 72). 16 Misc. 68; (73 St. Rep. 267; 37 Supp. 686).

Bills and Notes—Gift—Equities.

18 Misc. 616; (76 St. Rep. 468; 42 Supp. 468).

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86 Hun, 495; (67 St. Rep. 525; 33 Supp. 780).

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First Nat. Bank of Chicago v. Dean,
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toppel—Bona fide Transferee.

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First Nat. Bank of Cincinnati v.
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Cited, Conversion—Bills of Lading—As-
signment of—Delivery of Goods.

142 N. Y. 172; (58 St. Rep. 640).

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livery of Bill of Lading—Effect.

85 Hun. 165; (66 St. Rep. 115; 32 Supp.
606).

First Nat. Bank of Cooperstown v.
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Cited, Costs—Reference—Fees—Stipula-
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First Nat. Bank of Cortland v.
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6; (68 St. Rep. 503; 34 Supp. 497). 2 App.
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148 N. Y. 703.

First National Bank of Friendship,
N. Y., v. Weston, 88 Hun. 29; 68 St.
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First Nat. Bank of Gordon v. Crit-
tenden, 2 T. & C. 118.

Cited, Bills and Notes—Presentment.

1 App. Div. 28; (72 St. Rep. 66; 36 Supp.
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First Nat. Bank of Hoosick Falls v.
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17 Misc. 621; (75 St. Rep. 333; 40 Supp.
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ority.

15 App. Div. 163; (78 St. Rep. 196; 44 Supp.
196).

First Nat. Bank of Hornellsville v.
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Affirmed, 125 N. Y. 711.

Cited, Evidence—Experts—Signatures.

135 N. Y. 456; (48 St. Rep. 428).

First Nat. Bank of Jersey City v.
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Cited, Assignment for Creditors—Prefer-
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3 Misc. 500; (23 Supp. 987).

First Nat. Bank of Jersey City v.
Huber, 75 Hun. 80; 58 St. Rep. 158; 26
Supp. 961.

Cited, Partnership—Limited—Liability as
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18 Misc. 556; (41 Supp. 992).

Evidence—Account Books—Special Part-
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16 App. Div. 330; (78 St. Rep. 619; 44 Supp.
619).

First Nat. Bank of Jersey City v.
Huber, 75 Hun. 138; 58 St. Rep. 160,
26 Supp. 963.

First Nat. Bank of Jersey City v.
Lamon, 130 N. Y. 366; 41 St. Rep.
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Reversing, 55 Hun. 414; 29 St. Rep. 181; 8
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Cited, Corporations—Trustees—Liability
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81 Hun. 272; (62 St. Rep. 766; 30 Supp.
803; 1 Ann. Cas. 59).

First Nat. Bank of Jersey City v.
Leach, 52 N. Y. 350.

Cited, Banks—Certification of Checks—
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77 Hun. 169; (58 St. Rep. 718; 28 Supp.
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First Nat. Bank of Jersey City v.
Lenk, 32 St. Rep. 191; 10 Supp. 261.

Cited, Action—Joint Liability—Parties.

7 App. Div. 169; (74 St. Rep. 662; 40
Supp. 49.)

First Nat. Bank of Jersey City v.
Staples, 34 St. Rep. 503; 11 Supp.
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Cited, Partnership—Who Partners.

16 Misc. 75; 73 St. Rep. 251; 37 Supp.
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First Nat. Bank of Kansas City v.
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Supp. 255.

Duplicate Citations in Parenthesis.

First Nat. Bank of Lowville v. Mofat, 39 St. Rep. 668; S. C. 15 Supp. 389.

Cited, Bills and Notes—Demand and Notice—Promise by Drawer or Indorser.

4 Misc. 69; (53 St. Rep. 127; 23 Supp. 784).

First Nat. Bank of Lowville v. Mofat, 77 Hun, 468; 60 St. Rep. 542; 28 Supp. 1078.

First Nat. Bank of Lyons, v. Ocean Nat. Bank, 60 N. Y. 278.

Cited, Corporations—Officers—Authority—By-Laws.

61 St. Rep. 119; (30 Supp. 251). 15 Misc. 432; (72 St. Rep. 477; 37 Supp. 167).

Bailment—Mandate—Negligence.

141 N. Y. 106; (56 St. Rep. 658).

Evidence—Declarations—Of Agents.

139 N. Y. 151; (54 St. Rep. 476).

First Nat. Bank of Mondan v. Gilmor, 18 Misc. 614; 74 St. Rep. 467; 42 Supp. 467.

First Nat. Bank of Marietta v. Bushwick Chemical Works, 25 St. Rep. 830; 6 Supp. 318; 17 Civ. Pro. 229.

Cited, Attachment—Regularity—Recital of Grounds.

51 St. Rep. 43; (22 Supp. 1098). 76 Hun, 124; (57 St. Rep. 478; 27 Supp. 824).

Attachment—Affidavits—Recital of Facts in the Alternative—Disposal or Removal of Property.

75 Hun, 337; (58 St. Rep. 210; 26 Supp. 1004).

First Nat. Bank of Meadville v. Fourth Nat. Bank, 77 N. Y. 320.

Cited, Bills and Notes—Presentation—Diligence.

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First Nat. Bank of Meadville v. Fourth Nat. Bank of N. Y., 84 N. Y. 469.

Cited, Motions and Orders—Construction of Order as to Costs.

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Costs—To Abide Event.

68 St. Rep. 721; (34 Supp. 799; 24 Civ. Pro. 440).

First Nat. Bank of Meriden v. Galaudet, 122 N. Y. 655; 34 St. Rep. 228.

Cited, Partnership—What Constitutes—Retention of Percentage of Sales in Lieu of Rent.

7 Misc. 668; (58 St. Rep. 809; 28 Supp. 13).

First Nat. Bank of Middletown v. Council Bluffs W. W. Co., 56 Hun, 412; 32 St. Rep. 85; 9 Supp. 859.

Cited, Corporations—Powers of Officers—Bills and Notes.

67 Hun, 459; ((1 St. Rep. 327; 22 Supp. 152).

First Nat. Bank of Oxford v. Turner, 24 Supp. 793.

First Nat. Bank of Oxford v. Wheeler, 72 N. Y. 201.

Cited, Municipality—Officers—Payment of Money Received—Defense.

144 N. Y. 62; (63 St. Rep. 41).

First Nat. Bank of Plainfield v. Harrison, 78 St. Rep. 1117; 44 Supp. 1117.

First Nat. Bank of Plattsburgh v. Fitzpatrick, 80 Hun, 75; 61 St. Rep. 766.

Cited, Contempt—Supplementary Proceedings—Practice.

19 Misc. 421; (77 St. Rep. 1138; 43 Supp. 1138).

First Nat. Bank of Portland v. Schuyler, 39 Super. 440.

Cited, Bills and Notes—Discount before Acceptance—Liability of Acceptor.

16 Misc. 438; (40 Supp. 389).

First Nat. Bank of Richfield Springs v. Clarke, 22 Week. Dig. 569.

Cited, Pleading—Answer—Denial—Sufficiency.

16 Misc. 335; (39 Supp. 721).

First Nat. Bank of Rome v. Wilson, 13 Hun, 232.

Followed, 75 Hun, 613; 59 St. Rep. 890; 28 Supp. 1129.

First Nat. Bank of Salem v. Davis, 35 Supp. 532.

First Nat. Bank of Saratoga Springs v. Slattery, 4 App. Div. 421; 74 St. Rep. 791; 38 Supp. 859.

First Nat. Bank of Sing Sing v. Chalmers, 120 N. Y. 658.

Cited, 144 N. Y. 439; (63 St. Rep. 662).

First Nat. Bank of Sing Sing v. Chalmers, 144 N. Y. 432; 63 St. Rep. 658.

First Nat. Bank of Sing Sing v. Chalmers, 144 N. Y. 432; 63 St. Rep. 658.

Cited, Contracts—To Pay Another's Debt—Availability.

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First Nat. Bank of Sing Sing v. Hamilton, 76 Hun, 613; 59 St. Rep. 331; 27 Supp. 1029.

Affirmed, 149 N. Y. 587.

First Nat. Bank of Sing Sing v. Knevals, 51 St. Rep. 22; 21 Supp. 1058.

First Nat. Bank of Springfield v. Dana, 79 N. Y. 108.

Cited, Evidence—Parol—In Aid of Writing.

3 Misc. 518; (52 St. Rep. 496; 23 Supp. 334).

Trial—Questions of Law and Fact—Construction of Writing.

140 N. Y. 649; (55 St. Rep. 822). 151 N. Y. 470.

First Nat. Bank of Syracuse v. N. Y. C. & H. R. R. Co., 85 Hun, 160; 66 St. Rep. 112; 32 Supp. 604.

First Nat. Bank of Toledo v. Shaw, 61 N. Y. 283.

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49 St. Rep. 731; (20 Supp. 796).

Factors—When Relation Exists.

4 App. Div. 296; (39 Supp. 453).

Consignment—When Title Passes.

11 App. Div. 309; (76 St. Rep. 391; 42 Supp. 391).

First Nat. Bank of Union Mills, v. Clark, 42 Hun, 90.

Cited, Appeal—Denial of New Trial—Absence of Exceptions.

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

Res Adjudicata—Motion.

18 Misc. 575; (76 St. Rep. 480; 42 Supp. 480).

First Nat. Bank of Union Mills v. Clark, 134 N. Y. 368.

Cited, Banks—Liability to Depositors—Contracts Between Banks.

79 St. Rep. 656; (45 Supp. 656). 12 Misc. 22; (66 St. Rep. 721; 33 Supp. 64).

First Nat. Bank of Utica v. Ballou, 49 N. Y. 155.

Cited, Limitation of Action—Removal of Bar—Payment—Joint Debtors.

4 Misc. 344; (54 St. Rep. 248; 24 Supp. 318).

Limitation of Action — Payment — By Agent.

82 Hun, 65; (63 St. Rep. 366; 31 Supp. 67). 77 St. Rep. 155; (43 Supp. 155).

Statute of Limitation—Payment.

4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501).

First Nat. Bank of Watkins v. Smith, 24 Supp. 1146.

First Nat. Bank of West Troy v. Levy, 41 Hun, 461; 3 St. Rep. 298.

Cited, Reference—Report—Rendition—Alteration.

66 Hun, 455; (50 St. Rep. 462; 21 Supp. 242). 92 Hun, 85; (71 St. Rep. 806; 36 Supp. 638).

First Nat. Bank of Whitehall v. Tisdale, 84 N. Y. 655.

Cited, Evidence—Entries Made by Agent—Verification.

11 App. Div. 146; (76 St. Rep. 1050; 42 Supp. 1050).

First Presbyterian Society v. Bowen, 21 Hun, 389.

Cited, Wills — Charitable Bequest — Validity.

1 App. Div. 162; (37 Supp. 921).

Fischer v. Blank, 81 Hun, 579; 63 St. Rep. 334; 31 Supp. 10.

Affirmed, 144 N. Y. 700; 19 Supp. 65.

Fischer v. Blank, 138 N. Y. 244; 52 St. Rep. 339.

Cited, Trade Mark—Style of Package—Resemblance.

73 Hun, 109; (57 St. Rep. 225; 26 Supp. 955). 10 Misc. 272; (63 St. Rep. 316; 30 Supp. 1076). 10 Misc. 580; (65 St. Rep. 328; 32 Supp. 205). 89 Hun, 402; (70 St. Rep. 163; 35 Supp. 511).

Fischer v. Blank, 138 N. Y. 669; 53 St. Rep. 293.

See 138 N. Y. 244; 52 St. Rep. 339.

Cited, Appeal—Judgment—Correction.

4 App. Div. 449; (74 St. Rep. 23; 38 Supp. 609). 16 App. Div. 471; (78 St. Rep. 939; 44 Supp. 939).

Fischer v. Burns, 61 St. Rep. 476; 30 Supp. 437.

Fischer v. Hetherington, 11 Misc. 575; 66 St. Rep. 178; 32 Supp. 795.

Fischer v. Hussey, 11 Misc. 529; 66 St. Rep. 91; 32 Supp. 762.

Fischer v. Langbein, 31 Hun, 272.

Cited, Appeal—Costs.

49 St. Rep. 264; (20 Supp. 925).

Fischer v. Langbein, 103 N. Y. 84; 2 St. Rep. 768.

Cited, Contempt—Punishment for—Order—Sufficiency of.

80 Hun, 76; (61 St. Rep. 767; 30 Supp. 16).

Courts—Jurisdiction—Proof of.

8 Misc. 297; (59 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 444).

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5 Misc. 317; (25 Supp. 982; 23 Civ. Pro. 241; 31 Abb. N. C. 39).

Process—Void.

7 Misc. 398; (57 St. Rep. 556; 27 Supp. 921). 4 Misc. 270; (53 St. Rep. 318; 24 Supp. 102). 79 Hun, 139; (61 St. Rep. 350; 29 Supp. 759; 24 Civ. Pro. 22). 16 Misc. 321; (78 St. Rep. 570; 37 Supp. 951).

Process—When Protection.

10 Misc. 348, 349; (63 St. Rep. 410, 411; 31 Supp. 126, 127; 24 Civ. Pro. 198, 200).

Fischer v. Raab, 81 N. Y. 235.

Cited, Contempt—Civil—Fine—Based Upon Damage to Party.

6 Misc. 120; (57 St. Rep. 861; 26 Supp. 52). 12 Misc. 8; (66 St. Rep. 531; 33 Supp. 32).

Contempt—Civil—Adjudication in Order.

67 Hun, 259; (50 St. Rep. 907; 22 Supp. 429; 23 Civ. Pro. 125). 80 Hun, 76; (61 St. Rep. 767; 30 Supp. 16). 10 Misc. 334; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 167; 1 Ann. Cas. 80).

Fish, Matter of, 88 Hun, 56; 68 St. Rep. 511; 34 Supp. 536.

Fish, Matter of, 19 Abb. 209.

Cited, Wills—Legacies—Payment—Time. 135 N. Y. 297; (47 St. Rep. 815).

Fish v. Benedict, 74 N. Y. 613.

Cited, Sale—Title—When Passes.

18 Misc. 179; (75 St. Rep. 936; 41 Supp. 575).

Fish v. Dodge, 4 Den. 311.

Cited, Nuisance—What Constitutes.

140 N. Y. 277; (55 St. Rep. 662).

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Fish v. Emerson, 44 N. Y. 376.

Cited, Justice of Peace—Failure to Docket Judgment—Effect of.

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14 Misc. 126; (70 St. Rep. 331; 35 Supp. 856).

Fish v. Folley, 6 Hill, 54.

Cited, Cause of Action—Installments of Demand.

78 Hun, 175; (60 St. Rep. 203; 28 Supp. 972).

Fish v. Howland, 1 Paige, 20.

Cited, Sale—Vendor's Lien—Waiver—Personal Security.

79 Hun, 219; (61 St. Rep. 401; 29 Supp. 504).

Fish v. Skut, 21 Barb. 333.

Cited, Personalty—Possession—Presumption of Title.

88 Hun, 235; (68 St. Rep. 723; 34 Supp. 800).

Fish v. Wood, 2 Abb. 419.

Cited, Appeal—Case—Modification.

64 St. Rep. 624; (31 Supp. 844).

Fish's Eddy Chemical Co. v. Stevens, 92 Hun, 179; 71 St. Rep. 168; 36 Supp. 397.

Fishbach v. Steinway R. Co., 11 App. Div. 152; 76 St. Rep. 883; 42 Supp. 885.

Cited, Street Railways—Negligence—Failure to Stop Car.

16 App. Div. 114; (79 St. Rep. 126; 45 Supp. 126).

Fisher, Matter of, 8 Supp. 10.

Cited, Wills—Construction—Perpetuities—Burial Plot.

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Fisher, Matter of, 4 Misc. 46; 55 Supp. 79.

Fisher v. Andrews, 37 Hun, 176.

Cited, Insurance—Assessments—Application.

78 Hun, 193; (60 St. Rep. 256; 28 Supp. 945).

Fisher v. Banta, 66 N. Y. 468.

Cited, Wills—Power to Sell Land.

67 Hun, 375; (51 St. Rep. 925; 22 Supp. 218).

Wills—Devise—Equitable Conversion—Interest of Devisee.

7 Misc. 28; (57 St. Rep. 77; 27 Supp. 313).

Wills—Power of Sale—Conversion—Time.

79 St. Rep. 1070; (45 Supp. 1070).

Fisher v. Bishop, 108 N. Y. 25; 13 St. Rep. 446.

Cited, Evidence—Presumptions—Undue Influence—Confidential Relations.

137 N. Y. 613; (51 St. Rep. 76). 11 App. Div. 59; (76 St. Rep. 989; 42 Supp. 989).

Contracts—Cancellation—In Pari delicto—Confidential Relation.

78 Hun, 500; (61 St. Rep. 240; 29 Supp. 559).

Fisher v. Blank, 138 N. Y. 244; 52 St. Rep. 339.

Cited, Trade Mark—Infringement—Injunction.

10 Misc. 535; (65 St. Rep. 331; 32 Supp. 208).

Duplicate Citations in Parenthesis.

Fisher v. Boecher, 5 Misc. 592; 25 Supp. 1144.

Fisher v. Bush, 35 Hun. 641.

Cited, Corporations—Agreements Not to Sell Stock—Validity.

92 Hun, 237.

Fisher v. Cambridge, Village of, 133 N. Y. 527; 44 St. Rep. 317.

Cited, Municipal Corporations—Liability—Construction of Public Works—Negligence.

8 Misc. 413; (59 St. Rep. 495; 28 Supp. 675).

Fisher v. Corwin, 35 Hun, 253.

Cited, New Trial—New Evidence—Laches.

4 Misc. 509; (26 Supp. 278). 7 App. Div. 405; (39 Supp. 1020).

Fisher v. Fields, 10 Johns. 494.

Cited, Trusts — Creation — Declaration — Sufficiency.

140 N. Y. 119; (55 St. Rep. 373).

Fisher v. Filon, 90 Hun, 605; 69 St. Rep. 638; 35 Supp. 283.

Fisher v. Fisher, 129 N. Y. 654; 42 St. Rep. 100.

Cited, Evidence—Confidential Communications—Physicians.

2 Misc. 325; (51 St. Rep. 425; 21 Supp. 943). 8 App. Div. 76; (40 Supp. 421).

Fisher v. Gunn, 12 Misc. 207; 67 St. Rep. 828; 34 Supp. 27.

Fisher v. Hall, 41 N. Y. 416.

Cited, Deeds—Non-Delivery—Validity.

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Trusts—Personalty—Delivery.

20 Misc. 575.

Fisher v. Hepburn, 48 N. Y. 41.

Cited, Contempt—Injunction — Jurisdiction—Obedience.

6 Misc. 461; (56 St. Rep. 780; 27 Supp. 502).

Real Property—Conflicting Claims—Remedy.

78 Hun, 382; (60 St. Rep. 740; 29 Supp. 182).

Judgment—Collateral Attack.

12 App. Div. 17; (76 St. Rep. 178; 42 Supp. 178).

Fisher v. Metropolitan Elevated R. Co., 34 Hun, 433.

Cited, Damages—Exemplary.

79 Hun, 38; (61 St. Rep. 197; 29 Supp. 736). 1 Misc. 372; (49 St. Rep. 724; 21 Supp. 459). 92 Hun, 244; (72 St. Rep. 315; 36 Supp. 950).

Railroad—Lease to Individual—Consent of Legislature—Effect on Liabilities.

71 Hun, 281; (54 St. Rep. 528; 24 Supp. 1017).

Fisher v. Monroe, 2 Misc. 326; 51 St. Rep. 585; 21 Supp. 995.

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Cited, Damages—Measure of—Breach of Contract—Employment.

7 Misc. 637; (58 St. Rep. 373; 28 Supp. 27). 19 Misc. 7; (76 St. Rep. 910; 42 Supp. 910). 149 N. Y. 392.

Damages — Measure—Contract — Stipulated Penalty on Cancellation.

5 Misc. 334; (55 St. Rep. 508; 25 Supp. 518).

Fisher v. Monroe, 16 Daly, 461; 34 St. Rep. 760; 12 Supp. 273.

Cited, Contracts—Termination—Death of Party.

4 Misc. 101; (53 St. Rep. 131; 23 Supp. 1011).

Contracts — Employment — Termination by Disability.

13 Misc. 116; (68 St. Rep. 199; 34 Supp. 152).

Fisher v. New York, 67 N. Y. 73.

Distinguished, Evidence — Documentary Church Records.

73 Hun, 604; (56 St. Rep. 143; 26 Supp. 320).

Cited, Evidence—Documentary—Entries by Decedents.

49 St. Rep. 562; (20 Supp. 912).

Limitation of Action — When Statute Runs — Notice — Claims Against Municipality.

77 Hun, 38; (59 St. Rep. 443; 28 Supp. 230).

Fisher v. N. Y. C. & H. R. R. Co., 46 N. Y. 644.

Cited, Penalties—Recovery of Successive.

7 App. Div. 480; (39 Supp. 1114).

Railroads — Penalty — Excessive Fare—Availability.

10 App. Div. 339; (75 St. Rep. 1200; 41 Supp. 800).

Railroads—Penalty for Excessive Fare—Object of Statute.

20 Misc. 607.

Penalties—Aggregated.

19 Misc. 132.

Penalty—Intent of Party Enforcing.

19 Misc. 125.

Duplicate Citations in Parenthesis.

Fisher v. N. Y. Common Pleas, 18 Wend. 608.

Cited, Contracts—Misrepresentations.

16 Misc. 144; (74 St. Rep. 541; 38 Supp. 951).

Fisher v. Ogden, 12 App. Div. 602; 77 St. Rep. 111; 48 Supp. 111.

Fisher v. Rankin, 55 Hun, 606; 27 St. Rep. 582.

Cited, Pleading—Amendment — Change of Cause of Action.

10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942).

Fisher v. Rankin, 78 Hun, 407; 60 St. Rep. 708; 29 Supp. 143.

Affirmed, 149 N. Y. 579.

Fisher v. Rankin, 25 Abb. 191; 27 St. Rep. 582; 7 Supp. 837.

Cited, Negligence—Injuries by—Distinguished from Nuisance—Limitation.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 319).

Fisher v. Sharpe, 5 Daly, 214.

Cited, Payment—Precedent Debt—Taking Note.

12 Misc. 73; (66 St. Rep. 677; 33 Supp. 84).

Fisher v. Smith, 46 St. Rep. 309; 18 Supp. 752.

Cited, Appeal—Verdict—Weight of Evidence.

85 Hun, 93; (66 St. Rep. 74; 32 Supp. 689).

Fisher v. Verplanck, 17 Hun, 150.

Cited, Witness—Personal Transaction with Decedent.

4 App. Div. 442; (74 St. Rep. 157; 38 Supp. 665).

Fisher v. Wilcox, 77 Hun, 208; 59 St. Rep. 764; 28 Supp. 327.

Cited, Vendor and Purchaser—Doubtful Title—Enforcement of Contract.

82 Hun, 214; (63 St. Rep. 786; 31 Supp. 336.)

Fishkill v. Fishkill & Beekman P. Road Co., 22 Barb. 634.

Cited, Towns—Rights and Powers—As Corporations.

69 St. Rep. 451; (35 Supp. 95).

Fishkill Sav. Inst. v. Bostwick, 92 N. Y. 564.

Cited, Banks—Wrongful Acts of Officers—Liability to Depositors.

79 St. Rep. 656; (45 Supp. 656).

Fishkill Sav. Inst. v. National Bank of Fishkill, 80 N. Y. 162.

Cited, Master and Servant—Torts of Servant—Liability of Master.

1 Misc. 150; (48 St. Rep. 658; 20 Supp. 701). 7 Misc. 501; (58 St. Rep. 797; 27 Supp. 950).

Agency—Wrongful Acts of Agent—Liability of Principal.

18 Misc. 224; (75 St. Rep. 798; 41 Supp. 387). 79 St. Rep. 654, 655; (45 Supp. 654, 655).

Fisk v. Bennett, 69 Hun, 272; 53 St. Rep. 309; 23 Supp. 471.

Fisk v. Chicago & Gt. W. R. Co., 53 Barb. 513.

Cited, Corporations—Action by Stockholder for Wrongful Acts of Officers—Jurisdiction.

90 Hun, 359; (35 Supp. 942).

Fisk v. Chicago, R. I. & P. R. Co., 3 Abb. N. S. 430.

Cited, Witness—Examination in Aid of Motion—Production of Books and Papers.

2 App. Div. 502; (74 St. Rep. 426; 37 Supp. 1079; 3 Ann. Cas. 18).

Fisk v. Fisk, 6 App. Div. 432; 39 Supp. 537.

Cited, Marriage — Annulment — Fraud—What Sufficient.

17 Misc. 330; (40 Supp. 110).

Fisk v. Fisk, 12 Misc. 466; 67 St. Rep. 834; 34 Supp. 33; 25 Civ. Pro. 38; 1 Ann. Cas. 380.

Affirmed, 6 App. Div. 432; 29 Supp. 537.

Fisk v. Newton, 1 Den. 45.

Cited, Carriers—Refusal of Consignee to Accept—Storage.

9 App. Div. 174; (75 St. Rep. 545; 41 Supp. 85).

Fisk v. N.Y. Press Co., 91 Hun, 547; 70 St. Rep. 837; 36 Supp. 184.

Fisk v. Potter, 41 N. Y. 64.

Cited, Mortgages — Purchase Money — Priority.

13 App. Div. 186; (77 St. Rep. 356; 43 Supp. 356).

Fisk v. Potter, 2 Abb. Ct. App. Dec. 138; 2 Keyes, 64.

Cited, Mortgages—Lien—Effect of Conveyance to Mortgagee.

88 Hun, 589; (69 St. Rep. 66; 34 Supp. 902).

Fiske v. Bailey, 51 N. Y. 150.

Cited, Pleading — Admissions—Evidence Contradicting.

13 Misc. 576; (69 St. Rep. 113; 24 Supp. 947).

Fiske v. Devermann. See *People v. Devermann*.

Duplicate Citations in Parenthesis.

Fiske v. New York, 138 N. Y. 630; 51 St. Rep. 934.

Fiske v. Smith, 9 App. Div. 208; 41 Supp. 176.

Fiske v. Twigg, 50 Super. 69; 5 Civ. Pro. 41.

Cited, Supplementary Proceedings—Depositions—Filing.

67 St. Rep. 290; (33 Supp. 442; 24 Civ. Pro. 294; 1 Ann. Cas. 402). 19 Misc. 420; (77 St. Rep. 1138; 43 Supp. 1138). 20 Misc. 694.

Fiske v. Wilber, 7 Barb. 395.

Cited, Waters—Grant—Use—Quantity.
74 Hun. 17; (56 St. Rep. 741; 26 Supp. 148).

Fiske v. Williams, 4 App. Div. 487; 74 St. Rep. 582; 38 Supp. 899.

Fiss v. Warren, 6 Misc. 68; 56 St. Rep. 525; 26 Supp. 75.

Fister v. La Rue, 15 Barb. 323.

Cited, Corporations—Liabilities—Services Rendered With Knowledge of Officers.

73 Hun. 454; (56 St. Rep. 22; 26 Supp. 477).

Fitch, Matter of, 147 N. Y. 334; 69 St. Rep. 692.

Cited, Certiorari—When Lies.
15 Misc. 233; (72 St. Rep. 11; 36 Supp. 781).

Fitch v. American Popular Life Ins. Co., 59 N. Y. 557.

Cited, Evidence—Insurance—Declarations of Insured.

83 Hun. 323; (64 St. Rep. 367; 31 Supp. 940).

Fitch v. Devlin, 15 Barb. 47.

Cited, Justice's Court—Jurisdiction—Defective Service.

5 Misc. 120; (25 Supp. 742). 20 Misc. 74; (79 St. Rep. 410; 45 Supp. 410).

Justice's Court — Defective Service of Summons—Collateral Attack.

11 Misc. 452; (67 St. Rep. 417; 33 Supp. 415; 24 Civ. Pro. 429).

Justice's Court—Jurisdiction—Matters to Appear.

11 Misc. 454; (67 St. Rep. 418; 33 Supp. 417; 24 Civ. Pro. 431).

Fitch v. Forman, 14 Johns 172.

Cited, Release—By One Joint Creditor—Effect.

86 Hun. 206; (67 St. Rep. 53; 33 Supp. 310).

Fitch v. Kennard, 2 Misc. 95; 49 St. Rep. 709; 20 Supp. 845.

Cited, Witnesses—Impeachment—Declarations—Foundation.

7 Misc. 429; (57 St. Rep. 648; 27 Supp. 943).

Sale—Warranty—Breach—Damages.

19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Fitch v. Kirkland, Commissioners of, 22 Wend. 132.

Cited, Highways—Removal of Encroachment—Notice—Sufficiency.

149 N. Y. 509.

Fitch v. Livingston, 7 How. 410.

Cited, Appeal—Case—Modification.

64 St. Rep. 624; (31 Supp. 844).

Fitch v. McDowell, 80 Hun. 207; 61 St. Rep. 776; 30 Supp. 31.

Affirmed. 145 N. Y. 498; 65 St. Rep. 369.

Cited, Payment—Precedent Debt—Taking Note—Extension.

18 Misc. 226; (75 St. Rep. 868; 41 Supp. 478).

Fitch v. McDowell, 145 N. Y. 498; 65 St. Rep. 369.

Fitch v. New York, 88 N. Y. 500.

Cited, Pleading — Amendment — After Judgment—Omissions.

7 Misc. 518; (27 Supp. 996).

Fitch v. Volker & Felthousen Mfg. Co., 70 Hun. 71; 53 St. Rep. 443; 23 Supp. 1103.

Fithian, Matter of, 44 Hun. 457.

Cited, Executors—Accounting—By Executor of Deceased Executor.

13 App. Div. 23; (77 St. Rep. 114; 43 Supp. 114).

Fithian, Matter of, 25 St. Rep. 556; 6 Supp. 409.

Cited, Appeal—Findings—Exceptions.

5 Misc. 222; (54 St. Rep. 825; 25 Supp. 464).

Fitton v. Brooklyn City R. Co., 25 St. Rep. 948; 5 Supp. 641.

Cited, Evidence—Preponderance—What is.

8 Misc. 448; (58 St. Rep. 851; 28 Supp. 687).

Fitzgerald v. Binghamton, 40 Hun. 332.

Affirmed. 111 N. Y. 686.

Cited, Municipal Corporations — Negligence—Failure to Guard Embankment.

14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540).

Duplicate Citations in Parenthesis.

Fitzgerald v. Burden Benevolent Ass'n, 69 Hun, 533; 52 St. Rep. 704; 23 Supp. 647.

Fitzgerald v. Equitable Reserve Fund Life Ass'n, 24 St. Rep. 493; 5 Supp. 837.

Cited, Benefit Societies—Recovery of Death Benefits—Absence of Funds. 17 Misc. 638; (40 Supp. 592).

Fitzgerald v. Fitzgerald, 25 Hun, 319.

Cited, Appeal—Justice's Court—Return—Amendment—False.

70 Hun, 52; (53 St. Rep. 505; 23 Supp. 1095).

Appeal—Justice's Return—Conclusiveness.

80 Hun, 34; (61 St. Rep. 620; 29 Supp. 869).

Fitzgerald v. Geils, 84 Hun, 295; 65 St. Rep. 541; 32 Supp. 306.

Fitzgerald v. Moran, 141 N. Y. 419; 57 St. Rep. 579.

Cited, Contracts—Building—Modification Authority of Architect.

77 Hun, 351; (60 St. Rep. 33; 28 Supp. 843).

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20 Misc. 688.

Fitzgerald v. N. Y. C. & H. R. R. Co, 59 Hun, 225; 36 St. Rep. 755; 12 Supp. 932.

Cited, Master and Servant—Negligence—Contributory—Knowledge of Danger.

88 Hun, 362; (68 St. Rep. 763; 34 Supp. 825).

Fitzgerald v. N. Y. C. & H. R. R. Co., 88 Hun, 359; 68 St. Rep. 762; 34 Supp. 824.

Fitzgerald v. Payn, 78 Hun, 38; 60 St. Rep. 484; 28 Supp. 1033.

Cited, Action—Change of Venue—Discretion

88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658).

Fitzgerald v. Quann, 109 N. Y. 441; 16 St. Rep. 395;

Cited, Husband and Wife—Torts of Wife—Conversion of Husband's Property.

66 Hun, 337; (49 St. Rep. 364; 21 Supp. 306).

Action—Parties—Husband—Torts of Wife.

135 N. Y. 209; (48 St. Rep. 417).

Statutes—Construction—Contravening Common Law.

80 Hun, 106; (61 St. Rep. 794; 30 Supp. 23).

24 Supp. 12. 88 Hun, 526; (69 St. Rep. 34; 34 Supp. 971). 149 N. Y. 123.

Fitzgerald v. Rightmyer, 12 Misc. 186; 67 St. Rep. 249; 33 Supp. 593.

Fitzgerald v. Tiffany, 9 Misc. 408; 61 St. Rep. 695; 30 Supp. 195.

Cited, Sale—To Third Party—Original Obligation.

13 App. Div. 192; (77 St. Rep. 397; 43 Supp. 397).

Fitzgerald v. Timoney, 13 Misc. 327; 68 St. Rep. 364; 34 Supp. 468.

Fitzgerald v. Topping, 48 N. Y. 438.

Cited, Trust—Alienability.

3 Misc. 532; (52 St. Rep. 490; 23 Supp. 331). 81 Hun, 176; (62 St. Rep. 680; 30 Supp. 695).

Fitzgerrold v. People, 37 N. Y. 413.

Cited, Indictment—Sufficiency—Common Law form.

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Indictment—Sufficiency—Homicide.

133 N. Y. 84; (51 St. Rep. 729).

Fitzhenry v. Lamson, 79 St. Rep. 875; 45 Supp. 875.

Fitzhugh v. Wilcox, 12 Barb. 235.

Cited, Contracts—Of Lunatic—Void or Voidable.

88 Hun, 120; (63 St. Rep. 277; 34 Supp. 590).

Fitzmahoney v. Caulfield, 87 Hun, 66; 67 St. Rep. 492; 33 Supp. 876.

Fitzpatrick v. Burchill, 7 Misc. 463; 59 St. Rep. 872; 28 Supp. 389.

Fitzpatrick v. Dorland, 27 Hun, 291.

Cited, Specific Performance—Inequitable.

61 St. Rep. 132; (30 Supp. 409). 12 Misc. 423; (67 St. Rep. 328; 33 Supp. 622).

Fitzpatrick v. Tweddle, 73 Hun, 105; 56 St. Rep. 84; 25 Supp. 904.

Affirmed, 144 N. Y. 704.

Fitzpatrick v. Woodruff, 47 Super. 436.

Cited, Trial—Failure to Produce Evidence—Effect.

D. 3 App. Div. 117; (39 Supp. 280). 7 App. Div. 590; (40 Supp. 310).

Fitzsimmons v. Brooklyn, 102 N. Y. 531; 2 St. Rep. 475.

Cited, Officers—Suspension—Salary.

137 N. Y. 20; (50 St. Rep. 413). 30 Supp. 405.

Fitzsimmons v. Drought, 15 App. Div. 413; 73 St. Rep. 453; 44 Supp. 453.

Fitzsimmons v. Drought, 16 App. Div. 454; 79 St. Rep. 44; 45 Supp. 44.

Fitzsimmons v. Fitzsimmons, 79 Hun, 13; 61 St. Rep. 367; 29 Supp. 510.

Duplicate Citations in Parenthesis.

Fitzsimons v. Woodruff, 1 T. & C. 3.
Cited, Sale—Acceptance—Sufficiency.
 2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464).

Sale—Of Goods to be Manufactured.
 2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463).

Fixam v. Brown, 3 St. Rep. 608.
Cited, Appeal—Weight of Evidence.
 7 Misc. 161; (57 St. Rep. 539; 27 Supp. 325). 13 Misc. 264; (67 St. Rep. 860; 34 Supp. 4).

Flack v. Brassel, 1 App. Div. 538; (73 St. Rep. 182; 37 Supp. 578).

Flack v. Green Island, Village of, 122 N. Y. 107; 33 St. Rep. 339.
Cited, Trial—Question of Fact—Dedication of Highway.

76 Hun, 164; (57 St. Rep. 324; 27 Supp. 544). 90 Hun, 124; (70 St. Rep. 404; 35 Supp. 639). 92 Hun, 308; (72 St. Rep. 393; 36 Supp. 871). 39 Supp. 11.

Flack v. O'Brien, 19 Misc. 399; 77 St. R-p. 854; 43 Supp. 854.

Flack v. State, 95 N. Y. 461.
Cited, Sheriffs—Poundage.
 72 St. Rep. 829; (38 Supp. 432; 1 Ann. Cas. 405).

Flagg, Matter of, 6 Dem. 289.
Cited, Administrators—Distributive Share—Payment to Guardian.
 85 Hun, 195; (65 St. Rep. 728; 32 Supp. 584).

Flagg v. Ely, 1 Edm. 206.
Cited, Principal and Agent—Conversion of Deposit.
 66 Hun, 249; (49 St. Rep. 539; 21 Supp. 181).

Flagg v. Swift, 25 Hun, 623.
Cited, Associations—Suing Association as Condition Precedent to Action Against Members.
 2 Misc. 70; (49 St. Rep. 146; 23 Civ. Pro. 23).

Flagler v. Lipman, 2 Misc. 417; 51 St. Rep. 425; 21 Supp. 946.
Affirming, 1 Misc. 204; 49 St. Rep. 81; 20 Supp. 878.

Flagler v. Schoeffel, 40 Hun, 178.
Cited, Sales—Fraud—Declarations of Vendor.
 87 Hun, 556; (69 St. Rep. 461; 35 Supp. 143).

Flagler v. Wheeler, 40 Hun, 125.
Cited, Fraudulent Assignment—Declarations of Assignor—Effect.
 87 Hun, 556; (69 St. Rep. 461; 35 Supp. 143).

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 16 Misc. 321; (73 St. Rep. 571; 37 Supp. 951).

Flaherty v. Miner, 123 N. Y. 382; 33 St. Rep. 681.

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3 Misc. 549; (52 St. Rep. 484; 23 Supp. 329).
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3 Misc. 237; (52 St. Rep. 131; 22 Supp. 759). 8 Misc. 259; (59 St. Rep. 199; 28 Supp. 548). 12 Misc. 103; (66 St. Rep. 862; 33 Supp. 175). 14 Misc. 305; (70 St. Rep. 421; 35 Supp. 764).

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4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 16 App. Div. 143; (79 St. Rep. 113; 45 Supp. 113).

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9 Misc. 114; (59 St. Rep. 734; 29 Supp. 49). 149 N. Y. 444. 86 Hun, 337; (67 St. Rep. 168; (33 Supp. 533). 17 Misc. 360; 39 Supp. 1088).

Trial—Question of Fact—Substantial Defects in Building.

77 Hun, 347; (60 St. Rep. 30; 28 Supp. 840). 86 Hun, 601; (67 St. Rep. 564; 33 Supp. 742).

Flake v. Van Wagenen, 54 N. Y. 25.

Cited, 79 St. Rep. 1133; (45 Supp. 1133.)
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74 Hun, 222; (56 St. Rep. 373; 26 Supp. 328).

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2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 430; 23 Civ. Pro. 38). 49 St. Rep. 918; (22 Supp. 1116). 80 Hun, 177; (61 St. Rep. 783; 30 Supp. 53).

Flanagan v. Flanagan, 8 Abb. N. C. 413.

Cited, Wills—Construction—Life Estate—Power to Sell.

5 Misc. 12; (24 Supp. 770). 81 Hun, 119; (62 St. Rep. 675; 30 Supp. 690). 84 Hun, 126, 127; (65 St. Rep. 683; 32 Supp. 554).

Wills — Construction—Power of Disposal by Will.

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Flanagan v. Fox, 3 Misc. 365; 52 St. Rep. 432; 23 Supp. 344.

Reversed, 6 Misc. 132; 58 St. Rep. 4; 23 Supp. 48.

Cited, Vendor and Purchaser—Title—Unreasonable Objection.

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Flanagan v. Fox, 5 Misc. 539; 55 St. Rep. 498; 25 Supp. 514.

Flanagan v. Fox, 6 Misc. 132; 58 St. Rep. 4; 26 Supp. 48.

Affirmed, 144 N. Y. 706.

Cited, Contracts—Construction.

13 Misc. 257; (68 St. Rep. 88; 34 Supp. 85).
17 Misc. 404; (39 Supp. 1058).

Flanagan v. Hollingsworth, 2 How. N. C. 391.

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Cited, Municipal Corporations—Building Regulations—Fire Limits.

9 Misc. 198; (61 St. Rep. 290; 30 Supp. 352).

Flanagan v. Mitchell, 16 Daly, 223; 32 St. Rep. 303; 10 Supp. 234.

Cited, Time—Reception of Evidence—Objection—Waiver—Exception.

8 Misc. 275; (59 St. Rep. 205; 28 Supp. 718).

Flanagan v. N. Y., L. E. & W. R. Co., 83 Hun, 522; 65 St. Rep. 121; 32 Supp. 84.

Flandreau v. Elsworth, 8 Misc. 428; 59 St. Rep. 571; 28 Supp. 671.

Flandreau v. Elsworth, 9 Misc. 340; 60 St. Rep. 609; 29 Supp. 694.

Flandreau v. Elsworth, 151 N. Y. 473.

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Flandrow v. Hammond, 148 N. Y. 129.

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18 Misc. 247; (75 St. Rep. 1002; 41 Supp. 609).

Flanigan v. People, 86 N. Y. 554.

Cited, Homicide—Intoxication—Effect.

143 N. Y. 364; (62 St. Rep. 355).

Flannagan v. Maddin, 81 N. Y. 623.

Cited, Appeal—Immaterial Errors.

1 Misc. 324; (48 St. Rep. 702; 20 Supp. 673). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

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72 Hun, 293; (55 St. Rep. 755; 25 Supp. 420).

Flannagan v. Nat. Union Bank, 18 St. Rep. 826; 2 Supp. 488.

Cited, Bills and Notes—Alteration—Effect.

10 Misc. 361; (63 St. Rep. 433; 31 Supp. 19).

Flannery v. Cornell Steamboat Co., 89 Hun, 135 68 St. Rep. 832; 34 Supp. 1069.

Flannery v. Sahagian, 134 N. Y. 85; 45 St. Rep. 598.

Cited, Arbitration—Award—Modification After Delivery.

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Arbitration—Termination—Delivery of Award.

67 Hun, 342; (51 St. Rep. 820; 22 Supp. 331).

Flannery v. Sahagian, 83 Hun, 110; 63 St. Rep. 844; 31 Supp. 360.

Flannery v. Van Tassel, 127 N. Y. 631; 37 St. Rep. 228.

Cited, Vendor and Vendee—Declarations—Competency.

87 Hun, 555; (69 St. Rep. 461; 35 Supp. 143). 11 Misc. 388; (65 St. Rep. 310; 32 Supp. 282).

Flannigan v. Prudential Insurance Co., 20 Misc. 539.

Flansburgh, Matter of, 82 Hun, 49; 31 Supp. 177.

Cited, Wills—Testamentary Capacity.

18 Misc. 152; (41 Supp. 1098).

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19 Misc. 74; (78 St. Rep. 93; 44 Supp. 93).

Fletcher v. Jones, 64 Hun, 274; 46 St. Rep. 125; 19 Supp. 47.

Cited, Pleading—General Denial—Effect.

1 App. Div. 223; (72 St. Rep. 662; 37 Supp. 191).

Fleck v. Rau, 9 App. Div. 43; 41 Supp. 64.

Fleckenstein v. Dry Dock E. B. & B. R. Co., 105 N. Y. 665; 8 St. Rep. 32; 1 Silv. Ct. App. 447; 26 Week Dig. 32.

Cited, Street Railroads—Right of Way on Tracks.

73 Hun, 570; (56 St. Rep. 152; 26 Supp. 322). 68 Hun, 371; (51 St. Rep. 881; 22

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Supp. 823). 9 Misc. 272; (61 St. Rep. 325; 29 Supp. 749). 8 App. Div. 427; (74 St. Rep. 141; 38 Supp. 799).

Street Railways—Right to Drive Upon or Across Tracks—Negligence.

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79 Hun, 391; (61 St. Rep. 362; 29 Supp. 785). 8 Misc. 42; (60 St. Rep. 173; 28 Supp. 519). 2 Misc. 539; (51 St. Rep. 591; 22 Supp. 381). 11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885).

Fleeman v. Fleeman, 39 St. Rep. 307; 15 Supp. 838.

Cited, Benefit Associations—Certificates—Rights of Holder.

17 Misc. 741; (41 Supp. 408).

Fleet v. Cronin, 5 App. Div. 48; 74 St. Rep. 857; 40 Supp. 66.

Fleet v. Hegeman, 14 Wend. 42.

Cited, Fish—In Private Pond—Ownership.

66 Hun, 193; (49 St. Rep. 174; 21 Supp. 126).

Waters—Trespass—Oyster Beds—Ownership.

75 Hun, 474; (57 St. Rep. 360; 27 Supp. 483).

Fleetham v. Reddick, 82 Hun, 390; 63 St. Rep. 791; 31 Supp. 342.

Fleetwood v. New York, 2 Sandf. 475.

Cited, Void Assessments—Payment—Effect.

91 Hun, 217; (71 St. Rep. 136; 36 Supp. 212).

Fleig v. Gorman, 1 Misc. 194; 20 Supp. 615.

Fleischman v. Fleischman, 80 Hun, 90; 61 St. Rep. 772; 30 Supp. 22.

Fleischman v. Plock, 19 Misc. 649; 78 St. Rep. 413; 44 Supp. 413.

Fleischman v. Tilt, 10 App. Div. 271; 76 St. Rep. 506; 42 Supp. 506.

Fleischman v. Yagel, 16 Misc. 511; 38 Supp. 523.

Fleischmann v. Bennett, 79 N.Y. 579.

Cited, Pleading—Supplemental—Discretion of Court.

6 App. Div. 379; (74 St. Rep. 765; 40 Supp. 201).

Fleischmann v. Bennett, 87 N.Y. 231. *Cited*, Libel—Actionable—Innuendo.

73 Hun, 85; (57 St. Rep. 115; 25 Supp. 1031).

Pleading—Libel—Complaint—Innuendo.

79 Hun, 571; (61 St. Rep. 538; 29 Supp. 922).

Pleading—Demurrer—Effect—Libel.

66 Hun, 334; (50 St. Rep. 255; 21 Supp. 579). 12 Misc. 308; (67 St. Rep. 837; 34 Supp. 36).

Fleischmann v. Fleischmann, 7 App. Div. 280; 39 Supp. 1002.

Fleischmann v. Samuel, 18 App. Div. 97; 79 St. Rep. 404; 45 Supp. 404.

Fleischmann v. Stern, 90 N.Y. 110.

Cited, Pleading—Answer—Denial—Allegation of Different Facts.

2 Misc. 511; (51 St. Rep. 92; 23 Supp. 393). 19 Misc. 427; (77 St. Rep. 1140; 43 Supp. 1140). 11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Pleading—Defense—Inconsistent With Undenied Allegations of Complaint.

66 Hun, 19; (49 St. Rep. 509; 20 Supp. 737). 11 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369).

Pleading—Failure to Plead—Admissions.

77 Hun, 293; (59 St. Rep. 759; 28 Supp. 340).

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9 App. Div. 328, 329; (75 St. Rep. 759, 760; 41 Supp. 342). 16 Misc. 556; (74 St. Rep. 265; 38 Supp. 747).

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14 Misc. 119; (69 St. Rep. 623; 35 Supp. 248; 25 Civ. Pro. 90; 2 Ann. Cas. 246).

Fleischmann v. Topfritz, 134 N.Y. 349; 47 St. Rep. 892.

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3 Misc. 233; (51 St. Rep. 865; 22 Supp. 705).

Fleitmann v. Sickie, 13 St. Rep. 399.

Cited, Attachment—Affidavit—Sufficiency—Fraudulent Intent.

70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133).

Fleming, Matter of, 5 App. Div. 190; 39 Supp. 156.

Fleming, Matter of, 16 Misc. 442; 74 St. Rep. 233; 38 Supp. 611.

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17 Misc. 242; (40 Supp. 1066).

*Duplicate Citations in Parenthesis.***Fleming v. Burnham**, 100 N. Y. 1.*Cited*, Partition—Sale—Marketable Title.

71 Hun, 56; (54 St. Rep. 305; 24 Supp. 692). 79 Hun, 102; (61 St. Rep. 137; 29 Supp. 658). 24 Supp. 663. 76 Hun, 278; (59 St. Rep. 91; 27 Supp. 721). 144 N. Y. 20; (63 St. Rep. 862). 149 N. Y. 21. 82 Hun, 211; (63 St. Rep. 784; 31 Supp. 335). D. 91 Hun, 396; (70 St. Rep. 842; 36 Supp. 190). 4 App. Div. 14; (73 St. Rep. 674; 38 Supp. 307). 12 App. Div. 436; (76 St. Rep. 291; 42 Supp. 291). 15 App. Div. 315; (78 St. Rep. 142; 44 Supp. 142). 16 App. Div. 419; (79 St. Rep. 36; 45 Supp. 36). 13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176). 15 Misc. 330; (71 St. Rep. 584; 36 Supp. 669). 15 Misc. 382; (71 St. Rep. 585; 36 Supp. 670). 18 Misc. 138; (76 St. Rep. 13; 42 Supp. 13). 79 St. Rep. 482; (45 Supp. 482).

Fleming v. Gilbert, 3 Johns. 528.*Cited*, Prevention of Performance—Effect.

150 N. Y. 431; (3 Ann. Cas. 365).

Fleming v. Griswold, 3 Hill, 85.*Cited*, Adverse Possession—Limitation.

15 Misc. 588; (72 St. Rep. 120; 87 Supp. 88).

Fleming v. People, 27 N. Y. 329.*Cited*, Carriers—Connecting—Goods—Condition—Presumption.

9 Misc. 188; (61 St. Rep. 79; 29 Supp. 738).

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67 Hun, 573; (51 St. Rep. 485; 22 Supp. 585).

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Fleming v. Phoenix Assurance Co. of London, 75 Hun, 530; 57 St. Rep. 659; 27 Supp. 488.**Fleming v. Ryan**, 9 Misc. 496; 61 St. Rep. 99; 30 Supp. 224.*Cited*, Principal and Agent—Lease—Proof of Agency.

10 Misc. 420; (63 St. Rep. 515; 31 Supp. 129).

Fleming v. Ryan, 10 Misc. 420; 63 St. Rep. 515; 31 Supp. 129.**Fleming v. Smith**, 44 Barb. 554.*Cited*, Appeal—Review of Facts—Preponderance of Evidence.

71 Hun, 610; (55 St. Rep. 32; 25 Supp. 31). 10 Misc. 657; (64 St. Rep. 497; 31 Supp. 793).

Fleming v. Suspension Bridge, Village of, 92 N. Y. 363.*Cited*, Municipal Corporations—Water Works—Whether Private or Public

80 Hun, 167; (61 St. Rep. 713; 29 Supp. 1132).

Municipal Contracts—Variation—Ratification.

7 App. Div. 508, 511; (40 Supp. 238).

Fleming v. Tourgee, 40 St. Rep. 705; 16 Supp. 2; 21 Civ. Pro. 297.*Affirmed*, 138 N. Y. 642; 49 St. Rep. 914.*Cited*, Motions and Orders—Irregularity—Waiver.

6 Misc. 377; (56 St. Rep. 402; 26 Supp. 756).

Defective Affidavit—Effect—Contempt.

10 Misc. 319; (63 St. Rep. 411; 31 Supp. 127; 24 Civ. Pro. 200). 19 Misc. 668; (78 St. Rep. 1103; 44 Supp. 1103).

Flet v. Cronin, 5 App. Div. 48; 40 Supp. 66.**Fletcher v. Barber**, 82 Hun, 405; 63 St. Rep. 568; 31 Supp. 239.*Cited*, Foreclosure—Defendants—Assertion of Prior Claim—Effect.

8 App. Div. 520; (75 St. Rep. 289; 40 Supp. 893).

Fletcher v. Franks, 15 Supp. 674.*Cited*, Writ and Process—Service—Privilege—Parties and Witnesses.

55 St. Rep. 873; (26 Supp. 330).

Fletcher v. Jones, 64 Hun, 274; 19 Supp. 47.*Cited*, Libel—Pleading—Second Denial—Effect.

19 Misc. 401; (77 St. Rep. 855; 43 Supp. 855).

Fletcher v. Massachusetts B. L. Ass'n, 78 Hun, 311; 60 St. Rep. 118; 29 Supp. 173.**Flewelling v. Brandon**, 4 Daly, 333.*Cited*, Judgment—Conclusiveness—Unpaid Costs.

7 Misc. 706; (58 St. Rep. 365; 28 Supp. 41).

Fliess v. Buckley, 90 N. Y. 286.*Cited*, Foreclosure—Surplus Moneys—Distribution—Enforcement.

5 App. Div. 311; (39 Supp. 216).

Flike v. Boston & A. R. Co., 53 N. Y. 549.*Cited*, Master and Servant—Appliances—Degree of Care—Delegation.

78 Hun, 456; (60 St. Rep. 790; 29 Supp. 231). 15 Misc. 224; (71 St. Rep. 174; 36 Supp. 403). 142 N. Y. 420; (59 St. Rep. 803). 136 N. Y. 81; (68 St. Rep. 845). 4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 592). 11 App. Div. 455; (76 St. Rep. 345; 42 Supp. 345).

Duplicate Citations in Parenthesis.

Flinn v. N. Y. C. & H. R. R. Co., 67 Hun, 631; 51 St. Rep. 103; 22 Supp. 473. *Reversed*, 142 N. Y. 11; 58 St. Rep. 431. *Cited*, Railroads—Improved Appliances—Fires.

D. 140 N. Y. 319; (55 St. Rep. 647).

Flinn v. N. Y. C. & H. R. R. Co., 142 N. Y. 11; 58 St. Rep. 431.

Cited, Railroads—Appliances—Duty.

61 St. Rep. 720; (29 Supp. 1139). 143 N. Y. 187; (62 St. Rep. 168). 86 Hun, 466; (67 St. Rep. 543; 33 Supp. 888). 145 N. Y. 301; (64 St. Rep. 710). 80 Hun, 89; (61 St. Rep. 720; 29 Supp. 1139). 88 Hun, 388; (68 St. Rep. 823; 34 Supp. 812).

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4 App. Div. 467; (74 St. Rep. 149; 38 Supp. 656).

Flint, Matter of, 15 Misc. 598; 72 St. Rep. 817; 38 Supp. 188.

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18 Misc. 497; (76 St. Rep. 776; 42 Supp. 776).

Flint v. Bell, 27 Hun, 155.

Cited, Trustees — Liability—Statute of Limitations.

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Flint v. Charman, 6 App. Div. 121; 39 Supp. 892.

Flint v. Corbett, 6 Daly. 429.

Cited, Sale—Of Goods to be Manufactured.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463).

Floetl v. Johnson Engineering & Foundry Co., 79 St. Rep. 980; 45 Supp. 980.

Floetl v. Third Ave. R. Co., 10 App. Div. 308; 75 St. Rep. 1191; 41 Supp. 792.

Cited, Railroads—Injuries to Employees—Evidence.

20 Misc. 437; (79 St. Rep. 1040; 45 Supp. 1040).

Flood v. Brooklyn El. R. Co., 75 Hun, 601; 59 St. Rep. 151; 27 Supp. 662.

Flood v. Cain, 78 Hun, 378; 60 St. Rep. 719; 29 Supp. 156.

Affirmed, 150 N. Y. 573.

Flood v. Moore, 2 Abb. N. C. 91.

Cited, Disbursements — Stenographer's Minutes.

67 St. Rep. 406; (33 Supp. 583; 24 Civ. Pro. 403).

Flood v. Morris, 3 Law Bul. 100.

Cited, Venue—Change—Power of Court. 2 App. Div. 568; (74 St. Rep. 281; (37 Supp. 1099; 3 Ann. Cas. 153). 7 App. Div. 461; (39 Supp. 1090).

Flood v. Van Wormer, 70 Hun, 415; 53 St. Rep. 682; 24 Supp. 460.

Affirmed, 147 N. Y. 284; 69 St. Rep. 664.

Cited, Highways — Encroachments — Trees.

84 Hun, 215; (65 St. Rep. 753; 32 Supp. 552).

Flood v. Van Wormer, 147 N. Y. 284; 69 St. Rep. 664.

Cited, Actions Against Public Officers—Right to Bring.

150 N. Y. 499.

Flood v. W. U. Tel. Co., 131 N. Y. 603; 43 St. Rep. 392.

Cited, Master and Servant—Appliances—Defects not Apparent.

9 App. Div. 527; (14 Misc. 421; 70 St. Rep. 420; 35 Supp. 763). 6 App. Div. 180; (39 Supp. 1023).

Master and Servant — Assumptions of Risk.

11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817).

Flora v. Carbean, 38 N. Y. 111.

Cited, Trial — Incompetent Evidence—Effect.

139 N. Y. 384; (54 St. Rep. 661; 30 Abb. N. C. 424). 149 N. Y. 400. D. 90 Hun, 599; (70 St. Rep. 567; 35 Supp. 993).

Florence, Matter of. See *Bulkley v Redmond*;

Florence v. Butler, 9 Abb. N. S. 63.

Cited, Affidavits—Taken Without State—Authentication.

2 Misc. 439; (51 St. Rep. 119; 21 Supp. 973).

Florence v. Hopkins, 46 N. Y. 186.

Cited, Co-Tenants—Conveyance by Co-Tenants—Effect.

89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348).

Flour City Nat. Bank of Rochester v. McKay, 86 Hun, 15; 67 St. Rep. 114; 33 Supp. 365.

Flour City Nat. Bank of Rochester v. Glover, 88 Hun, 4; 68 St. Rep. 503; 34 Supp. 496.

Cited, Bills and Notes—Bona Fide Holder—Presumption.

17 Misc. 35; (39 Supp. 212).

Flour City Nat. Bank v. Miller, 4 App. Div. 585; 74 St. Rep. 52; 38 Supp. 503.

Duplicate Citations in Parenthesis.

Flower v. Lance, 59 N. Y. 603.

Cited, Illegal Claims—Voluntary Payments—Effect.

20 Misc. 334; (79 St. Rep. 934; 65 Supp. 934).

Floyd v. Carow, 88 N. Y. 560.

Cited, Wills — Residuary — Clause — Construction.

68 Hun, 441; (52 St. Rep. 675; 23 Supp. 100).

9 App. Div. 199; (75 St. Rep. 656; 41 Supp. 246).

Floyd v. Clark, 17 Supp. 848.

Cited, Execution—Interest to be Sold—Form.

75 Hun, 502; (57 St. Rep. 675; 27 Supp. 468).

Floyd v. Ducher, 7 Misc. 629; 27 Supp. 880.

Floyd v. Fitcher, 38 Barb. 409.

Cited, Wills—Bequest—Limitation Over—Repugnancy.

60 St. Rep. 231; (28 Supp. 906).

Flushing v. Carraher, 87 Hun, 63; 67 St. Rep. 680; 33 Supp. 951.

Flynn, Matter of, N. Y. Law J. Feb, 25, 1893; 30 Supp. 388.

Cited, Taxes—Inheritance—Exemption.

9 Misc. 227; (61 St. Rep. 294; 30 Supp. 387).

Flynn, Matter of, Surr. Dec. Dec. 1893.

Cited, Inheritance — What Taxable — Test.

5 Misc. 441; (26 Supp. 890).

Flynn, Matter of, 136 N. Y. 287; 49 St. Rep. 388.

Affirming, 48 St. Rep. 816; 20 Supp. 919.

Cited, Surrogate's Court — Jurisdiction—Vacating Decrees.

9 Misc. 623; (62 St. Rep. 243; 30 Supp. 851). 86 Hun, 50; (66 St. Rep. 824; 33 Supp. 195). 82 Hun, 425; (63 St. Rep. 584; 31 Supp. 267).

Flynn v. Brooklyn City R. Co., 9 App. Div. 269; 75 St. Rep. 953; 41 Supp. 566.

Flynn v. Central R. Co. of N. J., 27 Abb. N. C. 31; 15 Supp. 328; 20 Civ. Pro. 179.

Cited, Local Courts—Jurisdiction.

19 Misc. 101; (77 St. Rep. 220; 43 Supp. 220).

Flynn v. Central R. Co. of N. J., 2

Misc. 508; 51 St. Rep. 84; 22 Supp. 383; 23 Civ. Pro. 106.

Affirming, 27 Abb. N. C. 31; 15 Supp. 328; 20 Civ. Pro. 179.

Flynn v. Central R. Co. of N. J., 142 N. Y. 439; 59 St. Rep. 814.

Reversing, 2 Misc. 508; 51 St. Rep. 84; 22 Supp. 383; 23 Civ. Pro. 106.

Cited, Local Courts—Jurisdiction.

19 Misc. 101; (77 St. Rep. 220; 43 Supp. 220).

Dangerous Premises—Injury to Third Party—Liability of Owner.

11 App. Div. 593; (76 St. Rep. 598; 42 Supp. 598). 11 App. Div. 190; (76 St. Rep. 654; 42 Supp. 654). 7 App. Div. 408; (39 Supp. 1017). 13 Misc. 177; (68 St. Rep. 26; 34 Supp. 72).

Flynn v. Equitable Life Ins. Co., 78 N. Y. 568.

Cited, Agents — Authority—Non-production of Agent—Presumption.

7 App. Div. 591; (40 Supp. 311).

Cited, Insurance—Erroneous Statements.

84 Hun, 272; (65 St. Rep. 482; 32 Supp. 324).

Flynn v. Equitable Life Assur. Soc. of U. S., 18 Hun, 212.

Cited, Costs—Extra Allowance—Only One Granted.

54 St. Rep. 323; (24 Supp. 486; 30 Abb. N. C. 281).

Flynn v. Hancock, 46 Hun, 368.

Cited, Oral Stipulation—Effect.

88 Hun, 562; (68 St. Rep. 785; 34 Supp. 847). 11 Misc. 120; (66 St. Rep. 352; 32 Supp. 927).

Flynn v. Harlow, 46 St. Rep. 872; 19 Supp. 705.

Cited, Appeal—Review of Non-suit.

4 Misc. 386; (53 St. Rep. 577; 24 Supp. 119).

Master and Servant—Liability of Master to Servant—As to Places.

8 Misc. 657; (59 St. Rep. 538; 29 Supp. 112; 31 Abb. N. C. 427).

Flynn v. Hatton, 43 How. 333.

Cited, Landlord and Tenant—Lease—Covenant—To Repair—Liability of Landlord.

5 Misc. 3; 25 Supp. 126).

Flynn v. Hudson River R. Co., 6 How. 308.

Cited, Corporations—Service of Process—Agents.

D. 60 St. Rep. 260; (28 Supp. 961).

Duplicate Citations in Parenthesis.

Flynn v. Hurd, 118 N. Y. 19; 27 St. Rep. 744.

Cited, Equity—Mistake of Law—When Relieved Against.

56 St. Rep. 570. 86 Hun, 555; (67 St. Rep. 534; 33 Supp. 788). 10 Misc. 628; (65 St. Rep. 341; (32 Supp. 217). 19 Misc. 514; (77 St. Rep. 1128; 43 Supp. 1128).

Flynn v. Kings County El. R. Co., 3 App. Div. 254; 72 St. Rep. 697; 38 Supp. 204.

Flynn v. Lynch, 23 Civ. Pro. 369; 27 Supp. 926.

Flynn v. Lynch, 10 N. Y. Law J. 1372.

Cited, Infants—Control of Court—Payment of Money into Court.

7 Misc. 395; (57 St. Rep. 564; 27 Supp. 925).

Flynn v. Maine Steamship Co., 14 Misc. 446; 70 St. Rep. 735; 35 Supp. 1031.

Flynn v. Manhattan R. Co., 1 Misc. 188; 48 St. Rep. 670; 20 Supp. 632

Flynn v. McKeon, 6 Duer. 203.

Cited, Written Contract — Subsequent Modification—Parol Evidence.

147 N. Y. 409; (70 St. Rep. 49).

Flynn v. Metropolitan St. R. Co., 10 App. Div. 258; 75 St. Rep. 1144; 41 Supp. 750.

Flynn v. New York El. R. Co., 50 Super. 375.

Cited, Appeal—Error—Effect.

D. 3 App. Div. 116; (39 Supp. 279).

Failure to Produce Evidence—Effect.

7 App. Div. 590; (40 Supp. 310).

Flynn v. Taylor, 127 N. Y. 596; 40 St. Rep. 187.

Affirming, 53 Hun, 167; 25 St. Rep. 338; 26 St. Rep. 649; 6 Supp. 96.

Cited, Damages — Elevated Railway—Benefits.

2 Misc. 62; (49 St. Rep. 350; 20 Supp. 844).

Highways—Repair — Deposits in—Question for Jury.

71 Hun, 435; (54 St. Rep. 532; 24 Supp. 980).

Public Nuisance—Special Injury—Effect
148 N. Y. 644. 17 Misc. 716; (40 Supp. 1095).

Fobes v. Rome, Watertown & Ogdensburg R. Co., 121 N. Y. 505; 31 St. Rep. 828.

Distinguished, Damages—Elevated Railway—Easements—Passage of Trains.

137 N. Y. 158; (50 St. Rep. 205).

Cited Highways—Appropriation—Consequential Damages.

143 N. Y. 140; (62 St. Rep. 142). 5 App. Div. 468; (39 Supp. 21). 6 App. Div. 18; (39 Supp. 526.)

Railways — Construction of — Abutting Owners Rights—Compensation.

5 Misc. 61; (25 Supp. 115). 88 Hun, 61; (68 St. Rep. 634; 34 Supp. 596). D. 8 App. Div. 285; (75 St. Rep. 44; 40 Supp. 646). 11 App. Div. 216; (76 St. Rep. 953; 42 Supp. 953). 11 App. Div. 514; (76 St. Rep. 594; 42 Supp. 594). 18 Misc. 275; (41 Supp. 1053).

Railroads—Highway Crossings—Surface Railroads.

66 Hun, 380; (50 St. Rep. 672; 21 Supp. 504).

Foels v. Tonawanda, Town of, 75 Hun, 363; 56 St. Rep. 778; 27 Supp. 113.

Cited, Municipal Corporations — Duties and Liabilities — Condition of Streets — Notice.

77 Hun, 462; (60 St. Rep. 596; 28 Supp. 1011).

Fogel v. Derrickson, 2 Misc. 447; (51 St. Rep. 155; 22 Supp. 177).

Fogal v. Page, 37 St. Rep. 280; 13 Supp. 6 6.

Cited, § 829 Code of Civil Procedure.

92 Hun, 450; (72 St. Rep. 72; 36 Supp. 969).

Fogarty v. Hook, 84 Hun, 165. 65 St. Rep. 684; 32 Supp. 555.

Cited, Trial—Direction of Verdict—Effect.

90 Hun, 525; (71 St. Rep. 709; 36 Supp. 690).

Fogassi v. N. Y. C. & H. R. R. Co., 17 App. Div. 286; 79 St. Rep. 175; 45 Supp. 175.

Fogassi v. N. Y. C. & H. R. R. Co., 13 Misc. 102; 68 St. Rep. 100; 34 Supp. 116

Reversing, 10 Misc. 781; 63 St. Rep. 870.

Cited, 5 App. Div. 353; (39 Supp. 312).

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19 Misc. 110.

Fogassi v. N. Y. C. & H. R. R. Co., 19 Misc. 108.

Fogerty v. Jordon, 2 Robt. 319.

Cited, Partnership—Admissions.

17 Misc. 153; (39 Supp. 334).

Fogg v. Child, 13 Barb. 246.

Cited, Agents—Declarations.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

*Duplicate Citations in Parenthesis.***Fogg v. Edwards**, 20 Hun, 90.

Cited, Witness—Impeachment—Contradictory Statements.

1 Misc. 285; (48 St. Rep. 668; 20 Supp. 706).

Fogg v. Fisk, 30 Hun, 61.

Cited, Examination Before Trial—Privilege of Witness.

88 Hun, 311; (68 St. Rep. 570; 34 Supp. 751).

Examination of Witness Before Trial—Affidavit—Evidence to be Used in Trial—How Inferred.

16 App. Div. 318; (78 St. Rep. 626; 44 Supp. 626). 10 Misc. 477; (65 St. Rep. 259; 32 Supp. 180; 24 Civ. Pro. 278; 1 Ann. Cas. 170).

Fogg v. Fisk 65 How. 351.

10 Misc. 447; (64 St. Rep. 20; 31 Supp. 467).

Fogg v. Surburban Rapid Transit Co., 90 Hun, 274; 70 St. Rep. 627; 35 Supp. 954.**Foland v. Dayton**, 20 Week. Dig. 59.

Cited, Attorneys—Disbursements.

41 Supp. 280; (25 Civ. Pro. 350).

Foley, Matter of, 8 Misc. 57; 58 St. Rep. 823; 28 Supp. 608.**Foley, Matter of**, 8 Misc. 196; 58 St. Rep. 826; 28 Supp. 611.

Cited, Officers—Town—Appointment and Election—Time of.

8 Misc. 200; (58 St. Rep. 828; 28 Supp. 613). Public Office—Right to—Effect.

15 App. Div. 575; (78 St. Rep. 572; 44 Supp. 572)

Foley v. Alger, 4 E. D. Smith, 719.

Cited, Mechanic's Lien—Sub-Contractor's Rights.

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78).

Foley v. Bernstein, 8 App. Div. 610; 40 Supp. 1142.**Foley v. Brooklyn Gas Light Co.**, 9 App. Div. 91; 75 St. Rep. 526; 41 Supp. 66.**Foley v. Farragut Fire Ins. Co.**, 71 Hun, 369; 55 St. Rep. 7; 24 Supp. 1181.**Foley v. Foley**, 15 App. Div. 276; 78 St. Rep. 588; 44 Supp. 588.**Foley v. Jennings**, 9 Misc. 105; 59 St. Rep. 685; 29 Supp. 24.**Foley v. Mail & Express P. Co.**, 8 Misc. 91; 60 St. Rep. 156; 28 Supp. 778.**Foley v. Manhattan El. R. Co.**, 89 Hun, 606; 69 St. Rep. 21; 34 Supp. 1050.**Foley v. Manufacturers & Builders' Fire Ins. Co.**, 152 N. Y. 131.**Foley v. Mercantile Nat. Bank**, 67 St. Rep. 246; 33 Supp. 414; 24 Civ. Pro. 249.

Cited, Counterclaims—Denials.

1 App. Div. 223; (72 St. Rep. 662; 37 Supp. 191).

Foley v. Mutual Life Ins. Co., 138 N. Y. 333; 52 St. Rep. 860.

Affirming, 64 Hun, 63; 45 St. Rep. 918; 18 Supp. 615.

Foley v. New York, 1 App. Div. 506; 73 St. Rep. 187; 37 Supp. 465.

Cited, Municipal Corporations—Notice of Intention to Sue.

16 Misc. 304; (74 St. Rep. 387; 38 Supp. 90). 17 App. Div. 538; (79 St. Rep. 593; 45 Supp. 593). 4 App. Div. 611; (72 St. Rep. 865; 38 Supp. 1141). 15 App. Div. 442; (78 St. Rep. 455; 44 Supp. 455). 18 Misc. 305; (41 Supp. 1079).

Foley v. N. Y. C. & H. R. R. Co., 78 Hun, 248; 69 St. Rep. 6; 28 Supp. 816.**Foley v. Phelps**, 1 App. Div. 551; 73 St. Rep. 190; 37 Supp. 471; 3 Ann. Cas. 81.

Cited, Corpse—Wife's Right to Husband's For Burial—Action For Mutilation. 39 Supp. 517.

Foley v. Royal Arcanum, 78 Hun, 222; 60 St. Rep. 221; 28 Supp. 952.

Affirmed, 151 N. Y. 196; 3 Ann. Cas. 292.

Cited, Insurance—Warranty—Stipulations.

9 Misc. 258; (60 St. Rep. 580; 30 Supp. 206). 9 Misc. 258; (60 St. Rep. 580; 30 Supp. 206).

Insurance—Waiver of § 834 Code of Civil Procedure.

87 Hun, 19; (67 St. Rep. 491; 33 Supp. 875).

Insurance—Action on Policy—Direction of Verdict.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Foley v. Royal Arcanum, 151 N. Y. 196; 3 Ann. Cas. 292.**Foley v. Speir**, 100 N. Y. 552.

Cited, Contracts—Illegality—Entirety.

6 Misc. 573; (57 St. Rep. 790; 27 Supp. 292).

Foley v. Stone, 30 St. Rep. 834; 9 Supp. 194; 18 Civ. Pro. 190.

Cited, Contempt—Civil—False Justification of Sureties.

9 Misc. 174; (60 St. Rep. 640; 29 Supp. 716). 24 Civ. Pro. 43.

Duplicate Citations in Parenthesis.

Folinsbee v. Sawyer, 8 Misc. 370; 59 St. Rep. 583; 28 Supp. 698.

Cited, Brokers—Commissions—Proof.
15 Misc. 295; (36 Supp. 406).

Folinsbee v. Sawyer, 15 Misc. 293; 71 St. Rep. 176; 36 Supp. 405.

Follett v. Brooklyn El. Ry. Co., 91 Hun, 296; 70 St. Rep. 856; 36 Supp. 200.

Folliard v. Wallace, 2 Johns. 395.

Cited, Vendor and Purchaser—Title Required—Satisfaction.

3 Misc. 370; (52 St. Rep. 435; 23 Supp. 348).

Vendor and Purchaser—Capricious Rejection.

15 Misc. 29; (71 St. Rep. 495; 36 Supp. 445; 2 Ann. Cas. 342).

Follmer v. Frommel, 63 Hun, 370; 44 St. Rep. 353; 18 Supp. 318.

Cited, Pleading—General Denial—Effect.
13 Misc. 634; (69 St. Rep. 164; 34 Supp. 940).

Folmsbee v. Amsterdam, City of, 66 Hun, 214; 49 St. Rep. 51; 21 Supp. 42.

Followed, 70 Hun, 600; 53 St. Rep. 936; 24 Supp. 1144.

Folmsbee v. Amsterdam, City of, 142 N. Y. 118; 58 St. Rep. 626.

Affirming, 66 Hun, 214; 49 St. Rep. 51; 21 Supp. 42.

Cited, 144 N. Y. 631; (64 St. Rep. 866).

Abutting Owner—Change of Grade—Compensation.

6 App. Div. 331, 339, 345; (40 Supp. 522, 528, 532). 17 App. Div. 60; (78 St. Rep. 847; 44 Supp. 847).

Folsom v. Lewis, 14 Misc. 605; 70 St. Rep. 863; 36 Supp. 270.

Reversing, 12 Misc. 651; 66 St. Rep. 868; 33 Supp. 1127.

Folts, Matter of, 71 Hun, 492; 54 St. Rep. 894; 24 Supp. 1052.

Cited, Wills—Testamentary Capacity—Undue Influence.

11 App. Div. 587; (76 St. Rep. 673; 42 Supp. 673).

Fonda v. Borst, 2 Keyes, 48.

Cited, Highways—Dedication—Necessity of Acceptance.

67 Hun, 550; (51 St. Rep. 102; 22 Supp. 492).

Highway—Establishment—Indication on Map.

50 St. Rep. 354; (21 Supp. 829).

Fonda v. Sage, 48 N. Y. 173.

Cited, Cloud on Title—When Suit Lies to Remove.

79 Hun, 526; (61 St. Rep. 596; 29 Supp. 909). 92 Hun, 44; (72 St. Rep. 749; 36 Supp. 695). 16 App. Div. 385; (79 St. Rep. 23; 45 Supp. 23). 10 Misc. 74; (63 St. Rep. 473; 31 Supp. 151).

Fonda v. Sage, 46 Barb. 109.

Cited, Real Estate—Breach of Condition—Enforcement.

151 N. Y. 151.

Fonda v. Van Horne, 15 Wend. 631.

Cited, Infants—Non Compos—Appointment of Agent—Effect.

14 Misc. 568; (70 St. Rep. 720; 35 Supp. 1076).

Fontana, Matter of, 85 Hun, 219; 66 St. Rep. 386; 32 Supp. 956; 24 Civ. Pro. 354.

Foo Long v. American Surety Co., 76 Hun, 264; 59 St. Rep. 98; 27 Supp. 743.

Affirmed, 146 N. Y. 251; 66 St. Rep. 612.

Foo Long v. American Surety Co., 1 Hun, 595; 41 St. Rep. 873; 16 Supp. 424.

Cited, Execution—Direction of Levy—Inference.

49 St. Rep. 813; (21 Supp. 29).

Foo Long v. American Surety Co., 146 N. Y. 251; 66 St. Rep. 612.

Foose v. Whitmore, 82 N. Y. 405.

Cited, Wills—Construction—Precatory Words—Effect.

68 Hun, 448; (52 St. Rep. 636; 23 Supp. 45). 3 Misc. 439; (52 St. Rep. 327; 23 Supp. 172). 10 Misc. 26; (62 St. Rep. 266; 30 Supp. 805). 16 Misc. 396; (74 St. Rep. 230; 38 Supp. 602).

Foot v. Aetna Ins. Co., 61 N. Y. 571.

Cited, Appeal—Dismissal of Complaint on Reversal.

1 Misc. 499; (49 St. Rep. 707; 20 Supp. 950). Appeal—To General Term—Judgment Absolute—Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697).

Insurance—False Representations—Knowledge of Agent.

9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207).

Insurance—Statements in Application—When Warranties.

78 Hun, 224; (60 St. Rep. 222; 28 Supp. 954). 78 Hun, 195; (60 St. Rep. 258; 28 Supp. 947). 11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866). 7 App. Div. 371; (40 Supp. 75).

Duplicate Citations in Parenthesis.

Insurance — False Answers — Agents — Knowledge of.

79 St. Rep. 415; (45 Supp. 415). 9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207). 10 App. Div. 485; (41 Supp. 1061).

Foot v. Brown, 8 Johns 64.

Cited, Libel and Slander — Actionable Words.

147 N. Y. 630; (71 St. Rep. 247).

Foot v. Farrington, 41 N. Y. 164.

Cited, Limitation of Action — When Statute Runs—Fraud.

71 Hun, 615; (55 St. Rep. 95; 24 Supp. 1080). 152 N. Y. 536. 77 St. Rep. 384; (43 Supp. 384).

Foot v. Stevens, 17 Wend. 483.

Cited, Evidence — Presumptions—Judgment.

24 Supp. 661.

Judgment — Collateral Impeachment — Presumption of Jurisdiction.

137 N. Y. 381; (50 St. Rep. 660).

Foot v. Matter of, 49 St. Rep. 913.

Affirming, 43 St. Rep. 350; 17 Supp. 44.

Foot v. Matter of, 51 St. Rep. 815; 22 Supp. 195.

Affirmed, 141 N. Y. 561; 57 St. Rep. 866.

Foot v. Beecher, 78 N. Y. 155.

Cited, Appeal—Error in Admitting Evidence.

1 Misc. 154; (48 St. Rep. 757; 20 Supp. 725). 88 Hun, 289; (68 St. Rep. 598; 34 Supp. 796). 19 Misc. 200. 13 Misc. 257; (68 St. Rep. 88; 34 Supp. 85). 77 St. Rep. 66; (43 Supp. 66).

Wills—Probate — Appeal — Incompetent Evidence.

67 Hun, 415; (51 St. Rep. 785; 22 Supp. 293).

New Trial—For Matters Pertaining to Verdict—Framed Issues.

76 Hun, 590; (58 St. Rep. 276; 28 Supp. 217).

Foot v. Bruggerhof, 66 Hun, 406; 50 St. Rep. 311; 21 Supp. 509.

Cited, Executors — Accounting—Instructions from Court.

84 Hun, 474; (65 St. Rep. 613; 32 Supp. 397).

Foot v. Bruggerhof, 84 Hun, 473; 65 St. Rep. 613; 32 Supp. 397.

Foot v. Bryant, 47 N. Y. 544.

Cited, Fraudulent Conveyances—Equitable Consideration.

79 Hun, 81; (61 St. Rep. 173; 29 Supp. 631). Trusts—Implied—Parol—Situation of Parties.

6 Misc. 14; (58 St. Rep. 135; 25 Supp. 994). 11 Misc. 260; (64 St. Rep. 256, 257; 32 Supp. 837, 838).

Foot v. Lathrop, 41 N. Y. 358.

Cited, Appeal—Order Refusing to Open Default.

2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 39).

Judgment — Vacation — Discretion of Court.

7 Misc. 246; (58 St. Rep. 21; 27 Supp. 263). 87 Hun, 377; (68 St. Rep. 344; 34 Supp. 439; 25 Civ. Pro. 13; 2 Ann. Cas. 191). 10 App. Div. 568; (76 St. Rep. 82; 42 Supp. 82). 10 Misc. 385; (63 St. Rep. 407; 31 Supp. 123). 17 Misc. 340; (39 Supp. 1081).

Foot v. Manhattan R. Co., 58 Hun, 478; 36 St. Rep. 119; 12 Supp. 516.

Cited, Action—Damage from Elevated Railway—Conveyance Pending—Effect.

60 St. Rep. 170; (28 Supp. 484).

Easement—Appurtenant—Alleys, Right to Use, etc.

23 Supp. 824.

Equity—Injunctive Relief—Transfer of Property—Failure of Cause of Action.

8 Misc. 534; (59 St. Rep. 399; 28 Supp. 766).

Foot v. Metropolitan Elevated R. Co., 147 N. Y. 367; 70 St. Rep. 27.

Affirming, 64 St. Rep. 872.

Cited, Elevated Railroads—Easement—Abandonment.

152 N. Y. 43. 13 App. Div. 384; (77 St. Rep. 38; 43 Supp. 38).

Foot v. People, 17 Hun, 218.

Cited, Fraud—Drawing Checks Without Funds.

18 Misc. 465; (75 St. Rep. 1361; 41 Supp. 983).

Foot v. People, 56 N. Y. 321.

Cited, Statutes — Construction — Misdemeanors.

20 Misc. 152; (79 St. Rep. 906; 45 Supp. 906).

Foran v. N. Y. C. & H. R. R. Co., 64 Hun, 510; 46 St. Rep. 423; 19 Supp. 417.

Cited, Railroads — Contributory Negligence—Crossings.

71 Hun, 581; (55 St. Rep. 93; 24 Supp. 1071). 79 St. Rep. 1111; (45 Supp. 1111).

Disapproved.

18 Misc. 505; (76 St. Rep. 1078; 42 Supp. 1078).

Forbes, Matter of, 19 How. 457.

Cited, Infants—Commitment—Defects in. 19 Misc. 562; (78 St. Rep. 1099; 44 Supp. 1099).

Duplicate Citations in Parenthesis.

Forbes v. Chichester, 30 St. Rep. 370; 8 Supp. 747.

Cited, Evidence — Sufficiency — Claims Against—Decedent's Estates.

75 Hun. 5; (56 St. Rep. 724; 26 Supp. 1020).

Claims — Burden of Establishing — Evidence.

4 App. Div. 443; (74 St. Rep. 159; 35 Supp. 666). 15 Misc. 538; (74 St. Rep. 558; 38 Supp. 106).

Forbes v. Chichester, 125 N. Y. 769; 36 St. Rep. 248.

Reversing, 30 St. Rep. 370.

Cited, Trial — Non-suit — Weighing Evidence.

74 Hun. 273; (56 St. Rep. 412; 26 Supp. 426). 10 Misc. 724; (64 St. Rep. 639; 31 Supp. 818).

Trial—Reference—Dismissal of Complaint — Question of Fact.

77 Hun. 588; (60 St. Rep. 519; 28 Supp. 1026). 148 N. Y. 85.

Forbes v. Halsey, 26 N. Y. 53.

Cited, Evidence—Burden of Proof—Surcharge of Executor's Account.

74 Hun. 207; (56 St. Rep. 292; 26 Supp. 816). 8 App. Div. 344; (75 St. Rep. 171; 40 Supp. 793). 9 App. Div. 218; (75 St. Rep. 622; 41 Supp. 174).

Executors—Inventory—Presumption.

74 Hun. 365; (56 St. Rep. 348; 26 Supp. 684). 145 N. Y. 104; (64 St. Rep. 554).

Executors—Purchase of Assets by—Validity—Who May Object.

69 Hun. 542; (54 St. Rep. 343; 23 Supp. 942). 143 N. Y. 486; (62 St. Rep. 847). 92 Hun. 9; (73 St. Rep. 13; 37 Supp. 965).

Executors and Administrators—Real Estate—Void Sales.

10 App. Div. 608; (76 St. Rep. 357; 42 Supp. 357). 13 App. Div. 216; (77 St. Rep. 309; 43 Supp. 309).

Forbes v. Kennedy, 76 Hun. 39; 59 St. Rep. 631; 27 Supp. 596.

Forbes v. Muxlow, 18 Civ. Pro. 239; 13 Supp. 797.

Cited, Death of Attorney—Notice to Appear Another.

13 App. Div. 607; (77 St. Rep. 988; 43 Supp. 988).

Forbes v. Waller, 25 N. Y. 430.

Cited, Execution—Return—Effect.

18 Misc. 632; (77 St. Rep. 684; 43 Supp. 684).

Forbes v. Willard, 37 How. 193.

Cited, Witnesses — Privilege — Question for Court.

8 Misc. 175; (60 St. Rep. 147; 28 Supp. 511).

Ford, Matter of, 6 Lans. 92.

Cited, Local Assessments.

144 N. Y. 477; (63 St. Rep. 731).

Ford v. Ames, 36 Hun. 571.

Cited, Pleadings—Construction.

14 Misc. 80; (69 St. Rep. 581; 35 Supp. 264).

Ford v. Babcock, 2 Sandf. 518.

Cited, Statute of Limitations—Return to State.

83 Hun. 222; (64 St. Rep. 158; 31 Supp. 569; 1 Ann. Cas. 211). 20 Misc. 340; (79 St. Rep. 920; 45 Supp. 920).

Ford v. Babcock, 1 Den. 158.

Cited, Courts — Process — Jurisdictional Facts.

16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Ford v. Belmont, 7 Robt. 97.

Cited, Trusts—Creation.

3 App. Div. 292; (38 Supp. 1071)

Ford v. Binghamton Hydraulic Power Co., 54 Hun. 451; 7 Supp. 714.

Cited, Corporations—Action Against.

19 Misc. 637; (78 St. Rep. 1102; 44 Supp. 1102).

Ford v. Cobb, 20 N. Y. 344.

Cited, Fixtures—Annexation—Agreement of Parties.

8 App. Div. 570; (75 St. Rep. 323; 40 Supp. 927). 8 App. Div. 571; (40 Supp. 927). 15 App. Div. 39; (78 St. Rep. 120; 44 Supp. 120). 12 Misc. 148; (66 St. Rep. 715; 33 Supp. 57). 79 St. Rep. 639; (45 Supp. 639).

Ford v. David, 1 Bosw. 570.

Cited, Damages.

10 Misc. 678; (64 St. Rep. 297; 31 Supp. 671; 1 Ann. Cas. 274).

Ford v. Ford, 53 Barb. 525.

Cited, Referee—Removal.

3 Misc. 444; (52 St. Rep. 321; 23 Supp. 178).

Ford v. Harrington, 16 N. Y. 285.

Cited, Contracts—Confidential Relations — Effect.

78 Hun. 499; (61 St. Rep. 239; 29 Supp. 559). 87 Hun. 10; (67 St. Rep. 488; 33 Supp. 872). 84 Hun. 590; (66 St. Rep. 327; 32 Supp. 853). 15 Misc. 213; (72 St. Rep. 761; 37 Supp. 226).

Ford v. James, 2 Abb. Ct. App. Dec. 159.

Cited, Deeds — Delivery — What Constitutes.

12 App. Div. 196; (76 St. Rep. 832; 42 Supp. 832).

*Duplicate Citations in Parenthesis.***Ford v. Johnston**, 7 Hun, 563.

Cited, Fraudulent Conveyance—Subsequent Creditors.

76 Hun, 559; (58 St. Rep. 250; 28 Supp. 191). 4 App. Div. 210; (74 St. Rep. 190; 38 Supp. 547).

Ford v. Joyce, 78 N. Y. 618.

Cited, Reformation of Contract—Degree of Proof.

149 N. Y. 58.

Ford v. Knapp, 102 N. Y. 135.

Cited, Partition—Co-tenants—Allowance for Improvements.

152 N. Y. 109. 152 N. Y. 110. 152 N. Y. 565. 80 Hun, 528, 533; (62 St. Rep. 608, 611; 30 Supp. 634, 637). 10 App. Div. 608; (76 St. Rep. 357; 42 Supp. 357).

Ford v. Lake Shore & M. S. R. Co.,

117 N. Y. 638. 2 Silv. Ct. App. 460; 27 St. Rep. 246.

Cited, Master and Servant—Negligence of Fellow Servant.

3 Misc. 229; (51 St. Rep. 872; 22 Supp. 752). 11 App. Div. 19; (76 St. Rep. 142; 42 Supp. 142).

Ford v. Lake Shore & M. S. R. Co.,

124 N. Y. 493; 36 St. Rep. 494.

Cited, Master and Servant—Assumption of Risks—Reasonable Care of Master.

80 Hun, 155; (61 St. Rep. 709; 29 Supp. 1128). 14 App. Div. 350; 77 St. Rep. 926; 43 Supp. 926). 85 Hun, 97; (66 St. Rep. 67; 32 Supp. 683).

Master and Servant—Machinery and Appliances—Rules for Inspection and Repairing.

1 Misc. 303; (48 St. Rep. 769; 20 Supp. 711).

Master and Servant—Railroads—Rules.

1 Misc. 426; (49 St. Rep. 638; 21 Supp. 429).

Ford v. Livingston, 70 Hun, 176; 54 St. Rep. 164.

Cited, Incompetent Persons—Award of Damages—Effect.

89 Hun, 530; (69 St. Rep. 744; 35 Supp. 333).

Ford v. Livingston, 140 N. Y. 162; 55 St. Rep. 254.

Affirming, 70 Hun, 178; 54 St. Rep. 164; 24 Supp. 412.

Cited, Incompetent Persons—Sale of Real Estate—Effect.

75 Hun, 451; (59 St. Rep. 644; 27 Supp. 532).

Ford v. Lyons, 41 Hun, 512; 4 St. Rep. 59.

Cited, Master and Servant—Risks—Precautions—Negligence.

5 Misc. 333; (55 St. Rep. 214; 25 Supp. 511).

Ford v. McCarthy, 77 Hun, 612; 61 St. Rep. 363; 29 Supp. 786.**Ford v. Ranson**, 39 How. 429.

Cited, Chattel Mortgage—When Bill of Sale is.

149 N. Y. 131.

Ford v. Ransom, 8 Abb. N. S. 416.

Cited, Mortgagor and Mortgagee—Possession by Mortgagee—Injunction to Restrain.

2 App. Div. 472; (74 St. Rep. 342; 37 Supp. 1044).

Ford v. Schlosser, 13 Misc. 205; 67 St. Rep. 868; 34 Supp. 12.**Ford v. Williams**, 24 N. Y. 359.

Cited, Damages—Measure—Conversion.

5 Misc. 25; (25 Supp. 144).

Forde v. Nichols, 36 St. Rep. 729; 12 Supp. 922.

Cited, Pleading—Complaint—Nuisance.

3 Misc. 304; (52 St. Rep. 120; 22 Supp. 932).

Fordham v. Gouverneur Village, 5 App. Div. 565; 39 Supp. 396.**Fordham v. Gouverneur Village**, 78 St. Rep. 1117; 44 Supp. 1117.**Fordham v. Smith**, 46 N. Y. 683.

Cited, Witnesses—Impeachment.

20 Misc. 68; (78 St. Rep. 440; 44 Supp. 440).

Foreman v. Union & Advertising Co., 83 Hun, 385; 64 St. Rep. 742; 31 Supp. 947.**Forest v. Davis**, 20 Misc. 1; 78 St. Rep. 907; 44 Supp. 907.**Forey v. Syracuse B. & N. Y. R. Co.**, 12 St. Rep. 198.

Affirmed, 122 N. Y. 667; 34 St. Rep. 1015.

Cited, Railroads—Negligence—Adoption of Rules.

69 Hun, 27; (52 St. Rep. 818; 23 Supp. 461).

Forgotston v. McKeon, 14 App. Div. 342; 77 St. Rep. 439; 43 Supp. 939.**Forkel, Matter of**, 8 App. Div. 397; 40 Supp. 847.

Duplicate Citations in Parenthesis.

Forker v. Brown, 10 Misc. 161; 62 St. Rep. 480; 30 Supp. 827.

Cited, Temporary Receivers—Powers.

10 Misc. 686; (65 St. Rep. 95; 31 Supp. 1001; 1 Ann. Cas. 337). 11 Misc. 299; (65 St. Rep. 501; 32 Supp. 293; 1 Ann. Cas. 97). 13 Misc. 137; (68 St. Rep. 107; 34 Supp. 122). 13 Misc. 138; (68 St. Rep. 108; 34 Supp. 123).

Forman, Matter of, 54 Barb. 274.

Cited, Wills—Testamentary Capacity.

2 Misc. 333; (51 St. Rep. 418; 21 Supp. 962). 5 Misc. 204; (25 Supp. 113). 5 Misc. 310; (73 St. Rep. 436; 37 Supp. 759).

Forman v. Forman, 53 St. Rep. 639; 24 Supp. 917.

Forman v. Marsh, 11 N. Y. 544.

Cited, Incompetent Persons—Infants—Real Estate—Sale of—Purpose of Statute.

75 Hun, 451; (59 St. Rep. 644; 27 Supp. 532). 147 N. Y. 570; (70 St. Rep. 338). 20 Misc. 535.

Forman v. Whitney, 2 Abb. Ct. App. Dec. 163.

Cited, Wills—Construction—Bequest for Support of Wife—Residence.

4 Misc. 341; (24 Supp. 312).

Forney v. Engineering News & Publishing Co., 32 St. Rep. 1122; 10 Supp. 814.

Cited, Trademark—Similarity of Names. 92 Hun, 68; (71 St. Rep. 156; 36 Supp. 885).

Forrest v. Forrest, 3 Bosw. 650.

Cited, Referee—Removal—Misconduct.

3 Misc. 443; (52 St. Rep. 321; 23 Supp. 178).

Forrest v. Forrest, 25 N. Y. 501.

Cited, New Trial—For Matters Pertaining to Verdict.—Substantial Error.

76 Hun, 590; (58 St. Rep. 276; 28 Supp. 217). 4 Misc. 454; (54 St. Rep. 938; 24 Supp. 1151). 10 App. Div. 434; (76 St. Rep. 265; 42 Supp. 265). 19 Misc. 200; (77 St. Rep. 65; 43 Supp. 65).

Divorce—Alimony—Errors in Record.

14 Misc. 598; (71 St. Rep. 10; 36 Supp. 272). 143 N. Y. 241; (62 St. Rep. 187).

Forrester v. Price, 6 Misc. 308; 56 St. Rep. 250; 26 Supp. 799.

Forster v. Cantoni, 19 Misc. 222; 78 St. Rep. 241; 44 Supp. 241.

Forster v. Eberle, 7 Misc. 490; 58 St. Rep. 47; 27 Supp. 936.

Forster v. Moore, 73 Hun, 244; 57 St. Rep. 121; 25 Supp. 1032.

Forster v. Moore, 79 Hun, 472; 61 St. Rep. 628; 29 Supp. 1032.

Forster v. Scott, 136 N. Y. 577; 49 St. Rep. 699.

Affirming, 44 St. Rep. 212; 17 Supp. 479.

Cited, Eminent Domain—Constitutionality—Public Benefits.

8 Misc. 573; (60 St. Rep. 685; 29 Supp. 780). 153 N. Y. 197, 198. 81 Hun, 330. 10 Misc. 67; (63 St. Rep. 401; 31 Supp. 116). 20 Misc. 478; (79 St. Rep. 778; 45 Supp. 778).

Filing Map—Cloud on Title.

90 Hun, 261; (70 St. Rep. 267; 35 Supp. 807).

Forster v. Wilshusen, 14 Misc. 520; 70 St. Rep. 701; 35 Supp. 1083.

Cited, Principal and Agent—Misrepresentations of Agent—Effect.

18 Misc. 224; (75 St. Rep. 798; 41 Supp. 387).

Principal and Agent—Disclosure of Principal's Name.

19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73).

Forster v. Winfield, 3 Misc. 435; 52 St. Rep. 325; 23 Supp. 169.

Reversed, 142 N. Y. 327; 59 St. Rep. 11.

Forster v. Winfield, 142 N. Y. 327; 59 St. Rep. 11.

Forstman v. Shulting, 42 Hun, 643; 4 St. Rep. 463.

Cited, Contempt—Restitution of Money Received Under Erroneous Order.

3 Misc. 103; (51 St. Rep. 861; 23 Civ. Pro. 82; 30 Abb. N. C. 33).

Forstman v. Schulting, 108 N. Y. 110; 13 St. Rep. 483.

Cited, Contempt—Restitution.

3 Misc. 105; (51 St. Rep. 860; 22 Supp. 703; 23 Civ. Pro. 82; 30 Abb. N. C. 35). 90 Hun, 566; (70 St. Rep. 666; 35 Supp. 1006).

Forsyth, Matter of, 10 Misc. 477; 65 St. Rep. 254; 32 Supp. 175.

Cited, Transfer Tax Act—Construction.

19 Misc. 395; (78 St. Rep. 350; 44 Supp. 350).

Forsyth v. Campbell, 15 Hun, 235.

Cited, Judgment—Existence—Proof.

12 Misc. 521; (67 St. Rep. 378; 33 Supp. 664).

Forsyth v. Edmiston, 11 How. 408.

Cited, Conspiracy—Several Liability.

67 Hun, 339; (51 St. Rep. 442; 22 Supp. 134).

Forsyth v. Edmiston, 2 Abb. 430.

Cited, Pleadings—Complaint—Slander.

81 Hun, 51; (62 St. Rep. 563; 30 Supp. 585).

Duplicate Citations in Parenthesis.

Forsyth v. Ganson, 5 Wend. 558.

Cited, Parent and Child—Necessaries—Liability of Parent.

85 Hun, 29; (66 St. Rep. 110; 32 Supp. 602; 1 Ann. Cas. 295).

Fort v. Gooding, 9 Barb. 371.

Cited, Contracts—Statute of Frauds—Performance—Compensation.

72 Hun, 632; (55 St. Rep. 285; 25 Supp. 164).

Fort v. Burch, 6 Barb. 60

Cited, Vendor and Purchaser—Foreclosure—Marketable Title.

17 App. Div. 323; (79 St. Rep. 210; 45 Supp. 210.)

Fort v. Cummings, 90 Hun, 481; 71 St. Rep. 43; 36 Supp. 36.

Fort v. Fort, 9 Wend. 442.

Cited, Attachment—Motion to Set Aside.

81 Hun, 346; (63 St. Rep. 139; 30 Supp. 888)

Fort v. Milligan, 46 St. Rep. 907; 21 Supp. 145.

Fort v. Whipple, 11 Hun, 586.

Cited, Master and Servant—Liability of Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 502).

Fort Covington v. United States & C. R. Co., 8 App. Div. 323; 40 Supp. 313.

Fort Edward v. Fish, 86 Hun, 548; 67 St. Rep. 529; 33 Supp. 784.

Fort Edward and Fort Miller Plank Road Co. v. Payne, 15 N. Y. 583.

Cited, Corporations—Conditional Subscription for Stock—Effect.

3 App. Div. 124; (39 Supp. 423).

Fort Plain Bridge Co. v. Smith, 36 N. Y. 44.

Cited, Nuisance—Public—Private Action to Abate.

138 N. Y. 180; (52 St. Rep. 163).

Fortmann v. Wheeler, 84 Hun, 278.

65 St. Rep. 589; 32 Supp. 384.

Fortunato v. New York, 2 Misc. 406; 50 St. Rep. 614; 21 Supp. 963.

Cited, Pleading—Amendment.

10 Misc. 701; (64 St. Rep. 493; 31 Supp. 789).

Fortunato v. Patten, 5 Misc. 234; 54 St. Rep. 832; 25 Supp. 333.

Affirming, 2 Misc. 406; 50 St. Rep. 614; 21 Supp. 963.

Fortunato v. Patten, 147 N. Y. 277; 69 St. Rep. 671.

Reversing, 5 Misc. 234; 54 St. Rep. 832; 25 Supp. 233.

Cited, Municipal Contract—Assignments.

10 App. Div. 526; (76 St. Rep. 49; 42 Supp. 49).

Fortune v. Trainor, 141 N. Y. 605; 58 St. Rep. 866.

Affirming, 47 St. Rep. 58; 19 Supp. 598.

Fortune v. Trainor, 19 Supp. 598.

Cited, Master and Servant—Liability for Servant's Tort.

17 Misc. 90; (39 Supp. 833).

Forty-Second St. & G. St. Ferry R. Co. v. Thirty-Fourth St. R. Co., 52 Super. 252.

Cited, Railroads—Use of Street—Injunction.

17 Misc. 716; (40 Supp. 1095). 17 Misc. 717; (40 Supp. 1095).

Abutting Owners — Railroads — Special Damages.

16 App. Div. 235; (78 St. Rep. 756; 44 Supp. 756).

Forward v. Continental Ins. Co., 66 Hun, 546; 49 St. Rep. 867; 21 Supp. 664.

Affirmed, 142 N. Y. 382; 59 St. Rep. 777.

Cited, Insurance — Agents — Waiver — Knowledge of Agent.

7 App. Div. 584; (40 Supp. 306).

74 Hun, 155; (56 St. Rep. 296; 26 Supp. 648). 79 Hun, 120; (61 St. Rep. 372; 29 Supp. 515).

Forward v. Continental Ins. Co., 142 N. Y. 382; 59 St. Rep. 777.

Cited, Insurance — Forfeiture — Knowledge of Agent—Waiver.

149 N. Y. 386. 149 N. Y. 484. 92 Hun, 194; (71 St. Rep. 132; 36 Supp. 331). 3 App. Div. 26; (73 St. Rep. 554; 37 Supp. 935; 3 Ann. Cas. 126). 7 App. Div. 584; (40 Supp. 306). 15 App. Div. 621; (78 St. Rep. 770; 44 Supp. 770). 16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509). 16 App. Div. 600; (78 St. Rep. 979; 44 Supp. 979).

Fosdick v. Hempstead, Town of, 125 N. Y. 581; 35 St. Rep. 863.

Cited, Wills—Bequests—Charitable Uses.

75 Hun, 79; (57 St. Rep. 838; 26 Supp. 1023).

Wills—Perpetuities—Illegal Suspension of Alienation.

1 Misc. 443; (23 Supp. 152).

Trusts—Designation of Beneficiary—Sufficiency.

136 N. Y. 136; (48 St. Rep. 838). 8 Misc. 395; (59 St. Rep. 559; 28 Supp. 629). 8 Misc. 633; (61 St. Rep. 264; 29 Supp. 953). 144 N. Y. 551; (64 St. Rep. 246). 147 N. Y. 109; (69 St. Rep. 404). 147 N. Y. 115; (69 St. Rep. 409). 83 Hun, 455. 85 Hun, 12; (66 St. Rep. 124; 32 Supp. 614). 79 St. Rep. 623; (45 Supp. 623).

Duplicate Citations in Parenthesis.

Trusts — Towns as Trustee — Statutory Sanction.

12 App. Div. 275; (76 St. Rep. 907; 42 Supp. 907).

Fosdick v. Hempstead, Town of, 128 N. Y. 651; 37 St. Rep. 130.

Cited, Appeal—Reargument—Grounds.

60 St. Rep. 389. 8 App. Div. 611; (41 Supp. 1134). 2 Misc. 63; (49 St. Rep. 350; 20 Supp. 845). 3 App. Div. 385; (39 Supp. 246). 73 St. Rep. 870; (39 Supp. 1126).

Foshay v. Ferguson, 2 Den. 617.

Cited, Malicious Prosecution—Constituents.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 999).

Foshay v. Ferguson, 5 Hill, 154.

Cited, Contracts—Duress.

2 Misc. 203; (49 St. Rep. 522; 21 Supp. 269)

Foshay v. Robinson, 43 St. Rep. 20; 16 Supp. 817.

Affirmed, 137 N. Y. 134; 50 St. Rep. 192.

Cited, Mechanic's Lien—Default of Contractor—Completion by Owner.

66 Hun, 263; (49 St. Rep. 475; 21 Supp. 218).

Mechanic's Lien — Of Sub-Contractor—To What Attaches.

2 Misc. 271; (23 Supp. 773).

Foshay v. Robinson, 137 N. Y. 134; 50 St. Rep. 192.

Cited, Mechanic's Lien—Abandonment—To What Attaches—Completion by Owner.

10 Misc. 308; (63 St. Rep. 133; 31 Supp. 284). 69 St. Rep. 295; (35 Supp. 179).

Mechanic's Lien — Money Owng Contractor—Effect.

19 Misc. 546; (77 St. Rep. 1067; 43 Supp. 1067).

Foster, Matter of, 8 Misc. 344; 60 St. Rep. 448; 29 Supp. 316.

Foster, Matter of, 15 Misc. 175; 72 St. Rep. 140; 37 Supp. 36.

Foster v. Beardsley Scythe Co., 47 Barb. 505.

Cited, Evidence—Presumptions—Recording of Deeds—Parol Evidence.

79 Hun, 526; (61 St. Rep. 596; 29 Supp. 908).

Foster v. Bookwalter, 78 Hun, 352; 60 St. Rep. 119; 29 Supp. 116.

Affirmed, 152 N. Y. 166.

Foster v. Bookwalter, 152 N. Y. 166.

Cited, Appeal — Exception—Duty of Appellant.

153 N. Y. 72.

Foster v. Cronkhite, 88 N. Y. 139.

Cited, Poor—Removal—Intent.

49 St. Rep. 297; (21 Supp. 54).

Foster v. Easton, 19 St. Rep. 447; 2 Supp. 772.

Cited, New Trial — Surprise—Absence of Witness.

3 Misc. 20; (50 St. Rep. 570; 21 Supp. 777).

New Trial—Surprise—Diligence.

73 Hun, 198; (56 St. Rep. 129; 25 Supp. 915).

Foster v. Electric Heat Regulator Co., 16 Misc. 147; 74 St. Rep. 362; 37 Supp. 1063; 25 Civ. Pro. 223.

Foster v. Foster, 5 Hun, 557.

Cited, Dower—Release—Consideration.

75 Hun, 561; (59 St. Rep. 615; 27 Supp. 599).

Foster v. Hawley, 8 Hun, 68.

Cited, Husband and Wife — Marriage — Proof.

7 Misc. 549; (57 St. Rep. 727; 27 Supp. 874).

Foster v. Mayer, 70 Hun, 265; 54 St. Rep. 114; 24 Supp. 46.

Foster v. Meeks, 18 Misc. 461; 75 St. Rep. 1323; 41 Supp. 950.

Foster v. Moore, 68 Hun, 526; 52 St. Rep. 662; 22 Supp. 1089.

Cited, Receivers—Foreclosure—Payment and Priority of Claims.

73 Hun, 245; (57 St. Rep. 122; 25 Supp. 1033).

Foster v. Oldham, 4 Misc. 201; 53 St. Rep. 488; 23 Supp. 1024.

Cited, Landlord and Tenant — Lease—Assignee of — Liability for Rent — Occupancy.

9 Misc. 124; (59 St. Rep. 712; 29 Supp. 285).

Disapproved, 14 App. Div. 312; (77 St. Rep. 1051; 43 Supp. 1051).

Foster v. Oldham, 8 Misc. 331; 59 St. Rep. 239; 28 Supp. 559.

Cited, Lessee—Third Party in Possession — Presumption.

13 Misc. 126; (67 St. Rep. 858; 34 Supp. 2).

Foster v. People, 50 N. Y. 598.

Cited, Criminal Law—Intent—Presumption.

68 Hun, 18; (52 St. Rep. 238; 22 Supp. 639).

Criminal Law—Appeal.

19 Misc. 556; (78 St. Rep. 904; 44 Supp. 904).

*Duplicate Citations in Parenthesis.***Foster v. Persch**, 68 N. Y. 400.

Cited, Husband and Wife—Agency of Husband—Effect on Debt Charged to Husband.

85 Hun, 129; (65 St. Rep. 654; 32 Supp. 468). 20 Misc. 343; (79 St. Rep. 852; 45 Supp. 852). 41 Supp. 280; (25 Civ. Pro. 351).

Foster v. Pettibone, 7 N. Y. 433.

Cited, Accession—Bailment for Manufacture.

140 N. Y. 195; (55 St. Rep. 576). D. 140 N. Y. 201; (55 St. Rep. 580).

Foster v. Schneider, 50 Hun, 151; 19 St. Rep. 449; 2 Supp. 875.

Cited, Mechanic's Lien—Notice—Misstatement of Amount.

66 Hun, 425; (50 St. Rep. 144; 21 Supp. 402). 76 Hun, 452; (59 St. Rep. 179; 28 Supp. 109). 82 Hun, 163; (63 St. Rep. 747; 31 Supp. 298). 149 N. Y. 443. 15 App. Div. 423; (78 St. Rep. 562; 44 Supp. 562).

Mechanic's Lien—Notice—Specification of Work or Materials.

2 Misc. 272; (23 Supp. 774).

Foster v. Standard Nat. Bank, 20 Misc. 170.**Foster v. Tanenbaum**, 2 App. Div. 168, 73 St. Rep. 454; 37 Supp. 722.**Foster v. Town**, 2 Dem. 333.

Cited, Limitation of Action—When Action Barred—Executors—Income From Estate.

2 Misc. 283; (23 Supp. 974).

Foster v. Townshend, 63 N. Y. 203.

Cited, Receivers Pendente lite—Powers. 10 Misc. 692; (65 St. Rep. 100; 31 Supp. 1005; 1 Ann. Cas. 340).

Foster v. Van Reed, 70 N. Y. 20.

Cited, Mortgage—Disposal of—Omission to Dispose of Bond—Effect.

79 St. Rep. 605; (45 Supp. 605).

Foster v. Van Wyck, 2 Abb. Ct. App. Dec. 167.

Cited, Taxes—Assessment—Review. 13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

Foster v. Wood, 6 Johns. Ch. 87.

Cited, Judgment—Fraudulent—Vacation. 89 Hun, 117; (69 St. Rep. 471; 35 Supp. 58).

Fothergill v. Fothergill, 80 Hun, 316; 62 St. Rep. 66; 30 Supp. 292.**Fougera v. Cohn**, 43 Hun, 454.

Cited, Contract of Letting—Occupation of Premises—Effect.

18 Misc. 72; (75 St. Rep. 487; 41 Supp. 32).

Foulke v. Thalmessinger, 8 Misc. 445; 58 St. Rep. 849; 28 Supp. 648.**Foulke v. Thalmessinger**, 1 App. Div. 598; 73 St. Rep. 194; 37 Supp. 563.**Foulks, Matter of**, 10 Supp. 515; 18 Civ. Pro. 175.

Cited, Surrogates' Courts—Setting Aside Decree—Irregularity—Limitation.

4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

Fountain v. Carter, 2 Dom. 313.

Disapproved, Wills—Probate—Revocation—Parties—Citations.

70 Hun, 110; (53 St. Rep. 544; 23 Supp. 1131).

Fountain v. Pettce, 33 N. Y. 184.

Cited, Appeal—Inadmissible Evidence—Failure to Object.

1 Misc. 437; (51 St. Rep. 53; 21 Supp. 916).

Fourth National Bank v. Spinney, 120 N. Y. 560; 31 St. Rep. 846.

Cited, Principal and Surety—Liability of Surety.

92 Hun, 472; (71 St. Rep. 853; 36 Supp. 553).

Fourth Presbyterian Ch. v. Steiner, 79 Hun, 314; 61 St. Rep. 386; 29 Supp. 488.**Fowler, Matter of**, 53 N. Y. 60.

Cited, Special Proceedings—What Are—Proceedings for Railway Purposes.

80 Hun, 247; (61 St. Rep. 626; 23 Supp. 1030).

Eminent Domain—Public Benefit—Discretion of Legislature.

11 App. Div. 284; (76 St. Rep. 1014; 42 Supp. 1014). 14 Misc. 194; (70 St. Rep. 197; 35 Supp. 463).

Fowler's Petition, 9 Abb. N. C. 268.

Cited, Receivers—Corporations—Inspection of Books—Rights of Stockholders to.

5 Misc. 16; (25 Supp. 130).

Fowler v. Aetna Fire Ins. Co., 6 Cow. 673.

Cited, Evidence—Relevancy—Character of Party.

7 Misc. 233; (58 St. Rep. 20; 27 Supp. 270).

Fowler v. Aetna Fire Ins. Co., 7 Wend. 270.

Cited, New Trial—After Two Identical Verdicts—Weight of Evidence.

70 Hun, 597; (53 St. Rep. 658; 25 Supp. 242). 14 Misc. 508; (70 St. Rep. 692; 35 Supp. 1067).

Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 530; 27 Supp. 367). 11 App. Div. 395; (76 St. Rep. 1124; 42 Supp. 1124).

Duplicate Citations in Parenthesis.

Fowler v. Bowery Sav. Bank, 23 Abb. N. C. 133.

Cited, Election of Remedies.
17 Misc. 27; (39 Supp. 1063).

Fowler v. Bowery Savings Bank, 113 N. Y. 450; 23 St. Rep. 130.

Cited, Action—Election of Remedies—Effect.

141 N. Y. 449; (57 St. Rep. 628). 68 Hun, 54; (52 St. Rep. 60; 22 Supp. 622). 9 Misc. 114; (59 St. Rep. 733; 29 Supp. 49). 61 St. Rep. 648; (29 Supp. 1049). 80 Hun, 238; (61 St. Rep. 643; 29 Supp. 1049). 87 Hun, 126; (67 St. Rep. 443; 33 Supp. 800). 10 App. Div. 428; (75 St. Rep. 1435; 41 Supp. 1089). 17 Misc. 27; (39 Supp. 258).

Contracts—Rescission — Effect on Prior Payments.

2 Misc. 335; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9).

Trusts—Creation — Money Deposited in Bank for Benefit of Another.

80 Hun, 149; (61 St. Rep. 638; 29 Supp. 1017). 15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281).

Notice—Change of Ownership.

20 Misc. 336; (79 St. Rep. 933; 45 Supp. 933).

Fowler v. Butterly, 78 N. Y. 68.

Cited, Husband and Wife—Gifts—Possession—Presumption.

8 App. Div. 49; (74 St. Rep. 864; 40 Supp. 424). 8 App. Div. 192; (40 Supp. 341).

Fowler v. Callan, 102 N. Y. 395; 1 St. Rep. 1.

Reversing, 4 Civ. Pro. 413.

Cited, Attorney and Client—Compensation—Contingent Fee.

82 Hun, 15; (63 St. Rep. 533; 31 Supp. 282). 9 App. Div. 138; (75 St. Rep. 605; 41 Supp. 147).

Fowler v. Clearwater, 35 Barb. 143.

Cited, Guaranty—Construction—Original Undertaking.

79 Hun, 440; (61 St. Rep. 459; 29 Supp. 1026).

Fowler v. Colyer, 2 E. D. Smith, 125.

Cited, Appeal—From Justice's Judgment—Manifest Injustice.

3 Misc. 123; (23 Supp. 994).

Fowler v. Dearing, 6 App. Div. 221; 39 Supp. 1034.

Fowler v. Fowler, 147 N. Y. 673; 71 St. Rep. 240.

Modifying and Affirming, 66 St. Rep. 871.

Fowler v. Fowler, 33 St. Rep. 746; 11 Supp. 419.

Cited, Husband and Wife—Separation—Grounds.

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980).

Fowler v. Haynes, 91 N. Y. 346.

Cited, Justice's Court—Offer of Judgment—By Whom Made.

6 Misc. 205; (27 Supp. 216).

Fowler v. Howe Machine Co., 20 Week. Dig. 521.

Cited, Principal and Agent—Relation—Declaration of Agent.

7 Misc. 167; (57 St. Rep. 495; 27 Supp. 256).

Fowler v. Hunt, 10 Johns. 464.

83 Hun, 222; (64 St. Rep. 158; 31 Supp. 569; 1 Ann. Cas. 211).

Fowler v. Ingersoll, 127 N. Y. 472; 40 St. Rep. 206.

Cited, Wills—Construction—Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27).

147 N. Y. 355; (69 St. Rep. 697).

Wills—Construction—Limitation Over on Failure of Issue.

137 N. Y. 434; (51 St. Rep. 62).

Wills—Construction—Survivorship.

136 N. Y. 231; (49 St. Rep. 335).

Fowler v. Kennedy, 2 Abb. 347.

Cited, Pleading—Non Joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 147; 23 Civ. Pro. 25).

Fowler v. Metropolitan Life Ins. Co., 139 N. Y. 641; 54 St. Rep. 932.

Affirming, 37 St. Rep. 632; 13 Supp. 755.

Fowler v. Milliman, 2 Hun, 408.

Cited, Notice of Appeal—Appellate Court—Restriction in Reviewing Case.

91 Hun, 61; (71 St. Rep. 632; 36 Supp. 828).

Fowler v. N. Y. C. & H. R. R. Co., 74 Hun, 141; 56 St. Rep. 307; 26 Supp. 218.

Affirmed, 147 N. Y. 717.

Cited, Contributory Negligence.

91 Hun, 7; (71 St. Rep. 424; 36 Supp. 87).

Cited, Railroads — Crossings — Duty of People Using Crossings—Contributory Negligence.

8 App. Div. 141; (40 Supp. 473). D. 8 App. Div. 490; (75 St. Rep. 212; 40 Supp. 826).

Fowler v. N. Y. Gold Exchange Bank, 67 N. Y. 138.

Cited, Principal and Agent—Agents Authority—Disobedience—Reimbursement.

7 Misc. 168; (57 St. Rep. 512; 27 Supp. 251).

Principal and Agent—Ratification—Extent.

74 Hun, 281; (56 St. Rep. 346; 26 Supp. 811).

Duplicate Citations in Parenthesis.

Fowler v. New York Ind. Ins. Co., 26 N. Y. 422.

Cited, Pleading—Complaint—Sufficiency—Insurance.

77 Hun, 475; (60 St. Rep. 672; 29 Supp. 103).

Fowler v. Palmer, 62 N. Y. 533.

Cited, Equity—Jurisdiction—Power to Order Instrument Delivered Up.

16 App. Div. 391; (79 St. Rep. 27; 45 Supp. 27).

Fowler v. Union Coarse Salt Co., 88 Hun, 416; 68 St. Rep. 759; 34 Supp. 821.

Fowler v. Van Natta, 71 Hun, 341; 55 St. Rep. 41; 25 Supp. 1.

Cited, Contract—Weight of Evidence—Appeal—Review.

4 App. Div. 419; (74 St. Rep. 533; 38 Supp. 850).

Fowler v. Wood, 78 Hun, 304; 60 St. Rep. 176; 28 Supp. 976.

Affirmed, 150 N. Y. 594.

Fowles v. Bowen, 30 N. Y. 20.

Cited, Libel and Slander—Privileged Communications—Evidence of Malice.

138 N. Y. 529; (53 St. Rep. 101.) 5 App. Div. 608; (39 Supp. 461).

Slander—Special Damages.

84 Hun, 296; (65 St. Rep. 542; 32 Supp. 307).

Fox, Matter of, 9 Misc. 661; 62 St. Rep. 412; 30 Supp. 835.

Fox, Matter of, 63 Barb. 157.

Affirmed, 52 N. Y. 530.

Affirmed, 94 U. S. 315.

Cited, Conflict of Laws—Tenure of Land.

72 Hun, 22; (55 St. Rep. 73; 25 Supp. 313).

Fox, Matter of, 52 N. Y. 530.

Affirmed, 94 U. S. 315.

Cited, Wills—Devise—Validity—To United States.

73 Hun, 588; (56 St. Rep. 160; 26 Supp. 191). 5 Misc. 175; (25 Supp. 701).

Wills—Power of Sale—Title of Devisees.

72 Hun, 182; (55 St. Rep. 322; 25 Supp. 545).

Fox v. Brooklyn City R. Co., 7 Misc. 285; 58 St. Rep. 540; 27 Supp. 895.

Cited, Railroads—Injuries—Damages.

86 Hun, 473; (67 St. Rep. 621; 33 Supp. 50.)

Fox v. Brooks, 7 Misc. 426; 57 St. Rep. 650; 27 Supp. 975; 23 Civ. Pro. 345.

Cited, Actions—Parties—Right to Come In.

16 App. Div. 621; (78 St. Rep. 1060; 44 Supp. 1060).

Fox v. Burns, 12 Barb. 677.

Cited, Chattel Mortgage—Removal from Files by Mortgagee.

71 Hun, 552; (54 St. Rep. 923; 25 Supp. 45).

Fox v. Erie P. Co., 93 N. Y. 54.

Cited, Pleading—Complaint—Description of Parties—Corporations.

8 Misc. 8; (58 St. Rep. 808; 28 Supp. 65; 23 Civ. Pro. 392). 79 Hun, 393; (61 St. Rep. 347; 29 Supp. 784).

Fox v. Fitzsimons, 29 Hun, 574.

Cited, Injunction—Trespass.

67 Hun, 308; (50 St. Rep. 899; 22 Supp. 316).

Fox v. Fort Edward, 48 Hun, 363; 16 St. Rep. 303; 1 Supp. 81.

Cited, Municipal Corporations—Negligence.

4 App. Div. 221; (73 St. Rep. 587; 38 Supp. 538).

Fox v. Jackson, 8 Barb. 355.

Cited, Attorneys—Authority to Appear—Justices Court.

2 Misc. 153; (50 St. Rep. 536; 23 Supp. 160; 23 Civ. Pro. 75).

Fox v. LeComte, 2 App. Div. 61; 72 St. Rep. 502; 37 Supp. 316.

Cited, Master and Servant—Appliances—Duty of Master.

5 App. Div. 66; (38 Supp. 1052). 72 St. Rep. 508; (37 Supp. 322).

Fox v. Matthiessen, 84 Hun, 396; 65 St. Rep. 554; 32 Supp. 356; 24 Civ. Pro. 285.

Cited, Appeal—Orders.

88 Hun, 504; (68 St. Rep. 584; 34 Supp. 786; 2 Ann. Cas. 167).

Fox v. McComb, 45 St. Rep. 754; 18 Supp. 611.

Cited, Money Had and Received—Action for.

11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165).

Fox v. Mohawk & Hud. River Humane Society, 20 Misc. 461.

Fox v. Moyer, 65 N. Y. 125.

Cited, Voluntary Conveyance—When Open to Challenge by Creditors.

3 Misc. 285; (52 St. Rep. 398; 22 Supp. 785). 91 Hun, 506; (71 St. Rep. 601; 36 Supp. 651; 25 Civ. Pro. 298). 153 N. Y. 169.

Fox v. New York, 11 Misc. 304; 65 St. Rep. 441; 32 Supp. 257.

Duplicate Citations in Parenthesis.

Fox v. New York, 5 App. Div. 349; 39 Supp. 309.

Cited, Carriers—Passengers—Contributory Negligence.
19 Misc. 110.

Fox v. New York, 70 Hun, 181; 53 St. Rep. 902; 24 Supp. 43.

Cited, Railroads—Construction of Tracks—Negligence.

13 Misc. 315; (68 St. Rep. 727; 34 Supp. 703). 5 App. Div. 350; (39 Supp. 310). 11 App. Div. 142; (76 St. Rep. 1047; 42 Supp. 1047).

Fox v. Onondaga County S. Bank, 25 N. Y. 672; 7 Supp. 17.

Cited, Banks—Savings Banks—Possession of Pass Book—Forged Order—Negligence of Teller.

50 St. Rep. 275; (21 Supp. 655).

Fox v. Pruden, 3 Daly, 187.

Cited, Bailment—For Trial—Degree of Care—Question of Fact.

8 Misc. 456; (59 St. Rep. 575; 28 Supp. 669).

Fox v. Quinn, 12 Supp. 725.

Cited, Trial—Preferred Cause—Waiver.

12 Misc. 147; (66 St. Rep. 358; 32 Supp. 1078).

Fox v. Rural Home Co., 90 Hun, 365; 70 St. Rep. 558; 35 Supp. 896.

Cited, Corporations—Accommodation Endorsement—Burden of Proof.

6 App. Div. 363; (39 Supp. 557).

Fox v. Turner, 2 Supp. 164; 17 St. Rep. 666.

Cited, Pleading—General Denial—Issue Under.

6 Misc. 305; (58 St. Rep. 148; 26 Supp. 791).

Fox v. Vanderbeck, 5 Cow. 513.

Cited, Pleading—Slander.

81 Hun, 50; (62 St. Rep. 563; 30 Supp. 585).

Fox v. Wabash Railway Co., 16 Misc. 370; 74 St. Rep. 384; 38 Supp. 88.

Frace v. N. Y. L. E. & W. R. Co., 68 Hun, 325; 52 St. Rep. 102; 22 Supp. 958.

Reversed, 143 N. Y. 182; 62 St. Rep. 166.

Frace v. N. Y. L. E. & W. R. Co., 143 N. Y. 182; 62 St. Rep. 166.

Cited, Railroads—Appliances.

145 N. Y. 301; (64 St. Rep. 710). 86 Hun, 466; (67 St. Rep. 543; 33 Supp. 888).

Railroads—Appliances—Judicial Notice.

85 Hun, 255; (32 Supp. 941). 86 Hun, 247; (66 St. Rep. 757; 33 Supp. 241). 18 Misc. 245; (75 St. Rep. 1000; 41 Supp. 607). 66 St. Rep. 371; (32 Supp. 941).

Frain v. Klein, 18 App. Div. 64; 79 St. Rep. 394; 45 Supp. 394.

Franc v. Dickinson, 34 St. Rep. 864.

Cited, Bills and Notes—Bona Fide Holder—Question of Fact.

77 Hun, 454; (60 St. Rep. 655; 29 Supp. 84).

France v. Rome, W. & O. R. Co., 88 Hun, 318; 68 St. R. p. 418; 34 Supp. 408.

Cited, Master and Servant—Hazardous Employment—Servant's Assumption of Risk.

11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817).

Francheris v. Henriques, 24 How. 166.

Cited, Sales—False Representations—Question of Fact.

11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333).

Franchi v. Brunswick-Balke Colender Co., 36 St. Rep. 793; 13 Supp. 294.

Cited, Contracts—Building—Performance—Time.

7 Misc. 43; (57 St. Rep. 90; 27 Supp. 383). 19 Misc. 560; (73 St. Rep. 876; 44 Supp. 876).

Franchot v. Leach, 5 Cow. 506.

Cited, Evidence—Parol—Collateral to Written Agreement.

7 Misc. 603; (58 St. Rep. 757; 27 Supp. 865).

Contracts—Rescission Before Performance—Right of Action.

20 Misc. 93; (79 St. Rep. 69; 45 Supp. 69).

Francis v. N. Y. Steam Co., 114 N. Y. 380; 22 St. Rep. 543.

Cited, Railroads—Injury to Passenger—Question for Jury.

92 Hun, 146; (71 St. Rep. 152; 36 Supp. 381).

Francis v. Ocean Ins. Co., 6 Cow. 404.

Cited, Foreign Law—Proof.

13 Misc. 423; (69 St. Rep. 357; 35 Supp. 153).

Francis v. Porter, 88 Hun, 325; 68 St. Rep. 570; 34 Supp. 752; 2 Ann. Cas. 134.

Francis v. Schoellkopf, 53 N. Y. 152.

Cited, Damages—Measure—Nuisance.

69 Hun, 527; (52 St. Rep. 850).

Public Nuisance—Action by Private Person.

147 N. Y. 664; (71 St. Rep. 268). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Duplicate Citations in Parenthesis.

Francisco v. Fitch, 25 Barb. 130.

Cited, Reference of Disputed Claims—For What Claims.

D. 76 Hun, 58; (59 St. Rep. 149; 27 Supp. 668).

Francisco v. Smith, 67 Hun, 225; 50 St. Rep. 772; 22 Supp. 722.

Affirmed, 143 N. Y. 488; 62 St. Rep. 803.

Francisco v. Smith, 143 N. Y. 488; 62 St. Rep. 803.

Cited, Contracts—Restraint of Trade—Enforcement.

13 App. Div. 213; (77 St. Rep. 341; 43 Supp. 341). 12 Misc. 472; (67 St. Rep. 610; 33 Supp. 858).

Francisco v. Troy & L. R. Co., 78 Hun, 13; 60 St. Rep. 797; 29 Supp. 247.

Francisco v. Troy & L. R. Co., 88 Hun, 464; 68 St. Rep. 792; 34 Supp. 859.

Cited, Street Railroads—Injuries to Passengers—Negligence.

16 App. Div. 148.

Franck v. Franck, 11 Misc. 569; 66 St. Rep. 103; 32 Supp. 774.

Francklyn v. Long Island City, 32 Hun, 451.

Affirmed, 102 N. Y. 692.

Cited, Taxes—Validity—Confirmation by Statute.

139 N. Y. 136; (54 St. Rep. 511).

Francklyn v. Sprague, 10 Hun, 589.

Cited, Factors—Goods Consigned—Title—Lien.

11 App. Div. 393; (76 St. Rep. 60; 42 Supp. 60).

Franey v. Smith, 126 N. Y. 658; 37 St. Rep. 480.

Cited, Costs—Appeal—To Abide Event—What Included.

6 Misc. 367; (56 St. Rep. 405; 26 Supp. 747).

Franey v. Smith, 126 N. Y. 658; 37 St. Rep. 480.

Cited, Costs—“Abide Evident”—Construction.

68 St. Rep. 721; (34 Supp. 799; 24 Civ. Pro. 441).

Franey v. Smith, 88 Hun, 215; 68 St. Rep. 714; 34 Supp. 780.

Cited, 68 St. Rep. 716; (34 Supp. 782).

Franey v. Smith, 68 St. Rep. 716; 34 Supp. 782.

Frank, Matter of. See Falkenberg, Matter of.

Frank v. Batten, 49 Hun, 91; 17 St. Rep. 476; 1 Supp. 705.

Cited, Conditional Sale—Title to Property

85 Hun, 126; (66 St. Rep. 214; 32 Supp. 593).

Frank v. Batten, 139 N. Y. 613; 54 St. Rep. 930.

Affirming, 35 St. Rep. 999; 14 Supp. 947.

Frank v. Bush, 63 How. 282; 2 Civ. Pro. 250.

Cited, Pleading — Amendments — Of Course.

8 Misc. 96; (60 St. Rep. 160; 28 Supp. 1006; 23 Civ. Pro. 402; 31 Abb. N. C. 255).

Frank v. Chemical Nat. Bank, 84 N. Y. 209.

Distinguished, Estoppel—Equitable—Acquiescence.

73 Hun, 242; (57 St. Rep. 31; 25 Supp. 1028).

Cited, Account Stated—Impeachment—Fraud.

9 Misc. 365; (60 St. Rep. 627; 29 Supp. 700).

Banking—Vouchers—Forgery—Depositors—Negligence.

8 Misc. 282; (59 St. Rep. 233; 28 Supp. 712). 10 Misc. 683; (64 St. Rep. 495; 31 Supp. 792).

Frank v. Davis, 135 N. Y. 275; 48 St. Rep. 86.

Reversing, 61 Hun, 496; 41 St. Rep. 292; 16 Supp. 369; 21 Civ. Pro. 374.

Frank v. Erie & Genesee Valley R. Co. See Frank v. N. Y. L. E. & W. R. Co.

Frank v. Mut. Life Ins. Co., 102 N. Y. 266; 1 St. Rep. 681.

Cited, Insurance—On Husband for Wife—Nature as Property.

71 Hun, 396; (55 St. Rep. 33; 25 Supp. 27).

Frank v. N. Y. L. E. & W. R. Co., 7 St. Rep. 814.

Cited, 20 Misc. 116; (79 St. Rep. 3; 45 Supp. 3).

Frank v. N. Y., L. E. W. R. Co., 122 N. Y. 197; 33 St. Rep. 235.

Cited, Landlord and Tenant—Lease—Assignment.

8 Misc. 332; (59 St. Rep. 240; 28 Supp. 560). 82 Hun, 536; (64 St. Rep. 337; 31 Supp. 611). 4 App. Div. 151; (74 St. Rep. 775; 38 Supp. 881). 20 Misc. 613; (79 St. Rep. 1131; 45 Supp. 1131).

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Frank v. N. Y., L. E. & W. R. Co.,
132 N. Y. 197; 33 St. Rep. 235.

Cited, Landlord and Tenant—Holding Over—Election of Landlord.

12 Misc. 350; (67 St. Rep. 349; 33 Supp. 655; 2 Ann. Cas. 27). 18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32). 18 Misc. 191; (75 St. Rep. 700; 41 Supp. 290). 65 St. Rep. 786; (33 Supp. 655).

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73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Frank v. Wessels, 64 N. Y. 155.

Cited, Negotiable Instruments—Words Not Affecting Negotiability.

20 Misc. 657.

Frankel v. New York, 18 St. Rep. 241; 2 Supp. 294.

Cited, Municipal Corporations—Notice of Injury.

16 Misc. 304; (74 St. Rep. 387; 38 Supp. 91).

Frankel v. Wathen, 58 Hun, 543.

Cited, Partnership — Notice of Dissolution.

20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

Frankel v. Wolf, 7 Misc. 190; 57 St. Rep. 536; 27 Supp. 328.

Cited, Trial—Motion for Dismissal—Presumption.

9 Misc. 493; (61 St. Rep. 129; 30 Supp. 231).

Evidence—Witness—Impeachment.

12 Misc. 39; (66 St. Rep. 683; 33 Supp. 49).

Evidence—Party in Interest—Effect.

13 Misc. 212; (68 St. Rep. 87; 27 Supp. 328). 13 Misc. 217; (68 St. Rep. 113; 34 Supp. 231).

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16 Misc. 82; (73 St. Rep. 242; 37 Supp. 648).

Frankfort v. Manhattan R. Co., 12 Misc. 13; 66 St. Rep. 534; 33 Supp. 36.

Frankfurter v. Home Ins. Co., 6 Misc. 49; 55 St. Rep. 774; 26 Supp. 81.

Reversed, 10 Misc. 157; 62 St. Rep. 521; 31 Supp. 3.

Frankfurter v. Home Ins. Co., 10 Misc. 157; 62 St. Rep. 521; 31 Supp. 3.

Cited Insurance—Agent's Authority—Restriction of.

14 Misc. 325; (70 St. Rep. 681; 35 Supp. 1056). 17 Misc. 117; (39 Supp. 358).

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Cited, Conversion—Damages.

18 Misc. 653; (77 St. Rep. 975; 43 Supp. 975). 19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

Franklin v. Brown, 1 St. Rep. 701.

Cited, Landlord and Tenant—Liability of Landlord—Negligence.

5 Misc. 7; (25 Supp. 128).

Franklin v. Osgood, 14 Johns. 527.

Cited, Testamentary Powers—Effect.

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Franklin v. Robinson, 1 Johns. Ch. 157.

Cited, Joint Owners — Compensation for Service.

87 Hun, 427; (68 St. Rep. 335; 34 Supp. 352).

Franklin Bank Note Co. v. Mackey,
83 Hun, 511; 65 St. Rep. 87; 31 Supp. 1057.

Franklin F. Ins. Co. v. Jenkins, 3 Wend. 130.

Cited, Corporations — Directors—Misfeasance in Office—Effect.

81 Hun, 190; (62 St. Rep. 703; 30 Supp. 759).

Franklin Nat. Bank of N. Y. v. Newcombe, 1 App. Div. 294; 72 St. Rep. 596; 37 Supp. 271.

Franklin Trust Co. v. Northern Adirondack R. Co., 11 App. Div. 249; 76 St. Rep. 211; 42 Supp. 211.

Franklyn v. Hayward, 61 How. 45.

Cited, Mortgage—Foreclosure—Rights of Lienors Not Parties to.

138 N. Y. 145; (51 St. Rep. 851; 30 Abb. N. C. 341).

Franks v. Reimer, 28 St. Rep. 156; 9 Supp. 273.

Cited, Examination Before Trial—Granting Order.

88 Hun, 312; (68 St. Rep. 570; 34 Supp. 751).

Frantz v. Ireland, 66 Barb. 336.

Cited, Evidence — Presumption—Possession of Land—Title.

142 N. Y. 84; (58 St. Rep. 411).

Franz v. Mulligan, 18 Misc. 411; 76 St. Rep. 509; 42 Supp. 509.

Franzen v. Zimmer, 90 Hun, 103; 70 St. Rep. 407; 35 Supp. 612.

Fraser v. Duncan. See *Russ v. Stratton.*

Fraser v. Granite State P. Ass'n, 8 Misc. 7; 58 St. Rep. 803; 28 Supp. 65; 23 Civ. Pro. 390.

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Fraser v. Small, 37 St. Rep. 900; 13 Supp. 463.

Cited, Contracts — Meeting of Minds — Modification of Offer.

9 Misc. 79; (59 St. Rep. 748; 29 Supp. 288).

Fraser v. United Pres. Church, 58 Hun, 34; 33 St. Rep. 347; 11 Supp. 384.

Cited, Costs — Extra Allowance — Amount.

66 Hun, 127; (49 St. Rep. 809; 20 Supp. 907).

Fraser v. United Pres. Church, 124 N. Y. 479; 36 St. Rep. 471.

Cited, Wills—Equitable Conversion.

136 N. Y. 134; (48 St. Rep. 836). 16 App. Div. 398; (79 St. Rep. 59; 45 Supp. 59). 79 St. Rep. 1070; (45 Supp. 1070).

Fraser v. Wyckoff, 63 N. Y. 445.

Cited, Brokers—Real Estate — Commissions—Consummation by Owner.

2 Misc. 336; (51 St. Rep. 429; 21 Supp. 976).

Frazer, Matter of, 92 N. Y. 239.

Distinguished, Evidence — Burden of Proof—As to Necessity and Reasonableness of Expenditures by Executors, etc.

23 Supp. 1048.

Cited, Executors—Accounting—Claims—Contest—Burden of Proof.

76 Hun, 363; (58 St. Rep. 467; 27 Supp. 789). 86 Hun, 327; (67 St. Rep. 208; 33 Supp. 495). 5 App. Div. 457; (38 Supp. 1094). 2 Misc. 383; (51 St. Rep. 588; 21 Supp. 1009).

Executors—Power of Sale—Effect on Dower.

14 App. Div. 574; (77 St. Rep. 902; 43 Supp. 903).

Frazier v. Dewey, 1 App. Div. 138; 73 St. Rep. 514; 37 Supp. 973.

Frazier v. McClosky, 60 N. Y. 337.

Cited, Evidence—Malice—Slander.

135 N. Y. 610; (48 St. Rep. 393).

Evidence — Relevancy — Libel — Similar Attacks — Repetition After Action Commenced.

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Frazier v. Stewart, 84 Hun, 351; 65 St. Rep. 874; 32 Supp. 1142.

Frear v. Pugsley, 9 Misc. 316; 60 St. Rep. 425; 30 Supp. 149.

Frear v. Sweet, 118 N. Y. 454; 29 St. Rep. 972.

Cited, Pleading — Amendment — Substituted Issues—Review.

9 Misc. 177; (60 St. Rep. 637; 29 Supp. 713). 5 Misc. 405; (55 St. Rep. 390; 25

Supp. 758). 144 N. Y. 712; (71 St. Rep. 287). 150 N. Y. 404. 10 Misc. 127; (62 St. Rep. 516; 30 Supp. 942). 11 Misc. 285; (65 St. Rep. 302; 32 Supp. 156). 13 Misc. 94; (68 St. Rep. 194; 34 Supp. 147). 13 Misc. 248; (68 St. Rep. 203; 34 Supp. 157). 18 Misc. 258; (68 St. Rep. 88; 34 Supp. 86). 14 Misc. 317; (70 St. Rep. 748; 35 Supp. 1054). 14 Misc. 516; (70 St. Rep. 772; 33 Supp. 14). 17 Misc. 382; (39 Supp. 1061). 18 Misc. 11; (75 St. Rep. 450; 40 Supp. 1192). 18 Misc. 205; (41 Supp. 370). 18 Misc. 730; (76 St. Rep. 20; 42 Supp. 20). 19 Misc. 499; (77 St. Rep. 1109; 43 Supp. 1109). 19 Misc. 503; (78 St. Rep. 28; 44 Supp. 28). 19 Misc. 513; (77 St. Rep. 1128; 43 Supp. 1128). 19 Misc. 637; (78 St. Rep. 404; 44 Supp. 404). 19 Misc. 642; (78 St. Rep. 395; 44 Supp. 395).

Freck v. Hughes, 90 Hun, 16; 35 Supp. 480.

Fredenburg v. Biddlecome, 17 Week. Dig. 25.

Cited, Costs—Against Personal Representatives.

49 St. Rep. 320; (21 Supp. 156).

Fredenburg v. Northern Central R. Co., 114 N. Y. 582; 24 St. Rep. 550.

Cited, Master and Servant—Machinery and Appliances—Master's Duty as to Condition.

1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). 71 Hun, 586; (55 St. Rep. 113; 24 Supp. 1104). 11 App. Div. 140; (76 St. Rep. 892; 42 Supp. 892).

Master and Servant—Risks Assumed—Knowledge of Defects.

9 Misc. 100; (62 St. Rep. 224; 29 Supp. 712). 70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406).

Frederich v. Brewster, 28 Hun, 236.

Cited, Chattel Mortgage—Sale Subject to. 70 Hun, 56; (53 St. Rep. 434; 23 Supp. 1031).

Fredericks v. Goodman St. H. Ass'n, 61 St. Rep. 650; 29 Supp. 1041.

Freeborn v. Bagley, 15 Misc. 173; 72 St. Rep. 169; 37 Supp. 17.

Freeborn v. Wagner, 2 Abb. Ct. App. Dec. 175.

Cited, Powers—Execution—Effect.

141 N. Y. 504; (57 St. Rep. 590).

Freedman v. Chamberlain, 70 Hun, 193; 54 St. Rep. 282; 24 Supp. 388.

Freedman v. Loomis, 12 Misc. 156; 66 St. Rep. 331; 32 Supp. 1077.

*Duplicate Citations in Parenthesis.***Freel, Matter of**, 148 N. Y. 165.

Cited, Municipal Contracts—Claims Payment.

15 App. Div. 512; (78 St. Rep. 531; 44 Supp. 521).

Freel, Matter of, 89 Hun, 79; 69 St. Rep.

271; 35 Supp. 59.

Freel, Matter of, 73 St. Rep. 331; 38 Supp. 143.**Freel v. Queens County**, 9 App. Div. 186; 75 St. Rep. 528; 41 Supp. 68.**Freeland v. Robie**, 5 Misc. 528; 58 St. Rep. 101; 25 Supp. 986.**Freeland v. Southworth**, 24 Wend. 191.

Cited, Stoves—Fixtures.

15 App. Div. 39; (78 St. Rep. 120; 44 Supp. 120). 15 App. Div. 45; (78 St. Rep. 119; 44 Supp. 119).

Freelove v. Cole, 41 Barb. 318.

Affirmed, 41 N. Y. 619.

Cited, Contracts—Cancellation—In Pari Delicto—Confidential Relation.

78 Hun, 500; (61 St. Rep. 239; 29 Supp. 559).

Freeman v. Auld, 44 N. Y. 50.

Cited, Mortgage—Usury—Grantee—Estoppel.

3 App. Div. 338; (73 St. Rep. 736; 88 Supp. 397). 12 Misc. 598; (70 St. Rep. 278; 35 Supp. 774).

Freeman v. Coit, 96 N. Y. 63.

Cited, Wills—Construction.

13 Misc. 371; (69 St. Rep. 484; 35 Supp. 111).

Freeman v. Cram, 3 N. Y. 305.

Cited, Mechanic's Lien—Nature of.

8 Misc. 235; (59 St. Rep. 201; 28 Supp. 562). 10 Misc. 376; (64 St. Rep. 119; 31 Supp. 436).

Freeman v. Dutcher, 15 Abb. N. C. 431.

Cited, Judgment—Action on—Leave of Court.

67 St. Rep. 583; (33 Supp. 713; 24 Civ. Pro. 333).

Freeman v. Falconer, 45 Super. 383.

Cited, Bills and Notes—Ownership.

4 Misc. 72; (53 St. Rep. 129; 23 Supp. 786).

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18 Misc. 180; (75 St. Rep. 967; 41 Supp. 576).

Freeman v. Freeman, 4 Redf. 211.

Cited, Executors and Administrators—Commissions—Assignment.

51 St. Rep. 558; (22 Supp. 20). 24 Supp. 99. 51 St. Rep. 739.

Freeman v. Freeman, 43 N. Y. 34.

Cited, Contracts—Statute of Frauds—Agreement Concerning Land—Part Performance.

77 Hun, 3; (59 St. Rep. 419; 28 Supp. 224). 2 Misc. 140; (50 St. Rep. 224; 21 Supp. 613). 76 Hun, 154; (57 St. Rep. 313; 27 Supp. 556). 72 Hun, 156; (55 St. Rep. 351; 25 Supp. 680). 144 N. Y. 711; (71 St. Rep. 286). 145 N. Y. 163; (64 St. Rep. 573). 87 Hun, 77; (67 St. Rep. 648; 33 Supp. 965). 92 Hun, 295; (71 St. Rep. 78; 36 Supp. 715).

Freeman v. Glens Falls Paper Mill Co., 61 Hun, 125; 39 St. Rep. 621; 15 Supp. 657.

Cited, Master and Servant—Furnishing Safe Place to Work.

69 Hun, 377; (52 St. Rep. 796; 23 Supp. 657). 15 Supp. 657.

Master and Servant—Risks Assumed.

67 Hun, 490; (51 St. Rep. 252; 22 Supp. 483). 80 Hun, 420; (62 St. Rep. 96; 30 Supp. 342).

Master and Servant—Negligence—Submission to Jury.

85 Hun, 97; (66 St. Rep. 67; 33 Supp. 683).

Freeman v. Glens Falls Paper Mill Co., 70 Hun, 530; 53 St. Rep. 786; 24 Supp. 403.

Affirmed, 142 N. Y. 639; 60 St. Rep. 865.

Cited, Master and Servant—Defective Appliances—Knowledge of Servant.

72 Hun, 405; (55 St. Rep. 286; 25 Supp. 207). 80 Hun, 418; (63 St. Rep. 95; 30 Supp. 341). 3 App. Div. 585; (73 St. Rep. 710; 38 Supp. 216). 4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 52).

Master and Servant—Appliances—Duty.

13 Misc. 400; (68 St. Rep. 118; 34 Supp. 239).

Master and Servant—Duty of Master—Waiver.

80 Hun, 420; (62 St. Rep. 96; 30 Supp. 342).

Freeman v. Glens Falls Paper Mill Co., 142 N. Y. 639; 60 St. Rep. 865.

Affirming, 70 Hun, 530; 53 St. Rep. 786; 24 Supp. 403.

Freeman v. Grant, 56 Hun, 640; 30 St. Rep. 143; 8 Supp. 912.

Cited, Pleadings—Amendment.

10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942).

Freeman v. Grant, 132 N. Y. 22; 43 St. Rep. 396.

Cited, Pleading—Amendment—Power of Court.

84 Hun, 41; (65 St. Rep. 74; 31 Supp. 1044). 4 App. Div. 231; (74 St. Rep. 197; 38 Supp. 553).

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Freeman v. Hoyt, 96 N. Y. 63.

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Freeman v. Kellogg, 4 Redf. 218.

Cited, Ex^{rs}—Surrogate—Discretion—Appeal—Review.
68 St. Rep. 265; (34 Supp. 341).

Freeman v. Leland, 2 Abb. 479.

Cited, Action—Tort—Arrest.
4 App. Div. 230; (74 St. Rep. 196; 38 Supp. 553).

Freeman v. National Benefit Soc.
42 Hun, 252.

Cited, Benefit Societies—Death Claims—Payment.
17 Misc. 638; (40 Supp. 592).

Freeman v. Ogden, 40 N. Y. 105.

Cited, Inferior Tribunal—Appeal—Review of Facts.
152 N. Y. 140.

Freeman v. People, 4 Den. 9.

Cited, Trial—Jury—Competency—Bias.
8 Misc. 329; (59 St. Rep. 446; 28 Supp. 721).

Trial—Jurors—Overruling Challenge for Cause—Use of Pre-emptory—Order.
140 N. Y. 839; (55 St. Rep. 458). 136 N. Y. 66; (48 St. Rep. 901).

Freeman v. Schroeder, 43 Barb. 618.

Cited, Mortgage—Presumption from Prior Recording.
137 N. Y. 335; (50 St. Rep. 786).

Freeman v. United States El. Light Co., 59 Hun, 341; 36 St. Rep. 542; 13 Supp. 93.

Cited, Judgments—Correction.
92 Hun, 83; (71 St. Rep. 805; 36 Supp. 637).

Freeman v. United States El. Light Co., 76 Hun, 215; 58 St. Rep. 696; 27 Supp. 799.

Freeman v. U. S. Grand Lodge, 18 Misc. 610; 76 St. Rep. 474; 42 Supp. 474.

Freeport Bank v. Havemeyer, 91 Hun, 194; 70 St. Rep. 788; 36 Supp. 214.

Freer v. Denton, 61 N. Y. 492.

Cited, Contracts—Breach—Notification in Advance of Refusal to Perform.
4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117).
Contracts—Executor—Repudiation—Right to Damages.
137 N. Y. 486; (51 St. Rep. 284). 89 Hun, 109; (63 St. Rep. 830; 34 Supp. 1067). 15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847).

Freiot v. La Fontaine, 16 Misc. 153; 38 Supp. 832.

Freiss v. N. Y. C. & H. R. R. Co., 140 N. Y. 639; 55 St. Rep. 931.

Affirming, 51 St. Rep. 391; 22 Supp. 104.

Frelich v. Briuk, 22 N. Y. 418.

Cited, Judgment—Confession of—Sufficiency of Statement.

74 Hun, 52; (56 St. Rep. 163; 26 Supp. 184). 71 Hun, 135; (54 St. Rep. 76; 24 Supp. 523). 151 N. Y. 539. 4 App. Div. 217; (73 St. Rep. 592; 38 Supp. 543).

Frelich v. Saugerties, Vil. of, 70 Hun, 589; 53 St. Rep. 741; 24 Supp. 182.

Cited, Villages—Officers—Powers.
142 N. Y. 347; (59 St. Rep. 21).

Frees v. Ford, 6 N. Y. 176.

Cited, Courts—Jurisdiction—Demurrer.
76 Hun, 545; (58 St. Rep. 244; 28 Supp. 211). 16 App. Div. 40; (73 St. Rep. 786; 44 Supp. 786). 17 Misc. 369; (40 Supp. 71).
Statutes—Constitutionality—Power of Court.
147 N. Y. 207; (60 St. Rep. 506).

French, Matter of, 30 Hun, 83.

Affirmed, 93 N. Y. 634.
Cited, Municipal Corporations—Assessment—Vacation.

85 Hun, 313; (66 St. Rep. 399; 32 Supp. 968).

French, Matter of, 93 N. Y. 634.

Cited, Municipal Corporations—Assessments—Validity.
139 N. Y. 13; (54 St. Rep. 420).

French v. Andrews, 145 N. Y. 441; 65 St. Rep. 384.

Cited, Insolvent Corporations—Judgments—Consent of Directors.

87 Hun, 604; (68 St. Rep. 657; 34 Supp. 545). 7 App. Div. 111. 12 App. Div. 494; (76 St. Rep. 804; 42 Supp. 804). 15 App. Div. 341; (78 St. Rep. 56; 44 Supp. 56). 15 Misc. 401; (73 St. Rep. 411; 37 Supp. 824).

French v. Andrews, 81 Hun, 272; 62 St. Rep. 759; 30 Supp. 796.

Affirmed, 145 N. Y. 441; 65 St. Rep. 384.

Cited, Insolvent Corporations—Judgments Against—Creditors.

7 App. Div. 110. 11 Misc. 500; (64 St. Rep. 465; 32 Supp. 723). 15 Misc. 400; (73 St. Rep. 411; 37 Supp. 824).

French v. Aulls, 72 Hun, 442; 54 St. Rep. 866; 25 Supp. 188.

French v. Bauer, 16 Daly, 309; 32 St. Rep. 326; 11 Supp. 69.

Affirmed, 134 N. Y. 543; 48 St. Rep. 333.
Cited, Mechanic's Lien—Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021).

Duplicate Citations in Parenthesis.

French v. Bauer, 134 N. Y. 548; 48 St. Rep. 333.

Cited, Mechanic's Lien—When Lien Exists—To What Attaches—Sub-contractor.

75 Hun, 507; (57 St. Rep. 679; 27 Supp. 510). 72 Hun, 420; (54 St. Rep. 884; 25 Supp. 204). 19 Misc. 546; (77 St. Rep. 1067; 43 Supp. 1067). 148 N. Y. 676.

French v. Buffalo & Erie R. Co., 2 Abb. Ct. App. Dec. 196.

Cited, Evidence — Sufficiency — Negligence.

5 Misc. 427; (26 Supp. 712).

French v. Carhart, 1 N. Y. 96.

Cited, Contracts — Construction — Intention.

2 Misc. 367; (51 St. Rep. 210; 22 Supp. 375; 30 Abb. N. C. 11). 84 Hun, 93; (65 St. Rep. 242). 49 St. Rep. 246. 17 Misc. 211; (40 Supp. 1040; 32 Supp. 79). 79 St. Rep. 642; (45 Supp. 642).

French v. Brush Swan Electric Light Co., 15 Supp. 161; 39 St. Rep. 513.

Cited, Brokers — Contract — Compensation.

90 Hun, 440; (70 St. Rep. 607; 35 Supp. 980).

French v. Buffalo, N. Y. & L. E. R. Co., 4 Keyes, 196; 2 Abb. Ct. App. Dec. 196.

Cited, Carriers—Loss of Goods—Burden of Proof.

86 Hun, 558; (67 St. Rep. 518; 33 Supp. 772).

French v. Dauchy, 134 N. Y. 543; 47 St. Rep. 900.

Affirming, 57 Hun, 100; 32 St. Rep. 544; 10 Supp. 468.

Cited, Principal and Surety — Surety's Liability.

10 App. Div. 243; (75 St. Rep. 1217; 41 Supp. 817).

French v. Hoffmire, 77 St. Rep. 496; 43 Supp. 496.

French v. McMillan, 43 Hun, 188.

Cited, Corporations — Stockholders — Rights—Statements.

9 Misc. 373; (60 St. Rep. 617; 29 Supp. 706).

French v. Powers, 80 N. Y. 146.

Cited, Entry of Judgment — Appeal — Time.

12 Misc. 87; (66 St. Rep. 697; 33 Supp. 96).

French v. Roe, 77 Hun, 380; 26 Supp. 849.

Cited, Contracts — Part Payment — Waiver.

12 App. Div. 215; (76 St. Rep. 552; 42 Supp. 552).

French v. Roosevelt, 18 Misc. 307; 41 Supp. 1080.

French v. Row, 77 Hun, 350; 60 St. Rep. 398; 28 Supp. 849.

French v. Shotwell, 4 Johns. Ch. 505. *Affirmed*, 20 Johns. 668.

Cited, Contracts—Fraud—Disaffirmance. 10 Misc. 165; (62 St. Rep. 483; 30 Supp. 829).

French v. Syracuse, 18 Misc. 278; 41 Supp. 1036.

French v. Vix, 2 Misc. 312; 50 St. Rep. 577; 21 Supp. 1016; 30 Abb. N. C. 158.

French v. Vix, 143 N. Y. 90; 60 St. Rep. 469.

Affirming, 2 Misc. 312; 50 St. Rep. 577; 21 Supp. 1016; 30 Abb. N. C. 158.

Cited, Contractor—Priority of Contract—Liability.

90 Hun, 79; (69 St. Rep. 849; 35 Supp. 456). 8 App. Div. 189; (40 Supp. 452). D. 8 App. Div. 613; (40 Supp. 476). 14 App. Div. 15; (77 St. Rep. 655; 43 Supp. 655).

French v. Western N. Y. & P. R. Co., 72 Hun, 469; 54 St. Rep. 762; 25 Supp. 229.

French v. Whittlesey, 61 St. Rep. 117; 30 Supp. 363.

French Co. v. Marx. See *Abram French Co. v. Marx*.

French Mfg Co., Matter of, 12 Hun, 488.

Cited, Corporations—Voluntary Dissolution—Statute—Construction.

D. 14 App. Div. 394; (78 St. Rep. 24; 44 Supp. 24).

Fresenborg v. Reilly, 2 App. Div. 44; 72 St. Rep. 616; 37 Supp. 290.

Fresiler v. Stege, 67 St. Rep. 571.

Freston v. Lawrence Cement Co. 78 Hun, 96; 61 St. Rep. 835; 30 Supp. 144.

Freudenheim v. Raduziner, 12 Misc. 654; 33 Supp. 1128.

Reversed, 15 Misc. 124; 71 St. Rep. 838; 36 Supp. 815.

Freudenheim v. Raduziner, 10 Misc. 500; 63 St. Rep. 620; 31 Supp. 194.

Cited, Order of Court—Offer of Judgment—Effect.

12 Misc. 654; (33 Supp. 1128).

Duplicate Citations in Parenthesis.

Freudenheim v. Raduziner, 15 Misc. 124; 71 St. Rep. 838; 36 Supp. 815.

Freudenheim v. Raduziner, 16 Misc. 9; 73 St. Rep. 241; 37 Supp. 647.

Freund v. Importers and Traders' Nat. Bank, 76 N. Y. 352.

Cited, Negotiable Instruments—Transfer by Parol—Effect.

14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384).

Bills and Notes—Accommodation—Bona Fide Transfer—Precedent Debt.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26).

Freund v. Ostrander, 66 Hun, 326; 50 St. Rep. 256; 21 Supp. 344.

Freund v. Paten, 10 Daly, 379.

Cited, Trial—Verdict—Preponderance of Evidence.

8 Misc. 447; (58 St. Rep. 850; 28 Supp. 686).

Frick v. Hughes, 70 St. Rep. 1; 35 Supp. 460.

Frick v. White, 57 N. Y. 103.

Cited, Pleading—Default—Effect.

13 Misc. 204; (68 St. Rep. 235; 34 Supp. 185; 25 Civ. Pro. 4).

Fricke, Matter of, 19 Supp. 315.

Cited, Wills—Testamentary Capacity.

5 Misc. 188; (24 Supp. 861).

Fricke, Matter of, 135 N. Y. 659; 48 St. Rep. 932.

Frickel v. Frickel, 4 Misc. 382; 24 Supp. 483.

Cited, Divorce—Alimony.

11 Misc. 704; (66 St. Rep. 337; 32 Supp. 1082; 1 Ann. Cas. 227).

Friberg v. Moffett, 91 Hun, 17; 71 St. Rep. 109; 36 Supp. 95.

Fried v. Stein, 16 Misc. 494; 38 Supp. 971.

Friedland v. Myers, 139 N. Y. 432; 54 St. Rep. 697.

Reversing, 47 St. Rep. 52; 19 Supp. 741.

Friedman v. Dewes, 33 Super. 450.

Cited, Vendor and Purchaser—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 492; (24 Supp. 925).

Friedman v. D. D. E. B. & B. R. Co., 33 St. Rep. 649; 11 Supp. 429.

Affirmed, 110 N. Y. 676.

Cited, Questions of Negligence—Submission to Jury.

10 Misc. 3; (62 St. Rep. 646; 30 Supp. 534).

Friedman v. Hirsch, 44 St. Rep. 199; 18 Supp. 85.

Cited, Fraudulent Conveyances—To Creditor—Allowing to Stand as Security.

75 Hun, 520; (57 St. Rep. 349; 27 Supp. 729). 6 App. Div. 221; (39 Supp. 896).

Friedman v. Rose, 83 Hun, 542; 65 St. Rep. 68; 31 Supp. 1040.

Friend v. Jetter, 18 Misc. 368; 75 St. Rep. 949; 41 Supp. 560.

Friend v. Jetter, 19 Misc. 101; 43 Supp. 237.

Cited, Appeal—Exceptions—Availability. 19 Misc. 637; (78 St. Rep. 404; 44 Supp. 404).

Friendship Mfg. Co. v. Rohrig, 79 St. Rep. 1139; 45 Supp. 1139.

Frier v. Delaware & Hudson Canal Co., 86 Hun, 464; 67 St. Rep. 541; 33 Supp. 886.

Cited, Railroads—Fires—Negligence.

92 Hun, 233; (71 St. Rep. 730; 36 Supp. 720) 4 App. Div. 467; (74 St. Rep. 149; 38 Supp. 656).

Friery v. People, 2 Abb. Ct. App. Dec. 215.

Cited, Trial—Challenges.

17 Misc. 565; (75 St. Rep. 100; 40 Supp. 694).

Friess v. N. Y. C. & H. R. R. Co., 67 Hun, 205; (51 St. Rep. 391; 23 Supp. 104).

Affirmed, 55 St. Rep. 931.

Cited, Pleading—Answer—Verification Privilege.

8 Misc. 549; (60 St. Rep. 680; 29 Supp. 788).

Witnesses—Privilege—Question for Court. 8 Misc. 176; (60 St. Rep. 148; 28 Supp. 511).

24 Civ. Pro. 3; (29 Supp. 788). 24 Civ. Pro. 6; (29 Supp. 789).

Friess v. N. Y. C. & H. R. R. Co., 67 Hun, 210.

Cited, Railroads—Contributory Negligence—Submission to Jury.

11 App. Div. 596; (76 St. Rep. 600; 42 Supp. 600).

Frindel v. Schaikewitz, 1 App. Div. 214; 72 St. Rep. 517; 37 Supp. 172.

Frindel v. Shaikewitz, 16 App. Div. 143; 79 St. Rep. 104; 45 Supp. 104.

Frink v. Green, 5 Barb. 455.

Cited, Deeds—Consideration—Parol Proof.

83 Hun, 402; (64 St. Rep. 426; 31 Supp. 56).

Duplicate Citations in Parenthesis.

Frink v. Stevens, 88 Hun, 283; 68 St. Rep. 421; 34 Supp. 411.

Frisbie v. Averell, 87 Hun, 217; 67 St. Rep. 758; 33 Supp. 1021.

Frisbie v. Larned, 21 Wend. 450.
Cited, Note—Satisfaction—Presumption.
16 Misc. 555; (74 St. Rep. 265; 33 Supp. 747).

Frisbie v. Young, 11 Hun, 474.
Cited, Writ and Process—Service and Privilege—Parties and Witnesses.

55 St. Rep. 873; (26 Supp. 330). 10 Misc. 291; (63 St. Rep. 214; 30 Supp. 1054; 24 Civ. Pro. 128).

Frischman v. Zimmerman, 18 Misc. 737; 75 St. Rep. 1485; 41 Supp. 1115.

Frischman v. Zimmerman, 19 Misc. 53; 76 St. Rep. 824; 42 Supp. 824.
Cited, Exceptions—Review.
19 Misc. 105.

Fritts, Matter of, 19 Misc. 402; 78 St. Rep. 344; 44 Supp. 344.

Fritts v. Slade, 9 Hun, 145
Cited, Fraud—Statute of Limitations.
77 St. Rep. 384; (43 Supp. 384).

Fritz v. Fritz, 43 St. Rep. 755; 17 Supp. 801.

Cited, Partition—Effect of Executor's Power of Sale.
72 Hun, 185; (55 St. Rep. 324; 25 Supp. 547).

Fritz v. Tompkins, 18 Misc. 514; 41 Supp. 985.

Fritze v. Pultz, 2 Civ. Pro. 142.
Cited, Attachment—Insufficiency—Appeal.

17 Misc. 106; (40 Supp. 740).

Frobisher v. Fifth Ave. Transportation Co., 151 N. Y. 431.

Cited, Carriers—Appliances—Extent of Liability.
153 N. Y. 268.

Frobisher v. Fifth Ave. T. Co., 81 Hun, 541; 63 St. Rep. 287; 30 Supp. 1099.

Reversed, 151 N. Y. 431.

Frohman v. Dickinson, 11 Misc. 9; 63 St. Rep. 444; 31 Supp. 851; 1 Ann. Cas. 332.

Frohman v. Miller, 8 Misc. 379; 60 St. Rep. 165; 29 Supp. 1109.

Frohmann v. Manhattan R. Co., 86 Hun, 262; 66 St. Rep. 868; 33 Supp. 1128.

Fromm v. Ide, 68 Hun, 3.0; 52 St. Rep. 287; 23 Supp. 56.

Affirmed, 144 N. Y. 630; 64 St. Rep. 866.

Fromme v. Gray, 14 Misc. 592; 72 St. Rep. 257; 25 Civ. Pro. 116; 36 Supp. 1107; 2 Ann. Cas. 266.

Affirmed, 148 N. Y. 695.

Cited, Contempt—What Constitutes.
79 St. Rep. 444; (45 Supp. 444).

Fromme v. Gray, 143 N. Y. 695.

Fromme v. Gray, 17 Misc. 77; 39 Supp. 856.

Fromme v. Grey, 25 Civ. Pro. 273.

Fromme v. Jarecky, 19 Misc. 488; 77 St. Rep. 1081; 43 Supp. 1081.

Frommer v. Roessler, 12 Misc. 152; 66 St. Rep. 513; 33 Supp. 13.

Frost v. Akron Iron Co., 12 Misc. 348; 67 St. Rep. 348; 33 Supp. 654; 2 Ann. Cas. 23

Cited, Landlord and Tenant—Holding Over—Action for Mutilation.
37 Supp. 380.

Frost v. Akron Iron Co., 1 App. Div. 449; 72 St. Rep. 478; 37 Supp. 374.

Cited, Landlord and Tenant—Holding Over—Facts for Jury.

5 App. Div. 124; (39 Supp. 43). 19 Misc. 529; (77 St. Rep. 1065; 43 Supp. 1065; 3 Ann. Cas. 376).

Frost v. Beekman, 1 Johns. Ch. 288.

Cited, Conveyances—Record—Irregularity.

12 Misc. 496; (67 St. Rep. 396; 33 Supp. 671).

Frost v. Brisbin, 19 Wend. 11.

Cited, Attachment—Residence—Meaning of.

69 Hun, 310; (53 St. Rep. 352; 23 Supp. 530). 2 Misc. 420; (50 St. Rep. 763; 22 Supp. 75). 13 App. Div. 249; (76 St. Rep. 1098; 42 Supp. 1098). 11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 317). 19 Misc. 83; (77 St. Rep. 963; 43 Supp. 968).

Frost v. Carter, 1 Johns. Cas. 74; 2 Cai. Cas. 30.

Cited, Principal and Surety—When Cause of Action Accrues to Surety.

71 Hun, 337; (55 St. Rep. 44; 24 Supp. 1119).

Frost v. Craig, 16 Daly, 107; 30 St. Rep. 848; 9 Supp. 528; 18 Civ. Pro. 296.

Cited, Execution—Supplementary Proceedings—Order—Property Claimed by Third Person.

2 Misc. 403; (50 St. Rep. 586; 21 Supp. 980). 3 Misc. 118; (23 Supp. 1056).

*Duplicate Citations in Parenthesis.***Frost v. Duncan**, 19 Barb. 560.

Cited, Trespass—Civil—Who May Bring Action—Party in Possession.

79 Hun. 237; (58 St. Rep. 659; 27 Supp. 40).

Frost v. Frost, 16 Misc. 430; 39 Supp. 856.

Frost v. Frost, 15 Misc. 167; 72 St. Rep. 170; 37 Supp. 18.

Frost v. Koon, 30 N. Y. 428.

Cited, Judgment—By Confession—Debt—Validity.

59 St. Rep. 518; (28 Supp. 588).

Mortgage—Decree—Rights of Parties.

84 Hun. 532; (66 St. Rep. 331; 32 Supp. 856). 90 Hun. 587; (70 St. Rep. 651; 35 Supp. 978). 1 App. Div. 525; (72 St. Rep. 529; 37 Supp. 249). 16 Misc. 194; (38 Supp. 995).

Frost v. Mott, 34 N. Y. 253.

Cited, Attachment — Property Fraudulently Transferred—Impeachment by Creditor.

136 N. Y. 258; (49 St. Rep. 331). 88 Hun. 171. (35 Supp. 533). 8 App. Div. 378; (40 Supp. 809).

Frost v. Warren, 42 N. Y. 204.

Cited, Chattel Mortgages—Sale by Mortgagee—Effect.

68 St. Rep. 718; (34 Supp. 783).

Frost v. Yonkers Sav. Bank, 70 N. Y. 553.

Cited, Judgments—Effect.

1 App. Div. 171; (73 St. Rep. 74; 37 Supp. 861).

Frothingham v. Barney, 6 Hun. 366.

Cited, Corporations—Dissolution.

D. 151 N. Y. 44.

Frothingham v. Bensen, 20 Misc. 132; 78 St. Rep. 879; 44 Supp. 879.

Frothingham v. Broadway, etc., R. Co., 9 Civ. Pro. 304.

Cited, Depositions — Of Party Before Trial—Affidavit for.

2 Misc. 344; (50 St. Rep. 608; 21 Supp. 1013).

Corporations—Misfeasance of Directors—Actions by Stockholders.

18 Misc. 158; (41 Supp. 1064).

Frothingham v. Hodenpyl, 135 N. Y. 630; 48 St. Rep. 449.

Cited, Fraudulent Conveyances — Who Can Assail.

67 Hun. 147; (51 St. Rep. 742; 22 Supp. 226).

Fruhauf v. Bendheim, 127 N. Y. 587.

Cited, Husband and Wife—Assignment to Wife—Effect.

78 St. Rep. 378; (44 Supp. 378).

Fry v. Bennett, 7 Abb. 352.

Cited, Appeal—By Whom Taken—New Attorney Without Substitution.

4 Misc. 587; (25 Supp. 848).

Fry v. Bennett, 9 Abb. 45.

Cited, Judgment—Amendment—Power and Time of.

23 Supp. 750; (23 Civ. Pro. 95).

New Trial—Excessive Damages—Rulings of Court—Libel.

6 Misc. 168; (27 Supp. 124).

Fry v. Bennett, 3 Bosw. 200.

Cited, Trial — Conduct — Comments of Counsel.

77 Hun. 503; (60 St. Rep. 548; 28 Supp. 1084).

Trial—Affirmative Defense.

6 App. Div. 588; (39 Supp. 542).

Fry v. Bennett, 28 N. Y. 324.

Cited, Trial—Libel—Reception of Evidence—Malice.

79 Hun. 573; (61 St. Rep. 540; 29 Supp. 924). 9 App. Div. 86; (75 St. Rep. 598; 41 Supp. 140).

Trial—Affirmative Defense.

6 App. Div. 588; (39 Supp. 542).

Fry v. Bennett, 5 Sandf. 54.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court.

22 Supp. 1052; (23 Civ. Pro. 54).

Pleading—Slander—Innuendo.

D. 87 Hun. 256; (67 St. Rep. 434).

Pleading—Denial—Effect.

17 Misc. 239; (39 Supp. 716).

Fry v. Bennett, 16 How. 385.

Cited, Appeal—Extension of Time.

11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008).

Fry v. Manhattan Trust Co., 4 Misc. 611; 53 St. Rep. 566; 24 Supp. 573.

Fry v. Manhattan Trust Co., 2 Misc. 520; 51 St. Rep. 599; 22 Supp. 386. 23 Civ. Pro. 98.

Affirmed, 4 Misc. 611; 53 St. Rep. 566; 24 Supp. 573.

Cited, Bill of Particulars—Allowance.

88 Hun. 449; (68 St. Rep. 789; 34 Supp. 877; 2 Ann. Cas. 198).

Fryatt v. Sullivan County, 5 Hill. 116. *Affirmed*, 7 Hill. 529.

Cited, Sales — Conditional — Fixtures—Bona Fide Purchaser—Title.

15 Misc. 171; (72 St. Rep. 173; 37 Supp. 21). 15 App. Div. 45; (78 St. Rep. 119; 44 Supp. 119).

Fryatt v. Sullivan County, 7 Hill. 529.

Cited, Sales—Fixtures.

15 App. Div. 45; (78 St. Rep. 119; 44 Supp. 119).

Duplicate Citations in Parenthesis.

Frye, Matter of, 75 Hun, 402; 58 St. Rep. 662; 27 Supp. 14.

Fryer v. Rockefeller, 63 N. Y. 238.

Cited, Judicial Sale—Relief From—Defects in Title—Notice.

73 Hun, 201; (56 St. Rep. 72; 25 Supp. 948).

Contracts—Assignment—Parol.

152 N. Y. 162. 17 Misc. 136; (39 Supp. 342).

Fuchs v. Cohen, 19 Supp. 236.

Cited, Summary Proceeding—Petition—Jurisdiction.

16 Misc. 320; (73 St. Rep. 570; 37 Supp. 951). 20 Misc. 194; (78 St. Rep. 1053; 44 Supp. 1053).

Fuchs v. Koerner, 107 N. Y. 529; 12 St. Rep. 318.

Cited, Contract—Master and Servant—Services—Discharge of Servant—Duty to Keep—Measure of Damages—Employment.

6 Misc. 316; (58 St. Rep. 299; 23 Supp. 1107). 9 Misc. 392; (61 St. Rep. 685; 30 Supp. 195). 7 App. Div. 171; (74 St. Rep. 664; 40 Supp. 51). 19 Misc. 7; (76 St. Rep. 910; 42 Supp. 910).

Fuchs v. Morris, 81 Hun, 536; 63 St. Rep. 211; 30 Supp. 1017.

Cited, Warrant—Evidence.

19 Misc. 140.

Fuchs v. Schmidt, 8 Daly, 318.

Cited, Landlord and Tenant—Liability of Landlord for Condition of Streets—Ice and Snow.

6 Misc. 301; (58 St. Rep. 296; 26 Supp. 1110).

Fuchs Lang Mfg Co. v. Springer & W. Co., 15 Misc. 443; 72 St. Rep. 176; 37 Supp. 24.

Fudickar v. Guardian Mut. Life Ins. Co., 62 N. Y. 392.

Cited, Awards—Vacation.

12 App. Div. 225; (77 St. Rep. 434; 43 Supp. 434). 84 Hun, 342; (67 St. Rep. 242; 33 Supp. 409).

Fuld v. Burr Brewing Co., 45 St. Rep. 649; 18 Supp. 456.

Cited, Principal and Agent—General Agent—Authority—Private Instructions.

3 Misc. 364; (52 St. Rep. 431; 23 Supp. 123).

Fuld v. Kahn, 4 Misc. 600; 54 St. Rep. 124; 24 Supp. 558.

Cited, Appeal—Modification—Conflict of Evidence—New Trial.

61 St. Rep. 114; (30 Supp. 258).

Judgment—Setting Aside—Grounds—Failure of Proof.

7 Misc. 710; (58 St. Rep. 342; 28 Supp. 158). 6 Misc. 147; (56 St. Rep. 283; 25 Supp. 1118). 7 Misc. 171; (57 St. Rep. 532; 27 Supp. 336). 10 Misc. 759; (65 St. Rep. 215; 32 Supp. 119). 11 Misc. 285; (65 St. Rep. 303; 32 Supp. 156). 14 Misc. 579; (70 St. Rep. 724; 35 Supp. 1080). 19 Misc. 48; (76 St. Rep. 521; 42 Supp. 521). 61 St. Rep. 114; (30 Supp. 258).

Fullager v. Reville, 3 Hun, 600.

Cited, Contracts—Rescission.

82 Hun, 196; (64 St. Rep. 4; 31 Supp. 417); D. 2 Misc. 371; (51 St. Rep. 213; 22 Supp. 378; 30 Abb. 15).

Fuller, Matter of, 86 Hun, 47; 66 St. Rep. 833; 33 Supp. 194.

Fuller v. Artman, 69 Hun, 546; 53 St. Rep. 339; 24 Supp. 13.

Cited, Contracts—Consideration—Parol Proof.

8 App. Div. 426; (75 St. Rep. 227; 40 Supp. 838).

Fuller v. Brierley, 36 How. 47.

Cited, Pleadings—Counterclaim—Sham.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 914).

Fuller v. Brown, 76 Hun, 557; 58 St. Rep. 249; 28 Supp. 189.

Cited, Fraudulent Conveyance—Consideration.

9 App. Div. 115; (75 St. Rep. 497; 41 Supp. 42).

Fuller v. Hubbard, 6 Cow. 13.

Cited, Vendor and Purchaser—Defective Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 489; (24 Supp. 924). 148 N. Y. 562; (3 Ann. Cas. 24).

Fuller v. Jamestown Street R. Co., 75 Hun, 273; 58 St. Rep. 206; 26 Supp. 1078.

Affirmed, 148 N. Y. 741.

Fuller v. Jewett, 80 N. Y. 46.

Cited, Master and Servant—Machinery and Appliances—Master's Duty as to Discovering Defects.

1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). 5 Misc. 323; (25 Supp. 815). 91 Hun, 186; (71 St. Rep. 125; 36 Supp. 289). 2 App. Div. 63; (72 St. Rep. 504; 37 Supp. 318). 9 App. Div. 134; (75 St. Rep. 589; 41 Supp. 131). 12 App. Div. 573; (76 St. Rep. 201; 42 Supp. 201). 16 App. Div. 274; (78 St. Rep. 699; 44 Supp. 699). 17 App. Div. 594; (79 St. Rep. 479; 45 Supp. 479). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 188).

Fuller v. Kemp, 51 St. Rep. 935.

Affirming, 43 St. Rep. 970.

Followed, 4 Misc. 179; (53 St. Rep. 219; 23 Supp. 680).

Duplicate Citations in Parenthesis.

Fuller v. Kemp, 40 St. Rep. 672; 16 Supp. 158.

Reversed, 138 N. Y. 231; 52 St. Rep. 342.

Cited, Accord and Satisfaction—Conclusiveness of.

1 Misc. 339; (48 St. Rep. 666; 20 Supp. 708).

Fuller v. Kemp, 138 N. Y. 231; 52 St. Rep. 342.

Fuller v. Kemp, 138 N. Y. 231.

Cited, Accord and Satisfaction — Unliquidated Claim.

148 N. Y. 332. 83 Hun, 160; (64 St. Rep. 266; 31 Supp. 630). 85 Hun, 472; (86 St. Rep. 714; 33 Supp. 112). 91 Hun, 20; (71 St. Rep. 111; 36 Supp. 97). 5 App. Div. 376; (39 Supp. 200). D. 5 App. Div. 378; (39 Supp. 202). D. 5 App. Div. 379; (39 Supp. 203). 11 App. Div. 99; (76 St. Rep. 855; 42 Supp. 855). 10 Misc. 649; (65 St. Rep. 219; 32 Supp. 124). 13 Misc. 260; (68 St. Rep. 90; 34 Supp. 88). 18 Misc. 80; (75 St. Rep. 976; 41 Supp. 586). 18 Misc. 235, 236; (75 St. Rep. 800; 41 Supp. 388). 18 Misc. 685; (3 Ann. Cas. 322). 19 Misc. 176; (77 St. Rep. 222; 43 Supp. 222). 76 St. Rep. 17; (42 Supp. 17). 79 St. Rep. 469; (45 Supp. 469). 79 St. Rep. 962; (45 Supp. 932).

Accord and Satisfaction — What Constitutes.

5 Misc. 414; (55 St. Rep. 388; 25 Supp. 765).

Fuller v. Kemp, 40 St. Rep. 672; 16 Supp. 158.

Cited, 15 Misc. 220; (71 St. Rep. 590; 36 Supp. 790).

Fuller v. Kent, 13 App. Div. 529; 77 St. Rep. 649; 43 Supp. 649.

Fuller v. Negus, 29 St. Rep. 192; 8 Supp. 681.

Cited, Sales—Credit—Extension of Time—Action.

9 App. Div. 322; (75 St. Rep. 747; 41 Supp. 332). 9 App. Div. 329, 337; (75 St. Rep. 760; 41 Supp. 337).

Fuller v. Redding, 16 Misc. 634; 39 Supp. 109.

Disapproved.

20 Misc. 128, 129; (79 St. Rep. 828; 45 Supp. 838).

Fuller v. Redding, 13 App. Div. 61; 77 St. Rep. 96; 43 Supp. 96.

Cited, Municipal Corporations — Ordinances—Proceedings to Enforce.

20 Misc. 129; (79 St. Rep. 828; 45 Supp. 828).

Fuller v. Tolman, 92 Hun, 119; 71 St. Rep. 807; 36 Supp. 639.

Fuller v. Tuska, 43 St. Rep. 523; 117 Supp. 356.

Cited, Appeal — Interlocutory Judgment.

11 Misc. 372; (65 St. Rep. 288; 30 Supp. 159).

Fuller v. Van Geesen, 4 Hill, 171.

Cited, Vendor and Purchaser—Foreclosure—Title.

17 App. Div. 323; (79 St. Rep. 210; 45 Supp. 210).

Fuller v. Yates, 8 Paige, 322.

Cited, Wills—Construction—Dower.

14 App. Div. 572; (77 St. Rep. 901; 43 Supp. 901). 14 App. Div. 573; (77 St. Rep. 901; 43 Supp. 901).

Fullerton v. Chatham Nat. Bank, 17 Misc. 529; 40 Supp. 874.

Fullerton v. Dalton, 58 Barb. 236.

Cited, Lease—Defective—Effect.

10 Misc. 363; (63 St. Rep. 436; 31 Supp. 22). 17 Misc. 158; (39 Supp. 327).

Fullerton v. McCurdy, 55 N. Y. 637.

Cited, Evidence — Burden of Proof—Defeasance of Absolute Conveyance.

66 Hun, 60; (49 St. Rep. 489; 20 Supp. 748).

Fullerton v. McLaughlin, 70 Hun, 568; 53 St. Rep. 779; 24 Supp. 280.

Fullerton v. Viall, 42 How. 294.

Cited, Fraudulent Conveyance — Proceeds.

92 Hun, 330; (71 St. Rep. 674; 36 Supp. 743).

Fullmer v. Fullmer, 6 Week. Dig. 22.

Cited, Husband and Wife—Divorce—Affirmative Relief to Defendant.

67 Hun, 386; (51 St. Rep. 824; 22 Supp. 265; 23 Civ. Pro. 104).

Referee — Appointment — Irregularity — Effect.

61 St. Rep. 659; (29 Supp. 1055). 7 Misc. 331; (58 St. Rep. 560; 28 Supp. 172). 80 Hun, 139; (61 St. Rep. 659).

Fulmer v. Union Mutual Ass'n, 46 Hun, 678; 12 St. Rep. 347.

Cited, Benefit Societies—Death Claims—Liability for.

17 Misc. 638; (40 Supp. 593).

Fulton v. Fulton, 8 Abb. N. C. 210.

Cited, Action—Abatement—Death After Verdict—Action for Dower.

138 N. Y. 430; (52 St. Rep. 928; 30 Abb. N. C. 245).

*Duplicate Citations in Parenthesis.***Fulton v. Fulton**, 48 Barb. 581.

Cited, Actions—Personal Property—Title.
15 App. Div. 101; (78 St. Rep. 277; 44 Supp. 274).

Gift—Deed of or Delivery to Perfect.
70 Hun, 477; (53 St. Rep. 795; 24 Supp. 286).

Mortgage—Assignment — Double — Conversion.

74 Hun, 30; (56 St. Rep. 214; 26 Supp. 380).

Replevin—Right to Maintain—Interest of Plaintiff in Chattel.

2 Misc. 253; (50 St. Rep. 342; 21 Supp. 950).

Fulton v. Metropolitan L. Ins. Co., 47 St. Rep. 111; 19 Supp. 660.

Cited, Appeal—Objections Inconsistent with Attitude Below.

2 Misc. 61; (49 St. Rep. 712; 20 Supp. 869). 13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Arrest—Civil—Action on Undertaking.
2 Misc. 416; (51 St. Rep. 579; 21 Supp. 1015).

Fraud—In Reducing Contract to Writing.
3 Misc. 243; (52 St. Rep. 137; 22 Supp. 942).

Insurance—Application Not Signed by Insured—Knowledge of Agent.

1 Misc. 480; (50 St. Rep. 889; 21 Supp. 472).

Fulton v. Metropolitan L. Ins. Co., 1 Misc. 478; 50 St. Rep. 887; 21 Supp. 470.

Affirmed, 4 Misc. 76; 53 St. Rep. 172; 23 Supp. 598.

Fulton v. Metropolitan L. Ins. Co., 2 Misc. 55; 49 St. Rep. 921; 20 Supp. 989.

Cited, Appeal to Court of Appeals—Leave.
12 Misc. 636; (65 St. Rep. 883; 32 Supp. 1150).

Fulton v. Metropolitan L. Ins. Co., 4 Misc. 76; 53 St. Rep. 172; 23 Supp. 598.

Cited, Sale—Rescission—Repayment.
4 Misc. 536; (54 St. Rep. 133; 24 Supp. 703). 19 Misc. 538; (77 St. Rep. 1079; 43 Supp. 1079). 86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500). 17 Misc. 369; (39 Supp. 1060).

Fulton v. Tucker, 3 Hun, 529.

Cited, Municipal Corporations—Sidewalks—Abutting Owners.
82 Hun, 79; (63 St. Rep. 331; 31 Supp. 90).

Fulton v. Whitney, 66 N.Y. 548.

Cited, Contracts—Cancellation—Fraud—Relation of Parties.

67 Hun, 94; (51 St. Rep. 750; 21 Supp. 1113).

Surrogate's Court—Jurisdiction—Declaration and Enforcement of Trust.

60 St. Rep. 104. 151 N.Y. 340. 1 Misc. 494; (23 Supp. 292).

Trust—Purchase by Trustee—Attorney—Judicial Sale.

74 Hun, 627; (57 St. Rep. 183; 26 Supp. 609). 14 Misc. 94; (63 St. Rep. 589; 35 Supp. 272).

Fulton Bank v. N. Y. & Sharon Canal Co., 4 Paige, 127.

Cited, Notice—Railroads—Nuisance.

75 Hun, 487; (57 St. Rep. 373; 27 Supp. 474).

Fulton Fire Ins. Co. v. Baldwin, 37 N.Y. 648.

Cited, Pleadings—Incapacity to Sue
16 Misc. 358; (74 St. Rep. 384; 38 Supp. 88). 18 Misc. 427; (75 St. Rep. 1419; 41 Supp. 1059). 12 Misc. 312; (67 St. Rep. 812; 33 Supp. 1108). 85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Funk v. Evening Post Pub. Co., 76 Hun, 497; 59 St. Rep. 333; 27 Supp. 1089.

Affirmed, 152 N.Y. 619.

Funson v. Salisbury, 15 App. Div. 214; 78 St. Rep. 205; 44 Supp. 205.**Furber v. McCarthy**, 4 Supp. 274.

Cited, Reference—Report—Sending Back—Correction of Findings.
22 Supp. 169.

Furber v. McCarthy, 54 Hun, 435; 27 St. Rep. 294; 7 Supp. 613.

Cited, Pleadings—Counterclaim—Undertaking on Appeal.

78 Hun, 20; (60 St. Rep. 482; 28 Supp. 1060). 84 Hun, 245; (65 St. Rep. 834; 32 Supp. 506; 1 Ann. Cas. 268). 89 Hun, 372; (69 St. Rep. 826; 35 Supp. 415).

Furbush v. Nye, 17 App. Div. 325; 79 St. Rep. 214; 45 Supp. 214.**Furlong v. Agri. Ins. Co.**, 45 St. Rep. 856; 18 Supp. 844.

Cited, Insurance—Proof of Loss—Verdict—Review of Facts.

87 Hun, 419; (68 St. Rep. 486; 34 Supp. 335).

Furlong v. Banta, 80 Hun, 248; 61 St. Rep. 253; 29 Supp. 985.

Cited, 14 Misc. 644; 70 St. Rep. 884.

Judgment—Parties—Effect.

12 Misc. 212; (67 St. Rep. 824; 33 Supp. 1121). 13 Misc. 334; (68 St. Rep. 370; 34 Supp. 467).

Duplicate Citations in Parenthesis.

Furman v. Furman, 9 App. Div. 94;
75 St. Rep. 537; 41 Supp. 76.

Affirmed, 153 N. Y. 309.

Cited, Partition—Conditional Order—
Compliance.

76 St. Rep. 321; (42 Supp. 321).

Furman v. Furman, 12 Hun, 441.

Cited, 9 App. Div. 96; (41 Supp. 77).

Furman v. New York, 10 N. Y. 567.

Cited, City of New York—Title to Tide-
way.

10 App. Div. 297; (75 St. Rep. 1312; 41
Supp. 940). D. 10 App. Div. 300; (75 St. Rep.
1315; 41 Supp. 943).

Furman v. Van Sise, 56 N. Y. 435.

Cited, Parent and Child—Duty to Support
Child.

85 Hun, 30; (66 St. Rep. 111; 32 Supp.
603; 1 Ann. Cas. 295).

Furman v. Walter, 13 How. 348.

Cited, Attachments—Affidavits—Amend-
ment.

14 Misc. 547; (70 St. Rep. 768; 33 Supp. 9)
16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3).

Furman Street, Matter of, 17 Wend.
649.

Cited, Highways—Filing Map by Author-
ities—Subsequent Improvements by Owner.
136 N. Y. 583; (49 St. Rep. 700).

Highways—Establishment—Review on
Appeal—Compensation for Buildings.

22 Supp. 28.

Municipal Corporations—Assessments.

11 Misc. 202; (65 St. Rep. 155; 32 Supp.
99).

Eminent Domain—Proceedings—Appeal
—Review.

11 Misc. 693; (66 St. Rep. 224; 32 Supp.
828).

Furner v. Seabury, 135 N. Y. 50; 48 St.
Rep. 120.

Reversing, 59 Hun, 272; 36 St. Rep. 907;
13 Supp. 12.

Cited, Appeal—Error of Law—Finding
Without Evidence.

74 Hun, 209; (56 St. Rep. 294; 26 Supp.
817).

Easements—Grant—Construction.

151 N. Y. 399. 79 St. Rep. 614; (45
Supp. 644).

Furniss v. Ferguson, 15 N. Y. 487.

Cited, Sale of Judgment—Implied War-
ranty.

148 N. Y. 134.

Fursman v. Fennaci. See *Fursman v.*
Pennace.

Fursman v. Pennace, 15 Civ. Pro. 340;
2 Supp. 339.

Cited, Landlord and Tenant—Disposses-
sion of Tenant.

20 Misc. 47; (79 St. Rep. 343; 45 Supp.
343).

Furst v. Jacobson, 59 St. Rep. 660; 29
Supp. 54.

Furst v. Second Avenue R. Co., 72
N. Y. 542.

Cited, Appeal—Incompetent Evidence—
Striking Out as Cure of Error.

1 Misc. 474; (49 St. Rep. 621; 21 Supp.
639).

Trial—Reception of Evidence—Objec-
tion—Waiver—Exception.

8 Misc. 274; (59 St. Rep. 205; 28 Supp.
718).

Witness—Impeachment—Collateral Facts.

20 Misc. 428; (79 St. Rep. 1030; 45 Supp.
1030).

Fusco v. Bullowa, 17 Misc. 573; 75 St.
Rep. 80; 40 Supp. 676.

G

Gabrielson v. Waydell, 135 N. Y. 1; 47
St. Rep. 848.

Cited, Chattel—Mortgage—Earnings of
Vessel.

133 N. Y. 505; (53 St. Rep. 105).

Master and Servant—Injury on Shipboard
—Fellow Servants.

6 Misc. 127; (56 St. Rep. 344; 25 Supp.
1117). 17 Misc. 96; (39 Supp. 427).

**Gadd v. United States Savings &
Loan Bank**, 17 Misc. 320; 40 Supp.
358.

Gadsden v. Woodward, 103 N. Y. 242;
3 St. Rep. 102.

Cited, Statutes—Penal—Strict Construc-
tion.

24 Supp. 935; (30 Abb. N. C. 122).

Corporations—Filing Reports—Penal Lia-
bility.

88 Hun, 256; (68 St. Rep. 699; 34 Supp.
719). 147 N. Y. 609; (71 St. Rep. 255). 18
Misc. 100, 101; (41 Supp. 832).

Gaffney, Matter of, 84 Hun, 503; 66 St.
Rep. 153; 32 Supp. 873.

Gaffney v. Bigelow, 2 Abb. N. C. 311.

Cited, Pleading—Service by Mail—Direc-
tions for Return.

2 Misc. 250; (50 St. Rep. 589; 22 Supp.
363).

Gaffney v. Brooklyn City R. Co., 6
Misc. 1; 58 St. Rep. 119; 25 Supp. 996.

Affirmed, 148 N. Y. 725.

Duplicate Citations in Parenthesis.

Gaffney v. Colvill, 6 Hill, 567.

Cited, Conspiracy—Several Liability.

67 Hun, 339; (51 St. Rep. 442; 22 Supp. 134).

Corporations—Wrongful Acts of Directors—Several Liability.

81 Hun, 190; (62 St. Rep. 703; 30 Supp. 759).

Gaffney v. Public Administrator, 4 Dem. 223.

Cited, Joint Debtors and Creditors — Death of One Joint Oblige—Trust as to Proceeds.

1 Misc. 269; (22 Supp. 920).

Gagan, Matter of, 49 St. Rep. 366; 21 Supp. 350.

Gage, Matter of, 5 Misc. 375; 54 St. Rep. 844; 26 Supp. 167.

Gage, Matter of, 141 N. Y. 112; 56 St. Rep. 662.

Cited, Office—When Constitution Applicable to.

83 Hun, 135; (64 St. Rep. 348; 31 Supp. 762).

Gage v. Dauchy, 28 Barb. 622.

Reversed, 34 N. Y. 293.

Cited, Trusts — Implied — Husband and Wife.

67 Hun, 240; (50 St. Rep. 777; 22 Supp. 99).

Gage v. Denbow, 49 Hun, 42; 17 St. Rep. 575; 1 Supp. 826.

Cited, Contempt — Violation of Injunction.

67 Hun, 255; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 119). 80 Hun, 441; (62 St. Rep. 291; 30 Supp. 460).

Gage v. Gage, 83 Hun, 362; 64 St. Rep. 777; 31 Supp. 903.

Cited, 13 App. Div. 567; (77 St. Rep. 811; 43 Supp. 811).

Gage v. Gage, 13 App. Div. 565; 77 St. Rep. 810; 43 Supp. 810.

Gage v. Lippman, 12 Misc. 93; 66 St. Rep. 716; 33 Supp. 59.

Gage v. Peetsch, 12 Misc. 548; 67 St. Rep. 875; 34 Supp. 20.

Gage v. Peetsch, 16 Misc. 291; 74 St. Rep. 577; 38 Supp. 124.

Gage v. Peetsch, 19 Misc. 369; 77 St. Rep. 487; 43 Supp. 487.

Gahn v. Niemcewicz, 11 Wend. 312.

Cited, Surety—Discharge—Extension of Time.

9 App. Div. 323; (75 St. Rep. 748; 41 Supp. 333). 14 App. Div. 18; (77 St. Rep. 658; 43 Supp. 658).

Gaillard v. Smart, 6 Cow. 385.

Cited, Attorneys—Authority—Conduct Cause.

9 Misc. 371; (60 St. Rep. 633; 29 Supp. 694)

Gaines, Matter of, 74 Hun, 94; 56 St. Rep. 172; 26 Supp. 312.

Gaines, Matter of, 83 Hun, 225; 64 St. Rep. 290; 31 Supp. 664.

Gaines, Matter of, 84 Hun, 520; 65 St. Rep. 615; 32 Supp. 398.

Gaines, Matter of, 15 Misc. 75; 72 St. Rep. 262; 25 Civ. Pro. 243.

Gair v. Auerbach, 13 Misc. 264; 67 St. Rep. 859; 34 Supp. 3.

Gair v. Birmingham, 15 Supp. 147.

Cited, Trial—Amended Pleading—Notice of Trial.

12 Misc. 208, 209; (67 St. Rep. 828, 829; 34 Supp. 27, 28). 18 Misc. 296; (76 St. Rep. 110; 42 Supp. 110).

Galantshik v. Globe F. Ins. Co. of N. Y., 10 Misc. 369; 63 St. Rep. 421; 31 Supp. 32.

Galatian v. Erwin, 1 Hopk. Ch. 48.

Cited, Courts—Fraud Upon.

5 App. Div. 512; (38 Supp. 1085).

Gale v. Archer, 42 Barb. 320;

Cited, Specific Performance—Matter of Right—Judicial Discretion.

6 Misc. 318; (58 St. Rep. 301; 26 Supp. 1108).

Gale v. Heckman, 16 Misc. 376; 74 St. Rep. 381; 38 Supp. 85.

Gale v. Mead, 2 Den. 160.

Cited, Statutes—Construction—Public Officers—Time for Official Action.

67 Hun, 180; (51 St. Rep. 452; 22 Supp. 420); 5 App. Div. 576; (39 Supp. 376).

Gale v. Mut. Aid & Acc. Ass'n, 66 Hun, 600; 50 St. Rep. 357; 21 Supp. 893.

Gale v. N. Y. C. & H. R. R. Co., 53 How. 375.

Cited, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 23).

Gale v. N. Y. C. & H. R. R. Co., 13 Hun, 1.

Affirmed, 76 N. Y. 594.

Cited, Damages—For Personal Injury—Measure of—Question for Jury.

8 Misc. 659; (59 St. Rep. 540; 29 Supp. 1125; 31 Abb. N. C. 430).

Damages—Excessive—Personal Injuries—86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

Trial—Setting Aside Verdict—Waiver. 10 Misc. 450; (64 St. Rep. 783; 31 Supp. 872).

Duplicate Citations in Parenthesis.

Gale v. N. Y. C. & H. R. R. Co., 76 N. Y. 594.

Cited, Appeal—To Court of Appeals—Misconduct of Trial Court.

137 N. Y. 440; (51 St. Rep. 79).

Appeal—Court of Appeals—Review of Amount of Damages.

136 N. Y. 5; (48 St. Rep. 821).

Railroads—Duty to Maintain Safe Crossings.

15 App. Div. 220; (78 St. Rep. 194; 44 Supp. 194).

Gale v. Nixon, 6 Cow. 445.

Cited, Contracts—Statute of Frauds—Sufficiency of Writing—Sale.

76 Hun, 610; (57 St. Rep. 458; 27 Supp. 821).

Gale v. Roll, 75 Hun, 14; 58 St. Rep. 161; 26 Supp. 1095.

Gale v. Wells, 7 How. 191.

Cited, Action—Discontinuance—Costs.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Gallon v. Brown, 22 N. Y. 37.

Cited, Evidence—Parol—Explanation of Writing.

15 Misc. 319; (73 St. Rep. 123; 37 Supp. 534).

Gall, Matter of, 5 Dem. 374; 7; St. Rep. 760.

Cited, Wills—After-born Child.

144 N. Y. 562; (64 St. Rep. 251).

Gall v. Gall, 64 Hun, 601; 46 St. Rep. 806; 19 Supp. 332; 29 Abb. N. C. 19.

Affirmed, 138 N. Y. 675; 53 St. Rep. 933.

Cited, Parol Contract—Consideration of Adoption—Trust.

18 Misc. 522; (76 St. Rep. 1083; 42 Supp. 1088).

Gall v. Gall, 114 N. Y. 109; 22 St. Rep. 746.

Cited, Appeal—Harmless Error—Instruction to Disregard Improper Evidence.

1 Misc. 107; (48 St. Rep. 721; 20 Supp. 700). 149 N. Y. 103.

Husband and Wife—Marriage—Proof.

7 Misc. 549; (57 St. Rep. 727; 27 Supp. 874). 5 App. Div. 569; (39 Supp. 399).

Trial—Reception of Evidence—Striking Out—Improper.

8 Misc. 232; (59 St. Rep. 448; 28 Supp. 724). 71 Hun, 440; (54 St. Rep. 541; 24 Supp. 984). 11 Misc. 389; (65 St. Rep. 310; 32 Supp. 283).

Husband and Wife—Marriage—Validity—Others Spouse Living—Good Faith.

27 Supp. 641; (31 Abb. N. C. 73). 80 Hun, 408; (62 St. Rep. 58; 30 Supp. 331).

Gall v. Gall, 138 N. Y. 675; 53 St. Rep. 933.

Gall v. Gall, 17 App. Div. 312; 79 St. Rep. 248; 45 Supp. 248.

Gallager v. Brunell, 6 Cow. 346.

Cited, Fraud—False Representations—Actionable.

9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6). 15 Misc. 618; (38 Supp. 70).

Gallagher, Matter of, 142 N. Y. 628; 60 St. Rep. 836.

Gallagher Matter of, 1 App. Div. 65; 72 St. Rep. 24; 36 Supp. 1081.

Reversed, 153 N. Y. 361.

Gallagher v. Christopher & Tenth Sts. R. Co., 14 Daly, 366; 13 St. Rep. 80.

Cited, Evidence—Report of Third Party—Conclusive by Contract.

7 Misc. 132; (53 St. Rep. 10; 27 Supp. 338).

Contracts—Conditions—Validity.

18 Misc. 76; (41 Supp. 34).

Gallagher v. Crooks, 132 N. Y. 338.

Cited, Wills—Construction—Sufficiency of Devise to Cut Off Heirs.

4 Misc. 560; (25 Supp. 843).

Gallagher v. David Stevenson Brewing Co., 13 Misc. 40; 68 St. Rep. 165; 34 Supp. 94; 25 Civ. Pro. 106.

Gallagher v. Grand Trunk Railway Co., 6 Supp. 581.

Cited, Reference—Report—Time of Filing and Taking of Exceptions.

21 Supp. 797.

Gallagher v. McMullen, 7 App. Div. 321; 40 Supp. 222.

Gallagher v. Merrill, 13 App. Div. 182; 77 St. Rep. 303; 43 Supp. 303.

Gallagher v. Nichols, 60 N. Y. 438

Cited, Assignment—Equitable—Orders—Liability of Acceptor.

74 Hun, 61; (56 St. Rep. 146; 26 Supp. 136.)

Contract—Consideration—To Pay Sub-Contractor.

70 Hun, 464; (53 St. Rep. 699; 24 Supp. 331).

Contracts—Performance—Time—Waiver.

72 Hun, 174; (55 St. Rep. 675; 25 Supp. 377). 12 Misc. 136; (66 St. Rep. 737; 33 Supp. 80).

Contracts—Performance—Excuse.

15 Misc. 5; (71 St. Rep. 482; 36 Supp. 431). 1 App. Div. 609; (73 St. Rep. 182; 37 Supp. 470). 16 Misc. 386; (33 Supp. 82). 17 Misc. 344; (39 Supp. 1068). 149 N. Y. 491.

Duplicate Citations in Parenthesis.

Gallagher v. O'Neil, 21 St. Rep. 161; 3 Supp. 126.

Cited, Contempt—Supplementary Proceedings—Amount of Fine—Execution.

3 Misc. 560; (52 St. Rep. 516; 23 Supp. 314). 3 Misc. 120; (23 Supp. 1057).

Contempt—Delivery of Property—Disputed Title.

19 Misc. 485; (77 St. Rep. 1083; 43 Supp. 1083).

Gallagher v. Quinlan, 10 App. Div. 402; 75 St. Rep. 1246; 41 Supp. 871.

Cited, D. 13 App. Div. 161; (77 St. Rep. 333; 43 Supp. 333).

Gallagher v. Reilly, 10 Supp. 536.

Cited, Landlord and Tenant—Hiring—Implied.

18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32).

Gallagher v. Waring, 9 Wend. 20.

Cited, Sale—By Sampl.—What Is.

5 Misc. 412; (55 St. Rep. 387; 25 Supp. 764).

Sale—Executory—Implied Warranty—Inspection and Rescission.

88 Hun, 248; (68 St. Rep. 561; 34 Supp. 743).

Gallagher v. White, 31 Barb. 92.

Cited, Appeal—Questions First Raised on Appeal.

17 Misc. 140; (39 Supp. 402).

Gallatin v. Cunningham, 8 Cow. 361.

Cited, Guardians—Prohibited Act—Exception—Burden.

92 Hun, 8; (73 St. Rep. 13; 37 Supp. 965).

Gallatin v. Oriental Bank, 16 How. 253.

Cited, Injunction—Jurisdiction—Irreparable Injury.

30 Abb. N. C. 416; (26 Supp. 917).

Gallaudet v. Steinmetz, 6 Abb. N. C. 224.

Cited, Adjournment—Refusal—Reversible Error.

13 Misc. 12; (67 St. Rep. 877; 33 Supp. 1008).

Appeal—Adjournment—Review of Order Refusing.

19 Misc. 368; (77 St. Rep. 499; 43 Supp. 499).

Galle v. Tode, 60 Hun, 132; 38 St. Rep. 862; 14 Supp. 531.

Cited, Judgment Creditor's Action—Who May Maintain—Attaching Creditor.

67 Hun, 52; (51 St. Rep. 746; 23 Supp. 226).

Fraudulent Conveyance—Transfer of Firm Property to Corporation.

6 App. Div. 116; (39 Supp. 477).

Galle v. Tode, 74 Hun, 542; 56 St. Rep. 851; 26 Supp. 633.

Affirmed, 148 N. Y. 270.

Cited, Assignment for Creditors—Preference—Confession of Judgment—Fraudulent Intent.

59 St. Rep. 520; (28 Supp. 590).

Appeal—Equitable Action—Reception of Incompetent Evidence—Harmless Error.

92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386).

Galle v. Tode, 148 N. Y. 270.

Galligan v. Groen, 18 Misc. 428; 76 St. Rep. 22; 42 Supp. 22.

Galligan v. Hornthal, 71 Hun, 18; 53 St. Rep. 855; 24 Supp. 632; 23 Civ. Pro. 201.

Galligan v. Kelly, 64 St. Rep. 197; 31 Supp. 561.

Gallo v. New York, 15 App. Div. 61; 78 St. Rep. 143; 44 Supp. 143.

Gallup v. Albany R. Co., 65 N. Y. 1.

Cited, Landlord and Tenant—Rent—Excuse of Payment.

12 App. Div. 103; (76 St. Rep. 1030; 42 Supp. 1030).

Gallup v. Belmont, 135 N. Y. 647; 48 St. Rep. 931.

Gallup v. Lederer, 1 Hun, 282; 3 T. & C. 710.

Cited, Witness—Competency—To Prove Usage.

4 Misc. 521; (54 St. Rep. 124; 24 Supp. 560).

Agency—Payment to Agent—When Unauthorized.

1 App. Div. 523; (72 St. Rep. 612; 37 Supp. 286).

Galusha v. Galusha, 108 N. Y. 114; 13 St. Rep. 85.

Cited, Appeal—Stay.

56 St. Rep. 891; (26 Supp. 1127).

Galusha v. Galusha, 116 N. Y. 635; 27 St. Rep. 738.

Cited, Husband and Wife—Separation Agreement—Cancellation—Trustee as Party.

138 N. Y. 280; (52 St. Rep. 362). 82 Hun, 186; (64 St. Rep. 803; 31 Supp. 982).

Galusha v. Galusha, 138 N. Y. 272; 52 St. Rep. 359.

Cited, Husband and Wife—Separation—Agreement—To Support During Pending of Action—Alimony.

5 Misc. 556; (26 Supp. 30).

Husband and Wife—Separation—Agreement to Support—Conclusiveness.

Duplicate Citations in Parenthesis.

82 Hun, 186; (64 St. Rep. 803; 31 Supp. 982).

Husband and Wife—Divorce—Alimony—Practice.

14 Misc. 598; (71 St. Rep. 10; 36 Supp. 272).

Action—Parties—Necessary to Final Adjudication.

153 N. Y. 170.

Galvin v. New York, 112 N. Y. 223; 20 St. Rep. 569.

Cited, Appeal—Hearing—Evidence—Dismissal of Complaint—Review of Non-suit.

75 Hun, 143; (58 St. Rep. 591; 27 Supp. 35). 2 Misc. 73; (49 St. Rep. 629; 21 Supp. 783).

Evidence—Burden of Proof—Negligence—Sufficiency of Circumstantial Evidence.

50 St. Rep. 628; (21 Supp. 876).

Evidence—Negligence—Contributory—Showing Freedom from—Burden of Proof.

50 St. Rep. 834; (22 Supp. 346). 77 Hun, 442; (60 St. Rep. 675; 29 Supp. 106). 87 Hun, 466, 467; (68 St. Rep. 454, 455; 34 Supp. 375, 376). D. 87 Hun, 470; (68 St. Rep. 457; 34 Supp. 378).

Negligence—Dangerous Place—Liability of Party Creating.

4 App. Div. 137; (74 St. Rep. 97; 38 Supp. 762).

Galvin v. Prentice, 45 N. Y. 162.

Cited, Contracts—Part Performance—Compensation in Gross Sums—Divisibility.

72 Hun, 631; (55 St. Rep. 284; 25 Supp. 163).

Contracts—Statute of Frauds—Performance Within Year—Quantum meruit.

67 Hun, 475; (51 St. Rep. 336; 22 Supp. 488). 5 App. Div. 594; (39 Supp. 372).

Statute of Frauds—Void Contract—Recovery of Money Paid.

17 Misc. 159; (39 Supp. 329).

Galway, Matter of, 19 Misc. 92; 77 St. Rep. 970; 43 Supp. 970.

Galway v. Bryce, 10 Misc. 255; 63 St. Rep. 240; 30 Supp. 985.

Galway v. Metropolitan El. R. Co., 85 St. Rep. 628; 13 Supp. 47.

Affirmed, 128 N. Y. 132.

Cited, Elevated Railways—Injuries to Adjoining Property—Damages.

9 Misc. 659; (30 Supp. 549).

Galway v. Metropolitan El. R. Co., 128 N. Y. 132; 40 St. Rep. 145.

Cited, Equity—Administration of Complete Relief.

136 N. Y. 512; (49 St. Rep. 750).

Estoppel—Equitable—Acquiescence.

79 Hun, 155; (61 St. Rep. 192; 29 Supp. 781). 6 Misc. 354; (26 Supp. 916).

Elevated Railroads—Rights of Abutting Owners—Easements—Limitation of.

9 Misc. 659; (30 Supp. 549).

Injunction—Right to—Real Property—Trespass.

24 Supp. 954.

Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325).

Trespass—Action at Law—Damages.

85 Hun, 66; (65 St. Rep. 862; 32 Supp. 642).

Trespass—Presumption of Continuance.

82 Hun, 549; (64 St. Rep. 207; 31 Supp. 529). 152 N. Y. 44.

Estoppel—Laches.

85 Hun, 166; (66 St. Rep. 116; 32 Supp. 608).

Trespass—To Realty—Compelling Trespasser to Purchase.

14 Misc. 191; (70 St. Rep. 195; 35 Supp. 466). 91 Hun, 192; (72 St. Rep. 310; 36 Supp. 937).

Limitation of Action—Trespass—Real Property.

8 App. Div. 620; (75 St. Rep. 424; 40 Supp. 1104).

Gamacho v. Hamilton Bank Note & E. Co., 73 St. Rep. 457; 37 Supp. 725.

Gamble v. Lennon, 9 App. Div. 407; 75 St. Rep. 689; 41 Supp. 277.

Gamble v. Queens County Water Co., 123 N. Y. 91; 33 St. Rep. 88.

Cited, Corporations—Contracts with Trustees.

66 Hun, 86; (49 St. Rep. 190; 20 Supp. 795).

Corporations—Officers—Dealings with Corporation.

67 Hun, 400; (51 St. Rep. 458; 22 Supp. 64). D. 87 Hun, 435; (68 St. Rep. 66; 34 Supp. 219). 15 Misc. 195; (72 St. Rep. 236; 36 Supp. 901). 16 Misc. 660; (40 Supp. 705).

Corporations—Stockholders—Trust Relation to Other Stockholders.

78 Hun, 219; (60 St. Rep. 220; 28 Supp. 936). 17 Misc. 220; (40 Supp. 1041).

Corporations—Trustees—Acquisition of Corporate Property—Duty to Corporation—Ratification.

2 Misc. 563; (24 Supp. 773).

Corporations—Issue of Stock and Bonds Below Par—Object of Statute.

8 App. Div. 431; (75 St. Rep. 244; 40 Supp. 852).

Duplicate Citations in Parenthesis.

Corporations—Transfer of Property to—
Test as to Value.

11 Misc. 496; (64 St. Rep. 462; 32 Supp. 720).

Corporations—Powers of Minority Stockholders.

89 Hun, 321; (70 St. Rep. 228; 35 Supp. 568). 14 Misc. 134, 138; (72 St. Rep. 246, 248; 36 Supp. 1099, 1101). 9 App. Div. 278; (75 St. Rep. 961; 41 Supp. 571). 150 N. Y. 426; (3 Ann. Cas. 364.)

Gambling v. Haight, 59 N. Y. 354.

Cited, Remedies—Election.

87 Hun, 123; (67 St. Rep. 445; 33 Supp. 801). 1 Misc. 311; (48 St. Rep. 775; 20 Supp. 715).

Gandolfo v. Appleton, 40 N. Y. 533.

Cited, Witness—Impeachment—Collateral Matters.

7 Misc. 628; (58 St. Rep. 811; 28 Supp. 150; 31 Abb. N. C. 272).

Gansevoort v. Nelson, 6 Hill, 389.

Cited, Executors—Disputed Claim—Costs.

88 Hun, 315; (68 St. Rep. 581; 34 Supp. 763).

Ganiard v. R. C. & B. R. Co., 50 Hun, 22; 18 St. Rep. 692; 2 Supp. 470.

Affirmed, 121 N. Y. 611; 30 St. Rep. 1012.

Cited, Railways—Negligence—Unexpected Movement of Car.

10 Misc. 194; (62 St. Rep. 478; 30 Supp. 928). 13 App. Div. 298; (77 St. Rep. 29; 43 Supp. 29). 19 Misc. 142.

Ganiard v. R. C. & B. R. Co., 121 N. Y. 661; 30 St. Rep. 1012.

Cited, Railroads—Negligence—Accident Due to Movement of Car.

10 Misc. 194; (62 St. Rep. 478; 30 Supp. 928).

Ganley v. Troy City Nat. Bank, 98 N. Y. 487.

Cited, Conversion—What Constitutes—Demand.

8 Misc. 263; (59 St. Rep. 395; 28 Supp. 711).

Limitation of Action—When Statute Runs—Bailment—Demand.

26 Supp. 767.

Gannon, Matter of, 2 Misc. 329; 51 St. Rep. 415; 21 Supp. 960.

Affirmed, 139 N. Y. 654; 54 St. Rep. 934.

Cited, Wills—Testamentary Capacity—Delusions.

19 Misc. 78; (78 St. Rep. 95; 44 Supp. 95).

Gannon v. Fergotston, 67 St. Rep. 835; 34 Supp. 34.

Gano v. McCunn. See *Haines v. Patterson*.

Gans v. Thieme, 93 N. Y. 235.

Cited, Mortgage—Foreclosure—Surplus—Subrogation.

50 St. Rep. 545; (31 Supp. 834).

Mortgage—Payment—Security—Subrogation.

74 Hun, 516; (57 St. Rep. 222; 26 Supp. 552). 12 Misc. 599; (70 St. Rep. 279; 35 Supp. 775).

Advancements—Subrogation.

85 Hun, 164; (66 St. Rep. 115; 32 Supp. 606).

Gansevoort v. Nelson, 6 Hill, 389.

Cited, Executors—Conduct of Estate—Claims Against—Presentment—Mode.

7 Misc. 346; (58 St. Rep. 518; 28 Supp. 84). 5 Misc. 112; (25 Supp. 737).

Gansevoort v. Williams, 14 Wend. 133.

Cited, Partnership—Bills and Notes—Unauthorized Endorsement by Partner—Notice.

81 Hun, 89; (62 St. Rep. 624; 30 Supp. 650; 24 Civ. Pro. 143; 1 Ann. Cas. 65).

Gansevoort F. & C. S. Co. v. Wesels Co., 60 St. Rep. 611; 29 Supp. 590.

Ganson v. Tift, 71 N. Y. 48.

Cited, Landlord and Tenant—Sub-lease—Privity.

82 Hun, 535; (64 St. Rep. 336; 31 Supp. 611).

Landlord and Tenant—Lease—Assignment.

13 Misc. 127; (67 St. Rep. 859; 34 Supp. 3).

Landlord and Tenant—Covenant by Lessee—When Action on Accrues.

10 App. Div. 70; (75 St. Rep. 1228; 41 Supp. 827).

Gantert, Matter of, 63 Hun, 280; 43 St. Rep. 802; 17 Supp. 910.

Affirmed, 136 N. Y. 106; 48 St. Rep. 889.

Cited, Executors and Administrators—Power to Sell Land for Debts.

67 Hun, 18; (51 St. Rep. 10; 21 Supp. 686).

Gantert, Matter of, 136 N. Y. 106; 48 St. Rep. 889.

Cited, Wills—Construction—Devise With Power to Sell—When Imperative.

5 Misc. 477; (26 Supp. 334).

Wills—Power of Sale—For What Proceeds Available.

55 St. Rep. 808. 83 Hun, 262; (64 St. Rep. 143; 31 Supp. 590). 146 N. Y. 259, 260; (66 St. Rep. 631).

Duplicate Citations in Parenthesis.

Ganz v. Edison Electric I. Co., 79 Hun, 409; 61 St. Rep. 844; 29 Supp. 810.
Cited, 17 App. Div. 326; (79 St. Rep. 215; 45 Supp. 215).

Garbaczewski v. Third Ave. R. Co., 5 App. Div. 186; 39 Supp. 33.

Cited, Trial—Requests to Charge—When Refusal Justified.

12 App. Div. 511; (76 St. Rep. 696; 42 Supp. 696).

Garbett v. Gedney, 15 Misc. 440; 72 St. Rep. 780; 37 Supp. 200.

Garbutt v. Hanft, 15 Abb. 189.

Cited, Attachment—Vacation—Effect of Undertaking to Discharge.

2 App. Div. 555; (74 St. Rep. 467; 38 Supp. 38; 3 Ann. Cas. 102).

Garczynski v. Russell, 75 Hun, 492; 57 St. Rep. 666; 27 Supp. 458.

Cited, Reference—Report—Interlocutory Judgment.

87 Hun, 223; (67 St. Rep. 766; 33 Supp. 1030).

Garczynski v. Russell, 75 Hun, 512; 57 St. Rep. 669; 27 Supp. 461.

Garczynski v. Russell, 75 Hun, 497; 57 St. Rep. 673; 27 Supp. 465.

Garden v. Sabey, 10 Week. Dig. 33.

Cited, Levy and Sale—Abuse of Process—Liability of Officer.

3 Misc. 231; (51 St. Rep. 867; 22 Supp. 748).

Gardenier v. Bulger, 12 App. Div. 623; 77 St. Rep. 1154; 43 Supp. 1154.

Gardiner v. Eldred, 4 Misc. 505; 25 Supp. 870.

Gardiner v. Gardiner, 34 N. Y. 155.

Cited, Wills—Undue Influence—Generally as to What Constitutes.

3 Misc. 576; (23 Supp. 759). 1 Misc. 46; (22 Supp. 1057). 1 Misc. 260; (54 St. Rep. 238; 22 Supp. 1060). 79 St. Rep. 616; (45 Supp. 616).

Appeal—From Surrogate's Decree—Review of Facts.

84 Hun, 524; (65 St. Rep. 617; 32 Supp. 401).

Gardiner v. Pollard, 10 Bosw. 674.

Cited, Conspiracy—Several Liability.

67 Hun, 338; (51 St. Rep. 442; 22 Supp. 134).

Gardiner v. Schwab, 34 Hun, 582.

Cited, Appeal—Reference—Sending Back Report for Alteration.

92 Hun, 85; (71 St. Rep. 806; 36 Supp. 638).

Gardiner v. Schwab, 110 N. Y. 650; 17 St. Rep. 174.

Disapproved, Appeal—Case—Absence of Evidence—Supplying Finding in Support of Judgment.

73 Hun, 238; (57 St. Rep. 27; 25 Supp. 1024)

Cited, Appeal—Record — Case — Conclusions—Law—Fact—Review—Presumptions. 135 N. Y. 214; (47 St. Rep. 845).

Gardinier v. Knox, 27 Hun, 500.

Cited, Pleading—Bill of Particulars—Action for Fraud—Affidavit.

19 Misc. 478; (77 St. Rep. 1112; 43 Supp. 1112).

Gardner, Matter of, 86 Hun, 30; 67 St. Rep. 69; 33 Supp. 326.

Gardner, Matter of, 69 Hun, 50; 52 St. Rep. 810; 23 Supp. 429.

Affirmed, 140 N. Y. 122; 55 St. Rep. 299.

Gardner, Matter of, 140 N. Y. 122; 55 St. Rep. 299.

Cited, Wills—Devise—Effect of Precatory Words.

153 N. Y. 141.

Gardner, Matter of, 103 N. Y. 533; 4 St. Rep. 239.

Cited, Contracts—Employment—General Hiring.

11 Misc. 381; (65 St. Rep. 293; 32 Supp. 146).

Gardner, Matter of, 68 N. Y. 467.

Cited, Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 336).

Mandamus—Title to Office—Rival Claimant.

146 N. Y. 63; (65 St. Rep. 754). 89 Hun, 41; (69 St. Rep. 387; 34 Supp. 1129). 17 Misc. 669; (41 Supp. 470).

Gardner, Matter of, 5 Redf. 14.

Cited, Executors—Claims—Payment of Personal Claim of, Without Prior Establishment.

1 Misc. 37; (22 Supp. 907).

Gardner v. Barden, 34 N. Y. 433.

Cited, Evidence—Declarations — Of Assignor of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598). 18 Misc. 246; (41 Supp. 608).

Subrogation—Insurance—Carriers.

68 Hun, 600; (52 St. Rep. 522; 23 Supp. 232).

Gardner v. Benedict, 75 Hun, 204; 58 St. Rep. 671; 27 Supp. 3.

*Duplicate Citations in Parenthesis.***Gardner v. Buckbee**, 3 Cow. 120.*Cited*, Judgment—Conclusiveness.

81 Hun, 595; (63 St. Rep. 431; 31 Supp. 42). 10 App. Div. 591; (76 St. Rep. 80; 42 Supp. 80).

Gardner v. Campbell, 15 Johns 401.*Cited*, Replevin—For Goods Taken by Levy—Right to Possession.

140 N. Y. 597; (56 St. Rep. 498).

Gardner v. Christian, 70 Hun, 547; 53 St. Rep. 732; 24 Supp. 339.**Gardner v. Clark**, 21 N. Y. 399.*Cited*, Contracts—Rescission—Effect on Prior Payments.

2 Misc. 368; (51 St. Rep. 211; 22 Supp. 376; 30 Abb. N. C. 12).

Judgment—Conclusiveness—Lack of Jurisdiction.

8 Misc. 299; (59 St. Rep. 214; 28 Supp. 577; 31 Abb. N. C. 446).

Action—Defense—Former Pending Action.

12 App. Div. 4; (76 St. Rep. 180; 42 Supp. 180).

Gardner v. Gardner, 87 N. Y. 14.*Cited*, Injunction—When Granted—Final Judgment.

61 St. Rep. 722; (30 Supp. 367).

Injunction—Temporary—Abrogation.

67 Hun, 301; (50 St. Rep. 894; 22 Supp. 311).

14 Misc. 192; (70 St. Rep. 196; 35 Supp. 467).

Gardner v. Gardner, 22 Wend. 526.*Cited*, Wills—Undue Influence—Drunkard.

57 St. Rep. 849; (27 Supp. 652).

Wills—Testamentary Capacity—Drunkard.

16 Misc. 244; (39 Supp. 188).

Gardner v. Heartt, 3 Den. 232.*Cited*, Mortgage—Nature of Mortgagee's Interest.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).

Gardner v. Keteltas, 3 Hill, 330.*Cited*, Landlord and Tenant—Duty to put Tenant into Possession.

68 Hun, 429; (52 St. Rep. 770; 23 Supp. 77). 4 Misc. 218; (53 St. Rep. 474; 23 Supp. 906).

Landlord and Tenant—What Constitutes Relation—Two Tenants.

9 Misc. 43; (59 St. Rep. 670; 29 Supp. 64).

Landlord and Tenant—Summary Proceedings—When Maintainable.

14 Misc. 30; (69 St. Rep. 374; 35 Supp. 146; 25 Pro. Civ. 88; 2 Ann. Cas. 144). 17 Misc. 730).

Gardner v. Lock, 2 Civ. Pro. 252.*Cited*, Action—Remedies—Election.

2 Misc. 88; (49 St. Rep. 125; 20 Supp. 876).

Gardner v. McEwen, 19 N. Y. 123.*Cited*, Chattel Mortgage—Of Property in Expectancy—When Lien Attaches.

60 St. Rep. 287.

Trial—Conflicting Evidence—Submission to Jury.

16 Misc. 633; (40 Supp. 990).

Chattel Mortgage—Change in Property—Extent of Lien.

19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706).

Sale—Fraud—Question for Jury.

19 Misc. 165.

Gardner v. Newburgh Trustees, 2 Johns. Ch. 162.*Cited*, Watercourses—Diversion—Rights of Owner of Land.

91 Hun, 274; (71 St. Rep. 108; 36 Supp. 93).

Eminent Domain—Legislative Power—Compensation.

91 Hun, 274; (71 St. Rep. 108; 36 Supp. 93).

Municipal Corporations—Powers—Public Enterprise.

D. 8 App. Div. 286; (75 St. Rep. 45; 40 Supp. 647).

Gardner v. New York, 62 N. Y. 299.*Cited*, Misdemeanor—Unauthorized Removal of Public Officer.

15 Misc. 435; (72 St. Rep. 355; 36 Supp. 534).

Gardner v. Ogden, 22 N. Y. 327.*Cited*, Pleading—Demurrer—When Lies—Misjoinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20). 2 App. Div. 38; (73 St. Rep. 232; 37 Supp. 578).

Trusts—Trustees—Dealing with Trust Property for Own Advantage—Profits—Accounting.

25 Supp. 1051. 24 Supp. 135. 8 App. Div. 344; (75 St. Rep. 171; 40 Supp. 793).

Trustees—Of Corporation—Personal Dealings—Presumption.

147 N. Y. 247; (69 St. Rep. 526).

Trustees—Personal Purchase of Lands—Inurement to Benefit of Cestui Que Trust.

13 App. Div. 216; (77 St. Rep. 309; 43 Supp. 309).

Contracts—Sale of Lands Outside State—Specific Performance.

8 App. Div. 366; (75 St. Rep. 183; 40 Supp. 802).

*Duplicate Citations in Parenthesis.***Gardner v. Pickett**, 19 Wend. 186.

Cited, Trial—Instructions—Upon Evidence.

67 Hun, 265; (51 St. Rep. 381; 22 Supp. 229).

Gardner v. Printup, 2 Barb. 83.

Cited, Wills—Legacy to Two Persons—Co-tenancy.

19 Misc. 202; (78 St. Rep. 605; 44 Supp. 605).

Gardner v. Winterson, 79 St. Rep. 590; 45 Supp. 590.**Garety v. King**, 9 App. Div. 443; 75 St. Rep. 1090; 41 Supp. 633.

Cited, Master and Servant—Injuries to Servant—Assumption of Risk.

20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Garfield v. Hatmaker, 15 N. Y. 475.

Cited, Real Property—Title.

135 N. Y. 177; (47 St. Rep. 829).

Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 350; 25 Supp. 680). 83 Hun, 364; (64 St. Rep. 778; 31 Supp. 905). 148 N. Y. 107.

Garfield v. Kirk, 65 Barb. 464.

Cited, Attorneys—Action for Services—Value—Sufficiency of Proof.

92 Hun, 123; (71 St. Rep. 810; 36 Supp. 641).

Garfield Nat. Bank v. Colwell, 57 Hun, 169; 32 St. Rep. 929; 10 Supp. 864.

Distinguished, Bills and Notes—Accommodation Paper—Endorsement.

68 Hun, 101; (52 St. Rep. 226; 22 Supp. 611).

Cited, 75 Hun, 113; (56 St. Rep. 875; 26 Supp. 986).

Bills and Notes—Indorsement—Agreement for Exemption From Liability.

60 St. Rep. 717; (29 Supp. 153). 90 Hun, 400; (70 St. Rep. 660; 35 Supp. 945). 153 N. Y. 133.

Garfield Nat. Bank v. Colwell, 28 St. Rep. 723; 8 Supp. 380.

Cited, Trial—Adjournment—Refusal—Reversible Error.

13 Misc. 11; (67 St. Rep. 877; 33 Supp. 1008).

Garfield Nat. Bank v. Kirchway, 16 Misc. 273; 74 St. Rep. 294; 37 Supp. 1140.

Reversed, 17 Misc. 148; 39 Supp. 333.

Garfield Nat. Bank v. Kirchwey, 17 Misc. 148; 39 Supp. 333.**Garfield Nat. Bank v. Kirchwey**, 17 Misc. 310; 40 Supp. 357.**Garfield Nat. Bank v. Peck**, 1 Misc. 126; 48 St. Rep. 660; 20 Supp. 650.**Garland v. Van Rensselaer**, 71 Hun, 1; 53 St. Rep. 876; 24 Supp. 783; 23 Civ. Pro. 208.**Garland v. Van Rensselaer**, 71 Hun, 2; 54 St. Rep. 74; 24 Supp. 781.

Affirmed, 140 N. Y. 638; 55 St. Rep. 931.

Cited, Mechanic's Lien—Bond to Discharge—Remedy.

145 N. Y. 247; (64 St. Rep. 686; 1 Ann. Cas. 224).

Garlick v. James, 12 Johns. 146.

Cited, Collateral Security—Disposition of—Effect on Debt.

136 N. Y. 160; (48 St. Rep. 857).

Garlick v. Strong, 3 Paige, 440.

Cited, Dower—Release—Consideration.

75 Hun, 561; (59 St. Rep. 615; 27 Supp. 599).

Husband and Wife—Gifts—Rights of Creditors.

7 Misc. 466; (59 St. Rep. 874; 28 Supp. 392).

Garlinghouse v. Jacobs, 29 N. Y. 297.

Cited, Highways—Defective—Personal Injuries—Liability of Commissioner.

60 St. Rep. 112.

Towns—Defective Highways—Liability.

84 Hun, 512; (65 St. Rep. 605; 32 Supp. 342).

Garlock v. Dunkle, 22 Wend. 615.

Cited, Action—Change of Venue—Convenience of Witnesses—Delay in Making Motion.

77 Hun, 13; (59 St. Rep. 831; 28 Supp. 280).

Garlock v. Vandevort, 128 N. Y. 374; 40 St. Rep. 418.

Cited, Courts—Supreme Jurisdiction—Construction of Wills.

73 Hun, 356; (56 St. Rep. 3; 26 Supp. 926).

Surrogate—Jurisdiction—Accounting—Construction of Will—Determining Validity of Provisions.

137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477). 3 Misc. 588; (24 Supp. 708). 8 Misc. 576; (60 St. Rep. 688; 29 Supp. 1087; 24 Civ. Pro. 71). 3 App. Div. 353; (73 St. Rep. 668; 38 Supp. 301).

8 App. Div. 344; (75 St. Rep. 170; 40 Supp. 792). 8 App. Div. 353; (75 St. Rep. 178; 40 Supp. 799). 17 Misc. 684; (75 St. Rep. 931; 41 Supp. 542).

Surrogate—Decree—Conclusiveness.

91 Hun, 232; (72 St. Rep. 60; 36 Supp. 160).

*Duplicate Citations in Parenthesis.***Garlock v. Vandervoort**, 5 Supp. 737.*Affirmed*, 58 Hun, 601; 12 Supp. 995.*Affirmed*, 128 N. Y. 374.*Cited*, Surrogate — Jurisdiction—To Construe Will.

8 App. Div. 344; (75 St. Rep. 170; 40 Supp. 792).

Garner v. Germania Life Ins. Co., 110 N. Y. 266.*Cited*, Insurance — Insured — Agent For Beneficiary.

17 Misc. 175; (40 Supp. 997).

Garner v. Harmony Mills, 6 Abb. N. C. 212; 45 Super. 148.*Cited*, Appeal—When Lies—Extent of Review—Demurrer.

9 Misc. 338; (60 St. Rep. 608; 29 Supp. 705). 9 Misc. 661; (62 St. Rep. 412; 30 Supp. 552). 68 Hun, 507; (52 St. Rep. 601; 22 Supp. 1016).

Trustees—Of Corporations—Torts—Action by Stockholder.

90 Hun, 358; (35 Supp. 943).

Garner v. Mangam, 93 N. Y. 642.*Cited*, Fraud—Joint Liability — Acts of Agent—Retaining Fruits.

77 Hun, 456; (50 St. Rep. 656; 29 Supp. 85).

Principal and Agent — Ratification—Responsibility of Principal.

139 N. Y. 331; (54 St. Rep. 620).

Garner v. Mangam, 46 Super. 365.*Cited*, Appeal—Exceptions to be Heard at General Term.

81 Hun, 563; (63 St. Rep. 341; 31 Supp. 48; 24 Civ. Pro. 163).

Garner v. Thorn, 56 How. 452*Cited*, Trusts — Enforcement — Cause of Action.

8 Misc. 238; (59 St. Rep. 224; 28 Supp. 551).

Garnsey v. Rhodes, 45 St. Rep. 145; 18 Supp. 484.*Affirmed*, 138 N. Y. 641; 53 St. Rep. 6.*Cited*, Contracts — Building — Extras—Default.

66 Hun, 264; (49 St. Rep. 476; 21 Supp. 219).

Garnsey v. Rhodes, 138 N. Y. 461; 53 St. Rep. 6.*Cited*, Witnesses — Cross-examination — Bias.

139 N. Y. 85; (54 St. Rep. 429).

Garnsey v. Rogers, 47 N. Y. 233.*Cited*, Contracts—For Benefit of Third Person—Availability.

74 Hun, 233; (56 St. Rep. 325; 26 Supp. 623). 6 Misc. 87; (55 St. Rep. 397; 26 Supp. 40). 140 N. Y. 548; (56 St. Rep. 514; 31 Abb. N. C. 91). 78 Hun, 150; (60 St. Rep. 205; 28 Supp. 989). 92 Hun, 139; (71 St. Rep. 729; 36 Supp. 553). 150 N. Y. 241.

Mortgage — Assumption by Grantee — Availability.

73 Hun, 289; (57 St. Rep. 749; 26 Supp. 415). 74 Hun, 234; (56 St. Rep. 327; 26 Supp. 624). 85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660).

Covenants—Breach—When Enforced.

135 N. Y. 222; (48 St. Rep. 398).

Garr v. Selden, 4 N. Y. 91.*Cited*, Libel—Privilege—Statements in Pleadings.

84 Hun, 120; (65 St. Rep. 648; 32 Supp. 462; 1 Ann. Cas. 331).

Garratt v. Canandaigua, Village of, 40 St. Rep. 944; 16 Supp. 717.*Affirmed*, 135 N. Y. 436; 48 St. Rep. 462.*Cited*, Municipal Corporations—Improvements—Defective Plans.

67 Hun, 264; (51 St. Rep. 381; 22 Supp. 229).

Municipal Corporations—Public Improvements—Defective Plan of Construction—Liability.

80 Hun, 470; (62 St. Rep. 284; 30 Supp. 472). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Municipal Corporations—Errors of Officers —Equitable Relief.

78 St. Rep. 323; (44 Supp. 323). D. 78 St. Rep. 326; (44 Supp. 326).

Garrett v. Scheffer, 47 N. Y. 656.*Cited*, Partnership—Realty—How Treated.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Garrett v. Wood, 13 App. Div. 8; 77 St. Rep. 125; 43 Supp. 125.**Garrick v. Menut**, 41 St. Rep. 468; 17 Supp. 455.*Cited*, Landlord and Tenant — Lease — Renewal.

11 Misc. 347; (65 St. Rep. 276; 32 Supp. 134).

Garrison, Matter of, N. Y. Law J., July 28, 1890.*Cited*, Executors — Compensation — Two or More.

7 Misc. 729; (59 St. Rep. 527; 28 Supp. 497).

Garrison v. Akin, 2 Barb. 25.*Cited*, Evidence—Declarations—Weight. 77 Hun, 502; (60 St. Rep. 547; 28 Supp. 1083).

*Duplicate Citations in Parenthesis.***Garrison v. Garrison**, 67 How. 271.

Cited, Judgment—On Offer—Partnership.
56 St. Rep. 76; (29 Supp. 936).

Garrison v. Howe, 17 N. Y. 458.

Cited, Action—Parties—Resort to Trustees for Corporate Debts.

72 Hun, 330; (55 St. Rep. 198; 25 Supp. 429).

Corporations — Trustees — Report — Liability.

11 Misc. 528; (64 St. Rep. 457; 32 Supp. 747).

Garrison v. Marie, 1 How. N. S. 348;

7 Civ. Pro. 113.

Cited, Action—Form of Remedies—Effect—Effect.

6 Misc. 163; (27 Supp. 218).

Injunction—Legal Proceedings—Federal Courts.

52 St. Rep. 901; (24 Supp. 223).

Garsia v. Burch, 7 Misc. 142; 57 St

Rep. 532; 27 Supp. 385.

Garson v. Brumberg, 75 Hun, 336;

58 St. Rep. 209; 26 Supp. 1603.

Cited, Attachment—Affidavit—Recitals—Sufficiency.

76 Hun, 565; (58 St. Rep. 246; 28 Supp. 213). 88 Hun, 373; (68 St. Rep. 765; 34 Supp. 827; 2 Ann. Cas. 162). 15 Misc. 412; (72 St. Rep. 233; 36 Supp. 894; 25 Civ. Pro. 204).

Garson v. Green, 1 Johns. Ch. 308.

Cited, Vendor—Lien—Security—Waiver.
141 N. Y. 467; (57 St. Rep. 606).

Vendor and Purchaser—Vendor's Lien—Unpaid Purchase Money.

75 Hun, 451; (59 St. Rep. 647; 27 Supp. 535). 85 Hun, 82; (66 St. Rep. 45; 32 Supp. 661).

Garter v. N. Y. C. & H. R. R. Co.,

138 N. Y. 673; 53 St. Rep. 932.

Followed, 56 St. Rep. 892; (25 Supp. 1134).

Garvey, Matter of, 84 Hun, 611; 66 St.

Rep. 1; 32 Supp. 689.

Garvey, Matter of, 147 N. Y. 117; 69 St.

Rep. 393; 32 Supp. 689.

Garvey v. Carey, 35 How. 282.

Cited, Arbitration—Award—Vacation.

12 App. Div. 225; (77 St. Rep. 434; 43 Supp. 434).

Garvey v. Fowler, 4 Sandf. 665.

Cited, Bills and Notes—Demand and Notice—Failure of.

4 Misc. 65; (53 St. Rep. 124; 23 Supp. 782).

Pleading—Complaint—Bills and Notes—Protest—Excuse for Failure.

2 Misc. 460; (51 St. Rep. 148; 21 Supp. 1076).

Pleading—Complaint—Necessity of Setting Forth all Facts.

16 Misc. 536; (73 St. Rep. 663; 38 Supp. 296).

Pleading—Answer—Denial—What Con- troverts.

17 Misc. 239; (39 Supp. 716).

Garvey v. Jarvis, 46 N. Y. 310.

Cited, Agency—Fraud of Agent—Availability to Principal.

10 Misc. 172; (62 St. Rep. 598; 30 Supp. 1048).

Garvey v. Long Island R. Co., 9 App.

Div. 254; 41 Supp. 397.

Cited, 11 App. Div. 626; 76 St. Rep. 156; 42 Supp. 156.

Garvey v. McDavitt, 72 N. Y. 556.

Cited, Perpetuities—Term of Suspension of Alienation—Personalty.

74 Hun, 429; (57 St. Rep. 182; 26 Supp. 705).

Powers—Execution—Acceleration—Consent of Parties.

54 St. Rep. 31; (24 Supp. 231).

Wills—Power of Sale—Intervening Period.

69 Hun, 82; (52 St. Rep. 613; 23 Supp. 245). 5 App. Div. 321, 323; (39 Supp. 243, 244).

Wills—Power of Sale—Defeat by Con- veyance by Beneficiary.

84 Hun, 334; (65 St. Rep. 637; 32 Supp. 567).

Wills—Power of Sale—Election—Pro- ceeds on Land.

84 Hun, 474; (65 St. Rep. 614; 32 Supp. 397).

Trusts—Express—Construction of Statute.

82 Hun, 485; (64 St. Rep. 192; 31 Supp. 557). 14 Misc. 427; (71 St. Rep. 483; 36 Supp. 432).

Garvey v. Owens, 115 N. Y. 671; 9 St.

Rep. 227.

Cited, Action—Revival—Bringing in Par- ties—Mode.

71 St. Rep. 24, 25; (33 Supp. 17; 25 Civ. Pro. 164, 165).

Garvey v. U. S. H. & C. Show, 3

Misc. 352; 52 St. Rep. 261; 22 Supp. 929;

Cited, New Trial—New Evidence—Affi- davits of Witnesses.

8 Misc. 547; (59 St. Rep. 265; 28 Supp. 745). 84 Hun, 589; (66 St. Rep. 327; 32 Supp. 852).

Garvey v. U. S. H. & C. Show, 1

Ann. Cas. 406; 73 St. Rep. 360; 38 Supp.

Duplicate Citations in Parenthesis.

Garvin Machine Co. v. Hammond Typewriter Co., 12 App. Div. 294; 76 St. Rep. 564; 42 Supp. 564.

Garvin Machine Co. v. Hutchinson, 1 App. Div. 380; 72 St. Rep. 458; 37 Supp. 394.

Garwood v. N. Y. C. & H. R. R. Co., 17 Hun, 356.

Affirmed, 83 N. Y. 400.

Cited, Injunction—Diversion of Waters—Riparian Owners.

79 Hun, 153 (61 St. Rep. 191; 29 Supp. 730).

Garwood v. N. Y. C. & H. R. R. Co., 83 N. Y. 400.

Cited, Waters—Diversion by Upper Riparian Owner.

49 St. Rep. 310; (21 Supp. 122).

Gasherie v. Apple, 14 Abb. 64.

Cited, Receivers — Corporations—Vacation of Attachment.

4 Misc. 447; (53 St. Rep. 520; 24 Supp. 332).

Gaskell v. Beard, 58 Hun, 101; 33 St. Rep. 852; 11 Supp. 399.

Cited, Mechanic's Lien — Notice — Misstatements.

66 Hun, 425; (50 St. Rep. 145; 21 Supp. 403). 82 Hun, 18; (63 St. Rep. 319; 31 Supp. 78).

Gaskell v. Cowan, 14 Misc. 254; 70 St. Rep. 446; 35 Supp. 711.

Gaslight Co. of Syracuse v. R., W. & O. R. Co., 51 Hun, 119; 24 St. Rep. 154; 5 Supp. 459.

Cited, Limitation of Action — Damages for Detention of Land.

76 Hun, 603; (51 St. Rep. 111; 22 Supp. 406).

Pleading — Complaint — Amendment — Change of Cause of Action.

10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942).

Gasquet v. Pollock, 1 App. Div. 512; 72 St. Rep. 746; 37 Supp. 357.

Cited, Trusts—Accumulation of Income — When Vests in Beneficiary.

3 App. Div. 612; (38 Supp. 405).

Gasten, Matter of, 16 Misc. 125; 74 St. Rep. 538; 38 Supp. 948; 3 Ann. Cas. 68.

Gastner v. Duryea, 67 St. Rep. 771; 33 Supp. 1034.

Gates, Matter of, 50 St. Rep. 275; 21 Supp. 576.

Cited, Judgment—Enforcement—Justice's Court—Docket in County Court.

7 Misc. 220; (58 St. Rep. 573; 27 Supp. 647; 23 Civ. Pro. 300).

Judgment—Lien—Duration—Transcript of Justices.

6 Misc. 401; (56 St. Rep. 681; 26 Supp. 776).

Gates v. Andrews, 37 N. Y. 657.

Cited, Limitation of Action — When Statute Runs—Creditor's Action—Fraud.

68 Hun, 379; (52 St. Rep. 313; 22 Supp. 1014). 60 St. Rep. 75.

Gates v. Brower, 9 N. Y. 205.

Cited, Trial—Conflicting Evidence—Question for Jury.

16 Misc. 633; (40 Supp. 990).

Gates v. De La Mare, 49 St. Rep. 775; 20 Supp. 837.

Reversed, 142 N. Y. 307; 59 St. Rep. 1.

Assignment—Of Judgment—Equities.

9 Misc. 563; (62 St. Rep. 85; 36 Supp. 416; 24 Civ. Pro. 56; 1 Ann. Cas. 76).

Gates v. De La Mare, 142 N. Y. 307; 59 St. Rep. 1.

Cited, Eminent Domain — Foreclosure Pending Proceedings—Right of Purchaser to Award.

144 N. Y. 269; (63 St. Rep. 109). 88 Hun, 278; (68 St. Rep. 251; 34 Supp. 420).

Attorneys — Authority — Statutory Proceeding.

41 Supp. 280; (25 Civ. Pro. 351).

Gates v. McKee, 13 N. Y. 232.

Cited, Guaranty—Contracts of—Rules of Construction.

1 Misc. 333; (48 St. Rep. 706; 20 Supp. 630). 139 N. Y. 272; (54 St. Rep. 555). 142 N. Y. 210; (58 St. Rep. 652). 80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854). 81 Hun, 206; (62 St. Rep. 708; 30 Supp. 766). 14 Misc. 232, 233; (70 St. Rep. 256; 35 Supp. 835). 148 N. Y. 246.

Guaranty—Continuing.

14 Misc. 231; (70 St. Rep. 255; 35 Supp. 834).

Gates v. Penn Fire Ins. Co., 10 Hun, 490.

Cited, Insurance—Waiver—By Acts of Agent.

7 App. Div. 585; (40 Supp. 307).

Gates v. Preston, 41 N. Y. 113.

Cited, Counterclaim—Liquidation — Failure to Plead.

8 Misc. 623; (61 St. Rep. 335; 29 Supp. 824).

Judgment — Conclusiveness — On What Points.

3 Misc. 63; (51 St. Rep. 772; 22 Supp. 557). 6 Misc. 192; (27 Supp. 30). 151 N. Y. 127; (3 Ann. Cas. 347).

Professional Services—Recovery—Effect on Claim for Malpractice.

83 Hun, 236; (64 St. Rep. 213; 31 Supp. 582). 18 Misc. 252; (75 St. Rep. 1006; 41 Supp. 612).

Duplicate Citations in Parenthesis.

Gates v. State, 128 N. Y. 221; 40 St. Rep. 87.

Cited, Judgment — Conclusiveness Upon State of Proceedings Against State Officers.

137 N. Y. 376; (50 St. Rep. 647).

Master and Services — Negligence—Question for Jury.

2 App. Div. 60; (72 St. Rep. 550; 37 Supp. 461).

Gates v. Vincent, 34 St. Rep. 800; 12 Supp. 704.

Cited, Partnership — Debts—Assent.

7 Misc. 143; (57 St. Rep. 533; 27 Supp. 385).

Gates v. Williams, 3 Misc. 376; 52 St. Rep. 425; 22 Supp. 925.

Reversed, 9 Misc. 176; 60 St. Rep. 636; 29 Supp. 712.

Gates v. Williams, 9 Misc. 176; 60 St. Rep. 636; 29 Supp. 712.

Cited, Bills and Notes — Accommodation Endorsement—Liability.

13 Misc. 69; (68 St. Rep. 112; 34 Supp. 128).

Gates v. Williams, 10 Misc. 403; 63 St. Rep. 529; 31 Supp. 146.

Gaul v. Rochester Paper Co., 72 Hun, 485; 54 St. Rep. 853; 25 Supp. 443.

Affirmed, 145 N. Y. 603.

Gauld v. Lipman, 4 Misc. 78; 53 St. Rep. 137; 23 Supp. 780.

Reversing, 1 Misc. 475; 49 St. Rep. 880; 21 Supp. 464.

Gavin v. Gleason, 105 N. Y. 256; 7 St. Rep. 13.

Cited, Principal and Agent—Recovery of Property Received by Agent.

68 Hun, 505; (52 St. Rep. 479; 22 Supp. 1041).

Gawthrop v. Leary, 9 Daly, 353.

Cited, New Trial — Surprise—Absence of Witness.

2 Misc. 549; (23 Supp. 685; 23 Civ. Pro. 156).

Gawthrop v. Leary, 89 N. Y. 622.

Cited, Appeal—Dismissal of Complaint on Reversal.

1 Misc. 500; (49 St. Rep. 707; 20 Supp. 950).

Appeal — To General Term — Judgment Absolute, Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697).

Gawtry v. Doane, 51 N. Y. 84.

Cited, Bills and Notes — Demand — Protest—Notice by Mail.

2 Misc. 229; (50 St. Rep. 588; 22 Supp. 363). 8 Misc. 518; (59 St. Rep. 275; 28 Supp. 747). 10 Misc. 346. (63 St. Rep. 421; 31 Supp. 31; 24 Civ. Pro. 185).

Trial—Evidence—Striking Out.

4 App. Div. 50; (74 St. Rep. 122; 38 Supp. 693).

Gay v. Gay, 10 Paige, 369.

Cited, Counterclaim — Equitable — Insolvent Creditor.

22 Supp. 143.

Pleadings—Answer—Set-off in Equity—Time of Accrual.

139 N. Y. 120; (54 St. Rep. 644).

Gay v. Haskins, 8 Misc. 626; 61 St. Rep. 837; 30 Supp. 191.

Cited, Contracts—Building—Architect's Certificate—Conclusiveness.

11 Misc. 50; (63 St. Rep. 470; 31 Supp. 846).

Gay v. Haskins, 11 Misc. 134; 65 St. Rep. 53; 31 Supp. 1022.

Gay v. Siebold, 97 N. Y. 472.

Cited, Partnership—Fictitious Designation—Availability as defense.

7 Misc. 256; (58 St. Rep. 34; 27 Supp. 973). 89 Hun, 68; (69 St. Rep. 261; 35 Supp. 83; 2 Ann. Cas. 300). 5 App. Div. 142; (39 Supp. 82). 79 St. Rep. 939; (45 Supp. 939).

Name—Fictitious—Doing Business Under —Effect on Note Taken.

6 Misc. 33; (56 St. Rep. 615; 25 Supp. 1008).

Gaylord v. Beardsley, 49 St. Rep. 852; 21 Supp. 840.

Gaylord v. Beardsley, 70 Hun, 597; 54 St. Rep. 234; 25 Supp. 598.

Gaylord v. Gallagher, 1 Misc. 328; 48 St. Rep. 704; 20 Supp. 682.

Cited, Trial—Motion For Dismissal—Presumption.

9 Misc. 498; (61 St. Rep. 129; 30 Supp. 231).

Trial—Omission to Move to Dismiss—Effect.

7 Misc. 318; (57 St. Rep. 552; 27 Supp. 902).

Gaylord v. Gaylord, 7 St. Rep. 703.

Cited, Gifts — Confidential Relation—Proof Required.

17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995).

Duplicate Citations in Parenthesis.

Gaylord v. Knapp, 15 Hun, 87.

Cited, Mortgage—Absence of Bond—Remedy of Mortgagee.

4 Misc. 32; (23 Supp. 832). 17 Misc. 647; (74 St. Rep. 758; 40 Supp. 195.)

Gaylord Man'g Co. v. Allen, 53 N. Y. 515.

Cited, Sale—Warranty—Quality—Acceptance After Inspection.

67 Hun, 554; (51 St. Rep. 263; 22 Supp. 506). 10 Misc. 648; (65 St. Rep. 218; 32 Supp. 123).

Sale—Warranty—Implied.

69 Hun, 434; (52 St. Rep. 615; 23 Supp. 354). 10 Misc. 657; (64 St. Rep. 497; 31 Supp. 794).

Gearns v. Bowery Savings Bank, 135 N. Y. 557; 48 St. Rep. 562.

Cited, Savings Banks—Deposits—Payment.

17 Misc. 60; (39 Supp. 842). 17 Misc. 576, 578; (75 St. Rep. 65, 67; 40 Supp. 663, 665).

Gebbie v. Stitt, 82 Hun, 93; 63 St. Rep. 393; 31 Supp. 102.

Cited, Trademarks—Injunctions.

92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386)

Gebhard v. Parker, 120 N. Y. 33; 30 St. Rep. 180.

Cited, Pleading—Demand of Account—How Failure to Deliver Averred of.

72 Hun, 442; (55 St. Rep. 273; 25 Supp. 183).

Gedney Matter of, 17 Misc. 500; 75 St. Rep. 1452; 41 Supp. 205.

Gedney v. Haas, 50 How. 310.

Cited, Arrest—Order—Vacation.

D. 16 App. Div. 480; (78 St. Rep. 956; 44 Supp. 956).

Gedney v. Trall, 25 St. Rep. 843; 6 Supp. 165.

Cited, Partition—Adverse Possession—Complete Relief.

137 N. Y. 128; (50 St. Rep. 173).

Gee, Matter of, 67 St. Rep. 414; 33 Supp. 425; 24 Civ. Pro. 241.

Gee v. Chase Man'g Co., 12 Hun, 630.

Cited, Pleading—Bill of Particulars—Disclosure of Evidence.

2 Misc. 503; (51 St. Rep. 87; 22 Supp. 385). 2 Misc. 112; (49 St. Rep. 348; 20 Supp. 870).

Gee v. Torrey, 77 Hun, 23; 59 St. Rep. 421; 28 Supp. 229.

Geer v. Archer, 2 Barb. 420.

Cited, Contracts—Consideration.

11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

Geer v. Kissam, 3 Edw. Ch. 129.

Cited, Note—Overdue—Equity—Cancellation.

143 N. Y. 171; (62 St. Rep. 192).

Geery v. Cockroft, 33 Super. 146.

Cited, Partnership—Application of Firm Property to Individual Debts.

68 Hun, 7; (52 St. Rep. 460; 22 Supp. 832).

Geery v. Geery, 63 N. Y. 252.

Cited, Contempt—Disobedience of Judgment.

52 St. Rep. 562; (22 Supp. 1030).

Fraudulent Conveyance—Attack by Creditor—Necessity of Judgment.

60 St. Rep. 75; (143 N. Y. 571; 62 St. Rep. 783; 1 Ann. Cas. 23). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Fraudulent Conveyance—Trustee's Right to Annul.

10 Misc. 692; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 339).

Geery v. Pollock, 16 App. Div. 321; 78 St. Rep. 673; 44 Supp. 673.

Geery v. Webster, 11 Hun, 428.

Cited, Supplemental Complaint—Filing.

3 App. Div. 153; (73 St. Rep. 355; 38 Supp. 166; 3 Ann. Cas. 213).

Geib v. Topping, 83 N. Y. 46.

Cited, Reference—Fees—Collection.

6 Misc. 172; (56 St. Rep. 696; 26 Supp. 893). 31 Abb. N. C. 110; (26 Supp. 893).

Geibel v. Elwell, 91 Hun, 550; 70 St. Rep. 812; 36 Supp. 238.

Geiger v. Braun, 6 Daly, 506.

Cited, Landlord and Tenant—Summary Proceedings—Notice to Quit.

3 Misc. 99; (51 St. Rep. 603; 22 Supp. 369). 18 Misc. 71; (75 St. Rep. 486; 41 Supp. 31).

Geiler v. Littlefield, 4 Misc. 152; 53 St. Rep. 199; 23 Supp. 869.

Reversed, 148 N. Y. 603.

Geiler v. Littlefield, 148 N. Y. 603.

Geiler v. Manhattan R. Co., 11 Misc. 413; 65 St. Rep. 437; 32 Supp. 254.

Geipel v. Steinway R. Co. of Long Island, 14 App. Div. 551; 77 St. Rep. 934; 43 Supp. 934.

Geirke v. Schwartz, 20 Misc. 361; 79 St. Rep. 928; 45 Supp. 928.

Geisenheimer v. Dodge, 1 How. N. S. 264.

Cited, Torts—Contribution.

16 App. Div. 619; (78 St. Rep. 1059; 44 Supp. 1059).

Geismar v. Lake Shore & M. S. R. Co., 102 N. Y. 563.

Cited, Carriers—Bailment—Delivery.

11 Misc. 682; (67 St. Rep. 355; 33 Supp. 566).

Duplicate Citations in Parenthesis.

Geissmann v. Wolf, 46 Hun, 289; 11 St. Rep. 306.

Cited, Evidence—Conveyances—Record—Irregularity.

12 Misc. 498; (67 St. Rep. 397; 33 Supp. Supp. 672).

Geitelsohn v. Citizens' Savings Bank
17 Misc. 57; 39 Supp. 840.

Reversed, 17 Misc. 574; 75 St. Rep. 64; 40 Supp. 662.

Geitelsohn v. Citizens' Savings Bank
17 Misc. 574; 75 St. Rep. 64; 40 Supp. 662.

Cited, Savings Banks—Deposit—Payment—Negligence.

19 Misc. 423; (78 St. Rep. 90; 44 Supp. 90). 20 Misc. 85; (79 St. Rep. 90; 45 Supp. 90).

Geitelsohn v. Citizens' Savings Bank, 19 Misc. 422; 78 St. Rep. 89; 44 Supp. 89.

Geitelsohn v. Citizens' Savings Bank, 20 Misc. 84; 79 St. Rep. 90; 45 Supp. 90.

Gelpcke v. Quentell, 59 Barb. 250.

Cited, Contracts—Letters of Credit—Construction.

16 App. Div. 120; (79 St. Rep. 130; 45 Supp. 130).

Gelpcke v. Quentell, 74 N. Y. 599.

Cited, Principal and Agent—Authority of Agent—Revocation.
149 N. Y. 92.

Gelston v. Burr, 11 Johns. 482.

Cited, Chancery Practice—Demurrer to Replication—Effect.

19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

Gelston v. Codwise, 1 Johns. Ch. 189.

Cited, Appeal—Judgment—Modification.

16 App. Div. 468; (78 St. Rep. 937; 44 Supp. 937).

Gelston v. Shields, 16 Hun, 143; 78 N. Y. 275.

Cited, Wills—Construction.

16 App. Div. 48; (78 St. Rep. 805; 44 Supp. 805).

Gemp v. Pratt, 7 Daly, 197.

Cited, Courts—Jurisdiction—Superior City Courts—Cause of Action on Sin in City.

5 Misc. 207; (25 Supp. 809).

Gemunder v. Hauser, 6 Misc. 210; 56 St. Rep. 532; 26 Supp. 529.

Affirmed, 7 Misc. 487; 53 St. Rep. 60; 27 977.

Gemunder v. Hauser, 7 Misc. 487; 58 St. Rep. 60; 27 Supp. 977.

Cited, Brokers—Commissions.

D. 6 App. Div. 97; (39 Supp. 482).

Gendron Iron Wheel Co. v. Matter of. See *People v. American Steam Boiler Ins. Co.*

General Electric Company v. Wightman, 3 App. Div. 118; 39 Supp. 420.

General Synod of Reformed Church v. O'Brien, 13 Misc. 729; 69 St. Rep. 563; 35 Supp. 209.

Genesee Falls Permanent Savings & Loan Ass'n v. United States Fire Ins. Co., 16 App. Div. 587; 78 St. Rep. 979; 44 Supp. 979.

Genesee & Wyoming Valley R. Co. v. Retsof Mining Co., 15 Misc. 187; 72 St. Rep. 231; 36 Supp. 896.

Genet v. Beekman, 45 Barb. 382.

Cited, Equity—Judgment Creditor's Action—Trust Fund—Surplus.

4 App. Div. 323; (74 St. Rep. 189; 38 Supp. 570).

Genet v. Brooklyn, 94 N. Y. 645.

Cited, Municipal Corporations—Contracts—Assessments.

11 App. Div. 382; (76 St. Rep. 96; 42 Supp. 96).

Genet v. Brooklyn, 99 N. Y. 296.

Cited, Power of Legislature—Taxes—Judicial Interference.

148 N. Y. 77. 152 N. Y. 417. 1 App. Div. 21; (36 Supp. 749). 70 St. Rep. 848. (36 Supp. 193).

Municipal Contracts—Assessments.

11 App. Div. 382; (76 St. Rep. 96; 42 Supp. 96).

Genet v. Davenport, 59 N. Y. 648.

Cited, Appeal—Part of Judgment—Waiver.

19 Misc. 691; (78 St. Rep. 1109; 44 Supp. 1109). 14 Misc. 187; (70 St. Rep. 519; 35 Supp. 654; 25 Civ. Pro. 147; 2 Ann. Cas. 164).

Genet v. Davenport, 60 N. Y. 194.

Cited, Appeal—Cross Appeals—Judgment on Previous Appeals.

9 Misc. 689; (62 St. Rep. 126. 30 Supp. 544).

Genet v. Delaware & Hudson Canal Co., 113 N. Y. 472; 23 St. Rep. 111.

Cited, Judgment—Amendment—Power of Court and Time of.

23 Supp. 750; (23 Civ. Pro. 95). 92 Hun, 465; (72 St. Rep. 436; 36 Supp. 1034)

Judgment—Pending Appeal—Stay.

5 App. Div. 539; (39 Supp. 489; 25 Civ. Pro. 389). 15 App. Div. 337; (78 St. Rep. 62; 44 Supp. 62).

*Duplicate Citations in Parenthesis.***Genet v. Delaware & Hudson Canal Co.,** 122 N. Y. 505; 34 St. Rep. 346.*Cited, Mines—Coal—Lease — Interest of Lessee.*

136 N. Y. 602; (50 St. Rep. 55). 2 App. Div. 494; (74 St. Rep. 271; 37 Supp. 1090). 14 App. Div. 184; (77 St. Rep. 595; 43 Supp. 591). 13 Misc. 417; (69 St. Rep. 361; 35 Supp. 150). 13 Misc. 424; (69 St. Rep. 365; 35 Supp. 153).

Injunction — Issuance — Discretion of Court.

149 N. Y. 173. 12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71).

Genet v. Delaware & Hudson Canal Co., 136 N. Y. 217; 49 St. Rep. 201.*Affirming,* 47 St. Rep. 291; 19 Supp. 1021.**Genet v. Delaware Hudson Canal Co.,** 136 N. Y. 593; 50 St. Rep. 53.*Reversing,* 29 St. Rep. 954; 8 Supp. 822.*Cited, Contracts—Construction.*

89 Hun, 447; (70 St. Rep. 154; 35 Supp. 503). 14 App. Div. 183; (77 St. Rep. 594; 43 Supp. 594). 13 Misc. 424; (35 Supp. 154).

Contracts—Implied Provisions.

1 App. Div. 509, 510; (72 St. Rep. 603, 604; 37 Supp. 278).

Appeal—Decision on Facts Not in Issue—Effect as Controlling in Subsequent Appeals.

14 App. Div. 184; (77 St. Rep. 594; 43 Supp. 594)

Contracts—Mining Lease—Construction.

13 Misc. 418; (69 St. Rep. 361; 35 Supp. 150).

Genet v. Delaware & Hudson Canal Co., 73 St. Rep. 308; 37 Supp. 610.**Genet v. Delaware & Hudson Canal Co.,** 13 Misc. 409; 69 St. Rep. 357; 35 Supp. 147.*Reversed,* 1 App. Div. 631; 37 Supp. 610.**Genet v. Delaware & Hudson Canal Co.,** 137 N. Y. 626; 51 St. Rep. 206.**Genet v. Delaware & Hudson Canal Co.,** 2 App. Div. 491; 74 St. Rep. 269; 37 Supp. 1087.*Cited, Mining Lease—Construction.*

14 App. Div. 183; (77 St. Rep. 594; 43 Supp. 594).

Genet v. Delaware & Hudson Canal Co., 14 App. Div. 177; 77 St. Rep. 589; 43 Supp. 589.**Genet v. Delaware & Hudson Canal Co.,** 58 Hun, 492; 12 Supp. 572.*Cited, Contracts—Construction—Effect of Former Appeals.*

14 App. Div. 185; (77 St. Rep. 595; 43 Supp. 595).

Genet v. Hunt, 113 N. Y. 158; 22 St. Rep. 774.*Cited, Powers—Life Tenant—Alienation.* 141 N. Y. 505; (57 St. Rep. 590).*Trusts—Extinguishment—Union of Interests.*

3 Misc. 167; (51 St. Rep. 564; 23 Supp. 289).

Alienation—Suspension of Power.

148 N. Y. 526.

Genet v. Kissam, 53 Super. 43.*Cited, Bond—Interest—Specified Rate.*

5 Misc. 194; (25 Supp. 659).

Geneva v. Brush Electric Co., 50 Hun, 581; 20 St. Rep. 424; 3 Supp. 595.*Affirmed,* 130 N. Y. 670; 41 St. Rep. 952.*Cited, Municipal Corporations—Abutting Owners—Liability to Indemnify.*

81 Hun, 149; (62 St. Rep. 639, 640; 30 Supp. 686).

Geneva & Waterloo R. Co. v. N. Y. C. & H. R. R. Co., 90 Hun, 9; 69 St. Rep. 726; 35 Supp. 339.*Affirmed,* 152 N. Y. 632.**Geneva, I. & S. R. Co. v. Sage,** 35 Hun, 95.*Cited, Bailments—Lien—Waiver.*

18 Misc. 204; (41 Supp. 369)

New Trial—Newly Discovered Evidence.

92 Hun, 60; (71 St. Rep. 765; 36 Supp. 570).

Genovese v. Matelli, 8 Misc. 493; 59 St. Rep. 401; 28 Supp. 754.**Genovese v. Matelli,** 8 Misc. 692; 59 St. Rep. 403; 28 Supp. 756.**Genovese v. New York,** 55 Super. 397.*Cited, Municipal Contracts—Estoppel.*

D. 7 App. Div. 513; (40 Supp. 241.)

Genovese v. Third Ave. R. Co., 13 App. Div. 412; 77 St. Rep. 8; 43 Supp. 8.*Building Contracts — Co-Contractors — Rights.*

19 Misc. 560; (78 St. Rep. 876; 44 Supp. 876).

Gentilli v. Starace, 133 N. Y. 140; 44 St. Rep. 60.*Cited, Sale—Warranty—Implied.*

69 Hun, 434; (52 St. Rep. 615; 23 Supp. 354). 4 App. Div. 97; (74 St. Rep. 497; 38 Supp. 545).

Genung v. N. Y. & N. E. R. Co., 50 St. Rep. 511; 21 Supp. 97.**Geoffroy v. Gilbert,** 5 App. Div. 98; 74 St. Rep. 509; 33 Supp. 643.*Cited, Wills—Construction—Lawful Representatives.*

14 App. Div. 132; (77 St. Rep. 578; 43 Supp. 578).

Duplicate Citations in Parenthesis.

Geoffroy v. Gilbert, 15 Misc. 60; 72 St. Rep. 407; 36 Supp. 884.

Reversed, 5 App. Div. 98; 74 St. Rep. 509; 38 Supp. 643.

Geogagn v. New York, N. H. & H. R. Co., 10 App. Div. 454; 78 St. Rep. 205; 42 Supp. 205.

Geoghegan v. Atlas Steamship Co., 3 Misc. 224; 51 St. Rep. 868; 22 Supp. 749.

Affirmed, 146 N. Y. 369.

Cited, Master and Servant—Fellow Servants—Test as to Who Are.

6 Misc. 99; (56 St. Rep. 839; 26 Supp. 19). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 187).

Master and Servant—Negligence of Co-Servant—Risks Assumed.

6 Misc. 107; (55 St. Rep. 402; 26 Supp. 11). 13 Misc. 54; (68 St. Rep. 98; 34 Supp. 114). 56 St. Rep. 842.

Geoghegan v. Atlas Steamship Co., 6 Misc. 127; 56 St. Rep. 343; 25 Supp. 1116.

Cited, R-argument—Motion.

12 Misc. 637; (65 St. Rep. 871; 32 Supp. 1140).

Geoghegan v. Atlas Steamship Co., 146 N. Y. 369; 71 St. Rep. 317.

Cited, Master and Servant—Co-servant's Negligence.

13 App. Div. 221; (77 St. R-p. 215; 43 Supp. 215). 17 Misc. 97; (39 Supp. 428).

George v. Carpenter, 73 Hun, 221; 57 St. Rep. 123; 25 Supp. 1086.

George v. Depeirris, 17 Misc. 400; 39 Supp. 1082.

George v. Fitzpatrick, 41 Supp. 211; 25 Civ. Pro. 383.

George v. Trevellyn, 12 Misc. 153; 66 St. Rep. 516; 33 Supp. 16.

George H. Kitchen & Co. v. Taylor, 14 St. Rep. 398.

Cited, Witnesses — Competency — §829 Code of Civil Procedure.

79 St. Rep. 1099; (45 Supp. 1099).

Georgeson v. Caffery, 71 Hun, 472; 54 St. Rep. 395; 24 Supp. 971.

Cited, Contracts—Right to Sue.

14 Misc. 503; (70 St. Rep. 637; 35 Supp. 1062).

Georgia Lumber Co. v. Bissell, 9 Paige, 225.

Cited, Actions—Lack of Service—Voluntary Appearance.

67 St. Rep. 246; (33 Supp. 413; 24 Civ. Pro. 249).

Geraghty v. New, 7 Misc. 30; 57 St. Rep. 497; 27 Supp. 403.

Cited, Pleading — Necessity to Plead—Right to Sue.

9 Misc. 356; (60 St. Rep. 629; 29 Supp. 588).

Parent and Child—Services of Child.

10 Misc. 409; (63 St. Rep. 525; 31 Supp. 133). 20 Misc. 65; (78 St. Rep. 432; 44 Supp. 432; 3 Ann. Cas. 386).

Gerard v. Cowperthwait, 2 Misc. 371; 50 St. Rep. 592; 21 Supp. 1092.

Affirmed, 143 N. Y. 637; 60 St. Rep. 874.

Cited, Appeal—Review of Offers to Prove. 2 M sc. 356; (51 St. Rep. 583; 21 Supp. 1101). Evidence—Parol—Written Contract.

7 Misc. 702; (58 St. Rep. 369; 28 Supp. 25). D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683). 13 Misc. 255; (68 St. Rep. 206; 34 Supp. 159).

Gerard v. Cowperthwait, 143 N. Y. 637; 60 St. Rep. 874.

Gerard v. McCormick, 29 St. Rep. 709; 8 Supp. 860.

Cited, Money—Misappropriation by Agent—Following.

7 Misc. 512; (60 St. Rep. 63; 28 Supp. 783). 11 Misc. 129; (65 St. Rep. 58; 30 Supp. 1027).

Gerard v. McCormick, 130 N. Y. 261; 41 St. Rep. 284.

Cited, Principal and Agent—Payment of Agent's Debt With Principal's Check—Liability of Payee—Knowledge.

7 Misc. 510; (60 St. Rep. 62; 28 Supp. 784). 150 N. Y. 63. 87 Hun, 518; (68 St. Rep. 642; 34 Supp. 679).

Geraty v. National Ice Co., 16 App. Div. 174 78 St. Rep. 659; 44 Supp. 659.

Geraty v. Reid, 78 N. Y. 64.

Cited, Courts — Jurisdiction—Territorial Definition.

139 N. Y. 513; (54 St. Rep. 816). 79 Hun, 91; (61 St. Rep. 160; 29 Supp. 618). 1 App. Div. 1114; (72 St. Rep. 283; 36 Supp. 1010). 3 App. Div. 419; (74 St. Rep. 173; 38 Supp. 765). 12 App. Div. 27; (76 St. R-p. 487; 42 Supp. 487). 12 App. Div. 64; (76 St. Rep. 856, 859; 42 Supp. 856, 859). 17 App. Div. 175; (79 St. Rep. 353; 45 Supp. 353). 15 Misc. 499; (72 St. Rep. 288; 36 Supp. 1015).

Gerber v. Metropolitan El. R. Co., 3 Misc. 427; 52 St. Rep. 441; 23 Supp. 166.

Cited, Appeal—Judgment—Correction.

17 Misc. 361; (39 Supp. 1039).

Gerber v. Monie, 56 Barb. 652

Cited, Personal Property—Torts Concerning—Title in Third Person as Defense.

111 N. Y. 5; (56 St. Rep. 479).

Duplicate Citations in Parenthesis.

Gerbis v. N. Y., L. E. & W. R. Co.,
75 Hun, 605; 59 St. Rep. 624; 27 Supp.
594.

Affirmed, 148 N. Y. 749.

Gerbis v. N. Y., L. E. & W. R. Co.,
51 St. Rep. 534; 22 Supp. 21.

Cited, Evidence—Opinions — Safety of
Structure.

69 Hun, 177; (52 St. Rep. 740; 23 Supp.
358).

Gerding v. Haskin, 141 N. Y. 514; 57
St. Rep. 716.

Reversing, 2 Misc. 172; 49 St. Rep. 626; 21
Supp. 636.

Cited, Contracts—Brokers—Performance.

81 Hun, 69; (62 St. Rep. 259; 30 Supp.
595). 83 Hun, 156; (64 St. Rep. 160; 31
Supp. 571). 4 App. Div. 35; (38 Supp. 675).
13 App. Div. 119; (77 St. Rep. 301; 43 Supp.
301). 11 Misc. 113; (65 St. Rep. 117; 31
Supp. 994). 16 Misc. 381; (74 St. Rep. 312;
38 Supp. 58). 17 Misc. 359; (39 Supp. 1087).
19 Misc. 488; (77 St. Rep. 1060; 43 Supp. 1060).
20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).
20 Misc. 554.

Gerding v. Haskin, 2 Misc. 172; 49 St.
Rep. 626; 21 Supp. 636.

Cited, Appeal—Charge—Review.

10 Misc. 288; (63 St. Rep. 272; 30 Supp.
1084).

Gerken v. Royal Ben. Soc. 18 App.
Div. 38; 79 St. Rep. 384; 45 Supp. 384.

Gerlach v. Edelmeyer, 47 Super. 292.

Affirmed, 88 N. Y. 645.

Cited, Master and Servant — When Rela-
tion Exist:—Power to Control and Power to
Terminate.

8 Misc. 435; (58 St. Rep. 854; 28 Supp.
678). 15 App. Div. 244; (78 St. Rep. 236; 44
Supp. 236).

**Germ Proot Filter Co. v. Pasteur
Chamberland Filter Co.,** 81 Hun,
49; 62 St. Rep. 562; 30 Supp. 584.

Cited, Pleading—Slander.

20 Misc. 525.

German v. Machin, 6 Paige, 288.

Cited, Contracts — Statute of Frauds—
Sales—Sufficiency of Writing—Price.

72 Hun, 117; (55 St. Rep. 540; 25 Supp.
308; 30 Abb. N. C. 441).

German Am. Bank v. Dickinson,
See *Burtis v. Dickinson*.

German American Bank v. Slade.
15 Misc. 287; 72 St. Rep. 427; 36 Supp.
983.

**German-American Bank of Buffalo
v. Niagara Cycle Fittings Co.,** 13
App. Div. 450; 77 St. Rep. 602; 43
Supp. 602.

**German-American Bank of Tona-
wanda v. Daly**, 88 Hun, 608; 69 St.
Rep. 46; 34 Supp. 986.

**German-American Bank of Tona-
wanda v. P. W. Scribner L. Co.,**
81 Hun, 140; 62 St. Rep. 724; 30 Supp.
740.

**German-American Investment Co.
v. Hayes**, 87 Hun, 619; 33 Supp. 1128.

**German-American Real Estate Co.
v. Starks**, 84 Hun, 430; 65 St. Rep.
619; 32 Supp. 403.

**German - American Real Estate
Title Guarantee Co. v. Coursen**,
17 Misc. 631; 75 St. Rep. 103; 40 Supp.
697.

German Bank, Matter of, 39 Hun,
181.

Cited, Executors and Administrators—
Sale of Realty to Pay Debts—Petition—Suf-
ficiency of.

1 Misc. 36; (22 Supp. 907).

German Bank of London v. Dash,
60 How. 124.

Cited, Attachment — Affidavit — Suf-
ficiency.

84 Hun, 562; (66 St. Rep. 314; 32 up.
862).

German Exchange Bank v. Kroder,
13 Misc. 192; 68 St. Rep. 219; 34 Supp.
133.

Cited, Pleading—Answer—Judgment—
Answer.

35 Supp. 381.

German Exchange Bank v. Kroder,
14 Misc. 179; 69 St. Rep. 810; 35 Supp.
380.

**German Savings Bank v. Carring-
ton**, 14 Week. Dig. 475.

Affirmed, 39 N. Y. 632.

Cited, Judgment—Action on.

67 St. Rep. 583; (33 Supp. 713; 24 Civ. Pro.
333).

German Savings Bank v. Sharer, 25
Hun. 409.

Cited, Mortgage—Foreclosure—Surplus—
Distribution—Death of Mortgagor.

68 Hun, 410; (53 St. Rep. 691; 23 Supp.
69). 5 Misc. 115; (25 Supp. 739).

Surplus Moneys—Distribution—Costs.

147 N. Y. 675; (71 St. Rep. 241).

Duplicate Citations in Parenthesis.

Germania Fire Ins. Co. v. Home Ins. Co., 4 Misc. 443; 53 St. Rep. 563; 24 Supp. 357.

Affirmed, 144 N. Y. 195; 63 St. Rep. 91.

Germania Fire Ins. Co. v. Home Ins. Co., 144 N. Y. 195; 63 St. Rep. 91.

Germania S. Bank v. Jung, 18 Supp. 709.

Cited, 82 Hun, 204; (63 St. Rep. 779; 31 Supp. 330).

Germania Savings Bank v. Suspension Bridge, Village of, 73 Hun, 590; 56 St. Rep. 178; 26 Supp. 98.

Germann v. Suburban R. T. Co., 37 St. Rep. 360; 13 Supp. 897.

Affirmed, 128 N. Y. 681.

Cited, Railroads—Negligence.

11 Misc. 538; (64 St. Rep. 467; 32 Supp. 742).

Germicide Co. of N. Y., Matter of, 65 Hun, 606; 20 Supp. 495.

Cited, Corporations—Proxies.

17 App. Div. 244; (79 St. Rep. 574; 45 Supp. 574).

Germond v. Jones, 2 Hill, 569.

Cited, Executors and Administrators—Power of Sale—Interest of Heirs.

49 St. Rep. 461; (20 Supp. 952). 80 Hun, 362; (61 St. Rep. 820; 30 Supp. 79).

Gernau v. Oceanic Steam Nav. Co., 141 N. Y. 588; 58 St. Rep. 835.

Affirming, 54 St. Rep. 933.

Gernau v. Oceanic Steam Nav. Co., 50 St. Rep. 156; 21 Supp. 371.

Gerould v. Cronk, 85 Hun, 500; 66 St. Rep. 830; 33 Supp. 202.

Gerould v. Wilson, 81 N. Y. 573.

Cited, Principal and Surety—Accounting—Effect on Surety.

152 N. Y. 503; (4 App. Div. 251; 73 St. Rep. 611; 38 Supp. 520).

Gerow, Matter of, 23 Supp. 847.

Cited, Executors—Management of Estate—Accounting—Vouchers.

5 Misc. 141; (25 Supp. 703).

Gerry, Matter of, 103 N. Y. 445; 3 St. Rep. 688.

Cited, Trusts—Increase—Right of Remainderman to.

75 Hun, 534; (57 St. Rep. 657; 27 Supp. 496). 85 Hun, 574; (66 St. Rep. 826; 33 Supp. 198). 67 St. Rep. 661, 662; (33 Supp. 980, 981).

Gerry v. Liddle, 82 Hun, 85; 63 St. Rep. 358; 31 Supp. 58.

Gerstein v. Fisher, 12 Misc. 211; 67 St. Rep. 824; 33 Supp. 1120.

Gerstein v. Fisher, 14 Misc. 644; 70 St. Rep. 884; 35 Supp. 1107.

Gerton Carriage Co. v. Richardson, 6 Misc. 466; 59 St. Rep. 654; 27 Supp. 625.

Gertum v. Kings County Super's of, 109 N. Y. 170.

Cited, Constitutional Law—Legislature—Power—Creation of Courts.

17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352).

Gerwig v. Sitterly, 56 N. Y. 214.

Cited, Usury—Debt—Recovery.

15 Misc. 426; (73 St. Rep. 60; 34 Supp. 847).

Gescheidt v. Drier, 142 N. Y. 651; 60 St. Rep. 868.

Affirming, 44 St. Rep. 481; 17 Supp. 741.

Cited, Contracts—Mortgage—Support.

13 Misc. 599; (35 Supp. 158).

Gescheidt v. Drier, 47 St. Rep. 410; 20 Supp. 11.

Cited, Gift—Delivery—Necessity.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781).

Getman v. New York, 66 Hun, 236; 49 St. Rep. 153; 21 Supp. 116.

Getty v. Binsse, 49 N. Y. 385.

Cited, Bonds—Indemnity—Discharge.

138 N. Y. 207; (52 St. Rep. 147).

Getty v. Devlin, 54 N. Y. 403.

Cited, Contracts—Statute of Frauds—Speculation in Land.

73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

Frauds—Corporations—Partnership—Misrepresentations of Members—Liability.

72 Hun, 341; (55 St. Rep. 59; 25 Supp. 435).

Contracts—Fraud—Election of Remedies.

13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Getty v. Donelly, 9 Hun, 603.

Cited, Fraud—Suppression of Facts.

3 Misc. 541; (52 St. Rep. 413; 23 Supp. 13).

Getty v. Hamlin, Town of, 46 Hun, 1; 11 St. Rep. 96.

Cited, Pleading—Admission—Uncontroverted Facts.

86 Hun, 483; (69 St. Rep. 465; 35 Supp. 52).

Municipal Corporations—Lack of Funds—Defense.

2 App. Div. 23; (72 St. Rep. 688; 37 Supp. 334).

Duplicate Citations in Parenthesis.

Getty v. Hamlin, Town of, 127 N. Y. 636; 3 Silv. Ct. App. 447; 37 St. Rep. 141.

Cited, Evidence—Negligence—Proof of Alterations after Accident.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 613).

Getty v. Hudson R. R. Co., 8 How. 177.

Cited, Pleading — Demurrer — When Proper.

8 Misc. 92; (60 St. Rep. 157; 28 Supp. 779).

Getzelson v. Bernstein, 15 Misc. 627; 72 St. Rep. 799; 37 Supp. 220.

Getzler v. Boehm, 16 Misc. 390; 74 St. Rep. 309; 38 Supp. 52.

Geyer v. Snyder, 140 N. Y. 394; 55 St. Rep. 811.

Affirming, 69 Hun, 115; 53 St. Rep. 53; 23 Supp. 200.

Gibb v. Redway Mfg Co., 20 Misc. 43; 79 St. Rep. 329; 45 Supp. 329.

Gibbes v. Jenkins, 3 Sandf. Ch. 130.

Cited, Landlord and Tenant—Renewal of Lease—Continuity of Estate.

76 Hun, 306; (57 St. Rep. 804; 27 Supp. 779).

Gibbins v. Campbell, 50 St. Rep. 855; 21 Supp. 186.

Affirmed, 148 N. Y. 410.

Gibbins v. Campbell, 148 N. Y. 410.

Gibbins v. Lowry, 50 St. Rep. 859; 21 Supp. 283.

Gibbons v. Berhard, 3 Bosw. 635.

Cited, Attachment—Undertaking — Liabilities of Sureties on—Defense—Irregularity.

6 Misc. 306; (58 St. Rep. 148; 26 Supp. 792).

Gibbons v. Dayton, 4 Hun, 451.

Cited, Landlord and Tenant—Termination of Tenancy.

92 Hun, 512; (72 St. Rep. 214; 37 Supp. 61). 18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32).

Gibbons v. Gouverneur, 1 Den. 170.

Cited, Contract — Illegality — Enforcement—Penal Impunity—Recovery — Pooling Law.

8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533). D. 87 Hun, 254; (67 St. Rep. 432, 433; 33 Supp. 759, 760). 14 Misc. 59; 69 St. Rep. 621, 622; 35 Supp. 246, 247).

Gibbons v. Phoenix, Village of, 39 St. Rep. 658; 15 Supp. 410.

Cited, Trial—Question of Fact—Contributory Negligence.

77 Hun, 442; (60 St. Rep. 675; 29 Supp. 106).

Gibbons v. Van Alstyne, 29 St. Rep. 461; 9 Supp. 166.

Cited, Appeal — Justice's Return—Affidavits.

80 Hun, 34; (61 St. Rep. 620; 29 Supp. 869).

Justice of the Peace—Entering Jury Room—Effect.

83 Hun, 294; (64 St. Rep. 651; 31 Supp. 915). 92 Hun, 597; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20).

Gibbs v. Carnahan, 4 Misc. 564; 25 Supp. 786.

Affirmed, 77 Hun, 607; 59 St. Rep. 892; 28 Supp. 1135.

Cited, Evidence—Burden of Proof—Gift—Conversion.

6 Misc. 273; (58 St. Rep. 132; 26 Supp. 765).

Gifts—Causa Mortis—Evidence.

20 Misc. 257; (79 St. Rep. 341; 45 Supp. 341).

Gibbs v. Carnahan, 77 Hun, 607; 59 St. Rep. 892; 28 Supp. 1135.

Affirmed, 149 N. Y. 567.

Gibbs v. Continental Ins. Co., 13 Hun, 611.

Cited, Insurance—Premises—Occupation. 92 Hun, 227; (72 St. Rep. 399; 36 Supp. 876).

Gibbs v. Dutchess County Mut. Ins. Co., 50 St. Rep. 35; 21 Supp. 203.

Gibbs v. Flour City Nat. Bank, 86 Hun, 103; 68 St. Rep. 245; 34 Supp. 195.

Gibbs v. Queen Ins. Co., 63 N. Y. 114.

Cited, Corporations—Foreign—Domicile—Agent for Service of Process Upon.

138 N. Y. 220; (52 St. Rep. 168). 12 Misc. 233; (67 St. Rep. 786; 33 Supp. 1083).

Writ and Process—Service—On Foreign Corporation—Officer Within State.

67 Hun, 286; (51 St. Rep. 364; 22 Supp. 88). 147 N. Y. 622; (71 St. Rep. 262; 2 Ann. Cas. 419). 7 App. Div. 300; (40 Supp. 271).

Gibbs v. Long Island Bank, 93 Hun, 92; 63 St. Rep. 854; 31 Supp. 406.

Affirmed, 151 N. Y. 657.

Cited, Corporations — Contracts—Stockholders—Construction.

92 Hun, 576; (72 St. Rep. 291; 36 Supp. 1019).

Gibbs v. Prindle, 9 App. Div. 29; 75 St. Rep. 590; 41 Supp. 132.

Cited, Supplementary Proceedings—Judgment Debtor's Failure to Appear—Effect.

11 App. Div. 471; (76 St. Rep. 330; 42 Supp. 330).

Duplicate Citations in Parenthesis.

Gibbs v. Prindle, 11 App. Div. 470; 76 St. Rep. 329; 42 Supp. 329.

Gibbs v. N. Y. L. Ins. & T. Co., 14 Abb. N. C. 1.

Cited, Attorney and Client—Undue Influence—Effect.

12 App. Div. 186; (76 St. Rep. 841; 42 Supp. 841).

Gibert v. Gibert, 5 Misc. 555; 26 Supp. 30.

Cited, Husband and Wife—Agreement for Separation—Effect.

16 App. Div. 615; (78 St. Rep. 975; 44 Supp. 975).

Gibert v. Peteler, 88 Barb. 488.

Cited, Covenant—Restricting Use of Land—Deed.

30 Abb. N. C. 267; (24 Supp. 784).

Gibert v. Peteler, 88 N. Y. 165.

Cited, Contract—When Available to Third Party.

2 Misc. 391; (50 St. Rep. 605; 21 Supp. 986).

Giblin v. National Steamship Co., 8 Misc. 22; 53 St. Rep. 311; 28 Supp. 69.

Gibney v. State, 137 N. Y. 529; 50 St. Rep. 5.

Cited, Proximate Cause—Unforeseen Accident.

79 Hun, 506; (61 St. Rep. 260; 29 Supp. 949). 13 App. Div. 582; (77 St. Rep. 1008; 43 Supp. 1008). 16 App. Div. 257; (78 St. Rep. 643; 44 Supp. 643). 79 St. Rep. 447; (45 Supp. 447).

Gibson v. American Loan & T. Co., 58 Hun, 443; 35 St. Rep. 192; 12 Supp. 444.

Cited, Courts—Jurisdiction—Trustees—Subject of Action.

8 Misc. 241; (59 St. Rep. 225; 28 Supp. 553). D. 8 Misc. 241; (59 St. Rep. 226; 28 Supp. 553).

Gibson v. Blakley, 85 Hun, 305; 66 St. Rep. 489; 32 Supp. 1005.

Gibson v. Denton, 4 App. Div. 198; 74 St. Rep. 197; 33 Supp. 554.

Cited, Appeal—Motion for New Trial—Order Not Entered—Effect.

79 St. Rep. 107; (45 Supp. 1047).

Gibson v. Erie Railway Co., 63 N. Y. 409.

Cited, Master and Servant—Apparent Risks—Knowledge of Servant—Effect.

71 Hun, 131; (54 St. Rep. 223; 24 Supp. 536). 72 Hun, 405; (55 St. Rep. 286; 25 Supp. 207). 50 St. Rep. 834; (22 Supp. 346). 70 Hun, 525; (53 St. Rep. 789; 24 Supp. 406).

67 Hun, 489; (51 St. Rep. 251; 22 Supp. 483).

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102).

1 Misc. 306; (48 St. Rep. 772; 20 Supp. 712).

10 Misc. 338; (63 St. Rep. 519; 31 Supp. 137).

10 Misc. 339; (63 St. Rep. 519; 31 Supp. 137).

11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835).

12 Misc. 222; (66 St. Rep. 860; 33 Supp. 268).

13 Misc. 165; (68 St. Rep. 188; 34 Supp. 140).

88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410).

92 Hun, 147; (71 St. Rep. 152; 36 Supp. 382).

62 St. Rep. 224, (29 Supp. 712).

Gibson v. Gibson, 68 Hun, 381; 51 St. Rep. 897; 22 Supp. 813.

Cited, Motion—Denial—Failure to Observe Rule.

12 Misc. 213; (67 St. Rep. 893; 34 Supp. 26).

Gibson v. Lenane, 94 N. Y. 183.

Cited, Assignment—Equitable—Orders.

67 Hun, 104; (51 St. Rep. 406; 23 Supp. 37).

Mechanic's Lien—Enforcement—Prior Claims.

73 Hun, 176; (57 St. Rep. 148; 25 Supp. 1100).

Mechanic's Lien—Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021).

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78).

Statutes—Construction—Effect to all Language.

4 Misc. 553; (54 St. Rep. 206; 24 Supp. 743).

Contracts—Assignment—Consideration.

19 Misc. 17; (76 St. Rep. 845; 42 Supp. 845).

Gibson v. National Park Bank, 98 N. Y. 87.

Cited, Trial—Instructions—Failure to Produce Witnesses.

8 Misc. 450; (59 St. Rep. 38; 28 Supp. 684).

Corporations—Agents—Authority.

92 Hun, 453; (74 St. Rep. 209; 38 Supp. 581).

7 App. Div. 471; (39 Supp. 1108).

Fraudulent Conveyance—Execution—Effect.

12 Misc. 524; (67 St. Rep. 799; 33 Supp. 1096; 24 Civ. Pro. 435).

Supplemental Pleadings—Without Order of Court—Effect.

20 Misc. 67; (78 St. Rep. 433; 44 Supp. 433; 3 Ann. Cas. 388).

Gibson v. Northern Central R. Co., 23 Hun, 289.

Cited, Master and Servant—Fellow Servants.

12 Misc. 411; (67 St. Rep. 410; 33 Supp. 587).

Duplicate Citations in Parenthesis.

Gibson v. Renne, 19 Wend. 389.

Cited, Contracts—Payment — Extension of Time.

66 St. Rep. 48; (32 Supp. 664).

Gibson v. Roach, 2 App. Div. 86; 73 St. Rep. 199; 37 Supp. 567.

Gibson v. Tobey, 46 N. Y. 637.

Cited, Note—Precedent Debt—Payment —Presumption.

16 Misc. 555; (74 St. Rep. 265; 38 Supp. 747).

Gibson Electric Co. v. Liverpool & L. & G. Ins. Co., 10 App. Div. 225; 75 St. Rep. 1064; 41 Supp. 675.

Giddings v. Seward, 16 N. Y. 365.

Cited, Construction — Wills—Demonstration—Legacy.

140 N. Y. 428; (55 St. Rep. 802); 82 Hun, 467; (64 St. Rep. 400; 31 Supp. 722). 19 Misc. 214.

Gideon v. Dwyer, 17 Misc. 233; 75 St. Rep. 1485; 40 Supp. 1053.

Affirmed, 7 App. Div. 608; 41 Supp. 1116.

Gideon v. Dwyer, 87 Hun, 246; 67 St. Rep. 427; 33 Supp. 754.

Cited, Libel and Slander—Actionable per se.

91 Hun, 589; (70 St. Rep. 827; 36 Supp. 252). 3 App. Div. 128; (39 Supp. 393). 19 Misc. 502; (78 St. Rep. 27; 44 Supp. 27).

Gidley v. Bidley, 65 N. Y. 169.

Cited, Arbitration—Award — Waiver of Informalities.

3 Misc. 289; (52 St. Rep. 409; 22 Supp. 788).

Gidney v. Blake, 11 Johns. 54.

Cited, Slander—Ambiguous Designation —Effect.

14 Misc. 329; (70 St. Rep. 357; 35 Supp. 840).

Gies Lithographic Company, Matter of, 7 App. Div. 550; 74 St. Rep. 704; 40 Supp. 146.

Gifford v. Corrigan, 105 N. Y. 223; 7 St. Rep. 7.

Cited, Evidence—Written Instruments—Collateral Parol Agreements.

8 Misc. 316; (59 St. Rep. 283; 28 Supp. 739).

Infants—Contract by—Disaffirmance.

59 St. Rep. 516; (29 Supp. 1122).

Contracts—Promise — Action by Third Party.

143 N. Y. 533; (62 St. Rep. 874).

Mortgagor—New Security — Subrogation of Mortgagee.

85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660).

Deeds—Delivery—Presumption.

11 Misc. 566; (66 St. Rep. 97; 32 Supp. 768).

Gifford v. Corrigan, 117 N. Y. 257; 27 St. Rep. 233.

Cited, Contract—Covenant for Benefit of Third Person—To Whom Available.

50 St. Rep. 164; (21 Supp. 360). 8 Misc. 316; (59 St. Rep. 283; 28 Supp. 739).

143 N. Y. 522; (62 St. Rep. 854). 150 N. Y. 238. 85 Hun, 551; (67 St. Rep. 44; 33 Supp. 360). 90 Hun, 78; (69 St. Rep. 849; 35 Supp. 456). 92 Hun, 469; (71 St. Rep. 851; 36 Supp. 551). 11 App. Div. 424; (76 St. Rep. 342; 42 Supp. 342).

New Security of Mortgagor—Mortgagee—Right of Subrogation.

85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660).

Gifford v. Gravesend, Town of, 8 Abb. N. C. 246.

Cited, Action — Change of Venue—Demand for—Proper County.

76 Hun, 118; (57 St. Rep. 381; 27 Supp. 833).

Gifford v. Rising, 55 Hun, 61; 28 St. Rep. 310; 8 Supp. 279.

Cited, Husband and Wife—Control of Husband Over Estate by Entirety.

67 Hun, 233; (50 St. Rep. 781; 22 Supp. 798).

Gifford v. Rising, 59 Hun, 42; 35 St. Rep. 695; 12 Supp. 428.

Cited, Principal and Surety—Subrogation—Assignment—Relief by Motion.

77 Hun, 582; (60 St. Rep. 538; 28 Supp. 1043).

Gifford v. Waters, 67 N. Y. 80.

Cited, Contract—Master and Servant—Discharge of Servant—Damages—Measure of.

9 Misc. 392; (61 St. Rep. 635; 30 Supp. 195).

Gifford v. White Plains, Town of, 25 Hun, 606.

Cited, Towns — Taxes — Certificates of Indebtedness.

83 Hun, 102; (63 St. Rep. 817; 31 Supp. 405).

Gihon v. Stanton, 9 N. Y. 476.

Cited, Consignments—Advances—Effect.

3 App. Div. 581; (73 St. Rep. 811; 38 Supp. 340).

Gilbert, Matter of, 39 Hun, 61.

Cited, Surrogate—Jurisdiction — Executors and Administrators — Investment in Land.

86 Hun, 297; (67 St. Rep. 50; 33 Supp. 307). 20 Misc. 539.

Duplicate Citations in Parenthesis.

Gilbert, Matter of, 33 St. Rep. 12; 11 Supp. 743.

Cited, Wills—Construction—Devise—Life Estate—Words of Enlargement.
5 Misc. 20; (25 Supp. 60).

Gilbert, Matter of, 3 Abb. N. C. 222.

Gilbert, Matter of, 104 N. Y. 200; 5 St. Rep. 673.

Cited, Mortgage—Merger—Intention of Parties.

92 Hun, 218; (71 St. Rep. 201; 36 Supp. 363).

Gilbert v. Comstock, 93 N. Y. 484.

Cited, Decedent's Estates—Executors—Claims—Contest.

85 Hun, 123; (66 St. Rep. 25; 32 Supp. 638; 2 Ann. Cas. 49).

Executors and Administrators—Statute of Limitations—Duty to Assert.

4 App. Div. 476; (74 St. Rep. 488; 38 Supp. 809).

Gilbert v. Deshon, 107 N. Y. 324; 12 St. Rep. 492.

Affirming, 35 Hun, 670.

Cited, Estoppel—Equitable—Acts of Agent—Extent of.

9 Misc. 639; (62 St. Rep. 110; 30 Supp. 355).

Gilbert v. Gilbert, 5 Misc. 555; 26 Supp. 30.

Cited, Husband and Wife—Agreement for—Separation—Effect.

13 Misc. 593; (71 St. Rep. 597; 36 Supp. 821).

Gilbert v. Gilbert, 2 Abb. Ct. App. Dec. 256.

Cited, Conveyance—Fraud—Trusts.

11 Misc. 260; (64 St. Rep. 256; 32 Supp. 837).

Gilbert v. Hemlich, 6 App. Div. 80; 39 Supp. 629.

Gilbert v. Kings County, Supervisors of, 136 N. Y. 180; 48 St. Rep. 850.

Reversing, 46 St. Rep. 142; 18 Supp. 892.

Gilbert v. Knox, 52 N. Y. 125.

Cited, Wills—Attestation—Request to Witnesses Made by Scrivener—Assent of Testator.

141 N. Y. 157; (56 St. Rep. 680). 55 Hun, 558; (66 St. Rep. 779; 33 Supp. 154). 13 Misc. 558; (70 St. Rep. 192; 35 Supp. 494). 14 Misc. 489; (71 St. Rep. 595; 36 Supp. 819). 15 Misc. 212; (72 St. Rep. 760; 37 Supp. 225). 17 Misc. 549; (75 St. Rep. 675; 41 Supp. 265).

Gilbert v. Long Island R. Co., 80 Hun, 366; 62 St. Rep. 408; 29 Supp. 1144.

Cited, Appeal—Verdict of Jury—Presumption.

82 Hun, 170; (63 St. Rep. 771; 31 Supp. 322).

Gilbert v. McKenna, 15 Misc. 25; 71 St. Rep. 480; 36 Supp. 430; 25 Civ. Pro. 143.

Gilbert v. Mickle, 4 Sandf. Ch. 357.

Cited, Injunction—Criminal Remedy.

67 Hun, 306; (50 St. Rep. 898; 22 Supp. 314).

Gilbert v. Morrison, 53 Hun, 442; 25 St. Rep. 477; 6 Supp. 491.

Cited, Action—Form—To Compel Payment of Legacy—Right to Jury.

31 Abb. N. C. 66; (5 Misc. 314; 26 Supp. 56).

Gilbert v. North American Fire Ins. Co., 23 Wend. 43.

Cited, Deed—Delivery to Grantee—Conditions.

142 N. Y. 363; (59 St. Rep. 30). 11 Misc. 566; (66 St. Rep. 97; 32 Supp. 768).

Evidence—Parol to Vary Writing.

2 Misc. 377; (50 St. Rep. 595; 21 Supp. 1096).

Infants—Contract by—Disaffirmance.

59 St. Rep. 516; (29 Supp. 1122).

Gilbert v. People, 1 Den. 41.

Cited, Slander in Pleading—Effect.

153 N. Y. 219. 84 Hun, 120; (65 St. Rep. 647; 32 Supp. 462; 1 Ann. Cas. 331).

Gilbert v. Platt, 12 App. Div. 242; 76 St. Rep. 764; 42 Supp. 764.

Gilbert v. Rounds, 14 How. 46.

Cited, Pleading—Answer—Failure to Deny—Effect as Admission—Damages—Torts.

74 Hun, 558; (57 St. Rep. 235; 26 Supp. 630).

Gilbert v. Sage, 57 N. Y. 639.

Cited, Witnesses—Contradiction—Statements Made Out of Court.

9 Misc. 24; (59 St. Rep. 679; 29 Supp. 43).

Gilbert v. Shortsville Cart Co., 39 St. Rep. 763; 15 Supp. 316.

Cited, Appeal—Discretionary Order—Review.

88 Hun, 253; (63 St. Rep. 622; 34 Supp. 658).

Venue—Motion to Change—Affidavits.

5 App. Div. 558; (39 Supp. 435).

Gilbert v. Taylor, 76 Hun, 92; 57 St. Rep. 332; 27 Supp. 828.

Affirmed, 148 N. Y. 298.

Duplicate Citations in Parenthesis.

Gilbert v. Taylor, 148 N. Y. 298.

Gilbert v. Thayer, 104 N. Y. 200; 5 St. Rep. 673; 25 Week. Dig. 470.

Cited, Assignment—As Collateral—Rights of Assignor on Foreclosure.

69 Hun, 41; (52 St. Rep. 828; 23 Supp. 441).

Gilbert v. Vanderpool, 15 Johns. 242.

Cited, Attorneys—Freedom From Arrest—Privilege.

18 Misc. 374; (75 St. Rep. 1045; 41 Supp. 658).

Gilbert v. Wiman, 1 N. Y. 550.

Cited, Bonds—To Pay Insurance Premiums—Plea Non-damnificatus.

2 Misc. 381; (50 St. Rep. 598; 21 Supp. 1099). 16 Misc. 472; (39 Supp. 924).

Levy—Liability of Indemnitors.

137 N. Y. 441; (51 St. Rep. 80).

Contracts—Indemnity—Right of Action.

7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364). 16 App. Div. 211; (78 St. Rep. 648; 44 Supp. 648).

Gilbert v. York, 111 N. Y. 544; 20 St. Rep. 126.

Followed, Courts—Inferior—Jurisdiction—Presumption—County Court—Necessity of Pleading Residence of Defendant.

23 Civ. Pro. 210; 5 Misc. 97; 24 Supp. 835). 16 App. Div. 40; (78 St. Rep. 786; 44 Supp. 786). 17 Misc. 369; (40 Supp. 71). 79 St. Rep. 767; (45 Supp. 767).

Pleading—Complaint—Jurisdiction—Demurrer.

76 Hun, 545; (58 St. Rep. 244; 28 Supp. 211).

Gilbert El. R. Co., Matter of, 70 N. Y. 361.

Cited, Railroads Franchise.

9 Misc. 546; (62 St. Rep. 202; 30 Supp. 556). D. 143 N.Y. 45, 54; (60 St. Rep. 379, 585).

Statutes—Local—Constitutionality.

8 Misc. 569; (60 St. Rep. 683; 29 Supp. 778). 148 N. Y. 551. 81 Hun, 327; (29 Supp. 778). 12 Misc. 191; (67 St. Rep. 267; 33 Supp. 605). 9 Misc. 545; (32 St. Rep. 201; 30 Supp. 554).

Gilbert El. R. Co. v. Anderson, 3 Abb. N. C. 434.

Cited, Statute—Construction—Constitutionality.

90 Hun, 487; (71 St. Rep. 47; 36 Supp. 40). 10 Misc. 244; (62 St. Rep. 464; 30 Supp. 821).

Gilbertson v. Forty-Second St. R. Co., 14 Misc. 527; 70 St. Rep. 698; 35 Supp. 1081.

Gilbertson v. Forty-Second St. M. & St. N. Ave. R. Co., 14 App. Div. 294; 77 St. Rep. 782; 43 Supp. 782.

Gilchrist v. Rea, 9 Paige, 66.

Cited, Decedent's Estate—Sale of Land.

15 Misc. 206; (72 St. Rep. 186; 37 Supp. 35).

Gilder v. Davis, 137 N. Y. 504; 51 St. Rep. 179.

Reversing, 45 St. Rep. 690; 18 Supp. 544.

Cited, Brokers—Commissions—Rescission of Contract.

4 Misc. 181; (53 St. Rep. 175; 23 Supp. 1003).

Brokers—Real Estate—Compensation.

8 Misc. 371; (59 St. Rep. 584; 28 Supp. 699). 13 Misc. 501; (68 St. Rep. 405; 34 Supp. 677). 19 Misc. 489; (77 St. Rep. 1061; 43 Supp. 1061).

Gilder v. Davis, 45 St. Rep. 690; 18 Supp. 544.

Reversed, 137 N. Y. 504; 51 St. Rep. 179.

Cited, Trial—Question of Fact—Effect of Request—By Each Party for Direction of Overdict.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9). 11 Misc. 377; (65 St. Rep. 425; 32 Supp. 243).

Gildersleeve v. Board of Education, 17 Abb. 201.

Cited, Officers—Boards of—Action by.

5 Misc. 162; (25 Supp. 698).

Gildersleeve v. Dixon, 6 Daly. 76.

Cited, Appeal—Review of Evidence—Exceptions.

9 Misc. 118; (59 St. Rep. 707; 29 Supp. 289).

Gildersleeve v. Landon, 73 N. Y. 609.

Cited, Appeal—Reversal of Findings—Insufficiency of Evidence.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717).

Evidence—Witness—Credibility—Weight and Effect.

1 Misc. 169; (48 St. Rep. 675; 20 Supp. 632). 1 Misc. 320; (48 St. Rep. 719; 20 Supp. 676). 3 Misc. 244; (52 St. Rep. 138; 22 Supp. 942). 140 N. Y. 666; (55 St. Rep. 842). 7 Misc. 178; (57 St. Rep. 546; 27 Supp. 348). 1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679). 1 Misc. 173; (48 St. Rep. 683; 20 Supp. 653). 1 Misc. 286; (48 St. Rep. 758; 20 Supp. 694). 1 Misc. 178; (48 St. Rep. 673; 20 Supp. 690). 1 Misc. 163; (48 St. Rep. 787; 20 Supp. 638). 7 Misc. 174; (57 St. Rep. 523; 27 Supp. 326). 84 Hun, 171; (65 St. Rep. 685; 32 Supp. 559). 87 Hun, 528; (68 St. Rep. 507; 34 Supp. 500). 92 Hun, 73; (71 St. Rep. 239; 36 Supp. 344). 4 App. Div. 226; (74 St. Rep. 217; 38 Supp. 590). 20 Misc. 20; (78 St. Rep. 776; 44 Supp. 776).

Duplicate Citations in Parenthesis.

Trial—Withdrawing from Jury—Conflict of Evidence.

67 Hun, 520; (51 St. Rep. 99; 22 Supp. 575).

Gildersleeve v. Lester, 68 Hun, 532; 52 St. Rep. 559; 22 Supp. 1026.

Cited, Corporations and Officers—Actions Against.

90 Hun, 255; (35 Supp. 721).

Gildersleeve v. Lester, 68 Hun, 535; 52 St. Rep. 560; 22 Supp. 1028.

Affirmed, 139 N. Y. 608; 54 St. Rep. 929.

Cited, Judgment—Enforcement—Contempt.

78 Hun, 347; (60 St. Rep. 739; 29 Supp. 127). 15 Misc. 366; (72 St. Rep. 473; 37 Supp. 408; 25 Civ. Pro. 142).

Gildersleeve v. Lester, 69 Hun, 344; 53 St. Rep. 316; 23 Supp. 471.

Gile v. Libby, 36 Barb. 70.

Cited, Innkeepers—Property of Guest—Responsibility.

90 Hun, 190; (70 St. Rep. 537; 35 Supp. 741).

Giles, Matter of, 11 Paige, 638.

Cited Courts—Jurisdiction—Lunatics.

3 App. Div. 143; (74 St. Rep. 470; 38 Supp. 41).

Giles, Matter of, 11 Abb. N. C. 57.

Cited, Surrogate's Jurisdiction—Probate of Wills.

18 Misc. 523; (76 St. Rep. 1088; 42 Supp. 1088).

Giles v. Baremore, 5 Johns. Ch. 545.

Cited, Mortgage—Foreclosure—Limitation.

145 N. Y. 61; (64 St. Rep. 523).

Giles v. Comstock, 4 N. Y. 270.

Cited, Landlord and Tenant—Lease—Rent—Action for—Defenses—Eviction.

77 Hun, 200; (59 St. Rep. 764; 28 Supp. 355). 7 Misc. 725; (58 St. Rep. 230; 28 Supp. 45). 8 Misc. 307; (59 St. Rep. 280; 28 Supp. 728). 17 Misc. 607; (75 St. Rep. 56; 40 Supp. 655). 18 Misc. 230; (75 St. Rep. 912; 41 Supp. 523).

Giles v. Dugro, 1 Duer. 331.

Cited, Incumbrances—Covenant Against—Damages—Breach.

13 Misc. 225; (68 St. Rep. 83, 84; 34 Supp. 226, 227).

Giles v. Halbert, 12 N. Y. 32.

Cited, Costs—Order for—Appeal.

12 Misc. 63; (66 St. Rep. 689; 33 Supp. 87; 24 Civ. Pro. 396; 1 Ann. Cas. 283).

Giles v. O'Toole, 4 Barb. 261.

Cited, Landlord and Tenant—Failure to Give Possession—Damages.

139 N. Y. 436; (54 St. Rep. 699). 90 Hun 564; (71 St. Rep. 405; 36 Supp. 69).

Gilfoyle v. Cahill, 18 Misc. 68; 41 Supp. 29.

Gilhooly v. American Surety Co., 87 Hun, 395; 68 St. Rep. 272; 34 Supp. 347.

Gilhooley v. Washington, 4 N. Y. 217.

Cited, Landlord and Tenant—Abandonment by Tenant—When Justified.

2 Misc. 67; (49 St. Rep. 142; 20 Supp. 843). 12 App. Div. 103; (76 St. Rep. 1030; 42 Supp. 1030).

Pleading—Answer—Rent—Occupation.

9 Misc. 267; (61 St. Rep. 319; 29 Supp. 742). 15 Misc. 639; (72 St. Rep. 796; 37 Supp. 217). 15 Misc. 629; (72 St. Rep. 705; 37 Supp. 352).

Gill v. Aetna Live Stock Co., 82 Hun, 363; 64 St. Rep. 82; 31 Supp. 485.

Gill v. Brouwer, 37 N. Y. 549.

Cited, Wills—Devise—Death of Beneficiary—Effect.

15 Misc. 377; (72 St. Rep. 823; 38 Supp. 431).

Gill v. McNamee, 42 N. Y. 44.

Cited, Evidence—Sale—Price.

144 N. Y. 566; (64 St. Rep. 236). 3 App. Div. 423; (74 St. Rep. 99; 38 Supp. 764).

Gill v. N. Y. Cab Co., 48 Hun, 524; 16 St. Rep. 236; 1 Supp. 202.

Cited, Corporations—Directors—Compensation.

83 Hun, 536; (65 St. Rep. 145; 32 Supp. 88).

Gillespie, Matter of, 18 Abb. N. C. 41.

Cited, Life Tenants—Possession—Security.

6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153). 19 Misc. 84; (77 St. Rep. 973; 43 Supp. 973).

Gillespie v. Brooks, 2 Redf. 349.

Cited, Taxes—Life Tenant.

16 Misc. 247; (39 Supp. 190).

Gillespie v. Davidge Fertilizer Co., 49 St. Rep. 423 20 Supp. 833.

Gillespie v. Dry Dock E. B. & B. R. Co., 12 App. Div. 501; 76 St. Rep. 425; 42 Supp. 245.

Cited, Master and Servant—Risks—Assumption.

12 App. Div. 626; (76 St. Rep. 1125; 42 Supp. 1125).

*Duplicate Citations in Parenthesis.***Gillespie v. Moon**, 2 Johns Ch. 585.

Cited, Contracts — Reformation — Evidence.

149 N. Y. 58; 79 St. Rep. 463; (45 Supp. 463).

Gillespie v. Mulholland, 8 Misc. 511; 59

St. Rep. 407; 28 Supp. 754.

Affirmed, 12 Misc. 40; 66 St. Rep. 532; 33 Supp. 33.

Gillespie v. Mulholland, 12 Misc. 40;

66 St. Rep. 532; 33 Supp. 33.

Gillespie v. New York, 3 Edw. Ch. 512.

Cited, Interest—By Way of Penalty—Satisfaction of Principal—Effect of.

1 Misc. 256; (22 Supp. 1087). 10 App. Div. 473; (76 St. Rep. 305; 42 Supp. 305). 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321). 12 Misc. 78; (66 St. Rep. 675; 33 Supp. 44).

Gillespie v. New York, 6 Daly, 286.

Cited, Municipal Corporations — Employee's Discharge.
30 Supp. 406.

Gillespie v. Torrance, 25 N. Y. 306.

Cited, Principal and Surety—Rights of Surety—Set-Off by Principal—Available to Surety.

75 Hun, 261; (58 St. Rep. 287; 26 Supp. 1017). 139 N. Y. 336; (54 St. Rep. 631).

Bills and Notes—Consideration—Right of Surety—Counterclaim.

141 N. Y. 327; (57 St. Rep. 423).

Counterclaim—Damages of Dispossessed Grantee against Purchase Price.

66 Hun, 159; (49 St. Rep. 137; 20 Supp. 969). 16 App. Div. 490; (78 St. Rep. 916; 44 Supp. 916).

Gillespie v. Weinberg, 6 Misc. 302; 58

St. Rep. 139; 26 Supp. 781.

Affirmed, 148 N. Y. 238.

Gillespie v. Weinberg, 148 N. Y. 238.**Gillespie v. Bilbrough**, 15 App. Div. 212;

78 St. Rep. 260; 44 Supp. 260.

Gillet v. Hutchinson's Admrs. 24 Wend. 184.

Cited, Pleading—Executors—Joinder of Actions.

146 N. Y. 140; (66 St. Rep. 273; 2 Ann. Cas. 38).

Gillet v. Phillips, 13 N. Y. 114.

Cited, Contracts — Illegal — Implied Assumpsit.

67 Hun, 48; (59 St. Rep. 72; 28 Supp. 463).

Gillet v. Roberts, 57 N. Y. 28.

Cited, Conversion—What Constitutes—Demand.

75 Hun, 93; (58 St. Rep. 153; 26 Supp. 1037). 145 N. Y. 615; (71 St. Rep. 366). 82 Hun, 336; (64 St. Rep. 109; 31 Supp. 509).

Gillett v. Bate, 86 N. Y. 87.

Cited, Patents—Rights to Use—Nature of as Property.

67 Hun, 288; (51 St. Rep. 365; 22 Supp. 89).

Gillett v. Kinderhook, 77 Hun, 604;

60 St. Rep. 485; 28 Supp. 1044.

Cited, Appeal—Verdict Against Evidence—Effect.

10 Misc. 726; (65 St. Rep. 104; 31 Supp. 1010).

Gillett v. Whiting, 120 N. Y. 402; 31 St. Rep. 495.

Cited, Brokers—Stocks—Sale — Margins—Notice—Conversion.

67 Hun, 4; (50 St. Rep. 488; 21 Supp. 693). 141 N. Y. 403; (57 St. Rep. 617).

Gillett v. Whiting, 141 N. Y. 71; 56 St. Rep. 589.

Affirming, 2 Misc. 571; 50 St. Rep. 941; 21 Supp. 1134.

Gillies v. Kreuder, 33 Hun, 314.

Affirmed, 102 N. Y. 666.

Cited, Judgment Creditor's Action—§ 829 Code of Civil Procedure—Effect.

19 Misc. 385. 91 Hun, 635; (70 St. Rep. 642; 35 Supp. 970). 78 St. Rep. 366; (44 Supp. 366).

Gillies v. Manhattan Beach Imp't Co., 73 Hun, 507; 56 St. Rep. 206; 26 Supp. 381.

Affirmed, 147 N. Y. 420; 70 St. Rep. 8.

Gillies v. Manhattan Beach Imp't Co., 147 N. Y. 420; 70 St. Rep. 8.

Cited, Appeal—Admission of Evidence Without Objection—Effect.

148 N. Y. 135. 151 N. Y. 260.

Gillig v. Maass, 28 N. Y. 191.

Cited, Mortgage—By Mortgagee—Estoppel.

70 Hun, 506; (53 St. Rep. 758; 24 Supp. 455).

Mortgage—Recording—Notice.

7 Misc. 254; (58 St. Rep. 31; 27 Supp. 266). 13 App. Div. 368; (77 St. Rep. 184; 43 Supp. 184). 152 N. Y. 163.

Gillig v. George C. Treadwell Company, 148 N. Y. 177; 2 Ann. Cas. 348.

Cited, Attachments—Delivery of Warrant to Sheriff—Levy—Effect.

151 N. Y. 555.

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Gillig v. George C. Treadwell Co., 151 N. Y. 552.

Reversing, 9 App. Div. 624; 41 Supp. 1116.

Gillig v. George C. Treadwell Co., 11 Misc. 237; 66 St. Rep. 459; 32 Supp. 974; 25 Civ. Pro. 197.

Affirmed, 88 Hun, 621; 68 St. Rep. 871; 34 Supp. 1139.

Gilligan, Matter of, 18 St. Rep. 812; 3 Supp. 17.

Cited, Attachments—Intervention—Effect.

13 Misc. 757; (69 St. Rep. 576; 35 Supp. 259).

Gilligan v. Commercial Fire Ins. Co., 20 Hun, 93.

Cited, Insurance—Proof of Loss—Nearest Notary.

68 Hun, 309; (52 St. Rep. 280; 23 Supp. 41).

Gilligan v. Waterford, 91 Hun, 21; 71 St. Rep. 425; 36 Supp. 88.

Gillilan v. Spratt, 8 Abb. N. S. 13.

Cited, Justice's Court—Judgment of Non-suit.

90 Hun, 543; (71 St. Rep. 32; 36 Supp. 25).

Gillingham v. Jenkins, 40 Hun, 594.

Cited, Appeal—Void Judgment—Effect.

87 Hun, 536; (68 St. Rep. 670; 34 Supp. 290).

Gillin v. Canary, 18 Misc. 736.

Gillin v. Canary, 19 Misc. 594; 78 St. Rep. 313; 44 Supp. 313; 26 Civ. Pro. 230.

Gillingham v. Jenkins, 40 Hun, 594.

Cited, 1 App. Div. 157; 37 Supp. 980.

Gillis v. Space, 63 Barb. 177.

Cited, School Teachers—Discharge—Damages.

15 Misc. 423; (72 St. Rep. 153; 37 Supp. 112).

Employees—Discharge—Reduction of Damages.

10 Misc. 679; (64 St. Rep. 297; 31 Supp. 672; 1 Ann. Cas. 274).

Gillispie v. Platt, 19 Misc. 43; 76 St. Rep. 876; 42 Supp. 876.

Gillispie v. Satterlee, 18 Misc. 606; 76 St. Rep. 463; 42 Supp. 463.

Gilloren, Matter of, 16 Misc. 130; 74 St. Rep. 544; 38 Supp. 954.

Gilloren v. Oneida County Supers. of, 9 App. Div. 631; 75 St. Rep. 1486; 41 Supp. 1116.

Gillrie v. Lockport, 122 N. Y. 403; 33 St. Rep. 636.

Cited, Negligence—Questions of Fact.

88 Hun, 281; 68 St. Rep. 556; 34 Supp. 738.

Municipal Corporations—Ice on Sidewalk—Liability.

15 App. Div. 585; (78 St. Rep. 610; 44 Supp. 610).

Gilman, Matter of, 7 St. Rep. 321.

Cited, Surrogate's Court—Jurisdiction—To Compel Legatee to Refund.

5 Misc. 116; (25 Supp. 740).

Gilman v. Gilman, 3 Hun, 22.

Cited, Surrogate's Decision—Appeal—Review.

10 App. Div. 594; (76 St. Rep. 134; 42 Supp. 134).

Gilman v. Gilman, 111 N. Y. 265; 19 St. Rep. 283.

Cited, Evidence—Relevancy—Under General Denial—Trespass—Title.

77 Hun, 494; (60 St. Rep. 22; 28 Supp. 807).

Pleading—Answer—General Denial—Proof.

141 N. Y. 345; (57 St. Rep. 431).

Gilman v. Gilman, 2 Lans. 1.

Cited, Executors—Conduct of Estate—Investment—Time of.

5 Misc. 135; (25 Supp. 732).

Executors—Management of Estate—Accounting—Counsel's Fees—Payment of.

5 Misc. 142; (25 Supp. 707).

Gilman v. Gilman, 6 T. & C. 211.

Affirmed, 63 N. Y. 41.

Cited, Executors—Conduct of Estate—Accounting—Counsel's Fees.

5 Misc. 141; (25 Supp. 707).

Gilman v. Lowell, 8 Wend. 573.

Cited, Libel—Justification—Reputation.

71 Hun, 491; (54 St. Rep. 907; 24 Supp. 1064).

Gilman v. McArdle, 99 N. Y. 451.

Cited, Trusts—Creation—Parol—Delivery of Property.

24 Supp. 940. 6 Misc. 508; (57 St. Rep. 709; 27 Supp. 430). 79 Hun, 497; (61 St. Rep. 536; 29 Supp. 920).

Wills—Bequests—For Masses—Validity.

9 Misc. 505; (61 St. Rep. 740; 30 Supp. 394). 85 Hun, 12; (66 St. Rep. 124; 32 Supp. 613). 3 App. Div. 59; (74 St. Rep. 849; 38 Supp. 1037). 15 App. Div. 239; (78 St. Rep. 188; 44 Supp. 188). 10 Misc. 454; (63 St. Rep. 329; 31 Supp. 87). 9 Misc. 505; (61 St. Rep. 740; 30 Supp. 394).

Duplicate Citations in Parenthesis.

Gilman v. Prentice, 132 N. Y. 488; 44 St. Rep. 611.

Cited, Judgment—Referee—Findings—Review.

88 Hun, 460; (68 St. Rep. 787; 34 Supp. 875). 148 N. Y. 84.

Gilman v. Reddington, 24 N. Y. 9.

Cited, Trusts—Income—Accumulation—Effect.

140 N. Y. 527; (56 St. Rep. 469). 4 Misc. 233; (24 Supp. 863). 19 Misc. 406; (78 St. Rep. 347; 44 Supp. 347). 20 Misc. 58; (79 St. Rep. 355; 45 Supp. 335).

Gilman v. Tucker, 128 N. Y. 190; 40 St. Rep. 71.

Cited, Constitutional Law—Police Power—Limitations on.

136 N. Y. 584; (49 St. Rep. 701). 6 App. Div. 313; (40 Supp. 558). 150 N. Y. 494. 153 N. Y. 194.

Gilmore v. Brooklyn Heights R. Co., 6 App. Div. 117; 39 Supp. 417.

Cited, Street Car—Passengers—Injuries. 79 St. Rep. 942; (45 Supp. 942).

Gilmore v. Ham, 142 N. Y. 1; 58 St. Rep. 426.

Affirming, 48 St. Rep. 21; 20 Supp. 203.

Cited, Partnership—Liquidation—Accounting.

142 N. Y. 321; (59 St. Rep. 7).

Gilmore v. Ham, 49 St. Rep. 21; 20 Supp. 203.

Cited, Judgment—Collateral Attack.

18 Misc. 554; (41 Supp. 877).

Gilmore v. Utica, 121 N. Y. 561; 31 St. Rep. 880.

Cited, Statutes—Construction.

82 Hun, 506; (64 St. Rep. 483; 31 Supp. 779).

Gilroy, Matter of, 78 Hun, 260; 60 St. Rep. 237; 28 Supp. 910.

Gilroy, Matter of, 85 Hun, 424; 66 St. Rep. 208; 32 Supp. 891.

Gilroy, Matter of, 11 App. Div. 65; 76 St. Rep. 640; 42 Supp. 640.

Gilzinger v. Saugerties Water Co., 66 Hun, 173; 49 St. Rep. 308; 21 Supp. 121.

Affirmed, 142 N. Y. 633; 60 St. Rep. 865.

Cited, Water Courses—Riparian Rights.

13 App. Div. 45; (77 St. Rep. 31; 43 Supp. 31).

Gimpel v. Wilson, 10 Misc. 153; 62 St. Rep. 524; 30 Supp. 942.

Gindre v. Kean, 7 Misc. 582; 58 St. Rep. 505; 28 Supp. 4; 31 Abb. N. C. 100.

Ginna v. Second Ave. R. Co., 67 N. Y. 596.

Cited, Carriers—Passengers—Riding on Platform of Street Car.

9 Misc. 278; (61 St. Rep. 151; 29 Supp. 726). 149 N. Y. 342. 92 Hun, 146; (71 St. Rep. 152; 36 Supp. 381). 5 App. Div. 493; (38 Supp. 1078). 10 Misc. 706; (64 St. Rep. 635; 31 Supp. 829).

Ginna v. Second Ave. R. Co., 8 Hun, 494.

Cited, Negligence—Proximate Cause.

D. 14 App. Div. 42; (77 St. Rep. 994; 43 Supp. 994).

Ginsberg, Matter of, 9 Misc. 650; 62 St. Rep. 268; 30 Supp. 480.

Giraldo v. Coney Island & Brooklyn R. Co., 135 N. Y. 648; 48 St. Rep. 931.

Giraudat v. Korn, 8 Daly, 406.

Cited, Appeal—New Trial—Motion—Review.

11 Misc. 334; (65 St. Rep. 415; 32 Supp. 234). 19 Misc. 368; (77 St. Rep. 499; 43 Supp. 499).

Girty v. Standard Oil Co. of N. Y., 1 App. Div. 224; 72 St. Rep. 538; 37 Supp. 369.

Girvin v. Hickman, 21 Hun, 316; 58 How. 244.

Cited, Guardians—Bonds—Discharge.

138 N. Y. 201; (52 St. Rep. 142).

Guardians—Liability on Bond—Accounting—Necessity for.

60 St. Rep. 316. 3 Misc. 182; (54 St. Rep. 272; 23 Supp. 829).

Pleading—Demurrer to Answer—Challenging Complaint on.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).

Glacius v. Black, 50 N. Y. 145.

Cited, Contracts—Building—Performance—Architect's Certificate.

1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672). 5 Misc. 231; (54 St. Rep. 828; 25 Supp. 98; 23 Civ. Pro. 175). 50 St. Rep. 546; (21 Supp. 835).

Contracts—Building—Performance—Certificates—Impeachment.

7 Misc. 42; (57 St. Rep. 90; 27 Supp. 883).

Trial—Question of Fact—Substantial Performance of Contract.

77 Hun, 347; (60 St. Rep. 30; 28 Supp. 840). 60 St. Rep. 297. 149 N. Y. 444. 82 Hun, 161; (63 St. Rep. 745; 31 Supp. 296). 86 Hun, 602; (67 St. Rep. 564; 33 Supp. 742). 6 App. Div. 4; (39 Supp. 463). 17 Misc. 360; (39 Supp. 1088).

*Duplicate Citations in Parenthesis.***Glacius v. Black**, 67 N. Y. 583.

Cited, Evidence—Parol—In Aid of Writing.

3 Misc. 517; (52 St. Rep. 496; 23 Supp. 334). 11 Misc. 374; (65 St. Rep. 424; 32 Supp. 242).

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86 Hun, 603; (67 St. Rep. 565; 33 Supp. 743).

Glacius v. Fogel, 88 N. Y. 434.

Cited, Executors and Administrators—Power to Sell Land for Debts.

67 Hun, 17; (51 St. Rep. 10; 21 Supp. 688). 136 N. Y. 113; (48 St. Rep. 893).

Wills—Construction—Power of Sale for Debt—Application of Avals.

21 Supp. 688; (23 Civ. Pro. 132). 55 St. Rep. 808. 146 N. Y. 260; (66 St. Rep. 631). 3 App. Div. 329; (73 St. Rep. 731; 38 Supp. 392).

Executors—Joint Liability.

15 Misc. 540; (72 St. Rep. 811; 38 Supp. 182).

Glacken v. Brown, 39 Hun, 294.

Cited, Sale of Land—Defective Contract—Effect.

144 N. Y. 112; (63 St. Rep. 67).

Glackin v. Zeller, 52 Barb. 147.

Cited, Justice's Court — Jurisdiction — When Ousted by Amount in Controversy.

75 Hun, 294; (56 St. Rep. 772; 27 Supp. 58; 31 Abb. N. C. 262; 23 Civ. Pro. 291).

Judgment—Partial Collection—Estoppel.

16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637).

Glaserberg v. Dry Dock, etc., R. Co., 12 Civ. Pro. 50.

Cited, Action—As Poor Person—When Allowed.

22 Supp. 541. 10 Misc. 29; (63 St. Rep. 242; 30 Supp. 1052). 9 App. Div. 609; (75 St. Rep. 1223; 41 Supp. 822).

Glaser v. Carroll, 49 St. Rep. 783; 20 Supp. 766.

Affirmed, 142 N. Y. 660; 60 St. Rep. 869.

Glasier v. Hebron, 82 Hun, 311; 63 St. Rep. 554; 31 Supp. 236.**Glasier v. Hebron**, 131 N. Y. 447; 43 St. Rep. 319.

Distinguished, Municipality — Highways — Defects—Injuries From—Maintenance.

67 Hun, 625; (51 St. Rep. 113; 22 Supp. 471).

Cited, 60 St. Rep. 113. 80 Hun, 411; (61 St. Rep. 843; 30 Supp. 129). 82 Hun, 312; (63 St. Rep. 554; 31 Supp. 236). 4 App. Div. 245; (74 St. Rep. 58; 38 Supp. 436). 5 App. Div. 581; (39 Supp. 383). 17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146). 12 Misc. 50; (66 St. Rep. 729; 33 Supp. 73).

Glass v. United Domestic Sewing Machine Co., 5 Misc. 324; 56 St. Rep. 54; 25 Supp. 817.**Glassey v. Metropolitan Life Ins. Co.** See *Classey v. Metropolitan Life Ins. Co.***Glassey v. Metropolitan Life Ins. Co.**, 84 Hun, 350; 65 St. Rep. 493; 32 Supp. 335.**Glassford v. Lewis**, 82 Hun, 46; 63 St. Rep. 484; 31 Supp. 162.

Cited, New Trial—Newly Discovered Evidence—Discretion.

88 Hun, 114; (68 St. Rep. 538; 34 Supp. 615). 1 App. Div. 46; (72 St. Rep. 16; 36 Supp. 1084). 4 App. Div. 333; (74 St. Rep. 184; 38 Supp. 565). 11 Misc. 334; (65 St. Rep. 415; 32 Supp. 234). 16 Misc. 513; (38 Supp. 525); 74 St. Rep. 45.

Glassheim v. New York E. P. Co., 13 Misc. 174; 68 St. Rep. 24; 34 Supp. 69.

Cited, Landlord and Tenant—Premises—Care of by Landlord.

13 App. Div. 513; (77 St. Rep. 702; 43 Supp. 702).

Gleason, Matter of, 17 Misc. 510; 75 St. Rep. 820; 41 Supp. 418.**Gleason v. Blanc**, 14 Misc. 620; 72 St. Rep. 311; 36 Supp. 938.

Cited, Elections—Returns—Mandamus.

18 Misc. 394; (77 St. Rep. 712; 43 Supp. 712).

Gleason v. Clark, 9 Cow. 57.

Cited, Pleading—Physician—Services.

83 Hun, 236; (64 St. Rep. 213; 31 Supp. 581).

Gleason v. Hamilton, 138 N. Y. 353; 52 St. Rep. 882.

Modifying, 64 Hun, 96; 45 St. Rep. 491; 19 Supp. 103.

Cited, Instrument—Alteration by Third Party—Effect.

15 App. Div. 302; (78 St. Rep. 924; 44 Supp. 924).

Gleason v. Morrison, 20 Misc. 4; 78 St. Rep. 909; 44 Supp. 909.**Gleason v. Morrison**, 20 Misc. 320; 79 St. Rep. 684; 45 Supp. 684.**Gleason v. Peerless Mf'g Co.**, 1 App. Div. 257; 72 St. Rep. 592; 37 Supp. 267.**Gleason v. Pinney**, 5 Cow. 152.

Cited, Contracts—Breach—Damages—Payment in Kind.

72 Hun, 160; (55 St. Rep. 177; 25 Supp. 402). 148 N. Y. 41.

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Gleason v. Smith, 34 Hun, 547.

Cited, Appeal—Case—Resettlement On.

1 Misc. 2; (48 St. Rep. 637; 20 Supp. 617).
79 St. Rep. 309; (45 Supp. 309).

Gleason v. Thom, 74 St. Rep. 371; 38 Supp. 3.

Gleason v. Thom, 16 Misc. 29; 73 St. Rep. 261; 37 Supp. 680.

Cited, Sale—Acceptance—Submission to Jury—Appeal—Review.

17 Misc. 139; (39 Supp. 401). 17 Misc. 354; (39 Supp. 1066). 18 Misc. 178; (75 St. Rep. 965; 41 Supp. 575). 18 Misc. 12; (40 Supp. 1124).

Gleason v. Thorn, 14 Misc. 234; 35 Supp. 1107.

Affirmed, 16 Misc. 29; 73 St. Rep. 261; 37 Supp. 680.

Gleeson v. Brummer, 87 Hun, 465; 68 St. Rep. 454; 34 Supp. 375.

Affirmed, 152 N. Y. 653.

Glen Cove Starch M'g Co., v. Gott-hold, 1 Civ. Pro. 366.

Cited, Attachment—Debtor—Examina-tion.

67 St. Rep. 314; (33 Supp. 546; 24 Civ. Pro. 246).

Glen Salt Co., Matter of, 17 App. Div. 234; 79 St. Rep. 568; 45 Supp. 568.

Glen & Hall M'g Co. v. Hall, 61 N. Y. 226.

Cited, Counterclaim—Connection with Subject of Action.

67 Hun, 142; (51 St. Rep. 371; 22 Supp. 47; 23 Civ. Pro. 158).

Trade Mark and Good Will—Transfer.

5 Misc. 389; (25 Supp. 859). 12 Misc. 471; (67 St. Rep. 610; 33 Supp. 857).

Glenn v. Burrows, 37 Hun, 602.

Cited, Executors—Contracts—Liability of Estate.

9 Misc. 231; (61 St. Rep. 297; 30 Supp. 285).

Glenn v. Garth, 133 N. Y. 18; 44 St. Rep. 80.

Cited, Corporations—Stockholders—Cre-ation of Relation.

71 Hun, 374; (55 St. Rep. 25; 25 Supp. 21).
4 App. Div. 607; (39 Supp. 149). 7 App. Div. 213; (74 St. Rep. 693; 40 Supp. 135).

Glenn v. Lancaster, 109 N. Y. 641; 21 Abb. N. C. 272; 15 St. Rep. 196.

Cited, Action—Nature of—Relief Demand-ed.

61 St. Rep. 472; (29 Supp. 974). 144 N. Y. 377; (62 St. Rep. 346).

Glenn v. Rossler, 88 Hun, 74; 68 St. Rep. 531; 34 Supp. 608.

Glenn v. Winters, 17 Misc. 597; 75 St. Rep. 60; 40 Supp. 659.

Glenney v. Stedwell, 64 N. Y. 120.

Cited, Appeal—Review of Discretionary Determination—Examination of Party Be-fore Trial.

7 Misc. 5; (57 St. Rep. 78; 27 Supp. 331).
14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1070).

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2 Misc. 343; (50 St. Rep. 608; 21 Supp. 1012). 70 Hun, 539; (53 St. Rep. 739; 24 Supp. 240).

Glenny v. Lacy, 1 Supp. 513.

Cited, Contracts—Performance—Personal Service.

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Glens Falls Gaslight Co. v. Van Vranken, 11 App. Div. 420; 76 St. Rep. 339; 42 Supp. 339.

Glens Falls Paper Co. v. White, 58 How. 172.

Cited, Arrest—Civil Cases.

78 St. Rep. 955; (44 Supp. 955). 16 App. Div. 479.

Disapproved, 18 Misc. 102; 41 Supp. 833.

Glens Falls Portland Cement Co. v. Travellers' Ins. Co., 11 App. Div. 411; 76 St. Rep. 285; 42 Supp. 285.

Glenside Woolen Mills, Matter of, 92 Hun, 183; 71 St. Rep. 646; 36 Supp. 593.

Glentworth v. Luther, 21 Barb. 147.

Cited, Brokers—When Entitled to Com-missions.

11 Misc. 113; (65 St. Rep. 117; 31 Supp. 994).

Glickman v. Loew, 20 Misc. 401; 79 St. Rep. 1040; 45 Supp. 1040.

Glines v. Binghamton Trust Co., 68 Hun, 511; 52 St. Rep. 593; 22 Supp. 1023.

Cited, Receiver—Appointment.

88 Hun, 398; (68 St. Rep. 757, 758; 34 Supp. 819, 820).

Glines v. Supreme Sitting Order of I. H., 50 St. Rep. 743; 21 Supp. 736.

Glines v. Supreme Sitting Order of I. H., 50 St. Rep. 281; 21 Supp. 543.

Glines v. Supreme Sitting Order, 20 Supp. 375.

Affirmed, 50 St. Rep. 281; 21 Supp. 543.

Cited, Receivers—Appointment.

88 Hun, 399; (68 St. Rep. 758; 34 Supp. 820).

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Globe Ins. Co. v. Lansing, 5 Cow. 380.

Cited, Courts—Chancery—Jurisdiction—Foreclosure.

135 N. Y. 278; (48 St. Rep. 87).

Globe Marble Mills Co. v. Quinn, 76 N. Y. 23.

Cited, Fixtures—Agreement to Consider Personal Property—Effect.

79 St. Rep. 639; (45 Supp. 639).

Globe Mut. Ben. Ass'n, Matter of, 63 Hun, 263; 43 St. Rep. 756.

Affirmed, 135 N. Y. 280; 48 St. Rep. 396.

Cited, Mutual Benefit Associations—Liability of Members—Infants—Assessments. 75 Hun, 232; (58 St. Rep. 606; 27 Supp. 12).

Globe Mut. Ben. Ass'n, Matter of, 135 N. Y. 280; 48 St. Rep. 396.

Cited, Mutual Benefit Associations—Liability of Members—Infants—Assessments. 75 Hun, 232; (58 St. Rep. 607; 27 Supp. 12). 92 Hun, 313; (72 St. Rep. 67; 36 Supp. 964).

Globe Mut. Life Ins. Co. v. Reals, 79 N. Y. 203.

Cited, Equity—Cancellation of Instrument.

16 App. Div. 391; (79 St. Rep. 27; 45 Supp. 27).

Globe Sewer Pipe Co. v. Otis, 51 St. Rep. 917; 22 Supp. 411.

Globe Woolen Company v. Carhart, 67 How. 403.

Cited, Attachment—What Warrants—Transfers.

17 Misc. 338; (39 Supp. 1092).

Globe Yarn Mills v. Billbrough, 2 Misc. 100; 49 St. Rep. 702; 21 Supp. 2.

Affirming, 46 St. Rep. 273; 19 Supp. 176; 22 Civ. Pro. 186; 28 Abb. N. C. 426.

Cited, Attachment—Affidavit of Agent or Attorney.

50 St. Rep. 829; (22 Supp. 873). 76 Hun, 358; (58 St. Rep. 482; 27 Supp. 803; 31 Abb. N. C. 202). 10 Misc. 349; (63 St. Rep. 411; 81 Supp. 137; 24 Civ. Pro. 200).

Glover v. Gargan, 10 App. Div. 527; 76 St. Rep. 74; 42 Supp. 74.

Glover v. Glover, 136 N. Y. 665; 50 St. Rep. 929.

Affirming, 47 St. Rep. 765; 20 Supp. 41.

Glover v. Manhattan R. Co., 51 Super. 1.

Cited, Elevated Railroads—Condemnation Proceedings.

14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

Glover v. Wilson, 2 Barb. 264.

Cited, Landlord and Tenant—Use and Occupation—Action Against Tenant.

20 Misc. 116; (79 St. Rep. 2; 45 Supp. 2).

Gloversville, Village of, v. Howell, 70 N. Y. 287.

Cited, Animals—Cruelty—Right to Fines—Gloversville.

78 Hun, 42; (60 St. Rep. 809).

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4 Misc. 553; (54 St. Rep. 206; 24 Supp. 743).

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17 App. Div. 100; (78 St. Rep. 872; 44 Supp. 872).

Gloversville v. Johnstown, G. & K. H. R. Co., 49 St. Rep. 315; 21 Supp. 146.

Cited, Injunction—Pendente Lite—Discretion—Review.

82 Hun, 201; (63 St. Rep. 757; 31 Supp. 309). 82 Hun, 202; (63 St. Rep. 758; 31 Supp. 309). 90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560).

Glovinsky v. Cunard Steamship Co., 4 Misc. 266; 53 St. Rep. 528; 24 Supp. 136.

Affirmed, 6 Misc. 388; 56 St. Rep. 407; 26 Supp. 751.

Cited, Carriers—Loss of Baggage—Damages.

16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Glovinsky v. Cunard Steamship Co., 6 Misc. 388; 56 St. Rep. 407; 26 Supp. 751.

Cited, Carriers—Contract to Limit Liability.

8 Misc. 78; (58 St. Rep. 833; 28 Supp. 521).

Bailment—Proof of Value.

19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

Gluck v. Ridgewood Ice Co., 31 St. Rep. 99; 9 Supp. 254.

Affirmed, 125 N. Y. 728; 35 St. Rep. 995.

Cited, Negligence—Dangerous Premises—Unprotected Embankments—Excavations, etc.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612). Wharves—As Highways—Rights of Public.

78 Hun, 396; (60 St. Rep. 787; 29 Supp. 228).

Gluckman v. Kleiman, 3 Misc. 97; 51 St. Rep. 606; 22 Supp. 549.

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Glushing v. Sharp, 96 N. Y. 676.

Cited, Railroads—Crossings—Contributory Negligence.

18 Misc. 504; (76 St. Rep. 1078; 42 Supp. 1078). 8 App. Div. 142; (40 Supp. 473).

Glyn v. Miner, 6 Misc. 637; 56 St. Rep. 341; 27 Supp. 341.

Glyn v. N. Y. & H. R. Co., 85 Hun, 408; 66 St. Rep. 426; 32 Supp. 1021.

Gock v. Keneda, 29 Barb. 120.

Cited, Tenants in Common—Conversion—Release of Damages by One—Effect.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 311).

Goddard v. Cassell, 84 Hun, 43; 65 St. Rep. 74; 31 Supp. 1044.

Goddard v. Merchants Bank, 4 N. Y. 147.

Cited, Bills and Notes—Forgery—Recovery by Payor from Payee.

6 Misc. 62; (56 St. Rep. 602; 26 Supp. 887).

Goddard v. Pardee Medicine Co., 52 Hun, 85; 22 St. Rep. 540; 5 Supp. 119.

Cited, Pleading—Bill of Particulars—Denial of Performance of Contract.

2 Misc. 452; (51 St. R. p. 164; 21 Supp. 1033). 7 Misc. 227; (58 St. Rep. 22; 27 Supp. 262).

Goddard v. Stiles, 99 N. Y. 640.

Cited, Motions and Orders—Renewal.

68 Hun, 389; (52 St. Rep. 205; 22 Supp. 862). 14 Misc. 180; (60 St. Rep. 811; 35 Supp. 381).

Goddard v. Trenbath, 24 Hun, 182.

Cited, Actions—Attorney's Lien—Right to Continue Action—Leave of Court.

16 Misc. 560; (74 St. Rep. 134; 38 Supp. 786; 25 Civ. Pro. 330). 18 Misc. 44; (40 Supp. 1134).

Godding v. Porter, 17 Abb. 374.

Cited, Decedent's Estate—Claim Against—Reference.

13 App. Div. 23; (77 St. Rep. 114; 43 Supp. 114). D. 76 Hun, 58; (59 St. Rep. 149; 27 Supp. 668).

Godfrey v. Godfrey, 75 N. Y. 434.

Cited, Attachment—Affidavits—Vacation.

4 App. Div. 22; (73 St. Rep. 669; 38 Supp. 302).

Godfrey v. Kings County, 89 Hun, 18; 69 St. Rep. 24; 34 Supp. 1052.

Godfrey v. Moser, 66 N. Y. 250.

Cited, Findings—Referee—Appeal—Review.

12 App. Div. 179; (76 St. Rep. 837; 42 Supp. 837).

Godfrey v. Williamsburgh City Fire Ins. Co., 12 Abb. N. S. 250.

Cited, Reference—Discretion in Ordering. 72 Hun, 531; (55 St. Rep. 127; 25 Supp. 635).

Godin v. Bank of the Commonwealth, 6 Duer, 76.

Cited, Trial—Non-suit—When Proper. 5 Misc. 428; (26 Supp. 713).

Godine v. Kidd, 64 Hun, 585; 19 Supp. 335.

Cited, Adoption—Right to Inherit. 17 Misc. 42; (40 Supp. 753).

Contract—Consideration—Adoption—Enforcement.

18 Misc. 522; (76 St. Rep. 1088; 42 Supp. 1088).

Godley v. Kerr Salt Co., 3 App. Div. 17; 73 St. Rep. 530; 37 Supp. 983.

Goebel v. Iffla, 111 N. Y. 170; 19 St. Rep. 105.

Cited, Mortgages—Foreclosure—Trial of Title.

82 Hun, 408; (63 St. Rep. 571; 31 Supp. 241). 8 App. Div. 520; (75 St. Rep. 289; 40 Supp. 893).

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85 Hun, 15; (66 St. Rep. 127; 32 Supp. 616).

Goebel v. Wolf, 113 N. Y. 415; 23 St. Rep. 176.

13 App. Div. 347; (77 St. Rep. 21; 43 Supp. 21).

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66 Hun, 497; (50 St. Rep. 423; 21 Supp. 406). 144 N. Y. 73; (63 St. Rep. 43). 147 N. Y. 353; (69 St. Rep. 696). 87 Hun, 485; (69 St. Rep. 97; 34 Supp. 1017). 140 N. Y. 129; (55 St. Rep. 302). 6 App. Div. 59; (39 Supp. 621). 76 Hun, 433; (58 St. Rep. 230; 27 Supp. 1033). 140 N. Y. 248; (55 St. Rep. 379). 151 N. Y. 247. 91 Hun, 126, 129, 130; (71 St. Rep. 17, 19; 36 Supp. 134, 136, 137). 5 App. Div. 159; (38 Supp. 1098). 11 Misc. 435; (67 St. Rep. 420; 33 Supp. 418). 20 Misc. 251. 79 St. Rep. 872; (45 Supp. 872). 79 St. Rep. 968; (45 Supp. 968).

Wills—Construction—Gift of Income—Accumulations.

75 Hun, 160; (58 St. Rep. 184; 26 Supp. 1090).

Wills—Life Estate—Direction for Sale—Remainder.

3 Misc. 47; (51 St. Rep. 135; 22 Supp. 358).

Goedel v. Palmer, 15 App. Div. 86; 78 St. Rep. 303; 44 Supp. 301.

Affirmed, 152 N. Y. 412.

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Cited, Tenancy by the Entirety—Effect of Married Woman's Statute on.

67 Hun, 232; (50 St. Rep. 780; 22 Supp. 797).

Goelet v. Lawlor, 16 Misc. 59; 73 St. Rep. 132; 37 Supp. 691.**Goelet v. Lawlor**, 19 Misc. 540; 77 St. Rep. 1071; 43 Supp. 1071.**Goelet v. McKinstry**, 1 Johns. Cas. 405.

Cited, 85 Hun, 15; (66 St. Rep. 126; 32 Supp. 616).

Goelet v. Roe, 14 Misc. 28; 69 St. Rep. 372; 35 Supp. 145; 25 Civ. Pro. 86; 2 Ann. Cas. 141.**Goelth v. White**, 35 Barb. 76.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

Goetschius, Matter of, 2 Misc. 278; 23 Supp. 970.

Cited, Executors—Liability for Interest—Surcharge.

8 App. Div. 345; (75 St. Rep. 171; 40 Supp. 793).

Goetschius, Matter of, 3 Misc. 155; 23 Supp. 975.**Goetting v. Biehler**, 21 Week. Dig. 100.

Cited, Conveyance of Property Pendente Lite—Effect.

11 Misc. 2; (63 St. Rep. 452; 31 Supp. 859).

Goettman v. New York, 6 Hun, 132.

Cited, Public Officers—Who Are.

84 Hun, 52; (65 St. Rep. 192; 32 Supp. 35).

Goetz v. Ballou, 64 Hun, 490; 19 Supp. 433.

Followed, 25 Supp. 1131.

Cited, Wills—Devise—Construction.

8 App. Div. 200; (40 Supp. 440).

Goetz v. Van Au, 12 Civ. Pro. 104.

Cited, Complaint—Quantum Meruit.

16 Misc. 27; (73 St. Rep. 244; 37 Supp. 650).

Goff v. Akers, 1 Misc. 468; 49 St. Rep. 615; 21 Supp. 454.

Affirmed, 139 N. Y. 653; 54 St. Rep. 934.

Goff v. Alexander, 20 Misc. 498; 79 St. Rep. 737; 45 Supp. 737.**Goff v. Little Falls, Village of**, 47 St. Rep. 729; 20 Supp. 175.

Cited, Highways—Obstructions—Liability of Municipality.

73 Hun, 445; (56 St. Rep. 44; 26 Supp. 644). 86 Hun, 436; (67 St. Rep. 632; 33 Supp. 903). 4 App. Div. 347; (74 St. Rep. 516; 38 Supp. 650). 13 App. Div. 504; (77 St. Rep. 660; 43 Supp. 660).

Appeal—Trial—Question of Fact—Contributory Negligence.

77 Hun, 442; (60 St. Rep. 675; 29 Supp. 106). 88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738). 49 St. Rep. 271; (21 Supp. 141). 92 Hun, 367; (71 St. Rep. 538; 36 Supp. 509). 4 App. Div. 344; (74 St. Rep. 514; 38 Supp. 648).

Goff v. Star Printing Co., 21 Abb. N. C. 211; 14 Civ. Pro. 3.

Cited, Pleading—Verification—Privilege.

68 Hun, 338; (52 St. Rep. 283; 22 Supp. 986). 8 Misc. 549; (60 St. Rep. 680; 29 Supp. 788).

Goff v. Vedder, 12 Civ. Pro. 353.

Disapproved, Landlord and Tenant—Summary Proceedings—Adjournment by Justice.

2 Misc. 160; (50 St. Rep. 541; 21 Supp. 860).

Cited, 71 Hun, 227; (54 St. Rep. 480; 25 Supp. 10).

Gollotel v. New York, 87 N. Y. 441.

Cited, Statute—Construction—Meaning of Words.

71 Hun, 276; (54 St. Rep. 489; 24 Supp. 1023).

Statutes—Construction—Retroactive Effect.

73 Hun, 408; (55 St. Rep. 773; 26 Supp. 283). 83 Hun, 518; (65 St. Rep. 47; 31 Supp. 1070).

Goings v. Patten, 17 Abb. 339.

Cited, Account Stated—Recovery.

1 App. Div. 613; (73 St. Rep. 208; 37 Supp. 519).

Goit v. National Protection Ins. Co., 25 Barb. 189.

Cited, Insurance—Prepayment—Waiver.

D. 8 App. Div. 103; (40 Supp. 464).

Gold v. Bissell, 1 Wend. 210.

Cited, False Imprisonment—What Constitutes.

60 St. Rep. 215; (28 Supp. 905).

Gold v. Clyne, 134 N. Y. 262; 47 St. Rep. 770.

Cited, Corporations—Directors—Liability.

11 Misc. 528; (64 St. Rep. 457; 32 Supp. 747).

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Gold v. Serrell, 2 Misc. 224; 51 St. Rep. 141; 21 Supp. 1078.

Affirmed, 6 Misc. 124; 55 St. Rep. 696; 26 Supp. 5;

Cited, Judgment—Entry—Direction For. 71 Hun, 231; (54 St. Rep. 580; 24 Supp. 994).

Gold v. Serrell, 6 Misc. 124; 55 St. Rep. 696; 26 Supp. 5.

Cited, Brokers—Commissions.

12 Misc. 433; (67 St. Rep. 276; 33 Supp. 614). 13 Misc. 119; (68 St. Rep. 201, 202; 34 Supp. 154, 155). 15 Misc. 153; (71 St. Rep. 436; 36 Supp. 481). 16 Misc. 486; (38 Supp. 970). 17 Misc. 555; (75 St. Rep. 102; 40 Supp. 696).

Appeal—Review of Facts.

16 Misc. 32; (73 St. Rep. 281; 37 Supp. 662).

Gold & Stock Tel. Co. v. Todd, 17 Hun, 548.

Cited, Literary Property—Rights in—Injunction.

84 Hun, 18; (65 St. Rep. 202; 32 Supp. 45).

Goldberg, Matter of, 61 St. Rep. 277; 29 Supp. 972.

Goldberg v. Lavinski, 3 Misc. 607; 51 St. Rep. 605; 22 Supp. 552.

Goldberg v. Lippmann, 6 Misc. 35; 55 St. Rep. 512; 25 Supp. 1003.

Goldberg v. N. Y. C. & H. R. R. Co., 133 N. Y. 561; 44 St. Rep. 71.

Cited, Carriers—Passenger—Alighting From Train—Negligence.

54 St. Rep. 91; (24 Supp. 1143).

Goldberg v. N. Y. C. & H. R. R. Co., 54 St. Rep. 90; 24 Supp. 1143.

Goldberg v. Richards, 5 Misc. 419; 26 Supp. 335.

Goldberg v. Roberts, 12 Daly, 339; 5 Civ. Pro. 96.

Cited, Depositions—Examination Before Trial—Right to—Discretionary.

1 Misc. 7; (48 St. Rep. 518; 20 Supp. 615). 2 Misc. 345; (50 St. Rep. 609; 21 Supp. 1013).

Goldberg v. Utley, 60 N. Y. 427.

Cited, Pleading—Misjoinder of Causes of Action—Demurrer.

7 Misc. 469; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 357). 135 N. Y. 242; (47 St. Rep. 832). 7 Misc. 203; (58 St. Rep. 38; 27 Supp. 677). 15 Misc. 235; (71 St. Rep. 472; 36 Supp. 422).

Pleading—Separate Causes of Action—Numbering.

52 St. Rep. 320; (23 Supp. 176). 53 St. Rep. 368; (23 Supp. 576).

Goldberger v. Gallagher, 11 Misc. 448; 65 St. Rep. 874; 32 Supp. 1143.

Goldberger v. Manhattan R. Co., 3 Misc. 441; 52 St. Rep. 320; 23 Supp. 176.

Golde v. Whipple, 7 App. Div. 48. 39 Supp. 964.

Cited, Judgment—Error—Modification.

18 Misc. 61; (75 St. Rep. 474; 41 Supp. 22). 19 Misc. 272; (78 St. Rep. 252; 44 Supp. 252).

Golden v. Metropolitan R. Co., 1 Misc. 142; 48 St. Rep. 725; 20 Supp. 630.

Cited, Evidence—Opinions—Experts—Real Property—Rental Values.

7 Misc. 628; (58 St. Rep. 810; 28 Supp. 150; 31 Abb. N. C. 271).

Goldenbergh v. Hoffman, 69 N. Y. 322.

Cited, Fraud—Sale—False Statement of Cost.

139 N. Y. 294; (54 St. Rep. 497). 82 Hun, 297; (64 St. Rep. 76; 31 Supp. 490).

Goldenson v. Lawrence, 1 Misc. 2; 48 St. Rep. 636; 20 Supp. 616.

Goldenson v. Lawrence, 6 Misc. 227; 56 St. Rep. 534; 26 Supp. 541.

Goldenson v. Lawrence, 15 Misc. 489; 72 St. Rep. 664; 37 Supp. 194.

Affirmed, 16 Misc. 570; 38 Supp. 991.

Goldenson v. Lawrence, 16 Misc. 570; 38 Supp. 991.

Goldman v. Kennedy, 49 Hun, 157; 17 St. Rep. 433; 1 Supp. 599.

Cited, Statutes—Construction—Amendments.

142 N. Y. 303; (58 St. Rep. 862; 31 Abb. N. C. 362).

Goldman v. Levy, 18 Misc. 729; 75 St. Rep. 1486.

Goldman v. Rosenberg, 116 N. Y. 78.

Cited, Contracts—Breach—Failure of Consideration—Effect.

9 App. Div. 15; (75 St. Rep. 420; 40 Supp. 1100).

Goldman v. Uhlman, 16 App. Div. 324; 78 St. Rep. 636; 44 Supp. 636.

Goldmank v. Metropolitan Opera House Co., 51 St. Rep. 460; 22 Supp. 136.

Goldschmid v. New York, 14 App. Div. 135; 77 St. Rep. 447; 43 Supp. 447.

Cited, Municipal Corporations—Acts of Independent Contractor—Liability for.

15 App. Div. 443; (78 St. Rep. 456; 44 Supp. 456).

Duplicate Citations in Parenthesis.

Goldschmidt v. Metropolitan Cross Town R. Co., 1 App. Div. 309; 72 St. Rep. 638; 37 Supp. 299.

Goldschmidt v. Mutual Life Ins. Co. 103 N. Y. 486; 2 St. Rep. 421.

Cited, Evidence—Burden of Proof—Shifting.

3 Misc. 461; (52 St. Rep. 443; 23 Supp. 181). 60 St. Rep. 98.

Insurance—Preliminary Proofs—Conclusiveness.

5 Misc. 253; (54 St. Rep. 823; 25 Supp. 475).

Insurance—Breach of Warranty—Admission.

18 Misc. 75; (75 St. Rep. 489; 41 Supp. 34). 18 Misc. 445; (76 St. Rep. 53; 42 Supp. 53).

Goldschmidt v. N. Y. Steam Co., 40 Supp. 1143.

Goldschmidt v. N. Y. Steam Co., 7 App. Div. 317; 40 Supp. 169.

Cited, 40 Supp. 1143.

Goldsmith v. Cook, 39 St. Rep. 56; 14 Supp. 878.

Cited, Brokers—Commissions—Procuring Cause.

4 Misc. 195; (53 St. Rep. 490; 23 Supp. 1025). 13 Misc. 244; (68 St. Rep. 875; 34 Supp. 1143). 17 Misc. 403; (39 Supp. 1058).

Goldsmith v. Coverly, 75 Hun, 48; 56 St. Rep. 857; 27 Supp. 116; 31 Abb. N. C. 149.

Cited, Trial—Question of Fact—Credibility of Party—Witnesses—Question for Jury.

78 Hun, 409; (60 St. Rep. 709; 29 Supp. 145). 79 Hun, 132; (61 St. Rep. 378; 29 Supp. 480). 76 Hun, 4; (59 St. Rep. 611; 27 Supp. 624). 77 Hun, 463; (60 St. Rep. 597; 28 Supp. 1011). 92 Hun, 39; (71 St. Rep. 801; 36 Supp. 634). 13 App. Div. 561; (78 St. Rep. 683; 43 Supp. 688). 11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 320). 12 Misc. 74; (66 St. Rep. 677; 33 Supp. 84). 12 Misc. 81; (66 St. Rep. 693; 33 Supp. 92).

Goldsmith v. Goldsmith, 6 Misc. 12; 58 St. Rep. 134; 25 Supp. 993.

Affirmed, 145 N. Y. 313; 64 St. Rep. 675.

Cited, Trusts—Confidential Relations—Equity—Fraud.

13 Misc. 384; (68 St. Rep. 130; 34 Supp. 252).

Goldsmith v. Goldsmith, 145 N. Y. 313; 64 St. Rep. 675.

Cited, Confidential Relations—Equity—Fraud.

2 App. Div. 458; (74 St. Rep. 332; 37 Supp. 1036).

Goldsmith v. Holland Trust Co., 5 App. Div. 104; 74 St. Rep. 844; 38 Supp. 1032.

Goldsmith v. Newwitter, 10 Misc. 36; 62 St. Rep. 775; 30 Supp. 815.

Goldsmith v. New York Steam Co., 7 App. Div. 317; 74 St. Rep. 728; 40 Supp. 169.

Goldsmith v. Wells Company, 86 Hun, 489; 67 St. Rep. 550; 33 Supp. 727.

Goldstein v. Greenberg, 18 Misc. 61; 75 St. Rep. 474; 41 Supp. 21.

Cited, Appeal—Judgment—Modification. 19 Misc. 272; (78 St. Rep. 252; 44 Supp. 252).

Goldstein v. Silberstein, 3 Misc. 552; 52 St. Rep. 513; 23 Supp. 350.

Goldstein v. Walter, 7 Supp. 756.

Cited, Distinguished—Brokers—Real Estate—Commissions.

21 Supp. 445.

Goll v. Manhattan R. Co., 125 N. Y. 714; 24 St. Rep. 24; 5 Supp. 185.

Cited, Evidence—Burden of Proof—Ordinary Care—Negligence.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 793).

Res Ipsa Loquitur.

10 Misc. 706; (64 St. Rep. 634; 31 Supp. 829).

Gombossy v. Katz, 18 Misc. 359; 75 St. Rep. 815; 41 Supp. 411.

Gomez v. Gomez, 49 St. Rep. 646; 20 Supp. 901.

Gomez v. Gomez, 147 N. Y. 195; 69 St. Rep. 501.

Affirming, 81 Hun, 566; 63 St. Rep. 607; 31 Supp. 206.

Gomez v. Gomez, 81 Hun, 566; 63 St. Rep. 607; 31 Supp. 206.

Cited, Trusts—Termination.

20 Misc. 270; (79 St. Rep. 844; 45 Supp. 844).

Gomez v. Hagaman, 84 Hun, 148; 65 St. Rep. 638; 32 Supp. 453.

Good v. Deland, 119 N. Y. 153; 28 St. Rep. 935.

Cited, Appeal—Limitation of Time—Strict Practice.

7 Misc. 401; (58 St. Rep. 59; 27 Supp. 972).

Appeal—Undertaking.

135 N. Y. 633; (48 St. Rep. 485).

Good v. Daland, 121 N. Y. 1; 30 St. Rep. 636.

Duplicate Citations in Parenthesis.

Cited, Contracts—Validity—Restraint of Trade—Limitation as to Time and Place.

5 Misc. 492; (55 St. Rep. 158; 25 Supp. 767).

Goodale v. National Bank of N. Y. City, 16 Week. Dig. 364.

Cited, Pleading—Account—Defense.

5 App. Div. 555; (39 Supp. 438).

Goodale v. Lawrence, 88 N. Y. 513.

Cited, Poor—Who are.

49 St. Rep. 297; (21 Supp. 54).

Poor and Poor Laws—Support—Officers—Powers.

24 Supp. 475. 82 Hun, 83; (63 St. Rep. 378; 31 Supp. 108). 82 Hun, 195; (64 St. Rep. 4; 31 Supp. 416).

Goodell v. Demarest, 2 Hilt. 534.

Cited, Judgment Debtor—Supplementary Proceedings—Second Examination.

11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro. 270; 1 Ann. Cas. 316).

Goodall v. N. Y. C. & H. R. R. Co., 89 Hun, 559; 70 St. Rep. 112; 35 Supp. 544.

Goodell v. Hurlbut, 5 App. Div. 77; 74 St. Rep. 84; 38 Supp. 749.

Cited, Contracts—Void—Public Policy.

5 App. Div. 326; (39 Supp. 293).

Goodell v. Pierce, 2 Hill, 659.

Cited, Deeds—Consideration.

3 App. Div. 312; (73 St. Rep. 757; 38 Supp. 276).

Goodfellow v. New York, 100 N. Y. 15.

Distinguished, Highways—Opening in Curb for Drainage—Personal Injuries From. 67 Hun, 86; (51 St. Rep. 409; 22 Supp. 39).

Cited, Municipal Corporations—Duties and Liabilities—Streets.

77 Hun, 463; (60 St. Rep. 597; 28 Supp. 1011). 148 N. Y. 71. 88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Goodfellow v. Wolcott, 12 St. Rep. 620.

Cited, Reference—What Issue Referable.

52 St. Rep. 934; (25 Supp. 1128).

Goodhart v. Street, 12 Misc. 360; 67 St. Rep. 388; 33 Supp. 687.

Gooding v. Brown, 21 Week. Dig. 47.

Cited, Costs—Extra Allowance—Computation.

52 St. Rep. 13; (23 Supp. 546). 86 Hun, 474; (67 St. Rep. 636; 33 Supp. 889). 88 Hun, 348; (68 St. Rep. 390; 34 Supp. 401). 3 App. Div. 48; (74 St. Rep. 430; 37 Supp. 1083).

Goodman, Matter of, 146 N. Y. 284; 66 St. Rep. 617.

Cited, Elections—Residence—Students.

147 N. Y. 119; (69 St. Rep. 393; 32 Supp. 691).

Goodman, Matter of, 84 Hun, 53; 65 St. Rep. 73; 31 Supp. 1043.

Cited, Election—Voters—Residence.

84 Hun, 611; (32 Supp. 691).

Goodman v. Bainton. See **Goodman, Matter of**.

Goodman v. Laborn, 11 App. Div. 617; 76 St. Rep. 166; 42 Supp. 166.

Goodman v. Leonhardt. See **Goodman v. Ladorn**.

Goodnan v. Myers, 11 Misc. 360; 65 St. Rep. 464; 32 Supp. 239.

Goodman v. Mercantile Credit Guarantee Co., 17 App. Div. 474; 79 St. Rep. 508; 45 Supp. 508.

Goodman v. Riccadonna, 13 Misc. 66; 68 St. Rep. 78; 34 Supp. 169.

Goodman v. Robb, 41 Hun, 605; 5 St. Rep. 242.

Cited, Pleading—Answer—Sufficiency—Testing—Demurrer.

50 St. Rep. 237; (21 Supp. 655). 14 Misc. 483; (70 St. Rep. 434; 35 Supp. 699).

Goodman v. Snow, 81 Hun, 225; 62 St. Rep. 593; 30 Supp. 672.

Goodman v. Steinfeld, 20 Misc. 224.

Goodrich v. Dorman, 38 St. Rep. 198; 14 Supp. 879.

Cited, Pleading—Evidentiary Facts.

7 Misc. 24; (57 St. Rep. 30; 27 Supp. 409).

Pleadings—Allegations of Fraud.

10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Goodrich v. Downs, 6 Hill, 438.

Cited, Assignment for Benefit of Creditors—Avoidance.

80 Hun, 482; (62 St. Rep. 368; 30 Supp. 517).

Goodrich v. Gillies, 66 Hun, 422; 50 St. Rep. 142; 21 Supp. 400.

Cited, Municipal Corporations—Contractor's Lien—Effect.

82 Hun, 18; (63 St. Rep. 319; 31 Supp. 77).

Goodrich v. Gillies, 82 Hun, 18; 63 St. Rep. 318; 31 Supp. 76.

Affirmed, 151 N. Y. 631.

Goodrich v. Gillies, 62 Hun, 479; 42 St. Rep. 319; 17 Supp. 88.

Cited, Municipal Corporations—Contractors—Liens.

Duplicate Citations in Parenthesis.

82 Hun, 18; (63 St. Rep. 319; 31 Supp. 77).

Appeal—Review—Evidence Not in Appeal Book.

86 Hun, 438; (67 St. Rep. 628; 33 Supp. 899).

Goodrich v. McDonald, 112 N. Y. 157; 20 St. Rep. 509.

Cited, Attorneys — Compensation — Lien on Judgment—Execution.

79 Hun, 144; (61 St. Rep. 354; 29 Supp. 763). 10 Misc. 598; (63 St. Rep. 740; 31 Supp. 292; 24 Civ. Pro. 113). 24 Civ. Pro. 30; (29 Supp. 763).

Goodrich v. N. Y. C. & H. R. R. Co., 116 N. Y. 398; 26 St. Rep. 767.

Cited, Master and Servant — Reasonable Care—Inspection of Cars.

61 St. Rep. 709; (29 Supp. 1128). 20 Hun, 155; (61 St. Rep. 709; 29 Supp. 1128). 9 App. Div. 629; (75 St. Rep. 919; 41 Supp. 528). D. 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 822). D. 11 App. Div. 574; (76 St. Rep. 819; 42 Supp. 819). D. 11 App. Div. 580; (76 St. Rep. 823; 42 Supp. 823.) 12 Misc. 410; (67 St. Rep. 409; 33 Supp. 587). 13 Misc. 441; (68 St. Rep. 376; 34 Supp. 473). 84 Hun, 217; (65 St. Rep. 643; 32 Supp. 458). 14 App. Div. 25; (77 St. Rep. 669; 43 Supp. 669). 79 St. Rep. 960; (45 Supp. 960).

Trial—Question of Fact.

61 St. Rep. 586; (29 Supp. 899). 80 Hun, 601.

Goodrich v. Ogden, 4 John. 140.

Cited, Estoppel—Deed.

135 N. Y. 335; (48 St. Rep. 250).

Goodrich v. Pennsylvania & N. Y. Canal & R. Co., 29 Hun, 50.

Cited, Railroads—Standing on Platform—Effect.

92 Hun, 145; (71 St. Rep. 151; 36 Supp. 381).

Goodrich v. Stevens, 5 Lans. 230.

Cited, Evidence—Parol—In Aid of Writing.

3 Misc. 518; (52 St. Rep. 496; 23 Supp. 334). 92 Hun, 552.

Goodrich v. Sullivan, 1 T & C. 191.

Cited, Notice—Judgment—Entry—Sufficiency.

2 App. Div. 3; (72 St. Rep. 498; 37 Supp. 443). 14 Misc. 126; (70 St. Rep. 332; 35 Supp. 856).

Goodrich v. Thompson, 44 N. Y. 324.

Cited, Carriers—Bailment—Deliverers.

92 Hun, 426; (71 St. Rep. 642; 36 Supp. 545).

Goodrich v. Vanderbilt, 7 How. 467.
Cited, Transitory Actions—Trial.

88 Hun, 252; (68 St. Rep. 621; 34 Supp. 658). 7 App. Div. 460; (39 Supp. 1090).

Goodridge v. Woolcott, 3 Cow. 231.

Cited, Libel—Allusion.

14 Misc. 329; (70 St. Rep. 357; 35 Supp. 840).

Goodrich v. Connor, 66 How. 143.

Cited, Appeal—Costs.

3 Misc. 263; (52 St. Rep. 252; 22 Supp. 1053). 20 Misc. 617.

Goodsell v. Western Union Tel. Co.,

109 N. Y. 147; 15 St. Rep. 73.

Cited, Appeal—Judgment—Affirmance in Part—Effect.

4 Misc. 118; (53 St. Rep. 464; 23 Supp. 897). 9 Misc. 689. 8 Misc. 10; (58 St. Rep. 314; 28 Supp. 65; 23 Civ. Pro. 386). 7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416). 146 N. Y. 67; (65 St. Rep. 756). 152 N. Y. 504. 83 Hun, 429; (64 St. Rep. 671; 31 Supp. 833). 91 Hun, 447; (70 St. Rep. 812; 36 Supp. 237; 25 Civ. Pro. 155; 2 Ann. Cas. 316). 3 App. Div. 56; (73 St. Rep. 849; 33 Supp. 231). 16 App. Div. 471; (78 St. Rep. 939; 44 Supp. 939). 17 Misc. 153; (39 Supp. 335). 62 St. Rep. 126; (30 Supp. 545). 18 Misc. 76; (75 St. Rep. 490; 41 Supp. 34).

Appeal—Inconsistency—New Trial.

9 Misc. 492; (61 St. Rep. 113; 30 Supp. 230).

Goodwin v. Bayerle, 18 Misc. 62; 75 St. Rep. 472; 41 Supp. 20.

Cited, Chattel Mortgages—Filing—Lien.

18 Misc. 459; (76 St. Rep. 86; 42 Supp. 86).

Goodwin v. Bunzl, 102 N. Y. 224; 1 St.

Rep. 405.

Cited, Appeal — Undertaking — Liability on—Consideration.

6 Misc. 578; (57 St. Rep. 787; 27 Supp. 231). 80 Hun, 557; (63 St. Rep. 764; 30 Supp. 800). 13 Misc. 63; (68 St. Rep. 189; 34 Supp. 143). 39 Supp. 94.

Goodwin v. Coddington, 84 Hun, 605; 64 St. Rep. 857; 31 Supp. 1098.

Goodwin v. Conklin, 85 N. Y. 21.

Cited, Appeal—Dismissal of Complaint on Reversal.

1 Misc. 500; (49 St. Rep. 707; 20 Supp. 950). Appeal—To General Term—Judgment Absolute—Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697).

Appeal—Reversal—Reciting Grounds in Order.

3 Misc. 100; (51 St. Rep. 770; 22 Supp. 699).

Duplicate Citations in Parenthesis.

Goodwin v. Goldsmith, 49 Super. 101.

Cited, Mercantile Agency—False Representation To—Effect.

7 App. Div. 444; (39 Supp. 1056).

Goodwin v. Griffis, 88 N. Y. 629,

Cited, Pleading—Construction—Prayer for Relief—Ambiguity—Waiver of Tort.

1 Misc. 387; (49 St. Rep. 640; 22 Supp. 77). 86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500). 20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Distinguished, 88 Hun, 262; (68 St. Rep. 555; 34 Supp. 736).

Release—Joint Contractors.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 311).

Goodwin v. Mass. Mut. Life Ins. Co., 73 N. Y. 480.

Cited, Contracts—Performance—Conditions—Waiver.

4 Misc. 440; (54 St. Rep. 140; 21 Supp. 697). 140 N. Y. 28; (55 St. Rep. 382). 17 Misc. 63; (39 Supp. 836).

Goodwin v. McKeever, 18 Misc. 603; 76 St. Rep. 475; 42 Supp. 475.

Goodwin v. Schreiber, 86 Hun, 339; 67 St. Rep. 156; 33 Supp. 456.

Goodwin v. Thompson, 88 Hun, 598; 68 St. Rep. 703; 34 Supp. 769.

Goodwin v. Wertheimer, 99 N. Y. 149.

12 Misc. 197; (67 St. Rep. 93; 33 Supp. 273).

Conversion—Rescission—Recovery of Goods—Demand.

74 Hun, 430; (57 St. Rep. 210; 26 Supp. 591). 146 N. Y. 207; (66 St. Rep. 588; 2 Ann. Cas. 20). 73 St. Rep. 590; (38 Supp. 541). 49 St. Rep. 441; (20 Supp. 829). 81 Hun, 59; (62 St. Rep. 251; 30 Supp. 483; 2 Ann. Cas. 6). 85 Hun, 292; (66 St. Rep. 430; 32 Supp. 1035). 88 Hun, 55; (68 St. Rep. 300; 34 Supp. 517). D. 4 App. Div. 617; (75 St. Rep. 342; 40 Supp. 944).

Pleading—Defenses—Consistency.

138 N. Y. 472; (52 St. Rep. 906). 79 Hun, 571; (61 St. Rep. 538; 29 Supp. 922). 78 Hun, 52; (60 St. Rep. 819; 29 Supp. 277). 78 Hun, 81; (60 St. Rep. 796; 29 Supp. 265). 10 Misc. 204; (63 St. Rep. 177; 30 Supp. 946; 24 Civ. Pro. 91; 1 Ann. Cas. 73). 12 Misc. 213; (67 St. Rep. 893; 34 Supp. 26).

Goodwin v. Wertheimer, 99 N. Y. 149.

13 Misc. 517; (69 St. Rep. 114; 34 Supp. 948). 19 Misc. 4; (76 St. Rep. 882; 42 Supp. 882).

Sales—Proceeds—Assignee—Rights.

145 N. Y. 560; (65 St. Rep. 510). 148 N. Y. 126. 85 Hun, 291; (66 St. Rep. 429; 32 Supp. 1024).

Master and Servant—Conversion—Possession of Servant—Effect.

10 Misc. 747; (64 St. Rep. 645; 31 Supp. 824).

Goodyear v. Adams, 20 St. Rep. 31; 5 Supp. 275.

Cited, Deed—Conveyance by Lunatic—Effect.

88 Hun, 118; (68 St. Rep. 276; 30 Supp. 589).

Goodyear India Rubber G. Mfg. Co. v. Gorham, 83 Hun, 342; 64 St. Rep. 735; 31 Supp. 965.

Goold v. Chapin, 20 N. Y. 259.

Cited, Carriers—Connecting—Delivery to. 66 Hun, 204; (49 St. Rep. 315; 21 Supp. 120).

Goossen v. Goossen, 11 Misc. 86; 66 St. Rep. 196; 32 Supp. 814; 24 Civ. Pro. 213.

Gopsill v. Decker, 4 Hun, 625.

Cited, Arrest—Civil—Undertaking.

6 Misc. 439; (58 St. Rep. 302; 26 Supp. 1111).

Gordel v. Palmer, 15 App. Div. 86.

Gordon, Matter of, 49 Hun, 370; 22 St. Rep. 402; 3 Supp. 589.

Cited, Assignment for Creditors—Provision for Counsel Fees After Transfer—Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 266).

Gordon v. Becker, 71 Hun, 282; 54 St. Rep. 731; 24 Supp. 1018.

Gordon v. Bowne, 2 Johns. 150.

Cited, Pleading—General Issue—Set-off.

142 N. Y. 245; (58 St. Rep. 770). D. 142 N. Y. 256; (58 St. Rep. 778).

Gordon v. Cornes, 47 N. Y. 608.

Cited, Statutes—Construction.

D. 150 N. Y. 521.

Gordon v. Fox, 11 Supp. 5; 18 Civ. Pro. 291.

Cited, Arrest—Vacation.

16 Misc. 173; (74 St. Rep. 364; 37 Supp. 1065; 25 Civ. Pro. 231).

Gordon v. Hostetter, 37 N. Y. 99.

Cited, Pleading—Complaint—Contracts—Effect of Allegations Sounding in Tort.

6 Misc. 90; (55 St. Rep. 489; 26 Supp. 42).

Gordon v. People, 33 N. Y. 508.

Cited, Witness Not Produced—Presumption.

Duplicate Citations in Parenthesis.

- 7 Misc. 176; (57 St. Rep. 524; 27 Supp. 328). 88 Hun. 214; (68 St. Rep. 702; 34 Supp. 721). 13 App. Div. 330; (77 St. Rep. 204; 43 Supp. 204). 79 St. Rep. 657; (45 Supp. 657).
- Gordon v. Rasines**, 5 Misc. 192; 25 Supp. 767.
- Gordon v. Strong**, 3 App. Div. 395; 38 Supp. 922.
Cited, Public Officers — Complaint — Fraud.
15 App. Div. 519; (78 St. Rep. 481; 44 Supp. 481).
- Gordon v. Strong**, 15 App. Div. 519; 78 St. Rep. 481; 44 Supp. 481.
- Gordon v. Strong**, 16 Misc. 420; 74 St. Rep. 72; 38 Supp. 449.
- Gore v. New York**, N. Y. Law Journal, Feb. 9, 1893.
Cited, Municipal Corporations—Contracts—Service—Discharge—Liability.
61 St. Rep. 672; (30 Supp. 405).
- Gore v. New York**, 61 St. Rep. 672; 30 Supp. 405.
- Gore v. Norwich & N. Y. T. Co.**, 2 Daly, 254.
Cited, Carriers—Duties and Liabilities—As to Passengers—Baggage and Property—Contributory Negligence.
9 Misc. 26; (59 St. Rep. 721; 29 Supp. 56).
- Gorham v. Cooperstown**, 59 N. Y. 660.
Cited, Municipal Corporations—Streets—Liability.
86 Hun. 435; (67 St. Rep. 631; 33 Supp. 902).
- Gorham v. Eastchester Electric Co.**, 80 Hun. 290; 61 St. Rep. 839; 30 Supp. 125.
- Gorham v. Eastchester Electric Co.**, 31 Abb. N. C. 198; 61 St. Rep. 839; 29 Supp. 1094.
- Gorham v. Gale**, 7 Cow. 739.
Cited, Attorneys—Authority—Conduct of Cause.
9 Misc. 371; (60 St. Rep. 633; 29 Supp. 694).
- Gorham v. Gorham**, 3 Barb. Ch. 24.
Cited, Actions—Partition—Lunatics.
3 App. Div. 392; (74 St. Rep. 167; 38 Supp. 708).
- Gorham v. Innes**, 115 N. Y. 87.
Cited, Costs—Extra Allowance—Review.
18 Misc. 15; (75 St. Rep. 444; 40 Supp. 1127).
- Gorham v. N. Y. C. & H. R. R. Co.**, 23 Hun. 449.
Cited, Trial—Questions for Jury—Damages.
56 St. Rep. 890; (26 Supp. 1125).
- Gorham Mfg Co. v. Seale**, 3 App. Div. 515; 73 St. Rep. 674; 38 Supp. 307.
Cited, Assignment — Fraud — Impeachment of Assignor.
20 Misc. 71; (78 St. Rep. 442; 44 Supp. 442).
Certificate of Evidence on Appeal—Lack of—Effect.
7 App. Div. 379; (39 Supp. 939).
- Gorman v. McArdle**, 67 Hun. 484; 51 St. Rep. 248; 22 Supp. 479.
- Gorman v. Scholle**, 13 Daly, 516.
Cited, Principal and Agent—Commissions—Right to.
10 Misc. 382; (63 St. Rep. 528; 31 Supp. 145).
- Gorman v. South Boston Iron Co.**, 32 Hun. 71.
Cited, Venue—Change.
8 App. Div. 621; (40 Supp. 1149). 7 App. Div. 461; (39 Supp. 1090). 2 App. Div. 568; (74 St. Rep. 281; 37 Supp. 1099; 3 Ann. Cas. 153).
- Gorton v. Keeler**, 51 Barb. 475.
Cited, Evidence—Competency—Slander—Mitigating Circumstances.
79 Hun. 563; (61 St. Rep. 578; 29 Supp. 890). 85 Hun. 528; (67 St. Rep. 78; 33 Supp. 335).
- Goshen Nat. Bank v. Bingham**, 118 N. Y. 349; 28 St. Rep. 702.
Cited, Banks—Banking—Certification of Checks—Liability of Bank for.
77 Hun. 169; (58 St. Rep. 718; 28 Supp. 412).
Replevin—For Documents—Check.
2 Misc. 253; (50 St. Rep. 341; 21 Supp. 930). 78 St. Rep. 333; (44 Supp. 333).
Checks—Certification Without Indorsement—Effect.
14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384).
- Goshen Nat. Bank v. State**, 141 N. Y. 379; 57 St. Rep. 597.
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9 Misc. 347; (60 St. Rep. 612; 29 Supp. 1104). 147 N. Y. 192; (69 St. Rep. 537). 82 Hun. 521; (64 St. Rep. 211; 31 Supp. 533).
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Gosling v. Acker, 2 Hill, 391.

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15 Misc. 169; (72 St. Rep. 172; 37 Supp. 19).

Gotendorf v. Goldschmidt, 83 N. Y. 110.

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Goth v. Star Printing Co., 14 Civ. Pro. 3.

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Cited, Costs—Extra Allowance—To Guardians ad Litem.

66 Hun, 128; (49 St. Rep. 810; 20 Supp. 907).

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Gotthelf v. Stranahan, 138 N. Y. 345; 52 St. Rep. 921.

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Cited, Specific Performance — Enforcement—Discretion.

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Gottler v. Babcock, 7 Abb. 392.

Cited, Counterclaim—Lien as.

72 Hun, 464; (55 St. Rep. 150; 25 Supp. 283).

Gottlieb v. Dutchess County Mutual Insurance Co., 89 Hun, 36; 69 St. Rep. 250; 35 Supp. 71.

Gottlieb v. New York, L. E. & W. R. Co., 100 N. Y. 462.

Cited, Master and Servant—Appliances—Failure to Discover and Repair Defect.

1 Misc. 305; (48 St. Rep. 771; 20 Supp. 712). 80 Hun, 155; (61 St. Rep. 709; 29 Supp. 1128). 84 Hun, 218; (65 St. Rep. 644; 32 Supp. 458). D. 11 App. Div. 579; (76 St. Rep. 823 42 Supp. 823). 14 App. Div. 25; (77 St. Rep. 669; 43 Supp. 669). 12 Misc. 338; (67 St. Rep. 337; 33 Supp. 631). 13 Misc. 441; (68 St. Rep. 376; 34 Supp. 473).

Gottsberger v. New York, 9 Misc. 349. 61 St. Rep. 247; 29 Supp. 592.

Gottsberger v. Radway, 2 Hilt. 342.

Cited, Landlord and Tenant—Agreement to Repair—Subsequent to Lease—Effect.

15 App. Div. 297; (78 St. Rep. 584; 44 Supp. 584). 16 Misc. 529; (38 Supp. 980).

Gottwald v. Bernheimer, 6 Daly, 212. *Distinguished*—Negligence—Of Driver of Frightened Horse.

Cited, 1 Misc. 132; (48 St. Rep. 765; 20 Supp. 645).

Gotze v. Dunphy, 82 Hun, 611; 63 St. Rep. 751; 31 Supp. 302.

Gouge v. Roberts, 53 N. Y. 619.

Cited, Evidence—Value—Real Property—Rental and Sales.

7 Misc. 627; (58 St. Rep. 811; 28 Supp. 150; 31 Abb. N. C. 270). 147 N. Y. 325; (69 St. Rep. 689).

Gough v. Staats, 13 Wend. 549.

Cited, Contracts—Checks—Endorsers.

9 Misc. 383; (61 St. Rep. 674; 30 Supp. 204).

Gough v. St. John, 16 Wend. 646.

Cited, Evidence—Character of Party—Irrelevant.

7 Misc. 233; (53 St. Rep. 20; 27 Supp. 370).

Gould v. Banks, 8 Wend. 562.

Cited, Estoppel—Inconsistent Claims.

4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697).

Gould v. Board of Education of Union Free School, 34 Hun, 16.

Cited, School Board—Appointing Power.

D. 84 Hun, 267; (65 St. Rep. 713; 32 Supp. 437).

Gould v. Booth, 64 N. Y. 62.

Cited, Highways—Defects—Commissioners—Liability.

88 Hun, 525; (69 St. Rep. 33; 34 Supp. 970).

Gould v. Cayuga County Nat. Bank, 86 N. Y. 75.

Cited, Contracts—Fraud—Voidability.

4 Misc. 116; (53 St. Rep. 462; 23 Supp. 895). 151 N. Y. 534; 82 Hun, 73; (63 St. Rep. 505; 31 Supp. 190). 16 Misc. 2; (73 St. Rep. 270; 37 Supp. 667).

Contracts — Rescission—Fraud—Restoration.

2 Misc. 527; (24 Supp. 881). 20 Misc. 486. 87 Hun, 173; (67 St. Rep. 740; 33 Supp. 1054). 13 App. Div. 541; (77 St. Rep. 731; 43 Supp. 731). 15 App. Div. 362; (78 St. Rep. 115; 44 Supp. 115). 149 N. Y. 354. 14 Misc. 521; (70 St. Rep. 701; 35 Supp. 1084). Equity — Relief — Offer to do Equity — Pleading.

9 Misc. 325; (60 St. Rep. 447; 30 Supp. 262). 15 Misc. 332; (73 St. Rep. 315; 37 Supp. 617).

Trial—Mode—Equitable Actions and Actions at Law.

8 Misc. 487; (59 St. Rep. 257; 29 Supp. 344; 23 Civ. Pro. 447; 31 Abb. N. C. 434).

Duplicate Citations in Parenthesis.

Gould v. Cayuga County Nat. Bank, 99 N. Y. 333.

Cited, Contract—Rescission—Fraud—Waiver.

5 Misc. 348; (55 St. Rep. 506; 25 Supp. 528).

Contracts—Rescission—Retention of Benefits.

6 Misc. 588; (57 St. Rep. 833; 27 Supp. 629). 91 Hun, 264; (36 Supp. 116).

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6 App. Div. 354; (39 Supp. 570). 11 App. Div. 619; (76 St. Rep. 168; 42 Supp. 168). 15 App. Div. 363; (78 St. Rep. 116; 44 Supp. 116). 151 N. Y. 234.

Gould v. Ellery, 39 Barb. 163.

Cited, Contracts—Assignment—Parol.

17 Misc. 137; (39 Supp. 342).

Gould v. Gager, 18 Abb. 32.

Cited, Mortgage—Enforcement—Judgment—Resale—Inadequacy of Price.

76 Hun, 596; (58 St. Rep. 254; 28 Supp. 195).

Gould v. Glass, 19 Barb. 179.

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79 St. Rep. 641; (45 Supp. 641).

Gould v. Gould, 51 Hun, 9; 20 St. Rep. 674; 3 Supp. 608.

Cited, Trusts—Resulting—Evidence.

83 Hun, 364; (64 St. Rep. 778; 31 Supp. 905). 84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392).

Gould v. Gould, 18 Misc. 334; 76 St. Rep. 147; 42 Supp. 147.

Gould v. Horner, 12 Barb. 601.

Cited, Pleading—Usury.

67 St. Rep. 836; (34 Supp. 35).

Gould v. Hudson River R. Co., 6 N. Y. 522.

Discredited, Waters—Rights of Riparian Owners.

71 Hun, 156; (54 St. Rep. 365; 23 Supp. 929; 30 Abb. N. C. 89).

Cited, Waters—Land Under—Rights of Upland Owner.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530). 13 App. Div. 108; (76 St. Rep. 1065; 42 Supp. 1065).

Distinguished, 39 Supp. 9.

Gould v. James, 6 Cow. 369.

Cited, Waters—Land Under—Grant of Adjoining.

138 N. Y. 36; (51 St. Rep. 681).

Gould v. Marsh, 1 Hun, 566.

Cited, Bonds—Negotiability—Covenants in Collateral Instrument—Availability.

72 Hun, 74; (55 St. Rep. 860; 25 Supp. 614). 66 St. Rep. 328.

Gould v. Moore, 8 J. & S., 387.

Cited, Affidavits—New Trial—Newly Discovered Evidence.

84 Hun, 589; (66 St. Rep. 327; 32 Supp. 852).

Gould v. Moring, 28 Barb. 444.

Cited, Landlord and Tenant—Lease—Signer Unnamed In—Joint Liability.

71 Hun, 539; (54 St. Rep. 916; 24 Supp. 1082).

Gould v. Patterson, 63 Hun, 575; 45 St. Rep. 85; 18 Supp. 332.

Cited, Justices' Courts—Title to Land.

87 Hun, 536; (68 St. Rep. 671; 34 Supp. 291). 87 Hun, 534; (68 St. Rep. 669; 34 Supp. 289).

Gould v. Patterson, 87 Hun, 533; 68 St. Rep. 669; 34 Supp. 239.

Cited, Appeal—Justice's Judgment—Title to Land—County Court—Jurisdiction.

10 App. Div. 476; (76 St. Rep. 7; 42 Supp. 7).

Gould v. Rochester, 105 N. Y. 46; 6 St. Rep. 503.

Cited, Boards of Health—Powers.

71 Hun, 152; (54 St. Rep. 316; 24 Supp. 628). 17 App. Div. 250; (79 St. Rep. 711; 45 Supp. 711).

Waters—Diversion—Municipal Corporation.

66 Hun, 573; (50 St. Rep. 100; 21 Supp. 837).

Gould v. Rutherford, 6 Misc. 72; 26 Supp. 921.

Affirmed, 79 Hun, 280; 61 St. Rep. 33; 29 Supp. 362.

Gould v. Rutherford, 79 Hun, 280; 61 St. Rep. 33; 29 Supp. 362.

Cited, Trusts—Rents and Profits—Expiration of Trust.

20 Misc. 53; (79 St. Rep. 335; 45 Supp. 335).

Gould v. Sterling, Town of, 23 N. Y. 456.

Cited, Evidence—Agency—Acts and Declarations of Agent.

49 St. Rep. 44. 79 Hun, 544; (61 St. Rep. 551; 29 Supp. 932). 80 Hun, 220; (61 St. Rep. 754; 30 Supp. 39).

Gould v. Torrance, 19 How. 560.

Cited, Supplementary Proceedings—Setting Aside.

20 Misc. 519.

Gould Coupler Co., Matter of, v. Kellogg Iron Works, 79 Hun, 210;

61 St. Rep. 164; 29 Supp. 622.

Gould Roofing Co. v. Gilldea, 4 App. Div. 107; 74 St. Rep. 599; 38 Supp. 915.

Duplicate Citations in Parenthesis.

Goulding v. Bain, 4 Sandf. 716.

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16 Misc. 132; (38 Supp. 820).

Gouraud, Matter of, 95 N. Y. 256.

Cited, Wills—Probate—Refusal of—Conclusiveness on Devisee—Partition.

60 St. Rep. 57; (28 Supp. 788; 31 Abb. N. C. 119).

Wills—Probate — Revocation—Parties — Citations.

70 Hun, 168; (53 St. Rep. 542; 23 Supp. 1129). 15 Misc. 661; (74 St. Rep. 292; 37 Supp. 1126; 25 Civ. Pro. 187).

Gourdiér v. Cormack, 2 E. D. Smith, 200.

Cited, Trespass—Resulting From Acts on Adjoining Land.

2 Misc. 434; (51 St. Rep. 217; 22 Supp. 185).

Goudier v. Cormack, 2 E. D. Smith, 254.

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6 Misc. 343; (56 St. Rep. 246; 26 Supp. 906).

Gourley v. Campbell, 66 N. Y. 169.

Cited, Wills—Equitable Conversion—Distribution.

3 Misc. 439; (52 St. Rep. 328; 23 Supp. 172). 74 Hun, 355; (56 St. Rep. 366; 26 Supp. 304).

Gouverneur v. Lynch, 2 Paige, 300.

Cited, Notice — Possession of Realty—Title.

79 Hun, 60; (61 St. Rep. 176; 29 Supp. 647).

Gouverneur v. Nat. Ice Co., 134 N. Y. 355; 47 St. Rep. 601.

Cited, Lands—Lakes as Boundaries.

92 Hun, 11; (73 St. Rep. 30; 37 Supp. 868). 9 App. Div. 153; (75 St. Rep. 634; 41 Supp. 186).

Govan, Matter of, 2 Misc. 291; 23 Supp. 766.

Governors of the Alms House of N. Y. v. American Art Union, 7 N. Y. 228.

Cited, Contracts—Illegal Sale of Tickets —Lotteries.

8 Misc. 203; (58 St. Rep. 838; 28 Supp. 530).

Govin v. De Miranda, 9 Misc. 684; 30 Supp. 550.

Govin v. De Miranda, 76 Hun, 414; 59 St. Rep. 337; 27 Supp. 1049.

62 St. Rep. 411; (30 Supp. 550).

Govin v. De Miranda, 76 Hun, 418; 59 St. Rep. 337; 27 Supp. 1049.

Cited, Instrument—Delivery.

83 Hun, 219; (64 St. Rep. 292; 31 Supp. 667).

Govin v. De Miranda, 79 Hun, 286; 61 St. Rep. 800; 29 Supp. 345.

Cited, Trusts—Completion.

92 Hun, 456; (72 St. Rep. 417; 36 Supp. 1008).

Govin v. De Miranda, 79 Hun, 329; 60 St. Rep. 586; 29 Supp. 347.

Cited, Railroad Bonds—Title and Ownership of—Interest.

9 Misc. 636; (62 St. Rep. 412; 30 Supp. 551).

Govin v. De Miranda, 87 Hun, 227; 67 St. Rep. 426; 33 Supp. 753.

Govin v. De Miranda, 67 St. Rep. 427; 33 Supp. 754.

Govin v. De Miranda, 140 N. Y. 474; 55 St. Rep. 837.

Affirming, 54 St. Rep. 935; 24 Supp. 1140.

Govin v. De Miranda, 140 N. Y. 662; 55 St. Rep. 840.

Reversing, 54 St. Rep. 935; 24 Supp. 1140.

Explained, Assignment—Rights of Parties —Securities.

76 Hun, 417; (59 St. Rep. 340; 27 Supp. 1051).

Cited, 62 St. Rep. 411; (30 Supp. 550).

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84 Hun, 42; (65 St. Rep. 127; 32 Supp. 5).

1 App. Div. 67; (72 St. Rep. 25; 36 Supp. 1082).

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11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 319).

Govin v. De Miranda, 9 Misc. 684; 62 St. Rep. 410; 30 Supp. 550.

Govin v. Metz, 79 Hun, 461; 61 St. Rep. 271; 29 Supp. 988.

Cited, Wills—Construction—Latent Ambiguity.

10 App. Div. 403; (75 St. Rep. 1247; 41 Supp. 875).

Gowdey v. Robbins, 3 App. Div. 353; 73 St. Rep. 761; 38 Supp. 280; 3 Ann. Cas. 231.

Gowdy v. Poullain, 2 Hun, 218

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56 St. Rep. 56; (25 Supp. 807).

Gowing v. Levy, 43 St. Rep. 767; 17 Supp. 771; 22 Civ. Pro. 10.

Cited, Costs—Term Fees.

62 St. Rep. 107; (30 Supp. 348; 31 Abb. N. C. 478).

Duplicate Citations in Parenthesis.

Graboski v. Gewerz, 44 St. Rep. 127; 17 Supp. 528.

Cited, Evidence—Presumptions—Ownership of Note—Possession.

3 Misc. 610; (51 St. Rep. 858; 22 Supp. 558).

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1 Misc. 17; (48 St. Rep. 35; 20 Supp. 369).

Grace v. Bowden, 10 App. Div. 541; 76 St. Rep. 60; 42 Supp. 60.

Grace v. Curtiss, 3 Misc. 558; 52 St. Rep. 514; 23 Supp. 321.

Grade-Crossing Com'rs of Buffalo, Matter of, 6 App. Div. 327, 611; 40 Supp. 520.

Cited, Municipal Corporations—Eminent Domain — Changing Grade of Streets—Effect.

17 App. Div. 60; (78 St. Rep. 848; 44 Supp. 848). 19 Misc. 234; (77 St. Rep. 1076; 43 Supp. 1076).

Grade-Crossing Com'rs of Buffalo, Matter of, 17 App. Div. 54; 78 St. Rep. 844; 44 Supp. 844.

Grade-Crossing Com'rs of Buffalo, Matter of, 19 Misc. 230; 77 St. Rep. 1073; 43 Supp. 1073.

Cited, Eminent Domain — Costs—Allowance.

79 St. Rep. 648; (45 Supp. 648).

Grady, Matter of, 15 App. Div. 594.

Grady v. Ward, 20 Barb. 543.

Cited, Specific Performance—Real Estate —Perfection of Title.

7 Misc. 608; (58 St. Rep. 761; 27 Supp. 868).

Graef v. Bernard, 7 Misc. 246; 58 St. Rep. 21; 27 Supp. 263.

Graf, Matter of, 10 Misc. 293; 64 St. Rep. 307; 31 Supp. 682.

Graf v. Cunningham, 109 N. Y. 369; 15 St. Rep. 524; 28 Week. Dig. 559.

Cited, Contracts—Rescission—By Party in Default Under.

3 Misc. 549; (52 St. Rep. 484; 23 Supp. 329).

Mechanic's Lien—Default of Contractor—Completion by Owner.

66 Hun, 263; (49 St. Rep. 475; 21 Supp. 218).

Graf v. Feist, 9 Misc. 479; 61 St. Rep. 100; 30 Supp. 241.

Cited, Husband and Wife—Wife's Earnings.

19 Misc. 510; (77 St. Rep. 1099; 43 Supp. 1099).

Graff v. Bonnett, 31 N. Y. 9.

Cited, Trusts—Personalty or Realty—Assimilation of Rules.

140 N. Y. 534; (56 St. Rep. 474).

Trusts—Alienability—Personalty.

140 N. Y. 104; (55 St. Rep. 312).

Trusts—Extinguishment—Union of Interests.

3 Misc. 167; (51 St. Rep. 564; 23 Supp. 289).

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149 N. Y. 527.

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10 Misc. 691; (65 St. Rep. 98; 31 Supp. 1004; 1 Ann. Cas. 339).

Grafting v. Heilmann, 1 App. Div. 260; 72 St. Rep. 755; 37 Supp. 253.

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Cited, Payment—Presumption.

11 App. Div. 555; (76 St. Rep. 645; 42 Supp. 645).

Grafton v. Brigham, 70 Hun, 131; 54 St. Rep. 103; 24 Supp. 54.

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Grafton v. Moir, 1 Supp. 4.

Affirmed, 9 Supp. 3.

Affirmed, 130 N. Y. 465.

Cited, Easement—In Alleys, etc.—Ingress and Egress—Excavations.

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Grafton v. Moir, 130 N. Y. 465; 42 St. Rep. 373.

Cited, Deeds—Construction—Contra Proferentem.

60 St. Rep. 319. (79 St. Rep. 644; 45 Supp. 644).

Grafton v. Union Ferry Co., 46 St. Rep. 549; 19 Supp. 966.

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Cited, Corporations — Dissolution—Torts — Abatement.

67 St. Rep. 549; (33 Supp. 726; 24 Civ. Pro. 399).

Grafton v. Union Ferry Co., 13 Supp. 878.

Cited, Corporations—Dissolution—Action — Abatement.

17 Misc. 328; (39 Supp. 964).

Graftstrom v. Frost Council, No. 21, O. of C. F., 19 Misc. 180.

Graham, Matter of, 30 St. Rep. 292; 9 Supp. 122.

Cited, Wills—Probate—Execution.

85 Hun, 586; (66 St. Rep. 779; 33 Supp. 154).

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Graham v. Andrews, 11 Misc. 649; 66 St. Rep. 177; 32 Supp. 795; 24 Civ. Pro. 263.

Graham v. Chrystal, 2 Abb. Ct. App. Dec. 263.

Cited, Appeal — Reversal of Findings — Insufficiency of Evidence.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717).

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16 Misc. 61; (73 St. Rep. 133; 37 Supp. 692).

Graham v. Delaware & Hudson Canal Co., 46 Hun, 386; 12 St. Rep. 390.

Cited, Railroads — Fences — Injury to Stock.

72 Hun, 470; (54 St. Rep. 763; 25 Supp. 229).

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16 App. Div. 20; (78 St. Rep. 798; 44 Supp. 798).

Graham v. Dunnigan, 6 Duer. 629.

Cited, Pleading — Answer—Demurrer to — Sufficiency of Complaint.

80 Hun, 29; (61 St. Rep. 612; 29 Supp. 861).

Graham v. Firemen's Ins. Co., 87 N. Y. 69.

Cited, Insurance—Misrepresentation—Effect.

16 App. Div. 589; (78 St. Rep. 980; 44 Supp. 980).

Graham v. First Nat. Bank of Norfolk, 84 N. Y. 393.

Cited, Taxes—Exemption—Property out of State.

76 Hun, 457; (58 St. Rep. 497; 27 Supp. 1085).

Graham v. Graham, 67 Hun, 329; 51 St. Rep. 789; 22 Supp. 299.

Graham v. Graham, 143 N. Y. 573; 62 St. Rep. 784.

Affirming, 67 Hun. 329; 51 St. Rep. 789; 22 Supp. 299.

Graham v. James, 7 Robt. 468.

Cited, Lease—Renewal—Arbitration.

12 App. Div. 429; (76 St. Rep. 410; 42 Supp. 410).

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16 Misc. 463; (39 Supp. 922).

Graham v. Maitland, 1 Sweeny, 149.

Cited, Damages—Measure — Contracts — Sale.

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Graham v. Manhattan R. Co., 8 Misc. 305; 59 St. Rep. 279; 28 Supp. 739.

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Graham v. Manhattan R. Co., 149 N. Y. 336.

Cited, Railroads—Riding on Platform—Effect.

7 App. Div. 315; (40 Supp. 95). 18 Misc. 385; (75 St. Rep. 1044; 41 Supp. 658).

Graham v. Meyer, 99 N. Y. 611.

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Graham v. Negus, 55 Hun, 440; 29 St. Rep. 114; 8 Supp. 679.

Cited, Note — Payment — Extension of Time.

9 App. Div. 322, 337, 329; (75 St. Rep. 747, 760; 41 Supp. 332). 17 App. Div. 420; (79 St. Rep. 276; 45 Supp. 276). 16 Misc. 556; (74 St. Rep. 265; 38 Supp. 747). 18 Misc. 226; (75 St. Rep. 869; 41 Supp. 478; 85 Hun, 615; (66 St. Rep. 48; 32 Supp. 665).

Graham v. Neil, 2 Hall, 474.

Cited, Sales—To whom Credit Given.

18 Misc. 68; (41 Supp. 28).

Graham v. N. Y. Life Ins. & Trust Co., 46 Hun, 261; 11 St. Rep. 474; 27 Week. Dig. 419.

Cited, Wills—Construction—Giving Effect to Entire Language.

73 Hun, 489; (56 St. Rep. 30; 26 Supp. 396).

Wills—Contingent Bequest—Security.

67 Hun, 274; (50 St. Rep. 823; 22 Supp. 242).

Graham v. People, 63 Barb. 468.

Cited, Criminal Law—Judgment—Omission to Ask Prisoner—Effect.

148 N. Y. 101.

Graham v. Public Administrator, 4 Bradf. 127.

Cited, Domicile—Change—Intention.

11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 317). 19 Misc. 83; (77 St. Rep. 968; 43 Supp. 968).

Graham v. Read, 57 N. Y. 681.

Cited, Judgment — Default — Damages

12 Misc. 507; (67 St. Rep. 370; 33 Supp. 676).

Graham v. Sapery, 19 Misc. 690; 78 St. Rep. 1109; 44 Supp. 1109.

Graham v. Van Wyck, 14 Barb. 531.

Cited, Husband and Wife—Property—Conveyances to Each Other.

75 Hun, 436; (57 St. Rep. 343; 27 Supp. 676).

Duplicate Citations in Parenthesis.

- Gram v. Greenbush**, 20 St. Rep. 370; 3 Supp. 76.
Cited, Municipal Corporations—Sidewalks—Negligence.
4 App. Div. 220; (73 St. Rep. 587; 38 Supp. 537).
- Grampp v. De Peyster**, 80 Hun, 134; 61 St. Rep. 622; 29 Supp. 1039.
Cited, Statute of Frauds—Defense—Waiver.
D. 90 Hun, 597; (70 St. Rep. 566; 35 Supp. 992).
- Grand v. Livingston**, 4 App. Div. 589; 73 St. Rep. 646; 38 Supp. 490.
- Grand Lodge Knights of P. v. Manhattan S. Inst.**, 12 Misc. 626; 68 St. Rep. 132; 34 Supp. 253; 25 Civ. Pro. 44.
- Grand Lodge of N. Y. Order der Herrmann's Sohne v. Freifeld**, 20 Misc. 276; 79 St. Rep. 420; 45 Supp. 420.
- Grand Rapids Veneer Works v. Forsythe**, 83 Hun, 230; 64 St. Rep. 338; 31 Supp. 601.
- Grandin, Matter of**, 61 Hun, 219; 40 St. Rep. 655; 15 Supp. 946.
Cited, Trustee—Repudiation—Limitation.
4 App. Div. 462; (74 St. Rep. 154; 38 Supp. 662). 10 Misc. 200; (63 St. Rep. 603; 31 Supp. 201).
- Grandin v. Hernandez**, 29 Hun, 399.
Cited, Conveyance—Defective—Effect.
4 App. Div. 13; (73 St. Rep. 673; 38 Supp. 306).
- Grandin v. LeRoy**, 2 Paige, 509.
Cited, Equity—Remedy at Law.
137 N. Y. 470; (51 St. Rep. 274). 8 Misc. 489; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436). 84 Hun, 86; (65 St. Rep. 208; 32 Supp. 51).
- Grange v. Palmer**, 56 Hun, 481; 10 Supp. 201.
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- Granger v. Brooks**, 3 App. Div. 129; 39 Supp. 355.
- Granger v. Buffalo**, 6 Abb. N. C. 238.
Disapproved, 15 Misc. 241; 71 St. Rep. 818; 36 Supp. 797.
- Granger v. Graig**, 85 N. Y. 619.
Cited, Appeal—Stay.
56 St. Rep. 891; (26 Supp. 1127). 81 Hun, 381; (63 St. Rep. 182; 30 Supp. 989).
- Granger v. Schwartz**, 11 Leg. Obs. 346.
Cited, Voluntary Appearance—Effect.
16 Misc. 545; (74 St. Rep. 139; 38 Supp. 788).
- Granger v. Smyth**, 70 Hun, 9; 53 St. Rep. 259; 23 Supp. 934.
- Grangiac v. Arden**, 10 Johns. 293.
Cited, Gifts—Inter vivos—Delivery.
16 App. Div. 546; (78 St. Rep. 993); 44 Supp. 993. 16 Misc. 139; (38 Supp. 943).
- Grannis v. Hobby**, 137 N. Y. 559; 50 St. Rep. 932.
Affirming, 43 St. Rep. 828; 17 Supp. 618.
- Granniss & Hurd Lumber Co. v. Deeves**, 72 Hun, 171; 55 St. Rep. 674; 25 Supp. 375.
Cited, Contracts—Failure to Complete—Effect.
69 St. Rep. 295; (35 Supp. 179).
- Granite State Provident Assn. v. McHugh**, 68 St. Rep. 266; 34 Supp. 341.
- Grannan v. Westchester Racing Ass'n**, 16 App. Div. 8; 78 St. Rep. 790; 44 Supp. 790.
- Grant, Matter of**, 40 St. Rep. 944; 16 Supp. 716.
Cited, Devise—Rents and Profits—Possession.
86 Hun, 617; (33 Supp. 193).
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141 N. Y. 27; (56 St. Rep. 532).
Trusts—Validity.
9 Misc. 289; (61 St. Rep. 308; 30 Supp. 277). 8 App. Div. 27; (75 St. Rep. 396; 40 Supp. 1012).
- Grant Matter of**, 86 Hun, 617; 66 St. Rep. 822; 33 Supp. 193.
- Grant v. Birdsall**, 2 Civ. Pro. 422.
Cited, Judgments—Irregularities.
1 App. Div. 33; (72 St. Rep. 2; 36 Supp. 772; 25 Civ. Pro. 248).
- Grant v. Brooklyn**, 41 Barb. 381.
Cited, Damages—Loss of Services—Proof.
85 Hun, 92; (66 St. Rep. 73; 32 Supp. 689).
- Grant v. Crittenton**, 13 Civ. Pro. 123.
Cited, 17 Misc. 125; (39 Supp. 354).
- Grant v. Ellicott**, 7 Wend. 227.
Cited, Bills and Notes—Accommodation paper—Knowledge of Transferee.
74 Hun, 351; (56 St. Rep. 392; 26 Supp. 491). 16 Misc. 568; (74 St. Rep. 118; 38 Supp. 777). 16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).
- Grant v. Enfield, Town of**, 11 App. Div. 358; 76 St. Rep. 107; 42 Supp. 107.

*Duplicate Citations in Parenthesis.***Grant v. Griswold**, 21 Hun. 509.

Cited, Pleadings—Amendment—Leave Laches.

8 Misc. 102; (60 St. Rep. 163; 28 Supp. 1008).

Grant v. Groton, 77 Hun. 497; 60 St. Rep. 594; 28 Supp. 1014.

Grant v. Johnson, 5 N. Y. 247.

Cited, Covenants—Dependent.

89 Hun. 412; (69 St. Rep. 831; 35 Supp. 420). 88 Hun. 77; (68 St. Rep. 533; 34 Supp. 610).

Grant v. Lawrence, 79 Hun. 565; 61 St. Rep. 589; 29 Supp. 901.

Grant v. MacNutt, 12 Misc. 20; 66 St. Rep. 719; 33 Supp. 62.

Grant v. Penn. & N. Y. C. & R. Co., 133 N. Y. 657; 45 St. Rep. 305.

Distinguished, Proximate Cause—Using Another as Shield from Explosion.

73 Hun. 128; (56 St. Rep. 63; 25 Supp. 957).

Cited, 17 App. Div. 48; (78 St. Rep. 967; 44 Supp. 967).

Evidence—Preponderance—Negligence.

9 Misc. 403; (61 St. Rep. 692; 29 Supp. 1076).

Highways—Sidewalks—Ice—Liability of Municipality.

74 Hun. 307; (56 St. Rep. 269; 26 Supp. 669).

Railroads — Negligence — Concurring Causes.

75 Hun. 486; (57 St. Rep. 372; 27 Supp. 474). 13 App. Div. 501; (77 St. Rep. 698; 43 Supp. 698). 3 App. Div. 14; (73 St. Rep. 549; 37 Supp. 930). 19 Misc. 277.

Grant v. Riley, 15 App. Div. 190; 78 St. Rep. 238; 44 Supp. 238.

Grant v. Smith, 88 Hun. 32; 68 St. Rep. 671; 34 Supp. 538.

Grant v. Smith, 46 N. Y. 93.

Cited, Principal and Surety—Discharge of Surety by Change of Principal's Obligation.

137 N. Y. 315; (50 St. Rep. 653). 12 Misc. 143; (65 St. Rep. 883; 32 Supp. 1151). 15 App. Div. 17; (78 St. Rep. 126; 44 Supp. 126).

Grant v. Tallman, 20 N. Y. 191.

Cited, Vendor and Purchaser—Incumbrances—Covenants Against—Effect.

83 Hun. 478; (65 St. Rep. 82; 31 Supp. 1052).

Grant v. Treadwell, 82 Hun. 591; 64 St. Rep. 388; 31 Supp. 702.

Cited, Corporation — President's Unauthorized Acts—Issuing of Notes.

1 App. Div. 368; (37 Supp. 392).

Grant v. Treadwell Co., 1 App. Div. 367; 72 St. Rep. 455; 37 Supp. 392.

Grant v. Van Dercook, 8 Abb. N. S. 455; 57 Barb. 165.

Cited, Judgment—By Default—Limited to Demand of Complaint—Foreclosure.

54 St. Rep. 270; (23 Supp. 809).

Mechanic's Liens—Owner's Liability.

10 Misc. 376; (64 St. Rep. 119; 31 Supp. 436).

Grant v. Walsh, 81 Hun. 449; 63 St. Rep. 360; 31 Supp. 60.

Grant v. Walsh, 145 N. Y. 503; 65 St. Rep. 370.

Reversing, 81 Hun. 449; 63 St. Rep. 380; 31 Supp. 60.

Cited, Negotiable Instruments—Fraud—Burden of Proof.

149 N. Y. 705.

Grantier v. Austin, 66 Hun. 157; 49 St. Rep. 136; 20 Supp. 968.

Grantmann v. Thrall, 44 Barb. 173.

Cited, Pleading — Guardian — Appointment—Lack of Allegation—Effect.

92 Hun. 241; (72 St. Rep. 324; 36 Supp. 941).

Granz v. Lichtenhein, 84 Hun. 131; 65 St. Rep. 654; 32 Supp. 469.

Gravel v. Hodges, 112 N. Y. 419; 21 St. Rep. 845.

Cited, Principal and Agent—Principal's Death—Payment to Agent After.

139 N. Y. 287; (54 St. Rep. 459).

Graser v. Stellwagen, 25 N. Y. 315.

Cited, Appeal—Extent of Review—Instructions to Jury—Exceptions.

9 Misc. 429; (61 St. Rep. 733; 29 Supp. 1060).

Grassmuck v. Bauer, 17 Week. Dig. 523.

Cited, Chattel Mortgage—Irregularity—Creditors.

18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Grattan v. Metropolitan Life Ins. Co., 80 N. Y. 281.

Cited, Insurance—Waiver of Proofs of Loss.

68 Hun. 358; (52 St. Rep. 201; 22 Supp. 802). 13 App. Div. 448; (77 St. Rep. 626; 43 Supp. 626). 10 Misc. 406; (63 St. Rep. 523; 31 Supp. 131).

Insurance—Mistakes of Agent—Effect.

10 Misc. 221; (63 St. Rep. 310; 30 Supp. 1070). 16 Misc. 533; (73 St. Rep. 598; 38 Supp. 508). 16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509). 30 Supp. 217.

*Duplicate Citations in Parenthesis.***Grattan v. Metropolitan Life Ins. Co.,** 92 N. Y. 274.

Cited, Evidence—Declarations—Conversations—Entirety.

80 Hun, 39; (61 St. Rep. 618; 29 Supp. 867). 82 Hun, 264; (63 St. Rep. 507; 31 Supp. 192).

Insurance—Mistakes of Agents—Effect.

10 Misc. 221; (63 St. Rep. 310; 30 Supp. 1070).

Grattan v. National Life Ins. Co. of U. S., 15 Hun, 74.

Cited, Evidence—Burden of Proof—Falsity of Representations—Insurance.

5 Misc. 252; (54 St. Rep. 822; 25 Supp. 474). 10 Misc. 407; (63 St. Rep. 523; 31 Supp. 132).

Grauer v. Grauer, 2 Misc. 98; 49 St. Rep. 354; 20 Supp. 354.

Cited, Attorney and Client—Client's Money—Retention.

90 Hun, 566; (70 St. Rep. 666; 35 Supp. 1906).

Graves v. American Exch. Bank, 17 N. Y. 205.

Cited, Forgery—What Constitutes—Person of Same Name.

76 Hun, 478; (59 St. Rep. 360; 27 Supp. 1072). 14 Misc. 175; (69 St. Rep. 813; 35 Supp. 383).

Graves v. Berdan, 29 Barb. 100.

Affirmed, 26 N. Y. 498.

Cited, Landlord and Tenant—Destruction of Tenement—Effect on Covenant for Rent.

3 Misc. 234; (51 St. Rep. 866; 22 Supp. 706).

Graves v. Brewer, 4 App. Div. 327; 74 St. Rep. 186; 38 Supp. 566.

Cited, Master and Servant—Assumption of Risks.

11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817). 13 App. Div. 513; (77 St. Rep. 702; 43 Supp. 702). 78 St. Rep. 266; (44 Supp. 266).

Graves v. Cameron, 9 Daly, 152.

Cited, Evidence—Presumption—Statutes of Another State.

7 Misc. 725; (58 St. Rep. 330; 23 Supp. 45).

Pleading—Amendment—Power.

9 Misc. 120; (59 St. Rep. 708; 29 Supp. 290).

Graves v. Deterling, 120 N. Y. 447; 31 St. Rep. 695.

Cited, Conveyances—Construction—Covenants or Conditions.

146 N. Y. 33; (65 St. Rep. 776).

Graves v. Gilchrist, 29 St. Rep. 638; 9 Supp. 88.

Cited, Damages—Excessiveness—Tests.

77 Hun, 509; (60 St. Rep. 764; 29 Supp. 110).

Graves v. Graham, 18 Misc. 600; 77 St. Rep. 508; 43 Supp. 508.**Graves v. Graham,** 13 Misc. 609; 78 St. Rep. 473; 44 Supp. 473.**Graves v. Graham,** 19 Misc. 618; 78 St. Rep. 415; 44 Supp. 415.

Cited, Process—Fraudulent Use.

20 Misc. 285; (79 St. Rep. 670; 45 Supp. 670).

Graves v. Graves, 55 Hun, 58; (28 St. Rep. 57; 8 Supp. 284).

Affirmed, 126 N. Y. 636; 36 St. Rep. 1013.

Cited, Wills—Devise to Class—Who Included.

66 Hun, 604; (50 St. Rep. 373; 22 Supp. 34). 90 Hun, 164; (35 Supp. 783).

Graves v. Graves, 126 N. Y. 636; 36 St. Rep. 1013.

Cited, Wills—Devise to Class.

90 Hun, 164; (35 Supp. 783).

Graves v. King, 15 Hun, 367.

Cited, Decedent's Estates—Contestant—Decedent's Declarations Against—Availability.

10 App. Div. 374; (75 St. Rep. 1375; 41 Supp. 1008).

Graves v. Otis, 2 Hill. 466.

Cited, Municipal Corporations—Sidewalks—Commissioners—Authority.

149 N. Y. 296.

Graves v. Santway, 25 St. Rep. 1022; 6 Supp. 892.

Affirmed, 127 N. Y. 677.

Cited, Appeal—Conflicting Evidence—Effect.

88 Hun, 202; (68 St. Rep. 616; 34 Supp. 953).

Graves v. Porter, 11 Barb. 592.

Cited, Written Contract—Parol Evidence to vary.

83 Hun, 403; (64 St. Rep. 427; 31 Supp. 756).

Graves v. Waite, 59 N. Y. 156.

Cited, Pleading—Complaint—Ejectment—Irrelevant Allegations.

70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257).

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42).

4 App. Div. 231; (74 St. Rep. 197; 38 Supp. 553).

Complaint—Variance from Summons—Remedy.

18 Misc. 363; (75 St. Rep. 943; 41 Supp. 555).

*Duplicate Citations in Parenthesis.***Graves v. White,** 87 N. Y. 463.*Cited, Contracts—Rescission.*

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374).
 30 Abb. N. C. 9; D. 2 Misc. 371; (51 St. Rep. 213; 22 Supp. 378). 30 Abb. N. C. 15; 83 Hun, 258; 3 Supp. 1104; 92 Hun, 171; (71 St. Rep. 206; 36 Supp. 338). 14 Misc. 516; (70 St. Rep. 772; 33 Supp. 14).

Graves Elevator Co. v. Masonic T.

Assn. of O., 85 Hun, 496; 67 St. Rep. 111; 33 Supp. 362.

Graves Elevator Co. v. Callahan, 11

App. Div. 301; 76 St. Rep. 930; 42 Supp. 930.

Greville v. N. Y. C. & H. R. R. Co., 104 N. Y. 674.*Cited, Judgment—Less than \$500—Interest.*

18 Misc. 196; (75 St. Rep. 807; 41 Supp. 394).

Gray, Matter of, 2 N. Y. Crim. 302.*Cited, Criminal Law—Commitment—Sufficiency.*

23 Supp. 705.

Gray, Matter of, 5 Supp. 464, 24 St. Rep. 345; 1 Silv. S. Ct. 538*Cited, Wills—Testamentary Incapacity—Age, Ill Health, Etc.*

1 Misc. 261; (54 St. Rep. 239; 22 Supp. 1061). 5 Misc. 189; (24 Supp. 861).

Gray v. Alabama National Bank, 30 St. Rep. 824; 10 Supp. 5.*Cited, Contracts—Performance—Personal.*

15 Misc. 29; (71 St. Rep. 496; 36 Supp. 445. 2 Ann. Cas. 342).

Gray v. Baker, 69 Hun, 84; 52 St. Rep. 604; 23 Supp. 357.*Affirmed,* 140 N. Y. 636; 55 St. Rep. 931.**Gray v. Barton,** 1 Alb. Law. J. 122.*Cited, Equity—Retaining Jurisdiction for Complete Relief.*

74 Hun, 444; (57 St. Rep. 190; 26 Supp. 841).

Gray v. Barton, 55 N. Y. 68.*Cited, Gift—Consideration—Transfer.*

59 St. Rep. 605; (27 Supp. 617). 145 N. Y. 662; (71 St. Rep. 314). 86 Hun, 366; (67 St. Rep. 151; 33 Supp. 451). 3 App. Div. 312; (73 St. Rep. 757; 38 Supp. 276). 11 Misc. 156; (66 St. Rep. 559; 32 Supp. 104). 16 Misc. 139; (38 Supp. 943).

Trial—Reception of Evidence—Objection—Necessity.

74 Hun, 444; (57 St. Rep. 190; 26 Supp. 841).

Gray v. Central R. Co. of N. J. 11 Hun, 70.*Cited, Sales—Conditional—Capricious Rejection.*

D. 91 Hun, 395; (70 St. Rep. 841; 36 Supp. 189).

Gray v. Central R. Co. of N. J., 82 Hun, 523; 64 St. Rep. 390; 31 Supp. 704.*Cited, Sales—Executing—Breach—Effect.*

147 N. Y. 275; (69 St. Rep. 706).

Gray v. Central R. Co. of N. J., 89 Hun, 477; 69 St. Rep. 378; 35 Supp. 378.**Gray v. Daniels,** 79 St. Rep. 1106; 45 Supp. 1106.**Gray v. Davis,** 10 N. Y. 285.*Cited, Contracts—Statute of Frauds—Sale—Delivery and Acceptance.*

3 Misc. 94; (51 St. Rep. 608; 22 Supp. 370).

Gray v. Fisk, 12 Abb. N. S. 213.*Cited, Referee's Report—Setting Aside.*

14 Misc. 572; (72 St. Rep. 226; 37 Supp. 72).

Gray v. Fuller, 17 App. Div. 29; 78 St. Rep. 883; 44 Supp. 883.**Gray v. Germania Fire Ins. Co.,** 84 Hun, 504; 65 St. Rep. 698; 32 Supp. 424.**Gray v. Gray,** 16 Misc. 226.*Modified,* 5 App. Div. 132; 39 Supp. 57.**Gray v. Gray,** 84 Hun, 347; 65 St. Rep. 554; 32 Supp. 355.**Gray v. Gray,** 143 N. Y. 354; 62 St. Rep. 350.*Affirming,* 60 St. Rep. 225; 28 Supp. 856.**Gray v. Gray,** 5 App. Div. 132; 39 Supp. 57.**Gray v. Gray,** 60 St. Rep. 225; 28 Supp. 856.**Gray v. Green,** 9 Hun, 334.*Cited, Contracts—Breach—Notification in Advance of Refusal to Perform.*

4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117). 14 Misc. 14; (69 St. Rep. 499; 35 Supp. 126).

Contracts—Performance—Refusal—Tender.

4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697.) 84 Hun, 176; (65 St. Rep. 651; 32 Supp. 466).

Gray v. Green, 125 N. Y. 203; 34 St. Rep. 732.*Cited, Limitation of Action—When Statute Runs—Partnership—Accounting.*

Duplicate Citations in Parenthesis.

66 Hun, 475; (50 St. Rep. 320; 21 Supp. 537). 142 N. Y. 7; (58 St. Rep. 428).

Partnership—Dissolution—Liquidation—Rights of Partners.

142 N. Y. 318; (59 St. Rep. 8).

Gray v. Green, 66 Hun, 469; 50 St. Rep. 316; 21 Supp. 533.

Affirmed, 142 N. Y. 316; 59 St. Rep. 5.

Gray v. Green, 142 N. Y. 316; 58 St. Rep. 5.

Affirming, 66 Hun, 469; 50 St. Rep. 316; 21 Supp. 533.

Cited, Former Judgment—Effect.

13 Misc. 424; (69 St. Rep. 357; 35 Supp. 154).

Gray v. Guardian Assurance Co., 82 Hun, 380; 63 St. Rep. 555; 31 Supp. 237.

Gray v. Hook, 4 N. Y. 449.

Cited, Contracts—Gambling and Wager—Recovery.

8 Misc. 201; (58 St. Rep. 837; 28 Supp. 529).

Gray v. Journal of Finance P. Co., 2 Misc. 260; 50 St. Rep. 764; 21 Supp. 967.

Gray v. Kaufman Dairy & Ice Cream Co., 89 Hun, 144; 69 St. Rep. 238; 35 Supp. 9.

Cited, 79 St. Rep. 1141; (45 Supp. 1141).

Landlord and Tenant—Re-letting for Tenant—Effect.

9 App. Div. 117; (75 St. Rep. 534; 41 Supp. 74).

Gray v. Kaufman Dairy & Ice Cream Co., 9 App. Div. 115; 75 St. Rep. 533; 41 Supp. 73.

Cited, 79 St. Rep. 1141; (45 Supp. 1141).

Gray v. Kaufman Dairy & Ice Cream Co., 79 St. Rep. 1141; 45 Supp. 1141.

Gray v. Lessington, 2 Bosw. 257.

Cited, Infants—Disaffirmance of Contracts—Reimbursements.

2 Misc. 238; (50 St. Rep. 769; 21 Supp. 1008).

Gray v. Levy, 75 Hun, 96; 56 St. Rep. 706; 26 Supp. 861.

Gray v. Manhattan R. Co., 3 Misc. 239; 51 St. Rep. 905; 22 Supp. 771.

Gray v. Manhattan R. Co., 16 Daly, 510; 35 St. Rep. 32; 12 Supp. 542.

Cited, Damages—Elevated Railroads—Off-setting Benefits.

73 Hun, 253; (57 St. Rep. 118; 25 Supp. 1049).

Gray v. Manhattan R. Co., 128 N. Y. 499; 40 St. Rep. 478.

Cited Evidence—Expert—Damages—Elevated Railway.

3 Misc. 431; (52 St. Rep. 447; 23 Supp. 169). 138 N. Y. 552; (53 St. Rep. 183).

Injunction—When Issued—Elevated Railway—Injury.

2 Misc. 63; (49 St. Rep. 350; 20 Supp. 845). 148 N. Y. 355. 149 N. Y. 173. 90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560). 10 Misc. 260; (64 St. Rep. 112; 31 Supp. 429). 12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71). 14 Misc. 296; (70 St. Rep. 443; 35 Supp. 707). 1 Misc. 156; (48 St. Rep. 712; 20 Supp. 626). 30 Abb. N. C. 414; (26 Supp. 917).

Gray v. Murray, 3 Johns. Ch. 167.

Cited, Insurance—Premium—Executors—Payment.

89 Hun, 331; (69 St. Rep. 859; 35 Supp. 451).

Gray v. Oxnard Brothers Co., 59 Hun, 387; 36 St. Rep. 237; 13 Supp. 86.

Cited, Contracts—Illegal—Accounting Under.

72 Hun, 125; (55 St. Rep. 526; 25 Supp. 676).

Gray v. Palmer, 2 Robt. 500.

Affirmed, 41 N. Y. 620.

Cited, False Pretenses—Representations as to Future Acts.

66 Hun, 576; (50 St. Rep. 249; 21 Supp. 820).

Gray v. Rochester, C. & B. R. Co., 61 Hun, 212; 40 St. Rep. 715.

Cited, Street Railways—Condition of Tracks—Duty and Liability as to.

6 Misc. 263; (58 St. Rep. 129; 26 Supp. 761).

Gray v. Rothschild, 112 N. Y. 668; 20 St. Rep. 789.

Cited, Pleading—Misjoinder of Cause of Action—Demurrer.

7 Misc. 469; (58 St. Rep. 512; 27 Supp. 994; 23 Civ. Pro. 359). 13 Misc. 323; (68 St. Rep. 363; 34 Supp. 459).

Gray v. Shepard, 36 St. Rep. 610; 13 Supp. 27.

Cited, Pleading—Bill of Particulars—Denial of Performance of Contract.

2 Misc. 452; (51 St. Rep. 164; 21 Supp. 1033).

Gray v. Shepard, 147 N. Y. 177; 69 St. Rep. 530.

Affirming, 79 Hun, 467; 61 St. Rep. 452; 29 Supp. 975.

Gray v. Shepard, 79 Hun, 467; 61 St. Rep. 452; 29 Supp. 975.

*Duplicate Citations in Parenthesis.***Gray v. Missionary Society of M. E. Church,** 2 Supp. 878.

Cited, Wills — Construction — Legatee's Name—Defect.

1 App. Div. 163; (73 St. Rep. 25; 37 Supp. 922).

Gray v. Thompson, 1 Johns. Ch. 82.

Cited, Interest—Liability of Assignee.

4 Misc. 138; (53 St. Rep. 120; 23 Supp. 601). 15 Misc. 571; (72 St. Rep. 811; 38 Supp. 183).

Gray v. Vorhis, 8 Hun, 612.

Cited, Mechanic's Lien—Verification of Notice.

2 Misc. 439; (51 St. Rep. 118; 21 Supp. 972).

Greanelle v. Mercantile Benefit Ass'n, 70 St. Rep. 305; 35 Supp. 796.

Cited, Insurance—Injunction—Preliminary.

14 Misc. 155; (70 St. Rep. 304; 35 Supp. 796). 131 N. Y. 354; (43 St. Rep. 204).

Greany v. Long Island R. Co., 101 N. Y. 419.

Cited, Railroads — Crossings — Duty of Travelers.

69 Hun, 430; (52 St. Rep. 785; 23 Supp. 479). 79 Hun, 549; (61 St. Rep. 561; 29 Supp. 873). 87 Hun, 99; (67 St. Rep. 678; 33 Supp. 954). 7 App. Div. 518; (40 Supp. 255). 8 App. Div. 406; (75 St. Rep. 264; 40 Supp. 669). 13 App. Div. 488; (77 St. Rep. 394; 43 Supp. 394). 18 Misc. 504; (76 St. Rep. 1078; 42 Supp. 1078).

Trial—Questions of Fact—Negligence.

66 Hun, 184; (49 St. Rep. 280; 21 Supp. 160). 8 Misc. 498; (59 St. Rep. 411; 28 Supp. 751). 85 Hun, 157; (65 St. Rep. 65; 32 Supp. 480). 69 Hun, 235; (53 St. Rep. 42; 23 Supp. 493; 30 Abb. N.C. 156). 88 Hun, 267; (68 St. Rep. 565; 34 Supp. 747). 69 Hun, 68; (52 St. Rep. 747; 23 Supp. 193). 88 Hun, 282; (68 St. Rep. 556; 34 Supp. 738). 85 Hun, 157; (65 St. Rep. 666; 32 Supp. 480). 91 Hun, 34; (71 St. Rep. 397; 36 Supp. 109). 4 App. Div. 496; (38 Supp. 668). 8 App. Div. 142; (40 Supp. 473). 9 App. Div. 108; (75 St. Rep. 611; 41 Supp. 153). 11 Misc. 538; (64 St. Rep. 468; 32 Supp. 743). 20 Misc. 294; (79 St. Rep. 668; 45 Supp. 668).

Railroads—Statutory Duties—Evidence.

16 App. Div. 114; (79 St. Rep. 126; 45 Supp. 126).

Greason v. Goodwillie Wyman Co., 38 Hun, 138.

Cited, Corporations — Insolvent — Rights of Claimants to Intervene.

5 Misc. 16; (25 Supp. 130).

Greason v. Keteltas, 17 N. Y. 491.

Cited, Trustees—Lease—Renewal.

81 Hun, 570; (63 St. Rep. 609; 31 Supp. 208). 81 Hun, 570; (63 St. Rep. 610).

Greater N. Y. Athletic Club v Wurster, 19 Misc. 443; 77 St. Rep. 703; 43 Supp. 703.**Greaton v. Smith,** 1 Daly 380.

Cited, Witness — Cross-Examination — Question Affecting Credibility.

39 Supp. 394.

Great Western Turnpike Road Co. v. Loomis, 32 N. Y. 127.

Cited, Witness—Cross-Examination.

7 App. Div. 605; (74 St. Rep. 739; 40 Supp. 178).

Greaves v. Gouge, 69 N. Y. 154.

Cited, Corporation—Action by Stockholder—Fraud on Corporation—Refusal to Sue.

72 Hun, 390; (55 St. Rep. 67; 25 Supp. 563; 31 Abb. N. C. 37). 81 Hun, 123; (62 St. Rep. 658; 30 Supp. 702; 1 Ann. Cas. 29). 81 Hun, 192; (62 St. Rep. 704; 30 Supp. 760). 9 App. Div. 273; (75 St. Rep. 957; 41 Supp. 568). 11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1121). 17 Misc. 711; (40 Supp. 909). 18 Misc. 160; (41 Supp. 1065).

Greco v. Bernheimer, 17 Misc. 592; 75 St. Rep. 81; 40 Supp. 677.**Greele v. Parker,** 5 Wend. 414.

Cited, Bills and Notes—Acceptance of Bill.

D. 16 App. Div. 124; (79 St. Rep. 132; 45 Supp. 132).

Green, Matter of, 48 St. Rep. 450; 20 Supp. 538.

Affirmed. 67 Hun, 527; 51 St. Rep. 938; 22 Supp. 1112.

Cited, Evidence—Burden of Proof—Wills — Undue Influence.

56 St. Rep. 714; (25 Supp. 318).

Wills—Probate—Competency of Testator — Change of Testamentary Disposition.

5 Misc. 75; (25 Supp. 716). 15 Misc. 214; (72 St. Rep. 762; 37 Supp. 226).

Green, Matter of, 153 N. Y. 223.**Green, Matter of,** 7 App. Div. 339; 75 St. Rep. 403; 40 Supp. 1019; 3 Ann. Cas. 154.

Reversed, 153 N. Y. 223.

Green v. Ames, 14 N. Y. 225.

Cited, Statute of Limitations—Current Account.

5 App. Div. 589; (39 Supp. 385).

Green v. Armstrong, 1 Den. 550.

Cited, Chattel Mortgage—Description of Property.

Duplicate Citations in Parenthesis.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

Personal Property—Growing Crop.

135 N. Y. 392; (48 St. Rep. 527).

Statute of Frauds—Interest in Lands.

147 N. Y. 407; (70 St. Rep. 48).

Green v. Banta, 48 Super. 156.

Affirmed, 97 N. Y. 627.

Cited, Master and Servant—Liability of Master to Servant—As to Places.

8 Misc. 657; (59 St. Rep. 538; 29 Supp. 1124; 31 Abb. N. C. 427).

Green v. Bliss, 12 How. 428.

Cited, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Green v. Carey, 81 Hun, 496; 63 St. Rep. 332; 31 Supp. 8; 1 Ann. Cas. 179.

Cited, Deposition—Examination Before Trial.

11 Misc. 521; (64 St. Rep. 470; 32 Supp. 741).

12 Misc. 69; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 329).

Green v. Clark, 5 Den. 497.

Disapproved, Misdelivery — Carriers — Judgments Against—Effect.

92 Hun, 346; (72 St. Rep. 335; 36 Supp. 909).

Cited, Principal and Agent—Acts of Agent—Ratification.

16 Misc. 158; (73 St. Rep. 563; 37 Supp. 944).

Green v. Collins, 86 N. Y. 246.

Cited, Easements—Mill Property—Water Privilege.

24 Supp. 931. 151 N. Y. 399.

Contracts—Parol Evidence to Vary.

16 Misc. 377; (74 St. Rep. 382; 38 Supp. 86).

Deeds—Construction—Water Rights.

20 Misc. 449.

Green v. Disbrow, 56 N. Y. 334.

Cited, Evidence — Relevancy — Similar Transactions.

139 N. Y. 524; (54 St. Rep. 307).

Appeal—Evidence—Disregarding.

88 Hun, 289; (68 St. Rep. 598; 24 Supp. 796).

Green v. Disbrow, 79 N. Y. 1.

Cited, Limitation of Action—Mutual Account—What Is.

5 Misc. 215; (54 St. Rep. 796; 25 Supp. 467; 23 Civ. Pro. 228). 140 N. Y. 161; (55 St. Rep. 263); 3 Misc. 142; (51 St. Rep. 499; 22 Supp. 922).

Green v. Easton, 74 Hun, 329; 55 St. Rep. 895; 26 Supp. 553.

Cited, Corporations—Directors—Creditor's Action Against.

9 App. Div. 312; (75 St. Rep. 639; 41 Supp. 191; 3 Ann. Cas. 390). 16 App. Div. 534; (78 St. Rep. 1001; 44 Supp. 1001).

Green v. Eldred, 66 N. Y. 611.

Cited, Deeds—Construction—Exceptions.

49 St. Rep. 470; (21 Supp. 91).

Green v. Fortier, 80 N. Y. 640.

Cited, Appeal—Evidence—Power to Review.

1 Misc. 257; (48 St. Rep. 758; 20 Supp. 694).

Green v. Fry, 93 N. Y. 353.

Cited, Assignment — Choses in Action — Rights of Assignee.

80 Hun, 211; (61 St. Rep. 777; 30 Supp. 33).

Green v. Green, 69 N. Y. 553.

Distinguished, Infants — Rights Under Executed Contracts.

2 Misc. 238; (50 St. Rep. 769; 21 Supp. 1008).

Cited, Infants—Repudiation of Contract — Restoration.

71 Hun, 415; (54 St. Rep. 376; 24 Supp. 949).

13 App. Div. 547; (77 St. Rep. 665; 43 Supp. 665). 76 Hun, 42; (59 St. Rep. 633; 27 Supp. 583).

68 Hun, 596; (52 St. Rep. 592; 23 Supp. 242). 20 Misc. 244; (79 St. Rep. 796; 45 Supp. 796).

Green v. Green, 2 Redf. 408.

Cited, Trusts — Trustees — Dealing With Property for Own Advantage.

23 Supp. 1051. 24 Supp. 135.

Green v. Green, 9 Cow. 46.

Cited, Contracts—Breach—Recovery.

20 Misc. 45; (79 St. Rep. 330; 45 Supp. 330). 148 N. Y. 562; (3 Ann. Cas. 24).

Green v. Hart, 1 Johns. 580

Cited, Mortgage—Assignment—Parol.

152 N. Y. 162.

Green v. Hauser, 9 Supp. 669.

Cited, Action on Judgment—Limitation.

8 App. Div. 340; (75 St. Rep. 201; 40 Supp. 816).

Green v. Hernz, 2 App. Div. 255; 72 St. Rep. 832; 37 Supp. 887.

Green v. Heruz, 14 Misc. 474; 70 St. Rep. 360; 35 Supp. 843.

Affirmed, 2 App. Div. 255; 72 St. Rep. 832; 37 Supp. 887.

Green v. Hill, 5 App. Div. 552; 39 Supp. 436.

Green v. Homestead F. Ins. Co., 17 Hun, 467.

Cited, Insurance — Conditions or to Unconditional and Sole Ownership — Incumbrances.

1 Misc. 116; (48 St. Rep. 654; 20 Supp. 647).

Duplicate Citations in Parenthesis.

Green v. Homestead Fire Ins. Co., 82 N. Y. 517.

Cited, Insurance — Change of Interest — Levy.

136 N. Y. 380; (49 St. Rep. 669). 78 Hun, 115; (60 St. Rep. 804; 29 Supp. 253). 149 N. Y. 387.

Green v. Hudson River R. Co., 2 Abb. Ct. App. Dec. 277.

Cited, Death by Wrongful Act—Action.

11 App. Div. 165; (76 St. Rep. 655; 42 Supp. 655).

Green v. Meyer, 78 St. Rep. 81; 44 Supp. 81.

Green v. Middlesex R. Co., 10 Misc. 473; 65 St. Rep. 257; 32 Supp. 177; 24 Civ. Pro. 272; 1 Ann. Cas. 167.

Affirmed, 90 Hun, 607; 35 Supp. 1107.

Cited, Examination Before Trial — Affidavit.

16 App. Div. 318; (78 St. Rep. 626; 44 Supp. 626).

Green v. Milbank, 3 Abb. N. C. 138.

Cited, Equity—Parties—Bringing in.

81 Hun, 194; (62 St. Rep. 706; 30 Supp. 762).

Equitable Relief — Remedy at Law — Waiver.

84 Hun, 86; (65 St. Rep. 208; 32 Supp. 51).

Green v. N. Y. C. R. Co., 12 Abb. N. S. 473.

Cited, Bailment—Delivery—Res Gestae.

11 Misc. 431; (65 St. Rep. 220; 32 Supp. 125).

Green v. Northern Steamship Co., 68 St. Rep. 871; 34 Supp. 1140.

Green v. Patchen, 13 Wend. 293.

Cited, Reference—Compulsory.

D. 142 N. Y. 260; (58 St. Rep. 780.)

Green v. Putman, 1 Barb. 500.

Cited, Co-Tenants—Accounting—Repairs —Lien for Reimbursement.

4 Misc. 352. (54 St. Rep. 257; 24 Supp. 354). 152 N. Y. 110.

Green v. Reynolds, 72 Hun, 565; 54 St. Rep. 846; 25 Supp. 625.

Green v. Roworth, 4 Misc. 141; 53 St. Rep. 129; 23 Supp. 777.

Cited, Case—Certification.

14 Misc. 310; (70 St. Rep. 445; 35 Supp. 710).

Green v. Roworth, 6 Misc. 130; 56 St. Rep. 624; 26 Supp. 37.

Green v. Roworth, 113 N. Y. 462; 23 St. Rep. 149.

Cited, Evidence—Presumptions—Undue Influence—As Affected by Relation of Parties.

140 N. Y. 258; (55 St. Rep. 545).

Appeal—Findings—Irreconcilable—Effect. 85 Hun, 185; (66 St. Rep. 165; 32 Supp. 597). 16 Misc. 361; (74 St. Rep. 381; 38 Supp. 84).

Green v. Sanders, 18 Hun, 308.

Cited, Executors and Administrators—Temporary — Compensation — Specific Bequests.

17 Misc. 263; (59 St. Rep. 373; 27 Supp. 1009).

Green v. Schroeder, 13 Misc. 324; 34 Supp. 1140.

Green v. Shute, 26 St. Rep. 114; 7 Supp. 69.

Affirmed, 15 Daly, 358; 28 St. Rep. 175; 7 Supp. 645.

Cited, Appeal — Certificate of Judge, Conclusiveness.

1 Misc. 2; (48 St. Rep. 637; 20 Supp. 617).

Green v. Shute, 27 St. Rep. 816; 7 Supp. 69.

Cited, Appeal — Certificate of Judge—Conclusiveness.

11 Misc. 445; (65 St. Rep. 419; 32 Supp. 220).

Green v. Shute, 15 Daly, 358; 28 St. Rep. 175; 7 Supp. 645.

Cited, Trial—Question of Fact—Effect of Request by Each Party for Direction of Verdict.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9).

Green v. Skeel, 5 T. & C. 25.

Cited, Contracts — Agents—Personal Liability.

82 Hun, 176; (63 St. Rep. 776; 31 Supp. 327).

Green v. Smith, 29 Hun, 166.

Cited, Contracts — Rescission—Fraud — Benefits.

77 Hun, 458; (60 St. Rep. 657; 29 Supp. 87).

Green v. Stewart, 79 St. Rep. 982; 45 Supp. 982.

Green v. Swink, 9 St. Rep. 646.

Cited, Bills and Notes—Ownership.

4 Misc. 72; (53 St. Rep. 129; 23 Supp. 786).

Green v. Telfair, 11 How. 260.

Cited, Trial—Exhortation by Court to Jury to Agree.

2 Misc. 129; (49 St. Rep. 118; 20 Supp. 854).

Green v. Telfair, 20 Barb. 11.

Cited, Libel—Reference to Plaintiff.

14 Misc. 329; (70 St. Rep. 357; 35 Supp. 840).

Duplicate Citations in Parenthesis.

Green v. Warren, 14 Hun, 434.

Cited, Judgment—Setting Aside—Irregularity—Prejudice.

79 Hun, 166; (61 St. Rep. 377; 29 Supp. 520).

Green v. Waruick, 64 N. Y. 220.

Cited, Mortgage—Assignee—Rights.

12 Misc. 330; (65 St. Rep. 785; 33 Supp. 643; 1 Ann. Cas. 357).

Green v. Weckle, 16 Misc. 76; 73 St. Rep. 271; 37 Supp. 652.

Green v. Winter, 1 Johns. Ch. 26.

Cited, Executors—Accounting—Services—Compensation.

9 Misc. 300; (61 St. Rep. 314; 30 Supp. 268).

Trustees—Management of Trust Estate—Expenses.

152 N. Y. 566. 80 Hun, 533; (62 St. Rep. 611; 30 Supp. 637).

Green v. Young, 21 Supp. 255.

Greenblatt v. Hermann, 69 Hun, 298;

53 St. Rep. 421; 23 Supp. 565.

Reversed, 144 N. Y. 13; 63 St. Rep. 859.

Greenblatt v. Hermann, 144 N. Y. 13; 62 St. Rep. 859.

Cited, Vendor and Purchaser—Defects—Duty of Purchaser.

84 Hun, 456; (65 St. Rep. 601; 32 Supp. 396). 152 N. Y. 309. 9 App. Div. 218; (75 St. Rep. 622; 41 Supp. 174). 15 App. Div. 58; (78 St. Rep. 157; 44 Supp. 157). 17 App. Div. 324; (79 St. Rep. 211; 45 Supp. 211).

Greenberg v. Kingston, City of, 22 Supp. 511.

Greenburg v. Early, 4 Misc. 99; 53 St. Rep. 130; 23 Supp. 1009; 30 Abb. N. C. 300.

Cited, Contracts—Personal Trust and Confidence—Descendibility of.

7 Misc. 667; (58 St. Rep. 809; 28 Supp. 12).

Partnership—Dissolution—Termination of Contracts.

76 Hun, 180; (57 St. Rep. 335; 27 Supp. 571).

Greene, Matter of, 9 App. Div. 223; 75 St. Rep. 625; 41 Supp. 177.

Affirmed, 150 N. Y. 566.

Greene v. Bates, 7 How. 296.

Cited, Abatement and Revival—Procedure. 14 Misc. 429; (71 St. Rep. 484; 36 Supp. 433).

Parties—Supplemental Complaint.

71 St. Rep. 25; (33 Supp. 18; 25 Civ. Pro. 166).

Greene v. Couse, 157 N. Y. 386.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796). 9 App. Div. 24; (75 St. Rep. 595; 41 Supp. 137).

Greene v. Greene, 125 N. Y. 506; 36 St. Rep. 30.

Cited, Trust—Creation—Requisites.

74 Hun, 303; (56 St. Rep. 273; 26 Supp. 673).

Trusts—Beneficiary as Trustee—Merger.

6 Misc. 379; (56 St. Rep. 339; 26 Supp. 745). 89 Hun, 539; (70 St. Rep. 414; 35 Supp. 618). 89 Hun, 557; (69 St. Rep. 731; 35 Supp. 344).

Trusts—Construction—Destruction by Implication.

140 N. Y. 149; (55 St. Rep. 553). 70 Hun, 324; (54 St. Rep. 38; 24 Supp. 441). 145 N. Y. 368; (64 St. Rep. 823). 79 St. Rep. 624; (45 Supp. 624).

Trusts—Implication.

17 App. Div. 310; (79 St. Rep. 206; 45 Supp. 206). 13 Misc. 347; (68 St. Rep. 518; 34 Supp. 562).

Greene v. Greene, 23 St. Rep. 869; 7 Supp. 30.

Cited, Partition—Adverse Possession—Complete Relief.

137 N. Y. 128; (50 St. Rep. 173).

Greene v. Linton, 7 Misc. 272; 58 St. Rep. 532; 27 Supp. 891.

Greene v. Martine, 84 N. Y. 648; 21 Hun, 136.

Cited, 17 App. Div. 227; (79 St. Rep. 541; 45 Supp. 541).

Greene v. Miller, 74 Hun, 271; 56 St. Rep. 411; 26 Supp. 425.

Greene v. Niagara County, 8 App. Div. 409; 75 St. Rep. 253; 40 Supp. 862.

Greene v. Northern Steamship Co., 11 Misc. 717; 34 Supp. 1140.

Greene v. Republic Fire Ins. Co., 84 N. Y. 572.

Cited, Contracts—Assignment—Parol.

17 Misc. 137; (39 Supp. 342).

Cited, Judgments—Foreign—Actions on—Relief.

74 Hun, 526; (56 St. Rep. 721; 26 Supp. 829; 31 Abb. N. C. 142).

Greene v. Shute, 26 St. Rep. 114; 15 Daly, 358; 7 Supp. 645.

Cited, Appeal—Review of Settlement of Case—Dispute as to Facts.

6 Misc. 617; (55 St. Rep. 774; 26 Supp. 74).

Duplicate Citations in Parenthesis.

Greene v. Smith, 13 App. Div. 459; 77 St. Rep. 610; 43 Supp. 610.

Greene v. Walton, 13 Supp. 147.

Cited, Justice's Court—Appeal—Judgment.

7 Misc. 477; (28 Supp. 387).

Greene v. Warnick, 64 N. Y. 220.

Cited, Mortgage—Effect of Record on Rights of Assignee.

137 N. Y. 339; (50 St. Rep. 785).

Mortgage — Assignment — Assignee's Rights.

24 Supp. 902; (30 Abb. N. C. 361). 86 Hun, 531; (57 St. Rep. 690; 33 Supp. 915). 11 Misc. 603; (67 St. Rep. 309; 33 Supp. 541). 14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384).

Greene v. White, 37 N. Y. 405.

Cited, Appeal—Erroneous Instruction—When Prejudicial.

1 Misc. 473; (49 St. Rep. 619; 21 Supp. 638).

9 Misc. 361; (60 St. Rep. 616; 29 Supp. 698). 16 Misc. 62; (73 St. Rep. 134; 37 Supp. 693). 76 Hun, 66; (59 St. Rep. 608; 27 Supp. 620). 17 Misc. 160; (39 Supp. 329). 20 Misc. 304; (79 St. Rep. 804; 45 Supp. 804).

Greenfield v. Gilman, 140 N. Y. 168; 55 St. Rep. 427.

Reversing, 47 St. Rep. 934; 21 Supp. 475.

Greenfield v. New York, 28 Hun, 320.

Cited, Attorneys — Relation to Client—Compensation—Summary Proceedings.

79 Hun, 397; (61 St. Rep. 501; 29 Supp. 795).

Greenfield v. People, 74 N. Y. 277.

Cited, Trial—Jury—Challenges — Determination.

136 N. Y. 66; (43 St. Rep. 901). 88 Hun, 296; (68 St. Rep. 402; 34 Supp. 673).

Greenfield v. People, 85 N. Y. 75.

Cited, Trial—Striking out Evidence—On Motion of Court.

141 N. Y. 191; (56 St. Rep. 830).

Trial—Instructions—Correction of Erroneous.

141 N. Y. 191; (56 St. Rep. 830). 8 App. Div. 148; (40 Supp. 490).

Greenhall v. Unger, 20 Misc. 412; 79 St. Rep. 1035; 45 Supp. 1035.

Green Island, Board of Health of Village of v. Magill, 17 App. Div. 249; 79 St. Rep. 710; 45 Supp. 710.

Greenland v. Waddell, 116 N. Y. 234; 26 St. Rep. 667.

Cited, Trusts—Control of Court—Appointment of Trustee.

137 N. Y. 515; (51 St. Rep. 268).

Wills—Construction—Devise—Power to Sue—Election.

9 Misc. 687; (62 St. Rep. 123; 30 Supp. 546). 17 Misc. 224; (40 Supp. 1086). 9 App. Div. 294. 15 Misc. 554; (73 St. Rep. 130; 37 Supp. 591). 14 App. Div. 134; (77 St. Rep. 580; 43 Supp. 580).

Wills—Equitable Conversion.

16 Misc. 203; (74 St. Rep. 537; 38 Supp. 948).

Greenleaf v. Brooklyn, F. & C. I. R. Co., 132 N. Y. 408.

Cited, Deeds—Ancient—Evidence.

12 App. Div. 105; (76 St. Rep. 530; 42 Supp. 530).

Greenleaf v. Brooklyn, F. & C. I. R. Co., 71 Hun, 91; 54 St. Rep. 291; 24 Supp. 526.

Affirmed, 141 N. Y. 395; 57 St. Rep. 613.

Greenleaf v. Brooklyn, F. & C. I. R. Co., 141 N. Y. 395; 57 St. Rep. 613.

Greenleaf v. Mumford, 19 Abb. 469; 30 How. 30.

Cited, Drawer of Check—Lack of Funds—Effect.

18 Misc. 466; (75 St. Rep. 1361; 41 Supp. 984).

Greeno v. Greeno, 23 Hun, 478.

Cited, Executors—Accounting—Charges—Use of Property.

74 Hun, 366; (56 St. Rep. 351; 26 Supp. 687).

Greenpoint Sugar Co. v. Whitin, 69 N. Y. 328.

Cited, Corporations—Mortgage—Assent of Stockholders.

7 Misc. 211; (58 St. Rep. 40; 27 Supp. 679). 13 Misc. 742; (69 St. Rep. 233; 35 Supp. 4). 2 App. Div. 20; (72 St. Rep. 502; 37 Supp. 446). 17 App. Div. 156; (79 St. Rep. 143; 45 Supp. 143).

Greenspau v. Am. Star Order, 1 Misc. 406; 49 St. Rep. 446; 20 Supp. 945.

Greentree v. Rosenstock, 61 N. Y. 583.

Cited, Pleading—Complaint — Contracts—Effect of Allegations Sounding in Tort.

6 Misc. 90; (55 St. Rep. 438; 26 Supp. 42).

Greenvault v. Davis, 4 Hill, 643.

Cited, Landlord and Tenant—Lease—Eviction.

24 Supp. 475.

Greenwald v. United Life Ins. Ass'n, 18 Misc. 91; 76 St. Rep. 973; 42 Supp. 973.

Duplicate Citations in Parenthesis.

Greenwich Bank v. De Groot, 7 Hun, 210.

Cited, Bills and Notes—Protest—Mailing to Directory Address.

137 N. Y. 382; (50 St. Rep. 661).

Greenwich Ins. Co. v. Oregon Improvement Co., 76 Hun, 194; 58 St. Rep. 474; 27 Supp. 794.

Greenwich Warehouse Co. v. Maxfield, 8 Misc. 308; 59 St. Rep. 279; 28 Supp. 732.

Greenwich Ins. Co. v. Oregon Imp. Co., 76 Hun 194; 58 St. Rep. 474.

Affirmed, 148 N. Y. 758.

Cited, New Security—Effect on Debt.

13 Misc. 186; (67 St. Rep. 884; 34 Supp. 9).

Greenwood v. Holbrook, 111 N. Y. 465; 19 St. Rep. 367.

Cited, Wills—Language—Construction.

86 Hun, 110; (68 St. Rep. 45; 34 Supp. 201). 15 Misc. 62; (72 St. Rep. 408; 36 Supp. 885).

Greenwood v. Marvin, 29 Hun, 99.

Cited, Referee—Misconduct — Report — Setting Aside.

1 App. Div. 106. 14 Misc. 574; (72 St. Rep. 227; 37 Supp. 73).

Greenwood v. Marvin, 111 N. Y. 423; 19 St. Rep. 612.

Cited, Partnership — Chattel Nature of Partner's Interest.

53 St. Rep. 889; (25 Supp. 132). 82 Hun, 241; (63 St. Rep. 591; 31 Supp. 273). 10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80). 85 Hun, 483; (66 St. Rep. 702; 33 Supp. 99). 6 App. Div. 31; (39 Supp. 529).

Litigation—Termination.

11 App. Div. 31; (76 St. Rep. 1018; 42 Supp. 1018).

Assignment—Interest of Contestant.

10 Misc. 226; (63 St. Rep. 250; 30 Supp. 1060).

Greenwood v. Metropolitan El. R. Co., 58 Super. 482; 12 Supp. 919.

Cited, Elevated Railroads—Maintenance and Operation—Rights of Abutting Owners — Past Damages.

9 Misc. 660; (30 Supp. 549).

Greenwood Lake & P. J. R. Co. v. N. Y. & G. L. R. Co., 134 N. Y. 435; 47 St. Rep. 550.

Cited, Conveyances — Deeds — Construction.

1 App. Div. 25; (71 St. Rep. 845; 36 Supp. 738).

Conveyances—Construction—License.

12 Misc. 305; (67 St. Rep. 841; 34 Supp. 41.) 34 Supp. 41.

Greer v. Belknap, 63 How. 390.

Cited, Wills—Description—Of Devisee or Legatee—Corporations.

3 Misc. 484; (23 Supp. 745). 1 App. Div. 163; (73 St. Rep. 25; 37 Supp. 922).

Greer v. Chester, 62 Hun, 329; 42 St. Rep. 289; 17 Supp. 238.

Affirmed, 131 N. Y. 629.

Cited, Trusts — Extinguishment — Union of Interests.

3 Misc. 166; (51 St. Rep. 563; 23 Supp. 288). 75 Hun, 241; (58 St. Rep. 684; 27 Supp. 3).

Greer v. Greer, 58 Hun, 251; 34 St. Rep. 448; 12 Supp. 778.

Cited, Attorney and Client—Privilege of Attorney.

82 Hun, 381; (63 St. Rep. 596; 31 Supp. 278).

Greer v. New York, 1 Abb. N. S. 206.

Cited, Municipal Corporations — Relief of From Defaults in Actions.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

Greer v. New York, 4 Rob. 675.

Cited, Default—Inquest—Relief.

17 Misc. 235; (40 Supp. 1055).

Gregan v. Buchanan, 15 Misc. 580; 72 St. Rep. 115; 37 Supp. 83.

Gregg, Matter of, 11 Misc. 153; 66 St. Rep. 557; 32 Supp. 1103.

Gregg v. Boyd, 69 Hun, 588; 53 St. Rep. 386; 23 Supp. 918.

Gregg v. Howe, 37 Super. 420.

Cited, Appeal—Postponement of Trial—Denial.

19 Misc. 368; (77 St. Rep. 499; 43 Supp. 499).

Gregg v. Murphy, 73 Hun, 389; 58 St. Rep. 83; 26 Supp. 556.

Gregg v. Whittman, 12 Misc. 90; 66 St. Rep. 668; 32 Supp. 1131.

Cited, Bailment—Conversion.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 45). Insurance—Cancellation of Policy—Return of Premium.

32 Supp. 167.

Gregor v. McKee 18 Misc. 613; 77 St. Rep. 486; 43 Supp. 486.

Gregory, Matter of, 13 Misc. 363; 69 St. Rep. 479; 35 Supp. 105; 25 Civ. Pro. 71.

Cited, Wills—Adoption—Effect.

15 Misc. 408; (73 St. Rep. 4; 37 Supp. 925).

Gregory, Matter of, 15 Misc. 407; 73 St. Rep. 3; 37 Supp. 925.

Duplicate Citations in Parenthesis.

Gregory, Matter of, 21 St. Rep. 871; 4 Supp. 235.

Cited, Surrogate's Court—Accounting—Limitation.

74 St. Rep. 301.

Gregory v. Fitchner, 27 Abb. N. C. 86; 38 St. Rep. 192; 14 Supp. 891; 21 Civ. Pro. 1.

Cited, Evidence—Competency—Personal Transaction With Deceased.

7 Misc. 673; (58 St. Rep. 344; 28 Supp. 58. 23 Civ. Pro. 324).

Gregory v. Mack, 3 Hill 380.

Cited, Contract—Performance—Variance from Instruction.

53 St. Rep. 925; (24 Supp. 275).

Gregory v. McDowell, 8 Wend. 435.

Cited, Contracts — Breach — Measure of Damages.

148 N. Y. 384.

Gregory v. Michaels, 1 Misc. 195; 49 St. Rep. 79; 20 Supp. 877.

Gregory v. New York, 113 N. Y. 416; 22 St. Rep. 703.

Cited, Officers—Public—Who Are.

69 Hun, 293; (53 St. Rep. 235; 23 Supp. 485).

New Trial—Appeal—Direction of Verdict—Review.

69 Hun, 540; (53 St. Rep. 290; 23 Supp. 1092). 81 Hun, 479; (63 St. Rep. 191; 30 Supp. 998). 14 Misc. 566; (70 St. Rep. 718; 35 Supp. 1073).

Officer—Suspension—Dismissal.

70 Hun, 210; (54 St. Rep. 100; 24 Supp. 2). D. 70 Hun, 210; (54 St. Rep. 101; 24 Supp. 2). 68 Hun, 56; (52 St. Rep. 37; 22 Supp. 661). 61 St. Rep. 672; (30 Supp. 405). 2 App. Div. 360; (73 St. Rep. 61; 37 Supp. 848). 5 App. Div. 289; (39 Supp. 228). 15 Misc. 41; (71 St. Rep. 475; 36 Supp. 425). 79 St. Rep. 889; (45 Supp. 889).

Officers — Suspension — Abandonment—Salary.

137 N. Y. 200; (50 St. Rep. 413). 11 Misc. 307; (65 St. Rep. 442; 32 Supp. 258).

Gregory v. N. Y., L. E. & W. R. Co., 55 Hun, 303; 28 St. Rep. 726; 8 Supp. 525.

Cited, Personal Injuries — Damages — Measure.

3 App. Div. 205; (73 St. Rep. 734; 38 Supp. 395).

Expert Testimony—Opinion as to Value—Evidence.

10 Misc. 50; (62 St. Rep. 770; 30 Supp. 809).

Gregory v. Seaman, 51 Super. 517.

Cited, Reference—Long Account—Character of Complaint.

142 N. Y. 251; (58 St. Rep. 775).

Gregory v. Stryker, 2 Den. 428.

Cited, Bailments—Manufactured Article—Title.

89 Hun, 200; (69 St. Rep. 100; 34 Supp. 1019). 15 App. Div. 502; (78 St. Rep. 545; 44 Supp. 545).

Gregory v. Thomas, 20 Wend. 17.

Cited, Conditional Sales—Chattel Mortgage—Record—Notice.

15 Misc. 172; (72 St. Rep. 173; 37 Supp. 21). 14 Misc. 3; (69 St. Rep. 298; 35 Supp. 182).

Gregory v. Trainor, 4 E. D. Smith, 58.

Cited, Action—Appearance of Defendant—Proof of Case.

84 Hun, 306; (65 St. Rep. 544; 32 Supp. 415).

Greite v. Hendricks, 53 St. Rep. 851; 24 Supp. 545.

Greite v. Hendricks, 71 Hun, 11; 53 St. Rep. 852; 24 Supp. 546.

Greising, Matter of, 74 Hun, 62; 56 St. Rep. 196; 26 Supp. 117.

Grening v. Malcolm, 83 Hun, 9; 64 St. Rep. 325; 31 Supp. 612.

Cited, New Trial—Discretion of Court.

16 Misc. 513; (38 Supp. 525). 20 Misc. 351; (79 St. Rep. 781; 45 Supp. 781). 74 St. Rep. 45.

Greton v. Smith, 33 N. Y. 245.

Affirming, 1 Daly, 380.

Cited, Action—Choice of Remedies—Effect.

80 Hun, 237; (61 St. Rep. 648; 29 Supp. 1049). 87 Hun, 126; (67 St. Rep. 443; 33 Supp. 799).

Witnesses — Cross-Examination — Extent — Disparagement.

139 N. Y. 84; (54 St. Rep. 429). 3 App. Div. 128; (39 Supp. 394).

Witnesses — Cross-Examination — Disparaging Questions.

7 App. Div. 605; (74 St. Rep. 740; 40 Supp. 179). 3 App. Div. 128; (39 Supp. 394).

Greve v. Aetna Live Stock Ins. Co.,

81 Hun, 28; 62 St. Rep. 566; 30 Supp. 668; 1 Ann. Cas. 14.

Cited, Insurance—Policy—Action on—Limiting Right to Sue.

86 Hun, 382; (67 St. Rep. 226; 33 Supp. 513).

*Duplicate Citations in Parenthesis.***Grey v. Grey**, 47 N. Y. 552.*Cited*, Evidence—Sufficiency—Gift.

4 Misc. 567; (25 Supp. 787). 6 Misc. 273; (58 St. Rep. 132; 26 Supp. 765). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995). 90 Hun, 461; (72 St. Rep. 191; 37 Supp. 79). D. 16 App. Div. 555; (78 St. Rep. 998; 44 Supp. 998). 78 St. Rep. 842; (44 Supp. 842). 16 Misc. 176; (38 Supp. 1136).

Gift—Of Bank Deposit—Possession of Book.

3 Misc. 269; (51 St. Rep. 904; 22 Supp. 935).

Grey v. Germania Fire Ins. Co., 84 Hun, 404; 32 Supp. 424.*Cited*, Insurance—Agent—Waiver.

15 App. Div. 621; (78 St. Rep. 770; 44 Supp. 770).

Greyston v. Clark, 41 Hun, 125; 4 St. Rep. 4.*Cited*, Life Tenants—Charging Land for Support.

67 Hun, 247; (50 St. Rep. 818; 22 Supp. 260).

Will—Construction—Limitation of Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431).

Wills—Construction—Contingent Bequest.

67 Hun, 275; (50 St. Rep. 823; 22 Supp. 243). 11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Gibbon v. Back, 35 Hun, 541.*Cited*, Attachment—Affidavit of Agent.

50 St. Rep. 829; (22 Supp. 873).

Gridley v. College of St. Francis Xavier, 137 N. Y. 327; 50 St. Rep. 657.*Affirming*, 45 St. Rep. 1; 17 Supp. 653.**Gibbon v. Frele**, 93 N. Y. 93.*Cited*, Attachment—Affidavit—Correction.

90 Hun, 42; (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179)

Gridley v. Gridley, 7 Civ. Pro. 215.*Cited*, Pleading—Bill of Particulars—Necessity—Affidavit of Applicant.

74 Hun, 347; (56 St. Rep. 379; 26 Supp. 457). 82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496). 13 Misc. 322; (68 St. Rep. 366; 34 Supp. 462). 19 Misc. 478; (77 St. Rep. 1112; 43 Supp. 1112).

Gridley v. Gridley, 24 N. Y. 130.*Cited*, Money Had and Received—Implied Promise.

18 Misc. 59; (75 St. Rep. 478; 41 Supp. 24). 18 Misc. 637; (76 St. Rep. 604; 42 Supp. 604).

Griebel v. Rochester Printing Co.,

60 Hun, 319; 14 Supp. 848.

Cited, Libel—Actionable Per Se.

86 Hun, 481; (69 St. Rep. 464; 35 Supp. 53). 8 App. Div. 452; (40 Supp. 761).

Griebel v. Rochester Printing Co.,

8 App. Div. 450; 75 St. Rep. 134; 40 Supp. 759.

Grier v. Hazard, Hazard & Co., 39

St. Rep. 74; 14 Supp. 784

Cited, Appeal—Review—Exceptions—Irregularity—Effect.

4 Misc. 186; (53 St. Rep. 224; 23 Supp. 996). 8 Misc. 293; (59 St. Rep. 210; 28 Supp. 573; 31 Abb. N. C. 439). 8 Misc. 271; (59 St. Rep. 202; 28 Supp. 716). 14 Misc. 310; (70 St. Rep. 445; 35 Supp. 710). 18 Misc. 431; (76 St. Rep. 24; 42 Supp. 24).

Grierson v. Mason, 60 N. Y. 394.*Cited*, Evidence—Parol as to Writings.

73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262). 73 Hun, 381; (57 St. Rep. 291; 26 Supp. 264). 76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235). 2 Misc. 220; (52 St. Rep. 271; 23 Supp. 666). 8 Misc. 375; (59 St. Rep. 586; 28 Supp. 701). 145 N. Y. 664 (71 St. Rep. 315). 14 Misc. 245; (70 St. Rep. 455; 35 Supp. 720).

Griesa v. Mass. Ben. Ass'n, 39 St. Rep. 1; 15 Supp. 71.*Cited*, Benefit Associations—Assessments—Waiver.

87 Hun, 597; (68 St. Rep. 524; 34 Supp. 567).

Griffen v. Ford, 1 Bosw. 123.*Cited*, Wills—Annuity—Alienability.

70 Hun, 277; (54 St. Rep. 26; 24 Supp. 228). 7 App. Div. 441; (75 St. Rep. 411; 40 Supp. 1025).

Griffen v. Long Island R. Co., 101 N. Y. 348.*Cited*, Pleading—Answer—Denial.

13 Misc. 634; (69 St. Rep. 164; 34 Supp. 910).

Griffeth v. Green, 129 N. Y. 517; 42 St. Rep. 101.*Cited*, Corporations—Liability of Stockholders—Certificate of Full Payment.

66 Hun, 7; (49 St. Rep. 198; 20 Supp. 824). 89 Hun, 567; (70 St. Rep. 119; 35 Supp. 552). 151 N. Y. 65.

Griffen v. New York C. Ins. Co., 190 N. Y. 417.*Cited*, Insurance—Furnishing Proofs of Loss as a Condition Precedent to Suit.

137 N. Y. 398; (50 St. Rep. 683). D. 9 App. Div. 364; (75 St. Rep. 727; 41 Supp. 314). 11 Misc. 517; (66 St. Rep. 108; 22 Supp. 761).

Duplicate Citations in Parenthesis.

Insurance—Forfeiture—Implication.
 77 Hun, 424; (60 St. Rep. 44; 28 Supp. 798). 7 App. Div. 492; (40 Supp. 251). 11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866).

Insurance—Interest of Insured.
 12 App. Div. 46; (76 St. Rep. 544; 42 Supp. 544).

Insurance—Cancellation.
 13 App. Div. 524; (77 St. Rep. 636; 43 Supp. 636).

Griffin v. Banks, 37 N. Y. 621.
Cited, Husband and Wife—Agreement for Separation.
 4 App. Div. 599. (72 St. Rep. 113; 36 Supp. 892).

Griffin v. Burtnett, 4 Edw. Ch. 673.
Cited, Mortgage—Foreclosure—Surplus—Subrogation as to.
 50 St. Rep. 545; (21 Supp. 834).

Griffin v. Colver, 16 N. Y. 489.
Cited, Damages—Measure—Breach of Contract.
 135 N. Y. 217; (47 St. Rep. 847). 8 Misc. 260; (59 St. Rep. 200; 28 Supp. 549). 8 Misc. 267; (59 St. Rep. 397; 28 Supp. 542). 91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841).

Damages—Measure—Profits.
 8 Misc. 543; (59 St. Rep. 269; 28 Supp. 753). 11 Misc. 563; (66 St. Rep. 183; 32 Supp. 800).

Griffin v. Condon, 18 Misc. 236; 75 St. Rep. 791; 41 Supp. 380.

Griffin v. Cranston, 1 Bosw. 281.
Cited, Appeal—Unauthorized Order—Review.
 D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028).

Griffin v. Cranston, 5 Bosw. 658.
Cited, Appeal—Order of Reference.
 D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028).

Griffin v. Dominguez, 2 Duer. 656.
Cited, Supplementary Proceedings.
 87 Hun, 71; (67 St. Rep. 641; 33 Supp. 958).

Griffin v. Ford, 1 Bosw. 123.
Cited, Trusts—Accumulation—Annuities.
 140 N. Y. 529; (56 St. Rep. 470).
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 3 Misc. 473; (23 Supp. 739).

Griffin v. Griffin, 23 How. 189.
Cited, Husband and Wife—Divorce—Alimony and Counsel Fees.
 4 Misc. 383; (24 Supp. 484).

Griffin v. Griffin, 70 Hun, 73; 53 St. Rep. 437; 23 Supp. 1070.

Griffin v. Hungerford, 19 Misc. 683; 78 St. Rep. 1054; 44 Supp. 1054.

Griffin v. Jackson, 36 St. Rep. 110; 13 Supp. 321.
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 50 St. Rep. 618; (21 Supp. 824).
Cited, Pleading—Common Counts.
 86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Griffin v. Long Island R. Co., 101 N. Y. 348; 1 St. Rep. 56.
Cited, Evidence—Burden of Proof—Replevin.
 6 Misc. 273; (58 St. Rep. 133; 26 Supp. 765). 10 Misc. 394; (63 St. Rep. 406; 31 Supp. 122). 8 App. Div. 378; (75 St. Rep. 193; 40 Supp. 809).

Pleading—General Denial—Issue Under.
 6 Misc. 305; (58 St. Rep. 148; 26 Supp. 791). 8 Misc. 515; (59 St. Rep. 410; 28 Supp. 749). 2 Misc. 253; (50 St. Rep. 341; 21 Supp. 950). 141 N. Y. 345; (57 St. Rep. 431). 10 Misc. 184; (62 St. Rep. 491; 30 Supp. 940). 13 Misc. 244; (68 St. Rep. 875; 34 Supp. 1143). 14 Misc. 344; (70 St. Rep. 462; 35 Supp. 685). 15 Misc. 239; (39 Supp. 716); 67 St. Rep. 592; (33 Supp. 690; 24 Civ. Pro. 349). 15 App. Div. 27; (78 St. Rep. 124; 44 Supp. 124).

Trespass—Defense—Title in Third Person.
 77 Hun, 494; (60 St. Rep. 22; 28 Supp. 807).

Griffin v. Long Island R. Co., 102 N. Y. 449; 2 St. Rep. 454.
Cited, Judgment—Conclusiveness—Extent.
 73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298). 151 N. Y. 127, 128; (3 Ann. Cas. 347, 348). 85 Hun, 15; (66 St. Rep. 127; 32 Supp. 616). 12 Misc. 37; (66 St. Rep. 693; 33 Supp. 91).

Griffin v. Marquardt, 17 N. Y. 28.
Cited, Assignment for Creditors—Assignee—Rights Against.
 19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

Griffin v. Marquardt, 21 N. Y. 121.
Cited, Assignment for Creditors—Preferring Endorser.
 49 St. Rep. 464; (21 Supp. 71).

Griffin v. Martin, 7 Barb. 297.
Cited, Highways—Abutting Owners—Rights.
 85 Hun, 430; (67 St. Rep. 625; 33 Supp. 896).

Griffin v. New York, 9 N. Y. 456.
Disapproved, Municipal Corporations—Sidewalks—Negligence.

Duplicate Citations in Parenthesis.

92 Hun, 310; (72 St. Rep. 395; 36 Supp. 873).

15 App. Div. 230; (78 St. Rep. 123; 44 Supp. 123).

Griffin v. Rice, 2 Hilt. 184.

Cited, Witness—Competency — To Prove Usage.

4 Misc. 521; (54 St. Rep. 124; 24 Supp. 560).

Griffin v. Round Lake C. Ass'n., 26 Hun, 314.

Cited, Action—Stay—Multiplicity of Suits —Insolvency of Party.

6 Misc. 421; (27 Supp. 301).

Griffin v. White, 60 St. Rep. 76.

Reversing, 51 St. Rep. 253; 22 Supp. 445.

Griffing v. Diller, 50 St. Rep. 435; 21 Supp. 407.

Cited, Fraud—Contracts—Remedy — Rescission or Damages.

72 Hun, 33; (55 St. Rep. 196; 25 Supp. 287).

Griffing v. Diller, 21 Supp. 407.

Cited, Contract — False Representations Rescission.

14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084).

Griffith v. Beecher, 10 Barb. 432.

Cited, Decedent's Estate — Executors — Powers in Trust.

16 Misc. 246; (39 Supp. 189).

Griffith v. Dickenson, 90 Hun, 14; 71 St. Rep. 518; 35 Supp. 595.

Griffith v. Green, 129 N. Y. 517; 42 St. Rep. 101.

Cited, Corporations — Issue of Stock — Stockholder's Liability.

11 Misc. 497; (64 St. Rep. 463; 32 Supp. 721).

Griffith v. Griffith, 9 Paige, 315.

Cited, Real Property—Records — Grantee With Notice From Bona Fide Purchaser.

73 Hun, 553; (56 St. Rep. 187; 26 Supp. 143).

Griffith v. Mangam, 73 N. Y. 611.

Cited, Corporations — Stockholders—Action Against.

84 Hun, 193; (65 St. Rep. 320; 32 Supp. 197).

Griffith v. McCullum, 46 Barb. 561.

Cited, Nuisance—Abatement by Private Person.

67 Hun, 293; (50 St. Rep. 771; 22 Supp. 423). 58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 410). 9 App. Div. 51; (75 St. Rep. 584; 41 Supp. 126). 15 App. Div. 346; (78 St. Rep. 160; 44 Supp. 160).

Griffith v. Staten Island R. T. Co., 89 Hun, 141; 72 St. Rep. 58; 36 Supp. 157.

Griffith v. Utica & M. R. Co., 137 N. Y. 566; 50 St. Rep. 933.

Affirming, 43 St. Rep. 835; 17 Supp. 692.

Griffith v. Wells, 3 Den. 226.

Cited, Contracts—Illegal—Recovery.

9 Misc. 379; (61 St. Rep. 483; 30 Supp. 254). 39 Supp. 256.

Griffiths, Matter of, 16 Misc. 128; 74 St. Rep. 542; 38 Supp. 953.

Griffiths v. De Forest, 16 Abb. 292.

Cited, Judgment—Offer—Effect.

150 N. Y. 189.

Griffiths v. Hardenbergh, 41 N. Y. 464.

Cited, Contract — Written — Interpretation.

79 Hun, 567; (61 St. Rep. 589; 29 Supp. 902). 8 App. Div. 103; (40 Supp. 405). D. 15 App. Div. 178; (78 St. Rep. 184; 44 Supp. 184). 76 St. Rep. 565; (42 Supp. 565).

Void Contract—Promise of Indemnity—Effect.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

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14 Misc. 601; (71 St. Rep. 445; 36 Supp. 458).

Griffiths v. Morrison, 106 N. Y. 165; 8 St. Rep. 585.

Cited, Covenants—Of Seizin—Breach.

9 Misc. 135; (59 St. Rep. 714; 29 Supp. 282).

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Easement—Light and Air—Destruction or Impairment.

23 Supp. 824. 16 Misc. 378; (74 St. Rep. 383; 38 Supp. 86).

Griffiths v. New Jersey & New York R. Co., 5 Misc. 320; 25 Supp. 812.

Griffiths v. New Jersey & New York R. Co., 8 Misc. 3; 59 St. Rep. 303; 28 Supp. 75.

Affirmed, 149 N. Y. 595.

Cited, Master and Servant—Defective Appliances.

16 App. Div. 277; (78 St. Rep. 701; 44 Supp. 701).

Grigg v. McNulty, 5 Misc. 334; 55 St. Rep. 210; 25 Supp. 504.

Griggs v. Brooks, 79 Hun, 394; 61 St. Rep. 499; 29 Supp. 794.

Cited, General Term—Extra Allowance—Authority to Grant.

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Griggs v. Day, 18 Supp. 796; 23 Civ. Pro. 146; 46 St. Rep. 533.

Cited, Reference—Fees—Stipulation.
23 Civ. Pro. 47; (21 Supp. 451). 21 Supp. 451.

Griggs v. Day, 135 N. Y. 469; 48 St. Rep. 469.

Cited, Stipulation—Avoidance.
6 Misc. 174; (56 St. Rep. 696; 26 Supp. 895).
31 Abb. N. C. 112; (26 Supp. 895).

Griggs v. Day, 136 N. Y. 152; 48 St. Rep. 853.

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Cited, Abatement and Revival—Laches.
11 App. Div. 49; (17 Misc. 104; 39 Supp. 500).

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19 Misc. 130; (77 St. Rep. 535; 43 Supp. 535).

Griggs v. Day, 137 N. Y. 542; 50 St. Rep. 87.

Reargument of S. C. 136 N. Y. 152; 48 St. Rep. 853.

Griggs v. Day, 79 St. Rep. 309; 45 Supp. 309.

Griggs v. Griggs, 56 N. Y. 504.

Cited, Action — Parties — Substitution—
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140 N. Y. 420; (55 St. Rep. 811).

Griggs v. Guinn, 23 Civ. Pro. 46; 21 Supp. 451; 29 Abb. N. C. 144.

Cited, Costs—Stenographer's Fees.
75 Hun, 510; (57 St. Rep. 684; 27 Supp. 512).

Costs—Stenographer's Fees.
62 St. Rep. 106; (30 Supp. 347; 31 Abb. N. C. 482).

Griggs v. Howe, 31 Barb. 100.

Cited, Contracts—Pleading—Usury.
67 St. Rep. 836; (34 Supp. 35).

Grill v. Wiswall, 82 Hun, 281; 64 St. Rep. 70; 31 Supp. 470.

Cited, Injunction—Pendente lite—Discretion of Court.
90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560).

Grillenberger v. Spencer, 7 Misc. 601; 58 St. Rep. 756; 27 Supp. 864.

Grimes v. Oosterhoudt, 18 St. Rep. 422; 2 Supp. 436.

Cited, Executors—Barred Claims—Payment.
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Grimm v. Hamel, 2 Hilt. 434.

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17 Misc. 159; (39 Supp. 329).

Grimshaw v. Woolfall, 40 St. Rep. 299; 15 Supp. 857.

Cited, Pleading—What Causes of Action May be Joined—Ex contractu—Ex Delicto.
6 Misc. 155; (26 Supp. 874).

Grinnell v. Sherman, 11 Supp. 682.

Cited, Supplementary Proceedings—Third Party Order—Affidavit.
19 Misc. 669; (78 St. Rep. 1105; 44 Supp. 1105).

Grinnell v. Cook, 3 Hill, 485.

Cited, Liens—Agisters.
21 Supp. 30. 16 Misc. 388; (73 St. Rep. 808; 38 Supp. 129).

Grinnell v. Kiralfy, 55 Hun, 422; 29 St. Rep. 362; 8 Supp. 623.

Cited, Contract—Employment—Discharge—Stipulated Grounds—Summary.
6 Misc. 604; (56 St. Rep. 606; 26 Supp. 885). 148 N. Y. 255; (2 Ann. Cas. 395).

Grinnell v. Taylor, 85 Hun, 85; 66 St. Rep. 63; 32 Supp. 684.

Grippen v. N. Y. C. & H. R. R. Co., 40 N. Y. 34.

Cited, Railroads—Crossing—Flagmen.
75 Hun, 529; (57 St. Rep. 654; 27 Supp. 498).

Griswold, Matter of, 13 Barb. 412.

Cited, Action—Commencement—Issuance of Summons—Service.
6 Misc. 251; (57 St. Rep. 764; 27 Supp. 162).

Griswold v. Atlantic Dock Co., 21 Barb. 225.

Cited, Statutes—Taking Effect—Publication.
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Griswold v. Caldwell, 14 Misc. 299; 70 St. Rep. 683; 35 Supp. 1057; 25 Civ. Pro. 122; 2 Ann. Cas. 211.

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Griswold v. Caldwell, 39 Supp. 23.

Griswold v. Griswold, 4 Bradf. 216.

Cited, Taxes—Life Tenant.
16 Misc. 247; (39 Supp. 190).

Griswold v. Haven, 25 N. Y. 595.

Cited, Corporations—Transfer of Stock—Representations by Officer as to Genuineness of Stock.

137 N. Y. 242; (50 St. Rep. 716).
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20 Misc. 688. 88 Hun, 47; (68 St. Rep. 501; 34 Supp. 494).

Duplicate Citations in Parenthesis.

Griswold v. Havens, 16 Abb. 413.

Cited, Remittitur—Court of Appeals—Judgment.

11 Misc. 270; (65 St. Rep. 436; 32 Supp. 252).

Griswold v. Kile, 11 App. Div. 418, 76 St. Rep. 367; 42 Supp. 367.

Griswold v. Little, 13 Misc. 281; 68 St. Rep. 728; 34 Supp. 703.

Griswold v. Met. El. R. Co., 122 N. Y. 102; 33 St. Rep. 232.

Cited, Actions—Administrators—Right to Damage.

91 Hun, 192; (72 St. Rep. 309; 36 Supp. 936).

Griswold v. National Ins. Co., 3 Cow. 96.

Cited, Pleading—Demurrer—Replication—Effect.

19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

Griswold v. N. Y. C. & H. R. R. Co., 44 Hun, 236; 7 St. Rep. 804.

Cited, Damages—Personal Injuries—Expert Testimony.

81 Hun, 356; (63 St. Rep. 120; 30 Supp. 955). 13 App. Div. 174; (77 St. Rep. 264; 43 Supp. 264). 89 Hun, 598; (70 St. Rep. 146; 35 Supp. 543.)

Griswold v. N. Y. C. & H. R. R. Co., 115 N. Y. 61; 23 St. Rep. 729.

Cited, Expert Testimony—"Diagnosis."

61 St. Rep. 29; (29 Supp. 338).

Damages—Personal Injuries—Probable Results—Expert Testimony.

81 Hun, 356; (63 St. Rep. 120; 30 Supp. 955). 85 Hun, 305; (66 St. Rep. 385; 32 Supp. 956). 89 Hun, 598; (70 St. Rep. 146; 35 Supp. 543). 1 App. Div. 211; (72 St. Rep. 740; 37 Supp. 132). 7 App. Div. 397; (39 Supp. 949). 13 Misc. 656; (69 St. Rep. 148; 34 Supp. 924). D. 18 Misc. 32; (75 St. Rep. 519, 41 Supp. 60). 18 Misc. 30; (75 St. Rep. 517; 41 Supp. 59). 19 Misc. 505; (77 St. Rep. 1095; 43 Supp. 1095). 3 Misc. 457; (52 St. Rep. 501; 23 Supp. 166). 30 Abb. N. C. 84.

Griswold v. Perry, 7 Lans, 98.

Cited, Trusts—Dealing with Trustee—Notice.

12 Misc. 265; (67 St. Rep. 37; 33 Supp. 296).

Griswold v. Sawyer, 125 N. Y. 411; 35 St. Rep. 396.

Cited, Executors—Assets—Insurance Policy—Who Entitled to.

7 Misc. 595; (58 St. Rep. 755; 28 Supp. 264).

Insurance—Beneficiary of Benefit Certificate—Who are "Legal Heirs."

66 Hun, 301; (49 St. Rep. 240; 20 Supp. 935). 145 N. Y. 573, 574; (65 St. Rep. 518). 83 Hun, 141; (28 Supp. 264). 5 App. Div. 102; (74 St. Rep. 512; 38 Supp. 646). 15 Misc. 62; (72 St. Rep. 408; 36 Supp. 885).

Griswold v. Sedgwick, 6 Cow. 456.

Cited, Judgments—Process—Irregular Service—Effect.

11 Misc. 254; (65 St. Rep. 858); 64 St. Rep. 612; (32 Supp. 737; 1 Ann. Cas. 113).

Griswold v. Sheldon, 4 N. Y. 581.

Cited, Chattel Mortgage—Filing—Object and Effect.

71 Hun, 550; (54 St. Rep. 926; 25 Supp. 44).

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19 Misc. 165.

Griswold v. Slocum, 10 Barb. 402.

Cited, Bills and Notes—Liability of Endorser of Non-negotiable Paper—Consideration.

66 Hun, 352, 354; (50 St. Rep. 667, 669; 21 Supp. 506, 508).

Griswold v. Warner, 51 Hun, 12; 2 St. Rep. 430.

Cited, Wills—Construction—Limitation Over.

10 Misc. 26; (62 St. Rep. 267; 30 Supp. 805). 11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Groat v. Gile, 51 N. Y. 431.

Cited, Contract—Construction—Power of Court.

9 Misc. 78; (59 St. Rep. 747; 29 Supp. 288). Trial—Instructions to Jury—Exceptions. 8 Misc. 294; (59 St. Rep. 210; 28 Supp. 574; 31 Abb. N. C. 440).

Groat v. Moak, 94 N. Y. 115.

Cited, Waters—Grant—Use—Quantity.

74 Hun, 17; (56 St. Rep. 741; 26 Supp. 148). 69 Hun, 474; (52 St. Rep. 842; 23 Supp. 399). 148 N. Y. 439.

Groat v. Moak, 26 Hun, 381.

Affirmed, 94 N. Y. 120.

Cited, Grant—Construction.

8 App. Div. 374; (75 St. Rep. 157; 40 Supp. 782).

Groat v. Rees, 20 Barb. 26.

Cited, Conditional Sale—Bona Fides of Plaintiff—Burden.

8 App. Div. 381; (75 St. Rep. 195; 40 Supp. 811).

Grocers' Bank v. Murphy, 9 Daly, 510.

Cited, Judgment—On Pleading.

20 Misc. 143; (79 St. Rep. 811; 45 Supp. 811).

Duplicate Citations in Parenthesis.

Grocers' Bank of N. Y. v. O'Rourke, 6 Hun, 18.

Cited, Pleading—Answer—Denial—Information and Belief—Frivolity.

78 Hun, 52; (60 St. Rep. 820; 29 Supp. 277). 5 Misc. 513; (58 St. Rep. 107; 25 Supp. 971). 11 Misc. 622; (66 St. Rep. 177; 32 Supp. 794).

Grocers' Bank v. Penfield, 69 N. Y. 502.

Cited, Bills and Notes—Accommodation—Bona Fide Transfer—Precedent Debt.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26). 14 Misc. 318; (70 St. Rep. 325; 35 Supp. 849).

Groff v. Bliss, 19 Misc. 14; 76 St. Rep. 843; 42 Supp. 843.

Groff v. Friedline, 14 Misc. 237; 70 St. Rep. 500; 35 Supp. 755.

Groff v. Friedline, 16 Misc. 505; 38 Supp. 1122.

Affirmed, 17 Misc. 352; 39 Supp. 1064.

Groff v. Friedline, 17 Misc. 352; 39 Supp. 1064.

Cited, Contracts—Consideration—Indorser.

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Groff v. Hagen, 13 Misc. 322; 68 St. Rep. 365; 34 Supp. 463.

Cited, Bill of Particulars—Affidavit by Attorney.

14 Misc. 252; (70 St. Rep. 250; 35 Supp. 829).

Grogan v. U. S. Industrial Ins. Co., 90 Hun, 521; 71 St. Rep. 707; 36 Supp. 687.

Groof v. Bliss, 18 Misc. 380; 75 St. Rep. 1487.

Groot, Matter of, 72 Hun, 348; 55 St. Rep. 230; 25 Supp. 633.

Groshon v. Lyon, 16 Barb. 461.

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Cited, Actions—Several Pending—Effect.

84 Hun, 475; (65 St. Rep. 614; 32 Supp. 398). 16 App. Div. 488; (78 St. Rep. 919; 44 Supp. 919).

Gross v. Bock, 15 St. Rep. 965; 1 Supp. 263.

Cited, Deposition—Inspection—Demand. 12 Misc. 170; (67 St. Rep. 249; 33 Supp. 602).

Gross v. Clark, 87 N. Y. 272.

Cited, Pleadings—Bill of Particulars—Disobedience of Order—Striking Out Pleading.

71 Hun, 255; (54 St. Rep. 479; 25 Supp. 79). 145 N. Y. 138; (64 St. Rep.).

Gross v. Clark, 1 Civ. Pro. 17.

Cited, Orders—Service—Irregularity.

10 Misc. 733; (64 St. Rep. 615; 31 Supp. 807).

Gross v. Daly, 5 Daly, 540.

Cited, Mechanic's Lien—Validity—Foreclosure.

85 Hun, 480; (66 St. Rep. 741; 33 Supp. 131). 5 App. Div. 91; (74 St. Rep. 806; 38 Supp. 872).

Gross v. Dry Dock, E. B. & B. R. Co., 76 St. Rep. 1125; 42 Supp. 1125.

Gross v. Granite State P. Ass'n, 8 Misc. 530; 59 St. Rep. 267; 28 Supp. 769.

Gross v. Kellard, 6 Misc. 27; 56 St. Rep. 617; 26 Supp. 69.

Gross v. Moore, 68 Hun, 412; 52 St. Rep. 657; 22 Supp. 1019.

Affirmed, 141 N. Y. 559; 57 St. Rep. 866.

Cited, Wills—Construction—Absoluteness of Bequest.

75 Hun, 77; (57 St. Rep. 837; 26 Supp. 1023).

Wills—Construction—Intention of Testator.

79 Hun, 431; (61 St. Rep. 466; 29 Supp. 998).

Gross v. Moore, 14 App. Div. 553; 77 St. Rep. 945; 43 Supp. 945.

Gross v. National F. Ins. Co., 132 N. Y. 133; 43 St. Rep. 482.

Cited, Insurance—Conditions—Waiver.

142 N. Y. 387; (59 St. Rep. 779).

Grosser v. Rochester, 60 Hun, 379; 38 St. Rep. 572; 15 Supp. 62.

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Cited, Husband and Wife—Control of Husband Over Estate by Entirety.

67 Hun, 233; (50 St. Rep. 781; 22 Supp. 798).

Grosser v. Rochester, 148 N. Y. 235; 2 Ann. Cas. 408.

Affirming, 50 St. Rep. 938; 22 Supp. 1120.

Grossler v. Lissburger, 19 Week. Dig. 291.

Cited, Pleading—Variance—Effect.

89 Hun, 11; (69 St. Rep. 440; 35 Supp. 47).

Grossman v. Dodd, 63 Hun, 324; 43 St. Rep. 875; 17 Supp. 855.

Affirmed, 137 N. Y. 599; 51 St. Rep. 929.

Cited, Carriers—Limitation of Liability—Knowledge of Shipper.

137 N. Y. 464; (51 St. Rep. 271).

Grossman v. Dodd, 137 N. Y. 599; 51 St. Rep. 929.

Affirming, 63 Hun, 324; (43 St. Rep. 375; 17 Supp. 855).

Duplicate Citations in Parenthesis.

Grossman v. Supreme Lodge, K. & L. of H., 5 Supp. 123.

Cited, Case — Resettlement — Error of Judge.

13 App. Div. 551; (77 St. Rep. 735; 43 Supp. 735).

Grossman v. Supreme Lodge, K. & L. of H., 25 St. Rep. 843; 6 Supp. 821.

Cited, Insurance — Evidence — Declarations.

83 Hun, 320; (64 St. Rep. 667; 81 Supp. 940).

Grossner v. Rochester, 148 N. Y. 235.

Grosvenor v. Atlantic Fire Ins. Co., of Brooklyn, 17 N. Y. 391.

Cited, Insurance—Breach of Conditions by Insured—Rights of Mortgagee.

141 N. Y. 223; (56 St. Rep. 803).

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71 Hun, 370; (55 St. Rep. 8; 24 Supp. 1132).

Grosvenor v. N. Y. C. R. Co., 39 N. Y. 34.

Cited, Bailments—Carriers—Commencement of Liability—Delivery.

144 N. Y. 207; (63 St. Rep. 75). 11 Misc. 431; (65 St. Rep. 219; 32 Supp. 125).

Groth v. Washburn, 39 Hun, 324.

Cited, Estoppel—By Record—Judgment—Privilege.

7 Misc. 14; (56 St. Rep. 844; 27 Supp. 336).

Grotsch v. Steinway R. R. Co., of Long Island City, 79 St. Rep. 1075; 45 Supp. 1075.

Grouse v. Wolf, 4 Misc. 535; 54 St. Rep. 132; 24 Supp. 703.

Cited, Contract—Sale—Rescission.

19 Misc. 538; (77 St. Rep. 1079; 43 Supp. 1079).

Grout Matter of, 83 Hun, 25; 64 St. Rep. 339; 31 Supp. 602.

Cited, Lunatic—Committee—Accounting.

19 Misc. 690; (78 St. Rep. 1096; 44 Supp. 1096).

Grout v. Cottrell, 50 St. Rep. 829; 22 Supp. 336.

Grout v. Cotterell, 143 N. Y. 677.

Grout v. Strong, 1 Misc. 214; 49 St. Rep. 78; 20 Supp. 881.

Grout v. Strong, 20 Supp. 881.

Cited, Examination of Defendant before Trial—When Order Granted.

88 Hun, 310; (68 St. Rep. 568; 34 Supp. 750).

Grout v. Townsend, 2 Den. 336.

Cited, Evidence—Parol to Vary Writing—Consideration.

69 Hun, 549; (53 St. Rep. 342; 24 Supp. 16).

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8 App. Div. 86; (40 Supp. 430).

Grove, Matter of, 64 Barb. 526.

Affirmed, 53 N. Y. 645.

Distinguished, Assignment for Creditors—Death of Assignee—Substitution of Personal Representative.

2 Misc. 351; (50 St. Rep. 601; 22 Supp. 73).

Grover, Matter of, 12 Misc. 629; 68 St. Rep. 377; 34 Supp. 474.

Grove, Matter of, 20 Abb N. C. 164; 13 St. Rep. 179.

Cited, Married Women—Contracts.

11 Misc. 168; (65 St. Rep. 150; 32 Supp. 93).

Grover v. Morris, 73 N. Y. 473.

Cited, Parol Evidence—Collateral Writings.

19 Misc. 612; (78 St. Rep. 400; 44 Supp. 400). 19 Misc. 633; (78 St. Rep. 392; 44 Supp. 392).

Grover v. Wakeman, 11 Wend. 188.

Cited, Assignment for Creditors—Validity—Coercive Participation of Creditors.

55 St. Rep. 563.

Fraud—Intent—Act Fraudulent in Law.

3 Misc. 497; (23 Supp. 985).

Groves v. Acker, 85 Hun, 492; 67 St. Rep. 239; 33 Supp. 406.

Groves v. Rice, 61 St. Rep. 654; 29 Supp. 1050.

Groves v. Rice, 148 N. Y. 227.

Grow v. Garlock, 29 Hun, 598.

Cited, Appeal—Sale of Land—Undertaking—Stay.

5 App. Div. 537; (39 Supp. 487; 25 Civ. Pro. 387); 16 Misc. 545; (74 St. Rep. 139; 38 Supp. 788); 17 App. Div. 115; (78 St. Rep. 935; 44 Supp. 935); 76 St. Rep. 456; (42 Supp. 456).

Grow v. Garlock, 97 N. Y. 81.

Cited, Partnership—Dissolution—Notice. 4 Misc. 407; (53 St. Rep. 522; 23 Supp. 1062); 2 App. Div. 345; (73 St. Rep. 52; 37 Supp. 846).

Grow v. Gleason, 141 N. Y. 489.

Cited, Statute of Limitations—Payment—Effect.

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Grube v. Schultheiss, 4 Daly, 207.

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Cited, Contract—To Erect Building—Architect's Certificate.

1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672).

Gruebler v. New York, 1 App. Div. 108; 72 St. Rep. 18.

Gruenstein v. Biersack, 1 App. Div. 580; 73 St. Rep. 154; 37 Supp. 538.

*Duplicate Citations in Parenthesis.***Gruman v. Smith**, 81 N. Y. 25.*Cited*, Brokers — Stocks — Conversion — Margins—Sale—Notice.

141 N. Y. 73; (56 St. Rep. 590). 141 N. Y. 403; (57 St. Rep. 616). 90 Hun, 553; (70 St. Rep. 667; 35 Supp. 1008). 5 App. Div. 143, 144; (39 Supp. 83). 17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 220).

Damages—Measure of—Goods Destroyed. 5 Misc. 272; (27 Supp. 899).

Grunberg v. Blumenthal, 66 How. 62.*Cited*, Appeal—Dismissal—Abstract Questions

4 Misc. 613; (53 St. Rep. 523; 24 Supp. 357).

Appeal—Right to—Waiver.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028).

Grunberg v. Grant, 3 Misc. 230; 51 St.

Rep. 866; 22 Supp. 747.

Grymes v. Hone, 49 N. Y. 17.*Cited*, Gifts Causa Mortis—Delivery to Third Person—Sufficiency.

68 Hun, 494; (53 St. Rep. 652; 22 Supp. 1004).

Evidence — Presumption — Burden of Proof—Gifts Causa Mortis.

76 Hun 463; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 160). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995). 17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842). 10 Misc. 452; (63 St. Rep. 328, 329; 31 Supp. 86, 87). 16 Misc. 176, 179; (38 Supp. 1136, 1139). 18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517). 79 St. Rep. 1063; (45 Supp. 1063). 78 St. Rep. 842; (44 Supp. 842).

Guardian Savings Inst., Matter of, 9 Hun, 267.*Cited*, Reference—To Inquire and Report — Exceptions—Appeal.

55 St. Rep. 219; 25 Supp. 462.

Guardian Mut. L. Ins. Co., Matter of, 13 Hun, 115.*Affirmed*, 74 N. Y. 617.*Cited*, Insurance—Insolvency—Receiver Interest.

147 N. Y. 28; (69 St. Rep. 335).

Gubner v. Vick, 6 St. Rep. 4.*Cited*, Principal and Agent.—Undisclosed Principal—Right to Sue.

11 Misc. 348; (65 St. Rep. 276; 32 Supp. 134).

Guenther v. Amsden, 16 App. Div. 607; 78 St. Rep. 982; 44 Supp. 982.**Guenther v. Lockhart**, 137 N. Y. 529; 50 St. Rep. 930.*Affirming*, 40 St. Rep. 942; 16 Supp. 717.**Guentzer v. Juch**, 51 Hun, 397; 4 Supp. 39.*Cited*, Party Wall—Covenants as to—Enforcement—Lien on Property.

6 Misc. 351; (26 Supp. 915).

Guerineau v. Weil, 8 Misc. 94; 60 St. Rep. 158; 28 Supp. 775.**Guernsey v. Carver**, 8 Wend. 492.*Cited*, Judgment—Conclusiveness—Indivisible Demand.

76 Hun, 310; (59 St. Rep. 98; 27 Supp. 743).

Guernsey v. Miller, 80 N. Y. 181.*Cited*, Appeal—To General Term—Judgment Absolute—Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697). 1 Misc. 499; (49 St. Rep. 707; 20 Supp. 950). 7 App. Div. 371; (40 Supp. 75).

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10 Misc. 739; (65 St. Rep. 216; 32 Supp. 120).

Guess, Matter of, 16 Misc. 306; 74 St. Rep. 387; 38 Supp. 91.**Guest v. Brooklyn**, 69 N. Y. 506.*Cited*, Equity — Jurisdiction—Cloud on Title—Tax.

141 N. Y. 424; (57 St. Rep. 581). 83 Hun, 179; (64 St. Rep. 287; 31 Supp. 659). 88 Hun, 168; (68 St. Rep. 632; 34 Supp. 536).

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70 Hun, 422; (53 St. Rep. 687; 24 Supp. 465).

Guggenheim v. Goldberger, 7 Misc. 740; 58 St. Rep. 34; 27 Supp. 422.**Guggenheimer v. Geiszler**, 81 N. Y. 293.*Cited*, Contracts—Usury.

150 N. Y. 363. 19 Misc. 330; (78 St. Rep. 390; 44 Supp. 390).

Guichard v. New, 84 Hun, 54; 65 St. Rep. 20; 31 Supp. 1080.**Guichard v. New**, 9 App. Div. 485; 75 St. Rep. 853; 41 Supp. 456.**Guidet v. N. Y., L. E. & W. R. Co.**, 9 St. Rep. 26.*Affirmed*, 120 N. Y. 649; 31 St. Rep. 998.*Cited*, Fraudulent Representations—Presumption of Innocence.

11 App. Div. 500; (76 St. Rep. 760; 42 Supp. 760).

Guild v. Huwer, 1 Misc. 432; 50 St. Rep. 560; 21 Supp. 429.**Guildersleeve v. Landon**, 73 N. Y. 609.*Cited*, Chattel Mortgage—Failure to File — Actual Notice.

49 St. Rep. 536; (21 Supp. 175).

Duplicate Citations in Parenthesis.

Guilfoos v. N. Y. C. & H. R. R. Co., 69 Hun, 593; 53 St. Rep. 238; 23 Supp. 925.

Guilford, Town of, v. Chenango County, Sup'rs of, 18 Barb. 615.

Cited, Eminent Domain—Compensation—Subsequent Remedial Act—Validity of. 21 Supp. 294.

Guilford, Town of, v. Chenango County Sup'rs of, 13 N. Y. 143.

Cited, Statutes—Public Moneys, Appropriation of—Character of Claims. 3 Misc. 132; (23 Supp. 106).

Guilford v. Crandall, 69 Hun, 414; 52 St. Rep. 633; 23 Supp. 460.

Guilford v. Jacobie, 69 Hun, 420; 52 St. Rep. 837; 23 Supp. 462.

Guilford v. Mills, 57 Hun, 493; 33 St. Rep. 37; 11 Supp. 231.

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5 Misc. 104; (24 Supp. 833).

Guilford v. Mills, 137 N. Y. 554; 50 St. Rep. 931.

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Guilford v. Mulkin, 85 Hun, 489; 66 St. Rep. 760; 33 Supp. 134.

Cited, Note as Payment.

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Guilfoyle v. Pierce, 4 App. Div. 612; 74 St. Rep. 126; 38 Supp. 697.

Cited, Receiver—Conveyance—Stay.

79 St. Rep. 295; (45 Supp. 295).

Guilfoyle v. Pierce, 9 App. Div. 1; 75 St. Rep. 386; 40 Supp. 993.

Guillander v. Howell, 35 N. Y. 657.

Cited, Conflict of Laws—Contracts—Personal Property.

3 Misc. 60; (51 St. Rep. 864; 22 Supp. 543).

Guille v. Swan, 19 Johns. 381.

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137 N. Y. 6; (50 St. Rep. 7). 79 Hun, 504; (61 St. Rep. 258; 29 Supp. 947). 12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033).

Guilleaume v. Rowe, 94 N. Y. 268.

Cited, Contracts Dures.

2 Misc. 203; (49 St. Rep. 522; 21 Supp. 269),

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12 Misc. 38; (66 St. Rep. 538; 33 Supp. 39).

Guilleaume v. Rowe, 48 Super 169.

Cited, Attorney and Client—Authority.

11 Misc. 577; (66 St. Rep. 180; 32 Supp. 797).

Guion v. Mundy, 18 Supp. 445; 45 St. Rep. 667.

Cited, Appeal—Case—Statement as to Evidence.

6 Misc. 323; (58 St. Rep. 142; 26 Supp. 785).

Guterman v. Liverpool S. S. Co., 83 N. Y. 358.

Cited, Evidence—Expert—Hypothetical Questions.

136 N. Y. 9; (48 St. Rep. 824); 4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 665). 8 App. Div. 75; (40 Supp. 421). 12 Misc. 15; (66 St. Rep. 536; 33 Supp. 37).

Guliano v. Whitenack, 3 Misc. 54; 51 St. Rep. 768; 22 Supp. 560.

Guliano v. Whitenack, 9 Misc. 8; 59 St. Rep. 738; 29 Supp. 20.

Cited, Negligence—Question for Jury.

13 Misc. 164; (68 St. Rep. 137; 34 Supp. 140).

Guliano v. Whitenack, 9 Misc. 562; 62 St. Rep. 84; 30 Supp. 415; 24 Civ. Pro. 45; 1 Ann. Cas. 75.

Cited, Attorney and Client—Lien.

16 Misc. 560; (74 St. Rep. 135; 38 Supp. 786). 25 Civ. Pro. 331). 66 St. Rep. 201; (32 Supp. 818. 24 Civ. Pro. 239).

Gulick v. Griswold, 14 App. Div. 85; 77 St. Rep. 443; 43 Supp. 443.

Gulliver v. Blauvelt, 14 App. Div. 523; 77 St. Rep. 935; 43 Supp. 935.

Gullman v. Sharp, 81 Hun, 462; 63 St. Rep. 238; 30 Supp. 1036.

Gumb v. Twenty-third St. R. Co., 114 N. Y. 411; 23 St. Rep. 748.

Cited, Damages—Special—Necessity of Pleading.

5 Misc. 326; (55 St. Rep. 215; 25 Supp. 508). 8 Misc. 231; (59 St. Rep. 447; 28 Supp. 722). 81 Hun, 355; (63 St. Rep. 119; 30 Supp. 955). 20 Misc. 603.

Payment—Evidence of Value.

10 App. Div. 95; (75 St. Rep. 1184; 41 Supp. 786). 13 App. Div. 245; (77 St. Rep. 34; 43 Supp. 34).

Gundlin v. Hamburg Am. Packet Co., 8 Misc 291; 59 St. Rep. 208; 28 Supp. 572; 31 Abb. N. C. 437.

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Appeal — Review — Exceptions — Weight of Evidence.

Duplicate Citations in Parenthesis.

10 Misc. 158; (62 St. Rep. 522; 31 Supp. 4);
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45). 12 Misc. 48; (66 St. Rep. 728; 33 Supp.
71). 14 Misc. 310; (70 St. Rep. 445; 35 Supp.
710). 17 Misc. 555; (75 St. Rep. 103; 40 Supp.
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Gunning v. Gunning, 49 St. Rep. 417;
20 Supp. 804.

Gunning v. Quinn, 81 Hun, 522; 63 St.
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Affirmed, 153 N. Y. —.

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Gunther v. Darmstadt, 14 Daly, 368;
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2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981).

Gunther v. Mayer, 67 Hun, 116; 51 St.
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Gurnee v. Hutton, 63 Hun, 197; 44 St.
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Cited, Assignment—Equitable—Orders.
67 Hun, 104; (51 St. Rep. 406; 22 Supp.
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Gurney v. Atlantic & G. W. R. Co.,
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Cited, Sale—Retention—Waiver of De-
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69 Hun, 434; (52 St. Rep. 615; 22 Supp.
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38 Supp. 255).

“Employee”—Meaning.
91 Hun, 315; (71 St. Rep. 558; 36 Supp.
527; 3 Ann. Cas. 6). 79 St. Rep. 632, 633; (45
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**Gurney v. Grand Trunk R. Co. of
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8 Misc. 297; (59 St. Rep. 213; 28 Supp.
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Gustaveson v. Otis, 57 St. Rep. 797; 27
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77 St. Rep. 59; (43 Supp. 59).

**Gutbrecht v. Prospect Park & C. I.
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Cited, Appeal—Amendment.
1 App. Div. 8; (71 St. Rep. 670; 36 Supp.
740).

Gutchess v. Gutchess, 66 Barb. 483.
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69 Hun, 45; (52 St. Rep. 830; 23 Supp.
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Guthrie v. Gardner, 19 Wend. 414.

Cited, Trusts—Resulting—Presumption—
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79 Hun, 82; (61 St. Rep. 173; 29 Supp.
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Gutman v. N. Y. Elevated R. Co., 91
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**Gutta Percha & R. Mfg. Co. v.
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Cited, Foreign Judgments—Enforcement
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73 Hun, 247; (57 St. Rep. 132; 25 Supp.
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**Gutta Percha & R. Mfg. Co., v.
Houston, City of**, 108 N. Y. 276; 13
St. Rep. 607.

Cited, Conflict of Laws—Comity—En-
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7 Misc. 582; (58 St. Rep. 397; 28 Supp.
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Foreign Judgments—Enforcement—At-
tachment.

76 Hun, 426; (59 St. Rep. 351; 27 Supp.
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Guttroff v. Wallach, 3 Misc. 136; 51 St.
Rep. 495; 22 Supp. 745.

Reversed, 6 Misc. 639; 56 St. Rep. 899; 26
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Gutwillig v. Zuberbieber, 41 Hun, 361.
Cited, Sales—Warranty.

92 Hun, 277; (71 St. Rep. 682; 36 Supp.
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Guy v. Craighead, 6 App. Div. 463; 39
Supp. 638.

Guy v. Langdon, 84 Hun, 218; 65 St.
Rep. 809; 32 Supp. 531.

Guy v. Mead, 22 N. Y. 482.

Cited, Evidence—Memoranda—Aiding
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69 Hun, 263; (53 St. Rep. 246; 23 Supp.
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Guy v. Oakley, 13 Johns. 332.

Cited, Principal and Agent—Agent's De-
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10 Misc. 588; (64 St. Rep. 31; 31 Supp.
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Guyer v. Raymond, 8 Misc. 606; 61 St.
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*Duplicate Citations in Parenthesis.***Guynet v. Mantel**, 4 Duer. 86.*Cited*, Vendor and Purchaser—Title.

79 St. Rep. 395; (45 Supp. 395).

Guyon v. Lewis, 7 Wend. 26.*Cited*, Principal and Agent—Note—Signature of Agent—Effect.

82 Hun, 175; (63 St. Rep. 775; 31 Supp. 327).

Guyon v. Rooney, 25 St. Rep. 326; 6 Supp. 99.*Cited*, Appeal—Case—Certification.

8 Misc. 366; (60 St. Rep. 448; 29 Supp. 390).

Replevin—Justice's Court—Necessity for Requisition.

77 Hun, 530; (60 St. Rep. 271; 28 Supp. 931).

Guyott v. Butts, 4 Wend. 579.*Cited*, New Trial—Cumulative Evidence.

16 Misc. 121; (38 Supp. 828).

Gwyer v. Gwyer, 5 App. Div. 156; 38 Supp. 1097.**Gyllenhammer v. Home Ben. Soc. of N. Y.**, 24 Supp. 930.

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H.——, Matter of, 87 N. Y. 521.

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3 App. Div. 590; (73 St. Rep. 721; 38 Supp. 226; 25 Civ. Pro. 322; 3 Ann. Cas. 38).

76 Hun, 345; (59 St. Rep. 102; 27 Supp. 724).

H.——, Matter of, 93 N. Y. 381.*Cited*, Attorneys — Refusal to Proceed—Penalty.

16 App. Div. 128; (79 St. Rep. 115; 45 Supp. 115).

Haack v. Fearing, 5 Robt. 528.*Cited*, Negligence—Use of Firearms.

77 Hun, 363; (60 St. Rep. 404; 28 Supp. 869).

Haack v. Weicken, 118 N. Y. 67; 27 St. Rep. 875.*Reversing*, 4 St. Rep. 453.*Cited*, Agents—Title to Land.

11 Misc. 261; (64 St. Rep. 257; 32 Supp. 838).

Haar v. Industrial Benefit Ass'n, 71 Hun, 554; 54 St. Rep. 890; 24 Supp. 1035.**Haas v. Altieri**, 2 Misc. 252; 50 St. Rep. 341; 21 Supp. 950.*Affirming*, 47 St. Rep. 121; 19 Supp. 687.*Cited*, Action—Right—How Extinguished. 9 Misc. 486; (61 St. Rep. 97; 30 Supp. 226). 1 App. Div. 628; (72 St. Rep. 535; 37 Supp. 367).**Haas v. Brown**, 20 Misc. 672.**Haas v. Buffalo, N. Y. & Penn. R. Co.**, 40 Hun, 145.*Cited*, Master and Servant—Defective Appliances—Knowledge of Servant.

72 Hun, 406; (55 St. Rep. 286; 25 Supp. 207). 67 Hun, 200; (51 St. Rep. 389; 22 Supp. 103).

Haas v. Colton, 12 Misc. 308; 67 St. Rep. 836; 34 Supp. 35.**Haas v. Craighead**, 19 Hun, 396.*Cited*, Parties—Intervention — Power of Court.

15 App. Div. 437; (78 St. Rep. 484; 44 Supp. 484). 18 Misc. 174; (75 St. Rep. 845; 41 Supp. 439).

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12 Misc. 79; (66 St. Rep. 675; 33 Supp. 44).

Haas v. Green, 7 Misc. 176; 57 St. Rep. 545; 27 Supp. 347.**Haas v. Kuhn**, 67 Hun, 435; 51 St. Rep. 807; 22 Supp. 347.**Haas v. Missionary Society of the Most Holy Redeemer**, 6 Misc. 281; 26 Supp. 868.**Haas v. Montauk F. Ins. Co.**, 49 Hun, 272; 17 St. Rep. 732; 1 Supp. 895.*Cited*, Insurance—Forfeiture—Waiver.

87 Hun, 205; (67 St. Rep. 754; 33 Supp. 1068).

Haas v. N. Y. C. & H. R. R. Co., 76 St. Rep. 302; 42 Supp. 302.**Haas v. Swick**, 61 St. Rep. 836; 30 Supp. 145; 23 Civ. Pro. 397.**Haase v. Levering**, 72 St. Rep. 829; 38 Supp. 432; 1 Ann. Cas. 404.**Haberlin v. Hodges**, 80 Hun, 471; 62 St. Rep. 278; 30 Supp. 445.**Haberlin v. Hodges**. See Citizens' Nat. Bank of S. S. v. Hodges.**Haberman v. Baker**, 128 N. Y. 253; 40 St. Rep. 104.*Cited*, Easements—Right of Way—Rights of Abutting Owner.

137 N. Y. 322; (50 St. Rep. 719). 11 App. Div. 214; (76 St. Rep. 952; 42 Supp. 952).

Duplicate Citations in Parenthesis.

Real property—Purchase on Foreclosure by Mortgagee's Personal Representative—Power to Sell—Character of Estate.

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Haberstich v. Fischer, 6 Civ. Pro. 82.
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18 Misc. 297; (76 St. Rep. 110; 42 Supp. 110).

Hacket, Matter of, 14 Misc. 282; 70 St. Rep. 745; 35 Supp. 1051.

Hackett v. Belden, 47 N. Y. 624.

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150 N. Y. 333; (3 Ann. Cas. 263).

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Hackett v. Connett, 2 Edw. 73.

Cited, Pleadings—Answer—Set-Off in Equity—Mutuality.

139 N. Y. 119; (54 St. Rep. 643). 77 Hun, 119; (59 St. Rep. 843; 28 Supp. 290).

Hackett v. Equitable Gas Light Co. of N. Y., 6 Misc. 75; 55 St. Rep. 492; 26 Supp. 11.

Cited, Trial—Charge—Verdict—Presumption.

9 Misc. 119; (59 St. Rep. 707; 29 Supp. 290). 13 Misc. 280; (34 Supp. 11).

Hackett v. Patterson, 40 St. Rep. 813; 16 Supp. 170;

Cited, Joint Parties—Lease—Renewal by One—Effect.

14 Misc. 29; (69 St. Rep. 373; 35 Supp. 146; 25 Civ. Pro. 87; 2 Ann. Cas. 143).

Hackett v. Richards, 3 E. D. Smith, 13.

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74 Hun, 558; (57 St. Rep. 235; 26 Supp. 630). 10 Misc. 676; (64 St. Rep. 295; 31 Supp. 670; 1 Ann. Cas. 272).

Hackett v. Stanley, 115 N. Y. 625.

Cited, Partners—Third Parties—Sharing Profit.

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Hackettstown Nat. Bank. v. D. G. Yuengling B. Co., 15 N. Y. Law J. 541.

Cited, 150 N. Y. 430; (3 Ann. Cas. 365).

Hackford v. N. Y. C. R. Co., 6 Lans. 381.

Affirmed, 53 N. Y. 654.

Cited, Pleading—Contributory Negligence.

7 App. Div. 166; (39 Supp. 1104).

Hackley, Matter of, 24 N. Y. 74.

Cited, Referees—Powers of—Contempt—Affidavit for.

9 Misc. 3; (59 St. Rep. 703; 29 Supp. 306).

Hackley v. Draper, 60 N. Y. 88.

Cited, Judgments—Fraud—Effect.

144 N. Y. 62; (63 St. Rep. 632). 12 App. Div. 15; (76 St. Rep. 176; 42 Supp. 176).

Hackley v. Hope, 4 Keyes, 123.

Cited, Appeal—Extent of Review—Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Hackley v. Sprague, 10 Wend. 114.

Cited, Taxes—Assessment—Collection—Demand.

8 Misc. 14; (58 St. Rep. 309; 28 Supp. 79).

Hackney v. Vrooman, 62 Barb. 650.

Cited, Gifts—Delivery—Without Writing—Effect.

10 Misc. 452; (63 St. Rep. 328; 31 Supp. 86).

Hackstaff v. Hackstaff, 82 Hun, 16; 63 St. Rep. 335; 31 Supp. 11; 24 Civ. Pro. 208.

Hadcock v. Osmer, 4 App. Div. 435; 38 Supp. 618.

Hadden v. Dimick, 13 Abb. N. S. 136.

Cited, Contracts—Rescission.

86 Hun, 379; (67 St. Rep. 224; 33 Supp. 512).

Hadden v. Metropolitan, El. R. Co., 75 Hun, 63; 58 St. Rep. 163; 26 Supp. 995.

Cited, Elevated Railroad—Damages—Fee.

81 Hun, 608, 609; (63 St. Rep. 200; 30 Supp. 1006).

Hadden v. N. Y. Silk Manufacturing Co., 1 Daly, 388.

74 Hun, 350; (56 St. Rep. 392; 26 Supp. 491). 1 Misc. 483; (49 St. Rep. 880; 21 Supp. 768).

Hadden v. St. Louis, I. Mt. & S. R. Co., 57 How. 390.

Cited, 6 Misc. 385; (56 St. Rep. 336; 26 Supp. 738; 31 Abb. N. C. 132).

Haddock v. Naughton, 74 Hun, 390; 56 St. Rep. 424; 26 Supp. 455.

Haddow v. Lundy, 59 N. Y. 320.

Cited, Pleadings—Defects in Complaint Cured by Answer.

6 Misc. 81; (55 St. Rep. 492; 26 Supp. 23).

Haden v. Clark, 32 St. Rep. 478; 10 Supp. 291.

Cited, Action—Parties—Injuries to Married Woman.

68 Hun, 251; (52 St. Rep. 185; 22 Supp. 975).

*Duplicate Citations in Parenthesis.***Haden v. Coleman**, 42 Super. 256.*Cited*, Contracts—Performance—Certificate—Waiver—Payment Without.

5 Misc. 233; (54 St. Rep. 829; 25 Supp. 99; 23 Civ. Pro. 177).

Hadley v. Pethcal, 24 Supp. 803; 23 Civ. Pro. 216.**Hadsall v. Scott**, 26 Hun, 617.*Cited*, Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (52 St. Rep. 575; 23 Supp. 252).

Haebler, Matter of, 15 Misc. 42; 71 St. Rep. 478; 36 Supp. 427.**Haebler v. Bernharth**, 115 N. Y. 459; 26 St. Rep. 230.*Cited*, Attachment—Affidavits—Information and Belief.

67 Hun, 205; (51 St. Rep. 520; 22 Supp. 64, 66). 4 App. Div. 387; (74 St. Rep. 791; 38 Supp. 854). 14 App. Div. 91; (77 St. Rep. 462; 43 Supp. 462). 11 Misc. 296; (65 St. Rep. 430; 32 Supp. 218). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336).

Haebler v. Luttgen, 2 App. Div. 390; 73 St. Rep. 376; 37 Supp. 794.**Haebler v. Myers**, 132 N. Y. 363; 44 St. Rep. 403.*Cited*, Appeal—Reversal—Restitution.

3 Misc. 104; (51 St. Rep. 861; 22 Supp. 702; 23 Civ. Pro. 85; 30 Abb. N. C. 34). 5 Misc. 114; (25 Supp. 759). 7 Misc. 689; (58 St. Rep. 390; 28 Supp. 20). 9 Misc. 323; (60 St. Rep. 446; 30 Supp. 261). 140 N. Y. 329; (55 St. Rep. 743). 151 N. Y. 556.

Haebler v. New York Produce Exchange, 149 N. Y. 414.*Cited*, Mandamus—Affidavits—Denials—Effect.

12 App. Div. 537; (76 St. Rep. 399; 42 Supp. 399).

Clubs—Members—Expulsion.

9 App. Div. 192; (75 St. Rep. 612; 41 Supp. 154). 15 App. Div. 506. 20 Misc. 190; (79 St. Rep. 900; 45 Supp. 900). 78 St. Rep. 580; (45 Supp. 580).

Hafelin v. Silverman, 66 St. Rep. 344; 32 Supp. 918.**Hafer v. N. Y., L. E. & W. R. Co.**, 19 Abb. N. C. 454.*Cited*, Corporations—Stockholders—Right to Vote.

17 App. Div. 245; (79 St. Rep. 575; 45 Supp. 575).

Haff v. Spicer, 3 Caines 190.*Cited*, Affidavit—Irregularity.

31 Supp. 469; (88 Hun, 547; 68 St. Rep. 813; 34 Supp. 802).

Haffey v. Lynch, 68 Hun, 507; 52 St. Rep. 763; 23 Supp. 59.*Reversed*, 143 N. Y. 241; 52 St. Rep. 171.*Cited*, Appeal—Appealable Order.

85 Hun, 107; (66 St. Rep. 34; 32 Supp. 652).

Specific Performance—Waiver.

20 Misc. 477.

Haffey v. Lynch, 143 N. Y. 241; 62 St. Rep. 171.*Cited*, Specific Performance—Marketable Title.

82 Hun, 207; (63 St. Rep. 781; 31 Supp. 332). 9 App. Div. 218; (75 St. Rep. 622; 41 Supp. 173).

Specific Performance—Damages.

2 App. Div. 547; (74 St. Rep. 373; 38 Supp. 5). 9 App. Div. 121; (75 St. Rep. 543; 41 Supp. 83).

Haiker v. Henry, 5 App. Div. 258; 39 Supp. 134.**Hafner v. McCaffrey**, 19 Misc. 138.**Hafner & Schoen F. Co. v. Grumme**, 10 Civ. Pro. 176.*Cited*, Pleading—Complaint—Corporations—Incorporation—Demurrer.

8 Misc. 356; (59 St. Rep. 591; 28 Supp. 695). 8 Misc. 9; (58 St. Rep. 804; 28 Supp. 66; 23 Civ. Pro. 392).

Hagadorn v. Connecticut Mut. L. Ins. Co., 23 Hun, 249.*Cited*, Witnesses—Opinion.

4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 665).

Hagadorn v. Hart, 136 N. Y. 665; 50 St. Rep. 929.*Affirming*, 62 Hun, 94; (41 St. Rep. 755; 16 Supp. 625).**Hagadorn v. Raux**, 72 N. Y. 583.*Cited*, Statutes—Public or Official Duties—When Mandatory.

3 Misc. 132; (23 Supp. 1061). 14 App. Div. 561; (77 St. Rep. 1092; 43 Supp. 1092).

Hagan v. American Bap. Home Mission So., 14 Daly, 131; 6 St. Rep. 212.*Cited*, Mechanic's Lien—To What Attaches—Supplies for Sub-Contractor.

72 Hun, 420; (54 St. Rep. 884; 25 Supp. 204).

Mechanic's Lien—Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021).

Hagar v. Clark, 78 N. Y. 45.*Cited*, Charter Party—Charterer—Delivery to General Owner.

18 App. Div. 263; (77 St. Rep. 91; 43 Supp. 91).

Duplicate Citations in Parenthesis.

Contracts—Charter Party.

13 App. Div. 262; (77 St. Rep. 90; 43 Supp. 90). D. 13 App. Div. 267; (77 St. Rep. 93; 43 Supp. 93).

Hagenbuchle v. Schultz, 69 Hun, 183; 53 St. Rep. 598; 23 Supp. 611.

Hagenlocher v. C. I. & B. R. Co., 99 N. Y. 136.

Cited, Evidence—Declarations—Bodily Pain.

76 Hun, 177; (57 St. Rep. 301; 27 Supp. 588). 8 App. Div. 158; (40 Supp. 479).

Hager v. Buffalo Savings Bank, 10 Misc. 455; 64 St. Rep. 25; 31 Supp. 448.

Cited, Savings Banks—Payment—Negligence.

17 Misc. 578; (75 St. Rep. 67; 40 Supp. 665).

Hager v. Hager, 38 Barb. 92.

Cited, Misconduct of Jurors—Setting Aside Verdict.

10 Misc. 441; (64 St. Rep. 16; 31 Supp. 463). 19 Misc. 450; (64 St. Rep. 783; 31 Supp. 872).

Hagerty v. Andrews, 94 N. Y. 195.

Cited, Pleadings—Answer of Co-defendant—Issues Under.

77 Hun, 428; (60 St. Rep. 50; 28 Supp. 802). Pleading—Amendment—Striking Out Allegations

8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549). 85 Hun, 528; (67 St. Rep. 78; 33 Supp. 335). 12 Misc. 415; (67 St. Rep. 574; 33 Supp. 704).

Hagerty v. Hagerty, 9 Hun, 175.

Cited, Guardian—Testamentary—Appointment.

5 Misc. 273; (26 Supp. 774).

Haggart v. Morgan, 5 N. Y. 422.

Cited, Appeal—Review of Instructions—Exceptions.

8 Misc. 294; (59 St. Rep. 211; 28 Supp. 574; 31 Abb N. C. 440). 9 Misc. 539.

90 Hun, 562; (71 St. Rep. 31; 36 Supp. 24). 6 App. Div. 431; (39 Supp. 547). 62 St. Rep. 218; (30 Supp. 667).

Attachment—Residence—Meaning of.

69 Hun, 310; (53 St. Rep. 352; 23 Supp. 530). 24 Supp. 479.

Haggart v. Morgan, 4 Sandf. 198.

Cited, Arbitration—Ouster of Courts. 86 Hun, 38; (67 St. Rep. 225; 33 Supp. 513).

Haggerty v. Ryan, 17 Misc. 277; 40 Supp. 384.

Hagner v. Hall, 10 App. Div. 581; 76 St. Rep. 63; 42 Supp. 63.

Hahnenfeld v. Wolff, 15 Misc. 133; 71 St. Rep. 438; 36 Supp. 473.

Hahnke v. Friederich, 140 N. Y. 224; 55 St. Rep. 411.

Affirming, 50 St. Rep. 938; 22 Supp. 1120. *Cited*, Vicious Animals—Scienter.

2 App. Div. 144; (73 St. Rep. 491; 37 Supp. 810). 17 App. Div. 140; (79 St. Rep. 157; 45 Supp. 157).

Haig v. Boyle, 20 Misc. 155; 79 St. Rep. 816; 45 Supp. 810.

Haight v. Badgeley, 15 Barb. 499.

Cited, Master and Servant—Enticement of Servant.

67 Hun, 302; (50 St. Rep. 895; 22 Supp. 311).

Haight v. Brisbin, 100 N. Y. 219.

Cited, Guardians—Accounting—Fraudulent Settlement.

138 N. Y. 201; (52 St. Rep. 143).

Executors—Removal.

5 App. Div. 514; (38 Supp. 1086). 10 App. Div. 243; (75 St. Rep. 1217; 41 Supp. 816).

Surrogate—Executors—Liability—Remedy in Equity.

10 App. Div. 244; (41 Supp. 817).

Haight v. Child, 34 Barb. 186.

Cited, Contract—Statute of Frauds—Proof of Writing—Necessity.

30 Abb. N. C. 448; (55 St. Rep. 297; 25 Supp. 454). 77 Hun, 3; (59 St. Rep. 419; 28 Supp. 224).

Haight v. Continental Ins. Co., 92 N. Y. 51.

Cited, Insurance—Waiver of Conditions—Knowledge of Agent.

78 Hun, 118; (60 St. Rep. 802; 29 Supp. 252). 137 N. Y. 396; (50 St. Rep. 682). 149 N. Y. 387. 7 App. Div. 583; (40 Supp. 305).

Haight v. Holcomb, 16 How. 160.

Cited, Attorneys—Compensation—Lien on Judgment—Execution.

79 Hun, 144; (61 St. Rep. 354; 29 Supp. 762; 24 Civ. Pro. 29).

Haight v. Littlefield, 71 Hun, 285; 54 St. Rep. 733; 24 Supp. 1097.

Haight v. Littlefield, 147 N. Y. 338; 69 St. Rep. 675.

Affirming, 71 Hun, 285; 54 St. Rep. 733; 24 Supp. 1097.

Cited, Conveyances—Streets—Easements.

17 Misc. 456; (41 Supp. 233). 20 Misc. 530. 75 St. Rep. 62; (41 Supp. 175).

Haight v. Moore, 37 Super. 161

Cited, Attorney and Client—Contracts Between—Effect.

66 St. Rep. 327; (32 Supp. 853).

*Duplicate Citations in Parenthesis.***Haight v. New York**, 99 N. Y. 280.*Cited*, Municipal Corporations—Taxes—Collection—Enforcement.

69 Hun, 506; (52 St. Rep. 620; 23 Supp. 455). 10 App. Div. 586; (76 St. Rep. 67; 42 Supp. 67).

Haight v. Pine, 10 App. Div. 470; 76 St. Rep. 303; 42 Supp. 303.**Haight v. Pine**, 3 App. Div. 434; 39 Supp. 511.**Haight v. Sahler**, 30 Barb. 218.*Cited*, Corporations—Agents—Contracts—Ratification.

3 App. Div. 602; (73 St. Rep. 857; 38 Supp. 239).

Hailey v. Ano, 136 N. Y. 569; 50 St. Rep. 25.*Reversing*, 42 St. Rep. 49; 16 Supp. 589.*Cited*, Pendency of Action—Effect.

92 Hun, 89; (71 St. Rep. 144; 36 Supp. 374).

Haines v. Hollister, 64 N. Y. 1.*Cited*, Parties—Bringing In.

84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Haines v. N. Y. C. & H. R. R., 145 N. Y. 235; 64 St. Rep. 717.*Affirming*, 8 Misc. 687; 30 Supp. 1131.*Cited*, Appeal—Motions—Grounds—Exceptions.

91 Hun, 326; (72 St. Rep. 295; 36 Supp. 1023). 14 Misc. 298; (70 St. Rep. 460; 35 Supp. 683). 1 App. Div. 406; (72 St. Rep. 579; 37 Supp. 257).

Haines v. Petterson, 87 Hun, 109; 67 St. Rep. 459; 33 Supp. 814.**Haines v. Thompson**, 2 Misc. 385; 51 St. Rep. 221; 21 Supp. 991.*Reversing*, 46 St. Rep. 285; 19 Supp. 184.*Followed*, Contracts—Statute of Frauds. 6 Misc. 209; (56 St. Rep. 525; 26 Supp. 536).**Haines v. Westchester, Judges of**, 20 Wend. 625.*Cited*, Appeal—From Justice's Judgment—Return, Conclusiveness of and Evidence to Contradict.

3 Misc. 125; (23 Supp. 495)

Haire v. Baker, 5 N. Y. 357.*Cited*, Judgment—Conclusiveness—Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298).

Hakehiloth, Matter of. See Agudath Hakehiloth.**Halbert, Matter of**, 15 Misc. 308; 73 St. Rep. 434; 37 Supp. 757.*Cited*, Wills—Testamentary Capacity—Drunkenness.

16 Misc. 244; (39 Supp. 188). 17 Misc. 551; (75 St. Rep. 677; 41 Supp. 266).

Halbert v. Gibbs, 16 App. Div. 126; 79 St. Rep. 113; 45 Supp. 113.**Hale, Matter of**, 6 App. Div. 411; 39 Supp. 577.**Hale v. Boardman**, 27 Barb. 82.*Cited*, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 85; (55 St. Rep. 396; 26 Supp. 39).

Hale v. Brote, 75 Hun, 13; 57 St. Rep. 224; 26 Supp. 950.**Hale v. Clark**, 19 Wend. 498.*Cited*, Trespass—What Constitutes—Act of Omission.

71 Hun, 456; (54 St. Rep. 403; 24 Supp. 947).

Hale v. Gouverneur, 4 Edw. 207.*Cited*, Mortgages—Enforcement—Default of Interest.

76 Hun, 328; (59 St. Rep. 84; 27 Supp. 695). 77 Hun, 383; (60 St. Rep. 397; 28 Supp. 850).

Hale v. Mason, 86 Hun, 499; 67 St. Rep. 535; 33 Supp. 789.*Cited*, Costs—Receiver—Security.

14 Misc. 79; (69 St. Rep. 552; 35 Supp. 197; 25 Civ. Pro. 24).

Hale v. Omaha Bank, 49 N. Y. 626.*Cited*, Action—Form—Relief—Judgment.

75 Hun, 137; (57 St. Rep. 796; 27 Supp. 278). 1 App. Div. 282; (72 St. Rep. 696; 37 Supp. 343). 16 App. Div. 456; (79 St. Rep. 45; 45 Supp. 45).

Chattel Mortgage—Disposal of Property.

12 Misc. 92; (66 St. Rep. 669; 32 Supp. 1132).

Hale v. Prote, 75 Hun, 13; 57 St. Rep. 224.*Cited*, Attachment—Affidavit—Vacation.

18 Misc. 350. 143 N. Y. 352; (62 St. Rep. 308).

Hale v. Rogers, 22 Hun, 19.*Cited*, Deposition—Examination Before Trial—Affidavit.

85 Hun, 419; (66 St. Rep. 206; 32 Supp. 889; 2 Ann. Cas. 57).

Hale v. Smith, 78 N. Y. 480.*Cited*, Evidence—Burden of Proof—Shifting.

3 Misc. 461; (52 St. Rep. 443; 23 Supp. 131).

Duplicate Citations in Parenthesis.

Negligence — Contributory — Freedom from.

3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752). 87 Hun, 466; (68 St. Rep. 454; 34 Supp. 375).

D. 87 Hun, 469; (68 St. Rep. 457; 34 Supp. 378). 16 Misc. 163; (38 Supp. 836).

Hale v. Stewart, 7 Hun, 591.

Cited, Fraudulent Conveyances—Consideration—Outlawed Debt.

73 Hun, 349; (55 St. Rep. 761; 26 Supp. 195). 75 Hun, 521; (57 St. Rep. 350; 27 Supp. 730). 87 Hun, 551; (69 St. Rep. 458; 35 Supp. 139).

Hale v. Sweet, 40 N. Y. 97.

Cited, Chattel Mortgage—Failure to File—Rights of Creditors—Possession by Mortgagee.

69 Hun, 581; (53 St. Rep. 263; 24 Supp. 24). 15 Misc. 524; (37 Supp. 1075; 2 Ann. Cas. 413).

Haley v. Whitney, 53 Hun, 119; 25 St. Rep. 765.

Distinguished, Replevin — Taxes — Excessive Assessment.

7 Misc. 206; (56 St. Rep. 520; 27 Supp. 215). 81 Hun, 314; (27 Supp. 215).

Hall, Matter of, 5 Misc. 461; 24 Supp. 864.

Cited, Wills—Execution—Sufficiency.

11 Misc. 190; (66 St. Rep. 551; 32 Supp. 1096).

Hall, Matter of, 16 Misc. 174; 38 Supp. 1135.

Hall, Matter of, 85 Hun, 620; 66 St. Rep. 201; 32 Supp. 883.

Cited, 2 App. Div. 617; (37 Supp. 1144).

Disapproved, Contempt — False Answer.

14 Misc. 596; (72 St. Rep. 259; 25 Civ. Pro. 121; 2 Ann. Cas. 269).

Hall, Matter of, 88 Hun, 68; 68 St. Rep. 538; 34 Supp. 616.

Hall, Matter of, 66 St. Rep. 201; 32 Supp. 883.

Hall v. Anderson, 17 Misc. 270; 40 Supp. 354.

Hall v. Bartlett, 9 Barb. 297.

Cited, Pleading—Demurrer — Admission—Effect.

67 St. Rep. 836; (34 Supp. 35).

Hall v. Beston, 16 Misc. 528; 38 Supp. 979.

Cited, Contracts — Parol Evidence to Vary.

D. 13 App. Div. 599; (77 St. Rep. 683; 45 Supp. 683).

Hall v. Beston, 13 App. Div. 116; 77 St. Rep. 304; 43 Supp. 304.

Hall v. Bishop, 3 Daly, 109.

Cited, Contract — Recovery—Conditions Precedent—License.

9 Misc. 378; (61 St. Rep. 482; 30 Supp. 253).

Hall v. Brennan, 64 Hun, 394; 46 St. Rep. 777; 19 Supp. 623.

Affirmed, 140 N. Y. 409; 55 St. Rep. 792.

Cited, Insurance—Right to Sue—Limitation.

9 App. Div. 353; (75 St. Rep. 724; 41 Supp. 317). D. 9 App. Div. 360; (75 St. Rep. 729; 41 Supp. 311). 11 Misc. 231; (66 St. Rep. 557; 32 Supp. 1102). D. 9 App. Div. 351; (75 St. Rep. 731; 41 Supp. 316). D. 9 App. Div. 354; (41 Supp. 318).

Hall v. Brennan, 140 N. Y. 409; 55 St. Rep. 792.

Affirming, 64 Hun, 394; (46 St. Rep. 777; 19 Supp. 623).

Cited, Limitation of Action—Suspension of Statute—Death of Party.

141 N. Y. 413; (57 St. Rep. 576.)

Hall v. Brooks, 89 N. Y. 33.

Cited, Appeal—Extent of Review—Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Hall v. Buffalo, 1 Keyes, 193.

Cited, Trusts—Implied—Agreement.

79 Hun, 497; (61 St. Rep. 536; 29 Supp. 920).

Hall v. Campbell, 1 Dem. 415.

Cited, Executors and Administrators—Costs and Disbursements—Counsel Fees.

1 Misc. 33; (22 Supp. 1084). 3 Misc. 398; (24 Supp. 852).

Hall v. Campbell, 77 Hun, 567; 60 St. Rep. 487; 28 Supp. 1031.

Hall v. Colyer, 8 Supp. 801.

Cited, Sale—Warranty—Animals.

19 Misc. 140.

Hall v. Conger, 1 How, N. S. 88.

Cited, Arrest—Complaint—Necessity For.

2 App. Div. 92; (73 St. Rep. 147; 37 Supp. 531).

Hall v. Crouse, 13 Hun, 557.

Cited, Evidence—Hypothetical Questions—Assumption—Objection.

9 Misc. 284; (61 St. Rep. 148; 29 Supp. 723).

Hall v. Daggett, 6 Cow. 653.

Cited, Conversion—Title.

7 Misc. 691; (58 St. Rep. 388; 28 Supp. 146).

*Duplicate Citations in Parenthesis.***Hall v. Dean**, 13 Johns. 105.

Cited, Covenants—Warranty—Breach—When Action Will Lie

9 Misc. 136; (59 St. Rep. 715; 29 Supp. 282). 83 Hun, 477; (65 St. Rep. 81; 31 Supp. 1051). 83 Hun, 478; (65 St. Rep. 82; 31 Supp. 1052). 8 App. Div. 183; (40 Supp. 317; 3 Ann. Cas. 245).

Hall v. Deennerlein, 39 St. Rep. 67; 14 Supp. 796.

Cited, Mechanic's Lien — Discharging Property from Lien—Payment Into Court.

7 Misc. 529; (27 Supp. 1002).

Costs—Offer of Judgment.

88 Hun, 228; (68 St. Rep. 259; 34 Supp. 664).

Hall v. Edmunds, 67 How. 202.

Cited, Costs — Disbursements—Disputed Claim—Statutory Reference—Executors.

8 Misc. 470; (60 St. Rep. 601; 29 Supp. 670).

Hall v. Farmer, 5 Den. 484.

Cited, Promissory Note—Definition.

81 Hun, 35; (62 St. Rep. 540; 30 Supp. 607).

Hall v. Fisher, 1 Barb. Ch. 53.

Cited, Injunction—Perpetual Stay of Prior Action.

139 N. Y. 118; (54 St. Rep. 642).

Mortgage—Foreclosure—Senior Lien.

79 Hun, 98; (61 St. Rep. 144; 29 Supp. 666).

Hall v. Fisher, 20 Barb. 441.

Cited, Pleadings—Joinder of Causes—Individual and Representative Rights

15 Misc. 109; (71 St. Rep. 6; 36 Supp. 266).

Hall v. Fowler, 6 Hill, 630.

19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

Hall v. Germain, 131 N. Y. 536; 43 St. Rep. 916.

Cited, Intoxicating Liquors—Civil Damage Act—Liability of Landlord.

67 Hun, 72; (51 St. Rep. 182; 21 Supp. 1119). 12 Misc. 633; (34 Supp. 961).

Hall v. Germain, 37 St. Rep. 320; 14 Supp. 5.

Cited, Statutes—Construction—Civil Damage Act.

69 Hun, 568; (53 St. Rep. 253; 23 Supp. 959).

Hall v. Gould, 13 N. Y. 127.

Cited, Landlord and Tenant—Breach by Tenant—Damages.

18 Misc. 376; (75 St. Rep. 1050; 41 Supp. 662).

Hall v. Hall, 81 N. Y. 130.

Cited, Wills — Statutory Prohibition—Effect.

148 N. Y. 154; (2 Ann. Cas. 422).

Hall v. Hall, 13 Hun, 306.

Cited, Wills—Devisee—Incompetency—Effect.

88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815; 2 Ann. Cas. 122).

Hall v. Hall, 30 How. 51.

Cited, Pleading—Reply—Counterclaim.

11 Misc. 87; (66 St. Rep. 197; 32 Supp. 815; 24 Civ. Pro. 216).

Hall v. Hall, 38 How. 97.

Cited, Pleading—Specific Performance—Relief.

7 App. Div. 23; (74 St. Rep. 657).

Hall v. Herter Bros., 83 Hun, 19; 64 St. Rep. 378; 31 Supp. 692.

Cited, Successor in Interest—Liability for Predecessor's Contracts.

86 Hun, 374; (67 St. Rep. 224; 33 Supp. 512).

Hall v. Herter Brothers, 90 Hun, 280; 70 St. Rep. 273; 35 Supp. 769.**Hall v. Holland House Co.**, 9 Misc. 245; 60 St. Rep. 585; 30 Supp. 263.**Hall v. Holland House Co.**, 12 Misc. 5; 66 St. Rep. 634; 33 Supp. 50.

Affirming, 10 Misc. 778; 30 Supp. 1132.

Hall v. Lather, 13 Wend. 491.

Cited, Estoppel—Executor's Authority—Joining in Execution of Lease.

1 Misc. 196; (49 St. Rep. 80; 20 Supp. 877).

Hall v. Lauderdale, 46 N. Y. 70.

Cited, Principal and Agent—Personal Liability of Agent—Proof.

7 Misc. 316; (57 St. Rep. 555; 27 Supp. 905). 12 Misc. 164; (67 St. Rep. 97; 33 Supp. 278). 15 Misc. 325; (73 St. Rep. 444; 37 Supp. 767). 16 Misc. 373; (74 St. Rep. 435; 38 Supp. 68).

Hall v. Luther, 13 Wend. 491.

Cited, Landlord and Tenant — Lease—Estoppel of Lessee to Question Lessor's Authority in Representative Capacity.

49 St. Rep. 80; (20 Supp. 877).

Hall v. McDonald, 105 N. Y. 667; 8 St. Rep. 910.

Cited, Mortgage—Surplus Proceedings—Imposing Payment of Disbursements on Unsuccessful Claimant.

2 Misc. 394; (50 St. Rep. 607; 21 Supp. 988).

Hall v. McMahon, 10 Abb. 103.

Cited, Execution — Supplementary Proceedings—Order, Office and Effect of.

3 Misc. 118; (23 Supp. 1056).

Duplicate Citations in Parenthesis.

Hall v. Munger, 5 Lans. 109.

Cited, Judicial Determinations—Error—Effect.

16 Misc. 321; (73 St. Rep. 571; 37 Supp. 951).

Hall v. Naylor, 18 N. Y. 588.

Cited, Evidence—Relevancy—Other Offenses.

74 Hun, 391; (56 St. Rep. 424; 26 Supp. 456). 3 Misc. 506; (23 Supp. 991). 79 St. Rep. 952; (45 Supp. 952).

Hall v. Nelson, 14 How. 32.

Cited, Lis Pendens—Filing—Effect.

3 App. Div. 154; (73 St. Rep. 355; 38 Supp. 167; 3 Ann. Cas. 214).

Hall v. Newcomb, 3 Hill, 233.

Cited, Bills and Notes—Indorsement—Effect.

83 Hun, 193; (63 St. Rep. 810; 31 Supp. 398). 16 Misc. 568; (74 St. Rep. 118; 38 Supp. 777).

Hall v. Newcomb, 7 Hill, 416.

Cited, Evidence—Parol to Vary Writing—Endorsement of Note.

66 Hun, 355; (50 St. Rep. 669; 21 Supp. 508).

Bills and Notes—Indorsement—Effect.

83 Hun, 193; (63 St. Rep. 810; 31 Supp. 398).

Hall v. People, 6 Park. Crim. 671.

Cited, Evidence—Relevancy—Character of Accused.

49 St. Rep. 286; (21 Supp. 61).

Hall v. Pettigrove, 10 Hun, 609.

Cited, Mechanic's Lien—Satisfaction of Debt—Remedies.

70 St. Rep. 470; (35 Supp. 676; 25 Civ. Pro. 238. 25 Civ. Pro. 63).

Hall v. Richardson, 22 Hun, 444.

Cited, Executors—Contracts—Personal Liability.

82 Hun, 149; (63 St. Rep. 766; 31 Supp. 317). 15 Misc. 541; (74 St. Rep. 560; 38 Supp. 107).

Hall v. Robinson, 2 N. Y. 293.

Cited, Chattels—Conversion.

14 Misc. 315; (70 St. Rep. 748; 35 Supp. 1053).

Hall v. Sexton, 19 St. Rep. 677; 3 Supp. 549.

Cited, Injunction—Damages by—Discontinuance.

70 Hun, 11; (53 St. Rep. 260; 23 Supp. 935).

Hall v. Sheehan, 69 N. Y. 618.

Cited, Mechanic's Lien—Filing Notice—Effect.

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Hun, 10; 56 St. Rep. 736; 26 Supp. 143.

Affirmed, 148 N. Y. 432.

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Hall v. Stevens, 116 N. Y. 201; 26 St.

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Cited, Trial—Sufficiency of Evidence to go to Jury.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 646.

Note—Payment—Presumption.

16 Misc. 555; (74 St. Rep. 265; 38 Supp. 747).

Hall v. Stryker, 27 N. Y. 596.

Cited, Attachment—Property Fraudulently Transferred.

136 N. Y. 257; (49 St. Rep. 380). 81 Hun, 345; (63 St. Rep. 139; 30 Supp. 887).

Hall v. Suydam, 6 Barb. 83.

Cited, Appeal—Reversible error—Erroneous Submission to Jury—Correct Determination.

68 Hun, 168; (52 St. Rep. 77; 22 Supp. 651).

Hall v. Syracuse, 71 Hun, 465; 54 St.

Rep. 378; 24 Supp. 959.

Cited, Statute—Construction—Comdemnation Proceedings.

86 Hun, 453; (67 St. Rep. 712; 33 Supp. 936).

Hall v. Thompson, 23 Hun, 334.

Cited, Wills—Construction—Mistake of Testator—Rectification.

18 Misc. 277; (41 Supp. 1012).

Hall v. Thompson, 70 Hun, 599; 53 St.

Rep. 667; 24 Supp. 86.

Hall v. Tuttle, 6 Hill, 38.

Cited, Justices' Courts—Judgment—Rendition of.

7 Misc. 138; (57 St. Rep. 105; 27 Supp. 395).

Hall v. United States Reflector Co.,

30 Hun, 375.

Cited, Pleadings—Complaint—Failure to Plead—Effect.

10 Misc. 8; (62 St. Rep. 656; 30 Supp. 541). 20 Misc. 188; (79 St. Rep. 860; 45 Supp. 860).

Hall v. United States Reflector Co.,

14 Week. Dig. 48; S. C. 95 N. Y. 648;

96 N. Y. 629.

Cited, Reference—Long Account—In Answer.

142 N. Y. 249; (58 St. Rep. 773.)

Hall v. Van Vranken, 28 Hun, 403.

Cited, Evidence—Comparison of Handwritings.

D. 148 N. Y. 500. 5 App. Div. 551; (75 St. Rep. 147; 40 Supp. 772).

Duplicate Citations in Parenthesis.

Hall v. Western Transportation Co., 34 N. Y. 284.

Cited, Landlord and Tenant—Occupancy.

8 App. Div. 514; (73 St. Rep. 801; 38 Supp. 344).

Hall v. Wilson, 16 Barb. 548.

Cited, Bills and Notes—Delivery—Bona Fide Holder.

49 St. Rep. 562; (20 Supp. 912). 73 Hun, 592; (56 St. Rep. 179; 26 Supp. 99).

Hall Steam Power Co. v. Campbell Printing Press & Mfg. Co., 5 Misc. 264; 25 Supp. 106.

Hall Steam Power Co. v. Campbell Printing Press & Mfg. Co., 8 Misc. 430; 59 St. Rep. 571; 28 Supp. 662.

Hallahan v. N. Y., L. E. & W. R. Co., 102 N. Y. 194; 1 St. Rep. 367.

Cited, Master and Servant—Contributory Negligence—Car Platforms—Elevators.

4 Misc. 166; (53 St. Rep. 198; 23 Supp. 791).

Hallahan v. Webber, 15 Misc. 327; 73 St. Rep. 311; 37 Supp. 613; 2 Ann. Cas. 333.

Hallahan v. Webber, 7 App. Div. 122; 40 Supp. 103.

Cited, Contracts—Rescission.

19 Misc. 152; (77 St. Rep. 206; 43 Supp. 206).

Hallen v. Jones, 2 Misc. 249; 50 St. Rep. 829; 21 Supp. 943.

Reversing, 1 Misc. 192; 48 St. Rep. 937; 20 Supp. 659.

Hallett v. Hallett, 10 Misc. 304; 63 St. Rep. 175; 30 Supp. 946; 24 Civ. Pro. 102.

Hallett v. Hallett, 2 Paige, 15.

Cited, Actions—Parties.

144 N. Y. 61; (63 St. Rep. 631).

Hallett v. Hare, 5 Paige, 315.

Cited, Decedent's Estate—Distribution—Personalty—Half-blood.

68 St. Rep. 243; (34 Supp. 192).

Hallett v. Righters, 13 How. 43.

Cited, Judgment—Default—Notice—Jurisdiction.

7 Misc. 523; (64 St. Rep. 373, 375; 27 Supp. 1006).

Hallgarten v. Eckert, 1 Hun, 117.

Cited, Courts—Reviewing Jurisdiction—Co-ordinate Courts.

5 Misc. 489; (55 St. Rep. 159; 25 Supp. 328).

Halliburton v. Clapp, 149 N. Y. 183.

Cited, Appeal—Matter of Right.

76 St. Rep. 1123; (42 Supp. 1123).

Halliburton v. Clapp, 1 App. Div. 71;

72 St. Rep. 26; 36 Supp. 1041.

Cited, Judgment—Counterclaim—Failure to Plead.

3 App. Div. 55; (73 St. Rep. 849; 38 Supp. 231).

Halliday v. Hart, 30 N. Y. 474.

Cited, Evidence—Parol to Vary Writing—Receipts.

2 Misc. 378; (50 St. Rep. 596; 21 Supp. 1096).

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9 App. Div. 334-338; (75 St. Rep. 754; 41 Supp. 335). 15 App. Div. 19; (78 St. Rep. 127; 44 Supp. 127). 16 Misc. 556; (74 St. Rep. 265; 38 Supp. 747). 18 Misc. 226; (41 Supp. 478).

Halliday v. Nicholas, 13 Misc. 111; 68 St. Rep. 179; 34 Supp. 104.

Reversing, 9 Misc. 217; 60 St. Rep. 836; 29 Supp. 1144.

Halliday v. Nichols, 9 Misc. 217; 60 St. Rep. 836; 29 Supp. 1144.

Halliday v. White, 50 St. Rep. 549; 21 Supp. 878.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Hallinan v. Murphy, 88 Hun, 72; 68 St. Rep. 674; 34 Supp. 618.

Cited, Execution—Leave to Issue.

8 App. Div. 340; (75 St. Rep. 201; 40 Supp. 816).

Hallock v. Bacon, 61 Hun, 90; 45 St. Rep. 485; 19 Supp. 91.

Cited, Executors and Administrators—Reference of Disputed Claim—Costs.

8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670). 49 St. Rep. 320; (21 Supp. 156).

Husband and Wife—Living Expenses—Liability of Wife.

75 Hun, 521; (57 St. Rep. 349; 27 Supp. 730). 92 Hun, 370, 372; (71 St. Rep. 580, 581; 36 Supp. 666, 667).

Decedent's Estates—Disputed Claim—Costs.

88 Hun, 316; (68 St. Rep. 582; 34 Supp. 764).

Hallock v. Bacon, 21 Civ. Pro. 255; 40 St. Rep. 764; 16 Supp. 725.

Cited, Executors and Administrators—Reference of Disputed Claim—Costs.

8 Misc. 470; (60 St. Rep. 601; 29 Supp. 671).

*Duplicate Citations in Parenthesis.***Hallock v. Dominy**, 69 N. Y. 238.

Cited, Writ and Process—Issued Under Unconstitutional Law—Liability of Officer. 137 N. Y. 11; (49 St. Rep. 887).

Hallock v. Hallock, 4 How. 159.

Cited, Husband and Wife—Divorce—Alimony and Counsel Fees.

4 Misc. 383; (24 Supp. 494). 24 Supp. 921. 11 Misc. 704; (66 St. Rep. 337; 32 Supp. 1082; 1 Ann. Cas. 226).

Hallock v. Schyer, 33 Hun. 111.

Cited, Adjacent Owners—Nuisance.

14 Misc. 118; (70 St. Rep. 380; 35 Supp. 607).

Hallock v. Smith, 3 Barb. 267.

Cited, Vendor—Security—Waiver.

75 Hun. 444; (59 St. Rep. 647; 27 Supp. 535). 141 N. Y. 468; (57 St. Rep. 607).

Hallock v. Woolsey, 23 Wend. 328.

Cited, Highways—Laying Out—Damages.

20 Misc. 275; (79 St. Rep. 832; 45 Supp. 832).

Halloway v. Southmayd, 139 N. Y. 390.

Cited, Deeds—What Passes by—Bounded by Side of Street.

61 St. Rep. 839; (30 Supp. 125).

Halperin v. Callandar, 16 Misc. 689; 38 Supp. 970.

Reversed, 17 Misc. 362; 39 Supp. 1044.

Halperin v. Callandar, 17 Misc. 362; 39 Supp. 1044.**Halperin v. Schermerhorn**, 8 Misc. 336; 59 St. Rep. 240; 28 Supp. 562.**Halpern v. Nassau Electric R. Co.**, 16 App. Div. 90; 79 St. Rep. 134; 45 Supp. 134.

Cited, Summing Up—Irrelevant Remarks—Effect.

20 Misc. 304; (79 St. Rep. 804; 45 Supp. 804).

Halpin v. Aetna Ins. Co., 120 N. Y. 70.

Cited, Insurance—Occupation of Premises.

86 Hun. 36; (67 St. Rep. 238; 33 Supp. 405). 92 Hun. 230; (72 St. Rep. 400; 36 Supp. 878).

Contracts—Construction—Forfeiture.

146 N. Y. 24; (65 St. Rep. 759).

Halpin v. Mutual Brewing Co., 91 Hun. 220; 72 St. Rep. 52; 36 Supp. 151.

Cited, Corporations—Receivers—Actions by Creditors.

14 App. Div. 338; (77 St. Rep. 791; 43 Supp. 791).

Halpin v. Phenix Ins. Co., 118 N. Y. 165; 28 St. Rep. 788.

Cited, Appeal—Case—Statement as to Completeness of Evidence.

1 Misc. 319; (48 St. Rep. 718; 20 Supp. 675). 2 Misc. 188; (49 St. Rep. 714; 21 Supp. 589). 4 Misc. 54; (53 St. Rep. 74; 23 Supp. 604). 4 Misc. 142; (53 St. Rep. 130; 23 Supp. 778). 4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882). 4 Misc. 188; (53 St. Rep. 177; 23 Supp. 884). 4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681). 5 Misc. 213; (54 St. Rep. 796; 25 Supp. 466; 23 Civ. Pro. 226). 5 Misc. 223; (54 St. Rep. 826; 25 Supp. 465). 5 Misc. 230; (54 St. Rep. 827; 25 Supp. 97; 23 Civ. Pro. 174). 7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377).

Insurance—Policy—Conditions—Occupancy—Operation.

70 Hun. 492; (53 St. Rep. 747; 24 Supp. 386).

86 Hun. 36; (67 St. Rep. 238; 33 Supp. 405).

Insurance—Policy—Payment—Conditions.

19 Misc. 701; (79 St. Rep. 12; 45 Supp. 12).

Tender—Keeping Good.

69 Hun. 549; (53 St. Rep. 342; 24 Supp. 16). 75 Hun. 389; (57 St. Rep. 700; 27 Supp. 454). 86 Hun. 438; (67 St. Rep. 628; 33 Supp. 899). 2 App. Div. 108; (73 St. Rep. 147; 37 Supp. 531). 3 App. Div. 220; (74 St. Rep. 18; 38 Supp. 363). 68 St. Rep. 869; (34 Supp. 1137).

Appeal—Findings—Question of Law—Review.

150 N. Y. 360. 88 Hun. 617; (68 St. Rep. 869; 34 Supp. 1137). 13 Misc. 220; (68 St. Rep. 116 34 Supp. 237).

Tender—Payment Into Court.

82 Hun. 419; (63 St. Rep. 580; 31 Supp. 263). 84 Hun. 178; (65 St. Rep. 652; 32 Supp. 467). 16 Misc. 436; (39 Supp. 736). 18 Misc. 421; (75 St. Rep. 842; 41 Supp. 437).

Halpin v. Third Ave. R. Co., 40 Super. Ct. 175.

Cited, Railroads—Alighting from Moving Train—Negligence—Contributory.

80 Hun. 196; (61 St. Rep. 775; 30 Supp. 51).

Halpin v. Townsend, 2 City Ct. Rep. 417; 107 N. Y. 683.

Cited, Landlord and Tenant—Liability of Landlord—Tenement Houses—Hallways—Lights.

5 Misc. 446; (26 Supp. 802).

Halsey v. Hart, 85 Hun. 46; 66 St. Rep. 49; 32 Supp. 665.

Cited, Appeal—Justice Judgment—Conflicting Evidence—Effect.

11 App. Div. 631; (76 St. Rep. 458; 43 Supp. 458). 92 Hun. 73; (71 St. Rep. 239; 33 Supp. 344).

Duplicate Citations in Parenthesis.

Halsey v. McCormick, 18 N. Y. 148.

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Halsey v. Reed, 9 Paige, 446.

Cited, Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 295; (49 St. Rep. 256; 20 Supp. 922). 150 N. Y. 555. 88 Hun, 487; (69 St. Rep. 136; 34 Supp. 968). 85 Hun, 81; (66 St. Rep. 44; 32 Supp. 660). 144 N. Y. 478; (63 St. Rep. 731).

Halsey v. Sinsebaugh, 15 N. Y. 485.

Cited, Evidence—Witness—Testimony from Writings.

150 N. Y. 392.

Halstead v. Dodge, 1 How. N. S. 170.

Cited, Corporations—Directors—Failure to File Report—Joint and Several Liability. 5 Misc. 208; (25 Supp. 8:0).

Halstead v. Ives, 73 Hun, 56; 57 St. Rep. 125; 25 Supp. 1058.

Affirmed, 144 N. Y. 705.

Halstead v. Nelson, 24 Hun, 395.

Cited, Slander—Privileged Communication.

Cited, 11 App. Div. 606; (76 St. Rep. 629; 42 Supp. 629).

Halstead v. Nelson, 36 Hun, 149.

Cited, Libel and Slander—Privileged Communications.

138 N. Y. 523; (53 St. Rep. 97).

Halstead v. Nelson, 15 St. Rep. 790; 1 Supp. 280.

11 App. Div. 607; (76 St. Rep. 629; 42 Supp. 629).

Halstead v. Swartz, 46 How. 289.

Cited, Chattel Mortgage—Seizure and Sale.

2 App. Div. 468; (74 St. Rep. 339; 37 Supp. 1041).

Halstead v. Halstead, 2 Misc. 501; 51 St. Rep. 86; 22 Supp. 384.

Affirmed, 3 Misc. 618; 52 St. Rep. 450; 23 Supp. 191.

Halstead v. Halstead, 3 Misc. 618; 52 St. Rep. 450; 23 Supp. 191.

Halsted v. Halsted, 5 Misc. 416; 26 Supp. 758.

Affirmed, 7 Misc. 23 57 St. Rep. 79; 27 Supp. 408.

Halsted v. Halsted, 7 Misc. 23; 57 St. Rep. 79; 27 Supp. 408.

Cited, Pleadings—Supplemental—Divorce—Adultery Since Action.

8 Misc. 98; (60 St. Rep. 161; 28 Supp. 1005; 31 Abb. N. C. 258.)

Halsted v. Halsted, 11 Misc. 592; 66 St. Rep. 335; 32 Supp. 1080; 1 Ann. Cas. 230.

Halsted v. Hyman, 3 Bradf. 426.

Cited, Executors—Accounting—Use of Property—Interest.

4 Misc. 35; (23 Supp. 834). 5 Misc. 135; (25 Supp. 732).

Halsted v. Manhattan R. Co., 2 Misc. 498; 51 St. Rep. 82; 22 Supp. 390.

Halsted v. Manhattan R. Co., 32 St. Rep. 109; 11 Supp. 4.

Cited, Trial—Jury—Competency—Bias. 8 Misc. 229; (59 St. Rep. 446; 28 Supp. 721).

Halter v. Shaffer, 50 St. Rep. 618; 21 Supp. 824.

Ham v. Gilmore, 7 Misc. 596; 59 St. Rep. 291; 28 Supp. 126.

Cited, Evidence—Failure to Produce—Effect.

7 App. Div. 590; (40 Supp. 311).

Ham v. Newburgh, Dutchess & Conn. R. Co., 69 Hun, 137; 52 St. Rep. 536; 23 Supp. 197.

Ham v. New York, 70 N. Y. 459.

Cited, Municipal Corporations—Liability—Acts of Agents and Officers.

9 Misc. 350; (61 St. Rep. 248; 29 Supp. 593). 147 N. Y. 57; (69 St. Rep. 309). 80 Hun, 166; (61 St. Rep. 713; 29 Supp. 1113). 89 Hun, 174; (69 St. Rep. 223; 35 Supp. 28). 17 App. Div. 208; (79 St. Rep. 366; 45 Supp. 366). 15 Misc. 420; (72 St. Rep. 156; 37 Supp. 110).

Ham v. Silvernail, 7 Hun, 33.

Cited, Public Officers—Decision—Review.

90 Hun, 531; (71 St. Rep. 40; 36 Supp. 33). 145 N. Y. 665; (71 St. Rep. 3 6).

Gift—Deed of or Delivery to Perfect.

70 Hun, 477; (53 St. Rep. 795; 24 Supp. 286).

Real Property—Remainders—Contingent—Vesting.

2 Misc. 560; (24 Supp. 775). 10 App. Div. 165; (75 St. Rep. 1239; 41 Supp. 868).

Ham v. Van Orden, 84 N. Y. 257.

Cited, Evidence—Parol—Explanation of Writing.

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

Hamblett v. Liede, 10 Misc. 752; 31 Supp. 1127.

Hamblin v. Dinneford, 2 Ed. Ch. 529.

Cited, Specific Performance—Contracts for Service.

67 Hun, 303; (50 St. Rep. 895; 22 Supp. 312).

Duplicate Citations in Parenthesis.

Hamburger v. Baker, 35 Hun, 455.

Cited, Courts — Jurisdiction — Non-residents.

16 App. Div. 623; (78 St. Rep. 1061; 44 Supp. 1061). 11 Misc. 108; (65 St. Rep. 119; 31 Supp. 996).

Hamburger v. Rottenberg, 9 Misc. 477; 61 St. Rep. 102; 30 Supp. 240.

Hamel v. Culver, 14 Misc. 550; 70 St. Rep. 763; 36 Supp. 5.

Hamel v. Griffith, 49 How. 305.

Cited, Easements—Conveyance of Dominant Portion of Estate.

69 Hun, 531; (52 St. Rep. 853).

Hamer v. Sidway, 124 N. Y. 538; 36 St. Rep. 888.

Cited, Contracts — Statute of Frauds—Availability.

55 St. Rep. 297; (25 Supp. 454; 30 Abb. N. C. 449). 89 Hun, 571; (70 St. Rep. 115; 35 Supp. 548). 11½ Misc. 106; (65 St. Rep. 118; 31 Supp. 995). 90 Hun, 591; 70 St. Rep. 562; 35 Supp. 987). 77 Hun, 295; (59 St. Rep. 758; 28 Supp. 339). 139 N. Y. 387; (54 St. Rep. 663; 30 Abb. N. C. 427). 2 Misc. 145; (50 St. Rep. 227; 21 Supp. 635). 18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381).

Contracts—Consideration.

7 Misc. 370; (59 St. Rep. 653; 27 Supp. 634). 11 Misc. 584; (66 St. Rep. 338; 32 Supp. 1084). 92 Hun, 267; (72 St. Rep. 403; 36 Supp. 880; 3 Ann. Cas. 27). 17 Misc. 399; (39 Supp. 1043). 17½ Misc. 618; (75 St. Rep. 72; 40 Supp. 670). 19 Misc. 18; (76 St. Rep. 846; 42 Supp. 846).

Trustee and Cestui que Trust—Statute of Limitations.

86 Hun, 402; (67 St. Rep. 231; 33 Supp. 478). 12 Misc. 195; (67½ St. Rep. 795; 33 Supp. 1092). 15 App. Div. 600; (78 St. Rep. 830; 44 Supp. 830).

Hamerschlag v. Cathoscope Electrical Co., 16 App. Div. 185; 78 St. Rep. 668; 44 Supp. 668.

Hamersley v. New York, 56 N. Y. 533.

Cited, Eminent Domain—Award—Possession—Deduction of Rent.

73 Hun, 45; (57 St. Rep. 143; 25 Supp. 1036).

Hamilton, Matter of, 76 Hun, 200; 57 St. Rep. 810; 27 Supp. 813.

Hamilton, Matter of, 80 Hun, 511; 62 St. Rep. 377; 30 Supp. 499.

Hamilton, Matter of, 2 Connolly, 268; 20 Supp. 73.

Cited, Wills—Probate—Revocation—Parties—Citations.

70 Hun, 108; (53 St. Rep. 543; 23 Supp. 1129).

Hamilton, Matter of, 148 N. Y. 310.

Hamilton v. Austin, 36 Hun, 138.

Cited, Fixtures—Rights of Mortgagee Before Maturity—Conversion.

50 St. Rep. 921; (21 Supp. 895).

Hamilton v. Brennan, 90 Hun, 340; 70 St. Rep. 265; 35 Supp. 805.

Hamilton v. Butler, 19 Abb. 446; 30 How. 36.

Cited, Costs—Stenographer's Minutes.

67 St. Rep. 406; (33 Supp. 583; 24 Civ. Pro. 402).

Hamilton v. Coogan, 7 Misc. 677; 58 Rep. 370; 28 Supp. 21; 31 Abb. N. C. 297.

Affirmed, 148 N. Y. 753.

Hamilton v. Dininny, 81 Hun, 52; 62 St. Rep. 371; 30 Supp. 519.

Cited, Pleadings—Collateral Issues—Waiver.

18 Misc. 205; (75 St. Rep. 18; 41 Supp. 370).

Hamilton v. Eno, 81 N. Y. 116.

Cited, Libel and Slander—Privileged Communications Defined.

53 St. Rep. 101.

Trial—Question of Law—Libel—Privilege.

71 Hun, 487; (54 St. Rep. 904; 24 Supp. 1062). 147 N. Y. 636; (71 St. Rep. 251). 5 App. Div. 608; (39 Supp. 461).

Libel — Pleading — Mitigating Circumstances.

147 N. Y. 634; (71 St. Rep. 250).

Hamilton v. Forsyth, 77 Hun, 578; 60 St. Rep. 488; 28 Supp. 1016.

Hamilton v. Gorman, 14 Misc. 114; 69 St. Rep. 299; 35 Supp. 183; 25 Civ. Pro. 70.

Hamilton v. Graybill, 19 Misc. 521; 77 St. Rep. 1079; 43 Supp. 1079.

Hamilton v. Hamilton, 15 App. Div. 47; 78 St. Rep. 97; 44 Supp. 97.

Hamilton v. Lomax, 26 Barb. 615.

Cited, Contracts—Infants — Breach of Promise.

19 Misc. 648; (78 St. Rep. 405; 44 Supp. 405).

Action—Seduction.

15 Misc. 628; (37 Supp. 221).

Hamilton v. McPherson, 28 N. Y. 72.

Cited, Damages—Duty to Keep Down—Proof.

137 N. Y. 229; (50 St. Rep. 797). 18 Misc. 387; (41 Supp. 1115). 18 Misc. 441; (76 St. Rep. 377; 42 Supp. 377).

Duplicate Citations in Parenthesis.

Hamilton v. Morange, 2 Month L Bul. 58.

Cited, Supplementary Proceedings—Judgment Debtor—Second Examination.

11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro 270; 1 Ann. Cas. 316).

Hamilton v. Patrick, 62 Hun, 74; 41 St. Rep. 770; 16 Supp. 578.

Affirmed, 149 N. Y. 580.

Hamilton v. Piza, 6 App. Div. 598; 39 Supp. 773.

Hamilton v. Piza, 75 St. Rep. 326; 40 Supp. 930.

Hamilton v. Third Ave. R. Co., 53 N. Y. 25.

Cited, Appeal—To General Term—Reversal on Evidence—Extent of Review.

2 Misc. 298; (50 St. Rep. 332; 21 Supp. 941). 7 Misc. 656; (58 St. Rep. 384; 23 Supp. 51).

Carriers—Passenger—Ejection for Want of Fare or Ticket.

79 Hun, 37; (61 St. Rep. 196; 29 Supp. 736). 3 Misc. 350; (52 St. Rep. 6; 22 Supp. 743).

Damages—Exemplary.

79 Hun, 39; (61 St. Rep. 197; 29 Supp. 735). 1 Misc. 369; (49 St. Rep. 723; 21 Supp. 458). 6 Misc. 164; (27 Supp. 121). D. 52 St. Rep. 736; (23 Supp. 703). 84 Hun, 310; (65 St. Rep. 491; 32 Supp. 333). 92 Hun, 244; (72 St. Rep. 315; 36 Supp. 950). 20 Misc. 607.

New Trial—Verdict Contrary to Evidence—Bias, etc.

77 Hun, 605; (60 St. Rep. 486; 23 Supp. 1045). 7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367). 9 Misc. 83; (59 St. Rep. 751; 29 Supp. 37). 82 Hun, 157; (63 St. Rep. 755; 31 Supp. 306). 10 Misc. 726; (65 St. Rep. 104; 31 Supp. 1010). D. 12 Misc. 518; (67 St. Rep. 369; 33 Supp. 675). 19 Misc. 482; (77 St. Rep. 1071; 43 Supp. 1071).

Hamilton v. Third Ave. R. Co., 40 Super. 376.

Cited, Appeal—Review of Verdict—Conflicting Evidence.

11 App. Div. 396; (76 St. Rep. 1124; 42 Supp. 1124).

Hamilton v. Third Ave. R. Co., 6 Misc. 382; 56 St. Rep. 397; 26 Supp. 754.

Cited, Negligence—Contributory—Street Railways—Crossings.

8 Misc. 313; (59 St. Rep. 276; 23 Supp. 734).

10 Misc. 123; (62 St. Rep. 512; 30 Supp. 913).

Appeal—Review of Facts—Reversal.

13 Misc. 278; (68 St. Rep. 18; 34 Supp. 63).

Hamilton v. Van Rensselaer, 43 N. Y. 244.

Cited, Interest as Damages—Principal—Payment.

14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454). 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321).

Hamilton v. Wright, 37 N. Y. 502.

Cited, Attorney's Appearance—Effect.

66 Hun, 259; (49 St. Rep. 478; 21 Supp. 170). 85 Hun, 173; (65 St. Rep. 841; 32 Supp. 586).

Hamilton Nat. Bank v. Halsted, 134 N. Y. 520; 47 St. Rep. 626.

Cited, Fraudulent Conveyances—Protection to Grantee.

68 Hun, 286; (52 St. Rep. 194; 22 Supp. 853).

Hamilton Park Co., Matter of, 1 App. Div. 375; 72 St. Rep. 581; 37 Supp. 310.

Hamilton Trust Co. v. Clemes, 17 App. Div. 152; 79 St. Rep. 141; 45 Supp. 141.

Hamlin v. Klein, 8 App. Div. 413; 75 St. Rep. 220; 40 Supp. 833.

Hamlin v. Osgood, 1 Redf. 410.

Cited, Definitions—Descendants.

54 St. Rep. 27; (24 Supp. 229).

Hamlin v. Wheelock, 42 Hun, 530; 4 St. Rep. 475.

Contracts—Consideration—Commissions.

17 Misc. 613; (75 St. Rep. 78; 40 Supp. 675).

Hamm v. Weber, 19 Misc. 485; 77 St. Rep. 1059; 43 Supp. 1059.

Hammer v. Barnes, 26 How. 174.

Cited, Injunction—Trade Secrets—Employees.

79 Hun, 193; (62 St. Rep. 183). D. 4 App. Div. 578; (74 St. Rep. 829; 38 Supp. 1018).

Hammett v. Linneman, 48 N. Y. 399.

Cited, Sales—Conditional—Delivery—Title.

15 App. Div. 159; (78 St. Rep. 204; 44 Supp. 204).

Hammond, Matter of. See Langdon, Matter of.

Hammond v. Baker, 3 Sandf. 704.

Cited, Stay of Proceedings—Pendency of Foreign Action.

16 App. Div. 73; (78 St. Rep. 690; 44 Supp. 690).

Hammond v. Earle, 58 How. 426.

Cited, Pleading—Defenses—Aiding One by Reference to Other Admissions—Demurrer.

Duplicate Citations in Parenthesis.

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 319). 89 Hun, 246; (65 St. Rep. 835; 32 Supp. 507; 1 Ann. Cas. 269). 86 Hun, 497; (67 St. Rep. 519; 33 Supp. 774). 14 Misc. 62; (69 St. Rep. 566; 35 Supp. 250).

Hammond v. Fuller, 1 Paige, 197.

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91 Hun, 88; (71 St. Rep. 104; 36 Supp. 167).

Hammond v. Hopping, 13 Wend. 505.

Cited, Usury—How Purged—Effect.

15 App. Div. 79; (78 St. Rep. 287; 44 Supp. 287).

Hammond v. Hudson R. I. & M. Co., 20 Barb. 378.

Cited, Judgment—Vacating Assignment—Conclusiveness.

9 Misc. 652; (62 St. Rep. 269; 30 Supp. 481).

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88 Hun, 416; (63 St. Rep. 591; 34 Supp. 789; 2 Ann. Cas. 262).

Hammond v. Hudson River Iron & Machine Co., 11 How. 29.

Cited, Corporations—Insolvent—Preferences.

4 Misc. 518; (54 St. Rep. 134; 24 Supp. 699; 23 Civ. Pro. 193).

Hammond v. Martin, 9 Misc. 494; 61 St. Rep. 103; 30 Supp. 222.**Hammond v. Morgan**, 101 N. Y. 179.

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50 St. Rep. 471; (21 Supp. 390).

Replevin—Judgment—Possession.

7 Misc. 672; (58 St. Rep. 343; 28 Supp. 58; 23 Civ. Pro. 323).

Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun, 524; (52 St. Rep. 847).

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69 Hun, 523; (52 St. Rep. 847).

Hammond v. Pennock, 61 N. Y. 145.

Cited, Fraud—Sale—False Statement of Cost.—Waiver.

139 N. Y. 294; (54 St. Rep. 497). 79 Hun, 220; (61 St. Rep. 401; 29 Supp. 505). 145 N. Y. 559; (65 St. Rep. 510; 2 Ann. Cas. 6). 82 Hun, 297; (64 St. Rep. 76; 31 Supp. 490). 14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084). 15 Misc. 328; (73 St. Rep. 312; 37 Supp. 613).

Sales—Fraud—Rescission.

7 App. Div. 122; (40 Supp. 103). 79 St. Rep. 628; (45 Supp. 628).

Hammond v. Shephard, 50 Hun, 318; 19 St. Rep. 848; 3 Supp. 349.

Cited, Limitation of Action—Mechanic's Lien—Enforcement—Notice.

77 Hun, 27; (59 St. Rep. 424; 28 Supp. 242). 81 Hun, 211; (62 St. Rep. 740; 30 Supp. 717).

Hammond v. Terry, 3 Lans. 168

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13 Misc. 149; (63 St. Rep. 20; 34 Supp. 65).

Hammond v. Varian, 54 N. Y. 398.

Cited, Principal and Agent—Agent's Authority—Inference of from Course of Dealing.

1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679).

Witness—Competency—Handwriting.

D. 148 N. Y. 502.

Hammond v. Zehner, 21 N. Y. 118.

Cited, Easements — Creation — Prescription.

139 N. Y. 24; (54 St. Rep. 411).

Evidence—Burden of Proof—User by License.

68 Hun, 273; (52 St. Rep. 380; 22 Supp. 993). 86 Hun, 385; (67 St. Rep. 188; 33 Supp. 474).

Hampton v. Boylan, 46 Hun, 151.

Cited, 24 Supp. 817.

Hampton v. Hamsher, 46 Hun, 144; 10 St. Rep. 769.

Cited, Taxes — Where Taxable — Lands Divided by Town and County Lines

69 Hun, 538; (53 St. Rep. 293; 24 Supp. 7).

Justice's Court — Execution—Failure to Return—Penalty.

92 Hun, 413; (71 St. Rep. 856; 36 Supp. 763).

Hampton v. Hansher, 46 Hun, 141.

Affirmed, 124 N. Y. 634.

Cited, Statutes—Construction—Taxation. 17 App. Div. 97; (78 St. Rep. 870; 44 Supp. 870).

Hampton v. Stoeck, 51 St. Rep. 560; 23 Supp. 280.**Hanaauer v. Utica, City of**, 75 Hun, 524; 57 St. Rep. 358; 27 Supp. 663.**Hance v. Cayuga & S. R. Co.**, 25 N. Y. 428.

Cited, Railroads—Failure to Fence Tracks—Contributory Negligence.

11 App. Div. 378; (76 St. Rep. 234; 42 Supp. 234)

Hancock, Matter of, 27 Hun, 78.

Cited, Disqualification of Judge—Vacation of Judgment.

4 App. Div. 403; (39 Supp. 610).

*Duplicate Citations in Parenthesis.***Hancock v. Rand**, 94 N. Y. 1.

Cited, Boarding House — Liability for Loss of Boarder's Goods.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 822).

Hancock v. Sears, 93 N. Y. 81.

Cited, Supplementary Proceedings—Receiver—Property of Judgment Debtor.

87 Hun, 70; (67 St. Rep. 640; 33 Supp. 958).

Hancock Mut. Life Ins. Co. v. Lowenberg, 120 N. Y. 44.

Cited, Principal and Surety—Surety's Contract—Construction.

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Hancox v. Meeker, 95 N. Y. 528.

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140 N. Y. 265; (55 St. Rep. 410). 51 St. Rep. 539.

Executors and Administrators—Accounting—Credits for Repairs, etc.

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Hand v. Callaghan, 12 Misc. 88; 66 St. Rep. 863; 33 Supp. 176.**Hand v. Columbia County, Sup'rs of**, 31 Hun, 531.

Cited, Appeal—Demurrer—Judgment.

68 Hun, 507; (52 St. Rep. 601; 22 Supp. 1016).

Hand v. Deady, 79 Hun, 75; 61 St. Rep. 178; 29 Supp. 633.**Hand v. Dinniny**, 85 Hun, 380; 66 St. Rep. 464; 32 Supp. 980.**Hand v. Newton**, 92 N. Y. 88.

Cited, Co-tenancy—Exclusive Occupation by Lessee of one Co-tenant.

73 Hun, 511; (56 St. Rep. 182; 26 Supp. 307). 15 App. Div. 269; (78 St. Rep. 215; 44 Supp. 215).

Hand v. Pennock, 18 Misc. 570; 76 St. Rep. 702; 42 Supp. 702.**Hand v. Rogers**, 8 Misc. 79; 58 St. Rep. 821; 28 Supp. 521.

Cited, Pleading—Co-partnership—Admissions in Answer.

D. 11 Misc. 625; (32 Supp. 921).

Hand v. Rogers, 11 Misc. 623; 66 St. Rep. 346; 32 Supp. 920.**Hand v. Rogers**, 14 Misc. 248; 70 St. Rep. 446; 35 Supp. 712.

Affirmed, 16 Misc. 17; 73 St. Rep. 277; 37 Supp. 657; 25 Civ. Pro. 254.

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Cited, Re-argument—Grounds.

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Hand v. Shaw, 13 Misc. 143; 68 St. Rep. 99; 34 Supp. 115.

Affirming, 12 Misc. 649; 33 Supp. 1129.

Hand v. Shaw, 16 Misc. 498; 74 St. Rep. 556; 38 Supp. 965.

Affirmed, 18 Misc. 1; 75 St. Rep. 467; 41 Supp. 16.

Hand v. Shaw, 18 Misc. 1; 75 St. Rep. 467; 41 Supp. 16.

Cited, 20 Misc. 699.

Hand v. Shaw, 18 Misc. 728; 75 St. Rep. 1488; 41 Supp. 1117.**Hand v. Shaw**, 20 Misc. 698.**Hand v. Society for Savings of Cleveland**, 44 St. Rep. 785; 18 Supp. 157.

Cited, Pleading — Sufficiency — Foreign Corporations.

15 Misc. 442; (72 St. Rep. 792; 37 Supp. 213).

Hand v. Williamsburgh City F. Ins. Co., 57 N. Y. 41.

Cited, Insurance—Void Policy—Effect.

10 Misc. 372; (63 St. Rep. 423; 31 Supp. 34).

Handley v. Greene, 15 Barb. 601.

Cited, Evidence—Search of Title.

67 Hun, 502; (51 St. Rep. 236; 22 Supp. 503).

Handshaw v. Arthur, 89 Hun, 179; 68 St. Rep. 847; 34 Supp. 1034.

Disapproved, Justice's Liability as Trespasser—Execution on Voidable Judgment—Effect.

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Handshaw v. Arthur, 9 App. Div. 175; 75 St. Rep. 519; 41 Supp. 61.**Handy v. Draper**, 89 N. Y. 334.

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79 Hun, 105; (61 St. Rep. 182; 29 Supp. 637). 11 Misc. 501; (64 St. Rep. 466; 32 Supp. 723). 147 N. Y. 612; (71 St. Rep. 257). 145 N. Y. 95; (64 St. Rep. 540). 152 N. Y. 123.

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- Hanford v. Shapter**, 4 Daly, 243.
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- Hangen v. Hachemeister**, 114 N. Y. 566; 24 St. Rep. 526.
Cited, Appeal—Objection to Evidence—Exceptions.
 1 Misc. 437; (51 St. Rep. 53; 21 Supp. 915).
 Evidence—Relevancy—Value—Purchase Price.
 4 Misc. 106; (53 St. Rep. 212; 23 Supp. 1009).
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 9 Misc. 681; (62 St. Rep. 268; 30 Supp. 556). 68 St. Rep. 717, 718; (34 Supp. 782, 783).
 Auction—Value—Price as Evidence.
 81 Hun, 177; (62 St. Rep. 681; 30 Supp. 696). 19 Misc. 168. 19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).
- Hankins v. New York**, 64 N. Y. 18.
Cited, Statutes—Repeal—Implication.
 8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534).
- Hankins v. N. Y. L. E. & W. R. Co.**, 142 N. Y. 416; 59 St. Rep. 802.
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Cited, Master and Servant—Master's Duty—Delegation.
 15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279). 151 N. Y. 422. 81 Hun, 168; (62 St. Rep. 672; 30 Supp. 739). 86 Hun, 41; (66 St. Rep. 836; 33 Supp. 208). 92 Hun, 110; (71 St. Rep. 744; 36 Supp. 732). D. 3 App. Div. 616; (74 St. Rep. 396; 38 Supp. 99). D. 5 App. Div. 438; (39 Supp. 306). 10 App. Div. 468; (76 St. Rep. 32; 42 Supp. 32). 15 App. Div. 331, 332; (78 St. Rep. 2; 44 Supp. 2). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 188). 79 St. Rep. 945; (45 Supp. 945).
- Hankins v. Watkins**, 77 Hun, 360; 60 St. Rep. 402; 28 Supp. 867.
- Hankinson v. Page**, 19 Abb. N. C. 274; 12 Civ. Pro. 279.
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- Hankinson v. Riker**, 10 Misc. 185; 62 St. Rep. 484; 30 Supp. 1040.
- Hankinson v. Vantine**, 152 N. Y. 20.
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- Hanks, Matter of**, 3 Johns. Ch. 567.
Cited, Lunacy—Adjudication—Mode of Trial.
 138 N. Y. 150; (51 St. Rep. 845).
- Hanks v. Gerbracht**, 26 Supp. 1097.
- Hanlon v. Marcus**. See *Hanson v. Marcus*.
- Hanlon v. Metropolitan L. Ins. Co.**, 9 Misc. 70; 59 St. Rep. 686; 29 Supp. 65.
Cited, District Courts—Jurisdiction.
 13 Misc. 241; (68 St. Rep. 13; 34 Supp. 58; 25 Civ. Pro. 258).
- Hanly, Matter of**, 69 St. Rep. 110; 34 Supp. 998.
- Hann v. Barnegat & L. B. Improvement Co.**, 7 Civ. Pro. 223.
Cited, Courts—Jurisdiction—Foreign Corporations.
 12 Misc. 233; (67 St. Rep. 786; 33 Supp. 1083).
- Hann v. Culver**, 73 Hun, 109; 56 St. Rep. 125; 25 Supp. 880.
- Hann v. Van Voorhis**, 5 Hun, 425.
Cited, Trustees—Surplus Income—How Reached—Beneficiary.
 3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 366).
- Hann v. Van Voorhis**, 15 Abb. N. S. 79.
Disapproved, Trustees—Beneficiary—Surplus Income—How Reached.
Cited, 3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 366; 3 Ann. Cas. 160).
- Hanna v. Connecticut Mut. L. Ins. Co.**, 8 Misc. 431; 59 St. Rep. 572; 28 Supp. 661.
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- Hanna v. Connecticut Mut. Life Ins. Co.**, 150 N. Y. 526.
Cited, Insurance—Proof of Death—Admission.
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- Hanna v. Dexter**, 15 Abb. 135.
Cited, Costs—Offer of Judgment—Effect.
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- Hanna v. Mutual Life Ass'n of Brooklyn**, 11 App. Div. 245; 76 St. Rep. 228; 42 Supp. 228.
- Hanna v. Nassau Electric R. Co.**, 18 App. Div. 137; 79 St. Rep. 437; 45 Supp. 437.

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81 Hun, 418; (63 St. Rep. 265; 30 Supp. 1127).

Hannay v. Zerban, 11 Misc. 329; 48 St. Rep. 788; 20 Supp. 656.**Hannay v. Zerban**, 16 Daly, 372; 11 Supp. 577; 33 St. Rep. 653.

Cited, Contract—Of Employment—Right to Terminate—Notice.

1 Misc. 329; (48 St. Rep. 788; 20 Supp. 656).

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2 Misc. 386; (51 St. Rep. 222; 21 Supp. 992).

Hannegan v. Union Warehouse Co.
See Hannigan v. Union Warehouse Co.**Hannigan v. Allen**, 127 N.Y. 639; 37 St. Rep. 138; 3 Silv. Ct. App. 442.

Cited, Partnership—Successors—Agreement of to Pay Debts—To Whom Available.
68 Hun, 5; (52 St. Rep. 459; 22 Supp. 830).

4 Misc. 525; (54 St. Rep. 129; 24 Supp. 735).
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86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900). 19 Misc. 161.

Hannigan v. Ingraham, 55 Hun, 257; 28 St. Rep. 530; 8 Supp. 232.

Cited, Insurance—Beneficiary of Benefit Certificate—Who are "Legal Heirs."

66 Hun, 201; (49 St. Rep. 240; 20 Supp. 934). 10 Misc. 33; (63 St. Rep. 174; 30 Supp. 826).

Hannigan v. Lehigh & Hud. River R. Co., 91 Hun, 300; 71 St. Rep. 61; 36 Supp. 293.**Hannigan v. Morrissey**, 37 St. Rep. 138.

Cited, Partnership—Incoming Partner—Liability.

135 N. Y. 602; (48 St. Rep. 826). 84 Hun, 149; (65 St. Rep. 639; 32 Supp. 453).

Hannigan v. Union Warehouse Co., 3 App. Div. 618; 73 St. Rep. 753; 38 Supp. 272.**Hannon v. Gallagher**, 19 Misc. 347; 77 St. Rep. 492; 43 Supp. 492.**Hannon v. Moore**, 3 Misc. 358; 52 St. Rep. 427; 23 Supp. 120.**Hannon v. Sheenan**, 3 Misc. 267; 51 St. Rep. 902; 22 Supp. 935.

Affirming, 46 St. Rep. 565. 19 St. Rep. 698.

Hanover Fire Ins. Co. v. Germania Fire Ins. Co., 138 N. Y. 252; 52 St. Rep. 334.

Affirming, 63 Hun, 275; 43 St. Rep. 454; 18 Supp. 50.

Cited, Costs—Extra Allowance—Basis for Computation.

140 N. Y. 467; (55 St. Rep. 833). 89 Hun, 406; (70 St. Rep. 166; 35 Supp. 514). 92 Hun, 55; (71 St. Rep. 742; 36 Supp. 730). 4 App. Div. 342; (74 St. Rep. 592; 38 Supp. 909). 7 App. Div. 351; (39 Supp. 940). 10 Misc. 104; (63 St. Rep. 514; 31 Supp. 149). 10 Misc. 724; (64 St. Rep. 639; 31 Supp. 818). 18 Misc. 15; (75 St. Rep. 444; 40 Supp. 1127).

Hanover Fire Ins. Co. v. Tomlinson, 58 N. Y. 215.

Cited, Appeal—Reviewing Discretionary Determinations.

68 Hun, 368; (51 St. Rep. 883; 22 Supp. 859).

Hanover Nat. Bank of the City of New York v. American Dock & Trust Co., 75 Hun, 55; 56 St. Rep. 862; 26 Supp. 1055.

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75 Hun, 103; (58 St. Rep. 168; 26 Supp. 1063).

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82 Hun, 23; (63 St. Rep. 483; 31 Supp. 161). 12 App. Div. 203; (76 St. Rep. 784; 42 Supp. 784). 77 St. Rep. 545; (43 Supp. 545).

Hanover Nat. Bank of N. Y. v. American Dock & Trust Co., 148 N. Y. 612.

Cited, Appeal—Review—Direction of Verdict—Effect.

5 App. Div. 28; (39 Supp. 66). 14 App. Div. 455; (77 St. Rep. 1030; 43 Supp. 1030). 4 App. Div. 481; (38 Supp. 684).

Principal and Agent—Authority of Agent—Forged Certificates—Constructive Notice.
12 App. Div. 206; (76 St. Rep. 784; 42 Supp. 784). 6 App. Div. 68; (39 Supp. 627). 150 N. Y. 67. 149 N. Y. 178, 181.

Hanover Nat. Bank of N. Y. v. American Dock & Trust Co., 14 App. Div. 255; 77 St. Rep. 544; 43 Supp. 544.**Hanover Nat. Bank of N. Y. v. Blake**, 142 N. Y. 404; 59 St. Rep. 794.

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Hanover Nat. Bank of N. Y. v. Blake, 66 Hun, 33; 49 St. Rep. 432; 20 Supp. 780.

Cited, Composition with Creditors—Secret Advantage.

2 Misc. 287; (51 St. Rep. 153; 21 Supp. 1045).

Hanover Nat. Bank of N. Y. v. Stebbins, 69 Hun, 308; 53 St. Rep. 350; 23 Supp. 529.

Cited, Domicile—Residence—Distinction. 74 Hun, 414; (57 St. Rep. 163; 26 Supp. 524).

Hanrahan v. Ayers, 10 Misc. 435; 64 St. Rep. 12; 31 Supp. 458.

Hanrahan v. Brooklyn El. R. Co., 17 App. Div. 588; 79 St. Rep. 474; 45 Supp. 474.

Hanrahan v. Cochran, 12 App. Div. 91; 76 St. Rep. 1031; 42 Supp. 1031.

Hanrahan v. Manhattan R. Co., 53 Hun, 420; 24 St. Rep. 790; 6 Supp. 395. *Affirmed*, 130 N. Y. 658.

Cited Railroads—Openings—Passengers—Contributory Negligence.

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Hanrahan v. New York, 91 Hun, 643; 36 Supp. 1126.

Hansee v. Brooklyn El. R. Co., 66 Hun, 384; 50 St. Rep. 255; 21 Supp. 230.

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Cited, Execution—Interest To be Sold—Form.

75 Hun, 502; (57 St. Rep. 675; 27 Supp. 468).

Hansen v. Burt, 10 Misc. 235; 63 St. Rep. 251; 30 Supp. 1061.

Hansen v. New York & B. B., Trustees of, 9 St. Rep. 726.

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Hanson v. Marcus, 8 App. Div. 318; 75 St. Rep. 351; 40 Supp. 951.

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9 App. Div. 582, 536; (75 St. Rep. 1102, 1105; 41 Supp. 712, 714). D. 9 App. Div. 590 591; (75 St. Rep. 1108, 1109; 41 Supp. 717, 719). 18 Misc. 562; (76 St. Rep. 698; 42 Supp. 698).

Happy v. Mosher, 48 N. Y. 313.

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67 Hun, 110; (51 St. Rep. 544; 22 Supp. 54). 9 App. Div. 322; (75 St. Rep. 747; 41 Supp. 332.)

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84 Hun, 471; (65 St. Rep. 478; 32 Supp. 320). 90 Hun, 179; (70 St. Rep. 295; 35 Supp. 791). 13 App. Div. 201; (77 St. Rep. 368; 43 Supp. 338). 17 App. Div. 420; (79 St. Rep. 276; 45 Supp. 276).

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19 Misc. 379.

Harbeck v. Mayor, 10 Bosw. 336.

Cited, Statutes—Repealing Effect—Constitutionality.

74 Hun, 520; (575 St. Rep. 212; 26 Supp. 586).

Harbeck v. Pupin, 73 Hun, 1; 56 St. Rep. 67 25 Supp. 952.

Harbeck v. Pupin, 123 N. Y. 115.

Cited, Partnership—Liability of Co-Partners.

16 App. Div. 331; (78 St. Rep. 619; 44 Supp. 619). 18 Misc. 556; (41 Supp. 992).

Harbeck v. Pupin, 145 N. Y. 70.

Cited, Claims—Release—Effect. 151 N. Y. 340.

Harbeck v. Pupin, 145 N. Y. 70; 64 St. Rep. 528.

Affirming, 56 St. Rep. 67; 25 Supp. 952.

Harbeck v. Vanderbilt, 20 N. Y. 395. *Cited*, Security—Keeping Alive.

11 Misc. 90; (66 St. Rep. 199; 32 Supp. 817). 92 Hun, 218; (71 St. Rep. 201; 36 Supp. 364).

Hard v. Ashley, 117 N. Y. 606; 28 St. Rep. 601.

Cited, Attachment—When Lies—Accounting—Executors.

79 Hun, 145; (61 St. Rep. 356; 29 Supp. 764; 24 Civ. Pro. 32). 2 App. Div. 111; (73 St. Rep. 217; 37 Supp. 528).

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86 Hun, 110; (68 St. Rep. 45; 34 Supp. 201).

Hard v. Ashley, 136 N. Y. 645; 49 St. Rep. 915.

Affirming, 44 St. Rep. 792; 18 Supp. 413.

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Hard v. Seeley, 47 Barb. 428.

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Hard v. Shipman, 6 Barb. 621.

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2 Misc. 71; (49 St. Rep. 148; 23 Civ. Pro. 26). 9 App. Div. 178; (75 St. Rep. 521; 41 Supp. 63).

Hardegg v. Willards, 12 Misc. 17; 66 St. Rep. 524; 33 Supp. 25.

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Cited, Wills—Execution.
9 App. Div. 382; (75 St. Rep. 879; 41 Supp. 488). 16 Misc. 210; (38 Supp. 1125).
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Hardenburgh v. Larkin, 47 N. Y. 109.
Cited, Deeds—Recital—Binding Effect.
85 Hun, 568; (66 St. Rep. 798; 33 Supp. 126). 17 Misc. 326; (40 Supp. 383).

Hardenburgh v. Lockwood, 25 Barb. 9.
Cited, Highways—Use—Dedication.
86 Hun, 430; (67 St. Rep. 625; 33 Supp. 896).

Hardin v. VanCortlandt, 84 Hun, 150; 65 St. Rep. 836; 32 Supp. 507.
Cited, Examination Before Trial—Order.
88 Hun, 559; (68 St. Rep. 863; 34 Supp. 852).

Hardin v. Elliott, 91 Hun, 502; 71 St. Rep. 599; 36 Supp. 648; 25 Civ. Pro. 294.
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16 App. Div. 592; (78 St. Rep. 985; 44 985).

Harding v. Ellston, 13 Supp. 549.
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Harding v. Elliott, 12 Misc. 521; 67 St. Rep. 798; 33 Supp. 1093; 24 Civ. Pro. 432.

Harding v. Field, 1 App. Div. 391; 72 St. Rep. 463; 37 Supp. 399.

Harding v. N. Y., L. E. & W. R. R. Co., 36 Hun, 72.
Cited, Appeal—Verdict—Excessive.
82 Hun, 157; (63 St. Rep. 756; 31 Supp. 307).

Harding v. Field, 84 Hun, 540; 65 St. Rep. 875; 32 Supp. 1143.

Hardman v. Sage, 124 N. Y. 25; 35 St. Rep. 54.

Cited, Actions—Stockholders—Conditions Precedent—Impossible Condition.

69 Hun, 564; (53 St. Rep. 345; 23 Supp. 966). 143 N. Y. 514; (62 St. Rep. 805). 145 N. Y. 95; (64 St. Rep. 540). 81 Hun, 559; (63 St. Rep. 219; 30 Supp. 1025). 152 N. Y. 124.
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5 Misc. 256; (25 Supp. 94).
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146 N. Y. 58; (65 St. Rep. 772). 147 N. Y. 612; (71 St. Rep. 257). 11 Misc. 501; (64 St. Rep. 466; 32 Supp. 723). 16 Misc. 404; (73 St. Rep. 607; 25 Civ. Pro. 315; 38 Supp. 517).

Hardman v. Bowen, 39 N. Y. 196.
Cited, Assignment for Creditors—Execution.

86 Hun, 421; (67 St. Rep. 178; 33 Supp. 521).

Hardmann v. Bowen, 39 N. Y. 196.
Cited, 8 App. Div. 39; (40 Supp. 400). 20 Misc. 627.

Hardon v. Quigley Electric Co., 89 Hun, 487; 59 St. Rep. 791; 35 Supp. 405.

Hardt v. Levy, 72 Hun, 225; 55 St. Rep. 706; 25 Supp. 248.

Cited, Partnership—Limited—What is.
75 Hun, 98; (56 St. Rep. 707; 26 Supp. 863).

Hardt v. Levy, 79 Hun, 348, 61 St. Rep. 38; 29 Supp. 373.

Hardt v. Levy, 79 Hun, 351; 61 St. Rep. 40; 29 Supp. 375.

Hardt v. Schwab, 72 Hun, 109; 55 St. Rep. 205; 25 Supp. 402.
Affirmed, 150 N. Y. 579.

Hardwick v. Royal Food Co. of N. J., 78 Hun, 52; 60 St. Rep. 490; 28 Supp. 1086.

Hardwicke v. Board of Education, 23 Week. Dig. 62.

Cited, Contracts—Substantial Compliance—Recovery—Deductions.

9 Misc. 479; (61 St. Rep. 103; 30 Supp. 241).

Hardy, Matter of, 17 Misc. 667; 41 Supp. 469.

Hardy v. Peters, 30 Hun, 79.
Cited, Discovery—Examination Before Trial.
21 Supp. 1692.

Duplicate Citations in Parenthesis.

Hardy v. Seelye, 1 Hilt. 90.

Cited, Justice's Court — Appeal — Judgment—Reversal—Effect.

7 Misc. 476; (28 Supp. 387).

Hare v. Van Deusen, 32 Barb. 92.

Cited, Vendor and Purchaser—Vendor's Lien—Unpaid Purchase Money.

75 Hun, 454; (59 St. Rep. 647; 27 Supp. 535).

Harger v. Worrall, 69 N. Y. 370.

Cited, Bills and Notes — Accommodation — Bona Fide Transfer—Precedent Debt.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 27). 16 Misc. 567; (74 St. Rep. 117; 38 Supp. 777).

Harger v. Wilson, 63 Barb. 237.

Cited, Bills and Notes—Bona Fide Transfer—Effect.

8 App. Div. 5; (74 St. Rep. 755; 40 Supp. 192).

Hargin v. Raynor. See Hargin v. Wicks.

Hargin v. Wicks, 92 Hun, 155; 71 St. Rep. 145; 36 Supp. 375.

Hargous v. Stone, 5 N. Y. 73.

Cited, Sale—By Sample—What is.

5 Misc. 411; (55 St. Rep. 387; 25 Supp. 764).

Sales—Executory—Warranty.

88 Hun, 248; (68 St. Rep. 561; 34 Supp. 743). 10 Misc. 648; (65 St. Rep. 218; 32 Supp. 123).

Harison v. Caswell, 17 App. Div. 252; 79 St. Rep. 560; 45 Supp. 560.

Harker v. Anderson, 21 Wend. 372.

Cited, Checks—Failure to present in Reasonable Time—Effect on Drawer.

16 Misc. 318; (39 Supp. 396; 25 Civ. Pro. 406).

Harkin v. Crumbie, 14 Misc. 439; 70 St. Rep. 439; 35 Supp. 1027.

Harkin v. Crumbie, 20 Misc. 568.

Harkin v. Crumbie, 20 Misc. 169.

Harkness v. Manhattan R. Co., 54 Super. 174; 11 St. Rep. 732.

Cited, Corporations — Stockholders — Rights in Corporate Property.

49 St. Rep. 862; (21 Supp. 671).

Harlem B., M. & F. R. Co. v. Westchester, Town Board of, 87 Hun, 276; 67 St. Rep. 433; 33 Supp. 808.

Harlem B., M. & F. R. Co. v. Westchester, Town Board of, 143 N. Y. 59; 60 St. Rep. 349.

Reversing, 76 Hun, 286; 59 St. Rep. 108; 7 Supp. 764.

Harlem B., M. & F. R. Co. v. Westchester, Town Board of, 76 Hun, 286; 59 St. Rep. 108; 27 Supp. 764.

Cited, Actions—Discontinuance—Costs—Extra Allowance.

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Harlem B., M. & F. R. Co. v. Westchester, Town Board, 143 N. Y. 59; 60 St. Rep. 349.

Cited, Appeal—Stipulation.

87 Hun, 278; (67 St. Rep. 437; 33 Supp. 810).

Harlem Co-Op. B. & L. Ass'n v. Mercantile T. Co., 10 Misc. 680; 64 St. Rep. 494; 31 Supp. 790.

Harlem Gas Light Co. v. New York, 33 N. Y. 309.

Cited, Municipal Corporations—Powers and Acts of Common Council—Contracts—Rights of Creditors.

5 Misc. 404; (26 Supp. 941.)

Harlem River & P. R. Co. v. Arnnow, 16 App. Div. 380; 79 St. Rep. 6; 45 Supp. 6.

Harley v. Buffalo Car Mfg. Co., 142 N. Y. 81; 58 St. Rep. 437.

Reversing, 48 St. Rep. 58; 20 Supp. 347.

Cited, Evidence—Opinions—Safety.

77 Hun, 612; (59 St. Rep. 887; 28 Supp. 1122).

Master and Servant—Master's Duty—Safety of Place to Labor.

77 Hun, 532; (60 St. Rep. 283; 28 Supp. 920). 151 N. Y. 422.

Master and Servant—Appliances—Imputation of Negligence.

81 Hun, 446; (63 St. Rep. 325; 31 Supp. 83). 83 Hun, 525; (65 St. Rep. 123; 32 Supp. 86). 9 App. Div. 526; (14 Misc. 419; 70 St. Rep. 419; 35 Supp. 761). 12 App. Div. 559; (76 St. Rep. 190; 42 Supp. 190). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835). 10 Misc. 737. (64 St. Rep. 506; 31 Supp. 804). 12 Misc. 376; (66 St. Rep. 784; 33 Supp. 564). 7 App. Div. 422; (39 Supp. 919). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 409). 5 App. Div. 616; (39 Supp. 466). 86 Hun, 39; (66 St. Rep. 835; 33 Supp. 206). D. 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 822).

Harley v. Buffalo Car Mfg Co., 38 St. Rep. 575; 15 Supp. 37.

Cited, Master and Servant—Liability of Master to Servant—Machinery.

6 Misc. 264; (58 St. Rep. 131; 26 Supp. 763).

Harley v. Fitzgerald, 84 Hun, 305; 65 St. Rep. 543; 32 Supp. 414.

*Duplicate Citations in Parenthesis.***Harloe v. Foster**, 53 N. Y. 385.*Cited*, Assignment for Creditors—Composition—Secret Agreement.

142 N. Y. 411; (59 St. Rep. 798).

Harlow, Matter of, 73 Hun, 433; 56 St. Rep. 33; 26 Supp. 469.**Harlow v. La Brum**, 151 N. Y. 278.**Harlow v. La Brum**, 82 Hun, 292; 64 St. Rep. 72; 31 Supp. 487.*Affirmed*, 151 N. Y. 278.**Harman St., Matter of**, 16 Johns. 231.
Cited, Eminent Domain—Commissioners—Award—Review.

11 Misc. 693; (66 St. Rep. 224; 32 Supp. 828).

Harmon, Matter of, 79 Hun, 226; 61 St. Rep. 230; 29 Supp. 555.**Harmon v. Vanderbilt Hotel Co.**, 79 Hun, 392; 61 St. Rep. 347; 29 Supp. 783.*Affirmed*, 143 N. Y. 665; 63 St. Rep. 865.**Harmony v. Bingham**, 12 N. Y. 99.*Cited*, Contracts—Duress.

2 Misc. 203; (49 St. Rep. 522; 21 Supp. 270).

Contract—Performance—Excuse—Impossibility.

142 N. Y. 462; (59 St. Rep. 784). 49 St. Rep. 95. 11 Misc. 690; (67 St. Rep. 360; 33 Supp. 571).

Contracts — Performance — Unforeseen Accident—Damages.

91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841). 4 App. Div. 44; (74 St. Rep. 258; 38 Supp. 740). 92 Hun, 464; (72 St. Rep. 435; 36 Supp. 1033).

Harnett, Matter of, 15 St. Rep. 725.*Cited*, Evidence—Burden of Proof—As to Attorney's Fees Paid by Executor or Administrator.

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Executors and Administrators—Accounting—Costs and Disbursements.

3 Misc. 158; (23 Supp. 977). 152 N. Y. 583.

Harnett v. Garvey, 66 N. Y. 641.*Cited*, Evidence—Hypothetical Questions—Assumption—Objection.

9 Misc. 284; (61 St. Rep. 143; 29 Supp. 723). 84 Hun, 462; (65 St. Rep. 573; 32 Supp. 367). 9 App. Div. 73; (75 St. Rep. 577; 41 Supp. 120).

Harnett v. Wandell, 60 N. Y. 346.*Reversing*, 2 Hun, 552.*Cited*, Executors—Powers of Surrogate.

17 Misc. 472; (75 St. Rep. 668; 41 Supp. 258).

Harpell v. Curtis, 1 E. D. Smith, 78.*Cited*, Negligence—Driving—Keeping to the Right.

2 Misc. 240; (51 St. Rep. 419; 21 Supp. 958).

Harpending v. Gray, 76 Hun, 351; 59 St. Rep. 92; 27 Supp. 762.**Harpending v. Munson**, 91 N. Y. 650.*Cited*, Bonds—Railroad—Enforcement by Stockholders.

78 Hun, 216; (60 St. Rep. 219; 28 Supp. 935).

Harpending v. Shoemaker, 37 Barb. 270.*Cited*, Action—Election of Remedies—Tort and Contract.

2 Misc. 118; (49 St. Rep. 230; 20 Supp. 873). 86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Harper v. Albany Mut. Ins. Co., 17 N. Y. 194.*Cited*, Contracts—Effect of Written over Printed Matter.

14 Misc. 198; (70 St. Rep. 430; 35 Supp. 657).

Harper v. Allyn, 3 Abb. N. S. 186.*Cited*, Appeal—New Trial—Case.

12 Misc. 87; (66 St. Rep. 697; 33 Supp. 96).

Harper v. Chatham Nat. Bank of N. Y., 17 Misc. 221; 40 Supp. 1084.**Harper v. Fairley**, 53 N. Y. 442.*Cited*, Limitation of Action—Interruption of Statute—Payment.

71 Hun, 324; (55 St. Rep. 4; 25 Supp. 123). D. 3 Misc. 143; (51 St. Rep. 500; 22 Supp. 923). 5 Misc. 214; (54 St. Rep. 796; 25 Supp. 467; 23 Civ. Pro. 227). 141 N. Y. 493; (57 St. Rep. 584). 145 N. Y. 64; (64 St. Rep. 524; 1 Ann. Cas. 201). 4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501). 16 Misc. 403; (73 St. Rep. 607; 38 Supp. 516; 25 Civ. Pro. 314).

Harral v. Sternberger, 17 Misc. 274; 40 Supp. 353.**Harrell v. Bonfils Imp. Co.**, 17 App.

Div. 405; 79 St. Rep. 227; 45 Supp. 227.

Harrigan v. Brooklyn, 67 Hun, 85; 51 St. Rep. 408; 22 Supp. 39.*Affirmed*, 143 N. Y. 661; 63 St. Rep. 865.**Harrigan v. Brooklyn**, 119 N. Y. 156; 28 St. Rep. 957.*Cited*, Municipal Corporations—Notice of Claims for Damages.

49 St. Rep. 275; (21 Supp. 145). 16 Misc. 304; (74 St. Rep. 387; 38 Supp. 91). 15 Misc. 594; (72 St. Rep. 134; 37 Supp. 2). 91 Hun, 328; (72 St. Rep. 297; 36 Supp. 1024).

Duplicate Citations in Parenthesis.

Harriman v. Baird, 6 App. Div. 518; 39 Supp. 592.

Harriman v. Howe, 78 Hun, 280; 60 St. Rep. 225; 28 Supp. 858.

Cited, Highways—User—Proof. 84 Hun, 442; (65 St. Rep. 557; 32 Supp. 359).

Harring v. Coles, 2 Bradf. 349.

Cited, Guardian and Ward—Right of Guardian—Encroachment on Ward's Estate—Reimbursement.

4 Misc. 369; (25 Supp. 829).

Harrington v. Buffalo, 121 N. Y. 147; 30 St. Rep. 719.

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Cited, Municipal Corporations—Sidewalks—Ice—Removal.

83 Hun, 254; (63 St. Rep. 809; 31 Supp. 397). 4 App. Div. 220; (73 St. Rep. 587; 38 Supp. 537). 4 App. Div. 326; (74 St. Rep. 211; 38 Supp. 584). 13 App. Div. 505; (77 St. Rep. 661; 43 Supp. 661).

Harrington v. Erie Co. Sav. Bank, 101 N. Y. 257.

Cited, Trusts—Trustees—Dealing with Property for Own Advantage.

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Harrington v. First Nat. Bank of Chittenango, 1 T. & C. 361.

Cited, Master and Servant—Servant's Acts—Ratification.

2 App. Div. 373; (37 Supp. 728).

Harrington v. Franklin Fire Ins. Co., 49 St. Rep. 138; 21 Supp. 31.

Affirmed, 142 N. Y. 640; 60 St. Rep. 885.

Cited, Evidence—Witnesses—Statements Contrary to Reason—Effect.

13 App. Div. 129; (76 St. Rep. 1103; 42 Supp. 1103).

Harrington v. Keteltas, 92 N. Y. 40.

Cited, Executors and Administrators—Personal Liability—Devastavit.

1 Misc. 34; (22 Supp. 1084). 5 Misc. 563; (26 Supp. 721). 16 Misc. 175; (38 Supp. 1136).

Harrington v. Rochester, Trustees of, 10 Wend. 547.

Cited, Statutes—Repeal.

86 Hun, 82; (67 St. Rep. 120; 33 Supp. 350). D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352).

Harrington v. Warsaw, Village of, 40 App. Div. 181; 74 St. Rep. 782; 38 Supp. 838.

Harriot, Matter of, 145 N. Y. 540; 65 St. Rep. 523; 1 Ann. Cas. 305.

Reversing, 63 St. Rep. 871; 30 Supp. 1132.

Harriott v. New Jersey R. & T. Co., 2 Hilt. 262.

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79 St. Rep. 767; (45 Supp. 767).

Harris, Matter of. See *People v. Comr's of Land Office*.

Harris, Matter of, 12 Misc. 223; 67 St. Rep. 806; 33 Supp. 1102.

Affirmed, 90 Hun, 525; 71 St. Rep. 36; 36 Supp. 29.

Cited, Tax Sale—Failure of Title—Limitation.

71 St. Rep. 41; (36 Supp. 34).

Harris, Matter of, 19 Misc. 383; 78 St. Rep. 341; 44 Supp. 341.

Harris, Matter of, 4 Dem. 463; 1 St. Rep. 331.

Cited, Executors and Administrators—Commissions—Assignment.

51 St. Rep. 558; (22 Supp. 20).

Harris, Matter of, 90 Hun, 525; 71 St. Rep. 36; 36 Supp. 29.

Harris v. Am. Bible Soc., 4 Abb. N.S. 421.

Cited, Testamentary Gifts—Limitation—Right to Enforce.

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Harris v. Am. Bible Soc., 2 Abb. Ct. App. Dec. 3.6

Cited, D. 151 N. Y. 358.

Harris v. Burdett, 73 N. Y. 136.

Cited, Appeal—Reversal—Reciting Grounds in Order.

3 Misc. 100; (51 St. Rep. 770; 22 Supp. 699). 138 N. Y. 611; (51 St. Rep. 658).

Appeal—Order of General Term—Review of Facts.

144 N. Y. 614; (64 St. Rep. 215; 1 Ann. Cas. 177). 146 N. Y. 345; (66 St. Rep. 649).

Harris v. Clark, 2 Barb. 94.

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7 Misc. 373; (59 St. Rep. 302; 28 Supp. 176).

Harris v. Clark, 3 N. Y. 93.

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78 Hun, 124; (60 St. Rep. 185; 28 Supp. 999). D. 78 Hun, 132; (60 St. Rep. 191; 28 Supp. 999). 141 N. Y. 66; (56 St. Rep. 597). 50 St. Rep. 230; (21 Supp. 663).

Gift—Delivery—Necessity.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781).

Duplicate Citations in Parenthesis.

Gifts—Causa Mortis—Check—Assignment of Funds.

59 St. Rep. 606; (27 Supp. 618). 76 Hun, 463, 466; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 160). 146 N. Y. 94; (66 St. Rep. 250). 92 Hun, 456; (72 St. Rep. 417; 36 Supp. 1008). 16 Misc. 176; (38 Supp. 1136).

Harris v. Clark, 7 N. Y. 242.

Cited, 49 St. Rep. 615.

Wills—Construction—Gift of Income—Accumulation—Adult.

75 Hun, 160; (58 St. Rep. 184; 26 Supp. 1090). 7 Misc. 339; (58 St. Rep. 565; 28 Supp. 132).

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82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Harris v. Ditson, 13 St. Rep. 337.

Cited, Judgment—Fraudulent—Avoidance.

12 App. Div. 411; (76 St. Rep. 943; 42 Supp. 943).

Harris v. Durkee, 5 Civ. Pro. 376.

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2 Misc. 439; (51 St. Rep. 119; 21 Supp. 973).

Harris v. Eldridge, 5 Abb. N. C. 278.

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7 Misc. 469; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 357). 82 Hun, 368; (64 St. Rep. 85; 31 Supp. 476). 9 App. Div. 248; (75 St. Rep. 882; 41 Supp. 490; 3 Ann. Cas. 299).

Harris v. Elliott, 79 St. Rep. 916; 45 Supp. 916.

Harris v. Ely, 25 N. Y. 138.

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152 N. Y. 514, 517. 17 Misc. 491; (75 St. Rep. 671; 41 Supp. 261).

Harris v. Equitable L. A. Soc., 64 N. Y. 196.

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77 Hun, 458; (60 St. Rep. 657; 29 Supp. 87). Insurance—Policy—Rescission—Return of Premium.

3 Misc. 462; (52 St. Rep. 444; 23 Supp. 182).

Harris v. Frink, 49 N. Y. 24.

Cited, Landlord and Tenant—Tenancy at Will.

1 Misc. 243; (53 St. Rep. 58; 23 Supp. 131).

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17 Misc. 159; (39 Supp. 329). 19 Misc. 650; 78 St. Rep. 414; 44 Supp. 414).

Harris v. Graham, 90 Hun, 198; 70 St. Rep. 528; 35 Supp. 732.

Harris v. Gregg, 17 App. Div. 210; 79 St. Rep. 364; 45 Supp. 364.

Harris v. Gregg, 4 App. Div. 615; 74 St. Rep. 527; 38 Supp. 844.

Harris v. Harris, 36 Barb. 88.

Cited, Judgment—Conclusiveness—Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298). 85 Hun, 16; (66 St. Rep. 127; 32 Supp. 617).

Harris v. Harris, 26 N. Y. 433.

Cited, Wills—Probate—Devise of Real Property—Necessary Witnesses.

76 Hun, 518; (59 St. Rep. 367; 27 Supp. 1079).

Wills—Refusal of Probate—Conclusiveness on Devisee—Partition.

60 St. Rep. 56; (28 Supp. 788; 31 Abb. N. C. 118); 149 N. Y. 236. 86 Hun, 26; (67 St. Rep. 505; 33 Supp. 864).

Wills—Probate—Execution—Proof.

88 Hun, 105; (63 St. Rep. 647; 34 Supp. 584).

Harris v. Knickerbacker, 5 Wend. 638.

Cited, Pleading—Demurrer to Cause of Action—Truth of Facts Alleged in Complaint Presumed.

30 Abb. N. C. 450; (27 Supp. 932).

Pleading—Statute of Frauds—Failure to Plead—Effect.

77 Hun, 246; (59 St. Rep. 758; 28 Supp. 339). 139 N. Y. 386; (54 St. Rep. 662; 30 Abb. N. C. 425). D. 90 Hun, 599; (70 St. Rep. 568; 35 Supp. 993).

Harris v. Mutual Life Insurance Co., 37 St. Rep. 599; 13 Supp. 718; 20 Civ. Pro. 192.

Cited, Action—As Poor Person—When Allowed.

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Harris v. Mutual Life Insurance Co., 10 Supp. 473.

Cited, Actions—Infant—In Forma Pauperis.

12 Misc. 460; (68 St. Rep. 135; 34 Supp. 256). 24 Civ. Pro. 401).

Harris v. Niagara Co., Suprs. of, 33 Hun, 279.

Cited, Taxes—Improper Assessments.

17 App. Div. 97; (78 St. Rep. 870; 44 Supp. 870).

Harris v. Northern Ind. R. Co., 20 N. Y. 232.

Cited, Appeal—Extent of Review—Instructions to Jury—Exceptions.

9 Misc. 429; (61 St. Rep. 733; 29 Supp. 1060). 17 Misc. 140; (39 Supp. 402).

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Harris v. Oakley, 2 Supp. 305; 17 St. Rep. 198.

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73 Hun, 376; (55 St. Rep. 912; 26 Supp. 159).

Harris v. People, 59 N. Y. 599.

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8 Misc. 135; (60 St. Rep. 150; 28 Supp. 647). 139 N. Y. 513; (54 St. Rep. 816).

Harris v. Perry, 89 N. Y. 308.

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5 Misc. 269; (27 Supp. 897).

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2 Misc. 74; (49 St. Rep. 630; 21 Supp. 783). D. 10 Misc. 714; (64 St. Rep. 617; 31 Supp. 810).

Appeal—Review—Inferences from Evidence.

85 Hun, 108; (66 St. Rep. 30; 32 Supp. 647). 12 App. Div. 452; (76 St. Rep. 715; 42 Supp. 715). 20 Misc. 293; (79 St. Rep. 667; 45 Supp. 667). 82 Hun, 319; (63 St. Rep. 500; 31 Supp. 185).

Harris v. Rathbun, 2 Keyes, 312.

Cited, Warranty—Survival After Acceptance.

D. 140 N. Y. 205; (55 St. Rep. 583).

Harris v. Roof's Ex'rs, 10 Barb. 489.

Cited, Contracts—Public Policy—Lobbing.

140 N. Y. 387; (55 St. Rep. 730).

Harris v. Slight, 46 Barb. 470.

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2 App. Div. 27; (72 St. Rep. 685; 37 Supp. 332).

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18 Misc. 44; (75 St. Rep. 452; 40 Supp. 1134).

Harris v. Strodl, 132 N. Y. 392; 44 St. Rep. 433.

Cited, Trusts—Conveyance by Trustee and Beneficiary.

136 N. Y. 17; (49 St. Rep. 22). 7 App. Div. 9; (39 Supp. 798).

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Harris v. Thompson, 9 Barb. 350.

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14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

Harris v. Thompson, 15 Barb. 62.

Cited, Assignment for Creditors—Corporations—Without Preferences.

4 Misc. 246; (24 Supp. 693). 9 App. Div. 302; (75 St. Rep. 614; 41 Supp. 196).

Harris v. Treu, 14 Misc. 172; 69 St. Rep.

809; 35 Supp. 379; 25 Civ. Pro. 92; 2 Ann. Cas. 380.

Harris v. Troup, 8 Paige, 423.

Cited, Contracts—Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun, 386; (60 St. Rep. 399; 28 Supp. 852).

Harris v. Tumbridge, 83 N. Y. 92.

Cited, Appeal—Conforming Pleadings to Proof.

9 Misc. 177; (70 St. Rep. 637; 29 Supp. 713). 15 Misc. 264; (71 St. Rep. 815; 36 Supp. 794).

Evidence—Customs—Knowledge—Presumption.

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Harris v. Uebelhoer, 75 N. Y. 169.

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141 N. Y. 250; (56 St. Rep. 813). D. 90 Hun, 472; (70 St. Rep. 647; 35 Supp. 974). 7 App. Div. 522; (40 Supp. 257). 11 App. Div. 269; (76 St. Rep. 154; 42 Supp. 154).

Shipping—Collision—Negligence of Pilot. 10 App. Div. 380; (75 St. Rep. 1397; 41 Supp. 1029).

Harris v. Van Wagenen, 14 Week Dig. 312.

Cited, Courts—Order—Failure to Serve—Laches.

11 Misc. 317; (65 St. Rep. 499; 32 Supp. 291).

Harris v. Van Wart, 96 N. Y. 642.

Cited, Appeal—Record—Disposition of Requests to find.

69 Hun, 20; (52 St. Rep. 555; 23 Supp. 280).

Harris v. Warner, 13 Wend 400.

Cited, Principal and Surety—Contribution.

85 Hun, 298; (66 St. Rep. 481; 32 Supp. 998).

Harris v. White, 81 N. Y. 533.

Cited, Pleadings—Negative Averment—Burden of Proof.

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9 Misc. 188; (61 St. Rep. 79; 29 Supp. 738).

Pleadings—Exceptions—Proviso.

151 N. Y. 67. 16 App. Div. 40; (78 St. Rep. 786; 44 Supp. 786).

Statute—Construction—Illegality—Races—Betting.

150 N. Y. 442. 39 Supp. 869. D. 87 Hun, 254; (67 St. Rep. 432; 33 Supp. 759). 14 Misc. 60; (69 St. Rep. 622; 35 Supp. 247). 152 N. Y. 19.

Harris v. Woman's Hospital, 27 Abb. N. C. 37; 39 St. Rep. 98; 14 Supp. 881.

Cited, Hospitals—Selection of Attendants—Negligence—Patients.

89 Hun, 74; (69 St. Rep. 431; 35 Supp. 37; 2 Ann. Cas. 265).

Harrison v. Clark, 87 N. Y. 572.

Cited, Bonds—Of Guardian or Trustee—Conclusiveness on Surety—Of Decree Against Principal.

70 Hun, 321; (54 St. Rep. 35; 24 Supp. 438). 138 N. Y. 201; (52 St. Rep. 142). 12 Misc. 327; (67 St. Rep. 343; 33 Supp. 637).

Harrison v. Gibbons, 71 N. Y. 58.

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74 Hun, 52; (56 St. Rep. 163; 26 Supp. 184). 151 N. Y. 539; 4 App. Div. 217; (73 St. Rep. 592; 38 Supp. 543).

Harrison v. Harrison, 75 Hun, 191; 58 St. Rep. 166; 26 Supp. 965.

Harrison v. Union T. Co. of N. Y., 80 Hun, 463; 62 St. Rep. 276; 30 Supp. 443.

Harrison v. Harrison, 36 N. Y. 543.

Cited, Wills—Trusts—Construction.

82 Hun, 485; (64 St. Rep. 192; 31 Supp. 557).

Harrison v. Union Trust Co. of N. Y., 144 N. Y. 326; 63 St. Rep. 668.

Affirming, 80 Hun, 463; 62 St. Rep. 276; 30 Supp. 443.

Cited, Mortgage—Foreclosure—Judgment—Effect.

79 St. Rep. 638; (45 Supp. 638).

Harrison v. Vanderbilt, 9 St. Rep. 810.

Cited, Partnership—Counterclaim—Demand Against Co-partner.

14 Misc. 483; (70 St. Rep. 434; 35 Supp. 699).

Harrison v. Vermont Manganese Co., 1 Misc. 402; 49 St. Rep. 873; 20 Supp. 894.

Harrison v. Wright, 1 St. Rep. 736.

Cited, Pleading—Complaint—Verification—Signature.

9 Misc. 407; (61 St. Rep. 695; 29 Supp. 1071).

Harrisville, Matter of, 66 Hun, 302; 49 St. Rep. 288; 21 Supp. 62.

Cited, Election Law—Construction—Villages.

3 App. Div. 245; (73 St. Rep. 806; 38 Supp. 349). 150 N. Y. 247.

Harrod v. Barretto, 1 Hall, 155.

Cited, Judgment—Attack.

17 Misc. 238; (39 Supp. 715).

Harrod v. Barretto, 2 Hall, 302.

Cited, Judgment—Attack.

17 Misc. 238; (39 Supp. 716, 717).

Harrold v. New York El. R. Co., 24 Hun, 184.

Cited, Damages—For Personal Injury—Measure of—Question for Jury.

8 Misc. 659; (59 St. Rep. 540; 29 Supp. 1125; 31 Abb. N. C. 430).

Harroun v. Brush Electric Light Co., 152 N. Y. 212.

Harroun v. Brush Electric Light Co., 12 App. Div. 126; 76 St. Rep. 716; 42 Supp. 716.

Cited, Evidence—Condition Before and After.

20 Misc. 339; (79 St. Rep. 746; 45 Supp. 746).

Harroun v. Brush Electric Light Co., 14 App. Div. 19; 77 St. Rep. 1155; 43 Supp. 1155.

Harroway v. Flint, 19 Misc. 411; 78 St. Rep. 335; 44 Supp. 335.

Harrower v. Ritson, 37 Barb. 301.

Cited, Nuisance—Encroachment on Highway—Private Action.

66 Hun, 244; (49 St. Rep. 483; 21 Supp. 174). 67 Hun, 293; (50 St. Rep. 771; 22 Supp. 423).

Harry v. Hilton, 11 Daly, 232.

Cited, Attorney and Client—Disbursements—Authority to Make.

41 Supp. 280; (25 Civ. Pro. 350).

Harsha v. Reid, 45 N. Y. 415.

Cited, Covenants—Running With Land.

16 App. Div. 416; (79 St. Rep. 34; 45 Supp. 34).

Hart, Matter of, 60 Hun, 516; 15 Supp. 239. 39 St. Rep. 521.

Cited, Evidence—Burden of Proof—Surcharging Executor's Account.

74 Hun, 365; (56 St. Rep. 350; 26 Supp. 686).

Executors and Administrators—Duty to Sue to Set Aside Fraudulent Conveyance by Decedent.

74 Hun, 622; (56 St. Rep. 693; 26 Supp. 968)

Appeal—Amendment Nunc Pro Tunc—Power of Appellate Court.

1 App. Div. 41; (36 Supp. 973).

Duplicate Citations in Parenthesis.

Hard v. Ashley, 88 Hun, 103; 68 St. Rep. 646; 34 Supp. 583.

Hart v. Albany, 9 Wend. 571.

Cited, Schools—Powers of Boards—Fines Upon Teachers—Forfeiture of Salary.

60 St. Rep. 352; 143 N. Y. 66. 19 Misc. 450; (77 St. Rep. 708; 43 Supp. 708).

Hart v. Albany, 3 Paige, 381.

Cited, Equity—Enjoining Actions at law 143 N. Y. 269; (62 St. Rep. 533).

Hart v. Albright, 18 Supp. 718; 28 Abb. N. C. 74.

Cited, Supplementary Proceedings—Relation to Former Remedy by Creditor's Bill.

29 Supp. 1076; (23 Civ. Pro. 254)

Hart v. Bernau, 51 St. Rep. 828, 22 Supp. 296.

Hart v. Brooklyn, 36 Barb. 226.

Cited, Municipal Corporations—Sidewalks—Negligence.

8 App. Div. 123; (40 Supp. 586).

Hart v. Brooklyn El. R. Co., 89 Hun 259; 69 St. Rep. 432; 35 Supp. 39.

Cited, Equity—Retaining Jurisdiction.

69 St. Rep. 437; (35 Supp. 44). 69 St. Rep. 433; (35 Supp. 40).

Hart v. Brooklyn El. R. Co., 87 Hun 82; 69 St. Rep. 434; 35 Supp. 39.

Hart v. Brown, 6 Misc. 238; 27 Supp. 74.

Hart v. Castle, 30 St. Rep. 701; 9 Supp. 622.

Cited, Wills—Devise—Extent of Estate—Benefit and Support.

9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278).

Hart v. Cleis, 8 Johns. 41.

Cited, Pleading—Exceptions—Provisos.

151 N. Y. 67.

Hart v. Delaware, L. & W. R. Co., 76 Hun, 296; 69 St. Rep. 110; 27 Supp. 767.

Hart v. Delaware, L. & W. R. Co., 51 St. Rep. 291; 22 Supp. 3.

Hart v. Delaware, L. & W. R. Co., 27 Supp. 767.

Cited, 64 St. Rep. 873.

Hart v. Dewey, 2 Paige, Ch. 207.

Cited, Interest—Computation—Running Accounts.

75 Hun, 523; (57 St. Rep. 351; 27 Supp. 732).

Hart v. Grennell, 122 N. Y. 371; 33 St. Rep. 553.

Cited, Negligence—Owners of Real Estate—Degree of Care.

142 N. Y. 445; (59 St. Rep. 816). 13 Misc. 177; (63 St. Rep. 26; 34 Supp. 72). 15 Misc. 88; (71 St. Rep. 514; 36 Supp. 455). 4 App. Div. 483; (38 Supp. 685). 7 App. Div. 407; (39 Supp. 1017). 11 App. Div. 190; (76 St. 654; 42 Supp. 654). 11 App. Div. 593; (76 St. Rep. 598; 42 Supp. 598).

Hart v. Hoffman, 44 How, 168.

Cited, Brokers—Real Estate—Ability of Purchaser.

2 Misc. 173; (49 St. Rep. 627; 21 Supp. 637). 3 Misc. 148; (51 St. Rep. 492; 22 Supp. 744; 30 Abb. N. C. 292). 18 Misc. 245; (75 St. Rep. 1000; 41 Supp. 637). 20 Misc. 560.

Hart v. Hudson, 6 Duer. 294.

Cited, Principal and Surety — Extension of Credit—Effect.

9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 341).

Hart v. Hudson River B. Co., 80 N. Y. 622.

Cited, Appeal—Presumptions — In Support of Verdict.

49 St. Rep. 459; (21 Supp. 101).

Evidence—Attendant Circumstances, to Show Absence of Contributory Negligence.

1 Misc. 135; (48 St. Rep. 767; 20 Supp. 646). 141 N. Y. 249; (56 St. Rep. 812). 80 Hun, 214; (61 St. Rep. 762; 30 Supp. 11). D. 90 Hun, 472; (70 St. Rep. 647; 35 Supp. 974).

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69 Hun, 101; (52 St. Rep. 602; 23 Supp. 258; 30 Abb. N. C. 149). 69 Hun, 392; (52 St. Rep. 698; 23 Supp. 630). 76 Hun, 137; (57 St. Rep. 454; 27 Supp. 849). 1 Misc. 100; (48 St. Rep. 676; 20 Supp. 691). 2 Misc. 73; (49 St. Rep. 630; 21 Supp. 783). 7 Misc. 565; (58 St. Rep. 358; 28 Supp. 86). 135 N. Y. 384; (48 St. Rep. 477). 88 Hun, 466; (68 St. Rep. 793; 34 Supp. 860). D. 82 Hun, 446; (64 St. Rep. 795; 31 Supp. 973). 86 Hun, 436; (67 St. Rep. 632; 33 Supp. 903).

4 App. Div. 138; (74 St. Rep. 98; 33 Supp. 763). 4 App. Div. 393; (38 Supp. 855). 12 App. Div. 565; (76 St. Rep. 195; 42 Supp. 195). 18 Misc. 68; (75 St. Rep. 483; 41 Supp. 29). 79 St. Rep. 446; (45 Supp. 446).

Witness—Interested Party — Credibility.

78 Hun, 185; (60 St. Rep. 246; 28 Supp. 917).

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Hart v. Hudson River B. Co., 84 N. Y. 56.

Cited, Evidence—Burden of Proof—Contributory Negligence.

52 St. Rep. 698; (23 Supp. 630). 3 Misc. 228; (61 St. Rep. 871; 22 Supp. 752). 2 App. Div. 319; (73 St. Rep. 22; 37 Supp. 972). D. 87 Hun, 469; (68 St. Rep. 456; 34 Supp. 377). 87 Hun, 466; (68 St. Rep. 454; 34 Supp. 375).

Witness—Contradiction—Foundation for. 72 Hun, 417; (55 St. Rep. 294; 25 Supp. 178).

Witnesses—Experts.

10 Misc. 737; (64 St. Rep. 506; 31 Supp. 804).

Hart v. Kip, 74 Hun, 412; 57 St. Rep. 162; 26 Supp. 522.

Reversed, 148 N. Y. 306; 25 Civ. Pro. 205. 2 Ann. Cas. 424.

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25 Civ. Pro. 307.

Hart v. Kip, 148 N. Y. 306; 25 Civ. Pro. 205; 2 Ann. Cas. 424.

Cited, Statute of Limitations—Residence—Absence From State—Effect.

19 Misc. 261; (78 St. Rep. 248; 44 Supp. 248). 25 Civ. Pro. 307.

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39 Supp. 502.

Hart v. Kohn, 12 Misc. 648; 33 Supp. 272.

Cited, Parties—Intervention—Discretion of Court.

17 Misc. 297; (40 Supp. 372).

Hart v. Langan. See Johnson, Matter of.

Hart v. Lyon, 90 N. Y. 663.

Cited, Covenants—Construction — Running With the Land.

142 N. Y. 87; (58 St. Rep. 413).

Party Walls—Covenants as to—Rights of Grantee.

6 Misc. 351; (26 Supp. 914). 11 Misc. 715; (64 St. Rep. 630; 31 Supp. 864). 135 N. Y. 319; (48 St. Rep. 78). 11 Misc. 10; (63 St. Rep. 445; 31 Supp. 852; 1 Ann. Cas. 334).

Hart v. Marks, 4 Bradf. 161.

Cited, Evidence—Parol—To Explain Latent Ambiguity in Will.

3 Misc. 479; (23 Supp. 743).

Hart v. McSwygan, 13 Misc. 334; 34 Supp. 1140.

Affirmed, 14 Misc. 540; 70 St. Rep. 769; 36 Supp. 11.

Hart v. McSwegan, 14 Misc. 540; 70 St. Rep. 769; 36 Supp. 11.

Hart v. Naumburg, 123 N. Y. 641; 33 St. Rep. 607.

Cited, Master and Servant—Liability of Master to Servant—Places—Appliances.

142 N. Y. 34; (58 St. Rep. 438). 13 Misc. 642; (69 St. Rep. 141; 34 Supp. 1090). 15 Misc. 225; (71 St. Rep. 175; 36 Supp. 404).

Hart v. New York, 69 Hun, 237; 53 St. Rep. 353; 23 Supp. 555.

Affirmed, 139 N. Y. 610; 54 St. Rep. 929.

Cited, Attorneys—Lien—Resort to Court for Protection—Necessity.

23 Civ. Pro. 207; (24 Supp. 738).

Hart v. New York, 16 App. Div. 227; 78 St. Rep. 767; 44 Supp. 767.

Hart v. Ogdensburgh & L. C. R. Co., 60 Hun, 378; 52 St. Rep. 799; 23 Supp. 639.

Cited, Railroads—Consolidation.

89 Hun, 335; (70 St. Rep. 231; 35 Supp. 570).

Hart v. Ogdensburgh & L. C. R. Co., 67 Hun, 556; 51 St. Rep. 468; 23 Supp. 401.

Cited, Depositions—Open Commission—Specification of Witnesses.

74 Hun, 250; (55 St. Rep. 875; 26 Supp. 446).

Hart v. Ogdensburgh & L. C. R. Co., 69 Hun, 378; 52 St. Rep. 799; 23 Supp. 639.

Cited, 89 Hun, 316; (35 Supp. 570).

Hart v. Ogdensburgh & L. C. R. Co., 69 Hun, 497; 52 St. Rep. 834; 23 Supp. 713.

Cited, Discovery—The Right—Discretion.

5 Misc. 494; (55 St. Rep. 160; 25 Supp. 801).

Hart v. Ogdensburgh & L. C. R. Co., 89 Hun, 316; 70 St. Rep. 226; 35 Supp. 566.

Hart v. Ogdensburgh & L. C. R. Co., 48 St. Rep. 801; 20 Supp. 918.

Cited, Injunction—Pendente Lite—Review.

82 Hun, 284; (64 St. Rep. 72; 30 Supp. 472).

Hart v. Palmer, 12 Wend. 523.

Cited, Notes—Indorsement—False Representations to Procure.

2 App. Div. 106; (73 St. Rep. 145; 37 Supp. 529).

Hart v. Ryan, 25 St. Rep. 886; 6 Supp. 921.

Cited, Judge—Comment on Evidence—Effect.

8 App. Div. 148; (40 Supp. 490).

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Hart v. Seixas, 21 Wend. 40.

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Hart v. Sexton, 11 Misc. 446; 65 St. Rep. 420; 32 Supp. 222.

Hart v. Sheldon, 34 Hun, 38.

Cited, Fixtures.

82 Hun, 225; (64 St. Rep. 797; 31 Supp. 976).

Hart v. Small, 4 Paige, 288.

Cited, Irregularity—Waiver.

16 Misc. 143; (74 St. Rep. 548; 38 Supp. 958).

Hart v. Sun Printing & Pub. Co., 79 Hun, 359; 61 St. Rep. 427; 29 Supp. 434.

Hart v. Thompson, 10 App. Div. 183; 75 St. Rep. 1279; 41 Supp. 909.

Hart v. Wandle, 50 N. Y. 381.

Cited, Mortgages—On Different Parcels Subject to Lien of Whole—Sale—Marshaling of Assets.

77 Hun, 85; (59 St. Rep. 840; 28 Supp. 295).

Hart v. Washburn, 62 Hun, 543; 16 Supp. 923.

Cited, Personal Action—Abatement—Revivor.

6 App. Div. 483; (39 Supp. 685; 3 Ann. Cas. 309).

Hart v. Wilder, 3 App. Div. 356; 73 St. Rep. 655; 38 Supp. 288.

Harter v. Westcott, 11 Misc. 180; 65 St. Rep. 167; 32 Supp. 111.

Hartfield v. Roper, 21 Wend. 615.

Cited, Negligence—Children in Street.

2 Misc. 546; (51 St. Rep. 613; 22 Supp. 400). 6 App. Div. 208; (39 Supp. 806). 12 App. Div. 152; (76 St. Rep. 665; 42 Supp. 665).

Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 76; (49 St. Rep. 631; 21 Supp. 785).

Hartford Fire Ins. Co. v. Dickenson, 73 Hun, 579; 57 St. Rep. 261; 26 Supp. 175.

Hartford Nat. Bank v. Beinecke, 15 App. Div. 474; 78 St. Rep. 486; 44 Supp. 486; 26 Civ. Pro. 226.

Hartigan v. Nagle, 11 Misc. 449; 55 St. Rep. 419; 32 Supp. 220.

Hartigan v. Smith, 79 St. Rep. 1012; 45 Supp. 1012.

Hartjen v. Ruebsamen, 19 Misc. 149; 77 St. Rep. 466; 43 Supp. 466.

Hartley v. James, 50 N. Y. 38.

Cited, Vendor and Purchaser—Defective Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 491; (24 Supp. 924). 143 N. Y. 562; (3 Ann. Cas. 24). 15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157). 14 Misc. 479; (70 St. Rep. 364; 35 Supp. 846). 39 Supp. 562.

Hartley v. Meyer, 2 Misc. 56; 49 St. Rep. 351; 20 Supp. 855.

Hartley v. Mullane, 20 Misc. 418; 79 St. Rep. 1023; 45 Supp. 1023.

Hartley v. Murtha, 5 App. Div. 408; 39 Supp. 212.

Hartley v. Requa, 17 Misc. 74; 39 Supp. 846.

Hartman, Matter of, 13 Misc. 486; 70 St. Rep. 193; 35 Supp. 495.

Hartman v. Manhattan R. Co., 82 Hun, 531; 64 St. Rep. 96; 31 Supp. 498.

Hartman v. Morning Journal Ass'n, 46 St. Rep. 181; 19 Supp. 398.

Affirmed, 138 N. Y. 638; 53 St. Rep. 929.

Cited, Damages—Excessiveness—Tests.

77 Hun, 509; (60 St. Rep. 764; 29 Supp. 110).

Hartman v. Morning Journal Ass'n., 46 St. Rep. 403; 19 Supp. 401.

Cited, New Trial—Newly Discovered Evidence—Previous Knowledge—Effect of.

1 Misc. 313; (48 St. Rep. 783; 20 Supp. 716).

Hartman v. Tully Pipe Line Co., 71 Hun, 367; 55 St. Rep. 28; 25 Supp. 24.

Cited, Damages—Measure of—Flooding of Lands.

77 Hun, 606; (60 St. Rep. 486; 28 Supp. 1045).

Hartnett v. Wandell, 60 N. Y. 346.

Cited, Executors—Authority—Appointment.

79 St. Rep. 871; (45 Supp. 871). 79 St. Rep. 455; (45 Supp. 455).

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150 N. Y. 57.

Harton v. Bloom, 35 Super. 115.

Cited, New Trial—Erroneous Verdict.

19 Misc. 271; (78 St. Rep. 251; 44 Supp. 251).

Hartshorn v. Chaddock, 40 St. Rep. 953; 16 Supp. 714.

Affirmed, 47 St. Rep. 838.

Cited, Waters—Diversion—Injury to Lands of Other Riparian Owners.

66 Hun, 572; (50 St. Rep. 100; 21 Supp. 837).

Duplicate Citations in Parenthesis.

Hartshorn v. Chaddock, 135 N. Y. 116; 48 St. Rep. 932.

Cited, Damages—Measure—Injury to Land.

78 Hun, 570; (61 St. Rep. 246; 29 Supp. 566). 75 Hun, 425; (57 St. Rep. 347; 27 Supp. 740).

Waters—Floods—Act of God.

75 Hun, 483; (57 St. Rep. 370; 27 Supp. 471). 86 Hun, 430; (67 St. Rep. 624; 33 Supp. 895).

Hartt v. Harvey, 32 Barb. 55.

Cited, Association—Benevolent Societies—Provisions as to Settlement of Controversies—Effect—Injunction.

9 Misc. 636; (62 St. Rep. 343; 30 Supp. 886).

Hartung v. People, 22 N. Y.

Cited, Constitutional Law—Ex-Post Facto Laws—Diminution of Punishment.

70 Hun, 118; (54 St. Rep. 189; 24 Supp. 199). 140 N. Y. 491; (56 St. Rep. 459).

Statutes—Repeal—Effect on Existing Rights and Remedies.

69 Hun, 570; (53 St. Rep. 254; 23 Supp. 961). 141 N. Y. 164; (56 St. Rep. 683). 90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891). 91 Hun, 154; (71 St. Rep. 692; 36 Supp. 535). 13 Misc. 552; (70 St. Rep. 213; 35 Supp. 592).

Hartwell v. McMaster, 4 Redf. 392.

Cited, Surrogate's Courts—Decision—What to Contain.

12 Misc. 255, 256; (34 Supp. 638, 639).

Hartwell v. Mut. L. Insurance Co.,

50 Hun, 497; 20 St. Rep. 276; 3 Supp. 452.

Cited, Waters—Grant—Use—Quantity.

74 Hun, 17; (56 St. Rep. 741; 26 Supp. 148).

Hartwell v. Root, 19 Johns. 345.

Cited, Taxes—Assessment.

61 St. Rep. 803; (30 Supp. 60). 12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Hartwell v. Young, 67 Hun, 472; 51 St. Rep. 333; 22 Supp. 486.

Hartwig v. Everett, 19 Misc. 437.

Hartwig v. Everett, 20 Misc. 284; 79 St. Rep. 669; 45 Supp. 669.

Harty v. Central R. Co. of New Jersey, 42 N. Y. 468.

Cited, Railroads—Crossings—Signals—Negligence.

74 Hun, 38; (56 St. Rep. 212; 26 Supp. 400). 49 St. Rep. 57.

Harvey, Matter of, 80 Hun, 371; 61 St. Rep. 794; 30 Supp. 1.

Harvey, Matter of, see James, Matter of.

Harvey v. Brisban, 143 N. Y. 151; 62 St. Rep. 270.

Affirming, 50 Hun, 376; 20 St. Rep. 702; 3 Supp. 676.

Cited, Lands—Curtesy.

82 Hun, 104; (63 St. Rep. 607; 31 Supp. 205).

Harvey v. Brisbin, 16 St. Rep. 42.

Cited, Pleadings—Defective—Demurrer—Effect.

84 Hun, 134; (65 St. Rep. 732; 33 Supp. 448).

Harvey v. Dunlop, Lalor's Supp. 193.

Cited, Proximate Cause—Unintentional Injury.

79 Hun, 505; (61 St. Rep. 259; 29 Supp. 948).

Harvey v. Large, 51 Barb. 222.

Cited, Guardian ad litem—Failure to Appear—Effect.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

Harvey v. McDonnell, 113 N. Y. 526; 23 St. Rep. 501.

Cited, Fraudulent Conveyance—Attack by Personal Representative.

61 St. Rep. 602; (29 Supp. 851).

Fraudulent—Conveyance of Decedent—Creditors Rights to Disaffirm

145 N. Y. 347; (64 St. Rep. 813; 24 Civ. Pro. 299). 20 Misc. 494. 72 St. Rep. 732; (37 Supp. 125).

Harvey v. N. Y. C. & H. R. R. Co., 19 Hun, 556.

Cited, Master and Servant—Defective Appliances—Notice to Master.

2 Misc. 32; (49 St. Rep. 570; 21 Supp. 261).

Harvey v. N. Y. C. & H. R. R. Co., 88 N. Y. 481.

Cited, Master and Servant—Care in Selecting Co-servants—Negligence of Fellow Servant.

69 Hun, 27; (52 St. Rep. 816; 23 Supp. 460). 3 Misc. 229; (51 St. Rep. 872; 22 Supp. 752).

Harvey v. Van Cott, 71 Hun, 394; 55 St. Rep. 32; 25 Supp. 25.

Harvey v. Van Cott, 71 Hun, 399; 25 Supp. 25.

Affirmed, 149 N. Y. 579.

Cited, Insurance—Assignability by Wife.

13 App. Div. 532; (77 St. Rep. 651; 43 Supp. 651).

Harvey v. Van Dyke, 66 How. 396.

Cited, Appeal—Justices' Court—New Trial.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 914).

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Harvey v. Walker, 59 Hun, 114; 35 St. Rep. 765; 13 Supp. 170.

Cited, Pleading—General Denial—Sham—Striking Out.
5 Misc. 513; (58 St. Rep. 107; 25 Supp. 971).

Harwood, Matter of, 50 St. Rep. 114; 21 Supp. 572.

Harwood v. Keech, 4 Hun, 389.
Cited, General Exceptions—Availability.
90 Hun, 562; (71 St. Rep. 31; 36 Supp. 24).

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11 App. Div. 608; (76 St. Rep. 630; 42 Supp. 630).

Harwood v. La Grange, 137 N. Y. 538; 50 St. Rep. 30.
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Hasbrouck v. Burhans, 42 Hun, 376
Cited, Adverse Possession—Tenant.
4 App. Div. 31; (74 St. Rep. 163; 38 Supp. 703).
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12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Hasbrouck v. Disbrow, 24 St. Rep. 428.
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12 Misc. 308; (67 St. Rep. 437; 34 Supp. 36).

Hasbrouck v. Dutchess County, Supervisors of, 135 N. Y. 522; 43 St. Rep. 533.
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Hasbrouck v. Hasbrouck, 27 N. Y. 182.
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1 Misc. 34; (2 Supp. 1084).

Hasbrouck v. Stokes, 13 Supp. 333.
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13 Misc. 65; (8 St. Rep. 10; 34 Supp. 54; 1 Ann. Cas. 359).

Haskell, Matter of, 19 Misc. 206; 77 St. Rep. 1144; 43 Supp. 1144.

Haskell v. Northern Adirondack R. Co., 74 Hun, 380; 56 St. Rep. 303; 26 Supp. 595.

Haskell v. Northern Adirondack R. Co., 49 St. Rep. 483; 21 Supp. 234.

Haskell v. Queen, 50 St. Rep. 414; 21 Supp. 357.

Haskin v. N. Y. C. & H. R. R. Co., 61 Barb. 129.

Affirmed, 56 N. Y. 608.

Cited, Master and Servant—Risks Assumed—Knowledge.
140 N. Y. 452; (55 St. Rep. 834). 4 App. Div. 206; (74 St. Rep. 221; 38 Supp. 593).
Evidence—Master and Servant—Reputation of Incompetency of Co-Servant.
85 Hun, 187; (65 St. Rep. 809; 32 Supp. 484). 13 App. Div. 44; (77 St. Rep. 608; 43 Supp. 608).

Haskin v. Teller, 3 Redf. 316.

Cited, Interest—Fiduciary Officers—Commissions in Advance.
51 St. Rep. 739.

Haskins v. Kelly, 1 Robt. 160.

Cited, Mortgage—Collateral—Pledge—Power to Sell.
6 Misc. 556; (57 St. Rep. 518; 27 Supp. 519).

Chattel Mortgage—Unauthorized Sale of Property—Damages.
9 App. Div. 397; (75 St. Rep. 715; 41 Supp. 303)

Haskins v. N. Y. C. & H. R. R. Co., 79 Hun, 159; 60 St. Rep. 817; 29 Supp. 274.

Affirmed, 145 N. Y. 604; 65 St. Rep. 866.
Cited, Master and Servant—Unsafe Place—Notice.
3 App. Div. 4; (73 St. Rep. 521; 37 Supp. 979).

Haskins v. Stewart, 32 St. Rep. 962; 10 Supp. 833.

Cited, Master and Servant—Master's Duty—Anticipation of Danger.
70 Hun, 458; (53 St. Rep. 691; 24 Supp. 503).

Haslehurst, Matter of, 4 Misc. 366; 25 Supp. 827.

Hasler v. Hasler, 1 Bradf. 248.

Cited, Interest—Liability of Assignee.
4 Misc. 138; (53 St. Rep. 120; 23 Supp. 601).

Hassan v. Rochester, 67 N. Y. 528.

Cited, Municipal Corporations—Improvements—Assessments—Omission of Property—Relief.

78 Hun, 202; (60 St. Rep. 211; 28 Supp. 950). 139 N. Y. 139; (54 St. Rep. 512). 78 St. Rep. 323, 324; (44 Supp. 323, 324). D. 78 St. Rep. 327; (44 Supp. 327).

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67 Hun, 223; (51 St. Rep. 360; 22 Supp. 202).

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78 Hun, 605; (60 St. Rep. 769; 29 Supp.
214).

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20 Misc. 537.

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80 Hun, 533; (62 St. Rep. 611, 612; 30 Supp.
637).

Hasse v. Matheson, 1 Misc. 2; 48 St.
Rep. 936; 20 Supp. 660.

Hassen v. Rochester, 65 N. Y. 516.

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78 St. Rep. 322, 323; (44 Supp. 322, 323).
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Hassett v. McArdle, 2 Misc. 461; 51 St.
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Hassett v. McArdle, 7 Misc. 710; 58 St.
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Affirming, 6 Misc. 622; 26 Supp. 1137.

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903).

Hastings, Matter of, 6 Dem. 307.

Cited, Wills—Ambiguous—Admission of
Parol Evidence to Explain.
15 Misc. 319; (38 St. Rep. 123; 37 Supp.
584).

Hastings v. Brooklyn Life Ins. Co.,
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Cited, Evidence—Presumption—Mailing
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5 Misc. 110; (25 Supp. 736).

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20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

Insurance—Payment of Premiums—Place
of.

77 Hun, 423; (60 St. Rep. 44; 28 Supp. 797).

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75 Hun, 60; (56 St. Rep. 866; 26 Supp.
1059). 143 N. Y. 436; (62 St. Rep. 447).

Witnesses—Credibility—Question for
Jury.

73 Hun, 472; (56 St. Rep. 43; 26 Supp. 390).

D. 82 Hun, 446; (64 St. Rep. 795; 31 Supp.
973).

**Hastings v. Central Crosstown R.
Co.**, 7 App. Div. 312; 40 Supp. 93.

Cited, Street Railways—Riding on Plat-
form—Reckless Driver—Liability for Inju-
ries to Passenger.

18 Misc. 385; (75 St. Rep. 1044; 41 Supp.
658).

Hastings v. Drew, 76 N. Y. 9.

Cited, Fraudulent Conveyance—When
and by whom May be Attacked.

10 Misc. 693; (65 St. Rep. 100; 31 Supp.
1005; 1 Ann. Cas. 340).

Hastings v. Drew, 50 How. 254.

Cited, Corporations—Defunct—Reaching
Assets in Hands of Directors.

17 Misc. 328; (39 Supp. 963).

Hastings v. Farmer, 4 N. Y. 293.

Cited, Judgment—Default—Validity—
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Hastings v. Lusk, 22 Wend. 410.

Cited, Libel and Slander—Privileged Com-
munications.

138 N. Y. 523; (53 St. Rep. 97). 84 Hun,
119, 120; (65 St. Rep. 647, 648; 32 Supp.
462). 153 N. Y. 219.

Hastings v. McDonough, 77 St. Rep.
628; 43 Supp. 628.

Hastings v. McKinley, 8 How. 175.

Cited, Courts—Power to Grant Appropri-
ate Relief—Practice.

81 Hun, 381; (63 St. Rep. 182; 30 Supp.
989).

Hastings v. McKinley, 1 E. D. Smith,
273.

Cited, Assignment—Chose in Action—
How Made.

17 Misc. 137; (39 Supp. 342).

Hastings v. Nagel, 33 Hun, 205; 64 St.
Rep. 152; 31 Supp. 598.

Hastings v. Palmer, 20 Wend. 225.

Cited, Trial—Conduct—Reception of Evi-
dence—Rebuttal.

79 Hun, 573; (61 St. Rep. 510; 29 Supp.
924).

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92 Hun, 518; (72 St. Rep. 199; 37 Supp. 47).

**Hastings v. Westchester Fire Ins.
Co.**, 73 N. Y. 141.

Cited, Insurance—Mortgage—Effect of
Acts of Owner.

143 N. Y. 323, 324, 326; (62 St. Rep. 321,
322, 323). 16 App. Div. 588; (78 St. Rep.
980; 44 Supp. 980).

Haswell v. Lincks, 87 N. Y. 637.

Cited, Fraudulent Conveyance—Action
to Set Aside.

1 App. Div. 148; (72 St. Rep. 713; 37
Supp. 415).

Haswell v. New York, 81 N. Y. 255.

Cited, Municipal Corporations—Officers—
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14 Misc. 276; (70 St. Rep. 426; 35 Supp.
759). 2 App. Div. 88; (73 St. Rep. 201; 37
Supp. 569).

Duplicate Citations in Parenthesis.

Hatch v. Attrill, 118 N. Y. 383; 29 St. Rep. 14.

Cited, Trial—Verdict—Correction.

7 Misc. 508; (60 St. Rep. 172; 28 Supp. 496). 19 Misc. 269; (78 St. Rep. 250; 44 Supp. 250).

Hatch v. Bassett, 52 N. Y. 359.

Cited, Wills—Equitable Conversion—Devise of Rents and Profits.

1 Misc. 455; (51 St. Rep. 517; 22 Supp. 1079). 140 N. Y. 146; (55 St. Rep. 551).

Wills—Power of Sale—Equitable Conversion.

79 St. Rep. 871; (45 Supp. 871).

Wills—Devise of Rents and Profits—Gift of Corpus.

3 App. Div. 48; (74 St. Rep. 429; 37 Supp. 1082).

Gift of Income—Implied Gift of Principal.

D. 50 St. Rep. 298; (31 Supp. 533).

Hatch v. Buffalo, 38 N. Y. 276.

Cited, Cloud on Title—What is—Removal.

70 Hun, 424; (53 St. Rep. 689; 24 Supp. 466). 16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Hatch v. Central Nat. Bank, 78 N. Y. 487.

Cited, Execution—Amendment—Insertion of Interest.

51 St. Rep. 13; (21 Supp. 706).

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23 Civ. Pro. 95; (23 Supp. 750). 2 Misc. 408; (50 St. Rep. 615; 21 Supp. 964). 5 Misc. 115; (25 Supp. 739). 7 Misc. 247; (58 St. Rep. 21; 27 Supp. 264). 91 Hun, 363; (70 St. Rep. 778; (36 Supp. 314). 92 Hun, 83; (71 St. Rep. 805; 36 Supp. 637).

Hatch v. Elkins, 65 N. Y. 489.

Cited, Evidence—Declarations—Res Gestae.

8 Misc. 585; (60 St. Rep. 583; 29 Supp. 1121). 9 Misc. 470, 471; (61 St. Rep. 127, 128; 30 Supp. 236, 237). 20 Misc. 688.

Hatch v. Fourth Nat. Bank of N.Y.,

82 Hun, 515; 64 St. Rep. 207; 31 Supp. 530.

Affirmed, 147 N. Y. 184; 69 St. Rep. 534; 2 Ann. Cas. 288.

Hatch v. Fourth Nat. Bank of N.Y., 147 N. Y. 184; 69 St. Rep. 534; 2 Ann. Cas. 288.

Cited, Payment—Bona fides—Refunding.

11 App. Div. 83; (76 St. Rep. 983; 42 Supp. 983). 150 N. Y. 258.

Hatch v. Gillette, 8 App. Div. 605; 40 Supp. 1016.

Hatch v. Mann, 15 Wend. 44.

Cited, Public Officers—Extra Compensation.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 759).

Hatch v. Matthews, 9 Misc. 307; 61 St. Rep. 667; 30 Supp. 309.

Affirmed, 83 Hun, 349; 64 St. Rep. 653; 31 Supp. 926.

Hatch v. Matthews, 83 Hun, 349; 64 St. Rep. 653; 31 Supp. 926.

Hatch v. Matthews, 85 Hun, 522; 67 St. Rep. 74; 33 Supp. 332.

Hatch v. New York, 82 N. Y. 436.

Cited, Set-off and Counterclaim—Mutuality of Claims—Equitable Set-off.

77 Hun, 119; (59 St. Rep. 843; 28 Supp. 290). 139 N. Y. 119; (54 St. Rep. 643).

Hatch v. Sigman, 1 Dem. 519.

Cited, Wills—Revocation—Presumption.

88 Hun, 108; (68 St. Rep. 649; 34 Supp. 586).

Hatch v. Spooner, 37 St. Rep. 151; 13 Supp. 642.

Cited, 1 App. Div. 408; (72 St. Rep. 635; 37 Supp. 296).

Hatch v. Spooner, 1 App. Div. 408; 72 St. Rep. 635; 37 Supp. 295.

Cited, Evidence—Competency—Records Showing Insolvency.

4 App. Div. 437; (38 Supp. 620).

Hatch v. Syracuse, B. & N. Y. R. Co.,

50 Hun, 64; 24 St. Rep. 36; 4 Supp. 509.

Cited, Railroads—Highways—Maintenance of Safe Condition at Crossing.

92 Hun, 132; (72 St. Rep. 388; 36 Supp. 866). 151 N. Y. 442.

Railroads—Highways—Safe Crossing—Limitation of Action.

92 Hun, 131; (72 St. Rep. 387; 36 Supp. 865).

Hatch v. West. U. T. Co., 93 N. Y. 640.

Cited, Injunction—Pendente Lite—Discretion.

82 Hun, 284; (64 St. Rep. 72; 31 Supp. 472).

Hatcher v. Rocheleau, 18 N. Y. 86.

Cited, Evidence—Identity.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635). 2 App. Div. 331; (73 St. Rep. 474; 37 Supp. 776).

Evidence—Presumptions—Judgment—Impeachment.

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17 Misc. 237; (39 Supp. 715).

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Hatfield, Matter of, 17 App. Div. 430;
79 St. Rep. 270; 45 Supp. 270.

Hatfield v. Lasher, 81 N. Y. 246.

Cited, Evidence—Slander and Libel—Disproving Malice.

71 Hun, 491; (54 St. Rep. 907; 24 Supp. 1064). 79 Hun, 563; (61 St. Rep. 578; 29 Supp. 890).

147 N. Y. 68; (69 St. Rep. 315).

Libel and Slander—Mitigation—Previous Knowledge,

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Hatfield v. Macy, 52 How. 193.

Cited, New Trial—New Evidence—Surprise.

4 App. Div. 615; (74 St. Rep. 527; 28 Supp. 845).

Hatfield v. Malcolm, 71 Hun, 51; 53 St. Rep. 863; 24 Supp. 596; 23 Civ. Pro. 197.

Hatfield v. Roper, 21 Wend. 615.

Cited, Torts—Of Incompetent Persons—Liability.

143 N. Y. 448; (62 St. Rep. 454).

Hatfield v. Sneden, 54 N. Y. 280.

Cited, Curtesy—Issue—Necessity.

3 Misc. 8; (53 St. Rep. 630; 23 Supp. 797).

Wills—Devise—Vesting of Estate—Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901).

Hatfield v. Todd, 13 Civ. Pro. 265.

Cited, Pleading—Reply—Counterclaim.

11 Misc. 88; (66 St. Rep. 198; 32 Supp. 815; 24 Civ. Pro. 216). 16 Misc. 356; (38 Supp. 76). 12 App. Div. 82; (77 St. Rep. 363; 43 Supp. 363).

Hathaway, Matter of, 80 Hun, 186; 62 St. Rep. 1; 30 Supp. 171.

Hathaway, Matter of, 71 N. Y. 238.

Cited, Officers—Public—Appointment.

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Hathaway, Matter of, 24 Supp. 468.

Hathaway v. Brayman, 42 N. Y. 322.

Cited, Chattel Mortgage—Transfer of Possession—Mortgagee's Rights.

12 Misc. 92; (66 St. Rep. 669; 32 Supp. 1132).

Bathaway v. Cincinnatus, Town of, 62 N. Y. 434.

Cited, Action—For Money Had and Received—Principles Applicable.

89 Hun, 551; (69 St. Rep. 648; 35 Supp. 293). 89 Hun, 587; (69 St. Rep. 643; 35 Supp. 288).

Payment—Voluntary—What Constitutes.

4 App. Div. 156; (74 St. Rep. 682; 40 Supp. 125).

Hathaway v. Fitchburg R. Co., 49 St. Rep. 466; 20 Supp. 917.

Cited, Appeal—From Justice's Court—Award of New Trial.

69 Hun, 436; (52 St. Rep. 616).

Hathaway v. Hathaway, 37 Hun, 265.

Cited, Wills—Trusts—Income of Estate. 3 Misc. 471; (23 Supp. 737).

Hathaway v. Homer, Town of, 54 N. Y. 655.

Cited, Debtor and Creditor—Payment to Wrong Person—Effect on Obligation.

11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165).

Hathaway v. Howell, 54 N. Y. 97.

Cited, Judicial Sale—Conduct—Protection of Purchaser.

141 N. Y. 6; (56 St. Rep. 480). 2 Misc. 163; (50 St. Rep. 222; 21 Supp. 629).

Execution—Lien—Perfection.

12 App. Div. 493; (76 St. Rep. 803; 42 Supp. 803).

Hathaway v. Jenks, 67 Hun, 289; 50 St. Rep. 769; 22 Supp. 421.

Cited, Highways—Commissioners—Powers—Obstructions—Notice.

80 Hun, 50; (61 St. Rep. 343; 29 Supp. 809).

Hathaway v. Johnson, 55 N. Y. 93.

Cited, Statutes—Imprisonment for Debt—Strict Construction.

11 Misc. 276; (65 St. Rep. 455; 32 Supp. 261).

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16 App. Div. 478; (78 St. Rep. 955; 44 Supp. 955).

Hathaway v. Orient Ins. Co., 134 N. Y. 409; 48 St. Rep. 230.

Cited, Settlement—When and Upon Whom Binding.

77 Hun, 477; (60 St. Rep. 674; 29 Supp. 105). 86 Hun, 206; (67 St. Rep. 53; 33 Supp. 311).

Hathaway v. Orient Ins. Co., 33 St. Rep. 678; 11 Supp. 413.

Cited, Pleading—Capacity to Sue—Waiver.

13 Misc. 137; (68 St. Rep. 107; 34 Supp. 122).

Hathaway v. Payne, 34 N. Y. 92.

Cited, Deeds—Delivery—Sufficiency.

68 Hun, 494; (52 St. Rep. 651; 22 Supp. 1003). 79 Hun, 523; (61 St. Rep. 594; 29 Supp. 907). 18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517).

Gift—Delivery to Third Person.

10 Misc. 452; (63 St. Rep. 328; 31 Supp. 86).

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Gift—Delivery upon Condition—Time of Vesting.

10 Misc. 453; (63 St. Rep. 328; 31 Supp. 87).

Hathaway v. Power, 6 Hill, 453.

Cited, Deeds—Description—Reformation. 66 Hun, 448; (50 St. Rep. 136; 21 Supp. 419; 29 Abb. N. C. 419). 73 Hun, 375; (55 St. Rep. 911; 26 Supp. 158).

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12 Misc. 305; (67 St. Rep. 841; 34 Supp. 41).

Hathaway v. Russell, 45 Super. 538.

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Cited, Reference—Report—Account—Interlocutory Judgment.

87 Hun, 222; (67 St. Rep. 766; 33 Supp. 1030).

Hathaway v. Scott, 11 Paige, 173.

Cited, Affidavit—Subscription by Depo-
nent.

31 Supp. 469.

Hathaway v. Tuttle, 12 Week. Dig. 240.

Cited, Constitutional Law—Statutes—In-
corporation of Existing Law.

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Cited, Libel and Slander—Justification
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77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109). 16 App. Div. 83; (78 St. Rep. 1074; 44 Supp. 1074).

Hatt v. Hagaman, 12 Misc. 171; 66 St. Rep. 506; 33 Supp. 5.

Hatterman v. Siemain, 1 App. Div. 486; 72 St. Rep. 469; 37 Supp. 405.

Hatzel v. Hoffman House, 2 App. Div. 120; 73 St. Rep. 295; 37 Supp. 598.

Hatzung v. Syracuse, 92 Hun, 203; 71 St. Rep. 532; 36 Supp. 521.

Hauck v. Craighead, 4 Hun. 561.

Cited, Pleading—Variance—Immaterial. 10 Misc. 654; (64 St. Rep. 500; 31 Supp. 796). 29 Hun, 11; (69 St. Rep. 440; 35 Supp. 47).

Hauck v. Craighead, 67 N. Y. 432.

Cited, Bonds — Indemnity — Discharge. 138 N. Y. 207; (52 St. Rep. 147).
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Haulenbeck v. Coenen, 34 St. Rep. 689; 12 Supp. 1.

Cited, Fraud—What Constitutes—Intent
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70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133).

Haulenbeck v. McGibbon, 60 Hun, 26; 14 Supp. 393.

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tion—Attorney.

8 App. Div. 147; (40 Supp. 489.)

Haupt v. N. Y. C. & H. R. R. Co., 18 Misc. 594; 76 St. Rep. 477; 42 Supp. 477.

Haupt v. N. Y. C. & H. R. R. Co., 20 Misc. 291; 79 St. Rep. 666; 45 Supp. 666.

Hauptman v. Catlin, 20 N. Y. 247.

Cited, Statutes—Remedy.

20 Misc. 78; (79 St. Rep. 822; 45 Supp. 822).

Hauptmann v. First Nat. Bank of Brooklyn, 83 Hun, 78; 63 St. Rep. 847; 31 Supp. 364.

Hausauer v. Dahlman, 72 Hun, 607; 55 St. Rep. 139; 25 Supp. 277.

Cited, 79 St. Rep. 1090; (45 Supp. 1090).

Hausauer v. Dahlman, 79 St. Rep. 1088; 45 Supp. 1088.

Hauselt v. Gano, 1 Dem. 35.

Cited, Executors and Administrators—
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23 Supp. 844.

Hauselt v. Patterson, 124 N. Y. 349; 36 St. Rep. 354.

Cited, Descent—Debts of Ancestor—Lien. 61 St. Rep. 278; (29 Supp. 964).

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Hausmann v. Moore, 7 App. Div. 459; 39 Supp. 1089.

Cited, Action—Change of Venue—Transi-
tory Action. 15 App. Div. 93; (78 St. Rep. 290; 44 Supp. 290).

Haussknecht v. Smith, 11 App. Div. 185; 76 St. Rep. 611; 42 Supp. 611.

Hautemann v. Gray, 5 Civ. Pro. 224.

Cited, Pleading — Answer — Denials —
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Haux v. Dry Dock Savings Inst., 2 App. Div. 165; 73 St. Rep. 45; 37 Supp. 917.

Haux v. Dry Dock Savings Inst., 150 N. Y. 581.

Cited, Action—Preference on Calendar. 151 N. Y. 668.

Duplicate Citations in Parenthesis.

Hauxhurst v. Ritch, 119 N. Y. 621; 28 St. Rep. 675.

Cited, Costs — Disputed Claim — Reference.

8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670). 9 App. Div. 626; (75 St. Rep. 457; 41 Supp. 8).

Havemeyer, Matter of, 3 App. Div. 519; 73 St. Rep. 658; 38 Supp. 292.

Cited, Executors—Removal.

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Havemeyer, Matter of, 70 St. Rep. 177; 35 Supp. 480; 25 Civ. Pro. 59.

Havemeyer, Matter of, 39 Supp. 550.

Havemeyer, Matter of, 8 App. Div. 312; 75 St. Rep. 337; 40 Supp. 939.

Havemeyer v. Brooklyn Sugar R. Co., 26 Abb. N. C. 157; 13 Supp. 873.

Cited, Judgment—On Pleadings—When Granted.

20 Misc. 143; (79 St. Rep. 811; 45 Supp. 811).

Havemeyer v. Fuller, 60 How. 316.

Cited, Pleading — Special Damages — Necessity of Alleging Grounds.

14 Misc. 485; (70 St. Rep. 436; 35 Supp. 700).

Havemeyer v. Havemeyer, 43 Super. 606.

Cited, Appeal—Erroneous Instruction—When Prejudicial.

1 Misc. 473; (49 St. Rep. 619; 21 Supp. 638).

Corporations—Power of Majority—Election of Directors.

92 Hun. 237; (71 St. Rep. 798; 36 Supp. 681).

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Havemeyer v. Havemeyer, 44 Super. 170.

Cited, Costs—Payment of as Condition—What Included.

66 Hun. 46; (49 St. Rep. 604; 20 Supp. 734).

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92 Hun. 502; (72 St. Rep. 92; 36 Supp. 988).

Havemeyer v. Havemeyer, 48 Super. 104.

Disapproved, Costs—Taxation—Of Items Previously Paid as Terms.

69 Hun. 129; (52 St. Rep. 739; 23 Supp. 385). 6 Misc. 364; (27 Supp. 226). 6 Misc. 8; (58 St. Rep. 152; 26 Supp. 66).

Havemeyer v. Switzer, 15 Misc. 629; 72 St. Rep. 705; 37 Supp. 352.

Haven v. Meteer, 3 Misc. 617; 52 St. Rep. 450; 23 Supp. 192.

Haven v. Russell, 34 Supp. 292.

Havens, Matter of, 8 Misc. 574; 60 St. Rep. 686; 29 Supp. 1085; 24 Civ. Pro. 68.

Havens, Matter of, 17 St. Rep. 837.

Cited, Taxes—Transfer—Exemptions.

4 Misc. 231; (25 Supp. 109).

Havens v. Havens, 3 Supp. 219.

Cited, Contract — Implied — Board and Services—Near Relatives.

5 Misc. 157; (25 Supp. 721).

Havens v. Havens, 1 Sandf. Ch. 324.

Cited, Wills—Devise—In Lieu of Dower.

16 Misc. 101; (72 St. Rep. 530; 37 Supp. 250).

Havens v. Patterson, 43 N. Y. 218.

Cited, Contracts — Rescission — Restitution.

20 Misc. 45; (79 St. Rep. 330; 45 Supp. 330).

Havens v. Sackett, 15 N. Y. 365.

Cited, Contracts — Rescission — Retention of Benefits.

6 Misc. 588; (57 St. Rep. 583; 27 Supp. 629).

Estoppel—Equitable—Accepting Terms of Will—Title to Land.

7 Misc. 341; (58 St. Rep. 566; 28 Supp. 133).

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73 Hun. 114; (56 St. Rep. 135; 25 Supp. 941). 82 Hun. 209; (63 St. Rep. 783; 31 Supp. 333). 10 Misc. 494; (65 St. Rep. 249; 33 Supp. 170). 15 App. Div. 457; (78 St. Rep. 449; 44 Supp. 449).

Havens v. West Side El. L. & P. Co.,

44 St. Rep. 589; 17 Supp. 580.

Affirmed, 49 St. Rep. 771; 20 Supp. 764.

Cited, Mechanic's Lien — Consent of Owner.

14 App. Div. 569; (77 St. Rep. 1055; 43 Supp. 1055).

10 Misc. 379; (64 St. Rep. 121; 31 Supp. 438).

11 Misc. 95, 96; (66 St. Rep. 194, 196; 32 Supp. 812, 813).

Havens v. West Side El. L. & P. Co.,

49 St. Rep. 771; 20 Supp. 764.

Affirmed, 60 St. Rep. 874; 29 Supp. 1085.

Cited, Mechanic's Lien — Consent of Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020). 59 St. Rep. 553; (28 Supp. 649).

Duplicate Citations in Parenthesis.

Havens v. West Side El. L. & P. Co.,
60 St. Rep. 874; 29 Supp. 1085.

Havens v. West Side El. L. & P. Co.,
143 N. Y. 632.

Cited, Mechanic's Lien — Consent of Owner.

14 App. Div. 569; (77 St. Rep. 1055; 43 Supp. 1055).

Havens v. Willis, 17 Week. Dig. 372.

Cited, Mortgage—Consideration.

D. 71 Hun, 270; (54 St. Rep. 586; 24 Supp. 1030).

Haverly v. Becker, 4 N. Y. 169.

Cited, Lien—Equitable.

144 N. Y. 112; (63 St. Rep. 67).

Haviland, Matter of, 17 Misc. 193; 75 St. Rep. 372; 40 Supp. 973).

Haviland v. Halstead, 34 N. Y. 643.

Cited, Husband and Wife—Void Marriage—Existing Spouse.

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Haviland v. Price, 6 Misc. 372; 56 St. Rep. 402; 26 Supp. 757.

Cited, Brokers—Double Commission.

15 Misc. 153; (71 St. Rep. 436; 36 Supp. 484).

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17 Misc. 591; (75 St. Rep. 89; 40 Supp. 685).

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18 Misc. 192; (75 St. Rep. 701; 41 Supp. 291).

Haviland v. Willets, 141 N. Y. 35; 56 St. Rep. 562.

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14 Misc. 511; (70 St. Rep. 690; 35 Supp. 1065). 10 Misc. 627; (65 St. Rep. 341; 32 Supp. 217). 16 Misc. 622; (39 Supp. 56). 18 Misc. 131; (40 Supp. 1075). 19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73).

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149 N. Y. 439.

Hawes v. Dobbs, 44 St. Rep. 890; 18 Supp. 123.

Affirmed, 137 N. Y. 465; 51 St. Rep. 271.

Cited, Judgment—Conformity to Pleadings and Proofs.

4 Misc. 60; (53 St. Rep. 193; 23 Supp. 867). 11 Misc. 301; (65 St. Rep. 502; 32 Supp. 295; 1 Ann. Cas. 98).

Hawes v. Dobbs, 137 N. Y. 465; 51 St. Rep. 271.

Cited, Equity—Retention for Legal Relief—Right.

138 N. Y. 460; (53 St. Rep. 24). 81 Hun, 281; (62 St. Rep. 759; 30 Supp. 196). 18 Misc. 334; (76 St. Rep. 112; 42 Supp. 112). 16 App. Div. 51; (78 St. Rep. 1082; 44 Supp. 1082). 17 App. Div. 319; (79 St. Rep. 253; 45 Supp. 253).

Pleadings—Defenses—What Must Be Pleaded—Remedy at Law.

76 Hun, 604; (58 St. Rep. 258; 28 Supp. 202). 84 Hun, 147; (65 St. Rep. 807; 32 Supp. 538).

Hawes v. Foote, 9 Misc. 203; 60 St. Rep. 837; 29 Supp. 680.

Cited, Pleading—Bill of Particulars—Knowledge of Applicant.

82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496).

Hawes v. Whiteman, 10 Misc. 751; 31 Supp. 1128.

Hawk v. American News Co., 67 St. Rep. 501; 33 Supp. 848; 24 Civ. Pro. 255.

Hawk v. Thorn, 54 Barb. 164.

Cited, Action—Election of Remedies—Tort and Contract.

2 Misc. 119; (49 St. Rep. 230; 20 Supp. 874). 20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Hawke v. Hawke, 74 Hun, 370; 56 St. Rep. 415; 26 Supp. 803.

Hawke v. Hawke, 82 Hun, 439; 64 St. Rep. 789; 31 Supp. 968.

Cited, Trial—Direction of Verdict.

87 Hun, 246; (68 St. Rep. 468; 34 Supp. 317).

Hawker v. People, 75 N. Y. 487.

Cited, Indictment—Multiplying Counts—Same Transaction.

140 N. Y. 335; (55 St. Rep. 671). 7 App. Div. 538; (40 Supp. 244). 151 N. Y. 408.

Hawkins v. Beakes, 80 Hun, 292; 61 St. Rep. 830; 30 Supp. 91.

Affirmed, 150 N. Y. 562.

Hawkins v. Giles, 45 Hun, 318; 12 St. Rep. 426.

Cited, Landlord and Tenant—Lease—Crops.

D. 92 Hun, 609; (74 St. Rep. 474, 477).

Hawkins v. Mosher, 13 Hun, 563.

Cited, Contracts—Breach—Relief.

92 Hun, 296; (71 St. Rep. 782; 36 Supp. 715).

Hawkins v. N. Y., Lake Erie & W. R. Co., 55 Hun, 51; 28 St. Rep. 59.

Followed, 50 St. Rep. 937; 22 Supp. 1120.

Hawkins v. Pemberton, 51 N. Y. 198.

Cited, Sale—Warranty of Quality.

Duplicate Citations in Parenthesis.

66 Hun, 518; (50 St. Rep. 154; 21 Supp. 393). 2 Misc. 96; (49 St. Rep. 710; 20 Supp. 846). 2 Misc. 257; (50 St. Rep. 341; 21 Supp. 931). 9 Misc. 464; (61 St. Rep. 87; 30 Supp. 229). 19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Hawkins v. Peterson, 9 Week. Dig. 408.

Cited, Costs—Certificate That Case Involved Title to Land—Setting Aside.

67 Hun, 293; (50 St. Rep. 772; 22 Supp. 424).

Hawkins v. Smith, 91 Hun, 299; 71 St. Rep. 117; 36 Supp. 333.

Hawks v. Hincheliff, 17 Barb. 492.

Cited, Collateral Security—Disposition of—Effect on Debt.

136 N. Y. 160; (48 St. Rep. 857).

Hawks v. Munger, 2 Hill, 200.

Cited, Pleading—Non-Joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 147; 23 Civ. Pro. 25; 20 Supp. 862).

Hawley, Matter of, 100 N. Y. 206.

Cited, Surrogate's Courts—Decree; Power to Open, Vacate, etc.

72 Hun, 597; (55 St. Rep. 252; 25 Supp. 272). 73 Hun, 436; (56 St. Rep. 35; 26 Supp. 471). 78 Hun, 302; (61 St. Rep. 599; 29 Supp. 911). 3 Misc. 394; (24 Supp. 718).

Hawley, Matter of, 104 N. Y. 250; 5 St. Rep. 620.

Cited, Surrogate's Court—Jurisdiction—Trustees—Accounting.

78 Hun, 302; (61 St. Rep. 599; 29 Supp. 911).

Trusts — Creation—Testamentary Trustees.

4 Misc. 43; (24 Supp. 725).

Surrogate's Court—Jurisdiction—Burden of Showing.

6 App. Div. 41; (39 Supp. 738).

Executors—As Trustees.

15 Misc. 562; (74 St. Rep. 303; 37 Supp. 1133).

Hawley v. Bennett, 4 Paige 163.

Cited, Contempt—Violation of Injunction.

67 Hun, 255; (50 St. Rep. 904; 22 Supp. 426; 23 Civ. Pro. 120).

Hawley v. Bradford, 9 Paige 200.

Cited, Covenant — Effect — Breach—Enforcement.

135 N. Y. 223; (48 St. Rep. 396).

Hawley v. Brennan, 9 St. Rep. 505.

Cited, Lunatics—Enforcement of Legal Liabilities Against.

7 App. Div. 349; (39 Supp. 943).

Hawley v. Butler, 54 Barb. 490.

Cited, False Imprisonment—Arrest by Private Citizen.

2 Misc. 128; (49 St. Rep. 117; 20 Supp. 853).

Hawley v. Cramer, 4 Cow. 717.

Cited, Equity—Remedy at Law.

137 N. Y. 470; (51 St. Rep. 274).

Trusts—Trustees—Dealing With Property for Own Advantage.

69 Hun, 542; (53 St. Rep. 343; 23 Supp. 942). 23 Supp. 1052. 24 Supp. 135. 143 N. Y. 486; (62 St. Rep. 847).

Pleading—Parties—Necessary.

78 St. Rep. 920; (44 Supp. 920).

Hawley v. Davis, 5 Hun, 642.

Cited, Costs—Trial Fee—Inquest.

7 Misc. 543; (58 St. Rep. 320; 28 Supp. 61).

Hawley v. Foote, 19 Wend. 516.

Cited, Accord and Satisfaction—Tender and Acceptance.

15 Misc. 230; (71 St. Rep. 590; 36 Supp. 789).

Payment — Taking Note — Burden of Proof.

16 Misc. 555; (74 St. Rep. 265; 38 Supp. 747).

Hawley v. Gloversville, 4 App. Div.

343; 74 St. Rep. 513; 38 Supp. 647.

Hawley v. Hatter, 9 Hun, 134.

Cited, Trial—Erroneous Rulings on Evidence—Prejudice.

17 Misc. 160; (39 Supp. 329).

Hawley v. James, 5 Paige 318.

Reversed, 16 Wend. 61.

Cited, Dower—In What Property—Equitable Interests in Lands.

5 Misc. 128; (25 Supp. 728).

Dower — Ante-nuptial Release — Consideration.

67 Hun, 333; (51 St. Rep. 792; 22 Supp. 301).

Wills—Construction — Wish as to Disposition by Legatee—Trust.

68 Hun, 448; (52 St. Rep. 686; 23 Supp. 45). 13 App. Div. 345; (77 St. Rep. 19; 43 Supp. 19).

Wills—Trusts for Payment of Legacy—Charge on Land.

16 App. Div. 444; (79 St. Rep. 196; 45 Supp. 196).

Hawley v. James, 16 Wend. 61.

Cited, Estoppel — Equitable — Accepting Terms of Will—Title to Land.

7 Misc. 341; (58 St. Rep. 565; 28 Supp. 132).

Wills—Devise — Invalidity in Part — Intestacy.

Duplicate Citations in Parenthesis.

7 Misc. 339; (58 St. Rep. 566; 28 Supp. 133). 82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Wills—Trusts—Validity — Suspension of Power of Alienation.

24 Supp. 877; (30 Abb. N. C. 232). 3 Misc. 471; (23 Supp. 738). 70 Hun, 277; (54 St. Rep. 26; 24 Supp. 228). 4 Misc. 47; (25 Supp. 80). 7 Misc. 623; (59 St. Rep. 313; 28 Supp. 586). 140 N. Y. 529; (56 St. Rep. 470). 82 Hun, 485; (64 St. Rep. 192; 31 Supp. 557). 13 App. Div. 347; (77 St. Rep. 21; 43 Supp. 21).

Hawley v. Kountze, 16 Misc. 249; 73 St. Rep. 788; 38 Supp. 327.

Reversed, 6 App. Div. 217; 39 Supp. 897.

Hawley v. Kountze, 6 App. Div. 217; 39 Supp. 897.

Hawley v. Northern Central R. Co., 82 N. Y. 370.

Cited, Master and Servant — Safety of Place of Labor—Maintenance.

70 Hun, 454; (53 St. Rep. 681; 24 Supp. 390). 87 Hun, 45; (67 St. Rep. 487; 33 Supp. 871).

Master and Servant — Risks Assumed — Express Orders.

3 Misc. 528; (52 St. Rep. 419; 23 Supp. 4).

Hawley v. Ross, 7 Paige, 103.

Cited, Trusts — Personalty — Death of Trustee.

2 App. Div. 570; (74 St. Rep. 320; 37 Supp. 1026).

Hawthorne v. Coursen, 18 Misc. 447; 75 St. Rep. 1365; 41 Supp. 995.

Hawver v. Bell, 141 N. Y. 140; 56 St. Rep. 674.

Evidence—Value—Price.

14 Misc. 526; (70 St. Rep. 698; 35 Supp. 1101). 19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

Hawver v. Wright, 79 St. Rep. 659; 45 Supp. 659.

Hawxhurst v. New York, 43 Hun, 588; 6 St. Rep. 637.

Cited, Towns—Bridges Between—Joint Liability.

87 Hun, 544; (68 St. Rep. 36; 35 Supp. 284).

Haxtun, Matter of, 102 N. Y. 157.

Cited, Surrogate's Court — Jurisdiction—Contested Claims.

1 Misc. 38; (22 Supp. 908). 8 Misc. 578; (60 St. Rep. 688; 29 Supp. 1087; 24 Civ. Pro. 73). 11 Misc. 231; (66 St. Rep. 556; 32 Supp. 1102).

Haxtum v. Bishop, 3 Wend. 13.

Cited, Assignment for Creditors—Corporations.

4 Misc. 245; (24 Supp. 693). 56 St. Rep. 505.

Corporations—Receivers—Representative of Whom.

65 St. Rep. 99; (31 Supp. 1004).

Haxtum v. Corse, 2 Barb. Ch. 506.

Cited, Wills—Disinheritance of Heir.

79 St. Rep. 938; (45 Supp. 938). D. 151 N. Y. 348.

Hay v. Cohoes Co., 2 N. Y. 159.

Cited, Nuisance—Blasting—Right—Negligence.

140 N. Y. 278; (55 St. Rep. 663). 80 Hun, 297; (61 St. Rep. 830; 30 Supp. 90). 10 App. Div. 441; (75 St. Rep. 1432; 41 Supp. 1086; 3 Ann. Cas. 327).

Nuisance—Lawful Acts Done in Unlawful Manner.

21 Supp. 108.

Trespass—Resulting from Acts on Adjoining Land.

2 Misc. 433; (51 St. Rep. 216; 22 Supp. 184). D. 8 App. Div. 613; (40 Supp. 476).

Hay v. Cohoes Co., 3 Barb. 42.

Cited, D. 8 App. Div. 286; 75 St. Rep. 45; 40 Supp. 647.

Hay v. Cole, 90 Hun, 258; 70 St. Rep. 586; 35 Supp. 950.

Hay v. Hay, 13 Hun, 315.

Cited, Equity—Relief—Offer to Do Equity—Pleading.

9 Misc. 325; (60 St. Rep. 447; 30 Supp. 262).

Hay v. Jackele, 90 Hun, 114; 70 St. Rep. 515; 35 Supp. 650.

Hay v. Muller, 7 Misc. 670; 58 St. Rep. 342; 28 Supp. 57; 23 Civ. Pro. 221.

Affirming, 6 Misc. 621; 26 Supp. 1135.

Hay v. Platt, 66 Hun, 488; 50 St. Rep. 158; 21 Supp. 362.

Cited, Brokers — Real Estate — Commissions.

84 Hun, 290; (65 St. Rep. 541; 32 Supp. 306). 19 Misc. 519; (77 St. Rep. 1057; 43 Supp. 1057).

Hay v. Star F. Ins. Co., 77 N. Y. 235.

Cited, Limitation of Action—When Statute Runs—Notice—Claims Against Municipality.

77 Hun, 38; (59 St. Rep. 443; 28 Supp. 230).

Insurance — Non-delivery of Policy — Availability of Limitation Clause.

92 Hun, 535; (72 St. Rep. 211; 37 Supp. 58).

Duplicate Citations in Parenthesis.

Insurance—Policy—Duty of Insured to Read.

7 App. Div. 581; (40 Supp. 304).

Insurance—Policy—Reformation.

7 App. Div. 586; (40 Supp. 308).

Insurance—Commencement of Action—Limitation.

D. 9 App. Div. 357; (75 St. Rep. 734; 41 Supp. 320). 19 Misc. 463; (78 St. Rep. 565; 44 Supp. 565).

Hayden, Matter of, 54 Hun. 197; 26 St. Rep. 911; 7 Supp. 313.

Affirmed, 125 N. Y. 776; 36 St. Rep. 1011.

Cited, Executors — Commissions — Rein-vestments—Removal.

140 N. Y. 262; (55 St. Rep. 409) (51 St. Rep. 737; 22 Supp. 3). 51 St. Rep. 557.

Executors—Compensation—Resignation.

67 St. Rep. 664; (33 Supp. 982).

Executors—Compensation—Extra.

13 Misc. 672; (69 St. Rep. 656; 35 Supp. 301).

Hayden, Matter of, 77 Hun. 219; 59 St. Rep. 488; 28 Supp. 357.

Hayden v. Bucklin, 9 Paige, 512.

Cited, Judgment Creditor's Action—Transfer by Debtor Pending.

8 App. Div. 558; (75 St. Rep. 282; 40 Supp. 887).

Hayden v. Demets, 53 N. Y. 426.

Cited, Damages—Measure—Contract of Sale.

140 N. Y. 75; (55 St. Rep. 265). 82 Hun, 525; (64 St. Rep. 391; 31 Supp. 705). 19 Misc. 584; (77 St. Rep. 679; 43 Supp. 679).

Sale—Transfer of Title—Goods From un-ascertained Lot—Measurement.

9 Misc. 354; (60 St. Rep. 621; 29 Supp. 703).

Sale—Delivery—Tender.

12 Misc. 142; (66 St. Rep. 360; 32 Supp. 1076). 87 Hun, 560; (68 St. Rep. 489; 34 Supp. 482).

Sale—Refusal to Accept—Rights of Ven-
dor.

12 Misc. 543; (67 St. Rep. 272; 33 Supp. 610).

Hayden v. Hayden, 8 App. Div. 547; 75 St. Rep. 259; 40 Supp. 865.

Hayden v. Mathews, 4 App. Div. 338; 74 St. Rep. 589; 38 Supp. 905.

Hayden v. National Bank of N. Y., 130 N. Y. 146.

Cited, Attachment—Extent of Lien—No-
tice.

16 App. Div. 354; (78 St. Rep. 1028; 44
Supp. 1028).

Attachment—Levy—Defective.

80 Hun, 594; (63 St. Rep. 554; 30 Supp. 558. 24 Civ. Pro. 94); 14 Misc. 387, 388; (70 St. Rep. 744; 35 Supp. 1070. 25 Civ. Pro. 157, 158).

Hayden v. Pierce, 71 Hun, 593; 55 St. Rep. 177; 25 Supp. 55.

Affirmed, 144 N. Y. 512; 64 St. Rep. 42; 1
Ann. Cas. 205.

Hayden v. Pierce, 144 N. Y. 512; 64 St. Rep. 42; 1 Ann. Cas. 205.

Cited, Pleading—Statute of Limitations.
1 App. Div. 3.6; (72 St. Rep. 587; 37 Supp. 26).

Limitation of Action—Suspension—Exec-
utors.

145 N. Y. 424; (65 St. Rep. 350). D. 9
App. Div. 351; (75 St. Rep. 729; 41 Supp. 316).

Statutes—Construction—Legislative In-
tent.

19 Misc. 342; (78 St. Rep. 292; 44 Supp. 292).

Hayden v. Platt, 84 Hun, 487; 65 St. Rep. 875; 32 Supp. 1144.

Hayden v. Post, 12 Misc. 204; 67 St. Rep. 88; 33 Supp. 269.

Hayden v. State, 132 N. Y. 533; 44 St. Rep. 911.

Cited, Eminent Domain—Appropriation
of Waters—Ascertainment and Description
of Quantity.

86 Hun, 456; (67 St. Rep. 714; 33 Supp. 938).

Hayden v. Van Cortlandt, 84 Hun, 150; 65 St. Rep. 836; 32 Supp. 507.

Distinguished, Discovery.

88 Hun, 559; (68 St. Rep. 803; 34 Supp. 852; 2 Ann. Cas. 204).

Hayden v. Wheeler & Tappan Co., 49 St. Rep. 240; 20 Supp. 902.

Haydock v. Coope, 53 N. Y. 68.

Cited, Assignment for Creditors—Fraud-
ulent Preference.

1 App. Div. 81; (72 St. Rep. 217; 37 Supp. 64).

Assignment for Creditors—Impeachment
by Creditor—Estoppel.

148 N. Y. 232.

Haydock v. Stow, 40 N. Y. 363.

Cited, Contracts—Statute of Frauds—
Sufficiency of Writing—Sale.

57 St. Rep. 458; (27 Supp. 821).

Principal and Agent—Agent's Authority
—Sale.

8 Misc. 250; (59 St. Rep. 231; 28 Supp. 727). 14 Misc. 324; (70 St. Rep. 681; 35
Supp. 1056).

Agency—Ratification—Writing.

16 Misc. 87; (73 St. Rep. 253; 37 Supp. 672).

Duplicate Citations in Parenthesis.

Hayes v. Bainbridge, 61 St. Rep. 853; 30 Supp. 148.

Hayes v. Ball, 72 N. Y. 418.

Cited, Slander—Words—Meaning Intended—Question for Jury.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Slander—Words Actionable per se—Explanation.

91 Hun, 589; (70 St. Rep. 827; 36 Supp. 252).

Hayes v. Beard, 13 Supp. 692.

Cited, Arrest—Vacation.

2 App. Div. 339; (73 St. Rep. 64; 37 Supp. 851; 3 Ann. Cas. 42).

Hayes v. Beardsley, 136 N. Y. 299; 49 St. Rep. 392.

Hayes v. Bement, 3 Sandf. 394.

Cited, Partnership—Special Partner—Rights as Creditor.

11 App. Div. 313; (76 St. Rep. 504; 42 Supp. 504).

Hayes v. Bush & D. Mfg. Co., 41 Hun, 407; 3 St. Rep. 136.

Cited, Master and Servant—Rules—Question for Jury.

91 Hun, 301; (71 St. Rep. 61; 36 Supp. 294). Master and Servant—Appliances—Liability of Master.

2 App. Div. 63; (72 St. Rep. 504; 37 Supp. 318). 2 App. Div. 72; (72 St. Rep. 511; 27 Supp. 325).

Hayes v. Bush & D. Mfg. Co., 102 N. Y. 648.

Cited, Master and Servant—Minors—Assumption of Risk.

11 Misc. 550; (64 St. Rep. 448; 32 Supp. 751).

Hayes v. Carr, 44 Hun, 372; 8 St. Rep. 824.

Cited, Judgments—Set-off—Attorney.

72 St. Rep. 804; (38 Supp. 176; 1 Ann. Cas. 193).

Hoyes v. Consolidated Gas Co., 143 N. Y. 641; 60 St. Rep. 480.

See 59 St. Rep. 893; 28 Supp. 1140.

Cited, Trial—Denial of Relief Asked—Remedy.

88 Hun, 446; (68 St. Rep. 394; 34 Supp. 405). 16 Misc. 579; (74 St. Rep. 175; 38 Supp. 767).

Trial—Preference on Calendar—Denial—Remedy.

16 Misc. 553, 552; (74 St. Rep. 773, 774; 38 Supp. 879, 880).

Hayes v. Davidson, 98 N. Y. 19.

Cited, Action—Parties—Substitution—Sheriff's Indemnitors.

7 Misc. 46; (57 St. Rep. 63; 27 Supp. 355). 16 Misc. 670; (39 Supp. 130; 25 Civ. Pro. 284).

Action—Parties—Substitution—Discretion—Strict Construction.

2 Misc. 192; (50 St. Rep. 203; 21 Supp. 763). D. 1 Misc. 224; (49 St. Rep. 222; 21 Supp. 468).

Hayes v. Forty-Second St. & Grand St. Ferry R. Co., 97 N. Y. 259.

Cited, Street Railways—Injuries to Passengers—Negligence—Contributory.

9 Misc. 278; (61 St. Rep. 151; 29 Supp. 726). 90 Hun, 420; (70 St. Rep. 623; 35 Supp. 919).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 176; (49 St. Rep. 638; 21 Supp. 640).

Hayes v. Gross, 9 App. Div. 12; 75 St. Rep. 417; 40 Supp. 1098.

Cited, Bailment—Loss of Article—Recovery for Services Upon.

18 Misc. 207; (75 St. Rep. 782; 41 Supp. 372).

Hayes v. Kedsie, 11 Hun, 577.

Cited, Principal and Agent—Ratification—Extent.

74 Hun, 280; (56 St. Rep. 346; 26 Supp. 811).

Appeal—Justice's Court—New Trial—Pleadings.

92 Hun, 187; (71 St. Rep. 645; 36 Supp. 592).

Hayes v. Kerr, 2 Misc. 164; 50 St. Rep. 215; 21 Supp. 793.

Hayes v. Kerr, 79 St. Rep. 1050; 45 Supp. 1050.

Hayes v. Kershow, 1 Sandf. Ch. 258.

Cited, Real Property—Conveyance—Consideration.

135 N. Y. 44; (48 St. Rep. 253).

Hayes v. Mestaniz, 9 Misc. 705; 61 St. Rep. 729; 29 Supp. 1114.

Affirmed, 150 N. Y. 566.

Hayes v. Mestaniz, 2 App. Div. 135; 37 Supp. 743.

Hayes v. N. Y. C. & H. R. R. Co., 20 Week. Dig. 237.

Cited, Railroads—Passenger—Ejection—84 Hun, 310; (65 St. Rep. 491; 32 Supp. 333).

Hayes v. Nourse, 114 N. Y. 595; 24 St. Rep. 569.

Distinguished, Vendor and Purchaser—Defective Title—Recovery of Payments.

50 St. Rep. 812; (21 Supp. 855).

Duplicate Citations in Parenthesis.

Cited, Specific Performance — Absolute Right to.

50 St. Rep. 813; (21 Supp. 886).

Vendor and Purchaser—Defective Title—Lis Pendens.

3 Misc. 253; (51 St. Rep. 909; 22 Supp. 757). 8 Misc. 128; (59 St. Rep. 525; 28 Supp. 486). 84 Hun. 455; (65 St. Rep. 601; 32 Supp. 396). 12 Misc. 424; (67 St. Rep. 328; 33 Supp. 622). 10 App. Div. 542; (76 St. Rep. 61; 42 Supp. 61). 17 App. Div. 150; (79 St. Rep. 301; 45 Supp. 301).

Vendor and Purchaser—Title.

79 St. Rep. 429; (45 Supp. 429).

Action—Revival—Laches.

17 Misc. 104; (39 Supp. 500).

11 App. Div. 49; (39 Supp. 500).

Hayes v. Nourse, 25 Abb. N. C. 95; 28 St. Rep. 167.

Cited, Appeal—Restitution.

11 Misc. 268, 269; (65 St. Rep. 435; 32 Supp. 251, 252). 146 N. Y. 348; (66 St. Rep. 650).

Hayes v. Reese, 34 Barb. 151.

Cited, Judgment — Conclusiveness — Extent.

73 Hun. 284; (57 St. Rep. 275; 26 Supp. 298).

Partnership — Assignment of Partner's Interest—What Passes.

85 Hun. 594; (66 St. Rep. 794; 33 Supp. 122).

Hayes v. St. Mary's Lodging House, 89 Hun. 27; 69 St. Rep. 109; 34 Supp. 996.

Cited, Pleading—Bill of Particulars—Disclosure of Evidence.

8 App. Div. 306; (75 St. Rep. 356; 40 Supp. 955).

Hayes v. Third Ave. R. Co., 18 Misc. 582; 76 St. Rep. 703; 42 Supp. 703.

Hayes v. Ward, 4 Johns. Ch. 123.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun. 467; (52 St. Rep. 901; 24 Supp. 223).

Haynes, Matter of, 18 Wend. 611.

Cited, Attachment—Affidavits—Information and Belief.

67 Hun. 204; (51 St. Rep. 519; 22 Supp. 65).

Haynes v. Aldrich, 133 N. Y. 287; 45 St. Rep. 243.

Cited, Landlord and Tenant—Lease—Surrender.

5 Misc. 352; (55 St. Rep. 163; 25 Supp. 517). 5 Misc. 266; (25 Supp. 107). 10 Misc., 780. 63 St. Rep. 869; 30 Supp. 1130).

Landlord and Tenant—Holding Over—Renewal.

10 Misc. 661; (64 St. Rep. 304; 31 Supp. 679).

65 St. Rep. 786, 787.

12 Misc. 350; (67 St. Rep. 350; 33 Supp. 655; 2 Ann. Cas. 27). 1 App. Div. 506; (72 St. Rep. 614; 37 Supp. 289). 18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32). 9 App. 1094; (75 St. Rep. 1099; 41 Supp. 709; 3 Ann. Cas. 843). 18 Misc. 190; (75 St. Rep. 700; 41 Supp. 290). 18 Misc. 558; (76 St. Rep. 472; 42 Supp. 472; 3 Ann. Cas. 380). 19 Misc. 526; (77 St. Rep. 1063; 43 Supp. 1063). 19 Misc. 491, 496; (77 St. Rep. 1104, 1107; 43 Supp. 1104, 1107).

Haynes v. American Popular Life Ins. Co., 69 N. Y. 439.

Cited, Insurance—Claim of Forfeiture—Remedies of Insured.

17 Misc. 368; (39 Supp. 1060).

Haynes v. Brooks, 116 N. Y. 487; 27 St. Rep. 478.

Cited, Assignment—For Creditors—Application of Firm Property to Individual Debts.

72 Hun. 2; (55 St. Rep. 337; 25 Supp. 576).

Haynes v. Hart, 42 Barb. 58.

Cited, Contracts—Rescission—Restitution.

20 Misc. 45; (79 St. Rep. 330; 45 Supp. 330).

Haynes v. Hatch, 39 St. Rep. 805; 15 Supp. 615.

Cited, Examination Before Trial—Privilege.

88 Hun. 312; (68 St. Rep. 570; 34 Supp. 751).

Haynes v. McKee, 18 Misc. 361; 75 St. Rep. 941; 41 Supp. 553.

Haynes v. McKee, 19 Misc. 511; 77 St. Rep. 1126; 43 Supp. 1126.

Haynes v. Mosher, 15 How. 216.

Cited, Costs—Witness Fees—Witnesses Not Called.

74 Hun. 541; (57 St. Rep. 188; 26 Supp. 830). 8 Misc. 422; (59 St. Rep. 35; 28 Supp. 664).

Haynes v. Onderdonk, 5 T. & C. 176.

Cited, Action — Commencement — Summons—Service.

6 Misc. 251; (57 St. Rep. 765; 27 Supp. 161). 80 Hun. 393; (62 St. Rep. 46; 30 Supp. 318).

Haynes v. Sherman, 117 N. Y. 433; 27 St. Rep. 254.

Cited, Trusts—Validity—Perpetuities.

70 Hun. 271; (53 St. Rep. 897; 24 Supp. 31). 71 Hun. 144; (54 St. Rep. 758; 25 Supp. 47). 6 Misc. 379; (56 St. Rep. 339; 26 Supp. 745). 146 N. Y. 199; (66 St. Rep. 536). 7 App. Div. 439; (75 St. Rep. 410; 40 Supp. 1024).

Duplicate Citations in Parenthesis.

Wills — Trusts—Validity — Disregarding Facts to Validate.

21 Supp. 435.

Hays v. Hathorn, 74 N. Y. 486.

Cited, Bills and Notes—Ownership.

4 Misc. 72; (53 St. Rep. 129; 23 Supp. 786).

17 Misc. 34; (39 Supp. 211).

Bills and Notes—Who May Sue On—Real Party in Interest.

18 Misc. 588; (76 St. Rep. 240; 42 Supp. 240).

Bills and Notes—Ownership—Presumption from Possession.

11 Misc. 140; (65 St. Rep. 115; 31 Supp. 1022; 24 Civ. Pro. 303).

Bills and Notes—Transfer—Validity.

17 Misc. 136; (39 Supp. 341).

Evidence—Consideration—Assignment of Chose in Action.

18 Misc. 180; (75 St. Rep. 967; 41 Supp. 576). 18 Misc. 246; (41 Supp. 608).

Hays v. Hibbard, 3 Redf. 28.

Cited, Wills — Ademption—Application of Doctrine to Residuary Bequests.

1 Misc. 63; (23 Supp. 138).

Hays v. Midas, 104 N. Y. 602.

Cited, Sale—Rights of Vendor—Election of Remedies.

11 App. Div. 231; (76 St. Rep. 972; 42 Supp. 972).

Hays v. People, 1 Hill, 351.

Cited, Assault—What Constitutes.

6 App. Div. 201; (39 Supp. 953).

Hays v. Phoenix Ins. Co., 57 Super.

199; 25 St. Rep. 123; 6 Supp. 3.

Affirmed, 127 N. Y. 656; 38 St. Rep. 1015.

Distinguished, Lunatic—Negligence.

143 N. Y. 452; (62 St. Rep. 457).

Hays v. Phoenix Ins. Co., 127 N. Y.

656; 38 St. Rep. 1015.

Followed, 49 St. Rep. 916; (20 Supp. 984).

Hays v. Stone, 7 Hill, 128.

Cited, Guaranty — Departure — Ratification.

69 Hun, 364; (52 St. Rep. 695; 23 Supp. 627).

Hayward v. Barron, 46 St. Rep. 665; 19 Supp. 383.

Cited, Appeal—Facts—Conflict of Evidence.

7 Misc. 183; (57 St. Rep. 525; 27 Supp. 321).

Partnership—What Constitutes.

12 Misc. 124; (66 St. Rep. 678; 33 Supp. 45).

Hayward v. Hood, 39 Hun, 596.

Cited, Injunction—Perpetual Stay of Prior Action.

139 N. Y. 118; (54 St. Rep. 642).

Hayward v. Sayer, 45 Hun, 595.

Cited, Witness—Credibility.

3 App. Div. 128; (39 Supp. 394).

Hayward Homestead Tract Ass'n

v. Miller, 6 Misc. 254; 26 Supp. 1091.

Haywood v. Judson, 4 Barb. 228.

Cited, Partition—Sale of Entire Tract.

50 St. Rep. 882.

Haywood v. Townsend, 4 App. Div.

246; 73 St. Rep. 608; 38 Supp. 517.

Hazard, Matter of, 73 Hun, 22; 56 St.

Rep. 82; 25 Supp. 928.

Affirmed, 141 N. Y. 536; 58 St. Rep. 865.

Distinguished, Executions—Payment of

Claims—Judgments—Order of Payment.

8 Misc. 346; (60 St. Rep. 448; 29 Supp. 317).

Cited, Judgments—Lien—Priority.

83 Hun, 203; (63 St. Rep. 858; 31 Supp. 410).

Hazard v. Birdsall, 40 St. Rep. 707; 61

Hun, 208; 16 Supp. 30.

Cited, Pleading — Bill of Particulars — Disclosure of Evidence.

82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496).

Hazard v. Caswell, 93 N. Y. 259.

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54 St. Rep. 574; (24 Supp. 1084).

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5 Misc. 389; (25 Supp. 859).

Hazard v. Fiske, 83 N. Y. 287.

Cited, Sale—Bills of Lading—Title—Advance of Purchase Money.

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Hazard v. Wilson, 3 Abb. N. C. 50.

Cited, Costs—Payment.

16 Misc. 514; (74 St. Rep. 46; 38 Supp. 526).

Hazelwood v. Staring, 142 N. Y. 673;

60 St. Rep. 871.

Hazman v. Hoboken Land & Imp. Co., 50 N. Y. 53.

Cited, Appeal — Evidence, Power to Review.

1 Misc. 287; (48 St. Rep. 758; 20 Supp. 694). 151 N. Y. 320.

Hazzard v. Flury, 120 N. Y. 223; 30 St.

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Cited, Malicious Prosecution — Probable Cause.

5 Misc. 554; (26 Supp. 59). 8 App. Div. 336; (75 St. Rep. 219; 40 Supp. 832).

Duplicate Citations in Parenthesis.

Trial — Questions of Law and Fact — Probable Cause for Malicious Prosecution.

2 Misc. 306; (51 St. Rep. 571; 21 Supp. 1000). 92 Hun, 560; (72 St. Rep. 74; 36 Supp. 970).

Hazzard v. Hoxie, 53 Hun, 417; 25 St. Rep. 50; 6 Supp. 295.

Cited, Contracts — Performance—Entire.

14 Misc. 14; (69 St. Rep. 499; 35 Supp. 126).

H. B. Claffin Company v. Arnheim, 87 Hun, 236; 67 St. Rep. 723; 33 Supp. 1037; 1 Ann. Cas. 391.

H. C. Miner Lithographing Co. v. Canary, 20 Misc. 664.

Heacock, Matter of, 18 Misc. 311; 41 Supp. 161.

Head v. Wollner, 53 Hun, 615; 23 St. Rep. 645; 6 Supp. 916.

Cited, Attachment—Impeachment—Supplemental Affidavits.

51 St. Rep. 42; (22 Supp. 1097).

Head's Iron Foundry v. Sanders, 77 Hun, 432; 60 St. Rep. 17 28 Supp. 808.

Headfin v. Cooper, 6 Misc. 263; 58 St. Rep. 130; 26 Supp. 763.

Heady, Matter of, 15 Abb. N. S. 211.

Cited, Wills — Form — Attestation—Blanks.

4 Misc. 26; (24 Supp. 839). 9 Misc. 577; (62 St. Rep. 227; 30 Supp. 850).

Heagle v. Syracuse, 10 Misc. 336; 63 St. Rep. 534; 31 Supp. 283.

Heald v. MacGowan, 5 Supp. 450.

Cited, Evidence—Value—Cost.

19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

Healey v. Brooklyn Heights R. Co., 79 St. Rep. 393; 45 Supp. 393.

Healey v. Hart Bagging Co., 39 St. Rep. 122; 14 Supp. 934.

Cited, Master and Servant—Instructions in Use of Machinery.

1 Misc. 389; (49 St. Rep. 641; 21 Supp. 427).

Healey v. Terry, 26 St. Rep. 929; 7 Supp. 321.

Cited, Appeal—Case—Re Settlement on.

1 Misc. 2; (48 St. Rep. 637; 20 Supp. 617).

Health Department of N. Y. v. Hamm, 4 Misc. 602; 24 Supp. 730.

Health Department of N. Y. v. Knoll, 70 N. Y. 530.

Cited, Statutes—Penal—Strict Construction.

30 Abb. N. C. 119; (24 Supp. 938).

Health Department of N. Y. v. O'Reilly, 49 Super. 524.

Cited, Appeal — Dismissal — Abstract Questions.

4 Misc. 613; (53 St. Rep. 523; 24 Supp. 357).

Health Department of N. Y. v. Purdon, 99 N. Y. 237.

Cited, Injunction — Denial—Absence of Serious Injury.

149 N. Y. 173.

Health Department of N. Y. v. Rec-tor, etc. Trinity Church of N. Y., 145 N. Y. 32; 64 St. Rep. 507; 1 Ann. Cas. 241.

Cited, Board of Health—Ordinances—Violation—Punishment.

87 Hun, 64; (67 St. Rep. 681; 33 Supp. 951).

Board of Health—Police Regulations—Enactment.

87 Hun, 64; (67 St. Rep. 681; 33 Supp. 951).

Constitutional Law—Police Regulations—Validity.

14 Misc. 333; (71 St. Rep. 73; 36 Supp. 125). 12 App. Div. 260; (76 St. Rep. 693; 42 Supp. 693). 19 Misc. 493; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381). 20 Misc. 40; (79 St. Rep. 326; 45 Supp. 326). 149 N. Y. 201. 149 N. Y. 459. 153 N. Y. 197.

Nuisance — Determination of Board of Health—Conclusiveness.

20 Misc. 40; (79 St. Rep. 326; 45 Supp. 326).

Health Department of N. Y. v. Rec-tor, etc., of Trinity Ch., 43 St. Rep. 142; 17 Supp. 510.

Reversed, 145 N. Y. 32; 64 St. Rep. 507.

Cited, Municipal Corporations — Ordinances—Penalties.

4 Misc. 204; (53 St. Rep. 492; 23 Supp. 1023).

Healy v. Brandon, 66 Hun, 515; 50 St. Rep. 152; 21 Supp. 890.

Affirmed, 142 N. Y. 681; 60 St. Rep. 871.

Healy v. Clark, 120 N. Y. 642; 30 St. Rep. 897.

Cited, Appeal—Findings of Fact—Exception.

88 Hun, 147; (63 St. Rep. 530; 34 Supp. 608).

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20 Misc., 558.

Heaney v. Long Island R. Co., 112 N. Y. 122; 20 St. Rep. 296.

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 Railroads—Crossings—Duty of Traveler. 67 Hun, 585; (51 St. Rep. 248; 22 Supp. 465). 71 Hun, 580; (55 St. Rep. 93; 24 Supp. 1071). 83 Hun, 274; (65 St. Rep. 66; 31 Supp. 1035). 17 App. Div. 180; (79 St. Rep. 304; 45 Supp. 304). 17 App. Div. 222; (79 St. Rep. 542; 45 Supp. 542). 79 St. Rep. 1111; (45 Supp. 1111).
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Heard v. Horton, 1 Den. 165.
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Hearn, Matter of, 96 N. Y. 378.
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Heartley v. Nicholson, 44 Law J. Ch. 277.
Cited, Trusts—Implied—Control of Property. 7 Misc. 369; (59 St. Rep. 652; 27 Supp. 633).
Heartt v. Corning, 3 Paige, 566.
Cited, Partnership — Partners — Account Stated. 77 St. Rep. 153; (43 Supp. 153).
Heartt v. Kruger, 25 St. Rep. 686.
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Heartt v. Kruger, 121 N. Y. 386; 31 St. Rep. 521.
Cited, Easements—Duration. 84 Hun, 162; (65 St. Rep. 731; 32 Supp. 447).
Heath, Matter of, 46 Hun, 114; 11 St. Rep. 627.
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 Assignment for Creditors—Preference—Wages—Note. 89 Hun, 94; (69 St. Rep. 90; 34 Supp. 1032; 3 Ann. Cas. 2).

Heath, Matter of, 3 Hill, 42.
Cited, Officers—Taking Oath of Office—Before Whom. 73 Hun, 406; (55 St. Rep. 772; 26 Supp. 282).
 Statutes — Construction — Time for Performance of Act. 5 App. Div. 575; (39 Supp. 376).
Heath v. Barmore, 50 N. Y. 302.
Cited, Highways—Turnpike Roads. 151 N. Y. 194.
Heath v. Glens Falls, Sandy Hill & Fort Edward Street R. Co., 86 Hun, 620; 66 St. Rep. 869; 33 Supp. 1129.
Cited, Negligence—Question of Fact. 90 Hun, 561; (71 St. Rep. 30; 36 Supp. 23).
Heath v. Glens Falls, Sandy Hill & Fort Edward Street R. Co., 90 Hun, 590; 71 St. Rep. 29; 36 Supp. 22.
Heath v. Heath, 18 Misc. 521; 76 St. Rep. 1087; 42 Supp. 1087.
Heath v. Hewitt, 127 N. Y. 166; 38 St. Rep. 687.
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 Contracts—Construction. 84 Hun, 93; (65 St. Rep. 242; 32 Supp. 79).
 Insurance—Beneficiary of Benefit Certificate—Who are "Legal Heirs." 66 Hun, 301; (49 St. Rep. 240; 20 Supp. 935).
Heath v. Mahoney, 7 Hun, 100.
Cited, Infants—Contracts—Fraud. D. 4 App. Div. 584; (74 St. Rep. 833; 38 Supp. 1021).
Heath v. Metropolitan Exhibition Co., 11 Supp. 357.
Cited, Negligence—Maintenance of Safe Place—Duty Respecting. 15 Misc. 88; (71 St. Rep. 514; 36 Supp. 455).
Heath v. New York Bldg. Loan Banking Co., 84 Hun, 302; 65 St. Rep. 639; 32 Supp. 454.
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Duplicate Citations in Parenthesis.

Heath v. New York Bldg. Loan Banking Co., 146 N. Y. 260; 66 St. Rep. 632.

Cited, 91 Hun, 171; (71 St. Rep. 137; 36 Supp. 213).

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3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1072).

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150 N. Y. 334; (3 Ann Cas. 263).

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92 Hun, 85; (71 St. Rep. 807; 36 Supp. 639).

Heath v. New York Building Loan Banking Co., 91 Hun, 170; 71 St. Rep. 136; 36 Supp. 213.

Heath v. Ross, 12 Johns. 140.

Cited, Title — Relation — Application to Strangers.

89 Hun, 212; (69 St. Rep. 46; 34 Supp. 985).

Heather, Matter of, 15 Abb. N. C. 194.

Cited, Executors Management of Estate — Accounting—Counsel Fees.

5 Misc. 141; (25 Supp. 707).

Heatherington v. Martens, 73 Hun, 611; 57 St. Rep. 267; 26 Supp. 115.

Heaton v. Leonard, 69 Hun, 423; 52 St. Rep. 629; 23 Supp. 469.

Heavey v. Hudson R.W. P. & Paper Co., 57 Hun, 339; 10 Supp. 585.

Cited, Master and Servant—Negligence—Instruction.

76 St. Rep. 1108; (42 Supp. 1108).

Hebbard v. Haughian, 70 N. Y. 54.

Cited, Witness—Privileged Communication—Attorney.

82 Hun, 384; (63 St. Rep. 596; 31 Supp. 278). 19 Misc. 612; (78 St. Rep. 401; 44 Supp. 401).

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83 Hun, 402; (64 St. Rep. 426; 31 Supp. 756). D. 147 N. Y. 472; (70 St. Rep. 65). 145 N. Y. 665; (71 St. Rep. 316). 16 Misc. 314; (39 Supp. 416).

Hebert v. Delaware & H. C. Co., 136 N. Y. 655; 49 St. Rep. 916.

Hebler v. Brown, 18 Misc. 395; 41 Supp. 441.

Hebrew Orphan Asylum, Matter of, 70 N. Y. 476.

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Hecht, Matter of, 71 Hun, 62; 54 St. Rep. 194; 24 Supp. 540.

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Hecht v. Heerwagen, 14 Misc. 529; 70 St. Rep. 708; 35 Supp. 1090; 2 Ann. Cas. 339.

Hecht v. Hecht, 14 Misc. 597; 71 St. Rep. 10; 36 Supp. 271.

Hecht v. Mothner, 4 Misc. 536; 54 St. Rep. 121; 24 Supp. 826.

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Heckemann v. Young, 18 Abb. N. C. 196.

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92 Hun, 429; (72 St. Rep. 107; 36 Supp. 1005).

Heckemann v. Young, 134 N. Y. 170; 45 St. Rep. 846; 28 Abb. N. C. 356.

Cited, Judgment—Joint Debtor—Bar.

66 Hun, 403; (50 St. Rep. 131; 21 Supp. 396; 29 Abb. N. C. 403; 23 Civ. Pro. 12). 89 Hun, 47; (69 St. Rep. 229; 35 Supp. 33).

Hecker v. Hopkins, 16 Abb. 301.

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6 App. Div. 588; (39 Supp. 542).

Hecker v. Mitchell, 5 Abb. 453.

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3 Misc. 327; (52 St. Rep. 518; 23 Supp. 887).

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6 Misc. 385; (56 St. Rep. 336; 26 Supp. 739; 31 Abb. N. C. 134).

Hecker v. New York, 18 Abb. 369.

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Heckmann v. Pickney, 81 N. Y. 211.

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50 St. Rep. 546; (21 Supp. 835). 82 Hun, 161; (63 St. Rep. 746; 31 Supp. 297). 17 Misc. 360; (39 Supp. 1088). 149 N. Y. 444.

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9 Misc. 114; (59 St. Rep. 733; 29 Supp. 49).

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 25 Civ. Pro. 395). 9 App. Div. 439; (75 St.
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- Hector, Matter of**, 24 Supp. 475.
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- Hedges v. Payne**, 85 Hun, 377; 66 St.
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- Hedges v. Payne**, 44 St. Rep. 165; 17
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- Hedges v. West Shore R. R. Co.**, 150
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- Hedgewisch v. Silver**, 23 Civ. Pro. 41;
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- Hedin v. Long Island R. Co.**, 13 Misc.
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- Heebner v. Townsend**, 8 Abb. 234.
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- Heelas, Matter of**, 5 Redf. 440.
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 71 Hun, 346; (55 St. Rep. 21; 25 Supp. 4).
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Heenan v. N. Y. W. S. & B. R. Co., 34 Hun, 602.

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Heeney, Matter of, 2 Barb. Ch. 326.

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Heeney v. St. Peter's Church, 2 Edw. Ch. 608.

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Heepe v. Mead, 10 App. Div. 627; 41 Supp. 1118.

Heerdegen v. Loreck, 17 App. Div. 515; 79 St. Rep. 585; 45 Supp. 585.

Heermance v. Bridgman, 4 Misc. 427; 53 St. Rep. 523; 23 Supp. 1058.

Heermance v. James, 32 How. 142; 47 Barb. 120.

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9 Misc. 38; (59 St. Rep. 546; 29 Supp. 297; 31 Abb. N. C. 321).

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Heermance v. Taylor, 14 Hun, 149.

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Heermans v. Burt, 78 N. Y. 259.

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Heermans v. Clarkson, 64 N. Y. 171.

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74 Hun, 280; (56 St. Rep. 346; 26 Supp. 811). 16 Misc. 158; (73 St. Rep. 563; 37 Supp. 944).

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Heert v. Cruger, 14 Misc. 508; 70 St. Rep. 688; 35 Supp. 1063.

Hees v. Nellis, 65 Barb. 440.

Cited, Executors—Liability for Costs.

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Heffern v. Hunt, 8 App. Div. 585; 75 St. Rep. 307; 40 Supp. 914.

Heffran v. Brooklyn Heights R. Co., 8 Misc. 41; 60 St. Rep. 173; 28 Supp. 518.

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Hegeman v. Moon, 131 N. Y. 462; 43 St. Rep. 662.

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Hegeman v. Western Railroad Corporation, 13 N. Y. 9.

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3 Misc. 450; (51 St. Rep. 435; 22 Supp. 713).

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9 App. Div. 526; (14 Misc. 420; 70 St. Rep. 419; 35 Supp. 762).

Hegerich v. Keddle, 99 N. Y. 258.

Cited, Action for Wrongful Death—Abatement.

82 Hun, 307; (63 St. Rep. 789; 31 Supp. 339; 24 Civ. Pro. 203; 1 Ann. Cas. 141). 20 Misc. 66; (78 St. Rep. 432; 44 Supp. 432; 3 Ann. Cas. 386).

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Hegewisch v. Silver, 140 N. Y. 414; 55 St. Rep. 808.

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Heidelberg v. National Park Bank of New York, 87 Hun, 117; 67 St. Rep. 438; 33 Supp. 794.

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Duplicate Citations in Parenthesis.

Heidenheimer v. Boyd, 15 App. Div. 580; 78 St. Rep. 687; 44 Supp. 687.

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Heigle v. Willis, 50 Hun, 588; 20 St. Rep. 639; 3 Supp. 497.

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Heilbronn v. Herzog, 17 App. Div. 416; 79 St. Rep. 268; 45 Supp. 268.

Heilbronn v. McAleenan, 16 St. Rep. 957; 1 Supp. 875.

Cited, Pledge—Unauthorized—Rights of Pledgee.

10 Misc. 71; (62 St. Rep. 264; 31 Supp. 150). 16 Misc. 381; (74 St. Rep. 312; 38 Supp. 58).

Heilman v. Lazarus, 90 N. Y. 672; 12 Abb. N. C. 19.

Cited, Evidence—Burden of Proof—Shifting.

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Heim v. Wolf, 1 E. D. Smith, 70.

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6 Misc. 143; (55 St. Rep. 696; 26 Supp. 39).
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9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194).

Heimbürg v. Manhattan Ry. Co., 79 St. Rep. 999; 45 Supp. 999.

Heimerdinger v. Finelite, 11 Misc. 111; 31 Supp. 1128.

Heimstreet v. Howland, 5 Den. 68.

Cited, Partnership—Share of Profits—Rent.

7 Misc. 304; (58 St. Rep. 552; 28 Supp. 136).

Hein v. Davidson, 66 N. Y. 175.

Cited, Parties—Indemnity to Sheriff—Substitution of Sureties.

13 App. Div. 181; (77 St. Rep. 388; 43 Supp. 388).

Heine v. Meyer, 61 N. Y. 171.

Cited, Contracts—Performance—Excuse.
17 Misc. 346; (39 Supp. 1069). 19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381).

Heinemann v. Heard, 50 N. Y. 27.

Cited, Agency—Negligence of Agent—Liability to Principal.

11 App. Div. 92; (76 St. Rep. 1062; 42 Supp. 1062).

Heinemann v. Heard, 62 N. Y. 448.

Cited, Evidence—Burden of Proof.
3 Misc. 82; (51 St. Rep. 763; 22 Supp. 547).
D. 3 Misc. 86; (51 St. Rep. 765; 22 Supp. 549). 3 Misc. 461; (52 St. Rep. 443; 23 Supp. 181). 60 St. Rep. 98. 86 Hun, 520; (67 St. Rep. 668; 33 Supp. 987). 7 App. Div. 213; (74 St. Rep. 693; 40 Supp. 135).

Heinlein v. Murphy, 3 Misc. 47; 51 St. Rep. 435; 22 Supp. 713.

Cited, Mechanic's Lien—Enforcement—Prior Claims.

73 Hun, 176; (57 St. Rep. 148; 25 Supp. 1100).

Mechanic's Lien—Bond to discharge—Action on.

10 Misc. 540; (64 St. Rep. 24; 31 Supp. 447; 1 Ann. Cas. 224). 145 N. Y. 247; (65 St. Rep. 686).

Mechanic's Lien — Sureties—Conclusiveness of Judgment.

39 Supp. 94.

Heins v. Manhattan, R. Co., 8 Misc. 686; 60 St. Rep. 60; 28 Supp. 780.

Heintz v. Dellinger, 28 How. 39.

Cited, Courts — Jurisdiction — Title to Land.

14 Misc. 342; (70 St. Rep. 474; 35 Supp. 680).

Heintz v. Everard, 141 N. Y. 603; 58 St. Rep. 866.

Affirming, 1 Misc. 519; 48 St. Rep. 935; 20 Supp. 989.

Heinz v. Brooklyn Heights R. Co., 71 St. Rep. 623; 36 Supp. 675.

Heinze, Matter of, 20 Misc. 371.

Heiser v. Hatch, 86 N. Y. 614.

Cited, Judgment—Conclusiveness as to Third Person.

81 Hun, 443; (63 St. Rep. 260; 30 Supp. 1123). 144 N. Y. 665; (71 St. Rep. 304). 149 N. Y. 151.

Heiser v. New York, 104 N. Y. 68; 5 St. Rep. 553.

Cited, Damages — Eminent Domain — Statutory Compensation Exclusive.

Duplicate Citations in Parenthesis.

66 Hun, 218; (49 St. Rep. 53; 21 Supp. 44).
19 Misc. 616; (78 St. Rep. 425; 44 Supp. 435).
D. 78 St. Rep. 326; (44 Supp. 326).
Remedy—Statutory—Exclusiveness.
78 St. Rep. 323; (44 Supp. 323).

Heishon v. Knickerbocker L. Ins. Co., 77 N. Y. 278.

Cited, Deposition—Examination Before Trial—Compliance with Statute.

13 Misc. 632; (69 St. Rep. 139; 34 Supp. 920; 25 Civ. Pro. 58). 15 Misc. 77; (72 St. Rep. 264; 25 Civ. Pro. 246).

Courts—Judges—Powers—Distinction.
151 N. Y. 84.

Heishon v. Knickerbocker L. Ins. Co., 45 Super. 34.

Reversed, 77 N. Y. 278.

Cited, Depositions—Of Party Before Trial—Affidavit for.

2 Misc. 344; (50 St. Rep. 608; 21 Supp. 1013).

Helfrich v. John Hancock Mut. L. Ins. Co., 8 Misc. 320; 59 St. Rep. 242; 28 Supp. 535.

Hellenberg v. Order of B'nai B'rith, 94 N. Y. 580.

Cited, Insurance—Mutual Benefit—Rights of Beneficiary.

87 Hun, 164, 165; (67 St. Rep. 462, 463; 33 Supp. 817).

Heller v. Cohen, 9 App. Div. 465; 75 St. Rep. 1458; 41 Supp. 214.

Heller v. Cohen, 15 Misc. 378; 71 St. Rep. 582; 36 Supp. 668.

Reversed, 9 App. Div. 465; 75 St. Rep. 1458; 41 Supp. 214.

Hellman v. Forty-Second St., etc., R. Co., 74 Hun, 529; 57 St. Rep. 223.

Affirmed, 137 N. Y. 231; 148 N. Y. 727.

Hellman v. Forty-Second St. & G. St. R. Co., 148 N. Y. 727.

Hellreigel v. Manning, 97 N. Y. 56.

Cited, Vendor and Purchaser—Rights of Parties—Title.

24 Supp. 663. 82 Hun, 212; (63 St. Rep. 785; 31 Supp. 335).

Helmer v. Minot, 75 Hun, 309; 56 St. Rep. 764; 27 Supp. 79.

Helmer v. Shoemaker, 22 Wend. 137.

Cited, Wills—Devise—Cutting Down.

11 Misc. 312; (65 St. Rep. 434; 32 Supp. 288).

Helmick v. Churchill, 92 Hun, 524; 72 St. Rep. 431; 36 Supp. 1028.

Helmke v. N. J. & N. Y. R. Co., 49 St. Rep. 361; 21 Supp. 345.

Affirmed, 60 St. Rep. 874.

Helmke v. Stetler, 56 St. Rep. 837; 26 Supp. 1120.

Helmke v. Stetler, 69 Hun, 107; 52 St. Rep. 528; 23 Supp. 392.

Cited, Trial—Question of Fact—Viciousness of Animal.

77 Hun, 577; (60 St. Rep. 452; 28 Supp. 1024).

Helmke v. Stetler, 69 Hun, 109; 52 St. Rep. 530; 23 Supp. 394.

Helmprecht v. Bowen, 87 Hun, 362; 34 Supp. 1141.

Helms v. Goodwill, 2 Hun, 410.

Cited, Attorneys—Compensation—Brokerage.

4 Misc. 274; (53 St. Rep. 323; 24 Supp. 138).

Helmuth v. Appgar, 17 Misc. 623; 75 St. Rep. 51; 40 Supp. 651.

Helwig v. Mutual Life Ins. Co., 132 N. Y. 331; 44 St. Rep. 439.

Cited, Evidence — Documentary—Effect. 10 Misc. 193; (62 St. Rep. 477; 30 Supp. 927). 14 Misc. 565; (70 St. Rep. 717; 35 Supp. 1073).

Evidence — Insurance—Untrue Answers. D. 84 Hun, 273; (65 St. Rep. 482; 32 Supp. 325).

Helwig v. Second Ave. R. Co., 9 Misc. 61; 59 St. Rep. 540; 29 Supp. 9.

Hemenway v. Keeler, 88 Hun, 405; 68 St. Rep. 819; 34 Supp. 808.

Hemenway v. Knudson, 50 St. Rep. 738; 21 Supp. 679.

Hemenway v. Knudson, 73 Hun, 227; 57 St. Rep. 127; 25 Supp. 1018.

Hemmens v. Nelson, 36 St. Rep. 905; 13 Supp. 175.

Affirmed, 138 N. Y. 517; 53 St. Rep. 94.

Cited, Slander — Actionable per se — Innuendo — Evidence — Burden of Proof — Privileged Communication—Malice.

79 Hun, 563; (61 St. Rep. 577; 29 Supp. 889).

Libel and Slander—Privileged Communication.

11 App. Div. 677; (76 St. Rep. 629, 630; 42 Supp. 629, 630).

Hemmens v. Nelson, 138 N. Y. 517; 53 St. Rep. 94.

Cited, Trial—Sufficiency of Evidence to go to Jury.

Duplicate Citations in Parenthesis.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 646). 5 Misc. 305; (60 St. Rep. 115; 25 Supp. 757). 14 Misc. 282, (70 St. Rep. 254; 35 Supp. 833). 9 App. Div. 927; 14 Misc. 421; (70 St. Rep. 420; 35 Supp. 763). 91 Hun, 87; (36 Supp. 167). 5 App. Div. 609; (71 St. Rep. 103; 39 Supp. 461). 14 Misc. 604; (71 St. Rep. 447; 36 Supp. 460). 5 App. Div. 581; (39 Supp. 383). 13 App. Div. 127.

Libel and Slander—Malice—Burden of Proof.

86 Hun, 484; (69 St. Rep. 466; 35 Supp. 52). 11 App. Div. 607; (76 St. Rep. 630; 42 Supp. 630).

Pleading—Libel and Slander—Innuendo.

86 Hun, 482, 483; (69 St. Rep. 465; 35 Supp. 52).

Appeal—Review of Facts.

145 N. Y. 412; (64 St. Rep. 844). 145 N. Y. 545; (65 St. Rep. 531; 1 Ann. Cas. 312).

Hemingway v. Poucher, 98 N. Y. 281.

Cited, **Pleading—Complaint—Allegations of Legal Conclusions.**

67 Hun, 97; (51 St. Rep. 378; 22 Supp. 35).

Pleading—Complaint—Demand for Relief.

11 App. Div. 520; (77 St. Rep. 42; 43 Supp. 42).

Appeal—Bond—For Stay Pending Appeal—Disregard or Failure to Enforce Stay—Liability of Sureties.

138 N. Y. 366; (52 St. Rep. 890).

Hemmje v. Meinen, 20 Supp. 619.

Cited, **Wills—Trusts—Jurisdiction to Interpret.**

3 Misc. 471; (23 Supp. 737).

Hempstead v. N. Y. C. & H. R. R. Co., 82 Hun, 285; 64 St. Rep. 76; 31 Supp. 479.

Hempstead v. Ball Electric Light Co., 9 App. Div. 48; 41 Supp. 124.

Hempstead v. Flagg, 7 Misc. 544; 58 St. Rep. 46; 27 Supp. 988.

Henavie v. N. Y. C. & H. R. R. Co., 10 App. Div. 64; 75 St. Rep. 306; 41 Supp. 935.

Henck v. Barnes, 84 Hun, 546; 66 St. Rep. 314; 32 Supp. 840.

Henderson v. Fullerton, 54 How. 422.

Cited, **Appeal—Incompetent Evidence—Harmless Error.**

88 Hun, 233; (63 St. Rep. 264; 34 Supp. 339).

Henderson v. Henderson, 44 Hun, 420; 9 St. Rep. 356.

Cited, **Partition—Void Devise—Removal as Cloud on Title.**

88 Hun, 393; (68 St. Rep. 754; 34 Supp. 816; 2 Ann. Cas. 123).

Henderson v. Henderson, 113 N. Y. 1; 21 St. Rep. 800.

Cited, **Partition—Effect of Executor's Power of Sale.**

72 Hun, 185; (55 St. Rep. 324; 25 Supp. 547).

Real Property—Title—Vesting.

9 Misc. 644; (62 St. Rep. 220; 30 Supp. 434).

Trusts—Testamentary—Creation and Validity.

185 N. Y. 594; (49 St. Rep. 16).

Trusts—Direction for Application of Proceeds.

49 St. Rep. 16.

Trusts—Perpetuity—Validity Pro Tanto.

6 Misc. 379; (56 St. Rep. 339; 26 Supp. 745). 82 Hun, 375; (64 St. Rep. 93; 31 Supp. 494).

Wills—Trusts—Perpetuities.

82 Hun, 485; (64 St. Rep. 193; 31 Supp. 557). 11 Misc. 673, 674; (67 St. Rep. 362, 363; 33 Supp. 573, 574). 5 App. Div. 323; (39 Supp. 245). 79 St. Rep. 624; (45 Supp. 624).

Wills—Construction—Express Trust—Implication.

13 Misc. 347, 348; (68 St. Rep. 518, 519; 34 Supp. 562).

Henderson v. Henderson, 2 Abb. N. C. 102.

Cited, **New Trial—Grounds of—Exceptions and Insufficiency of Evidence—Presumption—Conditions.**

77 Hun, 396; (60 St. Rep. 420; 28 Supp. 881).

Henderson v. Jackson, 2 Sweeny, 603.

Cited, **Appeal—Review of Facts—Conflict of Affidavits.**

77 Hun, 582; (60 St. Rep. 538; 28 Supp. 1043). 78 Hun, 39; (60 St. Rep. 484; 28 Supp. 1034).

Henderson v. Jackson, 40 How. 168.

Cited, **Pleading—Demurrer—Separate Statement and Numbering.**

15 Misc. 235; (71 St. Rep. 472; 36 Supp. 422).

Henderson v. Manning, 5 Civ. Pro. 221.

Cited, **Pleading—Answer—Affirmative Defense—Sham.**

76 Hun, 573; (58 St. Rep. 240; 28 Supp. 233).

Pleading—Answer—Denial—Sufficiency.

17 Misc. 33; (39 Supp. 211).

Henderson v. Marvin, 31 Barb. 297.

Cited, **Principal and Surety—Discharge of Surety by Change of Principal's Obligation.**

137 N. Y. 315; (50 St. Rep. 653).

Duplicate Citations in Parenthesis.

Henderson v. McReynolds, 38 St. Rep. 734; 14 Supp. 351.

Cited, Damages—Adequacy — Malicious Prosecution.

2 Misc. 86; (49 St. Rep. 625; 21 Supp. 450).

Henderson v. Merritt, 10 App. Div. 397; 75 St. Rep. 1252; 41 Supp. 885.

Henderson v. N. Y. C. R. Co., 78 N. Y. 423.

Cited, Damage—Trespass—To Time of Trial—Injuries to Real Property.

71 Hun, 363; (55 St. Rep. 19; 24 Supp. 1138). 76 Hun, 604; (58 St. Rep. 258; 23 Supp. 202).

Damages—Measure—Injuries to Realty.

83 Hun, 145; (64 St. Rep. 267; 31 Supp. 631). 85 Hun, 69; (65 St. Rep. 864; 32 Supp. 644). 6 App. Div. 343; (40 Supp. 53'). 11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577)

Damages—Eminent Domain.

14 Misc. 294-296; (70 St. Rep. 441; 35 Supp. 706).

Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325). D. 86 Hun, 431; (67 St. Rep. 626; 33 Supp. 897). 11 App. Div. 561; (76 St. Rep. 592; 42 Supp. 592).

Equity—Retention to Grant Complete Relief.

144 N. Y. 180; (63 St. Rep. 85).

Henderson v. Savage, 46 Super. 221.

Cited, Pleading — Amendment—Leave—Laches.

8 Misc. 102; (60 St. Rep. 163; 28 Supp. 1008).

Hendricks v. Daniels, 46 St. Rep. 384; 19 Supp. 414.

Cited, Brokers — Termination of Authority—Commissions.

6 Misc. 95; (55 St. Rep. 403; 26 Supp. 8). 13 Misc. 119; (68 St. Rep. 202; 34 Supp. 155).

Hendricks v. Hendricks, 3 App. Div. 604; 73 St. Rep. 771; 38 Supp. 402.

Hendricks v. Isaacs, 52 Hun, 100; 22 St. Rep. 563; 5 Supp. 105.

Reversed, 117 N. Y. 411; 27 St. Rep. 449

Cited, Decedent's Estate—Disputed Claim—Reference—Special Proceeding.

8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670).

Hendricks v. Isaacs, 117 N. Y. 411; 27 St. Rep. 449.

Cited, Husband and Wife—Living Expenses—Liability of Wife.

75 Hun, 522; (57 St. Rep. 350; 27 Supp. 731).

Husband and Wife—Wife's Services—Right of Husband to.

88 Hun, 90; (68 St. Rep. 684; 34 Supp. 629; 2 Ann. Cas. 151).

Hendricks v. Sixth Ave. R. Co., 44 Super. 8.

Cited, Damages — Exemplary — Act of Servant.

79 Hun, 38; (61 St. Rep. 197; 29 Supp. 736).

Hendricks v. Robinson, 2 Johns. Ch. 283.

Cited, Fraudulent Conveyance—Sale by Insolvent.

82 Hun, 398; (63 St. Rep. 567; 31 Supp. 261).

Hendricks v. Stark, 37 N. Y. 106.

Distinguished, Vendor and Purchaser—Encumbrances—Party Wall.

137 N. Y. 301; (50 St. Rep. 663).

Cited, Party Walls—Benefit—Effect Upon Title.

6 Misc. 354; (26 Supp. 916). 58 St. Rep. 804; (27 Supp. 959; 30 Abb. N. C. 408).

Hendrickson v. Winne, 3 How 127.

Cited, Fraudulent Conveyance—Setting Aside—Judgment—Practice.

14 App. Div. 316; (77 St. Rep. 802; 43 Supp. 802).

Hendrie v. Kinnear, 84 Hun, 141; 65 St. Rep. 691; 32 Supp. 417.

Hendy v. Smith, 48 Hun, 510; 18 St. Rep. 836; 2 Supp. 535.

Cited, Real Property—Conveyance—Consideration—Recording Act—Construction.

135 N. Y. 44; (48 St. Rep. 252). 89 Hun, 545; (69 St. Rep. 734; 35 Supp. 347).

Henkel v. Murr, 31 Hun, 28.

Cited, Landlord and Tenant—Landlord's Liability—Defective Premises.

5 Misc. 445; (28 Supp. 801). 50 St. Rep. 454; (21 Supp. 290). 7 Misc. 116; (57 St. Rep. 515; 27 Supp. 415). 11 Misc. 273; (65 St. Rep. 431; 32 Supp. 250). 14 Misc. 440; (70 St. Rep. 732; 35 Supp. 1028). 20 Misc. 571.

Negligence—Unsafe Place.—Liability.

10 Misc. 736; (64 St. Rep. 505; 31 Supp. 803).

Landlord and Tenant—Defect in Premises—Notice.

D. 6 App. Div. 184; (39 Supp. 1027).

Henken v. Monaghan, 49 St. Rep. 358; 21 Supp. 235.

*Duplicate Citations in Parenthesis.***Hennequin v. Naylor**, 24 N. Y. 139.

Cited, Evidence—Fraudulent Conveyance—Contemporaneous Frauds.

3 Misc. 506; (23 Supp. 991).

Sale—Fraud.

80 Hun, 400; (62 St. Rep. 43; 30 Supp. 315).

Hennessey v. Brooklyn City R. Co.,

6 App. Div. 206; 39 Supp. 805.

Cited, Infants—Personal Injuries—Negligence of Parent.

12 App. Div. 155; (76 St. Rep. 667; 42 Supp. 667).

Hennessey v. Manhattan Fire Ins. Co., 28 Hun, 98.

Cited, Insurance—Change of Interest—What Is.

136 N. Y. 383; (49 St. Rep. 671).

Hennessey v. Paulsen, 147 N. Y. 255; 69 St. Rep. 539.

Affirming, 12 Misc. 384; 67 St. Rep. 343; 33 Supp. 638.

Hennessey v. Volkening, 22 Supp. 528; 30 Abb. N. C. 100.**Hennessey v. Brooklyn City R. Co.**, 73 Hun, 569; 56 St. Rep. 151; 26 Supp. 321.

Affirmed, 147 N. Y. 721.

Cited, Negligence — Contributory — Of Driver—Imputation to Passenger.

3 App. Div. 372; (73 St. Rep. 700; 38 Supp. 207). 6 App. Div. 208; 39 Supp. 806; 12 App. Div. 159; (76 St. Rep. 669; 42 Supp. 669).

Hennessey v. Kenney, 20 Misc. 405.**Hennessey v. Murdock**, 137 N. Y. 317; 50 St. Rep. 717.

Cited, Easements—Right of Way—Abandonment.

20 Misc. 529.

Easements — Deeds — Boundaries by Street.

144 N. Y. 326; (63 St. Rep. 716). 147 N. Y. 342; (69 St. Rep. 676).

Deeds—Boundaries—Streets — Presumption.

5 Misc. 61; (25 Supp. 115). 80 Hun, 291; (61 St. Rep. 839; 30 Supp. 125). 84 Hun, 213; (65 St. Rep. 751; 32 Supp. 551). 86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895).

Hennessey v. Northern Cent. R. Co.,

17 App. Div. 162; 79 St. Rep. 147; 45 Supp. 147.

Hennessey v. Patterson, 85 N. Y. 91.

Cited, Real Property—Remainders—Contingent—Vesting.

2 Misc. 560; (24 Supp. 775). 3 App. Div. 41; (74 St. Rep. 404; 37 Supp. 1109). 11 App. Div. 362; (76 St. Rep. 924; 42 Supp. 924).

Wills—Vested Remainder—Definition.

17 App. Div. 527; (79 St. Rep. 559; 45 Supp. 559).

Henney v. Brooklyn El. R. Co., 75 Hun, 543; 58 St. Rep. 728; 27 Supp. 1112.**Henning v. Caldwell**, 50 St. Rep. 931.**Henning v. Miller**, 66 Hun, 588; 50 St. Rep. 559; 21 Supp. 831.

Cited, Contracts—Statute of Frauds—Sale of Land.

83 Hun, 405; (64 St. Rep. 668; 31 Supp. 879).

Henning v. Miller, 83 Hun, 403; 64 St. Rep. 667; 31 Supp. 878.**Henning v. Punnett**, 4 Daly 543.

Disapproved, Damages—Breach of Contract by Vendee—Broker's Commissions.

3 Misc. 410; (52 St. Rep. 498; 23 Supp. 159).

Henrich v. Murray, 12 Misc. 639; 66 St. Rep. 670; 32 Supp. 1133.**Henricus v. Englert**, 137 N. Y. 488; 51 St. Rep. 200.

Distinguished, Action — On Bond — Parties.

19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424).

Cited Bonds—Executed by Agent—Principal's Liability.

10 App. Div. 133; (75 St. Rep. 1062; 41 Supp. 674).

Henrietta Church v. Shultes, 4 App. Div. 378; 74 St. Rep. 525; 38 Supp. 842.**Henry, Matter of**, 13 Misc. 734; 69 St. Rep. 590; 35 Supp. 210.

Cited, Criminal Law — Commitment Without Evidence—Habeas Corpus.

17 Misc. 107; (39 Supp. 873).

Henry Matter of, 18 Misc. 149; 75 St. Rep. 1443; 41 Supp. 1096.**Henry v. Agostini**, 12 Misc. 15; 66 St. Rep. 536; 33 Supp. 37.

Affirming, 10 Misc. 790; 64 St. Rep. 874; 31 Supp. 1128.

Henry v. Allen, 77 Hun, 49; 59 St. Rep. 424; 28 Supp. 242.

Reversed, 151 N. Y. 1.

Cited, Agency—Unauthorized Act—Ratification.

82 Hun, 219; (63 St. Rep. 751; 31 Supp. 302).

Bills and Notes—Agency.

16 App. Div. 562; (78 St. Rep. 960; 44 Supp. 960).

Duplicate Citations in Parenthesis.

Henry v. Allen, 147 N. Y. 346; 69 St. Rep. 679.

Cited, Appeal — Dismissal — Power of Court.

15 Misc. 528; (72 St. Rep. 122; 37 Supp. 89).

Henry v. Allen, 151 N. Y. 1.

Cited, Agency—Bills and Notes.

16 App. Div. 562; (78 St. Rep. 960; 44 Supp. 960).

Henry v. Betts, 1 Hilt. 156.

Cited, Infants—Necessaries—Liability of Parent.

85 Hun, 30; (66 St. Rep. 111; 32 Supp. 603).

Henry v. Bishop, 2 Wend. 575.

Cited, Deeds—Subscribing Witness.

88 Hun, 416; (68 St. Rep. 591; 34 Supp. 739; 2 Ann. Cas. 261).

Henry v. Houston, West St. & P. F. R. Co., 5 Misc. 594; 25 Supp. 1144.

Reversed, 6 Misc. 639; 26 Supp. 1132.

Henry v. Lynch, 1 Supp. 780.

Cited, Mechanic's Lien — Foreclosure — Commencement of Action.

9 Misc. 381; (61 St. Rep. 484; 30 Supp. 254).

Henry v. Marvin, 3 E. D. Smith, 71.

Cited, Agency—Authority of Agent.

11 Misc. 427; (65 St. Rep. 299; 32 Supp. 152).

Henry v. Root, 33 N. Y. 526.

Cited, Infants — Contracts Relating to Land—Ratification.

85 Hun, 143; (65 St. Rep. 662; 32 Supp. 477). 86 Hun, 372; (67 St. Rep. 228; 33 Supp. 475).

Infants — Contracts — Ratification — Burden of Proof.

13 App. Div. 546; (77 St. Rep. 664; 43 Supp. 664).

Henry v. Salisbury, 14 App. Div. 526; 77 St. Rep. 851; 43 Supp. 851.

Henry Hess & Co. v. Baar, 1 Misc. 619; 66 St. Rep. 344; 32 Supp. 918.

Henry Hess & Co. v. Baar, 14 Misc. 286; 35 Supp. 687.

Henry Huber Company v. Soles, 12 Misc. 548; 67 St. Rep. 872; 34 Supp. 17.

Henry Huber Co. v. McAllester, 1 Misc. 483; 49 St. Rep. 880; 21 Supp. 767.

Cited, Pleading—Answer—False—Sham—Striking Out.

5 Misc. 512; (58 St. Rep. 106; 25 Supp. 970).

Henry McShane Co. v. Padian, 1 Misc. 332; 48 St. Rep. 705; 20 Supp. 679.

Reversed, 142 N. Y. 207; 58 St. Rep. 651.

Cited, Guaranty—Discharge.

3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760).

Henry McShane Co. v. Padian, 142 N. Y. 207; 58 St. Rep. 651.

Cited, Guaranty — Construction — Condition—Effect.

9 Misc. 490; (61 St. Rep. 118; 30 Supp. 256).

92 Hun, 170; (71 St. Rep. 206; 36 Supp. 367).

Guaranty—Continuing.

14 Misc. 231; (70 St. Rep. 255; 36 Supp. 834).

Henschel v. Harlem Reporter Co., 2 Misc. 572; 21 Supp. 1135.

Hensey v. Howland, 10 Misc. 756; 64 St. Rep. 644; 31 Supp. 823.

Henshaw v. Pond's Extract Co., 66 Hun, 632; 50 St. Rep. 263; 21 Supp. 177.

Affirmed, 149 N. Y. 582.

Hentz v. Havemeyer, 15 App. Div. 357; 78 St. Rep. 53; 44 Supp. 58.

Hentz v. Miner, 18 Supp. 880; 40 St. Rep. 636.

Cited, Pleading—General Denial—Information and Belief.

5 Misc. 517; (68 St. Rep. 104; 25 Supp. 67).

Pleading—Complaint—Common Counts.

86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Hepburn v. Archer, 20 Hun, 535.

Cited, Discovery and Inspection—Of Papers of Adversary.

2 Misc. 169; (49 St. Rep. 618; 21 Supp. 619).

Hepburn v. Hepburn, 54 How. 466.

Cited, Action—Stay—Like Action and Relief.

6 Misc. 421; (27 Supp. 301).

Hepburn v. Hepburn, 2 Bradf. 74.

Cited, Wills—Legacies—Interest — Time Of—In Lieu of Dower.

5 Misc. 129; (25 Supp. 728). 7 App. Div. 16; (40 Supp. 496).

Life Tenant—Liability for Taxes.

16 Misc. 247; (39 Supp. 190).

Wills—Mortgage—Out of What Payable.

1 App. Div. 570; (72 St. Rep. 553; 37 Supp. 464).

Hepburn v. Hoag, 6 Cow. 613.

Cited, Set-Off.

D. 142 N. Y. 260; (58 St. Rep. 731).

Duplicate Citations in Parenthesis.

Hepworth v. Union Ferry Co., 62 Hun, 257; 41 St. Rep. 783; 16 Supp. 692.

Cited, Action—Wrongful Death—Survival.

82 Hun, 207; (63 St. Rep. 789; 31 Supp. 340; 1 Ann. Cas. 141; 24 Civ. Pro. 207).

Hequembourg v. Dunkirk, 49 Hun, 550; 2 Supp. 447.

Cited, Municipal Corporations—Powers—Public Purpose.

8 App. Div. 237; (75 St. Rep. 5; 40 Supp. 611). D. 8 App. Div. 270; (40 Supp. 635). 152 N. Y. 264.

Herbage v. Utica, City of, 109 N. Y. 81; 14 St. Rep. 845; 14 Civ. Pro. 79.

Cited, Depositions—Examination of Party Before Trial—When Proper.

73 Hun, 559; (56 St. Rep. 151; 26 Supp. 113). 1 Misc. 90; (48 St. Rep. 33; 20 Supp. 372). 1 Misc. 7; (48 St. Rep. 518; 20 Supp. 615). 1 Misc. 214; (49 St. Rep. 78; 20 Supp. 881). 2 Misc. 345; (50 St. Rep. 609; 21 Supp. 1013). 7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331). 49 St. Rep. 527; (21 Supp. 190; 23 Civ. Pro. 67). 88 Hun, 310; (68 St. Rep. 568; 34 Supp. 750). 16 App. Div. 79; (78 St. Rep. 1076; 44 Supp. 1076).

Herbert v. Duryea, 87 Hun, 288; 67 St. Rep. 768; 33 Supp. 1031; 1 Ann. Cas. 319.

Followed, 67 St. Rep. 771; (33 Supp. 1034).

Cited, Trial—Motion to Dismiss Complaint—When Question of Pleading.

11 App. Div. 334; (76 St. Rep. 1112; 42 Supp. 11:2).

Pleading—Action to Enforce Stockholder's Liability.

16 App. Div. 249; (78 St. Rep. 709; 44 Supp. 709).

Herbert v. Griffith, 2 App. Div. 566; 74 St. Rep. 280; 37 Supp. 1098; 3 Ann. Cas. 149.

Cited, Venue—Change—Convenience of Witnesses.

7 App. Div. 461; (39 Supp. 1060).

Herbert v. Uhl, 49 St. Rep. 496; 20 Supp. 743.

Cited, Pleading—Action to Enforce Stockholder's Liability—Sufficiency.

87 Hun, 290, 291; (67 St. Rep. 769, 770; 33 Supp. 1033).

Herbst v. Hagenaers, 137 N. Y. 290; 50 St. Rep. 687.

Affirming, 62 Hun, 563; 43 St. Rep. 54; 17 Supp. 58.

Cited, Arbitration—Award—Conclusiveness.

84 Hun, 342, 343; (67 St. Rep. 242, 343; 33 Supp. 409).

Herbst v. Vacuum Oil Co., 68 Hun, 223; 51 St. Rep. 900; 22 Supp. 807.

Affirmed, 143 N. Y. 671; 63 St. Rep. 865.

Cited, Trial—Stipulations—As to Evidence.

16 App. Div. 53; (78 St. Rep. 1083; 44 Supp. 1083).

Herbst v. Vacuum Oil Co., 50 St. Rep. 555; 22 Supp. 42.

Herder v. Bloomer, 7 Misc. 687; 48 St. Rep. 378; 28 Supp. 266.

Herder v. Collyer, 6 Supp. 513.

Cited, Executions—Transcript from Justice—Outlawed Judgment.

7 Misc. 219; (58 St. Rep. 572; 27 Supp. 647; 23 Civ. Pro. 298). 8 App. Div. 340; (75 St. Rep. 201; 40 Supp. 816).

Herdie v. Roessler, 109 N. Y. 127.

Cited, Bills and Notes—Patent Right—Non-Compliance with Statute.

19 Misc. 306; (73 St. Rep. 335; 44 Supp. 335).

Herd v. Rochester C. & B. R. Co., 142 N. Y. 626; 60 St. Rep. 866.

Herendeen v. Dewitt, 49 Hun, 53; 17 St. Rep. 298; 1 Supp. 467.

Cited, Poor—Support—By Relatives.

73 Hun, 283; (57 St. Rep. 274; 26 Supp. 297). 82 Hun, 84; (63 St. Rep. 378; 31 Supp. 109).

Pleading—Complaint—Request.

86 Hun, 190; (67 St. Rep. 56).

Hergman v. Dettlebach, 11 How. 46.

Cited, Levy and Sale—Abuse of Process—Liability of Officer.

3 Misc. 230; (51 St. Rep. 867; 22 Supp. 748).

Herkimer v. Rice, 27 N. Y. 163.

Cited, Insurance—Insurable Interests—Title.

78 Hun, 113; (60 St. Rep. 803; 29 Supp. 252).

Insurance—Fire—Proceeds—Realty or Personality.

11 Misc. 169; (65 St. Rep. 151; 32 Supp. 94). 90 Hun, 99; (69 St. Rep. 769; 35 Supp. 368). 9 App. Div. 344; (75 St. Rep. 720; 41 Supp. 308).

Herman v. Bailey, 20 Misc. 94; 79 St. Rep. 88; 45 Supp. 88.

Affirming, 19 Misc. 709.

Duplicate Citations in Parenthesis.

- Herman v. Girvin**, 8 App. Div. 418; 75 St. Rep. 235; 40 Supp. 845.
Cited, Costs—Replevin.
 20 Misc. 431; (79 St. Rep. 1029; 45 Supp. 1029).
- Herman v. Goodson**, 18 Misc. 604; 76 St. Rep. 696; 42 Supp. 696.
Cited, Liquor Tax—Certificate—Assignment—Priority.
 19 Misc. 97; (78 St. Rep. 89; 44 Supp. 89).
- Herman v. Lyons**, 10 Hun, 111.
Cited, Offer of Judgment—Time of Making.
 9 App. Div. 400; (75 St. Rep. 886; 41 Supp. 494).
- Herman v. Roberts**, 119 N. Y. 37; 28 St. Rep. 843.
Cited, Trial—Question for Jury—Reasonable Use of Stream.
 70 Hun, 559; (53 St. Rep. 615; 24 Supp. 194).
 Easements—Right of Way—Reasonableness.
 88 Hun, 441; (68 St. Rep. 780; 34 Supp. 842).
 Easements—Right of Way—Construction of Grant—Parol Negotiations.
 88 Hun, 339; (68 St. Rep. 545; 34 Supp. 727).
- Hermance, Matter of**, 71 N. Y. 481.
Cited, Taxes—Assessment—County Court.
 144 N. Y. 231; (63 St. Rep. 99). 16 Misc. 131; (74 St. Rep. 545; 38 Supp. 955).
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 10 Misc. 273; (63 St. Rep. 438; 31 Supp. 2).
- Hermance v. James**, 33 How. 142.
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- Hermance v. Mead**, 18 Abb. N. C. 90.
Cited, Wills—Devise—Limitation Over.
 10 Misc. 26; (62 St. Rep. 267; 30 Supp. 805).
- Hermann v. Niagara Falls Ins. Co.**, 100 N. Y. 411.
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 7 Misc. 606; (58 St. Rep. 759; 27 Supp. 867).
 Insurance—Conditions—Waiver.
 11 Misc. 517; (66 St. Rep. 108; 32 Supp. 761).
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 13 App. Div. 524; (77 St. Rep. 636; 43 Supp. 636).
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 17 Misc. 117; (39 Supp. 358).
- Hermann v. Passmore**, 72 Hun, 526; 55 St. Rep. 239; 25 Supp. 773.
- Hermann v. Van Buren**, 10 Misc. 753; 64 St. Rep. 631; 31 Supp. 825.
- Hermans v. N. Y. C. & H. R. R. Co.**, 137 N. Y. 558; 50 St. Rep. 932.
- Herold v. Fleming**, 17 Misc. 581; 75 St. Rep. 95; 40 Supp. 690.
Affirming, 16 Misc. 687; 38 Supp. 1144.
- Heroy, Matter of**, 67 Hun, 13; 51 St. Rep. 7; 21 Supp. 685.
- Heroy v. Fan De Siele Co.**, 16 App. Div. 171; 78 St. Rep. 611; 44 Supp. 611.
- Heroy v. Kerr**, 8 Bosw. 194.
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- Herrick v. Borst**, 4 Hill, 650.
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 76 Hun, 561; (58 St. Rep. 251; 28 Supp. 192).
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- Herrick v. Carman**, 12 Johns. 159.
Cited, Bills and Notes—Endorsement—Priority.
 73 Hun, 517; (56 St. Rep. 165; 26 Supp. 101). 4 Misc. 83; (53 St. Rep. 70; 23 Supp. 852.) 83 Hun, 193; (63 St. Rep. 810; 31 Supp. 398).
- Herrick v. Catley**, 1 Daly, 512.
Cited, Attorneys—Services—Recovery.
 19 Misc. 655; (78 St. Rep. 410; 44 Supp. 410).
- Herrick v. Malin**, 22 Wend. 388.
Cited, Alteration—Presumption.
 92 Hun, 496; (72 St. Rep. 776; 37 Supp. 240). 3 Misc. 85; (51 St. Rep. 764; 22 Supp. 5; 9).
- Herrick v. Smith**, 13 Hun, 446.
Cited, Witnesses—Contradiction—Statements Made Out of Court.
 9 Misc. 25; (59 St. Rep. 679; 29 Supp. 43).
- Herrick v. Starkweather**, 54 Hun, 532; 28 St. Rep. 364; 8 Supp. 145.
Cited, Equity—Contracts—Cancellation.
 80 Hun, 352; (62 St. Rep. 41; 30 Supp. 313).
- Herrick v. Stover**, 5 Wend. 580.
Cited, Appeal—Reversal—Right to Nominal Damages.
 4 Misc. 134; (53 St. Rep. 171; 23 Supp. 864; 30 Abb. N. C. 306). 76 Hun, 499; (59 St. Rep. 334; 27 Supp. 1090).

Duplicate Citations in Parenthesis.

Herrick v. Woolverton, 41 N. Y. 581.

Cited, Counterclaim—Effect of Statute of Limitations on.
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Bills and Notes—Presentment—Time.
16 Misc. 319; (39 Supp. 396; 25 Civ. Pro. 406).

Herring v. Hoppock, 15 N. Y. 409.

Cited, Execution—Leviable Interests—Conditional Sale.

6 Misc. 237; (27 Supp. 82). 85 Hun, 126; (66 St. Rep. 214; 32 Supp. 593).

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137 N. Y. 426; (51 St. Rep. 68). 19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Herring v. N. Y., L. E. & W. R. Co., 105 N. Y. 340; 7 St. Rep. 547.

Cited, Receivers—Powers and Duties of.
76 Hun, 523; (58 St. Rep. 844; 28 Supp. 115; 10 Misc. 688; (65 St. Rep. 96; 31 Supp. 1002; 1 Ann. Cas. 337). 18 Misc. 390; (75 St. Rep. 1039; 41 Supp. 653). 16 App. Div. 151; (79 St. Rep. 102; 45 Supp. 102).

Judgment—Conclusiveness.

143 N. Y. 211; (62 St. Rep. 163). 12 App. Div. 17; (76 St. Rep. 178; 42 Supp. 178).

Herrington v. Lake Shore & Mich. So. R. Co., 83 Hun, 365; 64 St. Rep. 647; 31 Supp. 910.

Herrington v. Lansingburgh, 110 N. Y. 145; 17 St. Rep. 92.

Cited, Master and Servant—Liability for Acts of Independent Contractor.

2 Misc. 433; (51 St. Rep. 217; 22 Supp. 185). 6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906).

Nuisance — Blasting — Not Nuisance per se.

2 Misc. 316; (50 St. Rep. 580; 21 Supp. 1019; 30 Abb. N. C. 159).

Trespass — Resulting From Acts on Adjoining Land.

2 Misc. 432; (51 St. Rep. 216; 22 Supp. 184).

Negligence—Blasting—Independent Contractor.

14 App. Div. 4; (77 St. Rep. 620; 43 Supp. 620).

Herrington v. Phoenix, 41 Barb. 270.

Cited, Municipal Corporations—Defective Streets—Liability.

86 Hun, 435; (67 St. Rep. 632; 33 Supp. 903). 8 App. Div. 123; (40 Supp. 586).

Herrington v. Robertson, 71 N. Y. 280.

Cited, Costs—In Equity.

4 Misc. 415; (53 St. Rep. 576; 24 Supp. 329). 56 St. Rep. 433; (26 Supp. 96).

Herrington v. Winn, 60 Hun, 238; 14 Supp. 612.

Cited, Witness—Competency—Physician.
8 App. Div. 77; (40 Supp. 421).

Herriot v. Prime, 87 Hun, 95; 67 St. Rep. 649; 33 Supp. 970.

Herrman v. Adriatic Fire Ins. Co., 85 N. Y. 162.

Cited, Insurance—Fire—Occupancy.

86 Hun, 36; (67 St. Rep. 238; 33 Supp. 405). 92 Hun, 226, 228; (72 St. Rep. 398, 400; 36 Supp. 876, 877). 15 Misc. 643; (72 St. Rep. 700; 37 Supp. 348).

Herrman v. Merchants Ins. Co., 81 N. Y. 184.

Cited, Insurance—Policy—Construction—Against Insurer.

D. 81 Hun, 335; (63 St. Rep. 159; 30 Supp. 883). 88 Hun, 97; (68 St. Rep. 659; 34 Supp. 547). 140 N. Y. 313.

Insurance—Fire—Occupancy.

147 N. Y. 485; (70 St. Rep. 71). 92 Hun, 228; (72 St. Rep. 399; 36 Supp. 877). 15 Misc. 642; (72 St. Rep. 700; 37 Supp. 348).

Herrman v. Stalp, 24 St. Rep. 40; 6 Supp. 514.

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Cited, 6 Misc. 403; (56 St. Rep. 633; 26 Supp. 778). 7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 297).

Hermann v. Curiel, 3 App. Div. 511; 73 St. Rep. 800; 38 Supp. 343.

Hersee v. Porter, 100 N. Y. 403.

Cited, Taxes—Assessment—Review of.

7 Misc. 206; (56 St. Rep. 520; 27 Supp. 211). 81 Hun, 309; (27 Supp. 211). 81 Hun, 313; (27 Supp. 214).

Taxes—Collector's Warrant—Irregularity Not Patent.

7 Misc. 201; (56 St. Rep. 517; 27 Supp. 214).

Taxes—Sale—Possession.

82 Hun, 362; (64 St. Rep. 156; 31 Supp. 567). 4 App. Div. 536; (74 St. Rep. 631; 40 Supp. 22).

Hersey v. Benedict, 15 Hun, 282.

Cited, Estoppel—Rescission of Sale for Fraud—Recovery for Part Unreclaimed.

72 Hun, 625; (54 St. Rep. 866; 25 Supp. 530).

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3 Misc. 506; (23 Supp. 991).

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4 Misc. 94; (53 St. Rep. 81; 23 Supp. 859).

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85 Hun, 187; (65 St. Rep. 810; 32 Supp. 485). 86 Hun, 352; (67 St. Rep. 171; 33 Supp. 536).

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18 Misc. 180; (75 St. Rep. 966; 41 Supp. 576).

Hertzer v. Mullen, 9 App. Div. 593; 75 St. Rep. 1098; 41 Supp. 708; 3 Ann. Cas. 340.

Cited, Landlord and Tenant—Holding Over—Liability.

18 Misc. 558; (76 St. Rep. 472; 42 Supp. 472; 3 Ann. Cas. 380). 19 Misc. 526; (77 St. Rep. 1063; 43 Supp. 1063). 19 Misc. 491, 496; (77 St. Rep. 1104, 1107; 43 Supp. 1104, 1107).

Hertfelder Matter of, 1 Law, Bul. 96.

Cited, Executors and Administrators—Accounting—Vouchers for Payments.

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Hertz v. Minzesheimer, 10 Misc. 779; 62 St. Rep. 767; 30 Supp. 805.

Affirmed, 12 Misc. 58; 66 St. Rep. 682; 33 Supp. 48.

Hertz v. Minzesheimer, 13 Misc. 58; 66 St. Rep. 682; 33 Supp. 48.

Hertz v. Stuart, 3 Week Dig. 332.

Cited, Attachment—Grounds.

4 App. Div. 23; (73 St. Rep. 670; 38 Supp. 303).

Herzberg v. Murray, 40 Super. 271.

Cited, Trial—Verdict—Correction by Court.

7 Misc. 508; (60 St. Rep. 172; 28 Supp. 496).

Herzog v. Heyman, 8 Misc. 27; 59 St. Rep. 305; 28 Supp. 74.

Herzog v. Heyman, 151 N. Y. 587.

Herzog v. N. Y. El. R. Co., 37 St. Rep. 567; 14 Supp. 296.

Affirmed, 76 Hun, 486; 59 St. Rep. 341; 27 Supp. 1034.

Cited, Elevated Railroads—Rights in Street—Consent.

89 Hun, 433; (70 St. Rep. 158; 35 Supp. 507).

Herzog v. New York El. R. Co., 76 Hun, 486; 59 St. Rep. 341; 27 Supp. 1034.

Affirmed, 151 N. Y. 665.

Cited, Elevated Railroads—Consent of Abutting Owner—Effect.

79 St. Rep. 1000; (45 Supp. 1000).

Hesdra, Matter of, 4 Misc. 37; 23 Supp. 846.

Hesdra, Matter of, 23 Supp. 842.

Hesdra, Matter of, 119 N. Y. 615; 28 St. Rep. 810; 2 Silv. Ct. App. 488.

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9 Misc. 24; (59 St. Rep. 679; 29 Supp. 43).

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16 App. Div. 139; (79 St. Rep. 124; 45 Supp. 124).

Hesketh v. Stevens, 7 Barb. 488.

Cited, Chattel—Mortgage—Earnings of Vessel.

138 N. Y. 505; (53 St. Rep. 105).

Hesler v. Shafer, 82 Hun, 199; 63 St. Rep. 756; 31 Supp. 307.

Hespe v. Wyman, 16 Misc. 63; 73 St. Rep. 246; 37 Supp. 652.

Cited, Agency—Undisclosed Principal.

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Hess, Matter of, 48 Hun, 586; 16 St. Rep. 235; 1 Supp. 811.

Cited, Contempt—Disobedience of Judgment.

52 St. Rep. 562; (22 Supp. 1030). 11 Misc. 282; (65 St. Rep. 449; 32 Supp. 274; 24 Civ. Pro. 227; 1 Ann. Cas. 105).

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50 St. Rep. 417; (21 Supp. 562; 23 Civ. Pro. 52).

Hess v. Beakman, 11 Johns. 457.

Cited, Justice's Court—Non-suit.

90 Hun, 543; (71 St. Rep. 32; 36 Supp. 25).

Hess v. Buffalo & N. F. R. Co., 29 Barb. 391.

Cited, Pleading—Mis-joinder of Causes of Action—Demurrer.

7 Misc. 469; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 357).

Hess v. Cohen, 20 Misc. 333; 79 St. Rep. 934; 45 Supp. 934.

Hess v. Hess, 117 N. Y. 306; 27 St. Rep. 346.

Cited, Fraudulent Conveyance—Attachment.

13 Misc. 490; (70 St. Rep. 137; 35 Supp. 525).

Hess v. Smith, 16 Misc. 55; 73 St. Rep. 85; 37 Supp. 635.

Cited, Judgment—Conclusiveness.

79 St. Rep. 638; (45 Supp. 638).

Hess v. Van Auken, 11 Misc. 422; 65 St. Rep. 119; 32 Supp. 126.

Hess & Co. v. Baar, 14 Misc. 286; 70 St. Rep. 464; 35 Supp. 687.

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Hesse v. Briggs, 45 Super. 417.

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11 Misc. 520; (64 St. Rep. 469; 32 Supp. 741).

Hessler v. Schafer, 20 Misc. 645.

Hessler v. Shafer, 82 Hun, 199; 63 St. Rep. 756; 31 Supp. 307.

Cited, Injunction—Temporary—Discretion.

90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560).

Hetch v. Bishop, 49 St. Rep. 322; 20 Supp. 837.

Hetherington, Matter of, 25 Week. Dig. 4.

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37 Supp. 611; (31 Abb. N. C. 74).

Hetzel v. Barbour, 69 N. Y. 1.

Cited, Judicial Sale — Sheriff's Deed — What Passes by.

141 N. Y. 469; (57 St. Rep. 608).

Judicial Sale—Sheriff's Deed—Priority over Unrecorded Conveyance.

1 App. Div. 172; (73 St. Rep. 74; 37 Supp. 861).

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54 St. Rep. 31; (24 Supp. 226).

Trusts—Extinction—Lapse of Time.

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79 Hun, 100; (81 St. Rep. 136; 29 Supp. 656). 3 Misc. 440; (52 St. Rep. 328; 23 Supp. 172). 9 Misc. 637; (62 St. Rep. 123; 30 Supp. 546). 139 N. Y. 229; (54 St. Rep. 675). 144 N. Y. 569; (64 St. Rep. 238). 17 Misc. 224; (40 Supp. 1085).

Powers—Specific—Termination.

2 Misc. 166; (50 St. Rep. 217; 21 Supp. 624). 84 Hun, 334; (65 St. Rep. 637; 32 Supp. 567). 18 Misc. 436; (75 St. Rep. 1188). 16 App. Div. 442; (79 St. Rep. 194; 45 Supp. 194).

Wills—Devise—Election.

84 Hun, 474; (65 St. Rep. 614; 32 Supp. 397).

Heyne v. Blair, 62 N. Y. 19.

Cited, Evidence—Sufficiency—Malicious Prosecution.

69 Hun, 58; (53 St. Rep. 328; 23 Supp. 704).

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2 Misc. 306; (51 St. Rep. 570; 21 Supp. 999).

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2 Misc. 306; (51 St. Rep. 571; 21 Supp. 1000).

Malicious Prosecution—Probable Cause—Malice.

8 App. Div. 334; (75 St. Rep. 217; 40 Supp. 831).

Hetzel v. Tannehill Silver Mining Co., 4 Abb. N. C. 40.

Cited, Corporations—Temporary Receiver—Enforcement of Claim by Creditor.

D. 12 Misc. 483; (67 St. Rep. 384; 33 Supp. 683).

Hetzell v. Barber, 6 Hun, 534.

Cited, Executors and Administrators—Power of Sale—Interest of Heirs.

49 St. Rep. 461; (20 Supp. 952).

Heuser, Matter of, 87 Hun, 262; 67 St. Rep. 476; 33 Supp. 881.

Heusner v. Houston W. S. & P. F. Co., 7 Misc. 48; 57 St. Rep. 529; 27 Supp. 365.

Hevenor, Matter of, 70 Hun, 56; 53 St. Rep. 556; 23 Supp. 1092.

Affirmed, 144 N. Y. 271; 63 St. Rep. 692; 1 Ann. Cas. 144.

Hevenor, Matter of, 144 N. Y. 271; 63 St. Rep. 692; 1 Ann. Cas. 144.

Cited, Landlord and Tenant—Reletting—Liability for Deficiency.

9 App. Div. 117; (75 St. Rep. 535; 41 Supp. 74).

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3 App. Div. 549, 551; (74 St. Rep. 38, 40; 38 Supp. 382, 383). 151 N. Y. 594.

Hewett v. Bronson, 5 Daly, 1.

Cited, Cause of Action—Services Rendered Without Agreement.

2 Misc. 260; (51 St. Rep. 122; 21 Supp. 995).

Hewett v. Chadwick, 8 App. Div. 23; 74 St. Rep. 703; 40 Supp. 144.

Hewison v. Hoffman, 4 Supp. 621; 23 St. Rep. 73; 15 Daly 176.

Cited, Vendor and Purchaser—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 494; (24 Supp. 936). 8 Misc. 132; (59 St. Rep. 525; 28 Supp. 488).

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Cited, Wills — Execution — Subscription at End.

84 Hun, 582; (65 St. Rep. 320; 32 Supp. 846). 90 Hun, 141; (70 St. Rep. 261; 35 Supp. 801). D. 90 Hun, 143; (70 St. Rep. 263; 35 Supp. 802). 153 N. Y. 262.

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Hewitt, Matter of, 21 Week. Dig. 296.

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Hewitt v. Ballard, 16 App. Div. 466;

78 St. Rep. 935; 44 Supp. 935.

Hewitt v. City Mills, 136 N. Y. 211; 49 St. Rep. 335; 29 Abb. N. C. 459.

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3 Misc. 513; (52 St. Rep. 416; 23 Supp. 6).

Hewitt v. Newburger, 66 Hun, 230; 43 St. Rep. 811; 20 Supp. 913.

Reversed, 141 N. Y. 538; 57 St. Rep. 821.

Cited, Information—Sufficiency—Inferior Courts.

74 Hun, 324; (56 St. Rep. 311; 26 Supp. 819). 74 Hun, 342; (56 St. Rep. 378; 26 Supp. 410).

Hewitt v. Newburger, 141 N. Y. 538; 57 St. Rep. 821.

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Cited, False Imprisonment—Void Process — Willful Act.

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Hewitt v. Northrup, 75 N. Y. 510.

Cited, Partnership—Insolvent—Payment of Individual Debt.

82 Hun, 55, 56; (63 St. Rep. 370, 371; 31 Supp. 70).

Hewitt v. Warren, 10 Hun, 560.

Cited, Infants—Fraud—Contract.

D. 4 App. Div. 584; (74 St. Rep. 833; 38 Supp. 1021).

Hewlett v. Cock, 7 Wend. 371.

Cited, Ancient Deeds—Possession Under.

D. 11 Hun, 305; (54 St. Rep. 745; 24 Supp. 1003).

Hewlett v. Elmer, 103 N. Y. 156; 3 St. Rep. 1.

Cited, Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

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150 N. Y. 224; (3 Ann. Cas. 273). 150 N. Y. 228. 150 N. Y. 544.

Hewlett v. Saratoga Carlsbad Spring Co., 84 Hun, 248; 65 St. Rep. 843; 32 Supp. 697.

Hewlett v. Wood, 1 Hun, 478.

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88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815; 2 Ann. Cas. 122).

Hewlett v. Wood, 3 Hun, 736.

Cited, Partition—Action for—Matters Involved.

88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815).

Hewlett v. Wood, 55 N. Y. 634.

Cited, Evidence—Opinions—Non-experts — As to Sanity, etc.

71 Hun, 502; (54 St. Rep. 901; 24 Supp. 1058). 8 Misc. 468; (60 St. Rep. 60; 28 Supp. 778). 9 Misc. 285; (61 St. Rep. 149; 29 Supp. 724). 148 N. Y. 569.

Hewlett v. Wood, 62 N. Y. 75.

Cited, Partition—Jury Trial.

137 N. Y. 125; (50 St. Rep. 171).

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88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815).

Hexamer v. Webb, 101 N. Y. 377; 1 St. Rep. 46.

Cited, Master and Servant—Independent Contractor—Negligence.

71 Hun, 41; (54 St. Rep. 68; 24 Supp. 513). 6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906). 13 Misc. 20; (68 St. Rep. 162; 34 Supp. 91). 13 Misc. 328; (68 St. Rep. 365; 34 Supp. 461). 13 App. Div. 307; (77 St. Rep. 7; 43 Supp. 7). 15 App. Div. 243; (78 St. Rep. 235; 44 Supp. 235).

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Cited, Damages—Delay in Performance—Indemnity.

8 Misc. 260; (59 St. Rep. 200; 28 Supp. 549).

Landlord and Tenant—Eviction From Part by Repairs—Damages.

4 Misc. 223; (53 St. Rep. 478; 23 Supp. 909). 139 N. Y. 436; (54 St. Rep. 699).

Landlord and Tenant—Repairs—Failure of Landlord to Make—Tenant's Rights.

144 N. Y. 47; (63 St. Rep. 15).

Hexter v. Knox, 39 Super. 109.

Affirmed, 63 N. Y. 561.

Cited, Landlord and Tenant—Failure of Landlord to Repair—Tenant's Remedies.

15 Misc. 3; (72 St. Rep. 5; 36 Supp. 776).

Hey v. Dolphin, 92 Hun, 230; 71 St. Rep. 794; 36 Supp. 627.

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17 App. Div. 245; (79 St. Rep. 575; 45 Supp. 575).

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Heye v. Bolles, 33 How. 266.

Cited, Pleading—Answer—Denial—Sufficiency.

16 Misc. 335; (39 Supp. 721).

Heye v. Tiltford, 2 App. Div. 346; 73 St. Rep. 428; 37 Supp. 751.

Heyer v. Pruyn, 7 Paige, 465.

Distinguished, Limitation of Action—Collateral Mortgage—Interruption of Statute as to Principal Debt.

78 Hun, 305; (60 St. Rep. 177; 28 Supp. 977).

Heyler v. N. Y. News Pub. Co., 71 Hun, 4; 54 St. Rep. 68; 24 Supp. 499.

Affirmed, 148 N. Y. 734.

Heyman v. Schmidt, 19 Supp. 215; 46 St. Rep. 194.

Cited, Pleading—Answer—Counterclaim—Reply.

7 Misc. 149; (57 St. Rep. 494; 27 Supp. 247).

Heymen v. Smadbeck, 6 Misc. 527; 58 St. Rep. 10; 27 Supp. 141.

Heyne v. Doerfler, 124 N. Y. 505; 36 St. Rep. 497.

Cited, Evidence—Transaction with Decedent.

49 St. Rep. 250; (20 Supp. 960). 92 Hun, 274; (72 St. Rep. 317; 36 Supp. 954). 15 Misc. 290; (72 St. Rep. 429; 36 Supp. 985). 4 App. Div. 442; (74 St. Rep. 157; 38 Supp. 665).

Heyward, Matter of, 1 Sandf. 701.

Cited, Criminal Law—Habeas Corpus—Burden of Proof.

92 Hun, 288; (71 St. Rep. 735; 36 Supp. 724).

Heywood v. Buffalo, 14 N. Y. 534.

Cited, Injunction—Anticipated Injury—Under Proceeding Valid Upon Face—Extrinsic Impeachment.

70 Hun, 422; (53 St. Rep. 687; 24 Supp. 465).

Taxes—Assessment—Review of.

7 Misc. 206; (56 St. Rep. 520; 27 Supp. 215). 81 Hun, 314; (27 Supp. 215).

Heywood v. Kingman, 29 Abb N. C. 75.

Cited, Appeal—Reversal—Interlocutory Judgment—Trial—Accounting by Assignee for Creditors—Allowance of Disbursements—Objection—Sufficiency.

76 Hun, 362; (58 St. Rep. 466; 27 Supp. 788).

Heywood v. Thacher, 135 N. Y. 632; 48 St. Rep. 929.

Heywood v. Thacher, 47 St. Rep. 1; 19 Supp. 321.

Cited, Assignment for Creditors—Accounting—Distribution of Fund.

9 Misc. 652; (63 St. Rep. 270; 30 Supp. 481).

Heywood Boot & Shoe Co. v. Ralph, 82 Hun, 418; 63 St. Rep. 580; 31 Supp. 263.

Hibbard v. Commercial Alliance Life Ins. Co., 4 Misc. 422; 53 St. Rep. 517; 24 Supp. 332.

Affirmed, 141 N. Y. 549; 57 St. Rep. 865.

Hibbard v. Haughian, 70 N. Y. 54.

Cited, Evidence—Parol—Receipt—Explanation.

76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235).

Hibbard v. N. Y. & E. R. Co., 15 N. Y. 455.

Cited, Carrier—Passenger—Ejection—Use of Force.

3 Misc. 346; (52 St. Rep. 3; 22 Supp. 741).

Carriers—Passenger—Ejection for Non-payment of Fare

4 Misc. 396; (53 St. Rep. 570; 24 Supp. 110). 91 Hun, 343; (71 St. Rep. 863; 36 Supp. 769).

Trial—Questions of Law—Reasonableness of Regulation—Railroads.

79 Hun, 35; (61 St. Rep. 195; 29 Supp. 734). 151 N. Y. 241; (3 Ann. Cas. 316).

Hibbard v. Randolph, 72 Hun, 626; 56 St. Rep. 431; 25 Supp. 854.

Cited, Judgment—Offer of—Second.

8 Misc. 621; (61 St. Rep. 334; 29 Supp. 823).

Hibbard v. Stewart, 1 Hilt. 207.

Cited, Estoppel.

82 Hun, 224; (64 St. Rep. 797; 31 Supp. 975).

Hibernia Nat'l Bank v. Lacombe, 84 N. Y. 367.

Cited, Assignment for Creditors—Foreign—Domestic Attachment by Foreign Creditor.

55 St. Rep. 565.

Conflict of Laws—Bills and Notes.

138 N. Y. 497; (53 St. Rep. 114.)

Contracts—Breach—Place of Performance—Right of Action.

8 Misc. 295; (59 St. Rep. 211; 28 Supp. 574; 31 Abb. N. C. 442). 12 Misc. 234; 67 St. Rep. 787; 33 Supp. 1084.) 8 App. Div. 448; (75 St. Rep. 270; 40 Supp. 873).

Conflict of Laws—Contracts—Locus.

150 N. Y. 323.

Duplicate Citations in Parenthesis.

Hickenbottom v. Delaware, L. & W. R. Co., 122 N. Y. 91; 33 St. Rep. 312.

Cited, Appeal—Construction of Charge to Jury.

6 Misc. 335; (56 St. Rep. 240; 26 Supp. 900). 1 Misc. 347; (48 St. Rep. 781; 20 Supp. 718). 9 Misc. 111; (59 St. Rep. 731; 29 Supp. 47). 9 Misc. 432; (61 St. Rep. 735; 29 Supp. 1061). 92 Hun, 363; (71 St. Rep. 548; 36 Supp. 517).

Trial—Instruction to Jury—Exception.

8 Misc. 233; (59 St. Rep. 449; 28 Supp. 724).

Appeal—Incompetent Evidence—When Reviewable.

9 App. Div. 47; (75 St. Rep. 525; 41 Supp. 66).

Hickey v. Hartford Fire Ins. Co., 92 Hun, 192; 71 St. Rep. 131; 36 Supp. 326.

Hickey v. Hartford Fire Ins. Co., 15 App. Div. 224; 78 St. Rep. 191; 44 Supp. 191.

Hickey v. Morrell, 102 N. Y. 454; 2 St. Rep. 408.

Cited, Fraud—Misrepresentations—Opinions.

5 Misc. 347; (55 St. Rep. 505; 25 Supp. 527). 8 Misc. 110; (59 St. Rep. 512; 28 Supp. 622). 90 Hun, 222; (28 Supp. 622).

Deceit—Constituents.

16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601).

Hickey v. N. Y. C. & H. R. R. Co., 8 App. Div. 123; 40 Supp. 484.

Hickey v. Taaffe, 99 N. Y. 204.

Cited, Master and Servant—Injuries to Infant—Statutory Duty.

11 Misc. 530; (64 St. Rep. 448; 32 Supp. 751).

Hickey v. Taaffe, 105 N. Y. 26; 6 St. Rep. 426.

Cited, Master and Servant—Liability of Master to Servant—Places—Appliances.

142 N. Y. 34; (58 St. Rep. 437). 1 Misc. 305; (48 St. Rep. 771; 20 Supp. 712). 72 Hun, 444; (54 St. Rep. 867; 25 Supp. 190). 76 Hun, 577; (58 St. Rep. 260; 28 Supp. 189). 88 Hun, 320; (68 St. Rep. 419; 34 Supp. 409). 7 App. Div. 422; (39 Supp. 919). D. 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 822).

Master and Servant—Servant's Assumption of Risks—Knowledge.

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 139 N. Y. 460; (54 St. Rep. 712). 4 Misc. 496; (54 St. Rep. 340; 24

Supp. 552). 75 Hun, 326; (58 St. Rep. 215; 26 Supp. 1013; 31 Abb. N. C. 294). 11 Misc. 57; (63 St. Rep. 463, 464; 31 Supp. 835, 836). 10 App. Div. 313; (75 St. Rep. 1193; 41 Supp. 795). 20 Misc. 53; (78 St. Rep. 267; 44 Supp. 287).

Negligence—Contributory.

72 Hun, 406; (55 St. Rep. 287; 25 Supp. 208).

Master and Servant—Risks Assumed—Obviousness—Minors.

7 Misc. 11; (56 St. Rep. 841; 27 Supp. 334). 11 Misc. 548; (64 St. Rep. 446; 32 Supp. 749).

Hickey v. Taaffe, 105 N. Y. 26; 6 St. Rep. 426.

12 Misc. 215; (66 St. Rep. 856; 33 Supp. 264). 12 App. Div. 53; (76 St. Rep. 183; 42 Supp. 183). 10 App. Div. 490; (76 St. Rep. 226; 42 Supp. 228).

Master and Servants—Minors—Instruction.

15 Misc. 253; (71 St. Rep. 467; 36 Supp. 416). 5 App. Div. 503; (38 Supp. 1092). 9 App. Div. 148; (41 Supp. 101).

Hickinbottom v. Delaware, Lack. & W. R. Co., 15 St. Rep. 11.

Cited, Witnesses—Credibility—Employees.

72 St. Rep. 731; (37 Supp. 458).

Appeal—Review of Facts—Conflicting Evidence.

15 App. Div. 7; (77 St. Rep. 1114; 43 Supp. 1114).

Evidence—Preponderance—What is.

8 Misc. 448; (58 St. Rep. 852; 28 Supp. 647).

Hickok v. Hickok, 13 Barb. 632.

Cited, Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822). 4 App. Div. 238; (74 St. Rep. 181; 38 Supp. 562).

Hickok Mfg Co. v. Blackall. See *W. O. Hickok Mfg Co. v. Blackall.*

Hickox v. Weaver, 15 Hun, 375.

Cited, Stay—Notice of Appointment of Another Attorney.

13 App. Div. 607; (77 St. Rep. 988; 43 Supp. 988).

Hicks, Matter of, 14 St. Rep. 320.

Cited, Appeal—Grounds of Reversal—Refusal of Referee to Make Finding.

49 St. Rep. 262; (20 Supp. 932).

Hicks v. British-American Assur. Co., 13 App. Div. 444; 77 St. Rep. 623; 43 Supp. 623.

Duplicate Citations in Parenthesis.

Hicks v. Charlick, 10 Abb. 129.

Cited, Discovery and Inspection—Denial of Possession.

86 Hun. 45; (67 St. Rep. 109; 33 Supp. 290; 2 Ann. Cas. 123).

Hicks v. Dorn, 9 Abb. N. S. 47.

Cited, Broker—Authority to Employ Sub-agent.

2 Misc. 399; (50 St. Rep. 612; 21 Supp. 953).

Hicks v. Foster, 13 Barb. 663.

Cited, Damages—Counsel Fees.

82 Hun. 336; (64 St. Rep. 108; 31 Supp. 509). 20 Misc. 316; (79 St. Rep. 676; 45 Supp. 676).

Hicks-Alixanian v. Walton, 14 App.

Div. 199; 77 St. Rep. 541; 43 Supp. 541.

Cited, Burden of Proof—Non-performance.

20 Misc. 615; (79 St. Rep. 1132; 45 Supp. 1132).

Hidden v. Waldo, 55 N. Y. 294.

Cited, Factors—Advances—Fund for Payment.

11 App. Div. 393; (76 St. Rep. 59; 43 Supp. 59).

Hier v. Grant, 47 N. Y. 278.

Cited, Evidence—Competency—Communication with Deceased.

79 Hun. 499; (61 St. Rep. 537; 29 Supp. 921). 85 Hun. 488; (66 St. Rep. 765; 33 Supp. 14)

Pleading—Answer—Denials—Extent of Proof Under.

2 Misc. 387; (51 St. Rep. 222; 21 Supp. 992).

Hier v. N. Y., West Shore & B. R. Co., 40 Hun. 310.

Cited, Damages—Change of Grade—Injury to Abutter's Approach as Element.

50 St. Rep. 672; (21 Supp. 505).

Higbie v. Guardian Mut. L. Ins. Co., 53 N. Y. 603.

Cited, Insurance—Policy—Avoidance by False Statements in Application.

78 Hun. 226; (60 St. Rep. 224; 28 Supp. 955).

Insurance—Policy — Warranties — Statements in Application—Previous Health.

74 Hun. 386; (56 St. Rep. 388; 26 Supp. 433).

Higbie v. Westlake, 14 N. Y. 281.

Cited, Appeal—Waiver—Accepting Benefits of Determination.

137 N. Y. 609; (51 St. Rep. 75).

Higenbotam v. Green, 25 Hun. 214.

Cited, Pleading—Bill of Particulars—Scope—Disclosure of Proof.

2 Misc. 503; (51 St. Rep. 87; 22 Supp. 386). 2 Misc. 112; 49 St. Rep. 347; 20 Supp. 870).

Higgins, Matter of, 94 N. Y. 554.

Cited, Wills — Execution—Acknowledgment.

17 Misc. 111; (75 St. Rep. 132; 40 Supp. 736).

Higgins v. Callahan, 1 City Ct. R. 354.

Affirming, 10 Daly. 420.

Cited, Alimony—Enforcement of Payment—Separate Action.

19 Misc. 654; (78 St. Rep. 410; 44 Supp. 410).

High v. Chick, 81 Hun. 100; 62 St. Rep. 626; 30 Supp. 652.

Cited, Appeal—Justice's Court—Communications Between Court and Jury.

92 Hun. 198; (71 St. Rep. 540; 36 Supp. 510).

Higgins v. Crichton, 11 Daly. 114.

Cited, Pleading—Construction.

7 Misc. 470; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 358).

Pleading — Complaint — Mis-joinder of Causes.

13 Misc. 760; (69 St. Rep. 302; 35 Supp. 186).

Higgins v. Crichton, 98 N. Y. 626.

Cited, Appeal—Court of Appeals—Affirmance Without Opinion.

71 St. Rep. 25; (33 Supp. 17; 25 Civ. Pro. 165). 14 Misc. 428; (71 St. Rep. 483; 36 Supp. 433). 4 App. Div. 218; (73 St. Rep. 593; 38 Supp. 543).

Higgins v. Crouse, 63 Hun. 134; 44 St. Rep. 151; 17 Supp. 696.

Cited, Limitation of Action—When Statute Runs—Fraud.

71 Hun. 615; (55 St. Rep. 95; 24 Supp. 1080).

Higgins v. Crouse, 71 Hun. 615; 55 St. Rep. 94; 24 Supp. 1080.

Reversed, 147 N. Y. 411; 70 St. Rep. 50.

Higgins v. Crouse, 147 N. Y. 411; 70 St. Rep. 50.

Cited, Fraud—Inquiry Required.

79 St. Rep. 654; (45 Supp. 654).

Higgins v. Dakin, 86 Hun. 461; 67 St. Rep. 637; 33 Supp. 890.

Higgins v. Dewey, 34 St. Rep. 692; 13 Supp. 570.

Cited, Writ and Process—Service—Vacation—Dismissal.

79 Hun. 221; (61 St. Rep. 365; 29 Supp. 507).

Duplicate Citations in Parenthesis.

Higgins v. Dewey, 39 St. Rep. 94; 14 Supp. 894; 27 Abb. N. C. 81.

Cited, Injunction—When Vacated—Procurement by Fraud and Abuse of.

1 Misc. 124; (48 St. Rep. 699; 20 Supp. 704).

Writ and Process—Service—Vacation—Dismissal.

79 Hun, 221; (61 St. Rep. 365; 29 Supp. 507).

Appeal—Review of Facts.

19 Misc. 620; (78 St. Rep. 416; 44 Supp. 416).

Higgins v. Eagleton, 13 Misc. 223; 68 St. Rep. 82; 34 Supp. 235.

Higgins v. Freeman, 2 Duer. 650.

Cited, Action—Voluntary Appearance—Party Not Served—Right to Litigate.

7 Misc. 427; (57 St. Rep. 651; 27 Supp. 976; 23 Civ. Pro. 347).

Higgins v. Glens Falls, Village of, 33 St. Rep. 111; 11 Supp. 289.

Affirmed, 124 N. Y. 666.

Cited, Municipal Corporations—Defective Streets—Liability—Question for Jury.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Higgins v. Hallock, 138 N. Y. 606; 51 St. Rep. 932.

Affirming, 60 Hun, 125; 38 St. Rep. 782; 14 Supp. 550.

Higgins v. Healy, 47 Super. 207.

Cited, Attachment—Undertaking—Liability of Sureties on—Defense—Irregularity.

6 Misc. 306; (58 St. Rep. 148; 26 Supp. 791).

Higgins v. Higgins, 14 Abb. N. C. 13.

Cited, Trusts—Purchase With Another's Funds—Burden of Proof.

15 App. Div. 132; (78 St. Rep. 228; 44 Supp. 228).

Higgins v. John Hancock Mutual Life Ins. Co., 20 Misc. 231; 79 St. Rep. 414; 45 Supp. 414.

Higgins v. Kingsley, 82 Hun, 150; 63 St. Rep. 391; 31 Supp. 100.

Higgins v. Moore, 34 N. Y. 417.

Cited, Agency—Authority—Payment to Agent.

15 Misc. 134; (71 St. Rep. 439; 36 Supp. 473). 1 App. Div. 523; (72 St. Rep. 612; 37 Supp. 286).

Higgins v. Murray, 4 Hun, 565.

Cited, Statute of Frauds—Promise to Pay for Goods Furnished Another—Title to Goods.

9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196).

Higgins v. Murray, 73 N. Y. 252.

Cited, Statute of Frauds—Promise to Pay for Goods Furnished Another—Title to Goods.

9 Misc. 409; (61 St. Rep. 696; 30 Supp. 196).

Statute of Frauds—Contract for Work and Services.

72 St. Rep. 462; (37 Supp. 398; 1 App. Div. 386).

Higgins v. New York, 131 N. Y. 128; 42 St. Rep. 711.

Cited, Officers—Removal—Veterans—Compensation.

69 Hun, 295; (53 St. Rep. 236; 23 Supp. 486). 135 N. Y. 647; (43 St. Rep. 931).

Higgins v. New York, 136 N. Y. 214; 49 St. Rep. 210; 29 Abb. N. C. 462.

Cited, Action—Abatement and Revival—Successor in Interest.

10 Misc. 305; (63 St. Rep. 175; 30 Supp. 947; 24 Civ. Pro. 104).

Higgins v. N. Y., L. E. & W. R. Co., 78 Hun, 567; 61 St. Rep. 244; 29 Supp. 563.

Cited, Watercourses—Bridge—Rights and Liabilities.

8 App. Div. 225; (40 Supp. 315).

Higgins v. O'Donnell, 68 Hun, 100; 52 St. Rep. 226; 22 Supp. 610.

Affirmed, 140 N. Y. 620; 55 St. Rep. 929.

Higgins v. Ridgway, 153 N. Y. 130.

Higgins v. Ridgway, 90 Hun, 393; 70 St. Rep. 659; 35 Supp. 944.

Affirmed, 153 N. Y. 130.

Higgins v. Tefft, 4 App. Div. 62; 74 St. Rep. 100; 38 Supp. 716.

Cited, Corporations—Wrongful Acts of Trustee—Accounting.

6 App. Div. 514; (39 Supp. 709).

Action—Equitable.

D. 6 App. Div. 517; (39 Supp. 712).

Higgins v. Watervliet Turnpike & R. Co., 46 N. Y. 23.

Cited, Master and Servant—Torts of Servant—Instructions.

141 N. Y. 209; (56 St. Rep. 818).

Master and Servant—Liability of Master to Third Persons—Acts of Servants.

80 Hun, 277; (61 St. Rep. 851; 30 Supp. 138).

Higgins v. Western Union Tel. Co., 8 Misc. 433; 58 St. Rep. 852; 28 Supp. 676.

Cited, Master and Servant—When Relation Exists—Servant's Negligence—Liability of Master.

11 Misc. 33; (63 St. Rep. 446; 31 Supp. 842).

Duplicate Citations in Parenthesis.

Higgins v. Western Union Tel. Co.,
11 Misc. 32; 63 St. Rep. 445; 31 Supp.
841.

Higgins v. Worthington, 90 Hun, 436;
70 St. Rep. 300; 35 Supp. 815.

Cited, Set-off—In Favor of Indorser.
12 App. Div. 362; (76 St. Rep. 737; 42
Supp. 737).

Higgins v. Worthington, 12 App. Div.
361; 76 St. Rep. 737; 42 Supp. 737.

Higgins v. Wright, 43 Barb. 461.
Cited, Receivers—Actions Against—Con-
tempt.

72 Hun, 635; (54 St. Rep. 870; 25 Supp.
188).

Officers of Court—Actions Against—Per-
mission.

16 App. Div. 498; (78 St. Rep. 902; 44
Supp. 902).

Higgins Co. v. Higgins Soap Co., 71
Hun, 101; 54 St. Rep. 89; 24 Supp. 801.
Reversed, 144 N. Y. 462; 63 St. Rep. 724.
Cited, Trade Name—Corporation.
10 Misc. 583; (65 St. Rep. 330; 32 Supp. 206).

Higgins Co. v. Higgins Soap Co., 144
N. Y. 462; 63 St. Rep. 724.

Cited, Trade Names—Injunction.
92 Hun, 69; (71 St. Rep. 157; 36 Supp.
386). 89 Hun, 404; (70 St. Rep. 163; 35
Supp. 512).

High v. Chick, 81 Hun, 100; 62 St. Rep.
626; 30 Supp. 652; 1 Ann. Cas. 1.

Cited, Justice's Court—Communication
Between Court and Jury.
15 Misc. 450; (72 St. Rep. 671; 37 Supp. 200).

**High Falls Sulphite Pulp & Mining
Co., Matter of**, 20 Misc. 626.

Highlands, Matter of, Town of, 22
Supp. 137.

**High Rock Knitting Co. v. Bron-
ner**, 18 Misc. 627; 77 St. Rep. 725; 43
Supp. 725.

**High Rock Knitting Co. v. Bron-
ner**, 18 Misc. 631; 77 St. Rep. 684; 43
Supp. 684.

Highton v. Dessau, 46 St. Rep. 922; 19
Supp. 395.

Affirmed, 139 N. Y. 607; 54 St. Rep. 929.
Cited, Contracts—Performance—Certifi-
cate—Arbitrary Refusal of.

4 Misc. 126; (53 St. Rep. 213; 23 Supp.
999). 13 Misc. 197; (68 St. Rep. 217; 34
Supp. 131).

Mechanic's Lien—Bond to Discharge—
Enforcement.

73 Hun, 176; (57 St. Rep. 148; 25 Supp.
1100). 145 N. Y. 247; (64 St. Rep. 68; 1
Ann. Cas. 224).

Highway at Tappan, Matter of, 64
St. Rep. 262; 31 Supp. 625.

Higinbotham v. Stoddard, 72 N. Y.
94.

Cited, Champerty—Adverse Possession.
85 Hun, 37; (66 St. Rep. 137; 32 Supp.
626).

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Courses and Monuments.

92 Hun, 12. 8 App. Div. 609; (75 St.
Rep. 393; 40 Supp. 1008).

Hildebrand, Matter of, 1 Misc. 245; 23
Supp. 148.

Hildebrand v. Schenck, 2 City Ct.
Rep. 249.

Cited, Landlord and Tenant—Liability of
Landlord—Tenement Houses—Hallways—
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5 Misc. 446; (26 Supp. 802).

Hildebrand v. Crawford, 65 N. Y. 107.

Cited, Witnesses—Competency — Death
of Other Party—Bystander—Agents.

68 Hun, 552; (52 St. Rep. 575; 23 Supp.
252). D. 69 Hun. 49; (52 St. Rep. 834; 23
Supp. 447).

Hildreth v. Burkhalter, 21 Supp. 549.

Hildreth v. Seebach, 18 Misc. 387; 75
St. Rep. 1040; 41 Supp. 653.

Hildreth v. Troy, 101 N. Y. 234.

Cited, Jury—Challenges.
17 Misc. 565; (75 St. Rep. 100; 40 Supp.
694).

Hiles v. Fisher, 67 Hun, 229; 50 St.
Rep. 778; 22 Supp. 795;

Affirmed, 144 N. Y. 306; 63 St. Rep. 705; 1
Ann. Cas. 122.

Hiles v. Fisher, 144 N. Y. 306; 63 St.
Rep. 705; 1 Ann. Cas. 122.

Cited, Husband and Wife—Tenancy by
Entirety.

16 Misc. 656; (13 App. Div. 474; 72 St.
Rep. 163; 37 Supp. 11; 25 Civ. Pro. 272).

148 N. Y. 233; (2 Ann. Cas. 410).

Hill, Matter of, 3 Cow. 355.

Cited, Trial—Misconduct of Jury—Vaca-
tion of Verdict.

10 Misc. 442; (64 St. Rep. 17; 31 Supp.
463).

Hill v. Bartholomew, 71 Hun, 453; 54
St. Rep. 400; 24 Supp. 944.

Hill v. Beebe, 13 N. Y. 556.

Cited, Payment—Taking Note.

85 Hun, 491; (66 St. Rep. 761; 33 Supp.
135). 16 Misc. 555; (74 St. Rep. 265; 38
Supp. 747). 17 Misc. 384; (39 Supp. 1063).

Chattel Mortgage—Bona Fides—Notice.

15 Misc. 172; (72 St. Rep. 174; 37 Supp.
21).

Duplicate Citations in Parenthesis.

Hill v. Bishop, 43 St. Rep. 736; 17 Supp. 297.

Cited, Fishing—Exclusive Right.
8 App. Div. 22; (74 St. Rep. 750; 40 Supp. 189).

Hill v. Blake, 97 N. Y. 216.

Cited, Contract—Clauses—Materiality.
139 N. Y. 357; (54 St. Rep. 615.
Sale—Delivery—Beyond Time Stipulated.
10 Misc. 647; (65 St. Rep. 217; 32 Supp. 122).

Hill v. Bond, 22 How. 272.

Cited, Attachments — Affidavits — Information and Belief.

67 Hun, 204; (51 St. Rep. 519; 22 Supp. 65). 17 Misc. 243; (40 Supp. 1066). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336).

Hill v. Burke, 62 N. Y. 111.

Cited, Attachment—Undertaking — Liabilities of Sureties on—Defense—Irregularity.

6 Misc. 303; (58 St. Rep. 148; 26 Supp. 792).

Irregularity—New Trial—Delay in Moving for.

79 St. Rep. 481; (45 Supp. 484).

Hill v. Durham House Drainage Co., 79 Hun, 335; 61 St. Rep. 1; 29 Supp. 427.

Hill v. Edie, 1 Supp. 480.

Cited, Boundaries—Location of Fence—Question for Jury.

5 App. Div. 600; (39 Supp. 439).

Hill v. Haynes, 54 N. Y. 153.

Cited, Execution—Valid on Face—Protection.

D. 16 App. Div. 464; (78 St. Rep. 941; 44 Supp. 941).

Hill v. Hermans, 59 N. Y. 396.

Cited, Affidavits — Determination of Rights Upon.

84 Hun, 89; (65 St. Rep. 210; 32 Supp. 53). 146 N. Y. 280; (66 St. Rep. 630; 2 Ann. Cas. 86).

Hill v. Hill, 4 Barb. 419.

Cited, Estoppel—Deed.

135 N. Y. 335; (48 St. Rep. 250).

Hill v. Hill, 10 Week. Dig. 239.

Cited, Contracts—Mistake—When Relief from Granted.

149 N. Y. 58.

Hill v. Hoole, 116 N. Y. 299; 26 St. Rep. 657.

Cited, Assignment—Choses in Action—Rights of Assignee.

80 Hun, 211; (61 St. Rep. 777; 30 Supp. 83).

Mortgage—Rights of Assignee—Equities.

67 Hun, 116; (51 St. Rep. 196; 22 Supp. 53). 88 Hun, 600; (68 St. Rep. 705; 34 Supp. 770). 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750).

Evidence—Parol—Consideration.

145 N. Y. 661, 666; (71 St. Rep. 313, 316).

Hill v. Knickerbocker Electric Light & Power Co., 45 St. Rep. 761; 18 Supp. 813.

Cited, Corporations—Foreign—Transfers by Insolvent.

3 Misc. 420; (52 St. Rep. 449; 23 Supp. 297). 78 St. Rep. 378; (44 Supp. 378).

Hill v. Knickerbocker Electric Light & Power Co., 14 Supp. 517.

Cited, Attachment — Affidavit — Knowledge.

17 Misc. 736; (40 Supp. 1069; 2 Ann. Cas. 203).

Hill v. Lee, 4 App. Div. 154; 74 St. Rep. 506; 38 Supp. 641.

Hill v. Livingston County, Supervisors of, 12 N. Y. 52.

Cited, Bridges—Duties and Liabilities of Town For.

142 N. Y. 276; (58 St. Rep. 581).

Counties—Duty as to Highway Bridges.

71 Hun, 99; (54 St. Rep. 198; 24 Supp. 564). 146 N. Y. 112; (66 St. Rep. 260).

Hill v. London Assurance Corporation, 16 Daly, 120; 30 St. Rep. 539; 9 Supp. 500.

Cited, Insurance — Agent — Waiver of Conditions.

10 Misc. 161; (62 St. Rep. 524; 31 Supp. 5).

Hill v. London Assurance Corporation, 34 St. Rep. 65; 12 Supp. 86.

Cited, Pleading — Complaint — Amendment.

10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942).

Hill v. Miller, 76 N. Y. 32.

Cited, Contracts—Construction—Printed and Written Parts.

49 St. Rep. 246; (20 Supp. 957). 78 Hun, 25; (60 St. Rep. 494; 28 Supp. 1015).

Agency — Undisclosed Principal — Who Liable.

10 Misc. 728; (65 St. Rep. 105; 31 Supp. 1011).

Duplicate Citations in Parenthesis.

Hill v. Mohawk & H. R. Co., 5 Den. 206.

Affirmed, 7 N. Y. 152.

Cited, Condemnation Proceedings—Reservation of Easement.

84 Hun, 39; (65 St. Rep. 132; 32 Supp. 9).

Hill v. Newichawanick Co., 8 Hun, 459.

Cited, Corporations—Stock—Declaration of Dividend—Transfer of Stock After—Effect.

4 Misc. 13; (23 Supp. 924).

Hill v. New York, 139 N. Y. 495; 54 St. Rep. 797.

Cited, Nuisance—Creation—Authority.

140 N. Y. 212; (55 St. Rep. 415). 88 Hun, 388; (68 St. Rep. 823; 34 Supp. 812). 9 App. Div. 255; (75 St. Rep. 810; 41 Supp. 398).

Nuisance—Legislative Power to Authorize.

20 Misc. 479; (79 St. Rep. 779; 45 Supp. 779).

Hill v. Ninth Ave. R. Co., 109 N. Y. 239; 14 St. Rep. 844.

Cited, Trial—Questions of Law and Fact—Negligence.

2 Misc. 73; (49 St. Rep. 630; 21 Supp. 783). 9 Misc. 100; (62 St. Rep. 224; 29 Supp. 712). 13 App. Div. 175; (77 St. Rep. 265; 43 Supp. 265).

Hill v. Nye, 17 Hun, 457.

Cited, Descent and Distribution—Who Take—Adopted Children.

8 Misc. 405; (59 St. Rep. 565; 28 Supp. 636).

Children—Adoption—Application of Statute.

6 App. Div. 111; (74 St. Rep. 670; 40 Supp. 57).

Hill v. People, 20 N. Y. 363.

Cited, Public Intoxication—Criminality.

8 Misc. 548; (60 St. Rep. 680; 29 Supp. 788; 24 Civ. Pro. 3). 20 Misc. 151, 152, 153; (79 St. Rep. 906, 907; 45 Supp. 906, 907).

Constitutional Law—Deprivation of Jury Trial.

153 N. Y. 193.

Hill v. Reed, 16 Barb. 280.

Cited, Assignment for Creditors—Corporations—Right to Make.

4 Misc. 245; (24 Supp. 693).

Hill v. Rensselaer County, Supervisors of, 119 N. Y. 344; 29 St. Rep. 588.

Cited, Limitation of Action—Executors—Short Statute.

71 Hun, 596; (55 St. Rep. 121; 25 Supp. 58); 81 Hun, 210, 212; (62 St. Rep. 740, 741; 30 Supp. 717).

Hill v. Schneider, 13 App. Div. 299; 77 St. Rep. 1; 43 Supp. 1.

Hill v. Sheehan, 20 Supp. 529.

Cited, Master and Servant—Acts of Person Assisting Servant—Master's Liability.

19 Misc. 646; (78 St. Rep. 419; 44 Supp. 419).

Hill v. Sommer, 53 Hun, 392; 25 St. Rep. 1003; 6 Supp. 469.

Cited, Accord and Satisfaction—Retention of Check Tendered in Settlement.

138 N. Y. 238; (52 St. Rep. 345).

Hill v. Stocking, 6 Hill, 314.

Cited, Landlord and Tenant—Summary Proceedings.

3 Misc. 99; (51 St. Rep. 603; 22 Supp. 369).

Hill v. Syracuse & N. Y. R. Co., 73 N. Y. 351.

Cited, Evidence—Conclusive by Contract—Failure to Read.

7 Misc. 132; (58 St. Rep. 10; 27 Supp. 338).

Hill v. Thompson, 18 J. & S. 165.

Cited, Water Rents—Rights of Owner of Premises Respecting.

152 N. Y. 331.

Hill v. Watkins Board of Water & S., Com'rs of, 77 Hun, 491; 60 St. Rep. 20; 28 Supp. 805.

Hill v. Watkins Board of Water & S., Com'rs of, 150 N. Y. 547.

Hilleary v. Skookum Root Hair Grower Co., 4 Misc. 127; 53 St. Rep. 206; 23 Supp. 1016.

Cited, Contracts—Employment—Construction.

13 Misc. 257; (68 St. Rep. 88; 34 Supp. 86).

Hillen v. Iselin, 67 Hun, 444; 51 St. Rep. 626; 22 Supp. 282.

Affirmed, 144 N. Y. 365; 63 St. Rep. 677.

Hillen v. Iselin, 144 N. Y. 365; 63 St. Rep. 677.

Hiller v. Burlington R. Co., 70 N. Y. 223.

Cited, Corporations—Service of Summons.

85 Hun, 405; (66 St. Rep. 476; 32 Supp. 993; 2 Ann. Cas. 70).

Summons—Service—Sufficiency.

147 N. Y. 632; (71 St. Rep. 263; 2 Ann. Cas. 419).

Hiller v. Sharon Springs, Village of, 28 Hun, 344.

Cited, Evidence—Demonstrative—Exhibition of Injured Member.

67 Hun, 515; (51 St. Rep. 261; 22 Supp. 518).

Duplicate Citations in Parenthesis.

Hilliard v. Smith, 14 Misc. 239; 70 St. Rep. 452; 35 Supp. 717.

Hillis v. Hine, 11 St. Rep. 656.

Cited, Master and Servant—Machinery and Appliances.

3 App. Div. 17; (73 St. Rep. 552; 37 Supp. 932).

Hillman v. Hillman, 14 How. 456.

Cited, Parties—Action at Law.

11 Misc. 250; (65 St. Rep. 856; 32 Supp. 734).

Hills v. Bannister, 8 Cow. 31.

Cited, Bills and Notes—Corporation—Addition of Official Title—Liability.

189 N. Y. 311; (54 St. Rep. 591).

Hills v. Miller, 3 Paige, 254.

Cited, Covenant—Easements—To Whose Benefit Enures.

30 Abb. N. C. 260; (24 Supp. 790). 88 Hun, 440; (68 St. Rep. 779; 34 Supp. 841). 16 Misc. 645; (40 Supp. 759).

Easements—Appurtenance to Dominant Tenement—Conveyance.

74 Hun, 584; (57 St. Rep. 42; 26 Supp. 606).

Highways—Rights of Abutters.

71 Hun, 290; (54 St. Rep. 736; 24 Supp. 1100).

Conveyances—Several of One Date—Construction.

150 N. Y. 146.

Hills v. Peekskill Bank, 26 Hun, 161.

Cited, Contracts—Public Officers—Authority.

69 Hun, 444; (52 St. Rep. 783; 23 Supp. 423).

Hills v. Place, 7 Robt. 389.

Cited, Tender—Effect—Costs.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293).

Hills v. Place, 48 N. Y. 520.

Cited, Tender—Effect—Costs.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293). 17 App. Div. 497; (79 St. Rep. 534; 45 Supp. 534).

Tender—Continued Readiness to Pay—Bringing Money Into Court.

75 Hun, 388; (67 St. Rep. 700; 27 Supp. 454). 16 Misc. 503; (38 Supp. 973). 18 Misc. 227; (75 St. Rep. 869; 41 Supp. 478).

Bills and Notes—Maker—Presentment.

11 Misc. 429; (65 St. Rep. 272; 32 Supp. 130).

Hills v. Sommer, 53 Hun, 392; 25 St. Rep. 1003; 6 Supp. 469.

Cited, Accord and Satisfaction—What Constitutes.

88 Hun, 347; (68 St. Rep. 390; 34 Supp. 401). 15 Misc. 221; (71 St. Rep. 591; 36 Supp. 790). 148 N. Y. 331.

Hills v. White, 71 Hun, 511; 54 St. Rep. 907; 24 Supp. 1065.

Hilyer v. Vandewater, 121 N. Y. 681; 31 St. Rep. 671.

Cited, Wills—Perpetuities.

10 Misc. 572; (65 St. Rep. 268; 32 Supp. 189). 13 Misc. 347; (68 St. Rep. 519; 34 Supp. 562).

Hilsenbeck v. Guhring, 131 N. Y. 674; 43 St. Rep. 936.

Cited, Landlord and Tenant—Liability of Landlord—Tenement Houses.

5 Misc. 446; (26 Supp. 802). 20 Misc. 571.

Landlord and Tenant—Injuries to Tenant—Contributory Negligence.

13 Misc. 20; (68 St. Rep. 162; 34 Supp. 91).

Negligence—Contributory—Falling Down Elevator Shaft.

4 App. Div. 486; (38 Supp. 687).

Hilsley v. Palmer, 32 Hun, 472.

Cited, Evidence—Competency—Objection—Waiver.

135 N. Y. 456; (48 St. Rep. 428).

Hilton v. Bender, 69 N. Y. 75.

Cited, Eminent Domain—Commissioners—Constitutional Law.

151 N. Y. 84.

Hilton v. Fonda, 86 N. Y. 339.

Cited, Certiorari—Taxes—Prior Demand for Relief—Waiver of Objection.

78 Hun, 53; (60 St. Rep. 579; 28 Supp. 1041).

Taxes—When Assessable—Waiver of Non-residence.

138 N. Y. 163; (51 St. Rep. 839).

Taxes—Occupied Lands—Against Whom Taxable.

80 Hun, 282; (61 St. Rep. 848; 30 Supp. 135). 10 App. Div. 536; (76 St. Rep. 66; 42 Supp. 66).

Trial—Waiver—Incompetent Evidence.

151 N. Y. 265.

Hilton v. Hughes, 5 App. Div. 226; 39 Supp. 204.

Hilton Bridge Const. Co., Matter of, 13 App. Div. 24; 77 St. Rep. 99; 43 Supp. 99.

Hilton Bridge Const. Co. v. Gouverneur & Oswegatchie R. Co., 90 Hun, 584; 70 St. Rep. 619; 35 Supp. 976.

Hilton Bridge Const. Co. v. Gouverneur & O. R. Co. See 32 Supp. 515.

Hilton Bridge Const. Co. v. N. Y. C. & H. R. R. Co., 84 Hun, 225; 65 St. Rep. 669; 32 Supp. 514.

Affirmed, 145 N. Y. 300; 64 St. Rep. 834.

Duplicate Citations in Parenthesis.

Hilton Bridge Const. Co. v. N. Y. C. & H. R. R. Co., 145 N. Y. 390; 64 St. Rep. 834.

Cited, Mechanic's Lien — Payments to Contractor.

15 App. Div. 389; (78 St. Rep. 165; 44 Supp. 165).

Action—Parties.

90 Hun, 585; (35 Supp. 977). 4 App. Div. 55; (38 Supp. 628; 25 Civ. Pro. 335). D. 4 App. Div. 61; (38 Supp. 632; 25 Civ. Pro. 341).

Hincheliffe v. Shea, 103 N. Y. 153.

Cited, Dower—Joinder by Wife in Conveyance—Effect.

13 Misc. 76; (68 St. Rep. 197; 34 Supp. 150).

Hinck v. Wilmerding, 17 Misc. 71; 39 Supp. 842.

Hinckel v. Stevens, 17 App. Div. 279; 79 St. Rep. 678; 45 Supp. 678.

Hinckley v. Kreitz, 58 N. Y. 583.

Cited, Sureties—Order of Liability.

3 App. Div. 272; (73 St. Rep. 696; 38 Supp. 203).

Hinckley v. Mayborne, 92 Hun, 473; 72 St. Rep. 61; 36 Supp. 958.

Hinckley v. N. Y. C. & H. R. R. Co., 56 N. Y. 529.

Cited, Evidence—Parol to Vary Writing—Receipts.

2 Misc. 378; (50 St. Rep. 596; 21 Supp. 1096).

Hinckley v. Smith, 51 N. Y. 21.

Cited, Vendor and Purchaser—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 493; (24 Supp. 926).

Hinde v. Smith, 6 Lans. 464.

Cited, Damages—Agency — Sale Below Specified Price.

10 Misc. 588; (64 St. Rep. 31; 31 Supp. 455).

Hindman v. Haurand, 2 App. Div. 146; 73 St. Rep. 415; 87 Supp. 328.

Hinds v. Barton, 25 N. Y. 544.

Cited, Railroads—Fire—Proof.

67 Hun, 641; (51 St. Rep. 472; 22 Supp. 562).

Hinds v. Canandaigua & N. F. R. R. Co., 10 How. 487.

Cited, Supplementary Proceedings—Against Corporations.

140 N. Y. 448; (55 St. Rep. 795; 23 Civ. Pro. 249).

Supplementary Proceedings — Foreign Corporations.

4 Misc. 519; (54 St. Rep. 134; 24 Supp. 699; 23 Civ. Pro. 194).

Hinds v. Kellogg, 37 St. Rep. 356; 13 Supp. 923.

Affirmed, 113 N. Y. 536.

Cited, Judgment—Entry—Direction for.

71 Hun, 231; (54 St. Rep. 580; 24 Supp.

994.)

Reference—Report—Sufficiency.

2 Misc. 225; (51 St. Rep. 142; 21 Supp. 1079). 87 Hun, 374; (68 St. Rep. 342; 34 Supp. 438; 25 Civ. Pro. 9; 2 Ann. Cas. 189).

Statute of Frauds—Sale—Work and Services.

14 Misc. 239; (68 St. Rep. 110; 34 Supp. 126). 1 App. Div. 386; (72 St. Rep. 472; 37 Supp. 398).

Hine v. Bowe, 114 N. Y. 350; 23 St. Rep. 891.

Cited, Trial—Requests to Charge—Relation to Evidence.

6 Misc. 337; (56 St. Rep. 241; 26 Supp. 902).

Hine v. Hine, 39 Barb. 507.

Cited, Wills—Legacy—Satisfaction Before Death of Testator.

71 Hun, 360; (55 St. Rep. 17; 25 Supp. 17).

Hine v. Manhattan R. Co., 132 N. Y. 477.

Cited, 149 N. Y. 158.

Hine v. Manhattan R. Co., 28 Abb. N. C. 251.

Cited, Evidence—Value—Offer.

19 Misc. 166.

Hine v. N. Y. El. R. Co., 3 Misc. 462; 52 St. Rep. 511; 23 Supp. 187.

Hine v. N. Y. El. R. Co., 8 Misc. 18; 59 St. Rep. 306; 28 Supp. 66.

Affirmed, 149 N. Y. 154.

Hine v. N. Y. El. R. Co., 149 N. Y. 154.

Cited, Trial — Stipulations — Subsequent Trials.

16 App. Div. 53; (78 St. Rep. 1083; 44 Supp. 1083). 152 N. Y. 211.

Hines v. Hamburger, 14 App. Div. 577; 77 St. Rep. 977; 43 Supp. 977.

Hines v. Kellogg, 133 N. Y. 536.

Cited, Reference—Judgment.

87 Hun, 374; (68 St. Rep. 341, 342; 24 Supp. 437; 25 Pro. Civ. 8, 9).

Hines v. Lockport, City of, 50 N. Y. 236.

Cited, Drains and Sewers—Overflow Liability of Municipality.

78 Hun, 245; (60 St. Rep. 5; 28 Supp. 827). 11 Misc. 533; (64 St. Rep. 452; 32 Supp. 745).

84 Hun, 278; (65 St. Rep. 578; 32 Supp. 373).

Municipal Corporations—Officers—Powers—Responsibility—Public Works.

135 N. Y. 443; (48 St. Rep. 464). 61 St. Rep. 723; (30 Supp. 368).

Duplicate Citations in Parenthesis.

Hines v. N. Y. C. & H. R. R. Co.,
78 Hun, 239; 60 St. Rep. 8; 28 Supp.
829.

Affirmed, 149 N. Y. 569.

Hines v. Parker, 11 App. Div. 327; 76
St. Rep. 955; 42 Supp. 955.

Hinkley v. Crouse, 125 N. Y. 730; 35
St. Rep. 442.

Cited, Estoppel — Equitable — Acquies-
cence.

71 Hun, 331; (55 St. Rep. 50; 24 Supp.
1124).

Hinkley v. Troy & Albia. H. R. Co.,
42 Hun, 282.

Cited, Appeal — Justice's Court — New
Trial.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 914).
17 Misc. 663; (41 Supp. 403).

Hinman v. Hare, 1 Silv. Ct. App. 241;
5 St. Rep. 504.

Cited, Appeal—Review of Evidence—Ex-
cessive Damages.

3 Misc. 231; (51 St. Rep. 867; 22 Supp. 748).

Hinman v. Judson, 13 Barb. 629.

Cited, Chattel Mortgage—Conversion of
Property—Amount of Recovery.

9 App. Div. 396; (75 St. Rep. 715; 41
Supp. 303).

Hinman v. Stilwell, 34 Hun, 178.

Cited, Appeal—Review of Facts—Neces-
sity of Motion for New Trial.

1 Misc. 207; (49 St. Rep. 40).

Hinnemann v. Rosenback, 39 N. Y.
98.

Cited, Evidence—Parol—Custom.

19 Misc. 287; (77 St. Rep. 72; 43 Supp. 72).

Hinschberger v. Manhattan R. Co.,
138 N. Y. 641; 53 St. Rep. 929.

Hintermister v. First Nat. Bank, 64
N. Y. 212.

Cited, Stare Decisis—Federal Construc-
tion of United States Statutes, Binding on
State Courts.

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Statutes—Construction — Penal Strictly
Construed.

138 N. Y. 415; (53 St. Rep. 3).

Usury—Exchange—Penalty.

53 St. Rep. 655; (25 Supp. 236).

Hirsch v. Mayer, 4 App. Div. 72; 74
St. Rep. 498; 38 Supp. 633.

Hirschfeld v. Kalischer, 81 Hun, 606
63 St. Rep. 220; 30 Supp. 1027.

Hirschfeld v. Kursheedt, 81 Hun,
555; 63 St. Rep. 217; 30 Supp. 1023.

Cited, 81 Hun, 607; (63 St. Rep. 230; 30
Supp. 1027).

Hirsh, Matter of, 14 Misc. 377; 71 St.
Rep. 26; 36 Supp. 19.

Hirsh v. Auer, 79 Hun, 493; 61 St. Rep.
534; 29 Supp. 917.

Affirmed, 146 N. Y. 13; 65 St. Rep. 570.

Hirsh v. Auer, 146 N. Y. 13; 65 St. Rep.
570.

Hirshbach v. Ketchum, 5 App. Div.
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Hirshfield v. Bopp, 145 N. Y. 84; 64
St. Rep. 535; 39 Supp. 24.

Affirming, 81 Hun, 555; 63 St. Rep. 217;
30 Supp. 1023.

Cited, Corporations—Liability of Trustees
and Stockholders—Conditions Precedent.

146 N. Y. 58; (65 St. Rep. 772). 147 N. Y.
612; (71 St. Rep. 257).

Hirshfeld v. Bopp, 5 App. Div. 202; 39
Supp. 24.

Hirshfield v. Ludwig, 69 Hun; 554,
53 St. Rep. 390; 24 Supp. 634.

Cited, Order—For Payment of Money—
When Due.

10 Misc. 311; (63 St. Rep. 537; 31 Supp.
286).

**Hirshkind v. Private Coachman B.
& C. Assn.**, 12 Misc. 454; 67 St. Rep.
324; 33 Supp. 618.

Hirt v. Vincent, 7 Misc. 237; 58 St. Rep.
36; 27 Supp. 258.

Reversed, 9 Misc. 87; (59 St. Rep. 689; 29
Supp. 61).

Hirt v. Vincent, 9 Misc. 87; 59 St. Rep.
689; 29 Supp. 61.

Hiscock v. Fulton, 43 St. Rep. 738; 17
Supp. 408.

Cited, Wills—Payment of Legacies—
Charge on Land.

80 Hun, 374; (61 St. Rep. 796; 30 Supp. 3).

Hiscock v. Harris, 80 N. Y. 402.

Cited, Appeal—To Court of Appeals—
Stipulation—Judgment.

16 Misc. 478; (39 Supp. 933).

Hiscock v. Lacy, 9 Misc. 578; 62 St. Rep.
228; 30 Supp. 360.

Cited, Banks—Dividends—Discretion of
Officers—Courts.

6 App. Div. 67; (39 Supp. 626).

Hiscock v. Phelps, 49 N. Y. 97.

Cited, Partnership—Realty.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Hiscock v. Phelps, 49 N. Y. 97.
82 Hun, 241; (63 St. Rep. 591; 31 Supp.
273).

Mortgage—Consideration.

D. 71 Hun, 270; (54 St. Rep. 586; 24 Supp.
1030).

Duplicate Citations in Parenthesis.

Hiscox v. New Yorker Staats Zeitung, 3 Misc. 110; 52 St. Rep. 212; 23 Supp. 682; 23 Civ. Pro. 87; 30 Abb. N. C. 131.

Cited, Costs—Consolidation of Action. 14 Misc. 131; (69 St. Rep. 811; 35 Supp. 881).

Hitch v. Hawley. See Importers and Grocer's Exchange, Matter of.

Hitchcock v. Marshall, 2 Redf. 174. *Cited*, Surrogate's Court—Jurisdiction—Distribution to Assignees.

71 Hun, 347; (55 St. Rep. 22; 25 Supp. 5).

Hitchcock v. Northwestern Ins. Co., 26 N. Y. 68.

Cited, Insurance—Change of Interest—What is.

135 N. Y. 383; (49 St. Rep. 671).

Conveyances—Contemporaneous Execution—Construction.

19 Misc. 90; (77 St. Rep. 834; 43 Supp. 834).

Hitchcock v. Peaslee, 89 Hun, 506; 69 St. Rep. 835; 35 Supp. 423.

Hitchcock v. Peaslee, 145 N. Y. 547; 65 St. Rep. 504.

Hitchcock v. Thompson, 6 Hun, 279.

Cited, Wills—Execution—Subscription at End.

19 Misc. 679; (78 St. Rep. 607; 44 Supp. 607).

Hitchcock Mfg. Co., Matter of, 1 App. Div. 164; 73 St. Rep. 46; 37 Supp. 834.

Hitchings v. Brooklyn Elevated R. Co., 6 Misc. 430; 58 St. Rep. 583; 27 Supp. 132.

Hitchings v. St. Louis, N. O. & O. C. & T. Co., 68 Hun, 33; 52 St. Rep. 247; 23 Supp. 719.

Hitner v. Boutilier, 67 Hun, 203; 51 St. Rep. 518; 22 Supp. 64.

Cited, Attachments—Affidavits—Information and Belief.

4 App. Div. 334; (74 St. Rep. 783; 38 Supp. 852).

Hix v. Edison Electric Light Co., 10 App. Div. 75; 75 St. Rep. 1067; 41 Supp. 680.

Hix v. Edison Electric Light Co., 76 St. Rep. 769; 42 Supp. 769.

H. Koehler & Co. v. Reinheimer, 20 Misc. 62; 79 St. Rep. 337; 45 Supp. 337.

H. M. Whitney Co. v. Stevenson, 17 App. Div. 224; 79 St. Rep. 552; 45 Supp. 552.

Hoadley v. Dumois, 11 Misc. 52; 63 St. Rep. 448; 31 Supp. 853.

Hoag, Matter of, 7 Paige, 312.

Cited, Incompetent Persons—Lunatics—Real Estate—Sale of at Common Law.

75 Hun, 450; (59 St. Rep. 641; 27 Supp. 532).

Hoag, Matter of, 69 St. Rep. 367; 35 Supp. 155.

Hoag v. Greenwich, 132 N. Y. 152; 44 St. Rep. 519.

Cited, Bonds—Municipal—Void—Obligation of Town to Pay Money Borrowed on. 80 Hun, 119; (61 St. Rep. 786; 30 Supp. 57). Estoppel—Representations of Commissioners—Bonds—Of Towns.

136 N. Y. 479; (49 St. Rep. 845). 145 N. Y. 650; (71 St. Rep. 320).

Advances—Upon Void Obligation—Relief.

144 N. Y. 112; (63 St. Rep. 67).

Hoag v. Greenwich, 15 Supp. 743.

Cited, Judgment—Res adjudicata.

13 App. Div. 602; (77 St. Rep. 631; 43 Supp. 631).

Hoag v. Hoag, 35 N. Y. 469.

Cited, Ejectment—Outstanding Title.

49 St. Rep. 473; (21 Supp. 93).

Hoag v. Lamont, 16 Abb. N. S. 91.

Modified, 60 N. Y. 96.

Cited, Evidence—Declarations of Party—As Part of the Res Gestae.

75 Hun, 418; (58 St. Rep. 614; 27 Supp. 89).

Hoag v. Lamont, 60 N. Y. 96.

Cited, Corporations—Liability of Trustees for Debts.

49 St. Rep. 178; (21 Supp. 341).

Courts—Local—Territorial Jurisdiction.

12 App. Div. 71; (76 St. Rep. 863; 42 Supp. 863).

Hoag v. N. Y. C. & H. R. R. Co., 111 N. Y. 199; 19 St. Rep. 80.

Cited, Evidence—Sufficiency—Absence of Contributory Negligence.

79 Hun, 548; (61 St. Rep. 560; 29 Supp. 872).

Railroads—Crossings—Contributory Negligence—Question of Fact.

86 Hun, 509; (67 St. Rep. 552; 33 Supp. 730).

Negligence—Contributory—Of Driver—Imputation to Passenger.

73 Hun, 570; (56 St. Rep. 152; 26 Supp. 322). 92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699). 3 App. Div. 372; (73 St. Rep. 701; 38 Supp. 207). 3 App. Div. 458; (74 St. Rep. 14; 38 Supp. 800). 6 App. Div. 203; (39 Supp. 806). 12 App. Div. 159; (76 St. Rep. 669; 42 Supp. 669)

*Duplicate Citations in Parenthesis.***Hoag v. Weston**, 10 Civ. Pro. 92.

Cited, Bar—Pending Action—Cause of Action—Parol Evidence.

12 App. Div. 4; (76 St. Rep. 180; 42 Supp. 180).

Hoar v. McNeice, 1 App. Div. 549; 72 St. Rep. 488; 37 Supp. 433.**Hobart v. Frost**, 5 Duer, 672.

Cited, Pleading—Demurrer—Capacity to Sue.

18 Misc. 427; (75 St. Rep. 1419; 41 Supp. 1059).

Hobart v. Hobart, 62 N. Y. 80.

Cited, Witness—Competency—Tests of Interest

50 St. Rep. 362; (21 Supp. 883). 77 Hun, 6; (59 St. Rep. 421; 28 Supp. 225). 16 App. Div. 549; (78 St. Rep. 995; 44 Supp. 995).

Witnesses—Competency—Heirs—Indirect Interest.

141 N. Y. 232; (56 St. Rep. 807).

Witnesses — Competency — Transaction with Decedent.

77 Hun, 68; (59 St. Rep. 44; 28 Supp. 471). 81 Hun, 304; (62 St. Rep. 751; 30 Supp. 788). 13 App. Div. 68; (77 St. Rep. 96; 43 Supp. 96). 145 N. Y. 667.

Hobart v. Hobart, 85 N. Y. 637.

Cited, Appeal—To Court of Appeals—Case.

64 St. Rep. 624; (31 Supp. 844).

Hobart College v. Fitzhugh, 27 N. Y. 130.

Cited, Courts—Supreme—Jurisdiction—Construction of Wills.

73 Hun, 356; (56 St. Rep. 3; 26 Supp. 927).

Hobby v. Hobby, 64 Barb. 277.

Cited, Evidence—Declarations—Letters.

79 Hun, 595; (61 St. Rep. 534; 29 Supp. 917).

Hobby v. Hobby, 5 App. Div. 496; 39 Supp. 36.**Hoboken Beef Co. v. Loeffel**, 22 St. Rep. 466; 4 Supp. 798.

Cited, Fraud—Proof—Damages.

83 Hun, 373; (34 St. Rep. 650; 31 Supp. 9'3).

Hobson v. Hale, 95 N. Y. 588.

Cited, Wills—Power to Sell—Construction.

136 N. Y. 110; (48 St. Rep. 891). 72 Hun, 182; (55 St. Rep. 322; 25 Supp. 545). 76 Hun, 434; (58 St. Rep. 231; 27 Supp. 1033).

Wills—Devise—Vesting.

147 N. Y. 354; (69 St. Rep. 696).

Wills—Equitable Conversion.

1 Misc. 455; (51 St. Rep. 516; 22 Supp. 1078). 14 Misc. 411, 412; (71 St. Rep. 507, 508; 36 Supp. 450). 79 St. Rep. 872; (45 Supp. 872).

Appeal—Court of Appeal—Affirmance without Opinion.

14 Misc. 428; (71 St. Rep. 483; 36 Supp. 433). 71 St. Rep. 25; (33 Supp. 17; 25 Civ. Pro. 165).

Hoch v. Cocks, 78 Hun, 253; 60 St. Rep. 229; 28 Supp. 952.**Hochrieter v. People**, 2 Abb. Ct. App. Dec. 363; 1 Keyes, 63.

Cited, Trial—Reception of Evidence Partially Competent—Objection.

71 Hun, 441; (54 St. Rep. 541; 24 Supp. 984). 18 Misc. 180; (75 St. Rep. 966; 41 Supp. 576).

Hochstrasser v. Martin, 74 Hun, 338; 55 St. Rep. 676; 26 Supp. 410.**Hodecker v. Hodecker**, 20 Misc. 641.**Hodecker v. Stricker**, 39 Supp. 515.**Hodge v. Buffalo**, 1 Abb. N. C. 356.

Cited, Witness—Credibility—Party.

70 Hun, 470; (53 St. Rep. 623; 24 Supp. 289).

Witness—Credibility—Question for Jury.

84 Hun, 171; (65 St. Rep. 685; 32 Supp. 557).

Hodge v. Drake, 37 St. Rep. 933; 14 Supp. 355.

Cited, Pleading—Demurrer—Statement of Grounds.

8 Misc. 92; (60 St. Rep. 157; 28 Supp. 779).

Hodge v. Newton, 13 St. Rep. 139.

Cited, Contracts—Employment—Statute of Frauds.

82 Hun, 461; (64 St. Rep. 486; 31 Supp. 782).

Hodge v. N. Y. C. & H. R. R. Co., 27 Hun, 394.

Cited, Railroads—Injuries to Stock—Fences.

11 App. Div. 376; (76 St. Rep. 234; 42 Supp. 234).

Hodge v. Security Ins. Co., 33 Hun, 583.

Cited, Insurance—Prepayment of Premium—Waiver.

D. 8 App. Div. 108; (40 Supp. 464).

Hodge v. Sloane, 107 N. Y. 244; 11 St. Rep. 770.

Cited, Contracts—Restraint of Trade.

136 N. Y. 340; (50 St. Rep. 13). 92 Hun, 238; (71 St. Rep. 799; 36 Supp. 632). 148 N. Y. 527.

Duplicate Citations in Parenthesis.

Contracts—Validity—Restraint of Trade—Limitation as to Time and Place.

5 Misc. 492; (55 St. Rep. 158; 25 Supp. 767).

Real Property — Building Restriction — Notice.

138 N. Y. 299; (52 St. Rep. 369). 6 Misc. 257; (26 Supp. 1092).

Covenant — Running With Land — Enforcement.

139 N. Y. 102; (54 St. Rep. 469). 141 N. Y. 355; (57 St. Rep. 435). 18 Misc. 113; (41 Supp. 40).

Hodges v. Hunt, 22 Barb. 150.

Cited, Pleading—New Matter—Reply — Justice's Courts.

9 Misc. 57; (59 St. Rep. 666; 29 Supp. 74).

Contracts—Of Infants—Ratification.

13 App. Div. 548; (77 St. Rep. 665; 43 Supp. 665).

Hodgkins v. Mead, 25 St. Rep. 937; 5 Supp. 435; 17 Civ. Pro. 16.

Cited, Costs—Award to Several Defendants.

73 Hun, 485; (56 St. Rep. 17; 26 Supp. 442).

Costs—Discretionary.

12 App. Div. 80; (77 St. Rep. 332; 43 Supp. 362).

Hodgkins v. Mead, 29 St. Rep. 671; 8 Supp. 854.

Affirmed, 130 N. Y. 676; 41 St. Rep. 952.

Cited, Brokers—Real Estate—Compensation.

8 Misc. 371; (59 St. Rep. 584; 28 Supp. 699).

Hodgkins v. Mead, 119 N. Y. 166; 28 St. Rep. 950.

Cited, Trial—Verdict—Amendment.

7 Misc. 507; (60 St. Rep. 172; 28 Supp. 495). 2 App. Div. 611; (38 Supp. 34; 3 Ann. Cas. 106). 10 App. Div. 477; (76 St. Rep. 7; 42 Supp. 7).

Hodgkins v. Montgomery County Mut. Ins. Co., 34 Barb. 213.

Reversed, 41 N. Y. 620.

Cited, Insurance — Remittance of Premium by Mail.

77 Hun, 423; (60 St. Rep. 44; 28 Supp. 797).

Contracts—Construction.

17 Misc. 533; (40 Supp. 877).

Hodgman, Matter of, 69 Hun, 484; 52 St. Rep. 727; 23 Supp. 725.

82 Hun, 420; (63 St. Rep. 581; 31 Supp. 264).

Cited, Wills—Legacies — Interest— Time of—In Lieu of Dower.

5 Misc. 129; (25 Supp. 728).

Executors — Accounting — Parties Interested.

11 App. Div. 354; (76 St. Rep. 1011; 42 Supp. 1011).

Hodgman, Matter of, 82 Hun, 419; 63 St. Rep. 580; 31 Supp. 263.

Hodgman, Matter of, 31 St. Rep. 479; 10 Supp. 491.

Cited, Limitation of Action — Claim Against Decedent's Estate.

70 Hun, 478; (53 St. Rep. 796; 24 Supp. 287). 15 Misc. 560; (74 St. Rep. 302; 37 Supp. 1131).

Executors—Accounting — Consolidation.

82 Hun, 112; (64 St. Rep. 163; 31 Supp. 574).

Hodgman, Matter of, 140 N. Y. 421; 55 St. Rep. 800.

Affirming, 69 Hun, 484; 52 St. Rep. 727; 23 Supp. 725.

Cited, 82 Hun, 420; (63 St. Rep. 581; 31 Supp. 264; 3 Ann. Cas. 321).

Interest—Legacy in Lieu of Dower.

80 Hun, 549; (62 St. Rep. 622; 30 Supp. 648).

Interest—Receipt of Principal—Effect.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17). 39 Supp. 882.

Executors — Accounting — Parties Interested.

11 App. Div. 355; (76 St. Rep. 1011; 42 Supp. 1011).

Hodgman Matter of, 11 App. Div. 344; 76 St. Rep. 1004; 42 Supp. 1004.

Hodgman v. Barker, 60 Hun, 156; 33 St. Rep. 578; 14 Supp. 574.

Affirmed, 128 N. Y. 601; 38 St. Rep. 921.

Cited, Attachment—Vacation—By Subsequent Attaching Creditors.

57 St. Rep. 319; (24 Supp. 643).

Attachment—Affidavits—Sufficiency.

16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3). 17 Misc. 243; (40 Supp. 106).

Hoe v. Sanborn, 21 N. Y. 552.

Cited, Sale—Warranty—Implied — Manufactured Article.

75 Hun, 320; (58 St. Rep. 204; 26 Supp. 1072). 88 Hun, 248; (68 St. Rep. 561; 34 Supp. 743). 149 N. Y. 144. 151 N. Y. 489.

Hoeffler v. Hoeffler, 2 App. Div. 8; 72 St. Rep. 491; 37 Supp. 436.

Cited, Tort—When Action Lies—Preventing Enforcement of Decree.

12 App. Div. 85; (76 St. Rep. 1035; 42 Supp. 1035).

Duplicate Citations in Parenthesis.

Hoefler v. Hoefler, 12 App. Div. 84; 79 St. Rep. 1035; 42 Supp. 1035.

Hoehmann v. Moss Engraving Co., 4 Misc. 160; 53 St. Rep. 195; 23 Supp. 787.

Cited, Negligence—Subsequent Conditions.

D. 9 Misc. 13; (59 St. Rep. 741; 29 Supp. 24).

Hoelrlrer v. Kaplan, 19 Misc. 539; 77 St. Rep. 1035; 43 Supp. 1035.

Hoeninghaus v. Chaleyer, 22 St. Rep. 528; 4 Supp. 418.

Cited, Pleading—Bill of Particulars—Necessity—Affidavit of Applicant.

74 Hun. 347; (56 St. Rep. 379; 26 Supp. 457).

Pleading—Bill of Particulars—Affidavit of Attorney.

82 Hun. 359; (64 St. Rep. 95; 31 Supp. 496).

Hoes v. Edison General Electric Co., 150 N. Y. 87; 3 Ann. Cas. 247.

Cited, Appeal.

150 N. Y. 663.

Hoes v. Halsey, 2 Dem. 577.

Cited, Decedent's Estate—Claims Against—How Enforced.

15 Misc. 604; (72 St. Rep. 821; 38 Supp. 192).

Hoes v. Hume, 5 App. Div. 620; 72 St. Rep. 868; 38 Supp. 1144.

Affirmed, 153 N. Y. 690.

Hoes v. Third Ave. R. Co., 5 App. Div. 151; 39 Supp. 40.

Hoes v. Van Hoesen, 1 Barb. Ch. 379.

Cited, Wills—Unbequeathed Estate—Who Take.

14 App. Div. 133; (77 St. Rep. 590; 43 Supp. 580).

Wills—Debts—Out of What Payable.

15 Misc. 569; (72 St. Rep. 810; 38 Supp. 181).

Hoes v. Van Hosen, 1 N. Y. 120.

Cited, Wills—Debts—Out of What Payable.

15 Misc. 569; (72 St. Rep. 810; 38 Supp. 181).

Wills—Payment of Legacy—Primary Fund.

18 Misc. 638; (76 St. Rep. 604; 42 Supp. 604).

Hoey v. Gilroy, 129 N. Y. 132; 41 St. Rep. 181.

Cited, Statutes—Construction—Inconsistent—Particular Intention.

136 N. Y. 280; (49 St. Rep. 338). 138 N. Y. 68; (51 St. Rep. 674). 92 Hun. 317; (72 St. Rep. 70; 36 Supp. 967). 15 App. Div. 350; (78 St. Rep. 133; 44 Supp. 163). 19 Misc. 616; (78 St. Rep. 425; 44 Supp. 425). 149 N. Y. 170.

Municipal Corporations—Obstructions in Street—Legality.

13 Misc. 570; (68 St. Rep. 739; 34 Supp. 696).

Streets—Obstructions—Legislative Power.

20 Misc. 190; (79 St. Rep. 900; 45 Supp. 900). 149 N. Y. 171.

Hoey v. Kenny, 25 Barb. 396.

Cited, Wills—Power—Failure to Exercise—Distribution by Court.

147 N. Y. 109; (69 St. Rep. 405).

Hoff v. Coumeight, 14 Misc. 314; 70 St. Rep. 747; 35 Supp. 1052.

Affirming, 11 Misc. 726; 65 St. Rep. 875; 32 Supp. 1144.

Cited, Appeal—Pleading—Variance—Not Raised on Trial.

18 Misc. 205; (75 St. Rep. 779; 41 Supp. 370).

Hoffeld v. Buffalo, 130 N. Y. 587; 42 St. Rep. 379.

Cited, Taxes—Assessment—Error of Judgment—Review.

11 Misc. 204; (65 St. Rep. 157; 32 Supp. 100). 88 Hun. 168; (68 St. Rep. 632; 34 Supp. 536).

Hoffeld v. Zeuzius, 68 Hun. 313; 52 St. Rep. 105; 22 Supp. 1102.

Hoffheimer v. Stiefel, 17 Misc. 236; 39 Supp. 714.

Hoffman, Matter of, 5 Misc. 439; 26 Supp. 888.

Cited, Taxes—Inheritance—Individual Shares.

6 Misc. 281; (27 Supp. 235).

Hoffman, Matter of, 76 Hun. 399; 58 St. Rep. 699; 27 Supp. 1086.

Affirmed, 143 N. Y. 327; 62 St. Rep. 245.

Hoffman, Matter of, 143 N. Y. 327; 62 St. Rep. 245.

Cited, Tax—Inheritance—Basis.

85 Hun. 247; (66 St. Rep. 305; 32 Supp. 909). 88 Hun. 71; (68 St. Rep. 540; 34 Supp. 619). 3 App. Div. 210; (73 St. Rep. 759; 38 Supp. 278). 148 N. Y. 313. 150 N. Y. 6; (3 Ann. Cas. 169). 152 N. Y. 99.

Tax—Inheritance—Exemptions—Individual Shares.

10 Misc. 642, 644; (66 St. Rep. 141, 142; 32 Supp. 780, 781).

Tax—Inheritance—Legislative Intent.

D. 150 N. Y. 11.

Tax—Inheritance—Future Estates.

Duplicate Citations in Parenthesis.

85 Hun, 346; (66 St. Rep. 304; 32 Supp. 908). 11 Misc. 591; (67 St. Rep. 416; 33 Supp. 427). 91 Hun, 64; (71 St. Rep. 634; 36 Supp. 830).

Tax—Inheritance—Proceeds of Realty.

14 Misc. 414; (71 St. Rep. 509; 36 Supp. 451).

Hoffman v. Aetna Fire Ins. Co., 32 N. Y. 405.

Cited, Contracts — Construction—Contra Proferentem.

72 Hun, 83; (55 St. Rep. 866; 25 Supp. 619). D. 81 Hun, 335; (63 St. Rep. 159; 30 Supp. 883). 11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866). 12 Misc. 85; (66 St. R. p. 518; 33 Supp. 18). 67 St. Rep. 26; (33 Supp. 291). 88 Hun, 97; (68 St. Rep. 659; 34 Supp. 547). 15 Misc. 613; (73 St. Rep. 120; 37 Supp. 494). 17 Misc. 144; (39 Supp. 345). 17 Misc. 532; (40 Supp. 876). 7 App. Div. 493; (40 Supp. 251). 13 App. Div. 481; (77 St. Rep. 337; 43 Supp. 337). D. 153 N. Y. 61.

Insurance—Transfer of Interest—Formation of Partnership.

4 Misc. 446; (53 St. Rep. 565; 24 Supp. 358). 136 N. Y. 383; (49 St. Rep. 671).

Insurance—Furnishing Proofs of Loss as a Condition Precedent to Suit.

137 N. Y. 398; (50 St. Rep. 683).

Insurance—Fire—Transfer of Title.

144 N. Y. 198; (63 St. Rep. 91).

Hoffman v. Brooks, 11 Week. Law. Bul. 258.

Monopoly—Character of Trades Affected.

19 Misc. 296; (78 St. Rep. 340; 44 Supp. 340).

Hoffman v. Conner, 76 N. Y. 121.

Cited, Appeal — Inadmissible Evidence—Failure to Object

1 Misc. 4.7; (51 St. Rep. 53; 21 Supp. 916).

Evidence — Relevancy—Value—Purchase Price.

4 Misc. 106; (53 St. Rep. 212; 23 Supp. 1009). 135 N. Y. 199; (48 St. Rep. 85). 81 Hun, 177; (62 St. Rep. 681; 30 Supp. 696).

Hoffman v. Conner, 76 N. Y. 121.

144 N. Y. 565; (64 St. Rep. 236). 15 App. Div. 99; (78 St. Rep. 275; 44 Supp. 275). 19 Misc. 168.

Hoffman v. De Graaf, 109 N. Y. 638; 15 St. Rep. 197.

Cited, Arbitration—Award—Conclusive-ness.

86 Hun, 365; (67 St. Rep. 150; 33 Supp. 450).

Hoffman v. Delaware & Hudson Canal Co., 16 App. Div. 572; 78 St. Rep. 949; 44 Supp. 949.

Hoffman v. Duncan, 76 Hun, 609; 59 St. Rep. 159; 27 Supp. 658.

Hoffman v. Fitchburg R. Co., 67 Hun, 581; 51 St. Rep. 245; 23 Supp. 463. *Cited, Evidence—Sufficiency—Signals at Railway Crossing.*

71 Hun, 579; (55 St. Rep. 92; 24 Supp. 1070). 84 Hun, 144; (65 St. Rep. 713; 32 Supp. 438).

Railroads—Accident at Crossing—Duty of Traveler.

17 App. Div. 179; (79 St. Rep. 304; 45 Supp. 304).

Hoffman v. Fitchburg R. Co., 84 Hun, 144; 65 St. Rep. 713; 32 Supp. 437.

Hoffman v. Fitchburg R. Co., 51 St. Rep. 245; 22 Supp. 463.

Followed, 51 St. Rep. 940.

Hoffman v. Gallagher, 6 Daly, 42.

Cited, Contracts—Performance—Satisfaction.

15 Misc. 29; (71 St. Rep. 496; 36 Supp. 445; 2 Ann. Cas. 342). 34 Supp. 293.

Hoffman v. Hoffman, 7 Robt. 474.

Cited, Husband and Wife—Divorce—Alimony—Amount.

3 Misc. 599; (72 St. R. p. 856; 23 Supp. 340).

Hoffman v. Hoffman, 46 N. Y. 30.

Cited, Divorce—Foreign Decree—Conclusiveness.

82 Hun, 185; (64 St. Rep. 802; 31 Supp. 981). 90 Hun, 236; (69 St. Rep. 637; 35 Supp. 282). 4 App. Div. 531; (40 Supp. 445).

Hoffman v. Hoffman, 18 Supp. 387.

Cited, Witnesses—Competency—Transaction with Decedent.

13 App. Div. 492; (77 St. Rep. 354; 43 Supp. 354).

Hoffman v. Hoffman, 6 App. Div. 84; 39 Supp. 494.

Cited, Crime—Commission—Presumption Against.

12 App. Div. 184; (76 St. Rep. 846; 42 Supp. 840).

Presumption—Validity of Gift.

16 App. Div. 546; (78 St. Rep. 993; 44 Supp. 993).

Hoffman v. Kanze, 7 Misc. 237; 58 St. Rep. 36; 27 Supp. 260.

Hoffman v. Manhattan El. R. Co., 1 Misc. 155; 48 St. Rep. 711; 20 Supp. 625.

Cited, Damages—Nominal—Rental—Elevated Railroads.

4 Misc. 135; (53 St. Rep. 172; 23 Supp. 865).

Duplicate Citations in Parenthesis.

Hoffman v. Manhattan R. Co., 149 N. Y. 599.

Hoffman v. Markham, 88 Hun, 18; 68 St. Rep. 292; 34 Supp. 508.

Hoffman v. N. Y. C. & H. R. R. Co., 75 N. Y. 605.

Cited, Negligence.

D. 57 St. Rep. 468; (27 Supp. 1043).

Hoffman v. N. Y. C. & H. R. R. Co., 87 N. Y. 25.

Cited, Malicious Prosecution—Liability of Corporations.

2 Misc. 304; (51 St. Rep. 570; 21 Supp. 999).

Master and Servant—Liability of Master to Third Persons—Acts of Servant.

9 Misc. 6; (59 St. Rep. 675; 29 Supp. 52).

80 Hun, 277; (61 St. Rep. 851; 30 Supp. 138).

10 Misc. 110; (62 St. Rep. 467; 30 Supp. 932).

4 App. Div. 428; (74 St. Rep. 786; 38 Supp. 858). 18 Misc. 467; (75 St. Rep. 1362; 41 Supp. 985).

Trial—Expressions of Opinion by Court.

3 App. Div. 384; (38 Supp. 935; 3 Ann. Cas. 155).

Negligence—Question of Fact.

92 Hun, 606; (70 St. Rep. 898; 36 Supp. 1121).

Hoffman v. Richter, 7 Misc. 438; 57 St. Rep. 568; 27 Supp. 935.

Hoffman v. Ruddiman, 5 Misc. 326; 55 St. Rep. 214; 25 Supp. 508.

Hoffman v. Susemihl, 15 App. Div. 405; 78 St. Rep. 52; 44 Supp. 52.

Hoffman v. Treadwell, 2 T. & C., 57, *Cited, Husband and Wife—Agency—Presumption.*

50 St. Rep. 168; (21 Supp. 370).

Hoffman v. Union F. Co. of Brooklyn, 47 N. Y. 176.

Cited, Evidence—Sufficiency—Circumstantial—Absence of Contributory Negligence.

141 N. Y. 249; (56 St. Rep. 812). D. 90 Hun, 472; (70 St. Rep. 647; 35 Supp. 974).

Shipping—Collision—Care Required to Avoid.

10 App. Div. 380; (75 St. Rep. 1397; 41 Supp. 1029).

Hoffman v. Union F. Co. of Brooklyn, 68 N. Y. 335.

Cited, Shipping—Collision—Negligence.

8 Misc. 461; (59 St. Rep. 580; 23 Supp. 670). 12 Misc. 366; (65 St. Rep. 782; 33 Supp. 652). 10 App. Div. 380; (41 Supp. 1029).

Damages—Expenses Incurred.

20 Misc. 318; (79 St. Rep. 677; 45 Supp. 677).

Hoffman v. Van Allen, 3 Misc. 99; 51 St. Rep. 603; 22 Supp. 369.

Cited, Landlord and Tenant—Summary Proceedings—Notice to Quit.

11 Misc. 354; (65 St. Rep. 279; 32 Supp. 137). 5 App. Div. 592; (39 Supp. 370).

Hoffman v. Wight, 50 St. Rep. 218; 21 Supp. 912.

Reversed, 137 N. Y. 621; 51 St. Rep. 199.

Judgment—Foreign—Joint Debtor Not Served.

Hoffman v. Wight, 137 N. Y. 621; 51 St. Rep. 199.

Cited, Pleading—Answer—Sufficiency—When Raised.

8 Misc. 476; (60 St. Rep. 604; 29 Supp. 549).

Hoffman v. Wight, 1 App. Div. 514; 72 St. Rep. 589; 37 Supp. 262.

Hoffman Brewing Co. v. Volpe, 4 Misc. 260; 53 St. Rep. 179; 23 Supp. 812.

Hofheimer v. Campbell, 59 N. Y. 269.

Cited, Appeal—Objections Not Raised on Trial.

151 N. Y. 260.

Hoffman v. Seixias, 12 Misc. 3; 66 St. Rep. 523; 33 Supp. 23.

Hofnagle v. N. Y. C. & H. R. R. Co., 55 N. Y. 608.

Cited, Master and Servant—Master's Liability—Co-servant—Grade.

135 N. Y. 12; (47 St. Rep. 854).

Hogau v. Baker, 2 E. D. Smith, 22.

Cited, Action—Appearance—Omitted Service—Waiver.

7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

Hogan v. Brophy, 2 Code Rep. 77.

Cited, Appeal—Dismissal—Diligence in Prosecuting.

3 Misc. 246; (51 St. Rep. 911; 22 Supp. 774).

Hogan v. Central Park N. & E. R. Co., 124 N. Y. 647; 36 St. Rep. 352.

Cited, 145 N. Y. 213; (64 St. Rep. 599).

Railroads, Negligence—Trespasser.

D. 9 Misc. 422; (61 St. Rep. 704; 30 Supp. 199).

Railroads—Negligence—Question for Jury.

92 Hun, 606; (70 St. Rep. 898; 36 Supp. 1121).

Trial—Remarks—By Court—Error.

11 App. Div. 444; (76 St. Rep. 324; 42 Supp. 324).

Appeal—Error on Trial—Exceptions.

15 Misc. 259; (71 St. Rep. 494; 36 Supp. 443).

Duplicate Citations in Parenthesis.

Hogan v. Cregan, 6 Robt. 138.

Cited, Seduction—What Constitutes.

4 App. Div. 413; (39 Supp. 326).

Appeal—Question Not Raised on Trial.

17 Misc. 140; (39 Supp. 402).

Hogan v. Glueck, 2 App. Div. 82; 73

St. Rep. 211; 37 Supp. 522.

Hogan v. Hoyt, 37 N. Y. 300.

Cited, Judgment—Amendment—Power and Time of.

23 Supp. 750. 23 Civ. Pro. 95; (23 Supp. 750). 91 Hun, 362; (70 St. Rep. 778; 36 Supp. 314).

Hogan v. Kavanaugh, 138 N. Y. 417; 52 St. Rep. 884.

Cited, 11 Misc. 225; 231; (66 St. Rep. 553; 537; 32 Supp. 1098, 1102).

Executors—Sale of Land—Payment of Debts—Statutory Authority.

60 St. Rep. 314. 82 Hun, 468, 469; (64 St. Rep. 402; 31 Supp. 723).

Wills—Payment of Legacies—Charge on Land.

80 Hun, 379; (51 St. Rep. 796; 30 Supp. 3). 14 Misc. 410; (71 St. Rep. 506; 36 Supp. 449).

Wills—Legacies—Payment—Enforcement in Equity.

82 Hun, 467; (64 St. Rep. 401; 31 Supp. 722).

Courts—Jurisdiction—Decedent's Estate.

86 Hun, 197; (67 St. Rep. 129; 33 Supp. 384). 3 App. Div. 214; (73 St. Rep. 687; 38 Supp. 196).

Hogan v. Kavanaugh, 139 N. Y. 620; 54 St. Rep. 707.

Hogan v. Laimbeer, 66 N. Y. 604.

5 App. Div. 410; (39 Supp. 213).

Hogan v. Manhattan R. Co., 6 Misc. 295; 58 St. Rep. 149; 26 Supp. 792.

Affirmed, 149 N. Y. 23.

Hogan v. Manhattan R. Co., 149 N. Y. 23.

Cited, Negligence—Defective Structure Inspection.

D. 6 App. Div. 182; 39 Supp. 1025).

Negligence—Unexplained Accident—Presumption.

7 App. Div. 407; (39 Supp. 1017). 17 Misc. 594; (40 Supp. 679).

Hogan v. Mutual Aid & Accident Ass'n, 75 Hun, 271; 58 St. Rep. 212; 26 Supp. 1081.

Hogan v. Shorb, 24 Wend. 458.

Cited, Counterclaim—Against Agent of Undisclosed Principal.

3 Misc. 352; (52 St. Rep. 427; 22 Supp. 928). Principal and Agent—Knowledge of Agent—Notice to Principal.

77 Hun, 58; (59 St. Rep. 430; 28 Supp. 248.

Hogan v. Smith, 125 N. Y. 774; 35 St. Rep. 870.

Cited, Master and Servant—Provision of Safe Place to Work—Risks Assumed.

3 Misc. 229; (51 St. Rep. 872; 22 Supp. 752).

Hogan v. Smith, 125 N. Y. 774; 35 St. Rep. 870.

Cited, 11 Misc. 4; (63 St. Rep. 462; 31 Supp. 835). 87 Hun, 522; (68 St. Rep. 154).

Master and Servant—Injury on Ship-board.

6 Misc. 128; (56 St. Rep. 344; 25 Supp. 1117).

Master and Servant—Fellow Servants—Negligence in Making Use of Appliances.

76 Hun, 581; (58 St. Rep. 280; 28 Supp. 198). 144 N. Y. 556; (64 St. Rep. 248). 13

Misc. 7; (68 St. Rep. 238; 34 Supp. 197). 5 App. Div. 434; (39 Supp. 303). D. 5 App.

Div. 437; (39 Supp. 305). 151 N. Y. 422.

Hogan v. Wolf, 26 Abb. N. C. 1; 10 Supp. 896.

Cited, Limitation of Action—When Statute Begins to Run—Contracts.

2 Misc. 341; (50 St. Rep. 617; 21 Supp. 966).

Hoge v. Lansing, 35 N. Y. 136.

Cited, Bills and Notes—Diversion—Bona Fides.

150 N. Y. 66.

Hogg v. Mack, 53 Hun, 463; 25 St. Rep. 374; 6 Supp. 301.

Cited, Action—Change of Venue—Local Action—Town Bonds.

70 Hun, 9; (53 St. Rep. 556; 24 Supp. 21).

Action—Change of Venue—Realty.

92 Hun, 45; (71 St. Rep. 750; 36 Supp. 696).

Hogle v. Guardian Life Ins. Co., 6 Robt. 567.

Cited, 40 Supp. 451.

Hoguet v. Mommer, 78 Hun, 459; 60 St. Rep. 710; 29 Supp. 146.

Holbrook, Matter of, 99 N. Y. 539.

Cited, Appeal—Extent of Review—Application to Amend Pleading—Discretion.

9 Misc. 357; (60 St. Rep. 630; 29 Supp. 589).

Insolvency—Assignee, Duties of—Reducing to Possession and Distributing Estate.

1 Misc. 366; (48 St. Rep. 715; 20 Supp. 721).

Holbrook v. American Fire Ins., Receivers of, 6 Paige, 220.

Cited, Set-off and Counterclaim—In Equity.

136 N. Y. 167; (49 St. Rep. 103).

*Duplicate Citations in Parenthesis.***Holbrook v. Murray**, 5 Wend. 161.

Cited, Pleading—Action on Judgments—Service of Process.

17 Misc. 240; (39 Supp. 717).

Holbrook v. New Jersey Zinc Co.,

57 N. Y. 616.

Cited Evidence—Certificate of Acknowledgment.

149 N. Y. 80.

Transfer—Pending Action—Validity.

8 App. Div. 558; (75 St. Rep. 282; 40 Supp. 887).

Holbrook v. Orgler, 49 How. 289.

Cited, Supplementary Proceedings—Jurisdiction of Inferior Courts.

16 Misc. 617; (40 Supp. 745; 25 Civ. Pro. 393).

Holbrook v. Utica R. Co., 12 N. Y. 236.

Cited, Master and Servant—Contributory Negligence—Car Platforms—Elevators.

4 Misc. 166; (53 St. Rep. 198; 23 Supp. 791).

Negligence—Contributory—Sudden Peril.

90 Hun, 562; (71 St. Rep. 31; 36 Supp. 24).

Railroads—Contributory Negligence—Projection of Body.

92 Hun, 147; (71 St. Rep. 153; 36 Supp. 382).

Holbrook v. Wight, 24 Wend. 169.

Cited, Estoppel—Inconsistent Claims.

4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697).

Holcomb v. Campbell, 118 N. Y. 46.

Cited, Payment—What Constitutes.

4 App. Div. 256; (74 St. Rep. 50; 38 Supp. 502).

Witness—Competency—Transactions with Decedent.

15 App. Div. 215; (78 St. Rep. 206; 44 Supp. 206).

Holcomb v. Champion, 36 St. Rep. 759; 12 Supp. 882.

Affirmed, 128 N. Y. 599; 38 St. Rep. 1012.

Cited, Municipal Corporations—Embankment—Guards.

83 Hun, 213; (64 St. Rep. 355; 30 Supp. 758).

Holcomb v. Holcomb, 2 Barb. 20.

Cited, Action—Parties—Foreclosure.

69 Hun, 423; (52 St. Rep. 838; 23 Supp. 462). 144 N. Y. 239; (63 St. Rep. 103).

4 App. Div. 196; (74 St. Rep. 177; 38 Supp. 557).

Holcomb v. Holcomb, 95 N. Y. 316.

Cited, Evidence—Opinions—Non-experts—Rationality.

71 Hun, 502; (54 St. Rep. 901; 24 Supp. 1058). 91 Hun, 169; (71 St. Rep. 216; 36 Supp. 286). 148 N. Y. 569.

Witnesses—Competency—Death of Other Party—Bystander.

68 Hun, 582; (52 St. Rep. 576; 23 Supp. 252). 141 N. Y. 392; (57 St. Rep. 602).

Witnesses—Competency—Death of Other Party.

78 Hun, 414; (60 St. Rep. 736; 29 Supp. 172). 49 St. Rep. 250; (20 Supp. 959). 50 St. Rep. 506; (21 Supp. 3'0). 67 Hun, 650; (51 St. Rep. 940; 23 Supp. 1153). 86 Hun, 403; (67 St. Rep. 232; 33 Supp. 479). 90 Hun, 8; (69 St. Rep. 852; 35 Supp. 363). 4 App. Div. 442; (74 St. Rep. 157; 38 Supp. 665).

Appeal—Incompetent Evidence.

88 Hun, 289; (68 St. Rep. 598; 34 Supp. 796).

Holcomb v. Jackson, 2 Edw. Ch. 620.

Cited, Contempt—Personal Service of Process.

D. 80 Hun, 452; (62 St. Rep. 299; 30 Supp. 467).

Holdane v. Cold Spring, Trustees of the Village of, 21 N. Y. 474.

Cited, Highways—Dedication—Platting and Filing Map.

67 Hun, 550; (51 St. Rep. 102; 22 Supp. 492). 50 St. Rep. 354; (21 Supp. 829). 76 Hun, 164; (57 St. Rep. 324; 27 Supp. 544). 6 App. Div. 104; (39 Supp. 6'7).

Highways—Dedication—Acceptance and User.

144 N. Y. 324; (63 St. Rep. 714). 150 N. Y. 148.

Holden, Matter of, 126 N. Y. 589; 33 St. Rep. 504.

Cited, Costs—Special Proceeding.

80 Hun, 247; (61 St. Rep. 627; 29 Supp. 1031). 10 Misc. 651; (65 St. Rep. 261; 32 Supp. 182; 24 Civ. Pro. 120). 80 Hun, 177; (69 St. Rep. 52; 34 Supp. 992; 25 Civ. Pro. 15). 148 N. Y. 110.

Special Proceeding—What is.

68 Hun, 255; (52 St. Rep. 188; 22 Supp. 969).

Costs—Extra Allowance—To Guardians Ad Litem.

66 Hun, 128; (49 St. Rep. 810; 20 Supp. 907).

Costs—Based on Statute.

20 Misc. 308; (79 St. Rep. 665; 45 Supp. 665).

Holden v. Burnham, 2 Hun, 678.

Affirmed, 63 N. Y. 74.

Cited, Fraudulent Conveyance—Trust.

50 St. Rep. 102; (21 Supp. 870).

Duplicate Citations in Parenthesis.

Holden v. Kutscher, 17 Misc. 540; 40 Supp. 737.

Holden v. Metropolitan Life Ins. Co., 11 App. Div. 426; 76 St. Rep. 310; 42 Supp. 310.

Holden v. N. Y. & Erie Bank, 72 N. Y. 286.

Cited, Notice—Imputed—Agents.

8 Misc. 643; (60 St. Rep. 135; 29 Supp. 1028; 31 Abb. N. C. 414). 77 Hun, 455; (60 St. Rep. 655; 29 Supp. 85). 11 Misc. 83; (59 St. Rep. 475; 29 Supp. 593; 31 Abb. N. C. 407). 139 N. Y. 313; (54 St. Rep. 593). D. 86 Hun, 251; (66 St. Rep. 751; 33 Supp. 235). 16 App. Div. 600; (78 St. Rep. 978; 44 Supp. 978).

Evidence—Competency—Admissions of Agent.

11 App. Div. 145; (76 St. Rep. 1050; 42 Supp. 1050).

Holden v. Strong, 116 N. Y. 471; 27 St. Rep. 529.

Cited, Wills—Construction—Trust Provisions—Validity.

9 Misc. 626; (62 St. Rep. 244; 30 Supp. 853).

Wills—Trust Provisions—Rights of Beneficiary for Support Under.

4 Misc. 342; (24 Supp. 312).

149 N. Y. 531.

Holdridge v. Scott, 1 Lans. 303.

Cited, Executors—Liability for Costs.

88 Hun, 130; (68 St. Rep. 681; 34 Supp. 626).

Holland v. Alcock, 103 N. Y. 312; 14 St. Rep. 761; 28 Week. Dig. 290; 20 Abb. N. C. 447.

Cited, Trust—Creation—Effectiveness.

68 Hun, 414; (52 St. Rep. 658; 22 Supp. 1020). 136 N. Y. 136; (48 St. Rep. 838). 75 Hun, 78; (57 St. Rep. 838; 26 Supp. 1024). 8 Misc. 395; (59 St. Rep. 558; 28 Supp. 629).

Trusts—Designation of Beneficiary—Sufficiency.

8 Misc. 631; (61 St. Rep. 262; 29 Supp. 952). 85 Hun, 12; (66 St. Rep. 124; 32 Supp. 614).

147 N. Y. 109, 110, 115; (69 St. Rep. 404, 405, 408). 83 Hun, 453, 455; (29 Supp. 932). 92 Hun, 99; (71 St. Rep. 760; 35 Supp. 565). 79 St. Rep. 623; (45 Supp. 623).

Wills—Bequests—For Masses—Validity.

9 Misc. 505; (61 St. Rep. 740; 30 Supp. 395). 34 Supp. 849. 5 Misc. 296; (25 Supp. 1112).

Trusts—Charitable—Validity.

144 N. Y. 549; (64 St. Rep. 245).

Holland v. Brown, 140 N. Y. 344; 55 St. Rep. 725.

Cited, Deeds—Notice—Possession.

143 N. Y. 509; (62 St. Rep. 808). 14 Misc. 85; (69 St. Rep. 583; 35 Supp. 267). 12 App. Div. 193; (76 St. Rep. 833; 42 Supp. 833). 152 N. Y. 43.

Holland v. Ferris, 2 Bradf. 334.

Cited, Evidence—Presumption—Of Destruction of Will.

49 St. Rep. 293; (21 Supp. 135).

Holland v. Smyth, 40 Hun, 372.

Cited, 9 Misc. 505; (61 St. Rep. 740; 30 Supp. 395).

Holland Trust Co., Matter of, 76 Hun, 323; 59 St. Rep. 85; 27 Supp. 687.

Holland Trust Co. v. Consolidated G. & E. L. Co., 85 Hun, 454; 66 St. Rep. 291; 32 Supp. 830.

Holland Trust Co. v. Thompson-Houston Electric Co., 9 App. Div. 473; 75 St. Rep. 854; 41 Supp. 457.

Affirmed, 153 N. Y. 643.

Holland Trust Co. v. Waddell, 75 Hun, 104; 56 St. Rep. 868; 26 Supp. 980.

Affirmed, 151 N. Y. 666.

Hollenbeck v. Clow, 9 How. 289.

Cited, Pleading—Libel—General Denial—Justification.

79 Hun, 571; (61 St. Rep. 538; 29 Supp. 922).

Hollenbeck v. Donnell, 94 N. Y. 342.

Cited, Mortgage—Foreclosure—Receiver.

85 Hun, 457; (66 St. Rep. 293; 32 Supp. 832). 6 App. Div. 247; (39 Supp. 1032).

Hollenbeck v. Fleming, 6 Hill, 303.

Cited, Witness—Subscribing.

81 Hun, 372; (63 St. Rep. 236; 30 Supp. 98). 88 Hun, 416; (68 St. Rep. 591; 34 Supp. 789; 2 Ann. Cas. 261).

Hollenbeck v. Johnson, 79 Hun, 499; 61 St. Rep. 255; 29 Supp. 945.

Hollenbeck v. Knapp, 42 Hun, 207.

Cited, Costs—Offer of Judgment.

18 Misc. 508; (76 St. Rep. 1120; 42 Supp. 1120).

Hollender v. Hall, 18 Civ. Pro. 394.

Affirmed, 19 Civ. Pro. 292.

Cited, Writ and Process—Service—Privilege—Witness.

136 N. Y. 590; (49 St. Rep. 906; 30 Abb. N. C. 60).

Hollender v. N. Y. C. & H. R. R. Co., 19 Abb. N. C. 18.

Cited, Negligence—Movement of Railway Train—Question for Jury.

92 Hun, 59; (71 St. Rep. 765; 36 Supp. 569).

Duplicate Citations in Parenthesis.

Holler v. Apa, 47 St. Rep. 485; 18 Supp. 588.

Cited, Costs—Mechanic's Lien — Failure to Defend.

12 Misc. 101; (63 St. Rep. 861; 33 Supp. 174).

Holley v. Mix, 3 Wend. 350.

Cited, False Imprisonment—Arrest by Private Citizen.

2 Misc. 128; (49 St. Rep. 117).

False Imprisonment—Warrant—Probable Cause—Liability of Officer.

142 N. Y. 443; (59 St. Rep. 818).

Torts—Joint Wrongdoers—Evidence.

16 App. Div. 482; (73 St. Rep. 866; 44 Supp. 866).

Hollingsworth v. Long Island R. Co., 91 Hun, 641; 70 St. Rep. 903; 36 Supp. 1126.

Hollingsworth v. Spaulding, 54 N. Y. 636.

Cited, Administrators—Purchase of Decedent's Realty by—Foreclosure.

60 St. Rep. 104.

Hollins v. Demorest, 129 N. Y. 676; 42 St. Rep. 398.

Cited, Railroads—Right of Way—Damages.

9 Misc. 520; (61 St. Rep. 86; 30 Supp. 143).

Hollins v. Hubbard, 91 Hun, 375; 72 St. Rep. 367; 36 Supp. 846.

Hollinsead v. Mactier, 13 Wend. 276.

Cited, Contract—Modification—Right Under.

9 Misc. 115; (59 St. Rep. 734; 29 Supp. 49).

Hollingshead v. Woodward, 35 Hun, 410.

Cited, Costs—On Demurrer Partially Sustained.

3 Misc. 328; (52 St. Rep. 519; 23 Supp. 888).

Corporations—Dissolution.

8 App. Div. 44; (40 Supp. 455).

Hollingshead v. Woodward, 107 N. Y. 96; 11 St. Rep. 325.

Cited, Corporations — Dissolution — Surrender.

79 Hun, 106; (61 St. Rep. 183; 29 Supp. 638).

Corporations—Sequestration—Effect.

68 Hun, 402; (52 St. Rep. 181; 22 Supp. 892).

Hollis v. Drew Theo. Sem'y, 95 N. Y. 166.

Cited, Corporations—Foreign—Status.

3 Misc. 59; (51 St. Rep. 863; 22 Supp. 543).

140 N. Y. 590; (56 St. Rep. 441).

Corporations—Foreign—Bequests to.

136 N. Y. 362; (49 St. Rep. 665).

Wills—Legacy—Validity—Corporations—Time of Death.

63 Hun, 436; (52 St. Rep. 674; 23 Supp. 99).

Wills—Bequest to Foreign Corporation—What Law Determines Power to Take.

136 N. Y. 142; (48 St. Rep. 842).

Wills—Undue Influence.

78 Hun, 48; (60 St. Rep. 505; 23 Supp. 1066). 136 N. Y. 517; (49 St. Rep. 697).

Wills—Life Estates—Measurement of.

76 Hun, 568; (58 St. Rep. 236; 23 Supp. 204). 2 App. Div. 28; (72 St. Rep. 685; 37 Supp. 332).

Wills—Charitable Bequests—Validity.

3 Misc. 485; (23 Supp. 746). 10 Misc. 531; (64 St. Rep. 774). 151 N. Y. 335.

Wills—Foreign—Devise—Charitable Corporations.

140 N. Y. 40; (55 St. Rep. 591).

Public Policy—Courts—Legislature.

16 Misc. 481; (39 Supp. 936).

Hollister v. Burritt, 14 Hun, 291.

Cited, Executors—Management of Estate—Degree of Care.

4 Misc. 31; (23 Supp. 832).

Hollister v. Mott, 132 N. Y. 18; 42 St. Rep. 848.

Distinguished, Mechanic's Lien—Default of Contractor—Completion by Owner—Sub-contractor's Lien.

66 Hun, 263; (49 St. Rep. 475; 21 Supp. 218).

Cited, Mechanic's Lien—When Lien Exists—Sub-contractor—Completion by Owner.

75 Hun, 507; (57 St. Rep. 679; 27 Supp. 50). 89 Hun, 73; (69 St. Rep. 275; 35 Supp. 64). 69 St. Rep. 295; (35 Supp. 179).

Hollister v. Mott, 33 St. Rep. 734; 10 Supp. 409.

Cited, Mechanic's Lien—Performance—Substantial.

83 Hun, 161; (63 St. Rep. 746; 31 Supp. 297).

Hollister v. Simonson, 18 App. Div. 73; 79 St. Rep. 426; 45 Supp. 426.

Hollister v. Sinclair, 89 Hun, 421; 69 St. Rep. 793; 35 Supp. 407.

Hollister v. Stewart, 111 N. Y. 644; 20 St. Rep. 941.

Cited, Pleading — Defense—Remedy at Law.

Duplicate Citations in Parenthesis.

84 Hun, 147; (65 St. Rep. 807; 32 Supp. 538).

Mortgages—Railroad—Foreclosure—Distribution of Proceeds.

17 App. Div. 215; (79 St. Rep. 494; 45 Supp. 494).

Hollister v. Nowlen, 19 Wend. 234.

Cited, Carriers—Common—Hackmen.

75 Hun, 358; (56 St. Rep. 751; 27 Supp. 71).

Notice—Sufficiency—Carriers and Innkeepers.

9 Misc. 32; (59 St. Rep. 724; 29 Supp. 60).

Holloway v. Delano, 64 Hun, 34; 18 Supp. 704; 45 St. Rep. 891; 28 Abb. N. C. 190.

Cited, Deeds—Construction—Boundaries—Highways.

73 Hun, 599; (56 St. Rep. 229; 26 Supp. 105).

Holloway v. Delano, 64 Hun, 27; 45 St. Rep. 886; 18 Supp. 700.

Cited, Deeds—Construction—Boundaries—Highways.

23 Supp. 822.

Holloway v. Delano, 139 N. Y. 390; 54 St. Rep. 686.

Cited, Deed—Boundary on Street—What Passes.

74 Hun, 400; (57 St. Rep. 246; 26 Supp. 642).

Holloway v. Southmayd, 131 N. Y. 390; 54 St. Rep. 676.

Cited, Deeds—Boundaries—Streets.

31 Abb. N. C. 198; (29 Supp. 1095. 80 Hun, 291; (61 St. Rep. 839; 30 Supp. 125).

Deeds—Boundaries—Easements in Highway.

9 App. Div. 112; (75 St. Rep. 572; 41 Supp. 111). 17 Misc. 456; (41 Supp. 233).

Holloway v. Stephens, 58 N. Y. 670

Cited, Appeal—Court of Appeals—From Order of Re-stitution on Reversal.

149 N. Y. 328; (55 St. Rep. 742).

Holly v. Gosling, 3 E. D. Smith 262.

Cited, Brokers — Commissions — When Entitled to.

16 Misc. 387; (38 Supp. 82).

Holly v. Graf, 29 Hun, 443.

Cited, Pleading—Amendment—Change of Nature of Action.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293).

Holly v. Hirsch, 135 N. Y. 590; 49 St. Rep. 14.

Reversing, 63 Hun, 241; 43 St. Rep. 441; 17 Supp. 821.

Cited, Vendor and Purchaser—Title—Deciding Questions as to.

3 Misc. 200; (53 St. Rep. 52; 23 Supp. 211). Vendor and Purchaser—Doubtful Title—Relief From Acceptance.

149 N. Y. 21.

Holly v. Metropolitan Life Ins. Co., 105 N. Y. 437.

Cited, Insurance — Policy — Interpretation—Forfeiture.

9 Misc. 534; (62 St. Rep. 214; 30 Supp. 664).

Holly Mfg. Co. v. Venner, 74 Hun, 458; 57 St. Rep. 230; 26 Supp. 581.

Affirmed, 60 St. Rep. 480.

Cited, Contempt—Discovery—Failure to Produce Books.

86 Hun, 44; (67 St. Rep. 108; 33 Supp. 289; 2 Ann. Cas. 132).

Holly Mfg. Co. v. Venner, 60 St. Rep. 480.

Holly Mfg. Co. v. Venner, 86 Hun, 42; 67 St. Rep. 107; 33 Supp. 287; 2 Ann. Cas. 128.

Holm v. Parmele-Eccleston Co., 13 Misc. 317; 68 St. Rep. 362; 34 Supp. 458.

Holman v. Holman, 66 Barb. 215.

Cited, Deeds—Of Sheriff—Relation.

4 App. Div. 197; (74 St. Rep. 177; 38 Supp. 558).

Holmes, Matter of, 16 Supp. 51.

Cited, Judgment Creditors—Enforcement of Claim.

62 St. Rep. 668.

Holmes, Matter of, 131 N. Y. 80; 42 St. Rep. 641.

Cited, Judgment Creditors—Fraudulent Conveyance—Attack.

81 Hun, 233; (62 St. Rep. 668, 30 Supp. 712).

Holmes v. Abbott, 53 Hun, 617; 25 St. Rep. 644; 6 Supp. 943.

Cited, Pleading—Mis-joinder of Causes.

92 Hun, 25; (72 St. Rep. 831; 37 Supp. 856). 11 App. Div. 464; (76 St. Rep. 383; 42 Supp. 383).

Action—When Lies.

90 Hun, 358; (35 Supp. 942).

Holmes v. Bennett, 28 How. 289.

Cited, Reference — Compulsory — Long Account.

2 Misc. 87; (49 St. Rep. 124; 20 Supp. 875).

Holmes v. Broughton, 10 Wend. 75.

Cited, Presumption as to Laws of Other States.

30 Abb. N. C. 450; (27 Supp. 930). 90 Hun, 106; (79 St. Rep. 409; 35 Supp. 614).

Pleading—Answer—A statement—Foreign Attachment.

6 Misc. 385; (56 St. Rep. 335; 26 Supp. 737; 31 Abb. N. C. 134).

*Duplicate Citations in Parenthesis.***Holmes v. Carley**, 31 N. Y. 289.*Cited*, Municipalities—Adjoining.

17 Misc. 570; (75 St. Rep. 59; 40 Supp. 658).

Holmes v. Davenport, 13 Supp. 738.*Cited*, Injunction—Right to—Preservation of Fund.

7 Misc. 127; (57 St. Rep. 72; 27 Supp. 345).

Holmes v. Davenport, 16 Supp. 56.*Cited*, Insurance—Premiums Paid with Stolen Funds—Who Entitled to Proceeds.

41 Supp. 850.

Holmes v. Davis, 19 N. Y. 488.*Cited*, Damages—Dispossession of Realty.

10 App. Div. 474; (76 St. Rep. 306; 42 Supp. 306).

Holmes v. De Camp, 1 John. 34.*Cited*, Account Stated—New Promise.

146 N. Y. 141; (66 St. Rep. 273; 2 Ann. Cas. 39).

Bills and Notes—Taking for Debt—Election.

17 Misc. 384; (39 Supp. 1063).

Holmes v. Drew, 16 Hun. 491.*Cited*, Insurance—On Real and Personal Property—Severance.

69 Hun. 505; (52 St. Rep. 719; 23 Supp. 402).

Holmes v. Evans, 129 N. Y. 140; 41 St. Rep. 365.*Cited*, Assignment—Equitable—Orders.

2 Misc. 304; (50 St. Rep. 586; 21 Supp. 981). 6 Misc. 227; (59 St. Rep. 453; 23 Supp. 568; 23 Civ. Pro. 442).

Holmes v. Evans, 36 St. Rep. 933.*Cited*, New Trial—New Evidence—Case.

11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231).

Holmes v. Evans, 13 Supp. 610.*Cited*, New Trial—New Evidence—Case.

32 Supp. 296.

Holmes v. Gilman, 138 N. Y. 369; 52 St. Rep. 873; 30 Abb. N. C. 213.*Reversing*, 64 Hun. 227; 46 St. Rep. 110; 19 Supp. 151; 28 Abb. N. C. 288.*Cited*, Fraud—Following Property.

11 Misc. 80; (59 St. Rep. 473; 29 Supp. 596; 31 Abb. N. C. 404). 81 Hun. 62; (62 St. Rep. 253; 30 Supp. 486; 2 Ann. Cas. 49). 145 N. Y. 557; (65 St. Rep. 508). 11 Misc. 251; (65 St. Rep. 857; 32 Supp. 735). 86 Hun. 297; (67 St. Rep. 49; 33 Supp. 307). 69 St. Rep. 456; (35 Supp. 137). 41 Supp. 850.

Fraud—Equity—Relief.

83 Hun. 48; (64 St. Rep. 385; 31 Supp. 699).

Partnership — Agent — Liability for Wrongful Acts.

82 Hun. 219; (63 St. Rep. 750; 31 Supp. 301).

Partnership — Death of One Partner — Survivor's Obligations.

13 Misc. 155; (68 St. Rep. 76; 34 Supp. 84).

Trust—Following Proceeds.

8 App. Div. 212; (40 Supp. 209). 79 St. Rep. 1007; (45 Supp. 1007).

Partners—Relation—Nature.

79 St. Rep. 430; (45 Supp. 430).

Insurance—Insurable Interest.

10 Misc. 408; (63 St. Rep. 525; 31 Supp. 133).

Insurance—Life—What Is.

8 App. Div. 191; (40 Supp. 452).

Holmes v. Grant, 8 Paige, 243.*Cited*, Evidence — Relevancy — Deed as Mortgage—Inadequacy of Price.

69 Hun. 9; (52 St. Rep. 546; 23 Supp. 223).

Holmes v. Holmes, 12 Barb. 137.*Affirmed*, 9 N. Y. 525.*Cited*, Vendor and Purchaser — Dependent Covenants.

88 Hun. 78; (68 St. Rep. 533; 34 Supp. 610).

Holmes v. Hubbard, 60 N. Y. 183.*Cited*, Contracts — Construction — General and Special Words.

17 Misc. 532; (40 Supp. 876). D. 15 App. Div. 189; (78 St. Rep. 497; 44 Supp. 497).

Holmes v. Jones, 69 Hun. 346; 52 St. Rep. 709; 23 Supp. 631.**Holmes v. Jones**, 13 St. Rep. 57; 13 Civ. Pro. 260.*Cited*, Pleading—Bill of Particulars—Libel.

85 Hun. 529; (67 St. Rep. 79; 33 Supp. 336).

Pleading—Bill of Particulars—Affidavit — Knowledge.

19 Misc. 479; (77 St. Rep. 1112; 43 Supp. 1112).

Holmes v. Jones, 121 N. Y. 461; 31 St. Rep. 379.

147 N. Y. 60; (69 St. Rep. 314).

Damages—Punitive—Libel.

6 Misc. 164; (27 Supp. 121). 81 Hun. 246; (62 St. Rep. 670; 30 Supp. 714). 78 St. Rep. 1111; (44 Supp. 1111). 152 N. Y. 158.

Libel—Special Damages—Submission to Jury.

91 Hun. 550; (70 St. Rep. 838; 36 Supp. 186).

Damages — Libel — Attempted Justification.

Duplicate Citations in Parenthesis.

71 Hun, 471; (54 St. Rep. 400; 24 Supp. 944). 147 N. Y. 67; (69 St. Rep. 310). 149 N. Y. 475.

Damages—Excessiveness—Reduction.

77 Hun, 509; (60 St. Rep. 763; 29 Supp. 109). 7 App. Div. 344; (39 Supp. 937).

74 Hun, 288; (56 St. Rep. 420; 26 Supp. 691).

Trial—Comments of Counsel—Reference to Pleadings—Verdict—Amount—Libel.

69 Hun, 352; (52 St. Rep. 713; 23 Supp. 635).

Libel—Words Libelous per se—What Are.

83 Hun, 352; (64 St. Rep. 655; 31 Supp. 928).

Libel—Malice—Careless Publication.

16 Misc. 189; (72 St. Rep. 754; 37 Supp. 253).

Evidence—Pleadings as.

21 Supp. 106. 77 Hun, 475; (60 St. Rep. 672; 29 Supp. 103). 86 Hun, 492; (69 St. Rep. 464; 35 Supp. 51).

Holmes v. Jones, 147 N. Y. 59; 69 St. Rep. 310.

Cited, Libel—Right to Recover.

16 Misc. 188; (72 St. Rep. 753; 37 Supp. 252).

Damages—Punitive—Libel.

152 N. Y. 158.

Holmes v. Little, 86 Hun, 226; 66 St. Rep. 789; 33 Supp. 225.

Holmes v. McDowell, 15 Hun, 585.

Cited, Partnership—Receiver—Rights of Creditors.

10 App. Div. 42; (41 Supp. 742).

Partnership—Dissolution—Receiver—Rights.

18 Misc. 669; (77 St. Rep. 741; 43 Supp. 741).

Holmes v. McDowell, 76 N. Y. 593.

Cited, Partnership—Dissolution—Receiver.

18 Misc. 669; (77 St. Rep. 741; 43 Supp. 741).

Holmes v. Nead, 52 N. Y. 332.

Cited, Wills—Description—Of Devisee or Legatee—Corporations.

3 Misc. 480; (23 Supp. 743).

Wills—Void Clause—Effect.

13 Misc. 433; (68 St. Rep. 413; 34 Supp. 685).

Wills—Charitable Uses—Indefinite Beneficiary.

147 N. Y. 109, 110; (69 St. Rep. 404, 405).

Holmes v. Moffat, 9 St. Rep. 41.

Cited, Appeal—Evidence—General Exceptions.

13 Misc. 163; (68 St. Rep. 97; 34 Supp. 113).

Holmes v. Moffat, 120 N. Y. 159; 30 St. Rep. 779.

Cited, Appeal—Harmless Error—Test—Admission of Evidence.

4 Misc. 391; (53 St. Rep. 519; 24 Supp. 331).

Appeal—Harmless Error—Instruction to Disregard Improper Evidence.

1 Misc. 107; (48 St. Rep. 721; 20 Supp. 700).

Trial—Reception of Evidence—Striking Out.

8 Misc. 232; (59 St. Rep. 448; 28 Supp. 724). 71 Hun, 440; (54 St. Rep. 541; 24 Supp. 984). 7 Misc. 670; (58 St. Rep. 381; 28 Supp. 43). 75 Hun, 272; (58 St. Rep. 212; 26 Supp. 1082). 14 Misc. 332; (70 St. Rep. 359; 35 Supp. 842). 9 App. Div. 47; (75 St. Rep. 525; 41 Supp. 66).

Trial—Instructions—Disregard of Evidence—Observance of by Jury—Presumption.

71 Hun, 592; (55 St. Rep. 117; 24 Supp. 1108).

Appeal—Error Cured.

10 Misc. 94; (63 St. Rep. 511; 31 Supp. 183). 147 N. Y. 527; (70 St. Rep. 90). 149 N. Y. 103.

Trial—Instructions to Jury.

17 Misc. 566; (40 Supp. 695).

Trial—Reception of Improper Evidence—Remedy.

11 Misc. 389; (65 St. Rep. 310; 32 Supp. 283).

Holmes v. Rankin, 17 Barb. 454.

Cited, Interest—Unliquidated Claim.

82 Hun, 198; (64 St. Rep. 6; 31 Supp. 418).

Holmes v. Remsen, 20 Johns. 229.

Cited, Assignment for Creditors—Foreign—Domestic—Attachments Against Assignor

55 St. Rep. 532.

Holmes v. Roper, 141 N. Y. 64; 56 St. Rep. 596.

Cited, Contracts—Consideration—Executory Gift.

78 Hun, 124; (60 St. Rep. 185; 28 Supp. 993). 145 N. Y. 662; (71 St. Rep. 314).

Evidence—Declarations—Of Assignor of Chose in Action.

145 N. Y. 667; (71 St. Rep. 317).

Appeal—Improper Evidence—Failure to Except.

147 N. Y. 425; (70 St. Rep. 11).

Holmes v. Roper, 32 St. Rep. 470; 10 Supp. 284.

Cited, New Trial—New Evidence.

82 Hun, 48; (63 St. Rep. 486; 31 Supp. 164). 4 App. Div. 332; (74 St. Rep. 184; 38 Supp. 565).

*Duplicate Citations in Parenthesis.***Holmes v. Seeley**, 17 Wend. 75.

Cited, Guardians—Powers Over Ward's Realty.

13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95; 25 Civ. Pro. 107).

Holmes v. Seely, 19 Wend. 507.

Cited, Easements—Right of Way—By Necessity—Extinction.

71 Hun, 32; (54 St. Rep. 215; 24 Supp. 615). 18 Misc. 516; (41 Supp. 987). 150 N. Y. 147.

Trespass—Civil—Who May Bring Action—Party in Possession.

75 Hun, 237; (58 St. Rep. 659; 27 Supp. 40).

Easements—Right of Way—Prescription.

86 Hun, 385; (67 St. Rep. 183; 33 Supp. 474).

Holmes v. Stietz, 2 City Ct. R. 77.

Cited, Estoppel—Equitable—Corporate Existence.

1 Misc. 196; (49 St. Rep. 80; 20 Supp. 877).

Holmes v. Tremper, 20 Johns. 29.

Cited, Fixtures—Landlord and Tenant.

53 St. Rep. 889; (25 Supp. 132.)

Landlord and Tenant—Buildings Erected by Tenant.

66 Hun, 207; (49 St. Rep. 6; 21 Supp. 41).

Holmes v. Union T. & T. Co., 139 N. Y. 651; 54 St. Rep. 933.**Holmes v. Willard**, 24 St. Rep. 260; 15 Supp. 610.

Affirmed, 125 N. Y. 75; 34 St. Rep. 455.

Cited, Corporations—Ultra Vires.

2 Misc. 308; (51 St. Rep. 572; 21 Supp. 1001).

Holmes v. Willard, 125 N. Y. 75; 34 St. Rep. 455.

Cited, Corporations—Power of Officers.

138 N. Y. 479; (53 St. Rep. 66). 143 N. Y. 436; (62 St. Rep. 447).

Corporations—Ultra Vires—When Available.

137 N. Y. 423; (51 St. Rep. 66). 19 Misc. 658; (78 St. Rep. 430; 44 Supp. 430).

Corporations—Ultra Vires.

3 App. Div. 276; (73 St. Rep. 852; 33 Supp. 235).

Corporations—Stockholders—Enquiries.

7 App. Div. 371; (40 Supp. 75).

Holmes v. Williams, 10 Paige, 326.

Cited, Bills and Notes—Accommodation Paper—Usury—Knowledge of.

8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555).

Holmes, Booth & Hayden v. Faber,

1 App. Div. 631; 72 St. Rep. 678; 37 Supp. 427.

Affirmed, 150 N. Y. 559.

Holmes & G. M. Co. v. Holmes & Wessels M. Co., 127 N. Y. 252; 38 St. Rep. 155.

Cited, Corporations—Officers—Powers—Ultra Vires.

79 Hun, 74; (61 St. Rep. 665).

Corporations—Ultra Vires—Availability.

19 Misc. 658; (78 St. Rep. 430; 44 Supp. 430).

Holmquist v. Bavarian Star Brewing Co., 1 App. Div. 347; 72 St. Rep. 443; 37 Supp. 380.**Holsapple v. R. W. & O. R. Co.**, 76 N. Y. 275.

Cited, Carriers—Exemption from Liability.

20 Misc. 587.

Holsman v. St. John, 90 N. Y. 461.

Cited, Action—Revival—Laches.

17 Misc. 103; (39 Supp. 500). 11 App. Div. 48; (39 Supp. 500). 17 App. Div. 227; (79 St. Rep. 541; 45 Supp. 541).

Holstein v. Clark, 15 Misc. 239; 71 St. Rep. 469; 36 Supp. 419.**Holt v. Jex**, 48 Hun, 528; 16 St. Rep. 270; 1 Supp. 195.

Cited, Wills—Construction—Intention as Touchstone.

53 St. Rep. 841; (24 Supp. 352).

Holt v. Streeter, 74 Hun, 538; 57 St. Rep. 193; 26 Supp. 843.**Holt Bros. v. Wolf**, 19 Misc. 635; 78 St. Rep. 403; 44 Supp. 403.**Holtham v. Holtham**, 6 Misc. 266; 58 St. Rep. 130; 26 Supp. 762.**Holthausen v. Kells**, 18 App. Div. 80; 79 St. Rep. 471; 45 Supp. 471.**Holtz v. Schmidt**, 34 Super. 28.

Cited, Discovery and Inspection—Of Papers of Adversary.

2 Misc. 169; (49 St. Rep. 618; 21 Supp. 619).

Holtsinger v. Nat. Corn Exchange Bank, 1 Sweeny, 64; 6 Abb. 293; 37 How. 203.

Affirmed, 3 Alb. Law J. 305; 40 How. 720.

Cited, Agents—Authority—Endorsement of Commercial Paper.

85 Hun, 371; (66 St. Rep. 439; 32 Supp. 1034). 91 Hun, 487; (70 St. Rep. 819; 36 Supp. 244).

Holtz v. Schmidt, 36 Super. 575.

Cited, Discovery—Necessity—Sufficiency of Subpoena Duces Tecum.

5 Misc. 494; (55 St. Rep. 160; 25 Supp. 801).

*Duplicate Citations in Parenthesis.***Holtz v. Schmidt**, 44 Super. 327.

Cited, New Trial—New Evidence—Impeachment.

12 App. Div. 410; (76 St. Rep. 942; 42 Supp. 942).

Holtz v. Schmidt, 59 N. Y. 253.

Cited, Contracts—Restraint of Trade.

9 App. Div. 427; (75 St. Rep. 767; 41 Supp. 349).

Holyoke v. Adams, 59 N. Y. 233.

Cited, Pleading—Supplemental Answer—Right to.

8 Misc. 495; (59 St. Rep. 402; 28 Supp. 756). 12 Misc. 308; (67 St. Rep. 837; 34 Supp. 36). 6 App. Div. 379; (74 St. Rep. 765; 40 Supp. 201). 17 App. Div. 531; (79 St. Rep. 706; 45 Supp. 706).

Pleading—Supplemental.

20 Misc. 382.

Holyoke v. Union Mutual L. Ins. Co., 23 Hun, 75.

Cited, Executors — Assets — Debts and Obligations—Situs.

7 Misc. 594; (58 St. Rep. 755; 28 Supp. 264). 83 Hun, 140; (28 Supp. 264). 145 N. Y. 569; (65 St. Rep. 515).

Holyoke v. Union Mut. L. Ins. Co., 84 N. Y. 648.

Cited, Executors—Assets—Debts and Obligations—Situs.

145 N. Y. 570; (65 St. Rep. 516).

Holz v. Woodside Brewing Co., 83 Hun, 192; 63 St. Rep. 810; 31 Supp. 397.**Homan v. Brinckerhoff**, 1 Den. 184.

Cited, Courts—Inferior—Want of Jurisdiction—Void Acts.

16 Misc. 321; (73 St. Rep. 570; 37 Supp. 951).

Homan v. Byrne, 14 Week. Dig. 175.

Cited, Pleading — Striking Out—Irrelevancy.

2 Misc. 346; (50 St. Rep. 761; 21 Supp. 1028).

Homan v. Earle, 53 N. Y. 267.

Cited, Contract — Breach of Promise.

71 Hun, 438; (54 St. Rep. 539; 24 Supp. 982).

82 Hun, 289; (64 St. Rep. 82; 31 Supp. 434). 151 N. Y. 606.

Homan v. Liswell, 6 Cow. 659.

Cited, Time—Computation.

17 App. Div. 599; (79 St. Rep. 307; 45 Supp. 307).

Home Bank v. Brewster & Co., 17 Misc. 442; 41 Supp. 203.

Modified and Affirmed, 15 App. Div. 338; 78 St. Rep. 54; 44 Supp. 54.

Cited, Corporations—Assignment for Creditors.

17 App. Div. 284; (79 St. Rep. 681; 45 Supp. 681).

Home Bank v. Brewster & Co., 15 App. Div. 338; 78 St. Rep. 54; 44 Supp. 54.

Cited, Corporations — Assignment for Creditors.

17 App. Div. 284; (79 St. Rep. 681; 45 Supp. 681).

Home Bank v. Drumgoole, 109 N. Y.

63; 14 St. Rep. 40; 28 Week. Dig. 332.

Cited, Assignment—Equitable—Orders.

67 Hun, 104; (51 St. Rep. 406; 22 Supp. 37).

Assignment — Equitable — Orders—Performance by Drawer.

67 Hun, 64; (51 St. Rep. 376; 22 Supp. 18). 17 Misc. 344; (39 Supp. 1068).

Assignment—Equitable—Orders—Liability of Acceptor.

74 Hun, 61; (56 St. Rep. 146; 26 Supp. 136).

Home Ins. Co. v. Dunham, 33 Hun, 415.

Cited, Usury—Absolute Agreement.

9 App. Div. 11; (75 St. Rep. 419; 40 Supp. 1098).

Home Ins. Co. v. Penn. R. Co., 11 Hun, 182.

Cited, Causes of Action — Situs — For Negligence.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 384; 23 Civ. Pro. 108).

Interest—On Recovery for Injury to Property.

135 N. Y. 105; (48 St. Rep. 368).

Home Ins. Co. v. Sherman, 46 N. Y. 370.

Cited, Counterclaim—Eviction.

70 Hun, 145; (53 St. Rep. 778; 24 Supp. 91).

Laudlord and Tenant—Lease—Eviction. 24 Supp. 475.

Home Ins. Co. v. Smith, 28 Hun, 296.

Cited, Eminent Domain—Right to Award—Foreclosure Pending Condemnation.

3 Misc. 24; (51 St. Rep. 130; 22 Supp. 181). 142 N. Y. 315; (59 St. Rep. 5).

Attorneys—Relation.

42 Supp. 280; (25 Civ. Pro 351).

Home Ins. Co. v. Watson, 59 N. Y. 390.

Cited, Contract—Consideration — Sealed Instrument.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1094). 145 N. Y. 682; (71 St. Rep. 314).

Duplicate Citations in Parenthesis

Home Ins. Co. v. Western Trans. Co., 51 N. Y. 93.

Cited, Appeal—Attitude Inconsistent with that on Trial.

1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672).
18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510).

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 823).

Home Maker Co. v. Alley, 2 Misc. 111;
49 St. Rep. 347; 20 Supp. 870.

Home Provident S. F. Ass'n, Matter of, 129 N. Y. 288; 41 St. Rep. 549.

Cited, Dissolution—Subsequent Acts—Power of Court.

145 N. Y. 264; (62 St. Rep. 155). 18 Misc. 268; (41 Supp. 645).

Homer v. Everett, 47 Super. 298.

Affirmed, 91 N. Y. 641.

Cited, Negligence—Safe Premises—Duty of Occupant.

4 App. Div. 484; (38 Supp. 686).

Homer v. Guardian Mut. L. Ins. Co., 67 N. Y. 478.

Cited, Contracts—Performance—Extension.

87 Hun, 102; (67 St. Rep. 494; 33 Supp. 878).

Contracts—Delayed Performance—Estoppel.

87 Hun, 102; (67 St. Rep. 494; 33 Supp. 878). 40 Supp. 25.

Homestead Bank v. Hollister, 7 Misc. 422; 57 St. Rep. 645; 27 Supp. 1015.

Homestead Bank v. Wood, 2 Misc. 145; 48 St. Rep. 775; 20 Supp. 640.

Cited, Evidence—Parol—To Show Failure of Consideration for Written Contract.

3 Misc. 257; (52 St. Rep. 125; 22 Supp. 940).

Courts—Inferior—Equitable Powers.

16 Misc. 341; (38 Supp. 74).

18 Misc. 421; (75 St. Rep. 842; 41 Supp. 437).

Homiston v. Long Island R. Co., 3 Misc. 342; 52 St. Rep. 1; 22 Supp. 738.

Cited, Carriers—Passengers—Ejection for Non-payment of Fare.

4 Misc. 396; (53 St. Rep. 570; 24 Supp. 110).

Homiston v. Long Island R. Co., 8 Misc. 687; 59 St. Rep. 34; 28 Supp. 658.

Hommel v. Meserole, 18 App. Div. 106;
79 St. Rep. 407; 45 Supp. 407.

Hondorf v. Atwater, 75 Hun, 369; 57 St. Rep. 694; 27 Supp. 447.

Hone v. De Peyster, 106 N. Y. 645; 11 St. Rep. 309.

Distinguished, Costs—Receivers and Executors—Charging with.

74 Hun, 248; (56 St. Rep. 316; 26 Supp. 379).
18 Misc. 437; (75 St. Rep. 1188; 41 Supp. 790).

Hone v. Fisher, 2 Barb. Ch. 559.

Cited, Mortgage—Absence of Bond—Remedy of Mortgagee.

4 Misc. 32; (23 Supp. 832). 17 Misc. 647; (74 St. Rep. 756; 40 Supp. 195).

Hone v. Henriquez, 13 Wend. 240.

Cited, Estoppel—Equitable—Accepting Benefits of Assignment.

61 St. Rep. 655; (29 Supp. 1051).

Hone v. Van Schaick, 3 Barb. 488.

Cited, Posthumous Child—Civil Rights of.

69 Hun, 586; (53 St. Rep. 257; 23 Supp. 964).

Hone v. Van Schaick, 20 Wend. 564.

Cited, Wills—Suspension of Alienation.

69 Hun, 440; (52 St. Rep. 702; 23 Supp. 454).

Wills—Legacy—Vesting.

81 Hun, 119; (62 St. Rep. 675; 30 Supp. 691).

Honegger v. Wettstein, 94 N. Y. 252.

Cited, Contracts—Prohibited by Statutes—Enforcement.

8 Misc. 320; (59 St. Rep. 246; 28 Supp. 561). 19 Misc. 22; (76 St. Rep. 773; 42 Supp. 773).

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1 Misc. 286; (48 St. Rep. 758; 20 Supp. 694). 1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679). 1 Misc. 133; (48 St. Rep. 766; 20 Supp. 645). 1 Misc. 363; (48 St. Rep. 787; 20 Supp. 638). 1 Misc. 173; (48 St. Rep. 683; 20 Supp. 653). 1 Misc. 169; (48 St. Rep. 675; 20 Supp. 632). 1 Misc. 320; (48 St. Rep. 719; 20 Supp. 673). 3 Misc. 453; (52 St. Rep. 504; 23 Supp. 184). 7 Misc. 174; (57 St. Rep. 523; 27 Supp. 327). 7 Misc. 178; (57 St. Rep. 546; 27 Supp. 348). 11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 319). 11 App. Div. 625; (78 St. Rep. 1133; 44 Supp. 1133).

Trial—Questions for Jury—Credibility of Witnesses.

6 Misc. 67; (55 St. Rep. 778; 26 Supp. 80). 75 Hun, 50; (56 St. Rep. 859; 27 Supp. 17; 31 Abb. N. C. 152). 9 Misc. 116; (59 St. Rep. 734; 29 Supp. 50). 76 Hun, 4; (59 St. Rep. 611; 27 Supp. 624). 85 Hun, 47; (66 St. Rep. 50; 32 Supp. 666). 85 Hun, 571; (66 St. Rep. 800; 33 Supp. 128). 14 App. Div. 525; (77 St. Rep. 936; 43 Supp. 966).

Duplicate Citations in Parenthesis.

Pleading—Defense—Necessity of Pleading—Avoidance of Contract.

2 Misc. 172; (49 St. Rep. 623; 21 Supp. 618). 6 Misc. 574; (57 St. Rep. 791; 27 Supp. 293). 81 Hun, 183; (62 St. Rep. 697; 30 Supp. 700). 7 App. Div. 282; (39 Supp. 1004).

Hong Kong & Shanghai Banking Corporation v. Cooper, 114 N. Y. 388; 23 St. Rep. 787.

Cited, Stipulations—Relief From.

3 Misc. 464; (52 St. Rep. 512; 23 Supp. 189). 9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).

Stipulations—As to Issues — Conclusive-ness.

140 N. Y. 181; (55 St. Rep. 385).

Hong Kong & Shanghai Banking Corporation v. Emanuel, 138 N. Y. 672; 53 St. Rep. 932.

Honsee v. Hammond, 39 Barb. 89.

Cited, Trespass—Nominal Damages.

4 Misc. 133; (53 St. Rep. 170; 23 Supp. 834; 30 Abb. N. C. 308).

Honsinger v. Mulford, 90 Hun, 589; 70 St. Rep. 561; 35 Supp. 986.

Hood, Matter of, 27 Hun, 579.

Cited, Action — Defense — Pendency of Another Action.

3 App. Div. 153; (73 St. Rep. 355; 38 Supp. 166; 3 Ann. Cas. 213).

Hood, Matter of, 30 Hun, 472.

Cited, Appeal—Costs—Amount.

63 St. R. p. 721; (34 Supp. 799; 24 Civ. Pro. 441).

Hood, Matter of, 90 N. Y. 512.

Cited, Surrogate—Jurisdiction.

90 Hun, 113; (70 St. Rep. 394; 35 Supp. 629).

Hood, Matter of, 98 N. Y. 363.

Cited, Trusts — Trustee and Executors—Removal.

76 Hun, 254; (59 St. Rep. 104; 27 Supp. 775).

Hood, Matter of, 104 N. Y. 103; 5 St. Rep. 501.

Cited, Appeal — Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Surrogate's Court — Setting Aside Decree Defective Findings—Limitation.

4 Misc. 38; (54 St. Rep. 276; 23 Supp. 847). 4 Misc. 38; (23 Supp. 847).

Appeal—Surrogate's Decree — Questions Reviewable.

17 App. Div. 267; (79 St. Rep. 564; 45 Supp. 564).

Hood v. Hayward, 124 N. Y. 1; 35 St. Rep. 229.

Cited, Pleading—Answer—Counterclaim To Whom Available.

9 Misc. 73; (59 St. Rep. 689; 29 Supp. 67).

istinguished, Executors — Bonds — Enforcement.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

Hood v. Hood, 5 Dem. 50.

Cited, Surrogate's Courts—Setting Aside Decree—Irregularity—Limitation.

4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

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4 Misc. 39; (23 Supp. 847).

Hood v. Hood, 85 N. Y. 561.

Cited, Guardians — Liability on Bond — Necessity of Accounting.

3 Misc. 183; (54 St. Rep. 272; 23 Supp. 828).

Guardians—Accounting—Fraudulent Settlement.

138 N. Y. 201; (52 St. Rep. 143).

Wills—Power to Sell for Debts—Partial Execution—Recourse to Other Lands.

136 N. Y. 113; (46 St. Rep. 893).

Wills—Power of Sale—For What Proceeds Available.

55 St. Rep. 808; 67 Hun, 17; (51 St. Rep. 10; 21 Supp. 688). 23 Civ. Pro. 132; (21 Supp. 688). 146 N. Y. 260; (66 St. Rep. 631).

Executors—Power of Sale — Proceeds—Accounting.

144 N. Y. 523; (64 St. Rep. 50).

Executors—Sureties on Bonds—When Liable.

10 App. Div. 243; (75 St. Rep. 1217; 41 Supp. 816).

Hoogland v. Hudson, 8 How. 343.

Cited, Bastardy—Bond—Alternative Provisions.

16 Misc. 109; (74 St. Rep. 493; 38 Supp. 814).

Hook v. Pratt, 78 N. Y. 371.

Cited, Bills and Notes—Bona Fides.

16 Misc. 438; (40 Supp. 389).

Hooker v. Cummins, 20 Johns. 90.

Cited, Waters—Fishing—Rights of Riparian Owners.

75 Hun, 475; (57 St. Rep. 361; 27 Supp. 483).

Watercourses—Non-navigable—Rights of Riparian Owners.

16 App. Div. 532; (73 St. Rep. 1016; 44 Supp. 1016).

Duplicate Citations in Parenthesis.

Hooker v. Eagle Bank of Rochester, 30 N. Y. 83.

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73 Hun. 456; (56 St. Rep. 23; 26 Supp. 477). 1 Misc. 403; (49 St. Rep. 874).

Assignment—Of Cho.e in Action—How Made.

17 Misc. 136; (39 Supp. 342).

Hooker v. Rochester, 37 Hun. 181.

Affirmed, 107 N. Y. 676.

Cited, Trespass—Deposit of Foreign Substance—Justification.

54 St. Rep. 573; (24 Supp. 1084). 17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367).

Hooker v. Rochester, 35 St. Rep. 408.

Affirmed, 36 St. Rep. 458.

Cited, Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun. 523; (52 St. Rep. 846).

Hooker v. Terpenning, 8 Supp. 639.

Cited, New Trial—New Evidence—Cumulative.

16 Misc. 124; (38 Supp. 830)

Hooker v. Vandewater, 4 Den. 349.

Cited, Conspiracy—Restraint of Trade—Regulation of Prices.

66 Hun. 593; (50 St. Rep. 233; 21 Supp. 861). 145 N. Y. 274; (64 St. Rep. 697).

Contracts—Validity—Restraint of Trade. 139 N. Y. 264; (54 St. Rep. 522).

Hooley v. Gieve, 9 Abb. N. C. 8.

Cited, Partnership—Estate of Deceased Partner.

4 Misc. 355; (54 St. Rep. 259; 24 Supp. 356).

Partnership—Surviving Partner—Breach of Trust—Equitable Liability.

141 N. Y. 454; (57 St. Rep. 631).

Hooper v. Baillie, 118 N. Y. 413; 29 St. Rep. 52.

Cited, Assignment for Creditors—Who May Make—Co-partners—Consent.

78 Hun. 118; (60 St. Rep. 500; 28 Supp. 1058).

Evidence—Burden of Proof—Impeachment of Assignment for Creditors.

70 Hun. 595; (53 St. Rep. 782; 24 Supp. 186).

Hooper v. Beecher, 109 N. Y. 610; 14 St. Rep. 16.

Cited, Appeal—To Whom Lies.

10 Misc. 401; (63 St. Rep. 425; 31 Supp. 36). 13 App. Div. 603; (77 St. Rep. 632; 43 Supp. 632).

Hooper v. Beecher, 135 N. Y. 617; 48 St. Rep. 929.

Hooper v. Beecher, 15 Supp. 113.

Cited, Appeal—By One of Several Defendants—Effect of Reversal.

14 App. Div. 630; (77 St. Rep. 588; 43 Supp. 588).

Hooper v. Hudson River Fire Ins. Co., 17 N. Y. 424.

Cited, Insurance—Subject of Insurance. 3 App. Div. 68; (38 Supp. 988).

Hooper v. Johnstown, G. & K. H. R. Co., 59 Hun. 121; 35 St. Rep. 503; 13 Supp. 151.

Cited, Evidence—Burden of Proof—Contributory Negligence.

7 Misc. 650; (58 St. Rep. 393; 28 Supp. 14).

Negligence—Imputed—Snares—Invitation.

7 Misc. 646; (58 St. Rep. 393; 28 Supp. 14).

Negligence—Maintaining Dangerous Premises—Liability.

D. 6 App. Div. 186; (39 Supp. 1028).

Hooper v. Story, 59 Hun. 53; 61 St. Rep. 184; 29 Supp. 639.

Hoormann v. Climax Cycle Co., 9 App. Div. 579; 75 St. Rep. 1100; 41 Supp. 710.

Cited, Attachment—Affidavit—Knowledge.

12 App. Div. 444; (76 St. Rep. 124; 42 Supp. 124). 14 App. Div. 91; (77 St. Rep. 461; 43 Supp. 461). 13 App. Div. 624; (76 St. Rep. 1124; 42 Supp. 1124). 20 Misc. 95; (79 St. Rep. 89; 45 Supp. 89). 17 App. Div. 230; (79 St. Rep. 727; 45 Supp. 727).

Affidavit—Sufficiency—Arrest.

19 Misc. 357.

Hoorman v. Climax Cycle Co., 17 Misc. 734; 40 Supp. 1067; 3 Ann. Cas. 201.

Affirmed, 9 App. Div. 579; 75 St. Rep. 1100; 41 Supp. 710.

Cited, Attachment—Affidavit—Knowledge.

18 Misc. 91; (41 Supp. 839).

Hoos v. Hemsptead, 84 Hun. 170; 65 St. Rep. 685; 32 Supp. 556.

Hoover v. Greenbaum, 61 N. Y. 305.

Cited, Principal and Agent—Collecting Agency.

11 Misc. 288; (65 St. Rep. 445; 32 Supp. 270).

Hoover v. Rochester Printing Co., 2 App. Div. 11; 72 St. Rep. 717; 37 Supp. 419.

Duplicate Citations in Parenthesis.

- Hopcraft v. Lachman**, 68 Hun, 433; 52 St. Rep. 670; 22 Supp. 1093.
- Hope v. Balen**, 58 N. Y. 380.
Cited, Evidence — Parol — Concerning Writing—Entirety of Contract.
73 Hun, 312; (58 St. Rep. 63; 26 Supp. 377).
- Hope v. Brewer**, 136 N. Y. 126; 48 St. Rep. 834.
Cited, Perpetuities—Foreign Wills.
140 N. Y. 41; (55 St. Rep. 591).
Wills—Bequests—Validity—Law of domicile.
9 Misc. 529; (61 St. Rep. 680; 30 Supp. 394).
Wills—Perpetuities.
144 N. Y. 576; (64 St. Rep. 241).
- Hope v. Fall Brook Coal Co.**, 3 App. Div. 70; 38 Supp. 1040.
Cited, Appeal—Verdict Against Evidence—Reversal.
11 App. Div. 275; (76 St. Rep. 119; 42 Supp. 119). 79 St. Rep. 1116; (45 Supp. 1116).
- Hope v. People**, 83 N. Y. 418.
Cited, Evidence — Malice — Competency.
135 N. Y. 457; (48 St. Rep. 439).
Evidence—Competency—Other Crimes.
92 Hun, 203; (71 St. Rep. 172; 36 Supp. 401). 92 Hun, 49; (72 St. Rep. 391; 36 Supp. 869). 150 N. Y. 386.
- Hope v. Troy & Lansingburgh R. Co.**, 40 Hun, 438.
Affirmed, 110 N. Y. 643.
Cited, Evidence—Physicians—Privilege.
3 Misc. 456; (52 St. Rep. 500; 23 Supp. 165; 30 Abb. N. C. 78). 91 Hun, 500; (70 St. Rep. 861; 36 Supp. 259; 25 Civ. Pro. 114). 148 N. Y. 94; (25 Civ. Pro. 173; 2 Ann. Cas. 297).
Negligence — Medical Treatment—Good faith.
15 App. Div. 167; (78 St. Rep. 246; 44 Supp. 246).
- Hope v. The Troy & Lansingburgh R. Co.**, 110 N. Y. 643.
Cited, Witness — Physician—Privilege—Waiver.
148 N. Y. 94.
- Hope Mutual Life Ins. Co., v. Perkins**, 33 N. Y. 404.
Cited, Corporations — Power to Borrow Money.
7 Misc. 111; (57 St. Rep. 487; 27 Supp. 388).
- Hopf v. United States Baking Co.**, 21 Supp. 589.
- Hopf v. United States Baking Co.**, 6 Misc. 158; 27 Supp. 217.
- Hopkins, Matter of**, 57 Hun, 9; 10 Supp. 264.
Cited, Wills—Direction to Pay Debts—Personal Estate—When Chargeable with Encumbrances.
30 Abb. N. C. 225; (24 Supp. 879).
- Hopkins, Matter of**, 19 St. Rep. 516.
Cited, Taxes—Inheritance—Exemption.
9 Misc. 228; (61 St. Rep. 294; 30 Supp. 387).
- Hopkins v. Cabrey**, 24 Wend. 264.
Cited, Justice's Court—Transfer of Cause—Improper Refusal.
17 App. Div. 206; (79 St. Rep. 489; 45 Supp. 489).
- Hopkins v. Clark**, 149 N. Y. 329.
- Hopkins v. Clark**, 90 Hun, 4; 69 St. Rep. 849; 35 Supp. 360.
- Hopkins v. Clark**, 14 Misc. 599; 71 St. Rep. 444; 36 Supp. 456.
- Hopkins v. Clark**, 7 App. Div. 207; 74 St. Rep. 687; 40 Supp. 130.
Cited, Appeal—Conflicting Evidence—Vacation of Verdict.
15 App. Div. 7; (77 St. Rep. 1114; 43 Supp. 1114).
- Hopkins v. Coburn**, 1 Wend. 292.
Cited, Writ and Process—Service—Privilege—Parties and Witnesses.
55 St. Rep. 873; (26 Supp. 330).
- Hopkins v. Ensign**, 11 St. Rep. 85.
Cited, Pleading—Defense—Necessity of Pleading—Avoidance of Contract.
2 Misc. 172; (49 St. Rep. 623; 21 Supp. 618).
- Hopkins v. Everett**, 6 How. 159.
Cited, Pleading—Denial—Sufficiency.
11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).
- Hopkins v. Gouraud**, 52 St. Rep. 504; 23 Supp. 189; 30 Abb. N. C. 235.
- Hopkins v. Hopkins**, 21 Week Dig. 174.
Cited, Alimony — Action to Recover — Abatement.
19 Misc. 654; (78 St. Rep. 409; 44 Supp. 409).
- Hopkins v. Kent**, 145 N. Y. 363; 64 St. Rep. 821.
Cited, Wills—Construction—Presumption of Legal Disposition.
20 Misc. 386; (79 St. Rep. 605; 45 Supp. 605).
Trusts—Legal Title—Vesting in Beneficiary.
1 App. Div. 25; (71 St. Rep. 845; 36 Supp. 738).

Duplicate Citations in Parenthesis.

Hopkins v. Lott, 111 N. Y. 577; 20 St. Rep. 130.

Cited, Costs—Disputed Claim—Reference. 8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670).

Hopkins v. McLaren, 4 Cow. 667.

Cited, Action—Real Property—Alienation Pending Action—Parties.

136 N. Y. 575; (50 St. Rep. 28).

Hopkins v. Valkenburg, 16 Hun, 3.

Cited, Executors and Administrators—Claims—Jurisdiction to Determine in Proceedings to Sell Realty.

1 Misc. 33; (22 Supp. 908). 11 Misc. 231; (66 St. Rep. 556; 32 Supp. 1102).

Hopper, Matter of, 9 Misc. 171; 60 St. Rep. 638; 29 Supp. 715.

Hopper, Matter of, 5 Paige, 489.

Cited, Judges—Disqualification—Relationship to Guardian ad litem.

69 Hun, 386; (53 St. Rep. 700; 23 Supp. 638).

Lunatic—Committee—Action by Creditor—Leave of Court—Reference.

18 Misc. 407; (76 St. Rep. 776; 42 Supp. 776).

Hopper v. Cutting, 37 St. Rep. 504; 13 Supp. 820.

Cited, Contracts—Building—Performance—Satisfaction.

14 Misc. 197; (68 St. Rep. 217; 34 Supp. 130). 38 Supp. 176.

Hopper v. Ersler, 1 Ann. Cas. 192; 72 St. Rep. 804; 38 Supp. 176.

Cited, Set-off—Judgment—Attorney.

17 Misc. 77; (39 Supp. 856).

Hopper v. Ersley, 3 Misc. 340; 52 St. Rep. 8; 22 Supp. 1050.

Hopper v. Hopper, 53 Hun, 394; 25 St. Rep. 132; 6 Supp. 271; 17 Civ. Pro. 214.

Cited, Executors and Administrators—Ancillary.

70 Hun, 358; (54 St. Rep. 182; 24 Supp. 420).

Hopper v. Hopper, 92 Hun, 415; 71 St. Rep. 664; 36 Supp. 610.

Hopper v. Hopper, 125 N. Y. 400.

Cited, Executors—Foreign Actions by and Against.

13 App. Div. 326; (77 St. Rep. 143; 43 Supp. 143).

Hopper v. Sage, 112 N. Y. 530; 21 St. Rep. 491.

Cited, Corporations—Stock—Dividends—Who Entitled to.

4 Misc. 13; (23 Supp. 924). 86 Hun, 133; (67 St. Rep. 135; 33 Supp. 390). D. 4 App. Div. 162; (74 St. Rep. 686; 40 Supp. 129).

Custom or Usage—Evidence of, when Admissible.

1 Misc. 180; (48 St. Rep. 688; 20 Supp. 640). 82 Hun, 621; (63 St. Rep. 753; 31 Supp. 303). 19 Misc. 287; (77 St. Rep. 72; 43 Supp. 72).

Evidence—Oral to Vary Writing—Usage and Custom.

4 Misc. 171; (53 St. Rep. 222; 23 Supp. 883). 8 App. Div. 528; (75 St. Rep. 250; 40 Supp. 857).

Brokers—Stock—Conversion.

17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 220).

Hoppock v. Donaldson, 12 How. 141.

Cited, Judgment—By Confession—Debt—Validity.

59 St. Rep. 518; (28 Supp. 588).

Hoppock v. Moses, 43 How. 201.

Cited, Agency—Termination of Relation. 152 N. Y. 169.

Hoppock v. Tucker, 59 N. Y. 202.

Cited, Wills—Gift to Class—How Held.

82 Hun, 474; (64 St. Rep. 359; 31 Supp. 729). 15 Misc. 377; (72 St. Rep. 828; 38 Supp. 431). 6 App. Div. 58; (39 Supp. 620). 19 Misc. 202; (78 St. Rep. 605, 606; 44 Supp. 605, 606). 152 N. Y. 484.

Hoppock v. Tucker, 59 N. Y. 292.

Cited, Wills—Construction—Intent.

15 Misc. 319; (73 St. Rep. 122; 37 Supp. 584).

Hoppough v. Struble, 60 N. Y. 430.

Cited, Ejectment—Equitable Defense.

17 Misc. 427; (39 Supp. 714).

Horan v. Central Park, etc., R. Co.,

9 Misc. 68; 59 St. Rep. 691; 29 Supp. 12.

Cited, Appeal—Verdict—Vacation—Discretion.

83 Hun, 10; (64 St. Rep. 326; 31 Supp. 613).

Horey v. Haverstraw, Village of, 47 Hun, 356; 14 St. Rep. 498.

Cited, Highways—Defects—Liability of Municipality—Acts of Third Person.

49 St. Rep. 270; (21 Supp. 140). 79 Hun, 557; (61 St. Rep. 531; 29 Supp. 914).

Horey v. Haverstraw, Village of, 124 N. Y. 273; 35 St. Rep. 360.

Cited, Highways—Abandonment.

69 Hun, 514; (52 St. Rep. 894; 23 Supp. 417). 143 N. Y. 150; (58 St. Rep. 622). 11 App. Div. 215; (76 St. Rep. 952; 42 St. Rep. 952).

Highways—Work on—Burden of Proof.

92 Hun, 309; (72 St. Rep. 395; 36 Supp. 372).

Duplicate Citations in Parenthesis.

Horn, Matter of, 7 App. Div. 89; 25 Civ. Pro. 357; 39 Supp. 954.

Horn v. Keteltas, 46 N. Y. 605

Cited, Evidence—Parol—To Show Instrument Absolute on Face Intended as Security.

1 Misc. 147; (48 St. Rep. 777; 20 Supp. 641). 135 N. Y. 547; (48 St. Rep. 543). 71 Hun, 352; (54 St. Rep. 12; 24 Supp. 1128). 88 Hun, 355; (68 St. Rep. 576; 34 Supp. 758).

Horn v. New Lots, Town of, 83 N. Y. 100.

Cited, Taxes—Assessment—Voluntary Payment.

135 N. Y. 464; (48 St. Rep. 437). 14 Misc. 150; 151; (70 St. Rep. 367; 35 Supp. 860). 91 Hun, 216; (71 St. Rep. 135; 36 Supp. 212); 7 App. Div. 153, 154, 156; (74 St. Rep. 682, 683; 40 Supp. 125, 126).

Horn v. Perry, 14 Hun, 409.

Cited, Evidence—Declarations—Res Gestae—Principal and Surety.

9 Misc. 471; (61 St. Rep. 128; 30 Supp. 237).

Horn v. Prior, 22 St. Rep. 237; 5 Supp. 955.

Cited, Courts—District—Direction of Verdict.

12 Misc. 154; (66 St. Rep. 516; 33 Supp. 16). 18 Misc. 192; (75 St. Rep. 701; 41 Supp. 291).

Horn v. Pullman, 10 Hun, 471.

Affirmed, 72 N. Y. 269.

Cited, Appeal—Surrogate's Decree—Extent of Review—Improper Evidence.

71 Hun, 498; (54 St. Rep. 899; 24 Supp. 1056).

Horn v. Pullman, 72 N. Y. 269.

Cited, Evidence—Relevancy—Wills—Undue Influence—Change of Intention.

74 Hun, 473; (56 St. Rep. 705; 26 Supp. 502).

Wills—Undue Influence.

136 N. Y. 517; (49 St. Rep. 697). 5 Misc. 184; (24 Supp. 858). 78 Hun, 48; (60 St. Rep. 505; 28 Supp. 1066). 10 Misc. 611; (65 St. Rep. 408; 32 Supp. 228).

Evidence—Presumption—Testamentary Capacity—Age and Health.

1 Misc. 261; (54 St. Rep. 239; 22 Supp. 1061).

5 Misc. 200; (25 Supp. 110).

Wills—Testamentary Capacity.

71 Hun, 499; (54 St. Rep. 902; 24 Supp. 1055). 81 Hun, 214; (62 St. Rep. 596; 30 Supp. 676). 83 Hun, 330; (64 St. Rep. 377; 31 Supp. 691).

Wills—Testamentary Capacity—Age—Physical Condition.

56 St. Rep. 711; (25 Supp. 315). 9 Misc. 523; (61 St. Rep. 676; 30 Supp. 390). 3 Misc. 574; (23 Supp. 757). 15 Misc. 311; (73 St. Rep. 436; 37 Supp. 759). 16 Misc. 182; (38 Supp. 1132). 18 Misc. 152; (75 St. Rep. 1445; 41 Supp. 1098). 19 Misc. 390, 391; (78 St. Rep. 342, 343; 44 Supp. 342, 343).

Hornbeck v. American Bible Society, 2 Sandf. Ch. 133.

Cited, Wills—Bequest to Foreign Corporation—Power to Take—Foreign Law.

136 N. Y. 141; (18 St. Rep. 841).

Wills—Description—Of Devisee or Legatee—Corporations.

3 Misc. 484; (23 Supp. 746).

Hornbeck v. Westbrook, 9 John. 72.

Cited, Deeds—Reservation—For Benefit of Stranger.

60 St. Rep. 320.

Hornberger v. Miller, N. Y. L. J. May 14, 1897.

Cited, 20 Misc. 563.

Hornby v. Gordon, 9 Bosw. 656.

Cited, Action—Tort—Parties—Bringing in New.

8 App. Div. 588; (75 St. Rep. 309; 40 Supp. 916).

Horndorf v. Horndorf, 13 Misc. 343; 68 St. Rep. 516; 34 Supp. 560.

Horne v. Buffalo, City of, 49 Hun, 76; 1 Supp. 801.

8 App. Div. 621; (40 Supp. 1149).

Hornellsville Electric R. Co. v. N. Y. L. E. & W. R. Co., 83 Hun, 407; 64 St. Rep. 416; 31 Supp. 745.

Horner v. Wood, 15 Barb. 371.

Cited, Assignment—Of Contract—What Amounts to.

78 Hun, 390; (60 St. Rep. 699; 29 Supp. 134).

Hornthal v. Finelite, 60 St. Rep. 888; 29 Supp. 686.

Horowitz v. Hamburg American Packet Co., 15 Misc. 466; 37 Supp. 1146.

Affirmed, 18 Misc. 24; 75 St. Rep. 511; 41 Supp. 54.

Reversed, 14 App. Div. 631; 77 St. Rep. 1156; 44 Supp. 1156.

Horowitz v. Hamburg-American Packet Co., 18 Misc. 24; 75 St. Rep. 511; 41 Supp. 54.

Cited, Evidence—Failure to Call Witness—Presumption.

79 St. Rep. 657; (45 Supp. 657).

Duplicate Citations in Parenthesis.

Horrigan v. N. Y. C. & H. R. R. Co.,
7 App. Div. 377; 39 Supp. 938.

Horrman v. Neuman, 15 Misc. 459; 72
St. Rep. 670; 37 Supp. 199.

Horst v. Yuengling Brewing Co.,
1 App. Div. 629; 72 St. Rep. 136; 37
Supp. 3.

*Cited, Examination Before Trial—Books
and Papers—Use.*

8 App. Div. 318; (75 St. Rep. 347; 40
Supp. 947).

Horton, Matter of, 18 Misc. 406; 76
St. Rep. 775; 42 Supp. 775.

Horton v. Auchmoody, 7 Wend. 200.
*Distinguished, Landlord and Tenant—
Summary Proceedings—Adjournment by
Justice.*

2 Misc. 160; (50 St. Rep. 540; 21 Supp.
800).

*Cited, Justice's Court—Unauthorized
Adjournment—Effect on Jurisdiction.*

9 App. Div. 177, 178; (75 St. Rep. 521;
41 Supp. 62, 63).

Horton v. Barnes, 71 Hun, 612; 54 St.
Rep. 210; 24 Supp. 617; 23 Civ. Pro.
195.

Horton v. Brown, 29 Hun, 654.

*Cited, Executors — Disputed Claim —
Costs.*

88 Hun, 314; (68 St. Rep. 580; 34 Supp.
762).

Horton v. Cantwell, 108 N. Y. 255; 13
St. Rep. 615.

*Cited, Equity — Jurisdiction — Construc-
tion of Devises.*

139 N. Y. 218; (54 St. Rep. 673).

Statutes—Repeal.

81 Hun, 223; (62 St. Rep. 632; 30 Supp.
678; 24 Civ. Pro. 150). 9 App. Div. 35; (75 St.
Rep. 572; 41 Supp. 111).

*Wills—Construction—Words Used Inad-
vertently.*

18 Misc. 277; (41 Supp. 1012).

Horton v. Davis, 26 N. Y. 495.

*Cited, Chattel Mortgage—Sale Subject
to.*

70 Hun, 56; (53 St. Rep. 434; 23 Supp.
1081).

Horton v. Dow, 10 St. Rep. 139.

Cited, Bills and Notes—Surety—Defense.
15 App. Div. 500; (78 St. Rep. 527; 44
Supp. 527).

Horton v. Fancher, 14 Hun, 172.

*Cited, Action—Appearance—Waiver of
Objection to Jurisdiction.*

2 Misc. 207; (49 St. Rep. 525; 21 Supp.
272). 5 Misc. 123; (35 Supp. 744).

Horton v. Garrison, 23 Barb. 176.

*Cited, Municipal Corporations—Officers—
Majority.*

31 Supp. 587.

Horton v. Horton, 83 Hun, 213; 64 St.
Rep. 142; 31 Supp. 588.

Horton v. McCoy, 47 N. Y. 21.

*Cited, Infants—Share in Avails of Realty
—Nature of Property.*

27 Supp. 926; (23 Civ. Pro. 372). 7 Misc.
270; (58 St. Rep. 530; 28 Supp. 164). 89
Hun, 530; (69 St. Rep. 744; 35 Supp. 338).
89 Hun, 528; (69 St. Rep. 797; 35 Supp.
411); 20 Misc. 535.

*Lunatics—Damages for Injury to Land
of—Nature—Descent.*

70 Hun, 180; (54 St. Rep. 165; 24 Supp.
414).

Infants—Power of Courts Over Realty.

147 N. Y. 570; (70 St. Rep. 338).

Wills—Equitable Conversion.

8 App. Div. 352; (75 St. Rep. 177; 40
Supp. 798).

Horton v. Morgan, 19 N. Y. 170.

*Cited, Brokers — Stock Speculations —
Brokers Rights and Duties.*

1 App. Div. 394; (72 St. Rep. 464; 37
Supp. 400). 17 App. Div. 331, 335; (79 St.
Rep. 220, 222; 45 Supp. 220, 222).

Horton v. N. Y. C. & H. R. R. Co.,
12 Abb. N. C. 30.

*Cited, Landlord and Tenant — Lease —
Termination—Summary Proceedings.*

9 Misc. 489; (61 St. Rep. 99; 30 Supp.
244).

Horton v. Parsons, 37 Hun, 42.

*Cited, Officers—Oath of Office—Effect of
Omission.*

73 Hun, 407; (55 St. Rep. 773; 26 Supp.
282).

Police—Appointment—Oath.

52 St. Rep. 643; (23 Supp. 732).

Horton v. Thompson, Town of, 71
N. Y. 513.

*Cited, Bonds—Municipal—Liability on—
Governed by Act Providing for.*

73 Hun, 594; (56 St. Rep. 180; 26 Supp.
100).

Bonds—Of Towns for Railroad—Validity.

137 N. Y. 181; (50 St. Rep. 331).

Horton v. Hendershot, 1 Hill, 118.

Cited, Execution—Valid on Face—Officer.
D. 16 App. Div. 474; (78 St. Rep. 941).

Horton v. Vulcan Iron Works Co.,
13 App. Div. 508; 77 St. Rep. 699; 43
Supp. 699.

Duplicate Citations in Parenthesis.

Horton v. Wood, 50 St. Rep. 679; 21 Supp. 178.

Affirmed, 142 N. Y. 632; 60 St. Rep. 866.

Hortsman v. Henshaw, 11 How. 183.

Cited, Bills and Notes—Fictitious Payee. 67 Hun, 382; (51 St. Rep. 921; 22 Supp. 258).

Hosack v. Rogers, 9 Paige. 461.

Cited, Executors—Accounting—Expenses—Litigation.

5 Misc. 145; 25 Supp. 709.

Hosack v. Rogers, 11 Paige 603.

Cited, Imprisonment—For Debt.

14 Misc. 594; (72 St. Rep. 258; 25 Civ. Pro. 119; 2 Ann. Cas. 288).

Hostford v. Carter, 10 Abb. 452.

Cited, Justice's Court—Jury—Waiver.

92 Hun, 525; (72 St. Rep. 431; 36 Supp. 1029).

Hosford v. Merwin, 5 Barb. 51.

Cited, Partition—Jurisdiction—Complete Relief.

137 N. Y. 124; (50 St. Rep. 171).

Hoske v. Gentzlinger, 87 Hun, 3; 67

St. Rep. 569; 33 Supp. 747.

Hoskins v. Stewart, 135 N. Y. 632; 48

St. Rep. 929.

Hosley v. Black, 28 N. Y. 438.

Cited, Evidence—Relevancy—Variance.

4 Misc. 171; (53 St. Rep. 222; 23 Supp. 883).

Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599).

Hosley v. Colerick, 9 Civ. Pro. 43.

Cited, Appeal—Motion for New Trial—Case.

5 App. Div. 33; (39 Supp. 72).

Costs—Motion for New Trial.

15 Misc. 79; (71 St. Rep. 592; 36 Supp. 791).

Hosmer v. Gans, 14 Misc. 229; 70 St. Rep.

169; 35 Supp. 471; 25 Civ. Pro. 100.

Hospital Supply Co. v. O'Neill, 10

Misc. 655; 64 St. Rep. 496; 31 Supp. 792.

Hossley v. Colerick, 3 How. N. S. 169.

Cited, Costs—New Trial.

16 Misc. 514; (74 St. Rep. 46; 38 Supp. 526).

Hotailing v. Hotailing, 47 Barb. 163.

Cited, Ejectment—Purchaser's Dispute of Vendor's Title.

9 App. Div. 24; (75 St. Rep. 595; 41 Supp. 137).

Hotailing v. McKenzie, 7 Civ. Pro. 320.

Cited, Action—Poor Person—Infant.

12 Misc. 460; (68 St. Rep. 135; 34 Supp. 257; 24 Civ. Pro. 401).

Hotchkiss v. Third Nat. Bank, 127 N. Y. 329; 38 St. Rep. 754.

Cited, Fraud—Sale—Concealment of Insolvency—Credit.

77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880). 3 App. Div. 560; (73 St. Rep. 837; 38 Supp. 416).

Sale—Fraud—Rescission—Reclaiming Property—Bona Fide Purchaser.

77 Hun, 533; (60 St. Rep. 270; 28 Supp. 891).

Fraud—Constituents.

83 Hun, 373; (64 St. Rep. 649; 31 Supp. 913). 79 St. Rep. 895; (45 Supp. 895).

Hotchkiss, Matter of, 17 Misc. 670.

Hotchkiss v. Germania Fire Ins. Co., 5 Hun, 90.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 265).

Hotchkiss v. Hodge, 38 Barb. 117.

Cited, Appeal—Weight of Evidence.

14 Misc. 499; (70 St. Rep. 722; 35 Supp. 1078).

Hotchkiss v. McVickar, 12 Johns. 403.

Cited, Conversion—Who May Maintain.

16 Misc. 578; (74 St. Rep. 175; 38 Supp. 767).

Hotchkiss v. Mosher, 48 N. Y. 478.

Cited, Banks—Deposits—Pass Books.

79 St. Rep. 656; (45 Supp. 656).

Hotchkiss v. Oliphant, 2 Hill. 510.

Cited, Libel—Offer of Retraction—Availability.

3 Misc. 321; (52 St. Rep. 403; 22 Supp. 771).

Hotis v. New York Central & H. R. R. Co., 25 St. Rep. 525; 6 Supp. 605.

Cited, Distinguished—New Trial—Setting Aside Verdict—Preponderance of Evidence.

1 Misc. 310; (43 St. Rep. 774; 20 Supp. 714).

Hotopp v. Huber, 18 Misc. 554; 41 Supp. 991.

Affirmed, 16 App. Div. 327; 78 St. Rep. 617; 44 Supp. 617.

Hotopp v. Huber, 16 App. Div. 327; 78 St. Rep. 617; 44 Supp. 617.

Houdayer, Matter of, 150 N. Y. 37; 3 Ann. Cas. 176.

Cited, Tax—Inheritance—Non-Resident Decedents—Personalty Within State.

79 St. Rep. 885; (45 Supp. 885).

Houdayer, Matter of, 3 App. Div. 474; 73 St. Rep. 784; 38 Supp. 323.

Cited, Tax—Inheritance—Property of Non-Resident Decedent.

79 St. Rep. 884; (45 Supp. 884).

*Duplicate Citations in Parenthesis.***Hough v. Brown**, 19 N. Y. 111.

Cited, Contracts—Offer—Acceptance by Mail.

70 Hun, 597; (53 St. Rep. 647; 25 Supp. 259).

Houghkirk v. Delaware, & H. C Co., 92 N. Y. 219.

Cited, Railroads—Crossings—Guards.

67 Hun, 211; (51 St. Rep. 391; 22 Supp. 108). 75 Hun, 530; (57 St. Rep. 654; 27 Supp. 498). D. 57 St. Rep. 469; 27 Supp. 1043).

Question for Jury — Sufficiency of Evidence—Damages—Death.

139 N. Y. 494; (54 St. Rep. 837).

Damages—Death of Child.

1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678). 143 N. Y. 421; (62 St. Rep. 434).

Damages—Excessive—Negligence.

11 Misc. 539; (64 St. Rep. 468; 32 Supp. 743). 80 Hun, 307; (62 St. Rep. 47; 30 Supp. 319). 6 App. Div. 48; (39 Supp. 617). 77 Hun, 397; (60 St. Rep. 421; 28 Supp. 882). 1 App. Div. 242; (72 St. Rep. 742; 37 Supp. 134).

Houghtaling v. Groesbeck, 51 N. Y. 673.

Cited, Municipalities—Adjoining.

17 Misc. 570; (75 St. Rep. 59; 40 Supp. 658).

Houghtaling v. Kelderhouse, 2 Barb. 149.

Affirmed, 1 N. Y. 530.

Cited, Evidence—Good Character.

D. 68 Hun, 472; (52 St. Rep. 599; 22 Supp. 1012).

Houghtaling v. Kilderhouse, 1 N. Y. 530.

Cited, Evidence — Relevancy—Character—Libel.

60 St. Rep. 311.

Houghtaling v. Lloyd, 21 Civ. Pro. 56; 15 Supp. 424.

Cited, Justice's Court — Appeal — Judgment.

7 Misc. 477; (28 Supp. 387).

Houghtaling v. Louisville, N. A. & C. R. Co., 73 Hun, 615; 57 St. Rep. 117; 25 Supp. 1045.**Houghtaling v. Marvin**, 7 Barb. 412.

Cited, Powers—Coupled with Interest — Agent's Commissions.

4 Misc. 103; (53 St. Rep. 133; 23 Supp. 1012; 30 Abb. N. C. 302).

Houghtaling v. Shelly, 51 Hun, 598; 3 Supp. 904; 22 St. Rep. 17.

Cited, Negligence — Proximate and Concurrent Causes of Accident — Question for Jury.

1 Misc. 135; (48 St. Rep. 767; 20 Supp. 645).

Houghton, Matter of, 20 Hun, 395.

Cited, Negligence — Injuries to Property — Liability of Contractor.

11 App. Div. 424; (76 St. Rep. 341; 42 Supp. 341).

Houghton v. Swarthout, 1 Den. 589.

Cited, Justice of Peace—False Return on Appeal—Liability.

70 Hun, 52; (53 St. Rep. 505; (23 Supp. 1095).

Officers — Public — Misfeasance or Non-feasance—Liability to Individual.

143 N. Y. 165; (62 St. Rep. 189).

Housatonic Nat. Bank, v. Foster, 85 Hun, 376; 66 St. Rep. 435; 32 Supp. 1031.**House v. Agate**, 3 Redf. 307.

Cited, Executors and Administrators — Limitation of Action for Accounting or Settlement.

3 Misc. 566; (24 Supp. 720).

Limitation of Action—Decedent's Estate Proceeding to Enforce Payment of Claims Against.

70 Hun, 66; (53 St. Rep. 511; 23 Supp. 1107).

House v. Burr, 24 Barb. 525.

Cited, Lease — Assignment — Effect on Covenants.

11 Misc. 124; (66 St. Rep. 220; 32 Supp. 824; 24 Civ. Pro. 195).

Statute of Frauds—Lease—Privilege of Renewal.

13 Misc. 565; (34 Supp. 468; 2 Ann. Cas. 195).

House v. Clemens, 9 Supp. 484; 24 Abb. N. C. 381.

Cited, Contracts—Breach—Injunction.

2 App. Div. 521; (74 St. Rep. 454; 38 Supp. 25).

House v. Eisenlord, 30 Hun, 90.

Cited, Appeal—Equitable Action—Discretion.

3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1071).

House v. House, 10 Paige, 158.

Cited, Lien—On Realty—Liability of Successors in Interest.

144 N. Y. 478; (63 St. Rep. 731).

House v. Jackson, 50 N. Y. 161.

Cited, Wills—Vested Remainder.

17 App. Div. 525; (79 St. Rep. 557; 45 Supp. 557).

Duplicate Citations in Parenthesis.

House v. Lockwood, 48 Hun, 550; 1 Supp. 540.

Cited, Costs—Taxation—Discretionary—Motion for New Trial.
24 Supp. 804.

House v. Lockwood, 137 N. Y. 259; 50 St. Rep. 787.

Cited, Judgment—Conclusiveness—As to What Matters.

6 Misc. 192; (27 Supp. 31). 85 Hun, 17; (66 St. Rep. 129; 32 Supp. 618). 86 Hun, 415; (67 St. Rep. 174; 33 Supp. 517). 17 App. Div. 316; (79 St. Rep. 250; 45 Supp. 250).

House v. Low, 2 Johns. 378.

Cited, Evidence—Parol—To Explain Receipt.

1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

House v. McCormick, 57 N. Y. 310.

Cited, Estoppel—Deed.

135 N. Y. 335; (48 St. Rep. 250).

House v. Rochester, 15 Barb. 517.

Cited, Eminent Domain—Commissioners—Appointment.

151 N. Y. 84.

House v. Walch, 144 N. Y. 418; 63 St. Rep. 654.

Cited, Evidence—Parol—To Vary Writing.

16 Misc. 529; (38 Supp. 980). D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683).

Housman, Matter of, 4 Dem. 404.

Cited, Apportionment—Principal and Income—Account.

17 Misc. 690; (75 St. Rep. 936; 41 Supp. 546).

Housman v. Bodine, 122 N. Y. 158; 33 St. Rep. 332.

Cited, Mortgage—Payment—Intent.

92 Hun, 219; (71 St. Rep. 201; 36 Supp. 364).

Hovell v. Noll, 10 Misc. 546; 64 St. Rep. 123; 31 Supp. 439.

Hoyer v. Barkhoof, 44 N. Y. 113.

Cited, Highways—Defective—Personal Injuries—Liability of Commissioner.

60 St. Rep. 113. 84 Hun, 512; (65 St. Rep. 605; 32 Supp. 342).

Highways—Defects—Liability of Town—Absence of Funds.

67 Hun, 636; (51 St. Rep. 114; 22 Supp. 472). 2 App. Div. 23; (72 St. Rep. 688; 37 Supp. 334).

Officers—Public—Acts—Liability to Individual.

143 N. Y. 165; (63 St. Rep. 189). 149 N. Y. 502.

Hovey v. Bromley, 85 Hun, 540; 67 St. Rep. 147; 33 Supp. 400.

Cited, Conversion or Replevin—Demand.
14 Misc. 315; (70 St. Rep. 747; 35 Supp. 1053). 73 St. Rep. 590; (38 Supp. 541). D. 4 App. Div. 616; (75 St. Rep. 342; 40 Supp. 944).

Hovey v. Elliot, 118 N. Y. 124; 28 St. Rep. 761.

Cited, Money Had and Received—When Proper Remedy.

140 N. Y. 375; (55 St. Rep. 732). 5 Misc. 114; (25 Supp. 739).

Lien—Equitable.

12 Misc. 581; (67 St. Rep. 804; 33 Supp. 1100).

Hovey v. Elliott, 145 N. Y. 126; 64 St. Rep. 542.

Hovey v. Elliott, 21 Supp. 108.

Hovey v. Hovey, 5 Paige, 551.

Cited, Costs—Disbursements—What Taxable.

75 Hun, 511; (57 St. Rep. 635; 27 Supp. 513).

Hovey v. Rubber-Tip Pencil Co., 50 N. Y. 335.

Cited, Injunction—Dissolution—Damages—Counsel Fees.

76 Hun, 38; (59 St. Rep. 628; 27 Supp. 589).

Howard, Matter of, 3 Misc. 170; 23 Supp. 836.

Cited, Executors—Funeral Expenses—What Are

15 Misc. 600; (72 St. Rep. 818; 38 Supp. 189).

Howard, Matter of, 5 Misc. 293; 25 Supp. 832.

Howard, Matter of, 5 Misc. 295; 25 Supp. 1111.

Howard, Matter of, 11 Misc. 224; 66 St. Rep. 552; 32 Supp. 1098.

Cited, Executors—Sale of Decedent's Land—When Proper.

15 Misc. 206; (72 St. Rep. 187; 37 Supp. 36).

Howard, Matter of, 5 Dem. 483.

Cited, Taxes—Inheritance—Right of Succession.

4 Misc. 594; (25 Supp. 993).

Howard, Matter of. See Allen, Matter of.

Howard v. Albany Ins. Co., 3 Den. 301.

Cited, Insurance—Policy—Wager.

8 App. Div. 190; (40 Supp. 452).

Duplicate Citations in Parenthesis.

Howard v. American Mfg. Co., 15 Misc. 4; 71 St. Rep. 481; 36 Supp. 430.

Howard v. Brown, 2 E. D. Smith, 247. *Cited*, Appeal—District Court — Review of Evidence; 12 Misc. 155; (66 St. Rep. 667; 32 Supp. 1130).

Howard v. City Fire Ins. Co., 4 Den. 502.

Cited, Witness — Cross-Examination — Credibility.

20 Misc. 428; (79 St. Rep. 1031; 45 Supp. 1031).

Howard v. Daly, 61 N. Y. 362.

Cited, Contracts — Executor — Repudiation—Right to Damages.

137 N. Y. 486; (51 St. Rep. 284).

Evidence—Presumption—Mailing of Letters.

5 Misc. 110; (25 Supp. 736). D. 2 Misc. 232; (50 St. Rep. 590; 22 Supp. 364).

Damages—Measure—Contracts—Employment.

5 Misc. 354; (55 St. Rep. 508; 25 Supp. 519). 6 Misc. 316; (58 St. Rep. 299; 26 Supp. 1107). 7 Misc. 637; (58 St. Rep. 373; 28 Supp. 27). 8 Misc. 276; (59 St. Rep. 206; 28 Supp. 719). 9 Misc. 392; (61 St. Rep. 685; 30 Supp. 195). 10 Misc. 674; 64 St. Rep. 294; 31 Supp. 669). 11 App. Div. 336; (76 St. Rep. 1114; 42 Supp. 1114). 149 N. Y. 391. 152 N. Y. 149.

Contracts — Employment — Discharge — Keeping Down Damages.

10 Misc. 678; (64 St. Rep. 297; 31 Supp. 671). 16 Misc. 300; (74 St. Rep. 572; 38 Supp. 118). 7 App. Div. 171; (74 St. Rep. 664; 40 Supp. 51). 19 Misc. 7; (76 St. Rep. 910; 42 Supp. 910).

Contracts—Breach—Notification in Advance of Refusal to Perform.

4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117). 16 Misc. 44; (73 St. Rep. 136; 37 Supp. 695). 2) Misc. 94; (79 St. Rep. 69; 45 Supp. 69).

Damages—Breach of Contract.

18 Misc. 387; (41 Supp. 1115).

Contracts—Situs—Conflict of Laws.

150 N. Y. 322.

Howard v. Doolittle, 3 Duer, 464.

Cited, Landlord and Tenant—Lease—Liability of Landlord to Shore up Premises.

6 Misc. 156; (26 Supp. 875).

Howard v. Dougherty, 3 Reif, 535.

Cited, Executors—Appointment—Pending Contest.

10 Misc. 214; (64 St. Rep. 9; 31 Supp. 425).

Howard v. Farley, 19 Abb. 126.

Cited, Interest—Computation.

4 App. Div. 367; (74 St. Rep. 248; 33 Supp. 729).

Howard v. France, 43 N. Y. 593.

Cited, Partnership—Services of Partner—Implied Promise to Pay.

9 Misc. 301; (61 St. Rep. 315; 30 Supp. 269).

Howard v. Hoey, 23 Wend. 350.

Cited, Sale—Article to be Manufactured—Implied Warranty.

88 Hun, 248; (63 St. Rep. 561; 34 Supp. 743). 151 N. Y. 489.

Howard v. Howard, 11 How. 80.

Cited, Attorneys—Authority.

11 Misc. 650; (66 St. Rep. 178; 32 Supp. 795; 24 Civ. Pro. 267).

Howard v. Howard, 17 Barb. 663.

Cited, Adverse Possession—Burden of Proof.

85 Hun, 570; (66 St. Rep. 799; 33 Supp. 127).

Vendor and Purchaser—Adverse Possession of Third Person—Purchaser's Rights.

87 Hun, 53; (67 St. Rep. 484; 33 Supp. 863).

Howard v. Leonard, 3 App. Div. 277;

74 St. Rep. 19; 38 Supp. 363; 3 Ann. Cas. 157.

Howard v. McDonough, 77 N. Y. 592.

Cited, Evidence — Documentary—Memoranda.

51 St. Rep. 318; (22 Supp. 151). 89 Hun, 69; (69 St. Rep. 262; 35 Supp. 84; 2 Ann. Cas. 301). D. 91 Hun, 220; (70 St. Rep. 792; 36 Supp. 2.7).

Evidence—Secondary—Memoranda.

73 Hun, 289; (58 St. Rep. 79; 26 Supp. 455). 150 N. Y. 392.

Witness — Refreshing Memory — Memoranda.

16 App. Div. 144; (79 St. Rep. 105; 35 Supp. 105).

Howard v. Metropolitan Life Ins. Co., 18 Misc. 74; 75 St. Rep. 488; 41 Supp. 23.

Cited, Insurance — Application — Contradictory Evidence.

18 Misc. 445; (76 St. Rep. 53; 42 Supp. 53).

Howard v. Moller, 9 Misc. 215; 60 St. Rep. 843; 29 Supp. 599.

Howard v. Moller, 11 Misc. 719; 64 St. Rep. 875; 31 Supp. 1129.

Affirmed, 12 Misc. 79; 66 St. Rep. 686; 23 Supp. 52.

Duplicate Citations in Parenthesis.

Howard v. Moller, 12 Misc. 79; 66 St. Rep. 686; 33 Supp. 52.

Howard v. Moot, 64 N. Y. 262.

Cited, Constitutional Law—Regulation of Evidence.

139 N. Y. 44; (54 St. Rep. 438). 12 Misc. 418; (67 St. Rep. 575; 33 Supp. 706).

Howard v. Norton, 65 Barb. 161.

Cited, Evidence—Acts and Declarations of Agents—To Show Agency.

7 Misc. 501; (58 St. Rep. 797; 27 Supp. 950). 49 St. Rep. 736; (20 Supp. 772). 79 Hun, 541; (61 St. Rep. 551; 29 Supp. 932). 18 Misc. 22; (75 St. Rep. 494; 41 Supp. 37).

Howard v. Prudential Ins. Co., 1 App. Div. 135; 73 St. Rep. 447; 37 Supp. 832.

Followed, 5 App. Div. 623; 38 Supp. 1143.

Howard v. Sexton, 4 N. Y. 157.

Cited, Arbitration—Award—Irregularities.

3 Misc. 289; (52 St. Rep. 409; 23 Supp. 788).

Evidence—Relevancy—Libel—Similar Attacks.

138 N. Y. 242; (52 St. Rep. 338). 135 N. Y. 610; (48 St. Rep. 393)

Trial—Incompetent Evidence—Effect.

139 N. Y. 385; (54 St. Rep. 661; 30 Abb. N. C. 424).

Slander and Libel—Actionable Words.

D. 16 App. Div. 484; (78 St. Rep. 867; 44 Supp. 867).

Howard v. St. Lawrence Life Ass'n of N. Y., 20 Misc. 118; 79 St. Rep. 110; 45 Supp. 110.

Howard v. Tiffany, 3 Sandf. 695.

Cited, Pleading—Irrelevancy—Bearing Upon Award of Costs.

75 Hun, 368; (56 St. Rep. 768; 27 Supp. 106).

Howard Ins. Co. v. Halsey, 8 N. Y. 271.

Cited Mortgage—Assumption—Availability to Mortgagee.

85 Hun, 82; (66 St. Rep. 44; 32 Supp. 661).

Mortgage—Conveyance in Parcels—How Charged.

9 App. Div. 231; (75 St. Rep. 652; 41 Supp. 243).

Howd v. Cole, 74 Hun, 121; 55 St. Rep. 876; 26 Supp. 431.

Howe, Matter of, 43 Hun, 235; 16 St. Rep. 555.

Cited, Statutes—Construction—Legislative Intent.

91 Hun, 155; (71 St. Rep. 694; 36 Supp. 527).

Howe, Matter of, 112 N. Y. 100; 20 St. Rep. 477.

Cited, Taxes—Inheritance—Individual Shares.

6 Misc. 280; (27 Supp. 234). 76 Hun, 403; (58 St. Rep. 702; 27 Supp. 1088). 143 N. Y. 330; (62 St. Rep. 246). 88 Hun, 70; (68 St. Rep. 539; 34 Supp. 617).

Statutes—Application.

147 N. Y. 176; (69 St. Rep. 416). 91 Hun, 156; (71 St. Rep. 694; 36 Supp. 537).

Howe, Matter of, 1 Paige, 125.

Cited, Liens—Equitable—Priority—Legal Liens.

79 Hun, 406; (62 St. Rep. 507; 27 Supp. 802). 144 N. Y. 112; (63 St. Rep. 67).

Mortgage—Equitable.

79 St. Rep. 976; (45 Supp. 976).

Wills—Charitable Bequest—Validity.

12 App. Div. 274; (76 St. Rep. 906; 42 Supp. 906).

Howe v. Bell, 143 N. Y. 190; 62 St. Rep. 361.

Howe v. Boorum & Pease Co., 20 Misc. 345; 79 St. Rep. 805; 45 Supp. 805.

Howe v. Buffalo, N. Y. & E. R. Co., 37 N. Y. 267.

Cited, Agency—Implied Agreement to Indemnify Agent.

16 App. Div. 210; (78 St. Rep. 647; 44 Supp. 647).

Howe v. Muir, 4 How. 252.

Cited, Costs—Extra Allowance—Practice.

20 Misc. 564.

Howe v. Oldham, 52 St. Rep. 734; 23 Supp. 700.

Howe v. Oldham, 69 Hun, 57; 53 St. Rep. 327; 23 Supp. 703.

Howe v. Peckham, 10 Barb. 656.

Cited, Pleading—Joinder of Causes.

6 App. Div. 174; 39 Supp. 1030.

Howe v. Robinson, 13 Misc. 256; 68 St. Rep. 87; 34 Supp. 85.

Howe v. Rochester, 86 Hun, 3; 66 St. Rep. 816; 33 Supp. 119.

Howe v. Rochester Iron Man. Co., 66 Barb. 592.

Cited, Injunction—Trespass.

67 Hun, 308; (50 St. Rep. 899; 23 Supp. 316).

Howe v. Schweinberg, 4 Misc. 73; 53 St. Rep. 72; 23 Supp. 607.

Affirming, 1 Misc. 481; 49 St. Rep. 882; 21 Supp. 469.

Cited, Witness—Credibility.

11 Misc. 348; (65 St. Rep. 276; 32 Supp. 134). 18 Misc. 169; (75 St. Rep. 915; 41 Supp. 525).

Duplicate Citations in Parenthesis.

Howe v. Searing, 19 How, 14; 6 Bosw. 354.

Cited, Executors — Accounting—Good Will of Business.

24 Supp. 136.

Good Will—What Is.

12 Misc. 471; (67 St. Rep. 610; 33 Supp. 857).

Howe v. Striker, 5 Misc. 309; 25 Supp. 1107.

Howe v. Welch, 11 Civ. Pro. 444.

Cited, Supplementary Proceedings—Jurisdiction of City Court.

16 Misc. 619; (40 Supp. 746; 25 Civ. Pro. 395).

Howe v. Woolsey, 7 Misc. 33; 57 St. Rep. 507; 27 Supp. 377.

Affirming, 5 Misc. 594; 56 St. Rep. 899; 25 Supp. 1145.

Cited, Appeal—Question of Fact—Case—Certification.

8 Misc. 364; (59 St. Rep. 599; 28 Supp. 697). 9 Misc. 450; (61 St. Rep. 122; 30 Supp. 259).

Evidence—Documentary—Letters.

11 Misc. 18; (63 St. Rep. 454; 31 Supp. 871)

Howe Machine Co. v. Farrington, 16 Hun, 591.

Affirmed, 82 N. Y. 121.

Cited, Principal and Surety—Declarations—Res Gestae.

9 Misc. 471; (61 St. Rep. 128; 30 Supp. 236).

Howe Machine Co. v. Farrington, 82 N. Y. 121.

Cited, Principal and Surety—Avoidance—Concealment.

76 Hun, 550; (58 St. Rep. 242; 28 Supp. 231). 91 Hun, 537; (71 St. Rep. 668; 36 Supp. 831). 16 Misc. 622; (39 Supp. 55).

Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146).

Howe Machine Co. v. Gifford, 66 Barb. 597.

Cited, Interpleader—Ignorance of Claimants' Rights.

2 Misc. 444; (51 St. Rep. 566; 22 Supp. 188).

Howell v. Adams, 68 N. Y. 314.

Cited, Partnership—Dissolution—Notice to Creditors.

20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

Limitation of Action—Deposit—Demand.

4 App. Div. 462; (74 St. Rep. 154; 38 Supp. 662). 9 App. Div. 366, 368; (75 St. Rep. 813; 41 Supp. 400, 401).

Howell v. Baker, 4 Johns. Ch. 118.

Cited, Action — Parties — On Contract Made by Agent.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Howell v. Bennett, 74 Hun, 555; 57 St. Rep. 233; 26 Supp. 627.

Howell v. Berger, 19 Misc. 315; 78 St. Rep. 259; 44 Supp. 259.

Howell v. Buffalo, 87 N. Y. 267.

Cited, Constitutional Law—Special Assessments.

3 App. Div. 168; (73 St. Rep. 719; 38 Supp. 224). 92 Hun, 206; (71 St. Rep. 553; 36 Supp. 522).

Howell v. Buffalo, 2 Abb. Ct. App. Dec. 412.

Cited, Taxes—Assessment—Collection—Demand.

8 Misc. 14; (58 St. Rep. 309; 28 Supp. 79).

Howell v. Cappelli, 9 App. Div. 18; 41 Supp. 105.

Howell v. Chicago & N. W. R. Co., 51 Barb. 379.

Cited, Courts—Jurisdiction—Foreign Corporations.

12 Misc. 240; (67 St. Rep. 791; 33 Supp. 1088). 18 Misc. 553; (41 Supp. 877).

Howell v. Crosby, 89 Hun, 355; 69 St. Rep. 717; 35 Supp. 328.

Howell v. Dimock, 15 App. Div. 102; 78 St. Rep. 271; 44 Supp. 271.

Howell v. Donegan, 74 Hun, 410; 57 St. Rep. 194; 26 Supp. 805.

Howell v. Grand Trunk R. Co. of Canada, 92 Hun, 423; 71 St. Rep. 640; 36 Supp. 544.

Howell v. Leavitt, 90 N. Y. 238.

Cited, Ejectment—Opening Judgment—New Trial—Parties.

68 Hun, 229; (51 St. Rep. 877; 22 Supp. 818).

Howell v. Leavitt, 95 N. Y. 617.

Cited, D. 147 N. Y. 468; (70 St. Rep. 62).

Limitation of Action — Redemption of Real Property.

59 St. Rep. 516; (29 Supp. 1123).

Mortgage—Right of Mortgagee to Possession.

13 Misc. 252; (68 St. Rep. 212; 34 Supp. 166).

Mortgage—Foreclosure—Owner of Equity of Redemption.

6 App. Div. 189; (75 St. Rep. 398; 40 Supp. 1014).

Limitation of Action—Infants.

11 Misc. 385; (65 St. Rep. 295; 32 Supp. 148).

Duplicate Citations in Parenthesis.

Howell v. Manwaring, 3 St. Rep. 454.
Cited, New Trial—Grounds of—Injustice—Exception to.

5 Misc. 25; (25 Supp. 144).

Howell v. Miller, 5 Law Bul. 88.

Cited, Injunction—Damages—Measure of.

75 Hun, 192; (58 St. Rep. 166; 26 Supp. 965).

Howell v. Mills, 53 N. Y. 322.

Cited, Appeal—To Court of Appeals—Misconduct of Trial Court.

137 N. Y. 440; (51 St. Rep. 79).

Howell v. People, 5 Hun, 620.

Affirmed, 69 N. Y. 607.

Cited, Trial—Criminal—Province of Court and Jury.

149 N. Y. 252.

Howell v. Van Sicklen, 6 Hun, 115.

Affirmed, 70 N. Y. 595.

Cited, Witnesses—Competency—Decedent's Estate—Claimant—Nonpayment.

79 Hun, 31; (61 St. Rep. 206; 29 Supp. 529).

Costs—Extra Allowance.

19 Misc. 234; (77 St. Rep. 1076; 43 Supp. 1076).

Howell v. Van Sieten, 8 Hun, 524.

Affirmed, 70 N. Y. 595; 4 Abb. N. C. 1.

Cited, Costs—Amount.

19 Misc. 235; (77 St. Rep. 1076; 43 Supp. 1076). 19 Misc. 428; (77 St. Rep. 1141; 43 Supp. 1141).

19 Misc. 235; (77 St. Rep. 1076; 43 Supp. 1076).

24 Supp. 804.

Howell v. Wright, 122 N. Y. 667; 34 St. Rep. 212.

Cited, Trial—Waiver of Right to go to Jury—Direction of Verdict.

68 Hun, 249; (52 St. Rep. 386; 22 Supp. 974). 147 N. Y. 705; (69 St. Rep. 713). 149 N. Y. 483.

Howells v. Hettrick, 13 App. Div. 366; 77 St. Rep. 183; 43 Supp. 183.

Howery v. Lake Shore & M. S. R. Co., 13 Misc. 641; 69 St. Rep. 140; 34 Supp. 1089.

72 St. Rep. 121; (37 Supp. 88).

Howery v. Lake Shore & M. S. R. Co., 15 Misc. 526; 72 St. Rep. 120; 37 Supp. 88.

Howe's Cave Ass'n v. Houck, 66 Hun, 205; 49 St. Rep. 5; 21 Supp. 40.

Affirmed, 141 N. Y. 606; 58 St. Rep. 866.

Howe's Cave L. & C. Co. v. Howe's C. Assn., 88 Hun, 554; 68 St. Rep. 799; 34 Supp. 848; 2 Ann. Cas. 199.

Howitt v. Merrill, 113 N. Y. 630; 22 St. Rep. 619.

Cited, Attorneys—Lien.

16 Misc. 560; (74 St. Rep. 135; 38 Supp. 786; 25 Civ. Pro. 331).

Howland v. Bates, 3 Misc. 609; 51 St. Rep. 857; 22 Supp. 557.

Affirming, 1 Misc. 91; 48 St. Rep. 642; 20 Supp. 373.

Howland v. Cledenin, 30 St. Rep. 526; 9 Supp. 233.

Cited, Will—Construction—Extent of Devisee's Estate.

66 Hun, 612; (50 St. Rep. 91; 22 Supp. 10).

Howland v. Clendenin, 134 N. Y. 305; 47 St. Rep. 751.

Cited, Wills—Construction—Estate Passing.

14 Misc. 101; (69 St. Rep. 560; 35 Supp. 205). 16 App. Div. 33; (78 St. Rep. 680; 44 Supp. 680).

Howland v. Eldredge, 43 N. Y. 457.

Cited, Mandamus—Officers—Coercion of Decision.

76 Hun, 107; (57 St. Rep. 450; 27 Supp. 840). 82 Hun, 302; (63 St. Rep. 579; 31 Supp. 250). 149 N. Y. 30. 89 Hun, 224; (69 St. Rep. 245; 35 Supp. 66). 19 Misc. 696; (79 St. Rep. 55; 45 Supp. 55).

Taxes—Sale and Redemption—Comptroller's Certificate, Conclusiveness of.

22 Supp. 536; (30 Abb. N. C. 114).

Howland v. Howland, 20 Hun, 472.

Cited, Judgment—Irregular—Correction.

82 Hun, 437; (64 St. Rep. 356; 31 Supp. 741).

Howland v. Howland, 30 St. Rep. 526; 9 Supp. 233.

Cited, Wills—Trusts—Construction.

16 App. Div. 33; (78 St. Rep. 681 44 Supp. 681).

Howland v. Taylor, 53 N. Y. 627.

Cited, Appeal—Surrogate's Decree—Review of Facts—Jury.

83 Hun, 231; (64 St. Rep. 378; 31 Supp. 691).

Howland v. Union Theological Seminary, 5 N. Y. 193.

Cited, Wills—Codicil—Re-publication.

11 App. Div. 343; (76 St. Rep. 152; 42 Supp. 152).

Howland v. Willetts, 9 N. Y. 170.

Cited, Trial—Taking Documents to Jury Room.

4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880)

Duplicate Citations in Parenthesis.

Howland v. Woodruff, 60 N. Y. 73.

Cited, Factor's Act—When Applicable.
4 App. Div. 296; (39 Supp. 453).
Appeal—Case—Making up.
79 St. Rep. 319; (45 Supp. 319).

Hoxie v. Hoxie, 7 Paige, 187.

Cited, Wills—Construction—Intent.
13 Misc. 433; (68 St. Rep. 413; 34 Supp. 685).

Hoxie v. Kennedy, 10 St. Rep. 786.

Cited, Lost Instruments—Destruction—
Estoppel.
27 Supp. 286.

Hoyer v. North Tonawanda, Village of, 79 Hun, 39; 61 St. Rep. 186; 29 Supp. 650.

Hoyle v. Plattsburgh & M. R. Co.,
54 N. Y. 314.

Cited, Corporations—Dealings Between
Director and Company.
85 Hun, 496; (65 St. Rep. 76; 31 Supp.
1047

Railroads—Equipment—Personalty or
Realty—Mortgage—Nature.
9 App. Div. 89; (75 St. Rep. 499; 41 Supp.
43).

Hoysradt, Matter of, 20 Misc. 265; 79
St. Rep. 841; 45 Supp. 841.

Hoysradt v. Kingman, 23 N. Y. 372.

Cited, Statute of Wills—Liberal Construc-
tion.
16 Misc. 299; 38 Supp. 1128.
Wills—Execution—Witnesses—Subscrip-
tion.
14 Misc. 490; (71 St. Rep. 596; 36 Supp. 820).

Hoyt, Matter of, 71 Hun, 13; 53 St. Rep.
865; 24 Supp. 577.

Hoyt, Matter of, 12 Civ. Pro. 208; 8 St.
Rep. 786.

Cited, Attorneys—Lien for Costs—Deced-
ent's Estate.
9 Misc. 406; (61 St. Rep. 694; 29 Supp.
1073).

Hoyt v. American Exchange Bank,
1 Duer. 652.

Cited, Discovery and Inspection—Vacation.
86 Hun, 44; (67 St. Rep. 108; 33 Supp. 289;
2 Ann. Cas. 131).

Hoyt v. Bonnett, 50 N. Y. 538.

Cited, Limitation of Actions—Strict
Compliance With—Necessity of by Party
Setting Up.

1 Misc. 11; (48 St. Rep. 514; 20 Supp. 663).
Statutes—Construction—Penal Strictly
Construed.
138 N. Y. 415; (53 St. Rep. p. 3).

Hoyt v. Commissioners of Taxes, 23
N. Y. 224.

Cited, Statutes—Authorizing Taxation—
Construction.
15 Misc. 659; (33 Supp. 103).
Tax—Personalty of Non-Resident.
16 Misc. 91; (74 St. Rep. 491; 38 Supp.
812).

Hoyt v. Gelston, 13 Johns, 141.

Cited, Personal Property—Action Against
Trespasser or Wrongdoer—Sufficiency of
Plaintiff's Title or Possession.
1 Misc. 239; (23 Supp. 133).

Hoyt v. Godfrey, 88 N. Y. 669.

Cited, Arrest—Fraud—Intent.
11 Misc. 276; (65 St. Rep. 454; 32 Supp.
261).

Hoyt v. Godfrey, 11 Daly 278.

Cited, Set-off—Judgment—Attorney's
Lien.
72 St. Rep. 805; (38 Supp. 176).

Hoyt v. Hoyt, 85 N. Y. 142.

Cited, Wills—Construction—Legacies—
Charge Upon Real Estate—Intention of
Testator.

8 Misc. 149; (59 St. Rep. 508; 28 Supp.
604). 8 Misc. 194; (59 St. Rep. 481; 29 Supp.
1084). 138 N. Y. 421; (52 St. Rep. 886). 80
Hun, 376; (61 St. Rep. 797; 30 Supp. 4). 81
Hun, 118; (62 St. Rep. 674; 30 Supp. 690).
14 Misc. 410; (71 St. Rep. 506; 36 Supp.
449). 18 Misc. 146; (75 St. Rep. 1450; 41
Supp. 1103).

Wills—Construction—"Heirs."
80 Hun, 375; (61 St. Rep. 797; 30 Supp. 4).

Hoyt v. Hoyt, 112 N. Y. 493; 21 St. Rep.
593.

Cited, Appeal—Failure to Object to Im-
proper Evidence.
2 Misc. 331; (51 St. Rep. 417; 21 Supp.
961)

Wills—Probate—Revocation—Time
Within Which to Apply.

61 St. Rep. 462; (29 Supp. 982; 24 Civ.
Pro. 65). 150 N. Y. 166.

Hoyt v. Hartford F. Ins. Co., 26
Hun, 416.

Affirmed. 96 N. Y. 650.

Cited, Pledge—Warehouse Receipt—
Transfer of Title.

87 Hun, 324; (63 St. Rep. 269; 34 Supp.
344).

Hoyt v. Martense, 16 N. Y. 231.

Cited, Assignment as Collateral—Rights
of Assignor on Foreclosure.
69 Hun, 41; (52 St. Rep. 828; 23 Supp.
441).

Duplicate Citations in Parenthesis.

Hoyt v. Miner, 7 Hill, 525.

Cited, Mechanic's Lien—Breach of Contract.

12 Misc. 104; (66 St. Rep. 863; 33 Supp. 176.)

Hoyt v. Putnam, 39 Hun, 402.

Cited, Limitation of Action — When Barred — Reformation of Written Instrument.

70 Hun, 513; (53 St. Rep. 618; 24 Supp. 370). 1 App. Div. 125; (72 St. Rep. 222; 37 Supp. 69).

Hoyt v. Long Island R. Co., 57 N. Y. 678.

Cited, Appeal — Refusal to Charge — Exceptions.

91 Hun, 500; (70 St. Rep. 862; 36 Supp. 260; 25 Civ. Pro. 114).

Hoyt v. Mann, 7 St. Rep. 420.

Cited, Ex parte Order—Mode of Review. D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp. 351).

Hoyt v. Sheldon, 4 Abb, 59.

Cited, Pleading — Supplemental Answer. 11 Misc. 396; (65 St. Rep. 451; 32 Supp. 276).

Hoyt v. Thompson, 19 N. Y. 207.

Cited, Agency—Ratification.

84 Hun, 198; (65 St. Rep. 690; 32 Supp. 562). 14 Misc. 600; (71 St. Rep. 445; 36 Supp. 457).

Corporations—Agents—Authority.

64 St. Rep. 168; (31 Supp. 579). 8 App. Div. 176; (40 Supp. 505).

Hoyt v. Van Alstyne, 15 Barb. 568.

Cited, Personal Property—Action Against Trespasser or Wrongdoer — Sufficiency of Plaintiff's Title or Possession.

1 Misc. 239; (23 Supp. 133). 141 N. Y. 5; (56 St. Rep. 479). 8 App. Div. 380; (75 St. Rep. 195; 40 Supp. 811).

Hubbard v. Chapin, 28 How. 407.

Cited, Writ and Process—Service—Constable's Return.

5 Misc. 120; (25 Supp. 742). 20 Misc. 74; (79 St. Rep. 410; 45 Supp. 410).

Hubbard v. Copcutt, 9 Abb. N. S. 289.

Cited, Special Term — Modification of Judgment of General Term.

16 App. Div. 469; (78 St. Rep. 937; 44 Supp. 937).

Hubbard v. Elmer, 7 Wend. 446.

Cited, Evidence—Acts and Declarations of Agent.

9 Misc. 181; (60 St. Rep. 643; 27 Supp. 585). 19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Hubbard v. Gurney, 64 N. Y. 457.

Cited, Principal and Surety—Extension of Credit—Release of Surety.

1 App. Div. 191; (72 St. Rep. 558; 37 Supp. 157). 16 Misc. 675; (74 St. Rep. 226; 38 Supp. 598). 17 App. Div. 420; (79 St. Rep. 276; 45 Supp. 276). 9 App. Div. 322, 328, 335; (75 St. Rep. 759; 41 Supp. 332, 336, 342).

Hubbard v. Hubbard, 18 Misc. 276; 41 Supp. 1011.

Hubbard v. Jaeger Electric Lamp Co., 2 Ann. Cas. 114; 73 St. Rep. 346; 38 Supp. 158.

Hubbard v. Looschen, 9 App. Div. 632; 75 St. Rep. 970; 41 Supp. 580.

Hubbard v. Nat. Protection Ins. Co., 11 How. 149.

Cited, Corporations—Residence—Taxation. 73 Hun, 101; (56 St. Rep. 81; 25 Supp. 919).

Hubbard v. Rodger, 75 Hun, 220; 58 St. Rep. 675; 27 Supp. 47.

Hubbard v. Russell, 24 Barb. 404.

Cited, Nuisance—Notice—Removal. 17 App. Div. 193; (79 St. Rep. 371; 45 Supp. 371). 18 Misc. 611; (74 St. Rep. 819; 38 Supp. 1008).

Hubbard v. Sadler, 104 N. Y. 223.

Cited, Boards of Supervisors—Legislative Power—Delegation.

3 App. Div. 368; (38 Supp. 522).

Hubbard v. Sharp, 11 St. Rep. 802.

Cited, Trusts—Establishment—Parol Evidence.

84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392).

Hubbard v. Spencer, 15 Johns. 244.

Cited, Justice of the Peace—Lack of Jurisdiction—Effect.

89 Hun, 192; (68 St. Rep. 848; 34 Supp. 1035).

Hubbell v. Blakeslee, 71 N. Y. 63.

Cited, Mortgage—Payment—Effect.

92 Hun, 219; (71 St. Rep. 201; 36 Supp. 364).

Hubbell v. Buhler, 43 Hun, 82; 6 St. Rep. 578.

Cited, Partnership—Limited—Joint Adventures.

76 Hun, 213; (58 St. Rep. 695; 27 Supp. 786).

Hubbell v. Great Western Ins. Co., 74 N. Y. 246.

Cited, Carriers—When Freight Earned.

49 St. Rep. 731; (20 Supp. 796).

Hubbell v. Medbury, 53 N. Y. 98.

Cited, Trustee—Actions—Joining Beneficiary.

78 St. Rep. 920; (44 Supp. 920).

*Duplicate Citations in Parenthesis.***Hubbell v. Meigs**, 50 N. Y. 480.

Cited, Appeal—Judgment—Reversal as to Some Defendants—Affirmance as to Others.

14 App. Div. 630; (77 St. Rep. 588; 43 Supp. 588).

Hubbell v. Merchants' Nat. Bank,

42 Hun, 200; 4 St. Rep. 495.

Cited, Parties—Non-Joinder—Demurrer.

84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Hubbell v. Moulson, 53 N. Y. 225.

Cited, Mortgage—Application of Rents and Profits.

85 Hun, 61; (66 St. Rep. 63; 32 Supp. 679).

Hubbell v. Pacific Mut. Ins. Co.,

100 N. Y. 41.

Cited, Contracts—Insurance.

92 Hun, 194; (71 St. Rep. 132; 36 Supp. 331).

Hubbell v. Schreyer, 14 Abb. N. S.

284; 4 Daly, 362.

Reversed, 56 N. Y. 604; 15 Abb. N. S. 300.

Cited, Contracts—Statute of Frauds—Mechanic's Lien.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 325).

Mechanic's Lien—Time for Filing Notice—Effect of Delay.

2 Misc. 235; (50 St. Rep. 759; 21 Supp. 971).

Mechanic's Lien—Enforcement—Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 325). 1 Misc. 322; (48 St. Rep. 700; 20 Supp. 671).

Hubbell v. Sibley, 5 Lans. 51.

Affirmed, 50 N. Y. 468.

Cited, Mortgage—Foreclosure—By Advertisement—Compliance with Statute.

69 Hun, 36; (52 St. Rep. 824; 23 Supp. 437). 84 Hun, 493; (65 St. Rep. 697; 32 Supp. 424).

Hubbell v. Sibley, 50 N. Y. 468.

Cited, Real Property—Recovery—Limitation.

81 Hun, 262; (62 St. Rep. 756; 30 Supp. 793). 3 App. Div. 96; (39 Supp. 404).

Real Property—Mortgagee's Right to Possession.

12 Misc. 588; (68 St. Rep. 346; 34 Supp. 441; 24 Civ. Pro. 424).

Hubbell v. Weldon, Lalor's Supp. 139.

Cited, Deeds—Delivery—Adverse Possession.

84 Hun, 280; (65 St. Rep. 590; 32 Supp. 884).

Hubbell v. Yonkers, City of, 104 N. Y. 434; 5 St. Rep. 730.

Distinguished, Highways—Defects—Injuries from.

67 Hun, 625; (51 St. Rep. 113; 22 Supp. 471).

Cited, Highways—Duty of Municipality as to Safety.

60 St. Rep. 116. 80 Hun, 411; (61 St. Rep. 843; 30 Supp. 129). 148 N. Y. 71. 60 St. Rep. 300. 83 Hun, 212; (64 St. Rep. 354; 31 Supp. 757). 84 Hun, 513; (65 St. Rep. 606; 32 Supp. 343). 4 App. Div. 244; (74 St. Rep. 58; 38 Supp. 435). 14 App. Div. 153; (77 St. Rep. 540; 43 Supp. 540). 17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146). 12 Misc. 50; (66 St. Rep. 729; 33 Supp. 73). 13 Misc. 438; (68 St. Rep. 378; 34 Supp. 471). 15 Misc. 89; (71 St. Rep. 515; 36 Supp. 456).

Huber v. Grauer, 87 Hun, 100; 67 St. Rep. 493; 33 Supp. 877.

Cited, 5 App. Div. 623; (72 St. Rep. 869; 38 Supp. 1145).

Huber v. Grauer, 5 App. Div. 623; 72 St. Rep. 869; 38 Supp. 1145.**Huber v. Manchester Fire Ins. Co.**,

92 Hun, 223; 72 St. Rep. 396; 36 Supp. 873.

Huber v. Wiman, 16 Misc. 107; 41 Supp. 834.**Hubert v. Bedell**, 50 St. Rep. 251; 21 Supp. 305.**Huda v. American Glucose Co.**, 13 Misc. 657; 69 St. Rep. 155; 34 Supp. 931.

Cited, 76 St. Rep. 1126; (42 Supp. 1126).

Huda v. American Glucose Co., 76 St. Rep. 1126; 42 Supp. 1126.**Huda v. German Glucose Co.**, 151 N. Y. 549.**Hudler v. Golden**, 36 N. Y. 446.

Cited, Statutes—Remedial—Construction Of.

5 Misc. 102; (24 Supp. 832). 19 Misc. 593; (78 St. Rep. 407; 44 Supp. 407).

Hudson v. Caryl, 44 N. Y. 553.

Cited, Trial—By Jury—Right to—Injunction and Damages.

69 Hun, 522; (52 St. Rep. 846).

88 Hun, 112; (68 St. Rep. 537; 34 Supp. 614).

Hudson v. Ocean Steamship Co.,

110 N. Y. 625; 16 St. Rep. 416; 2 Silv. 75.

Cited, Master and Servant—Assumed Risks.

Duplicate Citations in Parenthesis.

1 Misc. 306; (48 St. Rep. 772; 20 Supp. 712). 144 N. Y. 557; (64 St. Rep. 249). 6 Misc. 324; (56 St. Rep. 254; 26 Supp. 797). 5 Misc. 324; (25 Supp. 815). 89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537).

Master and Servant—Negligence of Fellow Servant.

3 Misc. 229; (51 St. Rep. 872; 22 Supp. 752). 12 Misc. 341; (67 St. Rep. 339; 33 Supp. 633).

Hudson v. Rome, Watertown & O. R. Co., 73 Hun, 467; 56 St. Rep. 39; 26 Supp. 386.

Hudson v. Rome, Watertown & O. R. Co., 145 N. Y. 408; 64 St. Rep. 843. *Reversing*, 73 Hun, 467; 56 St. Rep. 39; 26 Supp. 386.

Cited, Appeal—Review of Facts—Reversal.

145 N. Y. 545; (65 St. Rep. 531; 1 Ann. Cas. 512). 12 Misc. 434; (67 St. Rep. 276; 33 Supp. 614). 17 Misc. 60; (39 Supp. 842).

Hudson v. Spaulding, 25 St. Rep. 256; 6 Supp. 877.

Cited, Associations—Suing Association as Condition Precedent to Action Against Members.

2 Misc. 70; (49 St. Rep. 147; 21 Civ. Pro. 25). 13 App. Div. 225; (77 St. Rep. 219; 43 Supp. 219).

Hudson v. Swan, 83 N. Y. 552.

Cited, Replevin—When Lies—Tenants in Common.

19 Supp. 712; (31 Abb. N. C. 375).

Replevin—Claim of Title—Waiver of Lien.

79 Hun, 554; (61 St. Rep. 572; 29 Supp. 884). 74 St. Rep. 477.

Hudson v. Swan, 7 Abb. N. C. 324.

Reversed, 83 N. Y. 552.

Cited, Pleadings—Amendment on Appeal. 92 Hun, 427; (71 St. Rep. 643; 36 Supp. 546).

Hudson v. Swift, 20 Johns. 24.

Cited, Vendor and Purchaser—Defective Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 490; (24 Supp. 924; 3 Ann. Cas. 24). 148 N. Y. 562.

Hudson v. Thorne, 7 Paige, 261.

Cited, Municipal Corporations—Ordinances.

54 St. Rep. 154; (23 Supp. 307). 20 Misc. 131; (79 St. Rep. 880; 45 Supp. 830).

Injunction—Nuisance—Criminal Remedy. 67 Hun, 309; (50 St. Rep. 900; 22 Supp. 316).

Injunction—Ordinances—Remedy at Law.

75 Hun, 609; (59 St. Rep. 616; 27 Supp. 600).

Hudson City Savings Inst., Matter of, 5 Hun, 612.

Cited, Statutes—Construction—Amendments.

70 Hun, 556; (53 St. Rep. 604; 24 Supp. 192).

Hudson Iron Co. v. Alger, 54 N. Y. 173.

Cited, Statutes—Interpretation—Legislative Intent.

9 Misc. 342; (60 St. Rep. 610; 29 Supp. 696).

Hudson River Telephone Co. v. Watervliet Turnpike & R. Co., 121 N. Y. 397; 31 St. Rep. 524.

Cited, Injunction—Temporary—Discretionary.

49 St. Rep. 317; (21 Supp. 147). 1 Misc. 124; (48 St. Rep. 698; 20 Supp. 704). 145 N. Y. 252; (64 St. Rep. 688). 153 N. Y. 151. 82 Hun, 98; (63 St. Rep. 396; 31 Supp. 105). 82 Hun, 201; (63 St. Rep. 757; 31 Supp. 309). 82 Hun, 284; (64 St. Rep. 72; 31 Supp. 472). 16 Misc. 6; (73 St. Rep. 286; 37 Supp. 687).

Hudson River Telephone Co. v. Watervliet Turnpike R. Co., 135 N. Y. 393; 48 St. Rep. 417.

Affirming, 61 Hun, 140, 161; 39 St. Rep. 952, 966; 15 Supp. 752, 763.

Cited, Telephone Companies—Highways—Obstruction—Easements.

143 N. Y. 136; (62 St. Rep. 139).

Electricity—Not Steam-Power.

D. 66 Hun, 374; (50 St. Rep. 867; 21 Supp. 1051). 144 N. Y. 157; (63 St. Rep. 49).

Costs—Extra Allowance.

17 App. Div. 266 (79 St. Rep. 692; 45 Supp. 692). 7 App. Div. 351; (39 Supp. 940).

Hudson River West Shore R. Co. v. Kay, 14 Abb. N. S. 191.

Cited, Officers—Quo Warranto—Appropriate Remedy to Try Title to Office.

1 Misc. 122; (48 St. Rep. 697; 20 Supp. 703). Attorney—Authority—Presumption.

4 Misc. 587; (25 Supp. 847).

Hudson & D. C. Co. v. New York & E. R. Co., 9 Paige, 323.

Cited, Equity—Jurisdiction—Nuisance—Abatement.

8 Misc. 479; (59 St. Rep. 875; 29 Supp. 581; 31 Abb. N. C. 338).

*Duplicate Citations in Parenthesis.***Huebner v. Roosevelt**, 6 Daly, 337.

Cited, Statute of Limitations—Current Account.

5 App. Div. 589; (39 Supp. 384).

Huerzeler v. Central Cross Town

R. Co., 139 N. Y. 490; 54 St. Rep. 836.

Affirming, 1 Misc. 136; 48 St. Rep. 649; 20 Supp. 676.

Cited, Railroads—Negligence — Persons Non sui juris.

76 Hun, 31; (59 St. Rep. 158; 27 Supp. 723). 8 Misc. 49; (59 St. Rep. 457; 28 Supp. 515). 92 Hun, 311; (72 St. Rep. 395; 36 Supp. 873). 12 App. Div. 157; (76 St. Rep. 668; 42 Supp. 668). 10 Misc. 285; (63 St. Rep. 270; 30 Supp. 1083). 10 Misc. 545; (64 St. Rep. 23; 31 Supp. 445.)

Evidence—General Exceptions — Sufficiency.

89 Hun, 76; (68 St. Rep. 835; 34 Supp. 1072). 91 Hun, 500; (70 St. Rep. 862; 36 Supp. 260; 25 Civ. Pro. 115). 10 Misc. 194; (62 St. Rep. 478; 30 Supp. 928). 10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17). 19 Misc. 167.

Huff v. Jewett, 20 Misc. 35; 78 St. Rep. 311; 44 Supp. 311.

Huff v. Knapp, 5 N. Y. 65.

Cited, Actions—Counter-charge—Recovery.

69 St. Rep. 625; (36 Supp. 657).

Huff v. Wagner, 63 Barb. 215.

Cited, Bills and Notes—Bona Fide Holder—Right.

8 App. Div. 7; (74 St. Rep. 755; 40 Supp. 192). 10 Misc. 502; (62 St. Rep. 522; 31 Supp. 1' 6).

Huffington v. Farrel, 70 St. Rep. 837; 35 Supp. 1109.

Huffman v. Beever, 69 Hun, 557; 53 St. Rep. 338; 23 Supp. 1137.

Hugenot Nat. Bank of New Platz v. Studwell, 74 N. Y. 621.

Cited, Corporations—Insolvency—Filing Report.

81 Hun, 270; (62 St. Rep. 765; 30 Supp. 802; 1 Ann. Cas. 58).

Hugg v. Shank, 1 Silv. Sup. Ct. 153; 23 St. Rep. 312; 4 Supp. 929; 17 Civ. Pro. 128.

Cited, Appeal—Findings—Requests.

5 Misc. 230; (54 St. Rep. 827; 25 Supp. 97; 23 Civ. Pro. 174). 5 Misc. 222; (54 St. Rep. 826; 25 Supp. 465). 10 Misc. 670; (64 St. Rep. 298; 31 Supp. 673). 8 Misc. 258; (59 St. Rep. 199; 28 Supp. 548).

Huggans v. Fryer, 1 Lans. 276.

Cited, Evidence—Opinions—Motives.

66 Hun, 250; (49 St. Rep. 540; 21 Supp. 182).

Huggans v. Riley, 125 N. Y. 88; 34 St. Rep. 458.

Cited, Highways — Bridges — Power to Construct.

83 Hun, 435; (64 St. Rep. 421; 31 Supp. 751).

Huggins v. King, 3 Barb. 616.

Cited, Actions—Parties.

83 Hun, 416; (68 St. Rep. 591; 34 Supp. 789; 2 Ann. Cas. 262)

Huggins v. Manhattan R. Co., 1 Misc. 110; 48 St. Rep. 679; 20 Supp. 648.

Hughes, Matter of, 93 N. Y. 512.

Cited, Arbitration—Notice and Hearing—Waiver—Award—Effect.

6 Misc. 418; (27 Supp. 295).

Hughes, Matter of, 95 N. Y. 55.

Cited, Decedent's Estate—Different Jurisdiction—Discretion of Court.

83 Hun, 229; (64 St. Rep. 291; 31 Supp. 665).

Hughes v. Bingham, 135 N. Y. 347; 48 St. Rep. 389.

Hughes v. Davenport, 1 App. Div. 182; 72 St. Rep. 523; 37 Supp. 243.

Hughes v. Griffith, 12 Week. Dig. 501.

Cited, Conversion—Demand—Necessity.

4 Misc. 301; (53 St. Rep. 451; 24 Supp. 105).

Hughes v. Hughes, 70 St. Rep. 473; 35 Supp. 679.

Hughes v. Hughes, 10 Misc. 180; 62 St. Rep. 488; 30 Supp. 937.

Cited, Appeal—Case—Omission of Paper—Effect.

14 Misc. 569; (70 St. Rep. 721; 35 Supp. 1076). 19 Misc. 108. 20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71). 20 Misc. 370; (79 St. Rep. 756; 45 Supp. 756).

Hughes v. Jones, 116 N. Y. 67; 26 St. Rep. 511.

68 Hun, 471; (52 St. Rep. 598; 22 Supp. 1011).

Lunacy—Proceedings to Determine—Effect.

19 Misc. 75; (78 St. Rep. 93; 44 Supp. 93). 14 Misc. 569; (70 St. Rep. 72); 35 Supp. 1016).

Hughes v. Koehler, 6 Misc. 598; 58 St. Rep. 136; 26 Supp. 878.

Hughes v. Mackin, 16 App. Div. 291; 78 St. Rep. 710; 44 Supp. 710.

Duplicate Citations in Parenthesis.

Hughes v. Metropolitan El. R. Co.,
130 N. Y. 14, 40 St. Rep. 587.

Cited, Abutting Owners — Title — Easements.

1 App. Div. 53; (72 St. Rep. 159; 37 Supp. 7).

Easements—Damages—Injunction.

90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560).

Hughes v. Monroe County, 79 Hun, 120; 61 St. Rep. 392; 29 Supp. 495.

Hughes v. Monroe County, 147 N. Y. 49; 69 St. Rep. 366.

Affirming, 79 Hun, 120; 61 St. Rep. 392; 20 Supp. 495.

Cited, Municipal Corporations — Exemption From Liability.

148 N. Y. 58. 1 App. Div. 201; (72 St. Rep. 546; 37 Supp. 186).

Hughes v. Mulvey, 1 Sandf. 92.

Cited, Attorneys—Authority to Appear—Justice's Court.

2 Misc. 153; (50 St. Rep. 536; 23 Supp. 160; 23 Civ. Pro. 75).

Hughes v. New Jersey Steamboat Co., 11 Misc. 65; 65 St. Rep. 106; 31 Supp. 1012.

Hughes v. N. Y. C. & H. R. R. Co., 142 N. Y. 653; 60 St. Rep. 869.

Hughes v. N. Y. El. R. Co., 50 St. Rep. 739; 21 Supp. 693.

Hughes v. Stickney, 13 Wend. 280.

Cited, Appeal—Extent of Review—Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Hughes v. United Pipe Lines, 119 N. Y. 423; 29 St. Rep. 564.

Cited — Trover — Conversion — Pursuit of Property.

71 Hun, 574; (55 St. Rep. 123; 24 Supp. 995). 11 App. Div. 386; (76 St. Rep. 500; 42 Supp. 500).

Hughes v. Vermont Copper Mining Co., 7 Hun, 677.

Cited, Action—Form of Remedies—Election—Effect.

6 Misc. 160; (27 Supp. 218).

Hughes v. Vermont Copper Mining Co., 72 N. Y. 207.

Cited, Conversion — What Subject of—Corporate Stock.

3 Misc. 69; (51 St. Rep. 774; 22 Supp. 697).

Hughes v. Wheeler, 8 Cow. 77.

Cited, Creditor—Acceptance of Debtor's Note—Effect.

19 Misc. 17; (76 St. Rep. 845; 42 Supp. 845). 85 Hun, 491; (66 St. Rep. 761; 33 Supp. 135). 16 Misc. 556; (74 St. Rep. 266; (38 Supp. 747). 17 Misc. 384; (39 Supp. 1063).

Hughes v. Wilcox, 17 Misc. 32; 39 Supp. 210.

Hughey, Matter of, 7 St. Rep. 732.

Cited, Contract — Implied — Board and Services—Near Relatives.

5 Misc. 157; (25 Supp. 721).

Hughitt v. Hayes, 136 N. Y. 163; 49 St. Rep. 100.

Affirming, 46 St. Rep. 964; 20 Supp. 270.

Cited, Set-off—Unmatured Debt of Insolvent.

70 Hun, 162; (53 St. Rep. 920; 24 Supp. 207). 92 Hun, 300; (71 St. Rep. 772; 36 Supp. 707). 12 App. Div. 598; (76 St. Rep. 1080; 42 Supp. 1080). 8 App. Div. 41; (40 Supp. 393).

Hughson v. Rochester, 49 Hun, 45; 1 Supp. 725.

Cited, Nuisance — Action of Board of Health to Restrain—Right to.

5 Misc. 163; (25 Supp. 699).

Huie v. Allen, 87 Hun, 516; 68 St. Rep. 641; 34 Supp. 577.

Hulbert v. Clark, 57 Hun, 558; 33 St. Rep. 354; 11 Supp. 417.

Cited, Limitation of Action—Operation of Statute—Extinction of Claim.

72 Hun, 533; (55 St. Rep. 128; 25 Supp. 637).

Hulbert v. Clark, 128 N. Y. 295; 40 St. Rep. 401.

Cited, Attorneys—Lien—Duration.

72 Hun, 533; (55 St. Rep. 128; 25 Supp. 636).

Limitation of Action—Effect on Collateral of Outlawing of Principal Debt.

67 Hun, 80; (51 St. Rep. 552; 21 Supp. 1118). 4 App. Div. 300; (39 Supp. 486). 4 App. Div. 478; (74 St. Rep. 489; 38 Supp. 810).

Limitation of Action—Liability of Devisee for Debts of Testator.

73 Hun, 432; (56 St. Rep. 32; 26 Supp. 448).

Hulbert v. N. Y. C. R. Co., 40 N. Y. 145.

Cited, Carriers—Passengers—Station Platform.

73 Hun, 563; (56 St. Rep. 230; 26 Supp. 1051). D. 57 St. Rep. 463, 469; (27 Supp. 1042, 1043.)

Hulbert v. Nichol, 20 Hun, 454.

Cited, Evidence—Burden of Proof—Removal of Bar of Statute of Limitations.

4 Misc. 357; (54 St. Rep. 253; 24 Supp. 314). 82 Hun, 322; (64 St. Rep. 80; 31 Supp. 482).

*Duplicate Citations in Parenthesis.***Hulett v. Swift**, 33 N. Y. 571.*Cited*, Carriers—Passengers' Property—Loss.

151 N. Y. 166.

Hulett v. Swift, 33 N. Y. 571.*Cited*, Boarding House—Liability for Loss of Boarder's Goods.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 822).

Hulett v. Whipple, 58 Barb. 224.*Cited*, Vendor—Lien—Security—Waiver.

141 N. Y. 468; (57 St. Rep. 606).

Hulin v. Squires, 141 N. Y. 560; 57 St. Rep. 866.*Affirming*, 63 Hun, 352; 44 St. Rep. 334; 18 Supp. 309.**Hull v. Babcock**, 7 App. Div. 264; 40 Supp. 90.**Hull v. Burns**, 17 Abb. N. C. 317.*Cited*, Landlord and Tenant—Lease—Covenants—Orders of Health Department.

9 Misc. 50; (59 St. Rep. 710; 29 Supp. 279).

Hall v. Carnley, 11 N. Y. 501.*Cited*, Execution—Leviable Interest—Conditional Sale.

6 Misc. 237; (27 Supp. 82).

Actions—Conversion—Who May Maintain.

15 App. Div. 159; (78 St. Rep. 204; 44 Supp. 204).

Hull v. Carnley, 17 N. Y. 202.*Cited*, Actions—Conversion—Who May Maintain.

15 App. Div. 159; (78 St. Rep. 204; 44 Supp. 204).

Hull v. Cartledge, 18 App. Div. 450; 79 St. Rep. 450; 45 Supp. 450.**Hull v. Hart**, 27 Hun, 21.*Cited*, Stay of Proceedings—Order—Who May Make.

81 Hun, 348; (63 St. Rep. 148; 30 Supp. 894; 24 Civ. Pro. 157).

Hull v. Littauer, 8 App. Div. 227; 40 Supp. 338.**Hull v. New York Elevated R. Co.**, 78 Hun, 616; 60 St. Rep. 726; 29 Supp. 113.*Affirmed*, 149 N. Y. 590.**Hull v. Oneida County, Supervisors of**, 19 Johns. 259.*Cited*, Mandamus—Audit of Claims.

6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172).

Hull v. Ruggles, 56 N. Y. 424.*Cited*, Contracts—Gambling and Wager—Recovery.

8 Misc. 201; (58 St. Rep. 837; 23 Supp. 529).

Hull v. Spratt, 1 Hun, 298.*Cited*, Mortgage—Foreclosure—Surplus Moneys—Lis Pendens—Specifications.

79 Hun, 404; (61 St. Rep. 506; 29 Supp. 801).

Hull v. Thomas, 3 Edw. Ch. 236.*Cited*, Injunction—Violation—Contempt.

144 N. Y. 261; (63 St. Rep. 115). 144 N. Y. 264; (63 St. Rep. 117). 1 App. Div. 591; (73 St. Rep. 112; 37 Supp. 488). 80 Hun, 441; (62 St. Rep. 291; 30 Supp. 460).

Hullar v. Wynne, 16 Misc. 580; 74 St.

Rep. 160; 38 Supp. 700.

Cited, Appeal—Conflicting Evidence.

18 Misc. 470; (75 St. Rep. 1249; 41 Supp. 882).

Hulse v. Hulse, 23 St. Rep. 123.*Cited*, Partition—Adverse Possession—Complete Relief.

137 N. Y. 128; (50 St. Rep. 173).

Hulse v. N. Y., Ontario & W. R.

Co., 71 Hun, 40; 54 St. Rep. 66; 24 Supp. 512.

Humbert v. Abeel, 7 Civ. Pro. 417.*Cited*, Associations—Suing Association as Condition Precedent to Action Against Members.

2 Misc. 69; (49 St. Rep. 147; 23 Civ. Pro. 25). 13 App. Div. 225; (77 St. Rep. 219; 43 Supp. 219).

Pleading—Non-joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 146; 23 Civ. Pro. 24).

Humbert v. Brooklyn Cable Co., 12 St. Rep. 172.*Cited*, Street Railways—Tracts—Construction—Negligence.

13 Misc. 311; (68 St. Rep. 725; 34 Supp. 700).

Humbert v. Trinity Ch., 7 Paige, 195; 24 Wend. 587.*Cited*, Actions—Limitations—Equitable and Legal.

74 St. Rep. 300. 77 St. Rep. 383, 384; (43 Supp. 383, 384).

Adverse Possession—Claim of Title.

79 St. Rep. 731; (45 Supp. 731).

Humble v. McDonough, 5 Misc. 508; 58 St. Rep. 102; 25 Supp. 965.*Cited*, Answer—Defense—Striking Out as Sham.

13 App. Div. 183; (77 St. Rep. 304; 43 Supp. 304).

Hume v. George C. Flint Co., 16 Daly, 360; 33 St. Rep. 651; 11 Supp. 431.*Cited*, Brokers—Real Estate—Compensation.

2 Misc. 444; (51 St. Rep. 565; 22 Supp. 188).

*Duplicate Citations in Parenthesis.***Hume v. New York**, 47 N. Y. 639.

Cited, Municipal Corporations — Defects in Highways—Notice—Imputed.

18 Misc. 511; (41 Supp. 991).

Appeal—Review of Evidence—Necessity of Motion for New Trial.

50 St. Rep. 836; (32 Supp. 340).

Trial—Question of Fact—Negligence—Guarding Excavation in Highway.

79 Hun, 43; (61 St. Rep. 188; 29 Supp. 652).

Municipal Corporation—Highways—Defects—Notice—Imputed.

13 Misc. 571; (68 St. Rep. 739; 34 Supp. 696). 16 Misc. 3.6; (73 St. Rep. 678; 38 Supp. 310).

Hume v. Randall, 141 N. Y. 499; 57 St. Rep. 587.

Reversing, 65 Hun, 437; 48 St. Rep. 49; 20 Supp. 352.

Cited, Alienation—Powers—Beneficial.

144 N. Y. 578; (64 St. Rep. 242).

Humes v. Proctor, 73 Hun, 265; 57 St. Rep. 284; 26 Supp. 315.

Affirmed, 151 N. Y. 520.

Humes v. Proctor, 151 N. Y. 520.**Humfreville, Matter of**, 6 App. Div. 535; 39 Supp. 550.**Humfreville, Matter of**, 8 App. Div. 312; 40 Supp. 939.**Hummel v. Stern**, 15 Misc. 27; 71 St. Rep. 494; 36 Supp. 443; 2 Ann. Cas. 341.

Cited, Contracts—Performance—Reservation of Right of Decision—Effect.

17 Misc. 144; (39 Supp. 345).

Humphrey v. Chamberlain, 11 N. Y. 274.

Cited, Time to Appeal—Power of Court Over.

11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008).

Humphrey v. Smith, 7 App. Div. 442; 39 Supp. 1055.**Humphrey v. Sweeting**, 92 Hun. 447; 72 St. Rep. 70; 36 Supp. 967.**Humphreys v. Prudential Ins. Co. of America**, 135 N. Y. 650; 48 St. Rep. 931.**Hun, Matter of**, 7 Misc. 409; 58 St. Rep. 568; 23 Supp. 253.**Hun, Matter of**, 144 N. Y. 472; 63 St. Rep. 729.**Hun v. Cary**, 59 How. 426.

Affirmed, 82 N. Y. 65.

Cited, Insolvent Corporation—Receiver—Remedy Against Trustees.

83 Hun, 549; (65 St. Rep. 47; 31 Supp. 1070).

Hun v. Cary, 82 N. Y. 65.

Cited, Corporations—Directors—Misfeasance—Action at Law.

143 N. Y. 381; (62 St. Rep. 345). 152 N. Y. 535. 81 Hun, 123; (62 St. Rep. 619; 30 Supp. 702; 1 Ann. Cas. 29). 81 Hun, 189; (62 St. Rep. 763; 30 Supp. 758). 81 Hun, 191; (62 St. Rep. 704; 30 Supp. 760). 4 App. Div. 376; (74 St. Rep. 255; 38 Supp. 737). 6 App. Div. 512; (39 Supp. 708). 11 Misc. 458; (66 St. Rep. 78; 32 Supp. 715).

17 Misc. 210; (40 Supp. 1039).

Corporate Officers—Degree of Care.

17 Misc. 60; (39 Supp. 842).

Corporations — Directors — Relation Between.

17 Misc. 184; (40 Supp. 1004).

Relief—Equitable or Legal.

143 N. Y. 383; (62 St. Rep. 346).

Hun v. Salter, 24 Hun, 640.

Cited, Costs — Extra Allowance — By Whom Allowed.

88 Hun, 179; (68 St. Rep. 426; 34 Supp. 416).

Hun v. Salter, 92 N. Y. 651.

Cited, Costs — Extra Allowance — By Whom Allowed.

11 Misc. 587; (66 St. Rep. 340; 32 Supp. 1085).

Hun v. Salter, 14 Week. Dig. 419.

Cited, Costs — Extra Allowance — By Whom Allowed.

11 Misc. 586; (66 St. Rep. 339; 32 Supp. 1085).

Hungerford v. Hungerford, 16 App. Div. 612; 78 St. Rep. 973; 44 Supp. 973.**Hungerford v. S. B. & N. Y. R. Co.**, 46 Hun, 339.

Cited, Railroads—Fences—Maintenance.

D. 4 App. Div. 227; (38 Supp. 590). 4 App. Div. 224; (38 Supp. 589).

Hungerford v. Wagoner, 5 App. Div. 590; 39 Supp. 369.**Hungerford Co. v. Rosenstein**, 138 N. Y. 640; 53 St. Rep. 929.

Affirming, 46 St. Rep. 195; 19 Supp. 471.

Hunt, Matter of, 110 N. Y. 278; 18 St. Rep. 118.

Cited, Wills—Publication—Attestation.

71 Hun, 29; (53 St. Rep. 873; 24 Supp. 505). 78 Hun, 486; (60 St. Rep. 706; 29 Supp. 141). 16 Misc. 211; (33 Supp. 1129). 9 Misc. 576; (62 St. Rep. 227; 30 Supp. 849). 85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154). 14 Misc. 556; (70 St. Rep. 192; 35 Supp. 495). 14 Misc. 490; (71 St. Rep. 596; 36 Supp. 820). 15 Misc. 212; (72 St. Rep. 760; 37 Supp. 225). 17 Misc. 549; (75 St. Rep. 675; 41 Supp. 265).

*Duplicate Citations in Parenthesis.***Wills — Probate — Appeal — Reversal — Jury Trial.**

66 Hun, 560; (50 St. Rep. 240; 21 Supp. 802). 148 N. Y. 409. 85 Hun, 588; (66 St. Rep. 780; 33 Supp. 155).

Hunt, Matter of, 86 Hun, 232; 66 St. Rep. 812; 33 Supp. 256.

Cited, Inheritance Tax — Parent and Child.

91 Hun, 137; (36 Supp. 540). 69 St. Rep. 381; (34 Supp. 1123, 1124).

Hunt, Matter of, 42 Hun, 434.

Wills—Execution—Attestation.

16 Misc. 210; (38 Supp. 1129).

Hunt, Matter of, 68 St. Rep. 823; 34 Supp. 1038; 24 Civ. Pro. 239.**Hunt v. Alexander**, 79 St. Rep. 814; 45 Supp. 814.**Hunt v. American Radiator Co.**, 2 App. Div. 34; 73 St. Rep. 229; 37 Supp. 576.**Hunt v. Amidon**, 4 Hill, 345.

Cited, Covenants—Running With the Land—Mesne Quit Claim Deed.

137 N. Y. 230; (50 St. Rep. 798).

Landlord and Tenant—Lease—Eviction.

24 Supp. 475.

Principal and Surety—Indemnification of Surety.

145 N. Y. 450; (65 St. Rep. 388).

Hunt v. Barry, 6 Supp. 568.

Cited Execution—Dates and Liability of Executing Officer—Return.

24 Supp. 820.

Hunt v. Bennett, 19 N. Y. 173.

Cited, Libel—Pleading—Malice.

16 Misc. 188, 189; (72 St. Rep. 753, 754; 37 Supp. 252, 253).

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D. 1 Misc. 202; (50 St. Rep. 914; 21 Supp. 771).

Hunt v. Chapman, 51 N. Y. 555.

Cited, Actions—Equitable.

3 App. Div. 29; (74 St. Rep. 419; 37 Supp. 1072).

Hunt v. Chapman, 62 N. Y. 333.

Cited, Foreclosure—Costs.

152 N. Y. 617.

Hunt v. Dutcher, 13 How. 538.

Cited, Pleading—Judgments.

91 Hun, 189; (71 St. Rep. 183; 36 Supp. 346).

Hunt v. Gleason, 51 St. Rep. 752; 22 Supp. 66.

Affirmed, 141 N. Y. 552; 57 St. Rep. 865,

Hunt v. Hoboken Land & Improvement Co., 1 Hilt, 161.

Cited, Justice's Court — Appeal—Judgment—Reversal—Effect.

7 Misc. 476; (28 Supp. 387).

Hunt v. Hunt, 58 N. Y. 666.

Cited, Infants—Sale of Real Estate—Application of Proceeds Without Order of Court.

66 Hun, 599; (50 St. Rep. 549; 21 Supp. 873).

Hunt v. Hunt, 72 N. Y. 217.

Cited, Foreign Courts—Jurisdiction over Persons.

74 Hun, 634; (57 St. Rep. 227; 26 Supp. 957). 19 Misc. 599; (78 St. Rep. 316; 44 Supp. 316).

Husband and Wife—Divorce—Jurisdiction.

71 Hun, 525; (54 St. Rep. 889; 24 Supp. 1034). 88 Hun, 567; (68 St. Rep. 824; 34 Supp. 855). 90 Hun, 234; (69 St. Rep. 635; 35 Supp. 281). 92 Hun, 164; (71 St. Rep. 551; 36 Supp. 520). 20 Misc. 141; (79 St. Rep. 809; 45 Supp. 809).

Jurisdiction—Defined.

78 Hun, 158; (60 St. Rep. 197; 28 Supp. 982). 88 Hun, 410; (68 St. Rep. 783; 34 Supp. 845). 10 App. Div. 332; (75 St. Rep. 1205; 41 Supp. 806). 17 Misc. 434; (41 Supp. 417). D. 78 St. Rep. 329; (44 Supp. 329).

Married Woman—Separate Domicile.

82 Hun, 182; (64 St. Rep. 800; 31 Supp. 979). 1 App. Div. 573; (73 St. Rep. 221; 37 Supp. 482).

Hunt v. Johnson, 44 N. Y. 27.

Cited, Contracts—Consideration—Executory Gift.

78 Hun, 132; (60 St. Rep. 185; 28 Supp. 999). D. 78 Hun, 132; (60 St. Rep. 191; 28 Supp. 999). 146 N. Y. 94; (66 St. Rep. 249).

Husband and Wife—Conveyances Between.

3 Misc. 4; (53 St. Rep. 627; 23 Supp. 794). 5 App. Div. 367, 372; (39 Supp. 240).

Husband and Wife—Gifts—Rights of Creditors.

7 Misc. 466; (59 St. Rep. 874; 28 Supp. 392).

Real Property—Words Sufficient to Convey.

73 Hun, 481; (56 St. Rep. 15; 26 Supp. 440). 19 Misc. 290; (77 St. Rep. 123; 43 Supp. 128).

Laws—Foreign States—Presumption.

15 Misc. 298; (73 St. Rep. 441; 37 Supp. 764).

Hunt v. Kingston, 3 Misc. 309; 51 St. Rep. 505; 23 Supp. 352.

*Duplicate Citations in Parenthesis.***Hunt v. Maybee**, 7 N. Y. 266.

Cited, Trial—Instructions to Jury—Exceptions—Extent of Review.

8 Misc. 294; (59 St. Rep. 211; 28 Supp. 574; 31 Abb. N. C. 440).

Hunt v. New York, 109 N. Y. 134; 15 St. Rep. 62.

Cited, Municipal Corporations—Highways—Defects—Care Required of Travelers.

51 St. Rep. 408; (22 Supp. 38). 61 St. Rep. 715; (29 Supp. 1134). 11 Misc. 554; (64 St. Rep. 453; 32 Supp. 746). 80 Hun, 169; (61 St. Rep. 715; 29 Supp. 1134). 148 N. Y. 71. 148 N. Y. 55.

Hunt v. New York, 52 Super. 198.

Cited, 8 App. Div. 123; (40 Supp. 586).

Hunt v. Purdy, 82 N. Y. 486.

Cited, Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146).

Hunt v. Raplee, 44 Hun, 149; 7 St. Rep. 783.

Cited, Damages Measure—Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 283; 26 Supp. 301).

Hunt v. Roberts, 45 N. Y. 691.

Cited, Guaranty—Discharge.

3 Misc. 238; (52 St. Rep. 131; 22 Supp. 760). 92 Hun, 171; (71 St. Rep. 206; 36 Supp. 368).

Hunt v. Singer, 1 Daly, 209.

Affirmed, 41 N. Y. 620.

Cited, Contract—Rescission—Election of. 4 Misc. 439; (54 St. Rep. 140; 24 Supp. 696).

Hunt v. Smith, 17 Wend. 179.

Cited, Grantor—Extension of Credit—Effect.

9 App. Div. 326, 327; (75 St. Rep. 758; 41 Supp. 340, 341).

Hunt v. Utica, City of, 18 N. Y. 442.

Cited, Municipal Corporations—Claims—Mandamus.

144 N. Y. 66; (63 St. Rep. 40). 11 App. Div. 382; (76 St. Rep. 96; 42 Supp. 96).

Hunt v. Wolfe, 2 Daly, 298.

Cited, Landlord and Tenant—Lease—Holding Over—Liability of Tenant.

5 Misc. 265; (25 Supp. 106).

Receivers—Duties.

20 Misc. 15; (78 St. Rep. 605; 44 Supp. 605).

Hunter v. Cooperstown & S. V. R. Co., 112 N. Y. 371; 21 St. Rep. 1.

Cited, Carriers—Passenger—Negligence—Alighting from Moving Trains.

80 Hun, 199; (61 St. Rep. 805; 30 Supp. 62). 145 N. Y. 516; (65 St. Rep. 379). D. 151 N. Y. 430; (3 Ann. Cas. 337). 82 Hun, 38; (63 St. Rep. 477; 31 Supp. 155). 92 Hun, 148; (71 St. Rep. 153; 36 Supp. 383).

Trial—Question of Fact—Contributory Negligence.

68 Hun, 112; (52 St. Rep. 70; 22 Supp. 624).

Hunter v. Cooperstown & S. V. R. Co., 126 N. Y. 18; 36 St. Rep. 367.

Cited, Carriers—Passenger—Contributory Negligence—Boarding Moving Train.

78 Hun, 253; (60 St. Rep. 217; 28 Supp. 865). 80 Hun, 195; (61 St. Rep. 775; 30 Supp. 31). 5 Misc. 211; (54 St. Rep. 794; 25 Supp. 93). 9 Misc. 60; (59 St. Rep. 685; 29 Supp. 3). 145 N. Y. 516; (65 St. Rep. 379). D. 145 N. Y. 523; (65 St. Rep. 383). 151 N. Y. 426, 427, 428, 429. 82 Hun, 38; (68 St. Rep. 477; 31 Supp. 155). 88 Hun, 620; (63 St. Rep. 819; 34 Supp. 808). 92 Hun, 222; (71 St. Rep. 220; 36 Supp. 276). 92 Hun, 148; (71 St. Rep. 153; 36 Supp. 383).

Trial—Question of Fact—Contributory Negligence.

68 Hun, 112; (52 St. Rep. 70; 22 Supp. 623). 10 App. Div. 455; (76 St. Rep. 206; 42 Supp. 206). 11 Misc. 416; (65 St. Rep. 439; 32 Supp. 255). 13 Misc. 403; (68 St. Rep. 123; 34 Supp. 244). 5 App. Div. 29; (39 Supp. 67).

Hunter v. Hudson R. & I Machine Co., 20 Barb. 493.

Cited, Pleadings—Fraud—Facts Constituting.

86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Hunter v. Hunter, 17 Barb. 25.

Cited, Deeds—Delivery—Sufficiency.

68 Hun, 494; (52 St. Rep. 652; 22 Supp. 1004). 145 N. Y. 283; (64 St. Rep. 703). 80 Hun, 426; (62 St. Rep. 115; 30 Supp. 361).

Wills—Annuity—Alienability.

70 Hun, 277; (54 St. Rep. 26; 24 Supp. 228).

Hunter v. Hunter, 19 Barb. 631.

Cited, Gifts—Delivery—Completion.

18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517). 10 Misc. 452; (63 St. Rep. 328; 31 Supp. 86).

Hunter v. Lester, 18 How. 347.

Cited, Summons—Service—Irrregularity.

16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637).

Hunter v. Manhattan R. Co., 141 N. Y. 281; 57 St. Rep. 400.

Affirming, 46 St. Rep. 906; 19 Supp. 703; 22 Civ. Pro. 309.

Duplicate Citations in Parenthesis.

Cited, Evidence — Opinions — Rental Values.

77 Hun, 142; (59 St. Rep. 40; 28 Supp. 465). 2 App. Div. 482; (74 St. Rep. 282; 37 Supp. 1101). 3 App. Div. 255; (73 St. Rep. 698; 38 Supp. 205). 9 App. Div. 534; (41 Supp. 594).

Trial—Right to Jury—Damages.

8 Misc. 457; (59 St. Rep. 573; 28 Supp. 683). 144 N. Y. 178; (63 St. Rep. 84). 85 Hun, 67; (65 St. Rep. 862; 32 Supp. 642).

Jurisdiction of Equity.

84 Hun, 185; (65 St. Rep. 795; 32 Supp. 572).

Elevated Railroads—Damages.

148 N. Y. 365. D. 2 App. Div. 403; (73 St. Rep. 530; 37 Supp. 987). D. 37 Supp. 987.

Hunter v. N. Y., Ontario & W. R. Co., 116 N. Y. 615; 27 St. Rep. 729.

Cited, Evidence—Judicial Notice—Geography.

6 Misc. 574; (57 St. Rep. 791; 27 Supp. 292). 14 App. Div. 314; (77 St. Rep. 1052; 43 Supp. 1052).

14 Misc. 257; (70 St. Rep. 240; 35 Supp. 831).

Highways—Sidewalks—Ice—Liability of Municipality.

74 Hun, 307; (56 St. Rep. 269; 26 Supp. 669).

Injury—Probability of Happening—Appeal—Effect.

13 App. Div. 500; (77 St. Rep. 698; 43 Supp. 698).

Hunter v. Starin, 26 Hun, 529.

Cited, Ejectment—When Maintainable.

14 Misc. 374; (71 St. Rep. 415; 36 Supp. 79).

Hunter v. Third Ave. R. Co., 20 Misc. 432; 79 St. Rep. 1044; 45 Supp. 1044.

Hunter v. Wetsel, 84 N. Y. 549.

Cited, Sales—Delivery—Tender.

79 St. Rep. 437; (45 Supp. 437).

Hunter's Point & S. S. R. Co., Matter of, 11 App. Div. 626; 76 St. Rep. 321; 42 Supp. 321.

Hunting v. Blun, 69 Hun, 562; 53 St. Rep. 343; 23 Supp. 965.

Affirmed, 143 N. Y. 511; 62 St. Rep. 804.

Hunting v. Blun, 143 N. Y. 511; 62 St. Rep. 804.

Cited, Insolvent Corporation—Creditors—Conditions Precedent—Availability.

145 N. Y. 95; (64 St. Rep. 540). 145 N. Y. 336; (64 St. Rep. 807). 152 N. Y. 125. 146 N. Y. 58; (65 St. Rep. 772).

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145 N. Y. 337; (64 St. Rep. 808).

Huntingdon v. Claffin, 38 N. Y. 182.

Cited, Master and Servant—Renewal of Employment—Effect.

87 Hun, 398; (68 St. Rep. 428; 34 Supp. 305, 2 Ann. Cas. 157).

Huntington v. Asher, 96 N. Y. 604.

Cited, Waters — Spring — Easements — Grantee—Rights of.

135 N. Y. 63; (48 St. Rep. 128). 3 App. Div. 240; (73 St. Rep. 824; 38 Supp. 421). 151 N. Y. 899.

Huntington v. Attrill, 118 N. Y. 365; 29 St. Rep. 5.

Cited, Evidence—Entries in Corporation Books—Directors.

68 Hun, 320; (52 St. Rep. 100; 22 Supp. 895).

Corporations—Director's Liability.

151 N. Y. 66.

Land—Evidence of Value—Comparison with Other Lands.

147 N. Y. 325; (69 St. Rep. 689). 89 Hun 83; (69 St. Rep. 434).

Huntington v. Conkey, 33 Barb. 218.

Cited, Trial—Right to Open and Close.

6 App. Div. 588; (39 Supp. 542).

Huntington v. Moore, 59 Hun, 351; 13 Supp. 97.

Cited, Chattel Mortgage—Foreclosure—Costs—Extra Allowance.

152 N. Y. 618. 75 St. Rep. 650; (41 Supp. 211; 25 Civ. Pro. 373).

Huntington v. Ogdensburgh & L. C. R. Co., 33 How. 416.

Cited, Damages — Measure — Wrongful Discharge of Servant—Crediting Earnings.

2 Misc. 131; (49 St. Rep. 227; 20 Supp. 864). 9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194).

Huntley, Matter of, 13 Misc. 375; 67 St. Rep. 487; 35 Supp. 113; 25 Civ. Pro. 78.

Cited, Executors and Administrators—Personal Labor for Estate.

19 Misc. 379. 78 St. Rep. 361; (44 Supp. 361).

Huntley v. Baker, 33 Hun, 578.

Cited, Foreign Judgment—Effect.

90 Hun, 234, 235; (69 St. Rep. 635; 35 Supp. 281).

Huntley v. Huntley, 73 Hun, 261; 57 St. Rep. 287; 26 Supp. 266.

Huntley v. Re Voir, 66 Hun, 291; 49 St. Rep. 253; 20 Supp. 920.

Hurbut v. Carter, 21 Barb. 221.

Cited, Assignment for Creditors—Corporations—Right to Make.

4 Misc. 245; (24 Supp. 693).

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Hurd, Matter of, 31 Abb. N. C. 109; 26 Supp. 893.

Hurd v. Callahan, 9 Abb. N. C. 374.

Cited, Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146).

Decedent's Estate—Sale of Real Estate.

15 Misc. 535; (37 Supp. 1128; 25 Civ. Pro. 319).

Hurd v. Cass, 9 Barb. 366.

Cited, Wills—Devise—Vesting of Estate—Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901).

Hurd v. Everett, 1 Paige, 124.

Cited, Pleading—Amendment—Relation to Commencement of Action.

79 Hun, 61; (61 St. Rep. 177; 29 Supp. 648).

Hurd v. Farmers Loan & Trust Co., 16 Week Dig. 480.

Cited, Savings Banks—Actions Against—Costs—Extra Allowance.

79 St. Rep. 659; (45 Supp. 659).

Hurd v. Gill, 45 N. Y. 341.

Distinguished, Contracts—Consideration—Sufficiency—Option of Promisee to Become Bound.

50 St. Rep. 365; (21 Supp. 890).

Cited Contracts—Mutuality—Consideration.

73 Hun, 88; (57 St. Rep. 145; 25 Supp. 1037). 29 Abb. N. C. 406; (23 Supp. 276).

Hurd v. Green, 17 Hun, 328.

Cited, Contracts—Forbearance as Consideration.

11 Misc. 586; (66 St. Rep. 339; 32 Supp. 1085).

Banks—Depositors—Plea of Ultra Vires Against.

11 Misc. 587; (66 St. Rep. 340; 32 Supp. 1085).

Hurd v. Johnson Park Investment Co., 18 Misc. 643; 69 St. Rep. 141; 34 Supp. 915.

Hurd v. Kelly, 78 N. Y. 538.

Cited, Contracts—Forbearance as Consideration.

11 Misc. 586; (66 St. Rep. 339; 32 Supp. 1085). 15 Misc. 118 (71 St. Rep. 504; 36 Supp. 489).

Banks—Depositors—Plea of Ultra Vires Against.

11 Misc. 587; (66 St. Rep. 340; 32 Supp. 1085).

Hurd v. Newbrook, 2 Misc. 38; 51 St. Rep. 55; 21 Supp. 1029.

Hurd v. West, 7 Cow. 752.

Cited, Evidence—Declarations—Of Mortgagor of Chattel—Bona Fide Purchaser.

3 Misc. 521; (52 St. Rep. 494; 23 Supp. 3).

Personal Property—Action Against Trespasser or Wrongdoer—Sufficiency of Plaintiff's Title or Possession.

1 Misc. 239; (23 Supp. 133).

Hurlbert v. Dean, 2 Keyes, 97.

Cited, Assignment for Creditors—Application of Firm Property to Individual Debts.

72 Hun, 3; (55 St. Rep. 337; 25 Supp. 577).

Hurlbert v. Banks, 1 Abb. N. C. 157.

Cited, Injunction—Trespass.

67 Hun, 308; (50 St. Rep. 899; 22 Supp. 316).

Hurlbert v. Durant, 88 N. Y. 121.

Cited, Executors—Payment of Claims—Enforcement by Surrogate.

70 Hun, 65; (53 St. Rep. 511; 23 Supp. 1107). 9 Misc. 386; (61 St. Rep. 682; 30 Supp. 275). 20 Misc. 160; (79 St. Rep. 910; 45 Supp. 910).

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75 St. Rep. 1390.

Hurlbert v. Hurlbert, 128 N. Y. 420; 40 St. Rep. 436.

Cited, Evidence—Admissions of Decedent—Availability.

83 Hun, 321; (64 St. Rep. 666; 31 Supp. 939). 18 Misc. 142; (75 St. Rep. 1442; 41 Supp. 1095).

Evidence—Attorney and Client—Privileged Communications.

17 App. Div. 245; (79 St. Rep. 575; 45 Supp. 575). 9 App. Div. 57; (41 Supp. 105).

Hurlbert v. Parker, 5 St. Rep. 454.

Cited, New Trial—Surprise—Absence of Witness.

3 Misc. 20; (50 St. Rep. 570; 21 Supp. 777).

Hurlbut v. Durant, 12 Week. Dig. 477.

Cited, Action—Concurrent Remedies—Choice.

4 Misc. 373; (25 Supp. 831).

Hurlbut v. Hurlbut, 49 Hun, 189; 1 Supp. 854.

Cited, Gift—Deed of or Delivery to Perfect.

70 Hun, 477; (53 St. Rep. 795; 24 Supp. 1000).

Duplicate Citations in Parenthesis.

Hurlburt v. Interior Conduit & I. Co., 8 Misc. 100; 60 St. Rep. 162; 28 Supp. 1007.

Hurlbutt, Matter of, 78 Hun, 521; 61 St. Rep. 8; 29 Supp. 403.

Hurley v. Martine, 31 St. Rep. 471; 10 Supp. 92.

Cited, Kidnapping—Commitment to Insane Asylum.

66 Hun, 536; (51 St. Rep. 34; 21 Supp. 745).

Hurley v. N. Y. C. & H. R. R. Co., 90 Hun, 1; 69 St. Rep. 738; 35 Supp. 351.

Hurley v. New York & Brooklyn Brewing Co., 13 App. Div. 167; 77 St. Rep. 359; 43 Supp. 259.

Hurley v. Sehring, 43 St. Rep. 240; 17 Supp. 7.

Cited, Contracts—Surrender—Statute of Frauds.

10 Misc. 655; (64 St. Rep. 500; 31 Supp. 797).

Hurliman v. Seckendorf, 10 Misc. 549; 64 St. Rep. 126; 31 Supp. 443.

Hurlimann v. Seckendorf, 46 St. Rep. 301; 18 Supp. 756.

Cited, Pleading—Complaint—Contracts—Writings.

3 Misc. 26; (51 St. Rep. 126; 22 Supp. 179).

Hurliman v. Seckendorf, 9 Misc. 264; 61 St. Rep. 317; 29 Supp. 740.

Hurry v. Coffin, 11 Daly, 180; 2 Civ. Pro. 319.

Cited, Appeal—District Court to Common Pleas—When Lies.

9 Misc. 456; (61 St. Rep. 105; 30 Supp. 238). 20 Misc. 369; (79 St. Rep. 925; 45 Supp. 925). 14 Misc. 23; (69 St. Rep. 496; 35 Supp. 124).

Hurst v. Cresson & Clearfield C. & C. Co., 86 Hun, 189; 67 St. Rep. 55; 33 Supp. 313.

Hurst v. Harper, 14 Hun, 280.

Cited, Trusts—Establishment—Parol Evidence.

84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392).

Hurst v. Litchfield, 39 N. Y. 377.

Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599).

Contracts—Breach—Submission to Arbitrators—Ouster of Courts.

86 Hun, 381; (67 St. Rep. 225; 33 Supp. 513). 12 Misc. 399; (67 St. Rep. 594; 33 Supp. 693; 24 Civ. Pro. 381).

Hurst v. New York Produce Ex., 59 St. Rep. 531.

Cited, Stock and Produce Exchange—Officers—Powers of—Complaint of Conduct.

8 Misc. 555; (59 St. Rep. 533; 29 Supp. 310).

Hurst v. New York Produce Ex., 100 N. Y. 605.

Cited, Pleading—Complaint—Jurisdiction.

149 N. Y. 412.

By-laws—Reasonableness.

149 N. Y. 427.

Hurst v. Trow Printing & Book Binding Co., 2 Misc. 361; 51 St. Rep. 206; 22 Supp. 371; 30 Abb. N. C. 1.

Affirmed, 142 N. Y. 637; 60 St. Rep. 866.

Cited, Contracts—Part Performance—Restitution.

20 Supp. 44; (79 St. Rep. 330; 45 Supp. 330).

Hurth v. Bower, 30 Hun, 151.

Cited, Assignment—Accounting—Courts—Jurisdiction.

2 App. Div. 111; (73 St. Rep. 218; 37 Supp. 528).

Hurtin v. Proal, 3 Bradf. 414.

Cited, Descent and Distribution—Who Are Heirs—Grandfather.

5 Misc. 432; (26 Supp. 721).

Hurwitz v. Hurwitz, 9 Misc. 201; 60 St. Rep. 849; 30 Supp. 208.

Reversed, 10 Misc. 33; (63 St. Rep. 415; 31 Supp. 25).

Cited, Judgment—Evading Payment—Conspiracy—Action for.

12 App. Div. 91; (76 St. Rep. 1039; 42 Supp. 1039).

Hurwitz v. Hurwitz, 10 Misc. 353; 63 St. Rep. 415; 31 Supp. 25.

Huss, Matter of, 126 N. Y. 537; 37 St. Rep. 789.

Cited, Wills—Bequest—Law of Domicile.

136 N. Y. 142; (48 St. Rep. 842). 9 Misc. 529; (61 St. Rep. 680; 30 Supp. 394).

Hussey v. Cogger, 112 N. Y. 614; 21 St. Rep. 848.

Cited, Master and Servant—Fellow Servant—Superiority—Assumption of Risk.

71 Hun, 589; (55 St. Rep. 115; 24 Supp. 1106).

Master and Servant—Liability of Master—Fellow Servants—Negligence.

Duplicate Citations in Parenthesis.

76 Hun, 583; (58 St. Rep. 282; 28 Supp. 199). 5 Misc. 322; (25 Supp. 814). 6 Misc. 324; (56 St. Rep. 254; 26 Supp. 797). 144 N. Y. 557; (64 St. Rep. 249). 151 N. Y. 422. 87 Hun, 521; (68 St. Rep. 154; 34 Supp. 274). 15 App. Div. 107; (78 St. Rep. 278; 44 Supp. 278). 15 App. Div. 331, 332, 334; (78 St. Rep. 2, 3, 5; 44 Supp. 2, 3, 5). 10 Misc. 23; (62 St. Rep. 644; 30 Supp. 531). 11 Misc. 27; (64 St. Rep. 628; 31 Supp. 862). 13 Misc. 8; (68 St. Rep. 238; 34 Supp. 188).

Hussey v. Culver, 30 St. Rep. 836; 9 Supp. 193.

Cited, Attorneys—Lien for Costs—Decedent's Estate.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Hussey v. New York Recorder Co., 89 Hun, 609; 69 St. Rep. 441; 35 Supp. 49.

Hussner v. Brooklyn City Railroad Co., 96 N. Y. 18.

Cited, Boundaries—Highways.

8 App. Div. 610; (75 St. Rep. 394; 40 Supp. 1009).

Hussner v. Brooklyn City R. Co., 114 N. Y. 433; 23 St. Rep. 856.

Cited, Railroads—Highways — Abutting Owners—Easement—Enforcement.

88 Hun, 61; (68 St. Rep. 634, 635; 534 Supp. 596, 598). 17 Misc. 716; (40 Supp. 1095).

Railroads—Subsequent Action—Damages as Bar.

16 Misc. 678; (39 Supp. 144; 25 Civ. Pro. 251).

Husson, Matter of, 26 Hun, 130.

Cited, Attorneys — Order to Pay Over Money—Contempt.

8 App. Div. 611; (41 Supp. 1112).

Husson v. Fox, 15 Abb. 464.

Cited, Petition for Discovery—Defect.

83 Hun, 343; (64 St. Rep. 736; 31 Supp. 966).

Husson v. Oppenheimer, 45 St. Rep. 618; 19 Supp. 135.

Cited, Bill of Particulars—When Granted.

88 Hun, 449; (68 St. Rep. 789; 34 Supp. 877; 2 Ann. Cas. 199).

Husson v. Sire, 78 Hun, 613; 60 St. Rep. 230; 28 Supp. 866.

Husted v. Craig, 36 N. Y. 221.

Cited, Contracts—Entire—Effect.

73 St. Rep. 310; (38 Supp. 161; 2 Ann. Cas. 375).

Husted v. Dakin, 17 Abb. 137.

Cited, Sheriff—Sale of Real Estate—Advertisement—Subsequent Execution.

147 N. Y. 164; (69 St. Rep. 424; 2 Ann. Cas. 359).

Husted v. Cruikshank, 14 Supp. 526.

Cited, Actions — Decedent's Estate — Jurisdiction of Equity.

7 App. Div. 68; (39 Supp. 972).

Husted v. Ingraham, 75 N. Y. 251.

Cited, Vendor's Lien—Enforcement.

144 N. Y. 112; (63 St. Rep. 67).

Husted v. Mathes, 77 N. Y. 388.

Cited, Mechanic's Lien — Consent of Owner of Realty—How Shown.

137 N. Y. 193; (50 St. Rep. 388). 10 Misc. 375; (64 St. Rep. 118; 31 Supp. 435). 59 St. Rep. 553; (28 Supp. 650). 11 Misc. 303; (65 St. Rep. 314; 32 Supp. 236).

Mechanic's Lien—Contract With Stranger—Consent of Owner.

139 N. Y. 199; (54 St. Rep. 464).

Husted v. Thomson, 7 App. Div. 66; 39 Supp. 97.

Husted v. Van Ness, 1 App. Div. 120; 36 Supp. 1013; 72 St. Rep. 28.

Hustis v. Aldridge, 144 N. Y. 508; 64 St. Rep. 40.

Cited, Decedent's Estate—Disputed Claim —Reference—Power of Court to Appoint Referee.

85 Hun, 591; (66 St. Rep. 821; 33 Supp. 116; 2 Ann. Cas. 55). 9 App. Div. 259; (75 St. Rep. 889; 41 Supp. 496).

Hutcheson v. Peck, 5 Johns. 196.

Cited, Husband and Wife—Interference by Parents of—Loss of Consortium.

9 Misc. 86; (59 St. Rep. 753; 29 Supp. 39). 150 N. Y. 180.

Hutchings v. Cochrane, 2 Bradf. 295.

Cited, Wills—Execution—Request to Witness.

17 Misc. 549; (75 St. Rep. 676; 41 Supp. 265).

Hutchings v. Munger, 41 N. Y. 155.

Cited, Contracts—Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun, 386; (60 St. Rep. 400; 28 Supp. 852). 2 App. Div. 469, 470; (74 St. Rep. 339, 340; 37 Supp. 1042, 1043).

Hutchins v. Hebbard, 34 N. Y. 24.

Cited, Evidence—Parol as to Writings.

57 St. Rep. 280; (26 Supp. 262).

Evidence—Parol—Concerning Writing—Entirety of Contract.

73 Hun, 312; (58 St. Rep. 63; 26 Supp. 377). 73 Hun, 381; (57 St. Rep. 291; 26 Supp. 264).

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

Principal and Agent—Power of Attorney—Revocation.

8 Misc. 226; (59 St. Rep. 453; 28 Supp. 568; 23 Civ. Pro. 442). 149 N. Y. 94.

Contracts—Estoppel.

143 N. Y. 429; (62 St. Rep. 438).

Duplicate Citations in Parenthesis.

Hutchins v. Hutchins, 18 Misc. 633; 76 St. Rep. 601; 42 Supp. 601.

Hutchins v. Hutchins, 98 N. Y. 56.
Cited, Appeal—Harmless Error—When Irrelevant Evidence Prejudicial.

67 Hun, 580; (50 St. Rep. 844; 22 Supp. 478). 148 N. Y. 489; 88 Hun, 289; (68 St. Rep. 598; 34 Supp. 796). 92 Hun, 112; (71 St. Rep. 749; 36 Supp. 734).

Evidence—Parol to Vary Writing.

66 Hun, 589; (50 St. Rep. 560; 21 Supp. 832). 145 N. Y. 663; (71 St. Rep. 314).

Evidence—Declarations—Of Assignor of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598).

Contracts—Statute of Frauds—Agreement Concerning Land—Part Performance.

77 Hun, 3; (59 St. Rep. 419; 28 Supp. 224). 84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392).

Hutchins v. Hutchins, 7 Hill, 104.

Cited, Conspiracy—Several Liability.

67 Hun, 339; (51 St. Rep. 442; 22 Supp. 134). 9 Misc. 36; (59 St. Rep. 545; 29 Supp. 295; 31 Abb. N. C. 319). 3 Misc. 584; (24 Supp. 649).

Deprivation of Expected Gratuity—Effect.

10 Misc. 32; (63 St. Rep. 173; 30 Supp. 825). 10 Misc. 355; (63 St. Rep. 416; 31 Supp. 26).

Pleading—Sufficiency—Effect.

20 Misc. 526.

Hutchins v. Smith, 63 Barb. 251.

Cited, Injunction—Nuisance.

67 Hun, 307; (50 St. Rep. 899; 22 Supp. 315).

Equity—Injunctions—Power to Issue.

85 Hun, 66; (65 St. Rep. 861; 32 Supp. 641).

Hutchins v. Van Vechten, 140 N. Y. 115; 55 St. Rep. 372.

Affirming, 66 Hun, 69; 49 St. Rep. 491; 20 Supp. 751.

Hutchinson, Matter of, 84 Hun, 563; 32 Supp. 869.

Hutchinson v. Brand, 6 How. 73.

Cited, Courts—General Jurisdiction—Presumption as to Jurisdiction.

91 Hun, 497; (70 St. Rep. 860; 36 Supp. 257; 25 Civ. Pro. 111).

Hutchinson v. Hutchinson, 84 Hun, 482; 65 St. Rep. 595; 32 Supp. 390.

Hutchinson v. Campbell, 13 Misc. 152; 65 St. Rep. 74; 34 Supp. 82.

Hutchinson v. Lawrence, 29 Hun, 450.

Cited, Deposition—Examination to Frame Complaint.

70 Hun, 539; (53 St. Rep. 739; 24 Supp. 240).

Hutchinson v. Manhattan Co., 9 Misc. 343; 60 St. Rep. 612; 29 Supp. 1103.
Reversed, 150 N. Y. 250.

Cited, Banks—Checks—Application of.

82 Hun, 521; (64 St. Rep. 211; 31 Supp. 534).

Hutchinson v. Manhattan Co., 150 N. Y. 250.

Hutchinson v. Rochester, 92 Hun, 393
71 St. Rep. 859; 36 Supp. 766.

Hutchinson v. Root, 2 App. Div. 584;
74 St. Rep. 444.

Hutchinson v. Supreme Tent, K. of M., of W., 68 Hun, 355; 52 St. Rep. 199; 23 Supp. 801.

Cited, Insurance—Policy—Application—By—Laws.

78 Hun, 106; (60 St. Rep. 532; 28 Supp. 1076). 92 Hun, 280; (71 St. Rep. 844; 36 Supp. 736).

Hutchinson v. Walter, 16 Misc. 77; 73 St. Rep. 258; 37 Supp. 677.

Hutkoff v. Moje, 20 Misc. 652.

Huton v. New York, 9 N. Y. 163.

Cited, Statutes—Powers of Public Officers—Execution Mandatory.

71 Hun, 190; (54 St. Rep. 96; 24 Supp. 593). 14 App. Div. 561; (77 St. Rep. 1092; 43 Supp. 1092).

Hutt v. Zimmer, 78 Hun, 23; 60 St. Rep. 493; 28 Supp. 1014.

Cited, Contracts—Partly Written, Partly Printed—Construction.

14 Misc. 193; (70 St. Rep. 430; 35 Supp. 657).

Huttemeier v. Albro, 18 N. Y. 48.

Cited, Deeds—Bounding Along Highway—Rights.

139 N. Y. 407; (54 St. Rep. 683). 9 App. Div. 111; (75 St. Rep. 571; 41 Supp. 109). 138 N. Y. 191; (52 St. Rep. 158).

Easements—Appurtenant—Right of Way.

68 Hun, 275; (52 St. Rep. 382; 22 Supp. 994). 19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081). 148 N. Y. 438. 151 N. Y. 399. 1 App. Div. 444; (73 St. Rep. 105; 37 Supp. 512). 16 Misc. 378; (74 St. Rep. 383; 38 Supp. 86). 16 Misc. 645; (40 Supp. 759).

Hutton v. Benkard, 92 N. Y. 295.

Cited, Trusts—Personalty or Realty—Assimilation of Rules.

Duplicate Citations in Parenthesis.

140 N. Y. 534; (56 St. Rep. 474). 5 App. Div. 462; (38 Supp. 1108). 15 Misc. 50; (72 St. Rep. 344; 36 Supp. 917). 18 Misc. 692; (77 St. Rep. 861; 43 Supp. 861).

Hutton v. Gordon, 2 Misc. 267; 23 Supp. 770.

Hutton v. Murphy, 9 Misc. 151; 59 St. Rep. 662; 29 Supp. 70.

Cited, Motion to Strike Out—Discretion of Court—Review on Appeal.

10 Misc. 709; (64 St. Rep. 636; 31 Supp. 831).

Pleadings—Amendment—District Court.

13 Misc. 233; (67 St. Rep. 871; 34 Supp. 16).

Injury to Property—Damages.

19 Misc. 143. 19 Misc. 647; (78 St. Rep. 419; 44 Supp. 419).

Hutton v. Webber, 17 Supp. 463; 43 St. Rep. 56.

Affirmed, 137 N. Y. 615; 51 St. Rep. 931.

Cited, Sp-cific Performance—As to Real Property—Title.

58 St. Rep. 805; (27 Supp. 961; 30 Abb. N. C. 410).

Hutzler v. Richter, 13 App. Div. 592; 77 St. Rep. 679; 43 Supp. 679.

Huxford v. Bogardus, 40 How. 94.

Cited, Mechanic's Lien—Availability.

10 Misc. 376; (64 St. Rep. 119; 31 Supp. 436).

Huyck v. Andrews, 113 N. Y. 81; 21 St. Rep. 924.

Cited, Covenants—Incumbrance—Knowledge of Grantee.

68 Hun, 73; (53 St. Rep. 223; 22 Supp. 596).

Vendor and Purchaser—Incumbrances—Building Restrictions.

67 Hun, 347; (51 St. Rep. 797; 22 Supp. 206). 84 Hun, 299; (65 St. Rep. 610; 32 Supp. 411).

Easements—Damages—Measure—Eviction of Vendee.

73 Hun, 295; (57 St. Rep. 283; 26 Supp. 301). 8 App. Div. 183; (40 Supp. 318; 3 Ann. Cas. 245).

Huyler v. Roberts, 5 App. Div. 620; 72 St. Rep. 869; 38 Supp. 1145.

Huwer v. Dannerhoffer, 82 N. Y. 499.

Cited, Partnership—Dissolution—Rights of Members—Trademarks.

5 Misc. 389; (25 Supp. 859).

Hyatt v. Agucero, 17 St. Rep. 746; 1 Supp. 339.

Cited, Executors—Power to Sell Realty.

87 Hun, 96; (67 St. Rep. 650; 33 Supp. 971).

Hyatt v. Clark, 118 N. Y. 563; 29 St. Rep. 851.

Cited, Principal and Agent—Knowledge of Agent—Notice to Principal.

77 Hun, 57; (59 St. Rep. 430; 28 Supp. 248). 151 N. Y. 9. 11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

16 Misc. 87; (73 St. Rep. 253; 37 Supp. 672).

Hyatt v. Dale Tile Mfg. Co., 106 N. Y. 651; 8 St. Rep. 631.

Cited, Patents—Royalties—License—Repudiation.

7 Misc. 409; (58 St. Rep. 49; 27 Supp. 966).

Patents—Royalty Contract—Validity of Patent.

68 Hun, 195; (52 St. Rep. 119; 22 Supp. 954).

Hyatt v. Dusenbury, 103 N. Y. 663; 8 St. Rep. 713.

Cited, Executors—Accounting—Attacking—Who May—Necessity of Interest.

52 St. Rep. 729; (23 Supp. 727).

Hyatt v. Ingalls, 49 Super. 375.

Cited, Patents—Invalidity—As Affecting Royalties.

2 Misc. 147; (50 St. Rep. 522; 21 Supp. 633).

Hyatt v. Ingalls, 124 N. Y. 93; 35 St. Rep. 114.

Cited, Equity—Remedy at Law—Necessity of Pleading.

78 Hun, 442; (60 St. Rep. 757; 29 Supp. 204). 61 St. Rep. 646; (29 Supp. 204).

Injunction—Jurisdiction—Necessity.

135 N. Y. 312; (48 St. Rep. 73). 14 App. Div. 373; (77 St. Rep. 1013; 43 Supp. 1013).

Patents—Royalties—License—Repudiation.

7 Misc. 409; (58 St. Rep. 49; 27 Supp. 966).

Patents—Agreement for Royalty—Invalidity of Patent as Defense.

2 Misc. 147; (50 St. Rep. 522; 21 Supp. 633).

Patents—Royalty—Reissue—Jurisdiction of State Court.

68 Hun, 194; (52 St. Rep. 118; 22 Supp. 954). 151 N. Y. 592.

Hyatt v. Rondout, 44 Barb. 385.

Cited, Municipal Corporations—Highways—Maintenance.

84 Hun, 514; (65 St. Rep. 606; 32 Supp. 343). 14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540).

Hyatt v. State, 121 N. Y. 665; 30 St. Rep. 1014.

Cited, State—Subjection to Jurisdiction of Courts—Consent.

140 N. Y. 482; (56 St. Rep. 455).

*Duplicate Citations in Parenthesis.***Hyatt v. Taylor**, 51 Barb. 632.*Affirmed*, 42 N. Y. 258.*Cited*, Inn-keepers—Property of Guest—Loss.

96 Hun, 190; (70 St. Rep. 537; 35 Supp. 741).

Hyatt v. Wait, 37 Barb. 39.*Cited*, Insurance—Policy-holders—Liability.

84 Hun, 611; (65 St. Rep. 543; 32 Supp. 308).

Hyatt v. Wood, 3 Johns. 239.*Cited*, Appeal—Reversal—Right to Nominal Damages Only.

4 Misc. 134; (53 St. Rep. 171; 23 Supp. 864; 30 Abb. N. C. 309). 76 Hun, 493; (59 St. Rep. 335; 27 Supp. 1090).

Hyde, Matter of, Surr. Dec. 1892, 201.*Cited*, Taxes—Inheritance—What Liable to.

5 Misc. 442; (26 Supp. 891).

Hyde v. Cookson, 21 Barb. 92.*Cited*, Damages—Conversion—Subsequent Enhancement of Value by Labor.

71 Hun, 576; (55 St. Rep. 124; 24 Supp. 996).

Hyde v. Goodnow, 3 N. Y. 266.*Cited*, Contracts—Construction—Lex Loci.

150 N. Y. 322.

Hyde v. Houston, 77 Hun, 609; 61 St. Rep. 330; 29 Supp. 818.**Hyde v. Kitchen**, 69 Hun, 280; 53 St. Rep. 371; 23 Supp. 573.*Cited*, Gifts—Trusts.

8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Hyde v. Kitchen, 50 St. Rep. 466; 21 Supp. 238.**Hyde v. Salg**, 27 Hun, 369.*Cited*, Pleading—Action by Corporation—Verification.

18 Misc. 631; (77 St. Rep. 728; 43 Supp. 728).

Hyde v. Stone, 7 Wend. 354.*Cited*, Interest—On Damages to Property. 135 N. Y. 104; (48 St. Rep. 368).**Hyde v. Tanner**, 1 Barb. 75.*Cited*, Descent—Debts of Ancestor—Lien. 61 St. Rep. 278; (29 Supp. 964).

Devise—Lien of Testator's Debts—Duration.

74 Hun, 278; (56 St. Rep. 288; 26 Supp. 579).

Equity—Mistake of Fact.

18 Misc. 133; (40 Supp. 1076).

Hyde v. Wilmore, 14 Misc. 340; 70 St. Rep. 456; 35 Supp. 681.**Hydecker v. Williams**, 45 St. Rep. 637; 18 Supp. 586.*Cited*, Master and Servant—Satisfaction—Discharge.

56 St. Rep. 342; (27 Supp. 342).

Hygeia Water Ice Co. v. N. Y. Hygeia Ice Co., 140 N. Y. 94; 55 St. Rep. 566.*Affirming*, 47 St. Rep. 71; 19 Supp. 602.**Hyland, Matter of**, 58 St. Rep. 798; 27 Supp. 961.*Cited*, Wills—Probate—Surviving Witness—Mark.

76 Hun, 2; (58 St. Rep. 732; 27 Supp. 957).

Hyland, Matter of, 58 St. Rep. 798; 27 Supp. 961.*Cited*, Wills—Execution—Proof.

15 Misc. 211; (72 St. Rep. 760; 37 Supp. 225).

Hyland v. Anderson, 1 Misc. 337; 48 St. Rep. 665; 20 Supp. 707.**Hyland v. Baxter**, 98 N. Y. 610.*Cited*, Guardian and Ward—Right of Guardian—Encroachment on Ward's Estate—Reimbursement.

4 Misc. 372; (25 Supp. 830). 10 Misc. 548; (64 St. Rep. 124; 31 Supp. 441).

Surrogate—Settlement of Estate—Determination of Claims.

90 Hun, 113; (70 St. Rep. 393; 35 Supp. 629). 8 App. Div. 401; (75 St. Rep. 241; 40 Supp. 849).

Hyland v. Baxter, 42 Hun, 9; 5 St. Rep. 2:9.*Cited*, Surrogate—Administrators—Accounting.

90 Hun, 387; (70 St. Rep. 621; 35 Supp. 917).

Hyland v. Burns, 10 App. Div. 386; 75 St. Rep. 1245; 41 Supp. 873.**Hyland v. Paul**, 33 Barb. 241.*Cited*, Bailment—Hiring of Chattel—Excuse for Not Returning.

49 St. Rep. 97.

Hyland v. Sherman, 2 E. D. Smith, 234.*Cited*, Appeal—From Justice's Judgment—Return—Remedy if Incorrect.

3 Misc. 125; (23 Supp. 995).

Hyman v. American Electric Forge Co., 18 Misc. 381; 75 St. Rep. 1041; 41 Supp. 655.**Hyman v. Central Vermont R. Co.**, 66 Hun, 202; 49 St. Rep. 313; 21 Supp. 119.*Cited*, Carriers—Lost Baggage—Damages.

13 Misc. 35; (68 St. Rep. 173; 34 Supp. 99).

Duplicate Citations in Parenthesis.

Hyman v. Friedman, 45 St. Rep. 636; 18 Supp. 446.

Affirmed, 138 N. Y. 639; 53 St. Rep. 929.

Cited, Appeal—Case—Certificate—Completeness of Evidence.

79 Hun, 567; (61 St. Rep. 589; 29 Supp. 902). 73 Hun, 168; (57 St. Rep. 131; 25 Supp. 1062). 4 Misc. 188; (53 St. Rep. 177; 23 Supp. 884). 4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681). 5 Misc. 229; (54 St. Rep. 827; 25 Supp. 96; 23 Civ. Pro. 172). 6 Misc. 328; (58 St. Rep. 142; 26 Supp. 785). 7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377). 9 Misc. 450; (61 St. Rep. 152; 30 Supp. 258). 9 Misc. 66; (59 St. Rep. 680; 29 Supp. 16).

Hyman v. Hauff, 138 N. Y. 48; 51 St. Rep. 731.

Affirming, 2 Misc. 388; 50 St. Rep. 603; 21 Supp. 984.

Hyman v. Hauff, 2 Misc. 388; 50 St. Rep. 603; 21 Supp. 984.

Affirmed, 138 N. Y. 48; 51 St. Rep. 731.

Hynes v. Estey, 116 N. Y. 501; 27 St. Rep. 555.

Cited, Judgment—Conclusiveness.

137 N. Y. 268; (50 St. Rep. 791). D. 67 Hun, 280; (50 St. Rep. 827; 22 Supp. 246). 81 Hun, 442; (63 St. Rep. 260; 30 Supp. 1123.) 89 Hun, 550; (69 St. Rep. 647; 35 Supp. 293). 151 N. Y. 128; (3 Ann. Cas. 348).

Hynes v. Estey, 133 N. Y. 342; 45 St. Rep. 115.

Cited, Damages—Easements—Measure—Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 283; 26 Supp. 301). 66 Hun, 159; (49 St. Rep. 138; 20 Supp. 969). 8 App. Div. 183; (40 Supp. 318; 3 Ann. Cas. 245).

Hynes v. Van Cleef, 39 St. Rep. 810; 15 Supp. 343.

Cited, Appeal—Notice—What Reviewed Under.

4 Misc. 474; (54 St. Rep. 348; 24 Supp. 496). 84 Hun, 398; (65 St. Rep. 554; 32 Supp. 357; 24 Civ. Pro. 286).

Hynes, Matter of, 105 N. Y. 560; 8 St. Rep. 190.

Cited, Executors—Action for Death—Contingent Compensation of Counsel.

78 Hun, 578; (61 St. Rep. 221; 29 Supp. 573).

Guardians in Socage—Powers.

13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95; 25 Civ. Pro. 107).

Hynes v. Adler, 11 Misc. 582; 65 St. Rep. 876.

Hynes v. Alexander, 2 App. Div. 109; 73 St. Rep. 216; 37 Supp. 527.

Hynes v. McDermott, 7 Abb. N. C. 98; 9 Daly, 4.

Cited, Appeal—To General Term—Reversal on Evidence.

2 Misc. 298; (50 St. Rep. 332; 21 Supp. 941). 9 Misc. 83; (59 St. Rep. 751; 29 Supp. 37).

Hynes v. McDermott, 10 Daly, 423.

Cited, Husband and Wife—Marriage—Proof.

76 Hun, 208; (57 St. Rep. 815; 27 Supp. 818).

Hynes v. McDermott, 82 N. Y. 41.

Cited, Conflict of Laws—Presumptions.

53 St. Rep. 369; (23 Supp. 578).

Witnesses—Handwriting.

10 App. Div. 476; (76 St. Rep. 7; 42 Supp. 7).

Hynes v. McDermott, 91 N. Y. 451.

Cited, Marriage—Presumption.

1 App. Div. 233; (72 St. Rep. 621; 37 Supp. 389). 5 App. Div. 568; (39 Supp. 399).

Hynes v. Patterson, 95 N. Y. 1.

Cited, Bills and Notes—Conversion—Remedies.

68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241). 19 Misc. 131; (77 St. Rep. 536; 43 Supp. 536).

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Iasigi v. Rosenstein, 3 App. Div. 500; 73 St. Rep. 679; 38 Supp. 354.

Iasigi v. Rosenstein, 141 N. Y. 414; 57 St. Rep. 576.

Reversing, 65 Hun, 591; 48 St. Rep. 751; 20 Supp. 497.

Cited, Ocean Carriers—Contracts—Construction.

3 App. Div. 502; (73 St. Rep. 679; 38 Supp. 354).

Ide v. Graham, 3 Misc. 151; 51 St. Rep. 490; 22 Supp. 709.

Idel v. Mitchell, 5 App. Div. 268; 39 Supp. 1.

Iden v. Sommers, 46 St. Rep. 240; 18 Supp. 779.

Cited, Conditional Sales Law—Construction.

15 App. Div. 43; (78 St. Rep. 118; 44 Supp. 118).

*Duplicate Citations in Parenthesis.***Idley v. Bowen**, 11 Wend. 227.*Cited*, Appeal — Extent of Review — Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Wills—When Not Found—Presumption.

88 Hun, 107; (68 St. Rep. 649; 34 Supp. 586).

Ihl v. Forty-second St. & G. St. R. Co., 47 N. Y. 317.*Cited*, Damages—In Action for Death of Child—When Verdict Not Excessive.

1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678). 80 Hun, 307, 308; (62 St. Rep. 47; 30 Supp. 319).

Negligence—Contributory—Of Children.

2 Misc. 79; (49 St. Rep. 633; 21 Supp. 787). 6 App. Div. 208; (39 Supp. 806). 12 App. Div. 156; (76 St. Rep. 667; 42 Supp. 667).

Trial — Question of Fact — Negligence — Infants.

75 Hun, 459; (57 St. Rep. 682; 27 Supp. 506). 7 App. Div. 599; (74 St. Rep. 734; 40 Supp. 174).

Trial—Questions for Jury—Damages.

56 St. Rep. 890; (26 Supp. 1125).

Illinois v. Delafield, 8 Paige, 527.*Cited*, Municipal Bonds—Negotiability.

149 N. Y. 535.

Public Officers — Exceeding Authority — Effect.

86 Hun, 553; (67 St. Rep. 533; 33 Supp. 788).

Municipal Bonds—Sale Below Par.

86 Hun, 551; (67 St. Rep. 531; 33 Supp. 783).

Illinois Watch Co. v. Payne, 33 St. Rep. 967; 11 Supp. 408.*Cited*, Fraudulent Conveyance — Judgments — Creditor's Knowledge of Fraudulent Intent.

74 Hun, 546; (56 St. Rep. 854; 26 Supp. 635.) 148 N. Y. 278.

Iloria v. Carbean, 38 N. Y. 111.*Cited*, Appeal—Evidence—Incompetency Not Raised—Effect.

91 Hun, 92; (71 St. Rep. 704; 36 Supp. 656).

Imbert v. Hallock, 23 How. 456.*Cited*, Landlord—Tenant holding Over—Effect on Subsequent Lessee.

14 Misc. 29; (69 St. Rep. 373; 35 Supp. 146; 2 Ann. Cas. 143; 25 Civ. Pro. 88).

Ingard v. Duffy, 73 Hun, 225; 56 St. Rep. 104; 25 Supp. 865.*Cited*, Change of Venue—Affidavit—Sufficiency.

5 App. Div. 557; (39 Supp. 435).

Imhoff v. Wurtz, 9 Civ. Pro. 48.*Cited*, Costs—Against Non-party.

9 Misc. 407; (61 St. Rep. 695; 29 Supp. 1073).

Imhorst v. Burke, 7 Daly, 54.*Cited*, Conversion—Evidence of Value.

19 Misc. 13; (76 St. Rep. 871; 42 Supp. 871).

Immaculate Conception Ch. v. Sheffer, 88 Hun, 335; 68 St. Rep. 542; 34 Supp. 724.**Importers' & Grocers' Exchange, Matter of**, 132 N. Y. 212; 43 St. Rep. 625.*Cited*, Corporations—Dissolution—Powers of Court.

72 St. Rep. 802; (38 Supp. 173; 2 Ann. Cas. 126). 14 App. Div. 396; (78 St. Rep. 25; 44 Supp. 25).

Importers' & T. Nat. Bank v. Peters, 123 N. Y. 272; 33 St. Rep. 182.*Cited*, Money—In Hands of Fiduciary—Reclaiming.

79 Hun, 251; (61 St. Rep. 21; 29 Supp. 146). 83 Hun, 80; (63 St. Rep. 848; 31 Supp. 365). 91 Hun, 80; (71 St. Rep. 373; 36 Supp. 171). 1 App. Div. 396; (72 St. Rep. 466; 37 Supp. 402). 87 Hun, 124; (67 St. Rep. 442; 33 Supp. 799). 3 App. Div. 569; (74 St. Rep. 5; 38 Supp. 246). 145 N. Y. 186; (64 St. Rep. 589). 150 N. Y. 218. 81 Hun, 62; (62 St. Rep. 253; 30 Supp. 476). 13 Misc. 5; (67 St. Rep. 849; 33 Supp. 999).

Importers & T. Nat. Bank of N. Y. v. Quackenbush, 80 Hun, 111; 61 St. Rep. 750; 30 Supp. 35.*Reversed*, 143 N. Y. 567; 62 St. Rep. 781.**Importers & T. Nat. Bank of N. Y. v. Quackenbush**, 143 N. Y. 567; 26 St. Rep. 781; 1 Ann. Cas. 20.*Cited*, Execution—Return—Effect.

8 App. Div. 340; (40 Supp. 816).

Supplementary Proceedings — Receivers — Appointment—Effect.

147 N. Y. 671; (71 St. Rep. 272).

Supplementary Proceedings — Execution on Judgment not Lien on Realty—Effect.

10 App. Div. 528; (76 St. Rep. 75; 42 Supp. 75).

Importers' & Traders' Nat. Bank of N. Y. v. Quackenbush, 63 St. Rep. 624.**Importers & Traders' Nat. Bank of N. Y. v. Quackenbush**, 71 St. Rep. 280.**Importers' & Traders' Nat. Bank v. Quackenbush**, 144 N. Y. 651.

Duplicate Citations in Parenthesis.

Ince v. Weber, 18 Misc. 254; 75 St. Rep. 808; 41 Supp. 396.

Independent Ice Ass'n v. Andrews, 71 Hun, 74; 54 St. Rep. 218; 21 Supp. 611.

Inderlied v. Whaley, 26 St. Rep. 7; 7 Supp. 74.

Cited, Adjournment—Of Trial—Allowance of Witness Fees.

66 Hun, 290; (49 St. Rep. 252; 20 Supp. 905).

Inderlied v. Whaley, 85 Hun, 63; 65 St. Rep. 860; 32 Supp. 640.

Cited, Trepass—Damages—Injunction 11 App. Div. 561; (76 St. Rep. 592; 42 Supp. 592).

Indiana, State of, v. Woram, 6 Hill 33.

Cited, Sister States—Right to Sue in the State.

13 Misc. 618; (69 St. Rep. 169; 34 Supp. 945).

Indianapolis, Peru & Chi. R. Co. v. Tyng, 63 N. Y. 653.

Cited, Fraud—Knowledge—Reliance.

5 Misc. 317; (55 St. Rep. 505; 25 Supp. 527).

Indig v. National City Bank, 80 N. Y. 100.

Cited, Bills and Notes—Bank as Holder—Money on Deposit—Charging Maker.

76 Hun, 573; (58 St. Rep. 240; 28 Supp. 233).

Tender — Deposit in Bank — Keeping Amount Good.

75 Hun, 388; (57 St. Rep. 700; 27 Supp. 454).

Ingalls v. Hahn, 47 Hun, 104.

Cited, Vendor and Purchaser—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 494; (34 Supp. 927).

148 N. Y. 561; (3 Ann Cas. 23). 6 App. Div. 556; (39 Supp. 559).

Ingalls v. Hahn, 36 St. Rep. 770; 12 Supp. 786.

Cited, Vendor and Purchaser—Title Marketable.

79 Hun, 102; (61 St. Rep. 137; 29 Supp. 658).

Ingalls v. Hahn, 47 Hun, 104; 13 St. Rep. 191.

Cited, 8 Misc. 130; (59 St. Rep. 524; 28 Supp. 487).

Ingalls v. Ingersoll, 68 Hun, 239; 52 St. Rep. 390; 22 Supp. 965.

Ingalls v. Lee, 9 Barb. 647.

Cited, Notes — Recovery by Indorser Against Indorsee.

17 Misc. 130; (39 Supp. 420).

Ingalls v. Lord, 1 Cow. 240.

Cited, Levy—Choses in Action—Not Subject to.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

Ingalls v. Morgan, 10 N. Y. 178.

Cited, Marshalling Assets—Prior Lien on two Funds.

30 Abb. N. C., 352; (24 Supp. 904).

Ingalsbe v. Murphy, 84 Hun, 781; 65 St. Rep. 792; 32 Supp. 569.

Ingalsbee v. Wood, 36 Barb. 452.

Affirmed, 33 N. Y. 577.

Cited, Boarding House—Duty as to Patron's Goods.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 822).

Ingallsbee v. Wood, 33 N. Y. 577.

Cited, Liens—Agisters.

21 Supp. 30.

Ingersoll v. Bostwick, 22 N. Y. 425.

Cited, Judgment—Irregularity.

82 Hun, 437; (64 St. Rep. 356; 31 Supp. 741).

Ingersoll, Matter of, 59 Hun, 571; 37 St. Rep. 419; 14 Supp. 22.

Cited, Trusts—Uncertain Beneficiary.

92 Hun, 99; (71 St. Rep. 760; 36 Supp. 565).

Ingersoll, Matter of, 131 N. Y. 573; 42 St. Rep. 752.

Cited Trusts—Uncertain Beneficiary.

92 Hun, 99; (71 St. Rep. 760; 33 Supp. 565).

Innes v. Purcell, 58 N. Y. 389.

Cited, 79 St. Rep. 1133; (45 Supp. 1133).

Inslee v. Hampton, 8 Hun, 230.

Cited, Actions—Counterclaim—Admissibility.

17 App. Div. 248; (79 St. Rep. 588; 45 Supp. 588).

Ingersoll v. Dixon, 49 St. Rep. 372; 20 Supp. 810.

Ingersoll v. Gillies, 3 E. D. Smith, 119.

Cited, Action—Appearance—Omitted Service—Waiver.

7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

Ingersoll v. Mangan, 24 Hun, 202.

Cited, Court—Jurisdiction—Service—Infants—Mortgage Foreclosure.

24 Supp. 676.

Ingersoll v. Mangan, 84 N. Y. 622.

Cited, Guardians—Appointment — Citation of Infant.

136 N. Y. 392; (49 St. Rep. 832). 145 N. Y. 534; (65 St. Rep. 360).

Writ and Process—Service—Infants.

3 Misc. 5; (53 St. Rep. 628; 23 Supp. 795). 24 Supp. 676.

Duplicate Citations in Parenthesis

Ingersoll v. Nassau Electric R. Co.,
89 Hun, 218; 69 St. Rep. 16; 34 Supp.
1044.

Cited, Constitutional Law—Street Railroads—Operation.

15 App. Div. 202; (78 St. Rep. 736; 44 Supp. 736).

Ingersoll v. N. Y. C. & H. R. R. Co.,
6 T. & C. 416.

Cited, Approaching Train—Failure to See.
7 App. Div. 518; (40 Supp. 255).

Ingersoll v. Roe, 65 Barb. 355.

Cited, Duress—Conveyance by Wife—Setting Aside.

D. 1 App. Div. 230; (72 St. Rep. 542; 37 Supp. 374).

Inglehart v. Thousand I. Hotel Co.,
32 Hun, 377.

Cited, Corporations—Claims of Stockholders—Enforcement.

14 Misc. 133; (72 St. Rep. 245; 20 Supp. 1098).

Inglehart v. Thousand I. Hotel Co.,
109 N. Y. 454; 16 St. Rep. 389.

Cited, Fraud—Findings.

D. 68 Hun, 292; (52 St. Rep. 198; 23 Supp. 857).

Ingraham, Matter of. See Davis, Matter of.

Ingraham v. Baldwin, 9 N. Y. 45.

Cited, Conveyance by Lunatic—Avoidance.

88 Hun, 121; (63 St. Rep. 278; 34 Supp. 591). 12 Misc. 200.

Ingraham v. Baldwin, 12 Barb. 1.

Cited, Mortgage—Foreclosure by Advertisement—Effect.

69 Hun, 35; (52 St. Rep. 823; 23 Supp. 437).

Ingre v. Mackey, 5 Redf. 357.

Cited, Executors—Accounting—Use and Occupation of Premises.

5 Misc. 158; (25 Supp. 722).

Inman v. Coleman, 37 Hun, 170.

Cited, Assessments—Irrregularity—Effect.
30 Supp. 302.

Inman v. Foster, 8 Wend. 602.

Cited, Evidence—Relevancy—Slander—Remoteness.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109). 144 N. Y. 150; (63 St. Rep. 72).

Inman v. Johnston, 6 Misc. 26; 56 St. Rep. 619; 25 Supp. 1114.

Inman v. McNeil, 57 How. 151.

Cited, Execution—Duties and Liability of Executing Officers—False Return.

24 Supp. 820.

Inman v. Western Fire Ins. Co., 12 Wend. 452.

Cited, Definitions—"Forthwith."

61 St. Rep. 837; (30 Supp. 146; 23 Civ. Pro. 400).

Insurance—Proof of Loss—Strict Compliance.

68 Hun, 309; (52 St. Rep. 239; 23 Supp. 41).

Innes v. Lansing, 7 Paige, 583.

Cited, Partnership—Limited—Receiver-ship at Suit of Creditors.

72 Hun, 226; (55 St. Rep. 707; 25 Supp. 249). 80 Hun, 425; (62 St. Rep. 115; 30 Supp. 360).

Creditor's Suits—Discontinuance.

85 Hun, 103; (66 St. Rep. 36; 32 Supp. 654). 5 App. Div. 267; (39 Supp. 155).

Innes v. Manhattan R. Co., 3 App. Div. 541; 73 St. Rep. 767; 38 Supp. 286.

Cited, Evidence—Specific Objection—Effect.

4 App. Div. 160; (74 St. Rep. 224; 38 Supp. 596). 14 App. Div. 473; (77 St. Rep. 848; 43 Supp. 848).

Innes v. Purcell, 58 N. Y. 388.

Cited, Appeal—Consent Order.

74 Hun, 222; (56 St. Rep. 373; 26 Supp. 328).

Appeal—From Judgment by Default.

2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 430; 23 Civ. Pro. 38).

Inspectors of Election, Matter of, 25 Supp. 1063.

Institution for the Blind v. How's Ex'rs., 10 N. Y. 84.

Cited, Wills—Description of Devisee or Legatee—Corporations.

3 Misc. 480; (23 Supp. 745).

Interstate Steamboat Co. v. First Nat. Bank of Syracuse, 87 Hun, 93, 67 St. Rep. 673; 33 Supp. 966.

Ireland v. Gardner, 26 St. Rep. 895; 7 Supp. 609.

Cited, Master and Servant—Blocking Railway Frogs.

67 Hun, 200; (51 St. Rep. 389; 22 Supp. 103).

Ireland v. Ireland, 42 Hun, 212; 5 St. Rep. 89.

Cited, Benefit Associations—Beneficiary—Policy—Payment.

3 App. Div. 469; (74 St. Rep. 10; 38 Supp. 251). 17 Misc. 721; (41 Supp. 407). 83 Hun, 396; (64 St. Rep. 787; 31 Supp. 877).

Ireland v. McGarvish, 1 Sandf. 155.

Cited, Slander—When Actionable Per Se.
78 St. Rep. 82; (44 Supp. 8).

Duplicate Citations in Parenthesis.

Ireland v. Met. El. R. Co., 8 St. Rep. 127.

Cited, Pleading—Amendment of Answer—Costs of Motion.

23 Supp. 669; (30 Abb. N. C. 130).

Pleadings—Amendment—Terms.

10 Misc. 73; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 87). 10 Misc. 216; (63 St. Rep. 381; 31 Supp. 111; 1 Ann. Cas. 39). 20 Misc. 675.

Ireland v. Nichols, 40 How. 85.

Cited, Appeal—Stay—Effect.

2 Misc. 186; (49 St. Rep. 717; 21 Supp. 766; 23 Civ. Pro. 35).

Irish v. Horn, 84 Hun, 121; 65 St. Rep. 641; 32 Supp. 455.

Irvin v. Conklin, 36 Barb. 64.

Cited, Estoppel—Equitable—Partnership.

59 St. Rep. 886; (28 Supp. 1118).

Irvin v. Fowler, 5 Robt. 482.

Cited, Sidealks—Aperture—Nuisance.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 182).

Irvine v. Atlantic Ave. R. Co., 10 App. Div. 560; 76 St. Rep. 1103; 42 Supp. 1103.

Irvine v. F. H. Palmer Mfg. Co., 2 App. Div. 69; 72 St. Rep. 508; 37 Supp. 332.

Irvine v. F. H. Palmer Mfg. Co., 3 App. Div. 388; 39 Supp. 245.

Cited, Negligence Cases—How Determined.

11 App. Div. 155; (76 St. Rep. 886; 42 Supp. 886).

Irvine v. Wood, 51 N. Y. 224.

Cited, Negligence—Injuries By—Distinguished From Nuisance—Limitation,

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 320).

Nuisance—What is—Awnings—License.

9 Misc. 15; (59 St. Rep. 699; 29 Supp. 17). 17 App. Div. 192; (79 St. Rep. 370; 45 Supp. 370). 13 Misc. 141; (68 St. Rep. 231; 34 Supp. 181, 182).

Irving v. Britton, 8 Misc. 201; 58 St. Rep. 836; 28 Supp. 529.

Cited, Lottery—Money Had and Received—Ives Pool Law.

61 St. Rep. 115; (30 Supp. 222); 4 App. Div. 86; (39 Supp. 868).

Constitutional Law—Pool selling.

D. 87 Hun, 255; (67 St. Rep. 433; 33 Supp. 760). 14 Misc. 60; (69 St. Rep. 622; 35 Supp. 247).

Irving v. Campbell, 121 N. Y. 353; 31 St. Rep. 307.

Cited, Deeds—Recording—Authentication.

2 Misc. 440; (51 St. Rep. 119; 21 Supp. 973). 149 N. Y. 80. 89 Hun, 279; (70 St. Rep. 387; 35 Supp. 624; 2 Ann. Cas. 243).

Vendor and Purchaser—Defective Title—Relief of Purchaser.

49 St. Rep. 19. 149 N. Y. 21. D. 91 Hun, 396; (70 St. Rep. 842; 36 Supp. 189). 12 App. Div. 436; (76 St. Rep. 291; 42 Supp. 291). 15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157). 12 Misc. 173; (66 St. Rep. 507; 33 Supp. 7). 20 Misc. 530. 15 Misc. 384; (71 St. Rep. 586; 36 Supp. 672).

Specific Performance—Parol—When Decreed.

135 N. Y. 598; (49 St. Rep. 19). 91 Hun, 394; (70 St. Rep. 840; 36 Supp. 187).

Vendor and Purchaser—Incumbrances—Building Restrictions.

67 Hun, 347; (51 St. Rep. 797; 22 Supp. 206).

Irving v. DeKay, 9 Paige, 521.

Cited, Wills—Construction—Counsel Fees.

66 St. Rep. 150; (32 Supp. 870).

Irving v. Excelsior Fire Ins. Co., 1 Bosw. 507.

Cited, Insurance—Preliminary Proofs—Conclusiveness.

8 Misc. 615; (60 St. Rep. 830; 29 Supp. 324). 149 N. Y. 487.

Irving v. Irving, 90 Hun, 422; 70 St. Rep. 540; 35 Supp. 744.

Affirmed, 149 N. Y. 573.

Irving v. Chambers, 40 Super. 432.

Cited, Supplementary Proceedings—Subsequent Order.

11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro. 271; 1 Ann. Cas. 318).

Irving v. Irving, 90 Hun, 422; 70 St. Rep. 540; 35 Supp. 744.

Cited, Compulsory Reference.

20 Misc. 155; (79 St. Rep. 817; 45 Supp. 817).

Irving Nat. Bank v. Alley, 79 N. Y. 536.

Cited, Notes—Fictitious Payee—Estoppel.

9 App. Div. 105; (75 St. Rep. 583; 41 Supp. 72).

Irwin v. Haines, 15 Misc. 691.

Irwin v. Judd, 20 Hun, 562.

Cited, Order of Arrest—Undertaking—Amendment.

11 Misc. 444; (65 St. Rep. 420; 32 Supp. 221).

Isaac v. Wilisch, 69 Hun, 339; 53 St. Rep. 260; 32 Supp. 527.

Duplicate Citations in Parenthesis.

Cited, Pleading — Bill of Particulars — Knowledge of—Applicant.

74 Hun, 348; (56 St. Rep. 380; 26 Supp. 458). 1 App. Div. 76; (72 Hun, 271; 36 Supp. 1096).

Isaacs v. Cohen, 86 Hun, 119; 67 St. Rep. 22; 33 Supp. 188; 2 Ann. Cas. 98.

Isaacs v. Cohn, 10 App. Div. 216; 75 St. Rep. 1176; 41 Supp. 779.

Isaacs v. Daly, 39 Super. 511.

Cited, Injunction—Similarity of Title of Play.

8 Misc. 381; (60 St. Rep. 166; 29 Supp. 1111). 84 Hun, 16; (65 St. Rep. 200; 32 Supp. 44).

Isaacs v. Flahive, 14 Misc. 249; 70 St. Rep. 450; 35 Supp. 716.

Isaacs v. Jacobs, 15 Daly, 490; 29 St. Rep. 145; 8 Supp. 344.

Cited, Evidence—Parol—Consideration.

3 Misc. 257; (52 St. Rep. 125; 22 Supp. 940). 1 Misc. 147; (48 St. Rep. 777; 20 Supp. 641).

Isaacs v. N. Y. Plaster Works, 67 N. Y. 124.

Cited, Contract—Performance—Counter-claim.

70 Hun, 581; (53 St. Rep. 831; 24 Supp. 307).

Isaacs v. Third Ave. R. Co., 47 N. Y. 122.

Cited, Master and Servant—Liability to Third Persons—Tort Outside Scope of Employment.

78 Hun, 526; (61 St. Rep. 237; 29 Supp. 542).

Isaacson v. N. Y. C. & H. R. R. Co. 94 N. Y. 278.

Cited, Carriers—Baggage—Check.

66 Hun, 204; (49 St. Rep. 314; 21 Supp. 120). 13 Misc. 35; (68 St. Rep. 174; 34 Supp. 99).

Carriers—Liability—Baggage and Property of Passenger—Delivery.

8 Misc. 215; (59 St. Rep. 487; 28 Supp. 578). 92 Hun, 426; (71 St. Rep. 624; 36 Supp. 545). 13 Misc. 37; (68 St. Rep. 175; 34 Supp. 100).

Carriers—Connecting Carriers—Loss of Baggage.

66 Hun, 460; (50 St. Rep. 425; 21 Supp. 320). 89 Hun, 496; (70 St. Rep. 237; 35 Supp. 576).

Isbell, Matter of, 1 App. Div. 158; 73 St. Rep. 22; 37 Supp. 919.

Isear v. Burnstein, 30 Abb. N. C. 71; 24 Sunn. 918.

Cited, Specific Performance—As to Real Estate—Defective Title—Encroaching Wall. 58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 409).

Isear v. Daynes, 1 App. Div. 557; 73 St. Rep. 202; 37 Supp. 474.

Isear v. Hoadley, 74 St. Rep. 286; 37 Supp. 1104.

Isear v. McMahon, 16 Misc. 95; 74 St. Rep. 282; 37 Supp. 1101; 25 Civ. Pro. 217.

Cited, 74 St. Rep. 286; (37 Supp. 1104).

Iselin v. Chemical Nat. Bank, 16 Misc. 437; 40 Supp. 388.

Affirmed, 6 App. Div. 532; 40 Supp. 390.

Iselin v. Commercial Nat. Bank, 6 App. Div. 532; 40 Supp. 390.

Iselin v. Dalrymple, 2 Robt. 142; 27 How. 137.

Cited, Assignment for Creditors—Provisions for Costs and Expenses — Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 265).

Iselin v. Henlien, 16 Abb. N. C. 73.

Cited, Insolvency—Assignment for Creditors—Fraudulent—Withholding Assets.

3 Misc. 497; (23 Supp. 985).

Iselin v. Starin, 71 Hun, 164; 54 St. Rep. 357; 24 Supp. 748.

Iselin v. Starin, 144 N. Y. 453; 63 St. Rep. 734.

Modifying and Affirming, 71 Hun, 164; 54 St. Rep. 357; 24 Supp. 748.

Iseman v. Myers, 26 Hun, 651.

Cited, Trusts—Uncertain Beneficiaries.

92 Hun, 99; (71 St. Rep. 760; 36 Supp. 565).

Isenhardt v. Brown, 2 Edw. Ch. 341.

Disapproved, Contracts—Consideration—Executory Gift.

78 Hun, 125; (60 St. Rep. 186; 28 Supp. 994).

Isenhardt v. Brown, 1 Edw. Ch. 411.

Cited, Wills—Legacies—Priority.

5 Misc. 126; (25 Supp. 727).

Wills—Devise in Lieu of Dower—Acceptance.

8 Misc. 344; (60 St. Rep. 444; 29 Supp. 341).

Isham v. Buckingham, 49 N. Y. 216.

Cited, Corporations — Stockholders — Transfer of Stock—When Effective.

71 Hun, 378; (55 St. Rep. 27; 25 Supp. 23). 4 App. Div. 605; (39 Supp. 147).

Duplicate Citations in Parenthesis.

Isham v. Davidson, 52 N. Y. 237.

Cited, Motions—Non-suit — Specific Objections.

16 App. Div. 600; (78 St. Rep. 978; 44 Supp. 978).

Isham v. Davison, 3 T. & C. 745.

Cited, Actions — Abatement — Substitution—Effect.

14 Misc. 428; (71 St. Rep. 483; 36 Supp. 433). 20 Misc. 67; (78 St. Rep. 433; 44 Supp. 433; 3 Ann. Cas. 388).

Isham v. Gibbons, 1 Brad. 69.

Cited, Domicile—Residence.

53 St. Rep. 142. 24 Supp. 480. 19 Misc. 83; (77 St. Rep. 968; 43 Supp. 968).

Isham v. Post, 71 Hun, 184; 54 St. Rep. 232; 23 Supp. 211, 1168.

Affirming, 3 Misc. 184; 23 Supp. 211.

Reversed, 141 N. Y. 100; 56 St. Rep. 656.

Isham v. Post, 141 N. Y. 100; 56 St. Rep. 656.

Cited, Employment Requiring Skill — Duty to Exercise.

11 Misc. 75; (66 St. Rep. 184; 32 Supp. 802).

Isles v. Tucker, 5 Duer. 393.

Cited, Evidence — Res Gestæ — Declarations of Agent.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Islin v. Goldberg, 6 Misc. 603; 56 St. Rep. 622; 26 Supp. 79.

Following, 56 St. Rep. 622; 25 Supp. 1005.

Islip, Commissioners of Highways, of, Matter of, 74 Hun, 44; 56 St. Rep. 146; 26 Supp. 384.

Islip, Commissioners of Highways, Matter of, 74 Hun, 48; 56 St. Rep. 148; 26 Supp. 385.

Inard v. Cazeaux, 1 Paige, 39.

Cited, Action—As Poor Person—When Allowed.

22 Supp. 541. D. 9 App. Div. 610; (75 St. Rep. 1223; 41 Supp. 822). 62 St. Rep. 120; (30 Supp. 410).

Isola v. Webber, 13 Misc. 97; 68 St. Rep. 32; 34 Supp. 77; 1 Ann. Cas. 384.

Reversed, 147 N. Y. 329; 69 St. Rep. 691; 2 Ann. Cas. 262.

Isola v. Weber, 147 N. Y. 329; 69 St. Rep. 691; 2 Ann. Cas. 262.

Cited, Laws—Retrospective Operation.

17 Misc. 42; (40 Supp. 753). 12 App. Div. 521; (76 St. Rep. 795; 42 Supp. 795). D. 12 App. Div. 526; (76 St. Rep. 799; 42 Supp. 799).

Statutes—Construction—Injury Causing Death—Action by Personal Representatives.

12 App. Div. 32; (76 St. Rep. 173; 42 Supp. 173). 12 App. Div. 523; (76 St. Rep. 797; 42 Supp. 797).

Isola v. Weber, 12 App. Div. 267; 76 St. Rep. 615; 42 Supp. 615.

Israel v. Bowery Sav. Bank, 9 Daly, 507.

Cited, Savings Banks—Depositors—Evidence of Title.

17 Misc. 579; (75 St. Rep. 68; 40 Supp. 665).

Israel v. Jordan, 12 Misc. 552; 67 St. Rep. 888; 34 Supp. 21.

Isreal v. Metropolitan El. R. Co., 10 Misc. 742; 64 St. Rep. 638; 31 Supp. 816.

Israel v. Voight, 12 Misc. 206; 67 St. Rep. 829; 34 Supp. 28; 1 Ann. Cas. 324.

Ithaca, City of, v. Cornell, 75 Hun, 425; 57 St. Rep. 343; 27 Supp. 682.

Cited, Pleading—Inartistic—Remedy.

8 Misc. 646; (61 St. Rep. 59; 29 Supp. 1044).

Ithaca Gaslight Co. v. Treman, 93 N. Y. 660.

Cited, Actions—Parties—Bringing in—Discretion.

85 Hun, 219; (66 St. Rep. 388, 390; 32 Supp. 958, 960; 24 Civ. Pro. 358, 362).

Ives v. Bartley, 7 Misc. 660; 58 St. Rep. 390; 28 Supp. 267.

Ives v. Converse, 7 Misc. 660; 58 St. Rep. 390; 28 Supp. 267.

Ives v. Ives, 7 Misc. 328; 58 St. Rep. 658; 28 Supp. 170.

Modified, 80 Hun, 136; 61 St. Rep. 657; 29 Supp. 1053.

Ives v. Ives, 80 Hun, 136; 61 St. Rep. 657; 29 Supp. 1053.

Ives v. Metropolitan L. Ins. Co., 78 Hun, 32; 60 St. Rep. 495; 28 Supp. 1030.

Cited, Corporations—Process—Service—Agents.

1 App. Div. 136; (73 St. Rep. 448; 37 Supp. 1030). D. 12 Misc. 483; (67 St. Rep. 384; 23 Supp. 682). 16 Misc. 5; (73 St. Rep. 240; 37 Supp. 646).

Ives v. Quinn, 7 Misc. 155; 57 St. Rep. 533; 27 Supp. 251.

Ives v. Quinn, 7 Misc. 660; 58 St. Rep. 390; 28 Supp. 267.

Cited, Actions—Adjournment—Waiver of Right to Remove.

19 Misc. 622; (78 St. Rep. 386; 44 Supp. 288).

Duplicate Citations in Parenthesis.

Ives v. Wathaus. See *Ives v. Quinn*.

Ives v. Smith, 19 St. Rep. 556; 3 Supp. 645.

Cited, Injunction—When Granted—Necessity.

8 Misc. 479; (59 St. Rep. 875; 29 Supp. 581; 31 Abb. N. C. 339).

Ives v. Van Auken, 34 Barb. 566.

Cited, Deeds—Construction—Contra Proferentem.

60 St. Rep. 319.

Ivory v. Deerpark, Town of, 116 N. Y. 476; 27 St. Rep. 643.

Cited, Highways—Defects—Liability of Town—Absence of Funds.

67 Hun, 624; (51 St. Rep. 113; 22 Supp. 471). 82 Hun, 417; (63 St. Rep. 839; 31 Supp. 355). 76 Hun, 177; (57 St. Rep. 301; 27 Supp. 587). 83 Hun, 212; (64 St. Rep. 355; 31 Supp. 758). 17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146). 14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540). 60 St. Rep. 113.

Trial—Questions of Fact—Negligence—Injuries on Highways.

67 Hun, 624; (51 St. Rep. 113; 22 Supp. 471).

J

J. & A. McKechnie B. Co. v. Canandaigua, Trustees of, 40 Supp. 1144; *Cited*, 78 St. Rep. 318; 44 Supp. 318.

J. & A. McKechnie B. Co. v. Canandaigua, Trustees of, 15 App. Div. 139; 78 St. Rep. 317; 44 Supp. 317.

Jack v. Robie, 48 Hun, 181; 15 St. Rep. 605.

Distinguished, Costs—Receivers—Charging With.

74 Hun, 248; (56 St. Rep. 316; 26 Supp. *Cited*, 18 Misc. 437; (75 St. Rep. 1188; 41 Supp. 790).

Jacklin v. Nat. Life Ass'n, 24 Supp. 746.

Insurance—Life—Policy—Forfeiture of—Notice—Warranty—Health.

Jacklin v. Nat. Life Ass'n of Hartford, 75 Hun, 595; 58 St. Rep. 729; 27 Supp. 1112.

Insurance—Life—Application—Breach of Warranty—Ill Health—Mental Disturbances—Action for Payment—Stipulation as to Amount Due.

Jackman v. Lord, 56 Hun, 192; 30 St. Rep. 507; 9 Supp. 200.

Cited, Pleading—Definiteness.

67 Hun, 433; (51 St. Rep. 309; 22 Supp. 122).

Jacks v. Darrin, 3 E. D. Smith, 57.

Cited, Witnesses—Disregard of Testimony.

4 Misc. 521; (54 St. Rep. 124; 24 Supp. 560). 13 Misc. 278; (68 St. Rep. 18; 34 Supp. 63).

Jacks v. Darrin, 1 Abb. 232.

Cited, Justice's Judgment—Appeal—Reversal—Effect.

16 Misc. 431; (39 Supp. 857).

Jackson, Matter of, 32 Hun, 200.

Executors—Commissions.

75 St. Rep. 1390.

Jackson v. Aldrich, 13 Johns. 106.

Cited, Evidence—Declarations of Grantor Subsequent to Grant.

142 N. Y. 159; (58 St. Rep. 626).

Jackson v. Alexander, 3 Johns. 484.

Cited, Real Property—Records—Bona Fide Purchaser—Expressed Consideration.

73 Hun, 552; (56 St. Rep. 187; 23 Supp. 143).

Jackson v. Ambler, 14 Johns. 96.

Cited, Arbitration—Award—Effect of Partial Invalidity.

137 N. Y. 296; (50 St. Rep. 689).

Jackson v. Andrews, 59 N. Y. 244.

Cited, Trial—Motion for Judgment on Verdict—New Trial.

137 N. Y. 116; (50 St. Rep. 197), Contracts—Mistake—Availability.
16 Misc. 623; (39 Supp. 56).

Jackson v. Atwater, 19 Hun, 627.

Cited, Wills—Construction—Legacies—Interest.

153 N. Y. 67.

Jackson v. Badger, 109 N. Y. 632.

Cited, Deeds—Voluntary—Fraud.

5 Misc. 312; (25 Supp. 1109).

Jackson v. Bard, 4 Johns. 230.

Cited, Appeal—Review of Evidence.

148 N. Y. 213.

Jackson v. Bartlett, 8 Johns. 362.

Cited, Attorney—Authority—Discharge From Body Executions.

79 Hun, 465; (61 St. Rep. 251; 29 Supp. 984).

*Duplicate Citations in Parenthesis.***Jackson v. Blanshan**, 3 Johns. 291.

Cited, Wills—Probate—Refusal of—Conclusiveness on Devisee—Partition.

60 St. Rep. 55; (28 Supp. 787; 31 Abb. N. C. 117).

Wills—Ancient—Evidence.

86 Hun, 26; (87 St. Rep. 505; 33 Supp. 864).

Jackson v. Blansham, 6 Johns. 56.

Cited, Wills — Construction — Changing Words.

144 N. Y. 74 (63 St Rep. 43).

Jackson v. Bonehan, 15 Johns. 226.

Cited, Evidence—Sufficiency—Identity—Names.

69 Hun, 16; (52 St. Rep. 552; 23 Supp. 216).

Jackson v. Bradhurst, 16 Misc. 149;

74 St. Rep. 366; 37 Supp. 1068; 25 Civ. Pro. 228.

Jackson v. Bradt, 2 Caines, 302.

Cited, Tenant in Common—Allowance for Expenditures.

152 N. Y. 108.

Jackson v. Brink, 5 Cow. 483.

Cited, Tenants in Common—Adverse Possession.

79 St. Rep. 732; (45 Supp. 732).

Jackson v. Britton, 4 Wend. 507.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; 53 St. Rep. 629; 23 Supp. 796.

Jackson v. Brookins, 5 Hun, 530.

Cited, Pleading—Demurrer—When Lies—Misjoinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20)

Jackson v. Brooks, 8 Wend. 426.

Cited, Witnesses—Competency—Interest.

149 N. Y. 84.

Jackson v. Brown, 74 Hun, 25; 57 St.

Rep. 272; 26 Supp. 156.

Jackson v. Brown, 76 Hun, 41; 59 St.

Rep. 632; 27 Supp. 583.

Jackson v. Buel, 9 Johns. 298.

Cited, Ejectment—When Proper Remedy.

79 Hun, 214; (61 St. Rep. 138; 29 Supp. 659).

Waters—Riparian Owners—Rights of Ejectment.

76 Hun, 460; (59 St. Rep. 175; 28 Supp. 103).

Jackson v. Builders Wood-Working Co., 91 Hun, 435; 70 St. Rep. 802;

36 Supp. 227.

Jackson v. Bull, 1 Johns. Cas. 81.

Cited, Judicial Sale—Rights of Purchase—Future Rent.

3 Misc. 534; (52 St. Rep. 491; 23 Supp. 332).

Jackson v. Bunnell, 113 N. Y. 216; 22 St. Rep. 975.

Cited, Injunction—Temporary—Abrogation by Final Judgment.

67 Hun, 301; (50 St. Rep. 894; 22 Supp. 311).

Injunction—When Granted—After Judgment.

61 St. Rep. 722; (30 Supp. 367).

Jackson v. Burton, 11 Johns. 64.

Cited, Evidence of Execution of Instrument.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635).

Jackson v. Burton, 1 Wend. 341.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Jackson v. Bruner, 16 Misc. 294; 74 St.

Rep. 563; 38 Supp. 110.

Jackson v. Bruner, 17 Misc. 339; 39 Supp. 1080.

Cited, Process—Irregularity—Effect.

17 Misc 558; (40 Supp. 693).

Jackson v. Catlin, 2 Johns. 248.

Cited, Deeds—Delivery in Escrow.

17 Misc. 351; (39 Supp. 1073).

Jackson v. Christman, 4 Wend. 277.

Cited, Wills—Probate—Refusal of—Conclusiveness on Devisee—Partition.

60 St. Rep. 55; (28 Supp. 787; 31 Abb. N. C. 117).

Wills—Execution—Subscribing Witnesses—Contradictory Testimony.

16 Misc. 209; (38 Supp. 1128).

Johnson v. Clark, 7 Johns. 217.

Cited, Deeds—Construction—Location.

73 Hun, 375; (55 St. Rep. 911; 26 Supp. 158).

Jackson v. Cody, 9 Cow. 140.

Cited, Witnesses — Absence — Secondary Evidence.

90 Hun, 524; (71 St. Rep. 709; 36 Supp. 689).

Jackson v. Colden, 4 Cow. 266.

Cited, Estoppel—Deed.

135 N. Y. 333; (48 St. Rep. 249).

Jackson v. Collins, 41 St. Rep. 590; 16 Supp. 651.

Cited, Appeal—Review of Justice's Judgment—Substantial Justice.

71 Hun, 484; (54 St. Rep. 549; 24 Supp. 977).

Jackson v. Collins, 3 Cow. 89.

Cited, Statutes—Construction.

12 Misc. 624; (68 St. Rep. 85; 34 Supp. 228).

Jackson v. Croy, 12 Johns. 427.

Cited, Adverse Possession — Continuity — Duration.

Duplicate Citations in Parenthesis.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).
Written Instruments—Failure to Read—Effect.

16 Misc. 145; (74 St. Rep. 541; 38 Supp. 952).

Jackson v. Cuerden, 2 Johns. Cas. 353.
Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Jackson v. Davenport, 20 Johns. 537.
Cited, Fictions in Law—Application by Courts.

89 Hun, 212; (69 St. Rep. 46; 34 Supp. 985).
 Powers—Creation.

65 St. Rep. 256; (32 Supp. 177).

Jackson v. Decker, 14 App. Div. 415;
 77 St. Rep. 957; 43 Supp. 957.

Jackson v. Delancey, 4 Cow. 427.

Cited, Contract—For Gift of Property After Death—Uncertainty.

8 Misc. 467; (60 St. Rep. 59; 28 Supp. 778).
 Deeds—Description—Sufficiency.

68 Hun, 494; (52 St. Rep. 657; 22 Supp. 1003).

Jackson v. Delancy, 11 Johns. 365.

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Cited, Deeds—Description—Sufficiency.

68 Hun, 494; (52 St. Rep. 651; 22 Supp. 1003).

Jackson v. Delancy, 13 Johns. 537.

Cited, Deeds—Reformation of Sheriffs—Power.

66 Hun, 451; (50 St. Rep. 138; 21 Supp. 421; 29 Abb. N. C. 423).

Jackson v. Doherty, 17 Misc. 629; 75 St. Rep. 56; 40 Supp. 655.

Jackson v. Dunlap, 1 Johns. Cas. 114.

Cited, Deeds — Delivery — Possession of Grantor at Time of Death.

79 Hun, 523; (61 St. Rep. 594; 29 Supp. 906).

Jackson v. Edwards, 7 Paige, 386.

Cited, Dower—Release—Conveyance of Property to in Lien—Validity.

75 Hun, 561; (59 St. Rep. 615; 27 Supp. 599).

Dower—Value—Computation of.

75 Hun, 561; (59 St. Rep. 615; 27 Supp. 599). 147 N. Y. 386; (70 St. Rep. 37).

Jackson v. Elston, 12 Johns. 452.

Cited, Adverse Possession—Notice.

89 Hun, 546; (69 St. Rep. 734; 35 Supp. 347).

Jackson v. Fish, 10 Johns. 456.

Cited, Deeds—Form—Quit Claim—Sufficiency to Pass Title.

75 Hun, 555; (58 St. Rep. 735; 27 Supp. 855). 149 N. Y. 450. 19 Misc. 290; (77 St. Rep. 128; 43 Supp. 128).

Jackson v. Alexander, 13 Johns. 484.

Cited, Consideration — Value Received—Sufficiency.

10 App. Div. 559; (76 St. Rep. 338; 42 Supp. 338).

Jackson v. Florence, 16 Johns. 47.

Cited, Deeds—Bargain and Sale—Consideration.

10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 338).

Jackson v. Ft. Covington, Town of, 40 St. Rep. 67; 15 Supp. 793.

Cited, New Trial—New Evidence—Probable Effect.

79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769). 24 Supp. 638.

Jackson v. French, 3 Wend. 337.

Cited, Attorney and Client — Privileged Communications.

145 N. Y. 26; (64 St. Rep. 441).

Jackson v. Frier, 16 Johns. 193.

Cited, Appeal—Reversal of Findings—Insufficiency of Evidence.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717). 92 Hun, 422; (71 St. Rep. 579; 36 Supp. 664).

Jackson v. Gardner, 8 Johns. 394.

Cited, Deeds—Construction—*Contra Preferentem*.

60 St. Rep. 319.

Jackson v. Given, 8 Johns. 137.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Jackson v. Graham, 3 Cai. Cas. 188.

Cited, Deeds—Delivery—Adverse Possession.

84 Hun, 280; (65 St. Rep. 590; 32 Supp. 384).

Jackson v. Groat, 7 Cow. 285.

Cited, Covenants — Running With the Land—Mesne Quit Claim Deed.

137 N. Y. 230; (50 St. Rep. 798).

Jackson v. Griswold, 4 Hill, 522.

Cited, Guardians—Bonds—Discharge.

138 N. Y. 201; (52 St. Rep. 142).

Jackson v. Gumaer, 2 Cow. 552.

Cited, Contracts — Lunatics—Avoidance.

88 Hun, 122; (68 St. Rep. 277; 34 Supp. 591). 12 Misc. 200; (67 St. Rep. 4; 33 Supp. 275).

Jackson v. Halstead, 5 Cow. 216.

Cited, Waters — Riparian Lands—Possession.

140 N. Y. 249; (55 St. Rep. 728).

Adverse Possession—Presumption.

19 Misc. 291; (77 St. Rep. 129; 43 Supp. 129).

*Duplicate Citations in Parenthesis.***Jackson v. Harder**, 4 Johns. 203.

Cited, Adverse Possession — Disseizor — Intrusion—Effect.

14 Misc. 376; (71 St. Rep. 417; 36 Supp. 80).

Jackson v. Harper, 5 Wend. 246.

Cited, Landlord and Tenant — Attornment, Validity and Effect of.

1 Misc. 165; (48 St. Rep. 709; 20 Supp. 688).

Jackson v. Hasbrouck, 5 Johns. 366.

Cited, Land—Judgment for Possession—Possession of More than Judgment Allows—Effect.

81 Hun. 316; (62 St. Rep. 599; 30 Supp. 625).

Jackson v. Hathaway, 15 Johns. 447.

Cited, Deeds—Bounding on Highway—Rights.

139 N. Y. 401; (54 St. Rep. 678). 84 Hun. 213; (65 St. Rep. 751; 32 Supp. 551). 6 App. Div. 17; (39 Supp. 525).

Jackson v. Hayner, 12 Johns. 469.

Cited, Estoppel—Deed—Parties.

135 N. Y. 334; (48 St. Rep. 249).

Jackson v. Hobby, 20 Johns. 355.

Cited, Depositions—Necessity of Filing.

78 Hun. 516; (61 St. Rep. 225; 29 Supp. 577).

Jackson v. Hotchkiss, 6 Cow. 401.

Cited, Accounting—Lapse of Time.

139 N. Y. 468; (54 St. Rep. 724).

Vendor and Vendee—Ejectment by Vendor—Equitable Defenses.

9 App. Div. 24; (75 St. Rep. 595; 41 Supp. 137).

Jackson v. Housel, 17 Johns. 281.

Cited, Wills — Construction — Particular Words.

82 Hun. 499; (64 St. Rep. 136; 31 Supp. 522).

Jackson v. Hovey, 2 Misc. 208; 49 St. Rep. 587; 21 Supp. 256.

Pleading—Variance of Copy From Original.

Jackson v. Hubble, 1 Cow. 613.

Cited, Expectancy—Assignment.

72 Hun. 455; (55 St. Rep. 249; 25 Supp. 228; 31 Abb. N. C. 82).

Jackson v. Hudson, 3 Johns. 375.

Cited, Deeds—Construction—Contra Proferentem.

60 St. Rep. 319.

Jackson v. Humphrey, 1 Johns. 498.

Cited, Estoppel—Deed—Parties.

135 N. Y. 333; (48 St. Rep. 249).

Jackson v. Johnson, 11 Hun. 509.

Cited Partners—Accounting.

15 App. Div. 533; (78 St. Rep. 517; 44 Supp. 517).

Jackson v. Johnson, 74 N. Y. 607.

Cited, 15 App. Div. 563; (78 St. Rep. 517; 44 Supp. 517).

Jackson v. Jackson, 39 N. Y. 153.

Cited, Wills — Validity — Execution—Making Mark—Probate—Proof of Mark.

53 St. Rep. 801; (27 Supp. 963). 13 Misc. 470; (68 St. Rep. 743; 34 Supp. 709; 25 Civ. Pro. 30).

Jackson v. Jackson, 5 Cow. 74.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796). 79 St. Rep. 732; (45 Supp. 732).

Ancestor and Heir—Entry by Heir—Effect.

6 App. Div. 10; (39 Supp. 749.)

Jackson v. Jones, 9 Cow. 182.

Cited, Transcript—Justice's Judgment—Filing.

92 Hun. 420; (71 St. Rep. 577; 36 Supp. 663).

Jackson v. King, 4 Cow. 207.

Evidence—Presumption — Mental Capacity.

137 N. Y. 613; (51 St. Rep. 76).

Jackson v. King, 5 Cow. 237.

Cited, Evidence — Examined Copy — Church Records.

73 Hun. 604; (56 St. Rep. 143; 26 Supp. 39).

Evidence—Sufficiency—Identity—Names.

69 Hun. 16; (52 St. Rep. 552; 23 Supp. 216).

Jackson v. Kingsley, 17 Johns. 158.

Cited, Evidence—Written Instruments—Production by One Who Claims Interest Under—Proof.

17 Misc. 381; (40 Supp. 99).

Jackson v. Kniffen, 2 Johns. 31.

Cited, Wills — Avoidance — Duress—Declarations of Testator.

16 Misc. 184; (38 Supp. 1133).

Jackson v. LeGrange, 19 Johns. 336.

Cited, Wills—Probate—Devise of Real Property—Necessary Witnesses.

76 Hun. 519; (59 St. Rep. 367; 27 Supp. 1080). 13 Misc. 468; (68 St. Rep. 742; 34 Supp. 708; 25 Civ. Pro. 28).

Wills—Probate—Refusal of—Conclusiveness on Devisee—Partition.

60 St. Rep. 55; (28 Supp. 787; 31 Abb. N. C. 117).

*Duplicate Citations in Parenthesis.***Jackson v. Lewis**, 13 Johns. 504.

Cited, Witnesses—Impeachment—Particular Instances of Want of Veracity.

1 Misc. 319; (43 St. Rep. 718; 20 Supp. 676).

Jackson v. Littell, 56 N. Y. 108.

Cited, Remainders—Vesting—Alienability.

10 App. Div. 579; (76 St. Rep. 417; 42 Supp. 417).

Jackson v. Loomis, 4 Cow. 168.

Cited, Lands—Tenant—Dispossession—Allowance for Improvements and Repairs.

10 App. Div. 474; (76 St. Rep. 305; 42 Supp. 305).

Jackson v. Luquere, 5 Cow. 221.

Cited, Wills—Probate—Refusal of—Conclusiveness on Devisee—Partition.

60 St. Rep. 55; (28 Supp. 787; 31 Abb. N. C. 117).

Jackson v. Martin, 18 Johns. 31.

Cited, Wills—Construction—Conditions.

69 Hun, 441; (52 St. Rep. 703; 23 Supp. 456).

Jackson v. Mather, 7 Cow. 301.

Cited, Conveyances—Fraud—Proof.

D. 14 App. Div. 626; (77 St. Rep. 983; 43 Supp. 983).

Jackson v. May, 16 Johns. 184.

Cited, Waters—Riparian Owners—Ejectment.

76 Hun, 460; (59 St. Rep. 175; 28 Supp. 103).

Jackson v. McCall, 10 Johns. 377.

Cited, Boundaries—Party in Possession—Parol Declarations.

85 Hun, 690; (57 St. Rep. 105; 33 Supp. 285).

Jackson v. McConnell, 19 Wend. 175.

Cited, Tenancy by Entirety—Conveyance by One Tenant.

67 Hun, 234; (50 St. Rep. 782; 22 Supp. 798). 144 N. Y. 313; (63 St. Rep. 708; 1 Ann Cas. 126).

Jackson v. McChesney, 7 Cow. 360.

Cited, Conveyance—Consideration—Recitals—Presumption.

4 App. Div. 13; (73 St. Rep. 674; 38 Supp. 306). 10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 333).

Jackson v. McKenny, 3 Wend. 233.

Cited, Contemporaneous Agreements—Construction.

19 Misc. 90; (77 St. Rep. 834; 43 Supp. 834).

Jackson v. Myers, 18 Johns. 425.

Cited, Torts—Damages—Conveyance to Avoid—Effect.

4 App. Div. 210; (74 St. Rep. 190; 38 Supp. 547).

Jackson v. New York, 87 Hun, 296; 68 St. Rep. 270; 34 Supp. 346.

Cited, Municipal Corporations—Officers—Discharge.

15 Misc. 14; (72 St. Rep. 268; 36 Supp. 1119).

Jackson v. N. Y. C. R. Co., 2 T. & C., 653.

Affirmed, 58 N. Y. 623.

Cited, Corporations—Officers—Compensation for Unofficial Services.

49 St. Rep. 560; 3 Misc. 325; (52 St. Rep. 518; 23 Supp. 887).

Jackson v. N. Y. Post Graduate Medical School & Hospital, 6

Misc. 101; 55 St. Rep. 495; 26 Supp. 27.

Reversing, 3 Misc. 632; 52 St. Rep. 264; 23 Supp. 119.

Cited, Master and Servant—Discharge.

8 Misc. 335; (59 St. Rep. 237; 28 Supp. 538).

Jackson v. O'Dell, 12 Daly, 345.

Cited, Fraud—Misrepresentations—By Landlord as to Condition of Premises.

5 Misc. 347; (55 St. Rep. 505).

Jackson v. Orser, 2 Hilt. 99.

Cited, Evidence—Of Execution of Instrument—Proof of Identity.

1 Misc. 162; (43 St. Rep. 686; 20 Supp. 635).

Jackson v. Parker, 9 Cow. 73.

Cited, Fraudulent Conveyances—Avoidance.

4 App. Div. 213; (74 St. Rep. 192; 38 Supp. 549).

Jackson v. Parkhurst, 4 Wend. 369.

Cited, Conveyances—Parol Agreement—Availability.

13 Misc. 75; (68 St. Rep. 196; 34 Supp. 149).

Jackson v. Perkins, 2 Wend. 308.

Cited, Deeds—Validity—Attacking.

79 Hun, 523; (61 St. Rep. 594; 29 Supp. 906).

Estoppel—Deeds—Parties.

135 N. Y. 334; (48 St. Rep. 249).

Evidence—Presumptions—Recording of Deed—Parol Evidence.

79 Hun, 523; (61 St. Rep. 594; 29 Supp. 906). 11 Misc. 566; (66 St. Rep. 97; 32 Supp. 768).

Jackson v. Phipps, 12 Johns. 418.

Cited, Deeds—Delivery and Acceptance.

79 Hun, 522; (61 St. Rep. 594; 29 Supp. 906). 148 N. Y. 514.

Jackson v. Purchase, 1 Hilt. 357.

Cited, Appeal—When Allowed—Importance of Questions.

16 Misc. 362; (74 St. Rep. 369; 25 Civ. Pro. 287; 38 Supp. 1).

Duplicate Citations in Parenthesis.

Jackson v. Raymond, 1 Johns. Cas. 85.
Cited, Judicial Sale—Rights of Purchase—Future Rent.

3 Misc. 534; (52 St. Rep. 491; 23 Supp. 332).

Jackson v. Reich, 3 Misc. 86; 51 St. Rep. 759; 22 Supp. 366.

Jackson v. Robins, 16 Johns. 537.
Cited, Limitation on Motion—When Barred—Vacation of Naturalization.

8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 417).

Absolute Devise—Subsequent Limitation.

11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Jackson v. Rode, 7 Misc. 680; 58 St. Rep. 362; 28 Supp. 147.

Jackson v. Roe, 9 Johns. 77.

Cited, New Trial—Surprise.

4 App. D. 615; (74 St. Rep. 527; 38 Supp. 845).

Jackson v. Roosevelt, 13 Johns. 97.

Cited, Conveyance—Indefinite Description—Effect.

D. 83 Hun, 615; (68 St. Rep. 875; 34 Supp. 1142).

Jackson v. Rowland, 6 Wend. 636.

Cited, Landlord & Tenant—Estoppel of Tenant to Deny Landlord's Title.

66 Hun, 565; (50 St. Rep. 624; 21 Supp. 839).

Jackson v. Royal Benefit Society,
15 Misc. 481; 72 St. Rep. 179; 37 Supp. 28.

Jackson v. Rumsey, 3 Johns. Cas. 558.
Cited, Wills—Probate—Refusal of—Conclusiveness on Devisee—Partition.

60 St. Rep. 54; (28 Supp. 786; 31 Abb. N. C. 116).

Jackson v. Sackett, 7 Wend. 94.

Cited, Accounting—Lapse of Time.

139 N. Y. 468; (54 St. Rep. 724). 88 Hun, 537; (68 St. Rep. 826; 34 Supp. 857).

Jackson v. St. Paul F. & M. Ins. Co.,
33 Hun, 60.

Cited, Insurance—Representations.

11 App. Div. 413; (76 St. Rep. 286; 42 Supp. 286).

Jackson v. St. Paul Ins. Co., 90 N. Y. 124.

Cited, Definition—Insurance—Risk.

133 N. Y. 23; (51 St. Rep. 715).

Jackson v. Schaubert, 7 Cow. 187.

Cited, Wills—Construction—Avoidance of Intestacy.

53 St. Rep. 841; (24 Supp. 252). 4 Misc. 560; (25 Supp. 843).

Jackson v. Schoonmaker, 4 Johns. 161.

Cited, Estoppel—Deed—Parties.

135 N. Y. 333; (48 St. Rep. 249).

Jackson v. Seward, 8 Cow. 406.

Cited, Conveyance—Fraud—Good Consideration.

20 Misc. 501; (79 St. Rep. 739; 45 Supp. 739).

Jackson v. Sharpe, 9 Johns. 163.

Cited, Adverse Possession—Presumption—Proof.

3 Misc. 9; (53 St. Rep. 631; 23 Supp. 797). 19 Misc. 291; (77 St. Rep. 128; 43 Supp. 128).

Jackson v. Sherwood, 50 Barb. 356.

Cited, Justice's Court—Jurisdiction—Defective Service.

67 St. Rep. 419; (33 Supp. 417; 24 Civ. Pro. 431).

Jackson v. Slater, 5 Wend. 295.

Cited, Mortgage—Foreclosure of Adversetisement—Effect.

69 Hun, 35; (52 St. Rep. 823; 23 Supp. 437).

Jackson v. Smith, 13 Johns. 406.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Jackson v. Stackhouse, 1 Cow. 122.

Cited, Release—Construction—General Words.

135 N. Y. 187; (48 St. Rep. 245).

General Words—Qualified by Particular Recitals.

91 Hun, 587; (70 St. Rep. 826; 36 Supp. 251).

Jackson v. Sternbergh, 1 Johns. Cas. 153.

Cited, Deeds—Delivery—Adverse Possession.

84 Hun, 480; (65 St. Rep. 590; 32 Supp. 384).

Jackson v. Stiles, 1 Cow. 575.

Cited, Landlord and Tenant—Estoppel of Tenant.

4 App. Div. 816; (74 St. Rep. 163; 38 Supp. 703).

Jackson v. Stiles, 5 Cow. 418.

Cited, Writ of Possession—Execution—Restoration.

81 Hun, 316; (62 St. Rep. 599; 30 Supp. 625).

Jackson v. Thomas, 16 Johns. 293.

Cited, Adverse Possession—Intent.

3 Misc. 9; (53 St. Rep. 631; 23 Supp. 797). 79 St. Rep. 732; (45 Supp. 732).

*Duplicate Citations in Parenthesis.***Jackson v. Thurston**, 3 Cow. 342.

Cited, New Trial—Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

Jackson v. Timmerman, 12 Wend. 299.

Cited, Evidence—Fraudulent Conveyance—Contemporaneous Frauds.

3 Misc. 506; (23 Supp. 991).

Jackson v. Topping, 1 Wend. 388.

Cited, Action—Parties—Grantee of Estate.

79 Hun, 492; (61 St. Rep. 476; 29 Supp. 1005).

Conveyance—Conditions—Re-entry.

151 N. Y. 148.

Statutes — Construction — Substitution of “and” for “or”.

7 App. Div. 563; (74 St. Rep. 720; 40 Supp. 161). 11 App. Div. 433; (76 St. Rep. 244; 42 Supp. 244.)

Wills — Construction—Restraint of Alienation.

40 Supp. 586.

Jackson v. Town, 4 Cow. 599.

Cited, Conveyances — Consideration.

20 Misc. 501; (79 St. Rep. 739; 45 Supp. 739).

Jackson v. Tupper, 101 N. Y. 515.

Cited, Contracts — Statute of Frauds — Part Performance.

6 Misc. 97; (55 St. Rep. 494; 26 Supp. 13). 14 Misc. 325; (70 St. Rep. 631; 35 Supp. 1054).

Contract — Statute of Frauds — Sale — Delivery.

79 Hun, 249; (60 St. Rep. 836; 29 Supp. 420).

Jackson v. Twenty-third St. R. Co., 88 N. Y. 520.

Cited, Gift — Delivery — Necessity.

3 Misc. 273; (52 St. Rep. 393; 22 Supp. 780). 16 Misc. 412; (39 Supp. 732).

Gift — What Constitutes — Delivery — Control of Property — Trusts — Imp'ied.

7 Misc. 369; (59 St. Rep. 652; 27 Supp. 633).

Jackson v. Van Dusen, 5 Johns 144.

Cited, Evidence—Declarations—Admissibility.

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Jackson v. Van Hoesen, 4 Cow. 325.

Cited, Judicial Sale — Rights of Purchaser—Future Rent.

3 Misc. 533; (52 St. Rep. 491; 23 Supp. 332).

Jackson v. Varick, 7 Cow. 238.

Cited, Wills—What Devisable by—Right of Entry.

79 Hun, 489; (61 St. Rep. 493; 29 Supp. 1003). 151 N. Y. 152.

Jackson v. Vermilyea, 6 Cow. 677.

Cited, Adverse Possession — Constructive Possession—True Title.

139 N. Y. 445; (54 St. Rep. 704).

Jackson v. Vickory, 1 Wend 406.

Cited, Deeds—Description—Location.

73 Hun, 376; (55 St. Rep. 912; 26 Supp. 159).

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76 Hun, 519; (59 St. Rep. 367; 27 Supp. 1080). 89 Hun, 399; (69 St. Rep. 845; 35 Supp. 434). 13 Misc. 468; (68 St. Rep. 742; 34 Supp. 708; 25 Civ. Pro. 28).

Wills—Probate—Conclusiveness on Devise—Partition.

60 St. Rep. 55; (28 Supp. 787; 31 Abb. N. C. 117).

Jackson v. Virgil, 3 Johns. 540.

Cited, Affidavit Not Signed—Effect.

31 Supp. 469. 88 Hun, 547; (68 St. Rep. 813; 34 Supp. 802).

Jackson v. Walker, 5 Hill, 27.

Cited, Contracts—Illegality—Entirety.

6 Misc. 573; (57 St. Rep. 790; 27 Supp. 292).

Jackson v. Whedon, 1 E. D. Smith, 141.

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13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Jackson v. Winne, 7 Wend. 47.

Cited, Husband and Wife—Marriage—Annulment—Fraud—Pretended Pregnancy.

3 Misc. 219; (52 St. Rep. 645; 23 Supp. 597).

Jackson v. Wood, 3 Wend. 27; 8 Wend. 9.

Cited, Judgment—Conclusiveness—As to Immaterial Facts.

137 N. Y. 268; (50 St. Rep. 791).

Jackson v. Wright, 14 Johns. 193.

Cited, Expectancy—Assignment.

72 Hun, 455; (55 St. Rep. 249; 25 Supp. 228; 31 Abb. N. C. 82).

Jackson Architectural Iron Works

v. Hurlbut, 15 Misc. 93; 71 St. Rep. 830; 36 Supp. 808.

Jackson Architectural Iron Works v. Rouss, 15 Supp. 137.

Affirmed, 123 N. Y. 538.

Cited, Architect's Certificate—Conclusiveness.

19 Misc. 560; (78 St. Rep. 875; 44 Supp. 875).

Duplicate Citations in Parenthesis.

- Jacob, Matter of**, 5 App. Div. 508; 38 Supp. 1083.
- Jacob v. Watkins**, 3 App. Div. 422; 74 St. Rep. 98; 38 Supp. 763.
Cited, Execution—Sale—Title to Property.
- Jacob v. Watkins**, 10 App. Div. 475; 76 St. Rep. 6; 42 Supp. 6.
- Jacobi v. Haynes**, 14 Misc. 15; 69 St. Rep. 493; 35 Supp. 120.
- Jacobi v. Mickle**, 53 St. Rep. 620; 24 Supp. 87.
- Jacobie v. Mickle**, 144 N. Y. 237; 53 St. Rep. 102.
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Cited, Paramount Title—Trying Validity. 146 N. Y. 242; (66 St. Rep. 607).
Foreclosure of Second Mortgage—Effect on Prior Incumbrance.
84 Hun, 386; (65 St. Rep. 707; 32 Supp. 432). 8 App. Div. 520; (75 St. Rep. 290; 40 Supp. 893).
- Jackson v. Willard**, 4 Johns. 41.
Cited, Debt—Disposal of Collateral—Effect.
20 Misc. 386; (79 St. Rep. 605; 45 Supp. 605).
- Jacobi v. Order of Germaniam**, 73 Hun, 602; 56 St. Rep. 142; 26 Supp. 318.
- Jacobs, Matter of**, 96 N. Y. 98.
Distinguished, Constitutional Law—Police Power.
141 N. Y. 135; (56 St. Rep. 672). 77 Hun, 410; (60 St. Rep. 48; 28 Supp. 816). 77 Hun, 123; (59 St. Rep. 859; 28 Supp. 305). 22 Supp. 29. 150 N. Y. 496. 153 N. Y. 196, 198. 89 Hun, 299; (69 St. Rep. 280; 35 Supp. 165). 1 App. Div. 460; (72 St. Rep. 584; 37 Supp. 314). D. 145 N. Y. 55; (64 St. Rep. 520). 13 App. Div. 77; (77 St. Rep. 404; 43 Supp. 404). D. 10 Misc. 88; (62 St. Rep. 403; 30 Supp. 479). 14 Misc. 336; (71 St. Rep. 72; 36 Supp. 23). 17 Misc. 413; (40 Supp. 1137). 19 Misc. 296. 19 Misc. 445; (77 St. Rep. 705; 43 Supp. 705). 20 Misc. 478; (79 St. Rep. 778; 45 Supp. 778). D. 149 N. Y. 209. 144 N. Y. 536; (64 St. Rep. 54). 145 N. Y. 39; (64 St. Rep. 510; 1 Ann. Cas. 245). 149 N. Y. 199. 136 N. Y. 584; (49 St. Rep. 701). 79 Hun, 583; (61 St. Rep. 531; 25 Supp. 894). 73 Hun, 463; (56 St. Rep. 51; 26 Supp. 276).
- Jacobs v. Alexander**, 19 Barb. 243.
Cited, Deeds—Delivery—Necessity.
12 App. Div. 196; (76 St. Rep. 832; 42 Supp. 832).
- Jacobs v. Day**, 5 Misc. 410; 55 St. Rep. 386; 25 Supp. 763.
- Jacobs v. Duke**, 1 E. D. Smith, 271.
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- Jacobs v. Hogan**, 85 N. Y. 243.
Cited, Attachment — Affidavits — Sufficiency—Cause of Action.
73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416). 67 Hun, 204; (51 St. Rep. 519; 22 Supp. 65).
- Jacobs v. Hooker**, 1 Barb. 71.
Cited, Pleading—Service of Mail.
2 Misc. 230; (50 St. Rep. 589; 22 Supp. 363).
- Jacobs v. Miller**, 11 Hun, 441.
Cited, Preliminary Injunction — Application for—Dismissal of Complaint.
148 N. Y. 524.
- Jacobs v. Morange**, 47 N. Y. 57.
Cited, Judgment—Vacation—Mistake of Law.
66 Hun, 404; (50 St. Rep. 131; 21 Supp. 396; 29 Abb. N. C. 403; 23 Civ. Pro. 13).
- Jacobs v. Morrison**, 136 N. Y. 101; 49 St. Rep. 83.
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Cited, Vendor and Purchaser—Facts to Put Purchaser on Inquiry.
8 Misc. 128; (59 St. Rep. 523; 28 Supp. 486). 152 N. Y. 293.
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147 N. Y. 597; (70 St. Rep. 352). 8 App. Div. 117; (40 Supp. 433). D. 86 Hun, 255; (66 St. Rep. 754; 33 Supp. 238).
- Jacobs v. O'Gorman**, 13 Misc. 171; 68 St. Rep. 93; 34 Supp. 108.
- Jacobs v. Remsen**, 36 N. Y. 668.
Cited, Assignment for Creditors — Provision for Costs and Expenses—Validity of.
7 Misc. 570; (58 St. Rep. 806; 28 Supp. 265).
- Jacobs v. Sire**, 4 Misc. 398; 53 St. Rep. 515; 23 Supp. 1063.
- Jacobs v. Water Overflow Preventive Co.**, 55 St. Rep. 435; 25 Supp. 346.
- Jacobs v. Zeltner**, 9 Misc. 455; 61 St. Rep. 104; 30 Supp. 238; 24 Civ. Pro. 45.
Cited, Courts—New York Common Pleas—General Term—Jurisdiction.
9 Misc. 458; (61 St. Rep. 131; 30 Supp. 239). 12 Misc. 155; (66 St. Rep. 687; 32 Supp. 1130). 12 Misc. 158; (66 St. Rep. 358; 32 Supp. 1074). 13 Misc. 242; (68 St.

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Rep. 14; 34 Supp. 59; 25 Civ. Pro. 259).
13 Misc. 245; (68 St. Rep. 12; 34 Supp. 57).
20 Misc. 369; (79 St. Rep. 925; 45 Supp. 925).

Jacobson v. Cornelius, 52 Hun, 377;
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Cited, Appeal — Necessity of Exceptions.
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Jacobson v. LaGrange, 3 Johns, 199.

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Jacoby v. Johnston, 1 Hun, 242.

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77 Hun, 357; (60 St. Rep. 37; 28 Supp. 846).

Jacoby v. Ockerhausen, 59 Hun, 619.
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Affirmed, 129 N. Y. 649; 41 St. Rep. 949.

Cited, Animals — Injuries by Vicious—Knowledge—Proof.

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Jacoby & Co. v. Payson. See *M. Jacoby & Co. v. Payson*.

Jacot v. Emmett, 11 Paige, 142.

Cited, Interests—By Way of Damages—Satisfaction of Principal—Effect.

1 Misc. 256; (22 Supp. 1081). 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321).

Interest—Trustees—Mingling Funds.

140 N. Y. 617; (56 St. Rep. 488). 4 Misc. 139; (53 St. Rep. 121; 23 Supp. 602). 135 N. Y. 133; (48 St. Rep. 387). 16 Misc. 408; (39 Supp. 724).

Jacquelin v. Manhattan R. Co., 9 Misc. 329; 60 St. Rep. 613; 29 Supp. 1113).

Jacquelin v. Manhattan R. Co., 12 Misc. 330; 65 St. Rep. 787; 33 Supp. 655.

Jacques v. Short, 20 Barb. 269.

Cited, 147 N. Y. 467; (70 St. Rep. 62).

Jacquiu v. Boutard, 89 Hun, 437; 70 St. Rep. 147; 35 Supp. 496.

Cited, Contracts—Performance—Implied Promise.

1 App. Div. 509; (72 St. Rep. 603; 37 Supp. 278).

Jacquiu v. Jacquiu, 36 Hun, 378.

Cited, Contempt—Disobedience of Judgment.

52 St. Rep. 562; (22 Supp. 1030). 11 Misc. 280; (65 St. Rep. 448; 32 Supp. 273; 24 Civ. Pro. 225; 1 Ann. Cas. 104). 73 Hun, 193; (56 St. Rep. 119; 25 Supp. 868). 14 Misc. 596; (72 St. Rep. 259; 25 Civ. Pro. 120; 2 Ann. Cas. 268).

Jaeger v. Muller, 20 Misc. 227; 79 St. Rep. 415; 45 Supp. 415.

Jaeger v. Bowery Bank of New York, 8 Misc. 150; 59 St. Rep. 385; 29 Supp. 303.

Cited, Decedent's Estate—Action by Executor—Set-off of Claim Falling Due After Decedent's Death.

14 App. Div. 433, 435; (77 St. Rep. 826; 43 Supp. 826).

Jaeger v. Kelly, 52 N. Y. 274.

Cited, Fraudulent Conveyance — Good Faith on Part of Grantee.

76 Hun, 541; (58 St. Rep. 262; 28 Supp. 207).

Jaffe v. Harteau, 56 N. Y. 398.

Cited, Landlord and Tenant—Liability of Landlord—Defective Boilers—Knowledge.

5 Misc. 6; (25 Supp. 128). 13 App. Div. 572; (77 St. Rep. 817; 43 Supp. 817). 18 Misc. 413; (76 St. Rep. 510; 42 Supp. 510).

Jaffray v. Brown, 74 N. Y. 393.

Cited, Bills and Notes—Liability of Endorsers of Note made to Order of Plaintiff.

66 Hun, 354; (50 St. Rep. 668; 21 Supp. 508).

Jaffray v. Davis, 48 Hun, 500; 16 St. Rep. 32; 1 Supp. 814.

Cited, Accord and Satisfaction — Part Payment—New Consideration—Release of Whole Debt.

88 Hun, 347; (68 St. Rep. 390; 34 Supp. 401).

Jaffray v. Davis, 124 N. Y. 164; 35 St. Rep. 106.

Cited, Accord and Satisfaction—New Consideration — Part Payment — Release of Whole Debt.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22). 148 N. Y. 329. 90 Hun, 185; (70 St. Rep. 663; 35 Supp. 947). 90 Hun, 186; (70 St. Rep. 664; 35 Supp. 948). 91 Hun, 20; (71 St. Rep. 111; 36 Supp. 97). 11 App. Div. 352; (76 St. Rep. 1010; 42 Supp. 1010). 16 Misc. 556; (74 St. Rep. 266; 38 Supp. 748).

Jaffray v. Hunter, 8 App. Div. 315; 75 St. Rep. 329; 40 Supp. 932.

Cited, Action Pending in Foreign State—Stay of Action Here.

15 App. Div. 618; (78 St. Rep. 641; 44 Supp. 641).

Jaffray v. Hunter, 15 App. Div. 615; 78 St. Rep. 639; 44 Supp. 639.

Jaffray v. Krauss, 79 Hun, 449; 61 St. Rep. 254; 29 Supp. 987.

Duplicate Citations in Parenthesis.

Jagau v. Goetz, 11 Misc. 380; 65 St. Rep. 292; 32 Supp. 144.

Cited, Motion for New Trial—Order Not Entered—Effect on Appeal.
148 N. Y. 267.

Infants—Attainment of Full Age—Statute of Limitations.

77 St. Rep. 384; (43 Supp. 384).

Jager v. Coney Island & Brooklyn R. Co., 84 Hun, 307; 65 St. Rep. 529; 32 Supp. 304.

Jagger v. Cunningham, 8 Daly, 511.

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23 Supp. 750; (23 Civ. Pro. 96).

Jagger Iron Co. v. Walker, 76 N. Y. 521.

Cited, Bills and Notes—Consideration—Prior Indebtedness—Extension of Time of Payment—Action on Original Demand.

7 Misc. 111; (57 St. Rep. 488; 27 Supp. 388). 5 Misc. 259; (25 Supp. 104). 5 Misc. 256; (25 Supp. 94). D. 4 Misc. 482; (54 St. Rep. 335; 24 Supp. 573). 6 Misc. 79; (55 St. Rep. 490; 26 Supp. 22). 5 Misc. 555; (52 St. Rep. 524; 23 Supp. 322). 5 Misc. 548; (25 Supp. 972). 9 App. Div. 336; (75 St. Rep. 753; 41 Supp. 337). 7 Misc. 617; (58 St. Rep. 794; 29 Supp. 951). 16 App. Div. 134; (79 St. Rep. 138; 45 Supp. 138). 18 Misc. 226; (75 St. Rep. 868; 41 Supp. 478). 85 Hun, 491; (66 St. Rep. 761; 33 Supp. 135). 16 Misc. 675; (74 St. Rep. 226; 38 Supp. 598). 16 Misc. 555; (74 St. Rep. 265; 38 Supp. 647). 88 Hun, 257; (68 St. Rep. 699; 34 Supp. 719).

Jahn v. Gleason, 11 Misc. 483; 67 St. Rep. 318; 33 Supp. 447.

Jakobi v. Gorman, 2 Misc. 190; 50 St. Rep. 202; 21 Supp. 762.

Affirming, 1 Misc. 222; 49 St. Rep. 220; 21 Supp. 466.

Cited, Appeal—Reviewing—Discretionary Determination—Opening Default.

7 Misc. 46; (57 St. Rep. 62; 27 Supp. 355).

Actions—Against Sheriffs—Indemnitors—Rights.

55 St. Rep. 218; (25 Supp. 461).

Jamaica v. Long Island R. Co., 49 St. Rep. 365; 21 Supp. 327.

Jamer v. Jacobs, 71 Hun, 176; 54 St. Rep. 85; 24 Supp. 1126.

James, Matter of, 6 Misc. 203; 57 St. Rep. 835; 27 Supp. 288.

Reversed, 77 Hun, 211; 59 St. Rep. 768; 28 Supp. 351.

James, Matter of, 43 Hun, 67.

Cited, Highways—Laying Out—How Determined.

147 N. Y. 663; (71 St. Rep. 268).

James, Matter of, 80 Hun, 371; 65 St. Rep. 794; 30 Supp. 1.

Cited, Wills—Testator's Intention—Legacies—Payment.

8 App. Div. 351; (75 St. Rep. 176; 40 Supp. 797).

James, Matter of, 144 N. Y. 6; 62 St. Rep. 855.

Affirming, 77 Hun, 211; 59 St. Rep. 768; 28 Supp. 351.

Cited, Taxation—Taxable Transfers—Personal Property—Situs.

150 N. Y. 7, 9; (3 Ann. Cas. 170, 171). D. 150 N. Y. 22. 1 App. Div. 548; (73 St. Rep. 205; 37 Supp. 477). D. 2 App. Div. 601; 38 Supp. 138). 3 App. Div. 478; (73 St. Rep. 787; 38 Supp. 326). 79 St. Rep. 885; (45 Supp. 885).

Legacies—Payment—Foreign Assets.

1 App. Div. 570; (72 St. Rep. 554; 37 Supp. 464).

James, Matter of, 146 N. Y. 78; 66 St. Rep. 246.

Affirming, 78 Hun, 121; 60 St. Rep. 184; 28 Supp. 992.

Cited, Wills—Construction—Intention of Testator.

16 Misc. 101; (72 St. Rep. 530; 37 Supp. 250). 18 Misc. 618; (77 St. Rep. 748; 43 Supp. 748).

James v. Beesly, 4 Redf. 236.

Cited, Executors and Administrators—Execution Against—When Authorized.

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James v. Burchell, 82 N. Y. 108.

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82 Hun, 207; (63 St. Rep. 781; 31 Supp. 332). 15 App. Div. 60; (78 St. Rep. 158; 44 Supp. 158).

James v. Chalmers, 6 N. Y. 209.

Cited, Bills and Notes—Declarations of Prior Holder—Effect on Bona Fide Purchaser.

87 Hun, 556; (69 St. Rep. 462; 35 Supp. 143).

James v. Chamberlain, 4 Week. Dig. 183.

Cited, Trial—Requests to Charge—Relation to Evidence.

6 Misc. 337; (56 St. Rep. 241; 26 Supp. 902).

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James v. Cowing, 82 N. Y. 449.

Cited, Trial—Findings by Court or Referee—Facts Not Conclusively Established.

1 Misc. 140; (48 St. Rep. 722; 20 Supp. 629). 1 Misc. 336; (48 St. Rep. 708; 20 Supp. 682). 70 Hun, 557; (53 St. Rep. 616; 24 Supp. 194).

James v. Ford, 30 St. Rep. 667; 9 Supp. 504.

Cited, Premises—Condition—Duty to Keep in Repair.

4 App. Div. 484; (38 Supp. 685).

James v. James Cement Co., 8 St. Rep. 490.

Cited, Receiver — Action Against—Absence of Leave—Remedy.

72 Hun, 635; (54 St. Rep. 870; 25 Supp. 188). 16 App. Div. 499; (78 St. Rep. 902; 44 Supp. 902).

James v. McGreery, 27 St. Rep. 88; 7 Supp. 494.

Cited, Judgment — Setting Aside — Defaults.

8 Misc. 531; (59 St. Rep. 268; 28 Supp. 770).

James v. Morey, 2 Cow. 246.

Cited, Mortgage—Merger—Intent.

66 Hun, 294; (49 St. Rep. 255).

James v. Patten, 6 N. Y. 9.

Cited, Statute of Frauds—Sufficiency of Memorandum.

16 Misc. 79; (73 St. Rep. 259; 37 Supp. 678).

James v. Pope, 19 N. Y. 324.

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76 Hun, 68; (59 St. Rep. 620; 27 Supp. 605). 151 N. Y. 257; (3 Ann. Cas. 352).

James v. Richardson, 39 Hun, 399.

Cited, Attachment — Affidavit — Sufficiency.

77 Hun, 316; (59 St. Rep. 827; 28 Supp. 430).

James v. Sammis, 31 St. Rep. 192; 10 Supp. 143.

Affirmed, 132 N. Y. 239; 43 St. Rep. 910.

Cited, Highways—Removal of Encroachment—Notice.

67 Hun, 292; (50 St. Rep. 770; 22 Supp. 452).

James v. Sammis, 132 N. Y. 239; 43 St. Rep. 910.

Cited, Special Statute—Repeal by General Law.

D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352).

James v. Shea, 2 Civ. Pro. 358.

Cited, Complaint — Dismissal — Want of Prosecution.

12 Misc. 207; (67 St. Rep. 830; 34 Supp. 28; 1 Ann. Cas. 325).

James v. Work, 70 Hun, 296; 54 St. Rep. 166; 24 Supp. 149.

James v. Work, 51 St. Rep. 323; 22 Supp. 123.

James v. Wilkinson, 39 Hun, 399.

Cited, Attachment — Affidavits — Sufficiency.

50 St. Rep. 829; (22 Supp. 874).

Jameson v. Hartford Fire Ins. Co., 14 App. Div. 380; 78 St. Rep. 15; 44 Supp. 15.

Jamieson v. Citizens' Savings Bank of Jefferson, Tex., 85 N. Y. 546.

Cited, Depositions—Open Commission—Specification of Witnesses.

74 Hun, 249; (55 St. Rep. 875; 26 Supp. 446).

Jamieson v. Kings Co. El. R. Co., 147 N. Y. 322; 69 St. Rep. 688.

Reversing, 56 St. Rep. 187; 26 Supp. 127.

Cited, Elevated Railroads — Damages — Rental Values — Value of Adjacent Property.

149 N. Y. 214. 149 N. Y. 397. 149 N. Y. 162. 91 Hun, 642; (36 Supp. 648). 14 App. Div. 472; (77 St. Rep. 847; 43 Supp. 847). 14 App. Div. 279; (77 St. Rep. 524; 43 Supp. 524). 1 App. Div. 526; (72 St. Rep. 552; 37 Supp. 462). 9 App. Div. 619; (74 St. Rep. 450; 37 Supp. 22). 3 App. Div. 257; (73 St. Rep. 699; 38 Supp. 206). 4 App. Div. 160; (74 St. Rep. 224; 38 Supp. 596). 12 App. Div. 285; (76 St. Rep. 34; 42 Supp. 34). 3 App. Div. 542; (73 St. Rep. 768; 38 Supp. 287). 3 App. Div. 265; (73 St. Rep. 725; 38 Supp. 386). 15 Misc. 9; (72 St. Rep. 3; 36 Supp. 773). 14 App. Div. 596; (78 St. Rep. 28; 44 Supp. 28).

Jamieson v. N. Y. & R. B. R. Co., 11 App. Div. 50; 76 St. Rep. 915; 42 Supp. 915.

Janes, Matter of, 87 Hun, 57; 67 St. Rep. 674; 33 Supp. 968.

Cited, Surrogate's Court—Revocation of Probate—Fraud.

10 App. Div. 401; (41 Supp. 1129).

Janneck v. Metropolitan Life Ins. Co., 13 App. Div. 514; 77 St. Rep. 669; 43 Supp. 669.

Jans v. Workingman's Co-Op. Ass'n., Etc., 63 St. Rep. 247; 30 Supp. 1057.

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Jansen, Matter of, 1 Connolly 362
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Cited, Decedent's Estate—Execution—
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18 Misc. 722; (77 St. Rep. 969; 43 Supp.
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Jantzen v. Nelson, 76 Hun, 611; 59 St.
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Jaques v. Greenwood, 12 Abb. 232.
Cited, Conveyances—Setting Aside as
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87 Hun, 238, 239; (67 St. Rep. 724, 725;
53 Supp. 1038, 1039; 1 Ann. Cas. 393, 394).

Jaques v. Methodist Ch., 17 Johns.
548.

Cited, Husband and Wife—Power of
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140 N. Y. 65; (55 St. Rep. 316). 6 App.
Div. 164; (39 Supp. 1014).

Trusts—Implied—Husband and Wife.
67 Hun, 240; (50 St. Rep. 777; 22 Supp.
99).

**Jaquinto v. Broadway & Seventh
Ave. R. Co.**, 2 Misc. 174; 49 St. Rep.
627; 21 Supp. 639.

Jaquiss v. Hagner, 72 N. Y. 605.
Cited, Practice—Verdict for Defendant—
Denial of Motion to Dismiss—Effect on
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18 Misc. 209; (75 St. Rep. 783; 41 Supp.
373).

Jarvis v. Baxter, 56 Super. 109.
Cited, Adjoining Owners—Nuisance.
4 App. Div. 200; (74 St. Rep. 198; 38 Supp.
555).

Jarvis v. Babcock, 5 Barb. 139.
Cited, Deeds—Grantees—Description.
1 App. Div. 25; (71 St. Rep. 845; 36 Supp.
738).

Jarvis v. Brennan, 67 St. Rep. 548; 33
Supp. 723; 24 Civ. Pro. 383.

Jarvis v. Driggs, 69 N. Y. 143.
Cited, Judgment—Conclusiveness.
70 Hun, 133; (54 St. Rep. 104; 24 Supp.
56). 74 Hun, 553; (57 St. Rep. 169; 26
Supp. 444). 20 Misc. 625. 151 N. Y. 126; (3
Ann. Cas. 347). 18 Misc. 449; (75 St. Rep.
1366; 41 Supp. 99).

Landlord and Tenant—Holding Over—
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9 Misc. 46; (59 St. Rep. 672; 29 Supp.
292). 20 Misc. 613; (79 St. Rep. 1131; 45
Supp. 1131).

Jarvis v. Furman, 25 Hun, 391.
Cited, Property Value—Expert Testi-
mony.
19 Misc. 168.

Jarvis v. Jarvis, 66 Barb. 381.
Cited, Reference—Report and Findings.
9 Misc. 95; (59 St. Rep. 624; 29 Supp. 5).

Jarvis v. Lynch, 91 Hun, 349; 70 St.
Rep. 794; 36 Supp. 220.

Jarvis v. Lynch, 13 Supp. 703.
Cited, Ejectment—Proof of Title.
91 Hun, 350. 143 N. Y. 246; (62 St. Rep.
173).

Jarvis v. Manhattan Beach Co., 53
Hun, 362; 25 St. Rep. 1; 6 Supp. 703.

Cited, Corporations—Transfer of Stock—
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ness of Stock.
137 N. Y. 242; (50 St. Rep. 717). 75 Hun,
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Jarvis v. Manhattan Beach Co., 75
Hun, 100; 58 St. Rep. 167; 26 Supp.
1061.
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Jarvis v. Manhattan Beach Co., 148
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Cited, Certificates—Rights of Bona Fide
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150 N. Y. 66.

Jarvis v. Peck, 10 Paige, 118.
Cited, Injunction—Trade Secrets.
79 Hun, 193; (62 St. Rep. 103).

Jarvis v. Schaefer, 105 N. Y. 289; 7 St.
Rep. 502.
Cited, Brokers—Real Estate—Double
Commissions.

7 Misc. 443; (27 Supp. 937; 57 St. Rep.
573). 6 Misc. 374; (56 St. Rep. 408; 26 Supp.
758). 2 Misc. 336; (51 St. Rep. 428; 21 Supp.
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707).

Jarvis v. Sewall, 40 Barb. 449.
Cited, Appeal—Supplying Defects in Au-
thentication of Document.

67 Hun, 289; (51 St. Rep. 366; 22 Supp. 91).
Jarvis v. Waterbury, 84 Hun, 462; 65
St. Rep. 594; 32 Supp. 389.

Jaton v. Brentwood Hotel Co., 11
Misc. 325; 65 St. Rep. 273; 32 Supp. 131.
Jaudon v. Hayes, 79 Hun, 453; 61 St.
Rep. 268; 29 Supp. 958.

Cited, Wills—Construction—Vesting of
Estates.

87 Hun, 114; (67 St. Rep. 457; 33 Supp. 8.2).
Jaudon v. Randall, 47 Super. 374.

Cited, Contracts—Novation.
18 Misc. 57; (75 St. Rep. 476; 41 Supp. 23).

Jauncey v. Thorne, 2 Barb. 40.
Cited, Wills—Execution—Lapse of Time
—Presumption.

13 Misc. 469; (68 St. Rep. 743; 34 Supp.
708; 25 Civ. Pro. 28).

*Duplicate Citations in Parenthesis.***Jay v. DeGroot**, 2 Hun, 205.

Cited, Motions and Orders—Appearance of One Not Made Party—Effect.

68 Hun, 389; (52 St. Rep. 204; 22 Supp. 861).

Hearings—Appearance—Effect.

88 Hun, 384; (68 St. Rep. 773; 34 Supp. 836).

Jay v. Wilson, 91 Hun, 391; 70 St. Rep. 889; 36 Supp. 186.

Cited, Cloud on Title—Parol Evidence.

14 App. Div. 427; (77 St. Rep. 1019; 43 Supp. 1019).

Jaycox v. Caldwell, 51 N. Y. 395.

Cited, Husband and Wife—Property Transactions Between Conveyance—Consideration.

7 Misc. 464; (59 St. Rep. 873; 28 Supp. 390).

Jaycox v. Cameron, 49 N. Y. 645.

Cited, Appeal—Case—Remitting for Re-settlement.

64 Misc. 624; (31 Supp. 844).

Jaycox v. Pinney, 62 Barb. 344.

Cited, Justice's Court—Amendments.

17 Misc. 664; (41 Supp. 403).

Jaycox v. Smith, 17 App. Div. 146; 79 St. Rep. 299; 45 Supp. 299.**Jayne v. Jayne**, 5 Misc. 307; 25 Supp. 810.**Jaynes v. Jaynes**, 39 Hun, 40.

Cited, Husband and Wife—Right of Action—Alienation of Affection.

79 Hun, 513; (61 St. Rep. 541; 29 Supp. 942). 79 Hun, 592; (61 St. Rep. 533; 29 Supp. 916). 11 App. Div. 23; (77 St. Rep. 80; 43 Supp. 80).

Jeaus v. Bolton, 53 St. Rep. 661; 24 Supp. 916.**Jeffers v. Jeffers**, 107 N. Y. 650.

Cited, Injunctions—Protection of Technical Right.

149 N. Y. 173.

Jefferson v. N. Y. El. R. Co., 132 N. Y. 483; 44 St. Rep. 629.

Cited, Appeal—Harmless Error—Test—Admission of Evidence.

4 Misc. 391; (53 St. Rep. 519; 24 Supp. 330). 1 Misc. 154; (48 St. Rep. 757; 20 Supp. 725). 1 Misc. 121; (48 St. Rep. 632; 20 Supp. 723).

Jefferson Co. Nat. Bank v. Streeter, 106 N. Y. 186.

Cited, Principal and Surety—Extension of Surety's Liability—Effect.

148 N. Y. 246.

Jefferson Co. Nat. Bank v. Townley, 92 Hun, 172; 74 St. Rep. 212; 38 Supp. 584.

Expert Testimony—Rule Governing.

148 N. Y. 571. 149 N. Y. 327.

Insurance—Policy—Warranties.

9 Misc. 534; (62 St. Rep. 214; 30 Supp. 663, 664).

Jeffrey v. Biglow, 13 Wend, 518.

Cited, Proximate Cause—Sale of Diseased Sheep—Infection of Flock.

79 Hun, 504; (31 St. Rep. 258; 29 Supp. 948). 143 N. Y. 592; (62 St. Rep. 793).

Jeffery v. Walker, 72 Hun, 628; 55 St. Rep. 281; 25 Supp. 161.**Jemison v. Citizens' S. B. of Jefferson**, 85 N. Y. 546.

Cited, Depositions—Commission for Oral Examination.

51 St. Rep. 228; (22 Supp. 469; 23 Civ Pro. 112).

Jemison v. Citizens' Sav. Bank, 122 N. Y. 135; 33 St. Rep. 335.

Corporation—Officers—Authority—By Laws.

61 St. Rep. 119; (30 Supp. 251). 91 Hun, 257; (72 St. Rep. 46; 36 Supp. 146). 13 Misc. 352, 355; (69 St. Rep. 474, 475; 35 Supp. 181, 182). 19 Misc. 658; (78 St. Rep. 430; 44 Supp. 430). 79 St. Rep. 653; (45 Supp. 653.)

Jencks v. Alexander, 11 Paige, 619.

Cited, Mortgage—Foreclosure—By Advertisement—Mistake in Amount.

69 Hun, 34; (52 St. Rep. 822; 23 Supp. 436).

Jencks v. Kearney, 138 N. Y. 634; 51 St. Rep. 935.

Affirming, 42 St. Rep. 826; 17 Supp. 143.

Jencks v. Miller, 17 Misc. 461; 40 Supp. 1088.**Jenkins v. Fahey**, 73 N. Y. 355.

Cited, Infants Lands—Authority of Courts Over.

147 N. Y. 570; (70 St. Rep. 338). 17 Misc. 252, 254; (40 Supp. 1062, 1063).

Real Property—Estates in—Vesting of Fee.

9 Misc. 644; (62 St. Rep. 221; 30 Supp. 435). 79 St. Rep. 1011; (45 Supp. 1011).

Jenkins v. Freyer, 4 Paige, 47.

Cited, Posthumous Child—Civil Rights of.

69 Hun, 586; (53 St. Rep. 257; 23 Supp. 964).

Jenkins v. Hall, 66 St. Rep. 201; 32 Supp. 883.**Jenkins v. Putnam**, 106 N. Y. 272; 8 St. Rep. 710.

Cited, Appeal—Review of Discretionary Determination—Examination of Party Before Trial.

Duplicate Citations in Parenthesis.

7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331).
 2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582;
 29 Abb. N. C. 431; 23 Civ. Pro. 39). 7 Misc.
 4; (57 St. Rep. 78; 27 Supp. 331). 3 Misc.
 515; (52 St. Rep. 495; 23 Supp. 351). 21 Supp.
 1091; 2 Misc. 343; (50 St. Rep. 608; 21 Supp.
 1012). 88 Hun, 309; (68 St. Rep. 568; 34
 Supp. 749). 9 App. Div. 210; (75 St. Rep. 625;
 41 Supp. 177). 18 Misc. 175; (41 Supp. 440).

Appeal—Review of Discretionary Order.

14 Misc. 519; (70 St. Rep. 715; 35 Supp.
 1070). 20 Misc. 281; (79 St. Rep. 745; 45
 Supp. 745).

Statutes—Construction — When Mandatory.

90 Hun, 42; (70 St. Rep. 132; 35 Supp. 520;
 25 Civ. Pro. 178).

Jenkins v. Stowe, 2 Law Bull. 57.*Cited, Costs—Security for.*

86 Hun, 500; (67 St. Rep. 535; 33 Supp.
 790).

Jenkins v. Young, 35 Hun, 569.*Cited, Surrogate's Courts—Jurisdictional Defects—Omission to Name Heirs and Devises.*

17 Misc. 478; (75 St. Rep. 925; 41 Supp.
 537).

Jenkinson v. Carlin, 10 Misc. 22; 62 St. Rep. 643; 30 Supp. 530.**Jenks v. Miller**, 14 App. Div. 474; 77 St. Rep. 927; 43 Supp. 927.**Jenks v. Quinn**, 61 Hun, 427; 41 St. Rep. 22; 16 Supp. 240.*Affirmed*, 137 N. Y. 223; 50 St. Rep. 795.*Cited, Covenants—Grantee of Part of Premises to Pay Mortgage on Whole—Effect.*

88 Hun, 430; (69 St. Rep. 131; 34 Supp.
 963).

Covenants—Breach—Eviction—Damages.

8 App. Div. 182; (40 Supp. 317).

Jenks v. Quinn, 137 N. Y. 223; 50 St. Rep. 795.*Cited, Covenants—Of Grantee of Part of Premises to Pay Mortgage on Whole—Order of Sale on Foreclosure.*

88 Hun, 430, 434, 435, 437; (69 St. Rep.
 131, 136; 34 Supp. 963, 968).

Jennery v. Olmstead, 36 Hun, 536.*Cited, Corporations—Dividends—Computation of Earnings.*

52 St. Rep. 455; (22 Supp. 593).

Jenne v. Sutton, 43 N. Y. L. J. 257.*Cited, Nuisance—Fireworks in Street.*

139 N. Y. 11; (54 St. Rep. 417).

Jenney, Matter of, 19 Misc. 244; 78 St. Rep. 84; 44 Supp. 84.*Cited, Excise—Liquor Tax Certificate—Assignment.*

19 Misc. 97; (78 St. Rep. 89; 44 Supp. 89).

Jenney v. Brooklyn, 120 N. Y. 164; 30 St. Rep. 877.*Cited, Municipal Corporations—Liability—Construction of Works.*

8 Misc. 412; (59 St. Rep. 495; 28 Supp.
 675). 11 Misc. 554; (64 St. Rep. 453; 32
 Supp. 746).

Jennings, Matter of, 6 Cow. 518.*Cited, Riparian Proprietors—Boundaries—How Determined.*

16 App. Div. 532; (78 St. Rep. 1016; 44
 Supp. 1016).

Jennings v. Barry, 5 Dem. 531.*Cited, Remainders—Vesting—Presumption.*

89 Hun, 558; (69 St. Rep. 732; 35 Supp.
 345).

Jennings v. Chenango Ins. Co., 2 Den. 75.*Cited, Insurance—False Representations—Knowledge of Agent.*

9 Misc. 260; (60 St. Rep. 581; 30 Supp.
 207).

Jennings v. D. G. Burton Co., 73 Hun, 545; 57 St. Rep. 268; 26 Supp. 151.**Jennings v. Grand Trunk R. Co. of Canada**, 127 N. Y. 449; 40 St. Rep. 318.*Affirming*, 52 Hun, 227; 5 Supp. 140.*Cited*, 14 Misc. 460; (70 St. Rep. 896; 35 Supp. 1118).*Carriers—Connecting—Delivery.*

66 Hun, 204; (49 St. Rep. 315; 21 Supp.
 120). 89 Hun, 495; (70 St. Rep. 237; 35
 Supp. 576). 13 Misc. 34; (68 St. Rep. 173;
 34 Supp. 98).

Carriers—Freight—Restricting Liability—Negligence.

140 N. Y. 51; (55 St. Rep. 307). 88 Hun,
 28; (68 St. Rep. 629; 34 Supp. 533). 9 App.
 Div. 7; (75 St. Rep. 429; 40 Supp. 1115). 20
 Misc. 587.

Carriers—Authority of Agent to Contract With.

16 Misc. 35; (73 St. Rep. 567; 37 Supp.
 948).

Jennings v. Jennings, 23 Week. Dig. 457.*Cited, Deeds—Delivery—Destruction.*

79 Hun, 617; (61 St. Rep. 594; 29 Supp.
 907).

Duplicate Citations in Parenthesis.

Jennings v. Kasmak, 19 Misc. 433; 77 St. Rep. 1134; 43 Supp. 1134

Reversed, 20 Misc. 300; 79 St. Rep. 802; 45 Supp. 802.

Jennings v. Kosmak, 20 Misc. 300; 79 St. Rep. 802; 45 Supp. 802.

Jennings v. Lancaster, 15 Misc. 444; 72 St. Rep. 667; 37 Supp. 196.

Jennings v. Miller, 10 Misc. 762; 64 St. Rep. 621; 31 Supp. 814.

Cited, Appeal — Defective Service — Waiver.

13 Misc. 242; (68 St. Rep. 14; 34 Supp. 59; 25 Civ. Pro. 259). 19 Misc. 32; (76 St. Rep. 638; 42 Supp. 638).

Jennings v. Newman, 52 How. 282.

Cited, Mechanic's Lien—Enforcement—Judgment in Courts Not of Record.

5 Misc. 226; (54 St. Rep. 790; 25 Supp. 332).

Jennings v. N. Y., N. H. & H. R. R. Co., 12 Misc. 408; 67 St. Rep. 408; 33 Supp. 585.

Jennings v. Prudential Ins. Co. of America, 18 Misc. 470; 76 St. Rep. 50; 42 Supp. 50.

Jennings v. Van Schaick, 108 N. Y. 530; 13 St. Rep. 686.

Cited, Highways—Liability for Defects—Presumption of Proper Repair.

80 Hun, 215, 218; (61 St. Rep. 762; 30 Supp. 11, 13). 144 N. Y. 285; (63 St. Rep. 689; 1 Ann. Cas. 134). 10 Misc. 283; (63 St. Rep. 318; 30 Supp. 1078).

Landlord and Tenant—Landlord's Liability—Repairs.

7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416). 7 Misc. 3; (57 St. Rep. 844; 27 Supp. 819).

Highways — Openings — Permission of Municipality—Effect.

13 Misc. 141; (68 St. Rep. 231, 232; 34 Supp. 181, 182).

Landlord and Tenant—Nuisance—Landlord's Liability.

D. 13 Misc. 142; (68 St. Rep. 233; 34 Supp. 182).

Jeremiah v. Pitcher, 20 Misc. 513; 79 St. Rep. 758; 45 Supp. 758.

Jermain v. Booth, 1 Den. 639.

Cited, Torts—Treble Damages.

18 Misc. 652; (77 St. Rep. 974; 43 Supp. 974).

Jermain v. Lake Shore & M. C. R. Co., 91 N. Y. 483.

Cited, Corporations — Shares — Certificates.

D. 150 N. Y. 20, 21; (3 Ann. Cas. 171).

Dividends—Declaration—Effect.

86 Hun, 133; (67 St. Rep. 135; 33 Supp. 390).

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17 Misc. 726; (41 Supp. 447).

Jermain v. Pattison, 46 Barb. 9.

Cited, Landlord and Tenant—Lease—Assignment for Creditors—Acceptance by Assignee.

9 Misc. 123; (59 St. Rep. 712; 29 Supp. 285).

Jerome v. Flag, 48 Hun, 351; 15 St. Rep. 827; 1 Supp. 101.

Cited, Service — Publication—Affidavit—Sufficiency.

14 Misc. 77; (69 St. Rep. 555; 35 Supp. 200; 25 Civ. Pro. 20; 2 Ann. Cas. 97).

Jerome v. Ross, 7 Johns. Ch. 315.

Cited, Trespass — Injunction — When Granted.

148 N. Y. 354. 149 N. Y. 173.

Jersey City Ins. Co. v. Archer, 122 N. Y. 376.

Cited, 13 App. Div. 532; (77 St. Rep. 650; 43 Supp. 650).

Jervis v. Hoyt, 2 Hun, 637.

Cited, Principal and Agent—Control of Agent.

92 Hun, 31; (71 St. Rep. 716).

Jesper v. Press Pub. Co., 76 Hun, 64;

59 St. Rep. 607; 27 Supp. 619.

Affirmed, 149 N. Y. 612.

Jessop v. Miller, 1 Keyes, 321.

Cited, Demand—Necessity.

D. 4 Misc. 98; (53 St. Rep. 84; 23 Supp. 862).

Jessup v. Carnegie, 80 N. Y. 441.

Cited, Corporations — Stockholders—Liability.

151 N. Y. 66. 148 N. Y. 20.

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11 Misc. 198; (65 St. Rep. 153; 32 Supp. 96).

Jessurun v. Mackie, 24 Hun, 624.

Cited, Appeal — Irregularities — How Raised.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

Jetter, Matter of, 78 N. Y. 601.

Cited, Special Proceedings—What is.

68 Hun, 255; (52 St. Rep. 188; 22 Supp. 969).

Jetter v. New York & Harlem R. Co., 2 Keyes, 154; 2 Abb. Ct. App. Dec. 458.

Duplicate Citations in Parenthesis.

Cited, Railroads—Statutory Duty—Breach—To Whom Available.

72 Hun, 470; (54 St. Rep. 763; 25 Supp. 230). 74 Hun, 135; (55 St. Rep. 687; 26 Supp. 241). 12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033). 12 App. Div. 359; (76 St. Rep. 158; 42 Supp. 158). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Trial—Question of Fact—Negligence—Infants.

75 Hun, 459; (57 St. Rep. 682; 27 Supp. 507). 14 Misc. 280; (70 St. Rep. 253; 35 Supp. 832).

Jewelers' League of N. Y. v. De Forest, 80 Hun, 376; 61 St. Rep. 827; 30 Supp. 88.

Affirmed, 151 N. Y. 654.

Jewelers' Mercantile Agency v. Jewelers' W. P. Co., 66 Hun, 38; 49 St. Rep. 502; 20 Supp. 749.

Jewelers' Mercantile Agency v. Jewelers Weekly Pub. Co., 84 Hun, 12; 65 St. Rep. 198; 32 Supp. 41.

Jewelers' Mercantile Agency v. Rothschild, 6 App. Div. 499; 39 Supp. 700.

Cited, Lessening Damages—Expenses Incurred—Recovery for.

20 Misc. 318; (79 St. Rep. 677; 45 Supp. 677).

Jewell v. Heinsel, 6 Daly, 411.

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9 Misc. 457; (61 St. Rep. 106; 30 Supp. 239; 24 Civ. Pro. 48).

Jewell v. Schroepel, 4 Cow. 564.

Cited, Assumpsit—Money Had and Received.

4 Misc. 80; (53 St. Rep. 138; 23 Supp. 780).

Jewell v. Wright, 30 N. Y. 259.

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150 N. Y. 322.

Jewett, Matter of, 5 Misc. 557; 25 Supp. 1109.

Jewett v. Brownell, 22 St. Rep. 410; 4 Supp. 764.

Cited, Securities—Collateral—Absolute Title to.

71 St. Rep. 81; (36 Supp. 308).

Jewett v. Crane, 35 Barb. 208.

Cited, Attachment—Undertaking—Liabilities of Sureties on—Defense—Irregularity.

6 Misc. 306; (58 St. Rep. 148; 26 Supp. 791).

Jewett v. Emson, 2 Robt. 165.

Cited, Brokers—Commission—Recovery.

11 Misc. 377; (65 St. Rep. 425; 32 Supp. 243).

Jewett v. Noteware, 30 Hun, 192.

Cited, Fraudulent Conveyance by Debtor—Preference.

D. 84 Hun, 340; (65 St. Rep. 603; 32 Supp. 340).

Jewett v. Palmer, 7 Johns. Ch. 65.

Cited, Corporations—Insolvency—Payments—Usual Course of Business.

79 Hun, 111; (61 St. Rep. 142; 29 Supp. 662).

Sales—Bona Fide Purchaser—Notice.

8 App. Div. 572; (75 St. Rep. 325; 40 Supp. 929). 15 App. Div. 45; (78 St. Rep. 119; 44 Supp. 119).

Jewhurst v. Syracuse, 108 N. Y. 303; 18 St. Rep. 623.

Cited, Highways—Defective Sidewalk—Informal Establishment.

137 N. Y. 370; (50 St. Rep. 801). 79 St. Rep. 1115; (45 Supp. 1115). 78 Hun, 397; (60 St. Rep. 737; 29 Supp. 228). 15 App. Div. 165; (78 St. Rep. 245; 44 Supp. 245). 82 Hun, 77; (63 St. Rep. 330; 31 Supp. 19).

Jex v. Jacob, 19 Hun, 105.

Cited, Former Judgment—Plea in Bar.

18 Misc. 378; (75 St. Rep. 1046; 41 Supp. 660).

Jex v. New York, 103 N. Y. 536; 3 St. Rep. 157.

Cited, Municipal Corporations—Assessments—Improvements—Jurisdiction—Consent of Abutter.

63 St. Rep. 510; (28 Supp. 1023). 79 Hun, 483; (61 St. Rep. 250; 29 Supp. 98). 135 N. Y. 468; (48 St. Rep. 467). 77 Hun, 226; (9 St. Rep. 824; 23 Supp. 336). 144 N. Y. 496; (64 St. Rep. 66). 149 N. Y. 298. 151 N. Y. 22.

Jex v. New York, 111 N. Y. 339; 19 St. Rep. 132.

Cited, Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822).

Jex v. Straus, 122 N. Y. 293.

Cited, Damages—Proximate Cause.

10 App. Div. 384; (75 St. Rep. 1378; 41 Supp. 1010). 20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323). 19 Misc. 142.

Joel v. Woman's Hospital at New York, 89 Hun, 73; 69 St. Rep. 430; 35 Supp. 37; 2 Ann. Cas. 264.

Johannessen v. Monroe, 84 Hun, 594; 66 St. Rep. 142; 32 Supp. 863.

Cited, D. 9 App. Div. 412; (41 Supp. 585).

Johannessen v. Munroe, 9 App. Div. 409; 75 St. Rep. 977; 41 Supp. 586.

Duplicate Citations in Parenthesis.

- Johanns v. National Acc. Soc. of N. Y.**, 16 App. Div. 104; 79 St. Rep. 117; 45 Supp. 117.
- Johenning v. Johenning**, 1 Civ. Pro. 144.
Cited, Summons—Publication—Order—Service.
 14 App. Div. 398; (77 St. Rep. 909; 43 Supp. 909).
- John, Matter of**, 18 Supp. 172.
Cited, Surrogates' Courts—Petition—Jurisdictional Defects.
 17 Misc. 478, 480; (75 St. Rep. 925, 927; 41 Supp. 537, 539).
- John Church Co. v. Clarke**, 77 Hun, 467; 60 St. Rep. 405; 28 Supp. 870.
Cited, Pleadings—Counterclaims—Availability.
 17 Misc. 353; (39 Supp. 1065).
- John Church Co. v. Clarke**, 25 Supp. 949.
- John Douglass Co. v. Moler**, 8 Misc. 373; 53 St. R-p. 259; 22 Supp. 1045; 30 Abb. N.C. 293.
- John T. Noye Mfg. Co. v. Raymond**, 8 Misc. 353; 59 St. Rep. 589; 28 Supp. 693.
- John W. Lovell Co. v. Houghton**, 116 N. Y. 520; 27 St. Rep. 559.
Cited, Libel—Privileged Communication—Question of Law.
 79 Hun, 361; (61 St. Rep. 428; 29 Supp. 435).
- John & Cherry Sts., Matter of**, 19 Wend. 659.
Cited, Highways—Establishment—Review—Appeal.
 22 Supp. 28. 84 Hun, 213; (65 St. Rep. 751; 32 Supp. 551).
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- Johnson, Matter of**, 10 Daly, 123
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 7 Misc. 570; (53 St. Rep. 807; 28 Supp. 266.) 14 App. Div. 235; (77 St. Rep. 574; 43 Supp. 574).
- Johnson, Matter of**, 27 Hun, 538.
Cited, Appeal.
 D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp. 352).
- Johnson, Matter of**, 7 Misc. 220; 57 St. Rep. 846; 27 Supp. 649.
Cited, Wills—Testamentary Capacity—Drunkenness.
 16 Misc. 244; (39 Supp. 188). 15 Misc. 313; (73 St. Rep. 437; 37 Supp. 760). 15 Misc. 311; (73 St. Rep. 436; 37 Supp. 759).
 Wills—Testamentary Capacity—Insane Delusion.
 84 Hun, 591; (67 St. Rep. 144; 33 Supp. 463).
- Johnson, Matter of**, 18 Misc. 498; 75 St. Rep. 1028; 42 Supp. 1074.
- Johnson, Matter of**, 103 N. Y. 260.
Cited, Municipal Corporations—Assessments—Vacation.
 11 App. Div. 423; (76 St. Rep. 341; 42 Supp. 341).
- Johnson, Matter of**, 144 N. Y. 563; 64 St. Rep. 235.
- Johnson v. Agricultural Ins. Co.**, 25 Hun, 251.
Cited, Evidence—Sufficiency—Crime in Civil Action.
 67 Hun, 545; (51 St. Rep. 338; 22 Supp. 485). 4 Misc. 566; (25 Supp. 787).
- Johnson v. Akersor**, 40 How. 222.
Affirmed, 3 Daly, 430.
Cited, Undertaking—Action on—Recovery of Judgment—Effect.
 89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414).
- Johnson v. Albany & Susquehanna R. Co.**, 54 N. Y. 416.
Cited, Statute of Limitation—Effect on Right and on Remedy.
 7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 298). 17 App. Div. 184; (79 St. Rep. 297; 45 Supp. 297). 4 App. Div. 478; (74 St. Rep. 489; 33 Supp. 810). 53 St. Rep. 843; (24 Supp. 347). 8 App. Div. 340; (75 St. Rep. 201; 40 Supp. 816).
- Johnson v. American Writing Machine Co.**, 22 St. Rep. 429; 56 Super. 500; 4 Supp. 391.
Cited, Pleading—Amendment—Laches.
 56 St. Rep. 57; (25 Supp. 807).
- Johnson v. Atlantic Ave. R. Co.**, 139 N. Y. 449; 54 St. Rep. 705.
Reversing, 51 St. Rep. 188; 21 Supp. 1056.
- Johnson v. Atlantic R. Co. of B.**, 76 Hun, 12; 59 St. Rep. 625; 27 Supp. 584.
- Johnson v. Barg**, 8 Misc. 307; 59 St. Rep. 280; 28 Supp. 728.
Cited, Landlord and Tenant—Eviction as Defense to Payment of Rent.
 17 Misc. 607; (75 St. Rep. 56; 40 Supp. 655).
- Johnson v. Bates**, 139 N. Y. 650; 54 St. Rep. 933.
Affirming, 46 St. Rep. 546.

*Duplicate Citations in Parenthesis.***Johnson v. Bennett**, 39 Barb. 237.

Cited, Trustee and Cestui Que Trust—Agreements Between—Effect.

15 Misc. 584, 586; (72 St. Rep. 119; 37 Supp. 86).

Johnson v. Bindseil, 28 St. Rep. 881; 8 Supp. 485.

Cited, Contracts—Satisfaction.

15 Misc. 29; (71 St. Rep. 496; 36 Supp. 445; 2 Ann. Cas. 343). 34 Supp. 293.

Johnson v. Bindseil, 16 Daly, 232; 31 St. Rep. 280; 10 Supp. 321.

Cited, Master and Servant—Satisfaction—Discharge.

56 St. Rep. 342; (27 Supp. 342).

Vendor and Purchaser—Title—Unreasonable—Objection—Part Performance.

6 Misc. 137; (58 St. Rep. 8; 26 Supp. 51).

Johnson v. Brasington, 86 Hun, 106; 68 St. Rep. 44; 34 Supp. 200.**Johnson v. Brooks**, 93 N. Y. 337.

Cited, Courts—Jurisdiction—Equity—Specific Performance—Personalty.

138 N. Y. 573; (53 St. Rep. 278; 30 Abb. N. C. 394). 148 N. Y. 528. 2 App. Div. 472; (74 St. Rep. 342; 37 Supp. 1044).

Johnson v. Brown, 57 Barb. 118.

Cited, Slander—Evidence—Subsequent—Reiteration.

144 N. Y. 150; (63 St. Rep. 72).

Johnson v. Buckel, 65 Hun, 601; 48 St. Rep. 924; 20 Supp. 566

Cited, Attachment—Affidavits—Recital of Facts in the Alternative—Disposal or Removal of Property.

75 Hun, 337; (58 St. Rep. 210; 26 Supp. 1004). 143 N. Y. 352; (62 St. Rep. 308). 70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133).

Attachment—Inconsistent Ground—Vacation.

75 Hun, 14; (57 St. Rep. 224; 26 Supp. 951). 18 Misc. 330; (41 Supp. 1132).

Johnson v. Burrell, 2 Hill, 238.

Cited, Statutes—Construction—Effect On Pre-existing Liability.

13 App. Div. 74; (77 St. Rep. 402; 43 Supp. 402).

Johnson v. Carnley, 10 N. Y. 570.

Cited, Actions—Replevin—Title.

8 App. Div. 378; (75 St. Rep. 193; 40 Supp. 809).

Johnson v. Cayuga & Susquehanna R. Co., 11 Barb. 621.

Cited, Railroads—Suit—Long Summons.

20 Misc. 368; (79 St. Rep. 924; 45 Supp. 924).

Johnson v. Chappel, 7 Daly, 43.

Cited, Costs—Interrogatories—Several Witnesses.

135 N. Y. 274; (48 St. Rep. 109).

Johnson v. Cochrane, 91 Hun, 163; 71 St. Rep. 123; 36 Supp. 287; 25 Civ. Pro. 215.**Johnson v. Cochrane**, 91 Hun, 165; 71 St. Rep. 214; 36 Supp. 283.**Johnson v. Conger**, 14 Abb. 195.

Cited, Equity—Specific Performance—Covenant to Arbitrate.

12 App. Div. 429; (76 St. Rep. 410; 42 Supp. 410).

Johnson v. Corbett, 11 Paige, 265.

Cited, Mortgage—Satisfaction from Decedent's Estate—In What Order.

9 App. Div. 166; (75 St. Rep. 502; 41 Supp. 46).

Decedent's Estate—Widow's Quarantine.

16 Misc. 141; (38 Supp. 944).

Johnson v. Cornwall, 26 Hun, 499.

Cited, Action—When Equitable—Money Judgment.

5 Misc. 313; (26 Supp. 56).

Trial—Mode—Equitable Actions—Right to Jury.

26 Supp. 56; (31 Abb. N. C. 65).

Johnson v. Crotty, 3 Misc. 270; 53 St. Rep. 126; 22 Supp. 753.**Johnson v. DePeyster**, 50 N. Y. 666.

Cited, Contracts—Performance.

3 Misc. 259; (59 St. Rep. 199; 28 Supp. 548).

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139 N. Y. 421; (54 St. Rep. 691).

Johnson v. Dixon, 1 Daly, 178.

Cited, Landlord and Tenant—Covenant to Repair—Personal Injury—Liability of Landlord.

5 Misc. 6; (25 Supp. 128).

Johnson v. Dodd, 56 N. Y. 76.

Cited, Officers—Boards of—Action by.

5 Misc. 162; (25 Supp. 698).

Johnson v. Doll, 11 Misc. 345; 65 St. Rep. 275; 32 Supp. 132.

Cited, Landlord and Tenant—Delivery of Keys to Unauthorized Person—Effect on Tenant's Liability.

18 Misc. 192; (75 St. Rep. 701; 41 Supp. 291).

Johnson v. Elwood, 53 N. Y. 431.

Cited, Assessments—Irregularity—Review.

30 Supp. 302.

Real Estate—Tax Sale—Deed—Presumption.

84 Hun, 280; (65 St. Rep. 590; 32 Supp. 385). 8 App. Div. 222; (40 Supp. 459).

*Duplicate Citations in Parenthesis.***Johnson v. Elwood**, 82 N. Y. 362.

Cited, Legal Proceedings — Discontinuance by Consent.

2 Misc. 250; (50 St. Rep. 330; 21 Supp. 945).

Injunction — Damages of — Discontinuance.

70 Hun, 11; (53 St. Rep. 260; 23 Supp. 935).

Injunction — Discontinuance — Death of Party — Abatement.

80 Hun, 129; (61 St. Rep. 790; 30 Supp. 24).

Injunction — Undertaking — Adjudication.

136 N. Y. 49; (48 St. Rep. 850). 90 Hun, 133; (70 St. Rep. 507; 35 Supp. 643).

Johnson v. Everett, 9 Paige, 636.

Cited, Judgments — When Deemed Final.

6 App. Div. 164; (39 Supp. 1014).

Johnson v. Farrell, 10 Abb. 384.

Cited, Actions — Judgments — Entry.

14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 25 Civ. Pro. 146; 2 Ann. Cas. 164).

Johnson v. Feist, 140 N. Y. 660; 55 St. Rep. 932.

Affirming, 47 St. Rep. 930; 19 Supp. 1002.

Johnson v. Fellows, 6 Hill, 353.

Cited, Costs — When Allowed.

135 N. Y. 271; (48 St. Rep. 108).

Johnson v. Friedhoff, 7 Misc. 484; 58 St. Rep. 56; 27 Supp. 982.

Reversing, 3 Misc. 631; 23 Supp. 665.

Johnson v. Gibson, 4 E. D. Smith, 231.

Cited, Parent and Child — Emancipation.

8 Misc. 650; (61 St. Rep. 62; 29 Supp. 1047).

Johnson v. Gilbert, 4 Hill, 178.

Cited, Contracts — Statute of Frauds — To Answer for Debt of Another.

72 Hun, 511; (54 St. Rep. 768; 25 Supp. 216).

Guaranty — Construction of — Original Undertaking.

79 Hun, 440; (61 St. Rep. 459; 29 Supp. 1026).

Johnson v. Gillette, 16 Misc. 431; 39 Supp. 733.**Johnson v. Girdwood**, 7 Misc. 651; 58 St. Rep. 338; 28 Supp. 151.

Affirmed, 143 N. Y. 660; 63 St. Rep. 866.

Cited, Pleading — Complaint — Defect — Effect on Demurrer.

14 Misc. 515; (70 St. Rep. 771; 33 Supp. 13). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601). 20 Misc. 525.

Johnson v. Golder, 132 N. Y. 116; 43 St. Rep. 487.

Cited, Pleading — Demurrer — Admission.

8 Misc. 476; (60 St. Rep. 605; 29 Supp. 550).

Johnson v. Green, 3 Abb. N. S. 342.

Cited, Orders — Duty to Serve.

11 Misc. 315; (65 St. Rep. 498; 32 Supp. 290).

Johnson v. Hardwood Door & T. Co., 79 Hun, 407; 61 St. Rep. 502; 29 Supp. 797.

Cited, Attachment — Vacation — Trial of Merits on Affidavits.

81 Hun, 386; (63 St. Rep. 135; 30 Supp. 880).

Attachment — Parties — Intervention.

4 App. Div. 55; (38 Supp. 628; 25 Civ. Pro. 334).

Johnson v. Hartshorne, 52 N. Y. 173.

Cited, Partnership — Disbursement — After Dissolution — Interest.

137 N. Y. 56; (50 St. Rep. 79).

Partnership — Winding Up — Surviving Partner — Commissions.

82 Hun, 493; (64 St. Rep. 331; 31 Supp. 617).

Johnson v. Hathorn, 2 Abb. Ct. App. Dec. 465.

Cited, Contracts — Construction — Fraud — Ambiguous Words.

4 Misc. 131; (53 St. Rep. 209; 23 Supp. 1018). 11 App. Div. 485; (76 St. Rep. 332; 42 Supp. 332).

Johnson v. Hicks, 1 Lans. 150.

Cited, Appeal — Evidence — Review — Findings.

82 Hun, 198; (64 St. Rep. 6; 31 Supp. 419).

Johnson v. Hudson River R. Co., 20 N. Y. 65.

Cited, Evidence — Attendant Circumstances — To Show Absence of Contributory Negligence.

1 Misc. 135; (48 St. Rep. 767; 10 Supp. 646). 79 Hun, 548; (61 St. Rep. 560; 29 Supp. 872). 61 St. Rep. 761. 80 Hun, 214, (61 St. Rep. 761; 30 Supp. 10). D. 90 Hun, 472; (70 St. Rep. 647; 35 Supp. 973). D. 87 Hun, 470; (68 St. Rep. 457; 34 Supp. 378). 19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Trial — Questions of Law and Fact — Negligence.

2 Misc. 74; (49 St. Rep. 630; 21 Supp. 784). 82 Hun, 441; (64 St. Rep. 791; 31 Supp. 970).

Johnson v. Hudson River R. Co., 49 N. Y. 455.

Cited, Contracts — Correction of Language.

148 N. Y. 431.

*Duplicate Citations in Parenthesis.***Johnson v. Hunt**, 23 Wend. 87.

Cited, Assignment for Creditors—Domestic Attachments Against Assignor.
55 St. Rep. 562.

Johnson v. Jenkins, 24 N. Y. 352.

Cited, Damages—Exemplary—Breach of Promise.

4 Misc. 399; (53 St. Rep. 516; 23 Supp. 1064). D. 1 Misc. 202; (50 St. Rep. 914; 21 Supp. 772).

Johnson v. Johnson, 67 How. 144.

Cited, Writ and Process—Service—Curing Defects by Appearance.

136 N. Y. 396; (49 St. Rep. 835).

Johnson v. Johnson, 14 Wend. 637.

Cited, Physician and Patient—Privilege—Waiver.

11 App. Div. 431; (76 St. Rep. 313; 42 Supp. 313).

Johnson v. Jones, 4 Barb. 369.

Cited, Sales—Disaffirmance.

14 Misc. 600; (71 St. Rep. 445; 36 Supp. 457).

Debtor and Creditor—Extension of Credit—Action on Original Consideration

16 Misc. 556; (74 St. Rep. 266; 38 Supp. 747). 19 Misc. 17; (76 St. Rep. 845; 42 Supp. 845).

Johnson v. Kathan, 88 Hun. 456; 68 St. Rep. 797; 34 Supp. 861.**Johnston v. Kelly**, 43 Hun. 579.

Cited, General Assignment—Omission of Preferences to Employees—Effect.

79 St. Rep. 632; (45 Supp. 632).

Johnson v. Lawrence, 95 N. Y. 154.

Cited, Executors and Trustees Under Will—Separate Functions—Tests—Commissions.

77 Hun. 113; (59 St. Rep. 853; 28 Supp. 307). 85 Hun. 364; (66 St. Rep. 425; 32 Supp. 1020). 12 App. Div. 116; (76 St. Rep. 676; 42 Supp. 676). 75 St. Rep. 1390.

Surrogate—Jurisdiction—Construction of Will.

75 Hun. 131; (57 St. Rep. 229; 26 Supp. 959).

Johnson v. Long Island R. Co., 80 Hun. 306; 62 St. Rep. 46; 30 Supp. 318.

Affirmed, 144 N. Y. 719.

Cited, Wrongful Act Causing Death—Damages—What Included.

145 N. Y. 351; (64 St. Rep. 815). 88 Hun. 364; (68 St. Rep. 764; 34 Supp. 826).

Johnson v. Loveless, 18 Week. Dig. 49.

Cited, Trial—Misconduct of Jury—Dining with Party.

69 Hun. 603; (73 St. Rep. 552; 23 Supp. 94).

Johnson v. Mallory, 2 Robt. 681.

Cited, Pleading—Bill of Particulars—Specific Demand.

53 St. Rep. 566; (24 Supp. 574).

Evidence—Circumstantial—Series of Similar Acts

3 Misc. 508; (23 Supp. 992).

Johnson v. Manhattan R. Co., 52

Hun. 111; 23 St. Rep. 388; 4 Supp. 848.

Distinguished, Damages—Personal Injuries—Earnings.

78 Hun. 170; (60 St. Rep. 194; 28 Supp. 967).

Johnson v. Maxwell, 77 St. Rep. 1156; 43 Supp. 1156.**Johnson v. McConnel**, 15 Hun. 293.

Cited, Appeal—Omission to Except—Review of Evidence.

11 Misc. 248; (66 St. Rep. 516; 33 Supp. 16). D. 12 Misc. 519; (67 St. Rep. 370; 33 Supp. 675).

Johnson v. Meeker, 96 N. Y. 93.

Cited, Contract—Performance—Prevention—Duty to Keep Down Damage.

6 Misc. 318; (58 St. Rep. 299; 26 Supp. 1107).

Johnson v. Monell, 2 Abb. Ct. App. Dec. 470; 2 Keyes, 655.

Cited, Sale—Fraud—Insolvency of Purchaser—Passing Title.

59 St. Rep. 472; (29 Supp. 595; 31 Abb. N. C. 402). 11 Misc. 78; (29 Supp. 595).

Johnson v. Mulvy, 4 Robt. 401.

Affirmed, 51 N. Y. 634.

Cited, Contracts—Statute of Frauds—Sales—Corporate Stock.

72 Hun. 116; (55 St. Rep. 539; 25 Supp. 307; 30 Abb. N. C. 440).

Johnson v. Myers, 103 N. Y. 666; 3 St. Rep. 655.

Cited, Costs—Against Personal Representatives.

66 Hun. 275; (49 St. Rep. 320; 21 Supp. 155).

Johnson v. Netherlands Am. Navigation Co., 132 N. Y. 576; 43 St. Rep. 783.

Cited, Master and Servant—Fellow Servants.

90 Hun. 68; (70 St. Rep. 204; 35 Supp. 583). 15 App. Div. 244; (78 St. Rep. 236; 44 Supp. 236).

Johnson v. New York Bowery Fire Ins. Co., 39 Hun. 410.

Cited, Insurance—Avoidance—Vacant Premises.

92 Hun. 226; (72 St. Rep. 398; 36 Supp. 876).

Duplicate Citations in Parenthesis.

Johnson v. N. Y. C. & H. R. R. Co., 33 N. Y. 610.

Cited. Principal and Agent—Obedience of Agent.

10 Misc. 588; (64 St. Rep. 31; 31 Supp. 455).

Johnson v. New York El. R. Co., 10 Misc. 136; 62 St. Rep. 491; 30 Supp. 920.

Johnson v. Oppenheim, 55 N. Y. 280.

Cited. Landlord and Tenant—Eviction—Entry Permit by Lessor—Protection from Adjacent Excavation.

141 N. Y. 8; (56 St. Rep. 490).

Landlord and Tenant—Shoring up of Demised Premises—Tenant's Permission.

6 Misc. 157; (26 Supp. 875).

License—Landlord and Tenant—Entrance to Guard Against Excavation.

70 Hun, 144; (73 St. Rep. 778; 24 Supp. 90).

Landlord and Tenant—Eviction—Effect of Act of 1860.

8 App. Div. 56; (40 Supp. 426). 17 Misc. 605; (75 St. Rep. 54; 40 Supp. 653).

Johnson v. Oppenheim, 12 Abb. N. S. 449.

Cited. Landlord and Tenant—Eviction.

19 Misc. 523; (77 St. Rep. 1051; 43 Supp. 1081).

Johnson v. Parker, 7 Misc. 685; 58 St. Rep. 332; 28 Supp. 146.

Johnson v. Parmely, 17 Johns. 129.

Cited. Reference—Compulsory.

D. 142 N. Y. 260; (58 St. Rep. 780).

Johnson v. Parmely, 14 Hun, 398.

Cited. Mortgages—Equitable Assignment.

15 Misc. 514; (74 St. Rep. 338; 37 Supp. 1070).

Johnson v. Pinney, 1 Paige, 646.

Cited. Injunction—Vacation—Contempt for Violating.

6 Misc. 412; (27 Supp. 175).

Johnson v. Rapalyea, 1 App. Div. 463; 73 St. Rep. 156; 37 Supp. 540.

Johnson v. Rogers, 3 Cow. 14.

Cited. Action—Venue—Change—Convenience of Witnesses—Sufficiency of Affidavits.

72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629).

Johnson v. Rogers, 35 Hun, 267.

Cited. Husband and Wife—Property—Conveyances to Each Other.

75 Hun, 436; (57 St. Rep. 343; 27 Supp. 676).

Johnson v. Shelter Is. G. & C. M. Ass'n, 122 N. Y. 330; 33 St. Rep. 514.

Cited. Costs—Extra Allowance—Compensation.

70 Hun, 376; (54 St. Rep. 286; 24 Supp. 423; 23 Civ. Pro. 182).

Easement—Impairment—Relief—When Not Granted.

23 Supp. 824.

Johnson v. Sirret, 153 N. Y. 51.

Johnson v. Sirrett, 83 Hun, 317; 64 St. Rep. 673; 31 Supp. 917.

Reversed. 153 N. Y. 51.

Johnson v. Steam Gauge & Lantern Co., 72 Hun, 535; 55 St. Rep. 133; 25 Supp. 681.

Affirmed. 146 N. Y. 152; 66 St. Rep. 276.

Johnson v. Steam Gauge & Lantern Co., 146 N. Y. 152; 66 St. Rep. 276.

Cited. Buildings—Injuries from—Liability.

13 Misc. 654; (69 St. Rep. 160; 34 Supp. 936).

Johnson v. Synett, 89 Hun, 192; 69 St. Rep. 258; 35 Supp. 79.

Johnson v. Thomas, 2 Paige, 377.

Cited. Dower—In what Property—Equitable Interests in Lands.

5 Misc. 128; (25 Supp. 728).

Johnson v. Thomas-Houston Electric Co., 54 Hun, 469; 28 St. Rep. 295; 7 Supp. 761.

Cited. Highways—Villages—Easements.

66 Hun, 623; (48 St. Rep. 197) D. 86 Hun, 432; (67 St. Rep. 626; 33 Supp. 897). 62 St. Rep. 275; (30 Supp. 442).

Johnson v. Tynz, 1 App. Div. 610; 73 St. Rep. 205; 37 Supp. 516.

Cited. Contracts—Breach—Recovery.

14 App. Div. 271; (77 St. Rep. 436; 43 Supp. 436).

Johnson v. Tyrg, 58 Hun, 501; 12 Supp. 630.

Johnson v. Tyng, 14 App. Div. 270; 77 St. Rep. 435; 43 Supp. 435.

Johnson v. Underhill, 52 N. Y. 203.

Cited. Corporations—Sale of Stock—Rights and Liabilities.

5 Misc. 550; (58 St. Rep. 100; 25 Supp. 981). 4 Misc. 476; (54 St. Rep. 332; 24 Supp. 569). D. 4 Misc. 479; (54 St. Rep. 333; 24 Supp. 571).

Corporations—Stockholders—Transfer of Stock—When Effective.

71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23).

Corporations—Stock—Sale of—Transfer—Seller as Trustee.

140 N. Y. 142; (55 St. Rep. 548). 16 App. Div. 604; (78 St. Rep. 971; 44 Supp. 971).

Duplicate Citations in Parenthesis.

Johnson v. Utica & Mohawk R. Co.,
136 N. Y. 669; 50 St. Rep. 929.

Affirming, 40 St. Rep. 987; 17 Supp. 598.

Johnson v. Wallis, 41 Hun, 420; 3 St. Rep. 140.

Affirmed, 112 N. Y. 230.

Cited, Contracts—Representative Character—Enforcing.

8 App. Div. 545; (75 St. Rep. 254; 40 Supp. 861). 1 Misc. 542; (74 St. Rep. 561; 38 Supp. 108).

Johnson v. Wallis, 112 N. Y. 230; 20 St. Rep. 587.

13 App. Div. 326, 327; (77 St. Rep. 143, 144; 43 Supp. 143, 144).

Contracts—Foreign Executors—Enforcing.

15 Misc. 542; (74 St. Rep. 561; 38 Supp. 108).

Johnson v. Weed, 9 John, 310.

Cited, Payment—By Acceptance of Notes—Presumption—Rebuttal.

1 Misc. 176; (48 St. Rep. 672; 20 Supp. 690).

Johnson v. Whitlock, 13 N. Y. 344.

Cited, Appeal—Case—Conformity to Case Below.

64 St. Rep. 624; (31 Supp. 844).

Johnson v. Williams, 51 St. Rep. 805; 22 Supp. 247.

Johnson v. Wygant, 11 Wend. 48.

Cited, Vendor and Vendee—Dependent Covenants.

88 Hun, 77; (68 St. Rep. 533; 34 Supp. 610).

Johnson v. Zink, 51 N. Y. 333.

Cited, Mortgage—Conveyance Subject to—Liability of Grantees.

12 Misc. 598; (70 St. Rep. 278; 35 Supp. 774).

Johnston, Matter of, 69 Hun, 157; 52 St. Rep. 533; 23 Supp. 355.

Johnston, Matter of, 74 Hun, 618; 56 St. Rep. 692; 26 Supp. 966.

Affirmed, 144 N. Y. 563; 64 St. Rep. 235. Executors—Conduct of Estate—Offering Property for Sale—Withdrawal.

79 Hun, 363; (61 St. Rep. 430; 29 Supp. 437).

Johnston, Matter of, 144 N. Y. 563; 64 St. Rep. 235.

Johnston v. Albany Dry Goods Co.,
12 App. Div. 603; 77 St. Rep. 164; 43 Supp. 164.

Johnston v. American Writing Machine Co., 22 St. Rep. 429; 4 Supp. 391.

Distinguished, Evidence—Of Fact Not in Issue—Proof of Plaintiff's Interest in Claim.

1 Misc. 361; (48 St. Rep. 786; 20 Supp. 638).

Johnston v. Brannan, 5 Johns, 2f8.

Interest—By Way of Penalty—Satisfaction of Principal—Effect of.

1 Misc. 256; (23 Supp. 1087). 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321, 322). 14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454).

Johnston v. Catlin, 57 N. Y. 652.

Cited, Costs—Offer of Judgment—Interest.

7 Misc. 527; (27 Supp. 1002). 88 Hun, 228; (63 St. Rep. 259; 34 Supp. 664).

Johnston v. Dahlgren, 14 Misc. 623; 71 St. Rep. 828; 36 Supp. 806.

Johnston v. Donovan, 106 N. Y. 289; 8 St. Rep. 676.

Cited, Parties in Interest—Bringing in—Duty of Court.

15 App. Div. 438; (78 St. Rep. 485; 44 Supp. 485). 14 Misc. 301, 302; (70 St. Rep. 683, 684; 35 Supp. 1058, 1059; 25 Civ. Pro. 124, 125; 2 Ann. Cas. 213).

Johnston v. Garside, 65 Hun, 208; 47 St. Rep. 526; 20 Supp. 327.

Distinguished, Injunction—Removal of Officer.

74 Hun, 170; (56 St. Rep. 385; 26 Supp. 365).

Johnston v. Garside, 53 St. Rep. 740; 24 Supp. 243.

Johnston v. Granger, 17 Misc. 54; 39 Supp. 848.

Johnston v. Marinus, 18 Abb. N. C. 72.

Cited, Burial Rights—Enjoining Removal of Body.

11 Misc. 43; (63 St. Rep. 468; 31 Supp. 869).

Johnston v. Martin, 10 Misc. 399; 63 St. Rep. 424; 31 Supp. 34.

Johnston v. Spicer, 107 N. Y. 185; 11 St. Rep. 436.

Cited, Escheat—Title of State.

44 N. Y. 409; (63 St. Rep. 649).

Constitutional Law—Statutes—Two or More Subjects.

11 App. Div. 149; (76 St. Rep. 900; 42 Supp. 900).

Johnston v. Trask, 116 N. Y. 136; 26 St. Rep. 622.

Cited, Partnership—Notes—Object of Partnership—Power of Partner.

139 N. Y. 330; (54 St. Rep. 619).

Duplicate Citations in Parenthesis.

Johnston v. Trask, 40 Hun, 417.

Cited, Verdict—Direction by Court—Omission to Request Submission to Jury—Effect.

81 Hun, 478; (63 St. Rep. 191; 30 Supp. 998).

Johnston Harvester Co. v. Meinhardt, 60 How. 168; 9 Abb. N. C. 393; *Affirmed*, 24 Hun, 489.

Cited, Intimidation of Employees—Injunction.

91 Hun, 493; (71 St. Rep. 388; 36 Supp. 305).

Injunction When Granted—Remedy at Law.

8 Misc. 300; (59 St. Rep. 234; 28 Supp. 738).

Johnstone v. Conner, 13 Civ. Pro. 19.

Cited, Actions—Undertaking—Appeal to Court of Appeals.

89 Hun, 372; 69 St. Rep. 826; 35 Supp. 415).

Johnstone v. O'Connor, 50 St. Rep. 635; 21 Supp. 487.

Johnstown v. Rodgers, 20 Misc. 262;

79 St. Rep. 631; 45 Supp. 661.

Johnstown Cheese Mfg. Co. v. Veghte, 69 N. Y. 16.

Cited, Waters—Spring—Easement—Grantee—Rights of.

135 N. Y. 63; (48 St. Rep. 128). 79 St. Rep. 644; (45 Supp. 644).

Jonas v. Long Island R. Co., 20 Misc. 176.

Jonasson v. Eames, 51 St. Rep. 13; 21 Supp. 714.

Affirmed, 142 N. Y. 653; 60 St. Rep. 869.

Jones, Matter of, 4 Sandf. Ch. 615.

Cited, Trustees—Resignation—Costs.

75 St. Rep. 683.

Jones, Matter of, 37 Hun, 430.

Cited, Trust—Trustee—Necessary Repairs By.

23 Supp. 1045.

Executors—Accounting—Necessary Disbursements.

D. 15 App. Div. 288; (73 St. Rep. 587; 44 Supp. 587).

Jones, Matter of, 6 Civ. Pro. 250.

Cited, Contempt—Criminal—Punishment—Summary and By Indictment.

8 Misc. 161; (60 St. Rep. 138; 28 Supp. 502).

Jones, Matter of, 103 N. Y. 621.

Cited, Executors—Accounting—Allowance for Shrinkage.

D. 15 App. Div. 288; (78 St. Rep. 587; 44 Supp. 587).

Jones, Matter of, 111 N. Y. 687.

Cited, 17 Misc. 526; (41 Supp. 430).

Jones, Matter of, 24 Week. Dig. 333.

Cited, Executors—Management of Estate—Accounting—Expenses—Litigation.

5 Misc. 146; (25 Supp. 710).

Jones Matter of, 2 Misc. 221; 54 St. Rep. 273; 23 Supp. 767.

Jones, Matter of, 3 Misc. 586; 24 Supp. 706.

Jones, Matter of, 5 Misc. 199; 25 Supp. 109.

Cited, Wills—Unjust—Testamentary Capacity.

16 Misc. 183; (38 Supp. 1133).

Jones, Matter of, 19 Misc. 80; 77 St. Rep. 965; 43 Supp. 965.

Jones, Matter of. See Dannat v. Jones.

Jones v. Albany, 151 N. Y. 223.

Jones v. Albany. 62 Hun, 353, 356; 17 Supp. 232.

Cited, Municipal Corporations—Notice of Injuries To—Sufficiency.

8 App. Div. 122; (40 Supp. 585).

Jones v. Allen, 13 Misc. 442; 70 St. Rep. 139; 35 Supp. 527.

Jones v. Anderson, 71 N. Y. 599.

Cited, Remittitur—Filing—Jurisdiction of Appellate Court.

10 Misc. 367; (63 St. Rep. 405; 31 Supp. 120).

Jones v. Bacon, 72 Hun, 506; 54 St. Rep. 764; 25 Supp. 212.

Affirmed, 145 N. Y. 446; 65 St. Rep. 387.

Jones v. Bacon, 145 N. Y. 446; 65 St. Rep. 387.

Jones v. Baker, 7 Cow. 445.

Cited, Conspiracy—At Common Law.

67 Hun, 338; (51 St. Rep. 442; 22 Supp. 134).

Tort—Joint Feasors—Conspiracy—Damages.

9 Misc. 36; (59 St. Rep. 545; 29 Supp. 295; 31 Abb. N. C. 319).

Jones v. Barlow, 62 N. Y. 203.

Cited, Corporations—Failure to File Report—Liability of Directors—Enforcement.

86 Hun, 323; (67 St. Rep. 199; 33 Supp. 485). 33 Supp. 515. 16 App. Div. 584; (78 St. Rep. 1001; 44 Supp. 1001).

Jones v. Barlow, 38 Super. 142.

Cited, Corporations—Directors—Report Failure to File—Effect.

86 Hun, 323; (67 St. Rep. 199; 33 Supp. 485).

Duplicate Citations in Parenthesis.

Jones v. Blun, 145 N. Y. 333; 64 St. Rep. 806.

Cited, Partners—Rights and Duties.
D. 150 N. Y. 71.

Jones v. Brooklyn Heights R. Co.,
10 Misc. 543; 64 St. Rep. 23; 31 Supp. 445.

Cited, Street Railroads—Infants—Contributory Negligence.

15 Misc. 690; (70 St. Rep. 904; 36 Supp. 1127).

Jones v. Brooklyn Heights R. Co.,
15 Misc. 690; 70 St. Rep. 904; 36 Supp. 1127.

Jones v. Brooklyn L. Ins. Co., 61 N. Y. 79.

Cited, Evidence—Burden of Proof—Falsity of Representations—Insurance.

5 Misc. 252; (54 St. Rep. 823; 25 Supp. 474). 82 Hun, 272; (63 St. Rep. 795; 31 Supp. 346).

Jones v. Butler, 83 Hun, 91; 63 St. Rep. 814; 31 Supp. 401; 1 Ann. Cas. 278.

Reversed, 146 N. Y. 55; 65 St. Rep. 772.

Cited, Interlocutory Judgments—Costs.

19 Misc. 284; (78 St. Rep. 253; 44 Supp. 253).

Jones v. Butler, 146 N. Y. 55; 65 St. Rep. 772.

Cited, Corporations—Stockholder's Liability.

88 Hun, 258; (68 St. Rep. 700; 34 Supp. 719).

Jones v. Butler, 20 How. 189; 30 Barb. 641.

Cited, Judgment—Extent of Relief—Demand in Pleading.

56 St. Rep. 58; (25 Supp. 800).

Jones v. Case, 38 How. 349.

Cited, Costs—Items—Trial Fee—Discontinuance on Call of Calendar.

49 St. Rep. 303; (20 Supp. 967).

Jones v. Chantry, 1 Hun, 613.

Cited, Nuisance—Liability of Owner of Premises.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Jones v. Conde, 6 Johns. Ch. 77.

Cited, Courts—Chancery—Jurisdiction—Foreclosure.

135 N. Y. 278; (48 St. Rep. 87).

Jones v. Dana, 24 Barb. 395.

Cited, Corporations—Irregular Organization—Effect.

81 Hun, 254; (62 St. Rep. 713; 30 Supp. 770).

Jones v. De Coursey, 12 App. Div. 164; 76 St. Rep. 578; 42 Supp. 578.

Cited, Contracts—Construction—Effect of Submission to Jury.

17 App. Div. 86; (78 St. Rep. 817; 44 Supp. 817).

Jones v. Doherty, 79 St. Rep. 241; 45 Supp. 241.

Jones v. Estes, 2 Johns. 379.

Cited, Statutes—Penal—Strict Constructions.

30 Abb. N. C. 125; (24 Supp. 938).

Jones v. Fleming, 104 N. Y. 418; 5 St. Rep. 695.

Cited, Dower—Bar—Election.

66 Hun, 114; (49 St. Rep. 802; 21 Supp. 15).

Jones v. Graham, 77 N. Y. 628.

Cited, Chattel Mortgage—Failure to File—Rights of Creditors.

69 Hun, 580; (53 St. Rep. 263; 24 Supp. 23). 86 Hun, 145; (66 St. Rep. 841; 33 Supp. 213). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Chattel Mortgages—Bona Fide Mortgagee.

92 Hun, 178; (72 St. Rep. 730; 37 Supp. 456). 8 App. Div. 571; (75 St. Rep. 324; 40 Supp. 928). 15 Misc. 172; (72 St. Rep. 173; 37 Supp. 21).

Jones v. Grant, 10 Paige, 348.

Cited, Pleadings—Relief Under—Co-defendants.

5 Misc. 424; (26 Supp. 710).

Jones v. Hamersley, 4 Dem. 427.

Cited, Surrogates' Courts—Wills—Power to Construe.

88 Hun, 377; (63 St. Rep. 771; 34 Supp. 833).

Jones v. Henry, 15 Misc. 151; 71 St. Rep. 435; 36 Supp. 483.

Jones v. Home Furnishing Co., 9 App. Div. 163; 75 St. Rep. 532; 41 Supp. 71.

Jones v. Howard Insurance Co., 117 N. Y. 103; 26 St. Rep. 844.

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140 N. Y. 28; (55 St. Rep. 382).

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137 N. Y. 400; (50 St. Rep. 685). 90 Hun, 525; (71 St. Rep. 709; 36 Supp. 689).

Jones v. Hoyt, 85 Hun, 35; 66 St. Rep. 136; 32 Supp. 625.

Jones v. Hoyt, 10 Abb. N. S. 324.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

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Jones v. Jones, 8 Misc. 660; 60 St. Rep. 429; 30 Supp. 177.

Jones v. Jones, 71 Hun, 519; 54 St. Rep. 885; 24 Supp. 1031.

Cited, Special Term—Power to Send Case Back to Referee.

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Jones v. Jones, 75 Hun, 35; 57 St. Rep. 792; 27 Supp. 274.

Jones v. Jones, 90 Hun, 414; 70 St. Rep. 319; 35 Supp. 877.

Cited, Husband and Wife—Separation—Reconciliation.

5 App. Div. 498; (39 Supp. 37).

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2 Misc. 550; (51 St. Rep. 509; 22 Supp. 192).

Jones v. Jones, 108 N. Y. 415; 13 St. Rep. 838; 28 Week. Dig. 331.

Cited, Action—Appearance—Notice of Retainer—Effect.

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Courts—Jurisdiction—Subject of Action—Personal Service.

8 Misc. 239; (59 St. Rep. 224; 28 Supp. 551). D. 8 Misc. 242; (59 St. Rep. 225; 28 Supp. 554). 136 N. Y. 394; (49 St. Rep. 833). 82 Hun, 185; (64 St. Rep. 802; 31 Supp. 931). 86 Hun, 394; (67 St. Rep. 217; 33 Supp. 503). 88 Hun, 567; (68 St. Rep. 824; 34 Supp. 855). 4 App. Div. 531; (40 Supp. 445). 12 App. Div. 24; (76 St. Rep. 485; 42 Supp. 485). 17 Misc. 484; (75 St. Rep. 818; 41 Supp. 417).

Jones v. Jones, 120 N. Y. 589; 31 St. Rep. 940.

Cited, Power of Court Over—Verdict of Jury—Special Proceeding.

69 St. Rep. 791; (35 Supp. 405; 25 Civ. Pro. 138). 143 N. Y. 351; (62 St. Rep. 307).

Jones v. Jones, 6 St. Rep. 736.

Affirmed, 120 N. Y. 589; 31 St. Rep. 420.

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137 N. Y. 128; (50 St. Rep. 173).

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Jones v. Judd, 4 N. Y. 411.

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142 N. Y. 462; (59 St. Rep. 785). 152 N. Y. 123. 18 Misc. 282; (41 Supp. 1039). 19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381).

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Jones v. Kent, 80 N. Y. 585.

Cited, Contracts—Sales—Securities.

9 App. Div. 163; (75 St. Rep. 609; 41 Supp. 151).

Jones v. Leonard. See *Jones v. Newall*.

Jones v. Ludlum, 74 N. Y. 61.

Cited, Pleading—Answer—Denial on Information and Belief.

5 Misc. 510; (58 St. Rep. 103; 25 Supp. 966).

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78 Hun, 51; (60 St. Rep. 819; 29 Supp. 276).

Jones v. Lynds, 7 Paige, 301.

Cited, Contract—Conditions Precedent—Performance—Recovery.

6 Misc. 314; (58 St. Rep. 298; 26 Supp. 1106).

Jones v. Mail & Express Pub. Co., 80 Hun, 368; 62 St. Rep. 61; 30 Supp. 335.

Cited, Corporations—Capital Stock—Certificate—Filing.

83 Hun, 108; (63 St. Rep. 806; 31 Supp. 391). 83 Hun, 91; (63 St. Rep. 814; 31 Supp. 402; 1 Ann. Cas. 278). 11 Misc. 492; (64 St. Rep. 460; 32 Supp. 718).

Jones v. Manning, 25 St. Rep. 771; 6 Supp. 338.

Cited, Mechanic's Lien—To What Attaches. 2 Misc. 122; (49 St. Rep. 226).

Jones v. Mayer, 16 Misc. 586; 74 St. Rep. 143; 38 Supp. 801.

Cited, Sales—Warranty.

19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Jones v. McKenzie, 20 Misc. 222; 79 St. Rep. 412; 45 Supp. 412.

Jones v. Merchants' Bank, 6 Robt. 1626

Cited, Attorneys—Lien—Duration.

72 Hun, 533; (55 St. Rep. 129; 25 Supp. 37).

Jones v. Merchants' Bank, 72 Hun, 344; 55 St. Rep. 365; 25 Supp. 660.

Jones v. Moores, 67 Hun, 109; 51 St. Rep. 544; 22 Supp. 53.

Affirmed, 142 N. Y. 661; 61 St. Rep. 869.

Jones v. Morgan, 90 N. Y. 4.

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6 Misc. 391; (56 St. Rep. 409; 26 Supp. 753). 16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342). 4 Misc. 106; (53 St. Rep. 212; 23 Supp. 1009). 19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

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12 Misc. 567; (67 St. Rep. 603; 33 Supp. 850).

Jones v. Newall, 78 Hun, 290; 60 St. Rep. 231; 28 Supp. 906.

Jones v. Newman, 36 Hun, 634.

Cited, Action—Right—Leave to Sue—Constable's Bonds.

5 Misc. 532; (58 St. Rep. 110; 25 Supp. 933).

Jones v. Newton, 79 Hun, 436; 61 St. Rep. 455; 29 Supp. 1023.

Affirmed, 149 N. Y. 596.

Jones v. New York, 90 N. Y. 387.

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Jones v. New York C. & H. R. R. Co., 28 Hun, 364.

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Cited, Master and Servant—Machinery and Appliances—Failure to Discover and Repair Defect.

1 Misc. 305; (48 St. Rep. 771; 20 Supp. 712). 10 Misc. 736; (64 St. Rep. 505; 31 Supp. 803).

Jones v. N. Y. L. E. & W. R. Co., 3 App. Div. 341; 73 St. Rep. 765; 38 Supp. 284.

Jones v. Osgood, 6 N. Y. 233.

Cited, Trial—Instruction to Jury—Exception—Extent of Review.

8 Misc. 294; (59 St. Rep. 210; 28 Supp. 574; 31 Abb. N. C. 440). 11 Misc. 17; (63 St. Rep. 454; 31 Supp. 871). 18 Misc. 31; (75 St. Rep. 517; 41 Supp. 59).

Jones v. Palumbo, 11 Misc. 420; 65 St. Rep. 284; 32 Supp. 140.

Jones v. Porter, 6 How. 286.

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79 Hun, 410; (61 St. Rep. 344; 29 Supp. 810).

Jones v. Prindham, 3 E. D. Smith, 155.

Cited, Justice's Courts—Default—Proof of Case.

12 Misc. 155; (66 St. Rep. 667; 32 Supp. 1130).

Jones v. Reed, 1 Johns. Cas. 20.

Cited, Justice's Court—Jurisdiction—Limitation on.

9 App. Div. 179; (75 St. Rep. 522; 41 Supp. 63).

Jones v. Reynolds, 120 N. Y. 213; 30 St. Rep. 881.

Cited, Contracts—Statute of Frauds—Sale—Delivery and Acceptance.

3 Misc. 94; (51 St. Rep. 608; 22 Supp. 370). 17 Misc. 139; (39 Supp. 401). 2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464).

Jones v. Rice, 19 Misc. 357; 77 St. Rep. 491; 43 Supp. 491.

Jones v. Roach, 41 Super. 248.

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Jones v. Rochester Gas & Electric Co., 7 App. Div. 465; 39 Supp. 1105.

Cited, Actions—Defense—Change of.

18 Misc. 78; (75 St. Rep. 975; 41 Supp. 584).

Jones v. Rochester Gas & Electric Co., 7 App. Div. 474; 39 Supp. 1110.

Jones v. Seligman, 81 N. Y. 190.

Cited, Eminent Domain—Award—Conclusiveness—Railroad Crossings.

142 N. Y. 176; (58 St. Rep. 611).

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78 Hun, 264; (60 St. Rep. 262; 28 Supp. 902). 80 Hun, 280; (62 St. Rep. 36; 30 Supp. 163).

Jones v. Sheldon, 50 N. Y. 477.

Cited, Statutes—Construction—Title of Act.

144 N. Y. 417; (63 St. Rep. 653). 88 Hun, 557; (68 St. Rep. 801; 34 Supp. 850; 2 Ann. Cas. 202). 32 Supp. 281.

Jones v. Sherman, 8 St. Rep. 344.

Cited, Costs—Order—Appeal—Amount—Disbursements.

2 Misc. 189; (50 St. Rep. 200; 21 Supp. 586).

Jones v. Smith, 64 N. Y. 180.

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13 Misc. 208; (67 St. Rep. 870; 34 Supp. 15).

Jones v. Sparks, 1 St. Rep. 476.

Cited, Appeal—From Judgment—What Questions Reviewed.

4 Misc. 1173; (53 St. Rep. 215; 23 Supp. 675). 11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

Jones v. Sparks, 2 St. Rep. 139.

Cited, Contracts—Negotiation—Statements During.

11 Misc. 425; (65 St. Rep. 121; 32 Supp. 128).

*Duplicate Citations in Parenthesis.***Jones v. Terre Haute & Richmond Railroad Co.**, 57 N. Y. 196.*Cited*, Dividends—Declaration—Rights of Stockholders.

D. 87 Hun, 440; (68 St. Rep. 70; 34 Supp. 222).

Jones v. Turner, 80 Hun, 157; 61 St. Rep. 808; 30 Supp. 65.*Affirmed*, 149 N. Y. 611.**Jones v. Walker**, 63 N. Y. 612.*Cited*, Husband and Wife—Wife's Contracts—Presumption.

85 Hun, 129; (65 St. Rep. 653; 32 Supp. 468). 87 Hun, 2; (67 St. Rep. 509; 33 Supp. 763).

Jones v. Wellwood, 71 N. Y. 208.*Cited*, Arbitration—Award—Necessity of Finality.

137 N. Y. 297; (50 St. Rep. 690).

Jones v. White, 10 Abb. N. C. 324.*Cited*, Depositions—Open Commission—Specification of Witnesses.

74 Hun, 249; (55 St. Rep. 875; 26 Supp. 446).

Jones v. Wick, 10 Misc. 112; 62 St. Rep. 516; 30 Supp. 924.**Jones v. Wittner**, 79 Hun, 283; 60 St. Rep. 557; 29 Supp. 372.*Affirmed*, 151 N. Y. 649.**Jooss v. Fay**, 129 N. Y. 17; 41 St. Rep. 211.*Cited*, Husband and Wife—Creation of Tenancy by Entirety.

136 N. Y. 94; (49 St. Rep. 67). 82 Hun, 204; (63 St. Rep. 779; 31 Supp. 330). 10 Misc. 25; (62 St. Rep. 266; 30 Supp. 804). 74 Hun, 417; (57 St. Rep. 208; 26 Supp. 580; 23 Civ. Pro. 276).

Jordan v. Board of Education, 14 Misc. 119; 35 Supp. 247; 25 Civ. Pro. 89; 2 Ann. Cas. 244.**Jordan v. Garrison**, 6 How. 6.*Cited*, Venue — Transitory Actions — Where Tried.

7 App. Div. 460; (39 Supp. 1090).

Jordan v. Hess, 54 St. Rep. 326; 24 Supp. 489.**Jordan v. Hyatt**, 3 Barb. 275.*Cited*, Arbitration—Effect as Discontinuance of Action.

77 Hun, 357; (60 St. Rep. 37; 28 Supp. 846). 7 App. Div. 449; (39 Supp. 1050).

Jordan v. National Shoe & L. Bank of N. Y., 74 N. Y. 467.*Cited*, Executors—Suit Affecting Estate—Counterclaims.

8 Misc. 151; (59 St. Rep. 385; 29 Supp. 304). 71 Hun, 337; (55 St. Rep. 45; 24 Supp. 1120). 14 App. Div. 433, 435; (77 St. Rep. 826; 43 Supp. 826).

Banks—Depositors—Lien.

87 Hun, 126; (67 St. Rep. 443; 33 Supp. 799).

Pleading—Counterclaim—Failure to Reply—Effect.

18 Misc. 545; (77 St. Rep. 796; 43 Supp. 796).

Jordan v. Poillon, 77 N. Y. 518.*Cited*, Vendor and Purchaser—Rights of Parties—Unmerchable Title.

24 Supp. 663. 82 Hun, 213; (63 St. Rep. 785; 31 Supp. 336). 76 St. Rep. 13; (18 Misc. 138; 42 Supp. 13). 79 St. Rep. 432; (45 Supp. 482). 38 Supp. 104; (2 Ann. Cas. 113).

Jordon v. Van Epps, 85 N. Y. 427.*Cited*, Judgment—Conclusiveness.

151 N. Y. 127; (3 Ann. Cas. 347). 84 Hun, 384; (65 St. Rep. 707; 32 Supp. 432). 85 Hun, 17; (66 St. Rep. 127; 32 Supp. 616). 85 Hun, 17; (66 St. Rep. 128; 32 Supp. 617). 85 Hun, 68; (65 St. Rep. 863; 32 Supp. 643). 19 Misc. 273; (78 St. Rep. 254; 44 Supp. 254). 20 Misc. 625.

Jordan v. Volkenning, 72 N. Y. 300.*Cited*, Judgment—Sureties' Undertaking—Recovery.

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Jorgensen v. Minister, etc., of Harlem, 7 Misc. 1; 57 St. Rep. 842; 27 Supp. 318.*Affirming*, 26 Supp. 876; 23 Civ. Pro. 232.**Jorgensen v. Minister, etc., of the Reformed Low Dutch Church**, 57 St. Rep. 84.**Jorgensen v. Squires**, 50 St. Rep. 161; 21 Supp. 383.*Affirmed*, 144 N. Y. 280; 63 St. Rep. 686; 1 Ann. Cas. 132.**Jorgensen v. Squires**, 144 N. Y. 280; 63 St. Rep. 686; 1 Ann. Cas. 132.*Cited*, 12 App. Div. 121; (77 St. Rep. 221; 42 Supp. 221).

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149 N. Y. 171. 17 App. Div. 452; (79 St. Rep. 283; 45 Supp. 283). 13 Misc. 141; (68 St. Rep. 232; 34 Supp. 181, 182). 79 St. Rep. 285; (45 Supp. 285). 20 Misc. 190; (79 St. Rep. 901; 45 Supp. 901).

Municipal Corporations — Sidewalks — Negligence.

8 App. Div. 123; (40 Supp. 586).

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Duplicate Citations in Parenthesis.

Josephthal v. Hyman, 2 Abb. N. C. 22.

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Joslin v. Cowee, 52 N. Y. 90.

Cited, Factors—Sale of Goods to Insolvent Purchaser—Security.

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Joslin v. Cowee, 56 N. Y. 626.

Cited, Appeal—Subsequent—Conclusiveness of Prior Decision

141 N. Y. 583; (60 St. Rep. 323).

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Affirmed, 128 N. Y. 334; 40 St. Rep. 274.

Cited, Documentary Evidence—Admission.

17 Misc. 84; (39 Supp. 859).

Joslyn v. Rockwell. See *Joslyn v. Pulver*.

Joslyn v. Rockwell, 128 N. Y. 334; 40 St. Rep. 274.

Cited, Taxes—Notice to Redeem—Service of—Jurisdictional.

22 Supp. 538; (30 Abb. N. C. 117). 10 App. Div. 589; (76 St. Rep. 69; 42 Supp. 69). 18 Misc. 324; (76 St. Rep. 1003; 42 Supp. 1003).

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67 Hun, 505; (57 St. Rep. 237; 22 Supp. 504). 145 N. Y. 457; (65 St. Rep. 391). 7 App. Div. 368; (74 St. Rep. 676; 40 Supp. 62). 11 Misc. 504, 507, 509; (67 St. Rep. 282, 283, 285; 33 Supp. 434, 435, 437). 18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528).

Jossaers v. Walker, 14 App. Div. 303; 77 St. Rep. 891; 43 Supp. 891.

Josuez v. Connor, 75 N. Y. 156.

Cited, Appeals—Amount Involved—Interest.

18 Misc. 196; (75 St. Rep. 807; 41 Supp. 394).

Jourdan v. Healey, 46 St. Rep. 198; 19 Supp. 240; 22 Civ. Pro. 157.

Cited, Appeal From Justice's Judgment.

3 Misc. 125; (23 Supp. 995). 10 App. Div. 604; (76 St. Rep. 371; 42 Supp. 371.)

10 Misc. 762; (64 St. Rep. 621; 31 Supp. 814). 13 Misc. 133; (68 St. Rep. 78; 34 Supp. 169).

Jourdan v. Long Island R. Co., 115 N. Y. 380; 26 St. Rep. 138.

Cited, Corporation—Officers—Authority—Contracts by.

5 Misc. 325; (56 St. Rep. 55; 25 Supp. 817). 87 Hun, 464; (68 St. Rep. 60; 34 Supp. 212).

Jourden v. Hawkins, 17 Johns. 35.

Cited, Contempt—Delay in Moving to Punish.

74 Hun, 193; (56 St. Rep. 553; 26 Supp. 353). D. 74 Hun, 193; (56 St. Rep. 556; 26 Supp. 353).

Journault v. Ferris, 2 Dem. 320.

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3 Misc. 397; (24 Supp. 851).

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Journey, Matter of, 15 App. Div. 567; 78 St. Rep. 548; 44 Supp. 548.

Journey v. Brackley, 1 Hilt. 447.

Cited, Assignment for Creditors—Rent of Premises—Occupation by Assignee.

4 Misc. 202; (53 St. Rep. 489; 23 Supp. 1024). 9 Misc. 123; (59 St. Rep. 712; 29 Supp. 285). 14 App. Div. 312; (77 St. Rep. 1050; 43 Supp. 1050).

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68 Hun, 559; 52 St. Rep. 565; 22 Supp. 1031.

Joy v. Diefendorf, 130 N. Y. 6; 40 St. Rep. 491.

Cited, Bills and Notes—Bona Fide Holders—Diversion.

74 Hun, 447; (57 St. Rep. 185; 26 Supp. 823). 49 St. Rep. 791; (21 Supp. 24). 88 Hun, 8; (68 St. Rep. 505; 34 Supp. 498). 8 App. Div. 92; (74 St. Rep. 859; 40 Supp. 412).

Trial—Questions for Jury—Credibility of Party.

75 Hun, 50; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 153). 2 App. Div. 108; (73 St. Rep. 147; 37 Supp. 531). 3 App. Div. 316; (73 St. Rep. 741; 38 Supp. 260). 11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 319).

Joy v. Schloss, 15 Abb. N. C. 373.

Cited, Contracts—Sales—Statute of Frauds.

17 Misc. 732; (41 Supp. 414).

Joyce v. Rome, Watertown & Ogdensburg R. Co., 80 Hun, 601; 61 St. Rep. 586; 29 Supp. 898.

Cited, Railroads—Negligence—Submission to Jury.

92 Hun, 109; (71 St. Rep. 743; 36 Supp. 731).

Duplicate Citations in Parenthesis.

Joyce v. Rome, Watertown & Ogdensburg R. Co., 92 Hun, 107; 71 St. Rep. 742; 86 Supp. 731.

J. Russell Mfg Co. v. N. H. Steamboat Co., 50 N. Y. 121.

Cited, Bailments—Negligence—Bailee—Burden of Proof.

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Juch, Matter of, 17 Supp. 910.

Cited, Wills—Construction—Power of Sale for Debt.

21 Supp. 685; (23 Civ. Pro. 129).

Jucht v. Behrens, 26 St. Rep. 690; 7 Supp. 195.

Cited, Landlord and Tenant—Liability of Landlord—Tenement Houses—Hallways—Lights.

5 Misc. 446; (26 Supp. 802).

Judah v. Lane, 12 St. Rep. 130.

88 Hun, 312; (68 St. Rep. 570; 34 Supp. 751).

Judd v. Burrell, 51 St. Rep. 540; 22 Supp. 212.

Judd v. Fellows, 9 App. Div. 203; 75 St. Rep. 685; 41 Supp. 274.

Judd v. Fulton, 10 Barb. 117.

5 App. Div. 591; (39 Supp. 370).

Judd v. Harrington, 139 N. Y. 105; 54 St. Rep. 471.

Affirming, 46 St. Rep. 925; 19 Supp. 406.

Cited, Conspiracy—Prevention of Competition.

77 Hun, 438; (60 St. Rep. 678; 29 Supp. 260). 145 N. Y. 272; (64 St. Rep. 696).

Judd v. Smith, 3 Hun 190.

Cited, 20 Misc. 567.

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Cited, Pleading—Complaint—Jurisdiction—Demurrer.

76 Hun, 545; (58 St. Rep. 244; 23 Supp. 211).

Judge v. O'Connor, 70 Hun, 384; 53 St. Rep. 799; 24 Supp. 84.

Judges of Oneida Common Pleas v. People, 18 Wend. 79.

Cited, 89 Hun, 224; (69 St. Rep. 244; 35 Supp. 66).

Judson v. Central Vermont R. Co., 91 Hun, 1; 71 St. Rep. 420; 36 Supp. 83.

Judson v. Dada, 79 N. Y. 373.

3 App. Div. 296; (38 Supp. 1074).

Judson v. Easton, 58 N. Y. 664.

Cited, Chattel Mortgage—Default—Title to Property.

138 N. Y. 504; (53 St. Rep. 104). D. 138 N. Y. 512; (53 St. Rep. 109).

Judson v. Flushing Jockey Club, 14 Misc. 350; 71 St. Rep. 75; 36 Supp. 126.

10 App. Div. 508; (76 St. Rep. 279; 42 Supp. 279). 36 Supp. 128

Judson v. Flushing Jockey Club, 14 Misc. 562; 71 St. Rep. 76; 36 Supp. 128.

Judson v. Gray, 11 N. Y. 408.

Cited, 41 Supp. 280; (25 Civ. Pro. 350).

Judson v. Gray, 17 How 289.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 85; (55 St. Rep. 396; 26 Supp. 39). 81 Hun, 348; (63 St. Rep. 148; 30 Supp. 894; 24 Civ. Pro. 157).

Judson v. O'Connell, 37 St. Rep. 581; 14 Supp. 92.

Cited, Appeal—Review of Discretionary—Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 431; 23 Civ. Pro. 40).

Judson v. Olean, Village of, 116 N. Y. 655; 26 St. Rep. 706; 2 Silvernail, 414.

Cited, Master and Servant—Negligence of Fellow Servant.

3 Misc. 229; (51 St. Rep. 872; 22 Supp. 753).

Judson v. Rossie Galena Co., 9 Paige, 596.

Cited, 8 App. Div. 44; (40 Supp. 455).

Jugla v. Trouttet, 120 N. Y. 21; 30 St. Rep. 182.

Cited, Account Stated—Retention of Statement—Settlement.

74 Hun, 441; (57 St. Rep. 240; 26 Supp. 702).

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4 Misc. 421; (53 St. Rep. 583; 24 Supp. 128).

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77 Hun, 517; (60 St. Rep. 662; 29 Supp. 91). 1 App. Div. 509; (72 St. Rep. 603; 37 Supp. 278).

Juilliard v. Chaffee, 92 N. Y. 529.

Cited, Evidence—Parol as to Writings.

73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262). 73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

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73 Hun, 313; (58 St. Rep. 63; 26 Supp. 377).

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3 Misc. 257; (52 St. Rep. 125; 22 Supp. 940). 145 N. Y. 664. 152 N. Y. 31. 85 Hun, 74; (66 St. Rep. 29; 32 Supp. 647). 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750). 16 Misc. 314; (39 Supp. 416). 71 St. Rep. 315.

Julian v. Laubenberger, 16 Misc. 646; 38 Supp. 1052.

Julian v. Woolsey, 87 Hun, 326; 68 St. Rep. 472; 34 Supp. 321.

Jumel v. Jumel, 7 Paige, 591.

Cited, 85 Hun, 82; (66 St. Rep. 44; 32 Supp. 661).

Jung v. Keuffel, 144 N. Y. 381; 63 St. Rep. 690.

Affirming, 3 Misc. 638; 52 St. Rep. 938; 23 Supp. 1158. 19 Misc. 9; (76 St. Rep. 911; 42 Supp. 911).

Jung v. Kueffel, 12 Misc. 89; 66 St. Rep. 671; 32 Supp. 1136.

Jung v. Starin, 12 Misc. 362; 65 St. Rep. 780; 33 Supp. 650.

12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033). 79 St. Rep. 323; (45 Supp. 323).

Jurgens v. Rogge, 16 Misc. 100; 72 St. Rep. 529; 37 Supp. 249.

Jurgenson v. Hamilton, 5 Abb. N. C. 149.

Cited, 11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro. 270; 1 Ann. Cas. 316).

Justh v. National Bank of Commonwealth, 56 N. Y. 478.

Cited, Banking—Deposits—Collections—Credits.

9 Misc. 348; (60 St. Rep. 612; 29 Supp. 1104).

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141 N. Y. 385; (57 St. Rep. 599).

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7 Misc. 571; (60 St. Rep. 62; 28 Supp. 784).

Principal and Agent — Knowledge of Agent—Notice to Principal.

59 St. Rep. 476; (29 Supp. 598; 31 Abb. N. C. 408). 147 N. Y. 191; (69 St. Rep. 537; 2 Ann. Cas. 291). 11 App. Div. 183; (76 St. Rep. 983; 42 Supp. 983). 82 Hun, 521; (64 St. Rep. 211; 31 Supp. 533). 11 Misc. 83; (29 Supp. 598). 14 Misc. 318; (70 St. Rep. 325; 35 Supp. 849).

Justice v. Lang, 52 N. Y. 323.

Cited, Appeal—Subsequent—Conclusiveness of Prior Decision.

141 N. Y. 583; (60 St. Rep. 323).

Parent and Child—Compensation for Services—Presumption.

136 N. Y. 123; (49 St. Rep. 34).

Justice v. Lang, 42 N. Y. 493.

Cited, Contracts — Statute of Frauds—Verbal Acceptance of Written Offer.

75 Hun, 465; (57 St. Rep. 366; 27 Supp. 457).

Contracts—Meeting of Minds.

Cited, 1 Misc. 296; (48 St. Rep. 669; 20 Supp. 706).

Justum v. Bricklayers, etc. Union, 78 Hun, 503; 61 St. Rep. 163; 29 Supp. 621.

Cited, 1 App. Div. 76; (72 St. Rep. 271; 36 Supp. 1096).

Jutte v. Hughes, 67 N. Y. 267.

Cited, Damages — Personal Injuries — Earnings.

50 St. Rep. 252; (21 Supp. 306).

Trespass — Resulting From Acts on Adjoining Lands.

2 Misc. 433; (51 St. Rep. 217; 22 Supp. 185).

J. W. B. v. F. D. B., 11 Leg. Obs. 350.

Cited, Husband and Wife—Divorce—Affirmative Relief to Defendant.

67 Hun, 386; (51 St. Rep. 824; 22 Supp. 265; 23 Civ. Pro. 104).

K

Kaare v. Troy Steel & Iron Co., 139 N. Y. 369; 54 St. Rep. 653.

Reversing, 46 St. Rep. 451; 19 Supp. 789.

Cited, New Trial—Weight of Evidence—Judgment of Appellate Court.

78 Hun, 552; (61 St. Rep. 170; 29 Supp. 628). 88 Hun, 475; (69 St. Rep. 42; 34 Supp. 981). 81 Hun, 114; (62 St. Rep. 635; 30 Supp. 682). 82 Hun, 172; (63 St. Rep. 772

31 Supp. 323). 92 Hun, 112; (71 St. Rep. 746; 36 Supp. 734). 8 App. Div. 111; (40 Supp. 466). 11 App. Div. 275; (76 St. Rep. 119; 42 Supp. 119). 10 Misc. 340; (63 St. Rep. 519; 31 Supp. 137). 13 Misc. 278; (68 St. Rep. 18; 34 Supp. 63). 19 Misc. 482; (77 St. Rep. 1071; 43 Supp. 1071).

Master and Servant—Liability of Master — Risks Assumed.

Duplicate Citations in Parenthesis.

8 App. Div. 149; (74 St. Rep. 482; 38 Supp. 52). 5 App. Div. 616; (39 Supp. 466). 11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817). 79 St. Rep. 1115; (45 Supp. 11, 15).

Kadok v. Phoenix Mut. L. Ins. Co., 21 St. Rep. 203; 4 Supp. 718.

Cited, Insurance — Policy — Warranties Breach—Rescission—Return of Premium.

3 Misc. 462; (52 St. Rep. 444; 23 Supp. 182). 14 App. Div. 148; (77 St. Rep. 531; 43 Supp. 531).

Kabus v. Frost, 50 Super 72.

Cited, Damages—Measure of—Landlord and Tenant—Failure to Repair.

5 Misc. 4; (25 Supp. 126).

Kaempjer v. Gorman, 43 St. Rep. 800; 17 Supp. 827.

Cited, Depositions—Open Commission—Specification of Witnesses.

74 Hun, 250; (55 St. Rep. 875; 26 Supp. 446).

Karka v. Mevensohn, 18 Misc. 202; 75 St. Rep. 777; 41 Supp. 368.

Cited, Trial—Issues Not Within Pleadings—Appeal—Effect—Specific Objection.

20 Misc. 117; 79 St. Rep. 3; (45 Supp. 3). 20 Misc. 554.

Kahle v. Muller, 57 Hun, 144; 32 St. Rep. 448; 11 Supp. 26.

Cited, Attachment — Affidavit — Sufficiency.

9 App. Div. 582; (75 St. Rep. 1101; 41 Supp. 711). 17 Misc. 735, 737; (40 Supp. 1068, 1069; 3 Ann. Cas. 203). 17 Misc. 243; (40 Supp. 1066). 87 Hun, 274; (67 St. Rep. 470; 33 Supp. 825). 87 Hun, 262; (67 St. Rep. 474; 33 Supp. 830).

Kahn, Matter of, 1 Conolly 510; 5 Supp. 556.

Cited, Wills—Testamentary Capacity — Insane Delusions.

19 Misc. 78; (78 St. Rep. 96; 44 Supp. 96).

Kahn v. Brooklyn Trust Co., 5 App. Div. 495; 38 Supp. 1059.

Kahn v. Chapin, 152 N. Y. 305.

Kahn v. Chapin, 84 Hun, 541; 66 St. Rep. 311; 32 Supp. 859.

Affirmed, 152 N. Y. 305.

Cited, Trustee—Purchase of Trust Property—Avoidance.

15 Misc. 584; (72 St. Rep. 115; 37 Supp. 86)

Kahn v. Coen, 62 St. Rep. 107; 30 Supp. 847; 31 Abb. N. C. 478.

Kahn v. Hoes, 14 Misc. 63; 69 St. Rep. 627; 35 Supp. 273.

Kahn v. John Kress Brewing Co., 17 Misc. 394; 39 Supp. 1093.

Kahn v. Lesser, 43 St. Rep. 149; 18 Supp. 98.

Cited, Trial—Question for Jury—Conflict of Evidence.

5 Misc. 248; (54 St. Rep. 820; 25 Supp. 471). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Kahn v. New York El. R. Co., 3 Misc. 611; 52 St. Rep. 255; 22 Supp. 793.

Cited, Damages — Elevated Railway — Easement Apart from Fee.

3 Misc. 613; (52 St. Rep. 257; 22 Supp. 795).

Kahn v. New York El. R. Co., 7 Misc. 53; 57 St. Rep. 509; 27 Supp. 339.

Kahn v. Schmidt, 83 Hun, 541; 65 St. Rep. 190; 32 Supp. 33.

Cited, Costs—Equity Actions—Review of Discretion.

3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1072).

Kahn v. Singer Mfg Co., 18 Misc. 568; 76 St. Rep. 4 1; 42 Supp. 461.

Kahn v. Tobias, 16 Misc. 83; 73 St. Rep. 81; 37 Supp. 632.

Kahn v. Weill, 9 Misc. 150; 59 St. Rep. 664; 29 Supp. 53.

Cited, Agent—Acting in Own Name—Effect.

19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73). 40 Supp. 1147.

Kain v. Delano, 11 Abb. N. S. 29.

Cited, Reference—Long Account.

73 Hun, 492; (56 St. Rep. 37; 26 Supp. 481). 139 N. Y. 204; (54 St. Rep. 607). D. 142 N. Y. 261; (58 St. Rep. 731).

Kain v. Fisher, 6 N. Y. 597.

Cited, Executors—Accounting—Assets—Growing Grass.

140 N. Y. 392; (55 St. Rep. 665).

Gifts—Consideration.

92 Hun, 274; (72 St. Rep. 317; 36 Supp. 954).

Kain v. Larkin, 131 N. Y. 300; 43 St. Rep. 197.

Distinguished, Parent and Child—Emancipation.

8 Misc. 650; (61 St. Rep. 59; 29 Supp. 1044)

Cited, Pleading—Complaint — Judgment Creditor's Action.

141 N. Y. 150; (56 St. Rep. 676).

Fraudulent Conveyance—Return of Execution—Delay.

76 Hun, 561; (58 St. Rep. 251; 28 Supp. 192).

Duplicate Citations in Parenthesis.

Judgment Creditor's Action—Fraudulent Conveyance—Proof.

74 Hun, 379; (56 St. Rep. 331; 26 Supp. 618). 79 St. Rep. 651; (45 Supp. 651).

Kain v. Larkin, 66 Hun, 209; 49 St. Rep. 49; 20 Supp. 938.

Reversed, 141 N. Y. 144; 56 St. Rep. 675.

Kain v. Larkin, 141 N. Y. 144; 56 St. Rep. 675.

Cited, Pleading—Sufficiency on Demurrer—Rule.

9 Misc. 59; (59 St. Rep. 684; 29 Supp. 2). 11 App. Div. 334; (76 St. Rep. 1114; 42 Supp. 1114). 61 St. Rep. 623; (29 Supp. 993). 19 Misc. 268; (78 St. Rep. 383; 44 Supp. 383). 11 App. Div. 335; (76 St. Rep. 1113; (42 Supp. 1113). 10 Misc. 164; (62 St. Rep. 482; 30 Supp. 828).

Pleading—Sufficiency—Fraudulent Conveyance.

80 Hun, 472, 473; (62 St. Rep. 278, 279; 30 Supp. 445, 446). 1 App. Div. 148; (72 St. Rep. 713; 37 Supp. 415).

Kain v. Larkin, 4 App. Div. 209; 74 St. Rep. 189; 38 Supp. 546.

Kain v. Smith, 80 N. Y. 458.

Cited, Negligence—Torts—Joint and Several Liability.

72 Hun, 614; (55 St. Rep. 169; 25 Supp. 185). 20 Misc. 3; (79 St. Rep. 323; 45 Supp. 323). 16 App. Div. 618; (78 St. Rep. 1058; 44 Supp. 1058). 16 App. Div. 274; (78 St. Rep. 699; 44 Supp. 699). 90 Hun, 588; (70 St. Rep. 649; 35 Supp. 976).

Kain v. Smith, 89 N. Y. 375.

Cited, Trial—Questions for Jury—Negligence.

73 Hun, 472; (56 St. Rep. 43; 26 Supp. 389). 1 Misc. 307; (48 St. Rep. 772; 20 Supp. 713). 2 Misc. 74; (49 St. Rep. 630; 21 Supp. 783). 50 St. Rep. 515; (21 Supp. 314).

Master and Servant—Duty of Master.

4 App. Div. 330; (74 St. Rep. 188; 38 Supp. 569). 16 Misc. 224; (73 St. Rep. 295; 37 Supp. 597).

Kaiser v. Hirth, 36 Super. 344.

Cited, Landlord and Tenant—Liability of Landlord—Tenement Houses—Hallways—Lights.

5 Misc. 446; (26 Supp. 802).

Kaiser v. Latimer, 9 App. Div. 36; 41 Supp. 94.

Kalbfleisch v. Kalbfleisch, 67 N. Y. 354.

Cited, Wills—Construction—Legacy—Charge on Real Estate.

80 Hun, 376; (61 St. Rep. 797; 30 Supp. 4). 8 App. Div. 352; (75 St. Rep. 177; 40 Supp. 798). 13 App. Div. 134; (76 St. Rep. 1046; 42 Supp. 1046).

Kaliske v. Weil, 67 St. Rep. 246; 33 Supp. 413; 24 Civ. Pro. 248.

Kalley v. Baker, 132 N. Y. 1; 42 St. Rep. 762.

Cited, Brokers—Real Estate—Commissions.

137 N. Y. 506; (51 St. Rep. 179). 4 Misc. 181; (53 St. Rep. 175; 23 Supp. 1003). 16 Misc. 387; (38 Supp. 82). 20 Misc. 560.

Kam v. Benjamin, 10 App. Div. 419; 76 St. Rep. 99; 42 Supp. 99.

Kam v. Fred Hower Brewing Co., 151 N. Y. 647.

Kammerrer v. Zeigler, 1 Dem. 177.

Cited, Executors and Administrators—Claims—Jurisdiction to Determine in Proceedings to Sell Realty.

1 Misc. 38; (22 Supp. 908). 17 Misc. 478; 480; (75 St. Rep. 927; 41 Supp. 537, 538).

Surrogate's—Creditors—Citation.

11 Misc. 231; (66 St. Rep. 556; 32 Supp. 1102).

Kamp v. Kamp, 59 N. Y. 212.

Cited, Husband and Wife—Divorce—Decree—Modification of.

7 Misc. 521; (27 Supp. 1005). 88 Hun, 568; (68 St. Rep. 824; 34 Supp. 856).

Motion and Orders—Invalidity—When Available.

1 Misc. 376; (49 St. Rep. 119). 78 St. Rep. 1122; (444 Supp. 1122). 19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317.)

Judgment—Void—Setting Aside.

7 Misc. 521; (64 St. Rep. 372; 27 Supp. 1005).

Appeal—From Judgment of Judge of Co-ordinate Jurisdiction to One of Like Jurisdiction.

150 N. Y. 377.

Kaminsky v. Hallo, 5 Misc. 63; 52 St. Rep. 265; 23 Supp. 114.

Kanause v. Martin, 3 Sandf. 653.

Cited, Pleading—Amendment—Relation to Commencement of Action.

79 Hun, 56; (61 St. Rep. 177; 29 Supp. 648).

Kane, Matter of, 20 Supp. 123.

Cited, Wills—Probate—Surviving Witness—Mark.

96 Hun, 2; (58 St. Rep. 732; 27 Supp. 957). 15 Misc. 211; (72 St. Rep. 760; 37 Supp. 225).

Kane v. Aldridge, 73 Hun, 606; 61 St. Rep. 433; 29 Supp. 444.

Kane v. Astor, 9 N. Y. 113.

Cited, Wills—Construction—Intention of Testator.

17 Misc. 192; (75 St. Rep. 385; 40 Supp. 984).

Duplicate Citations in Parenthesis.

Kane v. Belknap, 70 Hun, 211; 53 St. Rep. 911; 24 Supp. 167.
Affirmed, 144 N. Y. 702.

Kane v. Bloodgood, 7 Johns. Ch. 90.
Cited, Limitation of Action—When Statute Runs—Trusts.

4 Misc. 41; (34 Supp. 724). 86 Hun, 402; (67 St. Rep. 231; 33 Supp. 478). 15 Misc. 538; (37 Supp. 1130).

Partnership — Dissolution — Rights and Powers and Duties—Liquidating Partner. 142 N. Y. 7; (58 St. Rep. 429).

Trusts—What Are. 83 Hun, 164; (61 St. Rep. 317; 31 Supp. 652).

Kane v. Cortesy, 100 N. Y. 132.

Cited, Dehts — Sureties — Extension of Time—Effect.

1 App. Div. 191; (72 St. Rep. 558; 37 Supp. 157). 14 Misc. 535; (71 St. Rep. 803; 36 Supp. 635). 9 App. Div. 336; (75 St. Rep. 753; 41 Supp. 337).

Kane v. Dahlbender, 9 Misc. 473; 61 St. Rep. 106; 30 Supp. 232.

Kane v. Gott. See *Gott v. Cook*.

Kane v. Gott, 24 Wend. 641.

Cited, Wills—Void in part—Valid in Part. 82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Kane v. Kane, 13 App. Div. 544; 77 St. Rep. 662; 43 Supp. 662

Cited, Infants—Repudiation—Return of Purchase Money.

20 Misc. 244; (79 St. Rep. 796; 45 Supp. 796).

Kane v. Mitchell Transportation Co., 90 Hun, 65; 70 St. Rep. 203; 35 Supp. 581.

Affirmed, 153 N. Y. 680.

Kane v. N. Y. El. R. Co., 125 N. Y. 164; 34 St. Rep. 876.

Cited, Damages — Elevated Railway — Easements.

137 N. Y. 160; (50 St. Rep. 206).

75 Hun, 603; (59 St. Rep. 152; 27 Supp. 613). 1 Misc. 144; (48 St. Rep. 726; 20 Supp. 631). 9 Misc. 618. 9 Misc. 553; (61 St. Rep. 108). 139 N. Y. 25; (54 St. Rep. 411). 143. N. Y. 140; (62 St. Rep. 142). 149 N. Y. 399. 1 App. Div. 439; (73 St. Rep. 102; 37 Supp. 509). 62 St. Rep. 82; (30 Supp. 430). 88 Hun, 61; (68 St. Rep. 634; 34 Supp. 596). 14 Misc. 296; (70 St. Rep. 443; 35 Supp. 708). 34 Supp. 597. 9 Misc. 553; (61 St. Rep. 108; 30 Supp. 401).

Kane v. N. Y., N. H. & H. R. Co., 132 N. Y. 160; 43 St. Rep. 494.

Cited, Damages — Personal Injuries — Future Pain.

73 Hun, 157; (56 St. Rep. 98; 25 Supp. 928). 18 Misc. 30; (75 St. Rep. 517; 41 Supp. 58)

Evidence—Sufficiency—Negligence—Railway Gates.

69 Hun, 478; (52 St. Rep. 638; 23 Supp. 450). Railroads—Crossings—Signals.

66 Hun, 286; (49 St. Rep. 282; 21 Supp. 161). 68 Hun, 495; (52 St. Rep. 680; 23 Supp. 83).

Railroads—Crossings—Gates — Degree of Care.

69 Hun, 478; (52 St. Rep. 638; 23 Supp. 450). 18 Misc. 504; (73 St. Rep. 1078; 42 Supp. 1078).

Kane v. People, 8 Wend. 203.

Cited, Indictment—Charging More than one Offense—Similarity.

140 N. Y. 335; (55 St. Rep. 670). 7 App. Div. 541, 542; (40 Supp. 246, 247).

Criminal Law—Writ of *Levavi Facias*.

13 App. Div. 136; (77 St. Rep. 373; 43 Supp. 373). 13 App. Div. 205; (77 St. Rep. 370; 43 Supp. 370).

Kanter v. Rubin, 45 St. Rep. 277; 18 Supp. 168.

Cited, New Trial—New Evidence—Character.

3 Misc. 354; (52 St. Rep. 262; 22 Supp. 930).

Kantrowitz v. Levin, 13 Misc. 319; 68 St. Rep. 357; 34 Supp. 452

Reversed, 14 Misc. 563; (70 St. Rep. 716; 35 Supp. 1072.)

Kantrowitz v. Levin, 14 Misc. 563; 70 St. Rep. 716; 35 Supp. 1072).

Kaplan v. N. Y. Biscuit Co., 151 N. Y. 171.

Cited, 151 N. Y. 646.

Kaplan v. N. Y. Biscuit Co., 5 App. Div. 60; 38 Supp. 1049.

Cited, Appeal to Court of Appeals—Personal Injuries — Unanimous Decision—Proof.

151 N. Y. 171.

Karelsen v. Sun Fire Office, 45 Hun, 144; 9 St. Rep. 831.

Cited, Insurance—Proofs of Loss—Defects—Waiver.

72 Hun, 297; (55 St. Rep. 758; 25 Supp. 423).

Karelsen v. Sun Fire Office., 122 N. Y. 545; 34 Supp. 135.

Cited, Insurance—Policy—Renewal. 72 Hun, 145; (55 St. Rep. 433; 25 Supp. 304).

Duplicate Citations in Parenthesis.

Karger v. Karger, 19 Misc. 236; 78 St. Rep. 219; 44 Supp. 219; 26 Civ. Pro. 161.

Karker v. Haverly, 50 Barb. 79.
Cited, Vendor and Purchaser—Purchase Money—Inability of Vendor to Perform. 8 Misc. 131; (59 St. Rep. 525; 28 Supp. 488).

Nugatory Acts—Performance.
18 Misc. 187; (75 St. Rep. 852; 41 Supp. 455).

Karnes v. Rochester & G. V. R. Co., 4 Abb. N. S. 107.

Cited, Corporations—Dividends—Discretion of Trustees.
52 St. Rep. 452; (22 Supp. 592).

Karney v. McKeon, 85 N. Y. 136.
Cited Decedent's Estate — Claims — Degree of Proof.

90 Hun, 605; (69 St. Rep. 638; 35 Supp. 284).

Karowney, Matter of, 79 Hun, 195; 29 Supp. 649.

Karst v. Gane, 61 Hun, 533; 41 St. Rep. 361; 16 Supp. 385.

Affirmed. 136 N. Y. 316; 49 St. Rep. 740.
Cited. Chattel Mortgage—Failure to File—Rights of Creditors.

69 Hun, 589; (53 St. Rep. 262; 24 Supp. 21).

Karst v. Gane, 136 N. Y. 316; 49 St. Rep. 740.

Affirming, 61 Hun, 533; 41 St. Rep. 361; 16 Supp. 385.

Cited, Chattel Mortgage — Omission to File—Diligence.

70 Hun, 599; (53 St. Rep. 732; 24 Supp. 724). 18 Misc. 457; (76 St. Rep. 85; 42 Supp. 85).

Chattel Mortgage—Failure to File—Rights of Creditors—Possession by Mortgagee.

69 Hun, 583; (53 St. Rep. 262; 24 Supp. 22). 20 Misc. 389. 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85). 143 N. Y. 480, 481; (62 St. Rep. 844, 845; 1 Ann. Cas. 83). 86 Hun, 360; (67 St. Rep. 155; 33 Supp. 456). 92 Hun, 212; (72 St. Rep. 275; 36 Supp. 1052). 13 App. Div. 272; (77 St. Rep. 229; 43 Supp. 229). 13 App. Div. 13; (77 St. Rep. 377; 43 Supp. 377). 15 Misc. 530; (74 St. Rep. 306; 37 Supp. 1136).

Chattel Mortgage—Void—Confirmation.
9 Misc. 681; (62 St. Rep. 268; 30 Supp. 557). 153 N. Y. 109.

Statutes—Construction — Changing Common Law.

24 Supp. 12. 149 N. Y. 123.

Karstens v. Karstens, 29 Misc. 247; 79 St. Rep. 966; 45 Supp. 966.

Kasson v. Mills, 8 How. 377.

Cited, County Court—Justice's Judgment—Reversal—Question of Fact.

10 App. Div. 604; (76 St. Rep. 371; 42 Supp. 371).

Principal and Agent — Declarations of Agents.

13 Misc. 280; (67 St. Rep. 866; 34 St. Rep. 11).

Katsky v. Feist, 1 Misc. 383; 49 St. Rep. 636; 21 Supp. 425.

Katz v. Atfield, 1 Misc. 217; 49 St. Rep. 923.

Katz v. Atfield, 3 Misc. 621; 22 Supp. 1135.

Katz v. Diamond, 16 Misc. 577; 74 St. Rep. 174; 38 Supp. 766.

Katz v. Haffen, 7 Misc. 731; 58 St. Rep. 53; 27 Supp. 1131.

Katz v. Kaiser, 10 App. Div. 137; 75 St. Rep. 1172; 41 Supp. 776.

Cited, Mortgage — Presumption of Payment—Cloud on Title.

14 App. Div. 122; (77 St. Rep. 514; 43 Supp. 514). 19 Misc. 583; (77 St. Rep. 678; 43 Supp. 678). 20 Misc. 476.

Katz v. Koster, 6 Misc. 327; 58 St. Rep. 142; 26 Supp. 785.

Katz v. Schnaier, 87 Hun, 343; 68 St. Rep. 466; 34 Supp. 315.

Katz v. Wolf, 16 Misc. 82; 73 St. Rep. 242; 37 Supp. 648.

Cited, Appeal—Conflicting Evidence—Review.

18 Misc. 470; (41 Supp. 882).

Kauffman v. Klang, 16 Misc. 379; 74 St. Rep. 311; 38 Supp. 56.

Kaufman, Matter of, 131 N. Y. 620.

Cited, Wills — Revocation — Subsequent Marriage.

4 Misc. 516; (25 Supp. 826).

Kaufman, Matter of, 39 St. Rep. 236; 14 Supp. 901.

Cited, Surrogates—Decisions.
68 St. Rep. 693; (34 Supp. 638).

Kaufman v. Bloch, 5 Misc. 404; 55 St. Rep. 390; 25 Supp. 758.

Kaufman v. Morgan, 10 Misc. 54; 63 St. Rep. 178; 30 Supp. 950.

Kaufman v. People's Cold Storage & W. H. Co., 10 Misc. 53; 62 St. Rep. 773; 30 Supp. 813.

Kautz v. Vanderburg, 77 Hun, 591; 60 St. Rep. 496; 28 Supp. 1046.

Duplicate Citations in Parenthesis.

Kavanagh, Matter of, 125 N. Y. 418; 35 St. Rep. 406.

Cited, Statutes—Construction—Intent.

77 Hun, 378; (60 St. Rep. 414; 28 Supp. 875).

Kavanagh v. Barber, 131 N. Y. 211; 43 St. Rep. 283.

Reversing, 59 Hun, 60; 12 Supp. 603.

Cited, Realty—Husband and Wife—Possession of Wife.

81 Hun, 240; (62 St. Rep. 665; 30 Supp. 709).

Kavanagh v. Barber, 68 Hun, 183; 52 St. Rep. 290; 22 Supp. 874.

Affirmed, 149 N. Y. 608.

Kavanagh v. Beckwith, 44 Barb. 192. *Cited*, Assignment for Creditors—Inventory—Error in—Effect.

61 St. Rep. 565; (29 Supp. 877). 80 Hun, 63; (29 Supp. 877).

Kavanagh v. Brooklyn, City of, 38 Barb. 232.

Cited, Municipal Corporations—Grading Streets—Consequential Damages.

84 Hun, 276; (65 St. Rep. 578; 32 Supp. 372).

Kavanagh v. Wilson, 70 N. Y. 177.

Cited, Witness—Credibility—Interest—Question for Jury.

3 Misc. 244; (52 St. Rep. 138; 22 Supp. 942). 1 Misc. 178; (48 St. Rep. 673; 20 Supp. 690). 1 Misc. 173; (48 St. Rep. 683; 20 Supp. 653). 1 Misc. 169; (48 St. Rep. 675; 20 Supp. 632). 3 Misc. 443; (52 St. Rep. 504; 23 Supp. 184). 4 Misc. 75; (53 St. Rep. 73; 23 Supp. 608). 7 Misc. 178; (57 St. Rep. 546; 27 Supp. 348). 7 Misc. 174; (57 St. Rep. 523; 27 Supp. 327). 75 Hun, 50; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 153). 49 St. Rep. 3; (21 Supp. 83). 76 Hun, 3; (59 St. Rep. 611; 27 Supp. 624). 85 Hun, 47; (66 St. Rep. 50; 32 Supp. 666). 92 Hun, 109; (71 St. Rep. 743; 36 Supp. 732). 4 App. Div. 226; (74 St. Rep. 217; 38 Supp. 590). 7 App. Div. 215; (74 St. Rep. 694; 40 Supp. 136). 13 App. Div. 561; (77 St. Rep. 688; 43 Supp. 688). 149 N. Y. 251. 16 Misc. 13; (73 St. Rep. 291; 37 Supp. 595). 16 Misc. 27; (73 St. Rep. 244; 37 Supp. 650). 67 Hun, 520; (51 St. Rep. 99; 22 Supp. 575).

Kaveny v. Troy, City of, 108 N. Y. 571; 14 St. Rep. 18.

Cited, Municipal Corporations—Removal of Ice and Snow—Negligence—Concurring Causes

71 Hun, 262; (54 St. Rep. 484; 24 Supp. 1016). 20 Misc. 570. 83 Hun, 253, 254; (63 St. Rep. 809; 31 Supp. 397). 4 App. Div.

220; (73 St. Rep. 587; 38 Supp. 537). 13 App. Div. 500; (77 St. Rep. 698; 43 Supp. 698). 4 App. Div. 325; (74 St. Rep. 211; 38 Supp. 583). 15 App. Div. 584; (78 St. Rep. 610; 44 Supp. 610).

Kay v. Whittaker, 44 N. Y. 565.

Cited, Action—Relief of One Defendant Against Another—On What Facts.

71 Hun, 457; (54 St. Rep. 536; 24 Supp. 987). 5 Misc. 423; (26 Supp. 709). 85 Hun, 84; (66 St. Rep. 46; 32 Supp. 663).

Pleading—Answer—Sham—Striking Out.

5 Misc. 512; (58 St. Rep. 106; 25 Supp. 970). 8 App. Div. 521, 523; (75 St. Rep. 292; 40 Supp. 893).

Pleading—Allegations—How Denied.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Kaye v. Rob Roy H. Co., 51 Hun, 519; 21 St. Rep. 668.

Cited, Master and Servant—Appliances. 11 Misc. 6; (63 St. Rep. 463; 31 Supp. 835).

Kaylor v. O'Connor, 1 E. D. Smith, 672.

Cited, Mechanic's Lien—Enforcement—Parties—In Court Not of Record.

5 Misc. 227; (54 St. Rep. 791; 25 Supp. 332).

Kayton v. Barnett, 116 N. Y. 625; 27 St. Rep. 678.

Cited, Sales—Undisclosed Vendor—Action Against.

13 Misc. 625; (69 St. Rep. 155; 34 Supp. 931).

Kealey v. Murray, 40 St. Rep. 23; 15 Supp. 403.

Cited, Mechanic's Lien—Property Under Lease—Consent of Owner—Knowledge and Acquiescence.

59 St. Rep. 554; (28 Supp. 650).

Mechanic's Lien—Notice—Verification.

66 Hun, 134; (48 St. Rep. 880; 21 Supp. 56).

Keane v. Keane, 86 Hun, 159; 66 St. Rep. 806; 33 Supp. 250.

Keane v. Waterford, Village of, 29 St. Rep. 340; 8 Supp. 790.

Affirmed, 130 N. Y. 183; 41 St. Rep. 291.

Distinguished, Icy Sidewalk.

4 App. Div. 326; (74 St. Rep. 211; 38 Supp. 584).

Keane v. Waterford, Village of, 130 N. Y. 188; 41 St. Rep. 291.

Cited, Evidence—Medical Opinions—Injuries—Results.

3 Misc. 457; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 78). 13 Misc. 656; (69 St. Rep. 148; 34 Supp. 924).

Duplicate Citations in Parenthesis.

Municipal Corporation—Ice on Sidewalk—Negligence—Submission to Jury.

88 Hun, 281; (88 St. Rep. 556; 34 Supp. 738). 4 App. Div. 344; (74 St. Rep. 514; 38 Supp. 648). 4 App. Div. 221; (73 St. Rep. 587; 38 Supp. 538).

Keans v. New York & College Point Ferry Co., 17 Misc. 272; 40 Supp. 366.

Kearnes v. Coney Island R. Co., 17 St. Rep. 692; 1 Supp. 906.

Cited, Pleading—Bill of Particulars—Negligence.

6 Misc. 424; (37 Supp. 297). 92 Hun, 507; (72 St. Rep. 201; 37 Supp. 51).

Kearney v. McKeon, 85 N. Y. 136.

Cited, Evidence — Sufficiency — Claims Against Decedent's Estates.

75 Hun, 4; (56 St. Rep. 724; 26 Supp. 1020). 1 Misc. 258; (22 Supp. 1088). 5 Misc. 567; (26 Supp. 726). 4 Misc. 36; (23 Supp. 83). 81 Hun, 231; (62 St. Rep. 743; 30 Supp. 764). 85 Hun, 487; (66 St. Rep. 765; 33 Supp. 140). 91 Hun, 93; (71 St. Rep. 703; 36 Supp. 685). 1 App. Div. 184; (37 Supp. 244). 4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 666). 11 Misc. 228; (66 St. Rep. 553; 32 Supp. 1100). 13 Misc. 603; (69 St. Rep. 372; 35 Supp. 160).

Kearney v. Metropolitan El. R. Co., 59 Super. 563; 13 Supp. 608.

Affirmed, 129 N. Y. 56.

Cited, Elevated Railroads — Abutting Owner—Easements—Limitation of.
9 Misc. 659; (30 Supp. 549).

Kearney v. Metropolitan El. R. Co., 129 N. Y. 76; 41 St. Rep. 119.

Cited, Elevated Railway—Right of Lessee to Damages From Construction.

3 Misc. 616; (52 St. Rep. 319; 23 Supp. 179). 149 N. Y. 396.

Elevated Railroads—Rights of Abutting Owners—Easements.

9 Misc. 659; (30 Supp. 549).

Lessor and Lessee — Covenants of Renewal.

81 Hun, 574; (63 St. Rep. 613; 31 Supp. 211). 87 Hun, 189; (67 St. Rep. 666; 33 Supp. 985).

Kearney v. New York, 92 N. Y. 617.

Cited, Interested Witness — Credibility of—Party.

7 Misc. 683; (58 St. Rep. 379; 28 Supp. 39). 18 Misc. 653; (77 St. Rep. 974; 43 Supp. 974). 10 App. Div. 219; (75 St. Rep. 1178; 41 Supp. 781).

Evidence—Letters—Contents—Proof.

15 App. Div. 212; (78 St. Rep. 210; 44 Supp. 210).

Kearns v. New York & College Point Ferry Co., 19 Misc. 19; 76 St. Rep. 771; 42 Supp. 771.

Affirming, 17 Misc. 272; 40 Supp. 366.

Kearr v. Bartlett, 47 Hun, 245; 13 St. Rep. 580.

Cited, Change of Venue—Title to Real Property.

92 Hun, 45; (71 St. Rep. 750; 36 Supp. 696).

Kearr v. Sossan, 9 St. Rep. 25.

Cited, Party Walls—Covenants as to—Rights of Grantee.

6 Misc. 357; (26 Supp. 914).

Keasbey v. Brooklyn Chemical Works, 41 St. Rep. 437; 16 Supp. 318.

Cited, Trademark—Descriptive Name.

7 Misc. 462; (59 S. Rep. 871; 28 Supp. 389).

Keasbey v. Brooklyn Chemical Works, 50 St. Rep. 183; 21 Supp. 696.

Cited, Trademark—Descriptive Name—
72 Hun, 245; (55 St. Rep. 700; 25 Supp. 592).

Keasbey v. Brooklyn Chemical Works, 142 N. Y. 467; 60 St. Rep. 79.

Reversing 50 St. Rep. 483; 21 Supp. 696.

Keating v. Fitch, 14 Misc. 128; 70 St. Rep. 383; 35 Supp. 641.

Keating v. Fitts, 13 App. Div. 1; 77 St. Rep. 124; 43 Supp. 124.

Keating v. Hayes, 78 Hun, 599; 61 St. Rep. 419; 29 Supp. 475.

Keating v. N. Y. C. & H. R. R. Co., 49 N. Y. 673.

Cited, Street Railways—Starting Cars—Admission of Passengers.

4 Misc. 470; (54 St. Rep. 346; 24 Supp. 494). 13 App. Div. 298; (77 St. Rep. 29; 43 Supp. 29).

Railroads—Passengers—Duties to.
145 N. Y. 515; (65 St. Rep. 378).

Negligence—Submission to Jury.

5 App. Div. 34; (39 Supp. 70).

Keating v. Serrell, 5 Daly 278.

Cited, Justice—Docketing Judgment—Waiver.

88 Hun, 563; (68 St. Rep. 786; 34 Supp. 848).

Keavey v. DeRago, 20 Misc. 105; 79 St. Rep. 77; 45 Supp. 77.

Cited, Mechanic's Lien—Sub-Contractor's Rights.

20 Misc. 556.

Keck v. Gross, 6 Misc. 438; 58 St. Rep. 301; 26 Supp. 1111.

Keck v. Sanford, 2 Misc. 484; 51 St. Rep. 150; 23 Supp. 78.

Duplicate Citations in Parenthesis.

Keck v. Werder, 86 N. Y. 264.

Cited, Judgments—Action to Vacate.
10 App. Div. 568; (76 St. Rep. 82; 42 Supp. 82).

Kedian v. Hoyt, 33 Hun. 145.

Cited, Executors—Contracts—Liability of Estate.

9 Misc. 232; (61 St. Rep. 297). 9 Misc. 232; (61 St. Rep. 297; 30 Supp. 285).

Keech v. R., W. & O. R. Co., 35 St. Rep. 902; 13 Supp. 149.

Cited, Railroads—Crossings—Emission of Steam—Negligence.

74 Hun. 201; (56 St. Rep. 322; 26 Supp. 326).

Keef, Matter of, 43 Hun. 98.

Cited, Surrogate's Court—Settlement of Case—Findings.

5 Misc. 138; (25 Supp. 704).
Surrogats's Court — Estates — Judicial Settlement.

10 App. Div. 597; (76 St. Rep. 136; 42 Supp. 136).

Keefe v. Nat. Accident Society of N. Y., 4 App. Div. 392; 38 Supp. 854.

Keegan, Matter of, 72 St. Rep. 42; 36 Supp. 141.

Keegan v. Sage, 25 Supp. 78; 31 Abb. N. C. 54.

Keegan v. Smith, 39 Supp. 826; 25 Civ. Pro. 417.

Keegan v. Western R. Co., 8 N. Y. 175.

Cited, Master and Servant—Liability of Master—Fellow Servants.

135 N. Y. 10; (47 St. Rep. 853).

Keeler v. Barrett's Dyeing Establishment, 54 Super. 369.

Cited, New Trial—Verdict Against Evidence—Objections and Exceptions.

2 Misc. 499; (51 St. Rep. 83; 22 Supp. 391). 72 Hun. 427; (55 St. Rep. 173; 25 Supp. 154).

Keeler v. Fireman's Ins. Co., 3 Hill. 250.

Cited, Vessels — Unseaworthy — Navigation Without Pilot.

147 N. Y. 392; (70 St. Rep. 41).

Keeler v. Keeler, 51 Hun. 595; 21 St. Rep. 666; 4 Supp. 580.

Cited, Attorney's Lien—Notice.
66 St. Rep. 201; (33 Supp. 818; 24 Civ. Pro. 239).

Keeler v. New York State Mut. Benefit Ass'n, 49 St. Rep. 552; 21 Supp. 501.

Keeler v. Salisbury, 33 N. Y. 648.

Cited, Agent—Unauthorized Act—Ratification.

16 Misc. 158; (73 St. Rep. 563; 37 Supp. 944).

Keeler v. Van Wie, 49 How. 97.

Cited, Principal Debt — Acceptance — Effect on Interest and Costs.

18 Misc. 636; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 323).

Keenan, Matter of, 15 Misc. 368; 72 St. Rep. 823; 38 Supp. 426.

Keenan v. Bird, 60 Hun. 175; 39 St. Rep. 2; 14 Supp. 457.

Cited, Vendors—Liability — Deficiency in Quantity.

74 Hun. 70; (53 St. Rep. 177; 26 Supp. 360).

Keenan v. Brooklyn City R. Co., 8 Misc. 601; 60 St. Rep. 831; 29 Supp. 325.

Reversed, 145 N. Y. 343; 64 St. Rep. 813.

Cited, Trial—Questions of Fact—Negligence — Collision Between Vehicle and Pedestrian.

9 Misc. 282; (61 St. Rep. 323; 29 Supp. 747). 10 Misc. 263; (63 St. Rep. 312; 30 Supp. 1072). 10 Misc. 545; (64 St. Rep. 23; 31 Supp. 446).

Keenan v. Brooklyn City R. Co., 145 N. Y. 348; 64 St. Rep. 813.

Cited, Action—Loss of Services—Damages.

16 Misc. 678; (39 Supp. 113; 25 Civ. Pro. 250).

Keenan v. Getsinger, 1 App. Div. 172; 73 St. Rep. 413; 37 Supp. 826.

Keenan v. N. Y., L. E. & W. R. Co., 2 Misc. 34; 49 St. Rep. 513; 21 Supp. 445.

Keenan v. N. Y., L. E. & W. R. Co., 145 N. Y. 190; 64 St. Rep. 576.

Affirming, 6 Misc. 631; 27 Supp. 1135.

Cited, Master and Servant—Assumed Risks.

9 App. Div. 525; (14 Misc. 419; 70 St. Rep. 35; 35 Supp. 761).

Keene v. Metropolitan Elevated R. Co., 79 Hun. 451; 61 St. Rep. 276; 29 Supp. 971.

Cited, Elevated Railroads—Easements—Damages—Frontage on Street.

4 App. Div. 169; (74 St. Rep. 90; 38 Supp. 754). 6 App. Div. 582; (40 Supp. 334).

Keene v. Tribune Ass'n, 76 Hun. 433; 58 St. Rep. 434; 27 Supp. 1045.

*Duplicate Citations in Parenthesis.***Keeney v. Home Ins. Co. of Columbia**, 71 N. Y. 396.

Cited, Insurance—Change of Interest—What Is.

136 N. Y. 383; (49 St. Rep. 671).

Receivers—Title.

4 Misc. 113; (53 St. Rep. 460; 23 Supp. 893). 10 Misc. 686, 692; (65 St. Rep. 95, 99; 31 Supp. 1001, 1005; 1 Ann. Cas. 337). 10 Misc. 166; (62 St. Rep. 433; 30 Supp. 829). 10 Misc. 174; (62 St. Rep. 509; 30 Supp. 1049). 10 App. Div. 41; (75 St. Rep. 1134; 41 Supp. 741).

Insurance—Proof of Loss—Waiver.

15 Misc. 265; (71 St. Rep. 815; 36 Supp. 794).

Keenholts v. Becker, 3 Den. 346.

Cited, Slander—Evidence—Malice—Repetition of Words Subsequent to Suit.

144 N. Y. 150; (63 St. Rep. 72) 92 Hun, 518; (72 St. Rep. 199; 37 Supp. 47).

Keep v. Kaufman, 56 N. Y. 332.

Distinguished, Joinder of Causes of Action—Tort and Contract.

10 App. Div. 517; (75 St. Rep. 1438; 41 Supp. 1091).

Cited, 13 App. Div. 278; (77 St. Rep. 212; 43 Supp. 212).

Keep, Matter of, 2 Supp. 750.

Cited, Surrogates—Probate—Revocation—Parol Contract of Testator.

13 Misc. 523; (76 St. Rep. 1088; 42 Supp. 1088).

Keep v. Keep, 17 Hun, 152.

Cited, Arbitration—Effect as Discontinuance of Action.

77 Hun, 357; (60 St. Rep. 37; 23 Supp. 846). 7 App. Div. 449; (39 Supp. 1050).

Keep v. Walsh, 17 App. Div. 104; 78 St. Rep. 945; 44 Supp. 945.

Keery v. Dimon, 72 St. Rep. 125; 37 Supp. 92.

Affirmed, 153 N. Y. —.

Kegney v. Ovens, 18 St. Rep. 482; 2 Supp. 319.

Cited, Husband and Wife—Wife's Contracts—Presumption.

88 Hun, 51; (68 St. Rep. 290; 34 Supp. 507). 71 St. Rep. 580; (36 Supp. 666).

Kehn v. State, 93 N. Y. 291.

Cited, Estoppel—Equitable—Public Employes—Compensation.

142 N. Y. 106; (58 St. Rep. 447). 87 Hun, 579; (68 St. Rep. 668; 34 Supp. 556). 80 Hun, 321; (62 St. Rep. 410).

Kehoe v. Miller, 10 Abb. N. C. 393.

Cited, Attorney's Lien—Enforcement.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1135).

Kehr v. Stauff, 12 Daly, 115.

Cited, Evidence—Written Admissions—Scope and Effect.

8 Misc. 286; (59 St. Rep. 216; 28 Supp. 708).

Kehrbaum v. Kegal, 17 Misc. 635; 40 Supp. 589.

Kehrley v. Shafer, 93 Hun, 196; 71 St. Rep. 539; 36 Supp. 510; 3 Ann. Cas. 19.

Keil v. Rice, 24 How. 228.

Cited, New Trial—Order—Costs Allowed. 16 Misc. 514; (38 Supp. 525).

Keiley v. Dusenbury, 42 Super. 232.

Cited, Receiver—Creditors' Rights—Waiver.

8 App. Div. 538; (75 St. Rep. 278; 40 Supp. 884).

Keiley v. Mechanics & Traders' Bank, 72 Hun, 168; 55 St. Rep. 530; 25 Supp. 556.

Keiley v. Mechanics & Traders' Bank, 39 St. Rep. 438; 15 Supp. 173.

Cited, Corporation—Insolvency—Creditors—Preference.

79 Hun, 107; (61 St. Rep. 141; 29 Supp. 661).

Keilt v. Staten Island R. T. R. Co., 75 Hun, 579; 58 St. Rep. 738; 27 Supp. 847.

Kein v. Tupper, 52 N. Y. 550.

Cited, Contracts—Entire—Breach—Recovery.

16 Misc. 450; (73 St. Rep. 340; 38 Supp. 152).

Contracts—Destruction of Subject Matter—Effect.

16 Misc. 624; (39 Supp. 56). 75 St. Rep. 419.

Keinz, Matter of, 88 Hun, 298; 34 Supp. 339.

Keit v. Wyman, 67 Hun, 337; 51 St. Rep. 441; 22 Supp. 133.

Keitel v. Zimmermann, 19 Misc. 581; 77 St. Rep. 676; 43 Supp. 676.

Keleman, Matter of, 126 N. Y. 73; 36 St. Rep. 390.

Cited, Wills—Power of Surrogate to Construe.

76 Hun, 520; (59 St. Rep. 368; 27 Supp. 1081).

Wills—Legacy—Secret Trusts—Parol Evidence to Establish.

77 Hun, 304; (59 St. Rep. 167; 28 Supp. 405). 5 Misc. 172; (25 Supp. 724). 151 N. Y. 332. 10 App. Div. 109; (41 Supp. 726). 10 Misc. 528; (64 St. Rep. 772).

Wills—Construction—Devise—Validity—Power of Appointment.

5 Misc. 455; (25 Supp. 939). 86 Hun, 282; (66 St. Rep. 819; 33 Supp. 221).

Duplicate Citations in Parenthesis.

Keller, Matter of, 3 Supp. 629.

Wills—Testamentary—Capacity — Spirit-
ualism.

15 Misc. 317; (73 St. Rep. 440; 37 Supp.
763).

Keller v. Feldmann, 2 Misc. 179; 49
St. Rep. 718; 21 Supp. 581; 29 Abb. N.
C. 426; 23 Civ. Pro. 37.

Cited, Appeal—From Order or Judgment
by Default.

6 Misc. 121; (57 St. Rep. 862; 26 Supp. 53).

6 Misc. 31; (35 St. Rep. 514; 26 Supp. 72).

7 Misc. 46; (57 St. Rep. 62; 27 Supp. 355).

2 Misc. 192; (50 St. Rep. 203; 21 Supp. 763).

12 Misc. 101; (66 St. Rep. 861; 33 Supp. 174).

Appeal—To General Term C. P.—Scope of
Review.

3 Misc. 71; (51 St. Rep. 857; 22 Supp. 555).

14 Misc. 519; (70 St. Rep. 715; 35 Supp.

1070). 16 Misc. 6; (73 St. Rep. 286; 37 Supp.

687). 7 Misc. 4; (57 St. Rep. 78; 27 Supp.
331).

Keller v. Feldmann, 70 Hun, 377; 53
St. Rep. 909; 24 Supp. 179.

Affirmed, 144 N. Y. 633.

Keller v. Feldman, 81 Hun, 593; 63 St.
Rep. 430; 31 Supp. 41.

Keller v. Haaker, 2 App. Div. 245; 73
St. Rep. 374; 37 Supp. 792.

Keller v. N. Y. C. R. Co., 2 Abb. Ct.
App. Dec. 480.

Cited, Street Railroads—Passengers—Con-
tributory Negligence.

5 App. Div. 29, 34; (39 Supp. 66, 70).

Keller v. Paine, 34 Hun, 167.

Cited, Contracts—Breach—Damages.

19 App. Div. 583; (77 St. Rep. 678; 43
Supp. 678).

Keller v. Paine, 107 N. Y. 83; 11 St.
Rep. 330.

Cited, Definitions — Creditors — Chattel
Mortgage Act.

136 N. Y. 317; (49 St. Rep. 743).

Keller v. Payne, 16 St. Rep. 245; 1 Supp.
142; 22 Abb. N. C. 352.

Cited, Attachment — Property Fraudu-
lently Transferred.

136 N. Y. 261; (49 St. Rep. 332).

Injunction—Right to—Preservation of
Fund.

7 Misc. 127; (57 St. Rep. 72; 27 Supp.
345).

Keller v. Phillips, 39 N. Y. 351.

Cited, Husband and Wife—Necessaries
for Wife—Separate Maintenance.

2 Misc. 50; (49 St. Rep. 143).

Kellett v. Rathbun, 4 Paige, 102.

Cited, Appeal—Extent of Review—De-
cision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3;
23 Civ. Pro. 379).

Executors—Accounting—Interest.

5 Misc. 134; (25 Supp. 731). 15 Misc. 571;
(72 St. Rep. 811; 38 Supp. 182).

**Keller v. West, Bradley & Cary
Mfg. Co.**, 39 Hun, 348.

Cited, Partnership—Contracts with—Con-
struction.

12 Misc. 512; (67 St. Rep. 380; 32 Supp.
678).

Corporations—Stockholder—§ 829 Code of
Civil Procedure.

79 St. Rep. 1099; (45 Supp. 1099).

Kelley, Matter of, 1 Abb. N. C. 102.

Cited, Surrogates' Courts—Petition—Ju-
risdictional Defects.

17 Misc. 478; (41 Supp. 537).

Kelley v. Faulhaber, 18 Misc. 64; 75 St.
Rep. 479; 41 Supp. 26.

Kelley v. Home Ins. Co., 2 Week. Dig.
479.

Cited, Insurance—Premises—Vacancy.

92 Hun, 227; (72 St. Rep. 399; 36 Supp.
876).

Kelley v. New York, 6 Misc. 516; 56 St.
Rep. 835; 27 Supp. 164.

Affirmed, 89 Hun, 246; 35 Supp. 1109.

Kelley v. New York, 89 Hun, 246; 35
Supp. 1109.

Kelley v. People, 55 N. Y. 565.

Cited, Criminal Law—Conspiracy.

11 App. Div. 549; (76 St. Rep. 637; 43
Supp. 637).

Kelley v. Phoenix Nat. Bank, 17
App. Div. 446; 79 St. Rep. 533; 45 Supp.
533.

Kelley v. Syracuse, 10 Misc. 306; 63 St.
Rep. 534; 31 Supp. 283.

**Kellinger v. Forty-Second St. R. R.
Co.**, 50 N. Y. 206.

Cited, Railroads—Use of Street—Ease-
ments.

143 N. Y. 140; (62 St. Rep. 142). 6 App.
Div. 18; (39 Supp. 526).

Kellock v. Dickinson, 5 App. Div.
515; 39 Supp. 38.

Kellogg, Matter of, 7 Paige, 265.

Cited, Executors — Commissions—Re-in-
vestment.

51 St. Rep. 737. 140 N. Y. 261; (55 St. Rep.
409).

Duplicate Citations in Parenthesis.

Kellogg, Matter of, 104 N. Y. 648; 5 St. Rep. 668.

Cited, Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Kellogg v. Ames, 41 N. Y. 259.

Cited, Mortgage—Assignment—Merger—Review.

148 N. Y. 200. 13 Misc. 75; (68 St. Rep. 197; 34 Supp. 149. 11 Misc. 90; (66 St. Rep. 199; 32 Supp. 817). 93 Hun, 218; (71 St. Rep. 201; 36 Supp. 364).

Kellogg v. Baker, 15 Abb. 286.

Cited, Pleading—Statement of Time—Materiality.

10 Misc. 654; (64 St. Rep. 499; 31 Supp. 796).

Kellogg v. Chenango Valley Sav. Bank, 76 St. Rep. 379; 42 Supp. 379.

Kellogg v. Clark, 23 Hun, 393.

Cited, Contract—Statute of Frauds—Performance Within Year.

72 Hun, 461; (54 St. Rep. 780; 25 Supp. 299).

Kellogg v. Gilbert, 10 Johns. 220.

Cited, Attorney — Authority—Discharge from Body Executions.

79 Hun, 465; (61 St. Rep. 251; 29 Supp. 984).

Kellogg v. Howell, 62 Barb. 280.

Cited, Mortgage — Enforcement—Judgment—Re-sale—Inadequacy of Price.

76 Hun, 596; (58 St. Rep. 254; 28 Supp. 195). 2 App. Div. 21; (72 St. Rep. 502; 37 Supp. 446).

Kellogg v. New York, 15 App. Div. 326; 76 St. Rep. 39; 44 Supp. 39.

Kellogg v. N. Y. C. & H. R. R. Co., 79 N. Y. 72.

Cited, Compromise and Satisfaction—When and Upon Whom Binding.

77 Hun, 477; (66 St. Rep. 674; 29 Supp. 1015).

Railroads — Contributory Negligence—Submission to Jury.

88 Hun, 282; (68 St. Rep. 556; 34 Supp. 738).

Kellogg v. Olmsted, 25 N. Y. 189.

Cited, Debtor and Creditor—Extension of Time—Consideration.

9 App. Div. 169; (75 St. Rep. 505; 41 Supp. 45).

Kellogg v. Siple, 11 App. Div. 453; 76 St. Rep. 379; 42 Supp. 379.

Kellogg v. Smith, 26 N. Y. 18.

Cited, Mortgage—Assignment—Notice.

152 N. Y. 163. 10 Misc. 341; (63 St. Rep. 434; 31 Supp. 20).

Kellogg v. Sweeney, 46 N. Y. 291.

Cited, Contracts — Breach—Damages — Measure.

82 Hun, 115; (64 St. Rep. 165; 31 Supp. 576).

Kellogg v. Thompson, 66 N. Y. 88.

Disapproved, Appeal—Case—Absence of Evidence—Supplying Finding in Support of Judgment.

73 Hun, 237; (57 St. Rep. 27; 25 Supp. 1024).

Cited, Appeal—Case—Conclusions—Law — Fact Review—Presumptions.

135 N. Y. 214; (47 St. Rep. 845).

Kellogg v. Witherhead, 6 T. & C. 525.

Cited, Sale—Acceptance—Sufficiency.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463).

Sale—Of Goods to be Manufactured.

2 Misc. 126; 49 St. Rep. 132; 21 Supp. 463).

Kellum, Matter of, 50 N. Y. 298.

Distinguished, Wills—Probate—Of Realty and Personality—Contest by Heirs Only.

141 N. Y. 169; (56 St. Rep. 687).

Wills—Probate — Revocation — Parties—Citations.

70 Hun, 108; (53 St. Rep. 542; 23 Supp. 1129).

Kellum, Matter of, 52 N. Y. 517.

Wills—Execution—Recollection of Witnesses.

16 App. Div. 139; (79 St. Rep. 123; 45 Supp. 123).

Kellum v. Clark, 97 N. Y. 390.

Cited, Principal and Surety—Breach of Condition—Liability of Surety.

20 Misc. 277; (79 St. Rep. 421; 45 Supp. 421).

Kelly, Matter of, 1 Abb. N. C. 102.

Cited, Jurisdiction—Defective Papers.

75 St. Rep. 925.

Kelly v. Archer, 48 Barb. 68.

Cited, Inferior Courts—Jurisdiction—Void Acts.

16 Misc. 321; (73 St. Rep. 571; 37 Supp. 951).

Kelly v. Bloomingdale, 139 N. Y. 343;

54 St. Rep. 620.

Affirming, 46 St. Rep. 370; 19 Supp. 126.

Cited, Mechanic's Lien—When Lien Exists—Notice—Filing.

7 Misc. 680; (58 St. Rep. 372; 23 Supp. 23; 31 Abb. N. C. 301). 84 Hun, 480; (65 St. Rep. 686; 32 Supp. 558). 19 Misc. 546; (77 St. Rep. 1067; 43 Supp. 1067).

Kelly v. Brooklyn Heights R. Co.,

12 Misc. 568; 67 St. Rep. 604; 33 Supp. 851.

*Duplicate Citations in Parenthesis.***Kelley v. Brower**, 1 Hilt. 514.

Cited, Justice's Court—Return—Disputed Fact—Affidavits.

5 App. Div. 517; (39 Supp. 39).

Kelley v. Bruce, 17 Week. Dig. 39.

Cited, Mortgage—Payment by Mortgagor to Mortgagee—Assignment—Notice.

80 Hun, 207; (61 St. Rep. 776; 30 Supp. 32).

Kelley v. Burroughs, 102 N. Y. 93; 1 St. Rep. 161.

Cited, Evidence — Sufficiency — Unimpeaches and Uncontradicted Witness — Direction of Verdict.

79 Hun, 435; (61 St. Rep. 245; 29 Supp. 980). 4 App. Div. 535; (74 St. Rep. 631; 40 Supp. 21). 1 Misc. 481; (49 St. Rep. 883; 21 Supp. 469). 10 Misc. 671; (64 St. Rep. 299; 31 Supp. 674). 75 Hun, 51; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 157). 75 Hun, 51; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 157). 51 St. Rep. 17; (21 Supp. 717). 20 Misc. 20; (78 St. Rep. 776; 44 Supp. 776). 16 Misc. 28; (73 St. Rep. 244; 37 Supp. 650). 19 Misc. 68; (17 St. Rep. 173; 43 Supp. 173). 18 Misc. 48; (75 St. Rep. 466; 41 Supp. 15). 11 Misc. 349; (65 St. Rep. 277; 32 Supp. 135).

Kelley v. Chenango Valley Sav. Bank, 79 St. Rep. 651; 45 Supp. 651.**Kelley v. Chenango Valley Sav. Bank**,

79 St. Rep. 658; 45 Supp. 658.

Kelley v. Christal, 16 Hun, 242.

Distinguished, Judge — Resignation—Re-Appointment—Pending Cause.

53 St. Rep. 428. 139 N. Y. 141; (54 St. Rep. 559).

Kelley v. Cohoes Knitting Co., 84

Hun, 154; 65 St. Rep. 644; 32 Supp. 459.

Cited, Negligence—Submission to Jury.

8 App. Div. 157; (40 Supp. 478). 13 Misc. 328; (68 St. Rep. 365; 34 Supp. 461).

Kelley v. Cohoes Knitting Co., 8 App. Div. 156; 40 Supp. 477.**Kelley v. Conlon**, 6 Misc. 548; 27 Supp. 514.**Kelley v. Crapo**, 45 N. Y. 86.

Cited, Assignments for Creditors—Foreign—Domestic Attachments Against Assignor.

55 St. Rep. 562.

Kelley v. Downing, 42 N. Y. 71.

Cited, Pleading—Answer and Demurrer—Distinction Between.

1 Misc. 13; (48 St. Rep. 515; 20 Supp. 66). 8 Misc. 474; (60 St. Rep. 602; 29 Supp. 549).

Pleading—Complaint—Demand for Relief.

2 Misc. 515; (51 St. Rep. 594; 22 Supp. 396).

Kelley v. Dutch Ch., 2 Hill, 105.

Cited, Damages—Measure—Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 283; 26 Supp. 301).

Kelley v. Frazier, 27 Hun, 314.

Cited, Appeal—General Term—Necessity of Exceptions.

2 Misc. 331; (51 St. Rep. 416; 21 Supp. 961).

Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367). 3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 233). 11 Misc. 236; (64 St. Rep. 450; 32 Supp. 784). 51 St. Rep. 942; (23 Supp. 1154). 16 Misc. 513; (38 Supp. 525). 3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699). 19 Misc. 272; (78 St. Rep. 252; 44 Supp. 252). 74 St. Rep. 45.

Kelley v. Frazier, 2 Civ. Pro. 322.

Cited, Appeal—Review of Facts—New Trial.

19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070).

Kelley v. Geer, 101 N. Y. 664.

Cited, Principal and Agent—Contracts—Ratification.

69 Hun, 364; (52 St. Rep. 695; 23 Supp. 627). 79 St. Rep. 409; (45 Supp. 409). 87 Hun, 565; (68 St. Rep. 380; 34 Supp. 477).

Kelley v. Gould, 47 St. Rep. 5; 19 Supp. 349.

Cited, False Representations—To Obtain Credit—Made to Third Party—Effect.

7 App. Div. 444; (39 Supp. 1056).

Kelley v. Gould, 141 N. Y. 596; 60 St. Rep. 332.

Affirming, 47 St. Rep. 5; 19 Supp. 349.

Kelley v. Israel, 11 Paige, 147.

Cited, Appeal—Extent of Review—Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Kelley v. Jay, 79 Hun, 535; 61 St. Rep. 552; 29 Supp. 933.**Kelley v. Kelly**, 2 E. D. Smith, 250.

Cited, Agents—Declarations—Effect.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Kelley v. Kelly, 61 N. Y. 47.

Cited, Wills—Construction — Devise in Fee—Contingency.

142 N. Y. 434; (59 St. Rep. 813). 89 Hun, 558; (69 St. Rep. 732; 35 Supp. 345).

Kelley v. Kelly, 12 Misc. 457; 68 St. Rep. 133; 34 Supp. 255.

Duplicate Citations in Parenthesis.

Kelly v. Leggett, 122 N. Y. 633; 33 St. Rep. 264; 3 Silv. Ct. App. 86.

Cited, Appeal—Review of Findings—Inconsistent Construction.

9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6).

Kelly v. Manhattan R. Co., 112 N. Y. 443.

Cited, Injuries—Care of Premises.

153 N. Y. 271.

Kelly v. Mariposa Land & Mining Co., 4 Hun, 632.

Cited, Corporations—Restraining Officers.

9 Misc. 593; (62 St. Rep. 238; 30 Supp. 870).

Kelly v. Metropolitan Life Ins. Co., 15 App. Div. 220; 78 St. Rep. 179; 44 Supp. 179.

Kelly v. Miles, 48 Hun, 6; 15 St. Rep. 319.

Cited, Landlord and Tenant—Summary Proceedings—Conclusiveness as to Amount of Rent Due.

2 Misc. 185; (49 St. Rep. 717; 21 Supp. 765; 23 Civ. Pro. 34).

Kelly v. Newman, 62 How. 156.

Cited, Pleading—Mis-joinder of Causes of Action—Demurrer.

7 Misc. 470; (58 St. Rep. 512; 27 Supp. 994; 23 Civ. Pro. 356). 9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20).

Kelly v. New York, 11 N. Y. 432.

Cited, Blasting—Not Nuisance Per Se.

2 Misc. 316; (50 St. Rep. 580; 21 Supp. 1019; 30 Abb. N. C. 159).

Master and Servant—Liability for Acts of Independent Contractor.

2 Misc. 431; (51 St. Rep. 216; 22 Supp. 184). 7 Misc. 120; (57 St. Rep. 544; 27 Supp. 249).

Kelly v. New York, 70 Hun, 208; 54 St. Rep. 99; 24 Supp. 1.

Cited, Municipal Corporations—Contracts—Service—Discharge—Liability.

61 St. Rep. 672; (30 Supp. 405). 91 Hun, 643; (36 Supp. 1126). 11 Misc. 308; (65 St. Rep. 443; 32 Supp. 259).

Kelly v. New York, 19 Misc. 257; 78 St. Rep. 217; 44 Supp. 217; 23 Civ. Pro. 123.

Kelly v. New York, 16 App. Div. 296; 78 St. Rep. 628; 44 Supp. 628.

Kelly v. N. Y. C. & H. R. R. Co., 49 St. Rep. 525; 21 Supp. 190; 23 Civ. Pro. 67.

Kelly v. N. Y. & Sea Beach R. Co., 109 N. Y. 44; 14 St. Rep. 36.

Cited, Defective Appliances—Knowledge.

73 Hun, 273; (58 St. Rep. 66; 26 Supp. 407).

Negligence.

D. 9 Misc. 13; (59 St. Rep. 741; 29 Supp. 24).

Evidence—Negligence—Other Accidents.

75 St. Rep. 1304.

Kelly v. Noxon, 64 Hun, 281; 46 St. Rep. 87; 18 Supp. 909.

Cited, Lease—Surrender—Effect.

10 Misc. 655; (64 St. Rep. 500; 31 Supp. 797).

Kelly v. Partridge, 4 Misc. 205; 53 St. Rep. 487; 23 Supp. 1027.

Kelly v. Partridge, 6 Misc. 593; 56 St. Rep. 280.

Kelly v. Pelham Hod Elevating Co., 51 St. Rep. 549; 21 Supp. 1107.

Kelly v. Roberts, 40 N. Y. 432.

Cited, Contracts—Novation.

89 Hun, 79; (69 St. Rep. 260; 35 Supp. 82). 18 Misc. 58, 59; (75 St. Rep. 477; 41 Supp. 24, 25).

Kelly v. Rochester, 38 St. Rep. 797; 15 Supp. 29.

Cited, Negligence—Damages—Inadequacy.

20 Misc. 171; (79 St. Rep. 819; 45 Supp. 819). 88 Hun, 114; (63 St. Rep. 538; 34 Supp. 615).

Kelly v. Sheehan, 76 N. Y. 325.

Cited, Appeal—Practice.

17 Misc. 734; (40 Supp. 1033). 20 Misc. 512.

Kelly v. Sheehy, 8 Daly, 29.

Cited, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Kelly v. Sheehy, 69 How. 439.

Cited, Forcible Entry and Detainer—What Constitutes—Possession.

9 Misc. 453; (61 St. Rep. 91; 30 Supp. 249; 24 Civ. Pro. 81). 20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Possession—Constructive—Realty.

73 Hun, 412; (58 St. Rep. 90; 26 Supp. 572).

Kelly v. Smith, 20 Misc. 639.

Kelly v. Smith, 41 St. Rep. 620; 16 Supp. 521.

Cited, Landlord and Tenant—Lease—Assignment—Sub-lease.

6 Misc. 396; (56 St. Rep. 334; 26 Supp. 741).

Kelly v. Syracuse. See *Dixon v. Syracuse*.

Duplicate Citations in Parenthesis.

Kelly v. Tilton, 3 Keyes, 263.

Cited, Vicious Animals — Harboring — Effect.

5 App. Div. 605; (75 St. Rep. 127; 40 Supp. 729).

Kelly v. Walton, 6 Misc. 152; 56 St. Rep. 281; 26 Supp. 3.

Cited, Appeal—Review of Facts—Conflict of Evidence.

8 Misc. 323; (59 St. Rep. 251; 28 Supp. 555).

Kelley v. Waterbury, 87 N. Y. 179.

Cited, Pleading — Sufficiency — Pleading Evidence.

20 Misc. 282; (79 St. Rep. 846; 45 Supp. 846).

Kelly v. Weber, 27 Hun, 8.

Cited, Limitation of Action—Removal of Bar—Payment—By Whom to be Made.

71 Hun, 323; (55 St. Rep. 3; 25 Supp. 122).

Kelly v. Weir, 19 Misc. 366; 77 St. Rep. 497; 43 Supp. 497.

Kelly v. West, 80 N. Y. 139.

Cited, Administrator—Surety—Decree of Surrogate—Effect on Surety.

12 Misc. 327; (67 St. Rep. 343; 33 Supp. 637).
Surrogate—Jurisdiction—Letters—Granting.

85 Hun, 192; (65 St. Rep. 726; 32 Supp. 581).

Kelly v. West, 36 Super. 304.

Cited, Trial—Tender—Proof—Effect.

84 Hun, 177; (65 St. Rep. 652; 32 Supp. 466). 18 Misc. 228; (75 St. Rep. 870; 41 Supp. 479).

Kelsey v. Bradbury, 21 Barb. 531.

Cited, Bills and Notes—Recovery Against Endorser—Effect on Maker's Liability to Holder.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22).

Kelsey v. Campbell, 38 Barb. 238.

Cited, Appeal — Dismissal — As Bar to Second.

77 Hun, 388; (60 St. Rep. 401; 28 Supp. 854).

Kelsey v. Cooley, 33 St. Rep. 775; 11 Supp. 745.

Cited, Evidence—Parol—Intention.

68 Hun, 235; (51 St. Rep. 875; 22 Supp. 881).

Trusts—Implied—Transfer of Title.

7 Misc. 370; (59 St. Rep. 653; 27 Supp. 634).

Witnesses—Competency—Conversation of Decedent—Bystander.

68 Hun, 235; (51 St. Rep. 875; 22 Supp. 881).

Kelsey v. Pfaudler Process Fermentation Co., 2 St. Rep. 167.

Cited, Corporations — Stockholders' Actions.

11 Misc. 470; (66 St. Rep. 11; 32 Supp. 702).

Kelsey v. King, 1 Trans. App. 193.

Cited, Dedication—Of Streets and Alleys —Acceptance.

23 Supp. 822.

Kelsey v. McNair, 33 St. Rep. 749; 11 Supp. 804.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Kelsey v. Rourke, 50 How. 358.

Cited, Mechanic's Lien — Foreclosure—Commencement of Action.

9 Misc. 381; (61 St. Rep. 484).

Kelsey v. Sargent, 40 Hun, 150.

Cited, Corporations—Stockholder's Actions.

11 Misc. 470; (66 St. Rep. 11; 32 Supp. 702).

Kelsey v. Sargent, 40 Hun, 156.

Cited, Corporations—Directors—Compensation.

83 Hun, 535; (65 St. Rep. 144; 32 Supp. 88).

Kelsey v. Sargent, 100 N. Y. 602.

Cited, Appeal—Review of Determination as to Bill of Particulars.

3 Misc. 74; (51 St. Rep. 602; 22 Supp. 379).
Pleading—Bill of Particulars.

2 Misc. 454; (51 St. Rep. 165; 21 Supp. 1034).

Kelsey v. Staten Island R. T. R. Co.,

78 Hun, 208; 60 St. Rep. 180; 28 Supp. 974.

Kelsey v. Ward, 16 Abb. 98.

Affirmed, 38 N. Y. 83.

Cited, Landlord and Tenant—Tenancy—Termination.

18 M sc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Kelsey v. Ward, 38 N. Y. 83.

Cited, Landlord and Tenant—Repairs by Landlord—Failure to Make.

19 Misc. 312; (78 St. Rep. 479; 44 Supp. 479).

Kelsey v. Western, 2 N. Y. 500.

Cited, Pleading—Failure to Plead—Proof of New Cause of Action.

9 Misc. 96; (59 St. Rep. 694; 29 Supp. 6).

Appeal—Limitation of Review.

149 N. Y. 548. 91 Hun, 61; (71 St. Rep. 631; 36 Supp. 827).

*Duplicate Citations in Parenthesis.***Kelso v. Kelly**, 1 Daly, 419.

Cited, Landlord and Tenant—Optional Renewal of Lease.

72 Hun, 610; (55 St. Rep. 141; 25 Supp. 279).

Landlord and Tenant—Refusal to Appoint Arbitrator—Appointment by Court.

12 App. Div. 429; (76 St. Rep. 410; 42 Supp. 410).

Kelso v. Lorillard, 85 N. Y. 177.

Cited, Real Property—Remainders—Contingent—Vesting.

2 Misc. 560; (24 Supp. 775).

Wills—Construction—Perpetuities.

3 Misc. 476; (23 Supp. 741).

Contracts—Specific Performance Discretion of Trial Court.

147 N. Y. 355; (69 St. Rep. 697). 8 App. Div. 371; (75 St. Rep. 187; 40 Supp. 805).

Kelty v. Second National Bank, 52 Barb. 328.

Cited, Checks—Presentation—Discharge of Drawer.

12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).

Kelver v. N. Y. Chi. & S. L. R. Co., 126 N. Y. 365; 37 St. Rep. 485.

Cited, Railroads—Fences—Liability for Neglect to Fence.

81 Hun, 285; (62 St. Rep. 747; 30 Supp. 784).

Kemeys, Matter of, 56 Hun, 117; 9 Supp. 182.

Cited, Taxes—Inheritance—Exemption From.

3 Misc. 390; (24 Supp. 715).

Statute—When It Takes Effect.

150 N. Y. 229.

Kemmelhor v. Cohen, 8 Misc. 679; 58 St. Rep. 836; 28 Supp. 1139.**Kemmerer v. Manhattan R. Co.**, 81 Hun, 444; 63 St. Rep. 323; 31 Supp. 82.**Kemp, Matter of**, 40 Supp. 1144.**Kemp v. Elliott**, 77 St. Rep. 501; 43 Supp. 501.**Kemp v. Good Templars' Mutual Benefit Ass'n**, 135 N. Y. 658; 48 St. Rep. 932.**Kemp v. Knickerbocker Ice Co.**, 69 N. Y. 45.

Cited, Damages—Contracts—Penalty or Liquidated Damages.

6 Misc. 109; (55 St. Rep. 690; 26 Supp. 32).

Contracts—Construction—Intent of Parties.

11 App. Div. 380; (76 St. Rep. 95; 42 Supp. 95).

Kendall v. Case, 84 Hun, 124; 65 St. Rep. 681; 32 Supp. 553.**Kendall, Matter of**, 85 N. Y. 302.

Cited, Officers—De Facto—Rights and Powers.

70 Hun, 5; (53 St. Rep. 449; 23 Supp. 952).

Police—Appointment—Oath.

52 St. Rep. 643; (23 Supp. 732).

Kendall, Matter of, 4 Den. 133.

Cited, Testamentary Trustees—Real Estate—Power to Delay Conversion.

16 Misc. 248; (39 Supp. 190).

Kendall v. Holland Purchase Ins. Co., 2 T. & C. 375.

Affirmed, 58 N. Y. 682.

Cited, Insurance—Notice of Loss—Service.

11 Misc. 517; (66 St. Rep. 108; 32 Supp. 761).

Kendall v. Monk, 59 St. Rep. 884; 21 Supp. 176.**Kendall v. Treadwell**, 5 Abb. 16.

Cited, Mortgage—Strict Foreclosure.

138 N. Y. 137; (51 St. Rep. 850; 30 Abb. N. C. 328).

Kendall v. Washburn, 14 How. 380.

Cited, Writ and Process—Service—By Publication—Strict Compliance.

2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969).

Kendall v. Woodruff, 87 N. Y. 7.

Cited, Mortgage—Release—Effect.

6 App. Div. 250; (39 Supp. 1033).

Kendrick, Matter of, 107 N. Y. 104; 11 St. Rep. 346.

Cited, Limitation of Action—Decedent's Estate—Proceeding to Enforce Payment of Claims Against.

70 Hun, 66; (53 St. Rep. 511; 23 Supp. 1107). 15 Misc. 563; (37 Supp. 1134).

Kendrick v. Wandall, 88 Hun, 518; 69 St. Rep. 53; 34 Supp. 976.**Kene, Matter of**, 8 Misc. 102; 60 St. Rep. 163; 29 Supp. 1073.**Kenkele v. Manhattan R. Co.**, 55 Hun, 398; 29 St. Rep. 95; 8 Supp. 707.

Cited, Eminent Domain—Appraisal—Measure of Damages.

76 Hun, 388; (59 St. Rep. 173; 28 Supp. 113).

Kenna, Matter of, 91 Hun, 178; 71 St. Rep. 210; 36 Supp. 280.**Kennagh v. McColgan**, 21 St. Rep. 326; 4 Supp. 230.

Cited, 56 St. Rep. 892; (26 Supp. 1128).

Duplicate Citations in Parenthesis.

Kennedy, Matter of, 20 Misc. 531.

Kennedy, Matter of, 2 Connolly, 216;
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Cited, Interest—Executors.

2 Misc. 282; (23 Supp. 973).

Kennedy, Matter of, N. Y. Law J. June
13, 1891.

Cited, Executors—Compensation—Two or
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7 Misc. 729; (59 St. Rep. 527; 28 Supp.
497).

Kennedy v. Babcock, 19 Misc. 87; 77
St. Rep. 832; 43 Supp. 832.

Kennedy v. Ball & Wood Co., 91
Hun, 197; 71 St. Rep. 127; 36 Supp.
325.

Kennedy v. Budd, 5 App. Div. 140; 39
Supp. 81.

Kennedy v. Carrick, 18 Misc. 38; 75
St. Rep. 444; 40 Supp. 1127.

Modifying and Affirming, 17 Misc. 750;
40 Supp. 1144.

**Kennedy v. Chicago & Rock Island
R. Co.**, 14 Abb. N. C. 326.

Cited, Mandamus—Peremptory—When
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12 Misc. 468; (68 St. Rep. 136; 34 Supp.
257).

Kennedy v. Crandell, 3 Lans. 1.

Cited, Notes—Material Alteration—Con-
sideration—Recovery.

10 Misc. 361; (63 St. Rep. 434; 31 Supp.
19).

Kennedy v. Farley, 82 Hun, 227; 63 St.
Rep. 592; 31 Supp. 274.

Kennedy v. Gifford, 19 Wend. 296.

Cited, Pleading—Slander—Innuendo.

11 Misc. 13; (63 St. Rep. 459; 31 Supp.
857).

Kennedy v. Harlem R. Co., 3 Duer,
659.

Cited, New Trial—Terms—Proper.

70 Hun, 150; (53 St. Rep. 927; 24 Supp.
277).

Kennedy v. Hoy, 105 N. Y. 134; 6 St.
Rep. 787.

Cited, Trusts—Perpetuity—Validity Pro
Tanto.

6 Misc. 379; (56 St. Rep. 339; 26 Supp.
745). 76 Hun, 472; (58 St. Rep. 705; 27
Supp. 1096). 82 Hun, 373; (64 St. Rep. 92;
31 Supp. 493). 84 Hun, 336; (65 St. Rep.
638; 32 Supp. 568). 89 Hun, 558; (35 Supp.
345). 13 App. Div. 345; (77 St. Rep. 19; 43
Supp. 19). 17 Misc. 431; (41 Supp. 229).

**Kennedy v. Jackson Architectural
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335; 33 Supp. 630.

Kennedy v. Kennedy, 73 N. Y. 369.

Cited, Evidence—Relevancy—Husband
and Wife—Cruelty.

141 N. Y. 458; (57 St. Rep. 635).

Kennedy v. Kennedy, 70 Hun, 257; 54
St. Rep. 283; 24 Supp. 424.

Kennedy v. Manhattan R. Co., 33
Hun, 457.

Cited, Master and Servant—Appliances
for Servant's Convenience—Duty to Fur-
nish.

71 Hun, 130; (54 St. Rep. 222; 24 Supp.
536).

Kennedy v. Manhattan R. Co., 145
N. Y. 288; 64 St. Rep. 705.

Reversing, 56 St. Rep. 88; 25 Supp. 1123.

Cited, Master and Servant—Appliances—
Safety of Servant—Assumption of Risks.

3 App. Div. 149; (74 St. Rep. 482; 38
Supp. 52). 9 App. Div. 446; (75 St. Rep.
1032; 41 Supp. 635).

Kennedy v. McKone, 10 App. Div. 577;
75 St. Rep. 967; 41 Supp. 577.

Kennedy v. McKone, 10 App. Div. 88;
75 St. Rep. 1179; 41 Supp. 782.

Cited, Building Contracts—Performance
—Recovery on Quantum Meruit.

13 App. Div. 245; (77 St. Rep. 34; 43
Supp. 34).

**Kennedy v. Metropolitan Street R.
Co.**, 11 Misc. 320; 65 St. Rep. 300; 32
Supp. 153.

Cited, Street Cars—Right of Way.

15 Misc. 31; (71 St. Rep. 490; 36 Supp.
439).

**Kennedy v. Nat. Union Bank of
Watertown**, 23 Hun, 494.

Cited, Chattel Mortgage—Rights of Cred-
itors.

18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Kennedy v. New York, 18 Misc. 303;
41 Supp. 1077.

Kennedy v. New York, 73 N. Y. 365.

Cited, Municipal Corporations—Highways
—Defects—Negligence—Proximate Cause.

76 Hun, 177; (57 St. Rep. 301; 27 Supp.
587). 14 Misc. 525; (70 St. Rep. 697; 35
Supp. 1100).

Kennedy v. N. Y. C. & H. R. R. Co.,
35 Hun, 186.

Cited, Action—Loss of Service—Grounds
of—Parent and Child.

7 Misc. 30; (57 St. Rep. 497; (27 Supp.
403).

*Duplicate Citations in Parenthesis.***Kennedy v. N. Y. Life Ins. & Trust Co.,** 101 N. Y. 487.

Cited, Summons—Publication—Affidavit—Sufficiency.

7 App. Div. 82; (39 Supp. 977; 25 Civ. Pro. 401). 14 Misc. 76; (69 St. Rep. 554, 635; 35 Supp. 199, 200; 25 Civ. Pro. 18, 19; 2 Ann. Cas. 96, 97).

Kennedy v. Oswego & S. R. Co., 67 Barb. 169.

Cited, Evidence—Memoranda—When Inadmissible.

150 N. Y. 392.

Contracts—Construction—Intent of Parties.

8 App. Div. 347; (75 St. Rep. 173; 40 Supp. 795). 67 St. Rep. 26; (33 Supp. 291).

Kennedy v. People, 39 N. Y. 245.

Cited, Indictment—Sufficiency—Common Law Form.

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Kennedy v. Porter, 109 N. Y. 526; 16 St. Rep. 613.

Cited, Partnership—Dissolution—Death.

72 Hun, 232; (55 St. Rep. 711; 25 Supp. 253).

Kennedy v. Rochester City & B. R. Co., 130 N. Y. 654.

Reversed, 54 Hun, 183; 7 Supp. 221.

Cited, Evidence—Expression of Pain, etc.—Action for Personal Injuries.

1 Misc. 353; (48 St. Rep. 664; 20 Supp. 684). 8 App. Div. 158; (40 Supp. 479).

Kennedy v. Ryall, 67 N. Y. 379.

Cited, Surrogate's Court—Jurisdiction Residence.

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Kennedy v. Strobel, 77 Hun, 96; 59 St. Rep. 58; 28 Supp. 452.**Kennedy v. Strong,** 14 Johns. 128.

Cited, Conversion—Damages.

88 Hun, 458; (68 St. Rep. 798; 34 Supp. 865).

Kennedy v. Thorp, 51 N. Y. 174.

Cited, Action—Choice of Remedies—Effect.

61 St. Rep. 648; (29 Supp. 1049). 80 Hun, 238; (61 St. Rep. 648; 29 Supp. 1049).

Kennedy v. Troy, 14 Hun, 308.

Cited, Assessments—Review—Certiorari.

70 St. Rep. 849; (36 Supp. 194).

Equity—Joinder of Parties.

84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Kennedy v. Troy, 77 N. Y. 493.

Cited, Taxes—Assessment—Review of.

7 Misc. 206; (56 St. Rep. 520; 27 Supp. 214). 81 Hun, 313; (27 Supp. 214.) 70 St. Rep. 849; (36 Supp. 194).

Kennedy v. Wood, 52 Hun, 46; 22 St. Rep. 132; 4 Supp. 758.

Cited, Evidence—Declarations—Inconsistent—Preliminary Cross Examination.

2 Misc. 327; (51 St. Rep. 586; 21 Supp. 996). 9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8). 1 Misc. 284; (48 St. Rep. 668; 20 Supp. 705). 87 Hun, 556; (69 St. Rep. 462; 35 Supp. 143).

Kennedy v. Wood, 54 Hun, 14; 26 St. Rep. 34; 7 Supp. 90.

Cited, Adjournment—Of Trial—Allowance of Witness Fees.

66 Hun, 290; (49 St. Rep. 252).

Kennett v. Hopkins, 20 Misc. 259; 79 St. Rep. 797; 45 Supp., 797.**Kenney v. Apgar,** 93 N. Y. 539.

Cited, Mechanic's Lien—Filing Notice—Effect.

139 N. Y. 345; (54 St. Rep. 623). 7 Misc. 680; (58 St. Rep. 872; 28 Supp. 23; 31 Abb. N. C. 301).

Mechanic's Lien—Right to—To What Property—Building Lots.

61 St. Rep. 651; (29 Supp. 1042).

Mechanic's Lien—Trial—Right to Jury—Waiver.

71 Hun, 430; (54 St. Rep. 534; 24 Supp. 1110). 6 Misc. 92; (55 St. Rep. 400; 26 Supp. 24). 152 N. Y. 590.

Mechanic's Lien—Service of Notice—Effect.

84 Hun, 479; (65 St. Rep. 686; 32 Supp. 558).

Practice—Judgment—Not Conformable to Decision—Vacation.

92 Hun, 84; (71 St. Rep. 805; 36 Supp. 638). 16 App. Div. 470, 475; (78 St. Rep. 938, 942; 44 Supp. 938, 942).

Kenney v. Livery Stable Keepers' Ass'n., 89 Hun, 190; 69 St. Rep. 237; 35 Supp. 8.**Kenney v. N. Y. C. & H. R. R. Co.,** 125 N. Y. 422; 35 St. Rep. 447.

Cited, Corporations—Limitation of Liability by Contract.

137 N. Y. 461; (51 St. Rep. 270). 3 App. Div. 23; (73 St. Rep. 552; 37 Supp. 933; 3 Ann. Cas. 124). 4 App. Div. 592; (73 St. Rep. 648; 38 Supp. 492).

Kenney v. Public Administrator, 2 Bradf. 319.

Cited, Gifts—Proof.

17 App. Div. 11; (78 St. Rep. 842; 44 Supp. 842). 16 App. Div. 555; (78 St. Rep. 998; 44 Supp. 998).

Kenney v. Second Ave. R. Co., 89 Hun, 340; 35 Supp. 395.

Duplicate Citations in Parenthesis.

Kenney v. Sumner, 12 Misc. 86; 66 St. Rep. 696; 33 Supp. 95.

Kennicutt v. Parmelee, 109 N. Y. 650; 15 St. Rep. 515.

Cited, Appeal—Exception—Review in Court of Appeals—Extent of Review. 146 N. Y. 345; (66 St. Rep. 649).

Kenny v. Clarkson, 1 Johns. 385.

Cited, Foreign Laws—Proof. 6 App. Div. 40; (39 Supp. 738).

Kenny v. Martin, 11 Misc. 651; 66 St. Rep. 541; 32 Supp. 1087.

Kenny v. People, 31 N. Y. 330.

Cited, Criminal Law—Voluntary Intoxication. 143 N. Y. 364; (62 St. Rep. 355).

Kent v. Church of St. Michael, 136 N. Y. 10; 49 St. Rep. 19.

Affirming, 44 St. Rep. 936.

Cited, Power of Legislature Over Real Property—Divesting of Title.

79 Hun, 324; (61 St. Rep. 406; 29 Supp. 462). D. 79 Hun, 328; (61 St. Rep. 409; 29 Supp. 465). 149 N. Y. 467. D. 11 App. Div. 369; (76 St. Rep. 927; 42 Supp. 927).

Partition—Rights of Parties—Persons not in Being—Interests—Sale—Effect.

77 Hun, 236; (59 St. Rep. 761; 28 Supp. 401). D. 11 App. Div. 372; (76 St. Rep. 929; 42 Supp. 929). 15 App. Div. 312; (78 St. Rep. 141; 44 Supp. 141).

Judgment—Conclusiveness—Partition—After-born Children.

137 N. Y. 516; (51 St. Rep. 268).

Equity—Lost Deed—Re-Execution.

13 Misc. 531; (70 St. Rep. 135; 35 Supp. 524).

Kent v. Friedman, 101 N. Y. 616.

Cited, Sale—Warranty—Breach—Recovery.

81 Hun, 130; (62 St. Rep. 634; 30 Supp. 680).

Kent v. Hopkins, 86 Hun, 611; 67 St. Rep. 513; 33 Supp. 767.

Kent v. Kent, 62 N. Y. 560.

Cited, Contracts—Statute of Frauds—Performance Within Year.

D. 11 Misc. 717; (68 St. Rep. 872; 34 Supp. 1140). 11 Misc. 383; (65 St. Rep. 294; 32 Supp. 147).

Kent v. Manchester, 29 Barb. 595.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Kent v. Manhattan R. Co., 4 App. Div. 93; 38 Supp. 981.

Kent v. Quicksilver Mining Co., 78 N. Y. 159.

Cited, Corporations—By-Laws—Affecting Vested Rights.

136 N. Y. 342; (50 St. Rep. 14). 5 Misc. 520; (58 St. Rep. 94; 25 Supp. 836). 15 Misc. 433; (72 St. Rep. 478; 37 Supp. 168). 17 Misc. 557; (75 St. Rep. 98; 40 Supp. 693). 18 Misc. 266; (41 Supp. 643).

Corporations—Ultra Vires—Acquiescence of Stockholder—Intervention to Contest.

74 Hun, 305; (56 St. Rep. 417; 26 Supp. 649). 6 App. Div. 65; (39 Supp. 625). 12 App. Div. 211; (76 St. Rep. 788; 42 Supp. 788). 11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715). 20 Misc. 487.

Corporations—Power to Borrow Money. 7 Misc. 111; (57 St. Rep. 487; 27 Supp. 388).

Corporations—Preferred Stock—Creation—Effect.

17 App. Div. 361; (79 St. Rep. 189; 45 Supp. 189).

Corporations—Stock—Rights of Assignee. 20 Misc. 488.

Corporations—Contracts—Ultra Vires—Effect.

D. 151 N. Y. 46; 89 Hun, 322; (35 Supp. 568). 90 Hun, 406, 407; (70 St. Rep. 488; 35 Supp. 690). 92 Hun, 280; (71 St. Rep. 844; 36 Supp. 786). 91 Hun, 456; (71 St. Rep. 163; 36 Supp. 393). D. 151 N. Y. 47.

Kent v. Reynolds, 8 Hun, 559.

Cited, Notes—Surrender—Accord and Satisfaction.

16 Misc. 554; (74 St. Rep. 264; 38 Supp. 746).

Kent v. Rockwell, 89 Hun, 88; 69 St. Rep. 13; 34 Supp. 1041.

Kent v. Welch, 7 Johns. 258.

Cited, Covenants—Warranty—Breach—When Action Will Lie.

9 Misc. 137; (59 St. Rep. 715; 29 Supp. 283).

Kent v. West, 16 App. Div. 496; 78 St. Rep. 901; 44 Supp. 901.

Kentish v. Tatham, 6 Hill. 372.

Cited, Action—Stay—Like Action and Relief.

6 Misc. 421; (27 Supp. 301).

Kenworthy, Matter of, 44 St. Rep. 275; 17 Supp. 655.

Cited, Executors—Compensation—Two or More.

7 Misc. 729; (59 St. Rep. 527; 28 Supp. 498).

Duplicate Citations in Parenthesis.

Kenworthy v. Sanford, 13 Misc. 271; 63 St. Rep. 204; 34 Supp. 157.

Cited, Appeal—Harmless Error—Effect. 18 Misc. 246; (41 Supp. 608).

Kenyon v. Hookway, 17 Misc. 452; 41 Supp. 230.

Kenyon v. Kenyon, 88 Hun, 211; 68 St. Rep. 701; 34 Supp. 720.

Cited, Material Witness—Absence—Presumption.

3 App. Div. 113; (39 Supp. 276). 79 St. Rep. 657; (45 Supp. 657). 13 App. Div. 330; (77 St. Rep. 204; 43 Supp. 201); 12 App. Div. 193; (76 St. Rep. 829; 42 Supp. 829).

Kenyon v. Knights Templar and M. M. A. Ass'n, 122 N. Y. 247; 33 St. Rep. 467.

Cited, Contracts—Construction—Intention.

2 Misc. 367; (51 St. Rep. 210; 22 Supp. 375; 30 Abb. N. C. 11). 143 N. Y. 650.

Insurance—Conditions—Waiver.

49 St. Rep. 555. 136 N. Y. 147; (48 St. Rep. 912). 87 Hun, 205; (67 St. Rep. 755; 33 Supp. 1068). 10 App. Div. 485; (75 St. Rep. 1422; 41 Supp. 1061). 90 Hun, 333; (70 St. Rep. 309; 35 Supp. 866). 5 Misc. 248; (54 St. Rep. 820; 25 Supp. 471). 77 Hun, 384; (60 St. Rep. 398; 28 Supp. 851).

Insurance—Inconsistent Facts—Knowledge of Agent.

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Insurance—Payment of Premium by Mail—When Authorized.

77 Hun, 423; (60 St. Rep. 43; 28 Supp. 797).

Insurance—Payment of Premium by Mail—When Mailing Letter Sufficient.

77 Hun, 558; (60 St. Rep. 281; 28 Supp. 932).

Contracts—Parties—Estoppel.

149 N. Y. 659. 79 St. Rep. 642; (45 Supp. 642).

Trial—Questions of Law and Fact—Construction of Writings.

137 N. Y. 254; (50 St. Rep. 708). 140 N. Y. 649; (55 St. Rep. 822). 60 St. Rep. 479. 151 N. Y. 470.

Kenyon v. Luthey, 19 St. Rep. 32; 4 Supp. 498.

Cited, Contract—Brokers—Intent—Proof Sale on Margin.

75 Hun, 315; (58 St. Rep. 198; 26 Supp. 1002). 75 Hun, 176; (58 St. Rep. 586; 27 Supp. 108). 86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900).

Kenyon v. N. Y. C. & H. R. R. Co., 5 Hun, 479.

Cited, Railroads—Persons—Non Sui Juris—Imputed Negligence.

12 App. Div. 155; (76 St. Rep. 666; 42 Supp. 666).

Kenyon v. N. Y. C. & H. R. R. Co., 76 N. Y. 607.

Cited, Court of Appeals—Power to Amend Record of General Term.

88 Hun, 304; (68 St. Rep. 587; 74 Supp. 768).

Kenyon v. Olney, 39 St. Rep. 819; 15 Supp. 417.

Cited, Executors—Conduct of Estate—Continuing Business of Testator—Contract.

4 Misc. 376; (25 Supp. 820). 74 Hun, 363; (56 St. Rep. 349; 26 Supp. 685). 20 Misc. 507.

Kenyon v. People, 26 N. Y. 203.

Cited, Seduction—Promise.

144 N. Y. 363; (63 St. Rep. 667). 81 Hun, 392; (63 St. Rep. 132; 30 Supp. 878).

Seduction—Evidence—Chastity.

153 N. Y. 96; 81 Hun, 324; (62 St. Rep. 753; 31 Supp. 790). 92 Hun, 203; (71 St. Rep. 170; 36 Supp. 299).

Kenyon v. Youlen, 53 Hun, 591; 25 St. Rep. 299; 6 Supp. 784.

Cited, Evidence—Declarations—Conversation With Decedent.

2 Misc. 140; (50 St. Rep. 225; 21 Supp. 613).

Specific Performance by Heirs of Ancestor's Agreement—Devised Land.

2 Misc. 140; (50 St. Rep. 225; 21 Supp. 613).

Specific Performance—Parol Agreements Concerning Land—Performance by One Party.

73 Hun, 349; (53 St. Rep. 763; 26 Supp. 195). 77 Hun, 4; (59 St. Rep. 420; 28 Supp. 224). 18 Misc. 523; (76 St. Rep. 1088; 42 Supp. 1088).

Keogh v. Main, 50 Super 183.

Cited, Mechanic's Lien—Verification of Notice.

2 Misc. 439; (51 St. Rep. 118; 21 Supp. 972).

Keogh v. McManus, 34 Hun, 521.

Cited, Receivers—Claims Against—Payment and Priority—Foreclosure of Mortgage.

50 St. Rep. 370; (22 Supp. 16).

Keog Mfg. Co. v. Eisenberg. See C. B. Keog Mfg. Co. v. Eisenberg.

Kerby v. Clapp, 15 App. Div. 37; 78 St. Rep. 116; 44 Supp. 116.

*Duplicate Citations in Parenthesis.***Kerch v. Rome, Watertown & Ogdensburgh R. Co.**, 14 St. Rep. 446.

Cited, Pleading—Bill of Particulars—When Granted—Negligence—Information in Regard to.

6 Misc. 423; (27 Supp. 296).

Kerley v. Mayer, 10 Misc. 718; 64 St. Rep. 640; 31 Supp. 818.**Kern v. Burden Iron Co.**, 17 App. Div. 135; 79 St. Rep. 152; 45 Supp. 152.**Kern v. De Castro & D. S. R. Co.**, 125 N. Y. 50; 34 St. Rep. 363.

Cited, Master and Servant—Risks of Employment Assumed by Servant.

71 Hun, 24; (54 St. Rep. 202; 24 Supp. 617).

Master and Servant—Master's Duty—Appliances.

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 76 Hun, 577; (58 St. Rep. 260; 28 Supp. 188). 142 N. Y. 34; (58 St. Rep. 438). 4 Misc. 162; (53 St. Rep. 196; 23 Supp. 788). 4 Misc. 502; (54 St. Rep. 341; 24 Supp. 556). 13 Misc. 176; (68 St. Rep. 26; 34 Supp. 71). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835).

Kern v. Rackow, 44 How. 443.

Cited, Arrest—Order—Vacation.

D. 78 St. Rep. 956; (44 Supp. 956). D. 16 App. Div. 480.

Kerner v. Boardman, 39 St. Rep. 61; 14 Supp. 787.

Cited, Pleading—Conversion.

14 Misc. 316; (70 St. Rep. 748; 35 Supp. 1053).

Kernochan, Matter of, 104 N. Y. 618; 6 St. Rep. 439.

Cited, Corporations—Dividends—Declaration—Effect.

86 Hun, 133; (67 St. Rep. 134; 33 Supp. 389).

Kernochan v. Murray, 111 N. Y. 306; 19 St. Rep. 491.

Cited, Contracts—Obligation—Survivability.

11 Misc. 168; (65 St. Rep. 150; 32 Supp. 93).

Kernochan v. New York Bowery Ins. Co., 17 N. Y. 428.

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13 Misc. 691; (69 St. Rep. 212; 35 Supp. 16).

Kernochan v. New York Elevated R. Co., 128 N. Y. 559; 41 St. Rep. 110.

Cited, Damages—Elevated Railway—Easements.

137 N. Y. 160; (50 St. Rep. 207). 8 Misc. 428; (59 St. Rep. 578; 28 Supp. 594).

87 Hun, 189; (67 St. Rep. 666; 33 Supp. 985). 147 N. Y. 146; (69 St. Rep. 400).

13 App. Div. 383; (77 St. Rep. 37; 43 Supp. 37). 82 Hun, 530; (64 St. Rep. 175; Supp. 31 Supp. 540).

Action—Damage from Elevated Railway—Conveyance Pending—Effect.

60 St. Rep. 170; (28 Supp. 483). 147 N. Y. 374; (70 St. Rep. 31).

Elevated Railway—Damage to Leasehold—Creation Since Construction.

76 Hun, 306; (57 St. Rep. 804; 27 Supp. 779). 138 N. Y. 259; (52 St. Rep. 377). 2 App. Div. 530; (74 St. Rep. 276; 37 Supp. 1095). 17 App. Div. 510; (79 St. Rep. 515; 45 Supp. 515).

Nuisance—Action—Who May Maintain.

92 Hun, 483; (72 St. Rep. 413; 36 Supp. 1073).

Eminent Domain—Award for Damages—Nature as Realty.

140 N. Y. 164; (55 St. Rep. 256).

Equity—Injunctive Relief—Transfer of Property—Failure of Cause of Action.

8 Misc. 534; (59 St. Rep. 399; 28 Supp. 766).

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77 Hun, 143; (59 St. Rep. 41; 23 Supp. 466).

Kernochan v. Wilkins, 3 App. Div. 596; 73 St. Rep. 833; 38 Supp. 236.**Kerr v. Atlantic Ave. R. Co.**, 10 Misc. 264; 63 St. Rep. 310; 30 Supp. 1070.

Affirmed, 151 N. Y. 656.

Kerr v. Blodgett, 48 N. Y. 62; 25 How. 303; 16 Abb. 137.

Cited, Action—Parties—United in Interest—One for Benefit of All.

8 Misc. 341; (60 St. Rep. 442; 29 Supp. 340).

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68 Hun, 483; (52 St. Rep. 666).

Assignment for Creditors—Accounting—Effect—Notice to Creditors.

5 Misc. 117; (25 Supp. 740). 16 Misc. 192; (74 St. Rep. 811; 38 Supp. 1001).

Kerr v. Dougherty, 79 N. Y. 327.

Cited, Wills—Legacy—Validity—Corporations—Time of Death.

63 Hun, 436; (52 St. Rep. 674; 23 Supp. 99).

Duplicate Citations in Parenthesis.

Wills—Construction — Legacy—Corporations—Powers to Take—Void Bequests.

77 Hun, 303; (59 St. Rep. 166; 28 Supp. 405). 82 Hun, 498; (64 St. Rep. 135; 31 Supp. 521).

Wills — Construction—Residuary Clause.

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Wills—Bequests to Foreign Corporations —What Law Determines Power to Take.

136 N. Y. 142; (48 St. Rep. 842).

Statutes — Repealing Act—Construction.

6 App. Div. 89; (39 Supp. 767).

Kerr v. Hays, 35 N. Y. 331.

Cited, Judgment—Res adjudicata—Parol Evidence.

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Kerr v. Joslyn, 49 St. Rep. 257; 20 Supp. 929.

Kerr v. Kerr, 41 N. Y. 272.

Cited, Judgment—Foreign Defendant Not Personally Served—Effect in Personam.

50 St. Rep. 220. 90 Hun, 236; (69 St. Rep. 637; 35 Supp. 282). 17 Misc. 240; (39 Supp. 717). 82 Hun, 185; (64 St. Rep. 802; 31 Supp. 981). 4 App. Div. 530, 531; (40 Supp. 444, 445).

Kerr v. McGuire, 28 N. Y. 446.

Cited, Witness—Expert—Qualification.

19 Misc. 168.

Kerr v. Mount, 28 N. Y. 659.

Cited, Action — Commencement — Issuance of Summons—Service.

6 Misc. 250; (57 St. Rep. 763; 27 Supp. 161).

Void Process—Liability of Parties.

16 Misc. 321; (73 St. Rep. 570; 37 Supp. 951).

Kerr v. Union Mut. Life Ins. Co., 69

Hun, 393; 52 St. Rep. 706; 23 Supp. 619.

Kerr v. Union R. Co., 20 Misc. 171; 79 St. Rep. 819; 45 Supp. 819.

Kerrains v. People, 60 N. Y. 221.

Cited, Evidence — Opinion — Intent of Witness.

2 Misc. 152; (50 St. Rep. 215; 21 Supp. 631; 29 Abb. N. C. 438). 73 Hun, 72; (57 St. Rep. 23; 25 Supp. 1077). 17 Misc. 92; (39 Supp. 834).

Master and Servant—Possession by Servant—Effect.

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Kerrigan v. Force, 68 N. Y. 381.

Cited, Constitutional Law — Courts — Power and Duty to Declare Law Unconstitutional.

22 Supp. 534; (30 Abb. N. C. 110). 3 App. Div. 196; (38 Supp. 480). 17 Misc. 259; (40 Supp. 1080).

Constitutional Law—Local Bills.

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Kerrigan v. Hart, 40 Hun, 389.

Cited, Master and Servant—Liability of Master to Servant—Reasonable Care.

5 Misc. 323; (25 Supp. 815).

Kerrison v. Kerrison, 8 Abb. N. C. 444.

Cited, Marriage—Divorce—Remarriage in Foreign State—Effect.

92 Hun, 417; (71 St. Rep. 665; 36 Supp. 611).

Kerwin, Matter of, 59 Hun, 589; 37 St. Rep. 436; 14 Supp. 353.

Cited, Guardian and Ward—Support of Ward—Jurisdiction of Surrogate's Court.

9 Misc. 241; (61 St. Rep. 303). 4 Misc. 371; (25 Supp. 830). 51 St. Rep. 561; (23 Supp. 281).

Kessel v. Butler, 53 N. Y. 612.

Cited, Witness—Evidence—Wages.

85 Hun, 92; (66 St. Rep. 73; 32 Supp. 689).

Kessell v. Hapen, 8 St. Rep. 352.

Cited, Executors and Administrators—Liability for Funeral Expenses.

15 App. Div. 97; (78 St. Rep. 308; 44 Supp. 308).

Kessler v. Brooklyn Heights R. Co.,

3 App. Div. 428; 74 St. Rep. 140; 33 Supp. 799.

Cited, Injuries—Liability of Guest for Driver's Negligence.

6 App. Div. 266; (39 Supp. 999).

Street Railroads—Drivers—Duties.

11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885).

Kessler v. Hessen, 19 Abb. N. C. 86.

Cited, Executors and Administrators—Liability for Funeral Expenses.

18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381).

Kessler v. Levy, 11 Misc. 275; 65 St. Rep. 454; 32 Supp. 260.

Affirmed, 147 N. Y. 700.

Kessler v. Levy, 12 Misc. 116; 66 St. Rep. 697; 33 Supp. 54.

Kessler v. Levy & Levis Co., 7 App. Div. 142; 40 Supp. 271.

Kessler v. N. Y. C. & H. R. R. Co., 61 N. Y. 538.

Cited, Carriers — Connecting Lines—Extent of Liability.

89 Hun, 496; (70 St. Rep. 237; 35 Supp. 576). 16 Misc. 371; (74 St. Rep. 386; 38 Supp. 89).

Duplicate Citations in Parenthesis.

- Ketaltas v. Gilmour**, 68 St. Rep. 305; 30 Supp. 1064.
- Ketcham v. Cohn**, 2 Misc. 427; 51 St. Rep. 213; 22 Supp. 181.
Cited, Trespass—Protecting Land Against adjoining Excavation.
3 Misc. 75; (51 St. Rep. 602; 22 Supp. 379).
- Ketcham v. Elliott**, 49 St. Rep. 806; 20 Supp. 745.
- Ketcham v. Ketcham**, 66 Hun, 608; 50 St. Rep. 89; 22 Supp. 8.
- Ketcham v. Newman**, 141 N. Y. 205; 56 St. Rep. 816.
Reversing. 2 Misc. 427; 51 St. Rep. 213; 22 Supp. 181.
- Ketchum v. Zerega**, 1 E. D. Smith 553.
Cited, Pleading — Answer — Denial of Knowledge.
2 Misc. 178; (49 St. Rep. 721; 21 Supp. 584; 23 Civ. Pro. 58). 8 Misc. 13; (58 St. Rep. 308; 28 Supp. 79). 86 Hun, 498; (67 St. Rep. 520; 33 Supp. 774.)
- Ketchum v. Marsland**, 18 Misc. 450; 76 St. Rep. 7; 42 Supp. 7.
- Ketchum, Matter of**, 60 How. 154.
Cited, Depositions—Preliminary Examinations—Perpetuating Testimony.
9 Misc. 418; (61 St. Rep. 702; 30 Supp. 191).
- Ketchum v. Barber**, 4 Hill 224.
Cited, Sale of Credit—Usury.
67 St. Rep. 836; (34 Supp. 35).
Protest—Notarial Certificate—Sufficiency.
10 Misc. 344; (63 St. Rep. 419; 31 Supp. 30; 24 Civ. Pro. 182).
- Ketchum v. Buffalo**, 14 N. Y. 356.
Cited, Definitions—"Fund", and "Fund-ed" as Applied to Debts.
30 Abb. N. C. 225; (24 Supp. 876).
- Ketchum v. Depew**, 81 Hun, 278; 62 St. Rep. 757; 30 Supp. 794.
Cited, Actions—Equitable — Remedy at Law—Waiver.
18 Misc. 333, 334; (76 St. Rep. 111, 112; 42 Supp. 111, 112). 18 Misc. 334; (76 St. Rep. 112; 42 Supp. 112). 79 St. Rep. 983; (45 Supp. 983).
- Ketchum v. Edwards**, 6 App. Div. 160; 39 Supp. 1012.
Reversed, 153 N. Y. 534.
- Ketchum v. Everettson**, 13 Johns. 359.
Cited, Contracts—Breach — Recovery by Party in Fault.
20 Misc. 45; (79 St. Rep. 330; 45 Supp. 330).
- Ketchum v. Holden**, 88 Hun, 482; 68 St. Rep. 807; 34 Supp. 870.
- Ketchum v. Ketchum**, 4 Cow. 87.
Cited, Costs—Liability of Executor.
50 St. Rep. 555; (21 Supp. 878). 88 Hun 130; (68 St. Rep. 681; 34 Supp. 626).
- Ketchum v. Van Dusen**, 11 App. Div. 332; 76 St. Rep. 1112; 42 Supp. 1112.
- Keteltas v. Keteltas**, 72 N. Y. 312.
Cited, Widow—Next of Kin or Heir.
11 App. Div. 172; (76 St. Rep. 614; 42 Supp. 614).
- Keteltas v. Myers**, 19 N. Y. 231.
Cited, Pleading—Complaint — Sufficiency on Demurrer.
82 Hun, 364; (64 St. Rep. 83; 31 Supp. 485). 11 App. Div. 99; (76 St. Rep. 855; 42 Supp. 855). 11 Misc. 141; (65 St. Rep. 116; 31 Supp. 1022; 24 Civ. Pro. 304).
- Kettle v. Turl**, 13 Misc. 156; 68 St. Rep. 30; 34 Supp. 75.
- Kettle v. Turl**, 14 Misc. 637; 70 St. Rep. 887; 35 Supp. 1110.
- Kettle v. Turl**, 70 St. Rep. 698; 35 Supp. 1101.
- Keubler v. New York**, 39 St. Rep. 520.
Cited, Evidence—Burden of Proof—Contributory Negligence.
7 Misc. 650; (58 St. Rep. 395; 28 Supp. 17).
- Keyes v. Ellensohn**, 72 Hun, 392; 55 St. Rep. 486; 25 Supp. 693.
- Keyes v. Ellensohn**, 82 Hun, 13; 63 St. Rep. 227; 30 Supp. 1035.
Affirmed, 144 N. Y. 700; 70 St. Rep. 866.
Cited, Courts — Judgment — Jurisdiction to Render.
9 App. Div. 424; (41 Supp. 214). 15 Misc. 657; (72 St. Rep. 682; 37 Supp. 431; 25 Civ. Pro. 161).
- Keyes v. Ellensohn**, 144 N. Y. 700; 70 St. Rep. 866.
Cited, Courts—Judgment—Jurisdiction.
15 Misc. 657; (72 St. Rep. 682; 37 Supp. 431; 25 Civ. Pro. 161).
- Keyes v. Keyes**, 6 Misc. 355; 26 Supp. 910.
Cited, Husband and Wife—Marriage—Annulment—Fraud.
8 Misc. 591; (60 St. Rep. 695; 29 Supp. 1117; 31 Abb. N. C. 336).
- Keyes v. Manning**, 89 Hun, 98; 69 St. Rep. 102; 34 Supp. 1021.
- Keymer, Matter of**, 148 N. Y. 219.
Cited, Civil Service—Veterans—Appointments—Review.
150 N. Y. 496. 152 N. Y. 355. 152 N. Y. 358. D. 152 N. Y. 375, 378. D. 152 N. Y. 394. 14 App. Div. 489; (77 St. Rep. 1040; 43 Supp. 1040). 13 App. Div. 58; (77 St. Rep. 122; 43 Supp. 122). 148 N. Y. 367.
Constitutional Law—Intent of Framers.
15 App. Div. 89.

Duplicate Citations in Parenthesis.

Keymer, Matter of, 89 Hun, 292; 69 St. Rep. 276; 35 Supp. 161.

Cited, Civil Service — Appointments — Veterans—Preference.

14 App. Div. 496; (77 St. Rep. 1044; 43 Supp. 104).

Keymer, Matter of, 12 Misc. 615; 68 St. Rep. 352; 34 Supp. 447.

Keyser v. Harbeck, 3 Duer, 373.

Cited, Sale—Fraud in—Bona Fide Purchaser of Vendee.

59 St. Rep. 473; (29 Supp. 595; 31 Abb. N. C. 403). 11 Misc. 79; (29 Supp. 595).

Kiah v. Grenier, 56 N. Y. 220.

Cited, Wills—Construction—Intention of Testator.

79 Hun, 431; (61 St. Rep. 466; 29 Supp. 998).

Wills—Construction—"Heirs."

84 Hun, 259; (65 St. Rep. 799; 32 Supp. 529).

Kiah v. Grenier, 1 T & C. 388.

Cited, Wills—Construction—"Heirs."

86 Hun, 111; (68 St. Rep. 46; 34 Supp. 202).

Kibbe v Bowen, 50 Super, 422.

Cited, Contracts—Rescission — Retention of Benefits.

6 Misc. 588; (57 St. Rep. 853; 27 Supp. 629).

Kibbe v. Herman, 51 Hun, 438; 3 Supp. 852.

Cited, Attachment—Affidavit—Sufficiency—Fraudulent Intent.

70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133).

Kibbe v. Miller, 141 N. Y. 571; 57 St. Rep. 867.

Kibbe v. Wetmore, 31 Hun, 424.

Cited, Attachment — Affidavits—Amendments

76 Hun, 281; (59 St. Rep. 107; 27 Supp. 772). 90 Hun, 42; (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179). 14 Misc. 546; (70 St. Rep. 767; 33 Supp. 9).

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51 St. Rep. 44; (23 Supp. 1093).

Kidd v. McCormick, 83 N. Y. 391.

Cited, Contracts — Building — Default of Owner—Extra Work—Compensation.

69 Hun, 56; (52 St. Rep. 740; 23 Supp. 381).

Kibler v. Miller, 57 Hun, 14; 10 Supp. 375.

Affirmed, 141 N. Y. 571; 57 St. Rep. 867.

Kidder v. Bork, 12 Misc. 519; 67 St. Rep. 377; 33 Supp. 663.

Kidder v. Horrobin, 72 N. Y. 159.

Cited, Bills and Notes — Holder—Title—Burden of Proof.

17 Misc. 35; (39 Supp. 212). 16 Misc. 493; (38 Supp. 968).

Kidder v. Jones, 13 Misc. 216; 68 St. Rep. 112; 34 Supp. 231.

Kiefer v. Grand Trunk Ry. Co., 12 App. Div. 28; 76 St. Rep. 171; 42 Supp. 171.

Affirmed, 153 N. Y. 688.

Kiefer v. Grand Trunk Ry. Co., 135 N. Y. 637; 48 St. Rep. 930.

Kiefer v. Grand Trunk Ry. Co., 23 St. Rep. 474; 8 Supp. 230.

Cited, Judgment — Opening—Power of Court.

92 Hun, 84; (71 St. Rep. 805; 36 Supp. 638).

Kiefer v. Thomas, 6 Abb. N. S. 42.

Cited, Pleading—Answer—Sham — Striking Out.

74 Hun, 350; (56 St. Rep. 392; 26 Supp. 491). 88 Hun, 602; (68 St. Rep. 706; 34 Supp. 771). 12 Misc. 458; (68 St. Rep. 134; 34 Supp. 255).

Kieley v. Central Complete Combustion Mfg. Co., 147 N. Y. 620; 71 St. Rep. 261; 2 Ann. Cas. 415.

Kieley v. Central Complete Combustion Mfg. Co., 13 Misc. 85; 68 St. Rep. 181; 34 Supp. 106; 25 Civ. Pro. 48. *Reversed*, 147 N. Y. 620; 71 St. Rep. 261; 2 Ann. Cas. 415.

Kiely v. McMillan, 71 St. Rep. 119; 36 Supp. 335.

Kiep v. Manhattan Railway Co., 44 St. Rep. 699; 17 Supp. 804.

Cited, Damages—Elevated Railway—Running Trains.

50 St. Rep. 457; (21 Supp. 206).

Kiernan, Matter of, 63 N. Y. 457.

Cited, Local Improvements—Assessments — Common Council — Conclusive Authority.

149 N. Y. 298.

Kiernan v. Agricultural Ins. Co., 72 Hun, 519; 55 St. Rep. 219; 25 Supp. 438.

Cited, Insurance — Subsequent Incumbrance—Evidence of Policy.

81 Hun, 374; (63 St. Rep. 146; 30 Supp. 892). 17 Misc. 349; (39 Supp. 1071).

Kiernan v. Agricultural Ins. Co., 81 Hun, 373; 63 St. Rep. 146; 30 Supp. 892.

Kiernan v. Agricultural Ins. Co., 3 App. Div. 26; 74 St. Rep. 417; 37 Supp. 1070.

Duplicate Citations in Parenthesis.

Kiernan v. Agricultural Ins. Co.,
73 St. Rep. 870; 39 Supp. 1126.

Kiernan v. Dutchess Co. Mut. Ins. Co., 80 Hun, 602; 61 St. Rep. 720; 29 Supp. 1126.

Affirmed, 150 N. Y. 190.

Disapproved, Avoidance—Insurance—Chattel Mortgage.

89 Hun, 339; (69 St. Rep. 820; 35 Supp. 377).

Kiernan v. Dutchess Co. Mut. Ins. Co., 150 N. Y. 190.

Cited, Insurance—Appraisers—Award—Setting Aside.

10 App. Div. 228; (75 St. Rep. 1006; 41 Supp. 677).

Insurance—Forfeiture—Waiver.

15 App. Div. 234; (78 St. Rep. 203; 44 Supp. 203).

Kiernan v. Manhattan Quotation Tel. Co., 50 How. 194.

Cited, Literary Property—Right to Publish.

84 Hun, 18; (65 St. Rep. 202; 32 Supp. 45).

Kiernan v. Metropolitan L. Ins. Co., 13 Misc. 39; 68 St. Rep. 166; 34 Supp. 95.

Kiernan v. New York, 14 App. Div. 156; 77 St. Rep. 538; 43 Supp. 538.

Kiernan v. Reming, 7 Civ. Pro. 311.

Cited, Landlord and Tenant—Summary Proceedings—Adjournment by Justice.

2 Misc. 159; (50 St. Rep. 540; 21 Supp. 799).

Kiersted v. Orange & A. R. Co., 69 N. Y. 343.

Cited, Action—Parties—On Bond to Agents.

137 N. Y. 494; (51 St. Rep. 202).

Evidence—Parol—Modification—Sealed Instrument.

5 Misc. 300; (56 St. Rep. 727; 25 Supp. 469).

Principal and Agent—Agent's Authority—Sealed Instruments.

24 Supp. 797.

Landlord and Tenant—Action for Use and Occupation.

14 App. Div. 312; (77 St. Rep. 1030; 43 Supp. 1050).

Kiff v. Youmans, 86 N. Y. 324.

Cited, Trespassers—Infliction of Bodily Harm—Excessive Force.

9 Misc. 5; (59 St. Rep. 675; 29 Supp. 52). 16 Misc. 636; (39 Supp. 111).

Statute—Motive of Legislature—Availability.

143 N. Y. 282; (62 St. Rep. 330).

Kilbane v. Westchester Electric R. Co., 19 Misc. 184.

Kilbourne v. Sullivan County, Supervisors of, 62 Hun, 210; 41 St. Rep. 838; 16 Supp. 507.

Affirmed, 137 N. Y. 170; 50 St. Rep. 376.

Cited, Taxes—Railroads—Rights of Bonded Towns.

136 N. Y. 404; (49 St. Rep. 686).

Towns—Sinking Fund—Misappropriation—Limitation of Action.

68 St. Rep. 527; (34 Supp. 570).

Kilbourne v. Sullivan County Supervisors of, 137 N. Y. 170; 50 St. Rep. 376.

Cited, Towns—Actions by—Misappropriation of Funds—Limitation.

87 Hun, 609. 89 Hun, 584; (69 St. Rep. 641; 35 Supp. 286).

Actions—Equity—Extent of Relief.

17 Misc. 424; (41 Supp. 201). 20 Misc. 187; (79 St. Rep. 860; 45 Supp. 860).

Kilbride v. N. Y. C. & H. R. R. Co., 17 App. Div. 177; 79 St. Rep. 302; 45 Supp. 302.

Kiley v. Western Union Tel. Co., 109 N. Y. 231; 14 St. Rep. 810.

Cited, Telegraphs—Messages—Transmission.

6 Misc. 226; (56 St. Rep. 531; 26 Supp. 535). 8 Misc. 218; (59 St. Rep. 227; 28 Supp. 582). 16 Misc. 349; (74 St. Rep. 314; 38 Supp. 60; 3 Ann. Cas. 133). 3 App. Div. 64; (38 Supp. 1058; 3 Ann. Cas. 129, 130).

Killam v. Allen, 52 Barb. 605.

Cited, Perpetuities—Term of Suspension of Alienation—Personalty.

74 Hun, 429; (57 St. Rep. 182; 26 Supp. 705).

Killeen v. Angle, 109 N. Y. 564.

Cited, Constitutional Law—Commissioner of Public Works—Appointments—Effect.

D. 148 N. Y. 370.

Killick v. Monroe Co. Sav. Bank, 17 St. Rep. 283; 1 Supp. 501.

Cited, Lunatic—Committee—Accounting. 8 App. Div. 400; (75 St. Rep. 240; 40 Supp. 849).

Killmer v. N. Y. C. & H. R. R. Co., 100 N. Y. 395.

Cited, Carriers—Charges—Special Agreements.

143 N. Y. 278; (62 St. Rep. 327).

Killoran v. Barton, 26 Hun, 648.

Cited, Criminal Law—Appeals.

151 N. Y. 58.

Killoran v. Sweet, 72 Hun, 194; 55 St. Rep. 482; 25 Supp. 295.

Affirmed, 144 N. Y. 703.

*Duplicate Citations in Parenthesis.***Kilmer v. Bradley**, 80 N. Y. 630.

Cited, Appeal—To Court of Appeals—
From What Taken.
150 N. Y. 228.

Kilmer v. Hathorn, 78 N. Y. 238.

Cited, Appeals—How Taken—Limitation
of Time.

81 Hun, 81; (62 St. Rep. 549; 30 Supp.
616). 16 Misc. 192; (74 St. Rep. 812; 38
Supp. 1001). 20 Misc. 512.

Kilmer v. Messling, 70 Hun, 582; 53
St. Rep. 668; 24 Supp. 343.**Kilmer v. Smith**, 77 N. Y. 226.

Cited, Contracts — Action to Reform —
When Lies—Evidence.

135 N. Y. 189; (48 St. Rep. 247). 68 St.
Rep. 380; (34 Supp. 477). 82 Hun, 385; (63
St. Rep. 596; 31 Supp. 278). 87 Hun, 565;
(68 St. Rep. 380; 34 Supp. 477).

Kilpatrick v. Barron, 125 N. Y. 751;
36 St. Rep. 15.

Cited, Powers—Execution—Acceleration
—Consent of Parties.

70 Hun, 279; (54 St. Rep. 30; 24 Supp.
231).

Specific Performance—Sale of Real Estate
—Defective Title.

77 Hun, 210; (59 St. Rep. 765; 28 Supp.
329). 82 Hun, 213; (63 St. Rep. 786; 31 Supp.
336). 15 App. Div. 315; (78 St. Rep. 143; 44
Supp. 143).

Trusts—Conveyance by Trustees and Ben-
eficiaries.

136 N. Y. 11; (49 St. Rep. 22).

Vendor and Purchaser—Defective Title.
3 Misc. 10; (53 St. Rep. 631; 23 Supp.
798).

Vendor and Purchaser—Defective Title—
Contingency Affecting Grantor's Estate.
49 St. Rep. 22.

Vendors—Title—Sufficiency.

76 Hun, 356; (59 St. Rep. 136; 27 Supp. 762).

Vendors — Sufficiency of Title — Under
Testamentary Power.

76 Hun, 278; (59 St. Rep. 91; 27 Supp. 721).

Kilpatrick v. Carr, 3 Abb. 117.

Cited, Appeal From Justice's Judgment
—Return—Conclusiveness of and Evidence
to Contradict.

3 Misc. 125; (23 Supp. 996).

Justice's Court—Jury Trial—Waiver.

92 Hun, 525; (72 St. Rep. 431; 36 Supp.
1029). 10 Misc. 750; (64 St. Rep. 621; 31
Supp. 813).

Kilpatrick v. Dean, 3 Supp. 60.

Affirmed, 4 Supp. 708.

Cited, Bailment—Conversion.

18 Misc. 136; (75 St. Rep. 851; 41 Supp.
55).

Kilpatrick v. Johnson, 15 N. Y.
322.

Cited, Wills—Construction—Invalid Ac-
cumulation of Income—Who Entitled to.
4 Misc. 233; (24 Supp. 863). 20 Misc. 57;
(79 St. Rep. 334; 45 Supp. 334).

**Kilpatrick v. Ludwig Carved
Moulding Co.**, 11 Misc. 639; 66 St.
Rep. 348; 32 Supp. 922.**Kilpatrick v. People**, 5 Den. 277.

Cited, Cruelty to Animals—Punishment
for.

65 St. Rep. 163; (32 Supp. 107).

Kilpatrick v. Villaume, 6 Misc. 33; 56
St. Rep. 615; 25 Supp. 1008.**Kilroy v. Delaware & Hudson Canal
Co.**, 121 N. Y. 22.

Cited, Master and Servant—Co Servants.
13 App. Div. 260; (77 St. Rep. 88; 43
Supp. 88). 19 Misc. 646; (78 St. Rep. 419; 44
Supp. 419).

Kilroy v. Wood, 43 Hun, 636.

Cited, Judgment Creditor—Action to
Reach Trust Funds.

4 App. Div. 323; (74 St. Rep. 189). 3
App. Div. 282; (74 St. Rep. 22; 38 Supp.
367; 3 Ann. Cas. 161).

Kimball v. Burrell, 14 St. Rep. 536.

Cited, Receiver — Supplementary Pro-
ceeding—Title to Realty.

7 App. Div. 529, 530; (40 Supp. 261, 262).

Kimball v. Chappell, 18 Supp. 30.

Cited, Wills—Description—Of Devisee or
Legatee—Corporations.

3 Misc. 484; (23 Supp. 746).

**Kimball v. Farmers & Mechanics'
Nat'l. Bank of Buffalo**, 138 N. Y.
500; 53 St. R. p. 103.

Affirming, 43 St. Rep. 223; 16 Supp. 838.

Kimball v. Huntington, 10 Wend. 675.

Cited, Promissory Notes—Due Bills.

88 Hun, 539; (68 St. Rep. 827; 34 Supp.
858).

Promissory Notes—Acknowledgment of
Indebtedness—Effect.

8 App. Div. 607; (75 St. Rep. 400; 40
Supp. 1017).

Kimball v. Mack, 10 Wend. 497.

Cited, Actions — Adjournment—Stipula-
tion for in Absence of Justice.

3 Misc. 124; (23 Supp. 995).

Kimball v. Mapes, 19 Week. Dig. 481;
98 N. Y. 629.

Cited, Action—Stay—Multiplicity.

77 Hun, 569; (60 St. Rep. 488; 28 Supp.
1033).

*Duplicate Citations in Parenthesis.***Kimball v. Munger**, 2 Hill, 364.*Cited*, Set-off—Judgments.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Kimball v. Rich, 20 St. Rep. 153; 3 Supp. 248.*Cited*, Appeal—Justice's Judgment—Failure to Demand New Trial—Effect.

17 Misc. 665; (41 Supp. 405).

Kimbel v. Kimbel, 14 App. Div. 570; 77 St. Rep. 900; 43 Supp. 900.**Kimberly, Matter of**, 150 N. Y. 90.*Cited*, Wills—Construction—Devises—Tenants in Common.

152 N. Y. 485. 10 App. Div. 577; (76 St. Rep. 415; 42 Supp. 415). 10 App. Div. 114; (75 St. Rep. 1122; 41 Supp. 730).

Wills—Construction—Partial Intestacy.

20 Misc. 385; (79 St. Rep. 605; 45 Supp. 605).

Kimberly, Matter of, 3 App. Div. 170; 73 St. Rep. 738; 38 Supp. 399.**Kimberly v. Goodrich**, 22 How. 424.*Cited*, Actions—Receiver—Security for Costs.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790).

Kimberly v. Patchin, 19 N. Y. 330.*Cited*, Sale—Transfer of Title—Goods from an Ascertained Lot—Measurement.

9 Misc. 354; (60 St. Rep. 621; 29 Supp. 703).

Kimmer v. Weber, 76 Hun, 482; 59 St. Rep. 349; 27 Supp. 1093.*Cited*, Master and Servant—Delegation.

16 App. Div. 287; (78 St. Rep. 708; 4 Supp. 708).

Kimmer v. Weber, 81 Hun, 599; 63 St. Rep. 291; 30 Supp. 1103.*Reversed*, 151 N. Y. 417.**Kimmer v. Weber**, 151 N. Y. 417.*Cited*, Master and Servant—Duty of Master—Negligence—Fellow Servant.

15 App. Div. 331; (78 St. Rep. 2; 44 Supp. 2). 15 App. Div. 335; (78 St. Rep. 5; 44 Supp. 5). 16 App. Div. 278, 287; (78 St. Rep. 701, 709; 44 Supp. 701, 709). 79 St. Rep. 874; (45 Supp. 874). 17 App. Div. 423; (79 St. Rep. 234; 45 Supp. 234).

Kincaid v. Dwinelle, 59 N. Y. 548.*Cited*, Corporations—Dissolution—Suspension.

79 Hun, 107; (61 St. Rep. 183; 29 Supp. 638).

Corporations—Sequestration—Effect.

68 Hun, 402; (52 St. Rep. 181; 22 Supp. 891). 8 App. Div. 44; (40 Supp. 455).

Corporations—Creditor's Actions—Conditions Precedent—Performance—Excuse.

145 N. Y. 95; (64 St. Rep. 540). 146 N. Y. 58; (65 St. Rep. 772). 81 Hun, 559; (63 St. Rep. 219; 30 Supp. 1025). 89 Hun, 568; (70 St. Rep. 120; 35 Supp. 552).

Corporations—Appointment of Receiver—Effect on Creditors' Rights.

152 N. Y. 125. 12 Misc. 479, 483; (67 St. Rep. 382, 384; 33 Supp. 680, 683).

Kincaid v. Kincaid, 85 Hun, 141; 65 St. Rep. 661; 32 Supp. 476.*Cited*, Contracts—Infants—Affirmance.

86 Hun, 372; (67 St. Rep. 228; 33 Supp. 475). 13 App. Div. 548; (77 St. Rep. 665; 43 Supp. 665).

Kincaid v. Richardson, 25 Hun, 237.*Cited*, Execution—Transcript from Justice—Outlawed Judgment.

7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 298). 8 App. Div. 340; (75 St. Rep. 201; 40 Supp. 816).

Limitation of Action—Statute Affects Remedy Only.

53 St. Rep. 843; (24 Supp. 347).

Appeal—Discretionary Order—Review.

92 Hun, 51; (71 St. Rep. 154; 36 Supp. 384).

King, Matter of, 42 Hun, 607.*Cited*, Surrogate's Court—Special Proceedings—What Are.

6 App. Div. 413; (39 Supp. 578).

King, Matter of, 10 Civ. Pro. 175.*Cited*, Decedent's Estates—Funeral Expenses—Sale of Realty.

10 Misc. 197, 198; (64 St. Rep. 10; 31 Supp. 426).

King v. Baldwin, 17 Johns. 384.*Cited*, Courts—Equitable Jurisdiction—Deprivation of.

1 Misc. 459; (49 St. Rep. 609; 21 Supp. 791).

King v. Bardeau, 6 Johns. 38.*Cited*, Contract—Specific Performance—As to Real Estate—Defective Title—Encroaching Wall.

58 St. Rep. 805; (27 Supp. 960; 30 Abb N. C. 408).

King v. Barnes, 109 N. Y. 267; 15 St. Rep. 52.*Cited*, Partners—Accounting—Right to.

141 N. Y. 488; (57 St. Rep. 596).

Appeal—Dismissal of Complaint on Reversal.

1 Misc. 499; (49 St. Rep. 707).

Co-Tenants—As Partners.

4 Misc. 353; (54 St. Rep. 258; 24 Supp. 354). 79 St. Rep. 430; (45 Supp. 430).

Duplicate Citations in Parenthesis.

King v. Barnes, 113 N. Y. 476; 23 St. Rep. 263.

Cited, Contempt—Civil—False Justification of Sureties.

9 Misc. 174; (60 St. Rep. 640; 29 Supp. 716).

Contempt—Interference With Process.

73 Hun, 611; (56 St. Rep. 736; 26 Supp. 808). 12 App. Div. 90; (76 St. Rep. 1039; 42 Supp. 1039). 24 Civ. Pro. 43; (29 Supp. 716).

Contempt—Nullifying Judgment—Injunction.

71 Hun, 13; (53 St. Rep. 853; 24 Supp. 547). 67 Hun, 254; (50 St. Rep. 903; 22 Supp. 427; 23 Civ. Pro. 119).

Contempt—Civil and Criminal.

D. 80 Hun, 457; (62 St. Rep. 303; 30 Supp. 470).

King v. Barnes, 51 Hun, 550; 4 Supp. 247.

Affirmed, 113 N. Y. 655.

Cited, Contempt—Civil.

17 Misc. 218; (40 Supp. 1052).

King v. Bauer, 8 N. Y. 466; 29 St. Rep. 414.

Cited, Brokers—Procurement of Purchaser—Acquaintance With—Commissions.

6 Misc. 214. (56 St. Rep. 534; 26 Supp. 532).

King v. Bernstein, 138 N. Y. 629; 51 St. Rep. 934.

Affirming, 44 St. Rep. 451.

King v. Brewer, 8 Misc. 587; 60 St. Rep. 692; 29 Supp. 1114; 31 Abb. N. C. 325.

Disapproved, Marriage—Annulment—Fraud.

6 App. Div. 435; (39 Supp. 540).

King v. Brown, 2 Hill. 485.

Cited, Contracts—Statute of Frauds—Performance—Compensation.

72 Hun, 632; (55 St. Rep. 285; 25 Supp. 164).

King v. Despard, 5 Wend. 277.

Cited, Contracts—Statute of Frauds—Payment of Another's Debt—Original Undertaking—Consideration.

72 Hun, 494; (54 St. Rep. 858; 25 Supp. 195). 13 Misc. 639; (69 St. Rep. 152; 34 Supp. 928).

King v. Duntz, 11 Barb. 191.

Cited, Foreclosure—Judgment—Bar.

84 Hun, 493; (65 St. Rep. 697; 32 Supp. 424).

King v. Fitch, 1 Keyes, 432.

Cited, Contracts—Fraud—Rescission.

14 Misc. 522; (70 St. Rep. 702; 35 Supp. 1085).

King v. Flynn, 37 Hun, 329.

Cited, Contempt—Civil—Punishment.

67 Hun, 255; (50 St. Rep. 904; 22 Supp. 427; 23 Civ. Pro. 121).

Contempt—Supplementary Proceedings—Amount of Fine.

3 Misc. 580; (52 St. Rep. 516; 23 Supp. 314).

King v. Galvin, 62 N. Y. 238.

Cited, Appeal—Amount in Controversy.

146 N. Y. 382; (71 St. Rep. 370).

King v. Greenway, 71 N. Y. 413.

Cited, Mechanic's Lien—Waiver—Acceptance of Note.

67 Hun, 110; (51 St. Rep. 545; 22 Supp. 54).

King v. Haven, 25 Wend. 420.

Cited, Trespass—Cutting Trees—Damages—Treble.

5 Misc. 67; (25 Supp. 119). 16 Misc. 322; (73 St. Rep. 572; 37 Supp. 952). 18 Misc. 652; (77 St. Rep. 974; 43 Supp. 974).

King v. Holland Trust Co., 8 App. Div. 112; 40 Supp. 480.

King v. Israel, 19 Misc. 159.

King v. Jacobson, 51 St. Rep. 934.

Affirming, 44 St. Rep. 451; 17 Supp. 898.

King v. Kaiser, 3 Misc. 523; 52 St. Rep. 487; 23 Supp. 21.

King v. Knapp, 50 N. Y. 462.

Cited, Specific Performance—Unmarketable Title.

13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

King v. Lehigh Valley R. Co., 15 Misc. 260; 71 St. Rep. 587; 36 Supp. 786.

King v. Leighton, 100 N. Y. 386.

Cited, Contracts—Implied Terms.

136 N. Y. 609; (50 St. Rep. 60). 79 St. Rep. 455; (45 Supp. 455).

King v. Mackeller, 109 N. Y. 215; 14 St. Rep. 838.

Cited, Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 213; (56 St. Rep. 822).

Distinguished, 4 App. Div. 239; (74 St. Rep. 181; 38 Supp. 562).

Cited, Principal and Agent—Ratification of Agent's Acts.

18 Misc. 550; (41 Supp. 1005).

King v. Masonic L. Ass'n, 87 Hun, 591; 63 St. Rep. 520; 34 Supp. 563.

Cited, Insurance—Waiver of Forfeiture. 40 Supp. 26.

Duplicate Citations in Parenthesis.

King v. Munzer, 59 St. Rep. 516; 28 Supp. 587.

King v. Munzer, 62 St. Rep. 106; 30 Supp. 347; 31 Abb. N. C. 482.

King v. New York, 36 N. Y. 182.

Cited, Condemnation—Damages—Special Proceedings.

D. 89 Hun, 603; (69 St. Rep. 31; 34 Supp. 1060).

King v. New York, 102 N. Y. 171.

Cited, Damages—Closing Highways—Award—Subsequent Conveyance.

139 N. Y. 393; (54 St. Rep. 679). 72 Hun, 137; (55 St. Rep. 673; 25 Supp. 560). 87 Hun, 39; (67 St. Rep. 614; 33 Supp. 862).

Distinguished, 17 Misc. 456; 41 Supp. 233.

King v. N. Y. C. & H. R. R. Co., 66 N. Y. 181.

Cited, Master and Servant—Master's Liability to Third Person—Act of Independent Contractor.

7 Misc. 120; (57 St. Rep. 544; 27 Supp. 249). 151 N. Y. 415. 15 App. Div. 243; (78 St. Rep. 235; 44 Supp. 235). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008). 137 N. Y. 102; (50 St. Rep. 189).

King v. N. Y. C. & H. R. R. Co., 72 N. Y. 607.

Cited, Cross-examination—Collateral Matters.

18 Misc. 249; (75 St. Rep. 1004; 41 Supp. 610).

King v. N. Y., L. E. & W. R. Co., 50 St. Rep. 103; 21 Supp. 829.

Cited, Appeal—Review of Facts—Preponderance of Evidence.

71 Hun, 610; (55 St. Rep. 32; 25 Supp. 31).

King v. Orser, 4 Duer. 431.

Cited, Personal Property—Torts Concerning—Title in Third Person as Defense.

141 N. Y. 5; (56 St. Rep. 479).

Replevin—Affidavit of Claimant.

83 Hun, 207; (64 St. Rep. 153; 31 Supp. 599).

King v. Paddock, 18 Johns. 141.

Cited, Death—Presumption of.

20 Misc. 250. 79 St. Rep. 968; (45 Supp. 968).

King v. Sarria, 69 N. Y. 24.

Cited, Conflict of Laws—Contracts—Personal Property.

3 Misc. 60; (51 St. Rep. 863; 22 Supp. 543). 12 App. Div. 33; (76 St. Rep. 174; 42 Supp. 174).

King v. Second Ave. R. Co., 75 Hun, 17; 53 St. Rep. 169; 26 Supp. 973.

Affirmed, 148 N. Y. 739.

King v. Talbot, 40 N. Y. 76.

Cited, Interest—Rate—Trustee.

4 Misc. 140; (53 St. Rep. 122; 23 Supp. 603). 8 App. Div. 345; (75 St. Rep. 171; 40 Supp. 793).

Wills—Legacies—Interest—Support of Children.

5 Misc. 128; (25 Supp. 728). 85 Hun, 421; (66 St. Rep. 206; 32 Supp. 888).

Trustees for Infants—Investment of Funds—Management.

146 N. Y. 103; (66 St. Rep. 255). 80 Hun, 189; (62 St. Rep. 3; 30 Supp. 174). 16 Misc. 175; (38 Supp. 1136).

King v. Todd, 27 Abb. N. C. 149; 15 Supp. 156.

Cited, Executors—Conduct of Estate—Claims Against—Presentment—Mode.

7 Misc. 346; (58 St. Rep. 518; 28 Supp. 84). 88 Hun, 314, 315; (68 St. Rep. 580, 581; 34 Supp. 762, 763).

King v. Townshend, 78 Hun, 380; 60 St. Rep. 739; 29 Supp. 181.

Cited, Real Property—Determination of Right to—Possession.

17 Misc. 420; (41 Supp. 223).

King v. Townshend, 141 N. Y. 358; 57 St. Rep. 437.

Affirming, 65 Hun, 537; 48 St. Rep. 592; 20 Supp. 602.

Cited, Trustees—Title—Right to Convey. 1 App. Div. 25; (71 St. Rep. 845; 36 Supp. 738).

Equity—Cloud on Title—Removal.

16 App. Div. 339, 390; (79 St. Rep. 26, 27; 45 Supp. 26, 27). 10 Misc. 75; (63 St. Rep. 474; 31 Supp. 152).

King v. Van Vleck, 40 Hun, 68.

Cited, Mortgagee—Recovery Against Mortgagor and Privies—Restriction.

9 App. Div. 397; (75 St. Rep. 715; 41 Supp. 303).

King v. Van Vleck, 109 N. Y. 363; 15 St. Rep. 521.

Cited, Money Had and Received—When Proper Form of Action.

49 St. Rep. 421; (20 Supp. 827).

King v. Watertown Fire Ins. Co., 47 Hun, 1.

Cited, Insurance—Recovery—Limitation of Twelve Months.

D. 9 App. Div. 358; (75 St. Rep. 734; 41 Supp. 320).

*Duplicate Citations in Parenthesis.***King v. Whitely**, 10 Paige, 465.

Cited, Mortgage—Assumption by Grantee—Availability.

D. 73 Hun, 289; (57 St. Rep. 749; 26 Supp. 415). 150 N. Y. 555.

Creditors — Right to Collateral Security Held by Surety.

85 Hun, 81; (66 St. Rep. 44; 32 Supp. 660).

Actions—Contracts—When Available to Third Person.

5 App. Div. 359; (39 Supp. 231). D. 5 App. Div. 370; (39 Supp. 239).

King v. Whitely, Hoff. Ch. 477.

Cited, Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 295; (49 St. Rep. 256; 20 Supp. 922).

King v. Wilcox, 11 Paige, 589.

Cited, Fraudulent Conveyance—Intent—Proof.

76 Hun, 559; (58 St. Rep. 250; 28 Supp. 191). 9 App. Div. 114; (41 Supp. 41).

King v. Woodhull, 3 Ed. Ch. 79.

Cited, Wills — Construction — Residuary Legatee—Lapsed Legacies.

153 N. Y. 253.

King Co. v. Leed. See A. H. King Co. v. Leed.**Kingman v. Rome, Watertown & O. R. Co.**, 30 Hun, 73.

Cited, Corporations — Misfeasance of—Stock—Buying to Bring Action.

18 Misc. 158; (41 Supp. 1064). 17 App. Div. 360; (79 St. Rep. 189; 45 Supp. 189).

King v. Townshend, 23 Civ. Pro. 326.

Reversed, 29 Supp. 181.

Kings County Bank v. Courtney, 69 Hun, 152; 53 St. Rep. 324; 23 Supp. 542.**Kings County Bank v. Dougherty**, 49 St. Rep. 811, 20 Supp. 817.**Kings County Board of Com'rs of C. & C., Matter of**, 76 Hun, 74; 58 St. Rep. 740; 27 Supp. 856.**Kings County El. R. Co., Matter of**, 82 N. Y. 95.

Cited, Eminent Domain — Review of Award by Court of Appeals.

137 N. Y. 97; (50 St. Rep. 183). 5 App. Div. 300; (39 Supp. 757). 143 N. Y. 253; (62 St. Rep. 149). 6 App. Div. 143; (40 Supp. 336).

Kings County El. R. Co., Matter of, 105 N. Y. 97.

Cited, Corporations—Forfeiture—Dissolution.

6 App. Div. 245; (39 Supp. 1007). 15 App. Div. 593; (78 St. Rep. 837; 44 Supp. 827).

Kings County El. R. Co., Matter of, 112 N. Y. 47; 20 St. Rep. 336.

Cited, Elevated Railroads—Conformity to Statute—Duty of Court to Follow Views of Court of Appeals.

2 App. Div. 495; (74 St. Rep. 272; 37 Supp. 1091).

Kings County El. R. Co. v. Brooklyn, 16 Misc. 419; 73 St. Rep. 342; 38 Supp. 154.**Kings County El. R. v. Cocks**, 50 St. Rep. 736; 22 Supp. 1017.**Kings County Fire Ins. Co. v. Stevens**, 87 N. Y. 287.

Cited, Deed—Boundary on Street—What Passes.

74 Hun, 399; (57 St. Rep. 246; 26 Supp. 642). 139 N. Y. 401; (54 St. Rep. 679). 80 Hun, 291; (61 St. Rep. 839; 30 Supp. 125). 14 Misc. 293; (70 St. Rep. 441; 35 Supp. 706). 9 App. Div. 183; (75 St. Rep. 549; 41 Supp. 88).

Kings County Fire Ins. Co. v. Stevens, 101 N. Y. 411.

Cited, Easement—Closing Highway—Implied Covenants.

139 N. Y. 396; 54 St. Rep. 679). 9 App. Div. 220; (75 St. Rep. 623; 41 Supp. 175).

Kings, Q. & S. R. Co., Matter of, 6 App. Div. 241; 39 Supp. 1004.**Kingsbury v. Bradstreet Co.**, 116 N. Y. 211; 26 St. Rep. 520.

Cited, Libel—Advertisement—Surroundings.

68 Hun, 470; (52 St. Rep. 598; 22 Supp. 1010).

Trial—Questions of Law and Fact—Libel. 3 Misc. 319; (52 St. Rep. 401; 22 Supp. 769).

Kingsbury v. Earle, 27 Hun, 141.

Cited, Contracts—For Benefit of Third Person—Availability.

74 Hun, 165; (56 St. Rep. 290; 26 Supp. 599). 6 Misc. 86; (55 St. Rep. 397; 26 Supp. 40).

Kingsbury v. Garden, 45 Super. 224.

Cited, Evidence—Burden of Proof—Want of Probable Cause—Malice—Malicious Prosecution.

5 Misc. 554; (26 Supp. 58).

Kingsbury v. Kirwan, 77 N. Y. 612.

Cited, Wagering Contracts—Avoidance. 86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900).

Kingsbury v. Westfall, 61 N. Y. 356.

Cited, Landlord and Tenant—Rent—Guarantor—Discharge.

8 Misc. 68; (59 St. Rep. 300; 28 Supp. 618).

*Duplicate Citations in Parenthesis.***Kingsbury v. Williams**, 53 Barb. 142.*Cited*, Landlord and Tenant—Rent—Guarantors—Discharge.

8 Misc. 68; (59 St. Rep. 300; 28 Supp. 618).

Kingsbury v. Butler, 71 Hun, 598; 55 St. Rep. 13; 24 Supp. 1094; 23 Civ. Pro. 228.**Kingsland v. Braisted**, 2 Lans. 17.*Cited*, Pleading—Non-Joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 147; 23 Civ. Pro. 25).

Kingsland v. Cowman, 5 Hill, 608.*Cited*, Attachment—Affidavit—Sufficiency.

17 Misc. 243; (40 Supp. 1066).

Kingsland v. Kings County El. R. Co., 83 Hun, 151; 64 St. Rep. 136; 31 Supp. 582.*Cited*, Appeal—Judgment—Reversal—Evidence Necessary.

11 App. Div. 561; (76 St. Rep. 592; 42 Supp. 592).

Kingsland v. Murray, 133 N. Y. 170; 44 St. Rep. 515.*Cited*, Executors—Debts and Legacies—Resort to Land to Pay.

138 N. Y. 418; (52 St. Rep. 886). 16 Misc. 668, 669; (39 Supp. 175, 176; 25 Civ. Pro. 304). 60 St. Rep. 314. 11 Misc. 230; (66 St. Rep. 556; 32 Supp. 1101). 15 Misc. 206; (72 St. Rep. 186; 37 Supp. 35). 17 Misc. 651. (40 Supp. 774). 15 Misc. 534; (74 St. Rep. 297; 37 Supp. 1128; 25 Civ. Pro. 317).

Appeal—Surrogate's Court—Review of Facts.

10 App. Div. 594; (76 St. Rep. 134; 42 Supp. 134).

Kingsland v. New York, 60 Hun, 489;

39 St. Rep. 433; 15 Supp. 232.

Cited, Damages—Excessiveness.

50 St. Rep. 832; (22 Supp. 338).

Kingsland v. New York, 110 N. Y. 569.*Cited*, Public Lands—Grant—Effect.

135 N. Y. 256; (47 St. Rep. 820).

Wharves—New York Water Front—Private Ownership.

78 Hun, 168; (60 St. Rep. 183; 23 Supp. 980).

Distinguished, 13 Misc. 361; 68 St. Rep. 146; 34 Supp. 267.**Kingsland v. Tucker**, 115 N. Y. 574.*Cited*, Party Wall—Benefit—Sale of.

6 Misc. 354; (26 Supp. 916).

Kingsland Land Co. v. Newman, 1 App. Div. 1; 72 St. Rep. 63; 36 Supp. 960.**Kingsley v. Balcome**, 4 Barb. 131.*Cited*, Contracts—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 215).

Kingsley v. Brooklyn, 78 N. Y. 200.*Cited*, Contracts—Non-performance—Effect.

17 Misc. 344; (39 Supp. 1068).

Kingsley v. Brooklyn, 1 Abb. N. C. 108.*Cited*, Reference—Compulsory—Long Account.

2 Misc. 88; (49 St. Rep. 124; 20 Supp. 875).

Kingsley v. First Nat. Bank, 31 Hun, 329.*Cited*, Corporations—Insolvency—Creditors—Preference.

79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661). 81 Hun, 278; (62 St. Rep. 762; 30 Supp. 798). 92 Hun, 175; (74 St. Rep. 213; 38 Supp. 586). 15 App. Div. 120; (78 St. Rep. 330; 44 Supp. 350). 11 Misc. 500; (64 St. Rep. 465; 32 Supp. 723).

Kingsley v. Kingsley, 79 Hun, 569; 61 St. Rep. 537; 29 Supp. 921.**Kingsley v. Sauer**, 4 App. Div. 507; 74 St. Rep. 615; 40 Supp. 7.**Kingsley v. Sauer**, 17 Misc. 544; 41 Supp. 248.**Kingsley v. Vernon**, 4 Sandf. 361.*Cited*, Estoppel—What Constitutes.

6 App. Div. 52; (39 Supp. 741).

Kingston v. Koch, 57 Hun, 12; 10 Supp. 363.*Cited*, Assignment—Delivery—Fraud of Creditors.

5 App. Div. 396; (39 Supp. 301).

Kingston Bank v. Eltinge, 40 N. Y. 391.*Cited*, Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030). 89 Hun, 59; (69 St. Rep. 6; 34 Supp. 1062). 8 App. Div. 5; (74 St. Rep. 753; 40 Supp. 190). 9 App. Div. 404; (75 St. Rep. 893; 41 Supp. 499).

Kingston Bank v. Eltinge, 66 N. Y. 625.*Cited*, Payment—Under Mistake—Recovery.

8 App. Div. 5; (74 St. Rep. 753; 40 Supp. 191). 18 Misc. 60; (75 St. Rep. 479; 41 Supp. 25).

Kingston Carriage Co. v. Hutton, 69 St. Rep. 190; 34 Supp. 1101. 25 Civ. Pro. 68.

Duplicate Citations in Parenthesis.

Kingston, City of, v. Colonial City Traction Co., 17 App. Div. 274; 79 St. Rep. 762; 45 Supp. 762.

Kingston Mut. L. Ins. Co. v. Clark, 33 Barb. 196.

Cited, Corporations—Officers—Expiration of Office—Sureties.

D. 15 App. Div. 174, 178, 184, 189; (78 St. Rep. 183, 184, 195; 44 Supp. 183, 184, 197). 20 Misc. 277; (79 St. Rep. 421; 45 Supp. 421). 18 Misc. 544; (77 St. Rep. 795; 43 Supp. 795).

Kingston National Bank v. Van Buren, 88 Hun, 564; 68 St. Rep. 706; 34 Supp. 772.

Kinkake v. Atlantic Ave. R. Co., 9 Misc. 273; 61 St. Rep. 323; 29 Supp. 747.

Affirmed, 149 N. Y. 615.

Cited, Street Railroads—Negligence—Passengers—Getting on and off Cars. 19 Misc. 142.

Kinkele v. Wilson, 9 Misc. 139; 59 St. Rep. 741; 29 Supp. 27.

Reversed, 151 N. Y. 269.

Kinkele v. Wilson, 151 N. Y. 269.

Kinmer, Matter of, 14 St. Rep. 618.

Cited, Husband and Wife—Services of Wife—Recovery by Her.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431). 82 Hun, 402; (63 St. Rep. 558; 31 Supp. 252).

Kinmouth v. McDougall, 139 N. Y. 612; 54 St. Rep. 930.

Affirming, 46 St. Rep. 211; 19 Supp. 771.

Kinnan v. Forty-Second St. M. & St. N. Ave. R. Co., 140 N. Y. 183; 55 St. Rep. 584.

Affirming, 1 Misc. 457; 49 St. Rep. 608; 21 Supp. 739.

Cited, Stock Certificates—Action to Obtain.

D. 78 St. Rep. 328; (44 Supp. 328).

Kinne v. Johnson, 60 Barb. 69.

Cited, Wills—Undue Influence—What Constitutes and How Proved.

1 Misc. 46; (22 Supp. 1057).

Kinne v. Syracuse, 3 Keyes, 110.

Cited, Constitutional Law—Assembly Districts—Alteration.

147 N. Y. 20; (69 St. Rep. 353).

Kinnear v. Powell, 3 Misc. 449; 52 St. Rep. 501; 23 Supp. 182.

Affirmed, 142 N. Y. 684; 60 St. Rep. 871.

Kinnear v. Powell, 142 N. Y. 684; 60 St. Rep. 871.

Kinner v. Delaware & H. Canal Co., 52 Super. 162.

Cited, Evidence—Cross-Examination—Impeaching.

12 Misc. 60; (66 St. Rep. 683; 33 Supp. 49).

Kinney v. Kiernan, 49 N. Y. 164.

Cited, Action—Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 939).

Action—Institution of Action Where No Cause Exists—Effect.

80 Hun, 239; (61 St. Rep. 649; 29 Supp. 1050).

Kinney v. Nash, 3 N. Y. 177.

Cited, Libel—Actionable per se—Trade or Business.

76 Hun, 490; (58 St. Rep. 486; 27 Supp. 1046). 78 St. Rep. 82; (44 Supp. 82).

Libel—Pleading.

87 Hun, 250; (67 St. Rep. 430; 33 Supp. 757).

Kinney v. Roberts, 26 Hun, 166.

Cited, Examination of Party Before Trial—Testimony—Privilege—Assertion.

88 Hun, 311; (68 St. Rep. 570; 34 Supp. 751). 17 Misc. 31; (40 Supp. 768).

Kinney v. Troy, 108 N. Y. 567; 14 St. Rep. 15.

Cited, Municipal Corporations—Side-walks—Duty to Keep Free from Ice.

4 App. Div. 325; (74 St. Rep. 211; 38 Supp. 583). 4 App. Div. 219; (73 St. Rep. 586; 38 Supp. 537). 13 App. Div. 505; (77 St. Rep. 661; 43 Supp. 661). 15 App. Div. 584; (78 St. Rep. 610; 44 Supp. 610). 20 Misc. 570.

Kinney v. Watts, 14 Wend. 38.

Cited, Damages—Breach of Covenant of Seizin—Improvements.

68 Hun, 74; (52 St. Rep. 225; 22 Supp. 596).

Damages—Measure—Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 283; 26 Supp. 301).

Landlord and Tenant—Lease—Covenants—Implied—Quiet Enjoyment.

24 Supp. 474.

Interest—Breach of Covenant Against Incumbrances.

68 Hun, 74; (52 St. Rep. 223; 22 Supp. 596).

Kinnier v. Kinnier, 45 N. Y. 535.

Cited, Husband and Wife—Divorce—Foreign—Impeachment.

2 Misc. 550; (51 St. Rep. 509; 22 Supp. 191).

92 Hun, 164; (71 St. Rep. 551; 36 Supp. 520). 88 Hun, 567; (68 St. Rep. 824; 34 Supp. 855). 4 App. Div. 531; (40 Supp. 445). 17 Misc. 484; (75 St. Rep. 818; 41 Supp. 416).

Duplicate Citations in Parenthesis.

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7 Misc. 525; (64 St. Rep. 375; 27 Supp. 1008) 81 Hun, 430; (63 St. Rep. 205; 0 Supp. 1011). 16 Misc. 56; (73 St. Rep. 86; 37 Supp. 637).

Pleading—Conclusion of Law—Demurrer.

10 Misc. 693; (65 St. Rep. 100; 31 Supp. 1006; 1 Ann. Cas. 340).

Kinnier v. Rogers, 42 N. Y. 531.

Cited, Wills—Construction—Power of Sale—Debts.

21 Supp. 688; (23 Civ. Pro. 128). 136 N. Y. 111; (48 St. Rep. 891). 5 Misc. 477; (26 Supp. 334). 67 Hun, 13; (51 St. Rep. 10; 21 Supp. 688). 91 Hun, 337; (70 St. Rep. 806; 36 Supp. 232). 1 App. Div. 287; (72 St. Rep. 769; 37 Supp. 234). 12 Misc. 217; (66 St. Rep. 856; 33 Supp. 265).

Kinsella v. Auburn, 26 St. Rep. 884; 7 Supp. 317.

Cited, Taxes—Partial Illegality—Severance.

8 Misc. 182; (61 St. Rep. 329; 29 Supp. 753).

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17 Misc. 123; (39 Supp. 331).

Kinsey v. Leggett, 71 N. Y. 387.

Cited, Sales—Factors Act—Application.
4 App. Div. 296; (39 Supp. 453).

Kinsman v. Fisk, 83 Hun, 494; 65 St. Rep. 75; 31 Supp. 1045.

Kinyon v. Kinyon, 72 Hun, 452; 55 St. Rep. 247; 25 Supp. 225; 31 Abb. N. C. 76.

Explained, Release—Expectant Share in Estate—Ancestor as Releasee.

6 Misc. 588; (57 St. Rep. 853; 27 Supp. 629).

Kinyon v. Kinyon, 6 Misc. 584; 57 St. Rep. 850; 27 Supp. 627.

Kip v. Brigham, 7 Johns. 168.

Cited, Costs—Indemnity.

79 Hun, 568; (61 St. Rep. 590; 29 Supp. 903).

Kip v. Buffalo, 123 N. Y. 152; 33 St. Rep. 83.

Cited, Municipal Corporations—Officers—Salary.

89 Hun, 54, 55; (39 St. Rep. 452; 35 Supp. 96).

Kip v. Hirsh, 103 N. Y. 565; 4 St. Rep. 257.

Cited, Assignment for Creditors—Accounting—Limitation.

140 N. Y. 100; (55 St. Rep. 314).

Vendor and Purchaser—Rights of Parties—Title.

24 Supp. 663.

Trusts—Duration—Reversion to Grantor.

14 Misc. 479; (70 St. Rep. 363; 35 Supp. 846).

Kipp, Matter of, 17 Misc. 490; 75 St. Rep. 669; 41 Supp. 259.

Kipp v. Rapp, 7 Civ. Pro. 385.

Cited, Action—Parties—Real Party in Interest.

4 Misc. 260; (53 St. Rep. 181; 23 Supp. 11).

Kipper v. Sizer, 2 St. Rep. 386.

Cited, Partnership—Proof—Declarations.

8 Misc. 503; (59 St. Rep. 413; 28 Supp. 764).

Kirby v. Colwell, 81 Hun, 385; 63 St. Rep. 134; 30 Supp. 880.

Cited, Attachment—Conflicting Affidavits—Decision of Merits.

4 App. Div. 22; (73 St. Rep. 670; 38 Supp. 302).

Kirby v. Delaware & Hud. Canal Co., 90 Hun, 588; 70 St. Rep. 648; 35 Supp. 975.

Kirby v. Hewitt, 26 Barb. 607.

Cited, Evidence—Declarations—Partnership.

49 St. Rep. 206; (21 Supp. 129). 16 Misc. 58; (73 St. Rep. 239; 37 Supp. 645). 17 Misc. 152; (39 Supp. 334).

Partner—Cessation of Relation—Effect.
152 N. Y. 170.

Kirby v. Schoonmaker, 3 Barb. 46.

Cited, Co-partners—Dissolution—Partnership Property—Creditors' Rights.

82 Hun, 55, 56; (63 St. Rep. 370; 31 Supp. 70).

Kirby v. Taylor, 6 Johns. Ch. 242.

Cited, Guardian—Settlement with Ward.
138 N. Y. 200; (52 St. Rep. 142).

Kirchner v. New Home Sewing Machine Co., 59 Hun, 189; 37 St. Rep. 189; 13 Supp. 473).

Cited, Release—Explanation—Parol Evidence.

86 Hun, 66; (66 St. Rep. 816; 33 Supp. 118).

Kirchner v. New Home Sewing Machine Co., 135 N. Y. 182; 48 St. Rep. 242.

Cited, Release—Explanation—Parol Evidence.

82 Hun, 149; (63 St. Rep. 765; 31 Supp. 317). 86 Hun, 65; (66 St. Rep. 815; 33 Supp. 118). D. 70 Hun, 314; (54 St. Rep. 178; 24 Supp. 161).

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Pleading—Release—Defense.
83 Hun, 214; (64 St. Rep. 142; 31 Supp. 588).

General Release—Construction.
91 Hun, 587; (70 St. Rep. 826; 36 Supp. 251); 15 Misc. 587; (72 St. Rep. 119; 37 Supp. 87).

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18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Kirchner v. Otto, 10 Misc. 226; 63 St. Rep. 306; 30 Supp. 1065.

Kirchner v. Schmid, 7 Misc. 455; 25 Supp. 85.
Cited, Principal and Agent — Agent's Acts—Ratification.
14 Misc. 10; (60 St. Rep. 500; 35 Supp. 128).

Kirk v. Blashfield, 6 T. & C. 509.
Distinguished, Appeal—Justice's Court —New Trial—Dismissal for Excess of Amount.
75 Hun, 297; (56 St. Rep. 774; 27 Supp. 59; 31 Abb. N. C. 265; 23 Civ. Pro. 294).

Kirk v. Homer, Village of, 77 Hun, 459; 60 St. Rep. 594; 28 Supp. 1009.

Kirk v. Kirk, 137 N. Y. 510; 51 St. Rep. 267.

Kirk v. McCusker, 3 Misc. 277; 52 St. Rep. 392; 22 Supp. 780.

Kirk v. Young, 2 Abb. 453.
Cited, Actions—Multiplicity of Parties.
D. 11 App. Div. 616; (76 St. Rep. 626; 42 Supp. 626).

Kirkland v. Dinsmore, 62 N. Y. 171.
Cited, Carriers — Freight — Liability — Limitation.
68 Hun, 606; (52 St. Rep. 587; 23 Supp. 236).

Kirkland v. Kille, 99 N. Y. 390.
Cited, Corporations—Cessation of Business—Director's Report—Failure to File.
81 Hun, 270; (62 St. Rep. 766; 30 Supp. 802; 1 Ann. Cas. 58). 11 Misc. 528; (64 St. Rep. 458; 32 Supp. 747).

Kirkman v. Kirkman, 20 Misc. 211; 79 St. Rep. 373; 45 Supp. 373.

Kirkpatrick, Matter of, 9 Misc. 228; 61 St. Rep. 295; 30 Supp. 283.
Cited, Executors—Liability—Executory Contracts.
15 Misc. 541; (74 St. Rep. 560; 38 Supp. 107).

Kirkpatrick v. Briggs, 78 Hun, 518; 61 St. Rep. 209; 29 Supp. 532.

Kirkpatrick v. Crowley, 20 Misc. 160; 79 St. Rep. 824; 45 Supp. 824.

Kirkpatrick v. Livingston, 7 Misc. 571; 58 St. Rep. 406; 28 Supp. 93.

Kirkpatrick v. N. Y. C. & H. R. R. Co., 79 N. Y. 240.
Cited, Master and Servant—Machinery and Appliances—Master's Duty as to Condition.
1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710).

Witnesses—Cross-Examination — Contradiction.
68 Hun, 19; (52 St. Rep. 239; 22 Supp. 640).

Kirkwood v. Gehring, 78 Hun, 233; 61 St. Rep. 282; 23 Supp. 1113.

Kirsch v. Tozier, 143 N. Y. 390; 62 St. Rep. 439.
Affirming, 63 Hun, 607; 44 St. Rep. 654; 18 Supp. 334.
Cited, Trustees—Dealings With—Notice.
85 Hun, 287; (66 St. Rep. 468; 32 Supp. 984). 13 Misc. 732; (69 St. Rep. 565; 35 Supp. 210). 1 App. Div. 499; (73 St. Rep. 98; 37 Supp. 506). 12 Misc. 266; (67 St. Rep. 31; 33 Supp. 296). D. 86 Hun, 254; (66 St. Rep. 753; 33 Supp. 237). 3 App. Div. 296, 297; (38 Supp. 1074).

Kirtz v. Peck, 113 N. Y. 222; 22 St. Rep. 733.
Cited, New Trial—Questions Reviewable on Motion For—Direction of Verdict by Request—Waiver of Submission to Jury.
69 Hun, 540; (53 St. Rep. 290; 23 Supp. 1092). 79 Hun, 116; (61 St. Rep. 12; 29 Supp. 407). 147 N. Y. 705; (69 St. Rep. 713). 81 Hun, 144; (62 St. Rep. 726; 30 Supp. 743). 5 App. Div. 561; (39 Supp. 433; 3 Ann. Cas. 240). 1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697). 8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726). 81 Hun, 562; (63 St. Rep. 341; 31 Supp. 48; 24 Civ. Pro. 162). 81 Hun, 352; (63 St. Rep. 152; 30 Supp. 898). 82 Hun, 224; (64 St. Rep. 797; 31 Supp. 976). 84 Hun, 166; (65 St. Rep. 684; 32 Supp. 556). 87 Hun, 566; (68 St. Rep. 380; 34 Supp. 477). 89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348). 7 App. Div. 578; (40 Supp. 302). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850). 17 Misc. 116; (39 Supp. 357). 14 Misc. 566; (70 St. Rep. 718; 35 Supp. 1073). 17 Misc. 389; (39 Supp. 1084).

Pleading—Answer—Failure to Perform—Necessity to Plead.
80 Hun, 161; (61 St. Rep. 810; 30 Supp. 68). 83 Hun, 383; (64 St. Rep. 756; 31 Supp. 925).

Duplicate Citations in Parenthesis.

Kirwan v. Byrne, 6 Misc. 528; 57 St. Rep. 863; 27 Supp. 143.

Affirmed, 9 Misc. 76; 59 St. Rep. 746; 29 Supp. 287.

Kirwan v. Byrne, 9 Misc. 76; 59 St. Rep. 746; 29 Supp. 237.

Affirming, 6 Misc. 528; 57 St. Rep. 863; 27 Supp. 143.

Kissam v. Brooklyn El. R. Co., 86 Hun, 598; 67 St. Rep. 562; 33 Supp. 740.

Kissam v. Dierkes, 49 N. Y. 602.

Cited, Power of Sale—Compliance With. 87 Hun, 96; (67 St. Rep. 650; 33 Supp. 971.) 1 App. Div. 499; (73 St. Rep. 98; 37 Supp. 505.).

Third Party — Notice — Power of Sale—Trustees.

12 Misc. 265; (67 St. Rep. 31; 33 Supp. 296).

Kissam v. Hamilton, 20 How. 369.

Cited, Reference — Report—Rendition — Alteration.

66 Hun, 454; (50 St. Rep. 461; 21 Supp. 241). 13 Misc. 96; (68 St. Rep. 74; 34 Supp. 82).

Kissam v. Marshall, 10 Abb. 424.

Cited, Attachments—Affidavits—Amendments.

11 Misc. 444; (65 St. Rep. 420; 32 Supp. 231). 90 Hun, 42; (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179). 14 Misc. 547; (70 St. Rep. 768; 33 Supp. 79).

Kissam v. Roberts, 6 Bosw. 154.

Cited, Trespass—Title—Materiality.

14 Misc. 344; (70 St. Rep. 461; 35 Supp. 685).

Kissinger v. N. Y. C. & H. R. R. Co., 56 N. Y. 538.

Cited, Street Railways—Duty of Drivers—Obstructions.

2 Misc. 540; (51 St. Rep. 592; 22 Supp. 382).

Trial—Instructions—Repetition.

9 Misc. 399; (61 St. Rep. 689; 29 Supp. 1066).

Trial—Requests to Charge — Relation to Evidence.

6 Misc. 337; (56 St. Rep. 242; 26 Supp. 902).

Kitchel v. Schenck, 20 N. Y. 515.

Cited, Contracts — Avoidance — Loan — Usury.

14 App. Div. 344; (77 St. Rep. 941; 43 Supp. 941). 67 St. Rep. 836; (34 Supp. 35).

Kitchell v. Brooklyn Heights R. Co., 6 App. Div. 99; 39 Supp. 741.

Kitchell v. Brooklyn Heights R. Co., 10 Misc. 277; 63 St. Rep. 267; 30 Supp. 1079.

Affirmed, 151 N. Y. 630.

Kitchen v. Lowery, 127 N. Y. 53; 37 St. Rep. 327.

Cited, Chattel Mortgage—Failure to File —Rights of Creditors—Possession by Mortgagee.

69 Hun, 583; (53 St. Rep. 264; 24 Supp. 25). 92 Hun, 214; (72 St. Rep. 276; 36 Supp. 1053). 81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693). 136 N. Y. 317; (49 St. Rep. 747). 143 N. Y. 482; (62 St. Rep. 846; 1 Ann. Cas. 84). 89 Hun, 308; (69 St. Rep. 290; 35 Supp. 172).

Creditors Suits — Setting Aside Fraudulent Conveyance—Receivers Of Insolvent Estate—When Appointed.

21 Supp. 545. 1 App. Div. 148; (72 St. Rep. 713; 37 Supp. 415).

Kitchen v. Place, 41 Barb. 465.

Cited, Bills and Notes—Signing and Delivering of in Blank—Liability—Power to Fill Blanks.

79 Hun, 598; (61 St. Rep. 520; 29 Supp. 839).

Kittinger v. Buffalo, 148 N. Y. 332.

Kittle v. Huntley, 67 Hun, 617; 51 St. Rep. 223; 22 Supp. 519.

Kittle v. Kittle, 8 Daly. 72.

Cited, Injunction—Legal Proceedings—Federal Courts.

69 Hun, 467; (52 St. Rep. 901; 24 Supp. 223). 16 App. Div. 73; (78 St. Rep. 690; 44 Supp. 690).

Kittle v. Stueve, 10 Misc. 696; 64 St. Rep. 642; 31 Supp. 821.

Affirmed, 11 Misc. 289; (146 N. Y. 380; 65 St. Rep. 447; 32 Supp. 272; 24 Civ. Pro. 223; 1 Ann. Cas. 300).

Kittle v. Stueve, 11 Misc. 279; 65 St. Rep. 447; 32 Supp. 272; 24 Civ. Pro. 223; 1 Ann. Cas. 300.

Kittle v. Van Dyke, 1 Sandf. Ch. 76.

Cited, Actions—Parties—Bringing In. 83 Hun, 397; (64 St. Rep. 787; 31 Supp. 878).

Kittredge v. Peekskill, Assessors of, 23 Supp. 801.

Kalaber v. Taylor, 70 Hun, 128; 53 St. Rep. 766; 24 Supp. 81.

Klaw v. Ehrich, 64 St. Rep. 477; 31 Supp. 773.

Klaweiter v. Hubner, 68 Hun, 338; 52 St. Rep. 304; 22 Supp. 815.

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Kleb v. Wallach, 6 App. Div. 583; 39 Supp. 654.

Klebisich v. Siedler, 4 Misc. 619; 53 St. Rep. 714; 23 Supp. 1167.

Reversed, 7 Misc. 144; 57 St. Rep. 503; 27 Supp. 417.

Klebisich v. Siedler, 7 Misc. 144; 57 St. Rep. 503; 27 Supp. 417.

Klee v. Grant, 2 Misc. 412; 51 St. Rep. 117; 21 Supp. 1010.

Affirming, 43 St. Rep. 791; 17 Supp. 845.

Klee v. Grant, 4 Misc. 88; 53 St. Rep. 77; 23 Supp. 855.

Reversing, 2 Misc. 412; 51 St. Rep. 117; 21 Supp. 1010.

Klein, Matter of, 17 Misc. 107; 39 Supp. 873.

Klein v. Dunlap, 16 Misc. 34; 73 St. Rep. 566; 37 Supp. 947.

Klein v. Long, 16 App. Div. 301; 78 St. Rep. 613; 44 Supp. 613.

Klein v. Wegman, 74 Hun, 1; 56 St. Rep. 163; 23 Supp. 285.

Klein v. Wolfsohn, 1 Abb. N. C. 134. *Distinguished*, Husband and Wife—Marriage—Annulment—Fraud.

8 Misc. 591; (60 St. Rep. 694; 29 Supp. 1117; 31 Abb. N. C. 331).

Klem v. N. Y. C. & H. R. R. Co., 78 Hun, 277; 60 St. Rep. 231; 28 Supp. 661.

Klenert v. Iba, 17 Misc. 69; 39 Supp. 833.

Kleng v. Buffalo, 72 Hun, 541; 55 St. Rep. 241; 25 Supp. 445.

Klett, Matter of, 3 Misc. 385; 24 Supp. 721.

Kley v. Healy, 127 N. Y. 555; 40 St. Rep. 215.

Cited, 149 N. Y. 354.

Appeal—Extent of Review—Dismissal of Case at Opening—Offers of Proof.

7 Misc. 646; (58 St. Rep. 392; 28 Supp. 14). 14 Misc. 514, 515; (70 St. Rep. 771; 33 Supp. 13). 8 App. Div. 196; (40 Supp. 338).

Appeal—Variance Between Record and Judgment.

10 Misc. 162; (62 St. Rep. 481; 30 Supp. 827).

Fraud—False Representations.

79 St. Rep. 629; (45 Supp. 629). 14 Misc. 521; (70 St. Rep. 702; 35 Supp. 1085).

Tender.

12 App. Div. 226; (77 St. Rep. 475; 43 Supp. 435). 87 Hun, 173; (67 St. Rep. 740; 33 Supp. 1054). 139 N. Y. 470; (54 St. Rep. 726).

Kley v. Healy, 9 Misc. 93; 59 St. Rep. 692; 29 Supp. 3.

Affirmed, 149 N. Y. 346.

Kley v. Healy, 9 Misc. 92; 39 St. Rep. 29 Supp. 3.

Cited, *Fraud*.

16 Misc. 382; (38 Supp. 72).

Kley v. Healy, 149 N. Y. 346.

Klinck v. Colby, 46 N. Y. 427.

Cited, *Libel and Slander—Privileged Communication.*

138 N. Y. 529; (53 St. Rep. 101). 147 N. Y. 636; (71 St. Rep. 251). 84 Hun, 120; (65 St. Rep. 646; 32 Supp. 463; 1 Ann. Cas. 331). 5 App. Div. 608; (39 Supp. 461). 11 App. Div. 606; (76 St. Rep. 629; 42 Supp. 629).

Trial—Questions of Fact—Knowledge—Libel.

68 Hun, 477; (52 St. Rep. 654; 23 Supp. 103).

Kline, Matter of, 17 Misc. 672; 40 Supp. 600.

Kline v. Green, 5 Misc. 100; 24 Supp. 831.

Reversed, 83 Hun, 190; 64 St. Rep. 153; 31 Supp. 599.

Kline v. Green, 83 Hun, 190; 64 St. Rep. 153; 31 Supp. 599.

Kline v. Hibbard, 61 St. Rep. 341; 29 Supp. 807.

Kline v. Hibbard, 80 Hun, 50; 61 St. Rep. 341; 29 Supp. 807.

Cited, *Probable Cause—Burden of Proof.* 92 Hun, 560; (72 St. Rep. 74; 36 Supp. 970).

Malicious Prosecution—Termination of Criminal Proceedings.

11 App. Div. 329; (76 St. Rep. 956; 42 Supp. 956).

Kling v. Dress, 5 Robt. 521.

Cited, *Landlord and Tenant—Lessee's Covenant to Repair—Scope.*

9 Misc. 327; (30 Supp. 210).

Klinkowstein v. Greenberg, 15 Misc. 479; 72 St. Rep. 785; 37 Supp. 206.

Klinkowstein v. Greenberg, 20 Misc. 669.

Klipstein v. New York El. R. Co., 8 Misc. 457; 59 St. Rep. 573; 28 Supp. 683.

Klock v. Brennan, 35 St. Rep. 745; 13 Supp. 171.

Cited, *Pleadings—Bill of Particulars—Discretion of Court.*

71 Hun, 256; (54 St. Rep. 480; 25 Supp. 10).

Duplicate Citations in Parenthesis.

Pleading—Bill of Particulars—Note Payable to Bearer.

75 Hun, 286; (53 St. Rep. 200; 26 Supp. 1007).

Klock v. Brennan, 82 Hun, 262; 31 Supp. 190.

Klock v. Cronkhite, 1 Hill, 110.

Cited, Mortgage—Foreclosure—By Advertisement—Mistake in Amount.

69 Hun, 35; (52 St. Rep. 823; 23 Supp. 436).

Klock v. Stevens, 20 Misc. 383; 79 St. Rep. 603; 45 Supp. 603.

Kloh v. New York Fertilizer Co., 86 Hun, 266; 67 St. Rep. 85; 33 Supp. 343.

Cited, Specification of Irregularities.

18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Klueg v. Bosch, 59 St. Rep. 295; 28 Supp. 159; 31 Abb. N. C. 27.

Klump v. Gardner, 44 Hun, 515; 9 St. Rep. 355.

Cited, Motions and Orders—Renewal—Leave.

74 Hun, 188; (56 St. Rep. 552; 26 Supp. 350). 50 St. Rep. 357; (21 Supp. 827). 68 Hun, 389; (52 St. Rep. 204; 22 Supp. 861) 12 App. Div. 432; (76 St. Rep. 224; 42 Supp. 224).

Klump v. Gardner, 114 N. Y. 153; 22 Supp. 672.

Cited, Assignment for Creditors—Co-partners.

78 Hun, 115; (60 St. Rep. 498; 28 Supp. 1056). 3 App. Div. 304; (74 St. Rep. 28; 38 Supp. 372).

Klupp v. United Ice Lines, 39 St. Rep. 732; 15 Supp. 597.

Affirmed, 133 N. Y. 666.

Cited, 5 Misc. 323; (25 Supp. 814).

Knabe v. Flameless Gas Stove Co., 19 Misc. 152; 77 St. Rep. 205; 43 Supp. 205.

Knabe v. Levelle, 23 Supp. 818.

Cited, Easements—Ancient Lights—Adjoining Owners.

4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826).

Knapp, Matter of, 85 N. Y. 284.

Cited, 15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190).

Attorney—Lien.

78 Hun, 579; (61 St. Rep. 222; 29 Supp. 574). 3 App. Div. 590; (73 St. Rep. 721, 722; 38 Supp. 226; 25 Civ. Pro. 322; 3 Ann. Cas. 38). 16 App. Div. 129; (79 St. Rep. 115; 45 Supp. 115). 9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Attorneys — Compensation — Summary Proceedings.

79 Hun, 397; (61 St. Rep. 501; 29 Supp. 795). 1 App. Div. 115; (72 St. Rep. 220; 37 Supp. 67).

Knapp, Matter of, 51 St. Rep. 517; 23 Supp. 282.

Knapp, Matter of, 90 Hun, 497; 71 St. Rep. 374; 36 Supp. 51.

Knapp, Matter of, 18 Misc. 285; 41 Supp. 156.

Knapp v. Alvord, 10 Paige, 205.

Cited, Principal and Agent—Power of Attorney—Revocation.

8 Misc. 226; (59 St. Rep. 453; 28 Supp. 563; 23 Civ. Pro. 442). 149 N. Y. 93.

Knapp v. Brooklyn, 97 N. Y. 520.

Cited, Statutes—Construction—Adoption—Amendments.

3 Misc. 56; (51 St. Rep. 836; 22 Supp. 559; 23 Civ. Pro. 142; 29 Abb. N. C. 480). D. 2 Misc. 234; (50 St. Rep. 591; 22 Supp. 366).

Pleading—Facts—Legal Conclusions.

67 St. Rep. 836; (34 Supp. 35). 149 N. Y. 223).

Knapp v. Brown, 45 N. Y. 207.

Cited, Appeal—Waiver—Accepting Benefits of Determination.

137 N. Y. 609; (51 St. Rep. 75). 19 Misc. 691; (78 St. Rep. 1109; 44 Supp. 1109). 4 App. Div. 366; (74 St. Rep. 247; 38 Supp. 729). 13 App. Div. 176; (77 St. Rep. 264; 43 Supp. 264).

Mortgages — Foreclosure — When Purchaser Becomes Owner.

4 Misc. 196; (53 St. Rep. 484; 23 Supp. 1020).

Knapp v. Burton, 7 Civ. Pro. 448.

Cited, Partition—Adverse Possession—Complete Relief.

137 N. Y. 128; (50 St. Rep. 173).

Knapp v. Crane, 14 App. Div. 120; 77 St. Rep. 513; 43 Supp. 513.

Knapp v. Curtis, 9 Wend. 60.

Cited, Warehousemen—Degree of Care. 20 Misc. 602.

Knapp v. Deyo, 108 N. Y. 518; 13 St. Rep. 823.

Cited, Appeal—Court of Appeals—Amount.

146 N. Y. 382; (71 St. Rep. 370).

Knapp v. Fowler, 30 Hun, 512.

Cited, Contracts—Rescission of—False Representations—Intent to Defraud.

79 St. Rep. 629; (45 Supp. 629).

Duplicate Citations in Parenthesis.

Knapp v. Green, 79 Hun. 274; 60 St. Rep. 559; 29 Supp. 350; 60 St. Rep. 559.

Cited, Limitation of Action—Check. 16 Misc. 318; (39 Supp. 395; 25 Civ. Pro. 405). 7 App. Div. 465; (39 Supp. 1022).

Knapp v. Hall, 70 Hun. 17; 53 St. Rep. 395; 23 Supp. 1109.

Cited, Covenants—Restricts Use—Notice to Grantee.

Knapp v. Hyde, 60 Barb. 80.

Cited, Deeds—Duress.

11 App. Div. 179; (76 St. Rep. 894; 42 Supp. 894).

Knapp v. Knapp, 10 N. Y. 276.

Cited, Wills—Establishment of Lost.

49 St. Rep. 293; (21 Supp. 135).

Wills—Revocation—Presumption.

88 Hun. 103; (69 St. Rep. 649; 34 Supp. 586).

Knapp v. Maltby, 13 Wend. 587.

Cited, Principal and Agent—Authority of Agent to Fill Blank in Instrument.

79 Hun. 474; (61 St. Rep. 629; 29 Supp. 1033).

Knapp v. McGowan, 96 N. Y. 75.

Cited, Contract—Assignments—Construction—Intent.

6 Misc. 464; (27 Supp. 911).

Contracts—Consideration.

D. 71 Hun. 270; (54 St. Rep. 586; 24 Supp. 1030).

Insolvency—Preference of Creditors.

80 Hun. 482, 483; (62 St. Rep. 368; 30 Supp. 516). 86 Hun. 419; (67 St. Rep. 177; 33 Supp. 520). 149 N. Y. 121.

Knapp v. N. Y. El. R. Co., 4 Misc. 408; 53 St. Rep. 571; 24 Supp. 324.

Knapp v. O'Neill, 46 Hun. 317.

Cited, Evidence—Burden of Proof.

92 Hun. 8; (73 St. Rep. 13; 37 Supp. 965).

Knapp v. Preferred Mutual Accident Ass'n of N. Y., 53 N. Y. 84; 24 St. Rep. 882; 6 Supp. 57.

Cited, Insurance—Disability—What is.

68 Hun. 359; (52 St. Rep. 202; 22 Supp. 803).

Knapp v. Roche, 62 N. Y. 614.

Cited, Pleading—Amendment—Increasing Damages.

10 Misc. 158; (62 St. Rep. 522; 31 Supp. 31).

Appeal—Amending Prayer and Judgment.

2 App. Div. 476; (74 St. Rep. 345; 37 Supp. 1047).

Knapp v. Roche, 82 N. Y. 366.

Cited, Appeal—When to be Taken—Necessity of Formal Judgment.

138 N. Y. 430; (52 St. Rep. 928; 30 Abb. N. C. 244).

Judgment—Entry of.

13 App. Div. 606; (77 St. Rep. 987; 43 Supp. 987).

Judgment—What is—Memorandum of Decision.

67 Hun. 320; (51 St. Rep. 803; 22 Supp. 250).

Knapp v. Roche, 94 N. Y. 329.

Cited, Allegations and Proof as to Performance.

1 Misc. 337; (48 St. Rep. 709; 20 Supp. 682).

Tort—Action—Damages.

9 Misc. 37; (59 St. Rep. 546; 29 Supp. 296; 31 Abb. N. C. 320).

Pleading—Payment—Proof of Under General Denial.

91 Hun. 445; (70 St. Rep. 810; 36 Supp. 236; 25 Civ. Pro. 153; 2 Ann. Cas. 315). 1 App. Div. 583; (73 St. Rep. 156; 37 Supp. 539). 10 Misc. 144; (62 St. Rep. 475; 30 Supp. 907).

Knapp v. Simon, 96 N. Y. 284.

Cited, Action—Parties—On Contract Made by Agent.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Appeal—Objections—Pleading—First Raised on.

7 Misc. 66; (57 St. Rep. 527; 27 Supp. 405). 151 N. Y. 260.

Pleading—Complaint—Amendment—Objection—Waiver.

7 Misc. 112; (57 St. Rep. 488; 27 Supp. 389).

Trial—Issues Outside Pleadings.

3 Misc. 254; (51 St. Rep. 909; 22 Supp. 757). 144 N. Y. 712; (71 St. Rep. 286). 89 Hun. 518; (69 St. Rep. 803; 35 Supp. 439).

Pleading—Amendment After Verdict.

10 Misc. 158; (62 St. Rep. 522; 31 Supp. 4).

New Cause of Action—Substitution by Consent.

14 Misc. 317; (70 St. Rep. 748; 35 Supp. 1054).

Appeal—Objections Not Raised Below—Pleading.

18 Misc. 205; (75 St. Rep. 779; 41 Supp. 370). 19 Misc. 194.

Action—Election of Remedies—Principal and Agent.

19 Misc. 643; (78 St. Rep. 396; 44 Supp. 396).

Knapp v. Smith, 27 N. Y. 277.

Cited, 73 St. Rep. 591; (38 Supp. 542).

Replevin—Who Liable—Mortgagees.

Duplicate Citations in Parenthesis.

4 App. Div. 616; (75 St. Rep. 341; 40 Supp. 942). D. 4 App. Div. 617; (75 St. Rep. 343; 40 Supp. 944).

Evidence—Opinions and Conclusions.

79 Hun, 439; (61 St. Rep. 458; 29 Supp. 1025).

Partnership—Employment of Agents.

82 Hun, 218; (63 St. Rep. 750; 31 Supp. 301).

Fraud—Fraudulent Conveyances.

89 Hun, 602; (69 St. Rep. 646; 35 Supp. 291).

Deed—Covenants—Liability Thereon.

D. 147 N. Y. 470; (70 St. Rep. 63).

Evidence—Opinions and Conclusions.

14 Misc. 331, 332; (70 St. Rep. 358; 35 Supp. 841).

Knapp v. Sweet, 24 Supp. 817.

Cited, Execution — Constable—Failure to Return.

92 Hun, 414; (71 St. Rep. 856; 36 Supp. 763).

Knapp v. Valentine, 67 St. Rep. 582; 33 Supp. 712; 24 Civ. Pro. 331.

Cited, Judgments—Actions on—Leave of Court.

17 App. Div. 247; (79 St. Rep. 587; 45 Supp. 587).

Knapp v. Wallace, 41 N. Y. 477.

Cited, Brokers—Real Estate — Commission.

139 N. Y. 274; (54 St. Rep. 653). 2 Misc. 339; (51 St. Rep. 431; 21 Supp. 978). 16 Misc. 386; (38 Supp. 82).

Knauss v. Gottfried Kreuger Brewing Co., 142 N. Y. 70; 58 St. Rep. 316; 31 Abb. N. C. 454.

Reversing, 62 Hun, 46; 41 St. Rep. 298; 16 Supp. 357.

Cited, Principal and Agent — Conflict of Interest—Acting for Two Principals.

9 Misc. 67; (59 St. Rep. 680; 29 Supp. 16).

11 Misc. 331; (65 St. Rep. 413; 32 Supp. 232).

17 Misc. 591; (75 St. Rep. 89; 40 Supp. 685)

Knaust, Matter of, 101 N. Y. 188.

Cited, Constitutional Law — Title of Act. 10 Misc. 245; (62 St. Rep. 464; 30 Supp. 822). 2 App. Div. 364; (73 St. Rep. 389; 37 Supp. 714).

Knauth v. Heller, 68 Hun, 570; 52 St. Rep. 764; 23 Supp. 106.

Knell v. Stephan, 48 St. Rep. 190; 20 Supp. 393.

Cited, Appeal—Evidence—Insufficiency—Objection Waiver.

79 Hun, 212; (61 St. Rep. 157; 29 Supp. 614). 18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

Kneller v. Lang, 137 N. Y. 589; 50 St. Rep. 943.

Affirming, 63 Hun, 48; 43 St. Rep. 956; 17 Supp. 443.

Cited, Vendor and Purchaser—Record Title —Purchase Money—Mortgage as Showing Conveyance by Mortgagee — Adverse Possession—What Constitutes.

15 Misc. 381; (71 St. Rep. 584; 36 Supp. 669). D. 12 App. Div. 118; (76 St. Rep. 539; 42 Supp. 539).

Knerring v. Lennon, 3 Misc. 247; 51 St. Rep. 907; 22 Supp. 775.

Knettle v. Newcomb, 23 N. Y. 245

Cited, Maxims—Modus et Coventis Vincunt Legem.

5 Misc. 238; (54 St. Rep. 835; 25 Supp. 336).

Fraud—Misrepresentations.

143 N. Y. 429; (62 St. Rep. 438).

Knickerbacker v. DeFreest, 2 Paige, 304.

Cited, Guardians—Appointment—Service on Infant.

136 N. Y. 394; (49 St. Rep. 834).

Knickerbocker v. Gould, 115 N. Y. 533; 26 St. Rep. 651.

Cited, Account Stated — Retention of Statement—Settlement.

74 Hun, 441; (57 St. Rep. 240; 26 Supp. 702). 140 N. Y. 201; (55 St. Rep. 580).

Knickerbocker v. People, 43 N. Y. 177.

Cited, Evidence—Larceny.

151 N. Y. 408.

Knickerbocker Bank, Matter of, 19 Barb. 602.

Cited, Order—Validity of.

92 Hun, 241; (72 St. Rep. 324; 36 Supp. 941).

Knickerbocker Ice Co. v. Shultz, 116 N. Y. 382.

Cited, Waters—Littoral Owners—Piers.

14 App. Div. 478; (77 St. Rep. 930; 43 Supp. 930).

Knickerbocker Life Ins. Co. v. Clark, 22 Hun, 506.

Cited, Action—Change of Venue—Lien of Judgment.

70 Hun, 79; (53 St. Rep. 446; 23 Supp. 1099).

Action—Change of Venue—Local Action—Town Bonds.

70 Hun, 9; (53 St. Rep. 556; 24 Supp. 21).

Courts—Jurisdiction—Subject of Action, D. 8 Misc. 239; (59 St. Rep. 224; 28 Supp. 553).

Judgment—Scope and Effect.

8 Misc. 241; (59 St. Rep. 226; 28 Supp. 553).

Duplicate Citations in Parenthesis.

Knickerbocker Life Ins. Co. v. Nelson, 8 Hun, 21.

Cited, Trial — By Jury — Discretion of Court.

6 Misc. 93; (55 St. Rep. 400; 56 Supp. 25).

Knickerbocker Life Ins. Co. v. Nelson, 78 Hun, 137.

Cited, Mortgage — Assumption by Grantee—Subsequent Elimination of—Rights of Mortgagee.

73 Hun, 217; (56 St. Rep. 102; 25 Supp. 889)

Evidence—Value.

144 N. Y. 566; (64 St. Rep. 236).

Kniering v. Lennon, 51 St. Rep. 907; 22 Supp. 775.

Cited, Costs—Interlocutory Judgment on Demurrer—Items.

75 Hun, 365; (56 St. Rep. 766; 27 Supp. 84; 23 Civ. Pro. 296) 83 Hun, 92; (63 St. Rep. 814; 31 Supp. 402; 1 Ann. Cas. 279).

Knight v. Carey, 1 Cow. 39.

Cited, Contempt — Personal Service of Order.

D.80 Hun, 452; (63 St. Rep. 299; 30 Supp. 467).

Knight v. Church, 73 Hun, 314; 58 St. Rep. 66; 26 Supp. 423.

Knight v. Cunningham, 6 Hun, 100.

Cited, Witnesses—Re-Examination.

88 Hun, 367; (68 St. Rep. 796; 34 Supp. 863).

Knight v. N. Y., L. E. & W. R. Co., 99 N. Y. 25.

Distinguished, Railroads—Cattle Guards—Injury to Travelers.

75 Hun, 530; (57 St. Rep. 655; 27 Supp. 498).

Railroads—Fences—Injury to Stock.

72 Hun, 470; (54 St. Rep. 763; 25 Supp. 230).

Knight v. Sackett & Wilhelms Lith. Co., 141 N. Y. 404; 57 St. Rep. 386; 31 Abb. N. C. 373.

Affirming, 46 St. Rep. 866; 19 Supp. 712.

Cited, Appeal—Judgment—Correction.

11 Misc. 572; (66 St. Rep. 105; 32 Supp. 776).

Knight v. Seckendorf, 8 Misc. 325; 59 St. Rep. 244; 28 Supp. 555.

Knight v. Supreme Council, etc., 24 St. Rep. 845; 6 Supp. 427.

Cited, Associations—Mutual Benefit—Illegal Assessments—Relief.

76 Hun, 537; (58 St. Rep. 270; 28 Supp. 179).

Knight v. Weatherwax, 7 Paige, 82.

Cited, Wills—Construction—Heirs.

86 Hun, 112; (63 St. Rep. 47; 34 Supp. 203).

Knight v. Wilson, 55 Hun, 559; 29 St. Rep. 419.

Cited, Justices of the Peace—Appeal.

10 Misc. 292; (3 St. Rep. 245; 30 Supp. 1055; 24 Civ. Pro. 130).

Knisley v. Pratt, 75 Hun, 323; 58 St. Rep. 213; 26 Supp. 1010; 31 Abb. N. C. 289.

Reversed, 148 N. Y. 372.

Cited, Master and Servant—Liability of Master to Servant—As to Machinery—Covering.

75 Hun, 284; (58 St. Rep. 201; 26 Supp. 1069).

Master and Servant—Dangerous Machinery—Waiver—Risk.

80 Hun, 420; (52 St. Rep. 96; 30 Supp. 342). 85 Hun 97; (66 St. Rep. 67; 32 Supp. 633). 3 App. Div. 585; (73 St. Rep. 710; 38 Supp. 216). 4 App. Div. 330; (74 St. Rep. 187; 38 Supp. 568).

Knisley v. Pratt, 148 N. Y. 372.

Cited, Master and Servant—Dangers—Assumption.

4 App. Div. 330; (74 St. Rep. 188; 38 Supp. 568). 5 App. Div. 504; (38 Supp. 1092). 11 App. Div. 568; (76 St. Rep. 817; 42 Supp. 817). 13 App. Div. 513; (77 St. Rep. 702; 43 Supp. 702). 20 Misc. 52; (76 St. Rep. 267; 44 Supp. 267). 78 St. Rep. 266; (44 Supp. 266).

Knittel, Matter of, 5 Dem. 371; 7 St. Rep. 752; 12 Civ. Pro. 1.

Cited, Executors—Discovery Proceedings—Scope—Collection of Debts.

77 Hun, 566; (60 St. Rep. 507; 28 Supp. 1049).

Executors—Discovery of Assets.

83 Hun, 42; (64 St. Rep. 472; 31 Supp. 768).

11 App. Div. 290; (76 St. Rep. 347; 42 Supp. 347).

Knoch v. Bernheim, 14 App. Div. 410; 77 St. Rep. 962; 43 Supp. 962.

Knoch v. Von Bernuth, 57 St. Rep. 870; 28 Supp. 1146.

Affirming, 47 St. Rep. 503; 19 Supp. 242.

Knoch v. Von Bernuth, 145 N. Y. 643; 71 St. Rep. 281.

Affirming, 8 Misc. 632; 59 St. Rep. 892; 28 Supp. 1146.

Knoedler, Matter of, 140 N. Y. 377; 55 St. Rep. 666.

Affirming, 68 Hun, 150; 52 St. Rep. 47; 22 Supp. 608.

*Duplicate Citations in Parenthesis.***Knolls v. Baruhardt**, 9 Hun, 443.

Cited, Vendor and Purchaser—Agreement to Devise Land—Quieting Equitable Title of Devisee.

2 Misc. 142; (50 St. Rep. 225; 21 Supp. 614).

Knolls v. Barnhart, 71 N. Y. 474.

Cited, Co-tenancy—Purchase by Tenant in Common.

2 App. Div. 457; (74 St. Rep. 331; 37 Supp. 1035).

13 Misc. 730; (69 St. Rep. 564; 35 Supp. 209).

Knop v. Dechert, 7 App. Div. 390; 39 Supp. 911.**Knope v. Nunn**, 75 Hun, 285; 58 St. Rep. 217; 26 Supp. 1074.**Knope v. Nunn**, 81 Hun, 349; 63 St. Rep. 150; 30 Supp. 896.

Affirmed, 151 N. Y. 506.

Knope v. Nunn, 151 N. Y. 506.**Knorr v. Atkins**. See Knorr v. Bates.**Knorr v. Bates**, 12 Misc. 395; 67 St. Rep. 592; 33 Supp. 691; 24 Civ. Pro. 377.

Affirmed, 14 Misc. 501; 70 St. Rep. 686; 35 Supp. 1060.

Followed, Ralli v. Hillyer, 15 Misc. 692; 40 Supp. 1148.

Cited, 2 App. Div. 582; (74 St. Rep. 413; 37 Supp. 1117; 3 Ann. Cas. 119). 19 Misc. 243; (76 St. Rep. 996; 42 Supp. 996). 20 Misc. 298; (79 St. Rep. 671; 45 Supp. 671).

Insurance—Contract—Action Against Attorneys in Fact.

18 Misc. 593; (76 St. Rep. 236; 42 Supp. 236). 19 Misc. 242; (76 St. Rep. 995; 42 Supp. 995). 17 App. Div. 41; (78 St. Rep. 889; 44 Supp. 889).

Knorr v. Bates, 14 Misc. 501; 70 St. Rep. 686; 35 Supp. 1060.

Cited, 6 App. Div. 543; (39 Supp. 587). 20 Misc. 298; (79 St. Rep. 671; 45 Supp. 671).

Insurance—Contract—Action Against Attorneys in Fact.

15 Misc. 150; (71 St. Rep. 459; 36 Supp. 471). 18 Misc. 593; (76 St. Rep. 236; 42 Supp. 236). 19 Misc. 242; (76 St. Rep. 995; 42 Supp. 995). 20 Misc. 636.

Knorr v. New York State M. B.

Ass'n, 79 Hun, 83; 61 St. Rep. 365; 29 Supp. 508.

Knoth v. Meltzer, 3 Misc. 596; 52 St. Rep. 857; 23 Supp. 342.**Knott v. Knott**, 6 App. Div. 589; 39 Supp. 804.**Knower v. Central Nat. Bank**, 124 N. Y. 552; 37 St. Rep. 89.

Cited, Assignment—Preference—Payment—Validity.

135 N. Y. 606; (48 St. Rep. 829).

Judgment Creditor's Action—Lien Acquired by

50 St. Rep. 623; (31 Supp. 1069).

Insolvency—Assignment—Fraud.

147 N. Y. 594; (70 St. Rep. 350). 1 App. Div. 80; (72 St. Rep. 216; 37 Supp. 63).

Knowles v. American Ins. Co., 66

Hun, 220; 49 St. Rep. 7; 21 Supp. 50.

Affirmed, 142 N. Y. 641; 60 St. Rep. 866.

Cited, Insurance—Policy—Incumbrances—Severance.

72 Hun, 523; (55 St. Rep. 223; 25 Supp. 442).

Insurance—Divisible Contract.

81 Hun, 374; (63 St. Rep. 146; 30 Supp. 892). 150 N. Y. 194. 17 Misc. 350; 39 Supp. 1071).

Insurance—Waiver of Conditions.

10 Misc. 160 (62 St. Rep. 523; 31 Supp. 4). 81 Hun, 374; (63 St. Rep. 147; (30 Supp. 892).

Knowles v. Erwin, 43 Hun, 150; (5 St. Rep. 421.

Affirmed, 124 N. Y. 633.

Cited, Witness—Interest—Deceased Person

78 Hun, 536; (61 St. Rep. 8; 29 Supp. 408).

Action—Party Not Privy to Contract.

92 Hun, 268; (72 St. Rep. 493; 36 Supp. 881; 3 Ann. Cas. 28). 5 App. Div. 359; (39 Supp. 231).

Knowles v. McCamly, 10 Paige, 342.

Cited, Acknowledgment—Married Woman—Omission From Joint Deed With Husband.

138 N. Y. 293; (52 St. Rep. 368).

Knowles v. Toone, 96 N. Y. 534.

Cited, Deeds—Separate Defeasance—Construction Together.

74 Hun, 412; (57 St. Rep. 195; 26 Supp. 806).

Knowlton v. Atkins, 134 N. Y. 313; 47 St. Rep. 620.

Affirming, 56 Hun, 403; 10 Supp. 77.

Cited, Appeal—Interlocutory Judgment. 75 Hun, 517; (57 St. Rep. 672; 27 Supp. 465). 73 Hun, 443; (56 St. Rep. 28; 26 Supp. 340).

Knowlton v. Congress & Empire Spring Co., 57 N. Y. 518.

Cited, Contracts—Illegal—Accounting Under.

Duplicate Citations in Parenthesis.

72 Hun, 125; (55 St. Rep. 526; 25 Supp. 676).

Contracts—Illegality—Parties in *Pari Delicto*.

6 Misc. 573; (57 St. Rep. 790; 27 Supp. 292).

Trusts—Illegality—Parties in *Pari Delicto*.

148 N. Y. 539.

Loan Association—Director—Liability of.

11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Affirmed, 87 Hun, 568.

Knox v. Baldwin, 80 N. Y. 610.

Cited, Statutes—Repeal—Effect on Existing Remedies.

69 Hun, 570; (53 St. Rep. 254; 23 Supp. 961). 8 App. Div. 574; (75 St. Rep. 326; 40 Supp. 930).

Insolvency—Preference—Stockholder.

145 N. Y. 340; (64 St. Rep. 810).

Loan Association—Director—Liability of

11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Loan Association—Director—Estoppel to Sue.

11 Misc. 458; (66 St. Rep. 79; 32 Supp. 716).

Statute of Limitations—Liability of Trustees—Failure to File Annual Report.

16 Misc. 402; (73 St. Rep. 605; 25 Civ. Pro. 312; 38 Supp. 515).

Corporations—Liability of Trustees—Failure to File Annual Report.

18 Misc. 101; (41 Supp. 832).

Knox v. Dubroff, 17 App. Div. 290; 79 St. Rep. 271; 45 Supp. 271.

Knox v. Eden Musee Am. Co., 74 Hun, 483; 57 St. Rep. 48; 26 Supp. 482.

Reversed, 148 N. Y. 441.

Cited, Corporations—Certificate of Stock—Transfer—By-Laws—Estoppel.

78 Hun, 96; (60 St. Rep. 514; 28 Supp. 1104).

Knox v. Eden Musee Am. Co., 25 Supp. 164.

Knox v. Eden Musee Am. Co., 17 App. Div. 365; 79 St. Rep. 255; 45 Supp. 255.

Knox v. Eden Musee Am. Co., 148 N. Y. 441.

Cited, Corporations—Stock Certificates—Liability for Wrongful Acts of Agents.

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79 St. Rep. 11; (45 Supp. 11). 19 Misc. 701; (79 St. Rep. 11; 45 Supp. 11).

Bills and Notes—Good Faith.

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Bills and Notes—Good Faith.

D. 150 N. Y. 73.

Principal and Agent—Factor's Act.

4 App. Div. 296; (39 Supp. 453).

Knox v. Gravesend, 69 St. Rep. 453; 35 Supp. 97.

Knox v. Hall Steam Power Co., 69 Hun, 231; 53 St. Rep. 39; 23 Supp. 490; 30 Abb. N. C. 152.

Knox v. Jones, 47 N. Y. 389.

Cited, Trust—Partial Validity—Severance.

60 St. Rep. 527; (28 Supp. 1055).

Wills—Construction—Suspension of Power of Alienation.

7 Misc. 622; (59 St. Rep. 312; 28 Supp. 586). 11 Misc. 673; (67 St. Rep. 362; 33 Supp. 573).

Wills—Suspending Power of Alienation.

7 App. Div. 419; (75 St. Rep. 410; 40 Supp. 1024). 13 App. Div. 345; (77 St. Rep. 19; 43 Supp. 19).

Wills—Construction—Devise—Validity of.

5 App. Div. 320; (39 Supp. 242).

Knox v. McDonald, 25 Hun, 270.

Cited, 83 Hun, 284; (64 St. Rep. 72; 31 Supp. 472).

Injunction—Denial of Equity.

82 Hun, 283; (64 St. Rep. 71; 31 Supp. 472).

Injunction—Summary Proceedings.

20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Knox v. Metropolitan Elevated R. Co., 58 Hun, 517; 26 St. Rep. 2; 12 Supp. 848.

Affirmed, 128 N. Y. 625.

Cited, Elevated Railroads—Construction—Easements—Injunction—Abutting Owners.

9 Misc. 618; (62 St. Rep. 82; 30 Supp. 430).

Knox v. N. Y., L. E. & W. R. Co., 69 Hun, 93; 52 St. Rep. 730; 23 Supp. 198.

Knox v. New York, 55 Barb. 404.

Cited, Highways—Use for Other Public Purposes—Rights of Owner of Fee.

11 App. Div. 216; (76 St. Rep. 953; 42 Supp. 953).

Knox v. Nobel, 57 St. Rep. 760; 27 Supp. 206.

Knox v. Nobel, 77 Hun, 230; 59 St. Rep. 387; 28 Supp. 355; 23 Civ. Pro. 429.

Cited, Partnership—Accounting to Estate of Deceased Partner.

30 Supp. 994.

Duplicate Citations in Parenthesis.

Knupfle v. Knickerbocker Ice Co.,
84 N. Y. 488.

Cited, Negligence — Violation of Ordinance.

68 Hun, 497; (52 St. Rep. 676; 23 Supp. 82). 14 Misc. 440; (70 St. Rep. 731; 35 Supp. 1023).

Sidewalk—Liability of Abutting Owner.

82 Hun, 79; (63 St. Rep. 332; 31 Supp. 90). 13 Misc. 498; (68 St. Rep. 4089; 34 Supp. 681; 2 Ann. Cas. 181).

Evidence—Ordinance—Negligence.

82 Hun, 389; (63 St. Rep. 554; 31 Supp. 235). 9 App. Div. 283; (75 St. Rep. 910; 41 521). 12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033).

Negligence—Elevated Railroad—Failure to Keep Gates of Car Platform Closed.

149 N. Y. 341.

Kobbe v. New Brighton, Village of,
20 Misc. 477; 79 St. Rep. 777; 45 Supp. 777.

Kobbe v. Price, 14 Hun, 55.

Cited, Trial — Affirmative — Determined by Pleadings.

6 App. Div. 588; (39 Supp. 542).

Kober v. Miller, 38 Hun, 184.

Cited, Witness — Credibility—Cross-Examination.

3 App. Div. 128; 39 Supp. 394.

Kobok v. Phoenix Mut. Life Ins. Co., 21 St. Rep. 203; 4 Supp. 718.

Cited, Evidence—Proofs of Death.

84 Hun, 130; (65 St. Rep. 738; 32 Supp. 514).

Koch, Matter of, 31 St. Rep. 963; 9 Supp. 814.

Cited, Executors—Inventory—Allowance to Widow.

4 Misc. 363; (53 St. Rep. 847; 24 Supp. 322).

Koch, Matter of, 12 Supp. 94.

Cited, Publication—Of Citations.

2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969).

Koch v. Koch, 42 Barb. 515.

Cited, Husband and Wife—Divorce—Alimony and Counsel Fees.

4 Misc. 383; (24 Supp. 484).

Koch v. New York, 5 App. Div. 276; 39 Supp. 164.

Affirmed, 152 N. Y. 72.

Cited Statutes—Constitutionality of Act May 10th, 1895.

5 App. Div. 621; (39 Supp. 1133).

Koch v. New York, 152 N. Y. 72.

Cited, Statutes—Constitutionality of Act of May 10th, 1895.

152 N. Y. 89. 152 N. Y. 92.

Koch v. Woehr, 3 Dem. 282.

Cited, Executors — Accounting—Disposition of Legacy to Unknown Person.

1 Hun, 73; (54 St. Rep. 237; 22 Supp. 1065).

Koehler v. Adler, 78 N. Y. 287.

Cited, Witness—Credibility—Interest.

3 Misc. 244; (52 St. Rep. 128; 22 Supp. 942). 85 Hun, 47; (66 St. Rep. 50; 32 Supp. 666). 92 Hun, 109; (71 St. Rep. 743; 36 Supp. 732). 4 App. Div. 226; (74 St. Rep. 217; 38 Supp. 590). 13 App. Div. 561; (77 St. Rep. 688; 43 Supp. 688).

Witness—Credibility—When Question for Jury.

49 St. Rep. 3; (21 Supp. 85).

Trial—Direction of Verdict.

87 Hun, 566; (68 St. Rep. 380; 34 Supp. 477). 14 Misc. 221; (70 St. Rep. 466; 35 Supp. 672). 14 Misc. 566; (70 St. Rep. 718; 35 Supp. 1073). 91 Hun, 296; (71 St. Rep. 62; 36 Supp. 294). 92 Hun, 73; (71 St. Rep. 239; 36 Supp. 344). 13 App. Div. 380; (77 St. Rep. 189; 43 Supp. 189). 6 App. Div. 561; (34 Supp. 563).

Koehler v. Brady, 78 Hun, 443; 61 St. Rep. 49; 29 Supp. 388.

Reversed, 144 N. Y. 135; 63 St. Rep. 29.

Cited, Landlord and Tenant—Covenant Against Assignment of Lease—Waiver.

13 Misc. 127; (67 St. Rep. 859; 34 Supp. 3).

Koehler v. Campbell, 36 Supp. 1110.

Cited, Contempt—Interposing False Answer.

14 Misc. 596; (72 St. Rep. 259; 25 Civ. Pro. 120; 2 Ann. Cas. 269).

Koehler v. Farmers' & Drovers' Nat. Bank, 14 Civ. Pro. 71.

Cited, Contempt—Violation of Injunction.

67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 120).

Koehler v. Farmers' & Drovers' Nat. Bank, 25 St. Rep. 307; 6 Supp. 470; 17 Civ. Pro. 222.

Cited, Contempt—Violation of Injunction.

67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 119).

Contempt—Disregard of Stay.

20 Misc. 206; (79 St. Rep. 783; 45 Supp. 783).

Koehler v. Gorman, 3 Misc. 621; 23 Supp. 1164.

Koehler v. Hughes, 4 Misc. 236; 53 St. Rep. 634; 24 Supp. 760.

Affirmed, 73 Hun, 167; 57 St. Rep. 131; 25 Supp. 1061.

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Koehler v. Hughes, 73 Hun, 167; 57 St. Rep. 131; 25 Supp. 1061.

Affirmed, 148 N. Y. 507.

Cited, Appeal—Case—Certification as to Completeness of Evidence.

76 Hun, 428; (59 St. Rep. 358; 27 Supp. 1066). 79 Hun, 567; (61 St. Rep. 589; 29 Supp. 902). 83 Hun, 8; (64 St. Rep. 196; 31 Supp. 561). 6 App. Div. 191; (39 Supp. 1008).

Koehler v. Hughes, 148 N. Y. 507.

Cited, Appeal—Record—Opinion of Court Below.

149 N. Y. 213. 150 N. Y. 358. 19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070).

Koehler v. N. Y. El. R. Co., 9 App. Div. 449; 75 St. Rep. 647; 41 Supp. 209.

Koehler v. Oslon, 68 Hun, 63; 52 St. Rep. 43; 22 Supp. 677.

Koehler v. Reinheimer, 20 Misc. 62; 79 St. Rep. 337; 45 Supp. 337.

Koehler v. Rochester & L. O. Co., 66 Hun, 566; 50 St. Rep. 619; 21 Supp. 844.

Koehler v. Sanders, 122 N. Y. 65; 33 St. Rep. 267.

Cited, Trademarks—Descriptive Name. 138 N. Y. 247; (52 St. Rep. 340). 5 Misc. 83; (24 Supp. 89).

Trademarks—Family Name—Injunction. 25 Supp. 480.

Trademark—Name of Place—Injunction. 82 Hun, 96; (63 St. Rep. 394; 31 Supp. 104).

Koehler v. Scheider, 15 Daly, 198; 23 St. Rep. 68; 4 Supp. 611.

Cited, Landlord and Tenant—Abandonment by Tenant—When Justified.

2 Misc. 67; (49 St. Rep. 142; 20 Supp. 843).

Landlord and Tenant—Eviction—What Constitutes—Sufficiency of Evidence of.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699).

Koehler v. Sowards, 29 St. Rep. 334; 8 Supp. 504.

Cited, Examination of Party Before Trial—Affidavit.

13 Misc. 211; (67 St. Rep. 891; 34 Supp. 25).

Koehler v. Syracuse Specialty Mfg. Co., 12 App. Div. 50; 76 St. Rep. 182; 42 Supp. 182.

Cited, Master and Servant—Negligence—Obvious Risk.

20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Koehler v. Syracuse Specialty Mfg. Co., 76 St. Rep. 1105; 42 Supp. 1105.

Koelges v. Guardian Life Ins. Co., 10 Abb. N. S. 176.

Cited, Waiver—Question of Fact.

57 Hun, 597; (68 St. Rep. 524; 34 Supp. 567).

Koelges v. Guardian Life Ins. Co., 57 N. Y. 638.

Cited, Appeal—New Trial—Summing Up.

16 App. Div. 92; (79 St. Rep. 135; 45 Supp. 135).

Koener v. Henn, 8 App. Div. 602; 75 St. Rep. 405; 40 Supp. 1021.

Koenig v. New York Life Ins. Co., 14 St. Rep. 250; 14 Civ. Pro. 269.

Cited, Interpleader—When Action Lies.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 23 Civ. Pro. 292; 2 Ann. Cas. 224).

Koenig v. Nott, 8 Abb. 384.

Cited, Pleading—Seduction.

15 Misc. 628; (72 St. Rep. 800; 37 Supp. 221).

Koenig v. Steckel, 58 N. Y. 475.

Cited, Imprisonment of Debtor—Suspension of Creditor's Remedy.

84 Hun, 339; (65 St. Rep. 604; 32 Supp. 339).

Koenig v. United Life Ins. Ass'n, 16 Misc. 531; 73 St. Rep. 596; 38 Supp. 506.

Koenig v. United Life Ass'n, 12 App. Div. 454; 76 St. Rep. 752; 42 Supp. 752.

Koenigsheim v. Hamburg, etc., Packet Co., 17 Week. Dig. 405.

Cited, Carriers—Freight—Negligence—Presumption From Injury.

2 Misc. 553; (22 Supp. 690).

Koepke v. Bradley, 3 App. Div. 391; 74 St. Rep. 167; 38 Supp. 707.

Affirmed, 151 N. Y. 622.

Kohler v. Lindenmeyer, 129 N. Y. 498; 42 St. Rep. 98.

Cited, Partnership—Limited—Creation—Payment of Cash.

75 Hun, 88; (58 St. Rep. 159; 23 Supp. 962).

Entries—Competency as Against Special Partners.

18 Misc. 556; (41 Supp. 992). 16 App. Div. 337; (78 St. Rep. 619; 44 Supp. 619).

Kohler v. Matlage, 72 N. Y. 259.

Cited, Contract—To Pay Insurance Premiums—Plea Non-damnificatus.

2 Misc. 331; (50 St. Rep. 598; 21 Supp. 1099).

Contract—To Pay the Debt of Another.

Duplicate Citations in Parenthesis.

7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364). 87 Hun. 151; (67 St. Rep. 775; 33 Supp. 1071). 16 Misc. 314; (39 Supp. 416).

Mortgage—Maturity—Foreclosure.

141 N. Y. 311; (57 St. Rep. 415),

Kohlmetz v. Calkins, 16 App. Div. 518; 78 St. Rep. 1031; 44 Supp. 1031.

Kohn v. Jacobs, 4 Misc. 265; 53 St. Rep. 320; 23 Supp. 1033.

Kohn v. Koehler, 96 N. Y. 362.

Cited, Contracts—Illegal Sale of Ticket—Lotteries.

8 Misc. 203; (58 St. Rep. 838; 28 Supp. 530).

Lottery.

9 Misc. 493; (61 St. Rep. 88; 30 Supp. 227). 14 App. Div. 78; (77 St. Rep. 425; 43 Supp. 425).

Kohn v. Manhattan R. Co., 8 Misc. 415; 59 St. Rep. 601; 28 Supp. 665.

Kohn v. Manhattan R. Co., 8 Misc. 421; 59 St. Rep. 34; 28 Supp. 663.

Kohn v. Manhattan R. Co., 11 Misc. 23; 64 St. Rep. 626; 31 Supp. 859.

Koke v. Balken, 73 Hun. 145; 57 St. Rep. 14; 25 Supp. 1038.

Affirmed, 148 N. Y. 732.

Koke v. Balken, 15 App. Div. 415; 78 St. Rep. 426; 44 Supp. 426.

Kokoma Strawboard Co. v. Inman, 53 Hun. 39; 24 St. Rep. 663; 5 Supp. 888.

Cited, Attachment—Affidavit by Attorney or Agent—Sufficiency of.

76 Hun. 358; (58 St. Rep. 482; 27 Supp. 803; 31 Abb. N. C. 202).

Kokoma Strawboard Co. v. Inman, 51 St. Rep. 12; 21 Supp. 705.

Kokoma Strawboard Co. v. Inman, 134 N. Y. 92.

Cited, Trial—Nonsuit—Defect in Proof.

16 Mi.-c. 434; (39 Supp. 734).

Koller v. German-Am. Ins. Co., N. Y. L. J., Jan. 31, 1893.

Cited, Insurance—Forfeiture—Waiver.

75 Hun. 88; (57 St. Rep. 742; 27 Supp. 158).

Kolzem v. Broadway & Seventh Ave. R. Co., 1 Misc. 148; 48 St. Rep. 656; 20 Supp. 700.

Cited, Malicious Prosecution—Malice.

2 Misc. 304; (51 St. Rep. 570; 21 Supp. 999).

Malicious Prosecution—Liability of Corporations.

2 Misc. 304; (51 St. Rep. 570; 21 Supp. 999).

False Imprisonment—Remedy.

13 Misc. 765; (69 St. Rep. 609; 35 Supp. 234).

Konitzky v. Meyer, 49 N. Y. 571.

Cited, Evidence—Documentary—Damage by Ejectment—Judgment Roll.

66 Hun. 159; (49 St. Rep. 138; 20 Supp. 969).

Konvalinka v. Schlegel, 104 N. Y. 125; 5 St. Rep. 562.

Cited, Dower—Bequest in Lieu of—Election.

1 Misc. 274; (22 Supp. 1070). 144 N. Y. 391; (63 St. Rep. 700). 1 App. Div. 55; (72 St. Rep. 225; 37 Supp. 71). 16 Misc. 101; (72 St. Rep. 530; 37 Supp. 250). 16 Misc. 105; (72 St. Rep. 743; 37 Supp. 353). 5 App. Div. 136; (39 Supp. 60). 14 App. Div. 572; (77 St. Rep. 901; 43 Supp. 901). 14 App. Div. 573; (77 St. Rep. 902; 43 Supp. 902).

Trust—Validity of.

D. 15 App. Div. 240; (78 St. Rep. 189; 44 Supp. 189).

Koon v. Mazuzan, 6 Hill, 44.

Cited, Justice of the Peace—Jurisdiction—Judgment.

87 Hun. 535; (68 St. Rep. 670; 34 Supp. 290).

Koons v. Martin, 66 Hun. 554; 49 St. Rep. 866; 21 Supp. 657.

Affirmed, 143 N. Y. 672; 63 St. Rep. 866.

Koons v. Wilkin, 2 App. Div. 13; 73 St. Rep. 234; 37 Supp. 640.

Cited, Executor de Son Tort—Liability of—Funeral Expenses.

18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381).

Koop v. Handy, 41 Barb. 454

Cited, Evidence—Parol—Fraud.

82 Hun. 385; (63 St. Rep. 596; 31 Supp. 279).

Kopetzky v. Metropolitan Elevated Railroad Company, 14 Misc. 311; 70 St. Rep. 457; 35 Supp. 766.

Kopp v. Kopp, 48 Hun. 532; 15 St. Rep. 967; 1 Supp. 261.

Cited, Vendor and Purchaser—Purchaser's Duty to Acquire Possession.

50 St. Rep. 813; (21 Supp. 885).

Korneman v. Fred Hower Brewing Co., 4 Misc. 299; 53 St. Rep. 450; 24 Supp. 103.

Korminsky v. Korminsky, 2 Misc. 138; 50 St. Rep. 223; 21 Supp. 611.

Kortright v. Buffalo Commercial Bank, 20 Wend. 91.

Cited, Corporations—Stock—Transfers—Right to Change on Books of Corporation.

74 Hun. 489; (57 St. Rep. 52; 26 Supp. 485).

*Duplicate Citations in Parenthesis.***Kortright v. Cady**, 21 N. Y. 343.

Cited, Mortgage—Possession—Legal Title.
135 N. Y. 390; (48 St. Rep. 526).

Mortgage—Satisfaction—Action to Cancel
—Tender—Bringing Money into Court.

70 Hun, 266; (54 St. Rep. 114; 24 Supp.
47).

Mortgage—Payment—Tender.

74 Hun, 528; (57 St. Rep. 193; 26 Supp.
825).

Tender—Effect as to Interest and Costs.

84 Hun, 177; (65 St. Rep. 652; 32 Supp.
466).

Tender—Deposit.

18 Misc. 421; (75 St. Rep. 842; 41 Supp.
437).

**Kosters v. Brooklyn Bath & West
End R. Co.**, 10 Misc. 18; 62 St. Rep.
644; 30 Supp. 531.

Affirmed, 151 N. Y. 630.

Kothe v. Wilson, 79 St. Rep. 649; 45
Supp. 649.

Kouba v. Horacek, 24 St. Rep. 990; 6
Supp. 250.

Cited, Witness — Impeachment — State-
ments as to Entries, Memoranda, etc.

1 Misc. 311; (48 St. Rep. 775; 20 Supp.
715).

Kountze v. Helmuth, 67 Hun, 343; 51
St. Rep. 795; 22 Supp. 204.

Cited, Vendor and Purchaser—Marketable
Title.

13 Misc. 518; (68 St. Rep. 407; 34 Supp.
679; 2 Ann. Cas. 176).

Kountze v. Helmuth, 140 N. Y. 432;
55 St. Rep. 798.

Affirming, 67 Hun, 343; 51 St. Rep. 795; 22
Supp. 204.

Cited, Vendor and Purchaser—Marketable
Title.

13 Misc. 518; (68 St. Rep. 407; 34 Supp.
679).

Contracts — Rescission — Misrepresenta-
tions.

14 Misc. 521; (70 St. Rep. 702; 35 Supp.
1084).

Kountze v. Kennedy, 72 Hun, 311; 55
St. Rep. 353; 25 Supp. 682.

Affirmed, 147 N. Y. 124; 69 St. Rep. 388;
2 Ann. Cas. 327.

Cited, Fraud — Remedies of Party
Aggrieved.

84 Hun, 48; (65 St. Rep. 239; 32 Supp. 76).

Kountze v. Kennedy, 147 N. Y. 124; 69
St. Rep. 388; 2 Ann. Cas. 327.

Cited, Fraud—Misrepresentations.

2 App. Div. 512; (74 St. Rep. 326; 37 Supp.
1031). 4 App. Div. 437; (38 Supp. 619).

Fraud—Proof.

3 App. Div. 186; (73 St. Rep. 628; 38
Supp. 473).

Contracts—Rescission—Mistake.

14 Misc. 521; (70 St. Rep. 702; 35 Supp.
1084). D. 13 App. Div. 161; (77 St. Rep. 333;
43 Supp. 333).

**Kowalewska v. N. Y. Lake Erie &
W. R. Co.**, 72 Hun, 611; 55 St. Rep.
167; 25 Supp. 184.

Kowing v. Manly, 49 N. Y. 192.

Cited, Warehousemen—Delivery to Other
than Bailor.

6 Misc. 232; (56 St. Rep. 538; 26 Supp. 544).

Kowing v. Moran, 5 Dem. 56.

Cited, Attorney's Fees.

18 Misc. 407; (76 St. Rep. 776; 42 Supp.
776).

Partition—Payment of Decedent's Debts
by Purchaser.

4 App. Div. 286; (39 Supp. 471).

Kraemer v. Adelsberger, 122 N. Y.
467; 34 St. Rep. 24.

Cited, Mortgage — Absolute in Form —
Separate Defeasance—Construction.

74 Hun, 412; (57 St. Rep. 195; 26 Supp.
806). 139 N. Y. 126; (54 St. Rep. 648).

Kraft v. Dingee, 38 Hun, 845.

Cited, Pleading — Bill of Particulars —
Action for Causing Boycott.

21 Supp. 342.

Pleading — Bill of Particulars — Special
Damages.

55 St. Rep. 435; (25 Supp. 348). 1 App.
Div. 76; (72 St. Rep. 270; 36 Supp. 1096).

**Kraft v. Freeman Print. & Pub.
Ass'n.**, 87 N. Y. 628.

Cited, 56 St. Rep. 888; 26 Supp. 564.

Corporations—Borrowed Money.

82 Hun, 543; (64 St. Rep. 203; 31 Supp.
525).

Krahner v. Heilman, 16 Daly 132; 30
St. Rep. 434; 9 Supp. 633.

Cited, Action—Change of Venue — Elec-
tion.

8 Misc. 339; (59 St. Rep. 240; 28 Supp.
564).

Brokers — Commissions — Rescission Of
Contract.

4 Misc. 181; (53 St. Rep. 175; 23 Supp.
1003).

District Court—Removal of Cause—
Waiver.

19 Misc. 623; (78 St. Rep. 386; 44 Supp.
386).

Krakauer v. Chapman, 16 App. Div.
115; 79 St. Rep. 127; 45 Supp. 127.

Duplicate Citations in Parenthesis.

Krakower v. Davis, 20 Misc. 350; 79 St. Rep. 780; 45 Supp. 780.

Cited, Notice—Waiver.

20 Misc. 360; (79 St. Rep. 930; 45 Supp. 930).

Kraskowski v. North N. Y. Co-Op. Building & L. Ass'n.

4 Misc. 601; (54 St. Rep. 119; 24 Supp. 1138).

Cited, Appeal—Amendment of Return.

10 Misc. 771; (63 St. Rep. 516; 30 Supp. 1134).

Kraskowski v. North N. Y. Co-Op. Building & L. Ass'n., 7 Misc. 188:

57 St. Rep. 541; 27 Supp. 314.

Kramer v. Amberg, 25 St. Rep. 60; 4 Supp. 613; 16 Civ. Pro. 445.

Cited, Landlord and Tenant — Lease — Condition Subsequent—Termination.

9 Misc. 488; (61 St. Rep. 98; 30 Supp. 243).

Kramer v. N. Y. Board of Police of, 53 Super. 492.

Cited, Injunction—Against Arrest.

11 Misc. 652; (32 Supp. 1087).

Kramrath v. Albany, 127 N. Y. 575; 40 St. Rep. 241.

Cited, Contracts — Implied—Municipal Corporations.

71 Hun. 67; (54 St. Rep. 85; 24 Supp. 497).

Municipal Corporations—Charter—Extra Work.

D. 7 App. Div. 514; (40 Supp. 242).

Kranichfelt v. Slattery, 9 Misc. 714; 60 St. Rep. 850; 29 Supp. 687.

Affirmed, 12 Misc. 96; 66 St. Rep. 526; 33 Supp. 27.

Kranichfelt v. Slattery, 12 Misc. 96; 66 St. Rep. 526; 33 Supp. 27.

Kranz, Matter of, 41 Hun. 463; 3 St. Rep. 297.

Cited, Surrogate's Courts — Powers — Opening Decree—Grounds.

72 Hun. 597; (55 St. Rep. 252; 25 Supp. 270).

Kranz v. Long Island R. Co., 123 N. Y. 1; 33 St. Rep. 43.

Cited, Master and Servant—Risks Assumed—Obedience of Orders.

6 Misc. 331; (56 St. Rep. 237; 26 Supp. 898).

Master and Servant—Liability of Master to Servant—Places.

6 Misc. 445; (58 St. Rep. 580; 27 Supp. 129). 89 Hun. 594; (70 St. Rep. 123; 35 Supp. 537). 6 App. Div. 36; (39 Supp. 457). 9 App. Div. 134; (41 Supp. 132). 11 Misc. 25; (64

St. Rep. 627; 31 Supp. 861). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 188). 13 Misc. 8; (68 St. Rep. 238; 34 Supp. 188). 79 St. Rep. 874; (45 Supp. 874), 76 Hun. 582; 58 St. Rep. 281; 28 Supp. 199).

Master and Servant — Negligence — Master's Duty as to Appliances.

86 Hun. 41; (66 St. Rep. 836; 33 Supp. 208).

Master and Servant — Servant's Assumption of Risk—Reliance on Master's Care.

77 Hun. 394; (60 St. Rep. 409; 28 Supp. 886).

Negligence—Contributory—Imputation—Laborers.

9 Misc. 10; (59 St. Rep. 759; 29 Supp. 22).

Master and Servant—Liability of Master to Servant—Contributory Negligence.

8 Misc. 213; (59 St. Rep. 222; 28 Supp. 581).

Trial—Question of Fact — Contributory Negligence.

142 N. Y. 201; (58 St. Rep. 457; 31 Abb. N. C. 251).

Trial — Question of Fact — Negligence—Master and Servant—Increase of Hazard.

70 Hun. 459; (53 St. Rep. 691; 24 Supp. 503).

Kratzenstein v. Lehmann, 17 Misc. 64; 39 Supp. 838.

Kratzenstein v. Lehman, 18 Misc. 590; 78 St. Rep. 237; 42 Supp. 237.

Affirmed, 19 App. Div. 228.

Kratzenstein v. Lehman, 19 Misc. 600; 76 St. Rep. 369; 44 Supp. 369.

Affirming, 18 Misc. 590; 76 St. Rep. 237; 42 Supp. 237.

Kratzenstein v. Western Ass'n Co., 116 N. Y. 54; 26 St. Rep. 453.

Cited, Insurance — Furnishing Proofs of Loss as a Condition Precedent to Suit.

137 N. Y. 398; (50 St. Rep. 683).

Insurance—Construction—Ambiguity.

149 N. Y. 313. 7 App. Div. 493; (40 Supp. 251). 11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866).

Kratzer v. Saratoga Springs, 8 App. Div. 613; 40 Supp. 474.

Kraus, Matter of, 4 Dem. 217.

Cited, Reference—Fees—Collection—Surrogate's Court.

6 Misc. 173; (56 St. Rep. 696; 26 Supp. 894; 31 Abb. N. C. 112).

Kraus v. J. H. Mohlman Co., 18 Misc. 430; 76 St. Rep. 23; 42 Supp. 23.

Affirming, 17 Misc. 288; 40 Supp. 367.

Duplicate Citations in Parenthesis.

Cited, Appeal — Review of Justice's Charge.

19 Misc. 55; (76 St. Rep. 826; 42 Supp. 826).

Evidence—Letters of Agent.

20 Misc. 312; (79 St. Rep. 887; 45 Supp. 887).

Krause v. Averill, 4 Civ. Pro. 410.

Cited, 74 St. Rep. 776; (38 Supp. 883; 1 Ann. Cas. 408).

Krausbaar v. Meyer, 72 N. Y. 602.

Cited, Judgment—Entry—Settlement.

3 Misc. 429; (52 St. Rep. 445; 23 Supp. 167).

Witnesses—Competency—Death of Other Party—Bystander.

68 Hun, 583; (52 St. Rep. 576; 23 Supp. 253).

Krauss v. Abeles, 20 Misc. 697.

Krauss v. Hallbeimer, 29 Supp. 1106; 23 Civ. Pro. 317.

Krauss v. J. H. Mohlman Co., 17 Misc. 288; 40 Supp. 367.

Krauss v. Walkill Valley R. Co., 69 Hun, 483; 52 St. Rep. 838; 23 Supp. 432.

Cited, 64 St. Rep. 875; (31 Supp. 1129).

Trial—Non-suit.

92 Hun, 148; (71 St. Rep. 153; 36 Supp. 383).

Street Railroads—Duty of Person Crossing Track to Exercise Care.

17 Misc. 156; (39 Supp. 337).

Krauss v. Walkill Val. R. Co., 64 St. Rep. 875; 31 Supp. 1129.

Kreiser v. Scofield, 9 Misc. 200; 60 St. Rep. 839; 29 Supp. 685.

Reversed, 10 Misc. 350; 63 St. Rep. 413; 31 Supp. 23; 24 Civ. Pro. 170.

Kreiser v. Scofield, 10 Misc. 350; 63 St. Rep. 413; 31 Supp. 23; 24 Civ. Pro. 170.

Kreiss v. Seligman, 8 Barb. 439.

Cited, Appeal—Demurrer—Case.

15 Misc. 415; (71 St. Rep. 786; 36 Supp. 619; 25 Civ. Pro. 190).

Kreizer v. Allaire, 16 Misc. 6; 73 St. Rep. 286; 37 Supp. 687.

Cited, Appeal—Question of Fact.

17 Misc. 139; (39 Supp. 401). 17 Misc. 354; (39 Supp. 1066).

Appeal—Weight of Evidence.

18 Misc. 13; (75 St. Rep. 441; 40 Supp. 1124). 18 Misc. 178; (75 St. Rep. 965; 41 Supp. 575).

Appeal—Review of Discretionary Determination.

20 Misc. 281; (79 St. Rep. 745; 45 Supp. 745).

Appeal—Witness—Cross-Examination.

19 Misc. 169.

Krekeler v. Ritter, 62 N. Y. 372.

Cited, Evidence—Former Adjudication.

86 Hun, 414; (67 St. Rep. 173; 33 Supp. 517). 88 Hun, 446; (68 St. Rep. 395; 34 Supp. 406). 14 Misc. 611; (71 St. Rep. 450; 36 Supp. 463). 1 App. Div. 601; (73 St. Rep. 196; 37 Supp. 564). 6 App. Div. 379; (74 St. Rep. 765; 40 Supp. 201). 18 Misc. 520; (41 Supp. 939). 17 App. Div. 530; (79 St. Rep. 706; 45 Supp. 706).

Kress v. East Side Savings Bank, 50 St. Rep. 273; 21 Supp. 652.

Kribbs v. Alford, 128 N. Y. 519; 31 St. Rep. 564.

Cited, Chattel Mortgage—Description of Property.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

Chattel Mortgage—Validity—After Acquired Property.

66 Hun, 586; (50 St. Rep. 110; 21 Supp. 817).

Chattel Mortgage—Of Property in Expectancy—When Lien Attaches.

60 St. Rep. 298.

Chattel Mortgage—Validity.

11 App. Div. 304; (76 St. Rep. 931; 42 Supp. 931).

Krill v. Brownell, 40 Hun, 72.

Cited, Costs—Disbursements—Disputed Claim—Statutory Reference—Executors.

8 Misc. 470; (60 St. Rep. 603; 29 Supp. 671).

Costs—Disbursements.

41 Supp. 281; (25 Civ. Pro. 352).

Krom v. Hogan, 4 How. 225.

Cited, Injunction—Vacation—Contempt—Violating.

6 Misc. 412; 27 Supp. 175.

Krom v. Levy, 3 T. & C. 704.

Cited, Contract—Performance—Sufficiency—Waiver.

9 Misc. 113; (59 St. Rep. 732; 29 Supp. 48).

Krom v. Levy, 60 N. Y. 126.

Cited, Statutes—Prohibiting Appeal—Time of Taking Effect.

150 N. Y. 229.

Krom v. Schoonmaker, 3 Barb. 647.

Cited, Torts—Liability of Insane Person.

143 N. Y. 448; (62 St. Rep. 454).

Kromer v. Heim, 75 N. Y. 574.

Cited, Accord and Satisfaction.

5 Misc. 414; (55 St. Rep. 388; 25 Supp. 765). 8 App. Div. 58; (40 Supp. 428). 74 Hun, 236; (56 St. Rep. 369; 26 Supp. 459). 74 Hun, 70; (56 St. Rep. 177; 26 Supp. 360.) 7 Misc. 112; (57 St. Rep. 488; 27 Supp. 389). 84 Hun, 321; (65 St. Rep. 583; 32 Supp. 377).

Duplicate Citations in Parenthesis.

Accord and Satisfaction—New Consideration.

148 N. Y. 329.

Krone v. Klotz, 3 App. Div. 587; 73 St. Rep. 719; 38 Supp. 235; 25 Civ. Pro. 320; 3 Ann. Cas. 36.

Cited, Supplementary Proceedings—Dispute as to Ownership of Fund.

20 Misc. 616.

Kronfeld v. Haines, 20 Misc. 102; 79 St. Rep. 92; 45 Supp. 92.

Krooks v. L. & C. Wise Co., 31 Abb. N. C. 46; 28 Supp. 641.

Krower v. Reynolds, 99 N. Y. 245.

Cited, Pleading — Complaint — Foreign Judgment.

70 Hun, 147; (54 St. Rep. 19; 24 Supp. 177).

Pleading—Breach of Contract.

82 Hun, 364; (64 St. Rep. 83; 31 Supp. 485).

Krueger v. Schlinger, 19 Misc. 221.

Kruelwitsch v. Meltsner, 13 Misc. 842; 68 St. Rep. 356; 34 Supp. 451.

Krug v. Pitass, 16 App. Div. 480; 78 St. Rep. 864; 44 Supp. 864.

Kruger v. Braender, 3 Misc. 275; 51 St. Rep. 906; 23 Supp. 324.

Affirming, 1 Misc. 509; 48 St. Rep. 936; 20 Supp. 991.

Cited, Mechanic's Lien—Enforcement—Form of Action—Bond to Discharge.

5 Misc. 219; (54 St. Rep. 784; 25 Supp. 478).

Mechanic's Liens—Sureties.

10 Misc. 540; (64 St. Rep. 24; 31 Supp. 447; 1 Ann. Cas. 224).

Mechanic's Lien — Foreclosure.

145 N. Y. 247; (64 St. Rep. 686; 1 Ann. Cas. 116). 83 Hun, 415; (64 St. Rep. 730; 31 Supp. 960).

Kruger v. Galewski, 10 Misc. 233; 63 St. Rep. 250; 30 Supp. 1860.

Affirmed, 13 Misc. 56; 68 St. Rep. 21; 34 Supp. 66.

Kruger v. Galewski, 13 Misc. 56; 68 St. Rep. 21; 34 Supp. 66.

Krulder v. Woolverton, 9 Misc. 359; 60 St. Rep. 614; 29 Supp. 696.

Cited, Negligence—Error in Judgment.

D. 12 Misc. 518; (67 St. Rep. 369; 33 Supp. 675).

Krulder v. Woolverton, 11 Misc. 537; 64 St. Rep. 467; 32 Supp. 142.

Affirmed, 152 N. Y. 638.

Krumm v. Beach, 96 N. Y. 398.

Cited, Action — Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 989).

Fraud — Contract — Vendor's Lien — Waiver.

79 Hun, 220; (61 St. Rep. 401; 29 Supp. 505).

Principal and Agent—Representations of Agent.

139 N. Y. 291; (54 St. Rep. 498). 14 Misc. 522; (70 St. Rep. 702; 35 Supp. 1085). 14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084). 16 Misc. 87; (73 St. Rep. 253; 37 Supp. 672).

Remedies for Fraud.

151 N. Y. 234. 88 Hun, 541; (68 St. Rep. 708; 34 Supp. 774). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601).

Krummel v. Thomas, 5 Misc. 535; 58 St. Rep. 98; 25 Supp. 833.

Krumwiede v. Manhattan R. Co., 9 Misc. 552; 61 St. Rep. 106; 30 Supp. 400.

Kruse v. Dusenbury, 1 City Ct. Rep. 87; 19 Week. Dig. 201.

Cited, Corporations—Foreign — Organization for Business Within State.

72 Hun, 22; (51 St. Rep. 72; 25 Supp. 311).

Krzywosynski v. Consolidated Gas Co. of N. Y., 11 Misc. 61; 64 St. Rep. 624; 31 Supp. 857.

Krzywoszynski v. Consolidated Gas Co., 4 App. Div. 161; 38 Supp. 929.

Kudik v. Lehigh Valley R. Co., 78 Hun, 492; 61 St. Rep. 210; 29 Supp. 533.

Kuechenmeister v. Brown, 13 Misc. 139; 68 St. Rep. 230; 34 Supp. 180.

Reversed, 1 App. Div. 56; 72 St. Rep. 147; 37 Supp. 95.

Kuechenmeister v. Brown, 1 App. Div. 56; 72 St. Rep. 147; 37 Supp. 95.

Kugelman v. Barry, 17 Misc. 30; 40 Supp. 767.

Kugelman v. Levy, 4 Misc. 519; 54 St. Rep. 123; 24 Supp. 559.

Kuhlman v. Brooklyn, 6 Misc. 429; 58 St. Rep. 584; 27 Supp. 126.

Affirmed, 149 N. Y. 584.

Kuhlmann v. Brooklyn, 149 N. Y. 584.

Kuhlman v. Orser, 5 Duer. 242.

Cited, Attachment—Manner of Levy—Property in Custom House.

61 St. Rep. 834; (30 Supp. 147; 23 Civ. Pro. 339).

Kuhn v. American Automatic K. & N. Co., 9 Misc. 54; 59 St. Rep. 665; 29 Supp. 73.

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Cited, Appeal—Extent of Review—Evidence—Objections.

11 Misc. 621; (66 St. Rep. 170; 32 Supp. 786). 16 Misc. 374; (38 Supp. 80).

Kuhn v. Delaware, L. & W. R. Co., 77 Hun, 389; 60 St. Rep. 406; 28 Supp. 83.

Kuhn v. Delaware, L. & W. R. Co., 92 Hun, 74; 71 St. Rep. 233; 36 Supp. 339.

Affirmed, 153 N. Y. 683.

Cited, Master and Servant—Safe Place—Delegation of Duty.

D. 74 St. Rep. 472; (38 Supp. 43).

Kuhn v. Kuhn, 23 St. Rep. 387; 4 Supp. 952.

Cited, Contempt—Punishment for—Alternative Order—Demand.

80 Hun, 77; (61 St. Rep. 768; 30 Supp. 17).

Kuhnen v. Union R. Co. of N.Y., 10 App. Div. 195; 75 St. Rep. 1170; 41 Supp. 774.

Kujek v. Goldmann, 5 Misc. 360; 55 St. Rep. 166; 25 Supp. 753.

Affirmed, 9 Misc. 34; 59 St. Rep. 543; 29 Supp. 294; 31 Abb. N. C. 314.

Kujek v. Goldman, 9 Misc. 34; 45 St. Rep. 543; 29 Supp. 294; 31 Abb. N. C. 314.

Affirmed, 150 N. Y. 176.

Cited, Appeal—From City Court—Review of Weight of Evidence.

10 Misc. 158; (62 St. Rep. 522; 31 Supp. 4).

Kujek v. Goldman, 150 N. Y. 176.

Kumberger v. Congress Spring Co., 8 App. Div. 96; 40 Supp. 396.

Kummel v. Germania Savings Bank, 127 N. Y. 488; 40 St. Rep. 252.

Cited, Banking—Payment to Wrong Person—Liability.

135 N. Y. 558; (48 St. Rep. 564).

Banks—Savings—Possession of Pass Book—Forged Check—Negligence.

6 Misc. 112; (57 St. Rep. 858; 26 Supp. 15). 50 St. Rep. 275; (21 Supp. 654).

Kummel v. Germania Savings Bank, 127 N. Y. 489.

Cited, Banking—Deposits—Care Required in Paying.

17 Misc. 298; (40 Supp. 386). 17 Misc. 577, 578; (75 St. Rep. 66, 67; 40 Supp. 664, 665).

Kummer v. Christopher & Tenth St. R. Co., 2 Misc. 298; 50 St. Rep. 332; 21 Supp. 941.

Cited, Appeal—Reversal of Judgment—Invented Case.

9 Misc. 69; (59 St. Rep. 692; 29 Supp. 13).

Appeal—General Term—Reversal on Evidence.

9 Misc. 83; (59 St. Rep. 751; 29 Supp. 37). 7 Misc. 656; (58 St. Rep. 384; 28 Supp. 51).

Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 531; 27 Supp. 368). 82 Hun, 157; (63 St. Rep. 755; 31 Supp. 306). 13 Misc. 166; (68 St. Rep. 77; 34 Supp. 167).

Kummer v. Christopher & East Tenth St. R. Co., 3 Misc. 100; 51 St. Rep. 770; 22 Supp. 698.

Kummer v. Christopher & Tenth St. R. Co., 12 Misc. 387; 67 St. Rep. 404; 33 Supp. 581; 24 Civ. Pro. 404.

Kummer v. Christopher & Tenth St. R. Co., 14 Misc. 507; 70 St. Rep. 691; 35 Supp. 1066.

Cited, Appeal—Verdict—Setting Aside.

11 App. Div. 395; (76 St. Rep. 1124; 42 Supp. 1124).

Kunitzer v. Cummings, 20 Misc. 700.

Kunz v. Stuart, 1 Daly, 431.

Cited, Master and Servant—Defective Appliances—Liability of Master—Burden.

9 App. Div. 526; (14 Misc. 420; 70 St. Rep. 419; 35 Supp. 762).

Kuntz v. Troy, 104 N. Y. 344; 5 St. Rep. 642.

Cited, Highways—Obstructions—Liability of Municipality.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 645). 77 Hun, 462; (60 St. Rep. 596; 28 Supp. 1011). 90 Hun, 94; (69 St. Rep. 864; 35 Supp. 360).

Highways—Obstructions—Liability of Person Maintaining.

82 Hun, 388, 389; (63 St. Rep. 553; 31 Supp. 235).

Negligence—Contributory—Children.

67 Hun, 606; (51 St. Rep. 241; 22 Supp. 442). 4 Misc. 87; (53 St. Rep. 86; 23 Supp. 800; 30 Abb. N. C. 290). 12 Misc. 452; (67 St. Rep. 332; 33 Supp. 626).

Negligence—Children in Street.

2 Misc. 546; (51 St. Rep. 613; 22 Supp. 401). 139 N. Y. 491; (54 St. Rep. 837). 78 Hun, 3; (60 St. Rep. 540; 28 Supp. 1098). 1 Misc. 137; (48 St. Rep. 650; 20 Supp. 677).

Negligence—Contributory—Of Children Concurrent on Part of Parent—Necessity of. 78 Hun, 251; (60 St. Rep. 7; 28 Supp. 818).

Trial—Question of Fact—Negligence—Children.

9 Misc. 281; (61 St. Rep. 323; 29 Supp. 746). 2 Misc. 75; (49 St. Rep. 631; 21 Supp. 785). 75 Hun, 458; (57 St. Rep. 681; 27 Supp. 506).

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Trial—Questions of Law and Fact—Age at Which Infant Sui Juris.

2 Misc. 75; (49 St. Rep. 633; 21 Supp. 785).

Negligence—Unsafe Place.

10 Misc. 736; (64 St. Rep. 506; 31 Supp. 803).

Negligence — Of Parent — Imputed to Child.

12 Misc. 76; (66 St. Rep. 688; 33 Supp. 54).
12 App. Div. 156; (76 St. Rep. 667; 43 Supp. 667).

Kursheedt v. Union Dime Sav. Inst., 118 N. Y. 358; 28 St. Rep. 933.

Cited, Dower—Upon What Based, and When Attaches.

81 Hun, 262; (62 St. Rep. 756; 30 Supp. 793).

Kurzman v. N. Y. & Rockaway Beach R. Co., 6 Misc. 440; 58 St. Rep. 584; 27 Supp. 132.

Cited, 32 Supp. 1145.

Kunzmann v. N. Y. & Rockaway Beach R. Co., 8 Misc. 639; 60 St. Rep. 822; 29 Supp. 327.

Cited, Trial—Question of Fact—Negligence—Passenger.

11 Misc. 718; (65 St. Rep. 876; 32 Supp. 1145).

Kunzmann v. N. Y. & Rockaway Beach R. Co., 11 Misc. 718; 65 St. Rep. 876; 32 Supp. 1145.

Kursheedt v. Union Dime Savings Inst., 118 N. Y. 358.

Cited, Foreclosure—Lis Pendens—Effect on Person Not Made Party.

17 App. Div. 150; (79 St. Rep. 301; 45 Supp. 311).

Kurtz v. McGuire, 5 Duer. 660.

Cited, Pleading—Complaint—Irrelevant Allegation—Striking Out.

50 St. Rep. 221. 51 St. Rep. 598; (22 Supp. 527). 5 Misc. 424; (26 Supp. 711).

Kurtzman, Matter of, 2 St. Rep. 655.

Cited, Executors—Contempt—Failure to Pay Moneys—Excuse.

1 App. Div. 30; (71 St. Rep. 61; 36 Supp. 529).

Kurz v. Fish, 49 St. Rep. 870; 21 Supp. 656.

Kusselewskey v. Fabricant, 8 Misc. 104; 61 St. Rep. 745; 29 Supp. 1091.

Kutner v. Fargo, 20 Misc. 207; 79 St. Rep. 753; 45 Supp. 753.

Kyle v. Kyle, 67 N. Y. 400.

Cited, Executors—Personal Claim—Burden of Proof.

86 Hun, 327; (67 St. Rep. 208; 33 Supp. 495). 19 Misc. 337; (78 St. Rep. 368; 44 Supp. 368).

L

Labalt v. Schulhof, 22 St. Rep. 532; 4 St. Rep. 819.

Cited, Attachment—Affidavit—Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416).

Labatut v. Delatour, 54 How. 435.

Cited, Trusts—Improvements—Right of Trustee Respecting.

80 Hun, 534; (62 St. Rep. 612; 30 Supp. 638).

La Bau v. Vanderbilt, 3 Redf. 399.

Cited, Wills—Probate of Will—Declarations of Legatee.

11 Misc. 191; (66 St. Rep. 552; 32 Supp. 1097).

Wills — Testamentary Capacity — Presumption.

16 Misc. 183; (38 Supp. 1133).

La Beau v. People, 34 N. Y. 223.

Cited, Witness—Cross-examination—Discretion.

7 App. Div. 605; (74 St. Rep. 740; 40 Supp. 179).

Labouisse v. Evening Post Pub. Co., 10 App. Div. 30; 75 St. Rep. 1076; 41 Supp. 688.

Labowitz v. Frankfort, 4 Misc. 275; 53 St. Rep. 525; 23 Supp. 1038.

Labowitz v. Solomon, 4 Misc. 324; 53 St. Rep. 528; 23 Supp. 1040.

Labro v. Campbell, 17 St. Rep. 749; 2 Supp. 129.

Cited, Landlord and Tenant—Unlawful Entry—Treble Damages.

16 Misc. 323; (73 St. Rep. 572; 37 Supp. 952).

Labron v. Woram, 1 Hill, 91.

Cited, Bills and Notes—Endorsers—Order of Liability.

84 Hun, 142; (65 St. Rep. 692; 32 Supp. 418).

La Capelle v. Burpee, 69 Hun, 436; 52 St. Rep. 701; 23 Supp. 453.

Lachaise v. Marks, 4 E. D. Smith, 610.

Cited, Partnership—Special—Withdrawal—Statute Construed.

73 Hun, 226; (57 St. Rep. 124; 25 Supp. 1088).

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Lachenmeyer v. Lachenmeyer, 65 How. 422.

Cited, Attorneys—Authority—Execution—Costs.

6 Misc. 53; (56 St. Rep. 608; 26 Supp. 730).
Alimony—Recovery—Death of Wife.
19 Misc. 654; (78 St. Rep. 409; 44 Supp. 409).

La Chicotte v. Richmond Railway & Electric Co., 15 App. Div. 380; 78 St. Rep. 75; 44 Supp. 75.

Lachman v. Irish, 72 Hun, 491; 54 St. Rep. 856; 25 Supp. 193.

Lackawanna Mills v. Weil, 78 Hun, 348; 60 St. Rep. 726; 29 Supp. 114.

Cited, Bills and Notes—Effect of Taking on Obligation.

88 Hun, 257; (68 St. Rep. 699; 34 Supp. 719).

Lacour v. New York, 3 Duer. 406.

Cited, 14 App. Div. 142; (77 St. Rep. 452; 43 Supp. 452)

La Croy v. N. Y., Lake Erie & W. R. Co., 132 N. Y. 570; 43 St. Rep. 711.

Cited, Master and Servant—Contributory Negligence—Disobedience of Rules.

70 Hun, 533; (53 St. Rep. 788; 24 Supp. 405).

Master and Servant—Inspection of Brakes by Brakeman—Opportunity For.

67 Hun, 133; (51 St. Rep. 368; 22 Supp. 50).

Lacustrine Fertilizer Co. v. Lake Guano & Fer. Co., 16 Hun, 484.

Cited, Appeal—Demurrer—Judgment.

68 Hun, 507; (52 St. Rep. 601; 22 Supp. 1016).

Appeal—When Appeal Lies—Order Sustaining Demurrer.

9 Misc. 337; (60 St. Rep. 608; 29 Supp. 705).

Lacustrine Fertilizer Co. v. Lake Guano & Fer. Co., 82 N. Y. 476.

Cited, Real Property — Records — Bona Fide Purchaser.

73 Hun, 552; (56 St. Rep. 187 26 Supp. 143). 4 App. Div. 13; (73 St. Rep. 674; 38 Supp. 306). 10 Misc. 114; (62 St. Rep. 527; 30 Supp. 925). 10 Misc. 377; (64 St. Rep. 120; 31 Supp. 436).

Deeds—Consideration — Recitals — Prima Facie Evidence.

10 App. Div. 5 8; (76 St. Rep. 338; 42 Supp. 333). 17 App. Div. 149; (79 St. Rep. 300; 45 Supp. 300).

Equity—Jurisdiction—Legal Title.

17 App. Div. 281; (79 St. Rep. 679; 45 Supp. 679).

Lacy v. Getman, 119 N. Y. 109; 28 St. Rep. 546.

Cited, Contracts—Personal Trust and Confidence—Descendibility.

7 Misc. 667; (58 St. Rep. 809; 28 Supp. 12). 87 Hun, 47; (68 St. Rep. 151; 34 Supp. 271). D. 87 Hun, 49; (68 St. Rep. 152; 34 Supp. 273).

Contracts—Termination—Employment by Firm—Death of Partner.

4 Misc. 100; (53 St. Rep. 131; 23 Supp. 1011; 30 Abb. N. C. 302).

Partnership—Dissolution—Termination of Contracts.

76 Hun, 180; (57 St. Rep. 335; 27 Supp. 571).

Ladd v. Aetna Life Ins. Co., 70 Hun, 490; 53 St. Rep. 744; 24 Supp. 381.

Affirmed, 147 N. Y. 478; 70 St. Rep. 69.

Ladd v. Aetna Ins. Co., 147 N. Y. 478; 70 St. Rep. 69.

Cited, Insurance—Standard Policy—Liberal Construction.

9 App. Div. 397; (75 St. Rep. 733; 41 Supp. 320).

Ladd v. Arkell, 37 Super. 35.

Cited, Agency—Authority.

81 Hun, 352; (63 St. Rep. 152; 30 Supp. 898).

Ladd v. Arkell, 40 Super. 150.

Cited, Agency—Authority.

81 Hun, 352; (63 St. Rep. 152; 30 Supp. 898).

Ladd v. Stevenson, 112 N. Y. 325; 20 St. Rep. 746.

Cited, Judgment — Opening — Power of Courts.

5 Misc. 359; (55 St. Rep. 511; 25 Supp. 751). 5 Misc. 115; (25 Supp. 739). 2 Misc. 408; (50 St. Rep. 515; 21 Supp. 964). 91 Hun, 363; (70 St. Rep. 778; 36 Supp. 314). 92 Hun, 84; (71 St. Rep. 805; 36 Supp. 638). 9 App. Div. 98; (75 St. Rep. 539; 41 Supp. 78).

Surrogate—Power to Open Decree.

136 N. Y. 291; (49 St. Rep. 389).

Judgment—Vacation—Power of Courts.

14 App. Div. 220, 227; (77 St. Rep. 561, 566; 43 Supp. 561, 566). D. 14 App. Div. 227; (77 St. Rep. 566; 43 Supp. 566).

Ladenburg v. Commercial Bank of Newfoundland, 148 N. Y. 202; 2 Ann. Cas. 397.

Cited, Attachment — Affidavit — Sufficiency.

16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3). 12 App. Div. 443; (76 St. Rep. 123; 43 Supp. 123).

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Ladenburg v. Commercial Bank of Newfoundland, 66 St. Rep. 153; 32 Supp. 873; 24 Civ. Pro. 234.

Ladenburg v. Commercial Bank of Newfoundland, 87 Hun, 269, 67 St. Rep. 466; 33 Supp. 821.

Cited, Attachment—Vacation—Papers on Which Motion Heard.

87 Hun, 262; (67 St. Rep. 474; 33 Supp. 830). 17 Misc. 243; (40 Supp. 1066).

Affidavit — Sufficiency — Reference to Sources of Information.

14 Misc. 77; (69 St. Rep. 555; 35 Supp. 200; 25 Civ. Pro. 20).

Attachment—Affidavit—Sufficiency.

16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3). 4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852). D. 9 App. Div. 590; (75 St. Rep. 1102; 41 Supp. 717). 12 App. Div. 481; (76 St. Rep. 412; 42 Supp. 412). 14 App. Div. 92; (77 St. Rep. 462; 43 Supp. 462). 9 App. Div. 582, 586; (41 Supp. 712, 714). 17 Misc. 735; (40 Supp. 1068; 3 Ann. Cas. 203).

Courts—Jurisdiction—Foreign Corporations.

16 Misc. 147; (74 St. Rep. 363, 564; 37 Supp. 1064, 1065; 25 Civ. Pro. 224, 225). 41 Supp. 203; (25 Civ. Pro. 366). 13 App. Div. 15; (77 St. Rep. 379; 43 Supp. 379).

Ladenburg v. Commercial Bank of Newfoundland, 2 App. Div. 477; 74 St. Rep. 267; 37 Supp. 1085.

Cited, Attachment—Vacation—Junior Creditor.

16 App. Div. 186; (78 St. Rep. 669; 44 Supp. 669).

Ladenburg v. Commercial Bank of Newfoundland, 5 App. Div. 219; 39 Supp. 119.

Cited, Attachment—Affidavit—Knowledge.

8 App. Div. 319; (75 St. Rep. 351; 40 Supp. 952).

Ladew v. Hart, 8 App. Div. 150; 40 Supp. 509.

Ladue, Matter of, 118 N. Y. 213; 28 St. Rep. 821.

Cited, Boundaries—On Highways—Side or Center Line.

23 Supp. 822. 92 Hun, 34; (72 St. Rep. 236; 36 Supp. 902). 92 Hun, 12; (73 St. Rep. 31; 37 Supp. 869). 8 App. Div. 620; (75 St. Rep. 423; 40 Supp. 1103).

Easements—Right of Way—Rights of Abutting Owner.

137 N. Y. 318; (50 St. Rep. 719).

Ladue v. Griffith, 25 N. Y. 364.

Cited, Carriers—Freight—Acceptance—Destruction.

68 Hun 601; (52 St. Rep. 583; 23 Supp. 233).

La Farge v. Halsey, 1 Bosw. 171.

Cited, Sureties—Action Against—Counterclaim.

59 Hun, 372; (69 St. Rep. 826; 35 Supp. 414).

La Farge v. Kneeland, 7 Cow. 456.

Cited, Agent—Violation of Instructions—Liability.

10 Misc. 598; (64 St. Rep. 31; 31 Supp. 455).

La Farge v. Rickert, 5 Wend. 187.

Cited, Evidence—Parol to Vary Writing.

4 Misc. 170; (53 St. Rep. 221; 23 Supp. 882).

La Fayette v. Gaffney, 47 Hun, 583.

Cited, Evidence—Competency—Repairs.

20 Misc. 603.

La Fetra v. Glover, 10 Misc. 70; 62 St. Rep. 264; 31 Supp. 150.

Lafferty v Lafferty, 5 Redf. 326.

Cited, Wills—Probate—Who May Contest.

4 App. Div. 431; (39 Supp. 509).

Lafflin v. Buffalo, S. W. & R. Co., 106 N. Y. 136; 8 St. Rep. 596.

Cited, Carriers—Liability to Passenger—Appliances—Negligence.

9 Misc. 270; (61 St. Rep. 516; 29 Supp. 740).

7 Misc. 105; (57 St. Rep. 483; 27 Supp. 411). 12 App. Div. 327; (76 St. Rep. 432; 42 Supp. 432).

5 App. Div. 352; (39 Supp. 311). 153 N. Y. 269.

15 App. Div. 81; (78 St. Rep. 265; 44 Supp. 265).

Lafflin v. Buffalo, Etc., R. Co., 106 N. Y. 136; 8 St. Rep. 596.

D. 9 Misc. 13; (59 St. Rep. 741; 29 Supp. 24). D. 81 Hun, 550; (63 St. Rep. 291; 30 Supp. 1103).

Master and Servant—Machinery—Knowledge of Dangerous Condition

4 Misc. 164; (53 St. Rep. 197; 23 Supp. 790).

Railroads—Adoption of Improved Appliances.

67 Hun, 635; (51 St. Rep. 105; 22 Supp. 475). 81 Hun, 446; (63 St. Rep. 324; 31 Supp. 83). 88 Hun, 320; (68 St. Rep. 419; 34 Supp. 409).

Wharves—Injury to Vessel—Liability.

60 St. Rep. 300.

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Negligence—Contributory—Darkness.
D. 13 Misc. 110; (68 St. Rep. 105; 34 Supp. 121).

Negligence—Unforeseen Accident.
15 Misc. 89; (71 St. Rep. 514; 36 Supp. 456).
4 App. Div. 241; (74 St. Rep. 57; 38 Supp. 435). 151 N. Y. 434.

La Flamme v. Albany, 91 Hun, 65; 71 St. Rep. 706; 36 Supp. 686.

Lafin v. Griffiths, 35 Barb. 58.
Cited, Fixtures—Mortgagor and Mortgagee—Rule.

8 Misc. 386; (59 St. Rep. 869; 29 Supp. 1108; 31 Abb. N. C. 389).

Fixtures—Wrongful Removal—Rights of Mortgagee.

15 Misc. 170; (72 St. Rep. 173; 37 Supp. 20).

Lafin v. Travelers Ins. Co., 121 N. Y. 713; 31 St. Rep. 900.

Distinguished, Service—Foreign Corporations.

1 App. Div. 136; (73 St. Rep. 448; 37 Supp. 833).

La Follette v. Noble, 13 Misc. 574; 69 St. Rep. 122; 34 Supp. 955.

Cited, Contracts—Rescission—Return.
17 Misc. 606; (75 St. Rep. 55; 40 Supp. 654). 19 Misc. 152; (77 St. Rep. 206; 43 Supp. 206).

Lafond v. Deems, 81 N. Y. 507.

Cited, Associations—Unincorporated—Partnership.

71 Hun, 477; (54 St. Rep. 393; 24 Supp. 973).

Injunction—Right to—Religious Corporations—Officers.

9 Misc. 635; (62 St. Rep. 343; 30 Supp. 886). 20 Misc. 188; (79 St. Rep. 861; 45 Supp. 861).

Lafort v. Carpenter, 91 Hun, 76; 71 St. Rep. 370; 36 Supp. 168.

Lafrentz v. Mass, 26 Supp. 739; 23 Civ. Pro. 238.

La Frombois v. Jackson, 8 Cow. 589.
Cited, Adverse Possession—What Constitutes.

85 Hun, 570; (66 St. Rep. 799, 800; 33 Supp. 127, 128). 12 App. Div. 109; (76 St. Rep. 533; 42 Supp. 533).

Lagerquist v. U. S. Industrial Insurance Co., 89 Hun, 25; 69 St. Rep. 431; 35 Supp. 38.

Lagrange, Matter of, 45 How. 301.

Cited, Criminal Law—Arrest—Immunity from.

79 Hun, 412; (61 St. Rep. 502; 29 Supp. 796).

Lahey v. Central Park, N. & E. R. Co., 2 Misc. 537; 51 St. Rep. 589; 22 Supp. 380.

Lahey v. Kortright, 13 Civ. Pro. 352.
Cited, Pleading—Bill of Particulars—When Ordered.

92 Hun, 507; (72 St. Rep. 203; 37 Supp. 51).

Lahey v. Kortright, 132 N. Y. 450; 44 St. Rep. 603.

Cited, Wills—Power of Sale—Passing to Substituted Trustee.

89 Hun, 542; (70 St. Rep. 417; 35 Supp. 623).

Lahey v. Ottman, 73 Hun, 61; 56 St. Rep. 109; 25 Supp. 897.

Lahr, Matter of, 104 N. Y. 287.

Cited, 150 N. Y. 155.

Lahr v. Met. El. Co., 104 N. Y. 268; 4 St. Rep. 340.

Cited Constitutional Law—Powers of Legislature—Property Rights—Taking of Private Property—Compensation.

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Damages—Elevated Railway—Easement—Passage of Trains.

137 N. Y. 156; (50 St. Rep. 207).

Easements—Streets—Abutting Owners.

9 Misc. 618; (62 St. Rep. 82; 30 Supp. 430). 80 Hun, 314; (61 St. Rep. 855; 30 Supp. 94). 135 N. Y. 394; (48 St. Rep. 422).

Highways—Use of Water Pipes—Power of Legislature.

66 Hun, 623; (48 St. Rep. 198; 20 Supp. 562).

Railways—Additional Burden—Rights of Abutter.

14 Misc. 296; (70 St. Rep. 443; 35 Supp. 708).

Laible v. N. Y. C. & H. R. R. Co., 13 App. Div. 574; 77 St. Rep. 1003; 43 Supp. 1003.

Laidlaw v. Sage, 73 Hun, 125; 56 St. Rep. 63; 25 Supp. 955.

Cited, Assault—Using Another as Shield—Liability.

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Assault—Liability—What Must Be Shown.

2 App. Div. 376; (73 St. Rep. 470; 37 Supp. 772).

Laidlaw v. Sage, 80 Hun, 550; 62 St. Rep. 374; 30 Supp. 496.

Cited, Trespass—Use of Another as Shield—Liability.

2 App. Div. 376; 73 St. Rep. 471; 37 Supp. 772).

Duplicate Citations in Parenthesis.

- Laidlaw v. Sage**, 2 App. Div. 374; 73 St. Rep. 469; 37 Supp. 770.
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 12 App. Div. 504; (76 St. Rep. 247; 42 Supp. 247).
- Laidley v. Rogers**, 51 St. Rep. 228; 22 Supp. 468; 23 Civ. Pro. 110.
- Laimbeer v. New York**, 4 Sandf. 109.
Cited, Municipal Corporations—Officers—Removal.
 15 Misc. 13; (72 St. Rep. 267; 36 Supp. 1118).
- Laimbeer v. Tailer**, 4 Supp. 588.
Cited, Landlord and Tenant—Holding Over—Term.
 18 Misc. 73; (75 St. Rep. 488; 41 Supp. 32).
- Laing v. Butler**, 37 Hun, 144.
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Cited, Agency—Authority.
 10 App. Div. 522; (76 St. Rep. 301; 42 Supp. 301).
- Laing v. Rush**, 50 St. Rep. 351; 21 Supp. 822.
- Laird v. Arnold**, 25 Hun, 4.
Cited, Executors—Claim for Funeral Expenses—Relation of Holder to Estate.
 15 Misc. 604; (72 St. Rep. 821; 38 Supp. 192).
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 2 App. Div. 16; (73 St. Rep. 237; 37 Supp. 641). 18 Misc. 140; (41 Supp. 1093).
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 71 Hun, 398; (55 St. Rep. 35; 25 Supp. 28).
 Executors—Accounting—Holder of Claim for Funeral Expenses.
 15 Misc. 604; (72 St. Rep. 821; 38 Supp. 192). 18 Misc. 140; (75 St. Rep. 1440; 41 Supp. 1093).
- Laird v. Arnold**, 42 Hun, 136; 3 St. Rep. 376.
Cited, Executors and Administrators—Accounting—Funeral Expenses.
 1 Misc. 32; (22 Supp. 1083). 2 App. Div. 16; (73 St. Rep. 237; 37 Supp. 641).
- Laird v. McGeorge**, 16 Misc. 70; 73 St. Rep. 80; 37 Supp. 631.
- Lajos v. Eden Musee American Co.**, 10 Misc. 148; 62 St. Rep. 494; 30 Supp. 916.
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- Lake v. McElfatrick**, 139 N. Y. 349; 54 St. Rep. 610.
- Lake v. Tysen**, 6 N. Y. 461.
Cited, Evidence—Presumption—Accounting and Settlement—Giving Note.
 74 Hun, 140; (56 St. Rep. 306; 26 Supp. 239). 4 Misc. 36; (23 Supp. 835). 11 Misc. 342; (65 St. Rep. 458; 32 Supp. 265). 90 Hun, 7; (69 St. Rep. 851; 35 Supp. 363). 8 App. Div. 73; (40 Supp. 462).
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 79 Hun, 262; (61 St. Rep. 20; 29 Supp. 414).
- Lake v. Williamsburgh, Trustees of**, 4 Den. 520.
Cited, Municipal Corporations—Local Improvements—Assessment.
 139 N. Y. 139; (54 St. Rep. 513).
 Municipal Corporations—Insufficient Assessments—Contractor's Remedy.
 144 N. Y. 66; (63 St. Rep. 40). 11 App. Div. 382; (76 St. Rep. 96; 42 Supp. 96).
- Lake Ontario, Auburn & N.Y.R. Co. v. Mason**, 16 N. Y. 451.
Cited, Corporations—Incorporation—Payment of Subscriptions.
 136 N. Y. 476; (49 St. Rep. 843).
 Corporations—Subscription to Stock—Validity—Payment of Percentage.
 9 Misc. 425; (61 St. Rep. 707; 30 Supp. 264).
- Lake Ontario Nat. Bank v. Judson**, 122 N. Y. 278; 33 St. Rep. 459.
Cited, Trial—Right to Open and Close—Test.
 9 Misc. 265; (61 St. Rep. 317; 29 Supp. 741).
 6 App. Div. 588; (39 Supp. 542).
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 6 App. Div. 587; (39 Supp. 541).
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 17 Misc. 35; (39 Supp. 212).
- Lake Ontario Shore R. Co. v. Curtis**, 80 N. Y. 219.
Cited, Corporations—Stockholders—Creation of Relation.
 71 Hun, 375; (55 St. Rep. 25; 25 Supp. 21)
- Lake Shore & Mich. S. R. Co., Matter of**, 89 N. Y. 442.
Cited, Appeal — Extent of Review — Change of Route of Railroad.
 68 Hun, 395; (51 St. Rep. 890; 23 Supp. 34).
- Lake Shore & Mich. S. R., Matter of**, 65 Hun, 538; 43 St. Rep. 360; 20 Supp. 573.
Cited, Eminent Domain—Costs.
 83 Hun, 413; (64 St. Rep. 419; 31 Supp. 749).
 11 Misc. 65; (65 St. Rep. 262; 32 Supp. 183; 24 Civ. Pro. 121). 19 Misc. 232; (77 St. Rep. 1074; 43 Supp. 1074).
- Lake Shore & Mich. S. R. Co., v. Dunkirk**, 65 Hun, 494; 48 St. Rep. 208; 20 Supp. 596.
Affirmed, 143 N. Y. 660; 63 St. Rep. 866.

Duplicate Citations in Parenthesis.

Cited, Pleading — Complaint — Sufficiency—Tests.

75 Hun. 428; (57 St. Rep. 345; 27 Supp. 634).

Lake Shore & Mich. S. R. Co. v. Roach, 80 N. Y. 339.

Cited, Statutes—Construction—Letter — Intent.

67 Hun. 181; (51 St. Rep. 452; 22 Supp. 420).

Taxes—Assessment—Review of.

7 Misc. 201; (56 St. Rep. 520; 27 Supp. 214).
81 Hun. 309, 313; (27 Supp. 211, 214).

Taxes—Collector's Warrant—Irregularity not Patent.

7 Misc. 201; (56 St. Rep. 520); 27 Supp. 211).

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4 App. Div. 536; (74 St. Rep. 631; 40 Supp. 22).

Lake Superior Iron Co. v. Drexel, 90 N. Y. 87.

Cited, Corporations — Stockholder's Liability—Overvaluation.

11 Misc. 496, 497; (64 St. Rep. 463; 32 Supp. 720, 721). 151 N. Y. 66.

Corporations — Overvaluation of Property—Question of Fact.

85 Hun. 41; (66 St. Rep. 134; 32 Supp. 624).

Corporations — Stockholder's Liability — Overvaluation—What Must be Shown.

86 Hun. 59; (68 St. Rep. 49; 34 Supp. 204).

Corporations — Stockholder's Liability — Overvaluation.

86 Hun. 62; (68 St. Rep. 51; 34 Supp. 205).

Lakeside Paper Co. v. State, 15 App. Div. 169; 78 St. Rep. 281; 44 Supp. 281.

Lalleman v. Fire, 14 Daly 43; 11 Civ. Pro. 217.

Cited, Action — Removal From District Court to Common Pleas — Pleadings — Amendment.

3 Misc. 330; (53 St. Rep. 632; 23 Supp. 335; 23 Civ. Pro. 9).

Lally v. Emery, 54 Hun. 517; 28 St. Rep. 127; 8 Supp. 135.

Cited, Evidence — Relevancy — Libel — Good Faith.

71 Hun. 492; (54 St. Rep. 907; 24 Supp. 165).

Lally v. Emery, 79 Hun. 560; 61 St. Rep. 576; 29 Supp. 888.

Affirmed, 151 N. Y. 653.

Lallman v. Hovey, 92 Hun. 419; 71 St. Rep. 576; 36 Supp. 662.

La Manna v. Nat. Security L. & Accident Co., 10 Supp. 221.

Cited, Contracts — Interpretation — Life Insurance Policies.

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Lamb, Matter of, 51 Hun. 633; 22 St. Rep. 650; 4 Supp. 858.

Affirmed, 121 N. Y. 703; 31 St. Rep. 996.

Cited, Taxes—Validity—Confirmation by Statute.

139 N. Y. 135; (54 St. Rep. 511). 10 App. Div. 583; (76 St. Rep. 65; 42 Supp. 65).

Lamb, Matter of, 10 Misc. 633; 65 St. Rep. 460; 32 Supp. 225.

Lamb v. Camden & Amboy R. & T. Co., 46 N. Y. 271.

Cited, Evidence — Burden of Proof—Shifting.

60 St. Rep. 98; 3 Misc. 461; (52 St. Rep. 443; 23 Supp. 181).

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86 Hun. 558; (67 St. Rep. 518; 33 Supp. 772).

Trial—Burden of Proof.

86 Hun. 520; (67 St. Rep. 668; 33 Supp. 987).

Lamb v. Connolly, 122 N. Y. 531; 34 St. Rep. 140.

Cited, Constitutional Law—Taxes.

13 Misc. 695; (69 St. Rep. 172; 34 Supp. 1091).

Lamb v. Hirschberg, 1 Misc. 108; 48 St. Rep. 658; 20 Supp. 678.

Cited, Principal and Agent—Authority — Proof.

54 St. Rep. 243; (24 Supp. 558). 15 Misc. 134; (71 St. Rep. 439; 36 Supp. 473).

Lamb v. Hirschberg, 1 App. Div. 519; 72 St. Rep. 609; 37 Supp. 283.

Lamb v. Kelsey, 54 N. Y. 645.

Cited, Fraud—Representations—Reliance on.

3 Misc. 152; (51 St. Rep. 491; 22 Supp. 710).

Lamb v. Lamb, 131 N. Y. 227; 43 St. Rep. 112.

Cited, Wills — Construction — Residuary Clause.

72 Hun. 574; (55 St. Rep. 229; 25 Supp. 542). 68 Hun. 440; (53 St. Rep. 675; 23 Supp. 100). 82 Hun. 487; (64 St. Rep. 194; 31 Supp. 558). 153 N. Y. 255.

Wills—Construction—Preserving Estate.

4 Misc. 561; (25 Supp. 844). 144 N. Y. 625; (64 St. Rep. 220). 146 N. Y. 131; (66 St. Rep. 268). 15 Misc. 320; (73 St. Rep. 123; 37 Supp. 584). 20 Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Duplicate Citations in Parenthesis.

Lamb v. Lamb, 146 N. Y. 317; 66 St. Rep. 634.

Cited, Landlord and Tenant—Use and Occupation—When Maintainable.

20 Misc. 423; (79 St. Rep. 1047; 45 Supp. 1047).

Lamb v. Lamb, 76 Hun, 186; 57 St. Rep. 335; 27 Supp. 575.

Affirmed, 146 N. Y. 317; 66 St. Rep. 634.

Lamb v. O'Reilly, 13 Misc. 212; 68 St. Rep. 114; 34 Supp. 235.

Cited, Conversion—Pledged Property.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 454).

Lamb v. Traitel, 12 Misc. 140; 66 St. Rep. 359; 32 Supp. 1075.

Lambert v. Craft, 32 Hun, 466.

Cited, Executors—Claims Against Estate—Account Stated.

81 Hun, 521; (63 St. Rep. 430; 31 Supp. 41).

Lambert v. Craft, 98 N. Y. 342; 7 Civ. Pro. 364.

Cited, Surrogate's Court—Jurisdiction—Validity of Claims.

9 Misc. 386; (61 St. Rep. 681; 30 Supp. 275). 4 Misc. 340; (24 Supp. 311). 5 Misc. 156; (25 Supp. 720).

Executive—Claims against Estate—Account Stated.

81 Hun, 520, 521; (63 St. Rep. 429, 430; 31 Supp. 40, 41). 16 App. Div. 36; (78 St. Rep. 806; 44 Supp. 806).

Surrogate—Proceedings to Compel Payment of Debt.

83 Hun, 150; (63 St. Rep. 860; 31 Supp. 412).

Lambert v. Hoffman, 20 Misc. 331; 79 St. Rep. 806; 45 Supp. 806.

Lambert v. Paulding, 18 Johns. 311.

Cited, Execution—Lien—To What Attaches—When Effectual.

2 Misc. 404; (50 St. Rep. 587; 21 Supp. 981).

Lambert v. People, 9 Cow. 578.

Cited, Conspiracy—Criminal—Commission of Felony—Merger.

7 Misc. 479; (57 St. Rep. 723; 28 Supp. 398; 31 Abb. N. C. 178)

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Lambert v. People, 76 N. Y. 220, 231.

Cited, Officers—De Facto—Conclusiveness of Acts.

14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071).

Evidence—Fraud—Statements of Person Referred to.

19 Misc. 285; (77 St. Rep. 70; 43 Supp. 70).

Lambert v. Staten Island R. Co., 70 N. Y. 104.

Cited, Negligence—Violation of Statute—Liability.

16 Misc. 60; (74 St. Rep. 818; 38 Supp. 1008).

Lamerson v. Marvin, 8 Barb. 9

Cited, Vendor and Purchaser—Defective Title—Action for Purchase Price—Defense.

88 Hun, 403; (63 St. Rep. 817; 34 Supp. 806)

Lametti v. Anderson, 6 Cow. 302.

Cited, Covenants—Running with Land.

11 App. Div. 163; (76 St. Rep. 652; 42 Supp. 652).

Lamkin v. Douglas, 27 Hun, 527.

Cited, Attachment—Affidavit—Sufficiency.

86 Hun, 399; (67 St. Rep. 220; 33 Supp. 507).

Lamkin v. Oppenheim, 86 Hun, 27; 67 St. Rep. 233; 33 Supp. 367.

Lamkin v. Rosenthal, 5 App. Div. 532; 39 Supp. 483.

Lammer v. Stoddard, 103 N. Y. 672; 4 St. Rep. 235.

Cited, Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 214; (56 St. Rep. 822). 5 App. Div. 585; (39 Supp. 379).

Limitation of Action—When Statute Runs—Trusts.

142 N. Y. 10; (58 St. Rep. 430). 83 Hun, 164; (64 St. Rep. 317; 31 Supp. 653) 15 Misc. 562; (74 St. Rep. 303; 37 Supp. 1133).

Lamming v. Galusha, 81 Hun, 247; 62 St. Rep. 700; 30 Supp. 767.

Affirmed, 151 N. Y. 648.

Lamming v. Galusha, 135 N. Y. 239; 47 St. Rep. 831.

Reversing, 63 Hun, 32.

Cited, Action—Joinder of Causes—Arising Out of Same Transaction.

70 Hun, 26; (53 St. Rep. 441; 23 Supp. 1123). 10 App. Div. 517; (75 St. Rep. 1438; 41 Supp. 1091).

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12 Misc. 416; (67 St. Rep. 574; 33 Supp. 705).

Lamming v. Galusha, 47 St. Rep. 831; 17 Supp. 328.

Cited, 17 App. Div. 189; (79 St. Rep. 369; 45 Supp. 369).

Lansing v. Smith, 4 Wend. 9.

Cited, Nuisance—Common—Rights of Private Individual.

147 N. Y. 664; (71 St. Rep. 23).

Duplicate Citations in Parenthesis.

Lamont v. Cheshire, 65 N. Y. 30.

Cited, Ejectment—Defense—Equitable.

17 Misc. 427; (39 Supp. 714).

L'Amoureux v. Grosby, 2 Paige, 422.

Cited, Lunatics—Validity of Contracts.

19 Misc. 75; (78 St. Rep. 93; 44 Supp. 93).

L'Amoureux v. Vanderburgh, 7

Paige, 316.

Cited, Estoppel—Equitable—Silence.

69 Hun, 529; (52 St. Rep. 851).

Lamourieux v. Hewitt, 5 Wend. 307.

Cited, Bonds—Negotiability—Covenants in Collateral Instrument—Availability.

72 Hun, 73; (55 St. Rep. 859; 25 Supp. 613).

Lamphere v. Clark, 77 Hun, 506; 60 St.

Rep. 761; 29 Supp. 107.

Reversed, 149 N. Y. 472.

Lampman v. Milks, 21 N. Y. 505.

Cited, Easements—Conveyance of Portion of Estate.

69 Hun, 531; (52 St. Rep. 853). 16 App. Div. 417; (79 St. Rep. 35; 45 Supp. 35). 151 N. Y. 398.

Easements—Right of Way—Implied.

16 Misc. 645; (40 Supp. 759).

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Co. v. Conynham, 10 Misc. 772; 62 St. Rep. 516.

Lamson Consolidated Store Service

Co. v. Conyngham, 11 Misc. 428; 65 St. Rep. 271; 32 Supp. 129.

Lamson Consolidated Store Service

Co. v. Hartung, 45 St. Rep. 50; 18 Supp. 143.

Cited, Evidence—Parol to Vary Writing.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1095). 1 Misc. 95; (47 St. Rep. 120; 19 Supp. 659). 7 Misc. 634; (58 St. Rep. 327; 28 Supp. 37).

Evidence—Parol—In Aid of Writing.

2 Misc. 61; (49 St. Rep. 712). 15 Misc. 132; (71 St. Rep. 502; 36 Supp. 487).

Evidence—Parol—Concerning Writings—Prior and Collateral Agreement.

2 Misc. 256; (50 St. Rep. 340; 21 Supp. 930).

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Co. v. Hartung, 46 St. Rep. 191; 19 Supp. 233.

Cited, Evidence—Parol—Written Agreement.

12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1077). 15 Misc. 132; (71 St. Rep. 502; 36 Supp. 487). D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683).

Lanahan v. Henry Zeltner Brewing Co., 20 Misc. 551.

Affirming, 20 Misc. 712.

Lancaster v. Amsterdam Improvement Co., 140 N. Y. 576; 56 St. Rep. 434.

Reversing, 72 Hun, 18; 55 St. Rep. 69; 25 Supp. 309.

Cited, Corporations—Foreign—Doing Business Within State.

88 Hun, 256; (68 St. Rep. 699; 34 Supp. 718).

Lancaster, Village of, v. Richardson, 4 Lans. 136.

Cited, Real Property—Ownership of Trees in Street.

5 Misc. 61; (25 Supp. 115). 62 St. Rep. 274; (30 Supp. 442).

Realty—Ownership to Center of Street.

86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895).

Highways—Cutting Trees—Liability of Owner of Fee.

D. 86 Hun, 433; (67 St. Rep. 627; 33 Supp. 898).

Lance v. Shaughnessey, 86 Hun, 411; 67 St. Rep. 171; 33 Supp. 515.

Affirmed, 153 N. Y. 653.

Lancey v. Clark, 64 N. Y. 209.

Cited, Bills and Notes—Rights of Transferee—For Accommodation.

76 Hun, 545; 58 St. Rep. 245; 23 Supp. 212).

Landau v. Levy, 1 Abb. 376.

Cited, Pleading—Misjoinder of Causes.

82 Hun, 368; (64 St. Rep. 85; 31 Supp. 476).

Landers v. Cooper. See *Sanders v. Cooper*.

Landers v. Frank St. Methodist Church, 114 N. Y. 626.

Cited, Religious Associations—Officers—When Acts Official.

147 N. Y. 586; (70 St. Rep. 347).

Landers v. Staten Island R. Co., 53 N. Y. 450.

Cited, Courts—Local—Jurisdiction—Service—Of Process.

139 N. Y. 424; (54 St. Rep. 694). 3 App. Div. 420; (74 St. Rep. 174; 38 Supp. 766).

12 App. Div. 71; (76 St. Rep. 863; 43 Supp. 863).

Courts—Local—Want of Jurisdiction—Effect of Appearance.

16 App. Div. 619; (78 St. Rep. 1059; 44 Supp. 1059).

Duplicate Citations in Parenthesis.

Landon v. Townshend, 112 N. Y. 93; 20 St. Rep. 223.

Cited, Action—Parties—Representatives. 5 Misc. 310; (25 Supp. 1108). 11 Misc. 164; (67 St. Rep. 296; 33 Supp. 552; 1 Ann. Cas. 111).

Estoppel — By Record — Judgment — Privity.

7 Misc. 14; (56 St. Rep. 843; 27 Supp. 336). Judgment—Res Adjudicata—Parties.

135 N. Y. 321; (48 St. Rep. 372). 82 Hun, 149; (63 St. Rep. 766; 31 Supp. 317). 153 N. Y. 173.

Mortgage — Foreclosure — Ineffectual — Representative Character of Defendant.

139 N. Y. 154; (54 St. Rep. 668). 83 Hun, 475, 479; (65 St. Rep. 80, 83; 31 Supp. 1050, 1053).

Landon v. Walmuth, 76 Hun, 271; 59 St. Rep. 87; 27 Supp. 717.

Cited, Costs—Submission.

79 St. Rep. 1107; (45 Supp. 1107).

Landsberger v. Murray, 6 Misc. 605; 56 St. Rep. 622; 25 Supp. 1007.

Landsburg v. Sansone, 18 Misc. 576; 76 St. Rep. 470; 42 Supp. 470.

Lane, Matter of, 20 Supp. 78; 2 Con. 266.

Cited, Executors and Administrators—Payment of Legacies—Time and Mode of—Form of Decree.

1 Misc. 74; (54 St. Rep. 237; 22 Supp. 1066).

Lane, Matter of, Surr. Dec. 1891, p. 388.

Cited, Executors and Administrators—Temporary — Compensation — Specified Bequests.

7 Misc. 263; (59 St. Rep. 373; 27 Supp. 1009).

Lane v. Beam, 19 Barb. 51.

Cited, Pleading—Amendments.

10 Misc. 72; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 86).

Lane v. Hancock, Town of, 29 St. Rep. 635; 9 Supp. 97.

Cited, Action—Change of Venue—Convenience of Witnesses.

76 Hun, 118; (57 St. Rep. 382; 27 Supp. 834).

Appeal — Review of Facts — Conflicting Affidavits—Change of Venue.

78 Hun, 39; (60 St. Rep. 484; 23 Supp. 1034). 77 Hun, 582; (60 St. Rep. 538; 28 Supp. 1043).

Appeal—Review of Discretionary Determinations—Change of Venue.

50 St. Rep. 447; (21 Supp. 288). 88 Hun, 5 3; (68 St. Rep. 622; 34 Supp. 658).

Lane v. Hancock, Town of, 142 N. Y. 510; 60 St. Rep. 112.

Reversing, 67 Hun, 623; 51 St. Rep. 112; 22 Supp. 470.

Cited, 84 Hun, 401; (65 St. Rep. 660; 32 Supp. 474)

Municipal Corporations—Highways—Absence of Guards—Liability.

82 Hun, 312, 313; (63 St. Rep. 554, 555; 31 Supp. 236, 237). 83 Hun, 213; (64 St. Rep. 354; 31 Supp. 757). 17 App. Div. 161; (79 St. Rep. 146; (45 Supp. 146).

Highways—Necessity of Barriers—Question of Law or Fact.

5 App. Div. 581; (39 Supp. 383).

Municipal Corporations — Highways — Care Required.

84 Hun, 5 4; (65 St. Rep. 606; 32 Supp. 343). 11 App. Div. 359; (76 St. Rep. 108; 42 Supp. 108).

Municipal Corporations—Defective Highways—Liability.

84 Hun, 513; (65 St. Rep. 606; 32 Supp. 343). 88 Hun, 525; (69 St. Rep. 33; 34 Supp. 970). 91 Hun, 11; (71 St. Rep. 222; 36 Supp. 114). 5 App. Div. 580; (39 Supp. 383). 11 App. Div. 358; (76 St. Rep. 107; 42 Supp. 107). 11 App. Div. 510; (76 St. Rep. 780; 42 Supp. 780). 79 St. Rep. 449; (45 Supp. 449). 148 N. Y. 71.

Evidence — Competency — Condition of Place.

84 Hun, 238; (65 St. Rep. 745; 32 Supp. 545).

Lane v. Humbert, 16 Daly, 186, 31 St.

Rep. 277; 9 Supp. 744; 18 Civ. Pro. 377.

Cited, Appeal—Security to Perfect.

3 Misc. 55; (51 St. Rep. 836; 22 Supp. 559; 23 Civ. Pro. 141; 29 Abb. N. C. 479). 5 Misc. 418; (25 Supp. 960).

Lane v. King, 8 Wend. 584.

Cited, Foreclosure — Growing Crops — Third Person.

135 N. Y. 392; (48 St. Rep. 527).

Lane v. Lane, 95 N. Y. 494.

Cited, Wills—Publication—Attestation.

71 Hun, 29; (53 St. Rep. 863; 24 Supp. 505). 85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154). 13 Misc. 556; (70 St. Rep. 192; 35 Supp. 495). 16 Misc. 210; (38 Supp. 1128). 17 Misc. 549; (75 St. Rep. 675; 41 Supp. 265).

Witnesses—Competency—Death of Other Party—Bystander.

68 Hun, 582; (52 St. Rep. 576; 23 Supp. 253).

Wills—Witnesses—Executors as.

81 Hun, 503; (54 St. Rep. 902; 24 Supp. 1059).

Duplicate Citations in Parenthesis.

Lane v. Lutz, 3 Abb. Ct. App. Dec. 19.

Cited, Chattel Mortgage—Failure to File—Rights of Creditor.

69 Hun, 581; (53 St. Rep. 263; 24 Supp. 23).

Lane v. Lutz, 1 Keyes, 203.

Cited, Action—Election of Remedies—Conversion.

4 Misc. 150; (53 St. Rep. 118; 23 Supp. 687).

Estoppel—Agreement—Election—Chattel Mortgage.

4 Misc. 154; (53 St. Rep. 205; 23 Supp. 873).

Lane v. Nickerson, 17 Hun, 148.

Cited, Estoppel—Deed.

135 N. Y. 335; (48 St. Rep. 250).

Lane v. Syracuse, 12 App. Div. 113; 76 St. Rep. 219; 42 Supp. 219.

Lane v. Van Orden, 63 How. 237.

Cited, Costs—Extra Allowance—Amount—Separate Appearances.

55 St. Rep. 179; (25 Supp. 425).

Costs—Several Defendants.

67 St. Rep. 330; (33 Supp. 624; 24 Civ. Pro. 409).

Lane v. Van Orden, 11 Abb. N. C. 228.

Cited, Costs—Several Defendants.

67 St. Rep. 330; (33 Supp. 624; 24 Civ. Pro. 409).

Lane v. Wheelwright, 60 Hun, 180; 53 St. Rep. 368; 23 Supp. 576.

Affirmed, 143 N. Y. 634; 60 St. Rep. 874.

Cited, Corporations—Transfers in View of Insolvency—Foreign Corporations.

56 St. Rep. 509

Lane v. Williams, 37 Hun, 388.

Cited, Pleading—Bill of Particulars—Itemizing Damages.

2 Misc. 112; (49 St. Rep. 348; 20 Supp. 870). 9 App. Div. 616; (75 St. Rep. 1225; 41 Supp. 824).

Lane v. Williams, 20 Week Dig. 16.

Cited, Depositions—Affidavit—Who May Make.

18 Misc. 562; (76 St. Rep. 698; 42 Supp. 698).

Lane v. Young, 66 Hun, 563; 50 St. Rep. 623; 21 Supp. 838.

Cited, Justice's Court—Jurisdiction—Title to Real Property.

77 Hun, 32; (59 St. Rep. 437; 28 Supp. 238; 23 Civ. Pro. 416).

Laney v. Laney, 33 St. Rep. 673; 11 Supp. 319.

Cited, 90 Hun, 112; (70 St. Rep. 393; 35 Supp. 628).

Pleading—Description of Parties—Corporations—Mode of Raising Objection—Motion.

8 Misc. 9; (58 St. Rep. 804; 28 Supp. 66; 23 Civ. Pro. 392).

Pleading—Sufficiency—Motion to Make More Definite.

75 Hun, 428; (57 St. Rep. 345; 27 Supp. 684).

Pleading—Complaint—Sufficiency.

7 App. Div. 256; (40 Supp. 68).

Laney v. Laney, 19 Supp. 518.

Cited, 90 Hun, 111; (70 St. Rep. 392; 35 Supp. 627). 40 Supp. 58, 69.

Laney v. Rochester R. Co., 81 Hun, 346; 63 St. Rep. 148; 30 Supp. 893; 24 Civ. Pro. 156.

Lang, Matter of, 9 Misc. 521; 61 St. Rep. 675; 30 Supp. 388.

Cited, Wills—Execution—Acknowledgment.

17 Misc. 110; (75 St. Rep. 131; 40 Supp. 735).

Lang, Matter of, 144 N. Y. 275; 63 St. Rep. 694.

Reversing, 67 Hun, 107; 23 Supp. 44.

Cited, Surrogate—Jurisdiction—Repayment.

75 St. Rep. 682.

Lang v. Butler, 37 Hun, 144.

Affirmed, 108 N. Y. 637; 13 St. Rep. 900.

Cited, Principal and Agent—Knowledge of Agent—Notice to Principal.

77 Hun, 58; (59 St. Rep. 430; 28 Supp. 248).

Lang v. Eagle Fire Co., 12 App. Div. 39; 76 St. Rep. 539; 42 Supp. 539.

Lang v. Everling, 3 Misc. 530; 52 St. Rep. 489; 23 Supp. 329.

Lang v. Houston, West St. & Pavo-
nia F. R. Co., 75 Hun, 151; 58 St. Rep. 594; 27 Supp. 90.

Affirmed, 144 N. Y. 717.

Lang v. Howell, 21 Supp. 102.

Lang v. N. Y., Lake Erie & W. R. Co., 51 Hun, 603; 22 St. Rep. 110; 4 Supp. 565.

Affirmed, 123 N. Y. 656; 33 St. Rep. 1030.

Cited, Master and Servant—Liability of Master to Third Persons—Acts of Servants.

80 Hun, 278; (61 St. Rep. 851; 30 Supp. 139).

Lang v. N. Y., Lake Erie & W. R. Co., 80 Hun, 275; 61 St. Rep. 850; 30 Supp. 137.

Duplicate Citations in Parenthesis.

Lang v. Ropke, 5 Sandf. 363.

Cited, Trusts—Accumulation—Annuities.
140 N. Y. 528; (56 St. Rep. 469).

Wills—Annuity—Alienability.

70 Hun, 277; (54 St. Rep. 26; 24 Supp. 228).

Wills—Construction—Perpetuities.

3 Misc. 473; (23 Supp. 738).

Wills—Invalid in Part—Severance.

82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493). 13 App. Div. 344; (77 St. Rep. 19; 43 Supp. 19).

Lang v. Stringer, 67 Hun, 107; 51 St. Rep. 621; 23 Supp. 44.

Reversed, 144 N. Y. 275; 63 St. Rep. 694.

Lang v. Stringer, 144 N. Y. 275; 63 St. Rep. 694.

Cited, Executors—Overpayment—Jurisdiction of Surrogate.

17 Misc. 489; (41 Supp. 271).

Lang v. Wiesner, 8 App. Div. 619; 75 St. Rep. 434; 40 Supp. 1118.

Lang v. Wilbraham, 2 Duer. 171.

Cited, Wills—Construction—Perpetuities.
3 Misc. 473; (23 Supp. 739).

Langan v. Brooklyn, 98 N. Y. 623.

Cited, 6 App. Div. 137; 39 Supp. 992.

Langan v. Potter, 3 Misc. 551; 59 St. Rep. 263; 28 Supp. 752.

Langdon, Matter of. See *Hammond, Matter of*.

Langdon, Matter of, 92 Hun, 478; 72 St. Rep. 414; 36 Supp. 1074.

Langdon, Matter of, 11 App. Div. 220; 77 St. Rep. 419; 43 Supp. 419.

Affirmed, 153 N. Y. 6.

Langdon, Matter of, 153 N. Y. 6.

Langdon v. Astor's Ex'rs, 16 N. Y. 9.
Cited, Wills—Legacy—Satisfaction Before Death of Testator.

71 Hun, 360; (55 St. Rep. 17; 25 Supp. 17).
Wills—Power of Appointment—Limitation.

79 Hun, 430; (61 St. Rep. 466; 29 Supp. 998).

Langdon v. Buel, 9 Wend, 80.

Cited, Chattel Mortgage—Effect on Title.

70 Hun, 55; (53 St. Rep. 434; 23 Supp. 1080).

Langdon v. Evans, 29 Hun, 652.

Cited, Appeal—Limiting Time.

20 Misc. 512.

Langdon v. Guy, 91 N. Y. 660.

Cited, Costs—Title to Land—When Involved—Trespass—Assault.

75 Hun, 309; (56 St. Rep. 777; 27 Supp. 82).

Langdon v. New York, 92 N. Y. 427.

Cited, Municipal Corporations—Officers—Removal.

1 App. Div. 5; (72 St. Rep. 105; 36 Supp. 1003).

Langdon v. New York, 93 N. Y. 129.

Cited, Legislature—Grants—Construction—Implied Terms.

143 N. Y. 30; (60 St. Rep. 359).

Waters—Riparian Rights—Grant of Railway Right of Way—Access.

71 Hun, 163; (54 St. Rep. 370).

Wharves—New York Water Front—Private Ownership.

78 Hun, 168; (60 St. Rep. 183; 28 Supp. 980).

Wharves—Rights of Owner of Wharfage Privileges.

13 Misc. 811; (68 St. Rep. 146; 34 Supp. 267). 5 App. Div. 428; (39 Supp. 251).

Railways—Realty—Use as Public Highway.

144 N. Y. 86; (63 St. Rep. 59).

Public Lands—Grants—Effect.

135 N. Y. 257; (47 St. Rep. 819). 144 N. Y. 85; (63 St. Rep. 58). 144 N. Y. 407; (63 St. Rep. 648).

Wharves—Wharfage Privileges—Estate.
39 Supp. 10.

Langdon v. New York, 133 N. Y. 628.

Cited, Evidence—Damages—Other Property.

149 N. Y. 399.

Damages—Deprivation of Wharfage Rights.

152 N. Y. 474.

Lange v. Benedict, 73 N. Y. 12.

Cited, Judges—Personal Liability.

D. 89 Hun, 183; (68 St. Rep. 849; 34 Supp. 1036).

Lange v. Pisch, 9 Misc. 475; 61 St. Rep. 111; 30 Supp. 220.

Langerman v. McAdam, 23 Supp. 1200; 29 Abb. N. C. 424.

Affirmed, 6 Misc. 374; 56 St. Rep. 400; 26 Supp. 755.

Langerman v. McAdam, 6 Misc. 374; 56 St. Rep. 400; 26 Supp. 755.

Langford v. Broadhead, 138 N. Y. 608; 51 St. Rep. 932.

Langlin v. New York & Brooklyn Bridge, Trustees of, 10 App. Div. 529; 76 St. Rep. 353; 42 Supp. 353.

Cited, 11 App. Div. 142; (76 St. Rep. 1047; 42 Supp. 1047).

Langley v. Langley. Not reported.

Distinguished, Husband and Wife—Divorce—Alimony Pendente Lite—When Proper.

60 St. Rep. 225; (28 Supp. 856).

*Duplicate Citations in Parenthesis.***Langley v. Wadsworth**, 99 N. Y. 61.

Cited, Appeal — Exceptions — Different Grounds Urged at Trial.

1 Misc. 294; (48 St. Rep. 763; 20 Supp. 698).

Appeal—Instructions—Exceptions.

11 Misc. 17; (63 St. Rep. 454; 31 Supp. 870). 19 Misc. 167.

Langley v. Warner, 1 N. Y. 606.

Cited, Appeal—Undertaking.

135 N. Y. 633; (48 St. Rep. 485).

Langley v. Warner, 3 N. Y. 327.

Cited, Appeal—Restitution Upon Reversal.

2 Misc. 99; (49 St. Rep. 355; 20 Supp. 855).

90 Hun, 566; (70 St. Rep. 665, 666; 35 Supp. 1006).

Langlois, Matter of, 2 Connolly, 481;

14 Supp. 146; 26 Abb. N. C. 226.

Cited, Executors and Administrators—Accounting—Vouchers for Payments.

23 Supp. 849.

Langlois v. Cohoes, 58 Hun, 226; 34 St. Rep. 228; 11 Supp. 908.

Cited, Highways—Obstructions—Liability of Municipality.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 646).

Langlois v. Hayward, 36 St. Rep. 59; 13 Supp. 200.

Cited, Appeal—Review of Verdict—Abuse of Discretion.

9 Misc. 69; (59 St. Rep. 691; 29 Supp. 12).

Appeal—Review of Discretionary Determination—Award of New Trial.

72 Hun, 428; (55 St. Rep. 174; 25 Supp. 155).

New Trial—Motion on Minutes—Order—Effect.

8 Misc. 446; (58 St. Rep. 850; 28 Supp. 685).

Langworthy v. Crissey, 10 Misc. 450; 63 St. Rep. 326; 31 Supp. 85.**Langworthy v. Olean, Vil. of**, 142 N. Y. 651; 60 St. Rep. 869.**Lanier v. City Bank of Houston**, 9 Civ. Pro. 161.

Cited, Attachment — Affidavits—Averring Cause of Action.

3 Misc. 69; (51 St. Rep. 774; 22 Supp. 697).

Lanier v. Smith, 37 Hun, 530.

75 St. Rep. 291.

Lanier v. Wyman, 5 Robt. 147.

Cited, Guaranty—Continuing.

14 Misc. 231; (70 St. Rep. 255; 35 Supp. 834).

Lanigan v. New York, 70 N. Y. 454.

Cited, Certiorari—Review of Action of Board of Estimate New York City.

56 St. Rep. 109; (25 Supp. 879).

Lanigan v. Prudential Ins. Co., 63 Hun, 408; 18 Supp. 287.

Cited, Insurance—Conditions—Waiver—Knowledge of Insurer.

15 App. Div. 222; (78 St. Rep. 181; 44 Supp. 181).

Lanning v. N. Y. C. R. Co., 49 N. Y. 521.

Cited, Appeal—Extent of Review—Opinion Below.

78 Hun, 103; (60 St. Rep. 587; 28 Supp. 1075).

Master and Servant—Machinery and Appliances—Master's Duty as to Condition.

1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). 15 Misc. 224; (71 St. Rep. 174; 36 Supp. 403).

Master and Servant—Place and Tools—Subordinate.

77 Hun, 393; (60 St. Rep. 409; 28 Supp. 886).

Master and Servant—Risks Assumed—Knowledge.

4 Misc. 497; (54 St. Rep. 338; 24 Supp. 553). 12 Misc. 222; (66 St. Rep. 860; 33 Supp. 268). 4 App. Div. 206; (74 St. Rep. 221; 38 Supp. 593).

Lannen v. Albany Gaslight Co., 46 Barb. 264.

Affirmed 44 N. Y. 459.

Cited, Negligence—Of Parent—Imputation to Child.

6 App. Div. 209; (39 Supp. 806).

Lanning v. Carpenter, 20 N. Y. 447.

Cited, Judgment—By Confession—Sufficiency of Statement.

71 Hun, 135; (54 St. Rep. 76; 24 Supp. 523).

Legislature—Powers—Apportionment.

135 N. Y. 475; (47 St. Rep. 708). 147 N. Y. 19; (69 St. Rep. 353). 13 Misc. 725; (70 St. Rep. 248; 35 Supp. 827).

Lanning v. Tompkins, 45 Barb. 308.

Cited, Lien—Equitable.

144 N. Y. 112; (63 St. Rep. 67).

Lanpher v. Clark, 149 N. Y. 472.

Cited, Slander and Libel — Pleading—Justification.

16 App. Div. 82; (78 St. Rep. 1074; 44 Supp. 1074).

Lansburgh v. Walsb, 8 Misc. 693; 59 St. Rep. 403; 28 Supp. 1149.

Affirmed, 12 Misc. 124; 66 St. Rep. 678; 33 Supp. 45.

Lansburgh v. Walsb, 12 Misc. 124; 66 St. Rep. 678; 33 Supp. 45.**Langsing, Matter of**, 17 St. Rep. 440; 2 Supp. 117.

Duplicate Citations in Parenthesis.

Cited, Wills—Execution—Illiterate Testator.

15 Misc. 210; (72 St. Rep. 759; 37 Supp. 224).

Appeal—From Surrogate's Decree—Sending Issues to Jury.

83 Hun, 331; (64 St. Rep. 378; 31 Supp. 691).

Lansing v. Bliss, 86 Hun, 205; 67 St. Rep. 52; 33 Supp. 310.

Cited, Brokers — Commissions — Double Employment.

16 App. Div. 323; (78 St. Rep. 674; 44 Supp. 674).

Lansing v. Coley, 13 Abb. 272.

Cited, Evidence — Irresponsive Answers — Striking Out.

81 Hun, 539; (63 St. Rep. 212; 30 Supp. 1019).

Lansing v. Coney Island & B., R. Co., 16 App. Div. 143.

Lansing v. Easton, 7 Paige. 364;

Cited, Creditor's Bill — Effect of Pendency Upon Chattels.

153 N. Y. 172.

Lansing v. Hadsall, 26 Hun, 619.

Cited, Action—Relief of One Defendant Against Another—On What Facts.

71 Hun, 460; (54 St. Rep. 537; 24 Supp. 987). 5 Misc. 423; (26 Supp. 710).

Pleading — Amendment—New Cause of Action.

8 Misc. 477; (60 St. Rep. 605; 29 Supp. 550).

Lansing v. Lansing, 4 Lans. 377.

Cited, Divorce—Judgment—Regularity.

149 N. Y. 527.

Lansing v. Montgomery, 2 Johns. 382.

Cited, Verdict—Tort Action—Several Liability.

90 Hun, 588; (70 St. Rep. 649; 35 Supp. 976).

Lansing v. Russell, 3 Barb. Ch. 325.

Cited, Evidence—Search of Title.

67 Hun, 502; (51 St. Rep. 236; 22 Supp. 503).

Judgment — What Adjudicated — How Shown.

12 Misc. 521; (67 St. Rep. 378; 33 Supp. 664).

Lansing v. Russell, 2 N. Y. 563.

Cited, New Trial—When Not Directed—Reception of Improper Evidence.

76 Hun, 589; (58 St. Rep. 275; 28 Supp. 217). 19 Misc. 200; (77 St. Rep. 65; 43 Supp. 65).

Lansing v. Smith, 8 Cow. 146.

Cited, Nuisance—Public—Private Action to Abate.

138 N. Y. 175; (52 St. Rep. 163).

Lansing v. Thompson, 8 App. Div. 54; 40 Supp. 425.

Cited, Landlord and Tenant—Rent—Statutory Relief From Payment.

18 Misc. 230; (75 St. Rep. 912; 41 Supp. 522). 18 Misc. 283; (41 Supp. 374).

Lansing v. Woodworth, 1 Sandf. 43.

Cited, Assignment for Creditors — Provision for Counsel Fees After Transfer—Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 266).

Lant v. Rasines, 17 Misc. 332; 74 St. Rep. 855; 40 Supp. 64.

Reversing, 16 Misc. 504; 38 Supp. 975.

Lant v. Rasines, 18 Misc. 414; 75 St. Rep. 1492; 41 Supp. 1120.

Cited, Appeal—Settlement of Cause—Estoppel.

79 St. Rep. 316; (45 Supp. 316).

Lantry v. New York, 19 Misc. 558; 78 St. Rep. 874; 33 Supp. 874.

Lantry v. Sutton, 22 St. Rep. 244; 2 Supp. 14.

Cited, Brokers—Real Estate—Compensation—How Defeated—Purchase by Holder.

8 Misc. 358; (59 St. Rep. 592; 28 Supp. 705).

Lanzer v. Untenberg, 9 Misc. 210; 60 St. Rep. 839; 29 Supp. 683.

La Pasta v. Weil, 20 Misc. 10; 78 St. Rep. 778; 44 Supp. 778.

Reversed, 20 Misc. 554.

La Pasta v. Weil, 20 Misc. 554.

Lapham, Matter of, 37 Hun, 15.

Cited, Wills—Legacy—Tenants in Common.

19 Misc. 203; (78 St. Rep. 606; 44 Supp. 606).

Lapham, Matter of, 19 Misc. 71; 78 St. Rep. 90; 44 Supp. 90.

Lapham v. Rice, 63 Barb. 485.

Cited, Justice's Court — Pleading — Demurrer.

85 Hun, 501; (66 St. Rep. 830; 33 Supp. 202).

Lapolt v. Maltby, 10 Misc. 330; 64 St. Rep. 311; 31 Supp. 686.

Lappin v. Charter Oak Fire & M. Ins. Co., 58 Barb. 325.

Distinguished, Insurance—Policy — Enforcement.

9 App. Div. 844; (41 Supp. 308).

Duplicate Citations in Parenthesis.

Laramie, Matter of, 6 Supp. 175.

Cited, Executors—Accounting—Jurisdiction.

17 Misc. 495; (75 St. Rep. 672; 41 Supp. 262).

Larder v. Granger, 51 St. Rep. 185; 21 Supp. 1107.

Larkin v. Brockport, 81 Hun, 364; 63 St. Rep. 140; 30 Supp. 973.

Cited, 87 Hun, 575; 68 St. Rep. 665; 34 Supp. 553.

Canals—Bridge Tender—Compensation.

91 Hun, 26; (71 St. Rep. 428; 36 Supp. 91).

Larkin v. Brockport, 87 Hun, 573; 68 St. Rep. 664; 34 Supp. 551.

Distinguished, Canals—Bridge Tender—Compensation.

91 Hun, 26; (71 St. Rep. 429; 36 Supp. 91).

Larkin v. McMullin, 120 N. Y. 206; 30 St. Rep. 902.

Cited, Mechanic's Lien—Default of Contractor—Sub-Contractor's Lien.

66 Hun, 263; (49 St. Rep. 475; 21 Supp. 218).

75 Hun, 507; (57 St. Rep. 678; 27 Supp. 510). 89 Hun, 72; (69 St. Rep. 275; 35 Supp. 64). 69 St. Rep. 295; (35 Supp. 179).

Mechanic's Lien—Of Sub-Contractor—To What Attaches.

2 Misc. 271; (23 Supp. 773). 72 Hun, 420; (54 St. Rep. 884; 25 Supp. 201). 139 N. Y. 344; (54 St. Rep. 622).

Mechanic's Lien—Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021).

Larkin v. New York & Northern R. Co., 138 N. Y. 634; 51 St. Rep. 935.

Larkin v. O'Neill, 119 N. Y. 221; 29 St. Rep. 34.

Cited, Negligence—Proof.

5 Misc. 447; (26 Supp. 803).

Negligence—Owners of Real Property—Degree of Care.

142 N. Y. 445; (59 St. Rep. 816). 13 Misc. 177; (68 St. Rep. 26; 34 Supp. 72). 15 Misc. 87, 88; (71 St. Rep. 514; 36 Supp. 45). 4 App. Div. 484; (38 Supp. 683). 11 App. Div. 593; (76 St. Rep. 598; 42 Supp. 598).

Larkin v. Robbins, 2 Wend. 505.

Cited, Arbitration—Effect as Discontinuance of Action.

77 Hun, 357; (60 St. Rep. 37; 28 Supp. 846).

Larkin v. Sullivan, 29 Supp. 1146.

Larkins v. Maxon, 103 N. Y. 680; 3 St. Rep. 642.

Cited, Costs—Reference of Disputed Claim Against Estate.

49 St. Rep. 319; (11 Supp. 156). 8 Misc. 470; (60 St. Rep. 600; 29 Supp. 671).

Executors—Disputed Claim—Disbursements.

84 Hun, 494, 495; (65 St. Rep. 593; 32 Supp. 388; 24 Civ. Pro. 290). 88 Hun, 316; (68 St. Rep. 582; 34 Supp. 763). 41 Supp. 281; (25 Civ. Pro. 352).

Larmore v. Crown Point Iron Co., 101 N. Y. 391; 1 St. Rep. 43.

Cited, Negligence—Dangerous Machine—Trespassers.

67 Hun, 678; (51 St. Rep. 243; 22 Supp. 443). 78 Hun, 3; (60 St. Rep. 540; 28 Supp. 1098).

Negligence—Private Structures—Trespassers and Licensees.

78 Hun, 168; (60 St. Rep. 184; 28 Supp. 980). 15 Misc. 255; (71 St. Rep. 471; 36 Supp. 420). 17 App. Div. 144; (79 St. Rep. 160; 45 Supp. 160).

Negligence—Private Premises—Duty of Owner.

4 App. Div. 484, 485; (38 Supp. 686, 687).

Larned v. Donovan, 84 Hun, 533; 65 St. Rep. 852; 32 Supp. 731

Larned v. Donovan, 61 St. Rep. 337; 29 Supp. 825; 81 Abb. N. C. 808.

Larned v. Hudson, 57 N. Y. 151.

Cited, Ejectment—Judgment—Damages.

76 Hun, 604; (58 St. Rep. 257; 28 Supp. 202).

Pleadings—Amendment—Ejectment and Damages.

49 St. Rep. 249; (20 Supp. 958).

Larned v. Syracuse, 17 App. Div. 857; 44 Supp. 857.

Larocque v. Harvey, 57 Hun, 366; 32 St. Rep. 415; 10 Supp. 576.

Cited, Justice's Court—Jurisdiction.

11 Misc. 454; (67 St. Rep. 419; 33 Supp. 417; 24 Civ. Pro. 431).

Larow v. Clute, 37 St. Rep. 859; 14 Supp. 616.

Cited, Master and Servant—Independent Contractors.

70 Hun, 473; (53 St. Rep. 625; 24 Supp. 427).

Larow v. N. Y. Lake Erie & W. R. Co., 61 Hun, 11; 40 St. Rep. 26.

Cited, Master and Servant—Duty of Master—Rules.

73 Hun, 273; (58 St. Rep. 65; 26 Supp. 407).

Duplicate Citations in Parenthesis.

- Larrison v. Payne**, 23 St. Rep. 438; 5 Supp. 221.
Cited, Evidence — Admissions During Action.
 2 Misc. 327; (51 St. Rep. 586; 21 Supp. 996). 9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8).
- Larson, Matter of**, 96 N. Y. 381.
Cited, Appeal—What First Raisable on—Jurisdiction.
 8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 443).
 Appeal—Habeas Corpus.
 D. 6 App. Div. 424; (39 Supp. 697).
- L'Artiste Pub. Co. v. Walker**, 9 Misc. 491; 61 St. Rep. 113; 30 Supp. 229.
- L'Artiste Pub. Co. v. Walker**, 11 Misc. 426; 65 St. Rep. 298; 32 Supp. 151.
- Lary v. National Trust Co.**, 4 Week Dig. 56.
Cited, Mortgage — Collateral — Pledge — Power to Sell.
 6 Misc. 556; (57 St. Rep. 518; 27 Supp. 519).
- Lasak, Matter of**, 10 Supp. 844.
Cited, Wills—Probate—Undue Influence — Unequal Distribution of Estate.
 5 Misc. 184; (24 Supp. 858).
- Lasak, Matter of**, 131 N. Y. 624; 43 St. Rep. 101.
Cited, 136 N. Y. 328; (49 St. Rep. 672).
- Lasal v. Holbrook**, 4 Paige, 169.
Cited, Lateral Support—Right to.
 140 N. Y. 270; (55 St. Rep. 661).
 Lawful Use of Premises—Injury to Adjacent Lands—Relief.
 142 N. Y. 310; (62 St. Rep. 316).
- Lashaw v. Croissant**, 88 Hun, 206; 68 St. Rep. 395; 34 Supp. 667.
- Lasher v. St. Joseph F. & M. Ins. Co.**, 86 N. Y. 423.
Cited, Insurance—Representations—Ownership of Property.
 69 Hun, 503 (52 St. Rep. 718; 23 Supp. 401).
- La Societa Anonyme De L'Union Des Pa Peteries v. Marks**, 83 Hun, 610; 50 St. Rep. 497; 21 Supp. 706.
Affirmed, 151 N. Y. 668.
Cited, 64 St. Rep. 876.
- La Societa Italiana Di Beneficenza v. Sulzer**, 138 N. Y. 468; 52 St. Rep. 904.
- Lassen v. Aronson**, 21 Supp. 452.
- Lassiter v. Hoes**, 11 Misc. 1; 63 St. Rep. 452; 31 Supp. 850.
- Latham v. Boston, Hoosac Tunnel & W. R. Co.**, 38 Hun, 285.
Cited, Corporations — Consolidation—Validity.
 9 Misc. 543; (62 St. Rep. 200; 30 Supp. 554).
- Latham v. De Loiselle**, 3 App. Div. 525; 73 St. Rep. 751; 38 Supp. 270.
Cited, Laws—Foreign—Presumption.
 17 App. Div. 478; (79 St. Rep. 511; 45 Supp. 511).
- Latham v. Richards**, 12 Hun, 360.
Cited, Municipal Corporations—Officers—Authority—Statutes—Repeal.
 90 Hun, 520; (70 St. Rep. 639; 35 Supp. 968).
- Latham v. Richards**, 15 Hun, 129.
Cited, Pleading — Supplemental — When Proper.
 2 Mi-c. 572; (21 Supp. 1136).
- Lathers v. Coates**, 18 Misc. 231; 75 St. Rep. 783; 41 Supp. 373.
- Lathers v. Hunt**, 30 St. Rep. 432; 9 Supp. 494.
Cited, Accord and Satisfaction—Chattel Mortgage—Possession.
 16 Misc. 73; (73 St. Rep. 284; 37 Supp. 665).
- Lathrop v. American Board of Foreign Missions**, 67 Barb. 590.
Cited, Wills—Capacity to Make—Monomaniacs.
 9 Misc. 523; (61 St. Rep. 676; 30 Supp. 390).
- Lathrop v. Bramhall**, 64 N. Y. 365.
Cited, Trial—Evidence — Competency—Reservation of Question.
 90 Hun, 6; (69 St. Rep. 851; 35 Supp. 362).
- Lathrop v. Buffalo**, 3 Abb. Ct. App. Dec. 30.
Cited, Municipal Corporations—Assessments—Improvements—Consent of Abutters.
 60 St. Rep. 510; (28 Supp. 1024). 149 N. Y. 296.
- Lathrop v. Clapp**, 40 N. Y. 328.
Cited, Supplementary Proceedings—Contempt—Oral direction.
 88 Hun, 519; (69 St. Rep. 53; 34 Supp. 977).
- Lathrop v. Godfrey**, 3 Hun, 739.
Cited, Trial—Dismissal of Answer on.
 4 Misc. 82; (53 St. Rep. 71; 23 Supp. 854).
- Lathrop v. Hoyt**, 7 Barb. 59.
Cited, Statute of Frauds—Parol Agreements as to Land.
 87 Hun, 76, 77; (67 St. Rep. 647, 648; 33 Supp. 965, 966).

*Duplicate Citations in Parenthesis.***Lathrop v. Smith**, 24 N. Y. 417.

Cited, Administration—Who Entitled to.
92 Hun, 321; (72 St. Rep. 405; 36 Supp. 883).

Lathrop v. Woodward, 50 St. Rep. 343; 21 Supp. 804.**Latimer v. Eddy**, 46 Barb. 61.

Cited, Equity—Jurisdiction—Over Corporations.
72 St. Rep. 802; (38 Supp. 173; 2 Ann. Cas. 126).

Latimer v. Lord, 17 Week. Dig. 516.

Cited, Evidence—Declarations—of Mortgagor of Chattels—Bona Fide Purchaser.
3 Misc. 521; (52 St. Rep. 494; 23 Supp. 3).

Latorre v. Central Stamping Co., 9 App. Div. 145; 41 Supp. 99.**Latteman v. Fere**, 11 Civ. Pro. 217.

Cited, Appeal—Removal of Cause—Amendment.
7 Misc. 561; (58 St. Rep. 513; 28 Supp. 9; 23 Civ. Pro. 364).

Courts—District—Removal of Cause from—Effect.

11 Misc. 316; (65 St. Rep. 499; 32 Supp. 291).

Lattimer v. Buxton, 17 Misc. 202; 40 Supp. 1033.**Lattimore v. Harsen**, 14 John. 330.

Cited, Contracts—Building—Modification—Consideration.
86 Hun, 338; (67 St. Rep. 168; 33 Supp. 533).

Lattimer v. Hill, 8 Hun, 171.

Cited, Appeal—Exceptions—Necessity.
4 Misc. 400; (53 St. Rep. 516; 23 Supp. 1065). 3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 232).

New Trial—For Errors of Court—Instructions to Jury—Exceptions.

77 Hun, 605; (60 St. Rep. 486; 28 Supp. 1045). 11 Misc. 248; (66 St. Rep. 516; 33 Supp. 16).

Lattimer v. Livermore, 72 N. Y. 174.

Cited, Costs—Extra Allowance—Computation.

70 Hun, 376; (54 St. Rep. 286; 24 Supp. 423; 23 Civ. Pro. 182). 3 App. Div. 20; (73 St. Rep. 532; 37 Supp. 989).

Vendor and Purchaser—Incumbrances—Building Restrictions.

67 Hun, 347; (51 St. Rep. 797; 22 Supp. 206).

Covenant—Restraining Use of Land—To Whose Benefit Inures.

24 Supp. 790; (30 Abb. N. C. 273). 148 N. Y. 672.

Lattimore v. People, 10 How. 336.

Cited, Courts—Special Sessions—Adjournment—Effect on Powers.

69 Hun, 553; (53 St. Rep. 307; 23 Supp. 944).

Lattin v. McCarty, 41 N. Y. 107.

Cited, Cloud on Title—When Action to Remove Lies.

136 N. Y. 526; (49 St. Rep. 822).

Pleading—Joinder of Causes.

10 App. Div. 517; (41 Supp. 1091).

Latz, Matter of, 33 Hun, 618.

Cited, Executors—Accounting—Limitation.

15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Lauck v. Rohde, 20 Misc. 346; 79 St. Rep. 851; 45 Supp. 851.**Laudy, Matter of**, 78 Hun, 479; 60 St. Rep. 700; 29 Supp. 136.

Cited, 77 St. Rep. 689; (43 Supp. 689).

Laudy, Matter of, 148 N. Y. 403; 43 Supp. 689.

Cited, Wills—Subscription—Witnesses.

9 App. Div. 564; (75 St. Rep. 1086; 41 Supp. 698). D. 9 App. Div. 568; (75 St. Rep. 1090; 41 Supp. 701). 14 App. Div. 163; (77 St. Rep. 691; 43 Supp. 691).

Laudy, Matter of, 14 App. Div. 160; 77 St. Rep. 689; 43 Supp. 689.**Lauer v. Dunn**, 52 Hun, 191; 23 St. Rep. 374; 5 Supp. 161.

Affirmed, 115 N. Y. 405; 26 St. Rep. 412.

Cited, Assignment—Equitable—Orders.

69 Hun, 557; (53 St. Rep. 392; 24 Supp. 636). 85 Hun, 508; (66 St. Rep. 701; 33 Supp. 98). 3 App. Div. 216; (73 St. Rep. 863; 38 Supp. 254).

Lauer v. Dunn, 115 N. Y. 405; 26 St. Rep. 412.

Cited, Assignment—Equitable—Orders.

2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981). 143 N. Y. 150; (62 St. Rep. 147). 10 Misc. 311; (63 St. Rep. 537; 31 Supp. 286). 83 Hun, 567; (65 St. Rep. 7; 31 Supp. 1111). 84 Hun, 479; (65 St. Rep. 683; 32 Supp. 558). 13 Misc. 646, 648; (69 St. Rep. 144, 145; 34 Supp. 917, 818). 89 Hun, 71; (69 St. Rep. 275; 35 Supp. 63). 15 App. Div. 388; (78 St. Rep. 165; 44 Supp. 165). D. 15 App. Div. 393; (78 St. Rep. 169; 44 Supp. 169).

Mechanic's Lien—Sub-Contractor—When Effective.

139 N. Y. 344; (34 St. Rep. 622).

Mechanic's Lien—Assignment of Moneys Due—Sub-Contractors—Rights of.

7 Misc. 615; (58 St. Rep. 793; 27 Supp. 954). 88 Hun, 244; (38 St. Rep. 287; 34 Supp. 603).

Duplicate Citations in Parenthesis.

- Lauffer v. Boynton Furnace Co.**, 84 Hun, 311; 65 St. Rep. 560; 32 Supp. 362.
Cited, Damages—Breach of Warranty.
 16 Misc. 590; (74 St. Rep. 146; 38 Supp. 804).
- Lauffer v. Sayles**, 5 App. Div. 532; 39 Supp. 377.
- Laughran v. Smith**, 75 N. Y. 205.
Cited, Landlord and Tenant—Lease—Hold Over—Renewal,
 77 Hun, 200; (59 St. Rep. 763; 28 Supp. 354). 15 Misc. 136; (71 St. Rep. 326; 36 Supp. 804). 3 App. Div. 600; (73 St. Rep. 855; 38 Supp. 238).
 Statute of Frauds—Verbal Lease for One Year.
 139 N. Y. 389; (54 St. Rep. 664; 30 Abb. N. C. 429).
 Landlord and Tenant—Holding Over—Form.
 11 Misc. 347; (65 St. Rep. 276; 32 Supp. 134). 18 Misc. 71, 72, 73; (41 Supp. 30, 31, 32).
 Appeal—Variance—First Raised on Appeal.
 18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).
- Laurence v. Hopkins**, 13 Johns. 288.
Cited, Compromise—Offer—Availability.
 144 N. Y. 507; (64 St. Rep. 40).
- Laut v. Rasines**, 16 Misc. 504; 38 Supp. 975.
- Lavelle v. Corrignio**, 86 Hun, 135; 67 St. Rep. 122; 33 Supp. 376.
- Lavelle v. Skelly**, 24 Hun, 642.
Reversed, 90 N. Y. 546.
Cited, Appeal—Extension of Time.
 11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008).
- Lavelle v. Skelly**, 90 N. Y. 546.
Cited, Appeal—From Final Judgment—Reviewing Interlocutory.
 51 St. Rep. 811; (22 Supp. 281).
- Lavens v. Lieb**, 12 App. Div. 487; 76 St. Rep. 901; 42 Supp. 901.
- Laverty v. Moore**, 33 N. Y. 658.
Cited, Vendor and Purchaser—Defective Title—Description.
 15 Misc. 380; (71 St. Rep. 584; 36 Supp. 669).
- Laverty v. Snethen**, 68 N. Y. 522.
Cited, Bills and Notes—Conversion—Remedies.
 68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241).
 Conversion—Property Entrusted to Agent—Violation of Orders.
 70 Hun, 165; (53 St. Rep. 923; 24 Supp. 273).
 Bills and Notes—Conversion—What Constitutes.
 19 Misc. 131; (77 St. Rep. 536; 43 Supp. 536).
- Lavin v. Second Ave. R. Co.**, 12 App. Div. 381; 76 St. Rep. 512; 42 Supp. 512.
- Law v. Kingsley**, 82 Hun, 76; 63 St. Rep. 329; 31 Supp. 88.
- Law v. McDonald**, 9 Hun, 23.
Cited, Costs—In Equity—Partial Success.
 71 Hun, 546; (54 St. Rep. 914; 24 Supp. 1079). 85 Hun, 57; (66 St. Rep. 61; 32 Supp. 677). 7 App. Div. 358; (40 Supp. 70).
- Law v. Merrills**, 6 Wend. 268.
Cited, Evidence—Admissions—Weight.
 77 Hun, 502; (60 St. Rep. 547; 28 Supp. 1083). 1 Misc. 258; (22 Supp. 1088). 5 Misc. 568; (26 Supp. 727).
- Law v. Pemberton**, 9 Misc. 219; 60 St. Rep. 851; 29 Supp. 605.
Affirmed, 10 Misc. 362; 63 St. Rep. 435; 31 Supp. 21.
- Law v. Pemberton**, 10 Misc. 362; 63 St. Rep. 435; 31 Supp. 21.
Cited, Contracts—What Constitutes.
 17 Misc. 158; (39 Supp. 327). 16 Misc. 547; (74 St. Rep. 131; 38 Supp. 783).
- Lawatsch v. Cooney**, 86 Hun, 546; 67 St. Rep. 520; 33 Supp. 775.
- Lawler v. French**, 2 App. Div. 140; 73 St. Rep. 488; 37 Supp. 807.
- Lawler v. National Life Ass'n**, 83 Hun, 393; 64 St. Rep. 785; 31 Supp. 875.
- Lawless v. Troy**, 18 Supp. 506.
Cited, Municipal Corporations—Icy Sidewalks—Liability for Injuries.
 9 App. Div. 42; (41 Supp. 98).
- Lawlor v. French**, 14 Misc. 497; 70 St. Rep. 721; 35 Supp. 1077.
- Lawlor v. Magnolia Metal Co.**, 2 App. Div. 552; 74 St. Rep. 465; 38 Supp. 36; 3 Ann. Cas. 100.
Cited, Attachment—Discharge—Sheriff's Fees.
 16 Misc. 152; (73 St. Rep. 665; 38 Supp. 298).
- Lawlor v. Magnolia Metal Co.**, 16 Misc. 151; 73 St. Rep. 664; 38 Supp. 297; 25 Civ. Pro. 235.
Affirmed, 2 App. Div. 552; 74 St. Rep. 465; 38 Supp. 36; 3 Ann. Cas. 100.

Duplicate Citations in Parenthesis.

Lawrence, Matter of, 2 Connoly, 53; 7 Supp. 332; 26 St. Rep. 238.

Cited, Executors—Accounting—Increase and Decrease on Re-Investment.
2 Misc. 284; (23 Supp. 974).

Lawrence, Matter of, 79 Hun, 176; 61 St. Rep. 188; 29 Supp. 726.

Lawrence v. American Nat. Bank, 54 N. Y. 433.

Cited, Estoppel—Mistake.

D. 10 App. Div. 6; (41 Supp. 970).

Lawrence v. Bainbridge, 56 N. Y. 72.

Cited, Appeal — To Court of Appeals — Misconduct of Trial Court.

137 N. Y. 435; (51 St. Rep. 79).

Lawrence v. Ball, 14 N. Y. 477.

Cited, Payment — Presumption — From Lapse of Time.

13 Misc. 285; (68 St. Rep. 730; 34 Supp. 705).

Lawrence v. Bank of Republic, 35 N. Y. 820.

Cited, Pleading — Parties — Attack of Fraudulent Conveyance.

153 N. Y. 169.

Lawrence v. Barker, 5 Wend. 301.

Cited, Witness — Cross-examination — Credibility.

20 Misc. 428; (79 St. Rep. 1031; 45 Supp. 1031).

Lawrence v. Bayard, 7 Paige. 70.

Cited, Real Property — Expectant Estates — Alienability.

67 Hun, 239; (50 St. Rep. 782; 22 Supp. 799).

Real Property — Remainders — Alienation.

73 Hun, 479; (56 St. Rep. 13; 26 Supp. 438).

Lawrence v. Brown, 5 N. Y. 394.

Cited, Estoppel—Equitable—Reliance.

59 St. Rep. 886; (28 Supp. 1118).

Estoppel—In Pais.

D. 10 App. Div. 61; (41 Supp. 970).

Landlord and Tenant—Surrender of Lease — When Termination of Estate.

76 Hun, 305; (57 St. Rep. 803; 27 Supp. 778).

Lawrence v. Burrell, 17 Abb. N. C. 313.

Cited, Landlord and Tenant — Failure to Repair—Abandonment—Justification.

7 Misc. 725; (58 St. Rep. 330; 28 Supp. 45).

Lawrence v. Clark, 36 N. Y. 128.

Cited, Bills and Notes—Precedent Debt—Bona Fides.

20 Misc. 26; (78 St. Rep. 783; 44 Supp. 783).

Lawrence v. Cooke, 32 Hun, 126.

Cited, Trusts—Creation.

17 Misc. 741; (41 Supp. 409).

Lawrence v. Cooke, 104 N. Y. 632; 6 St. Rep. 772.

Cited, Wills — Constitution — Repugnant Provisions.

23 Supp. 369.

Trusts—Creation—Precatory Words.

1 App. Div. 163; (73 St. Rep. 26; 37 Supp. 922). 16 Misc. 397; (74 St. Rep. 230; 38 Supp. 603). 7 App. Div. 23; (39 Supp. 802).

Lawrence v. Dale, 3 Johns. 13.

Cited, Contract—Rescission—Election of.

4 Misc. 439; (54 St. Rep. 140; 24 Supp. 696).

Lawrence v. Derby, 15 Abb. 346.

Cited, Pleading — Answer — Denial of Knowledge.

2 Misc. 129; (49 St. Rep. 118).

Lawrence v. Derby, 24 How. 133.

Cited, Pleading—Answer—Denial.

16 Misc. 335; (39 Supp. 721).

Lawrence v. Ely, 38 N. Y. 42.

Cited, New Trial—Discretion as to Granting or Refusing.

1 Misc. 313; (48 St. Rep. 784; 20 Supp. 716).

New Trial — New Evidence — Cumulative.

16 Misc. 124; (38 Supp. 830).

Lawrence v. Embree, 3 Bradf. 364.

Cited, Life Tenant—Rights and Burdens.

16 Misc. 248; (39 Supp. 191).

Lawrence v. Farley, 24 Hun, 293.

Cited, Infants—Contract By — Disaffirmance.

59 St. Rep. 516; (29 Supp. 1122).

Lawrence v. Farley, 73 N. Y. 187.

Cited, Appeal—Reviewing Discretionary Determination—Opening Default.

7 Misc. 46; (57 St. Rep. 61; 27 Supp. 354). 2 Misc. 181; (41 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 426; 23 Civ. Pro. 3)).

Lawrence v. Fox, 20 N. Y. 268.

Cited, Assignment—Equitable.

1 Misc. 476; (49 St. Rep. 881; 21 Supp. 465).

Contracts—For Benefit of Third Person—Availability.

138 N. Y. 471; (52 St. Rep. 906). 53 St. Rep. 768; (24 Supp. 83). 72 Hun, 493; (54 St. Rep. 857; 25 Supp. 194). 73 Hun, 289; (57 St. Rep. 750; 26 Supp. 415). 74 Hun, 166; (56 St. Rep. 290; 26 Supp. 600). 74 Hun, 231; (56 St. Rep. 324; 26 Supp. 622).

Duplicate Citations in Parenthesis.

49 St. Rep. 865; (21 Supp. 673). 75 Hun, 415; (56 St. Rep. 763; 27 Supp. 90). 78 Hun, 21; (60 St. Rep. 483; 28 Supp. 1061). 78 Hun, 149; (60 St. Rep. 204; 28 Supp. 989). 79 Hun, 277; (60 St. Rep. 860; 29 Supp. 424). 2 Misc. 391; (50 St. Rep. 605; 21 Supp. 986). 6 Misc. 85; (55 St. Rep. 397; 26 Supp. 39). 135 N. Y. 604; (48 St. Rep. 827). 50 St. Rep. 164; (21 Supp. 360). 144 N. Y. 439; (63 St. Rep. 662). 143 N. Y. 522; (62 St. Rep. 854). 84 Hun, 222; (65 St. Rep. 803; 32 Supp. 533). 85 Hun, 80; (66 St. Rep. 43; 32 Supp. 630). 85 Hun, 550, 551; (67 St. Rep. 43, 44; 33 Supp. 359, 360). 86 Hun, 530; (67 St. Rep. 689; 33 Supp. 914). 13 Misc. 236; (68 St. Rep. 16; 34 Supp. 61). 89 Hun, 79; (69 St. Rep. 260; 35 Supp. 82). 90 Hun, 78; (69 St. Rep. 848; 35 Supp. 455). 92 Hun, 445; (71 St. Rep. 662; 36 Supp. 608). 5 App. Div. 358, 359, 362; (39 Supp. 230, 231, 234). 40 Supp. 451. 8 App. Div. 3; (74 St. Rep. 751; 40 Supp. 189). 8 App. Div. 191; (40 Supp. 453). 12 App. Div. 576; (76 St. Rep. 186; 42 Supp. 186). 11 App. Div. 125; (76 St. Rep. 1041; 42 Supp. 1041). 18 Misc. 58, 59; (41 Supp. 24). 14 App. Div. 14; (77 St. Rep. 655; 43 Supp. 655). D. 15 App. Div. 36; (78 St. Rep. 110; 44 Supp. 110). 19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424). 20 Misc. 493. 150 N. Y. 238.

Covenants—Breach—When Enforced.

135 N. Y. 222; (48 St. Rep. 396).

Partnership — Assumption of Debts — Rights of Creditors.

4 Misc. 525; (54 St. Rep. 129; 24 Supp. 735).

Lawrence v. Foxwell, 49 Super. 278.

Cited, Arrest—Fraud.

2 App. Div. 92; (73 St. Rep. 147; 37 Supp. 531).

Lawrence v. Harrington, 122 N. Y. 408; 33 St. Rep. 717.

Cited, Limitation of Action—When Statute Runs—Last Item.

3 Misc. 142; (51 St. Rep. 499; 22 Supp. 922).

Lawrence v. Harrington, 63 Hun, 195; 43 St. Rep. 413; 17 Supp. 649.

Affirmed. 133 N. Y. 690.

Cited, Contempt—Civil—False Justification of Sureties.

9 Misc. 174; (60 St. Rep. 640; 29 Supp. 716; 24 Civ. Pro. 43). 17 Misc. 217; (40 Supp. 1051). 79 St. Rep. 443; (45 Supp. 443).

Lawrence v. Harrington, 133 N. Y. 690.

Cited, Contempt—False Justification of Sureties.

79 St. Rep. 443; (45 Supp. 443).

Lawrence v. Hempstead, Town of, 31 Supp. 1129.

Cited, D. 34 Supp. 1142.

Lawrence v. Hempstead, Town of, 83 Hun, 614; 68 St. Rep. 874; 34 Supp. 1142.**Lawrence v. Hunt, 10 Wend. 80.**

Cited, Judgment—Conclusiveness.

10 Misc. 175; (62 St. Rep. 509; 30 Supp. 1049).

Lawrence v. Jones, 15 Abb. 110.

Cited, Appeal—Order — Laches — Discretion.

84 Hun, 238; (65 St. Rep. 671; 32 Supp. 517).

Lawrence v. Lawrence, 3 Barb. Ch. 71.

Cited, Executors—Foreign—Actions by and Against.

13 App. Div. 326, 327; (77 St. Rep. 143, 144; 43 Supp. 143, 144).

Lawrence v. Maxwell, 53 N. Y. 19.

Cited, Pledge—Use.

18 Misc. 185; (75 St. Rep. 850; 41 Supp. 454).

Conversion—Pledge—Use.

17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 220).

Evidence—Custom.

19 Misc. 287; (77 St. Rep. 72; 43 Supp. 72).

Lawrence v. Metropolitan Elevated R. Co., 126 N. Y. 483; 37 St. Rep. 834.

Cited, Damages—Diversion of Water—For What Period Recoverable.

50 St. Rep. 518; (21 Supp. 221).

Damages—Trespass—Depreciation.

11 App. Div. 563; (76 St. Rep. 594; 42 Supp. 594).

Lawrence v. Miller, 2 N. Y. 245.

Cited, Dower—Inchoate.

14 Misc. 624; (71 St. Rep. 828; 36 Supp. 806).

Lawrence v. Miller, 16 N. Y. 235.

Cited, Bills and Notes—Protest—Mailing to Directory Address.

137 N. Y. 380, (50 St. Rep. 661).

Lawrence v. Miller, 86 N. Y. 131.

Cited, Evidence—Parol—Collateral to Written Agreement.

7 Misc. 603; (58 St. Rep. 757; 27 Supp. 865).

Contracts—Performance—Tender.

82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708) 12 Misc. 137; (66 St. Rep. 737; 38 Supp. 81). 79 St. Rep. 437; (45 Supp. 437).

Duplicate Citations in Parenthesis.

Lawrence v. Mycenian Marble Co.,
1 Misc. 105; 48 St. Rep. 719; 20 Supp. 698.

Cited, Landlord and Tenant—Eviction—What Amounts to.

2 Misc. 66; (49 St. Rep. 142; 20 Supp. 843).
16 Misc. 378; (74 St. Rep. 383; 38 Supp. 86).

Lawrence v. Niagara Fire Ins. Co.,
2 App. Div. 267; 73 St. Rep. 397; 37 Supp. 811.

Distinguished, Insurance — Policy — Enforcement.

9 App. Div. 345; (75 St. Rep. 720; 41 Supp. 308).

Lawrence v. Norton, 45 Barb. 448.

Cited, Wills—Execution—Proof.

13 Misc. 469; (68 St. Rep. 743; 34 Supp. 708; 25 Civ. Pro. 29).

Lawrence v. Pease, 50 St. Rep. 851; 21 Supp. 223.

Lawrence v. Phipps, 67 Hun, 61; 51 St. Rep. 374; 22 Supp. 16.

Lawrence v. Samuels, 16 Misc. 501; 38 Supp. 976.

Modified and Affirmed, 17 Misc. 559; 75 St. Rep. 90; 40 Supp. 686.

Lawrence v. Samuels, 17 Misc. 559; 75 St. Rep. 90; 40 Supp. 686.

Cited, 20 Misc. 279; (79 St. Rep. 743; 45 Supp. 743).

Lawrence v. Samuels, 20 Misc. 15; 78 St. Rep. 602; 44 Supp. 602.

Lawrence v. Samuels, 20 Misc. 278; 79 St. Rep. 743; 45 Supp. 743.

Lawrence v. Saratoga Lake R. Co.,
36 Hun, 467.

Cited, Specific Performance—Award of Damages.

68 Hun, 198; (49 St. Rep. 181; 21 Supp. 228).

Contracts—Specific Performance.

144 N. Y. 162; (63 St. Rep. 52).

Lawrence v. Schaefer, 19 Misc. 239; 76 St. Rep. 992; 42 Supp. 992.

Cited, Contracts—Restricting Right to Sue—Underwriters.

17 App. Div. 41; (78 St. Rep. 890; 44 Supp. 890).

Lawrence v. Simons, 4 Barb. 354.

Cited, Contracts—Breach—Restitution.

20 Misc. 45; (79 St. Rep. 330; 45 Supp. 330).

Lawrence v. Taylor, 5 Hill 107.

Cited, Principal and Agent—Ratification—Extent.

74 Hun, 280; (56 St. Rep. 346; 26 Supp. 811).

Vendor and Purchaser—Dependent Covenants.

88 Hun, 78; (68 St. Rep. 533; 34 Supp. 610).

Vendor and Purchaser—Recovery of Purchase Price—Proof.

15 App. Div. 58; (78 St. Rep. 157; 44 Supp. 157).

Lawrence v. Wardwell, 6 Barb. 423.

Cited, Landlord and Tenant—Failure to Give Possession—Damages.

139 N. Y. 433; (54 St. Rep. 699)

Lawson v. Cirrito, 61 St. Rep. 114; 30 Supp. 257.

Lawson v. Hogan, 93 N. Y. 39.

Cited, Contracts—Rescission—Subsequent Rights.

10 Misc. 667; (64 St. Rep. 303; 31 Supp. 678; 1 Ann. Cas. 364).

Lawson v. Hill, 66 Hun, 288; 49 St. Rep. 251; 20 Supp. 904.

Lawson v. Hogan, 93 N. Y. 39.

Cited, Contracts—Performance—Time—Waiver—Default.

4 Misc. 440; (54 St. Rep. 140; 24 Supp. 697).

Lawson v. Merrill, 69 Hun, 278; 53 St. Rep. 424; 23 Supp. 560.

Lawson v. Pinckney, 40 Super. 187.

Cited, Officers—Official Duty—Presumption of Performance.

22 Supp. 536; (30 Abb. N. C. 114). 12 Misc. 491; (67 St. Rep. 392; 33 Supp. 668).

Lawson v. Reilly, 13 Civ. Pro. 290.

Cited, Mechanic's Lien—Bond to Discharge—Enforcement—Judgment Against Debtor.

73 Hun, 176; (57 St. Rep. 148; 25 Supp. 1100).

Mechanic's Lien—Bond to Discharge—Liability of Sureties.

3 Misc. 48; (51 St. Rep. 436; 22 Supp. 714). 10 Misc. 539 (64 St. Rep. 24; 31 Supp. 417; 1 Ann. Cas. 224). 145 N. Y. 247; (64 St. Rep. 686).

Mechanic's Lien—Enforcement—Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 326).

Lawson v. Terminal Warehouse Co., 70 Hun, 281; 54 St. Rep. 20; 24 Supp. 281.

Lawton v. Corlies, 127 N. Y. 100; 37 St. Rep. 923.

Cited, Legal Heirs—Who Are.

66 Hun, 301; (49 St. Rep. 240; 20 Supp. 935).

*Duplicate Citations in Parenthesis.***Wills—Construction.**

86 Hun, 110; (68 St. Rep. 45; 34 Supp. 201).

Lawton v. Erwin, 9 Wend. 233.

Cited, Action—Right—Leave to Sue—Constable's Bonds.

5 Misc. 532; (58 St. Rep. 111; 25 Supp. 984).

Lawton v. Green, 64 N. Y. 326.

Cited, Injunction—Costs—Recovery.

8 Misc. 243; (59 St. Rep. 219; 28 Supp. 545).

Injunction—Undertaking—Damages.

135 N. Y. 311; (43 St. Rep. 72).

Injunction—Final Decision.

148 N. Y. 524.

Lawton v. Kiel, 51 Barb. 30.

Discredited, Affidavits — Taken Without State—Authentication.

2 Misc. 440; (51 St. Rep. 120; 21 Supp. 973).

Lawton v. Lawton, 54 Hun, 415; 7 Supp. 556.

Cited, Parties—Intervention—Power of Court.

18 Misc. 174; (75 St. Rep. 845; 41 Supp. 439). 15 App. Div. 437; (78 St. Rep. 484; 44 Supp. 484).

Lawton v. Reil, 34 How. 465.

Cited, Attachment—Affidavit — Sufficiency.

17 Misc. 243; (40 Supp. 1067).

Lawton v. Sager, 11 Barb. 349.

Cited, Mortgage—Surplus Proceedings—Imposing Payment of Disbursements on Unsuccessful Claimant.

2 Misc. 394; (50 St. Rep. 607; 21 Supp. 988).

Lawton v. Steele, 119 N. Y. 226; 29 St. Rep. 581.

Cited, Constitutional Law—Police Power—Nuisances.

67 Hun, 60; (51 St. Rep. 195; 22 Supp. 60). 13 App. Div. 199, 202; (77 St. Rep. 366, 368; 43 Supp. 366, 368). 153 N. Y. 195.

Nuisance—Health Officers — Destruction of Property.

140 N. Y. 10; (55 St. Rep. 421). 79 St. Rep. 327; (45 Supp. 327).

Statutes—Construction—Giving Effect to Valid Parts.

22 Supp. 534; (30 Abb. N. C. 111). 150 N. Y. 479. D. 150 N. Y. 521.

Nuisance—Public—Remedy.

9 App. Div. 51; (75 St. Rep. 584; 41 Supp. 126).

Lawyer v. Fritchie, 130 N. Y. 239; 41 St. Rep. 268.

Cited, Master and Servant—Rights of Master—Enticing Away or Imprisoning Servant—Right of Action.

8 Misc. 436; (58 St. Rep. 854; 28 Supp. 678).

Layman v. John Anderson & Co., 4 App. Div. 124; 74 St. Rep. 776; 38 Supp. 883.

Cited, Appeal—Verdict Against Evidence—Setting Aside.

18 Misc. 206; (41 Supp. 371). 14 App. Div. 364; (77 St. Rep. 906; 43 Supp. 906).

Laytin, Matter of, 15 Misc. 660; 74 St. Rep. 291; 37 Supp. 1125; 25 Civ. Pro. 186.**Laytin v. Davidson**, 29 Hun, 623.

Cited, Executors and Trustees Under Will—Separate Functions—Commissions.

77 Hun, 113; (59 St. Rep. 853; 28 Supp. 307).

Laytin v. Davidson, 95 N. Y. 263.

Cited, Executors and Administrators — Compensation.

66 Hun, 420; (50 St. Rep. 315; 21 Supp. 514). 15 Misc. 570; (73 St. Rep. 128; 37 Supp. 589). 12 App. Div. 136; (76 St. Rep. 676; 42 Supp. 676). 75 St. Rep. 1390.

Layton v. Brady, 48 St. Rep. 935; 20 Supp. 534.

Cited, Damages—Measure of—Negligence—Injury to Animals.

9 Misc. 154; (59 St. Rep. 664; 29 Supp. 72).

Lazarus v. Ludwig, 17 Misc. 365; 74 St. Rep. 853; 40 Supp. 63; 25 Civ. Pro. 342.**Lazarus v. Ludwig**, 17 Misc. 378; 75 St. Rep. 1367; 40 Supp. 97.

Cited, 18 Misc. 475; (75 St. Rep. 1370; 41 Supp. 1000). 18 Misc. 482; (41 Supp. 997).

Lazarus v. Ludwig, 18 Misc. 474; 75 St. Rep. 1369; 41 Supp. 999.**Lazarus v. Ludwig**, 18 Misc. 481; 41 Supp. 997.

Cited, 18 Misc. 476; (41 Supp. 1000).

Lazarus v. McCarthy, 66 St. Rep. 295; 32 Supp. 833.**Lazarus v. Metropolitan Elevated R. Co.**, 69 Hun, 190; 53 St. Rep. 31; 23 Supp. 515.

Cited, 14 App. Div. 438; (77 St. Rep. 873; 43 Supp. 873).

Elevated Railroads—Operation and Construction—Right of Abutting Owners—Damages.

75 Hun, 66; (58 St. Rep. 165; 26 Supp. 007).

Duplicate Citations in Parenthesis.

Elevated Railroads—Damages—Rights of Administrator.

14 App. Div. 441; (77 St. Rep. 875; 43 Supp. 875).

Pleading—Parties—Action for Damages from Elevated Railway.

39 Supp. 295.

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R. Co., 83 Hun. 553; 65 St. Rep. 205; 32 Supp. 48; 24 Civ. Pro. 260.

Affirmed, 145 N. Y. 581; 65 St. Rep. 523.

Lazarus v. Metropolitan Elevated

R. Co., 145 N. Y. 581; 65 St. Rep. 523.

Cited, Trial—Before Referee — Requests.

13 Misc. 514; (69 St. Rep. 119; 34 Supp. 952).

Statutes—Construction—Retroaction.

14 Misc. 424; (70 St. Rep. 259; 25 Civ. Pro. 106; 2 Ann. Cas. 379).

91 Hun. 157; (71 St. Rep. 695; 36 Supp. 538). 149 N. Y. 545.

Lazarus v. Metropolitan Elevated

R. Co., 5 App. Div. 398; 39 Supp. 294.

Cited, 14 App. Div. 438; (77 St. Rep. 873; 43 Supp. 873).

Lazarus v. Metropolitan Elevated

R. Co., 14 App. Div. 438; 77 St. Rep. 873; 43 Supp. 873.

Lazarus v. Sands, 7 Misc. 282; 58 St. Rep. 538; 27 Supp. 885.

Cited, Broker—Employment—Proof.

12 Misc. 576; (67 St. Rep. 608; 33 Supp. 856).

Lazarus v. Sands, 12 Misc. 575; 67 St. Rep. 608; 33 Supp. 855.

Lazelle, Matter of, 16 Misc. 515; 40 Supp. 343.

Lazier v. Westcott, 26 N. Y. 146.

Cited, Judgment—Foreign—Conclusiveness.

138 N. Y. 73; (51 St. Rep. 711).

Lazzaro v. Maugham, 10 Misc. 230; 63 St. Rep. 306; 30 Supp. 1066.

Lazzarone v. Oishei, 2 Misc. 200; 49 St. Rep. 520; 21 Supp. 267.

Lea v. Wolf, 46 How. 157.

Cited, Trademark—Infringement.

82 Hun. 97; (63 St. Rep. 395; 31 Supp. 104).

Leach v. Haight, 4 App. Div. 613; 74 St. Rep. 780; 38 Supp. 886.

Leach v. Linde, 70 Hun. 145; 54 St. Rep. 18; 24 Supp. 176.

Affirmed, 143 N. Y. 628; 60 St. Rep. 866.

Cited, Evidence—Foreign Statutes—Judgment—Foreign—Proof of Jurisdiction.

Leach v. Linde, 73 Hun. 246; 57 St. Rep. 132; 25 Supp. 1042.

Cited, Judgment—Foreign—Effect on Suit on Original Cause of Action.

60 St. Rep. 248; (28 Supp. 865).

Leach v. New York, N. H. & H. R.

R. Co., 89 Hun. 377; 69 St. Rep. 749; 35 Supp. 305.

Leach v. Williams, 12 App. Div. 173; 76 St. Rep. 574; 42 Supp. 574.

Cited, Appeal—Reversal of Verdict—Exceptions.

17 App. Div. 87; (78 St. Rep. 818; 44 Supp. 818).

Leadbetter v. Leadbetter, 32 St. Rep. 290; 11 Supp. 228.

Cited, Chattel Mortgage—Default.

2 App. Div. 468; (74 St. Rep. 338; 37 Supp. 1041).

Leadbetter v. Leadbetter, 125 N. Y. 290; 34 St. Rep. 929.

Cited, Chattel Mortgage—Default—Title to Property.

138 N. Y. 502; (53 St. Rep. 104). D. 138 N. Y. 512; (53 St. Rep. 109).

Chattel Mortgage—Default—When Occurs.

2 App. Div. 468; (74 St. Rep. 339; 37 Supp. 1042)

Chattel Mortgage—Equity of Redemption.

81 Hun. 176; (62 St. Rep. 680; 30 Supp. 695).

Leaird v. Smith, 44 N. Y. 618.

Cited, Contracts—Performance—Time—Waiver—Default.

4 Misc. 440; (54 St. Rep. 141; 24 Supp. 697).

Learned, Matter of, 12 Misc. 562; 34 Supp. 189.

Learned v. Tillotson, 97 N. Y. 1.

Cited, Estoppel—Admission Failure to Reply to Letter.

141 N. Y. 506; (57 St. Rep. 593). 8 Misc. 220; (59 St. Rep. 235; 28 Supp. 583).

Trial—Verdict—Power of Court Over—Findings in Equity Case.

69 Hun. 524; (52 St. Rep. 847).

Learned v. Vandenburg, 7 How. 379.

Cited, Attachment—Lien—Priority.

79 Hun. 149; (61 St. Rep. 358; 29 Supp. 767; 24 Civ. Pro. 37).

Learned v. Vandenburg, 8 How. 77.

Cited, Attachment—Liens—Priority.

79 Hun. 149; (61 St. Rep. 358; 29 Supp. 767; 24 Civ. Pro. 37).

Duplicate Citations in Parenthesis.

- Leary v. Lehigh Valley R. Co.**, 76 Hun, 575; 58 St. Rep. 258; 28 Supp. 187.
- Leary v. Stock**, 15 App. Div. 379; 78 St. Rep. 82; 44 Supp. 82.
- Levens v. Thompson**, 48 Hun, 389; 16 St. Rep. 386; 1 Supp. 18.
Cited, Agency—Note.
82 Hun, 177; (63 St. Rep. 777; 31 Supp. 328).
- Leavitt v. Wolcott**, 95 N. Y. 212.
Cited, Judgment—Conclusiveness—Summary Proceedings.
70 Hun, 184; (54 St. Rep. 105; 24 Supp. 56).
- Leavy v. Gardner**, 63 N. Y. 624.
Cited, Mechanic's Lien—Death of Owner.
144 N. Y. 521; (64 St. Rep. 47).
- Leavy v. Roberts**, 8 Abb. 310.
Cited, Appeal—New Trial—New Evidence—Case.
11 Misc. 358; (65 St. Rep. 503; 33 Supp. 296; 24 Civ. Pro. 231).
- Le Bahu v. N. Y. C. & H. R. R. Co.**, 80 Hun, 116; 61 St. Rep. 760; 30 Supp. 7.
- Le Baron, Matter of**, 67 How. 346.
Cited, Evidence—Transactions With Decedent—Availability.
19 Misc. 385; (78 St. Rep. 366; 44 Supp. 366).
- Le Barron v. Babcock**, 122 N. Y. 153; 33 St. Rep. 285.
Cited, Co-tenancy—Exclusive Occupation by Co-tenant.
73 Hun, 511; 56 St. Rep. 182; (26 Supp. 307).
Co-tenancy—Crops—Rights of Co-tenants.
148 N. Y. 469.
- Le Blanc, Matter of**, 14 Hun, 8.
Affirmed, 75 N. Y. 598.
Cited, Banks—Special Deposits—Bank's Control Over—Liability for.
77 Hun, 168; (58 St. Rep. 717; 28 Supp. 411).
- Lebowits v. Colligan**, 79 St. Rep. 373; 45 Supp. 373.
- Lechner v. Newark, Village of**, 19 Misc. 452; 78 St. Rep. 556; 44 Supp. 556.
- Lechowitzer v. Hamburg Am. P. Co.**, 6 Misc. 536; 57 St. Rep. 862; 27 Supp. 140.
Affirmed, 8 Misc. 213; 59 St. Rep. 486; 28 Supp. 577.
- Lechowitzer v. Hamburg Am. P. Co.**, 8 Misc. 213; 59 St. Rep. 486; 28 Supp. 577.
Cited, Carriers—Contract of Carriage—When Complete.
13 Misc. 37; (68 St. Rep. 175; 34 Supp. 100).
- Leck v. Braender**, 2 Misc. 589; 23 Supp. 311.
- Le Conteulx v. Buffalo**, 33 N. Y. 333.
Cited, Trusts—Gifts to Corporations.
144 N. Y. 551; (64 St. Rep. 246). 12 App. Div. 274; (76 St. Rep. 905; 42 Supp. 905).
Corporations—Powers.
16 App. Div. 569; (78 St. Rep. 947; 44 Supp. 947).
- Ledon v. Havemeyer**, 121 N. Y. 179; 30 St. Rep. 754.
Cited, Contract—Performance—Reasonable Time.
7 Misc. 243; (58 St. Rep. 24; 27 Supp. 263). 9 Misc. 120; (59 St. Rep. 708; 29 Supp. 290).
- Ledoux v. East River Silk Co.**, 19 Misc. 440; 78 St. Rep. 489; 44 Supp. 489.
- Ledrich, Matter of**, 68 Hun, 396; 52 St. Rep. 174; 22 Supp. 978.
- Ledwich v. McKim**, 53 N. Y. 307.
Cited, Pleading—Complaint—Ejectment—Irrelevant Allegations.
70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257).
Sale—Implied Warranty—Genuineness of Negotiable Instrument.
73 Hun, 387; (53 St. Rep. 77; 26 Supp. 454).
Pleading—Complaint—Sufficiency.
89 Hun, 110; (68 St. Rep. 830; 34 Supp. 1068).
Bonds—Bona Fides.
8 App. Div. 91; (74 St. Rep. 858; 40 Supp. 412).
- Ledwith v. Claffy**, 18 App. Div. 115; 79 St. Rep. 612; 45 Supp. 612.
- Ledyard v. Bull**, 119 N. Y. 62; 28 St. Rep. 581.
Cited, Executors—Settlement—Among Beneficiaries—Effect.
24 Supp. 98.
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81 Hun, 110; (62 St. Rep. 630; 30 Supp. 657).
Interest—As Penalty.
18 Misc. 684; (76 St. Rep. 16; 42 Supp. 16; 3 Ann. Cas. 330).
Interest—When Recoverable.
17 Misc. 534; (40 Supp. 878).

Duplicate Citations in Parenthesis.

Ledyard v. Butler, 9 Paige 132.

Cited, Mortgage—Bona Fide Purchaser—Priority.

92 Hun, 214; (72 St. Rep. 276; 36 Supp. 1053).

Ledyard v. Jones, 7 N. Y. 550.

Cited, Execution—Duty and Liability of Executing Officer—Failure to Return—Defenses.

24 Supp. 820. 92 Hun, 413; (71 St. Rep. 856; 36 Supp. 762).

Appeal—Harmless Error.

88 Hun, 826; (8 St. Rep. 676; 34 Supp. 621).

Ledyard v. Ten Eyck, 36 Barb. 102.

Cited, Waters—Land Under—Title of State.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).

Waters—Navigable—Tests.

75 Hun, 567; (59 St. Rep. 640; 27 Supp. 540).

Waters—Riparian Rights—Accretion—Artificial.

71 Hun, 157; (54 St. Rep. 366; 23 Supp. 930; 30 Abb. N. C. 94).

Lee, Matter of, 141 N. Y. 58; 56 St. Rep. 592.

Affirming, 65 Hun, 524; 48 St. Rep. 352; 20 Supp. 579.

Cited, Wills—Construction—Intent.

20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606).

Lee v. Chadsey, 3 Keyes, 225.

Cited, Witness—Credibility—Effect on Of Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937).

Lee v. Chadsey, 2 Keyes, 543.

Cited, D. 10 Misc. 716; (64 St. Rep. 619; 31 Supp. 811). 14 Misc. 313; (70 St. Rep. 458; 35 Supp. 768).

Lee v. Chadsey, 3 Abb. Ct. App., Dec. 43.

Cited, Usury—Bonus to Agent.

18 Misc. 48; (75 St. Rep. 467; 41 Supp. 15).

Lee v. Corn, 2 Misc. 463; 51 St. Rep. 157; 21 Supp. 1073.

Affirmed, 3 Misc. 634; 51 St. Rep. 945; 22 Supp. 1130.

Lee v. Horton, 104 N. Y. 538; 5 St. Rep. 714.

Cited, Executors—Indemnity Bond—Enforcement.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080). 15 Misc. 110, 111; (71 St. Rep. 6, 7, 8; 36 Supp. 266, 267, 269).

Lee v. Kendall, 56 Hun, 610; 32 St. Rep. 165; 11 Supp. 131.

Cited, Tort—Joint Feasors—Conspiracy—Damages.

9 Misc. 36; (59 St. Rep. 545; 29 Supp. 295; 31 Abb. N. C. 319). 11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1120).

Lee v. Kennedy, 19 Misc. 352.

Lee v. La Campagne Universal, 2 St. Rep. 612.

Cited, Attachment—Maturity of Debt—Counterclaims.

2 Misc. 104; (49 St. Rep. 705; 21 Supp. 5). Attachment—Affidavit—Sufficiency.

88 Hun, 371; (68 St. Rep. 767; 34 Supp. 829; 2 Ann. Cas. 209).

Lee v. Lee, 85 Hun, 588; 66 St. Rep. 820; 33 Supp. 115; 2 Ann. Cas. 52.

Lee v. McLaughlin, 4 Supp. 742; 16 Civ. Pro. 151.

Cited, Trial—Verdict—Correction—By Court.

7 Misc. 508; (60 St. Rep. 173; 28 Supp. 466).

Torts—Several Tort Feasors—Judgment.

16 App. Div. 482; (78 St. Rep. 866; 44 Supp. 866).

Lee v. Methodist Episcopal Church, 32 Barb. 116.

Cited, Evidence—Parol—Explanation of Writing.

49 St. Rep. 473; (21 Supp. 93).

Lee v. Parker, 43 Barb. 611.

Cited, Mortgage—Foreclosure—Effect on Other Lienors.

82 Hun, 408; (63 St. Rep. 571; 31 Supp. 241). 8 App. Div. 520; (75 St. Rep. 289; 40 Supp. 893).

Lee v. Pfeffler, 25 Hun, 97.

Cited, Attachment—Vacating—Junior Creditors.

79 Hun, 408; (61 St. Rep. 503; 29 Supp. 798).

Action—Parties—Intervention.

4 App. Div. 55; (38 Supp. 628; 25 Civ. Pro. 334).

Lee v. Pittsburgh C. & M. Co., 56 How. 373.

Affirmed, 75 N. Y. 601.

Cited, Corporations—Officers—Authority—By-Laws.

61 St. Rep. 119; (30 Supp. 251).

Lee v. Sandy Hill, Village of, 40 N. Y. 442.

Cited, Highways—Dedication—Revocation Before Acceptance.

Duplicate Citations in Parenthesis.

76 Hun, 164; (57 St. Rep. 324; 27 Supp. 547). 19 Misc. 577; (78 St. Rep. 1091; 44 Supp. 1091).

Principal and Agent—Liability of Master for Tortious Acts of Agent.

7 Misc. 499; (58 St. Rep. 797; 27 Supp. 950). 10 Misc. 666; (64 St. Rep. 302; 31 Supp. 677; 1 Ann. Cas. 363).

Lee v. Schmidt, 6 Abb. 183.

Cited, Appeal—Notice of Appeal—What Reviewable.

91 Hun, 61; (71 St. Rep. 632; 36 Supp. 828).

Lee v. Selleck, 33 N. Y. 615.

Cited, Conflict of Law—Negotiable Paper—Lex Loci Contractus.

15 Misc. 575; (72 St. Rep. 814; 38 Supp. 185).

Lee v. Tillotson, 24 Wend. 337.

Cited, Estoppel—Equitable—Waiver of Constitutional or Statutory Privilege.

140 N. Y. 466; (55 St. Rep. 832).

Lee v. Timken, 81 Hun, 81; 62 St. Rep. 764; 30 Supp. 800.

Cited, Appeal—Order Sustaining Demurrer.

85 Hun, 107; (66 St. Rep. 34; 32 Supp. 652).

Lee v. Timken, 85 Hun, 309; 66 St. Rep. 417; 32 Supp. 1064.

Lee v. Timken, 10 App. Div. 213; 75 St. Rep. 1856; 41 Supp. 979.

Lee v. Tower, 124 N. Y. 370; 36 St. Rep. 344.

Cited, Wills—Election—Effect.

82 Hun, 210; (63 St. Rep. 783; 31 Supp. 334). 87 Hun, 346; (68 St. Rep. 468; 34 Supp. 316).

Wills—Devise—Unlawful Suspension.

82 Hun, 372; (64 St. Rep. 91; 31 Supp. 492).

Lee v. Troy Citizens' Gas Light Co., 98 N. Y. 115.

Cited, Trial—Taking Case from Jury—Contributory Negligence.

6 Misc. 384; (56 St. Rep. 398; 26 Supp. 755). 8 Misc. 496; (59 St. Rep. 411; 28 Supp. 751). 11 Misc. 538; (64 St. Rep. 468; 32 Supp. 743).

Pleading—Negligence—Contributory.

7 App. Div. 166; (39 Supp. 1104).

Lee v. Van Voorhis, 73 Hun, 575; 61 St. Rep. 220; 29 Supp. 571.

Affirmed, 145 N. Y. 603; 65 St. Rep. 866.

Lee v. Vacuum Oil Co., 126 N. Y. 579; 38 St. Rep. 662.

Cited, Attorneys—Compensation—Lien—Settlement by Client.

69 Hun, 239; (53 St. Rep. 354; 23 Supp. 556). 92 Hun, 539; (72 St. Rep. 420; 36 Supp. 977). 16 Misc. 559; (74 St. Rep. 133; 38 Supp. 785; 25 Civ. Pro. 328). 152 N. Y. 528.

Attorney—Lien—Compensation Out of Recovery.

78 Hun, 579; (61 St. Rep. 220; 29 Supp. 574). 66 St. Rep. 201; (32 Supp. 818; 24 Civ. Pro. 239).

Contracts—Rescission—Restitution.

87 Hun, 173; (67 St. Rep. 739; 33 Supp. 1053). 17 Misc. 606; (75 St. Rep. 55; 40 Supp. 654). 20 Misc. 436.

Lee Bank v. Kitching, 11 Abb. 435.

Cited, Pleading—Irrelevancy—Striking Out.

51 St. Rep. 598; (22 Supp. 527). 50 St. Rep. 221.

Leeds v. Metropolitan Gaslight Co., 90 N. Y. 26.

Cited, Damages—Measure—Negligence—Loss of Time.

67 Hun, 267; (51 St. Rep. 383; 22 Supp. 230). 6 Misc. 76; 55 St. Rep. 493; 26 Supp. 12). 4 App. Div. 51; (74 St. Rep. 123; 38 Supp. 693). 14 App. Div. 296; (77 St. Rep. 784; 43 Supp. 784).

Appeal—Denial of Damages—Reversal.

144 N. Y. 49; (63 St. Rep. 16).

Lees v. Hayden, 78 Hun, 370; 60 St. Rep. 723; 29 Supp. 179.

Followed Counterclaim—Assignment for Creditors—Maturity.

60 St. Rep. 876.

Lees v. Pitney, 7 Misc. 492; 58 St. Rep. 43; 27 Supp. 972.

Lees v. Rittermann, 9 Misc. 476; 61 St. Rep. 114; 30 Supp. 257.

Lee's Bank of Buffalo, Matter of, 21 N. Y. 9.

Cited, Corporations—Liability of Stockholders—Change by Amendment of Statute.

2 Misc. 227; (52 St. Rep. 272; 23 Supp. 752). 11 Misc. 494; (64 St. Rep. 461; 32 Supp. 719).

Leet v. Leet, 12 App. Div. 11; 76 St. Rep. 174; 42 Supp. 174.

Le Fetra v. Glover, 10 Misc. 70; 62 St. Rep. 264; 31 Supp. 150.

Cited, Recording Act—Pledge.

16 Misc. 380; (74 St. Rep. 312; 38 Supp. 58).

Lefever v. Lefever, 30 N. Y. 27.

Cited, Appeal—Objections to Evidence Not Taken Below.

Duplicate Citations in Parenthesis.

3 Misc. 337; (52 St. Rep. 8; 22 Supp. 738).
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 143 N. Y. 594; (62 St. Rep. 794).

Le Fevre, Matter of, 5 Dem. 24.
Cited, Wills—Devise—Limitation.
 10 Misc. 26; (62 St. Rep. 267; 30 Supp. 805).

Le Fevre v. Laraway, 22 Barb. 167.
Cited, Mortgage—Foreclosure—Re-Sale—Increase of Price.
 76 Hun, 596; (58 St. Rep. 255; 28 Supp. 195).

Lefevre v. Lefevre, 59 N. Y. 434.
Cited, Wills—Validity—Misnomer of Beneficiaries.

3 Misc. 479; (23 Supp. 741). 3 App. Div. 47; (74 St. Rep. 428; 37 Supp. 1082).

Wills—Gifts to Corporations—Statutory Restrictions—Devise.

82 Hun, 499, (64 St. Rep. 136; 31 Supp. 522).

Wills—Charitable Gifts—Precatory Words.

1 App. Div. 163; (73 St. Rep. 25; 37 Supp. 922).

Wills—Void Devises—Intestacy.

15 Misc. 321; (73 St. Rep. 124; 37 Supp. 585).

Le Fevre v. Phillips, 81 Hun, 232; 62 St. Rep. 665 30 Supp. 709.

Lefevre v. Toole, 81 N. Y. 95.

Cited, Wills—Legacies—Charge Upon Land.

138 N. Y. 421; (52 St. Rep. 886). 8 Misc. 193; (59 St. Rep. 481; 29 Supp. 1084).

Wills—Equitable Conversion.

8 App. Div. 352; (75 St. Rep. 177; 40 Supp. 798).

Wills—Gift to Wife—When in Lieu of Dower.

14 App. Div. 576; (77 St. Rep. 903; 43 Supp. 903).

Lefferts v. Brampton, 24 How. 257.

Cited, Discovery and Inspection—When Allowed.

13 Misc. 50; (68 St. Rep. 9; 34 Supp. 53).

Lefferts v. Silsby, 54 How. 193.

Cited, Pleading—Answer—Non-joinder of Parties.

76 Hun, 231; (59 St. Rep. 124; 27 Supp. 737).

Leffingwell v. Chave, 10 Abb. 472.

Cited, Injunction—To Accompany Summons.

136 N. Y. 262; (49 St. Rep. 383).

Lefler v. Field, 52 N. Y. 621.

Cited, Fraud—Elements.

10 Misc. 163; (62 St. Rep. 481; 30 Supp. 828).
 Evidence—Competency—Instructions to Agent.

20 Misc. 610.

Lefler v. Field, 50 Barb. 407.

Cited, Appeal—Findings of Fact—Exceptions.

2 App. Div. 341; (73 St. Rep. 68; 37 Supp. 855).

Lefrois v. Monroe County, 88 Hun, 109; 68 St. Rep. 535; 34 Supp. 612.

Cited, Action—Nuisance—Jury Trial.

7 App. Div. 320; (74 St. Rep. 731; 40 Supp. 170).

Lefurgy v. Stewart, 69 Hun, 614; 52 St. Rep. 931; 23 Supp. 537.

Affirmed, 140 N. Y. 661; 55 St. Rep. 932.

Legeman v. Kloppenburg, 2 E. D. Smith, 126.

Cited, Money Paid—For Another—Recovery.

11 Misc. 54; (63 St. Rep. 450; 31 Supp. 854).

Legg v. Stillman, 2 Cow. 418.

Cited, Justice's Court—Service of Summons—Return.

20 Misc. 73; 79 St. Rep. 410; 45 Supp. 410).

Leggett v. Bank of Sing Sing, 24 N. Y. 283.

Cited, Bank—Lien on Stock for Loans—Transfer.

78 Hun, 93; (60 St. Rep. 512; 28 Supp. 1102). 83 Hun, 94; (63 St. Rep. 855; 31 Supp. 408).

“Debris Due”—What Included.

3 App. Div. 552; (74 St. Rep. 40; 38 Supp. 384).

Leggett v. Firth, 53 Hun, 152; 25 St. Rep. 332; 6 Supp. 158.

Cited, Wills—Construction—Limitation of Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431).

Leggett v. Firth, 132 N. Y. 7.

Cited, 79 St. Rep. 625; (45 Supp. 625).

Wills—Construction—Life Estate—Enlargement—Words of.

5 Misc. 19; (25 Supp. 60).

Wills—Devise—Remainder Over—Validity.

11 App. Div. 223; (77 St. Rep. 421; 43 Supp. 421). 19 Misc. 208; 209; (77 St. Rep. 1144, 1145; 43 Supp. 1144, 1145).

Wills—Construction—Life Estate—Power to Sell.

5 Misc. 11; (24 Supp. 769). 81 Hun, 119; (62 St. Rep. 675; 30 Supp. 690). 84 Hun, 127; (65 St. Rep. 683; 32 Supp. 555).

*Duplicate Citations in Parenthesis.***Leggett v. Hunter**, 19 N. Y. 445.*Cited*, Infants—Power of Legislature over Real Property—Divesting of Title.

79 Hun, 324; (61 St. Rep. 406; 29 Supp. 462); 149 N. Y. 467.

Wills—Gift—Vesting.

11 Misc. 465; (67 St. Rep. 280; 1 Supp. 432).

Leggett v. Hyde, 58 N. Y. 272.*Cited*, Trial — Directing Verdict — Question of Law.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 725).

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2 App. Div. 349; (73 St. Rep. 430; 37 Supp. 753).

40 Supp. 226.

Leggett v. Perkins, 2 N. Y. 297.*Cited*, Wills—Trusts — Income of Estate.

3 Misc. 470; (23 Supp. 737). 1 App. Div. 514; (72 St. Rep. 747; 37 Supp. 358). 13 App. Div. 348, 351; (77 St. Rep. 21, 24; 43 Supp. 21, 24). D. 13 App. Div. 353, 354; (77 St. Rep. 26; 43 Supp. 26).

Trusts—Accumulation—Annuities.

140 N. Y. 525; (56 St. Rep. 471).

Leggett v. Rome, Watertown & Ogdensburgh R. Co., 41 Hun, 80; 2 St. Rep. 312.*Cited*, Railroads — Fences — Injury to Stock.

72 Hun, 470; (54 St. Rep. 763; 25 Supp. 230).

Le Guen v. Gouverneur, 1 John Cas. 436.*Cited*, Judgment — Conclusiveness—Ex-tent.

135 N. Y. 130; (48 St. Rep. 388).

Legrand v. Manhattan Mercantile Association, 80 N. Y. 638.*Cited*, Corporations—Powers—Contracts.

19 Misc. 657; (78 St. Rep. 429; 44 Supp. 429).

Lehman v. Buchner, 14 App. Div. 263; 77 St. Rep. 438; 43 Supp. 438.**Lehman, Matter of**, 2 App. Div. 531; 74 St. Rep. 268; 27 Supp. 1086.**Lehman v. Bentley**, 135 N. Y. 651; 48 St. Rep. 932.**Lehman v. Brooklyn City R. Co.**, 47 Hun, 357.*Cited*, Negligence—Injury—Fright—Run-away Horses—R. convey.

4 Misc. 582; (25 Supp. 749; 30 Abb. N. C. 370; 3 Ann. Cas. 284).

Lehman v. Great Eastern Casualty & Indemnity Co. of New York, 7 App. Div. 424; 39 Supp. 912.**Lehman v. Mayer**, 8 App. Div. 311; 75 St. Rep. 330; 40 Supp. 933.**Lehman v. Roberts**, 86 N. Y. 232.*Cited*, Action—To Remove Cloud on Title—When Lies.

86 Hun, 594; (67 St. Rep. 567; 33 Supp. 745).

Lehr v. Steinway and H. P. R. R. Co., 118 N. Y. 556; 30 St. Rep. 1.*Cited*, Trial—Questions for Jury—Negligence.

73 Hun, 568; (56 St. Rep. 221; 26 Supp. 311).

Trial—Questions for Jury—Negligence of Railroads—Overcrowded Cars.

4 Misc. 295; (33 St. Rep. 333; 24 Supp. 142). 85 Hun, 409; (66 St. Rep. 427; 32 Supp. 1022). 149 N. Y. 341.

Leibinger & Oehm Brewing Co. v.**Ernst**, 89 Hun, 156; 69 St. Rep. 440; 35 Supp. 47.*Cited*, 90 Hun, 215; (70 St. Rep. 386; 35 Supp. 621).

Evidence—Parol—Receipt — Contracts — Consideration.

10 App. Div. 462; (76 St. Rep. 388; 42 Supp. 388).

Leibinger & Oehm Brewing Co. v.**Ernst**, 10 App. Div. 459; 76 St. Rep. 387; 42 Supp. 387.**Leiegn v. Schwarzwler**, 10 Daly 547.*Cited*, Mechanic's Lien—Contract—Completion.

4 Misc. 58; (53 St. Rep. 76; 23 Supp. 607)

Leighton v. People, 88 N. Y. 117.*Cited*, Homicide—Premeditation.

139 N. Y. 361; (54 St. Rep. 588); 149 N. Y. 267. 153 N. Y. 36.

Leinkauf v. Calman, 110 N. Y. 50.*Cited*, Insurance—Policy—Assignment—Pledge.

19 Misc. 589; (78 St. Rep. 1046; 44 Supp. 1046).

Leinkauf v. Lombard, 137 N. Y. 417; 51 St. Rep. 63.*Cited*, Appeal—Review of Facts.

145 N. Y. 412; (64 St. Rep. 844). 145 N. Y. 545; (65 St. Rep. 531; 1 Ann. Cas. 312).

Trial—Non-suit.

77 Hun, 463; (60 St. Rep. 597; 28 Supp. 1011). 138 N. Y. 530; (53 St. Rep. 101). 60 St. Rep. 112. 74 Hun, 388; (56 St. Rep. 384; 26 Supp. 434). 9 App. Div. 527; (14 Misc. 421; 70 St. Rep. 420; 35 Supp. 763). 14 Misc. 282; (70 St. Rep. 254; 35 Supp. 833). 14 Misc. 604; (71 St. Rep. 447; 36 Supp. 460). 91 Hun, 87; (71 St. Rep. 103; 36 Supp. 167). 5 App. Div. 581; (39 Supp. 383). 13 App. Div. 126; (76 St. Rep. 1101; 42 Supp. 1101).

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14 App. Div. 408; (77 St. Rep. 1027; 43 Supp. 1027). 19 Misc. 658; (78 St. Rep. 430; 44 Supp. 430).

Leinkauf v. Lombard-Ayers & Co.,
12 App. Div. 302; 76 St. Rep. 391; 42 Supp. 391.

Cited, 17 App. Div. 412; 79 St. Rep. 288; 45 Supp. 288).

Leiser v. Rosman, 32 St. Rep. 739; 10 Supp. 415.

Cited, Attachment—Affidavit—Sufficiency.

88 Hun, 371; (68 St. Rep. 767; 34 Supp. 829; 2 Ann. Cas. 209).

Leitch v. Wells, 48 N. Y. 585.

Cited, Corporations—Stock Certificates—Negotiability.

74 Hun, 491; (57 St. Rep. 53; 26 Supp. 486). Corporations—Stock—Transfer—Title.

133 N. Y. 561; (53 St. Rep. 278; 30 Abb. N. C. 393). 16 App. Div. 604, 606; (78 St. Rep. 971, 973; 44 Supp. 971, 973).

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71 N. Y. 398; (55 St. Rep. 35; 25 Supp. 28).

Leiter v. Beecher, 2 App. Div. 577; 74 St. Rep. 410; 37 Supp. 1114; 3 Ann. Cas. 116.

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Cited, Contracts—Insurance—Restricting Right to Sue.

6 App. Div. 543; (39 Supp. 587). 18 Misc. 593; (76 St. Rep. 236; 42 Supp. 236). 19 Misc. 243; (76 St. Rep. 995; 42 Supp. 995). 17 App. Div. 41, 42; (78 St. Rep. 889, 890; 44 Supp. 889, 890).

Leland v. Bennett, 5 Hill, 286.

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67 Hun, 593; (51 St. Rep. 355; 22 Supp. 460).

Leland v. Cameron, 31 N. Y. 115.

Cited, Taxes—Assessment—Presumption—Exemption.

80 Hun, 125; (61 St. Rep. 803; 30 Supp. 60).

Leland v. Sun Printing and Publishing Ass'n, 5 App. Div. 620; 72 St. Rep. 870; 38 Supp. 1146.

Le Marchant v. Moore, 79 Hun, 352; 61 St. Rep. 382; 29 Supp. 484.

Affirmed, 150 N. Y. 209.

Le Marchant v. Moore, 150 N. Y. 209.

Lemien v. Lemien, 16 App. Div. 264; 78 St. Rep. 674; 44 Supp. 674.

Lemieux v. English, 19 Misc. 545; 77 St. Rep. 1066; 43 Supp. 1066.

Cited, Mechanic's Lien—Sub-contractor—Indebtedness from Owner.

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78). 20 Misc. 556.

Lemmer v. Morrison, 89 Hun, 277; 70 St. Rep. 387; 35 Supp. 623; 2 Ann. Cas. 240.

Cited, Recording Act—Invalid Acknowledgment—Notice.

15 App. Div. 250; (78 St. Rep. 174; 44 Supp. 174).

Lenane v. Mayer, 18 Misc. 454; 75 St. Rep. 1336; 41 Supp. 960.

Lennon v. Cornwall, 136 N. Y. 668; 50 St. Rep. 929.

Lennon v. Grauer, 2 App. Div. 513; 74 St. Rep. 451; 38 Supp. 22.

Lennon v. McIntosh, 19 Abb. N. C. 175.

Cited, Costs—Opening—Default—Penalty.
6 Misc. 8; (58 St. Rep. 122; 26 Supp. 66).

12 Misc. 388; (67 St. Rep. 405; 33 Supp. 583; 24 Civ. Pro. 406).

Lennon v. Metropolitan Life Ins. Co., 20 Misc. 403; 79 St. Rep. 1033; 45 Supp. 1033.

Lennon v. New York, 55 N. Y. 361.

Cited, Taxes—Validity of Warrant—How Tested.

137 N. Y. 8; (49 St. Rep. 887).

Taxes—Void Assessment—Relief.

146 N. Y. 250; (66 St. Rep. 612; 2 Ann. Cas. 92).

Taxes—Remedial Statutes—Constitutionality.

92 Hun, 209; (71 St. Rep. 556; 36 Supp. 525).

Lennon v. Smith, 124 N. Y. 578; 36 St. Rep. 880.

Cited, Contracts—Repudiation—Damages for Delay—Availability.

85 Hun, 319; (66 St. Rep. 463; 32 Supp. 979).

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85 Hun, 320; (66 St. Rep. 464; 32 Supp. 979).

Lennon v. Smith, 14 Daly 520; 16 St. Rep. 668; 1 Supp. 97.

Cited, Damages—Contract—Penalty of Liquidated Damages.

6 Misc. 109; (55 St. Rep. 690; 26 Supp. 32).

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Cited, Executors—Compensation—Extra.
3 Misc. 178; (23 Supp. 841). 13 Misc. 672;

(69 St. Rep. 656; 35 Supp. 301). 17 Misc. 688; (41 Supp. 545).

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79 Hun, 433; (61 St. Rep. 468; 29 Supp. 1000).

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3 Misc. 167; (51 St. Rep. 564; 23 Supp. 289).

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10 Misc. 212; (64 St. Rep. 7; 31 Supp. 424).

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5 Misc. 158; (25 Supp. 722). 2 App. Div. 524; (74 St. Rep. 417; 37 Supp. 1120). 79 St. Rep. 872; (45 Supp. 872).

Lent v. N. Y. & Mass. R. Co., 130 N. Y. 504; 42 St. Rep. 592; 28 Abb. N. C. 478.

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Cited, Contract—To Answer for Debts, Default, etc., of Another—Allegations and Proof as to Performance.

1 Misc. 337; (48 St. Rep. 709; 20 Supp. 682).

Evidence—Relevancy—Under Plea of Nil Debet.

2 Misc. 411; (51 St. Rep. 585; 21 Supp. 1102).

Pleading—General Denial—Proof of Payment.

78 Hun, 221; (60 St. Rep. 261; 28 Supp. 904). 10 Misc. 144; (62 St. Rep. 475; 30 Supp. 907). 91 Hun, 441; (70 St. Rep. 808; 36 Supp. 234; 25 Civ. Pro. 149; 2 Ann. Cas. 315). 16 Misc. 433; (39 Supp. 734).

3 Misc. 63; (51 St. Rep. 772; 22 Supp. 557). 10 Misc. 744; (64 St. Rep. 504; 31 Supp. 801). 92 Hun, 62; (71 St. Rep. 717; 36 Supp. 645).

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7 Misc. 707; (58 St. Rep. 366; 28 Supp. 42).

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6 Misc. 603; (56 St. Rep. 606; 26 Supp. 83). 2 Misc. 297; (50 St. Rep. 329; 21 Supp. 929). 11 Misc. 56; (63 St. Rep. 451; 31 Supp. 855).

Non-payment—Necessity of Proving.

12 Misc. 93; (66 St. Rep. 669; 32 Supp. 1132). 77 St. Rep. 542; (43 Supp. 542). 14 App. Div. 200; (77 St. Rep. 542; 43 Supp. 542).

Lentillon v. Bacon, 48 St. Rep. 864; 20 Supp. 488.

Cited, Depositions—Open Commission—When Proper.

74 Hun, 249; (55 St. Rep. 875; 26 Supp. 446). 9 App. Div. 573; (75 St. Rep. 1210; 41 Supp. 810).

Lenz v. Aldrich, 6 App. Div. 178; 39 Supp. 1022.

Leonard v. Bowman, 40 St. Rep. 135; 15 Supp. 822.

Cited, Supplementary Proceedings—Examination of Third Person—Affidavit.

19 Misc. 667; (78 St. Rep. 1103; 44 Supp. 1103).

Leonard v. Burr, 18 N. Y. 96.

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3 Misc. 532; (52 St. Rep. 490; 23 Supp. 331).

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Leonard v. Clough, 123 N. Y. 292.

Cited, Evidence—Parol—To Show Reservation.

79 St. Rep. 640; (45 Supp. 660).

Leonard v. Collins, 70 N. Y. 90.

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9 Misc. 362; (60 St. Rep. 616; 29 Supp. 698).

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24 Misc. 46; (66 St. Rep. 530; 33 Supp. 31). 17 Misc. 604; (40 Supp. 594).

Leonard v. Columbia S. N. Co., 84 N. Y. 48.

Cited, Conflict of Laws—Death by Negligence.

3 Misc. 225; (51 St. Rep. 869; 22 Supp. 750). 86 Hun, 394; (67 St. Rep. 217; 33 Supp. 504). 12 App. Div. 30; (76 St. Rep. 171, 172; 42 Supp. 171, 172).

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86 Hun, 339; (67 St. Rep. 159; 33 Supp. 459).

*Duplicate Citations in Parenthesis.***Leonard v. Crommelin**, 1 Edw. 206.

Cited, Estoppel — Equitable — Accepting Terms of Will—Title of Land.

58 St. Rep. 166; (28 Supp. 133). 82 Hun, 209; (63 St. Rep. 783; 31 Supp. 334).

Leonard v. Davenport, 58 How. 384.

Cited, Wills—Description—Of Devisee or Legatee—Corporations.

3 Misc. 484; (23 Supp. 745).

Leonard v. Faber, 1 App. Div. 632; 72

St. Rep. 678; 37 Supp. 427.

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Leonard v. Hotel Majestic Co., 17

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Leonard v. Long Island City, 47 St.

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Leonard v. Mulry, 93 N. Y. 392.

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14 Misc. 575; (72 St. Rep. 228; 37 Supp. 74). 1 App. Div. 116; (72 St. Rep. 229; 37 Supp. 75).

Leonard v. N. Y. A. & B. E. M. Tel. Co., 41 N. Y. 544.

Cited, Damages — Elements — Breach of Contract.

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14 App. Div. 38; (77 St. Rep. 991; 43 Supp. 991). 13 App. Div. 583; (77 St. R. p. 1009; 43 Supp. 1009).

Leonard v. N. Y. C. & H. R. R. Co., 42 Super. 225.

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7 App. Div. 518; (40 Supp. 255).

Leonard v. Pitney, 5 Wend. 30.

Cited, Fraud—When Action for Accrues. 77 St. Rep. 384; (43 Supp. 384).

Leonard v. Poole, 114 N. Y. 371; 25 St. Rep. 753.

Cited, Contracts — Illegal — Accounting Under.

72 Hun, 125; (55 St. Rep. 536; 25 Supp. 676). 148 N. Y. 535.

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139 N. Y. 110; (54 St. Rep. 473).

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Leonard v. Spencer, 108 N. Y. 338; 13 St. Rep. 653.

Cited, Estoppel—Equitable—Silence.

67 Hun, 165; (51 St. Rep. 528; 22 Supp. 328).

Leonard v. Steele, 4 Barb. 21.

Cited, Wills — Disposition of Another's Property—Election.

10 Misc. 494; (65 St. Rep. 249; 32 Supp. 170).

Leonard v. Vredenburg, 8 Johns. 29.

Cited, Contracts — Statute of Frauds—Guaranty—Consideration.

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72 Hun, 508; (54 St. Rep. 766; 25 Supp. 213).

Contracts—For Debt of Another—Collateral or Independent.

D. 90 Hun, 601; (70 St. Rep. 569; 35 Supp. 994). 6 App. Div. 407; (39 Supp. 666). 150 N. Y. 239.

Leonard v. Whaley, 91 Hun, 304; 72 St. Rep. 48; 36 Supp. 147.**Leonardsville Bank v. Willard**, 25 N. Y. 574.

Cited, Evidence—Sufficiency—Incorporation.

71 Hun, 476; (54 St. Rep. 397; 24 Supp. 973).

Leoncini v. Post, 37 St. R. p. 255; 19 Supp. 825.

Cited, Bailment — Liability of Bailee—Loss by Theft.

4 Misc. 530; (54 St. Rep. 127; 24 Supp. 822).

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86 Hun, 470; (67 St. Rep. 618; 33 Supp. 948).

Leopold v. Hallheimer, 1 App. Div. 202; 72 St. Rep. 535; 37 Supp. 154.

Cited, Mortgages—Covenants.

17 Misc. 705; (41 Supp. 517).

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Leprell v. Kleinschmidt, 112 N. Y. 864; 21 St. Rep. 30.

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Cited, Witnesses—Competency—Decedent's Estate—Claimant—Non-payment.
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Lerche v. Brasher, 104 N. Y. 157.

Cited, Non-payment—Necessity of Proving.
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LeRoy v. New York, 20 Johns, 430.

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LeRoy v. North German Lloyd Steamship Co., 16 Misc. 162; 38 Supp. 835.

LeRoy v. Platt, 4 Paige, 77.

Cited, Pleading—Equitable Actions—Remedy at Law—Answer.
8 Misc. 489; (39 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436). 84 Hun, 86; (65 St. Rep. 208; 32 Supp. 51).

Leserman v. Bernheimer, 113 N. Y. 39; 22 St. Rep. 606.

Cited, Partnership—Estate of Deceased Partner.
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Leshinsky v. Leshinsky, 5 Misc. 495; 25 Supp. 841.

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Leslie v. Bassett, 129 N. Y. 523; 42 St. Rep. 358.

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Leslie v. Goodhue, 69 Hun, 71; 53 St. Rep. 163; 23 Supp. 389.

Leslie v. Knickerbocker Life Ins. Co., 63 N. Y. 27.

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20 Misc. 554.

Leslie v. Leslie, 6 Abb. N. S. 193.

Cited, Husband and Wife—Divorce—Alimony and Counsel Fees—Poverty of Party.
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Divorce—Alimony—Conflicting Affidavits.
11 Misc. 705; (66 St. Rep. 337; 32 Supp. 1082; 1 Ann. Cas. 227).

Leslie v. Leslie, 11 Abb. N. S. 311.

Cited, Husband and Wife—Divorce—Affirmative Relief to Defendant.
67 Hun, 886; (51 St. Rep. 834; 22 Supp. 265; 23 Civ. Pro. 104).

Leslie v. Lorillard, 31 Hun, 305; 18 Week Dig. 288.

Cited, Courts—Jurisdiction—Non-Residence—Proof of.
8 Misc. 297; (53 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 444).

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9 App. Div. 273; (75 St. Rep. 957; 41 Supp. 568).

Leslie v. Lorillard, 110 N. Y. 519; 18 St. Rep. 520.

Cited, Contracts—Restraint of Trade.
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64 St. Rep. 168; (31 Supp. 579). 147 N. Y. 246; (69 St. Rep. 525). 17 Misc. 53; (40 Supp. 725).

Leslie v. Walrath, 45 Hun, 18.

Cited, Costs—Offer of Judgment—Entry.
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- Leslie v. Wiley**, 47 N. Y. 618.
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- Lessels v. Farnsworth**, 13 Daly, 473.
Cited, Lien—Stableman.
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- Lessels v. Farnsworth**, 3 How. N.S. 73.
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- Lesser v. Keeler**, 61 St. Rep. 340; 29 Supp. 829.
- Lesser v. Lesser**, 11 Misc. 233; 65 St. Rep. 307; 32 Supp. 167.
- Lesser v. Lesser**, 79 St. Rep. 211; 45 Supp. 211.
- Lesser v. People**, 73 N. Y. 78.
Cited, Fraud—Check Without Funds.
 18 Misc. 465; (75 St. Rep. 1361; 41 Supp. 983).
- Lesseritz, Matter of**, 78 Hun, 563; 61 St. Rep. 152; 29 Supp. 609.
- Lesson v. Massachusetts Ben. Ass'n**, 3 Misc. 415; 52 St. Rep. 506; 23 Supp. 294.
- Lester v. Delaware, L. & W. R. Co.**, 73 Hun, 398; 55 St. Rep. 923; 26 Supp. 206.
Cited, 92 Hun, 345; (72 St. Rep. 335; 36 Supp. 908).
- Lester v. Delaware, L. & W. R. Co.**, 92 Hun, 312; 72 St. Rep. 334; 36 Supp. 907.
- Lester v. Macdaniel**, 5 Misc. 190; 25 Supp. 815.
- Lester v. New York**, 79 Hun, 479; 61 St. Rep. 460; 29 Supp. 1000.
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- Lester v. Worden**, 8 App. Div. 216; 40 Supp. 436.
- Lestienne v. Ernst**, 5 App. Div. 373; 39 Supp. 199.
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- Lestrade v. Burroughs**, 74 Hun, 502; 57 St. Rep. 236; 26 Supp. 561.
- Lethbridge v. New York**, 133 N. Y. 232; 44 St. Rep. 669.
Cited, Officers—Suspension—Abandonment—Salary.
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 Officer—Suspension—Dismissal.
 70 Hun, 210; (54 St. Rep. 100; 24 Supp. 2). D. 70 Hun, 210; (54 St. Rep. 101; 24 Supp. 2) 11 Misc. 308; (65 St. Rep. 443; 32 Supp. 259). 152 N. Y. 231.
- Lett v. Guardian Fire Ins. Co.**, 125 N. Y. 82; 34 St. Rep. 411.
 Insurance—Policy—Waiver of Conditions by Agents.
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- Lettis v. Horning**, 67 Hun, 627; 51 St. Rep. 225; 22 Supp. 565.
- Leubusher v. Ruffhead**, 7 Misc. 429; 57 St. Rep. 644; 27 Supp. 943.
- Levell v. Royal Arcanum**, 9 Misc. 257; 60 St. Rep. 579; 30 Supp. 205.
- Leven v. Smith**, 1 Den. 571.
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- Lever v. Foote**, 83 Hun, 393; 63 St. Rep. 840; 31 Supp. 353.
- Levey v. Allien**, 72 Hun, 331; 55 St. Rep. 527; 25 Supp. 352.
- Levey v. Bull**, 47 Hun, 350.
Cited, Supplementary Proceedings—Trust Funds.
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- Levey v. N. Y. C. & H. R. R. Co.**, 4 Misc. 415; 53 St. Rep. 579; 24 Supp. 124.
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- Levey v. N. Y. C. & H. R. R. Co.**, 53 Supp. 263.
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 12 Misc. 63; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 328).
- Levien v. Levi**, 16 Misc. 80; 73 St. Rep. 288; 37 Supp. 689.
- Levin v. Ritz**, 17 Misc. 737; 41 Supp. 405.
- Levin v. Robie**, 5 Misc. 529; 58 St. Rep. 109; 25 Supp. 932.
Cited, Bonds—Constables—Liability of Sureties.
 5 Misc. 528; (58 St. Rep. 102; 25 Supp. 986).

Duplicate Citations in Parenthesis.

Levin v. Russell, 43 N. Y. 251.

Cited, Witness—Personal Transactions—Objections.

85 Hun, 55; (66 St. Rep. 59; 32 Supp. 675).

Levin v. Standard Fashion Co., 16 Daly, 404; 34 St. Rep. 299; 11 Supp. 706.

Cited, Contract—Services — Discharge — Offer of Employment—Damages.

8 Misc. 277; (59 St. Rep. 206; 28 Supp. 720).

Leviness v. Cassebeer, 3 Redf. 491.

Cited, Surrogate's Court—Jurisdiction—Distribution to Assignees.

71 Hun, 347; (55 St. Rep. 22; 25 Supp. 5).

Leviness v. Post, 6 Daly, 321.

Cited, Master and Servant—Master's Liability—Unauthorized Acts.

12 Misc. 19; (66 St. Rep. 525; 33 Supp. 26).

Levis v. Burke, 51 Hun, 71; 20 St. Rep. 789; 3 Supp. 386.

Cited, Attorneys—Lien.

86 Hun, 592; (67 St. Rep. 784; 33 Supp. 1080). 88 Hun, 514; (68 St. Rep. 583; 34 Supp. 785; 2 Ann. Cas. 194).

Pleading—Complaint—Conversion—Bailment—Hiring.

20 Misc. 523; (79 St. Rep. 686; 45 Supp. 686).

Levitt v. Nassau Electric R. Co., 14 App. Div. 83; 77 St. Rep. 426; 43 Supp. 426.

Levy, Matter of, 1 Abb. N. C. 177.

Cited, Counterclaim—Eviction.

7 Misc. 570; (58 St. Rep. 807; 28 Supp. 266).

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14 App. Div. 235; (77 St. Rep. 574; 43 Supp. 574).

Levy, Matter of, 12 App. Div. 341; 76 St. Rep. 863; 42 Supp. 863.

Levy, Matter of, 12 App. Div. 346; 77 St. Rep. 144; 43 Supp. 144.

Levy v. Bend, 1 E. D. Smith. 169.

Cited, Counterclaim—Eviction.

70 Hun, 145; (53 St. Rep. 778; 24 Supp. 91).

Levy v. Bernhard, 2 App. Div. 336; 73 St. Rep. 62; 37 Supp. 849; 3 Ann. Cas. 40.

Attachment—Vacation—Duty of Court.

4 App. Div. 23; (38 Supp. 303).

Levy v. Brush, 45 N. Y. 589.

Cited, Trusts—Creation by Parol.

11 Misc. 262; (64 St. Rep. 257; 32 Supp. 888). 84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392). 87 Hun, 76; (67 St. Rep. 647; 33 Supp. 965). 2 App. Div. 455; (74 St. Rep. 329; 37 Supp. 1033).

Levy v. Burgess, 64 N. Y. 390.

Cited, Contracts—Conditions Precedent—Performance.

11 Misc. 392; (65 St. Rep. 427; 32 Supp. 245).

Levy v. Carr, 85 Hun, 289; 66 St. Rep. 428; 32 Supp. 1023.

Levy v. Coogan, 30 St. Rep. 553; 9 Supp. 534; 16 Daly, 137.

Cited, Brokers—Commissions—Quantum Meruit.

2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975).

Brokers—Commissions Resumption—After Suspension of Negotiations.

1 Misc. 363; (48 St. Rep. 787; 20 Supp. 629).

Brokers—Procurement of Purchaser—Acquaintance With—Commissions.

6 Misc. 214; (56 St. Rep. 534; 26 Supp. 532). 16 Misc. 92; (74 St. Rep. 310; 38 Supp. 54).

Brokers—Real Estate — Commissions—Deviation in Price.

6 Misc. 126; (55 St. Rep. 698; 26 Supp. 7). 12 Misc. 433; (67 St. Rep. 276; 33 Supp. 614). 15 Misc. 153; (71 St. Rep. 436; 36 Supp. 484). 16 Misc. 486; (38 Supp. 970). 17 Misc. 555; (75 St. Rep. 102; 40 Supp. 696). 19 Misc. 489; (77 St. Rep. 1061; 43 Supp. 1061).

Brokers—Commissions — Sale by Owner.

13 Misc. 119; (68 St. Rep. 201; 34 Supp. 154). D. 6 App. Div. 97; (39 Supp. 481).

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11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

Levy v. Dry Dock R. Co., 35 St. Rep. 769; 12 Supp. 485.

Cited, Trial — Questions of Law and Fact — Negligence—Children in Street.

2 Misc. 76; (49 St. Rep. 632; 21 Supp. 785).

Levy v. Goldstein, 18 Misc. 639; 77 St. Rep. 774; 43 Supp. 774.

Levy v. Joyce, 1 Bosw. 622.

Cited, Default—Opening — Incompetency of Counsel.

17 Misc. 235; (40 Supp. 1055).

Levy v. Kirby, 51 Super. 69.

Cited, Supplementary Proceedings—When Must be Instituted—Several Executions.

80 Hun, 114; (61 St. Rep. 752; 30 Supp. 36).

Duplicate Citations in Parenthesis.

- Levy v. Klepner**, 15 Misc. 643; 73 St. Rep. 186; 37 Supp. 582.
- Levy v. Kottman**, 8 Misc. 504; 59 St. Rep. 403; 28 Supp. 1150.
Reversed, 11 Misc. 372; 65 St. Rep. 422; 32 Supp. 241.
- Levy v. Kottman**, 11 Misc. 372; 65 St. Rep. 422; 32 Supp. 241.
Cited, Brokers — Commissions—Binding Contract.
17 Misc. 574; (75 St. Rep. 81; 40 Supp. 677).
- Levy v. Levy**, 79 Hun, 290; 60 St. Rep. 561; 29 Supp. 384; 31 Abb. N. C. 468.
- Levy v. Levy**, 33 N. Y. 97.
Cited, Trust—Creation—Uncertainty as to Beneficiary.
68 Hun, 414; (52 St. Rep. 658; 22 Supp. 1020). 85 Hun, 12; (66 St. Rep. 124; 32 Supp. 614). 147 N. Y. 110; (69 St. Rep. 405). 93 Hun, 99; (71 St. Rep. 760; 36 Supp. 565). 79 St. Rep. 623; (45 Supp. 623).
76 Hun, 512; (58 St. Rep. 500; 27 Supp. 1055). 24 Supp. 939.
Wills — Construction — Description of Beneficiaries—Validity of Gift to.
8 Misc. 395; (59 St. Rep. 558; 28 Supp. 629). 75 Hun, 76; (57 St. Rep. 837; 26 Supp. 1022).
- Levy v. Levy**, 6 Abb. 89.
Cited, Injunction — Preliminary — Complaint as Affidavit.
7 Misc. 126; (57 St. Rep. 71; 27 Supp. 344).
- Levy v. Loeb**, 5 Abb. N. C. 157.
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3 Misc. 120; (23 Supp. 1057).
- Levy v. Loeb**, 85 N. Y. 365.
Cited, Brokers—Stock—Conversion.
17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 220).
- Levy v. Meiowitz**, 16 Misc. 284; 74 St. Rep. 576; 33 Supp. 123.
- Levy v. Merrill**, 14 Hun, 145.
Cited, Mortgage—Cancellation—As Cloud on Title.
16 App. Div. 383; (79 St. Rep. 21; 45 Supp. 21).
- Levy v. Newman**, 130 N. Y. 11; 40 St. Rep. 489.
Cited, Limitation of Action—Construction of Statute—Exceptions.
78 Hun, 307; (60 St. Rep. 178; 28 Supp. 978). 74 Hun, 296; (55 St. Rep. 679; 26 Supp. 215).
- Levy v. Nichols**, 19 Abb. 282.
Cited, Judgment — Rendition — Application to Court.
2 Misc. 206; (49 St. Rep. 524; 21 Supp. 271).
- Levy v. Passavant**, 79 St. Rep. 986; 45 Supp. 986.
- Levy v. People**, 80 N. Y. 327.
Distinguished, Evidence—Criminal Law — Conviction of Another.
5 App. Div. 173; (39 Supp. 362).
- Levy v. Rothe**, 17 Misc. 402; 39 Supp. 1057.
- Levy v. Ruff**, 4 Misc. 180; 53 St. Rep. 174; 23 Supp. 1002; 30 Abb. N. C. 291.
- Levy v. Samuel Brothers**, 4 Misc. 48; 53 St. Rep. 636; 23 Supp. 825.
- Levy v. Scheringer**, 19 Civ. Pro. 346; 13 Supp. 560.
Cited, Removal of Cause—Undertaking—Remanding for Amendment.
68 St. Rep. 792; (34 Supp. 880; 24 Civ. Pro. 411).
- Levy v. Schreyer**, 19 Misc. 227; 77 St. Rep. 199; 43 Supp. 199.
- Levy v. Swick Piano Co.**, 17 Misc. 145; 29 Supp. 409.
Reversing, 16 Misc. 685; 38 Supp. 1146.
- Levy v. United States Grand Lodge I. O. S. of B.**, 9 Misc. 633; 62 St. Rep. 342; 30 Supp. 885.
- Lewin v. Wright**, 31 Hun, 327.
Cited, County Courts—Jurisdiction—Non-resident Defendants—Availability.
16 App. Div. 623; (78 St. Rep. 1062; 44 Supp. 1062).
- Lewinson v. Reich**, 6 Misc. 59; 56 St. Rep. 9; 26 Supp. 83.
- Lewis, Matter of**, 3 Misc. 164; 51 St. Rep. 562; 23 Supp. 287.
Cited, Wills—Construction—Trust Provision—Union of Life Estate and Remainderman.
75 Hun, 241; (58 St. Rep. 684; 27 Supp. 3).
- Lewis, Matter of**, 81 Hun, 213; 62 St. Rep. 595; 30 Supp. 675.
- Lewis, Matter of**, 9 Daly 220; 81 N. Y. 421.
Cited, Assignment for Creditors—Preferences.
6 Misc. 275; (26 Supp. 866).
Assignment for Creditors—To What Debts Applicable.
70 Hun, 59; (53 St. Rep. 558; 23 Supp. 1094).

Duplicate Citations in Parenthesis.

Taxes—Personal Liability—Implied Contract.

53 St. Rep. 144.

Assignee and Receiver — Payment of Claims.

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Lewis, Matter of, 5 App. Div. 178; 39 Supp. 26.

Lewis v. Acker, 11 How. 163.

Cited, Pleading—Answer—Denial.

16 Misc. 335; (39 Supp. 721).

Lewis v. Andrews, 127 N. Y. 673.

Cited, Contracts—Repudiation—Tender.

79 St. Rep. 785; (45 Supp. 785).

Lewis v. Angermiller, 89 Hun, 65; 69 St. Rep. 248; 35 Supp. 69.

Cited, Landlord and Tenant—Termination of Tenancy.

18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Lewis v. Rache, 7 Supp. 757.

Cited, Evidence—Failure to Produce—Effect.

D. 3 App. Div. 117; (39 Supp. 280).

Lewis v. Buffalo, 29 How. 335.

Cited, Taxes—Assessments—Collection—Demand.

8 Misc. 14; (58 St. Rep. 309; 28 Supp. 79).

Lewis v. Brooklyn City R. Co., 7 Misc. 286; 58 St. Rep. 540; 27 Supp. 889.

Lewis v. Chapman, 16 N. Y. 369.

Cited, Libel—Malice.

68 Hun, 478; (52 St. Rep. 655; 23 Supp. 104).

Libel—Privileged Communication.

71 Hun, 488; (54 St. Rep. 904; 24 Supp. 1062). 138 N. Y. 529; (53 St. Rep. 101).

5 App. Div. 608; (39 Supp. 461). 11 App. Div. 606; (76 St. Rep. 629; 42 Supp. 629). 147 N. Y. 636; (71 St. Rep. 251).

Lewis v. Cook, 89 Hun, 183; 69 St. Rep. 10; 34 Supp. 1037; 25 Civ. Pro. 65.

Reversed, 150 N. Y. 163.

Cited, Wills—Determination of Validity—Remedy at Law.

14 App. Div. 599; (77 St. Rep. 1119; 43 Supp. 1119).

Lewis v. Cook, 150 N. Y. 163.

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16 App. Div. 457; (79 St. Rep. 1151; 45 Supp. 1151). 14 App. Div. 599; (77 St. Rep. 1119; 43 Supp. 1119). 20 Misc. 562.

Lewis v. Davis, 8 Daly. 185.

Cited, Costs—Judgment of Dismissal—Effect of Non-payment.

19 Misc. 664; (78 St. Rep. 512; 44 Supp. 512).

Lewis v. Delaware & Hudson Canal Co., 80 Hun, 192; 61 St. Rep. 773; 30 Supp. 28.

Reversed, 145 N. Y. 508; 65 St. Rep. 374.

Cited, Negligence—Contributory—Boarding Moving Train.

82 Hun, 39; (63 St. Rep. 477; 31 Supp. 155).

Lewis v. Delaware & Hudson Canal Co., 145 N. Y. 508; 65 St. Rep. 374.

Cited, Negligence—Contributory—Alighting From Moving Train.

5 App. Div. 29; (39 Supp. 67).

Negligence—Contributory—Question for Jury.

5 App. Div. 34; (39 Supp. 70).

Lewis v. Douglass, 53 Hun, 587; 25 St. Rep. 240; 6 Supp. 888.

Cited, Attachment — Levy Under—Priority.

79 Hun, 148; (61 St. Rep. 358; 29 Supp. 766; 24 Civ. Pro. 36).

Lewis v. Doyle, 13 App. Div. 291; 77 St. Rep. 201; 43 Supp. 201.

Lewis v. Duane, 141 N. Y. 302; 57 St. Rep. 410

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Cited, Attorneys—Authority.

3 App. Div. 98; (39 Supp. 405). 18 Misc. 550; (41 Supp. 1005).

Lewis v. Goetschius, 20 Week. Dig. 140.

Cited, Contracts—Promise of Marriage—Consideration.

82 Hun, 291; (64 St. Rep. 81; 31 Supp. 484).

Lewis v. Gollner, 129 N. Y. 227; 41 St. Rep. 173.

Cited, Equity — Injunction — Restricted Easement—Enforcement.

79 Hun, 402; (61 St. Rep. 504; 29 Supp. 799).

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18 Misc. 113; (41 Supp. 46).

Contracts — Restrictive Covenants — Equity.

13 App. Div. 213; (77 St. Rep. 341; 43 Supp. 341).

Duplicate Citations in Parenthesis.

Lewis v. Graham, 4 Abb. 106.

Disapproved, Pledge—Sale—Demand of Payment.

1 App. Div. 297; (72 St. Rep. 598; 37 Supp. 272).

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18 Misc. 186; (75 St. Rep. 851; 41 Supp. 455).

Lewis v. Graham, 16 Abb. 126.

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82 Hun, 438; (64 St. Rep. 356; 31 Supp. 742).

Lewis v. Greider, 49 Barb. 606.

Affirmed, 51 N. Y. 231.

Cited, Notice—Sufficiency—Re-sale.

9 Misc. 121; (59 St. Rep. 709; 29 Supp. 291).

Sale—Vendor in Possession—Re-sale.

79 Hun, 553; (61 St. Rep. 571; 29 Supp. 883).

Lewis v. Hojer, 41 St. Rep. 617; 16 Supp. 534.

Cited, Appeal—Harmless Error.

74 Hun, 382; (56 St. Rep. 304; 26 Supp. 596).

Lewis v. Ingersoll, 3 Abb. Ct. App. Dec. 55.

Cited, Broker—Authority to Employ Sub-Agent.

2 Misc. 399; (50 St. Rep. 612; 21 Supp. 953).

Lewis v. Irving Fire Ins. Co., 15 Abb. 140.

Cited, Appeal—Order—Waiver.

91 Hun, 334; (72 St. Rep. 104; 36 Supp. 1002).

Lewis v. Lewis, 11 N. Y. 220.

Cited, Wills—Validity—Subscription and Publication.

4 Misc. 26; (24 Supp. 840). 88 Hun, 292; (68 St. Rep. 418; 34 Supp. 408). 16 App. Div. 140; (79 St. Rep. 124; 45 Supp. 124).

16 Misc. 210; (38 Supp. 1128).

9 App. Div. 563; (75 St. Rep. 1086; 41 Supp. 697).

Wills—Execution—Competency of Witness.

13 Misc. 299; (69 St. Rep. 189; 34 Supp. 1121). 17 Misc. 110; (40 Supp. 735). 14 App. Div. 164; (77 St. Rep. 691; 43 Supp. 691). 148 N. Y. 408.

Lewis v. Maloney, 12 Hun, 206.

Cited, Action—Bar—Former Action Pending.

16 App. Div. 488; (78 St. Rep. 919; 44 Supp. 919).

Lewis v. Merritt, 42 Hun, 161; 5 St. Rep. 274.

Cited, Appeal—Absence of Order From Record—What Reviewable.

91 Hun, 325; (72 St. Rep. 295; 36 Supp. 1022).

Lewis v. Merritt, 98 N. Y. 206.

Cited, Witnesses—Competency—Death of Other Party—Circumstances.

78 Hun, 415; (60 St. Rep. 737; 29 Supp. 172).

Witnesses—Death of Other Party—Removal of Bar.

67 Hun, 417; (51 St. Rep. 787; 22 Supp. 294). 15 App. Div. 215; (78 St. Rep. 206; 44 Supp. 206).

Lewis v. Merritt, 113 N. Y. 386; 22 St. Rep. 714.

Cited, Evidence—Presumption—Gifts.

76 Hun, 463; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 160). 6 Misc. 273; (58 St. Rep. 132; 26 Supp. 765). 4 Misc. 566; (25 Supp. 787). 16 Misc. 176; (38 Supp. 1136).

Gifts—Confidential Relation—Proof Required.

17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995).

Gifts—Causa Mortis—Essentials.

18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517). 20 Misc. 257; (79 St. Rep. 341; 45 Supp. 341).

Lewis v. Newcombe, 1 App. Div. 59; 72 St. Rep. 60; 37 Supp. 8.

Lewis v. N. Y., L. E. & W. R. Co., 123 N. Y. 496; 34 St. Rep. 373.

Cited, Highways—Establishment—User.

78 Hun, 284; (60 St. Rep. 228; 28 Supp. 860). 150 N. Y. 148.

Railroads—Crossings—Signals.

68 Hun, 499; (52 St. Rep. 630; 23 Supp. 83). 66 Hun, 286; (49 St. Rep. 282; 21 Supp. 161).

Lewis v. Ocean N. & Pier Co., 125 N. Y. 341; 34 St. Rep. 973.

Cited, Judgment—Conclusiveness.

85 Hun, 19, 20; (66 St. Rep. 130; 32 Supp. 619). 18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996). 18 Misc. 477; (41 Supp. 1001).

Landlord and Tenant—Fixtures—Agreement Before Lease.

14 App. Div. 204; (77 St. Rep. 763; 43 Supp. 763).

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81 Hun, 442; (63 St. Rep. 260; 30 Supp. 1123). 149 N. Y. 152.

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Cited, Officers—Equity—Lack of Jurisdiction to Try Title to Office.

1 Misc. 122; (48 St. Rep. 697; 20 Supp. 703).

Lewis v. Palmer, 28 N. Y. 271.

Cited, Chattel Mortgage—Failure to File—Actual Notice.

49 St. Rep. 536; (21 Supp. 175).

Lewis v. Payn, 4 Wend. 423.

Cited, Landlord and Tenant—Rent—Partial Eviction.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Lewis v. Payne, 8 Cow. 71.

Cited, Evidence—Copies—Duplicates of Agreement.

1 Misc. 184; (48 St. Rep. 690; 20 Supp. 686).

Lewis v. Rose, 6 Lans. 206.

Cited, False Imprisonment.

74 Hun. 342; (56 St. Rep. 378; 26 Supp. 410).

Lewis v. Schull, 67 Hun. 543; 51 St. Rep.

337; 22 Supp. 484.

Lewis v. Seabury, 74 N. Y. 409.

Cited, Evidence—Parol—Independent Agreement.

13 App. Div. 595; (77 St. Rep. 681; 43 Supp. 681).

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Lewis v. Smith, 9 N. Y. 502.

Distinguished, Executors and Administrators—Power to Convey Land.

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Wills—Dower—Bequest in Addition to.

1 Misc. 276; (22 Supp. 1072).

Mortgage—Foreclosure—Effect on Prior Lienor.

144 N. Y. 239; (63 St. Rep. 103). 84 Hun. 532; (66 St. Rep. 331; 32 Supp. 856).

Wills—Devise—In Lieu of Dower.

144 N. Y. 391; (63 St. Rep. 700). 16 Misc. 100; (72 St. Rep. 530; 37 Supp. 250). 16 Misc. 105; (72 St. Rep. 743; 37 Supp. 353). 14 App. Div. 574; (77 St. Rep. 902; 43 Supp. 902).

Mortgage—Foreclosure—What Adjudicated.

146 N. Y. 242; (66 St. Rep. 607).

84 Hun. 384; (65 St. Rep. 707; 32 Supp. 31).

Lewis v. State, 96 N. Y. 71.

Cited, Claims—Against State—Remedy.

138 N. Y. 131; (51 St. Rep. 722).

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140 N. Y. 480; (56 St. Rep. 455). 13 App. Div. 35; (77 St. Rep. 103; 43 Supp. 106).

Lewis v. Syracuse, 13 App. Div. 587;

77 St. Rep. 455; 43 Supp. 455.

Cited, Statutes—Local—Repeal by General Acts.

17 App. Div. 100; (78 St. Rep. 872; 44 Supp. 872).

Lewis v. Thompson, 3 App. Div. 329;

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Lewis v. Trickey, 20 Barb. 387.

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18 Misc. 78; (75 St. Rep. 975; 41 Supp. 584).

Lewis v. Whitehall Lumber Co., 14

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Cited, Partnership—Interest on Advancements.

15 App. Div. 563; (78 St. Rep. 517; 44 Supp. 517).

Lewis v. Wilson, 121 N. Y. 284.

Cited, Produce Exchange—Expulsion of Members—Review by Courts.

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Lewis v. Woodruff, 15 How. 539.

Cited, Attorneys—Authority.

85 Hun. 193; (65 St. Rep. 726; 32 Supp. 582). 18 Misc. 284; (41 Supp. 1041).

Lewis v. Yagel, 77 Hun. 337; 60 St. Rep. 23; 28 Supp. 833.

Followed, 64 St. Rep. 883; (31 Supp. 1135).

Cited, Contracts—Performance—Substantial.

82 Hun. 161; (63 St. Rep. 746; 31 Supp. 297).

Contracts—Performance—Question of Fact

82 Hun. 161; (63 St. Rep. 745; 31 Supp. 296).

Evidence—Parol—To Vary Writing.

D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683). 79 St. Rep. 660; (45 Supp. 660).

Lewis Street, Matter of, 2 Wend. 472.

Cited, Dedication—What Constitutes.

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Lewis Street, Matter of, 2 Wend. 474.

Cited, 1 App. Div. 447; (73 St. Rep. 108; 37 Supp. 515).

Lewis & Fowler Mfg. Co., Matter of,

89 Hun. 203; 69 St. Rep. 44; 34 Supp. 933.

Cited, Lien—Priority—Execution—Receiver.

7 App. Div. 552; (74 St. Rep. 706; 40 Supp. 149).

Duplicate Citations in Parenthesis.

Lewisohn v. Clevenger, 78 Hun, 615;
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Affirmed, 148 N. Y. 738.

Lewisohn v. Kent & Stanley Co., 87 Hun, 257; 67 St. Rep. 471; 33 Supp. 826.

Cited, Attachment — Affidavit — Sufficiency.

17 Misc. 243; (40 Supp. 1067).

Lewisohn v. Niederwiesen, 40 Hun, 545; 1 St. Rep. 72.

Cited, Appeal—Case—Certification.

8 Misc. 366; (60 St. Rep. 448; 29 Supp. 390).

Lewisohn Bros. v. Muller, 6 App. Div. 459; 39 Supp. 570.

Lewison v. Hoffman, 8 Misc. 583; 60 St. Rep. 582; 29 Supp. 1119.

Cited, 20 Misc. 625.

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20 Misc. 277; (79 St. Rep. 421; 45 Supp. 421).

Lewke v. D. D. E. B. & B. R. Co., 46 Hun, 283.

Cited, Evidence—Exclamations of Pain.

8 App. Div. 158; (40 Supp. 479).

Lewy v. Market Fire Ins. Co., 31 N. Y. 90.

Cited, Insurance—Policy—Warranties.

9 Misc. 536.

Lexington Avenue, Matter of, 29 Hun, 303.

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6 Misc. 201; (27 Supp. 871).

Lexow v. Julian, 21 Hun, 577.

Cited, Fraud — False Representations — Actionable.

9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6).
15 Misc. 618; (38 Supp. 70).

Lexow v. St. Lawrence Marble Co., 16 Misc. 133; 38 Supp. 831.

Affirmed, 5 App. Div. 624; 39 Supp. 412.

Cited, Attachment—Fraudulent Disposition of Property.

13 App. Div. 13; (77 St. Rep. 378; 43 Supp. 378).

Lexow v. St. Lawrence Marble Co., 5 App. Div. 624; 39 Supp. 412.

Lhowe v. Third Ave. R. Co., 14 Misc. 612; 71 St. Rep. 451; 36 Supp. 463.

Libby v. Adams, 33 Barb. 542.

Cited, Bills and Notes—Protest — Notice by Mail.

2 Misc. 229; (50 St. Rep. 588; 22 Supp. 363).

Libmann v. Metropolitan El. R. Co., 36 St. Rep. 639; 13 Supp. 378.

Cited, Trial—By Jury — Right to Injunction and Damages.

69 Hun, 522; (52 St. Rep. 846).

Lichtenberg v. Herdtfelder, 33 Hun, 57.

Cited, Judgment Creditor's Action—When Maintainable—Execution—Return of.
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Lichtenberg v. Herdtfelder, 103 N. Y. 302; 3 St. Rep. 91.

Cited, Executors and Administrators—Execution Against—When Authorized.
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Fraudulent Conveyance—Attack by Personal Representative.

80 Hun, 57; (61 St. Rep. 602; 29 Supp. 851).

Executors—Misconduct—Removal.

17 Misc. 527; (75 St. Rep. 835; 41 Supp. 430).

Lichtenhein v. Fisher, 87 Hun, 397; 68 St. Rep. 428; 34 Supp. 304; 2 Ann. Cas. 156.

Cited, 6 App. Div. 385; (39 Supp. 554).

Lichtenhein v. Fisher, 6 App. Div. 385; 39 Supp. 553.

Lichtenstein, Matter of, 16 Misc. 667; 39 Supp. 174; 25 Civ. Pro. 301.

Lichtenstein v. Lichtenstein, 6 Misc. 629; 58 St. Rep. 574; 27 Supp. 136.

Lick v. Moravia, 50 St. Rep. 938; 22 Supp. 1121.

Liddell v. Paton, 7 Hun, 195.

Cited, Arrest—Vacation

2 App. Div. 338; (73 St. Rep. 63; 37 Supp. 851; 3 Ann. Cas. 42).

Liddell v. Paton, 67 N. Y. 393.

Cited, Appeal—Arrest—Vacation.

13 Misc. 16; (67 St. Rep. 847; 33 Supp. 997; 2 Ann. Cas. 29).

Lieber v. Friedlander, 10 App. Div. 50; 75 St. Rep. 1266; 41 Supp. 897.

Liebman v. Miller, 20 Misc. 705.

Liebmam v. Liebmann Bros. Co., 84 Hun, 361; 65 St. Rep. 622; 32 Supp. 406.

Liebstadter v. Federgreen, 80 Hun, 245; 61 St. Rep. 621; 29 Supp. 1039.

Liffington, Matter of, 20 St. Rep. 610; 4 Supp. 648.

Cited, Wills—Probate—Revocation—Parties—Citations.

70 Hun, 110; (53 St. Rep. 544; 23 Supp. 1131).

Duplicate Citations in Parenthesis.

- Like v. McKinstry**, 41 Barb. 186.
Cited, Injuries to Property—Relief.
17 Misc. 717; (40 Supp. 1095).
- Lilianthal v. Levy**, 4 App. Div. 90; 38 Supp. 936.
- Lilienthal v. Yonkers, City of**, 6 App. Div. 138; 39 Supp. 1037.
- Lillie v. Hoyt**, 5 Hill, 395.
Cited, Limitation of Action—When Statute Runs—Demand—Money Had and Received.
141 N. Y. 218; (56 St. Rep. 822).
- Lillis v. O'Conner**, 8 Hun, 280.
Cited, Costs—Certificate that Case Involved Title to Land—Setting Aside.
67 Hun, 284; (50 St. Rep. 772; 23 Supp. 424).
Pleading—Reply—Necessity.
69 Hun, 456; (52 St. Rep. 621; 23 Supp. 403).
- Lilly v. N. Y. C. & H. R. R. Co.**, 107 N. Y. 566; 12 St. Rep. 468.
Cited, Master and Servant—Appliance—Delegation.
11 Misc. 669; (66 St. Rep. 662; 32 Supp. 914).
Master and Servant—Defective Appliances—Master's Liability.
91 Hun, 641; 70 St. Rep. 903; 36 Supp. 1126). 17 App. Div. 593; (79 St. Rep. 478; 45 Supp. 478).
- Lima & Honeoye Falls R. Co., Master of**, 68 Hun, 252; 52 St. Rep. 186; 25 Supp. 967.
Cited, Costs—Proceedings to Cross Railway.
83 Hun, 412; (64 St. Rep. 419; 31 Supp. 748).
- Liman v. Pennsylvania R. Co.**, 4 Misc. 539; 54 St. Rep. 245; 24 Supp. 824.
- Limbeck v. Gerry**, 15 Misc. 663; 39 Supp. 95.
- Limburger v. Rauch**, 2 Abb. N. S. 279.
Cited, Wills—In Guardian's Favor—Burden.
15 Misc. 353; (73 St. Rep. 3; 37 Supp. 924).
- Lincoln v. Saratoga & S. R. Co.**, 23 Wend. 425.
Cited, Damages—Measure of—Personal Injuries—Resulting Damages—Futura.
8 Misc. 90; (58 St. Rep. 817; 23 Supp. 599).
Damages—Counsel Fees.
82 Hun, 336; (64 St. Rep. 108; 31 Supp. 509).
- Lincoln Nat. Bank of New York v. Butler**, 14 Misc. 464; 72 St. Rep. 261; 36 Supp. 1112.
Affirmed, 16 Misc. 566; 74 St. Rep. 116; 38 Supp. 776.
- Lincoln Nat. Bank v. Butler**, 16 Misc. 566; 74 St. Rep. 116; 38 Supp. 776.
- Lincoln Nat. Bank of New York v. Kirk**, 17 Misc. 748; 39 Supp. 1127.
Affirmed, 18 Misc. 45; 75 St. Rep. 464; 41 Supp. 13.
- Lincoln Nat. Bank of New York v. Kirk**, 18 Misc. 45; 75 St. Rep. 464; 41 Supp. 13.
- Lind v. Stullestadt**, 21 Hun, 364.
Cited, Parent and Child—Emancipation—Recovery for Services.
92 Hun, 274; (72 St. Rep. 317; 36 Supp. 954).
- Lindenkohl v. Weber**, 3 Misc. 27; 50 St. Rep. 575; 21 Supp. 1079.
- Lindenmuller v. People**, 33 Barb. 548.
Cited, Sunday—Regulation of Observance.
140 N. Y. 215; (55 St. Rep. 404). 13 Misc. 591; (69 St. Rep. 218; 35 Supp. 22).
18 Misc. 718; (76 St. Rep. 986; 42 Supp. 986).
1 App. Div. 462; (37 Supp. 315). 149 N. Y. 202.
- Linderman v. Farquharson**, 101 N. Y. 434.
Cited, Bills and Notes—Accommodation—Bona Fide Transfer—Precedent Debt.
6 Misc. 83; (55 St. Rep. 395; 26 Supp. 27).
- Lindheim v. Days**, 11 Misc. 16; 63 St. Rep. 453; 31 Supp. 870.
Cited, Appeal—Charge—Exceptions.
18 Misc. 31; (75 St. Rep. 517; 41 Supp. 59).
Trial—Re-opening Case—Discretion.
19 Misc. 169.
- Lindheim v. Manhattan R. Co.**, 68 Hun, 122; 52 St. Rep. 34; 22 Supp. 685.
- Lindheim v. New York El. R. Co.**, 5 Misc. 585; 54 St. Rep. 783; 25 Supp. 85.
Following, Struthers v. Same Defendant,
54 St. Rep. 785; 25 Supp. 81.
- Lindholm v. Kane**, 92 Hun, 369; 71 St. Rep. 579; 36 Supp. 665.
- Lindner v. Sahler**, 51 Barb. 322.
Cited, Liability—For Wrongful Acts of Another.
11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).
Affirmed, 87 Hun, 568.
- Lindo v. Murray**, 91 Hun, 335; 70 St. Rep. 805; 36 Supp. 231.
- Lindquist v. Glines**, 3 Misc. 214; 23 Supp. 272.
- Lindsay v. Gager**, 11 App. Div. 93; 76 St. Rep. 851; 42 Supp. 851.

*Duplicate Citations in Parenthesis.***Lindsay v. Jackson**, 2 Paige, 581.

Cited, Insolvency and Assignment—
Equitable Off set.

135 N. Y. 224; (47 St. Rep. 868). 19 Misc.
18; (76 St. Rep. 846; 42 Supp. 846).

Lindsay v. People, 63 N. Y. 143.

Cited, Evidence—Expert—Medical.
9 Misc. 283; (61 St. Rep. 148; 29 Supp.
723).

Evidence—Sufficiency—Corroboration of
Accomplice.

74 Hun, 317; (56 St. Rep. 260; 26 Supp.
679). 150 N. Y. 353.

Evidence—Competency—Corroboration.
15 App. Div. 305; (78 St. Rep. 926; 44
Supp. 926).

Appeal—Harmless Error.

10 Misc. 94; (63 St. Rep. 511; 31 Supp.
182).

Lindsay v. Sherman, 5 How. 308.

Cited, Appealability.

D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp.
352)

Lindsay v. Tansley, 44 St. Rep. 653; 18
Supp. 317.

Distinguished, Justice's Court—Summons
—Service.

11 Misc. 452; (67 St. Rep. 418; 33 Supp.
416; 24 Civ. Pro. 429).

Cited, 20 Misc. 74; (79 St. Rep. 410; 45
Supp. 410).

Lindsay v. Deafendorf, 43 How. 90.

Cited, Costs—Executors.

18 Misc. 437; (75 St. Rep. 1189; 41 Supp.
790).

Lindsay v. Ferguson, 49 St. Rep. 623.

Cited, Action—Election of Remedies—
Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp.
939).

Contracts — Rescission — Recovery of
Money Paid—Form of Action.

4 Misc. 77; (53 St. Rep. 173; 23 Supp.
599).

Lindsay v. Miller, 3 App. Div. 127; 39
Supp. 393.**Lindsay v. Van Cortlandt**, 67 Hun,
145; 51 St. Rep. 741; 22 Supp. 222.

Affirmed, 142 N. Y., 682; (60 St. Rep.
871).

Cited, Fraudulent Conveyances—Prefer-
ences.

11 Misc. 2; (63 St. Rep. 452; 31 Supp. 851).

Lingsweiler v. Hart, 10 App. Div. 156;
75 St. Rep. 1232; 41 Supp. 862.**Link v. Moore**, 84 Hun, 118; 65 St. Rep.
646; 32 Supp. 461; 1 Ann. Cas. 330.**Link v. Sheldon**, 64 Hun, 632; 45 St.
Rep. 165; 18 Supp. 815.

Affirmed, 136 N. Y. 1; 48 St. Rep. 820.

Cited, Malpractice—Knowledge of Incom-
petency.

88 Hun, 202; (68 St. Rep. 616; 34 Supp.
653).

Link v. Sheldon, 136 N. Y. 1; 48 St. Rep.
820.

Cited, Evidence—Opinions—Mental Capa-
city.

136 N. Y. 518; (49 St. Rep. 697).

Trial—Reception of Evidence—Failure to
Strike Out—Effect.

7 Misc. 500; (58 St. Rep. 796; 27 Supp.
950). 8 App. Div. 159; (40 Supp. 479).

Evidence—Opinions—Basis.

82 Hun, 404; (63 St. Rep. 559; 31 Supp.
253). 12 Misc. 14, 15; (66 St. Rep. 535, 536;
33 Supp. 36, 37). 17 Misc. 332; (74 St. Rep.
855; 40 Supp. 64).

Linneman v. Bieber, 85 Hun, 477; 66
St. Rep. 739; 33 Supp. 129.**Linsday v. People**, 67 Barb. 548.

Cited, Appeal—Harmless Error.

10 Misc. 94; (63 St. Rep. 511; 31 Supp.
182). 2 App. Div. 440; (73 St. Rep. 510; 37
Supp. 1018).

Linsly v. Bogart, 87 Hun, 137; 67 St.
Rep. 653; 33 Supp. 975.

Affirmed, 152 N. Y. 646.

**Linton v. Unexcelled Fire Works
Co.**, 124 N. Y. 533; 36 St. Rep. 694.

Cited, Pleading—General Denial—Issue
Under.

6 Misc. 305; (58 St. Rep. 148; 26 Supp.
791). 4 App. Div. 420; (74 St. Rep. 533; 38
Supp. 850). 17 Misc. 239; (39 Supp. 716).
41 Supp. 1129.

Liotard v. Graves, 3 Caines, 226a.

Cited, Interest—Advancements.

15 App. Div. 281; (78 St. Rep. 591; 44
Supp. 591).

Lipe v. Becker, 1 Den. 568.

Cited, Pleading—Demurrer to Reply—Re-
course to all Pleadings.

19 Misc. 216; (78 St. Rep. 420; 44 Supp.
420).

**Lipman v. Jackson Architectural
Iron Works**, 128 N. Y. 58.

Cited, Pleading—Counterclaim—How Ob-
jected to.

18 Misc. 545; (77 St. Rep. 796; 43 Supp.
796).

Pleading—Counterclaim—When Avail-
able.

17 App. Div. 248; (79 St. Rep. 588; 45
Supp. 588).

Duplicate Citations in Parenthesis.

- Lipman v. Mathesius**, 1 Misc. 519; 60 St. Rep. 874.
Affirming, 48 St. Rep. 935; 20 Supp. 988.
- Lipman v. Niagara Fire Ins. Co.**, 121 N. Y. 454; 31 St. Rep. 286.
Cited, Insurance—Policy—Renewal.
 72 Hun, 145; (55 St. Rep. 433; 25 Supp. 304).
- Lipman v. Petersberger**, 10 How. 270; 9 Abb. 209.
Cited, Execution—Against Person—Release from Imprisonment.
 72 Hun, 601; (54 St. Rep. 775; 25 Supp. 275).
- Lippincott v. Ashfield**, 4 Sandf. 611.
Cited, Contracts—When to Pay Debt of Another.
 18 Misc. 57; (75 St. Rep. 476; 41 Supp. 23).
- Lippus v. Columbus Watch Co.**, 13 N. Y. 319; 36 St. Rep. 629.
Cited, Trial—Irregularities—Waiver.
 6 Misc. 116; (58 St. Rep. 2; 26 Supp. 44).
 Evidence—Competency—Letters.
 11 Misc. 18; (68 St. Rep. 454; 31 Supp. 871).
- Liscomb v. Agate**, 67 Hun, 388; 51 St. Rep. 313; 22 Supp. 126.
Cited, Account Stated—Impeachment—Waiver.
 16 Misc. 631; (40 Supp. 988).
- Lisk v. Sherman**, 25 Barb. 433.
Cited, Evidence — Damages — Contract Void by Statute of Frauds.
 72 Hun, 631; (55 St. Rep. 284; 25 Supp. 163).
 Contract—Void by Statute of Frauds—Recovery.
 83 Hun, 405; (64 St. Rep. 668; 31 Supp. 880).
- Lister v. Windmuller**, 53 Super. 407.
Cited, Sale—Breach—Damages—Time to Replace Goods.
 17 Misc. 279; (40 Supp. 371).
- Listman v. Hickey**, 143 N. Y. 630; 60 St. Rep. 874.
Affirming, 65 Hun, 8; 47 St. Rep. 80; 17 Supp. 880.
- Litch v. Brotherson**, 25 How. 407.
Cited, Reference—Re-opening Case.
 13 Misc. 96; (68 St. Rep. 74; 34 Supp. 82).
- Litchfield v. Brooklyn**, 10 Misc. 74
 63 St. Rep. 473; 31 Supp. 151.
Cited, Injunction—Restraint of Tax Sale.
 34 Supp. 1091.
- Litchfield v. Brooklyn**, 13 Misc. 693; 69 St. Rep. 171; 34 Supp. 1090.
Cited, Taxes—Assessment—Validity of Proceedings.
 11 App. Div. 516; (76 St. Rep. 808; 42 Supp. 808).
- Litchfield v. Burwell**, 5 How. 341.
Cited, Writ and Process—Service of Citation Outside Jurisdiction.
 136 N. Y. 393; (49 St. Rep. 833).
 Summons—Service—Proof.
 20 Misc. 474.
- Litchfield v. Flint**, 104 N. Y. 543; 5 St. Rep. 800.
Cited, Mortgage—Assumption by Grantee—Availability.
 73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).
 Action—Parties—Capacity.
 11 App. Div. 521; (77 St. Rep. 44; 43 Supp. 41). 153 N. Y. 173.
 Words—Descriptio Personæ.
 11 Misc. 185; (66 St. Rep. 333; 32 Supp. 1078). 13 App. Div. 193; (77 St. Rep. 398; 43 Supp. 398).
- Litchfield v. McComber**, 42 Barb. 288.
Cited, Taxes—Assessment—Collection.
 75 Hun, 427; (57 St. Rep. 344; 27 Supp. 683).
 Statutes—Construction—Remedy.
 20 Misc. 77; (79 St. Rep. 822; 45 Supp. 822).
- Litchfield v. Vernon**, 41 N. Y. 123.
Cited, Taxes — Personal Liability — Implied Contract.
 53 St. Rep. 144. 144 N. Y. 478; (63 St. Rep. 731).
 Taxes—Assessment—Assent of Owners.
 149 N. Y. 298.
 Assessments—Special—Exercise of Taxing Power.
 3 App. Div. 168; (73 St. Rep. 719; 38 Supp. 224).
- Litchfield v. White**, 7 N. Y. 438.
Cited, Assignment for Creditors—Rent of Premises—Occupation by Assignee.
 4 Misc. 202; (53 St. Rep. 489; 23 Supp. 1025). 9 Misc. 124; (59 St. Rep. 712; 29 Supp. 285).
- Litt v. Emery**, 80 Hun, 380; 62 St. Rep. 409; 29 Supp. 1146;
Affirmed, 144 N. Y. 628.
Cited, Municipal Corporations—Officers—Removal—Salary.
 6 App. Div. 135; (39 Supp. 991).
- Littauer v. Goldman**, 72 N. Y. 506.
Cited, Sale—Implied Warranty—Genuineness of Negotiable Instrument.
 73 Hun, 387; (58 St. Rep. 77; 26 Supp. 454). 18 Misc. 247; (75 St. Rep. 1002; 41 Supp. 609).
 Sale—Of Judgment—Implied Warranty.
 147 N. Y. 134.

Duplicate Citations in Parenthesis.

- Littell v. Ellison**, 44 St. Rep. 22; 17 Supp. 294.
Cited, Interest—Unliquidated Claim.
 13 Misc. 487; (70 St. Rep. 194; 35 Supp. 496).
- Little, Matter of**, See Forsyth, Matter of.
- Little v. Banks**, 67 Hun, 505; 51 St. Rep. 462; 22 Supp. 512.
- Little v. Banks**, 77 Hun, 511; 60 St. Rep. 658; 29 Supp. 87.
Affirmed, 151 N. Y. 669.
- Little v. Banks**, 85 N. Y. 258.
Distinguished, Contract—When Available to Third Party—Indemnity.
 2 Misc. 321; (50 St. Rep. 583; 21 Supp. 1022; 30 Abb. N. C. 173).
Cited, Contracts—For Publishing Legal Reports.
 23 Supp. 114.
 Contracts—For Benefit of Third Person—Availability.
 78 Hun, 150; (60 St. Rep. 206; 28 Supp. 990). 6 Misc. 86; (55 St. Rep. 397; 26 Supp. 40).
 Contracts—Public—Availability to Private Person.
 11 App. Div. 424; (76 St. Rep. 342; 42 Supp. 342). 11 App. Div. 125; (76 St. Rep. 1041; 42 Supp. 1041).
 Damages—Presumption from Breach of Contract.
 11 App. Div. 380; (76 St. Rep. 95; 42 Supp. 95).
- Little v. Gallus**, 4 App. Div. 569; 73 St. Rep. 643; 38 Supp. 487. For dissenting Opinion see 74 St. Rep. 825; 38 Supp. 1014.
- Little v. Garabrant**, 35 Supp. 689.
Cited, Corporations—Receiver—Insurance.
 6 App. Div. 257; (39 Supp. 887).
- Little v. Garabrant**, 90 Hun, 404; 70 St. Rep. 487; 35 Supp. 689.
Affirmed, 153 N. Y. 661.
- Little v. Lynch**, 99 N. Y. 112.
Cited, Reference—Report—Rendition—Alteration.
 66 Hun, 454; (50 St. Rep. 462; 21 Supp. 242).
 Reference—Compensation—Referee's Remedy to Recover.
 24 Supp. 890; (39 Abb. N. C. 299).
- Little v. Bank**, 2 Hill, 425.
Cited, Bills and Notes—Presentment—Check.
 12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).
 16 Misc. 318; (39 Supp. 396; 25 Civ. Pro. 406).
- Little v. Rochester**, 87 Hun, 493; 69 St. Rep. 90; 34 Supp. 1010.
- Little v. Webster**, 16 St. Rep. 107.
Cited, Contracts—Mistake—Reformation—Proof.
 149 N. Y. 18.
- Little v. Worth**, 6 Misc. 301; 58 St. Rep. 295; 26 Supp. 1110.
- Little Falls v. Cobb**, 80 Hun, 20; 61 St. Rep. 606; 29 Supp. 855.
- Littlefield v. Albany County Bank**, 97 N. Y. 581.
Cited, Assignment—Over-due Debt—Rights of Assignee.
 7 Misc. 683; (58 St. Rep. 379; 28 Supp. 39).
 Counterclaim—Equitable—Insolvent Creditor.
 22 Supp. 143.
- Littlefield v. Littlefield**, 91 N. Y. 203.
Cited, Limitation of Action—Removal of Bar—Payment—By Whom to be Made.
 71 Hun, 323; (55 St. Rep. 3; 25 Supp. 122).
 Limitation of Action—Removal of Bar—Payment—Joint Debt.
 4 Misc. 344; (54 St. Rep. 249; 24 Supp. 318). 88 Hun, 66; (63 St. Rep. 366; 31 Supp. 67).
- Littlejohn v. Greeley**, 13 Abb. 41.
Cited, Trial—Right to Open and Close.
 6 App. Div. 588; (39 Supp. 542).
- Littlejohn v. Greeley**, 22 How. 345.
Cited, Pleading—Relevancy—Striking Out.
 85 Hun, 528; (67 St. Rep. 78; 33 Supp. 336).
- Littlejohn v. Shaw**, 6 App. Div. 492; 39 Supp. 595.
- Littlejohn v. New York**, 89 N. Y. 24.
Cited, Death by Wrongful Act—Representatives.
 12 App. Div. 523; (76 St. Rep. 797; 42 Supp. 797).
- Littman v. Dry Dock E. B. & B. R. Co.**, 6 Misc. 34; 55 St. Rep. 514; 25 Supp. 1002.
- Litzenberger, Matter of**, 85 Hun, 512; 66 St. Rep. 780; 33 Supp. 155.
- Livermore v. Bainbridge**, 49 N. Y. 125.
Cited, Action—Abatement—Death After Verdict—Action for Dower.
 138 N. Y. 430; (52 St. Rep. 928; 30 Abb. N. C. 245).
- Livermore v. Bainbridge**, 44 How. 357.
Affirmed, 47 How. 354.

Duplicate Citations in Parenthesis.

Cited, Referee—Removal—Misconduct.
3 Misc. 443; (52 St. Rep. 321; 23 Supp. 178).

Trial—Remarks by Court.
82 Hun, 188; (64 St. Rep. 805; 31 Supp. 983).

Referee—Misconduct—Setting Aside Report.

14 Misc. 574; (72 St. Rep. 225, 227; 37 Supp. 73, 75). 1 App. Div. 106; (72 St. Rep. 229; 37 Supp. 75).

Livermore v. Northrup, 44 N. Y. 107.

Cited, Fraudulent Conveyance — Consideration—Outlawed Debt.

73 Hun, 349; (55 St. Rep. 763; 26 Supp. 195).

Living v. Domett, 26 Hun, 150.

Cited, Insurance—Assignment—Rights of Assignee.

13 App. Div. 532; (77 St. Rep. 651; 43 Supp. 651),

Livingston, Matter of, 34 N. Y. 555.

Cited, Trustee—Appointment—Who May Attack.

88 Hun, 586; (69 St. Rep. 64; 30 Supp. 900).

Livingston, Matter of, 121 N. Y. 94; 30 St. Rep. 772.

Cited, Taxes — Assessment — Remedial Statutes—Effect.

90 Hun, 126; (70 St. Rep. 405; 35 Supp. 640). 151 N. Y. 20.

Livingston, Matter of, 1 App. Div. 568; 72 St. Rep. 552; 37 Supp. 463.

Cited, 5 App. Div. 621; (38 Supp. 1149).

Tax — Inheritance — Equitable Conversion.

3 App. Div. 212; (38 Supp. 279).

Livingston v. Ackeston, 5 Cow. 531.

Cited, Contract—For Services—When Implied.

11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

Livingston v. Arnoux, 56 N. Y. 507.

Cited, Evidence — Declarations—Of Deceased Executor.

71 Hun, 401; (55 St. Rep. 37; 25 Supp. 30).

Livingston v. Bishop, 1 Johns. 290.

Cited, Joint Tort Feasors — Judgment Against One—Effect of.

141 N. Y. 451; (57 St. Rep. 629). 84 Hun, 378; (65 St. Rep. 589; 32 Supp. 383).

Livingston v. Gardner, 4 Redf. 516.

Cited, Executors—Conduct of Estate—Claims Against Estate — Presentment — Knowledge of Executor.

7 Misc. 345; (58 St. Rep. 517; 28 Supp. 83).

Wills—Construction—Remainder—"From and After."

135 N. Y. 139; (48 St. Rep. 66).

Wills—Legacies—Lapse.

70 Hun, 278; (54 St. Rep. 29; 24 Supp. 230).

Livingston v. Green, 52 N. Y. 118.

Cited, Wills—Construction—Contingency of Death.

69 Hun, 610; (53 St. Rep. 546; 24 Supp. 27). 3 Misc. 169; (24 Supp. 468). 142 N. Y. 434; (59 St. Rep. 813). 8 App. Div. 66;

(40 Supp. 409).

Wills—Remainder—When Vested.

89 Hun, 558; (69 St. Rep. 732; 35 Supp. 345). 17 Misc. 254; (40 Supp. 1063).

Livingston v. Harrison, 2 E. D. Smith. 197.

Cited, Tender—What Constitutes.

16 Misc. 435; (39 Supp. 736).

Livingston v. Livingston, 4 Johns. Ch. 287.

Cited, Landlord and Tenant—Rent—Interest.

11 Misc. 158; (66 St. Rep. 560; 32 Supp. 1106).

Livingston v. Livingston, 6 Johns. Ch. 497.

Cited, Injunction—Temporary—Irreparability of Damage.

5 St. Rep. 768; (27 Supp. 187).

Injunction—Trespass—Remedy at Law.

13 App. Div. 306; (77 St. Rep. 7; 43 Supp. 7).

Livingston v. Lynch, 4 Johns. Ch. 573.

Cited, Associations—Rules.

D. 5 Misc. 523; (58 St. Rep. 95; 25 Supp. 838).

Livingston v. Manhattan R. Co., 42 St. Rep. 4; 17 Supp. 486; 27 Abb. N. C. 411.

Cited, Trial—Findings—Extent of Detail — Isolated Facts.

7 Misc. 557; (57 St. Rep. 732; 27 Supp. 878).

Trial—Findings—Judgment Roll.

85 Hun, 181; (66 St. Rep. 164; 32 Supp. 596).

Livingston v. Manhattan R. Co., 4 App. Div. 165; 74 St. Rep. 87; 38 Supp. 751.

Livingston v. Metropolitan R. Co., 44 St. Rep. 830. 18 Supp. 203.

Cited, Evidence — Opinions — Experts—Real Property—Rental Values.

7 Misc. 628; (58 St. Rep. 810; 28 Supp. 150; 31 Abb. N. C. 271).

*Duplicate Citations in Parenthesis.***Livingston v. Metropolitan El. R. Co.,** 138 N. Y. 76; 51 St. Rep. 660.

Damages—Elevated Railroads—Offsetting Benefits.

73 Hun, 253; (57 St. Rep. 118; 25 Supp. 1049).

Appeal—Refusal to Find—When Error.
148 N. Y. 512.

Livingston v. Miller, 7 How. 219.

Cited, Appeal—Return—Amendment.

88 Hun, 304; (68 St. Rep. 587; 34 Supp. 768).

Livingston v. Moore, 15 App. Div. 15; 78 St. Rep. 125; 44 Supp. 125.**Livingston v. Murray,** 68 N. Y. 485.

Cited, Executors—Rights and Duties.

2 Misc. 282; (23 Supp. 973).

Life Tenants—Possession—Security.

6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153). 141 N. Y. 24; (56 St. Rep. 582). 19 Misc. 84; (77 St. Rep. 973; 43 Supp. 973).

Wills—Construction—Bequest for Life.

67 Hun, 274; (50 St. Rep. 823; 22 Supp. 242).

Livingston v. Newkirk, 3 Johns. Ch. 32.

Cited, Vendor and Purchaser—Death of Vendor—Rights and Duties of Heir.

145 N. Y. 151; (64 St. Rep. 567).

Executors—Payment of Debts with Personal Funds—Reimbursement.

15 Misc. 206; (72 St. Rep. 186; 37 Supp. 35).

Livingston v. New York, 8 Wend. 85.

Cited, Dedication—Of Streets and Alleys—Acceptance—Estoppel.

23 Supp. 821.

Easements—Right of Way—Necessity.

1 App. Div. 447; (73 St. Rep. 108; 37 Supp. 515).

Eminent Domain—Ascertainment of Damages—Legislature.

80 Hun, 387; (62 St. Rep. 53; 30 Supp. 326). 151 N. Y. 80.

Dedication—Conveyance of Lots by Map.

144 N. Y. 323; (63 St. Rep. 713).

Livingston v. N. Y. C. & H. R. R. Co., 76 N. Y. 631.

Cited, Carriers—Connecting—Loss of Perishable Goods.

85 Hun, 521; (66 St. Rep. 774; 33 Supp. 149).

Livingston v. N. Y. El. R. Co., 33 St. Rep. 818; 11 Supp. 359.

Cited, Service—Attorney—Sufficiency.

15 Misc. 631; (72 St. Rep. 801; 37 Supp. 222).

Livingston v. Peru Iron Co., 2 Paige, 390.

Cited, Specific Performance—Vendor's Failure to Disclose Facts Affecting Title.

50 St. Rep. 813; (21 Supp. 886).

Livingston v. Peru Iron Co., 9 Wend. 513.

Cited, Deeds — Third Person in Possession — When Conveyance Void.

85 Hun, 570; (66 St. Rep. 800; 33 Supp. 128). 18 Misc. 321; (76 St. Rep. 1000; 42 Supp. 1000).

Livingston v. Platner, 1 Cow. 175.

Cited, Malicious Mischiefs — Treble Damages.

18 Misc. 652; (77 St. Rep. 974; 43 Supp. 974).

Livingston v. Proseus, 2 Hill, 526.

Cited, Deed—Champtertous—Validity between Parties.

87 Hun, 52; (67 St. Rep. 484; 33 Supp. 868).

Livingston v. Radcliff, 6 Barb. 201.

Cited, Attorneys—Authority.

18 Misc. 284; (41 Supp. 1041).

Livingston v. Rogers, 1 Caines, 583.

Cited, Pleading—Condition Precedent.

11 Misc. 392; (65 St. Rep. 437; 32 Supp. 246).

Livingston v. Roosevelt, 4 Johns. 251.

Cited, Partnership—Firm Note—Authority of Partners.

14 Misc. 564; (70 St. Rep. 717; 35 Supp. 1072).

Livingston v. Smith, 14 How. 490.

Cited, Contract — Statute of Frauds — Proof of Writing—Necessity.

55 St. Rep. 297; (25 Supp. 454; 30 Abb. N. C. 448).

Pleading—Demurrer to Cause of Action—Truth of Facts Alleged in Complaint Presumed.

27 Supp. 932; (30 Abb. N. C. 456).

Livingston v. Spero, 18 Misc. 243; 75 St. Rep. 999; 41 Supp. 606.**Livingston v. Spero,** 18 Misc. 252; 75 St. Rep. 1494; 41 Supp. 1121.**Livingston v. Swift,** 23 How. 1.

Cited, Appeal What Appealable—Refusal of Order to Show Cause — Contempt Proceedings.

74 Hun, 189; (56 St. Rep. 553; 26 Supp. 350).

Livingston v. Tanner, 14 N. Y. 64.

Cited, Landlord and Tenant — Lease — Rent—Non-Payment—Remedy.

9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

Duplicate Citations in Parenthesis.

Livingston v. Tucker, 107 N. Y. 549;
12 St. Rep. 493.

Cited, 16 Misc. 448; 74 St. Rep. 239; 38 Supp. 612.

Judgment—Conclusiveness.

16 Misc. 448; (38 Supp. 612).

Livingston County, Supervisors of, v. White, 30 Barb. 72.

Cited, Evidence—Secondary—Lost Instrument.

92 Hun, 422; (71 St. Rep. 579; 36 Supp. 664).

Livingston Sportsmen's Ass'n, Matter of, 2 Supp. 63.

Cited, Clubs—Social.

79 St. Rep. 743; (45 Supp. 743).

Livingston Street, Matter of, 82 N. Y. 621.

Cited, Constitutional Law—Eminent Domain—Commissioners.

90 Hun, 179; (70 St. Rep. 295; 35 Supp. 790).

Livor v. Orser, 5 Duer. 501.

Cited, Damages—To Mortgagee—Conversion of Chattels.

9 App. Div. 397; (75 St. Rep. 715; 41 Supp. 303).

Lloyd, Matter of, 39 St. Rep. 851; 16 Supp. 103.

Cited, Executors—Management of Estate—Accounting—Vouchers.

5 Misc. 141; (25 Supp. 706).

Lloyd v. Ballantine, 20 Misc. 141; 79 St. Rep. 809; 45 Supp. 809.

Lloyd v. Brewster, 4 Paige, 537.

Cited, Action—Election of Remedy—Knowledge.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 202).

Courts—Relief—Nature.

7 App. Div. 231; (74 St. Rep. 657; 40 Supp. 45).

Lloyd v. Carrier, 2 Lans. 364.

Cited, Interest—Advancements by Partner.

15 App. Div. 564; (78 St. Rep. 518; 44 Supp. 518).

Lloyd v. Matthews, 51 N. Y. 124.

Cited, Brokers—Real Estate—Commissions—Consummation by Owner.

6 Misc. 94; (55 St. Rep. 403; 26 Supp. 8).
13 Misc. 119; (68 St. Rep. 201; 34 Supp. Supp. 154). 16 Misc. 486; (38 Supp. 970).

Brokers—Procurement of Purchaser—Acquaintance With—Commissions.

6 Misc. 214; (53 St. Rep. 534; 26 Supp. 531). 2 Misc. 336; (51 St. Rep. 429; 21 Supp. 978).

Brokers—Real Estate—Commissions.

69 Hun, 66; (52 St. Rep. 733; 23 Supp. 262). 21 Supp. 442. 81 Hun, 66; (62 St. Rep. 256; 30 Supp. 593). 16 Misc. 392; (74 St. Rep. 310; 38 Supp. 54). 6 App. Div. 94; (39 Supp. 478). D. 6 App. Div. 96; (39 Supp. 471). 79 St. Rep. 388; (45 Supp. 388).

Lloyd v. New York, 5 N. Y. 369.

Cited, Municipal Corporations—Powers—Private and Public Purposes.

80 Hun, 166; (61 St. Rep. 712; 29 Supp. 1131). 10 Misc. 665; (64 St. Rep. 302; 31 Supp. 677; 1 Ann. Cas. 363). 147 N. Y. 57; (69 St. Rep. 308). 148 N. Y. 52.

Municipal Corporations—Liability Under Contracts.

13 Misc. 618; (69 St. Rep. 169; 34 Supp. 945).

Loader v. Atlantic Ave. R. Co., 70 St. Rep. 574; 35 Supp. 999.

Loader v. Brooklyn Heights R. Co., 14 Misc. 208; 70 St. Rep. 571; 35 Supp. 996.

Lobee v. Standard Live-Stock Ins. Co., 12 Misc. 499; 67 St. Rep. 371; 33 Supp. 657.

Lobdell v. Lobdell, 36 N. Y. 327.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 88; (55 St. Rep. 399; 26 Supp. 41).
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6 Misc. 88; (55 St. Rep. 399; 26 Supp. 41).
2 Misc. 140; (50 St. Rep. 225; 21 Supp. 613).

Specific Performance by Heirs of Ancestor's Agreement—Devised Land.

2 Misc. 140; (50 St. Rep. 225; 21 Supp. 613).

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19 Misc. 438; (78 St. Rep. 482; 44 Supp. 482). 92 Hun, 295; (71 St. Rep. 781; 36 Supp. 7.5).

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145 N. Y. 163; (64 St. Rep. 574).

Lobdell v. Stowell, 37 How. 88.

Cited, Tenancy—In Common—Severance.
17 App. Div. 133; (79 St. Rep. 151; 45 Supp. 151).

Lobdell v. Stowell, 51 N. Y. 70.

Cited, Tenancy—In Common—Severance.
86 Hun, 547; (67 St. Rep. 522; 33 Supp. 776). 17 App. Div. 133; (79 St. Rep. 151; 45 Supp. 151).

Lochmann v. Meehan, 50 St. Rep. 470; 21 Supp. 389.

Affirmed, 142 N. Y. 686; 60 St. Rep. 870.

*Duplicate Citations in Parenthesis.***Locke v. Farmers' Loan & Trust Co.**, 140 N. Y. 135; 55 St. Rep. 546.

Reversing, 66 Hun, 428; 50 St. Rep. 287; 21 Supp. 524.

Cited, Trust—Creation—By Instrument—Failure to Deliver.

79 Hun, 287; (61 St. Rep. 801; 29 Supp. 346).

Trust—Creation—Reservation of Power of Control.

80 Hun, 143, 149; (61 St. Rep. 638; 29 Supp. 1016).

Trusts—Termination.

145 N. Y. 368; (64 St. Rep. 833).

Trust—Suspension of Alienation.

17 App. Div. 307; (79 St. Rep. 204; 45 Supp. 204).

Trust—Corpus—Vesting.

3 App. Div. 48; (74 St. Rep. 429; 37 Supp. 1082).

Locke v. Locke, 71 Hun, 363; 55 St. Rep. 9; 24 Supp. 1129.**Locke v. Mabbett**, 2 Keyes, 457.

Cited, Appeal—Order in Supplementary Proceedings.

12 Misc. 407; (57 St. Rep. 324; 33 Supp. 618).

Locke v. Rings. See *Locke v. Farmers' Loan & Trust Co.***Locke v. State**, 140 N. Y. 480; 56 St. Rep. 454.

Cited, State—Liability—Consent.

11 Misc. 510; (67 St. Rep. 286; 33 Supp. 438). D. 13 App. Div. 35; 77 St. Rep. 106; (43 Supp. 106).

Locklin v. Moore, 57 N. Y. 360.

Cited, Tender—Continued Readiness to Pay—Bringing Money Into Court.

75 Hun, 388; (57 St. Rep. 700; 27 Supp. 454). 18 Misc. 227; (75 St. Rep. 869; 41 Supp. 479).

Bills and Notes—Demand—Note Payable on Demand.

79 Hun, 534; (61 St. Rep. 546; 29 Supp. 926).

Distinguished, Pleading—Payment.

91 Hun, 444; (70 St. Rep. 809; 36 Supp. 235; 25 Civ. Pro. 151; 2 Ann. Cas. 315).

Lockman v. Reilly, 95 N. Y. 64.

Cited, Executors—Conveyance to of Land in Payment of Mortgage on—Right of Estate in Land.

78 Hun, 190; (60 St. Rep. 266; 28 Supp. 927). 82 Hun, 147; (63 St. Rep. 764; 31 Supp. 315).

Real Property—Foreclosure of Mortgage to Trustee—Title of Mortgagee.

66 Hun, 347; (50 St. Rep. 51; 21 Supp. 200). 20 Misc. 535, 539.

Executors—Investment of Funds in Land—Rights of Estate.

86 Hun, 298; (67 St. Rep. 10; 33 Supp. 308).

Lockport & Buffalo R. Co., Matter of, 77 N. Y. 557.

Cited, Railroads—Intersection—Crossing.

72 Hun, 590; (54 St. Rep. 879; 25 Supp. 158).

Railroads—Intersection—Crossing—Nature of Proceeding.

83 Hun, 412; (64 St. Rep. 419; 31 Supp. 748).

Lockrow v. Horgan, 58 N. Y. 635.

Cited, Landlord and Tenant—Covenant to Repair—Scope.

9 Misc. 328; (30 Supp. 211).

Lockwood, Matter of, 2 Connolly 118; 8 Supp. 345.

Cited, Wills—Testamentary Capacity—Insane Delusions.

19 Misc. 78; (78 St. Rep. 96; 44 Supp. 96).

Lockwood v. Barnes, 3 Hill, 128.

Cited, Contract—Statute of Frauds—Part Performance.

71 Hun, 481; (54 St. Rep. 408; 24 Supp. 1013). 17 Misc. 159; (39 Supp. 329).

Contracts—Statute of Frauds—Performance Within Year.

D. 11 Misc. 717; 68 St. Rep. 871; 34 Supp. 1140).

Contracts—Construction—Statutory Restrictions.

40 Supp. 1016.

Lockwood v. Brantly, 31 Supp. 155.

Cited, Summons—Service by Publication—Affidavit.

14 Misc. 77; (69 St. Rep. 555; 35 Supp. 200; 25 Civ. Pro. 20; 2 Ann. Cas. 97).

Lockwood v. Bull, 1 Cow. 322.

Cited, Torts—Several Liability.

90 Hun, 588; (70 St. Rep. 649; 35 Supp. 976).

Lockwood v. Gehlert, 127 N. Y. 241; 38 St. Rep. 261.

Cited, Taxes—Sale—Validity—Cancellation.

67 Hun, 107; (51 St. Rep. 551; 22 Supp. 21). Taxes—Title—Lease—Comptroller's Certificate.

141 N. Y. 359; (57 St. Rep. 438). 14 Misc. 91; (69 St. Rep. 587; 35 Supp. 270). 152 N. Y. 210.

Tax Titles—Notice to Redeem.

17 App. Div. 256; (79 St. Rep. 562; 45 Supp. 562).

Duplicate Citations in Parenthesis.

Lockwood v. Lockwood, 38 St. Rep. 600; 14 Supp. 831.

Cited Appeal—Review of Justice's Judgment—Substantial Justice.

71 Hun, 484; (54 St. Rep. 549; 24 Supp. 977)

Lockwood v. Mildeberger, 5 App. Div. 459; 38 Supp. 1107.

Lockwood v. New York, Lake Erie & Western R. Co., 98 N. Y. 523.

Cited, Damages—Measure—Death.

78 Hun, 278; (60 St. Rep. 232; 28 Supp. 862). 6 App. Div. 48; (39 Supp. 617).

Damages—Excessive.

68 Hun, 108; 52 St. Rep. 219; 22 Supp. 735). 11 Misc. 539; (64 St. Rep. 468; 32 Supp. 743).

Lockwood v. Quackenbush, 83 N. Y. 607.

Cited, Appeal — Attitude Inconsistent With That on Trial.

1 Misc. 324; (48 St. Rep. 701; 20 Supp. 672).

Lockwood v. Salmon River Paper Co., 49 St. Rep. 302; 20 Supp. 967.

Lockwood v. Salmon River Paper Co., 49 St. Rep. 303; 20 Supp. 974.

Lockwood v. Thomas, 12 Johns. 248.

Cited. Husband and Wife—Necessaries for Wife—Separate Maintenance.

2 Misc. 50; (49 St. Rep. 143; 20 Supp. 859).

Lockwood v. Thorne, 11 N. Y. 170.

Cited, Account Stated—Conclusiveness.

4 App. Div. 217; (73 St. Rep. 592; 38 Supp. 543).

Lockwood v. Thorne, 18 N. Y. 285.

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146 N. Y. 142; (66 St. Rep. 274). 85 Hun, 563; (66 St. Rep. 833; 33 Supp. 204). 6 App. Div. 154; (39 Supp. 816); 16 Misc. 630; (40 Supp. 988).

Account Stated—Impeachment.

147 N. Y. 582; (70 St. Rep. 344). 16 Misc. 631; (40 Supp. 988). 152 N. Y. 326.

Lockwood v. Waldorf, 91 Hun, 281; 70 St. Rep. 855; 36 Supp. 199.

Cited, 8 App. Div. 421; (75 St. Rep. 237; 40 Supp. 846). 20 Misc. 431; (79 St. Rep. 1029; 45 Supp. 1029).

Loder v. Hatfield, 71 N. Y. 92.

Cited, Limitation of Action — To Recover Legacies.

75 Hun, 379; (58 St. Rep. 661; 27 Supp. 112). 15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Wills—Legacy—Death of Legatee—Effect of.

76 Hun, 96; (57 St. Rep. 784; 27 Supp. 830).

Wills — Construction — Legacy — When Vests.

78 Hun, 523; (61 St. Rep. 9; 29 Supp. 405). 80 Hun, 261; (62 St. Rep. 64; 30 Supp. 289).

145 N. Y. 540; (65 St. Rep. 344).

Wills—Remainder—Vesting.

9 App. Div. 605; (75 St. Rep. 1132; 41 Supp. 739)

Wills—Legacies—Charge on Land.

75 Hun, 379; (58 St. Rep. 661; 27 Supp. 112). 18 Misc. 637; (76 St. Rep. 604; 42 Supp. 604).

Limitation of Actions—Equitable Actions —Cases Unprovided for by Statute.

142 N. Y. 6; (58 St. Rep. 428). 19 Misc. 331; (78 St. Rep. 269; 44 Supp. 269).

Loder v. Whelpley, 1 Dem. 368.

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Cited, Witness—Competency—Executor —Transaction With Decedent.

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Loder v. Whelpley, 111 N. Y. 239; 19 St. Rep. 631.

Cited, Appeal—Harmless Errors.

50 St. Rep. 752; (21 Supp. 813). 146 N. Y. 137; (66 St. Rep. 271). 18 Misc. 246; (41 Supp. 608). 17 App. Div. 270; (79 St. Rep. 565; 45 Supp. 535). D. 17 App. Div. 270; (79 St. Rep. 567; 45 Supp. 567).

Appeal—Failure to Object to Improper Evidence.

2 Misc. 331; (51 St. Rep. 417; 21 Supp. 961).

Evidence—Burden of Proof—Force or Coercion of Testator—Probate of Wills.

5 Misc. 183; (24 Supp. 857). 15 Misc. 216; (72 St. Rep. 763; 37 Supp. 228).

Witnesses—Competency—Death of Other Party—Release of Interest.

140 N. Y. 282; (55 St. Rep. 639).

Evidence—Confidential Communications —Attorney—As Witness to Will.

67 Hun, 415; (51 St. Rep. 785; 23 Supp. 293).

Wills — Undue Influence — Legatee as Draftsmen.

70 Hun, 127; (53 St. Rep. 810; 24 Supp. 75).

Loeb v. Hellmau, 83 N. Y. 601.

Cited, Agency—Agent's Failure to Obey Instructions—Liability.

10 Misc. 588; (64 St. Rep. 31; 31 Supp. 455).

Loeb v. Keyes, 86 Hun, 353; 67 St. Rep. 205; 33 Supp. 491.

Loeb v. Willis, 100 N. Y. 231.

Cited, Judgment—Reversal—Effect.

Duplicate Citations in Parenthesis.

- 7 Misc. 476; (28 Supp. 387).
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 87 Hun, 567; (68 St. Rep. 381; 34 Supp. 478).
- Loeber v. Roberts**, 60 Super. 202; 42 St. Rep. 687; 17 Supp. 378.
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Cited, Injuries to property—Relief.
 12 Misc. 333; (65 St. Rep. 789; 33 Supp. 640). 16 Misc. 47; (73 St. Rep. 260; 37 Supp. 679).
- Loeber v. Roberts**, 138 N. Y. 606; 51 St. Rep. 932.
- Loeschigk v. Bridge**, 42 N. Y. 421.
Cited, Sale—Fraudulent—Insolvency.
 82 Hun, 398; (63 St. Rep. 567; 31 Supp. 261). 86 Hun, 341; (67 St. Rep. 157; 33 Supp. 458).
- Loeschigk v. Hatfield**, 5 Robt. 26.
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 87 Hun, 551; (69 St. Rep. 458; 35 Supp. 139).
- Loeser v. Liebman**, 137 N. Y. 163, 555; 50 St. Rep. 382.
- Loew, Matter of**, 90 N. Y. 666.
Cited, Appeal—Review of Discretionary Determination.
 2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 432; 23 Civ. Pro. 40).
- Loew v. Christ**, 13 App. Div. 624; 76 St. Rep. 963; 42 Supp. 963.
- Loewenstine, Matter of**, 2 Misc. 323; 51 St. Rep. 423; 21 Supp. 931.
Cited, Wills—Testamentary Capacity—Delusions.
 19 Misc. 78; (78 St. Rep. 96; 44 Supp. 96).
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 40 Supp. 421.
- Loewenstine v. MacShiff**, 8 Misc. 70; 58 St. Rep. 822; 28 Supp. 528.
- Loffler v. Brestenstein**, 19 Week. Dig. 444.
Cited, Agency—Commissions.
 10 Misc. 382, 383; (63 St. Rep. 528, 529; 31 Supp. 145, 146).
- Lofrano v. N. Y. & Mt. V. W. Co.**, 55 Hun, 452; 29 St. Rep. 557.
Cited, Master and Servant—Hazardous Employment.
 15 Misc. 156; (72 St. Rep. 256; 36 Supp. 1106).
- Lofrano v. N. Y. & Mt. V. W. Co.**, 130 N. Y. 658.
Cited, Master and Servant—Hazardous Employment—Master's Liability.
 15 Misc. 156; (72 St. Rep. 254; 36 Supp. 1106).
- Loffhouse, Matter of**, 3 App. Div. 139; 74 St. Rep. 468; 38 Supp. 39.
Cited, Lunacy—Accounting.
 8 App. Div. 401; (75 St. Rep. 241; 40 Supp. 849).
- Loftus v. Union Ferry Co.**, 47 Hun, 564.
Cited, Carriers—Injuries to Passengers—Appliances.
 D. 81 Hun, 550; (63 St. Rep. 291; 30 Supp. 1103).
- Loftus v. Union Ferry Co.**, 84 N. Y. 455.
Cited, Carriers—Liability to Passengers—Appliances—Negligence.
 9 Misc. 270; (61 St. Rep. 516; 29 Supp. 740). D. 13 Misc. 110; (68 St. Rep. 105; 34 Supp. 120, 121). 151 N. Y. 434. 153 N. Y. 269.
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 7 Misc. 105; (57 St. Rep. 483; 27 Supp. 411).
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 4 Misc. 164; (53 St. Rep. 197; 23 Supp. 790).
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 73 Hun, 153; (56 St. Rep. 95; 25 Supp. 925). 4 App. Div. 245; (74 St. Rep. 53; 38 Supp. 435).
 Negligence—Disclosures After Accident.
 D. 9 Misc. 13; (59 St. Rep. 711; 29 Supp. 24).
- Logan, Matter of**, 131 N. Y. 456; 43 St. Rep. 667.
Cited, Wills—Construction.
 86 Hun, 109; (68 St. Rep. 45; 34 Supp. 201).
- Logan v. Berkshire Apartment Association**, 18 Supp. 164.
Cited, Contracts—Performance—Satisfaction.
 15 Misc. 28; (71 St. Rep. 495; 36 Supp. 444; 2 Ann. Cas. 342).

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Logan v. Berkshire Apartment Association, 3 Misc. 296; 52 St. Rep. 132; 22 Supp. 776.

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Cited, Contract—Substantial Compliance—Recovery—Deductions.

9 Misc. 478; (61 St. Rep. 103; 30 Supp. 241).

Sale—Manufactured Article—Acceptance.

10 Misc. 658; (64 St. Rep. 497; 31 Supp. 734).

Logan v. Davidson, 79 St. Rep. 961; 45 Supp. 961.

Logan v. McCall Publishing Co., 140 N. Y. 447; 55 St. Rep. 794; 23 Civ. Pro. 246.

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13 App. Div. 272; (77 St. Rep. 229; 43 Supp. 229). 20 Misc. 14; (78 St. Rep. 604; 44 Supp. 604). 20 Misc. 290; (79 St. Rep. 801; 45 Supp. 801).

Logan v. Thomas, 11 How. 160.

Cited, Appeal—Costs—Taxation—Papers Considered.

7 App. Div. 140; (40 Supp. 299).

Logeling v. N. Y. El. R. Co., 5 App. Div. 198; 38 Supp. 1112.

Logue v. Link, 4 E. D. Smith, 63.

Cited, Dogs—Vicious—Liability of Owner.

17 App. Div. 142; (79 St. Rep. 158; 45 Supp. 158).

Lohman v. People, 1 N. Y. 379.

Cited, Indictment—Effect of Surplusage. 137 N. Y. 520; (51 St. Rep. 290).

Lohnas v. Arkell, 137 N. Y. 615; 51 St. Rep. 930.

Lohman v. People, 1 N. Y. 380.

Cited, Witness—Cross-examination—Scope.

7 App. Div. 605; (74 St. Rep. 740; 40 Supp. 178).

Lombard v. Brooklyn City R. Co., 6 Misc. 602; 56 St. Rep. 904; 26 Supp. 1136.

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Lombard v. Moore, 6 Misc. 469; 56 St. Rep. 904; 27 Supp. 523.

Lomer v. Meeker, 25 N. Y. 361.

Cited, Evidence—Sufficiency—Unimpeached and Uncontradicted Witness.

79 Hun, 435; (61 St. Rep. 249; 29 Supp. 980). 11 Misc. 348; (65 St. Rep. 275; 32 Supp. 135). 4 App. Div. 535; (74 St. Rep. 631; 40 Supp. 2). 18 Misc. 169 (5 St. Rep. 914; 41 Supp. 525). 19 Misc. 67; (77 St. Rep. 173; 43 Supp. 173) 149 N. Y. 250.

Evidence—Sufficiency—Disinterested Witness.

4 Misc. 75; (53 St. Rep. 73; 23 Supp. 6.8).

16 Misc. 23; (73 St. Rep. 244; 37 Supp. 650).

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51 St. Rep. 17; (21 Supp. 716).

20 Misc. 680.

Trial—Taking from Jury—On Testimony of Party.

75 Hun, 51; (56 St. Rep. 862; 27 Supp. 120; 31 Abb. N. C. 157).

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1 Misc. 481; (49 St. Rep. 883; 21 Supp. 469).

Trial—Questions of Law and Fact—Import of Writing.

11 Misc. 374; (65 St. Rep. 424; 32 Supp. 242).

London v. Cunningham, 1 Misc. 408; 49 St. Rep. 447; 20 Supp. 882.

Cited, Negligence—Injuries to Wife—Rights of Husband and Wife.

18 Misc. 356; (75 St. Rep. 938; 41 Supp. 550).

London v. Martin, 79 Hun, 229; 61 St. Rep. 24; 29 Supp. 396.

Affirmed, 149 N. Y. 586.

Cited, Fraudulent Conveyance—Preference.

84 Hun, 149; (65 St. Rep. 639; 32 Supp. 453). 87 Hun, 239; (67 St. Rep. 725; 33 Supp. 1039; 1 Ann. Cas. 334). 4 App. Div. 234; (73 St. Rep. 589; 38 Supp. 539).

London & Brazilian Bank v. Walker, 74 Hun, 395; 57 St. Rep. 195; 26 Supp. 844.

London & Lan. F. Ins. Co. v. R., W. & O. R. Co., 68 Hun, 598; 52 St. Rep. 581; 23 Supp. 231.

Affirmed, 144 N. Y. 200; 63 St. Rep. 73.

London & Lan. F. Ins. Co. v. R., W. & O. R. R. Co., 144 N. Y. 200; 63 St. Rep. 73.

Lonergan v. Martin, 4 Misc. 624; 53 St. Rep. 320; 23 Supp. 968.

Long, Matter of, 39 St. Rep. 892; 15 Supp. 657.

Cited, Special Proceeding—What is.

68 Hun, 255; (52 St. Rep. 188; 22 Supp. 969).

Long v. American Surety Co., 66 St. Rep. 612.

Long v. Fong, 25 St. Rep. 28; 6 Supp. 406.

Cited, New Trial—Verdict Against Weight of Evidence.

2 Misc. 49; (51 St. Rep. 52; 21 Supp. 1086).

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Long v. Long, 66 Hun, 595; 50 St. Rep. 546; 21 Supp. 871.

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Long v. Long, 142 N. Y. 545; 60 St. Rep. 311.

Cited, Infants—Action Against Guardian's Sureties—Conditions Precedent.

10 Misc. 547; (64 St. Rep. 123; 31 Supp. 440).

Long v. New York, 81 N. Y. 425.

Cited, Pleading—Demurrer—Admissions. 92 Hun, 299; (71 St. Rep. 771; 36 Supp. 706).

Long v. N. Y. C. R. Co., 50 N. Y. 76.

Cited, Evidence—Parol—To Vary Writing. 88 Hun, 339; (68 St. Rep. 545; 34 Supp. 727). 19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Long v. Poth, 16 Misc. 85; 73 St. Rep. 251; 37 Supp. 690.

Long v. Rogers, 79 Hun, 441; 61 St. Rep. 462; 29 Supp. 981; 24 Civ. Pro. 63.

Cited, Wills — Probate—Action to Determine Validity.—Who May Bring.

90 Hun, 162; (70 St. Rep. 282; 35 Supp. 778). 150 N. Y. 166.

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89 Hun, 366; (69 St. Rep. 790; 35 Supp. 404; 25 Civ. Pro. 136).

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87 Hun, 346; (68 St. Rep. 468; 34 Supp. 316). 15 Misc. 656; (72 St. Rep. 681; 37 Supp. 430; 25 Civ. Pro. 160).

Long v. Russell, 45 Super. 434.

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Cited, Money Had and Received—Recovery—Title.

4 Misc. 314; (24 Supp. 262).

Long v. Stafford, 163 N. Y. 274; 3 St. Rep. 87.

Cited, Appeal—Death of Party—Intermediate Decision and Judgment.

6 Misc. 51; (55 St. Rep. 927; 26 Supp. 729). Judgment—Entry Nunc pro tunc.

6 Misc. 53; (56 St. Rep. 607; 26 Supp. 730).

Landlord and Tenant — Lease—Renewal. 11 Misc. 32; (65 St. Rep. 110; 31 Supp. 1016).

Long v. Warren, 68 N. Y. 426.

Cited, Fraud — Sale of Property—Matters of Opinion—Knowledge of Both Parties.

8 Misc. 111; (59 St. Rep. 512; 28 Supp. 622). 89 Hun, 58; (69 St. Rep. 6, 34 Supp. 1062). 90 Hun, 222; (28 Supp. 622).

Fraud—What Constitutes.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134). 18 Misc. 645; (77 St. Rep. 750; 43 Supp. 750).

Long Island Bank v. Boynton, 105 N. Y. 656.

Cited, Usury—Proof.

150 N. Y. 364.

Long Island R. Co., Matter of, 50 St. Rep. 257; 21 Supp. 489.

Affirmed, 143 N. Y. 67; 60 St. Rep. 460.

Long Island R. Co., Matter of, 143 N. Y. 67; 60 St. Rep. 460.

Long Island R. Co. v. Conklin, 32 Barb. 381.

Cited, Contracts — Construction — Incorrect Use of Word.

11 App. Div. 433; (76 St. Rep. 244; 42 Supp. 244).

Long Island R. Co. v. Garvey, 11 App. Div. 626; 76 St. Rep. 155; 42 Supp. 155.

Long Island Water Supply Co., Matter of, 30 Abb. N. C. 36; 24 Supp. 807.

Cited, Municipal Corporations—Public or Private Functions—Water Works.

80 Hun, 167; (61 St. Rep. 713; 29 Supp. 1132).

Long Lake R. Co., Matter of, 11 App. Div. 233; 76 St. Rep. 125; 42 Supp. 125.

Longendyke v. Anderson, 101 N. Y. 625.

Cited, Easements—Creation—Grant.

20 Misc. 449.

Longley v. Hudson, City of, 4 T. & C. 353.

Cited, Taxes—Assessment—Determination of Property Benefited.

70 St. Rep. 845, 849; (86 Supp. 192, 195).

Longrill v. Lowney, 7 Supp. 503.

Cited, Appeal — Justice's Court — New Trial—Pleadings.

92 Hun, 187; (71 St. Rep. 645; 36 Supp. 592).

Longworth v. Deane, 15 App. Div. 461; 78 St. Rep. 433; 44 Supp. 433.

Longworthy v. Knapp, 4 Abb. 115.

Cited, Pleadings—Answer—Defenses.

10 Misc. 204; (63 St. Rep. 177; 30 Supp. 946; 24 Civ. Pro. 91; 1 Ann. Cas. 73).

Longyear v. Carter, 88 Hun, 513; 68 St. Rep. 583; 34 Supp. 785; 2 Ann. Cas. 192.

Longyear v. U. S. Life Ins. Co., 20 Week. Dig. 165.

Cited, Witness — Credibility — Question for Jury.

92 Hun, 38; (71 St. Rep. 801; 36 Supp. 634).

*Duplicate Citations in Parenthesis.***Looby v. West Troy**, 24 Hun, 78.

Cited, Accord and Satisfaction—Disputed Claim—Protest.

3 Misc. 416; (52 St. Rep. 507; 23 Supp. 294).

Accord and Satisfaction — Retention of Money Tendered in Settlement.

138 N. Y. 233; (52 St. Rep. 345). 19 Misc. 176; (77 St. Rep. 222; 43 Supp. 222).

Accord and Satisfaction — What Constitutes.

15 Misc. 221; (71 St. Rep. 591; 36 Supp. 790).

Looff v. Lawton, 14 Hun, 588.

Cited, Deceit—What Constitutes.

20 Misc. 168; (79 St. Rep. 52; 45 Supp. 52).

Look, Matter of, 26 St. Rep. 743; 7 Supp. 298.

Cited, Wills — Execution — Acknowledgment.

17 Misc. 111; (75 St. Rep. 132; 40 Supp. 736).

Loomis v. Decker, 4 App. Div. 409; 39 Supp. 441.**Loomis v. Edgerton**, 19 Wend. 419.

Cited, Malicious Mischief—Nature of Offense.

65 St. Rep. 163; (32 Supp. 107).

Loomis v. Jackson, 19 Johns. 449.

Cited, Deed—Description—Construction—Location.

55 St. Rep. 911; (26 Supp. 158).

Loomis v. Mowry, 8 Hun, 311.

Cited, Conversion—Misappropriation of Note.

18 Misc. 608; (77 St. Rep. 506; 43 Supp. 506). 19 Misc. 131; (77 St. Rep. 536; 43 Supp. 536).

Loomis v. People, 67 N. Y. 322.

Cited, Larceny—Possession by Fraud—Subsequent Appropriation.

137 N. Y. 520; (51 St. Rep. 289).

Loomis v. Render, 41 Hun, 268.

Cited, False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief.

74 Hun, 341; (56 St. Rep. 378; 26 Supp. 410).

Loomis v. Terry, 17 Wend. 496.

Cited, Negligence—Ferocious Dogs—Trespassers.

7 Misc. 642; (58 St. Rep. 346; 28 Supp. 54; 31 Abb. N. C. 283).

Trespassers—Infliction of Bodily Harm—Excessive Force.

9 Misc. 5; (59 St. Rep. 675; 29 Supp. 52).

Negligence—Injuries to Trespassers—Liability.

145 N. Y. 310; (64 St. Rep. 715).

Loonan v. Myers, 13 Daly, 535.

Cited, Reference—Re-opening Case.

13 Misc. 96; (68 St. Rep. 73; 34 Supp. 82).

Looney v. Hughes, 26 N. Y. 514.

Cited, Officers—Public—Liability for Loss of Funds.

D. 77 Hun, 489; (60 St. Rep. 556; 28 Supp. 1095).

Loop v. Litchfield, 42 N. Y. 351.

Cited, Fireworks—Negligence of Purchaser—Liability of Seller.

137 N. Y. 255; (50 St. Rep. 709).

Sale—Warranty—Implied—Manufactured Article Adapted to Use.

75 Hun, 320; (58 St. Rep. 204; 26 Supp. 1072).

Negligence—Unsafe Place or Appliance—Liability.

13 Misc. 394; (68 St. Rep. 128; 34 Supp. 249). 17 Misc. 600; (75 St. Rep. 63; 40 Supp. 661).

Looram, Matter of, 73 Hun, 177; 56 St. Rep. 137; 25 Supp. 877.**Loos v. Wilkinson**, 110 N. Y. 195; 18 St. Rep. 110.

Cited, Evidence—Fraudulent Conveyance—Declarations of Grantor.

77 Hun, 471; (60 St. Rep. 544; 28 Supp. 1080). 142 N. Y. 157; (58 St. Rep. 625). 11 Misc. 388; (65 St. Rep. 310; 32 Supp. 282). 87 Hun, 556; (69 St. Rep. 431; 35 Supp. 143). 20 Misc. 70; (78 St. Rep. 442; 44 Supp. 442). 150 N. Y. 267.

Fraudulent Conveyance—Judgment—Creditor's Knowledge of Fraudulent Intent.

74 Hun, 546; (56 St. Rep. 854; 26 Supp. 635).

Fraudulent Conveyance—Judgment—Intent of Debtor.

148 N. Y. 279.

Evidence—Fraudulent Conveyance—Conversations at Time.

86 Hun, 60; (68 St. Rep. 50; 34 Supp. 205).

Fraudulent Conveyance—What Constitutes.

86 Hun, 495; (67 St. Rep. 525; 33 Supp. 780).

Fraudulent Conveyance—Proceeds—Liability of Grantee.

92 Hun, 330; (71 St. Rep. 674; 36 Supp. 743).

Assignment for Creditors — Effect of Fraudulent Conveyance Upon.

8 App. Div. 38; (40 Supp. 400). 17 Misc. 445; (41 Supp. 205).

Assignment for Creditors — Fraudulent Conveyance—Who May Attack.

86 Hun, 420; (67 St. Rep. 177; 33 Supp. 521). 3 App. Div. 302; (74 St. Rep. 27; 38 Supp. 371). 12 App. Div. 232; (77 St. Rep. 773; 43 Supp. 773).

Duplicate Citations in Parenthesis.

Loos v. Wilkinson, 113 N. Y. 485; 23 Supp. 282.

Cited, Fraudulent Conveyances—Protection to Grantee.

68 Hun, 287; (52 St. Rep. 195; 22 Supp. 854). 135 N. Y. 176; (47 St. Rep. 831).

Interest—Contract.

5 Misc. 196; (25 Supp. 658).

Realty—Unauthorized Acts Upon—Extent of Liability.

8 App. Div. 507; (75 St. Rep. 304; 40 Supp. 905). 10 App. Div. 474; (76 St. Rep. 306; 42 Supp. 306).

Loosey v. Orser, 4 Bosw. 391.

Cited, Pleading—Answer—Separate Defense—Completeness.

19 Misc. 3; (76 St. Rep. 882; 42 Supp. 882).

Lord, Matter of, 78 N. Y. 109.

Cited, Equity—Delay and Acquiescence as Preventing Relief.

6 App. Div. 125; (39 Supp. 894).

Lord, Matter of, 78 St. Rep. 1122; 44 Supp. 1122.

Lord, Matter of, 30 Supp. 1117.

Lord v. Atkins, 138 N. Y. 184; 52 St. Rep. 155.

Cited, Eminent Domain—Private Easements—Public Appropriation—Damages.

141 N. Y. 298; (57 St. Rep. 410).

Highways—Dedication—Rights of Abutters.

144 N. Y. 326; (63 St. Rep. 716). 147 N. Y. 342; (69 St. Rep. 676).

Dedication—Conveyance by Map.

144 N. Y. 323; (63 St. Rep. 713).

Lord v. Bankers' Life Ins. Co. of City of New York, 18 App. Div. 246; 79 St. Rep. 935; 45 Supp. 935.

Lord v. Cronin, 9 App. Div. 9; 75 St. Rep. 415; 40 Supp. 1097.

Affirmed, 154 N. Y. 172.

Lord v. Lord, 68 Hun, 537; 52 St. Rep. 563; 22 Supp. 1004.

Lord v. Spielmann, 13 Misc. 48; 68 St. Rep. 7; 34 Supp. 52.

Lord v. Thomas, 64 N. Y. 107.

Cited, Contract—Rescinding.

79 Hun, 215; (61 St. Rep. 139; 29 Supp. 659). 83 Hun, 281; (64 St. Rep. 727; 31 Supp. 921). 13 App. Div. 85; (77 St. Rep. 410; 43 Supp. 410). 18 Misc. 106; (41 Supp. 880).

Municipal Corporations—Refusal to Award Contract—Relief.

4 App. Div. 562; (73 St. Rep. 35; 38 Supp. 498).

Lord v. Tiffany, 98 N. Y. 412.

Cited, Joint Liability—Effect of Release to One.

92 Hun, 337; (72 St. Rep. 710; 37 Supp. 411).

Lord v. Van Gelder, 16 Misc. 22; 73 St. Rep. 268; 37 Supp. 668.

Cited, Agency—Unauthorized Acts—Agent's Liability.

19 Misc. 192.

Lord v. Van Gelder, 16 Misc. 24; 73 St. Rep. 134; 37 Supp. 693.

Lord v. Yonkers Fuel Gas Co., 99 N. Y. 547.

Cited, Corporations—Mortgage—Assent of Stockholders.

7 Misc. 212; (58 St. Rep. 41; 27 Supp. 680). 13 Misc. 742; (69 St. Rep. 233; 35 Supp. 4). 17 App. Div. 156; (79 St. Rep. 143; 45 Supp. 143).

Lore v. Dierkes, 16 Abb. N. C. 47.

Cited, Fraudulent Conveyance—Protection of Grantee.

12 App. Div. 187; (76 St. Rep. 842; 42 Supp. 842).

Lorenz v. Jackson, 88 Hun, 200; 68 St. Rep. 615; 34 Supp. 652.

Lorenzo v. Deery, 26 Hun, 447.

Cited, Arbitration—How Arbitrators to Act.

12 App. Div. 426; (76 St. Rep. 409; 42 Supp. 409).

Lorey v. Hall, 8 St. Rep. 799.

Cited, Master and Servant—Safety of Place of Labor—Risks Assumed.

70 Hun, 458; (53 St. Rep. 690; 24 Supp. 502).

Lorillard v. Clyde, 86 N. Y. 385.

Cited, Pleading—Demurrer—Favorable Construction.

81 Hun, 222; (62 St. Rep. 631; 30 Supp. 611; 24 Civ. Pro. 149). 11 Misc. 218; (66 St. Rep. 566; 32 Supp. 1112). 16 Misc. 483; (74 St. Rep. 232; 25 Civ. Pro. 347; 38 Supp. 604). 17 Misc. 359; (39 Supp. 1087). 19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424). 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 83).

Contracts—Construction—Favorable.

9 App. Div. 426; (41 Supp. 348).

Lorillard v. Clyde, 102 N. Y. 59; 1 St. Rep. 155.

Cited, Action—Separate Actions—Same Casualty—Remedy.

70 Hun, 48; 53 St. Rep. 437; 23 Supp. 1075).

Duplicate Citations in Parenthesis.

Lorillard v. Clyde, 122 N. Y. 41; 33 St. Rep. 303.

Cited, Judgment—Conclusiveness—Extent. 7 Misc. 113; (57 St. Rep. 489; 27 Supp. 389). 3 Misc. 62; (51 St. Rep. 772; 22 Supp. 557). 136 N. Y. 477; (49 St. Rep. 844). 137 N. Y. 268; (50 St. Rep. 791). 85 Hun, 69; (65 St. Rep. 864; 32 Supp. 643). 85 Hun, 16 17; (66 St. Rep. 127, 128; 32 Supp. 616, 617). 10 App. Div. 592; (76 St. Rep. 80; 42 Supp. 80). 16 App. Div. 493; (78 St. Rep. 917; 44 Supp. 917). 151 N. Y. 127. (3 Ann. Cas. 347).

Evidence—Parol—To Show Matters Litigated.

81 Hun, 442; (63 St. Rep. 260; 30 Supp. 1123).

Lorillard v. Clyde, 122 N. Y. 498; 34 St. Rep. 224.

Cited, Contracts—For Benefit of Third Person—Availability.

74 Hun, 166; (56 St. Rep. 290; 26 Supp. 600). 6 Misc. 86; (55 St. Rep. 397; 26 Supp. 39). 79 Hun, 277; (60 St. Rep. 860; 29 Supp. 424). 135 N. Y. 222; (48 St. Rep. 396). 40 Supp. 450.

Mortgage — Assumption by Grantee—Availability

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Partnership—Assumption of Debts—Rights of Creditors.

4 Misc. 525; (54 St. Rep. 129; 24 Supp. 735)

Lorillard v. Clyde, 142 N. Y. 456; 59 St. Rep. 781.

Cited, Contracts—Performance—Excuse—Impossibility.

9 App. Div. 15; (75 St. Rep. 420; 40 Supp. 110). 19 Misc. 492; (78 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381). 149 N. Y. 493.

Contracts—Termination—Destruction of Subject Matter.

150 N. Y. 286.

Lorillard v. Coster, 5 Paige, 172.

Cited, Trusts—Solidarity—Severance.

140 N. Y. 145; (55 St. Rep. 550).

Wills—Gift.—Tenancy in Common.

3 App. Div. 171; (73 St. Rep. 739; 38 Supp. 400).

Lorillard v. Monroe, Town of, 11 N. Y. 392

Cited, Highways—Commissioners—Negligence.

66 Hun, 357; (50 St. Rep. 40; 21 Supp. 291).

Municipal Corporations—Officers—Liability for Acts of.

15 Misc. 420; (72 St. Rep. 156; 37 Supp. 110). 149 N. Y. 375.

Towns — Powers and Obligations — Officers.

87 Hun, 509; (68 St. Rep. 53; 34 Supp. 287). 88 Hun, 524; (69 St. Rep. 32; 34 Supp. 970). 89 Hun, 54; (69 St. Rep. 451; 35 Supp. 95). 14 Misc. 220; (70 St. Rep. 383; 35 Supp. 610).

Lorillard v. Robinson, 2 Paige, 276.

Cited, Attorneys—Lien for Costs—Decedent's Estate.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Loring v. Morrison, 15 App. Div. 498; 78 St. Rep. 526; 44 Supp. 526.

Loring v. U. S. Vulcanized Gutta Percha Co., 30 Barb. 644.

Cited, Trial—Criminal Cases—Stay of Execution—Finality of Decision.

7 Misc. 373; (59 St. Rep. 302; 28 Supp. 176).

Lortie v. Troy Steel and Iron Co.

See *People v. Troy Steel & Iron Co.*

Lorton v. New York, 13 Misc. 356; 68 St. Rep. 142; 37 Supp. 264.

Lortz v. N. Y. C. & H. R. R. Co., 83 Hun, 271; 65 St. Rep. 63; 31 Supp. 1033.

Cited, Railroads—Accident at Crossing—Contributory Negligence.

7 App. Div. 520; (40 Supp. 256). 79 St. Rep. 1111. (45 Supp. 1111).

Lortz v. N. Y. C. & H. R. R. Co., 7 App. Div. 515; 40 Supp. 253.

Lorzing v. Eisenberg, 5 Misc. 358; 55 St. Rep. 510; 25 Supp. 750.

Losee, Matter of, 13 Misc. 298; 69 St. Rep. 188; 34 Supp. 1120.

Losee v. Allen, 17 Misc. 275; 40 Supp. 349.

Losee v. Buchanan, 51 N. Y. 476.

Cited, Appeal — Extent of Review — Instruction to Jury.

77 Hun, 466; (60 St. Rep. 599; 28 Supp. 1013). 9 Misc. 432; (61 St. Rep. 736; 29 Supp. 1062). 9 Misc. 111; (59 St. Rep. 731; 29 Supp. 47). 92 Hun, 363; (71 St. Rep. 548; 33 Supp. 517). 152 N. Y. 158. 19 Misc. 166.

Trespass—Resulting from Acts on Adjoin-Land.

2 Misc. 433; (51 St. Rep. 217; 22 Supp. 185).

Waters—Dams—Liability—Negligence.

70 Hun, 496; (53 St. Rep. 784; 24 Supp. 382)

Nuisance—Steam Boiler.

12 App. Div. 559; (76 St. Rep. 190; 42 Supp. 190).

Duplicate Citations in Parenthesis.

Lossee v. Bullard, 79 N. Y. 404.

Cited, Corporations — Annual Report — When not Necessary to File.

81 Hun, 270; (62 St. Rep. 765; 30 Supp. 802; 1 Ann. Cas. 58). 11 Misc. 528; (64 St. Rep. 458; 32 Supp. 747).

Limitation—Corporations — Annual Report—Liability.

16 Mi-c 401; (73 St. Rep. 605; 25 Civ. Pro. 311; 38 Supp. 514).

Lossee v. Clute, 51 N. Y. 494.

Cited, Fireworks — Negligence of Purchaser—Liability of Seller.

137 N. Y. 255; (50 St. Rep. 709).

Proximate Cause—Liability of Vendor of Machine—Damage From.

78 Hun, 154; (60 St. Rep. 207; 28 Supp. 992). 17 Misc. 599; (75 St. Rep. 63; 40 Supp. 661).

Sale—Warranty—Implied—Manufactured Article—Defective Material.

75 Hun, 322. (58 St. Rep. 205; 26 Supp. 1073).

Negligence—Maintenance of Unsafe Appliance and Condition.

13 Misc. 394; (68 St. Rep. 128; 34 Supp. 249).

Lossee v. Mathews, 61 N. Y. 627.

Cited, Contracts — Consideration—Compromise of Disputed Claim.

49 St. Rep. 153; (21 Supp. 128).

Lossee v. Morey, 57 Barb. 561.

Cited, Evidence—Weight and Sufficiency.

14 Misc. 601; (71 St. Rep. 445; 36 Supp. 458). 79 St. Rep. 491; (45 Supp. 491).

Loosey v. Stanley, 147 N. Y. 560; 70 St. Rep. 332.

Cited, Trusts — Remainders—Estate of Trustees.

17 Misc. 253; (40 Supp. 1062).

Loosey v. Stanley, 83 Hun, 420; 64 St. Rep. 746; 31 Supp. 950.

Reversed, 147 N. Y. 560; 70 St. Rep. 332.

Lott v. De Graw, 30 Hun, 417.

Cited, Evidence—Burden of Proof—Of Invalidity of Instrument.

22 Supp. 534; (30 Abb. N. C. 111).

Lott v. Swezey, 29 Barb. 87.

Cited, Judgment—Reversal—Recovery of Money Paid in Satisfaction.

74 Hun, 431; (57 St. Rep. 210; 26 Supp. 591).

Lotterle v. Murphy, 67 Hun, 76; 51 St. Rep. 553; 21 Supp. 1120.

Loubat v. LeRoy, 15 Abb. N. C. 1.

Reversed, 40 Hun, 546.

8 App. Div. 602; (13 Misc. 688; 69 St. Rep. 601; 35 Supp. 221).

Loubat v. Le Roy, 40 Hun, 546.

Cited. Associations—Expulsion of Members—Mandamus.

84 Hun, 449; (65 St. Rep. 544; 32 Supp. 416).

Associations — Expulsion of Members—Legality.

8 App. Div. 597, 598; (13 Misc. 683, 684; 69 St. Rep. 598; 35 Supp. 218, 219).

Loucks v. Gallogly, 1 Misc. 22; 23 Supp. 126.

Loucks v. Johnson, 70 Hun, 565; 53 St. Rep. 670; 24 Supp. 267.

Loudoun v. Eighth Ave. R. Co., 16 App. Div. 152; 78 St. Rep. 742; 44 Supp. 742.

Lough v. Outerbridge, 66 Hun, 103; 53 St. Rep. 504.

Lough v. Outerbridge, 68 Hun, 486; 52 St. Rep. 668; 22 Supp. 976.

Affirmed, 143 N. Y. 271; 62 St. Rep. 324.

Lough v. Outerbridge, 143 N. Y. 271; 62 St. Rep. 324.

Followed, 65 St. Rep. 866.

Cited, 145 N. Y. 602.

Appeal—Remedy at Law—Availability as Defense.

147 N. Y. 664; (71 St. Rep. 269). 1 App. Div. 564; (73 St. Rep. 227; 37 Supp. 573).

14 App. Div. 373; (77 St. Rep. 1013; 43 Supp. 1013). 79 St. Rep. 627; (45 Supp. 627).

Carriers—Duty to Carry Goods.

13 Misc. 91; (68 St. Rep. 192; 34 Supp. 145).

Trade—Special Inducements—Legality.

19 Misc. 297; (78 St. Rep. 340; 44 Supp. 340).

Lough v. Outerbridge, 144 N. Y. 642. *Cited*, 145 N. Y. 602.

Lough v. Outerbridge, 145 N. Y. 601.

Lougheed v. Dykeman's Baptist Church, 129 N. Y. 211.

Cited, 40 Supp. 586.

Lougheed v. Dykeman Baptist Church & Society, 40 Supp. 586.

Loughlin v. State, 105 N. Y. 159; 6 St. Rep. 826.

Cited, Master and Servant—Risks Assumed by Servant.

3 Misc. 339; (52 St. Rep. 10; 22 Supp. 715).

Master and Servant—Fellow Servants—Test as to Who Are.

6 Misc. 99; (56 St. Rep. 838; 26 Supp. 19).

Master and Servant—Master's Liability—Co-servant—Grade.

Duplicate Citations in Parenthesis.

135 N. Y. 11; (47 St. Rep. 853). 76 Hun, 581; (58 St. Rep. 280; 23 Supp. 198.) 5 Misc. 322; (25 Supp. 814). 11 Misc. 27; (64 St. Rep. 628; 31 Supp. 862). 45 N. Y. 196; (64 St. Rep. 578.) 87 Hun, 521; (68 St. Rep. 154; 34 Supp. 274). 3 App. Div. 138; (39 Supp. 366). 15 App. Div. 331, 332; (78 St. Rep. 2, 3; 44 Supp. 2, 3). 79 St. Rep. 874; (45 Supp. 874).

Master and Servant—Risks Assumed—Acts of Fellow Servants.

7 Misc. 12; (56 St. Rep. 842; 27 Supp. 334). 13 Misc. 55; (68 St. Rep. 99; 34 Supp. 114). 89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537). 9 App. Div. 93; (75 St. Rep. 527; 41 Supp. 68). 10 App. Div. 466; (76 St. Rep. 31; 42 Supp. 31). 11 App. Div. 454; (76 St. Rep. 345; 42 Supp. 345). 15 App. Div. 107; (78 St. Rep. 279; 44 Supp. 279).

Loughran v. Ross, 45 N. Y. 792.

Cited, Landlord and Tenant—Lease—Fixtures—Removal.

135 N. Y. 143; (48 St. Rep. 115). 81 Hun, 597; (63 St. Rep. 207; 30 Supp. 1013). 14 App. Div. 203, 209; (77 St. Rep. 763, 767; 43 Supp. 763, 767). 151 N. Y. 121.

Loughran v. Smith, 11 Hun, 311.

Cited, Landlord and Tenant—Lease—Signature of Lessor.

71 Hun, 537; (51 St. Rep. 915; 24 Supp. 1081).

Louis v. Empire State Ins. Co., 75 Hun, 314; 56 St. Rep. 766; 27 Supp. 83; 23 Civ. Pro. 295.

Cited, Costs—Interlocutory Judgment on Demurrer.

19 Misc. 264; (78 St. Rep. 253; 44 Supp. 253).

Lounsbury v. Foss, 80 Hun, 296; 61 St. Rep. 829; 30 Supp. 89.

Affirmed, 145 N. Y. 600; 65 St. Rep. 866.

Lounsbury v. Purdy, 18 N. Y. 515.

Cited, Pleading—General Rules—Defects—Cure by Proof.

2 Misc. 297; (50 St. Rep. 329; 21 Supp. 929). 13 Misc. 57; (68 St. Rep. 21; 34 Supp. 66).

Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 350; 25 Supp. 680). 4 App. Div. 237; (74 St. Rep. 1:0; 38 Supp. 561). 148 N. Y. 107.

Lounsbury v. Snyder, 31 N. Y. 514.

Cited, Counterclaim—Eviction.

70 Hun, 145; (53 St. Rep. 778; 24 Supp. 91).

Landlord and Tenant—Partial Eviction—Rent.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Lovatt v. Watson, 25 Hun, 553.

Cited, Supplemental Pleading—Notice of Trial.

12 Misc. 208; (67 St. Rep. 828; 34 Supp. 27).

Love v. Palmer, 7 Johns. 159.

Cited, Bond—Official—Public Policy.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

Lovell v. Jacobs, 150 N. Y. 84.

Lovell v. Martin, 21 How. 238.

Disapproved, Motion—Leave to Renew—Papers.

D. 12 App. Div. 433; (76 St. Rep. 225; 42 Supp. 225).

Lovell v. Orser, 1 Bosw. 349.

Cited, Attorney—Authority—Discharge from Body Executions.

79 Hun, 465; (61 St. Rep. 251; 29 Supp. 984).

Lovett v. Adams, 3 Wend. 380.

Cited, Evidence—Parol—Conditions Precedent.

142 N. Y. 363; (59 St. Rep. 30).

Lovett v. Cornwell, 6 Wend. 369.

Cited, Bills and Notes—Presentment.

12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).

Lovett v. German Reformed Ch., 12 Barb. 67.

Cited, Mortgage—Foreclosure—Prior Judgment for Debt.

69 Hun, 419; (52 St. Rep. 636; 23 Supp. 468).

Lovett v. Gillender, 35 N. Y. 617.

Cited, Wills—Devise—Vesting.

64 St. Rep. 491; (31 Supp. 788).

Lovett v. Kingsland, 44 Barb. 560.

Cited, Wills—Construction—Principles Applied.

7 App. Div. 439; (74 St. Rep. 410; 40 Supp. 1020).

Lovett v. Steam Saw-Mill Ass'n, 6 Paige, 54.

Cited, Mortgage—Acknowledgment—Corporations.

92 Hun, 217; (71 St. Rep. 200; 36 Supp. 362).

Lovlace v. Doran, 39 St. Rep. 679; 15 Supp. 278.

Cited, Corporations—Director's Liability—Parties.

86 Hun, 102; (68 St. Rep. 148; 34 Supp. 269). 86 Hun, 103; (34 Supp. 269).

Lovelace v. Doran & Wright Co., 40 St. Rep. 53; 15 Supp. 279.

Cited, Corporations—Director's Liability—Parties.

86 Hun, 102, 103; (68 St. Rep. 148; 34 Supp. 269).

*Duplicate Citations in Parenthesis.***Low v. Graydon**, 14 Abb. 443.

Cited, Deposition—Discovery and Inspection.

13 Misc. 50; (68 St. Rep. 9; 34 Supp. 53).

Low v. Hall, 47 N. Y. 104.

Cited, Labels—Counterfeit—Intent.

10 Misc. 462; (64 St. Rep. 27; 31 Supp. 451).

Low v. Harmony, 72 N. Y. 403.

Cited, Wills — Construction — Intent to Disinherit Not Presumed.

3 Misc. 175; (23 Supp. 839). 81 Hun, 94; (62 St. Rep. 638; 30 Supp. 685).

Wills—Trusts—Income of Estate.

3 Misc. 471; (23 Supp. 737).

Child—Who Included.

90 Hun, 166; (70 St. Rep. 288; 35 Supp. 784).

Low v. Learned, 13 Misc. 150; 68 St.

Rep. 23; 34 Supp. 68.

Low v. Purdy, 2 Lans. 422.

Cited, Mortgage—Foreclosure—Parties — Heirs—Personal Representatives.

84 Hun, 493; (65 St. Rep. 697; 32 Supp. 424).

Lowell v. Central Vermont R. Co.,

15 App. Div. 218; 78 St. Rep. 193; 44 Supp. 193.

Lowell v. Martin, 21 How. 238.

Cited, Motion—Renewal—Leave of Court.

12 App. Div. 431; (76 St. Rep. 225; 42 Supp. 225).

Lowell Mfg. Co. v. Safeguard Fire Ins. Co., 88 N. Y. 591.

Cited, Insurance—Apportionment—Other Insurance.

143 N. Y. 325; (62 St. Rep. 323).

Lowenbein v. Fuldner, 2 Misc. 176; 50

St. Rep. 520; 21 Supp. 615.

Affirmed, 143 N. Y. 639; 60 St. Rep. 874.

Lowenstein v. Lombard, Ayers & Co., 2 App. Div. 610; 74 St. Rep. 462; 38

Supp. 33; 3 Ann. Cas. 104.

Lowenstein v. Lombard, Ayers & Co., 17 App. Div. 408; 79 St. Rep. 286;

45 Supp. 286.

Lowenstein v. Meyers, 49 St. Rep. 806; 20 Supp. 761.**Lowenstein v. Salinger**, 42 St. Rep. 414; 17 Supp. 70.

Cited, Attachment — Vacating — Trying Merits of Action.

6 Misc. 294; (58 St. Rep. 146; 26 Supp. 790). 81 Hun, 386; (63 St. Rep. 135; 30 Supp. 880).

Lowenstein, Matter of, 2 Misc. 323.

Cited, Witness — Hypothetical Questions—Attending Physician.

8 App. Div. 77; (40 Supp. 421).

Lowenthal v. Copland, 17 Misc. 313; 40 Supp. 379.

Affirmed, 18 Misc. 6; 75 St. Rep. 457; 41 Supp. 8.

Lowenthal v. Copland, 18 Misc. 6; 75 St. Rep. 457; 41 Supp. 8.

Cited, Appeal—Failure to Ask for Dismissal or Direction of Verdict—Effect.

18 Misc. 464; (75 St. Rep. 1325; 41 Supp. 952).

Lowenthal v. Leonard, 20 Misc. 420; 79 St. Rep. 1031; 45 Supp. 1031.**Lowenthal v. Lowenthal**, 68 Hun, 366; 51 St. Rep. 882; 22 Supp. 858.

Cited, Appeal—Allowance of Alimony—Review.

4 App. Div. 148; (74 St. Rep. 504; 38 Supp. 638).

Lowenthal v. Lowenthal, 92 Hun, 385; 72 St. Rep. 276; 36 Supp. 1053.**Lowerre v. Owens**, 14 App. Div. 215; 77 St. Rep. 467; 43 Supp. 467.

Cited, Judicial Proceedings—Presumption of Regularity.

20 Misc. 475.

Lowery, Matter of, 19 Misc. 83; 77 St. Rep. 972; 43 Supp. 972.**Lowery v. Erskine**, 113 N. Y. 52; 21 Supp. 917.

Cited, Appeal—Review of Facts—Preponderance of Evidence.

71 Hun, 356; (55 St. Rep. 31; 25 Supp. 37). 78 Hun, 102; (60 St. Rep. 536; 28 Supp. 1074). 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 86 Hun, 423; (67 St. Rep. 179; 33 Supp. 523). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 83 Hun, 209; (68 St. Rep. 397; 34 Supp. 668). 3 App. Div. 186; (73 St. Rep. 628; 38 Supp. 473). 152 N. Y. 168.

Securities—Taken for Benefit of Another — Rights of Latter.

8 App. Div. 49; (74 St. Rep. 864; 40 Supp. 424).

Lowery v. Manhattan R. Co., 99 N. Y. 158.

Cited, Evidence—Burden of Proof—Ordinary Care—Negligence.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 793)

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4 Misc. 578; (25 Supp. 746; 30 Abb. N. C. 366). 143 N. Y. 189; (62 St. Rep. 169). 19 Misc. 142. 20 Misc. 34; (79 St. Rep. 324; 45 Supp. 324).

Duplicate Citations in Parenthesis.

Negligence—Wrongful Act or Omission.
7 Misc. 649; (58 St. Rep. 394; 28 Supp. 16).

Proximate Cause—Death from Frightened Horse.

74 Hun, 201; (56 St. Rep. 322; 26 Supp. 326).

Proximate Cause—Escape of Coals of Fire—Fright of Horse.

79 Hun, 504; (61 St. Rep. 258; 29 Supp. 948).

Negligence—Contributory—Sudden Peril.
11 Misc. 433; (65 St. Rep. 273; 32 Supp. 131).

Lowery v. Steward, 25 N. Y. 239.

Cited, Misappropriation.

18 Misc. 59; (75 St. Rep. 478; 41 Supp. 24).

Lowery v. Western Union Tel. Co., 60 N. Y. 198.

Cited, Proximate Cause—Negligence.

76 Hun, 139; (57 St. Rep. 455; 27 Supp. 850). 13 App. Div. 255; (76 St. Rep. 1111; 42 Supp. 1111; 3 Ann. Cas. 289).

Lowery v. Woolsey, 83 Hun, 257; 64 St. Rep. 860; 31 Supp. 1101.

Lowey v. Fidelity Printing Co., 12 Misc. 551; 68 St. Rep. 875; 34 Supp. 1143.

Reversed, 16 Misc. 549; 74 St. Rep. 171; 38 Supp. 711.

Lowey v. Fidelity Printing Co., 16 Misc. 549; 74 St. Rep. 171; 38 Supp. 711.

Lowey v. Granite State P. Ass'n, 8 Misc. 319; 59 St. Rep. 246; 28 Supp. 560.

Cited, Contract—Recovery—Conditions Precedent—License.

9 Misc. 379; (61 St. Rep. 483; 30 Supp. 254).

Lowman, Matter of, 1 Misc. 43; 22 Supp. 1055.

Lowman v. Elmira, Cortland & N. R. Co., 75 Hun, 188; 65 St. Rep. 723; 32 Supp. 579.

Cited, Attorneys—Authority.

18 Misc. 284; (41 Supp. 1041, 1042).

Lowman v. Sprague, 73 Hun, 408, 58 St. Rep. 87; 26 Supp. 568.

Distinguished, Summary Proceedings—Defenses.

18 Misc. 242; (75 St. Rep. 802; 41 Supp. 390).

Lowman v. Yates, 37 N. Y. 601.

Cited, Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146). 8 App. Div. 417; (75 St. Rep. 223; 40 Supp. 835). 9 App. Div. 323; (41 Supp. 333).

Lowndes v. Dickerson, 34 Barb. 586.

Cited, Fish—In Private Pond—Ownership.

66 Hun, 193; (49 St. Rep. 174; 21 Supp. 126).

Lowry v. Inman, 46 N. Y. 119.

Cited, Corporations—Foreign—Liability of Stockholders—Enforcement.

80 Hun, 19; (61 St. Rep. 495; 29 Supp. 835). 84 Hun, 191; (65 St. Rep. 319; 32 Supp. 196). 148 N. Y. 27.

Contracts—Force of Terms and Conditions.

147 N. Y. 281; (69 St. Rep. 673).

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13 Misc. 99; (68 St. Rep. 33; 34 Supp. 78;

1 Ann. Cas. 387).

Lowry v. Lancashire Ins. Co., 32 Hun, 329.

Affirmed, 105 N. Y. 646.

Cited, Insurance—Proofs—Waiver—Question of Fact.

7 App. Div. 594; (40 Supp. 313).

Insurance—Proofs of Loss—Waiver.

8 App. Div. 359; (75 St. Rep. 205; 40 Supp. 821).

Insurance—Conditions—Necessity of Writing.

13 App. Div. 525; (77 St. Rep. 637; 43 Supp. 637).

Lowry v. Lancashire Ins. Co., 105 N. Y. 646.

Cited, Insurance—Proofs of Loss—Waiver.

8 App. Div. 360; (40 Supp. 821).

Lowry v. Tew, 3 Barb. Ch. 407.

Cited, Contracts—Statute of Frauds—Part Performance—Land—Possession.

76 Hun, 154; (57 St. Rep. 313; 27 Supp. 556). 77 Hun, 3; (59 St. Rep. 419; 28 Supp. 224).

Lowry v. Woolsey, 83 Hun, 257; 31 Supp. 1101.

Lowville Bank v. Edwards, 11 How. 216.

Cited, Pleading—Demurrer—Specification of Grounds.

20 Misc. 50; (79 St. Rep. 741; 45 Supp. 741).

Loy v. Metropolitan El. R. Co., 15 App. Div. 1

Lubetkin v. Elias Brewing Co., Misc. 195; 21 Abb. N. C. 304.

Cited, Landlord and Tenant—Lease—Subletting—Holding Over—Liability of Tenant, 5 Misc. 266; (25 Supp. 107).

Duplicate Citations in Parenthesis.

Luby v. Hudson River R. Co., 17 N. Y. 181.

Cited, Evidence—Acts and Declarations of Agent.

9 Misc. 181; (60 St. Rep. 643; 29 Supp. 585). 88 Hun. 8; (68 St. Rep. 505; 34 Supp. 499). 19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Lucas v. Hesson, 13 Daly, 347; 17 Abb. N. C. 271.

Cited, Executors — Funeral Expenses—Who Liable.

7 Misc. 238; (58 St. Rep. 37; 27 Supp. 260). 15 App. Div. 83; (78 St. Rep. 296; 44 Supp. 296). 15 App. Div. 97; (78 St. Rep. 308; 44 Supp. 308).

Lucas v. Johnson, 8 Barb. 244.

Cited, Ejectment—Parties.

81 Hun. 241; (62 St. Rep. 665; 30 Supp. 709).

Lucas v. Jefferson Ins. Co., 6 Cow. 635.

Cited, Insurance—Defense — Payment—Other Insurance.

10 Misc. 174; (62 St. Rep. 508; 30 Supp. 1048).

Lucas v. McEnerna, 19 Hun. 14.

Cited, Appeal — Verdict Against Evidence—When Available.

11 Misc. 236; (64 St. Rep. 450; 32 Supp. 784). 3 App. Div. 54, 56; (73 St. Rep. 849. 850; 38 Supp. 231. 2³³).

Taxes—Sale—Notice to Redeem.

17 App. Div. 256; (79 St. Rep. 562; 45 Supp. 562).

Lucas v. N. Y. C. R. Co., 21 Barb. 245.

Cited, Pleading—Joinder.

15 Misc. 109; (71 St. Rep. 6; 36 Supp. 266).

Lucas v. Thompson, 75 Hun. 584; 59 St. Rep. 153; 27 Supp. 659.

Lucco v. N. Y. C. & H. R. R. Co., 87 Hun. 612; 63 St. Rep. 156; 34 Supp. 277.

Cited, Master and Servant — Coupling Appliances.

11 App. Div. 580; (76 St. Rep. 823; 42 Supp. 823).

Luce v. Burchard, 78 Hun. 537; 60 St. Rep. 770; 29 Supp. 215.

Cited, Wills—After-born Child.

144 N. Y. 562; (64 St. Rep. 251).

Luce v. Gray, 92 Hun. 599; 72 St. Rep. 85; 36 Supp. 1065.

Luckey v. Gannon, 1 Sweeny 12.

Cited, Insurance—Enforcement — Rights of Mortgagee.

7 App. Div. 586; (40 Supp. 307).

Lucy, Matter of, 4 Misc. 349; 54 St. Rep. 255; 24 Supp. 352.

Lucy v. Getman, 119 N. Y. 109; 28 St. Rep. 546.

Cited, Master and Servant — Employment—Termination,

146 N. Y. 339; (66 St. Rep. 645).

Ludden v. Degener, 14 App. Div. 397; 77 St. Rep. 908; 43 Supp. 908.

Luddington, Matter of, 5 Abb. N. C. 307.

Cited, Assignment for Creditors — Accounting—Judgment on Claim — Conclusiveness.

53 St. Rep. 588; (24 Supp. 483; 23 Civ. Pro. 252).

Luddington v. Kirk, 16 Misc. 301; 74 St. Rep. 295; 37 Supp. 1141.

Affirmed, 17 Misc. 129; 39 Supp. 419.

Luddington v. Miller, 38 Super. 478.

Cited, Interest.

3 Ann. Cas. 321.

Ludekins v. Pscherhofer, 76 Hun. 548; 58 St. Rep. 241; 28 Supp. 230.

Cited, Bonds — Indemnity — Fraudulent Concealment.

91 Hun. 537; (71 St. Rep. 668; 36 Supp. 831).

Ludewig v. Pariser, 4 Abb. N. C. 246.

Cited, Examination Before Trial—Affidavits.

10 Misc. 446; (64 St. Rep. 19; 31 Supp. 466).

Ludington v. Bell, 77 N. Y. 138.

Cited, Bills and Notes—Merger of Original Obligation.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22). 16 Misc. 556; (74 St. Rep. 266; 38 Supp. 748).

Contracts—Consideration—Sufficiency.

17 Misc. 399; (39 Supp. 104²). 14 App. Div. 522; (77 St. Rep. 890; 43 Supp. 890).

Ludington v. Dudley, 61 St. Rep. 115; 30 Supp. 221.

Ludington v. Garlock, 29 St. Rep. 609; 9 Supp. 24.

Cited, Landlord and Tenant—Summary Proceedings—Notice to Quit.

3 Misc. 99; (51 St. Rep. 603; 22 Supp. 369). 5 App. Div. 592; (39 Supp. 370).

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92 Hun. 513; (72 St. Rep. 212; 37 Supp. 61).

Ludington v. Kirk, 17 Misc. 129; 39 Supp. 419.

Ludington v. Miller, 38 Super. 478.

Cited, Interest—Bar—Acceptance of Principal.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17).

, Duplicate Citations in Parenthesis.

Ludington v. Thompson, 4 App. Div. 117; 74 St. Rep. 110; 38 Supp. 768.

Affirmed, 153 N. Y. 499.

Ludkens Iron & Steel Co. v. Payne, 13 App. Div. 621; 77 St. Rep. 1158; 43 Supp. 1158.

Ludlow, Matter of, 4 Misc. 594; 25 Supp. 989.

Cited, Taxes — Inheritance — Appraise-ment—Deductions.

6 Misc. 426; (57 St. Rep. 833; 27 Supp. 286).

Ludlow v. Dole, 62 N. Y. 617.

Cited, Contracts — Statute of Frauds—Performance—Compensation.

73 Hun, 632; (55 St. Rep. 285; 25 Supp. 164).

Evidence—Relevancy—Value—Contract. 5 Misc. 220; (54 St. Rep. 785; 25 Supp. 478). 1 Misc. 345; (48 St. Rep. 780; 20 Supp. 717). 11 Misc. 407; (65 St. Rep. 283; 32 Supp. 157).

Ludlow v. Groton Bridge Co., 16 Misc. 222; 73 St. Rep. 292; 37 Supp. 595.

Ludlow v. Groton Bridge Co., 71 St. Rep. 510; 36 Supp. 452.

Cited, 76 St. Rep. 343; 42 Supp. 343.

Ludlow v. Growon Bridge & Mfg. Co., 11 App. Div. 452; 76 St. Rep. 343; 42 Supp. 343.

Ludlow v. Johnson, 9 App. Div. 626; 75 St. Rep. 1494; 41 Supp. 1122.

Ludlow v. McCarthy, 5 App. Div. 517; 38 Supp. 1075.

Cited, Appeal—Power to Modify Judgment.

9 App. Div. 142; (75 St. Rep. 555; 41 Supp. 94).

Ludlow v. McCrea, 1 Wend. 238.

Cited, Action—Joint or Several Liability. 73 Hun, 455; (56 St. Rep. 23; 26 Supp. 479).

Ludlow v. N. Y. & Harlem R. Co., 12 Barb. 440.

Cited, Wills—Construction—Conditions. 69 Hun, 442; (52 St. Rep. 704; 23 Supp. 456).

Ludlow v. Oswego, 25 Hun, 260.

Cited, Highways—Abandonment—Failure to Work.

6 Misc. 202; (27 Supp. 871).

Ludlow v. Simond, 2 Caines Cas. 1.

Cited, Accounting—When Action for Lies. 85 Hun, 229; (66 St. Rep. 403; 32 Supp. 1071).

Ludlow v. Van Rensselaer, 1 John. 94.

Cited, Conflict of Laws—Recognition of Special Statutes.

148 N. Y. 25.

Ludlum v. Couch, 10 App. Div. 603; 76 St. Rep. 370; 42 Supp. 370.

Cited, Appeal—From Justice's Court—Reversal—County Court.

11 App. Div. 170; (76 St. Rep. 372; 42 Supp. 372). 14 App. Div. 585; (77 St. Rep. 1102; 43 Supp. 1102). 79 St. Rep. 407; (45 Supp. 407).

Appeal—From Justice's Court—Modification—Power of Appellate Court.

16 App. Div. 468; (78 St. Rep. 937; 44 Supp. 937). D. 16 App. Div. 475; (78 St. Rep. 942; 44 Supp. 942).

Ludwig v. Gillispie, 105 N. Y. 653; 7 St. Rep. 527.

Cited, Action—Parties—On Contract Made by Agent.

2 Misc. 261; (50 St. Rep. 766; 21 Supp. 968). 88 Hun, 2; (68 St. Rep. 288; 34 Supp. 505).

Payment—To Agent—Effect.

2 Misc. 261; (50 St. Rep. 766; 21 Supp. 968).

Agency—Undisclosed Principal—Liability of Principal.

151 N. Y. 262.

Ludwig v. Gove, 14 Misc. 233; 35 Supp. 714.

Cited, Appeal—Demurrer.

18 Misc. 596; (76 St. Rep. 472; 42 Supp. 472).

Ludwig v. Lazarus, 10 App. Div. 62; 75 St. Rep. 1169; 41 Supp. 773.

Ludwig v. Minot, 4 Daly, 481.

Cited, District Courts—Removal of Action to Common Pleas—Amount Recoverable.

3 Misc. 331; (53 St. Rep. 633; 23 Supp. 36; 23 Civ. Pro. 93).

Luedeke v. Coursen, 3 Misc. 559; 52 St. Rep. 516; 23 Supp. 314.

Cited, Contempt—Supplementary Proceedings—Amount of Fine.

3 Misc. 581; (52 St. Rep. 520; 23 Supp. 315).

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14 Misc. 190; (70 St. Rep. 195; 35 Supp. 465).

Luers v. Brunges, 56 How. 282.

Cited, Trusts—Ownership of Property—Investment in Individual Name of Trustee.

5 Misc. 311; (25 Supp. 1108).

Lugar v. Byrnes, 21 Supp. 753.

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Lugar v. Swayze, 1 Misc. 209; 49 St. Rep. 38; 21 Supp. 1101.

Affirmed, 2 Misc. 409; 51 St. Rep. 584; 21 Supp. 1101.

Cited, Husband and Wife—Wife as Agent. 7 Misc. 175; (57 St. Rep. 523; 27 Supp. 327).

Lugar v. Swayze, 2 Misc. 409; 51 St. Rep. 586; 21 Supp. 1101.

Luger v. Goerke, 18 App. Div. 291; 79 St. Rep. 839; 45 Supp. 839.

Luhrs v. Brooklyn Heights R. Co., 11 App. Div. 173; 76 St. Rep. 606; 42 Supp. 606.

Luhrs v. Brooklyn Heights R. Co., 13 App. Div. 126; 76 St. Rep. 1101; 42 Supp. 1101.

Luhrs v. Eimer, 80 N. Y. 171.

Cited, Descent—Aliens.

72 Hun, 219; (55 St. Rep. 203; 25 Supp. 412).

Descent—Effect of Subsequent Legislation.

D. 11 App. Div. 369; (76 St. Rep. 927; 42 Supp. 927).

Luhrs v. Supreme Lodge, K. & L. of H., 27 St. Rep. 88; 7 Supp. 487.

Cited, Associations—Mutual Benefit—Certificate—Change of Beneficiary.

79 Hun, 496; (61 St. Rep. 535; 29 Supp. 919).

Lukens Iron & Steel Co. v. Payne, 42 Supp. 1127.

Followed, 77 St. Rep. 1160; 43 Supp. 1160.

Lukens Iron & Steel Co. v. Payne, 13 App. Div. 11; 77 St. Rep. 376; 43 Supp. 376.

Luling v. Atlantic Mut. Ins. Co., 45 Barb. 510.

Cited, Courts—Jurisdiction—Over Corporations—Restraining Officers.

9 Misc. 593; (62 St. Rep. 238; 30 Supp. 870).

Lumbard v. Syracuse, B. & N. Y. R. Co., 55 N. Y. 491.

Cited, Mechanic's Lien—Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021). 148 N. Y. 676.

Mechanic's Lien—To What Attaches—Supplies for Sub-contractor.

72 Hun, 420; (54 St. Rep. 884; 25 Supp. 204).

Lumbard v. Syracuse, B. & N. Y. R. Co., 62 N. Y. 290.

Cited, Mechanic's Lien—Enforcement—Offer of Judgment—Rights Under.

7 Misc. 529; (27 Supp. 1002).

Costs—Offer of Judgment—Equitable Action.

3 App. Div. 29; (74 St. Rep. 419; 37 Supp. 1072).

Lumber Exch. Bank v. Miller, 18 Misc. 127; 40 Supp. 1073.

Lummis v. Van Dyke, 79 St. Rep. 489; 45 Supp. 489.

Lumsdon v. Gilman, 81 Hun, 526; 63 St. Rep. 261; 30 Supp. 1124.

Lund v. Masonic Association of Western N. Y., 81 Hun, 287; 62 St. Rep. 719; 30 Supp. 775.

Cited, Evidence—Weight—Statements in Proof of Loss.

D. 84 Hun, 273; (65 St. Rep. 482; 32 Supp. 325.)

Lundy v. Second Ave. R. Co., 1 Misc. 100; 48 St. Rep. 676; 20 Supp. 691.

Lunham v. Hafner, 5 App. Div. 480; 38 Supp. 1060.

Lunney v. New York, 14 Week. Dig. 140.

Cited, Municipal Corporations—Relief From Defaults in Actions.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

Lupton v. Lupton, 2 Johns. Ch. 614.

Cited, Executors—Over-payment to Legatee—Recovery.

140 N. Y. 431; (55 St. Rep. 804). 89 Hun, 551; (69 St. Rep. 647; 35 Supp. 293).

Wills—Legacies and Debts—Charge Upon Land.

14 Misc. 410; (71 St. Rep. 506; 36 Supp. 449). 2 App. Div. 150; (73 St. Rep. 415; 37 Supp. 828). 18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1103). 14 App. Div. 111; (77 St. Rep. 585; 43 Supp. 585).

Lurie v. Metropolitan St. Ry. Co., 18 Misc. 81; 75 St. Rep. 447; 40 Supp. 1129.

Luman, Matter of, 90 Hun, 303; 70 St. Rep. 629; 35 Supp. 956.

Affirmed, 149 N. Y. 588.

Lush v. Druse, 4 Wend. 313.

Cited, Conveyance—Description—Disregard of Mistakes.

82 Hun, 406; (63 St. Rep. 568; 31 Supp. 239).

Lusk v. Hastings, 1 Hill 656.

Cited, Attorneys—Authority After Judgment.

49 St. Rep. 603; (20 Supp. 757). 13 App. Div. 606, 607; (77 St. Rep. 987, 988; 43 Supp. 987, 988).

Duplicate Citations in Parenthesis

Lutes v. Shelley, 40 Hun, 197.

Cited, Husband and Wife—Liability of Husband for Non-Support — Offer of Support.

78 Hun, 37; (60 St. Rep. 195; 28 Supp. 1002).

Lutz v. Ely, 3 E. D. Smith, 621.

Cited, Mechanic's Lien — Right to — Waiver—Taking Note for Debt.

7 Misc. 87; (57 St. Rep. 97; 27 Supp. 361).

Mechanic's Lien—Time for Filing Notice—Effect of Delay.

2 Misc. 235; (50 St. Rep. 759; 21 Supp. 971).

Lutz v. Lutz, 31 St. Rep. 718; 9 Supp. 858.

Cited, Divorce — Cruel and Inhuman Treatment—Reversa

82 Hun, 183; (64 St. Rep. 801; 31 Supp. 980).

Lycett v. Manhattan Ry. Co., 12 App.

Div. 326; 76 St. Rep. 431; 42 Supp. 431.

Lyddy Matter of, 24 St. Rep. 607; 5 Supp. 636.

Cited, Wills—Undue Influence—Proof.

4 App. Div. 5; (73 St. Rep. 793; 38 Supp. 332).

Witnesses — Similarity in Testimony — Effect on Credibility.

1 App. Div. 617; (73 St. Rep. 89; 37 Supp. 497).

Wills—Testamentary Capacity — Burden of Proof.

19 Misc. 74; (78 St. Rep. 93; 44 Supp. 93).

Lyddy v. Long Island City, 104 N. Y. 218; 5 St. Rep. 665.

Cited, Statutes — Repeal — By Implication—Repugnancy.

136 N. Y. 405; (49 St. Rep. 688). 150 N. Y. 345.

Municipal Corporations — Officers — Authority.

86 Hun, 555; (67 St. Rep. 534; 33 Supp. 788). 7 App. Div. 512; (40 Supp. 241).

Municipal Corporations—Officers — Limitation of Powers—Notice.

9 App. Div. 189; (75 St. Rep. 531; 41 Supp. 70).

Lydecker v. Nyack, Village of, 6 App. Div. 90; 39 Supp. 509.

Lydecker v. Valentine, 71 Hun, 194; 54 St. Rep. 73; 24 Supp. 567.

Cited, Damages — Measure — Failure to Take Board as Agreed.

6 Misc. 208; (56 St. Rep. 697; 26 Supp. 538).

Lydon v. Metropolitan El. R. Co.

7 Misc. 25; 57 St. Rep. 71; 27 Supp. 311.

Lyle v. Little, 83 Hun, 532; 66 St. Rep. 508; 33 Supp. 8.

Lyle v. Murray, 4 Sandf. 590.

Cited, Statute of Limitation—When Begins to Run—Demand.

16 Misc. 319; (39 Supp. 396; 25 Civ. Pro. 406).

Lyman, Matter of, 14 Misc. 352; 71 St. Rep. 65; 36 Supp. 117.

Lyman v. United Ins. Co., 2 Johns. Ch. 630.

Cited, Contracts — Reformation — Proof Required.

144 N. Y. 30, 31; (63 St. Rep. 5).

Lyman v. United Ins. Co., 17 Johns. 373.

Cited, Contracts — Reformation—Mistake —Proof.

149 N. Y. 58.

Lynch, Matter of, 83 Hun, 39; 64 St. Rep. 470; 31 Supp. 767.

Lynch, Matter of, 83 Hun, 462; 31 Supp. 1038.

Affirmed, 150 N. Y. 560.

Lynch, Matter of, 52 How. 367.

Cited, Trust—Gift of Interest—From what Time Computed.

5 Misc. 130; (25 Supp. 729).

Wills—Legacies—Payment—Time.

135 N. Y. 293; (47 St. Rep. 815).

Lynch, Matter of, 67 How. 436.

Cited, Surrogate — Jurisdiction—To Relieve Purchaser.

17 Misc. 430; (75 St. Rep. 927; 41 Supp. 539).

Lynch v. Buffalo, 6 Misc. 583; 57 St. Rep. 828; 27 Supp. 303.

Lynch v. Brooklyn R. Co., 6 App. Div. 609; 39 Supp. 1127.

Cited, Appeal — Review of Facts—Conflicting Evidence.

20 Misc. 603.

Lynch v. Burns, 9 Abb. N. C. 69.

Cited, Courts—Special Sessions—Jurisdiction.

D. 86 Hun, 73; (67 St. Rep. 83; 33 Supp. 340).

Lynch v. Crary, 52 N. Y. 181.

Cited, Attachment—Power to Levy—Duration of—Application of Proceeds.

79 Hun, 139; (61 St. Rep. 351; 29 Supp. 759; 24 Civ. Pro. 23).

Duplicate Citations in Parenthesis.

Lynch v. First Nat. Bank of J. City,
107 N. Y. 179; 11 St. Rep. 389; 27
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Cited, Banks—Certification of Checks—
Liability of Bank for.

77 Hun. 169; (58 St. Rep. 718; 28 Supp.
412).

Banks—Deposit—Transfer.

14 Misc. 176; (69 St. Rep. 814; 35 Supp.
384).

Banks—Action for Failure to Pay Checks
—What Must be Shown.

78 St. Rep. 333; (44 Supp. 333). 20
Misc. 92; (79 St. Rep. 68; 45 Supp. 68).

Lynch v. Johnson, 48 N. Y. 27; 46
Barb. 56.

Cited, Supplementary Proceedings—
Priority Obtained—Lien—Equitable Assets.

2 Misc. 405; (50 St. Rep. 587; 21 Supp.
982). 18 Misc. 41; (75 St. Rep. 446; 40 Supp.
1129). 8 App. Div. 558, 559; (40 Supp.
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Supplementary Proceedings — Creditor's
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143 N. Y. 571; (62 St. Rep. 782). 87 Hun.
71; (67 St. Rep. 641; 33 Supp. 958).

Lynch v. Kluber, 20 Misc. 601.

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Lynch v. Livingston, 6 N. Y. 422.

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ciency to Pass Title.

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Lynch v. Loretta, 4 Dem. 312.

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4 Misc. 231; (25 Supp. 109).

Lynch v. Lynch, 89 Hun. 112; 68 St.
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Lynch v. Mahoney, 2 Redf. 434.

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5 Misc. 128; (35 Supp. 728).

Lynch v. McNally, 73 N. Y. 347.

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5 App. Div. 605; (75 St. Rep. 127; 40 Supp.
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Cited, Carriers—Passenger—Arrest for
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4 Misc. 397; (53 St. Rep. 570; 24 Supp.
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17 Misc. 90; (39 Supp. 833).

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4 Misc. 438; (54 St. Rep. 139; 24
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138 N. Y. 451; (53 St. Rep. 19). 141 N. Y.
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12 Misc. 344; (67 St. Rep. 354; 33 Supp.
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age Prayer for Injunctive Relief.

1 Misc. 156; (48 St. Rep. 712; 20 Supp.
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Lynch v. New York, 76 N. Y. 60.

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tion of Streets—Municipal Discretion.

8 Misc. 412; (59 St. Rep. 494; 28 Supp.
675). 84 Hun. 276; (65 St. Rep. 578; 32
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577; 42 Supp. 577).

Drains and Sewers—Construction—Dis-
cretion—Municipal Corporations.

61 St. Rep. 723; (30 Supp. 368). 11 Misc.
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Duplicate Citations in Parenthesis.

- Lynch v. New York**, 2 App. Div. 213; 73 St. Rep. 479; 37 Supp. 798.
Cited, Municipal Corporations—Refusal to Award Contract.
 5 App. Div. 317; (39 Supp. 197). 17 App. Div. 457; (79 St. Rep. 231; 45 Supp. 231).
- Lynch v. N. Y. C. & H. R. R. Co.**, 142 N. Y. 662; 60 St. Rep. 869.
- Lynch v. N. Y. C. & H. R. R. Co.**, 8 App. Div. 458; 75 St. Rep. 148; 40 Supp. 775.
- Lynch v. Onondaga Salt Co.**, 64 Barb. 558.
Cited, Landlord and Tenant—Lease—Condition Subsequent—Summary Proceedings.
 9 Misc. 489; (61 St. Rep. 98; 30 Supp. 244).
- Lynch v. Pearson**, N. Y. L. J. Dec. 22, 1893, page 762.
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 7 Misc. 100; (57 St. Rep. 99; 27 Supp. 401).
- Lynch v. Pendergast**, 67 Barb. 501.
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- Lynch v. Pfeiffer**, 110 N. Y. 33; 16 St. Rep. 718.
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- Lynch v. Pyne**, 52 How. 435.
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 4 Misc. 408; (53 St. Rep. 523; 23 Supp. 1063).
- Lynch v. Pyne**, 42 Super. 11.
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 12 Misc. 512; (67 St. Rep. 380; 33 Supp. 678).
- Lynch v. Reynolds**, 16 Johns. 41.
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- Lynch v. Sanders**, 8 App. Div. 613; 40 Supp. 594.
- Lynch v. Sauer**, 73 St. Rep. 269; 16 Misc. 1; 37 Supp. 666.
- Lynch v. Sauer**, 16 Misc. 362; 74 St. Rep. 369; 38 Supp. 1; 25 Civ. Pro. 286.
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- Lynch v. Second Ave. R. Co.**, 7 App. Div. 164; 39 Supp. 1103.
- Lynch v. Todd**, 13 How. 547.
Cited, Pleading—Verification—Privilege.
 68 Hun. 333; (52 St. Rep. 283; 22 Supp. 986).
- Lynde v. Johnson**, 39 Hun. 12.
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 84 Hun. 296; (55 St. Rep. 542; 32 Supp. 307).
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 147 N. Y. 630; (71 St. Rep. 247).
- Lynde v. Lynde**, 2 Barb. Ch. 72.
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- Lynes v. Hickey**, 4 Misc. 522; 54 St. Rep. 120; 24 Supp. 731.
Cited, Appeal—Facts—Conflicting Evidence.
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- Lynes v. Townsend**, 33 N. Y. 558.
Cited, Wills—Construction—Disinheritance.
 11 Misc. 439; (67 St. Rep. 422; 33 Supp. 421).

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Lynk v. Weaver, 128 N. Y. 171; 40 St. Rep. 349.

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4 Misc. 134; (53 St. Rep. 171; 23 Supp. 864; 30 Abb. N. C. 309). 69 Hun. 457; (52 St. Rep. 621; 23 Supp. 3).

Lyun v. Smith, 35 Hun. 275.

Cited, Contracts—Implied—To Pay for Services of Member of Family.

68 Hun. 384; (52 St. Rep. 315; 22 Supp. 947). 5 Misc. 157; (25 Supp. 721). 19 Misc. 91; (77 St. Rep. 972; 43 Supp. 972).

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3 Misc. 125; (23 Supp. 995).

Lynt v. Moore, 5 App. Div. 487; 38 Supp. 1095.

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Lyon v. Avis, 5 App. Div. 193; 38 Supp. 1104.

Lyon v. Belchford, 8 Civ. Pro. 229.

Cited, Costs—Extra Allowance—Computation.

3 Misc. 241; (51 St. Rep. 906; 22 Supp. 772).

Lyon v. Blossom, 4 Duer. 318.

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12 App. Div. 425; (76 St. Rep. 408; 42 Supp. 408).

Lyon v. Brooklyn, 28 Barb. 609.

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Cited, Evidence—Of Execution of Instrument—Proof of Identity.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635.)

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Lyon v. Hersey, 103 N. Y. 264; 3 St. Rep. 80.

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Lyon v. Hussey, 82 Hun. 15; 63 St. Rep. 531; 31 Supp. 281.

Cited, Contracts—Champertry.

9 App. Div. 138; (75 St. Rep. 606; 41 Supp. 148).

Lyon v. Isett, 34 Super. 41.

Cited, Pleading—Supplemental—When Allowed.

11 Misc. 396; (65 St. Rep. 451; 32 Supp. 276).

Lyon v. Jerome, 26 Wend. 485.

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2 Misc. 399; (50 St. Rep. 612; 21 Supp. 95).

Lyon v. Kramer, 24 Hun. 231.

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76 Hun. 500; (59 St. Rep. 335; 27 Supp. 1091).

Lyon v. Lyon, 65 N. Y. 339.

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85 Hun. 463; (63 St. Rep. 709; 33 Supp. 107).

Lyon v. Lyon, 62 Barb. 138.

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49 St. Rep. 235; (20 Supp. 849).

Lyon v. Manhattan R. Co., 142 N. Y.

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10 Misc. 474; (65 St. Rep. 257; 32 Supp. 178; 24 Civ. Pro. 274). 17 Misc. 559; (75 St. Rep. 91; 40 Supp. 687). 20 Misc. 280; (79 St. Rep. 744; 45 Supp. 744).

Negligence—Personal Injuries—Exhibition Before Jury.

13 Misc. 404; (68 St. Rep. 877; 34 Supp. 1144).

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20 Misc. 16; (78 St. Rep. 603; 44 Supp. 503).

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19 Misc. 596; (78 St. Rep. 315; 44 Supp. 315).

Lyon v. Manly, 10 Abb. 337.

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7 Misc. 220; (53 St. Rep. 573; 27 Supp. 647; 23 Civ. Pro. 300).

Lyon v. Marshall, 11 Barb. 241.

Cited, Costs—Liability of Executor.

50 St. Rep. 555; (21 Supp. 878). 88 Hun. 130; (68 St. Rep. 681; 34 Supp. 626).

Lyon v. Merritt, 6 Paige, 473.

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11 Misc. 270; (65 St. Rep. 436; 32 Supp. 252).

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Lyon v. Mitchell, 36 N. Y. 235.

Cited, Contracts—Validity—With Public Officers—Personal Influence.

9 Misc. 185; (60 St. Rep. 645; 29 Supp. 579).

Lyon v. Morgan, 64 Hun, 111; 45 St.

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Affirmed, 143 N. Y. 505; 62 St. Rep. 806.

Cited, Estoppel—Equitable — Representations—Title to Land — Failure to Consult Records.

71 Hun, 416; (54 St. Rep. 377; 24 Supp. 951).

Lyon v. Morgan, 143 N. Y. 505; 62 St. Rep. 806.

Lyon v. Motley, 9 Misc. 500; 61 St. Rep. 115; 30 Supp. 218.

Lyon v. Park, 111 N. Y. 350; 19 St. Rep. 626

Cited, Action — Abatement — Revival — Laches.

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77 Hun, 91; (59 St. Rep. 866; 28 Supp. 312). 17 Misc. 103; (39 Supp. 500). 11 App. Div. 48; (39 Supp. 500).

Lyon v. Ricker, 141 N. Y. 225; 56 St. Rep. 804.

Cited, Conveyance—Conditions and Restrictions.

145 N. Y. 662; (71 St. Rep. 314).

Evidence — Declarations — Of Deceased Grantor.

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81 Hun, 301; (62 St. Rep. 751; 30 Supp. 788). 15 Misc. 291; (72 St. Rep. 429; 36 Supp. 985).

Lyon v. Second Ave. Railroad Co., 69 St. Rep. 816; 35 Supp. 372.

Lyon v. Union Mut. Life Ins. Co. of Maine, 44 St. Rep. 581; 17 Supp. 756.

Cited, Insurance—Agreement for Paid Up Policy.

69 Hun, 397; (52 St. Rep. 708; 23 Supp. 621).

Lyon v. Western N. Y. & Penn. R. Co., 88 Hun, 27; 68 St. Rep. 628; 34 Supp. 532.

Lyon v. Whittaker, 77 Hun, 107; 59 St. Rep. 844; 28 Supp. 296.

Lyons v. Cahill, 18 St. Rep. 375.

Cited, Appeal—Findings—Requests.

5 Misc. 222; (54 St. Rep. 825; 25 Supp. 464). 8 Misc. 258; (59 St. Rep. 199; 28 Supp. 548).

Lyons v. Erie R. Co., 57 N. Y. 489.

Cited, Negligence—Personal Injuries—Treatment.

15 App. Div. 166; (78 St. Rep. 246; 44 Supp. 246).

Lyons v. Miller, 10 Misc. 43; 63 St. Rep. 179; 30 Supp. 832.

Reversed, 10 Misc. 653; 64 St. Rep. 499; 31 Supp. 795.

Lyons v. Miller, 10 Misc. 653; 64 St. Rep. 499; 31 Supp. 795.

Lyons v. Murat, 4 Abb. N. C. 13; 54 How. 23.

Cited, Costs—Motion—Failure to Pay—Stay.

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Lyons v. N. Y. C. & H. R. R. Co., 39 Hun, 385.

Cited, Evidence—Negligence—Reputation of Employee.

13 App. Div. 442; (77 St. Rep. 608; 43 Supp. 608).

Lyons v. Rosenthal, 11 Hun, 46.

Cited, Evidence — Sufficiency — Negligence.

5 Misc. 268; (27 Supp. 897).

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3 App. Div. 17; (73 St. Rep. 552; 37 Supp. 932). 17 Misc. 594; (75 St. Rep. 82; 40 Supp. 679). 20 Misc. 113; (79 St. Rep. 74; 45 Supp. 74).

Lyons v. Second Ave. Car Co., 89 Hun, 374; 69 St. Rep. 816; 35 Supp. 372; 2

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Affirmed, 152 N. Y. 654.

Cited, 14 Misc. 499; (70 St. Rep. 722; 35 Supp. 1072). 14 Misc. 392; (70 St. Rep. 752; 35 Supp. 1043).

Lyster v. Pearson, 6 Misc. 618; 55 St. Rep. 778; 26 Supp. 77.

Reversed, 7 Misc. 98; 57 St. Rep. 97; 27 Supp. 399.

Lyster v. Pearson, 7 Misc. 98; 57 St. Rep. 97; 27 Supp. 399.

Lyth v. Buffalo, 48 Hun, 175; 15 St. Rep. 477.

Cited, Municipal Corporations—Improvements—Plans.

83 Hun, 179; (64 St. Rep. 287; 31 Supp. 659).

Lyth v. Hingston, 14 App. Div. 11; 77 St. Rep. 653; 43 Supp. 653.

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Lythgoe v. Lythgoe, 75 Hun, 147; 58 St. Rep. 172; 26 Supp. 1063.

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Lithgoe v. Smith, 140 N. Y. 442; 55 St. Rep. 828.

Lytle v. Beveridge, 58 N. Y. 592.

Cited, Will—Construction—Intent—Autographic.

3 Misc. 45; (51 St. Rep. 134; 22 Supp. 357), 145 N. Y. 368; (64 St. Rep. 823). 11 Misc. 438; (67 St. Rep. 422; 33 Supp. 420).

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11 Misc. 440; (67 St. Rep. 423; 33 Supp. 422). 8 App. Div. 87; (40 Supp. 431).

Lyungstrandh v. William Haaker Co., 16 Misc. 387; 73 St. Rep. 808; 38 Supp. 129.

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Maack, Matter of, 13 Misc. 368; 69 St. Rep. 483; 35 Supp. 109.

Maack v. Maack, 49 Hun, 507; 18 St. Rep. 721; 2 Supp. 506.

Cited, Assignment for Creditors—Inventory—Error in—Effect.

80 Hun, 63; (61 St. Rep. 565; 29 Supp. 877).

Maas v. Cunard Steamship Co., 18 Misc. 379; 75 St. Rep. 1495.

Affirmed, 19 Misc. 100; 77 St. Rep. 219; 43 Supp. 219.

Maas v. Cunard Steamship Co., 19 Misc. 100; 77 St. Rep. 219; 43 Supp. 219.

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Cited, Appeal—Extent of Review—Order Denying Motion for a New Trial.

9 Misc. 435; (61 St. Rep. 731; 29 Supp. 1057). 11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146). 148 N. Y. 267.

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Affirmed, 146 N. Y. 34; 65 St. Rep. 762.

Maas v. Goodman, 2 Hilt. 275.

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14 Misc. 239; (70 St. Rep. 501; 35 Supp. 756). 19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

Maas v. Scharbach, 13 Misc. 215; 68 St. Rep. 214; 34 Supp. 234.

Maass v. Falk, 146 N. Y. 34; 65 St. Rep. 762.

Cited, Assignment for Creditors—Excessive Preference.

D. 1 App. Div. 476; (73 St. Rep. 165; 37 Supp. 549). 15 App. Div. 115; (78 St. Rep. 301; 44 Supp. 301).

Fraudulent Conveyance—What Constitutes.

15 App. Div. 407; (78 St. Rep. 54; 44 Supp. 54). 148 N. Y. 280.

Maass v. Jarvis, 20 Misc. 687.

Maass v. McEntegart, 20 Misc. 676.

Mabbett v. White, 12 N. Y. 442.

Cited, Partnership—Authority of Partner—Sale.

12 Misc. 621; (68 St. Rep. 255; 34 Supp. 424).

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80 Hun, 149, 150; (61 St. Rep. 638, 639; 29 Supp. 1017).

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53 St. Rep. 373. 15 App. Div. 554, 555; (78 St. Rep. 521; 522; 44 Supp. 521, 522).

Trusts — Creation — Deposit in Bank to Trustees' Credit.

6 Misc. 511; (57 St. Rep. 711; 27 Supp. 432). 83 Hun, 247; (64 St. Rep. 259; 31 Supp. 622).

147 N. Y. 46; (69 St. Rep. 304; 2 Ann. Cas. 346). 1 App. Div. 262; (72 St. Rep. 755; 37 Supp. 254).

11 App. Div. 638; (75 St. Rep. 1359; 41 Supp. 628). 15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281).

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88 Hun, 15; (68 St. Rep. 492; 34 Supp. 485). D. 50 St. Rep. 295; (21 Supp. 531).

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Cited, Executors—Claims Against—When Action on Proper.

70 Hun, 478; (53 St. Rep. 796; 24 Supp. 287).

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70 Hun, 65; (53 St. Rep. 511; 23 Supp. 1107).

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4 Misc. 340; (24 Supp. 311). 9 Misc. 386; (61 St. Rep. 681).

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Macauley v. Bromed & Barkley Printing Co., 14 Abb. N. C. 316.

Cited, Pleading—Answer—Denial—Information and Belief.

16 Misc. 335; (39 Supp. 722).

Macauley v. New York, 67 N. Y. 602.

Cited, Negligence—Primary Cause—Frightened Horse.

83 Hun, 212; (64 St. Rep. 354; 31 Supp. 757).

Macauley v. Palmer, 125 N. Y. 742; 36 St. Rep. 175.

Cited, Accounting—Lapse of Time.

139 N. Y. 468; (54 St. Rep. 724).

Evidence—Relevancy—Payment—Lapse of Time.

70 Hun, 599; (53 St. Rep. 668; 24 Supp. 87).

Payment—Presumption of.

9 Misc. 162; (59 St. Rep. 727; 29 Supp. 8).

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88 Hun, 537; (68 St. Rep. 826; 34 Supp. 857).

Macauley v. Porter, 71 N. Y. 173.

Cited, Real Estate—Agreement—Subsequent Contract—Defeasance.

139 N. Y. 126; (54 St. Rep. 648).

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Macauley v. Smith, 132 N. Y. 524; 44 St. Rep. 847.

Cited, Corporations—Insolvency—Payments—Usual Course of Business.

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66 Hun, 229; (49 St. Rep. 135). 80 Hun, 204, 205; (61 St. Rep. 142; 30 Supp. 6, 7).

McColl v. American Life Ins. Co. of N. Y., 89 Hun, 490; 69 St. Rep. 765; 35 Supp. 364.

Macdonald v. Kieferdorf, 46 St. Rep. 176; 18 Supp. 763.

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75 Hun, 337; (58 St. Rep. 210; 26 Supp. 1004).

MacDonald v. New York, 32 Hun, 89.

Cited, District Attorney—County Officer and Office.

10 Misc. 133, 134; (62 St. Rep. 501; 30 Supp. 910).

Macdonald v. Woodbury, 30 Hun, 35.

Cited, Evidence—Personal Transaction With Deceased—Deposition.

8 Misc. 459; (60 St. Rep. 606; 29 Supp. 1103).

MacFarlane v. MacFarlane, 82 Hun, 238; 63 St. Rep. 589; 31 Supp. 272.

MacGowan v. Duff, 14 Daly, 315.

Cited, Place of Amusement—Expulsion—Liability.

92 Hun, 243; (72 St. Rep. 315; 36 Supp. 950).

Macgregor v. Buell, 17 Abb. 31.

Cited, Judgment—Remittitur.

14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 25 Civ. Pro. 146).

Machauer v. Fogel, 20 Misc. 666.

Machwirth, Matter of, 15 App. Div. 65; 78 St. Rep. 80; 44 Supp. 80.

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Mack v. Anderson, 66 St. Rep. 836; 33 Supp. 208.

Mack v. Austin, 95 N. Y. 513.

Cited, Mortgage—Absence of Bond—Resort to Land.

17 Misc. 647; (74 St. Rep. 756; 40 Supp. 195).

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Cited, Landlord and Tenant—Lease—Expiration.

76 Hun, 68; (59 St. Rep. 620; 27 Supp. 605). 5 Misc. 265; (25 Supp. 106).

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12 Misc. 351; (65 St. Rep. 787; 67 St. Rep. 350; 33 Supp. 655; 2 Ann. Cas. 27). 20 Misc. 596.

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13 Misc. 634; (69 St. Rep. 164; 34 Supp. 940).

Mack v. Colleran, 136 N. Y. 617; 49 St. Rep. 24.

Mechanic's Lien—When Exists—Sub-contractor—Completion by Owner.

75 Hun, 507; (57 St. Rep. 679; 27 Supp. 510).

Payment—Application—Mechanic's Lien. 87 Hun, 14; (67 St. Rep. 497; 33 Supp. 881).

Mechanic's Lien—When Exists—Prior Payment.

15 App. Div. 389; (78 St. Rep. 165; 44 Supp. 165).

Mack v. Kittell, 27 Abb. N. C. 293.

Cited, Assignment for Creditors—Action by Assignee—Set-off.

19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

*Duplicate Citations in Parenthesis.***Mack v. McCulloch**, 2 How. 127.*Cited*, Costs—Allowance—Motion.

9 Misc. 511; (61 St. Rep. 82; 30 Supp. 847).

Mack v. Mechanics & Farmers'**Savings Bank**, 50 Hun, 477; 20 St. Rep. 247; 3 Supp. 441.*Cited*, Gift—Of Bank Deposit—Possession of Book.

3 Misc. 269; (51 St. Rep. 904; 22 Supp. 937). 8 App. Div. 49; (74 St. Rep. 864; 40 Supp. 424).

Mack v. Patchin, 42 N. Y. 167.*Cited*, Landlord and Tenant—Eviction—Measure of Damages.

139 N. Y. 433; (54 St. Rep. 699).

Landlord and Tenant—Lease—Covenants—Implied—Quiet Enjoyment.

24 Supp. 474.

Mack v. People, 82 N. Y. 235.*Cited*, Constitutional Law—Crime Committed in Two Counties—Jurisdiction.

11 App. Div. 543; (76 St. Rep. 633; 42 Supp. 633).

Mack v. Phelan, 92 N. Y. 20.*Cited*, Chattel Mortgage—Failure to File—Actual Notice.

49 St. Rep. 536; (21 Supp. 175). 18 Misc. 63; (75 St. Rep. 473; 41 Supp. 21).

Notice—What Constitutes.

20 Misc. 366; (79 St. Rep. 933; 45 Supp. 933).

Mack v. Snell, 140 N. Y. 193; 55 St. Rep. 576.**Mackay, Matter of**, 110 N. Y. 611; 18 St. Rep. 558.*Cited*, Wills—Publication—Attestation—Validity.

141 N. Y. 331; (57 St. Rep. 602; 9 Misc. 577; (62 St. Rep. 227; 30 Supp. 850). 88 Hun, 292; (68 St. Rep. 418; 34 Supp. 408). 87 Hun, 350; (68 St. Rep. 427; 34 Supp. 303). 13 Misc. 560; (70 St. Rep. 189; 35 Supp. 491).

Wills—Execution—Signing Before Witnesses.

15 Misc. 202; (72 St. Rep. 146; 37 Supp. 42). 17 Misc. 110; (75 St. Rep. 131; 40 Supp. 735). 9 App. Div. 563; (75 St. Rep. 1086; 41 Supp. 697). D. 9 App. Div. 568; (75 St. Rep. 1090; 41 Supp. 701). 14 App. Div. 164; (77 St. Rep. 691; 43 Supp. 691). 148 N. Y. 407.

Wills—Witness—Competency.

13 Misc. 299; (69 St. Rep. 189; 34 Supp. 1121).

Mackay v. Bloodgood, 9 Johns. 285.*Cited*, Signature—Third Person—Subsequent Acknowledgment.

71 Hun, 230; (54 St. Rep. 579; 24 Supp. 993).

Mackay v. Dennington, 82 Hun, 509;

64 St. Rep. 394; 31 Supp. 716.

Affirmed, 145 N. Y. 606; 65 St. Rep. 966.**Mackay v. Lewis**, 73 N. Y. 382.*Cited*, Appeal—Order Granting New Trial.

152 N. Y. 168.

Judgment—Upon Stipulation—Effect.

16 Misc. 478; (39 Supp. 933).

Mackay v. Rhinelander, 1 Johns.

Cas. 408.

Cited, Action—Abatement—Death After Verdict—Action for Dower.

138 N. Y. 430 (52 St. Rep. 928; 30 Abb. N. C. 245).

Mackaye v. Soule, 56 St. Rep. 57; 25 Supp. 798.**Mackellar v. Rogers**, 52 Super. 468.*Affirmed*, 109 N. Y. 468; 16 St. Rep. 406.*Cited*, Trial—Right to Jury—Issues in Equitable Action.

2 Misc. 185; (50 St. Rep. 216; 21 Supp. 794).

MacKellar v. Rogers, 109 N. Y. 468; 16 St. Rep. 406.*Cited*, Counterclaim—Relief on.

71 Hun, 525; (54 St. Rep. 889; 24 Supp. 1034).

Trial—Notice of—Effect as Waiver.

67 Hun, 387; (51 St. Rep. 824; 22 Supp. 266; 23 Civ. Pro. 105). 89 Hun, 477; (69 St. Rep. 721; 35 Supp. 321).

Trial—Right to Jury—Counterclaim.

76 Hun, 63; (59 St. Rep. 609; 27 Supp. 622).

Trial—Right to Jury—Waiver.

62 St. Rep. 73; (23 Civ. Pro. 410). 12 Misc. 122; (66 St. Rep. 733; 33 Supp. 76; 2 Ann. Cas. 34)

MacKellar v. Sigler, 47 How. 20.*Cited*, Landlord and Tenant—Reletting—Effect.

18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Mackenzie v. Hatton, 6 Misc. 153; 26 Supp. 873.*Cited*, Landlord and Tenant—Liability of Tenant—Shoring up Premises.

15 Misc. 106; (71 St. Rep. 439; 36 Supp. 474).

Mackenzie v. Mackenzie, 3 Misc. 200; 23 Supp. 270.

*Duplicate Citations in Parenthesis.***MacKesey v. People**, 6 Park. Cr. 114.

Cited, Extortion—Attempt—Animus of Accused.

73 Hun, 76; (57 St. Rep. 25; 25 Supp. 1079).

Extortion—Attempt—What Constitutes.
144 N. Y. 126; (63 St. Rep. 23)

Mackey v. Webb, 25 St. Rep. 308; 6 Supp. 795.

Cited, Married Woman—Liability for Services and Goods Furnished for Separate Estate.

85 Hun, 129; (65 St. Rep. 653; 32 Supp. 468). 7 Misc. 542; (40 Supp. 738).

Mackie v. Brooklyn City R. Co., 10 Misc. 4; 62 St. Rep. 653; 30 Supp. 539.**Mackie v. Egan**, 6 Misc. 95; 55 St. Rep. 493; 26 Supp. 13.

Cited, Appeal—Review of Fact—Conflict of Evidence.

9 Misc. 66; (59 St. Rep. 680; 29 Supp. 16).

Appeal—What Reviewable—Absence of Exceptions.

19 Misc. 55; (76 St. Rep. 826; 42 Supp. 826)

MacKinstry v. Smith, 16 Misc. 351; 74 St. Rep. 390; 38 Supp. 93.**Macklin v. New Jersey S. S. Co.**, 7 Abb. N. S. 229.

Cited, Carriers—Duties and Liability—As to Passenger—Baggage and Property—Contributory Negligence.

9 Misc. 27; (59 St. Rep. 721; 29 Supp. 59). 151 N. Y. 167.

MacKnight Flintic Stone Co. v. New York, 13 App. Div. 231; 77 St. Rep. 139; 4 Supp. 139.**Mackovsky v. Manhattan Co.**, 11 St. Rep. 649.

Cited, Interest—Sales—From When Computed.

7 Misc. 7; (57 St. R-p. 81; 27 Supp. 324).

MacLaury v. Hart, 121 N. Y. 636; 31 St. Rep. 939; 25 Abb. N. C. 231.

Cited, Executors—Right of Creditor to Resort to Land.

138 N. Y. 422; (52 St. Rep. 886).

Injunction—Provisional Remedy by, When Granted—Judicial Discretion.

1 Misc. 124; (48 St. Rep. 698; 20 Supp. 704). 149 N. Y. 173.

Remedies—Statutory Provision—Exclusive.

78 St. Rep. 323; (44 Supp. 323).

Maclay v. Robinson, 91 Hun, 630; 71 St. Rep. 561; 36 Supp. 530.**MacMahon v. Brooklyn & New York Ferry Co.**, 10 App. Div. 376; 75 St. Rep. 1394; 41 Supp. 1026.**MacNaughton v. Osgood**, 41 Hun, 109.

Cited, Corporations—Transactions by Directors—When Stockholder May Attack.

8 App. Div. 173; (40 Supp. 504).

Macniffe v. Ludington, 13 Abb. N. C. 407.

Cited, Appeal—Jurisdiction N. Y. Common Pleas, General Term—Weight of Evidence.

7 Misc. 161; (57 St. Rep. 539; 27 Supp. 325). 13 Misc. 264; (67 St. Rep. 860; 34 Supp. 4). 13 Misc. 278; (68 St. Rep. 18; 34 Supp. 63).

Attorneys—Liability for Expenses Incurred in Action.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Macpherson, Matter of, 20 St. Rep. 868; 4 Supp. 181.

Cited, Wills—Testamentary Capacity—Insane Delusions.

5 Misc. 204; (25 Supp. 113).

MacRae v. Graham, 79 St. R-p. 244; 45 Supp. 244.**Mactier v. Frith**, 6 Wend. 103.

Cited, Contract—Offer and Acceptance.

75 Hun, 464; (57 St. Rep. 365; 27 Supp. 456).

Conflict of Laws—Contracts—Locus.

150 N. Y. 322.

Macullar v. McKinley, 99 N. Y. 353.

Cited, Fraud—Statement to Obtain Credit for Goods—Mercantile Agency.

59 St. Rep. 519; (23 Supp. 589). 7 App. Div. 444; (39 Supp. 1056).

Trial—Withdrawing From Jury—Scintilla of Evidence.

51 St. Rep. 16; (21 Supp. 716).

MacVeagh v. Continental Trust Co., of N. Y., 10 Misc. 600; 65 St. Rep. 321; 32 Supp. 198.**Macey v. Sawyer**, 66 How. 381.

Cited, Executors—Rights and Duties—As to Life Tenancy.

2 Misc. 290; (23 Supp. 97).

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24 Supp. 94.

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8 App. Div. 86; (40 Supp. 430).

Macy v. Wheeler, 30 N. Y. 231.

Cited, Appeal—Extent of Review—Facts.

77 Hun, 397; (60 St. Rep. 420; 28 Supp. 883).

Duplicate Citations in Parenthesis.

Appeal—New Trial—Discretion.
82 Hun, 47; (63 St. Rep. 484; 31 Supp. 163).

Trial—Verdict—Setting Aside.
7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367). 7 App. Div. 402; (39 Supp. 900). 19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070).

Principal and Agent—Master of Vessel—Liability of Owner on Contracts.
67 Hun, 621; (50 St. Rep. 850; 22 Supp. 448).

Macy v. Williams, 55 Hun, 489; 30 St. Rep. 34; 8 Supp. 658

Cited, Gift—Deposit in Savings Bank—Delivery of Pass Book.
8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Macy v. Williams, 83 Hun, 243; 64 St. Rep. 237; 31 Supp. 620.
Affirmed, 144 N. Y. 701.

Macy & Co., Matter of, 5 App. Div. 70; 74 St. Rep. 587; 38 Supp. 903.

Madan v. Sherard, 73 N. Y. 329.
Cited, Carriers—Freight—Liability—Limitation—Knowledge of Shipper.

68 Hun, 606; (52 St. Rep. 586; 23 Supp. 236). 137 N. Y. 460; 51 St. Rep. 271).

Madden, Matter of, 70 St. Rep. 584; 35 Supp. 906.

Cited, Elections — Ballots — Party Emblems.
90 Hun, 454; (70 St. Rep. 583; 35 Supp. 905).

Madden, Matter of, 148 N. Y. 136.
Cited, Election Law—Filing Nominations Review.

3 App. Div. 108; (39 Supp. 392). D. 9 App. Div. 244; (75 St. Rep. 899; 41 Supp. 505). 9 App. Div. 626; (75 St. Rep. 963; 41 Supp. 573). 151 N. Y. 361.

Madden v. Brown, 8 App. Div. 454; 75 St. Rep. 118; 40 Supp. 714.

Madden v. Equitable Life Assur. Soc. of U. S., 11 Misc. 540; 66 St. Rep. 79; 32 Supp. 752.
Affirmed, 146 N. Y. 402; 70 St. Rep. 870.

Madden v. Underwriting P. & Pub. Co., 10 Misc. 27; 63 St. Rep. 242; 30 Supp. 1052.

Maddock v. Root, 72 Hun, 98; 55 St. Rep. 469; 25 Supp. 396.

Affirmed, 150 N. Y. 561.
Cited, Evidence—Parol—Incorporation.
13 Misc. 130; (68 St. Rep. 208; 34 Supp. 161).

Maddock v. Steel, 68 Hun, 522; 52 St. Rep. 754; 23 Supp. 61.

Cited, 81 Hun, 514; (73 St. Rep. 538; 31 Supp. 2 9).

Partnership — Nominal Partner—Rights.
81 Hun, 510; (63 St. Rep. 541; 31 Supp. 222).
Maddock v. Steel, 81 Hun, 509; 63 St. Rep. 537; 31 Supp. 219.

Maders v. Whallon, 74 Hun, 372; 56 St. Rep. 327; 26 Supp. 614.

Maders v. Whallon, 80 Hun, 210; 61 St. Rep. 623; 29 Supp. 993.
Affirmed, 149 N. Y. 585.

Madison Ave. Bap. Ch. v. Bap. Ch. in Oliver St., 46 N. Y. 131.

Cited, Benevolent Societies—Power to Alienate or Incumber Realty.
138 N. Y. 456; (73 St. Rep. 21).

Madison Ave. Bap. Ch. v. Bap. Ch. of Oliver St., 73 N. Y. 82.

Cited, Benevolent Societies—Alienation of Realty—Leave of Court.
138 N. Y. 456; (53 St. Rep. 21).

Equity—Application of Complete Relief.
140 N. Y. 44; (55 St. Rep. 593). 30 Abb. N. C. 260; (24 Supp. 792). 17 Misc. 424; (41 Supp. 201).

Pleading—Answer—Set-off in Equity—Time of Accruing.

139 N. Y. 120; (54 St. Rep. 644).
Mortgage—Rights of Mortgagee.
13 Misc. 250, 252; (68 St. Rep. 210, 211; 34 Supp. 164, 166).

Madison County Bank v. Gould, 5 Hill, 309.

Cited, Partnership—Limited—Liability as General Partner.
145 N. Y. 495; (65 St. Rep. 367; 1 Ann. Cas. 374).

Madison Square Bank v. Pierce, 62 Hun, 493; 42 St. Rep. 832; 17 Supp. 270.

Affirmed, 137 N. Y. 444; 51 St. Rep. 175.
Cited, Action — Parties—Interest—Trustee.

3 App. Div. 271; (73 St. Rep. 695; 38 Supp. 202). 6 App. Div. 254; (39 Supp. 1117).

Madison Square Bank v. Pierce, 137 N. Y. 444; 51 St. Rep. 175.

Cited, Bills and Notes—Release of Maker—Effect as to Endorser.
7 Misc. 425; (57 St. Rep. 647; 27 Supp. 1017).

Subrogation.
13 Misc. 495; (70 St. Rep. 174; 35 Supp. 477). 14 App. Div. 259; (77 St. Rep. 547; 43 Supp. 547).

Payment—Availability to Third Person.
10 Misc. 145; (62 St. Rep. 476; 30 Supp. 908). 3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 201).

*Duplicate Citations in Parenthesis.***Magauran v. Tiffany**, 62 How. 251.*Cited*, Pleading—Construction.

9 Misc. 59; (59 St. Rep. 684; 29 Supp. 2).

Magaw v. Field, 48 N. Y. 668.*Cited*, Wills—Devise—Tenancy in Common.

82 Hun, 474; (64 St. Rep. 359; 31 Supp. 729).

Children—Who Included.

90 Hun, 163; (70 St. Rep. 288; 35 Supp. 784).

Magee v. Badger, 34 N. Y. 247.*Cited*, Trial—Requests to Charge—Definiteness.

71 Hun, 441; (54 St. Rep. 541; 24 Supp. 985).

Bills and Notes—Holder—Bona Fides.

150 N. Y. 66. D. 150 N. Y. 73.

Magee v. Brooklyn, 144 N. Y. 265; 63 St. Rep. 107.*Affirmed*, 3 Misc. 620; 51 St. Rep. 443; 22 Supp. 1136.*Cited* Condemnation Proceedings—Award—What Represents.

88 Hun, 278; (68 St. Rep. 251; 34 Supp. 420).

Condemnation Proceedings—Award—Assignment.

87 Hun, 27; (67 St. Rep. 612, 613; 33 Supp. 860, 861).

Magee v. Brooklyn, City of, 18 App.

Div. 22; 79 St. Rep. 473; 45 Supp. 473.

Magee v. Magee, 67 Barb. 487.*Cited*, Husband and Wife—Separation Agreement—Validity.

16 App. Div. 615; (78 St. Rep. 976; 44 Supp. 976).

Magee v. Osborn, 32 N. Y. 669.*Cited*, Evidence—Sufficiency—Handwriting.

D. 148 N. Y. 502.

Magee v. Vedder, 6 Barb. 352.*Cited*, Executors—Account Stated.

81 Hun, 520; (63 St. Rep. 429; 31 Supp. 40). 16 App. Div. 36; (78 St. Rep. 806; 44 Supp. 806).

Magenuis v. Scheid, 92 Hun, 521; 72 St. Rep. 432; 36 Supp. 1030.**Maghee v. Camden & Amboy R. T. Co.**, 45 N. Y. 514.*Cited*, Carriers—Freight—Deviation—Loss.

139 N. Y. 418; (54 St. Rep. 690). 16 Misc. 17; (73 St. Rep. 280; 37 Supp. 661).

Maghee v. Kellogg, 24 Wend. 32.*Cited*, Appeal—Reversal—Restitution.

9 Misc. 323; (80 St. Rep. 446; 30 Supp. 261).

Magie v. Baker, 14 N. Y. 435.*Cited*, Appeal—Extent of Review—Opinion.

78 Hun, 101; (60 St. Rep. 537; 28 Supp. 1074).

Magilton v. N. Y. C. & H. R. R. Co.,

82 Hun, 308; 63 St. Rep. 571; 31 Supp. 241.

Magilton v. N. Y. C. & H. R. R. Co.,

11 App. Div. 373; 76 St. Rep. 231; 42 Supp. 231.

Cited, Negligence—Damages—Speculative.

D. 14 App. Div. 54; (77 St. Rep. 1003; 43 Supp. 1003).

Maginnis v. Brooklyn, 26 St. Rep. 689; 7 Supp. 194.*Affirmed*, 126 N. Y. 644; 37 St. Rep. 961.*Cited*, Highways—Drawbridge—Liability of Municipal Corporations.

7 Misc. 274; (58 St. Rep. 533; 27 Supp. 893).

Magner v. Mutual Life Ass'n of Brooklyn, 17 App. Div. 13; 78 St. Rep. 862; 44 Supp. 862.*Cited*, Insurance, Mis-statements—Waiver. 20 Misc. 541.**Magnin v. Dinsmore**, 56 N. Y. 168.*Cited*, Carriers—Freight—Restricting Liability—Negligence.

140 N. Y. 49; (55 St. Rep. 307).

Magnin v. Dinsmore, 62 N. Y. 35.*Cited*, Carriers—Freight—Restricting Liability—Negligence.

140 N. Y. 49; (55 St. Rep. 307).

Magnin v. Dinsmore, 70 N. Y. 410.*Cited*, Carriers—Freight—Restricting Liability—Negligence.

140 N. Y. 49; (55 St. Rep. 307). 19 Misc. 45; (76 St. Rep. 877; 42 Supp. 877).

Magnolia Anti-Friction M. Co. v. Singley, 147 N. Y. 557; 50 St. Rep. 932.**Magnus, Matter of**, 2 Misc. 347; 50 St. Rep. 599; 22 Supp. 70.*Affirmed*, 137 N. Y. 630; 51 St. Rep. 932. *Disapproved*, Assignment for Creditors—Death of Assignee—Personal Representative.

2 App. Div. 571; (74 St. Rep. 321; 37 Supp. 1026).

Magoverning v. Staples, 7 Lans. 145.*Cited*, Places of Amusement—Expulsion—Liability.

92 Hun, 243; (72 St. Rep. 315; 36 Supp. 950).

Magown v. Sinclair, 5 Daly, 63.*Cited*, Action—Of Account—Common Law.

142 N. Y. 238; (58 St. Rep. 766).

Duplicate Citations in Parenthesis.

Maguire v. Durant, 1 Misc. 509; 48 St. Rep. 937; 20 Supp. 617.

Maguire v. Halsted, 18 App. Div. 228; 79 St. Rep. 783; 45 Supp. 783.

Maguire v. Selden, 103 N. Y. 642; 3 St. Rep. 54; 1 Silv. Ct. App. 179.

Cited, Estoppel — Statements to Third Persons.

70 Hun, 529; (54 St. Rep. 51; 24 Supp. 396).

Mahan, Matter of, 98 N. Y. 372.

Cited, Wills—Legacies—Lapse.

70 Hun, 278; (54 St. Rep. 29; 24 Supp. 230).

Wills—Estates—Vesting.

13 Misc. 346; (68 St. Rep. 518; 34 Supp. 561).

89 Hun, 558; (69 St. Rep. 732; 35 Supp. 345).

91 Hun, 123; (71 St. Rep. 18; 36 Supp. 135).

Mahan v. Brown, 13 Wend. 261.

Cited, Easements—Ancient Lights — Adjoining Owners.

4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826). 23 Supp. 824.

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10 Mi. c. 355; (63 St. Rep. 416; 31 Supp. 26).

Mahaney v. Mutual Reserve Fund

Life Ass'n., 69 Hun, 12; 53 St. Rep.

549; 23 Supp. 213.

Mahaney v. Penman, 4 Duer. 603.

Cited, Courts — Jurisdiction — Effect of Appearance.

16 Misc. 545; (74 St. Rep. 139; 38 Supp. 788).

Mahaney v. Walsh, 16 App. Div. 601;

78 St. Rep. 969; 44 Supp. 969.

Mahar v Compton, 79 St. Rep. 1126; 45

Supp. 1126.

Mahar v. N. Y. C. & H. R. R. Co.,

5 App. Div. 22; 39 Supp. 63.

Mahar v. Simmons, 47 Hun, 479.

Cited, New Trial—Costs.

16 Misc. 513; (74 St. Rep. 45; 38 Supp. 525).

Maher v. Central Park N. & E. R.

R. Co., 67 N. Y. 52.

Cited, Street Railways — Starting Cars — Admission of Passengers.

4 Misc. 470; (54 St. Rep. 346; 24 Supp. 494).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 73; (49 St. Rep. 630; 21 Supp. 783).

Appeal—Setting Aside Verdict — Conflict of Evidence.

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Maher v. Garry, 87 Hun, 315; 68 St. Rep.

443; 34 Supp. 363.

Maher v. Garry, 15 Misc. 359; 73 St.

Rep. 304; 37 Supp. 605.

Reversed, 3 App. Div. 480; 74 St. Rep. 58; 38 Supp. 436.

Maher v. Garry, 3 App. Div. 480; 74 St. Rep. 58; 38 Supp. 436.

Followed.

38 Supp. 448.

Cited, Contracts — Oral — When Effect Given to.

13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683).

Maher v. Garry, 74 St. Rep. 72; 38 Supp. 148.

Maher v. Hibernia Ins. Co., 67 N. Y. 283.

Cited, Contracts—Reformation—Mistake.

79 Hun, 47; (61 St. Rep. 134; 29 Supp. 655). 14 Misc. 512; (70 St. Rep. 690; 35

Supp. 1065). 7 App. Div. 586; (40 Supp. 308). 8 App. Div. 102; (40 Supp. 405).

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135 N. Y. 189; (48 St. Rep. 246).

Mahler v. Schmidt, 43 Hun, 512

Cited, Pleading—Joinder of Causes.

10 App. Div. 517; (75 St. Rep. 1438; 14 Supp. 1091).

Mahlon v. Burns, 9 Misc. 223; 60 St. Rep. 840; 29 Supp. 682.

Affirmed, 13 Misc. 19; (68 St. Rep. 161; 34 Supp. 91).

Mahon v. Burns, 13 Misc. 19; 68 St. Rep. 161; 34 Supp. 91.

Cited, Negligence—Personal Injuries—Proof Required.

17 Misc. 156; (39 Supp. 337).

Mahon v. New York, 10 Misc. 664; 64 St. Rep. 301; 31 Supp. 676; 1 Ann. Cas. 361.

Mahon v. N. Y. Central R. Co., 24 N. Y. 638.

Cited, Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325). D. 86 Hun, 431; (67 St. Rep. 626; 33

Supp. 897).

Mahoney v. Allen, 18 Misc. 134; 76 St. Rep. 11; 42 Supp. 11.

Mahoney v. Decker, 18 Hun, 365.

Cited, Trial — Instruction by Judge—Harmless—Absence of Counsel.

6 Misc. 115; (58 St. Rep. 2; 26 Supp. 44).

15 Misc. 430; (72 St. Rep. 671; 37 Supp. 200).

Mahoney v. Dwyer, 84 Hun, 348; 65 St. Rep. 608; 32 Supp. 346.

Mahoney v. Kent, 7 Misc. 726; 58 St. Rep. 366; 28 Supp. 19.

Cited, Agency—Undisclosed Principal—Agent's Liability.

10 Misc. 728; (65 St. Rep. 105; 31 Supp. 1011). 19 Misc. 288; (77 St. Rep. 73; 43 Supp.

73). 40 Supp. 1147.

Duplicate Citations in Parenthesis.

- Mahoney v. Mahoney**, 70 Hun, 78; 53 St. Rep. 444; 23 Supp. 1097.
- Mahoney v. Mahoney**, 14 Misc. 576; 70 St. Rep. 709; 35 Supp. 1091.
- Mahoney v. McWalters**, 91 Hun, 247; 72 St. Rep. 50; 36 Supp. 149.
- Mahoney v. McWalters**, 3 App. Div. 248; 74 St. Rep. 12; 38 Supp. 256.
- Mahoney v. N. Y. C. & H. R. R. Co.**, 39 St. Rep. 911; 15 Supp. 501.
Affirmed, 131 N. Y. 623; 43 St. Rep. 962.
Cited, Master and Servant—Assumed Risks—Reasonable Care—Defective Car. 80 Hun, 157; (61 St. Rep. 710; 29 Supp. 1129).
- Mahoney v. N. Y. C. & H. R. R. Co.**, 46 St. Rep. 738; 19 Supp. 511.
Cited, Master and Servant—Negligence to Employe—Who Are Fellow Servants. 71 Hun, 294; (54 St. Rep. 485; 24 Supp. 1073).
- Mahoney v. Vacuum Oil Co.**, 76 Hun, 579; 58 St. Rep. 279; 28 Supp. 196.
Followed, 62 St. Rep. 871; 29 Supp. 1142.
Cited, Master and Servant—Risks Assumed—Fellow Servants, 89 Hun, 591; (70 St. Rep. 121; 35 Supp. 535). 9 App. Div. 133; (75 St. Rep. 588; 41 Supp. 131).
- Mahony v. Clark**, 1 App. Div. 196; 72 St. Rep. 618; 37 Supp. 138.
- Mahr v. Norwich Union Fire Ins. Co.**, 127 N. Y. 452; 40 St. Rep. 218.
Cited, Action—Parties—Defect—Bringing in by Court. 138 N. Y. 281; (52 St. Rep. 363). 153 N. Y. 170.
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- Mahro v. Greenwich Savings Bank**, 16 Misc. 537; 74 St. Rep. 639; 40 Supp. 29.
- Mahro v. Greenwich Savings Bank**, 16 Misc. 275; 74 St. Rep. 580; 38 Supp. 26.
Reversed, 16 Misc. 537; 74 St. Rep. 639; 40 Supp. 29.
- Maicas v. Leony**, 113 N. Y. 619; 22 St. Rep. 149.
Cited, Reference—Report and Findings—Recommitment. 57 St. Rep. 668; (27 Supp. 460). 9 App. Div. 259; (75 St. Rep. 889; 41 Supp. 497).
D. 57 St. Rep. 669; (27 Supp. 461).
Action—Discontinuance. 85 Hun, 101; (66 St. Rep. 36; 32 Supp. 653).
- Maier v. Canavan**, 8 Daly, 272.
Cited, Contracts—Consideration—Sufficiency. 16 Misc. 556; (74 St. Rep. 265; 38 Supp. 747).
Surety—Discharge—Extension—Consideration. 9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).
- Maier v. Homan**, 4 Daly, 168.
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- Maitland v. Baldwin**, 70 Hun, 267; 53 St. Rep. 894; 24 Supp. 29.
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- Maitland v. Central Gas & Electric Fire Co.**, 7 Misc. 245; 58 St. Rep. 35; 27 Supp. 421.
- Maitland v. Central Gas & Electric Fire Co.**, 7 Misc. 408; 58 St. Rep. 48; 27 Supp. 965.
- Maitland v. Central Gas & Electric Fire Co.**, 13 Misc. 324; 68 St. Rep. 367; 34 Supp. 464.
- Maitland v. Drew**, 14 Misc. 60; 69 St. Rep. 555; 35 Supp. 249.
- Maitland v. Manhattan R. Co.**, 9 Misc. 616; 62 St. Rep. 80; 30 Supp. 428.
- Malaney v. Cronin**, 44 Hun, 270.
Cited, Partition—Action by Heir—When Maintainable. 88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815; 2 Ann. Cas. 122).
- Malcolm v. Allen**, 49 N. Y. 448.
Cited, Mortgage—Enforcement—Default of Interest.

Duplicate Citations in Parenthesis.

- 77 Hun, 383; (60 St. Rep. 397; 28 Supp. 850).
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Malcolm v. Lyon, 46 St. Rep. 921; 19 Supp. 210.
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 7 Misc. 686; (58 St. Rep. 333; 28 Supp. 147). 9 Misc. 55; (59 St. Rep. 665; 29 Supp. 74). 9 Misc. 118; (59 St. Rep. 707; 29 Supp. 289). 9 Misc. 165; (60 St. Rep. 635; 29 Supp. 721).
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 7 Misc. 189; (57 St. Rep. 542; 27 Supp. 315). 7 Misc. 191; (57 St. Rep. 537; 27 Supp. 329). 13 Misc. 171; (68 St. Rep. 94; 34 Supp. 111).
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 Action—Parties—Mortgage.
 84 Hun, 242; (65 St. Rep. 631; 32 Supp. 574).
Malkemesius v. Pauly, 17 Misc. 371; 39 Supp. 1095.
Malkemesius v. Pauly, 17 Misc. 621; 75 St. Rep. 333; 40 Supp. 936.
Mallach v. Ridley, 9 Supp. 922; 24 Abb. N. C. 172.
Cited, Negligence—Degree of Care—Storekeepers.
 7 Misc. 642; (58 St. Rep. 346; 28 Supp. 55; 31 Abb. N. C. 283). 4 App. Div. 485; (38 Supp. 686).
Mallard v. Ninth Ave. R. Co., 15 Daly 376; 27 St. Rep. 801; 7 Supp. 666.
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 Negligence — Imputed — Accidents — Streets—Contributory.
 9 Misc. 53; (59 St. Rep. 659; 29 Supp. 300).
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 2 Misc. 77; (49 St. Rep. 632; 21 Supp. 785).
Mallory v. Allen, 15 Abb. N. C. 333.
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 4 Misc. 590; (25 Supp. 849).
Mallory, Matter of, 18 St. Rep. 499; 2 Supp. 437.
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 88 Hun, 495; (69 St. Rep. 80; 34 Supp. 885).
Mallory, Matter of, 13 Misc. 595; 35 Supp. 155.
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Mallory v. East River Ins. Co., 7 Hill, 192.
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Cited, Assumption of Debt by Heir.
 71 Hun, 324; (55 St. Rep. 4; 25 Supp. 123).
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Mallory v. Tioga R. Co., 3 Abb. Ct. App. Dec. 139; 3 Keyes 354; 5 Abb. N. S. 422; 36 How. 202.
Cited, Limitation of Action—Foreign Corporations.
 76 Hun, 447; (59 St. Rep. 182; 28 Supp. 106).
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 8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726).

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Mallory v. Traveler's Ins. Co., 47 N. Y. 52.

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Mallory v. Willis, 4 N. Y. 76.

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Mallory v. New York Real Estate

Ass'n, 13 Misc. 496; 68 St. Rep. 408; 34 Supp. 679; 2 Ann. Cas. 177.

Malloy v. Staten Island Rapid Transit R. Co., 78 Hun, 166; 60 St.

Rep. 182; 28 Supp. 979.

Malloy v. Vanderbilt, 4 Abb. N. C. 127.

Cited, Limitation of Action—Liability of Devisee for Debts of Testator.

73 Hun, 432; (50 St. Rep. 32; 26 Supp. 448).

Malone v. Hathaway, 64 N. Y. 5.

Cited, Master and Servant—Negligence of Co-employee—Who Are Fellow Servants.

71 Hun, 294; (54 St. Rep. 485; 24 Supp. 1073). 135 N. Y. 12; (47 St. Rep. 554). 3 App. Div. 138; (39 Supp. 366).

Malone v. Stilwell, 15 Abb. 421.

Cited, Pleading—Demurrer—Mis-joinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20).

Malone v. Third Ave. R. Co., 12 App.

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Maloney v. Nelson, 144 N. Y. 182; 63 St. Rep. 36.

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Maloney v. Nelson, 16 Misc. 474; 39 Supp. 930.

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Maloney v. Nelson, 12 App. Div. 545; 76 St. Rep. 418; 42 Supp. 418.

Maloney v. Northwestern Masonic Aid Ass'n, 8 App. Div. 575; 75 St. Rep. 312; 40 Supp. 918.

Cited, Insurance—Conditions—Waiver.

10 App. Div. 486; (75 St. Rep. 1422; 41 Supp. 1062).

Malsky v. Schumacher, 7 Misc. 8; 56 St. Rep. 840; 27 Supp. 331.

Cited, Estoppel—Maturity.

13 Misc. 334; (68 St. Rep. 370; 34 Supp. 467).

Maltbie v. Bolting, 6 Misc. 339; 56 St. Rep. 243; 26 Supp. 903.

Cited, Master and Servant — Liability to Third Person—Independent Contractors.

9 Misc. 224; (60 St. Rep. 840; 29 Supp. 683).

Maltby v. Green, 3 Abb. Ct. App. Dec. 144; 1 Keyes. 548.

Cited, Appeal — From Judgment by Default.

2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 430; 23 Civ. Pro. 37).

Manchester v. Breadener, 107 N. Y. 346; 12 St. Rep. 263; 27 Week Dig. 327.

Cited, Assignment — Equitable—Orders. 67 Hun, 104; (51 St. Rep. 406; 22 Supp. 37).

Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (52 St. Rep. 631; 23 Supp. 470).

Manchester v. Guardian Assurance Co., 80 Hun, 251; 61 St. Rep. 779; 30 Supp. 49.

Reversed, 151 N. Y. 88.

Manchester v. Guardian Assurance Co., 151 N. Y. 88.

Cited, Insurance—Conditions—Waiver.

11 App. Div. 71; (76 St. Rep. 622; 42 Supp. 632). 15 App. Div. 234; (78 St. Rep. 203; 44 Supp. 203).

Manchester v. Herrington, 10 N. Y. 164.

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Manchester v. Tibbets, 121 N. Y. 219.

Cited, Fraudulent Conveyance—Husband and Wife.

18 Misc. 411; (76 St. Rep. 778; 42 Supp. 778). 20 Misc. 70; (78 St. Rep. 441; 44 Supp. 441).

Manchester v. Van Brunt, 46 St. Rep. 566; 19 Supp. 687.

Affirmed, 2 Misc. 228; 50 St. Rep. 588; 22 Supp. 362.

Cited, Contracts—Extension—Consideration.

85 Hun, 615; (66 St. Rep. 48; 32 Supp. 665). Surety—Discharge—Extension.

9 App. Div. 338; (75 St. Rep. 754; 41 Supp. 338).

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Manchester v. Van Brunt, 2 Misc. 228; 50 St. Rep. 588; 22 Supp. 362.

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9 Misc. 88; (59 St. Rep. 690; 29 Supp. 62). 10 Misc. 346; (63 St. Rep. 421; 81 Supp. 31; 24 Civ. Pro. 185).

Manchester Paper Co. v. Moore, 104 N. Y. 680; 5 St. Rep. 747.

Cited, Account Stated—Retention of Statement—Settlement.

74 Hun, 439; (57 St. Rep. 239; 26 Supp. 701).

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12 Misc. 16; (66 St. Rep. 537; 33 Supp. 38). 92 Hun, 552; (38 Supp. 1046).

Mancuso v. Cataract Const. Co., 87 Hun, 519; 68 St. Rep. 153; 34 Supp. 273.

Manda v. Etienne, 13 App. Div. 237; 77 St. Rep. 194; 43 Supp. 194.

Manda v. Sullivan County Club, 16 Misc. 366; 74 St. Rep. 377; 38 Supp. 55.

Mandel v. Gorman, 19 Misc. 349; 77 St. Rep. 490; 43 Supp. 490.

Mandelick, Matter of, 6 Misc. 71; 26 Supp. 888.

Mander v. Low, 12 Misc. 316; 67 St. Rep. 544; 33 Supp. 719; 24 Civ. Pro. 368.

Manderville v. Mackay, 68 St. Rep. 677; 34 Supp. 622.

Mandeville v. Avery, 124 N. Y. 376; 36 St. Rep. 338.

Cited, Chattel Mortgage—Void—Confirmation.

9 Misc. 681; (62 St. Rep. 268; 30 Supp. 557). Chattel Mortgage—Possession of Mortgage—Creditors.

81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693). 143 N. Y. 481; (62 St. Rep. 845).

Chattel Mortgage—Void—Rights Under. 153 N. Y. 110.

Chattel Mortgage—Void—Failure to File. 92 Hun, 212, 213, 214; (72 St. Rep. 275, 276; 36 Supp. 1052, 1053). 8 App. Div. 38; (40 Supp. 400). 20 Misc. 390.

Chattel Mortgage—Sale by Mortgagor—Validity.

89 Hun, 86; (69 St. Rep. 468; 35 Supp. 54). Chattel Mortgage—Possession—Validity—Supplementary Proceedings—Receiver—Rights of.

135 N. Y. 659; (48 St. Rep. 933). 143 N. Y. 483; (62 St. Rep. 846; 1 Ann. Cas. 83). 86 Hun, 360; (67 St. Rep. 155; 33 Supp. 456). 92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940). 13 App. Div. 273; (77 St. Rep. 229; 43 Supp. 229).

Mandeville v. Avery, 135 N. Y. 658; 48 St. Rep. 932.

Mandeville v. Avery, 44 St. Rep. 1; 17 Supp. 429.

Cited, Costs—Equitable Action—Partial Success.

7 App. Div. 358; (40 Supp. 70).

Mandeville v. Kent, 88 Hun, 132; 34 Supp. 622.

Mandeville v. Marvin, 30 Hun, 232.

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4 Misc. 400; (53 St. Rep. 516; 23 Supp. 1065). 9 Misc. 98; (59 St. Rep. 695; 29 Supp. 7). 3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 232).

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77 Hun, 605; (60 St. Rep. 486; 28 Supp. 1045).

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5 Misc. 25; (25 Supp. 144).

Mandeville v. Newton, 119 N. Y. 10; 28 St. Rep. 850.

Cited, Sale—Implied Warranty—Genuineness of Negotiable Instrument.

73 Hun, 387; (58 St. Rep. 77; 26 Supp. 454).

Mandeville v. Reynolds, 68 N. Y. 528.

Cited, Officers—Official Duty—Presumption of Performance.

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Courts—Equitable—Defenses.

17 Misc. 427; (39 Supp. 713).

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10 Misc. 108; (62 St. Rep. 499; 30 Supp. 936).

Manetta v. Naylor, 2 Monthly L. Bul. 65.

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10 Misc. 216; (63 St. Rep. 381; 31 Supp. 111; 1 Ann. Cas. 39).

Manette v. Simpson, 39 St. Rep. 617; 15 Supp. 448.

Cited, Action—Parties—Lease—Principal and Agent.

11 Misc. 348; (65 St. Rep. 276; 32 Supp. 134).

Manfredi v. Wiederman, 14 Misc. 342; 70 St. Rep. 474; 35 Supp. 680.

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Mangam v. Brooklyn R. Co., 36 Barb. 280.

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2 Misc. 76; (49 St. Rep. 631; 21 Supp. 785).

Mangam v. Brooklyn R. Co., 38 N. Y. 455.

Cited, Negligence—Contributory—Children.

75 Hun, 457; (57 St. Rep. 681; 27 Supp. 506).

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78 Hun, 5; (60 St. Rep. 542; 28 Supp. 1099). 6 App. Div. 208; (39 Supp. 806).

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10 Misc. 289; (63 St. Rep. 273; 30 Supp. 1085). 7 App. Div. 599; (74 St. Rep. 734; 40 Supp. 174).

Mangan v. Peck, 111 N. Y. 401; 19 St. Rep. 78.

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66 Hun, 387; (49 St. Rep. 364; 21 Supp. 306).

Cited, Action—Parties—Husband—Torts of Wife.

135 N. Y. 209; (48 St. Rep. 417).

Mangan v. Sing Sing, 86 Hun, 607; 67 St. Rep. 454; 33 Supp. 843.

Mangan v. Sing Sing, 11 App. Div. 212; 76 St. Rep. 950; 42 Supp. 950.

Manhardt, Matter of, 17 App. Div. 1; 78 St. Rep. 836; 44 Supp. 836.

Manhardt v. Frye. See Seitz, Matter of.

Manhardt v. Frye, 17 App. Div. 1; 44 Supp. 836.

Cited, Gifts—Inter Vivos—Proof Required.

D. 16 App. Div. 556; (78 St. Rep. 999; 44 Supp. 999).

Manhattan Brass Co. v. Gilman, 20 Misc. 690.

Manhattan Brass Co. v. Gilman, 79 St. Rep. 818; 45 Supp. 818.

Manhattan Co. v. Everston, 6 Paige, 457.

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Manhattan Co. v. Laimbeer, 108 N. Y. 578; 13 St. Rep. 869.

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145 N. Y. 496; (65 St. Rep. 338; 1 Ann. Cas. 575).

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Manhattan Co. v. Phillips, 109 N. Y. 383.

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79 St. Rep. 602; (45 Supp. 602).

Manhattan Life Insurance Co. v. Alexander, 89 Hun, 449; 69 St. Rep. 724; 35 Supp. 325.

Manhattan L. Ins. Co. v. Forty-second St. & G. St. F. R. Co., 139 N. Y. 143; 54 St. Rep. 474.

Cited, Corporations—Authority of Officers—Stock Certificates.

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143 N. Y. 564, 566; (62 St. Rep. 779, 780).

Manhattan Life Ins. Co. v. Gosford, 3 Misc. 509; 52 St. Rep. 419; 23 Supp. 7.

Cited, Landlord and Tenant—Lease—Termination—Summary Proceedings.

9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

Landlord and Tenant—Notice to Quit—Sufficiency.

11 Misc. 353; (65 St. Rep. 279; 32 Supp. 137).

Manhattan R. Co., Matter of, 68 Hun, 90; 52 St. Rep. 44; 22 Supp. 602.

Manhattan R. Co. v. Kent, 80 Hun, 559; 62 St. Rep. 569; 30 Supp. 957.

Affirmed, 145 N. Y. 595.

Manhattan R. Co. v. Klipstein, 84 Hun, 579; 65 St. Rep. 850; 32 Supp. 729.

Cited, 9 App. Div. 576; (41 Supp. 693).

Manhattan R. Co. v. Klipstein, 33 Supp. 1130.

Disapproved, Condemnation Proceedings—Award—Review.

6 App. Div. 532; (40 Supp. 334).

Manhattan R. Co. v. McKee, 1 App. Div. 488; 72 St. Rep. 595; 37 Supp. 269.

Manhattan R. Co. v. New York, 89 Hun, 429; 70 St. Rep. 156; 35 Supp. 505.

Distinguished, Public Improvements—Railways—Liability.

2 App. Div. 102; (73 St. Rep. 179; 37 Supp. 562).

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Manhattan R. Co. v. O'Sullivan, 16 Misc. 150; 74 St. Rep. 363; 37 Supp. 1063; 25 Civ. Pro. 233.

Cited, Appeal—Orders—Special Proceedings.

D. 6 App. Div. 425; (39 Supp. 698).

Manhattan R. Co. v. O'Sullivan, 6 App. Div. 571; 40 Supp. 326.

Affirmed, 150 N. Y. 569.

Manhattan R. Co. v. O'Sullivan, 8 App. Div. 320; 40 Supp. 937.

Cited, Condemnation Proceedings — Award—Payment—Bond.

79 St. Rep. 648; (45 Supp. 648).

Manhattan R. Co. v. Stroub, 70 Hun, 363; 53 St. Rep. 811; 24 Supp. 68.

Manhattan R. Co. v. Taber, 78 Hun, 434; 60 St. Rep. 781; 29 Supp. 220.

Cited, Condemnation Proceedings—Bar—Pendency of Action.

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Manhattan R. Co. v. Taber, 7 Misc. 347; 58 St. Rep. 690; 27 Supp. 860; 31 Abb. N. C. 167.

Reversed, 78 Hun, 434; 60 St. Rep. 781; 29 Supp. 220.

Cited, Appeal—Record and Case.

13 App. Div. 550; (77 St. Rep. 734; 43 Supp. 734).

Manhattan R. Co. v. Youmans, 81 Hun, 82; 63 St. Rep. 562; 30 Supp. 566.

Manhattan Rubber-Shoe Co. v. Chicago, B. & Q. R. Co., 9 App. Div. 172; 75 St. Rep. 544; 41 Supp. 83.

Manhattan & Brass Manufacturing Co. v. Sears, 45 N. Y. 797.

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Manheimer v. Stern, 45 St. Rep. 648; 18 Supp. 366.

Cited, Evidence—Documentary — Books of Account.

83 Hun, 309; (64 St. Rep. 726; 31 Supp. 919).

Manice v. Brady, 15 Abb. 173.

Cited, Appeal—Objections First Raised on Appeal.

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Manice v. Manice, 43 N. Y. 303.

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74 Hun, 428; (57 St. Rep. 182; 26 Supp. 705). 17 Misc. 410; (41 Supp. 22).

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Wills—Bequest to Foreign Corporation—Power to Take—Foreign Law.

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8 Misc. 124; (59 St. Rep. 747; 28 Supp. 374). 13 App. Div. 347; (77 St. Rep. 19; 43 Supp. 19).

Wills—Trusts—Perpetuities.

10 Misc. 257; (63 St. Rep. 241; 30 Supp. 986).

Manice v. New York, 8 N. Y. 120.

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90 Hun, 121; (35 Supp. 637).

Manier v. Phelps, 15 Abb. N. C. 123.

Cited, Wills—Devise—Tenancy in Common.

82 Hun, 474; (64 St. Rep. 359; 31 Supp. 729).

Maniort v. Roberts, 4 E. D. Smith, 83.

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9 App. Div. 105; (75 St. Rep. 534; 41 S pp. 72).

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Manley v. Acker, 76 Hun, 546; 58 St. Rep. 238; 28 Supp. 181.

Manley v. N. Y. C. & H. R. R. Co., 18 Misc. 502; 76 St. Rep. 1076; 42 Supp. 1076.

Manley v. N. Y. C. & H. R. R. Co., 79 St. Rep. 1108; 45 Supp. 1108.

Maun v. Barrows, 14 St. Rep. 10.

Cited, Trial—Instruction to Jury—Discretion of Court.

4 Misc. 568; (25 Supp. 789).

Maun v. Brooklyn, 138 N. Y. 637; 53 St. Rep. 929.

Manu v. Carter, 71 Hun, 72; 54 St. Rep. 212; 24 Supp. 591.

Mann v. Delaware & Hudson Canal Co., 91 N. Y. 495.

Cited, Master and Servant—Care in Selecting Co-Servants—Railroads.

69 Hun, 26; (52 St. Rep. 817; 23 Supp. 460).

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2 Misc. 32; (49 St. Rep. 570; 21 Supp. 261).

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8 Misc. 212; (59 St. Rep. 221; 28 Supp. 580).
80 Hun, 103; (61 St. Rep. 791; 30 Supp. 26).

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Cited, Justice's Court—Perfection of Ap-
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1 App. Div. 8; (71 St. Rep. 670; 36 Supp.
740).

Mann v. Doht, 5 App. Div. 620; 40 Supp.
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Cited, Equity—Legal Relief in.

68 Hun, 303; (52 St. Rep. 98; 23 Supp. 38).
81 Hun, 280; (62 St. Rep. 753; 30 Supp. 795).

Mann v. Lawrence, 3 Bradf. 424.

Cited, Executors—Accounting—Interest.

75 Hun, 523; (57 St. Rep. 352; 27 Supp.
732).

Mann v. Mann, 14 Johns. 1.

Cited, Wills—Modification—How Made.

10 Misc. 533; (64 St. Rep. 775).

Mann v. National Linseed Oil Co.,

87 Hun, 558; 68 St. Rep. 488; 34 Supp.
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Mann v. Palmer, 3 Abb. Ct. App. Dec.
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Cited, Contracts — Rescission — Effect on
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2 Misc. 367; (51 St. Rep. 210; 22 Supp.
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Mann v. Pearsons, 2 Johns. 36.

Cited, Deeds—Description — Designation
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73 Hun, 376; (55 St. Rep. 912; 26 Supp.
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Mann v. Pentz, 2 Sandf. Ch. 257.

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Cited, Receivers—Appointment—Vesting
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136 N. Y. 173; (48 St. Rep. 831).

Mann v. Pentz, 3 N. Y. 415.

Cited, Corporations — Sequestration —
Effect.

68 Hun, 401; (52 St. Rep. 181; 22 Supp.
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Receivers—Powers.

10 Misc. 686, 677; (65 St. Rep. 95; 31 Supp.
1001, 1002; 1 Ann. Cas. 337).

Action—Parties—Enforcement of Stock-
holders' Liability.

84 Hun, 193; (65 St. Rep. 320; 32 Supp.
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Manne v. Siegel-Cooper Co., 20 Misc.
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Manning, Matter of, 71 Hun, 236; 54
St. Rep. 562; 24 Supp. 1039.

Cited, Majority and Minority—Respective
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6 App. Div. 299; (40 Supp. 548).

Manning, Matter of, 139 N. Y. 446; 54
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Cited, Appeal — Mandamus — Unimpor-
tance of Decision.

3 App. Div. 108; (39 Supp. 392).

Manning v. Atlantic Av. Car Co.,
91 Hun, 279; 70 St. Rep. 857; 36 Supp.
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Manning v. Beck, 129 N. Y. 1; 41 St.
Rep. 199.

Cited, Assignment For Creditors—Ex-
tent of Preferences.

72 Hun, 265; (55 St. Rep. 720; 25 Supp.
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Assignment for Creditors — Validity—
Preferences.

138 N. Y. 436; (53 St. Rep. 16; 30 Abb. N.
C. 249). 146 N. Y. 42, 43, 44; (65 St. Rep.
765, 766). D. 1 App. 477; (73 St. Rep. 166;
37 Supp. 549).

54 St. Rep. 160; (24 Supp. 451).

Fraudulent Conveyance—Confessed Judg-
ment—Preferences.

3 Misc. 504; (23 Supp. 989). 87 Hun, 239,
240; (67 St. Rep. 725, 726; 33 Supp. 1039;
1040; 1 Ann. Cas. 394). 148 N. Y. 280. 149
N. Y. 124.

Assignment for Creditors—Transfers in
Contemplation of.

66 Hun, 9; (49 St. Rep. 192; 20 Supp.
811).

Manning v. Case, 21 Week. Dig. 108.

Cited, Trial—Submission to Jury—Ex-
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8 Misc. 282; (59 St. Rep. 233; 28 Supp. 713).

Manning v. Cassidy, 61 St. Rep. 788;
30 Supp. 23.

Cited, Injunction — Discontinuance of
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9 App. Div. 257; (75 St. Rep. 884; 41 Supp.
492).

Manning v. Evans, 19 Hun, 500.

Cited, Supplementary Proceedings—Re-
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7 App. Div. 530; (40 Supp. 262).

Manning v. Gould, 90 N. Y. 476.

Cited, Appeal—Undertaking—Justifica-
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6 Misc. 577; (57 St. Rep. 786; 27 Supp.
221).

Duplicate Citations in Parenthesis.

Manning v. Hogan, 78 N. Y. 617.

Cited, Trial—Sufficiency of Evidence to go to Jury—Authority of Agent,
3 Misc. 362; (52 St. Rep. 430; 23 Supp. 122).

Manning v. Johnson, 7 Barb. 457.

Cited, Justice's Court — Jurisdiction — Service—Return.

11 Misc. 454; (67 St. Rep. 418; 33 Supp. 417; 24 Civ. Pro. 431).

Manning v. Kennan, 73 N. Y. 45.

Cited, Action—Concurrent Remedies—Choice.

4 Misc. 378; (25 Supp. 831).

Manning v. Lyon, 70 Hun, 345; 54 St. Rep. 6; 24 Supp. 265.

Manning v. Maas, 2 Misc. 266; 50 St. Rep. 759; 21 Supp. 959.

Manning v. Manning, 87 Hun, 221; 67 St. Rep. 766; 33 Supp. 1029.

Manning v. Manning, 89 Hun, 471; 69 St. Rep. 744; 35 Supp. 333.

Manning v. Manning, 1 Johns. Ch. 527.

Cited, Executors—Accounting—Interest.
5 Misc. 134; (25 Supp. 731). 15 Misc. 571;
(72 St. Rep. 811; 38 Supp. 182).

Manning v. Monaghan, 23 N. Y. 539.

Cited, Trial—Verdict—Special—Defect—Mis-trial.

76 Hun, 589; (58 St. Rep. 275; 28 Supp. 216).

Manning v. Moscow Pres. Soc., 27 Barb. 52.

Cited, Benevolent Societies—Alienation of Realty—Leave of Court.

138 N. Y. 457; (53 St. Rep. 21).

Manning v. Ogden, 70 Hun, 399; 54 St. Rep. 113; 24 Supp. 70.

Cited, Fixtures—What Are—Mortgagee and Vendor.

8 App. Div. 571; (75 St. Rep. 323; 40 Supp. 927).

Manning v. Schmitt, 4 App. Div. 131; 74 St. Rep. 505; 38 Supp. 640.

Manning v. Tyler, 21 N. Y. 567.

Cited, Pleading—Necessary Allegations—Usury.

67 St. Rep. 836; (34 Supp. 35). 91 Hun, 568; (72 St. Rep. 357; 36 Supp. 836).

Usury—Indictment — Necessary Allegations.

10 Misc. 105; (33 St. Rep. 399; 51 Supp. 115).

Manning v. Wells, 8 Misc. 646; 61 St. Rep. 59; 9 Supp. 1044.

Affirmed, 85 Hun, 27; 66 St. Rep. 109; 32 Supp. 601. 1 Ann. Cas. 293.

Manning v. Wells, 85 Hun, 27; 66 St. Rep. 109; 32 Supp. 601; 1 Ann. Cas. 293.

Manning v. West, 19 Misc. 578; 76 St. Rep. 1128; 42 Supp. 1128.

Affirmed, 19 Misc. 481; 77 St. Rep. 1070; 43 Supp. 1070.

Manning v. West, 19 Misc. 481; 77 St. Rep. 1070; 43 Supp. 1070.

Manning v. Winter, 7 Hun, 482.

Cited, Pleading—Answer—New Matter.
26 Supp. 733; (23 Civ. Pro. 187).

Mannion v. Broadway, etc., R. Co., 13 Supp. 759; 18 Civ. Pro. 40.

Cited, Justice's Court — Appeal — Judgment—Merits.

7 Misc. 477; (28 Supp. 388).

Mannion v. Hagan, 9 App. Div. 98; 41 Supp. 86;

Cited, Evidence—Personal Injuries—Poverty.

79 St. Rep. 891; (45 Supp. 891).

Mann's Boudoir Car Co. v. Gilbert Car Mfg. Co., 69 Hun, 245; 53 St. Rep. 412; 23 Supp. 697.

Affirmed, 141 N. Y. 571; 57 St. Rep. 867.

Mansfield, Matter of, 7 Misc. 383; 58 St. Rep. 523; 28 Supp. 394.

Mansfield, Matter of, 10 Misc. 296; 64 St. Rep. 309; 31 Supp. 634.

Mansfield v. New York, 15 App. Div. 316; 78 St. Rep. 229; 44 Supp. 229.

Cited, Contracts—Supplies — Delivery as Required.

4 Misc. 422; (53 St. Rep. 583; 24 Supp. 128).

Mansfield v. N. Y. C. & H. R. R. Co., 102 N. Y. 213; 1 St. Rep. 390.

Cited, 13 App. Div. 415; 77 St. Rep. 10; 43 Supp. 10.

Contracts—Building—Construction.

89 Hun, 446; (70 St. Rep. 154; 35 Supp. 503). 13 App. Div. 420; (77 St. Rep. 14; 43 Supp. 14).

Contracts—Building—Access to Premises.
18 Misc. 230; (41 Supp. 1037).

Contracts—Performance—Condition—Default.

4 Misc. 439; (54 St. Rep. 139; 24 Supp. 693).
15 Misc. 5; (71 St. Rep. 482; 36 Supp. 431).

Mansfield v. N. Y. C. & H. R. R. Co., 114 N. Y. 331; 23 St. Rep. 739.

Cited, Interest—On Unliquidated Damages.

50 St. Rep. 300; (21 Supp. 497). 82 Hun, 198; (64 St. Rep. 6; 31 Supp. 418). 88 Hun, 39; (62 St. Rep. 307; 34 Supp. 524). 89 Hun, 478; (69 St. Rep. 809; 35 Supp. 379). 90 Hun, 8; (69 St. Rep. 853; 35 Supp. 364). 10 App. Div. 540; (76 St. Rep. 107; 42 Supp. 107). 11 App. Div. 54; (76 St. Rep. 918; 42 Supp. 918).

Duplicate Citations in Parenthesis.

- Interest—Sales—From When Computed.
7 Misc. 7; (57 St. Rep. 81; 27 Supp. 324).
12 App. Div. 486; (76 St. Rep. 41; 42 Supp. 41).
- Mansfield v. N. Y. C. & H. R. R. Co.**, 24 St. Rep. 534.
Cited, Interest—Unliquidated Claim.
68 St. Rep. 307; (34 Supp. 524).
- Mansfield v. Raab**, 50 St. Rep. 510; 21 Supp. 65.
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- Manton v. Poole**, 4 Hun, 638; 67 Barb. 330.
Cited, Attachment — Affidavit — Sufficiency—Cause of Action.
73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416). 67 Hun, 204; (51 St. Rep. 519; 23 Supp. 65).
- Manufacturers' Nat. Bank v. Hall**, 60 Hun, 466; 39 St. Rep. 463; 15 Supp. 208.
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Cited, 62 St. Rep. 866; (29 Supp. 1151).
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81 Hun, 578; (63 St. Rep. 226; 31 Supp. 1032). 81 Hun, 564; (63 St. Rep. 226; 31 Supp. 1034).
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17 Misc. 735, 736; (75 St. Rep. 1102; 40 Supp. 1067, 1069; 3 Ann. Cas. 203). 9 App. Div. 532; (41 Supp. 712).
- Manufacturers' Nat. Bank of New York v. Rober**, 19 Week. Dig. 476.
Cited, Fixtures—What Are—Mortgagee.
82 Hun, 225; (64 St. Rep. 798; 31 Supp. 976).
- Manufacturers' & Traders' Bank v. Folk**, 67 Hun, 44; 50 St. Rep. 802; 21 Supp. 806.
Affirmed, 138 N. Y. 635; 51 St. Rep. 935.
Cited, Injunction—Damage by—Discontinuance.
70 Hun, 11; (53 St. Rep. 260; 23 Supp. 935).
- Manufacturers & Traders' Bank v. Hazard**, 30 N. Y. 226.
Cited, Estoppel—Equitable.
7 App. Div. 499; (40 Supp. 232).
- Manufacturers & Traders' Bank of Buffalo v. Koch**, 1 Silv. 415; 8 St. Rep. 37.
Cited, Trial—Requests to Charge—Relation to Evidence.
6 Misc. 337; (56 St. Rep. 241; 26 Supp. 902).
- Manufacturers & Traders' Nat. Bank v. Love**, 13 App. Div. 561; 77 St. R-p. 812; 43 Supp. 812.
- Manwarren v. Mason**, 79 Hun, 592; 61 St. Rep. 533; 29 Supp. 915.
Cited, Husband and Wife—Alienation of Affections—Wife's Right to Sue.
88 Hun, 453; (68 St. Rep. 712; 34 Supp. 777).
- Many, Matter of**, 10 App. Div. 451; 75 St. Rep. 1363; 41 Supp. 993.
- Mapelsden v. Shea**, 6 Misc. 60; 56 St. Rep. 603; 26 Supp. 84.
- Mapes v. Charles**, 30 St. Rep. 373; 8 Supp. 665.
Cited, Injunction—Necessity of Irreparable Damage—Only Equitable Relief Obtainable by.
67 Hun, 308; (50 St. Rep. 900; 22 Supp. 316).
- Mapleson v. Del. Puente**, 13 Abb. N. C. 144.
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8 Misc. 479; (59 St. Rep. 876; 29 Supp. 581; 31 Abb. N. C. 339).
- Marble v. Lewis**, 53 Barb. 432.
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17 Misc. 361; (39 Supp. 1089).
- Marble v. Towman**, 5 App. Div. 613; 39 Supp. 350.
Cited, Appeal—From Local Courts—Disregard of Technical Errors.
18 Misc. 248; (75 St. Rep. 1003; 41 Supp. 610). 19 Misc. 194.
- Marble v. Whitney**, 28 N. Y. 297.
Cited, Highways—Establishment—Abandonment.
6 Misc. 202; (37 Supp. 871).
- Marbury v. Barnet**, 17 Misc. 386; 40 Supp. 76.
- Marbury v. Stone**, 17 App. Div. 352; 79 St. Rep. 184; 45 Supp. 184.
- Marchand v. Haber**, 16 Misc. 319; 73 St. Rep. 569; 37 Supp. 950.
- Marchand v. Haber**, 16 Misc. 322; 73 St. Rep. 571; 37 Supp. 952.
- Markwald v. Oceanic Steam Navigation Co.**, 8 Hun, 547.
Cited, Appeal—Case—How Made.
79 St. Rep. 319; (45 Supp. 319).
- Marcus v. St. Louis Mut. Ins. Co.**, 68 N. Y. 625.
Cited, Insurance—Assignment—Rights of Assignee.
86 Hun, 539; (67 St. Rep. 696 33 Supp. 920).

Duplicate Citations in Parenthesis.

Marcus Ward & Co. v. Ward, 40 St. Rep. 792; 15 Supp. 913.

Cited, Injunction—Use of Firm Name.

90 Hun, 434; (70 St. Rep. 605; 35 Supp. 981).

Marden v. Dorthy, 12 App. Div. 176; 76 St. Rep. 834; 42 Supp. 834.

Marden v. Dorthy, 12 App. Div. 188; 76 St. Rep. 827; 42 Supp. 827.

Maresi v. American Yacht Co., 10 Misc. 220; 65 St. Rep. 308; 30 Supp. 1068.

Margraf v. Muir, 57 N. Y. 155.

Cited, Specific Performance—Denied to Vendee—Reimbursement.

78 Hun, 254; (60 St. Rep. 229; 28 Supp. 952). 80 Hun, 576; (62 St. Rep. 585; 30 Supp. 591).

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50 St. Rep. 813; (21 Supp. 886).

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16 App. Div. 456; (79 St. Rep. 45; 45 Supp. 45).

Specific Performance—Matter of Right—Judicial Discretion

6 Misc. 38; (58 St. Rep. 301; 26 Supp. 1108).

85 Hun, 146; (65 St. Rep. 604; 32 Supp. 479). 8 App. Div. 367; (75 St. Rep. 183; 40 Supp. 803). 10 App. Div. 553; (76 St. Rep. 438; 42 Supp. 438). 19 Misc. 439; (78 St. Rep. 433; 44 Supp. 433). 79 St. Rep. 395; (45 Supp. 395). 149 N. Y. 22.

Marie v. Garrison, 83 N. Y. 14.

Cited, Pleading—Complaint—Allegation of Demand and Refusal.

139 N. Y. 173; (54 St. Rep. 508).

Pleading—Construction—On Demurrer.

141 N. Y. 147; (56 St. Rep. 677). 139 N. Y. 437; (54 St. Rep. 724). 77 Hun, 429; (60 St. Rep. 51; 28 Supp. 802). 8 Misc. 476; (60 St. Rep. 605; 29 Supp. 550). 10 Misc. 164; (62 St. Rep. 482; 30 Supp. 838). 146 N. Y. 143; (66 St. Rep. 274; 2 Ann. Cas. 39). 11 Misc. 218; (66 St. Rep. 566; 32 Supp. 1112). 13 Misc. 4; (67 St. Rep. 849; 33 Supp. 998). 147 N. Y. 245; (69 St. Rep. 525). 14 Misc. 515; (70 St. Rep. 771; 33 Supp. 13). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601). 16 Misc. 483; (74 St. Rep. 232; 25 Civ. Pro. 347; 38 Supp. 604). 17 Misc. 359; (39 Supp. 1087). 17 Misc. 697; (41 Supp. 476). 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887). 19 Misc. 615; (78 St. Rep. 423; 44 Supp. 423). 20 Misc. 800; (79 St. Rep. 672; 45 Supp. 672).

Pleading—Sufficiency — Motion to Make More Definite.

75 Hun, 428; (57 St. Rep. 345; 27 Supp. 684).

Pleading—Demurrer—When Available.

16 Misc. 336; (39 Supp. 722). 20 Misc. 242; (79 St. Rep. 795; 45 Supp. 795).

Pleading—Complaint—Sufficiency.

9 Misc. 66; (59 St. Rep. 680; 29 Supp. 16). 9 Misc. 59; (59 St. Rep. 684; 29 Supp. 2). 92 Hun, 243; (72 St. Rep. 314; 36 Supp. 949).

Marie v. Garrison, 13 Abb. N. C. 210.

Cited, Pleading—Construction—Demand for Relief—Counterclaim.

26 Supp. 733; (23 Civ. Pro. 187).

Marie v. Garrison, 1 How. N. S. 32.

Cited, Referee—Removal—Misconduct.

3 Misc. 444; (52 St. Rep. 320; 23 Supp. 178).

Marine v. Peyser, 6 Misc. 540; 58 St. Rep. 13; 27 Supp. 226.

Cited, Trial—Submission to Jury—Conflict of Evidence.

8 Misc. 525; (59 St. Rep. 406; 28 Supp. 761).

Marine v. Peyser, 8 Misc. 521; 59 St. Rep. 404; 29 Supp. 759.

Marine Bank of Buffalo v. Butler Colliery Co., 125 N. Y. 695; 23 St. Rep. 318.

Cited, Agency—Authority—Question of Fact.

56 St. Rep. 888; (26 Supp. 564).

Marine Bank of N. Y. v. Clements, 31 N. Y. 33.

Cited, Principal and Agent—Agent's Authority—Inference of from Course of Dealing.

1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679).

Marine Nat. Bank v. Nat. City Bank, 59 N. Y. 67.

Cited, Witness—Competency—To Prove Usage.

4 Misc. 521; (54 St. Rep. 124; 24 Supp. 560). 10 Misc. 114; (62 St. Rep. 527; 30 Supp. 925).

Appeal—Reargument—When Allowed.

16 Misc. 364; (74 St. Rep. 370; 38 Supp. 2). 8 App. Div. 611; (41 Supp. 1134).

Marine Nat. Bank v. Ward, 35 Hun, 395.

Cited, Attachment — Affidavits — Sufficiency.

77 Hun, 316; (59 St. Rep. 827; 28 Supp. 430). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336).

Duplicate Citations in Parenthesis.

Mariuelli v. Ferrand, 36 Supp. 1128.

Cited, 74 St. Rep. 710; (40 Supp. 151).

Marinelli v. Ferrand, 17 Misc. 373; 74 St. Rep. 710; 40 Supp. 151.

Marinette Iron Works v. Reddaway, 36 St. Rep. 1024; 13 Supp. 426.

Cited, Attachment — Affidavits — Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416).

Marion v. Farnan, 68 Hun, 383; 52 St. Rep. 314; 22 Supp. 946.

Cited, Contracts—Implied—Services of Member of Family.

10 Misc. 634; (66 St. Rep. 217; 32 Supp. 821).

Marion v. Newfield, Town of, 77 Hun, 612, 59 St. Rep. 887; 28 Supp. 1122.

Mark v. Buffalo, 87 N. Y. 184.

Cited, Costs—Fees—Of Witnesses not Called.

8 Misc. 422; (59 St. Rep. 35; 28 Supp. 664).

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9 Misc. 101; (59 St. Rep. 720; 29 Supp. 75).

Costs — Taxation — Fees — Expert Witnesses.

86 Hun, 572, 573; (67 St. Rep. 684; 33 Supp. 903).

Mark v. Hyatt, 135 N. Y. 306; 48 St. Rep. 70.

Affirming, 61 Hun, 325. 15 Supp. 885.

Mark v. National Fire Ins. Co., 24 Hun, 565.

Cited, Insurance—Arbitration Clause—Condition Precedent.

12 App. Div. 44; (76 St. Rep. 542; 42 Supp. 542).

Mark v. State, 97 N. Y. 572.

Cited, Statutes — Repeal — Implication — Inconsistency.

77 Hun, 375; (60 St. Rep. 412; 28 Supp. 873). 8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534). 144 N. Y. 411; (63 St. Rep. 650). 3 App. Div. 246; (73 St. Rep. 807; 38 Supp. 350). 79 St. Rep. 775; (45 Supp. 775).

Mark v. West Troy, 69 Hun, 442; 52 St. Rep. 782; 23 Supp. 422.

Mark v. West Troy, 76 Hun, 162; 57 St. Rep. 323; 27 Supp. 513.

Affirmed, 151 N. Y. 453.

Mark v. West Troy, 151 N. Y. 453.

Market v. Manhattan R. Co., 87 Hun, 213; 67 St. Rep. 453; 33 Supp. 842.

Market Nat. Bank v. Pacific Nat. Bank, 89 N. Y. 397.

Cited, Publication—Computation of Period.

2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969). 7 Misc. 524; (27 Supp. 1008).

Service — Publication — Answer — When Time to Begin to Run.

64 St. Rep. 374; (27 Supp. 1008.)

Market Nat. Bank v. Pacific Nat. Bank, 102 N. Y. 464; 2 St. Rep. 59.

Cited, Appeal—Reversal—Restitution.

7 Misc. 16; (57 St. Rep. 101; 27 Supp. 369). 11 Misc. 270; (65 St. Rep. 436; 32 Supp. 252). 146 N. Y. 348; (66 St. Rep. 650).

Market & Fulton Nat. Bank of N. Y. v. Jones, 7 Misc. 207; 58 St. Rep. 37; 27 Supp. 677.

Affirmed, 90 Hun, 605; 35 Supp. 1111.

Cited, Corporations—Mortgage—Want of Assent—Availability.

13 Misc. 742; (69 St. Rep. 233; 35 Supp. 5). 17 App. Div. 156; (79 St. Rep. 143; 45 Supp. 143).

Markey v. Brewster, 10 Hun, 16.

Affirmed, 70 N. Y. 607.

Cited, Contracts — Services — Implied Promise to Pay For.

6 Misc. 507; (57 St. Rep. 708; 27 Supp. 429). 86 Hun, 329; (67 St. Rep. 210; 33 Supp. 496). 9 App. Div. 626; (75 St. Rep. 457; 41 Supp. 7).

Markey v. Brewster, 70 N. Y. 607.

Cited, 9 App. Div. 626; (41 Supp. 7).

Markey v. Diamond, 1 Misc. 97; 49 St. Rep. 348.

Markey v. Markey, 38 St. Rep. 173; 13 Supp. 925.

Cited, Trusts — Implied — Transfer of Title.

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Cited, Broker—Client—Relation.

86 Hun, 116; (67 St. Rep. 137; 33 Supp. 393; 2 Ann. Cas. 105). 5 App. Div. 143, 144; (39 Supp. 83).

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17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 220).

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- Pledge—Purpose.
18 Misc. 193; (75 St. Rep. 848; 41 Supp. 452).
- Markham v. Washburn**, 45 St. Rep. 683; 18 Supp. 355.
Cited, Agency—Ratification.
16 Misc. 158; (73 St. Rep. 563; 37 Supp. 944).
- Markowitz v. Dry Dock E. B. & B. R. Co.**, 12 Misc. 412; 67 St. Rep. 572; 33 Supp. 7(2).
- Markowitz v. Messner**, 18 Misc. 256; 41 Supp. 512.
- Marks, Matter of**, 25 St. Rep. 502.
Cited, Eminent Domain — Exercise by Foreign Railway.
52 St. Rep. 533; (23 Supp. 195).
- Marks v. Greenwald**, 12 Misc. 554; 67 St. Rep. 888; 34 Supp. 20.
- Marks v. Jaffa**, 6 Misc. 290; 26 Supp. 908.
- Marks v. King**, 66 How. 453; 13 Abb. N. C. 374.
Cited, Action—Stay—Waiver.
62 St. Rep. 73; (30 Supp. 263; 31 Abb. N. C. 482).
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- Marks v. King**, 64 N. Y. 628.
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75 Hun, 272; (58 St. Rep. 212; 26 Supp. 1082).
- Marks v. King**, 11 App. Div. 626; 76 St. Rep. 898; 42 Supp. 898.
- Marks v. La Societe Anonyme de L' Union des Papeteries**, 46 St. Rep. 660; 19 Supp. 470.
Affirmed, 139 N. Y. 630; 54 St. Rep. 932.
Cited, 10 Misc. 353; (63 St. Rep. 415; 31 Supp. 25; 24 Civ. Pro. 174).
- Marks v. La Societe Anonyme de L' Union des Papateries**, 139 N. Y. 630; 54 St. Rep. 932.
- Marks v. Long Island R. Co.**, 14 Daly, 61; 3 St. Rep. 562.
Distinguished, Damages — Personal Injuries—Future Earnings.
6 Misc. 268; (57 St. Rep. 784; 27 Supp. 231).
- Marks v. Monroe County Permanent Savings & Loan Ass'n**, 52 St. Rep. 451; 22 Supp. 589.
- Marks v. Reynolds**, 12 Abb. 403.
Cited, Judgment—By Confession—Debt—Validity.
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- Marks v. Rochester R. Co.**, 77 Hun, 77; 59 St. Rep. 848; 28 Supp. 314.
Reversed, 146 N. Y. 181; 66 St. Rep. 233.
- Marks v. Rochester R. Co.**, 146 N. Y. 181; 66 St. Rep. 233.
Cited, Appeal—Verdict—Grounds.
3 App. Div. 262; (73 St. Rep. 614; 38 Supp. 458). 5 App. Div. 350; (39 Supp. 310). 10 App. Div. 531; (76 St. Rep. 355; 42 Supp. 355).
- Marks v. Townsend**, 97 N. Y. 590.
Cited, Evidence—Of Malice or Want of Probable Cause—Action for False Imprisonment.
1 Misc. 150; (48 St. Rep. 658; 20 Supp. 701).
Pleading—Joinder—Malicious Prosecution and False Imprisonment.
13 Misc. 330; (68 St. Rep. 366; 34 Supp. 463). 14 Misc. 557; (70 St. Rep. 762; 33 Supp. 3). 17 Misc. 87; (39 Supp. 831).
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10 Misc. 348; (63 St. Rep. 410; 31 Supp. 126; 24 Civ. Pro. 198).
- Marks v. Wilson**, 11 Abb. 87.
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- Markus v. Kenneally**, 19 Misc. 517; 77 St. Rep. 1056; 43 Supp. 1056.
Cited, Brokers—Commissions.
19 Misc. 488; (77 St. Rep. 1061; 43 Supp. 1061).
- Marley v. Schults**, 29 N. Y. 346.
Cited, Evidence — Memoranda — Aiding Testimony.
69 Hun, 263; (53 St. Rep. 246; 23 Supp. 490).
- Marmonstein v. Pennsylvania R. Co.**, 13 Misc. 32; 63 St. Rep. 172; 34 Supp. 97.
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- Maroney v. Boyle**, 141 N. Y. 462; 57 St. Rep. 604.
Cited, Vendor and Purchaser—Vendor's Lien.
85 Hun, 81, 82; (66 St. Rep. 44, 45; 32 Supp. 661).
- Marquand v. New York Mf'g Co.**, 17 Johns. 525.
Cited, Partnership—Assignment of Partner's Interest—Assignee's Rights and Obligations.
9 App. Div. 180; (75 St. Rep. 585; 41 Supp. 127).

*Duplicate Citations in Parenthesis.***Marquart v. La Farge**, 5 Duer. 559.*Cited*, Damages—Loss of Profits.

11 Misc. 563; (66 St. Rep. 183; 32 Supp. 800).

Marquat v. Marquat, 12 N. Y. 336.*Cited*, Equity — Jurisdiction — Retaining for Complete Relief.

69 Hun, 244; (53 St. Rep. 359; 23 Supp. 588).

Marre v. Ginocchio, 2 Bradf. 165.*Cited*, Evidence—Burden of Proof—Surcharge of Executor's Account.

74 Hun, 207; (56 St. Rep. 292; 26 Supp. 816). 74 Hun, 362; (56 St. Rep. 250; 26 Supp. 685).

Executors—Inventory—Presumption.

74 Hun, 365; (56 St. Rep. 348; 26 Supp. 685). 82 Hun, 113; (64 St. Rep. 164; 31 Supp. 575). 86 Hun, 327; (67 St. Rep. 208; 33 Supp. 494).

Marrianan v. N. Y. C. & H. R. R.**Co.**, 13 App. Div. 439; 77 St. Rep. 606; 43 Supp. 606.*Cited*, Evidence — Competency — Nicknames.

16 App. Div. 496; (78 St. Rep. 929; 44 Supp. 939).

Mars v. Albany Savings Bank, 64

Hun, 424; 46 St. Rep. 464; 19 Supp. 791.

Cited, Interpleader — Affidavit for — Sufficiency of—Doubts as to Successful Party.

75 Hun, 48; (58 St. Rep. 181; 26 Supp. 994; 23 Civ. Pro. 304). 16 Misc. 277; (74 St. Rep. 581; 38 Supp. 128).

Mars v. Albany Savings Bank, 69

Hun, 398; 53 St. Rep. 144; 23 Supp. 658.

Cited, Interpleader—When Lies—Doubts as to Successful Party.

16 Misc. 277; (74 St. Rep. 581; 38 Supp. 128).

Mars v. Delaware & Hudson Canal**Co.**, 54 Hun, 625; 28 St. Rep. 228; 8 Supp. 107.*Cited*, Master and Servant — Liability to Third Persons—Tort—Outside Scope of Employment.

78 Hun, 526; (61 St. Rep. 27; 29 Supp. 542).

Marschall v. Eisen Vineyard Co., 1

Misc. 511; 49 St. Rep. 40; 21 Supp. 468.

Reversed, 7 Misc. 674; 58 St. Rep. 375; 23 Supp. 62.**Marschall v. Eisen Vineyard Co.**, 7

Misc. 674; 58 St. Rep. 375; 28 Supp. 62.

Cited, Contracts — Mutuality—Offer and Acceptance.

86 Hun, 377; (67 St. Rep. 223; 33 Supp. 510).

Marsden v. Cornell, 62 N. Y. 215.*Cited*, Chattel Mortgage—Failure to File — Available to What Creditors.

136 N. Y. 316; (49 St. Rep. 745).

Damages—Conversion of Mortgaged Chattels.

1 Misc. 430; (50 St. Rep. 564; 21 Supp. 423).

Marsellis v. Thalhimer, 2 Paige, 35.*Cited*, Posthumous Child—Civil Rights of.

69 Hun, 586; (53 St. Rep. 257; 23 Supp. 964).

Marsh, Matter of, 5 Misc. 428; 26 Supp. 718.**Marsh, Matter of**, 45 Hun, 107; 9 St. Rep. 441; 26 Week. Dig. 546.*Cited*, Appeal—Surrogate's Decree — Requests to Find—Exceptions—Case.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839). 69 Hun, 406; (52 St. Rep. 844; 23 Supp. 650).

Evidence — Presumption — Inability to Find Will After Death of Person—Destruction of.

24 Supp. 845.

Wills—Probate — Evidence — Declaration of Testator.

13 Misc. 471; (68 St. Rep. 744; 34 Supp. 710; 25 Civ. Pro. 31).

Marsh v. Benson, 19 How, 415.*Cited*, Equity — Jurisdiction Generally — Equitable Grounds.

26 Supp. 917; (30 Abb. N. C. 412).

Marsh v. Benson, 34 N. Y. 358.*Cited*, Equity—Jurisdiction—Amount Involved.

74 Hun, 377; (56 St. Rep. 330; 26 Supp. 617).

Marsh v. Brooklyn, 59 N. Y. 280.*Cited*, Taxes—Local Assessment—Recovery of Money Paid.

144 N. Y. 496; (64 St. Rep. 66).

Action — To Remove Cloud on Title—When Lies.

D. 78 St. Rep. 326; (44 Supp. 326).

Marsh v. Brown, 18 Hun, 319.*Cited*, Witnesses—Death of Other Party—Removal of Bar.

67 Hun, 418; (51 St. Rep. 787; 22 Supp. 295).

Marsh v. Chickering, 101 N. Y. 396.*Cited*, Master and Servant—Place and Appliances—Equal Knowledge.

Duplicate Citations in Parenthesis.

72 Hun, 445; (54 St. Rep. 868; 25 Supp. 190). 81 Hun, 293; (62 St. Rep. 737; 30 Supp. 755). 15 Misc. 225; (71 St. Rep. 174; 36 Supp. 404).

Master and Servant—Master's Duty—Appliances—Risks Assumed.

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 6 Misc. 323; (56 St. Rep. 254; 26 Supp. 797). 9 Misc. 396; (61 St. Rep. 688; 29 Supp. 1064). 3 App. Div. 586; (73 St. Rep. 710; 38 Supp. 216).

Master and Servant — Appliances—Master's Duty.

11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835). 88 Hun, 320; (68 St. Rep. 419; 34 Supp. 409).

Negligence—Contributory—Use of Appliances.

11 Misc. 538; (64 St. Rep. 467; 32 Supp. 743).

Marsh v. Dodge, 66 N. Y. 533.

Cited, Contracts—Construction — Different Related Instruments.

74 Hun, 408; (56 St. Rep. 650; 26 Supp. 851; 31 Abb. N. C. 127). 14 App. Div. 528. (77 St. Rep. 853; 43 Supp. 853).

Pleading—Answer — Denials—Extent of Proof Under.

2 Misc. 387; (51 St. Rep. 222; 21 Supp. 992). 13 Misc. 123; (68 St. Rep. 109; 34 Supp. 125).

Marsh v. Ellsworth, 50 N. Y. 309.

Cited, Libel—Privilege—Attorneys.

84 Hun, 120; (65 St. Rep. 647; 32 Supp. 402; 1 Ann. Cas. 331). 153 N. Y. 219.

Marsh v. Falker, 40 N. Y. 562.

Cited, Fraud—Representations — Knowledge of Maker.

72 Hun, 315; (55 St. Rep. 353; 25 Supp. 684). 13 Misc. 147; (68 St. Rep. 20; 34 Supp. 66). 20 Misc. 586. 18 Misc. 364; (75 St. Rep. 943; 41 Supp. 555).

Fraud—What Constitutes — Representations.

4 App. Div. 437; (38 Supp. 619).

Pleading—Intent—Fraudulent Representations.

12 Misc. 506; (67 St. Rep. 370; 33 Supp. 676).

Marsh v. Glens Falls Ins. Co., 11 App. Div. 398; (76 St. Rep. 622; 42 Supp. 622.

Marsh v. Graham, 19 Misc. 263; 78 St. Rep. 253; 44 Supp. 253.

Marsh v. Hague, 1 Edw. Ch. 174.

Cited, Wills—Devise—By Implication.

11 Misc. 440; (67 St. Rep. 424; 33 Supp. 422). 75 St. Rep. 385.

Marsh v. Hand, 120 N. Y. 315; 30 St. Rep. 1003.

Cited, Animals — On Leased Farm—Injuries by.

67 Hun, 629; (51 St. Rep. 226; 22 Supp. 566).

Marsh v. Holbrook, 3 Abb. Ct. App. Dec. 176.

Cited, Evidence — Value of Services — Special Contract.

88 Hun, 288; (68 St. Rep. 598; 34 Supp. 796).

Marsh v. Howe, 36 Barb. 649.

Cited, Evidence—Privileged Communications—Attorney and Client.

77 Hun, 574; (60 St. Rep. 517; 28 Supp. 1037).

Marsh v. Kinney, 11 Week. Dig. 144.

Cited, Evidence—Declarations—Of Mortgagor of Chattel—Bona Fide Purchaser.

3 Misc. 521; (52 St. Rep. 494; 23 Supp. 3).

Marsh v. Masterson, 101 N. Y. 401,

Cited, Judgment—Conclusiveness—Omission of Condition Precedent.

141 N. Y. 371; (57 St. Rep. 444). 146 N. Y. 208; (66 St. Rep. 589; 2 Ann. Cas. 21).

Judgment—Conclusiveness—Similarity of Issues.

16 Misc. 477; (39 Supp. 933). 16 App. Div. 489, 492; (78 St. Rep. 916, 917; 44 Supp. 916, 917). 17 App. Div. 316; (79 St. Rep. 251; 45 Supp. 251).

Marsh v. McNair, 40 Hun, 216.

Cited, Pleading—Amendment—Conditions—Costs.

6 Misc. 364; (27 Supp. 225). 10 Misc. 73; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 87).

Marsh v. McNair, 48 Hun, 117; 15 St. Rep. 470.

Cited, Contracts—Reformation—Mistake. 79 Hun, 46; (61 St. Rep. 134; 29 Supp. 654).

Marsh v. McNair, 99 N. Y. 174.

Cited, Contract—Modification—Condition—Mistake.

3 Misc. 383; (54 St. Rep. 149; 23 Supp. 302).

Evidence—Parol to Vary Writing—Receipts.

2 Misc. 378; (50 St. Rep. 596; 21 Supp. 1096).

Evidence—Parol—To Vary Writing.

144 N. Y. 421; (63 St. Rep. 655). 16 Misc. 529; 33 Supp. 980.

Marsh v. Ne-Ha-Sa-Ne Park Ass'n., 18 Misc. 314; 76 St. Rep. 996; 43 Supp. 996.

*Duplicate Citations in Parenthesis.***Marsh v. Pierce**, 21 Week. Dig. 51.

Cited, New Trial—Equity Action—Errors.

82 Hun, 400; (63 St. Rep. 568; 31 Supp. 262).

Marsh v. House, 44 N. Y. 643.

Cited, Sale—Acceptance—Bulky Articles.

3 Misc. 93; (51 St. Rep. 608; 22 Supp. 370).

Marsh v. West, Bradley & C. Mfg. Co., 46 Super. 8.

Cited, Pleading—Answer—Foreign Attachment.

6 Misc. 385; (56 St. Rep. 336; 26 Supp. 738; 31 Abb. N. C. 132).

Marsh v. White, 3 Barb. 518.

Cited, Trover—Conversion of Property held by Officer—Who can Maintain.

71 Hun, 574; (55 St. Rep. 122; 24 Supp. 995). 13 Misc. 492; (70 St. Rep. 138; 35 Supp. 527).

Marsh v. Wyckoff, 10 Bosw. 202.

Cited, Vendor and Purchaser—Rights of Parties—Defective Title—Duty of Vendors.

8 Misc. 130; (59 St. Rep. 514; 28 Supp. 487).

Marshall, Matter of. See Miller, Matter of.

Marshall v. Boyer, 5 Supp. 150; 23 St. Rep. 302.

Cited, Appeal—Power of Court to Modify Judgment.

16 App. Div. 469; (78 St. Rep. 937; 44 Supp. 937).

Marshall v. Cohen, 11 Misc. 397; 65 St. Rep. 310; 32 Supp. 283.**Marshall v. Davies**, 78 N. Y. 414;

Cited, Trial—Reception of Evidence—Rebuttal—Discretion—Exception.

7 Misc. 670; (58 St. Rep. 381; 28 Supp. 43). 11 Misc. 18; (63 St. Rep. 454; 31 Supp. 871).

Marshall v. Davis, 1 Wend. 109.

Cited, Replevin—Right to Possession. 140 N. Y. 598; (56 St. Rep. 499). 4 Misc. 92; (53 St. Rep. 80; 23 Supp. 858). D. 4 Misc. 95; (53 St. Rep. 82; 23 Supp. 860).

Marshall v. Dickinson. See Burtis v. Dickinson.

Marshall v. Fowler, 7 Hun, 237.

Cited, Pleading—False Representations—Evidence.

18 Misc. 364; (75 St. Rep. 944; 41 Supp. 555).

Marshall v. Macy, 9 Week. Dig. 21.

Cited, Judgment—Reversal—Restitution—Measure of.

9 Misc. 324; (60 St. Rep. 446; 30 Supp. 261).

Marshall v. Marshall, 2 Hun, 238.

Cited, Divorce—Re-marriage—Validity. 92 Hun, 417; (71 St. Rep. 665; 36 Supp. 611).

Marshall v. Meech, 51 N. Y. 140.

Cited, Attorneys—Compensation—Costs of Action.

7 Misc. 387; (58 St. Rep. 526; 28 Supp. 158); 9 Misc. 561; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 57; 1 Ann. Cas. 76). 84 Hun, 247; (65 St. Rep. 886; 32 Supp. 507; 1 Ann. Cas. 27). 83 Hun, 592; (67 St. Rep. 784; 33 Supp. 1081). 73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 197)

Attorneys—Lien for Costs—Discharge of. 4 Misc. 259; (53 St. Rep. 181; 23 Supp. 811).

Reference—Report—Court's Power to Disregard.

21 Supp. 796.

Marshall v. Moseley, 21 N. Y. 280.

Cited, Leases—Rents—Assets.

10 Misc. 488; (65 St. Rep. 250; 32 Supp. 172).

Marshall v. Reading Fire Ins Co., 78 Hun, 83; 60 St. Rep. 820; 29 Supp. 334.

Affirmed, 149 N. Y. 617.

Cited, Insurance—Cancellation of Policy. 13 App. Div. 524; (77 St. Rep. 635; 43 Supp. 635).

Marshall v. Sherman, 84 Hun, 186; 65 St. Rep. 316; 32 Supp. 193.

Affirmed, 143 N. Y. 9.

Marshall v. Sherman, 148 N. Y. 9.

Cited, Corporations—Action Against Directors—Parties.

16 App. Div. 586; (78 St. Rep. 1003; 44 Supp. 1003).

Marshall v. Wenninger, 20 Misc. 527.**Marsteller v. Ogden Mills**, 143 N. Y. 395; 62 St. Rep. 443.

Cited, Foreign Corporation—Dissolution. 17 Misc. 328; (31 Supp. 934).

Marston v. Baerenkranz, 11 Misc. 620; 66 St. Rep. 169; 32 Supp. 785.

Affirmed, 13 Misc. 13; 67 St. Rep. 844; 33 Supp. 994.

Marston v. Baerenklau, 13 Misc. 13; 67 St. Rep. 844; 33 Supp. 994.**Marston v. French**, 43 St. Rep. 538; 17 Supp. 509.

Cited, Contracts—Statute of Frauds—Guaranty.

Duplicate Citations in Parenthesis.

7 Misc. 187; (57 St. Rep. 543; 27 Supp. 317).

Guaranty—Statute of Frauds—Failure to Express Consideration.

27 Supp. 930; (30 Abb. N. C. 453).

Statute of Frauds—Memorandum—Vendor.

10 Misc. 698; (64 St. Rep. 643; 31 Supp. 823).

Marston v. Gould, 69 N. Y. 240.

Appeal—Extent of Review — Objection and Exception.

9 Misc. 161; (59 St. Rep. 728; 29 Supp. 8).

Appeal—Objection to Evidence not Taken Below.

3 Misc. 337; (52 St. Rep. 8; 22 Supp. 738). 18 Misc. 216; (75 St. Rep. 903; 41 Supp. 508).

18 Misc. 367; (41 Supp. 552).

Principal and Agent.

72 Hun, 583; (55 St. Rep. 245; 25 Supp. 285).

2 App. Div. 354; (73 St. Rep. 433; 37 Supp. 757).

Joint Adventure—Equity—Remedy.

14 App. Div. 172; (77 St. Rep. 559; 43 Supp. 559).

Marston v. Swett, 66 N. Y. 206.

Cited, Contract — Statute of Frauds—Proof of Writing—Necessity.

55 St. Rep. 297; (25 Supp. 454; 30 Abb. N. C. 448). 89 Hun, 572; (70 St. Rep. 116; 35 Supp. 548, 549).

Judgment—Conclusiveness—Res Adjudicata—Fraud.

135 N. Y. 323; (48 St. Rep. 370).

Patents—Assignment—Royalties.

8 Misc. 28; (59 St. Rep. 305; 28 Supp. 74).

Patents — Royalties — License—Repudiation.

7 Misc. 408; (58 St. Rep. 49; 27 Supp. 966).

Patents—Royalty—Contract—Validity of Patent.

68 Hun, 195; (52 St. Rep. 119; 22 Supp. 954). 14 Misc. 62; (69 St. Rep. 566; 35 Supp. 250).

Pleadings—Answer—Statute of Frauds—Waiver.

139 N. Y. 386; (54 St. Rep. 662; 30 Abb. N. C. 425; 77 Hun, 297; (59 St. Rep. 759; 28 Supp. 310).

Pleading—Demurrer to Cause of Action Truth of Facts Alleged in Complaint Presumed.

27 Supp. 931; (30 Abb. N. C. 456).

Patents—Invalidity—Defense.

151 N. Y. 190.

Pleadings—Answer—Denial.

11 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369).

Pleading—Judgment—Evidence.

18 Misc. 520; (41 Supp. 990).

Marston v. Swett, 82 N. Y. 526.

Cited, Patents—Royalties — License — Repudiation.

7 Misc. 408; (58 St. Rep. 49; 27 Supp. 966).

Patents—Royalty Contract—Validity of Patent.

68 Hun, 195; (52 St. Rep. 119; 22 Supp. 954).

Patents—Royalties—Notice.

14 Misc. 61; (69 St. Rep. 566; 35 Supp. 249).

Mart, Matter of, 5 Supp. 82.

Cited, Corporations—Receiver.

72 St. Rep. 802; (38 Supp. 174; 2 Ann. Cas. 127).

Marten, Matter of, 16 Misc. 245; 39 Supp. 189.

Martens v. Burton Co., 7 Misc. 244; 58 St. Rep. 31; 27 Supp. 260.

Martens v. Rightmire, 60 St. Rep. 707; 29 Supp. 143.

Martens-Turner Co. v. Mackintosh, 17 App. Div. 419; 79 St. Rep. 275; 45 Supp. 275.

Cited, Action—Premature.

79 St. Rep. 1010; (45 Supp. 1010).

Martin, Matter of, 98 N. Y. 193.

Cited, Evidence — Burden of Proof—Wills — Undue Influence.

56 St. Rep. 714; (25 Supp. 318). 67 Hun, 531; (43 St. Rep. 452). 71 Hun, 500; (54 St. Rep. 899; 24 Supp. 1057). 5 Misc. 183; (24 Supp. 857). 19 Misc. 205; (77 St. Rep. 1142; (43 Supp. 1142). 19 Misc. 392; (73 St. Rep. 344; 44 Supp. 344).

Wills—Probate—Witnesses—Absence.

75 Hun, 472; (57 St. Rep. 340; 27 Supp. 632).

Wills—Validity—Testamentary Capacity — Undue Influence.

78 Hun, 48; (60 St. Rep. 504; 28 Supp. 1065).

Martin, Matter of, 62 Hun, 557; 42 St. Rep. 409; 17 Supp. 133.

Cited, Mandamus—Stockholder's Examination of Books.

12 Misc. 468; (68 St. Rep. 135; 34 Supp. 257).

Martin v. Adams, 38 St. Rep. 397; 14 Supp. 626.

Cited, Debtor and Creditor—Compromise.

81 Hun, 9; (62 St. Rep. 404; 30 Supp. 524).

Duplicate Citations in Parenthesis.

Martin v. Adams, 73 Hun, 122; 57 St. Rep. 133; 25 Supp. 1020.

Martin v. Adams, 81 Hun, 9; 62 St. Rep. 404; 30 Supp. 523.

Martin v. Bernheim, 68 St. Rep. 718; 34 Supp. 784; 24 Civ. Pro. 441.

Martin v. Bliss, 57 Hun, 157; 32 St. Rep. 930; 10 Supp. 886.

Cited, Brokers—Real Estate—Commission—When Earned.

141 N. Y. 519; (57 St. Rep. 718). 8 Misc. 371; (59 St. Rep. 584; 28 Supp. 699).

Martin v. Bronsveld, 9 Misc. 375; 60 St. Rep. 618; 29 Supp. 1118.

Martin v. Bronsveld, 60 St. Rep. 619; 29 Supp. 1119.

Martin v. Brooklyn, Mayor of, 1 Hill, 545.

Cited, Condemnation Proceedings—Confirmation of Report—Award.

90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789).

Martin v. Central Vermont R. Co., 50 Hun, 347; 20 St. Rep. 375; 3 Supp. 82.

Cited, Constitutional Law—Due Process. 80 Hun, 502; (62 St. Rep. 392; 30 Supp. 493).

Martin v. Clews, 55 Super. 552; 18 St. Rep. 63.

Cited, Depositions—Examination of Defendant to Frame Complaint—Grounds.

7 Misc. 5; (57 St. Rep. 79; 27 Supp. 331).

Martin v. Colby, 43 Hun, 1.

Cited, Contract—Specific Performance—Enforcement—Damages.

6 Misc. 246; (27 Supp. 79).

Martin v. Coleman, 14 Misc. 505; 70 St. Rep. 714; 35 Supp. 1069.

Affirming, 13 Misc. 779; 67 St. Rep. 876; 34 Supp. 1143.

Martin v. Cook, 37 St. Rep. 733; 14 Supp. 329.

Affirmed, 142 N. Y. 654; 60 St. Rep. 869.

Cited, Master and Servant—Liability of Master to Servant—Places—Assumption of Risk.

5 Misc. 323; (25 Supp. 814).

Trial—Dismissal on Merits.

89 Hun, 3; (69 St. Rep. 23; 34 Supp. 1052).

Martin v. Duke, 5 Redf. 597.

Cited, Appeal—Review of Discretionary Determination.

88 Hun, 301; (68 St. Rep. 265; 34 Supp. 341).

Martin v. Lwelly, 6 Wend. 9.

Cited, Husband and Wife—Conveyance of Wife's Realty.

133 N. Y. 297; (52 St. Rep. 367).

Martin v. Equitable Accident Ass'n, 61 Hun, 467; 16 Supp. 279.

Cited, Accident Insurance—Cause of Injury—Question of Fact.

8 App. Div. 132; (40 Supp. 516).

Martin v. Erie Preserving Co., 48 Hun, 81; 15 St. Rep. 614.

Cited, Pleading—General Denial—Sham—Striking Out.

5 Misc. 513; (58 St. Rep. 107; 25 Supp. 970).

Martin v. Farnsworth, 49 N. Y. 555.

Cited, Corporations—Agents—Authority.

D. 73 Hun, 456; (56 St. Rep. 24; 26 Supp. 479). 91 Hun, 257; (72 St. Rep. 47; 36 Supp. 146).

Martin v. Freed, 50 St. Rep. 854; 21 Supp. 302.

Martin v. Funk, 75 N. Y. 134.

Distinguished, Gift.

137 N. Y. 68; (50 St. Rep. 71).

Cited, Deeds—Delivery—Destruction.

79 Hun, 524; (61 St. Rep. 595; 29 Supp. 907).

Gift—Savings Bank Deposit—What Constitutes.

74 Hun, 55; (56 St. Rep. 171; 26 Supp. 323; 2 Ann. Cas. 346). 71 Hun, 193; (54 St. Rep. 304; 24 Supp. 608).

Gift—Transfer of Title—Declaration of Trust.

7 Misc. 370; (59 St. Rep. 653; 27 Supp. 634). 10 Misc. 454; (63 St. Rep. 329; 31 Supp. 87).

Trusts—Creation—Implied—Abortive Gift.

137 N. Y. 219; (50 St. Rep. 402).

Trust—Creation—Validity—Knowledge of the Custal que Trust.

76 Hun, 419; (59 St. Rep. 341; 27 Supp. 1052). 6 Misc. 510; (57 St. Rep. 710; 27 Supp. 431). 90 Hun, 73; (69 St. Rep. 883; 35 Supp. 459).

Trusts—Creation—Retention of Instrument Creating.

61 St. Rep. 638; (29 Supp. 1016). 83 Hun, 247; (64 St. Rep. 259; 31 Supp. 622). 80 Hun, 148; (29 Supp. 1016). 18 Misc. 362; (75 St. Rep. 942; 41 Supp. 554).

Trust—Personalty—Settlor as Trustee.

140 N. Y. 141; (55 St. Rep. 548). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Trusts—Intent—Deposit in Bank.

Duplicate Citations in Parenthesis.

69 Hun, 282; (53 St. Rep. 373; 23 Supp. 575). 147 N. Y. 46; (69 St. Rep. 303). 15 App. Div. 554; (78 St. Rep. 522; 44 Supp. 522). 15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281). 1 App. Div. 262; (72 St. Rep. 755; 37 Supp. 254).

Trust—Creation—Mortgages.

143 N. Y. 524; (62 St. Rep. 855). 88 Hun, 15; (68 St. Rep. 492; 34 Supp. 485). 15 App. Div. 131; (78 St. Rep. 227; 44 Supp. 227).

Trust—Personal Property—Parol.

D. 50 St. Rep. 295; (21 Supp. 531).

Gift Inter Vivos—Delivery.

16 Misc. 139; (38 Supp. 943).

Martin v. Gilbert, 119 N. Y. 298; 29 St. Rep. 447.

Cited, Estoppel—By Recital in Undertaking—Replevin.

9 Misc. 213; (60 St. Rep. 833; 29 Supp. 677). 51 St. Rep. 15; (21 Supp. 715).

Martin v. Goldstein, 39 Supp. 254.

Martin v. Greene County, Board of Sups., 29 N. Y. 645.

Cited, County—Liability.

69 St. Rep. 624; (36 Supp. 657).

Martin v. Gross, 4 Supp. 337.

Cited, Supplementary Proceedings—Affidavit.

19 Misc. 670; (78 St. Rep. 1105; 44 Supp. Supp. 1105).

Arrest—Motion to Vacate Order.

D. 78 St. Rep. 956; (44 Supp. 956).

Martin v. Hawks, 15 Johns. 405.

Cited, Attorneys—Compensation—Lien on Judgment—Execution.

79 Hun. 144; (61 St. Rep. 354; 29 Supp. 763).

Judgment—Execution.

24 Civ. Pro. 29.

Martin v. Hillen, 142 N. Y. 140; 58 St. Rep. 617.

Affirming, 50 St. Rep. 505; 21 Supp. 309.

Cited, Witnesses—Competency—Death of Other Party.

77 Hun, 611; (59 St. Rep. 888; 28 Supp. 1124). 90 Hun, 458; (72 St. Rep. 190; 37 Supp. 78).

Martin v. Hodges, 45 Hun, 38.

Cited, Reference—Report—Rule as to When Stands Confirmed.

21 Supp. 796.

Martin v. Johnson, 6 Misc. 30; 53 St. Rep. 296; 26 Supp. 1105.

Affirmed, 148 N. Y. 740.

Martin v. Kanouse, 2 Abb. 330.

Cited, Pleading—Allegation of Time.

10 Misc. 654; (64 St. Rep. 500; 31 Supp. 796).

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14 Misc. 23; (69 St. Rep. 496; 35 Supp. 124).

Martin v. Kunzmüller, 37 N. Y. 396.

Cited, Insolvency and Assignment—Equitable Off-set.

135 N. Y. 229; (47 St. Rep. 869). 14 Misc. 239; (70 St. Rep. 501; 35 Supp. 756). 10 Misc. 224; (63 St. Rep. 249; 30 Supp. 1059). 19 Misc. 15; (76 St. Rep. 844; 42 Supp. 844).

Martin v. Leggett, 4 E. D. Smith. 255.

Cited, Contract—To Erect Buildings—Architect's Certificate.

1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672).

Martin v. Lynch, 14 Misc. 47; 69 St. Rep. 379; 35 Supp. 135.

Martin v. Manhattan R. Co., 63 Hun, 350; 44 St. Rep. 543; 18 Supp. 238.

Cited, Rental Damages—Excessive—Reduction.

15 Misc. 19; (71 St. Rep. 477; 36 Supp. 427).

Martin v. Manufacturers' Accident Indemnity Co., 151 N. Y. 94.

Martin v. Martin, 1 Misc. 181; 48 St. Rep. 689; 20 Supp. 685.

Cited, Contracts—Construction—Variance in Duplicates.

68 Hun, 198; (52 St. Rep. 89; 22 Supp. 818).

Martin v. Mattison, 8 Abb. 3.

Cited, Pleading—Complaint—Joining Causes of Action.

6 App. Div. 173; (39 Supp. 1029).

Martin v. McGormick, 3 Sandf. 755.

Cited, Cost—Extra Allowance—Application.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

Martin v. Moore, 3 App. Div. 416; 74 St. Rep. 146; 38 Supp. 652.

Martin v. New Rochelle Water Co., 11 App. Div. 177; 76 St. Rep. 893; 42 Supp. 893.

Martin v. N. Y. C. & H. R. R. Co., 27 Hun, 532.

Cited, Negligence—Railroads—Crossings—Speed.

D. 57 St. Rep. 469; (27 Supp. 1043).

Martin v. N. Y. C. & H. R. R. Co., 1 St. Rep. 738.

Cited, Railroads—Ejectment from Train. 84 Hun, 310; (65 St. Rep. 491; 32 Supp. 333).

Duplicate Citations in Parenthesis.

Martin v. N. Y. C. & H. R. R. Co.,
50 St. Rep. 553; 21 Supp. 919.

Cited, Railroads — Contributory Negligence—Crossings.

72 Hun, 434; (55 St. Rep. 172; 25 Supp. 153).

Martin v. N. Y. C. & H. R. R. Co., 20
Misc. 363; 79 St. Rep. 925; 45 Supp. 925.

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148 N. Y. 117; 2 Ann. Cas. 387.

Cited, Landlord and Tenant—Term of Lease.

18 Misc. 190; (75 St. Rep. 699; 41 Supp. 290).

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15 Misc. 423; (72 St. Rep. 158; 37 Supp. 112).

Services—Hiring—Indefinite Term.

20 Misc. 704.

Martin v. N. Y. Life Ins. Co., 73 Hun,
496; 56 St. Rep. 149; 26 Supp. 283.

Affirmed, 148 N. Y. 117; 2 Ann. Cas. 387.

Cited, Contract—Rescission—Damages.

86 Hun, 379; (67 St. Rep. 224; 33 Supp. 512).

**Martin v. N. Y., New Haven &
Hartford R. Co.,** 103 N. Y. 626; 4
St. Rep. 303.

Cited, Evidence — Declarations — Res Gestae.

73 Hun, 64; (56 St. Rep. 111; 25 Supp. 899).

**Martin v. Niagara Falls Paper Mfg
Co.,** 122 N. Y. 165; 33 St. Rep. 318.

Cited, Corporations—Mortgages.

2 App. Div. 20; (72 St. Rep. 502; 37 Supp. 446).

Partnership—Notes—Presumption.

20 Misc. 25; (78 St. Rep. 782; 44 Supp. 782).

Corporations—Unauthorized Act—Ratification.

90 Hun, 468; (70 St. Rep. 489; 35 Supp. 691). 91 Hun, 458; (71 St. Rep. 164; 36 Supp. 393).

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Martin v. Peet, 92 Hun, 133; 71 St. Rep.
725; 36 Supp. 554.

Martin v. Pettitt, 117 N. Y. 118; 23 St.
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*Cited, Negligence—Injuries by—Distin-
guished from Nuisance—Limitation.*

7 Misc. 3; (57 St. Rep. 844; 27 Supp. 320).

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6 Misc. 345; (56 St. Rep. 247; 26 Supp. 907).

Martin v. Pine, 79 Hun, 426; 61 St. Rep.
464; 29 Supp. 995.

Martin v. Platt, 5 St. Rep. 284.

*Cited, Specific Performance—Matter of
Right—Judicial Discretion.*

8 Misc. 318; (58 St. Rep. 301; 26 Supp. 1108).

Martin v. Platt, 51 Hun, 429; 21 St. Rep.
330; 4 Supp. 359.

*Cited, Executors—Contracts—Liability of
Estate.*

9 Misc. 231; (61 St. Rep. 297). 9 Misc. 231;
(61 St. Rep. 297; 30 Supp. 285).

Exceptions—Weight of Evidence.

14 Misc. 499; (70 St. Rep. 722; 35 Supp. 1078).

Martin v. Pollatchek, 3 Misc. 371; 52
St. Rep. 424; 22 Supp. 927.

Affirmed, 6 Misc. 635; 25 Supp. 1142.

Martin v. Raffin, 2 Misc. 588; 51 St. Rep.
1015; 21 Supp. 1043; 23 Civ. Pro. 59.

Martin v. Rector, 101 N. Y. 77.

*Cited, Ejectment—Possession—Husband
and Wife.*

68 Hun, 257; (52 St. Rep. 199; 22 Supp. 996). 151 N. Y. 496.

*Husband and Wife—Realty of Wife—Pos-
sessing.*

68 Hun, 186; (52 St. Rep. 291; 22 Supp. 875). 81 Hun, 240; (62 St. Rep. 663; 30 Supp. 709).

Partnership—Agents—Husband.

82 Hun, 218; (63 St. Rep. 750; 31 Supp. 301).

Martin v. Rector, 118 N. Y. 476; 30 St.
Rep. 27.

*Cited, Constitutional Law—Statutes —
Validity — Change of Remedy — Vested
Rights.*

69 Hun, 304; (53 St. Rep. 351; 23 Supp. 514).

*Landlord and Tenant—Ejectment—Re-
striction of Remedy.*

14 Misc. 348; (70 St. Rep. 473; 35 Supp. 679).

**Martin v. Rochester German Ins.
Co.,** 86 Hun, 35; 67 St. Rep. 237; 33
Supp. 404.

*Cited, Insurance — Conditions — Vacant
House.*

92 Hun, 228, 229; (72 St. Rep. 400; 36
Supp. 878).

Martin v. Second Ave. R. Co., 3 App.
Div. 448; 73 St. Rep. 714; 38 Supp. 220.

Martin v. Stillman, 53 N. Y. 615.

*Cited, Brokers—Real Estate — Commis-
sions—Consummation by Owner.*

2 Misc. 336; (51 St. Rep. 429; 21 Supp. 979). 13 Misc. 119; (68 St. Rep. 201; 34 Supp. 154).

*Duplicate Citations in Parenthesis.***Martin v. Stoddard**, 127 N. Y. 61.

Cited, Mortgages—When Payable—Assumption.

10 App. Div. 133; (75 St. Rep. 1173; 41 Supp. 777).

Martin v. Symonds, 4 Misc. 6; 53 St. Rep. 718; 23 Supp. 680.

Cited, Certiorari—Review of Proceedings of Excise Commissioners—Discretion—Return—Merits.

4 Misc. 331; 25 Supp. 327.

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9 Misc. 251; (60 St. Rep. 649; 30 Supp. 409).

Excise—License—Merits.

13 Misc. 543; (70 St. Rep. 480; 35 Supp. 662).

Martin v. Tradesman Ins. Co., 101 N. Y. 498.

Cited, Alteration of Instruments — By Stranger—Effect.

138 N. Y. 360; (52 St. Rep. 884). 15 App. Div. 302; (78 St. Rep. 924; 44 Supp. 924).

Martin v. Tribune, 30 Hun, 391.

Cited, Master and Servant—Independent Contractor—Torts

6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906).

Martin v. Variety Manufacturing Co., 1 City Ct. R. 318.

Cited, Negotiable Instruments—Endorsement—Title.

15 Misc. 493; (38 Supp. 968).

Martin v. Walker, 12 Hun, 46.

Cited, Fraudulent Conveyance—Creditors.

4 App. Div. 210; (74 St. Rep. 190; 38 Supp. 547).

Martin v. Williams, 13 Johns. 234.

Cited, Arbitration—Award — Effect of Partial Invalidity.

137 N. Y. 296; (50 St. Rep. 689).

Martin v. Windsor Hotel Co., 10 Hun, 304.

Cited, Trial—Question of Jury—Value of Professional Services.

1 Misc. 346; (48 St. Rep. 780; 20 Supp. 718).

Martin v. Windsor Hotel Co., 70 N. Y. 101.

Cited, Appeal—Order Refusing to Open D. fault.

2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 39).

Reference—Discretion in Ordering.

72 Hun, 531; (55 St. Rep. 127; 25 Supp. 635).

Martin v. Wright, 13 Wend. 460.

Cited, Contracts—Validity—To Pay for Services by Legacy.

136 N. Y. 622; (49 St. Rep. 75). 19 Misc. 94; (77 St. Rep. 972; 43 Supp. 972).

Martin Cantine Co. v. Warshauer, 7

Misc. 12; 53 St. Rep. 569; 23 Supp. 139;

23 Civ. Pro. 379.

Criticised.

14 Misc. 596; (72 St. Rep. 259; 25 Civ. Pro. 120).

Martine, Matter of, 11 Abb. N. C. 50.

Cited, Executors and Administrators—Accounting—Assignment of Legacy.

68 Hun, 283; (52 St. Rep. 384; 22 Supp. 571).

Martine v. International Life Ins. Co., 53 N. Y. 339.

Cited, Corporation — Dissolution—Judgment.

87 Hun, 390; (68 St. Rep. 478; 34 Supp. 327; 2 Ann. Cas. 141).

Martine v. Lowenstein, 68 N. Y. 456.

Cited Action — Proceedings—Enlarging Time.

16 Misc. 563; (38 Supp. 940).

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7 Misc. 428; (57 St. Rep. 651; 27 Supp. 976; 23 Civ. Pro. 347).

Martine v. Robinson, 78 Hun, 115; 60 St. Rep. 498; 28 Supp. 1056.**Martineau v. Rochester R. Co.**, 81 Hun, 263; 62 St. Rep. 722; 30 Supp. 778.**Martinhoff, Matter of**, 4 Redf. 236.

Cited, Surrogate — Vacancy—Testimony De Novo.

12 Misc. 258; (68 St. Rep. 694; 34 Supp. 640).

Martus v. Deleware L. & W. R. Co., 15 Misc. 248; 71 St. Rep. 467; 36 Supp. 417.**Marvel v. Stone**, 3 App. Div. 413; 74 St. Rep. 158; 38 Supp. 698.**Marvin v. Bennett**, 8 Paige, 312.

Cited, Equity—Conveyance—Mistake.

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Marvin v. Brewster Iron Mining Co., 55 N. Y. 538;

Cited, Appeal — Looking Into Evidence in Support of Judgment.

68 Hun, 509; (52 St. Rep. 763; 23 Supp. 60). 140 N. Y. 362; (55 St. Rep. 747).

Blasting—Injuries to Adjoining Property.

140 N. Y. 279; (55 St. Rep. 664).

Trespass—Resulting from Acts on Adjoining Land.

2 Misc. 433; (51 St. Rep. 217; 22 Supp. 185).

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Marvin v. Brewster Iron Mining Co., 56 N. Y. 671.

Cited, Appeal—Reversal—Restitution,
7 Misc. 17; (57 St. Rep. 102; 27 Supp. 370).

Marvin v. Brooks, 94 N. Y. 71.

Cited, Evidence—Burden of Proof — Loss
by Bailee—Diligence.

141 N. Y. 106; (56 St. Rep. 658).

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72 Hun, 582; (55 St. Rep. 245; 25 Supp.
285).

Trial—Questions of Law and Fact— Con-
struction of Writings.

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Accounting—When Action Lies.

85 Hun, 229, (66 St. Rep. 404; 32 Supp.
1071). 85 Hun, 273; (66 St. Rep. 471; 32
Supp. 987).

18 Misc. 333; (76 St. Rep. 111; 42 Supp.
111).

19 Misc. 330; (78 St. Rep. 269; 44 Supp. 269).

Marvin v. Inglis, 39 How. 329.

Cited, Appeal—Question of Law.

18 Misc. 23; (75 St. Rep. 495; 41 Supp. 39).

Marvin v. Marvin, 3 Abb. Ct. App.
Dec. 192.

Cited, Wills —Evidence — Undue Influ-
ence.

79 St. Rep. 616; (45 Supp. 616).

Marvin v. Marvin, 11 Abb. N. S. 97.

Cited, Arrest — Undertaking — Amend-
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11 Misc. 444; (65 St. Rep. 420; 32 Supp. 221).

Marvin v. McCullum, 20 Johns. 288.

Cited, Bond —Theft Before Issue — Bona
Fide Holder.

73 Hun, 592; (56 St. Rep. 179; 26 Supp. 93).

Marvin v. Pardee, 64 Barb. 353.

Cited, Highways—Establishment—Record
of.

6 Misc. 201; (27 Supp. 871).

Marvin v. Richmond, 3 Den. 58.

Cited, Evidence — Admissions—Comprom-
ise.

11 Misc. 425; (65 St. Rep. 121; 32 Supp. 123).

Marvin v. Stone, 2 Cow. 781.

Cited, Contract—Construction—Rule.

57 St. Rep. 26; (33 Supp. 291). 149 N. Y.
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Marvin v. Universal Life Ins. Co.,
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Cited, Appeal—Correct Decision— Wrong
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74 Hun, 569; (57 St. Rep. 215; 26 Supp.
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740; 40 Supp. 179). 6 App. Div. 474; (39
Supp. 602).

Marvin v. Vedder, 5 Cow. 671.

Cited Mortgage—Payment—Revival.

13 Misc. 74; (68 St. Rep. 196; 34 Supp.
149).

Marvin v. Wilber, 52 N. Y. 170.

Cited Evidence — Agency — Acts and
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49 St. Rep. 44. 79 Hun, 544; (61 St. Rep.
551; 29 Supp. 932).

Parties—Partnership—Dormant Partner.

85 Hun, 216; (66 St. Rep. 492; 32 Supp.
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Principal and Agent — Agency — Evi-
dence.

13 Misc. 629; (69 St. Rep. 163; 34 Supp.
938).

Marvin Safe Co. v. Emanuel, 12 St.
Rep. 662; 21 Abb. N. C. 181.

Cited, Contracts—Vendor and Purchaser
—Title.

85 Hun, 127; (66 St. Rep. 215 Supp.
594).

Marvin Safe Co. v. Foss, 44 St. Rep.
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Cited, Appeal—Evidence.

13 Misc. 278; (68 St. Rep. 18; 34 Supp. 517).

Marx v. Gross, 2 Misc. 500; 51 St. Rep.
92; 22 Supp. 387; 23 Civ. Pro. 97.

Marx v. Gross, 2 Misc. 511; 51 St. Rep.
88; 22 Supp. 393.

Affirmed, 142 N. Y. 678; 60 St. Rep. 872.

Marx v. Gross. 58 Super. 221; 31 St.
Rep. 403; 9 Supp. 719.

Cited, Fraud—Representations as to Mar-
ket Value.

51 St. Rep. 88.

Pleadings—Amendment — New Defense.

8 Misc. 102; (60 St. Rep. 163; 28 Supp.
1008).

Marx v. Manhattan R. Co., 56 Hun,
575; 31 St. Rep. 914; 10 Supp. 159; 18
Civ. Pro. 384.

Cited, Evidence—Physicians—Privilege—
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3 Misc. 455; (52 St. Rep. 500; 23 Supp.
164; 30 Abb. N. C. 80). 148 N. Y. 93; (25
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Marx v. McGlynn, 4 Redf. 455.

Cited, Wills — Construction — Gift of In-
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Marx v. McGlynn, 88 N. Y. 337; 73 St.
Rep. 439.

Cited, Evidence — Declarations of Testa-
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67 Hun, 542; (48 St. Rep. 460). 16 Misc.
181; (38 Supp. 1133).

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Evidence—Presumption—Wills—Undue Influence—Relation of Parties.

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Evidence—Sufficiency—Wills—Undue Influence.

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3 Misc. 165; (51 St. Rep. 563; 23 Supp. 288).

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75 Hun, 241; (58 St. Rep. 683; 27 Supp. 2).

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3 Misc. 471; (23 Supp. 737).

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3 Misc. 576; (23 Supp. 759); 136 N. Y. 517; (49 St. Rep. 697); 78 Hun, 48; (60 St. Rep. 505; 28 Supp. 1066). 19 Misc. 204; (77 St. Rep. 1142; 43 Supp. 1142).

15 Misc. 357; (73 St. Rep. 2; 37 Supp. 924).

15 Misc. 316; (73 St. Rep. 439; 37 Supp. 762).

Marx v. Press Publishing Co., 34 St. Rep. 316; 12 Supp. 161.

Cited, Libel—Circulation—Question of Fact.

89 Hun, 194; (69 St. Rep. 259; 35 Supp. 80).

Marx v. Press Publishing Co., 134 N. Y. 561; 47 St. Rep. 775.

Cited, Libel—Good Faith—Question of.

86 Hun, 484; (69 St. Rep. 496; 35 Supp. 52).

Libel—Circulation—Question of Fact.

89 Hun, 194; (69 St. Rep. 259; 35 Supp. 80).

Libel—Justification—Evidence.

12 App. Div. 19; (76 St. Rep. 936; 43 Supp. 936).

Maryland Coal Co. v. Edwards, 4 Hun, 432.

Cited, Principal and Agent—Credit—Question of Fact.

18 Misc. 63; (75 St. Rep. 433; 41 Supp. 24).

Mascraft v. Van Antwerp, 3 Cow. 334.

Cited, Execution Sale—Notice.

147 N. Y. 163; (69 St. Rep. 424; 2 Ann. Cas. 359).

Masi v. Congrega Sau Donato Di Mutuo Soccorso, 17 Misc. 609; 75 St. Rep. 69; 40 Supp. 667.

Mason, Matter of, 98 N. Y. 527.

Cited, Executors—Trustees—Commissions.

140 N. Y. 265; (55 St. Rep. 410); 73 Hun, 55; (56 St. Rep. 103; 25 Supp. 935). 9 App. Div. 293; (15 Misc. 552; 73 St. Rep. 129; 37 Supp. 590). 75 St. Rep. 1390.

Interest—Fiduciary Officers—Commissions in Advance.

51 St. Rep. 739.

Mason, Matter of, 60 Hun, 46; 38 St. Rep. 533; 14 Supp. 434.

Cited, Evidence—Opinions—Hypothetical Questions.

92 Hun, 126; (71 St. Rep. 812; 36 Supp. 644). 12 Misc. 15; (66 St. Rep. 536; 33 Supp. 37).

Mason, Matter of, 140 N. Y. 658; 57 St. Rep. 617.

Mason, Matter of, 12 Misc. 77; 66 St. Rep. 674; 33 Supp. 43.

Mason v. Anthony, 3 Keyes, 609.

Cited, Usury—Representations—Estoppel.

17 Misc. 130; (39 Supp. 420).

Mason v. Atlantic Ave. R. Co., 4 Misc. 291; 53 St. Rep. 454; 24 Supp. 139.

Affirmed, 140 N. Y. 657; 55 St. Rep. 931.

Cited, Trial—Question of Fact—Negligence—Collision Between Vehicle and Pedestrian.

9 Misc. 282; (61 St. Rep. 323; 29 Supp. 747).

Mason v. Breslin, 32 Super. 383.

Cited, Trial—Confusion of Remedies.

8 Misc. 429; (59 St. Rep. 571; 28 Supp. 673).

Mason v. Breslin, 40 How. 436

Cited, Lease—Assignment—Presumption.

82 Hun, 536; (64 St. Rep. 337; 31 Supp. 612).

Mason v. Cronk, 125 N. Y. 496.

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Mason v. Corbin, 85 Hun, 540; 68 St. Rep. 707; 34 Supp. 773.

Mason v. Dawson, 15 Misc. 595; 72 St. Rep. 123; 37 Supp. 90.

Mason v. Decker, 72 N. Y. 595.

Cited, Contracts—Statute of Frauds—Verbal Acceptance of Written Offer.

75 Hun, 465; (57 St. Rep. 306; 27 Supp. 457).

Damages—Contract of Sale—Resale.

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Sale—Delivery—Tender of Order on Bailee.

6 Misc. 97; (55 St. Rep. 494; 26 Supp. 14). *Vendor and Purchaser—Refusal to Receive Goods—Remedy.*

D. 87 Hun, 338; (68 St. Rep. 62; 34 Supp. 214).

Duplicate Citations in Parenthesis.

Mason v. Dutcher, 67 St. R. p. 590; 33 Supp. 689; 24 Civ. Pro. 375.

Mason v. Hackett, 35 Hun, 238.
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7 App. Div. 531; (40 Supp. 263).

Mason v. Hand, 1 Lans. 66.
Cited, Judgment—Rendition—Application to Court.
2 Misc. 206; (49 St. Rep. 524; 21 Supp. 271).

Mason v. Henry, 83 Hun, 546; 65 St. Rep. 45; 31 Supp. 1068.
Affirmed, 152 N. Y. 529.
Cited, Corporations—Action by Shareholder—Waste.
17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887).

Mason v. Henry, 152 N. Y. 529.

Mason v. Jones, 2 Barb. 229.
Distinguished, 7 App. Div. 441; (75 St. Rep. 411; 40 Supp. 1025).
Cited, Wills—Annuity.
70 Hun, 277; (54 St. Rep. 26; 24 Supp. 223). 16 App. Div. 444; (79 St. Rep. 196; 45 Supp. 196).
Wills—Construction—Intention as Touchstone.
53 St. Rep. 841; (24 Supp. 351).

Mason v. Lord, 40 N. Y. 477).
Cited, Usury—Defense—Judgment Creditor.
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Appeal—Weight of Evidence—Question of Law.
13 App. Div. 128; (76 St. Rep. 1102; 42 Supp. 1102).

Mason v. Mason, 66 Hun, 386; 49 St. Rep. 363; 21 Supp. 306.

Mason v. Mason, 2 Sandf. Ch. 432.
Cited, Trusts—Rents and Profits—Construction of Statute.
D. 13 App. Div. 354; (77 St. Rep. 26; 43 Supp. 26).
Trusts—Annuity—Rents and Profits.
16 App. Div. 444; (79 St. Rep. 196; 45 Supp. 196).

Mason v. Prendergast, 120 N. Y. 536; 31 St. Rep. 497.
Cited, Payment—Third Party—Owner's Consent.
7 App. Div. 156; (74 St. Rep. 683; 40 Supp. 126). 14 Misc. 151; (70 St. Rep. 368; 35 Supp. 860).

Mason v. Ring, 3 Abb. Ct. App. Dec. 210.

Cited, Attorneys—Services—Burden of Proof.

84 Hun, 590; (66 St. Rep. 327; 32 Supp. 853).

Deeds—Validity—Burden of Proof.
12 App. Div. 186, 187; (76 St. Rep. 841, 842; 42 Supp. 841, 842).

Mason v. Robinson, 81 Hun, 613; 62 St. Rep. 559; 30 Supp. 563.

Mason v. Sandford, 137 N. Y. 497; 51 St. Rep. 204.

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Cited, Action—Abatement—Revival—Laches.

71 Hun, 614; (54 St. Rep. 937; 24 Supp. 1146).

Mason v. Secor, 76 Hun, 178; 57 St. Rep. 333; 27 Supp. 570.

Mason v. Smith, 130 N. Y. 474; 42 St. Rep. 365.

Cited, Sale—Retention—Waiver of Defects.

69 Hun, 435; (52 St. Rep. 615; 22 Supp. 354).

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D. 140 N. Y. 205; (55 St. Rep. 583).

Mason v. Tower Hill Co., 83 Hun, 479; 65 St. Rep. 192; 32 Supp. 36.

Mason v. Wedderspoon, 43 Hun, 20.
Cited, Evidence—Documentary—Entries by Decedents.
49 St. Rep. 562; (20 Supp. 912).

Mason v. Wheeler, 2 Misc. 523; 24 Supp. 879.

Mason v. White, 11 Barb. 173.
Cited, Deeds—Reformation of Sheriff's Power.
66 Hun, 451; (50 St. Rep. 138; 21 Supp. 421; 29 Abb. N. C. 423).

Mason v. Willers, 7 Hun, 23.
Cited, Mandamus—To Secretary of State Filing Incorporation Certificate.
68 Hun, 26; (52 St. Rep. 51; 22 Supp. 631).

Mason Stable Co. v. Lewis, 16 Misc. 359; 74 St. Rep. 379; 38 Supp. 82.
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Mason & Hamlin Organ Co. v. Pugseley, 19 Hun, 282.

Cited, Stipulation—Oral.
146 N. Y. 279; (66 St. Rep. 629).

Masonic Life Ass'n of Western New York v. Crandall, 9 App. Div. 400; 75 St. Rep. 890; 41 Supp. 497.

Duplicate Citations in Parenthesis.

Massey v. Mutual Relief Soc., 102 N. Y. 523; 2 St. Rep. 487.

Cited, Mutual Benefit Societies—Designation of Beneficiary.

6 Misc. 436; (58 St. Rep. 576; 27 Supp. 131). 10 Misc. 33; (63 St. Rep. 173; 30 Supp. 826).

Mason v. Bovet, 1 Den. 69.

Cited, Action—Election of Remedies—Effect.

2 Misc. 259, (50 St. Rep. 336; 21 Supp. 939). 151 N. Y. 234.

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77 Hun, 458; (60 St. Rep. 657; 29 Supp. 87). 13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958). 1 App. Div. 330; (72 St. Rep. 544; 37 Supp. 134). 7 App. Div. 122; (40 Supp. 103).

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17 Misc. 606; (75 St. Rep. 55; 40 Supp. 654).

Massoth v. Delaware & Hudson Canal Co., 64 N. Y. 524.

Cited, Railroads—Crossings—Contributory Negligence.

71 Hun, 530; (55 St. Rep. 93; 24 Supp. 1071).

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79 Hun, 576; (61 St. Rep. 573; 29 Supp. 885). 85 Hun, 112; (66 St. Rep. 33; 32 Supp. 650).

Railroads—Crossings—Duty to Look—Proof of.

79 Hun, 548; (61 St. Rep. 561; 29 Supp. 872).

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Trial—Question of Fact—Judge's Opinion.

3 App. Div. 334; (38 Supp. 935; 3 Ann. Cas. 155).

Masten v. Amerman, 51 Hun, 244; 21 St. Rep. 222; 4 Supp. 681.

Cited, Supplementary Proceedings—Receiver—After-Acquired Property.

83 Hun, 130; (64 St. Rep. 265; 31 Supp. 629).

Masten v. Blackwell, 8 Hun, 313.

Cited, Partnership—Limited—Liability Follows Estate.

18 Misc. 557; (41 Supp. 992).

Masten v. Budington, 18 Hun, 105.

Cited, Referece—Of Disputed Claim Against Estate—Waiver of Jury Trial.

67 Hun, 522; (50 St. Rep. 843; 22 Supp. 467).

Masten v. Deyo, 2 Wend. 424.

Cited, Malicious Prosecution—Probable Cause—Question of Fact.

8 App. Div. 336; (75 St. Rep. 219; 40 Supp. 832).

Masten v. Olcott, 101 N. Y. 152.

Cited, General Assignment—Former Adjudication—Estoppel.

86 Hun, 423; (67 St. Rep. 180; 33 Supp. 523).

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4 App. Div. 341; (74 St. Rep. 591; 38 Supp. 908).

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18 Misc. 520; (41 Supp. 990). 17 App. Div. 149; (79 St. Rep. 300; 43 Supp. 300).

Masten v. Webb, 24 Hun, 90.

Cited, Replevin—Demand.

10 Misc. 179; (62 St. Rep. 520; 30 Supp. 912).

Masters v. Madison County Mut. Ins. Co., 11 Barb. 634.

Cited Insurance—Agent—Stipulation.

17 Misc. 119; (39 Supp. 360).

Masters v. Troy, City of, 50 Hun, 485;

20 St. Rep. 273; 3 Supp. 450.

Cited, Municipal Corporations—Injuries—Notice of Claim.

88 Hun, 283; (68 St. Rep. 557; 34 Supp. 739).

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75 Hun, 425; (57 St. Rep. 347; 27 Supp. 740).

Negligence—Contributory—Presumption.

82 Hun, 154; (63 St. Rep. 753; 31 Supp. 305). 92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699).

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 Damages—Measure—Negligence—Loss of Time.
 67 Hun, 267; (51 St. Rep. 383; 22 Supp. 231). 8 Misc. 230; (59 St. Rep. 447; 28 Supp. 722).
 Highways—Liability of Municipality—Excavation—Act of Contractors.
 79 Hun, 42; (61 St. Rep. 187; 29 Supp. 651).
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 18 Misc. 511; (41 Supp. 991).
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Cited, Arbitration—Award—When Vacated.
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- Matchett v. Lindberg**, 2 App. Div. 340; 73 St. Rep. 66; 37 Supp. 854.
- Mather, Matter of**, 61 Hun, 214; 40 St. Rep. 882.
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 76 Hun, 362; (58 St. Rep. 466; 27 Supp. 788).
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Cited, Bridges—Highway Commissioner—Authority to Rebuild.
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- Mather v. Eureka Mower Co.**, 118 N. Y. 629; 30 St. Rep. 102.
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- Mather v. Gardener**, 8 Misc. 468; 60 St. Rep. 599; 29 Supp. 669.
- Mather v. Martin**, 51 St. Rep. 45; 21 Supp. 1070.
- Mather v. Parsons**, 32 Hun, 338.
Cited, Judgment—Fraud—Equitable Relief.
 12 App. Div. 15; (76 St. Rep. 176; 42 Supp. 176).
 13 App. Div. 541; (77 St. Rep. 732; 43 Supp. 732).
 Witnesses—Discrediting.
 88 Hun, 367; (68 St. Rep. 796; 34 Supp. 863).
- Matherson v. Belden**, 14 App. Div. 519; 77 St. Rep. 888; 43 Supp. 888.
- Matheson v. Wharton**, 89 Hun, 409; 69 St. Rep. 829; 35 Supp. 417.
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- Mathews v. Aikin**, 1 N. Y. 595.
Cited, Subrogation—Advances—Surety.
 71 Hun, 571; (55 St. Rep. 100; 25 Supp. 137). 72 Hun, 513; (54 St. Rep. 770; 25 Supp. 217).
- Mathez v. Nadig**, 72 N. Y. 100.
Cited, Insolvent Corporation—Shareholder's Liability.
 D. 7 App. Div. 387; (40 Supp. 218).
- Mathias v. Vail**, 10 How. 458.
Cited, Holidays—Motion.
 14 Misc. 56; (69 St. Rep. 563; 35 Supp. 208; 2 Ann. Cas. 324).

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Mathot v. North River Bank, 6 Supp. 498.

Cited, Attachment—Upon What Leviable.

80 Hun, 593; (62 St. Rep. 554; 30 Supp. 558; 24 Civ. Pro. 74).

Mathusheck Piano Mf'g Co. v. Pearce, 50 St. Rep. 34; 21 Supp. 920.

Mathusheck Piano Mf'g Co. v. Pearce, 50 St. Rep. 677; 21 Supp. 921.

Mathusheck Piano Mf'g Co. v. Pearce, 79 Hun, 417; 61 St. Rep. 345; 29 Supp. 781.

Matson v. Abbey, 70 Hun, 475; 53 St. Rep. 794; 24 Supp. 284.

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10 Misc. 453; (63 St. Rep. 328; 31 Supp. 86).

Matson v. Abbey, 141 N. Y. 179; 56 St. Rep. 690.

Cited, Costs—Executors—Reference.

83 Hun, 406; (64 St. Rep. 669; 31 Supp. 880). 92 Hun, 447; (71 St. Rep. 664; 36 Supp. 610).

Matson v. Blossom, 18 St. Rep. 726; 2 Supp. 551; 4 Supp. 489.

Cited, Bills and Notes—Validity—Fraud—Bohemian Oat Notes.

53 St. Rep. 346; (33 Supp. 941).

Evidence—Burden of Proof—Bona Fide Purchaser—Bohemian Oat Note.

79 Hun, 132; (61 St. Rep. 378; 29 Supp. 479).

Matson v. Farmers' Building Ins. Co., 73 N. Y. 310.

Cited, Trial—Verdict—Subject to Opinion of Court.

92 Hun, 529; (72 St. Rep. 207; 37 Supp. 55).

Mattern v. Sage, 15 Daly, 38; 3 Supp. 120; 19 St. Rep. 63.

Cited, Judgment—Vacation—Laches.

71 Hun, 526; (54 St. Rep. 890; 24 Supp. 1035).

Matteson, Matter of, 50 St. Rep. 275; 21 Supp. 576.

Matteson v. Gillett, 86 Hun, 386; 67 St. Rep. 185; 33 Supp. 471.

Matteson v. Hall, 64 How. 515.

Cited, Justices of the Peace—New Trial—Improper Demand.

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Matteson v. Matteson, 51 How. 276.

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7 App. Div. 441; (40 Supp. 1025).

Matteson v. N. Y. C. & H. R. R. Co., 35 N. Y. 487.

Cited, Evidence—Expressions of Pain, etc.—Action for Personal Injuries.

1 Misc. 353; (48 St. Rep. 664; 20 Supp. 684).

Matteson v. N. Y. C. & H. R. R. Co., 76 N. Y. 381.

Cited, Carriers—Liability—Baggage and Property of Passengers—Delivery.

8 Misc. 215; (59 St. Rep. 487; 28 Supp. 578).

Common Carrier—Liability—Trunk.

16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Matteson v. N. Y. C. & H. R. R. Co., 57 N. Y. 552.

Cited, Innkeeper—Liability—Baggage.

84 Hun, 538; (66 St. Rep. 323; 32 Supp. 849).

Matthews, Matter of. See Seabury, Matter of.

Matthews v. American Cent. Ins. Co., 9 App. Div. 339; 75 St. Rep. 716; 41 Supp. 304.

Matthews v. Associated Press of State of N. Y., 136 N. Y. 333; 50 St. Rep. 9.

Affirming, 61 Hun, 199; 40 St. Rep. 593; 15 Supp. 887.

Cited, By-Law—Trial and Discipline of Members.

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Matthews v. Cady, 61 N. Y. 651.

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Matthews v. Cooper, 49 St. Rep. 792; 21 Supp. 71.

Matthews v. De Groff, 13 App. Div. 356; 77 St. Rep. 237; 43 Supp. 237.

Matthews v. Duryee, 4 Keyes, 525.

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75 Hun, 560; (59 St. Rep. 614; 27 Supp. 598).

Dower—Inchoate—Action for Protection. 84 Hun, 394; (65 St. Rep. 551; 32 Supp. 353).

Matthews v. Hubbard, 47 N. Y. 428.

Cited, Pleading—Bill of Particulars—When Granted—Note Payable to Bearer.

75 Hun, 286; (58 St. Rep. 199; 26 Supp. 1007).

Pleading—Bill of Particulars—Effect of. 17 Misc. 630; (40 Supp. 656).

Duplicate Citations in Parenthesis.

Matthews v. Matthews, 49 Hun, 346;
17 St. Rep. 991; 2 Supp. 121.

Cited, Landlord and Tenant—The Relation—Summary Proceedings.

1 Misc. 242; (53 St. Rep. 58; 23 Supp. 130).

Matthews v. Matthews, 53 Hun, 244;
25 St. Rep. 79; 6 Supp. 589.

Cited, Appeal—Review of Referee's Findings—Divorce.

73 Hun, 262; (57 St. Rep. 288; 26 Supp. 267).

Husband and Wife—Divorce—Referee's Decision—Confirmation.

7 Misc. 308; (58 St. Rep. 555; 28 Supp. 138; 23 Civ. Pro. 390).

Matthews v. Matthews, 62 Hun, 110;
41 St. Rep. 851; 16 Supp. 621.

Reversed, 133 N. Y. 679; 45 St. Rep. 842.

Matthews v. Matthews, 62 St. Rep. 281;
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Matthews v. Matthews, 133 N. Y.
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Cited, 62 St. Rep. 281; (30 Supp. 449).

Specific Performance—Damages.

82 Hun, 104; (63 St. Rep. 606; 31 Supp. 205).

Matthews v. Matthews, 14 Civ. Pro.
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Cited, Appeal—Costs—Items.

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Matthews v. Meyberg, 63 N. Y. 656.

Cited, Appeal—Exception to Denial of New Trial—Effect.

2 Misc. 438; (51 St. Rep. 580; 21 Supp. 957).

Appeal—Objections and Exceptions—Sufficiency of.

8 Misc. 271; (59 St. Rep. 902; 28 Supp. 716).

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1 Misc. 207; (49 St. Rep. 40); 49 St. Rep. 417; 50 St. Rep. 836; (22 Supp. 340).

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8 Misc. 293; (59 St. Rep. 210; 28 Supp. 578; 31 Abb. N. C. 439).

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10 Misc. 180; (62 St. Rep. 468; 30 Supp. 937). 10 Misc. 786; (63 St. Rep. 309; 30 Supp. 1069). 11 Misc. 387; (65 St. Rep. 309; 32 Supp. 281).

Appeal—Motion for New Trial—Absence of Exceptions.

18 Misc. 575; (76 St. Rep. 480; 42 Supp. 480).

Matthews v. Moran, 19 Misc. 24; 76 St. Rep. 968; 42 Supp. 968.

Matthews v. Sheehan, 69 N. Y. 585.

Cited, Mortgage—Redemption—Exact Compliance.

66 Hun, 229; (49 St. Rep. 136).

Matthews v. Smith, 9 Civ. Pro. 165.

Cited, Pleading—Verification by Attorney—Form.

18 Misc. 631; (77 St. Rep. 728; 43 Supp. 728).

Matthews v. Smith's Exp. Co., 1 Misc. 238; 23 Supp. 132.

Matthews v. Studley, 17 App. Div. 303; 79 St. Rep. 201; 45 Supp. 201.

Matthews v. Tufts, 87 N. Y. 568.

Cited, Writ and Process—Service—Privilege—Parties and Witnesses.

136 N. Y. 589; (49 St. Rep. 906; 30 Abb. N. C. 60). 78 Hun, 502; (61 St. Rep. 235; 29 Supp. 568). 55 St. Rep. 873; (26 Supp. 329). 10 Misc. 291; (63 St. Rep. 244; 30 Supp. 1054; 24 Civ. Pro. 128).

Matthews v. Young, 16 Misc. 525; 74 St. Rep. 636; 40 Supp. 26.

Matthewson, Matter of, 8 App. Div. 8; 40 Supp. 140.

Matthie v. Dowden, 138 N. Y. 628; 51 St. Rep. 934.

Affirming, 45 St. Rep. 942.

Matthiessen v. Bartlett, 85 Hun, 274; 66 St. Rep. 466; 32 Supp. 982.

Mattice v. Wilcox, 71 Hun, 485; 54 St. Rep. 902; 24 Supp. 1060.

Mattice v. Wilcox, 147 N. Y. 624; 71 St. Rep. 244.

Affirming, 71 Hun, 485; 54 St. Rep. 902. 24 Supp. 1060.

Mattison v. Bancus, Lalor's Supp. 321.

Cited, Courts—Jurisdiction—Power.

19 Misc. 599; (78 St. Rep. 316; 44 Supp. 316).

Mattison v. Demarest, 1 Robt. 717.

Cited, Creditor's Action—Discontinuance; 85 Hun, 103; (66 St. Rep. 37; 32 Supp. 655).

Mattison v. N. Y. C. R. Co., 57 N. Y. 552.

Cited, Carrier—Liability—Trunk.

81 Hun, 474; (63 St. Rep. 216; 30 Supp. 1022).

Mattlage v. Levi, 6 Misc. 150; 56 St. Rep. 282; 26 Supp. 17.

Mattlage v. New York Elevated R. Co., 1 Misc. 339; 48 St. Rep. 623; 20 Supp. 624.

Cited, Elevated Railroads—Damages—Advancement of Value of Property.

1 Misc. 157; (48 St. Rep. 713; 20 Supp. 626).

Damages—Public Use.

14 Misc. 294; (70 St. Rep. 441; 35 Supp. 706). 10 Misc. 261; (64 St. Rep. 113; 31 Supp. 430).

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Mattlage v. New York Elevated R. Co., 44 St. Rep. 289; 17 Supp. 536.

Cited, Damages—Counsel Fees.

82 Hun. 335; (64 St. Rep. 108; 31 Supp. 508). 20 Misc. 317; (79 St. Rep. 677; 45 Supp. 677).

Mattlage v. New York Elevated R. Co., 14 Misc. 291; 70 St. Rep. 439; 35 Supp. 704.

Mattoon v. Munroe, 23 Hun, 74

Cited, License—Lease.

3 App. Div. 82; (74 St. Rep. 837; 38 Supp. 1025).

License—Assignment.

3 App. Div. 84; (74 St. Rep. 838; 38 Supp. 1026).

License—Docks—Revocation.

12 App. Div. 22; (76 St. Rep. 610; 42 Supp. 610).

Landlord and Tenant—Lease of Dock—Eviction.

12 App. Div. 103; (76 St. Rep. 1030; 42 Supp. 1030).

Matz v. N. Y. C. & H. R. R. Co., 1 Hun, 417.

Cited, Railroads—Negligence—Private Crossing.

86 Hun, 523; (67 St. Rep. 669; 33 Supp. 988).

Mauger v. Slavin, 11 App. Div. 483; 76 St. Rep. 331; 42 Supp. 331.

Maule v. Crawford, 14 Hun, 193.

Cited, Usury—Pleading.

67 St. Rep. 836; (34 Supp. 35).

Maurer, Matter of, 18 Week. Dig. 568.

Cited, Divorce—Support of Child.

82 Hun, 188; (64 St. Rep. 804; 31 Supp. 983).

Maurer v. Wolff, 50 St. Rep. 634; 21 Supp. 202.

Maurhoffer v. Mitnacht, 12 Misc. 585; 63 St. Rep. 314; 34 Supp. 439; 24 Civ. Pro. 429.

Maurice v. Graham, 8 Paige. 483.

Cited, Wills—Annuity—Alienability.

70 Hun, 277; (54 St. Rep. 23; 24 Supp. 228).

Maverick v. Eighth Ave. R. Co., 36 N. Y. 378.

Cited, Carriers—Of Passengers—Measure of Care Required.

1 Misc. 351; (48 St. Rep. 663; 20 Supp. 683). 16 App. Div. 148. D. 13 Misc. 134; (68 St. Rep. 237; 34 Supp. 186).

Mawson v. Leavitt, 16 Misc. 289; 74 St. Rep. 292; 37 Supp. 1138.

Maxfield v. Carpenter, 84 Hun, 450; 65 St. Rep. 587; 32 Supp. 381.

Maxim v. Champion, Town of, 50 Hun, 88; 23 St. Rep. 949; 4 Supp. 515.

Affirmed, 119 N. Y. 626; 28 St. Rep. 978.

Cited, Evidence—Weight—Unsafe Highway—Absence of Prior Accident.

67 Hun, 625; (51 St. Rep. 113; 22 Supp. 471).

Highways—Defective—Personal Injuries Liability of Town.

60 St. Rep. 113.

Trial—Question of Fact—Negligence—Injury on Highway.

67 Hun, 624; (51 St. Rep. 113; 22 Supp. 471). 76 Hun, 175; (57 St. Rep. 300; 27 Supp. 587).

Maxim v. Champion, 50 Hun, 88; 23 St. Rep. 945; 4 Supp. 515.

Affirmed, 119 N. Y. 626; 28 St. Rep. 978.

Cited, Municipal Corporation—Negligence—Barrier.

83 Hun, 213; (64 St. Rep. 355; 31 Supp. 758). 14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540). 17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146). 79 St. Rep. 1115; (45 Supp. 1115).

Maximilian v. New York, 62 N. Y. 160.

Cited, Municipal Corporations—Liability—Acts of Agents and Officers.

9 Misc. 350; (61 St. Rep. 248). 6 Misc. 235; (26 Supp. 1095). 6 Misc. 287; (26 Supp. 871). 76 Hun, 293; (59 St. Rep. 191; 28 Supp. 122). 78 Hun, 152; (60 St. Rep. 207; 28 Supp. 991). 79 Hun, 125; (61 St. Rep. 395; 29 Supp. 498). 61 St. Rep. 712; (29 Supp. 1131). 147 N. Y. 56; (69 St. Rep. 308). 150 N. Y. 454.

Municipal Corporations—Public and Private Powers.

148 N. Y. 52. 148 N. Y. 56. 80 Hun, 166; (29 Supp. 1131).

Veterans—Removal from City Appointive Position.

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Municipal Corporations—Liability—Sewers.

17 App. Div. 208; (79 St. Rep. 376; 45 Supp. 366).

Maxon v. Scott, 55 N. Y. 247.

Cited, Evidence—Presumption—Settlement of Accounts—Taking of Notes.

4 Misc. 36; (23 Supp. 835.)

Husband and Wife—Living Expenses—Liability of Wife.

75 Hun, 521; (57 St. Rep. 349; 27 Supp. 730). 84 Hun, 201; (65 St. Rep. 743; 32 Supp. 543). 88 Hun, 51; (68 St. Rep. 220; 34 Supp. 507).

*Duplicate Citations in Parenthesis.***Maxson v. Annas**, 1 Den. 204.*Cited*, Summons—Service on Jew—Return on Saturday.
39 Supp. 255.**Maxson v. Delaware, Lackawanna & W. R. Co.**, 112 N. Y. 553; 21 St. Rep. 767.*Cited*, Limitation of Action — When Barred—Injury to Wife.

7 Misc. 2; (57 St. Rep. 843; 27 Supp. 330; Municipal Corporations—Action for Injuries—Husband and Wife.

15 App. Div. 323; (78 St. Rep. 40; 44 Supp. 40).

Maxwell, Matter of, 66 Hun, 151; 49 St. Rep. 154; 21 Supp. 209.**Maxwell, Matter of**, 74 Hun, 307; 55 St. Rep. 684; 26 Supp. 216.**Maxwell v. Chapman**, 8 Barb. 579.*Cited*, Evidence—Church Record of Baptism—Age.

73 Hun, 604; (56 St. Rep. 143; 26 Supp. 319).

Maxwell v. Cottle, 72 Hun, 529; 55 St. Rep. 127; 25 Supp. 635.*Cited*, Attorneys—Relation to Client—Lien on Securities.

76 Hun, 345; (59 St. Rep. 102; 27 Supp. 724).

Maxwell v. East River Bank, 3 Bosw. 124*Cited*, Party Wall—Right to Remove and Rebuild.

67 Hun, 32; (50 St. Rep. 755; 21 Supp. 850).

Maxwell v. Gerard, 84 Hun, 537; 66 St. Rep. 323; 32 Supp. 849.**Maxwell v. Hotheimer**, 81 Hun, 551; 63 St. Rep. 278; 30 Supp. 1090.**Maxwell v. Pratt**, 24 Hun, 448.*Cited*, Action — Parties — Defect of — Waiver by Failure to Demur.

2 Misc. 249; (50 St. Rep. 329; 21 Supp. 944).

Pleading—Non-Joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 147; 23 Civ. Pro. 25).

May, Matter of, 31 St. Rep. 50; 9 Supp. 785.*Cited*, Limitation—Accounting by Administrator.

71 St. Rep. 301. 15 Misc. 560; (37 Supp. 1131).

May v. Bermel, 20 Misc. 515; 79 St. Rep. 913; 45 Supp. 913.**May v. Burras**, 13 Abb. N. C. 384.*Cited*, Pleading—Defense—Necessity of Pleading—Avoidance of Contract.

2 Misc. 172; (49 St. Rep. 623; 21 Supp. 618).

May v. Gunther, 20 Misc. 659.**May v. Menton**, 18 Misc. 737; 75 St. Rep. 1036; 41 Supp. 650.**May v. Menton**, 79 St. Rep. 1047; 45 Supp. 1047.**May v. N. Y. Safety Reserve Fund Ass'n**, 13 St. Rep. 66.*Cited*, Insurance — Benefit Society — Amendment of Constitution.

63 Hun, 360; (52 St. Rep. 203; 22 Supp. 804).

May v. Schuyler, 43 Super. 95.*Cited*, Contract—Condition Precedent—Performance—Recovery.

6 Misc. 314; (58 St. Rep. 298; 26 Supp. 1106).

May v. Traphagan, 139 N. Y. 478, 54 St. Rep. 726.*Reversing*, 43 St. Rep. 556; 19 Supp. 679.*Cited*, Tax Sale—Strict Compliance With Statute.

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Taxes—Assessment—Several Parcels.

13 Misc. 704; (69 St. Rep. 178; 34 Supp. 1098). 62 St. Rep. 119; (30 Supp. 365). 11 App. Div. 515; (76 St. Rep. 807; 42 Supp. 807).

Taxes—Assessment — Strict Compliance With Statute.

11 App. Div. 514; (76 St. Rep. 806; 42 Supp. 806).

May v. Walter, 56 N. Y. 8.*Distinguished*, Replevin — Conditional Sale—Good Faith.

8 App. Div. 381; (40 Supp. 812)

Mayell v. Potter, 2 Johns Cas. 371.*Cited*, Carriers—Liability After Tender—Storage of Goods.

9 App. Div. 174; (41 Supp. 85).

Mayenborg v. Haynes, 50 N. Y. 675.*Cited*, Estoppel—Equitable—Mutuality—Subrogation.

74 Hun, 514; (57 St. Rep. 231; 26 Supp. 551).

Estoppel—Statements to Third Person.

70 Hun, 528; (54 St. Rep. 51; 24 Supp. 396).

Mayer, Matter of, 84 Hun, 539; 66 St. Rep. 324; 32 Supp. 850.**Mayer, Matter of**, 66 St. Rep. 325; 32 Supp. 851.

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Mayer, Matter of, 50 N. Y. 504.

Cited, Statutes—Local—Title.

10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822).

Mayer v. Apfel, 2 Sweeny. 729.

Cited, Courts—Reviewing Jurisdiction—Co-Ordinate Courts.

5 Misc. 489; (55 St. Rep. 159; 25 Supp. 328).

Mayer v. Beggs, 9 Misc. 352; 60 St. Rep. 619; 29 Supp. 702.

Mayer v. Bruns, 73 St. Rep. 513; 37 Supp. 1021.

Mayer v. Dean, 115 N. Y. 556; 26 St. Rep. 375.

Cited, Appeal—Direction of Verdict—When Exception Available.

1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697). 1:1 N. Y. 482.

Evidence—Declarations—Acts and Declarations of Agents—To Show Agency.

7 Misc. 501; (58 St. Rep. 797; 27 Supp. 950).

Principal and Agent—Agent's Authority Implied.

7 Misc. 606; (58 St. Rep. 759; 27 Supp. 867).

Principal and Agent—Ratification—Effect on Principal's Liability.

2 Misc. 400; (50 St. Rep. 613; 21 Supp. 954).

Trial—Request to go to Jury—Definiteness.

76 Hun, 232; (59 St. Rep. 125; 27 Supp. 738).

Trial—Taking Case from Jury—Requests for Direction.

79 Hun, 119; (61 St. Rep. 372; 29 Supp. 515). 82 Hun, 288; (64 St. Rep. 78; 31 Supp. 481). 85 Hun, 493; (67 St. Rep. 239; 33 Supp. 407). 89 Hun, 26; (69 St. Rep. 432; 35 Supp. 38). 6 App. Div. 561; (39 Supp. 563).

Mayer v. Equitable Reserve Fund

L. Ass'n, 42 Hun, 237; 5 St. Rep. 87.

Cited, Insurance—Assessments—Application.

78 Hun, 193; (60 St. Rep. 256; 28 Supp. 945).

Mayer v. Frankfeld, 85 Hun, 214; 66 St. Rep. 491; 32 Supp. 1007.

Mayer v. Friedman, 7 Hun, 218.

Cited, Limitation of Action—When Statute Runs—Absence.

75 Hun, 311; (56 St. Rep. 765; 27 Supp. 80).

Mayer v. Fuller, 17 Misc. 611; 75 St. Rep. 77; 40 Supp. 674.

Mayer v. Hazard, 49 Hun, 222; 17 St. Rep. 26; 1 Supp. 680.

Cited, Assignment for Creditors—Accounting—Costs of Setting Aside Assignment.

76 Hun, 366; (53 St. Rep. 469; 27 Supp. 791).

Assignment for Creditors—Counsel Fees. 90 Hun, 428; (70 St. Rep. 625; 35 Supp. 952).

Mayer v. Heidelberg, 123 N. Y. 332; 33 St. Rep. 610.

Cited, Bills and Notes—Renewals—Consideration.

6 Misc. 55; (53 St. Rep. 523; 26 Supp. 78). 14 Misc. 318; (70 St. Rep. 325; 35 Supp. 849). 12 Misc. 72; (66 St. Rep. 676; 33 Supp. 83).

Bills and Notes—Rights of Transferee—Bona Fide Holders.

137 N. Y. 118; (50 St. Rep. 198).

Bills and Notes—Surrender—Payment.

16 App. Div. 134; (79 St. Rep. 138; 45 Supp. 133).

Bills and Notes—Action by Payee Against Subsequent Indorser—Consideration.

17 Misc. 383; (39 Supp. 1062).

Mayer v. Kilpatrick, 7 Misc. 689; 58 St. Rep. 387; 28 Supp. 145.

Mayer v. Laux, 18 Misc. 671; 77 St. Rep. 743; 43 Supp. 743.

Mayer v. Liebmann, 16 App. Div. 54; 78 St. Rep. 1067; 44 Supp. 1067.

Mayer v. McCreery, 119 N. Y. 434; 29 St. Rep. 690.

Cited, Contract—Meeting of Minds—Subsequent Arrangement of Conditions.

4 Misc. 262; (53 St. Rep. 717; 24 Supp. 308). 16 Misc. 547; (74 St. Rep. 131; 38 Supp. 783).

Statute of Fraud—Lease—Intent.

17 Misc. 158; (39 Supp. 327).

Mayer v. McCreery, 9 St. Rep. 114.

Affirmed, 119 N. Y. 434; 29 St. Rep. 690.

Cited, Contracts—Meeting of Minds—Offer—Acceptance.

6 Misc. 530; (57 St. Rep. 864; 27 Supp. 144).

Mayer v. McWalters, 17 App. Div. 291; 79 St. Rep. 243; 45 Supp. 243.

Mayer v. Moller, 1 Hilt. 491.

Cited, Evidence—Parol to Modify Writing.

16 Misc. 530; (38 Supp. 981).

Mayer v. New York, 63 N. Y. 455.

Cited, Mistake of Fact—Payment—Recovery.

9 App. Div. 404; (41 Supp. 499).

*Duplicate Citations in Parenthesis.***Mayer v. New York**, 101 N. Y. 284.

Cited, Eminent Domain—Award—Conclusiveness.

2 Misc. 11; (49 St. Rep. 579; 21 Supp. 604).
Judgment—Conclusiveness—Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298).

Public Improvements — Assessments — Void—Relief.

135 N. Y. 468; (48 St. Rep. 468). 146 N. Y. 248; (66 St. Rep. 610; 2 Ann. Cas. 91).

Mayer v. Noll, 56 How. 214.

Cited, Contempt—Violation of Order—Personal Service.

D. 80 Hun, 453; (62 St. Rep. 300; 30 Supp. 467).

Mayer v. People, 80 N. Y. 364.

Cited, Evidence—Relevancy—Other Offences.

74 Hun, 391; (56 St. Rep. 424; 26 Supp. 456). 83 Hun, 412; (63 St. Rep. 587; 31 Supp. 270).

Mayer v. Temple Beth El, 52 St. Rep. 638; 23 Supp. 1013.**Maynard v. Chase**, 30 St. Rep. 348; 8 Supp. 746.

Cited, Action—Change of Venue—Locus in quo.

70 Hun, 519; (53 St. Rep. 617; 24 Supp. 132). 5 App. Div. 557; (39 Supp. 435).

Maynard v. Vanderwerker, 24 Supp. 932; 30 Abb. N. C. 134.

Cited, Insurance — Beneficiary — Vested Interest.

17 Misc. 741; (41 Supp. 408).

Maynard v. Vanderwerker, 76 Hun, 25; 59 St. Rep. 154; 27 Supp. 714.**Mayne v. Griswold**, 3 Sandf. 463.

Cited, Limitations—Fraud.

147 N. Y. 416; (70 St. Rep. 53).

Mayo v. Davidge, 44 Hun, 342; 8 St. Rep. 844.

Cited, Pleading—Answer—Counterclaim—Time of Acquiring.

77 Hun, 468; (60 St. Rep. 406; 28 Supp. 871). 14 Misc. 485; (10 St. Rep. 435; 35 Supp. 70).

Mayo v. Knowlton, 134 N. Y. 250; 47 St. Rep. 748.

Cited, Trial—Election Between Counts—Fraud—Presentment to Jury.

75 Hun, 432; (57 St. Rep. 354; 27 Supp. 674).

Contract—Rescission—Fraud.

13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Mayock v. Rome, Watertown & Ogdensburg R. Co., (not reported).

Cited, Highways—Title to Fee—Grant by State.

8 App. Div. 620; (40 Supp. 1103).

Mayor v. Coffin, 90 N. Y. 312.

Cited, Action — Consolidation—Identity of Party.

5 App. Div. 265; (39 Supp. 153).

Mayville, Village of, v. Wilcox, 61 Hun, 223; 16 Supp. 15.

Cited, Courts — Jurisdiction—Presumption.

16 Misc. 618; (40 Supp. 745; 25 Civ. Pro. 393).

Mazanec v. Manhattan Investment & Construction Company, 2 App. Div. 489; 74 St. Rep. 448.**McAdam v. Walbrau**, 8 Civ. Pro. 451.

Cited, Replevin—Affidavit—Amendment.
18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

McAleer v. Warren, 77 Hun, 589; 60 St. Rep. 181; 28 Supp. 1000**McAllaster v. Bailey**, 127 N. Y. 583.

Cited, Assignment—Money in Hands of Assignee—Attachment.

12 App. Div. 477; (76 St. Rep. 36; 42 Supp. 36).

McAllaster v. Niagara F. Ins. Co., 84 Hun, 322; 65 St. Rep. 552; 32 Supp. 353**McAllister v. Case**, 24 St. Rep. 52; 5 Supp. 916.

Cited, Mechanic's Lien — Enforcement — Complete Adjustment in One Action.

78 Hun, 56; (60 St. Rep. 492; 28 Supp. 1088). 9 Misc. 381; (61 St. Rep. 484; 30 Supp. 255). 12 Misc. 30; (66 St. Rep. 724; 33 Supp. 67).

McAlpine, Matter of, 15 St. Rep. 532.

Cited, Executors and Trustees Under Will — Separate Functions — Tests — Commissions.

77 Hun, 113; (59 St. Rep. 853; 28 Supp. 307).

McAlpine, Matter of, 126 N. Y. 285; 37 St. Rep. 6.

Cited, Executors and Trustees Under Will — Separate Functions — Tests — Commissions.

77 Hun, 114; (59 St. Rep. 853; 28 Supp. 307). 16 Misc. 203; (74 St. Rep. 537; 38 Supp. 947). 67 St. Rep. 164; (33 Supp. 983). 9 App. Div. 292; (15 Misc. 550; 73 St. Rep. 128; 37 Supp. 589). 12 App. Div. 136; (76 St. Rep. 676; 42 Supp. 676).

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Executors—Accounting—Commissions—
Accepting Specific Articles in Lieu of Cash.
24 Supp. 98.

McAlpin v. Powell, 70 N. Y. 126.

Cited, Master and Servant—Independent
Contractor—Negligence.

71 Hun, 41; (54 St. Rep. 68; 24 Supp.
513).

Negligence—Contributory—Children.

67 Hun, 608; (51 St. Rep. 243; 22 Supp.
443). 71 Hun, 510; (55 St. Rep. 86; 24
Supp. 1094). 145 N. Y. 303; (64 St. Rep.
714). D. 6 App. Div. 183; (39 Supp. 1026).
87 Hun, 358; (68 St. Rep. 313; 34 Supp.
381). 18 Misc. 673; (77 St. Rep. 744; 43
Supp. 744).

Property Owner—Duty to Repair—Ne-
glect—Availability.

13 Misc. 498; (68 St. Rep. 409; 34 Supp.
681; 2 Ann. Cas. 181).

**McAndrew v. Lake Shore & Mich.
Southern R. Co.**, 70 Hun, 46; 53
St. Rep. 436; 23 Supp. 1074.

**McAndrew v. Lake Shore & Mich.
Southern R. Co.**, 146 N. Y. 377; 67
St. Rep. 899.

McAndrew v. Whitlock, 52 N. Y. 40.

Cited, Carriers—Bailments—Delivery.

10 Misc. 130; (62 St. Rep. 471; 30 Supp.
904).

McArdle v. Smith, 1 Misc. 3; 48 St. Rep.
507; 20 Supp. 612.

Cited, Appeal—Review of Evidence—
Necessity of Motion for New Trial.

3 Misc. 145; (51 St. Rep. 494; 22 Supp.
711).

McArthur v. Gordon, 126 N. Y. 597; 83
St. Rep. 667.

Cited, Trusts—Creation—Declaration—
Sufficiency.

140 N. Y. 119; (55 St. Rep. 373). D. 50
St. Rep. 296; (21 Supp. 231).

McArthur v. Soule, 5 Hun, 63.

Cited, Evidence—Declarations—Acts and
Declarations of Agents—To Show Agency.

7 Misc. 501; (58 St. Rep. 797; 27 Supp.
950).

McAuley v. Billenger, 20 Johns. 89.

Cited, Contracts—Subscription—Consid-
eration.

8 App. Div. 567; (75 St. Rep. 307; 40
Supp. 914).

McAveney v. Brush, 13 Misc. 79; 68 St.
Rep. 176; 34 Supp. 101; 1 Ann. Cas.
414.

Reversed, 1 App. Div. 97; 72 St. Rep. 151;
37 Supp. 105; 3 Ann. Cas. 143.

McAveney v. Brush, 1 App. Div. 97; 72
St. Rep. 151; 37 Supp. 105; 3 Ann. Cas.
143.

McAvoy v. Cassidy, 8 Misc. 595; 60 St.
Rep. 827; 29 Supp. 321.

Cited, Appeal—Case—Certificate That
Case Contains All the Evidence—Omission
—Effect.

6 App. Div. 191; (39 Supp. 1008).

McAvoy v. Kings County, 69 St. Rep.
105; 34 Supp. 1024.

McAvoy v. N. Y. C. & H. R. R. Co.,
134 N. Y. 674; 53 St. Rep. 933.

Affirming, 46 St. Rep. 964; 20 Supp. 270.

McBean v. McCallum, 89 Hun, 95; 68
St. Rep. 838; 34 Supp. 1003.

McBratney v. Heydecker, 8 Misc. 309;
59 St. Rep. 281; 28 Supp. 730.

McBratney v. R., W. & O. R. Co.,
87 N. Y. 467.

Cited, Attorneys—Lien.

18 Misc. 44; (75 St. Rep. 453; 40 Supp.
1135).

McBride, Matter of, 72 Hun, 394; 55
St. Rep. 487; 25 Supp. 431.

McBride, Matter of, 6 App. Div. 376;
39 Supp. 579.

McBride v. American Surety Co.,
70 Hun, 369; 54 St. Rep. 106; 24 Supp.
178.

McBride v. Chamberlain, 56 St. Rep.
431; 26 Supp. 91.

McBride v. Farmers' Bank, 26 N. Y.
450.

Cited, Banks—Notes for Collection—Title
To.

75 Hun, 93; (58 St. Rep. 152; 26 Supp.
1037). 9 Misc. 347; (60 St. Rep. 612; 29
Supp. 1104).

McBride v. Harris, 90 Hun, 259; 70 St.
Rep. 486; 35 Supp. 689.

Cited, Attorney and Client—Client's
Money—Compelling Payment.
39 Supp. 580.

McBride v. McBride, 119 N. Y. 519; 30
St. Rep. 78.

Cited, Husband and Wife—Divorce—Al-
lowance for Expenses of Action.

67 Hun, 493; (50 St. Rep. 846; 23 Supp.
569). 82 Hun, 189; (64 St. Rep. 805; 31
Supp. 984).

Husband and Wife—Alimony—Pending
Appeal.

11 App. Div. 232; (76 St. Rep. 584; 42
Supp. 584). 11 Misc. 593; (66 St. Rep. 335;
32 Supp. 1081).

Duplicate Citations in Parenthesis.

McBride v. McBride, 31 St. Rep. 631; 9 Supp. 827.

Cited, Husband and Wife—Divorce—Separation.

15 Misc. 517; (74 St. Rep. 288; 37 Supp. 1122).

McBride v. McBride, 53 Hun, 448; 6 Supp. 447.

Cited, Husband and Wife—Pendency of Action—Alimony.

11 App. Div. 200; (76 St. Rep. 587; 42 Supp. 587).

McCabe, Matter of, 18 Supp. 715; 28 Abb. N. C. 59.

Cited, Surrogate's Court—Jurisdiction—Contest as to Share.

8 Misc. 582; (60 St. Rep. 691; 29 Supp. 1090; 24 Civ. Pro. 77). 71 Hun, 348; (55 St. Rep. 22; 25 Supp. 5).

Surrogate—Power to Control Executors and Administrators.

15 App. Div. 545; (78 St. Rep. 554; 44 Supp. 554).

McCabe v. Brainard, 17 App. Div. 45; 78 St. Rep. 964; 44 Supp. 964.

McCabe v. Brayton, 38 N. Y. 196.

Cited, Trial—Motion to Strike out Evidence—Including Competent With Incompetent.

3 Misc. 306; (52 St. Rep. 122; 22 Supp. 933). 18 Misc. 36; (75 St. Rep. 462; 41 Supp. 12).

Trial—Reception of Evidence—Motion to Strike Out—Grounds For.

7 Misc. 55; (57 St. Rep. 511; 27 Supp. 341). 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 572; 31 Abb. N. C. 43).

Trial—Requests to Charge—Definiteness. 8 Misc. 249; (59 St. Rep. 231; 28 Supp. 726).

Witness—Credibility—Testimony on Former Trial.

17 Misc. 160; (39 Supp. 329).

Assignment—Fraud—Proof.

18 Misc. 409; (76 St. Rep. 777; 42 Supp. 777).

McCabe v. Buffalo, 75 Hun, 612; 58 St. Rep. 872; 27 Supp. 1120.

Affirmed, 149 N. Y. 568.

McCabe v. Buffalo, 45 St. Rep. 456; 18 Supp. 389.

Cited, Trial—Questions for Jury—Contributory Negligence—Knowledge.

71 Hun, 452; (54 St. Rep. 333; 24 Supp. 970).

Municipal Corporations—Sidewalks—Pedestrians—Contributory Negligence.

91 Hun, 329; (72 St. Rep. 298; 36 Supp. 1025).

McCabe v. Farm Buildings Fire Ins. Co., 14 Hun, 602.

Cited, Insurance—Conditions—Waiver.

7 App. Div. 535; (40 Supp. 307).

McCabe v. Fowler, 84 N. Y. 314.

Cited, Executors—Management of Estate—Degree of Care.

4 Misc. 41; (23 Supp. 832). 16 Misc. 175; (38 Supp. 1136).

McCabe v. Goodfellow, 133 N. Y. 89; 44 St. Rep. 253.

Cited, Associations—Unincorporated—Liability of Members.

71 Hun, 477; (54 St. Rep. 393; 24 Supp. 973). 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 14 Misc. 503; (70 St. Rep. 687; 35 Supp. 1062).

McCabe v. Green, 79 St. Rep. 723; 45 Supp. 723.

McCabe v. Kastens, 10 Misc. 42; 63 St. Rep. 180; 30 Supp. 832.

Affirmed, 11 Misc. 272; 65 St. Rep. 439; 32 Supp. 249.

McCabe v. Kastens, 11 Misc. 272; 65 St. Rep. 439; 32 Supp. 249.

McCabe v. McCabe, 18 Hun, 154.

Cited, Co-tenants—Accounting—Use and Occupation—Rents and Profits.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353). 85 Hun, 230; (66 St. Rep. 404; 32 Supp. 1071). 10 Misc. 63; (63 St. Rep. 167; 30 Supp. 875).

McCabe v. O'Connor, 4 App. Div. 354; 74 St. Rep. 200; 33 Supp. 572.

McCafferty v. Spuyten Duyvil & P. M. R. Co., 61 N. Y. 178.

Cited, Blasting—Liability—When Done by Independent Contractor.

2 Misc. 317; (50 St. Rep. 580. 21 Supp. 1019; 30 Abb. N. C. 165).

Contract—Building—Independent Contractor—Damages.

143 N. Y. 93; (60 St. Rep. 470).

Master and Servant—Independent Contractor—Negligence—Torts.

137 N. Y. 105; (50 St. Rep. 190). 6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906). 10 App. Div. 443; (75 St. Rep. 1433; 41 Supp. 1087; 3 Ann. Cas. 327).

McCaffrey, Matter of, 50 Hun, 371; 20 St. Rep. 5; 3 Supp. 96.

Cited, Trustees—Power to Lease—Death of Beneficiary.

20 Misc. 270; (79 St. Rep. 844; 45 Supp. 844). 147 N. Y. 201; (69 St. Rep. 503). 81 Hun, 570; (63 St. Rep. 609; 31 Supp. 208).

*Duplicate Citations in Parenthesis.***McCaffrey v. Delaware & Hudson C. Co.**, 41 St. Rep. 221; 16 Supp. 495.*Affirmed*, 137 N. Y. 568; 50 St. Rep. 934.*Cited*, Railroads — Crossings — Duty of Travelers.

69 Hun, 431; (52 St. Rep. 785; 23 Supp. 479).

Driver—Passenger—Imputed Negligence.

86 Hun, 68; (67 St. Rep. 73; 33 Supp. 230).

86 Hun, 529; (67 St. Rep. 688; 33 Supp. 913). 18 Misc. 204; (75 St. Rep. 779; 41 Supp. 369).

McCaffrey v. Woodin, 65 N. Y. 459.*Cited*, Assignment — Property in Expectancy—Equity.

138 N. Y. 506; (53 St. Rep. 106).

Chattel Mortgage — Description of Property.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

Landlord and Tenant—Payment of Rent in Product of Property—Lien.

140 N. Y. 182; (55 St. Rep. 385).

Chattel Mortgage — Of Property in Expectancy—When Lien Attaches.

60 St. Rep. 287. 149 N. Y. 131. 82 Hun, 392; (63 St. Rep. 792; 31 Supp. 343).

McCaffrey v. Woodin, 62 Barb. 316.*Reversed*, 65 N. Y. 459.*Cited*, Pledge—Interest of Parties in Property.

60 St. Rep. 156; (28 Supp. 482).

McCahill v. Hamilton, 20 Hun, 388.*Cited*, Statute—Repeal—Effect on Existing Rights and Remedies.

71 Hun, 277; (54 St. Rep. 490; 24 Supp. 1023).

McCahill v. Kipp, 2 E. D. Smith, 413.*Cited*, Negligence—Horse Left Unhitched and Unattended.

1 Misc. 134; (48 St. Rep. 766; 20 Supp. 645).

McCahill v. McCahill, 11 Misc. 258; 64 St. Rep. 255; 32 Supp. 836.**McCahill v. McCahill**, 71 Hun, 221; 54 St. Rep. 759; 25 Supp. 219.**McCahill v. McCahill**, 71 Hun, 224; 54 St. Rep. 761; 25 Supp. 221.**McCahill v. Mehrbach**, 37 Hun, 504.*Cited*, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (52 St. Rep. 630; 23 Supp. 470).

McCaig v. Erie R. Co., 8 Hun, 599.*Cited*, Railroads — Engines — Emitting Sparks.

92 Hun, 283; (71 St. Rep. 730; 36 Supp. 720). 4 App. Div. 467; (74 St. Rep. 149; 38 Supp. 656).

McCaldin v. Parke, 66 Hun, 323; 50 St. Rep. 262; 21 Supp. 277.**McCaldin v. Parke**, 52 St. Rep. 745; 23 Supp. 370.*Reversed*, 60 St. Rep. 297.**McCaldin v. Parke**, 60 St. Rep. 297.**McCall v. McCall**, 54 N. Y. 541.*Cited*, Judgment — Modification—Partition.

60 St. Rep. 101.

McCall v. Moschowitz, 14 Daly 16; 1 St. Rep. 99; 10 Civ. Pro. 107.*Cited*, Partnership — Accounting — Rule for.

68 Hun, 175; (52 St. Rep. 79; 22 Supp. 680). 82 Hun, 55, 56; (63 St. Rep. 370; 31 Supp. 70).

McCall v. Saratoga Springs, 29 St. Rep. 699; 9 Supp. 170.*Distinguished*, Highway—Establishment of Grade—Municipal Corporations.

66 Hun, 217; (49 St. Rep. 52; 21 Supp. 43).

Cited, Highways—Grade of Street—Establishment—Usage.

142 N. Y. 125; (58 St. Rep. 629).

McCall v. Sun Mut Ins. Co., 66 N. Y. 505.*Cited*, Insurance—Fire—Waiver of Conditions—Knowledge of Inconsistent Facts.

137 N. Y. 396; (50 St. Rep. 682).

Trial—Question of Fact—Waiver of Right to Submission of by Motion for Non-Suit.

1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697).

McC Campbell v. Cunard Steamship Co., 69 Hun, 131; 53 St. Rep. 330; 23 Supp. 477.*Cited*, Master and Servant—Liability of Master—Acts of Superior Officers—Places — Negligence.

76 Hun, 53; (58 St. Rep. 282; 23 Supp. 200). D. 3 App. Div. 617; (74 St. Rep. 398; 38 Supp. 101).

McC Campbell v. Cunard Steamship Co., 144 N. Y. 552; 64 St. Rep. 246.*Reversing*, 76 Hun, 609; 58 St. Rep. 870; 27 Supp. 1112.*Cited*, Master and Servant—Negligence of Co-Servants.

151 N. Y. 422. 89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537). 5 App. Div. 434, 437; (39 Supp. 303, 305). 15 App. Div. 107; (78 St. Rep. 278; 44 Supp. 278). 12 Misc. 340; (67 St. Rep. 339; 33 Supp. 633). 79 St. Rep. 874; (45 Supp. 874).

McCann v. Albany, 11 App. Div. 378; 76 St. Rep. 94; 42 Supp. 94.

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McCann v. Mathison, 12 Misc. 214; 66 St. Rep. 855; 33 Supp. 263.

Cited, Master and Servant—Dangers—Instruction of Servant—Assumed Risks.
20 Misc. 51; (78 St. Rep. 267; 44 Supp. 267).

McCann v. Sixth Ave. R. Co., 117 N. Y. 505; 27 St. Rep. 834.

Cited, Carriers—Trespassers—Ejection.
9 Misc. 420; (61 St. Rep. 703; 30 Supp. 198). 145 N. Y. 213; (64 St. Rep. 599). D. 9 Misc. 424; (61 St. Rep. 706; 30 Supp. 200).
Trial—Question of Fact—Submission to Jury.
92 Hun. 39; (71 St. Rep. 802; 36 Supp. 634). 92 Hun. 606; (70 St. Rep. 898; 36 Supp. 1121).

McCarragher v. Rogers, 120 N. Y. 526; 31 St. Rep. 595.

Cited, Master and Servant—Risks Assumed—Obviousness—Minors.
7 Misc. 11; (56 St. Rep. 841; 27 Supp. 334). 76 St. Rep. 1108; (42 Supp. 1108).

Trial—Contributory Negligence—Question for Jury.
15 App. Div. 261; (78 St. Rep. 200; 44 Supp. 200).
Prejudicial Evidence—Misleading Jury.
D. 69 Hun. 178; (52 St. Rep. 741; 28 Supp. 359).

McCarran, Matter of, 8 Misc. 482; 60 St. Rep. 168; 29 Supp. 582; 31 Abb. N. C. 416.

McCarran v. Cooper, 16 App. Div. 311; 78 St. Rep. 695; 44 Supp. 695.

McCartee v. Camel, 1 Barb. Ch. 455.
Cited, Limitation of Action—Decedent's Estate—Proceeding to Enforce Payment of Claims Against.
70 Hun. 66; (53 St. Rep. 511; 23 Supp. 1107). 15 Misc. 559; (37 Supp. 1131).

McCartee v. Orphan Asylum Society, 9 Cow. 437.
Cited, Wills—Construction—Charitable Gift—Effectuation by Court.
151 N. Y. 339.
Statutes—Construction—In Pari Materia.
19 Misc. 596; (78 St. Rep. 315; 44 Supp. 315).

McCartee v. Teller, 2 Paige, 511.
Cited, Dower—In What Property—Equitable Interests in Lands.
5 Misc. 128; (25 Supp. 728).
Husband and Wife—Ante-nuptial Release of Dower—Consideration.
67 Hun. 333; (51 St. Rep. 792; 22 Supp. 301).

McCarten v. Flagler, 69 Hun. 134; 52 St. Rep. 743; 23 Supp. 263.

McCarthy, Matter of, 5 Misc. 276; 25 Supp. 987.

McCarthy, Matter of, 55 Hun. 7; 28 St. Rep. 342; 8 Supp. 578.
Cited, Evidence—Privileged Communications—Attorneys.

72 Hun. 498; (54 St. Rep. 773; 25 Supp. 270).

McCarthy, Matter of, 48 St. Rep. 315; 20 Supp. 581.

Cited, Wills—Probate—Contest—Duties and Obligations of Testator—Intention.
9 Misc. 679; (62 St. Rep. 424; 30 Supp. 847).

McCarthy v. Bonyuge, 12 Daly. 356.
Cited, Stenographers—Fees.

20 Misc. 233; (79 St. Rep. 789; 45 Supp. 789).

McCarthy v. Christopher & Tenth St. R. Co., 10 Daly. 540.

Cited, Trial—Verdict—Setting Aside.
7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367).
Appeal—Motion for Non-Suit—Denial—Failure to Except.
14 Misc. 604; (71 St. Rep. 447; 36 Supp. 459).

McCarthy v. Crowley, 5 Supp. 675.
Cited, Appeal—From Justice's Judgment—Notice of.
23 Supp. 673.

McCarthy v. Far Rockaway, Village of, 3 App. Div. 379; 38 Supp. 989.

Cited, Municipal Improvements—Discharge of Water—Nuisance.
11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577). 79 St. Rep. 480; (45 Supp. 480).

McCarthy v. Gallagher, 4 Misc. 188; 53 St. Rep. 176; 23 Supp. 884.
Affirming, 2 Misc. 587; 51 St. Rep. 144; 23 Supp. 313.

Cited, Appeal—Review of Facts—Case—Certification—Completeness of Evidence.
7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377).

Contracts—Performance—Satisfaction.
13 Misc. 197; (68 St. Rep. 217; 34 Supp. 131).

McCarthy v. Graham, 8 Paige, 480.
Cited, Foreclosure—Decree—Deficiency.
135 N. Y. 278; (48 St. Rep. 87).

McCarthy v. Innis, 61 Hun. 354; 15 Supp. 855.

Cited, Actions—Costs—Right to—Several Causes of Action.
7 App. Div. 383, 388; (40 Supp. 216, 218.)

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McCarthy v. Lehigh Valley R. Co., 6 Misc. 432; 27 Supp. 295.

Cited, Master and Servant—Injury to Servant—Bill of Particulars.

92 Hun. 508; (72 St. Rep. 204; 37 Supp. 51).

McCarthy v. Marsh, 5 N. Y. 263.

Cited, Aliens—Naturalization—Collateral Attack on.

8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 418).

Descent—Aliens.

72 Hun. 218; (55 St. Rep. 20; 25 Supp. 412).

McCarthy v. McCarthy, 137 N. Y. 500; 51 St. Rep. 276.

Affirmed, 143 N. Y. 235; 62 St. Rep. 184.

Cited, Husband and Wife—Divorce—Counsel Fees—Past Expenses and Future Services.

26 Supp. 292. 83 Hun. 189; (64 St. Rep. 145; 31 Supp. 592). 11 App. Div. 202; (76 St. Rep. 584; 42 Supp. 584). 11 Misc. 593; (66 St. Rep. 335; 32 Supp. 1081). 19 Misc. 654; (78 St. Rep. 409; 44 Supp. 409).

Husband and Wife—Divorce—Counsel Fees—Extra Allowance.

82 Hun. 190; (64 St. Rep. 805; 31 Supp. 984).

McCarthy v. McCarthy, 56 St. Rep. 891; 26 Supp. 1127.

McCarthy v. McCarthy, 143 N. Y. 235; 62 St. Rep. 184.

Cited, Husband and Wife—Adultery—Connivance of Defendant—Burden of Proof.

92 Hun. 386; (72 St. Rep. 277; 36 Supp. 1054).

Husband and Wife—Divorce—Evidence—Corroboation.

84 Hun. 71; (65 St. Rep. 179; 32 Supp. 23). 3 App. Div. 535; (73 St. Rep. 744; 38 Supp. 263).

McCarthy v. New York, 96 N. Y. 1.

Cited, Public Employees—Limitation of Day's Work—Extra Compensation—Right to.

14 Misc. 278; (70 St. Rep. 47; 35 Supp. 760). 144 N. Y. 417; (63 St. Rep. 653).

Services—Acceptance—Payment.

19 Misc. 93; (77 St. Rep. 971; 43 Supp. 971). 87 Hun. 577; (8 St. Rep. 667; 34 Supp. 555). 11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

McCarthy v. Noble, 5 N. Y. Leg. Obs. 380.

Cited, Landlord and Tenant—Summary—Proceedings—Jurisdiction by Consent.

70 Hun. 133; (54 St. Rep. 104; 24 Supp. 54).

McCarthy v. Ockerman, 92 Hun. 19; 73 St. Rep. 42; 37 Supp. 914.

McCarthy v. Peake, 18 How. 138.

Cited, Action—Stay—Multiplicity. 77 Hun. 569; (10 St. Rep. 488; 28 Supp. 1033).

McCarthy v. St. Paul Fire & Marine Ins. Co., 19 Misc. 274.

McCarthy v. Syracuse, City of, 46 N. Y. 194.

Cited, Drains and Sewers—Overflow—Liability of Municipality.

78 Hun. 245; (60 St. Rep. 5; 28 Supp. 527). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Municipal Corporation—Ministerial Acts—Omission—Negligence—Performance.

148 N. Y. 53. 149 N. Y. 502. 8 App. Div. 123; (40 Supp. 586). 11 App. Div. 126; (76 St. Rep. 1042; 42 Supp. 1042).

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14 Misc. 294; (70 St. Rep. 442; 35 Supp. 706).

McCartney v. Bostwick, 32 N. Y. 53.

Cited, Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun. 155; (55 St. Rep. 351; 25 Supp. 680).

Trusts—Equity—Enforcement.

20 Misc. 229; (79 St. Rep. 416; 45 Supp. 416).

McCart v. Altonwood Stock Farm, 68 Hun. 551; 52 St. Rep. 637; 22 Supp. 1091.

McCart v. Lockport, 13 App. Div. 494; 77 St. Rep. 693; 43 Supp. 693.

McCart v. Myers, 5 Hun. 83.

Cited, Contracts—Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun. 386; (60 St. Rep. 399; 28 Supp. 852).

McCart v. O'Donnell, 7 Robt. 431.

Cited, Pleading—Answer—False—Sham—Striking Out.

5 Misc. 510; (58 St. Rep. 106; 25 Supp. 969).

McCart v. Stanwix, 16 Misc. 132; 38 Supp. 820.

McCart v. Tracey, 13 Misc. 243; 63 St. Rep. 875; 34 Supp. 1143.

McCart v. Wells, 51 Hun. 171; 20 St. Rep. 630; 4 Supp. 672.

Cited, Evidence—Sufficiency—Intoxication.

7 Misc. 293; (58 St. Rep. 544; 27 Supp. 894). 15 Misc. 7; (71 St. Rep. 489; 36 Supp. 438).

Duplicate Citations in Parenthesis.

McCarville v. Lynch, 14 Misc. 174; 69 St. Rep. 812; 35 Supp. 383.

McCaslin Machine Co. v. McCaslin, 91 Hun, 387; 70 St. Rep. 495; 35 Supp. 746.

McCaughal v. Ryan, 27 Barb. 376.
Cited, Escheat.

139 N. Y. 476; (54 St. Rep. 731).

McCaulay, Matter of, 94 N. Y. 574.

Cited, Surrogate's Courts—Jurisdiction—Executors—Claims Against Decedent—Denial of Validity.

9 Misc. 386; (61 St. Rep. 681; 30 Supp. 275).

McCaulay v. Palmer, 40 Hun. 38.

Cited, Contempt—Papers—Service.

D. 80 Hun, 452; (62 St. Rep. 299; 30 Supp. 467).

Disapproved, 1 App. Div. 493; 72 St. Rep. 469; 37 Supp. 404.

McCauley v. Fidelity & Casualty Co., 16 Misc. 574; 74 St. Rep. 113; 38 Supp. 773.

Cited, Master and Servant—Liability to Servant.

20 Misc. 98; (79 St. Rep. 85; 45 Supp. 85).

McCauley v. Hatfield, 59 St. Rep. 552; 28 Supp. 648.

McCauley v. Hutkoff, 20 Misc. 97; 79 St. Rep. 85; 45 Supp. 85.

McChesney v. Panama R. Co., 74 Hun, 150; 56 St. Rep. 415; 26 Supp. 245.

Affirmed, 148 N. Y. 729.

McChesney v. Panama R. Co., 49 St. Rep. 148; 21 Supp. 207.

McChesney v. Syracuse, 22 Supp. 507.

McChesney v. Syracuse, 75 Hun, 503; 57 St. Rep. 676; 27 Supp. 508.

McClain v. Brooklyn City R. Co., 116 N. Y. 459; 27 St. Rep. 549.

Cited, Negligence—Contributory—Driving Before Car.

6 Misc. 384; (56 St. Rep. 398; 26 Supp. 755). 11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885). 12 Misc. 569; (67 St. Rep. 604; 33 Supp. 853).

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74 Hun, 43; (56 St. Rep. 191; 26 Supp. 311). 79 St. Rep. 447; (45 Supp. 447).

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13 Misc. 656; (69 St. Rep. 148; 34 Supp. 924). 81 Hun, 356; (63 St. Rep. 120; 30 Supp. 955). 1 App. Div. 211; (72 St. Rep. 740; 37 Supp. 132). 7 App. Div. 393; (39 Supp. 947). 7 App. Div. 603; (74 St. Rep. 738; 40 Supp. 177).

McClain v. Schofield, 74 Hun, 437; 57 St. Rep. 238; 26 Supp. 700.

Affirmed, 148 N. Y. 733.

McClanathan v. Friedel, 85 Hun, 175; 65 St. Rep. 626; 32 Supp. 588.

McClare v. Lockard, 121 N. Y. 308; 31 St. Rep. 69.

Cited, Estoppel—Equitable—Silence.

69 Hun, 529; (52 St. Rep. 851).

McClave v. Gibb, 11 Misc. 44; 63 St. Rep. 455; 31 Supp. 847.

Cited, Pleading—Denial.

20 Misc. 614; (79 St. Rep. 1131; 45 Supp. 1131).

McClave v. Gibb, 11 Misc. 708; 63 St. Rep. 458; 31 Supp. 1130.

McClave v. Paine, 49 N. Y. 561.

Cited, Brokers—Commission—Right to.

6 App. Div. 94; (39 Supp. 479). 17 Misc. 364; (39 Supp. 1046). 18 Misc. 240; (75 St. Rep. 786; 41 Supp. 376).

McClave v. Thompson, 36 Hun, 365.

Cited, Corporations—Directors—Actions Against.

147 N. Y. 612; (71 St. Rep. 257).

McClean v. N. Y. Press Co., 46 St. Rep. 706; 19 Supp. 262.

Followed, 5 App. Div. 620; (38 Supp. 1146).

McCleary v. McCleary, 30 Hun, 154.

Cited, Husband and Wife—Divorce—Referee's Decision—Confirmation

7 Misc. 308; (59 St. Rep. 555; 28 Supp. 138; 23 Civ. Pro. 390).

McClellan v. Wyatt, 26 Abb. N. C. 144; 34 St. Rep. 55; 11 Supp. 686.

Cited, Conversion—Refusal to Deliver

73 St. Rep. 591; (38 Supp. 542). D. 4 App. Div. 617; (75 St. Rep. 343; 40 Supp. 944). 17 Misc. 587; (75 St. Rep. 110; 40 Supp. 702).

McClellan v. Zwingli, 53 St. Rep. 751; 24 Supp. 371.

McClelland v. Norfolk S. R. Co., 110 N. Y. 469; 18 St. Rep. 344.

Cited, Limitation of Action—Bonds—Coupons.

80 Hun, 120; (61 St. Rep. 787; 30 Supp. 57).

McCloskey v. Willis, 15 App. Div. 594; 78 St. Rep. 682; 44 Supp. 682.

McClouth, Matter of, 9 Misc. 385; 61 St. Rep. 680; 30 Supp. 274.

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McClure, Matter of, 136 N. Y. 238; 49 St. Rep. 203.

Affirming, 63 Hun, 430; 44 St. Rep. 729; 18 Supp. 695.

Cited, Wills — Construction — Extent of Devisee's Estate.

66 Hun, 612; (50 St. Rep. 91; 22 Supp. 10).

Wills — Construction — Life Estate to Widow.

75 Hun, 436; (57 St. Rep. 342; 27 Supp. 676).

McClure v. Levy, 68 Hun, 525; 52 St. Rep. 568; 22 Supp. 1006.

Cited, Arrest — Affidavits—Examination by Court.

2 App. Div. 339; (73 St. Rep. 64; 36 Supp. 851; 3 Ann. Cas. 43).

McClure v. Levy, 79 Hun, 235; 60 St. Rep. 565; 29 Supp. 352.

Affirmed, 147 N. Y. 215; 69 St. Rep. 511.

McClure v. Levy, 147 N. Y. 215; 69 St. Rep. 511.

McClure v. Niagara County, Supervisors of, 4 Abb. N. S. 202.

Cited, Municipal Corporations—Notice of Claims for Damages.

49 St. Rep. 275; (21 Supp. 145).

McClure v. Wilson, 13 App. Div. 274; 77 St. Rep. 209; 43 Supp. 209.

McCluskey v. Cromwell, 11 N. Y. 593.

Cited, Guaranty—Construction.

70 Hun, 446; (53 St. Rep. 606; 24 Supp. 259).

Statutes — Construction — Meaning of Words.

57 St. Rep. 773; (27 Supp. 191). 148 N. Y. 431. 149 N. Y. 123. 89 Hun, 313; (69 St. Rep. 549; 35 Supp. 194). 14 App. Div. 589; (78 St. Rep. 31; 44 Supp. 31). 78 St. Rep. 320; (44 Supp. 320).

Contracts—Construction.

17 Misc. 534; (40 Supp. 878).

McCluskey v. Minck, 18 Misc. 565; 76 St. Rep. 462; 43 Supp. 462.

McCluskey v. National Life Ass'n, 77 Hun, 556; 60 St. Rep. 280; 28 Supp. 931.

Affirmed, 149 N. Y. 616.

McCollum v. New York Mut. Life Ins. Co., 55 Hun, 103; 28 St. Rep. 272; 8 Supp. 249.

Cited, Insurance—False Representations — Knowledge of Agent.

9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207).

McCollum v. Seward, 62 N. Y. 316.

Cited, Services—Value of — Evidence—Opinion

88 Hun, 52; (68 St. Rep. 291; 34 Supp. 508). 82 Hun, 404; (63 St. Rep. 560; 31 Supp. 253). 91 Hun, 8; (69 St. Rep. 812; 35 Supp. 364). 16 Misc. 505; (38 Supp. 975). 17 Misc. 332; (74 St. Rep. 855; 40 Supp. 64).

Evidence—Experts — Hypothetical Questions.

92 Hun, 184; (71 St. Rep. 528; 36 Supp. 499).

McComb, Matter of, 117 N. Y. 378; 27 St. Rep. 259.

Cited, Executors and Administrators—Power to Sell Land for Debts.

67 Hun, 16; (51 St. Rep. 9; 21 Supp. 687). 21 Supp. 683; (23 Civ. Pro. 131). 116 N. Y. 111; (48 St. Rep. 891). 83 Hun, 263; (64 St. Rep. 144; 31 Supp. 590).

Executors—Sale of Land—Accounting.

3 App. Div. 3 3; (73 St. Rep. 668; 38 Supp. 301).

McComb v. Belknap, 24 Supp. 935; 30 Abb. N. C. 119.

McComb v. Von Ellert, 7 Misc. 59; 57 St. Rep. 501; 27 Supp. 372.

Cited, Brokers—Commissions—Subsequent Agreement to Waive—Consideration.

15 Misc. 646; (74 St. Rep. 568; 38 Supp. 115). 20 Misc. 563.

McCone v. Gallagher, 9 App. Div. 632; 78 St. Rep. 1123; 44 Supp. 1123.

McCone v. Gallagher, 16 App. Div. 272; 78 St. Rep. 697; 44 Supp. 697.

Cited, Master and Servant—Falling Scaffold—Duty to Servant.

17 App. Div. 423; (79 St. Rep. 234; 45 Supp. 231).

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1 App. Div. 384; (72 St. Rep. 460; 37 Supp. 397)

Cited, 17 Misc. 390; (39 Supp. 1085).

McConihe v. Palmer, 76 Hun, 116; 57 St. Rep. 380; 27 Supp. 832.

Cited, Motions—Change of Venue—Discretion of Court—Review on Appeal.

88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658). 8 App. Div. 621; (40 Supp. 1149).

McConkey v. Petterson, 15 App. Div. 77; 78 St. Rep. 286; 44 Supp. 286.

McConnel v. Atlantic Ave. R. Co., 11 Misc. 177; 65 St. Rep. 170; 32 Supp. 114.

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McConnell v. Barber, 86 Hun, 360; 67 St. Rep. 189; 33 Supp. 480.

McConnell v. Bostelmann, 72 Hun, 238; 55 St. Rep. 439; 25 Supp. 390.

Cited, Nuisance—What is—Awnings.

9 Misc. 15; (59 St. Rep. 699; 29 Supp. 17). 13 App. Div. 357; (77 St. Rep. 238; 43 Supp. 238).

McConnell v. Hampton, 12 Johns. 234.

Cited, Trial—Verdict—Reduction—Libel.

74 Hun, 288; (56 St. Rep. 421; 26 Supp. 692).

McConnell v. McCullough, 47 Hun, 405.

Cited, Evidence—Burden of Proof—Negligence—Injury—Absence of Contributory Negligence.

5 Misc. 427; (26 Supp. 713).

McConnell v. Muldoon, 24 Supp. 902;

30 Abb. N. C. 352.

McConnell v. Sherwood, 84 N. Y. 522.

Cited, Assignment for Benefit of Creditors—Setting Aside as Fraudulent.

6 App. Div. 115; (39 Supp. 476).

McCoey v. Forty-second St. & Grand St. F. R. Co., 79 Hun, 255;

61 St. Rep. 34; 29 Supp. 368.

Cited, Evidence—Experts—Injuries—Probable Results.

85 Hun, 305; (66 St. Rep. 386; 32 Supp. 956).

McCool v. Boller, 14 Hun, 73.

Cited, Summons—Publication—Order Requisites.

14 App. Div. 398; (77 St. Rep. 909; 43 Supp. 909).

McCord, Matter of, 2 App. Div. 324;

73 St. Rep. 64; 37 Supp. 852; 3 Ann. Cas. 64.

McCord v. Lounsbury, 5 Dem. 68.

Cited, Wills—Form—Attestation—Blanks.

4 Misc. 26; (24 Supp. 839). 9 Misc. 577; (62 St. Rep. 227; 30 Supp. 850).

McCorkle v. Herman, 117 N. Y. 297; 27 St. Rep. 333.

Cited, Mechanic's Lien—When Lien Attaches.

136 N. Y. 620; (49 St. Rep. 26). 144 N. Y. 522; (64 St. Rep. 48). 10 Misc. 311; (63 St. Rep. 537; 31 Supp. 286).

Mechanic's Lien—Assignment of Moneys Due—Sub-contractor—Rights of.

7 Misc. 615; (58 St. Rep. 793; 27 Supp. 951). 61 St. Rep. 650; (29 Supp. 1043). 143; N. Y. 150; (62 St. Rep. 147). 13 Misc. 648; (69 St. Rep. 145; 34 Supp. 918).

Mechanic's Lien—Docket—Priority Over Conveyance.

7 Misc. 405; (58 St. Rep. 52; 27 Supp. 979). 3 App. Div. 251; (74 St. Rep. 14; 33 Supp. 258).

Mechanic's Lien—Filing Notice—Effect.

139 N. Y. 348; (54 St. Rep. 623). 84 Hun, 480; (65 St. Rep. 686; 32 Supp. 558).

Mechanic's Lien—When Lien Exists—Sub-contractors—Completion by Owner.

75 Hun, 507; (57 St. Rep. 678; 27 Supp. 510).

Supplementary Proceedings—Priority Obtained—Lien—Equitable Assets—Execution.

2 Misc. 406; (50 St. Rep. 588; 21 Supp. 982). 73 Hun, 494; (56 St. Rep. 153; 26 Supp. 450). 8 App. Div. 561; (75 St. Rep. 285; 40 Supp. 839). D. 15 App. Div. 393, 397; (78 St. Rep. 168, 170; 44 Supp. 168, 170). 15 Misc. 640; (72 St. Rep. 679; 37 Supp. 428.)

McCorkle v. Herman, 22 St. Rep. 519; 5 Supp. 881.

Reversed, 117 N. Y. 297; 27 St. Rep. 333.

Cited, Pleading—Complaint—Sufficiency Tests.

75 Hun, 428; (57 St. Rep. 345; 27 Supp. 684).

McCormack v. Barton, 19 Misc. 625; 12; 78 St. Rep. 393; 44 Supp. 393.

McCormack v. Brooklyn, 108 N. Y. 49; 12 St. Rep. 817.

Cited, Eminent Domain—Effect on Ownership—Duty to Make Compensation.

3 Misc. 32; (50 St. Rep. 573; 21 Supp. 778).

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144 N. Y. 268; (63 St. Rep. 108).

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82 Hun, 72; (63 St. Rep. 504; 31 Supp. 189). 11 App. Div. 382; (70 St. Rep. 96; 42 Supp. 96). 11 Misc. 460; (66 St. Rep. 21; 32 Supp. 740).

McCormack v. Nassau Electric R. Co., 16 App. Div. 24; 78 St. Rep. 684; 44 Supp. 684.

Cited, Street Railroads—Collision With Vehicle—Fellow Passengers—Concurrent Negligence.

16 App. Div. 112; (79 St. Rep. 125; 45 Supp. 125).

McCormack v. New York, 14 Misc. 272; 70 St. Rep. 423; 35 Supp. 757.

Cited, Master and Servant—Extra Services—Compensation.

18 Misc. 20; (75 St. Rep. 492; 41 Supp. 36).

*Duplicate Citations in Parenthesis.***McCormack Pennsylvania C. R. Co.,** 49 N. Y. 303.

Cited, Corporations—Foreign — Jurisdiction Over—Submission.

62 St. Rep. 70; (3) Supp. 295; 23 Civ. Pro. 350).

Courts—Jurisdiction — Parties — Appearance.

16 App. Div. 628; (78 St. Rep. 1065; 44 Supp. 1065).

Interest—On Recovery for Injury to Property.

135 N. Y. 104; (48 St. Rep. 368).

Interest—Sales—Right of Vendor to.

7 Misc. 7; (57 St. Rep. 81; 27 Supp. 324).

McCormack v. Perry, 47 Hun, 71.

Cited, Malicious Prosecution—Proof.

17 Misc. 92; (39 Supp. 834).

McCormack v. United Life and Accident Ins. Ass'n, 79 Hun, 340, 60 St. Rep. 589; 29 Supp. 365.**McCormick v. Brooklyn City R. Co.,** 10 Misc. 8; 62 St. Rep. 647; 30 Supp. 529.

Affirmed, 150 N. Y. 584.

McCormick v. Sarson, 45 N. Y. 265.

Cited, Sale—Acceptance—Waiver of Defects.

68 Hun, 248; (52 St. Rep. 336; 22 Supp. 973). 69 Hun, 434; (52 St. Rep. 615; 22 Supp. 354). 10 Misc. 648; (65 St. Rep. 218; 32 Supp. 123).

McCormick v. Sisson, 7 Cow. 715.

Cited, Malicious Prosecution — Probable Cause.

8 App. Div. 334; (75 St. Rep. 217; 40 Supp. 870).

McCormick v. Sullivan, 71 Hun, 333; 55 St. Rep. 42; 24 Supp. 1117.**McCormick v. Supreme Council Cath. Ben. Legion,** 6 App. Div. 175; 39 Supp. 1010.**McCorn v. McCorn,** 100 N. Y. 511.

Cited, Wills—Legacies—When a Charge on Realty.

3 Misc. 487; (23 Supp. 738). 8 Misc. 145; (59 St. Rep. 508; 28 Supp. 604). 8 Misc. 194; 59 St. Rep. 481; 29 Supp. 1084). 80 Hun, 374; (61 St. Rep. 796; 30 Supp. 3). 138 N. Y. 421; (52 St. Rep. 886). 81 Hun, 118; (62 St. Rep. 675; 30 Supp. 690). 89 Hun, 556; (69 St. Rep. 730; 35 Supp. 343). 8 App. Div. 352; (70 St. Rep. 177; 40 Supp. 792). 14 App. Div. 110; 112; (77 St. Rep. 585; 43 Supp. 585). 14 Misc. 413; (71 St. Rep. 508; 36 Supp. 450).

McCosker v. Long Island R. Co., 84 N. Y. 77.

Cited, Master and Servant—Fellow Servants—Test as to Who Are—Risks Assumed.

6 Misc. 98; (56 St. Rep. 838; 26 Supp. 19).

13 Misc. 54; (58 St. Rep. 98; 34 Supp. 114).

3 Misc. 229; (51 St. Rep. 869; 22 Supp. 752).

12 Misc. 411; (67 St. Rep. 410; 33 Supp. 588).

McCosker v. Smith, 20 Civ. Pro. 324; 14 Supp. 615.

Affirmed, 133 N. Y. 672.

Cited, Place of Trial—Change—Order of Court.

12 App. Div. 603; (77 St. Rep. 113; 43 Supp. 112).

McCosker v. Brady, 1 Barb. Ch. 329.

Cited, Wills—Action—Setting Aside as Void.

14 App. Div. 590; (77 St. Rep. 1120; 43 Supp. 1120).

McCoskry, Matter of, 10 Civ. Pro. 178.

Cited, Surrogate's Court—Wills—Infirm Witness—Testimony—How Taken.

67 St. Rep. 414; (33 Supp. 426; 24 Civ. Pro. 243).

McCotter v. Hooker, 8 N. Y. 497.

Cited, Statute—Repal—Affecting Remedy Only.

90 Hun, 210; (35 Supp. 891).

McCotter v. Lawrence, 4 Hun, 107.

Cited, Specific Performance—Parties.

82 Hun, 102; (63 St. Rep. 606; 31 Supp. 205).

McCoun v. N. Y. C. & H. R. R. Co., 50 N. Y. 176.

Cited, Contract—Definition.

78 Hun, 20; (60 St. Rep. 482; 28 Supp. 1060).

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D. 14 App. Div. 466; (77 St. Rep. 806; 43 Supp. 806).

Actions—On Contract—Meaning of Code.

13 Misc. 760; (69 St. Rep. 302; 35 Supp. 186).

McCoy v. Curtice, 9 Wend. 17.

Cited, Evidence — Sufficiency—Officer—General Repute.

79 Hun, 77; (61 St. Rep. 179; 23 Supp. 634).

McCoy v. New York, 46 Hun, 268; 11 St. Rep. 504.

Cited, Notice by Mail—Sufficiency.

69 St. Rep. 294; (35 Supp. 178).

McCracken v. Flanagan, 127 N. Y. 493; 40 St. Rep. 180.

Cited, Summons—Service—Publication—Recitals in Order.

14 Misc. 76; (69 St. Rep. 555; 35 Supp. 199; 25 Civ. Pro. 19; 2 Ann. Cas. 96).

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McCracken v. Flanagan, 141 N. Y. 174; 56 St. Rep. 688.

Affirming, 51 St. Rep. 545; 21 Supp. 1108.
Following, 127 N. Y. 493; (40 St. Rep. 180).

McCrea v. Bedell, 9 Misc. 372; 60 St. Rep. 616; 29 Supp. 705

McCrea v. Purmort, 16 Wend. 460.

Cited, Contract—Consideration—Sealed Instrument—Parol Evidence.

2 Misc. 374; (50 St. Rep. 594; 21 Supp. 1094). 145 N. Y. 665; 81 St. Rep. 316). D. 147 N. Y. 472; (70 St. Rep. 65). 147 N. Y. 466; (70 St. R p 61). 83 Hun, 401, 403; (64 St. Rep. 425, 427; 31 Supp. 755, 756). 86 Hun, 66; (66 St. Rep. 816; 33 Supp. 118). 8 App. Div. 424; (75 St. Rep. 227; 40 Supp. 888).

Evidence—Parol—Receipt—Explanation.
76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235). 1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

McCready, Matter of, 6 Dem 292; 27 Week. Dig. 188; 10 St. Rep. 696.

Cited, Taxes—Inheritance—Exemption.
9 Misc. 228; (61 St. Rep. 294; 30 Supp. 387).

McCready v. Farmers' Loan & Trust Co., 70 Hun, 294; 53 St. Rep. 801; 24 Supp. 57.

McCready v. Farmers' Loan & Trust Co., 79 Hun, 241; 61 St. Rep. 32; 29 Supp. 361.

McCready v. Metropolitan El. R. Co., 76 Hun, 531; 58 St. Rep. 473; 28 Supp. 94.

Cited, Elevated Railroad—Damages—Measure

D. 2 App. Div. 403; (73 St. Rep. 529; 37 Supp. 987).

McCready v. Metropolitan L. Ins. Co., 83 Hun, 526; 65 St. Rep. 814; 32 Supp. 489.

Affirmed, 148 N. Y. 761.

Cited, Wills—Construction—Devises—Power of Sale.
1 App. Div. 288; (72 St. Rep. 770; 37 Supp. 235).

McCredie v. Buffalo, 2 How. N. S. 336.
Cited, Municipal Corporations—Officers—Reimbursement—Counsel Fees.

71 Hun, 544; (54 St. Rep. 912; 24 Supp. 1077).

McCredy v. Ramsey, 6 Duer. 574.

Cited, Assignment—Rights Acquired—Vested Liens.

78 Hun, 96; (60 St. Rep. 514; 28 Supp. 1104).

McCreery v. Day, 119 N. Y. 1; 28 St. Rep. 597.

Cited, Contracts—Performance—Breach—Substituted Parol Agreement—Accord and Satisfaction.

7 Misc. 112; (57 St. Rep. 488; 27 Supp. 389). 147 N. Y. 410; (70 St. Rep. 50). 13 Misc. 123; (68 St. Rep. 109; 34 Supp. 125). 18 Misc. 456; (75 St. Rep. 1337; 41 Supp. 962).

Contracts—Rescission—Effect on Prior payments.

2 Misc. 368; (51 St. Rep. 213; 22 Supp. 376; 30 Abb. N. C. 4). 146 N. Y. 214; (66 St. Rep. 592). 82 Hun, 197; (64 St. Rep. 5; 31 Supp. 418). 86 Hun, 306; (87 St. Rep. 213; 33 Supp. 500). 88 Hun, 345; (68 St. Rep. 389; 34 Supp. 400). 2 Misc. 271; (51 St. Rep. 213; 22 Supp. 378; 30 Abb. 15).

McCreery v. Ghormley, 6 App. Div. 170; 39 Supp. 1036.

McCreery v. Ghormley, 9 App. Div. 221; 75 St. Rep. 618; 41 Supp. 167.

McCrudden v. Rochester R. Co., 5 Misc. 59; 25 Supp. 114.

Affirmed, 77 Hun, 609; 59 St. Rep. 692; 28 Supp. 1135.

Cited, Injuries to Trees—Cutting—Damages—Measure.

86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895).

McCrudden v. Rochester R. Co., 77 Hun, 609; 59 St. Rep. 692; 28 Supp. 1135.

Affirmed, 151 N. Y. 623.

McCue, Matter of, 17 Week. Dig. 501.

Cited, Surrogate's Court—Adoption by Successor of Predecessor's Opinion—Effect.
63 St. Rep. 694; (34 Supp. 639).

McCue v. Finck, 20 Misc. 506.

McCue v. Garvey, 14 Hun, 562.

Cited, Decedent's Estate—Funeral Expenses—Payment.

18 Misc. 140; (75 St. Rep. 1440; 41 Supp. 1093).

McCue v. National Starch Mfg. Co., 50 St. Rep. 871 21 Supp. 551.

McCue v. National Starch Mfg. Co., 142 N. Y. 106; 58 St. Rep. 447.

Reversing, 50 St. Rep. 871; 21 Supp. 551.

McCullough v. Dobson, 133 N. Y. 114; 44 St. Rep. 89.

Cited, Appeal—Record—Disposition of Requests to Find.

69 Hun, 20; (52 St. Rep. 555; 23 Supp. 230).

Witnesses—Impeachment—Declarations—Foundation.

7 Misc. 429; (57 St. Rep. 648; 27 Supp. 94). 142 N. Y. 69; (58 St. Rep. 425).

*Duplicate Citations in Parenthesis.***McCulloch v. Hoffman**, 73 N. Y. 615.

Cited, Evidence — Missing Documents — Loss—Proof—Sufficiency.

10 App. Div. 219; (75 St. Rep. 1178; 41 Supp. 781).

McCulloch v. Norwood, 58 N. Y. 562.

Cited, Corporations — Dissolution — Appointment of Receiver — Effect on Pending Action.

14 App. Div. 324; (77 St. Rep. 840; 43 Supp. 840). 87 Hun, 389; (68 St. Rep. 477, 478; 34 Supp. 326, 327; 2 Ann. Cas. 139). 17 Misc. 327; (39 Supp. 963). 67 St. Rep. 549; (33 Supp. 726; 24 Civ. Pro. 399). 82 Hun, 306; (63 St. Rep. 788; 31 Supp. 339; 24 Civ. Pro. 205).

McCulloch v. Vibbard, 16 St. Rep. 1012; 1 Supp. 610; 14 Civ. Pro. 388.

Cited, Costs — In Equity — Partial Success.

71 Hun, 547; (54 St. Rep. 915; 24 Supp. 1079).

McCulloch v. Vibbard, 51 Hun, 227; 21 St. Rep. 51; 4 Supp. 200.

Cited, Actions — Counterclaims — Availability.

14 Misc. 483; (70 St. Rep. 434; 35 Supp. 699).

McCulloch v. Wellington, 21 Hun, 5.

Cited, Estoppel—Equitable—Representations — Title to Land—Failure to Consult Records.

71 Hun, 416; (54 St. Rep. 377; 24 Supp. 950).

McCulloch v. Aeby & Co., 31 St. Rep. 125; 9 Supp. 361.

Cited, Attachment—Affidavit—Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416). 87 Hun, 275; (67 St. Rep. 470; 33 Supp. 825).

McCullom v. Brooklyn & Brighton Beach R. Co. See *Beekman v. Brooklyn & Brighton Beach R. Co.***McCullough, Matter of**, 18 Misc. 721; 77 St. Rep. 968; 43 Supp. 968.**McCullough v. Brooklyn**, 23 Wend. 458.

Cited, Constitutional Law—Eminent Domain — Sufficiency of Provision for Compensation.

67 Hun, 596; (51 St. Rep. 94; 22 Supp. 433).

Public Officers—Mandamus — When Will Lie.

D. 13 App. Div. 37; (77 St. Rep. 107; 43 Supp. 107). 14 Misc. 46; (68 St. Rep. 170; 35 Supp. 225).

McCullough v. Colby, 4 Bosw. 603.

Cited, Pleading — Complaint — Supplemental—Office.

7 Misc. 23; (57 St. Rep. 79; 27 Supp. 403).

McCullough v. Pence, 85 Hun, 271; 66 St. Rep. 470; 32 Supp. 986.**McCullough v. Shapiro**, 14 Misc. 17; 69 St. Rep. 374; 35 Supp. 129.**McCutter v. New York**, 37 N. Y. 325.

Cited, Contracts—Meeting of Minds.

1 Misc. 296; (48 St. Rep. 669; 20 Supp. 706).

McDermott v. Brooklyn City R. Co., 63 St. Rep. 8.3; 31 Supp. 388.

Cited, 70 St. Rep. 552.

McDermott v. Board of Police, 25 Barb. 635.

Cited, Municipal Corporations—By-Laws — Force of.

71 Hun, 87; (54 St. Rep. 312; 24 Supp. 625).

Municipal Corporations—Notice by—Service.

17 Misc. 536; (40 Supp. 447). 20 Misc. 597.

McDermott v. Harrison, 30 St. Rep. 324; 9 Supp. 184.

Cited, Corporations—Stockholders—Creditor's Actions Against—Fraudulent Representations—Availability.

89 Hun, 568; (70 St. Rep. 119; 35 Supp. 532).

McDermott v. Hennessy, 9 Hun, 59.

Cited, Sale of Realty—Surplus Moneys—Distribution.

147 N. Y. 675; (71 St. Rep. 241).

McDermott v. Lycoming F. Ins. Co., 44 Super. 221.

Cited, Insurance—Recovery—Conditions Precedent—Proofs of Loss.

85 Hun, 33; (66 St. Rep. 163; 32 Supp. 595).

McDermott v. Nassau Electric R. Co., 85 Hun, 422; 66 St. Rep. 202; 32 Supp. 884.

Cited, Street Railroads—Construction—Consent of Property Holders.

18 Misc. 275; (41 Supp. 1053).

Statutes—Repeal—Public Works.

70 St. Rep. 552.

McDermott v. N. Y. C. & H. R. R. Co., 8 Week. Dig. 531.

Cited, Evidence — Sufficiency—Railroad Fires.

67 Hun, 634; (51 St. Rep. 105; 22 Supp. 475).

Duplicate Citations in Parenthesis.

McDermott v. People, 5 Park. Cr. 102.
Cited, Extortion—Attempt—Animus of Accused.

73 Hun, 76; (57 St. Rep. 25; 25 Supp. 1079).
144 N. Y. 119; (63 St. Rep. 23).

McDermott v. N. Y. C. & H. R. R. Co., 28 Hun, 325.

Cited, Railroads—Persons Crossing Tracks—Rights of.

81 Hun, 158; (62 St. Rep. 688; 30 Supp. 725).

McDonald, Matter of, 16 Misc. 304; 39 Supp. 367.

McDonald v. Cohen, 5 App. Div. 161; 38 Supp. 1110

McDonald v. Edwards, 20 Misc. 523.

McDonald v. Grant, 69 St. Rep. 48; 34 Supp. 988.

McDonald v. John Hancock Mutual Life Ins. Co., 17 App. Div. 16; 78 St. Rep. 818; 44 Supp. 818.

McDonald v. Long Island R. Co., 116 N. Y. 546; 27 St. Rep. 481.

Cited, Carriers—Passengers—Negligence—Alighting.

74 Hun, 43; (56 St. Rep. 191; 26 Supp. 310). 5 App. Div. 29; (39 Supp. 67).

Evidence—Burden of Proof—Contributory Negligence.

74 Hun, 144; (50 St. Rep. 309; 26 Supp. 220). 77 Hun, 523; (60 St. Rep. 344; 28 Supp. 888).

McDonald v. Lord, 26 How. 404.

Cited, Principal and Agent—Conflict of Interest—Purchase from Principal.

8 Misc. 359; (59 St. Rep. 592; 28 Supp. 705).

McDonald v. Mallory, 77 N. Y. 516.

Cited, Death by Wrongful Act—Foreign State—Conflict of Laws.

3 Misc. 225; (51 St. Rep. 869; 22 Supp. 750).
12 App. Div. 30; (76 St. Rep. 171; 42 Supp. 171).

McDonald v. New York, 68 N. Y. 23.

Cited, Municipal Corporations—Contracts—Ultra Vires—Payment.

D. 7 App. Div. 514; (40 Supp. 242).

McDonald v. New York, 32 Supp. 280.

Cited, Public Officers—Veterans—Reinstatement—Remedy.

32 Supp. 279.

McDonald v. New York, 33 Hun, 667
Affirmed, 102 N. Y. 728.

Cited, Public Officers—Removal—Clerk of Court.

32 Supp. 280.

McDonald v. N. Y. C. & H. R. R. Co., 138 N. Y. 663; 53 St. Rep. 932.

Affirmed, 63 Hun, 587; 45 St. Rep. 711; 18 Supp. 609.

McDonald v. N. Y. C. & H. R. R. Co., 63 Hun, 587; 18 Supp. 609.

Cited, Master and Servant—Negligence of Fellow Servants.

5 App. Div. 616; (39 Supp. 466).

McDonald v. N. Y. C. & St. Lewis R. Co., 13 Misc. 651; 69 St. Rep. 145; 34 Supp. 921.

McDonald v. Nuse, 12 Misc. 507; 67 St. Rep. 375; 33 Supp. 661.

McDonald v. O'Hara, 9 Misc. 686; 62 St. Rep. 122; 30 Supp. 545.

Affirmed, 144 N. Y. 566; 64 St. Rep. 236.
Will's—Power of Sale—Mandatory—Effect.

13 Misc. 527; (68 St. Rep. 735; 34 Supp. 692).

McDonald v. O'Hara, 13 Misc. 527; 68 St. Rep. 735; 34 Supp. 692.

McDonald v. O'Hara, 144 N. Y. 566; 64 St. Rep. 236.

Cited, Wills—Land—Equitable Conversion—Re-conversion—Election.

1 App. Div. 288; (72 St. Rep. 770; 37 Supp. 235). 17 Misc. 224; (40 Supp. 1086). 18 Misc. 436; (75 St. Rep. 1186; 41 Supp. 789).

Wills—Land—Equitable Conversion.
14 Misc. 411; (71 St. Rep. 507; 36 Supp. 449).

McDonald v. Peet, 7 Civ. Pro. 200.

Cited, Security for Costs—Non-Residents.
13 Misc. 144; (68 St. Rep. 99; 34 Supp. 115).

McDonald v. Ross-Lewin, 29 Hun, 87.

Cited, Mutual Benefit Association—Liability of Members—Assessments.

75 Hun, 231; (58 St. Rep. 606; 27 Supp. 12).

McDonald v. State, 127 N. Y. 18; 87 St. Rep. 248.

Cited, Structures—Safety—Expert Testimony.

10 Misc. 737; (64 St. Rep. 506; 31 Supp. 804).

McDonald v. State, 141 N. Y. 562; 57 St. Rep. 866.

McDonald v. Sterling, 5 App. Div. 489; 38 Supp. 1081.

McDonald v. Supreme Sitting Order of Iron Hall. See Mosher v. Supreme Sitting Order of Iron Hall.

McDonald v. Third Ave. R. Co., 16 Misc. 52; 73 St. Rep. 233; 37 Supp. 639.

*Duplicate Citations in Parenthesis.***McDonald v. Walter**, 40 N. Y. 551.

Cited, New Trial—Power of Court—Inadequate Damages.

71 Hun, 116; (54 St. Rep. 297; 24 Supp. 640). 88 Hun, 113; (68 St. Rep. 537; 34 Supp. 615). 20 Misc. 171; (79 St. Rep. 819; 45 Supp. 819).

New Trial—Weight of Evidence.

72 Hun, 427; (55 St. Rep. 174; 25 Supp. 155). 15 Misc. 258; (71 St. Rep. 493; 36 Supp. 442).

New Trial—Verdict—Setting Aside.

19 Misc. 270; (78 St. Rep. 251; 44 Supp. 251)

McDonnell v. Henry Elias Brewing

Co., 16 App. Div. 223; 78 St. Rep. 652; 44 Supp. 652.

McDonnell, Matter of, 2 Bradf. 32.

Cited, Wills—Executors—Construction—Appointment by Implication.

79 St. Rep. 871; (45 Supp. 871).

McDonnell v. Stevens, 9 Hun, 28.

Cited, Reference—What Issues Referable. 52 St. Rep. 934; (25 Supp. 1128).

McDonough v. Loughlin, 20 Barb. 238.

Cited, Wills—Witnesses—Executors as.

71 Hun, 503; (54 St. Rep. 901; 24 Supp. 1059).

Wills—Witnesses—Signatures.

6 App. Div. 212; (39 Supp. 810).

McDonough v. New York, 15 Misc. 593; 72 St. Rep. 134; 37 Supp. 1.

Cited, Municipal Corporations—Notice of Intention to Sue.

16 Misc. 304; (74 St. Rep. 387; 38 Supp. 91).

McDonough v. Walsh, 49 St. Rep. 361; 21 Supp. 303.**McDougall, Matter of**, 87 Hun, 349; 68 St. Rep. 426; 34 Supp. 302.

Cited, Wills—Execution—Subscription—Acknowledgment by Testator.

D. 9 App. Div. 568; (75 St. Rep. 1090; 41 Supp. 701). 17 Misc. 112; (40 Supp. 737).

McDougall, Matter of, 141 N. Y. 21; 56 St. Rep. 579.

Reversing, 48 St. Rep. 933; 21 Supp. 479.

Cited, Wills—Life Interest—Right to Use Principal—Security—When Necessary.

86 Hun, 617; (66 St. Rep. 822; 33 Supp. 193). 19 Misc. 208; (77 St. Rep. 1145; 43 Supp. 1145).

McDougall, Matter of, 141 N. Y. 21.

Cited, Executors—Accounting—Allowance for Disbursements.

33 Supp. 137.

McDougall v. Provident Savings Life Assur. Soc. of N. Y., 135 N. Y.

551; 48 St. Rep. 559.

Reversing, 64 Hun, 515; 46 St. Rep. 502; 19 Supp. 481.

Cited, Life Insurance—Forfeiture—Statutory Notice—Sufficiency.

11 App. Div. 490; (76 St. Rep. 316; 42 Supp. 316). 11 App. Div. 536; (76 St. Rep. 648; 42 Supp. 648). 16 Misc. 326; (38 Supp. 623).

McDougall v. Travis, 24 Hun, 190.

Cited, Actions—Replevin—Unlawful Detention.

83 Hun, 207; (64 St. Rep. 153; 31 Supp. 590). D. 4 App. Div. 617; (75 St. Rep. 343; 40 Supp. 944). 73 St. Rep. 591; (38 Supp. 542).

McDowell v. Homer Ramsdell T.

Co., 78 Hun, 228; 60 St. Rep. 10; 28 Supp. 821.

McDuffie v. Clark, 39 Hun, 166.

Cited, Bills and Notes—Fictitious Payee Good Faith Holder.

66 Hun, 616; (50 St. Rep. 919; 21 Supp. 927).

McDugan v. N. Y. C. & H. R. R.

Co., 10 Misc. 336; 63 St. Rep. 516; 31 Supp. 135.

Cited, Master and Servant—Duty to Servant—Assumed Risks.

88 Hun, 321; (68 St. Rep. 420; 34 Supp. 410).

McEachron v. Randles, 34 Barb. 301.

Cited, Contracts—Rescission.

92 Hun, 171; (71 St. Rep. 206; 36 Supp. 363).

McElroy v. Albany Sav. Bank, 8

App. Div. 46; 74 St. Rep. 862; 40 Supp. 422.

McElroy v. Manhattan R. Co., 6

App. Div. 367; 39 Supp. 497.

McElroy v. Nat. Savings Bank of

Albany, 8 App. Div. 192; 40 Supp. 340.

McElvey v. Lewis, 44 Super. 561.

Affirmed, 76 N. Y. 373.

Cited, Judgment—Amendment—Power of Court.

23 Supp. 750; (23 Civ. Pro. 95).

McElvey v. Lewis, 76 N. Y. 373.

Cited, Partnership—Dissolution—Right to.

92 Hun, 232; (72 St. Rep. 329; 36 Supp. 946).

Duplicate Citations in Parenthesis.

McElwee Mfg. Co. v. Trowbridge, 68 Hun, 28; 52 St. Rep. 64; 22 Supp. 674.

Affirmed, 142 N. Y. 679; 60 St. Rep. 872.

Cited, 11 Misc. 425; (65 St. Rep. 121; 32 Supp. 128).

Pleading—Defense—Demand of Damages—Omission to Plead Counterclaim—Effect.

2 App. Div. 122; (73 St. Rep. 297; 37 Supp. 599).

Corporations—Existence—Proof on Trial.

69 St. Rep. 191; (34 Supp. 1101; 25 Civ. Pro. 64).

McEntee v. Aris, 50 St. Rep. 541; 21 Supp. 857.

McEntee v. New Jersey Steamboat Co., 45 N. Y. 34.

Cited, Carriers—Conversion—Misdelivery.

92 Hun, 347; (72 St. Rep. 336; 36 Supp. 910) 16 Misc. 158; (73 St. Rep. 563; 37 Supp. 943).

McEntyre v. Tucker, 5 Misc. 228; 54 St. Rep. 826; 25 Supp. 95; 23 Civ. Pro. 171.

Cited, Appeal—Review of Facts—Case—Certification—Completeness of Evidence.

7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377). 10 Misc. 669; (64 St. Rep. 298; 31 Supp. 673).

McEntyre v. Tucker, 10 Misc. 669; 64 St. Rep. 298; 31 Supp. 672.

McEteere v. Little, 8 Daly, 167; 7 Abb. N. C. 374.

Cited, Appeal—From City Court—Review of Sufficiency of Evidence.

1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708). 3 Misc. 71; (51 St. Rep. 857; 22 Supp. 553). 16 Misc. 6; (73 St. Rep. 286; 37 Supp. 687).

Appeal—Jurisdiction—Question of Law. 8 Misc. 217; (59 St. Rep. 227; 28 Supp. 581).

Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 40). 12 Misc. 16; (66 St. Rep. 536; 33 Supp. 38).

McEvoy, Matter of, 21 St. Rep. 891; 3 Supp. 337.

Cited, Executors—Accounting—Unpresented Claim—Limitation.

74 Hun, 367; (56 St. Rep. 352; 26 Supp. 688).

McEvoy v. Appleby, 27 Hun, 44.

Cited, Trusts—Surplus Incomes—Creditors' Right to.

79 Hun, 271; (60 St. Rep. 571; 29 Supp. 442).

McFadden v. Allen, 134 N. Y. 489; 48 St. Rep. 324.

Cited, Contracts—Statute of Frauds—Part Performance—Land—Possession.

76 Hun, 154; (57 St. Rep. 313; 27 Supp. 556).

Mortgagor and Mortgagee—Fixtures—How Determined.

82 Hun, 225; (64 St. Rep. 797; 31 Supp. 976). 15 Misc. 172; (72 St. Rep. 174; 37 Supp. 22).

Mortgage—Foreclosure—Title by Relation.

17 App. Div. 149; (79 St. Rep. 300; 45 Supp. 300).

Mortgage—Foreclosure—Judgment—Effect.

79 St. Rep. 637, 638; (45 Supp. 637, 638).

McFadden v. Campbell, 13 Misc. 158 68 St. Rep. 183; 34 Supp. 136.

McFarlan v. Triton Ins. Co., 4 Den. 392.

Cited, Corporations—De facto—Right to Attack—Estoppel.

91 Hun, 239; (72 St. Rep. 56; 36 Supp. 155).

McFarland v. N. Y. C. & H. R. R. Co., 9 App. Div. 628; 75 St. Rep. 915; 41 Supp. 525.

McFarland v. Wheeler, 26 Wend. 467.

Cited, Pledge—Interest of Parties in Property—Lien.

60 St. Rep. 156; (28 Supp. 482). 86 Hun, 529; (67 St. Rep. 688; 33 Supp. 913). 89 Hun, 201; (69 St. Rep. 102; 34 Supp. 1021).

Sale—Retention of Goods—Vendor's Lien.

79 Hun, 554; (61 St. Rep. 571; 29 Supp. 883).

McFarlane v. Kerr, 10 Bosw. 249.

Cited, Adverse Possession—Land Under Water.

138 N. Y. 46; (51 St. Rep. 687).

McGaffin v. Cohoes, 74 N. Y. 387.

Cited, Contracts—Construction—Intention.

2 Misc. 367; (51 St. Rep. 210; 22 Supp. 375; 30 Abb. N. C. 4).

McGarry v. Buffalo, 53 St. Rep. 882; 24 Supp. 16.

Cited, Trial—Misconduct of Juror—Effect.

11 App. Div. 470; (76 St. Rep. 570; 42 Supp. 570).

McGarry v. Loomis, 63 N. Y. 104.

Cited, Negligence—Contributory—Children in Street—Contributory Negligence of Parents.

Duplicate Citations in Parenthesis.

139 N. Y. 494; (54 St. Rep. 837). 1 Misc. 136; (48 St. Rep. 650; 20 Supp. 677). 12 App. Div. 158; (76 St. Rep. 669; 42 Supp. 669).

Trial—Question of Law and Fact—Negligence—Children in Street.

2 Misc. 75; (49 St. Rep. 631; 21 Supp. 785).

McGarry v. N. Y. & Harlem R. Co., 45 St. Rep. 564; 18 Supp. 195.

Affirmed, 137 N. Y. 627; 51 St. Rep. 931.

Cited, Master and Servant—Defective Appliance—Master's Knowledge.

4 Misc. 388; (53 St. Rep. 579; 24 Supp. 120).

McGary v. People, 45 N. Y. 153.

Cited, Corporations—Change of Name.

83 Hun, 576; (65 St. Rep. 136; 32 Supp. 13).

McGaw v. Field, 48 N. Y. 638.

Cited, Wills—Construction—Legacies—Gift to Class.

152 N. Y. 484.

McGean v. Manhattan R. Co., 117 N. Y. 219; 27 St. Rep. 337.

Cited, Appeal—Reversal—Error Without Prejudice.

75 Hun, 471; (57 St. Rep. 376; 27 Supp. 481). 89 Hun, 83; (69 St. Rep. 435). 91 Hun, 169; (71 St. Rep. 216; 36 Supp. 286). 10 App. Div. 430; (76 St. Rep. 265; 42 Supp. 265).

Evidence—Opinions—Rental Values.

77 Hun, 141; (59 St. Rep. 39; 28 Supp. 465). 149 N. Y. 399. 2 App. Div. 481; (74 St. Rep. 282; 37 Supp. 1100). 3 App. Div. 255; (73 St. Rep. 697; 38 Supp. 204).

McGean v. Metropolitan El. R. Co., 133 N. Y. 9; 44 St. Rep. 75.

Cited, Action—Damage from Elevated Railway—Conveyance Pending—Effect.

60 St. Rep. 170; (28 Supp. 484). 148 N. Y. 345; 79 St. Rep. 975; (45 Supp. 975).

Elevated Railroads—Abutting Owners—Easements.

8 Misc. 427; (59 St. Rep. 577; 28 Supp. 593). 150 N. Y. 155. 82 Hun, 530; (64 St. Rep. 175; 31 Supp. 539).

Equity—Jurisdiction—Effect of Claiming Without Ground for—Equitable Relief.

1 Misc. 156; (48 St. Rep. 712; 20 Supp. 625). 144 N. Y. 178, 179; (63 St. Rep. 84, 85). 85 Hun, 69; (65 St. Rep. 864; 32 Supp. 644).

Appeal—Immaterial Evidence—Effect.

11 Misc. 24; (64 St. Rep. 626; 31 Supp. 860).

McGearty v. Manhattan R. Co., 15 App. Div. 2; 77 St. Rep. 1086; 43 Supp. 1086.

McGee, Matter of, 5 App. Div. 527; 38 Supp. 1062.

McGee v. Brooklyn, 3 Misc. 620; 51 St. Rep. 433; 22 Supp. 1136.

McGibbon v. Schlessinger, 18 Hun, 225.

Cited, Notice—Sufficiency—Re-Sale.

9 Misc. 121; (59 S. Rep. 709; 29 Supp. 291).

McGiffin v. Baird, 62 N. Y. 329.

Cited, Warranty—Title—Recovery by Vendee.

78 Hun, 392; (60 St. Rep. 700; 29 Supp. 135).

McGill v. Weil, 10 Supp. 246.

Cited, Summons—Misnomer.

11 Misc. 577; (66 St. Rep. 179; 32 Supp. 797).

McGillicuddy v. Kings Co. El. R. Co., 10 Misc. 21; 62 St. Rep. 648; 30 Supp. 833.

McGillis v. McGillis, 11 App. Div. 359; 76 St. Rep. 921; 42 Supp. 921.

McGillivray, Matter of, 138 N. Y. 308; 52 St. Rep. 371.

Cited, Executors—Management of Estate—Accounting—Expenses—Litigation.

5 Misc. 147; (25 Supp. 710).

McGinley v. United States L. Ins. Co., 77 N. Y. 495.

Cited, Trial—Charge of Jury—Exceptions to—Definiteness.

9 Misc. 33; (59 St. Rep. 720; 29 Supp. 60).

8 Misc. 294; (59 St. Rep. 211; 28 Supp. 574).

10 Misc. 396; (63 St. Rep. 526; 31 Supp. 134).

11 Misc. 17; (63 St. Rep. 454; 31 Supp. 871).

18 Misc. 31; (75 St. Rep. 517; 41 Supp. 59).

19 Misc. 167.

McGinness, Matter of, 13 Misc. 714; 70 St. Rep. 241; 35 Supp. 820.

McGivern v. Fleming, 12 Daly, 289.

Cited, Statute of Fraud—Memorandum—Signature.

16 Misc. 79; (73 St. Rep. 259; 37 Supp. 678).

McGloin v. Jones, 7 Misc. 163; (57 St. Rep. 548; 27 Supp. 254).

McGlynn v. Seymour, 14 Daly 420; 14 St. Rep. 707; 27 Week. Dig. 536.

Cited, Witness—Competency—Deceased Party—Interest.

77 Hun, 68; (59 St. Rep. 44; 28 Supp. 471).

McGoldrick v. N. Y. C. & H. R. R. Co., 49 St. Rep. 566; 20 Supp. 914.

Affirmed, 142 N. Y. 640; 60 St. Rep. 866.

Trial—Question of Fact—Contributory Negligence.

Duplicate Citations in Parenthesis.

92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699).

Highways—Interference—Liability.

72 Hun, 242; (55 St. Rep. 442; 25 Supp. 993). 82 Hun, 35; (63 St. Rep. 861; 31 Supp. 420).

Highways—Sidewalks—Ice.

71 Hun, 529; (55 St. Rep. 89; 24 Supp. 1088). 1 App. Div. 425; (72 St. Rep. 608 37 Supp. 282).

McGoldrick v. Traphagan, 98 N. Y. 334.

Cited, Evidence — Documentary — Account Books — Witnesses — Keeping of Clerks.

80 Hun, 3; (61 St. Rep. 486; 29 Supp. 812). D. 13 Misc. 635, 637; (69 St. Rep. 165, 166; 34 Supp. 940, 941). 13 Misc. 635; (69 St. Rep. 165; 34 Supp. 940). 13 App. Div. 209; (77 St. Rep. 259; 43 Supp. 259). 79 St. Rep. 375; (45 Supp. 375).

Evidence—Documentary—Books of Account Against Deceased Debtor.

50 St. Rep. 254; (21 Supp. 226).

Evidence—Entries—Time Cards — Transcripts.

77 Hun, 401; (60 St. Rep. 52; 28 Supp. 804).

McGoldrick v. Willits, 52 N. Y. 612.

Cited, Action—Election of Remedies—Tort and Contract.

2 Misc. 118; (49 St. Rep. 230). 4 App. Div. 294; (39 Supp. 451)

Appeal—Question Not Raised in Court Below—Effect.

19 Misc. 193.

McGonigle v. Cauty, 80 Hun, 301; 62 St. Rep. 48; 30 Supp. 320.

McGovern v. Central Vermont R. Co., 123 N. Y. 280; 33 St. Rep. 416.

Cited, Master and Servant—Adoption of Precautions by Master — Appliances — Assumed Risks.

4 Misc. 497; (54 St. Rep. 338; 24 Supp. 552). 4 Misc. 387; (53 St. Rep. 578; 24 Supp. 120). 75 Hun, 323; (58 St. Rep. 216; 26 Supp. 1012; 31 Abb. N. C. 291). 1 Misc. 303; (48 St. Rep. 769; 20 Supp. 711). 67 Hun, 490; (51 St. Rep. 253; 22 Supp. 483). 3 Misc. 339; (52 St. Rep. 9; 22 Supp. 715). 50 Hun, 72; (61 St. Rep. 585; 29 Supp. 898). 148 N. Y. 378. 86 Hun, 97; (68 St. Rep. 42; 34 Supp. 198). 6 Misc. 331; (56 St. Rep. 238; 26 Supp. 898). 92 Hun, 94. 87 Hun, 522; (68 St. Rep. 154). 89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537). 77 Hun, 393; (60 St. Rep. 406; 28 Supp. 886). 76 Hun, 583; (58 St. Rep. 282; 28 Supp. 200). 81

Hun, 602; (63 St. Rep. 293; 30 Supp. 1105). D. 3 App. Div. 617; (74 St. Rep. 398; 38 Supp. 102). D. 3 App. Div. 616; (74 St. Rep. 397; 38 Supp. 100). D. 5 App. Div. 438; (30 Supp. 306). 15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279). 7 App. Div. 421; (39 Supp. 918). 10 App. Div. 313; (41 Supp. 795). 10 App. Div. 468; (76 St. Rep. 32; 42 Supp. 32). D. 11 App. Div. 578; (76 St. Rep. 822; 42 Supp. 822). 14 App. Div. 350; (77 St. Rep. 926; 43 Supp. 926). 14 App. Div. 347; (77 St. Rep. 923; 43 Supp. 923). 17 App. Div. 428; (79 St. Rep. 238; 45 Supp. 238). 13 Misc. 663; (69 St. Rep. 160; 34 Supp. 935). 75 St. Rep. 1193; (41 Supp. 795).

McGovern v. Eldredge, 1 Misc. 170; 48 St. Rep. 692; 20 Supp. 654.

McGovern v. N. Y. C. & H. R. R. Co., 67 N. Y. 417.

Cited, Negligence — Contributory — Children.

77 Hun, 413; (60 St. Rep. 17; 28 Supp. 793). 84 Hun, 59; (65 St. Rep. 23; 31 Supp. 1083).

Parent and Child — Death of Child — Action for Damages.

16 Misc. 678; (39 Supp. 114; 25 Civ. Pro. 251).

Trial — Question of Fact — Negligence—Children.

9 Misc. 281; (61 St. Rep. 323; 29 Supp. 747). 71 Hun, 506; (55 St. Rep. 84; 24 Supp. 1092).

McGovern v. Standard Oil Co., 11 App. Div. 588; 76 St. Rep. 595; 42 Supp. 595.

McGovern v. Western R. Co., 28 How. 593.

Cited, Contracts—Payment—Extra Compensation.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 760).

McGowan, Matter of, 124 N. Y. 526; 36 St. Rep. 686.

Cited, Legacies—Interest.

135 N. Y. 294; (47 St. Rep. 813). 5 Misc. 178; (25 Supp. 702). 80 Hun, 547; (62 St. Rep. 623; 30 Supp. 647). 79 St. Rep. 984; 44 Supp. 984). 5 Misc. 128; (25 Supp. 728).

McGowan v. Catholic Mut. Ben. Ass'n, 76 Hun, 534; 58 St. Rep. 268; 28 Supp. 177.

McGowan v. Zenner, 24 Week. Dig. 80.

Cited, New Trial—Weight of Evidence.

20 Misc. 351; (79 St. Rep. 781; 45 Supp. 781).

Duplicate Citations in Parenthesis.

McGown v. McGown, 18 Misc. 708; 77 St. Rep. 745; 43 Supp. 745.

Affirmed, 19 App. Div. 368.

McGrane v. Flushing and C. P. Electric R. Co., 13 App. Div. 177; 77 St. Rep. 385; 43 Supp. 385.

McGrane v. New York, 19 How. 144.

Cited, Pleading — Amendment — New Cause of Action — Conditions — Costs 6 Mi-c. 364; (27 Supp. 225).

McGrath v. Brooklyn, Q. C. & S. R. Co., 87 Hun, 310; 68 St. Rep. 444; 34 Supp. 335.

Cited, Street Railroads — Riding on Steps — Negligence.

5 App. Div. 493; (38 Supp. 1078).

McGrath v. Clark, 56 N. Y. 34.

Cited, Bills and Notes — Alterations — Bona Fide Holders.

7 Misc. 230; (58 St. Rep. 26; 27 Supp. 273). 79 Hun, 598; (61 St. Rep. 519; 29 Supp. 838). 10 Misc. 361; (63 St. Rep. 434; 31 Supp. 19). 83 Hun, 581, 583; (65 St. Rep. 50, 51; 31 Supp. 1073, 1074).

McGrath v. Mangels, 2 Misc. 60; 49 St. Rep. 711; 20 Supp. 869.

McGrath v. Maxwell, 17 App. Div. 246; 79 St. Rep. 587; 45 Supp. 587.

McGrath v. Metropolitan L. I. Co. 6 St. Rep. 376.

Cited, Trial — Instructions — As to Effect of Belief of Certain Testimony.

2 Misc. 174; (49 St. Rep. 627; 21 Supp. 637). 10 Misc. 238; (63 St. Rep. 272; 30 Supp. 1084).

McGrath v. N. Y. C. & H. R. R. Co., 59 N. Y. 468.

Distinguished, Negligence — Contributory — Brakeman on Cars — Overhead Bridge — Looking.

138 N. Y. 302; (52 St. Rep. 353).

Cited, Railroads — Omission to Look for Approaching Train — Effect.

85 Hun, 158; (65 St. Rep. 666; 32 Supp. 481). 92 Hun, 566; (72 St. Rep. 327; 36 Supp. 944).

McGrath v. N. Y. C. & H. R. R. Co., 63 N. Y. 522.

Distinguished, Negligence — Contributory — Brakeman on Cars — Overhead Bridge — Looking.

138 N. Y. 305; (52 St. Rep. 353).

Cited, Evidence — Relevancy — Negligence — Ordinances.

3 Misc. 305; (52 St. Rep. 121; 22 Supp. 933).

Evidence — Relevancy — Railway Crossing — Flagman — Obstructions to View.

74 Hun, 37; (56 St. Rep. 211; 26 Supp. 400).

Negligence — Violation of Ordinance.

68 Hun, 497; (53 St. Rep. 678; 23 Supp. 82). 85 Hun, 90; (66 St. Rep. 71; 32 Supp. 687).

Street Railways — Duty of Drivers — Obstructions.

2 Misc. 540; (51 St. Rep. 591; 22 Supp. 382).

McGrath v. Third Ave. R. Co., 9 App. Div. 141; 75 St. Rep. 554; 41 Supp. 93.

McGraw, Matter of, 111 N. Y. 66; 19 St. Rep. 392.

Cited, Corporations — Ultra Vires — Forfeiture of Property.

140 N. Y. 586; (56 St. Rep. 439). 151 N. Y. 333. 20 Misc. 562.

McGraw, Matter of, 9 App. Div. 372; 75 St. Rep. 872; 41 Supp. 481.

McGraw v. Godfrey, 14 Abb. N. S. 397.

Cited, Mechanic's Liens — Enforcement — Personal Judgment for Indebtedness.

1 Misc. 322; (48 St. Rep. 700; 20 Supp. 672). 3 Misc. 276; (51 St. Rep. 907; 23 Supp. 325).

McGraw v. Godfrey, 56 N. Y. 610.

Cited, Mechanic's Lien — Enforcement — Personal Judgment.

7 Misc. 44; (57 St. Rep. 91; 27 Supp. 384).

McGraw v. Seneca Falls, 39 Supp. 1128.

McGraw v. Walker, 2 Hilt. 404.

Cited, Time — Computation.

17 App. Div. 601; (79 St. Rep. 308; 45 Supp. 308).

McGregor v. Board of Education of New York, 107 N. Y. 511.

Cited, Lease — Surrender — Right of Action — Survival.

9 App. Div. 285; (75 St. Rep. 907; 41 Supp. 512). 18 Misc. 461; (76 St. Rep. 1122; 42 Supp. 1122).

McGregor v. Buel, 24 N. Y. 166.

Cited, Appeal — Appointment and Removal of Executors — Discretion.

88 Hun, 301; (68 St. Rep. 265; 34 Supp. 341).

McGregor v. Buell, 3 Abb. Ct. App. Dec. 86; 1 Keyes, 153; 33 How. 450.

Cited, Costs — Extra Allowance — Granting After Judgment Absolute in Court of Appeals.

54 St. Rep. 323; (24 Supp. 436; 30 Abb. N. C. 284).

Court of Appeals — Remittitur — Amendment.

11 Misc. 270; (65 St. Rep. 436; 32 Supp. 252).

Duplicate Citations in Parenthesis.

McGregor v. Comstock, 17 N. Y. 162.

Cited, Real Property—Conflicting Claims—Remedy.

78 Hun, 382; (60 St. Rep. 740; 29 Supp. 182).

McGregor v. Comstock, 28 N. Y. 237.

Cited, Attorneys—Compensation—Lien on Judgment—Execution.

79 Hun, 144; (61 St. Rep. 354; 29 Supp. 763). 24 Civ. Pro. 29.

McGregor v. McGregor, 35 N. Y. 218.

Cited, Executors—Action Against Co-Executors for Claim of Estate.

75 Hun, 133; (57 St. Rep. 796; 27 Supp. 278).

McGrell v. Buffalo Office Building Co., 153 N. Y. 265.

McGrell v. Buffalo Office Building Co., 90 Hun, 30; 70 St. Rep. 372; 35 Supp. 599.

Reversed, 153 N. Y. 265.

McGucken v. W. N. Y. & P. R. Co., 77 Hun, 69; 59 St. Rep. 846; 28 Supp. 298.

McGuckin v. Milbank, 83 Hun, 473; 65 St. Rep. 79; 31 Supp. 1049.

Affirmed, 152 N. Y. 297.

McGuckin v. Milbank, 152 N. Y. 297.

McGuffin v. Dinsmore, 4 Abb. N. C. 241.

Cited, Examination of Party Before Trial—Practice.

12 Misc. 68; (67 St. Rep. 13; 33 Supp. 179; 24 Civ. Pro. 327).

McGuinness v. Westchester, Town of, 66 Hun, 356; 50 St. Rep. 40; 21 Supp. 290.

McGuire, Matter of, 67 St. Rep. 885; 33 Supp. 1016.

McGuire v. Bloomingdale, 8 Misc. 478; 59 St. Rep. 874; 29 Supp. 580; 31 Abb. N. C. 337.

McGuire v. Gallagher, 2 Sandf. 404.

Cited, Judgment—As Contract.

14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454).

McGuire v. Hartford Fire Ins. Co., 7 App. Div. 575; 40 Supp. 300.

Cited, Evidence—Non-production—Presumption.

12 App. Div. 209; (76 St. Rep. 787; 42 Supp. 787). 12 App. Div. 193; (76 St. Rep. 829; 42 Supp. 829).

Insurance—Proofs of Loss—Waiver.

15 App. Div. 234; (78 St. Rep. 203; 44 Supp. 203). 16 App. Div. 601; (78 St. Rep. 979; 41 Supp. 979).

McGuire v. Joslyn, 10 Supp. 384.

Cited, Evidence—Non-production—Presumption.

7 App. Div. 590; (40 Supp. 311).

McGuire v. N. Y. C. & H. R. R. Co., 6 Daly, 70.

Cited, Stipulation—Enforcement.

9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).

McGuire v. Richards, 70 Hun, 67; 53 St. Rep. 505; 23 Supp. 1117.

McGuire v. Spence, 91 N. Y. 303.

Cited, Evidence—Presumption—Safety of Highway.

141 N. Y. 250; (56 St. Rep. 813). D. 90 Hun, 473; (70 St. Rep. 647; 35 Supp. 974).

Highways—Sidewalk—Duty of Pedestrian to Avoid Defects.

49 St. Rep. 270; (21 Supp. 140).

Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 75; (49 St. Rep. 629; 21 Supp. 782).

9 Misc. 281; (61 St. Rep. 322; 29 Supp. 746). 82 Hun, 389; (63 St. Rep. 553; 31 Supp. 235).

McGuire v. St. Patrick's Cathedral, 54 Hun, 207; 27 St. Rep. 192; 7 Supp. 345.

Cited, Religious Corporations—Rights of Members—Burial Rights—How Determined.

82 Hun, 135; (63 St. Rep. 389; 31 Supp. 98). 20 Misc. 238; (79 St. Rep. 792; 45 Supp. 792).

License—Revocation.

12 Misc. 253; (63 St. Rep. 4; 34 Supp. 49).

McGuire v. Third Ave. R. Co., 9 App. Div. 529; 75 St. Rep. 968; 41 Supp. 577.

Cited, Street Railroads—Pedestrian—Crossing Tracks—Obstruction of View—Question for Jury.

D. 15 App. Div. 435; (78 St. Rep. 469; 44 Supp. 46.).

McGuire v. Ulrich, 2 Abb. 28.

Cited, Landlord and Tenant—Terms—Recovery of Possession—Tenants at Will—Notice.

8 Misc. 351; (59 St. Rep. 595; 28 Supp. 688).

McHale v. Fidelity & Casualty Co., 14 App. Div. 286; 77 St. Rep. 894; 43 Supp. 894.

McHarg v. Eastman, 7 Robt. 137.

Cited, Pleading—Notes—Original Debt—Corporation.

5 Misc. 259; (25 Supp. 105).

Duplicate Citations in Parenthesis.

McHenry v. Jewett, 90 N. Y. 58.

Cited, Equity—Jurisdiction—Remedy at Law.

76 Hun, 603; (58 St. Rep. 257; 28 Supp. 202). 12 Misc. 303; (67 St. Rep. 840; 34 Supp. 39).

Injunction—Right to—Grounds.

67 Hun, 306; (50 St. Rep. 898; 22 Supp. 314). 8 Misc. 300; (50 St. Rep. 284; 28 Supp. 737). 149 N. Y. 173. 3 Misc. 213; (52 St. Rep. 211; 23 Supp. 365).

Pleading—Relief—Injunction.

20 Misc. 193; (76 St. Rep. 1053; 44 Supp. 1053). 34 Supp. 39.

McHugh v. Astrophe, 1 Misc. 218; 49 St. Rep. 79; 20 Supp. 877.

Reversed, 2 Misc. 4. 8; 51 St. Rep. 142; 22 Supp. 79.

McHugh v. Astrophe, 2 Misc. 478; 51 St. Rep. 142; 22 Supp. 79.

McIlhargy v. Chambers, 117 N. Y. 523.

Cited, Assignment—Validity—Delivery.

16 App. Div. 260; (78 St. Rep. 624; 44 Supp. 624). 5 App. Div. 395; (39 Supp. 300).

McIlhanny v. Magie, 18 Civ. Pro. 16.

Cited, Discovery of Books—Denial of Possession—Effect.

86 Hun, 44; (67 St. Rep. 103; 33 Supp. 289; 2 Ann. Cas. 131).

McInerney v. Delaware & Hudson Canal Co., 151 N. Y. 411.

Cited, Master and Servant—Fellow Servants—Negligence.

D. 15 App. Div. 345; (78 St. Rep. 237; 44 Supp. 237).

McInerney v. Elmira, 11 App. Div. 354; 76 St. Rep. 308; 42 Supp. 308.

McIntosh v. Battel, 68 Hun, 216; 52 St. Rep. 90; 22 Supp. 805.

McIntosh v. Ensign, 28 N. Y. 169.

Cited, Judgment—Form—Joint or Several.

6 Misc. 78; (55 St. Rep. 490; 23 Supp. 21).

McIntosh v. Lown, 49 Barb. 550.

Cited, Landlord and Tenant—Destruction of Building During Term—Covenants for Surrender in Good Order.

49 St. Rep. 97.

McIntosh v. Rector, 120 N. Y. 7.

Cited, Landlord and Tenant—Lease—Receipt of Rent—Waiver of Forfeiture.

6 Misc. 411; (27 Supp. 175).

McIntyre v. Buell, 132 N. Y. 192; 43 St. Rep. 715.

Cited, Fraud—Representations—Knowledge and Reliance.

3 Misc. 26; (51 St. Rep. 126; 23 Supp. 179).

McIntyre v. Clark, 6 Misc. 377; 56 St. Rep. 337; 26 Supp. 744.

McIntyre v. Hernandez, 7 Abb. N. S. 214.

Cited, Injunction—Judicial Proceedings—Adequate Remedy at Law.

5 Misc. 166; (24 Supp. 914; 23 Civ. Pro. 232).

McIntyre v. Journal Co., 5 App. Div. 609; 75 St. Rep. 389; 40 Supp. 1005.

McIntyre v. McIntyre, 9 Misc. 252; 61 St. Rep. 75; 30 Supp. 200.

Cited, Husband and Wife—Divorce—Collusion.

9 Misc. 253; (61 St. Rep. 76; 30 Supp. 201).

McIntyre v. N. Y. C. R. Co., 37 N. Y. 287.

Cited, Railroads—Negligence of Employees—Question for Jury.

145 N. Y. 515; (65 St. Rep. 378).

Death by Wrongful Act—Damages—Computation.

80 Hun, 308; (62 St. Rep. 47; 30 Supp. 320).

Damages—Estimation—Earning Capacity.

85 Hun, 92; (66 St. Rep. 73; 32 Supp. 689). 6 App. Div. 48; (39 Supp. 618).

McIntyre v. Ogden, 17 Hun, 604.

Cited, Pleading—Redundancy—Who May Complain of.

1 Misc. 128; (43 St. Rep. 662; 20 Supp. 651).

Pleading—Answer—Materiality—Responsiveness.

25 Supp. 78; (31 Abb. N. C. 55).

McIntyre v. Scott, 8 Johns. 159.

Cited, Chattel Mortgage—Earnings of Vessel.

138 N. Y. 505; (53 St. Rep. 105).

McIvor v. McCabe, 16 Abb. 319.

Cited, Causes of Action—Situs—For Negligence.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 384; 23 Civ. Pro. 108).

McKane v. Adams. See *McKane v. Democratic Gen'l Committee of Kings County*.

McKane v. Brooklyn Citizen, 53 Hun, 132; 24 St. Rep. 695; 6 Supp. 171.

Cited, Libel and Slander—Justification—Answer.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109). 79 Hun, 570; (61 St. Rep. 538; 29 Supp. 922). 16 App. Div. 83; (78 St. Rep. 1074; 44 Supp. 1074).

*Duplicate Citations in Parenthesis.***McKane v. Democratic Committee of Kings County**, 14 Civ. Pro. 126.

Cited, Costs—Term Fees—Court of Appeals.

31 Abb. N. C. 479.

McKane v. Democratic Gen'l Committee, 21 Abb. N. C. 89; 1 Supp. 580.

Cited, Pleading — Misnomer — Amendment.

82 Hun, 578; (64 St. Rep. 369; 31 Supp. 739; 24 Civ. Pro. 178).

McKay, Matter of, 5 Misc. 123; 25 Supp. 725.

Cited, Executors—Liability for Interest.

16 Misc. 407; (39 Supp. 724).

McKay v. Buffalo, 9 Hun, 401.

Affirmed, 74 N. Y. 619.

Cited, Municipal Corporations—Liability—Acts of Agents and Officers.

9 Misc. 350; (61 St. Rep. 249) 79 Hun, 126; (61 St. Rep. 396; 29 Supp. 499). 76 Hun, 392; (59 St. Rep. 190; 28 Supp. 121).

150 N. Y. 454.

McKay v. Buffalo Bill's Wild West Co., 17 Misc. 396; 39 Supp. 1041.**McKay v. Buffalo Bill's Wild West Co.**, 17 Misc. 601; 40 Supp. 592.

Cited, Master and Servant—Bailments—Degree of Care.

18 Misc. 200; (75 St. Rep. 794; 41 Supp. 383).

McKay v. McKay, 89 How. 612; 69 St. Rep. 827; 35 Supp. 415.

Affirmed, 153 N. Y. 679.

McKay v. Lasher, 121 N. Y. 477; 31 St. Rep. 690.

Cited, Evidence—Handwriting—Comparison.

49 St. Rep. 501. 5 App. Div. 550; (75 St. Rep. 146; 40 Supp. 771).

McKay v. McAdam, 80 Hun, 260; 62 St. Rep. 63; 30 Supp. 288.**McKay v. McKay**, 89 Hun, 612; 69 St. Rep. 827; 35 Supp. 415.**McKay v. Mumford**, 10 Wend. 351.

Cited, Tenant in Common—Holding Over—Effect.

86 Hun, 260; (66 St. Rep. 803; 33 Supp. 247).

McKay v. Simpson, 3 T. & C. 65.

Cited, Original and Cross suits—Consolidation.

88 Hun, 594; (34 Supp. 906).

McKay v. Welsh, 24 St. Rep. 838.

Cited, Husband and Wife—Wife's Contract—Binding Separate Estate.

32 Supp. 468.

McKeage v. Hanover Fire Ins. Co., 81 N. Y. 38.

Cited, Assignment—Cause of Action—For Conversion.

4 Misc. 149; (53 St. Rep. 117; 23 Supp. 686).

Fixtures—Curtain Poles and Gas Fixtures.

70 Hun, 400; (54 St. Rep. 113; 24 Supp. 70). 15 App. Div. 46; (78 St. Rep. 119, 120; 44 Supp. 119, 120). 15 App. Div. 39; (78 St. Rep. 120; 44 Supp. 120).

Fixtures—Rights of Purchaser on Foreclosure of Realty.

4 Misc. 430; (53 St. Rep. 585; 24 Supp. 115). 82 Hun, 334; (64 St. Rep. 797; 31 Supp. 975).

McKean v. Adams, 7 Misc. 406; 58 St. Rep. 59; 27 Supp. 968.**McKean v. Adams**, 7 Misc. 737; 57 St. Rep. 651; 27 Supp. 421.**McKechnie v. McKechnie**, 3 App. Div. 91; 39 Supp. 402.**McKechnie v. Ward**, 38 N. Y. 541.

Cited, Appeal—Issues Not Raised Below.

2 Misc. 43; (51 St. Rep. 49; 21 Supp. 1082). Guaranty—Discharge.

3 Misc. 238; (52 St. Rep. 152; 22 Supp. 760).

Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146)

McKee v. Delaware & Hudson Canal Co., 125 N. Y. 353; 35 St. Rep. 12.

Cited, Waters — Diversions — Injury to Lands of Other Riparian Owners—Negligence—Damages.

66 Hun, 572; (50 St. Rep. 100; 21 Supp. 837). 135 N. Y. 121; (47 St. Rep. 840).

McKee v. De Witt, 12 App. Div. 617; 77 St. Rep. 132; 43 Supp. 132.**McKee v. Judd**, 12 N. Y. 622.

Cited, Assignment—Cause of Action for Conversion.

4 Misc. 149; (53 St. Rep. 117; 23 Supp. 686).

Conversion—What Constitutes—Demand.

75 Hun, 94; (58 St. Rep. 153; 26 Supp. 1038).

McKee v. N. Y. El. R. Co., 79 Hun, 366; 61 St. Rep. 443; 29 Supp. 457.**McKee v. Rapp**, 69 St. Rep. 291; 35 Supp. 175.**McKee v. Weeden**, 1 App. Div. 583; 78 St. Rep. 188; 37 Supp. 465.

*Duplicate Citations in Parenthesis.***McKeever v. N. Y. C. & H. R. R. Co.**, 88 N. Y. 667.

Cited, Evidence—Sufficiency—Signals at Railway Crossing.

67 Hun, 585; (51 St. Rep. 248; 22 Supp. 465). 71 Hun, 579; (55 St. Rep. 92; 24 Supp. 1070).

Railroads—Crossings—Signals.

68 Hun, 499; (52 St. Rep. 680; 23 Supp. 83).

Trial—Withdrawing Case from Jury—Scintilla of Evidence.

51 St. Rep. 16; (21 Supp. 716).

McKeever v. Weyer, 11 Week. Dig. 258.

Cited, Appeal—Extent of Review—Matters of Discretion—Order Directing New Trial.

77 Hun, 396; (60 St. Rep. 420; 28 Supp. 881). 83 Hun, 359; (65 St. Rep. 68; 31 Supp. 1037). 82 Hun, 47; (63 St. Rep. 484; 31 Supp. 162).

McKellar v. Rogers, 9 Civ. Pro. 6.

Cited, Framing Issues—Jury Trial.

25 Civ. Pro. 378.

McKeller v. Sigler, 47 How. 20.

Cited, Landlord and Tenant—Rent—Installments—Payment.

18 Misc. 460; (76 St. Rep. 1122; 42 Supp. 1122).

McKelsey v. Lewis, 3 Abb. N. C. 61.

Cited, Delivery of Property — Failure—Contempt.

19 Misc. 484; (77 St. Rep. 1082; 43 Supp. 1082). 19 App. Div. 29; (75 St. Rep. 1094; 41 Supp. 705).

McKelvey v. Lewis, 44 Super. 561.

Affirmed, 76 N. Y. 373.

Cited, Judgment — Amendment—Power and Time of.

23 Supp. 75.

McKelvey v. Twenty-Third St. R. Co., 5 Misc. 424; 26 Supp. 711.

McKenna, Matter of. See McCarran, Matter of.

McKenna v. Buffalo Brass Bedstead Co., 12 Misc. 485; 67 St. Rep. 385; 33 Supp. 684.**McKenna v. Edmundstone**, 91 N. Y. 231.

Cited, Statutes—Repeal—Special by General.

9 Misc. 263; (61 St. Rep. 321; 29 Supp. 745). 73 Hun, 584; (56 St. Rep. 193; 26 Supp. 287). 74 Hun, 564; (57 St. Rep. 34; 26 Supp. 857). 77 Hun, 376; (60 St. Rep. 412; 28 Supp. 874). 141 N. Y. 411; (63 St. Rep. 650). 146 N. Y. 359. 6 App. Div. 89;

(39 Supp. 767). 9 App. Div. 439; (75 St. Rep. 694; 41 Supp. 285). 15 App. Div. 255; (78 St. Rep. 177; 44 Supp. 177). 13 App. Div. 591; (77 St. Rep. 457; 43 Supp. 457). 69 St. Rep. 181. 19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

McKenna v. People, 81 N. Y. 360.

Cited, Trial—Instructions—As Sufficiency of Particular Evidence—Criminal Cases.

75 Hun, 169; (56 St. Rep. 732; 26 Supp. 1046).

Trial—Questions of Fact—Criminal Cases. 149 N. Y. 252. 83 Hun, 609; (65 St. Rep. 44; 31 Supp. 1067).

Trial—Questions of Fact—Criminal Cases—Credibility of Witnesses.

90 Hun, 512; (70 St. Rep. 670; 35 Supp. 1011).

Trial—Criminal Cases—Impartiality of Court.

153 N. Y. 34.

McKensie v. Farrell, 4 Bosw. 192.

Cited, Pleading — Answer — Failure to Deny — Effect as Admission — Damages — Torts.

74 Hun, 558; (57 St. Rep. 235; 26 Supp. 630).

Landlord and Tenant—Summary Proceedings—Counterclaim for Tort.

10 Misc. 746; (64 St. Rep. 613; 31 Supp. 805; 24 Civ. Pro. 244; 1 Ann. Cas. 191).

McKenzie v. Decker, 91 N. Y. 650.

Cited, Contracts—Construction—Forfeiture.

13 Misc. 196; (68 St. Rep. 216; 34 Supp. 130).

McKenzie v. Fox, 29 St. Rep. 106.

Cited, Pleading—Cause of Action—Statement.

14 Misc. 482; (70 St. Rep. 434; 35 Supp. 698).

McKenzie v. Harrison, 120 N. Y. 260; 30 St. Rep. 934.

Cited, Contracts — Modification—Subsequent Agreement.

83 Hun, 116; (63 St. Rep. 838; 31 Supp. 354). 13 Misc. 123; (68 St. Rep. 109; 34 Supp. 125). 15 Misc. 544; (74 St. Rep. 563; 38 Supp. 109).

Gifts—Evidence.

11 Misc. 156; (66 St. Rep. 559; 32 Supp. 1104).

McKenzie v. Hatton, 9 Misc. 16; 59 St. Rep. 695; 29 Supp. 18.

Cited, Landlord and Tenant—Obstruction by Tenant.

15 Misc. 106; (71 St. Rep. 439; 36 Supp. 474).

Duplicate Citations in Parenthesis.

McKenzie v. Hatton, 15 Misc. 105; 71 St. Rep. 439; 36 Supp. 473.

McKenzie v. Hatton, 141 N. Y. 6; 56 St. Rep. 489.

Affirming, 70 Hun, 142; 53 St. Rep. 776; 24 Supp. 88.

Cited, Landlord and Tenant—Right of Landlord to Enter.

12 App. Div. 103; (76 St. Rep. 1030; 42 Supp. 1030).

McKenzie v. L'Amoureux, 11 Barb. 516.

Cited, Action—Parties—United in Interest—One for Benefit of All.

8 Misc. 341; (60 St. Rep. 442; 29 Supp. 340).

McKeon v. Kellard, 6 Misc. 31; 55 St. Rep. 513; 26 Supp. 72.

McKeon v. See, 4 Robt. 449.

Affirmed, 51 N. Y. 300.

Cited, Injunction—Nuisance.

67 Hun, 405; (51 St. Rep. 780; 22 Supp. 277).

Nuisance—Lawful Acts Done in Unlawful Manner.

21 Supp. 108.

Nuisance—Abatement—Injunction.

7 Misc. 376; (27 Supp. 909).

Nuisance—What Constitutes.

140 N. Y. 277; (55 St. Rep. 662).

Appeal—Objection Not Raised on Trial—Effect.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

McKeowan v. Officer, 25 St. Rep. 319; 6 Supp. 201.

Cited, Wills—Gifts—Eleemosynary Societies—Validity.

2 App. Div. 27; (72 St. Rep. 685; 37 Supp. 332).

McKeown v. Officer, 127 N. Y. 687; 40 St. Rep. 223.

Cited, Wills—Gifts—Eleemosynary Societies—Validity.

2 App. Div. 28; (72 St. Rep. 685; 37 Supp. 332).

McKernan v. Robinson, 84 N. Y. 105.

Cited, Mortgage—Foreclosure—Suit Pending Foreclosure—Effect.

19 Misc. 53; (76 St. Rep. 826; 42 Supp. 826).

McKerras v. Gardner, 3 Johns. 137.

Cited, Limitation of Action—When Statute Begins to Run—Contracts.

2 Misc. 341; (50 St. Rep. 617; 21 Supp. 966).

McKibbin v. Nafis, 76 Hun, 344; 59 St. Rep. 101; 27 Supp. 723.

Cited, Attorneys—Compensation—Lien.

1 App. Div. 388; (72 St. Rep. 617; 37 Supp. 293). 12 Misc. 43; (66 St. Rep. 534; 33 Supp. 35).

McKiernan, Matter of, 4 Civ. Pro. 218.

Cited, Surrogate's Court—Claims Against Decedent—Payment.

83 Hun, 150; (63 St. Rep. 860; 31 Supp. 413).

McKinley v. Metropolitan Life Ins. Co., 6 Misc. 9; 53 St. Rep. 122; 26 Supp. 63.

Cited, Evidence—Certificate of Death—Availability.

12 Misc. 418; (67 St. Rep. 576; 33 Supp. 706).

McKinley v. Collins, 88 N. Y. 216.

Cited, Courts—Jurisdiction—Subject of Action.

8 Misc. 239; (59 St. Rep. 225; 28 Supp. 551). D. 8 Misc. 240, 242; (59 St. Rep. 225, 226; 28 Supp. 553, 554).

McKinney, Matter of, 16 App. Div. 63; 78 St. Rep. 1097; 44 Supp. 1097.

McKinney v. Champion, 68 St. Rep. 431; 34 Supp. 301.

McKinney v. Grand St. Prospect Park & F. R. Co., 104 N. Y. 352.

Cited, Evidence—Privileged Communications—Physicians—Waiver.

149 N. Y. 93; (2 Ann. Cas. 296). 25 Civ. Pro. 172.

Evidence—Privileged Communications—Attorneys.

151 N. Y. 203; (3 Ann. Cas. 295).

McKinney v. Jewett, 90 N. Y. 267.

Cited, Carriers—Bailments—Delivery.

10 Misc. 130; (62 St. Rep. 471; 30 Supp. 904).

McKinney v. London, 18 Misc. 564; 76 St. Rep. 469; 42 Supp. 469.

McKinney v. McCloskey, 8 Daly, 368.

Cited, Statute of Frauds—Performance Within Year.

11 Misc. 383; (65 St. Rep. 294; 33 Supp. 147).

McKinney v. White, 15 App. Div. 423; 78 St. Rep. 561; 44 Supp. 561.

McKinster v. Babcock, 26 N. Y. 378.

Cited, Evidence—Parol—Mortgage—Explanation—Purpose.

76 Hun, 555; (58 St. Rep. 234; 28 Supp. 236).

*Duplicate Citations in Parenthesis.***McKnight v. Baker**, 1 How. 201.

Cited, Actions — Parties—Non-service — Right to Intervene.

16 App. Div. 620, 621; (78 St. Rep. 1059, 1060; 44 Supp. 1059, 1060).

McKnight v. Devlin, 52 N. Y. 399.

Cited, Contract—Performance—Breach—Measure of Damages.

9 Misc. 114; (59 St. Rep. 734; 29 Supp. 49). 88 Hun, 250; (63 St. Rep. 562; 34 Supp. 744).

Counterclaim—Damages of Dispossessed Grantee Against Purchase Price.

66 Hun, 159; (49 St. Rep. 137; 20 Supp. 969).

Contracts—Consideration—Partial Failure—Effect.

4 App. Div. 257; (74 St. Rep. 51; 38 Supp. 502).

McKnight v. Dunlop, 5 N. Y. 537.

Cited, Contracts—Statute of Frauds—Delivery and Acceptance.

15 Misc. 471; (72 St. Rep. 794; 37 Supp. 215). 17 Misc. 140; (39 Supp. 401).

Contracts—Release.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

McKnight v. Dunlop, 4 Barb. 33.

Affirmed, 5 N. Y. 537.

Cited, Action—Election of Remedies—Tort and Contract.

2 Misc. 118; (49 St. Rep. 230; 20 Supp. 873).

Trial — Replevin — Judgment—Return of Property.

10 Misc. 414; (63 St. Rep. 600; 31 Supp. 198).

McKnight v. Thayer, 21 Supp. 440.**McKown v. Hunter**, 30 N. Y. 625.

Cited, Evidence — Opinion — Motives of Witness.

2 Misc. 151; (50 St. Rep. 215; 21 Supp. 631; 29 Abb. N. C. 436). 49 St. Rep. 171; (21 Supp. 97). 11 App. Div. 442; (76 St. Rep. 323; 42 Supp. 323). 11 App. Div. 445; (76 St. Rep. 325; 42 Supp. 325).

Slander — Probable Cause — Burden of Proof.

17 Misc. 92; (39 Supp. 834).

McKuskie v. Hendrickson, 128 N. Y. 555; 40 St. Rep. 619.

Cited, Costs—Offer of Judgment — Justice's Court.

6 Misc. 204; (37 Supp. 216). 88 Hun, 220; (68 St. Rep. 541; 34 Supp. 723). 6 App. Div. 223; (39 Supp. 1035). 148 N. Y. 291.

Statutes—Construction—Intent.

66 Hun, 132; (49 St. Rep. 47; 21 Supp. 49). 80 Hun, 370; (62 St. Rep. 62; 30 Supp. 336).

McKyring v. Bull, 16 N. Y. 297.

Cited, Evidence—Burden of Proof—Payment.

7 Misc. 669; (58 St. Rep. 381; 28 Supp. 42).

Pleading—General Denial—What Provable—Payment—Accord and Satisfaction.

49 St. Rep. 42; (20 Supp. 953). 78 Hun, 221; (60 St. Rep. 261; 28 Supp. 904). 91 Hun, 442; (70 St. Rep. 808; 36 Supp. 234; 25 Civ. Pro. 150 151, 152; 2 Ann. Cas. 315). 93 Hun, 62; (72 St. Rep. 717; 36 Supp. 645). 1 App. Div. 583; (73 St. Rep. 155; 37 Supp. 539). 4 App. Div. 420; (74 St. Rep. 533; 38 Supp. 850). 17 Misc. 238; (39 Supp. 716). 20 Misc. 402; (79 St. Rep. 1041; 45 Supp. 1041).

Pleading—Release—Defense.

83 Hun, 214; (64 St. Rep. 142; 31 Supp. 588).

McLain v. British & Foreign Marine Ins. Co., 14 Misc. 650; 70 St. Rep. 248; 35 Supp. 827.

Affirmed, 16 Misc. 336; 38 Supp. 77.

Cited, 38 Supp. 77.

McLain v. British & Foreign Marine Ins. Co., 16 Misc. 336; 33 Supp. 77.**McLanahan v. Mott**, 73 Hun, 131; 56 St. Rep. 85; 25 Supp. 892.

Cited, Lottery—Pool Selling.

8 Misc. 205; (58 St. Rep. 339; 28 Supp. 532).

McLaren, Matter of, 6 Misc. 483; 57 St. Rep. 832; 27 Supp. 289.

Cited, Wills — Construction — Equitable Conversion.

16 Misc. 203; (74 St. Rep. 537; 38 Supp. 947).

McLaren v. Hartford Fire Ins. Co., 5 N. Y. 151.

Cited, Insurance—Deeds — Purchaser — Insurable Interest.

13 App. Div. 390; (77 St. Rep. 49; 43 Supp. 49).

McLaren v. McMarten, 36 N. Y. 88;

Cited, Executors—Contracts—Liability of Estate.

9 Misc. 231; (61 St. Rep. 297; 30 Supp. 285).

Limitation of Action—Interpretation of Statutes—Payment—Acknowledgment.

8 Misc. 264; (58 St. Rep. 528; 27 Supp. 1011).

4 App. Div. 477; (74 St. Rep. 489; 38 Supp. 810).

McLaren v. Pennington, 1 Paige, 102.

Cited, Corporations—Liability of Stockholders—Change by Amendment of Statute.

2 Misc. 228; (52 St. Rep. 273; 23 Supp. 752). 5 App. Div. 7; (38 Supp. 1118).

*Duplicate Citations in Parenthesis.***McLaren v. Watson**, 26 Wend. 425.*Cited*, Guaranty—Assignability—New Firm.

139 N. Y. 270; (54 St. Rep. 554).

Guaranty—Letter of Credit—Acceptance.

87 Hun, 34; (67 St. Rep. 503; 33 Supp. 752).

McLarney, Matter of, 90 Hun, 361; 70 St. Rep. 555; 35 Supp. 893.*Affirmed*, 153 N. Y. 416.**McLarney v. Long Island R. Co.**, 11 Misc. 64; 64 St. Rep. 629; 31 Supp. 862.**McLarney v. Phelan**. See **McLarney, Matter of**.**McLaughlin v. Bohm**, 20 Misc. 338; 79 St. Rep. 745; 45 Supp. 745.**McLaughlin v. Gillings**, 18 Misc. 56; 75 St. Rep. 475; 41 Supp. 22.**McLaughlin v. Great Western Ins. Co.**, 46 St. Rep. 759; 20 Supp. 536.*Cited*, Insurance—Policy—Action On—Insurer's Interest.

10 Misc. 170; (62 St. Rep. 506; 30 Supp. 1046).

Judgments—Res Adjudicata.

10 Misc. 175; (62 St. Rep. 509; 30 Supp. 1049).

McLaughlin v. Harriot, 14 Misc. 343; 70 St. Rep. 461; 35 Supp. 684.**McLaughlin v. McDevitt**, 63 N. Y. 213. *Cited*, Wills—Undue Influence—Proof.

83 Hun, 331; (54 St. Rep. 377; 31 Supp. 691). 79 St. Rep. 616; (45 Supp. 616).

Wills—Undue Influence—Scrutiny of Court.

10 Misc. 611; (65 St. Rep. 408; 32 Supp. 223).

McLaughlin v. Miller, 124 N. Y. 510; 36 St. Rep. 690.*Cited*, Assessments—Due Process of Law—Opportunity to Be Heard.

92 Hun, 206; (71 St. Rep. 554; 36 Supp. 522).

McLaughlin v. O'Toole, 1 Misc. 172; 48 St. Rep. 682; 20 Supp. 653.*Cited*, Appeal—Evidence—Insufficiency—Objection Waived.

79 Hun, 212; (61 St. Rep. 157; 29 Supp. 615).

Trial—Findings—Goods Sold and Delivered—Title.

11 Misc. 422; (65 St. Rep. 285; 32 Supp. 142).

McLaughlin v. Washington Co. Mut. Ins. Co., 23 Wend. 525.*Cited*, Insurance—Furnishing Proofs of Loss as a Condition Precedent to Suit.

137 N. Y. 398; (50 St. Rep. 683). 7 App. Div. 492; (40 Supp. 251).

McLaughlin v. Webster, 141 N. Y. 76; 56 St. Rep. 541.*Cited*, Contracts—For Payment of Debt by Will.

141 N. Y. 413; (57 St. Rep. 576).

Evidence—Transactions With Deceased—Personal Representations.

143 N. Y. 144; (58 St. Rep. 619). 82 Hun, 263; (63 St. Rep. 506; 43 Supp. 191).

McLaughry v. Porter, 83 Hun, 316; 67 St. Rep. 190; 33 Supp. 464.**McLaury v. Hart**, 121 N. Y. 636*Cited*, Statutory Action—Legislative Intent—Right to Resort to Equity.

D. 78 St. Rep. 326, 327; (41 Supp. 326, 327).

McLean, Matter of, 138 N. Y. 158; 51 St. Rep. 837.*Affirming*, 66 Hun, 122; 49 St. Rep. 601; 30 Supp. 821.*Cited*, Assessors—Proceedings—Review.

13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

McLean v. Couper Milling Co., 38 St. Rep. 893.*Affirmed*, 133 N. Y. 603; 44 St. Rep. 931.*Cited*, Taxes—Corporations—Situs.

66 Hun, 123; (49 St. Rep. 602).

McLean v. Freeman, 70 N. Y. 81.*Cited*, Wills—Construction—Intent of Testator—Survivorship.

11 App. Div. 342, 343; (76 St. Rep. 151; 42 Supp. 151).

McLean v. Jephson, 123 N. Y. 142; 33 St. Rep. 490.*Cited*, Statutes—Construction—Taxes—Exemptions—Illegal Assessment.

77 Hun, 187; (59 St. Rep. 500; 28 Supp. 347). 86 Hun, 285. 7 App. Div. 153. 11 Misc. 264; (65 St. Rep. 811; 32 Supp. 486). 14 Misc. 149; (70 St. Rep. 357; 35 Supp. 860).

Assessors—Jurisdiction—Illegal Exercise.

11 App. Div. 391; (76 St. Rep. 941; 42 Supp. 941).

McLean v. Julien Electric Co., 28 Abb. N. C. 249; 19 Supp. 906.*Cited*, Pleading—Answer—Denial of Knowledge.

1 Misc. 213; (19 St. Rep. 224; 20 Supp. 894).

Pleading—Answer—Information and Belief—Matters of Record.

8 Misc. 13; (58 St. Rep. 308; 28 Supp. 79). D. 1 Misc. 213; (49 St. Rep. 224; 28 Supp. 894).

Duplicate Citations in Parenthesis.

McLean v. Ladd, 66 Hun, 341; 50 St. Rep. 48; 21 Supp. 196.

Cited, Mortgage—By Executor—Preservation of Estate.

78 Hun, 191; (60 St. Rep. 267; 23 Supp. 927).

McLean v. Manhattan Medicine Co., 54 Super 371; 6 St. Rep. 805.

Cited, Taxes—Assessment—Collection—Demand.

77 Hun, 190; (59 St. Rep. 502; 28 Supp. 349).

McLean v. McLean, 96 N. Y. 652.

Cited, Real Property—Powers of Tenant in Common.

2 Misc. 173; (49 St. Rep. 627; 21 Supp. 636).

McLean v. McLean, 50 St. Rep. 509; 21 Supp. 326.

McLean v. Myers, 134 N. Y. 480; 48 St. Rep. 232.

Cited, Taxes—Assessment—Collection—Demand.

77 Hun, 190; (59 St. Rep. 502; 28 Supp. 349).

McLean v. Prentice, 34 Hun, 504.

Cited, Assignment for Creditors—Prevention of Claims as Bar to Attack on Assignment.

68 Hun, 485; (52 St. Rep. 666; 23 Supp. 29).

McLean v. Standard Oil Co., 50 St. Rep. 626; 21 Supp. 874.

Cited, Master and Servant—Liability of Master—Suitable Place to Work—Negligence.

76 Hun, 582; (58 St. Rep. 281; 28 Supp. 199). D. 3 App. Div. 617; (74 St. Rep. 399; 38 Supp. 102).

McLean v. Stewart, 14 Hun, 472.

Cited, Trial—Decision—Modification—Power of Special Term.

71 Hun, 524; (54 St. Rep. 889; 24 Supp. 1033). 92 Hun, 84; (71 St. Rep. 806; 36 Supp. 638). 92 Hun, 465; (72 St. Rep. 436; 36 Supp. 1034). 14 Misc. 513; (70 St. Rep. 691; 35 Supp. 1066). 3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1071).

McLean v. St. Paul & Chicago R. Co., 18 Daly, 446.

Cited, Action—Parties—Defense—Appearance—Waiver of Jurisdiction.

8 Misc. 25; (58 St. Rep. 313; 28 Supp. 71).

McLiney v. Gomprecht, 7 Misc. 169; 57 St. Rep. 538; 27 Supp. 253.

McLewee v. Hall, 103 N. Y. 639.

Cited, Judgment—Secundum Allegata et Probata.

13 Misc. 94; (68 St. Rep. 194; 34 Supp. 147).

McLoughlin v. Nat'l Mohawk Valley Bank, 139 N. Y. 514; 54 St. Rep. 803

Reversing, 65 Hun, 342; 47 St. Rep. 562 20 Supp. 171.

Cited, Evidence—Sufficiency.

140 N. Y. 311; (55 St. Rep. 642).

McLoskey v. Reid, 4 Bradf. 334.

Cited, Wills—Codicil—Construction.

9 Misc. 143; (59 St. Rep. 741; 29 Supp. 30).

McLoughlin v. Consumers' Brewing Co. of Utica, 20 Misc. 144; 79 St. Rep. 716; 45 Supp. 716.

McLoughlin v. New York Lighterage and Transportation Co., 7 Misc. 119; 57 St. Rep. 542; 27 Supp. 248.

McMahon, Matter of, 64 How. 285.

Cited, Criminal Law—Police Justice—Power to Commit Summarily.

13 Misc. 610; (69 St. Rep. 269; 35 Supp. 191)

McMahon v. Allen, 2 How. 39.

Cited, Action—Parties—Defect—Demurrer.

72 Hun, 332; (55 St. Rep. 200; 25 Supp. 430). 8 App. Div. 537; (75 St. Rep. 399; 40 Supp. 915).

McMahon v. Allen, 35 N. Y. 403.

Cited, Champerty and Maintenance—Assignment of Right to Maintain Action for Assignor's Benefit.

1 Misc. 368; (48 St. Rep. 716; 20 Supp. 722).

Contracts—Disaffirmance—Fraud.

10 Misc. 163; (62 St. Rep. 483; 30 Supp. 829).

McMahon v. Hallock, 15 St. Rep. 828

1 Supp. 312.

Cited, Slander—Chastity—Per Se.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

McMahon v. Harrison, 6 N. Y. 443.

Cited, Evidence—Presumption of Continuance.

16 Misc. 61; (73 St. Rep. 133; 37 Supp. 692).

McMahon v. Hodge, 2 Misc. 234; 50 St. Rep. 758; 21 Supp. 971.

McMahon v. New York, 1 App. Div. 321; 72 St. Rep. 615; 37 Supp. 289.

McMahon v. N. Y. El. R. Co., 73 St. Rep. 578; 37 Supp. 958.

McMahon v. N. Y. El. R. Co., 20 N. Y. 463.

Cited, Contract—Building—Architect's Certificate—Conclusiveness.

70 Hun, 527; (54 St. Rep. 50; 24 Supp. 395). 13 App. Div. 418; (77 St. Rep. 12; 41 Supp. 12).

*Duplicate Citations in Parenthesis.***McMahon v. Rauhr**, 47 N. Y. 67.

Cited, Appeal—From Judgment or Order by Default.

2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 430; 23 Civ. Pro. 38). 6 Misc. 121; (57 St. Rep. 862; 26 Supp. 53).

Conversion—Who May Bring—Tenants in Common.

8 Misc. 317; (59 St. Rep. 288; 23 Supp. 733).

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8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 443).

Appeal—Jurisdiction of Appellate Court.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317). 20 Misc. 369; (79 St. Rep. 925; 45 Supp. 925). 151 N. Y. 563.

McMahon v. Rauhr, 3 Daly, 116.

Reversed, 47 N. Y. 67.

Cited, Inferior City Courts—Equity Powers.

16 Misc. 341; (33 Supp. 74)

McMahon v. Second Ave. R. Co., 75 N. Y. 231.

Distinguished, Contract—When Available to Third Party—Indemnity.

Cited, 2 Misc. 321; (50 St. Rep. 583; 21 Supp. 1022; 30 Abb. N. C. 160).

McKean v. Adams, 11 Misc. 387; 65 St. Rep. 309; 32 Supp. 281.

Affirmed, 10 Misc. 777; 63 St. Rep. 872; 30 Supp. 1133.

Statutory Duty—Performance—Negligence.

151 N. Y. 442.

McMahon v. Shernan, 14 St. Rep. 637.

Cited, Action—Parties—Appearance—Waiver—Jurisdiction.

76 Hun, 545; (58 St. Rep. 244; 28 Supp. 211).

McMahon v. Smith, 20 Misc. 305; 79 St. Rep. 663; 45 Supp. 663.**McManus v. Ennis**, 1 App. Div. 30; 72 St. Rep. 272; 36 Supp. 1049.**McManus v. Gavin**, 77 N. Y. 36.

Cited, Statutes—Abrogating Common Law—Construction.

2 Misc. 231; (50 St. Rep. 590; 22 Supp. 364).

McManus v. Palmer, 13 App. Div. 443; 77 St. Rep. 601; 43 Supp. 601.**McManus v. Woolverton**, 138 N. Y. 648; 53 St. Rep. 931.

Affirming, 47 St. Rep. 107; 19 Supp. 545.

McManus v. Woolverton, 47 St. Rep. 107; 19 Supp. 545.

Cited, Negligence—Crossing Street—Collision.

10 Misc. 123; (62 St. Rep. 512; 30 Supp. 914).

McMaster v. Insurance Co. of America, 55 N. Y. 222.

Cited, Evidence—Parol—To Whom Rule Available.

76 Hun 556; (58 St. Rep. 234; 23 Supp. 236). 152 N. Y. 31.

Insurance—Policy—Construction—Liberality.

78 Hun, 111; (60 St. Rep. 801; 29 Supp. 251).

Insurance—Preliminary Proofs—Conclusiveness.

78 Hun, 574; (61 St. Rep. 208; 29 Supp. 531). 8 Misc. 615; (60 St. Rep. 830; 29 Supp. 323). 149 N. Y. 488. 84 Hun, 130; (65 St. Rep. 738; 32 Supp. 513). 13 App. Div. 483; 77 St. Rep. 338; 43 Supp. 338).

McMaster v. State, 108 N. Y. 542; 13 St. Rep. 674.

Cited, Interest—Unliquidated Claim.

89 Hun, 478; (69 St. Rep. 809; 35 Supp. 379). 12 App. Div. 486; (76 St. Rep. 41; 42 Supp. 41).

Contracts—Benefit of State—Right to Alter Plans—Effect.

18 Misc. 282; (41 Supp. 1038).

Municipal Contracts—Performance by Municipality.

18 Misc. 281; (41 Supp. 1038).

McMath v. O'Connor, 11 App. Div. 627; 76 St. Rep. 1127; 43 Supp. 1127.**McMillan v. Lauer**, 24 Supp. 951.**McMillan v. Stern**, 8 Misc. 82; 58 St. Rep. 829; 28 Supp. 596.

Cited, Evidence—Personal transaction with Decedent—Exclusion.

15 Misc. 290; (72 St. Rep. 429; 36 Supp. 985).

McMullen v. Edison Electric Illuminating Co., 13 Misc. 392; 68 St. Rep. 126; 34 Supp. 248.**McMullen v. Hopper**, 15 App. Div. 364; 78 St. Rep. 63; 44 Supp. 63.**McMullen v. Hoyt**, 2 Daly, 271.

Cited, Master and Servant—When Relation Exists.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

McMullen v. Rafferty, 99 N. Y. 456.

Cited, Bills and Notes—Liability of Endorser of Non-Negotiable Paper.

56 Hun, 353; (50 St. Rep. 668; 21 Supp. 507).

Duplicate Citations in Parenthesis.

Limitation of Action — When Statute Runs—Demand Note.

70 Hun. 160; (53 St. Rep. 919; 24 Supp. 205).

Limitation of Action—Joint Parties—Acknowledgment by One—Effect.

145 N. Y. 64; (64 St. Rep. 524; 1 Ann. Cas. 201). 82 Hun. 322; (64 St. Rep. 80; 31 Supp. 492). 82 Hun. 66; (31 Supp. 67). 16 Misc. 403; (73 St. Rep. 607; 38 Supp. 516; 25 Civ. Pro. 384).

McMullin v. Mackey, 25 St. Rep. 265.

Cited, Justice's Court—Summons—Service—Sufficiency.

20 Misc. 74; (79 St. Rep. 410; 45 Supp. 410).

McMurray v. McMurray, 66 N. Y. 175.

Cited, Trustees — Dealing With Trust Estate—Profits.

6 Misc. 511; (57 St. Rep. 711; 27 Supp. 432).

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15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19). 17 Misc. 340; (39 Supp. 1081).

McMurray v. McMurray, 60 Barb. 117.

Cited, Infants—Guardian Ad Litem—Failure to Appoint—Effect.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

McMurray v. McMurray, 45 St. Rep. 2; 17 Supp. 657.

Cited, Witnesses — Competency — Decedent's Estate—Claimant—Non-payment.

79 Hun. 31; (61 St. Rep. 206; 29 Supp. 528).

McMurray v. Noyes, 72 N. Y. 523.

Cited, Guarantees—Payment and Collection—Distinction.

14 App. Div. 419; (77 St. Rep. 960; 43 Supp. 960).

McMurray v. Rawson, 3 Hill. 59.

Cited, Action—Of Account — Common Law.

142 N. Y. 238; (58 St. Rep. 766).

McNab v. McNab & Harlin Mfg. Co., 62 Hun. 18; 41 St. Rep. 906; 16 Supp. 448.

Cited, Corporations — Stock and Stock holders—Rights of—Dividends—Actions to Enforce.

9 Misc. 595; (62 St. Rep. 239; 30 Supp. 871). 6 App. Div. 67; (39 Supp. 626).

Corporations — Direction—Duty to Corporation—Increase of Salary.

19 Misc. 22; (76 St. Rep. 773, 774; 42 Supp. 773, 774).

McNair v. Gilbert, 3 Wend. 344.

Cited, Lost Instruments — Indemnity Bond—Negotiability.

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3 Misc. 88; (51 St. Rep. 760; 22 Supp. 368).

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Cited, Wills—Execution—Witnesses.

19 Misc. 337; (78 St. Rep. 356; 44 Supp. 356).

McNally v. Cohoes, 127 N. Y. 350; 39 St. Rep. 578.

Cited, Corporations—Defective Sidewalk — Liability of Municipality—Notice.

79 Hun. 175; (61 St. Rep. 216; 29 Supp. 540). 10 Misc. 736; (64 St. Rep. 505; 31 Supp. 803).

Evidence—Notice — Circumstantial.

16 App. Div. 593; (78 St. Rep. 986; 44 Supp. 986).

McNally v. Phoenix Ins. Co., 137 N. Y. 389; 50 St. Rep. 680.

Reversing, 42 St. Rep. 21; 16 Supp. 696.

Cited, Appeal—Review of Non-suit—Evidence—Construction.

73 Hun. 447; (56 St. Rep. 46 26 Supp. 646). 71 Hun. 432; (54 St. Rep. 529; 24 Supp. 978). 29 Supp. 711. 92 Hun. 28; (71 St. Rep. 714; 36 Supp. 560). 9 Misc. 14; (59 St. Rep. 699; 29 Supp. 17). 143 N. Y. 164; (62 St. Rep. 188). 3 App. Div. 10; (73 St. Rep. 17; 37 Supp. 968). 12 Misc. 501. (67 St. Rep. 372; 33 Supp. 658). 17 Misc. 367; (39 Supp. 1059). 62 St. Rep. 223; (29 Supp. 711).

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140 N. Y. 26; (55 St. Rep. 381). 60 St. Rep. 463. 143 N. Y. 76. 7 App. Div. 492; (40 Supp. 251). 8 App. Div. 358; (40 Supp. 819). 12 App. Div. 46; (76 St. Rep. 544; 42 Supp. 544). D. 9 App. Div. 364; (75 St. Rep. 727; 41 Supp. 314). 11 Misc. 518; (66 St. Rep. 109; 32 Supp. 762). 11 Misc. 517; (36 St. Rep. 108; 32 Supp. 761). 11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866). 20 Misc. 637. 15 Misc. 267; (71 St. Rep. 817; 36 Supp. 795).

Insurance—Conditions—Inception of Contract—Forfeiture—Waiver.

142 N. Y. 387; (59 St. Rep. 779). 149 N. Y. 386; 150 N. Y. 198; 84 Hun. 324; (65 St. Rep. 554; 32 Supp. 355). 90 Hun. 525; (71 St. Rep. 709; 36 Supp. 689). 92 Hun. 31; (71 St. Rep. 716; 36 Supp. 562). 7 App. Div. 584; (40 Supp. 306). 11 App. Div. 414; (76 St. Rep. 287; 42 Supp. 287). 15 App. Div. 234; (78 St. Rep. 203; 44 Supp. 203). 16 App. Div. 600; (78 St. Rep. 978; 44 Supp. 978). 12 Misc. 504; (67 St. Rep. 574; 33 Supp. 660). 18 Misc. 534; (73 St. Rep. 599; 38 Supp. 509).

Duplicate Citations in Parenthesis.

McNamara v. Brooklyn City R. Co.,
11 Misc. 667; 66 St. Rep. 361; 32 Supp.
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McNamara v. Canda Steamship Co.,
11 Daly, 297.

Cited, Summons—Service—Irregularity.
147 N. Y. 623; (71 St. Rep. 263; 2 Ann.
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McNamara v. Dwyer, 7 Paige, 239.

Cited, Actions—Venue.
2 App. Div. 283; (75 St. Rep. 842; 37
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McNamara v. New York, 152 N. Y.
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**McNamara v. N. Y. C. & H. R. R.
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Reversing, 46 St. Rep. 439; 19 Supp. 497.
*Cited, Railroads—Crossings—Obstruction
of Vision—Contributory Negligence—Facts
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85 Hun, 157, 158; (65 St. Rep. 665; 32 Supp.
480). 4 App. Div. 554; (74 St. Rep. 823; 38
Supp. 1012). 7 App. Div. 519; (40 Supp.
255, 256); 8 App. Div. 142; (40 Supp. 474).
18 Misc. 504; (76 St. Rep. 1078; 42 Supp.
1078). 79 St. Rep. 1111; (45 Supp. 1111).

**McNamara v. N. Y. C. & H. R. R.
Co.,** 46 St. Rep. 439; 19 Supp. 497.

*Cited, Railroads—Crossings—Contribu-
tory Negligence.*

83 Hun, 275; (65 St. Rep. 66; 31 Supp.
1036). 7 App. Div. 519; (40 Supp. 255).

McNamara v. Nolan, 11 Misc. 621; 66
St. Rep. 347; 32 Supp. 922.

Affirmed, 13 Misc. 76; 68 St. Rep. 229;
34 Supp. 178; 25 Civ. Pro. 35.

McNamara v. Nolan, 13 Misc. 76; 68 St.
Rep. 229; 34 Supp. 178; 25 Civ. Pro. 35.

*Cited, Appeal—Order—Affecting Sub-
stantial Right.*

14 Misc. 549; (70 St. Rep. 718; 35 Supp.
1074).

Poor Person—Petition—Sufficiency.

18 Misc. 569; (76 St. Rep. 461; 42 Supp.
461).

McNaney v. Hall, 86 Hun, 415; 67 St.
Rep. 174; 33 Supp. 518.

*Cited, Assignment for Creditors—Fraud
—Avoidance.*

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McNaney v. Hall, 151 N. Y. 647.

McNaught v. McLaughry, 42 N. Y. 23.

*Cited, Contracts—Guaranty—Considera-
tion—Sufficiency.*

86 Hun, 125; (67 St. Rep. 20; 33 Supp.
186). 19 Misc. 662; (78 St. Rep. 511; 44
Supp. 511).

**McNaughton v. Argyle, Town of
Board of Excise of,** 5 Misc. 457; 26
Supp. 229.

*Cited, Excise—License—Power of Board
to Grant—Discretion.*

9 Misc. 251; (60 St. Rep. 649; 39 Supp.
409). 13 Misc. 543; (70 St. Rep. 480; 35
Supp. 662).

McNaughton v. McNaughton, 34 N. Y.
201.

*Cited, Lands—Devise of—Sale Before
Testator's Death—Effect.*

5 App. Div. 135; (39 Supp. 60).

McNaughton v. Osgood, 114 N. Y. 574;
24 Supp. 531.

*Cited, Actions—Equity—Triable by Jury.
—Adoption of Verdict By Court.*

89 Hun, 460; (68 St. Rep. 787; 34 Supp.
875).

McNeany, Matter of, 5 App. Div. 456;
33 Supp. 1093.

McNeany v. Curtin. See *McNeany,
Matter of.*

**McNeil v. Tenth Nat. Bank of New
York,** 46 N. Y. 325.

*Cited, Contracts—Assignment—Rights of
Assignee—Equities of Subsequent Holders.*

142 N. Y. 167; (58 St. Rep. 637). 84 Hun,
411; (65 St. Rep. 696; 32 Supp. 423). 17
App. Div. 333; (79 St. Rep. 221; 45 Supp.
321).

*Corporations—Stock—Rights of Trans-
feree of Certificate—Negotiability.*

74 Hun, 888; (57 St. Rep. 51; 26 Supp.
484). 143 N. Y. 454. 17 App. Div. 241;
(79 St. Rep. 573; 45 Supp. 573). 11 Misc.
60, 602; (67 St. Rep. 307, 308; 33 Supp. 540,
541). 14 Misc. 176; (69 St. Rep. 814; 35 Supp.
384). 14 Misc. 176; (69 St. Rep. 814; 35 Supp.
384).

Estoppel—Equitable—Acts of Agent.

9 Misc. 639; (62 St. Rep. 110; 30 Supp.
355).

McNeil v. N. Y., L. E. & W. R. Co.,
71 Hun, 24; 54 St. Rep. 201; 24 Supp.
616.

Affirmed, 142 N. Y. 631; 60 St. Rep. 866.

McNeil v. Metropolitan St. R. Co.,
20 Misc. 426; 79 St. Rep. 1030; 45 Supp.
1030.

**McNeilly v. Continental Life Ins.
Co.,** 66 N. Y. 23.

*Cited, Agency—Revocation—Effect on
Third Person.*

12 Misc. 139; (66 St. Rep. 739; 33 Supp.
82).

Duplicate Citations in Parenthesis.

McNeilly v. Richardson, 4 Cow. 607.

Cited, Advancement of Money for Specific Purposes—Use for Another—Effect.

4 App. Div. 237; (74 St. Rep. 180; 38 Supp. 561).

McNeven v. Arnott, 4 App. Div. 133; 74 St. Rep. 94; 38 Supp. 759.

McNevin v. Livingston, 17 Johns. 437.

Cited, Contract—Rescission—Election of. 4 Misc. 439; (54 St. Rep. 140; 24 Supp. 696).

McNierney v. Agricultural F. Ins. Co., 48 Hun, 239; 16 St. Rep. 559.

Cited, Insurance—Inconsistent Facts—Knowledge of Agent.

66 Hun, 225; (49 St. Rep. 10; 21 Supp. 52). 7 App. Div. 587; (40 Supp. 309).

McNish v. Bowers, 30 Hun, 214.

Cited, Appeal—Case—Settlement and Certification.

73 Hun, 377; (55 St. Rep. 919; 26 Supp. 193).

McNish v. Peekskill, Village of, 91 Hun, 324; 72 St. Rep. 294; 36 Supp. 1022.

Cited, Master and Servant—Appliances—Negligence—What Constitutes.

38 Supp. 1044.

McNulty v. Hurd, 72 N. Y. 518.

Cited, Judgment—Collateral Impeachment.

70 Hun, 65; (53 St. Rep. 511; 23 Supp. 1107). 152 N. Y. 517.

Surrogate's Court—Jurisdiction—Disputed Claim.

4 Misc. 370; (25 Supp. 829). 125 N. Y. 324. 90 Hun, 186; (70 St. Rep. 664; 35 Supp. 948). 20 Misc. 160.

McNulty v. Hurd, 86 N. Y. 547.

Cited, Evidence—Of Interested Witness—Weight and Effect.

1 Misc. 164; (48 St. Rep. 687; 20 Supp. 636). 18 Misc. 653; (77 St. Rep. 974; 43 Supp. 974).

Principal and Surety—Release of Surety—Modification of Contract—Knowledge of. 79 Hun, 601; (61 St. Rep. 523; 29 Supp. 840).

McNulty v. Hurd, 18 Hun, 1.

Cited, Sureties—Extension of Credit—Effect.

14 App. Div. 18; (77 St. Rep. 658; 43 Supp. 658).

McNulty v. Solley, 95 N. Y. 242.

Cited, Controversy—Submission to Arbitrators—Limitations—Suspension of Time.

7 App. Div. 449; (39 Supp. 1050).

McNulty v. Urban, 1 Misc. 422; 50 St. Rep. 565; 21 Supp. 247.

Affirmed, 140 N. Y. 660; 55 St. Rep. 932.

McNutt v. Hilkins, 80 Hun, 235; 61 St. 647; 29 Supp. 1047

McOwen, Matter of. See Winslow, Matter of.

McPadden, v. N. Y. C. & H. R. R. Co., 44 N. Y. 478.

Cited, Landlord and Tenant—Lease—Condition Subsequent—Summary Proceedings.

61 St. Rep. 98.

McParlin v. Boynton, 8 Hun, 449; 71 N. Y. 604.

Cited, Sales—Warranty—Inspection of Goods Before Delivery—Effect.

149 N. Y. 146.

McPartland v. Thomas, 24 St. Rep. 110; 4 Supp. 100.

Cited, Nuisance—Liability of Lessee.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 181).

McPeak v. N. Y. C. & H. R. R. Co., 85 Hun, 277; 66 St. Rep. 29; 32 Supp. 647.

Cited, Railroads—Approaching Trains—Contributory Negligence.

88 Hun, 268; (68 St. Rep. 566; 34 Supp. 748).

Appeal—Non-suit—Inferences from Evidence.

8 App. Div. 32; (40 Supp. 401). 12 App. Div. 452; (76 St. Rep. 715; 42 Supp. 715).

McPhail v. Ridout, 83 Hun, 446; 64 St. Rep. 661; 31 Supp. 934.

Cited, Change of Venue—Affidavits—Sufficiency.

5 App. Div. 112; (74 St. Rep. 843; 38 Supp. 1031). 5 App. Div. 557; (39 Supp. 435). 8 App. Div. 619; (75 St. Rep. 344; 40 Supp. 945).

McPheren v. Homan, 2 App. Div. 264; 73 St. Rep. 492; 37 Supp. 706.

McPherson, Matter of, 104 N. Y. 306; 5 St. Rep. 680.

Cited, Surrogate—Jurisdiction—Extent in Inheritance Tax Proceedings.

137 N. Y. 407; (51 St. Rep. 3; 29 Abb. N. C. 477).

Taxes—Collateral Inheritance—What is Subject to.

137 N. Y. 83; (50 St. Rep. 84).

Taxes—Inheritance—Power of Court—Due Process of Law.

86 Hun, 199; (67 St. Rep. 131; 33 Supp. 386). 79 St. Rep. 883; (45 Supp. 883).

Duplicate Citations in Parenthesis.

McPherson v. Buffalo, 13 App. Div. 502; 77 St. Rep. 658; 43 Supp. 658.

McPherson v. Rathbone, 7 Wend. 216.
Cited, Evidence—Declarations—Partner-ship.

49 St. Rep. 306; (21 Supp. 129). 17 Misc. 152; (39 Supp. 334).

McPherson v. Rollins, 107 N. Y. 316; 12 St. Rep. 488; 27 Week. Dig. 402.

Cited, Mortgage—Satisfaction—Trustee.

73 Hun, 93; (56 St. Rep. 106; 25 Supp. 902). 143 N. Y. 523; (64 St. Rep. 855). 143 N. Y. 390; (62 St. Rep. 442).

Trusts—Cre tion

68 Hun, 235; (51 St. Rep. 875; 22 Supp. 880). D. 50 St. Rep. 295; (21 Supp. 231). 88 Hun, 15, 17; (68 St. Rep. 492, 493; 34 Supp. 485, 486).

Conveyances—Purchasers—Constructive Notice.

85 Hun, 82; (66 St. Rep. 44; 32 Supp. 661). 3 App. Div. 297; (38 Supp. 1074).

McPherson v. Schade, 8 Misc. 424; 59 St. Rep. 36; 28 Supp. 659.

Affirmed, 149 N. Y. 116.

Cited, Specific Performance—Encroachments—Relief of Purchaser.

13 Misc. 58; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

McPherson v. Schade, 149 N. Y. 16.

Cited, Specific Performance—Discretion of Court.

19 Misc. 439; (78 St. Rep. 483; 44 Supp. 483).

McPherson v. Smith, 49 Hun, 254; 17 St. Rep. 19; 2 Supp. 60.

Cited, Specific Performance—Unmarketable—Title.

82 Hun, 214; (65 St. Rep. 786; 31 Supp. 337).

McPhillips v. Jones, 73 Hun, 516; 56 St. Rep. 164; 26 Supp. 101.

Cited, Bills and Notes—Indorsers' Liability.

83 Hun, 195; (63 St. Rep. 811; 31 Supp. 399).

McPhillips v. N. Y., New Haven & H. R. Co., 12 Daly, 365.

Cited, Negligence—Contributory—Driving Before Car.

6 Misc. 384; (56 St. Rep. 398; 26 Supp. 755).

McPhillips v. N. Y. New Haven & H. R. Co, 37 St. Rep. 263; 13 Supp. 917.

Cited, Appeal—Case—Certificate.

9 Misc. 82; (59 St. Rep. 551; 29 Supp. 720).

McQuade v. Metropolitan St. R. Co., 17 Misc. 154; 39 Supp. 335.

Cited, Railroads—Crossing—Contributory Negligence.

9 App. Div. 66; (75 St. Rep. 508; 41 Supp. 50).

McQueen, Matter of, 58 Hun, 172; 33 St. Rep. 807; 11 Supp. 509.

Cited, Costs—Disputed Claim—Reference. 8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670)

McQueen v. Babcock, 3 Keyes, 428.

Cited, Usury—Defense—Availability.

20 Misc. 302; (79 St. Rep. 803; 45 Supp. 803).

McQueen v. Babcock, 3 Abb. Ct. App. Dec 129.

Cited, Statute of Limitations—As Defense—Construction.

25 Civ. Pro. 308.

McQueen v. Brown, 75 St. Rep. 937; 41 Supp. 549.

McQueen v. Lockwood, 61 St. Rep. 36; 29 Supp. 370.

McQueen v. Middletown Mfg. Co., 16 Johns. 4.

Cited, Attachment—Non-Residents—Corporations.

20 Misc. 368; (79 St. Rep. 924; 45 Supp. 924).

McQueen v. New, 86 Hun, 271; 67 St. Rep. 139; 33 Supp. 395.

McQueen v. New, 87 Hun, 206; 67 St. Rep. 446; 33 Supp. 801.

Cited, Corporations—Insolvency—Directors—Fraud.

7 App. Div. 112.

McQueen v. New, 10 Misc. 251; 63 St. Rep. 232; 30 Supp. 977.

Affirmed, 86 Hun, 271; 67 St. Rep. 139; 33 Supp. 395.

McQuhae v. Lehman, 7 Misc. 732; 58 St. Rep. 61; 27 Supp. 1122.

McQuhae v. Rey, 3 Misc. 550; 52 St. Rep. 484; 23 Supp. 16.

Affirming, 2 Misc. 476; 51 St. Rep. 166; 22 Supp. 175.

Cited, Husband and Wife—Necessaries—Recovery for.

4 Misc. 534; (54 St. Rep. 132; 24 Supp. 701).

McQuigan v. D. L. & W. R. Co., 122 N. Y. 618; 34 St. Rep. 618.

Cited, Master and Servant—Appliances—Duty of Master.

11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835).

Duplicate Citations in Parenthesis.

McQuigan v. D., L. & W. R. Co., 129 N. Y. 50; 41 St. Rep. 332; 21 Civ. Pro. 396.

Cited, Evidence—Examination Before Trial—Power of Court to Order—To Procure Evidence as to Damages.

73 Hun, 424; (56 St. Rep. 11; 26 Supp. 431).

Evidence—Demonstrative—Physical Examination—Power of Court to Order.

67 Hun, 514; (51 St. Rep. 260; 22 Supp. 517). 142 N. Y. 302; (58 St. Rep. 860; 31 Abb. N. C. 358). 87 Hun, 590; (68 St. Rep. 640; 34 Supp. 576). 16 App. Div. 79; (78 St. Rep. 1076; 44 Supp. 1076). 10 Misc. 475; (65 St. Rep. 258; 32 Supp. 179; 24 Civ. Pro. 275). 13 Misc. 404; (68 St. Rep. 877).

Courts—Implied Powers.

D. 78 St. Rep. 326; (44 Supp. 326).

McRea v. Central Nat. Bank, 66 N. Y. 489.

Cited, Fixtures—Annexation—Intent.

53 St. Rep. 889; (25 Supp. 133). 82 Hun, 225; (64 St. Rep. 797; 31 Supp. 976). 86 Hun, 312; (67 St. Rep. 202; 23 Supp. 488). 88 Hun, 591; (69 St. Rep. 67; 34 Supp. 904). 92 Hun, 333; 72 St. Rep. 303; 36 Supp. 930). 79 St. Rep. 639; (45 Supp. 639).

McRea v. McRea, 3 Bradf. 199.

Cited, Executors—Management of Estate—Degree of Care.

4 Misc. 31; (23 Supp. 832).

McRicard v. Flint, 1 St. Rep. 6'8.

Cited, Practice—Appeal—Evidence—Review.

11 Misc. 387; (65 St. Rep. 309; 32 Supp. 281).

McRickard v. Flint, 114 N. Y. 222; 23 St. Rep. 100.

Cited, Landlord and Tenant—Defective Stairs—Injuries to Tenant's Caller.

3 Misc. 21; (50 St. Rep. 572; 21 Supp. 776).

Master and Servant—Automatic Elevator Fasteners.

72 Hun, 405; (55 St. Rep. 286; 25 Supp. 207).

Master and Servant—Negligence—Imputed—Failure to Perform Statutory Duties—Factory Law.

75 Hun, 326; (58 St. Rep. 215; 26 Supp. 1012; 31 Abb. N. C. 293).

Negligence—Contributory—Elevators—Omission of Statutory Guards.

70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 4 App. Div. 484, 487; (38 Supp. 686, 687). 12 App. Div. 359; (76 St. Rep. 158; 42 Supp. 158). 13 Misc. 498; (68 St. Rep. 409; 34 Supp. 681; 2 Ann. Cas. 181).

Negligence—Violation of Statutory requirements—Effect.

68 Hun, 497; (52 St. Rep. 679; 23 Supp. 82). 18 Misc. 610; (74 St. Rep. 818; 33 Supp. 1008).

Evidence—Negligence—Violation of Statutory Requirements—Elevated Railroads—Gates.

149 N. Y. 341.

Evidence—Negligence—Falling Through Opening.

81 Hun, 199; (62 St. Rep. 731; 30 Supp. 748).

McRoberts v. Bergman, 132 N. Y. 73; 43 St. Rep. 559.

Cited, Real Property—Adverse Possession—Sufficiency.

143 N. Y. 538; (62 St. Rep. 831). 14 Misc. 373, 376; (71 St. Rep. 415, 417; 36 Supp. 78, 80).

McRoberts v. Mathews, 79 St. Rep. 431; 45 Supp. 431.

McReynolds v. Munns, 2 Keyes, 214.

Cited, Mortgage—Foreclosure—Judgment—Effect on Prior Incumbrances.

144 N. Y. 239; (63 St. Rep. 103).

McShane Co. v. Padian. See Henry McShane Co. v. Padian.

McShane Co. v. Padian, 1 Misc. 332; 48 St. Rep. 705; 29 Supp. 679.

Reversed, 142 N. Y. 207; 58 St. Rep. 651.

McShane Co. v. Padian, 142 N. Y. 207; 58 St. Rep. 651.

Cited, Guaranty—Construction.

20 Misc. 683.

McSherry v. Canandaigua, Trustees of, 129 N. Y. 612; 42 St. Rep. 263.

Cited, Municipal Corporation—Highways—Defects—Notice to Corporation—

4 App. Div. 346; (74 St. Rep. 515; 38 Supp. 649).

McSorley v. Gomprecht, N. Y. L. J., July 14, 1892.

Cited, Equity—Jurisdiction—Remedy at Law—Laches.

6 Misc. 355; (26 Supp. 916).

McSorley v. Gomprecht, 26 Supp. 917; 30 Abb. N. C. 412.

Cited, Injunctions—Power of Court to Grant.

D. 4 App. Div. 581; (74 St. Rep. 831; 38 Supp. 1020).

McSorley v. Hughes, 58 Hun, 360; 12 Supp. 179.

Cited, Equity Causes—Improper Evidence—Effect.

19 Misc. 200; (77 St. Rep. 65; 43 Supp. 65).

Duplicate Citations in Parenthesis.

McSorley v. Prague, 137 N. Y. 546; 50 St. Rep.. 373.

Affirming, 43 St. Rep. 973.

McSorley v. Wilson, 4 Sandf. Ch. 515.

Cited, Trusts—Accumulation—Annuities.

140 N. Y. 531; (56 St. Rep. 471).

Wills—Devist—Invalidity in Part—Intestacy.

7 Misc. 339; (58 St. Rep. 565; 28 Supp. 132).

82 Hun, 372; (64 St. Rep. 92; 31 Supp. 493).

McSwegan v. Pennsylvania R. Co.,

7 App. Div. 301; 40 Supp. 51.

McSwegan v. Pennsylvania R. Co.,

16 Misc. 157; 73 St. Rep. 562; 37 Supp. 943.

Reversed, 7 App. Div. 301; 74 St. Rep. 664; 40 Supp. 51.

McSwegan v. Pennsylvania R. Co.,

7 App. Div. 301; 74 St. Rep. 664; 40 Supp. 51.

McSwyny v. Broadway & S. Ave. R. Co., 27 St. Rep. 363; 7 Supp. 456.

Cited, Evidence—Demonstrative—Physical Examination.

67 Hun, 514; (51 St. Rep. 260; 22 Supp. 518).

McVean v. Scott, 46 Barb. 379.

Cited, Notes—Material Alteration—Effect.

10 Misc. 361; (63 St. Rep. 433; 31 Supp. 19).

McVean v. Sheldon, 48 Hun, 163.

Cited, Taxes—Transfer—Individual Shares.

6 Misc. 280; (27 Supp. 234). 86 Hun, 202; (67 St. Rep. 133; 33 Supp. 388).

McVeany v. New York, 80 Hun, 185.

Cited, Officers—Salary—Right to Recover Salary Paid to Intruder.

74 Hun, 520; (57 St. Rep. 213; 26 Supp. 587). 147 N. Y. 208; (69 St. Rep. 507). 15 App. Div. 506.

McVee v. Watertown, 92 Hun, 306; 73 St. Rep. 392; 36 Supp. 870.

McVey v. Cantrell, 8 Hun, 522.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court.

22 Supp. 1052; (23 Civ. Pro. 55). 17 Misc. 736; (40 Supp. 1068; 3 Ann. Cas. 203).

McVicker v. Campanini, 5 Supp. 577.

Cited, Attachment—Affidavit—Sufficiency.

9 App. Div. 581; (75 St. Rep. 1101; 41 Supp. 711). 17 Misc. 243; (40 Supp. 1066).

McVity v. Stanton, 10 Misc. 105; 62 St. Rep. 497; 30 Supp. 934.

McWilliams v. Jewett, 14 Misc. 491; 71 St. Rep. 786; 36 Supp. 620

McWilliams v. Mason, 81 N. Y. 294.

Cited, Principal and Surety—Fraud of Principal and Surety—Effect on Innocent Third Person.

137 N. Y. 313; (50 St. Rep. 652). 149 N. Y. 530.

Meacham v. Collingnon, 7 Daly, 402.

Cited, Sale—Fraud in—Bona Fide Purchasers of Vendee.

59 St. Rep. 473; (29 Supp. 596; 31 Abb. N. C. 404). 11 Misc. 80; (29 Supp. 596).

Meacham v. Dudley, 6 Wend. 514.

Cited, Default—Opening—Incompetency of Attorney.

17 Misc. 235; (40 Supp. 1035).

Meacham v. Pell, 51 Barb. 65.

Cited, Evidence—Memoranda—Admissibility.

150 N. Y. 392.

Mead v. American Fire Ins. Co., 13

App. Div. 476; 77 St. Rep. 334; 43 Supp. 334.

Mead v. Bunn, 32 N. Y. 275.

Cited, Contract—Fraud in—Injuries.

9 Misc. 81; (59 St. Rep. 550; 29 Supp. 719).

False Representations—Verification—Reliance.

9 Misc. 175; (60 St. Rep. 641; 29 Supp. 717). 14 Misc. 521; (70 St. Rep. 701; 35 Supp. 1084).

Mead v. Chase, 89 Hun, 607; 69 St. Rep. 6; 34 Supp. 1062.

Mead v. Degolyer, 16 Wend. 632.

Cited, Contracts—Entire—Recovery.

16 Misc. 450; (73 St. Rep. 340; 38 Supp. 152).

Mead v. Engs, 5 Cow. 303.

Cited, Bills and Notes—Prior Endorsers—Protest—Notice.

9 Misc. 88; (59 St. Rep. 690; 29 Supp. 62).

Mead v. Hartwell, 10 Misc. 662; 64 St. Rep. 300; 31 Supp. 674; 24 Civ. Pro. 217.

Reversing, 8 Misc. 693; 59 St. Rep. 895; 28 Supp. 1150.

Mead v. Jenkins, 27 Hun, 570.

Cited, Limitation of Action—Liability of Devisee for Debts of Testator.

73 Hun, 433; (56 St. Rep. 32; 26 Supp. 448).

Mead v. Jenkins, 29 Hun, 253.

Cited, Executors—Creditor's Rights against Land—Limitation.

69 Hun, 164; (52 St. Rep. 539; 23 Supp. 379).

*Duplicate Citations in Parenthesis.***Mead v. Jenkins**, 95 N. Y. 31.

Cited, Limitation of Action—When Statute Runs—Claim Against Decedent's Estate.

53 St. Rep. 844; (24 Supp. 348). 11 Misc. 231; (36 St. Rep. 557; 32 Supp. 1102). 149 N. Y. 69. 3 App. Div. 214; (73 St. Rep. 687; 38 Supp. 196).

Mead v. Maben, 131 N. Y. 255; 43 St. Rep. 167.

Cited, Wills — Construction — Devise Over — Contingent Upon Death of Devisee — When Operative.

78 Hun, 204; (60 St. Rep. 214; 28 Supp. 964). D. 67 Hun, 280; (50 St. Rep. 827; 22 Supp. 246). 136 N. Y. 231; (49 St. Rep. 335). 144 N. Y. 299; (63 St. Rep. 723). 67 Hun, 275; (50 St. Rep. 827; 22 Supp. 243). 142 N. Y. 437; (59 St. Rep. 813). 8 App. Div. 66; (40 Supp. 409). 84 Hun, 260; (65 St. Rep. 799; 32 Supp. 530). 137 N. Y. 434; (51 St. Rep. 62).

Wills—Devise — Extent of Interest—Reduction by Subsequent Limitation.

78 Hun, 204; (60 St. Rep. 214; 28 Supp. 964).

Mead v. Maben, 38 St. Rep. 204; 14 Supp. 732.

Reversed. 131 N. Y. 255; 43 St. Rep. 167.

Cited, Will,—Construction—Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27).

Mead v. Merritt, 2 Paige, 402.

Cited, Courts—Cause of Action Beyond Jurisdiction—Jurisdiction in Personam.

144 N. Y. 60; (63 St. Rep. 631).

Mead v. Mitchell, 17 N. Y. 210.

Cited, After-born Children—Protection—Rights of.

136 N. Y. 17; (49 St. Rep. 22).

Judicial Sale — Protecting Contingent Rights of Strangers to Suit.

136 N. Y. 17; (49 St. Rep. 22).

Real Property—Remainders—Alienation.

73 Hun, 479; (56 St. Rep. 13; 26 Supp. 438).

Wills—Meaning of Words—Issue.

140 N. Y. 240 (56 St. Rep. 477).

Wills—Construction — Devise—Remainders.

142 N. Y. 30; (58 St. Rep. 454).

Mead v. Mitchell, 5 Abb. 92.

Affirmed, 17 N. Y. 210.

Cited, Actions—Prosecution—Trustees.

19 Misc. 243; (76 St. Rep. 996; 42 Supp. 996).

Action — Parties—Trustees — Cestui Que Trust.

73 Hun, 346; (55 St. Rep. 770; 26 Supp. 180).

Mead v. National Bank of Pawling,

89 Hun, 102; 69 St. Rep. 25; 34 Supp. 1054.

Mead v. N. Y. El. R. Co., 24 Supp. 908.

Cited, Easements—Elevated Railroads—Fee Damages.

14 Misc. 191; (70 St. Rep. 195; 35 Supp. 466).

Mead v. Northwestern Ins. Co., 7 N. Y. 530.

Cited, Insurance—Warranty—Breach of —Effect.

82 Hun, 381; (63 St. Rep. 556; 31 Supp. 237).

Mead v. Parker, 111 N. Y. 259.

Cited, Malicious Prosecution—Probable Cause—Jury.

135 N. Y. 384; (48 St. Rep. 477).

Mead v. Pope, 7 Misc. 181; 57 St. Rep. 535; 27 Supp. 338.

Cited, Appeal—Conflict of Evidence—Facts.

61 St. Rep. 92; (30 Supp. 246). 13 Misc. 255; (68 St. Rep. 206; 34 Supp. 159).

Mead v. Shea, 92 N. Y. 122.

Cited, Appeal—Evidence—Insufficiency—Objection Waived.

79 Hun, 212; (61 St. Rep. 157; 29 Supp. 615). 14 Misc. 577; (70 St. Rep. 709; 35 Supp. 1092).

Appeal—Extent of Review—Objections and Exceptions.

9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8). 1 Misc. 173; (48 St. Rep. 682; 20 Supp. 653). 7 Misc. 192; (57 St. Rep. 538; 27 Supp. 330). 6 Misc. 127; (55 St. Rep. 698; 26 Supp. 7). 13 App. Div. 550; (77 St. Rep. 734; 43 Supp. 734).

Witnesses—Impeachment—Contradictory Statements.

8 Misc. 232; (59 St. Rep. 448; 28 Supp. 724).

Affirmative Defense—Right to Open and Close.

6 App. Div. 589; (39 Supp. 542).

Mead v. Sherwood, 4 Redf. 352.

Cited, Surrogate's Court—Petition—Omission of Jurisdictional Facts—Effect.

17 Misc. 478; (75 St. Rep. 925; 41 Supp. 537).

Mead v. Smith, 28 Hun, 639.

Cited, Appeal—Evidence—Findings—Sufficiency—Effect.

88 Hun, 147; (63 St. Rep. 530; 34 Supp. 608).

*Duplicate Citations in Parenthesis.***Mead v. Stackpole**, 40 Hun, 473.*Cited* Covenants—Warranty—Breach—Eviction.

12 Misc. 520; (67 St. Rep. 378; 33 Supp. 664).

Mead v. Stratton, 87 N. Y. 493.*Cited*, Intoxicating Liquors—Damage for Death—Common Law.

69 Hun, 569; (53 St. Rep. 254; 23 Supp. 960).

Mead v. Tuckerman, 105 N. Y. 557; 8 St. Rep. 182.*Cited*, Attorneys—Taxable Costs—Employment of Counsel.

7 Misc. 338; (58 St. Rep. 526; 28 Supp. 159).

Mead v. Westchester Fire Ins. Co., 64 N. Y. 453.*Cited*, Contract — Reformation—Proof—Extent of Relief.

7 Misc. 593; (58 St. Rep. 505; 28 Supp. 491). 149 N. Y. 18.

Mead v. York, 6 N. Y. 449.*Cited*, Mortgage — Payment — Keeping Alive—Creditor's Rights.

148 N. Y. 200. 13 Misc. 74; (68 St. Rep. 196; 34 Supp. 149). 11 Misc. 89; (66 St. Rep. 198; 32 Supp. 816).

Meade v. Brooklyn Heights R. Co., 3 App. Div. 432; 39 Supp. 320.**Meade v. St. Louis Mut. Life Ins. Co.**, 51 How. 1.*Cited*, Contracts—Breach—Recovery.

8 App. Div. 604; (75 St. Rep. 406; 40 Supp. 1021).

Meagher v. Campbell, 11 Misc. 114; 65 St. Rep. 92; 31 Supp. 998.*Affirmed*, 12 Misc. 426; 67 St. Rep. 588; 33 Supp. 700.**Meagher v. Campbell**, 12 Misc. 426; 67 St. Rep. 588; 33 Supp. 700.**Meagher v. Cooperstown & C. V. R. Co.**, 75 Hun, 455; 57 St. Rep. 679; 27 Supp. 504.**Meagley v. Hoyt**, 125 N. Y. 771; 36 St. Rep. 27.*Cited*, Damages—Measure—Negligence—Loss of Time.

67 Hun, 270; (51 St. Rep. 385; 22 Supp. 233).

Meagley v. Hoyt, 12 St. Rep. 357.*Cited*, 88 Hun, 330, 332; (68 St. Rep. 593; 34 Supp. 791).**Meagley v. Hoyt**, 88 Hun, 328; 68 St. Rep. 591; 34 Supp. 790.**Meaker v. Fiero**, 77 Hun, 64; 59 St. Rep. 42; 28 Supp. 469.*Reversed*, 145 N. Y. 165; 65 St. Rep. 579.**Meaker v. Fiero**, 145 N. Y. 165; 64 St. Rep. 579.*Cited*, Loans—Usury—What Constitutes. 17 Misc. 610; (74 St. Rep. 643; 40 Supp. 33).**Meakings v. Cromwell**, 5 N. Y. 136.*Cited*, Wills—Devise—Equitable Conversion—Interest of Devisee.

7 Misc. 27; (57 St. Rep. 76; 27 Supp. 312).

Mechanical OrguINETTE Co. v. Haynes, 19 Week. Dig. 535.*Cited*, Examination Before Trial—When Order Granted.

88 Hun, 311; (68 St. Rep. 569; 34 Supp. 751).

Mechanics' Bank, Matter of, 2 Barb. 446.*Cited*, Trustees—Non-payment—Removal. 6 App. Div. 77; (39 Supp. 467).**Mechanics' Bank v. Hazard**, 13 Johns. 353.*Cited*, Bills and Notes—Payment by Endorser—Availability to Maker.

137 N. Y. 449; (51 St. Rep. 178).

Sureties—Bail—Discharge.

3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 201). 20 Misc. 3; (78 St. Rep. 909; 44 Supp. 909).

Mechanics' Bank v. Livingston, 33 Barb. 458.*Cited*, Bills — Acceptance — Accommodation—Parties.

16 Misc. 438; (40 Supp. 389).

Mechanics' Bank v. N. Y. & New Haven R. Co., 13 N. Y. 599.*Cited*, Negotiable Instruments — Certificates of Corporate Stock—Estoppel.

70 Hun, 528; (54 St. Rep. 51; 24 Supp. 396). 149 N. Y. 535.

Principal and Agent—Authority of Agent—Apparent—Liability of Principal.

8 Misc. 266; (59 St. Rep. 397; 28 Supp. 442).

Mechanics' Bank v. Straiton. 3 Keyes, 365.*Cited*, Pleading—Bills and Notes.

75 St. Rep. 533.

Mechanics and Traders' Bank v. Livingston, 6 Misc. 81; 55 St. Rep. 394; 26 Supp. 25.*Affirming*, 4 Misc. 255; 53 St. Rep. 693; 23 Supp. 813.*Cited*, Bills and Notes—Accommodation Paper—Bona Fide Holder.

7 Misc. 406; (58 St. Rep. 58; 27 Supp. 971). 14 Misc. 321; (70 St. Rep. 326; 35 Supp. 850). 16 Misc. 567; (74 St. Rep. 117; 38 Supp. 777). 16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

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9 Misc. 179; (60 St. Rep. 638; 29 Supp. 714).

Bills and Notes—Production—Prima Facie Case.

18 Misc. 47; (75 St. Rep. 466; 41 Supp. 15).

Mechanics and Traders' Bank v. Loucheim, 55 Hun, 396; 8 Supp. 520.

Cited, Attachments — Affidavits — Sufficiency.

17 Misc. 243; (40 Supp. 1066). 16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3). 17 Misc. 736; (40 Supp. 1069; 3 Ann. Cas. 203). 14 App. Div. 90; (77 St. Rep. 461; 43 Supp. 461).

Mechanics and Traders' Bank of Buffalo v. Farmers' & M. Nat. Bank, 60 N. Y. 40.

Cited, Bills of Lading—Delivery—Effect. 89 Hun, 200; (69 St. Rep. 101; 34 Supp. 1020).

Mechanics and Traders' Fire Ins. Co. v. Scott, 2 Hilt. 550.

Cited, Landlord and Tenant—What Constitutes Relation—New Tenants.

9 Misc. 43; (59 St. Rep. 670; 29 Supp. 64). Landlord and Tenant—Intrusion of Third Person.

14 Misc. 30; (69 St. Rep. 373; 35 Supp. 146; 2 Ann. Cas. 143; 25 Civ. Pro. 88). 16 Misc. 45; (73 St. Rep. 137; 37 Supp. 695).

Mechanics & Traders' Nat. Bank of Jersey City v. Dakin, 51 N. Y. 519.

Cited, Attachment — Property Fraudulently Transferred.

136 N. Y. 259; (49 St. Rep. 381). 148 N. Y. 260; (3 Ann. Cas. 90).

Mechanics & Traders' Nat. Bank of New York v. Crow, 5 Daly, 191.

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137 N. Y. 118; (50 St. Rep. 198).

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10 Misc. 346; (63 St. Rep. 421; 31 Supp. 31; 24 Civ. Pro. 186).

Mechanics & Traders' Nat. Bank of New York v. Crow, 60 N. Y. 85.

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6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26).

18 Misc. 47; (75 St. Rep. 466; 41 Supp. 15). 16 Misc. 567; (74 St. Rep. 117; 38 Supp. 777).

Bills and Notes—Bona Fide Holder.

11 Misc. 9; 63 St. Rep. 439; 31 Supp. 841).

Mechanics & Traders' Nat. Bank of N. J. v. Dakin, 51 N. Y. 519.

Cited, Attachment — Fraudulent Conveyance—Setting Aside.

15 App. Div. 342; (78 St. Rep. 58; 44 Supp. 58). 18 Misc. 592; (76 St. Rep. 238; 42 Supp. 238). 81 Hun, 345; (63 St. Rep. 139; 30 Supp. 888).

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88 Hun, 171; (35 Supp. 533).

Mechanics & Traders' Nat. Bank v. New York, 58 How. 207.

Affirmed, 27 Hun, 467.

Cited, Mechanic's Lien — Assignment of Moneys Due—Sub-Contractors—Rights.

7 Misc. 615; (58 St. Rep. 793; 27 Supp. 954). 88 Hun, 241; (68 St. Rep. 284; 34 Supp. 601).

Mechanics & Traders' Nat. Bank v. New York, 27 Hun, 467.

Cited, Mechanics—Assignment of Moneys Due—Sub-Contractors—Rights.

88 Hun, 241; (68 St. Rep. 285; 34 Supp. 602).

Mechanics & Traders' Nat. Bank v. Winant, 16 St. Rep. 902; 1 Supp. 659.

Cited, Costs—Separate Appearances.

1 Misc. 485; (49 St. Rep. 884; 21 Supp. 473).

Mechanic's Lien—Assignment of Moneys Due—Sub-Contractors—Rights.

7 Misc. 615; (58 St. Rep. 793; 27 Supp. 954).

Mechanics & Traders' Nat. Bank v. Winant, 123 N. Y. 265; 33 St. Rep. 51.

Cited, Mechanic's Lien—Assignment of Moneys Due—Sub-Contractors—Rights.

88 Hun, 242; (68 St. Rep. 285; 34 Supp. 602).

Mechanic's Sav. Bank v. Selye, 83 Hun, 282; 64 St. Rep. 728; 31 Supp. 921.

Cited, Actions—Persons not Parties—Effect of Judgment Upon.

11 Misc. 257; (64 St. Rep. 576; 66 St. Rep. 192; 32 Supp. 810).

Meddaugh v. Bigelow, 67 Barb. 106.

Cited, Appeal—Review of Verdict—Abuse of Discretion.

9 Misc. 69; (59 St. Rep. 691; 29 Supp. 12).

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8 Misc. 446; (58 St. Rep. 850; 28 Supp. 685).

Duplicate Citations in Parenthesis.

Meddaugh v. New York, Ontario & West R. Co., 86 Hun, 620; 67 St. Rep. 540; 33 Supp. 793.

Affirmed, 153 N. Y. 659.

Medinger v. Brooklyn Heights R. Co., 6 App. Div. 42; 39 Supp. 613.

Medler v. Atlantic Ave. R. Co., 36 St. Rep. 89; 12 Supp. 930.

Affirmed, 126 N. Y. 669; 37 St. Rep. 963.

Cited, Carriers—Passenger—Street Cars—Opportunity to Take Seat—Starting.

9 Misc. 274; (61 St. Rep. 324; 29 Supp. 748).

Street Railways—Injuries to Passenger—Negligence.

9 Misc. 274; (61 St. Rep. 151; 29 Supp. 726). 10 Misc. 194; (62 St. Rep. 478; 30 Supp. 928). 19 Misc. 142.

Mee v. McNider, 39 Hun, 345.

Cited, Carriers—Delivery—When Complete.

92 Hun, 276; (71 St. Rep. 682; 36 Supp. 751).

Meech v. Buffalo, 29 N. Y. 198.

Cited, Municipal Corporations—Contracts—Modifications.

82 Hun, 70; (63 St. Rep. 503; 31 Supp. 188).

Meech v. Patchin, 14 N. Y. 71.

Cited, Chattel Mortgages—Omission to Re-file—Effect.

5 App. Div. 384, 385; (39 Supp. 260).

Meech v. Stoner, 19 N. Y. 26.

Cited, Contracts—Gambling and Wager—Recovery.

4 Misc. 313; (24 Supp. 261). 16 App. Div. 478. (78 St. Rep. 955; 41 Supp. 955); 18 Misc. 101; (41 Supp. 832).

Meehan v. Brennan, 16 App. Div. 395; 79 St. Rep. 57; 45 Supp. 57.

Meehan v. Forrester, 52 N. Y. 277.

Cited, Deed—Intended as Mortgage. 11 App. Div. 188; (76 St. Rep. 612; 42 Supp. 612).

Meehan v. Morewood, 52 Hun, 556; 23 St. Rep. 437; 5 Supp. 710.

Cited, Master and Servant—Assault by Servant—Liability of Master.

4 App. Div. 438; (74 St. Rep. 786; 38 Supp. 858).

Meek v. N. Y. C. & H. R. R. Co., 69 Hun, 488; 52 St. Rep. 932; 23 Supp. 420.

Meek v. N. Y. C. & H. R. R. Co., 140 N. Y. 622; 55 St. Rep. 929.

Meeker v. Claghorn, 44 N. Y. 349.

Cited, Principal and Agent—Undisclosed Principal—Liability of Agent to Third Persons—Credit to Agent.

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Meeker v. Van Rensselaer, 15 Wend. 397.

Cited, Constitutional Law—Police Power—Protection of Public Water Supply.

6 Misc. 520; (56 St. Rep. 845; 27 Supp. 167). 83 Hun, 251.

Meeker v. Wright, 76 N. Y. 262.

Cited, Descent—Rights of Husband and Wife—Estates by the Entirety.

9 Misc. 664; (62 St. Rep. 414; 30 Supp. 837). 144 N. Y. 313; (63 St. Rep. 708).

Husband and Wife—Joint Tenancy—Conveyance by Survivor.

78 Hun, 172; (60 St. Rep. 263; 28 Supp. 937).

Meeks v. Simons, 2 Misc. 241; 51 St. Rep. 421; 21 Supp. 1004.

Megrue v. United Life & Accident Ins. Ass'n, 71 Hun, 174; 54 St. Rep. 310; 24 Supp. 618.

Mehan v. Syracuse, Binghamton & N. Y. R. Co., 73 N. Y. 585.

Cited, Master and Servant—Safety of Place of Labor—Maintenance.

70 Hun, 455; (53 St. Rep. 681; 24 Supp. 390). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410).

Mehrbach v. Partridge, 9 Misc. 209; 60 St. Rep. 841; 29 Supp. 681.

Meier v. Wilkins, 15 App. Div. 97; 78 St. Rep. 274; 44 Supp. 274.

Meiers v. Metropolitan Gas Light Co., 14 Week. Dig. 552.

Cited, Gas Companies—Refusal to Furnish Gas—Effect.

7 App. Div. 479; (39 Supp. 1113).

Meiggs v. Meiggs, 15 Hun, 453.

Cited, Trusts—Implied—Control of Property.

7 Misc. 370; (59 St. Rep. 653; 27 Supp. 633). 20 Misc. 575.

Meigs v. Willis, 5 Civ. Pro. 106.

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8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549).

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Meinhold v. Bradley Salt Co., 20 Misc. 608.

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Cited, Street Railroads—Control of Cars—Negligence.

11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885).

Meisch v. Doscher, 50 St. Rep. 49; 21 Supp. 337.

Meise v. Doscher, 68 Hun, 557; 52 St. Rep. 771; 23 Supp. 49.

Meise v. Doscher, 83 Hun, 580; 65 St. Rep. 50; 31 Supp. 1072.

Meise v. Newman, 76 Hun, 341; 59 St. Rep. 143; 27 Supp. 708.

Meise v. Newman, 78 Hun, 428; 60 St. Rep. 756; 29 Supp. 201.

Meislahn v. Englehardt, 2 Misc. 187; 49 St. Rep. 714; 21 Supp. 588.

Affirming, 1 Misc. 412; 49 St. Rep. 454; 20 Supp. 900.

Cited, Appeal—General Term—What Reviewed—Case Not Purporting to Contain all the Evidence.

2 Misc. 293; (50 St. Rep. 326; 21 Supp. 934.) 2 Misc. 249; (50 St. Rep. 329; 21 Supp. 944).

Meister v. Sharkey's Monument Works, 5 App. Div. 470; 39 Supp. 789.

Melcher v. Fisk, 4 Redf. 22.

Cited Executors and Administrators—Judgment Against—Priorities.

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Meldon v. Devlin, 20 Misc. 56; 79 St. Rep. 333; 45 Supp. 333.

Mele v. Delaware & Hudson Canal Co., 39 St. Rep. 153; 14 Supp. 630.

Cited, Master and Servant—Negligence of Co-Employee—Who are Fellow-Servants.

71 Hun, 294; (54 St. Rep. 485; 24 Supp. 1073).

Mellen, Matter of, 50 St. Rep. 750; 21 Supp. 811.

Mellen v. Banning, 60 Hun., 151; 38 St. Rep. 115; 14 Supp. 655.

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Cited, Wills—Power of Sale—Title of Devises.

72 Hun, 182; (55 St. Rep. 322; 25 Supp. 545).

Mellen v. Banning, 72 Hun, 176; 55 St. Rep. 319; 25 Supp. 542.

Cited, Partition—Effect of Power of Sale.

81 Hun, 21; (70 Supp. 570). 1 App. Div. 238; (72 St. Rep. 770; 37 Supp. 235).

Mellen v. Banning, 76 Hun, 225; 59 St. Rep. 95; 27 Supp. 753.

Mellen v. Mellen, 137 N. Y. 606; 51 St. Rep. 73.

Mellen v. Mellen, 139 N. Y. 210; 54 St. Rep. 670.

Affirming, 47 St. Rep. 930.

Cited, Wills—Construction—Devise—Power to Sell—Reconversion.

9 Misc. 687; (62 St. Rep. 123, 30 Supp. 546). 79 Hun, 100; (61 St. Rep. 136; 29 Supp. 656) 144 N. Y. 569; (64 St. Rep. 238). 18 Misc. 436; (75 St. Rep. 1187; 41 Supp. 789).

Wills—Power of Court of Equity to Construe.

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Mellen v. Mellen, 10 Abb. N. C. 329.

Cited, Husband and Wife—Divorce—Invalid—Subsequent Marriage.

2 Misc. 550; (51 St. Rep. 509; 22 Supp. 192).

Meltzer v. Doll, 91 N. Y. 365.

Cited, Contracts—Extension of Credit—Consideration.

90 Hun, 591; (70 St. Rep. 562; 35 Supp. 987).

Melvain v. Tomes, 14 Hun, 31.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 84; (55 St. Rep. 397; 26 Supp. 40). 4 Misc. 527; (54 St. Rep. 130; 24 Supp. 736).

Member of Assembly for First District of Erie County, Matter of, Election of, 18 Misc. 391; 77 St. Rep. 710; 43 Supp. 710.

Menagh v. Whitwell, 52 N. Y. 146.

Cited, Assignment for Creditors—Intent—Relief.

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135 N. Y. 599; (48 St. Rep. 828). 82 Hun, 55; (63 St. Rep. 370; 31 Supp. 70).

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53 St. Rep. 889; (25 Supp. 133). 140 N. Y. 72; (55 St. Rep. 264). 4 Misc. 445; (53 St. Rep. 564; 24 Supp. 358).

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78 Hun, 112; (60 St. Rep. 802; 29 Supp. 251).

Partnership—Sale of Partner's Interest—Rights of Purchaser.

70 Hun, 502; (53 St. Rep. 755; 24 Supp. 453). 149 N. Y. 385. 9 App. Div. 180; (75 St. Rep. 585; 41 Supp. 127). 13 Misc. 155; (68 St. Rep. 76; 34 Supp. 84).

Menard v. Stevens, 44 Super. 515.

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6 Misc. 337; (56 St. Rep. 241; 26 Supp. 902).

Meneely v. Meneely, 62 N. Y. 427.

Cited, Trademarks—Imitations—Family Names.

71 Hun, 101; (54 St. Rep. 89; 24 Supp. 802). 7 Misc. 58; (57 St. Rep. 86; 27 Supp. 372). 8 Misc. 382; (60 St. Rep. 167; 29 Supp. 1111). 25 Supp. 480. 144 N. Y. 466; (63 St. Rep. 726). 82 Hun, 96; (63 St. Rep. 394; 31 Supp. 104). 89 Hun, 405; (70 St. Rep. 165; 35 Supp. 514). 10 Misc. 581; (65 St. Rep. 329; 32 Supp. 206).

Meneke v. Manhattan R. Co., 137 N. Y. 596; 51 St. Rep. 929.

Affirming, 42 St. Rep. 957.

Menge, Matter of, 13 Misc. 553; 70 St. Rep. 191; 35 Supp. 493.

Menges v. Albany, 56 N. Y. 374.

Cited, Eminent Domain—Compensation—Mode of Ascertainment.

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Constitutional Law—Common Council—Limitation of Power by Legislature.

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Eminent Domain—Commissioners—Appointment—Powers of Court.

151 N. Y. 84. 20 Misc. 521.

Menges v. Albany, 47 How. 244.

Cited, Constitutional Law—Public Officers—Limitation of Powers.

6 App. Div. 313; (40 Supp. 557).

Mengis v. Fifth Ave. R. Co., 81 Hun, 480; 63 St. Rep. 192; 30 Supp. 999; 24 Civ. Pro. 131.

Menke v. Gerbracht, 76 Hun, 181; 57 St. Rep. 839; 26 Supp. 1097.

Cited, Sureties—Extension of Credit—Effect.

9 App. Div. 328; (75 St. Rep. 753; 41 Supp. 342).

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84 Hun, 355; (65 St. Rep. 467; 32 Supp. 310). 19 Misc. 684; (78 St. Rep. 1055; 44 Supp. 1055).

Mennelley v. Employers' Liability Assurance Corporation, 72 Hun, 477; 54 St. Rep. 780; 25 Supp. 250.

Reversed, 148 N. Y. 596.

Mennelley v. Employers' Liability Assurance Association, 148 N. Y. 546.

Meusing v. Birnbaum, 5 Misc. 414; 55 St. Rep. 391; 25 Supp. 759.

Mentz v. Second Ave. R. Co., 3 Abb. Ct. App. Dec. 274.

Cited, Street Railways—Operation—Negligence—Person on Track.

7 Misc. 106; (57 St. Rep. 484; 27 Supp. 411).

Mentz, Town of, v. Cook, 108 N. Y. 504; 13 St. Rep. 845.

Cited, Equity—Remedy at Law—Necessity of Pleading.

68 Hun, 381; (52 St. Rep. 311; 22 Supp. 1016). 71 Hun, 559; (55 St. Rep. 102; 25 Supp. 139). 71 Hun, 427; (54 St. Rep. 534; 24 Supp. 1110). 78 Hun, 439; (60 St. Rep. 757; 29 Supp. 204). 136 N. Y. 474; (49 St. Rep. 842). 76 Hun, 60; (58 St. Rep. 258; 28 Supp. 203). 61 St. Rep. 646. 8 Misc. 484; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436). 137 N. Y. 470; (51 St. Rep. 274). 143 N. Y. 277; (62 St. Rep. 327). 84 Hun, 86; (65 St. Rep. 207; 32 Supp. 51). 84 Hun 147; (65 St. Rep. 807; 32 Supp. 538). 91 Hun, 559; (71 St. Rep. 194; 36 Supp. 356). 14 App. Div. 373; (77 St. Rep. 1013; 43 Supp. 1013). 12 Misc. 95; (66 St. Rep. 717; 33 Supp. 60). 14 Misc. 521; (70 St. Rep. 701; 35 Supp. 1084).

Mandamus—Other Remedy—When Objection to Be Raised

71 Hun, 464; (54 St. Rep. 405; 24 Supp. 976).

Trial—Jury—Equity Cases—Waiver.

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Mentz v. Newwitter, 123 N. Y. 491; 34 St. Rep. 207.

Cited, Contracts—Statute of Frauds—Sales—Sufficiency of Writing.

72 Hun, 117; (55 St. Rep. 439, 25 Supp. 308; 30 Abb. N. C. 441). 87 Hun, 34; (67 St. Rep. 502; 33 Supp. 752). 10 Misc. 698; (64 St. Rep. 643; 31 Supp. 823). 17 Misc. 158; (39 Supp. 328).

Mercadante v. Manhattan R. Co., 82 Hun, 555; 64 St. Rep. 175; 31 Supp. 540.

Mercantile Nat'l Bank of New York v. Corn Exchange Bank, 68 Hun, 95; 52 St. Rep. 46; 22 Supp. 643.

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Mercantile Nat'l Bank of New York v. Corn Exchange Bank, 73 Hun, 78; 57 St. Rep. 134; 25 Supp. 1068.

Cited, Pleading—When Proper — Discretion—Reply.

79 Hun, 390; (61 St. Rep. 509; 29 Supp. 772).

Mercantile Safe Deposit Co. v. Dimon, 55 St. R p. 209; 25 Supp. 383

Mercantile Safe Deposit Co. v. Huntington, 89 Hun, 465; 69 St. R p 776; 35 Supp. 390; 2 Ann. Cas. 215.

Cited, Gifts—Sufficiency.

16 App. Div. 545; (78 St. Rep. 992; 44 Supp. 992) 10 App. Div. 595; (76 St. Rep. 135; 42 Supp. 135). 3 App. Div. 312; (73 St. Rep. 737; 33 Supp. 276).

Mercantile Trust Co. v. Atlantic Trust Co., 69 Hun, 264; 53 St. Rep. 374; 23 Supp. 496.

Cited, 86 Hun, 218; 66 St. Rep. 810; 33 Supp. 254, 255.

Mercantile Trust Co. v. Atlantic Trust Co., 86 Hun, 218; 66 St. Rep. 808; 33 Supp. 252.

Mercein v. People, 25 Wend. 64.

Cited, Husband and Wife—Separation—Children—Disposition by Court.

82 Hun, 187; (64 St. Rep. 804; 31 Supp. 983). 6 App Div. 416, 417; (39 Supp. 691, 692). D. 6 App. Div. 422, 423; (39 Supp. 695, 697). 12 App Div. 403; (76 St. Rep. 426; 42 Supp. 426). 17 Misc. 29; (39 Supp. 864; 25 Civ. Pro. 408).

Mercein v. Smith, 2 Hill, 210.

Cited, Common Law Pleading—Demurrer to Replication—Effect.

19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

Mercer v. Mercer, 73 Hun, 192; 56 St. Rep. 117; 25 Supp. 867.

Mercer St., Matter of, 4 Cow. 542.

Cited, Street—Easements.

1 App. Div. 447; (73 St. Rep. 108; 37 Supp. 515).

Merchant v. Merchant.

Cited, Gifts—Inter vivos—Revocation.

86 Hun, 173; (67 St. Rep. 67; 33 Supp. 323).

Merchants' Bank v. Birch, 17 Johns. 25.

Cited, Bills and Notes—Dishonor—Sufficiency of Notification.

91 Hun, 240; (72 St. Rep. 56; 36 Supp. 156). 7 App. Div. 412, 414, 415, 416; (74 St. Rep. 761, 762, 764; 40 Supp. 197, 198, 199, 200).

Merchants' Bank v. Hayes, 7 Hun 530.

Cited, Contracts—Undisclosed principal—Liability of Agent.

82 Hun, 176; (63 St. Rep. 776; 31 Supp. 327).

Merchants' Bank v. Thomson, 55 N. Y. 7.

Cited, Mortgage—Foreclosure—Effect on Dower.

66 Hun, 314; (49 St. Rep. 565; 20 Supp. 979). 144 N. Y. 389; (33 St. Rep. 699). 11 App. Div. 323; (76 St. Rep. 453; 42 Supp. 453). 11 Misc. 255; (64 St. Rep. 575; 66 St. Rep. 191; 32 Supp. 809).

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86 Hun, 19; (37 St. Rep. 236; 33 Supp. 404).

Merchants' Bank of Canada, v. Griswold, 72 N. Y. 472.

Cited, Principal and Agent — Agent's Authority—Negotiable Paper.

24 Supp. 799. 13 Misc. 210; (63 St. Rep. 226; 34 Supp. 175).

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D. 69 Hun, 49; (52 St. Rep. 834; 23 Supp. 447).

Merchants' Bank of Canada v. Livingston, 74 N. Y. 223.

Cited, Principal and Agent—Agent's Authority—Negotiable Instruments.

144 N. Y. 224; (63 St. Rep. 95).

Merchants' Bank of Canada, v. Union R. & T. Co., 69 N. Y. 379.

Cited, Bills of Lading—Delivery—Transfer of Property.

85 Hun, 165; (66 St. Rep. 115; 32 Supp. 606).

Merchants' Bank of New Haven, v. Bliss, 35 N. Y. 412.

Cited, Corporations — Directors — Penal Actions—Failure to File Report.

147 N. Y. 609; (71 St. Rep. 255).

18 Misc. 100; (41 Supp. 831, 832).

Merchants' Bank of New York v. Spalding, 9 N. Y. 53.

Cited, Contracts—Lex Loci Performance in Foreign State—Effect.

11 App. Div. 415; (76 St. Rep. 288; 42 Supp. 288).

Merchants' Bank of New York v. Straiton, 3 Keyes, 365.

Cited, Bills and Notes—Fictitious Payee—Effect.

9 App. Div. 105; 41 Supp. 72.

Merchants & Manufacturers' Nat. Bank v. Cummings, 79 Hun, 397;

61 St. Rep. 345; 29 Supp. 782.

Affirmed, 149 N. Y. 360.

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Merchants & Manufacturers' Nat. Bank v. Cumings, 149 N. Y. 360.

Merchants & Traders' Nat. Bank v. New York, 97 N. Y. 355.

Cited, Municipal Contracts—Mechanic's Lien—Availability.

88 Hun, 243; (68 St. Rep. 286; 34 Supp. 602).

Merchants' Exchange Nat. Bank v. Wallach, 20 Misc. 309; 79 St. Rep. 885; 45 Supp. 885.

Affirming, 19 Misc. 711.

Merchants' Nat. Bank of Binghamton v. Kirby, 29 St. Rep. 891; 9 Supp. 46.

Affirmed, 129 N. Y. 662; 42 St. Rep. 945.

Cited, Associations — Unincorporated — Partnership.

71 Hun, 477; (54 St. Rep. 398; 24 Supp. 973).

Merchants' Nat. Bank of Binghamton v. Tracy, 77 Hun, 413; 60 St. Rep. 650; 29 Supp. 77.

Affirmed, 150 N. Y. 565.

Merchants' Nat. Bank of Gardner, Maine, v. Clark, 139 N. Y. 314; 54 St. Rep. 593.

Affirming, 64 Hun, 175; 45 St. Rep. 629; 19 Supp. 136.

Cited, Banks—Officers—Liability for Acts of.

77 Hun, 455; (60 St. Rep. 655; 29 Supp. 85). 79 St. Rep. 655, 656; (45 Supp. 655, 656).

Corporations — Officers—Liability—Contracts—Notes.

80 Hun, 435; (61 St. Rep. 824; 30 Supp. 84). 150 N. Y. 458. 82 Hun, 176; (63 St. Rep. 776; 31 Supp. 328).

Notice — Unrecorded Assignment — Knowledge of Officers of Bank.

80 Hun, 212; (61 St. Rep. 778; 30 Supp. 34).

Merchants' Nat. Bank of N. Y. v. Sheehan, 101 N. Y. 176.

Cited, Appeal—Review of Discretionary Determination—Examination of Party Before Trial.

7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331).

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70 Hun, 539; (53 St. Rep. 739; 24 Supp. 240). 15 Misc. 76; (72 St. Rep. 262; 36 Supp. 1114; 25 Civ. Pro. 245).

Depositions — Preliminary Examinations Perpetuating Testimony.

9 Misc. 418; (61 St. Rep. 702; 30 Supp. 191).

Merchants' Nat. Bank of Norwich v. Hagemeyer, 4 App. Div. 52; 38 Supp. 626; 25 Civ. Pro. 332.

D. 74 St. Rep. 498; (38 Supp. 633).

Merchants' Nat. Bank of Syracuse v. Comstock, 55 N. Y. 24

Cited, Notes—Accommodation Indorser Diversion—Effect.

90 Hun, 117; (70 St. Rep. 517; 35 Supp. 652).

Merchants' Nat. Bank of Whithall v. Hall, 18 Hun, 176.

Affirmed, 83 N. Y. 338.

Cited, Pledge — Lien — Foreclosure — Equity Jurisdiction.

6 Misc 560; (57 St. Rep. 521; 27 Supp. 522).

Merchants' Nat. Bank of Whitehall v. Hall, 83 N. Y. 338.

Cited, Collateral Security—Continuance — Debt.

17 Misc. 534; (40 Supp. 878). 9 App. Div. 327; (75 St. Rep. 758; 41 Supp. 341).

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Contract—Construction—When Doubtful or Ambiguous—Intent—How Ascertained.

1 Misc. 335; (48 St. Rep. 707; 20 Supp. 681).

Merino v. Munoz, 5 App. Div. 71; 38 Supp. 678.

Merlette v. North & East R. Steamboat Co., 13 Daly, 114.

Cited, Contracts — Indemnity — Right of Action.

7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364).

Merriam, Matter of, 84 N. Y. 596.

Cited, Municipal Corporations—Assessments—Jurisdiction.

79 Hun, 483; (61 St. Rep. 250; 29 Supp. 981). 144 N. Y. 496; (64 St. Rep. 66).

Municipal Corporations—Bids—Violation of Charter.

7 App. Div. 507, 508; (40 Supp. 237, 238). D. 7 App. Div. 513; (40 Supp. 242).

Merriam, Matter of, 42 St. Rep. 619; 16 Supp. 738.

Affirmed, 136 N. Y. 58; 48 St. Rep. 897.

Cited, Wills—Testamentary Capacity.

5 Misc. 189; (24 Supp. 861).

Wills—Execution—Attestation Clause—Contradictory Testimony—Effect.

14 Misc. 490; (71 St. Rep. 596; 36 Supp. 820).

Merriam, Matter of, 136 N. Y. 58; 48 St. Rep. 897.

Affirming, 42 St. Rep. 619; 16 Supp. 738.

Duplicate Citations in Parenthesis.

Cited, Surrogate's Court—Decree—Conclusiveness—Mental Capacity.

76 Hun, 101; (57 St. Rep. 460; 27 Supp. 836). 3 App. Div. 353; (73 St. Rep. 668; 38 Supp. 301).

Merriam, Matter of, 141 N. Y. 479; 57 St. Rep. 593.

Affirming, 73 Hun, 587; 56 St. Rep. 159; 28 Supp. 191.

Cited, 150 N. Y. 6; (3 Ann. Cas. 169). D. 150 N. Y. 16.

Cited, Inheritance Tax—Right of Succession—Chattels—What Taxable.

144 N. Y. 12; (62 St. Rep. 859). 1 App. Div. 548; (73 St. Rep. 265; 37 Supp. 478). D. 2 App. Div. 597, 601; (38 Supp. 135, 139). 80 Hun, 589; (62 St. Rep. 572; 30 Supp. 584). 3 App. Div. 478; (73 St. Rep. 786; 38 Supp. 325). 148 N. Y. 313.

Merriam v. Hill, 1 Week. Dig. 260.

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3 Misc. 121; (23 Supp. 1058).

Merrick v. Brainard, 38 Barb. 574.

Cited, Principal and Agent—Ratification—Goods—Misdelivery.

15 Misc. 162; (73 St. Rep. 566; 37 Supp. 946).

Merrick v. Hill, 77 Hun, 30; 59 St. Rep. 435; 28 Supp. 237; 23 Civ. Pro. 413.

Merrick v. Van Sautvoord, 34 N. Y. 208.

Cited, Corporations—Foreign—Status.

3 Misc. 59; (51 St. Rep. 863; 22 Supp. 543).

Merrill v. Agricultural Ins. Co., 73 N. Y. 452.

Cited, Insurance—On Real and Personal Property—Severance.

69 Hun, 505; (52 St. Rep. 719; 23 Supp. 402). 17 Misc. 348; (39 Supp. 1071).

Insurance—Policy—Incumbrances—Severance.

72 Hun, 523; (55 St. Rep. 322; 25 Supp. 441). 66 Hun, 223; (49 St. Rep. 9; 21 Supp. 5). 81 Hun, 375; (63 St. Rep. 147; 30 Supp. 893).

Insurance—Fire—Policy Covering Distinct Subjects—Partial Breach—Effect of.

1 Misc. 117; (48 St. Rep. 655; 20 Supp. 64.).

Merrill v. Allin, 46 Hun, 623; 13 St. Rep. 20.

Cited, Supplementary Proceedings—Non-resident—Jurisdiction of Court.

88 Hun, 218; (68 St. Rep. 715; 34 Supp. 781).

Merrill v. Bischoff, 3 App. Div. 361; 73 St. Rep. 685; 38 Supp. 194.

Merrill v. Blanchard, 7 App. Div. 167; 74 St. Rep. 661; 40 Supp. 48.

Merrill v. Consumers' Coal Co., 114 N. Y. 216; 23 St. Rep. 114.

Cited, Witness—Credibility—Interested Party—Corporations—President.

12 Misc. 81; (66 St. Rep. 693; 33 Supp. 92). 12 Misc. 74; (66 St. Rep. 677; 33 Supp. 84).

Merrill v. Farmers' L. & T. Co., 24 Hun, 297.

Cited, Broker—Authority to Employ Sub-agent.

2 Misc. 399; (50 St. Rep. 612; 21 Supp. 953).

Merrill v. Green, 55 N. Y. 270.

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4 Misc. 524; (54 St. Rep. 129; 24 Supp. 734).

Cited, Contracts—For Benefit of Third Person—Availability.

78 Hun, 150; (60 St. Rep. 205; 28 Supp. 939).

Merrill v. Grinnell, 30 N. Y. 594.

Cited, Carriers—Liability—Passenger's Money—Reasonable Amount—Question for Jury.

9 Misc. 32; (59 St. Rep. 721; 29 Supp. 60). 151 N. Y. 167.

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Merrill v. Reiners, 14 Misc. 583; 71 St. Rep. 802; 36 Supp. 634.

Merrill v. Rolston, 5 Redf. 220.

Cited, Wills—Undue Influence—What Constitutes and How Proved.

1 Misc. 46; (22 Supp. 1057).

Merrill v. Thomas, 7 Daly 393.

Cited, Assignment for Creditors—What Passes—Equities.

7 Misc. 127; (57 St. Rep. 72; 27 Supp. 345).

Merrill v. Wakefield Rattan Co., 1 App. Div. 118; 72 St. Rep. 217; 37 Supp. 64.

Cited, Appeal—Trial—Dismissal of Complaint—Review.

79 St. Rep. 470; (45 Supp. 470).

Merrills v. Law, 9 Cow. 65.

Cited, Usury—Defined.

150 N. Y. 363.

Merriman, Matter of. See **Brown, Matter of.**

Duplicate Citations in Parenthesis.

Merriman v. Keystone Mutual Benefit Ass'n, 138 N. Y. 116; 51 St. Rep. 665.

Affirming, 44 St. Rep. 797; 18 Supp. 305.

Cited, Life Insurance—Forfeiture—Notice.

16 Misc. 326; (38 Supp. 623).

Merriman v. Keystone Mutual Benefit Ass'n, 18 Supp. 305.

Cited, Life Insurance—Forfeiture—Sufficiency of Notice.

11 App. Div. 491; (76 St. Rep. 316; 42 Supp. 316).

Merriman v. Utica B. & L. Co., 18 Misc. 269; 41 Supp. 1049.

Merris v. Hunt, 71 Hun, 483; 54 St. Rep. 548; 24 Supp. 976.

Cited, Appeal—Review of Facts—Disregard of Immaterial Evidence.

15 Misc. 438; (73 St. Rep. 7; 37 Supp. 928).

Merritt v. Bartholick, 36 N. Y. 44.

Cited, Gift—Mortgage—When Bond Passes.

75 Hun, 542; (57 St. Rep. 655; 27 Supp. 495).

Mortgage—Transfer Without Bond—Effect.

61 St. Rep. 339; (29 Supp. 828; 31 Abb. N. C. 312). 20 Misc. 385, 386, 387; (79 St. Rep. 605, 606; 45 Supp. 605, 606)

Debt—Collateral—Transfer of—Effect.

18 Misc. 187; (75 St. Rep. 851; 41 Supp. 455).

Merritt v. Bissell, 84 Hun, 194; 65 St. Rep. 688; 32 Supp. 559.

Merritt v. Briggs, 57 N. Y. 651.

Cited, Evidence—Dealing with one as Agent for Another—Right to Prove.

81 Hun, 146; (62 St. Rep. 699; 30 Supp. 735; 1 Ann. Cas. 71). 81 Hun, 161; (62 St. Rep. 727; 30 Supp. 744).

Merritt v. Campbell, 79 N. Y. 625.

Cited, Witnesses—Cross-examination—New Matter.

4 Misc. 75; (53 St. Rep. 73; 23 Supp. 608).

Merritt v. Corlies, 71 Hun, 612; 54 St. Rep. 215; 24 Supp. 561.

Merritt v. Earle, 29 N. Y. 115.

Cited, Sunday Law—Violation of—Defense in Action for Negligence.

8 Misc. 658; (59 St. Rep. 539; 29 Supp. 1124; 31 Abb. N. C. 428).

Carriers—Baggage—Liability.

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Merritt v. Emery, 12 App. Div. 621; 76 St. Rep. 688; 42 Supp. 688.

Merritt v. Fowler, 76 Hun, 424; 59 St. Rep. 350; 27 Supp. 1047.

Cited, Foreign Judgments—Availability. 12 App. Div. 477; (76 St. Rep. 37; 42 Supp. 37).

Merritt v. Goodrich, 2 Misc. 578; 51 St. Rep. 124; 21 Supp. 949.

Cited, Corporations—Trustees—Liability for Debts—Judgment Against Corporation. 6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22).

Merritt v. Johnson, 7 Johns. 473.

Cited, Accession—Bailment for Manufacture.

140 N. Y. 195; (55 St. Rep. 581). D. 140 N. Y. 202; (55 St. Rep. 581).

Merritt v. Merritt, 99 N. Y. 643.

Cited, Husband and Wife—Divorce—Alimony—Amount.

3 Misc. 599; (52 St. Rep. 856; 23 Supp. 340).

Merritt v. Merritt, 79 St. Rep. 833; 45 Supp. 833.

Merritt v. Northern R. Co., 12 Barb. 605.

Cited, Mortgage—Subsequent Conveyance—Bona Fides.

135 N. Y. 47; (48 St. Rep. 254).

Merritt v. Periano, 10 App. Div. 563; 76 St. Rep. 97; 42 Supp. 97.

Merritt v. Port Chester, Village of, 71 N. Y. 309.

Cited, Eminent Domain—Strict Compliance with Statute.

76 Hun, 91; (57 St. Rep. 474; 27 Supp. 846).

Municipal Corporations—Improvements—Assessments.

69 Hun, 506; (52 St. Rep. 619; 23 Supp. 424).

Taxes—Local Improvements—Statute—Compliance.

139 N. Y. 481; (54 St. Rep. 728).

Commissioners—Oath—Omission—Effect. 85 Hun, 428; (66 St. Rep. 211; 32 Supp. 894).

Merritt v. Read, 5 Den. 352.

Cited, Writ and Process—Issuing Void—Liability.

137 N. Y. 10; (49 St. Rep. 887).

Merritt v. Reid, 13 Week. Dig. 453.

Cited, Limitation of Action—When Statute Runs—New Remedy.

53 St. Rep. 844; (24 Supp. 349).

Merritt v. Seaman, 6 N. Y. 168.

Cited, Appeal—Incompetent Evidence—Specific Objection—When Not Necessary.

1 Misc. 297; (48 St. Rep. 670; 20 Supp. 707).

Duplicate Citations in Parenthesis.

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16 App. Div. 606; (78 St. Rep. 973; 44 Supp. 973).

Merritt v. Scott, 3 Hun, 657.
Cited, Statute of Limitations — Joint Debtors—Acknowledgment of Liability by One—Effect on Others.
81 Hun, 299; (62 St. Rep. 746; 30 Supp. 783).

Merritt v. Sparling, 88 Hun, 491; 69 St. Rep. 77; 34 Supp. 882.

Merritt v. Thompson, 27 N. Y. 225.
Cited, Arbitration—Effect as Discontinuance of Action.
77 Hun, 357; (60 St. Rep. 37; 28 Supp. 846).

Merritt v. Todd, 23 N. Y. 28.
Cited, Demand Note—Maturity—Effect on Endorsers.
144 N. Y. 395; (63 St. Rep. 702). 17 App. Div. 334; (79 St. Rep. 590; 45 Supp. 590).

Merritt v. Walsh, 32 N. Y. 685.
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9 Misc. 598; (62 St. Rep. 241; 30 Supp. 873).

Merry, Matter of, 11 App. Div. 597; 76 St. Rep. 617; 42 Supp. 617.

Merry v. Wilcox, 92 Hun, 210; 72 St. Rep. 273; 36 Supp. 1050.
Cited, Chattel Mortgage—Failure to File—Effect.
11 App. Div. 599, 601; (76 St. Rep. 618, 619; 42 Supp. 618, 619).

Mersereau v. Phoenix Mut. L. Ins. Co., 63 N. Y. 274.
Cited, Insurance—Liability for Acts of Agent—Knowledge of Insurer.
142 N. Y. 389; (59 St. Rep. 780).

Mersereau v. Ryerss, 12 How. 300.
Cited, Costs—Executors—Referred Claim—Certificate.
72 Hun, 457; (54 St. Rep. 864; 25 Supp. 301).

Mersereau v. Villari, 74 Hun, 59; 56 St. Rep. 144; 26 Supp. 135.
Cited, Contracts—Acceptance of Order—Estoppel.
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Mertgate v. Bennett, 59 Super. 572; 39 St. Rep. 367; 15 Supp. 141.
Cited, Bill of Particulars—When Denied.
88 Hun, 449; (68 St. Rep. 789; 34 Supp. 877; 2 Ann. Cas. 199).

Mertz v. Brooklyn. See *Merz v. Brooklyn*.

Mertz v. Fenouillet, 13 App. Div. 222; 77 St. Rep. 217; 43 Supp. 217; 3 Ann. Cas. 353.

Merwin v. Manhattan R. Co., 48 Hun, 608.
Cited, Elevated Railroads — Passengers Riding on Platform.
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Merwin v. The Manhattan R. Co., 113 N. Y. 659.
Cited, 149 N. Y. 342.

Merwin v. Rogers, 24 St. Rep. 496. 6 Supp. 882.
Distinguished, Landlord and Tenant—Summary Proceedings—Adjournment by Justice.

2 Misc. 160; (50 St. Rep. 540; 21 Supp. 799).
Merz v. Brooklyn, 33 St. Rep. 577; 11 St. Rep. 778.
Affirmed, 128 N. Y. 617; 38 St. Rep. 1014.

Cited, Municipal Corporations—Claims for Injuries—Notice of—Pleading.
66 Hun, 133; (48 St. Rep. 888; 21 Supp. 83).
135 N. Y. 369; (48 St. Rep. 484). 6 App. Div. 129; (40 Supp. 532). 16 Misc. 303; (74 St. Rep. 387; 38 Supp. 90). 1 App. Div. 587; (73 St. Rep. 187; 37 Supp. 465). 74 St. Rep. 339.

Courts—Judicial Notice—Political Divisions—Population.
80 Hun, 341; (62 St. Rep. 17; 30 Supp. 106).
Merz v. Brooklyn, City of, 128 N. Y. 617; 38 St. Rep. 1014.

Cited, Courts—Judicial Notice—Political Divisions—Population.
80 Hun, 341; (62 St. Rep. 18; 30 Supp. 106). 1 App. Div. 630; (36 Supp. 1133).

Merz v. Interior Conduit & I. Co., 87 Hun, 430; 68 St. Rep. 63; 34 Supp. 215.

Merz v. Interior Conduit & I. Co., 20 Misc. 378.

Merzbach v. New York, 10 Misc. 131; 62 St. Rep. 499; 30 Supp. 908.

Merzbach v. New York, 79 St. Rep. 1018; 45 Supp. 1018.

Messeck v. Columbia County, Super's of, 50 Barb. 190.

Cited, Equity—Assessments—Collection of Tax—Injunction.
6 App. Div. 275; (39 Supp. 782).

Messelback v. Norman, 46 Hun, 414; 11 St. Rep. 823.

Cited, Deeds — Delivery — Intent of Grantor.

Duplicate Citations in Parenthesis.

79 Hun, 524; (61 St. Rep. 595; 29 Supp. 907).

Insurance—Representations—Ownership of Property.

69 Hun, 503; (52 St. Rep. 718; 23 Supp. 401).

Messelback v. Norman, 122 N. Y. 578; 34 St. Rep. 549.

Distinguished, Insurance—Inconsistent Facts—Knowledge of Agent.

66 Hun, 549; (49 St. Rep. 869; 21 Supp. 666).

Cited, Insurance—Policy—Waiver of Conditions by Agents.

141 N. Y. 224; (56 St. Rep. 803). 136 N. Y. 552; (50 St. Rep. 21). 10 App. Div. 227; (75 St. Rep. 1065; 41 Supp. 676).

Messenger v. Buffalo, 21 N. Y. 196.

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D. 7 App. Div. 511; (40 Supp. 240).

Messenger v. Fourth Nat. Bank, 6 Daly, 190.

Cited, New Trial—Surprise—Absence of Witness.

2 Misc. 549; (23 Supp. 685; 23 Civ. Pro. 156). 4 Misc. 284; (53 St. Rep. 533; 23 Supp. 1037).

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1 Misc. 349; (48 St. Rep. 790; 20 Supp. 719).

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3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Messenger v. Manhattan R. Co., 129 N. Y. 502; 42 St. Rep. 96.

Cited, Appeal—Conjectural Error—Application of Proper Evidence to Improper Purpose.

1 Misc. 144; (48 St. Rep. 726; 20 Supp. 630).

Appeal—Review of Court's or Referee's Findings of Fact—Exceptions—Sufficiency of.

1 Misc. 142; (48 St. Rep. 723; 20 Supp. 630).

Elevated Railways—Damages—Noise as an Element of.

1 Misc. 144; (48 St. Rep. 726; 20 Supp. 631).

Elevated Railways—Damages—Setting Off Benefits.

1 Misc. 342; (48 St. Rep. 724; 20 Supp. 627).

Elevated Railways—Damages—Taking or Impairing Easements—Effect on Remaining Property.

1 Misc. 153; (48 St. Rep. 756; 20 Supp. 725). 75 Hun, 63; (58 St. Rep. 164; 26 Supp. 996).

Messmer v. People, 45 N. Y. 1.

Cited, Criminal Law—Judgment of Court—Preliminary Question to Defendant—Omission—Effect.

148 N. Y. 101.

Messmore v. Haulenbeck, 15 Hun, 494.

Cited, Principal and Agent—Authority—Burden of Showing.

49 St. Rep. 45; (20 Supp. 953).

Messmore v. New York Shot & L. Co., 40 N. Y. 422.

Cited, Contracts—Breach—Damages—Measure.

144 N. Y. 47; (63 St. Rep. 14).

Messuik v. Gleason, See *Jahn v. Gleason*.

Metcalf, Matter of, 16 Misc. 180; 38 Supp. 1131.

Metcalf v. Baker, 11 Abb. N. S. 431.

Cited, Injuries—Negligence—Proximate Cause.

20 Misc. 34; (79 St. Rep. 324; 45 Supp. 324).

Metcalf v. Clark, 41 Barb. 45.

Cited, Writ and Process—Service—Vacation—Dismissal.

79 Hun, 221; (61 St. Rep. 365; 29 Supp. 507).

Metcalf v. Del Valle, 46 St. Rep. 105; 19 Supp. 16.

Affirmed, 137 N. Y. 545; 50 St. Rep. 931.

Followed, 49 St. Rep. 931; 20 Supp. 984.

Cited, Supplementary Proceedings—Receiver—Title—Right to Set Aside Contracts.

6 App. Div. 261; (39 Supp. 890).

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73 Hun, 99; (56 St. Rep. 80; 25 Supp. 917). 87 Hun, 342; (68 St. Rep. 150; 34 Supp. 270).

Metcalf v. New York, 17 St. Rep. 97; 1 Supp. 873.

Cited, Statutes—Construction—Public Officers—Time for Official Action.

67 Hun, 180; (51 St. Rep. 452; 22 Supp. 420).

Metcalf v. Stryker, 31 N. Y. 255.

Cited, Sureties—Bail—Action on Undertaking.

3 App. Div. 269; (73 St. Rep. 694; 38 Supp. 201).

Metcalf, Matter of, 6 Misc. 524; 58 St. Rep. 518; 27 Supp. 879.

Metcalf v. Rochester R. Co., 12 App. Div. 147; 76 St. Rep. 661; 42 Supp. 661.

*Duplicate Citations in Parenthesis.***Methodist Book Concern & Co., v. Hudson,** 1 How. N. S. 517.*Cited*, Supplementary Proceedings — Practice—New Order—Granting.

11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro. 270).

Methodist Church v. Barker, 18 N. Y. 463.*Cited*, Guardians—Bonds—Discharge.

138 N. Y. 201; (52 St. Rep. 142).

Injunction — Vacation — Undertaking—Damages.

83 Hun, 571; (65 St. Rep. 229; 32 Supp. 67). 39 Supp. 94.

Methodist Episcopal Church v. New York, 55 How. 57.*Cited*, Assessments—Vacation—Lapse of Time.

3 App. Div. 369; (38 Supp. 523).

Methodist Episcopal Union Church v. Pickett, 19 N. Y. 482.*Cited*, Churches—Incorporation—Act of 1813.

3 App. Div. 46; (74 St. Rep. 428; 37 Supp. 1081).

Methodist Episcopal Church Home v. Thompson, 108 N. Y. 618; 13 St. Rep. 617.*Cited*, Evidence—Burden of Proof—Service of Process.

24 Supp. 671.

Vendor and Purchaser—Rescission—Recovery of Payments by Purchaser.

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Specific Performance—Conveyances—Defect of Title—Repudiation.

82 Hun, 207, 213; (63 St. Rep. 781; 31 Supp. 332). 15 Misc. 384; (71 St. Rep. 587; 36 Supp. 672). 12 App. Div. 440; (76 St. Rep. 294; 42 Supp. 294).

Methodist Episcopal Union Church v. Pickett, 23 Barb. 436.*Affirmed*, 19 N. Y. 482.*Cited*, Religious Society—Incorporation—Proof.

49 St. Rep. 469; (21 Supp. 90).

Methodist Episcopal Union Church v. Pickett, 19 N. Y. 482.*Cited*, Corporations—Creation—De Facto. 4 Misc. 174; (53 St. Rep. 216; 23 Supp. 676).

Corporations—Irregularity in Incorporation—Availability.

140 N. Y. 584; (56 St. Rep. 437).

Metropolitan Board of Excise v. Barrie, 34 N. Y. 657.*Cited*, Excise — Discretion of Board—When Arbitrary.

72 St. Rep. 806; (38 Supp. 178).

Excise—Legislative Regulation.

4 App. Div. 188; (74 St. Rep. 595; 38 Supp. 911).

Constitutionality—Police Power.

13 App. Div. 75, 81; (77 St. Rep. 403, 407; 43 Supp. 403, 407). D. 13 App. Div. 91; (77 St. Rep. 414; 43 Supp. 414). 19 Misc. 126.

Intoxicating Liquors—License—Transfer—Approval of Authorities.

5 Misc. 408; (55 St. Rep. 393; 25 Supp. 761). 73 St. Rep. 352; (38 Supp. 163).

Metropolitan Board of Health v. Heister, 37 N. Y. 661.*Cited*, Constitutional Law—Police Power.

67 Hun, 53; (51 St. Rep. 189; 22 Supp. 61). 149 N. Y. 201. 84 Hun, 470; (65 St. Rep. 477; 32 Supp. 320).

Constitutional Law — Legislature—Judicial Officers—Power Over.

17 App. Div. 170; (79 St. Rep. 350; 43 Supp. 350).

Trial—Jury—Inviolability.

19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 331).

Metropolitan Board of Health v. Schmadess, 3 Daly, 282; 10 Abb. N. S. 205.*Cited*, Statutes—Inconsistent Acts—Priority.

7 Misc. 719; (58 St. Rep. 324; 23 Supp. 31).

Metropolitan Elevated R. Co., Matter of, 128 N. Y. 600; 38 St. Rep. 881.*Cited*, Appeal—Court of Appeals—Condemnation Proceedings—Second Report.

141 N. Y. 537; (57 St. Rep. 820). 147 N. Y. 346; (69 St. Rep. 678).

Eminent Domain—Review of Award by Court of Appeals.

137 N. Y. 97; (50 St. Rep. 183).

Metropolitan Elevated R. Co., Matter of, 136 N. Y. 500; 49 St. Rep. 648.*Reversing*, 49 St. Rep. 374.*Cited*, Stipulation—Construction.

3 Misc. 463; (52 St. Rep. 511; 23 Supp. 187). 2 App. Div. 494; (4 St. Rep. 271; 37 Supp. 100).

Metropolitan Elevated R. Co., Matter of, 51 St. Rep. 460; 22 Supp. 128.**Metropolitan Elevated R. Co., Matter of,** 51 St. Rep., 827; 23 Supp. 293.**Metropolitan Elevated R. Co., Matter of,** 55 St. Rep. 760; 25 Supp. 309.**Metropolitan Elevated R. Co., Matter of,** 12 Supp. 503.

Duplicate Citations in Parenthesis.

Cited, Eminent Domain—Sufficiency of Petition—Failure to Agree with Land Owner.

50 St. Rep. 258; (21 Supp. 439).

Action—Equity—Effect on Condemnation Proceedings.

14 Misc. 192; (70 St. Rep. 196; 35 Supp. 466).

Metropolitan Elevated R. Co., Matter of, 53 Hun, 563; 2 Supp. 859.

Cited, Elevated Railroads—Maintenance and Operation—Lajunction—Fee Damage.

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Metropolitan Elevated R. Co., Matter of, 76 Hun, 375; 59 St. Rep. 94; 27 Supp. 756.

Metropolitan Elevated R. Co. v. Dominick, 55 Hun, 198; 27 St. Rep. 576; 8 Supp. 151.

Cited, Condemnation Proceedings—How Constructed

86 Hun, 453; (57 St. Rep. 715; 33 Supp. 939)

Condemnation Proceedings—Injunctive Relief—Effect

14 Misc. 192; (70 St. Rep. 196; 35 Supp. 466).

Condemnation Proceedings — Petition—Sufficiencies.

1 App. Div. 141; (73 St. Rep. 539; 37 Supp. 997).

Metropolitan Elevated R. Co. v. Johnston, 84 Hun, 83; 65 St. Rep. 206; 32 Supp. 49.

Cited, Pleading—Equity Action—Adequate Remedy at Law—Waiver.

8 App. Div. 366; (40 Supp. 802).

Metropolitan Elevated R. Co. v. Kneeland, 120 N. Y. 134; 3 St. Rep. 782.

Cited, Bills and Notes—Bona Fide Holder—Notice of Illegality.

4 Misc. 574; (25 Supp. 796).

Bills and Notes—Conversion Remedies. 68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241).

Bills and Notes—Non-payment—Pleading. 18 Misc. 126; (41 Supp. 171).

Metropolitan Elevated R. Co. v. Manhattan R. Co., 14 Abb. N. C. 103.

Cited, Equity — Jurisdiction — Retaining for Complete Relief.

69 Hun, 243; (53 St. Rep. 359; 23 Supp. 538).

Equity—Relief — Offer to do Equity—Pleading.

9 Misc. 325; (60 St. Rep. 447; 30 Supp. 262).
Corporations—Duty of Directors—Duty to.

8 App. Div. 171; (40 Supp. 503).

Metropolitan Elevated R. Co. v. Manhattan El. R. Co., 11 Daly 373.

Cited, Lease — Stockholders—Majority—Ratification.

89 Hun, 321; (70 St. Rep. 228; 35 Supp. 568).

Corporations — Stockholders — Fraud — Remedies.

84 Hun, 48; (65 St. Rep. 239; 32 Supp. 76).

Metropolitan Life Ins. Co. v. Bender, 124 N. Y. 47.

Cited, Sealed Instrument—Recitals—Estoppel.

5 App. Div. 449; (39 Supp. 217).

Metropolitan Life Ins. Co. v. Meeker, 85 N. Y. 614.

Cited, Contracts—Duress—Avoidance.

1 App. Div. 226; (72 St. Rep. 539; 37 Supp. 371).

Metropolitan Life Ins. Co. v. Schaefer, 18 Misc. 625; 40 Supp. 984.

Metropolitan Nat. Bank v. Lloyd, 90 N. Y. 530.

Cited, Banks—Deposits—Banks Control Over.

77 Hun, 178; (58 St. Rep. 725; 28 Supp. 419).

Pleading—Fraud—Answer—Waiver.

145 N. Y. 506; (65 St. Rep. 373).

Banks—Checks—Title to.

81 Hun, 451; (63 St. Rep. 361; 31 Supp. 61).

Metropolitan Nat. Bank v. Sirret, 97 N. Y. 320.

Cited, Partnership—Limited — Contribution of Special Partner—Payment in Cash.

72 Hun, 236; (55 St. Rep. 714; 25 Supp. 254). 18 Misc. 555; (41 Supp. 992). 11 App. Div. 316; (76 St. Rep. 506; 42 Supp. 506).

Direction of Verdict—When Proper.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Metropolitan Savings Bank v. N. Y. El. R. Co., 50 St. Rep. 447; 21 Supp. 286.

Affirmed, 142 N. Y. 663; 60 St. Rep. 870.

Metropolitan Telephone & Tel. Co. v. Colwell Lead Co., 67 How. 365.

Cited, Highways—Poles—Abutting Owners—Compensation.

D. 86 Hun, 432; (67 St. Rep. 626; 33 Supp. 897).

Duplicate Citations in Parenthesis.

Metropolitan Transit Co. Matter of,
111 N. Y. 588; 20 St. Rep. 516.

Affirming, 15 St. Rep. 977.

Cited, Railroads—Eminent Domain—Intention to Complete.

1 App. Div. 141; (73 St. Rep. 539; 37 Supp. 997).

Railroads—New Road—Consent.

15 App. Div. 202; (78 St. Rep. 737; 44 Supp. 737).

Metropolitan Trust Co. v. Seaver,
17 Misc. 466; 41 Supp. 234.

Metropolitan Trust Co. v. Tonawanda Valley & Cuba R. Co., 43 Hun, 521; 7 St. Rep. 90; 18 Abb. N. C. 368.

Cited, Action — Parties — Foreclosure — Prior Mortgagee.

69 Hun, 422; (52 St. Rep. 838; 23 Supp. 462).

Counterclaim—Doctrine and Policy.

70 Hun, 23; (53 St. Rep. 439; 23 Supp. 1121).

Metropolitan Trust Co. of N. Y. v. Tonawanda Valley & Cuba R. Co., 103 N. Y. 245.

Cited, Receivers—Insolvent Corporations —Preference to Employees.

11 App. Div. 254; (76 St. Rep. 214; 42 Supp. 214). D. 11 App. Div. 258; (76 St. Rep. 216; 42 Supp. 216). 79 St. Rep. 634; (45 Supp. 634).

Metz v. Campbell Printing Press & Mfg. Co., 11 Misc. 284; 65 St. Rep. 302; 33 Supp. 155.

Metzger v. Carr, 79 Hun, 258; 61 St. Rep. 14; 29 Supp. 410.

Cited, Pleading—Notes—Limitation.

10 Misc. 119; (62 St. Rep. 521; 30 Supp. 906).

Metzger v. Metropolitan El. R. Co., 60 St. Rep. 744; 21 Supp. 676.

Metzger v. Metzger, 1 Bradf. 265.

Cited, Executors—Management of Estate Accounting—Vouchers.

5 Misc. 141; (25 Supp. 703). 86 Hun, 327 (67 St. Rep. 208; 33 Supp. 495).

Metzger v. Schneider, 72 St. Rep. 75 36 Supp. 972.

Meurer v. Von Kramer, 69 Hun, 125; 53 St. Rep. 157; 23 Supp. 371.

Meyer v. Amidown, 23 Hun, 553.

Cited, Fraud —Misrepresentations—Opinions—Intent.

5 Misc. 348; (55 St. Rep. 506; 25 Supp. 528).

Meyer v. Amidown, 45 N. Y. 169.

Cited, Appeal—Review of Facts—Findings.

9 Misc. 96; (59 St. Rep. 694; 29 Supp. 5).

Fraudulent Representations—Knowledge —Reliance.

70 Hun, 413; (53 St. Rep. 708; 24 Supp. 435). 3 Misc. 152; (51 St. Rep. 491; 22 Supp. 710). 20 Misc. 543. 20 Misc. 586. 11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 313). 79 St. Rep. 896; (45 Supp. 896).

Meyer v. Blair, 109 N. Y. 600; 16 St. Rep. 380.

Cited, Assignment for Creditors —Composition—Secret Agreement.

142 N. Y. 413; (59 St. Rep. 799).

Meyer v. Boyd, 51 Hun, 291; 20 St. Rep. 918; 4 Supp. 328.

Cited, Realty—Title—Technical Defeat.

13 Misc. 208; (67 St. Rep. 870; 34 Supp. 15).

Land — Boundaries—Natural and Artificial—Which Controls.

10 App. Div. 141; (41 Supp. 778).

Disputed Boundary — Compromise—Acquiescence.

9 App. Div. 472; (75 St. Rep. 1463; 41 Supp. 219).

Meyer v. Brooklyn City R. Co., 10 Misc. 11; 30 Supp. 534.

Meyer v. Brooklyn Heights R. Co., 9 App. Div. 79; 75 St. Rep. 552; 41 Supp. 92.

Cited, Street Railroads—Crossing Tracks —Contributory Negligence.

16 App. Div. 114; (79 St. Rep. 126; 45 Supp. 116).

Meyer v. Cahen, 111 N. Y. 270.

Cited, Wills—Direction to Pay Debts—When Lands not Relieved.

24 Supp. 875; (30 Abb. N. C. 229).

Meyer v. Campbell, 1 Misc. 283; 48 St. Rep. 666; 20 Supp. 705.

Cited, Evidence—Declaration of Party Out of Court—Admissions.

9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8).

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2 Misc. 328; (51 St. Rep. 586; 21 Supp. 997).

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8 Misc. 232; (59 St. Rep. 448; 28 Supp. 724).

Meyer v. Clark, 41 Super. 107.

Cited, Arrest—Without Warrant.

13 Misc. 765; (69 St. Rep. 609; 35 Supp. 234). 19 Misc. 680; (78 St. Rep. 1107; 44 Supp. 1107).

Duplicate Citations in Parenthesis.

Meyer v. Dreyspring, 5 Misc. 560; 52 St. Rep. 520; 32 Supp. 315.

Meyer v. Harnden's Express Co., 24 How. 290.

Cited, Carriers—Agents—Special Contracts.

88 Hun, 151; (68 St. Rep. 303; 34 Supp. 520).

Meyer v. Figel, 7 Robt. 132; 38 How. 434.

Cited, Trial—Dismissal of Answer on.

4 Misc. 82; (53 St. Rep. 71; 23 Supp. 854).

New Trial—When Granted—Misconduct of Parties.

12 App. Div. 411; (76 St. Rep. 943; 42 Supp. 943).

Meyer v. Hallock, 2 Robt. 284.

Cited, Contrast—Rescission—Election of.

4 Misc. 439; (5 St. Rep. 140; 24 Supp. 696).

Meyer v. Hibsher, 47 N. Y. 265.

Cited, Bills and Notes—Demand and Notice—Promise by Drawer or Indorser.

4 Misc. 69; (53 St. Rep. 126; 23 Supp. 784).

Bills and Notes—Endorsement—Liability to Payee.

73 Hun, 517; (56 St. Rep. 165; 26 Supp. 102).

Bills and Notes—Liability of Endorser of Note Made to Order of Plaintiff.

66 Hun, 352; (50 St. Rep. 667; 21 Supp. 506). 83 Hun, 195; (63 St. Rep. 811; 31 Supp. 399).

Notes—Indorser—Promise to Pay—Waiver.

69 St. Rep. 717; (35 Supp. 328).

Meyer v. Huneke, 55 N. Y. 412.

Cited, Contracts—Fraudulent Alteration—Consideration—Recovery.

10 Misc. 361; (63 St. Rep. 434; 31 Supp. 19).

Meyer v. Knickerbocker Life Ins. Co., 73 N. Y. 516.

Cited, Insurance—Declaration of Forfeiture—Tender of Subsequent Premiums.

77 Hun, 424; (60 St. Rep. 44; 28 Supp. 798).

Insurance—Forfeiture—Waiver.

77 Hun, 385; (60 St. Rep. 399; 28 Supp. 852). 18 Misc. 98; (76 St. Rep. 979; 42 Supp. 979).

Insurance—Premiums—Waiver of Delay.

136 N. Y. 151; (48 St. Rep. 911).

Meyer v. Lathrop, 73 N. Y. 315.

Cited, Release—Conclusiveness.

135 N. Y. 189; (48 St. Rep. 246).

Meyer v. Lexow, 1 App. Div. 116; 72 St. Rep. 220; 37 Supp. 67.

Cited, Temporary Receivers—Powers—Liability.

20 Misc. 344; (79 St. Rep. 752; 45 Supp. 752).

Meyer v. Mallon, 85 Hun, 450; 66 St. Rep. 206; 32 Supp. 889.

Meyer v. Peck, 28 N. Y. 590.

Distinguished, Warehousemen—Description of Property in Receipt as Estoppel.

137 N. Y. 285; (50 St. Rep. 695).

Cited, Evidence—Recital of Receipt of Consideration—Presumption and Rebuttal.

3 Misc. 257; (52 St. Rep. 125; 22 Supp. 940).

Meyer v. Phillips, 97 N. Y. 485.

Cited, Equity—Preventive Remedy—When Granted.

85 Hun, 66; (65 St. Rep. 861; 32 Supp. 641).

Equity—Quitting Title.

17 App. Div. 281; (79 St. Rep. 679; 45 Supp. 679).

Meyer v. Standard Life & Accident Ins. Co., 8 App. Div. 74; 40 Supp. 419.

Meyer v. Staten Island R. Co., 7 St. Rep. 245.

Cited, Corporations—Stockholders—Oppression by Majority—Rights of Minority Stockholders.

150 N. Y. 427; (3 Ann. Cas. 365).

Meyer Rubber Co. v. Lester Shoe Co., 86 Hun, 473; 67 St. R p. 636; 33 Supp. 888.

Meyer Rubber Co. v. Lester Shoe Co., 92 Hun, 52; 71 St. Rep. 740; 36 Supp. 729.

Cited, Appeal—Costs—Extra Allowance—Review of Discretion.

4 App. Div. 447; (74 St. Rep. 606; 38 Supp. 895). 7 App. Div. 352; (39 Supp. 940).

Meyers v. Bennett, 7 Daly, 471.

Cited, Mechanic's Lien—Death of Owner—Remedy Against Heir.

7 Misc. 404; (58 St. Rep. 52; 27 Supp. 979). 144 N. Y. 521; (64 St. Rep. 47).

Meyers v. Betts, 5 Den. 81.

Cited, Reference—Trial—Striking Out Evidence—After Submission.

71 Hun, 535; (54 St. Rep. 919; 24 Supp. 1008).

Meyers v. Brooklyn Heights R. Co., 10 App. Div. 335; 75 St. Rep. 1197; 41 Supp. 798.

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Meyers v. Cohn, 3 Misc. 145; 51 St. Rep. 494; 22 Supp. 711.

Affirmed, 4 Misc. 185; 53 St. Rep. 223; 23 Supp. 996.

Meyers v. Cohn, 4 Misc. 185; 53 St. Rep. 223; 23 Supp. 996.

Affirming, 3 Misc. 145; 51 St. Rep. 494; 22 Supp. 711.

Cited, Appeal—Review of Evidence—Exceptions—Availability.

9 Misc. 118; (59 St. Rep. 707; 29 Supp. 289). 8 Misc. 270; (59 St. Rep. 202; 28 Supp. 716). 9 Misc. 165; (60 St. Rep. 635; 29 Supp. 721). 7 Misc. 191; (57 St. Rep. 537; 27 Supp. 329). 7 Misc. 189; (57 St. Rep. 542; 27 Supp. 315). 7 Misc. 686; (58 St. Rep. 333; 28 Supp. 147). 9 Misc. 55; (59 St. Rep. 665; 29 Supp. 74). 9 Misc. 153; (59 St. Rep. 663; 29 Supp. 72). 9 Misc. 5; (59 St. Rep. 675; 29 Supp. 52). 10 Misc. 383; (63 St. Rep. 529; 31 Supp. 146). 14 Misc. 318, 320; (70 St. Rep. 325; 35 Supp. 849).

Appeal—To Common Pleas from City Court—Extent of Review.

6 Misc. 125; (55 St. Rep. 697; 26 Supp. 5).

Trial—Motion to Dismiss Complaint—Cure of Defect by Subsequent Proof.

6 Misc. 111; (57 St. Rep. 857; 26 Supp. 15). 7 Misc. 72; (57 St. Rep. 492; 27 Supp. 376). 8 Misc. 293; (59 St. Rep. 209; 28 Supp. 573; 31 Abb. N. C. 437). 17 Misc. 589; (40 Supp. 684). 19 Misc. 499; (77 St. Rep. 1109; 43 Supp. 1109). 20 Misc. 561.

Appeal—Review of Conflicting Evidence.

11 Misc. 408; (65 St. Rep. 284; 32 Supp. 158). 17 Misc. 582; (40 Supp. 691). 18 Misc. 26; (75 St. Rep. 513; 41 Supp. 57). 19 Misc. 619; (78 St. Rep. 416; 44 Supp. 416).

Appeal—Objections Not Taken Below—Effect.

70 St. Rep. 465; (35 Supp. 688).

Meyers v. Herbert, 139 N. Y. 609; 54 St. Rep. 929.

See 64 Hun, 200; (45 St. Rep. 626; 19 Supp. 132)

Meyers v. New York, 69 Hun, 291; 53 St. Rep. 233; 23 Supp. 484.

Cited, Municipal Corporation—Appointive Employee's Right to Hearing—Discharge.

13 Misc. 567; (68 St. Rep. 403; 34 Supp. 674). 87 Hun, 298; (68 St. Rep. 272; 34 Supp. 347). 7 App. Div. 204; (74 St. Rep. 731; 40 Supp. 171). 12 App. Div. 539; (76 St. Rep. 400; 42 Supp. 400). D. 12 App. Div. 541; (76 St. Rep. 401; 42 Supp. 401).

Meyers v. Rosenback, 5 Misc. 337; 55 St. Rep. 498; 25 Supp. 521.

Meyers v. Sterne, 15 Supp. 723.

Cited, Covenants—“Tenements”—Construction.

19 Misc. 228; (77 St. Rep. 200; 43 Supp. 200).

Meyers v. Stix, 8 Misc. 680; 59 St. Rep. 286; 28 Supp. 1144.

Meyers v. Stix, 7 Misc. 574; 58 St. Rep. 398; 28 Supp. 290.

Affirmed, 8 Misc. 680; 59 St. Rep. 286.

Meyerson v. Hartford Fire Ins. Co., 16 Misc. 286; 33 Supp. 112.

Affirmed, 17 Misc. 121; 39 Supp. 329.

Meyerson v. Hartford Fire Ins. Co., 17 Misc. 121; 39 Supp. 329.

Meyerson v. Hartford Fire Ins. Co., 17 Misc. 747; 73 St. Rep. 873; 39 Supp. 1128.

Meyerson v. Woolverton, 9 Misc. 186; 61 St. Rep. 78; 29 Supp. 737.

Miaghan v. Hartford Fire Ins. Co., 24 Hun, 58.

Cited, Insurance—Knowledge of Agent—Waiver.

7 App. Div. 585; (40 Supp. 307).

Miaghan v. Hartford Fire Ins. Co., 12 Hun, 321.

Cited, Evidence—Sufficiency—Reformation of Contract.

7 Misc. 593; (58 St. Rep. 505; 28 Supp. 491).

Michael v. Eley, 61 Hun, 189; 40 St. Rep. 597; 15 Supp. 890.

Cited, Principal and Agent—Authority—Contracts.

69 Hun, 545; (53 St. Rep. 289; 23 Supp. 949).

Michael v. Kronthal, 13 Misc. 428; 68 St. Rep. 409; 34 Supp. 681.

Michael v. Stanton, 3 Hun, 462.

Cited, Master and Servant—When Relation Exists—Power to Control and Terminate.

8 Misc. 435; (58 St. Rep. 854; 28 Supp. 678).

Michaelis v. Gahren, 9 App. Div. 495; 75 St. Rep. 952; 41 Supp. 563.

Michaelis v. Wilshusen, 19 Misc. 153.

Michaels v. Hain, 78 Hun, 500; 61 St. Rep. 234; 29 Supp. 567.

Michaelis v. N. Y. C. R. Co., 30 N. Y. 564.

Cited, Carriers—Delivery—Damages.

12 Misc. 552; (68 St. Rep. 875; 34 Supp. 1143).

Duplicate Citations in Parenthesis.

Michel v. Colgrove, 46 St. Rep. 899; 19 Supp. 716.

Cited, Appeal — New Trial — Motion — Newly Discovered Evidence — Discretionary Order — Review.

81 Hun, 164; (62 St. Rep. 663; 30 Supp. 707). 12 App. Div. 410; (76 St. Rep. 942; 42 Supp. 942). 11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231).

Michel v. American Central Ins. Co., 17 App. Div. 87; 78 St. Rep. 832; 44 Supp. 832.

Michel v. Monroe County, Supervisors of, 39 Hun, 47.

Cited, Damages — Measure — Nuisance.

69 Hun, 527; (52 St. Rep. 850).

Michel v. O'Brien, 6 Misc. 408; 27 Supp. 173.

Michellen v. Spies, 83 Hun, 509; 65 St. Rep. 140; 32 Supp. 17.

Michels v. Syracuse, 92 Hun, 365; 71 St. Rep. 537; 36 Supp. 507.

Michigan v. Phoenix Bank, 33 N. Y. 9.

Cited, Judgments — Fraud — Setting Aside. 12 App. Div. 15; (76 St. Rep. 176; 42 Supp. 176).

89 Hun, 118; (69 St. Rep. 471; 35 Supp. 58). 144 N. Y. 63; (63 St. Rep. 632). 5 App. Div. 512; (38 Supp. 1085). 87 Hun, 10; (67 St. Rep. 48; 33 Supp. 872).

Michigan Carbon Works, v. Schad, 38 Hun, 71.

Cited, Evidence — Confession of Party — Effect.

5 Misc. 568; (26 Supp. 737).

Witness — Credibility — Question for Jury. 92 Hun, 38; (71 St. Rep. 801; 36 Supp. 634). 12 Misc. 82; (66 St. Rep. 694; 33 Supp. 92). 12 Misc. 74; (66 St. Rep. 677; 33 Supp. 84). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Mickee v. Walter A. Wood M. & R. M. Co., 70 Hun, 456, 53 St. Rep. 689; 24 Supp. 501.

Mickee v. Walter A. Wood M. & R. M. Co., 77 Hun, 559; 60 St. Rep. 282; 28 Supp. 918.

Cited, Master and Servant — Duty to Furnish Safe Place.

12 Misc. 376; (65 St. Rep. 784; 33 Supp. 564).

Mickee v. Walter A. Wood M. & R. M. Co., 144 N. Y. 613; 64 St. Rep. 214.

Cited, Appeal — Orders Reviewable in Court of Appeals.

146 N. Y. 345; (56 St. Rep. 649). 150 N. Y. 89; (3 Ann. Cas. 248).

Mickles v. Hart, 1 Den. 548.

Cited, Sheriffs — Instruction as to Process — Justification Under.

73 Hun, 396; (58 St. Rep. 85; 26 Supp. 560).

Mickles v. Rochester City Bank, 11 Paige, 118.

Cited, Action — Parties — Resort to Stockholders for Corporate Debts.

72 Hun, 333; (55 St. Rep. 200; 25 Supp. 431).

Officers — Equity — Lack of Jurisdiction to Try Title to Office, etc.

1 Misc. 122; (48 St. Rep. 697; 20 Supp. 703).

Mickles v. Tousley, 1 Cow. 114.

Cited, Taxes — Exemption — Personal Privilege.

6 Misc. 185; (27 Supp. 24).

Mickles v. Townsend, 18 N. Y. 575.

Cited, Mortgage — Merger — Intent.

66 Hun, 294; (49 St. Rep. 255; 20 Supp. 922).

Middaugh v. Elmira, 23 Hun, 79.

Cited, Interest — As Damages — Receipt of Principal Debt — Effect.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321). 39 Supp. 882.

Middlebrook v. Travis, 66 Hun, 510; 50 St. Rep. 149; 21 Supp. 398.

Middlebrook v. Travis, 68 Hun, 155; 52 St. Rep. 231; 22 Supp. 672.

Middleton v. Twombly, 125 N. Y. 520; 35 St. Rep. 856.

Cited, Limitation of Action — When Statute Runs — Demand — Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822).

Middletown, Matter of, 82 N. Y. 196.

Cited, Eminent Domain — Compensation — Mode of Ascertainment.

22 Supp. 29. 151 N. Y. 564.

Statutes — Construction — When Aided by Title.

89 Hun, 313; (69 St. Rep. 549; 35 Supp. 195). 88 Hun, 537; (68 St. Rep. 801; 34 Supp. 850).

Statutes — When Part Unconstitutional — Effect as to Remainder.

148 N. Y. 554. D. 150 N. Y. 521.

Miele v. Deperino, 135 N. Y. 618; 47 St. Rep. 837.

Miersch v. Bivin, 51 St. Rep. 539; 22 Supp. 135.

Miesell v. Globe Mut. L. Ins. Co., 76 N. Y. 115.

Cited, Vendor and Purchaser — Title Required — Satisfaction.

Duplicate Citations in Parenthesis.

3 Misc. 371; (52 St. Rep. 436; 23 Supp. 348). D. 91 Hun, 395; (78 St. Rep. 842; 36 Supp. 189). 15 Misc. 29; (71 St. Rep. 496; 36 Supp. 445; 2 Ann. Cas. 342).

Insurance—Forfeiture—Premiums—Payment.

90 Hun, 334; (70 St. Rep. 310; 35 Supp. 867).

Milbank v. American Surety Co. of N. Y., 14 App. Div. 250; 77 St. Rep. 474; 43 Supp. 474.

Milbank v. De Riesthal, 82 Hun, 537; 64 St. Rep. 199; 81 Supp. 522.

Cited, Corporations—Insolvency—Preference by Judgment.

12 App. Div. 494; (76 St. Rep. 804; 42 Supp. 804). 15 Misc. 401; (73 St. Rep. 412; 37 Supp. 825). 7 App. Div. 111.

Milbank v. Jones, 4 Misc. 613; 53 St. Rep. 523; 24 Supp. 356.

Milbank v. Jones, 127 N. Y. 370; 38 St. Rep. 910.

Cited, Pleading—Answer—New Matter—Avoiding Contract.

21 Supp. 618. 2 Misc. 172; (49 St. Rep. 623; 21 Supp. 618). 81 Hun, 183; (62 St. Rep. 697; 30 Supp. 700). 11 App. Div. 531; (76 St. Rep. 813; 42 Supp. 813). 19 Misc. 21; (76 St. Rep. 772; 42 Supp. 772).

Milbank v. Jones, 141 N. Y. 340; 57 St. Rep. 429.

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Cited, Pleading—General Denial—Proof Under.

78 Hun, 221; (60 St. Rep. 261; 28 Supp. 904). 142 N. Y. 137; (58 St. Rep. 615). 77 Hun, 463; (60 St. Rep. 406; 28 Supp. 871). 80 Hun, 286; (61 St. Rep. 862; 30 Supp. 162). 144 N. Y. 358; (63 St. Rep. 664; 1 Ann. Cas. 164). 4 App. Div. 173; (38 Supp. 933). 16 Misc. 356; (38 Supp. 76). 19 Misc. 130; (77 St. Rep. 535; 43 Supp. 535). 69 St. Rep. 114; (34 Supp. 948). 78 St. Rep. 377; (44 Supp. 377).

Milbank v. N. Y., L. E. & W. R. Co., 64 How. 20.

Cited, 74 St. Rep. 346, 347; (37 Supp. 1050).

Corporations—Stockholders—Corporations as—Voting

77 Hun, 336; (29 Supp. 546).

Milbank v. Welch, 74 Hun, 497; 57 St. Rep. 241; 26 Supp. 705.

Milbanks v. Coonley, 17 St. Rep. 533; 2 Supp. 167.

Cited, Justice Court—Title to real Property—Judgment—Effect.

87 Hun, 535; (68 St. Rep. 670; 34 Supp. 290).

Milbourne v. Royal Benefit Soc., 14 App. Div. 406; 77 St. Rep. 1026; 43 Supp. 1026.

Cited, Benefit Societies—Right to Benefits.

79 St. Rep. 386; (45 Supp. 386).

Milburn v. Belloni, 39 N. Y. 53.

Cited, Sales—Bricks Mixed With Coal Dust—Damages—Measure.

16 Misc. 590; (74 St. Rep. 145; 33 Supp. 804).

Milch v. Westchester F. Ins. Co., 13 Misc. 231; 67 St. Rep. 870; 34 Supp. 15.

Miles v. Dover Furnace Iron Co., 125 N. Y. 294; 35 St. Rep. 14.

Cited, Specific Performance—Matter of Right—Judicial Discretion.

6 Misc. 318; (58 St. Rep. 300; 26 Supp. 1108). 149 N. Y. 22. 8 App. Div. 367; (75 St. Rep. 184; 40 Supp. 803). 10 App. Div. 553; (76 St. Rep. 438; 42 Supp. 438). 19 Misc. 438; (78 St. Rep. 482; 44 Supp. 482).

Pleading—Relief—Specific Performance—Damages.

80 Hun, 576; (62 St. Rep. 585; 30 Supp. 591). 84 Hun, 147; (65 St. Rep. 807; 32 Supp. 538).

Miles v. Fonda, Johnstown & G. R. Co., 86 Hun, 508; 67 St. Rep. 552; 33 Supp. 729.

Miles v. King, 18 App. Div. 41; 79 St. Rep. 379; 45 Supp. 379.

Miles v. Loomis, 75 N. Y. 288.

Cited, Handwritings—Comparison—Witnesses.

90 Hun, 383; (35 Supp. 914).

Milhau v. Milhau, 142 N. Y. 644; 60 St. Rep. 868.

Milhau v. Sharp, 27 N. Y. 611.

Cited, Corporations—Charters—Contract Obligation of.

24 Supp. 811; (30 Abb. N. C. 36). 143 N. Y. 615; (62 St. Rep. 817).

Municipal Corporations—Highways—Rights Over,

153 N. Y. 152. 13 App. Div. 282, 289; (77 St. Rep. 177, 181; 43 Supp. 177, 181). 39 Supp. 19.

Milhau v. Sharp, 15 Barb. 193.

Cited, Municipal Corporations—Highways—Rights Over.

13 App. Div. 289; (77 St. Rep. 181; 43 Supp. 181). 89 Hun, 261; (68 St. Rep. 854; 34 Supp. 1076).

Milhau v. Sharp, 17 Barb. 435.

Cited, Municipal Corporations—Highways—Rights Over.

62 St. Rep. 275; (30 Supp. 438). 13 App. Div. 289; (77 St. Rep. 181; 43 Supp. 181).

Duplicate Citations in Parenthesis.

Milhous v. Johnson, 21 St. Rep. 382; 4 Supp. 199.

Cited, Insurance—On Life of Husband—Assignment.

60 St. Rep. 156; (28 Supp. 483).

Milk v. Christie, 1 Hill, 102.

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69 Hun, 16; (52 St. Rep. 552; 23 Supp. 216).

Milks v. Rich, 80 N. Y. 269.

Cited, Contract—Guaranty—Indemnity.

7 Misc. 66; (57 St. Rep. 527; 27 Supp. 405).

Contracts—Statute of Frauds—Guaranty.

74 Hun, 113; (56 St. Rep. 381; 26 Supp. 362). 79 St. Rep. 999; (45 Supp. 999).

Millady v. Stein, 19 Misc. 652; 78 St. Rep. 408; 44 Supp. 408.

Millar v. Larmer, 85 Hun, 313; 65 St. Rep. 877; 32 Supp. 1146.

Cited, Appeal—Review of Evidence—Omission to Except.

1 App. Div. 601; (73 St. Rep. 196; 37 Supp. 564).

Millar v. Trustees of Masonic Hall and Asylum Fund, 7 Misc. 609; 58 St. Rep. 790; 27 Supp. 951.

Millard v. Adams, 1 Misc. 431; 50 St. Rep. 561; 21 Supp. 424.

Millard v. Clark, 7 Misc. 366; 59 St. Rep. 651; 27 Supp. 631.

Reversed, 80 Hun, 141; 61 St. Rep. 633; 29 Supp. 1012.

Millard v. Clark, 80 Hun, 141; 61 St. Rep. 633; 29 Supp. 1012.

Millard v. Holland Trust Co., 90 Hun, 607; 70 St. Rep. 585; 35 Supp. 948.

Millard v. Steers, 9 App. Div. 419; 75 St. Rep. 735; 41 Supp. 321.

Miller, Matter of, 15 Misc. 556; 37 Supp. 1129.

Miller, Matter of, 70 Hun, 61; 53 St. Rep. 508; 23 Supp. 1104.

Cited, Surrogate's Court—Claimants—Petition—Dismissal.

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Surrogate's Courts—Claims—Statute of Limitations.

15 Misc. 560; (37 Supp. 1131).

Miller, Matter of, 110 N. Y. 216; 18 St. Rep. 226.

Cited, Statutes—Amendment—Effect of Vested Rights.

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141 N. Y. 164; (56 St. Rep. 683). 16 App. Div. 44; (78 St. Rep. 802; 44 Supp. 802). 18 Misc. 194; (75 St. Rep. 703; 41 Supp. 293).

Taxes—Collateral Inheritance—Religious Corporations.

66 Hun, 396; (50 St. Rep. 120; 21 Supp. 520). 17 Misc. 42; (40 Supp. 753). 19 Misc. 395; (78 St. Rep. 350; 44 Supp. 350). 69 St. Rep. 381; (34 Supp. 1124).

Miller, Matter of, 9 Supp. 60; 27 St. Rep. 784.

Cited, Decedent's Estates—Claims—Presentation—Silence of Executor—Effect.

16 App. Div. 36; (78 St. Rep. 806; 44 Supp. 806).

Miller, Matter of, 72 St. Rep. 718; 37 Supp. 447.

Miller, Matter of, 9 App. Div. 260; 75 St. Rep. 972; 41 Supp. 581.

Miller, Matter of, 11 App. Div. 337; 76 St. Rep. 148; 42 Supp. 148.

Miller, Matter of, 18 App. Div. 211; 79 St. Rep. 956; 45 Supp. 956.

Miller, Matter of, 19 St. Rep. 246.

Cited, Taxes—Inheritance—What Statute Governs.

9 Misc. 226; (61 St. Rep. 293; 30 Supp. 386).

Miller v. Adams, 52 N. Y. 409.

Cited, Supplementary Proceedings—Affidavits—False Imprisonment—Sufficiency of Information.

74 Hun, 342; (56 St. Rep. 378; 26 Supp. 410). 19 Misc. 668; (78 St. Rep. 1104; 44 Supp. 1104).

Miller v. Adams, 7 Lans. 133.

Affirmed, 52 N. Y. 409.

Cited, Courts—Orders—Presumption of Regularity.

17 Misc. 359; (39 Supp. 1089).

Miller v. Adsit, 18 Wend. 672.

Cited, Actions—Party Defending for Another—Liability for Costs.

12 Misc. 63; (66 St. Rep. 690; 33 Supp. 88; 24 Civ. Pro. 397).

Miller v. Altieri, 13 Misc. 220; 68 St. Rep. 116; 34 Supp. 236.

Miller v. Amsterdam, 194 N. Y. 288.

Cited, Municipal Corporations—Authority Granted by Legislature—How Exercised.

14 App. Div. 496; (77 St. Rep. 1045; 43 Supp. 1045).

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D. 78 St. Rep. 328; (44 Supp. 328).

Duplicate Citations in Parenthesis.

Miller v. Amsterdam, City of, 78 Hun, 609; 60 St. Rep. 510; 28 Supp. 1021.

Affirmed, 149 N. Y. 288.

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Cited, Contracts—Statute of Frauds—Agreement Concerning Land—Part Performance.

77 Hun, 3; (59 St. Rep. 419; 28 Supp. 224). 76 Hun, 157; (57 St. Rep. 315; 27 Supp. 558). 71 Hun, 173; (54 St. Rep. 194; 24 Supp. 563). 144 N. Y. 711; (71 St. Rep. 286). 82 Hun, 102; (63 St. Rep. 605; 31 Supp. 203). 86 Hun, 506; (67 St. Rep. 528; 33 Supp. 783).

Miller v. Barber, 66 N. Y. 553.

Cited, Action—Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 939). 88 Hun, 541; (63 St. Rep. 708; 34 Supp. 774).

Appeal—Harmless Error.

74 Hun, 382; (56 St. Rep. 304; 26 Supp. 596).

Miller v. Benjamin, 142 N. Y. 613.

Cited, Contracts—Performance—Immaterial Omissions—Effect.

149 N. Y. 444. 12 App. Div. 622; (76 St. Rep. 690; 42 Supp. 690). 17 Misc. 360; (39 Supp. 1088).

Miller v. Benjamin, 51 St. Rep. 750; 21 Supp. 1116.

Cited, Contracts—Performance—Immaterial Omissions—Effect.

16 Misc. 34; (73 St. Rep. 262; 37 Supp. 681).

Miller v. Benjamin, 60 St. Rep. 295.

Miller v. Board, 15 Misc. 322; 73 St. Rep. 443; 37 Supp. 766.

Miller v. Boyer, 79 Hun, 131, 61 St. Rep. 378; 29 Supp. 479.

Cited, Witness—Testimony—Credibility—Facts for Jury.

85 Hun, 570; (66 St. Rep. 800; 33 Supp. 128).

Miller v. Brinkerhoff, 4 Den. 118.

Cited, Courts—Necessity of Proof of Jurisdiction.

136 N. Y. 396; (49 St. Rep. 835).

False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief. 74 Hun, 341; (56 St. Rep. 378; 26 Supp. 410).

Evidence—Mistake as to Its Weight—Effect.

84 Hun, 140; (66 St. Rep. 401; 33 Supp. 1065).

Miller v. Brooks, 48 St. Rep. 146; 20 Supp. 359.

Cited, Depositions—Preliminary Examination of Party—Libel—To Frame Answer.

69 Hun, 86; (52 St. Rep. 634; 23 Supp. 387).

Miller v. Burke, 6 Daly 171.

Cited, Sales—"Parcels"—Meaning.

D. 153 N. Y. 59.

Miller v. Burroughs, 4 Johns. Ch. 436.

Cited, Bonds—Forfeiture—Interest.

5 Misc. 197; (25 Supp. 659).

Miller v. Bush, 87 Hun, 507; 68 St. Rep. 53; 34 Supp. 286.

Miller v. Campbell, 140 N. Y. 457; 55 St. Rep. 787.

Affirming, 2 Misc. 518; 51 St. Rep. 596; 22 Supp. 388.

Cited, Life Insurance on Husband's Life—Assignment by Wife Prior to Act of 1879—Effect.

150 N. Y. 272. 13 App. Div. 532; (77 St. Rep. 650; 43 Supp. 650).

Miller v. Coates, 2 Hun, 668.

Cited, 11 Misc. 270; 65 St. Rep. 436; 32 Supp. 252.

Miller v. Coates, 66 N. Y. 609.

Cited, Evidence—Presumption—Payment—Notes and Receipts—Conclusiveness.

74 Hun, 179; (56 St. Rep. 356; 26 Supp. 620).

Accord and Satisfaction—Payment of Lesser for Greater Sum—Effect.

19 Misc. 175; (77 St. Rep. 222; 43 Supp. 222). 19 Misc. 359; (77 St. Rep. 492; 43 Supp. 492).

Miller v. Collyer, 36 Barb. 250.

Cited, Contract—Mutuality—Consideration—Judicial Sale.

69 Hun, 71; (53 St. Rep. 163; 23 Supp. 389).

Contract—Mutuality—Consideration—Judicial Sale.

69 Hun, 72; (53 St. Rep. 163; 23 Supp. 389). 19 Misc. 41.

Miller v. Cook, 25 N. Y. 495.

Cited, Contracts—Guaranty—Consideration of.

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Miller v. Cummings, 72 N. Y. 433.

Cited, Courts—Jurisdiction—Over Corporations—Enforcing Duty of Officers.

9 Misc. 594.

Miller v. Delamater, 12 Wend. 433.

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Miller v. Donovan, 16 Misc. 453; 39 Supp. 820.

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Cited, Appeal—Reversible Error—Erroneous Submission to Jury—Correct Determination.

68 Hun, 168; (52 St. Rep. 77; 22 Supp. 651). 4 App. Div. 455; (38 Supp. 796).

Miller v. Eheinweig, 79 Hun, 1; 61 St. R. p. 410; 29 Supp. 466.**Miller v. Emans,** 19 N. Y. 384.

Cited, Expectancy—Assignment.

72 Hun, 455; (55 St. Rep. 249; 25 Supp. 228; 31 Abb. N. C. 84).

Real Property—Remainders—Alienation.

73 Hun, 480; (56 St. Rep. 13; 26 Supp. 438).

Miller v. Fenton, 11 Paige, 18.

Cited, Torts—Wrongdoers—Contribution.

16 App. Div. 619; (78 St. Rep. 1059; 44 Supp. 1059).

Miller v. Finkle, 1 Park Cr. 374.

Cited, Criminal Law—Sentence for Felony—Effect on Property Rights.

69 Hun, 440; (52 St. Rep. 702; 23 Supp. 455).

Miller v. Fogg, 37 St. Rep. 366; 13 Supp. 614.

Cited, Reference—Questions of Law—Indication on Application.

4 Misc. 423; (53 St. Rep. 517; 24 Supp. 233).

Miller v. Fort Lee Park & Steamboat Co., 73 Hun, 150; 56 St. Rep. 94; 25 Supp. 924.

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Cited, Personal Injuries—Damages—Future Bodily Pain.

18 Misc. 30, 31; (41 Supp. 58, 59).

Miller v. Franklin Bank, 1 Paige, 444.

Cited, Partners—Survivor—Rights Over Partnership Property.

85 Hun, 15; (66 St. Rep. 126; 32 Supp. 616).

Miller v. Gable, 2 Den. 492.

Cited, Ecclesiastical Tribunals—Appeal to Civil Courts.

79 St. Rep. 766; (45 Supp. 766).

Miller v. Garlock, 8 Barb. 145.

Cited, Evidence—Burden of Proof—User by License.

68 Hun, 273; (52 St. Rep. 380; 22 Supp. 993). 62 St. Rep. 24; (30 Supp. 113).

Miller v. Gilbert, 3 Misc. 43; 51 St. Rep. 132; 22 Supp. 355.

Affirmed, 144 N. Y. 68; 63 St. Rep. 41.

Miller v. Gilbert, 144 N. Y. 68; 63 St. Rep. 41.

Cited, Wills—Construction—Estates—Vesting.

145 N. Y. 538; (65 St. Rep. 343).

9 App. Div. 604; (75 St. Rep. 1132; 41 Supp. 739). 11 Misc. 424; (67 St. Rep. 420; 33 Supp. 418). 79 St. Rep. 871; (45 Supp. 871).

Miller v. Hall, 70 N. Y. 250.

Cited Actions—Fraudulent Conveyances—Parties.

153 N. Y. 169. 84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Miller v. Hannibal & St. J. R. Co., 24 Hun, 607.

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Distinguished, Warehousemen—Description of Property in Receipt as Estoppel.

137 N. Y. 285; (50 St. Rep. 695).

Miller v. Hannibal & St. J. R. Co., 90 N. Y. 430.

Cited, Contracts—Construction—Written and Printed Parts—Inconsistency.

78 Hun, 25; (60 St. Rep. 494; 28 Supp. 1015). 9 Misc. 502; (61 St. Rep. 116; 30 Supp. 219).

Contracts—Construction—Undisclosed Principal.

10 Misc. 728; (65 St. Rep. 105; 31 Supp. 1011).

Miller v. Hart, 32 Hun, 639.

Cited, Fixtures.

82 Hun, 225; (64 St. Rep. 798; 31 Supp. 976).

Miller v. Holbrook, 1 Wend. 317.

Cited, Creditors—Time of Payment—Extension—Consideration.

85 Hun, 615; (66 St. Rep. 48; 32 Supp. 664).

Miller v. Jones, 67 Hun, 281; 51 St. Rep. 361; 22 Supp. 86.**Miller v. Kent,** 10 Week. Dig. 361.

Cited, Principal and Agent—Fiduciary Relation—Duty of Full Disclosure.

12 Misc. 69, 70; (67 St. Rep. 14, 15; 33 Supp. 179, 180; 24 Civ. Pro. 330).

Miller v. King, 84 Hun, 308; 65 St. Rep. 490; 32 Supp. 332.**Miller v. King,** 88 Hun, 181; 68 St. Rep. 382; 34 Supp. 425.**Miller v. Kosch,** 74 Hun, 50; 56 St. Rep. 162; 26 Supp. 183.**Miller v. Larmer.** See *Millar v. Larmer*.**Miller v. Larmon,** 38 How. 417.

Cited, Justice's Court—Adjournment—Delay Before Proceeding to Trial on Adjournment Day.

1 Misc. 498; (23 Supp. 134).

Duplicate Citations in Parenthesis.

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Miller v. Levi, 44 N. Y. 489.

Cited, Landlord and Tenant—Lease—Limitation of Term.

8 Misc. 187; (59 St. Rep. 479).

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3 Misc. 511; (52 St. Rep. 421; 23 Supp. 8). 9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244). 15 Misc. 136; (71 St. Rep. 826; 36 Supp. 804). 17 Misc. 730. 40 Supp. 1012.

Miller v. Lindsey, 19 Hun, 207.

Cited, Mortgages—Merger.

10 Misc. 342; (63 St. Rep. 435; 31 Supp. 20).

Miller v. Link, 2 T. & C. 86.

Cited, Conveyances—Acknowledgment—Sufficiency.

89 Hun, 399; (69 St. Rep. 845; 35 Supp. 434).

Miller v. Lockwood, 32 N. Y. 393.

Cited, Evidence—Parol—Mortgage—Explanation—Purpose.

76 Hun, 556; (58 St. Rep. 234; 28 Supp. 236).

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19 Misc. 165.

Adverse Possession—Land Under Water. 138 N. Y. 44; (51 St. Rep. 687).

Real Property—Paper Title—Tracing to Patentee or Possessor.

141 N. Y. 398; (57 St. Rep. 614).

Miller v. Long Island R. Co., 71 N. Y. 380.

Cited, Adverse Possession—How Determined.

139 N. Y. 445; (54 St. Rep. 704). 143 N. Y. 527; (62 St. Rep. 821). 14 Misc. 374; (71 St. Rep. 415; 36 Supp. 79).

Title to Realty—Parol Proof.

87 Hun, 581; (68 St. Rep. 662; 34 Supp. 550).

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Cited, Pleading—Right of Counterclaim to a Counterclaim.

11 Misc. 87; (66 St. Rep. 197; 32 Supp. 815; 24 Civ. Pro. 216).

Miller v. Magee, 17 St. Rep. 547; 2 Supp. 156

Cited, Limitation of Action—Removal of Bar—Payment—By Whom to be Made.

71 Hun, 323; (55 St. Rep. 3; 25 Supp. 123). 4 App. Div. 257; (74 St. Rep. 51; 38 Supp. 502).

Limitation of Action—Burden of Proof. 82 Hun, 322; (64 St. Rep. 80; 31 Supp. 482).

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6 Misc. 556; (57 St. Rep. 518; 27 Supp. 519).

Miller v. Manhattan R. Co., 73 Hun, 512; 56 St. Rep. 189; 26 Supp. 612.

Miller v. Manhattan R. Co., 73 Hun, 514; 56 St. Rep. 188; 26 Supp. 163.

Miller v. Manice, 6 Hill. 114.

Cited, Parties—Judgment Against—Res adjudicata.

10 Misc. 175; (62 St. Rep. 509; 30 Supp. 1049). 85 Hun, 21; (66 St. Rep. 131; 32 Supp. 620).

Partners—Power to Borrow Money—Liability of Firm.

14 Misc. 564; (70 St. Rep. 717; 35 Supp. 1072).

Miller v. Maxwell, 16 Wend. 9.

Cited, Pleading—Answer—Demurrer to—Sufficiency of Complaint.

80 Hun, 29; (61 St. Rep. 612; 29 Supp. 861). Libel—Ambiguity—Question for Jury.

14 Misc. 333; (70 St. Rep. 360; 31 Supp. 843).

Miller v. McKenzie, 95 N. Y. 576.

Cited, 92 Hun, 99; (71 St. Rep. 760; 36 Supp. 565).

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Miller v. McKeon, 15 App. Div. 133; 78 St. Rep. 371; 44 Supp. 371.

Miller v. Mead, 127 N. Y. 544; 40 St. Rep. 177.

Cited, Mechanic's Lien—Consent of Owner of Realty—How Shown.

137 N. Y. 193; (50 St. Rep. 388). 10 Misc. 376; (64 St. Rep. 118. 31 Supp. 435). 11 Misc. 96; (66 St. Rep. 195; 32 Supp. 813).

Mechanic's Lien—Sub-contractor—Consent—Completion by Owner.

73 Hun, 566; (56 St. Rep. 426; 23 Supp. 321).

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10 Misc. 377; (64 St. Rep. 119; 31 Supp. 436).

Miller v. Miller, 91 N. Y. 315.

Cited, Illegitimate Children—Legitimation by Foreign Law—Effect Here.

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Miller v. Miller, 7 Hun, 208.

Cited, Alimony—Judgment—Enforcing Against—Trust Funds.

149 N. Y. 527.

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Miller v. Miller, 32 Hun, 481.

Cited, Costs—Disputed Claim—Reference.

8 Misc. 469; (60 St. Rep. 600; 29 Supp. 670).

Miller v. Miller, 79 Hun, 197; 61 St. Rep. 856; 30 Supp. 116.

Miller v. Miller, 1 Abb. N. C. 30

Cited, Husband and Wife—Divorce—Alimony—Enforcement—Surplus Income.

8 Misc. 56; (58 St. Rep. 754; 28 Supp. 380; 31 Abb. N. C. 245). 79 Hun, 273; (60 St. Rep. 572; 29 Supp. 442). 149 N. Y. 530.

Miller v. Milligan, 48 Barb. 30.

Cited, Malicious—Prosecution—Probable Cause.

75 St. Rep. 217.

Miller v. Moore, 1 E. D. Smith, 739.

Cited, Mechanic's Lien—Right to—Waiver—Taking Note for Debt.

7 Misc. 87; (57 St. Rep. 97; 27 Supp. 361). 85 Hun, 479; (66 St. Rep. 741; 33 Supp. 130).

Pleading—Amendment—Admissions.

7 Misc. 616; (58 St. Rep. 794; 27 Supp. 955).

Miller v. Montgomery, 78 N. Y. 282.

Cited, Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (53 St. Rep. 575; 23 Supp. 252). 86 Hun, 403; (67 St. Rep. 232; 33 Supp. 479).

Miller v. Morton, 89 Hun, 574; 69 St. Rep. 648; 35 Supp. 294.

Miller v. New Jersey Steamboat Co., 135 N. Y. 612; 48 St. Rep. 929.

Affirmed, 58 Hun, 424; 34 St. Rep. 914; 12 Supp. 301.

Miller v. N. Y. C. & H. R. R. Co., 81 Hun, 152; 62 St. Rep. 734; 30 Supp. 751.

Miller v. N. Y. C. & H. R. R. Co., 82 Hun, 164; 63 St. Rep. 766; 31 Supp. 317.

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Cited, 85 Hun, 157; (65 St. Rep. 665; 32 Supp. 480).

Railroads—Crossings—Speed—Neglect to Look for Trains.

88 Hun, 199; (68 St. Rep. 697; 34 Supp. 716).

Railroads—Crossings—Failure to Observe Trains—Fact for Jury.

8 App. Div. 406; (75 St. Rep. 264; 40 Supp. 869).

Railroads—Injuries—Contributory Negligence—Question of Fact.

92 Hun, 151; (71 St. Rep. 723; 36 Supp. 699). 4 App. Div. 496; (38 Supp. 668).

Contributory Negligence—Questions of Fact—Submission to Jury.

79 St. Rep. 1114; (45 Supp. 1114)

Miller v. N. Y. C. & H. R. R. Co., 92 Hun, 282; (71 St. Rep. 729; 36 Supp. 719).

Cited, Railroads—Locomotives—Emission of Sparks—Effect.

14 App. Div. 467; (74 St. Rep. 149; 38 Supp. 656).

Miller v. N. Y. C. & H. R. R. Co., 141 N. Y. 606; 58 St. Rep. 866.

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Miller v. N. Y. L. & W. R. Co., 125 N. Y. 118; 34 St. Rep. 607.

Cited, Railroads—Lessee—Torts of Lessee. 88 Hun, 146; (68 St. Rep. 311; 34 Supp. 528).

Miller v. Oswego & Onondaga Ins. Co., 18 Hun, 525.

Cited, Insurance—Forfeiture—Change of Occupancy.

74 Hun, 157; (56 St. Rep. 297; 26 Supp. 648).

Miller v. Ocean Steamship Co., of Savannah, 118 N. Y. 199.

Cited, Negligence—Res ipsa loquitur.

18 Misc. 26; (75 St. Rep. 512; 41 Supp. 55). 143 N. Y. 271.

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D. 86 Hun, 74; (67 St. Rep. 83; 33 Supp. 341). 13 App. Div. 70.

Miller v. People, 25 Hun, 473.

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Miller v. Phoenix Mutual Life Ins. Co., 107 N. Y. 292; 12 St. Rep. 1.

Cited,—Insurance—Application—Fraud—Estoppel of Agents.

12 Misc. 12; (66 St. Rep. 123; 33 Supp. 23). 7 App. Div. 582; (40 Supp. 305). 10 App. Div. 485; (75 St. Rep. 1421; 41 Supp. 1031). 17 Misc. 117; (39 Supp. 358). 30 Supp. 216). 10 Misc. 221; (63 St. Rep. 310; 30 Supp. 1070). 10 Misc. 406; (63 St. Rep. 523; 31 Supp. 131).

Miller v. Reynolds, 72 Hun, 482; 55 St. Rep. 237; 25 Supp. 642.

Miller v. Reynolds, 92 Hun, 400; 71 St. Rep. 574; 36 Supp. 660.

Cited, Actions—Direction of Verdict—Request To Go To Jury—Omission—Effect.

16 App. Div. 610; (78 St. Rep. 983; 44 Supp. 983).

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Miller v. Richardson, 88 Hun, 49; 68 St. Rep. 290; 34 Supp. 506.

Cited, Evidence — Services — Value — Proof.

17 Misc. 332; (74 St. Rep. 855; 40 Supp. 65).

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13 Misc. 151; (58 St. Rep. 24; 34 Supp. 69).

Miller v. Rochester Vulcanite Paving Co., 49 St. Rep. 856; 21 Supp. 651.

Miller v. Schuyler, 20 N. Y. 522.

Cited, Pleading—Sufficiency—Statement of Facts.

91 Hun, 568; (72 St. Rep. 357; 36 Supp. 836).

Miller v. Shall, 67 Barb. 446.

Cited, Authority — Attorneys — Appeal Substitution.

3 Misc. 418; (52 St. Rep. 448; 23 Supp. 187).

4 Misc. 537; (25 Supp. 848). 13 App. Div. 607; (77 St. Rep. 988; 43 Supp. 988).

Miller v. Sheldon, 15 Hun, 220.

Cited, Appeal—Demurrer—Judgment.

68 Hun, 507; (52 St. Rep. 601; 22 Supp. 1016).

Miller v. Smith, 16 Wend. 443.

Cited, Accounting—Lapse of Time.

139 N. Y. 468; (54 St. Rep. 724).

Miller v. Talcott, 54 N. Y. 114.

Cited, Bills and Notes—Rights of Transferees After Dishonor.

4 Misc. 73; (53 St. Rep. 129; 23 Supp. 786)

4 App. Div. 258; (74 St. Rep. 52; 38 Supp. 503).

16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

Milley v. Thomas, 15 App. Div. 105; 78 St. Rep. 277; 44 Supp. 277.

Miller v. Tyler, 58 N. Y. 477.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 40).

Miller v. Union Cent. Life Ins. Co., 86 Hun, 6; 67 St. Rep. 1; 33 Supp. 112.

Cited, Insurance—Premiums—Recovery—Void Policy.

17 Misc. 369; (39 Supp. 1060).

Miller v. University Magazine Co., 10 Misc. 311; 63 St. Rep. 128; 30 Supp. 969.

Cited, Corporation—Illegal Acts—Assent of Stockholders.

20 Misc. 488.

Miller v. Van Voorhies, 20 N. Y. 412.

Cited, Dower — Inchoate — Protection — Eminent Domain.

75 Hun, 560; (59 St. Rep. 614; 27 Supp. 598).

Miller v. White, 50 N. Y. 137.

Cited, Corporations—Trustees—Liability for Debts — Reports — Judgment Against Corporation.

74 Hun, 331; (55 St. Rep. 893; 26 Supp. 555). 9 App. Div. 312; (75 St. Rep. 639; 41 Supp. 191; 3 Ann. Cas. 390). 16 App. Div. 584; 78 St. Rep. 1001; 44 Supp. 1001).

Evidence — Documentary — Judgment — Against Stockholders of Corporations.

75 Hun, 418; 58 St. Rep. 615; 27 Supp. 89).

Judgment—Privacy.

2 Misc. 178; (49 St. Rep. 721; 21 Supp. 584; 23 Civ. Pro. 58).

Miller v. Wood, 116 N. Y. 351.

Cited, Actions—Statute of Limitations—Fraud—When Right Accrues.

77 St. Rep. 384; (43 Supp. 384).

Miller v. Wood, 41 Hun, 600.

Cited, Actions—Statute of Limitations—Fraud—When Right Accrues.

5 App. Div. 585; (39 Supp. 379).

Miller v. Woodhead, 104 N. Y. 471; 5 St. Rep. 797.

Cited, Negligence—Dangerous Structure Invitation.

67 Hun, 608; (51 St. Rep. 243; 22 Supp. 444). 17 Misc. 600; (75 St. Rep. 63; 40 Supp. 662).

Miller v. Wright, 109 N. Y. 194.

Cited, Vendor and Purchaser—Unmarketable Title—Effect on Sale.

18 Misc. 137; (76 St. Rep. 13; 42 Supp. 13).

Miller v. Young, 90 Hun, 132; 70 St. Rep. 507; 35 Supp. 643.

Miller v. Youmans, 13 Misc. 59; 68 St. Rep. 188; 34 Supp. 140.

Affirmed, 153 N. Y. —.

Cited, 13 Misc. 769; (68 St. Rep. 191; 34 Supp. 143).

Sureties—Bond—Validity—Estoppel.

17 Misc. 359; (39 Supp. 1088). 39 Supp. 94.

Miller v. Zeimer, 111 N. Y. 441; 19 St. Rep. 120.

Cited, Securities—Usurious—Fraud—Enforcement.

85 Hun, 56; (66 St. Rep. 60; 32 Supp. 676). 85 Hun, 60; (66 St. Rep. 62; 32 Supp. 678).

*Duplicate Citations in Parenthesis.***Millerd v. Thorn**, 56 N. Y. 402.

Cited, Partnership—Liability of Retiring Partner—Release.

4 Misc. 406; (53 St. Rep. 521; 23 Supp. 1062).

Right to Open and Close—Denial—Effect.

84 Hun, 306; (65 St. Rep. 544; 33 Supp. 415). 6 App. Div. 587; (39 Supp. 541).

Millie v. Manhattan R. Co., 5 Misc. 301; 25 Supp. 753.

Cited, Negligence—Proof—Res ipsa loquitur.

D 9 Misc. 12; (59 St. Rep. 741; 29 Supp. 23). 87 Hun, 361; (68 St. Rep. 315; 34 Supp. 383). 10 Misc. 706; (64 St. Rep. 635; 31 Supp. 829).

Millie v. Manhattan R. Co., 10 Misc. 734; 64 St. Rep. 504; 31 Supp. 801.**Milligan v. Cottle**, 92 Hun, 323; 72 St. Rep. 239; 36 Supp. 904.**Milliken v. Golden**, 73 Hun, 212; 56 St. Rep. 98; 25 Supp. 885.**Milliken v. Keppler**, 4 App. Div. 42; 74 St. Rep. 257; 38 Supp. 738.**Milliken v. Western Union Telegraph Co.**, 110 N. Y. 403.

Cited, 78 St. Rep. 333; (44 Supp. 333).

Brokers—Commission—Quantum Meruit. 2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975).

Pleading—Complaint—Sufficiency—Construction.

9 Misc. 59; (59 St. Rep. 684; 29 Supp. 2). 75 Hun, 461; (57 St. Rep. 365; 27 Supp. 456). 8 Misc. 646; (61 St. Rep. 59; 29 Supp. 1044). 83 Hun, 350; (64 St. Rep. 653; 31 Supp. 927). 16 Misc. 483; (74 St. Rep. 232; 38 Supp. 604; 25 Civ. Pro. 347). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601). 19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424).

Pleading—Demurrer—Assuming Truths of Allegations of Complaint.

27 Supp. 929; (30 Abb. N. C. 453). 8 Misc. 476; (60 St. Rep. 605; 29 Supp. 550). 73 Hun, 84; (57 St. Rep. 114; 25 Supp. 1030). 20 Misc. 300; (79 St. Rep. 672; 45 Supp. 672). 17 Misc. 3.9; (39 Supp. 1087).

Telegraphs—Messages—Transmission—Negligence.

6 Misc. 227; (56 St. Rep. 531; 26 Supp. 536).

Milliman v. Huntington, 68 Hun, 253; 52 St. Rep. 273; 22 Supp. 997.

Cited, Contracts—Uncertainty.

77 Hun, 556; (60 St. Rep. 395; 28 Supp. 923). 70 Hun, 581; (53 St. Rep. 832; 24 Supp. 307).

Milliman v. Neher, 20 Barb. 37.

Cited, Chattel Mortgage—Future Crops. 51 St. Rep. 36; (22 Supp. 1100). 82 Hun, 392; (63 St. Rep. 792; 31 Supp. 343).

Milliman v. N. Y. C. & H. R. R. Co., 66 N. Y. 642.

Cited, Carriers—Drunken Passengers—Duty to Protect.

16 App. Div. 15; (78 St. Rep. 795; 44 Supp. 795).

Milliman v. Rochester R. Co., 3 App. Div. 109; 73 St. Rep. 327; 39 Supp. 274; 3 Ann. Cas. 29.

Cited, Evidence—Material Witness—Failure to Produce—Effect.

13 App. Div. 330; (77 St. Rep. 204; 43 Supp. 204). 20 Misc. 71; (78 St. Rep. 442; 44 Supp. 442). 79 St. Rep. 936; (45 Supp. 936). 79 St. Rep. 657; (45 Supp. 657).

Milliner v. Lucas, 3 Hun, 496.

Cited, Immaterial Evidence—Disregard on Appeal.

87 Hun, 583; (68 St. Rep. 663; 34 Supp. 551).

Millis v. Germond, 3 App. Div. 383; 38 Supp. 934; 3 Ann. Cas. 153.**Millis v. Pentelow**, 92 Hun, 284; 72 St. Rep. 333; 36 Supp. 906.**Millius v. Shafer**, 3 Den. 60.

Cited, Affidavit—Signature—Sufficiency. 31 Supp. 469.

Millott v. N. Y. & N. E. R. Co., 46 St. Rep. 145; 19 Supp. 122.

Affirmed, 139 N. Y. 642; 54 St. Rep. 932.

Cited, Master and Servant—Assumed Risks—Reasonable Care—Defective Car.

80 Hun, 156; (61 St. Rep. 710; 29 Supp. 1129).

Appeal—Verdict—Sufficiency of Evidence.

80 Hun, 493; (62 St. Rep. 389; 30 Supp. 489).

Mills v. Argall, 6 Paige, 577.

Cited, Partnership—Special Partner—When Liable as General Partner.

145 N. Y. 493; (65 St. Rep. 365).

Mills v. Bliss, 55 N. Y. 139.

Cited, Equity—Power to Rescind Contracts.

151 N. Y. 234.

Mills v. Brooklyn, 32 N. Y. 489.

Cited, Municipal Corporations—Drainage of Streets—Municipal Discretion.

8 Misc. 412; (59 St. Rep. 494; 28 Supp. 675). 84 Hun, 278; (65 St. Rep. 578; 32 Supp. 373). 91 Hun, 328; (72 St. Rep. 297; 36 Supp. 1024). 1 App. Div. 259; (72 St. Rep. 594; 37 Supp. 268). 11 Misc. 553; (64 St. Rep. 453; 32 Supp. 745).

Duplicate Citations in Parenthesis.

Mills v. Brooklyn City R.Co., 10 Misc. 1; 62 St. Rep. 645; 30 Supp. 532.

Affirmed, 151 N. Y. 629.

Cited, Contributory Negligence—When Granting Non-suit is Error.

83 Hun, 268; (68 St. Rep. 566; 34 Supp. 747). 16 Misc. 12; (73 St. Rep. 291; 37 Supp. 5 4).

Mills v. Davis, 113 N. Y. 243; 22 St. Rep. 580.

Cited, Limitation of Action—Notes Payable on Demand.

79 Hun, 266; (60 St. Rep. 560; 29 Supp. 351). 4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501).

Mills v. East Syracuse, Village of, 20 Misc. 651.

Mills v. Hall, 9 Wend. 315.

Cited, Municipal Corporations—Streets—Control—Abutting Owners—Prescription. 39 Supp. 19.

Mills v. Hallock, 2 Edw. Ch. 652.

Cited, Evidence—Usage—Proof.

149 N. Y. 316.

Mills v. Hoffman, 92 N. Y. 181.

Cited, Contracts—Rescission—Retention of Benefits.

6 Misc. 588; (57 St. Rep. 853; 27 Supp. 629).

Wills—Probate—Revocation—By Legatee—Return of Legacy.

73 Hun, 114; (56 St. Rep. 135; 25 Supp. 941).

Mills v. Hunt, 20 Wend. 431.

Cited, Principal and Agent—Liability of Agent—Undisclosed Principal.

7 Misc. 727; (58 St. Rep. 367; 28 Supp. 20). 14 App. Div. 100; (77 St. Rep. 482; 43 Supp. 482).

Mills v. Husson, 140 N. Y. 99; 55 St. Rep. 309.

Reversing, 45 St. Rep. 102; 18 Supp. 519.

Cited, Estates—Joint Parties.

150 N. Y. 93.

Trusts—Termination—Lapse of Time.

14 Misc. 479; (70 St. Rep. 363; 35 Supp. 846).

Mills v. Kernochan, 3 St. Rep. 152.

Cited, Witness—Interest—Deceased Person.

78 Hun, 536; (61 St. Rep. 8; 29 Supp. 405).

Mills v. Martin, 19 Johns. 7.

Cited, Courts—Jurisdiction—Presumption.

91 Hun, 497; (70 St. Rep. 559; 36 Supp. 257; 25 Civ. Pro. 111). 17 Misc. 237; (39 Supp. 715).

Mills v. McMullen, 4 App. Div. 27; 74 St. Rep. 165; 38 Supp. 705.

Mills v. Michigan Cent. R. Co., 45 N. Y. 622.

Cited, Carriers—Delivery—Liability.

85 Hun, 521; (66 St. Rep. 774; 33 Supp. 149).

Mills v. Mills, 40 N. Y. 543.

Cited, Contracts—Validity—With Public Officers—Personal Influence.

9 Misc. 185; (60 St. Rep. 645; 29 Supp. 579).

Mills v. Mills, 115 N. Y. 80; 23 St. Rep. 604.

Cited, Limitation of Action—Legal and Equitable Relief—One Bar.

73 Hun, 112; (56 St. Rep. 127; 25 Supp. 882). 19 Misc. 331; (78 St. Rep. 269; 44 Supp. 269).

Limitation of Action—When Action Barred—Executors—Income from Estate.

2 Misc. 283; (23 Supp. 974). 90 Hun, 98; (69 St. Rep. 768; 35 Supp. 368).

Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822). 83 Hun, 164; (64 St. Rep. 317; 31 Supp. 652). 4 App. Div. 238; (74 St. Rep. 181; 38 Supp. 562). 4 App. Div. 463; (74 St. Rep. 155; 38 Supp. 632). 5 App. Div. 585; (39 Supp. 379).

Money Received—Trust Relation.

149 N. Y. 157; (55 St. Rep. 260).

Mortgagee—Receipt of Money—Limitation of Action.

1 App. Div. 320; (72 St. Rep. 454; 37 Supp. 391). 4 App. Div. 374; (74 St. Rep. 254; 38 Supp. 735).

Mills v. Munger, 50 St. Rep. 106; 21 Supp. 923.

Mills v. N. Y. C. & H. R. R. Co., 5 App. Div. 11; 39 Supp. 280.

Cited, Contributory Negligence—When Submitted to Jury.

8 App. Div. 488; (75 St. Rep. 210; 40 Supp. 824).

Mills v. Odell, 21 Week. Dig. 61.

Cited, Referees—Report—Statements—Effect on Strangers.

146 N. Y. 244; (66 St. Rep. 608).

Mills v. Parkhurst, 126 N. Y. 89; 36 St. Rep. 512.

Cited, Contracts—Rescission—Effect on Prior Payments.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 2).

Contracts—Rescission—Election of Remedies.

Duplicate Citations in Parenthesis.

144 N. Y. 712; (71 St. Rep. 286) 18 Misc. 58; (75 St. Rep. 477; 41 Supp. 24).

Assignment for Benefit of Creditors—Impeaching—Estoppel.

148 N. Y. 233.

Mills v. Smith, 141 N. Y. 256; 57 St. Rep. 388.

Affirming, 47 St. Rep. 274; 19 Supp. 854.

Cited, Legacies — Payment — Resort to Residuary Legatees.

148 N. Y. 304.

Mills v. Stewart, 88 Hun, 503; 68 St. Rep. 584; 34 Supp. 786; 2 Ann. Cas. 165.

Mills v. Van Voorhies, 20 N. Y. 412.

Cited, Dower—Equity of Redemption—Inchoate Right—Protection.

147 N. Y. 386; (70 St. Rep. 37). 81 Hun, 261; (62 St. Rep. 756; 30 Supp. 793). 84 Hun, 394; (65 St. Rep. 551; 32 Supp. 352). 5 App. Div. 364; (39 Supp. 235).

Mills v. Weil, 60 St. Rep. 726.

Mills v. Woolverton, 9 App. Div. 82; 75 St. Rep. 551; 41 Supp. 9J.

Millspaugh v. McBride, 7 Paige, 509.

Cited, Equity—Mortgage — Opening Default.

18 Misc. 132; (40 Supp. 1176).

Millspaugh v. Putnam, 16 Abb. 380.

Cited, Trusts—Creation—Deposit in Bank. 6 Misc. 510; (57 St. Rep. 710; 27 Supp. 431).

Millstone Granite Co. v. Dolan, 138 N. Y. 607; 51 St. Rep. 932.

Affirming, 46 St. Rep. 531; 18 Supp. 791.

Millward, Matter of, 6 Misc. 425; 57 St. Rep. 833; 27 Supp. 286.

Miln v. Russell, 3 E. D. Smith, 303.

Cited, Action — Appearance — Omitted Service—Waiver.

7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

Milu v. Spinola, 4 Hill. 177.

Cited, Chattel Mortgage — Earnings of Vessel.

138 N. Y. 505; (53 St. Rep. 105).

Milne, Matter of, 76 Hun, 328; 59 St. Rep. 100; 27 Supp. 727.

Cited, Inheritance Tax—Statute — Construction.

90 Hun, 165; (70 St. Rep. 287; 35 Supp. 783).

Milner v. Milner, 2 Edw. Ch. 114.

Cited, Husband and Wife — Divorce — Adultery Pending Suit.

67 Hun, 386; (51 St. Rep. 823; 22 Supp. 265; 23 Civ. Pro. 104).

Pleading—Complaint — Supplemental — Divorce—Subsequent Adultery.

7 Misc. 24; (57 St. Rep. 80; 27 Supp. 409). 5 Misc. 417; (26 Supp. 759).

Milnor v. N. Y. C. & H. R. R. Co., 53 N. Y. 363.

Cited, Carriers—Loss of Baggage—Liability.—Connecting Lines.

16 Misc. 371; (74 St. Rep. 386; 38 Supp. 89). 89 Hun, 496; (70 St. Rep. 237; 35 Supp. 576).

Carriers—Baggage Check—Availability.

13 Misc. 35; (68 St. Rep. 174; 34 Supp. 99).

Milsom Fertilizer Co. v. Baker, 16 App. Div. 581; 78 St. Rep. 999; 44 Supp. 999.

Affirmed, 153 N. Y. 687.

Milwaukee Harvester Co. v. Culver, 89 Hun, 598; 69 St. Rep. 644; 35 Supp. 289.

Mimrath v. Teachers' Land and Improvement Co., 50 St. Rep. 39; 21 Supp. 204.

Minard v. Mead, 7 Wend. 68.

Cited, Evidence—Letters—Proof of Genuineness.

148 N. Y. 486.

Minchin v. Merrill, 2 Edw. Ch. 333.

Cited, Trusts—Creation—Implied.

6 Misc. 508; (57 St. Rep. 709; 27 Supp. 430).

Minck v. Levey, 17 Misc. 315; 40 Supp. 348.

Miner, Matter of, 72 Hun, 568; 55 St. Rep. 225; 25 Supp. 537.

Affirmed, 146 N. Y. 121; 66 St. Rep. 265.

Miner, Matter of, 146 N. Y. 121; 66 St. Rep. 265.

Cited, 10 App. Div. 375; (75 St. Rep. 1376; 41 Supp. 1079).

Decedent's Estate—Residuary Clause—Construction.

153 N. Y. 255.

Immaterial Evidence—Disregard on Appeal.

1 App. Div. 622; (73 St. Rep. 93; 37 Supp. 501).

Wills—Construction—Intent of Testator.

20 Misc. 386; (79 St. Rep. 605; 45 Supp. 604, 605)

Miner v. Baron, 131 N. Y. 677; 43 St. Rep. 930.

Cited, Trial—Amendment—Discretion of Court.

11 Misc. 393; (65 St. Rep. 428; 32 Supp. 246).

Miner v. Beekman, 50 N. Y. 337.

Cited, Limitation of Action—Equitable—Continuing Rights.

Duplicate Citations in Parenthesis.

142 N. Y. 6; (58 St. Rep. 428).
Limitation of Action—When Barred—
Removal of Cloud on Title.

78 Hun, 611; (60 St. Rep. 3; 28 Supp. 833).
 153 N. Y. 240. 16 App. Div. 333; (79 St.
 Rep. 22; 45 Supp. 22).

Limitation of Action—Redemption of
Mortgage.

81 Hun, 262; (62 St. Rep. 756; 30 Supp.
 793). 3 App. Div. 96; (39 Supp. 404). 12
 Misc. 587; (68 St. Rep. 345; 34 Supp. 441;
 24 Civ. Pro. 423).

Mortgage—Foreclosure—Defect of Par-
ties—Purchaser.

139 N. Y. 161; (54 St. Rep. 668).

Miner v. Brown, 133 N. Y. 308; 45 St.
 Rep. 188.

Cited, Husband and Wife—Creation of
 Tenancy by Entirety.

136 N. Y. 94; (49 St. Rep. 67). 144 N. Y.
 312; (63 St. Rep. 708). 82 Hun, 203; (63 St.
 Rep. 778, 31 Supp. 330). 10 Misc. 25; (62
 St. Rep. 266; 30 Supp. 804).

Miner v. Burling, 32 Barb. 540.

Cited, Summary Proceedings—Statute—
 Construction.

11 App. Div. 266; (76 St. Rep. 218; 42
 Supp. 218).

Miner v. Daly, 69 Hun, 337; 53 St. Rep.
 232; 23 Supp. 475.

Affirmed, 144 N. Y. 653.

Miner v. Fredonia, Village of, 27
 N. Y. 155.

Cited, Corporations — Residence — Taxa-
 tion.

73 Hun, 99; (56 St. Rep. 80; 25 Supp.
 917). 87 Hun, 342; (68 St. Rep. 150; 34
 Supp. 270).

Miner v. Hilton, 15 App. Div. 55; 78 St.
 Rep. 155; 44 Supp. 155.

Cited, Conveyance—Defect of Title—Re-
 covery of Prior Payments.

20 Misc. 530.

Miner v. Hoyt, 4 Hill, 193.

Cited, Contracts—Unintentional Breach—
 Subsequent Expenditures—Recovery.

12 Misc. 104; (66 St. Rep. 863; 33 Supp.
 176).

Miner v. N. Y. C. & H. R. R. Co.,
 123 N. Y. 242; 33 St. Rep. 211.

Cited, Eminent Domain—Rights of Rail-
 roads in Lands Taken—Easements.

142 N. Y. 130; (58 St. Rep. 643).

Miner v. Stoltz, 11 Misc. 338; 65 St. Rep.
 125; 32 Supp. 2.

Affirming, 10 Misc. 778; 63 St. Rep. 873;
 30 Supp. 1133.

Cited, Evidence—Exclusion—General Ob-
 jection—Waiver of Specific Objection.

18 Misc. 366; (75 St. Rep. 940; 41 Supp.
 552).

Minerly v. Union Ferry Co., 56 Hun,
 113; 9 Supp. 104.

Cited, Ferryboats—Negligence—Violation
 of Statute.

10 App. Div. 380; (75 St. Rep. 1397; 41
 Supp. 1029).

Ming v. Corbin, 32 St. Rep. 1002; 10
 Supp. 641.

Cited, Contracts — Entire — Breach—Re-
 covery.

16 Misc. 450; (73 St. Rep. 340; 38 Supp.
 152).

Ming v. Corbin, 68 Hun, 161; 52 St. Rep.
 71; 22 Supp. 647.

Affirmed, 142 N. Y. 334; 59 St. Rep. 14.

Cited, Contracts—Construction—Leaving
 to Jury—Effect.

12 App. Div. 172; (76 St. Rep. 583; 42
 Supp. 583). 17 App. Div. 86; (78 St. Rep.
 817; 44 Supp. 817).

Ming v. Corbin, 142 N. Y. 334; 59 St.
 Rep. 14.

Affirming, 68 Hun, 161; 52 St. Rep. 71; 22
 Supp. 647.

Contracts—Entire—Action on.

16 Misc. 451; (73 St. Rep. 341; 38 Supp.
 152).

Mingay v. Hansom, 102 N. Y. 695.

Cited, Villages—Water Supply—Contra-
 ction of Debt for.

90 Hun, 519; (70 St. Rep. 638; 35 Supp.
 967).

Mingay v. Lackey, 74 Hun, 89; 57 St.
 Rep. 270; 26 Supp. 161.

Affirmed, 142 N. Y. 449; 60 St. Rep. 98.

Mingay v. Lackey, 142 N. Y. 449; 60
 St. Rep. 98.

Affirming, 74 Hun, 89; 57 St. Rep. 270; 26
 Supp. 161.

Mingst v. Bleck, 38 Hun, 358.

Cited, Pleading—Denial—Sufficiency.

67 St. Rep. 592; (33 Supp. 690; 24 Civ.
 Pro. 349).

Minick v. Troy, 19 Hun, 253.

Affirmed, 83 N. Y. 514.

Cited, Damages—Excessive—When Set
 Aside.

D. 10 App. Div. 21; (75 St. Rep. 994; 41
 Supp. 601).

Minier v. Minier, 4 Lans. 421.

Cited, Husband and Wife—Actions Be-
 tween.

135 N. Y. 203; (48 St. Rep. 415).

*Duplicate Citations in Parenthesis.***Minklaer v. Rockfeller**, 6 Cow. 276.

Cited, Paupers—Voluntary Support—Action Against Overseers of the Poor—Consideration.

13 Misc. 763; (69 St. Rep. 612; 35 Supp. 237).

Minor v. Beveridge, 67 Hun, 1; 50 St. Rep. 486; 21 Supp. 691.

Cited, Brokers — Stocks—Margins—Sale —Notice.

141 N. Y. 73; 56 St. Rep. 590.

Minor v. Beveridge, 141 N. Y. 399; 57 St. Rep. 615.

Reversing, 67 Hun, 1; 50 St. Rep. 486; 21 Supp. 691.

Minor v. Gardner, 4 Hun, 133.

Cited, Eminent Domain—Examination of Premises — To Procure Evidence as to Damages.

73 Hun, 424; (56 St. Rep. 11; 26 Supp. 431).

Minor v. Terry, 6 How. 208.

Cited, Injunction — Preliminary— Complaint as Affidavit.

7 Misc. 126; (57 St. Rep. 71; 27 Supp. 344.

Minot v. Minot, 17 App. Div. 521; 79 St. Rep. 554; 45 Supp. 554.**Minturn v. Main**, 7 N. Y. 220.

Cited, Auctioneer—Goods sold—Action for Price.

12 App. Div. 291; (76 St. Rep. 89; 42 Supp. 89).

Minuse v. Cox, 5 Johns. Ch. 441.

Cited, Trustees—Sale—Authorization.

85 Hun, 569; (66 St. Rep. 799; 33 Supp. 126).

Minzesheimer v. Bruns, 1 App. Div. 324; 72 St. Rep. 586; 37 Supp. 261.**Mirick v. Hill**, 63 St. Rep. 160; 30 Supp. 854.**Missano v. New York**, 17 App. Div. 536; 79 St. Rep. 592; 45 Supp. 592.**Mission of Immaculate Virgin v. Cronin**, 50 St. Rep. 641; 21 Supp. 750.**Mission of the Immaculate Virgin v. Cronin**, 143 N. Y. 524; 62 St. Rep. 820.

Reversing, 50 St. Rep. 641; 21 Supp. 750.

Mission of Immaculate Virgin v. Cronin, 14 Misc. 372; 71 St. Rep. 414; 36 Supp. 77.**Missionary Society of St. Paul v. New York El. R. Co.**, 12 Misc. 359; 65 St. Rep. 779; 33 Supp. 648.**Missouri K. & T. R. Co. v. Union Trust Co., of New York**, 87 Hun, 377; 68 St. Rep. 348; 34 Supp. 443.

Cited, Mortgages — Satisfaction—Necessary Conditions.

19 Misc. 534; (77 St. Rep. 399; 43 Supp. 399).

Mitchell, Matter of, 61 Hun, 372.

Cited, Conveyances — Consideration — Right to Dispute.

145 N. Y. 666.

Mitchell, Matter of, 81 Hun, 401; 63 St. Rep. 121; 30 Supp. 962.

Cited, Election Law—Political Convention—Power of Courts to Inquire Into.

90 Hun, 454; (70 St. Rep. 583; 35 Supp. 995). 18 Misc. 514; (76 St. Rep. 1087; 42 Supp. 1087).

Election Law—Order of Court—Appealability.

D. 9 App. Div. 242, 243; (75 St. Rep. 898, 899; 41 Supp. 504, 505).

Election Law—Official Ballots.

14 Misc. 378; (71 St. Rep. 27; 33 Supp. 20). (70 St. Rep. 584; 35 Supp. 906).

Mitchell v. Allen, 25 Hun, 543.

Cited, Supplemental Pleadings—Right to — Trial of Merit on Motion—Duty of Court.

88 Hun, 334; (68 St. Rep. 774; 34 Supp. 833). 16 App. Div. 76; (78 St. Rep. 692; 44 Supp. 692). 11 Misc. 395; (65 St. Rep. 451; 32 Supp. 276).

Mitchell v. Bartlett, 51 N. Y. 447.

Cited, Deeds—Passing of Title—Before Delivery.

11 Misc. 567; (66 St. Rep. 98; 32 Supp. 769).

Mitchell v. Bartlett, 52 Barb. 319.

Cited, Mortgage — Foreclosure — When Purchaser Becomes Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020).

Mitchell v. Borden, 8 Wend. 570.

Cited, Pleading—Slander—Justification. 16 App. Div. 82; (78 St. Rep. 1073; 44 Supp. 1073).

Mitchell v. Broadway & Seventh Ave. R. Co., 70 Hun, 387; 54 St. Rep. 116; 24 Supp. 32.

Cited, Damages—For Personal Injury—Measure of—Question for Jury.

8 Misc. 659; (59 St. Rep. 540; 29 Supp. 1125; 31 Abb. N. C. 430).

Mitchell v. Bunch, 2 Paige, 606.

Cited, Action—Pending in Federal Court —Effect on Action in State Court.

13 Misc. 694; (69 St. Rep. 171; 34 Supp. 1091).

Mitchell v. Carter, 14 Hun, 448.

Cited, New Trial—Verdict—Impeachment by Jurors.

86 Hun, 63; (68 St. Rep. 52; 34 Supp. 206). 17 Misc. 83; (39 Supp. 854).

Duplicate Citations in Parenthesis.

Mitchell v. Clary, 20 Misc. 595.

Mitchell v. Cody, 6 Misc. 307; 58 St. Rep. 138; 26 Supp. 781.

Mitchell v. Dick, 8 Misc. 98; 60 St. Rep. 161; 28 Supp. 1003.

Cited, Non-resident—Security for Costs—Order For.

13 Misc. 144; (68 St. Rep. 100; 34 Supp. 116).

Mitchell v. Keane, 87 Hun, 266; 67 St. Rep. 731; 33 Supp. 1045.

Mitchell v. Knapp, 54 Hun, 500; 27 St. Rep. 604; 8 Supp. 40.

Cited, Constitutional Law—Street Railroads—Right to Lay Railroad Tracks. 148 N. Y. 551.

Estates—Vesting—Postponement. 3 App. Div. 41, 42; (74 St. Rep. 405; 37 Supp. 1109).

Mitchell v. Metropolitan El. R. Co., 132 N. Y. 552; 43 St. Rep. 476.

Cited, Appeal—Conjectural Error—Application of Proper Evidence to Improper Purpose.

1 Misc. 144; (48 St. Rep. 726; 20 Supp. 630).

Appeal—Extent of Review—Evidence Not Objected to.

142 N. Y. 176; (58 St. Rep. 642).

Appeal—Review of Courts or Referee's Findings of Fact—Exception—Sufficiency of.

1 Misc. 142; (48 St. Rep. 723; 20 Supp. 630).

Damages—Elevated Railway—Easements Apart From Fee.

3 Misc. 430; (52 St. Rep. 446; 23 Supp. 168.)

Mitchell v. Metropolitan El. R. Co., 134 N. Y. 111; 45 St. Rep. 318.

Cited, Eminent Domain—Award for Damages—Nature as Realty.

140 N. Y. 166; (55 St. Rep. 256).

Elevated Railroads—Easements—Notice.

152 N. Y. 43. 82 Hun, 548; (64 St. Rep. 206; 31 Supp. 529). 1 App. Div. 53; (72 St. Rep. 158; 37 Supp. 8).

Mitchell v. Metropolitan El. R. Co., 56 Hun, 543; 31 St. Rep. 625; 9 Supp. 829.

Cited, Elevated Railroads—Easements—Notice.

82 Hun, 548; (64 St. Rep. 206; 31 Supp. 529). 1 App. Div. 53; (72 St. Rep. 160; 37 Supp. 8).

Mitchell v. Mitchell, 16 Hun, 97.

Affirmed, 77 N. Y. 596.

Cited, Wills—Execution—Signing—Sufficiency.

17 Misc. 110; (75 St. Rep. 131; 40 Supp. 735). 13 Misc. 299; (69 St. Rep. 189; 34 Supp. 1121). 16 App. Div. 140; (79 St. Rep. 124; 45 Supp. 124). 83 Hun, 292; (68 St. Rep. 418; 34 Supp. 408). 87 Hun, 350; (68 St. Rep. 427; 34 Supp. 303). 148 N. Y. 408.

Mitchell v. Mitchell, 77 N. Y. 596.

Cited, Wills—Attestation.

13 Misc. 560; (70 St. Rep. 189; 35 Supp. 491).

Mitchell v. N. Y., L. E. & W. R. Co., 36 Hun, 177.

Cited, Waters—Diversion.

75 Hun, 424; (57 St. Rep. 347; 27 Supp. 740).

Mitchell v. Niagara Fire Ins. Co., 91 Hun, 287; 71 St. Rep. 92; 36 Supp. 204.

Mitchell v. Piqua Club Ass'n, 15 Misc. 366; 72 St. Rep. 470; 37 Supp. 406; 25 Civ. Pro. 139.

Mitchell v. Reed, 61 N. Y. 123.

Cited, Partnership—Fiduciary Relation of Partners—Inconsistent Personal Dealings.

138 N. Y. 369; (52 St. Rep. 876; 30 Abb. N. C. 216). 69 Hun, 413; (52 St. Rep. 727; 23 Supp. 553). 91 Hun, 417; (72 St. Rep. 380; 36 Supp. 559). 10 Misc. 327; (63 St. Rep. 188; 30 Supp. 995). 79 St. Rep. 1058, 1064; (45 Supp. 1058, 1064).

Trusts—Trustees—Dealing with Trust Estate—Profits—Accounting.

24 Supp. 125. 23 Supp. 1051. 2 App. Div. 456; (74 St. Rep. 330; 37 Supp. 1034).

Landlord and Tenant—Renewal of Lease—Rights of Third Party.

14 Misc. 29; (69 St. Rep. 373; 35 Supp. 146; 25 Civ. Pro. 87; 2 Ann. Cas. 143).

Mitchell v. Rochester R. Co., 4 Misc. 575; 30 Abb. N. C. 362; 25 Supp. 744.

Affirmed, 77 Hun, 607; 28 Supp. 1136.

Cited, Injuries—Negligence—Damage—Shock and Fright

14 App. Div. 38; (77 St. Rep. 991; 43 Supp. 991).

Mitchell v. Rochester R. Co., 151 N. Y. 107; 3 Ann. Cas. 283.

Reversing, 77 Hun, 607; 28 Supp. 1136.

Cited, Injuries—Recovery for Fright Only. 13 App. Div. 254; (76 St. Rep. 1109; 42 Supp. 1109; 3 Ann. Cas. 287).

Mitchell v. Smith, 1 Paige 287.

Cited, Bill of Discovery—Action in Foreign State.

16 App. Div. 189; (78 St. Rep. 715; 44 Supp. 715).

Duplicate Citations in Parenthesis.

Mitchell v. Thorne, 134 N. Y. 536.

Cited, Pleading—Complaint—Sufficiency—Demurrer.

11 App. Div. 336; (76 St. Rep. 1115; 42 Supp. 1115).

Heirs—Tenants in Common — Action for Partition.

9 App. Div. 26; (75 St. Rep. 596; 41 Supp. 138).

Mitchell v. Turner, 149 N. Y. 39.

Mitchell v. Vermont Copper Mining Co., 67 N. Y. 280.

Cited, Check—As Legal Tender.

84 Hun, 176; (65 St. Rep. 651; 32 Supp. 467).

Mitchell v. Weir, 19 App. Div. 183; 79 St. Rep. 1085; 45 Supp. 1085.

Mitchell v. Weir, 19 Misc. 530; 77 St. Rep. 1123; 43 Supp. 1123; 3 Ann. Cas. 400.

Affirmed, 19 App. Div. 183; 79 St. Rep. 1085; 45 Supp. 1085.

Mitchell v. West, 55 N. Y. 107.

Cited, Chattels — Non-Delivery—Passing of Title.

16 App. Div. 604; (78 St. Rep. 971; 44 Supp. 971).

Mitchell v. Westervelt, 6 How. 265.

Affirmed, 6 How. 311.

Cited, New Trial—Costs.

16 Misc. 514; (38 Supp. 525).

Mitchell v. White Plains, Village of, 138 N. Y. 627; 51 St. Rep. 934.

Affirming, 62 Hun, 231; 41 St. Rep. 787; 16 Supp. 828.

91 Hun, 191; (72 St. Rep. 309; 36 Supp. 936).

Mitchell v. White Plains, 62 Hun, 231; 41 St. Rep. 787; 16 Supp. 828.

Cited, 91 Hun, 191; (72 St. Rep. 309; 36 Supp. 936).

Mitchell v. White Plains, 91 Hun, 189; 72 St. Rep. 308; 36 Supp. 935.

Mitchell v. White Plains, Village of, 9 App. Div. 258; 75 St. Rep. 883; 41 Supp. 496.

Mitchell Vance Co. v. Daiker, 46 St. Rep. 189; 19 Supp. 378.

Cited, Mechanic's Lien—Consent—Ownership—Change of.

7 Misc. 405; (58 St. Rep. 53; 27 Supp. 979).

Mitchell's Case, 12 Abb. 249.

Cited, Contempt—How Determined—Discretion of Court.

82 Hun, 245; (63 St. Rep. 823; 31 Supp. 375).

Mittelstadt v. Wulters, 1 Misc. 215; 49 St. Rep. 923; 20 Supp. 880.

Mittnacht v. Bache, 16 App. Div. 426; 79 St. Rep. 81; 45 Supp. 81.

Mittnacht v. Kellermann, 105 N. Y. 461.

Cited, Sureties—Bonds—Void—Actions on.

16 App. Div. 163; (78 St. Rep. 725; 44 Supp. 725).

Mittnacht v. Slevin, 67 Hun, 315; 51 St. Rep. 438; 22 Supp. 131.

Affirmed, 142 N. Y. 683; 60 St. Rep. 872.

Mix v. White, 1 E. D. Smith, 614.

Cited, Appeal—From Justice's Judgment—Manifest Injustice.

3 Misc. 123; (23 Supp. 994).

Mixer v. Mixer, 13 Week. Dig. 360.

Cited, Pleading—Answer—Amendment—Judicial Discretion.

8 Misc. 260; (59 St. Rep. 200; 28 Supp. 549).

M. Jacoby & Co. v. Payson, 85 Hun, 367; 66 St. Rep. 436; 32 Supp. 1032.

M. Jacoby & Co. v. Payson, 91 Hun, 480; 70 St. Rep. 814; 36 Supp. 240.

Moak v. Moak, 8 App. Div. 197; 40 Supp. 438.

Moat v. Holbein, 2 Edw. Ch. 188.

Cited, Injunction—Dissolution—Previous Violation—Effect.

14 Misc. 193; (70 St. Rep. 196; 35 Supp. 467).

Mockey v. Grey, 2 Johns. 192.

Cited, Guardian ad litem—Failure to Appear.

15 Misc. 168; (72 St. Rep. 171; 37 Supp. 19).

Model Building and Loan Assn. v. Patterson, 12 Misc. 400; 68 St. Rep. 120; 34 Supp. 241.

Moebus v. Herrmann, 108 N. Y. 349; 13 St. Rep. 648.

Cited, 16 App. Div. 86; (79 St. Rep. 110; 45 Supp. 110).

Highways—Rights of Pedestrians.

1 Misc. 470; (49 St. Rep. 616; 21 Supp. 457).

Negligence—Driving in Street—Pedestrians.

68 Hun, 104; (52 St. Rep. 217; 22 Supp. 73). 2 Misc. 75; (49 St. Rep. 631; 21 Supp. 784). 6 Misc. 4; (58 St. Rep. 121; 25 Supp. 998). 10 Misc. 285; (63 St. Rep. 270; 30 Supp. 1083).

Street Railroads—Negligence—Contributory—Pedestrian Crossing Street Elsewhere than at Crossing.

Duplicate Citations in Parenthesis.

1 Misc. 137; (48 St. Rep. 651; 20 Supp. 677). 91 Hun. 32; (71 St. Rep. 395; 36 Supp. 108). 7 App. Div. 257; (74 St. Rep. 709; 40 Supp. 150). 10 Misc. 123; (62 St. Rep. 511; 30 Supp. 913). 10 Misc. 545; (64 St. Rep. 23; 31 Supp. 446).

Trial—Question of Fact—Negligence—Children.

9 Misc. 281; (61 St. Rep. 323; 29 Supp. 747).

Trial—Question of Fact—Negligence—Collision Between Vehicle and Pedestrian.

9 Misc. 281; (1 St. Rep. 323; 29 Supp. 747). 10 Misc. 147; (62 St. Rep. 480; 30 Supp. 916).

Moeller v. Brewster, 131 N. Y. 606.

Cited, Contributory Negligence.

11 App. Div. 274; (76 St. Rep. 118; 42 Supp. 118).

Moeller v. Delaware, L. & W. R. Co.,

13 App. Div. 467; 77 St. Rep. 603; 43 Supp. 603.

Moench v. Yung, 16 Daly 143; 29 St. Rep. 731; 8 Supp. 532.

Cited, Appeal—What Appealable—Final Orders.

9 Misc. 456; (61 St. Rep. 105; 30 Supp. 238; 24 Civ. Pro. 47).

Moench v. Yung, 30 St. Rep. 430; 9 Supp. 637; 18 Civ. Pro. 259.

Cited, Appeal—Appealable Orders—Construction of Statutes.

74 St. Rep. 864.

Moeschler v. Lochte, 12 St. Rep. 855.

Cited Judgment—Conclusiveness—Collateral Impeachment.

69 Hun. 565; (53 St. Rep. 345; 23 Supp. 967).

Moeslein v. Hyman, N. Y. Law J., Sept. 23, 1895.

Cited, Realty—Sale—Delivery of Deed—Taxation.

19 Misc. 42; (76 St. Rep. 875; 43 Supp. 875).

Moffat, Matter of, 24 Hun. 325.

Cited, Executors—Commissions.

9 App. Div. 293; (15 Misc. 552; 73 St. Rep. 129; 37 Supp. 590).

Moffat v. Brooklyn, City of, 1 Supp. 781.

Cited, Municipal Corporations—Extra Compensation—Contract for.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 760).

Moffat v. Henderson, 48 Super. 449.

Cited, Pleading—Payment—Availability.

18 Misc. 682; (76 St. Rep. 18; 42 Supp. 18; 3 Ann. Cas. 319, 323).

Moffat v. Strong, 10 Johns. 12.

Cited, Wills—Construction—Contingent Bequest.

67 Hun. 275; (50 St. Rep. 823; 22 Supp. 243).

Moffatt v. Fulton, 132 N. Y. 507; 44 St. Rep. 853.

Cited, Pleading—Action—Ex Delicto—How Pleading.

13 Misc. 502; (69 St. Rep. 122; 34 Supp. 955).

Arrest—Sufficiency of Allegations to Sustain.

84 Hun. 393; (65 St. Rep. 716; 32 Supp. 441). 19 Misc. 356; (77 St. Rep. 509; 43 Supp. 509).

Trial—Evidence—Failure to Object—Appeal—Effect.

144 N. Y. 712; (71 St. Rep. 286).

Moffatt v. Herman, 116 N. Y. 131; 26 St. Rep. 328.

Cited, Contempt—Civil—Punishment.

67 Hun. 257; (50 St. Rep. 905; 22 Supp. 428; 23 Civ. Pro. 122). 7 Misc. 413; (8 St. Rep. 570; 28 Supp. 139; 23 Civ. Pro. 381). 3 Misc. 560; (52 St. Rep. 516; 23 Supp. 314). 10 Misc. 334; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 168; 1 Ann. Cas. 80). 12 Misc. 8; (66 St. Rep. 53; 33 Supp. 32). 14 Misc. 597; (72 St. Rep. 259; 25 Civ. Pro. 121; 2 Ann. Cas. 269).

Moffatt v. Herman, 17 Abb. N. C. 107.

Cited, Civil Contempt—What Does Not Constitute—Sham Answer.

14 Misc. 596; (72 St. Rep. 259; 25 Civ. Pro. 121; 2 Ann. Cas. 269).

Moffat v. Moffat, 3 How. N. S. 156.

Cited, Order—Appointing Referee—Appealability.

88 Hun. 328; (68 St. Rep. 572; 34 Supp. 753; 2 Ann. Cas. 136).

Moffatt v. Smith, 4 N. Y. 126.

Cited, Landlord and Tenant—Lease—Subletting—Holding Over—Liability of Tenant.

5 Misc. 266; (25 Supp. 107).

Moffett v. Elmendorf, 152 N. Y. 475.

Moffett v. Elmendorf, 82 Hun. 470; 64 St. Rep. 357; 31 Supp. 726.

Affirmed, 152 N. Y. 475.

Moffett, Hodgkins & Clarke Co. v. Peoria Water Co., 83 Hun. 73; 64 St. Rep. 410; 31 Supp. 713.

Affirmed, 148 N. Y. 737.

Mohar v. Simmons, 3 St. Rep. 293.

Cited, Malicious Prosecution—Probable Cause.

5 Misc. 554; (26 Supp. 58).

Duplicate Citations in Parenthesis.

Mohawk Bank v. Atwater, 2 Paige, 54.

Cited, Sales—Realty—Not in Parcels—Effect.

92 Hun, 157; (71 St. Rep. 147; 36 Supp. 377).

Mohawk Bank v. Broderick, 10 Wend. 304.

Cited, Bills and Notes—Checks—Presentment Funds on Hand.

9 Misc. 383; (61 St. Rep. 673; 30 Supp. 204). 12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).

Mohawk Bridge Co. v. Utica & S. R. Co., 6 Paige, 554.

Cited, Equity—Jurisdiction—Nuisance—Abatement.

8 Misc. 479; (59 St. Rep. 875; 29 Supp. 580; 31 Abb. N. C. 338).

Mohawk Nat. Bank of Schenectady v. Schenectady Bank, 78 Hun, 90; 60 St. Rep. 510; 28 Supp. 1100.

Affirmed, 151 N. Y. 665.

Mohawk & Hudson R. Co., Matter of, 19 Wend. 135.

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4 Misc. 573; (25 Supp. 795).

Mohr v. Parmelee, 43 Super. 320.

Cited, Action—Covenants—Breach.

13 Misc. 225; (68 St. Rep. 83; 34 Supp. 226).

Moir v. Pearsall, 14 Misc. 251; (70 St. Rep. 250; 35 Supp. 829).

Moissen v. Browne, 62 St. Rep. 574; 29 Supp. 1146.

Mojarrieta v. Saenz, 80 N. Y. 547.

Cited, Attachment—Summons—Failure to Publish—Effect.

147 N. Y. 622; (71 St. Rep. 262; 2 Ann. Cas. 419).

Attachments—Void—Application for New Trial.

5 App. Div. 222; (39 Supp. 120).

Attachment—Validity—How Determined.

8 App. Div. 307; (75 St. Rep. 383; 40 Supp. 995). 14 App. Div. 217; (77 St. Rep. 469; 43 Supp. 469).

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18 Misc. 643; (77 St. Rep. 776; 43 Supp. 776).

Moke v. Norrie, 14 Hun, 128.

Cited, Trusts—Who May Be Trustees—Beneficiary as.

70 Hun, 325; (54 St. Rep. 39; 24 Supp. 442).

Moller v. Duryee, 21 Week. Dig. 458.

Cited, Limitation of Action—Effect as to Mortgagor's Grantee.

71 Hun, 326; (55 St. Rep. 5; 25 Supp. 124).

Moller v. Moller, 115 N. Y. 466; 26 St. Rep. 207.

Cited, Evidence—Sufficiency—Adultery. 3 Misc. 412; (52 St. Rep. 437; 23 Supp. 300).

Husband and Wife—Divorce—Proof by Prostitutes and Detectives.

2 Misc. 91; (49 St. Rep. 235; 20 Supp. 849). 143 N. Y. 238; (62 St. Rep. 185). 84 Hun, 71; (65 St. Rep. 179. 32 Supp. 23). 3 App. Div. 535, 540; (73 St. Rep. 744, 748; 38 Supp. 263, 267).

Husband and Wife—Divorce—Evidence—Circumstantial—Construction.

8 Misc. 189; (59 St. Rep. 391; 29 Supp. 314).

Moller v. Muller, 12 Hun, 674.

Cited, Foreclosure—Prior Incumbrance—Fraud—Effect.

8 App. Div. 522; (75 St. Rep. 291; 40 Supp. 894).

Moller v. Tuska, 87 N. Y. 166.

Cited, Action—Election of Remedy—Knowledge.

73 Hun, 431; (54 St. Rep. 872; 25 Supp. 202). 4 Misc. 152; (53 St. Rep. 206; 23 Supp. 874). 9 Misc. 629. 50 St. Rep. 265; (21 Supp. 300). 61 St. Rep. 648; (29 Supp. 1049). 80 Hun, 238; (29 Supp. 1049). 87 Hun, 126; (67 St. Rep. 443; 33 Supp. 800). 10 App. Div. 428; (75 St. Rep. 1435; 41 Supp. 1089).

Action—Election of Remedy—Inconsistency.

79 Hun, 60; (61 St. Rep. 176; 29 Supp. 647).

Action—Election of Remedies—Conversion.

4 Misc. 150; (53 St. Rep. 118; 23 Supp. 687). 17 Misc. 384; (39 Supp. 1063).

Contracts—Rescission—Sale—Bringing Replevin.

140 N. Y. 596; (56 St. Rep. 497). 87 Hun, 489; (62 St. Rep. 208, 30 Supp. 418). 39 Supp. 258.

Molloner v. State Bank, 8 Misc. 512; 59 St. Rep. 270; 28 Supp. 740.

Molloy v. Long Island R. Co., 137 N. Y. 629; 51 St. Rep. 931.

Affirming, 59 Hun, 424; 36 St. Rep. 626; 13 Supp. 332.

Molloy v. N. Y. C. & H. R. R. Co., 10 Daly, 453.

Cited, Evidence—Written Admissions—Scope and Effect.

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8 Misc. 286; (59 St. Rep. 216; 28 Supp. 708). 12 Misc. 572; (67 St. Rep. 380; 33 Supp. 678).

Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367).

Moloney v. Nelson, 70 Hun, 202; 54 St. Rep. 98; 24 Supp. 147.

Molony v. Dows, 2 Hilt. 247.

Cited, Pleading—Verification—Privilege.

68 Hun, 338; (52 St. Rep. 283; 22 Supp. 986).

Moloughney v. Hegeman, 9 Abb. N. C. 403.

Cited, Conversion—Demand—Necessity.

4 Misc. 301; (53 St. Rep. 451; 24 Supp. 105).

Momeyor v. New Jersey Sheep & Wool Co., 49 St. Rep. 414; 20 Supp. 814.

Cited, Appeal—Review of Evidence—Necessity of Motion for New Trial.

50 St. Rep. 836; (22 Supp. 340).

Monaghan v. N. Y. C. & H. R. Co., 45 Hun, 113; 9 St. Rep. 672.

Cited, Master and Servant—Appliances—Defective—Assumed Risks.

4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 592).

Monahan v. Cohoes, City of, 8 Week. Dig. 528.

Cited, Municipal Corporations—Sidewalks—Negligence.

18 Misc. 510; (41 Supp. 990).

Monahan v. Fitzpatrick, 16 Misc. 508; 39 Supp. 857.

Monarque v. Monarque, 80 N. Y. 220.

Cited, Afterborn Children—Protecting Rights.

136 N. Y. 18; (49 St. Rep. 22). 77 Hun, 236; (59 St. Rep. 761; 28 Supp. 401).

Judicial Sale—Protecting Contingent Rights of Strangers to Suit.

49 St. Rep. 22.

Infants—Powers of Legislature—Over Real Property—Divesting of Title.

79 Hun, 324; (61 St. Rep. 406; 29 Supp. 462).

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79 Hun, 509; (61 St. Rep. 587; 29 Supp. 900).

Wills—Construction—Perpetuities—Limitation Over.

3 Misc. 477; (23 Supp. 741).

Equity—Jurisdiction—Construction of Devises.

139 N. Y. 218; (54 St. Rep. 672).

Moncrief v. Ely, 19 Wend. 405.

Cited, Bastards—Putative Father—Liability to Support.

8 App. Div. 516; (75 St. Rep. 156; 40 Supp. 780).

Moncrief v. Ross, 50 N. Y. 431.

Cited, Wills—Devise—Equitable—Conversion—When Operative.

7 Misc. 25; (57 St. Rep. 75; 27 Supp. 312). 133 N. Y. 134; (48 St. Rep. 836). 14 Misc. 411; (71 St. Rep. 507; 36 Supp. 449). 17 Misc. 221; 40 Supp. 1034). 79 St. Rep. 871; (45 Supp. 871).

Monda v. Wells, Fargo & Co., 20 Misc. 685.

Mondorf, Matter of, 110 N. Y. 450; 18 St. Rep. 530.

Affirming, 40 Hun, 636.

Cited, Wills—Probate—Undue Influence—Unequal Distribution of Estate.

5 Misc. 184; (24 Supp. 858). 83 Hun, 331; (64 St. Rep. 378; 31 Supp. 691). 87 Hun, 60; (67 St. Rep. 676; 33 Supp. 970). 79 St. Rep. 616; (45 Supp. 616).

Monell v. Douglass, 43 St. Rep. 129; 17 Supp. 178.

Cited, Vendor and Purchaser—Encumbrances—*Lis pendens*.

3 Misc. 253; (51 St. Rep. 909; 22 Supp. 757).

Monell v. Douglass, 3 Misc. 252; 51 St. Rep. 908; 22 Supp. 756.

Monell v. Lawrence, 12 Johns. 521.

Cited, Receipt—Consideration—Explanation.

75 St. Rep. 228; (40 Supp. 839).

Monette v. Chardon, 16 Misc. 165; 72 St. Rep. 135; 37 Supp. 2.

Cited, Attachment—*Affidavit*—Sufficiency.

17 Misc. 243; (40 Supp. 1066).

Money v. Fisher, 92 Hun, 347; 72 St. Rep. 383; 36 Supp. 862.

Monfort v. Monfort, 11 Week. Dig. 543.

Cited, Life Tenants—Possession—Security.

6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153).

Mongau v. Lehigh Valley R. Co., 14 Misc. 26; 69 St. Rep. 380; 35 Supp. 135.

Mongeon v. People, 55 N. Y. 613.

Cited, Statutes—Construction—Repeal of Prior Acts—Crimes—Punishment.

83 Hun, 158; (64 St. Rep. 155; 31 Supp. 565). 91 Hun, 154; (71 St. Rep. 693; 36 Supp. 535).

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Statutes—Right of Legislature to Declare in Advance Intent of Subsequent Legislature.

90 Hun, 212; (35 Supp. 892). 13 Misc. 552; (70 St. Rep. 218; 35 Supp. 592).

Monihan v. Liddle, 19 Hun, 636; 70 St. Rep. 792; 36 Supp. 218.

Monitor Milkpan Co. v. Remington, 41 Hun, 218.

Cited, Sale—Inspection—Acceptance.

72 Hun, 262; (55 St. Rep. 336; 25 Supp. 575). 149 N. Y. 151.

Monk v. New Utrecht, Town of, 104 N. Y. 532; 6 St. Rep. 484.

Cited, Highway—Establishment—Municipal Discretion.

135 N. Y. 354; (48 St. Rep. 392). 8 Misc. 412; (59 St. Rep. 494; 28 Supp. 615). 11 App. Div. 482; (76 St. Rep. 352; 42 Supp. 352). 17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146).

Highways—Duty of Municipality as to Safety.

60 St. Rep. 116. 83 Hun, 212; (64 St. Rep. 354; 31 Supp. 757). 14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540).

Monnet v. Heller, 5 Supp. 913; 25 St. Rep. 609.

Cited, Principal and Agent—Agent's Authority—Disobedience—Reimbursement.

7 Misc. 169; (57 St. Rep. 512; 27 Supp. 251).

Monnet v. Merz, 131 N. Y. 646.

Affirming, 60 Super 256.

Cited, Appeal—Cross Appeal—Judgment.

9 Misc. 689; (62 St. Rep. 125; 30 Supp. 544).

Monnet v. Merz, 46 St. Rep. 251; 18 Supp. 780.

Cited, Cross Appeal—Judgment.

62 St. Rep. 125; (30 Supp. 545).

Monnet v. Merz, 138 N. Y. 673; 53 St. Rep. 932.

Monnet v. Merz, 138 N. Y. 673; 53 St. Rep. 932.

Affirming, 46 St. Rep. 251; 18 Supp. 780.

Cited, Cross Appeals—Judgment.

62 St. Rep. 123; (30 Supp. 545).

Monnet v. Merz, 54 St. Rep. 322; 24 Supp. 485; 30 Abb. N. C. 281.

Monolithic Drain & Conduit Co. v. Dewsnap, 41 Supp. 224; 25 Civ. Pro. 380.

Monroe, Matter of, 60 St. Rep. 102.

Reversing, 43 St. Rep. 969; 19 Supp. 1009.

Monroe, Matter of, 142 N. Y. 484.

Cited, Surrogate's Courts—Jurisdiction.

152 N. Y. 520.

Monroe v. Button, 20 Misc. 494.

Monroe v. Douglass, 5 N. Y. 447

Cited, Pleading—Foreign Laws—Lex Loci.

3 App. Div. 527; (73 St. Rep. 753; 38 Supp. 272). 13 Misc. 421; (69 St. Rep. 364; 35 Supp. 152). 15 Misc. 298; (73 St. Rep. 441; 37 Supp. 764). 13 Misc. 422; (35 Supp. 152) 17 App. Div. 478; (79 St. Rep. 511; 45 Supp. 511).

Monroe v. Monroe, 50 St. Rep. 237; 21 Supp. 655.

Monroe v. Reynolds, 47 Barb. 574.

Cited, Contracts—Refusal to Perform—Effect.

12 Misc. 139; (66 St. Rep. 738; 33 Supp. 82).

Monroe County, Board of Supervisors of, v. Clark, 92 N. Y. 391.

Cited, Bonds—Public offices—Liability of Sureties.

5 Misc. 529; (59 St. Rep. 102; 25 Supp. 957). 12 Misc. 444; (67 St. Rep. 598; 33 Supp. 697).

Monroe County v. Rochester, 88 Hun. 164; 68 St. Rep. 629; 34 Supp. 533.

Monroe Dairy Ass'n v. Stanley, 65 Hun, 163; 47 St. Rep. 365; 20 Supp. 19.

Cited, Constitutional Law—Milk-Can Act.

14 Misc. 339; (71 St. Rep. 74, 75; 36 Supp. 125, 126).

Monroe Miller Co. v. Stokes, 7 Misc. 433; 57 St. Rep. 571; 27 Supp. 940.

Monroe Miller Co. v. Stokes, 9 Misc. 170; 60 St. Rep. 643; 29 Supp. 718.

Monroe v. N. Y. Security & Trust Co., 70 Hun, 598; 54 St. Rep. 276; 24 Supp. 455.

Modified, 140 N. Y. 498; 53 St. Rep. 443.

Monson v. N. Y. Security & Trust Co., 140 N. Y. 498; 56 St. Rep. 443.

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Montanye v. Montgomery, 47 St. Rep. 114; 19 Supp. 655.

Cited, Debts Owning Assignor—Right of Assignee to Counterclaim.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 725). 17 Misc. 161; (39 Supp. 322).

Monteith v. Finkbeiner, 50 St. Rep. 453; 21 Supp. 288.

Cited, Landlord and Tenant—Liability of Landlord to Tenant—Tenement Houses—Hallways.

5 Misc. 445; (26 Supp. 801).

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Montfort v. Hughes, 3 E. D. Smith, 591.

Cited, Master and Servant—Tort of Servant—Recovery Against Both.

14 Misc. 501; (70 St. Rep. 723; 35 Supp. 1079).

Montgomery v. Burgess, 92 Hun, 289; 71 St. Rep. 777; 36 Supp. 711.

Montgomery v. Knickerbacker, 77 St. Rep. 787; 43 Supp. 787.

Montgomery v. Miller, 3 Redf. 154.

Cited, Gifts — Notes — Delivery Unindorsed.

10 Misc. 452; (63 St. Rep. 328; 31 Supp. 86).

Montgomery v. New York, 151 N. Y. 249.

Montgomery v. New York, 9 Misc. 331; 60 St. Rep. 621; 29 Supp. 687.

Affirmed, 151 N. Y. 249.

Cited, Intoxicating Liquors—Anti-license Excise Board—Refusal of License.

4 Misc. 556; (54 St. Rep. 209; 24 Supp. 745). 4 Misc. 254; (53 St. Rep. 730; 23 Supp. 917).

Montgomery v. O'Dell, 67 Hun, 169; 51 St. Rep. 444; 23 Supp. 412.

Affirmed, 141 N. Y. 665; 60 St. Rep. 870.

Montgomery v. O'Dell, 73 Hun, 424; 56 St. Rep. 625; 26 Supp. 930.

Affirmed, 142 N. Y. 665; 60 St. Rep. 870.

Montgomery v. Sartirano, 16 App. Div. 95; 78 St. Rep. 1066; 44 Supp. 1066.

Montgomery v. Schenck, 82 Hun, 24; 63 St. Rep. 336; 31 Supp. 42.

Cited, Bills and Notes—Indorser's Liability.

16 Misc. 567; (74 St. Rep. 117; 38 Supp. 777).

Montgomery v. Waterbury, 2 Misc. 145; 50 St. Rep. 521; 21 Supp. 637.

Affirmed, 142 N. Y. 652; 60 St. Rep. 869.

Montgomery County Bank v. Albany City Bank, 7 N. Y. 459.

Cited, Master and Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 502).

Banks — Agency — Collection — Acts of Collecting Bank—Liability.

17 App. Div. 499; (79 St. Rep. 535; 45 Supp. 535). 11 Misc. 289; (65 St. Rep. 446; 32 Supp. 271).

Montgomery County Bank v. Marsh, 7 N. Y. 481.

Cited, Bills and Notes—Protest—Notice by Mail.

2 Misc. 229; (50 St. Rep. 588; 22 Supp. 363).

Evidence—Transactions with Decedent—Stockholders.

79 St. Rep. 1099; (45 Supp. 1099).

Montieth v. Finkbeiner, 21 Supp. 288.

Cited, Landlord and Tenant—Liability of Landlord for Defects in Premises.

D. 6 App. Div. 184; (39 Supp. 1027).

Montignani v. Blade, 74 Hun, 297; 56 St. Rep. 269; 26 Supp. 670.

Modified, 145 N. Y. 111; 64 St. Rep. 558.

Montignani v. Blade, 145 N. Y. 111; 64 St. Rep. 558.

Montrait v. Hutchins, 49 How. 105.

Cited, Motions — Decision — Conflicting Evidence—Discretion of Court to Send to Jury.

84 Hun, 89; (65 St. Rep. 210; 32 Supp. 53).

Montverdo v. Queens County, Supervisors of, 78 Hun, 267; 60 St. Rep. 210; 28 Supp. 918.

Moody v. Andrews, 39 Super, 302.

Affirmed, 64 N. Y. 641.

—*Cited*, Bills and Notes—Transferee;—Bona Fide Holders—Diversion.

74 Hun, 417; (57 St. Rep. 185; 26 Supp. 823).

Moody v. Leverich, 4 Daly, 401.

Cited, Master and Servant—Discharge of Servant—Damages—Measure of.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194).

Moody v. Buck, 1 Sandf. 304.

Disapproved, Vessels—Loss—Negligence of Co-Owner—Rights of Co-Owner.

143 N. Y. 445; (62 St. Rep. 452).

Moody v. Osgood, 54 N. Y. 488.

Cited, Evidence — Relevancy — Personal Injuries—Death from Surgical Operation.

6 Misc. 337; (56 St. Rep. 242; 56 Supp. 902).

Trial—Requests to Charge—Scope.

6 Misc. 64; (56 St. Rep. 603; 26 Supp. 887).

9 App. Div. 79; (75 St. Rep. 581; 41 Supp. 124).

Moody v. Pell, 2 Abb. N. C. 274.

Cited, Trial—Question for Jury—Credibility of Party.

75 Hun, 50; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 153).

Moody v. Saratoga Springs, 17 App. Div. 207; 79 St. Rep. 365; 45 Supp. 365.

Cited, Municipal Corporations—Discharge of Sewers—Liability.

D. 79 St. Rep. 372; (45 Supp. 372).

Moody v. Steele, 11 Civ. Pro. 205; 3 St. Rep. 269.

Cited, Pleadings—Answer—Counterclaim—Time of Acquiring.

77 Hun, 468; (60 St. Rep. 406; 28 Supp. 871). 14 Misc. 485; (70 St. Rep. 435; 35 Supp. 700).

*Duplicate Citations in Parenthesis.***Moors v. Smedley**, 6 Johns. Ch. 28.*Cited*, Courts—Equity—Correction of Errors.

83 Hun, 179; (64 St. Rep. 287; 31 Supp. 659).

Moore v. Parke, Davis & Co., 9 Misc. 90; 59 St. Rep. 748; 29 Supp. 32.*Cited*, Reference to Third Party—Effect. 19 Misc. 285; (77 St. Rep. 70; 43 Supp. 70).**Mooney v. Byrne**, 1 App. Div. 316; 72 St. Rep. 451; 37 Supp. 388.**Mooney v. Elder**, 56 N. Y. 238.*Cited*, Brokers—Real Estate—Commissions.

137 N. Y. 506; (51 St. Rep. 179).

Mooney v. Hudson River R. Co., 3 Daly 105.*Cited*, Action—Appearance—Justice's Court.

5 Misc. 123; (25 Supp. 744).

Mooney v. Mooney, 10 Misc. 386; 63 St. Rep. 403; 31 Supp. 118.**Mooney v. New York Elevated Ry. Co.**, 3 Misc. 612; 52 St. Rep. 256; 22 Supp. 795.**Mooney v. New York Elevated Ry. Co.**, 7 Misc. 53; 57 St. Rep. 509; 27 Supp. 339.**Mooney v. New York Elevated Ry. Co.**, 30 St. Rep. 561; 9 Supp. 522.*Cited*, Elevated Railroads—Maintenance and Operation—Rights of Abutting Owners—Past Damages.

9 Misc. 660; 30 Supp. 549.

Evidence—Declarations—Hearsay.

14 Misc. 285; (70 St. Rep. 444; 35 Supp. 709). 4 App. Div. 169; (74 St. Rep. 90; 38 Supp. 754).

Mooney v. New York Elevated Ry. Co., 4 App. Div. 30; 38 Supp. 683.*Cited*, Elevated Railroads—Damages—Parties.

13 App. Div. 382, 384; (77 St. Rep. 36, 37; 43 Supp. 36, 37).

Mooney v. New York Elevated Ry. Co., 10 App. Div. 625; 41 Supp. 1123.*Cited*, Elevated Railroads—Damages—Parties.

13 App. Div. 382; (77 St. Rep. 36; 43 Supp. 36).

Mooney v. New York Elevated Ry. Co., 13 App. Div. 383; 77 St. Rep. 35; 43 Supp. 35.**Mooney v. Robinson**, 8 Misc. 692; 58 St. Rep. 830; 28 Supp. 1149.**Mooney v. Third Ave. R. Co.**, 2 City Ct. R. 368.*Cited*, Vessels—Collision—Liability.

12 Misc. 364; (65 St. Rep. 781; 33 Supp. 651).

Mooney v. Trow Directory Printing & Bookbinding Co., 2 Misc. 238; 51 St. Rep. 418; 21 Supp. 957.**Moore, Matter of**. See *Stafford, Matter of*.**Moore, Matter of**, 81 Hun, 389; 63 St. Rep. 380; 31 Supp. 110.**Moore, Matter of**, 90 Hun, 163; 70 St. Rep. 286; 35 Supp. 782.**Moore, Matter of**, 108 N. Y. 280; 13 St. Rep. 621.*Cited*, Attorneys—Admission—Regent's Certificates.

140 N. Y. 659; (57 St. Rep. 618).

Rules of Court—Force and Effect.

61 St. Rep. 659; (29 Supp. 1055). 152 N. Y. 317. 80 Hun, 139; (61 St. Rep. 658; 29 Supp. 1055). 1 App. Div. 422; (72 St. Rep. 600; 37 Supp. 275).

Moore, Matter of, 152 N. Y. 602.**Moore v. Albany**, 98 N. Y. 396.*Cited*, Judgment—Conclusiveness—To Whom Available.

138 N. Y. 129; (51 St. Rep. 721). 86 Hun, 423; (67 St. Rep. 180; 23 Supp. 523).

Municipal Corporations—Assessment—Lack of Authority—Action to Remove—Absence of Injury.

8 Misc. 182; (61 St. Rep. 329; 29 Supp. 753). 148 N. Y. 336.

Municipal Corporations—Change of Grade—Power of Council.

82 Hun, 70; (63 St. Rep. 503; 31 Supp. 188). 11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577).

Moore v. American Loan & Trust Co., 115 N. Y. 65.*Cited*, Executors—Receipt of Moneys—When Party Paying Must See to Their Application.

7 App. Div. 10; (39 Supp. 799).

Moore v. Appleby, 108 N. Y. 237; 13 St. Rep. 492.*Cited*, Action—Parties—Partition.

66 Hun, 383; (49 St. Rep. 357; 21 Supp. 494). 79 Hun, 296; (60 St. Rep. 563; 29 Supp. 387; 31 Abb. N. C. 477).

Vendor and Purchaser—Purchase Money—Deposit—Fees—Recovery—Liability of Vendor to Perform.

8 Misc. 131; (59 St. Rep. 525; 28 Supp. 488).

Duplicate Citations in Parenthesis.

Wills—Construction — Devise — Remainders.

142 N. Y. 80; (58 St. Rep. 454).

Moore v. Batten, 5 Misc. 20; 25 Supp. 141.

Moore v. Becker, 13 St. Rep. 567.

Cited, Attachment—Affidavit—Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416).

Moore v. Bennett, 48 N. Y. 472.

Cited, Libel—What is Per Se—Obloquy Less Than Crime.

69 Hun, 358; (52 St. Rep. 793; 23 Supp. 653).

Moore v. Brooklyn Advertising Co., 69 Hun, 63; 52 St. Rep. 611; 23 Supp. 381.

Affirmed, 143 N. Y. 635; 60 St. Rep. 874.

Moore v. Brown, 139 N. Y. 127; 54 St. Rep. 523.

Reversing, 41 St. Rep. 847; 16 Supp. 592.

Moore v. Brown, 41 St. Rep. 847; 16 Supp. 592.

Cited, Mines—Mineral Laws—Construction.

147 N. Y. 505; (70 St. Rep. 81).

Moore v. Brown, 139 N. Y. 127; 54 St. Rep. 523.

Cited, Mines—Mineral Laws—Construction.

147 N. Y. 505; (70 St. Rep. 81).

Moore v. Cable, 1 Johns. Ch. 385.

Cited, Mortgaged Premises — Possession by Mortgagee—Limitation—Redemption.

81 Hun, 262; (62 St. Rep. 756; 20 Supp. 793).

Moore v. Citizens' Mutual L. Ins. Ass'n, 75 Hun, 262; 58 St. Rep. 219; 26 Supp. 1014.

Moore v. Cooley, 2 Hill, 412.

Cited, Action—As Poor Person—When Allowed.

22 Supp. 541. D. 9 App. Div. 610; (75 St. Rep. 1223; 41 Supp. 823).

Costs—In Forma Pauperis.

63 St. Rep. 120; (30 Supp. 411; 31 Abb. N. C. 483). 19 Misc. 346; (77 St. Rep. 500; 43 Supp. 500).

Moore v. Cooley, 88 Hun, 66; 68 St. Rep. 679; 34 Supp. 624.

Moore v. Craig, 24 St. Rep. 111; 4 Supp. 339.

Cited, Conversion—Demand—Necessity.

4 Misc. 301; (53 St. Rep. 451; 21 Supp. 105).

Moore v. Cross, 23 Barb. 534.

Cited, Bills and Notes—Endorsement—Liability to Payee.

73 Hun, 517; (56 St. Rep. 166; 26 Supp. 102). 66 Hun, 352; (50 St. Rep. 667; 21 Supp. 506).

Moore v. Cross, 19 N. Y. 227.

Cited, Bills and Notes—Indorsement—Prior to Delivery to Payee.

4 Misc. 83; (53 St. Rep. 70; 23 Supp. 852). 83 Hun, 195; (63 St. Rep. 811; 31 Supp. 399). 84 Hun, 142; (65 St. Rep. 692; 32 Supp. 418). 17 Misc. 383; (39 Supp. 1062). 16 Misc. 587; (4 St. Rep. 117; 38 Supp. 776).

Moore v. Duffy, 74 Hun, 78; 57 St. Rep. 746; 26 Supp. 340.

Cited, Supplementary Proceedings—Receiver—Title to Real Estate.

15 Misc. 641; (72 St. Rep. 679; 37 Supp. 429).

Moore v. Eastman, 1 Hun, 578.

Cited, Infants—Torts—Liability.

D. 4 App. Div. 583; (74 St. Rep. 833; 38 Supp. 1021).

Moore v. Eldridge, 8 App. Div. 613; 40 Supp. 594.

Moore v. Empie, 17 App. Div. 218; 79 St. Rep. 533; 45 Supp. 509.

Moore v. Fairport, 11 Misc. 146; 64 St. Rep. 453; 32 Supp. 633.

Moore v. Fox, 10 Johns. 244.

Cited, Contracts — Hiring — Statute of Frauds—Proof.

11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146). 40 Supp. 1016.

Moore v. Francis, 121 N. Y. 199; 30 St. Rep. 467.

Cited, Libel—Publication—Justification. 76 Hun, 64; (59 St. Rep. 608; 27 Supp. 620). 68 Hun, 477; (52 St. Rep. 654; 23 Supp. 104).

Trial—Questions of Law and Fact—Libel. 3 Misc. 319; (52 St. Rep. 401; 22 Supp. 769). 71 Hun, 487; (54 St. Rep. 904; 24 Supp. 1062).

Libel—Per se.

68 Hun, 471; (52 St. Rep. 593; 22 Supp. 1011). 76 Hun, 488; (58 St. Rep. 485; 27 Supp. 1045). 89 Hun, 193; (69 St. Rep. 258; 35 Supp. 80). 87 Hun, 249; (67 St. Rep. 429; 33 Supp. 756). 89 Hun, 609; (69 St. Rep. 443; 35 Supp. 50). 10 App. Div. 31; (75 St. Rep. 689; 41 Supp. 689). 10 App. Div. 36; (75 St. Rep. 692; 41 Supp. 692). 78 St. Rep. 82; (44 Supp. 82).

Libel — Damaging Business or Social Standing.

Duplicate Citations in Parenthesis.

76 Hun, 317; (59 St. Rep. 188; 28 Supp. 167). 49 St. Rep. 774; (30 Supp. 836). 147 N. Y. 632; (71 St. Rep. 249). 87 Hun, 249; (67 St. Rep. 429; 33 Supp. 756). 19 Misc. 502; (78 St. Rep. 27; 44 Supp. 27).

Moore v. Gadsden, 87 N. Y. 84.

Cited, Highways—Ice on Sidewalks—Liability of Owner.

72 Hun, 240; (55 St. Rep. 441; 25 Supp. 392). 6 Misc. 311; (58 St. Rep. 296; 26 Supp. 1110).

Distinguished, 9 App. Div. 281; (75 St. Rep. 909; 41 Supp. 520).

Moore v. Gadsden, 93 N. Y. 12.

Followed, Highways—Sidewalks—Ice—Negligence.

3 Misc. 596; (52 St. Rep. 858; 23 Supp. 343).

Cited, Landlord and Tenant—Liability of Landlord for Condition of Streets—Ice and Snow.

6 Misc. 301; (58 St. Rep. 296; 26 Supp. 1110). 82 Hun, 79; (63 St. Rep. 332; 31 Supp. 90). 14 Misc. 440; (70 St. Rep. 732; 35 Supp. 1028).

Negligence—Violation of Ordinance.

68 Hun, 497; (52 St. Rep. 678; 23 Supp. 82).

Moore v. Goedel, 34 N. Y. 527.

Cited, Evidence—Sufficiency—Negligence.

5 Misc. 269; (27 Supp. 897).

Landlord and Tenant—Liability of Tenants to Each Other—Negligence.

8 Misc. 311; (59 St. Rep. 282; 28 Supp. 729).

Negligence—Overflow from Water Basin—Liability.

6 Misc. 139; (56 St. Rep. 284; 26 Supp. 9). 82 Hun, 319, 320; (63 St. Rep. 500; 31 Supp. 185, 186). 14 Misc. 505; (70 St. Rep. 714; 35 Supp. 1069). 17 Misc. 594; (75 St. Rep. 82; 40 Supp. 678).

Moore v. Goodwin, 43 Hun, 534; 7 St. Rep. 154.

Cited, Contract—Personal Choice—Acceptance.

D. 91 Hun, 395; (70 St. Rep. 841; 36 Supp. 189). 15 Misc. 29; (71 St. Rep. 496; 36 Supp. 445; 2 Ann. Cas. 342).

Moore v. Hamilton, 44 N. Y. 666.

Cited, Actions—Abatement—Parties—Substitution.

14 Misc. 307; (70 St. Rep. 685; 35 Supp. 1060; 25 Civ. Pro. 127; 2 Ann. Cas. 214).

Moore v. Hanover Fire Ins. Co., 141 N. Y. 219; 56 St. Rep. 801.

Reversing, 71 Hun, 199; 53 St. Rep. 861; 24 Supp. 507.

Cited, Contracts—Agents—Authority—Restriction on Condition—Waiver.

10 Misc. 161; (62 St. Rep. 524; 31 Supp. 5). 11 App. Div. 70; (76 St. Rep. 621; 42 Supp. 621). 89 Hun, 236; (71 St. Rep. 570; 36 Supp. 573).

Moore v. Hegeman, 72 N. Y. 376.

Cited, Perpetuities—What is unlawful Suspension.

79 Hun, 509; (61 St. Rep. 587; 29 Supp. 900).

Wills—Construction—'Apply to Use of.

1 App. Div. 514; (72 St. Rep. 747; 37 Supp. 358).

Moore v. Hegeman, 92 N. Y. 521.

Cited, Marriage—Foreign State—Validity Here.

17 Misc. 435; (75 St. Rep. 819; 41 Supp. 417).

Moore v. Hillabrand, 37 Hun, 491.

Cited, Bailments—Title—Lien.

11 App. Div. 393; (76 St. Rep. 59; 42 Supp. 59).

Moore v. Hitchcock, 4 Wend. 292.

Cited, Lien—Of Artisan on Chattel.

3 Misc. 97; (51 St. Rep. 606; 22 Supp. 550).

Moore v. Huntington, 7 Hun, 425.

Cited, Partnership—Sharing in Profits and Losses.

76 Hun, 213; (58 St. Rep. 695; 27 Supp. 786).

Moore v. King, 57 Hun, 224; 32 St. Rep. 808; 10 Supp. 651.

Cited, Evidence—Declarations—Acts and Declarations of Agent—To Show Agency.

7 Misc. 501; (58 St. Rep. 797; 27 Supp. 959).

Principal and Agent—Agent's Authority—Implied.

7 Misc. 606; (58 St. Rep. 759; 27 Supp. 867).

Sales—Agents—Warranty.

16 Misc. 587, 590; (74 St. Rep. 143; 38 Supp. 802).

Warranty—Breach—Sales—Damages.

16 Misc. 590; (74 St. Rep. 145; 38 Supp. 804).

Moore v. Littel, 41 N. Y. 66.

Cited, Real Property—Remainders—Contingent—Vesting.

2 Misc. 559; (24 Supp. 775). 9 Misc. 641; (82 St. Rep. 220; 30 Supp. 435). 142 N. Y. 30; (58 St. Rep. 454). 147 N. Y. 567; (70 St. Rep. 336). 10 App. Div. 165; (75 St. Rep. 1239; 41 Supp. 869). 11 App. Div. 362; (76 St. Rep. 924; 42 Supp. 924). 16 App. Div. 34; (78 St. Rep. 681; 44 Supp. 681). 17 App. Div. 524; (79 St. Rep. 557; 45 Supp. 557).

Duplicate Citations in Parenthesis.

Real Property—Remainders—Alienation.
73 Hun, 480; (56 St. Rep. 13; 26 Supp 438). 10 App. Div. 579; (76 St. R. p. 417; 42 Supp. 417).

Moore v. Livingston, 14 How. 11.

Cited, Witness—Party—Credibility.

92 Hun, 422; (71 St. Rep. 579; 36 Supp. 664).

Moore v. Lyons, 25 Wend. 119.

Cited, Wills—Construction—Remainder —“From and After.”

135 N. Y. 140; (48 St. Rep. 66).

Wills—Construction—Devises in Fee—Contingency.

142 N. Y. 437; (59 St. Rep. 813). 89 Hun, 558; (69 St. Rep. 732; 35 Supp. 345). 91 Hun, 126, 131; (71 St. Rep. 17; 36 Supp. 134, 135, 138). 3 App. Div. 40; (74 St. Rep. 404; 37 Supp. 1109). 8 App. Div. 88; (40 Supp. 431). 11 Misc. 465; (67 St. Rep. 230; 33 Supp. 432). 79 St. Rep. 626; (45 Supp. 626).

Wills—Construction—Devises—Vesting.

3 App. Div. 171; (73 St. Rep. 739; 38 Supp. 400).

Moore v. Manufacturers' Nat. Bank,

136 N. Y. 666; 50 St. Rep. 929.

Affirming, 43 St. Rep. 636; 18 Supp. 296.

Moore v. Manufacturers' Nat. Bank of Troy, 123 N. Y. 420; 34 St. Rep. 335.

Cited, Libel and Slander—Privileged Communications.

138 N. Y. 523; (53 St. Rep. 97). 79 Hun, 361; (61 St. Rep. 428; 29 Supp. 435). 84 Hun, 119, 120; (65 St. Rep. 647, 648; 32 Supp. 462, 463; 1 Ann. Cas. 331). 5 App. Div. 608; (39 Supp. 461).

Moore v. Mausert, 49 N. Y. 332.

Cited, Statutes—Construction—Substitution—Repeal.

7 Misc. 717; (58 St. Rep. 322; 28 Supp. 30).

135 N. Y. 355; (49 St. Rep. 661). 85 Hun, 423; (66 St. Rep. 203; 32 Supp. 885). 91 Hun, 153; (71 St. Rep. 692; 36 Supp. 535). 13 App. Div. 592; (77 St. Rep. 457; 43 Supp. 457).

Moore v. McClure, 8 Hun, 557.

Cited, Pleading—Sufficiency—Agency.
24 Supp. 796.

Moore v. McKinstry, 37 Hun, 194.

Cited, Actions—Fraudulent Representations—Survivability.

44 App. Div. 437; (38 Supp. 619).

Moore v. McLaughlin, 66 Hun, 133; 48 St. Rep. 879; 21 Supp. 55.

Moore v. McLaughlin, 11 App. Div. 477; 76 St. Rep. 256; 42 Supp. 246.

Moore v. Meacham, 10 N. Y. 207.

Cited, Evidence—Declarations—Res gestae —Guarantor.

20 Misc. 683.

Moore v. Metropolitan Nat. Bank, 55 N. Y. 41.

Cited, Assignment—Rights of Assignee—Equities of Subsequent Holder.

142 N. Y. 167; (58 St. Rep. 637). 14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384). 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750). 88 Hun, 600; (68 St. Rep. 704; 34 Supp. 770). 11 Misc. 602, 603; (67 St. Rep. 308, 309; 33 Supp. 541). 14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384).

Estoppel—Equitable—Acts and Declarations of Agents—Fraud.

9 Misc. 639; (62 St. Rep. 109; 30 Supp. 355).

Innocent Parties—Damages—Which Suffers.

151 N. Y. 15. 87 Hun, 498; (69 St. Rep. 93; 34 Supp. 1012). 10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 338).

Moore v. Moore, 47 N. Y. 467.

Cited, Constitutional Law—Transfer of Property—Control of State.

5 Misc. 175; (25 Supp. 701)

Moore v. Moore, 138 N. Y. 679; 53 St. Rep. 301.

Moore v. Moore, 51 St. Rep. 911; 22 Supp. 450.

Affirmed, 52 St. Rep. 933; 23 Supp. 1148.

Moore v. Moore, 3 Abb Ct. App. Dec. 303.

Cited, Contracts — Services — Implied Promise to Pay.

6 Misc. 506; (57 St. Rep. 708; 27 Supp. 429). 13 Misc. 597; (35 Supp. 150). 19 Misc. 93; (77 St. Rep. 970; 43 Supp. 970).

Moore v. Moore, 47 Barb. 257.

Cited, Perpetuities—Term of Suspension of Alienation.

74 Hun, 429; (57 St. Rep. 182; 26 Supp. 705).

Moore v. Moore, 21 How. 211.

Cited, Services—Implied Promise to Pay.

10 Misc. 490; (65 St. Rep. 253; 32 Supp. 174). 86 Hun, 329; (67 St. Rep. 209; 33 Supp. 496).

Moore v. Murphy, 89 Hun, 175; 69 St. Rep. 425; 34 Supp. 1130.

Cited, Conveyances—Restrictive Covenants—Breach—Who May Enforce.

6 App. Div. 125; (39 Supp. 894). 19 Misc. 229; (77 St. Rep. 201; 43 Supp. 201).

*Duplicate Citations in Parenthesis.***Moore v. New York**, 8 N. Y. 110.

Cited, Eminent Domain—Property Taken by State—Wife's Right of Dower in.

75 Hun, 560; (59 St. Rep. 614; 27 Supp. 598). 10 App. Div. 396; (75 St. Rep. 1156; 41 Supp. 762). 14 Misc. 624; (71 St. Rep. 828; 36 Supp. 806).

Moore v. New York, 73 Hun, 238.

Cited, Contracts—Public Officers—Authority.

69 Hun, 444; (52 St. Rep. 783; 23 Supp. 423).

Moore v. New York, 73 N. Y. 238.

Cited, Municipal Corporations—Contracts With—Estoppel—Enforcement.

82 Hun, 71; (63 St. Rep. 503; 31 Supp. 188). 86 Hun, 553; (67 St. Rep. 533; 33 Supp. 787). 7 App. Div. 508; (40 Supp. 238). D. 7 App. Div. 511; (41 Supp. 240).

Moore v. N. Y. C. & H. R. R. Co., 2

Misc. 23; 49 St. Rep. 516; 21 Supp. 436.

Followed, Railroads—Crossings—Signal.

2 Misc. 29; (22 Supp. 1136).

Railroads—Crossings—Duty of Travelers.

69 Hun, 430; (52 St. Rep. 785; 23 Supp. 479).

Moore v. N. Y. C. & H. R. R. Co., 75

Hun, 381; 57 St. Rep. 695; 27 Supp. 449.

Affirmed, 142 N. Y. 652; 60 St. Rep. 869.

Moore v. N. Y. Elevated R. Co., 4

Misc. 132; 53 St. Rep. 169; 23 Supp. 863; 30 Abb. N. C. 306.

Cited, Elevated Railroads—Damages—Nominal—Injunction.

7 Misc. 322; (57 St. Rep. 464; 27 Supp. 907). 9 Misc. 623; (62 St. Rep. 83; 30 Supp. 431.)

New Trial—Nominal Damages—Property Rights.

76 Hun, 500; (59 St. Rep. 336; 27 Supp. 1091).

Moore v. N. Y. Elevated R. Co., 126 N. Y. 671.

Cited, Interest—On Damages.

135 N. Y. 105; (48 St. Rep. 368).

Moore v. N. Y. Elevated R. Co., 130 N. Y. 523; 42 St. Rep. 588.

Cited, Appeal—Harmless Error—Erroneous Instruction.

4 Misc. 400; (53 St. Rep. 517; 23 Supp. 1065).

Appeal—Erroneous Instructions as to Damages—When Require Reversal.

1 Misc. 111; (48 St. Rep. 680; 20 Supp. 649)

Elevated Railways—Damages—Noise as an Element of.

1 Misc. 144; (48 St. Rep. 723; 20 Supp. 631).

Moore v. N. Y. El. R. Co., 8 Supp. 319.

Cited, Trial—Verdict—Setting Aside—Practice.

17 Misc. 82; (39 Supp. 853). 79 St. Rep. 406; (45 Supp. 406).

Moore v. Nye, 142 N. Y. 677; 60 St. Rep. 872.

Affirming, 51 St. Rep. 939; 22 Supp. 1113.

Moore v. Nye, 49 St. Rep. 168; 21 Supp. 94.**Moore v. Potter**, 87 Hun, 334; 68 St. Rep. 60; 34 Supp. 212.**Moore v. Prentiss Tool & Supply Co.**, 133 N. Y. 144; 44 St. Rep. 68.

Cited, Chat el Mortgages—Priority.

138 N. Y. 512; (53 St. Rep. 108). D. 138 N. Y. 512; (53 St. Rep. 109.)

Chattel Mortgage—Default—Title.

80 Hun, 434; (62 St. Rep. 369; 30 Supp. 517).

Chattels—Conversion.

18 Misc. 183; 75 St. Rep. 851; 41 Supp. 451).

Moore v. Ryder, 65 N. Y. 438.

Cited, Negotiable Instruments—Consideration—Bona Fide Holders.

18 Misc. 332; (75 St. Rep. 1012; 41 Supp. 656).

Moore v. Simmons, 133 N. Y. 695; 45 St. Rep. 869.

Cited, Stare Decisis.

145 N. Y. 229; (64 St. Rep. 607).

Moore v. Spellman, 5 Den. 225.

Cited, Trusts—Lands—Equitable Title—Effect.

92 Hun, 91; (71 St. Rep. 145; 36 Supp. 375).

Moore v. Taylor, 40 Hun, 56.

Cited, Attorneys—Authority—Termination.

13 App. Div. 606; (77 St. Rep. 987; 43 Supp. 987).

Moore v. Taylor, 42 Hun, 45; 5 St. Rep. 202; 25 Week. Dig. 364.

Cited, Contracts—Building—Non-payment of Installment—Effect.

3 Misc. 549; (52 St. Rep. 484; 23 Supp. 329). 140 N. Y. 293; (55 St. Rep. 651).

Moore v. Thayer, 6 How. 47.

Cited, Attachment—Abatement of Action—Effect.

D. 14 App. Div. 331; (77 St. Rep. 845; 43 Supp. 845).

Moore v. Tracy, 7 Wend. 229.

Cited, Actions—Conspiracy—Fraud.

80 Hun, 401; (62 St. Rep. 43; 30 Supp. 315).

Duplicate Citations in Parenthesis.

Moore v. Trimmer, 23 St. Rep. 2; 6 Supp. 430.

Cited, Appeal—Justice's Court—Counterclaim—Availability.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 914).

Moore v. Westervelt, 27 N. Y. 234.

Cited, Evidence—Expert Testimony—Admissibility.

16 M. sc. 339; (38 Supp. 79).

Moore v. Williams, 115 N. Y. 586; 26 St. Rep. 259.

Vendor and Purchaser—Rights of Parties—Unmerchantable Title.

24 Supp. 661. 8 Misc. 130; (59 St. Rep. 524; 28 Supp. 487). 79 Hun, 102; (61 St. Rep. 137; 29 Supp. 657).

143 N. Y. 247; 62 St. Rep. 173). 144 N. Y. 20; (62 St. Rep. 862). D. 91 Hun, 396; (70 St. Rep. 842; 36 Supp. 189). 82 Hun, 207; (63 St. Rep. 781; 31 Supp. 332). 15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157). 6 App. Div. 39; (39 Supp. 737). 20 Misc. 563. 20 Misc. 530. 79 St. Rep. 395; (45 Supp. 395).

Vendor and Purchaser—Rescission—Recovery of Payments by Purchaser.

50 St. Rep. 812; (21 Supp. 885)

Vendor and Purchaser—Incumbrances—Building Restrictions.

67 Hun, 347; (51 St. Rep. 797; 22 Supp. 206).

Vendor and Purchaser—Incumbrances—Obviation by Parol.

67 Hun, 347; (51 St. Rep. 797; 22 Supp. 206). 82 Hun, 213; (63 St. Rep. 786; 31 Supp. 336). 15 Misc. 384; (71 St. Rep. 586; 36 Supp. 671).

Moore v. Williams, 26 Supp. 7 6.

Moore v. Wood, 12 Abb. 393.

Cited, Landlord and Tenant—Fixtures—Conversion.

12 App. Div. 612; (77 St. Rep. 166; 43 Supp. 166).

Morehead v. Holden, 7 Civ. Pro. 188.

Cited, Appeal—Extent of Review—Order Denying Motion for New Trial—Grounds for.

9 Misc. 435; (61 St. Rep. 731; 29 Supp. 1057).

Moore v. Lehman, 52 Super. 283.

Cited, Pleading—Construction.

13 Misc. 138; (68 St. Rep. 107; 34 Supp. 123).

Moore v. Townshend, 102 N. Y. 387;

2 St. Rep. 440.

Cited, Pleading—Complaint—To Remove Cloud on Title.

136 N. Y. 525; (49 St. Rep. 821).

Findings—General Exceptions—Availability on Appeal

10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

Moore v. Townshend, 54 Super. 245; 10 St. Rep. 463.

Cited, Adverse Possession—Comptroller's Lease—Possession Under.

141 N. Y. 364; (57 St. Rep. 440).

Moore v. White, 6 Johns. Ch. 360.

Cited, Statute of Limitations—Acknowledgement by Executor—Effect.

145 N. Y. 65; (64 St. Rep. 525; 1 Ann. Cas. 202).

Moors v. Kidder, 106 N. Y. 32; 8 St. Rep. 877.

Cited, Sale—Bills of Lading—Title—Advance of Purchase Money.

31 Abb. N. C. 7. 28 Supp. 257; (31 Abb. N. C. 24). 87 Hun, 129; (67 St. Rep. 445; 33 Supp. 801).

Moors v. Kidder, 34 Hun, 534.

Cited, Sales—Bills of Lading—Title to Property.

91 Hun, 562; (71 St. Rep. 196; 36 Supp. 358).

Moosbrugger v. Kaufman, 7 App. Div. 380; 40 Supp. 213.

Cited, Actions—Several Parties—Costs.

15 App. Div. 121; (78 St. Rep. 381; 44 Supp. 381).

Moosbrugger v. Walsh, 89 Hun, 564; 70 St. Rep. 117; 35 Supp. 550.

Cited, Contracts—Fraud—Avoidance.

18 Misc. 117; (41 Supp. 115).

Moot v. Business Men's Investment Ass'n, 90 Hun, 155; 70 St. Rep. 533; 35 Supp. 737.

Moot v. Moot, 37 Hun, 288.

Cited, Husband and Wife—Annulment of Marriage—Misrepresentations.

6 Misc. 358; (26 Supp. 911).

Mora v. Great Western Ins. Co., 10 Bosw. 622.

Cited, Costs—Taxation—Two Trial Fees.

23 Supp. 674.

Moran, Matter of, 5 Misc. 176; 25 Supp. 702.

Moran v. Chase, 52 N. Y. 346.

Cited, Mechanic's Lien—Sufficiency of Notice—Description of Parties.

7 Misc. 535; (27 Supp. 999).

Moran v. Conoma, 36 St. Rep. 680; 13 Supp. 625.

Cited, Summons—Service—Public Action Unknown Defendant.

8 Misc. 007; (61 St. Rep. 55; 29 Supp. 395).

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Moran v. Conoma, 59 Super. 101; 13 Supp. 625.

Affirmed, 128 N. Y. 591.

Cited, Actions—Irregularity—Effect.

19 Misc. 273; (78 St. Rep. 254; 44 Supp. 254).

Moran v. Dawes, Hopk. Ch. 365.

Cited, Judgment — Defeat — Fraudulent Conveyance.

10 Misc. 356; (63 St. Rep. 416; 31 Supp. 26).

Moran v. Friedman, 88 Hun, 515; 69 St. Rep. 74; 34 Supp. 911.

Moran v. James, 20 Misc. 235; 79 St. Rep. 537; 45 Supp. 537.

Moran v. Long Island City, 101 N. Y. 439.

Cited, Constitutional Law—Corporations — Judgment Against—Failure to Serve Order with Answer.

79 St. Rep. 721; (45 Supp. 721).

Moran v. McLarty, 11 Hun, 66.

Affirmed, 75 N. Y. 25.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Moran v. McLarty, 75 N. Y. 25.

Cited, Contracts—Reformation—Extent of Relief.

15 App. Div. 299; (78 St. Rep. 922, 44 Supp. 922). 14 Misc. 511; (70 St. Rep. 690; 35 Supp. 1065).

Moran v. Murray Hill Bank, 32 St. Rep. 102; 9 Supp. 715.

Cited, Mechanic's Lien — Foreclosure—Rights of Several Defendants.

9 Misc. 381; (61 St. Rep. 484; 30 Supp. 255).

Moran v. Racine Wagon Co., 74 Hun, 454; 57 St. Rep. 198; 26 Supp. 852.

Cited, Master and Servant—Appliances—Negligence—Proof.

3 App. Div. 17; (73 St. Rep. 552; 37 Supp. 932).

7 App. Div. 409; (39 Supp. 1018).

Morange v. Morange, 2 Law Bull. 30.

Cited, Husband and Wife — Divorce — Adultery Pending Suit.

67 Hun, 386; (51 St. Rep. 823; 22 Supp. 265; 23 Civ. Pro. 104).

Pleading—Complaint — Supplemental—Divorce—Subsequent Adultery.

7 Misc. 24; (57 St. Rep. 80; 27 Supp. 409). 5 Misc. 417; (26 Supp. 759).

Morange v. Morris, 3 Keyes, 48; 32 How. 178.

Cited, Contracts—Sale of Land—Breach — Incumbrances—Recovery—Proof.

15 App. Div. 53; (78 St. Rep. 157; 44 Supp. 157). 6 App. Div. 556, 559; (39 Supp. 559, 562). 11 Misc. 538; (66 St. Rep. 101; 32 Supp. 772). 14 Misc. 479; (70 St. Rep. 364; 35 Supp. 846). 3 Ann. Cas. 23.

Vendor and Purchaser—Defects in Title Recovery of Purchase Money — Tender of Performance.

2 Misc. 492; (24 Supp. 925). 8 Misc. 128; (59 St. Rep. 523; 28 Supp. 486). 148 N. Y. 561.

Morange v. New York Elevated R. Co., 74 Hun, 393; 57 St. Rep. 244; 26 Supp. 584.

Mordecai v. Pearl, 136 N. Y. 625; 49 St. Rep. 913.

Affirming, 45 St. Rep. 140; 18 Supp. 543.

Mordecai v. Pearl, 63 Hun, 553; 18 Supp. 544.

Cited, Infants—Disaffirmance—Effect.

13 App. Div. 548; (77 St. Rep. 665; 43 Supp. 665).

More v. Great Western Ins. Co., 10 Bosw. 622.

Cited, Costs—Trial Fees—When Taxable.

23 Supp. 674; (23 Civ. Pro. 114).

More v. Howland, 4 Den. 264.

Cited, Usury—Contract to Guaranty Note.

14 App. Div. 344; (76 St. Rep. 940; 43 Supp. 940). 67 St. Rep. 836; (34 Supp. 35).

Usury—Sale of Credit.

12 Misc. 437; (67 St. Rep. 365; 33 Supp. 590).

More v. New York Bowery Fire Ins. Co., 150 N. Y. 537; 42 St. Rep. 543.

Cited, Trial—Question of Fact.

82 Hun, 224; (64 St. Rep. 797; 31 Supp. 975).

Pleading—Insurance—Proof.

92 Hun, 194; (71 St. Rep. 132; 36 Supp. 331).

More v. Rand, 60 N. Y. 208.

Cited, Counterclaim — Doctrine and Policy.

70 Hun, 24; (53 St. Rep. 439; 23 Supp. 1121).

Morehouse v. Matthews, 2 N. Y. 514.

Cited, Evidence — Conclusions — Competency.

14 Misc. 506; (70 St. Rep. 714; 35 Supp. 1069).

Morehouse v. Second Nat. Bank, 98 N. Y. 503.

Cited, Accord and Satisfaction—Consideration—Executive Promise.

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Release—Consideration.

82 Hun, 149; (63 St. Rep. 765; 31 Supp. 317).

Duplicate Citations in Parenthesis.

Morehouse v. Yeager, 71 N. Y. 594
Cited, Deceit—Action for—When Lies.
 80 Hun, 400; (62 St. Rep. 43; 30 Supp. 315).

Morel v. Garely, 16 Abb. 269.
Cited, Pleading—Answer—Supplemental.
 11 Misc. 396; (65 St. Rep. 451; 32 Supp. 276).

Moreland v. Sandford, 1 Den. 660.
Cited, Action—Change of Venue—Convenience of Witnesses—Delay in Making Motion.
 77 Hun, 12; (59 St. Rep. 831; 28 Supp. 280).

Mores v. Society for Protection of Destitute Children at Buffalo, 19 Week. Dig. 247.

Cited, Principal and Agent—Payment to Agent.
 19 Misc. 179.

Morewood v. Hollister, 6 N. Y. 309.
Cited, Magistrates—Preservation of Testimony—Return.
 152 N. Y. 140.

Morey v. Farmers' Loan & Trust Co., 14 N. Y. 302.
Cited, Vendor and Purchaser—Payment—Presumption.
 13 Misc. 285; (68 St. Rep. 730; 34 Supp. 705).

Morey v. Ford, 32 Hun, 446.
Cited, Pleading—Demurrer to Answer—Challenging Complaint on.
 6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).
 80 Hun, 28; (61 St. Rep. 612; 29 Supp. 861).

Morey v. Morning Journal Ass'n, 123 N. Y. 207; 33 St. Rep. 49.
Cited, Libel—Per Se.
 68 Hun, 671; (52 St. Rep. 598; 22 Supp. 1011).

Morey v. Morning Journal Ass'n, 123 N. Y. 207; 33 St. Rep. 49.
Cited, Libel—What is Per Se—Obloquy Less Than Crime.
 69 Hun, 360; (52 St. Rep. 794; 23 Supp. 654).

Libel—Per Se—Ridicule—Disgrace—Contempt.
 74 Hun, 241; (55 St. Rep. 681; 26 Supp. 235).
 Libel—Per Se.
 89 Hun, 193; (69 St. Rep. 258; 35 Supp. 80).

Libel—Damages—Evidence.
 6 App. Div. 587; (39 Supp. 542).
 Libel—Per Se—Special Damage.
 14 Misc. 322; (70 St. Rep. 357; 35 Supp. 840).

Morey v. Tracy, 92 N. Y. 531.
Cited, Appeal—Stay—Effect.
 2 Misc. 186; (49 St. Rep. 717; 21 Supp. 766; 23 Civ. Pro. 35).

Morford v. Farmers' Bank of Saratoga, 26 Barb. 568.
Cited, Corporations—Note—Accommodation Indorser.
 90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Morgan, Matter of, 1 Misc. 71; 54 St. Rep. 236; 22 Supp. 1064.

Morgan, Matter of, 34 Hun, 217.
Cited, Assignment for Creditors—Accounting—Refunding by Creditors—Power of County Court Over.
 5 Misc. 116; (25 Supp. 740). 89 Hun, 551; (69 St. Rep. 648; 35 Supp. 294).

Morgan, Matter of, 99 N. Y. 145.
Cited, Assignment for Creditors—Refunding by Creditors—Former Adjudication.
 89 Hun, 550; (69 St. Rep. 647; 35 Supp. 293).

Morgan, Matter of, 104 N. Y. 74; 5 St. Rep. 511.
Cited, Appeal—Objection to Evidence—Sufficiency.

7 Misc. 189; 57 St. Rep. 542; 27 Supp. 315).

Morgan, Matter of, 150 N. Y. 35; 3 Ann. Cas. 175.

Morgan, Matter of, 2 App. Div. 619; 38 Supp. 378.
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Morgan, Matter of, 1 App. Div. 89; 72 St. Rep. 34; 38 Supp. 378.

Morgan, Matter of, 63 Barb. 621.
Cited, Trusts—Removal of Trustee—Misconduct.
 17 Misc. 711; (40 Supp. 909).

Trusts—Removal of Trustee—Breach of Duty.
 20 Misc. 271; (79 St. Rep. 845; 45 Supp. 845).

Morgan v. Binghamton, City of, 102 N. Y. 500; 2 St. Rep. 449.
Cited, Public Officers—Good Faith—Presumption.
 10 Misc. 210; (62 St. Rep. 89; 30 Supp. 415).

Morgan v. Bowes, 62 Hun, 623; 17 Supp. 22.
Cited, Damages—Negligent Blasting.
 13 App. Div. 304; (77 St. Rep. 5; 43 Supp. 5). 17 Misc. 393; (39 Supp. 1079).

*Duplicate Citations in Parenthesis.***Morgan v. Congdon**, 4 N. Y. 552.

Cited, Lien—Of Artisan on Chattel.
3 Misc. 97; (51 St. Rep. 606; 22 Supp. 550).
2 Misc. 194; (49 St. Rep. 572; 21 Supp. 265),
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89 Hun, 201; (69 St. Rep. 102; 34 Supp. 1021).

Morgan v. Fillmore, 18 Abb. 217.

Cited, Interpleader—Ignorance of Claimant's Rights.
2 Misc. 444; (51 St. Rep. 566; 22 Supp. 188).

Morgan v. Freeborn, 68 Hun, 296; 52 St. Rep. 107; 22 Supp. 982.

Cited, Evidence—Interest—Sufficiency.
15 Misc. 538; (74 St. Rep. 558; 38 Supp. 106).

Morgan v. Fullerton, 9 App. Div. 233; 75 St. Rep. 863; 41 Supp. 465.**Morgan v. Goldberg**, 9 Misc. 153; 59 St. Rep. 667; 29 Supp. 52.

Morgan v. Hannas, 13 Abb. N. C. 361.
Cited, Executors — Commissions — Reinvestments.
51 St. Rep. 737; (22 Supp. 2).

Morgan v. Hudson R. Ore & Iron Co., 133 N. Y. 666; 45 St. Rep. 112.

Cited, Master and Servant—Duty of Master—Rules.
73 Hun, 273; (58 St. Rep. 65; 26 Supp. 407).
69 Hun, 27; (52 St. Rep. 816; 23 Supp. 261).
78 Hun, 494; (61 St. Rep. 212; 29 Supp. 535).
151 N. Y. 584.

Master and Servant—Rules—Inference by Jury.

86 Hun, 98; (68 St. Rep. 42; 34 Supp. 199).
Master and Servant—Rules—Question of Fact.
88 Hun, 325; (68 St. Rep. 559; 34 Supp. 741).

Master and Servant—Rules—Liability.
14 App. Div. 72; (77 St. Rep. 760; 43 Supp. 760).

Morgan v. King, 35 N. Y. 454.

Cited, Waters—Navigable—Tests.
75 Hun, 566; (59 St. Rep. 639; 27 Supp. 539). 16 App. Div. 532; (78 St. Rep. 1016; 44 Supp. 1016).

Morgan v. Mason, 4 E. D. Smith, 636.

Cited, Brokers—Sale of Lands—Commissions—When Earned.
21 Supp. 442. 17 Misc. 555; (75 St. Rep. 102; 40 Supp. 696).

Brokers—Real Estate — Commissions—Consummation by Owner.

2 Misc. 336; (51 St. Rep. 429; 21 Supp.

Morgan v. Murtha, 17 Misc. 292; 40 Supp. 376.

Reversed, 18 Misc. 438; 76 St. Rep. 374; 42 Supp. 374.

Morgan v. Murtha, 18 Misc. 438; 76 St. Rep. 374; 42 Supp. 374.

Morgan v. N. Y. C. & H. R. R. Co., 23 Supp. 197.

Morgan v. N. Y. & Albany R. Co., 10 Paige, 290.

Cited, Judgment Creditor — Election—Remedy.

8 App. Div. 44; (40 Supp. 455).
Creditor's Action—Relation to Statute.
1 Ann. Cas. 400.

Morgan v. Potter, 17 Hun, 403.

Cited, Husband and Wife—Separation—Agreement.
13 Misc. 593; (71 St. Rep. 597; 36 Supp. 821).

Morgan v. Powers, 83 Hun, 298; 64 St. Rep. 749; 31 Supp. 954.

Morgan v. Schuyler, 79 N. Y. 490.

Cited, Partnership—Retirement — Firm Name.
15 App. Div. 528; (78 St. Rep. 537; 44 Supp. 537).

Morgan v. Short, 13 Misc. 279; 67 St. Rep. 866; 34 Supp. 10.

Morgan v. Skiddy, 62 N. Y. 319.

Cited, Fraud—Misrepresentations—Circular.
18 Misc. 223; (75 St. Rep. 798; 41 Supp. 386).

Morgan v. Skidmore, 3 Abb. N. C. 92.

Cited, Costs—Executors—Referred Claim—Certificate.
72 Hun, 457; (54 St. Rep. 864; 25 Supp. 301).

Morgan v. Smith, 5 Hun, 220.

Cited Landlord and Tenant—Rights of Lower Tenant in Floor Light.
3 Misc. 223; (52 St. Rep. 648; 23 Supp. 528).

Morgan v. Stevens, 6 Abb. N. C. 356.

Cited, Counterclaim—Damages for Delay Under Building Contract.
2 Misc. 273; (23 Supp. 775).
Mechanic's Lien—Enforcement—Relief to Other Lienors.
2 Misc. 273; (23 Supp. 777).

Morgan v. Taylor, 24 St. Rep. 60; 5 Supp. 920.

Cited, Mechanic's Lien — Abatement of Action.

12 Misc. 30; (66 St. Rep. 723; 33 Supp. 663).
Mechanic's Lien — Breach of Contract.
12 Misc. 104; (66 St. Rep. 863; 33 Supp.

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Morgan Sons' Co. v. Troxell, 23 Hun, 632.

Cited, Injunction—Trade Names.

10 Misc. 272; (63 St. Rep. 316; 30 Supp. 1076).

Morgan v. Troxell, 89 N. Y. 292.

Cited, Trade-marks—Style of Package.

68 Hun, 516; (52 St. Rep. 776; 23 Supp. 26).

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5 Misc. 84; (34 Supp. 894).

Morgan v. Von Kohnstamm, 9 Daly, 335.

Cited, Supplementary Proceedings—Receiver—Notice.

3 Misc. 559; (52 St. Rep. 514; 23 Supp. 322).

Morganstein Co. v. Vienna Pressed Yeast Co., 69 St. Rep. 500; 35 Supp. 128.

Morganstern, Matter of, 9 Misc. 198; 61 St. Rep. 291; 30 Supp. 215; 24 Civ. Pro. 58.

Morganstern v. Burkhardt, 9 Misc. 417; 61 St. Rep. 701; 30 Supp. 190.

Morganstern v. Hill, 8 Misc. 356; 59 St. Rep. 591; 28 Supp. 704.

Morganstern v. Zink, 6 Misc. 418; 27 Supp. 299.

Morgenthau v. Walker, 2 Misc. 245; 50 St. Rep. 337; 21 Supp. 936.

Reversing, 1 Misc. 508; 48 St. Rep. 937; 20 Supp. 991.

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9 Misc. 69; (59 St. Rep. 692; 29 Supp. 13).

Morgenthau v. Walker, 3 Misc. 615;

52 St. Rep. 937; 23 Supp. 1161.

Reversing, 2 Misc. 245; 50 St. Rep. 337; 21 Supp. 936.

Mori v. Pearsall, 14 Misc. 251.

Moriarty v. Albany, 8 App. Div. 118; 40 Supp. 583.

Moriarty v. Harnden's Express, 1 Daly, 227.

Cited, Carriers—Negligence—Liability.

15 Misc. 97; (71 St. Rep. 833; 36 Supp. 811).

Morimuro v. Newa, 84 Hun, 606; 34 Supp. 1130.

Morison v. N. Y. Elevated R. Co., 74 Hun, 398; 57 St. Rep. 245; 26 Supp. 641.

Morison v. N. Y. Elevated R. Co., 57 St. Rep. 246; 26 Supp. 640.

Moritz v. Kaliske, 59 St. Rep. 867; 28 Supp. 380; 31 Abb. N. C. 49.

Moritz v. Koenig, 1 Misc. 186; 48 St. Rep. 693; 21 Supp. 5.

Morowski v. Rohrig, 4 Misc. 167; 53 St. Rep. 220; 23 Supp. 880.

Reversing, 2 Misc. 590; 51 St. Rep. 946; 21 Supp. 1136.

Cited, Pleading — Performance — Evidence.

10 Misc. 152; (62 St. Rep. 497; 30 Supp. 919). 41 Supp. 648; (25 Civ. Pro. 277).

Morrell v. Dickey, 1 Johns. Ch. 153.

Cited, Mortgage — Existence of Debt — Maturity at Mortgagor's Death—Post Mortem Gift.

50 St. Rep. 230; (21 Supp. 663).

Morrell v. Peck, 88 N. Y. 398.

Cited, Highways—Negligence—Fender.

17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146).

Evidence—Negligence—Authority or Control.

12 Misc. 415; (67 St. Rep. 574; 33 Supp. 704).

Morrill v. Cooper, 65 Barb. 512.

Cited, Statute of Frauds—Oral Agreement —Performance.

86 Hun, 505; (67 St. Rep. 527; 33 Supp. 782).

Morrill Kazis, 8 App. Div. 304; 75 St. Rep. 354; 40 Supp. 954.

Morris Matter of, 45 Hun, 167.

Cited, Contempt—Imprisonment—Habeas Corpus.

17 Misc. 219; (40 Supp. 1052).

Morris, Matter of, 63 Hun, 619.

Affirmed, 133 N. Y. 693.

Cited, Trusts—Remainders—Mortgage or Sale.

147 N. Y. 572; (70 St. Rep. 339).

Morris, Matter of, 9 App. Div. 602; 75 St. Rep. 1130; 41 Supp. 737.

Morris v. Barrisford, 9 Misc. 14; 59 St. Rep. 698; 29 Supp. 17.

Cited, Nuisance—Pleading — Negligence.

13 Misc. 140; (68 St. Rep. 231; 34 Supp. 181).

Morris v. Brown, 111 N. Y. 318; 19 St. Rep. 355.

Cited, Master and Servant—Appliances.

4 Misc. 162; (53 St. Rep. 196; 23 Supp. 788).

Morris v. Chamberlain, 14 Supp. 702.

Cited, Pleading—Defense—Counterclaim.

74 St. Rep. 792; (38 Supp. 860).

*Duplicate Citations in Parenthesis.***Morris v. DeWitt**, 5 Wend. 71.*Cited*, Replevin—Cross-Suit.

63 St. Rep. 600; (31 Supp. 198).

Morris v. Eighth Ave. R. Co., 68 Hun, 39; 52 St. Rep. 61; 22 Supp. 666.*Cited*, Damages — Excessive — Injury — Street Railways.

6 Misc. 25; (58 St. Rep. 127; 26 Supp. 62; 31 Abb. N. C. 62).

Morris v. Hays, 14 App. Div. 8; 77 St. Rep 639; 43 Supp. 639.**Morris v. Keyes**, 1 Hill. 540.*Cited*, Evidence—Record of Unauthenticated Deed.

2 Misc. 440; (51 St. Rep. 119; 21 Supp. 973).

Evidence — Certificate of Acknowledgment—Effect.

149 N. Y. 79.

Morris v. Krakauer Young Men's Ass'n., 16 Misc. 35; 73 St. Rep. 568; 37 Supp. 948.**Morris v. Lake Shore & Michigan Southern R. Co.**, 148 N. Y. 182.**Morris v. Morris**, 71 Hun, 45; 54 St. Rep. 292; 24 Supp. 579.**Morris v. Mowatt**, 2 Paige 586.*Cited*, Mortgagee—Nature of Interest.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).

Morris v. Murray, 20 Misc. 7; 78 St. Rep. 600; 44 Supp. 600.**Morris v. N. Y. C. & H. R. R. Co.**, 106 N. Y. 678; 4 St. Rep. 204.*Cited*, Carriers—Appliances—Degree of Care.

7 Misc. 105; (57 St. Rep. 484; 27 Supp. 411). 153 N. Y. 269.

Morris v. New York, Ontario & W. R. Co., 73 Hun, 560; 56 St. Rep. 231; 26 Supp. 342.*Cited*, Damages—Excessiveness.

86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

Morris v. New York, Ontario & W. R. Co., 73 Hun, 560; 56 St. Rep. 231; 26 Supp. 342.*Reversed*, 148 N. Y. 88; 2 Ann. Cas. 293.**Morris v. New York, Ontario & W. R. Co.**, 148 N. Y. 88; 2 Ann. Cas. 293.**Morris v. New York, Ontario & W. R. Co.**, 25 Civ. Pro. 168.**Morris v. Niles**, 12 Abb. 103.*Cited*, Judicial Sale—Rights of Purchaser—Future Rent.

3 Misc. 534; (52 St. Rep. 491; 23 Supp. 32).

Morris v. People, 3 Den. 381.*Cited*, Claims—Audit—Accuracy.

82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

Mandamus—Title to Public Office.

89 Hun, 40; (69 St. Rep. 387; 34 Supp. 1129).

Statutes—Constitutionality.

19 Misc. 123.

Morris v. Rexford, 18 N. Y. 552.*Cited*, Action—Election of Remedies—Effect.

61 St. Rep. 648; (29 Supp. 1049). 4 Misc. 155; (53 St. Rep. 205; 23 Supp. 874). 9 Misc. 114; (59 St. Rep. 733; 29 Supp. 49). 17 Misc. 384; (39 Supp. 1063). 80 Hun, 237; (29 Supp. 1049). 87 Hun, 126; (67 St. Rep. 443; 33 Supp. 799).

Action—Election of Remedy — Knowledge.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 202).

Action—Election of Remedies—Conversion.

4 Misc. 150 (53 St. Rep. 118; 23 Supp. 687). 6 App. Div. 462; (39 Supp. 572).

Morris v. Sickley, 133 N. Y. 456; 45 St. Rep. 735.*Cited*, Wills — Legacies—Charge Upon Land.

138 N. Y. 421; (52 St. Rep. 886).

Title.

14 Misc. 410; (71 St. Rep. 506; 36 Supp. 449). 89 Hun, 556; (69 St. Rep. 730; 35 Supp. 343). 18 Misc. 147; (41 Supp. 1103);

Distinguished, 8 App. Div. 352; (75 St. Rep. 178; 40 Supp. 799).**Morris v. Sickley**, 137 N. Y. 604; 51 St. Rep. 4.*Modifying*, 133 N. Y. 456; 45 St. Rep. 735.**Morris v. Sliter**, 1 Den. 59.*Cited*, Contracts—Dependent Covenants—Performance.

83 Hun, 383; (64 St. Rep. 756; 31 Supp. 92).

Morris v. Strobel & Wilken Co., 81 Hun, 1; 62 St. Rep. 572; 30 Supp. 571.*Cited*, Negligence—Proof.

2 App. Div. 207; (72 St. Rep. 863; 37 Supp. 884). 10 Misc. 707; (64 St. Rep. 636; 31 Supp. 830). 13 Misc. 439; (68 St. Rep. 375; 34 Supp. 472).

Morris v. Talcott, 96 N. Y. 100.*Cited*, Attachment — Ground—Fraud—Proof.

49 St. Rep. 607.

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Evidence — Presumption — Innocence—Crime or Fraud—Civil Action.

6 Misc. 273; (58 St. Rep. 133; 26 Supp. 765). 12 Misc. 279; (67 St. Rep. 815; 33 Supp. 1112). 13 Misc. 447; (70 St. Rep. 142; 35 Supp. 531). 1 App. Div. 468; (73 St. Rep. 159; 37 Supp. 54). 4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852). 19 Misc. 609; (78 St. Rep. 399; 44 Supp. 399).

Evidence—Sufficiency—Fraud.

70 Hun, 413; (53 St. Rep. 708; 24 Supp. 435). 6 Misc. 170; (27 Supp. 125).

Fraud—Sale—Concealment of Insolvency—Credit.

77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880). 3 App. Div. 560; (73 St. Rep. 837; 38 Supp. 416).

Trial—Withdrawing Case From Jury—Scintilla of Evidence.

51 St. Rep. 16; (21 Supp. 716).

Morris v. Tuthill, 72 N. Y. 575.

Cited, Mortgages—Purchase With Intent to Foreclose.

150 N. Y. 433; (3 Ann. Cas. 866). 11 App. Div. 179; (76 St. Rep. 894; 42 Supp. 894).

Morris v. Ward, 36 N. Y. 587.

Cited, Real Property—Conveyance—Consideration.

135 N. Y. 45; (48 St. Rep. 253).

Morris v. Webb, 45 Super. 305.

Cited, Trusts—Duty of Trustee.

3 App. Div. 59; (74 St. Rep. 850; 38 Supp. 1037).

Morris v. Wells, 26 St. Rep. 9; 7 Supp. 61.

Cited, Appeal—Grounds of Reversal — Refusal of Referee to Make Finding.

49 St. Rep. 262; (29 Supp. 932).

Morris v. Whelan, 64 How. 109; 11 Abb. N. C. 64.

Cited, Officers—Quo Warranto—Appropriate Remedy to Try Title to Office.

1 Misc. 122; (48 St. Rep. 697; 20 Supp. 703).

Morris v. Wier, 20 Misc. 586.

Morris River Coal Co. v. Salt Co. of Onondaga County, 53 N. Y. 667.

Cited, Arbitration and Award—Vacation—Apparent Mistake.

12 App. Div. 225; (77 St. Rep. 434; 43 Supp. 434).

Morris, Tasker & Co. v. Chamberlain, 38 St. Rep. 476.

Cited, Pleading—Defense—Counterclaim.

4 App. Div. 424; (38 Supp. 860).

Morrison, Matter of, 52 Hun, 102; 22 St. Rep. 210; 5 Supp. 90.

Cited, Divorce Extra-territorial Effect—Domicile.

90 Hun, 237; (69 St. Rep. 637; 35 Supp. 25).

Morrison, Matter of, 117 N. Y. 638.

Cited, Divorce—Extra-territorial Effect—Domicile.

90 Hun, 237; (35 Supp. 282).

Morrison v. Agate, 20 Hun, 23.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965). D. 74 Hun, 193; (56 St. Rep. 555; 26 Supp. 353). 92 Hun, 55; (71 St. Rep. 742; 36 Supp. 730). 8 App. Div. 71; (40 Supp. 460).

Pleading—Amendment—Pending Trial—Discretion.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Morrison v. Agate, 9 Week. Dig. 286.

Cited, Appeal—Review of Discretionary Determination—Extra Allowance.

86 Hun, 475; (67 St. Rep. 636; 33 Supp. 889). 92 Hun, 54; (71 St. Rep. 741; 36 Supp. 729).

Morrison v. Benthuyssen, 103 N. Y. 675; 3 St. Rep. 687.

Cited, Reference—What Issue Referable.

52 St. Rep. 934; (25 Supp. 1128.) 5 App. Div. 227; (39 Supp. 205).

Morrison v. Brand, 5 Daly, 42.

Affirmed, 56 N. Y. 657.

Cited, Mistake—As to Regal Rights—Effect on.

66 Hun, 60; (49 St. Rep. 459; 20 Supp. 748).

Morrison v. Broadway & Seventh Ave. R. Co., 130 N. Y. 166; 41 St. Rep. 248.

Cited, Street Railways—Starting Cars—Admission of Passengers.

4 Misc. 470; (54 St. Rep. 346; 24 Supp. 494).

Morrison v. Broadway & Seventh Ave. R. Co., 8 Supp. 436.

Cited, Street Railways—Negligence—Premature Start.

13 App. Div. 298; (77 St. Rep. 29; 43 Supp. 29).

Morrison v. Broadway & Seventh Ave. R. Co., 28 St. Rep. 498.

Cited, Street Railways—Negligence—Premature Start.

19 Misc. 142.

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Morrison v. Crane, 49 St. Rep. 300; 21 Supp. 46.

Morrison v. Erie R. Co., 56 N. Y. 302.
Cited, Railroads—Alighting From Moving Train—Negligence—Contributory.

80 Hun, 196; (61 St. Rep. 775; 30 Supp.

31). 5 App. Div. 29; (39 Supp. 67).

Infants—Injuries—Imputed Negligence.

6 App. Div. 210; (39 Supp. 808.) 12 App.

Div. 153; (76 St. Rep. 665; 42 Supp. 665).

Negligence—Question of Fact.

86 Hun, 523; (67 St. Rep. 670; 33 Supp. 989).

Negligence—Contributory - Car Platform.

92 Hun, 148; (71 St. Rep. 153; 36 Supp. 883).

Service—Infants—Imputed Act.

20 Misc. 473.

Morrison v. Garner, 7 Abb. N. C. 425.

Cited, Sale—Fraud In—Insolvency of Purchaser—Passing of Title.

(59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 402). 11 Misc. 78; (29 Supp. 595).

Morrison v. L'Hommedieu, 78 St.

Rep. 79; 44 Supp. 79.

Morrison v. Long Island R. R. Co.,

3 App. Div. 205; 73 St. Rep. 732; 38

Supp. 393.

Morrison v. Metropolitan Elevated

R. Co., 74 Hun, 639; 57 St. Rep. 198;

26 Supp. 858.

Morrison v. Metropolitan Tele-

phone & T. Co., 69 Hun, 100; 52 St.

Rep. 601; 23 Supp. 237; 30 Abb. N. C. 143.

Cited, Appeal—Evidence—Inferences.

85 Hun, 108; (66 St. Rep. 30; 32 Supp. 648).

Negligence—Contributory — Question of Fact.

85 Hun, 97; (66 St. Rep. 67; 32 Supp. 683).

Morrison v. Mutual Life Ins. Co., 67

Hun, 57; 32 St. Rep. 846.

Cited, Administrator—Jurisdiction—Decedent's Estate.

145 N. Y. 571; (65 St. Rep. 516).

Morrison v. Morrison, 16 Hun, 507.

Cited, Appeal—Right to—Determination.

8 App. Div. 321; (75 St. Rep. 335; 40 Supp. 937).

Morrison v. N. Y. C. & H. R. R. Co.,

63 N. Y. 643.

Cited, Trial—Questions of Law and Fact—Negligence.

50 St. R p. 834; (22 Supp. 345).

Negligence—Contributory—Presumption.

86 Hun, 99; (68 St. Rep. 44; 34 Supp. 200).

Morrison v. Ogdensburgh & L. C. R. Co., 52 Barb. 173.

Cited, Principal and Agent—Relation—Termination.

73 Hun, 180; (57 St. Rep. 335; 27 Supp. 571).

Morrison v. Perry, 11 Hun, 33.

Cited, Partnership — Dissolution — Liability.

14 Misc. 609; (71 St. Rep. 448; 36 Supp. 461).

Morrison v. Sturges, 26 How. 177.

Cited, Order—Discovery and Inspection—When Granted.

84 Hun, 152; (65 St. Rep. 837; 32 Supp. 509).

Morrissey v. Westchester Electric

R. Co., 18 App. Div. 67; 79 St. Rep.

444; 45 Supp. 444.

Morrow v. Morrow, 12 Hun, 386.

Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (2 St. Rep. 631; 23 Supp. 670).

Limitation of Action—Acknowledgment—Including Claim Against Executor in Inventory.

1 Misc. 252; (51 St. Rep. 513; 23 Supp. 913).

Mors v. Stanton, 51 N. Y. 649.

Cited, Motion—Appearance—Notice of Retainer—Effect.

142 N. Y. 155; (58 St. Rep. 624).

Morse v. Buffalo, 35 Hun, 613.

Cited, Municipal Corporations—Improvements—Assessments—Immaterial Error.

78 Hun, 202; (60 St. Rep. 211; 28 Supp. 950). 90 Hun, 121; (70 St. Rep. 402; 35 Supp. 637).

Morse v. Goold, 11 N. Y. 281.

Cited, Assignment—For Creditors—Accounting—Limitation.

140 N. Y. 107; (55 St. Rep. 814).

Statutes—Constitutionality — Remedy on Contracts.

71 Hun, 26; (53 St. Rep. 850; 24 Supp. 616). 4 Misc. 366; (53 St. Rep. 849; 24 Supp. 324). 20 Misc. 77; (79 St. Rep. 822; 45 Supp. 822).

Morse v. Hovey, 9 Paige, 197.

Cited, Bills and Notes—Accommodation Maker—Defense.

20 Misc. 659.

Morse v. Morse, 85 N. Y. 53.

Cited, Partition—Effect of Executor's Power of Sale.

72 Hun, 184; (55 St. Rep. 323; 25 Supp. 546).

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9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278).

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3 Misc. 470; (23 Supp. 737).

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67 Hun, 375; (51 St. Rep. 925; 22 Supp. 218). 81 Hun, 21; (62 St. Rep. 263; 30 Supp. 570).

Trusts—Creation—Intent.

3 App. Div. 292; (38 Supp. 1071). 12 Misc. 319; (67 St. Rep. 545; 33 Supp. 720; 24 Civ. Pro. 372).

Morse v. Smith, 42 St. Rep. 168; 17 Supp. 385.

Cited, Attachment — When Lies — Accounting—Executors.

79 Hun, 145; (61 St. Rep. 355; 29 Supp. 763; (24 Civ. Pro. 31).

Morse v. Thurber, 7 Misc. 707; 58 St. Rep. 833; 28 Supp. 35.

Cited, Appeal—Verdict—Conclusiveness.

9 Misc. 498; (61 St. Rep. 129; 30 Supp. 231).

Morse v. Troy, 38 Hun, 301.

Cited, Costs—Poor Party.

75 St. Rep. 261.

Morse v. Williamson, 35 Barb. 472.

Cited, Courts—Jurisdiction—When Exclusive.

1 Misc. 460; (49 St. Rep. 610; 21 Supp. 791).

Morseman v. Manhattan R. Co., 16 Daly, 249.

Cited, Negligence—Presumption.

D. 9 Misc. 11; (59 St. Rep. 740; 29 Supp. 23).

Morson v. Gravesend, Town of, 89 Hun, 52; 69 St. Rep. 451; 35 Supp. 94.

Cited, Towns—Contracts—Liability.

69 St. Rep. 453; (35 Supp. 97). 14 Misc. 220; (70 St. Rep. 383; 35 Supp. 610).

Morss v. Elmendorf, 11 Paige, 277.

Cited, Vendor and Purchaser — Specific Performance—Damages.

143 N. Y. 247; (62 St. Rep. 174). 2 App. Div. 547; (74 St. Rep. 373; 38 Supp. 5).

Morss v. Gleason, 64 N. Y. 204.

Cited, Partnership—Partner's Interest as Personality.

140 N. Y. 72; (55 St. Rep. 264).

Partnership — Partner's Interest — Accounting.

13 Misc. 155; (68 St. Rep. 76; 34 Supp. 84).

Morss v. Hasbrouck, 13 Week. Dig. 393.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

Costs—Extra Allowance—Amount.

54 St. Rep. 323; (24 Supp. 486; 30 Abb. N. C. 284).

Costs — Discretion—Review.

53 St. Rep. 741; (24 Supp. 246). 88 Hun, 348; (68 St. Rep. 390; 34 Supp. 401). 8 App. Div. 71; (40 Supp. 461).

Morss v. Purvis, 68 N. Y. 225.

Cited, Statute of Limitations — Computation of Time.

17 App. Div. 601; (79 St. Rep. 308; 45 Supp. 308).

Morss v. Salisbury, 48 N. Y. 636.

Cited, Contracts—Construction—Variance in Duplicates.

68 Hun, 198; (52 St. Rep. 89; 22 Supp. 848).

Morss v. Sherrill, 63 Barb. 21.

Cited, Appeal — Review of Facts.

80 Hun, 184; (61 St. Rep. 832; 30 Supp. 69). 10 Misc. 657; (64 St. Rep. 497; 31 Supp. 793). 93 Hun, 73; (71 St. Rep. 239; 36 Supp. 344).

Witness—Credibility—Question of Fact.

91 Hun, 637; (70 St. Rep. 665; 35 Supp. 1005).

Morten v. Ludlow, 5 Paige 519.

Cited, Trustees—Accounting—Interest.

75 Hun, 524; (57 St. Rep. 252; 27 Supp. 732).

Mortimer v. Chambers, 63 Hun, 335; 43 St. Rep. 365; 17 Supp. 874.

Cited, Limitation of Action—Liability of Devisee for Debts of Testator.

73 Hun, 433; (56 St. Rep. 33; 26 Supp. 448).

Evidence—Decedent's Debts—Agency.

90 Hun, 131; (70 St. Rep. 511; 35 Supp. 647).

Statutes—Amendment—Construction.

90 Hun, 332; (70 St. Rep. 617; 35 Supp. 914).

Mortimer v. Doelger, 33 St. Rep. 705; 11 Supp. 583.

Cited, New Trial—Weight of Evidence—Effect of Failure to Ask Direction of Verdict.

72 Hun, 427; (55 St. Rep. 173; 25 Supp. 154).

Mortimer v. Manhattan Railway Co., 129 N. Y. 81.

Cited, Railroads — Injury to Abutters — Rights of Lessor.

17 App. Div. 510; (79 St. Rep. 515; 45 Supp. 515).

Duplicate Citations in Parenthesis.

Mortimer v. Metropolitan Elevated R. Co., 137 N. Y. 546; 50 St. Rep. 931.
Affirming 44 St. Rep. 692.

Mortimer v. New York Elevated R. Co., 6 Supp. 898.

Cited, Highways — Title to Fee — Dutch Roads in New York.

9 App. Div. 184; (75 St. Rep. 549; 41 Supp. 89).

Mortland v. Phil. & Reading R. Co., 81 Hun, 473; 63 St. Rep. 215; 30 Supp. 1021.

Cited, Innkeeper—Liability—Baggage.
84 Hun, 538; (66 St. Rep. 323; 32 Supp. 849).

Morton, Matter of, 7 Misc. 343; 58 St. Rep. 515; 28 Supp. 82.

Cited, Executors and Administrators — Claims—Presentation.
88 Hun, 315; (68 St. Rep. 581; 34 Supp. 763).

Morton v. Chesley, 16 Misc. 172; 74 St. Rep. 364; 37 Supp. 1065.

Morton v. Chesley, 3 App. Div. 446; 73 St. Rep. 861; 38 Supp. 252; 25 Civ. Pro. 230.

Morton v. Metropolitan L. Ins. Co., 34 Hun, 366.

Affirmed, 103 N. Y. 645.
Cited, Malicious Prosecution—Liability of Corporations.

2 Misc. 304; (51 St. Rep. 569; 21 Supp. 999).
Morton v. New York, 65 Hun, 32; 47 St. Rep. 64; 19 Supp. 603.

Affirmed, 140 N. Y. 207; 55 St. Rep. 413.
Cited, Damages—Injury to Real Property — Nuisances.

79 Hun, 482; (61 St. Rep. 461; 29 Supp. 1002).

Morton v. New York, 140 N. Y. 207; 55 St. Rep. 413.

Affirming, 65 Hun, 32; 47 St. Rep. 64; 19 Supp. 603.

Cited, Nuisance—Pumping Station.
61 St. Rep. 720; (29 Supp. 1139).

Railroads—Nuisances—Statutory Authority—Liability.

75 Hun, 484; (57 St. Rep. 371; 27 Supp. 473). 80 Hun, 89, 90; (29 Supp. 1139). 9 App. Div. 255; (75 St. Rep. 810; 41 Supp. 898).

Railroads — Nuisances — Unauthorized Structure.

88 Hun, 388; (68 St. Rep. 823; 34 Supp. 812).
Nuisances—Legislative Powers—Compensation.

20 Misc. 479; (79 St. Rep. 779; 45 Supp. 779).

Morton v. O'Keefe, 10 Misc. 538; 64 St. Rep. 23; 31 Supp. 446; 1 Ann. Cas. 222.
Reversed, 145 N. Y. 244; 64 St. Rep. 685.

Cited, Mechanic's Lien—Judgment—Liability on Bond.

13 Misc. 62; (68 St. Rep. 189; 34 Supp. 143).

Morton v. Pinckney, 8 Bosw. 135.

Cited, Trial—Dismissal of Complaint—Review.

13 Misc. 57; (68 St. Rep. 21; 35 Supp. 66).

Morton v. Thurber, 85 N. Y. 550.

Cited, Usury—What Constitutes—Mutual Agreement.

150 N. Y. 363. 10 Misc. 105; (63 St. Rep. 399; 31 Supp. 115).

Usury—Mutual Agreement—Proof.

19 Misc. 630; (78 St. Rep. 390; 44 Supp. 390).

Morton v. Tucker, 145 N. Y. 244; 64 St. Rep. 685.

Cited, Mechanic's Lien—Discharge—Deposit.

152 N. Y. 591.

Mechanic's Lien — Bond — Liability of Surety.

13 Misc. 62; (68 St. Rep. 189; 34 Supp. 143). 17 Misc. 360; (39 Supp. 1088). 10 App. Div. 39; (75 St. Rep. 1097; 41 Supp. 707). 17 App. Div. 376; (79 St. Rep. 227; 45 Supp. 227). 10 App. Div. 275; (75 St. Rep. 1338; 41 Supp. 963).

Mechanic's Lien—Action on Bond—Procedure.

14 Misc. 466; (72 St. Rep. 260; 36 Supp. 1111). 39 Supp. 92. 19 Misc. 617; (78 St. Rep. 425; 44 Supp. 425). 20 Misc. 223; (79 St. Rep. 413; 45 Supp. 413).

Pleading—Mechanic's Lien — Action on Bond.

19 Misc. 614; (78 St. Rep. 423; 44 Supp. 423).

Mechanic's Liens—Construction of the Statute.

15 App. Div. 138; (78 St. Rep. 374; 44 Supp. 374).

Morton v. Weil, 33 Barb. 30.

Cited, Pleading — Demurrer—Misjoinder of Causes.

92 Hun, 25; (72 St. Rep. 831; 37 Supp. 886).

Morton v. Weil, 11 Abb. 421.

Cited, Creditor's Action — Sequestering Property—Joinder of Causes.

8 App. Div. 45; (40 Supp. 456).

Morton v. Woodbury, 153 N. Y. 243.

Affirming, 86 Hun, 277; 66 St. Rep. 845; 33 Supp. 243.

Morzieres v. Vanni, 17 Misc. 572; 40 Supp. 1145.

Moschell v. Boor, 66 Hun, 557; 50 St. Rep. 238; 21 Supp. 683.

Moscowitz v. Homberger, 19 Misc. 429; 77 St. Rep. 1130; 43 Supp. 1130.

Mosel v. William Frank Brewing Co., 2 App. Div. 93; 73 St. Rep. 214; 37 Supp. 525.

Cited, Evidence—Receipts—Question of Fact.

79 St. Rep. 1125; (45 Supp. 1125).

Mosel v. William Frank Brewing Co., 13 App. Div. 99; 76 St. Rep. 1128; 42 Supp. 1128.

Moseley v. Marshall, 22 N. Y. 200.

Cited, Mortgages—Interest—Liability of Life Tenant.

9 App. Div. 623; (75 St. Rep. 568; 41 Supp. 108).

Moser v. Cochrane, 12 Daly, 292.

Affirmed, 107 N. Y. 35.

Cited, Vendor and Purchaser—Defect in Title—Burden of Proof.

19 Misc. 582; (77 St. Rep. 677; 43 Supp. 677).

Moser v. Cochrane, 107 N. Y. 35.

Cited, Vendor and Purchaser—Rights of Parties—Title.

24 Supp. 663.

Evidence—Deed—Title.

9 App. Div. 218; (75 St. Rep. 622; 41 Supp. 174).

Moser v. Providence Washington Ins. Co., 10 Misc. 40; 62 St. Rep. 774; 30 Supp. 814.

Moser v. Scheib, 16 App. Div. 379.

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Moses v. Bierling, 31 N. Y. 462.

Cited, Brokers—Real Estate—Commissions.

5 Misc. 500; (26 Supp. 715).

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82 Hun, 452; (64 St. Rep. 404; 31 Supp. 708).

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16 Misc. 386; (38 Supp. 82).

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17 Misc. 404; (39 Supp. 1058).

Moses v. Central Park, N. & E. R. Co., 3 Misc. 322; 52 St. Rep. 213; 23 Supp. 23.

Cited, Trial—Verdict—Impeachment by Affidavits of Jurors.

79 St. Rep. 904; (45 Supp. 904).

Moses v. Helmke, 18 Misc. 357; 75 St. Rep. 946; 41 Supp. 557.

Moses v. Key West, 15 Misc. 15; 72 St. Rep. 423; 36 Supp. 979.

Moses v. McDivitt, 88 N. Y. 62.

Cited, Judgment—Consent—Conclusiveness.

76 Hun, 267; (59 St. Rep. 100; 27 Supp. 745).

Attorney and Client—Contract to Procure Employment.

5 App. Div. 326; (39 Supp. 293).

Moses v. McDivitt, 2 Abb. N. C. 47.

Cited, Usury—Defense—When Interposed.

88 Hun, 103; (68 St. Rep. 530; 34 Supp. 607).

Moses v. Murgatroyd, 1 Johns. Ch. 119.

Cited, Foreclosure—Surplus.

135 N. Y. 279; (48 St. Rep. 88).

Indemnity—Collateral Security—Rights of Creditor.

149 N. Y. 364.

Moses v. Newburgh Electric R. Co.

91 Hun, 278; 72 St. Rep. 50; 36 Supp. 149.

Mosheim & Co. v. Schwartz, 15 Misc. 439; 73 St. Rep. 433; 37 Supp. 757.

Mosher v. Heydrick, 30 How. 161.

Cited, Affidavit—Venue—Amendment.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 303)

Mosher v. Hotchkiss, 2 Keyes, 589.

Cited, Contracts—Guaranty—Consideration of.

80 Hun, 67; (61 St. Rep. 604; 29 Supp. 853).

Mosher v. Hubbard, 13 Johns. 510.

Cited, Limitation of Action—Removal of Bar—Sufficiency of Writing.

136 N. Y. 410; (49 St. Rep. 689). 14 App. Div. 269; (77 St. Rep. 473; 43 Supp. 473).

Mosher v. Lewis, 10 Misc. 373; 64 St. Rep. 117; 31 Supp. 433.

Cited, Mechanic's Lien—Laying Sidewalks—Lessor's Liability.

14 App. Div. 567; (77 St. Rep. 1054; 43 Supp. 1054).

Mechanic's Lien—Work and Material—Owner's Consent.

11 Misc. 403; (65 St. Rep. 314; 32 Supp. 286). 12 Misc. 101; (66 St. Rep. 861; 33 Supp. 174).

Mosher v. Lewis, 14 App. Div. 565; 77 St. Rep. 1052; 43 Supp. 1052.

Cited, Mechanic's Lien—Sub-contractor—Owner's Consent.

20 Misc. 556.

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Mosher v. Providence-Washington Ins. Co., 12 Misc. 104; 66 St. Rep. 679; 33 Supp. 85.

Affirming, 10 Misc. 40; 62 St. Rep. 774; 30 Supp. 814.

Mosher v. Russell, 44 Hun, 12.
Cited, Damages—Permanent Injuries—Evidence.

D. 18 Misc. 32; (75 St. Rep. 518; 41 Supp. 60).

Mosher v. Supreme Sitting Order of Iron Hall, 88 Hun, 394; 68 St. Rep. 755; 34 Supp. 816.

Mosier v. Hilton, 15 Barb. 657.
Cited, Statutes—Amendment—Constitutionality.

13 App. Div. 54; (77 St. Rep. 54; 43 Supp. 54).

Moskovitz v. Lighte, 68 Hun, 102; 52 St. Rep. 216; 22 Supp. 732.

Affirmed, 140 N. Y. 619; 55 St. Rep. 929.

Moskowitz v. Hornberger, 15 Misc. 645; 74 St. Rep. 567; 38 Supp. 114.

Moskowitz v. Hornberger, 20 Misc. 558.

Affirmed, 19 Misc. 429.

Mosley v. Marshall, 22 N. Y. 200.
Cited, Wills. — Construction — Devise—Charges on Estate—Intention.

8 Misc. 342; (60 St. Rep. 443; 29 Supp. 340).

Moss, Matter of, 60 St. Rep. 857; 29 Supp. 421.

Moss, Matter of, 68 St. Rep. 720; 34 Supp. 798; 24 Civ. Pro. 438.

Moss v. Averell, 10 N. Y. 449.
Cited, Corporations—Officers—Estoppel.
D. 4 Misc. 482; (54 St. Rep. 335; 24 Supp. 573).

Moss v. Barton, 12 Week. Dig. 524.
Cited, Judgment on Pleadings—Unnecessary Issue.

17 Misc. 33; (39 Supp. 211).

Moss v. Cohen, 11 Misc. 184; 66 St. Rep. 332; 32 Supp. 1078.

Cited, Pleading—Joinder of Causes—Individual and Representative Rights.
15 Misc. 109; (71 St. Rep. 6; 36 Supp. 266, 267).

Moss v. Cohen, 15 Misc. 108; 71 St. Rep. 5; 36 Supp. 265.

Moss v. Livingston, 4 N. Y. 208.
Cited, Bills and Notes—Corporation—Addition of Official Title—Liability.
139 N. Y. 311; (54 St. Rep. 591).
Bills and Notes—Agent—Liability.
82 Hun, 175; (63 St. Rep. 775; 31 Supp. 327).

Moss v. Oakley, 2 Hill, 265.

Cited, Corporations—Stockholders—Liability for Corporate Debts.

4 Misc. 476; (54 St. Rep. 332; 24 Supp. 569).

Moss v. Tompkins, 69 Hun, 288; 53 St. Rep. 36; 23 Supp. 623.

Affirmed, 144 N. Y. 659.

Cited, Master and Servant—Discharge—Damages.

10 Misc. 675; (64 St. Rep. 294; 31 Supp. 669; 1 Ann. Cas. 272).

Moss v. Tompkins, 144 N. Y. 659.

Moss v. Witemann, 4 Misc. 81; 53 St. Rep. 71; 23 Supp. 854.

Cited, Trial—Dismissal of Answer.
11 Misc. 332; (65 St. Rep. 414; 32 Supp. 233).

Mosselman v. Caen, 1 Hun, 647.

Cited, Pleading—Complaint—Sufficiency.
16 Misc. 358; (74 St. Rep. 384; 38 Supp. 88).

Motley v. Flannagan, 16 Misc. 470; 39 Supp. 923

Motley v. Pratt, 13 Misc. 758; 69 St. Rep. 300; 35 Supp. 184.

Mott v. Ackerman, 92 N. Y. 539.

Cited, Specific Performance—As to Real Estate—Defective Title—Removal of Incumbrance.

8 Misc. 132; (59 St. Rep. 526; 28 Supp. 488).

Wills—Power to Sell Land.

67 Hun, 378; (51 St. Rep. 927; 22 Supp. 220). 14 App. Div. 86; (77 St. Rep. 444; 43 Supp. 444). 16 App. Div. 399; (79 St. Rep. 59; 45 Supp. 59).

Real Estate—Defective Title — Removal of Incumbrance.

13 Misc. 226; (68 St. Rep. 84; 34 Supp. 227).

Mott v. Citizens' Ins. Co. of N. Y., 69 Hun, 501; 52 St. Rep. 717; 23 Supp. 400.

Mott v. Clayton, 9 App. Div. 181; 41 Supp. 87.

Mott v. Consumers' Ice Co., 73 N. Y. 543.

Cited, 12 Misc. 39; (66 St. Rep. 539; 33 Supp. 40).

Evidence — Pleadings—Admissions—Severance.

77 Hun, 475; (60 St. Rep. 672; 29 Supp. 103).

Master and Servant—Liability of Master—Torts of Servant.

Duplicate Citations in Parenthesis.

4 Misc. 397; (53 St. Rep. 270; 24 Supp. 111). 23 Supp. 308. 78 Hun, 526; (61 St. Rep. 237; 29 Supp. 542). 85 Hun, 152; (66 St. Rep. 89; 32 Supp. 631). 16 Misc. 575; (74 St. Rep. 114; 38 Supp. 773); 4 App. Div. 428; (74 St. Rep. 786; 38 Supp. 857). 8 App. Div. 158; (40 Supp. 478). 16 App. Div. 96; (78 St. Rep. 1066; 44 Supp. 1066).

Master and Servant—Violation of Orders by Servant—Effect on Master's Liability

54 St. Rep. 155; (23 Supp. 308). 81 Hun, 360; (63 St. Rep. 145; 30 Supp. 89f).

Pleadings—Admission—Estoppel.

12 Misc. 374; (65 St. Rep. 778; 33 Supp. 644).

Mott v. Consumers' Ice Co., 8 Daly 244.

Cited, Costs—Appeal—To Abide Event—What Included.

6 Misc. 367; (56 St. Rep. 405; 26 Supp. 747).

Mott v. Consumers' Ice Co., 52 How. 148.

Cited, Discovery and Inspection—When Denied.

84 Hun, 152; (65 St. Rep. 837; 32 Supp. 509).

Mott v. Hicks, 1 Cow. 513.

Cited, Bills and Notes—Corporations—Wording—Signature.

139 N. Y. 311; (54 St. Rep. 591).

Contracts—Corporations—Signature.

85 Hun, 496; (67 St. Rep. 241; 33 Supp. 409).

Mott v. Hudson R. R. Co., 8 Bosw. 345.

Cited, Evidence—Opinion—Experts—Distance for Stopping Train.

75 Hun, 460; (57 St. Rep. 683; 27 Supp. 507).

Mott v. Lansing, 57 N. Y. 112.

Cited, Mechanic's Lien — Waiver — Acceptance of Lien.

67 Hun, 110; (51 St. Rep. 544; 22 Supp. 54).

Mott v. Lawrence, 17 How. 559.

Cited, Attachment—Affidavit—Proof of Damages.

11 Misc. 296; (65 St. Rep. 436; 32 Supp. 248).

Mott v. Mott, 68 N. Y. 246.

Cited, Deeds—Construction — Boundaries by Streets.

137 N. Y. 323; (50 St. Rep. 719). 73 Hun, 599; (53 St. Rep. 229; 26 Supp. 104). 86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895). D. 86 Hun, 433; (67 St. Rep. 627; 33 Supp. 898). 11 App. Div. 214; (76 St. Rep. 952; 42 Supp. 952).

Deeds—Boundaries.

92 Hun, 12; (73 St. Rep. 31; 37 Supp. 869). 8 App. Div. 610; (75 St. Rep. 394; 4 Supp. 1009).

Mott v. Mott, 3 App. Div. 532; 73 St. Rep. 742; 38 Supp. 261.

Mott v. Oppenheimer, 135 N. Y. 312 48 St. Rep. 75.

Cited, Party Walls—Covenants as to—Running With Land—Rights of Grantee.

6 Misc. 352; (26 Supp. 914).

Party Walls—Agreement.

11 Misc. 715; (64 St. Rep. 630; 31 Supp. 864).

Mott v. Oppenheimer, 29 Abb. N. C. 218.

Cited, Statute of Frauds—Memorandum 64 St. Rep. 643; (31 Supp. 822).

Mott v. Palmer, 1 N. Y. 564.

Cited, Landlord and Tenant—Building—Erected by Tenant.

68 Hun, 207; (49 St. Rep. 6; 21 Supp. 41).

Fixtures—Notice—Vendor's Rights.

15 App. Div. 39; (78 St. Rep. 121; 4 Supp. 121).

Mechanic's Liens—Consent—Lessor's Liability.

10 Misc. 378; (64 St. Rep. 120; 31 Supp. 437).

Evidence—Parol—Written Instrument.

16 Misc. 377; (74 St. Rep. 382; 38 Supp. 85).

Mott v. Richtmyer, 57 N. Y. 49.

Cited, Deed—Construction—Inconsistent Recitals.

9 Misc. 645; (62 St. Rep. 221; 30 Supp. 436). 3 App. Div. 287; (38 Supp. 1067). 150 N. Y. 146.

Mott v. Robens, 1 Hill, 21.

Cited, Contract—Public Policy—Diversification of Official Fees.

70 Hun, 546; (53 St. Rep. 612; 24 Supp. 373).

Mott v. Rush, Commissioners of Highways of, 2 Hill, 472.

Cited, Highways — Encroachment — Removal—Notice—Description.

78 Hun, 531; (61 St. Rep. 382; 29 Supp. 483). 149 N. Y. 510.

Mott v. Underwood, 73 Hun, 509; 50 St. Rep. 181; 26 Supp. 307.

Affirmed, 148 N. Y. 463.

Mott v. Underwood, 148 N. Y. 463.

Moubray v. Dieckman, 9 App. Div. 120; 75 St. Rep. 543; 41 Supp. 82.

Moubray v. Moubray, 3 App. Div. 227 73 St. Rep. 615; 38 Supp. 459.

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Moulton, Matter of, 32 St. Rep. 631; 10 Supp. 717.

Cited, Surrogate's Court—Settlement of Case—Findings.

5 Misc. 138; (25 Supp. 704).

Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Surrogate's Court—Revocation of Letters Testamentary.

17 Misc. 527; (75 St. Rep. 834; 41 Supp. 430).

Moulton, Matter of, 11 Misc. 694; 67 St. Rep. 400; 33 Supp. 578.

Moulton v. Cornish, 138 N. Y. 133; 51 St. Rep. 845; 30 Abb. N. C. 329.

Reversing, 61 Hun, 438; 41 St. Rep. 41; 16 Supp. 267; 21 Civ. Pro. 343.

Cited, Action—Parties—Defect—Bringing in by Court.

138 N. Y. 281; (52 St. Rep. 363). 153 N. Y. 134.

Action—Parties—Failure to Bring in.

153 N. Y. 170.

Moulton v. De Ma Carty, 6 Robt. 533. *Distinguished*, Trusts—Income—Proof.

3 App. Div. 282; (74 St. Rep. 22; 38 Supp. 367).

Cited, Judgment—Wrong Name—Amendment.

11 Misc. 254; (65 St. Rep. 858; 64 St. Rep. 612; 32 Supp. 737; 1 Ann. Cas. 113).

Creditor's Bill—Surplus Income—Earnings of Debtor.

4 App. Div. 322; (38 Supp. 570).

Moultrie v. Hunt, 23 N. Y. 394.

Cited, Wills—Validity—Determined by Existing Laws.

9 Misc. 440; (61 St. Rep. 745; 30 Supp. 385).

Mount, Matter of, 3 Redf. 9; Note.

Cited, Executors and Administrators—Accounting—Funeral Expenses.

3 Misc. 179; (23 Supp. 841).

Mount v. Derick, 5 Hill, 455.

Cited, Replevin—Who Liable—Mortgages.

D. 4 App. Div. 617; (75 St. Rep. 343; 40 Supp. 944). 73 St. Rep. 591; (38 Supp. 542).

Conversion—Master and Servant.

10 Misc. 757; (64 St. Rep. 645; 31 Supp. 824).

Mount v. Lyon, 49 N. Y. 552.

Cited, Contracts—Payment—Condition Precedent.

73 St. Rep. 350; (38 Supp. 161; 2 Ann. Cas. 374).

Mount v. Mitchell, 33 N. Y. 702.

Cited, Appeal—Reargument.

2 Misc. 63; (49 St. Rep. 350; 20 Supp. 845). 12 Misc. 636; (65 St. Rep. 882; 32 Supp. 1150). 16 Misc. 364; (74 St. Rep. 370; 38 Supp. 2). 3 App. Div. 385; (39 Supp. 246). 8 App. Div. 611; (41 Supp. 1134).

Mount Morris v. King, 77 Hun, 18; 59 St. Rep. 862; 28 Supp. 281.

Cited, 8 App. Div. 499; (40 Supp. 711).

Mt. Morris v. King, 8 App. Div. 495; 40 Supp. 709.

Mount Morris Bank v. Lawson, 7 Misc. 228; 58 St. Rep. 25; 27 Supp. 272.

Reversed, 10 Misc. 359; 63 St. Rep. 432; 31 Supp. 18.

Mt. Morris Bank v. Lawson, 10 Misc. 359; 63 St. Rep. 432; 31 Supp. 18.

Mt. Morris Electric Light Co. v. U. S. Horse & Cattle Show, 7 Misc. 257; 57 St. Rep. 759; 27 Supp. 419.

Reversed, 9 Misc. 180; 60 St. Rep. 642; 29 Supp. 584.

Mt. Morris Electric Light Co. v. U. S. Horse & Cattle Show, 9 Misc. 180; 60 St. Rep. 642; 29 Supp. 584.

Reversing, 7 Misc. 257; 57 St. Rep. 859; 27 Supp. 419.

Cited, Appeal—Harmless Error—Exclusion of Evidence.

18 Misc. 220; (75 St. Rep. 872; 41 Supp. 481).

Appeal—Reversal—Failure of Evidence. 87 Hun, 583; (68 St. Rep. 663; 34 Supp. 551).

Mt. Morris Square, Matter of, 2 Hill, 14.

Cited, Municipal Corporations—Assessment—Review.

70 St. Rep. 848; (36 Supp. 194).

Mousette v. Bacon, 49 St. Rep. 455; 21 Supp. 113.

Mowatt v. Carow, 7 Paige, 328.

Cited, Wills—Meaning of Words.

71 Hun, 80; (54 St. Rep. 227; 24 Supp. 589) 79 Hun, 199; (61 St. Rep. 856; 30 Supp. 117). 11 App. Div. 342; (76 St. Rep. 151; 42 Supp. 151).

Wills—Interest—Extrinsic Evidence.

20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606).

Mowatt v. Wright, 1 Wend. 355.

Cited, Compromise—Mistake.

20 Misc. 55; (79 St. Rep. 332; 45 Supp. 332).

Duplicate Citations in Parenthesis.

Mowbray v. Lawrence, 22 How. 107.
Cited, Partnership—Firm Property—Assignment.

85 Hun, 594; (66 St. Rep. 794; 33 Supp. 122).

Mowell v. Van Buren, 77 Hun, 569;
60 St. Rep. 514; 28 Supp. 1035.

Mowrey v. Walch, 8 Cow. 238.

Cited, Sale—Fraud in—Bona Fide Purchaser of Vendee.

59 St. Rep. 473; (29 Supp. 595; 31 Abb. N. C. 403). 11 Misc. 79; (29 Supp. 595).

Mowry v. Agricultural Ins. Co., 64 Hun, 137; 45 St. Rep. 70; 18 Supp. 834.

Affirmed, 138 N. Y. 642; 53 St. Rep. 930.

Cited, Insurance—Policy—Avoidance—Mistake of Agent.

70 Hun, 491; (53 St. Rep. 746; 24 Supp. 385).

Mowry v. Peet, 88 N. Y. 453.

Cited, Executors—Claim Against Decedent—Reference.

85 Hun, 122; (66 St. Rep. 24; 32 Supp. 633; 2 Ann. Cas. 48). D. 76 Hun, 58; (59 St. Rep. 149; 27 Supp. 667).

Mowry v. Sanborn, 68 N. Y. 153.

Cited, Mortgage—Foreclosure—By Advertisement.

69 Hun, 34; (52 St. Rep. 823; 23 Supp. 436). 85 Hun, 453; (66 St. Rep. 208; 32 Supp. 891). 88 Hun, 355; (68 St. Rep. 574; 34 Supp. 756).

Mortgage—Unliquidated Damages—Foreclosure by Advertisement.

141 N. Y. 309; (57 St. Rep. 414).

Mortgage—Foreclosure by Advertisement—Proof of Sale.

88 Hun, 355; (68 St. Rep. 676; 34 Supp. 757).

Affidavit—Information and Belief—Effect of.

19 Misc. 669; (78 St. Rep. 1105; 44 Supp. 1105).

Mowry v. W. U. T. Co., 51 Hun, 126;
20 St. Rep. 626; 4 Supp. 666.

Cited, Corporations—Liability—Exemption.

3 App. Div. 23; (73 St. Rep. 552; 37 Supp. 933; 3 Ann. Cas. 124).

Corporations—Limiting Liability—Gross Negligence.

3 App. Div. 64; (38 Supp. 1058).

Moxley v. New Jersey & N. Y. R. Co., 49 St. Rep. 363; 21 Supp. 347.

Affirmed, 60 St. Rep. 874.

Moy v. Ocean Steamship Co. of Savannah, 12 Misc. 375; 65 St. Rep. 783;
33 Supp. 563.

Moyer v. Hinman, 13 N. Y. 180.

Cited, Vendor and Purchaser—Real Estate—Equitable Title.

18 Misc. 246; (75 St. Rep. 1001; 41 Supp. 608).

Moyer v. Moyer, 17 Misc. 648; 40 Supp. 772.

Moyer v. Moyer, 21 Hun, 67.

Cited, Trusts—Constructive—Statute of Frauds.

69 Hun, 577; (53 St. Rep. 337; 23 Supp. 1136). 6 Misc. 14; (58 St. Rep. 135; 25 Supp. 995).

Trusts—Promise by Legatee.

10 Misc. 528; (64 St. Rep. 772).

Moyer v. Moyer, 7 App. Div. 523; 40 Supp. 258.

Moyer v. N. Y. C. & H. R. R. Co.,
88 N. Y. 351.

Cited, Eminent Domain—Consequential Injuries.

135 N. Y. 411; (48 St. Rep. 424). 49 St. Rep. 261; (20 Supp. 932). 151 N. Y. 162.

Railroads—Nuisances—Statutory Authority—Liability.

75 Hun, 483; (57 St. Rep. 370; 27 Supp. 472).

Appeal—Exceptions.

10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

Evidence—Expert Testimony.

6 App. Div. 75; (39 Supp. 745).

Moylan v. Davids, 49 St. Rep. 327; 21 Supp. 249.

Moylan v. Second Ave. R. Co., 128 N. Y. 583; 37 St. Rep. 871.

Cited, Carriers—Passengers—Contributory Negligence—Boarding Street Car.

6 Misc. 35; (55 St. Rep. 515; 25 Supp. 1002).

Street Railways—Operations—Negligence—Elevated Railroad Columns.

6 Misc. 300; (58 St. Rep. 141; 26 Supp. 784).

Moynahan v. Birkett, 81 Hun, 395; 63 St. Rep. 742; 31 Supp. 293.

Cited, Municipal Corporations—Public Improvements—Extra Work.

7 App. Div. 508; (40 Supp. 238). D. 7 App. Div. 514; (40 Supp. 242).

Moynahan v. Wheeler, 117 N. Y. 285;
27 St. Rep. 152.

Cited, Negligence—Injury—Question of Fact.

85 Hun, 91; (66 St. Rep. 72; 32 Supp. 688).

Duplicate Citations in Parenthesis.

Moynihan v. McKeon, 14 Misc. 654; 70 St. Rep. 740; 35 Supp. 1017.

Reversed, 16 Misc. 343; 74 St. Rep. 316; 38 Supp. 61.

Moynihan v. McKeon, 16 Misc. 343; 74 St. Rep. 316; 38 Supp. 61.

M. T. Merserau Co. v. Washburn, 6 App. Div. 404; 39 Supp. 664.

Cited, Statute of Frauds—Debt of Another.

9 App. Div. 421; (75 St. Rep. 737; 41 Supp. 323).

Muckle v. Rochester R. Co., 79 Hun, 32; 61 St. Rep. 193; 29 Supp. 732.

Cited, Facts—Undisputed—Question of Law.

89 Hun, 206; (69 St. Rep. 221; 35 Supp. 25).

Carriers—Mistake of Conductor—Ejection of Passenger.

91 Hun, 343; (71 St. Rep. 862; 36 Supp. 769).

Mudge v. Salisbury, 110 N. Y. 413; 18 St. Rep. 601.

Cited, 148 N. Y. 439.

Waters—Grant—Use—Quantity.

74 Hun, 16; (56 St. Rep. 741; 26 Supp. 148). 69 Hun, 474; (52 St. Rep. 842; 23 Supp. 399).

Water Right—Appurtenance.

148 N. Y. 437.

Mudgett v. Bay State Steamboat Co., 1 Daly, 151.

Cited, Carriers—Passenger's Baggage and Property—Contributory Negligence.

9 Misc. 26; (59 St. Rep. 721; 29 Supp. 56).

Muehlberger v. Schilling, 19 St. Rep. 1; 3 Supp. 705.

Cited, Deeds—Time of Record.

12 Misc. 497; (67 St. Rep. 397; 33 Supp. 672).

Muehlfeld, Matter of, 16 App. Div. 401; 79 St. Rep. 16; 45 Supp. 16.

Muehlfeld & Haynes Piano Co., Matter of, 12 App. Div. 492; 76 St. Rep. 802; 42 Supp. 802.

Cited, Corporations—General Assignment—Receivers.

D. 16 App. Div. 404; (79 St. Rep. 18; 45 Supp. 18).

Mueller, Matter of. See Dohrman, Matter of.

Muench v. Globe Fire Ins. Co., 8 Misc. 328; 59 St. Rep. 247; 28 Supp. 569

Muir v. Schenck, 3 Hill, 228.

Cited, Assignment—Priority—Notice.

5 Misc. 237; (54 St. Rep. 834; 25 Supp. 335). 75 St. Rep. 286; (40 Supp. 890). 147 N. Y. 233; (69 St. Rep. 674). 8 App. Div. 563; (40 Supp. 890).

Supplementary Proceedings—Payment by Depositary—Notice.

12 Misc. 628; (68 St. Rep. 133; 34 Supp. 254; 25 Civ. Pro. 46).

Mulcahey v. Industrial Sav. Bank, 89 N. Y. 438.

Cited, Joint Debtors and Creditors—Death of One Joint Oblige—Trust as to Proceeds.

1 Misc. 269; (22 Supp. 920).

Muldon v. Whitlock, 1 Cow. 290.

Cited, Payment—Note.

85 Hun, 491; (66 St. Rep. 761; 33 Supp. 135).

Muldoon v. Blackwell, 84 N. Y. 646.

Cited, Pleading—Counterclaim—Waiver of Reply.

16 Misc. 374; (38 Supp. 80). 12 Misc. 102; (66 St. Rep. 861; 33 Supp. 174). 12 Misc. 103; (66 St. Rep. 862; 33 Supp. 175).

Muldoon v. Deline, 135 N. Y. 150; 48 St. Rep. 79.

Muldoon v. Pitt, 54 N. Y. 269.

Cited, Mechanic's Lien—Owner's Consent.

11 Misc. 403; (65 St. Rep. 314; 32 Supp. 286).

Muldowney v. Morris & Essex R. Co., 42 Hun, 444.

Distinguished, Ejectment—Possession.

1 App. Div. 256; (72 St. Rep. 692; 37 Supp. 339).

Mulford v. Gibbs, 9 App. Div. 490; 75 St. Rep. 684; 41 Supp. 273.

Cited, Supplementary Proceedings—Contempt—Rents.

13 App. Div. 312; (77 St. Rep. 132; 43 Supp. 132).

Mulford v. Gibbs, 13 App. Div. 624; 76 St. Rep. 1129; 43 Supp. 1129.

Affirmed, 153 N. Y. 656.

Mulhado v. Brooklyn City R. Co., 30 N. Y. 370.

Cited, Evidence—Demonstrative—Exhibition of Injured Member.

67 Hun, 515; (51 St. Rep. 261; 22 Supp. 518).

Mulholland v. New York, 9 St. Rep. 85.

Cited, 13 App. Div. 420; (77 St. Rep. 14; 43 Supp. 14).

Duplicate Citations in Parenthesis.

Mulholland v. New York, 113 N. Y. 631; 22 St. Rep. 347.

Cited, Contract—Building—Extra Work—Erroneous Estimate.

139 N. Y. 594; (55 St. Rep. 624). 9 Misc. 336; (60 St. Rep. 624; 29 Supp. 691). 11 App. Div. 382; (76 St. Rep. 97; 42 Supp. 97).

Public Improvements—Certificate—Evidence.

144 N. Y. 67; (63 St. Rep. 41).

Common Council—Powers—Modification of Contract.

82 Hun, 70; (63 St. Rep. 503; 31 Supp. 188).

Public Improvements—Extra Work—Ratification.

7 App. Div. 508; (40 Supp. 238).

Building Contract—Owner's Responsibility for Acts of Architect.

13 App. Div. 420; (77 St. Rep. 14; 43 Supp. 14).

Distinguished, Municipal Contract—Rejection of Materials—Damages.

151 N. Y. 252.

Mull v. Jones, 45 St. Rep. 643; 18 Supp. 359.

Cited, Costs—Offer of Judgment.

88 Hun, 228; (68 St. Rep. 259; 34 Supp. 664).

Mullaly v. New York, 3 Hun, 661.

Cited, Officers—Of Municipality—Interest in Contract With.

3 Misc. 132; (23 Supp. 1060).

Mullaly v. People, 86 N. Y. 365.

Cited, Personal Property—What is—Dogs.

9 Misc. 609; (61 St. Rep. 671; 30 Supp. 369). 13 Div. App. 4; (77 St. Rep. 130; 43 Supp. 130). 20 Misc. 464.

Mullane v. Houston, W. S. & P. F.

R. Co., 20 Misc. 434; 79 St. Rep. 1039, 45 Supp. 1039.

Mullaney v. Spence, 15 Abb. N. S. 319.

Cited, Negligence—Imputed—Persons Non Sui Juris—Dangerous Structure.

78 Hun, 5; (60 St. Rep. 541; 28 Supp. 1099).

Trial—Question of Fact—Negligence—Infants.

75 Hun, 459; (57 St. Rep. 682; 27 Supp. 506).

Mullarky v. Sullivan, 136 N. Y. 227; 49 St. Rep. 333.

Reversing, 63 Hun, 156; 44 St. Rep. 482; 17 Supp. 715.

Cited, Wills—Construed as Whole.

67 Hun, 276; (50 St. Rep. 824; 22 Supp. 243).

Wills—Construction—Limitation Over on Failure of Issue.

137 N. Y. 434; (51 St. Rep. 62).

Wills—Construction—Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27). 10 Misc. 257; (63 St. Rep. 241; 30 Supp. 986). 147 N. Y. 355; (69 St. Rep. 697).

Mullen v. Central Pk. & East River R. Co., 1 Misc. 216; 49 St. Rep. 80; 21 Supp. 101.

Mullen v. Glens Falls, Village of, 11 App. Div. 275; 76 St. Rep. 113; 42 Supp. 113.

Cited, Negligence—Drivers—Duty to Persons in the Street.

17 App. Div. 464; (79 St. Rep. 278; 45 Supp. 278).

Mullen v. Guinn, 88 Hun, 128; 68 St. Rep. 680; 34 Supp. 625.

Cited, Judgment—Set-off—Joint and Several Claims.

12 App. Div. 81; (77 St. Rep. 362; 43 Supp. 362).

Mullen v. Lamphear, 15 St. Rep. 647.

Cited, Partnership—Liability as to Third Persons—Agents.

7 Misc. 143; (57 St. Rep. 533; 27 Supp. 385).

Mullen v. Martin, 5 App. Div. 450; 75 St. R. p. 123; 40 Supp. 725.

Mullen v. St. John, 57 N. Y. 567.

Cited, Evidence—Burden of Proof—Ordinary Care—Negligence.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 793). 10 Misc. 706; (64 St. Rep. 634; 31 Supp. 829).

10 Misc. 707; (64 St. Rep. 635; 31 Supp. 829).

12 Misc. 334; (65 St. Rep. 790; 33 Supp. 641).

4 App. Div. 357; (74 St. Rep. 202; 38 Supp. 574). 6 App. Div. 120; (39 Supp. 418). 7

App. Div. 407; (39 Supp. 1017).

Evidence—Sufficiency—Negligence.

5 Misc. 268; (27 Supp. 897). 17 Misc. 594; (75 St. Rep. 82; 40 Supp. 678).

Negligence—Injuries—Dangerous Premises.

137 N. Y. 105; (50 St. Rep. 191). 8 App. Div. 441, 443; (75 St. Rep. 298; 40 Supp. 900, 901).

Negligence—Presumptive—Injuries.

5 Misc. 303; (25 Supp. 755). D. 9 Misc. 11; (59 St. Rep. 740; 29 Supp. 23). 81 Hun, 3;

(62 St. Rep. 573; 30 Supp. 572). 13 Misc. 439; (68 St. Rep. 375; 34 Supp. 472). 3

App. Div. 17; (73 St. Rep. 552; 37 Supp. 932). 149 N. Y. 25.

Nuisance—Dangerous Premises.

4 App. Div. 200; (74 St. Rep. 198; 38 Supp. 555). D. 6 App. Div. 132; (39 Supp. 1025).

Duplicate Citations in Parenthesis.

Muller, Matter of, 67 Hun, 34; 51 St. Rep. 27; 21 Supp. 678.

Muller v. Brooklyn Heights R. Co., 18 App. Div. 177; 79 St. Rep. 954; 45 Supp. 954.

Muller v. Earle, 37 Super. 388.

Cited, Pleading — Complaint — Supplemental—Office.

7 Misc. 23; (57 St. Rep. 79; 27 Supp. 408).

Muller v. Eno, 14 N. Y. 597.

Cited, Warrant — Waiver — Counterclaim.

81 Hun, 131; (62 St. Rep. 634; 30 Supp. 681).

Bail—Payment by Surety—Subrogation.

3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 291).

Muller v. Hatch Cutlery Co., 12 Misc. 202; 67 St. Rep. 89; 33 Supp. 270.

Muller v. McKesson, 73 Hun, 195.

Cited, Animals — Vicious — Liability of Owner.

67 Hun, 631; (51 St. Rep. 227; 22 Supp. 567). 2 App. Div. 144; (73 St. Rep. 491; 37 Supp. 810). 17 App. Div. 141; (79 St. Rep. 158; 45 Supp. 158).

Trial—Submission to Jury—Exception.

8 Misc. 248; (59 St. Rep. 231; 28 Supp. 726). 151 N. Y. 482.

Trial—Taking Case from Jury—Negligence.

67 Hun, 630; (51 St. Rep. 227; 22 Supp. 567).

Animals—Vicious—Pleading.

5 App. Div. 605; (75 St. Rep. 127; 40 Supp. 729).

Animals—Vicious—Injury—Presumptive Negligence.

17 App. Div. 146; (79 St. Rep. 161; 45 Supp. 161).

Muller v. Minken, 5 Misc. 444; 26 Supp. 801.

Cited, Negligence — Dangerous Premises — Duty of Owner.

D. 6 App. Div. 184; (39 Supp. 1026).

Apartment House—Ice in Court-yard—Duty of Landlord.

20 Misc. 571.

Muller v. New York, 29 Supp. 1096; 23 Civ. Pro. 261.

Muller v. Ryan, 19 St. Rep. 109; 2 Supp. 736.

Cited, Evidence—Expert—As to Damages or Value—Weight and Effect.

24 Supp. 919; (30 Abb. N. C. 73). 18 Misc. 142; (75 St. Rep. 1442; 41 Supp. 1095). 19 Misc. 167.

Muller v. Scandinavian & F. E. Co., 72 St. Rep. 803; 38 Supp. 175; 1 Ann. Cas. 397.

Muller v. Struppman, 6 Abb. N. C. 343. *Cited*, Partition—Sale of Infant's Lands —Devise.

92 Hun, 7; (73 St. Rep. 12; 37 Supp. 964).

Muller v. Wahler, 1 App. Div. 245; 72 St. Rep. 622; 37 Supp. 140.

Muller v. Wilcox, 88 Hun, 621; 68 St. Rep. 798; 34 Supp. 865.

Mulligan, Matter of, 4 Misc. 361; 53 St. Rep. 846; 24 Supp. 321.

Mulligan, Matter of, 6 Misc. 546; 57 St. Rep. 714; 27 Supp. 435.

Mulligan v. Cannon, 41 Supp. 279; 25 Civ. Pro. 348.

Mulligan v. Crimmins, 75 Hun, 578; 58 St. Rep. 737; 27 Supp. 819.

Affirmed, 149 N. Y. 594.

Mulligan v. N. Y. C. & H. R. R. Co., 136 N. Y. 567; 50 St. Rep. 929.

Affirming, 43 St. Rep. 969; 19 Supp. 1009.

Mulligan v. N. Y. C. & H. R. R. Co. 33 St. Rep. 534; 11 Supp. 452.

Cited, New Trial—Verdict Contrary to Evidence.

75 Hun, 246; (58 St. Rep. 613; 27 Supp. 52). 12 App. Div. 5; (76 St. Rep. 181; 42 Supp. 18). 14 App. Div. 363; (77 St. Rep. 906; 43 Supp. 906).

Mulligan v. New York & Rockaway Beach R. Co., 129 N. Y. 506; 42 St. Rep. 83.

Cited, Master and Servant—Liability to Third Persons—Tort Outside of Employment.

78 Hun, 526; (61 St. Rep. 257; 29 Supp. 542). 71 Hun, 434; (54 St. Rep. 531; 24 Supp. 979).

Mulligan v. Vreeland, 83 Hun, 183; 69 St. Rep. 51; 34 Supp. 990.

Mullinoff v. Scherer, 17 St. Rep. 387; 1 Supp. 759.

Cited, Appeal—Question of Fact—Case—Certification.

8 Misc. 364; (59 St. Rep. 599; 28 Supp. 697).

Mullins v. Metropolitan Life Ins. Co., 78 Hun, 297; 60 St. Rep. 240; 28 Supp. 959.

Affirmed, 143 N. Y. 631.

Followed, Writ and Process—Service—Corporations.

60 St. Rep. 258; (28 Supp. 960). D. 12 Misc. 483; (67 St. Rep. 384; 33 Supp. 632). 1 App. Div. 136; (73 St. Rep. 448; 37 Supp. 833).

Duplicate Citations in Parenthesis.

Mullins v. Mullins, 11 Misc. 463; 67 St. Rep. 279; 33 Supp. 430.

Mullins v. Mullins, 69 Hun. 421; 61 St. Rep. 468; 29 Supp. 961.
Cited, 67 St. Rep. 279; (33 Supp. 431).

Mullins v. People, 24 N. Y. 399.
Cited, Magistrates—Duty to Preserve Testimony.
152 N. Y. 139.

Mullon, Matter of, 74 Hun. 358; 56 St. Rep. 347; 26 Supp. 683.

Affirmed, 145 N. Y. 98; 64 St. Rep. 551.
Cited, Executors—Accounting—Liability.
12 Misc. 325; (67 St. Rep. 341; 33 Supp. 636).

Executors and Administrators—Merger of Legal and Beneficial Titles.
19 Misc. 475; (78 St. Rep. 1042; 44 Supp. 1042).

Mullon, Matter of, 145 N. Y. 98; 64 St. Rep. 551.

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Mulock v. Mulock, 1 Edw. Ch. 14.
Cited, New Trial—For Matters Pertaining to Verdict—Substantial Error.
76 Hun. 590; (58 St. Rep. 276; 28 Supp. 217).

Mulry v. Norton, 100 N. Y. 424.

Cited, Real Estate—Accretion.
144 N. Y. 83; (63 St. Rep. 57).

Mulry v. Mulry, 89 Hun. 531; 70 St. Rep. 414; 35 Supp. 618.

Mulvaney v. Brooklyn City R. Co.,
1 Misc. 425; 49 St. Rep. 637; 21 Supp. 427.

Affirmed, 142 N. Y. 651; 60 St. Rep. 869.

Mulvehall v. Millward, 11 N. Y. 343.
Cited, Parent and Child—Loss of Service—Recovery—Foundation of Action.

7 Misc. 32; (57 St. Rep. 498; 27 Supp. 404).

Mumford v. Brown, 6 Cow. 475.

Cited, Partition—Co-tenants—Improvements.
152 N. Y. 108.

Mumford v. Brown, 1 Wend. 52.

Cited, Tenants in Common—Liability for Use and Occupation.
86 Hun. 260; (66 St. Rep. 803; 33 Supp. 247).

Mumford v. Coddington, 1 Dem. 27.

Cited, Surrogate's Court—Jurisdiction—Claims of Legatee.
9 Misc. 387; (61 St. Rep. 682; 30 Supp. 275). 20 Misc. 160; (79 St. Rep. 910; 45 Supp. 910).

Mumford v. Crouch, 8 App. Div. 529; 75 St. Rep. 271; 40 Supp. 878.

Mumford v. Murray, 6 Johns. Ch. 1.
Cited, Executors—Accounting—Interest.
5 Misc. 134; (25 Supp. 731). 15 Misc. 571; (72 St. Rep. 811; 33 Supp. 182).

Mumford v. Nicoll, 20 Johns. 611.

Cited, Co-tenants—Accounting—Lien for Reimbursements.

4 Misc. 352; (54 St. Rep. 257; 24 Supp. 354).

Mumford v. Whitney, 15 Wend. 380.
Cited, Easement—Creation—License.

139 N. Y. 24; (54 St. Rep. 411). 12 Misc. 253; (68 St. Rep. 4; 34 Supp. 49).

License—Revocation.

12 Misc. 304; (67 St. Rep. 841; 34 Supp. 40). 34 Supp. 40.

Mumper v. Rushmore, 14 Hun. 591.

Affirmed, 79 N. Y. 19.

Cited, Execution—Attachment—Priority.
91 Hun. 71; (71 St. Rep. 89; 36 Supp. 176).

Mundorf v. N. Y. El. R. Co., 62 Hun. 465; 17 Supp. 124.

Cited, Elevated Railroads—Negligence—Items of Damage.
6 App. Div. 54; (39 Supp. 475).

Mundorff v. Mundorff, 1 Hun. 41.

Cited, Reference—Report—Further Proceedings—Another Referee.

57 St. Rep. 668; (27 Supp. 460).

Reference—Interlocutory Judgment.

87 Hun. 222; (67 St. Rep. 766; 33 Supp. 1029). 87 Hun. 223; (67 St. Rep. 767; 33 Supp. 1030).

Mundorff v. Wangler, 44 Super. 495.

Cited, Executors—Bond—Objections by Sureties.

4 App. Div. 250; (73 St. Rep. 611; 38 Supp. 520).

Mundt v. Glokner, 20 Misc. 63; 78 St. Rep. 430; 44 Supp. 430; 3 Ann. Cas. 383.

Mundy v. N. Y., Lake Erie & W. R. Co., 75 Hun. 479; 57 St. Rep. 367; 27 Supp. 469.

Cited, Railroads—Construction—Negligence—Adjacent Owners.

75 Hun. 424; (57 St. Rep. 347; 27 Supp. 740).

Railroads—Bridges—Flooding of Lands.

17 App. Div. 189; (79 St. Rep. 369; 45 Supp. 369).

Munger, Matter of, 10 App. Div. 347; 75 St. Rep. 1249; 41 Supp. 882.

Duplicate Citations in Parenthesis.

Munger v. Shannon, 61 N. Y. 251.

Cited, Pleading — Answer—F frivolous—
68 St. Rep. 222; (34 Supp. 135). 13 Misc.
193; (68 St. Rep. 222; 34 Supp. 135).

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Agent—Revocation.

16 Misc. 369; (74 St. Rep. 434; 38 Supp.
67).

Munger v. Tonawanda R. Co., 4 N. Y.
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Cited, Eminent Domain—Rights of Rail-
roads in Lands Taken—Rights of Owner of
Fee.

142 N. Y. 180; (58 St. Rep. 644).

Negligence—Injuries to Animals—Tres-
pass.

82 Hun, 309; (63 St. Rep. 572; 31 Supp.
242).

Munk v. Watertown, City of, 67 Hun,
261; 51 St. Rep. 379; 22 Supp. 227.

Munoz v. Wilson, 111 N. Y. 295; 19 St.
Rep. 372.

Cited, Mortgage—Delivery—Acceptance.
61 St. Rep. 364; (29 Supp. 787).

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3 Misc. 244; (52 St. Rep. 138; 22 Supp. 943).

7 App. Div. 402; (39 Supp. 900). 14 App.
Div. 525; 77 St. Rep. 936; 43 Supp. 936).

Mortgage — Foreclosure—Production of
Bond.

20 Misc. 385; (79 St. Rep. 605; 45 Supp.
605).

Debt—Collateral Security—Ownership.

18 Misc. 137; (75 St. Rep. 852; 41 Supp.
455).

Munro v. Merchant, 26 Barb. 383.

Cited, Adverse Possession—Good Faith.

85 Hun, 570; (66 St. Rep. 800; 33 Supp.
127).

Munro v. Merchant, 28 N. Y. 9.

Cited, Adverse Possession—Actual and
Constructive—Improvement of Part.

75 Hun, 237; (58 St. Rep. 660; 27 Supp.
40).

Munro v. Smith, 6 Supp. 426.

Cited, Costs—Extra Allowance.

14 Misc. 426; (71 St. Rep. 486; 36 Supp.
435).

Munro v. Tousey, 129 N. Y. 38; 41 St.
Rep. 127.

Cited, Injunction — Trademarks — Simi-
larity.

71 Hun, 104; (54 St. Rep. 90; 24 Supp.
803).

Munroe v. Bonanno, 28 Supp. 375; 31
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Munroe v. Bonanno, 16 App. Div. 421;
79 St. Rep. 61; 45 Supp. 61.

Munroe v. Judson, 82 Hun, 215; 63 St.
Rep. 748; 31 Supp. 299.

Affirmed, 151 N. Y. 671.

Cited, Partnership—Ratification—Knowl-
edge.

17 Misc. 154; (39 Supp. 335).

Munsey & Co. v. Tadella Pen Co., 73
St. Rep. 348; 38 Supp. 159; 2 Ann. Cas.
371.

Munson v. Reed, 46 Hun, 399.

Cited, Easement — Prescriptive — Unap-
parent or Equivocal Servitude.

23 Supp. 825.

Munson v. Curtis, 43 Hun, 214.

Cited, Appeal from Justice's Court—Costs
—New Trial.

88 Hun, 220; (68 St. Rep. 541; 34 Supp.
728). 148 N. Y. 292.

**Munson v. Syracuse, Geneva & Cor-
ning R. Co.**, 103 N. Y. 58; 3 St. Rep.
31.

Cited, Corporations — Subscriptions for
Stock—Effect of Prospectus.

67 Hun, 359; (51 St. Rep. 455; 22 Supp.
409). 143 N. Y. 541; (62 St. Rep. 827).

Principal and Agent—Contracts—Partici-
pation of Agent in—Voidability as to Prin-
cipal.

72 Hun, 208; (55 St. Rep. 631; 25 Supp. 372).

Corporations — Directors—Personal Deal-
ings.

144 N. Y. 343; (63 St. Rep. 675). 10
Misc. 164; (62 St. Rep. 483; 30 Supp. 829).

83 Hun, 496; (65 St. Rep. 76; 31 Supp.
1046). 2 App. Div. 304; (73 St. Rep. 420; 37
Supp. 744). 16 Misc. 661; (40 Supp. 705).

Trusts — Purchase by Trustee—Voida-
bility.

15 Misc. 584; (72 St. Rep. 118; 37 Supp. 85).

Trusts—Trustees — Acquiring Conflicting
Interests.

17 Misc. 710; (40 Supp. 908).

Corporations—Common Directors—Void-
ability of Contracts.

8 App. Div. 171; (40 Supp. 503).

Munter, Matter of, 19 Misc. 201; 78 St.
Rep. 605; 44 Supp. 605.

Munzinger v. Courier Co., 82 Hun,
575; 64 St. Rep. 368; 31 Supp. 737; 24
Civ. Pro. 175; 1 Ann. Cas. 32.

Cited, Pleading — Variance — Amend-
ment.

78 St. Rep. 41; (44 Supp. 41).

Munzor, Matter of, 4 Misc. 374; 25
Supp. 818.

Cited, Executors—Continuing Business
of Testator—Accounting.

13 Misc. 670; (69 St. Rep. 655; 35 Supp.
300).

Duplicate Citations in Parenthesis.

Murad v. Thomas, 6 St. Rep. 662.

Cited, Injunction — Dissolution — Contempt.

14 Misc. 193; (70 St. Rep. 196; 35 Supp. 467).

Murch v. Western N. Y. & Pennsylvania R. Co., 78 Hun, 601; 61 St. Rep. 445; 29 Supp. 490.

Murdfeldt v. N. Y., W. S. & B. R. Co., 102 N. Y. 703.

Cited, Contract—Hardship—Specific Performance.

144 N. Y. 159; (63 St. Rep. 51).

Murdock v. Adams, 10 Hun, 566.

Cited, Costs—Re-taxation—Effect.

3 Misc. 513; (52 St. Rep. 416; 23 Supp. 6).

Murdock v. Chenango County Mut. Ins. Co., 2 N. Y. 210.

Cited, Insurance—To Whom Available—Interest of Insured.

71 Hun, 370; (55 St. Rep. 8; 24 Supp. 1132).

Murdock v. Gilchrist, 52 N. Y. 242.

Cited, Evidence—Parol to Vary Writing—Consideration.

69 Hun, 549; (53 St. Rep. 342; 24 Supp. 15).

Contracts—Sale of Land—Merger of Contract in Deed.

148 N. Y. 430.

Murdock v. International Tile & Trim. Co., 14 Misc. 225; 70 St. Rep. 486; 35 Supp. 668.

Murdock v. Jones, 3 App. Div. 221; 73 St. Rep. 617; 38 Supp. 461.

Murdock v. Prospect Park & Coney Island R. Co., 73 N. Y. 579.

Cited, Railroads—Construction in Highways—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325).

Murdock v. Robinson, 71 Hun, 320; 55 St. Rep. 1; 25 Supp. 120.

Reversed, 145 N. Y. 55; 64 St. Rep. 520; 1 Ann. Cas. 197.

Murdock v. Ward, 67 N. Y. 387.

Cited, Wills—Construction—Next of Kin.

137 N. Y. 109; (50 St. Rep. 192). 11 App. Div. 172; (76 St. Rep. 614; 42 Supp. 614).

Murdock v. Waterman, 145 N. Y. 55; 64 St. Rep. 520; 1 Ann. Cas. 197.

Cited, Statute of Limitation—Payment.

4 App. Div. 255; (74 St. Rep. 49; 38 Supp. 501). 14 App. Div. 124; (77 St. Rep. 515; 43 Supp. 515).

Murphy, Matter of, 4 Misc. 230; 25 Supp. 107.

Murphy, Matter of, 9 Misc. 647; 62 St. Rep. 202; 30 Supp. 511.

Cited, Pension—Exemption.

15 Misc. 163; (72 St. Rep. 167; 37 Supp. 15).

Murphy, Matter of, 15 Misc. 208; 72 St. Rep. 758; 37 Supp. 223.

Murphy, Matter of, 24 Hun, 592.

Cited, Audit—What is.

82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

Murphy, Matter of, 85 Hun, 575; 66 St. Rep. 826; 33 Supp. 198; 24 Civ. Pro. 413; 2 Ann. Cas. 77.

Cited, Witness—Physician—Waiver.

40 Supp. 1146.

Murphy, Matter of, 144 N. Y. 557; 64 St. Rep. 249.

Murphy v. Board of Education, 53 Hun, 171; 25 St. Rep. 154; 6 Supp. 99.

Cited, Appeal—Case—Certification.

79 Hun, 567; (61 St. Rep. 589; 29 Supp. 902). 91 Hun, 325; (72 St. Rep. 295; 36 Supp. 1022).

Murphy v. Bennett, 11 App. Div. 298; 76 St. Rep. 61; 42 Supp. 61.

Murphy v. Boston & A. R. Co., 88 N. Y. 146.

Cited, Master and Servant—Fellow Servant—Negligence.

11 Misc. 27; (64 St. Rep. 628; 31 Supp. 862).

Master and Servant—Safe Place — Fellow Servant.

9 App. Div. 133; (75 St. Rep. 589; 41 Supp. 131).

Master and Servant—Boiler Inspection—Master's Duty.

12 App. Div. 573; (76 St. Rep. 201; 42 Supp. 201).

Murphy v. Bowery Nat. Bank, 30 Hun, 40.

Cited, Mechanic's Lien — Assignment of Money Due—Sub-Contractor—Rights of.

7 Misc. 614; (58 St. Rep. 793; 27 Supp. 954). 88 Hun, 241; (68 St. Rep. 285; 34 Supp. 602).

Murphy v. Braker, 89 Hun, 387; 69 St. Rep. 773; 35 Supp. 387.

Murphy v. Briggs, 89 N. Y. 446.

Cited, Creditor's Bill—Liens—Priority.

135 N. Y. 180; (47 St. Rep. 830).

Fraudulent Conveyances — Indebtedness to Grantee—Consideration.

75 Hun, 520; (57 St. Rep. 349; 27 Supp. 730). 87 Hun, 551; (69 St. Rep. 458; 35 Supp. 139). 87 Hun, 557; (69 St. Rep. 462; 35 Supp. 144).

Duplicate Citations in Parenthesis.

Fraudulent Conveyance — Mortgage by Grantee—Validity.

80 Hun, 204; (61 St. Rep. 799; 30 Supp. 6).

Fraudulent Conveyance — Payment of Bona Fide Debt.

80 Hun, 482; (62 St. Rep. 368; 30 Supp. 516). 86 Hun, 419; (67 St. Rep. 177; 33 Supp. 520).

Mortgage—Creditors—Validity.

80 Hun, 483; (62 St. Rep. 369; 30 Supp. 517).

Fraudulent Conveyance — Mortgage — Title.

3 App. Div. 251; (38 Supp. 258).

Fraudulent Conveyance—Purchaser for Value—Notice of Fraud.

8 App. Div. 117; (40 Supp. 483).

Insolvency—Sale of Entire Assets to One Creditor.

149 N. Y. 121.

Murphy v. Broadway & Seventh Ave. R. Co., 137 N. Y. 556; 50 St. Rep. 931.

Affirming, 42 St. Rep. 957; 17 Supp. 955.

Murphy v. Brooklyn, 98 N. Y. 642.

Cited, Negligence—Dangerous Premises—Licenses.

78 Hun, 396; (60 St. Rep. 786; 29 Supp. 227).

Negligence—Imputed—Dangerous Excavations.

7 Misc. 273; (58 St. Rep. 532; 27 Supp. 892.)

Murphy v. Brooklyn, 118 N. Y. 575; 29 St. Rep. 858.

Cited, Negligence—Dangerous Premises—Licenses.

78 Hun, 396; (60 St. Rep. 786; 29 Supp. 227). 17 App. Div. 144; (79 St. Rep. 160; 45 Supp. 160). 14 Misc. 440; (70 St. Rep. 732; 35 Supp. 1028).

Negligence—Dangerous Structure—Trespassers.

78 Hun, 3; (60 St. Rep. 540; 28 Supp. 1098).

Negligence—Imputed—Dangerous Excavations.

7 Misc. 273; (58 St. Rep. 532; 27 Supp. 892).

Municipal Corporations—Unguarded Embankment—Liability.

79 St. Rep. 1116; (45 Supp. 1116).

Murphy v. Buckman, 66 N. Y. 297.

Cited, Contract—Building—Election of Owner to Complete.

4 Misc. 57; (53 St. Rep. 76; 23 Supp. 606).

Contract — Building — Termination—Notice.

76 Hun, 144; (57 St. Rep. 322; 27 Supp. 542).

Murphy v. Buffalo, 38 Hun, 49.

Cited, Municipal Corporations—Claims—Presentation.

92 Hun, 405; (71 St. Rep. 854; 36 Supp. 761).

Murphy v. Carey, 71 Hun, 611; 54 St. Rep. 294; 24 Supp. 585.

Murphy v. Carey, 89 Hun, 106; 68 St. Rep. 864; 34 Supp. 1038.

Murphy v. Central Park, North & East R. R. Co., 48 Super. 96.

Cited, Damages—Exemplary—Act of Servant.

79 Hun, 38; (61 St. Rep. 197; 29 Supp. 73).

Murphy v. Coney Island & B. R. Co., 36 Hun, 199.

Cited, Negligence—Presumption.

85 Hun, 170; (65 St. Rep. 630; 32 Supp. 592).

Murphy v. Gold & Stock Tel. Co., 24 St. Rep. 123; 3 Supp. 804.

Cited, Tender—Interest.

6 Misc. 624; (56 St. Rep. 539; 26 Supp. 538).

Tender—Judgment.

19 Misc. 691; (78 St. Rep. 1109; 44 Supp. 1109).

Murphy v. Gold & Stock Tel. Co., 9 Supp. 28.

Cited, Costs—Taxation—New Trial—To Abide Event of Action.

24 Supp. 805.

Murphy v. Harvey, 4 Edw. 131.

Cited, Will—Construction—Per Capita.

143 N. Y. 130; (62 St. Rep. 154).

Murphy v. Haswell, 65 Barb. 380.

Cited, New Trial—Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

Murphy v. Hayes, 145 N. Y. 370; 64 St. Rep. 824.

Murphy v. Hays, 68 Hun, 450; 52 St. Rep. 749; 23 Supp. 70.

Cited, Appeal — Certificate—Review of Exceptions.

150 N. Y. 361.

Murphy v. Jack, 142 N. Y. 215; 58 St. Rep. 458; 31 Abb. N. C. 201.

Reversing, 76 Hun, 356; 58 St. Rep. 481; 27 Supp. 802; 31 Abb. N. C. 201.

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11 Misc. 295; (65 St. Rep. 429; 32 Supp. 248).

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Duplicate Citations in Parenthesis.

- 143 N. Y. 474; (62 St. Rep. 839).
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9 App. Div. 587; (75 St. Rep. 1106; 41 Supp. 715). 18 Misc. 643; (77 St. Rep. 777; 43 Supp. 777).
- Murphy v. Jewell**, 9 Misc. 647; 62 St. Rep. 202; 30 Supp. 511.
Cited, Pensions—Exemption—Taxation.
10 Misc. 331; (64 St. Rep. 312; 31 Supp. 687).
- Murphy v. Kron**, 8 St. Rep. 230; 20 Abb. N. C. 259.
Cited, Courts—Jurisdiction—Limited—Proof of Facts Giving.
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13 Misc. 765; (69 St. Rep. 609; 35 Supp. 234).
- Murphy v. Lippe**, 3 J. & S. 542.
Cited, Appeal—Verdict—Presumption.
91 Hun, 497; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110).
- Murphy v. Mairs**, 6 St. Rep. 42.
Cited, Master and Servant—Obvious Risk.
11 Misc. 550; (64 St. Rep. 447; 32 Supp. 750).
- Murphy v. McWilliam**, 14 App. Div. 300; 77 St. Rep. 937; 43 Supp. 937.
- Murphy v. McWilliam**, 15 Misc. 122; 71 St. Rep. 522; 36 Supp. 492.
- Murphy v. Metropolitan St. R. Co.**, 19 Misc. 194; 77 St. Rep. 223; 43 Supp. 223.
- Murphy v. Naughton**, 68 Hun, 424; 52 St. Rep. 756; 23 Supp. 52.
Cited, Executors and Administrators—Liability for Funeral Expenses.
2 App. Div. 16; (73 St. Rep. 237; 37 Supp. 641). 15 App. Div. 97; (78 St. Rep. 308; 44 Supp. 308).
- Murphy v. N. Y. Board of Police**, 11 Abb. N. C. 337.
Cited, Injunction—Arrest.
11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1087).
- Murphy v. N. Y. C. & H. R. R. Co.**, 118 N. Y. 527; 29 St. Rep. 94.
Criticised, Master and Servant—Negligence of Fellow Servant—Brakeman and Car Inspector.
133 N. Y. 82; 48 St. Rep. 846.
Cited, Railroads—Negligence—Employee of Contractor.
81 Hun, 158; (62 St. Rep. 688; 30 Supp. 725).
Negligence—Contributory—Car Checker.
89 Hun, 563; (70 St. Rep. 114; 35 Supp. 546).
- Murphy v. N. Y. El. R. Co.**, 8 Misc. 683; 53 St. Rep. 313; 28 Supp. 1147.
Affirmed, 149 N. Y. 593.
- Murphy v. Ninth Ave. R. Co.**, 6 Misc. 298; 58 St. Rep. 140; 26 Supp. 783.
Affirmed, 149 N. Y. 609.
Cited, Trial—Non-suit—Negligence.
7 Misc. 235; (58 St. Rep. 23; 27 Supp. 257).
- Murphy v. Orr**, 96 N. Y. 14.
Cited, Negligence—Driving in Streets—Pedestrians.
68 Hun, 104; (52 St. Rep. 217; 22 Supp. 733). 1 Misc. 134; (48 St. Rep. 767; 20 Supp. 645). 1 Misc. 470; (49 St. Rep. 616; 21 Supp. 455). 14 App. Div. 516; (77 St. Rep. 1024; 43 Supp. 1024).
Negligence—Of Drivers.
2 Misc. 75; (49 St. Rep. 631; 21 Supp. 784).
Trial—Question of Fact—Negligence—Collision between Vehicle and Pedestrian.
9 Misc. 281; (61 St. Rep. 323; 29 Supp. 747).
Street Railroads—Negligence—Street Crossing.
10 Misc. 542; (64 St. Rep. 125; 31 Supp. 442).
- Murphy v. People**, 4 Hun, 102.
Affirmed, 63 N. Y. 590.
Cited, Trial—Objections to Evidence—Specifying.
18 Misc. 215; (75 St. Rep. 903; 41 Supp. 508).
- Murphy v. People**, 63 N. Y. 590.
Cited, Trial—Objections to Evidence—Specifying.
68 Hun, 17; (52 St. Rep. 237; 22 Supp. 638).
- Murphy v. R., W. & O. R. Co.**, 32 St. Rep. 381.
Cited, Appeal—Review—Conflicting Evidence.
8 App. Div. 490; (75 St. Rep. 210; 40 Supp. 826).
- Murphy v. Shea**, 143 N. Y. 78; 60 St. Rep. 464.
Affirming, 3 Misc. 639; 52 St. Rep. 938; 23 Supp. 1159.
- Murphy v. Shea**, 143 N. Y. 78; 60 St. Rep. 464.
Cited, Judgment—Collateral Attack—Service of Summons.
87 Hun, 185; (67 St. Rep. 781; 33 Supp. 1078).
Vendor and Purchaser—Marketable Title—Foreclosure.

Duplicate Citations in Parenthesis.

Murphy v. Snitzpan, 15 Misc. 496; 72 St. Rep. 286; 36 Supp. 1013.

Cited, 36 Supp. 1129.

Murphy v. Stickley-Simonds Co., 82 Hun, 158; 63 St. Rep. 744; 31 Supp. 295.

Affirmed, 152 N. Y. 626.

Cited, Contracts—Building — Substantial Performance.

86 Hun, 338; (67 St. Rep. 168; 33 Supp. 584).

Murphy v. Weidmann Cooperage Co., 1 App. Div. 283; 72 St. Rep. 486; 37 Supp. 151.

Murphy v. Whitney, 69 Hun, 573; 53 St. Rep. 334; 23 Supp. 1134.

Cited, Trust—Creation—Acts of Parties—Conveyance of Property on Verbal Trust. 6 Misc. 14; (8 St. Rep. 135; 25 Supp. 995).

Murphy v. Whitney, 140 N. Y. 541; 56 St. Rep. 510; 31 Abb. N. C. 86.

Affirming, 69 Hun, 573; 53 St. Rep. 334; 23 Supp. 1134.

Cited, Contract—Statute of Frauds—Performance.

85 Hun, 144; (65 St. Rep. 663; 32 Supp. 478).

Will—Suspension of Alienation.

146 N. Y. 196; (66 St. Rep. 584).

Pleading—Demurrer—Relief.

18 Misc. 523; (76 St. Rep. 1089; 42 Supp. 1089).

Murphy Varnish Co. v. Connell, 10 Misc. 553; 65 St. Rep. 817; 32 Supp. 492.

Cited, Corporations — Foreign — Certificate.

12 Misc. 28; (66 St. Rep. 722; 33 Supp. 65). 88 Hun, 256; (68 St. Rep. 699; 34 Supp. 718). 5 App. Div. 562; (39 Supp. 434; 3 Ann. Cas. 241). 19 Misc. 33; (76 St. Rep. 872; 42 Supp. 872).

Conflict of Laws—Place Where Contract Was Made.

8 App. Div. 448; (40 Supp. 873).

Murray, Matter of, 39 Supp. 579.

Murray, Matter of, 17 Misc. 185; 40 Supp. 1041.

Murray v. Archer, 24 St. Rep. 817; 1 Silv. S. Ct. 366; 5 Supp. 326.

Cited, Damages—Measure—Nuisance.

69 Hun, 527; (52 St. Rep. 850).

Murray v. Babbitt, 10 Misc. 365; (63 St. Rep. 431; 31 Supp. 17).

Murray v. Ballou, 1 Johns. Ch. 566.

Cited, Damages—Breach of Covenant of Seizin—Improvements.

68 Hun, 74; (52 St. Rep. 223; 22 Supp. 596).

Murray v. Barth, 24 Supp. 921; 30 Abb. N. C. 303.

Murray v. Beard, 102 N. Y. 505; 2 St. Rep. 466.

Cited, Insurance — Agents — Acting for Both Parties—Re-insurance.

138 N. Y. 449; (53 St. Rep. 13).

Principal and Agent—Double Agency—Matters of Discretion.

142 N. Y. 74; (58 St. Rep. 317; 31 Abb. N. C. 459).

Evidence—Agent—Double Employment.

11 Misc. 331; (65 St. Rep. 413; 32 Supp. 232).

Brokers—Acting for Both Parties—Compensation.

15 App. Div. 537; (78 St. Rep. 574; 44 Supp. 574).

Murray v. Berdell, 98 N. Y. 480.

Cited, Judgment—Reversal—Restitution.

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Murray v. Bininger, 3 Keyes, 107.

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148 N. Y. 424.

Murray v. Brooklyn City R. Co., 27 St. Rep. 280; 7 Supp. 930.

Cited, Street Railways—Injuries to Passenger—Negligence.

9 Misc. 277; (61 St. Rep. 151; 29 Supp. 726).

Murray v. Burling, 10 Johns. 172.

Cited, Damages—Measure—Conversion.

5 Misc. 25; (25 Supp. 144).

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86 Hun, 547; (67 St. Rep. 522; 33 Supp. 777). 19 Misc. 131; (77 St. Rep. 536; 43 Supp. 536).

Murray v. Cantor, 17 Misc. 389; 75 St. Rep. 1038; 41 Supp. 652.

Murray v. Coster, 4 Cow. 617.

Cited, Evidence—Compromise.

144 N. Y. 507; (64 St. Rep. 40).

Murray v. Coster, 20 Johns. 576.

Cited, Statute of Limitations—Equitable Remedy—Accounting.

74 St. Rep. 300. 15 Misc. 558; (37 Supp. 1130).

Murray v. Crimmins, 14 Misc. 466; 70 St. Rep. 727; 35 Supp. 1023.

Murray v. Dwight, 15 App. Div. 241; 78 St. Rep. 234; 44 Supp. 234.

Murray v. Estes, 79 St. Rep. 1002; 45 Supp. 1002.

Murray v. Forty-Second St. M. & St. N. Ave. R. Co., 9 App. Div. 610; 75 St. Rep. 1015; 41 Supp. 620.

Duplicate Citations in Parenthesis.

Murray v. Fox, 39 Hun, 108.

Cited, Record—Opinion—Referee.

88 Hun, 212; (68 St. Rep. 701; 34 Supp. 721).

Murray v. Gast Lithographic & Engraving Co., 8 Misc. 36; 58 St. Rep. 811; 28 Supp. 271; 31 Abb. N. C. 266.

Murray v. Gouverneur, 2 Johns. Cas. 438.

Cited, Evidence—Parol—To Explain Receipt.

1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

Payment—What Constitutes—Taking of Notes.

80 Hun, 210; (61 St. Rep. 777; 30 Supp. 32).

Ejectment—Damages—Allowance for Taxes and Repairs.

10 App. Div. 474; (76 St. Rep. 306; 42 Supp. 306).

Murray v. Great Western Ins. Co., 72 Hun, 282; 55 St. Rep. 748; 25 Supp. 414.

Murray v. Harway, 56 N. Y. 337.

Cited, Landlord and Tenant—Lease—Receipt of Rent—Waiver of Forfeiture.

6 Misc. 411; (27 Supp. 175).

Lease—Assignment—Payment—Waiver.

78 Hun, 445; (61 St. Rep. 50; 29 Supp. 389). 13 Misc. 126; (67 St. Rep. 859; 34 Supp. 3).

Landlord and Tenant—Forfeiture—Waiver.

18 Misc. 450; (75 St. Rep. 1367; 41 Supp. 996).

Murray v. Hay, 1 Barb. Ch. 59.

Cited, Action—Parties—Persons in Interest.

84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Murray v. Hudson River R. Co., 47 Barb. 196.

Cited, Damages—Excessive.

2 App. Div. 60; (72 St. Rep. 551; 37 Supp. 461).

Murray v. Jibson, 22 Hun, 386.

Cited, Attorneys—Lien—Enforcement—Parties.

5 Misc. 77; (24 Supp. 738; 23 Civ. Pro. 207).

16 Misc. 560; (74 St. Rep. 134; 38 Supp. 786; 25 Civ. Pro. 330).

Release—Validity—Attorney's Fees.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Murray v. Jones, 18 St. Rep. 916; 2 Supp. 486.

Cited, Appeal—To Court of Appeals—Effect of Recalling Remittitur.

49 St. Rep. 266; (20 Supp. 927).

Murray v. Judah, 6 Cow. 484.

Cited, Bills and Notes—Check—Presentment.

12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).

Limitation of Actions—Check—Presentment.

15 Misc. 318; (39 Supp. 396; 25 Civ. Pro. 406).

Murray v. Judson, 9 N. Y. 73.

Cited, Insolvency—Preference of Assignee—Usurious Debt.

4 App. Div. 307; (39 Supp. 504).

Murray v. Knapp, 62 Barb. 566; 42 How. 462.

Cited, Injunction—Trespass.

67 Hun, 308; (50 St. Rep. 899; 22 Supp. 316).

Murray v. Lylburn, 2 Johns. Ch. 441.

Cited, Action—Real Property—Alienation Pending Action—Parties.

136 N. Y. 575; (50 St. Rep. 28).

Murray v. Mabie, 55 Hun, 38; 28 St. Rep. 308; 8 Supp. 289.

Cited, Pleading—Bill of Particulars—Right to and Discretion as to Requiring.

1 Misc. 89; (48 St. Rep. 642; 20 Supp. 375).

Murray v. Marshall, 94 N. Y. 611.

Disapproved, Appeal—Case—Absence of Evidence—Supplying Finding in Support of Judgment.

73 Hun, 238; (57 St. Rep. 27; 25 Supp. 1024).

Cited, 149 N. Y. 58.

Appeal—Record—Case—Conclusions—Law—Fact—Review—Presumptions.

135 N. Y. 214; (47 St. Rep. 845).

Mortgage—Surety—Release.

14 Misc. 585; (71 St. Rep. 803; 36 Supp. 635). 5 App. Div. 183.

Murray v. Micolino, 83 Hun, 564; 65 St. Rep. 5; 31 Supp. 1109.

Murray v. Minier, 16 Week. Dig. 117.

Cited, Action—Venue—Place Where Transactions Occur.

5 App. Div. 557; (39 Supp. 435).

Murray v. Molloy, 142 N. Y. 625; 60 St. Rep. 866.

Affirming, 44 St. Rep. 744; 17 Supp. 705.

Murray v. N. Y. C. R. Co., 4 Keyes, 274.

Cited, Railroads—Injury to Animals—Owner's Negligence—Question of Fact.

11 App. Div. 377; (76 St. Rep. 234; 42 Supp. 234).

Murray v. N. Y. Life Ins. Co., 85 N. Y. 236.

Cited, Trial—Affirmative—Substantial Right.

Duplicate Citations in Parenthesis.

84 Hun, 306; (65 St. Rep. 544; 32 Supp. 415).

Evidence—Pleading—Immaterial Allegation.

D. 68 Hun, 473; (52 St. Rep. 600; 22 Supp. 1012).

Murray v. Richards, 1 Wend, 59.

Distinguished, Contracts—Recovery of Payment Made.

10 App. Div. 602; (76 St. Rep. 140; 42 Supp. 140).

Murray v. Smith, 1 Duer, 4 2.

Cited, Evidence—Parol as to Writings—Consideration.

135 N. Y. 363; (48 St. Rep. 523). 83 Hun, 401; (64 St. Rep. 425; 31 Supp. 755). 83 Hun, 403; (64 St. Rep. 427; 31 Supp. 756).

Murray v. Usher, 117 N. Y. 542; 27 St. Rep. 928.

Cited, Master and Servant—Liability of Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 502). 89 Hun, 420; (69 St. Rep. 764; 35 Supp. 319).

Trial—Question for Jury—Damages.

56 St. Rep. 890; (26 Supp. 1125).

Master and Servant—Negligence—Safe Place.

15 Misc. 225; (71 St. Rep. 174; 36 Supp. 403).

Murray v. Vanderbilt, 39 Barb. 140.

Cited, Corporations—Foreign—Receivers.

18 Misc. 552; (41 Supp. 876).

Murray Hill Bank, Matter of, 153 N. Y. 199.

Murray Hill Bank, Matter of, 9 App. Div. 546; 75 St. Rep. 1284; 41 Supp. 914.

Cited, 41 Supp. 922.

Corporations—Dissolution—Two Actions—Abatement.

153 N. Y. 207. 75 St. Rep. 805; (41 Supp. 805). 14 App. Div. 320; (77 St. Rep. 837; 43 Supp. 837). 14 App. Div. 322; (77 St. Rep. 839; 43 Supp. 839). D. 77 St. Rep. 842; (43 Supp. 842).

Murray Hill Bank, Matter of, 9 App. Div. 554; 41 Supp. 920.

Murray Hill Bank, Matter of, 14 App. Div. 318; 77 St. Rep. 836; 43 Supp. 836.

Affirmed, 153 N. Y. 199.

Murtha v. Curley, 90 N. Y. 372.

Cited, Equity—Enforcing Rights in Instruments.

140 N. Y. 255; (55 St. Rep. 543).

Judgment—Extent of Relief—Demand in Pleadings.

73 Hun, 323; (56 St. Rep. 6; 26 Supp. 188).

61 St. Rep. 472; (29 Supp. 974) 10 Misc. 106; (62 St. Rep. 493; 30 Supp. 935). 1 App. Div. 149; (72 St. Rep. 714; 37 Supp. 416).

Pleadings—Amendment.

86 Hun, 360; (67 St. Rep. 155; 33 Supp. 455).

Fraudulent Conveyances—Damages—Action by Receiver.

92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940).

Murtha v. Curley, 92 N. Y. 359.

Cited, Costs—Taxation—New Trial—To Abide Event of Action.

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Costs—Of Course.

92 Hun, 465; (72 St. Rep. 436; 36 Supp. 1033).

Murtha v. Metropolitan El. R. Co.,

14 Misc. 284; 70 St. Rep. 443; 35 Supp. 708.

Muscott v. Woolworth, 14 How. 477.

Cited, Attachment—Proceeds of Sale.

12 Misc. 427; (67 St. Rep. 589; 33 Supp. 701).

Musgrave v. Sherwood, 76 N. Y. 194.

Cited Injunction—Dismissal of Complaint—Liability on Undertaking.

148 N. Y. 524.

Injunction—Damages.

83 Hun, 571; (65 St. Rep. 229; 32 Supp. 67).

Musgrave v. Sherwood, 23 Hun, 669.

Cited, Evidence—Burden of Proof—Covenants.

19 Misc. 228; (77 St. Rep. 199; 43 Supp. 199).

Covenants—Building Restrictions—Tenement Houses.

19 Misc. 228; (77 St. Rep. 200; 43 Supp. 200).

Mushlitt v. Silverman, 50 N. Y. 360.

Cited, Mechanic's Lien—Nature of.

8 Misc. 235; (59 St. Rep. 201; 28 Supp. 562).

Mechanic's Lien—Right to—Notice.

10 Misc. 376; (64 St. Rep. 119; 31 Supp. 436).

Mussen v. Ausable Granite Works,

63 Hun, 267; 53 St. Rep. 609; 18 Supp. 267.

Cited, Courts—Restricting Jurisdiction of Supreme Court—Constitutionality.

66 Hun, 237; (49 St. Rep. 159; 21 Supp. 117).

Mussey v. Atlas Mut. Ins. Co., 14 N. Y. 79.

Duplicate Citations in Parenthesis.

Cited, Insurance—Transfer—Rights of Assignee.

69 Hun, 80; (52 St. Rep. 606; 23 Supp. 392).

Mussina v. Clark, 17 Abb.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court.

22 Supp. 1052; (23 Civ. Pro. 54).

Mussinan v. Hatton, 8 Misc. 95; 60 St. Rep. 159; 28 Supp. 1006; 23 Civ. Pro. 400; 31 Abb. N. C. 254.

Mutual Ben. Life Ins. Co. v. New York, Board of Sup'rs of, 20 How. 416.

Cited, Injunction—Illegal Assessment.

6 App. Div. 275; (39 Supp. 782).

Mutual Brewing Co. v. New York & C. P. F. Co., 16 App. Div. 149; 79 St. Rep. 101; 45 Supp. 101.

Mutual Life Ins. Co., Matter of, 89 N. Y. 530.

Cited, Municipal Corporations—Improvements—Assessments—Immaterial Errors.

78 Hun, 202; (60 St. Rep. 211; 28 Supp. 950). 90 Hun, 121; (70 St. Rep. 402; 35 Supp. 637).

Mutual Life Ins. Co. of New York v. Bailey, 79 St. Rep. 1069; 45 Supp. 1069.

Mutual Life Ins. Co. v. Bigler, 79 N. Y. 568.

Cited, Ejectment—Restitution.

81 Hun, 381; (63 St. Rep. 182; 30 Supp. 989).

Mutual Life Ins. Co. v. Corey, 135 N. Y. 326; 48 St. Rep. 247.

Mutual Life Ins. Co. v. Corey, 54 Hun, 493; 27 St. Rep. 608; 7 Supp. 939.

Reversed, 135 N. Y. 326; 48 St. Rep. 247.

Mutual Life Ins. Co. v. Cranwell, 32 St. Rep. 376; 10 Supp. 404.

Cited, Action—Relief of One Defendant Against Another—On What Facts.

71 Hun, 460; (54 St. Rep. 537; 24 Supp. 987).

Appeal—Extra Allowance—Review of Discretionary Determination.

92 Hun, 56; (71 St. Rep. 742; 36 Supp. 730). 8 App. Div. 71; (40 Supp. 461).

Mutual Life Ins. v. Duke, 87 N. Y. 257.

Cited, Deeds—Record—Certificate.

12 Misc. 497; (67 St. Rep. 396; 33 Supp. 671).

Mutual Life Ins. Co. v. Forty-Second St. & Grand St. F. R. Co., 74 Hun, 505; 57 St. Rep. 215; 26 Supp. 545.

Cited, Corporations—Liability for Acts of Officers—False Certificates of Stock.

57 St. Rep. 224; (26 Supp. 553).

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7 App. Div. 369; (40 Supp. 74).

Mutual Life Ins. Co. v. Holloday, 13 Abb. N. C. 16.

Cited, Contracts—Statute of Frauds—Equitable Relief.

16 Misc. 463; (39 Supp. 922).

Contracts—Incompetency—Fraud.

18 Misc. 523; (76 St. Rep. 1088).

Mutual Life Ins. Co. v. Hunt, 79 N. Y. 541.

Cited, Contracts—Incompetency—Fraud.

88 Hun, 121; (68 St. Rep. 277; 34 Supp. 591).

Mutual Life Ins. Co. v. Hunt, 14 Hun, 169.

Cited, Incompetent Persons—Actions Against.

16 App. Div. 499; (78 St. Rep. 903; 44 Supp. 903).

Mutual Life Ins. Co. v. Newell, 78 Hun, 293; 60 St. Rep. 241; 28 Supp. 913.

Mutual Life Ins. Co. v. New York, 79 Hun, 493; 61 St. Rep. 250; 29 Supp. 980.

Affirmed, 144 N. Y. 494; 64 St. Rep. 65.

Cited, Municipal Corporations—Void Assessments—Recovery of Sum Paid.

85 Hun, 313; (66 St. Rep. 399; 33 Supp. 968). 82 Hun, 571; (64 St. Rep. 483; 31 Supp. 784).

Mutual Life Ins. Co. v. New York, 144 N. Y. 494; 64 St. Rep. 65.

Mutual Life Ins. Co. v. O'Donnell, 146 N. Y. 275; 66 St. Rep. 637; 2 Ann. Cas. 82.

Mutual Life Ins. Co. v. Ross, 10 Abb. 260.

Cited, Signatures—Pencil Writing.

18 Misc. 216; (75 St. Rep. 903; 41 Supp. 509).

Mutual Life Ins. Co. v. Shipman, 119 N. Y. 323; 29 St. Rep. 742.

Cited, Dower—Assignability.

8 Misc. 369; (28 Supp. 571). 6 Misc. 413; (59 St. Rep. 228; 26 Supp. 865). 1 App. Div. 350; (72 St. Rep. 445; 37 Supp. 382).

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15 Misc. 50; (72 St. Rep. 344; 36 Supp. 917).

Mutual Life Ins. Co. v. Smith, 23 Hun, 535.

Cited, Bills and Notes—New Maker—Consideration—Extension of Time.

79 Hun, 533; (61 St. Rep. 545; 29 Supp. 925).

Duplicate Citations in Parenthesis.

Mutual Life Ins. Co. v. Suiter, 131 N. Y. 557.

Cited, Evidence—Experts—Signatures.
135 N. Y. 456; (48 St. Rep. 428).

Mutual Life Ins. Co. v. Voorhis, 71 Hun, 117; 53 St. Rep. 874; 24 Supp. 529.
Distinguished, Waters—Land Under—Rights of Mortgagee.
78 Hun, 140; (60 St. Rep. 193; 23 Supp. 973).

Mutual Life Ins. Co. v. Wilcox, 55 How. 43.
Cited, Title—Record—Imputed Notice.
86 Hun, 610; (67 St. Rep. 513; 33 Supp. 767).

Mutual Life Ins. Co. v. Woods, 121 N. Y. 302.
Cited, Vendor and Purchaser—Rights of Parties—Title.
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Brokers—Commissions—Defective Title.
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Mutual Reserve Fund L. Ass'n v. Spectator Co., 50 Super. 460.
Cited, Libel—Corporation—Special Damage—Credit.
73 Hun, 84; (57 St. Rep. 115; 25 Supp. 1031).

Mutual Safety Ins. Co. v. Hone, 2 N. Y. 235.
Cited, Insurance—Policy—Parties Interested.
89 Hun, 236; (71 St. Rep. 570; 36 Supp. 573).

Muzzy v. Shattuck, 1 Denio, 233.
Distinguished, D. 77 Hun, 489; (60 St. Rep. 556; 28 Supp. 1095).
Officers—Collectors—Liability on Bond—Theft of Public Moneys.
77 Hun, 486; (60 St. Rep. 554; 23 Supp. 1093). 92 Hun, 17; (72 St. Rep. 835; 37 Supp. 890). 151 N. Y. 140.

Myer v. Brooklyn City R. Co., 10 Misc. 11; 62 St. Rep. 649; 30 Supp. 534.

Myers, Matter of, 131 N. Y. 409; 43 St. Rep. 265.
Cited, Interest—Trustees—Rate.
140 N. Y. 473; (55 St. Rep. 791). 4 Misc. 140; (53 St. Rep. 122; 23 Supp. 603). 5 Misc. 134; (25 Supp. 732). 8 App. Div. 345; (75 St. Rep. 171; 40 Supp. 793).

Myers v. Albany R. Co., 5 App. Div. 596; 39 Supp. 446.

Myers v. Becker, 95 N. Y. 486.
Cited, Contempt—Disobedience of Judge—

52 St. Rep. 562; (22 Supp. 1029). 11 Misc. 282; (65 St. Rep. 449; 32 Supp. 274; 24 Civ. Pro. 227).

Judgment—Enforcement—Direction for Payment out of Fund—Execution.
50 St. Rep. 417; (21 Supp. 562; 23 Civ. Pro. 52).

Meyers v. Bolton, 70 Hun, 367; 54 St. Rep. 108; 24 Supp. 181.

Meyers v. Bolton, 89 Hun, 342; 70 St. Rep. 198; 35 Supp. 577.

Myers v. Burns, 33 Barb. 401.
Cited, Landlord and Tenant—Lease—Repairs.
79 Hun, 67; (61 St. Rep. 146; 29 Supp. 668).

Myers v. Burns, 35 N. Y. 269.
Cited, Landlord and Tenant—Lease—Repairs.
79 Hun, 67; (61 St. Rep. 146; 29 Supp. 668). 15 Misc. 3; (72 St. Rep. 5; 36 Supp. 776). 19 Misc. 312; (78 St. Rep. 479; 44 Supp. 479). Damages—Covenant to Repair—Breach.
144 N. Y. 47; (63 St. Rep. 15).

Myers v. Cohn, 4 Misc. 185; 23 Supp. 996; 53 St. Rep. 223.
Cited, Appeal—Exceptions—Availability.
10 Misc. 147; (62 St. Rep. 480; 30 Supp. 916). 11 Misc. 621; (66 St. Rep. 170; 32 Supp. 786). 13 Misc. 171; (68 St. Rep. 96; 34 Supp. 111).

Appeal—Weight of Evidence.
14 Misc. 317; (70 St. Rep. 748; 33 Supp. 1054). 16 Misc. 32; (73 St. Rep. 281; 37 Supp. 662). 75 St. Rep. 96.

Myers v. Commercial Travelers' Mut Ass'n of America, 85 Hun, 385; 66 St. Rep. 471; 32 Supp. 988.

Myers v. Davis, 22 N. Y. 489.
Cited, Insolvency and Assignment—Equitable Off-set.
135 N. Y. 228; (47 St. Rep. 869). 10 Misc. 224; (63 St. Rep. 249; 30 Supp. 1059). 14 Misc. 239; (70 St. Rep. 501; 35 Supp. 756). 17 Misc. 353; (39 Supp. 1063).

Myers v. Dean, 9 Misc. 183; 60 St. Rep. 644; 29 Supp. 578.
Cited, Brokers—Procuring Cause.
11 Misc. 369; (65 St. Rep. 462; 32 Supp. 237).

Myers v. Dean, 10 Misc. 402; 63 St. Rep. 404; 31 Supp. 119.
Reversed, 11 Misc. 368; 65 St. Rep. 462; 32 Supp. 237.

Myers v. Dean, 11 Misc. 368; 65 St. Rep. 462; 32 Supp. 237.

Duplicate Citations in Parenthesis.

Myers v. Dean, 132 N. Y. 65; 43 St. Rep. 391.

Cited, Brokers—Commissions—Procuring Cause.

10 Misc. 402; (63 St. Rep. 404; 31 Supp. 120).

Myers v. De Mier, 52 N. Y. 647.

Cited, Contracts—Performance—Time.

11 Misc. 560; (66 St. Rep. 102; 32 Supp. 773). 10 App. Div. 553; (76 St. Rep. 438; 42 Supp. 438).

Myers v. Eddy, 47 Barb. 263.

Cited, Wills—Debts and Legacies—Charge on Land.

18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1103).

Myers v. Gemmel, 10 Barb. 537.

Cited, Easement—Light and Air—Destruction or Impairment.

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Easements—Ancient Lights—Adjoining Owners.

4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826).

Myers v. Gerrits, 13 Abb. 106.

Cited, Pleading—Verification.

18 Misc. 631; (77 St. Rep. 728; 43 Supp. 728).

Myers v. Hunt, 8 St. Rep. 338.

Cited, Landlord and Tenant—Lease—Assignment for Creditors—Acceptance by Assignee.

9 Misc. 123; (59 St. Rep. 712; 29 Supp. 285).

Myers v. Kastan, 9 Misc. 221; 60 St. Rep. 841; 29 Supp. 677.

Myers v. Lansingburgh, Village of, 54 Hun. 623; 28 St. Rep. 250; 8 Supp. 92.

Cited, Action—Change of Venue—Affidavits—Testimony of Witnesses.

70 Hun. 519; (53 St. Rep. 617; 24 Supp. 132). 5 App. Div. 558; (39 Supp. 435).

Myers v. Machado, 6 Duer. 678; 14 How. 149.

Cited, Pleading—Demurrer—Availability.

18 Misc. 427; (41 Supp. 1059).

Myers v. Machado, 6 Abb. 198.

Cited, Pleading — Demurrer — When Available.

18 Misc. 427; (41 Supp. 1059).

Myers v. Malcolm, 6 Hill. 292.

Cited, Damages—Wealth of Defendant.

135 N. Y. 612; (48 St. Rep. 394).

Nuisance—Blasting—Negligence.

80 Hun. 297; (61 St. Rep. 829; 30 Supp. 90). 140 N. Y. 279; (55 St. Rep. 663).

New Trial—Grounds—Improper Testimony—Prejudice.

9 Misc. 183; (60 St. Rep. 644; 29 Supp. 586).

Myers v. Metropolitan El. R. Co., 34 St. Rep. 293; 12 Supp. 2.

Cited, Pleading—Supplemental.

12 Misc. 208; (67 St. Rep. 828; 34 Supp. 27).

Myers v. Metropolitan R. Co., 46 St. Rep. 196; 19 Supp. 223.

Cited, Evidence—Decline in Rentals—Elevated Railways.

10 Misc. 139; (62 St. Rep. 493; 23 Supp. 922).

Myers v. Mutual L. Ins. Co., 32 Hun. 321.

Affirmed, 99 N. Y. 1.

Cited, Powers—Informal Execution.

92 Hun. 35; (72 St. Rep. 237; 36 Supp. 903).

Myers v. Mutual L. Ins. Co., 99 N. Y. 1.

Cited, Principal and Agent—Knowledge of Agent—Notice to Principal.

77 Hun. 58; (59 St. Rep. 430; 28 Supp. 248).

Myers v. Myers, 18 Misc. 663; 77 St. Rep. 737; 43 Supp. 737.

Affirmed, 15 App. Div. 448; 78 St. Rep.

513; 44 Supp. 513.

Distinguished, Partnership—Insolvency—Creditors.

14 App. Div. 334; (77 St. Rep. 789; 43 Supp. 789).

Myers v. Myers, 15 App. Div. 448; 78 St. Rep. 513; 44 Supp. 513.

Myers v. Myers, 41 Barb. 114.

Cited, Husband and Wife—Divorce—Connivance.

9 Misc. 255; (61 St. Rep. 77; 30 Supp. 203).

Myers v. New York. See *Myers v. New York*.

Myers v. New York, 69 Hun. 291; 53 St. Rep. 233; 23 Supp. 434.

Cited, Municipal Corporations—Officers.

91 Hun. 473; (70 St. Rep. 780; 36 Supp. 317).

Myers v. N. Y. C. & H. R. R. Co., 82 Hun. 36; 63 St. Rep. 475; 31 Supp. 153.

Myers v. N. Y. C. & H. R. R. Co., 88 Hun. 619; 68 St. Rep. 818; 34 Supp. 807.

Cited, 88 Hun. 619; (68 St. Rep. 818; 34 Supp. 808).

Myers v. Overton, 2 Abb. 344.

Cited, Summons—Service—Irregularity.

16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637).

Duplicate Citations in Parenthesis.

Myers v. Paine, 13 App. Div. 332; 77 St. Rep. 133; 43 Supp. 133.

Myers v. Parker, 74 Hun, 587; 56 St. Rep. 423; 26 Supp. 308.

Myers v. Polhemus, 77 Hun, 587; 60 St. Rep. 518; 28 Supp. 1025.

Myers v. Riley, 36 Hun, 20.
Cited, New Trial—New Evidence—Cumulative.

16 Misc. 124; (38 Supp. 830).

Myers v. Rosenback, 5 Misc. 337; 25 Supp. 521.

Cited, Landlord and Tenant—Rent.

11 Misc. 117; (65 St. Rep. 116; 31 Supp. 993).

Myers v. Rosenback, 7 Misc. 560; 58 St. Rep. 513; 28 Supp. 9; 23 Civ. Pro. 363.

Affirmed, 9 Misc. 89; 59 St. Rep. 699; 29 Supp. 34.

Cited, Motion—Relief.

10 Misc. 204; (63 St. Rep. 177; 30 Supp. 946; 24 Civ. Pro. 91).

Action—Removal—From District Court.

11 Misc. 316; (65 St. Rep. 499; 32 Supp. 291).

Myers v. Rosenback, 9 Misc. 89; 59 St. Rep. 699; 29 Supp. 34.

Cited, Motions and Orders—Relief.

10 Misc. 204; (63 St. Rep. 177; 30 Supp. 946; 24 Civ. Pro. 91).

Myers v. Rosenback, 11 Misc. 116; 65 St. Rep. 116; 31 Supp. 993.

Affirmed, 13 Misc. 145; 68 St. Rep. 18; 34 Supp. 63.

Myers v. Rosenback, 13 Misc. 145; 68 St. Rep. 18; 34 Supp. 63.

Myers v. Rosenback, 14 Misc. 638; 70 St. Rep. 766; 36 Supp. 7.

Cited, Appeal—Exceptions.

18 Misc. 729; (41 Supp. 1118).

Myers v. Smith, 48 Barb. 614.

Cited, Contracts—Offer and Acceptance.

86 Hun, 377; (67 St. Rep. 223; 33 Supp. 510). 79 St. Rep. 1129; (45 Supp. 1129).

Myers v. Trescott, 59 Hun, 395; 36 St. Rep. 235; 13 Supp. 54.

Cited, Contract—Offer—Conditional Acceptance.

9 Misc. 78; (59 St. Rep. 748; 29 Supp. 288). 86 Hun, 377; (67 St. Rep. 223; 33 Supp. 510). 79 St. Rep. 1129; (45 Supp. 1129).

Myers v. Welles, 5 Hill, 463.

Cited, Debtor and Creditor—Taking Note.

9 App. Div. 322, 323; (75 St. Rep. 747, 758; 41 Supp. 332, 342).

Surety—Discharge—Extension.

9 App. Div. 336; (75 St. Rep. 753; 41 Supp. 337).

Myerson v. Hartford Fire Ins. Co., 17 Misc. 121; 39 Supp. 329.

Cited, 39 Supp. 1128.

Myerson v. Hartford Fire Ins. Co., 74 St. Rep. 565.

Myerson v. Dooherton, 9 Misc. 186; 61 St. Rep. 78; 21 Supp. 737.

Cited, Carriers—Connecting — Presumption.

13 Misc. 38; (67 St. Rep. 844; 33 Supp. 993). 16 Misc. 371; (74 St. Rep. 386; 38 Supp. 89).

Mygatt v. Coe, 44 Hun, 31.

Cited, 64 St. Rep. 877; (31 Supp. 1130).

Mygatt v. Coe, 124 N. Y. 212; 35 St. Rep. 289.

Cited, 64 St. Rep. 877; (31 Supp. 1130). 147 N. Y. 460; (70 St. Rep. 57).

Covenants—Seizin and Right to Convey.

142 N. Y. 82; (58 St. Rep. 410).

Covenants—Availability to Grantee.

D. 147 N. Y. 468; (70 St. Rep. 62). 18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767). 152 N. Y. 461.

Mygatt v. Coe, 142 N. Y. 78; 58 St. Rep. 408.

Cited, 64 St. Rep. 877; (31 Supp. 1130); 147 N. Y. 460, 462; (70 St. Rep. 57).

Judgment—Conclusiveness.

80 Hun, 62; (61 St. Rep. 564; 29 Supp. 876). 145 N. Y. 229; (64 St. Rep. 607). 13 Misc. 424; (69 St. Rep. 365; 35 Supp. 154).

Covenants—Running with Land.

147 N. Y. 467; (70 St. Rep. 62). D. 147 N. Y. 471; (70 St. Rep. 64). 18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767). 152 N. Y. 461, 468.

Distinguished, Deeds—Covenants—Effect on Strangers.

88 Hun, 425; (68 St. Rep. 776; 34 Supp. 838).

Mygatt v. Coe, 147 N. Y. 456; 70 St. Rep. 56.

Cited, Covenants—Running with Land.

18 Misc. 502; (76 St. Rep. 767; 42 Supp. 767). 152 N. Y. 461.

Mygatt v. Coe, 152 N. Y. 457.

Mygatt v. Coe, 12 App. Div. 245; 76 St. Rep. 734; 42 Supp. 734.

Affirmed, 152 N. Y. 457.

Mygatt v. Coe, 20 Supp. 743.

Cited, 76 St. Rep. 734; (42 Supp. 734).

Mygatt v. Coe, 64 St. Rep. 877; 31 Supp. 1130.

Cited, 76 St. Rep. 734; (42 Supp. 734).

Duplicate Citations in Parenthesis.

Mygatt v. Somerville, 54 St. Rep. 269; 23 Supp. 808.

Mygatt v. Washburn, 15 N. Y. 316.

Cited, Taxes—Assessments—What Date of Ownership Controlling.

56 St. Rep. 792; (27 Supp. 204). 90 Hun, 99; (69 St. Rep. 769; 35 Supp. 369).

Taxes—Assessments—Illegal.

149 N. Y. 297.

Taxes—Assessors—Liability.

10 Misc. 332; (64 St. Rep. 313; 31 Supp. 688).

Mygatt v. Wilcox, 1 Lans. 55.

Affirmed, 45 N. Y. 306.

Cited, Executors—Liability—Employment of Attorney.

79 Hun, 147; (61 St. Rep. 357; 29 Supp. 765; 24 Civ. Pro. 34). 5 Misc. 139; (25 Supp. 705).

Mygatt v. Wilcox, 45 N. Y. 306.

Cited, Attorneys—Relation to Client—Authority—Termination.

4 Misc. 590; (25 Supp. 850).

Limitation of Action—Contract for Services.

76 Hun, 448; (59 St. Rep. 183; 28 Supp. 107).

Contracts—Unauthorized—Receivers.

1 App. Div. 117; (72 St. Rep. 221; 37 Supp. 68).

Mynard v. Syracuse, Binghamton & N. Y. R. Co., 71 N. Y. 180.

Cited, Carriers—Restricting Liability—Negligence.

140 N. Y. 51; (55 St. Rep. 307).

4 App. Div. 592. (73 St. Rep. 648; 38 Supp. 492). 79 St. Rep. 467; (45 Supp. 467).

Myres v. Myres, 23 How. 410.

Cited, Wills—Devise to Class—Who Included.

66 Hun, 607; (50 St. Rep. 373; 22 Supp. 34).

N

Nagel v. Adler, 63 St. Rep. 251; 30 Supp. 1061.

Nagel v. Nagel, 10 Misc. 770; 62 St. Rep. 501; 30 Supp. 1133.

Nagle v. McGinniss, 49 How. 193.

Cited, Executors—Misappropriation—Payment of Debts.

15 Misc. 569; (72 St. Rep. 810; 38 Supp. 181).

Nanz v. Oakley, 120 N. Y. 89.

Cited, Trustees—Liability for Acts of Co-Trustee.

20 Misc. 61; (79 St. Rep. 337; 45 Supp. 337).

Nanz v. Oakley, 122 N. Y. 631; 33 St. Rep. 330.

Cited, Executors—When Bond of May be Resorted to.

83 Hun, 431; (64 St. Rep. 673; 31 Supp. 884).

Pleading—Defense—Incapacity to Sue—Waiver.

6 Misc. 393; (56 St. Rep. 400; 26 Supp. 743). 85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Nard v. Woodburn, 27 Barb. 346.

Cited, New Trial—Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

Nasanowitz v. Hanf, 17 Misc. 157; 39 Supp. 327.

Naser v. First Nat. Bank, 116 N. Y. 492; 27 St. Rep. 670.

Cited, Collection—Rights of Collecting Agent.

81 Hun, 491; (63 St. Rep. 302; 30 Supp. 1113).

Agency—Rights of Broker as to Stocks of Third Person.

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Nash v. Hall, 11 Misc. 468; 66 St. Rep. 9; 32 Supp. 701.

Cited, 90 Hun, 359; (35 Supp. 942).

Nash v. Hall Signal Co., 90 Hun, 354; 70 St. Rep. 655; 35 Supp. 940.

Cited, Corporations—Torts of Directors—Stockholder's Action.

18 Misc. 158; (41 Supp. 1064).

Nash v. Kemp, 12 Hun, 592.

Cited, Party Wall—Windows.

71 Hun, 300; (54 St. Rep. 741; 24 Supp. 1000.)

Nash v. Sharpe, 19 Hun, 366.

Cited, Evidence—Earning Capacity—Personal Injuries.

85 Hun, 92; (66 St. Rep. 73; 32 Supp. 689).

Nash v. Spann, 76 St. Rep. 964; 42 Supp. 964.

Nash v. Springstead, 72 Hun, 474; 55 St. Rep. 145; 25 Supp. 279.

Duplicate Citations in Parenthesis.

Nash v. White's Bank of Buffalo, 105 N. Y. 243; 8 St. Rep. 31

Cited, Statutes—Amendments—Repealing Effect.

136 N. Y. 354; (49 St. Rep. 660). 150 N. Y. 205.

Nason Mfg. Co. v. Craft Refrig. M. Co., 81 Hun, 578; 63 St. Rep. 224; 30 Supp. 1031.

Cited, Attachment — Affidavit — Sufficiency.

86 Hun, 399; (67 St. Rep. 220; 33 Supp. 507).

Nasson Mfg. Co. v. Stephens, 40 St. Rep. 190.

Cited, Damages—Measure of—For Breach of Contract.

1 Misc. 294; (48 St. Rep. 763; 20 Supp. 698).

Nassau Bank v. Campbell, 63 Hun, 229.

Cited, Bills and Notes—Indorser — Discharge.

147 N. Y. 694; (69 St. Rep. 542).

Nassau Bank v. Campbell, 74 Hun, 616; 57 St. Rep. 202; 26 Supp. 831.

Reversed, 147 N. Y. 694; 69 St. Rep. 541.

Nassau Bank v. Campbell, 147 N. Y. 694; 69 St. Rep. 541.

Nassau Bank v. Yandes, 44 Hun, 55; 8 St. Rep. 415.

Cited, Interpleader—Affidavit for—Sufficiency of—Doubts as to Successful Party.

75 Hun, 46; (58 St. Rep. 180; 26 Supp. 993; 23 Civ. Pro. 303). 2 Misc. 444; (51 St. Rep. 566; 22 Supp. 188). 16 Misc. 277; (74 St. Rep. 581; 38 Supp. 128). 10 App. Div. 235; (75 St. Rep. 1341; 41 Supp. 966).

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69 Hun, 403; (53 St. Rep. 147; 23 Supp. 660).

Nassau Cable Co., Matter of, 36 Hun, 272.

Cited, Eminent Domain—Review of Commissioners' Report—Appeal.

75 Hun, 121; (57 St. Rep. 734; 27 Supp. 147). 6 App. Div. 142; (40 Supp. 335).

Nassau Electric R. Co., Matter of, 6 App. Div. 141; 40 Supp. 334.

Nassau Electric R. Co. v. White, 12 Misc. 631; 69 St. Rep. 128; 34 Supp. 960.

Nassl v. Metropolitan Life Ins. Co., 19 Misc. 413; 78 St. Rep. 261; 44 Supp. 261.

Nassoioy v. Tomlinson, 65 Hun, 491; 48 St. Rep. 182; 20 Supp. 384.

Followed, 75 Hun, 613; 59 St. Rep. 890; 28 Supp. 1129.

Cited, Compromise and Settlement — What is.

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85 Hun, 472; (66 St. Rep. 714; 33 Supp. 112). 88 Hun, 347; (68 St. Rep. 390; 34 Supp. 401). 15 Misc. 420; (71 St. Rep. 590; 36 Supp. 790).

Nossoioy v. Tomlinson, 148 N. Y. 326.

Cited, Accord and Satisfaction — What Constitutes—Unliquidated Claim.

5 App. Div. 376; (39 Supp. 200). D. 5 App. Div. 378; (39 Supp. 202). 18 Misc. 235, 236; (75 St. Rep. 800; 41 Supp. 388). 11 App. Div. 97, 99; (76 St. Rep. 853, 855; 42 Supp. 853, 855). 19 Misc. 175; (77 St. Rep. 222; 43 Supp. 222). 48 N. Y. 630.

Nathan v. Gendron Iron-Wheel Co., 18 Misc. 374; 75 St. Rep. 1049; 41 Supp. 681.

Nathan v. Hendricks, 87 Hun, 483; 69 St. Rep. 96; 34 Supp. 1016.

Affirmed, 147 N. Y. 348; 69 St. Rep. 694.

Nathan v. Whitehill, 67 Hun, 398; 51 St. Rep. 457; 22 Supp. 63.

Nathan v. Whitlock, 3 Edw. Ch. 215.

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Cited, Corporations—Transfer of Stock—Effect on Transferor's Liability.

9 App. Div. 304; (75 St. Rep. 646; 41 Supp. 197).

Nathan v. Whitlock, 9 Paige, 152.

Cited, Corporations—Transfer of Stock—Effect on Transferor's Liability.

4 App. Div. 605; (39 Supp. 147).

Nathans v. Hope, 77 N. Y. 420.

Cited, Action—Separate—Same Casualty —Remedy.

70 Hun, 48; (53 St. Rep. 437; 23 Supp. 1075). 14 App. Div. 244; (77 St. Rep. 537; 43 Supp. 537).

National Bank v. Norton, 1 Hill, 572.

Cited, Corporation — Director — Knowledge of—Knowledge of Corporation.

139 N. Y. 313; (54 St. Rep. 592).

Partnership—Dissolved—Note Given by One Partner—When Firm Liability.

14 Misc. 609, 610; (71 St. Rep. 448; 36 Supp. 460).

National Bank of Auburn v. Dillingham, 86 Hun, 100; 68 St. Rep. 147; 34 Supp. 267.

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Reversed, 147 N. Y. 603; 71 St. Rep. 253.
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13 Misc. 759; (69 St. Rep. 301; 35 Supp. 185).

National Bank of Auburn v. Dillingham, 147 N. Y. 603; 71 St. Rep. 253.

Cited, Corporations — Director's and Stockholders' Liability—Enforcement.

5 App. Div. 266; (39 Supp. 154; 148 N. Y. 19, 28).

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• 9 App. Div. 312; (75 St. Rep. 639; 41 Supp. 191).

Cited, 18 Misc. 619, 723; (77 St. Rep. 673, 674; 43 Supp. 673, 674). 14 App. Div. 409; (77 St. Rep. 1028; 43 Supp. 1028). 16 App. Div. 582; (78 St. Rep. 1000; 44 Supp. 1000).
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20 Misc. 195; (79 St. Rep. 747; 45 Supp. 747).

National Bank of Auburn v. Lewis, 75 N. Y. 516.

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7 Misc. 430; (57 St. Rep. 644; 27 Supp. 944).

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83 Hun, 420; (64 St. Rep. 742; 31 Supp. 947).

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2 App. Div. 109; (73 St. Rep. 146; 37 Supp. 531).

National Bank of Chemung v. Elmira, City of, 53 N. Y. 49

Cited, Taxes—Corporations—Stock—Illegal Assessment.

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7 Misc. 202; (56 St. Rep. 517; 27 Supp. 212). 81 Hun, 310; (27 Supp. 212).

Taxes — Assessment — Assessors — Void Acts.

10 Misc. 332; (64 St. Rep. 313; 31 Supp. 688). 11 App. Div. 391; (76 St. Rep. 741; 42 Supp. 941). 149 N. Y. 297.

National Bank of Commerce v. Bank of New York, 17 Misc. 691; 41 Supp. 471.

National Bank of Commerce v. National Mechanics' Banking Ass'n, 55 N. Y. 211.

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76 Hun, 478; (59 St. Rep. 360; 27 Supp. 1072).

National Bank of Commerce v. Whiteman Pulp & Paper Co., 50 St. R. p. 493; 21 Supp. 748.

Affirmed, 138 N. Y. 636; 51 St. Rep. 935.

National Bank of Deposit of N. Y. v. Rogers, 1 App. Div. 623; 72 St. Rep. 533; 37 Supp. 365.

National Bank of Gloversville v. Place, 86 N. Y. 444.

Cited, Bills and Notes—Renewals—Consideration.

6 Misc. 55; (56 St. Rep. 523; 26 Supp. 78).

National Bank of Gloversville v. Wells, 79 N. Y. 498.

Cited, Bills and Notes—Accommodation—Transfer of.

80 Hun, 212; (61 St. Rep. 778; 30 Supp. 34).

National Bank of Newburgh v. Bigler, 83 N. Y. 51.

Cited, Contracts—For Benefit of Third Person—Independent.

16 Misc. 314; (39 Supp. 416).

National Bank of Norwalk v. Lenier, 7 Hun, 623.

Cited, Mortgage — Equitable—When Enforced.

79 St. Rep. 975; (45 Supp. 975).

National Bank of the Republic v. Navassa Phosphate Co., 56 Hun, 136.

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15 App. Div. 524.

National Bank of Salem v. Thomas, 47 N. Y. 15.

Cited, Partnership—Individual Transactions.

85 Hun, 595; (66 St. Rep. 795; 33 Supp. 123).

National Bank of West Troy v. Levy, 127 N. Y. 549; 40 St. Rep. 331.

Cited, Fraudulent Conveyance — Attack by Personal Representative.

80 Hun, 57; (61 St. Rep. 602; 29 Supp. 851). 20 Misc. 493, 494.

National Board of Marine Underwriters v. National Bank of Republic of N. Y., 9 Misc. 362; 60 St. Rep. 625; 29 Supp. 698.

National Board Marine Underwriters v. National Bank of Republic of N. Y., 9 Misc. 688; 62 St. Rep. 122; 30 Supp. 544.

Reversed, 146 N. Y. 64; 65 St. Rep. 755.

*Duplicate Citations in Parenthesis.***National Board of Marine Underwriters v. National Bank of Republic of N. Y.**, 146 N. Y. 64; 65 St. Rep. 755.*Cited*, Appeal — Judgment — Power of Court.

14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 2 Ann. Cas. 164; 25 Civ. Pro. 146) 17 Misc. 153; (39 Supp. 335). 7 App. Div. 345; (39 Supp. 937).. 162 N. Y. 504, 507.

National Broadway Bank v. Barker, 16 Supp. 75.*Cited*, Attachment—Affidavit — Knowledge.

4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852). 17 Misc. 736; (75 St. Rep. 1101; 40 Supp. 1069; 3 Ann. Cas. 203). 9 App. Div. 581; (41 Supp. 711).

National Broadway Bank v. Hitch,

66 Hun, 401; 50 St. Rep. 130; 21 Supp. 395; 29 Abb. N. C. 400; 23 Civ. Pro. 10.

Cited, Judgment—Joint Debtors—Effect Upon Those Not Sued.

89 Hun, 48; (69 St. Rep. 229; 35 Supp. 34).

National Broadway Bank v. Swift,

36 St. Rep. 997; 13 Supp. 526.

Cited, Pleading—Answer—Fivolousness.

66 Hun, 513; (50 St. Rep. 150; 21 Supp. 399). 13 Misc. 193; (68 St. Rep. 223; 34 Supp. 136).

National Broadway Bank v. Wessel Metal Co., 59 Hun, 470; 37 St. Rep. 102; 13 Supp. 744.*Cited*, Corporations—Insolvency — Creditors—Preference.

79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661). 92 Hun, 175; (74 St. Rep. 214).

National Butchers & Drovers' Bank v. Hubbell, 117 N. Y. 384; 27 Supp. 396.*Cited*, Principal and Agent—Assignment of Agent—Liability of Assignee for Funds of Principal.

7 Misc. 584; (58 St. Rep. 506; 28 Supp. 5; 31 Abb. N. C. 102).

Sale — Fraud — Rescission — Reclaiming Property—Bona Fide Purchaser.

77 Hun, 533; (60 St. Rep. 270; 28 Supp. 891).

Assignment for Creditors—Payments by Assignee—Protection.

147 N. Y. 594; (70 St. Rep. 351).

Bills and Notes—Restrictive Endorsement — Notice.

81 Hun, 490; (63 St. Rep. 302; 30 Supp. 1113).

Bills and Notes—Rights of Collecting Agent.

81 Hun, 495; (63 St. Rep. 305; 30 Supp. 1116).

National Cash Register Co. v. Coleman, 85 Hun, 125; 66 St. Rep. 214; 32 Supp. 593.**National City Bank v. N. Y. Gold Exchange Bank**, 97 N. Y. 645.*Cited*, Courts—Power Over Records—Modification.

10 Misc. 739; (65 St. Rep. 215; 32 Supp. 120). 92 Hun, 459; (72 St. Rep. 322; 36 Supp. 951).

National City Bank of Brooklyn v. Westcott, 118 N. Y. 468; 29 St. Rep. 806.*Cited*, Pleading—Construction.

9 Misc. 59; (59 St. Rep. 684; 29 Supp. 2).

Principal and Agent—Agent's Authority — Negotiable Paper.

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National Commercial Bank of Albany v. Gray, 71 Hun, 295; 54 St. Rep. 737; 24 Supp. 997.*Affirmed*, 144 N. Y. 701.**National Exchange Bank of Auburn v. Veneman**, 43 Hun, 241; 4 St. Rep. 363.*Cited*, Principal and Surety—Negligence as Affecting Sureties—Liability to Innocent Third Person.

137 N. Y. 813; (50 St. Rep. 652).

Fraud—Inducing Execution of Instrument — Rights of Innocent Third Person.

12 App. Div. 195; (76 St. Rep. 831; 42 Supp. 831). 20 Misc. 634.

National Fire Ins. Co. v. Loomis, 11 Paige, 431.*Cited*, Sales—Auction—Realty—Puffers.

19 Misc. 440; (78 St. Rep. 483; 44 Supp. 483).

National Fire Ins. Co. v. McKay, 5 Abb. N. S. 445.*Cited*, Taxes—Sale—Validity.

18 Misc. 324; (76 St. Rep. 1002; 42 Supp. 1002).

National Hudson River Bank v. Moffett, 17 App. Div. 233; 79 St. Rep. 588; 45 Supp. 588.**National Knitting Co. v. Bronner**, 20 Misc. 125; 79 St. Rep. 714; 45 Supp. 714.**National Life Ass'n of Hartford v. Sturtevant**, 78 Hun, 572; 61 St. Rep. 206; 29 Supp. 529.*Cited*, Insurance—Preliminary Proofs of Death—Conclusiveness.

84 Hun, 129, 131; (65 St. Rep. 733, 739; 32 Supp. 513, 514). 13 Misc. 268; (68 St. Rep. 225; 34 Supp. 174).

Duplicate Citations in Parenthesis.

National Life Ins. Co. v. Minch, 53 N. Y. 144.

Cited, Insurance—Breach of Condition—Waiver.

73 Hun, 193; (60 St. Rep. 256; 28 Supp. 945).

National Mohaiwe Bank v. Hand, 80 Hun, 584; 62 St. Rep. 384; 30 Supp. 508.

Cited, Covenant—To Insure—Damages. 89 Hun, 330; (35 Supp. 450).

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4 App. Div. 521; (74 St. Rep. 627; 40 Supp. 17).

National Mohaiwe Bank v. Hand, 89 Hun, 329; 69 St. Rep. 858; 35 Supp. 449.

Cited, Contracts—To Insure and of Insurance.

4 App. Div. 521; (74 St. Rep. 627; 40 Supp. 17).

National Mechanics' Banking Ass'n v. Conkling, 90 N. Y. 116.

Cited, Guaranty—Discharge—Departure. 69 Hun, 383; (52 St. Rep. 694; 23 Supp. 626).

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D. 15 App. Div. 183; (78 St. Rep. 496; 44 Supp. 496).

National Park Bank v. Eldred Bank, 90 Hun, 285; 70 St. Rep. 497; 35 Supp. 752.

National Park Bank v. German Am. Mut. W. & S. Co., 116 N. Y. 281; 26 St. Rep. 675.

Cited, Bills and Notes—Accommodation—Notice.

88 Hun, 26; (68 St. Rep. 514; 34 Supp. 558). 16 Misc. 567; (74 St. Rep. 118; 38 Supp. 777). 79 St. Rep. 802; (45 Supp. 802).

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90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

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National Park Bank v. Goddard, 131 N. Y. 494; 43 St. Rep. 777.

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5 Misc. 51; (25 Supp. 76). 79 Hun, 96; (61 St. Rep. 143; 29 Supp. 665).

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70 Hun, 221; (53 St. Rep. 765; 24 Supp. 167). 8 App. Div. 583; (75 St. Rep. 319; 40 Supp. 924). 11 App. Div. 464; (76 St. Rep. 382, 383; 42 Supp. 382, 383).

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78 St. Rep. 920; (44 Supp. 920).

National Park Bank v. Goddard, 41 St. Rep. 439.

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66 Hun, 101; (49 St. Rep. 412; 20 Supp. 776).

National Park Bank v. Haas, 49 St. Rep. 772; 20 Supp. 767.

National Park Bank v. Seaboard Bank, 114 N. Y. 28; 22 St. Rep. 160.

Cited, Payment—Application by Court—Age of Debt—Unsecured Demand.

139 N. Y. 125; (54 St. Rep. 647).

Bills and Notes—Rights of Collecting Agent.

81 Hun, 493; (63 St. Rep. 303; 30 Supp. 1115).

National Park Bank v. Whitmore, 104 N. Y. 297; 5 St. Rep. 716.

Cited, Fraudulent Conveyance—Agreement to Refer.

1 App. Div. 81; (72 St. Rep. 218; 37 Supp. 63). 16 App. Div. 260; (78 St. Rep. 624; 44 Supp. 624).

National Pipe Bending Co. v. Fisher, 87 Hun, 175; 67 St. Rep. 721; 33 Supp. 1035.

National Press Intelligence Co. v. Brooke, 18 Misc. 373; 75 St. Rep. 1044; 41 Supp. 658.

National Sav. Bank of Albany v. Slade, 76 St. Rep. 455; 42 Supp. 455.

National Sav. Bank of Albany v. Slade, 17 App. Div. 115; 78 St. Rep. 934; 44 Supp. 934.

National Shoe and Leather Bank of N. Y. v. Baker, 90 Hun, 277; 70 St. Rep. 600; 35 Supp. 933.

Affirmed, 148 N. Y. 581; 3 Ann. Cas. 57.

Distinguished, Reference—When Ordered. 5 App. Div. 117; (39 Supp. 48).

National Shoe and Leather Bank v. Baker, 148 N. Y. 581; 3 Ann. Cas. 57.

Distinguished, Reference — When Ordered.

5 App. Div. 117; (39 Supp. 48).

*Duplicate Citations in Parenthesis.***National Shoe and Leather Bank of N. Y. v. Herz**, 24 Hun, 260.*Cited*, Partnership—Retirement of Partner—Notice—Burden.

19 Misc. 432; (77 St. Rep. 1130; 43 Supp. 1130).

National Shoe and Leather Bank v. Herz, 89 N. Y. 629.*Cited*, Partnership—Retirement of Partner—Necessity of Notice.

20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

National Shoe and Leather Bank v. Mechanics' Nat. Bank, 89 N. Y. 440.*Cited*, Attachment—Vacation.

11 Misc. 296; (65 St. Rep. 430; 32 Supp. 248).

National Spraker Bank v. Treadwell Co., 80 Hun, 363; 61 St. Rep. 817; 30 Supp. 77.*Cited*, Corporations—Bills and Notes—Officers.

82 Hun, 598; (64 St. Rep. 389; 31 Supp. 703). 1 App. Div. 370; (72 St. Rep. 457; 37 Supp. 394). 15 App. Div. 524.

National State Bank of Camden v. Richardson, 2 Supp. 804.*Cited*, Bills and Notes—Bona Fides—Presumption—Burden of Proof.

17 Misc. 34; (39 Supp. 212).

National Steamship Co. v. Sheahan, 122 N. Y. 431; 34 St. Rep. 35.*Cited*, Pleading — Complaint — Amendment.

10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942).

Replevin—Wrongful Taking—When Lies. 88 Hun, 20; (68 St. Rep. 293; 34 Supp. 509).

National Tradesman's Bank v. Wetmore, 124 N. Y. 241; 35 St. Rep. 316.*Cited*, Equity—Jurisdiction—Fraud and Fraudulent Conveyance—Judgment Creditor's Rights.

8 Misc. 55; (58 St. Rep. 752; 28 Supp. 378; 81 Abb. N. C. 242). 79 Hun, 269; (60 St. Rep. 570; 29 Supp. 441). 88 Hun, 172; (35 Supp. 534).

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79 Hun, 106; (61 St. Rep. 183; 29 Supp. 638). 81 Hun, 237; (62 St. Rep. 668; 30 Supp. 712). 145 N. Y. 346; (64 St. Rep. 813; 24 Civ. Pro. 298). 12 App. Div. 478; (76 St. Rep. 37; 42 Supp. 37).

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Action—Conditions Precedent to Bringing—Excuse.

81 Hun, 559; (63 St. Rep. 219; 30 Supp. 1025).

Creditor's Action—Judgment.

18 Misc. 552; (41 Supp. 876).

National Trust Co. v. Gleason, 77 N. Y. 400.*Cited*, Money Had and Received—When Action for Lies.

88 Hun, 420; (68 St. Rep. 761; 34 Supp. 823). 6 App. Div. 534; (40 Supp. 391). 13 App. Div. 278; (77 St. Rep. 212; 43 Supp. 212).

National Tube Works Co. v. Gilfillan, 124 N. Y. 302; 35 St. Rep. 357.*Affirming*, 11 St. Rep. 533.*Cited*, Corporations—Stockholder's Liability—Overvalued Property.

11 Misc. 497; (64 St. Rep. 463; 32 Supp. 721). 151 N. Y. 65.

National Ulster County Bank v. Madden, 41 Hun, 113; 4 St. Rep. 1.*Reversed*, 114 N. Y. 280; 23 St. Rep. 220.*Cited*, Bills and Notes—Delivery in Blank—Authority to Fill—Implied.

79 Hun, 598; (61 St. Rep. 520; 29 Supp. 838).

Distinguished, Evidence—Entries in Book as to Check.

4 App. Div. 29; (74 St. Rep. 166; 38 Supp. 707).

National Ulster County Bank v. Madden, 114 N. Y. 280; 23 St. Rep. 220.*Cited*, Evidence—Documentary—Refreshing Memory.

67 Hun, 370; (51 St. Rep. 638; 22 Supp. 352). 69 Hun, 263; (53 St. Rep. 246; 23 Supp. 490). 84 Hun, 122; (65 St. Rep. 642; 32 Supp. 456). 88 Hun, 534; (63 St. Rep. 711; 34 Supp. 777). 13 Misc. 293; (69 St. Rep. 255; 35 Supp. 77). 89 Hun, 69; (69 St. Rep. 261; 35 Supp. 83). 90 Hun, 514; (70 St. Rep. 672; 35 Supp. 1012). 17 Misc. 84; (59 Supp. 854). 13 App. Div. 448; (77 St. Rep. 627; 43 Supp. 627). 150 N. Y. 392.

Evidence—Memoranda — Prepared After Transactions Testified to.

1 Misc. 154; (48 St. Rep. 757; 20 Supp. 725).

National Union Bank v. Kleinwort, 15 App. Div. 478; 78 St. Rep. 468; 44 Supp. 463.**National Union Bank v. London Riv. Plate Bank**, 2 App. Div. 208; 73 St. Rep. 495; 37 Supp. 741.*Cited*, 15 App. Div. 478; (78 St. Rep. 470; 44 Supp. 470).

Duplicate Citations in Parenthesis.

National Union Bank of Dover v. Reed, 35 St. Rep. 572; 12 Supp. 920; 27 Abb. N. C. 5.

Cited, Pleading—Evidentiary Facts.

7 Misc. 24; (57 St. Rep. 80; 27 Supp. 409).

Pleading—Action to Set Aside Assignment for Creditors—Allegations of Fraudulent Intent.

1 Misc. 128; (48 St. Rep. 661; 20 Supp. 651).

National Wall Paper Co. v. Gerlach, 15 Misc. 640; 72 St. Rep. 678; 37 Supp. 428.

National Wall Paper Co. v. Hobbs, 90 Hun, 288; 70 St. Rep. 599; 35 Supp. 932.

Cited, Contracts—Public Policy.

16 Misc. 463; (39 Supp. 923).

National Wall Paper Co. v. Szerlip, 9 App. Div. 206; 75 St. Rep. 787; 41 Supp. 376; 3 Ann. Cas. 356.

Naugatuck Cutlery Co. v. Babcock, 22 Hun, 481.

Cited, Sale—Fraud—Representation to Commercial Agency.

7 App. Div. 444, 445; (39 Supp. 1056, 1057).

Naugatuck Cutlery Co. v. Rowe, 5 Abb. N. C. 142.

Cited, Costs—Taxation—Discretionary—Motion for a New Trial.

24 Supp. 804.

Naughton v. Vion, 91 Hun, 360; 70 St. Rep. 776; 36 Supp. 312.

Cited, Foreclosure — Judgment — Non-conformity with Complaint.

7 App. Div. 81; (39 Supp. 977; 25 Civ. Pro. 400).

Nay, Matter of, 19 St. Rep. 259.

Cited, Executors—Discovery Proceedings—Scope—Collection of Debts.

77 Hun, 566; (60 St. Rep. 507; 28 Supp. 1049).

Nay v. Curley, 113 N. Y. 575; 23 St. Rep. 496.

Cited, Witnesses — Cross-examination — New Matter.

4 Misc. 75; (53 St. Rep. 73; 23 Supp. 608).

Witness—Personal Transactions, Etc., With Decedents—Removal of Disability.

1 Misc. 27; (22 Supp. 1083.) 82 Hun, 18; (63 St. Rep. 336; 31 Supp. 12; 24 Civ. Pro. 210). 90 Hun, 7; (69 St. Rep. 852; 35 Supp. 363). 90 Hun, 73; (69 St. Rep. 863; 35 Supp. 459).

Payment — Presumption — Giving of Check.

4 App. Div. 29; (74 St. Rep. 166; 38 Supp. 706).

Naylor v. Gale, 73 Hun, 53; 56 St. Rep. 103; 25 Supp. 934.

Naylor v. McSwegan, 2 Misc. 255; 50 St. Rep. 339; 21 Supp. 930.

Nazro v. Fuller, 24 Wend. 374.

Cited, Bills and Notes—Alteration—Effect on Maker.

10 Misc. 361; (63 St. Rep. 433; 31 Supp. 19).

Neafie v. Woodcock, 15 App. Div. 618; 78 St. Rep. 768; 44 Supp. 768.

Neal v. Rochester, 88 Hun, 614; 70 St. Rep. 890; 35 Supp. 1112.

Nealis v. American Tube & Iron Co., 76 Hun, 220; 59 St. Rep. 120; 27 Supp. 733.

Affirmed, 150 N. Y. 42.

Nealis v. American Tube & Iron Co., 150 N. Y. 42.

Cited, Temporary Receivers' Rights.

D. 14 App. Div. 329; (77 St. Rep. 844; 43 Supp. 844). 14 App. Div. 375; (77 St. Rep. 1014; 43 Supp. 1014).

Nealon v. Frisbie, 9 Misc. 660; 62 St. Rep. 412; 30 Supp. 551.

Cited, Appeal — Order—Overruling Demurrer.

13 Misc. 323; (68 St. Rep. 363; 34 Supp. 459).

Nealon v. Frisbie, 11 Misc. 12; 63 St. Rep. 458; 31 Supp. 856.

Nealon v. Grand Trunk R. Co., 5 St. Rep. 256.

Cited, Appeal—Issues Not Raised Below. 2 Misc. 43; (51 St. Rep. 49; 31 Supp. 1082).

Nearing v. Brown, 10 St. Rep. 637.

Cited, Money Had and Received—Agent—Limitation of Action.

82 Hun, 104; (63 St. Rep. 607; 31 Supp. 205).

Nearing v. Van Fleet, 71 Hun, 137; 54 St. Rep. 308; 24 Supp. 531.

Affirmed, 151 N. Y. 643.

Nearpass v. Gilman, 104 N. Y. 506; 5 St. Rep. 745.

Cited, Witness—Competency—Test of Interest.

50 St. Rep. 362; (21 Supp. 883). 77 Hun, 6; (59 St. Rep. 421; 28 Supp. 225). 5 App. Div. 564; (39 Supp. 414). 16 App. Div. 549; (78 St. Rep. 995; 44 Supp. 995).

Neary v. Bostwick, 2 Hilt. 514.

Cited, Damages.

75 St. Rep. 58.

Duplicate Citations in Parenthesis.

Neas v. Mercer, 15 Barb. 318.

Cited, Taxes—Collection—Demand.

8 Misc. 14; (53 St. Rep. 309; 26 Supp. 79).

Statutes—Provisions—When Retroactive.

14 Misc. 424; (2 Ann. Cas. 379; 35 Supp. 838). 149 N. Y. 545.

Neddo v. Ticonderoga, Village of, 77 Hun, 524; 60 St. Rep. 344; 28 Supp. 887.

Affirmed, 148 N. Y. 735.

Cited, Municipal Corporations—Defects—Knowledge by Passer—Effect.

14 App. Div. 5; (77 St. Rep. 621; 43 Supp. 621).

Neeson v. Troy, City of, 29 Hun, 173.

Cited, Estoppel—By Record—Judgment—Privy.

7 Misc. 14; (56 St. Rep. 844; 27 Supp. 336).

Neff v. Klepfer, 13 Misc. 270; 68 St. Rep. 877; 34 Supp. 1144.

Neff v. Klepfer, 16 Misc. 49; 73 St. Rep. 273; 37 Supp. 654.

Neff v. N. Y. C. & H. R. R. Co., 80 Hun, 394; 62 St. Rep. 50; 30 Supp. 323.

Nefel v. Lighthouse, 77 N. Y. 96.

Cited, Pleading—Complaint—Conversion. 1 Misc. 387; (49 St. Rep. 640; 22 Supp. 77).

Negley v. Devlin, 12 Abb. N. C. 210.

Cited, 8 Misc. 203; (58 St. Rep. 838; 28 Supp. 530).

Negus v. Becker, 68 Hun, 293; 52 St. Rep. 283; 22 Supp. 986.

Reversed, 143 N. Y. 303; 62 St. Rep. 313.

Negus v. Becker, 72 Hun, 479; 54 St. Rep. 851; 25 Supp. 649.

Negus v. Becker, 143 N. Y. 303; 62 St. Rep. 313.

Negus v. Brooklyn, 10 Abb. N. C. 180.

Cited, Equity—Jurisdiction—Restraining Illegal Acts—Public Bodies.

4 Misc. 324; (24 Supp. 656).

Negus v. Dwyer, 90 N. Y. 402; 2 Civ. Pro. 370.

Cited, Contempt—Violation of Injunction.

67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 119).

Ne-Ha-Sa-Ne Park Ass'n v. Lloyd, 7 App. Div. 359; 74 St. Rep. 672; 40 Supp. 53.

Nehrbooss v. Bliss, 88 N. Y. 600.

Cited, Partnership—Rights of Survivor.

85 Hun, 14; (66 St. Rep. 126; 32 Supp. 615).

Neiberg v. Neiberg, 8 Misc. 97; 60 St. Rep. 160; 28 Supp. 1005; 31 Abb. N. C. 257.

Neil v. Fords, Howard & Hulbert, 72 Hun, 12; 55 St. Rep. 74; 25 Supp. 406.

Neil v. Thorn, 88 N. Y. 270.

Cited, Appeal—Waiver of Error.

4 Misc. 141; (53 St. Rep. 179; 53 Supp. 878).

Pleading—Construction—Sufficiency—Relief Demanded.

7 Misc. 652; (58 St. Rep. 339; 28 Supp. 152).

Trial—Waiver of Objection to Evidence—By Subsequent Receipt.

2 Misc. 425; (50 St. Rep. 610; 21 Supp. 990). 50 St. Rep. 261; (21 Supp. 298). 1

Misc. 361; (48 St. Rep. 785; 20 Supp. 637). 11 Misc. 633; (66 St. Rep. 172; 32 Supp. 788).

Witness—Cross-Examination—Failure to Appear for.

67 Hun, 190; (51 St. Rep. 404).

Evidence—Order of Admission—Discretion of Court.

7 App. Div. 588; (40 Supp. 309).

11 App. Div. 147; (76 St. Rep. 1051; 42 Supp. 1051).

Neill v. American P. L. Ins. Co., 42 Super 259.

Cited, Life Insurance—Proofs of Death—Sufficiency.

84 Hun, 131; (65 St. Rep. 733; 32 Supp. 514).

Neill v. Brooklyn Elevated R. Co., 13 Misc. 403; 68 St. Rep. 877; 34 Supp. 1144.

Neill v. Order of United Friends, 78 Hun, 255; 60 St. Rep. 241; 28 Supp. 928.

Affirmed, 149 N. Y. 430.

Neill v. Order of United Friends, 149 N. Y. 430.

Neiley, Matter of, 95 N. Y. 382.

Cited, Limitation of Action—Equitable Remedies—Lien on Lands.

75 Hun, 380; (58 St. Rep. 661; 27 Supp. 113).

Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822). 4 App. Div. 464; (74 St. Rep. 156; 38 Supp. 663).

Limitation of Action—When Statute Runs—Trusts.

4 Misc. 43; (24 Supp. 725).

Neilly v. Neilly, 23 Hun, 651.

Cited, Trusts—Creation—Parol.

79 Hun, 497; (61 St. Rep. 536; 29 Supp. 920).

Duplicate Citations in Parenthesis.

Neilley v. Neilley, 89 N. Y. 352.

Cited, Surrogate's Court—Jurisdiction — Claims of Executors.

6 Misc. 503; (57 St. Rep. 706; 27 Supp. 427).
7 App. Div. 358; (40 Supp. 70).

Neilson v. Lafflin, 50 St. Rep. 277; 21 Supp. 731.

Neimann v. Collyer, 24 Supp. 516.

Nellis v. Bellinger, 6 Hun, 560.

Cited, Mechanic's Lien—Consent of Owner of Realty—How Shown.

137 N. Y. 193; (50 St. Rep. 388).

Mechanic's Lien—Property Under Lease—Consent of Owner—Knowledge and Acquiescence.

59 St. Rep. 554; (28 Supp. 650).

Nellis v. Bradley, 1 Sandf. 560.

Cited, Contracts of Sale—Breach—Tender Before Suit.

92 Hun, 392; (72 St. Rep. 281; 36 Supp. 1058).

Nellis v. Munson, 108 N. Y. 453.

Cited, Easements — Water Privileges — Mill Property.

24 Supp. 953.

Nellis v. Nellis, 99 N. Y. 505.

Cited, Wills—Construction — Contingent Bequest.

67 Hun, 275; (50 St. Rep. 823; 22 Supp. 243) 69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27)

Wills —Devise—Extent of Interest—Reduction by Subsequent Limitation.

78 Hun, 206; (60 St. Rep. 214; 28 Supp. 966). 50 St. Rep. 92; (22 Supp. 11).

Wills — Construction — Suspension of Alienation.

148 N. Y. 526.

Nelson, Matter of, 141 N. Y. 152; 56 St. Rep. 678.

Affirming, 50 St. Rep. 936; 21 Supp. 1123.

Nelson, Matter of, 141 N. Y. 562; 57 St. Rep. 866.

Affirmed, 51 St. Rep. 938; 21 Supp. 1124.

Cited, Wills — Execution — Request to Sign—Sufficiency.

85 Hun, 587; (66 St. Rep. 780; 33 Supp. 154). 9 App. Div. 382; (41 Supp. 488). 14 Misc. 360; (71 St. Rep. 71; 36 Supp. 122).

Wills—Execution —Attestation Clause — Effect.

14 Misc. 490, 491; (71 St. Rep. 596; 36 Supp. 820). 17 Misc. 550; (75 St. Rep. 676; 41 Supp. 266).

Nelson v. Andrews, 19 Misc. 623; 78 St. Rep. 381; 44 Supp. 384.

Nelson v. Bleckwenn, 137 N. Y. 565; 50 St. Rep. 933.

Affirming, 47 St. Rep. 759; 19 Supp. 993.

Nelson v. Brown, 66 Hun, 311; 49 St. Rep. 562; 20 Supp. 978.

Affirmed, 144 N. Y. 384; 63 St. Rep. 697.

Nelson v. Brown, 144 N. Y. 384; 63 St. Rep. 697.

Cited, Mortgages — Foreclosure — Paramount Right—How Determined.

146 N. Y. 242; (66 St. Rep. 607). 1 App. Div. 525; (72 St. Rep. 529; 37 Supp. 249). 11 App. Div. 323; (76 St. Rep. 453; 42 Supp. 453). 14 Misc. 192; (70 St. Rep. 196; 35 Supp. 466).

Nelson v. Canisteo, Village of, 100 N. Y. 89.

Cited, Highways—Defective Sidewalks—Opened Street.

137 N. Y. 968; (50 St. Rep. 799).

Highways—Obstacles—Liability of Municipality—Notice.

74 Hun, 454; (57 St. Rep. 256; 26 Supp. 690). 73 Hun, 445; (56 St. Rep. 44; 26 Supp. 644). 135 N. Y. 102; (48 St. Rep. 366).

Nelson v. Dubois, 11 Daly, 137.

Cited, Master and Servant—Defective Appliances—Notice.

9 App. Div. 526. (14 Misc. 420; 70 St. Rep. 419; 35 Supp. 762).

Nelson v. Eaton, 26 N. Y. 410.

Cited, Corporation — Power to Borrow Money.

7 Misc. 111; (57 St. Rep. 487; 27 Supp. 388).

Nelson v. Easton & Amboy R. Co., 7 Misc. 656; 58 St. Rep. 884; 28 Supp. 50.

Cited, Appeal—Setting Aside Verdict—Weight of Evidence—Review of.

7 Misc. 643; (58 St. Rep. 347; 28 Supp. 56; 31 Abb. N. C. 281). 9 Misc. 10; (59 St. Rep. 739; 29 Supp. 21). 9 Misc. 69; (59 St. Rep. 691; 29 Supp. 13). 10 Misc. 656; (64 St. Rep. 496; 31 Supp. 793). 14 Misc. 552; (70 St. Rep. 764; 33 Supp. 6).

Trial—Submission to Jury—Sufficiency of Evidence—Question of Law.

7 Misc. 672; (58 St. Rep. 343; 28 Supp. 58; 23 Civ. Pro. 324). 14 Misc. 508; (70 St. Rep. 692; 35 Supp. 1067).

Nelson v. Hudson R. R. Co., 48 N. Y. 498.

Cited, Principal and Agent — Authority of Agent—Shipment.

76 Hun, 24; (59 St. Rep. 613; 27 Supp. 611). 88 Hun, 152; (68 St. Rep. 304; 34 Supp. 521). 16 Misc. 35; (73 St. Rep. 567; 37 Supp. 948).

Duplicate Citations in Parenthesis.

Nelson v. Loder, 132 N. Y. 288; 43 St. Rep. 946.

Affirming, 55 Hun, 173; 28 St. Rep. 635; 7 Supp. 849.

Cited, Tender — Sufficiency — Effect on Interest.

84 Hun, 177; (65 St. Rep. 652; 32 Supp. 466).

Nelson v. Loder, 55 Hun, 173; 28 St. Rep. 635; 7 Supp. 849.

Affirmed, 132 N. Y. 288; 43 St. Rep. 946.

Cited, Tender—Keeping Good.

75 Hun, 389; (57 St. Rep. 700; 27 Supp. 454).

Nelson v. Long Island R. Co., 7 Hun, 140.

Cited, Agents—Declarations—When Admissible.

84 Hun, 310; (65 St. Rep. 490; 32 Supp. 333).

Nelson v. McDonald, 61 Hun, 406.

Cited, Wills—Construction — Extrinsic Evidence.

20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606).

Nelson v. Neil, 12 Week. Dig. 161.

Cited, New Trial—False Testimony of Witness.

11 Misc. 335; (65 St. Rep. 415; 32 Supp. 235). 20 Misc. 175; (79 St. Rep. 726; 45 Supp. 736).

Nelson v. Nelson, 50 St. Rep. 446; 21 Supp. 287.

Cited, Change of Venue—Discretion of Court—Review on Appeal.

88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658).

Nelson v. New York, 63 N. Y. 535

Cited, Contracts — Implied — Municipal Corporations.

71 Hun, 67; (54 St. Rep. 85; 24 Supp. 497). 7 App. Div. 508; (40 Supp. 238).

Nelson v. New York, 131 N. Y. 4.

Cited, Contract—Illegality—Payment of Public Money to Monopoly.

5 Misc. 392; (26 Supp. 933).

Municipal Corporations—Claims Against—How Determined—Conclusiveness.

151 N. Y. 115.

Nelson v. People, 23 N. Y. 233.

Cited, Criminal Law—Assaults — What Are.

6 App. Div. 201; (39 Supp. 952).

Nelson v. Plimpton Fire-Proof Co., 55 N. Y. 480.

Cited, Contracts—Performance — Tender—Waiver.

79 St. Rep. 436; (45 Supp. 426). 83 Hun, 452; (64 St. Rep. 404; 31 Supp. 708). 12 Misc. 137; (66 St. Rep. 737; 33 Supp. 81).

Nelson v. Russell, 61 Hun, 528; 41 St. Rep. 401; 16 Supp. 395.

Reversed, 135 N. Y. 137; 48 St. Rep. 64.

Nelson v. Russell, 135 N. Y. 137; 48 St. Rep. 64.

Cited, Wills — Construction — Estates — Vesting.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27). 142 N. Y. 437; (59 St. Rep. 813). 147 N. Y. 74; (69 St. Rep. 318). 48 N. Y. 305. 89 Hun, 558; (69 St. Rep. 732; 35 Supp. 345). 10 Misc. 256; (63 St. Rep. 241; 30 Supp. 986). 17 Misc. 254; (40 Supp. 1363). 20 Misc. 372.

Nemetty v. Naylor, 100 N. Y. 562.

Cited, Judgment—Conclusiveness—Summary Proceedings.

70 Hun, 133; (54 St. Rep. 104; 24 Supp. 55). 74 Hun, 51; (57 St. Rep. 161; 26 Supp. 444). 151 N. Y. 526. 11 Misc. 575; (66 St. Rep. 85; 32 Supp. 758).

Landlord and Tenant—Summary Proceedings—Jurisdiction by Consent.

70 Hun, 133; (54 St. Rep. 105; 24 Supp. 55).

Landlord and Tenant—Summary Proceedings—Irregularity—Waiver.

12 Misc. 151; (66 St. Rep. 512; 33 Supp. 12).

Neresheimner v. Bowe, 11 Daly 306.

Cited, Appeal—Appealable Orders.

17 Misc. 148; (39 Supp. 333).

Nerjes v. Roe, 15 Misc. 684; 71 St. Rep. 457; 36 Supp. 469.

Nesbit v. Albert, 85 Hun, 212; 66 St. Rep. 307; 32 Supp. 911.

Nesbit v. Lockman, 34 N. Y. 167.

Cited, Evidence — Presumption—Undue Influence—As Affected by Relation of Parties.

140 N. Y. 258; (55 St. Rep. 545).

Nesmith, Matter of, 140 N. Y. 609; 56 St. Rep. 484.

Affirming, 71 Hun, 139; 54 St. Rep. 216; 24 Supp. 527.

Nester v. Craig, 69 Hun, 543; 53 St. Rep. 287; 23 Supp. 948.

Nestor v. Bischoff, 123 N. Y. 517; 34 St. Rep. 425.

Reversing, 24 St. Rep. 356.

Cited, Sheriff—Keeping Property—Right to Fees.

72 St. Rep. 829; (38 Supp. 432; 1 Ann. Cas. 405).

Nette v. N. Y. El. R. Co., 2 Misc. 62 49 St. Rep. 349; 20 Supp. 844.

See 1 Misc. 342; 48 St. Rep. 723; 20 Supp. 627.

Duplicate Citations in Parenthesis.

Nette v. N. Y. El. R. Co., 13 Misc. 218; 68 St. Rep. 213; 34 Supp. 233.

Cited, Referees—Evidence—Error—Disregard.

14 Misc. 312; (70 St. Rep. 458; 35 Supp. 767).

Nettleton, Matter of, Surr. Dec. N. Y. County, 1892, 399.

Cited, Taxes — Inheritance — Individual Shares—Legacies.

6 Misc. 281; (27 Supp. 235). 5 Misc. 441; (26 Supp. 890).

Neu v. McKechnie, 95 N. Y. 632.

Cited, Damages—Exemplary—Proof.

69 Hun, 509; (52 St. Rep. 627; 23 Supp. 396).

Neubauer v. N. Y., L. E. & W. R. Co., 101 N. Y. 607.

Cited, Master and Servant—Liability of Master to Servant—Fellow Servants—Negligence of

5 Misc. 322; (25 Supp. 813).

Neuberger v. Keim, 134 N. Y. 35; 45 St. Rep. 394.

Cited, Fraudulent Conveyances—Transactions Between Husband and Wife.

73 Hun, 419; (56 St. Rep. 38; 26 Supp. 920).

Practice—Non-suit—Decision on Merits.

152 N. Y. 338.

Neuchatel Asphalt Co. v. New York, 9 Misc. 376; 61 St. Rep. 481; 30 Supp. 252.

Modified, 12 Misc. 26; 66 St. Rep. 721; 33 Supp. 64.

Neuchatel Asphalt Co. v. New York, 12 Misc. 26; 66 St. Rep. 721; 33 Supp. 64.

Neudecker v. Kohlberg, 3 Daly, 407.

Cited, Partnership—Accounting — Rules for.

68 Hun, 175; (52 St. Rep. 79; 22 Supp. 680).

Neudoerffer v. Brooklyn Heights R. Co., 9 App. Div. 66; 75 St. Rep. 507; 41 Supp. 50.

Neuendorff v. Duryea, 69 N. Y. 557.

Cited, Constitutional Law — Powers of Legislature—Game Laws—Local Bills.

75 Hun, 478; (57 St. Rep. 363; 27 Supp. 486).

Sunday—Regulation of Observance.

140 N. Y. 215; (55 St. Rep. 404). 149 N. Y. 203. 13 Misc. 591; (69 St. Rep. 218; 35 Supp. 22). 18 Misc. 718; (76 St. Rep. 986; 42 Supp. 986).

Constitutional Law—Local Bills—Title of Act.

3 App. Div. 167; (73 St. Rep. 718; 38 Supp. 223).

Neuendorff v. World Mut. Life Ins. Co., 69 N. Y. 389.

Cited, Trial—Withdrawal of Case From Jury—Preponderance of Evidence.

137 N. Y. 426; (51 St. Rep. 68).

Principal and Agent—Acts of Agent—Binding Principal.

79 St. Rep. 936; (45 Supp. 916). 143 N. Y. 514; (62 St. Rep. 779). D. 75 Hun,

62; (56 St. Rep. 867; 26 Supp. 1060). 70 Hun, 154; (53 St. Rep. 907; 24 Supp. 408).

Neufeld v. Block, 15 Misc. 693; 72 St. Rep. 790; 37 Supp. 211.

Neugrosche v. Manhattan R. Co., 1 St. Rep. 302.

Cited, Costs—Opening Default—Suing as Poor Person.

5 Misc. 262; (25 Supp. 103; 31 Abb. N. C. 46). 11 Misc. 315; (65 St. Rep. 498; 32 Supp. 290).

Neuman v. New York Mut. Savings & Loan Ass'n, 17 App. Div. 72; 78 St. Rep. 896; 44 Supp. 896.

Neusbaum v. Keim, 24 N. Y. 325.

Cited, Judgment—By Confession — Sufficiency of Statement.

71 Hun, 135; (54 St. Rep. 76; 24 Supp. 523).

Nevada Bank v. Cregan, 17 Misc. 241; 40 Supp. 1065.

Cited, Attachment — Affidavit — Sufficiency.

17 Misc. 737; (40 Supp. 1069; 3 Ann. Cas. 203).

Neville v. New York, Board of Health of, 21 Supp. 574.

Nevin, Matter of, 4 Misc. 22; 24 Supp. 838.

Nevins v. Bay State Steamboat Co., 4 Bosw. 225.

Cited, Carriers—Passengers—Ticket.

9 Misc. 416; (61 St. Rep. 701; 29 Supp. 1070).

Nevins v. Fidelity & Casualty Co. See Mason, Matter of.

Nevitt v. First National Bank of Albany, 91 Hun, 43; 71 St. Rep. 376; 36 Supp. 294.

Nevius v. Dunlap, 33 N. Y. 676.

Cited, Equity—Contracts—Reformation—Degree of Proof.

149 N. Y. 58. 150 N. Y. 410. 144 N. Y. 31; (63 St. Rep. 6).

New v. Carroll, 73 Hun, 564; 56 St. Rep. 425; 26 Supp. 320.

New v. Fisher, 11 Daly, 308.

Cited, Witness—Privilege—Crimination.

67 Hun, 213; (51 St. Rep. 396; 22 Supp. 110).

Duplicate Citations in Parenthesis.

New v. New Rochelle, Village of, 91 Hun, 214; 71 St. Rep. 134; 36 Supp. 211.

New v. Nicoll, 12 Hun, 431.

Affirmed, 73 N. Y. 127.

Cited, Agents—Representative Capacity—Liability.

19 Misc. 555; (77 St. Rep. 400; 43 Supp. 400).

New v. Nicoll, 73 N. Y. 127.

Cited, Attorneys—Lien on Trust Estate for Services.

50 St. Rep. 677; (21 Supp. 230).

Executors and Administrators—Personal Liability—Contracts Affecting Estate.

139 N. Y. 533; (54 St. Rep. 817). 50 St. Rep. 814; (21 Supp. 886). 1 App. Div. 117; (72 St. Rep. 22; 37 Supp. 68). 9 Misc. 233; (61 St. Rep. 298; 30 Supp. 286).

Mortgage—By Executor—Preservation of Estate.

78 Hun, 191; (60 St. Rep. 267; 28 Supp. 927).

Newell v. Bartlett, 114 N. Y. 399; 23 St. Rep. 732.

Cited, Appeal—Exceptions to Instructions—Sufficiency.

139 N. Y. 493; (54 St. Rep. 837). 1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678). 89 Hun, 76; (68 St. Rep. 835; 34 Supp. 1072).

Negligence — Dangerous Premises — Unprotected Embankments—Excavations, etc.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612). 11 App. Div. 593; (76 St. Rep. 598; 42 Supp. 598).

Negligence—Owners of Real Estate—Degree of Care.

142 N. Y. 445; (59 St. Rep. 816).

Newall v. Woolfolk, 91 Hun, 211; 71 St. Rep. 129; 36 Supp. 327.

Newberger v. Webb, 24 Hun, 347.

Cited, Pleading—Answer—Denial—Information and Belief—Knowledge.

5 Misc. 512; (58 St. Rep. 107; 25 Supp. 970).

New Berlin v. Norwich, 10 Johns. 229.

Cited, Evidence—Parol as to Writings.

73 Hun, 309; (57 St. Rep. 280; 26 Supp. 262).

Newbery v. Furnival, 56 N. Y. 638.

Cited, Estoppel — What Constitutes — Knowledge of Circumstances.

9 Misc. 81; (59 St. Rep. 550; 29 Supp. 720).

Newbery v. Wall, 65 N. Y. 484.

Cited, Contract—Statute of Frauds—Sales—Sufficiency of Writing—Price.

72 Hun, 117; (55 St. Rep. 540; 25 Supp. 308; 30 Abb. N. C. 441).

Newbery v. Wall, 85 Super. 106.

Cited, Sales—Executors—Implied Warranty.

88 Hun, 248; (68 St. Rep. 561; 34 Supp. 743).

Newbould v. Warrin, 14 Abb. 80.

Cited, Pleading—Joinder of Actions—Demurrer.

92 Hun, 25; (72 St. Rep. 831; 37 Supp. 886). 8 App. Div. 45; (40 Supp. 456).

New Britian Nat. Bank v. A. B. Cleveland Co., 91 Hun, 447; 71 St. Rep. 157; 36 Supp. 387.

Cited, Vendor and Purchaser—Breach of Contracts—Damages.

17 App. Div. 579; (79 St. Rep. 697; 45 Supp. 697).

Appeal—Review of Facts—Failure of Trial Court to Find—Effect.

16 App. Div. 572; (78 St. Rep. 985; 44 Supp. 985).

Corporations—Relief of Stockholders—Estoppel.

17 App. Div. 361; (79 St. Rep. 189; 45 Supp. 189).

Newburgh & C. T. Co. v. Miller, 5 Johns. Ch. 101.

Cited, Legislature—Power to Grant Franchise—Breach of Contract Rights.

143 N. Y. 610; (62 St. Rep. 813).

Statutes — Construction — “Must” for “May.”

82 Hun, 506; (64 St. Rep. 483; 31 Supp. 779).

Newburger v. Campbell, 9 Daly, 102.

Cited, Attorneys—Authority to Appear—District Courts.

2 Misc. 154; (50 St. Rep. 536; 23 Supp. 161; 23 Civ. Pro. 76).

New Central Coal Co. v. Cumings, 49 St. Rep. 784; 21 Supp. 17.

Newcomb, Matter of, 42 St. Rep. 442; 18 Supp. 16.

Cited, Corporations—Elections—Eligibility.

17 Misc. 719; (40 Supp. 910).

Newcomb v. Butterfield, 8 Johns. 342.

Cited, Damages—Treble—Trespass.

5 Misc. 65; (25 Supp. 118). 16 Misc. 322; (73 St. Rep. 572; 37 Supp. 952).

Newcomb v. Clark, 1 Den. 226.

Cited, Contracts—Statute of Frauds—Guaranty—Consideration.

80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854).

*Duplicate Citations in Parenthesis.***Newcomb v. Griswold**, 24 N. Y. 298.*Cited*, Evidence—Credibility of Witness—Crime—How Proven.

18 Misc. 36; (75 St. Rep. 462; 41 Supp. 12).

Newcomb v. Ketteltas, 19 Barb. 608.*Cited*, Trustees—Renewal of Lease—Death of Beneficiary.

81 Hun, 569, 570; (63 St. Rep. 609, 610; 31 Supp. 208). 20 Misc. 270; (79 St. Rep. 844; 45 Supp. 844).

Newcomb v. Lush, 84 Hun, 254; 65 St.

Rep. 796; 32 Supp. 526.

Newcomb v. Raynor, 21 Wend. 108.*Cited*, Bills and Notes—Endorser—Relation to Maker.

72 Hun, 513; (54 St. Rep. 770; 25 Supp. 217).

Bills and Notes—Release of Maker—Effect as to Endorsers.

7 Misc. 425; (57 St. Rep. 647; 27 Supp. 1017).

Newcomb v. Van Zile, 34 Hun, 275.*Cited*, Negligence—Accident in Streets—Appliances.

7 Misc. 106; (57 St. Rep. 484; 27 Supp. 411).

Newcombe v. Eagleton, 16 Misc. 285;

73 St. Rep. 845; 38 Supp. 424.

Newcombe v. Eagleton, 19 Misc. 603;

78 St. Rep. 401; 44 Supp. 401.

Affirming, 18 Misc. 751; 76 St. Rep. 1129; 42 Supp. 1129.**Newcombe v. Fox**, 1 App. Div. 389; 72

St. Rep. 633; 37 Supp. 294.

Newcombe v. Hyman, 14 Misc. 438; 70

St. Rep. 730; 35 Supp. 1026.

Reversed, 16 Misc. 25; 73 St. Rep. 243; 37 Supp. 649.**Newcombe v. Hyman**, 16 Misc. 25; 73

St. Rep. 243; 37 Supp. 649.

Neudecker v. Kohlberg, 81 N. Y. 304.*Cited*, Evidence—Prejudicial—Exclusion. 17 Misc. 160; (39 Supp. 329).**Newdell v. Young**, 80 Hun, 364; 61 St.

Rep. 921; 30 Supp. 84.

Newell v. Butler, 38 Hun, 104.*Cited*, Pleading—Bill of Particulars—Disclosure of Evidence.

66 Hun, 40; (49 St. Rep. 503). 8 App. Div. 306; (75 St. Rep. 356; 40 Supp. 955).

Pleading—Bill of Particulars—Mitigation of Damages.

85 Hun, 520; (67 St. Rep. 79; 33 Supp. 336).

Newell v. Chapman, 74 Hun, 111; 56 St.

Rep. 380; 26 Supp. 361.

Newell v. Cutler, 19 Hun, 74.*Cited*, Contempt—Supplementary Proceedings—Disposing of After Acquired Property.

3 Misc. 295; (52 St. Rep. 258; 22 Supp. 938).

Newell v. Doty, 33 N. Y. 83.*Cited*, Findings—Exceptions to—Sufficiency.

10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

Newell v. Manhattan R. Co., 78 Hun,

439; 60 St. Rep. 756; 29 Supp. 202.

Newell v. New York, 61 Hun, 356; 15

Supp. 911.

Cited, Contracts—Buildings—Additional Work—Damages.

9 Misc. 336; (60 St. Rep. 624; 29 Supp. 691).

Newell v. People, 7 N. Y. 9.*Cited*, Constitution—Construction—Rule.

11 Misc. 102; (65 St. Rep. 167; 32 Supp. 111). 145 N. Y. 439; (65 St. Rep. 406). 143 N. Y. 193. 149 N. Y. 123. 19 Misc. 123.

Newell v. Salmons, 23 Barb. 647.*Cited*, Pleading—Counterclaim—Joint Debt Against Several Debt.

12 App. Div. 81; (77 St. Rep. 362; 43 Supp. 362).

Newell v. Wheeler, 48 N. Y. 486.*Cited*, Cloud on Title—What is—Removal.

70 Hun, 424; (53 St. Rep. 689; 24 Supp. 466).

Municipal Corporations—Improvements—Compliance With Statute—Assessments.

66 Hun, 186; (49 St. Rep. 166; 21 Supp. 152). 69 Hun, 506; (52 St. Rep. 619; 23 Supp. 424). 149 N. Y. 299.

Newell v. Whigham, 102 N. Y. 20; 1

St. Rep. 666.

Cited, Ejectment—Lease—Attornment.

70 Hun, 482; (53 St. Rep. 702; 24 Supp. 146).

Newell Universal Mill Co. v. Muxlow, 115 N. Y. 170.*Cited*, Costs—When Allowed.

135 N. Y. 271; (48 St. Rep. 108).

Costs—Replevin.

150 N. Y. 187.

New England Iron Co. v. Gilbert Elevated R. Co., 91 N. Y. 153.*Cited*, Contracts—Supplies—Delivery as Required.

4 Misc. 422; (53 St. Rep. 583; 24 Supp. 128).

Contracts—Notice—Implied Promise.

89 Hun, 446; (70 St. Rep. 154; 35 Supp. 503).

*Duplicate Citations in Parenthesis.***New England Iron Co. v. N.Y. Loan & Improvement Co.,** 55 How. 351.

Cited, Discovery and Inspection—Of Papers of Adversary.

2 Misc. 169; (49 St. Rep. 618; 21 Supp. 619).

New England M. L. Insurance Co. v. Odell, 50 Hun, 279; 19 St. Rep. 161; 2 Supp. 873.

Cited, Interpleader.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 25 Civ. Pro. 292; 2 Ann. Cas. 224).

Newhall v. Appleton, 102 N. Y. 133.

Cited, Evidence—Res Inter Alios—Inadmissibility.

12 Misc. 17; (66 St. Rep. 527; 33 Supp. 39).

Newhall v. Appleton, 114 N. Y. 140; 22 St. Rep. 670.

Cited, Custom or Usage—Evidence of—When Admissible.

1 Misc. 180; (48 St. Rep. 688; 20 Supp. 640).

Evidence—Written Contracts—Usage—Admissibility;

91 Hun, 41; (71 St. Rep. 115; 36 Supp. 101). 79 St. Rep. 1124; (45 Supp. 1124). 87 Hun, 455; (68 St. Rep. 327; 34 Supp. 394). 19 Misc. 7; (76 St. Rep. 909; 42 Supp. 909).

Evidence—Written Contract—Explaining Ambiguity.

144 N. Y. 422; (83 St. Rep. 655).

Evidence — Material Error — Res Inter Alios.

12 Misc. 17; (66 St. Rep. 537; 33 Supp. 39).

Newhall v. Appleton, 136 N. Y. 666; 50 St. Rep. 929.

Affirming, 47 St. Rep. 299; 19 Supp. 701.

Newhall v. Wyatt, 139 N. Y. 452; 54 St. Rep. 708.

Reversing, 68 Hun, 1; 52 St. Rep. 456; 22 Supp. 828.

Cited, Payment — Money — Failure of Right in Debtor—Effect on Creditor.

15 App. Div. 581; (78 St. Rep. 688; 44 Supp. 688). 11 Misc. 83; (29 Supp. 598). 11 App. Div. 83; (76 St. Rep. 983; 42 Supp. 983). 59 St. Rep. 476; (29 Supp. 598; 31 Abb. N. C. 408).

New Hamburg & Poughkeepsie Connecting R. Co., Matter of, 76 Hun, 76; 59 St. Rep. 150; 27 Supp. 664.

Cited, Railroad Commissioners—Certificate—Decision—Review.

86 Hun, 581; (67 St. Rep. 879; 33 Supp. 1010). 92 Hun, 410; (72 St. Rep. 98; 36 Supp. 994). 4 App. Div. 270; (73 St. Rep. 585; 38 Supp. 535). D. 4 App. Div. 279; (74 St. Rep. 800; 38 Supp. 867). 6 App. Div. 245; (39 Supp. 1007).

New Haven Steamboat Co. v. Providence Washington Ins. Co., 10 App. Div. 278; 75 St. Rep. 1406; 41 Supp. 1042.**New Jersey P. & L. Bank v. Thorp,** 8 Cow. 47.

Cited, Corporations—Foreign—Right of Suit Here.

12 Misc. 232; (67 St. Rep. 786; 33 Supp. 1082).

New Jersey Steamboat Co. v. New York, 14 St. Rep. 57.

Cited, Witness—Objection to—Necessity of Specific Objection.

64 St. Rep. 116; (31 Supp. 433).

New Jersey & P. Concentrating Works v. Ackerman, 15 Misc. 605; 73 St. Rep. 114; 37 Supp. 489.

Reversed, 6 App. Div. 540; 39 Supp. 585

New Jersey & P. Concentrating Works v. Ackerman, 6 App. Div. 540; 39 Supp. 585.

Cited, Contracts—Actions on—Designation of Person to be Sued.

20 Misc. 300; (79 St. Rep. 672; 45 Supp. 672). 18 Misc. 593; (76 St. Rep. 237; 42 Supp. 237). 19 Misc. 243; (76 St. Rep. 496; 42 Supp. 996). 17 App. Div. 42; (78 St. Rep. 891; 44 Supp. 891). 20 Misc. 299; (79 St. Rep. 671; 45 Supp. 671).

Newkirk v. Hooker, 12 Misc. 193; 66 St. Rep. 872; 33 Supp. 1131.**Newkirk v. Hooker,** 12 Misc. 402; 67 St. Rep. 595; 33 Supp. 694.**Newland, Matter of,** 7 Misc. 723; 56 St. Rep. 526; 28 Supp. 496.**Newman, Matter of,** 4 Dem. 65.

Cited, Wills — Construction — Legacies—General—Government Bonds.

5 Misc. 171; (25 Supp. 723).

Newman v. Alvord, 51 N. Y. 189.

Cited, Trademarks — Name — Infringement.

82 Hun, 96; (63 St. Rep. 394, 395; 31 Supp. 103, 104). 92 Hun, 69; (71 St. Rep. 157; 36 Supp. 386). 10 Misc. 272; (63 St. Rep. 316; 30 Supp. 1076). D. 67 Hun, 481; (50 St. Rep. 842; 22 Supp. 495).

Newman v. Alvord, 49 Barb. 588.

Cited, Trademarks — What May Be — Common Words.

5 Misc. 85; (24 Supp. 895).

Duplicate Citations in Parenthesis.

Newman v. Clapp, 20 Misc. 67; 78 St. Rep. 439; 44 Supp. 439.

Newman v. Curiel, 75 Hun, 31; 58 St. Rep. 174; 26 Supp. 977.

Newman v. Ernst, 31 St. Rep. 1; 10 Supp. 310.

Cited, Negligence—Driving—Keeping to the Right.

2 Misc. 240; (51 St. Rep. 419; 21 Supp. 958).

Appeal—Review—Harmless Error.

11 App. Div. 147; (76 St. Rep. 1051; 42 Supp. 1051).

Newman v. Frost, 52 N. Y. 422.

Cited, Bills and Notes—Renewals—Consideration.

6 Misc. 55; (56 St. Rep. 523; 26 Supp. 78).

Newman v. Goddard, 3 Hun, 70.

Cited, Appeal—Harmless Error—Test—Admission of Evidence.

4 Misc. 391; (53 St. Rep. 519; 24 Supp. 331).

Newman v. Levy, 84 Hun, 478; 65 St. Rep. 6.6; 32 Supp. 557.

Newman v. Livingston County Supervisors of, 1 Laus. 476.

Cited, Pleading—Demurrer to Answer—Challenging Complaint on.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).

Newman v. Livingston County Supervisors of, 45 N. Y. 676.

Cited, Counties—Claims Against—Necessity of Presentation and Audit—Of Town for Misapplied Railroad Taxes.

137 N. Y. 177; (50 St. Rep. 379).

Pleading—Answer—Sham—General Denial.

4 Misc. 507; (25 Supp. 870).

Illegal Taxes—Vacation of Assessment.

14 Misc. 150; (70 St. Rep. 367; 35 Supp. 860). 7 App. Div. 154. 144 N. Y. 493; (64 St. Rep. 64).

County Treasurer—Misappropriation of Funds—Effect.

11 App. Div. 220; (77 St. Rep. 149; 43 Supp. 149).

Newman v. Marvin, 12 Hun, 236.

Cited, Pleading—Amendment—New Parties—Leave—Laches.

8 Misc. 102; (60 St. Rep. 163; 28 Supp. 1008). 17 Misc. 711; (40 Supp. 909).

Newman v. Metropolitan Elevated R. Co., 118 N. Y. 618; 30 St. Rep. 36.

Cited, Damages—Elevated Railroads—Easements Apart from Land.

69 Hun, 194; (53 St. Rep. 34; 23 Supp. 518).

Damages—Elevated Railroads—Nominal—Rental.

4 Misc. 135; (53 St. Rep. 172; 23 Supp. 865).

Damages—Elevated Railways—Nominal—Mere Technical Wrong or Injury.

1 Misc. 156; (48 St. Rep. 712; 20 Supp. 626).

Elevated Railways—Damages—Measure of for Property Taken and Damaged.

1 Misc. 340; (48 St. Rep. 684; 20 Supp. 624). 5 Misc. 240; (54 St. Rep. 786). 138 N. Y. 551; (53 St. Rep. 182).

Elevated Railways—Damages—Setting Off Benefits.

1 Misc. 342; (48 St. Rep. 724; 20 Supp. 627). 1 Misc. 112; (48 St. Rep. 680; 20 Supp. 649). 3 Misc. 337; (52 St. Rep. 8; 22 Supp. 733). 7 Misc. 92; (57 St. Rep. 65; 27 Supp. 306). 73 Hun, 254; (57 St. Rep. 119). 137 N. Y. 305; (50 St. Rep. 704). 137 N. Y. 593; (50 St. Rep. 701). 137 N. Y. 598; 50 St. Rep. 665).

Elevated Railways—Damages Taking or Impairing Easements—Effect on Remaining Property.

1 Misc. 153; (48 St. Rep. 756; 20 Supp. 725).

Eminent Domain—Award for Damages—Nature as Realty.

140 N. Y. 166; (55 St. Rep. 256).

Elevated Railroads—Operation and Construction—Right of Abutting Owners—Damages.

75 Hun, 66; (58 St. Rep. 165; 26 Supp. 997). 8 App. Div. 620; (75 St. Rep. 425; 40 Supp. 1104). 144 N. Y. 118; (63 St. Rep. 20). 87 Hun, 105; (67 St. Rep. 653; 33 Supp. 975). 90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560). 14 Misc. 294; (70 St. Rep. 441; 35 Supp. 706).

Eminent Domain—Just Compensation.

6 App. Div. 335, 343; (40 Supp. 525, 531).

Newman v. Nellis, 97 N. Y. 285.

Cited, Easements—Appurtenant—Right of Way.

68 Hun, 275; (52 St. Rep. 382; 22 Supp. 994). 9 App. Div. 112; (75 St. Rep. 571; 41 Supp. 110). 19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081). 16 Misc. 378; (74 St. Rep. 382; 38 Supp. 86).

Specific Performance—Parol Agreements Respecting Land—Part Performance.

71 Hun, 173; (54 St. Rep. 194; 24 Supp. 563). 144 N. Y. 711; (71 St. Rep. 286). 3 App. Div. 201; (73 St. Rep. 705; 38 Supp. 211). 16 Misc. 463; (39 Supp. 922).

*Duplicate Citations in Parenthesis.***Newman v. People**, 63 Barb. 630.

Cited, Trial—Questions of Fact—Credibility of Witnesses

77 Hun, 505; (60 St. Rep. 549; 28 Supp. 1085).

Newman v. Wilson, 78 Hun, 295; 60 St. Rep. 243; 28 Supp. 914.

Cited, Verdict—Conclusiveness—Conflicting Evidence.

4 App. Div. 419; (74 St. Rep. 533; 38 Supp. 850. 4 App. Div. 427; (74 St. Rep. 785; 38 Supp. 857).

Newman v. Woodcock, 16 Misc. 142; 74 St. Rep. 547; 38 Supp. 957.**New Rochelle, Village of, v. Hang**, 75 Hun, 608; 59 St. Rep. 616; 27 Supp. 600.**New Rochelle C. & L. Co. v. McGraw**, 3 App. Div. 252; 73 St. Rep. 678; 38 Supp. 353.**Newson v. N. Y. C. & H. R. R. Co.**, 29 N. Y. 383.

Cited, Trial—Questions for Jury—Contributory Negligence.

74 Hun, 119; (56 St. Rep. 318; 26 Supp. 661).

Railroads—Duty to Protect Servants of Another.

81 Hun, 158; (62 St. Rep. 688; 30 Supp. 725). 89 Hun, 563; (70 St. Rep. 114; 35 Supp. 546). 11 Misc. 538; (64 St. Rep. 467; 32 Supp. 742).

Newstadt v. Adams, 5 Duer. 43.

Cited, Pleading—Bill of Particulars—Variance.

3 Misc. 89; (51 St. Rep. 761; 22 Supp. 368).

Newton v. Bronson, 13 N. Y. 587.

Cited, Broker—Authority to Employ Sub-Agent.

2 Misc. 399; (50 St. Rep. 42; 21 Supp. 953).

Specific Performance—Land Out of State. 8 App. Div. 366; (75 St. Rep. 183; 40 Supp. 802).

Newton v. Browne, 6 Misc. 603; 56 St. Rep. 605; 26 Supp. 83.**Newton v. Central Vermont R. Co.**, 80 Hun, 491; 62 St. Rep. 387; 30 Supp. 488.

Affirmed, 151 N. Y. 62'.

Cited, Railroads—Negligence—Sudden Jerk.

79 St. Rep. 382; (45 Supp. 382).

Newton v. Harris, 8 Barb. 306.

Cited, Appeal—To Court of Appeals—Effect of Recalling Remittitur.

49 St. Rep. 266; (20 Supp. 927).

Newton v. Harris, 6 N. Y. 345.

Cited, Witnesses—Cross-Examination—Interest—Contradiction.

136 N. Y. 520; (49 St. Rep. 698).

Testimony—Objection—Different Ground on Appeal—Effect.

18 Misc. 367; (75 St. Rep. 941; 41 Supp. 552).

Newton v. Hook, 48 N. Y. 676.

Cited, Counterclaim—Liquidation—Failure to Plead.

8 Misc. 623; (61 St. Rep. 335; 29 Supp. 824).

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3 Misc. 63; (51 St. Rep. 772; 22 Supp. 557).

Newton v. Lee, 139 N. Y. 332; 54 St. Rep. 629.

Reversing, 69 Hun, 90; 53 St. Rep. 162; 23 Supp. 536.

Newton v. Milleville Manufacturing Co., 17 Abb. 318.

Cited, Pleading—Amendment—Substitution of New Name.

82 Hun, 577; (64 St. Rep. 369; 31 Supp. 739; 24 Civ. Pro. 177).

Newton v. Pope, 1 Cow. 109.

Cited, Jury—Right to Disregard Testimony.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Newton v. Porter, 69 Hun, 133.

Cited, Principal and Agent—Recovery of Property Received by Agent.

68 Hun, 505; (52 St. Rep. 479; 22 Supp. 1041).

Trusts—Misapplication—Following funds.

133 N. Y. 376; (52 St. Rep. 875; 30 Abb. N. C. 215). 145 N. Y. 557; (65 St. Rep. 508; 2 Ann. Cas. 4). 86 Hun, 296; (67 St. Rep. 49; 33 Supp. 307). 81 Hun, 63; (62 St. Rep. 254; 30 Supp. 486). 8 App. Div. 412; (75 St. Rep. 258; 40 Supp. 864).

Newton v. Porter, 5 Lans. 416.

Cited, Wrongdoer—Taking Advantage of Wrong.

10 Misc. 678; (64 St. Rep. 297; 31 Supp. 671; 1 Ann. Cas. 274).

Felony—Misdemeanor—Merger.

19 Misc. 134.

Newton v. Russell, 87 N. Y. 527.

Cited, Injunctions—Pendente lite.

84 Hun, 559; (65 St. Rep. 843; 32 Supp. 726).

Newton v. Stanley, 28 N. Y. 61.

Cited, Wills—Legacy—General of Specific—Increase of.

140 N. Y. 423; (55 St. Rep. 803).

Duplicate Citations in Parenthesis.

Newtown v. Lyons, 11 App. Div. 105; 76 St. Rep. 241; 42 Supp. 241.

New York, Matter of, 18 Johns. 507.

Cited, Municipal Corporations—Condemnation Proceedings—Discontinuance.

90 Hun, 181; (70 St. Rep. 296; 35 Supp. 792).

New York, Matter of, 11 Johns. 77.

Cited, Local Assessments.

144 N. Y. 477; (63 St. Rep. 731).

New York, Matter of, 45 N. Y. 150.

Cited, Condemnation Proceedings—Commissioners—"Final and Conclusive"—Construction.

143 N. Y. 253, 259; (62 St. Rep. 152).

New York, Matter of, 99 N. Y. 569.

Cited, Constitutional Law—Eminent Domain—Sufficiency of Provision for Compensation.

67 Hun, 596; (51 St. Rep. 94; 22 Supp. 433). 89 Hun, 254. 8 App. Div. 255; (40 Supp. 624). 6 Misc. 523; (53 St. Rep. 851; 27 Supp. 169). 72 Hun, 594; (54 St. Rep. 882; 25 Supp. 160).

Courts—Eminent Domain—Jurisdiction.

139 N. Y. 432; (54 St. Rep. 697).

Drains and Sewers—Establishment—Extent.

8 Misc. 570; (60 St. Rep. 683; 29 Supp. 778). 81 Hun, 327, 328; (29 Supp. 778).

Statutes—Local Bill—Title—Unconstitutionality.

144 N. Y. 409; (63 St. Rep. 649). 3 App. Div. 168; (73 St. Rep. 718; 38 Supp. 224). 10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822). 10 Misc. 59; (63 St. Rep. 163; 30 Supp. 857).

Municipal Corporations—Eminent Domain—City Purposes.

D. 8 App. Div. 279, 280; (40 Supp. 642). 8 App. 235, 241, 269; (40 Supp. 610, 614, 634). D. 8 App. Div. 269; (40 Supp. 634).

New York, Matter of, 135 N. Y. 253; 47 St. Rep. 816.

New York, Matter of, 139 N. Y. 140; 54 St. Rep. 556.

Affirming, 69 Hun, 270; 53 St. Rep. 427; 23 Supp. 532.

New York, Matter of, 139 N. Y. 140.

Cited, Judges—Orders—Validity.

6 App. Div. 571; (40 Supp. 222).

Judges—Disqualification.

6 App. Div. 264; (39 Supp. 891).

New York, Matter of, 18 Supp. 82.

Cited, Adverse Possession—Availability.

79 St. Rep. 731; (45 Supp. 731).

New York, Matter of, 20 Misc. 520.

New York v. Bailey, 2 Den. 433.

Cited, Waters—Dams—Extraordinary Flow—Negligence.

70 Hun, 497; (53 St. Rep. 785; 24 Supp. 383). 75 Hun, 483; (57 St. Rep. 370; 27 Supp. 471).

New York v. Best, 79 St. Rep. 970; 45 Supp. 970.

New York v. Biglow, 13 Misc. 42; 68 St. Rep. 163; 34 Supp. 92.

New York v. Brady, 70 Hun, 250; 54 St. Rep. 1; 24 Supp. 296.

Cited, 30 Supp. 1122.

Municipal Corporations—Recovery Against—Action by Corporation Against Sureties. 10 App. Div. 269; (41 Supp. 958).

New York v. Brady, 77 Hun, 241; 59 St. Rep. 773; 28 Supp. 324.

Cited, Municipal Corporations—Recovery Against—Action Against Surety for Contribution.

81 Hun, 442; (63 St. Rep. 260; 30 Supp. 1122). 10 App. Div. 269; (41 Supp. 958).

New York v. Brady, 81 Hun, 440; 63 St. Rep. 259; 30 Supp. 1121.

Affirmed, 151 N. Y. 611.

Cited, Municipal Corporations—Recovery Against—Action Against Surety for Contribution.

10 App. Div. 269; (41 Supp. 958).

Municipal Corporations—Contractor's Negligence—Effect.

15 App. Div. 444; (78 St. Rep. 456; 44 Supp. 456).

New York v. Brady, 115 N. Y. 599; 26 St. Rep. 340.

Cited, Judgment—Vacation of—Fraud.

71 Hun, 524; (54 St. Rep. 888; 24 Supp. 1033). 70 Hun, 129; (54 St. Rep. 22; 24 Supp. 291).

Judgment—Vacation by Court of Co-ordinate Jurisdiction.

13 App. Div. 542; (77 St. Rep. 732; 43 Supp. 732). 79 St. Rep. 637; (45 Supp. 637). 88 Hun, 435; (69 St. Rep. 134; 34 Supp. 966). 12 Misc. 465; (67 St. Rep. 834; 34 Supp. 82).

New York v. Brady, 151 N. Y. 611.

New York v. Broadway & Seventh Ave. R. Co., 97 N. Y. 275.

Cited, Statutes—Repeal of Repealing Act.

136 N. Y. 41; (49 St. Rep. 30).

New York v. Carleton, 113 N. Y. 284; 22 St. Rep. 625.

Cited, Adverse Possession—Constructive Possession.

49 St. Rep. 474; 21 Supp. 93). 14 Misc. 375; (71 St. Rep. 416; 36 Supp. 80).

*Duplicate Citations in Parenthesis.***New York v. Colgate**, 12 N. Y. 140.*Cited*, Tax Sale—Void—Defects.

4 App. Div. 17; (74 St. Rep. 16; 38 Supp. 360).

New York v. Conover, 5 Abb. 171.*Cited*, Officers—Equity—Lack of Jurisdiction to Try Title to Office, etc.

1 Misc. 122; (48 St. Rep. 697; 20 Supp. 703).

New York v. Crawford, 111 N. Y. 638.*Cited*, Mechanic's Lien—Bond—Liability of Sureties.

39 Supp. 94.

New York v. Davenport, 92 N. Y. 604.*Cited*, Taxes—Assessment—Conclusiveness.

80 Hun, 125; (61 St. Rep. 803; 30 Supp. 60). 11 App. Div. 132; (76 St. Rep. 683; 42 Supp. 683). 13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

Taxes—Assessment—Review—Certiorari.

137 N. Y. 12; (49 St. Rep. 888; 27 Supp. 209). 7 Misc. 206; (56 St. Rep. 520; 27 Supp. 214). 81 Hun, 313; (27 Supp. 214).

Taxes—Liability—Of County for State Tax—Interest.

138 N. Y. 592; (53 St. Rep. 304).

New York v. Doody, 4 Abb. 127.*Cited*, Discovery and Inspection—Of Papers of Adversary.

2 Misc. 170; (49 St. Rep. 618; 21 Supp. 619).

New York v. Dry Dock, East Broadway & Battery R. Co., 47 Hun, 199;

13 St. Rep. 396.

Affirmed, 112 N. Y. 137; 20 St. Rep. 236.*Cited*, Legislature—Grants—Construction—Implied Terms.

143 N. Y. 30; (60 St. Rep. 369).

Statutes—Construction—Ambiguity—Grant of Franchise.

56 St. Rep. 60; (25 Supp. 862).

New York v. Dry Dock, East Broadway & Battery R. Co., 112 N. Y. 137; 20 St. Rep. 236.*Cited*, Legislature—Grants—Construction.

143 N. Y. 30; (60 St. Rep. 369).

New York v. Dry Dock, East Broadway & Battery R. Co., 133 N. Y. 104; 44 St. Rep. 94.*Cited*, Evidence—Relevancy—Reasonableness of Municipal Ordinance.

4 Misc. 204; (53 St. Rep. 491; 23 Supp. 1023).

Cited, 10 Misc. 418; (63 St. Rep. 530; 31 Supp. 147).**New York v. Dry Dock, East Broadway & Battery R. Co.**, 39 St. Rep. 105; 15 Supp. 297.

Municipal Corporations—Ordinances—Reasonableness.

54 St. Rep. 154; (23 Supp. 307).

New York v. Eighth Ave. R. Co., 7

App. Div. 84; 39 Supp. 959.

New York v. Eisler, 2 Civ. Pro. 125.*Cited*, Signatures—Validity.

18 Misc. 216; (41 Supp. 509).

Statutes—Construction—Definition.

88 Hun, 558; (68 St. Rep. 802; 34 Supp. 851).

New York v. Erben, 38 N. Y. 305.*Cited*, Eminent Domain—Commissioners—Jurisdiction—Ward—Review.

D. 89 Hun, 603.

New York v. Erben, 24 How. 358.*Cited*, Appeal—Conclusions of Law—Omission to Except—Effect.

14 Misc. 309; (70 St. Rep. 445; 35 Supp. 710).

New York v. Fay, 53 Hun, 553; 6 Supp. 400.*Cited*, Pleadings—Admission—Information and Belief—Availability.

16 App. Div. 430; (79 St. Rep. 84; 45 Supp. 84).

New York v. Fitch, 9 App. Div. 452; 41 Supp. 354.**New York v. Furze**, 3 Hill, 612.*Cited*, Statutes—Public or Official Duties—When Mandatory.

9 Misc. 566; (62 St. Rep. 76; 30 Supp. 377). 3 Misc. 132; (23 Supp. 1061). 148 N. Y. 53. 14 App. Div. 561; (77 St. Rep. 1092; 43 Supp. 1092). 140 N. Y. 307; 55 St. Rep. 651).

New York v. Genet, 4 Hun, 487.*Affirmed*, 63 N. Y. 646.*Cited*, Attachment—Averments of Non-Residence.

51 St. Rep. 44; (23 Supp. 1099). 69 Hun, 310; (53 St. Rep. 352; 23 Supp. 530).

New York v. Goldman, 125 N. Y. 395.*Cited*, Evidence—Account Books—Non-payment.

16 App. Div. 330; (78 St. Rep. 619; 44 Supp. 619). 18 Misc. 556; (41 Supp. 992).

New York v. Hamilton Fire Ins. Co., 10 Bosw. 537.*Affirmed*, 39 N. Y. 45.*Cited*, Trial—Reception of Evidence—Exceptions—Waiver.

77 Hun, 471; (60 St. Rep. 544; 28 Supp. 1080).

Duplicate Citations in Parenthesis.

Insurance—Action on Policy—Limitation.

16 App. Div. 89; (79 St. Rep. 107; 45 Supp. 107).

New York v. Hamilton Fire Ins. Co., 39 N. Y. 45.

Cited, Insurance—Actions for—Limitation.

137 N. Y. 403; (50 St. Rep. 686). D. 9 App. Div. 357; (41 Supp. 320). 15 Misc. 613; (73 St. Rep. 119, 120; 37 Supp. 494).

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77 Hun, 38; (59 St. Rep. 443; 28 Supp. 230).

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9 App. Div. 7; (40 Supp. 1115).

New York v. Hart, 95 N. Y. 443.

Cited, Land—Between High and Low-water Mark—Title.

144 N. Y. 85; (63 St. Rep. 58). 91 Hun, 350; (70 St. Rep. 794; 36 Supp. 220). 10 App. Div. 295; (41 Supp. 939). D. 10 App. Div. 300; (41 Supp. 943). 14 Misc. 476, 477; (70 St. Rep. 361; 35 Supp. 844).

New York v. Huntington, 114 N. Y. 631; 23 St. Rep. 912.

Distinguished, Landlord and Tenant—Estoppel of Tenant to Dispute Validity of Lease.

1 Misc. 297; (48 St. Rep. 669; 20 Supp. 707).

Cited, 3 App. Div. 83; (74 St. Rep. 837; 38 Supp. 1026).

Estoppel—Equitable—Municipal Corporations—Ultra Vires.

9 Misc. 615; (30 Supp. 427).

Ultra Vires—As Defense to Executed Contract.

56 St. Rep. 428; (26 Supp. 289). D. 151 N. Y. 46.

New York v. Kelly, 98 N. Y. 467.

Cited, Employee—Increase of Duties—Effect on Sureties.

12 Misc. 444; (67 St. Rep. 598; 33 Supp. 697).

New York v. Law, 125 N. Y. 380; 35 St. Rep. 437.

Cited, Easements—Appurtenant—Right of Way.

68 Hun, 275; (52 St. Rep. 382; 22 Supp. 994).

Ejectment—When Proper Remedy—Land Reserved by City for Street Purposes.

69 Hun, 327; (53 St. Rep. 385; 23 Supp. 565).

New York v. Law, 6 Supp. 628.

Affirmed, 125 N. Y. 380; 35 St. Rep. 437.

Cited, 5 App. Div. 431; (39 Supp. 253).

New York v. Lord, 17 Wend. 285.

Cited, Destruction of Property—Public Necessity—Remedy.

3 Misc. 37; (53 St. Rep. 45; 22 Supp. 334).

New York v. Lynch, 1 App. Div. 544;

73 St. Rep. 189; 37 Supp. 467.

New York v. Lyons, 24 How. 280.

Cited, Practice—Setting Aside Verdict—Waiver.

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New York v. Mabie, 13 N. Y. 151.

Cited, Landlord and Tenant—Lease—Covenants—Implied—Quiet Enjoyment.

24 Supp. 473. 6 Misc. 532; (58 St. Rep. 18; 27 Supp. 139). 3 App. Div. 83; (74 St. Rep. 837; 38 Supp. 1026).

Landlord and Tenant—Action for Rent—Counterclaim.

5 App. Div. 519; (38 Supp. 1076).

Wharfage—Fees—Rights of Municipality. 152 N. Y. 473.

New York v. Manhattan R. Co., 56 St. Rep. 58; 25 Supp. 860.

Reversed, 143 N. Y. 1; 60 St. Rep. 352.

New York v. Manhattan R. Co., 143 N. Y. 1; 60 St. Rep. 352.

Reversing, 56 St. Rep. 58; 25 Supp. 860.

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82 Hun, 267; (63 St. Rep. 561; 31 Supp. 255).

New York v. Mapes, 6 Johns. Ch. 46.

Cited, Municipal Corporations—Condemnation Proceedings—Discontinuance.

90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789).

New York v. Moore, 52 Hun, 139; 4 Supp. 855.

Cited, Corporations—Notice—Service—Validity.

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New York v. Mott, 30 Hun, 423; 39 St. Rep. 329; 15 Supp. 22.

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3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

New York v. New Jersey Steamboat Navigation Co., 106 N. Y. 28.

Cited, Ferries—What are.

69 Hun, 561; (23 Supp. 939).

New York v. New York, Board of Health of, 31 How. 385.

Cited, Nuisance—Health Officers—Destruction of Property.

140 N. Y. 10; (55 St. Rep. 421).

Duplicate Citations in Parenthesis.

New York v. N. Y. C. & H. R. R. Co., 69 Hun, 324; 53 St. Rep. 383; 29 Supp. 562.

New York v. N. Y. C. & H. R. R. Co., 139 N. Y. 643; 54 St. Rep. 933.

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New York v. New York Refrigerating C. Co., 8 Misc. 61; 59 St. Rep. 295; 28 Supp. 614.

Affirmed, 82 Hun, 553; 64 St. Rep. 392; 31 Supp. 774.

New York v. New York Refrigerating C. Co., 82 Hun, 553; 64 St. Rep. 392; 31 Supp. 714.

New York v. New York, Refrigerating C. Co., 146 N. Y. 210; 66 St. Rep. 590.

New York v. New York & Harlem R. Co., 10 Misc. 417; 63 St. Rep. 530; 31 Supp. 147.

New York v. New York & Harlem R. Co., 19 Supp. 67.

Affirmed, 139 N. Y. 643.

Cited, Street Railroads—Paving Street.

7 App. Div. 87; (39 Supp. 961).

New York v. New York & Staten Island Ferry Co., 64 N. Y. 622.

Cited, Injunction—Jurisdiction—Duty to Obey.

78 Hun, 158; (60 St. Rep. 196; 28 Supp. 932).

Contempt—Filing Interrogatories.

82 Hun, 275; (63 St. Rep. 823; 31 Supp. 375).

New York v. New York & Staten Island Ferry Co., 40 Super. 300.

Affirmed, 64 N. Y. 623.

Cited, Contempt—Violation of Injunction.

67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 119).

New York v. Parker Vein S. Co., 12 Abb. 300.

Cited, Conversion—Counterclaim for—Availability.

10 Misc. 746; (64 St. Rep. 613; 31 Supp. 805; 24 Civ. Pro. 244; 1 Ann. Cas. 191).

New York v. Price, 5 Sandf. 542.

Cited, Evidence—Lease—Parol to Modify. 16 Misc. 530; (38 Supp. 980).

New York v. Roller, 11 Misc. 324; 65 St. Rep. 281; 32 Supp. 139.

Cited, Evidence—Cross Examination—Material Issue.

12 Misc. 110; (66 St. Rep. 541; 32 Supp. 1136).

New York v. Sands, 39 Hun, 519.

Cited, Trial—Question of Fact—Effect of Request by Each Party for Direction of Verdict.

2 Misc. 365; (51 St. Rep. 209; 22 Supp. 374; 30 Abb. N. C. 9).

New York v. Sands, 105 N. Y. 210; 7 St. Rep. 337.

Cited, Statutes—Construction—Implication of Powers.

66 Hun, 144; (48 St. Rep. 874; 20 Supp. 973).

Municipal Corporations—Services—Payment.

D. 84 Hun, 266; (65 St. Rep. 712; 32 Supp. 437).

New York v. Second Ave. R. Co., 32 N. Y. 261.

Cited, Corporations—Charters—Contract Obligation of.

24 Supp. 811; (30 Abb. N. C. 49). 73 St. Rep. 631; (38 Supp. 475). 143 N. Y. 616; (62 St. Rep. 817).

New York v. Second Ave. R. Co., 102 N. Y. 572; 2 St. Rep. 526.

Cited, Evidence—Documentary—Memoranda.

51 St. Rep. 318; (22 Supp. 151). 150 N. Y. 392. 83 Hun, 309; (64 St. Rep. 726; 31 Supp. 919). 11 App. Div. 146; (76 St. Rep. 1050; 42 Supp. 1050).

Evidence—Entries—Time Cards—Transcripts.

77 Hun, 401; (60 St. Rep. 52; 28 Supp. 804).

New York v. Smith, 138 N. Y. 676; 53 St. Rep. 297.

Cited, Courts—Jurisdiction—Opening Decrees—Discretion.

5 Misc. 117; (25 Supp. 740).

New York v. Sonneborn, 113 N. Y. 423; 22 St. Rep. 988.

Cited, Estoppel—Municipal Corporations—Ultra Vires.

9 Misc. 615; (62 St. Rep. 92; 30 Supp. 427).

Landlord and Tenant—Challenge of Title. 8 Misc. 269; (59 St. Rep. 229; 28 Supp. 571).

New York v. Starin, 106 N. Y. 1; 8 St. Rep. 655.

Cited, Carriers—Common—Ferryman.

57 St. Rep. 775; (27 Supp. 194).

D. 13 Misc. 111; (68 St. Rep. 106; 34 Supp. 121).

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69 Hun, 560; (53 St. Rep. 303; 23 Supp. 939).

Duplicate Citations in Parenthesis.

- New York v. Tenth Nat. Bank**, 111 N. Y. 446; 19 St. Rep. 133.
Cited, Banks—Officers—Liability for Acts of.
 77 Hun, 455; (60 St. Rep. 655; 29 Supp. 85).
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 County Commissioners—Duties Imposed by Law.
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- New York v. Twenty-Third St. R. Co.**, 113 N. Y. 311; 22 St. Rep. 958.
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 39 Supp. 269.
- New York v. Wright**, 34 St. Rep. 904; 12 Supp. 20.
Cited, Eminent Domain — Compensation Previous to Taking.
 6 Misc. 523; (56 St. Rep. 850; 27 Supp. 169). 89 Hun, 254.
- New York Academy of Music v. Hackett**, 2 Hilt. 217.
Cited, Landlord and Tenant—Failure to Give Possession—Damages.
 139 N. Y. 436; (54 St. Rep. 699).
- New York Architectural Terra Cotta Co. v. Eden**, 3 Misc. 628; 23 Supp. 349.
- New York Association for Protection of Game v. Durham**, 51 Super. 306.
Cited, Fish and Game Laws—Possession of Prohibited Articles—Effect.
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- New York Bank Note Co. v. Hamilton Bank N. E. & P. Co.**, 83 Hun, 593; 65 St. Rep. 38; 31 Supp. 1060.
- New York Bank Note Co. v. Hamilton Bank N. E. & P. Co.**, 5 App. Div. 126; 39 Supp. 86.
- New York Bank Note Co. v. McKeige**, 17 App. Div. 224; 79 St. Rep. 197; 45 Supp. 197.
- New York Baptist Mission Society v. Potter**, 20 Misc. 191; 78 St. Rep. 1051; 44 Supp. 1051.
- New York Baptist Mission Society v. Ross**, 20 Misc. 191.
- New York Baptist Mission Society v. Tabernacle Baptist Church**, 17 Misc. 733; 40 Supp. 1032.
Affirmed, 9 App. Div. 527; 75 St. Rep. 1111; 41 Supp. 720.
- New York Baptist Mission Society v. Tabernacle Baptist Church**, 17 Misc. 699; 41 Supp. 513.
- New York Baptist Mission Society v. Tabernacle Baptist Church**, 9 App. Div. 527; 75 St. Rep. 1111; 41 Supp. 720.
- New York Baptist Mission Society v. Tabernacle Baptist Church**, 10 App. Div. 288; 75 St. Rep. 1352; 41 Supp. 976.
Cited, Judgment—Irregularity — Setting Aside.
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- New York Bible Society v. Budlong**, 25 Supp. 68; 30 Abb. N. C. 139.
- New York Board of Fire Underwriters v. Metropolitan Lloyds of N. Y.**, 11 Misc. 646; 67 St. Rep. 291; 33 Supp. 547; 24 Civ. Pro. 307.
Affirmed, 87 Hun, 619; 66 St. Rep. 872; 33 Supp. 1131.
Cited, 2 App. Div. 363, 364; (73 St. Rep. 388; 37 Supp. 713; 714).
- New York Board of Fire Underwriters v. Metropolitan Lloyds of N. Y. City**, 87 Hun, 619; 66 St. Rep. 872; 33 Supp. 1131.
Cited, 2 App. Div. 364; (73 St. Rep. 388; 37 Supp. 713).
- New York Board of Fire Underwriters v. Whipple & Co.**, 2 App. Div. 361; 73 St. Rep. 386; 37 Supp. 712.
Cited, 73 St. Rep. 392; (37 Supp. 718). 73 St. Rep. 397; (37 Supp. 811).
- New York Board of Fire Underwriters v. Whipple & Co.**, 73 St. Rep. 386; 37 Supp. 717.
- New York Board of Fire Underwriters v. Whipple & Co.**, 73 St. Rep. 397; 37 Supp. 811.

Duplicate Citations in Parenthesis

New York, Board of Health of, v. Trinity Church, Rector, etc., of, 18 Supp. 948.

Cited, 32 Supp. 120.

New York Board of Rapid Transit, Comrs. of, Matter of, 147 N.Y. 260; 69 St. Rep. 697; 39 Supp. 750.

New York Breweries Co. v. Higgins, 79 Hun. 250; 61 St. Rep. 21; 29 Supp. 416.

Cited, Corporations — Insolvency — Receiver—Recovery of Deposit.

12 App. Div. 365; (76 St. Rep. 739; 42 Supp. 739).

New York Breweries Co. v. Nichols, 55 St. Rep. 179; 25 Supp. 425.

New York Building Loan Banking Co. v. Fisher, 20 Misc. 242; 79 St. Rep. 795; 45 Supp. 795.

New York Cable Co. v. New York, 101 N. Y. 1; 4 St. Rep. 308.

Cited, Street Railways — Franchises — Charter.

135 N. Y. 406; (48 St. Rep. 421). 81 Hun. 256; (62 St. Rep. 714; 30 Supp. 771).

Appeal—Practice—What Facts Reviewed.

150 N. Y. 333; (3 Ann. Cas. 262).

New York Cable R. Co., Matter of, 109 N. Y. 32; 14 St. Rep. 51.

Cited, Corporations — Franchise — Railroads—Construction—Power of Legislature Over.

9 Misc. 546; (62 St. Rep. 202; 30 Supp. 556).

New York Catholic Protectory, Matter of, 8 Hun. 91.

Affirmed, 77 N. Y. 342.

Cited, Assessors—Jurisdiction—Taxes—Exemption.

11 App. Div. 390; (76 St. Rep. 940; 42 Supp. 940).

New York Catholic Protectory, Matter of, 77 N. Y. 342.

Cited, Assessors—Jurisdiction—Determination.

144 N. Y. 231; (63 St. Rep. 99). 149 N. Y. 297. 88 Hun. 333; (68 St. Rep. 773; 34 Supp. 835).

Taxes—Exemptions—Illegal Assessments.

77 Hun. 187; (59 St. Rep. 500; 28 Supp. 347). 7 App. Div. 153. 11 App. Div. 391; (76 St. Rep. 941; 42 Supp. 941). 10 Misc. 332; (64 St. Rep. 313; 31 Supp. 688). 14 Misc. 149; (70 St. Rep. 367; 35 Supp. 860). 16 Misc. 131; (74 St. Rep. 545; 38 Supp. 955). 31 Supp. 688.

Public Officers—Official Determination—Review.

143 N. Y. 165; (62 St. Rep. 189).

New York Central Ins. Co. v. National Protection Ins. Co., 20 Barb. 468.

Affirmed, 14 N. Y. 85.

Cited, Definitions—"Forthwith."

61 St. Rep. 837; (23 Civ. Pro. 399). 61 St. Rep. 837; (30 Supp. 146).

New York Central Ins. Co. v. National Protection Ins. Co., 14 N. Y. 85.

Cited, Insurance — Agents — Acting for Both Parties—Re-Insurance.

138 N. Y. 449; (53 St. Rep. 13).

New York Cent. R. Co., Matter of, 49 N. Y. 414.

Cited, Realty—Appurtenances.

10 Misc. 378; (64 St. Rep. 120; 31 Supp. 437).

N. Y. C. R. Co. v. Marvin, 11 N. Y. 276.

Cited, Appeal—Court of Appeals—Condemnation Proceedings—Second Report.

141 N. Y. 537; (57 St. Rep. 820).

Eminent Domain—Procedure—Appeals—Review of Award.

137 N. Y. 97; (50 St. Rep. 183). D. 89 Hun. 603; (69 St. Rep. 31; 34 Supp. 1060).

N. Y. C. & H. R. R. Co., Matter of, 15 Hun. 63.

Cited, Eminent Domain—Award—Damages.

79 St. Rep. 647; (45 Supp. 647).

N. Y. C. & H. R. R. Co., Matter of, 60 N. Y. 112.

Cited, Appeal—From Order—Necessity of Entry.

68 Hun. 506; (52 St. Rep. 600; 22 Supp. 1016).

Judgment—Entry—Notice—Date.

7 Misc. 401; (58 St. Rep. 59; 27 Supp. 972). 20 Misc. 512.

N. Y. C. & H. R. R. Co., Matter of, 64 N. Y. 60.

Cited, Eminent Domain—Commissioners—Misconduct—Removal.

69 Hun. 602; (53 St. Rep. 551; 23 Supp. 945).

Eminent Domain—Review of Award by Courts of Appeals.

137 N. Y. 97; (50 St. Rep. 183). 143 N. Y. 259; (62 St. Rep. 152). 85 Hun. 475; (66 St. Rep. 767; 33 Supp. 142). 143 N. Y. 253. 6 App. Div. 576; (40 Supp. 330).

N. Y. C. & H. R. R. Co., Matter of, 70 N. Y. 191.

Cited, Eminent Domain—Accuracy Required.

86 Hun. 452, 456; (67 St. Rep. 711, 714; 33 Supp. 935, 938). 20 Misc. 274; (79 St. Rep. 831; 45 Supp. 831).

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N. Y. C. & H. R. R. Co., Matter of,
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142 N. Y. 182; (58 St. Rep. 645).

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72 Hun, 424; (54 St. Rep. 876; 25 Supp. 219). 73 Hun, 260; (58 St. Rep. 82; 26 Supp. 567).

N. Y. C. & H. R. R. Co., Matter of,
90 N. Y. 343.

Cited, Appeal—Immaterial Errors.

1 Misc. 324; (43 St. Rep. 702; 20 Supp. 673). 11 App. Div. 515; (76 St. Rep. 807; 42 Supp. 807).

N. Y. C. & H. R. R. Co., Matter of,
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Cited, Eminent Domain—Commissioners—
Reward—Review.

143 N. Y. 259; (62 St. Rep. 152).

N. Y. C. & H. R. R. Co., Matter of,
136 N. Y. 77; 48 St. Rep. 843.

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Cited, Railroads—Injuries—Rules.

92 Hun, 95; (71 St. Rep. 123; 36 Supp. 338).

N. Y. C. & H. R. R. Co. v. Aldrich,
135 N. Y. 83; 48 St. Rep. 373.

Cited, Waters—Riparian Rights—Grant of
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71 Hun, 157; (54 St. Rep. 366; 23 Supp. 931; 30 Abb. N. C. 95). 80 Hun, 312, 313; 61 St. Rep. 854; 30 Supp. 93).

Eminent Domain—Award—How At-
tacked.

144 N. Y. 84, 86, 90; (63 St. Rep. 53, 59, 62). 1 App. Div. 253; (72 St. Rep. 690; 37 Supp. 337). 3 App. Div. 85; (74 St. Rep. 838; 38 Supp. 1027).

N. Y. C. & H. R. R. Co., v. Brennan,
12 App. Div. 103; 76 St. Rep. 529; 42 Supp. 529.

Cited, Adverse Possession—Title from
State.

17 App. Div. 255; (79 St. Rep. 562; 45 Supp. 562).

N. Y. C. & H. R. R. Co., v. Brock-
way Brick Co., 10 App. Div. 387; 75 St. Rep. 1157; 41 Supp. 762.

N. Y. C. & H. R. R. Co. v. Davis,
86 Hun, 86; 68 St. Rep. 54; 34 Supp. 206.

N. Y. C. & H. R. R. Co. v. Flynn, 74 Hun, 124; 56 St. Rep. 375; 26 Supp. 859.

Cited, Carriers—Use of Facilities by
Public—Statute—Construction.

79 St. Rep. 1095; (45 Supp. 1095).

N. Y. C. & H. R. R. Co. v. Haffen, 90 Hun, 260; 70 St. Rep. 267; 35 Supp. 806.

N. Y. C. & H. R. R. Co. v. Harrold,
65 How. 89.

Cited, Judgment—Setting Aside—Grounds.
89 Hun, 117; (69 St. Rep. 471; 35 Supp. 58).

N. Y. C. & H. R. R. Co. v. Hastings
on Hudson, Village of, 9 App. Div. 256; 41 Supp. 492.

N. Y. C. & H. R. R. Co. v. Maine,
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N. Y. C. & H. R. R. Co. v. Metropol-
itan Gas Light Co., 63 N. Y. 326.

Cited, Railroads—Eminent Domain—
Easements—Rights.

142 N. Y. 182; (58 St. Rep. 645). D. 16 App. Div. 245; (78 St. Rep. 763; 44 Supp. 763).

N. Y. C. & H. R. R. Co. v. People,
12 Hun, 195.

Cited, Railroads—Approaches—Duty to
Build—Neglect—Remedy.

92 Hun, 132; (72 St. Rep. 388; 36 Supp. 866).

N. Y. C. & H. R. R. Co., v. Roch-
ester, 127 N. Y. 591; 40 St. Rep. 193.

Cited, Appeal—Questions Not Raised Be-
low Not Reviewable.

1 Misc. 294; (48 St. Rep. 763; 20 Supp. 698).

Injunction—Nuisance—Sewage.

67 Hun, 307; (50 St. Rep. 899; 22 Supp. 315). 17 App. Div. 209; (79 St. Rep. 387; 45 Supp. 367).

Waters—Diversion—Municipal Corpora-
tion.

66 Hun, 573; (50 St. Rep. 100; 21 Supp. 837).

N. Y. C. & H. R. R. Co. v. Sheeley,
57 St. Rep. 766; 27 Supp. 185.

Cited, Carriers—Exclusion of Hackmen
From Stations—Discrimination.

74 Hun, 128; (56 St. Rep. 376; 26 Supp. 861).

N. Y. C. & H. R. R. Co. v. Standard
Oil Co., 87 N. Y. 486.

Cited, Carriers—When Freight Earned.

49 St. Rep. 731; (20 Supp. 793). 142 N. Y. 100; (58 St. Rep. 406).

New York Chemical Co. v. Halleck,
15 Supp. 517.

Cited, Injunction—Enforcement of Con-
tract—Default of Plaintiff.

8 Misc. 301; (59 St. Rep. 285; 28 Supp. 738).

Duplicate Citations in Parenthesis.

New York City Suburban Water Co. v. Bissell, 78 Hun. 176; 60 St. Rep. 244; 28 Supp. 938.

Cited, Temporary Injunction—Action—Discontinuance—Effect.
9 App. Div. 257; (41 Supp. 492).

New York Commercial Co. v. Carpenter, 4 Misc. 240; 24 Supp. 248.

New York Consolidated Card Co. v. Union Playing Card Co., 39 Hun. 611.

Distinguished, Equity—Wrongdoing of Plaintiff.
54 St. Rep. 574; (24 Supp. 1084).

New York Dist. R. Co., Matter of, 42 Hun. 621.

Cited, Constitutional Law—Intent—How Determined.
11 App. Div. 119; (76 St. Rep. 660; 42 Supp. 660).

New York Dry Dock Co. v. Stillman, 30 N. Y. 174.

Cited, Trusts—Beneficial Interest—Title.
141 N. Y. 364; (57 St. Rep. 440). 3 App. Div. 291, 292; (38 Supp. 1070, 1071).

New York El. R. Co., Matter of, 7 Hun. 239.

Cited, Statutes—Directory—Waiver.
88 Hun. 563; (68 St. Rep. 786; 34 Supp. 848).

New York El. R. Co., Matter of, 36 Hun. 427.

Cited, Elevated Railroads—Obstruction of Easement—Damages.
83 Hun. 145; (64 St. Rep. 267; 31 Supp. 631).

New York El. R. Co., Matter of, 76 Hun. 384; 59 St. Rep. 171; 23 Supp. 110.

New York El. R. Co., Matter of, 70 N. Y. 327.

Cited, Constitutional Law—Chap. 855, Laws of 1863.

56 St. Rep. 59; (25 Supp. 861). 143 N. Y. 22; (60 St. Rep. 374).

Constitutional Law—Presumption as to Statute.

67 Hun. 524; (51 St. Rep. 344; 22 Supp. 809). 17 Misc. 259; (40 Supp. 1080). D. 143 N. Y. 54; (60 St. Rep. 385). 8 App. Div. 250; (75 St. Rep. 16; 40 Supp. 620).

Corporations — Franchise — Railroads — Construction—Power of Legislature Over.
9 Misc. 546; (62 St. Rep. 202; 30 Supp. 556).
Statutes — Construction—Local or General.

74 Hun. 59; (56 St. Rep. 225; 26 Supp. 314). 8 App. Div. 252; (75 St. Rep. 18; 40 Supp. 622).

Eminent Domain—Review of Commissioner's Report—Appeal.

75 Hun. 122; (57 St. Rep. 734; 27 Supp. 147).

Statutes — Constitutionality — Duplex Title.

143 N. Y. 37; (60 St. Rep. 364).

Charter—Forfeiture—Enforcement.

5 App. Div. 468; (39 Supp. 21).

New York El. R. Co., Matter of, 29 St. Rep. 190; 8 Supp. 707.

Cited, Elevated Railroads — Maintenance and Operation — Abutting Owners — Damages.

8 Misc. 21; (59 St. Rep. 307; 28 Supp. 68). 79 St. Rep. 647; (45 Supp. 647).

New York El. R. Co., Matter of, 35 St. Rep. 944; 12 Supp. 858.

Cited, Eminent Domain—Commissioner's Award—Review.

6 App. Div. 577; (40 Supp. 330).

New York El. R. Co. v. Harold, 30 Hun. 466.

Cited, Costs—Extra Allowance—Demurrer as Defense.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

N. Y. & E. R. Co. v. Purdy, 18 Barb. 574.

Cited, Justice Court—Jurisdiction—Service—Sufficiency.

20 Misc. 74; (79 St. Rep. 410; 45 Supp. 410).

New York Fire Dep't v. Atlas Steamship Co., 106 N. Y. 566; 11 St. Rep. 113.

Cited, Appeal—Review of Finding—Conflict of Evidence.

142 N. Y. 210; (58 St. Rep. 632).

Municipal Corporations — Officers — Who Are—Police Commissioners.

D. 150 N. Y. 518.

New York Firemen's Ins. Co. v. DeWolf, 2 Cow. 56.

Cited, Judgment—Foreign—Conclusiveness.

49 St. Rep. 731; (20 Supp. 797).

New York Firemen's Ins. Co. v. Lawrence, 14 Johns. 46.

Cited, Action—Form of Remedies—Election—Effect.

6 Misc. 160; (27 Supp. 218). 16 Misc. 55; (73 St. Rep. 85; 37 Supp. 636).

New York, Governors of the Alms House of, v. American Art Union, See Governors of the Alms House, &c.

*Duplicate Citations in Parenthesis.***New York Guaranty & Indemnity Co. v. Flynn**, 55 N. Y. 653.

Cited, Personal Property — Recovery — Damages.

2 App. Div. 474; (74 St. Rep. 343; 37 Supp. 1046). 11 Misc. 59; (63 St. Rep. 441; 31 Supp. 838).

New York Guaranty & Indemnity Co. v. Gleason, 78 N. Y. 503; 7 Abb. N. C. 334.

Cited, Evidence—Declarations—Co-Conspirators.

138 N. Y. 465; (53 St. Rep. 8). D. 14 App. Div. 627; (77 St. Rep. 985; 43 Supp. 985).

Evidence—Sufficiency—Civil Cases—Preponderance.

8 Misc. 448; (58 St. Rep. 851; 28 Supp. 686). 10 Misc. 287; (63 St. Rep. 272; 30 Supp. 1084).

Evidence—Sufficiency—Crime—Civil Action.

67 Hun, 545; (51 St. Rep. 338; 22 Supp. 485).

New Trial—Improper Testimony—Prejudice.

9 Misc. 183; (60 St. Rep. 644; 29 Supp. 586).

New York Harbor Tow Boat Co. v. New York, Lake Erie & W. R. Co., 76 Hun, 258; 59 St. Rep. 125; 27 Supp. 745.

Reversed, 148 N. Y. 574.

New York Harbor Tow Boat Co. v. New York, Lake Erie & W. R. Co., 148 N. Y. 574.**New York, Health Dep't of, v. Rec-tor, etc., of Trinity Ch.**, 10 Misc. 738; 65 St. Rep. 215; 32 Supp. 120.**New York Ice Co. v. Northwestern Ins. Co.**, 23 N. Y. 357.

Cited, Judgment—Amendment — Power and Time of.

23 Supp. 750; (23 Civ. Pro. 96). 7 App. Div. 231; (74 St. Rep. 657; 40 Supp. 45).

Actions—Equity—Relief.

15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847). 144 N. Y. 180; (63 St. Rep. 85).

New York Infant Asylum v. Roosevelt, 35 Hun, 501.

Cited, Pleading—Bill of Particulars—Action for Causing Boycott.

21 Supp. 342.

Pleading—Bill of Particulars — Special Damages.

55 St. Rep. 435; (25 Supp. 348).

New York Institution for Blind v. Howard's Ex'rs, 10 N. Y. 84.

Cited, Bills—Bequest—Intent of Testator. 11 App. Div. 163; (73 St. Rep. 25; 37 Supp. 922). 3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

New York Institution for Deaf & Dumb, Matter of, 121 N. Y. 234; 30 St. Rep. 921.

Cited, Statutes—Re-enactment — Repealing Effect.

69 Hun, 568; (53 St. Rep. 253; 23 Supp. 960). 72 Hun, 621; (55 St. Rep. 280; 25 Supp. 199). 76 Hun, 563; (58 St. Rep. 278; 28 Supp. 209). 79 Hun, 89; (61 St. Rep. 159; 29 Supp. 617). 151 N. Y. 20. 86 Hun, 83; (67 St. Rep. 120; 33 Supp. 350). 86 Hun, 268, 270; (67 St. Rep. 25, 36; 33 Supp. 300, 302). 13 Misc. 549; (70 St. Rep. 211; 35 Supp. 590). 16 Misc. 619; (40 Supp. 746; 25 Civ. Pro. 395).

New York Insulated Wire Co. v. Westinghouse E. & M. Co., 85 Hun, 269; 66 St. Rep. 581; 32 Supp. 1127.**New York Insulating Paint Co. v. Pratt**, 69 St. Rep. 300; 35 Supp. 184.**N. Y. L. E. & W. R. Co., Matter of**, 27 Hun, 116.

Cited, Eminent Domain — Appraisal — Award—Review.

79 St. Rep. 647, 648; (45 Supp. 647, 648).

Eminent Domain—Award—Damages.

85 Hun, 426; (66 St. Rep. 210; 32 Supp. 893).

N. Y., L. E. & W. R. Co., Matter of, 93 N. Y. 385.

Affirming, 29 Hun, 602.

Cited, Eminent Domain — Award — Review.

6 App. Div. 577; (40 Supp. 330).

N. Y., Lackawanna & W. R. Co., Matter of, 98 N. Y. 447.

Cited, Constitutional Law—Waiver of Provision.

143 N. Y. 26; (60 St. Rep. 366). 80 Hun, 417; (62 St. Rep. 94; 30 Supp. 340).

Stipulation—Relief From.

3 Misc. 464; (52 St. Rep. 512; 23 Supp. 189). 5 Misc. 165; (24 Supp. 914; 23 Civ. Pro. 222). 9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).

Stipulation—What Proper.

143 N. Y. 61; (60 St. Rep. 349). 149 N. Y. 161. 151 N. Y. 202; (3 Ann. Cas. 295). 151 N. Y. 265. 81 Hun, 31; (62 St. Rep. 567; 30 Supp. 669; 1 Ann. Cas. 16). 83 Hun, 189; (64 St. Rep. 145; 31 Supp. 591). 2 App. Div. 581; (74 St. Rep. 412; 37 Supp. 1116; 3 Ann. Cas. 118). 18 Misc. 415; (41 Supp. 1120). 19 Misc. 241; (76 St. Rep. 994; 42 Supp. 994). 87 Hun, 18; (67 St. Rep. 491; 33 Supp. 875).

Stipulation—Ousting Courts—Effect.

86 Hun, 382; (67 St. Rep. 226; 33 Supp. 513).

Duplicate Citations in Parenthesis.

N. Y., Lackawanna & W. R. Co., Matter of, 99 N. Y. 12.

Cited, Eminent Domain — Procedure — Proving Incorporation.

73 Hun. 11; (57 St. Rep. 111; 25 Supp. 1084). 69 St. Rep. 191; (34 Supp. 1101; 25 Civ. Pro. 69).

Eminent Domain — What Subject to — Previous Appropriation to Public Use.

72 Hun. 424; (54 St. Rep. 876; 25 Supp. 219).

N. Y., Lackawanna & W. R. Co., Matter of, 103 N. Y. 704.

Cited, Eminent Domain — Commissioners — Award — Conclusiveness.

143 N. Y. 259; (62 St. Rep. 157).

N. Y., Lackawanna & W. R. Co., Matter of, 105 N. Y. 89; 6 St. Rep. 851.

Cited, Wills — Construction — Contingency of Death — Life Estate.

69 Hun. 611; (53 St. Rep. 546; 24 Supp. 27). 8 App. Div. 66; (40 Supp. 409). 136 N. Y. 231; (49 St. Rep. 335). 135 N. Y. 141; (48 St. Rep. 66). 84 Hun. 260; (65 St. Rep. 799; 32 Supp. 530). 11 App. Div. 341; (76 St. Rep. 150; 42 Supp. 150). 10 Misc. 257; (63 St. Rep. 241; 30 Supp. 983).

Wills — Construction — Devisee in Fee — Contingency.

142 N. Y. 436; (59 St. Rep. 812).

Wills — Construction — Limitation Over on Failure of Issue.

137 N. Y. 414; (51 St. Rep. 62).

N. Y., Lackawanna & W. R. Co., Matter of, 1 Silv. Ct. App. 79; 2 St. Rep. 476.

Cited, Appeal — Court of Appeals — Contemnation Proceedings — Second Report.

141 N. Y. 537; (57 St. Rep. 820).

N. Y., Lackawanna & W. R. Co. v. Arnot, 27 Hun. 151.

Cited, Eminent Domain — Damages.

39 Supp. 221.

N. Y., L. E. & W. R. Co., Matter of, 99 N. Y. 388.

Cited, Appeal — Extent of Review — Change of Route of Railroad.

68 Hun. 395; (51 St. Rep. 890; 23 Supp. 34).

N. Y., L. E. & W. R. Co., Matter of, 110 N. Y. 374.

Cited, Statutes — Remedy — When Exclusive.

11 Misc. 198; (65 St. Rep. 153; 32 Supp. 96).

N. Y., L. E. & W. R. Co. v. Dunkirk, 65 Hun. 494; 48 St. Rep. 208; 20 Supp. 596.

Affirmed, 143 N. Y. 659; 63 St. Rep. 866.

N. Y., L. E. & W. R. Co. v. Nat. S. S. Co., 137 N. Y. 23; 49 St. Rep. 901.

Affirming, 43 St. Rep. 361; 17 Supp. 28.

N. Y., L. E. & W. R. Co. v. Robinson, 15 St. Rep. 237.

Cited, Action — Stay — Multiplicity.

77 Hun. 569; (60 St. Rep. 488; 28 Supp. 1033).

N. Y., L. E. & W. R. Co. v. Wenger, 24 Abb. N. C. 267.

Distinguished, Injunction — Enticement of Employees.

67 Hun. 307; (50 St. Rep. 898; 22 Supp. 315).

N. Y., L. E. & W. R. Co. v. Wenger, 17 Week. Law Bull. 306; 34 Abb. N. C. 267.

Cited, Unlawful Acts — Injunction.

91 Hun. 493; (71 St. Rep. 337; 36 Supp. 305).

N. Y. Land Improvement Co. v. Chapman, 14 Misc. 187; 70 St. Rep. 166; 35 Supp. 468.

N. Y. Land Improvement Co. v. Chapman, 118 N. Y. 288; 28 St. Rep. 750.

Cited, Contract — Rescission — Fraud — Waiver.

5 Misc. 343; (55 St. Rep. 506; 25 Supp. 528).

Contracts — Rescission — Representations.

15 Misc. 620; (38 Supp. 71). 83 Hun. 373; (64 St. Rep. 649; 31 Supp. 913). 14 Misc. 522; (70 St. Rep. 702; 35 Supp. 1085).

N. Y. Life Ins. Co. v. Aitken, 125 N. Y. 660; 36 St. Rep. 8.

Cited, Mortgage Debt — Grantee — Release by Grantor — Effect on Mortgage.

85 Hun. 80; (66 St. Rep. 43; 32 Supp. 660).

N. Y. Life Ins. Co. v. Mayer, 14 Daly, 318; 12 St. Rep. 119.

Cited, Execution — Lien — To What Attaches — When Effectual.

2 Misc. 404; (50 St. Rep. 587; 21 Supp. 981).

N. Y. Life Ins. & Trust Co. v. Beebe, 7 N. Y. 364.

Cited, Evidence — Declarations — Of Agents.

139 N. Y. 151; (54 St. Rep. 476).

N. Y. Life Ins. & Trust Co. v. Covert, 3 Abb. Ct. App. Dec. 350; 6 Abb. N. S. 154.

Distinguished, Limitation of Action — Collateral Mortgage — Interruption of Statute as to Principal Debt.

Duplicate Citations in Parenthesis.

78 Hun, 305; (60 St. Rep. 177; 28 Supp. 977).

Cited, Limitation of Action—Removal of Bar—Payment—Conveyance of Part of Mortgaged Premises.

71 Hun, 322; (55 St. Rep. 2; 25 Supp. 121). 145 N. Y. 66; (64 St. Rep. 525; 1 Ann. Cas. 202).

N. Y. Life Ins. & Trust Co. v. Cuthbert, 87 Hun, 339; 68 St. Rep. 430; 34 Supp. 301.

Affirmed, 148 N. Y. 742.

N. Y. Life Ins. & Trust Co. v. Ives.
See New York Life Ins. & Trust Co. v. Cuthbert.

N. Y. Life Ins. & Trust Co. v. Ives, 41 Supp. 235; 25 Civ. Pro. 377.

N. Y. Life Ins. & Trust Co. v. Kane, 17 App. Div. 542; 79 St. Rep. 543; 45 Supp. 543.

N. Y. Life Ins. & Trust Co. v. Livingston, 133 N. Y. 125.

Cited, Wills—Bequest—Effect on Powers. 18 Misc. 692; (77 St. Rep. 867; 43 Supp. 867). 7 App. Div. 77; (39 Supp. 982; 3 Ann. Cas. 191).

N. Y. Life Ins. & Trust Co. v. Manning, 3 Sandf. Ch. 58.

Cited, Payment—Voluntary—Right to Recover.

77 Hun, 602; (60 St. Rep. 459; 28 Supp. 1029).

N. Y. Life Ins. & Trust Co. v. Milnor, 1 Barb. Ch. 353.

Cited, Easement—Right of Way—Implied—Duration.

150 N. Y. 147. 18 Misc. 516; (41 Supp. 986).

N. Y. Life Ins. & Trust Co. v. New York, 6 St. Rep. 656.

Cited, Ejectment—Right of Trial by Jury. 12 Misc. 121; (66 St. Rep. 732; 33 Supp. 76; 2 Ann. Cas. 34).

N. Y. Lumber & Woodworking Co. v. Schneider, 119 N. Y. 475.

Cited, Arbitration—Award—Effect. 6 Misc. 416; (27 Supp. 294).

N. Y. Lumber & Woodworking Co. v. Seventy-Third Street Building Co., 5 App. Div. 87; 74 St. Rep. 803; 38 Supp. 869.

N. Y. Lumber & Woodworking Co. v. Seventy-Third Street Building Co., 15 Daly, 133; 3 Supp. 937.

Cited, Mechanic's Lien—Discharge—Bond—Parties.

20 Misc. 223; (79 St. Rep. 413; 45 Supp. 413).

N. Y. Marbled Iron Works v. Smith, 4 Duer. 362.

Cited, Corporations—Dissolution.

81 Hun, 143; (62 St. Rep. 698; 30 Supp. 734; 1 Ann. Cas. 70).

N. Y. Mut. Ins. Co., Matter of, 79 St. Rep. 263; 45 Supp. 263.

N. Y. Nat. Exchange Bank v. Metropolitan El. R. Co., 53 Super. 511.

Affirming, 108 N. Y. 660.

Cited, Elevated Railway—Right of Lessee to Damages from Construction.

3 Misc. 616; (52 St. Rep. 319; 23 Supp. 179).

N. Y., New Haven & Hartford R. Co. v. Welsh, 52 St. Rep. 532; 23 Supp. 195.

N. Y., New Haven & Hartford R. Co. v. Welsh, 143 N. Y. 411; 62 St. Rep. 429.

N. Y. News Publishing Co. v. Nat. Steamship Co., 72 Hun, 158; 55 St. Rep. 176; 25 Supp. 401.

Affirmed, 148 N. Y. 39.

N. Y. News Publishing Co. v. Nat. Steamship Co., 148 N. Y. 39.

Cited, Pleading—Motion to Make More Definite.

20 Misc. 282; (79 St. Rep. 846; 45 Supp. 846). 7 App. Div. 165.

New York Novelty Co. v. Mela, 75 St. Rep. 944; 41 Supp. 555.

New York Oxygen Co., Matter of, 67 St. Rep. 549; 33 Supp. 726; 24 Civ. Pro. 398.

New York Press Club v. Lloyd, 12 Misc. 210; 67 St. Rep. 891; 34 Supp. 24.

New York Printing and Dyeing Establishment v. Fitch, 1 Paige, 97.

Cited, Injunction—Temporary—Irreparability of Damage.

57 St. Rep. 768; 27 Supp. 187).

New York Protestant Episcopal Public School, Matter of the Trustees of, 31 N. Y. 574.

Cited, Taxes—Assessment—Power to Levy.

3 App. Div. 168; (73 St. Rep. 719; 38 Supp. 224).

Duplicate Citations in Parenthesis.

Taxes—Levy—Law Applicable.
20 Misc. 78; (79 St. Rep. 822; 45 Supp. 822).

New York Protestant Episcopal Public School, Matter of, 47 N. Y. 561.

Cited, Statutes—When Directory.
17 Misc. 366; (40 Supp. 63; 25 Civ. Pro. 344). 74 St. Rep. 854.

New York Protestant Episcopal School, Matter of, 75 N. Y. 324.

Cited, Municipal Corporations—Improvements—Assessments—Omissions.
139 N. Y. 139; (54 St. Rep. 512).

New York, Providence & Boston R. Co. v. Dixon, 114 N. Y. 80; 22 St. Rep. 684.

Cited, Corporations—Power of Officers.
138 N. Y. 479; (53 St. Rep. 66). 143 N. Y. 436; (62 St. Rep. 447).

New York Real Estate & B. I. Co., v. Motley, 1 Misc. 231; 49 St. Rep. 216; 20 Supp. 947.

Affirmed, 3 Misc. 232; 51 St. Rep. 864; 22 Supp. 705.

New York Real Estate & B. I. Co. v. Motley, 3 Misc. 232; 51 St. Rep. 864; 22 Supp. 705.

Affirmed, 143 N. Y. 156; 62 St. Rep. 169.

New York Real Estate & B. I. Co. v. Motley, 143 N. Y. 156; 62 St. Rep. 169.

New York Rubber Co., v. Rothery, 69 Hun, 59; 53 St. Rep. 56; 23 Supp. 247.
Affirmed, 141 N. Y. 573; 57 St. Rep. 867.

New York Rubber Co. v. Rothery, 107 N. Y. 310; 12 St. Rep. 53.

Cited, Estoppel in Pais.
1 Misc. 184; (48 St. Rep. 691; 20 Supp. 687). 67 Hun, 165; (51 St. Rep. 528; 22 Supp. 328). 49 St. Rep. 171; (21 Supp. 96). 17 Misc. 327; (40 Supp. 384). 19 Misc. 67; (77 St. Rep. 172; 43 Supp. 173). 15 Misc. 578; (72 St. Rep. 816; 38 Supp. 187).

N. Y. Rubber Co. v. Rothery, 112 N. Y. 592. S. C. on second Appeal, 119 N. Y. 633.

Cited, Appeal—Case—Re-settlement on.
1 Misc. 2; (48 St. Rep. 637; 20 Supp. 617). 13 App. Div. 551; (77 St. Rep. 734; 42 Supp. 734).

Appealable Order—Effect on Court of Appeals.

150 N. Y. 333; (3 Ann. Cas. 263).

N. Y. Rubber Co. v. Rothery, 132 N. Y. 293; 44 St. Rep. 557.

Cited, Waters—Rights of Riparian Owner—Diversion.

49 St. Rep. 310; (21 Supp. 123). 91 Hun, 275; (36 Supp. 94).

New York Security & Trust Co., v. Blydenstein, 70 Hun, 216; 53 St. Rep. 762; 24 Supp. 164.

Affirmed, 139 N. Y. 657; 54 St. Rep. 934.

New York Security & Trust Co., v. Lipman, 83 Hun, 569; 65 St. Rep. 228; 32 Supp. 65.

New York Security & Trust Co. v. Lipman, 91 Hun, 554; 71 St. Rep. 193; 36 Supp. 355.

Cited, 73 St. Rep. 865. 39 Supp. 1121.

New York Security & Trust Co. v. Lipman, 139 N. Y. 657; 54 St. Rep. 934.

Cited, 91 Hun, 559; (71 St. Rep. 194; 36 Supp. 356).

New York Security & Trust Co. v. Manhattan Athletic Club, 81 Hun, 33; 62 St. Rep. 539; 30 Supp. 605.

New York Security & Trust Co. v. Saratoga Gas & Electric Light Co., 80 Hun, 569; 34 Supp. 890.

Cited, 5 App. Div. 533; (39 Supp. 487; 25 Civ. Pro. 386).

Railroads—Mortgage—Validity.

9 App. Div. 90; (75 St. Rep. 500; 41 Supp. 44).

New York Security & Trust Co. v. Saratoga Gas & Electric Light Co., 5 App. Div. 535; 39 Supp. 486; 25 Civ. Pro. 385.

Cited, Foreclosure—Bond Pending Appeal—Sufficiency.

76 St. Rep. 457; (42 Supp. 457).

New York Small Stock Co. v. Third Ave. R. Co., 13 Misc. 276; 68 St. Rep. 16; 34 Supp. 61.

Cited, 16 Misc. 64; (73 St. Rep. 87; 37 Supp. 638).

New York Small Stock Co. v. Third Ave. R. Co., 16 Misc. 64; 73 St. Rep. 87; 37 Supp. 637.

New York Small Stock Co. v. Klosset, 13 Misc. 234; 68 St. Rep. 15; 34 Supp. 60.

New York State Monitor Milk-pan Co. v. Remington Agr. Works, 25 Hun, 475.

Duplicate Citations in Parenthesis.

Cited, Parties—Substitution—Summons—Amendment.

82 Hun, 577; (64 St. Rep. 369; 31 Supp. 739; 24 Civ. Pro. 177; 1 Ann. Cas. 33).

New York State Monitor Milk-pan Ass'n v. Remington Agr. Works,
89 N. Y. 22.

Cited, Parties—Substitution—Summons—Amendment.

82 Hun, 576; (64 St. Rep. 369; 31 Supp. 738; 24 Civ. Pro. 176; 1 Ann. Cas. 33).
92 Hun, 428; (72 St. Rep. 106; 36 Supp. 1004). 16 App. Div. 150; (79 St. Rep. 101; 45 Supp. 101).

New York Steam Co. v. Stearn, 46 Hun, 206; 11 St. Rep. 496.

Cited, Deeds—Construction—Exception.
49 St. Rep. 471; (21 Supp. 91).

New York, West Shore & Buffalo R. Co., Matter of, 28 Hun, 505.

Cited, Appeal—Costs.
49 St. Rep. 264; (20 Supp. 925).

New York, West Shore & Buffalo R. Co., Matter of, 29 Hun, 609.

Cited, Eminent Domain—Damages.
39 Supp. 221.

New York, West Shore & Buffalo R. Co., Matter of, 33 Hun, 231.

Cited, Evidence—Impression of Witness—Competency.

86 Hun, 464; (67 St. Rep. 639; 33 Supp. 892).

New York, West Shore & Buffalo R. Co., Matter of, 35 Hun, 260.

Cited, Eminent Domain—Commissioners—Award—Review.

79 St. Rep. 648; (45 Supp. 648).

New York, West Shore & Buffalo R. Co., Matter of, 36 Hun, 630.

Cited Eminent Domain—Commissioners—Misconduct—Removal.

69 Hun, 602; (53 St. Rep. 551; 23 Supp. 945).

New York, West Shore & Buffalo R. Co., Matter of, 94 N. Y. 287.

Cited, Commissioners—Award—Review by General Term—Imposition of Costs—Effect.

151 N. Y. 86.

New York, West Shore & Buffalo R. Co. v. Hart, 35 Hun, 575.

Cited, Estoppel—Equitable—Silence—Waiver.

138 N. Y. 163; (51 St. Rep. 839).

New York, West Shore & Buffalo R. Co. v. LeFevre, 27 Hun, 537.

Cited, Elevated Railroads—Damages—Easements.

87 Hun, 105; (67 St. Rep. 653; 33 Supp. 975).

New York, West Shore & Buffalo R. Co. v. Omerod, 29 Hun, 274.

Cited, Injunction—Damages by—Discontinuance.

70 Hun, 11; (53 St. Rep. 260; 23 Supp. 935).

New York & Albany R. Co. v. New York, West Shore & Buffalo R. Co., 11 Abb. N. C. 383.

Cited, Injunction—Trespass.

67 Hun, 308; (50 St. Rep. 899; 22 Supp. 316).

New York & Brooklyn Bridge, Matter of, 75 Hun, 559; 59 St. Rep. 613; 27 Supp. 597.

Affirmed, 60 St. Rep. 874.

Cited, 34 Supp. 1003.

New York & Brooklyn Bridge, Matter of, 89 Hun, 219; 68 St. Rep. 837; 34 Supp. 1002.

New York & Brooklyn Bridge, Matter of, 72 N. Y. 527.

Cited, Statutes—Constitutionality—Scope of Title.

8 Misc. 135; (60 St. Rep. 151; 23 Supp. 647).

New York & Brooklyn Bridge, Matter of, 115 N. Y. 652; 23 St. Rep. 998.

Cited, Eminent Domain—Review of Award by Court of Appeals.

137 N. Y. 97; (50 St. Rep. 183).

New York & Brooklyn Bridge, Matter of, 137 N. Y. 95; 50 St. Rep. 182.

Modifying, 47 St. Rep. 932; 21 Supp. 233.

Cited, Eminent Domain—Award—Interest.

84 Hun, 177; (65 St. Rep. 651; 32 Supp. 466). 39 Supp. 883. 6 App. Div. 575; (40 Supp. 329).

Condemnation Law—Construction.

86 Hun, 450; (67 St. Rep. 710; 33 Supp. 934). 13 App. Div. 602; (77 St. Rep. 630; 43 Supp. 630).

Debts—Discharge—Damages—Interest.

18 Misc. 684; (76 St. Rep. 16; 42 Supp. 16; 3 Ann. Cas. 320).

New York & Brooklyn Bridge, Matter of, 77 St. Rep. 631; 43 Supp. 631.

New York & Brooklyn Bridge, Matter of, 18 App. Div. 8; 79 St. Rep. 484; 45 Supp. 484.

New York & Brooklyn Bridge, Matter of, 21 Supp. 233.

Cited, 40 Supp. 329.

New York & Brooklyn Bridge, Trustees of, v. Leary. See **New York & Brooklyn Bridge, Matter of.**

*Duplicate Citations in Parenthesis.***New York & Brooklyn Ferry Co. v. Moore**, 32 Hun, 29.*Cited*, Evidence—Omission to Testify—Effect.

7 App. Div. 591; (40 Supp. 311).

New York & Brooklyn Ferry Co. v. Moore, 102 N. Y. 667.*Cited*, 7 App. Div. 590; (40 Supp. 311).**New York & Brooklyn Ferry Co. v. Moore**, 102 N. Y. 667; 1 St. Rep. 374; 18 Abb. N. C. 106; 1 Silv. Ct. App. 52.*Cited*, Evidence—Burden of Proof—Preponderance of Evidence — Civil Case — Verdict Showing Party Guilty of Crime.

4 Misc. 566; (25 Supp. 787).

Evidence — Reasonable Doubt — Civil Cases.

8 Misc. 448; (58 St. Rep. 851; 28 Supp. 686).

Evidence—Sufficiency—Preponderance.

4 Misc. 115; (53 St. Rep. 462; 23 Supp. 895).

Trial—Jury—Competency—Bias.

8 Misc. 227; (59 St. Rep. 446; 28 Supp. 721).

Evidence — Acquiring Property Greater Than Income—Effect.

15 App. Div. 48; (78 St. Rep. 98; 44 Supp. 98).

Misappropriation of Funds—Impressing Trust.

41 Supp. 844.

New York & Brooklyn Ferry Co. v. Moore, 18 Abb. N. C. 106.*Cited*, Evidence — Omission to Testify—Inference.

7 App. Div. 590; (40 Supp. 311).

New York & Brooklyn Ferry Co. v. N. Y., 146 N. Y. 145; 66 St. Rep. 238.**New York & Brooklyn Saw-Mill & Lumber Co. v. Brooklyn**, 71 N. Y. 580.*Cited*, Municipal Corporations—Liability—Acts of Agents and Officers.

9 Misc. 350; (61 St. Rep. 258; 29 Supp. 593). 15 Misc. 420; (72 St. Rep. 156; 37 Supp. 110).

Municipal Corporations — Liability—Private Powers and Duties.

61 St. Rep. 713; (29 Supp. 1132) 80 Hun, 166; (61 St. Rep. 713; 29 Supp. 1132). 17 App. Div. 209; (79 St. Rep. 366; 45 Supp. 366).

New York & Canada R. Co. v. Gunnison, 1 Hun, 496.*Cited*, Eminent Domain—What May Be Taken—Railroads—Gravel.

50 St. Rep. 258; (21 Supp. 490).

New York & Erie R. Co. v. Purdy, 18 Barb. 574.*Cited*, Writ and Process—Service—Constable's Return.

5 Misc. 120; (25 Supp. 742).

New York & Harlem R. Co., Matter of, 98 N. Y. 12.*Cited*, Appeal—Court of Appeals—Condemnation Proceedings—Second Report.

141 N. Y. 537; (57 St. Rep. 820).

New York & Harlem R. Co. v. Haws, 56 N. Y. 175.*Cited*, Equity — Jurisdiction — Relief Against—Judgment at Law.

77 Hun, 29; (59 St. Rep. 834; 28 Supp. 286). 144 N. Y. 60; (63 St. Rep. 631). 7 App. Div. 356; (40 Supp. 68).

Lost Property—Finder—Rights of.

1 Misc. 23; (23 Supp. 127).

New York & Long Island Bridge Co., Matter of, 54 Hun, 400; 27 St. Rep. 503; 7 Supp. 445.*Affirming*, 21 St. Rep. 858; 5 Supp. 77.*Cited*, 90 Hun, 315; (70 St. Rep. 587; 35 Supp. 923).**New York & Long Island Bridge Co., Matter of**, 90 Hun, 312; 35 Supp. 970.*Affirmed*, 148 N. Y. 540.**New York & Long Island Bridge Co. v. Smith**, 148 N. Y. 540.*Cited*, Statutes—Constitutionality—Separation of Void Provisions.

D. 150 N. Y. 521.

New York & Long Island Bridge Co. v. Smith, 148 N. Y. 540.*Cited*, Statutes—Constitutionality—Separation of—Void Provisions.

150 N. Y. 479. D. 150 N. Y. 563.

Statutes—Construction — Constitutional—Presumption.

79 St. Rep. 775; (45 Supp. 775).

New York & Long Island Bridge Co. v. Smith, 70 St. Rep. 587; 35 Supp. 920.**New York & Maine Granite Paving Co. v. Howell**, 7 St. Rep. 494.*Cited*, Damages—Buyer's Refusal to Accept—Market Value.

67 Hun, 41; (51 St. Rep. 621; 21 Supp. 741).

New York & New Haven Aut. Sprink. Co. v. Andrews, 4 Misc. 124; 53 St. Rep. 212; 23 Supp. 998.**New York & N. H. R. Co. v. Schuyler**, 17 N. Y. 592.*Cited*, Equity—Jurisdiction—To Prevent Multiplicity of Suits.

Duplicate Citations in Parenthesis.

5 Misc. 52; (25 Supp. 76). 79 Hun, 96; (61 St. Rep. 143; 29 Supp. 665). 18 Misc. 162; (41 Supp. 1067). 11 App. Div. 464, 465; (77 St. Rep. 382; 42 Supp. 382). 81 Hun, 194; (62 St. Rep. 706; 30 Supp. 761).

Pleading — Single Cause of Action — Against Whom Available.

8 App. Div. 45; (40 Supp. 456). 76 St. Rep. 382, 383; (42 Supp. 382, 383).

New York & N. H. R. Co. v. Schuyler, 34 N. Y. 30.

Cited, Corporations—Stock Certificates—Negotiability.

74 Hun, 490; (57 St. Rep. 52; 26 Supp. 486).

Corporations—Transfer of Stock—Representations by Officer as to Genuineness of Stock.

137 N. Y. 242; (50 St. Rep. 716).

Trial — Jury — Waiver — Equity Case—Damages.

69 Hun, 522; (53 St. Rep. 846).

Corporations—Representations of Officers—Estoppel.

88 Hun, 47; (68 St. Rep. 501; 34 Supp. 494). 148 N. Y. 620. 87 Hun, 518; (68 St. Rep. 642; 34 Supp. 579).

Corporations—Acts of Officers—Liability—Increase of Stock.

13 Misc. 222; (68 St. Rep. 115; 34 Supp. 236).

Corporations—False Issue of Stock—Estoppel—Liability to Innocent Purchaser.

89 Hun, 389; (69 St. Rep. 774; 35 Supp. 388). 148 N. Y. 455. 148 N. Y. 657.

New York & N. H. R. Co. v. Schuyler, 17 How. 464.

Cited, Equity—Injunction—In Personam. 144 N. Y. 60; (63 St. Rep. 631).

N. Y. N. H. & H. R. Co. v. Welsh, 143 N. Y. 411.

Cited, Foreign Corporations — Right to Sue Here.

17 App. Div. 397; (79 St. Rep. 181, 182; 45 Supp. 181, 182).

N. Y. & N. J. Globe Gaslight Co. v. Metropolitan Inv. Co. of N. Y., 10 App. Div. 342; 41 Supp. 797.

N. Y. & N. J. Tel. Co. v. Met. T. & T. Co., 81 Hun, 453; 63 St. Rep. 614; 31 Supp. 213.

Cited, Foreign Judgment as Res Adjudicata.

12 App. Div. 36; (76 St. Rep. 363; 42 Supp. 363).

New York & Oswego Midland R. Co. v. Van Horn, 57 N. Y. 473.

Cited, Corporations — Subscription to Stock—Validity—Payment of Percentage. 9 Misc. 426; (61 St. Rep. 707; 30 Supp. 264).

Estoppel—By Stipulation in Contract—To Set Up Fraud.

3 Misc. 539; (52 St. Rep. 412; 23 Supp. 12).

Statute—Presumption as to Prospective Operation—Legislative Intent.

3 App. Div. 37; (74 St. Rep. 360; 37 Supp. 1061). D. 11 App. Div. 370; (76 St. Rep. 928; 42 Supp. 928). 92 Hun, 239; (71 St. Rep. 800; 36 Supp. 632). 17 Misc. 859; (40 Supp. 1080). 87 Hun, 412; (68 St. Rep. 425; 34 Supp. 361).

N. Y. Security & Trust Co. v. Blydenstein, 70 Hun, 216; 58 St. Rep. 762; 24 Supp. 164.

Cited, Suits—Equity—Power to Restrain. 91 Hun, 558; (71 St. Rep. 193; 36 Supp. 356).

New York & Westchester Water Co. v. Morning Journal Association, 40 Supp. 272.

Nexsen v. Nexsen, 3 Abb. Ct. App. Dec. 360.

Cited, Wills — Undue Influence — Draughtsman as Legatee.

3 Misc. 578; (23 Supp. 759).

Wills—Testator—Knowledge of Contents—Presumption.

16 Misc. 186; (38 Supp. 1134; 18 Misc. 151; (75 St. Rep. 1445; 41 Supp. 1097).

Niagara County Nat. Bank v. Lord, 33 Hun, 557.

Cited, Warehouse Receipts—Rights of Pledgee.

87 Hun, 324; (68 St. Rep. 269; 34 Supp. 345).

Niagara Elevating Co. v. McNamara, 50 N. Y. 653.

Cited, Taxes—Collector's Warrant—Irregularity Not Patent—Effect.

7 Misc. 201; (56 St. Rep. 517; 27 Supp. 211). 81 Hun, 309; (27 Supp. 211).

Niagara Falls Hydraulic Power & Mfg. Co., Matter of, 68 Hun, 391; 51 St. Rep. 887; 23 Supp. 31.

Affirmed, 143 N. Y. 669.

Niagara Falls Paper Co. v. Sterling, 39 Supp. 171; 25 Civ. Pro. 251.

Niagara Falls Suspension Bridge Co. v. Bachman, 66 N. Y. 261.

Cited, Highways—Dedication — Acts of Owner.

Duplicate Citations in Parenthesis.

76 Hun, 164, (57 St. Rep. 325; 27 Supp. 544).

Highways—Dedication—Platting and Filing Map.

67 Hun, 549; (51 St. Rep. 101; 22 Supp. 492).

Highways—Dedication—Acceptance.

144 N. Y. 324; (63 St. Rep. 714). 150 N. Y. 148.

Dedication—Sufficiency.

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Niagara Falls & L. R. Co. v. Brundage, 7 App. Div. 445; 39 Supp. 1048.

Niagara Falls and Whirlpool R. Co., Matter of, 108 N. Y. 373; 13 St. Rep. 690.

Cited, Appeal—Extent of Review—Change of Route of Railroads.

68 Hun, 396; (51 St. Rep. 890; 23 Supp. 34).

Eminent Domain—Right—Corporations.

143 N. Y. 72; (60 St. Rep. 461).

Eminent Domain—Power to Condemn—Municipal Corporations.

152 N. Y. 264; (75 St. Rep. 45, 46).

Municipal Corporations—Engaging in Private Enterprises.

D. 8 App. Div. 286, 287; (40 Supp. 647, 648).

Niagara Falls & Whirlpool R. Co., Matter of, 121 N. Y. 319.

Cited, Courts—Co-ordinate Jurisdiction—Review of Proceedings of Each Other.

150 N. Y. 377.

Eminent Domain—Public Use—How Determined.

16 App. Div. 510; (78 St. Rep. 932; 44 Supp. 932).

Niagara Grape Market Co. v. Wygant, 1 App. Div. 588; 73 St. Rep. 110; 37 Supp. 486.

Niagara, Highway Com'rs of, Matter of, 72 Hun, 575; 57 St. Rep. 141; 25 Supp. 231.

Niagara Radiator Co. v. Meyers, 16 Misc. 593; 40 Supp. 572.

Niblo v. Binsse, 1 Keyes, 476.

Cited, Contracts—Part Performance—Destruction of Subject Matter—Effect.

9 App. Div. 14; (75 St. Rep. 422; 40 Supp. 1100). 149 N. Y. 494.

Niblo v. Binsse, 3 Abb. Ct. App. Dec. 375.

Cited, Contracts—Part Performance—Quantum Meruit.

11 Misc. 407; (65 St. Rep. 283; 32 Supp. 157). 17 Misc. 390; (39 Supp. 1085).

Contracts—Prevention of Performance—Effect.

15 Misc. 5; (71 St. Rep. 482; 36 Supp. 431).

Nichalos v. McIntyre, 21 Supp. 67.

Nicholas v. N. Y. C. & H. R. R. Co., 89 N. Y. 370.

Cited, Carriers—Freight—Restricting Liability—Negligence.

140 N. Y. 51; (55 St. Rep. 307). 12 Misc. 118; (66 St. Rep. 695; 33 Supp. 94).

Corporations—Restricting Liability—Telegraph Companies.

3 App. Div. 23; (73 St. Rep. 552; 37 Supp. 933; 3 Ann. Cas. 124). 4 App. Div. 592; (73 St. Rep. 648; 38 Supp. 492).

Nicholas v. Venable, 2 Misc. 109; 49 St. Rep. 353; 20 Supp. 851.

Nicholls, Matter of, 27 St. Rep. 37; 8 Supp. 7; 23 Abb. N. C. 479.

Cited, Executors—Accounting—Limitation.

9 Misc. 234; (61 St. Rep. 299; 30 Supp. 287). 74 St. Rep. 301; (15 Misc. 560; 37 Supp. 1131-1133).

Cited, Limitation of Action—When Action Barred—Executors—Income from Estate.

2 Misc. 283; (23 Supp. 974).

Nicholls v. Granger, 7 App. Div. 113; 40 Supp. 99.

Nicholls v. Van Valkenburgh, 15 Hun, 230.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 265).

Nicholls v. Wentworth, 100 N. Y. 455.

Cited, Evidence—Burden of Proof—Law by License.

68 Hun, 272; (52 St. Rep. 380; 22 Supp. 993).

Easements—Adverse Possession—Sufficiency.

86 Hun, 385; (67 St. Rep. 188; 33 Supp. 474).

Nichols, Matter of, 40 Hun, 387.

Cited, Evidence—Presumption—Of Destruction of Will.

49 St. Rep. 293; (21 Supp. 135).

Nichols, Matter of, 91 Hun, 134; 71 St. Rep. 634; 36 Supp. 538.

Nichols, Matter of, 54 N. Y. 62.

Cited, Process—Irregularity—Appearance—Waiver.

16 App. Div. 338; (78 St. Rep. 599; 44 Supp. 599).

Nichols v. Balch, 8 Misc. 452; 59 St. Rep. 573; 28 Supp. 637.

Nichols v. Bauman, 6 Misc. 219; 56 St. Rep. 540; 26 Supp. 539.

*Duplicate Citations in Parenthesis.***Nichols v. Chapman**, 9 Wend. 452.

Cited, Decedents' Estates — Recovery Against—Time.

19 Misc. 567; (77 St. Rep. 552; 43 Supp. 552).

Nichols v. Drew, 94 N. Y. 22.

Cited, Pleading — Complaint — Two or More Causes of Action.

7 Misc. 469; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 337). 2 App. Div. 38; (73 St. Rep. 232; 37 Supp. 578). 9 App. Div. 249; (75 St. Rep. 882; 41 Supp. 490; 3 Ann. Cas. 299). 15 Misc. 235; (71 St. Rep. 472; 36 Supp. 422).

Pleading — Demurrer — When Lies — Misjoinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20). 90 Hun, 360; (35 Supp. 942).

Nichols v. Fanning, 20 Misc. 73; 79 St. Rep. 409; 45 Supp. 409.**Nichols v. Goldsmith**, 7 Wend. 160.

Cited, Evidence—Sufficiency for Direction of Verdict.

18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510.)

Nichols v. Kingdom Iron Co., 56 N. Y. 618.

Cited, Evidence — Secondary — Effect on Identification of Original Document.

50 St. Rep. 480; (21 Supp. 755).

Nichols v. Lumpkin, 51 Super. 88.

Cited, Pleading—Demurrer—To Answer.

70 Hun, 371; (64 St. Rep. 107; 24 Supp. 179).

Nichols v. MacLean, 101 N. Y. 526.

Cited, Officers—De Facto—Rights and Powers.

70 Hun, 5; (53 St. Rep. 449; 23 Supp. 952).

Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 336).

Public Officers—Power of Legislature Over.

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Nichols v. McEwen, 17 N. Y. 22.

Cited, Assignment for Creditors—Compensation of Assignee.

66 Hun, 154; (49 St. Rep. 156; 21 Supp. 211).

Assignment for Creditors—Provision for Counsel Fees After Transfer—Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 266).

Nichols v. Mase, 94 N. Y. 160.

Cited, Replevin — Documents — Lease in Custodia Legis.

2 Misc. 253; (50 St. Rep. 341; 21 Supp. 950).

Nichols v. Mead, 2 Lans. 222.

Cited, Trial — Question of Fact — Bona Fides—Chattel Mortgage.

71 Hun, 514; (54 St. Rep. 909; 24 Supp. 1067).

Mortgages—Equity of Redemption—Execution Sale.

85 Hun, 127; (66 St. Rep. 215; 32 Supp. 594).

Nichols v. Michael, 23 N. Y. 264.

Cited, Contract—Rescission—Fraud.

31 Abb. N. C. 97; (30 Supp. 422). 59 St. Rep. 473; (29 Supp. 595; 31 Abb. N. C. 403).

143 N. Y. 594; (62 St. Rep. 794). 11 Misc. 79; (29 Supp. 595).

Contracts—Rescission—Notes—Tender.

92 Hun, 392; (72 St. Rep. 281; 36 Supp. 1058). 15 Misc. 332; (73 St. Rep. 315; 37 Supp. 617).

Conversion—Possession—Sufficiency.

4 App. Div. 616; (75 St. Rep. 341; 40 Supp. 943).

Nichols v. Moody, 22 Barb. 611.

Cited, Public Officer—Liability in Public Contracts.

15 Misc. 324; (73 St. Rep. 444; 37 Supp. 767).

Nichols v. Nichols, 12 Hun, 428.

Cited, Actions Pending in Foreign State—Stay of Actions Here.

16 App. Div. 74; (78 St. Rep. 690; 44 Supp. 690).

Nichols v. Pinner & Michael, 18 N. Y. 295.

Cited, False Representations—Sales—Concealment of Insolvency.

70 Hun, 411; (53 St. Rep. 707; 24 Supp. 434). 80 Hun, 400; (62 St. Rep. 43; 30 Supp. 315). 143 N. Y. 594; (62 St. Rep. 794). 1

App. Div. 80; (72 St. Rep. 216; 37 Supp. 63). 3 App. Div. 560; (73 St. Rep. 836; 38 Supp. 416).

Contracts—Fraud — Rescission—Election of Remedies.

151 N. Y. 234.

Contracts—Fraud—Rescission— Notes — Tender.

92 Hun, 392; (72 St. Rep. 281; 36 Supp. 1058).

Contracts—Fraud—Rescission— Evidence —Weight.

12 Misc. 279; (67 St. Rep. 815; 33 Supp. 1112).

Nichols v. Place, 1 Misc. 497; 23 Supp. 134.

Cited, Justice Court—Practice—Failure to Wait one Hour—Effect.

15 Misc. 174; (72 St. Rep. 169; 37 Supp. 18).

Duplicate Citations in Parenthesis.

Nichols v. Scranton Steel Co., 135 N. Y. 634; 48 St. Rep. 461.

Nichols v. Scranton Steel Co., 137 N. Y. 471; 51 St. Rep. 277.

Affirming, 46 St. Rep. 58; 18 Supp. 623.

Cited, Contracts—Breach—Installments—Abandonment.

140 N. Y. 293; (65 St. Rep. 655).

Nichols v. Smith, 7 Hun, 580.

Cited, Executors—Suing Individually—Effect.

16 App. Div. 606; (78 St. Rep. 973; 44 Supp. 973).

Nichols v. Tuttle, 35 St. Rep. 851; 12 Supp. 394.

Cited, New Trial—After Two Identical Verdicts—Weight of Evidence.

53 St. Rep. 658; (25 Supp. 212). 11 App. Div. 395; (76 St. Rep. 1124; 42 Supp. 1124). 14 Misc. 508; (70 St. Rep. 692; 35 Supp. 1067).

Nichols v. Williams, 8 Cow. 13.

Cited, Landlord and Tenant—Duration of Tenancy—Holding Over—Effect.

92 Hun, 513; (72 St. Rep. 214; 37 Supp. 61).

Nicholsburg v. Second Ave. R. Co., 11 Misc. 432; 65 St. Rep. 273; 32 Supp. 130.

Nicholson v. Connor, 8 Daly, 212.

Cited, Appeal—Reversal of Findings—Insufficiency of Evidence.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717). 12 Misc. 19; (66 St. Rep. 526; 33 Supp. 26).

Trial—Withdrawing Case From Jury—Conflict of Evidence.

67 Hun, 520; (51 St. Rep. 99; 22 Supp. 575).

Nicholson v. Connor, 9 Daly, 278.

Cited, Trial—Charge of Court—Impression Upon Jury.

16 Misc. 9; (73 St. Rep. 265; 37 Supp. 683).

Nicholson v. Erie R. Co., 41 N. Y. 525.

Cited, Negligence—Trespassers and Licensees.

7 Misc. 647; (58 St. Rep. 393; 28 Supp. 14). 74 Hun, 118; (56 St. Rep. 317; 26 Supp. 661). 145 N. Y. 306; (64 St. Rep. 712). 15 Misc. 255; (71 St. Rep. 471; 36 Supp. 420). 7 App. Div. 428; (39 Supp. 914).

Railroads—Contributory Negligence—Trespasser.

71 Hun, 509; (55 St. Rep. 86; 24 Supp. 1093). 86 Hun, 522; (67 St. Rep. 669; 33 Supp. 989). D. 67 Hun, 609; (51 St. Rep. 244; 22 Supp. 444). 5 App. Div. 19; (39 Supp. 286).

Nicholson v. Leavitt, 6 N. Y. 510.

Cited, Assignment for Creditors—Preferences.

6 Misc. 275; (26 Supp. 866). 6 Misc. 463; (27 Supp. 911).

Nicholson v. Leavitt, 4 Sandf. 252.

Cited, Fraudulent Conveyance—Preferences—When Invalid.

3 Misc. 504; (23 Supp. 990).

Conveyance in Foreign State—Lex loci rei sitae.

13 Misc. 421; (69 St. Rep. 364; 35 Supp. 152).

Nicholson v. Moriarty, 13 Misc. 244; 68 St. Rep. 12; 34 Supp. 57.

Nicholson v. Patson, 11 Supp. 567; 33 St. Rep. 496.

Cited, Pleading—Amendment—On Trial. 6 Misc. 149; (56 St. Rep. 410; 26 Supp. 34).

Nicholson v. Showerman, 6 Wend. 554.

Cited, Costs—Against Personal Representatives.

49 St. Rep. 320; (21 Supp. 155.)

Nichtauser v. Lehmann, 15 Misc. 447; 72 St. Rep. 788; 37 Supp. 208.

Reversed, 17 Misc. 336; 39 Supp. 1091.

Nichtauser v. Lehman, 17 Misc. 336; 39 Supp. 1091.

Nickerson v. Ruger, 76 N. Y. 279.

Cited, Action—Appearance—Waiver of Objection to Jurisdiction.

2 Misc. 207; (49 St. Rep. 525; 21 Supp. 272).

Bills and Notes—Diversion—Bona Fides Holder.

6 Misc. 543; (58 St. Rep. 14; 27 Supp. 228). 145 N. Y. 507; (65 St. Rep. 373). 14 Misc. 642; (70 St. Rep. 896; 35 Supp. 1119).

Trial—Evidence—Exclusion—Exception—Review on Appeal.

14 App. Div. 473; (77 St. Rep. 848; 43 Supp. 848).

Nickerson v. Ruger, 84 N. Y. 675.

Bills and Notes—Consideration—Bona Fide Holders.

11 Misc. 9; (63 St. Rep. 439; 31 Supp. 841).

Nicklas v. Keller, 9 App. Div. 216; 75 St. Rep. 620; 41 Supp. 172.

Nicoll v. Burke, 78 N. Y. 580.

Cited, Principal and Agent—Contract in Name of Agent—When Enforceable by Principal.

1 Misc. 81; (48 St. Rep. 641; 20 Supp. 402). 16 Misc. 86; (73 St. Rep. 252; 37 Supp. 671). 151 N. Y. 262. 81 Hun, 478; (63 St. Rep. 191; 30 Supp. 998).

Duplicate Citations in Parenthesis.

Nicoll v. Clark, 13 Misc. 128; 68 St. Rep. 206; 34 Supp. 159.

Cited, Actions—Foreign Corporation—Filing Certificate—Omission to Allege—Effect. 17 Misc. 304; (40 Supp. 361). 18 Misc. 424; (75 St. Rep. 1417; 41 Supp. 1057).

Nicoll v. Fash, 59 Barb. 275.

Cited, Pleading—Demurrer to Reply—Effect.

19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

Nicoll v. Haas, 5 App. Div. 206; 39 Supp. 205.

Nicoll v. Hyman, 7 Misc. 186; 57 St. Rep. 542; 27 Supp. 317.

Nicoll v. N. Y. Boat-Oar Co., 15 Misc. 143; 71 St. Rep. 455; 36 Supp. 467.

Nicoll v. N. Y. & E. R. Co., 12 N. Y. 121.

Cited, Real Property—Right of Re-entry—Power of Disposal—Conditions Subsequent. 79 Hun, 489; (61 St. Rep. 473; 29 Supp. 1003). 151 N. Y. 150.

Nicoll v. Palmer, 68 St. Rep. 791; 34 Supp. 879; 24 Civ. Pro. 409.

Nicoll v. Sands, 131 N. Y. 19; 42 St. Rep. 282.

Affirming, 39 St. Rep. 16.

Cited, Contracts—Ambiguity—Interpretation by Acts of Parties.

89 Hun, 445; (70 St. Rep. 153; 35 Supp. 502). 8 App. Div. 103; (40 Supp. 406). 2 App. Div. 262; (23 St. Rep. 140; 37 Supp. 699).

Nicoll v. Walworth, 4 Den. 385.

Cited, Wills—Power of Appointment—Residuary Estate.

79 Hun, 432; (61 St. Rep. 467; 29 Supp. 999).

Trusts—Expiration of Term—Vesting in Beneficiary.

84 Hun, 332; (65 St. Rep. 635; 32 Supp. 565).

Nicols v. Lumpkins, 20 Week. Dig. 367.

Cited, Pleading—Answer—Denial—Sufficiency.

16 Misc. 336; (39 Supp. 722).

Niebuhr v. Schreyer, 13 Daly. 516; 1 St. Rep. 626.

Cited, Lis Pendens—Cancellation—Mode of.

24 Supp. 922; (30 Abb. N. C. 305).

Niebuhr v. Schreyer, 135 N. Y. 614; 48 St. Rep. 73.

Cited, Trial—Failure to Object—Effect on Appeal.

62 St. Rep. 874; 29 Supp. 1143.

Niemcewicz v. Gahn, 3 Paige, 614.

Cited, Surety—Extension of Time—Effect.

14 Misc. 585; (71 St. Rep. 803; 33 Supp. 636).

Niendorff v. Manhattan R. Co., 150 N. Y. 276.

Niendorff v. Manhattan R. Co., 4 App. Div. 46; 74 St. Rep. 119; 38 Supp. 690.

Nies, Matter of, 13 St. Rep. 756.

Cited, Wills—Validity—Execution—Signing at End of Will.

9 Misc. 577; (62 St. Rep. 227; 29 Supp. 850). 17 Misc. 502; (75 St. Rep. 1454; 41 Supp. 207).

Nies v. Broadhead, 75 Hun, 255; 58 St. Rep. 677; 27 Supp. 53.

Niggli v. Foehry, 83 Hun, 269; 64 St. Rep. 658; 31 Supp. 931.

Nightingale v. Eisman, 121 N. Y. 288; 30 St. Rep. 995.

Cited, Sales—Entire Contracts—Part Delivery—Damages.

12 App. Div. 331; (76 St. Rep. 562; 42 Supp. 562). 16 Misc. 450; (73 St. Rep. 340; 38 Supp. 152).

Nilan v. Richmond Gaslight Co., 1 App. Div. 234; 72 St. Rep. 626; 37 Supp. 259.

Niles, Matter of, 113 N. Y. 547; 23 St. Rep. 647.

Cited, Executors and Administrators—Losses—Contribution.

23 Supp. 1043. 1 App. Div. 282; (72 St. Rep. 696; 37 Supp. 343).

Executors and Administrators—Accounts—Adjustment—Powers of Surrogate.

10 App. Div. 597; (76 St. Rep. 137; 42 Supp. 137).

Niles v. Bradley, 20 Misc. 172; 79 St. Rep. 818; 45 Supp. 818.

Niles v. Crocker, 88 Hun, 312; 68 St. Rep. 579; 34 Supp. 761.

Niles v. Culver, 8 Barb. 205.

Cited, Written Contracts—Oral Stipulations Prior to Execution—Effect.

10 Misc. 458; (64 St. Rep. 34; 31 Supp. 457).

Niles v. Fenn, 12 Misc. 470; 67 St. Rep. 609; 33 Supp. 857.

Niles v. Mathusa, 19 Misc. 96; 78 St. Rep. 88; 44 Supp. 88.

Niles v. N. Y. Cent. & Hud. R. R. Co., 13 App. Div. 549; 77 St. Rep. 734; 43 Supp. 734.

Duplicate Citations in Parenthesis.

Niles v. N. Y. Cent. & Hud. R. R. Co., 14 App. Div. 58; 77 St. Rep. 751; 43 Supp. 751.

Niles Tool Works Co. v. Reynolds, 4 App. Div. 24; 74 St. Rep. 839; 38 Supp. 1028.

Nill v. Phelps, 20 Misc. 488.

Nims v. Troy, City of, 59 N. Y. 500.

Cited, Municipal Corporations—Improvements—Defective Plans.

67 Hun, 266; (51 St. Rep. 382; 22 Supp. 230). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Ninety-nine Plaintiffs v. Vanderbilt, 1 Abb. 193.

Cited, Attorneys—Authority—Power of Courts to Compel to Be Shown.

4 Misc. 586; (25 Supp. 847.)

Nirdlinger v. Bernheimer, 90 Hun, 290; 70 St. Rep. 268; 35 Supp. 807.

Affirmed, 153 N. Y. 652.

Nirdlinger v. Bernheimer, 11 Supp. 609.

Cited, 35 Supp. 809.

Nirdlinger v. Bernheimer, 133 N. Y. 45; 44 Supp. 323.

Cited, Partnership—What Constitutes—Contributing Capital—Liability to Creditors—Accounting.

76 Hun, 506; (59 St. Rep. 371; 27 Supp. 1069).

Nisbet, Matter of, 3 App. Div. 171; 73 St. Rep. 731; 38 Supp. 392.

Nissen v. Dickinson, 81 Hun, 343; 63 St. Rep. 138; 30 Supp. 886.

Nitch v. American Central Ins. Co., 83 Hun, 614; 64 St. Rep. 878; 31 Supp. 1131.

Affirmed, 152 N. Y. 635.

Cited, Insurance—Cancellation of Policy—Return of Premium.

2 App. Div. 330; (73 St. Rep. 71; 37 Supp. 558). 11 Misc. 22; (65 St. Rep. 307; 32 Supp. 167).

Niven v. Belknap, 2 Johns, 573.

Cited, Estoppel—Equitable—Silence.

69 Hun, 528; (52 St. Rep. 851).

Niven v. Rochester, 76 N. Y. 619.

Cited, Highways—Defective Sidewalks—Contributory Negligence.

137 N. Y. 371; (50 St. Rep. 802).

Municipal Corporations—Negligence—Notice.

18 Misc. 511; (41 Supp. 991).

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Niver v. Crane, 98 N. Y. 40.

Cited, Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 351; 25 Supp. 680). 148 N. Y. 107.

Niver v. Niver, 19 Abb. 14.

Cited, Execution Against Person—Right to Trespass.

4 App. Div. 547; (74 St. Rep. 816; 38 Supp. 1006).

Nix v. Donovan, 18 Supp. 435.

Cited, Insurance—Paying Assessment—Change of Beneficiary—Effect.

17 Misc. 743; (41 Supp. 408).

Nixin v. Zuricaldy, 2 Misc. 541; 53 St. Rep. 66; 24 Supp. 121.

Affirmed, 4 Misc. 615; 24 Supp. 1150.

Cited, Contracts—Supplies—Delivery as Required.

4 Misc. 421; (53 St. Rep. 583; 24 Supp. 128).

Nixon v. Palmer, 10 Barb. 175.

Cited, Limitation of Action—When Statute Runs—Absence.

75 Hun, 311; (56 St. Rep. 765; 27 Supp. 80).

Nixon v. Palmer, 8 N. Y. 398.

Cited, Principal and Agent—Binding Principal—Evidence of Knowledge.

18 Misc. 550; (41 Supp. 106).

Nixon v. Stilwell, 52 Hun, 553; 23 St. Rep. 437; 5 Supp. 248.

Cited, Trees—Destruction—Damages—Measure of.

86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895).

Nixon v. Zuricaldy, 4 Misc. 615; 53 St. Rep. 938; 24 Supp. 1150.

Reversed, 144 N. Y. 300; 63 St. Rep. 703.

Nixon v. Zuricalday, 144 N. Y. 300; 63 St. Rep. 703.

Cited, Sales—Brokers—Commission.

D. 12 App. Div. 292; (76 St. Rep. 90; 42 Supp. 90).

Nixon v. Zuricalday, 12 App. Div. 287; 74 St. Rep. 86; 42 Supp. 86.

N. K. Fairbank Co. v. Blaut, 67 St. Rep. 583; 33 Supp. 713; 24 Civ. Pro. 334.

Nobis v. Pollock, 53 Hun, 441; 26 St. Rep. 155; 6 Supp. 273.

Cited, Trial by Court or Referee—Findings of Fact—Decision—Practice.

85 Hun, 182; (66 St. Rep. 164; 32 Supp. 596). 70 St. Rep. 178; (35 Supp. 481; 25 Civ. Pro. 62). 88 Hun, 460; (68 St. Rep. 787; 34 Supp. 875).

Duplicate Citations in Parenthesis.

Noble v. Kelly, 40 N. Y. 415.

Cited, Release—Construction—Effect.

86 Hun, 66; (66 St. Rep. 816; 33 Supp. 118).

Noble v. McGurk, 16 Misc. 461; 39 Supp. 921.

Noekin, Matter of, 15 St. Rep. 731.

Cited, Evidence—Burden of Proof—As to Attorney's Fees Paid by Executor or Administrator.

23 Supp. 1047.

Nodine v. Doherty, 46 Barb. 59.

Cited, Sunday Law—Violation of—Defense—In Action for Negligence.

8 Misc. 638; (59 St. Rep. 539; 29 Supp. 1124; 81 Abb. N. C. 428).

Nodine v. Greenfield, 7 Paige, 544.

Cited, Afterborn Children—Protecting Rights.

136 N. Y. 18; (49 St. Rep. 22).

Judicial Sale—Protecting Contingent Rights of Strangers to Suit.

49 St. Rep. 22.

Wills—Meaning of Words—Issue.

140 N. Y. 539; (56 St. Rep. 477).

Noe v. Christie, 51 N. Y. 270.

Cited, Partnership—Individual Liability on Contracts.

2 Misc. 338; (51 St. Rep. 430; 21 Supp. 977).

Accord and Satisfaction—Sufficiency.

84 Hun, 321; (65 St. Rep. 583; 32 Supp. 377).

Noe v. Gibson, 7 Paige, 513.

Cited, Receivers—Actions Against—Contempt.

72 Hun, 634; (54 St. Rep. 870; 25 Supp. 187).

Noe v. Gregory, 7 Daly, 283.

Cited, Pretended Agency—Liability of Agent.

19 Misc. 192.

Noel v. Herman Bencke Lithograph Co., 33 St. Rep. 759; 11 Supp. 589.

Affirmed, 134 N. Y. 617; 47 St. Rep. 929.

Cited, Evidence—Sufficiency—Reformation of Contract.

3 Misc. 384; (54 St. Rep. 150; 23 Supp. 303).

Noel v. Kinney, 106 N. Y. 74; 8 St. Rep. 575.

Cited, Principal and Agent—Proof—Husband and Wife.

90 Hun, 130; (70 St. Rep. 511; 35 Supp. 647).

Noel v. Murray, 13 N. Y. 167.

Cited, Bills and Notes—Third Person—Effect as Payment.

70 Hun, 347; (54 St. Rep. 7; 24 Supp. 266).
1 Misc. 177; (48 St. Rep. 672; 20 Supp. 690).
16 Misc. 219; (39 Supp. 192). 16 Misc. 555;
(74 St. Rep. 265; 38 Supp. 747). 17 Misc.
384, 395; (39 Supp. 1063, 1064).

Nolan, Matter of, 70 Hun, 536; 53 St. Rep. 737; 24 Supp. 238.

Cited, Examination of Party Before Trial—Compliance with Code.

11 Misc. 521; (64 St. Rep. 470; 32 Supp. 741). 15 Misc. 414; (72 St. Rep. 34; 25 Civ. Pro. 195).

Nolan v. Brooklyn City & Newton R. Co., 87 N. Y. 63.

Cited, Carriers—Passengers—Contributory Negligence—Riding on Platform or Steps.

78 Hun, 16; (60 St. Rep. 799; 29 Supp. 248). 149 N. Y. 342. 88 Hun, 466; (68 St. Rep. 793; 34 Supp. 860). 92 Hun, 145; (71 St. Rep. 151; 36 Supp. 380). 5 App. Div. 493; (38 Supp. 1078). 7 App. Div. 315; (40 Supp. 95).

Street Railways—Injuries to Passengers—Negligence.

9 Misc. 277; 61 St. Rep. 151; 29 Supp. 725).

Nolan v. Harned, 13 App. Div. 155; 77 St. Rep. 329; 43 Supp. 329.

Nolan v. Lewis, 58 St. Rep. 389; 28 Supp. 1137.

Nolan v. N. Y. C. & H. R. R. Co., 20 Misc. 619.

Nolan v. Rockaway Park I. Co., 76 Hun, 458; 59 St. Rep. 174; 28 Supp. 102.

Nolan v. Rockaway Park I. Co., 85 Hun, 617; 66 St. Rep. 416; 32 Supp. 1063.

Nolan v. Whitney, 88 N. Y. 648.

Cited, Contracts—Certificate of Third Party as Condition of Recovery—Unjust Refusal.

132 N. Y. 379; (50 St. Rep. 649). 4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 36 Hun, 185; (67 St. Rep. 88; 33 Supp. 346). 13 Misc. 197; (68 St. Rep. 217; 34 Supp. 131). 86 Hun, 337; 67 St. Rep. 168; 33 Supp. 533). D. 140 N. Y. 206; (55 St. Rep. 385). 4 Misc. 56; (53 St. Rep. 76; 23 Supp. 606).

Contract—Performance—Question of Fact.

8 Misc. 259; (59 St. Rep. 199; 28 Supp. 548). 82 Hun, 161; (63 St. Rep. 745; 31 Supp. 296).

Contracts—Performance—Immaterial Defects.

149 N. Y. 444. 17 Misc. 360; (39 Supp. 1088).

Noll, Matter of, 10 App. Div. 356; 75 St. Rep. 1161; 41 Supp. 765.

Duplicate Citations in Parenthesis.

Nolte, Matter of, 10 Misc. 608; 65 St. Rep. 407; 32 Supp. 226.

Nolton v. Western Railroad Co., 15 N. Y. 444.

Cited, Carriers—Duty to Transport Goods and Passengers.

13 Misc. 91; (68 St. Rep. 192; 34 Supp. 145;

Nones v. Hope Mut. Ins. Co., 8 Barb. 541.

Cited, Summons—Defective Service—Setting Aside—Practice.

11 Misc. 107; (65 St. Rep. 119; 31 Supp. 996).

Non-Magnetic Watch Co., Matter of, 89 Hun, 196; 69 St. Rep. 98; 34 Supp. 1017.

Noonan v. Albany, 79 N. Y. 470.

Cited, Municipal Corporations — Duties and Liabilities—Sewers—Outlets.

77 Hun, 605; (60 St. Rep. 485; 28 Supp. 1044). 84 Hun, 276; (65 St. Rep. 578; 32 Supp. 372). 17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367). 79 St. Rep. 474; (45 Supp. 574). 3 App. Div. 381; (38 Supp. 990). 88 Hun, 526; (69 St. Rep. 34; 34 Supp. 971).

Waters—Diversion—Corporation.

66 Hun, 573; (50 St. Rep. 100; 21 Supp. 837).

Municipality—Corporate Powers — Nuisance—Responsibility.

71 Hun, 234; (54 St. Rep. 573; 24 Supp. 1084). 84 Hun, 282; (65 St. Rep. 717; 32 Supp. 443).

Surface Water—Discharge.

15 Misc. 638; (72 St. Rep. 705; 37 Supp. 352). 3 App. Div. 163; (73 St. Rep. 783; 38 Supp. 323).

Noonan v. N. Y. C. & H. R. R. Co., 16 Supp. 678.

Cited, Railroads—Persons on Tracks—Duty.

89 Hun, 563; (70 St. Rep. 114; 35 Supp. 546).

Noonan v. N. Y., L. E. & W. R. Co., 68 Hun, 387; 52 St. Rep. 203; 22 Supp. 860.

Cited, Motion—Renewal Without Leave. 14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

Norcross v. Hollingsworth, 83 Hun, 127; 64 St. Rep. 264; 31 Supp. 627.

Cited, 39 Supp. 1132.

Nordlinger v. De Mier, 54 Hun, 276; 27 St. Rep. 16; 7 Supp. 463.

Cited, Action—Appearance—Attorney—Non-resident.

75 Hun, 190; (58 St. Rep. 187; 26 Supp. 1041).

Nordlinger v. Manhattan R. Co., 77 Hun, 311; 59 St. Rep. 819; 28 Supp. 361.

Norfolk & New Brunswick Hosiery Co. v. Arnold, 76 Hun, 19; 59 St. Rep. 152; 27 Supp. 661.

Norfolk & New Brunswick Hosiery Co. v. Arnold, 143 N. Y. 265; 62 St. Rep. 532.

Norfolk & New Brunswick Hosiery Co. v. Arnold, 46 St. Rep. 491; 18 Supp. 910.

Cited, Attachment — Affidavit — Sufficiency.

16 Misc. 167; (72 St. Rep. 135; 37 Supp. 3).

Norquist v. Dalton, 32 St. Rep. 240; 11 Supp. 351.

Cited, Partnership — Dissolution—Liability of Retiring Partner.

15 Misc. 441; (72 St. Rep. 781; 37 Supp. 201).

Norris v. Beyea, 13 N. Y. 273.

Cited, Wills—Construed as Whole.

67 Hun, 275; (50 St. Rep. 823; 22 Supp. 243).

Wills—Construction—Limitation on Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431).

Wills—Contingency of Death—How Construed.

11 App. Div. 340, 342; (76 St. Rep. 150, 151; 42 Supp. 150, 151).

Wills—Property—Alienability — Two or More Owners.

148 N. Y. 526.

Norris v. Brooklyn City R. Co., 4 Misc. 294; 53 St. Rep. 332; 24 Supp. 140.

Affirmed, 143 N. Y. 666; 63 St. Rep. 866.

Cited, Taxes—Assessments — Void — Effect.

13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

Norris v. Jones, 7 Misc. 198; 56 St. Rep. 514; 27 Supp. 209.

Affirmed, 81 Hun, 304; 63 St. Rep. 873; 30 Supp. 1134.

Norris v. Kohler, 41 N. Y. 42.

Cited, Evidence—Sufficiency—Ownership — Name on Wagon.

2 Misc. 81; (49 St. Rep. 635; 21 Supp. 788).

Careless Driving—Liability of Owner.

82 Hun, 557; (64 St. Rep. 314; 31 Supp. 649).

Failure to Secure Animals — Injuries — Negligence.

Duplicate Citations in Parenthesis.

6 App. Div. 72; (39 Supp. 473). 14 App. Div. 525; (77 St. Rep. 937; 43 Supp. 937).

Norris v. Nesbit, 123 N. Y. 650.

Cited, Appeal — Action Affecting Real Property.

150 N. Y. 549.

Norris v. Norris, 32 Hun, 175.

Cited, Wills—As Evidence.

86 Hun, 26; (67 St. Rep. 505; 33 Supp. 864).

6 App. Div. 11; (39 Supp. 750).

Norris v. Schuyler, 123 N. Y. 650; 23 St. 84.

Cited, Trust—Express — Agreement for Accounting by Mortgagee on Foreclosure.

69 Hun, 41; (52 St. Rep. 827; 23 Supp. 440).

Norris v. Tiffany, 6 Misc. 380; 56 St. Rep. 406; 26 Supp. 750.

Norsworthy v. Bryan, 33 Barb. 153.

Cited, Summary Proceedings—Petition—Sufficiency.

15 Misc. 136; (71 St. Rep. 826; 36 Supp. 804).

North v. Bloss, 30 N. Y. 374.

Cited, Partnership—Dormant.

69 Hun, 153; (53 St. Rep. 325; 23 Supp. 543).

North v. Cary, 4 T. & C. 358.

Cited, Municipal Corporations—Powers of Common Council—Appointment—Veto.

76 Hun, 83; (59 St. Rep. 196; 28 Supp. 601).

North v. Garside, 53 St. Rep. 740; 24 Supp. 243.

North v. Sargeant, 20 How. 519.

Cited, New Trial — Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

North American Coal Co. v. Dyett, 7 Paige 9.

Cited, Husband and Wife—Power of Wife Over Separate Estate at Common Law.

140 N. Y. 66; (55 St. Rep. 317).

North British & Mercantile Ins. Co. of London & Edinburgh v. Central Vermont R. Co., 9 App. Div. 4; 75 St. Rep. 427; 40 Supp. 1113.

Northampton Nat. Bank v. Kidder, 50 Super. 246.

Cited, Action—Election of Remedies.

188 N. Y. 163; (51 St. Rep. 839).

Northampton Nat. Bank v. Kidder, 106 N. Y. 221.

Election—Evidenced by Commencement of Action.

83 Hun, 586; (34 Supp. 900; 69 St. Rep. 64).

Negotiable Instruments—Proof of Bona Fides.

D. 4 Misc. 481; (54 St. Rep. 334; 24 Supp. 572).

Northeastern Permanent Sav. & Loan Ass'n v. Barker, 50 St. Rep. 543; 21 Supp. 832.

North Hempstead v. Gallagher, 6 App. Div. 610; 39 Supp. 1134.

Cited, Municipal Corporations — Trustees — Actions — Restraining Illegal Use of Highways.

9 App. Div. 51; (41 Supp. 126).

North Hempstead v. Hempstead, 2 Wend. 109.

Cited, Town of Hempstead—Boundaries — Dingan Charter.

15 App. Div. 269; (78 St. Rep. 215; 44 Supp. 215).

North Hempstead v. Thompson, 115 N. Y. 635; 88 St. Rep. 901.

Cited, Lands Under Water—Long Island — Boundaries.

15 App. Div. 269; (78 St. Rep. 215; 44 Supp. 215).

Northern Dispensary of New York, Trustees of v. Merriam, 59 How. 226.

Cited, Courts—Power of — To Open and Correct Judgments — Pleading — Amendment — On Trial.

2 Misc. 408; (50 St. Rep. 615; 21 Supp. 964).

Northern Ins. Co. v. Wright, 76 N. Y. 445.

Cited, Guaranty—Collection—Effect.

135 N. Y. 377; (48 St. Rep. 472).

Northern R. Co. v. Page, 23 Barb. 130.

Cited, Trial—Questions of Law—Reasonableness of Regulation—Railroads.

79 Hun, 35; (61 St. Rep. 195; 29 Supp. 734).

Northport Real Estate & I. Co. v. Hendrickson, 139 N. Y. 440; 54 St. Rep. 701.

Affirming, 47 St. Rep. 359; 19 Supp. 942.

Cited, Adverse Possession.

1 App. Div. 254; (72 St. Rep. 691; 37 Supp. 338).

Northridge v. Atlantic Ave. R. Co., 15 Misc. 66; 71 St. Rep. 3; 36 Supp. 263.

Duplicate Citations in Parenthesis.

Northridge v. Moore, 118 N. Y. 419; 29 St. Rep. 39.

Cited, Vendor and Purchaser — Dependence Covenants—Rescission.

88 Hun, 79; (68 St. Rep. 534; 34 Supp. 611).

Vendor and Purchaser — Covenants — Breach—Damages.

19 Misc. 554; (77 St. Rep. 400; 43 Supp. 400).

North River Bank, Matter of, 60 Hun, 91; 37 St. Rep. 931; 14 Supp. 261.

Cited, Receivers — Banking Corporations — Recovery of Money Held by — Summary Application for.

77 Hun, 174; 53 St. Rep. 722; 28 Supp. 416).

North River Bank v. Aymar, 3 Hill, 262.

Cited, Corporations—Transfer of Stock—Representations by Officer as to Genuineness of Stock.

137 N. Y. 242; (50 St. Rep. 717).

Principal and Agents — Representations — Res Gestæ.

D. 69 Hun, 49; (52 St. Rep. 834; 23 Supp. 447).

North River Bank v. Schumann, 63 How. 476.

Cited, Assignment for Creditors—Preferences.

6 Misc. 464; (27 Supp. 911).

Northrop v. Hill, 57 N. Y. 351.

Cited, Limitation of Action — When Statute Begins to Run—Contracts.

2 Misc. 341; (50 St. Rep. 617; 21 Supp. 966). 77 St. Rep. 384; (43 Supp. 384).

Northrop v. Van Dusen, 5 How. 134.

Cited, Motion—Granting by Default—Costs.

17 App. Div. 533; (79 St. Rep. 554; 45 Supp. 554).

Northrop v. Wright, 7 Hill, 476.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Northrup v. Garrett, 17 Hun, 497.

Cited, Attachment — Undertaking — Liability on.

7 Misc. 141; (57 St. Rep. 107; 27 Supp. 397). 82 Hun, 334; (64 St. Rep. 107; 31 Supp. 508).

Northrup v. Jackson, 13 Wend. 84.

Cited, Justice's Court—Default—Proof of Case.

12 Misc. 508; (67 St. Rep. 376; 33 Supp. 662).

Northrup v. N. Y. O. & W. R. Co. 37 Hun, 295.

Cited, Evidence—Opinions and Conclusions—Movement of Trains.

80 Hun, 200; (61 St. Rep. 807; 30 Supp. 64). 4 App. Div. 557; (74 St. Rep. 825; 38 Supp. 1014). 6 App. Div. 267; (39 Supp. 999).

Northrup v. Porter, 17 App. Div. 80; 78 St. Rep. 814; 44 Supp. 814.

North Shore Staten Island Ferry Co., Matter of, 63 Barb. 556.

Cited, Trustee—Control of Stock—Elections—Voting.

17 Misc. 721; (40 Supp. 911). 17 Misc. 708; (40 Supp. 907).

Norton v. Arvernam Co., 14 App. Div. 581; 77 St. Rep. 1099; 43 Supp. 1099.

Norton v. Dreyfuss, 106 N. Y. 90; 8 St. Rep. 570.

Cited, Sale—Warranty—Breach—Rescission.

9 Misc. 464; (61 St. Rep. 88; 30 Supp. 229). D. 140 N. Y. 203, 205; (55 St. Rep. 582, 583).

Norton v. Fancher, 92 Hun, 463; 72 St. Rep. 434; 36 Supp. 1032.

Norton v. Mallory, 63 N. Y. 434.

Cited, Fraudulent Conveyance—Equitable Consideration.

79 Hun, 81; (61 St. Rep. 173; 29 Supp. 631). D. 14 App. Div. 626; (77 St. Rep. 983; 43 Supp. 983).

Norton v. Matthews, 7 Misc. 569; 58 St. Rep. 806; 28 Supp. 265.

Norton v. Matthews, 11 Misc. 711.

Cited, Appeal — Evidence — Failure to Print—Judgment—Presumption.

20 Misc. 370; (79 St. Rep. 756; 45 Supp. 756).

Norton v. McCarthy, 10 Misc. 222; 63 St. Rep. 247; 30 Supp. 1057.

Norton v. New York, 16 Misc. 303; 74 St. Rep. 386; 38 Supp. 90.

Norton v. Rensselaer & S. Ins. Co., 7 Cow. 645.

Cited, Insurance—Proof of Loss—Construction.

D. 9 App. Div. 364; (75 St. Rep. 726; 41 Supp. 313).

Norton v. Vernam. See Norton v. Arvernam Co.

Norton v. Werner, 2 Edw. Ch. 106.

Cited, Lien—Assignment as Collateral—Enforcement.

72 Hun, 214; (55 St. Rep. 347; 25 Supp. 651).

*Duplicate Citations in Parenthesis.***Norton v. Wiswall**, 26 Barb. 618.

Cited, Railroads—Lessor and Lessee — Liability of Lessee for Acts of Servants.

D. 12 Misc. 484; (67 St. Rep. 385; 33 Supp. 683).

Norton v. Woodruff, 2 N. Y. 153.

Cited, Evidence—Parol—In Aid of Writing.

3 Misc. 517; (52 St. Rep. 496; 23 Supp. 334).

Nortrip v. Hermans, 16 Misc. 313; 39 Supp. 415.**Norwood, Matter of**, 32 Hun, 196.

Cited, Corporations—Actions Against — Effect of Dissolution.

87 Hun, 390; (58 St. Rep. 478; 34 Supp. 327; 2 Ann. Cas. 141).

Norwood v. Hickok, 14 Misc. 236; 35 Supp. 713.**Nostrand v. Durland**, 21 Barb. 478.

Cited, Landowners—Adjoining Lakes—Presumption as to Boundary.

9 App. Div. 152; (75 St. Rep. 634; 41 Supp. 186).

Nostrand v. Knight, 123 N. Y. 614; 34 St. Rep. 96.

Cited, Appeal—Review of Questions of Fact.

49 St. Rep. 169; (21 Supp. 95).

Nott v. Thayer, 2 Bosw. 10.

Cited, Municipal Corporations — City of New York—Title to Tideway.

10 App. Div. 297; (75 St. Rep. 1312; 41 Supp. 940).

Nottbeck v. Wilks, 4 Abb. 3'5.

Cited, Deeds—Delivery—Sufficiency.

68 Hun, 494; (52 St. Rep. 652; 22 Supp. 1004).

Evidence—Presumptions — Recording of Deeds—Parol Evidence.

79 Hun, 525; (61 St. Rep. 596; 29 Supp. 908).

Nottingham, Matter of, 88 Hun, 443; 68 St. Rep. 393; 34 Supp. 404.**Nourse v. Prime**, 7 Johns. Ch. 69.

Cited, Usury—Corrupt Intent.

150 N. Y. 363.

Novelty Mfg. Co. v. Connell, 88 Hun, 254; 68 St. Rep. 697; 34 Supp. 717.

Notes—As Payment.

16 Misc. 555; (74 St. Rep. 265; 38 Supp. 747).

Corporations—Annual Report—Verification.

17 Misc. 267; (40 Supp. 1083).

Corporations—Annual Report—Liability of Directors.

1 App. Div. 346; (72 St. Rep. 677; 37 Supp. 427).

Foreign Corporations — Doing Business Here.

5 App. Div. 562; (39 Supp. 434; 3 Ann. Cas. 241).

Foreign Corporations—Contracts With — Where Made.

19 Misc. 38; (76 St. Rep. 872; 42 Supp. 872). 8 App. Div. 448; (75 St. Rep. 268; 40 Supp. 873).

Nowlen v. Colt, 6 Hill, 461.

Cited, Confusion of Goods—By Consent—Relation and Title of Respective Owners.

1 Misc. 268; (22 Supp. 920).

Noxon v. Bentley, 7 How. 316.

Cited, Pleading—Demurrer—To Answer —Challenging Complaint on.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).

Noye Man'fg Co. v. Whitmore, 23 Week. Dig. 524.

Cited, Action — Venue—Change—Convenience of Witnesses—Sufficiency of Affidavits.

72 Hun, 517; 55 St. Rep. 132; 25 Supp. 629).

Noyes, Matter of, 34 St. Rep. 127; 12 Supp. 174.

Cited, Elections—Inspectors—Mandamus to Compel Return.

18 Misc. 394; (77 St. Rep. 712; 43 Supp. 712).

Noyes, Matter of, 3 Dem. 369.

Cited, Executor—Conduct of Estate—Accounting—School Tax Assessed Prior to Death of Testator.

5 Misc. 153; (25 Supp. 718).

Noyes, Matter of, 5 Dem. 309.

Cited, Wills—Legacies—Election.

10 Misc. 494; (65 St. Rep. 249; 32 Supp. 170).

Noyes v. Anderson, 124 N. Y. 175; 35 St. Rep. 94.

Cited, Mortgage—Enforcement—Default of Interest.

77 Hun, 383; (60 St. Rep. 397; 28 Supp. 850). 76 Hun, 328; (59 St. Rep. 84; 27 Supp. 695).

Noyes v. Blakeman, 3 Sands. 531.

Cited, Trustees—Accounting—Costs and Expenses of Estate.

76 Hun, 368; (58 St. Rep. 471; 27 Supp. 792). 66 St. Rep. 149; (32 Supp. 870).

Noyes v. Hartford Fire Ins. Co., 54 N. Y. 668.

Cited, Insurance—Fire—Conditions as to "Unconditional and Sole Ownership" — Incumbrances.

1 Misc. 116; (48 St. Rep. 654; 20 Supp. 647).

*Duplicate Citations in Parenthesis.***Noyes v. Hewitt**, 18 Wend. 141.*Cited*, Appeal—County Court—Justice's Judgment—Review of Evidence.

11 App. Div. 631; (76 St. Rep. 458; 42 Supp. 454).

Noyes v. Phillips, 60 N. Y. 408.*Cited*, Contracts—Forfeiture—Intent of Parties.

11 App. Div. 380; (76 St. Rep. 95; 42 Supp. 95).

Noyes v. Wyckoff, 114 N. Y. 204.*Cited*, Appeal—Review of Judgment—Rights of Respondent.

152 N. Y. 169.

Nugent v. Breuchard, 91 Hun, 12; 71 St. Rep. 389; 36 Supp. 102.**Nugent v. Jacobs**, 103 N. Y. 125; 2 St. Rep. 798.*Cited*, Evidence—Relevancy—Fraud.

4 Misc. 301; (53 St. Rep. 452; 24 Supp. 105).

Nugent v. Metropolitan St. Ry. Co., 17 App. Div. 532; 79 St. Rep. 596; 45 Supp. 596.**Nunan v. Doyle**, 139 N. Y. 643; 54 St. Rep. 933.*Affirming*, 44 St. Rep. 826; 18 Supp. 192.**Number 121 Madison Ave. v. Os-good**, 44 St. Rep. 489; 18 Supp. 126.*Cited*, Landlord and Tenant—Tenancy—Duration—Release.

20 Misc. 116; (79 St. Rep. 2; 45 Supp. 2).

Nundy v. Matthews, 34 Hun, 74.*Cited*, Contracts—Proposed Terms—Acceptance in Modified Form—Effect.

86 Hun, 377; (67 St. Rep. 223; 33 Supp. 510).

Nutting v. Atwood, 53 St. Rep. 152; 23 Supp. 816.**Nutting v. Kings Co. El. R. Co.**, 91 Hun, 251; 72 St. Rep. 43; 36 Supp. 142.*Cited*, Corporations—Verdicts Against—Setting Aside.

91 Hun, 323; (71 St. Rep. 3; 36 Supp. 263).

Appeal—Verdict Against Evidence—Reversal.

19 Misc. 482; (77 St. Rep. 1071; 43 Supp. 1071).

Nutting v. Kings Co. El. R. Co., 3 App. Div. 423; 74 St. Rep. 147; 38 Supp. 654.**Nutting v. Pell**, 11 App. Div. 55; 76 St. Rep. 987; 42 Supp. 987.**Nye v. Hoyle**, 120 N. Y. 195; 30 St. Rep. 571.*Cited*, Covenants—Construction—Running With the Land.

143 N. Y. 87; (58 St. Rep. 413).

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Oakes, Matter of. See *Hutchinson, Matter of*.**Oakes, Matter of**, 66 St. Rep. 149.**Oakes v. Cattaraugus Water Co.**, 143 N. Y. 430; 62 St. Rep. 445.*Cited*, Corporations—President—Authority.

87 Hun, 464; (68 St. Rep. 60; 34 Supp. 212).

Corporations—Duty to Beneficiaries.

79 St. Rep. 654; (45 Supp. 654).

Oakes v. De Lancey, 71 Hun, 49; 54 St. Rep. 87; 24 Supp. 539.*Affirmed*, 143 N. Y. 673; 63 St. Rep. 866.**Oakes v. De Lancey**, 133 N. Y. 227; 44 St. Rep. 686.*Cited*, 79 St. Rep. 628; (45 Supp. 628).*Deed*—Description—Land Between High and Low-Water Mark.

71 Hun, 50; (54 St. Rep. 87; 24 Supp. 539).

Oakes v. High, 11 Misc. 313; 65 St. Rep. 497; 32 Supp. 289.**Oakes v. Howell**, 27 How. 145.*Cited*, Limitation of Action—When Barred—Reformation of Mortgage.

70 Hun, 513; (53 St. Rep. 618; 24 Supp. 370). 1 App. Div. 125; (72 St. Rep. 222; 37 Supp. 69).

Oakey, Matter of, 1 Bradf. 281.*Cited*, Wills—Legacies—Advancement—Interest.

38 Supp. 428.

Oakley v. Aspinwall, 3 N. Y. 547.*Cited*, Courts—Jurisdiction—Consent.

75 Hun, 297; (56 St. Rep. 774; 27 Supp. 59; 31 Abb. N. C. 265; 23 Civ. Pro. 294).

Judge—Disqualification—Effect on Jurisdiction.

4 App. Div. 403, 406. 8 App. Div. 601; (39 Supp. 609, 612). 140 N. Y. 467; (55 St. Rep. 833). 13 Misc. 687; (69 St. Rep. 600; 25 Supp. 221). 14 Misc. 226; (70 St. Rep. 486; 31 Supp. 668).

Constitution—Interpretation.

13 Misc. 719; (70 St. Rep. 244; 35 Supp. 823).

*Duplicate Citations in Parenthesis.***Oakley v. Aspinwall**, 4 N. Y. 513.

Cited, Judgment — Foreign—Defendant
Not Personally Served—Effect in Personam.
50 St. Rep. 220.

Oakley v. Aspinwall, 3 N. Y. 500.

Cited, Appeal—Subsequent—Conclusive-
ness of Prior Decision—Stare Decisis.
141 N. Y. 583; (60 St. Rep. 323).

Orkley v. Boorman, 21 Wend. 588.

Cited, Contracts — Consideration—Suffi-
ciency.
17 Misc. 399; (39 Supp. 1043).

Oakley v. Cokalet, 6 App. Div. 229; 39 Supp. 1001.**Oakley v. Cokalet**, 9 App. Div. 624; 41 Supp. 1124.

Cited, 16 App. Div. 65; (78 St. Rep. 1070;
44 Supp. 1070).

Oakley v. Cokalet, 16 App. Div. 65; 78 St. Rep. 1070; 44 Supp. 1070.**Oakley v. Cokalet**, 20 Misc. 206; 79 St. Rep. 782; 45 Supp. 782.

Reversed, 16 App. Div. 65; 78 St. Rep. 1070;
44 Supp. 1070.

Oakley v. Farrington, 1 Johns. Cas. 129.

Cited, Libel—Actionable Per Se—Official
Character.

76 Hun, 490; (58 St. Rep. 486; 27 Supp.
1046).

Oakley v. Gardiner, 78 Hun, 138; 60 St. Rep. 192; 28 Supp. 972.**Oakley v. Healey**, 38 Hun, 244.

Cited, Taxes—Misdescription of Property
—Effect.

11 App. Div. 516; (76 St. Rep. 807; 42
Supp. 807). 12 App. Div. 616; (77 St. Rep.
117; 43 Supp. 117).

Oakley v. Loening, 8 Misc. 302; 59 St. Rep. 286; 28 Supp. 135.

Affirming, 7 Misc. 742; 57 St. Rep. 643; 27
Supp. 1017.

Oakley v. Mamaroneck, 39 Hun, 448.
Cited, Negligence—Joint Tort Feasors—
Liability.

87 Hun, 544; (68 St. Rep. 36; 34 Supp.
284). 11 App. Div. 509; (76 St. Rep. 780;
42 Supp. 780).

Oakley v. Morton, 11 N. Y. 25.

Cited, Pleading—Complaint — Perform-
ance of Condition Precedent.

141 N. Y. 202; (56 St. Rep. 814) 11 Misc.
392; (65 St. Rep. 427; 32 Supp. 245).

Contracts—Inevitable Accident—Insanity
—Availability.

143 N. Y. 452; (62 St. Rep. 457).

Contracts — Performance — Conditions
Precedent.

10 Misc. 152; (62 St. Rep. 497; 30 Supp.
919), 15 App. Div. 384; (78 St. Rep. 77; 44
Supp. 77).

Oakley v. Oakley, 69 Hun, 121; 53 St. Rep. 326; 23 Supp. 267.

Affirmed, 144 N. Y. 637; 64 St. Rep. 867.

Oakley v. Schoonmaker, 15 Wend. 226.

Cited, Landlord and Tenant—Lease—Lim-
itation of Term.

8 Misc. 186; (59 St. Rep. 479).

Oakley v. Sears, 7 Robt. 111.

Cited, New Trial—Surprise—Absence of
Witness.

2 Misc. 549; (23 Supp. 685; 23 Civ. Pro.
156).

Oakley v. Tugwell, 33 Hun, 357.

Cited, Pleading—Joint Demurrer—Avail-
ability.

92 Hun, 25; (72 St. Rep. 831; 37 Supp.
886).

Oakley v. Van Horn, 21 Wend. 305.

Cited, Appeal—Objections—Availability.
152 N. Y. 283.

Oakley v. Williamsburg, 6 Paige, 262.

Cited, Equity—Cloud on Title—Preven-
tion.

10 Misc. 75; (63 St. Rep. 474; 31 Supp.
152).

Oakley Avenue, Matter of, 85 Hun, 446; 35 Supp. 1146.**Oaks v. Cattaraugus Water Co.**, 50 St. Rep. 922; 21 Supp. 851.**Oakville Co. v. Double Pointed Tack Co.**, 105 N. Y. 653; 7 St. Rep. 528.

Cited, Equity—Legal Relief in.

68 Hun, 303; (52 St. Rep. 98; 23 Supp.
38). 8 Misc. 489; (59 St. Rep. 258; 29 Supp.
345; 23 Civ. Pro. 449; 31 Abb. N. C. 436).

Equity—Contracts—Reformation.

14 Misc. 511; (70 St. Rep. 690; 35 Supp.
1065).

Oatman v. Taylor, 29 N. Y. 649.

Cited, Action—Election of Remedies—
Conversion.

4 Misc. 150; (53 St. Rep. 118; 23 Supp.
687).

Appeal—Questions Not Raised Below—
Effect.

151 N. Y. 129; (3 Ann. Cas. 348).

O'Beirne v. Allegany & Kinzua R. Co., 151 N. Y. 372.**O'Beirne v. Bullis**, 80 Hun, 570; 62 St. Rep. 583; 30 Supp. 588.

Affirmed, 151 N. Y. 372.

Duplicate Citations in Parenthesis.

Cited, Equity—Specific Performance—Impossibility of—Right to Damages.

2 App. Div. 546; (74 St. Rep. 373; 38 Supp. 5).

O'Beirne v. Bullis, 3 App. Div. 545; 74 St. Rep. 372; 38 Supp. 4.

Cited, Equity—Specific Performance—Impossibility—Right to Damages.

9 App. Div. 121; (75 St. Rep. 543; 41 Supp. 83).

Oberfelder v. Metropolitan El. R. Co., 138 N. Y. 181; 52 St. Rep. 158.

Affirming, 46 St. Rep. 967; 18 Supp. 958.

Cited, Condemnation Proceedings—Conclusiveness—Easements.

14 Misc. 191, 192; (70 St. Rep. 195; 35 Supp. 466).

Oberlander v. Speiss, 45 N. Y. 175.

Cited, Appeal—Review of Facts—Findings.

9 Misc. 96; (59 St. Rep. 694; 29 Supp. 5).

Fraud—Representations—Knowledge of Maker.

72 Hun, 315; (55 St. Rep. 355; 25 Supp. 684). 70 Hun, 413; (53 St. Rep. 708; 24 Supp. 435). 11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333). D. 14 App. Div. 626; (77 St. Rep. 983; 43 Supp. 983). 13 Misc. 148; (68 St. Rep. 20; 34 Supp. 65). 20 Misc. 543.

Oberlie v. Bushwick Ave. R. Co., 6 St. Rep. 771.

Cited, Trial—Verdict—Setting Aside.

77 Hun, 396; (60 St. Rep. 420; 23 Supp. 893). 82 Hun, 47; (63 St. Rep. 484; 31 Supp. 162).

Oberlies v. Bullinger, 75 Hun, 248; 57 St. Rep. 752; 27 Supp. 19.

Oberlies v. Bullinger, 132 N. Y. 598; 44 St. Rep. 851.

9 Misc. 479; (61 St. Rep. 103; 30 Supp. 241). 83 Hun, 110; (63 St. Rep. 844; 31 Supp. 360).

O'Brien, Matter of, 5 Misc. 136; 25 Supp. 704.

O'Brien, Matter of, 45 Hun, 281; 10 St. Rep. 414.

Cited, Guardian—Claim Against Estate of Deceased—Necessity of Settlement of Guardian's Account.

3 Misc. 183; (54 St. Rep. 273; 23 Supp. 829).

O'Brien, Matter of, 145 N. Y. 379; 64 St. Rep. 829.

O'Brien, Matter of, 1 App. Div. 632; 73 St. Rep. 218; 37 Supp. 482.

O'Brien v. Barkley, 60 St. Rep. 520; 28 Supp. 1049.

O'Brien v. Blaut, 5 App. Div. 223; 39 Supp. 218.

O'Brien v. Blaut, 17 App. Div. 288; 79 St. Rep. 217; 45 Supp. 217.

O'Brien v. Browning, 11 Hun, 179.

Cited, Estoppel—Judgment—Another Cause of Action—Assignment for Creditors. 61 St. Rep. 653; (29 Supp. 1052).

O'Brien v. Commerce Fire Ins. Co., 38 Super. 4.

Cited, Costs—Interrogatories—Several Witnesses.

135 N. Y. 274; (48 St. Rep. 109).

O'Brien v. Commercial Fire Ins. Co., 63 N. Y. 108.

Cited, Insurance—Conditions Precedent. 85 Hun, 33; (66 St. Rep. 163; 32 Supp. 595). D. 9 App. Div. 351; (75 St. Rep. 729; 41 Supp. 316).

O'Brien v. Fitzgerald, 61 St. Rep. 472; 29 Supp. 975.

Cited, Corporations—Receivers—Actions Against Directors.

83 Hun, 549, 551; (65 St. Rep. 47, 49; 39 Supp. 1070, 1071). 30 Supp. 218. 18 Misc. 163; (41 Supp. 1068).

O'Brien v. Fitzgerald, 143 N. Y. 377; 62 St. Rep. 344.

Cited, 5 App. Div. 224.

Corporations—Receivers—Actions Against Directors.

152 N. Y. 534. 4 App. Div. 65; (74 St. Rep. 102; 38 Supp. 718). 18 Misc. 163; (41 Supp. 1068). 6 App. Div. 512; (39 Supp. 708). 4 App. Div. 69; (74 St. Rep. 104, 105; 38 Supp. 722). D. 6 App. Div. 515, 516, 517; (39 Supp. 710, 711, 712). 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887).

Actions by Stockholders—Equitable—Corporations.

11 App. Div. 521; (77 St. Rep. 44; 43 Supp. 44).

Pleadings—Demurrer—Actions—Equitable or Legal.

12 Misc. 312; (67 St. Rep. 812; 33 Supp. 1108). 79 St. Rep. 628; (45 Supp. 628).

O'Brien v. Fitzgerald, 150 N. Y. 572.

Followed, 151 N. Y. 638.

O'Brien v. Fitzgerald, 6 App. Div. 509; 39 Supp. 707.

Affirmed, 150 N. Y. 572.

Cited, Corporations—Receivers—Actions Against Directors.

17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887).

Duplicate Citations in Parenthesis.

O'Brien v. General Synod of Reformed Church in America, 10 App. Div. 605; 76 St. Rep. 356; 42 Supp. 356.

Cited, Guardian—Purchase by—Avoidance.

13 App. Div. 216; (77 St. Rep. 309; 43 Supp. 309).

O'Brien v. Grant, 65 St. Rep. 823; 32 Supp. 498.

O'Brien v. Grant, 146 N. Y. 163; 66 St. Rep. 282.

Cited, Associations—Membership—Contract of.

149 N. Y. 427.

O'Brien v. Greenbaum, 23 St. Rep. 405.

Cited, Animals—On Leased Farm—Injuries by.

67 Hun, 629; (51 St. Rep. 226; 22 Supp. 566).

O'Brien v. Home Benefit Ass'n of New York, 51 Hun, 495; 4 Supp. 275.

Cited, Insurance — Warranty — Illiterate Person—Fraud of Agents.

7 App. Div. 581; (40 Supp. 304).

O'Brien v. Home Benefit Society, 117 N. Y. 310; 27 St. Rep. 326.

Cited, Insurance—Enforcing Payment—Assessments to Produce Fund for.

77 Hun, 559; (60 St. Rep. 281; 28 Supp. 933). 150 N. Y. 175.

Insurance—Warranties—Fraud of Agent.

84 Hun, 272; (65 St. Rep. 482; 32 Supp. 324). 1 App. Div. 270; (72 St. Rep. 654; 37 Supp. 147). 7 App. Div. 581; 40 Supp. 304). 10 App. Div. 534; (76 St. Rep. 348; 42 Supp. 348). 10 App. Div. 485; (75 St. Rep. 142; 41 Supp. 1061). 11 App. Div. 405; (76 St. Rep. 448; 42 Supp. 448). 10 Misc. 221; (63 St. Rep. 309; 30 Supp. 1070). 10 Misc. 406; (63 St. Rep. 523; 31 Supp. 131). 12 Misc. 12; (66 St. Rep. 523; 33 Supp. 23). 16 Misc. 534; (73 St. Rep. 598; 38 Supp. 509). 17 Misc. 117; (39 Supp. 358). 17 Misc. 638; (40 Supp. 592). 30 Supp. 216.

O'Brien v. Jones, 91 N. Y. 193.

Cited, Warranty—Title—Breach — Damages.

78 Hun, 392; (60 St. Rep. 700; 29 Supp. 135).

O'Brien v. Kursheedt, 61 St. Rep. 470; 29 Supp. 973.

Followed, 61 St. Rep. 473; (29 Supp. 975). 18 Misc. 163; (41 Supp. 1068).

O'Brien v. Long, 49 Hun, 80; 17 St. Rep. 510; 1 Supp. 695.

Cited, Referee—Removal—Misconduct. 3 Misc. 444; (52 St. Rep. 321; 23 Supp. 178).

New Trial—Costs—Granting.

16 Misc. 513; (38 Supp. 525). 74 St. Rep. 45.

O'Brien v. McCann, 58 N. Y. 373.

Cited, Pleading—Answer—Denials — Extent of Proof Under.

2 Misc. 387; (51 St. Rep. 222; 21 Supp. 992). 10 Misc. 394; (63 St. Rep. 406; 31 Supp. 122). 10 Misc. 184; (62 St. Rep. 491; 30 Supp. 940).

O'Brien v. McCarthy, 71 Hun, 427; 54 St. Rep. 532; 24 Supp. 1103.

Affirmed, 145 N. Y. 602; 65 St. Rep. 867.

Cited, Pleading—Equitable Actions—Defenses—Remedy at Law.

76 Hun, 604; (58 St. Rep. 258; 28 Supp. 203).

O'Brien v. McDonald, 78 Hun, 430; 60 St. Rep. 743; 29 Supp. 191.

Affirmed, 144 N. Y. 716.

O'Brien v. McManus, 13 Daly, 37.

Cited, Witness—Credibility.

7 Misc. 684; (58 St. Rep. 379; 28 Supp. 39). 12 Misc. 512; (67 St. Rep. 380; 33 Supp. 678).

O'Brien v. Merchants Fire Ins. Co., 38 Super, 482.

Cited, Jurors—Improper Influence.

17 Misc. 83; (39 Supp. 854).

O'Brien v. Merchants & Traders' Fire Ins. Co., 56 N. Y. 52.

Cited, Attachment—Attachable Property —Manner of Levy—Sufficiency of Notice.

61 St. Rep. 834; (30 Supp. 148; 23 Civ. Pro. 340). 17 Misc. 65; (39 Supp. 838). 14 Misc. 388; (70 St. Rep. 745; 35 Supp. 1050; 25 Civ. Pro. 158). 19 Misc. 602; (78 St. Rep. 370; 44 Supp. 370).

O'Brien v. Neubert, 3 Dem. 156.

Cited, Surrogate's Courts — Withholding Letters—When Proper.

92 Hun, 332; (72 St. Rep. 406; 36 Supp. 884).

O'Brien v. New York, 84 Hun, 50; 65 St. Rep. 190; 32 Supp. 34.

O'Brien v. New York, 15 Supp. 520.

Affirmed, 65 Hun, 112; 47 St. Rep. 258.

Cited, Municipal Corporations — Liability —Aqueduct Commissioners.

79 Hun, 482; (61 St. Rep. 461; 29 Supp. 1002).

Duplicate Citations in Parenthesis.

Municipal Corporations — Engineer's Certificate—Impeachment.

12 App. Div. 394; (76 St. Rep. 524; 42 Supp. 524).

O'Brien v. New York, 139 N. Y. 543; 55 St. Rep. 596.

Affirming, 65 Hun, 112; 47 St. Rep. 258; 19 Supp. 793.

Cited, Municipal Corporations — Extra Services—Compensation.

D. 7 App. Div. 514; (40 Supp. 242).

Municipal Corporations—Contracts—Modification—Effect.

D. 8 App. Div. 263; (75 St. Rep. 26; 40 Supp. 630).

O'Brien v. New York, 60 St. Rep. 388. *Affirming*, on Re-Argument, 139 N. Y. 543; 55 St. Rep. 596.

O'Brien v. O'Brien, 2 Ann. Cas. 117; 73 St. Rep. 346; 38 Supp. 157.

O'Brien v. Ottenberg, 59 St. Rep. 379; 28 Supp. 605.

O'Brien v. People, 36 N. Y. 276. *Cited*, Evidence—Testimony — Acts Rational or Irrational.

148 N. Y. 569. 151 N. Y. 220. 79 St. Rep. 616; (45 Supp. 616).

O'Brien v. Peoria Water Co., 5 App. Div. 229; 39 Supp. 121.

O'Brien v. Prescott Ins. Co., 134 N. Y. 28; 45 St. Rep. 389.

Cited, Insurance — Policy — Waiver of Conditions by Agents.

141 N. Y. 225; (56 St. Rep. 803). 80 Hun, 253; (61 St. Rep. 780; 30 Supp. 51). 10 App. Div. 227; (75 St. Rep. 1065; 41 Supp. 676).

O'Brien v. Prudential Ins. Co. of America, 12 Misc. 127; 66 St. Rep. 724; 33 Supp. 67.

O'Brien v. Smith, 37 St. Rep. 41; 13 Supp. 408.

Cited, Landlord and Tenant — Lease — Rent Due—Subsequent Eviction.

8 Misc. 307; (59 St. Rep. 230; 28 Supp. 728). Landlord and Tenant—Rent—Action for—Defenses—Eviction.

77 Hun, 200; (59 St. Rep. 764; 28 Supp. 355). 17 Misc. 697; (75 St. Rep. 56; 40 Supp. 655).

O'Brien v. Weiler, 68 Hun, 64; 52 St. Rep. 17; 22 Supp. 637.

Affirmed, 140 N. Y. 281; 55 St. Rep. 637.

O'Brien v. Weiler, 140 N. Y. 281; 55 St. Rep. 637.

Cited, Evidence—Conversations with Deceased.

13 App. Div. 492; (77 St. Rep. 354; 43 Supp. 354). 13 Misc. 487; (70 St. Rep. 193; 35 Supp. 496).

O'Brien v. Whigam, 9 App. Div. 113; 75 St. Rep. 495; 41 Supp. 40.

O'Brien v. Young, 95 N. Y. 428.

Cited, Judgment—Interest on.

5 Misc. 195; (25 Supp. 658). 135 N. Y. 365; (48 St. Rep. 524). 14 App. Div. 155; (77 St. Rep. 454; 44 Supp. 454). D. 14 App. Div. 467; (77 St. Rep. 807; 43 Supp. 807).

O'Bryan v. Amsterdam, City of, 74 Hun, 136; 56 St. Rep. 307; 26 Supp. 1123.

O'Callaghan v. Barrett, 50 St. Rep. 166; 21 Supp. 368.

O'Callaghan v. Sawyer, 5 Johns. 118. *Cited*, Pleading—General Issue — Notice of Set off.

142 N. Y. 245; (58 St. Rep. 770). D. 142 N. Y. 256; (58 St. Rep. 778).

Ocean Nat. Bank v. Carll, 55 N. Y. 441.

Cited, Bills and Notes—Bona Fides—Burden of Proof to Establish.

145 N. Y. 507; (65 St. Rep. 373). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Evidence—Declarations—Agents. 10 Misc. 117; (62 St. Rep. 474; 30 Supp. 934).

Ocean Nat. Bank v. Fant, 50 N. Y. 474.

Cited, Bills and Notes — Presentment—Tender of Collaterals—Receivers.

76 Hun, 528; (58 St. Rep. 847; 27 Supp. 118).

Bills and Notes—Presentment—Tender of Collaterals.

2 App. Div. 160; (73 St. Rep. 559; 37 Supp. 941). 19 Misc. 701; (79 St. Rep. 12; 45 Supp. 12).

Ocean Nat. Bank v. Hodges, 9 Hun, 161.

Cited, Fraudulent Conveyance—Trust. 50 St. Rep. 103; (21 Supp. 87).

Ocean Nat. Bank v. Olcott, 46 N. Y. 12.

Cited, Creditor's Bill—Trust—Claims of Creditors.

135 N. Y. 180; (47 St. Rep. 830). Bankruptcy—Discharge—Notice.

49 St. Rep. 551; (20 Supp. 967). Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 351; 25 Supp. 680).

Pledge—Interests of Parties in Property.

Duplicate Citations in Parenthesis.

60 St. Rep. 156; (28 Supp. 482). 86 Hun, 529; (67 St. Rep. 688; 33 Supp. 913).

Creditors—Right to Resort to Equity.

143 N. Y. 571; (62 St. Rep. 783; 1 Ann. Cas. 23).

Oceanic Steam Nav. Co. v. Campania Transatlantic Espanola, 4 Misc. 426; 53 St. Rep. 662; 23 Supp. 1163.

Affirmed, 144 N. Y. 663; 71 St. Rep. 303.

Oceanic Steam Nav. Co. v. Campania Transatlantic Espanola, 144 N. Y. 663; 71 St. Rep. 303.

Cited, Judgments—Evidence Against Third Party—Availability.

149 N. Y. 151. 151 N. Y. 617. 144 N. Y. 664, 669; (71 St. Rep. 304, 307).

Oceanic Steam Nav. Co. v. Campania Transatlantic Espanola, 134 N. Y. 461; 47 St. Rep. 742; 29 Abb. N. C. 238.

Cited, Bonds—Indemnity—Contractor—Recovery Against Obligee—Fault of Obligor.

70 Hun, 254; (54 St. Rep. 4; 24 Supp. 299).

Wharves—New York City—As Highways.

78 Hun, 395; (60 St. Rep. 786; 29 Supp. 227).

Damages—Recovery Against Third Party—Former Judgment as Measure.

11 Misc. 55, 57; (63 St. Rep. 450, 451; 31 Supp. 855, 856). 11 Misc. 57; (63 St. Rep. 451; 31 Supp. 856).

Highways—What Are.

17 Misc. 717; (40 Supp. 1096).

Ochsenbein v. Shapley, 85 N. Y. 214.

Cited, Master and Servant—Violation of Orders by Servant—Effect on Master's Liability.

54 St. Rep. 155; (23 Supp. 303). 85 Hun, 152; (66 St. Rep. 89; 32 Supp. 631). 4 App. Div. 428; (74 St. Rep. 786; 38 Supp. 857).

Contributory Negligence—Trespassers—Dangerous Places—Liability of Owner.

10 App. Div. 440; (75 St. Rep. 1431; 41 Supp. 1085; 3 Ann. Cas. 326).

Ockerman v. Cross, 54 N. Y. 29.

Cited, Assignment for Creditors—By Non-Resident—Effect on Property in Other States.

140 N. Y. 235; (51 St. Rep. 112; 22 Supp. 462). 90 Hun, 106; (35 Supp. 614).

Assignment for Creditors—Foreign—Domestic Attachments Against Assignor.

55 St. Rep. 562.

O'Connell, Matter of, 1 Misc. 50; 23 Supp. 914.

O'Connell v. Clark, 16 App. Div. 33; 39 Supp. 454.

Cited, Master and Servant—Duty to Provide Safe Place.

9 App. Div. 93; (75 St. Rep. 527; 41 Supp. 68). 20 Misc. 35; (79 St. Rep. 325; 45 Supp. 325).

O'Connell v. Jarvis, 13 App. Div. 3; 77 St. Rep. 129; 43 Supp. 129.

O'Connell v. People, 87 N. Y. 377.

Cited, Trial—Instructions to Jury—Repetition.

77 Hun, 505; (60 St. Rep. 549; 28 Supp. 1085).

Criminal Law—Sanity—Burden of Proof, 149 N. Y. 328.

O'Connell v. Samuel, 81 Hun, 357; 63 St. Rep. 143; 30 Supp. 889.

Cited, Evidence—Omission to Give—When Cured.

19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706). 20 Misc. 551.

O'Connor, Matter of, 90 Hun, 284; 35 Supp. 779.

Affirmed, 149 N. Y. 573.

O'Connor v. Brandt, 12 App. Div. 596; 76 St. Rep. 1079; 42 Supp. 1079.

O'Connor v. Felix, 147 N. Y. 614; 71 St. Rep. 258.

Affirming, 67 St. Rep. 777; 33 Supp. 1074.

O'Connor v. Felix, 87 Hun, 179; 67 St. Rep. 777; 33 Supp. 1074.

Affirmed, 147 N. Y. 614; 71 St. Rep. 258.

Cited, Judgment—Collateral Attack.

10 App. Div. 570; (76 St. Rep. 83; 42 Supp. 83).

O'Connor v. Germania Life Ins. Co., 11 Misc. 192; 66 St. Rep. 561; 32 Supp. 1106.

O'Connor v. Gifford, 117 N. Y. 275; 27 St. Rep. 453.

Cited, Executors—Conduct of Estate—Claims Against—Failure to Present—Effect.

7 Misc. 345; (58 St. Rep. 517; 28 Supp. 83). 89 Hun, 580; (69 St. Rep. 650; 35 Supp. 295).

Executors—Duty to Collect Assets.

13 Misc. 377; (69 St. Rep. 493; 35 Supp. 114; 25 Civ. Pro. 81). 16 Misc. 176; (38 Supp. 1136.)

O'Connor v. Gouraud, 2 City Ct. R. 278.

Affirmed, 3 St. Rep. 535.

Cited, Landlord and Tenant—Landlord's Covenant to Repair—Failure—Effect.

15 Misc. 3; (72 St. Rep. 5; 36 Supp. 776).

Duplicate Citations in Parenthesis.

O'Connor v. Huggins, 113 N. Y. 511; 23 St. Rep. 275.

Cited, Deeds—Delivery—Title.

1 App. Div. 26; (71 St. Rep. 846; 36 Supp. 738). 9 App. Div. 471; (75 St. Rep. 1463; 41 Supp. 218).

O'Connor v. Long Island T. Co., 15 Misc. 501; 73 St. Rep. 572; 37 Supp. 953.

O'Connor v. McMahon, 54 Hun, 66; 26 St. Rep. 596; 7 Supp. 225.

Cited, Husband and Wife—Control of Husband Over Estate by Entirety.

67 Hun, 233; (50 St. Rep. 781; 23 Supp. 797). 82 Hun, 203; (63 St. Rep. 778; 31 Supp. 329).

O'Connor v. Mechanics' Bank, 54 Hun, 272; 27 St. Rep. 1; 7 Supp. 330.

Cited, Receivers—Title to Property.

3 App. Div. 320; (73 St. Rep. 690; 38 Supp. 198).

O'Connor v. Mechanics' Bank, 124 N. Y. 324; 36 St. Rep. 277.

Cited, Banks—Certification of Checks—Liability of Bank for.

77 Hun, 170; (53 St. Rep. 718; 28 Supp. 413).

Principal and Agent—Right of Principal to Trace Funds.

11 Misc. 251; (65 St. Rep. 857; 32 Supp. 735). 13 Misc. 4; (67 St. Rep. 849; 33 Supp. 999).

O'Connor v. Moschowitz, 48 How. 451.

Cited, Appeal—Justice of the Peace—Duty to Approve Bond.

14 Misc. 27; (69 St. Rep. 380; 35 Supp. 136).

O'Connor v. National Park Bank of New York, 8 Misc. 283; 59 St. Rep. 217; 28 Supp. 538.

O'Connor v. New York, 11 Hun, 176.

Cited, Municipal Corporations—Employees' Compensation and Discharge.

30 Supp. 406.

O'Connor v. N. Y. & Yonkers Land Improvement Co., 8 Misc. 243; 59 St. Rep. 218; 28 Supp. 544.

Cited, Referee's Fees—Allowance—Power of Court.

11 App. Div. 902; (76 St. Rep. 620; 42 Supp. 620).

O'Connor v. Phillipsen, 74 Hun, 68; 56 St. Rep. 176; 26 Supp. 359.

Affirmed, 152 N. Y. 624.

O'Connor v. Schnepel, 12 Misc. 356; 67 St. Rep. 352; 33 Supp. 562.

O'Connor v. Waldo, 83 Hun, 489; 65 St. Rep. 1; 31 Supp. 1105.

Cited, Trustees—Alienation—Powers.

1 App. Div. 499; (73 St. Rep. 98; 37 Supp. 505).

Trustees—Estate—Powers—Notice.

3 App. Div. 296; 38 Supp. 1074).

Ocuppaugh v. Wing, 12 Week. Dig. 566.

Cited, Mortgage—Foreclosure—Effect on Dower.

66 Hun, 314; (49 St. Rep. 565; 20 Supp. 979).

Oddy v. James, 48 N. Y. 685.

Cited, Contracts—Statute of Frauds—Performance Within Year—Quantum Meruit.

67 Hun, 474; (51 St. Rep. 335; 22 Supp. 488).

O'Dea, Matter of, 84 Hun, 591; 67 St. Rep. 143; 33 Supp. 463.

O'Dea v. O'Dea, 31 Hun, 441.

Affirmed, 95 N. Y. 637.

Cited, Husband and Wife—Divorce—Alimony—Amount.

3 Misc. 599; (52 St. Rep. 856; 23 Supp. 340). 92 Hun, 417; (71 St. Rep. 666; 36 Supp. 611).

O'Dea v. O'Dea, 101 N. Y. 23.

Cited, Husband and Wife—Divorce—Invalid—Subsequent Marriage.

2 Misc. 550; (51 St. Rep. 509; 22 Supp. 192).

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86 Hun, 394; (67 St. Rep. 217; 33 Supp. 503). 82 Hun, 185; (64 St. Rep. 802; 31 Supp. 981). 1 App. Div. 573; (73 St. Rep. 221; 37 Supp. 481). 4 App. Div. 531; (40 Supp. 445). 90 Hun, 236; (69 St. Rep. 637; 35 Supp. 282).

Husband and Wife—Divorce—Alimony.

92 Hun, 418; (71 St. Rep. 666; 36 Supp. 612).

Odell, Matter of, 1 Misc. 390; 23 Supp. 143.

Odell, Matter of, 3 Misc. 168; 24 Supp. 467.

Odell, Matter of, 15 St. Rep. 116.

Cited, Surrogate's Order—Appealability.

5 App. Div. 596; (39 Supp. 430).

Odell, Matter of, 18 St. Rep. 997; 4 Supp. 463.

Cited, Pleading — Amendment — Surrogate's Practice—Reference Under.

4 Misc. 378; (25 Supp. 821).

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Duplicate Citations in Parenthesis.

Odell v. Durant, 62 N. Y. 524.

Cited, Lease—Agricultural Lands—When Void.

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Odell v. McGrath, 16 App. Div. 103; 79 St. Rep. 119; 45 Supp. 119.

O'Dell v. Metropolitan El. R. Co., 3 Misc. 335; 52 St. Rep. 7; 22 Supp. 737.

Odell v. Montross, 68 N. Y. 499.

Cited, Contracts—Statute of Frauds—Release of Term of Years.

74 Hun, 98; (56 St. Rep. 224; 26 Supp. 404).

Mortgagor and Mortgagee—Contracts Between—Scrutiny of Courts.

11 App. Div. 180; (76 St. Rep. 894; 42 Supp. 894).

Odell v. N. Y. C. & H. R. R. Co., 120 N. Y. 223; 31 St. Rep. 27.

Cited, Master and Servant—Risks Assumed—Knowledge of Defects.

70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410). 4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 592).

Odell v. N. Y. El. R. Co., 130 N. Y. 690; 42 St. Rep. 591.

Cited, Damages—Elevated Railroads—Off-setting Benefits.

73 Hun, 253; (57 St. Rep. 118; 25 Supp. 1049).

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Odell v. N. Y. C. & H. R. R. Co., 18 App. Div. 12; 79 St. Rep. 464; 45 Supp. 464.

Odell v. Nyack Water-Works Co., 91 Hun, 283; 71 St. Rep. 94; 36 Supp. 206.

Odell v. Odell, 19 Week. Dig. 13.

Cited, Partition—Sale of Entire Tract.

50 St. Rep. 881.

Odell v. Youngs, 64 How. 56.

Cited, Wills—Construction—Perpetuities.

3 Misc. 471; (23 Supp. 738).

Oderkirk v. Fargo, 61 Hun, 422; 16 Supp. 220.

Cited Evidence—Contradicting Witness.

17 Misc. 160; (39 Supp. 329).

O'Donnell v. Brown, 3 Lans. 474.

Cited, Justice's Court—Title to Land—Appeal to County Court—Effect.

87 Hun, 536; (68 St. Rep. 670; 34 Supp. 291).

O'Donnell v. East River Gas Co., 91 Hun, 184; 71 St. Rep. 124; 36 Supp. 288.

O'Donnell v. Harmon, 3 Daly, 424.

Cited, Alterations—Explanation—Burden.

3 App. Div. 355; (73 St. Rep. 762; 38 Supp. 281; 3 Ann. Cas. 233).

O'Donnell v. Lindsay, 39 Super. 523.

Cited, Mortgage—Enforcement—Judgment—Re-Sale—Inadequacy of Price.

76 Hun, 596; (58 St. Rep. 254; 28 Supp. 195).

O'Donnell v. McIntyre, 37 Hun, 615.

Cited, Taxes—Assessment—Sale for Non-payment—Construction of Statute.

5 Misc. 191; (25 Supp. 816).

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O'Donnell v. McIntyre, 118 N. Y. 156.

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17 App. Div. 255; (79 St. Rep. 562; 45 Supp. 562).

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1 Misc. 165; (48 St. Rep. 709; 20 Supp. 688).

O'Donnell v. Rosenberg, 14 Abb. N. C. 59.

Cited, Counterclaim—Damages for Delay Under Building Contract.

2 Misc. 276; (23 Supp. 776).

O'Donoghue v. Bois, 92 Hun, 3; 73 St. Rep. 10; 37 Supp. 961.

O'Dougherty v. Boston & W. R. Co., 1 T. & C. 477.

Cited, Carriers—Misdelivery—Ratification by Consignee—Effect.

16 Misc. 160; (73 St. Rep. 565; 37 Supp. 945).

O'Dowd v. Bonnell, 17 Misc. 620; 75 St. Rep. 50; 40 Supp. 650.

Cited, Appeal—Conflicting Evidence.

18 Misc. 470; (75 St. Rep. 1249; 41 Supp. 882).

O'Dwyer v. O'Brien, 13 App. Div. 570; 77 St. Rep. 815; 43 Supp. 815.

Oehler v. New York El. R. Co., 4 App. Div. 152; 38 Supp. 1047.

Cited, Elevated Railroads—Easements—Interest in Assignment—Effect on Damages.

13 App. Div. 382; (77 St. Rep. 36; 43 Supp. 36).

Duplicate Citations in Parenthesis.

Oelbermann v. New York & Northern R. Co., 7 Misc. 352; 58 St. Rep. 462; 27 Supp. 945.

Affirmed, 77 Hun, 332; 60 St. Rep. 876; 29 Supp. 545.

Cited Corporations—Purchase of Stock by Another Corporation—Who May Avoid. 14 Misc. 135; (72 St. Rep. 247; 36 Supp. 1099). 74 St. Rep. 350; (37 Supp. 1052).

Oelbermann v. New York & N. R. Co., 14 Misc. 131; 72 St. Rep. 243; 36 Supp. 1096.

Oelbermann v. New York & N. R. Co., 77 Hun, 332; 60 St. Rep. 876; 29 Supp. 545.

Cited, Corporations—Purchase of Stock by Another Corporation—Who May Avoid.

14 Misc. 132, 139; (72 St. Rep. 245; 249; 36 Supp. 1097).

Oelbermann v. New York & N. R. Co., 61 St. Rep. 615; 29 Supp. 864; 31 Abb. N. C. 256.

Oelberman v. Rosenbaum, 4 Supp. 210.

Cited, Costs—Items—Trial Fee—Discontinuance at Call of Calendar.

49 St. Rep. 303; (20 Supp. 967).

Oellerich v. Hayes, 8 Misc. 211; 59 St. Rep. 221; 28 Supp. 579.

Cited, Master and Servant—Assumed Risks—Choice of Implements.

12 Misc. 45; (66 St. Rep. 529; 33 Supp. 30).

Oetjen v. Fayen, 7 Misc. 496; 58 St. Rep. 55; 27 Supp. 978.

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O'Flynn v. Powers, 136 N. Y. 412; 49 St. Rep. 814.

Affirming, 49 St. Rep. 325; 21 Supp. 905.

Cited, Executors—Sale of Land by Creditors for Debts—Procedure.

138 N. Y. 423; (52 St. Rep. 887). 60 St. Rep. 314.

O'Gara v. Kearney, 77 N. Y. 423.

Cited, Contempt—Order for Payment of Money.

3 Misc. 103; (51 St. Rep. 859; 22 Supp. 702; 23 Civ. Pro. 84; 30 Abb. N. C. 33). 52 St. Rep. 562; (22 Supp. 1029).

Practice—Reversal of Judgment—Restitution.

12 Misc. 25; (66 St. Rep. 718; 33 Supp. 61; 24 Civ. Pro. 353; 1 Ann. Cas. 239).

Ogden v. Alexander, 140 N. Y. 356; 55 St. Rep. 744.

Affirming, 63 Hun, 56; 43 St. Rep. 829; 17 Supp. 641.

Cited, Mechanic's Lien—When Lien Exists—Sub-contractor—Completion by Owner.

75 Hun, 507; (57 St. Rep. 679; 27 Supp. 510). 69 St. Rep. 292, 294; (35 Supp. 176, 178).

Appeal—Support of Judgment—Facts Assumed.

144 N. Y. 436; (63 St. Rep. 660). 148 N. Y. 232. 150 N. Y. 239.

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19 Misc. 546; (77 St. Rep. 1067; 43 Supp. 1067).

Ogden v. Arnot, 29 Hun, 146.

Cited, Fraudulent Transfer—Disaffirmance—Temporary Receiver.

10 Misc. 692; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 340).

Ogden v. Devlin, 45 Super. 631.

Cited, Attorneys—Substitution—Clients' Rights.

85 Hun, 259; (66 St. Rep. 498; 32 Supp. 1015; 1 Ann. Cas. 350).

Ogden v. East River Ins. Co., 50 N. Y. 388.

Cited, Insurance—Several Parcels—How Adjusted.

7 App. Div. 53; (39 Supp. 968).

Ogden v. Gibbons, 4 Johns. Ch. 150.

Cited, Exclusive Franchises—Power to Grant.

143 N. Y. 610; (62 St. Rep. 813).

Ogden v. Jennings, 62 N. Y. 526.

Cited, Landlord and Tenant—Appurtenances—What Are.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081). 16 Misc. 378; (74 St. Rep. 382; 38 Supp. 86).

Ogden v. Marshall, 8 N. Y. 340.

Cited, Damages—Measure—Transportation.

3 Misc. 17; (51 St. Rep. 128; 22 Supp. 360). 11 Misc. 689; (67 St. Rep. 359; 33 Supp. 571). 79 St. Rep. 437; (45 Supp. 437).

Ogden v. Murray, 39 N. Y. 202.

Cited, Trustees—Fiduciary Relation with Cestui que Trust—Effect.

17 Misc. 710; (40 Supp. 908). 147 N. Y. 247; (69 St. Rep. 526).

Ogdensburgh Bank v. Van Rensselaer, 6 Hill, 240.

Cited, Pleading—Construction.

3 Misc. 223; (59 St. Rep. 451; 28 Supp. 566; 23 Civ. Pro. 438).

Duplicate Citations in Parenthesis.

Ogdensburgh R. Co. v. Wolley, 1 Keyes, 118.

Cited, Corporations — Subscription to Stock—Validity—Payment of Percentage. 9 Misc. 426; (61 St. Rep. 707).

Ogdensburgh & L. C. R. Co. v. Vermont & C. R. Co., 63 N. Y. 176.

Cited, Action — Appearance—Notice of Retainer—Effect.

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3 App. Div. 20; (73 St. Rep. 532; 37 Supp. 989).

Ogg, Matter of, 1 Connolly 10; 20 St. Rep. 867; 4 Supp. 341.

Cited, Surrogate's Court — Jurisdiction — Disputed Claim—Infant's Estate. 4 Misc. 369; (25 Supp. 829).

Infant's Maintenance—Consideration. 92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609).

Ogier v. Albany R. Co., 88 Hun, 486; 68 St. Rep. 803; 84 Supp. 867.

Cited, Accidents—Unavoidable—Contributory Negligence—When Not Proximate Cause.

14 Misc. 281; (70 St. Rep. 254; 35 Supp. 833).

Ogilvie v. Hull, 5 Hill 52.

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19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Ogle v. King, 2 City Ct. 83.

Cited, Statutes — Remedial — Construction of.

5 Misc. 102; (24 Supp. 832).

Stable Keepers—Lien—Notice—Enforcement.

83 Hun, 191; (64 St. Rep. 154; 31 Supp. 600).

Ogle v. Miles, 139 N. Y. 458; 54 St. Rep. 711.

Cited, Master and Servant — Assumed Risks—Infants — Omission to Inform of Dangers.

10 App. Div. 491; (76 St. Rep. 228; 42 Supp. 228). 11 Misc. 7; (63 St. Rep. 464; 31 Supp. 836). 11 Misc. 6; (63 St. Rep. 463; 31 Supp. 835). 11 Misc. 549; (64 St. Rep. 447; 32 Supp. 750). 12 Misc. 215; (66 St. Rep. 855; 33 Supp. 264). 76 St. Rep. 1108; (42 Supp. 1108).

Master and Servant—Dangerous Machines. 20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

O'Gorman v. Harby, 18 Misc. 228; 75 St. Rep. 911; 41 Supp. 531.

O'Gorman v. O'Gorman, 92 Hun, 605; 71 St. Rep. 172; 36 Supp. 401.

O'Gorman v. Teets, 20 Misc. 359; 79 St. Rep. 929; 45 Supp. 929.

O'Grady v. New York Mut. Life Ins. Co. of Buffalo, 16 App. Div. 567; 78 St. Rep. 946; 44 Supp. 946.

Ogsbury, Matter of, 7 App. Div. 71; 39 Supp. 978; 3 Ann. Cas. 187.

O'Hagan v. Dillon, 76 N. Y. 170.

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O'Hanlon v. Scott, 89 Hun, 44; 69 St. Rep. 227; 35 Supp. 31.

O'Hara, Matter of, 62 Hun, 531; 17 Supp. 91.

Cited, Trustees—Removal. 13 App. Div. 340; (77 St. Rep. 58; 43 Supp. 58).

O'Hara, Matter of, 95 N. Y. 403.

Cited, Equity—Jurisdiction—Fraud. 72 Hun, 88; (55 St. Rep. 870; 25 Supp. 623).

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8 Misc. 633; (61 St. Rep. 264; 29 Supp. 953). 4 Misc. 231; (25 Supp. 109). 146 N. Y. 19; (65 St. Rep. 572). D. 10 App. Div. 119; (75 St. Rep. 1125; 41 Supp. 733). 83 Hun, 455; (29 Supp. 933). 86 Hun, 282; (66 St. Rep. 849; 33 Supp. 221). 15 Misc. 182; (37 Supp. 101).

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10 App. Div. 109, 116; (75 St. Rep. 1118; 41 Supp. 726, 731).

Wills—Invalid Trust—Effect.

10 App. Div. 117; (75 St. Rep. 1124; 41 Supp. 732). 151 N. Y. 323. D. 151 N. Y. 349. 10 Misc. 528; (64 St. Rep. 772). 10 Misc. 532; (64 St. Rep. 775).

Wills—Construction — Legatees — Power to Take—Trust.

77 Hun, 303; (59 St. Rep. 166; 28 Supp. 404).

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91 Hun, 531; (71 St. Rep. 620; 36 Supp. 587).

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5 App. Div. 150; (39 Supp. 116).

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O'Hara v. Ehrich, 32 St. Rep. 118; 11 Supp. 52.

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6 Misc. 424; (27 Supp. 297). 92 Hun, 507; (72 St. Rep. 203; 37 Supp. 51). 5 App. Div. 598; (39 Supp. 447).

O'Hara v. Harman, 14 App. Div. 167; 77 St. Rep. 556; 43 Supp. 556.

O'Hara v. Mutual Ins. Co. of Dutchess County, 52 St. Rep. 934; 25 Supp. 1128.

O'Hara v. State, 112 N. Y. 146; 20 St. Rep. 647.

Cited, Actions—State as Party—Limitation.

135 N. Y. 163; (48 St. Rep. 133). 144 N. Y. 410; (63 St. Rep. 649).

O'Hare, Matter of, 2 Law Bul. 83.

Cited, Wills—Execution—Proof—Death of Subscribing Witnesses.

13 Misc. 471; (68 St. Rep. 744; 34 Supp. 710; 25 Civ. Pro. 32).

O'Harra v. N. Y. C. & H. R. R. Co., 92 Hun, 56; 71 St. Rep. 763; 36 Supp. 567.

Affirmed, 153 N. Y. 691.

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O'Hara, Matter of, 19 Misc. 254; 78 St. Rep. 222; 44 Supp. 222.

O'Hehir v. Middletown Goshen Traction Co., 71 St. Rep. 23; 36 Supp. 140.

Oil Seed Pressing Co. v. Hutchinson, 9 Misc. 490, 61 St. Rep. 118; 30 Supp. 256.

Oishei v. Craven, 11 Misc. 139; 65 St. Rep. 114; 31 Supp. 1021; 24 Civ. Pro. 301.

O'Laughlin v. N. Y. C. & H. R. R. Co., 9 St. Rep. 384.

Cited, Railroads—Negligence of Master Co-operating With Servant—Effect.

81 Hun, 168; (62 St. Rep. 672; 30 Supp. 740).

Olcott v. Carroll, 39 N. Y. 436.

Cited, Pleadings—Construction—Indefinite Allegations.

11 App. Div. 335; (76 St. Rep. 1114; 42 Supp. 1114). 10 Misc. 29; (63 St. Rep. 243; 30 Supp. 1053). 11 Misc. 218; (66 St. Rep. 566; 32 Supp. 1112). 17 Misc. 359; (39 Supp. 1087). 19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424).

Olcott v. Kohlsaat, 27 St. Rep. 900; 8 Supp. 116.

Cited, Trial—Reception of Evidence—Cumulative.

7 Misc. 673; (28 St. Rep. 314; 28 Supp. 59; 23 Civ. Pro. 325).

Olcott v. MacLean, 11 Hun, 394.

Cited, Appeal—Costs—Equity Actions—Review.

3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1071).

Olcott v. MacLean, 73 N. Y. 223.

Cited, Action—Appearance—Notice of Retainer—Effect.

145 N. Y. 155; (58 St. Rep. 624).

Olcott v. Robinson, 20 Barb. 148.

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2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969).

Olcott v. Tioga R. Co., 20 N. Y. 210.

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76 Hun, 447; (59 St. Rep. 182; 28 Supp. 106).

Olcott v. Tioga R. Co., 27 N. Y. 546.

Cited, Principal and Agent—Agent's Authority—Inference of From Course of Dealing.

1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679).

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16 Misc. 73; (73 St. Rep. 284; 37 Supp. 664).

Olcott v. Tioga R. Co., 40 Barb. 179.

Cited, Chattel Mortgage—Foreclosure—Purchase by—Mortgagee—Effect on Debt.

16 Misc. 73; (73 St. Rep. 284; 37 Supp. 664).

Oldenburgh v. N. Y. C. & H. R. R. Co., 124 N. Y. 414; 36 St. Rep. 402.

Cited, Railroads—Crossings—Gates.

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69 Hun, 68; (53 St. Rep. 747; 23 Supp. 194). 18 Misc. 504; (76 St. Rep. 1078; 42 Supp. 1078). 4 App. Div. 553; (74 St. Rep. 832; 38 Supp. 1012). 7 App. Div. 519; (40 Supp. 255).

Older v. Russell, 8 App. Div. 518; 75 St. Rep. 287; 40 Supp. 892.

Oldfield v. N. Y. & Harlem R. Co., 14 N. Y. 310.

Cited, Appeal—Court of Appeals—Review of Amount of Damages.

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136 N. Y. 5; (48 St. Rep. 821).
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1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678).

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11 App. Div. 438; (76 St. Rep. 328; 42 Supp. 328). 18 Misc. 10; (75 St. Rep. 450; 40 Supp. 1132).

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8 Misc. 294; (59 St. Rep. 211; 28 Supp. 574; 31 Abb. N. C. 440). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

Olean, Matter of, Village of Steyner, 135 N. Y. 341; 48 St. Rep. 66.

Cited, Easement—Right of Way—Appurtenant.

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Damages—Eminent Domain—Highway—Private Easement.

73 Hun, 47; (60 St. Rep. 761; 29 Supp. 208). 141 N. Y. 300; (57 St. Rep. 410). 1 App. Div. 445; (73 St. Rep. 106; 37 Supp. 514).

Eminent Domain—Condemnation Proceedings—Land Owner's Title Admitted.

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10 Misc. 152; (62 St. Rep. 497; 30 Supp. 919).

Olendorf v Cook, 1 Lans. 37.

Cited, Pleading—Amendment—Discretion of Court.

11 Misc. 393; (65 St. Rep. 428; 32 Supp. 246).

Olifiers v. Belmont, 12 Misc. 160; 67 St. Rep. 94; 33 Supp. 275.

Affirmed. 15 Misc. 120; 71 St. Rep. 836; 36 Supp. 813.

Olifiers v. Belmont, 67 St. Rep. 329; 33 Supp. 623; 24 Civ. Pro. 403.

Olifiers v. Belmont, 15 Misc. 120; 71 St. Rep. 836; 36 Supp. 813.

Oliphant v. Burns, 146 N. Y. 218; 66 St. Rep. 594.

Cited, Judgment—Effect as Res adjudicata.

151 N. Y. 129; (3 Ann. Cas. 348).

Olive v. Whitney Marble Co., 103 N. Y. 292; 3 St. Rep. 66.

Cited, Negligence—Dangerous Structure—Who Liable.

137 N. Y. 257; (50 St. Rep. 711).

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13 App. Div. 512; (77 St. Rep. 701; 43 Supp. 701).

Oliver, Matter of, 13 Misc. 466; 68 St. Rep. 741; 34 Supp. 706; 25 Civ. Pro. 25.

Oliver v. Bennett, 65 N. Y. 559.

Cited, Appeal—Findings of Court—Conclusiveness.

D. 86 Hun, 257; (66 St. Rep. 755; 33 Supp. 239).

Oliver v. First Presbyterian Church Trustees, 5 Cow. 283.

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10 Misc. 438, 441; (64 St. Rep. 14, 16; 31 Supp. 461, 462).

Oliver v. French, 80 Hun, 175; 61 St. Rep. 782; 30 Supp. 52.

Cited, 41 Supp. 107.

Oliver v. French, 82 Hun, 436; 64 St. Rep. 355; 31 Supp. 740.

Cited, Orders and Judgments—Vacation—Affidavits—Sufficiency.

18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Oliver v. French, 65 St. Rep. 720; 32 Supp. 576.

Oliver v. French, 9 App. Div. 623; 41 Supp. 106.

Oliver v. Moore, 15 Supp. 210.

Cited, 14 App. Div. 358; (77 St. Rep. 949; 43 Supp. 949).

Oliver v. Moore, 53 Hun, 472; 25 St. Rep. 37.

Affirmed, 131 N. Y. 539; 42 St. Rep. 949.

Cited, Statute of Frauds—Verbal Lease for One Year.

139 N. Y. 389; (54 St. Rep. 664; 30 Abb. N. C. 420).

Oliver v. Moore, 6 Supp. 413.

Cited, Attorneys—Services—Compensation.

14 App. Div. 358; (77 St. Rep. 949; 43 Supp. 949).

Oliver v. Walter Heywood Chair Mfg Co., 32 St. Rep. 542; 10 Supp. 771.

Cited, Corporations—Foreign—Control Over—Statutory Only.

3 Misc. 420; (52 St. Rep. 449; 23 Supp. 297). 84 Hun, 116; (65 St. Rep. 4; 31 Supp. 1108; 1 Ann. Cas. 346).

*Duplicate Citations in Parenthesis.***Oliver, Lee & Co.'s Bank, Matter of**, 21 N. Y. 9.*Cited*, Constitution—Construction—Prospective Provisions.

13 Misc. 100; (68 St. Rep. 34; 34 Supp. 79; 1 Ann. Cas. 389).

Corporations—Stockholders—Liability—Provisions of Law—Construction.

145 N. Y. 97; (64 St. Rep. 542).

Oliwill v. Verdenhalven, 26 St. Rep. 115; 7 Supp. 99; 17 Civ. Pro. 362.*Cited*, Attorney's Lien—Enforcement—Parties.

5 Misc. 77; (24 Supp. 738; 23 Civ. Pro. 207). 18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134). 16 Misc. 560; (74 St. Rep. 134; 25 Civ. Pro. 330; 38 Supp. 786).

Olmstead, Matter of, 11 Misc. 700; 66 St. Rep. 578; 32 Supp. 1124.**Olmstead v. Latimer**, 9 App. Div. 163; 75 St. Rep. 500; 41 Supp. 44.**Olmstead v. New York**, 42 Super. 481.*Cited*, Municipal Corporations—Officers—Who Are—Compensation.

30 Supp. 406.

Olmstead v. Pound Ridge, 71 Hun, 25; 53 St. Rep. 849.*Cited*, Municipal Corporations—Actions Against—Failure to Present Claims—Effect.

87 Hun, 29; (67 St. Rep. 563; 33 Supp. 746).

Olmstead v. Webster, 8 N. Y. 413.*Cited*, Joint Debtors—Judgment Against One—Effect of.

141 N. Y. 450; (57 St. Rep. 629), 89 Hun, 48; (69 St. Rep. 229; 35 Supp. 34).

Olmstead v. Brown, 12 Barb. 657.*Cited*, Slander—Repetition—Effect.

92 Hun, 518; (72 St. Rep. 197; 37 Supp. 47).

Olmstead v. Hotelling, 1 Hill, 317.*Cited*, Evidence—Relevancy—Similar Transactions.

74 Hun, 281; (56 St. Rep. 346; 26 Supp. 812).

Infants—Liability for Torts.

2 Misc. 237; (50 St. Rep. 768; 21 Supp. 1007).

Olmstead v. Keyes, 85 N. Y. 593.*Cited*, Insurance—Distinguished from Indemnity.

77 Hun, 474; (60 St. Rep. 671; 29 Supp. 102). 138 N. Y. 381; (52 St. Rep. 879; 30 Abb. N. C. 220). 8 Misc. 508; (59 St. Rep. 414; 28 Supp. 768).

Insurance—On Husband for Wife—Nature as Property.

71 Hun, 398; (55 St. Rep. 34; 25 Supp. 28). 1 App. Div. 419; (72 St. Rep. 605; 37 Supp. 280). 5 App. Div. 101; (74 St. Rep. 511; 38 Supp. 645).

Insurance—Rights of Children.

86 Hun, 538; (67 St. Rep. 695; 33 Supp. 919).

Insurance—Loss to Whom Payable.

8 App. Div. 191; (40 Supp. 451, 452, 453). 13 App. Div. 532; (77 St. Rep. 651; 43 Supp. 651).

Husband and Wife—Choses in Action—Control by Husband.

78 St. Rep. 921; (44 Supp. 921).

Olmsted v. Loomis, 6 Barb. 152.*Cited*, Waters—Grant—Use—Quantity.

74 Hun, 17; (56 St. Rep. 741; 26 Supp. 148).

Olmsted v. Loomis, 9 N. Y. 423.*Cited*, Waters—Grant—Use—Quantity.

74 Hun, 17; (56 St. Rep. 740; 26 Supp. 147). 148 N. Y. 438.

Olmsted v. Miller, 1 Wend. 506.*Cited*, Libel and Slander—Cause and Effect.

2 App. Div. 51; (72 St. Rep. 548; 37 Supp. 188).

Olmsted v. Rochester & P. Co., 46 Hun, 552.*Cited*, Assignee—Power of Court to Order Delivery of Assets.

16 App. Div. 403, 405; (79 St. Rep. 18, 19; 45 Supp. 18, 19).

Olmstee v. Pound Ridge, 71 Hun, 25; 53 St. Rep. 849; 24 Supp. 615.**Olney v. Baird**, 7 App. Div. 95; 74 St. Rep. 765; 40 Supp. 202.**Olney v. Baird**, 15 Misc. 385; 73 St. Rep. 401; 37 Supp. 815.*Affirmed*, 7 App. Div. 95; 74 St. Rep. 765; 40 Supp. 202.**Olney v. Goodwin**, 78 St. Rep. 41; 44 Supp. 41.**Olney v. Hatchiff**, 37 Hun, 286.*Cited*, Deposition—Right to Take—Denial of Knowledge by Witness on Application.

70 Hun, 540; (53 St. Rep. 740; 24 Supp. 241).

O'Loughlin v. N. Y. C. & H. R. R. Co., 113 N. Y. 623; 22 St. Rep. 992.*Cited*, Master and Servant—Concurring Negligence of Master and Co-servant—Effect.

81 Hun, 168; (62 St. Rep. 672; 30 Supp. 740).

Duplicate Citations in Parenthesis.

O'Loughlin v. N. Y. C. H. H. R. R. Co., 87 Hun, 538; 68 St. Rep. 600; 34 Supp. 297.

Olsen v. Ensign, 7 Misc. 682; 58 St. Rep. 378; 28 Supp. 38.

Cited, Evidence—Interested Witnesses—Credibility.

13 App. Div. 561; (77 St. Rep. 688; 43 Supp. 688). 14 Misc. 565; (70 St. Rep. 717; 35 Supp. 1073).

O'Malley v. Metropolitan St. R. Co., 3 App. Div. 259; 73 St. Rep. 613; 38 Supp. 456.

Cited, Appeal—Record—Certificate of Evidence.

38 Supp. 363.

Railroads—Negligence—Wagons Crossing Tracks.

5 App. Div. 494; (38 Supp. 1078).

O'Malley v. New York, Lake Erie & Western R. Co., 67 Hun, 130; 51 St. Rep. 366; 22 Supp. 48.

Affirmed, 142 N. Y. 655; 60 St. Rep. 871.

O'Malley v. People's Bldg., L. & S. Ass'n, 92 Hun, 572; 72 St. Rep. 289; 36 Supp. 1016.

O'Malley v. People's Bldg., L. & S. Ass'n, 13 Misc. 688; 69 St. Rep. 210; 35 Supp. 14.

O'Mara v. Hudson River R. Co., 38 N. Y. 445.

Cited, Damages—In Action for Death of Child—When Verdict not Excessive.

1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678). 84 Hun, 58; (65 St. Rep. 22; 31 Supp. 1083).

Negligence—Contributory—Of Children.

2 Misc. 79; (49 St. Rep. 633; 21 Supp. 787).

Ombony v. Jones, 19 N. Y. 234.

Cited, Landlord and Tenant—Buildings Erected by Tenant.

66 Hun, 207; (49 St. Rep. 6; 21 Supp. 41).

Mortgage—Foreclosure—When Purchaser Becomes Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020).

O'Meara v. Brooklyn City R. Co., 16 App. Div. 204; 78 St. Rep. 721; 44 Supp. 721.

O'Meara v. New York, 1 Daly, 425.

Cited, Municipal Corporations—Liability—Acts of Agents and Departments.

6 Misc. 235; (26 Supp. 1095).

Onderdonk, Matter of, 4 Misc. 37; 54 St. Rep. 275; 23 Supp. 846.

Onderdonk, Matter of. See Hesdra, Matter of.

Onderdonk v. N. Y. & Sea Beach R. Co., 73 Hun, 42; 56 St. Rep. 190; 26 Supp. 310.

Onderdonk v. N. Y. & Sea Beach R. Co., 74 Hun, 42; 26 Supp. 310.

Affirmed, 148 N. Y. 756.

Cited, Carriers—Passengers—Alighting—Degree of Care—Negligence—Submission to Jury.

5 App. Div. 34; (39 Supp. 70).

Onderdonk v. Ranlett, 3 Hill, 323.

Cited, Justice's Court—Appeal—Judgment—Reversal—Effect.

7 Misc. 476; (28 Supp. 337).

One Hundred & Seventy-Third St., Matter of, 78 Hun, 487; 60 St. Rep. 758; 29 Supp. 205.

One Hundred & Sixteenth St., Matter of, 1 App. Div. 436; 73 St. Rep. 100; 37 Supp. 508.

One Hundred & Sixty-Seventh St., Matter of, 68 Hun, 158; 52 St. Rep. 32; 22 Supp. 604.

One Hundred & Sixty-Third St., Matter of, 61 Hun, 365; 40 St. Rep. 684; 16 Supp. 120.

Cited, Special Proceedings—What Are.

61 Hun, 627; (29 Supp. 1030). 80 Hun, 247.

One Hundred & Thirty-sixth, Street, Matter of, 12 Misc. 526; 67 St. Rep. 250; 33 Supp. 594.

One Hundred & Twenty-Seventh St., Matter of, 56 How. 60.

Cited, Highways—Establishment—Compensation—Building Erected Pending Proceedings.

22 Supp. 29.

One Hundred & Twenty-eighth Street, Matter of, 82 Hun, 580; 64 St. Rep. 362; 31 Supp. 732.

Oneida v. Madison County Supervisors, 136 N. Y. 269; 49 St. Rep. 344.

Affirming, 40 St. Rep. 985.

Oneida Bank v. Ontario Bank, 21 N. Y. 490.

Cited, Corporations—Ultra Vires—Availability.

71 Hun, 568; (55 St. Rep. 99; 25 Supp. 136). 91 Hun, 540; (70 St. Rep. 830; 36 Supp. 255). 40 Supp. 853. 8 App. Div. 431; (75 St. Rep. 245).

Oneida County v. Bartholomew, 82 Hun, 80; 63 St. Rep. 376; 31 Supp. 106. *Affirmed*, 151 N. Y. 655.

Duplicate Citations in Parenthesis.

Oneida County Bank v. Bonney, 161 N. Y. 173.

Cited, Action—Abatement — By Other Action—Foreign Attachment.

3 Misc. 327; (52 St. Rep. 518; 23 Supp. 887). 138 N. Y. 218; (52 St. Rep. 166). 13 Misc. 694; (69 St. Rep. 171; 34 Supp. 1091).

Action—Election of Remedies—Cumulative.

9 Misc. 175; (60 St. Rep. 638; 29 Supp. 718).

Judgment—Conclusiveness—In Rem.

6 Misc. 386; (56 St. Rep. 336; 26 Supp. 733; 31 Abb. N. C. 133).

Oneida Mfg. Society v. Lawrence, 4 Cow. 440.

Cited, Sale — Warranty — Quality — Acceptance After Inspection.

67 Hun, 554; (51 St. Rep. 263; 22 Supp. 507). 10 Misc. 142; (62 St. Rep. 469; 30 Supp. 930).

Depositions—Necessity of Filing.

78 Hun, 517; (61 St. Rep. 225; 29 Supp. 577).

Oneida, Village of, v. Thompson, 92 Hun, 16; 72 St. Rep. 834; 37 Supp. 889.

O'Neil, Matter of, 46 Hun, 500; 12 St. Rep. 419.

Cited, Surrogate's Court—Decree—Power to Open, Vacate, etc.

3 Misc. 394; (24 Supp. 718). 4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

O'Neil, Matter of, 91 N. Y. 516.

Cited, Wills—Execution—Validity—Separate Paper.

9 Misc. 577; (62 St. Rep. 227; 30 Supp. 850). 79 Hun, 430; (61 St. Rep. 466; 29 Supp. 998).

Wills—Execution—Validity—Blank Space — Sufficient Subscribing.

84 Hun, 582, 585; (66 St. Rep. 321, 322; 32 Supp. 846, 848). 153 N. Y. 262, 264). D. 90 Hun, 141; (70 St. Rep. 261; 35 Supp. 801). D. 90 Hun, 143; (70 St. Rep. 263, 264; 35 Supp. 802, 803).

O'Neil v. Buffalo Fire Ins. Co., 3 N. Y. 122.

Cited, Insurance—Forfeiture—Change of Occupancy.

74 Hun, 156; (56 St. Rep. 297; 26 Supp. 648).

Insurance—Forfeiture—Waiver.

10 Misc. 174; (62 St. Rep. 508; 30 Supp. 1049).

O'Neil v. Dry Dock, East Broadway & Battery R. Co., 129 N. Y. 125; 41 St. Rep. 107.

Cited, Street Railways—Crossings—Rights of Travelers.

68 Hun, 372; (51 St. Rep. 882; 22 Supp. 823). 3 App. Div. 220; (74 St. Rep. 19; 38 Supp. 363). 7 App. Div. 602; (74 St. Rep. 737; 40 Supp. 176). 10 App. Div. 363; (75 St. Rep. 1385; 41 Supp. 1018). 16 App. Div. 85; (79 St. Rep. 109; 45 Supp. 109). 14 Misc. 385; (70 St. Rep. 753; 35 Supp. 1045). 14 Misc. 389; (70 St. Rep. 756; 35 Supp. 1048). 16 Misc. 12; (73 St. Rep. 291; 37 Supp. 594). 64 St. Rep. 126; (31 Supp. 442).

Trial—Requests to Charge—Discretion of Court.

7 App. Div. 324; (40 Supp. 224).

O'Neil v. Hester, 82 Hun, 432; 64 St. Rep. 110; 31 Supp. 570.

O'Neil v. Hudson Valley Ice Co., 74 Hun, 163; 56 St. Rep. 289; 26 Supp. 598.

O'Neil v. Third Ave. R. Co., 78 Hun, 183; 60 St. Rep. 245; 28 Supp. 917.

O'Neil v. Van Tassel, 137 N. Y. 297; 50 St. Rep. 662.

Affirming, 44 St. Rep. 536.

Cited, Contracts—Party Walls.

13 Misc. 225; (68 St. Rep. 83; 31 Supp. 226).

O'Neill v. Breese, 3 Misc. 219; 52 St. Rep. 646; 23 Supp. 526.

O'Neill v. Brooklyn Heights R. Co., 71 Hun, 114; 54 St. Rep. 235; 24 Supp. 638.

O'Neill v. Crotty, 34 St. Rep. 764; 12 Supp. 280.

Cited, Sales—Part Delivery—Recovery.

16 Misc. 452; (73 St. Rep. 342; 38 Supp. 153).

O'Neill v. Gray, 39 Hun, 566.

Cited, Foreclosure—Costs—Extra Allowance.

152 N. Y. 617.

O'Neill v. Howe, 31 St. Rep. 272; 9 Supp. 746.

Cited, Contracts—Employment—Breach—Effect on Commissions.

11 Misc. 343; (65 St. Rep. 459; 32 Supp. 265).

O'Neill v. James, 43 N. Y. 84.

Cited, Appeal—Estoppel—Request to Go to Jury.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 794).

Trial—Submission to Jury—Exception — Necessity.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726). 151 N. Y. 482. 11 App. Div. 482; (76 St. Rep. 353; 42 Supp. 353).

Duplicate Citations in Parenthesis.

O'Neill v. Mass. Ben. Ass'n, 63 Hun, 292; 18 Supp. 22.

Cited, Life Insurance — Conditions Precedent — Impossibility of Performance — Effect.

D. 9 App. Div. 351, 362; (75 St. Rep. 729; 41 Supp. 312, 316).

O'Neill v. N. Y. C. & H. R. R. Co., 60 N. Y. 138.

Cited, Carriers—Freight — Acceptance — Destruction.

68 Hun, 601; (52 St. Rep. 583; 23 Supp. 233). 144 N. Y. 207; (63 St. Rep. 75).

O'Neill v. N. Y. Ont. & W. R. Co., 115 N. Y. 579; 26 St. Rep. 269.

Cited, Appeal—Change of Theory on. 77 Hun, 534; (60 St. Rep. 271; 28 Supp. 892).

Evidence—Sufficiency—Railroad Fires.

67 Hun, 634, (51 St. Rep. 104; 22 Supp. 474). 143 N. Y. 189; (62 St. Rep. 169). 10 App. Div. 540; (76 St. Rep. 106; 42 Supp. 106). D. 140 N. Y. 319; (55 St. Rep. 647).

Railroads—Fires— Evidence — Submission to Jury.

4 App. Div. 469; (74 St. Rep. 151; 38 Supp. 658).

O'Neill v. Nolan, 50 St. Rep. 641; 21 Supp. 222.

O'Neill v. Third Ave. R. Co., 3 Misc. 521; 52 St. Rep. 486; 23 Supp. 20.

O'Neill v. Van Tassell, 137 N. Y. 297; 50 St. Rep. 662.

Affirming, 44 St. Rep. 536; 17 Supp. 824.

Ong Sing v. Hom Mon Dus, 56 St. Rep. 884; 26 Supp. 1115.

Onondaga County Bank v. Du Puy, 17 Wend. 47.

Cited, Partnership—Liability of Members —Borrowing Money.

14 Misc. 564; (70 St. Rep. 717; 35 Supp. 1072).

Onondaga County Bank v. Sheperd, 19 Wend. 10.

Cited, Action — Venue — Change — Convenience of Witnesses—Sufficiency of Affidavits.

72 Hun, 517; (55 St. Rep. 132; 25 Supp. 629).

Onondaga, Sup'rs of, v. Briggs, 2 Den. 26.

Cited, Counties—Audit of Claims—Conclusiveness.

71 Hun, 426; (54 St. Rep. 390; 24 Supp. 968). 84 Hun, 402; (65 St. Rep. 661; 32 Supp. 475).

Money Paid Under Adjudication — Recovery.

19 Misc. 98; (77 St. Rep. 976; 43 Supp. 978).

Onondaga, Sup'rs of, v. Briggs, 3 Den. 173.

Cited, Statutes—Repeal—Effect on Remedies.

4 Misc. 120; (53 St. Rep. 465; 23 Supp. 898).

Onondaga, Sup'rs of, v. Morgan, 2 Keyes, 277.

Cited, Convict—Maintenance—Recovery. 82 Hun, 85; (63 St. Rep. 379; 31 Supp. 109).

Ontario v. Hill, 33 Hun, 250.

Cited, Towns—Wrongful Issue of Notes of—Fraud.

18 Misc. 126; (41 Supp. 171).

Ontario Bank v. Hallett, 8 Cow. 192.

Cited, Judgments—Payment—What is Not.

3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 201).

Ontario Bank v. Root, 3 Paige, 478.

Cited, Pleading—Statute of Frauds—Availability.

89 Hun, 571; (70 St. Rep. 116; 35 Supp. 548).

Ontario Board of Excise v. Garlinghouse, 45 N. Y. 249.

Cited, Action — Parties — Substitution — Receivers.

140 N. Y. 420; (55 St. Rep. 811).

Onthank v. Lake Shore & Michigan Southern R. Co., 71 N. Y. 194.

Cited, Easements—Right of Way—Subsequent Change by Grantee.

5 Misc. 63; (25 Supp. 117). 88 Hun, 440; (68 St. Rep. 779; 34 Supp. 841).

Easements—Evidence—Right of Way—Acts of Parties

14 App. Div. 579; (77 St. Rep. 978; 43 Supp. 978). 17 Misc. 659; (40 Supp. 1030).

Contracts—Interpretation—Acts of Parties.

13 Misc. 429; (68 St. Rep. 409; 34 Supp. 682).

Oosterhoudt, Matter of, 15 Misc. 566; 72 St. Rep. 808; 38 Supp. 179.

Oothout v. Rogers, 59 Hun, 97; 35 St. Rep. 500; 13 Supp. 120.

Cited, Absolute Devise—Cutting Down—Subsequent Limitation.

11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Oothout v. Thompson, 20 Johns. 277.

Cited, Fraud—When Right of Action Accrues.

77 St. Rep. 384, 385; (43 Supp. 384, 385).

Duplicate Citations in Parenthesis.

Opdyke, Matter of. See Ryan, Matter of, 143 N. Y. 528.

Cited, Attorneys—Removal—Grounds. 8 App. Div. 611; (41 Supp. 1113).

Opdyke v. Marble, 44 Barb 64; 18 Abb. N. C. 375.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court. 22 Supp. 1052; (33 Civ. Pro. 54).

Opdyke v. Weed, 18 Abb. 223. (Note).

Cited, Libel—Damages—Proof. 6 App. Div. 588; (39 Supp. 542).

Oppenheimer v. Hirsch, 5 App. Div. 232.

Oppenheimer v. Humphreys, 31 St. Rep. 622; 9 Supp. 840.

Affirmed, 125 N. Y. 733; 35 St. Rep. 996.

Cited, Vendor and Purchaser—Rights of Parties—Defective Title—Mortgage. 8 Misc. 129; (59 St. Rep. 524; 28 Supp. 487). 11 Misc. 559; (66 St. Rep. 102; 32 Supp. 773).

Oppenheimer v. Manhattan R. Co., 45 St. Rep. 134; 18 Supp. 411.

Cited, False Arrest—Action for—Conditions Precedent.

84 Hun, 140; (66 St. Rep. 401; 32 Supp. 1069).

Oppenheim v. Waterbury, 86 Hun, 122; 67 St. Rep. 18; 33 Supp. 183.

Cited, Guaranty—Consideration—Sufficiency.

19 Misc. 662; (78 St. Rep. 511; 44 Supp. 511).

Order of International Fraternal Alliance v. Maxwell, 32 St. Rep. 573; 10 Supp. 583.

Cited, Mandamus—Superintendent of Insurance—Decision.

76 Hun, 109; (57 St. Rep. 451; 27 Supp. 841).

Ordway v. Canisteo, Village of, 66 Hun, 569; 50 St. Rep. 98; 21 Supp. 835.

Oregon Pacific R. Co. v. Forrest, 128 N. Y. 83.

Cited, Appeal—Review of Facts—Conflicting Evidence.

152 N. Y. 168.

Contracts—Duress—Ratification.

16 Misc. 2; (73 St. Rep. 270; 37 Supp. 667). 82 Hun, 197; (64 St. Rep. 5; 31 Supp. 418).

Oregon Steamship Co. v. Otis, 27 Hun, 452; 14 Abb. N. C. 388.

Cited, Pleading—Amendment—Pending Trial—Discretion.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Parties—Previous Relations—Interpretation of Subsequent Transactions.

20 Misc. 314; (79 St. Rep. 848; 45 Supp. 848).

Oregon Steamship Co. v. Otis, 100 N. Y. 446.

Cited, Bills and Notes—Protest—Notice by Mail.

2 Misc. 229; (50 St. Rep. 588; 22 Supp. 363).

Master and Servant—Machinery and Appliances—Presumption of Performance of Duty by Master.

1 Misc. 308; (48 St. Rep. 773; 20 Supp. 713).

Letters—Mailing—Presumption of Delivery.

18 Misc. 220; (41 Supp. 480). D. 2 Misc. 232; (50 St. Rep. 590; 22 Supp. 365).

O'Reilly v. Block, 23 Supp. 670.

O'Reilly v. Kingston, 114 N. Y. 439; 23 St. Rep. 799.

Cited, Highways—Change of Grade.

66 Hun, 217; (49 St. Rep. 53; 21 Supp. 44).

Highways—Grade of Street—Establishment—Usage.

142 N. Y. 125; (58 St. Rep. 629).

Municipality Corporations—Assessments—Lack of Authority—Action to Remove—Absence of Injury.

8 Misc. 182; (61 St. Rep. 329; 29 Supp. 753). 70 St. Rep. 847; (36 Supp. 193).

O'Reilly v. London Assurance, 19 Week. Dig. 147.

Cited, Insurance—Proofs of Loss—Retention—Waiver.

13 App. Div. 527; (77 St. Rep. 632; 43 Supp. 638).

O'Reilly v. Long Island R. Co., 4 App. Div. 139; 74 St. R. p. 128; 38 Supp. 779.

O'Reilly v. Long Island R. Co., 15 App. Div. 79; 78 St. Rep. 264; 44 Supp. 264.

Cited, Negligence—Materials on Ground. 79 St. Rep. 729; (45 Supp. 729).

O'Reilly v. N. Y. Elevated R. Co., 76 Hun, 283; 58 St. Rep. 599; 27 Supp. 753.

Affirmed, 148 N. Y. 347.

O'Reilly v. N. Y. Elevated R. Co., 148 N. Y. 347.

Cited, Injunctions—Granting—Discretion of Court.

149 N. Y. 173. 2 App. Div. 398; (73 St. Rep. 526; 37 Supp. 983). D. 2 App. Div. 403; (73 St. Rep. 539; 37 Supp. 987).

*Duplicate Citations in Parenthesis.***O'Reilly v. People**, 86 N. Y. 154.*Cited*, Perjury—Oath—Sufficiency.

19 Misc. 675; (78 St. Rep. 444; 44 Supp. 444).

O'Reilly v. Utah N. & C. S. Co., 87

Hun, 406; 68 St. Rep. 432; 34 Supp. 358.

Cited, Constitutional Law—Action for Damages—Retrospective Operation.

147 N. Y. 333; (69 St. Rep. 691; 2 Ann. Cas. 263). 12 App. Div. 521; (76 St. Rep. 795; 42 Supp. 795). D. 12 App. Div. 526; (76 St. Rep. 799; 42 Supp. 799).

Statutes—Construction—Retrospective Operation.

3 App. Div. 37; (74 St. Rep. 360; 37 Supp. 1061). 17 Misc. 42; (40 Supp. 753).

§§ 1903 and 1904, Code of Civil Procedure—Creation of New Right.

12 App. Div. 32; (76 St. Rep. 173; 42 Supp. 173).

O'Reilly, Skelly & Fogarty Co. v.**Greene**, 17 Misc. 302; 40 Supp. 360.*Affirmed*, 18 Misc. 423; (75 St. Rep. 1416; 41 Supp. 1056).**O'Reilly, Skelly & Fogarty Co. v.****Greene**, 18 Misc. 423; 75 St. Rep. 1416;

41 Supp. 1056.

Organ v. Stewart, 60 N. Y. 413.*Cited*, Contracts—Statute of Frauds—Part Performance.

144 N. Y. 711; (71 St. Rep. 286).

O'Reilly v. McChesney, 3 Lans. 278.*Cited*, Trespass—Nominal Damages.

4 Misc. 133; (53 St. Rep. 170; 23 Supp. 864; 30 Abb. N. C. 308).

Trespass—Resulting from Acts on Adjoining Land.

2 Misc. 434; (51 St. Rep. 217; 22 Supp. 185).

Orient Mutual Ins. Co., Matter of,

50 St. Rep. 460; 21 Supp. 237.

Orlando v. Del Piano, 20 Misc. 369;

79 St. Rep. 755; 45 Supp. 755.

Orleans County Nat. Bank v. Moore,

112 N. Y. 543; 21 St. Rep. 609.

Affirming, 15 St. Rep. 564.*Cited*, Equity—Payments—Application.

92 Hun, 398; (71 St. Rep. 853; 36 Supp. 765),

Orleans County Nat. Bank v. Spencer, 19 Hun, 569.*Cited*, Judgment—Default—Irregularity in—Setting Aside—Laches.

7 Misc. 523; (64 St. Rep. 373; 27 Supp. 1007). 81 Hun, 86; (62 St. Rep. 553; 30 Supp. 620).

Orleans County, Supervisors of, v. Bowen, 4 Lans. 24.*Cited*, Board of Supervisors—Powers—To Waive Statute of Limitation.

136 N. Y. 411; (49 St. Rep. 689).

Ormes v. Dauchy, 82 N. Y. 443.*Cited*, Appeal—Estoppel—Failure to Ask to Go to Jury—Effect.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 794). 3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760). 81 Hun, 349; (63 St. Rep. 152; 30 Supp. 898). 8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726). 1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697). 85 Hun, 571; (66 St. Rep. 800; 33 Supp. 128). 87 Hun, 563; (8 St. Rep. 491; 34 Supp. 484).

Ormiston v. Olcott, 84 N. Y. 339.*Cited*, Trustees—Executors—Acts of Co-executors—Liability.

85 Hun, 516; (66 St. Rep. 782; 33 Supp. 157). 20 Misc. 60; (79 St. Rep. 336; 45 Supp. 336).

Orr v. Nagle, 87 Hun, 12; 33 Supp. 879.*Cited*, Payments—Application.

20 Misc. 614; (79 St. Rep. 1131; 45 Supp. 1131).

Ormsby v. Douglass, 37 N. Y. 477.*Cited*, Libel—Privileged Communication.

71 Hun, 458; (54 St. Rep. 905; 24 Supp. 1062).

O'Rourke, Matter of, 9 Misc. 564; 62

St. Rep. 74; 30 Supp. 375.

Cited, Licenses—Granting—Discretion of Mayor.

77 St. Rep. 1092; (43 Supp. 1092).

O'Rourke, Matter of, 12 Misc. 248; 68

St. Rep. 1; 34 Supp. 45.

O'Rourke v. De Graw, 67 Hun, 71; 51

St. Rep. 182; 21 Supp. 1118.

O'Rourke v. Hancock, 114 N. Y. 541;

24 St. Rep. 511.

Cited, Contracts—Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun, 386; (60 St. Rep. 400; 28 Supp. 852). 2 App. Div. 469, 470; (74 St. Rep. 339, 340; 37 Supp. 1042, 1043).

Former Judgment—Conclusiveness.

151 N. Y. 128; (3 Ann. Cas. 348). 14 Misc. 539; (70 St. Rep. 700; 35 Supp. 1083; 2 Ann. Cas. 370).

O'Rourke v. Hanchett, 69 St. Rep.

717; 35 Supp. 328.

O'Rourke v. John Hancock Mut. Life Ins. Co., 10 Misc. 405; 63 St. Rep.

522; 31 Supp. 130.

Duplicate Citations in Parenthesis.

Cited, Insurance—Agents—Illiterate Person—Estoppel.

7 App. Div. 582; (40 Supp. 305).

O'Rourke v. John Hancock Mut. Life Ins. Co., 30 Supp. 215.

O'Rourke v. New York, 17 App. Div. 349; 79 St. Rep. 261; 45 Supp. 261.

Orphan Asylum v. McCartee, Hop. Ch. 488.

Cited, Equity — Receivers — When Appointed.

143 N. Y. 572; (62 St. Rep. 783).

Orphan Asylum v. White, 6 Dem. 201. *Cited*, Wills—Construction—Legatee—Defect in Naming—Effect.

1 App. Div. 163.

Orr v. Currie, 14 Misc. 74; 69 St. Rep. 553; 35 Supp. 198; 25 Civ. Pro. 16; 2 Ann. Cas. 94.

Orr v. Nagle, 87 Hun, 12; 67 St. Rep. 495; 33 Supp. 879.

Orser, Matter of, 4 Civ. Pro. 129.

Cited, Surrogate's Court—Jurisdiction—Contest as to Share.

8 Misc. 583; (60 St. Rep. 691; 29 Supp. 1090).

Orser v. Metropolitan Crosstown R. Co., 78 Hun, 169; 60 St. Rep. 193; 23 Supp. 966.

Orser v. Orser, 24 N. Y. 51.

Cited, Wills—Admission to Probate—Attestation Clause—Subscribing Witness—Impeaching—Execution—Effect.

D. 9 App. Div. 568; (75 St. Rep. 1090; 41 Supp. 701). 13 Misc. 555; (70 St. Rep. 191; 35 Supp. 494). 14 Misc. 490; (71 St. Rep. 596; 36 Supp. 820).

Orton v. Orton, 3 Abb. Ct. App. Dec. 411.

Cited, Wills—Legacies—Priority.

5 Misc. 126; (25 Supp. 727).

Orvis v. Curtiss, 8 Misc. 681; 59 St. Rep. 287; 28 Supp. 728.

Cited, Justice's Judgment—When Void.

65 St. Rep. 880; (32 Supp. 1148).

Oris v. Curtis, 11 Misc. 418; 65 St. Rep. 879; 32 Supp. 1147.

Orvis v. Curtiss, 12 Misc. 434; 67 St. Rep. 363; 33 Supp. 589.

Cited, Appeal—Objection First Raised—Effect.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

Orvis v. Dana, 1 Abb. N. C. 268.

Cited, Pleading—Definiteness—Evidence Under.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Bill of Particulars—Affidavit—Sufficiency. 19 Misc. 478; (77 St. Rep. 1112; 43 Supp. 1112).

Orvis v. Dana, 6 Daly. 434.

Cited, Bill of Particulars—Object—When Granted.

19 Misc. 39; (76 St. Rep. 873; 42 Supp. 873).

Orvis v. Elmira, C. & N. R. Co., 17 App. Div. 187; 79 St. Rep. 367; 45 Supp. 367.

Osborn v. Bell, 5 Den. 370.

Cited, Action—Election of Remedies—Tort and Contract.

2 Misc. 118; (49 St. Rep. 230).

Osborn v. Delafield, 75 Hun, 246; 57 St. Rep. 751; 27 Supp. 10.

Osborn v. Gantz, 60 N. Y. 540.

Cited, Sale—By Sample—Inspection.

5 Misc. 413; (55 St. Rep. 388; 25 Supp. 765).

Sale—Warranty—Executory Contract.

75 Hun, 432; (57 St. Rep. 354; 27 Supp. 674).

Osborn v. Montelac Park, 89 Hun, 167. 70 St. Rep. 406; 35 Supp. 610.

Affirmed, 153 N. Y. 672.

Osborn v. Schenck, 83 N. Y. 201.

Cited, Conversion.

86 Hun, 547; (67 St. Rep. 522; 33 Supp. 776).

Co-tenants—Conversion.

17 App. Div. 133; (79 St. Rep. 151; 45 Supp. 151). 17 App. Div. 211; (79 St. Rep. 365; 45 Supp. 365).

Osborn v. Stephens, 74 Hun, 91; 56 St. Rep. 430; 26 Supp. 160.

Osborn v. Union Ferry Co., 53 Barb. 629.

Cited, Nuisance—Encroachment on Highway—Private Action.

66 Hun, 244; (49 St. Rep. 483; 21 Supp. 174).

Ferry Companies—Negligence—Degree of Care.

D. 13 Misc. 111; (68 St. Rep. 106; 34 Supp. 121).

Osborne v. Gilbert, 52 Barb. 158.

Cited, Courts—Inferior Jurisdiction—Waiver of Parties.

16 App. Div. 635; (78 St. Rep. 1065; 44 Supp. 1065).

Osborne v. Ketcham, 76 Hun, 325; 59 St. Rep. 83; 27 Supp. 694.

Duplicate Citations in Parenthesis.

Osgood v. Dewey, 13 Johns. 240.

Cited, Landlord and Tenant—Implied Promise.

139 N. Y. 300; (54 St. Rep. 634).

Osgood v. Franklin, 14 Johns. 527.

Cited, Contracts—Sales—Beneficiary.

8 App. Div. 367; (40 Supp. 803).

Osgood v. Franklin, 2 Johns. Ch. 1.

Cited, Specific Performance—Enforcement—Discretion.

8 App. Div. 367; (75 St. Rep. 184; 40 Supp. 803).

Osgood v. Laytin, 48 Barb. 463.

Cited, Corporations—Receivers—Rights.

10 Misc. 690; (65 St. Rep. 98; 31 Supp. 1004; 1 Ann. Cas. 339). 20 Misc. 392.

Osgood v. Maguire, 61 N. Y. 524.

Cited, Attachment—Jurisdiction—Situs of Res.

138 N. Y. 219; (52 St. Rep. 167). 152 N. Y. 204. 80 Hun, 503; (62 St. Rep. 393; 30 Supp. 493).

Corporations—Dissolution—Effect.

D. 91 Hun, 223; (73 St. Rep. 53; 36 Supp. 153).

Osgood v. Ogden, 3 Abb. Ct. App. Dec. 425.

Cited, Corporations—Receivers—Action by Title.

10 Misc. 690; (65 St. Rep. 98; 31 Supp. 1004; 1 Ann. Cas. 339).

Osgood v. Ogden, 4 Keyes, 70.

Cited, Corporations—Receivers—Set off.

12 Misc. 57; (66 St. Rep. 686; 33 Supp. 51).

Osgood v. Osgood, 2 Paige, 621.

Cited, Affidavits—Alimony—Allowance to Wife When Defendant.

11 Misc. 704; (66 St. Rep. 337; 32 Supp. 1082; 1 Ann. Cas. 226).

Osgood v. Paragon Silk Co., 19 Misc. 186.

Osgood v. People, 39 N. Y. 449.

Cited, Indictment—Sufficiency—Violation of Excise Law.

19 Misc. 460; (78 St. Rep. 608; 44 Supp. 608). 8 App. Div. 137; (40 Supp. 494).

O'Shaughnessy v. Morning Journal Ass'n, 70 Hun, 47; 53 St. Rep. 850; 24 Supp. 609.

O'Shaughnessy v. Workingman's Co-op. A. U. Ins. L. of N. Y., 13 Misc. 188; 68 St. Rep. 79; 34 Supp. 170.

Modifying, 11 Misc. 722; 65 St. Rep. 880; 32 Supp. 1148.

O'Shaughnessy v. Working Women's Co-op. A. U. Ins. L. of N. Y., 8 Misc. 491; 59 St. Rep. 407; 28 Supp. 761.

O'Shea v. Kohn, 83 Hun, 114.

Affirmed, 97 N. Y. 649.

Cited, Sunday Law—Violation—Defense—In Action for Negligence.

8 Misc. 658; (59 St. Rep. 539; 29 Supp. 1124. 31 Abb. N. C. 428).

O'Shea v. McLearn, 16 St. Rep. 482; 1 Supp. 407; 15 Civ. Pro. 69.

Cited, Actions—Civil Damage Act—Damages—Sufficiency.

88 Hun, 114; (68 St. Rep. 533; 34 Supp. 615).

Verdict—Setting Aside—Insufficient Damages.

19 Misc. 270, 272; (78 St. Rep. 251, 252; 44 Supp. 251, 252).

New Trial—Costs of Former Trial—Against Whom Awarded.

1 App. Div. 580; (73 St. Rep. 95; 37 Supp. 503). 16 Misc. 513, 514; (38 Supp. 525, 526). 74 St. Rep. 45, 46.

Osman v. Barker, 92 Hun, 609; 74 St. Rep. 472; 38 Supp. 43.

Osterhoudt v. Ulster Co., Board of Supervisors of, 98 N. Y. 239.

Cited, Actions—Necessary Parties—Bringing in Notwithstanding Waiver of Parties.

82 Hun, 149; (63 St. Rep. 766; 31 Supp. 317). 13 App. Div. 337; (77 St. Rep. 56; 43 Supp. 56). 16 App. Div. 453; (79 St. Rep. 66; 45 Supp. 63). 14 Misc. 302; (70 St. Rep. 684; 35 Supp. 1059; 25 Civ. Pro. 125; 2 Ann. Cas. 213). 153 N. Y. 170. 19 Misc. 567; (77 St. Rep. 552; 43 Supp. 552).

Osterhoudt v. Rigney, 98 N. Y. 222.

Cited, Certiorari—Review of Audit of Claims—When Available.

74 Hun, 88; (56 St. Rep. 170; 26 Supp. 125). 17 App. Div. 606; (79 St. Rep. 838; 45 Supp. 838).

Counties—Audit of Claims—Conclusiveness.

71 Hun, 426; (54 St. Rep. 390; 24 Supp. 967). 84 Hun, 402; (65 St. Rep. 661; 32 Supp. 475).

88 Hun, 584; (63 St. Rep. 773; 34 Supp. 835). 4 App. Div. 615. 5 App. Div. 574; (39 Supp. 375). 19 Misc. 99; (77 St. Rep. 976; 43 Supp. 976).

Officers—Co-ordinate Jurisdiction—Review of Determination.

13 App. Div. 59; (77 St. Rep. 123; 43 Supp. 123).

Taxpayers—Action by—Restraining Collection.

82 Hun, 90; (63 St. Rep. 496; 31 Supp. 175).

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Osterhout v. Hyland, 27 Hun, 167.

Cited, Void Judgment—Attack.

6 App. Div. 245; (39 Supp. 1007)

Osterhoudt v. Roberts, 8 Cow. 43.

Cited, Joint Wrong-doers — Judgment Against One—Effect of.

141 N. Y. 451; (57 St. Rep. 628).

Ostrander, Matter of, 12 Misc. 476; 68 St. Rep. 599; 34 Supp. 295.

Affirmed, 146 N. Y. 404.

Cited, Municipal Employment—Confidential Relation—Mandamus.

152 N. Y. 221. 14 Misc. 368; (70 St. Rep. 528; 35 Supp. 732).

Ostrander v. Conkey, 20 Hun, 421.

Cited, Trial—Date of Issue—Change by Amended Pleading—Note of Issue—Notice of Trial.

70 Hun, 367; (54 St. Rep. 116; 24 Supp. 67). 50 St. Rep. 40; (21 Supp. 205). 12 Misc. 208; (67 St. Rep. 828; 34 Supp. 27). 18 Misc. 296; (76 St. Rep. 109, 110; 42 Supp. 109, 110).

Ostrander v. Darling, 53 Hun, 190; 25 St. Rep. 72; 6 Supp. 718.

Cited, Tax Sale—Setting Aside—Power of Comptroller.

80 Hun, 510; (62 St. Rep. 384; 30 Supp. 507).

Ostrander v. Darling, 127 N. Y. 70; 37 St. Rep. 335.

Cited, 151 N. Y. 542.

Ostrander v. Darling, 127 N. Y. 79.

Tax Sale—Comptroller's Deed—Validity. 17 App. Div. 256; (79 St. Rep. 563; 45 Supp. 563). 11 Misc. 511; (67 St. Rep. 286; 33 Supp. 438).

Ostrander v. Harper, 14 How. 16.

Cited, Actions—In Forma Pauperis—Application—When Made.

10 Misc. 30; (63 St. Rep. 242; 30 Supp. 1052).

Ostrander v. Hart, 130 N. Y. 406; 42 St. Rep. 513.

Cited Actions — Judgment Against Co-Defendant—Availability.

83 Hun, 476; (65 St. Rep. 81; 31 Supp. 1051). 85 Hun, 84; (66 St. Rep. 46; 32 Supp. 663).

Ostrander v. People, 28 Hun, 38.

Cited, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Ostrander v. Snyder, 73 Hun, 378; 57 St. Rep. 289; 26 Supp. 263.

Affirmed, 148 N. Y. 757.

Cited, Evidence—Parol—Contract—Explanation.

18 Misc. 372; (75 St. Rep. 1038; 41 Supp. 652).

Ostrander v. Weber, 114 N. Y. 95; 22 St. Rep. 979.

Cited, Equity—Remedy at Law—Necessity of Pleading.

78 Hun, 442; (60 St. Rep. 757; 29 Supp. 204). 71 Hun, 564; (55 St. Rep. 102; 25 Supp. 139). 68 Hun, 381; (52 St. Rep. 314; 22 Supp. 1016). 61 St. Rep. 646. 8 Misc. 489; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436). 137 N. Y. 470; (51 St. Rep. 274). 136 N. Y. 474; (49 St. Rep. 842). 76 Hun, 604; (55 St. Rep. 258; 28 Supp. 203). 143 N. Y. 277; (62 St. Rep. 327). 84 Hun, 86; (65 St. Rep. 207; 32 Supp. 51). 91 Hun, 559; (71 St. Rep. 194; 36 Supp. 356). 14 App. Div. 373; (77 St. Rep. 1013; 43 Supp. 1013). 12 Misc. 95; (66 St. Rep. 717; 33 Supp. 60).

Interpleader—When Proper.

(60 St. Rep. 154; 28 Supp. 481).

Trial—Jury—Equity Cases—Waiver.

138 N. Y. 460; (53 St. Rep. 23). 75 Hun, 266; (58 St. Rep. 288; 26 Supp. 1067).

Equity—Retaining Jurisdiction—Award of Damages.

144 N. Y. 180; (63 St. Rep. 85). 84 Hun, 147; (65 St. Rep. 807; 32 Supp. 538).

Ostrom v. Greene, 20 Misc. 177; 79 St. Rep. 852; 45 Supp. 852.

O'Sullivan v. N. Y. El. R. Co., 71 St. Rep. 24; 36 Supp. 16; 25 Civ. Pro. 163.

O'Sullivan v. Norwood, 8 St. Rep. 383.

Cited, Landlord and Tenant—Duty of Landlord Tenements—Hallways—Lights.

5 Misc. 447; (26 Supp. 803). 14 Misc. 440. (35 Supp. 1028). 20 Misc. 571.

O'Sullivan v. Roberts, 39 Super. 360.

Cited, Appeal—Harmless Error—Test—Admission of Evidence.

4 Misc. 391; (53 St. Rep. 519; 24 Supp. 331).

Oswego v. Oswego Canal Co., 6 N. Y. 257.

Cited, Grant of Lands by State—Effect.

92 Hun, 34; (72 St. Rep. 237; 36 Supp. 902).

Oswego Starch Co. v. Dolloway, 21 N. Y. 449.

Cited, Corporation—Situs for Taxation.

66 Hun, 123; (49 St. Rep. 602). 73 Hun, 100; (56 St. Rep. 80; 25 Supp. 917). 87 Hun, 342; (68 St. Rep. 150; 34 Supp. 270).

Oszkoscil v. Eagle Pencil Co., 25 St. Rep. 925; 6 Supp. 501.

Cited, Master and Servant — Risks Assumed—Obviousness—Minors.

7 Misc. 13; (56 St. Rep. 843; 27 Supp. 335). 11 Misc. 550; (64 St. Rep. 447; 32 Supp. 750).

*Duplicate Citations in Parenthesis.***Oties v. Cowles Electric S. & A. Co.,** 26 St. Rep. 869.

Cited, Evidence—Expert Testimony—Admissibility.

D. 69 Hun, 178; (52 St. Rep. 741; 23 Supp. 359).

Otis, Matter of, 1 Misc. 258; 54 St. Rep. 237; 22 Supp. 1060.**Otis, Matter of,** 101 N. Y. 580.

Cited, Incompetent Persons—Committee—Powers of—Disposing of Real Estate.

75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533). 83 Hun, 285; (64 St. Rep. 737; 31 Supp. 941). 90 Hun, 505; (71 St. Rep. 403; 36 Supp. 67). 16 App. Div. 498; (78 St. Rep. 902; 44 Supp. 902)

Otis v. Crouch, 89 Hun, 548; 69 St. Rep. 646; 35 Supp. 291.

Cited, Assignee and Receivers—Power to Attack Conveyances.

92 Hun, 605.

Equity—Money Had and Received.

92 Hun, 107; (72 St. Rep. 339; 36 Supp. 912).

Otis v. Dodd, 90 N. Y. 336.

Cited, Mechanic's Lien—Consent of Owner of Realty.

137 N. Y. 193; (50 St. Rep. 388). 139 N. Y. 199; (54 St. Rep. 464). 84 Hun, 258; (64 St. Rep. 864; 31 Supp. 1104). 59 St. Rep. 553; (28 Supp. 650). 83 Hun, 258; (64 St. Rep. 864; 31 Supp. 1104). 14 App. Div. 568; (77 St. Rep. 1054; 43 Supp. 1054). 10 Misc. 376; (64 St. Rep. 119; 31 Supp. 435). 10 Misc. 375; (64 St. Rep. 118; 31 Supp. 435). 11 Misc. 96; (66 St. Rep. 195; 32 Supp. 813). 11 Misc. 403; (65 St. Rep. 314; 32 Supp. 286).

Mechanic's Lien — Sub-contractor—Consent—Completion by Owner.

73 Hun, 566; (56 St. Rep. 426; 26 Supp. 321).

Otis v. Hall, 117 N. Y. 131; 6 St. Rep. 592.

Cited, Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Otis v. Sill, 8 Barb. 102.

Cited, Conditional Sales—Non-Delivery—Effect.

11 App. Div. 303; (76 St. Rep. 931; 42 Supp. 931).

Otis v. Williams, 70 N. Y. 208.

Cited, Sheriff—Levy—When Protected.

8 App. Div. 312; (75 St. Rep. 330; 40 Supp. 93).

O'Toole v. Garvin, 1 Hun, 92.

Cited, Pleading—Defense—Necessity of Pleading—Avoidance of Contract.

2 Misc. 172; (49 St. Rep. 623; 21 Supp. 618).

O'Toole v. Tucker, 16 Misc. 485; 38 Supp. 969.

Affirmed, 17 Misc. 554; 75 St. Rep. 101; 40 Supp. 695.

O'Toole v. Tucker, 17 Misc. 554; 75 St. Rep. 101; 40 Supp. 695.**Otten v. Boebling,** 4 Law Bul. 63.

Cited, Execution—Transcript—Outlawed Judgment.

7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 298).

Otten v. Manhattan R. Co., 150 N. Y. 395; 3 Ann. Cas. 264.

Cited, Constitution — Construction — "Findings of Fact."

152 N. Y. 436.

Appeal—Findings of Fact—Review.

12 App. Div. 266; (76 St. Rep. 511; 42 Supp. 511).

Otten v. Manhattan R. Co., 150 N. Y. 395.**Otten v. Manhattan R. Co.,** 2 App. Div. 396; 73 St. Rep. 524; 37 Supp. 982.

Followed, Stare Decisis.

4 App. Div. 611; (72 St. Rep. 872; 38 Supp. 1141).

Ottendorff v. Willis, 80 Hun, 262; 61 St. Rep. 859; 30 Supp. 168.**Ottenot v. N. Y. Lackawanna & W. R. Co.,** 119 N. Y. 603; 28 St. Rep. 483.

Cited, Railroads—Construction — Changing Grade of Street—Liability to Abutter.

136 N. Y. 530; (49 St. Rep. 894). 6 App. Div. 331, 332; (40 Supp. 522, 523). D. 6 App. Div. 345; (40 Supp. 532). 170 App. Div. 59; (78 St. Rep. 846; 44 Supp. 846).

Ottiwell v. Muxwell. See Ottiwell v. Watkins.**Ottiwell v. Watkins,** 15 Daly, 308; 24 St. Rep. 38; 6 Supp. 518.

Cited, Mechanic's Lien — Consent of Owner—Proof.

11 Misc. 97; (66 St. Rep. 196; 32 Supp. 813). 10 Misc. 379; (64 St. Rep. 121; 31 Supp. 437).

Ottman v. Cooper, 81 Hun, 530; 63 St. Rep. 274; 30 Supp. 1086.

Affirmed, 151 N. Y. 652.

Ottman v. Gardner, 19 Misc. 143.

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Ottman v. Hoffman, 6 Misc. 56; 55 St. Rep. 773; 26 Supp. 881.

Affirmed, 7 Misc. 714; 58 St. Rep. 320; 28 Supp. 28.

Ottman v. Hoffman, 7 Misc. 714; 58 St. Rep. 320; 28 Supp. 28.

Cited, Statutes—Special Act—When Repealed by General Act.

1 App. Div. 345; (72 St. Rep. 677; 37 Supp. 426).

13 App. Div. 592; (77 St. Rep. 457; 43 Supp. 457).

Ottman v. Robbins, 83 Hun, 586; 65 St. Rep. 223; 32 Supp. 61.

Ottman Co. v. Martin, 38 Supp. 966.

Onderkirk v. Central Nat. Bank, 119 N. Y. 263; 29 St. Rep. 573.

Cited, Evidence—Burden of Proof—Loss by Bailee—Diligence.

141 N. Y. 106; (56 St. Rep. 658). 20 Misc. 602.

Warehousemen—Delivery to Owner—Defense as to Bailor.

6 Misc. 232; (56 St. Rep. 537; 26 Supp. 544). 19 Misc. 639; (78 St. Rep. 411; 44 Supp. 411).

Negligence—Suitable Place—Duty to Furnish.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612).

Oulman v. Schmidt, 35 Hun, 345.

Cited, Pleading—Justice's Court—Verified Complaint—Proving Case.

5 Misc. 515; (58 St. Rep. 108; 25 Supp. 972).

Ousby v. Jones, 73 N. Y. 621.

Cited, Deeds—Construction—Description. 66 Hun, 449; (50 St. Rep. 136; 21 Supp. 419; 29 Abb. N. C. 420).

Oussani v. Thompson, 19 Misc. 524; 77 St. Rep. 1061; 43 Supp. 1061; 3 Ann. Cas. 373.

Cited, Landlord and Tenant—Holding Over—Effect.

19 Misc. 491; (77 St. Rep. 1104; 43 Supp. 1104).

Ousterhout v. Day, 9 Johns. 114.

Cited, Attorneys—Liability for Expenses Incurred in Action.

2 Misc. 262; (50 St. Rep. 766; 21 Supp. 968).

Outerbridge v. Phelps, 45 Super. 555; 13 Abb. N. C. 117.

Cited, Easements—Prescriptive — Unapparent or Equivocal Servitude.

23 Supp. 825.

Easements—Implied by Necessity.

16 App. Div. 418; (79 St. Rep. 35; 45 Supp. 3).

Easements—Implied by Necessity.

18 Misc. 518; (41 Supp. 988).

Outhouse v. Odell, 84 Hun, 494; 65 St.

Rep. 593; 32 Supp. 388; 24 Civ. Pro. 289.

Cited, Statutory Reference—§ 317 Code of Civil Procedure—Right to Disbursements.

41 Supp. 281; (25 Civ. Pro. 352).

Outterson v. Dilts, 49 St. Rep. 277; 21 Supp. 163.

Outterson v. Fonda Lake Paper Co., 49 St. Rep. 556; 20 Supp. 980.

Outterson v. Gould, 47 Hun, 429; 60 St. Rep. 39; 28 Supp. 798.

Overacre v. Garrett, 5 Lans. 156.

Cited, Sureties—Liability — Construction.

15 App. Div. 174; (78 St. Rep. 183; 44 Supp. 183). 15 App. Div. 184; (78 St. Rep. 495; 44 Supp. 495). 20 Misc. 277; (79 St. Rep. 421; 45 Supp. 421).

Overbagh v. Oathout, 90 Hun, 506; 70 St. Rep. 642; 35 Supp. 962.

Overheiser v. Morehouse, 16 Abb. N. C. 308.

Cited, Costs — Disbursements — Disputed Claim—Statutory Reference—Executors.

8 Misc. 470; (60 St. Rep. 600; 29 Supp. 670).

Overing v. Foote, 43 N. Y. 290.

Cited, Assessments — Irregularity— Construction.

86 Hun, 286; (11 Misc. 265; 65 St. Rep. 812; 32 Supp. 457).

Equity—Cloud on Title—Removal.

16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Overing v. Foote, 65 N. Y. 263.

Cited, Constitutional Law — Property Rights—Notice of Proceedings Affecting—Necessity of.

22 Supp. 533; (30 Abb. N. C. 110).

Taxes—Assessment—What Date of Ownership Controlling.

56 St. Rep. 792; (27 Supp. 204).

Assessments—Increase—Validity.

15 App. Div. 11; (78 St. Rep. 48; 44 Supp. 48).

Overing v. Russell, 28 How. 151.

Cited, New Trial—Terms.

70 Hun, 150; (53 St. Rep. 927; 24 Supp. 277). 3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699).

Overton v. Barclay, 69 St. Rep. 716; 35 Supp. 326.

Duplicate Citations in Parenthesis.

Overton v. Nat. Bank of Auburn, 3 St. Rep. 169.

Cited, Costs—Final Judgment.

9 App. Div. 207; (75 St. Rep. 787; 41 Supp. 377; 3 Ann. Cas. 358).

Oviatt v. Hughes, 41 Barb. 541.

Cited, Corporations—Failure to File—Annual Report—Effect.

11 Misc. 528; (64 St. Rep. 457; 32 Supp. 747).

Oviatt v. Oviatt, 14 Misc. 127; 85 Supp. 654.

Owen v. Calhoun, 8 Supp. 447.

Cited, Payment—Presumption—Lapse of Time.

88 Hun, 538; (68 St. Rep. 826; 34 Supp. 857).

Owen v. Cawley, 36 N. Y. 600.

Cited, Stipulations—Avoidance.

7 Misc. 102; (57 St. Rep. 100; 27 Supp. 402). 16 App. Div. 53; (78 St. Rep. 1083; 44 Supp. 1083). 17 Misc. 171; (40 Supp. 972).

Owen v. Connor, 33 St. Rep. 144; 11 Supp. 352.

Cited, Joint Liability—Several Judgments—When Allowed.

11 Misc. 624; (66 St. Rep. 346; 32 Supp. 921).

Owen v. Evans, 47 St. Rep. 661.

Cited, Contracts—Performance—Time—Waiver—Default.

4 Misc. 440; (54 St. Rep. 141; 24 Supp. 697).

Owen v. Evans, 134 N. Y. 514.

Cited, Assignment—Assignee's Rights—Equities.

8 App. Div. 563; (74 St. Rep. 286; 40 Supp. 890).

Owen v. Sell, 13 Misc. 272; 68 Rep. 226; 34 Supp. 176.

Owens, Matter of, 62 St. Rep. 107; 31 Abb. N. C. 480; 30 Supp. 848.

Owens, Matter of, 136 N. Y. 642; 49 St. Rep. 914.

Affirming, 46 St. Rep. 762; 19 Supp. 472.

Owens, Matter of, 67 St. Rep. 411; 33 Supp. 422; 24 Civ. Pro. 256.

Owens v. Ackerson, 1 E. D. Smith 691.

Cited, Actions—Counterclaims—Availability.

11 Misc. 405; (65 St. Rep. 315; 32 Supp. 288).

Owens v. Bloomer, 14 Hun, 296.

Cited, Executors and Administrators—Accounting—Funeral Expenses.

1 Misc. 31; (22 Supp. 1082). 2 Misc. 383; (51 St. Rep. 588; 21 Supp. 1009). 3 Misc. 179; (23 Supp. 841). 82 Hun, 117; (64 St. Rep. 167; 31 Supp. 577). 89 Hun, 579; (69 St. Rep. 650; 35 Supp. 295). 15 Misc. 600; (72 St. Rep. 818; 38 Supp. 189).

Owens v. Ernst, 1 Misc. 388; 49 St. Rep. 640; 21 Supp. 436.

Affirmed, 142 N. Y. 661; 60 St. Rep. 869.

Cited, Master and Servant—Dangerous Appliances—Instruction to Servant.

76 St. Rep. 1109; (42 Supp. 1109).

Owens v. Evans, 134 N. Y. 514.

Cited, Mortgage—Assignment—Assignee Takes Subject to Equity.

24 Supp. 907; (30 Abb. N. C. 361).

Owens v. Flynn, 7 Misc. 171; 57 St. Rep. 531; 27 Supp. 336.

Cited, Appeal—Judgment—Not Secundum Allegata et Probata—Effect.

14 Misc. 579; (70 St. Rep. 724; 35 Supp. 1080).

Owens v. Holland Purchase Ins. Co., 56 N. Y. 565.

Cited, Insurance—Policy—Warranties.

9 Misc. 534; (62 St. Rep. 214; 30 Supp. 663). 11 App. Div. 428; (76 St. Rep. 311; 42 Supp. 311).

Owens v. Missionary Society of M. E. Church, 14 N. Y. 380.

Cited, Attorney General—Information—Availability.

8 Misc. 637; (61 St. Rep. 267; 29 Supp. 956).

Trusts—Charities—Beneficiaries.

79 St. Rep. 623; (45 Supp. 623).

Owiter v. Metropolitan Life Ins. Co., 4 Misc. 543; 54 St. Rep. 135; 24 Supp. 731.

Cited, Insurance Companies—Actions—Against Agents—Evidence—Admissibility.

16 Misc. 633. 13 App. Div. 19; (77 St. Rep. 63; 43 Supp. 63).

Owl Cigar Co. v. Ledgerwood, 7 Misc. 742; 57 St. Rep. 648; 27 Supp. 932.

Owners of Ground v. Albany Mayor of, 15 Wend. 374.

Cited, Municipal Corporations—Assessment—Review.

70 St. Rep. 846; (36 Supp. 193).

Oxley v. Lane, 35 N. Y. 340.

Cited, Wills—Construction—Separation of Good from Bad.

82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Bills—Construction—Suspension of—Alienation.

64 St. Rep. 491; (31 Supp. 788).

P

Pabodie v. King, 12 Johns. 426.

Cited, Contracts—Consideration—Promise to Forebar.

66 St. Rep. 48; (32 Supp. 665).

Pach v. Geoffroy, 67 Hun, 401; 51 St. Rep. 777; 22 Supp. 275.

Affirmed, 143 N. Y. 661; 63 St. Rep. 866.

Cited, Appeal—Review of Equity Causes—Exceptions to Evidence.

74 Hun, 550; (56 St. Rep. 857; 26 Supp. 638).

Pach v. Gilbert, 124 N. Y. 612; 37 St. Rep. 218.

Cited, Execution—Levy—Application of Property—Priority.

79 Hun, 148; (61 St. Rep. 357; 29 Supp. 765; 24 Civ. Pro. 35). 148 N. Y. 180; (25 Civ. Pro. 200; 2 Ann. Cas. 350).

Pacific Iron Works v. Long Island R. Co., 62 N. Y. 272.

Cited, Sale—Delivery—Carrier as Agent of Parties.

2 Misc. 252; (50 St. Rep. 331; 21 Supp. 945).

Sale—Delivery—Sufficiency of.

1 Misc. 21; (48 St. Rep. 35; 20 Supp. 371).

Pacific Mail S. S. Co. v. Panama R. Co., 85 Hun, 392; 66 St. Rep. 376; 32 Supp. 945.**Pacific Mail S. S. Co. v. Toel**, 9 Daly, 301.

Affirmed, 85 N. Y. 646.

Cited, Injunction—Action on Undertaking—Final Decision.

67 Hun, 49; (50 St. Rep. 806; 21 Supp. 809).

Pacific Mail S. S. Co. v. Toel, 85 N. Y. 646.

Affirming, 9 Daly, 301.

Cited, Injunction—Discontinuance—Damages.

74 Hun, 395; (57 St. Rep. 197; 26 Supp. 846). 70 Hun, 11; (53 St. Rep. 260; 23 Supp. 935). 80 Hun, 128; (61 St. Rep. 789; 30 Supp. 24). 78 Hun, 178; (60 St. Rep. 245; 28 Supp. 939). 136 N. Y. 49; (48 St. Rep. 850).

Injunction—Discontinuance.

9 App. Div. 257; (75 St. Rep. 884; 41 Supp. 492).

Pack v. New York, 3 N. Y. 489.

Cited, Evidence—Witnesses — Disqualification—§ 829 Code of Civil Procedure.

79 St. Rep. 1098; (45 Supp. 1098).

Pack v. New York, 8 N. Y. 222.

Cited, Master and Servant — Liability—Independent Contractor.

2 Misc. 317; (50 St. Rep. 580; 21 Supp. 1019; 30 Abb. N. C. 164). 2 Misc. 431; (51 St. Rep. 216; 22 Supp. 184). 85 Hun, 302; (66 St. Rep. 384; 32 Supp. 954).

Master and Servant—Liability of Master for Acts of Servant—Control of.

8 Misc. 437; (58 St. Rep. 855; 28 Supp. 680). 10 App. Div. 443; (75 St. Rep. 1433; 41 Supp. 1087; 3 Ann. Cas. 327).

Municipal Corporations—Liability for Acts of Independent Contractor.

15 App. Div. 443; (78 St. Rep. 456; 44 Supp. 456).

Packard v. Stephani, 85 Hun, 197; 66 St. Rep. 500; 32 Supp. 1016.

Cited, Attorney and Client — Disbursements—Liability of Client for.

41 Supp. 280; (25 Civ. Pro. 350).

Packer v. Rochester & S. R. Co., 17 N. Y. 283.

Cited, Vendor and Purchaser — Lands—Covenants—Construction.

18 Misc. 397; (41 Supp. 442).

Paddock, Matter of, 4 Hill, 544.

Cited, Execution—Withdrawal—Redemption of Property.

79 Hun, 143; (61 St. Rep. 353; 29 Supp. 762; 24 Civ. Pro. 28).

Paddock v. Barnett, 88 Hun, 381; 68 St. Rep. 772; 34 Supp. 834.**Paddock v. Coates**, 19 Misc. 305; 78 St. Rep. 334; 44 Supp. 334.**Paddock v. Guyder**, 8 Supp. 905.

Cited, Replevin—Affidavit—Sufficiency—Order—Vacation.

18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Paddock v. Syracuse, City of, 61 Hun, 8; 39 St. Rep. 662; 15 Supp. 387.

Cited, Municipal Corporations—Liability—Condition of Streets—Notice.

77 Hun, 442; (60 St. Rep. 676; 29 Supp. 107). 86 Hun, 471; (67 St. Rep. 619; 33 Supp. 949).

Paddonk v. Taylor, 44 N. Y. 371.

Cited, Bills and Notes—Rights of Transferee—Bona Fide Holders.

137 N. Y. 118; (50 St. Rep. 198). 11 Misc. 9; (63 St. Rep. 439; 31 Supp. 841). 14 Misc. 175; (69 St. Rep. 813; 35 Supp. 384).

Sale—Fraud in—Bona Fide Purchasers of Vendee.

59 St. Rep. 473; (29 Supp. 595; 81 Abb. N. C. 403; 11 Misc. 79).

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Padgett v. Lawrence, 10 Paige, 170.

Cited, Evidence—Declarations of Grantor Subsequent to Grant.

142 N. Y. 159; (58 St. Rep. 626).

Equity—Conveyances—Correction.

18 Misc. 132; (40 Supp. 1076).

Paetzig v. Brooklyn City R. Co., 12

Misc. 573; 67 St. Rep. 607; 33 Supp. 854.

Cited, Street Railroads—Negligence—Question of Fact for Jury.

19 Misc. 142.

Page v. Cagwin, 7 Hill, 361.

Cited, Evidence—Declarations—Of Assignee of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598).

Page v. Gilbert, 32 Hun, 301.

Cited, Wills—Construction—Legacy—Joint Legatees.

82 Hun, 474; (64 St. Rep. 359; 31 Supp. 729). 19 Misc. 202; (78 St. Rep. 605; 44 Supp. 605).

Page v. Krekey, 137 N. Y. 307; 50 St. Rep. 650.

Reversing, 43 St. Rep. 468; 17 Supp. 764.

Cited, Contracts—Validity—Intoxication of Party to.

8 Misc. 74; (58 St. Rep. 836; 23 Supp. 596).

Evidence—Corroboration—Admissibility.

149 N. Y. 269.

Contracts—Signing—Fraud—Effect on Bona Fide Holders.

20 Misc. 634. 12 App. Div. 195; (76 St. Rep. 831; 42 Supp. 831).

Sureties—Contracts—Construction.

148 N. Y. 247. 92 Hun, 171; (71 St. Rep. 206; 36 Supp. 337). 9 App. Div. 321; (75 St. Rep. 746; 41 Supp. 331). 15 App. Div. 18; (78 St. Rep. 127; 44 Supp. 127). 16 Misc. 622; (39 Supp. 55).

Contracts—Alteration—Effect on Innocent Parties.

79 St. Rep. 654; (45 Supp. 654).

Page v. Larrowe, 51 St. Rep. 35; 22 Supp. 1099.

Cited, Chattel Mortgages—Future Crops.

82 Hun, 392; (63 St. Rep. 792; 31 Supp. 343).

Page v. McDonnell, 55 N. Y. 299.

Cited, Contracts—Non-Performance—Damages.

20 Misc. 45; (79 St. Rep. 330; 45 Supp. 330).

Page v. Methfessel, 71 Hun, 442; 54 St. Rep. 544; 25 Supp. 11.

Affirmed, 145 N. Y. 602; 65 St. Rep. 867.

Page v. Metropolitan El. R. Co., 10 Misc. 134; 62 St. Rep. 502; 30 Supp. 922.

Page v. Morrell, 3 Keyes, 117.

Cited, Bills and Notes—Blanks—Authority to Fill Up.

75 Hun, 304; (56 St. Rep. 759; 27 Supp. 100). 79 Hun, 598; (61 St. Rep. 520; 29 Supp. 839).

Page v. New York, 57 Hun, 123; 32 St. Rep. 563; 10 Supp. 826.

Cited, Evidence—Expert Testimony—Hypothetical Question.

87 Hun, 589; (68 St. Rep. 639; 34 Supp. 575).

Page v. Voorheis, 40 St. Rep. 696; 16 Supp. 101.

Cited, Trial—Taking Case from Jury.

3 Misc. 453; (52 St. Rep. 504; 23 Supp. 184).

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17 App. Div. 408; (79 St. Rep. 228; 45 Supp. 228).

Page v. Waring, 76 N. Y. 463.

Cited, Notice—Judgment—Record.

9 Misc. 81; (59 St. Rep. 550; 29 Supp. 720).

10 App. Div. 147; (75 St. Rep. 1333; 41 Supp. 1016).

Deeds—Notice—Recording.

152 N. Y. 43. 15 App. Div. 250; (78 St. Rep. 174; 44 Supp. 174).

Paget v. Stevens, 8 Misc. 236; 59 St. Rep. 222; 28 Supp. 549.

Reversed, 143 N. Y. 172; 62 St. Rep. 193.

Paget v. Stevens, 143 N. Y. 172; 62 St. Rep. 193.

Cited, Actions—Non-Residence—Jurisdiction.

9 App. Div. 463; (75 St. Rep. 861; 41 Supp. 464). 16 Misc. 148; (74 St. Rep. 363; 37 Supp. 1064; 25 Civ. Pro. 224).

Paige v. Cagwin, 7 Hill, 361.

Cited, Contracts—Declarations of Assignor—Effect on Assignee.

86 Hun, 478; (67 St. Rep. 508; 33 Supp. 836). 11 Misc. 388; (65 St. Rep. 309; 32 Supp. 282).

Paige v. Chedsey, 1 Misc. 396; 49 St. Rep. 878; 20 Supp. 899.

Affirmed, 4 Misc. 183; 53 St. Rep. 190; 23 Supp. 879.

Paige v. Chedsey, 4 Misc. 183; 53 St. Rep. 190; 23 Supp. 879.

Cited, Appeal—Motion to Direct Verdict—Failure to Make—Effect.

9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 18 Misc. 8; (75 St. Rep. 459; 41 Supp. 9). 19 Misc. 619; (78 St. Rep. 416; 44 Supp. 416).

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8 Misc. 270; (59 St. Rep. 202; 28 Supp. 716). 11 Misc. 408; (65 St. Rep. 284; 32 Supp. 158). 13 Misc. 168; (68 St. Rep. 96; 34 Supp. 112). 14 Misc. 318, 320; (70 St. Rep. 325; 35 Supp. 849).

Trial—Conflict of Evidence—Direction of Verdict—Waiver.

8 Misc. 292; (59 St. Rep. 209; 28 Supp. 573; 31 Abb. N. C. 439). 14 Misc. 287; (70 St. Rep. 465; 35 Supp. 688).

Trial—Submission to Jury—Sufficiency of Evidence.

9 Misc. 5; (59 St. Rep. 675; 29 Supp. 52).

Paige v. Willetts, 38 N. Y. 28.*Cited, Pleading—Answer—Admission.*

135 N. Y. 361; (48 St. Rep. 521). 11 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369). 13 Misc. 516; (69 St. Rep. 113; 34 Supp. 947).

Paige v. Wilson, 8 Bosw. 294.*Cited, Actions — Pendency of Legal—Bringing Equitable—Effect.*

86 Hun, 547; (67 St. Rep. 522; 33 Supp. 777).

Paine v. Agricultural Ins. Co., 5 T. & C. 620.*Cited, Fire Insurance—Warranty—Failure to Occupy.*

92 Hun, 228; (72 St. Rep. 399; 36 Supp. 877).

Paine v. Aldrich, 36 St. Rep. 999; 13 Supp. 455.*Cited, Judgment—Entry—Defect.*

6 App. Div. 260; (39 Supp. 889).

Paine v. Aldrich, 133 N. Y. 544; 44 St. Rep. 308.*Cited, Evidence—Opinions — Rational or Irrational.*

138 N. Y. 409; (52 St. Rep. 921). 71 Hun, 501; (54 St. Rep. 900; 24 Supp. 1058). 148 N. Y. 569. 151 N. Y. 220. 91 Hun, 169; (71 St. Rep. 216; 36 Supp. 286). 79 St. Rep. 616; (45 Supp. 616).

Paine v. Chandler, 134 N. Y. 385.*Cited, Grants—Easements.*

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16 App. Div. 418; (79 St. Rep. 35; 45 Supp. 35). 79 St. Rep. 644; (45 Supp. 614);

Paine v. Delhi, Village of, 116 N. Y. 224; 26 St. Rep. 620.*Cited, Municipal Corporations—Construction of Streets—Municipal Discretion.*

8 Misc. 412; (59 St. Rep. 494; 28 Supp. 675).

Paine v. Jones, 14 Hun, 577.*Cited, Mortgage—Subsequent Grantee—Assumption of Mortgage—Extension of Payment—Effect.*

14 Misc. 585; (71 St. Rep. 803; 36 Supp. 635).

Paine v. Jones, 75 N. Y. 593.*Cited, Contract—Reformation—Extent of Relief.*

7 Misc., 592; (58 St. Rep. 505; 28 Supp. 491).

Contract—Action to Reform—When Lies—Evidence.

135 N. Y. 189; (48 St. Rep. 246). 149 N. Y. 58. D. 70 Hun, 314; (54 St. Rep. 179; 24 Supp. 162).

Paine v. Jones, 76 N. Y. 274.*Cited, Principal and Surety—Discharge of Surety by Change of Principal's Obligation.*

137 N. Y. 314; (50 St. Rep. 653). 79 Hun, 533; (61 St. Rep. 545; 29 Supp. 926). 15 Misc. 543; (74 St. Rep. 562; 38 Supp. 109). 92 Hun, 171; (71 St. Rep. 206; 36 Supp. 376). 15 App. Div. 18; (78 St. Rep. 127; 44 Supp. 127). 18 Misc. 455; (75 St. Rep. 1337; 41 Supp. 961).

Paine v. Rochester, 14 Supp. 180.*Cited, Municipal Corporations—Injuries—Liability.*

11 App. Div. 279; (76 St. Rep. 116; 42 Supp. 116).

Paine v. Upton, 87 N. Y. 327.*Cited, Contracts—Reformation — Mistake—Quantity of Land.*

79 Hun, 205; (61 St. Rep. 215; 29 Supp. 538). 86 Hun, 573; (67 St. Rep. 698; 33 Supp. 923).

Vendor—Liability—Deficiency in Quantity.

74 Hun, 70; (56 St. Rep. 177; 26 Supp. 360).

Paine v. Wyman, 75 N. Y. 593.*Cited, Contracts—Reformation.*

88 Hun, 345; (68 St. Rep. 388; 34 Supp. 399).

Painton v. Northern Central R. Co., 83 N. Y. 7.*Cited, Appeal—Defective or Insufficient Proof—Cure of Error in Denying Non-Suit.*

1 Misc. 131; (48 St. Rep. 764; 20 Supp. 643). 1 Misc. 291; (48 St. Rep. 761; 20 Supp. 696). 1 Misc. 329; (48 St. Rep. 705; 20 Supp. 682).

Master and Servant—Master's Duties as to Appliances—Knowledge of Defects.

6 Misc. 105; (55 St. Rep. 401; 26 Supp. 10). 1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). D. 9 App. Div. 527; (75 St. Rep. 1027; 41 Supp. 631). 9 App. Div. 528; (14 Misc. 420; 70 St. Rep. 419; 35 Supp. 762). 17 App. Div. 594; (79 St. Rep. 479; 45 Supp. 479).

Trial—Defect of Proof—Cure—Waiver.

2 Misc. 437; (51 St. Rep. 590; 21 Supp. 956). 2 Misc. 310; (51 St. Rep. 574; 21 Supp.

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1003). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 997). 81 Hun, 359; (63 St. Rep. 144; 30 Supp. 890). 19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706). 20 Misc. 554. 20 Misc. 561.

Trial—Evidence—Order of Proof—Statement of Counsel.

4 Misc. 76; (53 St. Rep. 174; 23 Supp. 600).

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4 Misc. 104; (53 St. Rep. 211; 23 Supp. 1009).

Painter v. Power, 69 Hun, 61; 53 St. Rep. 158; 23 Supp. 202.

Paisley v. Casey, 41 St. Rep. 339; 18 Supp. 102.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

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3 Misc. 243; (52 St. Rep. 137; 22 Supp. 942).

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10 Misc. 135; (62 St. Rep. 503; 30 Supp. 923).

Palen v. Bushnell, 68 Hun, 554; 52 St. Rep. 556; 22 Supp. 1044.

Palen v. Bushnell, 8 Civ. Pro. 56; 13 Supp. 785.

Cited, Pleading—Amendment—Change of Nature of Action.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293).

Palen v. Starr, 7 Hun, 432.

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9 Misc. 47; (60 St. Rep. 633; 29 Supp. 693). 41 Supp. 280; (25 Civ. Pro. 350).

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66 Hun, 156; (49 St. Rep. 157; 21 Supp. 212).

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24 Civ. Pro. 52; (29 Supp. 693).

Palmateer, Matter of, 78 Hun, 43; 60 St. Rep. 501; 28 Supp. 1062.

Palmer, Matter of, 40 N. Y. 561.

Cited, Appeal—Right—Regulated by Statute.

3 Misc. 514; (52 St. Rep. 417; 23 Supp. 71).

Statutes—Constitutionality—Remedy on Contracts.

71 Hun, 26; (53 St. Rep. 850; 24 Supp. 616).

Statutes—Repeal—Effect on Remedies.

4 Misc. 120; (53 St. Rep. 465; 23 Supp. 898)

Palmer, Matter of, 115 N. Y. 493; 26 St. Rep. 338.

Cited, Special Proceedings—Death of Party—Revival.

81 Hun, 383; (63 St. Rep. 160; 30 Supp. 884; 24 Civ. Pro. 160).

Palmer v. Angel, 69 Hun, 471; 52 St. Rep. 840; 23 Supp. 397).

Palmer v. Bennett, 83 Hun, 220; 64 St. Rep. 157; 31 Supp. 567; 1 Ann. Cas. 208.

Affirmed, 152 N. Y. 621.

Cited, Pleading—Libel—Extrinsic Facts.

86 Hun, 432; (69 St. Rep. 465; 35 Supp. 51).

Statute of Limitations—Return to State.

20 Misc. 340; (79 St. Rep. 920; 45 Supp. 920).

Palmer v. Bowen, 133 N. Y. 608; 51 St. Rep. 932.

Affirming, 44 St. Rep. 802.

Palmer v. Brooklyn, 10 Misc. 592.

Affirmed, 11 Misc. 459; 66 St. Rep. 19; 32 Supp. 739.

Palmer v. Brooklyn, 11 Misc. 459; 66 St. Rep. 19; 32 Supp. 739.

Affirmed. 146 N. Y. 379; 67 St. Rep. 899.

Palmer v. Chicago Evening Post Co., 85 Hun, 403; 66 St. Rep. 476; 32 Supp. 992; 2 Ann. Cas. 69.

Palmer v. Conly, 4 Den. 374.

Cited, Criminal Law—Joint and Several Liability.

73 Hun, 462; (56 St. Rep. 50; 26 Supp. 275).

Statutes—Construction—Retrospective Operation.

D. 11 App. Div. 370; (76 St. Rep. 928; 42 Supp. 925).

Palmer v. Culbertson, 143 N. Y. 213; 62 St. Rep. 164.

Affirming, 48 St. Rep. 505; 20 Supp. 391.

Palmer v. Deering, 93 N. Y. 7.

Cited, Landlord and Tenant—Landlord's Liability—Repairs.

7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416).

Trial—Questions of Law and Fact—Contributory Negligence.

49 St. Rep. 568; (20 Supp. 915). 15 App. Div. 261; (78 St. Rep. 200; 44 Supp. 200).

Trial—Question for Jury—Contributory Negligence—Knowledge.

71 Hun, 452; (54 St. Rep. 333; 24 Supp. 970.)

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4 Misc. 297; (53 St. Rep. 429; 23 Supp. 1030). 9 Misc. 160; (59 St. Rep. 682; 29 Supp. 14).

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77 Hun, 413; (60 St. Rep. 17; 28 Supp. 793).

Palmer v. Delaware & Hudson Canal Co., 120 N. Y. 170.

Cited, Carriers—Extent of Liability.

13 App. Div. 175; (77 St. Rep. 265; 43 Supp. 265). 79 St. Rep. 941; (45 Supp. 941.)

Palmer v. DeWitt, 47 N. Y. 532.

Cited, Copyrights—Courts—Jurisdiction.

84 Hun, 16, 18; (65 St. Rep. 201, 202; 32 Supp. 44).

Palmer v. DeWitt, 42 How. 466.

Cited, Costs — Term Fees — Court of Appeals.

62 St. Rep. 121; (30 Supp. 399; 31 Abb. N. C. 479). 30 Supp. 400.

Palmer v. E. P. Bailey & Co., 12 App. Div. 6; 76 St. Rep. 933; 42 Supp. 933.

Palmer v. Field, 76 Hun, 229; 59 St. Rep. 123; 27 Supp. 736.

Palmer v. Foley, 45 How. 110.

Cited, Injunction—When Granted—Prevention of Wrong.

4 Misc. 327; (24 Supp. 658).

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1 Misc. 123; (48 St. Rep. 697; 20 Supp. 703).

Palmer v. Foley, 36 Super. 14.

Cited, Officers—Equity—Power to Inquire Into Legality of Election, etc.

1 Misc. 123; (48 St. Rep. 697; 20 Supp. 703).

Palmer v. Foley, 71 N. Y. 106.

Cited, Appeal — Dismissal — As Bar to Second.

77 Hun, 388; (60 St. Rep. 401; 28 Supp. 854).

Injunction — Action on Undertaking — Final Decision.

67 Hun, 49; (50 St. Rep. 805; 21 Supp. 809). 136 N. Y. 49; (48 St. Rep. 850). 148 N. Y. 524 83 Hun, 571; (65 St. Rep. 229; 32 Supp. 67). 9 App. Div. 257; (75 St. Rep. 884; 41 Supp. 493).

Injunction — Damages By — Discontinuance.

70 Hun, 11; (53 St. Rep. 260; 23 Supp. 985). 74 Hun, 397; (57 St. Rep. 197; 26 Supp. 849). 80 Hun, 129; (61 St. Rep. 790; 30 Supp. 24). 2 Misc. 250; (50 St. Rep. 330; 21 Supp. 945).

Injunction—Undertaking— Maliciousness — Damages.

135 N. Y. 311; (48 St. Rep. 72).

Palmer v. Gould, 144 N. Y. 671; 71 St. Rep. 291.

Reversing, 44 St. Rep. 802; 18 Supp. 638.

Palmer v. Great Western Ins. Co., 10 Misc. 167; 62 St. Rep. 503; 30 Supp. 1044.

Affirmed, 153 N. Y. —.

Palmer v. Great Western Ins. Co., 116 N. Y. 599; 27 St. Rep. 675.

Cited, Insurance—Loss of Goods in Transit—Proof of Shipment.

67 Hun, 368; (51 St. Rep. 637; 22 Supp. 351).

Palmer v. Horn, 84 N. Y. 516.

Cited, Wills — Construction — Who are Issue.

136 N. Y. 249; (49 St. Rep. 203). 3 Misc. 195; (53 St. Rep. 49; 23 Supp. 210). 69 Hun, 230; (53 St. Rep. 421; 23 Supp. 584). 71 Hun, 80; (54 St. Rep. 227; 24 Supp. 589). 148 N. Y. 687.

Wills—Construction—"Children."

90 Hun, 166; (70 St. Rep. 288; 35 Supp. 784).

Palmer v. Hussey, 87 N. Y. 303.

Cited, Judgment—Conclusiveness—Idemnity of Cause of Action.

71 Hun, 566; (55 St. Rep. 103; 25 Supp. 141).

Palmer v. Jones, 69 Hun, 240; 53 St. Rep. 355; 23 Supp. 584.

Cited, Equity — Jurisdiction — Adequate Remedy at Law—Cancellation of Usurious Instrument.

6 Misc. 343; (58 St. Rep. 137; 26 Supp. 780). 39 Supp. 1135.

Palmer v. Kelly, 56 N. Y. 637.

Cited, Conditions — Waiver — Submission to Jury.

19 Misc. 67; (77 St. Rep. 173; 43 Supp. 173).

Palmer v. Larchmont Electric Co., 6 App. Div. 12; 39 Supp. 522.

Palmer v. Lorillard, 16 Johns. 348.

Cited, Courts—Failure of Jurisdiction—Objection—How Taken.

13 Misc. 243; (68 St. Rep. 15; 34 Supp. 59; 25 Civ. Pro. 231).

Palmer v. Manning, 4 Den. 131.

Cited, Trial — Writings — Proof — Sufficiency.

148 N. Y. 486.

Palmer v. Marshall, 81 Hun, 15; 62 St. Rep. 259; 30 Supp. 569.

Palmer v. Miller, 25 Barb. 399.

Cited, Contracts—Infants—Affirmance.

13 App. Div. 546, 548; (77 St. Rep. 664, 665; 45 Supp. 664, 665).

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Cited, Maxims — Damnum Absque Injuria.

49 St. Rep. 309; (21 Supp. 122).

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16 App. Div. 532; (78 St. Rep. 1016; 44 Supp. 1016).

Palmer v. New York, 2 Sandf. 318.

Cited, Municipal Officers — Extra Compensation.

14 Misc. 276; (70 St. Rep. 426; 35 Supp. 759).

Palmer v. New York & Lake Champlain Transportation Co., 76 Hun, 181; 57 St. Rep. 307; 27 Supp. 561.

C ed, 40 Supp. 341.

Navigation — Lakes — Local Custom — Availability.

88 Hun, 511; (69 St. Rep. 74; 34 Supp. 910).

Palmer v. New York & Lake Champlain Transportation Co., 88 Hun, 509; 69 St. Rep. 72; 34 Supp. 908.

Cited, 40 Supp. 342.

Palmer v. New York & Lake Champlain Transportation Co., 40 Supp. 341.**Palmer v. N. Y. C. & H. R. R. Co.**, 112 N. Y. 234; 20 St. Rep. 904.

Cited, Railroads—Crossings—Gates.

69 Hun, 518; (53 St. Rep. 151; 23 Supp. 511). 145 N. Y. 207; (64 St. Rep. 596). 8 App. Div. 143; (40 Supp. 474).

Palmer v. Palladium Printing Co., 16 App. Div. 270; 78 St. Rep. 675; 44 Supp. 675.**Palmer v. Palmer**, 71 Hun, 30; 54 St. Rep. 213; 24 Supp. 613.

Reversed, 150 N. Y. 139.

Palmer v. Palmer, 150 N. Y. 139.

Cited, Easements—Right to Locate.

18 Misc. 519; (41 Supp. 989). 14 App. Div. 579; (77 St. Rep. 978; 43 Supp. 978).

Easements—Way of Necessity—Implied Grant.

18 Misc. 516; (41 Supp. 986).

Palmer v. Palmer, 3 App. Div. 213; 73 St. Rep. 686; 38 Supp. 195.

Cited, Partition—Administrator of Common Ancestor—Claim.

6 App. Div. 79; (39 Supp. 469; 23 Civ. Pro. 375).

Palmer v. Palmer, 8 App. Div. 331; 75 St. Rep. 215; 40 Supp. 829.**Palmer v. Palmer**, 15 App. Div. 609; 78 St. Rep. 808; 44 Supp. 808.**Palmer v. Palmer**, 13 How. 363.

Cited, Referees—Equity Cause—Powers. 87 Hun, 224; (67 St. Rep. 767; 33 Supp. 1030).

Palmer v. Pennsylvania Co., 35 Hun, 369.

Affirmed, 99 N. Y. 679.

Cited, Process—Service—Corporations — Managing Agent.

72 Hun, 603; (54 St. Rep. 764; 25 Supp. 264). 78 Hun, 33; (60 St. Rep. 495; 28 Supp. 1030). 78 Hun, 297; (60 St. Rep. 241; 28 Supp. 960). 85 Hun, 405, 407; (66 St. Rep. 477, 478; 32 Supp. 993, 994; 2 Ann. Cas. 70). D. 12 Misc. 483; (67 St. Rep. 384; 33 Supp. 682). 16 Misc. 5; (73 St. Rep. 240; 37 Supp. 646).

Palmer v. Pennsylvania Co., 111 N. Y. 488; 19 St. Rep. 493.

Cited, Railroads—Duty to Remove Snow and Ice.

20 Misc. 570.

Carriers—Negligence—Degree of Care.

13 Misc. 134; (68 St. Rep. 236; 34 Supp. 185).

Palmer v. Phoenix Mut. L. Ins. Co., 84 N. Y. 63.

Cited, Insurance—Payment of Premium by Mail—When Mailing Letter Sufficient.

77 Hun, 558; (60 St. Rep. 281; 28 Supp. 932). 77 Hun, 423; (60 St. Rep. 43; 28 Supp. 797). 90 Hun, 334; (70 St. Rep. 210; 35 Supp. 867).

Palmer v. Pirson, 4 Misc. 455; 54 St. Rep. 157; 24 Supp. 333.

Affirmed, 144 N. Y. 654; 64 St. Rep. 867.

Palmer v. Purdy, 83 N. Y. 144.

Cited, Partnership—Liability of Retiring Partner—Release.

4 Misc. 406; (53 St. Rep. 522; 23 Supp. 1062). 2 App. Div. 345; (73 St. Rep. 52; 37 Supp. 846).

Palmer v. Robinson, 11 Misc. 151; 66 St. Rep. 349; 32 Supp. 924.**Palmer v. Vandenburg**, 3 Wend. 193.

Cited, Overseers of Poor—Action Against. 87 Hun, 509; (68 St. Rep. 53; 34 Supp. 287). 13 Misc. 763; (69 St. Rep. 612; 35 Supp. 237).

Palmer v. Van Orden, 64 How. 79.

Cited, Attorney and Client—Lien of Attorney—Enforcement.

66 St. Rep. 201; (32 Supp. 818; 24 Civ. Pro. 239).

Palmer v. Van Santvoord, 17 App. Div. 194; 79 St. Rep. 354; 45 Supp. 354.

Affirmed, 153 N. Y. 612.

*Duplicate Citations in Parenthesis.***Palmer v. Wetmore**, 2 Sandf. 316.

Cited, Easements—Ancient Lights—Adjoining Owners.

4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826).
Easement—Light and Air—When Not Implied.

23 Supp. 825.

Palmer v. Yates, 3 Sandf. 137.

Cited, Corporations—Trustees—Fiduciary Relation.

8 App. Div. 177; (40 Supp. 506).

Palmeri v. Manhattan R. Co., 133 N. Y. 261; 44 St. Rep. 894.

Cited, Master and Servant—Liability of Master to Third Person—Unlawful Acts of Servants.

80 Hun, 277; (61 St. Rep. 851; 30 Supp. 138). 85 Hun, 152; (66 St. Rep. 89; 32 Supp. 631). 17 Misc. 90; (39 Supp. 833).

81 Hun, 360; (63 St. Rep. 143; 30 Supp. 890).

Palmeri v. Manhattan R. Co., 39 St. Rep. 23; 14 Supp. 468.

Cited, Witness—Cross-Examination—Impeachment.

8 App. Div. 159; (40 Supp. 480).

Palmerton v. Huxford, 4 Den. 166.

Cited, Accord and Satisfaction—Retention of Check Tendered in Settlement.

138 N. Y. 237; (52 St. Rep. 345).

Palmyra, Village of, v. Wynkoop, 53 Hun, 82; 24 St. Rep. 824; 6 Supp. 62.

Cited, Appeal—From Order Disposing of Demurrer—Necessity of Filed Decision.

1 Misc. 424; (50 St. Rep. 567; 21 Supp. 249).

Pleading—Judgment on Demurrer—Written Decision of Issues.

21 Supp. 574.

Paltrovitch v. Phoenix Ins. Co., 143 N. Y. 73; 60 St. Rep. 462.**Paltrovitch v. Phoenix Ins. Co.**, 68 Hun, 304; 52 St. Rep. 277; 23 Supp. 38.

Affirmed, 143 N. Y. 73; 60 St. Rep. 462.

Paltrovitch v. Phoenix Ins. Co., 143 N. Y. 73; 60 St. Rep. 462.

Cited, Insurance—Procedure—Construction.

13 App. Div. 526; (77 St. Rep. 637; 43 Supp. 637). 15 App. Div. 234; (73 St. Rep. 203; 44 Supp. 203).

Insurance—Proof of Loss—Waiver.

15 Misc. 265; (71 St. Rep. 815; 36 Supp. 794).

Pam v. Filmar, 54 How. 235.

Cited, Pleading—Equity Action—Remedy at Law.

84 Hun, 86; (65 St. Rep. 208; 32 Supp. 51).

Panama Railroad Co. v. Charlier, 27 St. Rep. 381; 7 Supp. 528.

Cited, New Trial—Error—Failure to Except—Effect.

15 Misc. 259; (71 St. Rep. 494; 36 Supp. 443).

Pangburn v. Bull, 1 Wend. 345.

Cited, Appeal—Reversible Error—Erroneous Submission to Jury—Correct Determination.

68 Hun, 168; (52 St. Rep. 77; 22 Supp. 651).

Malicious Prosecution—Of Civil Action.

2 Misc. 304; (51 St. Rep. 570; 21 Supp. 999).

Pantheon v. Meier. See Banteon v. Meier.**Pantzar v. Tilly Foster Iron M. Co.**, 99 N. Y. 368; 33 St. Rep. 416.

Cited, Master and Servant—Assumption of Risk—Reliance on Master's Care.

77 Hun, 393; (60 St. Rep. 408; 28 Supp. 886). 67 Hun, 490; (51 St. Rep. 252; 22 Supp. 483).

15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279).

Master and Servant—Master's Duty—Appliances.

4 Misc. 388; (53 St. Rep. 579; 24 Supp. 121). 1 Misc. 306; (48 St. Rep. 769; 20 Supp. 710). 81 Hun, 602; (63 St. Rep. 293; 30 Supp. 1105).

Master and Servant—Risks Assumed—Obedience of Orders.

6 Misc. 331; (55 St. Rep. 238; 26 Supp. 898). 87 Hun, 522; (68 St. Rep. 154; 34 Supp. 275).

Master and Servant—Risks Assumed—Knowledge.

4 Misc. 496; (54 St. Rep. 337; 24 Supp. 552).

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1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612).

Master and Servant—Delegation of Master's Duty,

91 Hun, 245; (71 St. Rep. 106; 36 Supp. 210). D. 5 App. Div. 438; (39 Supp. 306). 12 App. Div. 537; (76 St. Rep. 197; 42 Supp. 197). 14 App. Div. 347; (77 St. Rep. 923; 43 Supp. 923).

Master and Servant—Safety of Place to Work.

71 Hun, 586; (55 St. Rep. 112; 24 Supp. 114). 76 Hun, 582; (58 St. Rep. 281; 28 Supp. 199). 85 Hun, 97; (66 St. Rep. 67; 32 Supp. 683). 86 Hun, 41; (66 St. Rep. 836; 33 Supp. 208). 89 Hun, 594; (70 St. Rep. 123; 35 Supp. 538). 3 App. Div. 531; (73 St.

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Paolo v. Hunter, 3 App. Div. 528; 73 St. Rep. 681; 38 Supp. 356.

Cited, Master and Servant — Assumption of Risks.

14 App. Div. 351; (77 St. Rep. 926; 43 Supp. 926).

Pape v. Schofield, 77 Hun, 236; 59 St. Rep. 820; 28 Supp. 340.

Affirmed, 145 N. Y. 598; 65 St. Rep. 867.

Pappenheim v. Metropolitan Elevated R. Co., 128 N. Y. 436; 40 St. Rep. 445.

Cited, Action — Damage from Elevated Railway—Conveyance Pending Effect.

60 St. Rep. 171; (28 Supp. 483).

Covenant—Restricting Use of Land—Release of, on Payment of Damages.

24 Supp. 793; (30 Abb. N. C. 277).

Damages—Diversion of Water—For what Period Recoverable.

50 St. Rep. 518; (21 Supp. 220).

Eminent Domain—Appraisal—Measure of Damages.

76 Hun, 388; (59 St. Rep. 173; 28 Supp. 113). 90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560).

Equity—Injunction—Relief—Transfer of Property—Failure of Cause of Action.

8 Misc. 534; (59 St. Rep. 399; 28 Supp. 766).

Elevated Railroad — Abutting Owners—Damages.

9 Misc. 555; (61 St. Rep. 109; 30 Supp. 402). 147 N. Y. 146; (69 St. Rep. 400). 152 N. Y. 44. 82 Hun, 549; (64 St. Rep. 206; 31 Supp. 529). 91 Hun, 192; (72 St. Rep. 308; 36 Supp. 937).

Parcells v. Auburn, City of, 77 Hun, 137; 59 St. Rep. 62; 28 Supp. 471.

Cited, 33 Supp. 166.

Pardee v. Kanady, 100 N. Y. 121.

Cited, Duty — Performance — Presumption.

83 Hun, 297; (64 St. Rep. 664; 31 Supp. 938). 18 Misc. 246; (75 St. Rep. 1001; 41 Supp. 608).

Pardee v. Robertson, 6 Hill, 550.

Cited, Execution—Duty and Liability of Executing Officer—Failure to Return—Defenses.

24 Supp. 820. 92 Hun, 413; (71 St. Rep. 856; 36 Supp. 762).

Pardee v. Treat, 82 N. Y. 385.

Cited, Mortgage — Assumption by Grantees—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416). 74 Hun, 274; (56 St. Rep. 326; 23 Supp. 624). 85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660).

Conveyance—When a Mortgage—Defeasance in Third Person.

88 Hun, 356; (68 St. Rep. 577; 34 Supp. 758).

Covenants—Third Person—Right to Sue.

5 App. Div. 365; (39 Supp. 235).

Pardee v. Wood, 8 Hun, 584.

Cited, Accord and Satisfaction — What Constitutes.

19 Misc. 175; (77 St. Rep. 222; 43 Supp. 222).

Pareira v. Smith. See *Fareira v. Smith*.

Parfitt v. Ferguson. See *Parfitt v. Kings Co. Gas Ill'g Co.*

Parfitt v. Ferguson, 3 App. Div. 176; 38 Supp. 466.

Parish, Matter of, 40 Supp. 1146.

Parish v. Golden, 35 N. Y. 462.

Cited, Replevin — Property Taken for Taxes—Erroneous Assessment.

7 Misc. 207; (59 St. Rep. 520; 27 Supp. 215).

Taxes — Substantial Compliance with Statute.

22 Supp. 534; (30 Abb. N. C. 112).

Assessors—Warrant—Irregularity.

81 Hun, 314; (29 Supp. 215).

Parish v. Rogers, 40 Supp. 1014.

Parish v. Wheeler, 22 N. Y. 494.

Cited, Corporations—Ultra Vires—Availability.

151 N. Y. 37.

Mortgagee—Action Against Stranger—Recovery.

9 App. Div. 396; (75 St. Rep. 715; 41 Supp. 303).

Park, Matter of, 8 Misc. 550; 60 St. Rep. 681; 29 Supp. 1081.

Park v. Castle, 19 How. 29.

Cited, Landlord and Tenant—Termination of Tenancy—Notice.

92 Hun, 513; (72 St. Rep. 214; 37 Supp. 61). 18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32).

Park v. Moore, 4 Hill, 592.

Cited, Actions—Discontinuance Without Costs—Bankruptcy.

12 Misc. 54; (63 St. Rep. 673; 24 Civ. Pro. 393; 33 Supp. 42).

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Cited, Habeas Corpus—Review of Mandate of Another Court.

15 Misc. 365; (72 St. Rep. 472; 37 Supp. 408; 25 Civ. Pro. 142).

Park v. Park, 18 Hun, 466.

Affirmed, 80 N. Y. 156.

Cited, Alimony—When Granted—Failure to Serve Complaint.

14 Misc. 598; (71 St. Rep. 11; 36 Supp. 272).

Park v. People, 1 Lans. 263.

Cited, Criminal Law—Commitment — Reformatories.

67 Hun, 525; (51 St. Rep. 345; 22 Supp. 870).

Park v. Preston, 108 N. Y. 434; 13 St. Rep. 800; 28 Week Dig. 343.

Cited, Carriers—Freight—Liability—Limitation.

68 Hun, 605; (52 St. Rep. 586; 23 Supp. 232). 14 Misc. 460; (70 St. Rep. 896; 35 Supp. 1118).

Park v. N. Y. C. & H. R. R. Co.,

85 Hun, 184; 65 St. Rep. 807; 32 Supp.

Cited, 16 App. Div. 491, 496; (78 St. Rep. 927, 929; 44 Supp. 927, 929).

Park v. Spaulding, 10 Hun, 128.

Cited, Unincorporated Association—Liability for Debts.

20 Misc. 88; (79 St. Rep. 71; 45 Supp. 71).

Park Bank v. Watson, 42 N. Y. 490.

Cited, Bills and Notes—Bona Fide Holder for Value.

148 N. Y. 702. 8 App. Div. 92; (74 St. Rep. 839; 40 Supp. 412). 11 Misc. 9; (63 St. Rep. 439; 31 Supp. 841). 18 Misc. 382; (75 St. Rep. 1042; 41 Supp. 656).

Parke, Matter of, 15 Misc. 662; 74 St.

Rep. 366; 37 Supp. 1067; 25 Civ. Pro. 196.

Parke v. Franco-American T. Co.,

120 N. Y. 51; 30 St. Rep. 275.

Cited, Contract—Performance—Waiver—Recovery.

9 Misc. 114; (59 St. Rep. 733; 29 Supp. 49). 145 N. Y. 180; (64 St. Rep. 585).

Contract—Substantial Compliance — Recovery—Deductions.

9 Misc. 479; (61 St. Rep. 103; 30 Supp. 241).

Parke v. Gilligan, 14 Misc. 121; 70 St.

Rep. 174; 35 Supp. 477.

Parke v. McCladin, 3 Misc. 14; 51 St.

Rep. 126; 23 Supp. 353.

Parker, Matter of, 1 Barb. Ch. 154.

Cited, Surrogates—Control over Executors and Administrators.

15 App. Div. 545; (78 St. Rep. 554; 44 Supp. 554).

Parker v. Austin, 15 Week. Dig. 474.

Cited, Costs—Application to Redeem from Mortgage.

6 Misc. 196; (27 Supp. 34).

Parker v. Baker, 8 Paige, 428.

Cited, Officers—De Facto—Collateral Impachment of Acts.

79 Hun, 77; (61 St. Rep. 179; 29 Supp. 634).

Parker v. Baxter, 86 N. Y. 586.

Cited, Trial—Findings — Insufficiency — Effect.

149 N. Y. 58.

Sales—Credit—Non-delivery of Notes—Waiver.

5 App. Div. 479; (39 Supp. 33).

Parker v. Bradley, 2 Hill, 584.

Cited, Sureties—Bond—Defective Execution—Effect.

89 Hun, 47; (69 St. Rep. 228; 35 Supp. 33).

Parker v. Browning, 8 Paige, 388.

Cited, Receiver—Property in hands of Third Party—Practice.

16 App. Div. 403; (79 St. Rep. 18; 45 Supp. 18). D. 16 App. Div. 405; (79 St. Rep. 19; 45 Supp. 19).

Transfer of Rights—Due Process of Law.

17 Misc. 539; (40 Supp. 449).

Parker v. Butler, 76 Hun, 240; 58 St.

Rep. 486; 27 Supp. 805.

Parker v. Connor, 93 N. Y. 118.

Cited, Evidence—Sufficiency—Knowledge of Transferee in Fraud of Creditors.

51 St. Rep. 17; (21 Supp. 717).

Fraudulent Conveyance—Good Faith on Part of Grantee.

76 Hun, 541; (58 St. Rep. 262; 28 Supp. 207). 152 N. Y. 293. D. 86 Hun, 254; (66 St. Rep. 753; 33 Supp. 237). 16 App. Div. 592; (78 St. Rep. 986; 44 Supp. 986). 18 Misc. 38; (75 St. Rep. 464; 41 Supp. 13).

Fraudulent Conveyance—Indebtedness to Grantee—Consideration.

75 Hun, 520; (57 St. Rep. 349; 27 Supp. 730).

Fraudulent Conveyance — Proof—Statement of Interested Parties.

7 Misc. 601; (59 St. Rep. 294; 28 Supp. 129)

Fraudulent Conveyances — Transaction Between Relations—Proof.

7 Misc. 601; (59 St. Rep. 294; 28 Supp. 128).

Sales—Fraud—Proof.

147 N. Y. 596; (70 St. Rep. 352).

*Duplicate Citations in Parenthesis.***Parker v. Crane**, 6 Wend. 647.

Cited, Contracts—Consideration—Subsequent Promise.

86 Hun, 190; (67 St. Rep. 56; 33 Supp. 314).

Parker v. Day, 9 Misc. 298; 61 St. Rep.

313; 30 Supp. 267.

Reversed, 12 Misc. 510; 67 St. Rep. 378; 33 Supp. 676.

Parker v. Day, 12 Misc. 510; 67 St. Rep.

378; 33 Supp. 676.

Parker v. Eaton, 25 Barb. 122.

Cited, Justice's Court—Jurisdiction—When Ousted by Amount in Controversy.

75 Hun, 294; (56 St. Rep. 772; 27 Supp. 58; 31 Abb. N. C. 262; 23 Civ. Pro. 291).

Parker v. Foote, 19 Wend. 309.

Cited, Lapse of Time—Presumption—Accounting.

139 N. Y. 468; (54 St. Rep. 724).

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4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826). 23 Supp. 824.

Easements—Adverse User.

86 Hun, 385; (67 St. Rep. 188; 33 Supp. 474).

Parker v. Laney, 1 T. & C. 590.

Reversed, 58 N. Y. 469.

Cited, Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun, 523; (52 St. Rep. 846).

Parker v. Linden, 113 N. Y. 23; 22 St. Rep. 614.

Cited, Wills—Equitable Conversion—Distribution.

74 Hun, 355; (56 St. Rep. 366; 26 Supp. 303). 3 Misc. 439; (52 St. Rep. 328; 23 Supp. 172).

Parker v. Lythgoe, 36 St. Rep. 931; 13 Supp. 949.

Cited, Depositions—Commission for Oral Examinations.

51 St. Rep. 228; (22 Supp. 469; 23 Civ. Pro. 112).

Parker v. Marco, 136 N. Y. 585; 49 St. Rep. 915; Abb. N. C. 58.

Reversing, 61 Hun, 519; 41 St. Rep. 302; 16 Supp. 325.

Cited, Writ and Process—Service—Privilege—Parties and Witnesses.

65 St. Rep. 874; (26 Supp. 329).

Parker v. McCluer, 5 Abb. N. C. 97.

Cited, Advancements—Oral Gift of Land.

6 Misc. 588; (57 St. Rep. 853; 27 Supp. 629).

Parker v. New York, 9 App. Div. 518;

75 St. Rep. 1023; 41 Supp. 626.

Parker v. Parmele, 20 Johns. 130.

Cited, Sale—Contract—Completion.

79 Hun, 117; (61 St. Rep. 13; 29 Supp. 408).

Parker v. Rensselaer & S. R. Co., 16 Barb. 315.

Cited, Railroads—Duty to Wayfarers.

18 Misc. 11; (75 St. Rep. 450; 40 Supp. 1132).

Parker v. Selye, 3 App. Div. 149; 73 St. Rep. 353; 38 Supp. 164.**Parker v. Stroud**, 98 N. Y. 379.

Cited, Bills and Notes—Demand—Sufficiency.

17 App. Div. 233; (79 St. Rep. 589; 45 Supp. 589).

Parker v. Tillinghast, 19 Abb. N. C. 190; 9 St. Rep. 510.

Cited, Parent and Child—Necessaries—Third Persons—Father's Obligations.

8 Misc. 650; (61 St. Rep. 62; 29 Supp. 1047). 85 Hun, 29, 30; (66 St. Rep. 110, 111; 32 Supp. 602, 603; 7 Ann. Cas. 295).

Parker v. Williamson, 9 App. Div. 626; 75 St. Rep. 456; 41 Supp. 6.**Parkhurst v. Berdell**, 110 N. Y. 386; 18 St. Rep. 193.

Cited, Judgment—Conclusiveness—Reversal—Relief in Collateral Action.

53 St. Rep. 621; (24 Supp. 88).

Parkhurst v. Higgins, 38 Hun, 113.

Cited, Contract—Consideration—Sealed Instrument.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1097).

Evidence—Parol to Vary Writing—Consideration of Sealed Instrument.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1097). 145 N. Y. 666; (71 St. Rep. 316) 81 Hun, 303; (62 St. Rep. 750; 30 Supp. 787).

Parkhurst v. Rochester L. M. Co., 65 Hun, 489; 20 Supp. 395.

Cited, County Courts—Parties—Jurisdiction.

16 App. Div. 628; (78 St. Rep. 1065; 44 Supp. 1055).

Parkinson v. Parkinson, 2 Bardf. 77.

Cited, Wills—Legacies—Interest.

5 Misc. 129; (25 Supp. 728). 7 App. Div. 16; (40 Supp. 496).

Parkinson v. Scott, 5 Misc. 261; 25 Supp. 102; 31 Abb. N. C. 44.**Parkist v. Alexander**, 1 Johns. Ch. 394.

Cited, Principal and Agent—Conflict of Interest—Purchase from Principal.

8 Misc. 359; (79 St. Rep. 592; 28 Supp. 705).

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Parks v. Andrews, 67 Hun, 650; 51 St. Rep. 940; 23 Supp. 1153.

Parks v. Jackson, 11 Wend. 442.

Cited, Action—Real Property—Alienation Pending Action—Parties.

136 N. Y. 575; (50 St. Rep. 28).

Parks v. Jacob Dold Packing Co., 6 Misc 570; 57 St. Rep. 788; 27 Supp. 289.

Parks v. Morris Axe and Tool Co., 54 N. Y. 586.

Cited, Sale — Express—Warranty—Survival After Acceptance.

79 Hun, 55; (61 St. Rep. 84; 29 Supp. 640).

Sales—Breach of Warranty—Damages.

16 Misc. 590; (74 St. Rep. 145; 38 Supp. 804).

Parks v. Murray, 109 N. Y. 646; 14 St. Rep. 919.

Cited, Appeal—Motion to Dismiss—Practice.

15 Misc. 527; (72 St. Rep. 121; 37 Supp. 89).

Parks v. Parks, 9 Paige, 107.

Cited, Wills—Severing Void from Valid Portions.

82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Trusts—Void—Separation from Valid

13 App. Div. 347, 351; (77 St. Rep. 21, 24; 43 Supp. 21, 24), D. 13 App. Div. 353; (77 St. Rep. 26; 43 Supp. 26).

Parmelee v. Associated Physicians & Surgeons, 11 Misc. 363; 65 St. Rep. 296; 32 Supp. 149.

Parmelee v. Associated Physicians & Surgeons, 61 St. Rep. 118; 30 Supp. 250.

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Cited, Corporations—Contracts of Agents—By-Laws.

11 Misc. 365; (65 St. Rep. 298; 32 Supp. 151).

Parmelee v. Dann, 23 Barb. 461.

Cited, Debts—Assignment—Effect on Collateral.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 455).

Parmelee v. Egan, 7 Paige, 610.

Cited, Actions—Creditors—Right to Come in.

92 Hun, 421; (71 St. Rep. 578; 36 Supp. 663).

Parmelee v. Hoffman F. Ins. Co., 54 N. Y. 193.

Cited, Insurance—Preliminary Proofs—Conclusiveness.

8 Misc. 615; (60 St. Rep. 830; 29 Supp. 324). 149 N. Y. 488. 84 Hun, 131; (65 St. Rep. 739; 32 Supp. 514).

Parmelee v. Oswego & S. R. Co., 6 N. Y. 74.

Cited, Landlord and Tenant—Lease—Termination—Summary Proceedings.

9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

Parmelee v. Rosenthal, 10 Misc. 433; 64 St. Rep. 783; 31 Supp. 872.

Parmelee v. Thompson, 45 N. Y. 58.

Cited, Contracts—Consideration—Extension of Time.

85 Hun, 615; (66 St. Rep. 48; 32 Supp. 664). 9 App. Div. 337; (75 St. Rep. 753; 41 Supp. 337, 338). 16 Misc. 675; (74 St. Rep. 226; 33 Supp. 593).

Notes—As Payment.

16 Misc. 536, 557; (74 St. Rep. 265, 266; 33 Supp. 747, 748). 18 Misc. 226; (75 St. Rep. 869; 41 Supp. 478).

Parmenter v. Boston H. T. & W. R. Co., 37 Hun, 354.

Cited, Evidence—Reading Testimony—Discretion of Counsel as to Reading All.

3 App. Div. 472; (73 St. Rep. 450; 38 Supp. 269).

Parmenter v. Colrick, 20 Misc. 202; 79 St. Rep. 748; 45 Supp. 748.

Parmenter v. Fitzpatrick, 135 N. Y. 190; 48 St. Rep. 80.

Cited, Conversion—Damages—Evidence—Price.

144 N. Y. 555; (64 St. Rep. 236). 89 Hun, 62; (68 St. Rep. 837; 34 Supp. 1002). 19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

Parmenter v. State, 135 N. Y. 154; 48 St. Rep. 129.

Cited, State—Action Against.

11 Misc. 510; (67 St. Rep. 286; 33 Supp. 438).

Parr v. Greenbush, 72 N. Y. 463.

Cited, Contracts—Agents—Lack of Authority—Ratification.

D. 7 App. Div. 512; (40 Supp. 241).

Parrish v. Sun Printing & Publishing Association, 6 App. Div. 585; 39 Supp. 540.

Parrot v. Sawyer, 26 Hun, 466.

Cited, Costs—Extra Allowance—Granting After Judgment Absolute in Court of Appeals

54 St. Rep. 323; (24 Supp. 486; 30 Abb. N. C. 284).

Parrott v. Colby, 6 Hun, 55.

Distinguished, Corporations—Trustees—Liability on Corporate Note.

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6 Misc. 79; (55 St. Rep. 490; 26 Supp. 22).

Cited, Bills and Notes—For Debt—Extension of Time.

5 Misc. 259; (25 Supp. 104). 79 Hun, 261; (61 St. Rep. 17; 29 Supp. 414). 16 Misc. 555; (74 St. Rep. 265; 38 Supp. 617). 88 Hun, 256; (68 St. Rep. 699; 34 Supp. 719).

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5 Misc. 255; (25 Supp. 94).

Parrott v. Knickerbocker & N. Y. Ice Co., 46 N. Y. 351.

Cited, Interest—On Recovery for Injury to Property.

135 N. Y. 104; (48 St. Rep. 368).

Parrott v. Sawyer, 87 N. Y. 625.

Cited, Bills and Notes—Previous Debt—Effect.

5 Misc. 256; (25 Supp. 94).

Parry v. American Opera Co., 9 St. Rep. 536; 12 Civ. Pro. 194; 19 Abb. N. C. 269.

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68 Hun, 402; (52 St. Rep. 181; 22 Supp. 892).

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2 Misc. 329; (51 St. Rep. 587; 21 Supp. 997).

Damages—Measure of—Breach of Contract.

7 Misc. 639; (58 St. Rep. 374; 28 Supp. 28).

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5 Misc. 355; (55 St. Rep. 503; 25 Supp. 518).

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4 Misc. 447; (53 St. Rep. 520; 24 Supp. 331).

Parrell v. Stryker, 41 N. Y. 480.

Cited, Specific Performance—By Heirs of Ancestors' Agreement—Devised Land.

2 Misc. 140; (50 St. Rep. 235; 21 Supp. 613). 18 Misc. 522; (76 St. Rep. 1088; 42 Supp. 1038). 40 Supp. 1015.

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93 Hun, 295; (71 St. Rep. 781; 36 Supp. 715).

Parshall v. Eggert, 54 N. Y. 18.

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2 Misc. 544; (53 St. Rep. 69; 24 Supp. 123).

Contracts—Construction—Circumstances.

2 Misc. 567; (49 St. Rep. 621; 21 Supp. 453).

Contracts—Construction—Intent.

74 Hun, 408; (56 St. Rep. 650; 26 Supp. 851; 31 Abb. N. C. 127).

Pledge—Possession—Delivery Subsequent. 75 Hun, 590; (61 St. Rep. 537; 29 Supp. 939).

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Parshall v. Klinck, 43 Barb. 203.

Cited, New Trial—Grounds for Granting—Cumulative Evidence.

16 Misc. 124; (38 Supp. 830).

Parshall v. N. Y., L. E. & W. R. R. Co., 50 St. Rep. 502; 21 Supp. 354.

Affirmed, 140 N. Y. 622; 55 St. Rep. 930.

Parshley v. Third Methodist Episcopal Church, 4 Misc. 302; 53 St. Rep. 430; 24 Supp. 106.

Affirmed, 139 N. Y. 609; 54 St. Rep. 929.

Parshley v. Third Methodist Episc. Church, 147 N. Y. 583; 70 St. Rep. 346.

Affirming, 4 Misc. 302; 53 St. Rep. 430; 24 Supp. 106.

Parsons, Matter of, 54 Super. 451.

Cited, Register—Search—Fees.

12 App. Div. 146; (76 St. Rep. 1070; 42 Supp. 1070).

Parsons v. Best, 1 T. & C. 211.

Cited, Wills—Construction—Cutting Down Absolute Devise or Bequest.

15 App. Div. 237; (78 St. Rep. 187; 44 Supp. 187).

Parsons v. Hardy, 14 Wend. 216.

Cited, Carriers—Delivery—Negligence.

11 Misc. 682; (67 St. Rep. 355; 33 Supp. 566).

Parsons v. Hayes, 50 Super. 29.

Cited, Pleading—Answer—Demurrer to—Sufficiency of Complaint.

80 Hun, 27; (61 St. Rep. 611; 29 Supp. 860).

Parsons v. Hayes, 14 Abb. N. C. 419.

Cited, Corporations—Stockholders' Actions.

10 Misc. 314, 315, 316; (63 St. Rep. 130, 131; 30 Supp. 971, 972).

Parsons v. Hughes, 137 N. Y. 629; 51 St. Rep. 931.

Affirming, 42 St. Rep. 911; 16 Supp. 702.

Parsons v. Hughes, 9 Paige, 592.

Cited, Bills and Notes—Voluntary Payment—Knowledge of Fraud—Effect.

11 App. Div. 419; 76 St. Rep. 368; 42 Supp. 368).

Parsons v. Johnson, 68 N. Y. 62.

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9 App. Div. 110; (75 St. Rep. 570; 41 Supp. 109).

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16 Misc. 378; (74 St. Rep. 383; 38 Supp. 86). 18 Misc. 516; (41 Supp. 986). 20 Misc. 449.

Parsons v. Loucks, 48 N. Y. 17.

Cited, Statute of Frauds—"Sale."

1 App. Div. 386; (72 St. Rep. 458; 37 Supp. 398). 11 App. Div. 305; (76 St. Rep. 932; 42 Supp. 932). 17 Misc. 732; (41 Supp. 414).

Parsons v. Lyman, 20 N. Y. 103.

Cited, Executors—Foreign—Authority—Discharge of Decedent's Claims.

21 Supp. 912; (29 Abb. N. C. 473).

Personal Property—Situs for Transmission by Decedent.

3 Misc. 162; (51 St. Rep. 266; 23 Supp. 286). 9 App. Div. 505; (75 St. Rep. 1051; 41 Supp. 662).

Parsons v. N. Y. C. & H. R. R. Co.,

85 Hun, 23; 66 St. Rep. 166; 32 Supp. 598.

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113 N. Y. 355; 22 St. Rep. 697.

Cited, Railroads—Crossings—Care at.

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49 St. Rep. 568. 69 Hun, 478; (52 St. Rep. 638; 23 Supp. 451). 85 Hun, 157; (65 St. Rep. 665; 32 Supp. 480). 8 App. Div. 488; (75 St. Rep. 210; 40 Supp. 825). 20 Misc. 294; (79 St. Rep. 668; 45 Supp. 668). 92 Hun, 60; (71 St. Rep. 765; 36 Supp. 569). 4 App. Div. 496; (38 Supp. 668). 8 App. Div. 142; (40 Supp. 473).

Parsons v. Parker, 80 Hun, 281; 61 St.

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Parsons v. Payne, 77 St. Rep. 1160; 43

Supp. 1160.

Parsons v. Sutton, 66 N. Y. 92.

Cited, Damages—Measure—Contracts—Sale.

51 St. Rep. 91. 148 N. Y. 388. 11 App. Div. 295; (76 St. Rep. 71; 42 Supp. 71).

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7 Misc. 255; (58 St. Rep. 35; 27 Supp. 259). 9 Misc. 115; (59 St. Rep. 734; 29 Supp. 50). 20 Misc. 580.

Parsons v. Winne, 17 Week Dig. 236.

Cited, Court—Power to Extend Time for Appeal.

11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008). 17 Misc. 734; (40 Supp. 1033).

Partenheimer v. Van Orden, 20 Barb. 479.

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71 Hun, 235; (54 St. Rep. 577; 24 Supp. 1086).

Partridge v. Barger, 25 Barb. 146.

Cited, Evidence—Lost Papers—Proof.

92 Hun, 422; (71 St. Rep. 579; 36 Supp. 664).

Partridge v. Gilbert, 15 N. Y. 601.

Cited, Party Wall—Ownership—Use.

71 Hun, 300; (54 St. Rep. 741; 24 Supp. 1000).

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67 Hun, 31; (50 St. Rep. 754; 21 Supp. 849).

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72 Hun, 378; (55 St. Rep. 185; 25 Supp. 366).

Partridge v. Havens, 10 Paige, 618.

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79 Hun, 82; (61 St. Rep. 173; 29 Supp. 632).

Partridge v. Lyon, 67 Hun, 29; 50 St.

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Partridge v. Menck, 1 How. Ct. App.

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Cited, Equity—Jurisdiction—Trademark—Deception.

135 N. Y. 38; (48 St. Rep. 105).

Partridge v. Milwaukee Mechanics' Ins. Co., 13 App. Div. 519; 77

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Partridge v. Russell, 18 St. Rep. 685;

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Cited, Trial—Question of Fact—Location of Described Premises.

73 Hun, 376; (55 St. Rep. 912; 26 Supp. 159).

Partridge v. Stokes, 63 Barb. 586.

Cited, Appeal—Review of Facts—Fraudulent Conveyance.

77 Hun, 470; (60 St. Rep. 543; 28 Supp. 1079).

Pashinska v. Selt, 20 Misc. 665.

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2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463). 13 Misc. 239; (68 St. Rep. 110; 34 Supp. 126).

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19 Misc. 248; (78 St. Rep. 88; 44 Supp. 88).

Passavant v. Cantor, 48 Hun, 546; 16 St. Rep. 252; 1 Supp. 574.

Cited, Pleading—Bill of Particulars—Disclosure of Proof.

2 Misc. 112; (49 St. Rep. 347; 20 Supp. 870). 50 St. Rep. 496; (21 Supp. 738)

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Pleading—Bill of Particulars—Right to—Knowledge with Party Demanding.

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Passavant v. Cantor, 17 Supp. 37.

Cited, Fraudulent Assignments—Proof.

18 Misc. 411; (76 St. Rep. 778; 42 Supp. 778).

Passinger v. Thorburn, 34 N. Y. 641.

Cited, Contracts—Knowledge of Parties.

79 St. Rep. 991; (45 Supp. 991).

Passey v. Craighead, 89 Hun, 76; 69 St. Rep. 429; 35 Supp. 36.

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4 App. Div. 199; (74 St. Rep. 198; 38 Supp. 554).

Pastor v. Regan, 9 Misc. 547; 62 St. Rep. 204; 30 Supp. 657.

Patch v. Tribune Ass'n, 38 Hun, 368.

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14 Misc. 417; (70 St. Rep. 439; 35 Supp. 704).

Patchen v. Patchen, 121 N. Y. 432; 31 St. Rep. 297.

Cited, Wills—Construction—Remainder—Issue.

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79 St. Rep. 938; (45 Supp. 938).

Patchen v. Rofkar, 12 App. Div. 475; 76 St. Rep. 35; 42 Supp. 35.

Cited, 76 St. Rep. 1129; (42 Supp. 1129).

Patchen v. Waefelaer, 76 St. Rep. 1129; 42 Supp. 1129.

Patchen v. Walton, 17 App. Div. 158; 79 St. Rep. 145; 45 Supp. 145.

Patchen v. Wilson, 4 Hill, 57.

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Patchin v. Peck, 38 N. Y. 39.

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79 Hun, 540; (61 St. Rep. 555; 29 Supp. 938).

Patchin v. Pierce, 12 Wend. 61.

Cited, Chattel Mortgage—Forfeiture—Waiver.

2 App. Div. 469; (74 St. Rep. 339, 340; 37 Supp. 1042).

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Paterson Brothers v. Goorley, 14 Misc. 56; 69 St. Rep. 651; 35 Supp. 297.

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Paton, Matter of, 111 N. Y. 490; 19 St. Rep. 67.

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Paton v. Wright, 15 How. 481.

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Patrick v. Metcalf, 37 N. Y. 312.

Cited, Payment—To One of Two or More Claimants—Effect.

2 App. Div. 258; (74 St. Rep. 276; 37 Supp. 1094). 6 App. Div. 258, 262; (39 Supp. 887, 890). 6 App. Div. 253; (39 Supp. 1116). 7 App. Div. 162; (74 St. Rep. 687; 40 Supp. 129). 11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165).

Patrick v. Shaffer, 94 N. Y. 423.

Cited, Judgment—Conclusiveness.

75 Hun, 149; (58 St. Rep. 173; 26 Supp. 1064). 85 Hun, 15; (66 St. Rep. 127; 32 Supp. 616).

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Cited, Writ and Process—Void—Protection to Officer.

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Patrick v. Underwood, 17 Misc. 646;

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Patten v. Stitt, 50 N. Y. 591.

Cited, Remittitur of Court of Appeals—Entry of Judgment Thereon—Effect.

11 Misc. 270; (65 St. Rep. 436; 32 Supp. 252). 14 Misc. 186; (70 St. Rep. 58; 35 Supp. 654; 25 Civ. Pro. 146; 2 Ann. Cas. 164).

Patten v. United States Life and Accident Ins. Ass'n, 70 Hun, 200;

54 St. Rep. 177; 24 Supp. 269.

Affirmed, 141 N. Y. 599; 58 St. Rep. 865

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Patterson, Matter of, 5 Misc. 178; 25 Supp. 702.

Patterson, Matter of, 63 Hun, 529; 44 St. Rep. 842; 18 Supp. 499.

Cited, Surrogate's Decision—Reversal—Jury Trial—Entry of Judgment—Practice. 68 St. Rep. 721; (34 Supp. 798; 24 Civ. Pro. 440).

Patterson, Matter of, 79 Hun, 371; 61 St. Rep. 439; 29 Supp. 451.

Affirmed, 146 N. Y. 327; 66 St. Rep. 639. *Cited*, 92 Hun, 113; (71 St. Rep. 746; 36 Supp. 734).

Patterson, Matter of, 146 N. Y. 327; 66 St. Rep. 639.

Patterson, Matter of, 76 St. Rep. 495; 42 Supp. 495.

Patterson v. Baker, 3 Hun, 398; 6 T. & C. 76.

Cited, Pleading—Time, 64 St. Rep. 499; (31 Supp. 796).

Patterson v. Binghamton, 88 Hun, 372; 68 St. Rep. 247; 34 Supp. 416.

Cited, Condemnation—Damages—Against Whom Obtained. 4 App. Div. 615; (39 Supp. 408). 34 Supp. 423.

Patterson v. Binghamton, 4 App. Div. 615; 39 Supp. 408.

Patterson v. Brewster, 4 Edw. Ch. 352.

Cited, Mortgage—Deficiency—Resort to Co-owners.

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Patterson v. Brooklyn, 6 App. Div. 127; 40 Supp. 581.

Patterson v. Burnett, 23 St. Rep. 363; 4 Supp. 921.

Cited, Costs—Right to—Statutory. 8 Misc. 622; (61 St. Rep. 335; 29 Supp. 823).

Patterson v. Copeland, 52 How. 460.

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89 Hun, 308; (69 St. Rep. 289; 35 Supp. 172).

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2 App. Div. 278; (72 St. Rep. 840; 37 Supp. 895).

Patterson v. Ellis, 11 Wend. 260.

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140 N. Y. 145; (55 St. Rep. 551).

Wills—Construction—Intent of Testator.

60 St. Rep. 522; (28 Supp. 1051). 3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

Wills—Construction—Death of Legatee—Effect of.

76 Hun, 96; (57 St. Rep. 384; 27 Supp. 836).

Patterson v. Graves, 11 How. 91.

Cited, Appeal—Findings—Exceptions.

5 Misc. 222; (54 St. Rep. 825; 25 Supp. 464).

Patterson v. Hare, 74 Hun, 269; 56 St. Rep. 302; 26 Supp. 626.

Patterson v. Hare, 4 App. Div. 319; 74 St. Rep. 184; 38 Supp. 565.

Patterson v. Knapp, 83 Hun, 492; 65 St. Rep. 188; 32 Supp. 32; 24 Civ. Pro. 251.

Patterson v. McCunn, 38 Hun, 531.

Cited, Appeal—From Final Judgment—Reviewing Interlocutory.

51 St. Rep. 811; (22 Supp. 281).

Patterson v. McCunn, 67 St. Rep. 459; 33 Supp. 814.

Patterson v. Naehr, 6 Supp. 513.

Cited, Courts—Not of Record—Enjoining Execution—Extension of Time to Appeal.

13 Misc. 242; (68 St. Rep. 14; 34 Supp. 59; 25 Civ. Pro. 259).

Patterson v. Ongley Electric Co., 87 Hun, 462; 68 St. Rep. 58; 34 Supp. 209.

Patterson v. Patterson, 18 Johns. 379.

Cited, Contracts—Validity—To Pay for Services by Legacy.

136 N. Y. 622; (49 St. Rep. 75).

Patterson v. Patterson, 59 N. Y. 574.

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67 Hun, 618; (51 St. Rep. 224; 22 Supp. 520). 2 Misc. 383; (51 St. Rep. 588; 21 Supp. 1009).

82 Hun, 196; (64 St. Rep. 5; 31 Supp. 417). 89 Hun, 579; (69 St. Rep. 650; 35 Supp. 295).

2 App. Div. 14; (73 St. Rep. 235, 236; 37 Supp. 641, 642). 15 App. Div. 83; (78 St. Rep. 296; 44 Supp. 296).

15 App. Div. 97; (78 St. Rep. 308; 44 Supp. 308). 15 Misc. 599; (72 St. Rep. 818; 38 Supp. 189).

13 Misc. 578, 379; (69 St. Rep. 488, 489; 35 Supp. 115, 116; 25 Civ. Pro. 32, 33).

15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190). 15 Misc. 602, 604; (72 St. Rep. 820, 821; 38 Supp. 191, 192).

18 Misc. 140; (75 St. Rep. 1440; 41 Supp. 1093). 18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381).

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Patterson v. Patterson, 4 App. Div. 146; 74 St. Rep. 502; 38 Supp. 637.

Patterson v. Perry, 14 How. 505.

Cited, Equity—Interpleader.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 25 Civ. Pro. 292).

Patterson v. Robinson, 36 Hun, 622.

Cited, Corporations—Directors—Actions Against—Nature of Liability,

86 Hun, 102; (63 St. Rep. 148; 34 Supp. 268).

147 N. Y. 612; (71 St. Rep. 257). 13 Misc. 759; (69 St. Rep. 301; 35 Supp. 185).

Patterson v. Robinson, 37 Hun, 341.

Cited, Corporations—Directors—Actions Against—Nature of Liability.

13 Misc. 759; (69 St. Rep. 301; 35 Supp. 185). 147 N. Y. 612; (71 St. Rep. 257). 86 Hun, 102, 103; (68 St. Rep. 148; 34 Supp. 268, 269).

Patterson v. Robinson, 116 N. Y. 193; 28 St. Rep. 685.

Cited, 147 N. Y. 613; (71 St. Rep. 2.8).

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2 Misc. 87; (49 St. Rep. 124; 20 Supp. 875).

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4 Misc. 423; (53 St. Rep. 517; 24 Supp. 333).

Patterson v. Stettauer, 40 Super. 54.

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4 Misc. 69; (53 St. Rep. 127; 23 Supp. 784).

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Cited, Sheriff—Liability—Escape—Defense.

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Patterson Gas - Governor Co. v.

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Patterson Gas - Governor Co. v.

Glenby, 4 Misc. 532; 54 St. Rep. 119; 24 Supp. 575.

Cited, Sales—Gas-governors—Fulfillment of Conditions—Burden of Proof.

16 Misc. 69; (73 St. Rep. 276; 37 Supp. 657).

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9 Misc. 126; (59 St. Rep. 700; 29 Supp. 279).

Patterson Gas - Governor Co. v.

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Cited, Appeal—Review—Conflicting Evidence—Effect.

12 Misc. 18; (66 St. Rep. 525, 33 Supp. 25).

Patterson v. Graham, 16 St. Rep. 703;

1 Supp. 2.

Cited, Interest—Contract—Specified Rate.

5 Misc. 197; (25 Supp. 659).

Pattison v. Adams, 7 Hill. 126.

Cited, Pleading—Replevin—Sufficiency.

88 Hun, 20; (68 St. Rep. 34 Supp. 509).

Pattison v. Bacon, 12 Abb. 142.

Cited, Practice—Second Motion for Same Relief—Availability.

12 App. Div. 432; (76 St. Rep. 123; 42 Supp. 123).

Pattison v. Hammerstein, 17 Misc.

375; 39 Supp. 1039.

Pattison v. Niagara Machine Co.,

140 N. Y. 661; 55 St. Rep. 932.

Pattison v. Powers, 4 Paige, 549.

Cited, Mortgage—Foreclosure—Prior Judgment for Debt.

61 Hun, 418; (52 St. Rep. 636; 23 Supp. 468).

Pattison v. Richards, 22 Barb. 143.

Cited, Pleading—Counterclaim—What It Includes.

12 App. Div. 81; (77 St. Rep. 362; 43 Supp. 362).

Patton, Matter of, 7 Misc. 467; 58 St.

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Patton v. Patton, 13 Misc. 726; 69 St.

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Paul, Matter of, 94 N. Y. 497.

Cited, Statutes—Interpretation by Title.

144 N. Y. 409; (63 St. Rep. 649).

Paul v. Munger, 47 N. Y. 469.

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49 St. Rep. 317; (21 Supp. 147).

Paul v. Paul, 11 St. Rep. 71.

Cited, Husband and Wife—Divorce—Adultery of Plaintiff.

70 Hun, 74; (53 St. Rep. 437; 23 Supp. 1071).

Duplicate Citations in Parenthesis.

Paul v. Travelers' Ins. Co., 112 N. Y. 472; 21 St. Rep. 624.

Cited, Insurance—Policy — Condition — Accidental Inhalation of Gas.

72 Hun, 478; (54 St. Rep. 781; 25 Supp. 231). 148 N. Y. 599.

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Paul v. Williams, 136 N. Y. 644; 49 St. Rep. 914.

Affirming, 37 St. Rep. 195; 13 Supp. 701.

Paulding v. Chrome Steel Co., 94 N. Y. 334.

Cited, Mortgage—Validity—By Corporation—Contemplation of Insolvency.

50 St. Rep. 631; (21 Supp. 325). 91 Hun, 454; (71 St. Rep. 162; 36 Supp. 391). 67 Hun, 118; (51 St. Rep. 538; 22 Supp. 51). 7 App. Div. 110. 17 App. Div. 156; (79 St. Rep. 143; 45 Supp. 143). 15 Misc. 400; (73 St. Rep. 411; 37 Supp. 824).

Corporations—Mortgage—Assent of Stockholders.

7 Misc. 211; (8 St. Rep. 40; 27 Supp. 679). 2 App. Div. 20; (72 St. Rep. 502; 37 Supp. 446). 13 Misc. 742; (69 St. Rep. 233; 35 Supp. 4).

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79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661).

Pauley v. Steam Gauge & Lantern Co., 131 N. Y. 90; 42 St. Rep. 636.

Cited, Master and Servant—Liability of Master to Servant—As to Machinery—Covering.

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67 Hun, 486; (51 St. Rep. 249; 22 Supp. 480). 146 N. Y. 155; (66 St. Rep. 276). 148 N. Y. 378.

Master and Servant—Negligence—Mere Conjecture—Effect.

86 Hun, 96; (68 St. Rep. 41; 34 Supp. 198). 12 App. Div. 564; (76 St. Rep. 194; 42 Supp. 194). 11 Misc. 132; (65 St. Rep. 114; 31 Supp. 1030). 13 Misc. 661; (69 St. Rep. 158; 34 Supp. 934).

Property Rights—Transfer—Mere Conjecture.

12 App. Div. 520; (76 St. Rep. 795; 42 Supp. 795). 14 App. Div. 44; (77 St. Rep. 995; 43 Supp. 995).

Paulitsch v. N. Y. C. & H. R. R. Co., 50 Super. 241.

Cited, New Trial—Misconduct of Juror—Practice.

79 St. Rep. 406; (45 Supp. 406).

Paulsen v. Dallett, 2 Daly, 40.

Cited, Brokers — Real Estate — Commissions—Consummation by Owner.

2 Misc. 336; (51 St. Rep. 429; 21 Supp. 976).

Paulson v. Brooklyn City R. Co., 13 Misc. 387; 38 St. Rep. 123; 34 Supp. 244.

Pawlick v. Homestead Loan Ass'n, 15 Misc. 427; 72 St. Rep. 474; 37 Supp. 164.

Pawling v. Pawling, 86 Hun, 502; 67 St. Rep. 526; 33 Supp. 780.

Affirmed, 150 N. Y. 574.

Pawling v. Pawling, 13 App. Div. 5; 77 St. Rep. 149; 43 Supp. 149.

Pawn v. Irwin, 73 Hun, 182; 56 St. Rep. 123; 25 Supp. 871. See *Chu. Pawn v. Irwin*.

Paxton v. Brogan, 10 Supp. 303; 12 Supp. 563.

Cited, Surrogate's Court—Jurisdiction—Equitable Powers.

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Payn v. Grant, 23 Hun, 134.

Cited, Mortgage—Foreclosure—Effect on Dower.

66 Hun, 314; (49 St. Rep. 585; 20 Supp. 979).

Payn v. Mutual Relief Society, 17 Abb. N. C. 53; 6 St. Rep. 365.

Cited, Insurance—Waiver of Proof of Loss.

68 Hun, 358; (52 St. Rep. 201; 22 Supp. 802).

Payne, Matter of, 78 Hun, 292; 60 St. Rep. 238; 28 Supp. 911.

Payne v. Baldwin, 14 Barb. 570.

Cited, Contract—Statute of Frauds—Payment of Another's Debt—Original Undertaking—Consideration

72 Hun, 494; (54 St. Rep. 858; 25 Supp. 195).

Payne v. Batterson, 22 Week. Dig. 109.

Cited, Liens—Repairs to Mortgaged Chattel.

2 Misc. 195; (49 St. Rep. 573; 21 Supp. 265).

Replevin — Rights of Action—Right to Possession.

4 Misc. 90; (53 St. Rep. 84; 23 Supp. 856).

D. 4 Misc. 98; (53 St. Rep. 84; 23 Supp. 862).

*Duplicate Citations in Parenthesis.***Payne v. Becker**, 87 N. Y. 153.*Cited*, Dower—Assignability.

8 Misc. 269; (38 Supp. 571). 6 Misc. 413; (59 St. Rep. 229; 26 Supp. 865). 1 App. Div. 350; (72 St. Rep. 445; 37 Supp. 332). 16 Misc. 156; 38 Supp. 834). 3 App. Div. 321; (73 St. Rep. 691; 38 Supp. 198).

Dower—Liability for Debts.

D. 72 St. Rep. 451; (37 Supp. 337)

Payne v. Brooklyn, 53 Hun, 390; 24 St. Rep. 427; 5 Supp. 28.*Cited*, Municipal Corporations—Contracts Accepting Benefit—Effect.

11 Misc. 460; (66 St. Rep. 21; 32 Supp. 740).

Payne v. Burnham, 62 N. Y. 69.*Cited*, Bond and Mortgage—When Enforceable—Usury.

85 Hun, 56; (66 St. Rep. 55, 60; 32 Supp. 676)

Payne v. Cutler, 13 Wend. 605.*Cited*, Contracts — Consideration — Part Failure—Recoupment.

91 Hun, 372; (70 St. Rep. 836; 36 Supp. 184).

Payne v. Eureka Electric Co., 88 Hun, 250; 68 St. Rep. 620; 34 Supp. 657.*Cited*, Venue—Change—Number of Witnesses.

15 App. Div. 93; (78 St. Rep. 290; 44 Supp. 290).

Payne v. Freer, 91 N. Y. 43.*Cited*, Partners — Overdrafts — Whether Usurious.

12 Misc. 437; (67 St. Rep. 365; 33 Supp. 591).

Payne v. Freer, 20 St. Rep. 605; 4 Supp. 644.*Cited*, Fraudulent Conveyance—Transaction Between Husband and Wife—Consideration.

76 Hun, 613; (59 St. Rep. 332; 27 Supp. 1029).

Payne v. Gardiner, 29 N. Y. 146.*Cited*, Deposit—Demand—Limitation of Action.

38 Hun, 537; (68 St. Rep. 825; 34 Supp. 857). 4 App. Div. 461; (74 St. Rep. 154; 38 661). 9 App. Div. 366, 368; (75 St. Rep. 813; 41 Supp. 400, 401). 77 St. Rep. 153; (43 Supp. 153).

Payne v. Godfrey, 14 App. Div. 260; 77 St. Rep. 543; 43 Supp. 543.**Payne v. Grant**, 23 Hun, 134.*Cited*, Foreclosure—Effect of Judgment on Paramount Title.

82 Hun, 408; 63 St. Rep. 571; 31 Supp. 241). 8 App. Div. 520; (75 St. Rep. 289; 40 Supp. 893).

Payne v. Kerr, 50 St. Rep. 359; 21 Supp. 880.**Payne v. People**, 6 Johns. 103.*Cited*, Larceny—Note—Validity.

74 Hun, 98; (56 St. Rep. 224; 26 Supp. 404).

Payne v. Forty-Second St. & G. St. F. R. Co., 40 Super. 8.*Cited*, Evidence—Negligence—Mere Inference.

14 Misc. 281; (70 St. Rep. 253; 35 Supp. 833).

Payne v. Troy & Boston R. Co., 83 N. Y. 572.*Cited*, Trial—Question of Law and Fact—Negligence.

2 Misc. 72; (49 St. Rep. 630; 21 Supp. 783). 10 Misc. 706; (64 St. Rep. 634; 31 Supp. 829). 18 Misc. 68; (75 St. Rep. 433; 41 Supp. 29).

Payne v. Wilson, 74 N. Y. 348.*Cited*, Lien — Mechanic's — When Lien Attaches.

136 N. Y. 620; (49 St. Rep. 260); 144 N. Y. 112; (63 St. Rep. 67).

Mortgage—By Executor—Preservation of Estate.

78 Hun, 191; (60 St. Rep. 287; 28 Supp. 927).

Mortgage — Equitable — How Created—Character of Writing.

1 Misc. 41; (23 Supp. 910). 79 St. Rep. 975; (45 Supp. 975).

Vendor and Purchaser—Vendor's Lien;

75 Hun, 454; (59 St. Rep. 647; 27 Supp. 535).

Peabody v. Boutwell, 69 Hun, 361; 52 St. Rep. 692; 23 Supp. 625.*Affirmed*, 143 N. Y. 629; 60 St. Rep. 875.**Peabody v. Chandler**, 17 Misc. 655; 40 Supp. 1028.**Peabody v. Cortada**, 45 St. Rep. 834; 18 Supp. 622.*Cited*, Pleading — Bill of Particulars — Special Damages.

55 St. Rep. 435; (25 Supp. 348). 9 App. Div. 616; (75 St. Rep. 1225; 41 Supp. 824).

Peabody v. Cortada, 50 St. Rep. 743; 21 Supp. 680.*Cited*, Reference — Compulsory — Several Causes of Action.

18 Misc. 565; (76 St. Rep. 469; 42 Supp. 469).

Peabody v. Fenton, 3 Barb. 451.*Cited*, Mortgage—Record Before Prior Deed—Bona Fides.

135 N. Y. 47; (48 St. Rep. 255).

*Duplicate Citations in Parenthesis.***Peabody v. Roberts**, 47 Barb. 91.*Cited*, Mortgage—Foreclosure—Right to.
138 N. Y. 143; (51 St. Rep. 850; 30 Abb. N. C. 339).**Peabody v. Speyers**, 56 N. Y. 230.*Cited*, Contracts—Statute of Frauds—Sufficiency of Writing—Sale.

76 Hun, 610; (57 St. Rep. 458; 27 Supp. 821).

Peabody v. Washington County Mutual Ins. Co., 20 Barb. 339.*Cited*, Pleading—Complaint—Sufficiency—Insurance.

77 Hun, 475; (60 St. Rep. 672; 29 Supp. 103).

Peach v. Utica, 10 Hun, 477.*Cited*, Highways—Rights of Person of Defective Sight.

7 App. Div. 522; (40 Supp. 257).

Peake v. Bell, 7 Hun, 454.*Cited*, New Trial—Weight of Evidence—Effect of Failure to Ask Direction of Verdict.

72 Hun, 427; (55 St. Rep. 173; 25 Supp. 124). 91 Hun, 637; (70 St. Rep. 664; 35 Supp. 1005). 15 App. Div. 8; (77 St. Rep. 1114; 43 Supp. 1114).

Pearce v. Stephens, 18 App. Div. 101;

79 St. Rep. 422; 45 Supp. 422.

Affirmed, 153 N. Y. 673.**Pearce & Miller E. Co. v. Brouwer**,

10 Misc. 502; 63 St. Rep. 621; 31 Supp. 195.

Peard v. Mt. Vernon, 83 Hun, 250; 63

St. Rep. 807; 31 Supp. 395.

Pearl v. Macauley, 6 App. Div. 70; 39

Supp. 472.

Pearl v. Raduziner, 10 Misc. 45; 63 St.

Rep. 771; 30 Supp. 810.

Pearl Street, Matter of, 19 Wend, 651.*Cited*, Commissioners—Award—Setting Aside—Power of Court.

11 Misc. 693; (66 St. Rep. 224; 32 Supp. 828).

Pearsall, Matter of, 4 Supp. 366.*Cited*, Surrogate's Court—Power to Determine Legatee's Interest.

17 Misc. 495; (41 Supp. 262).

Pearsall v. Post, 20 Wend, 111.*Cited*, 39 Supp. 14.**Pearsall v. Western Union Tel. Co.**,

124 N. Y. 256; 35 St. Rep. 307.

Cited, 10 Misc. 728; (65 St. Rep. 105; 31 Supp. 1011).

Carriers — Freight — Liability—Limitation.

68 Hun, 606; (52 St. Rep. 586; 23 Supp. 236).

Telegraphs — Messages — Transmission—Condition—Negligence.

6 Misc. 226; (56 St. Rep. 531; 26 Supp. 535). 8 Misc. 218; (59 St. Rep. 227; 28 Supp. 582). 3 App. Div. 64; (38 Supp. 1058; 3 Ann. Cas. 130). 16 Misc. 348; (74 St. Rep. 314; 38 Supp. 59; 3 Ann. Cas. 131).

Corporations—Restriction of Liability.

3 App. Div. 23; (73 St. Rep. 552; 37 Supp. 933; 3 Ann. Cas. 124).

Pearsall v. Van Zandt, 9 App. Div.

625; 75 St. Rep. 454; 41 Supp. 5.

Pearson v. Eggert, 15 App. Div. 125;

78 St. Rep. 330; 44 Supp. 330.

Pearson v. Fiske, 2 Hill, 146.*Cited*, Referee — Reopening Case—Discretion.

13 Misc. 96; (68 St. Rep. 73; 34 Supp. 82).

Pearson v. Germond, 83 Hun, 88; 63

St. Rep. 842; 31 Supp. 358.

Cited, Landlord and Tenant—Defense—Eviction.

19 Misc. 524; (77 St. Rep. 1081; 43 Supp. 1081).

Pearson v. Gillotte, 15 St. Rep. 395.*Cited*, Landlord and Tenant—Eviction.

17 Misc. 607; (75 St. Rep. 56; 40 Supp. 655).

Pearson v. Lovejoy, 53 Barb. 407.*Cited*, Notice—Filing—Written.

1 App. Div. 587; (73 St. Rep. 187; 37 Supp. 465).

Due Notice—What Is.

40 Supp. 447.

Peart v. Peart, 38 Hun, 79.*Cited*, Appeal—Orders—Review.

17 Misc. 143; (39 Supp. 333).

Pease, Matter of, 19 Misc. 210; 77 St.

Rep. 1146; 43 Supp. 1146.

Pease v. Egan, 131 N. Y. 262; 43 St. Rep. 105.*Cited*, Mortgage—Satisfaction—Right of Subrogation.

10 App. Div. 161; (41 Supp. 865)

Trust—Death of One Beneficiary—Lapsing.

10 Misc. 467; (65 St. Rep. 159; 32 Supp. 102).

Equity—Subrogation.

12 Misc. 599; (70 St. Rep. 279; 35 Supp. 775).

Pease v. Gillette, 10 Misc. 467; 65 St.

Rep. 158; 32 Supp. 102.

Duplicate Citations in Parenthesis.

Pease v. Delaware, L. & W. R. Co.,
10 Daly, 459.

Cited, Pleading—Abatement—Non-Residence.

91 Hun, 498; (70 St. Rep. 860; 36 Supp. 258; 25 Civ. Pro. 112). 12 Misc. 448; (67 St. Rep. 601; 33 Supp. 700).

Pease v. Smith, 61 N. Y. 477.

Cited, Witness—Credibility—Effect of Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937). 20 Misc. 304; (79 St. Rep. 804; 45 Supp. 804). 11 Misc. 17; (63 St. Rep. 454; 31 Supp. 870).

Conversion—What Constitutes—When Demand Necessary

85 Hun, 543; (67 St. Rep. 148; 23 Supp. 432). 4 App. Div. 294, 296; (39 Supp. 452, 453). 11 App. Div. 386; (76 St. Rep. 500; 42 Supp. 500). 13 App. Div. 273; (77 St. Rep. 230; 43 Supp. 230).

Peaselee, Matter of, 73 Hun, 113; 56 St. Rep. 134; 25 Supp. 940.

Cited, Contracts—Rescission—Retention of Benefits.

6 Misc. 588; (57 St. Rep. 853; 27 Supp. 629).

Wills—Contest—Restoration by Legatees.

81 Hun, 429; (63 St. Rep. 204; 30 Supp. 1010).

Judgments—Binding Effect.

15 Misc. 656; (72 St. Rep. 681; 37 Supp. 431; 25 Civ. Pro. 160).

Peaslee, Matter of, 81 Hun, 597; 63 St. Rep. 221; 30 Supp. 1028.

Peaslee v. Chatham, Town of, 69 Hun, 389; 52 St. Rep. 695; 23 Supp. 628.

Peaslee v. Peaslee, 2 Misc. 573; 51 St. Rep. 597; 22 Supp. 527.

Peche v. Sloane, 16 App. Div. 458; 79 St. Rep. 37; 45 Supp. 37.

Pechner v. Phoenix Ins. Co., 65 N. Y. 195.

Cited, Insurance—Policy—Waiver of Condition by Agent.

6 Misc. 50; (55 St. Rep. 775; 26 Supp. 82). 10 Misc. 160; (63 St. Rep. 524; 31 Supp. 5).

Peck, Matter of, 30 St. Rep. 209; 9 Supp. 465.

Cited, Transfer Tax—Legacies—Value—Appraisal.

10 Misc. 643; (66 St. Rep. 141; 32 Supp. 781).

Peck, Matter of, 39 St. Rep. 234; 14 Supp. 899.

Cited, Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Surrogate's Decisions—What to Contain. 12 Misc. 256; (68 St. Rep. 693; 34 Supp. 639).

Peck, Matter of, 42 St. Rep. 898; 17 Supp. 248.

Cited, Wills—Testamentary Capacity—Confirmed Drunkards.

5 Misc. 203; (25 Supp. 112). 17 Misc. 553; (41 Supp. 268).

Peck, Matter of, 3 Redf. 345.

Cited, Decedent's Estate—Sale of Realty—Right to Proceeds for Costs.

15 Misc. 536; (74 St. Rep. 298; 37 Supp. 1128; 25 Civ. Pro. 319).

Peck v. Armstrong, 38 Barb. 215.

Cited, Sale—Warranty—Implied.

69 Hun, 434; (52 St. Rep. 615; 22 Supp. 354). 88 Hun, 248; (68 St. Rep. 661; 34 Supp. 743).

Peck v. Baldwin, 58 Hun, 308; 34 St. Rep. 511; 11 Supp. 792.

Cited, Statutes—Construction—Intent.

77 Hun, 435; (60 St. Rep. 19; 28 Supp. 810).

Peck v. Belknap, 130 N. Y. 394.

Cited, Civil Service Law—Construction—Illegal Acts Under—Effect.

148 N. Y. 367. D. 162 N. Y. 368, 383.

Official Acts—Illegality.

3 App. Div. 183; (73 St. Rep. 627; 38 Supp. 471).

Peck v. Burr, 10 N. Y. 294.

Cited, Illegal Contracts—Recovery Under. 148 N. Y. 538.

Peck v. Callaghan, 95 N. Y. 73.

Cited, Evidence—Expert—Handwriting—Specimens.

135 N. Y. 454; (48 St. Rep. 427). 90 Hun, 381; (70 St. Rep. 612; 35 Supp. 913).

Peck v. Cary, 27 N. Y. 9.

Cited, Wills—Attestation—Request to Witnesses Made by Scrivener—Assent of Testator.

141 N. Y. 157; (56 St. Rep. 680). 13 Misc. 556; (70 St. Rep. 192; 35 Supp. 494). 14 Misc. 489; (71 St. Rep. 595; 36 Supp. 819).

*Wills—Testamentary Capacity—Drunk-
-ness.*

7 Misc. 224; (57 St. Rep. 848; 27 Supp. 651). 5 Misc. 203; (25 Supp. 112). 16 Misc. 234; (39 Supp. 188). 15 Misc. 311, 313; (73 St. Rep. 436, 437; 37 Supp. 759, 760).

Wills—Attestation Clause—Effect.

17 Misc. 190; (40 Supp. 982).

Duplicate Citations in Parenthesis.

Wills—Signing Without Knowledge of Testator—Effect.

17 Misc. 550; (75 St. Rep. 676; 41 Supp. 285).

Peck v. Dickey, 5 Misc. 95; 24 Supp.

834; 23 Civ. Pro. 210.

Cited, Pleading—Courts—Jurisdiction.

17 Misc. 370; (40 Supp. 71).

Peck v. Doran & Wright Co., 57 Hun, 343; 32 St. Rep. 405; 10 Supp. 401.

Cited, Illegal Contracts—Parol Evidence.

86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900).

Peck v. Elder, 3 Sandf. 126.

Cited, Nuisances—Fat Rendering.

67 Hun, 58; (51 St. Rep. 193; 22 Supp. 59).

Peck v. Ellis, 2 Johns. Ch. 131.

Cited, Wrongdoers—Contribution.

16 App. Div. 619; (78 St. Rep. 1059; 34 Supp. 1059).

Peck v. Equitable Acc. Ass'n of Binghamton, 52 Hun, 255; 23 St. Rep. 465; 5 Supp. 215.

Cited, Insurance — Death — Proximate Cause.

8 App. Div. 133; (40 Supp. 516). 92 Hun, 258; (62 St. Rep. 306; 36 Supp. 933).

Benefit Association—Assessments—Duty to Make.

17 Misc. 638; (40 Supp. 592).

Peck v. Fonda, J. & G. R. Co., 25 St. Rep. 95; 6 Supp. 397.

Cited, Trial Justice—Setting Aside Verdict—Effect on Appeal.

88 Hun, 114; (68 St. Rep. 538; 34 Supp. 615).

Verdict—Setting Aside—New Trial—Payment of Costs.

74 St. Rep. 45. 16 Misc. 513; (38 Supp. 525).

Peck v. Goodberlett, 109 N. Y. 180; 15 St. Rep. 182.

Cited, Equity—Application of Complete Relief.

140 N. Y. 44; (55 St. Rep. 593). 12 Misc. 645; (66 St. Rep. 875; 33 Supp. 1134).

Pleading—Answer—Set-off in Equity—Time of Accrual.

139 N. Y. 120; (54 St. Rep. 644).

Nuisance—Extent—How Determined.

17 Misc. 231; (40 Supp. 1046).

Peck v. Hiller, 30 Barb. 655.

Cited, New Trial—Motion for—Laches—Effect.

7 App. Div. 405; (39 Supp. 1020).

Peck v. Hiller, 24 Barb. 178.

Cited, Landlord and Tenant—Partial Eviction—Effect on Rent.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Peck v. Knickerbocker Ice Co., 18 Hun, 183.

Cited, Foreclosure—Right to Possession—How Obtained.

17 App. Div. 323; (79 St. Rep. 210; 45 Supp. 210).

Peck v. Lombard, 22 Hun, 63.

2 App. Div. 339; (73 St. Rep. 64; 37 Supp. 851).

Peck v. Mallams, 10 N. Y. 509.

Distinguished, D. 76 Hun, 35; (59 St. Rep. 603; 27 Supp. 616).

Cited, Deeds—Uncertain Description—Effect.

D 83 Hun, 615; (68 St. Rep. 875; 34 Supp. 1142).

Deeds—Recital of Consideration—Effect on Third Parties.

10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 338)

Deeds—Grantor's Designation—Personal.

11 Misc. 185; (66 St. Rep. 333; 32 Supp. 1078).

Peck v. McAlpine, 3 Caines, 166 B.

Cited, Adjournments — Conditions — Waiver.

16 Misc. 143; (74 St. Rep. 548; 38 Supp. 958).

Peck v. Mulvihill, 2 City Ct. R. 424.

Cited, Levy—Exemption of Householders —Working Tools.

3 Misc. 121; (23 Supp. 1058).

Peck v. New York, 8 N. Y. 222.

Cited, Master and Servant—Master's Liability to third Person—Act of Independent Contractor.

7 Misc. 120; (57 St. Rep. 544; 27 Supp. 249).

Peck v. Newton, 46 Barb. 173.

Cited, Land — Recovery — By Equitable Owner.

92 Hun, 91; (71 St. Rep. 145; 36 Supp. 375). 12 Misc. 121; (66 St. Rep. 732; 33 Supp. 75; 2 Ann. Cas. 34).

Peck v. N. Y. C. & H. R. R. Co., 4 Hun, 236.

Cited, Appeal—General Term—Reducing Excessive Verdict.

69 Hun, 353; (52 St. Rep. 714; 23 Supp. 635).

Peck v. N. Y. C. & H. R. R. Co., 8 Hun, 286.

Cited, Appeal—General Term—Reducing Excessive Verdict.

69 Hun, 353; (52 St. Rep. 714; 23 Supp. 635).

Duplicate Citations in Parenthesis.

Peck v. N. Y. C. & H. R. R. Co., 70 N. Y. 587.

Cited, Master and Servant—Violation of Orders by Servant—Effect on Master's Liability.

54 St. Rep. 155; (23 Supp. 308).

Peck v. Ormsby, 55 Hun, 265; 28 St. Rep. 518; 8 Supp. 372.

Cited, Mortgage—Foreclosure—Surplus—Pension Exemption.

28 Supp. 260; (23 Civ. Pro. 165).

Peck v. Peck, 3 Dem. 548.

Cited, Executors—Claims Against—When Action on Proper.

70 Hun, 478; (53 St. Rep. 796; 24 Supp. 281).

Peck v. Richardson, 12 Misc. 310; 67 St. Rep. 810; 33 Supp. 1107.

Cited, Equity—Bringing in Parties Interested.

78 St. Rep. 921; (44 Supp. 921).

Peck v. Richardson, 78 St. Rep. 919; 44 Supp. 919.

Peck v. Root, 5 Hun, 547.

Cited, Pleading—Action in Tort.

4 App. Div. 230; (74 St. Rep. 196; 33 Supp. 553).

Peck v. Sherwood, 56 N. Y. 615.

Cited, Municipal Assessments—Apportionment Between Life Tenant and Remainderman.

152 N. Y. 565, 576. 80 Hun, 539, 540; (62 St. Rep. 615, 616). 17 Misc. 690; (75 St. Rep. 935). 30 Supp. 641.

Peck v. State of New York, 137 N. Y. 372; 50 St. Rep. 646.

Cited, 64 St. Rep. 883; (31 Supp. 1135).

Peck v. Tiffany, 2 N. Y. 451.

Cited, Execution—Levy—Application of Property—Priority.

79 Hun, 148; (61 St. Rep. 357; 29 Supp. 765; 24 Civ. Pro. 35).

Judgment—Satisfaction—Levy Without Sale.

73 Hun, 316; (58 St. Rep. 67; 26 Supp. 421).

Peck v. Valentine, 94 N. Y. 569.

Cited, Evidence—Memoranda—How Used.

150 N. Y. 392. 88 Hun, 534; (68 St. Rep. 711; 34 Supp. 777).

Peck v. Vandermark, 99 N. Y. 29.

Cited, Marriage—Valuable Consideration.

D. 86 Hun, 256; (66 St. Rep. 755; 33 Supp. 239).

Peck v. Yorks, 75 N. Y. 421.

Cited, Costs—Liability of Holder of Claim as Collateral

71 Hun, 113; (54 St. Rep. 70; 24 Supp. 633; 23 Civ. Pro. 189).

Peck v. Yorks, 32 How. 403.

Cited, Injunction—Dissolution—Effect on Contempt Proceedings.

14 Misc. 193; (70 St. Rep. 196; 35 Supp. 467).

Peckham v. Dutchess County R. Co., 81 Hun, 399; 63 St. Rep. 396; 31 Supp. 105.

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Peckham v. Dutchess County R. Co., 139 N. Y. 642; 54 St. Rep. 932.

Affirming, 47 St. Rep. 182; 20 Supp. 39.

Peckham v. Dutchess County R. Co., 145 N. Y. 385; 64 St. Rep. 831.

Peckham v. Ketchum, 5 Bosw. 506.

Cited, Brokers—Liability—Genuineness of Securities.

71 Hun, 187; (54 St. Rep. 234; 23 Supp. 212; 3 Misc. 186).

Peckham v. Van Wagenen, 83 N. Y. 40.

Cited, Diverted Funds—Following.

2 App. Div. 528; (74 St. Rep. 276; 37 Supp. 1094). 11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165).

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D. 7 App. Div. 162; (74 St. Rep. 686; 40 Supp. 129).

Pecksport Connecting Ry. Co. v. West, 79 St. Rep. 644; 45 Supp. 644.

Peebles v. Case, 2 Bradf. 226.

Cited, Wills—Executors—Proof—Sufficiency.

16 Misc. 209; (38 Supp. 1128).

Peek, Matter of, 80 Hun, 122; 61 St. Rep. 802; 30 Supp. 59.

Peer v. O'Leary, 8 Misc. 350; 59 St. Rep. 594; 28 Supp. 687.

Peekamoose Fishing Club, Matter of, 151 N. Y. 511.

Peekamoose Fishing Club, Matter of, 5 App. Div. 283; 39 Supp. 124.

Peekamoose Fishing Club, Matter of, 40 Supp. 959.

Peel v. Kern, 6 Hun, 298.

Cited, Witness—Credibility—Cross-Examination—Discretion of Court.

18 Misc. 248; (75 St. Rep. 1003; 41 Supp. 610).

Duplicate Citations in Parenthesis.

Peetsch v. Quinn, 6 Misc. 50; 55 St. Rep. 926; 26 Supp. 728.

Reversed, 7 Misc. 6; 57 St. Rep. 80; 27 Supp. 323.

Peetsch v. Quinn, 6 Misc. 52; 56 St. Rep. 607; 26 Supp. 729.

Reversed, 7 Misc. 6; 57 St. Rep. 80; 27 Supp. 320.

Peetsch v. Quinn, 7 Misc. 6; 57 St. Rep. 80; 27 Supp. 323.

Reversing, 6 Misc. 614; 56 St. Rep. 608; 26 Supp. 731.

Cited, Damages—Right to Interest.

12 Misc. 53; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 392). 12 Misc. 62; (66 St. Rep. 689; 33 Supp. 87; 24 Civ. Pro. 395).

Peetsch v. Quinn, 12 Misc. 61; 66 St. Rep. 689; 33 Supp. 87; 24 Civ. Pro. 394; 1 Ann. Cas. 282.

Affirming, 10 Misc. 790; 64 St. Rep. 878; 31 Supp. 1131.

Cited, Appealability—Orders—City Court.

12 Misc. 406; (67 St. Rep. 324; 33 Supp. 617).

Pegram v. Carson, 18 How. 519.

Cited, Discovery—When Granted.

84 Hun, 152; (65 St. Rep. 837; 32 Supp. 509).

Pegram v. New York El. R. Co., 8 Misc. 425; 59 St. Rep. 576; 28 Supp. 592.

Affirmed, 147 N. Y. 135; 69 St. Rep. 397.

Pegram v. New York El. R. Co., 147 N. Y. 135; 69 St. Rep. 397.

Cited, Elevated Railroads—Abutting Owners—Easement—Damages.

147 N. Y. 374; (70 St. Rep. 31). 4 App. Div. 153; (38 Supp. 1048). 13 App. Div. 383, 384; (77 St. Rep. 37; 43 Supp. 37).

Elevated Railroads—Adjustment of Equities—Subsequent Grantees—Bringing in.

4 App. Div. 31; (38 Supp. 689). 38 Supp. 1048). 16 App. Div. 452; (79 St. Rep. 66; 45 Supp. 65).

Peiffer v. Wheeler, 76 Hun, 280; 59 St. Rep. 106; 27 Supp. 771.

Cited, Attachment—Amendment.

90 Hun, 32; (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179).

Peil v. Reinhart, 127 N. Y. 381; 38 St. Rep. 913.

Cited, D. 10 Misc. 717; (64 St. Rep. 619; 31 Supp. 811).

Appeal—Exceptions—What Considered.

1 Misc. 113; (43 St. Rep. 652; 20 Supp. 727). 12 Misc. 651; (67 St. Rep. 91; 33 Supp. 271).

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7 Misc. 118; (57 St. Rep. 516; 27 Supp. 416). 5 Misc. 4; (25 Supp. 127).

Landlord and Tenant—Defective Stairs—Injury to Tenant's Caller.

3 Misc. 21; (50 St. Rep. 572; 21 Supp. 776). 20 Misc. 571.

Landlord and Tenant—Liability of Landlord to Tenant—Tenement Houses—Hallways.

5 Misc. 445; (26 Supp. 802). 13 Misc. 19; 68 St. Rep. 162; (34 Supp. 91). 13 App. Div. 573; (77 St. Rep. 817; 43 Supp. 817).

Nuisance—Liability of Landlord.

4 Misc. 85; (53 St. Rep. 85; 23 Supp. 799; 30 Abb. N. C. 288). 85 Hun. 97; (66 St. Rep. 67; 32 Supp. 683).

Trial—Questions for Jury—Negligence.

4 Misc. 297; (53 St. Rep. 429; 23 Supp. 1030).

Peirano v. Merritt, 68 St. Rep. 826; 34 Supp. 1087.

Peirson v. Wayne County Supervisors of, 87 Hun, 605; 68 St. Rep. 524; 34 Supp. 568.

Pelham Manor, Village of v. New Rochelle W. Co., 67 Hun, 98; 51 St. Rep. 369; 21 Supp. 1110.

Affirmed, 143 N. Y. 532; 62 St. Rep. 824.

Pelham Manor, Village of v. New Rochelle W. Co., 143 N. Y. 532; 62 St. Rep. 824.

Pell v. Baur, 133 N. Y. 377; 45 St. Rep. 241.

Cited, Mechanic's Lien—To What Attaches—Joint Contractors—Severance of Work.

72 Hun, 420; (54 St. Rep. 883; 25 Supp. 204).

Mechanic's Lien—Sub-Contractor—Consent—Completion by Owner.

73 Hun, 566; (56 St. Rep. 426; 26 Supp. 321).

Mechanic's Lien—Consent—Person Benefited.

88 Hun, 3; (68 St. Rep. 289; 34 Supp. 506). 10 Misc. 188; (62 St. Rep. 486; 30 Supp. 1034). 10 Misc. 376; (64 St. Rep. 118; 31 Supp. 435). 19 Misc. 63; (77 St. Rep. 170; 43 Supp. 170).

Pell v. Folger, 68 Hun, 443; 52 St. Rep. 682; 23 Supp. 42.

Cited, Wills—Devise—Construction—Trusts.

10 App. Div. 163; (73 St. Rep. 26; 37 Supp. 922).

Pell v. Ulmar, 18 N. Y. 139.

Cited, Ejectment—Recovery—Proof.

12 Misc. 361; (67 St. Rep. 389; 33 Supp. 688).

Duplicate Citations in Parenthesis.

Pellas v. Motley, 143 N. Y. 657; 62 St. Rep. 272.

Modifying and Affirming, 46 St. Rep. 91; 19 Supp. 28.

Pelletreau v. United Electric Light & Power Co., 10 Misc. 769; 62 St. Rep. 510; 30 Supp. 948.

Pelletreau v. United States E. L. & P. Co., 13 Misc. 237; 68 St. Rep. 109; 34 Supp. 125.

Pelly v. Naylor, 139 N. Y. 598; 55 St. Rep. 453.

Reversing, 49 St. Rep. 791; 21 Supp. 25.

Cited, Bills and Notes—Transferees—Fraud in Inception.

Followed, 142 N. Y. 623; (60 St. Rep. 866).

Pelly v. Onderdonk, 61 Hun, 314; 40 St. Rep. 648; 15 Supp. 915.

Cited, Bills and Notes — Rights of Transferee—Fraud of Payee.

49 St. Rep. 786; (21 Supp. 19). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Pelly v. Onderdonk, 49 St. Rep. 785; 21 Supp. 19.

See *Pelly v. Naylor*; 139 N. Y. 598; 55 St. Rep. 443.

Pelly v. Robinson, 142 N. Y. 623; 60 St. Rep. 866.

Reversing, 49 St. Rep. 792; 21 Supp. 25.

See *Pelly v. Naylor*.

Pelton v. Westchester Fire Ins. Co., 13 Hun, 23.

Affirmed, 77 N. Y. 605.

Cited, Insurance — Interest — Equitable Ownership.

70 Hun, 492; (53 St. Rep. 747; 24 Supp. 386).

Insurance — Conditions—Representations — Ownership.

69 Hun, 503; (52 St. Rep. 718; 23 Supp. 401).

Pelton v. Westchester Fire Ins. Co., 77 N. Y. 605.

Cited, Insurance, Fire — Conditions as to Unconditional and Sole Ownership—Incumbrance.

1 Misc. 114; (48 St. Rep. 654; 20 Supp. 647).

Peltz v. Schultes, 46 St. Rep. 216; 19 Supp. 637.

Cited, Limitation of Action — Claim Against Decedent's Estate.

70 Hun, 478; (53 St. Rep. 796; 24 Supp. 287).

Pender v. Brooklyn City R. Co., 84 Hun, 460; 65 St. Rep. 573; 32 Supp. 366.

Pendergast v. Greenfield, 127 N. Y. 23; 37 St. Rep. 222.

Cited, Equity Actions—Proper Parties.

84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Trusts—Validity—Beneficiaries.

79 St. Rep. 623; (45 Supp. 623).

Pendergast v. Union R. Co. of N.Y., 10 App. Div. 207; 75 St. Rep. 1297; 41 Supp. 927.

Cited, Master and Servant—Negligence of Co-employees.

17 App. Div. 125; (79 St. Rep. 99; 45 Supp. 99).

Pendleton v. Empire Stone Dressing Co., 19 N. Y. 13.

Cited, Evidence — Witness — Impeachment—Practice.

12 Misc. 60; (66 St. Rep. 684; 33 Supp. 49).

Pendleton v. Hawkins, 11 App. Div. 602; 76 St. Rep. 626; 42 Supp. 626.

Pendleton v. Hughes, 65 Barb. 136.

Affirmed, 53 N. Y. 626.

Cited, Fraudulent Conveyance — Judgment Creditors.

76 Hun, 560; (58 St. Rep. 250; 28 Supp. 191).

Writ and Process — Service—Designated Person—Delivery of Designation.

7 Misc. 102; (57 St. Rep. 100; 27 Supp. 402).

Penfield, Town of, Matter of, 69 Hun, 601; 53 St. Rep. 550; 23 Supp. 944.

Penfield, Town of, Matter of, 3 App. Div. 30; 74 St. Rep. 354; 37 Supp. 1056.

Penfield v. New Rochelle, Village of, 18 App. Div. 83; 79 St. Rep. 460; 45 Supp. 460.

Penfield v. Sage, 71 Hun, 573; 55 St. Rep. 122; 24 Supp. 994.

Cited, Referee's Findings — Conflicting Evidence.

4 App. Div. 448; (74 St. Rep. 237; 38 Supp. 608).

Penfield v. Thayer, 2 E. D. Smith, 305. *Cited*, Gift—Causa Mortis—Of Bank Deposit—Possession of Book.

3 Misc. 283; (52 St. Rep. 397; 22 Supp. 784). 3 Misc. 270; (51 St. Rep. 904; 22 Supp. 937). 16 Misc. 140; (38 Supp. 943).

Penfield v. White, 8 How. 87.

Cited, Injunction — Preliminary — Complaint as Affidavit.

7 Misc. 126; (57 St. Rep. 71; 27 Supp. 344).

Duplicate Citations in Parenthesis.

Penn v. Buffalo & Erie R. Co., 49 N. Y. 204.

Cited, Carriers—Freight—Animals—Unruliness.

8 Misc. 25; (58 St. Rep. 312; 28 Supp. 71).

Pennell v. Bucki, 84 Hun, 432; 65 St. Rep. 623; 32 Supp. 407.

Pennell v. New York, 59 Super. 279; 39 St. Rep. 145; 14 Supp. 376.

Cited, Contracts—Performance—Prevention—Damages.

9 Misc. 336; (60 St. Rep. 621; 29 Supp. 691).

Pennell v. New York, 17 App. Div. 455; 79 St. Rep. 229; 45 Supp. 229.

Pennie v. Brooklyn, 97 N. Y. 654.

Cited, Municipal Corporations—Servants—Compensation—Enforcement.

6 App. Div. 137; (39 Supp. 992).

Penniman v. Fuller & Warren Co., 133 N. Y. 442; 45 St. Rep. 654; 22 Civ. Pro. 205.

Cited, Action—Change of Venue—Proper County—Demand.

76 Hun, 600; (58 St. Rep. 248; 28 Supp. 220; 23 Civ. Pro. 407).

Pleading — Amendment — Relation to Commencement of Action.

79 Hun, 61; (61 St. Rep. 177; 29 Supp. 648)

Penn Mutual Ins. Co. v. Bradley, 51 St. Rep. 39; 21 Supp. 876.

Affirmed, 142 N. Y. 660; 60 St. Rep. 869.

Pennsylvania Coal Co. v. Blake, 85 N. Y. 226.

Cited, Contracts—Extension of Time—Consideration.

90 Hun, 591; (70 St. Rep. 562; 35 Supp. 987).

Penny v. Rochester Railway Co., 7 App. Div. 595; 74 St. Rep. 732; 40 Supp. 172.

Penoyar v. Kelsey, 150 N. Y. 77.

Affirming, 3 App. Div. 613; 40 Supp. 1147.

Pensa v. Pensa, 3 Misc. 417; 52 St. Rep. 447; 23 Supp. 186.

Pentz, Matter of, 60 St. Rep. 476.

Pentz v. Stanton, 10 Wend. 271.

Cited, Bills and Notes—Corporation—Addition of Official Title—Liability.

139 N. Y. 311; (54 St. Rep. 590).

Principal and Agent—Authority—Liability to Third Person—On Bills and Notes.

24 Supp. 797. 82 Hun, 175; (63 St. Rep. 776; 31 Supp. 327).

People, Matter of. See *People v. Ennis*.

People, Matter of, 146 N. Y. 357.

Cited, Special Act—Repeal by General Act—Intent of Legislature.

19 Misc. 122.

People v. Abraham, 16 App. Div. 58

78 St. Rep. 1077; 44 Supp. 1077.

People v. Adams, 16 Hun, 449.

Cited, Criminal Law—Facts for Jury.

149 N. Y. 104.

People v. Adams, 88 Hun, 122; 68 St.

Rep. 643; 34 Supp. 579.

People v. Adams, 89 Hun, 284; 35 Supp. 648.

Reversed, 148 N. Y. 724.

People v. Adams, 125 N. Y. 471; 36 St. Rep. 166.

Cited, Certiorari—Taxes—Prior Demand for Relief—Waiver.

78 Hun, 60; (60 St. Rep. 508; 28 Supp. 1040), 68 Hun, 244; (52 St. Rep. 191; 22 Supp. 989).

Certiorari—Taxes—Returns — Assessment Rolls—Certified Copies.

5 Misc. 57; (25 Supp. 49).

People v. Adams, 22 St. Rep. 856.

Cited, Municipal Corporations—Veterans—Removal.

149 N. Y. 225. 13 App. Div. 403; (76 St. Rep. 962; 42 Supp. 962).

People v. Adams, 89 Hun, 284; 70 St.

Rep. 512; 35 Supp. 648.

See *Kenna, Matter of*.

People v. Adams, 3 Den. 190.

Cited, 86 Hun, 464; (67 St. Rep. 639; 33 Supp. 892).

People v. Adams, 17 Wend. 475.

Cited, Indictment—Illegal Sale of Liquor—Statement of Offense.

19 Misc. 459; (78 St. Rep. 608; 44 Supp. 608). 8 App. Div. 136, 137; (40 Supp. 493, 494).

People v. Adelphi Club of Albany,

149 N. Y. 5.

Cited, Dispensing Liquors—Social Clubs—Excise Law.

17 Misc. 14; (39 Supp. 534, 536)

People v. Adler, 140 N. Y. 331; 55 St. Rep. 669.

Affirming, 53 St. Rep. 938; 25 Supp. 1132.

Cited, Indictments—Duplicitv.

147 N. Y. 476; (70 St. Rep. 67). 14 Misc. 40; (69 St. Rep. 618; 35 Supp. 243).

Criminal Law—Procedure — Effect of — Criminal Code.

151 N. Y. 409.

*Duplicate Citations in Parenthesis.***People v. Adler**, 3 Parker, Cr. R. 249.

Cited, Criminal Law — Misdemeanor — Arrest—How Made.

13 Misc. 765; (69 St. Rep. 609; 35 Supp. 234).

People v. Aitken, 19 Hun, 327.

Cited, Contempt—Violation of Mandate—Honest Mistake.

67 Hun, 260; (50 St. Rep. 908; 22 Supp. 430; 23 Civ. Pro. 126).

People v. Albany, Board of Assessors of, 40 N. Y. 154.

Cited, Certiorari—Reviewing Sufficiency of Proofs.

67 Hun, 501; (51 St. Rep. 235; 22 Supp. 502).

People v. Albany County Board of Canvassers, 46 Hun, 390.

Cited, Inspectors of Election—Alteration of Report—Effect.

17 Misc. 678; (40 Supp. 604).

People v. Albany County Court of Sessions, 82 Hun, 242; 63 St. Rep. 821; 31 Supp. 373.

Reversed, 147 N. Y. 290; 69 St. Rep. 667.

People v. Albany County Court of Sessions, 147 N. Y. 290; 69 St. Rep. 667.**People v. Albany County Supervisors**, 12 Johns. 414.

Cited, Mandamus—When May Issue.

2 Misc. 155; (50 St. Rep. 537; 23 Supp. 161; 23 Civ. Pro. 77).

People v. Albany County Supervisors, 12 Wend. 257.

Cited, Municipal Corporations—Officers Extra Compensation.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 759).

People v. Albany Medical College, 26 Hun, 348.

Affirmed, 89 N. Y. 635.

Cited, Evidence—Mailing Letters—Presumption of Receipt.

86 Hun, 180; (65 St. Rep. 723; 32 Supp. 578).

People v. Albany & Susquehanna R. Co., 8 Abb. N. S. 132; 39 How. 49.

Affirmed, 57 Barb. 204.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court.

22 Supp. 1052; (23 Civ. Pro. 54).

People v. Albany & Susquehanna R. Co., 55 Barb. 344.

Cited, Corporations — Stockholders — Trustees—Breach of Trust.

17 Misc. 708; (40 Supp. 957).

Corporations—Stockholders—Control.

17 Misc. 721; (40 Supp. 912).

People v. Albany & Vt. R. Co., 15 Hun, 126.

Cited, Parties—Intervention—Duty of Court.

15 App. Div. 438; (78 St. Rep. 485; 44 Supp. 485).

People v. Albany & Vt. R. Co., 24 N. Y. 261.

Cited, Railroads—Construction of Road—Right to Enforce.

5 App. Div. 468; (39 Supp. 21).

People v. Albany & Vt. R. Co., 77 N. Y. 232.

Cited, Actions—Intervention—Bringing in Parties.

144 N. Y. 93; (63 St. Rep. 63; 1 Ann. Cas. 13). 4 App. Div. 55; (33 Supp. 637; 25 Civ. Pro. 334). 15 App. Div. 438; (78 St. Rep. 485; 44 Supp. 485).

People v. Albertson, 55 N. Y. 50.

Cited, Constitutional Law—Presumption as to Statute.

67 Hun, 524; (51 St. Rep. 344; 22 Supp. 869). D. 150 N. Y. 513. 152 N. Y. 11. 8 Misc. 653; (61 St. Rep. 64; 29 Supp. 1007). 148 N. Y. 551. 90 Hun, 319; (70 St. Rep. 591; 35 Supp. 925). 90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789). 1 App. Div. 462; (72 St. Rep. 585; 37 Supp. 315). 6 App. Div. 284, 286; (40 Supp. 538, 540). 8 App. Div. 251; (75 St. Rep. 16; 40 Supp. 621). 11 App. Div. 119; (76 St. Rep. 660; 42 Supp. 660). D. 8 App. Div. 263, 275; (75 St. Rep. 27, 37; 40 Supp. 630, 639). 17 App. Div. 169; (79 St. Rep. 349; 45 Supp. 349).

Constitutional law — Municipalities—Right of Self Government.

150 N. Y. 469, 484, 487. 6 App. Div. 295, 297; (40 Supp. 545, 546).

Constitutional Law—Police Power—Limitations on.

136 N. Y. 584; (49 St. Rep. 701).

Constitutional Law—Courts—Power and Duty to Declare Law Unconstitutional.

22 Supp. 534; (30 Abb. N. C. 110).

People v. Albow, 140 N. Y. 130; 55 St. Rep. 253.

Reversing, 71 Hun, 123; 53 St. Rep. 869; 24 Supp. 519.

Cited, Criminal Law—Indictment—Definition of Offense.

80 Hun, 138; (61 St. Rep. 785; 30 Supp. 55). 85 Hun, 135; (65 St. Rep. 677; 32 Supp. 522). 92 Hun, 358; (71 St. Rep. 544; 36 Supp. 514). 10 Misc. 105; (63 St. Rep. 399; 31 Supp. 115).

Duplicate Citations in Parenthesis.

People v. Alden, 112 N. Y. 117; 20 St. Rep. 496.

Cited, Game Laws—Prosecutions—Costs. 76 Hun, 114; (57 St. Rep. 379; 27 Supp. 827). 81 Hun, 139; (62 St. Rep. 700; 30 Supp. 736).

People v. Aldridge, 83 Hun, 279; 64 St. Rep. 727; 31 Supp. 920.

Cited, Municipal Contracts — Enforcement—Mandamus.

4 App. Div. 562; (73 St. Rep. 655; 38 Supp. 498).

People v. Aldridge, 77 St. Rep. 99; 43 Supp. 99.

People v. Alexander, 87 Hun, 618; 67 St. Rep. 475; 33 Supp. 838.

People v. Alger, 1 Park. Crim. 333.

Cited, Criminal Law — Seduction — Consent.

153 N. Y. 94.

People v. Allen, 19 Misc. 464; 78 St. Rep. 566; 44 Supp. 566.

People v. Allen, 20 Misc. 120; 79 St. Rep. 74; 45 Supp. 74.

Cited, Statutes—Construction.

20 Misc. 106; (79 St. Rep. 80; 45 Supp. 80).

People v. Allen, 42 N. Y. 378.

Cited, Constitutional Law—Local Acts—Statutes—Construction.

90 Hun, 322; (70 St. Rep. 593; 35 Supp. 927). 149 N. Y. 373.

People v. Allen, 5 Den. 76.

Cited, Criminal Law—Indictment—Upon Statutes—Sufficiency.

80 Hun, 132; (61 St. Rep. 785; 30 Supp. 55).

People v. Allen, 51 How. 97.

Cited, Officers—Contests of Title—Prima Facie Title—Effect.

5 Misc. 461; (26 Supp. 231).

People v. Allen, 6 Wend. 486.

Cited, Statutes — Construction — Public Officers—Time for Official Action.

67 Hun, 180; (51 St. Rep. 452; 22 Supp. 419).

People v. Alpha Lodge, No. 1, 13 Misc. 677; 69 St. Rep. 593; 35 Supp. 214.

Cited, Corporation—Emotion.

40 Supp. 1147.

People v. Alpha Lodge, No. 1, 40 Supp. 1147.

People v. Altman, 147 N. Y. 473; 70 St. Rep. 66.

Reversing, 86 Hun, 568; 67 St. Rep. 634; 33 Supp. 905.

Cited, Criminal Law—Indictment—Duplicity.

92 Hun, 50; (72 St. Rep. 392; 36 Supp. 869).

People v. Altman, 83 Hun, 538; 67 St. Rep. 634; 33 Supp. 905.

People v. Am. Bell Telephone Co., 117 N. Y. 241; 27 St. Rep. 459.

Cited, Taxes — Domicile—Investment of Capital.

138 N. Y. 546; (53 St. Rep. 185).

Taxes—Foreign Corporations—Stock.

78 Hun, 73; (60 St. Rep. 666; 29 Supp. 98). 11 App. Div. 313; (76 St. Rep. 503; 42 Supp. 503).

Foreign Corporations—Domicile—Carrying on Business Here.

D. 152 N. Y. 67. D. 78 Hun, 73; (60 St. Rep. 669; 29 Supp. 98).

People v. American Loan & Trust Co., 150 N. Y. 117.

People v. American Loan & Trust Co., 2 App. Div. 193; 73 St. Rep. 361; 37 Supp. 780.

People v. American Steam Boiler Ins. Co., 81 Hun, 498; 63 St. Rep. 478; 31 Supp. 155.

Cited, 87 Hun, 232; (67 St. Rep. 488; 33 Supp. 835; 147 N. Y. 27; (69 St. Rep. 335).

People v. American Steam Boiler Ins. Co., 87 Hun, 239; 67 St. Rep. 479; 33 Supp. 835.

Reversed, 147 N. Y. 25; 69 St. Rep. 334.

People v. American Steam Boiler Ins. Co., 89 Hun, 456; 69 St. Rep. 721; 35 Supp. 322.

Cited, Insurance — Policy — Action — Limitation.

10 App. Div. 11; (75 St. Rep. 1029; 41 Supp. 632).

People v. American Steam Boiler Ins. Co., 147 N. Y. 25; 69 St. Rep. 334.

People v. American Steam Boiler Ins. Co., 3 App. Div. 504; 73 St. Rep. 826; 38 Supp. 406.

People v. American Steam Boiler Ins. Co., 10 App. Div. 9; 41 Supp. 631.

People v. American Steam Boiler Ins. Co., 14 Misc. 162; 70 St. Rep. 3; 35 Supp. 355.

Affirmed, 3 App. Div. 504; 73 St. Rep. 826; 38 Supp. 406.

People v. Ames, 19 How. 551.

Cited, Voters and Elections—Ballots—Excess of Names.

Duplicate Citations in Parenthesis.

67 Hun, 174; (51 St. Rep. 447; 22 Supp. 415). 14 Misc. 197; (70 St. Rep. 429; 35 Supp. 656).

People v. Amsterdam, Common Council of, 90 Hun, 488; 71 St. Rep. 228; 36 Supp. 59.

Cited, 90 Hun, 496; (71 St. Rep. 233; 36 Supp. 64).

People v. Amsterdam, Common Council of, 90 Hun, 495; 71 St. Rep. 232; 36 Supp. 64.

People v. Amsterdam, Common Council of, 71 St. Rep. 232; 36 Supp. 59.

People v. Anable, 7 Hill, 33.

Cited, Bail—Forfeiture—Effect of Subsequent Arrest of Principal.

136 N. Y. 488; (49 St. Rep. 910).

People v. Andrews, 9 Misc. 569; 61 St. Rep. 729; 30 Supp. 398.

Affirmed, 11 Misc. 713; 64 St. Rep. 879; 31 Supp. 1132.

People v. Andrews, 50 Hun, 591.

Cited, Social Clubs—Excise Law.

149 N. Y. 110.

People v. Andrews, 52 N. Y. 445.

Cited, Certiorari—When Granted—Discretionary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

Landlord and Tenant—Summary Proceedings—When Maintainable.

14 Misc. 20; (69 St. Rep. 374; 35 Supp. 146; 25 Civ. Pro. 88; 2 Ann. Cas. 143).

People v. Andrews, 36 Supp. 1119.

Cited, Officers—Removal—Veterans—Notice.

72 St. Rep. 268; (36 Supp. 1119).

People v. Andrews, 104 N. Y. 570.

Cited, Municipal Corporations—Employees—Civil Service.

8 App. Div. 243; (75 St. Rep. 10; 40 Supp. 616).

People v. Andrews, 115 N. Y. 427.

Cited, Intoxicating Liquors—Unlawful Sales—Sales by Clubs—Agents, Etc.

7 Misc. 504; (28 Supp. 499). 149 N. Y. 10.

People v. Andrews, 89 Hun, 452; 69 St. Rep. 755; 35 Supp. 311.

People v. Angel, 61 How. 167.

Cited, Landlord and Tenant—Attornment—Validity and Effect of.

1 Misc. 165; (48 St. Rep. 709; 20 Supp. 688).

People v. Angle, 109 N. Y. 564; 16 St. Rep. 647.

Cited, Constitutional Law—Powers of Legislature—Management of Canals.

142 N. Y. 104; (58 St. Rep. 446).

Statutes—Construction—Intent—How Determined.

23 Supp. 801.

Statutes—Construction—Constitutionality.

66 Hun, 179; (49 St. Rep. 161; 21 Supp. 150). 138 N. Y. 415; (53 St. Rep. 3). 135 N. Y. 289; (47 St. Rep. 826) 150 N. Y. 492. 86 Hun, 83; (67 St. Rep. 120; 33 Supp. 350). 90 Hun, 484; (71 St. Rep. 45; 36 Supp. 37). 6 App. Div. 316; (40 Supp. 560). D. 6 App. Div. 324; (40 Supp. 565).

Statutes—Construction—Constitutionality Affecting Common Council.

6 App. Div. 312; (40 Supp. 557).

Statutes—Construction—Civil Service.

148 N. Y. 363. 89 Hun, 296; (69 St. Rep. 278; 35 Supp. 162). 91 Hun, 108; (71 St. Rep. 697; 36 Supp. 678). 13 Misc. 453, 411; (68 St. Rep. 637, 612; 34 Supp. 645, 649).

People v. Ansched, 23 Supp. 707.

Cited, Criminal Law—Arrest—Special Sessions—Notice.

23 Supp. 706.

People v. Anthony, 7 App. Div. 132; 40 Supp. 279; 25 Civ. Pro. 410.

Affirmed, 151 N. Y. 620.

People v. Apperly, 101 N. Y. 634.

Cited, Legislature—Power Over Food Products—Prevention of Adulteration.

145 N. Y. 109; (64 St. Rep. 557).

People v. Arensberg, 105 N. Y. 123; 6 St. Rep. 789; 5 N. Y. Crim. 372.

Cited, Constitutional Law—Police Power—Spurious Vinegar.

73 Hun, 463; (56 St. Rep. 50; 26 Supp. 274).

Food—Oleomargarine—Sale of.

3 Misc. 356; (52 St. Rep. 422; 23 Supp. 116).

Constitutional Law—Police Power.

145 N. Y. 39; (64 St. Rep. 510). 149 N. Y. 200.

People v. Arensberg, 103 N. Y. 388.

Cited, Constitutional Law—Police Power—Exercise.

153 N. Y. 197, 198.

People v. Armbruster, 59 Hun, 586; 36 St. Rep. 918; 13 Supp. 942.

Cited, Municipal Corporations—Officers—Removal.

12 Misc. 392; (63 St. Rep. 7; 34 Supp. 51).

People v. Asten, 100 N. Y. 597.

Cited, Taxes—Assessment—Corporate Stock.

Duplicate Citations in Parenthesis.

66 Hun, 27; (49 St. Rep. 431; 20 Supp. 800).

Taxes—Assessments—Corporations—Capital—Debts.

72 Hun, 130; (55 St. Rep. 189; 25 Supp. 343). 144 N. Y. 101; (63 St. Rep. 37).

People v. Asten, 1 St. Rep. 37.

Cited, Costs—Assessors—Certiorari.

66 Hun, 579; (50 St. Rep. 355; 21 Supp. 854).

People v. Auburn, Common Council of, 85 Hun, 601; 67 St. Rep. 3; 33 Supp. 165.

Cited, Municipal Corporations—Officers—Removal—Power of Trustees—Disqualification.

4 App. Div. 406; (39 Supp. 611). 90 Hun, 181; (70 St. Rep. 297; 35 Supp. 792).

People v. Austin, 49 Hun, 396; 3 Supp. 578.

Cited, Criminal Law—Rights of Defendant—Practice.

16 App. Div. 465; (78 St. Rep. 915; 44 Supp. 915).

People v. Backus, 117 N. Y. 196; 27 St. Rep. 173.

Affirming, 22 St. Rep. 445.

Cited, Sureties—Contracts—Construction.

92 Hun, 472; (71 St. Rep. 853; 36 Supp. 554).

People v. Backus, 11 App. Div. 147; 76 St. Rep. 899; 42 Supp. 899.

Affirmed, 153 N. Y. 686.

People v. Badgley, 138 N. Y. 314; 52 St. Rep. 348.

Reversing, 67 Hun, 65; 51 St. Rep. 410; 22 Supp. 26.

Cited, Assessment—Review—Petition—Sufficiency.

84 Hun, 448; (65 St. Rep. 608; 32 Supp. 345). 3 App. Div. 173; (73 St. Rep. 732; 38 Supp. 393).

People v. Baker, 12 Misc. 389; 68 St. Rep. 5; 34 Supp. 49.

People v. Baker, 76 N. Y. 78.

Cited, Husband and Wife—Void Marriage—Existing Spouse.

27 Supp. 640; (31 Abb. N. C. 74).

Husband and Wife—Divorce—Invalid—Subsequent Marriage.

2 Misc. 550; (51 St. Rep. 509; 22 Supp. 192).

Husband and Wife—Foreign Divorce—When Invalid.

82 Hun, 185; (64 St. Rep. 802; 31 Supp. 981). 86 Hun, 394; (67 St. Rep. 217; 33 Supp. 503). 90 Hun, 236; (69 St. Rep. 637; 35 Supp. 282). 1 App. Div. 573; (73 St. Rep. 221; 37 Supp. 481). 4 App. Div. 531; (40 Supp. 445).

People v. Baker, 89 N. Y. 460.

Cited, Criminal Law—Commitment—Sufficiency.

86 Hun, 71; (67 St. Rep. 81; 33 Supp. 338).

People v. Baker, 19 St. Rep. 485; 3 Supp. 536.

Cited, Criminal Law—Sentence—Failure to File—Effect.

92 Hun, 288; (71 St. Rep. 735; 36 Supp. 724).

People v. Baker, 3 Supp. 536.

Cited, Parent and Child—Commitment—Statutes—Construction.

19 Misc. 563; (78 St. Rep. 1099; 44 Supp. 1099).

People v. Baker, 35 Barb. 105.

Cited, Mandamus—Peremptory—Amendment—Quashing.

135 N. Y. 533; (48 St. Rep. 540).

People v. Baker, 3 Hill, 159.

Cited, Criminal Law—Indictment—Two or More Counts—Compelling Election.

151 N. Y. 408.

Criminal Law—Counts—Joinder.

7 App. Div. 538; (40 Supp. 244). 7 App. Div. 541; (40 Supp. 246).

People v. Ballard, 134 N. Y. 269; 48 St. Rep. 186.

Distinguished, Corporations—Assignment for Creditors.

56 St. Rep. 505.

Cited, 72 St. Rep. 804; (38 Supp. 175).

Corporations—Determination by Own Act.

6 Misc. 566; (59 St. Rep. 649; 27 Supp. 644).

Corporation—Trustees—Accounting by.

68 Hun, 534; (52 St. Rep. 559; 22 Supp. 1027).

Injunction—To Restrain Exercise of Corporate Powers.

3 Misc. 334; (52 St. Rep. 318; 23 Supp. 125).

Corporations—Contracts—Ultra Vires—Effect.

D. 151 N. Y. 44.

Corporations—Dissolution.

D. 91 Hun, 223; (72 St. Rep. 53; 36 Supp. 153). D. 14 App. Div. 397; (78 St. Rep. 25; 44 Supp. 25).

Courts—Jurisdiction—Over Corporation—Officers.

9 Misc. 592; (62 St. Rep. 237; 30 Supp. 869).

People v. Ballard, 136 N. Y. 639.

Cited, Corporations—Contracts—Ultra Vires.

D. 151 N. Y. 44.

People v. Ballston Spa, Trustees of, 19 Misc. 671; 78 St. Rep. 471; 44 Supp. 471.

Duplicate Citations in Parenthesis.

People v. Baltimore & Ohio R. Co.,
117 N. Y. 150; 27 St. Rep. 153.

Cited, Wharves—Exclusive Possession—Rights of Public.

78 Hun, 396; (60 St. Rep. 786; 29 Supp. 227).

Legislature — Municipal Corporations — Delegation of Power Over Streets to.

149 N. Y. 171. 20 Misc. 190; (79 St. Rep. 901; 45 Supp. 901).

People v. Bancker, 5 N. Y. 106.

Cited, Prisoners—Civil—Discharge of—Application for—Sufficiency—Schedule of Property.

7 Misc. 467; (58 St. Rep. 512; 27 Supp. 992; 23 Civ. Pro. 331).

People v. Bank of Dansville, 39 Hun, 187.

Cited, Trust Money—Following in Hands of Transferee.

91 Hun, 81; (71 St. Rep. 374; 36 Supp. 172).

People v. Bank of North America,
75 N. Y. 547.

Cited, Principal and Agent—Authority of Agent—Apparent—Liability of Principal—Estoppel.

8 Misc. 265; (59 St. Rep. 396; 28 Supp. 541).
16 Misc. 88; (73 St. Rep. 254; 37 Supp. 673).
12 Misc. 137; (66 St. Rep. 737; 33 Supp. 80).

Conversion—Return of Property—Mitigation of Damages.

14 Misc. 517; (70 St. Rep. 773; 33 Supp. 15).

People v. Bankers' Loan & I. Co.,
13 Misc. 231; 68 St. Rep. 115; 34 Supp. 235.

Cited, Corporations—Insolvency—Directors—Negligence—Liability.

15 App. Div. 72; (78 St. Rep. 309; 44 Supp. 309).

People v. Banks, 67 N. Y. 568.

Cited, Constitutional Law—Construction—Intent.

135 N. Y. 239; (47 St. Rep. 826). 90 Hun, 487; (71 St. Rep. 47; 33 Supp. 40).

Statutes — Constitutionality — Scope of Title.

8 Misc. 135; (60 St. Rep. 151; 28 Supp. 648).

Statutes — Constitutionality — Making Other Statute Applicable by Reference.

139 N. Y. 508; (54 St. Rep. 816). 150 N. Y. 443.

Statutes—Construction—Highway.

16 App. Div. 512; (78 St. Rep. 933; 44 Supp. 933).

Statutes—Special—Reference to General Act.

8 Misc. 573; (60 St. Rep. 686; 29 Supp. 780). 81 Hun, 330.

People v. Barber, 43 Hun, 27.

Cited, Taxes — Exemption—Institutions of Learning.

6 Misc. 288; (36 Supp. 871).

Taxes—Exemption — Ecclesiastical Society.

6 App. Div. 89; (39 Supp. 766).

People v. Barber, 48 Hun, 198; 15 St. Rep. 601.

Cited, Voters and Elections—Right to Vote—Tested by Constitution.

141 N. Y. 116; (56 St. Rep. 664).

Statutes—Construction—Tested by Constitution—Pool-selling.

13 Misc. 550; (35 Supp. 591).

People v. Barber, 74 Hun, 368; 56 St. Rep. 304; 26 Supp. 417.

Cited, Assault—Indictment—Sufficiency.

11 App. Div. 448; (76 St. Rep. 320; 42 Supp. 320).

People v. Barberi, 149 N. Y. 256.

People v. Barden, 30 St. Rep. 52.

Cited, Public Employment — Preference to Veterans.

148 N. Y. 161.

People v. Barker, 4 Misc. 504; 26 Supp. 309.

People v. Barker, 8 Misc. 32; 58 St. Rep. 748; 28 Supp. 651.

People v. Barker, 11 Misc. 262; 65 St. Rep. 810; 32 Supp. 485.

Affirmed, 86 Hun, 283; 33 Supp. 1132.

People v. Barker, 14 Misc. 360; 70 St. Rep. 523; 35 Supp. 727.

People v. Barker, 14 Misc. 382; 71 St. Rep. 412; 36 Supp. 76.

People v. Barker, 14 Misc. 586; 71 St. Rep. 736; 36 Supp. 725.

Cited, Foreign Corporation—Taxation.

5 App. Div. 248; (39 Supp. 152).

People v. Barker, 16 Misc. 252; 39 Supp. 88.

People v. Barker, 16 Misc. 258; 39 Supp. 106.

Reversed, 7 App. Div. 27; 39 Supp. 776;

People v. Barker, 17 Misc. 497; 39 Supp. 632; 41 Supp. 236.

People v. Barker, 17 Misc. 180; 40 Supp. 1001.

Affirmed, 6 App. Div. 356; 39 Supp. 632.

People v. Barker, 18 Misc. 712; 77 St. Rep. 713; 43 Supp. 713.

Duplicate Citations in Parenthesis.

People v. Barker, 66 Hun, 21; 49 St. Rep. 428; 20 Supp. 797.

Affirmed, 137 N. Y. 544; 50 St. Rep. 930.

Corporations—Taxation—Assessment.

144 N. Y. 100, 102, 103; (63 St. Rep. 36, 37, 38).

People v. Barker, 70 Hun, 397; 54 St. Rep. 107; 24 Supp. 63.

Affirmed, 54 St. Rep. 935; 24 Supp. 63.

People v. Barker, 72 Hun, 126; 55 St. Rep. 186; 25 Supp. 340.

Affirmed, 141 N. Y. 196; 56 St. Rep. 834.

Cited, Taxation—Assessment—Realty and Personality.

81 Hun, 24, 26; (63 St. Rep. 564, 566; 630 Supp. 587, 588).

People v. Barker, 74 Hun, 418; 56 St. Rep. 798; 26 Supp. 519.

Reversed, 141 N. Y. 251; 56 St. Rep. 823.

People v. Barker, 75 Hun, 6; 57 St. Rep. 1; 26 Supp. 971.

Cited, Corporations — Assessments — Reduction.

86 Hun, 150; (66 St. Rep. 850; 33 Supp. 223).

People v. Barker, 76 Hun, 454; 58 St. Rep. 495; 27 Supp. 1082.

People v. Barker, 81 Hun, 22; 62 St. Rep. 563; 30 Supp. 586.

Reversed, 144 N. Y. 94; 63 St. Rep. 33.

People v. Barker, 85 Hun, 210; 66 St. Rep. 474; 32 Supp. 990.

People v. Barker, 86 Hun, 131; 67 St. Rep. 133; 33 Supp. 388.

People v. Barker, 86 Hun, 148; 66 St. Rep. 849; 33 Supp. 221.

Affirmed, 147 N. Y. 31; 69 St. Rep. 337.

People v. Barker, 86 Hun, 240; 68 St. Rep. 864; 33 Supp. 190.

People v. Barker, 86 Hun, 283; 33 Supp. 1132.

People v. Baker, 86 Hun, 618; 66 St. Rep. 873; 33 Supp. 1132.

People v. Barker, 87 Hun, 194; 67 St. Rep. 728; 33 Supp. 1042.

Affirmed, 148 N. Y. 731.

People v. Barker, 87 Hun, 341; 68 St. Rep. 149; 34 Supp. 269.

People v. Barker, 87 Hun, 341; 68 St. Rep. 149; 34 Supp. 269.

Corporations—Taxation—Domicile—How Determined.

91 Hun, 598; (72 St. Rep. 367; 36 Supp. 845).

People v. Barker, 90 Hun, 253; 70 St. Rep. 264; 35 Supp. 883.

People v. Barker, 90 Hun, 609; 70 St. Rep. 626; 35 Supp. 953.

Affirmed, 150 N. Y. 52.

People v. Barker, 91 Hun, 590; 72 St. Rep. 363; 36 Supp. 842.

Affirmed, 149 N. Y. 589.

Distinguished, Corporations—Taxation.

91 Hun, 597; (70 St. Rep. 366; 36 Supp. 845).

People v. Barker, 91 Hun, 594; 72 St. Rep. 365; 36 Supp. 844.

People v. Barker, 48 N. Y. 70.

Cited, Taxation—Erroneous Assessment—Correction.

144 N. Y. 101; (63 St. Rep. 37). 152 N. Y. 496. 79 St. Rep. 458; (45 Supp. 458).

People v. Barker, 135 N. Y. 656; 48 St. Rep. 558.

People v. Barker, 137 N. Y. 544; 50 St. Rep. 930.

Cited, Taxation—Erroneous—Assessment—Relief.

144 N. Y. 102; (63 St. Rep. 37).

People v. Barker, 50 St. Rep. 741; 21 Supp. 704.

Affirmed, 137 N. Y. 631; 51 St. Rep. 932.

People v. Barker, 139 N. Y. 55; 54 St. Rep. 444.

Reversing, 68 Hun, 513; 52 St. Rep. 355; 22 Supp. 1043.

Cited, 78 St. Rep. 51; (44 Supp. 51).

Taxes — Assessment — Corporation—Reduction—Debts.

141 N. Y. 253; (56 St. Rep. 823). 141 N. Y. 197; (56 St. Rep. 834). 74 Hun, 420; (56 St. Rep. 799; 26 Supp. 520). 75 Hun, 8; (57 St. Rep. 2; 26 Supp. 972). 144 N. Y. 99; (63 St. Rep. 35).

Taxation—Statement of Assets—Erroneous Assessment—Relief.

144 N. Y. 102; (53 St. Rep. 37). 146 N. Y. 314; (66 St. Rep. 663). 86 Hun, 150; (66 St. Rep. 850; 33 Supp. 222). 16 Misc. 261; (39 Supp. 108). 79 St. Rep. 458; (45 Supp. 458).

People v. Barker, 140 N. Y. 437; 55 St. Rep. 796.

Reversing, 69 Hun, 287; 53 St. Rep. 590; 23 Supp. 622.

People v. Barker, 141 N. Y. 118; 56 St. Rep. 586.

Affirming, 55 St. Rep. 207; 25 Supp. 394.

Cited, Taxation—Erroneous Assessment—Correction.

147 N. Y. 34, 37, 38, 41; (69 St. Rep. 338).

Taxation — Assessment — Deduction of Debts.

Duplicate Citations in Parenthesis.

145 N. Y. 242; (64 St. Rep. 721). 86 Hun, 152, 153; (66 St. Rep. 852; 33 Supp. 224). 67 St. Rep. 756; (33 Supp. 1019).

People v. Barker, 55 St. Rep. 207; 25 Supp. 394.

Affirmed, 141 N. Y. 118; 56 St. Rep. 586.

People v. Barker, 141 N. Y. 196.

Cited, Taxes — Corporations — Indebtedness of.

76 Hun, 457; (58 St. Rep. 497; 27 Supp. 1085). 144 N. Y. 102; (63 St. Rep. 37).

Taxation — Commissioners — Determination—Review.

16 Misc. 255; (39 Supp. 90). 146 N. Y. 314; (66 St. Rep. 663).

People v. Barker, 144 N. Y. 94; 63 St. Rep. 33.

Cited, Taxation—Proper Assessment—Review—How Determined.

146 N. Y. 315; (66 St. Rep. 664). 146 N. Y. 316; (66 St. Rep. 665). 86 Hun, 618; (66 St. Rep. 873; 33 Supp. 1132). 16 Misc. 256; (39 Supp. 91). 78 St. Rep. 52; (44 Supp. 52). 16 Misc. 259; (39 Supp. 107). 72 St. Rep. 152; (37 Supp. 106). 16 Misc. 261; (39 Supp. 108).

People v. Barker, 144 N. Y. 638.

People v. Barker, 145 N. Y. 239; 64 St. Rep. 719.

People v. Barker, 146 N. Y. 304; 66 St. Rep. 658.

Cited, Taxation—Erroneous Assessment—Statement—Review.

152 N. Y. 438, 452. 152 N. Y. 452. 6 App. Div. 357; (41 Supp. 237). 152 N. Y. 495. 15 App. Div. 587; (78 St. Rep. 811; 44 Supp. 811). 17 Misc. 497; (39 Supp. 683). 79 St. Rep. 459; (54 Supp. 459).

People v. Barker, 147 N. Y. 31; 69 St. Rep. 337.

Cited, Taxation — Corporations—Assessment—Reduction of Debts.

16 App. Div. 267; (78 St. Rep. 719; 44 Supp. 719). 3 App. Div. 388; (39 Supp. 248).

Taxation—Foreign Corporation — Domicile.

16 Misc. 253; (39 Supp. 88).

People v. Barker, 150 N. Y. 52.

Cited, Executors — Powers Before Probate.

79 St. Rep. 455; (45 Supp. 455).

Constitutional Law—Non-Unanimous Decision of Appellate Division.

152 N. Y. 429.

People v. Barker, 152 N. Y. 417.

People v. Barker, 153 N. Y. 98.

Affirming, 15 App. Div. 628.

People v. Barker, 153 N. Y. 111.

People v. Barker, 55 St. Rep. 207; 25 Supp. 393.

People v. Barker, 60 St. Rep. 875.

Affirming, 59 St. Rep. 882; 28 Supp. 1110.

People v. Barker, 1 App. Div. 532; 73 St. Rep. 172; 37 Supp. 555.

Affirmed, 149 N. Y. 607.

People v. Barker, 5 App. Div. 227; 39 Supp. 140.

Affirmed, 150 N. Y. 570.

People v. Barker, 5 App. Div. 246; 39 Supp. 151.

People v. Barker, 6 App. Div. 356; 39 Supp. 632.

Reversed, 152 N. Y. 417.

People v. Barker, 7 App. Div. 27; 39 Supp. 776.

Affirmed, 151 N. Y. 639.

Distinguished, Taxation — Assessment—Review.

79 St. Rep. 459; (45 Supp. 459).

People v. Barker, 14 App. Div. 412; 77 St. Rep. 1015; 43 Supp. 1015.

People v. Barker, 16 App. Div. 266; 78 St. Rep. 718; 44 Supp. 718.

People v. Barker, 19 App. Div. 64; 79 St. Rep. 811; 45 Supp. 811.

Reversed, 154 N. Y. 122.

Cited, 79 St. Rep. 1146; (45 Supp. 1146).

People v. Barker, 19 App. Div. 628; 79 St. Rep. 1145; 45 Supp. 1145.

Affirmed, 154 N. Y. 128.

People v. Barker, 67 St. Rep. 755; 33 Supp. 1019.

People v. Barker, 33 Supp. 1132.

People v. Barker, 72 St. Rep. 152; 37 Supp. 106.

People v. Barker, 71 St. Rep. 356.

Affirming, 62 St. Rep. 563; 30 Supp. 568.

People v. Barker, 2 Wheeler, 19.

Cited, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

People v. Barnes, 28 St. Rep. 625; 7 Supp. 802.

Cited, Contempt—Violation of Injunction.

67 Hun, 254; (50 St. Rep. 903; 23 Supp. 426; 23 Civ. Pro. 119).

People v. Barnes, 114 N. Y. 317; 23 St. Rep. 164.

Re-argument denied, 23 St. Rep. 795.

Cited, Mandamus — Superintendent of Insurance—Decision.

Duplicate Citations in Parenthesis.

76 Hun, 109; (57 St. Rep. 451; 27 Supp. 841).

Towns—Audit of Claim—Conclusiveness.

70 Hun, 468; (53 St. Rep. 621; 24 Supp. 287). 71 Hun, 565; (55 St. Rep. 102; 25 Supp. 140). 74 Hun, 86; (56 St. Rep. 169; 26 Supp. 124).

Mandamus—Function of Writ.

149 N. Y. 30. 83 Hun, 436; (64 St. Rep. 422; 31 Supp. 752). 89 Hun, 234; (69 St. Rep. 245; 35 Supp. 66).

Municipal Corporations—Officers—Audit of Account—Mandamus.

83 Hun, 507; (64 St. Rep. 484; 31 Supp. 780). 84 Hun, 402; (65 St. Rep. 661; 32 Supp. 475). 69 St. Rep. 626; (36 Supp. 659). 85 Hun, 118; (66 St. Rep. 54; 32 Supp. 671). 17 App. Div. 606; (79 St. Rep. 838; 45 Supp. 838). 16 Misc. 214; (74 St. Rep. 602; 38 Supp. 891).

People v. Barnes, 44 Hun, 574; 8 St. Rep. 531.

Affirmed, 114 N. Y. 317; 22 St. Rep. 164.

Cited, Municipal Corporations — Bills Against Enforcement.

82 Hun, 303; (63 St. Rep. 580; 31 Supp. 250).

People v. Barnes, 17 App. Div. 197; 79 St. Rep. 356; 45 Supp. 356.

People v. Barnes, 23 St. Rep. 795.

Affirming, 8 St. Rep. 531.

Cited, Municipal Corporations—Claims—Payment—How Enforced.

65 St. Rep. 661; (32 Supp. 475).

People v. Barondess, 61 Hun, 571; 41 St. Rep. 659; 16 Supp. 436.

Reversed, 133 N. Y. 649; 45 St. Rep. 248.

Cited, Property—What Is—Business.

67 Hun, 305; (50 St. Rep. 897; 22 Supp. 314). 91 Hun, 491; (71 St. Rep. 386; 36 Supp. 304).

People v. Barondess, 133 N. Y. 649; 45 St. Rep. 248.

Cited, Extortion—Threats.

137 N. Y. 39; (50 St. Rep. 68).

Property—What Is—Business.

5 Misc. 449; (26 Supp. 153). 91 Hun, 492; (71 St. Rep. 387; 36 Supp. 304).

People v. Barrett, 56 Hun, 351; 30 St. Rep. 728; 9 Supp. 321.

Affirmed, 121 N. Y. 678; 30 St. Rep. 1016.

Cited, Certiorari—To Review Determination of Inferior Tribunal—Contempt.

8 Misc. 153; (59 St. Rep. 463; 29 Supp. 330). 143 N. Y. 223; (62 St. Rep. 176).

People v. Barrett, 121 N. Y. 678; 30 St. Rep. 1016.

Affirming, 56 Hun, 351; 30 St. Rep. 728; 9 Supp. 321.

Cited, Contempt—When in Presence of Court—Jury Rooms.

8 Misc. 162; (60 St. Rep. 138; 28 Supp. 502).

Contempt—Review—Certiorari.

143 N. Y. 223; (62 St. Rep. 176).

People v. Barringer, 76 Hun, 320; 59 St. Rep. 78; 27 Supp. 700.

People v. Barry, 16 App. Div. 462; 78 St. Rep. 913; 44 Supp. 913.

People v. Barry, 10 Abb. 225.

Cited, Criminal Law—Indictment — Duplicity—Quashing—Effect.

20 Misc. 165; (79 St. Rep. 50; 45 Supp. 50).

People v. Bartholf, 139 N. Y. 32; 54 St. Rep. 431.

Reversing, 66 Hun, 626; 49 St. Rep. 368; 20 Supp. 782.

People v. Bates, 79 Hun, 584; 61 St. Rep. 582; 29 Supp. 894.

People v. Bartow, 6 Cow. 290.

Cited, Penal Statutes—Construction.

16 App. Div. 61; (78 St. Rep. 1078; 44 Supp. 1078).

People v. Bassford, 3 N. Y. Crim. 219.

Cited, Criminal Law — Conspiracy — Proof.

11 App. Div. 549; (76 St. Rep. 637; 42 Supp. 637).

People v. Bauer, 37 Hun, 407.

Cited, Criminal Law—Imprisonment—Term.

13 App. Div. 139; (77 St. Rep. 375; 43 Supp. 375).

People v. Beach, 87 N. Y. 508.

Cited, Evidence—Declarations—Conversations—Entirety.

80 Hun, 39; (61 St. Rep. 618; 29 Supp. 867). 18 Misc. 36; (75 St. Rep. 462; 41 Supp. 12). 82 Hun, 264; (63 St. Rep. 207; 31 Supp. 192).

Trial—Reception of Evidence—Striking Out.

8 Misc. 292; (59 St. Rep. 208; 28 Supp. 572; 31 Abb. N. C. 438). 3 Misc. 306; (53 St. Rep. 122; 22 Supp. 933). 7 Misc. 55; (57 St. Rep. 511; 27 Supp. 341).

Trial—Requests to Charge—Definiteness.

8 Misc. 292; (59 St. Rep. 331; 28 Supp. 723). 13 Misc. 168; (68 St. Rep. 97; 34 Supp. 113). 19 Misc. 508; (77 St. Rep. 1097; 43 Supp. 1097).

People v. Bean, 88 Hun, 520; 69 St. Rep. 36; 34 Supp. 973.

People v. Beardsley, 53 Barb. 105.

Cited, Indian Lands—Railroad Leases—Rights of Lessee.

75 Hun, 400; (57 St. Rep. 689; 27 Supp. 446).

*Duplicate Citations in Parenthesis.***People v. Beatty**, 39 Hun, 476.

Cited, Appeal From Special Sessions—What Questions Considered.

69 Hun, 551; (53 St. Rep. 305; 23 Supp. 943).

Appeal—Extent of Review—Questions Not Raised Below.

77 Hun, 122; (59 St. Rep. 858; 28 Supp. 304). 88 Hun, 306; (68 St. Rep. 585; 34 Supp. 765).

People v. Beck, 10 Misc. 77; 62 St. Rep. 396; 30 Supp. 473.

Reversed, 144 N. Y. 225; 63 St. Rep. 96.

People v. Beck, 10 Misc. 77; 30 Supp. 473.

Cited, Constitutional Law—Right of Contract.

13 Misc. 617; (69 St. Rep. 163; 34 Supp. 944).

People v. Beck, 144 N. Y. 225; 63 St. Rep. 96.

People v. Becker, 20 N. Y. 354.

Cited, Affidavits—Sufficiency—Test.

9 App. Div. 587; (75 St. Rep. 1106; 41 Supp. 71).

People v. Becker, 3 St. Rep. 202.

Cited, Mandamus—Affidavit—Sufficiency.

8 App. Div. 553; (75 St. Rep. 232; 40 Supp. 842).

People v. Belknap, 58 Hun, 241; 34 St. Rep. 239; 12 Supp. 143.

Cited, Penalty—Enforcement—Pleadings Sufficiency.

85 Hun, 174; (65 St. Rep. 841; 32 Supp. 586).

People v. Bell, 119 N. Y. 175.

Cited, Inspectors of Election—Ministerial Officers.

88 Hun, 204; (68 St. Rep. 256; 34 Supp. 661). 80 Hun, 513; (62 St. Rep. 378; 30 Supp. 501).

People v. Bell, 24 St. Rep. 114; 4 Supp. 869.

Cited, Statutes—Effect of Repeal on Existing Rights.

2 Misc. 5; (49 St. Rep. 592; 21 Supp. 1089). 13 Misc. 766; (69 St. Rep. 180; 34 Supp. 1099).

People v. Benedict, 49 St. Rep. 283; 21 Supp. 58.

People v. Bennett, 4 Misc. 10; 53 St. Rep. 724; 23 Supp. 695.

Cited, Certiorari—Review of Proceedings of Excise Board—Discretion—Return Merits.

4 Misc. 333; (25 Supp. 324), 15 Misc. 650; (73 St. Rep. 357; 38 Supp. 168).

Intoxicating Liquors—License—Power of Court to Order.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

Certiorari—Excise Board—Indefinite Return.

70 St. Rep. 478; (35 Supp. 660).

Excise—Granting—Discretion of Board.

73 St. Rep. 352; (38 Supp. 163).

People v. Bennett, 49 N. Y. 137.

Cited, Evidence—Relevancy—Criminal Cases—Motive.

77 Hun, 504; (60 St. Rep. 548; 28 Supp. 1084).

Criminal Law—Circumstantial Evidence—Sufficiency.

148 N. Y. 651. 11 App. Div. 499; (76 St. Rep. 759; 42 Supp. 759).

Criminal Law—Direction of Jury by Court—Effect.

153 N. Y. 17, 23.

People v. Bennett, 136 N. Y. 482; 49 St. Rep. 908.

S. C. on Re-Argument 137 N. Y. 601; 50 St. Rep. 926.

People v. Bergen, 53 N. Y. 404.

Cited, Mortgage, Foreclosure—Referee—Power to Modify Decree.

15 Misc. 380; (71 St. Rep. 584; 36 Supp. 669).

Practice—Order—Improvident Granting Remedy.

17 App. Div. 582; (79 St. Rep. 576; 45 Supp. 576).

People v. Betsinger, 49 St. Rep. 597. 21 Supp. 136.

People v. Betts, 55 N. Y. 600.

Cited, Court of Appeals—Condemnation Proceedings—Second Report.

41 N. Y. 537; (57 St. Rep. 820).

Appeal—Extent of Review—Finality of Decision in Lower Court.

77 Hun, 480; (60 St. Rep. 670; 29 Supp. 101).

Eminent Domain—Confirmation—Effect.

67 Hun, 195; (51 St. Rep. 534; 22 Supp. 115). 147 N. Y. 336; (69 St. Rep. 693).

Certiorari—What Reviewable Under.

D. 152 N. Y. 398. 4 App. Div. 266; (73 St. Rep. 582; 28 Supp. 532).

People v. Betts, 57 St. Rep. 870; 27 Supp. 1132.

People v. Betts, 58 St. Rep. 872; 27 Supp. 1123.

People v. Beveridge Brewing Co., 91 Hun, 313; 71 St. Rep. 557; 36 Supp. 525.

Duplicate Citations in Parenthesis.

Cited, Corporations — Insolvency — Employees—Who Are.

79 St. Rep. 633, 634; (45 Supp. 633, 634). 17 App. Div. 196; (79 St. Rep. 354; 45 Supp. 354).

People v. Bice, 80 Hun, 437; 62 St. Rep. 289; 30 Supp. 457.

Affirmed, 144 N. Y. 249; 63 St. Rep. 110. Contempt—Power of Court to Punish.

83 Hun, 501; (65 St. Rep. 133; 32 Supp. 10).

People v. Bidelman, 69 Hun, 596; 53 St. Rep. 547; 23 Supp. 954.

People v. Binghamton Trust Co., 139 N. Y. 185; 54 St. Rep. 635.

Affirming, 65 Hun, 384; 47 St. Rep. 570; 20 Supp. 179.

People v. Bishop, 15 Misc. 273; 71 St. Rep. 461; 36 Supp. 415.

People v. Bishop, 69 Hun, 105; 53 St. Rep. 60; 23 Supp. 243.

Affirmed, 139 N. Y. 624; 54 St. Rep. 932.

People v. Bixby, 67 Barb. 221.

Cited, Criminal Law — Public Place—What is.

11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1088).

People v. Blakeman, 68 St. Rep. 140; 34 Supp. 262.

People v. Blanchard, 90 N. Y. 314.

Cited, False Pretenses—Representations as to Future Acts.

66 Hun, 576; (50 St. Rep. 249; 21 Supp. 820). 11 App. Div. 545; (76 St. Rep. 634; 42 Supp. 634).

People v. Bleckwenn, 126 N. Y. 310; 37 St. Rep. 386.

Followed, 137 N. Y. 565; 50 St. Rep. 933.

Cited, Criminal Law—Indictment—Sufficiency Conspiracy.

143 N. Y. 470; (62 St. Rep. 837).

People v. Bliven, 112 N. Y. 79; 20 St. Rep. 486.

Affirming, 14 St. Rep. 495.

Cited, Criminal Law—Crimes—Commission—Principals—Indictment — Sufficiency.

143 N. Y. 464; (62 St. Rep. 833). 2 App. Div. 432; (73 St. Rep. 505; 37 Supp. 1013).

People v. Board of Assessors, 61 St. Rep. 480; 30 Supp. 448.

People v. Board of Education, 69 St. Rep. 622.

People v. Board of Inspectors, N. Y. L. J., Oct. 22, 1889.

Cited, Election — Right to Vote — How Proved.

10 Misc. 102; (63 St. Rep. 601; 31 Supp. 200).

People v. Board of State Assessors, 22 Week. Dig. 453.

Cited, Certiorari—Review of Audit of County Claims by Supervisors.

74 Hun, 253; (55 St. Rep. 890; 26 Supp. 612).

People v. Board of State Canvassers, 129 N. Y. 360.

Cited, Public Officers—Who Are.

D. 150 N. Y. 521.

People v. Bodine, 1 Den. 281.

Cited, Trial—Jury—Peremptory Challenge—Order.

136 N. Y. 66; (48 St. Rep. 901).

Trial—Jury—Overruling Challenge for Cause—Use of Peremptory.

140 N. Y. 89; (55 St. Rep. 458). 17 Misc. 566; (75 St. Rep. 100; 40 Supp. 695).

People v. Boice, 39 Barb. 307.

Cited, Guardian — Statutory — Appointment.

77 Hun, 202; (59 St. Rep. 773; 28 Supp. 451).

People v. Booth, 32 N. Y. 397.

Cited, Action—Parties—Interest—People.

8 Misc. 635; (61 St. Rep. 265; 29 Supp. 955). 83 Hun, 457; (29 Supp. 955).

Pleading—Demurrer—Judgment.

78 Hun, 383; (60 St. Rep. 741; 29 Supp. 183; 23 Civ. Pro. 326).

Pleading—Demurrer to Answer—Attacking Complaint On.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22). 80 Hun, 27; (61 St. Rep. 611; 29 Supp. 860).

84 Hun, 164; (65 St. Rep. 732; 32 Supp. 448). 19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

People v. Borges, 6 Abb. 132.

Cited, Criminal Law—Degree of Offense.

137 N. Y. 34; (50 St. Rep. 64).

People v. Boston & A. R. Co., 70 N. Y. 569.

Cited, Legislature—Control Over Railroads.

90 Hun, 12; (69 St. Rep. 728; 35 Supp. 341). 15 App. Div. 257; (78 St. Rep. 179 44 Supp. 179).

People v. Bouchard, 6 Misc. 459; 56 St. Rep. 779; 27 Supp. 201.

People v. Boudin, 19 Misc. 665; 78 St. Rep. 1053; 44 Supp. 1055.

People v. Bovina, Board of Auditors of, 17 St. Rep. 872; 2 Supp. 609.

Cited, Justice of Peace — Payment of Criminal Fees—Enforcement.

71 Hun, 433; (54 St. Rep. 405; 24 Supp. 975).

*Duplicate Citations in Parenthesis.***People v. Bowe**, 81 N. Y. 43.

Cited, Right of Action—Extinction—Revival.

66 Hun, 405; (50 St. Rep. 132; 21 Supp. 397 29 Abb. N. C. 405; 23 Civ. Pro. 14).

People v. Bracco, 69 Hun, 206; 53 St. Rep. 227; 23 Supp. 505.

People v. Bradley, 58 Hun, 601; 11 Supp. 594; 33 St. Rep. 562.

Cited, Intoxicating Liquors — Unlawful Sales—Sales by Clubs—Agents, etc.

7 Misc. 505; (28 Supp. 500). 149 N. Y. 11.

People v. Bradner, 107 N. Y. 1; 10 St. Rep. 667.

Cited, Court—Jurisdiction—Presumption Court of Sessions.

73 Hun, 286; (57 St. Rep. 276; 26 Supp. 299). 141 N. Y. 292; (57 St. Rep. 405).

New Trial — Criminal Cases—Power of Trial Court.

25 Supp. 489.

People v. Brandt, 14 St. Rep. 419.

Cited, Trial — Instructions — Criminal Cases.

71 Hun, 605; (55 St. Rep. 107; 24 Supp. 1115).

People v. Bradt, 46 Hun, 445.

Cited, Indictments—Insufficiency—Action for Penalty.

1 App. Div. 134; (73 St. Rep. 58; 37 Supp. 845).

People v. Brady, 13 Misc. 294; 69 St. Rep. 208; 34 Supp. 1118.

People v. Brady, 56 N. Y. 182.

Cited, Habeas Corpus—Effect as Res Adjudicata.

2 App. Div. 104; (73 St. Rep. 151; 37 Supp. 535; 25 Civ. Pro. 228). 10 Misc. 251; (63 St. Rep. 864; 31 Supp. 423; 1 Ann. Cas. 55).

Extradition—Affidavits—Sufficiency.

15 Misc. 305; (72 St. Rep. 112; 36 Supp. 890).

People v. Bransby, 32 N. Y. 525.

Cited, Assault and Battery—Defilement—Consent.

75 Hun, 391; (57 St. Rep. 691; 27 Supp. 439).

People v. Brennan, 39 Barb. 651.

Cited, Municipal Corporations — Public Advertising—Designation of Newspapers.

72 Hun, 362; (55 St. Rep. 443; 25 Supp. 780).

Certiorari—Review—Police Commissioners' Decision.

D. 72 Hun, 362; (55 St. Rep. 447; 25 Supp. 780).

People v. Brickner, 15 Supp. 528.

Cited, Indictment — Setting Aside — Grounds Available.

25 Supp. 481.

Witness—Testimony Before the Grand Jury—Indictment of Witness on.

66 Hun, 150; (48 St. Rep. 804; 21 Supp. 34).

People v. Brickner, 8 N. Y. Crim. 217; 15 Supp. 528.

Cited, Indictment — Setting Aside — Grounds Available.

19 Misc. 299; (76 St. Rep. 960; 42 Supp. 960).

People v. Brien, 53 Hun, 496; 6 Supp. 198.

Cited, Indictment—Misjoinder of Counts —Larceny and Receiving Stolen Goods.

7 App. Div. 538; (40 Supp. 244).

People v. Briggs, 47 Hun, 266; 13 St. Rep. 365; 23 Abb. N. C. 108.

Affirmed, 114 N. Y. 58; 22 St. Rep. 317.

Cited, Evidence—Preponderance of Evidence—Civil Case—Verdict Showing Party Guilty of Crime.

4 Misc. 566; (25 Supp. 789).

Trial—Instructions—Failure to Produce Witnesses.

8 Misc. 450; (59 St. Rep. 38; 28 Supp. 684).

People v. Briggs, 50 N. Y. 553.

Statutes — Constitutionality — Presumption.

8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534). 79 St. Rep. 425; (45 Supp. 425). D. 150 N. Y. 509. 14 Misc. 59; (69 St. Rep. 621; 35 Supp. 246). 10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822).

Statutes—Constitutionality—Duplex Title —Construction.

143 N. Y. 23. (60 St. Rep. 364). 90 Hun, 320; (70 St. Rep. 592; 35 Supp. 926). 2 App. Div. 364; (73 St. Rep. 389; 37 Supp. 714). 3 App. Div. 167; (73 St. Rep. 718; 38 Supp. 224). 10 Misc. 244; (52 St. Rep. 464; 30 Supp. 821). 11 App. Div. 149; (76 St. Rep. 900; 42 Supp. 900).

Statutes — Constitutionality — Separation of Void Provisions.

148 N. Y. 554. D. 150 N. Y. 521.

People v. Briggs, 114 N. Y. 56; 22 St. Rep. 317.

Cited, Evidence—Sufficiency—Preponderance—Quasi Criminal Cases.

75 Hun, 395; (57 St. Rep. 693; 27 Supp. 442). 4 Misc. 566; (25 Supp. 787). 145 N. Y. 327; (64 St. Rep. 682).

Pleading—Exceptions and Provisions.

151 N. Y. 67.

Duplicate Citations in Parenthesis.

Evidence — Reasonable Doubt — Civil Cases.

8 Misc. 448; (58 St. Rep. 851; 28 Supp. 686). 91 Hun, 219; (70 St. Rep. 791; 36 Supp. 217).

People v. Briggs, 60 How. 17.

Cited, Witnesses—Testimony Before Grand Jury—Indictment of Witness on.

66 Hun, 150; (48 St. Rep. 804; 21 Supp. 34).

People v. Brinkerhoff, 68 N. Y. 259.

Cited, Statutes—Constitutionality—Title.

15 App. Div. 124; (78 St. Rep. 306; 44 Supp. 306).

People v. Broadway R. Co., 126 N. Y. 29.

Cited, Franchise—Grant—Construction.

151 N. Y. 472.

Railroads—Extension.

89 Hun, 261; (68 St. Rep. 861; 34 Supp. 1082).

Railroads — Franchise—Abandonment — Effect.

6 App. Div. 205; (40 Supp. 1150).

People v. Brockett, 85 Hun, 138; 65 St. Rep. 667; 32 Supp. 511.

People v. Brockett, 65 St. Rep. 667; 32 Supp. 511.

Cited, Immaterial Evidence — Disregard on Appeal.

88 Hun, 341; (68 St. Rep. 546; 34 Supp. 728).

People v. Brookfield, 13 Misc. 566; 68 St. Rep. 403; 34 Supp. 674.

People v. Brookfield, 1 App. Div. 68; 72 St. Rep. 153; 37 Supp. 107.

People v. Brookfield, 2 App. Div. 299; 73 St. Rep. 392; 37 Supp. 718.

People v. Brookfield, 6 App. Div. 398; 39 Supp. 673.

Affirmed, 151 N. Y. 674.

Cited, Mandamus — Peremptory—Opposing Affidavits—Effect.

12 App. Div. 537; (76 St. Rep. 399; 42 Supp. 399). 15 App. Div. 506. (78 St. Rep. 580; 44 Supp. 580).

People v. Brookfield, 6 App. Div. 398; 39 Supp. 673.

Cited, Removal of Veteran — Unauthorized—Remedy.

D 12 App. Div. 543; (76 St. Rep. 402; 42 Supp. 402).

People v. Brooklyn, 4 N. Y. 419.

Cited, Taxes—Assessment—Enforcement Decedent's Estates.

7 Misc. 411; (58 St. Rep. 569; 28 Supp. 254).

People v. Brooklyn, 65 N. Y. 349.

Cited, Municipal Corporations—Duty to Keep Streets in Repair.

12 App. Div. 122; (76 St. Rep. 222; 42 Supp. 222).

People v. Brooklyn, 149 N. Y. 215.

Cited, Mandamus—To Compel Appointment—Abolishment of Office.

13 App. Div. 402; (76 St. Rep. 963; 42 Supp. 962). 79 St. Rep. 940; (45 Supp. 940).

Mandamus—Peremptory—Opposing Affidavit—Effect.

19 Misc. 672; (78 St. Rep. 472; 44 Supp. 472). 20 Misc. 190; (79 St. Rep. 900; 45 Supp. 900).

Mandamus—To Appoint Veteran—Age Limit.

79 St. Rep. 47; (45 Supp. 47).

People v. Brooklyn, 6 App. Div. 202; 39 Supp. 809.

People v. Brooklyn, 21 Barb. 484.

Cited, Municipal Corporations—Improvements—Assessments.

11 Misc. 202; (65 St. Rep. 156; 32 Supp. 99).

People v. Brooklyn, 23 Barb. 180.

Cited, Municipal Corporations — Assessments How Estimated.

70 St. Rep. 849; (36 Supp. 194).

People v. Brooklyn, City of, 79 St. Rep. 1145; 45 Supp. 1145.

People v. Brooklyn, Board of Assessors of, 39 N. Y. 81.

Cited, Certiorari—Office of Writ.

152 N. Y. 430.

People v. Brooklyn, Board of Assessors of, 92 N. Y. 430.

Cited, Statute—Curative Act—Effect.

92 Hun, 208; (71 St. Rep. 555; 36 Supp. 524).

People v. Brooklyn, Board of Assessors, 74 Hun, 13; 57 St. Rep. 263; 26 Supp. 155.

Reversed, 141 N. Y. 476; 57 St. Rep. 612.

People v. Brooklyn, Board of Assessors, 93 N. Y. 308.

Cited, Contracts—Lands and Buildings—Separate Ownership.

153 N. Y. 102.

People v. Brooklyn, Board of Assessors of, 111 N. Y. 509; 19 St. Rep. 638.

Affirming, 14 St. Rep. 623.

Cited, Taxation—Property of Municipality.

90 Hun, 122; (70 St. Rep. 402; 35 Supp. 638).

Duplicate Citations in Parenthesis.

People v. Brooklyn, Board of Assessors, 137 N. Y. 201; 50 St. Rep. 404.

Affirming, 45 St. Rep. 10.

Cited, Mandamus—Discretion in Granting.

139 N. Y. 17; (54 St. Rep. 454).

People v. Brooklyn, Board of Assessors, 141 N. Y. 476; 57 St. Rep. 612.

People v. Brooklyn, Board of Assessors of, 30 Supp. 448.

People v. Brooklyn, Board of Assessors of, 10 App. Div. 393; 75 St. Rep. 1165; 41 Supp. 769.

People v. Brooklyn, Assessors of, 65 St. Rep. 607; 32 Supp. 344.

People v. Brooklyn, Board of Excise of, 12 Misc. 296; 67 St. Rep. 889; 34 Supp. 22.

People v. Brooklyn, Board of Excise of, 91 Hun, 269; 72 St. Rep. 58; 36 Supp. 158.

People v. Brooklyn, Board of Excise of, 42 St. Rep. 39.

Affirmed, 45 St. Rep. 932.

Cited, Excise Commissioners — Powers — Discretion.

7 Misc. 559; (58 St. Rep. 361; 28 Supp. 492).

People v. Brooklyn, Board of Commissioners of Police and Excise, 59 N. Y. 92.

Cited, 13 App. Div. 81; (77 St. Rep. 407; 43 Supp. 407).

People v. Brooklyn Board of Police, 69 N. Y. 408.

Cited, Certiorari—Discretionary Acts.

25 Supp. 874.

People v. Brooklyn Common Council, 77 N. Y. 503.

Cited, Public Office—Defined.

146 N. Y. 293; (66 St. Rep. 652).

Quo Warranto—When Writ Lies.

89 Hun, 41; (69 St. Rep. 387; 34 Supp. 1129).

Mandamus—Affidavits—Sufficiency.

11 Misc. 489; (67 St. Rep. 278; 33 Supp. 430). 16 Misc. 307; (74 St. Rep. 388; 38 Supp. 92). 73 St. Rep. 335; (38 Supp. 146).

People v. Brooklyn, Comptroller of, 152 N. Y. 399.

Cited, Constitutional Law—New Constitution—Effect.

79 St. Rep. 774; (45 Supp. 774).

People v. Brooklyn, Comptroller of, 11 App. Div. 114; 76 St. Rep. 657; 42 Supp. 657.

Affirmed, 152 N. Y. 399.

People v. Brooklyn Fire Commissioners, 103 N. Y. 370; 3 St. Rep. 615.

Reversing, 37 Hun, 643.

Cited, Certiorari—When Granted—Discretionary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

People v. Brooklyn Fire Commissioners, 105 N. Y. 674; 8 St. Rep. 179.

Cited, Action—Parties—Substitution of Administrator.

2 Misc. 351; (50 St. Rep. 601; 22 Supp. 73).

People v. Brooklyn Fire Commissioners, 106 N. Y. 64; 8 St. Rep. 634.

Cited, Certiorari—Return—Conclusiveness.

4 Misc. 2; (53 St. Rep. 721; 23 Supp. 692). 86 Hun, 515; (67 St. Rep. 701; 33 Supp. 926). 1 App. Div. 6; (35 Supp. 1003). 14 Misc. 177; (69 St. Rep. 815; 35 Supp. 463). 15 App. Div. 291; (78 St. Rep. 594; 44 Supp. 594). 89 Hun, 56; (69 St. Rep. 446; 35 Supp. 89; 25 Civ. Pro. 371). 72 St. Rep. 105; (36 Supp. 1003). 91 Hun, 150; (71 St. Rep. 702; 36 Supp. 682). 144 N. Y. 101; (62 St. Rep. 36). 86 Hun, 181; (66 St. Rep. 749; 33 Supp. 233). 149 N. Y. 554.

Certiorari—Review of Proceedings of Police Commissioners—Return.

7 Misc. 294; (58 St. Rep. 545; 27 Supp. 894).

People v. Brooklyn Fire Commissioners, 10 St. Rep. 666.

Cited, Certiorari—Return—Truth.

D. 72 Hun, 360; (55 St. Rep. 446; 25 Supp. 779).

People v. Brooklyn Fire Commissioners, 28 Hun, 495.

Cited, Municipal Corporations—Employees—Removal.

89 Hun, 604; (69 St. Rep. 445; 35 Supp. 88).

People v. Brooklyn Fire Commissioner, 69 St. Rep. 180.

Reversing, 56 St. Rep. 181.

People v. Brooklyn, Flatbush & Coney Island R. Co., 89 N. Y. 75.

Cited, Constitutional Law—Impairing Contract.

143 N. Y. 70; (60 St. Rep. 461). 12 Misc. 191; (67 St. Rep. 267; 33 Supp. 605).

Railroads—Operation—Use of Steam.

50 St. Rep. 259; (21 Supp. 491).

Duplicate Citations in Parenthesis.

Railroads — Operating on Another's Tracks—Consent.

89 Hun, 215; (69 St. Rep. 18; 34 Supp. 1046). 15 App. Div. 203, 204; (78 St. Rep. 737, 738; 44 Supp. 737, 738).

People v. Brooklyn, Mayor of, 91 Hun, 308; 71 St. Rep. 83; 36 Supp. 172.
Reversed, 149 N. Y. 215.

People v. Brooklyn, Mayor, etc., of, 4 N. Y. 419.

Cited, Taxation—Local Assessments.

3 App. Div. 168; (73 St. Rep. 719; 38 Supp. 224). 92 Hun, 206; (71 St. Rep. 553; 36 Supp. 532).

People v. Brooklyn, Mayor of, 149 N. Y. 215.

Cited, Mandamus—Opposing Affidavits—Effect.

17 Misc. 654; (41 Supp. 450). 149 N. Y. 418.

Mandamus—To Compel Appointment.

20 Misc. 218; (79 St. Rep. 47; 45 Supp. 47).

People v. Brooklyn, Mayor of, 77 St. Rep. 1088; 43 Supp. 1088.

People v. Brooklyn, President of, 1 Wend. 317.

Cited, Eminent Domain — Award — Confirmation—Property Holders' Rights.

90 Hun, 176; (70 St. Rep. 293; 35 Supp. 789).

People v. Brooklyn, Registrar of, Arrears of, 114 N. Y. 19.

Cited, Taxes—Sale of—Incorrect Statement by Officer.

22 Supp. 538; (30 Abb. N. C. 118).

People v. Brooklyn, Supervisor of, 89 Hun, 241; 69 St. Rep. 449; 35 Supp. 91.

People v. Brooklyn, Supervisor of, 91 Hun, 206; 71 St. Rep. 185; 36 Supp. 348.

People v. Brooks, 131 N. Y. 321; 43 St. Rep. 294.

Cited, Appeal — Harmless Error — Evidence—Criminal Cases.

71 Hun, 605; (55 St. Rep. 107; 24 Supp. 1115).

Evidence—Relevancy—Bias of Witness.

188 N. Y. 467; (53 St. Rep. 9). 92 Hun, 361; (71 St. Rep. 546; 36 Supp. 516). 139 N. Y. 85; (54 St. Rep. 429).

Trial—Instructions—Criminal Cases.

71 Hun, 605; (55 St. Rep. 108; 24 Supp. 115).

People v. Brooks, 35 Barb. 85.

Cited, Husband and Wife—Separation—Custody of Children.

12 App. Div. 400; (76 St. Rep. 425; 42 Supp. 425).

People v. Brooks, 4 Den. 469.

Cited, Pleading—Penalty—Sufficiency.

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

People v. Brooks, 40 How. 165.

Cited, Prisoner—Civil—Discharge of — Application For—Sufficiency—Schedule of Property.

7 Misc. 467; (58 St. Rep. 512; 27 Supp. 992; 23 Civ. Pro. 331).

People v. Broome, 48 St. Rep. 342; 20 Supp. 470.

People v. Broome, 19 Wend. 87.

Cited, Practice—Time—Reckoning.

17 App. Div. 597; (9 St. Rep. 306; 307; 45 Supp. 306, 307).

People v. Broome, Supervisors of, 65 N. Y. 222.

Cited, Counties — Supervisors—Auditing Claims—Rehearing.

50 St. Rep. 48; (21 Supp. 299). 144 N. Y. 482; (63 St. Rep. 739) 4 App. Div. 615 5 App. Div. 578; (39 Supp. 375).

People v. Brower, 4 Paige, 405.

Cited, Contempt—Violation of Injunction.

67 Hun, 254; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 119).

People v. Brown, 71 Hun, 601; 55 St. Rep. 103; 24 Supp. 111.

People v. Brow, 90 Hun, 509; 70 St. Rep. 668; 35 Supp. 1009.

People v. Brown, 55 N. Y. 180.

Cited, Evidence—Of Service of Notice to Redeem from Tax Sale — Affidavit of Lessee.

22 Supp. 538; (30 Abb. N. C. 118).

Mandamus—Peremptory—Truth of Opposing Affidavits.

68 Hun, 120; (52 St. Rep. 16; 22 Supp. 664).

Taxes—Collector—Duty to Pay Over.

86 Hun, 219; (66 St. Rep. 811; 33 Supp. 256).

People v. Brown, 72 N. Y. 571.

Cited, Cross-Examination—Extent.

91 Hun, 623; (1 St. Rep. 656; 36 Supp. 602). 7 App. Div. 60; (74 St. Rep. 740; 40 Supp. 179).

People v. Brown, 103 N. Y. 684; 4 St. Rep. 271.

Cited, Motion and Orders—Invalidity—When Available.

Duplicate Citations in Parenthesis.

1 Misc. 377; (49 St. Rep. 119; 20 Supp. 865).

Invalidity—Attack—Judgment.

87 Hun, 376; (68 St. Rep. 343; 34 Supp. 439; 25 Civ. Pro. 13; 2 Ann. Cas. 191). 10 Misc. 385; (63 St. Rep. 407; 31 Supp. 123). 17 Misc. 340; (30 Supp. 1081).

Habeas Corpus—Revival—New Hearing.

13 App. Div. 113; (77 St. Rep. 312; 43 Supp. 312).

People v. Brown, 6 Cow. 41.

Cited, Attachment—Insurance Policy.

17 Misc. 66; (39 Supp. 839).

People v. Brush, 146 N. Y. 60; 65 St. Rep. 753.

Cited, 75 St. Rep. 230.

People v. Buchanan, 145 N. Y. 1; 64 St. Rep. 427.

Cited, Attorney and Client—Privileged Communications.

8 App. Div. 147; (40 Supp. 489).

People v. Brugman, 3 App. Div. 155; 73 St. Rep. 684; 38 Supp. 193.

People v. Bruning, 89 Hun, 124; 69 St. Rep. 20; 34 Supp. 1048.

People v. Bruno, 6 Park. Cr. 657.

Cited, Criminal Law — Indictment — Joinder of Counts.

151 N. Y. 409. 7 App. Div. 538, 543; (40 Supp. 244, 248).

People v. Brunswick, Board of Exercise of, Town of, 13 Misc. 537; 70 St. Rep. 476; 35 Supp. 659.

People v. Brush, 146 N. Y. 60; 65 St. Rep. 753.

Affirming, 64 St. Rep. 139; 31 Supp. 586.

Cited, Mandamus — Peremptory — Opposing Affidavits — Sufficiency.

149 N. Y. 418. 149 N. Y. 223. 4 App. Div. 561; (73 St. Rep. 655; 38 Supp. 498). 6 App. Div. 402; (39 Supp. 675). 8 App. Div. 552; (40 Supp. 842). 19 Misc. 672; (78 St. Rep. 472; 44 Supp. 472). 20 Misc. 190; (79 St. Rep. 900; 45 Supp. 900).

Mandamus—Title to Office.

89 Hun, 41; (69 St. Rep. 387; 34 Supp. 1129). 17 Misc. 669; (41 Supp. 470).

People v. Brush, 64 St. Rep. 139; 31 Supp. 586.

People v. Buchanan, 25 Supp. 481.

People v. Budd, 117 N. Y. 1; 56 St. Rep. 533.

Cited, Constitutional Law—Police Power — Limitations on.

136 N. Y. 584; (49 St. Rep. 701). 67 Hun, 60; (51 St. Rep. 195; 22 Supp. 61). 79 Hun, 583; (61 St. Rep. 581; 29 Supp. 894). 143

N. Y. 277; (62 St. Rep. 327). 80 Hun, 418; (62 St. Rep. 95; 30 Supp. 341). 2 App. Div. 366; (73 St. Rep. 390; 37 Supp. 716). D. 8 App. Div. 272; (75 St. Rep. 33; 46 Supp. 636). 13 App. Div. 80; (77 St. Rep. 406; 43 Supp. 406). D. 13 App. Div. 91; (77 St. Rep. 414; 43 Supp. 414). 15 App. Div. 257; (78 St. Rep. 179; 44 Supp. 179). 16 App. Div. 13; (78 St. Rep. 793; 44 Supp. 793).

Statutes — Presumption — Constitutionality.

17 Misc. 259; (40 Supp. 1079).

Criminal Law—Indictment—Joinder of Counts.

7 App. Div. 540; (40 Supp. 245).

People v. Buddensieck, 103 N. Y. 487; 3 St. Rep. 664.

Cited, Appeal—Objections — Evidence—Harmless.

79 Hun, 312; (61 St. Rep. 47; 29 Supp. 382).

Criminal Law—Arrest of Judgment.

25 Supp. 483).

Evidence—Photographs—Verification.

50 St. Rep. 458; (21 Supp. 206). 79 St. Rep. 1116; (45 Supp. 1116).

Evidence—Subsequent Condition—Avalis ability.

D. 10 Misc. 717; (64 St. Rep. 619; 31 Supp. 811).

Criminal Law—Indictment—Sufficiency.

92 Hun, 358; (71 St. Rep. 544; 36 Supp. 514).

People v. Buddensieck, 4 N. Y. Crim. 230.

Cited, Criminal Law—Omission of Duty—Question for Jury.

11 App. Div. 417; (76 St. Rep. 289; 42 Supp. 289).

People v. Buffalo, 2 Misc. 7; 49 St. Rep. 576; 21 Supp. 601.

Affirming, 48 St. Rep. 632; 21 Supp. 598.

Affirming, 140 N. Y. 300; 55 St. Rep. 648.

People v. Buffalo, 5 Misc. 36; 25 Supp. 50.

People v. Buffalo, 7 Misc. 386; 58 St. Rep. 525; 28 Supp. 158.

Cited, Attorneys — Compensation—Costs of Action.

9 Misc. 564; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 57).

People v. Buffalo, 9 Misc. 403; 61 St. Rep. 692; 29 Supp. 1071.

People v. Buffalo, 57 Hun, 577; 33 St. Rep. 323; 11 Supp. 314.

Cited, Statutes—Construction—Intent.

66 Hun, 133; (49 St. Rep. 47; 21 Supp. 49).

Duplicate Citations in Parenthesis.

- People v. Buffalo**, 135 N. Y. 680; 48 St. Rep. 932.
- People v. Buffalo**, 140 N. Y. 300; 55 St. Rep. 648.
Affirming, 2 Misc. 7; 49 St. Rep. 576; 21 Supp. 601.
- People v. Buffalo**, 147 N. Y. 675; 71 St. Rep. 241.
- People v. Buffalo**, 86 Hun, 618; 70 St. Rep. 844; 36 Supp. 191.
- People v. Buffalo, Board of Aldermen of**, 18 Misc. 533; 76 St. Rep. 545; 42 Supp. 545
- People v. Buffalo, Board of Aldermen of**, 47 St. Rep. 451; 20 Supp. 1.
Cited, Elections—Return.
77 St. Rep. 712; (43 Supp. 712).
- People v. Buffalo, Board of Civil Service Commissioners of**, 20 Misc. 217; 79 St. Rep. 46; 45 Supp. 46.
- People v. Buffalo Board of Councilmen**, 5 Misc. 26.
Cited, Municipal Corporations—Election Districts—Classification—Enforcement.
152 N. Y. 364.
- People v. Buffalo, Common Council of**, 30 Hun, 636.
Cited, Practice—Ex parte Orders—Vacation.
88 Hun, 372; (68 St. Rep. 767; 34 Supp. 829; 2 Ann. Cas. 210). D. 74 Hun, 191; 56 St. Rep. 554; 26 Supp. 352).
Appeal—Extent of Review—Motions—Notice.
79 Hun, 541; (61 St. Rep. 556; 29 Supp. 937).
- People v. Buffalo, Common Council of**, 16 Abb. N. C. 96.
Affirmed, 33 Hun, 637.
Cited, Municipal Officers—Duties—Performance—Enforcement.
152 N. Y. 364.
- People v. Buffalo, Life and Reserve Ass'n of**, 92 Hun, 592; 72 St. Rep. 78; 36 Supp. 1059.
- People v. Buffalo State Asylum for Insane, Board of Managers, etc.**, 96 N. Y. 640.
Cited, Parol Evidence—To Explain Writing.
13 Misc. 260; (68 St. Rep. 90; 34 Supp. 88). 19 Misc. 175; (77 St. Rep. 222; 43 Supp. 222)
- People v. Bull**, 46 N. Y. 57.
Cited, Voters and Elections—Time for Holding Election.
- 67 Hun, 176; (51 St. Rep. 448; 22 Supp. 416). 148 N. Y. 683. 150 N. Y. 487.
Constitutional Law—Separation of Valid From Void Provisions.
D. 150 N. Y. 521.
- People v. Burdick**, 23 St. Rep. 429; 5 Supp. 363.
Cited, Summary Proceedings—Foreclosure—Validity.
85 Hun, 452; (66 St. Rep. 207; 32 Supp. 890).
- People v. Burleigh**, 1 N. Y. Crim. 522.
Cited, Statutes—Repealing Effect—Special—Application of General Act.
8 Misc. 136; (60 St. Rep. 151; 28 Supp. 648).
Criminal Law—Jury Trial.
13 Misc. 611; (69 St. Rep. 270; 35 Supp. 192).
- People v. Burns**, 19 Misc. 680; 78 St. Rep. 1106; 44 Supp. 1106.
- People v. Burns**, 33 Hun, 296.
Cited, Appeal—Harmless Error—Evidence—Criminal Cases.
71 Hun, 607; (55 St. Rep. 108; 24 Supp. 1116).
- People v. Burns**, 53 Hun, 274; 25 St. Rep. 97; 6 Supp. 611.
Cited, Criminal Law—Indictment—Sufficiency.
85 Hun, 136; (65 St. Rep. 678; 32 Supp. 523). 8 App. Div. 136; (40 Supp. 493).
- People v. Burns**, 77 Hun, 92; 59 St. Rep. 855; 28 Supp. 300.
Affirmed, 143 N. Y. 665; 63 St. Rep. 866.
- People v. Burrell**, 14 Misc. 217; 70 St. Rep. 381; 35 Supp. 608.
- People v. Burton**, 77 Hun, 498; 60 St. Rep. 544; 28 Supp. 1081.
- People v. Bush**, 4 Hill, 133.
Cited, Crimes—Commission—Impossibility—Effect.
144 N. Y. 126; (63 St. Rep. 23).
- People v. Butler**, 147 N. Y. 164; 69 St. Rep. 410.
Cited, Statutes—Construction—Intent of Legislature.
148 N. Y. 77. 3 App. Div. 194; (73 St. Rep. 634; 38 Supp. 478). 3 App. Div. 445; (39 Supp. 496). 19 Misc. 597; (78 St. Rep. 315; 44 Supp. 315).
- People v. Butler**, 61 How. 274.
Cited, Mechanic's Lien—Bond to Discharge—Enforcement—Judgment Against Debtor.
73 Hun, 176; (57 St. Rep. 148; 25 Supp. 1100).

Duplicate Citations in Parenthesis.

Mechanic's Lien—Lienor's Right to Deposit.

5 App. Div. 261; (39 Supp. 136). 83 Hun, 415; (64 St. Rep. 730; 31 Supp. 960).

People v. Buttling, 13 Misc. 587; 69 St. Rep. 215; 35 Supp. 19.

People v. Byrnes, 61 St. Rep. 120; 29 Supp. 1147.

People v. Byron, 3 Johns. Cas. 53.

Cited, Pleading — Common Law Practice—Demurrer—Effect.

19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

People v. Cady, 50 Super. 399.

Affirmed, 99 N. Y. 620.

Cited, Mandamus — Taxes — To Receive Assessments.

5 Misc. 191; (25 Supp. 816).

People v. Cady, 56 Super. 180.

Cited, Taxes—Assessment—Sale for Non-Payment—Notice to Redeem.

5 Misc. 191; (25 Supp. 816).

People v. Cady, 105 N. Y. 399; 7 St. Rep. 505.

Cited, Taxes—Sale for—Time and Notice for Redemption.

22 Supp. 536; (30 Abb. N. C. 113).

Affidavit—Venue—Irregularity—Effect.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 30°).

People v. Cady, 60 St. Rep. 474; 143 N. Y. 100.

People v. Cahill, 5 App. Div. 570; 39 Supp. 872.

People v. Calvert, 51 St. Rep. 186; 22 Supp. 220.

People v. Camp, 139 N. Y. 87; 54 St. Rep. 455.

Affirming, 66 Hun, 531; 51 St. Rep. 30; 21 Supp. 741.

People v. Campbell, 53 St. Rep. 793; 24 Supp. 212.

People v. Campbell, 64 Hun, 417; 46 St. Rep. 288; 19 Supp. 652.

Cited, Taxes — Corporations — Revision by Comptrollers.

69 Hun, 369; (52 St. Rep. 787; 23 Supp. 662).

People v. Campbell, 66 Hun, 146; 48 St. Rep. 817; 21 Supp. 7.

Cited Taxation—Foreign Corporations—Assessment.

D. 74 Hun, 109; (55 St. Rep. 886; 26 Supp. 467).

People v. Campbell, 67 Hun, 590; 51 St. Rep. 354; 22 Supp. 458.

Affirmed, 143 N. Y. 335; 62 St. Rep. 832.

People v. Campbell, 70 Hun, 507; 53 St. Rep. 790; 24 Supp. 208.

Cited, Taxation—Erroneous Assessment—Review.

82 Hun, 317; (63 St. Rep. 576; 31 Supp. 247). D. 74 Hun, 110; (55 St. Rep. 888; 29 Supp. 468).

People v. Campbell, 74 Hun, 101; 55 St. Rep. 881; 26 Supp. 462.

Affirmed, 143 N. Y. 623; 60 St. Rep. 873.

People v. Campbell, 74 Hun, 210; 56 St. Rep. 358; 26 Supp. 832.

People v. Campbell, 80 Hun, 95; 61 St. Rep. 811, 30 Supp. 70.

Affirmed, 144 N. Y. 166; 63 St. Rep. 44.

Cited, Manufacturing Corporations—Taxation.

80 Hun, 487; (62 St. Rep. 394; 30 Supp. 495).

People v. Campbell, 80 Hun, 466; 62 St. Rep. 301; 30 Supp. 472.

Affirmed, 145 N. Y. 587; 65 St. Rep. 526.

Cited, Taxation—Comptroller's Decision—Review—Burden of Proof.

90 Hun, 538; (71 St. Rep. 42; 36 Supp. 35). 91 Hun, 148; (71 St. Rep. 208; 36 Supp. 278). 4 App. Div. 392; (38 Supp. 875). 11 App. Div. 451; (76 St. Rep. 318; 42 Supp. 318).

People v. Campbell, 82 Hun, 338; 64 St. Rep. 98; 31 Supp. 499.

Reversed, 152 N. Y. 51.

People v. Campbell, 88 Hun, 527; 68 St. Rep. 746; 34 Supp. 711.

Cited, 31 Supp. 502.

Taxation—Manufacturing Corporation.

34 Supp. 713.

People v. Campbell, 88 Hun, 530; 68 St. Rep. 747; 34 Supp. 713.

Reversed, 148 N. Y. 759.

People v. Campbell, 88 Hun, 544; 68 St. Rep. 811; 34 Supp. 801.

People v. Campbell, 72 N. Y. 496.

Cited, Municipal Corporations — Mandamus—When to Issue.

4 Misc. 3; (53 St. Rep. 722; 23 Supp. 693). 141 N. Y. 246; (56 St. Rep. 811). 4 App. Div. 562; (73 St. Rep. 655; 33 Supp. 498); 13 App. Div. 32; (77 St. Rep. 104; 43 Supp. 104).

Municipal Contracts — Enforcement Against Municipality.

2 App. Div. 217; (73 St. Rep. 482; 37 Supp. 80°).

People v. Campbell, 82 N. Y. 247.

Cited, Municipal Corporations—A motion—Grounds.

Duplicate Citations in Parenthesis.

2 App. Div. 449; (73 St. Rep. 537; 37 Supp. 995). 1 App. Div. 340; (72 St. Rep. 637; 37 Supp. 293).

People v. Campbell, 138 N. Y. 543; 53 St. Rep. 184.

Reversing, 51 St. Rep. 939; 22 Supp. 458.

Cited, Taxes—Corporations—Place of Employment of Capital.

74 Hun, 103; (55 St. Rep. 882; 26 Supp. 463). 148 N. Y. 692. 88 Hun, 532; (68 St. Rep. 749; 34 Supp. 714). 88 Hun, 550; (68 St. Rep. 815; 34 Supp. 804).

Taxation—Foreign Corporations.

4 App. Div. 391; (38 Supp. 875). D. 11 App. Div. 315; (76 St. Rep. 505; 42 Supp. 505).

People v. Campbell, 139 N. Y. 68; 54 St. Rep. 451.

Reversing, 49 St. Rep. 917; 22 Supp. 1111.

Cited, Evidence—Taxation—Comptroller. 88 Hun, 548; (34 Supp. 804).

Foreign Corporation—Taxation—Employment of Capital.

8 App. Div. 204, 205; (40 Supp. 418, 419).

People v. Campbell, 143 N. Y. 335; 62 St. Rep. 332.

Cited, Taxation—Occupancy.

144 N. Y. 481; (63 St. Rep. 739).

People v. Campbell, 144 N. Y. 166; 63 St. Rep. 44.

Distinguished, Taxation—Corporation—Capital Employed Here.

145 N. Y. 589; (65 St. Rep. 526).

Cited, 90 Hun, 535; (71 St. Rep. 411; 36 Supp. 74). 91 Hun, 161; (71 St. Rep. 140; 36 Supp. 370). 4 App. Div. 389; (38 Supp. 725). 11 App. Div. 451; (76 St. Rep. 318; 42 Supp. 318); 38 Supp. 873. 90 Hun, 536; (71 St. Rep. 412; 36 Supp. 75).

People v. Campbell, 144 N. Y. 478; 63 St. Rep. 788.

Affirming, 62 St. Rep. 384; 30 Supp. 507.

Cited, Taxation—Comptroller—Judicial Action.

7 App. Div. 364; (74 St. Rep. 675; 40 Supp. 611).

People v. Campbell, 145 N. Y. 587; 65 St. Rep. 526.

Cited, Taxation—Comptroller's Decision—Effect.

88 Hun, 532; (68 St. Rep. 749; 34 Supp. 714). 90 Hun, 536; (71 St. Rep. 411; 36 Supp. 75).

91 Hun, 148; (71 St. Rep. 208; 36 Supp. 278). 4 App. Div. 336; (74 St. Rep. 109; 38 Supp. 725).

People v. Campbell, 152 N. Y. 51.

Reversing, 82 Hun, 614; 64 St. Rep. 100; 31 Supp. 501.

People v. Campbell, 61 St. Rep. 811; 30 Supp. 70.

People v. Campbell, 62 St. Rep. 384; 30 Supp. 507.

People v. Campbell, 64 St. Rep. 100; 31 Supp. 499.

Cited, 64 St. Rep. 100; (31 Supp. 502).

People v. Campbell, 64 St. Rep. 100; 31 Supp. 501.

People v. Campbell, 18 Abb. 1.

Cited, District Court—Default—Opening—Discretion.

13 Misc. 241; (68 St. Rep. 13; 34 Supp. 58; 25 Civ. Pro. 259).

People v. Campbell, Town Board of, 92 Hun, 585; 72 St. Rep. 82; 36 Supp. 1062.

People v. Canal Appraisers, 33 N. Y. 461.

Cited, Waters—Land Under—Title of State.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).

Waters—Navigable—Tests.

75 Hun, 566; (59 St. Rep. 639; 27 Supp. 539).

People v. Canal Board, 55 N. Y. 390.

Cited, Equity—Jurisdiction—Restraining Illegal Acts—Public Bodies.

4 Misc. 325; (24 Supp. 656). 147 N. Y. 289; (69 St. Rep. 666). 149 N. Y. 502.

People v. Canal Board, 7 Lans. 220.

Cited, Canal Board—Award—Rescinding Resolution—Effect.

D. 72 Hun, 368; (55 St. Rep. 451; 25 Supp. 784).

People v. Canal Street Bank, 6 Misc. 319; 56 St. Rep. 248; 26 Supp. 794.

People v. Cannon, 63 Hun, 306; 43 St. Rep. 427; 18 Supp. 25.

Affirmed, 139 N. Y. 645; 54 St. Rep. 431.

Cited, Bottles—Offense of Buying Marked—Constitutionality.

49 St. Rep. 369; (20 Supp. 783).

People v. Cannon, 139; N. Y. 645; 54 St. Rep. 809.

Re-argument of, 139 N. Y. 32; 54 St. Rep. 431.

People v. Cannon, 139 N. Y. 32; 54 St. Rep. 431.

Affirming, 43 St. Rep. 427.

Cited, Legislature—Powers.

D. 150 N. Y. 509. 12 Misc. 418; (67 St. Rep. 575; 33 Supp. 706)

People v. Carey, 5 Daly, 533.

Cited, Bail—Forfeiture—Relief.

1 Misc. 514; (49 St. Rep. 702; 20 Supp. 861).

Duplicate Citations in Parenthesis.

People v. Carlton, 115 N. Y. 618; 26 St. Rep. 434.

Cited, Homicide—Justification—Self Defense.

139 N. Y. 363; (54 St. Rep. 589). 147 N. Y. 214; (69 St. Rep. 510). 153 N. Y. 32.

People v. Carman, 69 Hun, 118; 53 St. Rep. 155; 23 Supp. 386.

People v. Carnal, 1 Park Cr. 255.

Cited, Trial—Verdict—Impeachment by evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Criminal Law—Appeal—Review.

151 N. Y. 58.

People v. Carpenter, 24 N. Y. 86.

Cited, Evidence—Presumption—Assessment—Taxes—Exemption.

80 Hun, 125; (61 St. Rep. 803; 30 Supp. 60).

People v. Carpenter, 102 N. Y. 238; 1 St. Rep. 648.

Cited, Trial—Jurors—Bias.

69 Hun, 201; (53 St. Rep. 418; 23 Supp. 580).

Trial—Jury—Peremptory Challenge—Order.

136 N. Y. 73; (48 St. Rep. 906).

Trial—Jury—Overruling—Challenge for Cause—Use of Peremptory.

140 N. Y. 91; (55 St. Rep. 495).

People v. Carr, 23 Supp. 112.

People v. Carson, 10 Misc 237; 62 St. Rep. 459; 30 Supp. 817.

Affirmed, 86 Hun, 617; 35 Supp. 1114.

People v. Carson, 78 Hun, 544; 61 St. Rep. 161; 29 Supp. 619.

Cited, Practice—Striking Cause From Calendar—Effect.

3 App. Div. 425; (74 St. Rep. 148; 38 Supp. 655).

People v. Carter, 47 Hun, 446; 14 St. Rep. 439.

Cited, Certiorari—Tax Cases—Parties.

5 Misc. 58; (25 Supp. 50).

Taxation—Certiorari—Review.

86 Hun, 518; (67 St. Rep. 704; 33 Supp. 929).

People v. Carter, 48 Hun, 167; 15 St. Rep. 640.

Cited, Criminal Law—Special Sessions—Powers—Limitation.

14 Misc. 618; (71 St. Rep. 676; 36 Supp. 746).

People v. Carter, 52 Hun, 458; 24 St. Rep. 104; 5 Supp. 507.

Cited, Certiorari—Return—Conclusiveness.

92 Hun, 353; (71 St. Rep. 565; 36 Supp. 533).

People v. Carter, 88 Hun, 304; 68 St. Rep. 584; 34 Supp. 764.

Cited, Criminal Law—Habeas Corpus—Authority of Judge.

19 Misc. 681, 683; (78 St. Rep. 1108; 44 Supp. 1108).

People v. Carter, 109 N. Y. 576; 16 St. Rep. 367.

Cited, Taxes—Assessment—Inequality—Relief—Proof.

138 N. Y. 317; (52 St. Rep. 350). 67 Hun, 67; (51 St. Rep. 410; 22 Supp. 27). 135 N. Y. 253; (48 St. Rep. 242). 84 Hun, 448; (65 St. Rep. 608; 32 Supp. 345).

People v. Carter, 119 N. Y. 654; 30 St. Rep. 116.

Cited, Taxes—Erroneous Assessment—Recovery.

77 Hun, 188; (59 St. Rep. 500; 28 Supp. 347).

People v. Casegeanda, 15 Misc. 325. 73 St. Rep. 445; 37 Supp. 768.

People v. Casey, 72 N. Y. 393.

Cited, Witnesses—Criminal Cases—Cross-examination—Credibility.

135 N. Y. 664; (48 St. Rep. 566). 91 Hun, 623; (71 St. Rep. 655; 36 Supp. 602). 92 Hun, 360; (71 St. Rep. 545; 35 Supp. 515). 7 App. Div. 606; (74 St. Rep. 740; 40 Supp. 179).

People v. Casey, 96 N. Y. 115.

Cited, Trial—Jury—Overruling—Challenge for Cause—Use of Peremptory.

140 N. Y. 91; (55 St. Rep. 459).

People v. Cassata, 6 App. Div. 386; 39 Supp. 641.

People v. Cassels, 5 Hill, 164.

Cited, Habeas Corpus—Scope of Writ—To Review Determinations.

8 Misc. 167; (60 St. Rep. 142; 28 Supp. 506).

People v. Cassidy, 133 N. Y. 612; 44 St. Rep. 369.

Cited, Evidence—Confessions.

80 Hun, 47; (61 St. Rep. 527; 29 Supp. 843).

People v. Cassin, 136 N. Y. 633; 49 St. Rep. 913.

Affirming, 42 St. Rep. 133; 16 Supp. 926.

People v. Cassity, 46 N. Y. 46.

Cited, Lands and Buildings—Several Ownership.

153 N. Y. 102.

People v. Cataract Bank, 5 Misc. 14; 25 Supp. 129.

Duplicate Citations in Parenthesis.

People v. Cavanagh, 2 Park Cr. 650.

Cited, 80 Hun, 604; 64 St. Rep. 879; 31 Supp. 1132.

Criminal Law—Certificate of Sentence—Presumption.

92 Hun, 288; (71 St. Rep. 735; 36 Supp. 724).

People v. Cayuga County Sup's of,

136 N. Y. 281; 49 St. Rep. 340.

Reversing, 45 St. Rep. 89; 18 Supp. 808.

People v. Central R. Co. of N. J., 42 N. Y. 283.

Cited, Judgment — Non-Residents—Attachment.

12 Misc. 239; (67 St. Rep. 790; 33 Supp. 1087).

People v. Chacon, 103 N. Y. 669; 1 St. Rep. 368.

Cited, Appeal—Objections — Evidence—Harmless.

79 Hun, 312; (61 St. Rep. 47; 29 Supp. 382).

Evidence — Confessions — Validity—Affecting Verdict.

80 Hun, 49; (61 St. Rep. 529; 29 Supp. 848).

People v. Champlain, Board of Auditors of, 16 Misc. 92; 73 St. Rep. 82;

37 Supp. 633.

People v. Chapin, 103 N. Y. 635; 3 St. Rep. 38.

Affirming, 39 Hun, 230.

Cited, Taxes—Sale and Redemption—Comptroller's Certificate — Conclusiveness of.

22 Supp. 536; (30 Abb. N. C. 114).

Mandamus—Availability.

149 N. Y. 30. D. 152 N. Y. 398.

Mandamus—To Compel Judicial Action.

90 Hun, 532; (71 St. Rep. 41; 36 Supp. 33).

People v. Chapin, 104 N. Y. 96; 5 St. Rep. 588.

Cited, Mandamus—Availability.

D. 152 N. Y. 398. (71 St. Rep. 41; 36 Supp. 33). 149 N. Y. 30. 83 Hun, 436; (64 St. Rep. 422; 31 Supp. 752). 90 Hun, 532; (71 St. Rep. 41; 36 Supp. 33). 85 Hun, 118; (66 St. Rep. 55; 32 Supp. 671). 14 Misc. 121; (69 St. Rep. 624; 35 Supp. 248; 25 Civ. Pro. 91; 5 Ann. Cas. 1248).

Mandamus—Superintendent of Insurance—Decision.

76 Hun, 109; (57 St. Rep. 451; 27 Supp. 841).

Taxes—Sale and Redemption—Comptroller's Certificate—Conclusiveness of.

22 Supp. 536; (30 Abb. N. C. 114).

People v. Chapin, 104 N. Y. 369; 6 St. Rep. 837.

Cited, Taxes—Sale for Non-payment—Relief from.

67 Hun, 498; (51 St. Rep. 232; 22 Supp. 499). 139 N. Y. 245; (54 St. Rep. 627). 144 N. Y. 236; (63 St. Rep. 101). 151 N. Y. 542. 8 App. Div. 220; (40 Supp. 457). 11 Misc. 511; (67 St. Rep. 286; 287; 33 Supp. 438).

People v. Chapin, 105 N. Y. 309; 7 St. Rep. 209.

Cited, Evidence—Comptroller—Tax Sale—Cancellation.

139 N. Y. 249; (54 St. Rep. 627). 90 Hun, 530; (71 St. Rep. 39; 39 Supp. 32).

Taxes—Sale for Non-payment—Relief by Comptroller.

67 Hun, 502; (51 St. Rep. 232; 22 Supp. 499). 151 N. Y. 542. 7 App. Div. 364; (74 St. Rep. 675; 40 Supp. 61).

Statutes—Construction—Implied Powers.

66 Hun, 144; (48 St. Rep. 874; 20 Supp. 973).

People v. Chapin, 109 N. Y. 177; 15 St. Rep. 76.

Affirming, 12 St. Rep. 402.

Cited, Tax Sale—Deed—Cancellation—Return of Money.

11 Misc. 703; (66 St. Rep. 580; 32 Supp. 1126). 12 Misc. 227; (67 St. Rep. 809; 33 Supp. 1106).

People v. Chapleau, 121 N. Y. 266; 39 St. Rep. 989.

Cited, Evidence — Declarations — Of Accused Before Coroner.

136 N. Y. 632; (49 St. Rep. 75).

Evidence—Confessions—Made Under Arrest.

80 Hun, 46; (61 St. Rep. 527; 29 Supp. 846).

Witnesses—Credibility—Question of Fact.

9 Misc. 116; (59 St. Rep. 734; 29 Supp. 50).

People v. Chapman, 64 N. Y. 557.

Cited, Insurance—Superintendent—Order to Deliver—Securities.

147 N. Y. 28; (69 St. Rep. 335).

People v. Chase, 79 Hun, 296; 61 St. Rep. 40; 29 Supp. 376.

Affirmed, 143 N. Y. 669; 63 St. Rep. 866.

People v. Chautauqua, Suprs. of, 43 N. Y. 10.

Cited, Statutes—Constitutionality—Title.

8 Misc. 135; (60 St. Rep. 150; 28 Supp. 647). 73 St. Rep. 625; (38 Supp. 469).

Statutes—Local—Constitutionality.

Duplicate Citations in Parenthesis.

8 Misc. 569; (60 St. Rep. 683; 29 Supp. 778). 66 Hun, 139; (48 St. Rep. 889; 21 Supp. 83). 81 Hun, 327; (29 Supp. 778). 90 Hun, 322; (70 St. Rep. 593; 35 Supp. 927). 2 App. Div. 364; (73 St. Rep. 386; 37 Supp. 714).

People v. Chegaray, 18 Wend. 637.

Cited, Habeas Corpus—Return—Denial—Affidavits.

6 App. Div. 417; (39 Supp. 692).

People v. Chemung County Board of Canvassers, 126 N. Y. 392; 37 St. Rep. 778.

Cited, Voters and Elections—Irrregularities—Effect on Election.

69 Hun, 600; (53 St. Rep. 550; 23 Supp. 957). 83 Hun, 184; (64 St. Rep. 149; 31 Supp. 595).

Election Inspectors—Return—Mandamus.

18 Misc. 394; (77 St. Rep. 712; 43 Supp. 712).

People v. Chenango County, Supervisors of, 8 N. Y. 317.

Cited, Statutes—Passage—Constitutional Requirements—Evidence.

148 N. Y. 556.

People v. Chenango County, Supervisors of, 11 N. Y. 563.

Cited, Mandamus—Existence of Other Remedy.

141 N. Y. 246; (56 St. Rep. 811). D. 13 App. Div. 37; (77 St. Rep. 107; 43 Supp. 107).

People v. Christian, 78 Hun, 28; 60 St. Rep. 814; 29 Supp. 271.

Affirmed, 143 N. Y. 666; 63 St. Rep. 866.

People v. Church, 2 Lans. 459.

Cited, Affidavits—Scandalous Statements—Expunging—Motion of Court.

22 Hun, 1052; (23 Civ. Pro. 54).

People v. Cignarale, 110 N. Y. 23; 16 St. Rep. 155.

Cited, Appeal—Review of Facts—Criminal Cases.

49 St. Rep. 643; (20 Supp. 756). 147 N. Y. 213; (69 St. Rep. 510). 89 Hun, 394; (69 St. Rep. 842; 35 Supp. 430). D. 148 N. Y. 506.

Criminal Law—Province of Jury.

6 App. Div. 393; (39 Supp. 645).

People v. Cipperly, 37 Hun, 324.

Reversed, 101 N. Y. 64.

Cited, Constitutional Law—Police Power—Articles of Food.

73 Hun, 466; (56 St. Rep. 53; 26 Supp. 278). 68 Hun, 343; (51 St. Rep. 896; 23 Supp. 811). 145 N. Y. 109; (64 St. Rep. 557).

People v. City Bank of Rochester, 96 N. Y. 32.

Distinguished, Receiver—Order—Appealability.

D. 150 N. Y. 125. 150 N. Y. 124; (3 Ann. Cas. 256).

Cited, Banks—Deposits—Bank's Control Over.

77 Hun, 167; (58 St. Rep. 717; 28 Supp. 441).

Trust Funds—Following.

81 Hun, 491; (63 St. Rep. 302; 30 Supp. 1113). 91 Hun, 81; (71 St. Rep. 373; 36 Supp. 172).

People v. Civil Service Boards, 103 N. Y. 657.

Affirming, 41 Hun, 287; 2 St. Rep. 656.

Cited, Officers—New York City—Engineers of Aqueduct Commission.

139 N. Y. 595; (55 St. Rep. 625).

People v. Civile, 44 Hun, 497; 9 St. Rep. 104.

Cited, Criminal Law—Grand Larceny.

92 Hun, 48; (72 St. Rep. 390; 36 Supp. 868).

People v. Clapp, 152 N. Y. 490.

People v. Clark, 7 N. Y. 385.

Cited, Homicide—Premeditation.

139 N. Y. 361; (54 St. Rep. 588).

People v. Clark, 49 St. Rep. 499; 20 Supp. 729.

People v. Clark, 8 N. Y. Crim. 179; 14 Supp. 642.

Cited, Witnesses—Preliminary Evidence of Accused—Immunity from Prosecution on.

8 Misc. 174; (60 St. Rep. 146; 28 Supp. 510). 66 Hun, 150; (48 St. Rep. 804; 21 Supp. 34).

Criminal Law—Indictment—Dismissal.

19 Misc. 299; (76 St. Rep. 960; 42 Supp. 960).

People v. Clark, 21 Barb. 214.

Cited, Actions—Authority to Bring—How Raised.

8 App. Div. 225; (40 Supp. 315).

People v. Claverack Commissioners of Excise of, 4 Misc. 330; 25 Supp. 322.

Cited, Excise—Application—Decision.

13 Misc. 543; (70 St. Rep. 480; 35 Supp. 662).

People v. Cleary, 13 Misc. 546; 70 St. Rep. 209; 35 Supp. 588.

People v. Clements, 5 Crim. 288.

Cited, Witnesses—Testimony Before Grand Jury—Indictment of Witness on.

66 Hun, 150; (48 St. Rep. 804; 21 Supp. 34).

*Duplicate Citations in Parenthesis.***People v. Clements**, 107 N. Y. 205.*Cited*, Criminal Law—Indictment—Sufficiency.

13 App. Div. 432; (77 St. Rep. 646; 43 Supp. 646).

People v. Clemens, 37 Hun, 580.*Cited*, Rape—Overpowering—Submission.

75 Hun, 394; (57 St. Rep. 693; 27 Supp. 442).

People v. Clinton County, Sup'rs of, 48 St. Rep. 3.*Cited*, Counties — Audit of Claims — Items.

74 Hun, 255; (55 St. Rep. 892; 26 Supp. 613).

People v. Clute, 50 N. Y. 451.*Cited*, Statutes—Construction—Intent.

77 Hun, 378; (60 St. Rep. 414; 28 Supp. 875). 71 Hun, 278; (54 St. Rep. 490; 24 Supp. 1024). 150 N. Y. 207. 1 App. Div. 343; (72 St. Rep. 675; 37 Supp. 424). 9 App. Div. 460; (75 St. Rep. 762; 41 Supp. 345).

Voters and Elections — Ineligibility of Candidates.

67 Hun, 174; (51 St. Rep. 446; 22 Supp. 415). D. 6 App. Div. 321; (40 Supp. 563).

People v. Coachman's Union Benevolent Ass'n of N. Y., 4 Misc. 424; 24 Supp. 114.**People v. Cobb**, 13 App. Div. 56; 77 St. Rep. 120; 43 Supp. 120.*Cited*, Civil Service — Construction of Law.

20 Misc. 83; (78 St. Rep. 1086; 44 Supp. 1086).

Civil Service—Striking Name from List.

20 Misc. 218; (79 St. Rep. 47; 45 Supp. 47).

People v. Cobleshill, Trustees of, 49 St. Rep. 48.**People v. Coeymans, Town Canvasers of**, 44 St. Rep. 738; 19 Supp. 206.*Cited*, Inspectors—Return—Mandamus.

18 Misc. 394; (77 St. Rep. 712; 43 Supp. 712).

People v. Coffey, 66 Hun, 160; 48 St. Rep. 882; 21 Supp. 34.**People v. Coggeshall**, 138 N. Y. 635; 51 St. Rep. 935.*Affirming*, 49 St. Rep. 918; 22 Supp. 1116.**People v. Cohen**, 1 Misc. 515; 29 St. Rep. 921; 20 Supp. 854.**People v. Cohen**, 2 Misc. 64; 49 St. Rep. 921; 20 Supp. 854.**People v. Cohocton, Board of Trustees of Village of**, 17 Misc. 652; 41 Supp. 449.*Cited*, Appointment to Office—Mandamus.

19 Misc. 673; (78 St. Rep. 472; 44 Supp. 472).

People v. Cole, 43 N. Y. 508.*Cited*, Witness—Cross-examination—Failure to Appear for.

67 Hun, 188; (51 St. Rep. 403; 22 Supp. 95)

People v. Cole, 137 N. Y. 530; 50 St. Rep. 930*Affirming*, 48 St. Rep. 351; 20 Supp. 505.**People v. Coleman**, 41 Hun, 307.*Cited*, Attorney and Client—Authority of Attorney.

41 Supp. 280; (35 Civ. Pro. 351).

People v. Coleman, 41 Hun, 344.*Cited*, Appeal—Interest of Appellant—Necessity of.

135 N. Y. 449; (48 St. Rep. 433).

People v. Coleman, 42 Hun, 581; 4 St. Rep. 493.*Cited*, Taxation—Assessment of Personal Property—Against Whom Assessable—Possession.

8 Misc. 34; (58 St. Rep. 749; 23 Supp. 652). 11 Misc. 266; (65 St. Rep. 813; 32 Supp. 488). 86 Hun, 287.

People v. Coleman, 107 N. Y. 541; 12 St. Rep. 315.*Affirming*, 9 St. Rep. 29.*Cited*, Taxation—Assessment—Determination of Assessors.

144 N. Y. 492, 493; (64 St. Rep. 64, 65).

People v. Coleman, 16 St. Rep. 940; 1 Supp. 666.*Affirmed*, 112 N. Y. 385; 21 Supp. 576.*Cited*, Taxes—Assessments—Corporations—Capital—Debts.

72 Hun, 129; (55 St. Rep. 189; 25 Supp. 343).

Taxes—Assessment—Reference to Take Proof.

92 Hun, 352; (71 St. Rep. 565; 36 Supp. 533).

People v. Coleman, 119 N. Y. 137; 28 Supp. 937.*Cited*, Taxes—Personal—Residence.

70 Hun, 398; (54 St. Rep. 108; 24 Supp. 64). 3 Misc. 34; (58 St. Rep. 749; 28 Supp. 652).

Taxes—Securities—Trust Funds.

135 N. Y. 656; (48 St. Rep. 558).

People v. Coleman, 121 N. Y. 542; 31 St. Rep. 841.*Cited*, Statutes—Construction—Resort to Title.

73 Hun, 278; (58 St. Rep. 73; 26 Supp. 374).

Statutes—Construction—Intent.

150 N. Y. 275.

Insurance Companies — Taxation — Personal Property.

7 App. Div. 151; (74 St. Rep. 679; 43 Supp. 123).

Duplicate Citations in Parenthesis.

People v. Coleman, 126 N. Y. 433; 38 St. Rep. 237.

Cited, Taxes—Assessment—Reduction—Corporations—Capita—Debts.

139 N. Y. 61; (54 St. Rep. 447).

72 Hun, 129; (55 St. Rep. 187). 56 St. Rep. 834. 77 Hun, 185; (59 St. Rep. 498; 28 Supp. 345). 138 N. Y. 588; (53 St. Rep. 297). 66 Hun, 23; (49 St. Rep. 428). 75 Hun, 8; (57 St. Rep. 2; 26 Supp. 972). 141 N. Y. 196; (56 St. Rep. 834). 144 N. Y. 100; (63 St. Rep. 36). 144 N. Y. 491; (64 St. Rep. 63). 146 N. Y. 312, 314; (66 St. Rep. 662, 663). 152 N. Y. 439. 152 N. Y. 453. 149 N. Y. 50. 85 Hun, 212; (66 St. Rep. 475; 32 Supp. 992). 4 App. Div. 289; (39 Supp. 448). 15 App. Div. 587; (78 St. Rep. 811; 44 Supp. 811). 16 Misc. 259. (39 Supp. 107). 16 Misc. 262; (39 Supp. 109). 79 St. Rep. 458; (45 Supp. 458).

People v. Coleman, 133 N. Y. 279; 45 St. Rep. 217.

Affirming, 37 St. Rep. 120.

Cited, Corporations—Stockholders—Debts—Liability.

147 N. Y. 611; (71 St. Rep. 256). 92 Hun, 433; (72 St. Rep. 440; 36 Supp. 1038). 18 Misc. 724; (77 St. Rep. 675; 43 Supp. 675).

People v. Coleman, 135 N. Y. 231; 47 St. Rep. 878.

Cited, Taxes—Exemptions—Intention.

7 Misc. 269; (58 St. Rep. 530; 28 Supp. 164). 7 App. Div. 152; (74 St. Rep. 680; 40 Supp. 123). 79 St. Rep. 813; (45 Supp. 813).

People v. Coleman, 61 St. Rep. 70; 30 Supp. 379.

People v. Coleman, 21 St. Rep. 178; 4 Supp. 417.

Cited, Taxation—Assessment—Review—Grounds.

4 App. Div. 413; (77 St. Rep. 1016; 43 Supp. 1016).

People v. College Point, Village of, 89 Hun, 194; 68 St. Rep. 878; 34 Supp. 1145.

People v. Collins, 19 Wend. 56.

Cited, Mandamus—When Granted.

83 Hun, 437; (64 St. Rep. 423; 31 Supp. 753). 15 2 N. Y. 364. 90 Hun, 535; (71 St. Rep. 40; 36 Supp. 33). 20 Misc. 191; (79 St. Rep. 901; 45 Supp. 901).

People v. Collis, 6 App. Div. 467; 39 Supp. 698.

People v. Collis, 8 App. Div. 613; 75 St. Rep. 331; 40 Supp. 934.

People v. Collis, 17 App. Div. 448; 79 St. Rep. 282; 45 Supp. 282.

People v. Colt, 3 Hill, 432.

Cited, Indictment—Proof—Variance—Effect.

145 N. Y. 29; (64 St. Rep. 441, 433).

People v. Columbia County, Board of Sup'rs, of, 43 N. Y. 130.

Cited, Statutes—Construction—Intention.

D. 11 App. Div. 370; (76 St. Rep. 928; 42 Supp. 928). 14 App. Div. 547; (77 St. Rep. 944; 43 Supp. 944).

People v. Columbia County, Board of Sup'rs. of, 134 N. Y. 1; 45 St. Rep. 311.

Affirming, 29 St. Rep. 455.

Cited, Mandamus—Insurance—When Proper.

89 Hun, 224; (69 St. Rep. 245; 35 Supp. 66).

Criminals—Extradition—Expenses.

17 App. Div. 473; (79 St. Rep. 178; 45 Supp. 178). 14 App. Div. 541; (77 St. Rep. 882; 43 Supp. 882).

Public Officer—Disbursements—Authority to Make.

10 Misc. 132, 133; (62 St. Rep. 500, 501; 30 Supp. 909, 910). 17 Misc. 25; (40 Supp. 717).

People v. Columbia Common Pleas, 1 Wend. 297.

Cited, Jurors—Impeachment of Verdict.

79 St. Rep. 904; (45 Supp. 904).

People v. Comisky, 9 App. Div. 263; 75 St. Rep. 1464; 41 Supp. 238.

People v. Commercial Alliance Life Ins. Co., 148 N. Y. 563.

People v. Commercial Alliance Life Ins. Co., 91 Hun, 389; 70 St. Rep. 823; 36 Supp. 248.

Affirmed, 148 N. Y. 563.

People v. Commercial Alliance Life Ins. Co., 5 App. Div. 273; 39 Supp. 117.

Affirmed, 151 N. Y. 640.

People v. Commercial Alliance Life Ins. Co., 7 App. Div. 297; 40 Supp. 269.

People v. Commercial Alliance Life Ins. Co., 17 App. Div. 376; 79 St. Rep. 223; 45 Supp. 223.

Affirmed, 154 N. Y. 95.

People v. Commercial Bank, 6 App. Div. 194; 39 Supp. 1000.

People v. Commissioners of the Land Office, 90 Hun, 525; 71 St. Rep. 36; 36 Supp. 29.

Affirmed, 149 N. Y. 26.

Duplicate Citations in Parenthesis.

People v. Commissioners of the Land Office, 135 N. Y. 447; 48 St. Rep. 432.

Cited, Waters—Riparian Rights—Accretion.

71 Hun, 162; (54 St. Rep. 370). 144 N. Y. 83; (63 St. Rep. 57).

People v. Commissioners of the Land Office, 149 N. Y. 26.

Cited, Mandamus—When Issued.

6 App. Div. 492; (39 Supp. 676).

Judicial Duties—Mandamus.

D. 13 App. Div. 30; (77 St. Rep. 103; 43 Supp. 103).

People v. Commissioners of Taxes, 4 Hun, 595.

Affirmed, 62 N. Y. 630.

Cited, Taxes—Situs of Property.

138 N. Y. 546; (53 St. Rep. 185).

Taxation—Exemption—Stock of Foreign Corporations.

3 Misc. 388; (24 Supp. 716).

People v. Commissioners of Taxes, 5 Hun, 200.

Affirmed, 64 N. Y. 541.

Cited, Taxes—Situs of Property.

138 N. Y. 546; (53 St. Rep. 185).

People v. Commissioners of Taxes, 17 Hun, 293.

Cited, Taxes—Personal Estate of Decedent—Possession and Control.

8 Misc. 31; (58 St. Rep. 750; 28 Supp. 653).

People v. Commissioners of Taxes, 31 Hun, 235.

Cited, 70 St. Rep. 627; (35 Supp. 953).

Taxes—Assessment—Corporations—Capital—Debts.

72 Hun, 133; (55 St. Rep. 188; 25 Supp. 343).

Executors—Powers.

79 St. Rep. 455; (45 Supp. 455).

People v. Commissioners of Taxes, 23 N. Y. 224.

Cited, Taxes—Situs of Property—Non-residence.

137 N. Y. 84; (50 St. Rep. 85). 141 N. Y. 121; (56 St. Rep. 587). 76 Hun, 457; (58 St. Rep. 497; 27 Supp. 1085). 56 St. Rep. 793; (27 Supp. 205). 3 App. Div. 477; (73 St. Rep. 785; 38 Supp. 325). 5 App. Div. 247; (39 Supp. 152). 145 N. Y. 242; (64 St. Rep. 721). D. 150 N. Y. 18, 33.

People v. Commissioners of Taxes, 18 St. Rep. 748; 3 Supp. 674.

Cited, Domicile—Residence.

53 St. Rep. 142.

People v. Commissioners of Taxes, 42 St. Rep. 449.

Cited, Taxes—Personal—Residence.

70 Hun, 398; (54 St. Rep. 108; 24 Supp. 64).

People v. Commissioners of Taxes, 16 Supp. 834.

Cited, Domicile—Residence.

53 St. Rep. 142.

People v. Commissioners of Taxes, 53 St. Rep. 641; 26 Supp. 941.

People v. Compton, 1 Duer. 512.

Affirmed, 9 N. Y. 263.

Cited, Contempt—Violation of Injunction.

67 Hun, 255; (50 St. Rep. 904; 22 Supp. 427; 23 Civ. Pro. 120).

People v. Comptroller, 77 N. Y. 45.

Cited, Assignment—Equitable—Orders.

2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981).

People v. Comptroller, 20 Wend. 595.

Cited, Public Offices—Duration.

84 Hun, 464; (65 St. Rep. 594; 32 Supp. 389).

Mandamus—To Compel Appointment.

16 Misc. 665; (72 St. Rep. 735; 37 Supp. 127).

People v. Comstock, 78 N. Y. 356.

Cited, Constitutional Law—Limitation of Powers—Office of Supervisor.

76 Hun, 82; (59 St. Rep. 195; 28 Supp. 600).

Statutes—Constitutionality—Presumption.

8 Misc. 210; (58 St. Rep. 842; 28 Supp. 534). 17 Misc. 259; (40 Supp. 1080).

People v. Conklin, 2 Hill, 67.

Cited, Real Property—Contingent Remainder—Fee—Where Vested.

16 App. Div. 32; (78 St. Rep. 680; 44 Supp. 680).

People v. Conley, 42 Hun, 98; 3 St. Rep. 372.

Cited, Ecclesiastical Law—Power of Courts Over Churches.

82 Hun, 131; (63 St. Rep. 386; 31 Supp. 95).

People v. Conlin, 15 Misc. 303; 72 St. Rep. 110; 36 Supp. 888.

People v. Connelly. See *People v. Conley*.

People v. Conners, 13 Misc. 582; 70 St. Rep. 169; 35 Supp. 472.

People v. Connor, 68 Hun, 78; 52 St. Rep. 83; 22 Supp. 669.

Affirmed, 141 N. Y. 583; 57 St. Rep. 867

Duplicate Citations in Parenthesis.

People v. Connor, 126 N. Y. 278; 37 St. Rep. 23.

Distinguished, Indictment—Description of Offense—Statutory Language.

79 Hun, 51; (61 St. Rep. 199; 29 Supp. 643).

Rape—Overpowering—Submission.

75 Hun, 394; (57 St. Rep. 693; 27 Supp. 442). 145 N. Y. 325; (64 St. Rep. 680).

People v. Connor, 142 N. Y. 130; 58 St. Rep. 631.

Affirming, 65 Hun, 392; 48 St. Rep. 25; 20 Supp. 209.

Cited, Criminal Law—Procedure—Void Judgment—Bar—New Trial.

79 Hun, 416; (61 St. Rep. 349; 29 Supp. 790).

People v. Connor, 46 Barb. 333.

Cited, Forfeiture—Waiver.

12 Misc. 136; (66 St. Rep. 737; 33 Supp. 80).

People v. Conolly, 4 Abb. N. S. 376.

Cited, Statutes—Powers of Public Officers—Execution Mandatory.

71 Hun, 190; (54 St. Rep. 96; 24 Supp. 533).

People v. Conroy, 97 N. Y. 62.

Cited, Criminal Law—Intent—Inferring.

68 Hun, 18; (52 St. Rep. 238; 22 Supp. 639).

Evidence—Opinions—Non-experts—Rationality.

71 Hun, 502; (54 St. Rep. 901; 24 Supp. 1058). 138 N. Y. 409; (52 St. Rep. 921).

Indictment—Sufficiency—Homicide.

138 N. Y. 84; (51 St. Rep. 729). 67 Hun, 572; (51 St. Rep. 484; 22 Supp. 585).

People v. Conroy, 97 N. Y. 62.

Cited, 13 App. Div. 432; (77 St. Rep. 646; 43 Supp. 646). 22 Supp. 691.

Evidence—Inference—Question for Jury.

18 Misc. 68; (75 St. Rep. 483; 41 Supp. 28). 69 St. Rep. 199; (34 Supp. 1109).

Homicide—When Murder.

149 N. Y. 267. 153 N. Y. 37. 11 App. Div. 170; (76 St. Rep. 372; 42 Supp. 372).

People v. Conroy, 151 N. Y. 543.

People v. Conroy, 153 N. Y. 174.

People v. Constantino, 153 N. Y. 24.

People v. Contracting Board, 46 Barb. 254.

Cited, Mandamus—Award of Public Contract.

5 Misc. 43; (25 Supp. 54). D. 13 App. Div. 37; (77 St. Rep. 108; 43 Supp. 108).

People v. Contracting Board, 27 N. Y. 378.

Cited, Mandamus—Officers—Awarding Contracts.

5 Misc. 380; (56 St. Rep. 634; 25 Supp. 770); D. 13 App. Div. 32, 39; (77 St. Rep. 104, 109; 43 Supp. 104, 109).

People v. Contracting Board, 33 N. Y. 382.

Cited, Mandamus—Award of Public Contract.

5 Misc. 42; (25 Supp. 54). D. 13 App. Div. 32, 39; (77 St. Rep. 104, 109; 43 Supp. 104, 109).

People v. Cook, 45 Hun, 34; 9 St. Rep. 412.

Cited, §§ 188 and 189 Code of Criminal Procedure—Applicability.

19 Misc. 681; (78 St. Rep. 1107; 44 Supp. 1 07). 12 App. Div. 499; (76 St. Rep. 751; 42 Supp. 751).

Criminal Law—Rights of Accused—Waiver.

16 Misc. 197; (74 St. Rep. 550; 38 Supp. 960).

Criminal Law—Commitment—Validity.

10 Misc. 591; (65 St. Rep. 418; 32 Supp. 219).

People v. Cook, 62 Hun, 303; 42 St. Rep. 245; 17 Supp. 546.

Cited, Certiorari—Tax Cases—Amendment of Writ.

78 Hun, 62; (60 St. Rep. 509; 28 Supp. 1041).

Writ—Amendment.

90 Hun, 42; (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179).

People v. Cook, 8 N. Y. 67.

Disapproved, Trial—Right to Sum Up.

3 Misc. 257; (52 St. Rep. 126; 22 Supp. 940).

Cited, Trial—Submission to Jury.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726). 18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510).

Officers—De Facto.

152 N. Y. 92. 86 Hun, 4; (66 St. Rep. 817; 33 Supp. 119).

Fraud—When Predicable—Emotion of Mind.

10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Election—Ballots—Irregularity.

14 Misc. 197; (70 St. Rep. 429; 35 Supp. 656).

Jury—Disregard of Evidence.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

*Duplicate Citations in Parenthesis.***People v. Cook**, 14 Barb. 259.*Affirmed*, 8 N. Y. 67.*Cited*, Voters and Elections — Irregularities—Effect on Election.
69 Hun, 600; (53 St. Rep. 550; 23 Supp. 957).**People v. Cook**, 110 N. Y. 443.*Cited*, Corporation—Organization Tax.

13 App. Div. 54; (77 St. Rep. 54; 43 Supp. 54).

People v. Coon, 17 Misc. 261; 74 St. Rep. 644; 40 Supp. 33.**People v. Coon**, 67 Hun, 523; 51 St. Rep. 339; 22 Supp. 865.**People v. Corbin**, 56 N. Y. 363.*Cited*, Evidence — Relevancy — Similar Offenses.

49 St. Rep. 287; (21 Supp. 61). 150 N. Y. 386). D. 85 Hun, 342; (66 St. Rep. 457; 32 Supp. 1053).

People v. Corey, 148 N. Y. 476.*Cited*, Capital Cases—Evidence—Review —Without Exception.

D. 150 N. Y. 313.

People v. Cornell, 6 Misc. 568; 57 St. Rep. 844; 27 Supp. 859.**People v. Cortelyou**, 36 Barb. 161.*Cited*, Commissioners of Highway—Order—Appealability.

19 Misc. 550; (78 St. Rep. 911; 44 Supp. 911).

People v. Cortland County Board of Sup'rs, 39 St. Rep. 313; 15 Supp. 748.*Cited*, Mandamus—Account—Auditing.

83 Hun, 437; (64 St. Rep. 423; 31 Supp. 752).

People v. Cortland County Board of Sup'rs, 58 Barb. 139.*Cited*, County—Liability—Enforcement.

69 St. Rep. 624; (36 Supp. 657).

People v. Corwin, 8 Misc. 593; 61 St. Rep. 738; 29 Supp. 1077.**People v. Costello**, 1 Den. 83.*Cited*, Evidence — Sufficiency — Of Accomplice.

74 Hun, 314; (56 St. Rep. 257; 26 Supp. 676). 150 N. Y. 353.

Indictment — Joinder of Different Offences.

7 App. Div. 51; (40 Supp. 246).

People v. Court of Oyer and Terminer, 36 Hun, 277.*Cited*, Contempt—Mandate.

10 App. Div. 29; (41 Supp. 705).

Contempt—Punishment.

14 Misc. 595; (72 St. Rep. 259; 25 Civ. Pro. 120).

People v. Courtney, 94 N. Y. 490.*Cited*, Criminal Law—Defendant—Neglect to Testify—Effect.

D. 150 N. Y. 309.

People v. Cowan, 10 Misc. 258; 64 St. Rep. 11; 31 Supp. 427; 24 Civ. Pro. 146.*Affirmed*, 11 Misc. 302; 65 St. Rep. 303; 32 Supp. 162.**People v. Cowan**, 11 Misc. 302; 65 St. Rep. 303; 32 Supp. 162.**People v. Cowan**, 146 N. Y. 348; 69 St. Rep. 135.*Reversing*, 64 St. Rep. 11; 31 Supp. 427.**People v. Cowie**, 88 Hun, 498; 69 St. Rep. 83; 34 Supp. 888.*Cited*, Criminal Law — Presentment of Case to Grand Jury.

11 App. Div. 410; (76 St. Rep. 374; 42 Supp. 374). 16 App. Div. 465; (78 St. Rep. 915; 44 Supp. 915).

People v. Cowles, 13 N. Y. 350.*Cited*, Election—Failure to Notify Secretary of State—Effect.

83 Hun, 135; (64 St. Rep. 348; 31 Supp. 761).

People v. Cowles, 4 Keyes, 38.*Cited*, Civil and Criminal Contempts—Distinction.

D. 80 Hun, 457; (62 St. Rep. 302; 30 Supp. 470).

People v. Cox, 21 Hun, 47.*Affirmed*, 83 N. Y. 610.*Cited*, Evidence—Competency—Whole of Transaction.

79 Hun, 564; (61 St. Rep. 578; 29 Supp. 891).

People v. Cram, 15 Misc. 12; 72 St. Rep. 266; 36 Supp. 1117.**People v. Crapo**, 76 N. Y. 288. See *Crapo v. People*.*Cited*, Evidence — Witness — Impeachment.

91 Hun, 623; (71 St. Rep. 56; 36 Supp. 602). 7 App. Div. 606; (74 St. Rep. 740; 40 Supp. 179).

People v. Crawford, 68 Hun, 547; 52 St. Rep. 476; 22 Supp. 1025.**People v. Greenan**, 141 N. Y. 239; 56 St. Rep. 807.*Affirming*, 56 St. Rep. 798; 26 Supp. 167.*Cited*, Mandamus—When it Lies.

D. 13 App. Div. 34; (77 St. Rep. 106; 42 Supp. 106).

*Duplicate Citations in Parenthesis.***People v. Crissey**, 91 N. Y. 616.

Cited, Officers—Oath of Office—Effect of Omission.

73 Hun, 407; (55 St. Rep. 773; 26 Supp. 282).

Statutes—Construction of.

8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534).

Statutes—Repeal—Implication—Inconsistency.

77 Hun, 375; (60 St. Rep. 412; 28 Supp. 873).

Mandamus—Ministerial Act.

18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

Election—Conditions—Observance.

150 N. Y. 476. 150 N. Y. 496.

Police—Appointment.

52 St. Rep. 643; (23 Supp. 732). 6 App. Div. 300, 306; (40 Supp. 549, 553).

People v. Cromwell, 102 N. Y. 477; 2 St. Rep. 427.

Cited, Mandamus—Peremptory—Truth of Opposing Affidavits.

68 Hun, 120; (52 St. Rep. 16; 22 Supp. 664). 148 N. Y. 189. 149 N. Y. 418. 149 N. Y. 223. 91 Hun, 311; (71 St. Rep. 85; 36 Supp. 173). 4 App. Div. 561; (73 St. Rep. 655; 38 Supp. 498). 17 Misc. 675; (40 Supp. 602). 12 Misc. 468; (68 St. Rep. 136; 34 Supp. 258).

People v. Crooks, 53 N. Y. 648.

Cited, Public Office—Extension of Term—Effect.

148 N. Y. 683.

Officers—Local—Election.

150 N. Y. 487.

Pleading—Demurrer—Efficiency.

18 Misc. 427; (75 St. Rep. 1419; 41 Supp. 1059).

People v. Cross, 135 N. Y. 536; 48 St. Rep. 545.

Affirming, 64 Hun, 348; 45 St. Rep. 543; 19 Supp. 271.

Cited, Extradition—When Granted—Trial of Another Offense.

9 Misc. 603; (61 St. Rep. 726; 30 Supp. 373). 81 Hun, 340; (63 St. Rep. 155; 30 Supp. 901). 9 Misc. 603; (61 St. Rep. 726; 30 Supp. 373).

People v. Crotty, 30 St. Rep. 44; 9 Supp. 937.

Cited, Crimes—Courts—Jurisdiction.

11 App. Div. 543; (76 St. Rep. 633; 42 Supp. 633).

People v. Crowley, 102 N. Y. 234.

Cited, Witness—Credibility.

8 App. Div. 148; (40 Supp. 490)

People v. Crowley, 23 Hun, 412.

Cited, Crimes—Disturbing Meetings—Indictable.

14 App. Div. 509; (78 St. Rep. 149; 14 Supp. 149).

People v. Cruger, 12 App. Div. 536; 76 St. Rep. 398; 42 Supp. 398.

Cited, Mandamus—Peremptory—Opposing Affidavits—Effect.

15 App. Div. 506; (78 St. Rep. 580; 44 Supp. 580).

People v. Cruger, 17 App. Div. 483; 79 St. Rep. 519; 45 Supp. 519.**People v. Cullen**, 23 St. Rep. 559; 5 Supp. 886.

Cited, Rape—Corroboration of Prosecutrix.

74 Hun, 313; (56 St. Rep. 257; 26 Supp. 676).

People v. Cullen, 151 N. Y. 54.

Cited, Criminal Procedure—Practice.

152 N. Y. 139.

Bastardy Proceedings—Appealability.

15 App. Div. 43; (78 St. Rep. 111; 44 Supp. 111).

People v. Cullen, 7 App. Div. 118; 74 St. Rep. 610; 40 Supp. 1.**People v. Cummings**, 72 N. Y. 433.

Cited, Directors—Power of Courts Over
62 St. Rep. 238; (30 Supp. 870).

People v. Cunningham, 1 Den. 524.

Cited, Highways—Obstruction—Temporary—Nuisance.

6 Misc. 342; (56 St. Rep. 245; 26 Supp. 905). 1 Misc. 470; (49 St. Rep. 616; 21 Supp. 455).

People v. Curren, 2 App. Div. 307; 73 St. Rep. 484; 37 Supp. 803.**People v. Cushman**, 1 Hun, 73.

Cited, Landlord and Tenant—Lease—Rent—Non-Payment—Remedy.

9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

People v. Dailey, 73 Hun, 16; 57 St. Rep. 10; 25 Supp. 1050.

Affirmed, 143 N. Y. 638; 60 St. Rep. 875.

People v. Dains, 38 Hun, 43.

Cited, Certiorari—Highway—Commissioners—Return.

7 Misc. 216; (58 St. Rep. 557; 27 Supp. 1102).

Highways—Proceedings—Validity—Interest of Petitioners.

20 Misc. 522.

*Duplicate Citations in Parenthesis.***People v. Daley**, 37 Hun, 461.

Cited, Officers—Compelling Performance of Duty—Mandamus.

71 Hun, 189; (54 St. Rep. 96; 24 Supp. 533). 5 Misc. 29; (25 Supp. 146). 152 N. Y. 364. 16 Misc. 306; (29 Supp. 368).

People v. Dalton, 7 Misc. 558; 58 St. Rep. 360; 28 Supp. 491.

Cited, Excise—License—Granting — Discretion.

72 St. Rep. 806; (38 Supp. 178).

People v. Dalton, 9 Misc. 249; 60 St. Rep. 648; 30 Supp. 407.

Cited, Saloon — License — Proximity to Church.

14 Misc. 179; (69 St. Rep. 816; 35 Supp. 464).

People v. Daly, 75 Hun, 186; 57 St. Rep. 845; 27 Supp. 283.

Cited, 77 St. Rep. 1160; (43 Supp. 1160).

Mandamus—Order—Appeal—Stay of Proceedings.

9 App. Div. 558; (75 St. Rep. 1293; 41 Supp. 923).

People v. Danihy, 63 Hun, 579; 18 Supp. 467.

Cited, Obscene Matter—Omission from Indictment—Effect.

14 App. Div. 307; (77 St. Rep. 1047; 43 Supp. 1047).

People v. Darling, 47 N. Y. 666.

Cited, Landlord and Tenant—Tenancy—Termination.

5 App. Div. 591; (39 Supp. 370).

People v. Daufkirch, 13 Misc. 408; 69 St. Rep. 478; 35 Supp. 105.**People v. Davenport**, 30 Hun, 177.

Cited, Life Tenant and Remainderman—Mutual Rights.

16 Misc. 248; (39 Supp. 191).

Trust Funds—Investment—Paying Premium—Effect.

17 App. Div. 545; (79 St. Rep. 545; 45 Supp. 545).

People v. Davenport, 19 N. Y. 574.

Cited, Statutes—Construction—Resort to Title.

24 Supp. 937; (30 Abb. N. C. 124). 32 Supp. 281. 144 N. Y. 417; (63 St. Rep. 653). 73 Hun, 278; (58 St. Rep. 73; 26 Supp. 374). 16 App. Div. 100; (79 St. Rep. 13; 45 Supp. 13).

Statutes—Construction—Intent.

77 Hun, 435; (60 St. Rep. 19; 28 Supp. 811). 150 N. Y. 275. 83 Hun, 377; (64 St. Rep. 753; 31 Supp. 958). 14 App. Div. 589; (78 St. Rep. 31; 44 Supp. 31).

Taxes—Corporation—Exemption.

56 St. Rep. 641; (26 Supp. 943). 7 Misc. 269; (58 St. Rep. 530; 28 Supp. 164). 146 N. Y. 314; (66 St. Rep. 663).

Taxation—Assessment—Review.

144 N. Y. 101; (63 St. Rep. 37).

People v. Davidson, 35 Hun, 471.

Cited, Contempt — Refusal to Testify—Punishment.

8 Misc. 161; (60 St. Rep. 138, 28 Supp. 502).

People v. Davis, 15 Hun, 209.

Cited, Officers—Delegation of Authority.

75 Hun, 571; (59 St. Rep. 146; 27 Supp. 686).

Criminal Procedure — Appeal—Practice. 151 N. Y. 58.

Bastardy Proceedings—How Instituted.

8 App. Div. 517; (75 St. Rep. 155; 40 Supp. 781). 8 App. Div. 466; (75 St. Rep. 213; 40 Supp. 827).

People v. Davis, 56 N. Y. 95.

Cited, Criminal Law — Procedure—Motion to Quash Indictment—When to be Made.

80 Hun, 134; (61 St. Rep. 786; 30 Supp. 56).

Declarations—As Part of Res Gestae.

56 St. Rep. 714; (25 Supp. 318).

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11 App. Div. 543; (76 St. Rep. 633; 42 Supp. 633).

People v. Davis, 135 N. Y. 646; 48 St. Rep. 931.**People v. Davis**, 21 Wend. 309.

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64 St. Rep. 116; (31 Supp. 433).

People v. Davy, 141 N. Y. 584; 58 St. Rep. 865.

Affirming, 50 St. Rep. 937; 22 Supp. 1122.

People v. Davy, 65 St. Rep. 162; 32 Supp. 106.**People v. Dayton**, 55 N. Y. 367.

Cited, Statutes—Construction—Interpretation by Acts of Officers.

149 N. Y. 14. D. 150 N. Y. 506, 514. 6 App. Div. 503; (40 Supp. 550). 12 Misc. 534; (67 St. Rep. 255; 33 Supp. 599). 10 Misc. 247; (62 St. Rep. 466; 30 Supp. 823).

People v. De Camp, 12 Hun, 378.

Cited, Summary Proceedings—Affidavit—Irregularity—Effect.

16 Misc. 320; (73 St. Rep. 570; 37 Supp. 951).

People v. Deehan, 11 App. Div. 175; 76 St. Rep. 1071; 42 Supp. 1071.

Reversed, 153 N. Y. 538.

*Duplicate Citations in Parenthesis.***People v. Degey**, 2 Wheeler Cr. 135.

Cited, Disturbing Meetings—Indictment.
14 App. Div. 509; (78 St. Rep. 149; 44 Supp. 149).

People v. Degnen, 54 Barb. 105.

Cited, Criminal Law—Commitment—Reformatories.

67 Hun, 525; (51 St. Rep. 345; 22 Supp. 870). 79 Hun, 580; (61 St. Rep. 581; 29 Supp. 893).

People v. Delaware County, Board of Supervisors of, 12 How. 50.

Cited Costs—Towns—Excise Cases.

73 Hun, 429; (56 St. Rep. 625; 26 Supp. 932).

People v. Delaware County, Board of Supervisors, 45 N. Y. 196.

Cited, Counties—Audit of Claims—Conclusiveness.

74 Hun, 255; (55 St. Rep. 891; 26 Supp. 613). 71 Hun, 426 (54 St. Rep. 390; 24 Supp. 968). 84 Hun, 402; (65 St. Rep. 661; 32 Supp. 475). 6 Misc. 482; (56 St. Rep. 797; (27 Supp. 172). 85 Hun, 118; (66 St. Rep. 54; 32 Supp. 671). 19 Misc. 99; (77 St. Rep. 976; 43 Supp. 976). 69 St. Rep. 624; (36 Supp. 657).

Claims—Enforcement—Mandamus.

89 Hun, 224; (69 St. Rep. 245; 35 Supp. 66). 16 Misc. 215; (74 St. Rep. 603; 38 Supp. 892). 18 Misc. 533; (76 St. Rep. 549; 42 Supp. 549).

People v. Delaware County, Board of Supervisors, 60 N. Y. 381.

Cited, Taxes—Assessment—Review.

16 Misc. 417; (73 St. Rep. 344; 38 Supp. 155).

People v. Delaware, L. & W. R. Co.,

11 App. Div. 283; 76 St. Rep. 1011; 42 Supp. 1011.

People v. De Leon, 109 N. Y. 226; 14 St. Rep. 847.

Cited, Evidence—Sufficiency—Abduction—Prostitution.

71 Hun, 605; (55 St. Rep. 107; 24 Supp. 1114).

People v. Delfino, 139 N. Y. 625; 54 St. Rep. 715.**People v. Delhi, Auditors of**, 5 Hun, 647.

Cited, Town Auditors — Allowance of Claim.

4 App. Div. 615.

People v. Deming, 1 Hilt. 271.

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16 Misc. 618; (40 Supp. 745; 25 Civ. Pro. 393).

People v. Dempsey, 31 Hun, 526.

Cited, Criminal Law—Appeal.

151 N. Y. 56, 58.

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Cited, Judgment—Conformity to Pleadings—Fraud.

2 Misc. 530; (24 Supp. 883).

People v. Denison, 17 Wend. 312.

Cited, Actions — Regularity — Presumption.

85 Hun, 173, 174; (65 St. Rep. 840, 841; 32 Supp. 586, 587).

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12 App. Div. 613; (77 St. Rep. 116; 43 Supp. 116).

People v. Dennin, 35 Hun, 327.

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9 Misc. 190; (61 St. Rep. 285; 29 Supp. 80).

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People v. Dennison, 23 Hun, 328.

Cited, Certiorari—Final Hearing.

4 App. Div. 265; (73 St. Rep. 582; 38 Supp. 532).

People v. Dennison, 84 N. Y. 272.

Cited, Judgment—Conformity to Pleadings—Fraud.

2 Misc. 530; (24 Supp. 883).

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People v. Derringer, 73 Hun, 203; 57

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Affirmed, 142 N. Y. 692; 60 St. Rep. 866.

People v. Devermann, 83 Hun, 181; 64

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Cited, Mandamus—Alternative—Appealability.

88 Hun, 204; (68 St. Rep. 256; 34 Supp. 661). 6 App. Div. 27; (39 Supp. 514).

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18 Misc. 344; (77 St. Rep. 712; 43 Supp. 712).

People v. Dibble, 16 N. Y. 203.

Cited, Indian Reservation — Intrusion — Taxation.

75 Hun, 401; (57 St. Rep. 689; 27 Supp. 446). 18 Misc. 87; (41 Supp. 861).

Duplicate Citations in Parenthesis.

People v. Dickinson, 71 St. Rep. 679; 36 Supp. 748.

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People v. Dimick 107 N. Y. 13; 11 St. Rep. 739.

Cited, Appeal — Objection — Evidence—Harmless.

79 Hun, 312; (61 St. Rep. 47; 29 Supp. 382). 7 App. Div. 567; (74 St. Rep. 723; 40 Supp. 163). 8 App. Div. 150; (40 Supp. 491). 11 App. Div. 550; (76 St. Rep. 638; 42 Supp. 638).

Evidence—Confessions—Validity—Affecting Verdict.

80 Hun, 49; (61 St. Rep. 529; 29 Supp. 848).

Indictment—Statement of Crime—Sufficiency.

92 Hun, 358; (71 St. Rep. 544; 36 Supp. 514).

Criminal Law—Courts—Jurisdiction.

11 App. Div. 543; (76 St. Rep. 633; 42 Supp. 633).

Criminal Law—False Representations—Question for Jury.

11 App. Div. 545; (76 St. Rep. 634; 42 Supp. 634).

People v. District Court of New York for Fourth Dist., 13 Civ. Pro. 134.

Cited, Disallowance of Undertaking—Effect on Appeal.

14 Misc. 27; (69 St. Rep. 380; 35 Supp. 186).

People v. D' Oench, 111 N. Y. 359.

Cited, Police Power—Limitations on. 149 N. Y. 201.

People v. Dohring, 59 N. Y. 374.

Cited, Assault—Sexual Intercourse—Resistance.

75 Hun, 393; (57 St. Rep. 692; 27 Supp. 441).

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75 Hun, 393; (57 St. Rep. 692; 27 Supp. 441).

People v. Dohling, 6 App. Div. 86; 39 Supp. 765.

People v. Dolan, 36 N. Y. 59.

Cited, Taxes — Assessment — Review—Bank Stock.

7 Misc. 299; (58 St. Rep. 549; 28 Supp. 143).

People v. Dolan, 32 St. Rep. 599; 11 St. Rep. 35.

Modified, 126 N. Y. 166; 37 St. Rep. 28.

Cited, Taxes—Assessment—Relief—Grievance Day.

5 Misc. 55; (25 Supp. 48).

People v. Dolan, 126 N. Y. 166; 37 St. Rep. 28.

Cited, Certiorari—Procedure—Decision—Nature of.

66 Hun, 579; (50 St. Rep. 356; 21 Supp. 855).

Certiorari—Tax Assessment—Appearance Before Assessors.

68 Hun, 244; (52 St. Rep. 191; 22 Supp. 989).

People v. Dolge, 45 Hun, 310.

Cited, 143 N. Y. 163, 166; (62 St. Rep. 188, 190).

People v. Dom Pedro, 19 Misc. 300; 77 St. Rep. 44; 43 Supp. 44.

People v. Donohue, 70 Hun, 317; 54 St. Rep. 33; 24 Supp. 437.

Cited, Trusts—Execution—Designation of Beneficiary.

89 Hun, 539; (70 St. Rep. 415; 35 Supp. 619)

People v. Donovan, 135 N. Y. 76; 47 St. Rep. 834; 23 Civ. Pro. 1.

Reversing, 63 Hun, 512; 45 St. Rep. 141; 18 Supp. 501.

Cited, Mandamus—Peremptory—When Granted.

71 Hun, 241; (54 St. Rep. 565; 24 Supp. 1045).

Court and Judge—Distinction. 151 N. Y. 85.

People v. Doolittle, 44 Hun, 293; 7 St. Rep. 651.

Cited, Quasi Judicial Tribunals—Jurisdiction.

85 Hun, 607; (67 St. Rep. 7; 33 Supp. 169). 14 Misc. 537; (70 St. Rep. 706; 35 Supp. 1088).

People v. Doris, 14 App. Div. 117; 77 St. Rep. 571; 43 Supp. 571.

People v. Douglass, 4 Cow. 26.

Cited, Trial—Jury—Corporations. 25 Supp. 490. 10 Misc. 437; (64 St. Rep. 13, 16; 31 Supp. 460, 4).

People v. Dowling, 84 N. Y. 486.

Cited, Evidence—Incompetency—Waiver. 10 Misc. 124; (62 St. Rep. 512; 30 Supp. 914).

People v. Duxtater, 75 Hun, 472; 57 St. Rep. 359; 27 Supp. 481.

People v. Doyle, 88 Hun, 203; 68 St. Rep. 256; 34 Supp. 661.

People v. Doyle, 11 App. Div. 447; 76 St. Rep. 319; 42 Supp. 319.

Duplicate Citations in Parenthesis.

- People v. Drake**, 47 St. Rep. 783; 20 Supp. 228.
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- People v. Draper**, 28 Hun, 1.
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- People v. Draper**, 15 N. Y. 532.
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 Municipal Corporations—Ordinances.
 54 St. Rep. 154; (23 Supp. 307).
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 Municipal Corporations—Delegated Powers—Exercise.
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 Statutes—Constitutionality—Presumption.
 152 N. Y. 11. 152 N. Y. 75. 135 N. Y. 484; (47 St. Rep. 704). 3 App. Div. 196; (73 St. Rep. 636; 38 Supp. 480). 8 App. Div. 250; (75 St. Rep. 16; 40 Supp. 620). 11 App. Div. 119; (76 St. Rep. 660; 42 Supp. 660). 19 Misc. 597; (78 St. Rep. 315; 44 Supp. 315). 15 App. Div. 91. 13 Misc. 718; (70 St. Rep. 243; 35 Supp. 823). 78 St. Rep. 304; (44 Supp. 304). 79 St. Rep. 776; (45 Supp. 776).
- People v. Driscoll**, 107 N. Y. 414; 12 St. Rep. 253.
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Cited, Criminal Law—New Trial—Immaterial Errors.
 143 N. Y. 367; (62 St. Rep. 315).
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 D. 150 N. Y. 313.
- People v. Druse**, 103 N. Y. 655; 3 St. Rep. 617.
Cited, Evidence—Confession—Admissibility.
 80 Hun, 46; (61 St. Rep. 527; 29 Supp. 846).
 Homicide—Self-defense—Quarrelsomeness of Victim.
 8 App. Div. 149; (40 Supp. 490).
- People v. Du Bois**, 26 Supp. 895.
- People v. Duffy**, 49 Hun, 276; 1 Supp. 896.
Cited, Constitutional Law—Creation of Courts.
 17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352).
- People v. Duguid**, 68 Hun, 243; 52 St. Rep. 190; 22 Supp. 983.
- People v. Duke**, 19 Misc. 292; 78 St. Rep. 336; 44 Supp. 336.
- People v. Dumar**, 106 N. Y. 502; 11 St. Rep. 19.
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- People v. Dunn**, 53 Hun, 381; 6 Supp. 805.
Cited, Crimes—Accessories.
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- People v. Dunn**, 90 N. Y. 104.
Cited, Indictments—Counts—Election.
 7 App. Div. 541; (40 Supp. 246).
- People v. Dunton**. See *People v. Durston*.
- People v. Durante**, 79 St. Rep. 1073; 45 Supp. 1073.
- People v. Durston**, 119 N. Y. 569; 30 St. Rep. 203.
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 6 App. Div. 284; (40 Supp. 538). 14 Misc. 339; (71 St. Rep. 74; 36 Supp. 126).
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- People v. Duryea**, 81 Hun, 390; 63 St. Rep. 131; 30 Supp. 871.
Cited, Seduction—Consent of Woman.
 144 N. Y. 364; (63 St. Rep. 667).
- People v. Dutcher**, 83 N. Y. 240.
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 153 N. Y. 193. 13 App. Div. 202; (77 St. Rep. 369; 43 Supp. 369).
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 65 St. Rep. 164; (32 Supp. 108).

*Duplicate Citations in Parenthesis.***People v. Dutchess & Columbia R. Co.**, 58 N. Y. 152.*Cited*, Mandamus—Peremptory—Adjustment of Relief.

142 N. Y. 278; (58 St. Rep. 533).

Railroads—Restoration of Highway at Crossing.

66 Hun, 379; (50 St. Rep. 671; 21 Supp. 504). 148 N. Y. 647.

People v. Dutchess County, Canvassers of, 20 Supp. 329.*Cited*, Affidavits—Irregularity—Effect.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 589; 1 Ann Cas. 303).

People v. Dutchess County Medical Soc. of, 84 Hun. 448; 65 St. Rep. 544; 32 Supp. 415.**People v. Dutchess County, Sup'rs of**, 1 Hill, 50.*Cited*, Mandamus—Peremptory—Amendment—Quashing.

135 N. Y. 533; (48 St. Rep. 540).

People v. Dutchess County, Sup'rs of, 135 N. Y. 522; 48 St. Rep. 533.*Cited*, Mandamus—Election—Marked Ballots.

49 St. Rep. 528.

State Writs—Amendments.

10 App. Div. 394; (41 Supp. 770). 64 St. Rep. 347; (31 Supp. 760).

People v. Dutchess County, Sup'rs of, 9 Wend. 503.*Cited*, Judicial Authority—Legislative Bodies.

144 N. Y. 410; (33 St. Rep. 650).

Supervisors—Claims—Allowance and Rejection.

82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

People v. Dwyer, 90 N. Y. 402.*Cited*, Injunction—Jurisdiction—Duty to Obey.

78 Hun, 158; (60 St. Rep. 196; 28 Supp. 982).

Injunction—Preliminary—Pending Determination of Constitutionality.

6 Misc. 461; (56 St. Rep. 789; 27 Supp. 202).

Contempts—Review—Punishment.

20 Misc. 695. 143 N. Y. 223; (62 St. Rep. 176). D. 80 Hun, 457; (62 St. Rep. 302; 30 Supp. 470). 4 Misc. 325; (24 Supp. 656). 41 Supp. 202; (25 Civ. Pro. 364).

Courts—Jurisdiction.

10 App. Div. 332; (75 St. Rep. 1205; 41 Supp. 806). 17 App. Div. 348; (79 St. Rep. 296; 45 Supp. 296).

People v. Dykes, 45 St. Rep. 621; 19 Supp. 78.*Cited*, Taxes—Assessment—Review.

7 Misc. 300; (58 St. Rep. 549; 28 Supp. 144).

83 Hun, 377; (64 St. Rep. 753; 31 Supp. 957).

People v. Dyle, 21 N. Y. 578.*Cited*, Evidence—Testimony of Accomplice—Effect.

150 N. Y. 353.

People v. Earl, 74 Hun, 81; 56 St. Rep. 226; 26 Supp. 384.**People v. Earley**, 16 Misc. 603; 40 Supp. 587.**People v. Eastwood**, 14 N. Y. 562.*Cited*, Evidence—Sufficiency—Intoxication.

7 Misc. 293; (58 St. Rep. 544; 27 Supp. 894).

9 App. Div. 71; (75 St. Rep. 576; 41 Supp. 118). 15 Misc. 7; (71 St. Rep. 488; 36 Supp. 438).

People v. Ebespacker, 79 Hun, 410; 61 St. Rep. 501; 29 Supp. 796.*Cited*, Arrest—Validity.

13 Misc. 767; (69 St. Rep. 610; 35 Supp. 235).

People v. Eckler, 19 Hun, 609.*Cited*, Schools—Appeal to Superintendent.

19 Misc. 466; (78 St. Rep. 567; 44 Supp. 567).

People v. Eckman, 63 Hun, 209; 43 St. Rep. 457; 18 Supp. 654.*Cited*, Incapacity to Sue—Waiver.

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 536).

People v. Eddy, 57 Barb. 593.*Cited*, Certiorari—Reviewing Sufficiency of Proofs.

67 Hun, 501; (51 St. Rep. 235; 22 Supp. 502).

Stock—Illegal Sale—Ratification.

8 App. Div. 501; (40 Supp. 713).

People v. Eddy, 35 St. Rep. 146; 12 Supp. 628.*Cited*, Milk—Determining Purity—Analysis.

68 Hun, 343; (51 St. Rep. 896; 22 Supp. 811).

People v. Edwards, 25 Supp. 480.**People v. Etchler**, 75 Hun, 26; 58 St. Rep. 177; 26 Supp. 998.**People v. Elliott**, 106 N. Y. 238; 8 St. Rep. 703.*Cited*, Witness—Corroboration—Accomplice.

Duplicate Citations in Parenthesis.

74 Hun, 813; (56 St. Rep. 257; 26 Supp. 676). 78 Hun, 31; (60 St. Rep. 816; 29 Supp. 273). 150 N. Y. 353; 84 Hun, 70, 76; (65 St. Rep. 178, 183; 32 Supp. 22, 27).

People v. Elmira, Board of Auditors of, 20 Hun, 150.

Affirmed, 82 N. Y. 80.

Cited, Counties—Audit of Claims—Items. 74 Hun, 255; (55 St. Rep. 891; 26 Supp. 612),

People v. Elmira, Board of Auditors of, 82 N. Y. 80.

Cited, Mandamus—Audit of Claims.

6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172). 74 Hun, 88; (56 St. Rep. 170; 26 Supp. 125). 85 Hun, 118; (66 St. Rep. 55; 32 Supp. 671).

People v. Empire Loan & Investment Co., 15 App. Div. 69; 78 St. Rep. 308; 44 Supp. 308.

People v. Empire Mut. Life. Ins. Co., 92 N. Y. 105.

Cited, Insurance—Policy—Forfeiture.

17 Misc. 637; (40 Supp. 591).

People v. England. See *People v. Maddill*.

People v. England, 91 Hun, 152; 36 Supp. 534.

Cited, Statutes—Intent of Legislature.

19 Misc. 597; (78 St. Rep. 315; 44 Supp. 315).

People v. England, 16 App. Div. 97; 79 St. Rep. 12; 45 Supp. 12.

Cited, 79 St. Rep. 1147; (45 Supp. 1147.)

People v. Ennis, 73 Hun, 583; 56 St. Rep. 191; 26 Supp. 286.

Reversed, 146 N. Y. 357.

People v. Enoch, 13 Wend. 159.

Cited, Indictment—Sufficiency.

22 Supp. 691. 138 N. Y. 84; (51 St. Rep. 729).

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146 N. Y. 273; (66 St. Rep. 627).

People v. Equitable Gaslight Co., 6 N. Y. Crim. 189; 5 Supp. 19.

Cited, Certiorari—Assessment—Over Valuation.

61 St. Rep. 72; (30 Supp. 380).

People v. Equitable Mut. Fire Ins. Corp. of N. Y., 1 App. Div. 84; 72 St. Rep. 192; 37 Supp. 80; 25 Civ. Pro. 210.

People v. Equitable Mut. Fire Ins. Co., 12 Misc. 556; 67 St. Rep. 577; 33 Supp. 708.

People v. Equitable Trust Co. of New London, Conn., 96 N. Y. 387.

Cited, Taxes—Corporations—Franchise.

74 Hun, 210; (56 St. Rep. 361; 26 Supp. 832). 138 N. Y. 8; (51 St. Rep. 704).

People v. Equity Gaslight Co. 141 N. Y. 232; (56 St. Rep. 825).

Cited, Actions—Corporations—Dissolution.

5 App. Div. 418; (39 Supp. 316).

People v. Equity Gas Works Construction Co., 3 Misc. 333; 52 St. Rep. 317; 23 Supp. 124.

People v. E. Remington & Sons, 121 N. Y. 328; 31 St. Rep. 289.

Cited, Insolvency—Proof of Claims—Collaterals.

3 App. Div. 581; (73 St. Rep. 812; 38 Supp. 340).

People v. Erie County Medical Soc., 32 N. Y. 187.

Cited, Societies—A Motion.

84 Hun, 449; (65 St. Rep. 545; 32 Supp. 416). 13 Misc. 682, 688; (69 St. Rep. 597, 599; 35 Supp. 218, 220).

People v. Erie County Medical Soc., 24 Barb. 570.

Cited, By-laws—Reasonableness.

92 Hun, 280; (71 St. Rep. 844; 36 Supp. 736).

Societies—A motion.

84 Hun, 449; (65 St. Rep. 545; 32 Supp. 416).

People v. Erie R. Co., 36 How. 129.

Cited, Injunction—Legal Proceedings—

Federal Courts.

69 Hun, 437; (52 St. Rep. 901; 24 Supp. 223).

People v. Erwin, 4 Den. 129.

Cited, Landlord and Tenant—House of Prostitution—Criminal Liability of Landlord.

51 St. Rep. 333; (22 Supp. 466). 79 St. Rep. 951; (45 Supp. 951).

People v. Esopus Town Auditors, 74 N. Y. 310.

Cited, Highways—Duties and Liabilities of Town—Over Repairs.

80 Hun, 104; (61 St. Rep. 792; 30 Supp. 27). 88 Hun, 524; (69 St. Rep. 33; 34 Supp. 970). 82 Hun, 800; (63 St. Rep. 578; 31 Supp. 248).

Public Officers—Duties—Right of Suit.

87 Hun, 509; (68 St. Rep. 53; 34 Supp. 287); 149 N. Y. 375.

Due Process of Law—Providing New Remedy—Effect.

Duplicate Citations in Parenthesis.

90 Hun, 179; (70 St. Rep. 295; 35 Supp. 79). 83 Hun, 411; (64 St. Rep. 418; 31 Supp. 747). 84 Hun, 471; (65 St. Rep. 478; 32 Supp. 320). 13 App. Div. 201; (77 St. Rep. 368; 43 Supp. 368). 17 Misc. 539; (40 Supp. 449).

People v. Essex County, Sup'rs of, 69 Hun, 406; 52 St. Rep. 797; 23 Supp. 654).

People v. Evans, 69 Hun, 222; 53 St. Rep. 591; 23 Supp. 717.

Affirmed, 143 N. Y. 638; 60 St. Rep. 875.

People v. Evans, 40 N. Y. 1.

Cited, Witness—Credibility.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937). 13 App. Div. 129; (76 St. Rep. 1103; 42 Supp. 1103).

People v. Evans, 4 N. Y. Crim. 218.

Cited, Dying Declarations—Availability.

D. 79 Hun, 299; (61 St. Rep. 42; 29 Supp. 378).

People v. Everest, 51 Hun, 19; 3 Supp. 612.

Cited, Indictment—Allegations—Proof.

11 App. Div. 543; (76 St. Rep. 633; 42 Supp. 633).

People v. Everhardt, 104 N. Y. 591; 5 St. Rep. 793.

Cited, Evidence—Relevancy—Other Offenses.

49 St. Rep. 501; (20 Supp. 730). 147 N. Y. 477; (70 St. Rep. 68).

Evidence—Declarations—Condition of Mind—Criminal Cases.

77 Hun, 501; (60 St. Rep. 546; 28 Supp. 1083).

Trial—Instructions—Criminal Cases.

71 Hun, 605; (55 St. Rep. 107; 24 Supp. 1115).

Witnesses—Corroboration.

78 Hun, 31; (60 St. Rep. 816; 29 Supp. 273). 150 N. Y. 353. 74 Hun, 313; (56 St. Rep. 257; 26 Supp. 676). 84 Hun, 71; (65 St. Rep. 179; 32 Supp. 23).

People v. Ewer, 141 N. Y. 129; 56 St. Rep. 668.

Affirming, 70 Hun, 239; 54 St. Rep. 348.

Cited, Police Power—Limitations on.

144 N. Y. 536; (64 St. Rep. 54). 149 N. Y. 201.

People v. Excelsior Gas Light Co., 3 How. N. S. 137.

Cited, Corporations—Transfer of Assets—Insolvency.

81 Hun, 275; (62 St. Rep. 760; 30 Supp. 797). 7 App. Div. 110; (15 Misc. 400; 73 St. Rep. 411; 37 Supp. 824).

People v. Fairchild, 67 N. Y. 334.

Cited, Mandamus—Public Officers—Discretion.

141 N. Y. 337; (57 St. Rep. 427). 149 N. Y. 30. D. 152 N. Y. 398.

People v. Fairman, 91 N. Y. 385.

Cited, Mandamus—Modification—Reviewed.

135 N. Y. 534; (48 St. Rep. 540).

Mandamus—Waiver of Right to Alternative.

49 St. Rep. 527; (21 Supp. 282).

People v. Fallon, 152 N. Y. 1.

Cited, Constitution—Provisions—Execution—Betting and Racing.

D. 152 N. Y. 371. 16 App. Div. 14; (78 St. Rep. 793; 44 Supp. 793).

People v. Fallon, 4 App. Div. 76; 39 Supp. 860.

Affirmed, 152 N. Y. 1.

People v. Fallon, 4 App. Div. 82; 39 Supp. 865.

Affirmed, 152 N. Y. 12.

People v. Fallon, 152 N. Y. 12.

People v. Fancher, 4 T. & C. 462; 2 Hun, 226.

Cited, Habeas Corpus—Return—Review.

8 Misc. 164; (60 St. Rep. 142; 28 Supp. 504). 88 Hun, 262; (68 St. Rep. 555; 34 Supp. 736).

People v. Fanshawe, 137 N. Y. 68; 50 St. Rep. 1.

Affirming, 65 Hun, 77; 47 St. Rep. 331; 19 Supp. 865.

People v. Fargo, 4 App. Div. 544; 74 St. Rep. 814; 38 Supp. 1004.

People v. Farrell, 20 Misc. 213; 79 St. Rep. 911; 45 Supp. 911.

People v. Farrell, 54 Hun, 638; 28 St. Rep. 43.

Cited, Indictment—Sufficiency.

13 Misc. 547; (70 St. Rep. 209; 35 Supp. 588).

People v. Faulkner, 107 N. Y. 477; 12 St. Rep. 273.

Reversing, 38 Hun, 607.

Cited, Public Officer—Neglect to Pay Over Moneys—Effect.

92 Hun, 17; (72 St. Rep. 835; 37 Supp. 890). D. 77 Hun, 489, 491; (60 St. Rep. 556, 557; 28 Supp. 1095, 1096). 151 N. Y. 140.

Officers—Liability—Loss of Public Moneys.

77 Hun, 491; (60 St. Rep. 554; 28 Supp. 1095).

Duplicate Citations in Parenthesis.

People v. Fay, 3 Lans. 398.

Cited, Canal Contracts—Award.

D. 13 App. Div. 40; (77 St. Rep. 109; 43 Supp. 109).

People v. Feeter, 12 Wend. 480.

Cited, Costs—When Allowed.

135 N. Y. 271; (48 St. Rep. 108).

People v. Feigenbaum, 148 N. Y. 636.

People v. Ferguson, 38 N. Y. 89.

Cited, Taxes—Assessments—Review.

7 Misc. 300; (58 St. Rep. 549; 28 Supp. 144). 72 Hun, 129; (55 St. Rep. 188; 25 Supp. 342). 83 Hun, 377; (64 St. Rep. 753; 31 Supp. 957).

People v. Fernandez, 35 N. Y. 49.

Cited, Appeal—Testimony—Materiality—Review.

91 Hun, 169; (71 St. Rep. 216; 36 Supp. 286).

People v. Ferris, 76 N. Y. 326.

Cited, Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp. 914, 23 Civ. Pro. 336).

People v. Field, 52 Barb. 198.

Cited, Forcible Entry and Detainer—Actual Occupancy.

9 Misc. 454; (61 St. Rep. 91; 30 Supp. 249; 24 Civ. Pro. 81). 16 Misc. 323; (73 St. Rep. 572; 37 Supp. 952). 73 Hun, 411; (58 St. Rep. 89; 26 Supp. 571).

Forcible Entry and Detainer—Petition—Defect—Waiver.

20 Misc. 194; (73 St. Rep. 1053; 44 Supp. 1053).

People v. Fields, 58 N. Y. 491.

Cited, Public Moneys—Wrongful Payment—Recovery.

86 Hun, 554; (67 St. Rep. 533; 33 Supp. 788).

People v. Fields, 1 Lans. 222.

Cited, Forcible Entry and Detainer—Liability—True Owner.

69 Hun, 593; (53 St. Rep. 390; 23 Supp. 921).

People v. Finn, 87 N. Y. 533.

Cited, Criminal Law—Certificate of Conviction.

19 Misc. 693; (78 St. Rep. 1097; 44 Supp. 1097).

People v. Fire Ass'n of Phil., 92 N. Y. 311.

Cited, Conflict of Laws—Tenure of Land. 72 Hun, 22; (55 St. Rep. 72; 25 Supp. 311).

Corporation—Foreign—Status.

3 Misc. 59; (51 St. Rep. 863; 22 Supp. 542). 140 N. Y. 590; (56 St. Rep. 441).

People v. Fish, 89 Hun, 163; 69 St. Rep. 94; 34 Supp. 1013.

People v. Fish, 125 N. Y. 136; 34 St. Rep. 840; 8 N. Y. Crim. 129.

Cited, Appeal—Court of Appeals—Review of Facts.

138 N. Y. 406; (52 St. Rep. 918). 147 N. Y. 215; (69 St. Rep. 511).

Homicide—Motive.

139 N. Y. 362; (54 St. Rep. 589).

Crimes—Intoxication—Effect.

143 N. Y. 366; (62 St. Rep. 355). D. 148 N. Y. 504, 505, 506.

People v. Fisher, 14 Wend. 9.

Cited, Conspiracy—Labor Organization—Regulation of Wages.

66 Hun, 593; (50 St. Rep. 233; 21 Supp. 861). 19 Misc. 294; (78 St. Rep. 338; 44 Supp. 368).

Contracts—Validity—Restraint of Trade.

139 N. Y. 264; (54 St. Rep. 522). 145 N. Y. 274; (64 St. Rep. 697).

People v. Fisher, 24 Wend. 215.

Cited, Statutes—Legislative Intent.

D. 150 N. Y. 509. 19 Misc. 123.

People v. Fitch, 16 Misc. 464; 39 Supp. 926.

People v. Fitch, 11 Misc. 257; 65 St. Rep. 341; 64 St. Rep. 254; 32 Supp. 218.

Affirmed, 145 N. Y. 261; 64 St. Rep. 722.

People v. Fitch, 78 Hun, 321; 60 St. Rep. 728; 29 Supp. 163.

People v. Fitch, 87 Hun, 304; 68 St. Rep. 320; 34 Supp. 388.

Reversed, 147 N. Y. 355; 69 St. Rep. 706.

People v. Fitch, 87 Hun, 391; 68 St. Rep. 447; 34 Supp. 368.

People v. Fitch, 89 Hun, 310; 69 St. Rep. 548; 35 Supp. 193.

Reversed, 148 N. Y. 71.

People v. Fitch, 145 N. Y. 261; 64 St. Rep. 722.

Cited, Statutes—Retrospective Operation. 17 Misc. 42; (40 Supp. 753).

People v. Fitch, 147 N. Y. 355; 69 St. Rep. 706.

Cited, Statutes—Constitutionality.

3 App. Div. 196; (73 St. Rep. 636; 38 Supp. 481). 9 App. Div. 460; (75 St. Rep. 762; 41 Supp. 345).

People v. Fitch, 148 N. Y. 71.

Cited, Legislature—Taxing Power.

152 N. Y. 417.

Debt—Non-payment—Interest.

39 Supp. 882.

People v. Fitch, 77 St. Rep. 442; 43 Supp. 442.

Duplicate Citations in Parenthesis.

People v. Fitch, 12 App. Div. 581; 76 St. Rep. 1131; 42 Supp. 1131.
Affirmed, 16 Misc. 464; 39 Supp. 926.
Reversed, 154 N. Y. 14.

People v. Fitch, 9 App. Div. 439; 75 St. Rep. 768; 41 Supp. 349.
Affirmed, 151 N. Y. 673.

People v. Fitchie, 76 Hun, 80; 59 St. Rep. 194; 28 Supp. 600.

People v. Fitzgerald, 21 Supp. 911; 29 Abb. N. C. 471.

People v. Fitzgerald, 105 N. Y. 146; 6 St. Rep. 828.
Reversing, 6 St. Rep. 599.
Cited, Body Stealing—Indictability.
 11 Misc. 42; (63 St. Rep. 468; 31 Supp. 869).

People v. Fitzgerald, 15 App. Div. 539; 78 St. Rep. 556; 44 Supp. 556.

People v. Fitzsimmons, 69 St. Rep. 191; 34 Supp. 1102.

People v. Fitzthum, 137 N. Y. 581; 50 St. Rep. 730.

People v. Flack, 57 Hun, 83; 32 St. Rep. 215; 10 Supp. 475;
Cited, Trial—Charge—Harmless Irregularity.
 6 Misc. 116; (58 St. Rep. 2; 26 Supp. 44).

People v. Flack, 125 N. Y. 324; 34 St. Rep. 722.

Cited, Crime—Elements—Intent.
 79 Hun, 586; (61 St. Rep. 584; 29 Supp. 896). 148 N. Y. 33.

Trial—Question of Fact—Criminal Intent.
 9 Misc. 448; (61 St. Rep. 70; 29 Supp. 1038).

People v. Flagg, 46 N. Y. 401.

Cited, Legislature—Extent of Powers.
 21 Supp. 594.

D. 150 N. Y. 509, 152 N. Y. 75, 81 Hun, 327; (29 Supp. 778). 89 Hun, 261; (68 St. Rep. 854; 34 Supp. 1075). D. 8 App. Div. 274, 281; (75 St. Rep. 41; 40 Supp. 638, 643).

5 Misc. 582; (56 St. Rep. 279; 26 Supp. 174). 8 Misc. 570; (60 St. Rep. 683; 29 Supp. 778).

Legislature—Establishment of Highways.
 84 Hun, 511; (65 St. Rep. 605; 32 Supp. 341). 78 St. Rep. 933; (44 Supp. 933).

People v. Flagg, 10 App. Div. 624; 76 St. Rep. 1130; 42 Supp. 1130.

People v. Flaherty, 79 Hun, 48; 61 St. Rep. 197; 29 Supp. 641.

Cited, Indictment—Sufficiency.
 92 Hun, 357; (71 St. Rep. 543; 36 Supp. 513).

People v. Flour City Life Ass'n, 85 Hun, 508; 66 St. Rep. 699; 33 Supp. 97.

People v. Foley, 148 N. Y. 677.
Affirming, 86 Hun, 621; 66 St. Rep. 873.
Cited, Public Officers—Election.
 151 N. Y. 500.

Legislature—Power Over Towns.
 150 N. Y. 487.

People v. Forbes, 143 N. Y. 219; 62 St. Rep. 175.

Reversing, 77 Hun, 612; 59 St. Rep. 897; 28 Supp. 1123.

Cited, Criminal Law—Appeal—Review.
 150 N. Y. 377; 82 Hun, 258; (63 St. Rep. 832; 31 Supp. 384).

Crimes—Witness—Assertion of Privilege.
 82 Hun, 252; (63 St. Rep. 828; 31 Supp. 380). 14 Misc. 265, 267, 269; (70 St. Rep. 483; 35 Supp. 665).

People v. Forrest, 96 N. Y. 544.

Cited, Assessment—Correction.
 15 App. Div. 10; (78 St. Rep. 48; 44 Supp. 48).

People v. Fort Edward, Trustees of Village of, 70 N. Y. 28.

Cited, Town Bonds—Consent of Electors.
 20 Misc. 517; (79 St. Rep. 914; 45 Supp. 914). 20 Misc. 654.

People v. Fowler, 55 N. Y. 675.

Cited, Court of Appeals—Jurisdiction—How Created.

150 N. Y. 333; (3 Ann. Cas. 262). 150 N. Y. 224; (3 Ann. Cas. 273.) 150 N. Y. 228.

People v. Fowler, 139 N. Y. 621; 54 St. Rep. 931.

Affirming, 43 St. Rep. 415; 17 Supp. 744.

People v. Fox, 121 N. Y. 449; 31 St. Rep. 570.

Cited, Evidence — Confessions — Inducement—Question for Jury.

80 Hun, 47; (61 St. Rep. 527; 29 Supp. 846).

People v. Fox, 4 App. Div. 38; 74 St. Rep. 500; 38 Supp. 635.

People v. Foy, 138 N. Y. 664; 53 St. Rep. 265.

People v. Fraser, 74 Hun, 282; 56 St. Rep. 888; 26 Supp. 814.

Affirmed, 145 N. Y. 593; 65 St. Rep. 868.

People v. Frederick, 21 Supp. 26.

People v. Frederick, 78 Hun, 36; 60 St. Rep. 195; 28 Supp. 1002.

Affirmed, 143 N. Y. 667; 63 St. Rep. 867.

People v. Freer, 1 Caines, 518.

Cited, Contempt—Justification—Intent.
 82 Hun, 245, 253; (63 St. Rep. 823, 823; 31 Supp. 375, 381).

Duplicate Citations in Parenthesis.

People v. Freileweh, 11 App. Div. 409; 76 St. Rep. 373; 42 Supp. 373.

Cited, Crimes—Witness—Privilege.

16 App. Div. 465; (78 St. Rep. 915; 44 Supp. 915).

People v. French, 25 Hun, 111.

Cited, Certiorari—Review of Proceedings—Return.

7 Misc. 294; (58 St. Rep. 545; 27 Supp. 894). 14 Misc. 177; (69 St. Rep. 815; 35 Supp. 463).

People v. French, 32 Hun, 112.

Cited, Police Commissioners—Right of Removal.

14 Misc. 228; (70 St. Rep. 468; 35 Supp. 674).

People v. French, 46 Hun, 232; 11 St. Rep. 551.

Cited, Police Commissioners—Powers—Retirement of Officers.

145 N. Y. 259; (64 St. Rep. 693). 89 Hun, 454; (69 St. Rep. 756; 35 Supp. 311).

People v. French, 108 N. Y. 105; 13 St. Rep. 89.

Affirming, 7 St. Rep. 422.

Cited, Police Commission—Retirement—of Officers.

145 N. Y. 253; (64 St. Rep. 693).

People v. French, 52 Hun, 464; 5 Supp. 712.

Cited, Veterans—Dismissal—Age.

20 Misc. 220; (79 St. Rep. 48; 45 Supp. 48).

People v. French, 93 N. Y. 306.

Cited, Appeal—Court of Appeals—Certiorari—Conflict of Evidence.

142 N. Y. 354; (59 St. Rep. 25).

People v. French, 102 N. Y. 583; 2 St. Rep. 533.

Cited, Officers—Contest of Title—Removal—Remedy.

76 Hun, 149; (50 St. Rep. 305; 27 Supp. 550). 91 Hun, 428; (72 St. Rep. 375; 36 Supp. 853).

Crimes—Intoxication—Arrest Without Warrant.

11 App. Div. 448; (76 St. Rep. 320; 42 Supp. 320). 20 Misc. 154; (79 St. Rep. 907; 45 Supp. 907).

People v. French, 110 N. Y. 494; 18 St. Rep. 231.

Cited, Certiorari—Review of Facts.

49 St. Rep. 615; (21 Supp. 628). 14 Misc. 119; (69 St. Rep. 623; 35 Supp. 248; 25 Civ. Pro. 90; 2 Ann Cas. 246).

Officers—Removal—Conclusiveness of Facts Found.

1 Misc. 437; (49 St. Rep. 615; 21 Supp. 628). 84 Hun, 66; (65 St. Rep. 175; 32 Supp. 18). D. 15 Misc. 279; (71 St. Rep. 465; 36 Supp. 415). 85 Hun, 618; (66 St. Rep. 421; 32 Supp. 973).

Municipal Corporations—Officers—Removal.

49 St. Rep. 606; 75 Hun, 541; (57 St. Rep. 660; 27 Supp. 488). 16 App. Div. 335; (73 St. Rep. 658). 5 App. Div. 526; (39 Supp. 52).

People v. French, 119 N. Y. 493; 30 St. Rep. 67.

Cited, Appeal—Certiorari—Conflict of Evidence.

142 N. Y. 354; (59 St. Rep. 25). 84 Hun, 66; (65 St. Rep. 175; 32 Supp. 19).

Officer—Dismissal—Intoxication.

16 App. Div. 336; (78 St. Rep. 658; 44 Supp. 658).

Certiorari—Review of Facts.

49 St. Rep. 615; (21 Supp. 628). 74 Hun, 87; (56 St. Rep. 170; 26 Supp. 125). 74 Hun, 254; (55 St. Rep. 891; 26 Supp. 612). 85 Hun, 611; (67 St. Rep. 10; 33 Supp. 171). 15 App. Div. 70; (77 St. Rep. 119; 43 Supp. 119). 15 Misc. 650; (73 St. Rep. 357; 38 Supp. 168).

Police—Removal—Conclusiveness of Facts Found.

1 Misc. 467; (49 St. Rep. 615; 21 Supp. 628). 84 Hun, 66; (65 St. Rep. 175; 32 Supp. 19). 85 Hun, 618; (66 St. Rep. 421; 32 Supp. 972).

Police—Removal—Intoxication.

75 Hun, 541; (57 St. Rep. 660; 27 Supp. 488). 16 App. Div. 336; (78 St. Rep. 658; 44 Supp. 658). 13 Misc. 23; (67 St. Rep. 851; 33 Supp. 1001).

Police—Removal—Record.

2 App. Div. 499; (74 St. Rep. 431; 37 Supp. 1084). 1 App. Div. 577; (73 St. Rep. 113).

People v. French, 7 St. Rep. 253.

Cited, Police Commissioners—Findings—Conclusiveness.

D. 15 Misc. 280; (71 St. Rep. 465; 36 Supp. 415).

People v. French, 11 St. Rep. 577.

Cited, Police—Removal—Intoxication.

16 App. Div. 335; (78 St. Rep. 658; 44 Supp. 658).

People v. Freund, 67 St. Rep. 274; 33 Supp. 612.

People v. Fridy, 83 Hun, 240; 63 St. Rep. 812; 31 Supp. 399.

People v. Friedland, 2 App. Div. 332; 73 St. Rep. 516; 37 Supp. 974.

Duplicate Citations in Parenthesis.

People v. Fuerst, 13 Misc. 304; 69 St. Rep. 205; 34 Supp. 1115.

People v. Fulton, 11 N. Y. 94.
Cited, Actions—Forcible Entry—In Whose Name Brought.

12 Misc. 637; (65 St. Rep. 871; 32 Supp. 1140).

People v. Fulton County, Board of Assessors of, 74 Hun, 251; 55 St. Rep. 888; 26 Supp. 610.

Cited, Supervisors—Determination—Review.

85 Hun, 612; (67 St. Rep. 10; 33 Supp. 172).

People v. Fulton County, Board of Supervisors of, 64 Hun, 375; 46 St. Rep. 470; 19 Supp. 773.

Cited, Certiorari—Return—Payment of Fees.

76 Hun, 120; (57 St. Rep. 377; 27 Supp. 822).

People v. Fulton County, Board of Supervisors of, 70 Hun, 560; 53 St. Rep. 796; 24 Supp. 397.

Affirmed, 139 N. Y. 656; 54 St. Rep. 934.

People v. Fulton County, Board of Supervisors of, 74 Hun, 251; 55 St. Rep. 888; 26 Supp. 610.

People v. Gaffney, 14 Abb. N. S. 36.

Cited, Trial—Jury—Separation—Prejudice.

25 Supp. 490.

People v. Gallagher, 93 N. Y. 438.

Cited, Public Schools—Exclusion from—Effect.

84 Hun, 459; (65 St. Rep. 479; 32 Supp. 322).

Police Power—Limitation on.

D. 10 Misc. 82; (62 St. Rep. 399; 30 Supp. 476).

People v. Gallo, 149 N. Y. 106.

Cited, Criminal Law—New Trial—Prejudice of Jury.

153 N. Y. 38.

People v. Garabed, 20 Misc. 127; 79 St. Rep. 827; 45 Supp. 827.

People v. Gardiner, 73 Hun, 66; 57 St. Rep. 18; 25 Supp. 1072.

Modified, 144 N. Y. 119; 63 St. Rep. 21.

People v. Gardner, 144 N. Y. 119; 63 St. Rep. 21.

Cited, Compelling Witness to Testify Against Himself—What is.

86 Hun, 570; (67 St. Rep. 636; 33 Supp. 906).

People v. Gardner, 45 N. Y. 812.

Cited, Terms of Judges—Abridgment.

12 Misc. 190; (67 St. Rep. 267; 33 Supp. 605).

People v. Gates, 13 Wend. 311.

Cited, Indictment—Statement—Defective.

D. 67 Hun, 576; (51 St. Rep. 487; 22 Supp. 587).

People v. Gaul, 44 Barb. 198.

Cited, Statutes—Construction.

19 Misc. 597; (78 St. Rep. 315; 44 Supp. 315).

People v. Gedney, 10 Hun, 151.

Cited, Lease—Appurtenances.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

People v. Genesee Valley Canal R. Co., 30 Hun, 565.

Affirmed, 95 N. Y. 666.

Cited, 3 App. Div. 22; (73 St. Rep. 533; 37 Supp. 991).

People v. Genesee Valley Canal R. Co., 95 N. Y. 666.

Cited, Costs—Extra Allowance—Condemnation of Franchise.

135 N. Y. 413; (48 St. Rep. 425). 10 Misc. 104; (63 St. Rep. 515; 31 Supp. 150).

People v. Geoghan, 138 N. Y. 677; 53 St. Rep. 295.

People v. Gerber, 92 Hun, 554; 71 St. Rep. 730; 36 Supp. 720.

People v. German U. E. St. Stephen's Church, 53 N. Y. 103.

Cited, Ecclesiastical Regulations—Power of Courts to Interfere.

20 Misc. 239; (79 St. Rep. 792; 45 Supp. 792).

People v. Gibbs, 93 N. Y. 470.

Cited, Crimes—Scienter—Proof.

88 Hun, 506; (69 St. Rep. 37; 34 Supp. 975).

People v. Giblin, 115 N. Y. 196; 24 St. Rep. 592.

Cited, Indictment—Sufficiency—Statutory Crime.

67 Hun, 573; (51 St. Rep. 485; 22 Supp. 585). 138 N. Y. 84; (51 St. Rep. 729). 153 N. Y. 39.

People v. Gilbert, 18 Johns. 227.

Cited, Statutes—When Binding on State.

73 Hun, 258; (58 St. Rep. 81; 26 Supp. 566).

People v. Giles, 152 N. Y. 136.

People v. Giles, 12 App. Div. 495; 76 St. Rep. 749; 42 Supp. 749.

Reversed, 152 N. Y. 136.

Cited, Crime—Trial.

19 Misc. 681; (78 St. Rep. 1107; 44 Supp. 1107).

Duplicate Citations in Parenthesis.

People v. Gillette, 76 Hun, 611; 59 St. Rep. 176; 28 Supp. 101.

People v. Gillian, 50 Hun, 35; 18 St. Rep. 681, 2 Supp. 476.

Affirmed, 115 N. Y. 643; 23 St. Rep. 996.

Cited, Blackmail—Threats—Writing.

75 Hun, 30; (58 St. Rep. 178; 26 Supp. 1000).

People v. Gillson, 109 N. Y. 389; 16 St. Rep. 185.

Cited, Constitutional Law—Police Power—Limitations on.

136 N. Y. 584; (49 St. Rep. 701). 8 Misc. 203; (58 St. Rep. 838; 28 Supp. 530). 141 N. Y. 135; (56 St. Rep. 672). 73 Hun, 461; (56 St. Rep. 50; 26 Supp. 274). 144 N. Y. 536; (64 St. Rep. 54). 149 N. Y. 200. 145 N. Y. 39; (64 St. Rep. 510). D. 149 N. Y. 209. 153 N. Y. 198. 1 App. Div. 480; (72 St. Rep. 584; 37 Supp. 314). 13 App. Div. 77; (77 St. Rep. 405; 43 Supp. 405). D. 10 Misc. 87; (62 St. Rep. 403; 30 Supp. 479). 14 Misc. 336, 338; (71 St. Rep. 72; 36 Supp. 124).

Statutes — Constitutionality — Presumption.

77 Hun, 410; (60 St. Rep. 48; 23 Supp. 816). 150 N. Y. 509.

People v. Gilmore, 26 Hun, 1.

Cited, Contempt — Punishment—Conditions Precedent.

D. 80 Hun, 458; (62 St. Rep. 303; 30 Supp. 471).

People v. Gilmore, 88 N. Y. 626.

Cited, Costs—In Contempt Proceedings. 67 Hun, 254; (50 St. Rep. 903; 22 Supp. 425; 23 Civ. Pro. 118).

People v. Gilon, 76 Hun, 346; 58 St. Rep. 602; 27 Supp. 704.

Affirmed, 148 N. Y. 763.

People v. Gilon, 121 N. Y. 551; 31 St. Rep. 890.

Reversing, 15 St. Rep. 170.

Cited, Taxes — Assessment—Review on Certiorari.

83 Hun, 187; (64 St. Rep. 146; 31 Supp. 593). 13 Misc. 23; (67 St. Rep. 851; 33 Supp. 1001).

People v. Gilon, 126 N. Y. 147; 37 St. Rep. 17.

Reversing, 33 St. Rep. 838.

Cited, Taxation—Exemptions.

90 Hun, 123; (70 St. Rep. 403; 35 Supp. 638). 70 St. Rep. 846; (36 Supp. 193).

People v. Gilon, 51 St. Rep. 825; 22 Supp. 233.

People v. Gilon, 9 Supp. 563; 24 Abb. N. C. 125.

Cited, Certiorari—Review of Quasi-Judicial Decision.

82 Hun, 303; (63 St. Rep. 580; 31 Supp. 250).

People v. Gilroy, 60 Hun, 507; 15 Supp. 242.

Cited, Assignments—Employees—Preferences.

15 App. Div. 597; (78 St. Rep. 683; 43 Supp. 683).

People v. Gilroy, 67 Hun, 323; 51 St. Rep. 653; 22 Supp. 271.

Affirmed, 139 N. Y. 623; 54 St. Rep. 932.

People v. Gilroy, 82 Hun, 500; 64 St. Rep. 480; 31 Supp. 776.

Affirmed, 145 N. Y. 596; 65 St. Rep. 867.

Cited, 64 St. Rep. 485; 31 Supp. 781.

Allowance of Claim—Mandamus—Availability.

2 App. Div. 34; (73 St. Rep. 154; 37 Supp. 538).

People v. Gilroy, 82 Hun, 508; 64 St. Rep. 485; 31 Supp. 781.

Affirmed, 145 N. Y. 596.

People v. Gilroy, 56 St. Rep. 108; 25 Supp. 878.

People v. Girard, 73 Hun, 457; 56 St. Rep. 47; 26 Supp. 272.

Affirmed, 145 N. Y. 105; 64 St. Rep. 554.

People v. Girard, 145 N. Y. 105; 64 St. Rep. 554.

Cited, Police Power—Limitations on.

13 App. Div. 76; (77 St. Rep. 404; 43 Supp. 404).

People v. Gleason, 18 Misc. 511; 76 St. Rep. 1084; 42 Supp. 1084.

People v. Gleason, 75 Hun, 572; 59 St. Rep. 147; 27 Supp. 670.

People v. Gleason, 121 N. Y. 631; 31 St. Rep. 903.

Reversing, 22 St. Rep. 103.

Cited, Contract—Illegality—Payment of Public Money to Monopoly.

5 Misc. 392; (6 Supp. 933).

Common Council—Jurisdiction.

86 Hun, 555; (67 St. Rep. 534; 33 Supp. 788).

People v. Globe Mut. Ins. Co., 27 Hun, 539.

Cited, Action—Parties—Intervention.

70 Hun, 443; (53 St. Rep. 838; 24 Supp. 378). 5 Misc. 16; (25 Supp. 130).

Appeal—Reviewing Discretionary Determinations.

68 Hun, 363; (51 St. Rep. 883; 22 Supp. 859).

Duplicate Citations in Parenthesis.

People v. Globe Mut. Life Ins. Co.,
91 N. Y. 174.

Cited, Contract—Performance—Excuses.
142 N. Y. 462; (59 St. Rep. 784). 4 Misc.
101; (53 St. Rep. 132; 23 Supp. 1011).

People v. Goelet, 64 Barb. 476; 14 Abb.
N S. 130

Cited, Landlord and Tenant—Tenancy—
Duration.

18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32).
92 Hun, 513; (72 St. Rep. 214; 37 Supp. 61).

People v. Goetting, 133 N. Y. 569; 44
St. Rep. 503.

Cited, Mandamus—Title to Office—Ad-
verse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp.
914; 23 Civ. Pro. 336). 146 N. Y. 63; (65 St.
Rep. 754). 88 Hun, 173; (68 St. Rep. 495; 34
Supp. 488). 69 St. Rep. 738; (35 Supp. 351).
11 Misc. 292; (65 St. Rep. 453; 32 Supp.
278). 17 Misc. 669; (41 Supp. 470). 17 Misc.
655; (41 Supp. 450). 89 Hun, 41; (34 Supp.
1129). D. 90 Hun, 151; (70 St. Rep. 520;
35 Supp. 750). 16 App. Div. 101; (79 St.
Rep. 14; 45 Supp. 14). 17 Misc. 669; (41
Supp. 471). 69 St. Rep. 387.

People v. Goetting, 29 St. Rep. 286; 8
Supp. 742.

Cited, Mandamus—Title to Office.

16 App. Div. 101; (79 St. Rep. 14; 45
Supp. 14). 41 Supp. 471.

People v. Goff, 52 N. Y. 43.

Cited, Practice—Erroneous Judgment.

150 N. Y. 333; (3 Ann. Cas. 263). 92
Hun, 84; (71 St. Rep. 805; 36 Supp. 638).
17 Misc. 361; (39 Supp. 1089).

People v. Goldfogle, 62 St. Rep. 70; 30
Supp. 296; 23 Civ. Pro. 417.

People v. Gold & Stock Tel. Co., 98
N. Y. 67.

Cited, Statutes — Repealing Effect — Re-
vision.

72 Hun, 621; (55 St. Rep. 280; 25 Supp.
199). 69 Hun, 568; (53 St. Rep. 253; 23
Supp. 960). 77 Hun, 376; (60 St. Rep.
412; 28 Supp. 873). 150 N. Y. 345. 13 Misc.
550; (70 St. Rep. 211; 35 Supp. 590).

Taxes—Corporation—Franchise or Busi-
ness—Constitutionality.

70 Hun, 509; (53 St. Rep. 791; 24 Supp. 210).

People v. Gonzalez, 35 N. Y. 49.

Cited, Appeal — Harmless Error — Evi-
dence.

74 Hun, 606; (55 St. Rep. 108; 24 Supp.
1115). 10 App. Div. 430; (76 St. Rep. 265;
42 Supp. 265).

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18 Misc. 31; (75 St. Rep. 517; 41 Supp. 59).

People v. Goodwin, 5 N. Y. 568.

Cited, Highway Commissioners — Juris-
diction.

143 N. Y. 164; (62 St. Rep. 189).

People v. Goodwin, 5 Wend. 251.

Cited, Conviction — Validity — Right to
Jury Trial.

10 Misc. 591; (65 St. Rep. 418; 32 Supp.
219).

People v. Gorman, 83 Hun, 605; 65 St.
Rep. 41; 31 Supp. 1064.

Cited, Witness — Credibility — Question
for Jury.

90 Hun, 512; (70 St. Rep. 670; 35 Supp.
1011).

People v. Gottschalk, 66 Hun, 64; 49
St. Rep. 726; 20 Supp. 777.

Affirmed, 137 N. Y. 569; 50 St. Rep. 934.

Cited, Indictment—Larceny.

69 Hun, 227; (53 St. Rep. 594; 23 Supp.
721).

People v. Grace, 16 St. Rep. 1011; 1
Supp. 661.

Cited, Appeal—Questions Passed Upon.

16 Misc. 545; (71 St. Rep. 139; 38 Supp.
788).

People v. Grady, 66 Hun, 465; 50 St.
Rep. 128; 21 Supp. 381.

Affirmed, 144 N. Y. 685.

People v. Grand Lodge, E. O. M. A.,
70 Hun, 439; 53 St. Rep. 836; 24 Supp.
376.

Cited, Corporations—Insolvent—Rights of
Claimants to Intervene.

5 Misc. 16; (25 Supp. 130).

People v. Grant, 41 Hun, 351.

Cited, Contempt—Punishment.

11 Misc. 280, 282; (65 St. Rep. 448, 450;
32 Supp. 273, 274; 24 Civ. Pro. 225, 228;
1 Ann. Cas. 104.)

People v. Grant, 58 Hun, 158; 33 St.
Rep. 810; 11 Supp. 505.

Cited, Certiorari—Return.

7 Misc. 217; (58 St. Rep. 557; 27 Supp.
1103).

People v. Grant, 58 Hun, 455; 34 St. Rep.
921; 12 Supp. 879.

Cited, Municipal Corporations—Power of
Mayor—Public Amusement—License—Dis-
cretion.

9 Misc. 565; (62 St. Rep. 75; 30 Supp.
374). 14 App. Div. 560; (77 St. Rep. 1091;
43 Supp. 1091).

People v. Grant, 70 Hun, 233; 54 St.
Rep. 349; 24 Supp. 776.

Duplicate Citations in Parenthesis.

People v. Grant, 126 N. Y. 473; 38 St. Rep. 499.

Affirming, 35 St. Rep. 596.

Cited, Municipal Corporations—Powers of Mayor—Public Amusement—License—Discretion.

9 Misc. 565; (62 St. Rep. 75; 30 Supp. 376); 77 St. Rep. 1091; (43 Supp. 1091). 13 Misc. 640. (69 St. Rep. 170; 34 Supp. 946).

People v. Grant, 11 St. Rep. 559.

Cited, Fine—Payment—Indemnity.

7 App. Div. 137; (25 Civ. Pro. 416; 40 Supp. 232).

People v. Grant, 50 St. Rep. 465; 21 Supp. 232.

Affirmed, 138 N. Y. 653; 53 St. Rep. 931.

People v. Graves, 31 Hun, 382.

Cited, Criminal Law—Sentence—Suspension.

141 N. Y. 293; (57 St. Rep. 406).

People v. Gravesend, Supervisor of, 6 App. Div. 225; 39 Supp. 983.

People v. Gray, 45 Hun, 243.

Cited, Erroneous Assessment—Certiorari. 152 N. Y. 431.

People v. Green, 16 N. Y. 466.

Cited, Laws—Judicial Construction—Subsequent Adherence Thereto.

69 St. Rep. 626; (36 Supp. 658).

Mandamus—Availability.

135 N. Y. 79; (47 St. Rep. 835; 23 Civ. Pro. 6).

People v. Green, 58 N. Y. 295.

Cited, D. 13 App. Div. 37; (77 St. Rep. 107; 43 Supp. 107).

Courts—Jurisdiction—Power of Legislature Over.

139 N. Y. 342; (54 St. Rep. 493). 149 N. Y. 188.

Member of Assembly and Clerk of Court—Compatibility.

15 App. Div. 552; (78 St. Rep. 578; 44 Supp. 578).

People v. Green, 4 N. Y. Cr. R. 442.

Cited, Criminal Law — Jury Trial—Waiver.

13 Misc. 303; (69 St. Rep. 205; 34 Supp. 111f).

People v. Green, 5 Daly, 194.

Cited, Claims—Audit—Allowance.

82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

People v. Green, 64 Barb. 162.

Cited, Claims—Audit—Allowance.

82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

People v. Greenburgh, Assessors of, 106 N. Y. 671.

Cited, Taxes—Review—Certiorari.

135 N. Y. 249; (48 St. Rep. 239). 152 N. Y. 431.

People of Greene County, Board of Canvassers of, 12 Abb. N. C. 95.

Cited, Election Inspectors — Return—Mandamus.

77 St. Rep. 712; (43 Supp. 712).

People v. Greene County, Sup's. of, 12 Barb. 217.

Cited, Mandamus—When to Issue.

4 Misc. 3; (53 St. Rep. 721; 23 Supp. 693).

14 Misc. 623; (72 St. Rep. 313; 36 Supp. 939). 69 St. Rep. 737; (35 Supp. 350).

People v. Greene County Sup'rs., 64 N. Y. 600.

Cited, Mandamus—Petition—Admission of Allegation.

148 N. Y. 189.

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Cited, Criminal Law—Impartial Trial.

148 N. Y. 494.

Criminal Law — Evidence—Commission of Other Crimes.

150 N. Y. 386.

People v. Greenwall, 115 N. Y. 520; 26 St. Rep. 226.

Distinguished, Crimes — Statutes—Construction.

143 N. Y. 389; (62 St. Rep. 349).

Prosecuting Officer—Improper Remarks.

D. 15 Misc. 287; (72 St. Rep. 15; 36 Supp. 786).

People v. Gregg, 35 St. Rep. 757.

Cited, D. 74 Hun, 327; (56 St. Rep. 313; 26 Supp. 821).

People v. Gregg, 59 Hun, 107; 35 St. Rep. 757; 13 Supp. 114.

Cited, Indictment—Defective Statement of Offense.

85 Hun, 137; (65 St. Rep. 678; 32 Supp. 523).

People v. Griswold, 67 N. Y. 59.

Cited, Highways—Discontinuance.

19 Misc. 578; (78 St. Rep. 1092; 44 Supp. 1092).

People v. Gross, 50 Barb. 231.

Cited, Summary Proceedings—Notice—Sufficiency.

11 App. Div. 265; (76 St. Rep. 218; 42 Supp. 218).

People v. Gruaer, 12 App. Div. 464; 76 St. Rep. 721; 42 Supp. 721.

Duplicate Citations in Parenthesis.

People v. Guidici, 100 N. Y. 503.

Cited, Criminal Law—Reasonable Doubt.
2 App. Div. 336; (73 St. Rep. 519; 37 Supp. 977).

People v. Gulick, Lalor's Supp. 229.

Cited, Process of Court—Resistance—Effect.

81 Hun, 361; (63 St. Rep. 146; 30 Supp. 891).

People v. Gumaer, 80 Hun, 78; 61 St. Rep. 768; 30 Supp. 17.

Cited, Seduction—Proof.

92 Hun, 200; (71 St. Rep. 170; 36 Supp. 399).

People v. Gumaer, 4 App. Div. 412; 39 Supp. 326.

People v. Hackley, 24 N. Y. 74.

Cited, Crimes—Defendant—Privilege.

143 N. Y. 228; (62 St. Rep. 179).

People v. Hagadorn, 104 N. Y. 516; 5 St. Rep. 782.

Cited, Municipal Corporations—Water Rents—Sale and Reduction of Property for.
22 Supp. 529; (30 Abb. N. C. 102).

Taxes—Assessment—Compliance With Statute.

141 N. Y. 426; (57 St. Rep. 582). 151 N. Y. 19. 7 App. Div. 364; (74 St. Rep. 675. 40 Supp. 61).

Statute—Affecting Property Rights—Strict Compliance.

22 Supp. 533; (30 Abb. N. C. 109).

Trespass—Defense—Title in Third Person.
77 Hun, 494; (60 St. Rep. 22; 28 Supp. 807).

Tax Sale—Compliance with Statute—Avoidance.

18 Misc. 324; (76 St. Rep. 1002; 42 Supp. 1002). 11 Misc. 506; (67 St. Rep. 283; 33 Supp. 435).

People v. Haines, 3 T. & C. 224.

Cited, Taxes—Assessment—Certiorari.

70 St. Rep. 848; (36 Supp. 194).

Highways—Alteration of Streets.

142 N. Y. 150; (58 St. Rep. 622).

People v. Hair, 29 Hun, 125.

Cited, 85 Hun, 611; (67 St. Rep. 10; 33 Supp. 172).

Certiorari—Review.

74 Hun, 253; (55 St. Rep. 890; 26 Supp. 612).

People v. Hall, 74 Hun, 96; 56 St. Rep. 223; 26 Supp. 403.

People v. Hall, 83 Hun, 375; 64 St. Rep. 752; 31 Supp. 956.

People v. Hall, 90 N. Y. 117.

Cited, Judgment—Conclusiveness—Special Proceedings.

138 N. Y. 183; (52 St. Rep. 159). 88 Hun, 384; (68 St. Rep. 773; 34 Supp. 836).

Quo Warranto—Availability.

19 Misc. 251; (78 St. Rep. 44; 44 Supp. 44).

People v. Hall, 104 N. Y. 170.

Cited, Judgments—Estoppel.

14 App. Div. 123; (77 St. Rep. 515; 43 Supp. 515).

People v. Hall, 8 App. Div. 15; 74 St. Rep. 744; 40 Supp. 183.

People v. Hallenbeck, 52 How. 502.

Cited, Indictment—Obscene Matter—Omission.

14 App. Div. 307; (77 St. Rep. 1047; 43 Supp. 1047).

People v. Halsey, 37 N. Y. 344.

Cited, Mandamus—Public Officer—Public Interest.

138 N. Y. 115; (51 St. Rep. 701). 152 N. Y. 364.

People v. Hamden, Town of, 71 Hun, 461; 54 St. Rep. 403; 24 Supp. 974.

Cited, Mandamus—Audit of Claims.

6 Misc. 432; (56 St. Rep. 797; 27 Supp. 172).

People v. Hamilton, 17 Misc. 11; 39 Supp. 531.

People v. Hamilton, 39 N. Y. 107.

Cited, Landlord and Tenant—Summary Proceedings Not Actions.

62 St. Rep. 71; (30 Supp. 297; 23 Civ. Pro. 421).

People v. Hamilton, 137 N. Y. 531; 50 St. Rep. 22.

People v. Hampton, 144 N. Y. 639; 71 St. Rep. 357.

People v. Hannan. See **People v. Hannah**.

People v. Hannan, 9 Misc. 600; 61 St. Rep. 724.

People v. Hannah, 92 Hun, 476; 73 St. Rep. 246; 37 Supp. 702.

People v. Hannibal, Town of, 65 Hun, 414; 47 St. Rep. 567; 20 Supp. 165.

Cited Certiorari—Review of Audit Claims—When Available.

74 Hun, 88; (56 St. Rep. 170; 26 Supp. 125).

People v. Harkness, 84 Hun, 445; 78 St. Rep. 51; 44 Supp. 51.

Cited, Assessment—Determination—Validity.

15 App. Div. 13; (78 St. Rep. 50; 44 Supp. 50).

Duplicate Citations in Parenthesis.

People v. Harmon. See Finnegan.
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People v. Harmon, 36 Supp. 331.

Cited, Mandamus—Availability.

16 Misc. 665; (72 St. Rep. 734; 37 Supp. 127).

People v. Harrington, 15 Abb. N. C. 161.

Cited, Criminal Law—Sentence—Suspension.

141 N. Y. 293; (57 St. Rep. 406).

People v. Harris, 38 St. Rep. 316; 14 Supp. 830

Cited, Husband and Wife—Non support—Criminal Liability—Bona Fides of Offer of Support.

78 Hun, 38; (60 St. Rep. 196; 28 Supp. 1003).

People v. Harris, 63 N. Y. 391.

Cited, Highway Commissioners—Determination—Appeal.

19 Misc. 550; (78 St. Rep. 911; 44 Supp. 911).

People v. Harris, 136 N. Y. 423; 49 St. Rep. 751.

Cited, Criminal Law—Conviction—Circumstantial Evidence.

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Crimes—Evidence—Relevancy.

80 Hun, 327; (62 St. Rep. 15; 38 Supp. 104). 92 Hun, 49; (72 St. Rep. 391; 36 Supp. 869).

Evidence—Hypothetical Question.

92 Hun, 126; (71 St. Rep. 812; 36 Supp. 644). 12 Misc. 14; (66 St. Rep. 535; 33 Supp. 37).

People v. Hartley, 51 St. Rep. 804; 22 Supp. 295.

People v. Hartung, 17 How. 85.

Cited, Jury—Verdict—Avoidance.

10 Misc. 442; (64 St. Rep. 17; 31 Supp. 463).

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19 Misc. 556; (78 St. Rep. 904, 44 Supp. 904).

People v. Hansan, 1 Misc. 514; 49 St. Rep. 702; 20 Supp. 859.

People v. Hatter, 22 Supp. 688.

People v. Haupt, 104 N. Y. 377.

Followed, 87 Hun, 617; (66 St. Rep. 873; 33 Supp. 1132).

Cited, Taxes—Review—Notice.

135 N. Y. 250; (48 St. Rep. 240).

People v. Havemeyer, 3 Hun, 97.

Cited, Mandamus—Against Public Officer.

18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

People v. Haverstraw, 137 N. Y. 88; 50 St. Rep. 185.

Reversing, 47 St. Rep. 891; 20 Supp. 7.

People v. Haverstraw, Village of, 151 N. Y. 75.

Cited, Eminent Domain—Constitutional Jury.

20 Misc. 652.

People v. Haverstraw, Trustees of, 80 Hun, 385; 62 St. Rep. 52; 30 Supp. 325.

Reversed, 151 N. Y. 75.

People v. Haverstraw, Trustees of, 137 N. Y. 88; 50 St. Rep. 185.

Reversing, 47 St. Rep. 891.

Cited, Condemnation—Irregularity.

86 Hun, 436; (67 St. Rep. 715; 33 Supp. 988).

People v. Haverstraw Trustees of, 11 App. Div. 108; 77 St. Rep. 135; 43 Supp. 135.

People v. Havnor, 149 N. Y. 195.

Cited, Constitutional Law—Police Power—Limitation on.

5 App. Div. 504; (38 Supp. 1093). D. 14 App. Div. 199; (77 St. Rep. 524; 43 Supp. 524). 18 Misc. 718; (76 St. Rep. 986; 42 Supp. 986).

People v. Havnor, 1 App. Div. 459; 72 St. Rep. 584; 37 Supp. 314.

Affirmed, 149 N. Y. 195.

Cited, Offenses—Punishment.

4 App. Div. 190; (74 St. Rep. 597; 38 Supp. 912).

People v. Hawker, 152 N. Y. 234.

People v. Hawker, 14 App. Div. 188. 77 St. Rep. 516; 43 Supp. 516.

Reversed, 152 N. Y. 234.

People v. Hawkins, 10 Misc. 65; 63; St. Rep. 399; 37 Supp. 115.

Affirmed, 85 Hun, 43; 65 St. Rep. 679; 32 Supp. 524.

People v. Hawkins, 85 Hun, 43; 65 St. Rep. 679; 32 Supp. 524.

People v. Hawkins, 46 N. Y. 9.

Cited, Mandamus—Availability.

D. 13 App. Div. 37; (77 St. Rep. 107; 43 Supp. 107).

People v. Hawkins, 109 N. Y. 408; 16 St. Rep. 359.

Cited, Homicide—Premeditation.

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- 139 N. Y. 361; (54 St. Rep. 588). 153
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- People v. Hayden**, City Ct. Brooklyn,
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Cited, Employees—Discharge—Reinstatement—Laches.
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- People v. Hayden**, 7 Misc. 278; 58 St. Rep. 535; 27 Supp. 881.
- People v. Hayden**, 7 Misc. 292; 58 St. Rep. 544; 27 Supp. 893.
Cited, Intoxication—Proof.
15 Misc. 7; (71 St. Rep. 489; 36 Supp. 438).
- People v. Hayden**, 75 Hun, 540; 57 St. Rep. 660; 27 Supp. 487.
- People v. Hayden**, 80 Hun, 397; 62 St. Rep. 53; 30 Supp. 322.
Cited, Public Officers—Removal—Charges—Sufficiency.
79 St. Rep. 714; (45 Supp. 714).
- People v. Hayden**, 6 Hill, 359.
Cited, Condemnation — Possession — Award.
80 Hun, 389; (62 St. Rep. 55; 30 Supp. 328).
- People v. Hayes**, 70 Hun, 111; 54 St. Rep. 184; 24 Supp. 194.
Affirmed, 140 N. Y. 484; 56 St. Rep. 456.
- People v. Hayes**, 70 Hun, 111; 54 St. Rep. 184; 24 Supp. 194.
Cited, Crimes—Perjury — Reversal — Effect.
92 Hun, 359; (71 St. Rep. 545; 36 Supp. 515).
- People v. Hayes**, 140 N. Y. 484; 56 St. Rep. 456.
Affirming, 70 Hun, 111; 54 St. Rep. 184; 24 Supp. 194.
- People v. Hayt**, 7 Hun, 39.
Cited, Constitutional Law—Powers of Legislature—Creation of Inferior Courts.
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- People v. Hayt**, 66 N. Y. 606.
Cited, Mandamus — Peremptory — Issuance.
12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257).
- People v. Healy**, 33 How. 172.
Cited, Appeal — What Appealable — Refusal of Order to Show Cause—Contempt Proceedings.
74 Hun, 189; (56 St. Rep. 553; 26 Supp. 350).
- People v. Hearne**, 49 St. Rep. 406; 20 Supp. 806.
- People v. Helmer**, 85 Hun, 530; 67 St. Rep. 180; 33 Supp. 524.
Cited, Forgery — Evidence — Entries — Books.
13 App. Div. 431, 433; (77 St. Rep. 645, 647; 43 Supp. 645, 647).
- People v. Helmer**, 13 App. Div. 426; 77 St. Rep. 642; 43 Supp. 642.
- People v. Hempstead, Board of Audit of**, 4 Hun, 94.
Cited, Towns—Audit of Claims—Special Meetings.
71 Hun, 564; (55 St. Rep. 102; 25 Supp. 139).
- People v. Hendrickson**, 1 Park. Crim. 396.
Cited, Conviction—Reasonable Doubt.
19 Misc. 556; (78 St. Rep. 904; 44 Supp. 904).
- People v. Henion**, 64 Hun, 471; 46 St. Rep. 71; 19 Supp. 488.
Cited, Assessments—Notice to Owners.
92 Hun, 206, 207; (71 St. Rep. 554, 655; 36 Supp. 522, 523).
- People v. Henschel**, 12 Supp. 46.
Cited, Intoxicating Liquors — Unlawful Sales—Sales of Clubs—Agents, etc.
7 Misc. 506; (28 Supp. 500).
- People v. Herkimer, Ass'rs of**, 6 Civ. Pro. 297.
Cited, Certiorari—Tax Cases — Amendment of Writ.
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- People v. Herkimer County Supervisors**, 3 How. N. S. 241.
Cited, Supervisors—Determination—Conclusiveness.
88 Hun, 384; (68 St. Rep. 773; 34 Supp. 835).
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69 St. Rep. 624; (36 Supp. 657).
- People v. Hermann**, 149 N. Y. 190.
Cited, 149 N. Y. 570.
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- People v. Hess**, 6 Misc. 246; 56 St. Rep. 267; 26 Supp. 630.
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People v. Hess, 8 App. Div. 143; 40 Supp. 486.

People v. Hicks, 40 Hun, 598.

Cited, Taxes — Review—Appearances—Waiver.

135 N. Y. 251; (48 St. Rep. 241). 92 Hun, 352; (71 St. Rep. 565; 36 Supp. 533).

People v. Hicks, 105 N.Y. 198; 7 St. Rep. 359.

Cited, Certiorari—Assessment of Tax—Extent of Review.

139 N. Y. 60; (54 St. Rep. 446). 16 Misc. 262; (39 Supp. 108).

People v. Hicks, 15 Barb. 153.

Cited, Quasi-Judicial Officer—Powers.

144 N. Y. 410; (63 St. Rep. 650). 73 St. Rep. 249; (37 Supp. 704).

People v. Higgins, 77 Hun, 103; 59 St. Rep. 59; 28 Supp. 458.

Reversed, 151 N. Y. 570.

People v. Higgins, 151 N. Y. 570.

Cited, Actions—Bonds—Effect.

19 Misc. 616; (78 St. Rep. 424; 44 Supp. 424).

People v. Highlands, Town Auditors of, 114 N. Y. 317; 22 St. Rep. 164.

Cited, Mandamus—Audit of Claims.

6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172).

People v. Hilderbrandt, 16 Misc. 195; 74 St. Rep. 548; 38 Supp. 958.

People v. Hildreth, 24 St. Rep. 458; 5 Supp. 308.

Cited, Highways—Establishment—Route.

69 Hun, 120; (53 St. Rep. 156; 23 Supp. 386). 20 Misc. 275; (79 St. Rep. 832; 45 Supp. 832).

People v. Hildreth, 126 N. Y. 360; 37 St. Rep. 393.

Cited, Certiorari—Limitation.

49 St. Rep. 48. 13 App. Div. 401; (76 St. Rep. 961; 42 Supp. 961).

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13 Misc. 22; (67 St. Rep. 851; 33 Supp. 1000).

People v. Hill, 49 Hun, 432; 3 Supp. 564.

Cited, Crimes—Burden of Proof.

6 App. Div. 397; (39 Supp. 648).

People v. Hill, 65 Hun, 420; 47 St. Rep. 777; 20 Supp. 187.

Cited, Trial—Erroneous Charge—Correction.

9 Misc. 362; (60 St. Rep. 616; 29 Supp. 698).

People v. Hill, 73 Hun, 473; 57 St. Rep. 293; 26 Supp. 331.

People v. Hill, 53 N. Y. 547.

Cited, Certiorari—When Granted—Discretionary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

People v. Hill, 126 N. Y. 497; 37 St. Rep. 792.

Cited, Certiorari—What Action Reviewed By.

5 Misc. 381; (56 St. Rep. 635; 25 Supp. 771).

People v. Hills, 35 N. Y. 449

Cited, Statutes — Constitutionality—Duplex Title.

143 N. Y. 23; (60 St. Rep. 364).

People v. Hoag, 11 App. Div. 74; 76 St. Rep. 886; 42 Supp. 886.

People v. Hoch, 150 N. Y. 291.

Cited, Crimes—Physician's Opinion—Admissibility.

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Criminal Law—Judgment—Affirmance.

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People v. Hodnett, 68 Hun, 341; 51 St. Rep. 895; 22 Supp. 809.

Cited, Milk—Adulteration—Penalty.

2 App. Div. 42; (72 St. Rep. 673; 37 Supp. 423).

People v. Hodnet, 81 Hun, 137; 62 St. Rep. 699; 30 Supp. 735.

People v. Hogan, 14 Misc. 48; 69 St. Rep. 601; 35 Supp. 226.

Cited, Police Justice—Abolition of Office — Constitutionality.

14 Misc. 130; (70 St. Rep. 383; 35 Supp. 642).

People v. Holcomb, 5 Misc. 459; 26 Supp. 230.

People v. Holmes, 3 Park Cr. 567.

Cited, Criminal Law—Stay Pending Appeal—Certificate of Doubt.

6 Misc. 247; (56 St. Rep. 267; 26 Supp. 631).

People v. Holmes, 2 Wend. 281.

Cited, Action—Right—Leave to Sue—Constable's Bonds.

5 Misc. 532; (58 St. Rep. 111; 25 Supp. 984).

People v. Holstein Friesian Ass'n, 41 Hun, 439.

Cited, Corporations—Private and Special Franchise—Distinction.

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Duplicate Citations in Parenthesis.

People v. Home Ins. Co., 92 N. Y. 328.

Cited, Taxes—Corporations—Franchise or Business—Constitutionality.

70 Hun, 509; (53 St. Rep. 791; 24 Supp. 210). 74 Hun, 214; (56 St. Rep. 360; 26 Supp. 835). 153 N. Y. 4. 4 App. Div. 337; 774 St. Rep. 109; 38 Supp. 726). 138 N. Y. ; (51 St. Rep. 704). 80 Hun, 489; (62 St. Rep. 395; 30 Supp. 496).

Constitution—Interpretation—Acts of Officers.

D. 150 N. Y. 506, 514. 6 App. Div. 303; (40 Supp. 550).

People v. Hooghkerk, 96 N. Y. 149.

Cited, Evidence—Sufficiency—Corroboration of Accomplice.

74 Hun, 314; (56 St. Rep. 258; 26 Supp. 674). 84 Hun, 71; (65 St. Rep. 179; 32 Supp. 23).

Grand Jury—Organization—Sufficiency.

14 Misc. 39; (69 St. Rep. 618; 35 Supp. 243).

People v. Hopkins, 55 N. Y. 74.

Cited, Officers—Appointment of Deputies—Effect.

73 St. Rep. 334; (38 Supp. 145).

People v. Hopson, 1 Den. 574.

Cited, Evidence—Fraudulent Conveyance—Contemporaneous Frauds.

3 Misc. 506; (23 Supp. 991).

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70 Hun, 4; (53 St. Rep. 448; 23 Supp. 952).

People v. Horn Silver Mining Co., 105 N. Y. 76.

Cited, 80 Hun, 99; (30 Supp. 73).

Taxes—Corporate Franchise—Business Without State.

66 Hun, 148; (48 St. Rep. 818; 21 Supp. 8). 80 Hun, 489; (62 St. Rep. 395; 30 Supp. 496). D. 74 Hun, 109; (55 St. Rep. 887; 26 Supp. 467).

Taxes—Corporations—Exemptions.

61 St. Rep. 814; (30 Supp. 73). 4 App. Div. 390, 391; (30 Supp. 874).

Taxes—Corporations—Franchise or Business—Constitutionality.

70 Hun, 509; (53 St. Rep. 791; 24 Supp. 210).

People v. Horton, 64 N. Y. 610.

Cited, Highways—Obstruction—Temporary—Nuisance.

6 Misc. 342; (56 St. Rep. 245; 26 Supp. 905). 1 Misc. 470; (49 St. Rep. 616; 21 Supp. 455).

People v. Horton, 62 Hun, 610; 17 Supp. 1.

Cited, Indictment—Court—Jurisdiction—Statement.

11 App. Div. 543; (76 St. Rep. 632; 42 Supp. 632).

People v. Hovey, 30 Hun, 354.

Cited, New Trial—Cumulative Evidence. 16 Misc. 120; (38 Supp. 827).

People v. Hovey, 92 N. Y. 554.

Cited, Witness Not Produced—Presumption.

7 Misc. 176; (57 St. Rep. 524; 27 Supp. 328). 6 Misc. 262; (58 St. Rep. 129; 26 Supp. 761). 88 Hun, 214; (68 St. Rep. 703; 34 Supp. 722). 13 App. Div. 330; (77 St. Rep. 204; 43 Supp. 204).

People v. Howard, 13 Misc. 763; 69 St. Rep. 608; 35 Supp. 233.

Cited, Arrest—Illegal—Plea to Jurisdiction.

19 Misc. 680; (78 St. Rep. 1107; 44 Supp. 1107).

People v. Howell, 37 St. Rep. 181.

Cited, Veterans—Removal.

15 Misc. 14; (72 St. Rep. 267; 36 Supp. 1119).

People v. Howland, 61 Barb. 273.

Cited, Taxes—Assessment—Review.

7 Misc. 300; (58 St. Rep. 549; 28 Supp. 144). 83 Hun, 377; (64 St. Rep. 753; 31 Supp. 957).

People v. Howland, 17 App. Div. 165; 79 St. Rep. 347; 45 Supp. 347.

People v. Howlett, 13 Hun, 138.

Cited, Summary Proceeding—Lease—Avoidance—Usury.

15 Misc. 137; (71 St. Rep. 827; 36 Supp. 805).

People v. Howlett, 76 N. Y. 574.

Cited, Summary Proceedings—Procedure—Defense—Usury.

74 Hun, 553; (57 St. Rep. 161; 26 Supp. 444). 151 N. Y. 127; (3 Ann. Cas. 347). 9 Misc. 489; (61 St. Rep. 93; 30 Supp. 244). 15 Misc. 137; (71 St. Rep. 827; 36 Supp. 805).

People v. Hubbard, 10 Misc. 104; 63 St. Rep. 399; 31 Supp. 114.

People v. Hudson, City of, 77 Hun, 543; 60 St. Rep. 346; 28 Supp. 940.

People v. Hughes, 91 Hun, 354; 71 St. Rep. 523; 36 Supp. 493.

People v. Hughes, 137 N. Y. 29; 50 St. Rep. 63.

Affirming, 43 St. Rep. 413; 19 Supp. 550; 8 N. Y. Crim. 448.

Duplicate Citations in Parenthesis.

People v. Hurlburt, 92 Hun, 46; 72 St. Rep. 389; 36 Supp. 867.

People v. Hustis, 32 Hun, 58.
Cited, Seduction—Promise of Marriage—Condition.

78 Hun, 511; (61 St. Rep. 233; 29 Supp. 544).

Not Followed. 81 Hun, 391, 392; (63 St. Rep. 132; 30 Supp. 877, 878).

People v. Hyde, 89 N. Y. 11.
Cited, Statutes—Construction—Intent.
19 Misc. 597; (78 St. Rep. 315; 44 Supp. 315).

People v. Imlay, 20 Barb. 68.
Cited, Foreign Laws—Comity.
91 Hun, 162; (71 St. Rep. 140; 36 Supp. 371).

People v. Independent Order Ahavas Israel, 13 Misc. 426; 68 St. Rep. 404; 34 Supp. 675.

People v. Industrial Benefit Ass'n, 92 Hun, 311; 72 St. Rep. 66; 36 Supp. 963.

Affirmed, 149 N. Y. 606.

Cited, Statutes—Construction—Particular and General Expressions—Effect.
19 Misc. 593; (78 St. Rep. 407; 44 Supp. 407).

People v. Infield, 1 Crim. 146.
Cited, Indictment — Duplicity — Conviction on One Count.
151 N. Y. 408.

People v. Ingersoll, 58 N. Y. 1.
Cited, Moneys—Title—Action by State.
149 N. Y. 375.

People v. Ingersoll, 20 Hun, 316.
Cited, Summary Proceedings — Affirmance—Lease by Ward.
18 Misc. 242; (75 St. Rep. 802; 41 Supp. 390).

People v. Iuman, 74 Hun, 130; 55 St. Rep. 872; 26 Supp. 329.

People v. Ins. Co., N. Y. Law J. June 17, 1890.
Cited, Taxes — Assessment — Collateral Impeachment.
8 Misc. 13; (58 St. Rep. 308; 28 Supp. 79).

People v. Ireland, 75 Hun, 600; 59 St. Rep. 632; 27 Supp. 582.

People v. Irving, 95 N. Y. 541.
Cited, Witnesses—Criminal Cases—Cross-examination—Credibility.
135 N. Y. 664; (48 St. Rep. 566). 5 App. Div. 192; (39 Supp. 157).
Assaults—Question of Fact.
6 App. Div. 201; (39 Supp. 952).

People v. Jaehne, 103 N. Y. 182; 3 St. Rep. 11.

Cited, Criminal Law—Penal Code—Effect on Prior Definitions of Crime.
137 N. Y. 74; (50 St. Rep. 3).

Cited, Witnesses—Corroboration—Accomplice.

78 Hun, 31; (60 St. Rep. 816; 29 Supp. 273). 84 Hun, 71; (65 St. Rep. 179; 32 Supp. 23).

Statutes—Construction—Intent of Legislature.

16 App. Div. 571; (78 St. Rep. 948; 44 Supp. 948).

Statutes—Implied Repeal—Repugnancy.
21 Supp. 1104. 13 Misc. 550; (70 St. Rep. 211; 35 Supp. 590). 85 Hun, 423; (66 St. Rep. 202; 32 Supp. 884). 9 App. Div. 439; (75 St. Rep. 694; 41 Supp. 285).

People v. James, 2 Caines, 57.
Cited, Criminal Law — Pardon Upon Condition—Violation of—Re-commitment—Procedure.
77 Hun, 95; (59 St. Rep. 856; 28 Supp. 302).

People v. James, 5 App. Div. 412; 39 Supp. 313.

People v. James, 11 App. Div. 609; 77 St. Rep. 315; 43 Supp. 315.
Cited, Crimes—Sufficiency of Warrant.
19 Misc. 680; (78 St. Rep. 1107; 44 Supp. 1107).

People v. Jefferson County Board of County Canvassers of, 143 N. Y. 84; 60 St. Rep. 467.
Affirming, 77 Hun, 372; 60 St. Rep. 410; 28 Supp. 871.

People v. Jefferson County, County Court of, 55 N. Y. 604.
Cited, Assessment—Review on Merits.
11 Misc. 204; (65 St. Rep. 157; 32 Supp. 100).

People v. Jeffery, 82 Hun, 409; 63 St. Rep. 585; 31 Supp. 267.

People v. Jeroloman, 69 Hun, 301; 53 St. Rep. 249; 23 Supp. 512.
Affirmed, 139 N. Y. 14; 54 St. Rep. 454.

People v. Jeroloman, 139 N. Y. 14; 54 St. Rep. 454.
Affirming, 69 Hun, 301; 53 St. Rep. 249; 23 Supp. 512.
Cited, Mandamus—Discretion.
85 Hun, 118; (66 St. Rep. 55; 32 Supp. 671).

People v. Jewell, 9 Misc. 647; 30 Supp. 511.

Duplicate Citations in Parenthesis.

People v. Jewett, 69 Hun, 550; 53 St. Rep. 303; 23 Supp. 942.

Cited, Appeal—Extent of Review—Question not Raised Below.

77 Hun, 122; (59 St. Rep. 858; 23 Supp. 304).

People v. Jewett, 15 Misc. 227; 72 St. Rep. 7; 36 Supp. 778.

People v. Johnson, 38 N. Y. 63.

Cited, Judgment—Conclusiveness—On Immaterial Facts.

137 N. Y. 268; (50 St. Rep. 791). 10 Misc. 350; (63 St. Rep. 413; 31 Supp. 63; 24 Civ. Pro. 171).

People v. Johnson, 44 N. Y. 1.

Cited, Judgment—Conclusiveness.

79 St. Rep. 483; (45 Supp. 483).

People v. Johnson, 139 N. Y. 358; 54 St. Rep. 587.

Cited, Murder—Premeditation.

153 N. Y. 32, 37.

People v. Johnson, 140 N. Y. 350; 55 St. Rep. 783.

People v. Jones, 89 Hun, 12; 69 St. Rep. 273; 35 Supp. 61.

People v. Jones, 63 N. Y. 306.

Cited, Highways—Alteration—What is.

66 Hun, 381; (50 St. Rep. 672; 21 Supp. 505).

People v. Jones, 99 N. Y. 667.

Cited, Homicide—Evidence—Threats.

12 App. Div. 469; (76 St. Rep. 724; 42 Supp. 724).

People v. Jones, 110 N. Y. 509; 18 St. Rep. 540.

Cited, Appeal—Proper Parties.

92 Hun, 14; (73 St. Rep. 32; 37 Supp. 870). 2 App. Div. 104; (73 St. Rep. 150; 34 Supp. 534; 25 Civ. Pro. 227). 1 App. Div. 130; (73 St. Rep. 28; 37 Supp. 866). 15 App. Div. 294; (78 St. Rep. 596; 44 Supp. 596).

People v. Jones, 112 N. Y. 597; 21 St. Rep. 820.

Cited, Grants of Land—Commissioners—Discretion—Review.

7 App. Div. 189; (40 Supp. 288). 15 App. Div. 271; (78 St. Rep. 216; 44 Supp. 216).

People v. Jones, 1 Abb. N. C. 172.

Cited, Supplementary Proceedings—Affidavit—Sufficiency.

19 Misc. 668; (78 St. Rep. 1104; 44 Supp. 1104).

People v. Jones, 54 Barb. 311.

Cited, Excise Board—Discretion.

73 St. Rep. 352; (38 Supp. 163).

People v. Jourdan, 1 Civ. Pro. 328.

Cited, Officers—Removal—Evidence.

5 App. Div. 526; (39 Supp. 52).

People v. Judges of Albany, &c., 9 Wend. 486.

Cited, Costs—Liability of Executor.

50 St. Rep. 555; (21 Supp. 878).

People v. Judges of Dutchess C. P., 20 Wend. 658.

Cited, Mandamus—When Issued.

149 N. Y. 30.

People v. Judson, 11 Daly, 1.

Cited, Criminal Law—Procedure—Motion to Quash Indictment—Time of.

80 Hun, 134; (61 St. Rep. 786; 30 Supp. 56).

People v. Jugigo, 128 N. Y. 589; 38 St. Rep. 746.

Cited, Criminal Law—Resort to U. S. Courts.

146 N. Y. 270; (66 St. Rep. 624).

People v. Justices of Court of Gen'l Sessions, 78 Hun, 334; 60 St. Rep. 720; 29 Supp. 157.

Cited, Officers—Discharge—Laches.

6 App. Div. 468; (39 Supp. 699).

14 Misc. 120; (69 St. Rep. 674; 35 Supp. 248; 25 Civ. Pro. 91; 2 Ann. Cas. 247). 15 Misc. 435; (72 St. Rep. 355; 36 Supp. 834).

People v. Justices of Court of Special Sessions, 10 Hun, 158.

Cited, Criminal Law—Proof of Other Offense.

92 Hun, 50; (72 St. Rep. 392; 36 Supp. 869).

People v. Kane, 131 N. Y. 111; 42 St. Rep. 722.

Cited, Trespass—Use of Force in Preventing.

52 St. Rep. 734; (23 Supp. 701).

People v. Kane, 142 N. Y. 366; (59 St. Rep. 32).

Reversing, 73 Hun, 542; 56 St. Rep. 887; 26 Supp. 1121.

People v. Karlsioe, 1 App. Div. 571; 73 St. Rep. 220; 37 Supp. 481.

People v. Kaufman, 14 App. Div. 305; 77 St. Rep. 1046; 43 Supp. 1046.

People v. Kearney, 110 N. Y. 188; 17 St. Rep. 165.

Cited, Evidence—Relevancy—Seduction—Birth of Child.

78 Hun, 512; (61 St. Rep. 233; 29 Supp. 544). 92 Hun, 200, 202; (71 St. Rep. 170; 36 Supp. 399, 400).

Rape—Corroboration of Prosecutrix

74 Hun, 313; (56 St. Rep. 257; 26 Supp. 676).

Duplicate Citations in Parenthesis.

People v. Kearney, 47 Hun, 129; 13 St. Rep. 246.

Reversed, 110 N. Y. 188.

Cited, Dies Non—Sitting of Courts.

14 Misc. 56; (69 St. Rep. 563; 35 Supp. 288; 2 Ann. Cas. 323).

People v. Keator, 36 Hun, 592.

Cited, Assessments—Erroneous—Review.

86 Hun, 518; (67 St. Rep. 704; 33 Supp. 929).

Appeal—Evidence—Immaterial Matter—Effect.

13 App. Div. 550; (77 St. Rep. 734; 43 Supp. 734).

People v. Keator, 17 Abb. N. C. 369.

Cited, Certiorari — Review of Audit of County Claims by Supervisor.

74 Hun, 253; (55 St. Rep. 890; 26 Supp. 612). 80 Hun, 504; (62 St. Rep. 383; 30 Supp. 506).

People v. Keator, 101 N. Y. 610.

Cited, Appeal—Procedure—Certiorari.

66 Hun, 579, (50 St. Rep. 356; 21 Supp. 854).

People v. Keck, 90 Hun, 497; 36 Supp. 51.

People v. Keeler, 99 N. Y. 463.

Cited, Due Process of Law—What Is.

84 Hun, 471; (65 St. Rep. 478; 33 Supp. 320).

People v. Keeler, 29 Hun, 175.

Cited, Sheriff—Transfer of Powers—Constitutionality.

17 App. Div. 171; (79 St. Rep. 350; 45 Supp. 350).

People v. Kellogg, 67 Hun, 546; 51 St. Rep. 99; 22 Supp. 490.

People v. Kelly, 3 Misc. 223; 51 St. Rep. 545; 22 Supp. 775.

People v. Kelly, 32 Hun, 536.

Cited, Habeas Corpus — Review — Remanding.

92 Hun, 381; (36 Supp. 996).

People v. Kelly, 24 N. Y. 74

Cited, Habeas Corpus—Extent of Review Under—Commitment.

8 Misc. 157; (59 St. Rep. 465; 29 Supp. 333).

Witnesses — Privilege — Immunity from Prosecution.

8 Misc. 173; (60 St. Rep. 144; 28 Supp. 508).

People v. Kelly, 76 N. Y. 475.

Cited, Statutes—Provisions — Separation of Void from Valid.

D. 150 N. Y. 521. D. 8 App. Div. 267, 269, 273, 277, 279; (75 St. Rep. 20, 40; 40 Supp. 633, 635, 637, 640, 642).

Appropriations—" City Purpose."

152 N. Y. 264, 269. 8 App. Div. 239, 241; (40 Supp. 612, 614).

People v. Kelly, 94 N. Y. 526.

Cited, Criminal Law—Arrest of Judgment.

25 Supp. 483.

People v. Kelly, 97 N. Y. 212.

Cited, Habeas Corpus—Discharge.

13 Misc. 564; (69 St. Rep. 187; 34 Supp. 1100). 17 Misc. 714; (41 Supp. 533).

People v. Kelly, 113 N. Y. 647; 22 St. Rep. 969.

Cited, Appeal—Review of Facts—Criminal Cases.

49 St. Rep. 643; (20 Supp. 756). 143 N. Y. 361; (62 St. Rep. 355). D. 148 N. Y. 506.

Homicide — Deliberation—Question for Jury.

147 N. Y. 214; (69 St. Rep. 510).

People v. Kelly, 58 St. Rep. 377; 28 Supp. 1137.

People v. Kelly, 11 App. Div. 495; 76 St. Rep. 756; 42 Supp. 756.

People v. Kelly, 35 Barb. 444.

Cited, Orders—Irregularity—Effect.

92 Hun, 241; (72 St. Rep. 324; 36 Supp. 941).

People v. Kelsey, 38 Barb. 269.

Cited, Tenants—Summary Proceedings—Election.

83 Hun, 90; (63 St. Rep. 843; 31 Supp. 359).

People v. Kemmler, 119 N. Y. 580.

Cited, Expert Testimony—Availability.

151 N. Y. 219.

People v. Kendall, 25 Wend. 399.

Cited, Infants—Liability for Torts.

2 Misc. 237; (50 St. Rep. 768; 21 Supp. 1007).

People v. Kennedy, 51 St. Rep. 811; 22 Supp. 267.

People v. Keney, 96 N. Y. 294.

Cited, Statutes — Construction—Giving Effect to Valid Parts.

22 Supp. 534; (30 Abb. N. C. 111). 148 N. Y. 554. 150 N. Y. 496; 521. 6 App. Div. 306; (40 Supp. 553).

People v. Kerns. See *People v. Slat-terly*.

People v. Kerns, 7 App. Div. 535; 40 Supp. 243.

Cited, Indictment—Counts—Joinder.

151 N. Y. 409.

People v. Kerr, 27 N. Y. 188.

Cited, 8 App. Div. 238; (40 Supp. 611). 147 N. Y. 663; (71 St. Rep. 268).

*Duplicate Citations in Parenthesis.***People v. Kerr**, 27 N. Y. 188.

Cited, 153 N. Y. 152; 89 Hun, 267; (68 St. Rep. 855; 34 Supp. 1076).

Highways—What are Powers of Legislature Over.

152 N. Y. 266; D. 8 App. Div. 285; (75 St. Rep. 44; 40 Supp. 646).

People v. Kerrigan, 147 N. Y. 210; 69 St. Rep. 508.

Cited, Conflicting Evidence—Question for Jury.

151 N. Y. 216.

People v. Kerrigan, 84 Hun, 609; 65 St. Rep. 574; 32 Supp. 367.**People v. Keteltas**, 12 Hun, 67.

Cited, Summary Proceedings — Process—Sufficiency.

11 App. Div. 266; (76 St. Rep. 219; 42 Supp. 219). 20 Misc. 349; (79 St. Rep. 919; 45 Supp. 919).

People v. Kibler, 106 N. Y. 321; 8 St. Rep. 707.

Cited, Milk—Determining Purity—Analysis.

68 Hun, 343; (51 St. Rep. 896; 22 Supp. 810). 10 Misc. 463; (64 St. Rep. 28; 31 Supp. 451).

Pleading—Provisos and Exceptions.

151 N. Y. 67.

People v. Kief, 126 N. Y. 661; 37 St. Rep. 477.

Cited, Conspiracy — Declarations — Evidence.

143 N. Y. 470; (62 St. Rep. 837).

Crimes—Principals and Accessories.

5 App. Div. 173; (39 Supp. 362).

People v. Kilbourne, 68 N. Y. 479.

Cited, Officers—Term of Office—Periodical Appointment.

74 Hun, 175; (66 St. Rep. 389; 26 Supp. 368).

People v. King, 19 Misc. 98; 77 St. Rep. 975; 43 Supp. 975.**People v. King**, 110 N. Y. 418; 18 St. Rep. 353.

Cited, Constitutional Law—Police Power.

67 Hun, 57; (51 St. Rep. 192; 22 Supp. 58). 2 App. Div. 366; (73 St. Rep. 390; 37 Supp. 716). 141 N. Y. 132; (56 St. Rep. 670). D. 8 App. Div. 272; (75 St. Rep. 34; 40 Supp. 636). 16 App. Div. 13; (78 St. Rep. 793; 44 Supp. 793).

Indictment — Sufficiency — Statutory Crime.

67 Hun, 572; (51 St. Rep. 485; 22 Supp. 585). 92 Hun, 357; (71 St. Rep. 543; 36 Supp. 513).

People v. King, 13 App. Div. 400; 76 St. Rep. 961; 42 Supp. 961.

Cited, Office—Abolishment as Unnecessary.

79 St. Rep. 940; (45 Supp. 940).

People v. King, 15 App. Div. 84; 78 St. Rep. 287; 44 Supp. 287.**People v. Kings County, Board of Com'rs of Charities and Corrections of**, 1 App. Div. 3; 36 Supp. 1002.

Cited, Office—Abolishment—Effect.

79 St. Rep. 940; (45 Supp. 940).

People v. Kings County, Board of Com'rs of Charities and Corrections of, 72 St. Rep. 104.**People v. Kings County, Board of Sup'rs of**, 12 Misc. 187; 67 St. Rep. 265; 33 Supp. 602.

Cited, Constitutional Law—Payment to Eleemosynary Institutions.

11 App. Div. 120; (76 St. Rep. 631; 42 Supp. 661).

People v. Kings County, Board of Sup'rs of, 89 Hun, 33; 69 St. Rep. 386; 34 Supp. 1128.**People v. Kings County, Board of Sup'rs of**, 91 Hun, 241; 70 St. Rep. 908; 36 Supp. 1131.**People v. Kings County, Board of Sup'rs of**, 138 N. Y. 95; 51 St. Rep. 690.

Reversing, 48 St. Rep. 342.

People v. Kings County, Clerk of, 76 Hun, 71; 58 St. Rep. 738; 27 Supp. 857.

Affirmed, 142 N. Y. 642; 58 St. Rep. 867.

People v. Kings County, Sheriff of, 13 Misc. 587; 69 St. Rep. 215; 35 Supp. 19.

Cited, Sabbath Regulations — Constitutionality.

1 App. Div. 462; (72 St. Rep. 586; 37 Supp. 315).

People v. Kingston, Common Council of, 101 N. Y. 82.

Cited, Claims—Audit—Rejection.

4 App. Div. 615.

People v. Kirwin, 51 St. Rep. 299; 22 Supp. 160.**People v. Klock**, 48 Hun, 275; 16 St. Rep. 565.

Cited, Indictment — Statement — Sufficiency.

92 Hun, 358; (71 St. Rep. 544; 36 Supp. 514).

Duplicate Citations in Parenthesis.

People v. Knapp, 1 Edm. Sel. Cas. 177.
Cited, Dying Declarations—Credibility.
 91 Hun, 475; (72 St. Rep. 438; 36 Supp. 1036).

People v. Knickerbocker Ice Co., 99 N. Y. 181.

Cited, Corporations—Manufacturing.
 24 Supp. 937; (30 Abb. N. C. 124).
 Corporations—Taxation—Exemption.
 145 N. Y. 378; (64 St. Rep. 828).

People v. Knickerbocker Ins. Co., 106 N. Y. 619; 11 St. Rep. 165.

Reversing, 7 St. Rep. 287.

Cited, Receivers—Judgments Against—Enforcement.

82 Hun, 306; (63 St. Rep. 788; 31 Supp. 339; 24 Civ. Pro. 205; 1 Ann. Cas. 140). 87 Hun, 389; (68 St. Rep. 478; 34 Supp. 327). 2 Ann. Cas. 140). 148 N. Y. 38.

People v. Koch, 19 Misc. 634; 78 St. Rep. 387; 44 Supp. 387

People v. Koch, 2 St. Rep. 110.

Cited, Municipal Corporations—Officers—Removal.

15 Misc. 14; (72 St. Rep. 268; 36 Supp. 1119). 87 Hun, 298; (68 St. Rep. 272; 34 Supp. 347).

People v. Koeber, 7 Hill, 39.

Cited, Jurisdiction—Inferior—Necessity of Showing.
 76 Hun, 89; (57 St. Rep. 473; 27 Supp. 845).

People v. Koenig, 9 App. Div. 436; 75 St. Rep. 692; 41 Supp. 283.

People v. Kraft, 148 N. Y. 631.

People v. Kraft, 91 Hun, 474; 72 St. Rep. 436; 36 Supp. 1034.
Affirmed, 148 N. Y. 648

People v. Frank, 110 N. Y. 488.

Cited, Indictment—Crimes—Time.
 8 App. Div. 136; (40 Supp. 493).

People v. Kun, 68 St. Rep. 139; 34 Supp. 260.

People v. Kunz, 76 Hun, 610; 59 St. Rep. 740; 27 Supp. 945.

People v. Kurtz, 42 Hun, 335; 3 St. Rep. 715.

Cited, Evidence—Confessions—Inducement—Question for Jury.
 80 Hun, 47; (61 St. Rep. 527; 29 Supp. 846).

People v. Lacombe, 99 N. Y. 43.

Cited, Statutes—Construction—Intent.
 66 Hun, 132; (49 St. Rep. 47; 21 Supp. 49).
 69 Hun, 303; (53 St. Rep. 250; 23 Supp. 514). 71 Hun, 242; (54 St. Rep. 556; 24 Supp. 1045). 73 Hun, 278; (53 St. Rep. 73; 26 Supp.

374). 74 Hun, 408; (56 St. Rep. 650; 26 Supp. 851; 31 Abb. N. C. 126). 4 Misc. 554; (54 St. Rep. 207; 24 Supp. 743). 150 N. Y. 275. 14 Misc. 363; (70 St. Rep. 524; 35 Supp. 728). 19 Misc. 593; (78 St. Rep. 407; 44 Supp. 407).

People v. Lagrange, 1 App. Div. 338; 72 St. Rep. 637; 37 Supp. 297.

Affirmed, 153 N. Y. 685.

People v. Lagrange, 2 App. Div. 444; 73 St. Rep. 533; 37 Supp. 991.

Affirmed, 151 N. Y. 664.

Cited, Officers—Removal—Evidence—Explanation of Charges—Sufficiency.

17 App. Div. 484; (79 St. Rep. 521; 45 Supp. 521). D. 17 App. Div. 489, 490; (79 St. Rep. 523, 524; 46 Supp. 523, 524).

Contracts—Satisfaction—What is.

17 Misc. 145; (39 Supp. 345).

People v. La Grange, 7 App. Div. 311; 75 St. Rep. 413; 40 Supp. 1026.

People v. Lahr, 71 Hun, 271; 54 St. Rep. 486; 24 Supp. 1020.

People v. Lake, 12 N. Y. 358.

Cited, Medical Men—Opinions—Insanity.
 148 N. Y. 571.

Hypothetical Questions—Availability.

149 N. Y. 327.

People v. Lamb, 85 Hun, 171; 65 St. Rep. 839; 32 Supp. 584.

People v. Lambier, 5 Den. 9.

Cited, Lands—Accretion.

151 N. Y. 460.

People v. Lammerts, 18 Misc. 343; 40 Supp. 1107.

Affirmed, 14 App. Div. 628; 77 St. Rep. 1161; 43 Supp. 1161.

Cited, Excise—Liquor Traffic—Where Carried on.

18 Misc. 657; (77 St. Rep. 717; 43 Supp. 717).

People v. Lane, 55 N. Y. 217.

Cited, Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 263; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 336). 69 St. Rep. 387. 146 N. Y. 63; (65 St. Rep. 754). 89 Hun, 40; (34 Supp. 1139). 17 Misc. 669; (41 Supp. 470).

People v. Larubia, 140 N. Y. 87; 55 St. Rep. 457.

Affirming, 69 Hun, 197; 53 St. Rep. 415; 23 Supp. 579.

Cited, Challenges—Overruling—Harmless Error.

153 N. Y. 49.

Duplicate Citations in Parenthesis.

People v. Lasher, 34 St. Rep. 624; 11 Supp. 711.

Cited, Bail—Forfeiture—Relief From—Expenses of Recapture.

1 Misc. 515; (49 St. Rep. 920; 20 Supp. 854). 49 St. Rep. 921. 3 Misc. 224; (51 St. Rep. 945; 22 Supp. 775).

Bail—Forfeiture—Relief—Record on Application for.

57 St. Rep. 870; (27 Supp. 1123).

People v. Lathrop, 142 N. Y. 113; 58 St. Rep. 633.

Affirming, 54 St. Rep. 371; 24 Supp. 754.

Cited, Municipal Corporations—Employees—Removal.

148 N. Y. 161. 84 Hun, 420; (65 St. Rep. 586; 32 Supp. 380). 16 App. Div. 101; (79 St. Rep. 15; 45 Supp. 15).

Statutes—General and Special—Effect.

1 App. Div. 597; (73 St. Rep. 224; 37 Supp. 480).

People v. Laurence, 66 Hun, 574; 50 St. Rep. 247; 21 Supp. 818.

Reversed, 137 N. Y. 517; 51 St. Rep. 286.

People v. Laurence, 137 N. Y. 517; 51 St. Rep. 286.

Reversing, 66 Hun, 574; 50 St. Rep. 247; 21 Supp. 818.

Cited, Crimes—Larceny.

91 Hun, 358; (71 St. Rep. 526; 36 Supp. 497).

People v. Laurence, 70 Hun, 80; 53 St. Rep. 536; 23 Supp. 1095.

People v. Lauterbach, 7 App. Div. 293; 39 Supp. 1117.

People v. Law, 34 Barb. 494.

Cited, Highways—Nuisance—Injunction. 84 Hun, 213; (65 St. Rep. 751; 32 Supp. 551).

People v. Lawrence, 41 N. Y. 137.

Cited, Statutes—Constitutionality—Duplicate Title.

3 App. Div. 167, 168; (73 St. Rep. 718; 38 Supp. 223).

People v. Lawrence, 107 N. Y. 607; 13 St. Rep. 108.

Cited, Appeal—Interest in Controversy.

92 Hun, 14; (73 St. Rep. 32; 37 Supp. 870). 2 App. Div. 104; (73 St. Rep. 150; 37 Supp. 534; 25 Civ. Pro. 227).

People v. Lawton, 56 Barb. 126.

Cited, Crimes—Impossibility of Completion—Effect on Criminality.

73 Hun, 76; (57 St. Rep. 25; 25 Supp. 1079). 144 N. Y. 126; (63 St. Rep. 23).

People v. Leach, 146 N. Y. 392; 71 St. Rep. 337.

People v. Learned, 5 Hun, 626.

Cited, Legislature—Powers—Establishment of Local Courts.

150 N. Y. 444.

People v. Leary, 17 Week. Dig. 116.

Cited, Towns—Water Commissioners—Powers.

90 Hun, 519; (70 St. Rep. 638; 35 Supp. 967).

People v. Leavenworth, 90 Hun, 48; 69 St. Rep. 853; 35 Supp. 445.

People v. Ledwon, 15 Misc. 280; 72 St. Rep. 11; 36 Supp. 732.

Reversed, 153 N. Y. 10.

People v. Lee, 104 N. Y. 441; 5 St. Rep. 777.

Cited, Guaranty—Construction.

70 Hun, 446; (53 St. Rep. 606; 24 Supp. 259). 1 Misc. 333; (48 St. Rep. 706; 20 Supp. 680).

People v. Leland, 73 Hun, 162; 56 St. Rep. 73; 25 Supp. 943.

People v. Leonard, 74 N. Y. 443.

Cited, Mandamus—Public Officer—Discretionary Duty.

71 Hun, 100; (54 St. Rep. 199; 24 Supp. 505). 141 N. Y. 337; (57 St. Rep. 427). 149 N. Y. 30. 83 Hun, 436; (64 St. Rep. 422; 31 Supp. 752).

People v. Leonard, 143 N. Y. 360; 62 St. Rep. 352.

Cited, Crimes—Intoxication—Intent.

D. 148 N. Y. 505.

People v. Lesser, 76 Hun, 371; 59 St. Rep. 130; 27 Supp. 750; 31 Abb. N. C. 227.

People v. Levalie, 6 App. Div. 230; 39 Supp. 874.

People v. Levy, 16 Misc. 615; 40 Supp. 743; 25 Civ. Pro. 390.

People v. Lewdon, 153 N. Y. 10.

People v. Lewis, 14 Misc. 264; 70 St. Rep. 482; 35 Supp. 664.

People v. Lewis, 136 N. Y. 633; 49 St. Rep. 913.

Affirming, 42 St. Rep. 768; 16 Supp. 881.

People v. Lewis, 18 How. 159.

Affirmed, 28 How. 470.

Cited, Costs—Taxation—Items.

16 Misc. 513; (38 Supp. 525). 74 St. Rep. 45

People v. Life Union, 83 Hun, 598; 64 St. Rep. 853; 31 Supp. 420.

Affirmed, 145 N. Y. 606; 65 St. Rep. 867.

Cited, Insurance—Reserve Fund—Effect. 150 N. Y. 115.

Mutual Companies—By-Laws as Contract. 18 Misc. 262, 267; (41 Supp. 640, 644).

Duplicate Citations in Parenthesis.

People v. Life Union, 84 Hun, 560; 65 St. Rep. 880; 32 Supp. 1148.

People v. Life Union, 145 N. Y. 606. 65 St. Rep. 867.

People v. Life & Reserve Ass'n of Buffalo, 150 N. Y. 94.

Reversing, 92 Hun, 592.

People v. Linzey, 79 Hun, 23; 61 St. Rep. 240; 29 Supp. 560.

Cited, Jury—Communication With—Effect.

81 Hun, 101; (62 St. Rep. 627; 30 Supp. 653; 1 Ann. Cas. 2). 83 Hun, 294; (64 St. Rep. 651; 31 Supp. 915). 92 Hun, 198; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20).

People v. Liscomb, 3 Hun, 760.

Cited, Habeas Corpus—During Session of Oyer and Terminer.

8 Misc. 165; (60 St. Rep. 140; 28 Supp. 506).

People v. Liscomb, 60 N. Y. 559.

Cited, Pleading—Jurisdiction—Demurrer.

8 Misc. 297; (59 St. Rep. 212; 28 Supp. 576; 31 Abb. N. C. 444).

Indictment—Counts—Mis-joinder.

7 App. Div. 541, 542; (4) Supp. 246, 247).

10 Misc. 250; (63 St. Rep. 863; 31 Supp. 422;

1 Ann. Cas. 55). 17 Misc. 667; (41 Supp. 413).

Crimes—Punishment.

19 Misc. 132.

Courts—Jurisdiction.

19 Misc. 599; (78 St. Rep. 316; 44 Supp. 316).

Habeas Corpus—Issuance—Review.

81 Hun, 341, 342; (63 St. Rep. 156; 30 Supp. 902, 903). 84 Hun, 169; (65 St. Rep. 736; 32 Supp. 452). 92 Hun, 380; (36 Supp. 996).

People v. Little Falls, 29 St. Rep. 723.

Cited, Civil Service—Preferences.

148 N. Y. 161.

People v. Little Valley, Board of Auditors of, 75 N. Y. 316.

Cited, Highways—Duties and Liabilities of Towns Over Repairs.

80 Hun, 104; (61 St. Rep. 791; 30 Supp. 27).

88 Hun, 524; (69 St. Rep. 33; 34 Supp. 970).

People v. Livingston, 8 Barb. 253.

Cited, Evidence — Presumptions — Land Patent.

138 N. Y. 42; (51 St. Rep. 686).

People v. Livingston, 79 N. Y. 279.

Cited, Appeal—Review—Errors Without Exception.

10 Misc. 393; (63 St. Rep. 536; 31 Supp. 134).

People v. Livingston County, Sup'rs. of, 68 N. Y. 114.

Cited, Statutes—Construction—Mandatory or Permissive.

2 Misc. 9; (49 St. Rep. 578; 21 Supp. 603).

140 N. Y. 306; 55 St. Rep. 651). 3 Misc. 132;

(23 Supp. 1061). 82 Hun, 505; (64 St. Rep.

483; 31 Supp. 779).

People v. Livingston County, Sup'rs. of, 43 Barb. 298.

Affirmed, 34 N. Y. 516.

Cited, Certiorari—When Lies—Not to Control Official Judgment and Discretion.

23 Supp. 114.

People v. Livingston County, Sup'rs of, 12 How. 204.

Cited, Counties—Liability.

69 St. Rep. 624; (36 Supp. 657).

People v. Loehfelm, 102 N. Y. 1.

Cited, Highways — Dedication — Sufficiency.

90 Hun, 125; (70 St. Rep. 404; 35 Supp. 639). 39 Supp. 11.

People v. Loew, 19 Misc. 248; 78 St.

Rep. 42; 44 Supp. 42; 26 Civ. Pro. 132.

People v. Lohnas, 54 Hun, 604; 28 St.

Rep. 216; 8 Supp. 104.

Cited, Statutes—Taking Effect—Intent of Legislature.

9 App. Div. 460; (75 St. Rep. 762; 41 Supp. 345).

Certiorari—Assessments—Review.

70 St. Rep. 846; (36 Supp. 193).

People v. Long Island City, Board

of Education of, 84 Hun, 417; 65 St.

Rep. 583; 32 Supp. 377.

People v. Long Island City, Board

of Health of, 76 Hun, 5; 59 St. Rep.

160; 27 Supp. 660.

People v. Long Island R. Co., 30

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Cited, Railroads — Operation — Atlantic Avenue—Use of Steam.

50 St. Rep. 259; (21 Supp. 491).

People v. Long Island R. Co., 4 Park.

Cr. 602.

Cited, Jurors—Bias.

150 N. Y. 380.

People v. Loomis, 2 Civ. Pro. 27.

Distinguished, Landlord and Tenant—Summary Proceedings — Adjournment by Court.

2 Misc. 160; (5) St. Rep. 541; 21 Supp. 800).

People v. Loomis, 8 Wend. 396.

Cited, Voters and Election — Ballots — Counting.

Duplicate Citations in Parenthesis.

67 Hun, 174; (51 St. Rep. 447; 22 Supp. 415). 14 Misc. 197; (70 St. Rep. 429; 35 Supp. 656).

People v. Loomis, 27 Hun, 328.

Cited, Landlord and Tenant—Summary Proceeding—Trial Procedure.

71 Hun, 256; (54 St. Rep. 480; 25 Supp. 10).

People v. Loppy, 128 N. Y. 629; 40 St. Rep. 410.

Cited, Appeal—Court of Appeals—Review of Facts—Capital Cases.

138 N. Y. 405; (52 St. Rep. 918). 150 N. Y. 299.

People v. Lord, 9 App. Div. 458; 75 St. Rep. 760; 41 Supp. 343.

People v. Lorillard, 135 N. Y. 285; 47 St. Rep. 823.

Cited, Statutes—Constitutionality—General or Local.

139 N. Y. 514; (54 St. Rep. 816). 150 N. Y. 443. 89 Hun, 126; (69 St. Rep. 21; 34 Supp. 1049).

People v. Love, 63 Barb. 535.

Cited, Elections—Ballots—Defective.

3 App. Div. 458; (73 St. Rep. 712; 38 Supp. 218). 14 Misc. 198; (70 St. Rep. 430; 35 Supp. 657).

People v. Lowe, 117 N. Y. 175; 27 St. Rep. 138.

Reversing, 15 St. Rep. 105.

Cited, Corporations—Directors—Management.

13 Misc. 222; (68 St. Rep. 115; 34 Supp. 236).

People v. Lucas, 8 Misc. 695; 58 St. Rep. 390; 28 Supp. 1138.

People v. Lucas, 25 Hun, 610.

Cited, Statutes—Construction—Intent of Legislature.

9 App. Div. 460; (75 St. Rep. 762; 41 Supp. 345).

People v. Lucas, 93 N. Y. 585.

Cited, 92 Hun, 414; (71 St. Rep. 857; 36 Supp. 763).

Bonds—Constables—Breach of Duty of—Liability of Surety.

5 Misc. 534; (58 St. Rep. 112; 25 Supp. 936). 24 Supp. 820.

People v. Luczak, 10 Misc. 590; 65 St. Rep. 417; 32 Supp. 219.

People v. Luhrs, 7 Misc. 503; 28 Supp. 498.

Affirmed, 79 Hun, 415; (61 St. Rep. 348; 29 Supp. 789).

Cited, Clubs—Liquors—Right to Dispense. 149 N. Y. 11.

People v. Luhrs, 79 Hun, 415; 61 St. Rep. 438; 29 Supp. 789.

People v. Lumb, 6 App. Div. 26; 39 Supp. 514.

People v. Lungite, 81 Abb. N. C. 419; 30 Supp. 272.

People v. Lyman, 20 Misc. 80; 78 St. Rep. 1084; 44 Supp. 1084.

People v. Lynch, 54 N. Y. 681.

Cited, Appeal—Defects—Waiver.

14 Misc 22; (69 St. Rep. 496; 35 Supp. 124).

People v. Lyon, 83 Hun, 303; 31 Supp. 942.

Cited, Bastardy—Trial de Novo.

15 App. Div. 45; (78 St. Rep. 112; 44 Supp. 112).

People v. Lyon, 83 Hun, 303; 64 St. Rep. 737; 31 Supp. 942.

People v. Lyons, 110 N. Y. 618; 16 St. Rep. 660.

Cited, Criminal Law—Immaterial Errors—Effect.

143 N. Y. 367; (62 St. Rep. 355).

People v. Lyons, 16 Misc. 339; 41 Supp. 646.

People v. Lytle, 7 App. Div. 553; 74 St. Rep. 712; 40 Supp. 153.

People v. Mabie, 73 Hun, 495; 58 St. Rep. 460; 25 Supp. 450.

Affirmed, 142 N. Y. 343; 59 St. Rep. 20.

People v. Mabie, 142 N. Y. 343; 59 St. Rep. 20.

Affirming, 73 Hun, 495; 58 St. Rep. 460; 26 Supp. 450.

People v. Mace, 84 Hun, 344; 65 St. Rep. 494; 32 Supp. 335.

People v. Mackinder, 80 Hun, 40; 61 St. Rep. 523; 29 Supp. 842.

People v. MacLean, 57 Hun, 141; 32 St. Rep. 831; 10 Supp. 803.

Cited, Police Officers—Removal—Evidence—Sufficiency.

5 App. Div. 525; (39 Supp. 52). 1 App. Div. 578; (73 St. Rep. 113).

People v. MacLean, 63 Hun, 42; 41 St. Rep. 162; 16 Supp. 401.

Cited, Police Officer—Resignation—Retraction.

D. 82 Hun, 6; (63 St. Rep. 298; 30 Supp. 1110).

People v. MacLean, 64 Hun, 205; 46 St. Rep. 99; 19 Supp. 56.

Cited, Certiorari—Limitation—Dismissal.

D. 82 Hun, 6; (63 St. Rep. 298; 30 Supp. 1110).

Duplicate Citations in Parenthesis.

People v. MacLean, 49 St. Rep. 611; 21 Supp. 625.

People v. MacLean, 13 Supp. 677.
Cited, Drunkenness—Proof.
36 Supp. 438.

People v. Madill, 91 Hun, 152; 71 St. Rep. 692; 36 Supp. 534.

People v. Madison County, Sup'rs of, 51 N. Y. 442.
Cited, Counties—Actions Against—Liability.
69 St. Rep. 626; (36 Supp. 659).

People v. Madison Square Bank, 75 Hun, 114; 57 St. Rep. 797; 27 Supp. 281.
Affirmed, 142 N. Y. 644; 60 St. Rep. 868.

People v. Mago, 69 Hun, 559; 53 St. Rep. 307; 23 Supp. 938.

People v. Maher, 56 Hun, 81; 29 St. Rep. 639; 9 Supp. 94.
Distinguished, Municipal Corporation—Improvements—Repairing.
66 Hun, 187; (49 St. Rep. 166; 21 Supp. 153).

People v. Maher, 141 N. Y. 330; 57 St. Rep. 425.
Reversing, 46 St. Rep. 205.
Cited, Highways—Obstruction—Authorization.
4 App. Div. 567; (73 St. Rep. 603; 38 Supp. 512).

Mandamus—Discretionary Duties.
9 App. Div. 253; (75 St. Rep. 887; 41 Supp. 495). D. 13 App. Div. 30; (77 St. Rep. 103; 43 Supp. 103).
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39 Supp. 19.

People v. Manoney, 73 Hun, 601; 56 St. Rep. 143; 26 Supp. 257.

People v. Majone, 91 N. Y. 211.
Cited, Homicide—Premeditation.
139 N. Y. 361; (54 St. Rep. 588). 153 N. Y. 36.

People v. Mallon, 39 How. 454.
Cited, Courts—Special Sessions—Jurisdiction—Limitation on.
D. 86 Hun, 73; (67 St. Rep. 83; 33 Supp. 340). 13 Misc. 303; (69 St. Rep. 205; 34 Supp. 1115).

Not Followed, 10 Misc. 591; (65 St. Rep. 418; 32 Supp. 219).

People v. Mallory, 2 T. & C. 76.
Cited, Statutes—Repeal—Implication.
8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534).

People v. Mandill. See *People v. English*.

People v. Manhattan Co., President, Etc., of, 9 Wend. 351.
Cited, Corporations—Franchises—Forfeiture.

5 App. Div. 7; (38 Supp. 1118). 90 Hun, 318; (70 St. Rep. 590; 35 Supp. 924).
Waiver and Estoppel—Distinction.
150 N. Y. 194.

People v. Manhattan Mut. Fire Ins. Co., 34 St. Rep. 570; 12 Supp. 264.
Cited, Corporations—Dissolution—Temporary Receiver.
12 Misc. 561; (67 St. Rep. 581; 33 Supp. 711).

People v. Manhattan State Hospital, 5 App. Div. 249; 39 Supp. 158.

People v. Manning, 42 St. Rep. 81; 16 Supp. 604.
Cited, Officers — Contests of Title — Removal—Remedy.

76 Hun, 149; (57 St. Rep. 305; 27 Supp. 550).

People v. Many, 89 Hun, 138; 69 St. Rep. 256; 35 Supp. 78.

People v. Manzen, 18 Misc. 292; 41 Supp. 1075.

People v. Markell, 92 Hun, 286; 71 St. Rep. 734; 36 Supp. 723.

People v. Markell, 20 Misc. 149; 79 St. Rep. 904; 45 Supp. 904.

People v. Marlborough, Commissioners of Highways of, 54 N. Y. 276.

Cited, Pleading—Form—Conclusion.
8 Misc. 225; (59 St. Rep. 452; 28 Supp. 567; 23 Civ. Pro. 440). 14 Misc. 550; (70 St. Rep. 719; 35 Supp. 1074).

State Grants—Construction.
90 Hun, 322; (70 St. Rep. 593; 35 Supp. 927).

People v. Marsh, 69 Hun, 123; 53 St. Rep. 62; 23 Supp. 728.

People v. Martell, 51 St. Rep. 675.

People v. Martin, 13 Misc. 9; 67 St. Rep. 875; 33 Supp. 1007.

Cited, Police Official — Certiorari — Adjournment—Denial.
13 Misc. 10; (67 St. Rep. 876; 33 Supp. 1007).

People v. Martin, 13 Misc. 21; 67 St. Rep. 850; 33 Supp. 1000.

Distinguished, 14 Misc. 120; (69 St. Rep. 623; 35 Supp. 248; 25 Civ. Pro. 91).

People v. Martin, 15 Misc. 6; 71 St. Rep. 488; 36 Supp. 437.

Affirmed, 149 N. Y. 621.

Duplicate Citations in Parenthesis.

People v. Martin, 48 Hun, 193; 15 St. Rep. 461.

Cited, Assessment—Property Taxable as Real Estate.

81 Hun, 24; (62 St. Rep. 565; 30 Supp. 588).

People v. Martin, 72 Hun, 354; 55 St. Rep. 442; 25 Supp. 775.

Affirmed, 142 N. Y. 228; 58 St. Rep. 761.

Cited, Certiorari — Review — Waiver of Limitation by Courts.

3 App. Div. 108; (39 Supp. 392).

People v. Martin, 142 N. Y. 228; 58 St. Rep. 761.

Affirming, 72 Hun, 354; 55 St. Rep. 442; 25 Supp. 775.

Cited, Certiorari — Return — Motion to Make More Complete.

149 N. Y. 554. 7 App. Div. 310; (40 Supp. 118).

Certiorari—Return—Conclusiveness.

88 Hun, 531; (68 St. Rep. 748; 34 Supp. 714). 25 Civ. Pro. 371. 17 App. Div. 202; (79 St. Rep. 359; 45 Supp. 359).

Certiorari—Review — Waiver of Limitation by Courts.

3 App. Div. 108; (39 Supp. 392).

People v. Martin, 142 N. Y. 352; 59 St. Rep. 24.

Reversing, 3 Misc. 619; 22 Supp. 1135.

Certiorari—Review of Own Determination.

5 App. Div. 573; (39 Supp. 374).

Appeal—Review of Facts—Reversal.

145 N. Y. 412; (64 St. Rep. 844). 145 N. Y. 545; (65 St. Rep. 531; 1 Ann. Cas. 312). 84 Hun, 66; (65 St. Rep. 175; 32 Supp. 19).

Certiorari—Review of Facts.

152 N. Y. 430.

People v. Martin, 79 Hun, 475; 61 St. Rep. 280; 29 Supp. 966.

Affirmed, 143 N. Y. 407; 62 St. Rep. 427

People v. Martin, 82 Hun, 1; 63 St. Rep. 295; 30 Supp. 1107.

People v. Martin, 85 Hun, 617; 66 St. Rep. 419; 32 Supp. 971.

Affirmed, 149 N. Y. 589.

People v. Martin, 89 Hun, 373; 69 St. Rep. 821; 35 Supp. 377.

People v. Martin, 91 Hun, 425; 72 St. Rep. 373; 36 Supp. 851.

People v. Martin, 143 N. Y. 407; 62 St. Rep. 427.

People v. Martin, 145 N. Y. 253; 64 St. Rep. 689.

Affirming, 7 Misc. 745; 57 St. Rep. 872; 27 Supp. 1130.

Policeman — Retirement — Decision of Board.

89 Hun, 454; (69 St. Rep. 756; 35 Supp. 311). 12 Misc. 625; (68 St. Rep. 86; 34 Supp. 229).

People v. Martin, 152 N. Y. 311.

People v. Martin, 32 St. Rep. 543; 10 Supp. 511.

Cited, D. 82 Hun, 7; 63 St. Rep. 299; 30 Supp. 1110.

People v. Martin, 52 St. Rep. 641; 23 Supp. 730.

People v. Martin, 66 St. Rep. 362; 32 Supp. 933.

People v. Martin, 66 St. Rep. 374; 32 Supp. 943.

People v. Martin, 66 St. Rep. 419; 32 Supp. 971.

People v. Martin, 1 App. Div. 420; 72 St. Rep. 599; 37 Supp. 274.

Cited, Police Commissioners—Rules—Effect.

152 N. Y. 317.

People v. Martin, 5 App. Div. 217; 39 Supp. 74.

Cited, Police Officers — Discharge—Evidence—Sufficiency.

10 App. Div. 624; (75 St. Rep. 1352; 41 Supp. 970).

People v. Martin, 9 App. Div. 531; 75 St. Rep. 969; 41 Supp. 578.

People v. Martin, 10 App. Div. 623; 41 Supp. 974.

People v. Martin, 17 App. Div. 555; 79 St. Rep. 577; 45 Supp. 577.

People v. Marvin, 79 Hun, 310; 61 St. Rep. 46; 29 Supp. 381.

Affirmed, 144 N. Y. 647; 64 St. Rep. 867.

People v. Marx, 99 N. Y. 377.

Distinguished, Constitutional Law — Police Power—Limitation on.

77 Hun, 410; (60 St. Rep. 48; 28 Supp. 816) 77 Hun, 123; (59 St. Rep. 859; 28 Supp. 305). 73 Hun, 463; (56 St. Rep. 51; 26 Supp. 276). 141 N. Y. 135; (56 St. Rep. 672). 67 Hun, 53; (51 St. Rep. 189; 23 Supp. 57). 144 N. Y. 536; (64 St. Rep. 54). 145 N. Y. 39; (64 St. Rep. 510; 1 Ann. Cas. 245). 149 N. Y. 200. 153 N. Y. 197, 98. 89 Hun, 299; (69 St. Rep. 280; 35 Supp. 165). 1 App. Div. 460; (72 St. Rep. 584; 37 Supp. 314). 13 App. Div. 79; (77 St. Rep. 406; 43 Supp. 406). 10 Misc. 88; (62 St. Rep. 403; 30 Supp. 479). 17 Misc. 413; (40 Supp. 1137). 20 Misc. 478; (79 St. Rep. 778; 45 Supp. 778). 72 St. Rep. 585; (37 Supp. 314).

Duplicate Citations in Parenthesis.

People v. Maschke, 2 N. Y. Crim. 306 Note.

Cited, Criminal Law — Commitment — Sufficiency.

23 Supp. 705; D 86. Hun, 74; (67 St. Rep. 83; 33 Supp. 340).

People v. Masten, 79 Hun, 580; 61 St. Rep. 579; 29 Supp. 891.

People v. Mather, 4 Wend 229.

Cited, Conspiracy—Criminal — Commission of Felony—Merger.

7 Misc. 480; (57 St. Rep. 724; 28 Supp. 398; 31 Abb. N. C. 178).

Witness—Privilege—Crimination.

67 Hun, 213; (51 St. Rep. 396; 22 Supp. 109). 143 N. Y. 228; (62 St. Rep. 179). 6 App. Div. 171; (39 Supp. 1036).

Witnesses—Privilege—Question for Court.

8 Misc. 174; (60 St. Rep. 146; 28 Supp. 510).

Witness—Credibility.

10 Misc. 389; (64 St. Rep. 114, 116; 31 Supp. 431, 432).

People v. Mauch, 24 How. 276.

Cited, Evidence—Disorderly House—General Reputation.

16 App. Div. 376; (78 St. Rep. 1011; 44 Supp. 1011).

People v. Mauran, 5 Den. 389.

Cited, Evidence — Presumptions — Land Patent.

138 N. Y. 42; (51 St. Rep. 686).

Waters — Riparian Owners — Rights of — Ejectment.

76 Hun, 460; (59 St. Rep. 175; 28 Supp. 103).

People v. Maxon, 57 Hun, 367; 32 St. Rep. 131; 33 St. Rep. 1034; 10 Supp. 593.

Cited, Rape—Consent—Female Under Age of Consent.

79 Hun, 51; (61 St. Rep. 199; 29 Supp. 642).

People v. Maxwell, 83 Hun, 157; 64 St. Rep. 154; 31 Supp. 584.

People v. Maxwell, 67 St. Rep. 541; 33 Supp. 794.

People v. Mayer, 71 Hun, 182; 53 St. Rep. 862; 24 Supp. 621.

People v. Mayhew, 150 N. Y. 346.

Cited, 151 N. Y. 608.

Murder—Corroborating Evidence.

19 Misc. 314; (78 St. Rep. 206; 44 Supp. 206).

People v. Mayhew, 151 N. Y. 607.

People v. Mayhew, 19 Misc. 313; 78 St. Rep. 206; 44 Supp. 206.

People v. Maynard, 7 Misc. 295; 53 St. Rep. 546; 28 Supp. 141.

Cited, Assessment—Review—Discretion of Assessors.

83 Hun, 378; (64 St. Rep. 753; 31 Supp. 958).

People v. McAdam, 28 Hun, 284.

Cited, Statutes — Construction—Mandatory Words.

90 Hun, 42; (70 St. Rep. 132; 35 Supp. 520; 25 Civ. Pro. 178).

People v. McAdam, 2 Civ. Pro. 52.

Cited, Prohibition—When Issued—Summary Proceedings—Landlord and Tenant.

62 St. Rep. 71; (23 Civ. Pro. 420; 30 Supp. 296).

People v. McCall, 94 N. Y. 587.

Cited, Statutes—Retroactive Operation.

68 Hun, 113; (52 St. Rep. 71; 22 Supp. 625). 78 Hun, 225; (60 St. Rep. 223; 23 Supp. 954). 141 N. Y. 165; (56 St. Rep. 683). 14 Misc. 148; (70 St. Rep. 366; 35 Supp. 859). 7 App. Div. 152.

People v. McCallam, 3 N. Y. Crim. 189.

Cited, Evidence—Confession—Threats.

80 Hun, 46; (61 St. Rep. 527; 29 Supp. 846).

People v. McCallam, 103 N. Y. 587; 4 St. Rep. 291.

Cited, Trial—Charge.

92 Hun, 363; (71 St. Rep. 548; 36 Supp. 517).

People v. McCann, 16 N. Y. 58.

Cited, Burden of Proof—Definition.

D 3 Misc. 84; (51 St. Rep. 764; 22 Supp. 543).

Constitutional Law—Title—Subjects.

3 App. Div. 369; (38 Supp. 523).

Trial—Insanity—Proof.

149 N. Y. 328.

People v. McCarthy, 102 N. Y. 630; 2 St. Rep. 546.

Cited, Appeal — Certiorari—Review.

135 N. Y. 248; (48 St. Rep. 239). 152 N. Y. 55.

Certiorari — When Granted — Discretionary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

Certiorari—Action of Health Officers—Sources of Information.

140 N. Y. 10; (55 St. Rep. 421).

Evidence—Expert—Real Property—Who Qualified to Give.

7 Misc. 627; (58 St. Rep. 810; 28 Supp. 150; 31 Abb. N. C. 271).

Evidence—Relevancy—Damage to Property—Price on Subsequent Sale.

72 Hun, 293; (55 St. Rep. 755; 25 Supp. 420).

People v. McCarthy, 110 N. Y. 309.

Cited, Evidence—Relevancy—Character—Criminal Case.

73 Hun, 210; (57 St. Rep. 141; 25 Supp. 1017).

Indictment—Demurrer—Waiver.

7 App. Div. 538; (40 Supp. 244).

Duplicate Citations in Parenthesis.

People v. McClave, 39 St. Rep. 501; 15 Supp. 244.

Cited, Certiorari—Proceedings of Police Commissioners—Weight of Evidence.

7 Misc. 280; (58 St. Rep. 537; 27 Supp. 882).

People v. McClave, 99 N. Y. 83.

Cited, 9 App. Div. 265; (75 St. Rep. 1465; 41 Supp. 239).

Statutes—Construction—Intention — Controlling Test.

7 Misc. 417; (57 St. Rep. 827; 27 Supp. 984). 23 Supp. 801.

People v. McClave, 123 N. Y. 512; 34 St. Rep. 274.

Cited, Municipal Corporations—Officers—Removal—Trial.

84 Hun. 81; (65 St. Rep. 187; 32 Supp. 30). 13 Misc. 23; (67 St. Rep. 851; 33 Supp. 1001). 14 Misc. 538; (70 St. Rep. 706; 35 Supp. 1088). 1 App. Div. 422; (72 St. Rep. 600; 37 Supp. 275). 4 App. Div. 402; (39 Supp. 609). 7 App. Div. 197; (40 Supp. 294).

People v. McClure, 148 N. Y. 95.

People v. McClure, 88 Hun. 505; 69 St. Rep. 37; 34 Supp. 974.

Reversed, 148 N. Y. 95.

People v. McCormick, 135 N. Y. 663; 48 St. Rep. 566.

People v. McCumber, 27 Barb. 632.

Affirmed, 18 N. Y. 315.

Cited, Pleading—Answer—False—Sham—Striking Out.

5 Misc. 510; (58 St. Rep. 105; 25 Supp. 969).

People v. McCumber, 18 N. Y. 315.

Cited, Pleading—Answer—Sham.

88 Hun. 601; (68 St. Rep. 705; 34 Supp. 771). 15 Misc. 404; (72 St. Rep. 37; 36 Supp. 1090).

People v. McDonald, 49 Hun. 67; 17 St. Rep. 494; 1 Supp. 703.

Cited, Criminal Law—Verdict—Acquittal.

81 Hun. 339; (63 St. Rep. 154; 30 Supp. 901).

People v. McDonald, 69 N. Y. 362.

Cited, Statutes—Remedial.

92 Hun. 208; (71 St. Rep. 555; 36 Supp. 524).

People v. McDonough, 8 App. Div. 591; 40 Supp. 1147.

People v. McDowell, 70 Hun. 1; 53 St. Rep. 446; 23 Supp. 950.

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People v. McElvaine, 121 N. Y. 250; 30 St. Rep. 977.

Cited, Evidence — Opinions — Mental Capacity.

136 N. Y. 518; (49 St. Rep. 687).

Evidence—Opinions—Basis.

10 Misc. 50; (62 St. Rep. 770; 30 Supp. 809). 82 Hun. 404; (63 St. Rep. 559; 31 Supp. 253). 12 Misc. 14, 15; (66 St. Rep. 535, 536; 33 Supp. 37). 1 App. Div. 209; (72 St. Rep. 739; 37 Supp. 132).

People v. McFadden, 13 Wend. 396.

Cited, Penalties—Successive.

7 App. Div. 480; (39 Supp. 1114).

People v. McGann, 43 Hun. 55; 6 St. Rep. 541.

Cited, Appeal—Extent of Review—Question Not Raised Below.

77 Hun. 122; (59 St. Rep. 858; 28 Supp. 304).

Appeal — From Special Sessions—What Questions Considered.

69 Hun. 551; (53 St. Rep. 305; 23 Supp. 943).

Criminal Law—Arraignment—Notice of Right to Indictment.

23 Supp. 706. 11 App. Div. 410; (76 St. Rep. 374; 42 Supp. 374).

Criminal Law—Irregularities—Waiver.

88 Hun. 307; (68 St. Rep. 586; 34 Supp. 766).

People v. McGarren, 17 Wend. 460.

Cited, Lost Property—What is Not — Larceny by Person Taking and Concealing.

1 Misc. 25; (23 Supp. 128).

People v. McGeery, 6 Parker Cr. 653.

Cited, Criminal Law—Sentence.

7 App. Div. 543; (40 Supp. 248).

People v. McGloan, 91 N. Y. 241.

Cited, Evidence — Confessions — Made Under Arrest.

80 Hun. 46; (61 St. Rep. 537; 29 Supp. 846).

Statutes — Construction — Effect to all Language.

4 Misc. 553; (54 St. Rep. 206; 24 Supp. 743).

People v. McGoldrich, 67 St. Rep. 269; 33 Supp. 441; 24 Civ. Pro. 292; 1 Ann. Cas. 401.

People v. McGonegal, 136 N. Y. 62; 48 St. Rep. 900.

Cited, Trial—Jurors—Bias.

69 Hun. 201; (53 St. Rep. 418; 23 Supp. 582).

Trial—Juror—Exclusion—When Justified.

137 N. Y. 77; (50 St. Rep. 5). 2 App. Div. 428, 429; (73 St. Rep. 501, 502; 37 Supp. 1010, 1011).

Duplicate Citations in Parenthesis.

- People v. McGuire**, 2 Hun, 269.
Affirmed, 60 N. Y. 640.
Cited, Appeal—New Trial.
 12 App. Div. 410; (76 St. Rep. 942; 42 Supp. 942).
- People v. McGuire**, 34 St. Rep. 794; 12 Supp. 703.
Cited, Taxes — Sale — Cancellation — Mandamus.
 5 Misc. 191; (25 Supp. 816).
- People v. McGuire**, 126 N. Y. 419; 38 St. Rep. 444.
Reversing, 29 St. Rep. 674.
Followed, 63 St. Rep. 868; (30 Supp. 1129).
- People v. McGuire**, 135 N. Y. 639; 48 St. Rep. 527.
- People v. McInerney**, 5 N. Y. Crim. 47.
Cited, Appeal—Finding.
 87 Hun, 618; (67 St. Rep. 475; 33 Supp. 830).
- People v. McKane**, 7 Misc. 371; 59 St. Rep. 301; 28 Supp. 175.
- People v. McKane**, 7 Misc. 478; 57 St. Rep. 723; 28 Supp. 397; 31 Abb. N. C. 176.
Affirmed, 80 Hun, 322; 62 St. Rep. 6; 30 Supp. 95.
Cited, Conspiracy—Felony—Merger.
 11 App. Div. 545; (76 St. Rep. 634; 42 Supp. 634).
- People v. McKane**, 78 Hun, 154; 60 St. Rep. 196; 28 Supp. 981.
Cited, Injunction.
 15 Misc. 196; (72 St. Rep. 236; 36 Supp. 901).
 Courts—Jurisdiction.
 10 App. Div. 332; (75 St. Rep. 1205; 41 Supp. 806).
- People v. McKane**, 80 Hun, 322; 62 St. Rep. 6; 30 Supp. 95.
Affirmed, 143 N. Y. 455; 62 St. Rep. 829.
- People v. McKane**, 143 N. Y. 455; 62 St. Rep. 829.
Cited, Evidence—Competency—Other Offenses.
 2 App. Div. 432; (73 St. Rep. 505; 37 Supp. 1013). 11 App. Div. 545, 550; (76 St. Rep. 634, 637; 42 Supp. 634, 637). 150 N. Y. 386.
- People v. McKenzie**, 49 St. Rep. 527; 21 Supp. 279.
- People v. McKenzie**, 6 App. Div. 199; 39 Supp. 951.
- People v. McKinney**, 52 N. Y. 374.
Cited, Officers—Election—Legislature.
 6 App. Div. 295; (40 Supp. 545). 148 N. Y. 683. 150 N. Y. 469, 487.
- People v. McLaughlin**, 2 App. Div. 408; 73 St. Rep. 540; 37 Supp. 998.
Modified, 150 N. Y. 365.
- People v. McLaughlin**, 13 Misc. 287; 69 St. Rep. 252; 35 Supp. 73.
Affirmed, 2 App. Div. 419; 73 St. Rep. 496; 37 Supp. 1005.
- People v. McLaughlin**, 2 App. Div. 419; 73 St. Rep. 496; 37 Supp. 1005.
Reversed, 150 N. Y. 365.
- People v. McLaughlin**, 150 N. Y. 365.
- People v. McLean**, 37 St. Rep. 539; 13 Supp. 685.
Cited, Certiorari—Proceedings of Police Commissioners—Weight of Evidence.
 7 Misc. 279; (58 St. Rep. 537; 27 Supp. 882).
- People v. McLean**, 37 St. Rep. 628.
Cited, Evidence—Intoxication.
 15 Misc. 7; (71 St. Rep. 489).
- People v. McLean**, 38 St. Rep. 896; 14 Supp. 578.
Cited, Appeal—Determination of Police Commissioners—Review.
 D. 15 Misc. 280; (71 St. Rep. 465; 36 Supp. 415).
- People v. McLean**, 64 Hun, 205; 46 St. Rep. 99.
Cited, Certiorari—Procedure—Time.
 66 Hun, 93; (49 St. Rep. 739; 20 Supp. 944).
- People v. McLean**, 1 Misc. 463; 49 St. Rep. 611; 21 Supp. 625.
Cited, Certiorari—Proceedings of Police Commissioners—Extent of Review.
 7 Misc. 279; (58 St. Rep. 537; 27 Supp. 882).
- People v. McLean**, 80 N. Y. 254.
Cited, Taxes—Assessment—Foreign Corporations.
 141 N. Y. 121; (56 St. Rep. 588).
 Non-resident—Taxation.
 145 N. Y. 242; (64 St. Rep. 721).
- People v. McMahon**, 15 Y. N. 384.
Cited, Witnesses—Preliminary Evidence of Accused—Immunity from Prosecution on.
 8 Misc. 173; (60 St. Rep. 146; 23 Supp. 510).
- People v. McMasters**, 74 Hun, 226; 56 St. Rep. 418; 26 Supp. 221.
- People v. McNally**, 59 How. 500.
Cited, Aliens—Naturalization—Proof.
 10 Misc. 101; (63 St. Rep. 601; 31 Supp. 199).
- People v. McNamara**, 18 App. Div. 17; 79 St. Rep. 456; 45 Supp. 456.

Duplicate Citations in Parenthesis.

People v. McPherson, 55 St. Rep. 688; 26 Supp. 236.

People v. McQuade, 110 N. Y. 284; 18 St. Rep. 288.

Cited, Statutes—Construction—Criminal. 8 Misc. 172; (60 St. Rep. 145; 28 Supp. 509).

Trial—Jury—Peremptory Challenge—Order.

136 N. Y. 66; (48 St. Rep. 901).

Trial—Juror—Exclusion of—When Justified.

137 N. Y. 77; (50 St. Rep. 5). 2 App. Div. 429; (73 St. Rep. 502; 37 Supp. 1011).

Evidence—Acts of Conspirators.

143 N. Y. 470; (62 St. Rep. 837).

People v. McWhorter, 4 Barb. 438.

Cited, Evidence—Failure to Produce—Effect.

11 Misc. 73; (66 St. Rep. 22; 32 Supp. 752).

People v. Mead, 24 N. Y. 114.

Cited, Mandamus—Officers — Ministerial Duties.

5 Misc. 379; (56 St. Rep. 634; 25 Supp. 770). 14 Misc. 46; (68 St. Rep. 170; 35 Supp. 225). D. 13 App. Div. 37; (77 St. Rep. 107; 43 Supp. 107).

People v. Mead, 36 N. Y. 224.

Cited, Towns—Bonds—Equities.

83 Hun, 99; (63 St. Rep. 816; 31 Supp. 403).

People v. Mead, 17 St. Rep. 661; 2 Supp. 114.

Cited, Municipal Corporations — Designation—Newspapers.

D. 72 Hun, 365; (55 St. Rep. 450; 25 Supp. 783). 5 App. Div. 572; (39 Supp. 374).

People v. Meakim, 56 Hun, 626; 10 Supp. 161.

Cited, Mandamus — When May Issue — Performance of Public Duty.

5 Misc. 29; (25 Supp. 146).

People v. Meakim, 21 Supp. 1103.

People v. Meakin, 133 N. Y. 214; 44 St. Rep. 748.

Cited, Contempt—Criminal—Punishment Summary and by Indictment.

8 Misc. 161; (60 St. Rep. 138; 28 Supp. 502).

People v. Mechanics' Sav. Inst. 92 N. Y. 7

Cited, Banks — Deposits — Bank Mere Debtor of Depositor.

1 Misc. 266; (22 Supp. 918). 17 Misc. 181, 184; (40 Supp. 1002, 1005).

People v. Medberry, 17 Misc. 8; 39 Supp. 207.

People v. Medical Society of Erie Co., 32 N. Y. 187.

Cited, Societies — Expulsion of Members. 8 App. Div. 596, 599; (35 Supp. 218, 220).

See *People v. Erie County Med. Soc.*

People v. Meighan, 1 Hil, 298.

Cited, Bonds—Affiliation—Validity.

8 App. Div. 217; (40 Supp. 436).

People v. Melius, 1 N. Y. Crim. 39.

Cited, Statutes—Violation — Omission of Duty—Culpable.

11 App. Div. 417; (76 St. Rep. 289; 42 Supp. 289).

People v. Melville, 7 Misc. 214; 58 St. Rep. 555; 27 Supp. 1101.

People v. Melvin, Yates' Sel. Cas. 112; 2 Wheeler Cr. 262.

Cited, Conspiracy—Crime.

91 Hun, 492; (71 St. Rep. 387; 36 Supp. 303).

People v. Menken, 36 Hun, 90.

Cited, Trial—Jury — Separation — Prejudice.

25 Supp. 490.

People v. Mercein, 8 Paige, 47.

Cited, Infants—Agreement for Support.

82 Hun, 188; (64 St. Rep. 804; 31 Supp. 983).

Infants—Custody—Habeas Corpus.

6 App. Div. 416; (39 Supp. 691).

Habeas Corpus—Procedure.

6 App. Div. 417; (39 Supp. 692).

People v. Mercein, 3 Hill, 399.

Cited, Habeas Corpus — Renewal of Application.

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381). 6 App. Div. 418; (39 Supp. 693).

Husband and Wife — Custody of Child — Cause of Separation.

*12 App. Div. 401; (76 St. Rep. 425; 42 Supp. 425).

Habeas Corpus — Second Application — Costs.

19 Misc. 678; (78 St. Rep. 1101; 44 Supp. 1101).

People v Merchants' Bank of Binghamton, 92 Hun, 159; 72 St. Rep. 93; 36 Supp. 789.

People v. Merchants & Mechanics' Bank of Troy, 78 N. Y. 269.

Cited, Banks — Deposits — Special — Liability of Bank for.

77 Hun, 168; (58 St. Rep. 717; 28 Supp. 411).

Banks—Deposits—Bank's Control Over—Insolvency.

Duplicate Citations in Parenthesis.

77 Hun, 168; (58 St. Rep. 717; 28 Supp. 412). 91 Hun, 79; (56 Supp. 171).

Trustee — Insolvent — Following Trust Funds.

8 App. Div. 214; (40 Supp. 211).

People v. Metropolitan Tel. & Tel. Co., 11 Abb. N. C. 304; 64 How. 66; 2 Civ. Pro. 304.

Cited, Trial—Mode—Equitable and Legal Issues in Same Action.

69 Hun, 523; (52 St. Rep. 846).

People v. Meyer, 12 Misc. 613; 67 St. Rep. 826; 33 Supp. 1123.

People v. Meyer, 61 St. Rep. 121; 29 Supp. 1148.

People v. Meyers, 95 N. Y. 223.

Cited, License—Revocation.

15 Misc. 652; (73 St. Rep. 358; 38 Supp. 169). 13 App. Div. 81; (77 St. Rep. 407; 43 Supp. 407).

People v. Middletown, Assessors of, 46 St. Rep. 148; 19 Supp. 142.

Cited, Certiorari—Taxes—Prior Demand for Relief—Waiver.

78 Hun, 61; (60 St. Rep. 508; (28 Supp. 1040). 68 Hun, 243; (52 St. Rep. 191; 22 Supp. 989; 7 Misc. 300; (58 St. Rep. 549; 28 Supp. 144).

People v. Miles, 143 N. Y. 383; 62 St. Rep. 346.

People v. Milk Exchange, 77 Hun, 436; 60 St. Rep. 676; 29 Supp. 259.

Affirmed, 145 N. Y. 267; 64 St. Rep. 694.

People v. Milk Exchange, 145 N. Y. 267; 64 St. Rep. 694.

Cited, Contracts—Restraint of Trade.

15 App. Div. 605; (78 St. Rep. 789; 44 Supp. 789).

People v. Miller, 9 Misc. 1; 59 St. Rep. 702; 29 Supp. 305.

Cited, Contempt—Disregarding.

10 Misc. 733; (64 St. Rep. 615; 31 Supp. 807).

People v. Miller, 38 Hun, 82.

Cited, Judgment—Conclusiveness—Civil Penalty of Ordinance—Criminal Prosecution.

6 Misc. 582; (57 St. Rep. 831; 27 Supp. 303).

People v. Miller, 50 St. Rep. 471; 21 Supp. 388.

Affirmed, 137 N. Y. 569; 50 St. Rep. 934.

People v. Miller, 2 Park. Cr. 197.

Cited, Indictment—Sufficiency—False Pretenses.

80 Hun, 130; (61 St. Rep. 785; 30 Supp. 55).

People v. Millham, 100 N. Y. 273.

Cited, Bastardy Proceedings—Adjournment—Liability on Undertaking.

77 Hun, 106; (59 St. Rep. 61; 28 Supp. 430). 151 N. Y. 576.

People v. Mills, 98 N. Y. 176.

Cited, Homicide—Intoxication.

143 N. Y. 365; (62 St. Rep. 355). 148 N. Y. 491.

People v. Mills, 91 Hun, 142; 71 St. Rep. 217; 36 Supp. 273.

People v. Mills, 91 Hun, 144; 71 St. Rep. 141; 36 Supp. 371.

People v. Minck, 21 N. Y. 539.

Cited, Evidence—Election Returns—Presumption.

80 Hun, 341; (62 St. Rep. 18; 30 Supp. 106).

People v. Miner, 37 Barb. 466.

Cited, Bond and Mortgage—Execution—Representative Capacity.

D. 76 Hun, 35; (59 St. Rep. 603; 27 Supp. 616).

People v. Miner, 2 Lans. 396.

Cited, Trusts—Enforcement—Intervention by People.

8 Misc. 638; (61 St. Rep. 267; 29 Supp. 956). 83 Hun, 459; (29 Supp. 956).

People v. Minisci, 12 St. Rep. 719.

Cited, Evidence—Relevancy—Criminal Cases—Motive.

77 Hun, 504; (60 St. Rep. 548; 28 Supp. 1085).

People v. Mitchell, 142 N. Y. 639; 59 St. Rep. 170.

People v. Mitchell, 39 St. Rep. 767; 15 Supp. 305.

Cited, Mandamus—Alternative—Nature.

6 App. Div. 27; (39 Supp. 515).

People v. Mitchell, 49 St. Rep. 528; 21 Supp. 166.

People v. Mitchell, 45 Barb. 208.

Cited, Taxes—Assessment—Collection—Demand.

8 Misc. 14; (58 St. Rep. 309; 28 Supp. 79).

People v. Molinet, 13 Misc. 301; 69 St.

Rep. 204; 34 Supp. 1114.

People v. Molyneux, 40 N. Y. 112.

Cited, Statutes—Construction—Title.

144 N. Y. 417; (63 St. Rep. 553).

People v. Mondon, 103 N. Y. 211; 2 St. Rep. 713.

Cited, Witnesses—Preliminary Evidence of Accused—Immunity From Prosecution.

8 Misc. 173; (60 St. Rep. 146; 28 Supp. 510). 80 Hun, 46; (61 St. Rep. 527; 29 Supp. 846).

Duplicate Citations in Parenthesis.

People v. Monroe County Court of Sessions of, 66 Hun, 550; 50 St. Rep. 284; 21 Supp. 659.

Reversed, 141 N. Y. 288; 57 St. Rep. 404.

People v. Monroe County Court of Sessions of, 141 N. Y. 288; 57 St. Rep. 404.

Cited, Criminal Law—Sentence—Suspension.

14 Misc. 618; (71 St. Rep. 677; 36 Supp. 746).

People v. Monroe County Sup'rs. of, 60 Hun, 328.

Cited, Municipal Corporations—Designation of Newspaper Revocation.

19 Misc. 698; (79 St. Rep. 56; 45 Supp. 56).

Contracts—Public Policy.

153 N. Y. 158.

People v. Monroe County Sup'rs. of, 18 Barb. 567.

Cited, Board of Health—Right to Sue.

17 App. Div. 250; (79 St. Rep. 711; 45 Supp. 711).

People v. Monroe County Sup'rs. of, 15 How. 225.

Cited, Officers—Public Expenditures—Reimbursement.

10 Misc. 132; (62 St. Rep. 500; 30 Supp. 909).

People v. Montgomery, 13 Abb N. S. 207.

Cited, Trial—Jury—Separation—Prejudice.

25 Supp. 490.

People v. Montgomery, Com'rs of Excise of, 25 Supp. 873.

Cited, Intoxicating Liquors—Local Option—License.

75 Hun, 227; (58 St. Rep. 682; 27 Supp. 43).

People v. Montgomery Co., Sup'rs. of, 67 N. Y. 109.

Cited, Statutes—Amendments—Repealing Effect.

136 N. Y. 355; (49 St. Rep. 661). 1 App. Div. 343; (72 St. Rep. 675; 37 Supp. 424).

17 App. Div. 97; (78 St. Rep. 870; 44 Supp. 870).

Statutes—Repeal of Repealing Act—Effect.

136 N. Y. 368; (49 St. Rep. 653). 77 Hun, 377; (60 St. Rep. 413; 28 Supp. 874; 7 Misc. 717; (58 St. Rep. 323; 28 Supp. 30).

People v. Moody, 79 St. Rep. 606; 45 Supp. 606.

People v. Mooney, 4 App. Div. 557; 73 St. Rep. 652; 38 Supp. 495.

People v. Moore, 37 Hun, 84.

Cited, Larceny—Statutes—Construction. 92 Hun, 48; (72 St. Rep. 390; 36 Supp. 868).

People v. Moore, 15 Wend. 419.

Cited, Witness—Contradiction. 88 Hun, 367; (68 St. Rep. 796; 34 Supp. 863).

People v. Moore, 3 Park. Cr. 465.

Cited, Criminal Law—Commitment—Recital.

10 Misc. 591; (65 St. Rep. 418; 32 Supp. 219).

People v. Moran, 123 N. Y. 254; 33 St. Rep. 397.

Cited, Extortion—Attempt—Animus of Accused.

73 Hun, 75; (57 St. Rep. 21; 25 Supp. 1075). 144 N. Y. 124; (63 St. Rep. 22).

People v. Moran, 79 Hun, 1147; 45 Supp. 1147.

People v. Moriah, Board of Excise of, 91 Hun, 94; 71 St. Rep. 697; 36 Supp. 678.

People v. Morrison, 78 N. Y. 84.

Cited, Statutes—Repeal—Implication—Subsequent Amendment.

77 Hun, 377; (60 St. Rep. 413; 28 Supp. 874).

People v. Morse, 99 N. Y. 662.

Cited, Indictment—Larceny.

69 Hun, 227; (55 St. Rep. 594; 23 Supp. 721).

Larceny—Distinguished from False Pretenses.

66 Hun, 69; (49 St. Rep. 729; 20 Supp. 779).

Larceny—Possession by Fraud—Subsequent Appropriation.

137 N. Y. 522; (51 St. Rep. 289).

People v. Morton, 146 N. Y. 404; 70 St. Rep. 870.

Affirming, 12 Misc. 476; 68 St. Rep. 599; 34 Supp. 295.

Cited, 152 N. Y. 222.

People v. Morton, 148 N. Y. 156.

Cited, Officers—Removal—Trial.

15 Misc. 423; (72 St. Rep. 158; 37 Supp. 112). 16 App. Div. 102; (79 St. Rep. 15; 45 Supp. 15).

Officers—Removal.

2 App. Div. 300; (73 St. Rep. 392; 37 Supp. 718). 2 App. Div. 360; (73 St. Rep. 61; 37 Supp. 849). 5 App. Div. 289; (39 Supp. 228).

Duplicate Citations in Parenthesis.

79 St. Rep. 889; (45 Supp. 889). 15 App. Div. 273; (78 St. Rep. 597; 44 Supp. 597).
Officers—Removal—Mandamus.
D. 12 App. Div. 542; (76 St. Rep. 402; 42 Supp. 402).

People v. Moses, 140 N. Y. 214; 55 St. Rep. 403.

Affirmed, 65 Hun, 161; 47 St. Rep. 181; 20 Supp. 9.

Cited, Sunday—Criminal Disturbance—Base Ball.

9 Misc. 191; (61 St. Rep. 285; 29 Supp. 805).

Sundays—Observance.

11 Misc. 652; (66 St. Rep. 542; 32 Supp. 1087). 18 Misc. 718; (76 St. Rep. 986; 42 Supp. 983).

Constitutional Law—Sunday Observance.

1 App. Div. 461; (72 St. Rep. 585; 37 Supp. 315). 13 Misc. 591; (69 St. Rep. 218; 35 Supp. 22). 149 N. Y. 203. D. 149 N. Y. 207, 208.

Courts—Inferior—Jurisdiction — Sunday Violations.

13 Misc. 407; (69 St. Rep. 478; 35 Supp. 104).

People v. Moss, 6 App. Div. 414; 39 Supp. 690.

People v. Mott, 2 Hun, 672.

Cited, Eminent Domain—Commissioners—Termination of Power.

D. 89 Hun, 603; (69 St. Rep. 31; 34 Supp. 1060).

People v. Mott, 60 N. Y. 649.

Cited, Eminent Domain—Commissioner—When Powers Expended.

D. 89 Hun, 603; (69 St. Rep. 31; 34 Supp. 10.0).

People v. Mt. Vernon, 59 Hun, 204; 13 Supp. 447.

Cited, Officers—Oath of Office—Effect of Omission.

73 Hun, 407; (55 St. Rep. 773; 26 Supp. 282).

People v. Muller, 33 Hun, 209.

Cited, Obscenity — What Indictable — Test.

14 App. Div. 119; (77 St. Rep. 572; 43 Supp. 572).

People v. Muller, 96 N. Y. 408.

Cited, Obscenity—When Indictable.

14 App. Div. 119; (77 St. Rep. 572; 43 Supp. 572).

People v. Mullins, 5 App. Div. 172; 39 Supp. 361.

People v. Murphy, N. Y. L. J. Oct. 31, 1891.

Cited, Aliens—Naturalization—Proof, 10 Misc. 102; (63 St. Rep. 601; 31 Supp. 200).

People v. Murphy, 101 N. Y. 126.

Cited, Evidence—Physicians—Privilege, 3 Misc. 456; (32 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 83).

People v. Murphy, 135 N. Y. 450; 48 St. Rep. 426.

Cited, Evidence—Other Offenses.

92 Hun, 203; (71 St. Rep. 172; 36 Supp. 401). 92 Hun, 49; (72 St. Rep. 391; 36 Supp. 869). 150 N. Y. 386.

Appeal—Exceptions—Grounds.

11 Misc. 333; (65 St. Rep. 414; 32 Supp. 233). 19 Misc. 168.

People v. Murray, 2 Misc. 152; 50 St. Rep. 535; 23 Supp. 160; 23 Civ. Pro. 71.

Affirmed, 38 N. Y. 635; 51 St. Rep. 935.

People v. Murray, 13 Misc. 522; 68 St. Rep. 732; 34 Supp. 689.

Reversed, 148 N. Y. 171.

People v. Murray, 14 Misc. 177; 69 St. Rep. 814; 35 Supp. 463.

People v. Murray, 16 Misc. 398; 38 Supp. 609.

People v. Murray, 87 Hun, 393; 68 St. Rep. 383; 34 Supp. 426.

Cited, Excise—License—Review.

73 St. Rep. 357; (38 Supp. 168).

People v. Murray, 73 N. Y. 535.

Cited, Municipal Corporations—Officers.

84 Hun, 52; (65 St. Rep. 192; 32 Supp. 35), 15 App. Div. 552; (73 St. Rep. 578; 44 Supp. 578). 15 App. Div. 550; (78 St. Rep. 577; 44 Supp. 577).

People v. Murray, 148 N. Y. 171.

Cited, 16 Misc. 399, 400; (39 Supp. 610, 611).

Excise—License—Prohibitions.

5 App. Div. 442, 444; (38 Supp. 610, 611). 18 Misc. 342; (40 Supp. 1107). 18 Misc. 346; (40 Supp. 1110). 18 Misc. 657; (77 St. Rep. 717; 43 Supp. 717). 18 Misc. 660; (77 St. Rep. 720; 43 Supp. 720).

People v. Murray, 149 N. Y. 367.

Cited, Municipal Corporations—Officers—Agency.

D. 14 App. Div. 469; (77 St. Rep. 808; 43 Supp. 808).

Excise—License—Who Entitled to.

79 St. Rep. 1074; (45 Supp. 1074).

Constitutional Law—Practical Construction—Weight.

6 App. Div. 303; (40 Supp. 551). D. 150 N. Y. 506, 514.

Duplicate Citations in Parenthesis.

People v. Murray, 72 St. Rep. 805; 38 Supp. 177.

Cited, Excise—License—Board.
16 Misc. 650; (73 St. Rep. 357; 38 Supp. 168).

People v. Murray, 21 Supp. 797.

People v. Murray, 22 Supp. 1051; 23 Civ. Pro. 53.

Cited, Pleading—Scandalous Matter.
67 St. Rep. 591; (33 Supp. 689; 24 Civ. Pro. 346).

People v. Murray, 39 Supp. 1130.

Cited, Excise—License — Prohibitions—Place.

77 St. Rep. 716, 719, 720; (43 Supp. 716, 719, 720).

People v. Murray, 2 App. Div. 359; 73 St. Rep. 61; 37 Supp. 848.

Cited, Officers—Public Removal.
5 App. Div. 289; (39 Supp. 228). 79 St. Rep. 889; (45 Supp. 889).

People v. Murray, 2 App. Div. 607; 74 St. Rep. 277; 37 Supp. 1096.

People v. Murray, 4 App. Div. 185; 74 St. Rep. 593; 38 Supp. 909.

Affirmed, 149 N. Y. 367.

People v. Murray, 5 App. Div. 66; 38 Supp. 903.

People v. Murray, 5 App. Div. 288; 39 Supp. 227.

People v. Murray, 5 App. Div. 441; 38 Supp. 609.

Cited, Excise—License—Prohibitions.
18 Misc. 656, 659, 660; (77 St. Rep. 716, 719, 720; 43 Supp. 716, 719, 720).

People v. Murray Hill Bank, 10 App. Div. 328; 75 St. Rep. 1203; 41 Supp. 804.

Cited, Corporations—Dissolution.
14 App. Div. 320; (77 St. Rep. 837; 43 Supp. 837). D. 77 St. Rep. 842; (43 Supp. 842).

People v. Musical Mut. Protective Union, 118 N. Y. 101; 27 St. Rep. 963.

Cited, Benevolent Associations—Members—Proceedings to Expel—Appearance—Effect.

4 Misc. 425; (53 St. Rep. 561; 24 Supp. 114).

Benevolent Associations—Expulsion—Exhaustion of Remedies.

13 Misc. 688; (69 St. Rep. 601; 35 Supp. 222). 8 App. Div. 602; (35 Supp. 222).

Benevolent Associations—Expulsion of Members—Review—Mode.

84 Hun, 449; (65 St. Rep. 544; 32 Supp. 416). 15 Misc. 349; (73 St. Rep. 326; 37 Supp. 628).

Damages—Measure—Negligence—Loss of Time.

67 Hun, 267; (51 St. Rep. 383; 22 Supp. 231).

People v. Mutual Benefit Life Ass'n of America, 86 Hun, 219; 67 St. Rep. 24; 33 Supp. 191.

People v. Mutual Endowment & Acc. Ass'n of Bath, 92 N. Y. 622.

Cited, Submission of Controversy—Determination.

81 Hun, 283; (62 St. Rep. 754; 30 Supp. 791).

People v. Mutual Reserve Fund Life Ass'n, 15 M 333; 73 St. Rep. 315; 37 Supp. 617.

People v. Muzzy, 1 Den. 239.

Cited, Bond—For Indemnity—Alteration.
76 Hun, 550; (58 St. Rep. 243; 28 Supp. 231).

People v. Myers, 33 St. Rep. 18; 11 Supp. 217; 25 Abb. N. C. 368.

Cited, Municipal Corporations—Employee.
13 Misc. 567; (68 St. Rep. 403; 34 Supp. 675).

Employee—Who is.

79 St. Rep. 634; (45 Supp. 634).

Injunction—Municipal Assessment.

60 St. Rep. 859; (29 Supp. 423).

People v. Myers, 135 N. Y. 465; 48 St. Rep. 467.

Cited, 151 N. Y. 22.

Injunction—Municipal Assessment.

60 St. Rep. 859; (29 Supp. 423).

Taxes—Assessment—Illegal—Remedies.

146 N. Y. 248; (66 St. Rep. 611; 2 Ann. Cas. 91).

People v. Myers, 138 N. Y. 590; 53 St. Rep. 302.

Cited, Taxes—State—Interest.

148 N. Y. 80.

People v. Myers, 61 Hun, 500; 41 St. Rep. 150.

Affirmed, 131 N. Y. 644; 43 St. Rep. 962.

Cited, Municipal Corporations—Officers.
10 Misc. 133; (62 St. Rep. 501; 30 Supp. 910). 84 Hun, 52; (65 St. Rep. 192; 32 Supp. 35). 17 Misc. 509; (40 Supp. 324).

People v. Myers, 66 Hun, 167; 48 St. Rep. 880; 21 Supp. 79.

Affirmed, 138 N. Y. 590; 53 St. Rep. 302.

People v. Myers, 73 Hun, 43; 57 St. Rep. 142; 25 Supp. 1034.

People v. Myers, 65 Hun, 14; 47 St. Rep. 70.

Cited, Certiorari—To Review Assessment for Public Improvement.

135 N. Y. 469; (48 St. Rep. 468).

Duplicate Citations in Parenthesis.

People v. Hannon, 9 Misc. 600; 61 St. Rep. 724; 30 Supp. 370.

People v. Nash, 111 N. Y. 310; 19 St. Rep. 75.

Cited, Insurance — Restrictions — Public Policy.

15 Misc. 609; (73 St. Rep. 117; 37 Supp. 492).

People v. Nash, 38 St. Rep. 730; 15 Supp. 29.

Cited, Certiorari—Determination of Highway Commissioners.

88 Hun, 140; (68 St. Rep. 281; 34 Supp. 594). 4 App. Div. 543, 544; (38 Supp. 921).

People v. Nassau Ferry Co., 86 Hun, 128; 66 St. Rep. 801; 33 Supp. 244.

People v. Nat'l Trust Co. of N. Y., 31 Hun, 20.

Cited, Courts—Reviewing Jurisdiction—Co-ordinate Courts.

5 Misc. 489; (55 St. Rep. 159; 25 Supp. 328). 83 Hun, 571; (65 St. Rep. 229; 32 Supp. 66).

People v. Nat'l Trust Co. of N. Y., 82 N. Y. 283.

Cited, Receiver—Assets—Fund for Debts. 3 App. Div. 550; (74 St. Rep. 39; 38 Supp. 383).

People v. Neff, 15 App. Div. 8; 78 St. Rep. 46; 44 Supp. 46.

People v. Neff, 15 App. Div. 582; 78 St. Rep. 810; 44 Supp. 810.

People v. Neff, 16 App. Div. 107; 79 St. Rep. 102; 45 Supp. 102.

People v. Neilson, 16 Hun, 214.

Cited, Commitment—Habeas Corpus — What Reviewable.

D. 86 Hun, 73; (67 St. Rep. 82; 33 Supp. 340). 92 Hun, 288; (71 St. Rep. 735; 36 Supp. 724).

People v. Nelliston, Village of, 79 N. Y. 638.

Cited, Courts—Jurisdiction — Remittitur.

D. 74 Hun, 196; (56 St. Rep. 558; 26 Supp. 355). 10 Misc. 367; (63 St. Rep. 405; 31 Supp. 120).

People v. Nelson, 46 N. Y. 477.

Cited, Corporation—Certificate of Incorporation—Filing—Power of Secretary of State.

68 Hun, 27; (52 St. Rep. 52; 22 Supp. 632).

Mandamus—Officers—Determination Previous to Act.

5 Misc. 380; (56 St. Rep. 635; 25 Supp. 770).

People v. Nelson, 153 N. Y. 90.

Reversing, 91 Hun, 635; 36 Supp. 1130.

People v. Nevins, 1 Hill, 154.

Cited, Contempt—Mandate. 147 N. Y. 297; (69 St. Rep. 670).

People v. New Eng. Mut. Life Ins. Co., 26 N. Y. 303.

Cited, Taxes—Corporations—Capital Employed Without State.

D. 74 Hun, 110; (55 St. Rep. 887; 26 Supp. 468).

People v. New Rochelle, 83 Hun, 185; 54 St. Rep. 146; 31 Supp. 592.

Cited, Taxes—Assessments—Invalid.

91 Hun, 215; (71 St. Rep. 134; 36 Supp. 211).

Taxes—Assessments—Hearing.

1 App. Div. 20; (71 St. Rep. 679; 36 Supp. 749).

People v. New Rochelle, 17 App. Div. 603; 79 St. Rep. 836; 45 Supp. 836.

People v. Newton, 48 Hun, 477; 1 Supp. 197.

Cited, Railroads — Locomotive Steam Power and Steam as Motive Power Distinguished.

66 Hun, 370; (50 St. Rep. 864; 21 Supp. 1048).

People v. Newton, 112 N. Y. 396; 21 St. Rep. 8.

Affirming, 16 St. Rep. 86.

Cited, Railroads—Franchise — Municipal Consent — Legislative Authority—Mandamus.

135 N. Y. 405; (48 St. Rep. 420).

Railways—Street—Permit to Construct.

12 Misc. 633; (69 St. Rep. 129; 34 Supp. 961).

People v. Newton, 20 Abb. N. C. 387.

Cited, Municipal Corporations—Obstructions in Street—Removal.

13 Misc. 572; (68 St. Rep. 740; 34 Supp. 697).

People v. Newton, 3 Crim. 406.

Cited, Evidence—Burden of Proof—Criminal Cases.

49 St. Rep. 286; (21 Supp. 61).

People v. New York, 3 Misc. 131; 23 Supp. 1060.

Cited, Mandamus—Audit of Claims.

6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172).

People v. New York, 20 Misc. 189; 79 St. Rep. 900; 45 Supp. 900.

People v. New York, 5 Barb. 43.

Cited, Appeal—Interest of Appellant—Necessity of.

185 N. Y. 449; (48 St. Rep. 433).

Duplicate Citations in Parenthesis.

Certiorari—When Granted — Discretion
ary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

Officers—Term—Removal.

74 Hun, 175; (56 St. Rep. 389; 26 Supp. 368). 15 Misc. 13; (72 St. Rep. 267; 36 Supp. 1118).

People v. New York, 28 Barb. 240.

Cited, Pleading—Complaint—Ejectment.

90 Hun, 508; (70 St. Rep. 643; 35 Supp. 964).

People v. New York, 2 Hill, 9.

Cited, Certiorari—Return.

7 Misc. 216; (58 St. Rep. 557; 27 Supp. 1102). 70 St. Rep. 477; (35 Supp. 659).

People v. New York, 3 Johns. Cas. 79.

Cited, Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 336).

Office—Rival Applicants—Mandamus.

69 St. Rep. 738; (35 Supp. 351). 17 Misc. 669; (41 Supp. 470).

People v. New York, 10 Wend. 395.

Cited, Mandamus—When May Issue.

2 Misc. 154; (50 St. Rep. 537; 23 Supp. 161; 23 Civ. Pro. 77).

People v. New York, 25 Wend. 680.

Cited, Municipal Corporations—Officers—Compensation.

91 Hun, 27; (71 St. Rep. 430; 36 Supp. 92).

People v. New York, 18 Abb. N. C. 123.

Cited, Municipal Corporations—Obstructions in Street—Removal.

13 Misc. 572; (68 St. Rep. 740; 34 Supp. 697).

People v. New York, 59 How. 277.

Cited, Municipal Corporations—Obstructions in Street—Removal

13 Misc. 572; (68 St. Rep. 740; 34 Supp. 697). 6 App. Div. 400; (39 Supp. 674).

People v. New York, Aldermen of, 14 Misc. 105; 69 St. Rep. 576; 35 Supp. 259.

People v. New York, Aldermen of, 89 Hun, 460; 70 St. Rep. 238; 35 Supp. 817.

Cited, Constitutional Law — Apportionments.

13 Misc. 725; (70 St. Rep. 248; 35 Supp. 827).

People v. New York, Assessors of, 52 How. 140.

Cited, Supervisors—Rejection of Claim—Mandamus.

8 App. Div. 553; (75 St. Rep. 232; 40 Supp. 842).

People v. New York, Board of Apportionment of, 3 Hun, 11.

Cited, Supervisors—Rejection of Claim—Mandamus.

8 App. Div. 552; (75 St. Rep. 232; 40 Supp. 842).

People v. New York, Board of Apportionment of, 64 N. Y. 627.

Cited, Mandamus—Presumption.

146 N. Y. 63; (65 St. Rep. 755) 89 Hun, 41; (69 St. Rep. 387).

People v. New York, Board of Commissioners of Public Parks of, 97 N. Y. 37.

Cited Certiorari—Misnomer.

1 App. Div. 188; (72 St. Rep. 629; 37 Supp. 169).

Appeal—Final Order.

152 N. Y. 55.

Certiorari—When Lies.

D. 152 N. Y. 398.

People v. New York Board of Education, 3 Hun, 177.

Cited, Teachers—Removal—Discretion.

14 Misc. 120; (69 St. Rep. 623; 35 Supp. 248; 25 Civ. Pro. 91; 2 Ann. Cas. 247).

People v. New York, Board of Education of, 60 Hun, 486; 39 St. Rep. 570; 15 Supp. 308.

Affirmed, 148 N. Y. 766.

People v. New York, Board of Education of, 69 Hun, 212; 53 St. Rep. 214; 23 Supp. 473.

Affirmed, 142 N. Y. 627; 60 St. Rep. 866.

Cited, Teachers—Removal—Discretion.

14 Misc. 123; (69 St. Rep. 23; 35 Supp. 248; 25 Civ. Pro. 91; 2 Ann. Cas. 247).

People v. New York, Board of Education of, 141 N. Y. 87; 56 St. Rep. 560.

Cited, Appeal—Pending—In What Court Action.

147 N. Y. 347; (69 St. Rep. 679). 15 Misc. 528; (72 St. Rep. 122; 37 Supp. 89).

People v. New York, Board of Education of, 143 N. Y. 63; 60 St. Rep. 350.

Cited, Teachers—Contract—Salary.

15 Misc. 423; (72 St. Rep. 158; 37 Supp. 112).

People v. New York, Board of Education of, 52 Super. 520.

Cited, Schools—Teachers — Removal in New York City.

69 Hun, 213; (53 St. Rep. 314; 23 Supp. 473). 14 Misc. 120; (69 St. Rep. 623; 35 Supp. 248; 25 Civ. Pro. 91; 2 Ann. Cas. 247).

Duplicate Citations in Parenthesis.

People v. New York. Board of Excise of, 7 Misc. 415; 57 St. Rep. 826; 27 Supp. 983.

Cited, Excise—License—Power of Court to Grant—Discretion.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 409).

Excise—License—Prohibited Place.

19 Misc. 399; (38 Supp. 610). 5 App. Div. 442; (38 Supp. 610).

People v. New York, Board of Excise of, 3 St. Rep. 253.

Cited, Certiorari—Excise—License.

13 Misc. 488; (70 St. Rep. 168; 35 Supp. 471).

People v. New York, Board of Fire Commissioners of, 47 Hun, 528; 15 St. Rep. 119.

Affirmed, 114 N. Y. 67; 23 St. Rep. 322.

Cited, Municipal Corporations—Officers—Removal.

91 Hun, 428; (72 St. Rep. 375; 36 Supp. 853).

People v. New York Board of Fire Commissioners, 87 Hun, 620; 34 Supp. 356.

People v. New York, Board of Fire Commissioners of, 72 N. Y. 445.

Cited, Municipal Corporations — Officers—Removal.

84 Hun, 347; (65 St. Rep. 495; 32 Supp. 337). 91 Hun, 310; (71 St. Rep. 84; 36 Supp. 173). 2 App. Div. 446; (73 St. Rep. 534; 37 Supp. 992). 39 Supp. 611. 17 App. Div. 485; (79 St. Rep. 521; 45 Supp. 521).

People v. New York, Board of Fire Commissioners of, 73 N. Y. 437.

Cited, Certiorari—Conclusiveness of Return.

71 Hun, 85; (54 St. Rep. 317; 24 Supp. 630). 4 Misc. 2; (53 St. Rep. 531; 23 Supp. 692). 138 N. Y. 586; (53 St. Rep. 299). 88 Hun, 531; (68 St. Rep. 748; 34 Supp. 714). 91 Hun, 100; (71 St. Rep. 701; 36 Supp. 682). 17 App. Div. 485; (79 St. Rep. 521; 45 Supp. 521).

Contracts—For Public Work—Official Return—Conclusiveness of.

23 Supp. 113.

Certiorari—False Return to—Remedy by Action.

142 N. Y. 235; (58 St. Rep. 765).

Officers—Term—Removal.

74 Hun, 175; (56 St. Rep. 389. 26 Supp. 368). 84 Hun, 341; (65 St. Rep. 495; 32 Supp. 337). 15 Misc. 13, 14; (72 St. Rep. 267, 268; 36 Supp. 1118, 1119). 2 App. Div. 446; (73 St. Rep. 534; 37 Supp. 992). 149 N. Y. 224.

Certiorari—What Papers Considered.

14 Misc. 177; (69 St. Rep. 815; 35 Supp. 463). 89 Hun, 5, 6; (69 St. Rep. 446; 35 Supp. 89).

People v. New York, Board of Fire Commissioners of, 77 N. Y. 153.

Cited, Municipal Corporations — Officers Removal—Charge.

14 Misc. 536; (70 St. Rep. 706; 35 Supp. 1088).

People v. New York, Board of Fire Commissioners of, 82 N. Y. 858.

Cited, Firemen — Removal by Municipal Corporations.

49 St. Rep. 606.

Police—Removal—Conclusiveness of Facts Found.

1 Misc. 467; (49 St. Rep. 615; 21 Supp. 628). D. 15 Misc. 279; (71 St. Rep. 465; 36 Supp. 415). 7 App. Div. 310; (40 Supp. 118).

People v. New York, Board of Fire Commissioners of, 96 N. Y. 614.

Cited, Officers—Removal—Conclusiveness of Facts Found.

7 App. Div. 310; (40 Supp. 118).

People v. New York, Board of Fire Commissioners of, 100 N. Y. 82.

Cited, Certiorari—Discretionary Acts.

25 Supp. 874.

Firemen—Removal by Municipal Corporations.

49 St. Rep. 606.

Inferior Tribunal — Conclusiveness of Facts Found.

1 Misc. 467; (49 St. Rep. 615; 21 Supp. 628). 15 App. Div. 271; (78 St. Rep. 216; 44 Supp. 216).

People v. New York, Board of Fire Commissioners of, 106 N. Y. 257; 8

St. Rep. 695; 27 Week. Dig. 89.

Cited, Appeal—Court of Appeals—Certiorari—Conflict of Evidence.

142 N. Y. 354; (59 St. Rep. 25).

People v. New York, Board of Fire Commissioners of, 68 St. Rep. 440;

34 Supp. 356.

People v. New York, Board of Health of, 33 Barb. 344.

Cited, Certiorari—When Granted—Discretionary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

People v. New York, Board of Park Commissioners of, 97 N. Y. 37.

Cited, Action—Parties—Forest Commission.

82 Hun, 348; (64 St. Rep. 99; 31 Supp. 501).

Duplicate Citations in Parenthesis.

People v. New York Board of Police Commissioners, 10 Misc. 98; 31 Supp. 112.

People v. New York, Board of Police of Commissioners, 12 Hun, 653.
Cited, Officers—Public—Compensation. 91 Hun, 25; (71 St. Rep. 428; 36 Supp. 91).

People v. New York, Board of Police of Commissioners, 23 Hun, 351.

Cited, Certiorari—Review of Audit of County Claims by Supervisors. 74 Hun, 253; (55 St. Rep. 890; 26 Supp. 611).

People v. New York Board of Police Commissioners, 84 Hun, 64; 65 St. Rep. 175; 32 Supp. 18.

Affirmed, 148 N. Y. 757.

Cited, Certiorari—Adjournment—Review. 13 Misc. 10; (67 St. Rep. 873; 33 Supp. 1007).

People v. New York, Board of Police of Commissioners, 39 N. Y. 506.

Cited, Certiorari—Reviewing Sufficiency of Proofs.

67 Hun, 501; (51 St. Rep. 235; 22 Supp. 502). D 15 Misc. 279; (71 St. Rep. 465; 36 Supp. 415). 152 N. Y. 140. 152 N. Y. 430.

People v. New York, Board of Police of Commissioners, 75 N. Y. 38.

Cited, Employees—Who Are.

73 Hun, 332; (55 St. Rep. 907; 26 Supp. 212).

Municipal Corporations—Officers—Unauthorized Agreements.

80 Hun, 380; (62 St. Rep. 410). 91 Hun, 25; (71 St. Rep. 428; 36 Supp. 91).

Officers—Salary—Mandamus.

18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

People v. New York Board of Police Commissioners, 82 N. Y. 506.

Cited, Appeal—Certiorari.

144 N. Y. 487; 64 (St. Rep. 62).

People v. New York, Board of Police of Commissioners, 93 N. Y. 97.

Cited, Appeal—Court of Appeals—Certiorari—Conflict of Evidence.

142 N. Y. 354; (59 St. Rep. 25).

Certiorari—Proceedings of Police Commissioners—Extent of Review.

7 Misc. 280; (58 St. Rep. 536; 27 Supp. 882).

Certiorari—Review of Audit of County Claims by Supervisors.

74 Hun, 254; (55 St. Rep. 890; 26 Supp. 612).

Officers—Removal—Trial.

77 Hun, 551; (60 St. Rep. 347; 28 Supp. 942). 84 Hun, 83; (65 St. Rep. 188; 32 Supp. 31). 85 Hun, 607; (67 St. Rep. 7; 33 Supp. 169). 14 Misc. 536; (70 St. Rep. 706; 35 Supp. 1088). 79 St. Rep. 714; (45 Supp. 714).

Hearing—Before Commissioners—Error. 15 App. Div. 266; (78 St. Rep. 213; 44 Supp. 213).

People v. New York, Board of Police of Commissioners, 98 N. Y. 332.

Cited, Certiorari—Review of Audit of County Claims by Supervisors.

74 Hun, 251; (55 St. Rep. 890; 26 Supp. 612).

Certiorari—Proceedings of Police Commissioners—Extent of Review.

7 Misc. 280; (58 St. Rep. 537; 27 Supp. 882).

Officers—Removal—Trial.

77 Hun, 551; (60 St. Rep. 348; 28 Supp. 941). 84 Hun, 82; (65 St. Rep. 187; 32 Supp. 31). 85 Hun, 607; (67 St. Rep. 7; 33 Supp. 169).

People v. New York, Board of Police Commissioners, 107 N. Y. 235; 11 St. Rep. 412.

Cited, Mandamus—When to Issue.

4 Misc. 3; (53 St. Rep. 722; 23 Supp. 693). D 13 App. Div. 34; (77 St. Rep. 106; 43 Supp. 106). 12 Misc. 468; (68 St. Rep. 136; 34 Supp. 357). 14 Misc. 121; (69 St. Rep. 624; 35 Supp. 248; 25 Civ. Pro. 91). 3 App. Div. 553; (75 St. Rep. 232; 40 Supp. 842).

People v. New York Board of Police Commissioners, 114 N. Y. 248; 23 St. Rep. 230.

Cited, Officers—Public—Forfeiture—Absence.

143 N. Y. 410; (62 St. Rep. 423, 429).

Contracts—Performance—Excuse.

16 App. Div. 121; (79 St. Rep. 130; 45 Supp. 130).

People v. New York Board of Police Commissioners, 63 St. Rep. 397; 31 Supp. 469; N. Y. L. J. Oct. 31, 1893.

Cited, Elections—Nominations.

10 Misc. 201; (64 St. Rep. 21; 31 Supp. 468).

People v. New York Board of Police Commissioners, 65 St. Rep. 175; 32 Supp. 18.

Cited, Certiorari—Removal of Police—Adjournment.

13 Misc. 25; (67 St. Rep. 852; 33 Supp. 1002).

*Duplicate Citations in Parenthesis.***People v. New York Board of Police Commissioners**, 35 Barb. 651.

Cited, Trial—Withdrawing Case from Jury—Preponderance of Evidence. 187 N. Y. 426; (51 St. Rep. 68).

People v. New York Board of Police of Metropolitan District, 35 Barb. 527.

Cited, Mandamus—Title of Office—Adverse Claimant.

7 Misc. 261; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 335).

People v. New York Board of Railroad Commissioners, 4 App. Div. 261; 73 St. Rep. 578; 38 Supp. 528.**People v. New York Board of Railroad Commissioners**, 4 App. Div. 259; 74 St. Rep. 794; 38 Supp. 861.

Cited, Commissioners—Railroad—Determination—Review.

D. 11 App. Div. 241; (76 St. Rep. 130; 42 Supp. 130).

People v. New York Board of Supervisors, 16 N. Y. 424.

Cited, Legislature—Judicial Powers. 17 App. Div. 71; (78 St. Rep. 837; 44 Supp. 857).

People v. New York Board of Supervisors, 32 N. Y. 473.

Cited, Mandamus—Audit of Claims. 6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172). Officers—Expenditures—Authority. 10 Misc. 132; (62 St. Rep. 500; 30 Supp. 909).

District Attorney—County Officer. 10 Misc. 133; (62 St. Rep. 501; 30 Supp. 910).

Officers—Compensation—Mandamus. 18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

People v. New York Catholic Protectory, 101 N. Y. 195.

Cited, Statutes—Repeal—By Implication—Repugnancy.

136 N. Y. 409; (49 St. Rep. 688). 3 App. Div. 246; (73 St. Rep. 807; 38 Supp. 350). 13 App. Div. 591; (77 St. Rep. 457; 43 Supp. 457).

People v. New York Catholic Protectory, 106 N. Y. 604.

Cited, Infants—Commitment—Requisites. 19 Misc. 563; (78 St. Rep. 1099; 44 Supp. 1097). 152 N. Y. 140.

People v. New York Catholic Protectory, 19 Abb. N. C. 142.

Cited, Infants — Commitment — Sufficiency.

19 Misc. 563; (78 St. Rep. 1099; 44 Supp. 1099).

People v. N. Y. C. R. Co., 25 Barb. 199.

Cited, Penalties—Successive.

7 App. Div. 481; (39 Supp. 1114).

People v. N. Y. C. R. Co., 13 N. Y. 78.

Cited, Penalties—Successive.

7 App. Div. 481; (39 Supp. 1114).

People v. N. Y. C. R. Co., 29 N. Y. 418.

Cited, Appeal—When Lies—Orders Not Affecting Merits.

7 Misc. 407; (58 St. Rep. 60; 27 Supp. 968).

Appeal—Extent of Review—Power of Court Below to Amend Pleading.

9 Misc. 357; (60 St. Rep. 630; 29 Supp. 589).

Appeal—Costs—Extra Allowance.

92 Hun, 55; (71 St. Rep. 742; 36 Supp. 730).

People v. N. Y. C. R. Co., 30 How. 148.

Cited, Costs—Extra Allowance—Time of Application.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

People v. N. Y. C. & H. R. R. Co., 28 Hun, 543.

Cited, Relief—Refusal Because Inoperative.

D. 72 Hun, 368; (55 St. Rep. 452; 25 Supp. 785).

Corporations—Power of State Over.

14 Misc. 209, 210; (70 St. Rep. 572; 35 Supp. 997).

People v. N. Y. C. & H. R. R. Co.

69 Hun, 166; 52 St. Rep. 530; 23 Supp. 456.

People v. N. Y. C. & H. R. R. Co., 74 N. Y. 302.

Cited, Highways—Restoration of at Railroad Crossing.

66 Hun, 379; (50 St. Rep. 671; 21 Supp. 504).

92 Hun, 132; (72 St. Rep. 883; 36 Supp. 866).

Railroads—Crossings—Selection of Maner.

49 St. Rep. 366; (21 Supp. 328). 148 N. Y. 645. 151 N. Y. 442.

People v. N. Y., Chicago & St. L. R. Co., 129 N. Y. 474.

Cited, Corporations—Consolidation—Railroads—Validity of.

9 Misc. 545; (62 St. Rep. 201; 30 Supp. 555). 13 App. Div. 55; (77 St. Rep. 54; 43 Supp. 54).

People v. New York City, Board of Aldermen of, 14 Misc. 105; 35 Supp. 259.**People v. N. Y. City Central Underground R. Co.**, 50 St. Rep. 454; 21 Supp. 373.

Affirmed, 137 N. Y. 606; 51 St. Rep. 930

*Duplicate Citations in Parenthesis.***People v. N. Y. Civil Service Supervisory and Examining Boards,** 41 Hun, 287.*Affirmed*, 103 N. Y. 657.*Cited*, *Employes—Public—Local*.

8 App. Div. 243; (75 St. Rep. 10; 40 Supp. 615).

People v. N. Y. City Civil Service Board, 5 App. Div. 164; 39 Supp. 75.*Cited*, *Civil Service—Appointment—Eligible List*.

13 App. Div. 310; (77 St. Rep. 193; 43 Supp. 193).

People v. N. Y. City Civil Service Board, 13 App. Div. 309; 77 St. Rep. 191; 43 Supp. 191.**People v. N. Y. Commercial Ass'n.**, 18 Abb. 271.*Cited*, *Stock and Produce Exchange—Officers—Powers—Breach of Contract*.

8 Misc. 555; (59 St. Rep. 536; 29 Supp. 312). 149 N. Y. 425.

People v. N. Y. Commissioners of Taxes, 31 Hun, 235.*Cited*, *Taxes—Assessment Against Executors*.

90 Hun, 609; (70 St. Rep. 627; 35 Supp. 953). 11 App. Div. 389; (76 St. Rep. 940; 42 Supp. 940).

People v. N. Y. Commissioners of Taxes, 38 Hun, 536.*Cited*, *Taxes—Assessment of Decedent's Estate—Possession of One Executor*.

8 Misc. 34; (58 St. Rep. 750; 28 Supp. 652).

People v. N. Y. Commissioners of Taxes, 76 Hun, 491; 59 St. Rep. 352; 27 Supp. 1058.*Affirmed*, 142 N. Y. 348; 58 St. Rep. 22.**People v. N. Y. Commissioners of Taxes**, 83 Hun, 11; 64 St. Rep. 472; 31 Supp. 769.**People v. N. Y. Commissioners of Taxes**, 23 N. Y. 192.*Cited*, *Taxes—Corporations—Capital*.

139 N. Y. 64; (54 St. Rep. 449). 75 Hun, 8; (57 St. Rep. 2; 26 Supp. 972).

People v. N. Y. Commissioners of Taxes, 76 N. Y. 64.*Cited*, *Taxes—Corporations—Commissioners*.

144 N. Y. 101; (63 St. Rep. 37). 146 N. Y. 314; (66 St. Rep. 663).

Cited, *Taxes—Exemption—Bonds*.

92 Hun, 353; (71 St. Rep. 565; 36 Supp. 534).

People v. N. Y. Commissioners of Taxes, 80 N. Y. 573.*Cited*, *Taxes—Lessor and Lessee*.

153 N. Y. 101.

Contractor—Separate Ownership.

153 N. Y. 102.

People v. N. Y. Commissioners of Taxes, 82 N. Y. 462.*Cited*, *Elevated Railways*.

89 Hun, 432; (70 St. Rep. 158; 35 Supp. 507).

People v. N. Y. Commissioners of Taxes, 85 N. Y. 655.*Cited*, *Appeal—Certiorari—Order of General Term—Review—Discretionary*.

135 N. Y. 248; (43 St. Rep. 239). 144 N. Y. 487; (64 St. Rep. 62).

People v. N. Y. Commissioners of Taxes, 90 N. Y. 63.*Cited*, *Taxes—Exemptions—U. S. Securities*.

76 Hun, 457; (58 St. Rep. 497; 27 Supp. 1085).

Taxes—Exemption—Bonds.

92 Hun, 353; (71 St. Rep. 565; 36 Supp. 534).

People v. N. Y. Commissioners of Taxes, 91 N. Y. 593.*Cited*, *Taxes—Assessment—What Date of Ownership Controlling*.

56 St. Rep. 792; (27 Supp. 204). 87 Hun, 197; (67 St. Rep. 730; 33 Supp. 1044).

Statutes—Retroaction—Taxes.

14 Misc. 148, 149; (70 St. Rep. 366; 35 Supp. 859). 7 App. Div. 152.

People v. N. Y. Commissioners of Taxes, 95 N. Y. 554.*Cited*, *Taxes—Assessment—Corporate Stock*.

66 Hun, 27; (49 St. Rep. 431).

Taxes—Exemption—Burden of Showing.

70 Hun, 555; (53 St. Rep. 603; 24 Supp. 191).

Statutes—Construction—Intent.

D. 9 App. Div. 245; (75 St. Rep. 900; 41 Supp. 506).

People v. N. Y. Commissioners of Taxes, 99 N. Y. 154.*Cited*, *Certiorari—Review of Tax Assessment*.

70 Hun, 508; (53 St. Rep. 791; 24 Supp. 209). 80 Hun, 467; (62 St. Rep. 304; 30 Supp. 472).

83 Hun, 376; (64 St. Rep. 752; 31 Supp. 957).

*Duplicate Citations in Parenthesis.***People v. N. Y. Commissioners of Taxes**, 99 N. Y. 254.

Cited, Certiorari—Review of Tax Assessment—Presentation of Grievances Below.

56 St. Rep. 641; (26 Supp. 941). 78 Hun, 60; (60 St. Rep. 508; 28 Supp. 1040). 68 Hun, 244; (52 St. Rep. 191; 22 Supp. 989). 75 Hun, 10; (57 St. Rep. 3; 26 Supp. 973).

Certiorari—Review of Tax Assessment.

81 Hun, 24; (62 St. Rep. 564; 30 Supp. 587). D. 83 Hun, 18; (64 St. Rep. 476; 31 Supp. 773)

People v. N. Y. Commissioners of Taxes, 100 N. Y. 215.

Cited, Taxes—Assessment—Against Lunatic.

50 St. Rep. 741; (21 Supp. 705).

Lunatic—Committee—Rights Over Property.

90 Hun, 504; (71 St. Rep. 403; 36 Supp. 67). D. 4 App. Div. 359; (38 Supp. 576). 84 Hun, 39; (65 St. Rep. 132; 32 Supp. 9).

People v. N. Y. Commissioners of Taxes, 104 N. Y. 240; 5 St. Rep. 647.

Cited, Taxes—Intervention by Courts.

86 Hun, 199; (67 St. Rep. 131; 33 Supp. 386).

Taxes—Valuation.

16 Misc. 262; (39 Supp. 109). 152 N. Y. 495.

People v. N. Y. Commissioners of Taxes, 142 N. Y. 348; 58 St. Rep. 22.

Cited, Taxes—Exemptions—Passage of Statute After Assessment.

14 Misc. 148; (70 St. Rep. 366; 35 Supp. 859). 6 App. Div. 497; (39 Supp. 565). 7 App. Div. 151.

People v. N. Y. Commissioners of Taxes, 144 N. Y. 483; 64 St. Rep. 60.

Reversing, 83 Hun, 11; 64 St. Rep. 472; 31 Supp. 769.

Cited, Certiorari—Petition—Sufficiency.

85 Hun, 212; (66 St. Rep. 475; 32 Supp. 991).

3 App. Div. 172; (73 St. Rep. 732; 38 Supp. 392).

People v. N. Y. Commissioners of Taxes, 21 St. Rep. 350; 4 Supp. 41.

Cited, Certiorari—Review of Tax Assessment—Presentation of Grievance Below.

56 St. Rep. 643; (26 Supp. 944).

People v. N. Y. Commissioners of Taxes, 46 How. 315; 1 T. & C. 611.

Cited, Taxes—Assessments—Corporations—Capital—Debts.

72 Hun, 130; (55 St. Rep. 188; 25 Supp. 843.)

People v. N. Y. Commissioners of Taxes, 17 Abb. 376.

Cited, Taxes—Exempting Statutes—Effect.

14 Misc. 148; (70 St. Rep. 366; 35 Supp. 859). 7 App. Div. 152.

People v. N. Y. Common Pleas, 13 Wend. 649.

Cited, Set Off—Judgments.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

People v. New York, Comptroller of, 77 N. Y. 45.

Cited, Officers—Liability on Contract—Absence of Funds.

15 App. Div. 513; (78 St. Rep. 531; 44 Supp. 531).

People v. N. Y. Cotton Exchange, 8 Hun, 216.

Cited, Corporations—Members—Rights.

149 Y. N. 427.

People v. New York, County of, 5 Cow. 331.

Cited, Interest as Part of Debt.

6 Misc. 465; (27 Supp. 912). 39 Supp. 882. 18 Misc. 196; (75 St. Rep. 807; 41 Supp. 394). 148 N. Y. 80.

Interest—Arrearage of State Taxes of County.

66 Hun, 169; (48 St. Rep. 882; 21 Supp. 80). 138 N. Y. 592; (53 St. Rep. 304).

Interest—Effect of Payment of Principal.

14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454).

People v. New York County, General Sessions, 13 Hun, 395.

Cited, Justice—District Court—City Officer.

15 App. Div. 551; (78 St. Rep. 577; 44 Supp. 577).

People v. N. Y. Court of Oyer & Terminer, 83 N. Y. 436.

Cited, Pleading—Sufficiency.

80 Hun, 132; (61 St. Rep. 785; 30 Supp. 55). 20 Misc. 282; (79 St. Rep. 846; 45 Supp. 846).

Fraud—Effect of Defrauded Party—Question of Fact.

6 Misc. 357; (26 Supp. 911).

Witness—Cross-Examination—New Matter.

4 Misc. 75; (53 St. Rep. 73; 23 Supp. 608). 88 Hun, 367; (68 St. Rep. 796; 34 Supp. 863).

Witness—Cross-examination—Scope—Discretion.

Duplicate Citations in Parenthesis.

92 Hun, 360; (71 St. Rep. 545; 36 Supp. 515). 91 Hun, 623; (71 St. Rep. 656; 36 Supp. 602).

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17 Misc. 565; (75 St. Rep. 100; 40 Supp. 694).

People v. N. Y. Court of Oyer & Terminer, 101 N. Y. 245.

Cited, Contempt—Civil and Criminal Distinguished.

78 Hun, 161; (60 St. Rep. 199; 28 Supp. 984). D. 80 Hun, 457; (62 St. Rep. 303; 30 Supp. 470); 82 Hun, 244; (63 St. Rep. 822; 31 Supp. 375).

Contempt—Review—Certiorari.

143 N. Y. 223; (62 St. Rep. 176).

Contempt—Civil—Punishment.

6 App. Div. 506; (39 Supp. 705).

14 Misc. 593; (72 St. Rep. 257; 25 Civ. Pro. 117; 2 Ann. Cas. 268).

Contempt—Civil—What Constitutes.

9 Misc. 174; (60 St. Rep. 640; 29 Supp. 716; 24 Civ. Pro. 43) 79 St. Rep. 444; (45 Supp. 444).

People v. New York Court of Oyer & Terminer, 10 App. Div. 25; 75 St. Rep. 1091; 41 Supp. 702.

People v. New York Court of Oyer & Terminer, 27 How. 14.

Cited, Contempt—Affidavit.

82 Hun, 245; (63 St. Rep. 823; 31 Supp. 375).

People v. New York Court of Oyer & Terminer, 36 Hun, 277.

Distinguished, 10 App. Div. 25; (75 St. Rep. 1094; 41 Supp. 702).

People v. New York Infant Asylum, 123 N. Y. 190; 33 St. Rep. 296.

Cited, Mandamus—When Lies.

4 Misc. 3; (53 St. Rep. 722; 23 Supp. 693). 12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257).

People v. New York Justices of Court of Special Sessions, 74 N. Y. 406.

Cited, Criminal Law—Jury Trial.

13 Misc. 611; (69 St. Rep. 270; 35 Supp. 192). 13 App. Div. 202, 206; (77 St. Rep. 369; 371; 43 Supp. 369, 371).

People v. New York Law School, 68 Hun, 118; 52 St. Rep. 14; 23 Supp. 663.

Cited, Mandamus—Peremptory—Presumption.

15 Misc. 336; (73 St. Rep. 317; 37 Supp. 619).

People v. New York, New Haven & Hartford R. Co., 89 N. Y. 266.

Cited, Railroads—Intersection With Highway—Duty of Company.

92 Hun, 132; (72 St. Rep. 388; 36 Supp. 866).

People v. New York, New Haven & Hartford R. Co., 142 N. Y. 646; 60 St. Rep. 868.

People v. New York, Police Commissioners of, 10 Misc. 200; 64 St. Rep. 21; 31 Supp. 467.

People v. New York Produce Exchange, 8 Misc. 552; 59 St. Rep. 531; 29 Supp. 307.

Reversed, 149 N. Y. 401.

Cited, Exchange—Members—Expulsion.

15 Misc. 42; (71 St. Rep. 478; 36 Supp. 428).

People v. New York Produce Exchange, 149 N. Y. 401.

Cited, Exchange—Expulsion of Members—Complaint.

9 App. Div. 194; (75 St. Rep. 613; 41 Supp. 155).

People v. New York, Warden of City Prison of, 6 App. Div. 520; 39 Supp. 582.

People v. New York, Warden of County Jail of, 100 N. Y. 20.

Cited, Habeas Corpus—What Reviewable.

81 Hun, 341; (63 St. Rep. 156; 30 Supp. 902).

Habeas Corpus—Cause of Detention.

65 St. Rep. 164; (32 Supp. 108). 84 Hun, 170; (65 St. Rep. 737; 32 Supp. 452).

Courts—Regularity—Presumption.

87 Hun, 184; (67 St. Rep. 781; 33 Supp. 1077).

People v. New York, Sheriff of, 29 Barb. 622.

Cited, Contempt—Judgment—Review by Habeas Corpus.

8 Misc. 168; (60 St. Rep. 142; 28 Supp. 506).

People v. New York Society for Prevention of Cruelty to Children, 19 Misc. 561; 78 St. Rep. 1098; 44 Supp. 1098.

People v. New York, Superior Court of, 10 Wend. 285.

Cited, New Trial—New Evidence—Cumulative.

16 Misc. 122; (38 Supp. 828).

People v. New York, Supervisors of, 1 Hill, 362.

Cited, Mandamus—To Compel Determination.

89 Hun, 224; (39 St. Rep. 245; 35 Supp. 66).

Officers—Public—Extra Compensation.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 759).

Duplicate Citations in Parenthesis.

People v. New York, U. S. Mutual Acc. Ass'n of, 41 Supp. 756.

People v. New York & Brooklyn Bridge, Trustees of, 1 App. Div. 186; 72 St. Rep. 628; 37 Supp. 168.

People v. New York & Staten Island Ferry Co., 68 N. Y. 71.

Cited, Waters—Land Under—Title of State.

71 Hun, 119; (53 St. Rep. 876; 24 Supp. 530). 12 App. Div. 103; (76 St. Rep. 1030; 42 Supp. 1030).

People v. Nichols, 79 N. Y. 582.

Cited, 20 Misc. 143; (79 St. Rep. 811; 45 Supp. 811).

Certiorari—When Lies.

83 Hun, 186; (31 Supp. 592; 64 St. Rep. 146). 4 App. Div. 265; (73 St. Rep. 582; 38 Supp. 532).

Supreme Court—Jurisdiction.

10 Misc. 248; (63 St. Rep. 862; 31 Supp. 421).

Municipal Corporations — Officers — Removal.

4 App. Div. 405; (39 Supp. 611). 7 App. Div. 189; (40 Supp. 288).

Writ of Prohibition—Restraint of Official.

15 App. Div. 540; (78 St. Rep. 556; 44 Supp. 556).

People v. ———, 19 Wend. 16.

Cited, Husband and Wife—Separation—Custody of Children.

12 App. Div. 401; (76 St. Rep. 425; 42 Supp. 425).

People v. Nicoll, 32 Supp. 279.

People v. Nicoll, N. Y. L. J. June 4, 1891.

Cited. Officers—Public—Removal.

11 Misc. 294; (65 St. Rep. 454).

People v. Nino, 149 N. Y. 317.

Cited, 150 N. Y. 304.

People v. Noelke, 94 N. Y. 137.

Cited, Lottery—Defined—Criminal Aspect.

8 Misc. 202; (58 St. Rep. 837; 28 Supp. 530).

Cited, Witnesses—Impeachment—Conviction for Crime.

7 Misc. 508; (60 St. Rep. 173; 28 Supp. 496).

People v. Nolan, 10 Abb. N. C. 471.

Cited, Pleading—Bill of Particulars—Dates.

3 Misc. 408; (52 St. Rep. 330; 23 Supp. 186).

People v. Nolte, 19 Misc. 674; 78 St. Rep. 443; 44 Supp. 443.

People v. Noonan, 14 Supp. 519.

Cited, Appeal — Criminal Case—New Trial.

38 Supp. 827.

People v. Nooney, 73 Hun, 566; 56 St. Rep. 155; 26 Supp. 313.

People v. North River Sugar Refining Co., 121 N. Y. 582; 31 St. Rep. 781.

Cited, Corporations—Dissolution.

12 Misc. 560; (67 St. Rep. 580; 33 Supp. 710).

Corporations—Combinations—Unlawful.

148 N. Y. 533. D. 151 N. Y. 43, 44.

People v. North River Sugar Refining Co., 22 Abb. N. C. 164; 3 Supp. 401.

Cited, Monopolies—Prevention of Competition.

5 Misc. 392; (26 Supp. 933).

People v. Northern Pacific R. Co., 50 Super. 457.

Cited, Mandamus—Peremptory — When Lies.

12 Misc. 468; (63 St. Rep. 136; 34 Supp. 257).

People v. Northern R. Co., 42 N. Y. 217.

Cited, Pleading—Fivolous — Judgment.

20 Misc. 143; (79 St. Rep. 811; 45 Supp. 811).

People v. Northern R. Co., 53 Barb. 98.

Cited, Pleading—Fivolous—Pleading.

20 Misc. 143; (79 St. Rep. 811; 45 Supp. 811).

People v. Norton, 76 Hun, 7; 58 St. Rep. 736; 27 Supp. 851.

Cited, Indictment — Information and Complaint—Sufficiency.

9 Misc. 573; (62 St. Rep. 79; 30 Supp. 397).

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88 Hun, 262; (68 St. Rep. 554; 34 Supp. 736).

Courts—Special Sessions — Reorganization.

92 Hun, 380; (36 Supp. 996).

People v. Norton, 9 N. Y. 176.

Cited, Trustees—Appointment—Supreme Court.

83 Hun, 423; (64 St. Rep. 747; 31 Supp. 952).

Trustees—Appointment — Who May Object.

88 Hun, 536; (69 St. Rep. 64; 34 Supp. 900).

Trustees—Express Trust.

19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424).

*Duplicate Citations in Parenthesis.***People v. Norton**, 7 Barb. 477.

Cited, Officers — Wrongful Acts—Criminal Punishment.

15 Misc. 435; (72 St. Rep. 355; 36 Supp. 835).

Excise—License—Discretion.

73 St. Rep. 352; (38 Supp. 163).

People v. Nostrand, 46 N. Y. 375.

Cited, Mandamus—Adjustment of Relief.

142 N. Y. 278; (58 St. Rep. 533).

Officers—De Facto — Rights and Powers.

70 Hun, 4; (53 St. Rep. 448; 23 Supp. 952).

Officers—Vacancy—Validity of Action.

84 Hun, 465; (65 St. Rep. 595; 32 Supp. 390).

Officers—Public—Substitution.

14 Misc. 303; (70 St. Rep. 685; 35 Supp. 1060; 25 Civ. Pro. 127; 2 Ann. Cas. 214).

Office—Public—What Is.

11 Misc. 99; (65 St. Rep. 165; 32 Supp. 109). 17 Misc. 669; (41 Supp. 470). 15 App. Div. 510; (78 St. Rep. 529; 44 Supp. 529). 17 App. Div. 171; (79 St. Rep. 350; 45 Supp. 350).

People v. Nowak, 24 St. Rep. 274; 5 Supp. 239.

Cited, Criminal Law—Information.

D. 74 Hun, 327; (56 St. Rep. 313; 26 Supp. 821).

People v. Nyce, 34 Hun, 298.

Cited, Evidence—Burden of Proof—Fact Peculiarly Within Party's Knowledge.

139 N. Y. 46; (54 St. Rep. 439).

People v. O'Brien, 53 Hun, 580; 6 Supp. 862.

Cited, Taxes — Exemption — Portion of Property Purchased With Pension Money — Assessment.

9 Misc. 649; (62 St. Rep. 203; 30 Supp. 512).

People v. O'Brien, 74 Hun, 264; 56 St. Rep. 352; 26 Supp. 812.**People v. O'Brien**, 38 N. Y. 193.

Cited, Voters and Elections — Official Notice.

9 Misc. 248; (60 St. Rep. 579; 30 Supp. 266).

Constitutional Law—Local Statute.

10 Misc. 60; (63 St. Rep. 164; 30 Supp. 857). 144 N. Y. 408; (63 St. Rep. 649).

People v. O'Brien, 111 N. Y. 1; 19 St. Rep. 173.

Cited, Corporations—Charters—Contract—Obligation of.

24 Supp. 813; (30 Abb. N. C. 52). 9 Misc. 546; (62 St. Rep. 201, 202; 30 Supp. 555.

556). 11 App. Div. 176; (76 St. Rep. 1072; 42 Supp. 1072). 15 App. Div. 591; (78 St. Rep. 826, 827; 44 Supp. 826, 827).

Municipal Corporations—Water Company Conclusiveness of Franchise.

73 Hun, 506; (56 St. Rep. 234; 26 Supp. 199). 143 N. Y. 616; (62 St. Rep. 817).

Railways — Consent of Municipality — Nature of Right, Acquired by.

139 N. Y. 26; (54 St. Rep. 412). 59 St. Rep. 343; (27 Supp. 1035). 135 N. Y. 408; (48 St. Rep. 422). 2 App. Div. 99; (73 St. Rep. 177; 37 Supp. 560). 16 Misc. 271; (39 Supp. 270).

Statutes — Repeal — Effect on Property Right Acquired Under.

140 N. Y. 307; (55 St. Rep. 651). 11 Misc. 494; (64 St. Rep. 461; 32 Supp. 719).

Constitutional Law—Due Process.

90 Hun, 495; (71 St. Rep. 232; 36 Supp. 63). 17 Misc. 539; (40 Supp. 418).

Corporation—Privileges and Franchises—Inviolability.

89 Hun, 432; (70 St. Rep. 158; 35 Supp. 506). 5 App. Div. 7; (38 Supp. 1119). 15 App. Div. 587; (78 St. Rep. 811; 44 Supp. 811).

Receivers — Determination of Right to Property.

16 App. Div. 403; (79 St. Rep. 18; 45 Supp. 18).

Public Purpose.

6 App. Div. 90; (39 Supp. 768).

People v. O'Brien, 9 App. Div. 428; 75 St. Rep. 920; 41 Supp. 529.**People v. O'Connell**, 78 Hun, 323; 60 St. Rep. 752; 29 Supp. 195.**People v. O'Connell**, 1 App. Div. 110; 72 St. Rep. 39; 36 Supp. 1092.

Cited, Statutes—Plumbing.

79 St. Rep. 927; (45 Supp. 927).

People v. Oettenger, 61 St. Rep. 547; 29 Supp. 927.**People v. Ogden**, 8 App. Div. 464; 75 St. Rep. 212; 40 Supp. 827.**People v. Ogdensburgh, Trustees of**, 48 N. Y. 390.

Cited, Taxes — Assessment — Power of Assessors.

142 N. Y. 234; (58 St. Rep. 764).

Taxes—Debts—Non-Residents.

D. 150 N. Y. 19.

People v. Ogle, 104 N. Y. 511; 5 St. Rep. 740.

Cited, Evidence—Sufficiency—Corroboration.

74 Hun, 313; (56 St. Rep. 257; 26 Supp. 676). 84 Hun, 71; (65 St. Rep. 179; 32 Supp. 23).

Duplicate Citations in Parenthesis.

People v. Oishei, 20 Misc. 163; 79 St. Rep. 49; 45 Supp. 49.

People v. O'Keefe, 90 N. Y. 419.

Cited, Tender—Sufficiency.
13 Misc. 702; (69 St. Rep. 177; 34 Supp. 1096).

People v. Olmstead, 74 Hun, 323; 56 St. Rep. 311; 26 Supp. 818.

Cited, Information—Sufficiency—Special Sessions.

78 Hun, 76; (60 St. Rep. 811; 29 Supp. 268).
88 Hun, 500; (69 St. Rep. 84; 34 Supp. 889).
1 App. Div. 134; (73 St. Rep. 58; 37 Supp. 845). 8 App. Div. 135; (40 Supp. 493). 19 Misc. 681; (78 St. Rep. 1107; 44 Supp. 1107).

Indictment—Sufficiency.

85 Hun, 137; (65 St. Rep. 678; 32 Supp. 523).

People v. Olmstead, 27 Barb. 9.

Cited, Husband and Wife—Separation—Custody of Children.

82 Hun, 187; (64 St. Rep. 804; 31 Supp. 983). 15 Misc. 517; (74 St. Rep. 288; 37 Supp. 1122).

People v. O'Melia, 51 St. Rep. 333; 22 Supp. 465.

Peolpe v. Oneida County, Sup'rs. of, 24 Hun, 413.

Cited, Claims—Audit and Determination.
82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

People v. Oneida County, Sup'rs of, 82 Hun, 105; 63 St. Rep. 362; 31 Supp. 63; 24 Civ. Pro. 152.

People v. O'Neil, 47 Hun, 155.

Cited, Criminal Law—Judgment—Roll.
10 App. Div. 624; (76 St. Rep. 1130; 42 Supp. 1130).

People v. O'Neil, 49 Hun, 422; 17 St. Rep. 856.

Affirmed, 112 N. Y. 355; 20 St. Rep. 754.

Cited, Appeal — Reversible Error — —Erroneous Submission to Jury—Correct Determination.

68 Hun, 168; (52 St. Rep. 77; 22 Supp. 651). 4 App. Div. 454; (38 Supp. 796). 12 App. Div. 172; (76 St. Rep. 582; 42 Supp. 582).

People v. O'Neil, 54 Hun, 610; 28 St. Rep. 37; 8 Supp. 123.

Cited, Statutes—Construction—Title.

88 Hun, 557, 558; (68 St. Rep. 801, 802; 34 Supp. 850, 851; 2 Ann. Cas. 203).

People v. O'Neil, 109 N. Y. 251; 14 St. Rep. 829.

Affirming, 6 St. Rep. 1.

Cited, Witness—Credibility—Contradictions.

D. 10 Misc. 716; (64 St. Rep. 619; 31 Supp. 811). 14 Misc. 313; (70 St. Rep. 458; 35 Supp. 768).

People v. O'Neil, 112 N. Y. 355; 20 St. Rep. 754.

Cited, Evidence—Relevancy—Res Gestae.

138 N. Y. 605; (51 St. Rep. 727). 14 Misc. 285; (70 St. Rep. 444; 35 Supp. 709).

Witness—Credibility—Contradictions.

8 App. Div. 148; (40 Supp. 490).

People v. Onondaga County, Board of Canvassers of, 129 N. Y. 395; 41 St. Rep. 713.

Cited, Voters and Elections — Ballots — Numbering.

69 Hun, 595; (53 St. Rep. 548; 23 Supp. 956).

Voters and Elections — Compliance with Statute.

67 Hun, 174; (51 St. Rep. 449; 22 Supp. 415). 79 St. Rep. 611; (45 Supp. 611).

Elections — Defective Return — Mandamus.

88 Hun, 205; (63 St. Rep. 257; 34 Supp. 662).

People v. Onondaga County, County Court of, 152 N. Y. 214.

People v. Onondaga County, County Court of, 92 Hun, 13; 73 St. Rep. 31; 37 Supp. 869.

People v. Onondaga County, County Court of, 4 App. Div. 542; 38 Supp. 920.

Affirmed, 152 N. Y. 214.

Cited, Highways—Determination of Commissioners—Review.

8 App. Div. 396, 397; (75 St. Rep. 229; 40 Supp. 849).

People v. Ontario County, Court of Sessions of, 45 Hun, 54; 9 St. Rep. 607.

Cited, Certiorari — What Papers Considered.

14 Misc. 178; (69 St. Rep. 815; 35 Supp. 463).

Criminal Actions—Review—Mode.

151 N. Y. 58.

People v. Ontario County, Superintendent of the Poor of. See **People v. Ontario Co., Court of Sessions of**.

*Duplicate Citations in Parenthesis.***People v. Open Board of Stock-brokers' Bldg. Co.,** 28 Hun, 274.*Reversed*, 92 N. Y. 98.*Cited*, Contract—Specific Performance—Real Estate—Perfection of Title.

7 Misc. 609; (58 St. Rep. 761; 27 Supp. 869).

People v. Open Board of Stock-brokers' Bldg. Co., 92 N. Y. 103.*Cited*, Trustees—Personal Purchase—Validity.

10 App. Div. 609; (76 St. Rep. 357; 42 Supp. 357).

Vendor and Purchaser—Title—Execution of Power.

14 App. Div. 534; (78 St. Rep. 135; 44 Supp. 135).

People v. Orange County, Supervisors of, 17 N. Y. 235.*Cited*, Statutes—Construction.

90 Hun, 3 9; (70 St. Rep. 591; 35 Supp. 925). 19 Misc. 123. 148 N. Y. 551.

People v. O'Reilly, 9 Abb. N. C. 77.*Cited*, Criminal Law—Stay Pending Appeal—Certificate of Doubt.

6 Misc. 247; (56 St. Rep. 267; 26 Supp. 631).

People v. Orleans County Board of Supervisors, 76 Misc. 213; 74 St. Rep. 601; 38 Supp. 890.*Reversed*, 8 App. Div. 550; 75 St. Rep. 230; 40 Supp. 840.**People v. Orleans County Board of Supervisors,** 8 App. Div. 550; 75 St. Rep. 230; 40 Supp. 840.**People v. Orr,** 92 Hun, 199; 71 St. Rep. 169; 36 Supp. 398.*Affirmed*, 149 N. Y. 616.**People v. Osborn,** 84 Hun, 441; 65 St. Rep. 556; 32 Supp. 358.*Cited*, Highway—What Constitutes.

92 Hun, 130; (72 St. Rep. 387; 36 Supp. 865).

People v. Osmond, 138 N. Y. 80; 51 St. Rep. 727.**People v. Osterhoudt,** 24 Week. Dig. 101.*Cited*, Certiorari—Tax Assessment—Appearance Before Assessors.

68 Hun, 244; (52 St. Rep. 191; 22 Supp. 989).

People v. O'Sullivan, 104 N. Y. 481; 5 St. Rep. 702.*Cited*, Rape—Corroboration of Prosecutrix.

74 Hun, 311; (56 St. Rep. 255; 26 Supp. 675). 12 App. Div. 468; (76 St. Rep. 724; 42 Supp. 724).

People v. Oswego, Supervisors of, 50 Hun, 105; 19 St. Rep. 24; 3 Supp. 751.*Cited*, Holidays—Courts.

14 Misc. 56; (69 St. Rep. 563; 25 Supp. 288; 2 Ann. Cas. 323).

People v. Oswego, Excise Board of Town of, 24 Supp. 1148.**People v. Otis,** 90 N. Y. 48.*Cited*, Constitutional Law—Police Power—Limitations on.

136 N. Y. 584; (49 St. Rep. 701).

People v. Otsego County, Supervisors of, 36 How. 1.*Cited*, Statutes—Construction—Mandatory or Permissive.

2 Misc. 9; (49 St. Rep. 578; 21 Supp. 603).

People v. Otsego County, Supervisors of, 51 N. Y. 401.*Cited*, Mandamus—Audit of Claims.

6 Misc. 432; (56 St. Rep. 797; 27 Supp. 172). 16 Misc. 215; (74 St. Rep. 603; 38 Supp. 892).

Statutes—Construction—Mandatory or Permissive.

2 Misc. 9; (49 St. Rep. 578; 21 Supp. 603). 3 Misc. 132; (23 Supp. 1061). 140 N. Y. 306; (55 St. Rep. 651). 71 Hun, 190; (54 St. Rep. 96; 24 Supp. 533). 142 N. Y. 271; (58 St. Rep. 582). 82 Hun, 505; (64 St. Rep. 483; 31 Supp. 779). 91 Hun, 242; (70 St. Rep. 908; 36 Supp. 1131).

People v. Onderkirk, 76 Hun, 119; 57 St. Rep. 376; 27 Supp. 821.**People v. Owens,** 91 Hun, 344; 71 St. Rep. 685; 36 Supp. 755.*Affirmed*, 148 N. Y. 648.**People v. Owens,** 148 N. Y. 648.*Cited*, Actions—Criminal—Evidence—Sufficiency.

153 N. Y. 18.

People v. Pakenham, 115 N. Y. 200.*Cited*, Witness—Opinions—Insanity.

148 N. Y. 569.

People v. Palen, 74 Hun, 289; 55 St. Rep. 877; 26 Supp. 225.*Cited*, Constitutional Law—Office—Test Oaths.

6 App. Div. 318; (40 Supp. 561).

People v. Pallister, 138 N. Y. 601; 51 St. Rep. 723.**People v. Palmer.** See *Goedel v. Palmer*.**People v. Palmer,** 12 Misc. 392; 67 St. Rep. 791; 33 Supp. 1088.*Affirmed*, 146 N. Y. 406; 70 St. Rep. 870.

Duplicate Citations in Parenthesis.

- People v. Palmer**, 13 Misc. 727; 69 St. Rep. 606; 35 Supp. 231.
- People v. Palmer**, 14 Misc. 41; 68 St. Rep. 166; 35 Supp. 222.
Cited, Contracts—Public Printing.
18 Misc. 105; (41 Supp. 879).
- People v. Palmer**, 18 Misc. 103; 41 Supp. 878.
- People v. Palmer**, 16 Hun, 136.
Cited, Summary Proceedings—Title—Jurisdiction.
18 Misc. 242; (75 St. Rep. 802; 41 Supp. 390).
- People v. Palmer**, 86 Hun, 513; 67 St. Rep. 701; 33 Supp. 926.
Affirmed, 148 N. Y. 732.
Cited, Taxes—Hearing Before Assessors—Review.
92 Hun, 352; (71 St. Rep. 565; 36 Supp. 533).
- People v. Palmer**, 52 N. Y. 83.
Cited, Statutes—Repeal—Implication.
8 Misc. 209; (58 St. Rep. 842; 28 Supp. 534).
Constitutional Law—Offices.
8 App. Div. 255; (75 St. Rep. 20; 40 Supp. 624).
- People v. Palmer**, 109 N. Y. 110; 15 St. Rep. 78.
Cited, Criminal Law—Penal Code—Effect on Prior Definitions of Crime.
137 N. Y. 74; (50 St. Rep. 3).
Statutes—Modification—Presumption.
151 N. Y. 228. 151 N. Y. 409.
Appeal—Criminal Actions—Statutory Right.
151 N. Y. 56.
- People v. Palmer**, 152 N. Y. 217.
Cited, Civil Service—Exemptions.
152 N. Y. 360.
- People v. Palmer**, 3 App. Div. 389; 74 St. Rep. 517; 38 Supp. 651.
- People v. Palmer**, 6 App. Div. 19; 39 Supp. 631.
Reversed, 150 N. Y. 150.
Cited, Office—Termination.
9 App. Div. 250; (41 Supp. 398).
- People v. Palmer**, 9 App. Div. 58; 41 Supp. 81.
Reversed, 152 N. Y. 217.
- People v. Palmer**, 9 App. Div. 252; 75 St. Rep. 887; 41 Supp. 494.
- People v. Palmer**, 10 App. Div. 395; 75 St. Rep. 1155; 41 Supp. 760.
- People v. Palmer**, 11 App. Div. 24; 76 St. Rep. 282; 42 Supp. 282.
- People v. Palmer**, 15 App. Div. 504; 78 St. Rep. 578; 44 Supp. 578.
- People v. Palmer**, 15 App. Div. 86; 78 St. Rep. 301; 44 Supp. 301.
- People v. Pangburn**, 3 App. Div. 456; 73 St. Rep. 711; 38 Supp. 217.
- People v. Pangburn**, 14 Misc. 195; 70 St. Rep. 428; 35 Supp. 655.
Reversed, 3 App. Div. 456; 73 St. Rep. 711; 38 Supp. 217.
- People v. Parish**, 4 Den. 153.
Cited, Evidence—Declarations of Agent.
18 Misc. 22; (75 St. Rep. 494; 41 Supp. 37).
- People v. Parker**, 69 Hun, 130; 53 St. Rep. 411; 23 Supp. 704.
- People v. Parker**, 117 N. Y. 86; 26 St. Rep. 698.
Cited, Certiorari—Function of.
71 Hun, 84; (54 St. Rep. 317; 24 Supp. 630).
Certiorari—Necessity of Determination.
140 N. Y. 11; (55 St. Rep. 421).
Certiorari—Review of Taxes.
139 N. Y. 137; (54 St. Rep. 511). 16 Misc. 417; (73 St. Rep. 344; 38 Supp. 155).
Taxes—Assessment—Conclusiveness of Return.
86 Hun, 516; (67 St. Rep. 702; 33 Supp. 927).
- People v. Parker**, 137 N. Y. 535; 49 St. Rep. 884.
- People v. Paschal**, 68 Hun, 344; 52 St. Rep. 298; 22 Supp. 881.
- People v. Paton**, 20 Abb. N. C. 172.
Cited, Mandamus—Peremptory—Exhibition of Books.
12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257).
- People v. Paton**, 5 St. Rep. 313.
Cited, Mandamus—Peremptory.
8 App. Div. 553; (75 St. Rep. 232; 40 Supp. 842).
- People v. Paulding**, 22 Hun, 91.
Cited, Landlord and Tenant—Lease—Holding Over—Enlargement of Term.
5 Misc. 266; (25 Supp. 107).
- People v. Pavlik**, 7 Crim. Rep. 30.
Cited, Evidence—Good Character.
153 N. Y. 221.
- People v. Peabody**, 26 Barb. 437.
Cited, Certiorari—When Granted—Discretionary.
9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).
- People v. Pease**, 27 N. Y. 45.
Cited, Presumption.
83 Hun, 297; (64 St. Rep. 664; 31 Supp. 938).
Elections—Ballots—Allowance.
14 Misc. 198; (70 St. Rep. 430; 35 Supp. 657).

Duplicate Citations in Parenthesis.

People v. Pease, 30 Barb. 885.

Cited, Aliens—Naturalization—Proof.

10 Misc. 101; (63 St. Rep. 601; 31 Supp. 199).

People v. Peck, 61 Hun, 560; 51 St. Rep. 475; 22 Supp. 576.

Affirmed, 138 N. Y. 386; 52 St. Rep. 907

People v. Peck, 138 N. Y. 386; 52 St. Rep. 907.

Affirming, 67 Hun, 560; 51 St. Rep. 475; 22 Supp. 576.

People v. Pelham, Board of Town Auditors of Town of, 74 Hun, 83; 56 St. Rep. 167; 26 Supp. 122.

Cited, Towns—Audit of Claims.

81 Hun, 384; (63 St. Rep. 134; 30 Supp. 879).

People v. Pendleton, 64 N. Y. 622.

Cited, Injunctions—Violation.

D. 7 App. Div. 43; (39 Supp. 909).

People v. Penn Yan, Trustees of, 2 App. Div. 29; 73 St. Rep. 151; 37 Supp. 535.

Affirmed, 153 N. Y. 643.

People v. People, 81 Hun, 383; 63 St. Rep. 133; 30 Supp. 878.

People v. Perley, 80 N. Y. 624.

Cited, Elections—Ballots—Validity.

6 App. Div. 306; (40 Supp. 553).

People v. Perry, 13 Barb. 206.

Cited, Excise—License—Discretion.

72 St. Rep. 806; (38 Supp. 178).

Questioned—Officers—Public—Compulsory Action.

14 App. Div. 561; (77 St. Rep. 1092; 43 Supp. 1092).

People v. Person, 64 Hun, 327; 45 St. Rep. 528; 19 Supp. 297.

Affirmed, 135 N. Y. 613; 48 St. Rep. 929.

Cited, Voters and Electors—Excise Ballots.

67 Hun, 173; (51 St. Rep. 446; 22 Supp. 414).

People v. Peterson, 16 Week. Dig. 70.

Cited, Taxes—Assessors—Determination.

83 Hun, 377; (64 St. Rep. 753; 31 Supp. 957).

People v. Petrea, 30 Hun, 98.

Affirmed, 92 N. Y. 128.

Cited, Officers—De Facto—Collateral Challenge of Title.

139 N. Y. 511; (54 St. Rep. 814). 7 App. Div. 568; (74 St. Rep. 723; 40 Supp. 164).

Officers—De Facto—Acts.

7 App. Div. 566; (74 St. Rep. 722; 40 Supp. 162).

People v. Petrea, 92 N. Y. 128.

Cited, Grand Jury—Qualification.

14 Misc. 39; (69 St. Rep. 618; 35 Supp. 243). 151 N. Y. 218.

Statutes—Construction.

90 Hun, 487; (71 St. Rep. 47; 36 Supp. 40).

Disapproved, Indictment—Dismissal—Grounds.

19 Misc. 299; (76 St. Rep. 960; 42 Supp. 960)

People v. Pettit, 19 Misc. 280; 78 St. Rep. 256; 44 Supp. 256.

People v. Pettit, 74 N. Y. 320.

Cited, Husband and Wife—Liability of Husband for Non-support—Offer of Support.

78 Hun, 37; (60 St. Rep. 195; 28 Supp. 1002).

People v. Phelps, 44 St. Rep. 737; 18 St. Rep. 699.

Cited, Appeal—Decision—Conforming Order to.

73 Hun, 475; (57 St. Rep. 294; 26 Supp. 332).

People v. Philadelphia Fire Association of, 92 N. Y. 311.

Cited, Corporations—Foreign—Exclusion.

91 Hun, 162; (71 St. Rep. 140; 36 Supp. 371).

Corporations—Franchise—Legislature.

D. 4 App. Div. 274; (74 St. Rep. 796; 38 Supp. 863).

People v. Phillips, 67 N. Y. 582.

Cited, Appeal—Mandamus—Actual Litigation.

139 N. Y. 448; (54 St. Rep. 707).

People v. Phillips, 42 N. Y. 200.

Cited, Criminal Law—Reversal of Conviction—Discharge of Prisoner.

139 N. Y. 90; (54 St. Rep. 455).

Cited, Offenses—Statutory—Proof.

85 Hun, 135; (65 St. Rep. 677; 32 Supp. 522).

People v. Phyfe, 136 N. Y. 554; 49 St. Rep. 680.

People v. Piat, 19 Misc. 131.

People v. Pierce, 18 Misc. 83; 41 Supp. 858.

People v. Pillion, 78 Hun, 74; 60 St. Rep. 810; 29 Supp. 267.

Cited, Criminal Law—Indictment.

85 Hun, 137; (65 St. Rep. 678; 32 Supp. 523).

Criminal Law—Information—Procedure. 13 Misc. 767; (69 St. Rep. 610; 35 Supp. 235).

Pleading—Sufficiency.

1 App. Div. 134; (73 St. Rep. 58; 37 Supp. 845).

Duplicate Citations in Parenthesis.

People v. Pinckney, 67 Hun, 428; 51 St. Rep. 310; 22 Supp. 118.

People v. Pinckney, 32 N. Y. 377.
Cited, Office and Officers—Constitutional Law.

6 App. Div. 295; (40 Supp. 545). 8 App. Div. 255; (75 St. Rep. 20; 40 Supp. 624).

People v. Pinkerton, 77 N. Y. 245.

Cited, Extradition—Procedure.
15 Misc. 305; (72 St. Rep. 112; 36 Supp. 890).

People v. Pitman, 9 St. Rep. 469.

Cited, Certiorari—Taxes—Parties—Town Clerk.

78 Hun, 60; (60 St. Rep. 508; 28 Supp. 1040). 5 Misc. 58; (25 Supp. 50).

People v. Plath, 100 N. Y. 590.

Cited, Rape — Corroboration of Prosecutrix.

74 Hun, 313; (56 St. Rep. 257; 26 Supp. 676). D. 74 Hun, 322; (56 St. Rep. 264; 26 Supp. 682).

Evidence—Corroborative.

92 Hun, 200; (71 St. Rep. 170; 36 Supp. 399).

People v. Platt, 50 Hun, 454; 20 St. Rep. 249; 3 Supp. 367.

Cited, Domicile—Residence.

53 St. Rep. 142.

People v. Platt, 92 Hun, 349; 71 St. Rep. 562; 36 Supp. 531.

People v. Platt, 117 N. Y. 158; 27 St. Rep. 149.

Cited, Health—Quarantine—Residence of Commissioner.

3 Misc. 39; (53 St. Rep. 46; 22 Supp. 335). 24 Supp. 481.

Residence—Domicile.

11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 316). 4 App. Div. 305; (39 Supp. 502). 148 N. Y. 309; (25 Civ. Pro. 208; 2 Ann. Cas. 427). 19 Misc. 262; (78 St. Rep. 248; 44 Supp. 248).

Office—Public—Legislative Power.

83 Hun, 136; (64 St. Rep. 348; 31 Supp. 761). D. 6 App. Div. 321; (40 Supp. 563).

People v. Platt, 151 N. Y. 664.

People v. Platt, 66 St. Rep. 872; 33 Supp. 1132.

People v. Platt, 43 Barb. 116.

Cited, Summary Petition.

20 Misc. 349; (79 St. Rep. 919; 45 Supp. 919).

People v. Platt, 17 Johns. 195.

Cited, Waters—Riparian Owners—Rights in Streams.

75 Hun, 475; (57 St. Rep. 361; 27 Supp. 483).

People v. Plimley, 1 App. Div. 458; 72 St. Rep. 554; 37 Supp. 152.

People v. Plimley, 17 Misc. 457; 41 Supp. 365.

Affirmed, 8 App. Div. 323; 41 Supp. 1128.

People v. Plimley, 8 App. Div. 323; 41 Supp. 1128.

Affirmed, 150 N. Y. 571.

People v. Polhamus, 8 App. Div. 133; 40 Supp. 491.

People v. Poly, 17 Misc. 162; 40 Supp. 990.

People v. Port Richmond, Board of Sewer Commissioners of, 23 Supp. 264.

People v. Porter, 90 Hun, 401; 70 St. Rep. 271; 35 Supp. 811.

People v. Porter, 90 N. Y. 68.

Cited, Constitution—Construction.

6 App. Div. 285; (40 Supp. 539).

Constitutional Law—Local Government.
6 App. Div. 294; (40 Supp. 545). 150 N. Y. 487.

Courts—Local Territorial Jurisdiction.

12 App. Div. 72; (76 St. Rep. 863; 42 Supp. 833). 16 App. Div. 40; (78 St. Rep. 786; 44 Supp. 786).

Courts—Jurisdiction—Judicial Notice.

79 St. Rep. 767; (45 Supp. 767).

People v. Potter, 36 Hun, 181.

Cited, Eminent Domain—Qualification—Commissioner.

20 Misc. 522.

People v. Potter, 47 N. Y. 375.

Cited, Constitution and Statutes—Construction.

135 N. Y. 289; (47 St. Rep. 826). 13 Misc. 456, 464; (68 St. Rep. 608; 614; 34 Supp. 646, 651). 147 N. Y. 266; (69 St. Rep. 701). 147 N. Y. 381; (70 St. Rep. 35; 2 Ann. Cas. 320). 6 App. Div. 311; (40 Supp. 556). 11 App. Div. 119; (76 St. Rep. 660; 42 Supp. 660). 14 App. Div. 485; (77 St. Rep. 1037; 43 Supp. 1037).

People v. Potter, 1 Parker Crim. 47.

Cited, Pardon—Upon Conditions—Violation of—Recommitment—Procedure.

77 Hun, 95; (59 St. Rep. 856; 28 Supp. 302).

People v. Poughkeepsie Excise Commissioners, 2 App. Div. 89; 73 St. Rep. 109; 37 Supp. 485.

People v. Powell, 63 N. Y. 88.

Cited, Trial—Fact—Criminal Intent.

9 Misc. 448; (61 St. Rep. 70; 29 Supp. 1038). 148 N. Y. 33.

Duplicate Citations in Parenthesis.

People v. Powers, 8 Misc. 628; 61 St. Rep. 261; 29 Supp. 950.

Affirmed, 83 Hun, 449; 64 St. Rep. 879; 31 Supp. 1131.

People v. Powers, 147 N. Y. 104; 69 St. Rep. 403.

Reversing, 83 Hun, 449; 64 St. Rep. 879; 31 Supp. 1131.

Cited, Trusts—Beneficiary—Indefinite.

92 Hun, 99; (71 St. Rep. 760; 36 Supp. 565). 10 App. Div. 117; (75 St. Rep. 1124; 41 Supp. 732).

People v. Pratt, 22 Hun, 300.

Cited, Arrest—Without Warrant—Offense Committed in Officer's Absence.

1 Misc. 150; (40 St. Rep. 658; 20 Supp. 701). 13 Misc. 765; (69 St. Rep. 609; 35 Supp. 234).

Arrest—Misdemeanor—Sufficiency of Complaint.

9 Misc. 573; (62 St. Rep. 79; 30 Supp. 397).

False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief.

74 Hun, 341; (56 St. Rep. 378; 26 Supp. 410).

Criminal Law—Jurisdiction—Unlawful Arrest.

19 Misc. 680; (78 St. Rep. 1107; 44 Supp. 1107).

People v. Pratt, 66 Hun, 578; 50 St. Rep. 355; 21 Supp. 853.

Affirmed, 138 N. Y. 655; 53 St. Rep. 931.

Cited, Costs—Certiorari—Appeal.

66 St. Rep. 872; (33 Supp. 1132). 90 Hun, 254; (70 St. Rep. 264; 35 Supp. 804).

People v. Pratt, 129 N. Y. 68; 41 St. Rep. 244.

Cited, Taxes—Exemption—Review.

68 St. Rep. 814, 815; (34 Supp. 803).

Taxes—Exemption—Church Property.

6 App. Div. 89; (39 Supp. 767).

People v. Pratt, 138 N. Y. 655; 53 St. Rep. 931.

Cited, Costs—Certiorari—Appeal.

66 St. Rep. 872; (33 Supp. 1133).

People v. Pratt, 19 Supp. 565. 53 St. Rep. 931.

Cited, Costs—Special Proceedings—Taxation.

9 Misc. 509; (61 St. Rep. 81; 30 Supp. 246).

People v. Preston, 140 N. Y. 549; 56 St. Rep. 480.

Cited, Building and Loan Associations—Incorporation—Certificate.

142 N. Y. 182; (58 St. Rep. 645).

Building and Loan Associations—Income—Fund.

92 Hun, 577; (72 St. Rep. 292; 36 Supp. 1019).

People v. Price, 2 Supp. 414.

Cited, Indictment—Setting Aside—Grounds Available.

25 Supp. 481.

People v. Price, 6 N. Y. Crim. 141.

Cited, Indictment—Dismissal.

19 Misc. 299.

People v. Protestant Episcopal House of Mercy of N. Y., 128 N. Y. 180; 40 St. Rep. 157.

Cited, Habeas Corpus—Scope of Writ—Review of Commitment.

8 Misc. 169; (60 St. Rep. 143; 28 Supp. 506).

People v. Protestant Episcopal House of Mercy of New York, 128 N. Y. 180; 40 St. Rep. 157.

Cited, Habeas Corpus—Availability.

81 Hun, 341; (63 St. Rep. 156; 38 Supp. 902).

Habeas Corpus—Final Judgment.

88 Hun, 261, 262; (68 St. Rep. 554, 555; 34 Supp. 735, 736).

Habeas Corpus—What Reviewable.

81 Hun, 341; (63 St. Rep. 156; 38 Supp. 902). D. 86 Hun, 73; (67 St. Rep. 82; 33 Supp. 340).

People v. Pscherhofer, 64 Hun, 483; 46 St. Rep. 734; 19 Supp. 783.

Cited, Trial—Jury—Misconduct.

10 Misc. 441; (64 St. Rep. 16; 31 Supp. 463).

People v. Purdy, 126 N. Y. 679; 58 Hun, 386; 34 St. Rep. 893.

Cited, Hospitals—Revenue.

147 N. Y. 58; (69 St. Rep. 309).

People v. Purdy, 2 Hill, 31.

Cited, Constitution—Construction.

11 Misc. 101, 102; (65 St. Rep. 166, 167; 32 Supp. 110). 145 N. Y. 439; (65 St. Rep. 406). 13 Misc. 456, 459; (68 St. Rep. 608; 610; 34 Supp. 645, 647). 15 App. Div. 89, (78 St. Rep. 303; 44 Supp. 303).

People v. Purroy, 21 St. Rep. 337; 4 Supp. 345.

Cited, Officers—Removal—Trial—Review.

84 Hun, 83; (65 St. Rep. 188; 32 Supp. 31).

People v. Pustolka, 149 N. Y. 570.

People v. Queens County, Sup'rs of, 71 Hun, 97; 54 St. Rep. 197; 24 Supp. 563.

Reversed, 142 N. Y. 271; 58 St. Rep. 580.

People v. Queens County, Sup'rs of, 83 Hun, 237; 64 St. Rep. 159; 31 Supp. 569.

Affirmed, 145 N. Y. 597; 65 St. Rep. 867.

Duplicate Citations in Parenthesis.

People v. Queens County, Sup'rs of,
82 N. Y. 277.

Cited, Certiorami—Review of Audit Claims—When Available.

74 Hun, 89; (56 St. Rep. 170; 26 Supp. 125).

People v. Queens County, Sup'rs of,
112 N. Y. 585; 21 St. Rep. 771.

Cited, Counties—Boards of Supervisors—Open Highways.

71 Hun, 99; (54 St. Rep. 198; 24 Supp. 564). 3 App. Div. 368; (38 Supp. 522).

Statutes—Local Acts—Legislature.

8 Misc. 570; (60 St. Rep. 683; 29 Supp. 778). 81 Hun, 327; (29 Supp. 778). 16 App. Div. 512; (78 St. Rep. 933; 44 Supp. 933).

People v. Queens County, Sup'rs of,
131 N. Y. 468; 43 St. Rep. 665.

Cited, Certiorari—Quashing on Motion—Review of Discretionary Determination.

56 St. Rep. 108; (25 Supp. 879).

Certiorari—When Lies.

83 Hun, 187; (64 St. Rep. 146; 31 Supp. 593). 10 App. Div. 453; (75 St. Rep. 1364; 41 Supp. 984). 14 App. Div. 609; (77 St. Rep. 1122; 43 Supp. 1122). D. 152 N. Y. 398.

People v. Queens County, Sup'rs of,
142 N. Y. 271; 58 St. Rep. 580.

Cited, Supervisors—Mandatory Duties—Bridges.

91 Hun, 242; (70 St. Rep. 908; 36 Supp. 1131).

Municipal Corporations—Bridges.

151 N. Y. 191.

People v. Queens County, Sup'rs of,
151 N. Y. 190.

Affirmed, 91 Hun, 241.

People v. Queens County, Sup'rs of,
14 App. Div. 608; 77 St. Rep. 1121; 43 Supp. 1121.

Affirmed, 153 N. Y. 370.

People v. Queens County, Sup'rs of,
1 Hill, 198.

Cited, Certiorari—Review of Audit Claims—When Available.

74 Hun, 89; (56 St. Rep. 170; 26 Supp. 126).

People v. Quinn, 63 Hun, 634; 44 St. Rep. 920.

Reversed, 54 St. Rep. 431.

Cited, Bottles—Offense of Buying Marked—Constitutionality.

49 St. Rep. 369; (20 Supp. 783).

People v. Quinn, 54 St. Rep. 431.

People v. Quigg, 59 N. Y. 83.

Cited, Statutes—Repeal—Special by General.

9 Misc. 263; (61 St. Rep. 321; 29 Supp. 745). 77 Hun, 376; (60 St. Rep. 412; 28 Supp. 874). 10 Misc. 247; (62 St. Rep. 466; 30 Supp. 823). 81 Hun, 357; (63 St. Rep. 121; 30 Supp. 956). 144 N. Y. 411; (63 St. Rep. 650). 86 Hun, 81; (67 St. Rep. 119; 33 Supp. 349). D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352).

Judgment—Recognizances.

11 Misc. 303; (65 St. Rep. 304; 32 Supp. 163). 146 N. Y. 352; (69 St. Rep. 186).

People v. Randall, 12 Misc. 619; 68 St. Rep. 355; 34 Supp. 450.

People v. Randall, 91 Hun, 266; 71 St. Rep. 91; 36 Supp. 202.

Affirmed, 151 N. Y. 497.

Followed, 6 App. Div. 611; 39 Supp. 1131.

People v. Randall, 151 N. Y. 497.

People v. Randolph, 2 Park. Crim. 213.

Cited, Extortion—Attempt—Animus of Accused.

73 Hun, 71; (57 St. Rep. 21; 25 Supp. 1075).

People v. Randolph, Board of Commissioners of, 75 Hun, 224; 58 St. Rep. 680; 27 Supp. 41.

Cited, 30 Supp. 345.

Intoxicating Liquors—Local Option.

13 Misc. 544; (70 St. Rep. 481; 35 Supp. 663).

People v. Ransom, 80 Hun, 75; 61 St. Rep. 766; 30 Supp. 15.

People v. Ransom, 2 N. Y. 490.

Cited, Mandamus—Alternative—Nature. 6 App. Div. 27; (39 Supp. 514).

People v. Ransom, 7 Wend. 417.

Cited, Trial—Verdict—Vacation.

10 Misc. 438; (64 St. Rep. 14; 31 Supp. 461).

People v. Ransom, 2 St. Rep. 78.

Cited, Appeal—Findings.

88 Hun, 460; (68 St. Rep. 787; 34 Supp. 875).

People v. Rathbone, 145 N. Y. 434; 65 St. Rep. 404.

Cited, Constitutional Law—Officers—Public.

146 N. Y. 294; (66 St. Rep. 653).

Constitutional Law—Civil Service.

12 Misc. 182; (67 St. Rep. 262; 33 Supp. 374). 13 Misc. 455; (68 St. Rep. 608; 34 Supp. 645).

Constitution—Construction.

13 Misc. 457; (68 St. Rep. 609; 34 Supp. 646). 6 App. Div. 311; 40 Supp. 556). 148 N. Y. 193.

Duplicate Citations in Parenthesis.

People v. Rathbone, 11 Misc. 98; 65 St. Rep. 164; 32 Supp. 108.

People v. Rathbone, 33 Supp. 132.

People v. Rathbun, 21 Wend. 509.

Cited, Criminal Law—Waiver.

88 Hun, 306; (68 St. Rep. 586; 34 Supp. 766). 19 Misc. 683; (78 St. Rep. 1108; 44 Supp. 1108).

Stipulations—Effect.

12 App. Div. 39; (76 St. Rep. 364; 42 Supp. 864).

People v. Raymond, 37 N. Y. 428.

Cited, Constitutional Law — Statutes — Severance.

D. 150 N. Y. 521.

People v. Reardon, 49 Hun, 425, 430; 3 Supp. 560.

Cited, Elections—Inspectors—Counting Ballots.

17 Misc. 678; (40 Supp. 604).

Elections—Return—Mandamus.

18 Misc. 394; (77 St. Rep. 712; 43 Supp. 712).

People v. Reavery, 4 N. Y. Crim. 1.

Cited, Indictment—Sufficiency — Common Law Tests Obsolete.

49 St. Rep. 408; (20 Supp. 808.)

People v. Reddy, 43 Barb. 539.

Cited, Taxes—Assessment—Review.

7 Misc. 300; (58 St. Rep. 549; 28 Supp. 143). 83 Hun, 377; (64 St. Rep. 753; 31 Supp. 957).

People v. Reed, 142 N. Y. 630; 60 St. Rep. 866.

Affirming, 64 Hun, 453; 46 St. Rep. 597; 19 Supp. 877.

People v. Reliance Marine Ins. Co., 70 Hun, 554; 53 St. Rep. 602; 24 Supp. 190.

People v. Remington, 45 Hun, 329; 10 St. Rep. 310.

Affirmed, 109 N. Y. 631.

Cited, Corporations — Dissolution—Preferences—Wages of Employees—Who Are.

73 Hun, 332; (55 St. Rep. 906; 26 Supp. 212). 91 Hun, 315; (71 St. Rep. 558; 36 Supp. 527; 3 Ann. Cas. 5). 17 App. Div. 196; (79 St. Rep. 355; 45 Supp. 355). D. 17 App. Div. 197; (79 St. Rep. 356; 45 Supp. 356). 79 St. Rep. 632, 633; (45 Supp. 632, 633).

Employees — Wages — Preference—Retraactive Effect.

148 N. Y. 591; (3 Ann. Cas. 2).

People v. Remington, 109 N. Y. 631.

Cited, Corporations — Preferences—Employees—Who Included.

D. 17 App. Div. 197; (79 St. Rep. 356; 45 Supp. 356).

People v. Remington & Sons, 121 N. Y. 328; 31 St. Rep. 289.

Cited, Corporations—Insolvent — Rights of Creditors.

143 N. Y. 264; (62 St. Rep. 155).

People v. Rice, 57 Hun, 62; 10 Supp. 270.

Cited, Contempt—Witnesses.

6 App. Div. 146; (39 Supp. 880).

People v. Rice, 66 Hun, 130; 49 St. Rep. 46; 21 Supp. 48.

Affirmed, 138 N. Y. 614; 51 St. Rep. 933.

People v. Rice, 68 Hun, 24; 52 St. Rep. 50; 22 Supp. 631.

People v. Rice, 74 Hun, 179; 56 St. Rep. 546; 26 Supp. 345.

Cited, 80 Hun, 438; 62 St. Rep. 289; 30 Supp. 458.

D. 80 Hun, 443; (62 St. Rep. 292; 30 Supp. 461).

People v. Rice, 80 Hun, 437; 62 St. Rep. 289; 80 Supp. 457.

Affirmed, 144 N. Y. 249; 63 St. Rep. 110.

People v. Rice, 129 N. Y. 449; 41 St. Rep. 938.

Cited, D. 80 Hun, 458; 62 St. Rep. 303; 30 Supp. 470.

Elections—Return.

80 Hun, 443.

Elections—Nominations—Regularity.

9 App. Div. 626; (75 St. Rep. 963; 41 Supp. 573).

Mandamus—Office—Preventive Relief.

74 Hun, 181; (56 St. Rep. 547; 26 Supp. 346).

Elections—Return.

D. 74 Hun, 196; (56 St. Rep. 558; 26 Supp. 355).

Mandamus—Board of Canvassers—Special Term.

D. 74 Hun, 194; (56 St. Rep. 556); 26 Supp. 355). 144 N. Y. 261; (63 St. Rep. 115).

Officers—Public—Duties.

D. 13 App. Div. 33; (77 St. Rep. 105; 43 Supp. 105).

People v. Rice, 135 N. Y. 473; 47 St. Rep. 702.

Affirming, 15 Hun, 236; 47 St. Rep. 685; 20 Supp. 293.

Cited, Election Districts—Apportionment — Computation of Population—Immaterial Error.

60 St. Rep. 111.

Election Districts—Apportionment—Colored Citizens.

138 N. Y. 105; (51 St. Rep. 694).

Election Districts — Apportionment — Division of Political Divisions.

Duplicate Citations in Parenthesis.

60 St. Rep. 109. 90 Hun, 572; (71 St. Rep. 49, 50; 36 Supp. 42).

Statutes—Constitutionality—Obviousness of Objection.

77 Hun, 410; (60 St. Rep. 48; 28 Supp. 811). 8 Misc. 573; (60 St. Rep. 685; 29 Supp. 816). 81 Hun, 330; (29 Supp. 780). 13 Misc. 717; (70 St. Rep. 243; 35 Supp. 822). 14 Misc. 339; (71 St. Rep. 74; 36 Supp. 126). 3 App. Div. 196; (73 St. Rep. 636; 38 Supp. 480). 2 App. Div. 365; (73 St. Rep. 389; 37 Supp. 715). 79 St. Rep. 425; (45 Supp. 425). D. 150 N. Y. 509.

People v. Rice, 138 N. Y. 151; 51 St. Rep. 853.

Cited, Mandamus—Officers—Determination Previous to Act.

5 Misc. 380; (56 St. Rep. 635; 25 Supp. 770).

People v. Rice, 144 N. Y. 249; 63 St. Rep. 110.

Cited, Writ and Process—When Effective.

1 App. Div. 591; (73 St. Rep. 112; 37 Supp. 488).

People v. Rice, 11 Supp. 249.

Cited, Corporations—Reorganization—Effect.

13 App. Div. 55; (77 St. Rep. 54; 43 Supp. 54).

People v. Rice, 47 St. Rep. 702; 20 Supp. 293.

Affirming, 47 St. Rep. 685.

Cited, Constitutional Law—Obvious Conflict.

17 Misc. 259; (40 Supp. 1079).

People v. Richmond, 5 Misc. 26; 25 Supp. 144.

People v. Richards, 99 N. Y. 620.

Cited, Mandamus—Peremptory—Presumption.

12 Misc. 468; (68 St. Rep. 136; 34 Supp. 258). 148 N. Y. 189.

People v. Richards, 108 N. Y. 137; 18 St. Rep. 515.

Cited, Criminal Law—Penal Code—Effect on Prior Definition of Crime.

137 N. Y. 74; (50 St. Rep. 3).

People v. Riggs, 19 Misc. 693; 79 St. Rep. 53; 45 Supp. 53.

People v. Riley, 5 Park Crim. 401.

Cited, Criminal Action—Jury.

13 Misc. 303; (34 Supp. 1115).

People v. Riordan, 7 N. Y. Crim. 7; 3 Supp. 774.

Cited, Criminal Law—Proof—Burden.

6 App. Div. 397; (39 Supp. 647).

People v. Riordan, 117 N. Y. 71.

Cited, Criminal Law—Proof—Reasonable Doubt.

6 App. Div. 397; (39 Supp. 647).

People v. Robb, 126 N. Y. 180; 57 St. Rep. 8.

Cited, Officers—Term—Removal.

74 Hun, 175; (56 St. Rep. 389; 26 Supp. 368). 142 N. Y. 116; (58 St. Rep. 635). 84 Hun, 83; (65 St. Rep. 188; 32 Supp. 31). 84 Hun, 420; (65 St. Rep. 586; 32 Supp. 380). 15 Misc. 13; (72 St. Rep. 267; 36 Supp. 1118). 15 App. Div. 273; (78 St. Rep. 597; 44 Supp. 597). 79 St. Rep. 888; (45 Supp. 888). 148 N. Y. 160. 149 N. Y. 224.

People v. Roberts, 10 Misc. 764; 66 St. Rep. 74; 32 Supp. 711.

People v. Roberts, 13 Misc. 448; 68 St. Rep. 603; 34 Supp. 641.

Affirmed, 91 Hun, 101; 71 St. Rep. 696; 36 Supp. 677.

Cited, Constitution—Officers—Civil Service.

14 App. Div. 488; (77 St. Rep. 1039; 43 Supp. 1039).

People v. Roberts, 18 Misc. 530; 76 St. Rep. 1089; 42 Supp. 1089.

People v. Roberts, 82 Hun, 313; 63 St. Rep. 574; 31 Supp. 245.

Cited, Taxes—Exemptions—Comptroller.

11 App. Div. 451; (76 St. Rep. 319; 43 Supp. 319).

People v. Roberts, 83 Hun, 352; 63 St. Rep. 573; 31 Supp. 243.

Affirmed, 145 N. Y. 375; 64 St. Rep. 827.

People v. Roberts, 88 Hun, 448; 68 St. Rep. 603; 34 Supp. 641.

Cited, Constitution—Office—Civil Service.

89 Hun, 296; (69 St. Rep. 278; 35 Supp. 163). 14 App. Div. 487, 488; (77 St. Rep. 1038, 1039; 43 Supp. 1038, 1039).

People v. Roberts, 90 Hun, 533; 71 St. Rep. 409; 36 Supp. 73.

People v. Roberts, 90 Hun, 537; 71 St. Rep. 41; 36 Supp. 34.

People v. Roberts, 90 Hun, 474; 70 St. Rep. 640; 35 Supp. 968.

Reversed, 154 N. Y. 1.

People v. Roberts, 91 Hun, 101; 71 St. Rep. 696; 36 Supp. 677.

Affirmed, 148 N. Y. 360.

Cited, Constitution—Office—Civil Service.

14 App. Div. 488, 490; (77 St. Rep. 1039, 1040; 43 Supp. 1039, 1040). 152 N. Y. 355.

People v. Roberts, 91 Hun, 146; 71 St. Rep. 207; 36 Supp. 277.

Duplicate Citations in Parenthesis.

People v. Roberts, 91 Hun, 158; 71 St. Rep. 138; 36 Supp. 368.

Affirmed, 149 N. Y. 608.

Distinguished, Taxes — Foreign Corporations.

5 App. Div. 248; (39 Supp. 153).

People v. Roberts, 144 N. Y. 234; 63 St. Rep. 100.

Cited, Taxes—Sale—Cancellation—Availability.

11 Misc. 702; (66 St. Rep. 580; 32 Supp. 1126). 11 Misc. 511; (67 St. Rep. 286; 33 Supp. 438). 8 App. Div. 24; (40 Supp. 458). 151 N. Y. 542.

People v. Roberts, 145 N. Y. 375; 64 St. Rep. 827.

Cited, Corporations—Manufacturing.

88 Hun, 531; (68 St. Rep. 749; 34 Supp. 714). 3 App. Div. 275; (73 St. Rep. 852; 38 Supp. 234).

Distinguished, Taxes — Corporations — Valuation.

18 Misc. 532; (76 St. Rep. 1091; 42 Supp. 1091).

People v. Roberts, 148 N. Y. 360.

Cited, Constitution—Office — Civil Service.

5 App. Div. 165; (39 Supp. 76). 17 Misc. 509; (40 Supp. 324). 14 App. Div. 489, 494; (77 St. Rep. 1039, 1043; 43 Supp. 1039, 1043). 20 Misc. 210; (79 St. Rep. 47; 45 Supp. 47). 152 N. Y. 355. D. 152 N. Y. 378, 379.

Constitution—Construction.

15 App. Div. 89; (78 St. Rep. 303; 44 Supp. 303).

People v. Roberts, 148 N. Y. 765.

Affirming, 91 Hun, 635; 36 Supp. 1131.

People v. Roberts, 151 N. Y. 540.

People v. Roberts, 152 N. Y. 59.

People v. Roberts, 4 App. Div. 334; 74 St. Rep. 107; 38 Supp. 724.

People v. Roberts, 4 App. Div. 388; 38 Supp. 872.

Affirmed, 151 N. Y. 652.

Cited, Taxes—Corporations—Manufacturing.

11 App. Div. 451; (76 St. Rep. 318; 42 Supp. 318).

People v. Roberts, 4 App. Div. 288; 39 Supp. 448.

Affirmed, 151 N. Y. 621.

People v. Roberts, 8 App. Div. 201; 40 Supp. 417.

Affirmed, 151 N. Y. 619.

People v. Roberts, 8 App. Div. 219; 40 Supp. 457.

Affirmed, 151 N. Y. 540.

People v. Roberts, 11 App. Div. 310; 76 St. Rep. 502; 42 Supp. 502.

Affirmed, 152 N. Y. 59.

People v. Roberts, 11 App. Div. 449; 76 St. Rep. 317; 42 Supp. 317.

People v. Robertson, 39 Barb. 9.

Cited, Landlord and Tenant—Lease—Expiration.

76 Hun, 68; (59 St. Rep. 620; 27 Supp. 605).

People v. Rochester, 21 Barb. 656.

Cited, Certiorari — When Granted—Discretionary.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

People v. Rochester, Common Council of, 11 Hun, 241.

Cited, Courts—Municipal of Rochester—Justices.

12 App. Div. 63; (76 St. Rep. 857; 42 Supp. 857).

People v. Rochester, Common Council of, 50 N. Y. 525.

Cited, Constitutionality—Statutes.

19 Misc. 124.

People v. Rochester Dime Savings and Loan Association, 7 App. Div. 350; 39 Supp. 939.

People v. Rochester S. L. R. Co., 76 N. Y. 294.

Cited, Contempt—Fine—Items.

15 Misc. 641; (72 St. Rep. 680; 37 Supp. 429).

People v. Rockhill, 74 Hun, 241; 55 St. Rep. 681; 26 Supp. 222.

Cited, Indictment—Statement of Offense.

92 Hun, 357; (71 St. Rep. 543; 36 Supp. 413).

People v. Rogers, 18 N. Y. 9.

Cited, Homicide—Intoxication.

143 N. Y. 364; (62 St. Rep. 355).

People v. Rogers, 13 Abb. N. S. 370.

Cited, Trial — Jury — Peremptory Challenge—When Available.

137 N. Y. 35; (50 St. Rep. 65).

People v. Rohl, 138 N. Y. 616; 52 St. Rep. 147.

Cited, Trial—Conduct — Comments of Counsel.

77 Hun, 503; (60 St. Rep. 548; 28 Supp. 1084).

People v. Rollins, 33 Hun, 47.

Cited, Courts — Jurisdiction — Retention Till Termination of Proceeding.

68 Hun, 409; (52 St. Rep. 690; 23 Supp. 67).

Duplicate Citations in Parenthesis.

People v. Rome, City of, 136 N. Y. 489; 49 St. Rep. 823.

Cited, Poor—Veterans—Relief.

90 Hun, 53; (69 St. Rep. 856; 35 Supp. 448).

People v. Rome, Watertown & O.

R. Co., 103 N. Y. 95; 3 St. Rep. 39.

Cited, Railroads—Abandonment of Line.

84 Hun, 518; (66 St. Rep. 309; 32 Supp. 857).

Mandamus—Peremptory.

12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257). 16 Misc. 306; (39 Supp. 368). 17 Misc. 675; (40 Supp. 602). 8 App. Div. 553; (75 St. Rep. 232; 40 Supp. 842). 149 N. Y. 418; 149 N. Y. 223.

People v. Rontey, 4 Supp. 235; 21 St. Rep. 173.

Cited, Druggists—Unlawful Sale.

16 App. Div. 61; (78 St. Rep. 1079; 44 Supp. 1079).

People v. Roosevelt, 12 Misc. 622; 68 St. Rep. 85; 34 Supp. 228.

Affirmed, 14 Misc. 531; 70 St. Rep. 703; 35 Supp. 1085.

People v. Roosevelt, 14 Misc. 531; 70 St. Rep. 703; 35 Supp. 1085.

Affirmed, 149 N. Y. 574.

People v. Roosevelt, 151 N. Y. 369.

People v. Roosevelt, 1 App. Div. 434; 72 St. Rep. 564; 37 Supp. 113.

Affirmed, 151 N. Y. 675.

People v. Roosevelt, 1 App. Div. 577; 73 St. Rep. 113; 37 Supp. 488.

Cited, Police—Dismissal—Previous Record.

2 App. Div. 544; (73 St. Rep. 114; 37 Supp. 489). 74 St. Rep. 462; (38 Supp. 33). 5 App. Div. 329; (39 Supp. 291). 17 App. Div. 302; (79 St. Rep. 260; 45 Supp. 260).

People v. Roosevelt, 2 App. Div. 536; 74 St. Rep. 456; 38 Supp. 27.

Affirmed, 153 N. Y. 657.

Cited, Police—Dismissal—Previous Record.

5 App. Div. 329; (39 Supp. 291). 17 App. Div. 302; (79 St. Rep. 261; 45 Supp. 261).

People v. Roosevelt, 2 App. Div. 498; 74 St. Rep. 430; 37 Supp. 1083.

Cited, Police—Removal—Review.

5 App. Div. 330; (39 Supp. 291).

People v. Roosevelt, 5 App. Div. 168; 39 Supp. 78.

People v. Roosevelt, 5 App. Div. 328; 39 Supp. 290.

People v. Roosevelt, 6 App. Div. 332; 39 Supp. 640.

People v. Roosevelt, 7 App. Div. 144; 40 Supp. 102.

People v. Roosevelt, 7 App. Div. 181; 39 Supp. 1101.

People v. Roosevelt, 7 App. Div. 308; 40 Supp. 117.

People v. Roosevelt, 9 App. Div. 626; 75 St. Rep. 962; 41 Supp. 572.

Affirmed, 151 N. Y. 369.

People v. Roosevelt, 13 App. Div. 404; 77 St. Rep. 73; 43 Supp. 73.

Affirmed, 153 N. Y. 648.

People v. Roosevelt, 15 App. Div. 401; 44 Supp. 102; 78 St. Rep. 102.

Affirmed, 153 N. Y. 689.

Cited, Police—Removal—Neglect of Duty. 79 St. Rep. 881; (45 Supp. 881).

People v. Roosevelt, 16 App. Div. 331; 78 St. Rep. 655; 44 Supp. 655.

People v. Roosevelt, 16 App. Div. 364; 78 St. Rep. 1003; 44 Supp. 1003.

People v. Roosevelt, 17 App. Div. 301; 79 St. Rep. 260; 45 Supp. 260.

People v. Roosevelt, 73 St. Rep. 114; 37 Supp. 489.

Affirmed, 153 N. Y. —

People v. Roosevelt, 40 Supp. 119.

People v. Roosevelt, 79 St. Rep. 880; 45 Supp. 880.

People v. Rose, 52 Hun, 33.

Cited, Trial—Criminal—Remarks of Counsel.

D. 150 N. Y. 310.

People v. Rosenberg, 67 Hun, 52; 51 St. Rep. 189; 22 Supp. 56.

Reversed, 138 N. Y. 410; 53 St. Rep. 1.

People v. Rosenberg, 138 N. Y. 410; 53 St. Rep. 1.

Cited, Constitutional Law—Evasion of Question—Other Decisive Points in Case.

139 N. Y. 511; (54 St. Rep. 814).

Constitutional Law—Police Power—Infants—Public Exhibitions.

141 N. Y. 135; (56 St. Rep. 672).

People v. Rosendale, 76 Hun, 103; 57 St. Rep. 447; 27 Supp. 837.

Reversing, 5 Misc. 378; 56 St. Rep. 633; 25 Supp. 769.

Affirmed, 142 N. Y. 126; 58 St. Rep. 629.

Cited, Mandamus—Review of Official Action.

82 Hun, 303; (63 St. Rep. 580; 31 Supp. 250).

People v. Rosendale, 76 Hun, 112; 57 St. Rep. 377; 27 Supp. 825.

Affirmed, 142 N. Y. 670; 60 St. Rep. 871.

Duplicate Citations in Parenthesis.

People v. Rosendale, 142 N. Y. 126; 58 St. Rep. 629.

People v. Rosendale, 142 N. Y. 670; 60 St. Rep. 871.

People v. Rossiter, 4 Cow. 143.

Cited, Statutes—When Binding on State. 73 Hun, 259; (58 St. Rep. 81; 26 Supp. 566).

People v. Rowe, 4 Park. Cr. 253.

Cited, Criminal Law—Arrest—Immunity From.

79 Hun, 412; (61 St. Rep. 502; 29 Supp. 796).

People v. Rowland, 5 Barb. 449.

Cited, Evidence—Secondary.

90 Hun, 524; (71 St. Rep. 709; 36 Supp. 689).

People v. Rupp, 90 Hun, 145; 69 St. Rep. 736; 35 Supp. 349.

Cited, Office—Preference of Veterans—Mandamus.

17 Misc. 654; (41 Supp. 450). 9 App. Div. 254; (75 St. Rep. 888; 41 Supp. 495). 19 Misc. 673; (78 St. Rep. 472; 44 Supp. 472).

People v. Ryan, 55 Hun, 214; 27 St. Rep. 916; 8 Supp. 241.

Cited, Witness—Impeachment—Collateral Matters.

7 Misc. 628; (58 St. Rep. 811; 28 Supp. 150; 31 Abb. N. C. 272).

Assault—Fire Arms.

6 App. Div. 201; (39 Supp. 953).

People v. Ryan, 88 N. Y. 142.

Cited, Taxes—Assessment—Review.

7 Misc. 300; (58 St. Rep. 549; 28 Supp. 144).

Taxes — Corporations — Non-assessable Property.

76 Hun, 457; (58 St. Rep. 497; 27 Supp. 1085).

People v. Ryder, 12 N. Y. 433.

Cited, Pleading — Making Definite — Dates.

3 Misc. 408; (52 St. Rep. 330; 23 Supp. 186). 10 Misc. 654; (64 St. Rep. 499; 31 Supp. 796). 14 Misc. 62; (69 St. Rep. 566; 35 Supp. 250).

Pleading—Issuable Matter.

17 Misc. 382; (39 Supp. 1061).

People v. Ryder, 124 N. Y. 500; 36 St. Rep. 468.

Cited, Evidence — Rules of — Vested Rights.

136 N. Y. 390; (49 St. Rep. 831).

People v. Ryken, 6 Hun, 625.

Cited, Certiorari — Return — Conclusiveness—Power of Court to Determine Falsity of.

7 Misc. 218; (58 St. Rep. 557; 27 Supp. 1103).

Certiorari—Return.

13 Misc. 538; (35 Supp. 659; 70 St. Rep. 477).

People v. Rynders, 12 Wend. 425.

Cited, Indictment—Charging More Than One Crime.

140 N. Y. 335; (55 St. Rep. 670). 135 N. Y. 459; (48 St. Rep. 438). 7 App. Div. 541, 542; (40 Supp. 246, 247).

Indictment—Superseding by Later Indictment.

20 Misc. 165; (79 St. Rep. 50; 45 Supp. 50).

People v. Sackett, 15 App. Div. 290; 78 St. Rep. 593; 44 Supp. 593.

People v. Sackett, 17 Misc. 405; 40 Supp. 413.

Reversed, 15 App. Div. 290; 78 St. Rep. 593; 44 Supp. 593.

People v. Sackett, 17 Misc. 406; 74 St. Rep. 859; 40 Supp. 414.

People v. Sadler, 97 N. Y. 146.

Cited, Disorderly Person—Punishment.

13 Misc. 305; (69 St. Rep. 206; 34 Supp. 1116).

Misdemeanor—Bawdy House.

79 St. Rep. 951; (45 Supp. 951).

People v. Safford, 5 Den 112.

Cited, Witness—Impeachment.

88 Hun, 544; (68 St. Rep. 710; 34 Supp. 775).

People v. Sage, 17 Misc. 712; 41 Supp. 531.

Reversed, 13 App. Div. 135; 77 St. Rep. 372; 43 Supp. 372.

Cited, 77 St. Rep. 372; (43 Supp. 372)

People v. Sage, 11 App. Div. 4; 76 St. Rep. 251; 42 Supp. 251.

People v. Sage, 13 App. Div. 135; 77 St. Rep. 372; 43 Supp. 372.

People v. Salisbury, 2 App. Div. 39; 72 St. Rep. 671; 37 Supp. 420.

Affirmed, 151 N. Y. 663.

People v. Samuels, 5 Misc. 585; 54 St. Rep. 836; 25 Supp. 81.

People v. Sands, 1 Johns. 78.

Cited, Nuisance—What is—Negligence—Imputed.

9 Misc. 14; (59 St. Rep. 698; 29 Supp. 17).

People v. Sanford, 69 St. Rep. 224; 35 Supp. 29.

People v. Saratoga Springs, Board of Fire Commissioners of, 76 Hun, 146; 57 St. Rep. 303; 27 Supp. 548.

Duplicate Citations in Parenthesis.

People v. Saratoga Springs, Board of Fire Commissioners of, 90 Hun, 515; 35 Supp. 964.

Affirmed, 149 N. Y. 575.

People v. Saratoga Springs, Board of Trustees of, 4 App. Div. 399; 39 Supp. 607.

People v. Saratoga Springs, Board of Trustees of, 54 Hun, 16.

Cited, Office—Preference of Veterans. 148 N. Y. 181.

People v. Sawyer, 56 St. Rep. 790; 27 Supp. 202.

People v. Saxton, 15 App. Div. 263; 78 St. Rep. 211; 44 Supp. 211.

People v. Saxton, 22 N. Y. 309.

Cited, Elections—Ballots—Regularity. 14 Misc. 197, 198; (70 St. Rep. 430; 35 Supp. 656). 3 App. Div. 458; (73 St. Rep. 712; 38 Supp. 218).

People v. Schackno, 48 Barb. 551.

Cited, Landlord and Tenant—Notice to Quit.

92 Hun, 513; (72 St. Rep. 214; 37 Supp. 61). 18 Misc. 73; (75 St. Rep. 487; 41 Supp. 32).

People v. Schad, 58 Hun, 571; 35 St. Rep. 148; 12 Supp. 695.

Cited, Trial—Misconduct of Jury. 10 Misc. 439; (64 St. Rep. 14; 31 Supp. 461).

People v. Schantz, 13 Misc. 563; 69 St. Rep. 187; 34 Supp. 1099.

People v. Schellinger, 32 St. Rep. 351. 10 Supp. 947.

Cited, Certiorari—Highway—Commissioners—Return.

7 Misc. 216; (58 St. Rep. 557; 27 Supp. 1102).

People v. Schenectady, Board of Police Com'rs of, 13 App. Div. 69; 77 St. Rep. 118; 43 Supp. 118.

People v. Schermerhorn, 19 Barb. 540; *Cited*, Statutes—Directory and Mandatory Words.

144 N. Y. 410; (63 St. Rep. 650). 17 Misc. 366; (74 St. Rep. 854; 40 Supp. 64; 25 Civ. Pro. 344).

People v. Schiellein, 95 N. Y. 124.

Cited, Voters and Elections—Official Notice.

9 Misc. 248; (60 St. Rep. 579; 30 Supp. 266). Mandamus—Official Action.

14 Misc. 44; (68 St. Rep. 169; 35 Supp. 224). 14 Misc. 622; (72 St. Rep. 312; 36 Supp. 939). 18 Misc. 395; (77 St. Rep. 712; 43 Supp. 712).

People v. Schieren, 89 Hun, 220; 69 St. Rep. 243; 35 Supp. 64.

People v. Schildwachter, 87 Hun, 363; 68 St. Rep. 436; 34 Supp. 352.

Cited, Bastardy—Undertaking—Alternative Provisions.

16 Misc. 108; (74 St. Rep. 493; 38 Supp. 814).

Bastardy—New Trial.

15 App. Div. 45; (78 St. Rep. 112; 44 Supp. 112).

People v. Schildwachter, 5 App. Div. 346; 39 Supp. 288.

People v. Schmidt, 19 Misc. 458; 78 St. Rep. 607; 44 Supp. 607.

People v. Schoharie County, Sup'rs of, 121 N. Y. 345.

Cited, Poor and Poor Laws—Support—Liability of Town.

24 Supp. 475.

People v. Schooley, 149 N. Y. 99.

Cited, Indictment—Dismissal.

153 N. Y. 23.

People v. Schooley, 89 Hun, 391; 69 St. Rep. 841; 35 Supp. 429.

Affirmed, 149 N. Y. 99.

People v. Schrieber, 80 Hun, 604; 31 Supp. 1132.

People v. Schroeder, 12 Hun, 413.

Affirmed, 76 N. Y. 160.

Cited, Municipal Corporations—Mayor—Power to Veto Appointment.

76 Hun, 84; (59 St. Rep. 197; 28 Supp. 601). 1 App. Div. 258; (72 St. Rep. 594; 37 Supp. 268).

People v. Schroeder, 76 N. Y. 160.

Cited, Municipal Corporations—Mayor—Veto.

1 App. Div. 258; (72 St. Rep. 594; 37 Supp. 268).

People v. Schuyler, 79 N. Y. 189.

Cited, Mandamus—Audit of Claims.

6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172).

People v. Schuyler, 43 Hun, 88.

Affirmed, 106 N. Y. 298.

Cited, Witness—Physician—Hypothetical Question.

8 App. Div. 76; (40 Supp. 421).

Witness—Incompetent—Burden.

79 St. Rep. 1099; (45 Supp. 1099).

People v. Schuyler, 106 N. Y. 298.

Cited, Homicide—Insanity—Vacation of Verdict.

150 N. Y. 299.

Witness—Physician—Opinion.

40 Supp. 421.

Duplicate Citations in Parenthesis.

People v. Scott, 86 Hun, 174; 66 St. Rep. 744; 83 Supp. 329.

People v. Scott, 153 N. Y. 40.

People v. Seaman, 8 Misc. 152; 59 St. Rep. 462; 29 Supp. 329.

People v. Seaman, 5 Den. 409.

Cited, Voters and Elections—Ballots—Excess of Names.

67 Hun, 174; (51 St. Rep. 447; 22 Supp. 415). 14 Misc. 197; (70 St. Rep. 429; 35 Supp. 656).

People v. Seaton, 25 Hun, 305.

Cited, Execution—Amendment.
79 Hun, 466; (61 St. Rep. 252; 29 Supp. 985).

People v. Sebring, 14 Misc. 31; 69 St. Rep. 612; 35 Supp. 237.

People v. Secretary of State, 13 App. Div. 50; 77 St. Rep. 51; 43 Supp. 51.

People v. Security Life Ins. Co., 71 N. Y. 222

Cited, Corporations—Insolvent—Receiver—Representation.
152 N. Y. 537.

People v. Security Life Ins. & A. Co., 78 N. Y. 114.

Cited, Damages—Measure—Agreement to Pay Insurance Premiums.
2 Misc. 380; (50 St. Rep. 598; 21 Supp. 1098).

People v. Security Life Ins. & A. Co., 79 N. Y. 267.

Cited, Receivers—Powers and Duties—Instructions From Court.

76 Hun, 528; (58 St. Rep. 844; 28 Supp. 116). D. 76 Hun, 528; (58 St. Rep. 847; 28 Supp. 119).

People v. Seneca Falls, Board of Health of, 58 Hun, 595; 12 Supp. 561.

Cited, Nuisance—Abatement—Notice.
5 Misc. 162; (25 Supp. 698).

People v. Seneca Lake Grape & Wine Co., 52 Hun, 174; 5 Supp. 136.

Cited, Corporations—Actions to Dissolve—Concurrent.

10 App. Div. 332; (75 St. Rep. 1205; 41 Supp. 806). 14 App. Div. 322; (77 St. Rep. 839; 43 Supp. 839). 153 N. Y. 207.

People v. Severance, 67 Hun, 182; 51 St. Rep. 399; 22 Supp. 91.

People v. Shanley, 40 Hun, 477.

Cited, Criminal Law—Arrest—Warrant.
13 Misc. 765; (69 St. Rep. 609; 35 Supp. 234).

People v. Sharp, 9 St. Rep. 155.

Cited, Criminal Law—Stay Pending Appeal—Certificate of Doubt.

6 Misc. 248; (56 St. Rep. 268; 26 Supp. 631).

People v. Sharp, 107 N. Y. 427; 12 St. Rep. 217.

Cited, Witnesses—Privilege—Immunity from Prosecution.

8 Misc. 171; (60 St. Rep. 144; 28 Supp. 508). 143 N. Y. 228; (62 St. Rep. 179).

Evidence—Other Crimes.

147 N. Y. 99; (69 St. Rep. 331). 92 Hun, 48; (72 St. Rep. 391; 36 Supp. 868). 2 App. Div. 432; (73 St. Rep. 505; 37 Supp. 1013). 150 N. Y. 386.

People v. Shaver, 4 Park. Crim. 45.

Cited, Criminal Law—Arrest—Recognition.

79 Hun, 412; (61 St. Rep. 502; 29 Supp. 797).

People v. Shaw, 133 N. Y. 493; 45 St. Rep. 836.

Cited, Voters and Elections—Nomination by Party—Necessity.

67 Hun, 176; (51 St. Rep. 448; 22 Supp. 417).

Elections—Ballots—Regularity.

144 N. Y. 619; (64 St. Rep. 217).

Elections—Ballots—Review.

14 Misc. 382; (71 St. Rep. 29; 33 Supp. 22).

People v. Shawangunk, Town Auditors of, 1 How. N. S. 224.

Cited, Mandamus—Existence of Other Remedy—Effect.

71 Hun, 464; (54 St. Rep. 405; 24 Supp. 976).

People v. Shea, 147 N. Y. 78; 69 St. Rep. 320.

Cited, Evidence—Other Crimes.

2 App. Div. 432; (73 St. Rep. 505; 37 Supp. 1013). 150 N. Y. 386.

Case on Appeal—Criminal Action.

151 N. Y. 548.

People v. Shea, 16 Misc. 111; 38 Supp. 821.

People v. Sheldon, 66 Hun, 590; 50 St. Rep. 231; 21 Supp. 859.

Affirmed, 139 N. Y. 251; 54 St. Rep. 513.

Cited, Contracts—Validity—Restraint of Trade.

139 N. Y. 110; (54 St. Rep. 473).

People v. Sheldon, 139 N. Y. 251; 54 St. Rep. 513.

Cited, Conspiracy—Prevention of Competition.

77 Hun, 437; (60 St. Rep. 677; 29 Supp. 260). 81 Hun, 181; (62 St. Rep. 695; 30 Supp. 698). 145 N. Y. 272; (64 St. Rep. 696). 15 App. Div. 604; (78 St. Rep. 789; 44 Supp. 789).

*Duplicate Citations in Parenthesis.***People v. Shepard**, 36 N. Y. 289.

Cited, Statute — Execution of—Power of Court to Stay Arrest.

21 Supp. 595.

Constitution—Local Statutes.

6 App. Div. 295; (40 Supp. 545).

People v. Shulman, 80 N. Y. 373.

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Cited, Evidence—Contemporaneous Acts.

3 Misc. 506; (23 Supp. 991). 150 N. Y. 386.

People v. Shulman, 8 App. Div. 514; 75

St. Rep. 153; 40 Supp. 779.

People v. Simis, 18 App. Div. 199; 79

St. Rep. 940; 45 Supp. 940.

People v. Simonson, 126 N. Y. 299; 37 St. Rep. 371.

10 App. Div. 509; (76 St. Rep. 279; 42 Supp. 279).

Perpetuities — Term of Suspension of Alienation—Personalty.

74 Hun, 428; (57 St. Rep. 182; 26 Supp. 705).

Trusts—Enforcement.

8 Misc. 639; (61 St. Rep. 268; 29 Supp. 957). 83 Hun, 480; (29 Supp. 957).

Trusts—Beneficiary—Indefinite.

79 St. Rep. 625; (45 Supp. 625).

People v. Simpsen, 28 N. Y. 55.

Cited, Landlord and Tenant—Summary Proceedings—Proof of Relation of Parties—Default in Rent.

1 Misc. 162; (49 St. Rep. 685; 20 Supp. 634). 9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

People v. Sinell, 58 Hun, 607; 34 St. Rep. 898; 12 Supp. 40.

Cited, Intoxicating Liquors — Unlawful Sales—Clubs—Agents, etc.

7 Misc. 605; (28 Supp. 500). 149 N. Y. 11.

People v. Singer, 5 N. Y. Crim. 1; 18 Abb. N. C. 96.

Cited, Witnesses — Preliminary Evidence of Accused — Immunity from Prosecution on.

8 Misc. 174; (60 St. Rep. 146; 28 Supp. 510). 66 Hun, 150; (48 St. Rep. 804; 21 Supp. 34).

People v. Slattery, 7 App. Div. 535; 40 Supp. 243.**People v. Sliney**, 137 N. Y. 750; 50 St. Rep. 391.

Cited, Appeal—Conflict of Evidence.

153 N. Y. 185.

People v. Smiler, 125 N. Y. 717; 35 St. Rep. 1.

Cited, Evidence—Opinion—Basis.

10 Misc. 50; (62 St. Rep. 770; 30 Supp. 809). 13 Misc. 14; (66 St. Rep. 535; 33 Supp. 37). 92 Hun, 126; (71 St. Rep. 812; 36 Supp. 644). 8 App. Div. 75; (40 Supp. 420).

People v. Smith, 10 Misc. 100; 63 St. Rep. 600; 31 Supp. 199.**People v. Smith**, 24 Hun, 66.

Cited, Certiorari—Tax Cases—Parties.

5 Misc. 58; (25 Supp. 50).

Taxes—Reduction—Testimony.

83 Hun, 378; (64 St. Rep. 754; 31 Supp. 958). 86 Hun, 518; (67 St. Rep. 704; 33 Supp. 929). 92 Hun, 352; (71 St. Rep. 565; 36 Supp. 533).

Taxes—Reduction—Review.

16 Misc. 417; (73 St. Rep. 344; 38 Supp. 155). 152 N. Y. 431.

People v. Smith, 83 Hun, 432; 64 St. Rep. 419; 31 Supp. 749.

Cited, Bridges—Highway Commissioner—Authority.

92 Hun, 588; (72 St. Rep. 84; 36 Supp. 1064).

People v. Smith, 86 Hun, 485; 67 St. Rep. 670; 33 Supp. 989.**People v. Smith**, 78 Hun, 179; 60 St. Rep. 246; 28 Supp. 912.**People v. Smith**, 21 N. Y. 595.

Cited, Eminent Domain — Necessity—Legislature.

14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468). 11 App. Div. 284; (76 St. Rep. 1014; 42 Supp. 1014).

People v. Smith, 23 N. Y. 53.

Cited, Contemporaneous Instruments — Instruction.

19 Misc. 90; (77 St. Rep. 834; 43 Supp. 834).

People v. Smith, 45 N. Y. 772.

Cited, Evidence—Of Execution of Instrument—Proof of Identity.

1 Misc. 162; (48 St. Rep. 686; 20 Supp. 635).

Names—Identity.

11 Misc. 568; (66 St. Rep. 98; 32 Supp. 770).

People v. Smith, 69 N. Y. 175.

Cited, Statute—Repeal—Implication—Inconsistency.

77 Hun, 375; (60 St. Rep. 412; 28 Supp. 873).

People v. Smith, 85 N. Y. 628.

Cited, 151 N. Y. 664.

*Duplicate Citations in Parenthesis.***People v. Smith**, 88 N. Y. 576.

Cited, Taxes—Choses in Action—Where Taxable.

8 Misc. 34; (58 St. Rep. 749; 28 Supp. 652).
2 App. Div. 593; (73 St. Rep. 816; 38 Supp. 133). D. 150 N. Y. 19.

People v. Smith, 104 N. Y. 491; 5 St. Rep. 759.

Cited, Evidence—Dying Declarations.

D. 79 Hun, 299; (61 St. Rep. 42; 29 Supp. 878). 148 N. Y. 684.

People v. Smith, 121 N. Y. 578; 31 St. Rep. 844.

Cited, Evidence—Handwriting—Comparison.

49 St. Rep. 501; (20 Supp. 730).

People v. Smith, 28 St. Rep. 306; 9 Supp. 181.

Cited, Courts—Special Sessions—Adjournment—Effect on Powers.

69 Hun, 553; (53 St. Rep. 307; 23 Supp. 944). 14 Misc. 618; (71 St. Rep. 676; 36 Supp. 746). 92 Hun, 380; (36 Supp. 996).

Criminal Law—Certificate of Conviction.

92 Hun, 288; (71 Hun, 735; 36 Supp. 724).
19 Misc. 693; (78 St. Rep. 1097; 44 Supp. 1097).

People v. Smith, 47 St. Rep. 170; 20 Supp. 332.

Cited, Costs—Penalty—Who Liable.

81 Hun, 139; (62 St. Rep. 700; 30 Supp. 736).

People v. Smith, 6 App. Div. 234; 39 Supp. 1009.**People v. Smith**, 24 Barb. 16.

Cited, Forcible Entry—What Constitutes.

16 Misc. 323; (73 St. Rep. 572; 37 Supp. 952).

People v. Smith, 5 Cow. 258.

Cited, Cruelty to Animals—Nature of Offense.

65 St. Rep. 163; (32 Supp. 107).

People v. Smith, 5 N. Y. Crim. 509.

Cited, Restraint of Business—Public Policy.

152 N. Y. 37.

People v. Smithville, Town Auditors of, 85 Hun, 114; 66 St. Rep. 52; 32 Supp. 668.**People v. Snedeker**, 14 N. Y. 52.

Cited, Officers—Public—Appointment.

D. 150 N. Y. 523.

People v. Snyder, 41 N. Y. 397.

Cited, Courts—Judicial—Notice.

13 Misc. 39; (68 St. Rep. 166; 34 Supp. 96).

People v. Society for Prevention of Cruelty to Children, 19 Misc. 677; 78 St. Rep. 1100; 44 Supp. 1100.

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People v. Solomon, 12 App. Div. 627; 76 St. Rep. 573; 42 Supp. 573.

Followed, 76 St. Rep. 1130; (42 Supp. 1130).

People v. Solomon, 76 St. Rep. 1130; 42 Supp. 1130.**People v. Soper**, 7 N. Y. 428.

Cited, Judgment—Conclusiveness—Necessity of Notice and Opportunity to be Heard.

22 Supp. 537; (30 Abb. N. C. 115).

People v. Spear, 1 N. Y. Crim. 538.

Cited, Courts—Discretionary Power.

92 Hun, 377; (71 St. Rep. 848; 36 Supp. 549).

People v. Speed, 73 Hun, 302; 57 St. Rep. 295; 26 Supp. 254.

Affirmed, 142 N. Y. 670; 60 St. Rep. 871.

People v. Speir, 77 N. Y. 144.

Cited, Contracts—Implied.

14 App. Div. 464; (77 St. Rep. 805; 43 Supp. 805). D. 14 App. Div. 468; (77 St. Rep. 807; 43 Supp. 807).

People v. Spencer, 66 Hun, 149; 48 St. Rep. 803; 21 Supp. 33.

Cited, Witnesses—Preliminary Evidence of Accused—Immunity from Prosecution on.

8 Misc. 174; (60 St. Rep. 146; 28 Supp. 510).

People v. Spicer, 99 N. Y. 225.

Cited, Statutes—Construction—Retrospective Operation.

141 N. Y. 245; (56 St. Rep. 810). 14 Misc. 424; (70 St. Rep. 259; 25 Civ. Pro. 106; 2 Ann. Cas. 379). 14 App. Div. 547; (77 St. Rep. 945; 43 Supp. 945).

Statutes—Construction—Resort to Title.

16 App. Div. 100; (79 St. Rep. 13; 45 Supp. 13).

People v. Spiegel, 75 Hun, 161; 56 St. Rep. 727; 26 Supp. 1041.

Affirmed, 143 N. Y. 107; 62 St. Rep. 136.

People v. Spiegel, 143 N. Y. 107; 62 St. Rep. 136.

Cited, Indictment—Sufficiency.

92 Hun, 358; (71 St. Rep. 544; 36 Supp. 514).

People v. Spriggs, 33 St. Rep. 989; 11 St. Rep. 433.

Cited, Criminal Law—Character of Accused.

49 St. Rep. 287; (21 Supp. 61).

3 App. Div. 108; (39 Supp. 392).

People v. Squier, 10 App. Div. 415; 76 St. Rep. 1; 42 Supp. 1.

Cited, Officers—Removal—Veterans.

79 St. Rep. 940; (45 Supp. 940).

Duplicate Citations in Parenthesis.

People v. Squire, 107 N. Y. 593; 12 St. Rep. 832.

Cited, Statutes—Constitutionality—Making Other Statute Applicable by Reference. 139 N. Y. 514; (54 St. Rep. 816). 135 N. Y. 290; (47 St. Rep. 827). 150 N. Y. 443.

Statutes—Construction — Local or General.

74 Hun, 58; (56 St. Rep. 225; 28 Supp. 314). 8 App. Div. 252; (75 St. Rep. 18; 40 Supp. 622). D. 8 App. Div. 275; (40 Supp. 639).

Statutes—Private or Local—Constitutionality.

77 Hun, 410; (60 St. Rep. 47; 28 Supp. 816).

Constitutional Law — Police Power—Effect of Grants by State on.

67 Hun, 26; (50 St. Rep. 302; 21 Supp. 559). 13 App. Div. 75; (77 St. Rep. 403; 43 Supp. 403).

Public Land—Alienation.

144 N. Y. 407; (63 St. Rep. 647).

People v. Squire, 110 N. Y. 666; 13 St. Rep. 528.

Cited, Judgment—Conclusiveness Upon State of Proceedings Against State Officers. 137 N. Y. 376; (50 St. Rep. 647).

Appeal—Abstract Question.

3 App. Div. 108; (39 Supp. 392).

People v. St. Lawrence County, Supervisors of, 25 Hun, 131.

Cited, Certiorari—When Lies.

23 Supp. 114.

People v. St. Lawrence County, Supervisors of, 90 Hun, 568; 71 St. Rep. 48; 36 Supp. 40.

People v. St. Lawrence County Supervisors of, 103 N. Y. 541; 4 St. Rep. 229.

Cited, Mandamus—Peremptory — Pre-emption.

12 Misc. 468; (68 St. Rep. 136; 34 Supp. 258).

People v. St. Lawrence County, Supervisors of, 30 How, 173.

Cited, Claims—Audit.

82 Hun, 507; (64 St. Rep. 484; 31 Supp. 780).

People v. St. Lawrence County, Supervisors of, 30 How, 173.

Cited, Counties—Liability.

69 St. Rep. 624; (36 Supp. 657).

People v. St. Louis & S. F. R. Co., 44 Hun, 552; 7 St. Rep. 415.

Cited, Mandamus—Peremptory — When May Issue.

12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257).

People v. St. Louis & S. F. R. Co., 47 Hun, 543; 14 St. Rep. 885.

Cited, Mandamus—Peremptory — When May Issue.

12 Misc. 468; (68 St. Rep. 136; 34 Supp. 259). 12 Misc. 470; (34 Supp. 258). 16 Misc. 306; (39 Supp. 368).

People v. St. Louis & S. F. R. Co., 19 Abb. N. C. 1.

Cited, Mandamus—Peremptory — When May Issue.

12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257).

People v. St. Nicholas Bank, 76 Hun, 522; 58 St. Rep. 843; 28 Supp. 114.

Cited, Receivers—Powers and Duties.

10 Misc. 686; (65 St. Rep. 95; 31 Supp. 1001; 1 Ann. Cas. 337).

Receivers—Off-set.

15 Misc. 120; (71 St. Rep. 505; 36 Supp. 490).

People v. St. Nicholas Bank, 77 Hun, 159; 58 St. Rep. 712; 28 Supp. 407.

Cited, Payment—Appropriation of.

77 Hun, 611; (59 St. Rep. 881; 28 Supp. 421).

Banks—Deposits—Title.

81 Hun, 451; (63 St. Rep. 361; 31 Supp. 61).

Bank—Checks—Indebtedness.

8 App. Div. 213; (40 Supp. 210).

People v. St. Nicholas Bank, 85 Hun, 277; 66 St. Rep. 433; 32 Supp. 1029.

People v. St. Nicholas Bank, 3 App. Div. 544; 74 St. Rep. 35; 38 Supp. 379.
Affirmed, 151 N. Y. 592.

People v. St. Nicholas Bank, 151 N. Y. 592.

People v. St. Patrick's Cathedral, Trustees of, 21 Hun, 184.

Distinguished, License—Burial — Statute of Frauds.

12 Misc. 253; (68 St. Rep. 4; 34 Supp. 49).

People v. Stager, 10 Wend. 431.

Cited, Criminal Law — Recognizance — Forfeiture.

16 Misc. 111; (74 St. Rep. 495; 38 Supp. 816).

People v. Stark, 59 Hun, 51; 12 Supp. 688.

Affirmed, 136 N. Y. 538; 49 St. Rep. 899.

Cited, Criminal Law—Information.

8 App. Div. 136; (40 Supp. 493).

Duplicate Citations in Parenthesis.

People v. Stark, 136 N. Y. 538; 49 St. Rep. 899.

Cited, Indictment—Definiteness—Reason for.

78 Hun, 78; (60 St. Rep. 311; 29 Supp. 268). 85 Hun, 137; (65 St. Rep. 678; 33 Supp. 523).

People v. Starks, 17 St. Rep. 234; 1 Supp. 721.

Cited, Criminal Law—Special Sessions—Sentence.

14 Misc. 618; (71 St. Rep. 676; 36 Supp. 746).

People v. Starkweather, 42 Super. 325.

Cited, Moneys Paid—Recovery.

86 Hun, 555; (67 St. Rep. 534; 33 Supp. 788).

People v. State Assessors, 47 Hun, 450; 14 St. Rep. 309.

Cited, Certiorari—Review of Audit of County Claims by Supervisors.

74 Hun, 253; (55 St. Rep. 890; 26 Supp. 612). 85 Hun, 611; (67 St. Rep. 10; 33 Supp. 172).

People v. State Board of Assessors, 22 Week. Dig. 453.

Cited, Certiorari—Audit of Claims.

85 Hun, 611; (67 St. Rep. 10; 33 Supp. 172).

People v. State Board of Canvasers. See *People v. Rice*.

People v. State Board of Canvasers, 129 N. Y. 360; 41 St. Rep. 912.

Cited, Mandamus—When May Issue—Discretionary.

137 N. Y. 204; (50 St. Rep. 406).

Voters and Elections—Ineligibility of Candidates.

67 Hun, 178; (51 St. Rep. 447) 22 Supp. 417).

People v. Steele, 2 Barb. 397.

Cited, Mandamus—Existence of Other Remedy—Effect.

71 Hun, 464; (54 St. Rep. 405; 24 Supp. 976).

People v. Stephens, 87 Hun, 617; 33 Supp. 1132.

People v. Stephens, 52 N. Y. 306.

Cited, Stipulations—Enforcement.

9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52). 3 Misc. 464; (52 St. Rep. 512; 23 Supp. 188). 146 N. Y. 280; (66 St. Rep. 629).

People v. Stephens, 71 N. Y. 527.

Cited, Contracts—Validity—Public Policy—Preventing Competitions.

9 Misc. 185; (60 St. Rep. 645; 29 Supp. 579).

Tort—When Actionable—Damages.

9 Misc. 37; (59 St. Rep. 546; 29 Supp. 296; 31 Abb. N. C. 320).

Municipal Corporations—Adjustment—Conclusiveness.

144 N. Y. 68; (63 St. Rep. 41). 86 Hun, 553; (67 St. Rep. 533; 33 Supp. 787).

Contracts—With State—Binding Force.

13 Misc. 618; (69 St. Rep. 169; 34 Supp. 945).

People v. Stephens, 2 Abb. N. S. 348.

Cited, Statutes—Constitutionality—Right of Ministerial Officer to Question.

5 Misc. 579; (56 St. Rep. 277; 26 Supp. 172).

People v. Stephenson, 11 Misc. 141; 66 St. Rep. 566; 32 Supp. 1172.

People v. Stephenson, 91 Hun, 613; 71 St. Rep. 649; 36 Supp. 595.

People v. Sternberger, 12 App. Div. 398; 76 St. Rep. 423; 42 Supp. 423.

People v. Stetson, 4 Barb. 151.

Cited, Contract—Rescission—Fraud.

6 Misc. 356; (26 Supp. 911).

People v. Steuben County, Supervisors of, 81 Hun, 216; 62 St. Rep. 691; 30 Supp. 729.

Affirmed, 146 N. Y. 107; 66 St. Rep. 258.

People v. Steuben County, Supervisors of, 146 N. Y. 107; 66 St. Rep. 258.

People v. Stevens, 109 N. Y. 159; 14 St. Rep. 808.

Cited, Criminal Law—Penal Code—Effect on Prior Definitions of Crime.

137 N. Y. 74; (50 St. Rep. 3).

Trespass—Criminal—of What Consists.

141 N. Y. 542; (57 St. Rep. 823). 79 Hun, 587; (61 St. Rep. 584; 29 Supp. 897).

People v. Stevens, 5 Hill, 616.

Cited, Quo Warranto and Mandamus—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 336). 89 Hun, 40; (69 St. Rep. 387; 34 Supp. 1129). 17 Misc. 669; (41 Supp. 470).

People v. Stevens, 13 Wend. 341.

Cited, Judgment—Conclusiveness—Civil Penalty of Ordinance—Criminal Prosecution.

6 Misc. 581; (57 St. Rep. 831; 27 Supp. 303).

People v. Stilwell, 19 N. Y. 531.

Cited, Appeal—Final Order.

152 N. Y. 55.

People v. Stiner, 65 St. Rep. 452; 32 Supp. 277.

Duplicate Citations in Parenthesis.

People v. Stinson, 13 App. Div. 111; 77 St. Rep. 311; 43 Supp. 311.

People v. Stocking, 50 Barb. 573.

Cited, Informations — Excise Crimes — Time.

74 Hun, 325; (56 St. Rep. 312; 26 Supp. 819).

People v. Stokes, 24 Supp. 727; 30 Abb. N. C. 200.

People v. Stokes, 2 N. Y. Crim. Rep. 382.

Cited, Conviction — Circumstantial Evidence.

85 Hun, 533; (67 St. Rep. 182; 33 Supp. 526).

People v. Stone, 85 Hun, 138; 65 St. Rep. 673; 32 Supp. 519.

Distinguished, Criminal Law — Information—Sufficiency.

8 App. Div. 136; (40 Supp. 493).

People v. Stone, 117 N. Y. 480; 27 St. Rep. 823; 7 N. Y. Crim. 430.

Cited, Appeal—Court of Appeals — Review of Facts—Capital Cases.

138 N. Y. 406; (52 St. Rep. 918). 49 St. Rep. 643; (20 Supp. 756).

People v. Stone, 9 Wend. 182.

Cited, Indictment — Sufficiency — False Pretenses.

80 Hun, 132; (61 St. Rep. 785; 30 Supp. 55).

People v. Storms, 97 N. Y. 364.

Cited, Evidence—Parol—In Aid of Description.

17 App. Div. 190; (70 St. Rep. 369; 45 Supp. 369).

People v. Stout, 10 Misc. 247; 63 St. Rep. 862; 31 Supp. 421; 1 Ann. Cas. 53.

Affirmed, 144 N. Y. 699.

Cited, Habeas Corpus—Stay.

19 Misc. 678; (78 St. Rep. 1101; 44 Supp. 1101).

People v. Stout, 81 Hun, 336; 63 St. Rep. 152; 30 Supp. 898.

Affirmed, 144 N. Y. 699.

People v. Stout, 23 Barb. 338.

Cited, Counties—Liability.

69 St. Rep. 625; (36 Supp. 657).

People v. Stout, 4 Parker's Crim. 71.

Cited, Evidence — Relevancy — Other Offenses of Accused.

136 N. Y. 450; (49 St. Rep. 768).

People v. Stowell, 9 Abb. N. C. 456.

Cited, Offices—Taking Oath of Office—Before Whom.

73 Hun, 406; (55 St. Rep. 772; 26 Supp. 282).

Affidavit—Omission of Venue.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 303).

People v. Strait, 148 N. Y. 563.

Cited, Evidence—Expert—Insanity.

149 N. Y. 326.

People v. Strauss, 3 Misc. 617; 52 St. Rep. 939; 23 Supp. 295.

Affirmed, 143 N. Y. 645; 60 St. Rep. 875.

People v. Strickland, 13 Abb. N. C. 473.

Cited, Parent and Child—Necessaries—Father's Obligations.

8 Misc. 650; (61 St. Rep. 61; 29 Supp. 1046).

People v. Sturtevant, 9 N. Y. 263.

Cited, Contempt—Injunction—Obedience.

6 Misc. 461; (56 St. Rep. 780; 27 Supp. 203). 136 N. Y. 255; (49 St. Rep. 379). 74 Hun, 186; (56 St. Rep. 550). 78 Hun, 159; (60 St. Rep. 196; 28 Supp. 982). 80 Hun, 441; (62 St. Rep. 291; 30 Supp. 460). 144 N. Y. 261; (63 St. Rep. 115). 144 N. Y. 264; (63 St. Rep. 117).

Injunction — Restraining Illegal Acts—Public Bodies.

4 Misc. 325; (24 Supp. 6' 6).

Corporations—Charter Contracts—Exclusive Privileges and Perpetual Property Rights.

54 Supp. 814; (30 Abb. N. C. 49).

Corporations — Charters — Contract Obligation of.

24 Supp. 811; (30 Abb. N. C. 53).

Courts—Jurisdiction.

88 Hun, 410; (68 St. Rep. 783; 34 Supp. 845). 2 App. Div. 412; (73 St. Rep. 543; 37 Supp. 1000). 10 App. Div. 332; (75 St. Rep. 1205; 41 Supp. 806).

People v. Suffolk Common Pleas, 18 Wend. 550.

Cited, Courts—Judges—Qualification.

4 App. Div. 402; (39 Supp. 609).

People v. Sullivan, 7 N. Y. 396.

Cited, Homicide — Justification—Self-defense.

139 N. Y. 363; (54 St. Rep. 589). 68 Hun, 22; (52 St. Rep. 241; 22 Supp. 642). 147 N. Y. 214; (69 St. Rep. 510). 153 N. Y. 31.

People v. Sullivan, 115 N. Y. 185; 24 Supp. 579.

Cited, Courts—Continuance of Terms—Recess.

8 Misc. 164; (60 St. Rep. 140; 28 Supp. 504).

Duplicate Citations in Parenthesis.

People v. Summers, 30 St. Rep. 614.

Cited, Office—Public—Veterans—Preference.

148 N. Y. 161.

People v. Sutherland, 81 N. Y. 1.

Cited, Verification—Sufficiency.

5 Misc. 220; (54 St. Rep. 784; 25 Supp. 478).

People v. Sutherland, 9 App. Div. 313;

75 St. Rep. 629; 41 Supp. 181.

People v. Sutphin.

Cited, Elections—Nominations—Regularity.

81 Hun, 405; (63 St. Rep. 124; 30 Supp. 965).

People v. Sutton, 88 Hun, 173; 68 St. Rep. 194; 34 Supp. 487.

Cited, Civil Service Laws—Confidential Relation.

14 Misc. 367; (70 St. Rep. 527; 35 Supp. 731). 9 App. Div. 60; (75 St. Rep. 542; 41 Supp. 83).

Civil Service Laws—Mandamus.

9 App. Div. 253; (75 St. Rep. 887; 41 Supp. 495).

People v. Sutton, 24 St. Rep. 726; 6 Supp. 95.

Cited, Criminal Law—Sentence.

17 Misc. 713; (41 Supp. 532).

People v. Sutton, 3 App. Div. 440; 39 Supp. 492.

People v. Sutton, 9 App. Div. 250; 75 St. Rep. 811; 41 Supp. 398.

People v. Swayze, 15 Abb. 432.

Cited, Summary Proceedings—Rent.

14 Misc. 347; (70 St. Rep. 472; 35 Supp. 678). 18 Misc. 418; (75 St. Rep. 839; 41 Supp. 435).

People v. Sweeney, 133 N. Y. 609.

Cited, Criminal Law—Evidence—Sufficiency.

11 App. Div. 498; (76 St. Rep. 758; 42 Supp. 758).

People v. Symonds, 4 Misc. 6; 53 St. Rep. 718; 23 Supp. 689.

Cited, Intoxicating Liquors—License—Summary Refusal.

4 Misc. 250; (53 St. Rep. 729; 23 Supp. 915).

People v. Syracuse, 2 Hun, 483.

Cited, Taxes—Assessments—Determination of Benefits—Test.

70 St. Rep. 845; (36 Supp. 192).

People v. Syracuse, 65 Hun, 321; 47 St. Rep. 581; 20 Supp. 236.

Affirmed 144 N. Y. 63; 63 St. Rep. 38

Cited, Contracts—Performances—Certificate—Conclusiveness.

2 Misc. 355; (51 St. Rep. 582; 21 Supp. 1100).

People v. Syracuse, 88 Hun, 203; 34 Supp. 661.

People v. Syracuse, 63 N. Y. 291.

Cited, Taxes—Assessments—Benefits—Determination.

70 St. Rep. 846; (36 Supp. 192).

People v. Syracuse, 78 N. Y. 56.

Cited, Eminent Domain—Right to Discontinue—Proceedings.

76 Hun, 91; (57 St. Rep. 475; 27 Supp. 847).

Mandamus—When to Issue.

4 Misc. 3; (53 St. Rep. 721; 23 Supp. 693).

Statutes—Construction—When Permissive Words Mandatory.

140 N. Y. 307; (55 St. Rep. 651).

People v. Syracuse, 144 N. Y. 63; 63 St. Rep. 38.

Cited, Municipal Corporations—Officers—Mandamus.

11 Misc. 489; (67 St. Rep. 278; 33 Supp. 430). 89 Hun, 225; (69 St. Rep. 245; 35 Supp. 67). 73 St. Rep. 333; (38 Supp. 145). 148 N. Y. 171.

People v. Tamsen, 15 Misc. 364; 72 St. Rep. 472; 37 Supp. 407; 25 Civ. Pro. 141.

People v. Tamsen, 17 Misc. 212; 40 Supp. 1047.

People v. Tappan, 15 Misc. 20; 71 St. Rep. 863; 36 Supp. 773.

Affirmed, 151 N. Y. 620.

People v. Tappen, 15 Misc. 23; 71 St. Rep. 486; 36 Supp. 435.

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People v. Taylor, 17 Misc. 505; 40 Supp. 321.

People v. Taylor, 138 N. Y. 398; 52 St. Rep. 914.

Cited, Appeal—Review of Verdict—Weight of Evidence.

77 Hun, 505; (60 St. Rep. 549; 28 Supp. 1085). 147 N. Y. 93; (69 St. Rep. 330). 144 N. Y. 639; (71 St. Rep. 358). 150 N. Y. 299.

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People v. Taylor, 9 App. Div. 236; 75 St. Rep. 883; 41 Supp. 491.

People v. Taylor, 1 Abb. N. S. 200.

Cited, Mandamus—When Issued.

D. 13 App. Div. 37; (77 St. Rep. 107; 43 Supp. 107).

Duplicate Citations in Parenthesis.

- People v. Taylor**, 3 Den. 91.
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 17 Misc. 413; (40 Supp. 1138).
- People v. Tedcastle**, 12 Misc. 468; 68 St. Rep. 135; 34 Supp. 257.
- People v. Temple**, 27 Misc. 128.
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 19 Misc. 550; (78 St. Rep. 911; 44 Supp. 911).
- People v. Terry**, 108 N. Y. 1; 12 St. Rep. 773.
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 139 N. Y. 513; (54 St. Rep. 816). 79 Hun, 91; (61 St. Rep. 160; 29 Supp. 618). 12 App. Div. 28; (76 St. Rep. 488; 42 Supp. 488). 12 App. Div. 68; (76 St. Rep. 860; 42 Supp. 860).
 Statutes—Construction—Constitutionality Favored.
 22 Supp. 534; (30 Abb. N. C. 110). 15 App. Div. 256; (78 St. Rep. 178; 44 Supp. 178).
 Officers—De Facto — Conclusiveness of Acts.
 14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071).
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 1 App. Div. 10; (72 St. Rep. 283; 36 Supp. 1010). 15 Misc. 499; (72 St. Rep. 288; 36 Supp. 1015).
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 12 App. Div. 64; (76 St. Rep. 857; 42 Supp. 857).
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 17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352).
- People v. Terwilliger**, 74 Hun, 310; 56 St. Rep. 255; 26 Supp. 674.
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Cited, Evidence—Corroboration.
 84 Hun, 71; (65 St. Rep. 179; 32 Supp. 23).
- People v. Thacher**, 42 Hun, 349; 3 St. Rep. 710.
Cited, Municipal Corporations—Powers of Mayor—Public Amusement—License—Discretion.
 9 Misc. 565; (62 St. Rep. 75; 30 Supp. 376). 14 App. Div. 560; (77 St. Rep. 1091; 43 Supp. 1091).
- People v. Thacher**, 55 N. Y. 525.
Cited, Evidence—Election Returns.
 80 Hun, 341; (62 St. Rep. 18; 30 Supp. 106).
 Office—Establishment of Title—Proof.
 69 St. Rep. 738; (35 Supp. 351).
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 19 Misc. 251; (78 St. Rep. 44; 44 Supp. 44).
- People v. Thayer**, 83 Hun, 136; 68 St. Rep. 279; 34 Supp. 592.
Cited, Certiorari—Highway Commissioners—Confirmation of Determination.
 4 App. Div. 542, 544; (38 Supp. 920; 922). 8 App. Div. 397; (75 St. Rep. 230; 40 Supp. 840).
- People v. Theobald**, 92 Hun, 182; 71 St. Rep. 527; 36 Supp. 498.
- People v. Third Ave. Savings Bank**, 98 N. Y. 661.
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 4 Misc. 3; (53 St. Rep. 722; 23 Supp. 693).
- People v. Thompson**, 41 N. Y. 1.
Cited, Appeal—Criminal Cases.
 92 Hun, 376; (71 St. Rep. 847; 36 Supp. 548).
- People v. Thompson**, 94 N. Y. 451.
Cited, Municipal Corporations—Officers—Removal.
 84 Hun, 80; (65 St. Rep. 185; 32 Supp. 29). 84 Hun, 347; (65 St. Rep. 495; 32 Supp. 337). 15 Misc. 423; (72 St. Rep. 158; 37 Supp. 112). 15 Misc. 13; (72 St. Rep. 267; 36 Supp. 1118). 1 App. Div. 339; (72 St. Rep. 637; 37 Supp. 298). 2 App. Div. 445; (73 St. Rep. 534; 37 Supp. 992). D. 17 App. Div. 489; (79 St. Rep. 523; 45 Supp. 523).
 Officers—Removal—Trial.
 13 Misc. 10; (67 St. Rep. 876; 33 Supp. 1007). 13 Misc. 25; (67 St. Rep. 853; 33 Supp. 1002). 17 App. Div. 484; (79 St. Rep. 521; 45 Supp. 521).
- People v. Thompson**, 97 N. Y. 313.
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 75 Hun, 30; (58 St. Rep. 179; 26 Supp. 1000).
- People v. Thompson**, 98 N. Y. 6.
Cited, Railroads—Construction in Street—Permit.
 12 Misc. 622; (69 St. Rep. 129; 34 Supp. 961).
- People v. Thompson**, 99 N. Y. 641.
Cited, Mandamus—Existence of Other Remedy.
 141 N. Y. 246; (56 St. Rep. 811).
 Municipal Corporations — Contracts—Refusal—Relief.
 2 App. Div. 217; (73 St. Rep. 482; 37 Supp. 801).

Duplicate Citations in Parenthesis.

People v. Thornton, 25 Hun, 456.

Cited, Contracts—Public Policy.

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People v. Tibbitts, 19 N. Y. 523.

Cited, Waters — Riparian Owners — Rights Over Land to Low Water Mark.

76 Hun, 460; (59 St. Rep. 175; 28 Supp. 103).

People v. Tice, 131 N. Y. 651; 43 St. Rep. 573.

Cited, Appeal—Court of Appeals—Review of Capital Cases.

141 N. Y. 194; (56 St. Rep. 833).

Witnesses—Cross-Examination—Accused—Privilege.

139 N. Y. 84; (54 St. Rep. 428). 14 Misc. 36; (69 St. Rep. 616; 35 Supp. 240). 91 Hun, 623; (71 St. Rep. 655; 36 Supp. 602). D. 150 N. Y. 309.

People v. Tighe, 9 Misc. 607; 61 St. Rep. 669; 30 Supp. 368.

People v. Tioga Common Pleas, 19 Wend, 73.

Cited, Assignment—What Assignable—Conversion of Chattel.

4 Misc. 148; (53 St. Rep. 117; 23 Supp. 686).

People v. Tiphaine, 3 Park. Crim. 241.

Cited, Statutes—Repealing—Effect—Constitutionality.

74 Hun, 520; (57 St. Rep. 212; 26 Supp. 586).

People v. Tobey, 8 App. Div. 468; 40 Supp. 577.

Affirmed, 153 N. Y. 381.

People v. Tobey, 153 N. Y. 381.

People v. Todd, 51 Hun, 446; 21 St. Rep. 399; 4 Supp. 25.

Cited, Gaming Laws—Gambling—What Constitutes.

13 Misc. 307; (69 St. Rep. 208; 34 Supp. 1118).

People v. Tompkins, 40 Hun, 228.

Cited, Certiorari—Review—Limitation.

135 N. Y. 250; (48 St. Rep. 240). D. 72 Hun, 367; (55 St. Rep. 451; 25 Supp. 784).

People v. Tower, 135 N. Y. 457; 48 St. Rep. 438.

Cited, Indictment—Charging Different Offenses—Forging and Uttering Instrument.

140 N. Y. 336; (55 St. Rep. 671). 147 N. Y. 475; (70 St. Rep. 67).

People v. Town, 1 App. Div. 127; 73 St. Rep. 26; 37 Supp. 864.

Cited, Appeal—Party Aggrieved.

15 App. Div. 292; (78 St. Rep. 596; 44 Supp. 596).

People v. Townsend, 3 Hill, 479.

Cited, Tort—Capacity of Liability.

20 Misc. 507.

People v. Treanor, 15 App. Div. 508; 78 St. Rep. 528; 44 Supp. 528.

People v. Tremain, 17 How. 10.

Cited, Mandamus—Public Officers—Ministerial Duty.

76 Hun, 110; (57 St. Rep. 452; 27 Supp. 842).

Mandamus—To Procure Certificate from Public Officer.

5 Misc. 381; (56 St. Rep. 635; 25 Supp. 771).

People v. Trezza, 125 N. Y. 740; 36 St. Rep. 149; 8 N. Y. Crim. 283.

Cited, Appeal—Review of Facts—Criminal Cases.

49 St. Rep. 643; (30 Supp. 756). 138 N. Y. 405; (52 St. Rep. 918).

Evidence—Relevancy—Criminal Cases—Motive.

77 Hun, 498; (60 St. Rep. 548; 28 Supp. 1084). 139 N. Y. 362; (54 St. Rep. 589).

People v. Trezza, 128 N. Y. 529.

Cited, 151 N. Y. 56. 151 N. Y. 610, 611.

People v. Trinity Church, 22 N. Y. 44.

Cited, Public Land—State Grants—Presumption of Title.

12 App. Div. 613; (77 St. Rep. 116; 43 Supp. 116).

People v. Tripicersky, 4 App. Div. 613; 74 St. Rep. 125; 38 Supp. 696.

People v. Troy, 78 N. Y. 33.

Cited, Mandamus—Public Officer—Discretionary Duty.

71 Hun, 97; (54 St. Rep. 199; 24 Supp. 565). 141 N. Y. 337; (57 St. Rep. 427).

Mandamus—To Obtain a Particular Determination.

48 St. Rep. 345; (20 Supp. 473). 83 Hun, 436; (64 St. Rep. 422; 31 Supp. 752). 89 Hun, 223; (69 St. Rep. 244; 35 Supp. 66). 149 N. Y. 31.

Mandamus—Superintendent of Insurance—Decision.

76 Hun, 109; (57 St. Rep. 451; 27 Supp. 841).

Municipal Corporations—Public Advertising—Designation of Newspapers.

72 Hun, 357; (55 St. Rep. 447; 25 Supp. 777). D. 72 Hun, 362, 364; (55 St. Rep. 447, 449; 25 Supp. 780, 782).

People v. Troy, 82 N. Y. 575.

Cited, Appeal—Dismissal—Abstract Questions.

Duplicate Citations in Parenthesis.

4 Misc. 613; (53 St. Rep. 593; 24 Supp. 357). 80 Hun, 91; (61 St. Rep. 773; 30 Supp. 22). 14 Misc. 121; (69 St. Rep. 624; 35 Supp. 248; 25 Civ. Pro. 91; 2 Ann. Cas. 248). 16 Misc. 545; (74 St. Rep. 139; 38 Supp. 788). 12 App. Div. 16; (76 St. Rep. 177; 42 Supp. 177). 17 App. Div. 116; (78 St. Rep. 935; 44 Supp. 935). 148 N. Y. 524.

Appeal—Mandamus—Actual Litigation.
139 N. Y. 448; (54 St. Rep. 707).

People v. Troy, Board of Health of,
15 App. Div. 272; 78 St. Rep. 597; 44 Supp. 597.

Reversed, 153 N. Y. 513.

People v. Troy Steel & Iron Co., 82 Hun, 303; 63 St. Rep. 787; 31 Supp. 337; 24 Civ. Pro. 201; 1 Ann. Cas. 138.
Cited, Action—Corporations — Receiver.
12 Misc. 480; (67 St. Rep. 382; 33 Supp. 680).

People v. Truman, 4 Misc. 247; 53 St. Rep. 726; 23 Supp. 913.

Cited, Intoxicating Liquors — Right to License.

4 Misc. 555; (54 St. Rep. 208; 24 Supp. 744).

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75 Hun, 227; (58 St. Rep. 681; 27 Supp. 42).

Intoxicating Liquors — Anti-License Excise Board—Refusal of License.

4 Misc. 555; (54 St. Rep. 208; 24 Supp. 744).

People v. Trumble, 1 N. Y. Crim. Rep. 443.

Cited, Criminal Actions—Review—Mode.
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People v. Trumphour, 135 N. Y. 638; 48 St. Rep. 930.

People v. Tubbs, 37 N. Y. 586.

Cited, Evidence—Competency—Consent.
66 Hun, 250; (49 St. Rep. 540; 21 Supp. 182).

People v. Tuczkewitz, 149 N. Y. 240.

People v. Turner, 117 N. Y. 227; 27 St. Rep. 158.

Cited, 145 N. Y. 455; (65 St. Rep. 390).
Evidence—Rules of—Vested Rights in.
136 N. Y. 390; (49 St. Rep. 831).

Constitutional Law—Rules of Evidence—Legislative Power to Change.

22 Supp. 534; (30 Abb. N. C. 111).

Statutes — Validity — Limitations—Reasonable Time.

135 N. Y. 167; (48 St. Rep. 135).

Taxes—Sale for Non-payment — Relief From.

67 Hun, 498; (51 St. Rep. 233; 22 Supp. 500). 11 Misc. 511; (67 St. Rep. 286; 33 Supp. 438).

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139 N. Y. 247; (54 St. Rep. 627). 151 N. Y. 543.

Taxes—Sale—Remedial Statutes.

7 App. Div. 365; (74 St. Rep. 676; 40 Supp. 62). 10 App. Div. 589; (76 St. Rep. 69; 42 Supp. 69). 18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528).

Taxes—Assessment — Jurisdictional Defects.

145 N. Y. 457; (65 St. Rep. 391).

People v. Turner, 145 N. Y. 451; 65 St. Rep. 389.

Cited, Taxes—Sale—Remedial statutes.

7 App. Div. 365; (74 St. Rep. 676; 40 Supp. 62).

Taxes—Sale—Cancellation—Availability.

8 App. Div. 222; (40 Supp. 459). 10 App. Div. 589; (76 St. Rep. 69; 42 Supp. 69).

Taxes—Sale—Possession of State.

152 N. Y. 58.

People v. Turner, 8 App. Div. 395; 75 St. Rep. 228; 40 Supp. 839.

People v. Tweed, 67 Barb. 496.

Cited, Trial—Criminal Cases—Stay of Execution.

7 Misc. 373; (59 St. Rep. 302; 28 Supp. 176).

3 App. Div. 108; (39 Supp. 392).

People v. Ulster County, Board of County Canvassers, 66 Hun, 265; 21 Supp. 279.

Cited, Elections—Ballots—Inspectors.

17 Misc. 679; (40 Supp. 605).

People v. Ulster County Savings Inst., 64 Hun, 434; 18 Supp. 960.

Affirmed, 133 N. Y. 689; 45 St. Rep. 933.

Cited, 80 Hun, 424; (63 St. Rep. 114; 30 Supp. 360).

People v. Ulster County, Supervisors of, 10 Hun, 545.

Cited, Taxes—Assessments—Assessors.

11 App. Div. 390; (76 St. Rep. 940; 42 Supp. 940).

People v. Ulster County, Supervisors of, 34 N. Y. 268.

Cited, Statutes—Construction—Directory or Mandatory.

90 Hun, 42; (70 St. Rep. 133; 35 Supp. 520; 25 Civ. Pro. 178). 5 App. Div. 575; (39 Supp. 376).

*Duplicate Citations in Parenthesis.***People v. Ulster County, Supervisors of**, 65 N. Y. 300.*Cited*, Taxes—Refunding.

144 N. Y. 231; (63 St. Rep. 99). 16 Misc. 131; (74 St. Rep. 545; 38 Supp. 955).

Statutes—Retroactive Effect.

14 Misc. 424; (70 St. Rep. 259; 35 Supp. 838; 25 Civ. Pro. 106; 2 Ann. Cas. 379).

People v. Ulster County, Supervisors of, 93 N. Y. 397.*Cited*, Towns—Liability—Commissioner of Highways.

82 Hun, 300; (63 St. Rep. 578; 31 Supp. 248). 88 Hun, 524; (69 St. Rep. 33; 34 Supp. 970). 14 Misc. 218; (70 St. Rep. 382; 35 Supp. 609)

People v. Ulster & D. R. Co., 58 Hun, 266; 34 St. Rep. 983; 12 Supp. 303.*Cited*, Railroad Commissioners—Determination—Weight.

92 Hun, 410; (72 St. Rep. 95; 36 Supp. 994).

People v. Underhill, 69 Hun, 86; 52 St. Rep. 731; 23 Supp. 388.*Reversed*, 144 N. Y. 316; 63 St. Rep. 710.**People v. Underhill**, 75 Hun, 329; 58 St. Rep. 220; 26 Supp. 1030.*Reversed*, 142 N. Y. 39; 58 St. Rep. 440.**People v. Underhill**, 142 N. Y. 39; 58 St. Rep. 440.**People v. Underhill**, 144 N. Y. 316; 63 St. Rep. 710.*Cited*, Easements—Right of Way—Boundary in Deed.

147 N. Y. 342; (69 St. Rep. 676).

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150 N. Y. 148. 150 N. Y. 147.

People v. United States Mut. Acc. Ass'n, 10 App. Div. 319; 75 St. Rep. 115; 41 Supp. 756.**People v. Universal Life Ins. Co.**, 17 Week. Dig. 563.*Cited*, Action—Revival—Corporation—Dissolution.

82 Hun, 306; (63 St. Rep. 788; 31 Supp. 339; 24 Civ. Pro. 205; 1 Ann. Cas. 140).

People v. Upson, 79 Hun, 87; 61 St. Rep. 158; 29 Supp. 615.*Cited*, Constitutional Law—Local Courts—Jurisdiction.

12 App. Div. 26; (76 St. Rep. 486; 42 Supp. 486). 12 App. Div. 64; (76 St. Rep. 857; 42 Supp. 857).

People v. Upton, 38 Hun, 107.*Cited*, Indictment—Duplicity—Waiver.

7 App. Div. 538; (40 Supp. 244).

Actions—Civil and Criminal—Rules Applicable.

149 N. Y. 252.

People v. Up-Town Ass'n, 9 App. Div. 191; 75 St. Rep. 612; 41 Supp. 154.**People v. Utica, Board of Excise of City of**, 17 Misc. 98; 40 Supp. 741.**People v. Utica Ins. Co.**, 15 John. 358.*Cited*, Statutes—Construction—In Entirety.

141 N. Y. 244; (56 St. Rep. 810).

Statutes—Construction—Intent.

12 Misc. 624; (68 St. Rep. 85; 34 Supp. 238). 14 App. Div. 559; (77 St. Rep. 1090; 43 Supp. 1090). 15 App. Div. 249; (78 St. Rep. 173; 44 Supp. 173).

People v. Vial, 20 Wend. 12.*Cited*, Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 456; 27 Supp. 914; 23 Civ. Pro. 336).

People v. Valentine, 19 Misc. 553; 78 St. Rep. 903; 44 Supp. 903.**People v. Valentine**, 5 App. Div. 520 38 Supp. 1087.*Cited*, Taxes—Assessments—Striking Out Excess.

15 App. Div. 12; (78 St. Rep. 49; 44 Supp. 49).

People v. Van Alstyne, 78 Hun, 509; 61 St. Rep. 232; 29 Supp. 642.*Reversed*, 144 N. Y. 361; 63 St. Rep. 666.*Cited*, Seduction—Promise of Marriage—Conditional.

81 Hun, 391; (63 St. Rep. 132; 30 Supp. 878).

People v. Van Alstyne, 144 N. Y. 361; 63 St. Rep. 666.**People v. Van Buren**, 136 N. Y. 252; 49 St. Rep. 378.*Cited*, Contempt—Irregularity of Order Violated.

74 Hun, 186; (56 St. Rep. 551). 6 Misc. 460; (56 St. Rep. 779; 27 Supp. 201). 17 App. Div. 582; (79 St. Rep. 576; 45 Supp. 576).

Injunction—Jurisdiction—Duty to Obey.

78 Hun, 158; (60 St. Rep. 199; 28 Supp. 932).

Attachment—Action in Aid of—Enjoining Removal of Property.

Duplicate Citations in Parenthesis.

59 St. Rep. 869; (28 Supp. 381; 31 Abb. N. C. 51). 81 Hun, 345; (63 St. Rep. 139; 30 Supp. 888). 88 Hun, 172; (35 Supp. 534). 148 N. Y. 260; (3 Ann. Cas. 90),

Courts—Jurisdiction.

88 Hun, 411; (68 St. Rep. 783; 34 Supp. 845).

People v. Van De Carr, 150 N. Y. 439.

Affirming, 7 App. (Div. 608; 39 Supp. 581).

People v. Vanderbilt, 26 N. Y. 287.

Cited, Waters—Land Under—Bulkheads.

5 App. Div. 429; (39 Supp. 252). 13 App.

Div. 108; (76 St. Rep. 1065; 42 Supp. 1065).

People v. Vanderbilt, 24 How. 301; 26 N. Y. 287.

Cited, Injunction — Nuisance — Abatement.

140 N. Y. 20; (55 St. Rep. 426).

People v. Vanderverter, 38 Hun. 43.

Cited, Certiorari — Return — Conclusiveness.

4 Misc. 2; (53 St. Rep. 721; 23 Supp. 692).

People v. Van Horne, 8 Barb. 158.

Cited, Indictment—Presumption of Guilt. 16 Misc. 445.

People v. Van Houten, 13 Misc. 603; 69 St. Rep. 265; 35 Supp. 186.

Affirmed, 91 Hun, 638; 35 Supp. 1130.

Cited, Municipal Corporations—Ordinance—Enforcement.

20 Misc. 129; (79 St. Rep. 828; 45 Supp. 828).

People v. Van Nostrand, 71 Hun, 611; 53 St. Rep. 855; 24 Supp. 513.

Followed, 66 St. Rep. 872; (33 Supp. 1132).

People v. Van Nostrand, 66 St. Rep. 872; 33 Supp. 1132.

People v. Van Siclen, 43 Hun, 537; 6 St. Rep. 614.

Cited, Officers—Removal—Mandamus.

91 Hun, 178; (71 St. Rep. 134; 36 Supp. 332).

People v. Van Tassel, 17 Supp. 933.

Affirmed, 64 Hun, 444; 46 St. Rep. 575; 19 Supp. 643.

Distinguished, Courts—Special Sessions—Acting Magistrate.

26 Supp. 896.

People v. Van Tassell, 135 N. Y. 638; 48 St. Rep. 930.

Affirmed, 64 Hun, 444; 46 St. Rep. 575; 19 Supp. 643.

People v. Van Zile, 73 Hun, 534; 56 St. Rep. 201; 26 Supp. 390.

People v. Van Zile, 143 N. Y. 368; 62 St. Rep. 357.

People v. Vaughan, 19 Misc. 298; 76 St. Rep. 959; 42 Supp. 959.

People v. Vedder, 98 N. Y. 630.

Cited, Trial—Jury—Prejudice Against Defense of Insanity.

136 N. Y. 76; (48 St. Rep. 908).

People v. Vermilyea, 7 Cow. 108.

Cited, Certiorari—Return.

13 Misc. 538; (70 St. Rep. 477; 35 Supp. 659).

People v. Vilas, 36 N. Y. 450.

Cited, Bonds—Public Officers—Change of Duties of—Liability of Sureties.

5 Misc. 528; (58 St. Rep. 102; 25 Supp. 986).

Judgment—Conclusiveness—Non-suit.

77 Hun, 32; (59 St. Rep. 436; 28 Supp. 238; 23 Civ. Pro. 415).

Surety—Discharge—Modification.

92 Hun, 171; (71 St. Rep. 206; 36 Supp. 367). 2 App. Div. 161; (73 St. Rep. 561; 37 Supp. 942).

People v. Voorhis, 66 Hun, 88; 49 St. Rep. 736; 20 Supp. 941.

People v. Vosburgh, 76 Hun, 562; 58 St. Rep. 277; 28 Supp. 208.

People v. Walker, 17 N. Y. 502.

Cited, Corporation—Dissolution — How May Occur.

5 App. Div. 417; (39 Supp. 315).

People v. Wall St. Bank, 39 Hun 525.

Cited, Taxes—Assessment—Review.

81 Hun, 24; (62 St. Rep. 564; 30 Supp. 587).

People v. Wallace, 4 T. & C. 438.

Cited, Certiorari—Pending Appeal.

4 App. Div. 265; (73 St. Rep. 532; 38 Supp. 532).

People v. Walsh, 33 Hun, 345.

Cited, Disorderly Persons—Punishment.

13 Misc. 304; (69 St. Rep. 206; 34 Supp. 1116).

People v. Walsh, 87 N. Y. 481.

Cited, Evidence—Tax Sale and Redemption—Proof of Notice.

22 Supp. 537; (30 Abb. N. C. 115)

People v. Walsh, 117 N. Y. 621; 26 St. Rep. 554.

Cited, Constitutional Law—Police Power.

67 Hun, 60; (51 St. Rep. 195; 22 Supp. 61).

People v. Walsh, 13 Week. Dig. 440; *Cited*, Evidence—Affidavit — Notice to Quit.

11 Misc. 354; (65 St. Rep. 279; 32 Supp. 137).

*Duplicate Citations in Parenthesis.***People v. Walter**, 68 N. Y. 403.

Cited, Appeal—Mandamus—Actual Litigation.

139 N. Y. 448; (54 St. Rep. 707).

Mandamus — Officers — Determination Previous to Act.

5 Misc. 380; (56 St. Rep. 634; 25 Supp. 770).

Certiorari—When Lies—Official Action.
23 Supp. 114. D. 152 N. Y. 398.

People v. Walts, 122 N. Y. 238; 33 St. Rep. 230.

Cited, Guardians—Selection—Consideration.

74 Hun, 21; (56 St. Rep. 220; 26 Supp. 258).

Guardians—Custody of Ward—Welfare as Test.

9 Misc. 242; (61 St. Rep. 304; 30 Supp. 213).

People v. Walworth, 4 N. Y. Crim. 355.

Cited, Evidence—Sufficiency—Reasonable Doubt.

2 App. Div. 336; (73 St. Rep. 519; 37 Supp. 977).

People v. Wappinger Falls, 9 Misc. 246; 60 St. Rep. 577.

Affirmed, 144 N. Y. 616; 64 St. Rep. 216.

People v. Wappinger Falls, 13 Misc. 732; 69 St. Rep. 592; 35 Supp. 213.

Affirmed, 91 Hun, 317; 37 Supp. 1148.

Cited, Damages—Mandamus Proceedings.
20 Misc. 28; (79 St. Rep. 344; 45 Supp. 344).

People v. Wappinger's Falls, 20 Misc. 27; 79 St. Rep. 344; 45 Supp. 344.

People v. Wappinger's Falls, 83 Hun, 130; 64 St. Rep. 345; 31 Supp. 758.

Affirmed, 144 N. Y. 616; 64 St. Rep. 216.

People v. Wappinger's Falls, 91 Hun, 317; 35 Supp. 213.

Reversed, 151 N. Y. 386.

People v. Wappinger's Falls, 151 N. Y. 386.

Cited, Damages—Mandamus Proceedings.
20 Misc. 28; (79 St. Rep. 344; 45 Supp. 344).

People v. Wappinger's Falls, 144 N. Y. 616; 64 St. Rep. 216.

Cited, 151 N. Y. 388.

Damages—Mandamus.

20 Misc. 30; (79 St. Rep. 346; 45 Supp. 346).

People v. Ward, 3 N. Y. Crim. 483.

Cited, Evidence—Telephone Conversations—Identification.

3 Misc. 301; (52 St. Rep. 135; 22 Supp. 779).

People v. Warden of City Prison, 17

Misc. 1; 74 St. Rep. 519; 38 Supp. 837.

Affirmed, 6 App. Div. 520; 39 Supp. 582.

People v. Warden of City Prison, 81 Hun, 434; 63 St. Rep. 238; 30 Supp. 1095.

Reversed, 144 N. Y. 529; 64 St. Rep. 51.

People v. Warden of City Prison, 144 N. Y. 529; 64 St. Rep. 51.

Cited, Constitutional Law—Police Power.

14 Misc. 338; (71 St. Rep. 73; 136 Supp. 125). 1 App. Div. 111; (73 St. Rep. 40; 36 Supp. 1092). 13 App. Div. 76; (77 St. Rep. 404; 43 Supp. 404). D. 150 N. Y. 518. 153 N. Y. 197.

Constitutional Law — Office — Appointment.

149 N. Y. 201.

People v. Warden of Dist. Prisons, 73 Hun, 118; 57 St. Rep. 4; 25 Supp. 1095.

People v. Ware, 29 Hun, 473.

Affirmed, 92 N. Y. 653.

Cited, Witnesses — Cross-Examination—Contradiction,

68 Hun, 19; (52 St. Rep. 239; 22 Supp. 640.)

People v. Waring, N. Y. L. J. Nov. 7, 1895.

Cited, Employees—Removal—Veterans.

15 Misc. 14; (72 St. Rep. 268; 36 Supp. 1119). 7 App. Div. 206; (40 Supp. 276).

People v. Waring, 1 App. Div. 594; 73 St. Rep. 222; 37 Supp. 478.

Affirmed, 149 N. Y. 621.

Followed, 9 App. Div. 621; (40 Supp. 1151).

Cited, Municipal Corporations — Employees—Removal.

7 App. Div. 247; (74 St. Rep. 646; 40 Supp. 36).

People v. Waring, 5 App. Div. 311; 39 Supp. 193.

People v. Waring, 7 App. Div. 204; 40 Supp. 275.

People v. Waring, 7 App. Div. 247; 74 St. Rep. 646; 40 Supp. 35.

People v. Waring, 72 St. Rep. 168; 36 Supp. 1119.

People v. Warner, 51 Hun, 53; 20 St. Rep. 573; 3 Supp. 768.

Distinguished, Appeal—Appealability of Order Appointing Receiver in Supplementary Proceedings.

66 Hun, 558; (50 St. Rep. 239; 21 Supp. 683).

Cited, Supplementary Proceedings—Receiver—Notice.

49 St. Rep. 461; (20 Supp. 952).

Duplicate Citations in Parenthesis.

Contempt — Punishment — Independent Proceeding.

11 App. Div. 472; (76 St. Rep. 331; 42 Supp. 331).

People v. Warren, 13 Misc. 615; 69 St. Rep. 167; 34 Supp. 942.

People v. Warren, 77 Hun, 120; 53 St. Rep. 857; 28 Supp. 303.

Cited, Constitutional Law—Day's Labor. 10 Misc. 78; (62 St. Rep. 396; 30 Supp. 473).

People v. Warren County, Sup'rs. of, 82 Hun, 298; 63 St. Rep. 577; 31 Supp. 248.

Cited, Highways—Laying Out — Commissioner's Duties,

92 Hun, 15; (73 St. Rep. 32; 37 Supp. 870).

People v. Warsaw, Commissioners of Excise of, 4 Misc. 547; 54 St. Rep. 202; 24 Supp. 739.

Cited, Intoxicating Liquors — License — Power of Court to Grant—Discretion.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 409).

Intoxicating Liquors—Local Prohibition.

75 Hun, 236; (58 St. Rep. 681; 27 Supp. 42).

People v. Washington County Board of Supervisors, 18 Misc. 714; 77 St. Rep. 797; 43 Supp. 797.

Affirmed, 17 App. Div. 165.

People v. Wasson, 64 N. Y. 167.

Cited, Action—Stay—Pending Other Action—Non-parties.

139 N. Y. 499; (54 St. Rep. 802).

Remedies—Statutory—Exclusive.

78 St. Rep. 323; (44 Supp. 323). D. 78 St. Rep. 326; (44 Supp. 326).

People v. Waterbury, 44 Hun, 493.

Cited, Statute—Violation—Penalty and Criminal Prosecution.

19 Misc. 133.

People v. Waters, 4 Misc. 1; 53 St. Rep. 720; 23 Supp. 691.

Cited, Certiorari—Review of Refusal of Excise Board to Grant Licenses.

4 Misc. 557; (54 St. Rep. 209; 24 Supp. 745). 4 Misc. 248; (53 St. Rep. 723; 23 Supp. 913). 15 Misc. 650; (73 St. Rep. 357; 38 Supp. 168).

Courts—Non-Judicial Duties—Power of Legislature Over.

9 Misc. 251; (60 St. Rep. 649; 30 Supp. 408).

Intoxicating Liquors—Right to License.

4 Misc. 557; (54 St. Rep. 209; 24 Supp. 745). 73 St. Rep. 352; (38 Supp. 163).

People v. Watson, 14 Misc. 430; 70 St. Rep. 327; 35 Supp. 852.

People v. Watts, 73 Hun, 404; 55 St. Rep. 770; 26 Supp. 281.

People v. Wayman, 128 N. Y. 585; 38 St. Rep. 747.

Cited, Trial—Charge to Jury—Reasonable Doubt.

137 N. Y. 40; (50 St. Rep. 68).

Trial — Instructions to Jury — Adopting Language of Counsel.

9 Misc. 111; (59 St. Rep. 731; 29 Supp. 47). 12 App. Div. 504; (76 St. Rep. 247; 42 Supp. 247).

People v. Wayne County Board of Sup'rs, 49 Hun, 476; 18 St. Rep. 898; 2 Supp. 555.

Cited, Certiorari—Review—What Papers Considered.

14 Misc. 177; (69 St. Rep. 815; 35 Supp. 463).

Certiorari—Final Determination.

4 App. Div. 265; (73 St. Rep. 582; 38 Supp. 532).

People v. Webb, 50 St. Rep. 46; 21 Supp. 298.

People v. Webb, 1 Hill, 179.

Cited, Trial—Jury—Qualifications.

150 N. Y. 380.

People v. Webster, 8 Misc. 133; 60 St. Rep. 149; 28 Supp. 646.

People v. Webster, 14 Misc. 617; 71 St. Rep. 676; 36 Supp. 745.

Affirmed, 1 App. Div. 631; 37 Supp. 1148.

People v. Webster, 17 Misc. 410; 40 Supp. 1135.

People v. Webster, 75 Hun, 278; 58 St. Rep. 225; 26 Supp. 1007.

Cited, Criminal Law—Arrest Without Warrant.

88 Hun, 306; (68 St. Rep. 586; 34 Supp. 766). 13 Misc. 767; (69 St. Rep. 610; 35 Supp. 235). 19 Misc. 564; (78 St. Rep. 1100; 44 Supp. 1100). 19 Misc. 681, 682; (78 St. Rep. 1107, 1108; 44 Supp. 1107, 1108).

Criminal Law—Judgment—Review.

81 Hun, 341; (63 St. Rep. 156; 30 Supp. 903).

People v. Webster, 86 Hun, 68; 67 St. Rep. 79; 33 Supp. 337.

People v. Webster, 92 Hun, 378; 73 St. Rep. 89; 36 Supp. 995.

People v. Webster, 139 N. Y. 73; 54 St. Rep. 423.

Affirming, 63 Hun, 11; 52 St. Rep. 233; 22 Supp. 634.

Cited, Witness — Cross-examination — Scope.

Duplicate Citations in Parenthesis.

92 Hun, 361; (71 St. Rep. 546; 36 Supp. 516). 153 N. Y. 187.

Trial—Reception of Incompetent Evidence—Review.

19 Misc. 556; (78 St. Rep. 904; 44 Supp. 904).

People v. Welch, 74 Hun, 474; 57 St. Rep. 42; 26 Supp. 694.

Affirmed, 141 N. Y. 266; 57 St. Rep. 392.

People v. Welch, 141 N. Y. 266; 57 St. Rep. 392.

People v. Weldon, 111 N. Y. 569; 20 St. Rep. 112.

Cited, **Indictment—Sufficiency—Statutory Crime.**

67 Hun, 573; (51 St. Rep. 485; 22 Supp. 585). 92 Hun, 357, 358; (71 St. Rep. 543, 544; 36 Supp. 513, 514). 74 Hun, 243; (55 St. Rep. 683; 26 Supp. 224).

Indictment—Negation of Defenses.

67 Hun, 573; (51 St. Rep. 484; 22 Supp. 585).

Witnesses—Contradiction—Foundation For.

72 Hun, 417; (55 St. Rep. 294; 25 Supp. 178).

Evidence—Burden of Proof—Statutory Exception.

92 Hun, 8; (73 St. Rep. 13; 37 Supp. 965).

People v. Welles, 14 Misc. 226; 70 St. Rep. 467; 35 Supp. 672.

People v. Welles, 88 Hun, 190; 68 St. Rep. 422; 34 Supp. 412.

Cited, **Conviction—Proof—Sufficiency.**

5 App. Div. 526; (39 Supp. 53).

People v. Welles, 89 Hun, 96; 69 St. Rep. 112; 34 Supp. 1000.

Affirmed, 149 N. Y. 606, 619.

People v. Welles, 5 App. Div. 523; 39 Supp. 50.

People v. Welles, 18 App. Div. 132; 79 St. Rep. 713; 45 Supp. 713.

People v. Wells, 10 Misc. 195; 63 St. Rep. 758; 31 Supp. 310.

Cited, **Exemptions—Insurance—Benefits.**

83 Hun, 464; (65 St. Rep. 70; 31 Supp. 1039).

People v. Wells, 11 Misc. 239; 66 St. Rep. 422; 32 Supp. 973.

People v. Wemple, 60 Hun, 225; 33 St. Rep. 17; 14 Supp. 859.

Affirmed, 129 N. Y. 558; 42 St. Rep. 400.

Cited, **Taxes—Corporations—Franchise—Basis of Assessment.**

70 Hun, 510; (53 St. Rep. 791; 24 Supp. 211). 4 App. Div. 392; (38 Supp. 875).

Taxes—Exemptions—Corporations.

141 N. Y. 475; (57 St. Rep. 611).

Taxes—Corporations—Revision

69 Hun, 369; (52 St. Rep. 787; 23 Supp. 661).

People v. Wemple, 63 Hun, 444; 44 St. Rep. 702.

Reversed, 148 N. Y. 690.

Cited, **Taxes—Corporate Franchise—Business Without State.**

66 Hun, 149; (48 St. Rep. 818; 21 Supp. 8).

People v. Wemple, 67 Hun, 495; 51 St. Rep. 230; 22 Supp. 497.

Reversed, 139 N. Y. 240; 54 St. Rep. 623.

Cited, **Taxes—Assessment—Validity.**

7 App. Div. 364; (74 St. Rep. 675; 40 Supp. 61).

People v. Wemple, 78 Hun, 63; 60 St. Rep. 663; 29 Supp. 92.

Affirmed, 150 N. Y. 46.

Cited, **Taxes—Foreign Corporations—Capital Stock.**

82 Hun, 315; (63 St. Rep. 575; 31 Supp. 245). 4 App. Div. 289; (39 Supp. 448).

People v. Wemple, 80 Hun, 504; 62 St. Rep. 380; 30 Supp. 503.

Affirmed, 144 N. Y. 478; 63 St. Rep. 738.

Cited, **Taxes—Redemption.**

62 St. Rep. 381; (30 Supp. 507).

Taxes—Assessment—Judicial Action.

7 App. Div. 364; (74 St. Rep. 675; 40 Supp. 61).

People v. Wemple, 115 N. Y. 302; 26 St. Rep. 330.

Cited, **Judges—Compensation.**

136 N. Y. 183; (48 St. Rep. 851). 145 N. Y. 264, 265; (64 St. Rep. 724).

Mandamus—Ministerial Duties—Enforcement.

76 Hun, 110; (57 St. Rep. 452; 27 Supp. 842).

Mandamus—Officers—Determination Previous to Act.

5 Misc. 380; (56 St. Rep. 635; 25 Supp. 770).

Statute—Construction—Words—Ordinary Meaning.

71 Hun, 248; (54 St. Rep. 571; 24 Supp. 1050). 12 Misc. 625; (68 St. Rep. 86; 34 Supp. 229). 86 Hun, 313; (69 St. Rep. 550; 35 Supp. 195). 14 Misc. 539; (70 St. Rep. 706; 35 Supp. 1688). 6 App. Div. 88; (39 Supp. 766). 78 St. Rep. 319; (44 Supp. 319).

People v. Wemple, 117 N. Y. 77; 26 St. Rep. 720.

Cited, **Taxes—Assessment—Non resident.**

11 Misc. 504; (67 St. Rep. 282; 33 Supp. 434). 10 App. Div. 587; (76 St. Rep. 67; 42 Supp. 67).

Taxes—Joint Stock Companies.

92 Hun, 433; (72 St. Rep. 440; 36 Supp. 1038).

Duplicate Citations in Parenthesis.

People v. Wemple, 125 N. Y. 485; 36 St. Rep. 20.

Cited, Judges—Abridgement of Term—Compensation.

136 N. Y. 183; (48 St. Rep. 851).

Mandamus—Ministerial Duties—Enforcement.

76 Hun, 111; (57 St. Rep. 453; 27 Supp. 842).

Mandamus—Officers—Determination Previous to Act.

5 Misc. 380; (56 St. Rep. 635; 25 Supp. 770).

People v. Wemple, 129 N. Y. 543; 42 St. Rep. 272.

Cited, Taxes—Corporations—Manufacturing.

69 Hun, 368; (52 St. Rep. 787; 23 Supp. 661). 141 N. Y. 475; (57 St. Rep. 611). 38 Hun, 529; (68 St. Rep. 747; 34 Supp. 712).

Certiorari—Review of Tax Assessment.

70 Hun, 511; (53 St. Rep. 791; 24 Supp. 209).

Taxes—Assessment—Excessive—Burden.

80 Hun, 467; (62 St. Rep. 304; 30 Supp. 472). 82 Hun, 317; (63 St. Rep. 576; 31 Supp. 247). D. 74 Hun, 111; (55 St. Rep. 888; 26 Supp. 469). 90 Hun, 538; (71 St. Rep. 42; 36 Supp. 35). 91 Hun, 148; (71 St. Rep. 208; 36 Supp. 278).

Taxes — Assessment — Determination of Value.

83 Hun, 377; (64 St. Rep. 753; 31 Supp. 958).

Statutes—Interpretation—Legislative Intent.

80 Hun, 98; (61 St. Rep. 813; 30 Supp. 73).

Taxes—Corporation—Franchise—Basis of Assessment.

70 Hun, 511; (53 St. Rep. 791; 24 Supp. 209). 74 Hun, 215; (56 St. Rep. 361; 26 Supp. 836). 138 N. Y. 587; (53 St. Rep. 300). 66 Hun, 148; (48 St. Rep. 818; 21 Supp. 8). 4 App. Div. 337; (74 St. Rep. 110; 38 Supp. 726).

Taxes — Corporate Franchise — Business Without State.

66 Hun, 148; (48 St. Rep. 818; 21 Supp. 8). 4 App. Div. 389, 390, 391; 38 Supp. 873, 874, 875).

Taxes—Situs of Property.

138 N. Y. 546; (53 St. Rep. 185).

Taxes—Foreign Corporations.

152 N. Y. 63. D. 11 App. Div. 315; (76 St. Rep. 505; 42 Supp. 505).

Taxes—Corporations—Revision.

82 Hun, 353; (63 St. Rep. 574; 31 Supp. 244). 145 N. Y. 591; (65 St. Rep. 528).

Taxes—Corporations—Revision.

69 Hun, 368; (52 St. Rep. 787; 23 Supp. 661).

Followed, 148 N. Y. 765.

People v. Wemple, 131 N. Y. 64; 42 St. Rep. 632.

Cited, Taxes—Corporation—Franchise—Basis of Assessment.

70 Hun, 511; (53 St. Rep. 791; 24 Supp. 211). D. 78 Hun, 72; (60 St. Rep. 668; 29 Supp. 98). 4 App. Div. 391; (38 Supp. 875)

Taxes—Corporations—Franchise.

74 Hun, 217; (56 St. Rep. 361; 26 Supp. 637). 152 N. Y. 63. 150 N. Y. 49.

Taxes—Foreign Corporation—Amount—Conclusiveness of Determination of Assessing Officer.

138 N. Y. 587; (53 St. Rep. 300). 78 Hun, 69; (60 St. Rep. 666; 29 Supp. 96).

Taxes—Foreign Corporations—Interstate Commerce.

138 N. Y. 8; (51 St. Rep. 704). 91 Hun, 162; (71 St. Rep. 141; 36 Supp. 371).

Taxes — Corporate Franchise — Business Without State.

66 Hun, 148; (48 St. Rep. 818; 21 Supp. 8). D. 74 Hun, 109; (55 St. Rep. 887; 26 Supp. 467).

People v. Wemple, 133 N. Y. 323; 45 St. Rep. 234.

Cited, Taxes—Foreign Corporation—Exemption—Manufacturing Within the State.

136 N. Y. 587; (53 St. Rep. 300). 80 Hun, 99; (61 St. Rep. 814; 30 Supp. 73).

Taxes — Corporate Franchise — Business Without State.

66 Hun, 148; (48 St. Rep. 818; 21 Supp. 9). D. 74 Hun, 109; (55 St. Rep. 887; 26 Supp. 467).

Taxes—Situs of Property.

138 N. Y. 546; (53 St. Rep. 185).

Taxes—Foreign Corporations—Franchise.

4 App. Div. 289; (39 Supp. 449). 4 App. Div. 390, 391; (38 Supp. 874). 150 N. Y. 51.

People v. Wemple, 133 N. Y. 617; 44 St. Rep. 871.

Cited, Taxes—Corporations—Revision.

69 Hun, 370; (52 St. Rep. 787; 23 Supp. 661). 88 Hun, 528; (68 St. Rep. 746; 34 Supp. 712).

Taxes — Corporations — Exemption—Repayment.

141 N. Y. 475; (57 St. Rep. 611). 69 Hun, 370; (52 St. Rep. 787; 23 Supp. 661).

People v. Wemple, 138 N. Y. 1; 51 St. Rep. 702.

Cited, Taxes—Corporations—Franchise or Business—Constitutionality.

70 Hun, 510; (53 St. Rep. 791; 24 Supp. 210). 85 Hun, 45; (65 St. Rep. 681; 32 Supp. 526).

74 Hun, 216; (56 St. Rep. 362; 26 Supp. 836). 4 App. Div. 337; (74 St. Rep. 110; 38 Supp. 726). 150 N. Y. 49. 152 N. Y. 63.

Duplicate Citations in Parenthesis.

People v. Wemple, 138 N. Y. 582; 53 St. Rep. 297.

Affirming, 63 Hun, 452; 44 St. Rep. 708; 18 Supp. 504.

Cited, Taxes—Sale—Relief.

11 Misc. 511; (67 St. Rep. 287; 33 Supp. 438).

Taxes—Corporations—Comptroller's Decision.

82 Hun, 317; (63 St. Rep. 576; 31 Supp. 247). 145 N. Y. 591; (65 St. Rep. 528). 88 Hun, 531; (68 St. Rep. 748; 34 Supp. 714). 88 Hun, 548; (68 St. Rep. 813; 34 Supp. 803). 90 Hun, 539; (71 St. Rep. 42; 36 Supp. 35). 91 Hun, 148; (71 St. Rep. 208; 36 Supp. 278). 4 App. Div. 289; (39 Supp. 449).

Taxes—Corporations—Franchise—Basis of Assessment.

4 App. Div. 391; (38 Supp. 874).

People v. Wemple, 139 N. Y. 240; 54 St. Rep. 623.

Cited, Taxes—Comptroller—Jurisdiction.

144 N. Y. 236; (63 St. Rep. 101). 90 Hun, 530; (71 St. Rep. 39; 36 Supp. 32). 8 App. Div. 220; (40 Supp. 458). 151 N. Y. 542.

Taxes—Assessment—Illegal.

7 App. Div. 364; (74 St. Rep. 675; 40 Supp. 61).

People v. Wemple, 141 N. Y. 471; 57 St. Rep. 609.

People v. Wemple, 144 N. Y. 478; 63 St. Rep. 738.

Cited, Taxes—Sale—Notice of Redemption.

145 N. Y. 461; (65 St. Rep. 394).

Officers—Public—Reconsideration of Action.

11 Misc. 241; (66 St. Rep. 423; 32 Supp. 974). 5 App. Div. 573; (39 Supp. 374). 13 App. Div. 59; (77 St. Rep. 123; 43 Supp. 123).

People v. Wemple, 148 N. Y. 690.

Peolpe v. Wemple, 150 N. Y. 46.

Cited, Taxes—Foreign Corporations.
152 N. Y. 63.

People v. Wemple, 38 St. Rep. 17.

Affirmed, 129 N. Y. 558; 42 St. Rep. 400.

Cited, Taxes—Corporations—Basis of Assessment.

D. 78 Hun, 72; (60 St. Rep. 668; 29 Supp. 97).

People v. Wendell, 57 Hun, 362; 32 St. Rep. 129; 10 Supp. 587.

Cited, Quo Warranto—Title to Office—Adverse Claimant.

7 Misc. 262; (57 St. Rep. 466; 27 Supp. 914; 23 Civ. Pro. 336).

Office—Public—Preference—Veterans.

148 N. Y. 161.

People v. Wentworth, 3 N. Y. Crim. 111.

Cited, Trial—Criminal Cases—Stay of Execution.

7 Misc. 372; (59 St. Rep. 301; 28 Supp. 175).

People v. Wentz, 37 N. Y. 303.

Cited Evidence—Confession—Threats.

80 Hun, 46; (61 St. Rep. 527; 29 Supp. 846).

People v. Werbin, 27 Hun, 311.

Cited, Indictment—Sufficiency.

150 N. Y. 383.

People v. West, 106 N. Y. 293; 8 St. Rep. 713; 6 N. Y. Crim. 382.

Cited, Constitutional Law—Police Power—Spurious Vinegar.

73 Hun, 461; (56 St. Rep. 49; 26 Supp. 274).

Indictment—Negation of Defenses.

67 Hun, 573; (51 St. Rep. 485; 22 Supp. 585).

Milk—Determining Purity—Analysis.

68 Hun, 343; (51 St. Rep. 896; 22 Supp. 811).

Statutes—Construction—Constitutionality.

138 N. Y. 415; (53 St. Rep. 3).

Crime—Intent as Element.

10 Misc. 463; (64 St. Rep. 28; 31 Supp. 451).

Indictment—Definition of Crime—Language of Statute.

78 Hun, 76; (60 St. Rep. 811; 29 Supp. 268). 92 Hun, 357; (71 St. Rep. 543; 36 Supp. 513). 17 Misc. 413; (40 Supp. 1138).

People v. Westbrook, 61 How. 138.

Cited, Executors and Administrators—Claims—Jurisdiction to Determine in Proceedings to Sell Realty.

1 Misc. 38; (22 Supp. 908); 11 Misc. 231; (66 St. Rep. 556; 32 Supp. 1102).

People v. Westchester County, Board of Supervisors of, 40 Hun, 353.

Cited, Statutes—Repeal—Local by General.

6 App. Div. 89; (39 Supp. 767).

People v. Westchester County, Board of Supervisors of, 4 Barb. 64.

Cited, Eminent Domain—Award—Land Owner's Right to.

2 Misc. 11; (49 St. Rep. 579; 21 Supp. 604).

Statutes—Effect of Repeal on Existing Rights.

2 Misc. 5; (49 St. Rep. 593; 21 Supp. 1089).

People v. Westchester County, Board of Supevisors of, 73 N. Y. 173.

Cited, Mandamus—Audit of Claims.

Duplicate Citations in Parenthesis.

6 Misc. 482; (56 St. Rep. 797; 27 Supp. 172).

Mandamus—Admissions.

82 Hun, 302; (63 St. Rep. 579; 31 Supp. 250).

8 App. Div. 552; (75 St. Rep. 232; 40 Supp. 842). 148 N. Y. 189.

Statutes—Repeal.

86 Hun, 82; (67 St. Rep. 120; 33 Supp. 350).

People v. Westchester County, Board of Supervisors of, 139 N. Y. 644; 54 St. Rep. 841.

People v. Westchester County, Board of Supervisors of, 139 N. Y. 524; 54 St. Rep. 837.

Affirming, 69 Hun, 143; 53 St. Rep. 328; 23 Supp. 661.

Cited, Constitutional Law—Limitation of Powers—Office of Supervisors.

76 Hun, 82; (59 St. Rep. 195; 28 Supp. 600).

Supervisors—Title to Office.

89 Hun, 41; (69 St. Rep. 387; 34 Supp. 1129).

Constitutional Law—Local Statute.

90 Hun, 486; (71 St. Rep. 46; 36 Supp. 38).

People v. Westchester County, Board of Supervisors of, 147 N. Y. 1; 69 St. Rep. 343.

Cited, Constitutionality — Statutes—Obvious Conflict.

3 App. Div. 196; (73 St. Rep. 636; 38 Supp. 480). 19 Misc. 123.

Constitution—Construction

15 App. Div. 89; (78 St. Rep. 303; 44 Supp. 303).

People v. Westford, Auditors of, 53 Barb. 555.

Cited, *Mandamns—Existence of Other Remedy—Effect.*

71 Hun, 464; (54 St. Rep. 405; 24 Supp. 976).

People v. Whalen, 5 Week. Dig. 410.

Cited, Towns—Claims—Audit—Verification.

74 Hun, 88; (56 St. Rep. 170; 26 Supp. 125).

People v. Wheeler, 18 Hun, 540.

Cited, *Mandamus—Inspectors of Election—Appointment.*

5 Misc. 35; (25 Supp. 150).

Elections—Inspectors—Appointment.

81 Hun, 47; (63 St. Rep. 126; 30 Supp. 967). 18 Misc. 514; (76 St. Rep. 1087; 42 Supp. 1087).

People v. Wheeler, 47 Hun, 484; 14 St. Rep. 422.

Cited, Usury—What Constitutes.

10 Misc. 105; (63 St. Rep. 399; 31 Supp. 115).

People v. Wheeler, 21 N. Y. 82.

Cited, Commissioners — Highway—Judicial Officer.

143 N. Y. 165; (62 St. Rep. 189).

People v. Whipple, 9 Cow. 707.

Cited, Criminal Law — Sentence—Suspension.

141 N. Y. 293; (57 St. Rep. 406).

People v. White, 28 Hun, 289.

Cited, Surety — Judgment—Conclusiveness.

13 Misc. 71; (68 St. Rep. 198; 34 Supp. 151).

People v. White, 80 Hun, 603; 61 St. Rep. 863; 30 Supp. 163.

Affirmed, 151 N. Y. 637.

People v. White, 14 Wend. 111.

Cited, Evidence — Relevancy—Criminal Cases—Character.

49 St. Rep. 287; (21 Supp. 61).

People v. White, 22 Wend. 167.

Cited, Indictment—Sufficiency—Common Law Form.

22 Supp. 691.

People v. White, 24 Wend. 520.

Cited, Evidence — Relevancy — Criminal Cases—Character.

49 St. Rep. 287; (21 Supp. 61).

Indictment—Sufficiency—Homicide.

138 N. Y. 84; (51 St. Rep. 729).

Officers—De Facto—Rights and Powers.

70 Hun, 4; (53 St. Rep. 448; 23 Supp. 952).

Writing—In Pencil—Binding force.

18 Misc. 216; (75 St. Rep. 903; 41 Supp. 509).

People v. Whitestone, Village of, 71

Hun, 188; 54 St. Rep. 95; 24 Supp. 532.

Cited, Public Officers—Mandatory Duties.

153 N. Y. 364.

People v. Whitlock, 92 N. Y. 191.

Cited, Courts — Changes in Legislative Power.

152 N. Y. 81.

People v. Whitney's Point, Village of, 102 N. Y. 81.

Cited, Municipal Corporations — Laying Out Streets—Regularity.

39 Supp. 8.

People v. Wicks, 11 App. Div. 539; 76 St. Rep. 630; 42 Supp. 630.

People v. Wilcox, 22 Barb. 178.

Cited, Guardians—Custody of Ward—Wishes of Ward.

9 Misc. 243; (61 St. Rep. 304; 30 Supp. 214).

Duplicate Citations in Parenthesis.

People v. Wileman, 44 Hun, 187; 8 St. Rep. 300.

Cited, Trial—Criminal—Instructions as to Proof.

2 App. Div. 335; (73 St. Rep. 518; 37 Supp. 976).

People v. Wiley, 3 Hill, 194.

Cited, Trial—Criminal—Error—Reversible.

17 Misc. 160; (39 Supp. 329).

People v. Willett, 102 N. Y. 251; 1 St. Rep. 384.

Cited, Indictment—Sufficiency—Statutory Crime.

67 Hun, 572; (51 St. Rep. 484; 22 Supp. 585).

Indictment—Sufficiency—Common Law Form.

22 Supp. 691.

People v. Williams, 6 Misc. 185; 27 Supp. 23.

Cited, Exemption—What property Included.

83 Hun, 464; (65 St. Rep. 69; 31 Supp. 1039). 15 Misc. 163; (72 St. Rep. 167; 37 Supp. 15).

People v. Williams, 90 Hun, 501; 71 St. Rep. 401; 36 Supp. 65.

People v. Williams, 92 Hun, 354; 71 St. Rep. 541; 36 Supp. 511.

Affirmed, 149 N. Y. 1.

Cited, Indictment—Sufficiency.

17 Misc. 413; (40 Supp. 1138).

People v. Williams, 4 Hill, 9.

Cited, Fraud—Test.

6 Misc. 356; (26 Supp. 911).

People v. Williams, 149 N. Y. 1.

People v. Willis, 133 N. Y. 383.

Cited, Taxes—Assessment—Non-residence—Securities Held by Agent.

56 St. Rep. 794; (27 Supp. 205).

People v. Willis, 39 Supp. 987.

People v. Willis, 5 Abb. 205.

Cited, 16 Misc. 389; (73 St. Rep. 809; 38 Supp. 130).

Mandamus—When to Issue—To Judicial Officer.

2 Misc. 157; (50 St. Rep. 538; 53 Supp. 163; 23 Civ. Pro. 79).

People v. Willis, 6 App. Div. 231; 39 Supp. 987.

Affirmed, 151 N. Y. 640.

People v. Willis, 9 App. Div. 214; 75 St. Rep. 619; 41 Supp. 168.

People v. Wilson, 109 N. Y. 345; 15 St. Rep. 503.

Cited, Constitutional Law—Police Power—Fat Rendering.

67 Hun, 53; (51 St. Rep. 189; 22 Supp. 61).

Evidence—Relevancy—Personal Injuries—Opinion of Physician.

6 Misc. 333; (56 St. Rep. 242; 26 Supp. 902). 146 N. Y. 162; (66 St. Rep. 281).

Conviction—Lesser Degree—Acquittal of Higher.

81 Hun, 339; (63 St. Rep. 154; 30 Supp. 901).

People v. Wilmerding, 136 N. Y. 363; 49 St. Rep. 651.

Reversing, 62 Hun, 39; 42 St. Rep. 139; 17 Supp. 102.

Cited, Statutes—Repeal of Repealing Act—Effect on Original.

74 Hun, 41; (56 St. Rep. 195; 26 Supp. 295). 77 Hun, 377; (60 St. Rep. 413; 28 Supp. 874). 141 N. Y. 127; (56 St. Rep. 667). 85 Hun, 423; (66 St. Rep. 202; 32 Supp. 884). 90 Hun, 210; (70 St. Rep. 552; 35 Supp. 890). 1 App. Div. 343; (72 St. Rep. 675; 37 Supp. 424). 150 N. Y. 206.

People v. Wilson, 52 Hun, 388; 24 St. Rep. 892; 5 Supp. 280.

Cited, Taxes—Where Taxable—Lands Divided by Town and County Lines.

69 Hun, 538; (53 St. Rep. 293; 24 Supp. 7).

People v. Wilson, 88 Hun, 258; 68 St. Rep. 552; 34 Supp. 734.

People v. Wilson, 7 App. Div. 326; 40 Supp. 107.

Affirmed, 151 N. Y. 403.

People v. Wilson, 62 N. Y. 186.

Cited, Elections—Ballots—Inspectors.

14 Misc. 380; (71 St. Rep. 28; 33 Supp. 21).

People v. Wilson, 119 N. Y. 515; 30 St. Rep. 79.

Cited, Mandamus—Adjustment of Relief.

142 N. Y. 278; (58 St. Rep. 583).

Taxes—Assessment—Error of Assessors.

10 Misc. 273; (63 St. Rep. 438; 31 Supp. 2).

People v. Wilson, 141 N. Y. 185; 56 St. Rep. 828.

Cited, Appeal—Disregard of Incompetent Evidence—Error Cured.

147 N. Y. 527; (70 St. Rep. 90).

Evidence—Other Crimes.

92 Hun, 50; (72 St. Rep. 391; 36 Supp. 869).

Duplicate Citations in Parenthesis.

People v. Wilson, 145 N. Y. 628; 71 St. Rep. 350.

People v. Wilson, 146 N. Y. 401.

People v. Wilson, 151 N. Y. 403.

People v. Wilson, 50 St. Rep. 419; 21 Supp. 571.

People v. Wilzig, 4 N. Y. Crim. 403.

Cited, Intimidation — What Constitutes. 19 Misc. 297; (78 St. Rep. 341; 44 Supp. 341).

People v. Wiman, 9 Misc. 441; 61 St. Rep. 65; 29 Supp. 1034.

People v. Wiman, 85 Hun, 320; 66 St. Rep. 442; 32 Supp. 1037.

Affirmed, 148 N. Y. 29.

Cited, Crime—Intent.

69 St. Rep. 200; (84 Supp. 1110).

People v. Wiman, 148 N. Y. 29.

People v. Wiman, 80 Hun, 130; 61 St. Rep. 783; 30 Supp. 54.

People v. Wolff, 14 App. Div. 73; 77 St. Rep. 421; 43 Supp. 421.

Affirmed, 152 N. Y. 640.

People v. Wood, 62 Hun, 131; 41 St. Rep. 812; 16 Supp. 664.

Cited, Boards of Health — Penalties—Notice.

71 Hun, 152; (54 St. Rep. 316; 24 Supp. 629).

Nuisance—Abatement—Notice.

5 Misc. 162; (25 Supp. 698).

People v. Wood, 71 N. Y. 371.

Cited, Statutes—Construction—Resort to Title.

73 Hun, 278; (58 St. Rep. 73; 26 Supp. 374). 24 Supp. 937; (30 Abb. N. C. 124). 144 N. Y. 417; (63 St. Rep. 653). 32 Supp. 281).

People v. Wood, 121 N. Y. 522; 31 St. Rep. 860.

Cited, Counties—Claims Against—Necessity of Presentation and Audit.

137 N. Y. 177; (50 St. Rep. 379).

Pleading—Election Between Tort and Contract.

2 Misc. 118; (49 St. Rep. 229; 20 Supp. 873). 148 N. Y. 585; (3 Ann. Cas. 62).

Reference—Long Account.

141 N. Y. 488; (57 St. Rep. 596).

Pleading—Anticipatory Allegations.

89 Hun, 110; (68 St. Rep. 830; 34 Supp. 1068).

People v. Wood, 126 N. Y. 249; 36 St. Rep. 953.

Cited, Trial—Criminal—Prejudicial Error.

92 Hun, 50; (72 St. Rep. 392; 36 Supp. 869). D. 15 Misc. 287; (36 Supp. 786). 148 N. Y. 494; 149 N. Y. 327.

Murder—What Constitutes—Deliberation.

149 N. Y. 267.

People v. Wood, 149 N. Y. 142.

Cited, Election Laws—Object.

D. 9 App. Div. 246; (75 St. Rep. 901; 41 Supp. 507).

People v. Wood, 3 Park. Cr. 681.

Cited, Evidence—Relevancy — Collateral Offenses—As Showing Motive.

73 Hun, 20; (57 St. Rep. 13; 25 Supp. 1053). 79 St. Rep. 952; (45 Supp. 952).

People v. Woodruff, 32 N. Y. 355.

Cited, Office — Public — Term—Appointments.

84 Hun, 465; (65 St. Rep. 595; 32 Supp. 390).

Statutes—Construction.

149 N. Y. 123.

People v. Woodworth, 78 Hun, 586; 60 St. Rep. 787; 29 Supp. 211.

People v. Worth, 16 Misc. 664; 72 St. Rep. 733; 37 Supp. 126.

People v. Wright, 19 Misc. 135.

People v. Wright, 3 Hun, 306.

Cited, Excise—License—Discretion.

72 St. Rep. 806; (38 Supp. 178). 73 St. Rep. 352; (38 Supp. 163).

People v. Wright, 68 Hun, 264; 52 St. Rep. 300; 22 Supp. 961.

People v. Wright, 136 N. Y. 625; 49 St. Rep. 70.

People v. Wright, 150 N. Y. 444.

People v. Wright, 7 App. Div. 185; 40 Supp. 285.

Affirmed, 150 N. Y. 444.

150 N. Y. 447.

Civil Service—Removal—Veterans.

15 App. Div. 274; (78 St. Rep. 598; 44 Supp. 598).

People v. Wright, 9 Wend. 103.

Cited, Indictment—Documentary—Motion in Arrest—Grounds.

135 N. Y. 460; (48 St. Rep. 439).

People v. Wurster, 89 Hun, 5; 69 St. Rep. 446; 35 Supp. 89.

People v. Wurster, 89 Hun, 7; 69 St. Rep. 443; 35 Supp. 86.

People v. Wurster, 89 Hun, 8; 69 St. Rep. 447; 35 Supp. 90.

People v. Wurster, 89 Hun, 604; 69 St. Rep. 445; 35 Supp. 88.

Affirmed, 149 N. Y. 620.

People v. Wurster, 91 Hun, 233; 71 St. Rep. 96; 36 Supp. 160.

Reversed, 149 N. Y. 549.

Cited, Police—Removal—Criminal Proceeding.

13 App. Div. 70; (77 St. Rep. 119; 43 Supp. 119).

Duplicate Citations in Parenthesis.

People v. Wurster, 77 St. Rep. 1160; 43 Supp. 1160.

People v. Wurster, 149 N. Y. 549.
Cited, Certiorari—Return—Conclusiveness.

17 App. Div. 302; (79 St. Rep. 261; 45 Supp. 261). 17 App. Div. 202; (79 St. Rep. 359; 45 Supp. 359). D. 17 App. Div. 562; (79 St. Rep. 582; 45 Supp. 582). 152 N. Y. 431.

People v. Wurster, 14 App. Div. 556; 77 St. Rep. 1088; 43 Supp. 1088.

People v. Wurster, 25 Civ. Pro. 367.

People v. Wynn, 35 St. Rep. 487; 12 Supp. 379.

Affirmed, 128 N. Y. 599.

Cited, Horse Racing—Associations—Wagers.

3 Misc. 434; (52 St. Rep. 510; 23 Supp. 299).

People v. Yonkers, Board of Health of, 71 Hun, 84; 54 St. Rep. 317; 24 Supp. 629.

Affirmed, 140 N. Y. 1; 56 St. Rep. 416.

People v. Yonkers, Board of Health of, 140 N. Y. 1; 55 St. Rep. 416.

Cited, Board of Health—Determination—Conclusiveness.

87 Hun, 64, 65; (67 St. Rep. 681, 682; 33 Supp. 951, 952). 19 Misc. 495; (77 St. Rep. 1107; 43 Supp. 1107; 3 Ann. Cas. 382). 146 N. Y. 77; (66 St. Rep. 245). 149 N. Y. 459.

Health—Action of Board—Notice and Hearing.

145 N. Y. 40, 48; (64 St. Rep. 510, 515). 20 Misc. 40; (79 St. Rep. 326; 45 Supp. 326).

Nuisance—Abatement—Municipal Officials.

4 App. Div. 568; (73 St. Rep. 604; 38 Supp. 513). 897 Hun, 43; (69 St. Rep. 454; 35 Supp. 98).

Certiorari—Review by.

D. 152 N. Y. 398.

People v. Yonkers, Village of, 39 Barb. 266.

Cited, Statutes—Construction—Public Officers—Time for Official Action.

67 Hun, 180; (51 St. Rep. 452; 22 Supp. 420).

People v. Young 92 Hun, 373; 71 St. Rep. 846; 36 Supp. 547.

People v. Young, 18 App. Div. 162; 79 St. Rep. 772; 45 Supp. 772.

People v. Youngs, 151 N. Y. 210.

Cited, Capital Cases—Review—New Trial 153 N. Y. 35.

People v. Zeyst, 23 N. Y. 140.

Cited, Evidence—Records of Town Meeting.

73 Hun, 405; (55 St. Rep. 771; 26 Supp. 281).

People v. Zoll, 97 N. Y. 203.

Cited, Taxes—Assessment—Review.

80 Hun, 510; (62 St. Rep. 383; 30 Supp. 506). 90 Hun, 504; (71 St. Rep. 403; 36 Supp. 67).

Statutes—Remedial—Construction.

147 N. Y. 359; (69 St. Rep. 707). 9 App. Div. 460; (75 St. Rep. 762; 41 Supp. 345).

People v. Zounek, 49 St. Rep. 642; 20 Supp. 755.

People's Bank v. St. Anthony's R. C. Church, 109 N. Y. 512; 16 St. Rep. 856.

Cited, Corporations—Officers—Powers—Liability.

4 Misc. 573; (25 Supp. 796). 79 St. Rep. 654; (45 Supp. 654).

Evidence—Burden of Proof—Validity of Notes.

5 Misc. 548; (25 Supp. 975). 15 App. Div. 524.

Evidence—Declarations—Of Agent as to Authority.

49 St. Rep. 736. 7 Misc. 167; (57 St. Rep. 495; 27 Supp. 256). 7 Misc. 459; (25 Supp. 88). 17 Misc. 153; (39 Supp. 334). 17 Misc. 279; (40 Supp. 371). 18 Misc. 550; (41 Supp. 1005).

People's Bank v. Thompson, 63 St. Rep. 165; 30 Supp. 858; 24 Civ. Pro. 62.

People's Bank of East Orange v. Faucher, 21 Supp. 545.

People's Bank of N. Y. v. Mitchell, 73 N. Y. 406.

Cited, Contracts—Performance—Waiver—Burden.

2 App. Div. 294; (73 St. Rep. 450; 37 Supp. 788).

People's R. Co. of Syracuse, Matter of, 112 N. Y. 578; 21 St. Rep. 496.

Cited, Street Railways—Right of Way—Installments—Commission.

68 Hun, 238; (52 St. Rep. 297; 22 Supp. 821).

People's Rapid Transit Co. v. Dash, Matter of, 125 N. Y. 93; 34 St. Rep. 595.

Cited, Railroads—Construction—Authority.

89 Hun, 16; (69 St. Rep. 264).

People's Trust Co. v. Smith, 31 Abb. N. C. 422; 62 St. Rep. 104; 30 Supp. 342

Duplicate Citations in Parenthesis.

People's Trust Co. v. Smith, 82 Hun, 494; 64 St. Rep. 134; 31 Supp. 519.

Cited, Wills—Construction—Improper use of Words.

86 Hun, 282; (62 St. Rep. 249; 33 Supp. 221).

Pepoon, Matter of, 91 N. Y. 255.

Cited, Wills—Probate—Attestation Clause—Defective Memory of Witness.

58 St. Rep. 802; (27 Supp. 964). 13 Misc. 469; (63 St. Rep. 743; 34 Supp. 708; 25 Civ. Pro. 29). 17 Misc. 188; (40 Supp. 981). 16 App. Div. 139; (79 St. Rep. 124; 45 Supp. 124).

Peppard v. D., L. & W. R. Co., 6 Misc. 599; 26 Supp. 1133.

Affirmed, 148 N. Y. 752.

Pepper v. Haight, 20 Barb. 429.

Cited, Deed—Champertous—Availability.

87 Hun, 53; (67 St. Rep. 484; 33 Supp. 868).

Relief—Denial—Participation in Wrongful Acts.

15 App. Div. 567; (78 St. Rep. 520; 44 Supp. 520).

Percival v. Percival, 14 St. Rep. 255; 28 Week. Dig. 155.

Affirmed, 124 N. Y. 637; 35 St. Rep. 340.

Cited, Husband and Wife—Divorce—Allowance for Expenses of Action.

67 Hun, 493; (50 St. Rep. 846; 22 Supp. 569).

Husband and Wife—Divorce—Counsel Fees—Enforcement of Payment—Final Judgment.

73 Hun, 194; (56 St. Rep. 119; 25 Supp. 869).

Percival v. Percival, 124 N. Y. 637; 35 St. Rep. 340.

Cited, Husband and Wife—Divorce—Allowance.

67 Hun, 493; (50 St. Rep. 846; 22 Supp. 569). 83 Hun, 189; (64 St. Rep. 146; 31 Supp. 592)

Appeal—Opinion.

18 Misc. 652; (77 St. Rep. 974; 43 Supp. 974).

Percy, Matter of, 2 Daily, 530.

Cited, Contempt—Judgment—Review by Habeas Corpus.

8 Misc. 148; (60 St. Rep. 142; 28 Supp. 506).

Contempt—Open Court.

20 Misc. 694.

Contempt—Commitment.

20 Misc. 696.

Percy, Matter of, 36 N. Y. 651.

Cited, Attorneys—Disbarment. 152 N. Y. 601.

Percy v. Fitchburg R. Co., 57 St. Rep. 467; 27 Supp. 1040.

Perego, Matter of, 65 Hun, 478; 48 St. Rep. 496; 20 Supp. 394.

Cited, Wills—Publication—Concurrent Acts.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154). 9 App. Div. 382; (41 Supp. 488).

Peri v. N. Y. C. & H. R. R. Co., 87 Hun, 499; 68 St. Rep. 844; 34 Supp. 1009.

Peri v. N. Y. C. & H. R. R. Co., 152 N. Y. 521.

Perine v. Dunn, 4 Johns. Ch. 140.

Cited, Mortgages—Foreclosure—Redemption.

15 App. Div. 282; (78 St. Rep. 591; 44 Supp. 591).

Perkins, Matter of, 75 Hun, 129; 57 St. Rep. 228; 26 Supp. 958.

Affirmed, 145 N. Y. 599.

Perkins v. Batterson, 66 Hun, 583; 50 St. Rep. 103; 21 Supp. 815.

Perkins v. Brainard Quarry Co., 11 Misc. 337; 65 St. Rep. 417; 32 Supp. 236.

Cited, Costs—New Trial.

15 Misc. 79; (71 St. Rep. 592; 36 Supp. 791). 73 St. Rep. 360; (38 Supp. 171; 1 Ann. Cas. 406).

Perkins v. Brainard Quarry Co., 11 Misc. 338; 65 St. Rep. 410; 32 Supp. 230

Cited, Appeal—Objections.

13 Misc. 234; (67 St. Rep. 872; 34 Supp. 17). 5 App. Div. 37; (39 Supp. 72).

Perkins v. Commercial Advertiser Ass'n, 89 Hun, 24; 69 St. Rep. 7; 24 Supp. 1064.

Perkins v. Giles, 50 N. Y. 228.

Cited, Arbitration—Award—Conclusiveness.

86 Hun, 365; (67 St. Rep. 150; 33 Supp. 450). 12 App. Div. 225; (77 St. Rep. 434; 43 Supp. 434).

Perkins v. Hatch, 4 Hun, 137.

Cited, Estoppel—Corporations.

D. 4 Misc. 482; (54 St. Rep. 335; 24 Supp. 573).

Perkins v. Heert, 14 Misc. 425; 71 St. Rep. 485; 36 Supp. 434.

Perkins v. Heert, 5 App. Div. 335; 39 Supp. 223.

Perkins v. Hill, 56 N. Y. 87.

Cited, Appeal—Case—Presumption.

150 N. Y. 359.

Perkins v. Huntington, 139 N. Y. 630; 54 St. Rep. 932.

Duplicate Citations in Parenthesis.

Perkins v. Poughkeepsie, 83 Hun, 76; 63 St. Rep. 852; 31 Supp. 368.

Cited, Evidence—Negligence—Subsequent Condition.

17 App. Div. 186; (79 St. Rep. 360; 45 Supp. 360).

Perkins v. Slocum, 82 Hun, 356; 64 St. Rep. 84; 31 Supp. 474.

Perkins v. Smith, 116 N. Y. 441; 27 St. Rep. 541.

Affirming, 2 St. Rep. 695.

Cited, Usury—Private Bankers.

83 Hun, 73; (64 St. Rep. 286; 31 Supp. 648). 16 Misc. 250; (73 St. Rep. 789; 38 Supp. 328).

Perkins v. State, 113 N. Y. 660; 23 St. Rep. 266; 2 Silv. Ct. App. 246.

Cited, Eminent Domain—Review—Ad-equacy.

76 Hun, 376; (59 St. Rep. 94; 27 Supp. 757).

Perkins v. Stimmel, 114 N. Y. 359; 23 St. Rep. 657.

Cited, Guardians—Accounting—Fraudulent Settlement.

138 N. Y. 201; (52 St. Rep. 143).

Guardian and Executors—Liability of Sureties.

136 N. Y. 391; (49 St. Rep. 832). 10 App. Div. 243; (75 St. Rep. 1217; 41 Supp. 816).

Pleading—Separate Cause of Action—Numbering—Waiver.

69 Hun, 180; (53 St. Rep. 369; 23 Supp. 577).

Pleading—Capacity to Sue—How Raised.

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Perkins v. Washington Ins. Co., 4 Cow 645.

Cited, Damages—Failure to Insure.

89 Hun, 331; (69 St. Rep. 860; 35 Supp. 451).

Perley v. N. Y. C. & H. R. R. Co., 65 N. Y. 374.

Cited, Carriers—Baggage—Merchandise—Liability.

16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Perrin v. N. Y. C. & H. R. R. Co., 36 N. Y. 120.

Cited, Easements—Right of Way—Rights of Abutting Owner.

137 N. Y. 322; (50 St. Rep. 719).

Highways—Rights of Abutters—Change of Grade.

138 N. Y. 170; (51 St. Rep. 842).

Deeds—Boundary—Highway.

8 App. Div. 106; (40 Supp. 407).

Perrine v. Hotchkiss, 58 Barb. 77.

Cited, Damages—Value of Services.

4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 666).

Perrine v. Hotchkiss, 2 T. & C. 370.

Cited, Limitations—Current Account.

5 App. Div. 589; (39 Supp. 384).

Perrine v. Striker, 7 Paige, 598.

Disapproved, Witnesses—Privilege—Immunity From Prosecution—Question for Court.

8 Misc. 171; (60 St. Rep. 144; 28 Supp. 509).

Perrow v. Lindsay, 52 Hun, 115; 22 St. Rep. 474; 4 Supp. 795.

Cited, Discovery and Inspection—Inability to Produce.

86 Hun, 45; (67 St. Rep. 109; 33 Supp. 290; 2 Ann. Cas. 133). 6 App. Div. 171; (39 Supp. 1037).

Perry, Matter of, 5 Misc. 149; 25 Supp. 716.

Perry, Matter of, 37 St. Rep. 576; 15 Supp. 535.

Cited, Executors—Accounting—Limitation.

9 Misc. 234; (61 St. Rep. 299; 30 Supp. 287). 15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131, 1133).

Perry v. Board of Missions of P. E. Church, Etc., 102 N. Y. 99.

Cited, Mortgage—Equitable.

144 N. Y. 112; (63 St. Rep. 67).

Perry v. Chester, 53 N. Y. 240.

Cited, Set off—Judgment—Attorneys.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Perry v. Council Bluffs City Water Works Co., 67 Hun, 456; 51 St. Rep. 326; 22 Supp. 151.

Affirmed, 143 N. Y. 637; 60 St. Rep. 875.

Perry v. Dickerson, 85 N. Y. 345.

Cited, Judgment—Conclusiveness—Indivisible Demand.

76 Hun, 309; (59 St. Rep. 97; 27 Supp. 742). 10 Misc. 668; (64 St. Rep. 304; 31 Supp. 679; 1 Ann. Cas. 367). 14 App. Div. 243; (77 St. Rep. 537; 43 Supp. 537). 16 App. Div. 491; (78 St. Rep. 916; 44 Supp. 916).

Judgment—Conclusiveness.

152 N. Y. 196.

Contracts—Employment—Breach—Damages.

152 N. Y. 149.

Duplicate Citations in Parenthesis.

Perry v. Erie Transfer Co., 1 Misc. 208; 49 St. Rep. 36; 20 Supp. 591.

Affirmed, 4 Misc. 598; 53 St. Rep. 136; 23 Supp. 878.

Cited, Courts—Jurisdiction.

19 Misc. 101; (77 St. Rep. 220; 43 Supp. 220).

Perry v. Erie Transfer Co., 4 Misc. 598; 53 St. Rep. 136; 23 Supp. 878.

Cited, Courts — Jurisdiction — Non-residents.

19 Misc. 101; (77 St. Rep. 220; 43 Supp. 220).

Perry v. Erie Transfer Co., 46 St. Rep. 185; 19 Supp. 239; 28 Abb. N. C. 430.

Cited, Contracts—Performance—Law of Place.

8 Misc. 235; (59 St. Rep. 201; 28 Supp. 562). 8 Misc. 295; (59 St. Rep. 211; 28 Supp. 575; 31 Abb. N. C. 443). 4 Misc. 131; (53 St. Rep. 209; 23 Supp. 1018).

Evidence—Presumption—As to Place of Performance of Contract.

27 Supp. 930; (30 Abb. N. C. 453).

Courts—Local—Jurisdiction.

14 Misc. 24; (69 St. Rep. 375; 35 Supp. 130). 19 Misc. 101; (77 St. Rep. 220; 43 Supp. 220).

Perry v. Hoadley, 19 Abb. N. C. 76.

Cited, Corporation—Subscription to Stock—Validity—Payment of Percentage.

9 Misc. 426; (61 St. Rep. 707; 30 Supp. 264).

Perry v. Hughes, 82 Hun, 614; 33 Supp. 1133.

Cited, 88 Hun, 410; (34 Supp. 845).

Perry v. Kent, 88 Hun, 407; 68 St. Rep. 781; 34 Supp. 843.

Perry v. Lehigh Valley R. Co., 9 Misc. 515; 61 St. Rep. 82; 30 Supp. 140.

Perry v. Lorillard Fire Ins. Co., 61 N. Y. 214.

Cited, Insurance—Breach of Conditions by Insured—Rights of Mortgagee.

141 N. Y. 223; (56 St. Rep. 503).

Perry v. Perry, 17 Misc. 28; 39 Supp. 863; 25 Civ. Pro. 407.

Perry v. Perry, 49 St. Rep. 918.

Perry v. Perry, 49 St. Rep. 291; 21 Supp. 133.

Perry v. Perry, 1 Barb. Ch. 516.

Cited, Husband and Wife—Separation—Single Act of Cruelty.

7 Misc. 24; (57 St. Rep. 79; 27 Supp. 409).

Perry v. Rogers, 91 Hun, 243; 71 St. Rep. 105; 36 Supp. 208.

Perry v. Round Lake Camp Meeting Association, 22 Hun, 293.

Cited, Summons—Short—Non-residents.

20 Misc. 368; (79 St. Rep. 924; 45 Supp. 924).

Persch v. Allison, 85 Hun, 429; 66 St. Rep. 203; 32 Supp. 885.

Perschke v. Hencken, 78 St. Rep. 265; 44 Supp. 265.

Person v. Civer, 29 How 432.

Cited, Accord and Satisfaction—Necessity of Payment.

74 Hun, 236; (56 St. Rep. 368; 26 Supp. 458).

Person v. Grier, 66 N. Y. 124.

Cited, Writ and Process—Service—Privilege—Parties and Witnesses.

136 N. Y. 589; (49 St. Rep. 906; 30 Abb. N. C. 63). 55 St. Rep. 872; (26 Supp. 329). 10 Misc. 291; (63 St. Rep. 244; 30 Supp. 1054; 24 Civ. Pro. 128).

Persons, Matter of, 1 Hill, 655.

Cited, License—Excise—Discretion.

73 St. Rep. 352; (38 Supp. 163).

Persons v. Seargent, 132 N. Y. 590; 43 St. Rep. 966.

Cited, Tenancy by Entirety—Payment of Whole Consideration by One Tenant.

67 Hun, 235; (50 St. Rep. 783; 22 Supp. 799).

Perzel v. Tousey, 52 Super. 79.

Cited, Libel and Slander—Privilege—Pleadings.

84 Hun, 120; (65 St. Rep. 648; 32 Supp. 462; 1 Ann Cas. 331).

Peters v. Delaplaine, 49 N. Y. 362.

Cited, Specific Performance — Absolute Right to

50 St. Rep. 812; (21 Supp. 885).

Specific Performance—Discretion as to Granting.

24 Supp. 791; (30 Abb. N. C. 273). 19 Misc. 331; (78 St. Rep. 269; 44 Supp. 269).

Specific Performance—Laches.

144 N. Y. 111; (63 St. Rep. 66). 82 Hun, 104; (63 St. Rep. 606; 31 Supp. 205).

Actions—Legal and Equitable.

81 Hun, 191; (62 St. Rep. 704; 30 Supp. 760).

Peters v. Diossy, 3 E. D. Smith, 115.

Cited, Justice's Court—Non-Suit.

90 Hun, 543; (71 St. Rep. 32; 36 Supp. 25).

Peters v. Kerr, 22 How. 3.

Cited, Execution — Supplementary Proceedings—Office and Effect of Order.

3 Misc. 118; (23 Supp. 1056).

Duplicate Citations in Parenthesis.

Peters v. McKeon, 4 Den. 546.

Cited, Damages—Breach of Covenant of Seizin—Interest—Improvement.

68 Hun, 76; (52 St. Rep. 223; 22 Supp. 597).

Peters v. Peters, 3 Misc. 264; 52 St. Rep. 169; 22 Supp. 764.

Peters v. Sanford, 1 Den. 224.

Cited, Judgment—Merger—Joint Debtors. 89 Hun, 48; (69 St. Rep. 229; 35 Supp. 34).

Peters v. Stewart, 2 Misc. 357; 51 St. Rep. 120; 21 Supp. 993.

Reversing, 1 Misc. 8; 48 St. Rep. 511; 20 Supp. 661.

Peters v. United States Industrial Ins. Co., 10 App. Div. 533; 76 St. Rep. 348; 42 Supp. 348.

Peterson, Matter of, 74 Hun, 93; 26 Supp. 405.

Peterson v. Chemical Bank, 32 N. Y. 21.

Cited, Corporations—Foreign—Assignee—Right to Sue.

90 Hun, 107; (70 St. Rep. 410; 35 Supp. 614). 6 App. Div. 466; (39 Supp. 690). 13 App. Div. 326; (77 St. Rep. 143; 43 Supp. 143).

Peterson v. Hubbell, 12 App. Div. 372; 76 St. Rep. 554; 42 Supp. 554.

Peterson v. New York, 17 N. Y. 449.

Cited, Taxes — Assessment—Defective—Confirmation.

67 Hun, 223; (51 St. Rep. 360; 22 Supp. 903).

Corporations—Contracts—Authority 13 Misc. 355; (69 St. Rep. 476; 35 Supp. 102). 7 App. Div. 508; (40 Supp. 238).

Peterson v. Swan, 119 N. Y. 662; 30 St. Rep. 208.

Cited, Appeal—Return—Amendment. 88 Hun, 304; (68 St. Rep. 587; 34 Supp. 768).

Appeal—Power of Court.

15 Misc. 527; (72 St. Rep. 121; 37 Supp. 89).

Peterson v. Swan, 50 Super. 46.

Cited, Pleading—Answer — Demurrer — Sufficiency of Complaint.

80 Hun, 27; (61 St. Rep. 611; 29 Supp. 860).

Petrakion v. Arbeely, 26 Supp. 731; 23 Civ. Pro. 183.

Petrie, Matter of, 82 Hun, 62; 63 [St. Rep. 364; 31 Supp. 65.

Cited, Limitation of Action — Extension. 16 Misc. 403; (73 St. Rep. 607; 25 Civ. Pro. 314; 38 Supp. 516).

Petrie v. Fitzgerald, 1 Daly. 401.

Cited, Service—Witness—Privilege.

10 Misc. 291; (63 St. Rep. 245; 30 Supp. 1054; 24 Civ. Pro. 129).

Petrie v. Hamilton College, 92 Hun, 81; 71 St. Rep. 804; 36 Supp. 636.

Cited, 5 App. Div. 619; (41 Supp. 1111). Judgment—Correction.

16 App. Div. 472; (78 St. Rep. 939; 44 Supp. 939).

Petrie v. Hamilton College, Trustees of, 8 App. Div. 371; 75 St. Rep. 156; 40 Supp. 781.

Petrie v. N. Y. C. & H. R. R. Co., 66 Hun, 282; 49 St. Rep. 279; 21 Supp. 159.

Cited, Railroads — Crossings — Duty to Look.

79 Hun, 549; (61 St. Rep. 561; 29 Supp. 873).

Petrie v. Petrie, 7 Lans. 90.

Cited, Wills—Legatees—Abatement.

5 Misc. 130; (25 Supp. 729).

Petrie v. Petrie, 126 N. Y. 693; 38 St. Rep. 496.

Cited, Witnesses—Competency—Death of Other Party—Bystander.

68 Hun, 585; (52 St. Rep. 578; 23 Supp. 255).

Petrie v. Shoemaker, 24 Wend. 85.

Cited, Pleading—Partition—Parties—Lunatic.

3 App. Div. 392; (74 St. Rep. 167; 38 Supp. 708).

Petrie v. Stark, 79 Hun, 550; 61 St. Rep. 569; 29 Supp. 881.

Cited, Trover—Possession.

16 Misc. 578; (74 St. Rep. 175; 38 Supp. 767).

Petrie v. Williams, 68 Hun, 589; 52 St. Rep. 587; 23 Supp. 227.

Cited, Evidence—Fraudulent Conveyance —Declarations of Grantor.

77 Hun, 471; (60 St. Rep. 544; 28 Supp. 1080). 82 Hun, 400; (63 St. Rep. 563; 31 Supp. 262).

Infants—Avoidance of Contracts.

88 Hun, 293; (68 St. Rep. 400; 34 Supp. 671).

Judgment—Form.

3 App. Div. 56; (73 St. Rep. 849; 38 Supp. 231).

Conversion—What Constitutes.

19 Misc. 131; (77 St. Rep. 536; 43 Supp. 536).

Petrie v. Williams, 88 Hun, 292; 68 St. Rep. 399; 34 Supp. 670.

Affirmed, 153 N. Y. 671.

Duplicate Citations in Parenthesis.

Pettee v. Pettee, 77 Hun, 595; 60 St. Rep. 529; 28 Supp. 1067.

Affirmed, 148 N. Y. 735.

Cited, Appeal—Error Cured.

86 Hun, 501; (67 St. Rep. 515; 33 Supp. 769).

Pettingill v. Yonkers, City of, 116 N. Y. 558; 27 St. Rep. 531.

Cited, Highways—Defects—Liability of Municipality—Act of Third Person.

49 St. Rep. 270; (21 Supp. 140). 14 App. Div. 4; (77 St. Rep. 620; 43 Supp. 620). 79 Hun, 42; (61 St. Rep. 187; 29 Supp. 651).

Highways—Excavations—Duty to Guard.

66 Hun, 360; (50 St. Rep. 42; 21 Supp. 293).

Highways—Liability for Defects—Contributory Negligence.

80 Hun, 762; (61 St. Rep. 762; 30 Supp. 11).

Highways—Obstacles—Liability of Municipality—Notice.

74 Hun, 454; (57 St. Rep. 256; 26 Supp. 690). 75 Hun, 491; (57 St. Rep. 357; 27 Supp. 477). 135 N. Y. 102; (48 St. Rep. 366). 88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Municipal Corporations—Water Works—Whether Private or Public Matter.

80 Hun, 167; (61 St. Rep. 713; 29 Supp. 1132).

Municipal Corporations—Duties and Liabilities—Streets.

77 Hun, 466; (60 St. Rep. 598; 28 Supp. 1013). 79 Hun, 558; (61 St. Rep. 531; 29 Supp. 94). 82 Hun, 77; (63 St. Rep. 330; 31 Supp. 89). 84 Hun, 284; (65 St. Rep. 718; 32 Supp. 444).

Pettersen v. Van Wart. See *Pettersen v. Welles*.

Pettersen v. Welles, 1 App. Div. 8; 72 St. Rep. 282; 36 Supp. 1009.

Followed, 36 Supp. 1129.

Cited, Courts—Local—Territorial Jurisdiction.

3 App. Div. 420; (74 St. Rep. 174; 38 Supp. 766).

Pettibone v. Drakeford, 37 Hun, 628.

Cited, Replevin—Right to Maintain—Interest of Plaintiff in Chattel.

2 Misc. 253; (50 St. Rep. 342; 21 Supp. 950).

Receivers—Powers.

10 Misc. 692; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 340).

Pettibone v. Moore, 75 Hun, 461; 57 St. Rep. 363; 27 Supp. 455.

Cited, Pleading—Inconsistent Remedy.

8 Misc. 646; (61 St. Rep. 59; 29 Supp. 1044).

Pettigrew v. Chave, 2 Hilt. 546.

Cited, Bills and Notes—Accommodation Paper—Knowledge of Transferee.

74 Hun, 351; (56 St. Rep. 392; 26 Supp. 491). 16 Misc. 568; (74 St. Rep. 118; 38 Supp. 777).

Pettingill v. Olean, Town of, 141 N. Y. 573; 57 St. Rep. 867.

Pettis v. Bloomer, 21 How. 317.

Cited, Counterclaim—Damages for Delay Under Building Contract.

2 Misc. 276; (23 Supp. 776).

Pettis v. Pier, 4 T. & C. 690.

Cited, Appeal—New Trial—Exceptions.

11 Misc. 248; (66 St. Rep. 516; 33 Supp. 16).

Pettit, Matter of, 2 Paige, 596.

Cited, Incompetent Persons—Lunatics—Real Estate—Sale at Common Law.

75 Hun, 450; (59 St. Rep. 644; 27 Supp. 532).

Pettit v. N. Y. C. & H. R. R. Co., 80 Hun, 86; 61 St. Rep. 718; 29 Supp. 1137.

Cited, Nuisance—Structures.

88 Hun, 389; (68 St. Rep. 823; 34 Supp. 812).

Pettit v. Shepard, 32 N. Y. 97.

Cited, Evidence—Parol—Vague Description.

17 App. Div. 190; (79 St. Rep. 369; 45 Supp. 369).

Pettit v. Shepherd, 5 Paige, 493.

Cited, Cloud on Title—Removal

10 Misc. 75; (63 St. Rep. 474; 31 Supp. 152).

Peugnet v. Phelps, 48 Barb. 566.

Cited, Husband and Wife—Divorce—Atimony—Agreement.

9 Misc. 514; (61 St. Rep. 96; 30 Supp. 339).

Peverly v. Poole, 19 Abb. N. C. 271.

Cited, Damages—Measure—Contract—Stipulated Penalty on Cancellation.

5 Misc. 354; (55 St. Rep. 508; 25 Supp. 518). 7 Misc. 639; (58 St. Rep. 374; 28 Supp. 28). 149 N. Y. 392.

Peyman v. Bowery Bank of N. Y., 14 App. Div. 432; 77 St. Rep. 826; 43 Supp. 826.

Peyser, Matter of, 5 Dem. 244; 5 St. Rep. 334.

Cited, Executors and Administrators—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 158; (23 Supp. 977). 1 Misc. 280; (22 Supp. 1074).

Duplicate Citations in Parenthesis.

Interest—Fiduciary Officers—Commissions in Advance.

51 St. Rep. 739.

Executors—Payments by Mistake—Recovery.

78 St. Rep. 363; (44 Supp. 363).

Peyser v. Coney Island & Brooklyn R. Co., 81 Hun, 70; 62 St. Rep. 543; 30 Supp. 610.

Peyser v. Metropolitan R. Co., 13 Daly, 122.

Cited, Elevated Railways—Damages—Elements.

10 Misc. 139; (62 St. Rep. 493; 30 Supp. 922).

Peyser v. Myers, 135 N. Y. 599; 48 St. Rep. 825.

Cited, Assignment for Creditors—Preferences.

145 N. Y. 224; (64 St. Rep. 603). 86 Hun, 421; (67 St. Rep. 178; 33 Supp. 522).

Partnership—Assumption of Debts.

84 Hun, 149; (65 St. Rep. 639; 32 Supp. 453).

Peyser v. Myers, 45 St. Rep. 413; 18 Supp. 736.

Cited, Interest—Computation—Running Accounts.

75 Hun, 523; (57 St. Rep. 352; 27 Supp. 732).

Peyser v. New York, 70 N. Y. 497.

Cited, Judgment—Reversal—Recovery of Money Paid in Satisfaction.

74 Hun, 431; (57 St. Rep. 210; 26 Supp. 591).

Public Improvement—Assessment—Voluntary Payment.

135 N. Y. 464; (48 St. Rep. 437). 14 Misc. 150; (70 St. Rep. 367; 35 Supp. 860). 91 Hun, 216; (71 St. Rep. 135; 36 Supp. 212). 7 App. Div. 153.

Taxes—Recovery of Paid.

69 Hun, 373; (52 St. Rep. 790; 23 Supp. 661). 144 N. Y. 496; (64 St. Rep. 66).

Peyser v. Wendt, 2 Dem. 221.

Cited, Legacy—Application for the Payment of—Assignee of Legatee.

7 Misc. 381; (58 St. Rep. 521; 28 Supp. 161).

Surrogate's Court—Degrees of—Enforcement—Execution—Form of.

7 Misc. 502; (58 St. Rep. 798; 28 Supp. 393).

Peyser v. Wendt, 87 N. Y. 322.

Cited, Pleading—Parties—Personal Representative.

82 Hun, 149; (33 St. Rep. 766; 31 Supp. 317). 153 N. Y. 170.

Peyton v. N. Y. El. R. Co., 62 Hun, 536; 42 St. Rep. 843; 17 Supp. 244.

Cited, Evidence—Opinions—Decrease in Value.

3 App. Div. 255; (73 St. Rep. 697; 38 Supp. 204).

Pfaff v. Reddick, 9 Misc. 472; 61 St. Rep. 121; 29 Supp. 1148.

Pfandler Barm Extracting Bunging Apparatus Co. v. Sargent, 43 Hun, 154; 5 St. Rep. 413.

Cited, Costs—Disbursements—Stenographer's Fees on Reference—Referee's Fees.

21 Supp. 451; (23 Civ. Pro. 47).

Costs—Stenographer's Fees.

75 Hun, 511; (57 St. Rep. 685; 27 Supp. 513). 86 Hun, 53; (66 St. Rep. 784; 33 Supp. 159). 67 St. Rep. 406; (33 Supp. 583; 24 Civ. Pro. 403). 8 App. Div. 310; (75 St. Rep. 337; 40 Supp. 939).

Pfandler P. Fermentation Co., v. McPherson, 20 St. Rep. 473; 3 Supp. 609.

Cited, Pleading—Indefinite—Remedy.

14 Misc. 81; (69 St. Rep. 581; 35 Supp. 264).

Pfeffer v. Buffalo R. Co., 4 Misc. 465 54 St. Rep. 342; 24 Supp. 490.

Affirmed, 144 N. Y. 636; 64 St. Rep. 868.

Cited, Appeal—What Reviewable.

84 Hun, 398; (65 St. Rep. 555; 32 Supp. 357; 24 Civ. Pro. 286).

Pfeiffer v. Rheinfrank, 2 App. Div. 574; 74 St. Rep. 423; 37 Supp. 1076; 3 Ann. Cas. 112.

Pfeiffer v. Ringler, 12 Daly, 437.

Cited, Landlord and Tenant—Liability of Landlord—Tenement Houses—Hallways—Lights.

5 Misc. 446; (26 Supp. 802).

Pfister v. Stumm, 7 Misc. 526; 27 Supp. 1000.

Cited, Costs—Offer of Judgment.

88 Hun, 228; (68 St. Rep. 259; 34 Supp. 664). 3 App. Div. 29; (74 St. Rep. 419; 37 Supp. 1072).

Mechanic's Lien—Offer of Judgment—Sufficiency.

10 App. Div. 96; (75 St. Rep. 1185; 41 Supp. 787).

Pfohl, Matter of, 20 Misc. 627.

Pfohl v. Simpson, 74 N. Y. 137.

Cited, 85 Hun, 100; (66 St. Rep. 35; 32 Supp. 653).

Equity—Jurisdiction—Corporate Debts—Multiplicity of Actions.

Duplicate Citations in Parenthesis.

79 Hun, 105; (61 St. Rep. 182; 29 Supp. 637). D. 7 App. Div. 386; (40 Supp. 216). 8 App. Div. 533; (75 St. Rep. 319; 40 Supp. 924). 11 App. Div. 463; (76 St. Rep. 382; 42 Supp. 382).

Equity—Simplification of Litigation.

72 Hun, 330; (55 St. Rep. 199; 25 Supp. 429). 5 App. Div. 266; (39 Supp. 155).

Corporations—Stockholder's Liability—Judgment.

87 Hun, 603; (68 St. Rep. 656; 34 Supp. 544).

Phalen, Matter of, 51 Hun, 208; 21 St. Rep. 34; 4 Supp. 408.

Cited, Wills—Probate—Revocation—Parties—Citations.

70 Hun, 110; (53 St. Rep. 544; 23 Supp. 1131).

Appeal.

5 App. Div. 596; (39 Supp. 430).

Phalen, Matter of, 47 St. Rep. 44; 19 Supp. 358.

Affirmed, 140 N. Y. 659; 55 St. Rep. 932.

Cited, Evidence—Undue Influence — Opportunity For—Wills.

5 Misc. 183; (24 Supp. 858).

Pharis v. Gere, 31 Hun, 443.

Distinguished, Pleading — Variance of Copy From Original.

2 Misc. 210; (49 St. Rep. 589; 21 Supp. 258).

Pharis v. Gere, 107 N. Y. 231; 11 St. Rep. 393.

Cited, Appeal—Extent of Review—Order Denying Motion for New Trial—Grounds of.

9 Misc. 435; (61 St. Rep. 731; 29 Supp. 1057).

Pharis v. Gere, 110 N. Y. 336; 18 St. Rep. 534.

Cited, Incompetent Persons—Committee — Powers—Real Estate.

75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533). 89 Hun, 528; (69 St. Rep. 797; 35 Supp. 411). 90 Hun, 505; (71 St. Rep. 403; 36 Supp. 67). 16 App. Div. 498; (78 St. Rep. 902; 44 Supp. 902).

Pharo v. Beadleston, 2 Misc. 424; 50 St. Rep. 609; 21 Supp. 989.

Cited, Appeal—Review—Motion for New Trial—Discretion.

9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 10 Misc. 147; (62 St. Rep. 480; 30 Supp. 916). 13 Misc. 168; (68 St. Rep. 96; 34 Supp. 112). 19 Misc. 10; (76 St. Rep. 868; 42 Supp. 868).

Appeal—Weight of Evidence—Exception.

19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

Evidence—Relevancy—Impeachment of Witness.

7 Misc. 185; (57 St. Rep. 526; 27 Supp. 322). 10 Misc. 389; (64 St. Rep. 114; 31 Supp. 431).

Phelan v. Brady, 119 N. Y. 587; 30 St. Rep. 256.

Cited, Notice—Real Property—Possession.

140 N. Y. 347; (55 St. Rep. 727). 82 Hun, 547; (64 St. Rep. 205; 31 Supp. 528). 12 App. Div. 198; (76 St. Rep. 833; 42 Supp. 833). 152 N. Y. 43.

Phelan v. Douglass, 11 How. 193.

Cited, Time—Fractions of a Day.

7 Misc. 715; (58 St. Rep. 322; 28 Supp. 29).

Phelan v. New York, 119 N. Y. 86.

Cited, 19 Misc. 559; (78 St. Rep. 875; 44 Supp. 875).

Release.

71 Hun, 411; (54 St. Rep. 395).

Contracts—Building—Certificate—Conclusiveness.

89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317). 12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524).

Contracts—Building—Retention of Money — Proof.

79 St. Rep. 469; (45 Supp. 469).

Phelan v. Northwestern Mut. Life Ins. Co., 113 N. Y. 147.

Cited, Insurance—Conditions—Notice.

135 N. Y. 556; (48 St. Rep. 561). 11 App. Div. 489; (76 St. Rep. 315; 42 Supp. 315). 11 App. Div. 535; (76 St. Rep. 648; 42 Supp. 648).

Phelps, Matter of, 6 Misc. 397; 56 St. Rep. 629; 26 Supp. 774.

Cited, Judgment—Enforcement—Justice's Court—Docket in County Court.

7 Misc. 230; (53 St. Rep. 573; 27 Supp. 647; 23 Civ. Pro. 300).

Phelps, Matter of, 22 St. Rep. 896; 5 Supp. 270.

Cited, Wills—Execution—Probate—Surviving Witness—Mark—Proof of.

76 Hun, 2; (58 St. Rep. 732; 27 Supp. 957). 58 St. Rep. 799; (27 Supp. 962).

Phelps, Matter of, 19 Week. Dig. 293.

Cited, Wills—Testamentary Capacity.

5 Misc. 188; (24 Supp. 861).

Phelps v. Baker, 41 How. 237.

Cited, Courts—Want of Jurisdiction—Judgment.

18 Misc. 389; (75 St. Rep. 1041; 41 Supp. 654).

Duplicate Citations in Parenthesis.

Phelps v. Borland, 103 N. Y. 406.

Cited, Surety—Discharge.

148 N. Y. 247.

Phelps v. Bostwick, 22 Barb. 314.

Cited, Contracts — Construction — Surrounding Circumstances.

11 App. Div. 433; (76 St. Rep. 244; 42 Supp. 244).

Phelps v. Delmore, 4 Misc. 508; 27 Supp. 278.

Phelps v. Delmore, 69 Hun, 18; 52 St. Rep. 553; 23 Supp. 229.

Phelps v. Delmore, 26 Supp. 278.

Cited, Witness—Credibility—Question of Law or Fact.

81 Hun, 77; (62 St. Rep. 548; 30 Supp. 615).

Phelps v. Gamewell Fire Alarm Telegraph Co., 72 Hun, 26; 55 St. Rep. 339; 25 Supp. 654.

Phelps v. Gee, 29 Hun, 202.

Cited, Evidence—Parol—Subject Matter of Action.

12 App. Div. 4; (76 St. Rep. 180; 42 Supp. 180).

Phelps v. Hawley, 52 N. Y. 23.

Cited, Statutes—Public or Official Duties—When Mandatory.

3 Misc. 132; (23 Supp. 1061).

Phelps v. New York, 112 N. Y. 216; 20 St. Rep. 238.

Cited, Taxes—Unlawful Assessment—Recovery of Tax Paid.

74 Hun, 431; (57 St. Rep. 210; 26 Supp. 591). 69 Hun, 372; (52 St. Rep. 790; 23 Supp. 664). 91 Hun, 217; (71 St. Rep. 136; 36 Supp. 212).

Legislative Delegation—Who May Execute.

19 Misc. 447; (77 St. Rep. 706; 43 Supp. 706).

Phelps v. New York, 25 Abb. N. C. 152; 11 Supp. 657.

Cited, Secundum Allegata et Probata.

3 App. Div. 89; (38 Supp. 919).

Phelps v. New York, N. H. & H. R. Co., 17 App. Div. 392; 79 St. Rep. 178; 45 Supp. 178.

Phelps v. Nowlen, 72 N. Y. 39.

Cited, Acts—Purpose.

143 N. Y. 282; (62 St. Rep. 330). 10 Misc. 355; (63 St. Rep. 416; 31 Supp. 26). 150 N. Y. 432; (3 Ann. Cas. 336).

Phelps v. People, 72 N. Y. 334.

Cited, Indictment—Description of Offense—Language of Statute.

79 Hun, 51; (61 St. Rep. 197; 29 Supp. 642). 74 Hun, 248; (55 St. Rep. 683; 26 Supp. 224). 92 Hun, 357; (71 St. Rep. 543; 36 Supp. 513).

Indictment — Sufficiency — Statutory Crime.

67 Hun, 572; (51 St. Rep. 484; 22 Supp. 585).

Indictment—Defective Count—Conviction.

143 N. Y. 373; (62 St. Rep. 360).

Phelps v. Phelps, 75 Hun, 577; 59 St. Rep. 608; 27 Supp. 620.

Reversed, 143 N. Y. 197; 62 St. Rep. 156.

Phelps v. Phelps, 6 Civ. Pro. 117.

Affirmed, 32 Hun, 642.

Cited, Affidavits—Taken Without State—Authentication.

2 Misc. 440; (51 St. Rep. 119; 21 Supp. 973).

Appearance—What Constitutes.

16 Misc. 545; (74 St. Rep. 139; 38 Supp. 788).

Phelps v. Phelps, 143 N. Y. 197; 62 St. Rep. 156.

Phelps v. Racey, 5 Daly, 235.

Affirmed, 60 N. Y. 10.

Cited, Game Laws—Unlawful Sale.

20 Misc. 121; (79 St. Rep. 75; 45 Supp. 75). Constitutional Law—Regulation of Evidence—Presumptions.

139 N. Y. 44; (54 St. Rep. 438).

Phelps v. Racey, 60 N. Y. 10.

Cited, Constitutional Law—Powers of Legislature—Game Laws.

75 Hun, 476; (57 St. Rep. 361; 27 Supp. 484).

Game Laws—Unlawful Sale.

92 Hun, 556; (71 St. Rep. 732; 36 Supp. 722).

Constitutional Law—Police Power.

149 N. Y. 201.

Phelps v. Rowe, 75 Hun, 414; 56 St. Rep. 762; 27 Supp. 89.

Cited, Contracts—For Benefit of Another—Statute of Frauds.

13 Misc. 236; (68 St. Rep. 16; 34 Supp. 61).

Phelps v. Swan, 2 Sweeny, 696.

Cited, Appeal—Case—Failure to File—Abandonment.

76 Hun, 607; (59 St. Rep. 433; 28 Supp. 221; 23 Civ. Pro. 393).

Appeal—Dismissal—Diligence in Prosecuting.

3 Misc. 246; (51 St. Rep. 911; 22 Supp. 774).

Duplicate Citations in Parenthesis.

Phelps v. Van Dusen, 3 Abb. Ct. App. Dec. 604.

Cited, Landlord and Tenant—Substitution of Tenant—Effect of Lease.

3 Misc. 96; (51 St. Rep. 605; 22 Supp. 551).

Phelps v. Vischer, 50 N. Y. 69.

Cited, Bills and Notes—Endorsement—Priority.

73 Hun, 517; (56 St. Rep. 165; 26 Supp. 102). 4 Misc. 83; (53 St. Rep. 70; 23 Supp. 852). 14 Misc. 465; (72 St. Rep. 261; 36 Supp. 1175). 16 Misc. 567; (74 St. Rep. 117; 38 Supp. 776).

Phelps v. Wait, 30 N. Y. 78.

Cited, Negligence—Of Servant—Joint Liability.

14 Misc. 501; (70 St. Rep. 723; 35 Supp. 1079).

Negligence—Driving in Street.

11 App. Div. 277; (76 St. Rep. 115; 42 Supp. 115).

Phelps v. Wood, 46 How. 1.

Cited, Costs—In Equity.

4 Misc. 415; (53 St. Rep. 576; 24 Supp. 329).

Phenix Nat'l Bank v. A. B. Cleveland Co., 11 Supp. 873.

Cited, Pleading—Complaint—Demand for Relief.

11 App. Div. 520; (77 St. Rep. 42; 43 Supp. 42).

Philadelphia v. Postal Telegraph Cable Co., 67 Hun, 21; 50 St. Rep. 301; 21 Supp. 556.

Philadelphia v. Postal Telegraph Co., 1 App. Div. 387; 72 St. Rep. 617; 37 Supp. 291.

Philips v. Belden, 2 Edw. Ch. 1.

Cited, Account Stated—Impeachment.

144 N. Y. 688; (71 St. Rep. 342).

Philips v. Mackellar, 92 N. Y. 34.

Cited, Usury—Bonusto Agent.

92 Hun, 384; (71 St. Rep. 711; 36 Supp. 691). 17 Misc. 130; (39 Supp. 420). 76 St. Rep. 434; (42 Supp. 434).

Philips v. Metropolitan El. R. Co., 12 App. Div. 283; 76 St. Rep. 33; 42 Supp. 83.

Followed, 14 App. Div. 596; (76 St. Rep. 1131; 42 Supp. 1131).

Philips v. New York El. R. Co., 14 App. Div. 596; 76 St. Rep. 1131; 42 Supp. 1131.

Philips v. New York El. R. Co., 14 App. Div. 595; 78 St. Rep. 28; 44 Supp. 18.

Phillip v. Gallant, 62 N. Y. 256.

Cited, Contracts—Performance.

8 Misc. 259; (59 St. Rep. 199; 28 Supp. 548). D. 140 N. Y. 206; (55 St. Rep. 583). 17 Misc. 360; (39 Supp. 1088). 16 App. Div. 143; (79 St. Rep. 113; 45 Supp. 113). 149 N. Y. 444.

Trial—Question of Fact—Substantial Performance of Contract.

60 St. Rep. 297; 82 Hun, 161; (63 St. Rep. 745; 31 Supp. 296).

Appeal—Error—Presumptions.

20 Misc. 370; (79 St. Rep. 756; 45 Supp. 756).

Appeal—Harmless Error.

13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Phillips, Matter of, 60 N. Y. 16.

Cited, Definitions—Paving.

66 Hun, 185; (49 St. Rep. 165; 21 Supp. 151). 6 App. Div. 139; (39 Supp. 1038).

Phillips, Matter of, 98 N. Y. 267.

Cited, Wills—Probate—Acknowledgment.

9 Misc. 522; (61 St. Rep. 675; 30 Supp. 389). 17 Misc. 109; (40 Supp. 735).

Wills—Publication—Sufficiency.

78 Hun, 482; (60 St. Rep. 703; 29 Supp. 137).

Wills—Execution—Subscription by Witnesses.

89 Hun, 143; (68 St. Rep. 869; 34 Supp. 1138).

Phillips v. Baldwin, 8 Week. Dig. 194.

Cited, Slander—Actionable Per Se.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Phillips v. Barber, 7 Wend. 439.

Cited, Slander—Actionable Words.

91 Hun, 589; (70 St. Rep. 827; 36 Supp. 252).

Phillips v. Berger, 2 Barb. 608.

Affirmed, 8 Barb. 527.

Criticised, Specific Performance—Purchase of Choses in Action.

50 St. Rep. 471; (31 Supp. 389).

Phillips v. Berger, 8 Barb. 527.

Cited, Equity—Mutual Remedies.

144 N. Y. 678; (71 St. Rep. 297).

Phillips v. Brown, 20 Week. Dig. 155.

Cited, Pleading—Answer—Issues on Immaterial Allegations.

9 Misc. 266; (61 St. Rep. 318; 29 Supp. 742).

Phillips v. Citizens' Gas Light Co. of Brooklyn, 51 St. Rep. 553; 21 Supp. 1109.

Phillips v. Covell, 79 Hun, 210; 61 St. Rep. 156; 29 Supp. 613.

Duplicate Citations in Parenthesis.

Phillips v. Davies, 92 N. Y. 199.

Cited, Wills—Construction—Intention.

72 Hun, 574; (55 St. Rep. 225; 25 Supp. 542). 73 Hun, 375; (55 St. Rep. 911; 26 Supp. 159). 4 Misc. 560; (25 Supp. 844). 8 Misc. 196; (59 St. Rep. 480; 29 Supp. 1083). 53 St. Rep. 839; (24 Supp. 351). 146 N. Y. 131; (66 St. Rep. 268) 11 Misc. 465; (67 St. Rep. 280; 33 Supp. 432). 16 Misc. 394; (39 Supp. 531). 8 App. Div. 88; (40 Supp. 431). 8 App. Div. 200; (40 Supp. 440). 18 Misc. 377; (41 Supp. 1012). 20 Misc. 385; (79 St. Rep. 604, 605; 45 Supp. 604, 605). D. 79 St. Rep. 1122; (45 Supp. 1122).

Power of Sale—Termination.

14 App. Div. 86; (77 St. Rep. 444; 43 Supp. 444).

Phillips v. Ehrmann, 4 Misc. 285; 53 St. Rep. 331; 23 Supp. 1030.

Phillips v. Ehrmann, 8 Misc. 39; 59 St. Rep. 386; 28 Supp. 619.

Cited, Damages—Covenant to Repair—Breach.

15 Misc. 3; (72 St. Rep. 6; 36 Supp. 777).

Phillips v. Equitable Life Assur. Soc. of U. S., 55 St. Rep. 298; 26 Supp. 522.

Phillips v. Gorham, 17 N. Y. 270.

Cited, References—Compulsory—To Take Testimony—Power of Court to Order.

136 N. Y. 509; (49 St. Rep. 748). 1 Misc. 378; (49 St. Rep. 120; 20 Supp. 866).

Ejectment—Attack of Deed.

12 Misc. 121; (66 St. Rep. 731; 33 Supp. 75; 2 Ann. Cas. 34).

Phillips v. Lewis, 86 Hun, 241; 66 St. Rep. 818; 33 Supp. 258.

Phillips v. Lewis, 12 App. Div. 460; 76 St. Rep. 707; 42 Supp. 707.

Cited, Witness—Contradiction.

20 Misc. 175; (79 St. Rep. 736; 45 Supp. 736).

Phillips v. Liebmann, 10 App. Div. 128; 75 St. Rep. 1386; 41 Supp. 1020.

Phillips v. Mason, 66 Hun, 580; 50 St. Rep. 104; 21 Supp. 842.

Phillips v. McCombs, 53 N. Y. 594.

Cited, Wills—Intent of Testator—Extrinsic Evidence.

20 Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Phillips v. McNab, 16 Daly, 150; 30 St. Rep. 853; 9 Supp. 526.

Cited, Conversion—Who May Maintain.

16 Misc. 579; (74 St. Rep. 175; 38 Supp. 767).

Phillips v. Melville, 10 Hun, 211.

Cited, Replevin—Costs.

8 App. Div. 421; (75 St. Rep. 237; 40 Supp. 846).

Phillips v. Mercantile Nat. Bank of N. Y., 140 N. Y. 556; 56 St. Rep. 499.

Affirming, 67 Hun, 378; 51 St. Rep. 918; 22 Supp. 254.

Cited, Bills and Notes—Fictitious Payees.

141 N. Y. 388; (57 St. Rep. 600). 82 Hun, 560, 561; (64 St. Rep. 177, 178; 31 Supp. 542).

Banks—Frauds of Officers.

79 St. Rep. 654; (45 Supp. 654).

Phillips v. Munsey, 22 St. Rep. 226; 3 Supp. 530.

Cited, Appeal—From District Court—Review of Evidence.

1 Misc. 163; (48 St. Rep. 686; 20 Supp. 635).

Phillips v. New York, 88 N. Y. 245.

Cited, Officers—Abolition of Office.

1 App. Div. 5; (72 St. Rep. 105; 36 Supp. 1003). 149 N. Y. 223.

Officers—Removal.

30 Supp. 406.

Phillips v. N. Y. C. & H. R. R. Co., 84 Hun, 412; 65 St. Rep. 534; 32 Supp. 299.

Phillips v. N. Y. C. & H. R. R. Co., 127 N. Y. 657; 38 St. Rep. 675; 3 Silv. Ct. App. 467.

Cited, Evidence—Sufficiency—Negligence—Railway Gates.

69 Hun, 478; (52 St. Rep. 638; 23 Supp. 450).

Negligence—Proximate and Concurrent Causes of Accidents—Question for Jury.

1 Misc. 135; (48 St. Rep. 767; 20 Supp. 646). 75 Hun, 486; (57 St. Rep. 372; 27 Supp. 474).

Negligence—Unforeseen Consequences—Effect on Liability.

49 St. Rep. 568; (20 Supp. 916).

Trial—Instructions to Jury.

9 Misc. 362; (60 St. Rep. 616; 29 Supp. 698). 11 Misc. 424; (65 St. Rep. 120; 32 Supp. 128).

Negligence—Proximate Cause.

12 Misc. 364; (65 St. Rep. 781; 33 Supp. 651). 13 Misc. 442; (68 St. Rep. 377; 34 Supp. 474).

Negligence—Contributory—Defective Appliance.

17 App. Div. 160; (79 St. Rep. 146; 45 Supp. 146).

Duplicate Citations in Parenthesis.

Phillips v. New York Life Ins. Co.,
31 St. Rep. 636; 9 Supp. 836.

Cited, Insurance—Preliminary Proofs of Loss—Conclusiveness.

3 Misc. 460; (52 St. Rep. 443; 23 Supp. 181) 18 Misc. 445; (76 St. Rep. 53; 42 Supp. 53). 11 App. Div. 249; (76 St. Rep. 231; 42 Supp. 231).

Phillips v. New York & N. E. R. Co., 80 Hun, 404; 62 St. Rep. 59; 30 Supp. 333.

Phillips v. Northern R. Co. of N. J.,
139 N. Y. 650; 54 St. Rep. 933.

Phillips v. Phillips, 112 N. Y. 197; 20 St. Rep. 301.

Reversing, 45 Hun, 593.

Cited, Wills — Qualification of Absolute Gift.

91 Hun, 401; (70 St. Rep. 783; 36 Supp. 319). 16 Misc. 397; (74 St. Rep. 231; 38 Supp. 603). 7 App. Div. 25; (39 Supp. 803). 16 App. Div. 398; (79 St. Rep. 58; 45 Supp. 58). 153 N. Y. 141.

Phillips v. Rensselaer & Saratoga R. Co., 49 N. Y. 177.

Cited, Negligence—Contributory—Boarding Cars.

9 Misc. 50; (59 St. Rep. 685; 29 Supp. 3).

Phillips v. Richardson, 35 St. Rep. 377; 12 Supp. 282.

Cited, Appeal—Harmless Error.

4 Misc. 144; (53 St. Rep. 179; 23 Supp. 878).

Phillips v. Speyers, 49 N. Y. 653.

Cited, Damages—In Specie.

82 Hun, 115; (64 St. Rep. 165; 31 Supp. 576).

Phillips v. Taylor, 49 Super. 318.

Cited, Contracts—Performance—Excuse.

91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841).

Phillips v. Therasson, 11 Hun, 141.

Cited, Corporations — Failure to Pay in Capital Stock—Liability of Stockholders.

5 Misc. 552; (58 St. Rep. 101; 25 Supp. 981).

Phillips v. Tucker, 14 St. Rep. 120.

Cited, Assignment for Creditors—Inventory as Part of.

49 St. Rep. 464; (21 Supp. 79).

Phillips v. Wilcox, 12 Misc. 382; 67 St. Rep. 350; 33 Supp. 561.

Phillips v. Winne, 139 N. Y. 607; 51 St. Rep. 929.

Phillips v. Wooster, 36 N. Y. 412.

Cited, Fraud—What Constitutes.

91 Hun, 455; (71 St. Rep. 162; 36 Supp. 392).

Phillips v. Wortendyke, 31 Hun, 192.
Cited, Order—Vacation—Inferences.

88 Hun, 371; (68 St. Rep. 767; 34 Supp. 829; 2 Ann. Cas. 209).

Philp, Matter of, 46 St. Rep. 356; 19 Supp. 13.

Cited, Wills—Presumption—Inability to Find After Death of Person—Destruction.

24 Supp. 845.

Wills—Revocation.

11 Misc. 676; (67 St. Rep. 398; 33 Supp. 575).

Phinney v. Broschell, 19 Hun, 116.

Affirmed, 80 N. Y. 544.

Cited, Orders—Character—Caption.

92 Hun, 241; (72 St. Rep. 324; 36 Supp. 941).

Phinney v. Borschell, 80 N. Y. 544.

Cited, Courts — Regularity — Presumption.

14 App. Div. 217; (77 St. Rep. 469; 43 Supp. 469).

Phipps, Matter of, 77 Hun, 325; 59 St. Rep. 769; 28 Supp. 330.

Affirmed, 143 N. Y. 641; 60 St. Rep. 874.

Cited, Tax—Inheritance—Exemptions.

3 App. Div. 480; (73 St. Rep. 787; 38 Supp. 327). 150 N. Y. 7; (3 Ann. Cas. 170).

Phipps v. Carman, 26 Hun, 518.

Cited, Appeal—Reversal—Costs.

49 St. Rep. 884; (21 Supp. 473).

Costs—Motion—Appeal—Amount.

2 Misc. 190; (50 St. Rep. 200; 21 Supp. 586).

Phipps v. Van Cott, 15 How. 110.

Cited, Costs—Interlocutory Judgment on Demurrer—Items.

75 Hun, 366; (56 St. Rep. 766; 27 Supp. 84; 23 Civ. Pro. 296).

Phipps v. Van Kleeck, 22 Hun, 541.

Cited, Wills—Undue Influence—Proof.

67 Hun, 532; (48 St. Rep. 453; 20 Supp. 540).

Phoenix v. Hill, 3 Johns. 249.

Cited, Action—Discontinuance.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Phoenix v. Livingston, 101 N. Y. 451.

Cited, Executors—Accounting—Commissions.

24 Supp. 97. 9 App. Div. 293; (15 Misc. 552; 73 St. Rep. 129; 37 Supp. 590). 16 Misc. 203; (74 St. Rep. 537; 38 Supp. 947).

Executors and Trustees Under Will—Separate Functions—Tests—Commissions.

77 Hun, 113; (59 St. Rep. 853; 28 Supp. 307).

*Duplicate Citations in Parenthesis.***Phoenix v. Phoenix**, 28 Hun, 629.

Cited, Executors and Trustees—Commissions.

16 Misc. 202; (74 St. Rep. 536; 38 Supp. 947).

Phoenix Bank v. Donnell, 40 N. Y. 410.

Cited, Pleading — Complaint — Corporations—Incorporation—Demurrer.

8 Misc. 356; (59 St. Rep. 591; 28 Supp. 695).

Pleading—Demurrer—When Proper.

8 Misc. 92; (60 St. Rep. 157; 28 Supp. 779). 16 Misc. 358; (74 St. Rep. 384; 38 Supp. 88).

Pleading—Capacity to Sue—How Raised.

13 Misc. 137; (68 St. Rep. 107; 34 Supp. 122).

Phoenix Bridge Co. v. Keystone Bridge Co., 142 N. Y. 425; 59 St. Rep. 807.

Cited, Contracts—Invalid—Relief.

10 App. Div. 177; (41 Supp. 892).

Phoenix Bridge Co. v. Keystone Bridge Co., 23 Supp. 109.**Phoenix Bridge Co. v. Keystone Bridge Co.**, 10 App. Div. 176; 75 St. Rep. 1259; 41 Supp. 891.

Affirmed, 153 N. Y. 644.

Phoenix Ins. Co. v. Church, 81 N. Y. 218.

Cited, Bills and Notes—Bona Fide Transferee—Precedent Debt.

3 Misc. 65; (51 St. Rep. 776; 22 Supp. 554). 77 Hun, 58; (59 St. Rep. 431; 28 Supp. 248). D. 9 App. Div. 417; (75 St. Rep. 983; 41 Supp. 591). 20 Misc. 659.

Bills and Notes—Rights of Transferee—Bona Fide Holders.

137 N. Y. 118; (50 St. Rep. 198). 2 App. Div. 106; (73 St. Rep. 145; 37 Supp. 529). 14 Misc. 318; (70 St. Rep. 335; 35 Supp. 849).

Bills and Notes—Renewals—Consideration.

6 Misc. 56; (56 St. Rep. 524; 26 Supp. 79).

Phoenix Ins. Co. v. Continental Ins. Co., 87 N. Y. 400.

Cited, Deeds—Construction—Position of Clauses.

49 St. Rep. 247.

Covenants—Notice—Subsequent Grantee.

18 Misc. 113; (41 Supp. 40).

Covenants—Enforcement.

13 App. Div. 253; (77 St. Rep. 341; 43 Supp. 341).

Phoenix Ins. Co. v. N. Y. C. & H. R. R. Co., 75 Hun, 216; 58 St. Rep. 283; 26 Supp. 1102.**Phoenix Iron Co. v. Vessels Hopatcong**, 127 N. Y. 206; 38 St. Rep. 66.

Cited, Appeal—Review of Questions of Fact.

49 St. Rep. 169; (21 Supp. 95). 82 Hun, 75; (63 St. Rep. 376; 31 Supp. 76). 152 N. Y. 168.

Fraud—Insolvency.

3 App. Div. 560; (73 St. Rep. 836; 38 Supp. 416).

Phoenix Warehousing Co. v. Badger, 67 N. Y. 294.

Cited, Corporations—Stockholders—Creation of Relation.

71 Hun, 375; (55 St. Rep. 25; 25 Supp. 21).

Corporations—Existence—Estoppel.

143 N. Y. 543; (62 St. Rep. 828).

Action—Parties—Receiver.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790).

Phonoharp Co. v. Stobbe, 20 Misc. 698.**Phyfe v. Eimer**, 45 N. Y. 102.

Cited, Constitutional Law—Waiver of Personal Rights.

69 Hun, 533; (52 St. Rep. 705; 23 Supp. 648). 16 Misc. 526; (74 St. Rep. 637; 40 Supp. 27).

Waiver.

15 App. Div. 63; (78 St. Rep. 145; 44 Supp. 145).

Phyfe v. Metropolitan El. R. Co., 11 Misc. 70; 65 St. Rep. 112; 31 Supp. 1018.**Phyfe v. Phyfe**, 3 Bradf. 45.

Cited, Wills—Construction—Representatives.

14 App. Div. 132; (77 St. Rep. 579; 43 Supp. 579).

Phyfe v. Riley, 15 Wend. 248.

Cited, Mortgage—Rights of Mortgagee in Possession.

81 Hun, 261; (62 St. Rep. 755; 30 Supp. 793).

Phyfe v. Wardell, 2 Edw. Ch. 47.

Cited, Evidence—Parol—Fraud.

82 Hun, 385; (63 St. Rep. 596; 31 Supp. 279).

Picabia v. Everard, 4 How. 113.

Cited, Action—Discontinuance.

85 Hun, 103; (66 St. Rep. 37; 32 Supp. 654).

Picard v. Lang, 3 App. Div. 51; 73 St. Rep. 846; 38 Supp. 229.**Pickard v. Carr**, 139 N. Y. 614; 54 St. Rep. 930.

Duplicate Citations in Parenthesis.

Pickard v. Collins, 23 Barb. 444.

Cited, Evidence—On Former Trial—How Shown.

10 Misc. 292; (63 St. Rep. 245; 30 Supp. 1055; 24 Civ. Pro. 130). 17 Misc. 159; (39 Supp. 329).

Pickard v. Pickard, 83 Hun, 338; 64 St. Rep. 847; 31 Supp. 987.

Pickersgill v. Read, 5 Hun, 170.

Cited, 92 Hun, 606; (73 St. Rep. 879; 39 Supp. 1134).

Pickert v. Bunkey, 65 Hun, 623; 47 St. Rep. 934; 21 Supp. 477.

Followed, 71 Hun, 614; (54 St. Rep. 937; 24 Supp. 1147).

Pickert v. Dexter, 12 Wend. 150.

Cited, Action—Appearance—Justice's Court.

80 Hun, 35; (61 St. Rep. 621; 29 Supp. 870).

Pickert v. Windecker, 73 Hun, 476; 56 St. Rep. 12; 26 Supp. 437.

Pickett v. Barron, 29 Barb. 505.

Cited, Mortgage—As Subsequent Conveyance—Prior Record—Bona Fides.

135 N. Y. 47; (48 St. Rep. 254).

Pickett v. Bartlett, 107 N. Y. 277.

Cited, Landlord and Tenant—Holding Over—Renewal.

19 Misc. 495; (77 St. Rep. 1107; 43 Supp. 1107; 3 Ann. Cas. 332). 79 St. Rep. 840; 45 Supp. 840).

Pickett v. Leonard, 34 N. Y. 175.

Cited, Limitation of Action—Payment.

145 N. Y. 64; (64 St. Rep. 524; 1 Ann. Cas. 201).

Picksley v. Starr, 76 Hun, 10; 59 St. Rep. 603; 27 Supp. 616.

Affirmed, 149 N. Y. 432.

Picksley v. Starr, 149 N. Y. 432.

Cited, Revocation—Promptness.

7 App. Div. 123; (40 Supp. 104).

Pidgeon v. Long Island R. Co., 87 Hun, 43; 67 St. Rep. 486; 33 Supp. 870.

Affirmed, 152 N. Y. 652.

Piehl v. Albany R. Co., 39 Supp. 1131.

Cited, Pleading—Bill of Particulars.

39 Supp. 446.

Piepgas v. Edmunds, 5 Misc. 314; 25 Supp. 961; 23 Civ. Pro. 241; 31 Abb. N. C. 39.

Pier v. George, 20 Hun, 210.

Cited, Assignment—Of Corporate Debt—Penalty for Failure to Make Reports.

68 Hun, 322; (52 St. Rep. 101; 22 Supp. 896).

Pier v. George, 86 N. Y. 613.

Cited, Action—Penalty.

18 Misc. 101; (41 Supp. 832).

Pier v. Hammore, 86 N. Y. 95.

Cited, Corporations—Creation—Fictitious Value of Stock—Trustees—Liability.

75 Hun, 346; (58 St. Rep. 295; 26 Supp. 1086).

Pierano v. Merritt, 148 N. Y. 289.

Cited, Costs—Appeal From Justice's Courts.

6 App. Div. 223; (39 Supp. 1035).

Pierano v. Merritt, 89 Hun, 207; 34 Supp. 1087.

Affirmed, 148 N. Y. 289.

Pierce v. Chamberlain, 41 How. 501.

Cited, Wills—Legacies—Payment—Time.

135 N. Y. 297; (47 St. Rep. 815). 5 Misc. 130; (25 Supp. 729).

Pierce v. Devlin, 51 St. Rep. 799; 22 Supp. 208.

Pierce v. Hall, 41 Barb. 142.

Cited, Relation.

89 Hun, 212; (69 St. Rep. 46; 34 Supp. 985).

Pierce v. Kearney, 5 Hill, 82.

Cited, Merger—Judgment—Joint Debtors.

89 Hun, 48; (69 St. Rep. 229; 35 Supp. 34).

Pierce v. Lees, 17 App. Div. 346; 79 St. Rep. 294; 45 Supp. 294.

Pierce v. Pierce, 71 N. Y. 154.

Cited, Executors and Administrators—Accounting—Surrogate's Power to Construe and Determine Validity of Will and Other Instruments.

3 Misc. 589; (24 Supp. 709).

Husband and Wife—Ante-Nuptial Contracts—How Viewed.

67 Hun, 334; (51 St. Rep. 793; 22 Supp. 302). 143 N. Y. 580; (62 St. Rep. 787).

Pierce v. Pierce, 50 St. Rep. 937.

Pierce v. Schenck, 3 Hill, 28.

Cited, Accession—Bailment for Manufacture.

140 N. Y. 201; (55 St. Rep. 576). D. 140 N. Y. 201; (55 St. Rep. 580).

Pierce v. Thomas, 4 E. D. Smith, 354.

Cited, Brokers—Real Estate—Double Retainer.

2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975).

Brokers—Commissions—Request.

11 Misc. 344; (65 St. Rep. 459; 32 Supp. 266).

Pierce v. Tuttle, 53 Barb. 167.

Cited, Ejectment—When Lies.

9 App. Div. 24; (75 St. Rep. 595; 41 Supp. 137). 17 App. Div. 256; (79 St. Rep. 563; 45 Supp. 563).

Duplicate Citations in Parenthesis.

Pierce v. Waters, 10 Week. Dig. 432.

Cited, Attorneys—Substitution.

85 Hun, 259; (66 St. Rep. 498; 32 Supp. 1014).

Pierce Steam Heating Co. v. Ransom, 16 App. Div. 258; 78 St. Rep. 623; 44 Supp. 623.

Piercy v. Averill, 37 Hun, 360.

Cited, Officers—Public—Neglect of Duty—Liability.

66 Hun, 143; (48 St. Rep. 873; 20 Supp. 972).

Pierpoint v. McGuire, 13 Misc. 70; 68 St. Rep. 197; 34 Supp. 150.

Pierrepont v. Barnard, 6 N. Y. 279.

Cited, Easement.

12 Misc. 304; (67 St. Rep. 841; 34 Supp. 40).

Estoppel—Equitable.

147 N. Y. 410; (70 St. Rep. 50).

Pierrepont v. Edwards, 25 N. Y. 128.

Cited, Wills—Gift of Interest.

82 Hun, 429, 430; (63 St. Rep. 563, 564; 31 Supp. 257, 258).

Pierrepont, Town of, v. Loveless, 72 N. Y. 211.

Cited, Master and Servant—Liability for Acts of Independent Contractor.

2 Misc. 431; (51 St. Rep. 216; 22 Supp. 183).

Waters—Navigable—Tests.

75 Hun, 566; (59 St. Rep. 639; 27 Supp. 539). 16 App. Div. 532; (78 St. Rep. 1016; 44 Supp. 1016).

Pierrepont v. Shepard & Morse Lumber Co., 11 App. Div. 383; 76 St. Rep. 498; 42 Supp. 498.

Pierson v. Atlantic National Bank, 77 N. Y. 304.

Cited, Evidence—Conversations Between Principal and Agent.

79 St. Rep. 655; (45 Supp. 655).

Pierson v. Boyd, 2 Duer. 33.

Cited, Note—Accommodation—Indorser.

16 Misc. 568; (74 St. Rep. 118; 38 Supp. 778).

Pierson v. Crooks, 115 N. Y. 539; 26 St. Rep. 492.

Cited, Contracts — Construction — Entirety.

142 N. Y. 341; (59 St. Rep. 18).

Contracts—Return of Part—Recovery.

88 Hun, 250; (68 St. Rep. 562; 34 Supp. 744).

Sale—Defects—Waiver.

D. 140 N. Y. 205; (55 St. Rep. 583). 88 Hun, 249; (68 St. Rep. 561; 34 Supp. 743). 4 App. Div. 455; (38 Supp. 796).

Sale—Inspection.

9 App. Div. 310; (41 Supp. 185).

Sale—Acceptance.

19 Misc. 152; (77 St. Rep. 206; 43 Supp. 206).

Pierson v. Cronk, 13 Supp. 845.

Cited, Limitation of Action — Legal Remedy.

83 Hun, 552; (65 St. Rep. 49; 31 Supp. 1072).

Pierson v. Fries, 3 App. Div. 418; 74 St. Rep. 172; 38 Supp. 765.

Cited, Courts—Local—Jurisdiction.

12 App. Div. 27; (76 St. Rep. 487; 42 Supp. 487). 12 App. Div. 76; (76 St. Rep. 861; 42 Supp. 861). 16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Pierson v. Hooker, 3 Johns. 68.

Cited, Release—Construction—Intention—Conclusiveness.

135 N. Y. 188; (48 St. Rep. 245).

Release—Joint Obligation.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 310).

Pierson v. McCurdy, 61 How. 134.

Cited, Pleading—Demurrer—Demand for Relief.

5 App. Div. 623; (39 Supp. 520).

Pierson v. Morgan, 20 Abb. N. C. 428.

Disapproved, Limitation of Action.

83 Hun, 552; (65 St. Rep. 49; 31 Supp. 1072).

Pierson v. Morgan, 4 Supp. 898.

Cited, Action—Abatement and Revival.

17 App. Div. 289; (79 St. Rep. 218; 45 Supp. 218).

Pierson v. Munro, 53 St. Rep. 401; 28 Supp. 1144.

Pierson v. Murtha, 18 App. Div. 274.

79 St. Rep. 834; 45 Supp. 834.

Pierson v. People, 79 N. Y. 424.

Cited, Evidence—Confidential Communication—Physician.

136 N. Y. 448; (49 St. Rep. 766).

Evidence — Relevancy — Collateral Ofense—As Showing Motive.

73 Hun, 19; (57 St. Rep. 12; 25 Supp. 1052). 92 Hun, 203; (71 St. Rep. 172; 36 Supp. 401).

Criminal Law—Waiver.

D. 74 Hun, 328; (56 St. Rep. 314; 26 Supp. 823). 88 Hun, 303; (68 St. Rep. 586; 34 Supp. 766).

Statutes—Construction.

4 App. Div. 40; (74 St. Rep. 501; 38 Supp. 636).

*Duplicate Citations in Parenthesis.***Pierson v. Post**, 3 Caines, 175.

Cited, Waters—Lakes — Owners of Fish.
75 Hun, 474; (57 St. Rep. 360; 27 Supp. 483).

Pierson v. Safford, 30 Hun, 521.

Cited, Attorneys—Lien.
86 Hun, 592; (67 St. Rep. 784; 33 Supp. 1080). 88 Hun, 514; (68 St. Rep. 583; 34 Supp. 785; 2 Ann. Cas. 194).

Piersons v. Thompson, 1 Edw. Ch. 212.

Cited, Indemnity—Void.
11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1079).

Pignolet v. Bushe, 28 How. 9.

Cited, Partition—Receivers — When Appointed.
5 Misc. 420; (26 Supp. 336).

Pike, Matter of, 83 Hun, 327; 64 St. Rep. 375; 31 Supp. 689.

Cited, Wills—Testamentary Capacity.
18 Misc. 152; (41 Supp. 1098).

Pike v. Bosworth, 7 St. Rep. 665.

Cited, Negligence—Driving—Keeping to the Right.
2 Misc. 240; (51 St. Rep. 419; 21 Supp. 958).

Pike v. Mechanics & Traders' Bank, 81 Hun, 78; 63 St. Rep. 117; 30 Supp. 952**Pike v. Nash**, 16 How. 53.

Cited, Costs—Disbursements — Necessity.
8 Misc. 422; (59 St. Rep. 35; 28 Supp. 664).

Pike v. Van Wormer, 5 How. 171.

Cited, Slander—Meaning of Words.
D. 87 Hun, 256; (67 St. Rep. 434; 33 Supp. 760).

Pilcher v. Levino, 80 Hun, 399; 72 St. Rep. 42; 30 Supp. 314.

Cited, Fraud—Action for
92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940).

Pitcher v. Lennon, 12 App. Div. 356; 76 St. Rep. 156; 42 Supp. 156.

Affirming, 16 Misc. 609; 38 Supp. 1007.

Pilgrim v. Donnelly, 1 How. N. S. 281.

Cited, Costs—New Trial.
16 Misc. 515; (74 St. Rep. 46; 38 Supp. 526).

Pill v. Brooklyn Heights R. Co., 6 Misc. 267; 57 St. Rep. 783; 27 Supp. 230.

Affirmed, 148 N. Y. 747.
Evidence—Personal Injuries—Services.
85 Hun, 93; (66 St. Rep. 73; 32 Supp. 689).

Pinckney v. Childs, 7 Bosw. 660.

Cited, Offer of Judgment—Conditional.
150 N. Y. 189.

Pinckney v. Darling, 3 App. Div. 553; 73 St. Rep. 831; 38 Supp. 411.**Pinckney v. Hagerman**, 4 Lans. 374.

Cited, Execution—Against Person—Vacation.
88 Hun, 411; (68 St. Rep. 783; 34 Supp. 845).

Pinckney v. Hegeman, 53 N. Y. 31.

Cited, Execution—Body—Vacation.
88 Hun, 411; (68 St. Rep. 783; 34 Supp. 845).

Pinckney v. Pinckney, 1 Bradf. 269.

Cited, Taxes—Life Tenant.
16 Misc. 247; (39 Supp. 190).

Pindar v. Black, 4 How. 95.

Cited, Affidavit—Entitling in Suit.
85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 304).

Pinedo v. Germania Smelting and Refining Works, 22 Week. Dig. 21.

Cited, Appeal—Instructions to Jury—Exceptions.
90 Hun, 562; (71 St. Rep. 31; 36 Supp. 24).

Pine Hills, Matter of, 67 St. Rep. 15; 33 Supp. 101.**Pinney, Matter of**, 17 Misc. 24; 40 Supp. 716.**Pinney v. Orth**, 88 N. Y. 447.

Cited, Witnesses—Competency—Death of Other Party—Circumstances.
78 Hun, 415; (60 St. Rep. 736; 29 Supp. 172). 15 App. Div. 215; (78 St. Rep. 206; 44 Supp. 206).

Pintard v. Tackington, 10 Johns. 104.

Cited, Lost Instruments — Indemnity Bond—Negotiability.
27 Supp. 286.

Pioneer Paper Co., Matter of, 36 How. 111.

Cited, Power of Attorney—Stock Held Jointly.
92 Hun, 238; (71 St. Rep. 799; 36 Supp. 632).

Pioneer v. Alexander, 7 Misc. 709; 58 St. Rep. 341; 28 Supp. 157.

Cited, Judgment—Vacation — Failure of Proof.
11 Misc. 285; (65 St. Rep. 303). 14 Misc. 579; (70 St. Rep. 724; 35 Supp. 1080).

Piper v. Hoard, 107 N. Y. 73; 11 St. Rep. 375.

Cited, Action—Right to Ownership—Reversion.
69 Hun, 577; (53 St. Rep. 337; 23 Supp. 1137).

Fraud—Legal and Equitable Relief.
72 Hun, 87; (55 St. Rep. 889; 25 Supp. 622). 150 N. Y. 180.

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Piper v. N. Y. C. & H. R. R. Co., 76 Hun, 44, 59 St. Rep. 629; 27 Supp. 593.

Piper v. N. Y. C. & H. R. R. Co., 89 Hun, 75; 68 St. Rep. 835; 34 Supp. 1072.

Piper v. Van Buren, 27 Hun, 384.
Cited, Appeal—From Final Judgment—Reviewing Interlocutory.

51 St. Rep. 811; (22 Supp. 281).

Appeal—Extension of Time.

11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008).

Piser v. Stearns, 1 Hilt. 86.

Cited, Pleading—Counterclaim—Tort.

11 Misc. 405; (65 St. Rep. 315; 32 Supp. 288).

Pistor v. Hatfield, 46 N. Y. 249.

Cited, Judges—Disqualification.

152 N. Y. 71.

Pitcher v. Carter, 4 Sand. Ch. 1.

Cited, Notice.

147 N. Y. 574; (70 St. Rep. 340).

Pitcher v. Hennessey, 48 N. Y. 415.

Cited, Contracts—Reformation—Mistake.

79 Hun, 46; (61 St. Rep. 134; 29 Supp. 654; 49 St. Rep. 473; (21 Supp. 93). 92 Hun, 119; (71 St. Rep. 770; 36 Supp. 705). 8 App. Div. 102; (40 Supp. 405). 17 Misc. 427; (39 Supp. 713).

Definitions—Insurance—Risk.

138 N. Y. 21; (51 St. Rep. 715).

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16 Misc. 625; (39 Supp. 57).

Pitcher v. Hoople, 49 St. Rep. 356; 21 Supp. 66.

Pitcher v. Lake Shore & M. S. R. Co., 137 N. Y. 568; 50 St. Rep. 934.

Pitcher v. Lennon, 12 App. Div. 356; 76 St. Rep. 156; 42 Supp. 156.

Pitcher v. Lennon, 26 Misc. 609; 74 St. Rep. 817; 38 Supp. 1007.

Pitcher v. Livingston, 4 Johns. 1.

Cited, Damages—Breach of Covenant.

68 Hun, 74; (52 St. Rep. 223; 22 Supp. 596). 8 App. Div. 184; (40 Supp. 318; 3 Ann. Cas. 246).

Damages—Measure—Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 282; 26 Supp. 301).

Pitcher v. Robertson, 21 Supp. 66.

Cited, Attorneys—Lien—Resort to Court for Protection—Necessity.

5 Misc. 77; (24 Supp. 738; 23 Civ. Pro. 207). 16 Misc. 560; (74 St. Rep. 134; 25 Civ. Pro. 330; 38 Supp. 786).

Pitkin v. Wilcox, 34 St. Rep. 441; 12 Supp. 323.

Cited, Executors—Accounting—Limitation.

15 Misc. 560; (74 St. Rep. 302; 37 Supp. 1181).

Pitney v. Glens Falls Ins. Co., 65 N. Y. 6.

Cited, Action—Parties—On Contract Made by Agent.

2 Misc. 261; (50 St. Rep. 766; 21 Supp. 968).

Insurance—Transfer—Rights of Assignee.

69 Hun, 80; (52 St. Rep. 606; 23 Supp. 392). 83 Hun, 397; (64 St. Rep. 787; 31 Supp. 878).

Insurance—Agent—Authority.

17 Misc. 116; (39 Supp. 357).

Pitney v. Heusted, 8 App. Div. 105; 40 Supp. 407.

Pitney v. Leonard, 1 Paige, 461.

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85 Hun, 82; (66 St. Rep. 44; 32 Supp. 661).

Pitt v. Amend, 84 Hun, 492; 65 St. Rep. 697; 32 Supp. 423.

Pitt v. Davison, 37 N. Y. 235.

Cited, Contempt—What Constitutes—Service of Mandate.

50 St. Rep. 416; (21 Supp. 562; 23 Civ. Pro. 51). 1 App. Div. 493; (72 St. Rep. 469; 37 Supp. 405).

Contempt—Proceedings to Punish—Practice.

82 Hun, 245; (63 St. Rep. 823, 31 Supp. 375).

Special Proceedings—Termination.

20 Misc. 519.

Pitt v. Freed, 50 St. Rep. 265; 21 Supp. 300.

Pitt v. Freed, 60 St. Rep. 247; 28 Supp. 863.

Cited, Judgment—Foreign—Effect on Suit on Original Cause of Action.

28 Supp. 1113.

Pittenger v. Southern Tier Masonic Relief Ass'n., 15 App. Div. 26; 78 St. Rep. 124; 44 Supp. 124.

Pitts v. New York, Lake Erie & W. R. Co., 79 Hun, 546; 61 St. Rep. 559; 29 Supp. 871.

Affirmed, 152 N. Y. 623.

Cited, Trial—Question of Fact—Contributory Negligence.

82 Hun, 171; (63 St. Rep. 771; 31 Supp. 323). 88 Hun, 199; (68 St. Rep. 697; 34 Supp. 716).

Duplicate Citations in Parenthesis.

Negligence—Railroad Crossing—Contributory Negligence.

82 Hun, 172; (63 St. Rep. 772; 31 Supp. 323) 18 Misc. 504; (76 St. Rep. 1078; 42 Supp. 1078).

Pittsburg Carbon Co. v. McMillin, 119 N. Y. 46.

Cited, Corporations—Receiver—Rights.

2 App. Div. 19; (72 St. Rep. 501; 37 Supp. 446). 20 Misc. 15; (78 St. Rep. 605; 44 Supp. 605).

Pittsfield Nat. Bank v. Bayne, 137 N. Y. 557; 50 St. Rep. 932.

Pittsfield Nat. Bank v. Bayne, 140 N. Y. 321; 55 St. Rep. 738.

Pittsfield Nat. Bank v. Taller, 50 St. Rep. 415; 21 Supp. 561; 23 Civ. Pro. 48.

Pixley v. Clark, 35 N. Y. 520.

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2 Misc. 433; (51 St. Rep. 217; 22 Supp. 185).

Piza, Matter of, 5 App. Div. 181; 38 Supp. 540.

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P. J. Sorg Co. v. Crouse, 88 Hun, 246; 68 St. Rep. 559; 34 Supp. 741.

Place, Matter of, 4 St. Rep. 533.

Cited, Executors—Appointment.

12 Misc. 473; (68 St. Rep. 137; 34 Supp. 259).

Place, Matter of, 105 N. Y. 629.

Cited, Executors—Appointment.

12 Misc. 473; (68 St. Rep. 137; 34 Supp. 259).

Place v. Burlingame, 75 Hun, 432; 57 St. Rep. 340; 27 Supp. 674.

Affirmed, 149 N. Y. 617.

Place v. Hayward, 117 N. Y. 497; 27 St. Rep. 710.

Cited, Trial—Dismissal of Complaint.

137 N. Y. 191; (50 St. Rep. 387). 77 Hun, 587; (60 St. Rep. 518; 28 Supp. 1025). 10 Misc. 724; (64 St. Rep. 639; 31 Supp. 818). 20 Misc. 680. 148 N. Y. 84. 152 N. Y. 337. Money Had and Received—When Proper Form of Action.

49 St. Rep. 421; (20 Supp. 827).

Executors and Trustees—Invalid Agreement.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

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11 App. Div. 158; (76 St. Rep. 445; 42 Supp. 445).

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Cited, Bills and Notes—For Debt—Extension.

74 St. Rep. 265; (38 Supp. 747).

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Cited, Collateral Security—Suspension of Remedy on Debt.

75 Hun, 305; (56 St. Rep. 760; 27 Supp. 101). 1 App. Div. 191; (72 St. Rep. 558; 37 Supp. 157). 9 App. Div. 322; (75 St. Rep. 747; 41 Supp. 332).

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9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).

Surety—Discharge—Extension.

16 Misc. 675; (74 St. Rep. 226; 38 Supp. 598).

Place v. Minister, 65 N. Y. 89.

Cited, Conspiracy—Civil—Relief.

67 Hun, 301; (50 St. Rep. 894; 22 Supp. 311). 11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1120).

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80 Hun, 401; (62 St. Rep. 43; 30 Supp. 315).

Pleading—Variance.

10 Misc. 170; (62 St. Rep. 506; 30 Supp. 1046). 10 Misc. 653, 654; (64 St. Rep. 499, 500; 31 Supp. 796).

Pleading—Complaint—Ejectment—Irrelevant Allegations.

70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257).

Witness—Credibility—Affect on of Falsity in one Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937).

Place v. Riley, 98 N. Y. 1; 7 Civ. Pro. 403.

Cited, Executions—Validity—Form—Warrant of Attachment.

79 Hun, 140; (61 St. Rep. 352; 29 Supp. 760; 24 Civ. Pro. 24).

Plant v. Hernreich, 19 Misc. 308; 78 St. Rep. 477; 44 Supp. 477.

Plass v. Lucas, 3 Misc. 601; 52 St. Rep. 853; 23 Supp. 340.

Plate v. N. Y. C. R. Co., 37 N. Y. 472.

Cited, Damages—Diversion of Water—For What Period Recoverable.

50 St. Rep. 518; (21 Supp. 221).

Plath, Matter of, 56 Hun, 223; 31 St. Rep. 101; 9 Supp. 251.

Cited, Administrators—Temporary—Appointment.

10 Misc. 214; (64 St. Rep. 9; Supp. 425).

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Plath v. Kline, 18 App. Div. 240; 79 St. Rep. 951; 45 Supp. 951.

Plath v. Manhattan R. Co., 86 Hun, 263; 33 Supp. 1133.

Platner v. Platner, 78 N. Y. 90

Cited, Appeal—Objection to Evidence—Sufficiency.

7 Misc. 67; (57 St. Rep. 528; 27 Supp. 406).

Evidence—Declarations—Conversations.
80 Hun, 39; (61 St. Rep. 618; 29 Supp. 867).

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7 Misc. 73; (57 St. Rep. 492; 27 Supp. 376).

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3 Misc. 306; (52 St. Rep. 122; 22 Supp. 933). 4 Misc. 533; (54 St. Rep. 120; 24 Supp. 576).

Trial—Reception of Evidence—Exception—Motion to Strike Out—Review.

75 Hun, 272; (58 St. Rep. 212; 26 Supp. 1082). 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 572; 31 Abb. N. C. 438). 9 Misc. 154; (59 St. Rep. 663; 29 Supp. 72). 13 Misc. 654; (69 St. Rep. 146; 34 Supp. 922). 14 Misc. 506; (70 St. Rep. 714; 35 Supp. 1070). 14 Misc. 592; (70 St. Rep. 770; 33 Supp. 12). 4 App. Div. 50; (74 St. Rep. 122; 38 Supp. 693). 9 App. Div. 47; (75 St. Rep. 525; 41 Supp. 66).

Evidence—When Relevant.

12 Misc. 415; (67 St. Rep. 574; 33 Supp. 704). 16 Misc. 375; (38 Supp. 80). 18 Misc. 11; (75 St. Rep. 450; 40 Supp. 1132). 18 Misc. 215; (75 St. Rep. 993; 41 Supp. 508).

Evidence—Conversation—Right to Whole.

82 Hun, 264; (63 St. Rep. 507; 31 Supp. 192).

Platt, Matter of, 8 Misc. 144; 59 St. Rep. 485; 29 Supp. 396.

Platt v. Brick, 35 Hun, 121.

Cited, Dower—Inchoate—Protection.

84 Hun, 394; (65 St. Rep. 551; 32 Supp. 352).

Platt v. Forty-Second and Grand St. R. Co., 2 Hun, 124.

Cited, Carriers—Passengers—Constitution of Relationship.

4 Misc. 576; (25 Supp. 745; 30 Abb. N. C. 364).

Platt v. Johnson, 15 Johns, 213.

Cited, Land—Prior Occupancy—Superiority of Rights as to Adjoining Owners.

140 N. Y. 278; (55 St. Rep. 663).

Platt v. Jones, 96 N. Y. 24.

Cited, Trade Privileges—Transfer—Creditors.

15 App. Div. 101; (78 St. Rep. 277; 44 Supp. 277).

Platt v. Kohler, 65 Hun, 557; 49 St. Rep. 12; 20 Supp. 547.

Cited, Brokers—Commissions—Complete Contract.

3 Misc. 423; (52 St. Rep. 439; 23 Supp. 155). 11 Misc. 375; (65 St. Rep. 424; 32 Supp. 243). 13 Misc. 501; (68 St. Rep. 406; 34 Supp. 677).

Platt v. McMurray, 63 How. 149.

Cited, Parties—Substitution.

20 Misc. 320; (79 St. Rep. 850; 45 Supp. 850).

Platt v. Mickle, 137 N. Y. 106; 50 St. Rep. 191.

Platt v. Munroe, 34 Barb. 291.

Cited, New Trial—When Granted.

82 Hun, 48; (63 St. Rep. 486; 31 Supp. 164). 10 App. Div. 479; (75 St. Rep. 1424; 41 Supp. 1070). 20 Misc. 125; (79 St. Rep. 809; 45 Supp. 809).

Platt v. New York, 8 Misc. 409; 59 St. Rep. 492; 28 Supp. 672.

Cited, Highways—Obstruction—Liability of Municipality.

9 Misc. 351; (61 St. Rep. 248; 29 Supp. 593).

Platt v. New York & S. B. R. Co., 17 Misc. 22; 39 Supp. 871.

Affirmed, 9 App. Div. 87; 41 Supp. 42.

Platt v. New York & S. B. R. Co., 9 App. Div. 87; 41 Supp. 42.

Affirmed, 153 N. Y. 670.

Platt v. Platt, 105 N. Y. 488; 8 St. Rep. 77; 26 Week. Dig. 505.

Cited, Descent—Debts of Ancestor—Lien.
61 St. Rep. 278; (29 Supp. 964). 17 Misc. 651; (40 Supp. 774).

Devises—Lien of Testator's Debts—Duration.

74 Hun, 278; (56 St. Rep. 288; 26 Supp. 578).

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138 N. Y. 422; (52 St. Rep. 886).

Platt v. Richmond, York River & Chesapeake R. Co., 108 N. Y. 358; 13 St. Rep. 660; 28 Week. Dig. 249.

Cited, Subrogation—Insurance—Carriers.
68 Hun, 600; (52 St. Rep. 582; 23 Supp. 232). 12 Misc. 354; (67 St. Rep. 335; 33 Supp. 629). 9 App. Div. 8; (75 St. Rep. 430; 40 Supp. 1115).

Platt v. Sherry, 7 Wend. 238.

Cited, Contract—Illegal—Enforcement—Punitive Enactment as Effecting.

8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533).

*Duplicate Citations in Parenthesis.***Platt v. Stark**, 2 Hilt. 399.*Cited*, Bills and Notes—For Debt—Consideration.

9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).

Platt v. Zimmerman, 13 Misc. 519; 68 St. Rep. 737; 34 Supp. 694.**Platz v. Burton & Cory Cider & Vinegar Co.**, 7 Misc. 473; 28 Supp. 385.*Cited*, Judgment—Reversal—Effect.

16 Misc. 430; (39 Supp. 857).

Platz v. Cohoes, City of, 24 Hun, 101.*Cited*, Negligence—Imputed.

92 Hun, 152; (71 St. Rep. 723; 36 Supp. 699).

Platz v. Cohoes, City of, 89 N. Y. 219.*Cited*, Municipal Corporations—Liability—Private Powers and Duties.

80 Hun, 166; (61 St. Rep. 713; 29 Supp. 1132).

Statute—Violation—Defense—Action for Negligence.

8 Misc. 658; (59 St. Rep. 539; 29 Supp. 1124; 31 Abb. N. C. 428). D. 10 Misc. 715; (64 St. Rep. 618; 31 Supp. 810).

Platz v. Cohoes, City of, 8 Abb. N. C. 392.*Cited*, Trial—Verdict—Inadequate.

19 Misc. 270; (78 St. Rep. 251; 44 Supp. 251).

Plaut v. Moores, 142 N. Y. 646; 60 St. Rep. 868.**Plet v. Willson**, 134 N. Y. 139; 45 St. Rep. 771.*Cited*, 74 St. Rep. 405; (37 Supp. 1109).

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17 App. Div. 256; (79 St. Rep. 563; 45 Supp. 563).

Plets v. Johnson, 3 Hilt. 112.*Cited*, Bills and Notes.

14 Misc. 175; (69 St. Rep. 813; 35 Supp. 384).

Plimpton v. Bigelow, 93 N. Y. 592.*Cited*, Attachment—Jurisdiction—Situs of Res.

138 N. Y. 219; (52 St. Rep. 168). 2 App. Div. 253; (72 St. Rep. 854; 37 Supp. 908). 16 Misc. 686; (39 Supp. 174).

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77 Hun, 214; (59 St. Rep. 769; 28 Supp. 353). D. 150 N. Y. 17; 152 N. Y. 204.

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3 Misc. 420; (52 St. Rep. 449; 23 Supp. 296). 8 Misc. 235; (59 St. Rep. 201; 28 Supp. 562).

Plopper, Matter of, 15 Misc. 202; 72 St. Rep. 184; 37 Supp. 33.**Plumb, Matter of**, 135 N. Y. 661; 48 St. Rep. 569.**Plumb v. Cattaraugus County Mutual Ins. Co.**, 18 N. Y. 392.*Cited*, Estoppel—Equitable.

3 App. Div. 202; (73 St. Rep. 705; 38 Supp. 212).

Insurance—Agent.

17 Misc. 116; (39 Supp. 357).

Plumb v. Tubbs, 41 N. Y. 442.*Cited*, Covenants—Grantee—Forfeiture—Knowledge—Act of Grantor.

78 Hun, 582; (61 St. Rep. 398; 29 Supp. 502).

Ejectment — Condition Subsequent — Breach—Construction.

141 N. Y. 376; (57 St. Rep. 445).

Plunkett v. Appleton, 41 Super. 159.*Cited*, Trial — Instructions by Judge—Publicity—Presence of Parties.

6 Misc. 115; (58 St. Rep. 2; 26 Supp. 44).

Plunkett v. Appleton, 51 How. 469.*Cited*, Trial—Communication With Jury.

92 Hun, 198; (71 St. Rep. 540; 33 Supp. 510; 3 Ann. Cas. 20).

Plunkett v. Donovan, 36 St. Rep. 91; 12 Supp. 454.*Cited*, Master and Servant—Assumption of Risks

12 Misc. 322; (65 St. Rep. 860; 33 Supp. 268).

Plyer v. German American Ins. Co., 121 N. Y. 689; 31 St. Rep. 836.*Cited*, Trial—Uncontradicted Testimony—Direction of Verdict.

1 Misc. 481; (49 St. Rep. 883; 21 Supp. 469). 4 Misc. 546; (54 St. Rep. 137; 24 Supp. 733). 11 Misc. 349; (65 St. Rep. 277; 32 Supp. 135).

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19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Pocantico Water Works Co. v. Bird, 130 N. Y. 249; 41 St. Rep. 315.*Cited*, Highways—Use of Water Mains.

66 Hun, 623; (43 St. Rep. 193).

Property—Taking—Public Use.

16 App. Div. 510; (78 St. Rep. 932; 44 Supp. 932).

Pocantico Water Works Co. v. Low, 20 Misc. 484.**Poen v. Scott**, 4 Misc. 603; 54 St. Rep. 243; 24 Supp. 574.

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Pohalski v. Ertheiler, 18 Misc. 33; 75 St. Rep. 460; 41 Supp. 10.
Reversing, 15 Misc. 695.
Cited, Trial—Error—Reversible.
 20 Misc. 312; (79 St. Rep. 887; 45 Supp. 887).

Pohl v. Pontier, 2 Misc. 143; 50 St. Rep. 226; 21 Supp. 634.
Affirmed, 142 N. Y. 654; 60 St. Rep. 869.

Pohle v. Second Ave. R. Co., 13 App. Div. 393; 76 St. Rep. 1092; 42 Supp. 1092.

Poillon v. Lawrence, 77 N. Y. 207.
Cited, Bankruptcy—Discharge—Fraud.
 49 St. Rep. 550; (20 Supp. 965).

Poillon v. Secor, 61 N. Y. 456.
Cited, Partnership—Holding Out.
 59 St. Rep. 886; (28 Supp. 1118).

Poler v. N. Y. C. & H. R. Co., 16 N. Y. 476.
Cited, Railroads—Injuries to Stock—Negligence of Owner.
 11 App. Div. 377; (76 St. Rep. 234; 42 Supp. 234).

Polhemus v. Fitchburg R. Co., 123 N. Y. 502; 34 St. Rep. 420.
Cited, Railroads—Consolidation.
 69 Hun, 384; (52 St. Rep. 801; 23 Supp. 641).
 Statutes—Construction.
 12 Misc. 625; (68 St. Rep. 86; 34 Supp. 229). 14 Misc. 536; (70 St. Rep. 706; 35 Supp. 1088).

Polinsky v. People, 73 N. Y. 65.
Cited, Indictment—Demurrer—Motion to Arrest—Grounds.
 135 N. Y. 460; (48 St. Rep. 439).
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 87 Hun, 64; (67 St. Rep. 681; 33 Supp. 951).

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 7 App. Div. 540; (40 Supp. 246). 8 App. Div. 136; (40 Supp. 493).

Polk v. Daly, 4 Daly, 411.
Cited, Contract—Rescission—Right to Reinstatement.
 8 Misc. 276; (59 St. Rep. 206; 28 Supp. 719).

Pollard, Matter of, 55 St. Rep. 155; 25 Supp. 385.
Cited, Elections — Nominations — Interference by Courts.
 81 Hun, 406; (63 St. Rep. 125; 30 Supp. 966). D. 9 App. Div. 242; (41 Supp. 504).

Pollatschek v. Goodwin, 16 Misc. 686; 38 Supp. 971.

Pollatschek v. Goodwin, 17 Misc. 587; 75 St. Rep. 632; 40 Supp. 632.
Affirming, 16 Misc. 686; 38 Supp. 971.
Cited, Trial—Right to Go to Jury.
 20 Misc. 574. 20 Misc. 561.

Pollatschek v. Goodwin, 18 Misc. 727; 75 St. Rep. 1505; 41 Supp. 1129.

Pollen v. LeRoy, 3) N. Y. 549.
Cited, Damages—Contract of Sale—Re-sale—Notice.
 140 N. Y. 75; (55 St. Rep. 266). 87 Hun, 561; (68 St. Rep. 490; 30 Supp. 483). 4 App. Div. 457; (38 Supp. 798).

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 9 Misc. 121; (59 St. Rep. 709; 29 Supp. 291).

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Cited, Negligence — Injury — Proximate Cause.

4 Misc. 578; (25 Supp. 746; 30 Abb. N. C. 366). 143 N. Y. 189; (62 St. Rep. 169). 91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841). 12 App. Div. 514; (76 St. Rep. 790; 42 Supp. 790). 12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033) 13 App. Div. 171; (77 St. Rep. 262; 43 Supp. 262). 14 App. Div. 37; (77 St. Rep. 991; 43 Supp. 991). D. 14 App. Div. 39, 43; (77 St. Rep. 993, 995; 43 Supp. 993, 995).

Appeal—Judgment.
 91 Hun, 447; (70 St. Rep. 812; 36 Supp. 283; 25 Civ. Pro. 156; 2 Ann. Cas. 317).

Pollmann v. Livingston, 17 App. Div. 528; 79 St. Rep. 704; 45 Supp. 704.

Pollock v. Ehle, 2 E. D. Smith, 541.
Cited, Remedies—Concurrent.
 70 St. Rep. 470; (35 Supp. 676; 25 Civ. Pro. 288; 25 Civ. Pro. 63).

Pollock v. Hooley, 67 Hun, 370; 51 St. Rep. 922; 22 Supp. 215.

Pollock v. Pennsylvania Iron Works Co., 13 Misc. 194; 68 St. Rep. 215; 34 Supp. 129.
Affirming, 12 Misc. 650; 33 Supp. 1133.

Pollock v. Pollock, 9 Misc. 82; 59 St. Rep. 750; 29 Supp. 37.

Pollock v. Pollock, 71 N. Y. 137.
Cited, Husband and Wife—Divorce—Presumptions.

2 Misc. 91; (49 St. Rep. 235; 20 Supp. 850).
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 8 Misc. 191; (59 St. Rep. 392; 29 Supp. 315).

Trial—Question of Fact—Proof—Sufficiency.

Duplicate Citations in Parenthesis.

76 Hun, 586; (58 St. Rep. 273; 28 Supp. 215). 13 App. Div. 128; (76 St. Rep. 1103; 42 Supp. 1102).

Witness—Contradiction.

88 Hun, 544; (68 St. Rep. 710; 34 Supp. 775).

Pollock v. Van Camp, 74 Hun, 332; 56 St. Rep. 412; 26 Supp. 231.

Pollock v. Webster, 16 Hun, 104.

Cited, Appeal—Judgment.

17 Misc. 153; (39 Supp. 335).

Pomeroy v. Hulin, 7 How, 161.

Cited, Costs—Trial Fee—Inquest.

7 Misc. 543; (58 St. Rep. 320; 28 Supp. 61).

Pomeroy v. Pierce, 5 Hun, 119.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 265).

Pomeroy v. Ricketts, 27 Hun, 242.

Cited, Attachment—Affidavit—Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416). 67 Hun, 204; (51 St. Rep. 519; 22 Supp. 65).

Pomeroy v. Tanner, 70 N. Y. 547.

Cited, Bills and Notes—For Debt—Extension.

9 App. Div. 328, 336; (75 St. Rep. 753, 758; 41 Supp. 337, 342).

Pomfrey v. Saratoga Springs, Village of, 104 N. Y. 459; 5 St. Rep. 802.

Cited, Highways—Defective Sidewalk—Contributory Negligence.

67 Hun, 205, 209; (51 St. Rep. 391, 393; 22 Supp. 104, 107). 13 App. Div. 504; (77 St. Rep. 659; 43 Supp. 659).

Highways—Defects—Notice to Municipality—Implied.

6 Misc. 583; (57 St. Rep. 828; 27 Supp. 304). 92 Hun, 310; (72 St. Rep. 395; 36 Supp. 873). 18 Misc. 510; (41 Supp. 990).

Highways—Defects and Obstructions—Duty and Liability of Municipality.

73 Hun, 445; (56 St. Rep. 44; 26 Supp. 644). 49 St. Rep. 271; (21 Supp. 140). 77 Hun, 462; (56 St. Rep. 596; 28 Supp. 1010). 82 Hun, 77; (63 St. Rep. 330; 31 Supp. 89). 86 Hun, 436; (67 St. Rep. 232; 33 Supp. 903). 4 App. Div. 221; (73 St. Rep. 587; 38 Supp. 538). 15 App. Div. 585; (78 St. Rep. 610; 44 Supp. 10).

Highways—Dedication.

90 Hun, 125; (70 St. Rep. 404; 35 Supp. 639).

Pond v. Bergh, 10 Paige, 140.

Cited, Deeds—Description—Sufficiency.

68 Hun, 494; (52 St. Rep. 651; 22 Supp. 1003).

Wills—What Devisable—Possibility, Coupled with Interest.

79 Hun, 489; (61 St. Rep. 474; 29 Supp. 1003).

Curtsey—Seizin and Entry.

6 App. Div. 10; (39 Supp. 749).

Wills—Construction—Intention as Touchstone.

53 St. Rep. 841; (24 Supp. 351). 17 Misc. 192; (75 St. Rep. 385; 40 Supp. 984).

Pond v. Comstock, 20 Hun, 492.

Cited, Fraudulent Conveyances—To Creditor—Allowing to Stand as Security.

75 Hun, 521; (57 St. Rep. 349; 27 Supp. 730).

Pond v. Curtis, 7 Wend. 45.

Cited, Guardian—Rights Over Ward's Realty.

13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95; 25 Civ. Pro. 107).

Pond v. Harwood, 139 N. Y. 111; 54 St. Rep. 640.

Cited, Evidence—Parol—Concerning Writing—Part Performance—Entirety of Contract.

73 Hun, 313; (58 St. Rep. 63; 26 Supp. 377).

Set-off and Counterclaim—Mutuality of Claims—Equitable Set-off.

77 Hun, 119; (59 St. Rep. 843; 28 Supp. 290).

Sale—Conditions.

149 N. Y. 131.

Pond v. Metropolitan El. R. Co., 112 N. Y. 186; 20 St. Rep. 479.

Cited, Damages—Injuries to realty.

147 N. Y. 373; (70 St. Rep. 30). 91 Hun, 192; (72 St. Rep. 810; 36 Supp. 937).

Pondir v. N. Y., L. E. & W. R. Co.,

72 Hun, 384; 55 St. Rep. 63; 25 Supp. 560; 31 Abb. N. C. 29

Cited, Corporations—Wrongs of Directors—Stockholder's Relief.

17 App. Div. 34; (78 St. Rep. 886; 44 Supp. 886).

Trial—Defect of Parties—Dismissal.

81 Hun, 21; (62 St. Rep. 264; 30 Supp. 571). 150 N. Y. 426; (3 Ann. Cas. 364).

Pontius v. People, 21 Hun, 328.

Affirmed, 82 N. Y. 339.

Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 266).

Pontius v. People, 82 N. Y. 339.

Cited, Appeal—Exceptions to Evidence—Ground of Objection not Stated.

1 Misc. 287; (48 St. Rep. 759; 20 Supp. 694).

Duplicate Citations in Parenthesis.

Evidence—Relevancy—Collateral Offense
—As Showing Motive.

73 Hun, 20; (37 St. Rep. 13; 25 Supp. 1053).

Evidence—Competency—Handwriting.

90 Hun, 384; (35 Supp. 915). 148 N. Y. 500.

Trial—Reception of Evidence—Exception
—Motion to Strike Out.

75 Hun, 272; (58 St. Rep. 212; 26 Supp. 1082). 13 Misc. 654; (69 St. Rep. 147; 34 Supp. 922). 14 Misc. 506; (70 St. Rep. 714; 35 Supp. 1070). 4 App. Div. 50; (74 St. Rep. 122; 38 Supp. 693).

Poock v. Miller, 1 Hilt. 108.

Cited, Parent and Child—Necessaries.

85 Hun, 30; (66 St. Rep. 111; 32 Supp. 503).

Pool, Matter of, 8 Misc. 284; 59 St. Rep. 214; 28 Supp. 707.

Pool v. Ellison, 56 Hun, 108; 30 St. Rep. 135; 9 Supp. 171.

Cited, Co-tenancy—Conversion.

69 Hun, 20; (52 St. Rep. 555; 23 Supp. 230).

Pool v. Pool, 1 Hill, 580.

Cited, Executors and Administrators—
Claims—For Decedent's Support, Etc.

1 Misc. 41; (23 Supp. 910).

Poole v. Belcha, 131 N. Y. 200; 42 St. Rep. 856.

Cited, Attorneys—Compensation—Lien—
Enforcement—Settlement by Client.

69 Hun, 240; (53 St. Rep. 355; 23 Supp. 557). 9 Misc. 564; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 57; 1 Ann. Cas. 76). 92 Hun, 539; (73 St. Rep. 420; 36 Supp. 977). 16 Misc. 559; (74 St. Rep. 134; 25 Civ. Pro. 329; 38 Supp. 785). 152 N. Y. 528.

Poole v. D., L. & W. R. Co., 35 Hun, 29.

Cited, Carriers—Of Passengers—Connect-
ing Lines.

89 Hun, 496; (70 St. Rep. 237; 33 Supp. 576).

Pooley v. Buffalo, 122 N. Y. 592; 34 St. Rep. 541.

Cited, 15 Misc. 241; (71 St. Rep. 818; 36 Supp. 796).

Time—Fractions of Day.

150 N. Y. 229.

Pooley v. Buffalo, 124 N. Y. 206; 35 St. Rep. 3 2.

Cited, 15 Misc. 241; (71 St. Rep. 818; 36 Supp. 796).

Trusts—Declaration of—Conveyance by
One Individually to Himself as Trustee.

5 Misc. 312; (25 Supp. 1109).

Taxes—Assessment—Objections—Burden.

15 Misc. 247; (71 St. Rep. 822; 36 Supp. 800).

Pooley v. Buffalo, 15 Misc. 240; 71 St. Rep. 817; 36 Supp. 796.

Poor v. Guilford, 10 N. Y. 273.

Cited, Action—Party in Interest.

20 Misc. 409; (79 St. Rep. 1028; 45 Supp. 1028).

Poor v. Horton, 15 Barb. 487.

Cited, Deed — Champertous — Availabil-
ity.

87 Hun, 53; (67 St. Rep. 484; 33 Supp. 868).

Pope v. Allen, 90 N. Y. 298.

Cited, Evidence—Hearsay—Transactions
With Deceased Persons.

24 Supp. 96.

Notice—Real Property—Possession.

140 N. Y. 343; (55 St. Rep. 727). 88 Hun, 118; (68 St. Rep. 275; 34 Supp. 588). 14 Misc. 85; (69 St. Rep. 583; 35 Supp. 267). 12 App. Div. 198; (76 St. Rep. 833; 42 Supp. 833).

Pope v. Briggs, 50 St. Rep. 742; 21 Supp. 718.

Pope v. Cole, 55 N. Y. 124.

Cited, Partnership—Personal Representa-
tive—When Action Against Lies.

18 Misc. 556; (41 Supp. 992). 16 App. Div. 331; (73 St. Rep. 619; 44 Supp. 619).

Pope v. Hanmer, 74 N. Y. 240.

Cited, Adverse Possession—What Consti-
tutes.

80 Hun, 288; (62 St. Rep. 38; 30 Supp. 167). 85 Hun, 37; (66 St. Rep. 187; 32 Supp. 626). D. 12 App. Div. 116; (76 St. Rep. 538; 42 Supp. 538).

Pope v. McGill, 58 Hun, 294; 34 St. Rep. 281; 12 Supp. 306.

Cited, Evidence — Competency— Conclu-
sion of Fact.

81 Hun, 146; (62 St. Rep. 699; 30 Supp. 735; 1 Ann. Cas. 71). 81 Hun, 161; (62 St. Rep. 727; 30 Supp. 741).

Pope v. Mead, 99 N. Y. 201.

Cited, Dower—Assignment.

6 Misc. 413; (59 St. Rep. 228; 26 Supp. 835). 8 Misc. 269; (28 Supp. 571).

Dower—Rights of Widow.

1 App. Div. 350; (72 St. Rep. 455; 37 Supp. 382). D. 72 St. Rep. 451; (37 Supp. 387).

Pope v. O'Hara, 48 N. Y. 446.

Cited, Contract—Statute of Frauds—Part
Performance—Land—Possession.

76 Hun, 154; (57 St. Rep. 313; 27 Supp. 556).

*Duplicate Citations in Parenthesis.***Pope v. Porter**, 102 N. Y. 366.*Cited*, Sale—Breach—Performance—Excuse.

12 Misc. 139; (66 St. Rep. 739; 33 Supp. 82).

Pope v. Terre Haute Car & Mfg. Co., 87 N. Y. 137.*Cited*, Writ and Process—Service—Mode. 67 Hun, 286; (51 St. Rep. 364; 22 Supp. 88). 147 N. Y. 622; (71 St. Rep. 262; 2 Ann. Cas. 419).**Pope v. Terre Haute Car & Mfg. Co.**, 107 N. Y. 61; 11 St. Rep. 209.*Cited*, Evidence—Oral to Vary Writing. 4 Misc. 170; (53 St. Rep. 222; 23 Supp. 882).

Pleading—Complaint—Contract—Acceptance.

3 Misc. 299; (52 St. Rep. 134; 22 Supp. 778).

Pleading — Complaint — Defective — Waiver.

8 App. Div. 335; (75 St. Rep. 218; 40 Supp. 831).

Distinguished, Sale—Executory—Rights of Parties.

8 App. Div. 617; (40 Supp. 1141).

Popfinger v. Yutte, 102 N. Y. 38; 1 St. Rep. 334.*Cited*, Courts — Equity — Jurisdiction — Limitations.

1 Misc. 458; (49 St. Rep. 609; 21 Supp. 790).

Courts—Superior Court of New York—Jurisdiction.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 384; 23 Civ. Pro. 106). 142 N. Y. 443; (59 St. Rep. 815). 1 Ann. Cas. 400.

Equity — Jurisdiction — Injunction—Proceedings at Law—Equitable Defense.

5 Misc. 167; (24 Supp. 915; 23 Civ. Pro. 224).

Courts—Jurisdiction—Legislature.

66 St. Rep. 154; (32 Supp. 874; 24 Civ. Pro. 236).

Action—Appearance—Pleading—Waiver of Jurisdiction.

8 Misc. 25; (58 St. Rep. 313; 28 Supp. 71). 12 Misc. 448; (67 St. Rep. 601; 33 Supp. 700).

Popham v. Cole, 66 N. Y. 69.*Cited*, Trademarks — Interference by Courts—Test.

92 Hun, 68; (71 St. Rep. 156; 36 Supp. 885).

Popkin v. William Barr Dry Goods Co., 13 Misc. 337; 68 St. Rep. 359; 34 Supp. 454.**Popoff, Matter of**, 10 Misc. 272; 63 St. Rep. 433; 31 Supp. 2.**Popper v. Bingham**, 20 Misc. 173; 79 St. Rep. 820; 45 Supp. 820.**Popper v. Wallach**, 142 N. Y. 680; 60 St. Rep. 872.**Porous Plaster Co. of Sing Sing v. Seabury**, 43 Hun, 611; 7 St. Rep. 249.*Cited*, Pleading—Complaint—Demand for Relief.

2 Misc. 515; (51 St. Rep. 594; 22 Supp. 396). 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887).

Port v. Jackson, 17 Johns. 239.*Affirmed*, 17 Johns. 479.*Cited*, Landlord and Tenant—Substitution of Tenant—Effect on Lease.

3 Misc. 96; (51 St. Rep. 605; 22 Supp. 551).

Contracts—Breach—Damages.

87 Hun, 150; (67 St. Rep. 774; 33 Supp. 1071). 16 Misc. 81; (73 St. Rep. 2:9; 37 Supp. 690).

Porter, Matter of, 1 Misc. 262; 54 St. Rep. 239; 22 Supp. 1062.**Porter, Matter of**, 1 Misc. 489; 54 St. Rep. 302; 22 Supp. 1063.*Cited*, Citations—Non-residents—Time.

12 Misc. 243; (67 St. Rep. 895; 34 Supp. 44).

Porter, Matter of, 5 Misc. 274; 25 Supp. 822.**Porter v. Bleiler**, 17 Barb. 149.*Cited*, Landlord and Tenant — Term — Duration.

3 App. Div. 600; (73 St. Rep. 855; 38 Supp. 238).

Porter v. Brooklyn Elevated R. Co., 91 Hun, 201; 71 St. Rep. 118; 36 Supp. 333.**Porter v. Cobb**, 25 Hun, 184.*Cited*, Costs—Allowance—Motion.

9 Misc. 510; (61 St. Rep. 82; 30 Supp. 246). Costs—Appeal—From Justice's Court, 86 Hun, 54, 55; (66 St. Rep. 785, 786; 33 Supp. 160, 161).

Porter v. Dunn, 40 St. Rep. 776; 16 Supp. 77.*Cited*, Witness—§ 829.

88 Hun, 211; (68 St. Rep. 399; 34 Supp. 670).

Porter v. Dunn, 131 N. Y. 314; 43 St. Rep. 193.*Cited*, Husband and Wife—Right of Husband—Services of Wife.

Duplicate Citations in Parenthesis.

77 Hun, 17; (59 St. Rep. 261; 28 Supp. 275).
 86 Hun, 25; (66 St. Rep. 771; 33 Supp. 146).
 88 Hun, 90; (68 St. Rep. 684; 34 Supp. 629;
 2 Ann. Cas. 151). 13 Misc. 601; (69 St. Rep.
 371; 35 Supp. 159). 90 Hun, 7; (69 St. Rep.
 852; 35 Supp. 363).

Trial—Verdict—Amounts.

69 Hun, 351; (52 St. Rep. 712; 23 Supp.
 631). 13 Misc. 602; (69 St. Rep. 370; 35 Supp.
 159).

Witness—§ 829.

28 Hun, 403; (63 St. Rep. 559; 31 Supp.
 253). 13 Misc. 597; (69 St. Rep. 368; 35 Supp.
 156).

Porter v. English, 17 App. Div. 432;
 79 St. Rep. 182; 45 Supp. 182.

Porter v. Frazer, 6 Misc. 553; 57 St.
 Rep. 516; 27 Supp. 517.

Porter v. Havens, 37 Barb. 343.

Cited, Evidence—Presumption—Illegality
 of Contract.

5 Misc. 503; (26 Supp. 525).

**Porter v. Industrial Information
 Co.**, 5 Misc. 262; 25 Supp. 328.

Porter v. Jones, 7 How. 192.

Cited, Action—Discontinuance.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42;
 24 Civ. Pro. 393).

Porter v. Kingsbury, 77 N. Y. 164.

Cited, Abatement—Former Action Pend-
 ing.

16 App. Div. 488; (78 St. Rep. 919; 44
 Supp. 919).

Porter v. Lyle, 49 St. Rep. 534; 21 Supp.
 216.

Porter v. McGrath, 41 Super. 84.

Cited, Appeal—Findings.

10 Misc. 135; (62 St. Rep. 503; 30 Supp.
 923).

Ejectment—Parties—Husband and Wife.

81 Hun, 240; (62 St. Rep. 665; 30 Supp.
 709).

Porter v. Parks, 2 Hun, 675.

Cited, Appeal—Case—Modification.

64 St. Rep. 624; (31 Supp. 844).

Porter v. Parks, 49 N. Y. 564.

Cited, Sale—Fraud in—Bona Fide Pur-
 chasers of Vendee—Proof of.

11 Misc. 80; (59 St. Rep. 473; 29 Supp.
 596; 31 Abb. N. C. 404).

Pledge—Title of Pledge—Notice.

19 Misc. 569, 570; (77 St. Rep. 554; 43 Supp.
 554).

Porter v. Parmley, 52 N. Y. 185.

Cited, Chattel Mortgage—Failure to File
 —Effect.

70 Hun, 56; (53 St. Rep. 434; 23 Supp.
 1081). 5 App. Div. 385; (39 Supp. 261).

Porter v. Parmly, 38 Super. 490.

Cited, Appeal—Order of Reference—
 Waiver.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp.
 1028).

Porter v. Pierce, 120 N. Y. 221; 30 St.
 Rep. 644.

Cited, Computation of Time—Sunday.

83 Hun, 289; (64 St. Rep. 735; 31 Supp.
 965).

Porter v. Purdy, 29 N. Y. 106.

Cited, Judgment—Collateral Attack.

146 N. Y. 331; (66 St. Rep. 641).

Municipal Corporations—Officers—Juris-
 tion.

90 Hun, 531; (71 St. Rep. 40; 36 Supp.
 33).

Porter v. Rose, 12 Johns. 209.

Cited, Sale—Completion.

79 Hun, 117; (61 St. Rep. 12; 29 Supp.
 408).

Porter v. Smith, 35 Hun, 118.

Affirmed, 107 N. Y. 531; 12 St. Rep. 479.

Cited, Appeal—Case—Certificate.

86 Hun, 438; (67 St. Rep. 628; 33 Supp.
 899).

Porter v. Smith, 107 N. Y. 531; 12 St.
 Rep. 479.

Cited, Appeal—Case—Exceptions—Pur-
 pose of.

8 Misc. 363; (59 St. Rep. 599; 28 Supp.
 697).

Appeal—Case—Statement and Certificate
 of Completeness of Evidence.

4 Misc. 191; (53 St. Rep. 225; 23 Supp.
 681). 2 Misc. 188; (49 St. Rep. 714; 21 Supp.
 589). 4 Misc. 188; (53 St. Rep. 177; 23 Supp.
 884). 7 Misc. 34; (57 St. Rep. 507; 27 Supp.
 378). 9 Misc. 450; (61 St. Rep. 123; 30
 Supp. 259). 143 N. Y. 549; (62 St. Rep.
 801). 10 Misc. 365; (63 St. Rep. 432; 31
 Supp. 17). 11 Misc. 381; (65 St. Rep. 293;
 32 Supp. 146). 12 Misc. 94; (66 St. Rep. 717;
 33 Supp. 59). 14 Misc. 310; (70 St. Rep. 445;
 35 Supp. 710). 91 Hun, 325; (72 St. Rep.
 295; 36 Supp. 1022). 9 App. Div. 46; (75
 St. Rep. 524; 41 Supp. 65). 9 App. Div.
 144; (75 St. Rep. 600; 41 Supp. 142). 150
 N. Y. 359.

Porter v. Swan, 14 Misc. 406; 70 St.
 Rep. 758; 35 Supp. 1037.

Porter v. Swan, 44 St. Rep. 375; 17
 Supp. 351.

Cited, Contracts—Building—Waiver.

11 Misc. 52; (63 St. Rep. 471; 31 Supp.
 847). 14 Misc. 407; (70 St. Rep. 729; 35
 Supp. 1037).

Duplicate Citations in Parenthesis.

Porter v. Valentine, 18 Misc. 213; 75 St. Rep. 902; 41 Supp. 507.

Porter v. Waring, 69 N. Y. 255.

Cited, Appeal—What Considered.

87 Hun, 278; (67 St. Rep. 437; 33 Supp. 810). 15 Misc. 22; (72 St. Rep. 6; 36 Supp. 777).

Porter v. Williams, 9 N. Y. 142.

Cited, Assignment for Benefit of Creditors—Inventory—Effect.

80 Hun, 62; (61 St. Rep. 564; 29 Supp. 875)

Receivers — Appointment — Vesting of Title.

136 N. Y. 173; (48 St. Rep. 831).

Receivers—Authority to Sue.

143 N. Y. 483; (62 St. Rep. 846; 1 Ann Cas. 84). 10 Misc. 690, 691; (65 St. Rep. 98; 99; 31 Supp. 1004, 1005; 1 Ann. Cas. 339).

Porter v. Wormser, 94 N. Y. 431.

Cited, Brokers—Sale of Stock—Notice—Measure of Damages.

141 N. Y. 403; (57 St. Rep. 617).

Contracts—Statute of Frauds—Pleading.

55 St. Rep. 297; (25 Supp. 454; 30 Abb. N. C. 448).

Damages — Contract of Sale—Re-sale—Choses in Action.

140 N. Y. 77; (55 St. Rep. 267).

Pleading—Defense—Statute of Frauds—Necessity of Pleading.

2 Misc. 302; (50 St. Rep. 334; 21 Supp. 940). 2 Misc. 144; (50 St. Rep. 227; 21 Supp. 635). 2 Misc. 296; (50 St. Rep. 328; 21 Supp. 933). 67 Hun, 477; (51 St. Rep. 337; 22 Supp. 489). 77 Hun, 293; (59 St. Rep. 753; 28 Supp. 337). 139 N. Y. 387; (54 St. Rep. 663; 30 Abb. N. C. 426). 11 Misc. 106; 65 St. Rep. 118; 31 Supp. 995). 90 Hun, 591; (70 St. Rep. 562; 35 Supp. 988).

Port Jefferson, Main St., Matter of, 54 St. Rep. 936; 25 Supp. 267.

Cited, Eminent Domain — Public Improvements—Award—Conclusiveness.

11 Misc. 693; (66 St. Rep. 224; 32 Supp. 827).

Port Jervis, Village of, v. First Nat. Bank of Port Jervis, 96 N. Y. 550.

Cited, Appeal—Estoppel—Failure to go to Jury.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 794).

Agency—Authority.

92 Hun, 249; (71 St. Rep. 776; 36 Supp. 710).

Judgment—Liability of Third Person.

71 Hun, 111; (54 St. Rep. 72; 24 Supp. 605). 81 Hun, 150; (62 St. Rep. 640; 30

Supp. 687). 81 Hun, 443; (63 St. Rep. 260, 261; 30 Supp. 1123, 1124). 11 Misc. 56; (63 St. Rep. 451; 31 Supp. 855). 11 Misc. 554; (64 St. Rep. 453; 32 Supp. 745). 144 N. Y. 665; (71 St. Rep. 304). 10 App. Div. 269; (41 Supp. 958). 149 N. Y. 151. 151 N. Y. 617.

Evidence—Negligence—Subsequent Condition.

D. 10 Misc. 717; (64 St. Rep. 619; 31 Supp. 812).

Port Jervis Water Co. v. Port Jervis, 71 Hun, 66; 54 St. Rep. 84; 24 Supp. 497.

Affirmed, 151 N. Y. 111.

Port Jervis Water Works Co. v. Port Jervis, 151 N. Y. 111.

Port Richmond v. Richmond, County of, 11 App. Div. 217; 77 St. Rep. 147; 43 Supp. 147.

Port Richmond & P. P. E. R. Co. v. Staten Island R. T. R. Co., 71 Hun, 179; 54 St. Rep. 319; 24 Supp. 566.

Affirmed, 144 N. Y. 445; 64 St. Rep. 37.

Port Richmond, & P. P. E. R. Co. v. Staten Island R. T. R. Co., 144 N. Y. 445; 64 St. Rep. 37.

Posson v. Dean, 8 Civ. Pro. 177.

Cited, Summary Proceedings — Notice — Proof.

11 Misc. 354, 355; (65 St. Rep. 279, 280; 32 Supp. 137). 11 App. Div. 266; (76 St. Rep. 219; 42 Supp. 219).

Post, Matter of, 38 St. Rep. 1; 14 Supp. 205.

Cited, Surrogate's Court—Motion to Set Aside Judgment or Decree—Irregularity—Limitation.

4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

Post, Matter of, 30 St. Rep. 217; 9 Supp. 449.

Cited, Executors—Accounting — Limitation.

15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Post, Matter of, 38 Supp. 977.

Cited, Transfer Tax — Infant — Special Guardian.

40 Supp. 1144.

Post v. Aetna Ins. Co., 43 Barb. 351.

Cited, Agency—Revocation—Third Persons—Insurance.

78 Hun, 85; (60 St. Rep. 821; 29 Supp. 335).

Post v. Akron Iron Co., 65 St. Rep. 785; 33 Supp. 654.

Duplicate Citations in Parenthesis.

Post v. Blasewitz, 13 App. Div. 124; 77 St. Rep. 59; 43 Supp. 59.

Post v. Benchley, 48 Hun, 87; 15 St. Rep. 618.

Cited, Wills—Devise—Tenancy in Common.

10 Misc. 212; (64 St. Rep. 7; 31 Supp. 424).

Post v. Butler Brothers, 11 Misc. 106; 65 St. Rep. 118; 31 Supp. 995.

Post v. Campbell, 83 N. Y. 279.

Cited, Mechanic's Lien — Payment by Owner to Contractor.

4 Misc. 199; (53 St. Rep. 485; 23 Supp. 1021).

Mechanic's Lien—Sub-contractor—Indebtedness.

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78).

Mechanic's Lien—Rights of Lienor—Payment in Advance of Contract.

78 Hun, 247; (59 St. Rep. 878; 28 Supp. 829). 145 N. Y. 395; (64 St. Rep. 836). 15 App. Div. 389; (78 St. Rep. 165; 44 Supp. 165).

Mechanic's Lien—Consent.

11 Misc. 408; (65 St. Rep. 314; 32 Supp. 286).

Post v. Charlesworth, 66 Hun, 236; 49 St. Rep. 476; 21 Supp. 168.

Post v. Dart, 8 Paige, 639.

Cited, Corporations—Mortgage — Assent of Stockholders.

7 Misc. 213; (58 St. Rep. 41; 27 Supp. 680).

Usury—Defense—Availability.

91 Hun, 568; (72 St. Rep. 358; 33 Supp. 837).

Post v. Green, 10 App. Div. 316; 75 St. Rep. 1153; 41 Supp. 758.

Post v. Horning, 6 St. Rep. 716.

Cited, Wills—Construction—Remainders.

70 Hun, 278; (54 St. Rep. 29; 24 Supp. 230).

Post v. Hover, 33 N. Y. 593.

Cited, Wills—Construction — Trust Provisions—Validity—Divisibility of.

8 Misc. 124; (58 St. Rep. 747; 28 Supp. 374).

Trusts—Construction—Upholding.

145 N. Y. 368; (64 St. Rep. 823).

Wills—Devise—Implication.

11 Misc. 466; (67 St. Rep. 280; 33 Supp. 432). 8 App. Div. 86; (40 Supp. 430).

Post v. Isham, 141 N. Y. 563; 57 St. Rep. 866.

Affirming, 71 Hun, 184; 54 St. Rep. 232; 23 Supp. 211.

Post v. Kimberly, 9 Johns. 470.

Cited, Equity—Accounting.

85 Hun, 229; (66 St. Rep. 403; 32 Supp. 1071).

Post v. Kreischer, 103 N. Y. 110; 2 St. Rep. 795.

Cited, Fish—In Private Pond — Ownership.

66 Hun, 193; (49 St. Rep. 174; 21 Supp. 126).

Post v. Leet, 8 Paige, 337.

Cited, Contracts—Sale of Land—Enforcement—Mistake.

19 Misc. 439; (78 St. Rep. 483; 44 Supp. 483).

Post v. Manhattan R. Co., 125 N. Y. 697; 34 St. Rep. 590.

Cited, Appeal—Objection First Raised on.

136 N. Y. 475; (49 St. Rep. 843).

Post v. Mason, 91 N. Y. 539.

Cited, Wills—Undue Influence— Legatee as Draftsman.

70 Hun, 122; (53 St. Rep. 807; 24 Supp. 72). 3 Misc. 577; (23 Supp. 759).

Wills—Construction—Upholding.

15 Misc. 182; (72 St. Rep. 130; 37 Supp. 101).

Post v. Post, 14 Barb. 253.

Cited, Landlord and Tenant — Terms — Recovery of Possession—Tenants at Will — Notice.

8 Misc. 350; (59 St. Rep. 595; 23 Supp. 688).

Post v. Post, 65 Barb. 192.

Cited, Partition—Commissioners — Powers.

79 St. Rep. 1012; (45 Supp. 1012).

Post v. Vetter, 2 E. D. Smith, 248.

Cited, Evidence—Parol—Writing.

16 Misc. 530; (38 Supp. 981).

Post v. Weil, 115 N. Y. 361.

Cited, Covenant — Restricting Use of Land—Deed.

24 Supp. 787; (30 Abb. N. C. 266). 18 Misc. 113; (41 Supp. 40).

Restrictions and Forfeitures — How Regarded.

79 St. Rep. 402; (45 Supp. 402).

Post v. West Shore R. Co., 50 Hun, 301; 20 St. Rep. 180; 3 Supp. 172.

Cited, Damages—Breach of Contract to Open Street.

49 St. Rep. 466; (30 Supp. 986).

Duplicate Citations in Parenthesis.

Post v. West Shore R. Co., 123 N. Y. 580; 34 St. Rep. 484.

Cited, Deeds—Covenants Running With the Land—Enforcement.

141 N. Y. 356; (57 St. Rep. 436). 85 Hun, 81; (66 St. Rep. 44; 32 Supp. 660).

Railroads—Restoration of Highway.

92 Hun, 131; (72 St. Rep. 388; 36 Supp. 866). 151 N. Y. 442.

Post-Express Printing Co. v. Adams, 55 Hun, 35; 28 St. Rep. 891; 8 Supp. 276.

Cited, Pleading—Bill of Particulars—Loss of Patronage.

78 Hun, 504; (61 St. Rep. 164; 29 Supp. 622).

Postal Telegraph Cable Co. v. Bruen, 39 Supp. 220.

Poth v. New York, 77 Hun, 225; 59 St. Rep. 823; 28 Supp. 365.

Affirmed, 151 N. Y. 16.

Cited, Taxes—Assessment—Payment—Recovery.

13 App. Div. 458; (77 St. Rep. 601; 43 Supp. 601).

Poth v. New York, 151 N. Y. 16.

Pots v. Herman, 7 Misc. 4; 57 St. Rep. 78; 27 Supp. 330.

Cited, Appeal—Discretion.

14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1070).

Pleading—Framing—Compulsory Information.

17 Misc. 277; (40 Supp. 384).

Potter, Matter of, 71 Hun, 77; 54 St. Rep. 225; 24 Supp. 586.

Potter, Matter of, 17 App. Div. 267; 79 St. Rep. 563; 45 Supp. 563.

Potter v. Cromwell, 40 N. Y. 287.

Cited, Fixtures—Machinery—Intent.

53 St. Rep. 889; (25 Supp. 133). 82 Hun, 225; (64 St. Rep. 797; 31 Supp. 976). 88 Hun, 591; (69 St. Rep. 67; 34 Supp. 904). 79 St. Rep. 639; (45 Supp. 639).

Potter v. Deyo, 19 Wend. 361.

Cited, Evidence—Burden of Proof—Facts Peculiarly within Party's Knowledge.

139 N. Y. 46; (54 St. Rep. 439).

Potter v. Farrington, 24 Hun, 551.

Cited, Costs—Extra Allowance—Computation.

26 Supp. 950; (23 Civ. Pro. 240).

Potter v. Gates, 29 St. Rep. 662; 9 Supp. 87; 2 Silv. Sup. Ct. 389.

Cited, Pleading—General Denial—What Provable—Accord and Satisfaction.

49 St. Rep. 46; (20 Supp. 952).

Judgment—Offer—Merger.

15 Misc. 125; (71 St. Rep. 839; 36 Supp. 816).

Potter v. Greenwich, 92 N. Y. 662.

Cited, 145 N. Y. 650; (71 St. Rep. 320).

Potter v. Hopkins, 25 Wend. 417.

Cited, Evidence—Parol—In Aid of Writing.

151 N. Y. 568.

Potter v. Iselin, 31 Hun, 134.

Cited, Easement—Rights of Way—Remedy for Disturbance.

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Potter v. Kitchen, 5 Bosw. 566.

Cited, Evidence—Burden of Proof—Covenant of Seizin—Breach of.

9 Misc. 135; (59 St. Rep. 714; 29 Supp. 282).

Potter v. McAlpine, 3 Dem. 108.

Cited, Wills—Devise—Conditions—Public Policy—Separation of Husband, and Wife. 60 St. Rep. 526; (38 Supp. 1054).

Wills—Probate—Undue Influence—Unequal Distribution of Estate.

5 Misc. 184; (24 Supp. 858).

Potter v. McPherson, 21 Hun, 559.

Cited, Courts—Jurisdiction—Copyright.

84 Hun, 16; (65 St. Rep. 201; 32 Supp. 44).

Potter v. Merchants' Bank, 28 N. Y. 641.

Cited, Courts—Jurisdiction—Presumption.

73 Hun, 286; (57 St. Rep. 276; 26 Supp. 299). 20 Misc. 475.

136 N. Y. 161; (48 St. Rep. 857).

Appeal—Review of Findings.

147 N. Y. 663; (71 St. Rep. 268).

Damages—Conversion—Note.

19 Misc. 130; (77 St. Rep. 535; 43 Supp. 535).

Potter v. N. Y. C. & H. R. R. Co., 136 N. Y. 77; 48 St. Rep. 843.

Cited, Evidence—Presumptions—Negligence—Occurrence of Accident.

6 Misc. 324; (56 St. Rep. 254; 26 Supp. 797).

Evidence—Presumption—Equipment of Train.

80 Hun, 490; (62 St. Rep. 592; 30 Supp. 672).

Master and Servant—Fellow Servants—Who Are.

14 App. Div. 25; (77 St. Rep. 669; 43 Supp. 669).

Potter v. Ogden, 136 N. Y. 384; 49 St. Rep. 829.

Affirming, 65 Hun, 27; 47 St. Rep. 190; 19 Supp. 594.

Cited, Courts—Jurisdiction—Limited—Proof of Facts Giving.

141 N. Y. 543; (57 St. Rep. 823).

Guardian—Sureties—Liability.

10 App. Div. 359; (75 St. Rep. 1163; 41 Supp. 767).

Duplicate Citations in Parenthesis.

Potter v. Ontario & L. Co., 5 Hill, 7.
Cited, Contracts—Construction—Against Promisor.

12 Misc. 85; (66 St. Rep. 518; 33 Supp. 18). 17 Misc. 144; (39 Supp. 845).

Contracts—Construction—Reasonable.

4 Misc. 131; (53 St. Rep. 209; 23 Supp. 1018).

Potter v. Potter, 8 Civ. Pro. 150.

Distinguished, 68 Hun, 539; 52 St. Rep. 564; 22 Supp. 1005.

Cited, Pleading—Parties—Executors and Trustees.

19 Misc. 616; (78 St. Rep. 424; 44 Supp. 424). 78 St. Rep. 920; (44 Supp. 920).

Potter v. Smith, 70 N. Y. 299.

Cited, Pleading—Admissions.

59 St. Rep. 516; (29 Supp. 1122). 86 Hun, 36; (67 St. Rep. 237; 33 Supp. 405).

Potter v. Traders' Nat'l Bank of Rochester, 70 Hun, 53; 53 St. Rep. 432; 23 Supp. 1079.

Affirmed, 143 N. Y. 668; 63 St. Rep. 867.

Potter v. United States Nat'l Bank,

51 St. Rep. 913; 22 Supp. 453.

Potter v. Virgil, 67 Barb. 578.

Cited, Husband and Wife—Necessaries Furnished Wife—Husband's Liability.

18 Misc. 141; (75 St. Rep. 1441; 41 Supp. 1094).

Pottier & Stymus M'f'g Co. v. Noel,

138 N. Y. 606; 51 St. Rep. 932.

Potts v. Cuff, 13 Misc. 778; 34 Supp. 1146.

Potts v. Hart, 99 N. Y. 168.

Cited, Chattel Mortgage—Void—Creditors.

89 Hun, 86; (69 St. Rep. 468; 35 Supp. 54). 8 App. Div. 38; (40 Supp. 400).

Potts v. Mayer, 74 N. Y. 594.

Cited, Checks — Bona Fide Holders—Prior Debt.

77 Hun, 58; (59 St. Rep. 431; 28 Supp. 248).

Trial—Conflict of Evidence—Direction of Verdict.

6 Misc. 543; (58 St. Rep. 14; 27 Supp. 228). 8 Misc. 525; (59 St. Rep. 406; 28 Supp. 761).

Witnesses — Death of Other Party—Removal of Bar.

67 Hun, 417; (51 St. Rep. 787; 22 Supp. 294).

Potts v. Mayer, 86 N. Y. 302.

Cited, Witness—§829 Code.

83 Hun, 93; (68 St. Rep. 686; 34 Supp. 632; 2 Ann. Cas. 154).

Poucher v. Blanchard, 86 N. Y. 256.

Cited, Unauthorized Seizure—Liability.

12 Misc. 39; (66 St. Rep. 538; 33 Supp. 40).

Poucher v. Scott, 33 Hun, 223.

Affirmed, 98 N. Y. 422.

Cited, Evidence — Presumption — Payment.

11 App. Div. 555; (76 St. Rep. 645; 42 Supp. 645).

Poughkeepsie v. Quintard, 136 N. Y. 275; 49 St. Rep. 336.

Cited, Bonds—Of Towns for Railroad—Effect of Renewal and Refunding on Application of Railroad Taxes.

137 N. Y. 182; (50 St. Rep. 381).

Statutes—Construction—Special and General Provisions.

19 Misc. 593; (78 St. Rep. 407; 44 Supp. 407). 149 N. Y. 170.

Poughkeepsie Bridge Co., Matter of, 108 N. Y. 483; 13 St. Rep. 770.

Cited, Eminent Domain—Statutory Authority.

86 Hun, 408; (67 St. Rep. 194; 33 Supp. 468). 86 Hun, 346; (62 St. Rep. 616; 33 Supp. 946). 86 Hun, 458; (67 St. Rep. 716; 33 Supp. 940).

Poughkeepsie & Salt Point Plank Road Co. v. Griffin, 24 N. Y. 150.

Cited, Corporations—Liability of Stockholders—Change or Amendment of Statute.

2 Misc. 228; (52 St. Rep. 273; 23 Supp. 752).

Poulin v. Broadway & Seventh Ave. R. Co., 61 N. Y. 621.

Cited, Street Railways—Starting Cars—Admission and Alighting of Passengers.

4 Misc. 470; (54 St. Rep. 346; 24 Supp. 494). 19 Misc. 195; (77 St. Rep. 224; 43 Supp. 224).

Poulson v. Nassau Electric R. Co.,

18 App. Div. 221; 79 St. Rep. 941; 45 Supp. 941.

Poulthney v. Bachman, 10 Abb. N. C. 252.

Cited, Contracts—Arbitration.

86 Hun, 381; (67 St. Rep. 225; 33 Supp. 513).

Pound v. Molyeaux, 53 St. Rep. 854; 24 Supp. 592.

Powell v. Conover, 75 Hun, 11; 56 St. Rep. 879; 26 Supp. 1028.

Powell v. Finch, 5 Duer. 666.

Cited, Action—Parties—Bringing in.

67 St. Rep. 246; (33 Supp. 413; 24 Civ. Pro. 249).

Duplicate Citations in Parenthesis.

Powell v. Fletcher, 45 St. Rep. 294; 18 Supp. 451.

Cited Appeal—Harmless Error.

74 Hun, 380, 382; (56 St. Rep. 303, 304; 26 Supp. 595, 596).

Powell v. Jenkins, 14 Misc. 83; 69 St. Rep. 582; 35 Supp. 265.

Powell v. Jones, 42 Barb. 24.

Cited, New Trial—New Evidence.

82 Hun, 48; (63 St. Rep. 485; 31 Supp. 163). 11 Misc. 335; (65 St. Rep. 415; 33 Supp. 235). 16 Misc. 124; (38 Supp. 830).

Powell v. Murphy, 18 App. Div. 25; 79 St. Rep. 374; 45 Supp. 374.

Powell v. Murray, 3 App. Div. 273; 73 St. Rep. 851; 38 Supp. 233.

Powell v. Newburg, Trustees of, 19 Johns. 284.

Cited, Municipal Corporations — Officers — Reimbursement.

71 Hun, 543; (54 St. Rep. 912; 24 Supp. 1077). 10 Misc. 132; (62 St. Rep. 500; 30 Supp. 909).

Powell v. N. Y. C. & H. R. R. Co., 22 Hun, 56.

Cited, Negligence—Contributory — Accident at Crossing.

7 App. Div. 518; (40 Supp. 255).

Powell v. N. Y. C. & H. R. R. Co., 109 N. Y. 613; 2 Silv. 9; 14 St. Rep. 74.

Cited, Negligence—Contributory — Freedom From.

3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752).

Railroads — Contributory Negligence — Crossings.

72 Hun, 434; (55 St. Rep. 172; 25 Supp. 153).

Powell v. N. Y. C. & H. R. R. Co., 3 Supp. 763.

Cited, Costs—Term Fees.

62 St. Rep. 121; (30 Supp. 399). 30 Supp. 400.

Powell v. Powell, 71 N. Y. 71.

Cited, Bills and Notes—Conversion—Remedies.

68 Hun, 595; (52 St. Rep. 591; 23 Supp. 241).

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14 Misc. 215; (70 St. Rep. 747; 35 Supp. 1053).

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D. 82 Hun, 446; (64 St. Rep. 795; 31 Supp. 973). 18 Misc. 68; (75 St. Rep. 483; 41 Supp. 28).

Powell v. Preston, 1 Hun, 513.

Cited, Chattel Mortgage—Failure to File —Rights of Creditors—Possession by Mortgagee.

69 Hun, 581; (53 St. Rep. 263; 24 Supp. 24).

Powell v. Schenck, 88 Hun, 185; 68 St. Rep. 588. 34 Supp. 768.

Powell v. Schenck, 6 App. Div. 130; 39 Supp. 877.

Powell v. Schenck, 13 App. Div. 623; 43 Supp. 1162.

Powell v. Smith, 8 Johns. 249.

Cited, Surety—Recourse to Principal — Damages.

81 Hun, 418; (63 St. Rep. 265; 30 Supp. 1127).

Powell v. Tuttle, 3 N. Y. 395.

Cited, Officers—Delegation of Authority.

75 Hun, 571; (59 St. Rep. 146; 27 Supp. 686).

Powell v. Waldron, 89 N. Y. 328.

Cited, Trial—Jury—Equity.

12 Misc. 344; (67 St. Rep. 334; 33 Supp. 565).

Receiver—Title—Property.

3 App. Div. 330; (73 St. Rep. 690; 38 Supp. 198). 6 App. Div. 256, 261; (39 Supp. 886, 890).

Property—What Constitutes.

15 App. Div. 101; (78 St. Rep. 277; 44 Supp. 277).

Powell v. Waters, 8 Cow. 669.

Cited, Bills and Notes—When Indebtedness Created—Delivery.

4 Misc. 478; (54 St. Rep. 332; 24 Supp. 572). D. 4 Misc. 480; (54 St. Rep. 334; 24 Supp. 572).

Power v. Athens, Village of, 19 Hun, 165.

Cited, Injunction—Temporary.

6 App. Div. 124; (39 Supp. 894).

Power v. Athens, Village of, 26 Hun, 282.

Cited, Contracts—Construction—By Parties.

8 Misc. 65; (59 St. Rep. 298; 28 Supp. 616). Statute—Construction—Long and Uninterrupted Practice Under.

23 Supp. 534; (30 Abb. N. C. 111).

Power v. Athens, Village of, 99 N. Y. 592.

Cited, Corporations—Franchise—Exclusive.

143 N. Y. 610; (62 St. Rep. 813). 16 App. Div. 505; (78 St. Rep. 878; 44 Supp. 878).

*Duplicate Citations in Parenthesis.***Powér v. Cassidy**, 16 Hun, 294.*Affirmed*, 79 N. Y. 602.*Cited*, Trusts—Beneficiaries—Designation.
83 Hun, 454.**Power v. Cassidy**, 79 N. Y. 602.*Cited*, Trusts—Designation of Beneficiary—Sufficiency.

8 Misc. 631; (61 St. Rep. 262; 29 Supp. 952). 83 Hun, 453, 455. 147 N. Y. 111; (69 St. Rep. 406).

Wills—Construction — Devise—Validity
Power of Appointment.

5 Misc. 455; (25 Supp. 939).

Wills—Construction—Description of Beneficiaries—Indefiniteness.

8 Misc. 394; (59 St. Rep. 558; 28 Supp. 629). 77 Hun, 301; (59 St. Rep. 165; 28 Supp. 403).

Power of Sale—Defeat.

18 Misc. 436; (75 St. Rep. 1187; 41 Supp. 789).

Wills—Equitable Conversion.

1 Misc. 455; (51 St. Rep. 517; 22 Supp. 1079). 136 N. Y. 134; (48 St. Rep. 836). 14 Misc. 411; (71 St. Rep. 507; 36 Supp. 449). 79 St. Rep. 1070; (45 Supp. 1070).

Trusts—Creation—Purpose.

15 App. Div. 239; (78 St. Rep. 188; 44 Supp. 188).

Power v. Hathaway, 43 Barb. 214.*Cited*, Action—Money Had.

7 App. Div. 69; (39 Supp. 973).

Power v. Speckmam, 126 N. Y. 354;
37 St. Rep. 474.*Cited*, Surrogate's Court—Decrees of—Enforcement—Execution—Form of.

7 Misc. 502; (58 St. Rep. 798; 28 Supp. 393).

Powers, Matter of, 124 N. Y. 361; 36
St. Rep. 347.*Cited*, Executors—Sale of Land by Creditors for Debts—Procedure.

138 N. Y. 423; (52 St. Rep. 887).

Limitations of Action—When Statute Runs—Decedent's Estates.

49 St. Rep. 325; (21 Supp. 906).

Wills—Construction—Power to Sell Land for Debts.

67 Hun, 14; (51 St. Rep. 9; 21 Supp. 686; 23 Civ. Pro. 129). 136 N. Y. 420; (49 St. Rep. 818).

Wills—Power to Sell for Debts—Partial Execution—Recourse to Other Lands.

136 N. Y. 112; (48 St. Rep. 822).

Wills—Power of Sale—For What Proceeds Available.

55 St. Rep. 808; 146 N. Y. 260; (66 St. Rep. 631).

Powers, Matter of, 13 Supp. 599.*Cited*, Res Adjudicata—Title.

71 St. Rep. 25; (33 Supp. 17; 25 Civ. Pro. 165).

Powers v. Benedict, 88 N. Y. 605.*Cited*, Action — Election of Remedy — Knowledge—Effect.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 202). 9 Misc. 626. 80 Hun, 238; (61 St. Rep. 648; 29 Supp. 1049).

Sale—Fraud—Bona Fide Purchaser.

81 Hun, 59; (62 St. Rep. 251; 30 Supp. 483). 85 Hun, 292; (66 St. Rep. 430; 32 Supp. 1025).

Estoppel—Rescission of Sale for Fraud—Recovery for Part Unreclaimed.

72 Hun, 624; (54 St. Rep. 866; 25 Supp. 530).

Sale—Passing of Title—Fraud—Rescission.

140 N. Y. 596; (56 St. Rep. 497). 87 Hun, 589; (62 St. Rep. 208; 30 Supp. 418).

Powers v. Bergen, 6 N. Y. 358.*Cited*, Infants — Powers of Legislature Over Real Property—Divesting of Title.

79 Hun, 324; (61 St. Rep. 406; 29 Supp. 462). D. 79 Hun, 326; (61 St. Rep. 408; 29 Supp. 464). 147 N. Y. 572; (70 St. Rep. 339). D. 11 App. Div. 369; (76 St. Rep. 927; 42 Supp. 927).

Trust—Alienability.

3 Misc. 532; (52 St. Rep. 490; 23 Supp. 331).

Wills—Estate—Vesting.

16 App. Div. 34; (78 St. Rep. 681; 44 Supp. 681).

Powers v. Brooklyn Elevated R. Co.,
89 Hun, 288; 69 St. Rep. 436; 35 Supp. 43.**Powers v. Carpenter**, 15 Week. Dig.
155.*Cited*, Assignment for Creditors—What Passes—Lease.

9 Misc. 123; (59 St. Rep. 711; 29 Supp. 285).

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19 Misc. 605; (78 St. Rep. 402; 44 Supp. 402).

Powers v. Champlain, Village of, 49
St. Rep. 457; 21 Supp. 101.*Affirmed*, 139 N. Y. 654; 54 St. Rep. 934**Powers v. Clark**, 127 N. Y. 417; 40 St.
Rep. 196.*Cited*, Guaranty—Contracts of—Rules of Construction.

1 Misc. 334; (48 St. Rep. 707; 20 Supp. 680). 92 Hun, 170; (71 St. Rep. 206; 36 Supp. 367).

Duplicate Citations in Parenthesis.

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187 N. Y. 313; (50 St. Rep. 652). 16 Misc. 623; (39 Supp. 55).

Powers v. Elmendorf, 4 How. 60.

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69 Hun, 498; (52 St. Rep. 836; 23 Supp. 713).

Powers v. Gouraud, 19 Misc. 268; 78 St. Rep. 249; 44 Supp. 249.

Powers v. Hanford, 7 App. Div. 343; 39 Supp. 936.

Powers v. Hogan, 6 St. Rep. 239.

Cited, Sale—Rescission—Quantum Meruit.

86 Hun, 380; (37 St. Rep. 224; 33 Supp. 512).

Powers v. Knapp, 71 Hun, 371; 55 St. Rep. 23; 25 Supp. 19.

Cited, Corporations—Stockholders' Liability.

85 Hun, 39; (66 St. Rep. 134; 32 Supp. 623).

Powers v. Knapp, 85 Hun, 37; 66 St. Rep. 133; 32 Supp. 622.

Powers v. Manhattan R. Co., 37 St. Rep. 893; 13 Supp. 599.

Cited, Res Adjudicata—Title.

14 Misc. 428; (71 St. Rep. 484; 36 Supp. 433).

Powers v. McLean, 14 App. Div. 92; 77 St. Rep. 477; 43 Supp. 477.

Powers v. Mitchell, 3 Hill, 545.

Cited, Warehouseman—Degree of Care.

20 Misc. 602.

Powers v. N. Y. C. & H. R. R. Co., 60 Hun, 19; 38 St. Rep. 558; 14 Supp. 408.

Affirmed, 128 N. Y. 659; 40 St. Rep. 979.

Cited, Trial—Questions of Law and Fact—Negligence.

50 St. Rep. 834; (22 Supp. 345).

Trial—Withdrawing Case From Jury—Scintilla of Evidence.

51 St. Rep. 16; (21 Supp. 716).

Master and Servant—Defective Appliances—Knowledge of Servant.

72 Hun, 406; (55 St. Rep. 286; 25 Supp. 207).

Powers v. N. Y. L. E. & W. R. Co., 98 N. Y. 274.

Cited, Master and Servant—Contributory Negligence—Servant's Assumption of Risk.

139 N. Y. 377; (54 St. Rep. 658). 67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 410). 4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 592).

Powers v. O'Neill, 89 Hun, 129; (68 St. Rep. 842; 34 Supp. 1007).

Powers v. Powers, 49 Hun, 219; 16 St. Rep. 770.

Cited, Wills—Legacies—Payment—Time.

135 N. Y. 297; (47 St. Rep. 815).

Powers v. Prudential Ins. Co., 83 Hun, 254; 64 St. Rep. 263; 31 Supp. 626.

Affirmed, 145 N. Y. 654; 67 St. Rep. 900.

Cited, Insurance—Premium—Waiver.

79 St. Rep. 621; (45 Supp. 621). 40 Supp. 25.

Powers v. People, 4 Johns. 292.

Cited, Courts—Inferior—Jurisdiction—Presumption.

D. 86 Hun, 74; (67 St. Rep. 83; 33 Supp. 340).

Powers v. Savin, 139 N. Y. 652; 54 St. Rep. 934.

Powers v. Shepard, 48 N. Y. 540.

Cited, Statutes—Repeal.

10 Misc. 246; (62 St. Rep. 465; 30 Supp. 823).

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3 App. Div. 445; (39 Supp. 496).

Powers v. Silberstein, 108 N. Y. 169; 13 St. Rep. 125.

Cited, Principal and Surety—Discharge—Extension.

138 N. Y. 206; (52 St. Rep. 146). 9 App. Div. 323; (75 St. Rep. 748; 41 Supp. 333). 14 App. Div. 18; (77 St. Rep. 658; 43 St. Rep. 658).

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92 Hun, 39; (71 St. Rep. 802; 36 Supp. 634).

Pracht v. Ritter, 48 Super. 509.

Cited, Pleading—Misjoinder of Causes of Action—Demurrer.

7 Misc. 470; (58 St. Rep. 512; 27 Supp. 994; 23 Civ. Pro. 358).

Pratt v. Andrews, 4 N. Y. 493.

Cited, Evidence—Relevancy—Character—Libel.

60 St. Rep. 311. D. 68 Hun, 473; (52 St. Rep. 599; 22 Supp. 1012).

Pratt v. Ano, 7 App. Div. 494; 40 Supp. 229.

Pratt v. Baker, 88 Hun, 301; 63 St. Rep. 586; 34 Supp. 766.

Pratt v. Baker, 92 Hun, 331; 72 St. Rep. 301; 36 Supp. 928.

Cited, Fixtures—Furnace.

15 Misc. 170; (72 St. Rep. 173; 37 Supp. 20).

*Duplicate Citations in Parenthesis.***Pratt v. Bogardus**, 49 Barb. 89.

Cited, Criminal Law—Information—Sufficiency.

66 Hun, 232; (48 St. Rep. 814; 20 Supp. 914).

74 Hun, 342; (56 St. Rep. 378; 26 Supp. 410). 148 N. Y. 269.

Pratt v. Bray, 10 Misc. 445; 64 St. Rep. 18; 31 Supp. 465.

Pratt v. Collins, 20 Hun, 126.

Cited, Counterclaim — Against Agent of Undisclosed Principal.

3 Misc. 352; (52 St. Rep. 427; 22 Supp. 928).

Pratt v. Coman, 37 N. Y. 440.

Cited, Bills and Notes — Bona Fide Holders.

137 N. Y. 118; (50 St. Rep. 198). 11 Misc. 9; (63 St. Rep. 439; 31 Supp. 841). 85 Hun, 382; (66 St. Rep. 465; 32 Supp. 981). 9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).

Pratt v. Dwelling House Mut. F. Ins. Co., 53 Hun, 101; 25 St. Rep. 784; 6 Supp. 78.

Cited, Corporations—Officers—Authority—Individual Benefit—Notice.

70 Hun, 154; (53 St. Rep. 907; 24 Supp. 408).

Pratt v. Dwelling House Mut. F. Ins. Co., 130 N. Y. 206; 41 St. Rep. 303.

Cited, Insurance—Fire—Policy Covering Distinct Subjects—Partial Breach—Effect. 1 Misc. 1177; (48 St. Rep. 655; 20 Supp. 647).

Insurance—Prohibition of Incumbrance—Divisibility.

66 Hun, 223; (49 St. Rep. 9; 21 Supp. 51). 150 N. Y. 194.

Trial—Withdrawing Case from Jury.

62 St. Rep. 223; (29 Supp. 711). 74 Hun, 272; (56 St. Rep. 411; 26 Supp. 426). 91 Hun, 87; (71 St. Rep. 103; 36 Supp. 167).

Agency—Authority.

D. 75 Hun, 62; (56 St. Rep. 867; 26 Supp. 1060). 143 N. Y. 564; (62 St. Rep. 779).

Insurance—Waiver of Forfeiture.

49 St. Rep. 140; (21 Supp. 31). 11 App. Div. 408; (76 St. Rep. 450; 42 Supp. 450).

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16 App. Div. 600; (78 St. Rep. 978; 44 Supp. 978).

Pratt v. Dwelling House Mut. F. Ins. Co., 7 App. Div. 544; 74 St. Rep. 740; 40 Supp. 179.

Pratt v. Eaton, 79 N. Y. 449.

Cited, Action—Money Had.

8 App. Div. 433; (75 St. Rep. 247; 40 Supp. 854).

Pratt v. Foote, 9 N. Y. 463.

Cited, Bills and Notes—Payment.

16 Misc. 556; (74 St. Rep. 266; 33 Supp. 747).

Pratt v. Hudson R. R. Co., 21 N. Y. 305.

Cited, Guaranty—Parol—Validity at Common Law.

27 Supp. 930; (30 Abb. N. C. 453).

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6 Misc. 81; (55 St. Rep. 492; 26 Supp. 23).

Appeal—Pleading—Amendment.

92 Hun, 427; (71 St. Rep. 643; 36 Supp. 546).

Contracts—When Operative.

144 N. Y. 214; (63 St. Rep. 79). 15 Misc. 101; (71 St. Rep. 434; 36 Supp. 402). 3 App. Div. 549; (74 St. Rep. 38; 38 Supp. 382).

Pratt v. Hull, 13 Johns. 334.

Cited, Trial—Non-suit.

51 St. Rep. 17; (21 Supp. 717).

Pratt v. Lake Shore & Mich. So. R. Co., 136 N. Y. 654; 49 St. Rep. 915.

Affirming, 63 Hun, 616; 45 St. Rep. 715; 18 Supp. 682.

Pratt v. Matthews, 24 Hun, 386.

Cited, Guaranty—Continuing.

14 Misc. 231, 232; (70 St. Rep. 255; 35 Supp. 834).

Pratt v. Myers, 45 St. Rep. 63; 18 Supp. 466.

Cited, Interpleader—Affidavits for—Sufficiency of—Collusion.

75 Hun, 46; (58 St. Rep. 190; 26 Supp. 993; 23 Civ. Pro. 303).

Pratt v. N. Y. Cent. Ins. Co., 55 N. Y. 505.

Cited, Insurance—Estoppel.

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Pratt v. N. Y. C. & H. R. R. Co., 77 Hun, 139; 59 St. Rep. 38; 28 Supp. 463.

Pratt v. N. Y. C. & H. R. R. Co., 90 Hun, 83; 70 St. Rep. 218; 35 Supp. 557.

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Cited, Money Had and Received—Recovery.

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88 Hun, 547; (68 St. Rep. 813; 34 Supp. 802).

Pray v. Hegeman, 92 N. Y. 508.

Cited, Wills — Construction — Gift of Income—Accumulation.

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Pregenzer v. Burleigh, 6 Misc. 140; 55 St. Rep. 694; 26 Supp. 35.**Predegast v. N. Y. C. & H. R. Co.**, 58 N. Y. 652.

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2 Misc. 433; (51 St. Rep. 217; 22 Supp. 185).

Prentice v. Geiger, 74 N. Y. 341.

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4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353).

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79 St. Rep. 1011; (45 Supp. 1011).

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Prentice v. Knickerbocker Life Ins. Co., 77 N. Y. 483.

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4 Misc. 440; (54 St. Rep. 140; 24 Supp. 697).

Prentice v. Wellsville, Village of, 50 St. Rep. 557; 21 Supp. 820.**Prentice v. Weston**, 111 N. Y. 460.

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- Prentiss v. Slack**, 1 Hill, 467.
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- Prentiss Tool & Supply Co. v. Schirmer**, 136 N. Y. 305; 49 St. Rep. 399.
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- Presbyterian Soc. of Waterloo, Trustees of, v. A. & R. Railroad Co.**, 3 Hill, 567.
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- Prescott, Matter of**, 77 Hun, 518; 60 St. Rep. 391; 28 Supp. 928.
- Press Publishing Co. v. Baker**, 36 St. Rep. 879; 13 Supp. 822.
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- Preston v. Hawley**, 139 N. Y. 296; 54 St. Rep. 632.
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- Preston v. Howk**, 3 App. Div. 43; 74 St. Rep. 426; 37 Supp. 1079.
- Preston v. Morrow**, 66 N. Y. 452.
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- Preston v. Southwick**, 115 N. Y. 139.
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- Preston v. Syracuse**, 92 Hun, 301; 71 St. Rep. 782; 36 Supp. 716.
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Cited, Pleading—Demurrer.

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Price v. GaNun, 11 Misc. 74; 66 St. Rep. 184; 32 Supp. 801.

Price v. Heath, 41 Hun, 585.

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Cited, 14 Misc. 499; (70 St. Rep. 732; 35 Supp. 1078).

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Price v. Price, 124 N. Y. 589.

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Price v. Wood, 76 Hun, 318; 50 St. Rep. 137; 27 Supp. 691.

Price Printing House v. Jewelers'

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13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

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8 Misc. 395; (59 St. Rep. 558; 28 Supp. 629).

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Priebe v. Kellogg Bridge Co., 77 N. Y. 597.

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4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599).

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142 N. Y. 204; (58 St. Rep. 456; 31 Abb. N. C. 250). 8 App. Div. 389; (75 St. Rep. 164; 40 Supp. 788).

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6 Misc. 207; (57 St. Rep. 835; 27 Supp. 289). 77 Hun, 135; (59 St. Rep. 57; 28 Supp. 476). 78 Hun, 276; (60 St. Rep. 793; 29 Supp. 262).

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Prime, Matter of, 45 St. Rep. 832; 18 Supp. 603.

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9 Misc. 226; (61 St. Rep. 293; 30 Supp. 386).

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Affirmed, 144 N. Y. 716.

Cited, Insurance — Premiums — Payment by Mail.

11 Misc. 662; (67 St. Rep. 299; 33 Supp. 555).

Primeau v. National Life Ass'n, 144 N. Y. 716.

Cited, Insurance—Premiums—Payments by Mail.

11 Misc. 562; (67 St. Rep. 299; 33 Supp. 555).

Prince v. Brooklyn Daily Eagle, 16 Misc. 186; 72 St. Rep. 752; 37 Supp. 250.

Prince v. Feller, 10 Misc. 422; 63 St. Rep. 521; 31 Supp. 139.

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Prince Mfg. Co. v. Prince's Metallic Paint Co., 135 N. Y. 24; 48 St. Rep. 99.

Prindle v. Aldrich, 13 How. 466.

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Prindle v. Beveridge, 7 Lans. 225.

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7 Misc. 229; (58 St. Rep. 25; 27 Supp. 273). 11 Misc. 140; (45 St. Rep. 115; 31 Supp. 1022; 24 Civ. Pro. 303).

Prindle v. Washington Life Ins. Co., 73 Hun, 448; 56 St. Rep. 18;

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6 App. Div. 170; (39 Supp. 793).

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Pringle v. Woolworth, 90 N. Y. 502.

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Prior v. Prior, 2 Supp. 523; 15 Civ. Pro. 436.

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Pritchard v. Palmer, 88 Hun, 412; 68 St. Rep. 588; 34 Supp. 787; 2 Ann. Cas. 259.

Pritsch v. Schlicht, 5 St. Rep. 871.

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55 St. Rep. 874; (26 Supp. 336). 10 Misc. 291; (63 St. Rep. 245; 30 Supp. 1054; 24 Civ. Pro. 129).

Probasco v. Anglo-American Dry Dock & W. Co., 81 Hun, 389; 63 St. Rep. 380; 31 Supp. 110.

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918). 9 App. Div. 128; (75 St. Rep. 510; 41 Supp. 52). 6 Misc. 332; (56 St. Rep. 238; 26 Supp. 899). 71 Hun, 586; (55 St. Rep. 112; 24 Supp. 1104). 77 Hun, 393; (60 St. Rep. 408; 28 Supp. 886). 9 App. Div. 525; (14 Misc. 419; 70 St. Rep. 418; 35 Supp. 761). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835). 12 Misc. 338; (67 St. Rep. 337; 33 Supp. 631).

Master and Servant—Risks Assumed—Knowledge.

4 Misc. 496; (54 St. Rep. 337; 24 Supp. 552).

Prochowick v. Boyd, 15 St. Rep. 809.

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Proctor, Matter of, 54 St. Rep. 299; 23 Supp. 148.

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6 Misc. 364; (27 Supp. 225).

Proctor v. Farnam, 5 Paige, 614.

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Proctor v. Sidney Sash, Blind and Furniture Co., 8 App. Div. 42; 40 Supp. 454.

Cited, Pleading — Equity — Joinder of Causes—Effect.

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Proctor v. Soulier, 82 Hun, 353; 64 St. Rep. 88; 31 Supp. 472; 1 Ann. Cas. 118.

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81 Hun, 303; (62 St. Rep. 751; 30 Supp. 788).

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Produce Bank v. Morton, 67 N. Y. 199.

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Produce Bank, v. Morton, 42 Super. 124.

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6 Misc. 131; (56 St. Rep. 624; 26 Supp. 38).

Progressive Handlanger Union No. 1 v. German Savings Bank, 7 Supp. 3.

Affirmed, 57 Super. 594; 29 St. Rep. 528; 23 Abb. N. C. 42.

Equity—Interpleader.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 2 Ann. Cas. 224; 25 Civ. Pro. 292).

Progressive Power Co. v. Wrought Iron Bridge Co., 14 Misc. 23; 69 St. Rep. 375; 35 Supp. 130.

Cited, District Courts—Foreign Corporations.

20 Misc. 369; (79 St. Rep. 925; 45 Supp. 925).

Propp v. Metropolitan Life Ins. Co., 13 Misc. 266; 68 St. Rep. 223; 34 Supp. 172

Proseus v. McIntyre, 5 Barb. 424.

Cited, Advancements — How Determined.

143 N. Y. 217; (62 St. Rep. 165).

Prospect Avenue, Matter of, 85 Hun. 257; 66 St. Rep. 497; 32 Supp. 1013; 1 Ann. Cas. 347.

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Prospect Park & Coney Island R. Co., Matter of, 20 Hun, 184.

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49 St. Rep. 733; (20 Supp. 770).

Prospect Park & Coney Island R. Co., Matter of, 24 Hun, 199.

Cited, Eminent Domain — Review of Award.

49 St. Rep. 733; (20 Supp. 770).

Prospect Park & Coney Island R. Co., Matter of, 67 N. Y. 371.

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3 App. Div. 168; (73 St. Rep. 718; 38 Supp. 224).

Prospect Park & Conoy Island R. Co., Matter of, 85 N. Y. 489.

Cited, Eminent Domain — Review of Award by Court of Appeals.

137 N. Y. 97; (50 St. Rep. 183). 141 N. Y. 537; (57 St. Rep. 819). 144 N. Y. 443; (64 St. Rep. 35).

Eminent Domain—Confirmation—Effect.

67 Hun, 195; (51 St. Rep. 534; 22 Supp. 115). 143 N. Y. 259; (62 St. Rep. 152). 6 App. Div. 576; (40 Supp. 329).

Prospect Park & Coney Island R. Co. v. Atlantic Ave. R. Co., 66 St. Rep. 311.

Prospect Park & Coney Island R. Co. v. Brooklyn B. & W. E. R. Co., 84 Hun, 516; 66 St. Rep. 308; 32 Supp. 857.

Cited, 32 Supp. 859.

Prospect Park & Coney Island R. Co. v. Coney Island & Brooklyn R. Co., 66 Hun, 366; 50 St. Rep. 862; 21 Supp. 1046.

Reversed, 144 N. Y. 152; 63 St. Rep. 48.

Prospect Park & Coney Island R. Co. v. Coney Island & Brooklyn R. Co., 144 N. Y. 152; 63 St. Rep. 48.

Prospect Park & Coney Island R. Co. v. Williamson, 91 N. Y. 552.

Cited, Eminent Domain—What Subject to.

72 Hun, 424; (54 St. Rep. 876; 25 Supp. 219). 148 N. Y. 111. 17 App. Div. 261, 264; (79 St. Rep. 689, 691; 45 Supp. 689, 691).

Railroads — Highway Crossings — Establishment.

69 Hun, 167; (52 St. Rep. 532; 23 Supp. 457).

Prosser v. Secor, 5 Barb. 608.

Cited, Assessment—Exemption.

10 Misc. 332; (64 St. Rep. 313; 31 Supp. 685).

*Duplicate Citations in Parenthesis.***Protestant Episcopal Public School, Matter of**, 86 N. Y. 396.*Cited*, Costs—Special Proceedings—Taxation.

9 Misc. 509; (61 St. Rep. 81; 30 Supp. 346).

Special Term—Power Over Remittitur of Court of Appeals.

12 App. Div. 268; (76 St. Rep. 616; 42 Supp. 616).

Proudfit v. Henman, 8 Johns. 305.*Cited*, Justice Court—Adjournment—Proof.

9 App. Div. 28; (75 St. Rep. 599; 41 Supp. 141).

Prout, Matter of, 11 Supp. 160.*Cited*, Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 839).

Prout, Matter of, 19 St. Rep. 318; 3 Supp. 831.*Cited*, Taxes—Inheritance—Remainders.

73 Hun, 191; (56 St. Rep. 117; 25 Supp. 913).

Prout v. Chisolm, 89 Hun, 108; 68 St. Rep. 829; 34 Supp. 1066.**Prouty v. Eaton**, 41 Barb. 409.*Cited*, Pleading—Counterclaim.

143 N. Y. 169; (62 St. Rep. 191).

Prouty v. Lake Shore & Mich. S. R. Co., 52 N. Y. 363.

92 Hun, 36; (72 St. Rep. 233; 36 Supp. 903).

Prouty v. Mich. South. & North. Indiana R. Co., 1 Hun, 655; 4 T. & C. 230.*Cited*, Action—Parties—United in Interest.

8 Misc. 341; (60 St. Rep. 442; 29 Supp. 340). 11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1121).

Providence Steam & G. P. Co. v. Connell, 86 Hun, 319; 67 St. Rep. 196; 33 Supp. 432.*Cited*, Foreign Corporations—Contracts—Actions.

88 Hun, 256; (68 St. Rep. 699; 34 Supp. 718). 17 Misc. 304; (40 Supp. 361).

Corporations—Directors—Statutory Liability.

1 App. Div. 343; (72 St. Rep. 677; 37 427).

Provost v. Calder, 2 Wend. 517.*Cited*, Deeds—Construction—Contra Preferentem.

60 St. Rep. 319.

Provost v. Farrell, 13 Hun, 303.*Cited*, Costs—Second Taxation of Costs Paid as Terms.

2 Misc. 501; (51 St. Rep. 92; 22 Supp. 388; 23 Civ. Pro. 98).

Provost v. McEnroe, 102 N. Y. 650.*Cited*, Appeal—Direction of Verdict—Exception—Availability.

1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697). 3 Misc. 610; (51 St. Rep. 858; 22 Supp. 558). 81 Hun, 562; (63 St. Rep. 341; 31 Supp. 48; 24 Civ. Pro. 162). 84 Hun, 166; (65 St. Rep. 684; 32 Supp. 556).

Appeal—Review of Facts—Conflict of Evidence.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726). 13 Misc. 191; (68 St. Rep. 81; 34 Supp. 172).

Contract—Building—Performance.

3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760).

Trial—Direction of Verdict—Request of Both Parties.

69 Hun, 540; (53 St. Rep. 290; 23 Supp. 1092). 5 Misc. 266; (25 Supp. 106). 79 Hun, 116; (61 St. Rep. 12; 29 Supp. 407). 7 App. Div. 577; (40 Supp. 302). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850).

Provost v. Provost, 135 N. Y. 660; 48 St. Rep. 933.**Proweeder v. Lewis**, 11 Misc. 109; 65 St. Rep. 90; 31 Supp. 996; 24 Civ. Pro. 299.**Pruyn, Matter of**, 141 N. Y. 544; 57 St. Rep. 824.*Affirming*, 76 Hun, 128; 57 St. Rep. 296; 27 Supp. 572.*Cited*, Executors—Conduct of Estate—Release.

80 Hun, 232; (61 St. Rep. 642; 29 Supp. 1021).

Surrogate—Jurisdiction—Claims.

152 N. Y. 520. 92 Hun, 480; (72 St. Rep. 415; 36 Supp. 1075). 6 App. Div. 413; (39 Supp. 579). 11 App. Div. 353; (76 St. Rep. 1011; 42 Supp. 1011).

Pruyne v. Black, 21 N. Y. 330.*Cited*, Judgment—Form—Joint or Several.

6 Misc. 78; (55 St. Rep. 490; 26 Supp. 21). 81 Hun, 89; (62 St. Rep. 625; 30 Supp. 651; 24 Civ. Pro. 144; 1 Ann. Cas. 66).

Pruyn v. Brinkerhoff, 7 Abb. N. S. 400.*Cited*, Wills—Witnesses—Executors as.

71 Hun, 503; (54 St. Rep. 901; 24 Supp. 1059).

Duplicate Citations in Parenthesis.

Pruyne, Matter of, 76 Hun, 128; 27 Supp. 572.

Cited, Surrogate—Jurisdiction—Claims.
11 App. Div. 353; (76 St. Rep. 1011; 42 Supp. 1011).

Pruyne v. Adams Furniture & Manuf'g Co., 92 Hun, 214; 71 St. Rep. 198; 36 Supp. 361.

Pryer v. Clapp, 1 Dem. 387.

Disapproved, Wills — Probate—Revocation—Parties—Citations.

70 Hun, 110; (33 St. Rep. 544; 23 Supp. 1131).

Pryor v. Chadwick, 86 Hun, 75; 66 St. Rep. 874; 33 Supp. 1133.

Pryor v. Foster, 130 N. Y. 171; 41 St. Rep. 320.

Cited, Contract—Fraud—Rescission—Recovery of Money Advanced.

9 Misc. 80; (59 St. Rep. 550; 29 Supp. 719). 144 N. Y. 742; (71 St. Rep. 286). 11 App. Div. 619; (76 St. Rep. 168; 42 Supp. 168). 13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958). 79 St. Rep. 628; (45 Supp. 628).

Evidence—Burden of Proof—Fraudulent Representations.

2 Misc. 529; (24 Supp. 883). 88 Hun, 407; (68 St. Rep. 820; 34 Supp. 809).

Pryor v. Foster, 17 St. Rep. 472; 1 Supp. 774.

Cited, False Representation—Damages—Recovery.

88 Hun, 541; (68 St. Rep. 708; 34 Supp. 774).

Pryor v. Manhattan Eye and Ear Hospital, N. Y. L. J. Nov. 25, 1890.

Cited, Corporations—Benevolent—Liability—For Acts of Agent—Negligence.

6 Misc. 287; (26 Supp. 871).

Prior v. Williams, 3 Abb. Ct. App. Dec. 624.

Cited, Contracts—Reformation.

81 Hun, 463; (63 St. Rep. 492; 31 Supp. 170).

Public Parks, Matter of, 73 N. Y. 560.

Cited, Possession of Land—Title—Presumption.

3 App. Div. 347; (73 St. Rep. 764; 38 Supp. 283). 85 Hun, 37; (66 St. Rep. 137; 32 Supp. 626).

Public Parks, Matter of, 53 Hun, 280; 25 St. Rep. 9; 6 Supp. 750.

Cited, Commissioners — Award—Setting Aside.

11 Misc. 693; (66 St. Rep. 224; 32 Supp. 827).

Publishers' Printing Co. v. Gillen Printing Co., 15 Misc. 464; 72 St. Rep. 669; 37 Supp. 198.

Reversed, 16 Misc. 558; 74 St. Rep. 132; 38 Supp. 784; 25 Civ. Pro. 327.

Publishers' Printing Co. v. Gillin Printing Co., 16 Misc. 558; 74 St. Rep. 132; 25 Civ. Pro. 327; 38 Supp. 784.

Cited, Attorney's Lien—Enforcement.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1135).

Pucci v. Barney, 1 Misc. 84; 48 St. Rep. 30; 20 Supp. 375.

Affirmed, 2 Misc. 354; 51 St. Rep. 581; 21 Supp. 1099.

Cited, Contract Construction—Building—Certificate of Architect—Conclusiveness.

8 Misc. 627; (61 St. Rep. 838; 30 Supp. 192).

Pucci v. Barney, 2 Misc. 354; 51 St. Rep. 581; 21 Supp. 1099.

Affirming, 1 Misc. 84; 48 St. Rep. 30; 20 Supp. 375.

Pudney v. Griffiths, 15 How. 410.

Cited, Supplementary Proceedings—Execution—Return.

18 Misc. 632; (77 St. Rep. 684; 43 Supp. 684).

Puff v. Lehigh Valley R. Co., 71 Hun 577; 55 St. Rep. 91; 24 Supp. 1063.

Cited, Railroads—Crossings—Care at.

79 Hun, 549; (61 St. Rep. 561; 29 Supp. 873).

Pugsley v. Aikin 11 N. Y. 494.

Cited, Tenancy—Termination—Notice.

5 App. Div. 592; (39 Supp. 370).

Pugsley v. Aiken, 14 Barb. 114.

Cited, Actions—Against Trustee Personally and as Representative.

20 Misc. 507.

Pullman v. Willetts, 4 Dem. 536.

Cited, Executors and Administrators—Accounting — Costs and Disbursements—Counsel Fees.

3 Misc. 400; (24 Supp. 853).

Pultz v. Diossy, 53 How. 270.

Cited, District Courts—Defaults—Opening Appeal.

20 Misc. 369; (79 St. Rep. 925; 45 Supp. 925).

Pulver v. Harris, 52 N. Y. 73

Cited, Attorney and Client—Prosecution Without Consent of Client.

1 App. Div. 531; (73 St. Rep. 80; 37 Supp. 630).

*Duplicate Citations in Parenthesis.***Pulver v. Harris**, 62 Barb. 500.

Cited, Attorney and Client—Prosecution without Consent of Client.

1 App. Div. 531; (73 St. Rep. 80; 37 Supp. 630).

Pumpelly v. Phelps, 40 N. Y. 59.

Cited, Contracts—Form—In Representative Capacity.

5 Misc. 299; (56 St. Rep. 726; 25 Supp. 468). 24 Supp. 797. 82 Hun, 178; (63 St. Rep. 777; 31 Supp. 328).

Contracts—Breach—Damages.

17 App. Div. 579; (79 St. Rep. 697; 45 Supp. 697). 91 Hun, 544; (70 St. Rep. 821; 36 Supp. 246).

Purcell v. Aronson, 40 Supp. 1147.

Purcell v. Laurer, 14 App. Div. 33; 77 St. Rep. 988; 43 Supp. 988.

Purcell v. Long Island City, 84 Hun, 439; 65 St. Rep. 537; 32 Supp. 302.

Purcell v. Long Island City, 91 Hun, 271; 71 St. Rep. 126; 36 Supp. 290.

Purcell v. Purcell, 3 Edw. Ch. 194.

Cited, Husband and Wife—Divorce—Alimony and Counsel Fees.

4 Misc. 394; (24 Supp. 485). 11 Misc. 705; (66 St. Rep. 387; 32 Supp. 1083).

Purchase v. Matteson, 25 N. Y. 211.

Distinguished, Appeal—Court of Appeals—Extent of Review—Direction of Verdict—Exceptions.

141 N. Y. 513; (57 St. Rep. 716).

Cited, Appeal—Review of Facts—Conflict of Evidence.

8 Misc. 297; (59 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 444).

Appeal—To General Term—Controverted Questions of Fact Not Reviewable.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697).

Purchase v. Mattison, 6 Duer, 587.

Cited, Pleading—Surplusage.

10 Misc. 463; (64 St. Rep. 28; 31 Supp. 451).

Purdy, Matter of, 9 Misc. 436; 30 Supp. 382.

Purdy v. Bennett, 68 Hun, 227; 51 St. Rep. 876; 22 Supp. 817.

Purdy v. Dinkle, 6 Supp. 158.

Cited, Justice's Court—Appeal—Judgment.

7 Misc. 477; (28 Supp. 387).

Purdy v. Hayt, 92 N. Y. 446.

Cited, Surrogate—Jurisdiction—Accounting—Construction of Will.

137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477). 3 App. Div. 353; (73 St. Rep. 668; 38 Supp. 301). 8 App. Div. 353; (75 St.

Rep. 178; 40 Supp. 799). 11 Misc. 437; (87 St. Rep. 422; 33 Supp. 420). 11 Misc. 673; (67 St. Rep. 362; 33 Supp. 573).

Wills—Construction—Devise and Legacy—Suspension of the Power of Alienation.

8 Misc. 123; (58 St. Rep. 746; 28 Supp. 373). 7 Misc. 623; (59 St. Rep. 313; 28 Supp. 585). 3 Misc. 477; (23 Supp. 741). 11 Misc. 674; (67 St. Rep. 363; 33 Supp. 574).

Wills—Remainders—Vested or Contingent.

144 N. Y. 376, 379; (63 St. Rep. 684, 685).

11 App. Div. 362; (76 St. Rep. 924; 42 Supp. 924). 18 Misc. 707; (77 St. Rep. 873; 43 Supp. 873).

Purdy v. Huntington, 42 N. Y. 334.

Cited, Mortgages—Assignee—Rights of Bona Fide Purchaser as Against Assignee.

152 N. Y. 162. 10 Misc. 342; (63 St. Rep. 435; 31 Supp. 20).

Purdy v. Lynch, 72 Hun, 272; 55 St. Rep. 360; 25 Supp. 585.

Reversed, 145 N. Y. 462; 65 St. Rep. 394.

Purdy v. Lynch, 145 N. Y. 462; 65 St. Rep. 394.

Purdy v. Manhattan R. Co., 3 Misc. 50; 51 St. Rep. 766; 22 Supp. 943.

Purdy v. Manhattan R. Co., 11 Misc. 394; 65 St. Rep. 450; 32 Supp. 275.

Purdy v. Manhattan R. Co., 36 St. Rep. 43; 13 Supp. 295.

Cited, Appeal—Objection to Evidence Not Taken Below.

3 Misc. 337; (52 St. Rep. 8; 22 Supp. 738).

Elevated Railways—Damages to Property, Easements, etc.

1 Misc. 112; (48 St. Rep. 680; 20 Supp. 649). 1 Misc. 343; (48 St. Rep. 724; 20 Supp. 627). 1 Misc. 156; (48 St. Rep. 712; 20 Supp. 626). 26 Supp. 917; (30 Abb. N. C. 414). 90 Hun, 88; (70 St. Rep. 221; 35 Supp. 560). 12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71).

Purdy v. N. Y. C. & H. R. R. Co., 87 Hun, 97; 67 St. Rep. 676; 33 Supp. 952.

Cited, Railroads—Crossings—Wayfarers.

91 Hun, 37; (71 St. Rep. 398; 36 Supp. 111).

Purdy v. N. Y. & N. H. R. Co., 61 N. Y. 353.

Cited, Railroads—Failure to Fence—Effect.

81 Hun, 285; (62 St. Rep. 747; 30 Supp. 784).

Duplicate Citations in Parenthesis.

Purdy v. Nova Scotia Midland R. & Iron Co., 8 Misc. 510; 59 St. Rep. 409; 28 Supp. 758.

Affirmed, 11 Misc. 406; 65 St. Rep. 282; 32 Supp. 157.

Purdy v. Nova Scotia Midland R. & Iron Co., 11 Misc. 406; 65 St. Rep. 282; 32 Supp. 157.

Purdy v. People, 4 Hill, 384.

Cited, Evidence—Judicial Notice—General Laws.

7 Misc. 719; (58 St. Rep. 324; 28 Supp. 32).

Purdy v. Phillips, 11 N. Y. 405.

Cited, Moneys—Payment.

6 Misc. 465; (27 Supp. 911). 15 App. Div. 281; (78 St. Rep. 591).

Purdy v. Rochester Printing Co., 96 N. Y. 372.

Cited, Libel—What Per Se—Obloquy Less Than Crime.

69 Hun, 359; (52 St. Rep. 794; 23 Supp. 653).

Purdy v. Rome, W. & O. R. Co., 125 N. Y. 209; 34 St. Rep. 737.

Cited, Contracts—Consideration.

2 Misc. 106; (49 St. Rep. 127; 21 Supp. 245). 16 App. Div. 203; (78 St. Rep. 752 44 Supp. 752).

Contracts—Validity—Exoneration of Master from Liability for Negligence

2 Misc. 106; (49 St. Rep. 128; 21 Supp. 245). 80 Hun, 419; (62 St. Rep. 95; 30 Supp. 341).

Purdy v. Tailor, 15 Misc. 467; 37 Supp. 1149.

Purdy v. Wright, 44 Hun, 239; 8 St. Rep. 243.

Cited, Partition—Effect of Executor's Power of Sale.

72 Hun, 185; (55 St. Rep. 324; 25 Supp. 546).

Wills—Execution—Power of Sale—Devisee's Election.

79 Hun, 101; (61 St. Rep. 137; 29 Supp. 657).

Pursell v. Fry, 19 Hun, 595.

Cited, Costs—Against Personal Representatives.

49 St. Rep. 320; (21 Supp. 156).

Pursell v. New York Life Ins. and Trust Co., 42 Super. 333.

Cited, Summary Proceedings—Tender by Tenant.

18 Misc. 417; (75 St. Rep. 839; 41 Supp. 434).

Purser v. Anderson, 4 Edw. Ch. 18.

Cited, Mortgage—Keeping Alive—Intent. 11 Misc. 89, 91; (66 St. Rep. 198, 200; 32 Supp. 816, 818). 13 Misc. 75; (68 St. Rep. 197; 34 Supp. 149). 15 Misc. 574; (37 Supp. 1070)

Purton v. Watson, 19 St. Rep. 6.

Cited, Waste—Damages.

24 Civ. Pro. 191.

Pustet v. Flannelly, 60 How. 67.

Cited, Interpleader.

12 App. Div. 80; (77 St. Rep. 361; 43 Supp. 361).

Putnam v. Broadway & Seventh Ave. R. Co., 55 N. Y. 108.

Cited, Carriers—Liability—Passengers—Wrongful Acts of.

75 Hun, 550; (59 St. Rep. 622; 27 Supp. 609).

Carriers—Liability—Employees—Wrongful Acts—Proximate Cause.

153 N. Y. 269. 91 Hun, 432; (72 St. Rep. 361; 36 Supp. 840).

Carriers—Passengers—Exclusion.

16 App. Div. 16; (78 St. Rep. 795; 44 Supp. 795).

Putnam v. Lewis, 8 Johns. 389.

Cited, Evidence—Parol—To Explain Receipt.

1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

Notes—As Payment.

9 App. Div. 322, 328, 329, 336; (75 St. Rep. 747, 753, 758, 760; 41 Supp. 332, 342, 343). 17 Misc. 384; (39 Supp. 1063).

Putnam v. Man, 3 Wend. 202.

Cited, Justice Court—Summons—Service—Sufficiency.

11 Misc. 452; (67 St. Rep. 417; 33 Supp. 415; 24 Civ. Pro. 428).

Putnam v. N. Y. C. & H. R. R. Co., 47 Hun, 439; 14 St. Rep. 329.

Cited, Railroads—Operation—Negligence—Proximate Cause.

7 Misc. 107; (57 St. Rep. 484; 27 Supp. 412).

Injuries—Contributory Negligence.

17 App. Div. 160; (79 St. Rep. 146; 45 Supp. 146).

Putnam v. Putnam, 4 Bradf. 308.

Cited, Wills—Legacies—Construction.

19 Misc. 203; (78 St. Rep. 604; 44 Supp. 605).

Putnam v. Ritchie, 6 Paige, 390.

Cited, Infants—Necessaries—What Are.

78 Hun, 605; (60 St. Rep. 769; 29 Supp. 214).

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Tenants in Common—Liability for Repairs.

152 N. Y. 108, 109. 152 N. Y. 565.

Guardians—Purchase of Estate—Effect.

10 App. Div. 610; (76 St. Rep. 357; 42 Supp. 357). 20 Misc. 537.

Putnam v. Schuyler, 4 Hun, 166.

Cited, Guaranty — Fraud or Principal Debtor.

77 Hun, 456; (60 St. Rep. 656; 29 Supp. 8.)

Putnam v. Stewart, 97 N. Y. 411.

Cited, Records—Certificate—Irregularity—Effect.

12 Misc. 494; (67 St. Rep. 395; 33 Supp. 670).

Putnam v. Van Allen, 46 Hun, 492; 11 St. Rep. 855.

Cited, Judgment—Failure to Enter Within Time—Effect.

92 Hun, 80; (73 St. Rep. 301; 37 Supp. 605). 2 App. Div. 2; (72 St. Rep. 498, 37 Supp. 442). 1 App. Div. 157; (73 St. Rep. 522; 37 Supp. 980).

Justice's Judgment—What Is.

14 Misc. 126; (70 St. Rep. 332; 35 Supp. 856).

Putnam v. Westcott, 19 Johns. 73.

Cited, Corporations—Leasehold as Property.

147 N. Y. 602; (70 St. Rep. 353).

Goods and Chattels—Meaning.

19 Misc. 248; (78 St. Rep. 88; 44 Supp. 88).

Putnam v. Wise, 1 Hill, 234.

Cited, Action—Election of Remedies—Tort and Contract.

2 Misc. 119; (49 St. Rep. 230; 20 Supp. 874).

Putnam County Chem. Works v.

Jochen, 8 Civ. Pro. 424.

Cited, Process—Service—Sufficiency.

13 Misc. 86; (68 St. Rep. 182; 34 Supp. 107; 25 Civ. Pro. 50). 147 N. Y. 622; (71 St. Rep. 261; 2 Ann. Cas. 417).

Putney v. Tyng, 1 St. Rep. 760.

Cited, Bill of Particulars—Office.

19 Misc. 39; (76 St. Rep. 873; 42 Supp. 873).

Putzel v. Shulhoff, 29 St. Rep. 26; 8 Supp. 651.

Cited, Judgment — Entry—When Unauthorized.

6 App. Div. 264; (39 Supp. 891).

Pyne v. Broadway & Seventh Ave.

R. Co., 138 N. Y. 627; 51 St. Rep. 934.

Affirming, 46 St. Rep. 662; 19 Supp. 217.

Pyrolusite Manganese Co., Matter of, 29 Hun, 431.

Cited, Corporations—Voluntary Dissolution—Reasons.

1 App. Div. 166; (73 St. Rep. 47; 37 Supp. 836).

Pzepka v. American Glucose Co.,

11 Misc. 131; 65 St. Rep. 112; 31 Supp. 1019.

Q

Quackenbos v. Edgar, 61 N. Y. 653.

Cited, Pleadings—Admissions—Effect.

13 Misc. 516; (69 St. Rep. 113; 34 Supp. 947).

Quackenbos v. Kingsland, 102 N. Y.

128; 1 St. Rep. 175.

Cited, Wills — Construction — Contingency of Death.

69 Hun, 610; (53 St. Rep. 546; 24 Supp. 27). 3 Misc. 169; (24 Supp. 468). 144 N. Y. 298; (63 St. Rep. 722). 8 App. Div. 66; (40 Supp. 409).

Wills—Construction—Intention — Meaning of Words.

76 Hun, 434; (58 St. Rep. 231; 27 Supp. 1033). D. 67 Hun, 280; (50 St. Rep. 827; 22 Supp. 246).

Quackenboss v. Clarke, 12 Wend. 555.

Cited, Landlord and Tenant—Assignment—Proof.

82 Hun, 536; (64 St. Rep. 337; 31 Supp. 612). 20 Misc. 116; (79 St. Rep. 2; 45 Supp. 2).

Quackenboss v. Southwick, 41 N. Y. 117.

Cited, Trustees—Removal.

20 Misc. 271; (79 St. Rep. 845; 45 Supp. 845). 17 Misc. 711; (40 Supp. 909).

Quackenbush v. Ehle, 5 Barb. 469.

Cited, Statute of Frauds—Part Performance—Recovery.

83 Hun, 485; (64 St. Rep. 668; 31 Supp. 880).

Compensation by Will—Statute of Limitations—Waiver.

92 Hun, 275; (72 St. Rep. 318; 36 Supp. 955).

Quackenbush v. Johnson, 55 How. 94.

Cited, References—Report — Rendition—Alteration.

66 Hun, 454; (50 St. Rep. 461; 21 Supp. 241).

Duplicate Citations in Parenthesis.

Quackenbush v. Leonard, 10 Paige 131.

Cited, Appeal—Payment Into Court—Effect on Undertaking.

5 App. Div. 210; (39 Supp. 138).

Quarch v. Metz, 15 Misc. 622; 72 St. Rep. 797; 37 Supp. 218.

Queen v. Bell, 2 Misc. 574; 51 St. Rep. 610; 22 Supp. 397.

Queen v. Bell, 2 Misc. 575; 51 St. Rep. 611; 22 Supp. 397.

Queen City Bank v. Brown, 75 Hun, 259; 58 St. Rep. 286; 26 Supp. 1016.

Queen City Bank v. Hood, 15 Misc. 237; 72 St. Rep. 426; 36 Supp. 981.

Queen City Bank v. Hudson, 8 App. Div. 27; 75 St. Rep. 401; 40 Supp. 1018.

Quibell v. Rust, 71 Hun, 38; 53 St. Rep. 873; 24 Supp. 498.

Quick v. Wheeler, 78 N. Y. 300.

Cited, Sale—Revocation of Offer.

4 Misc. 89; (53 St. Rep. 78; 23 Supp. 856).

Quick v. Wixon, 27 Hun, 592.

Cited, Appeal—New Trial—Costs.

148 N. Y. 291.

Quigg v. International Shirt & Collar Co., 16 Misc. 39; 73 St. Rep. 42; 37 Supp. 916.

Quigley, Matter of, 66 St. Rep. 224; 32 Supp. 828.

Quigley v. Quigley, 45 Hun, 23.

Cited, Husband and Wife—Divorce—Correspondent—Intervention of.

5 Misc. 319; (26 Supp. 57).

Husband and Wife—Alimony—Failure to Provide—Striking Out Answer.

6 App. Div. 590; (39 Supp. 805).

Quigley v. Walter, 2 Sweeny, 175.

Cited, Action—Parties—Joint and Several Liability.

5 Misc. 208; (25 Supp. 810).

Quill v. Empire State Tel. Co., 13 Misc. 435; 68 St. Rep. 373; 34 Supp. 470.

Affirmed, 92 Hun, 539.

Cited, Negligence—Proximate Cause.

13 App. Div. 585; (77 St. Rep. 1010; 43 Supp. 1010).

Quill v. N. Y. C. & H. R. R. Co., 16 Daly, 313; 32 St. Rep. 612; 11 Supp. 80.

Affirmed, 126 N. Y. 629; 36 St. Rep. 1012.

Cited, Negligence—Contributory—Sudden Peril.

1 Misc. 135; (48 St. Rep. 763; 20 Supp. 643). 7 Misc. 496; (58 St. Rep. 55; 28 Supp. 19).

Quill v. N. Y. C. & H. R. R. Co., 126 N. Y. 629; 36 St. Rep. 1012.

Cited, 11 Misc. 432, 433; (65 St. Rep. 273; 32 Supp. 131).

Quilty v. Battie, 135 N. Y. 201; 48 St. Rep. 413.

Affirming, 61 Hun, 164; 39 St. Rep. 932; 15 Supp. 765.

Cited, Animals—Injuries by Vicious—Knowledge—Proof

140 N. Y. 227; (55 St. Rep. 413).

Married Woman—Liability for Vicious Dogs.

81 Hun, 113; (62 St. Rep. 598; 30 Supp. 623; 1 Ann. Cas. 63).

Quimbo Appo v. People, 20 N. Y. 531.

Cited, 55 St. Rep. 874; (26 Supp. 330). 15 App. Div. 540. (78 St. Rep. 556; 44 Supp. 556).

Quimby v. Claflin, 27 Hun, 611.

Cited, Pleadings—Amendment.

91 Hun, 424; (70 St. Rep. 709; 36 Supp. 225).

Quimby v. Claflin, 77 N. Y. 270.

Cited, Appeal—Discretionary Determination

141 N. Y. 95; (56 St. Rep. 653).

Pleading—Amendment—Striking Out.

81 Hun, 183; (62 St. Rep. 696; 30 Supp. 699).

Quimby v. Claflin, 13 Week. Dig. 203.

Cited, Pleading—Amendment—On Trial. 8 Misc. 408; (50 St. Rep. 615; 21 Supp. 964).

Quimby v. New York Life Ins. Co.,

71 Hun, 104; 54 St. Rep. 82; 24 Supp. 593.

Quimby v. Vanderbilt, 17 N. Y. 306.

Cited, Carriers—Passengers—Connecting Lines—Contract to Carry—Ticket.

9 Misc. 415; (61 St. Rep. 700; 29 Supp. 1069). 13 Misc. 35; (68 St. Rep. 174; 34 Supp. 99). 89 Hun, 496; (70 St. Rep. 337; 35 Supp. 576).

Quin, Matter of, 1 Connolly 381; 5 Supp. 261.

Cited, Executors and Administrators—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 400; (24 Supp. 853).

Quin v. Brittain, 1 Hoff Ch. 353.

Cited, Pleading—Equity—Offer to do Equity.

9 Misc. 325; (60 St. Rep. 447; 30 Supp. 262).

*Duplicate Citations in Parenthesis.***Quin v. Lloyd**, 41 N. Y. 349.*Cited*, Actions—Payment—Proof.

91 Hun, 443; (70 St. Rep. 809; 36 Supp. 235; 25 Civ. Pro. 151; 2 Ann. Cas. 315).
 5 App. Div. 555; (39 Supp. 438). 20 Misc. 402; (79 St. Rep. 1041; 45 Supp. 1041).

Quin v. Moore, 15 N. Y. 432.*Cited*, Statutes—Injuries Resulting in Death—Operation.

13 Misc. 99; (68 St. Rep. 33; 34 Supp. 79;
 1 Ann. Cas. 388).

Quin v. New York, 44 How. 266.*Affirmed*, 53 N. Y. 627.*Cited*, Constitutional Law—Officers—Holding Several Offices.

15 App. Div. 551; (78 St. Rep. 577; 44
 Supp. 577).

Quin v. Carhart, 133 N. Y. 579; 44 St. Rep. 666.*Cited*, Judgments—Estoppel.

86 Hun, 423; (67 St. Rep. 180; 33 Supp.
 523).

Quinby v. Strauss, 90 N. Y. 664.*Cited*, Appeal—General Objection to Evidence, When Sufficient.

1 Misc. 121; (48 St. Rep. 682; 20 Supp. 723). 1 Misc. 297; (48 St. Rep. 670; 20 Supp. 707). 9 Misc. 202; (60 St. Rep. 850; 30 Supp. 208). 85 Hun, 180; (65 St. Rep. 723; 32 Supp. 579). 18 Misc. 367; (75 St. Rep. 940; 41 Supp. 552).

Damages—Fraud.

92 Hun, 605; (72 St. Rep. 313; 36 Supp. 940). 10 Misc. 358; (63 St. Rep. 418; 31 Supp. 28).

Quincy v. Warner, 78 Hun, 286; 60 St. Rep. 248; 28 Supp. 857.**Quincey v. White**, 63 N. Y. 370.*Cited*, Account Stated—Impeachment—Fraud.

9 Misc. 365; (60 St. Rep. 627; 29 Supp. 700).

Account Rendered—When It Becomes
 Account Stated—Retention of Statement.

74 Hun, 441; (57 St. Rep. 240; 26 Supp. 702). 6 App. Div. 154; (39 Supp. 816). D. 140 N. Y. 201; (55 St. Rep. 580).

Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 266).

Quincey v. Young, 5 Daly, 327.*Cited*, Appeal—Extent of Review—Credibility of Witnesses.

7 Misc. 684; (58 St. Rep. 379; 28 Supp. 39).

Quinlan v. Conlin, 13 Misc. 568; 69 St. Rep. 119; 34 Supp. 952.*Cited*, Sales—Inhibition—Sunday Law.

18 Misc. 718; (76 St. Rep. 987; 42 Supp. 987).

Quinlan v. Fairchild, 76 Hun, 312; 59 St. Rep. 84; 27 Supp. 689.**Quinlan v. Providence W. Ins. Co.**,
Cited, Insurance—Condition—Breach—Effect.

85 Hun, 33; (66 St. Rep. 163; 32 Supp. 595). 10 App. Div. 227; (75 St. Rep. 1085; 41 Supp. 676).

Insurance—Waiver of Conditions by Agents.

66 Hun, 220; (49 St. Rep. 10; 21 Supp. 52). 136 N. Y. 551; (50 St. Rep. 21). 141 N. Y. 224; (56 St. Rep. 803). 8 App. Div. 358; (40 Supp. 819). 10 Misc. 161; (62 St. Rep. 524; 31 Supp. 5).

Insurance—Standard Policy.

D. 9 App. Div. 356; (75 St. Rep. 732; 41
 Supp. 319).

Insurance—Policy—Construction.

136 N. Y. 380; (49 St. Rep. 669). 11 App. Div. 70; (76 St. Rep. 621; 42 Supp. 621). 11 Misc. 518; (66 St. Rep. 109; 32 Supp. 762).

Insurance—Conditions—Proof of Loss.

75 Hun, 86; (57 St. Rep. 741; 27 Supp. 156).

Quinlan v. Providence W. Ins. Co.,
15 Supp. 317.*Affirmed*, 133 N. Y. 356; 45 St. Rep. 200.

Distinguished, 13 App. Div. 528; 77 St.
 Rep. 638; 43 Supp. 638.

Cited, Insurance—Agents—Authority.

8 Misc. 501; (59 St. Rep. 401; 28 Supp. 758).

Quinlan v. Providence W. Ins. Co., 133 N. Y. 356; 45 St. Rep. 300.

Cited, 62 St. Rep. 524; (31 Supp. 5). 70
 Hun, 490; (53 St. Rep. 746; 24 Supp. 386).

Distinguished, Insurance—Inconsistent Facts—Knowledge of Agent.

66 Hun, 549; (49 St. Rep. 869; 21 Supp. 666).

Quinlan v. Sixth Ave. R. Co., 4 Daly, 487.*Distinguished*, Negligence—Frightened Horse—Negligence of Driver.

1 Misc. 134; (48 St. Rep. 765; 20 Supp. 644).

Quinlan v. Utica, 11 Hun, 217.*Affirmed*, 74 N. Y. 603.

Cited Municipal Corporations—Notice of
 Claims for Damages.

49 St. Rep. 275; (21 Supp. 145).

Municipal Corporations—Negligence—Proof.

18 Misc. 510; (41 Supp. 990).

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Quinlan v. Welch, 69 Hun, 584; 53 St. Rep. 256; 23 Supp. 963.

Affirmed, 141 N. Y. 158; 56 St. Rep. 680.

Quinlan v. Welch, 141 N. Y. 158; 56 St. Rep. 680.

Affirming, 69 Hun, 584; 53 St. Rep. 256; 23 Supp. 963.

Cited. Trial—Motion for Non-suit—Statement of Grounds—Sufficiency.

141 N. Y. 520; (57 St. Rep. 719). 16 Misc. 381; (74 St. Rep. 312; 38 Supp. 59). 20 Misc. 554.

Appeal—Question Raised for First Time. 148 N. Y. 135.

Civil Damage Act — Upon Whom Notice Served.

1 App. Div. 145; (72 St. Rep. 707; 37 Supp. 410).

Quinlin v. Birge, 43 Hun, 483.

Cited, Attorneys' Lien—Enforcement.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Quinn, Matter of, 15 Misc. 509; 72 St. Rep. 241; 36 Supp. 894.

Quinn, Matter of, 16 Misc. 651; 40 Supp. 732; 25 Civ. Pro. 240.

Quinn, Matter of, 152 N. Y. 89.

Quinn, Matter of, 2 App. Div. 103; 73 St. Rep. 149; 37 Supp. 534; 25 Civ. Pro. 226.

Quinn v. Aldrich, 70 Hun, 205; 53 St. Rep. 802; 24 Supp. 33.

Quinn v. Atlantic Ave. R. Co., 34 St. Rep. 831; 12 Supp. 223.

Affirmed, 134 N. Y. 611; 45 St. Rep. 935.

Cited, Street Railways—Right of Way—Right to Drive on Track.

9 Misc. 272; (61 St. Rep. 324; 29 Supp. 749).

Trial—Questions for Jury—Negligence.

4 Misc. 288; (53 St. Rep. 334; 23 Supp. 1029).

Quinn v. Carr, 6 T. & C. 402.

Cited, Principal and Agent—Liability of Principal for Acts of Agent.

10 App. Div. 521; (76 St. Rep. 301; 42 Supp. 301).

Quinn v. Fish, 6 Misc. 105; 55 St. Rep. 401; 26 Supp. 10.

Cited, Master and Servant—Appliances—Negligence of Fellow Servants.

13 Misc. 55; (63 St. Rep. 99; 34 Supp. 114).

Quinn v. Hardenbrook, 54 N. Y. 83.

Cited, Wills — Interpretation — Preference of Kin to Strangers.

86 Hun, 109; (68 St. Rep. 45; 34 Supp. 201).

Quinn v. Hardenbrook, 24 N. Y. 83.

Cited, Wills—Construction — Disinheritance of Heir.

11 Misc. 439; (67 St. Rep. 423; 33 Supp. 421).

Quinn v. Jenks, 48 Hun, 428; 69 St. Rep. 130; 34 Supp. 962.

Quinn v. Long Island R. Co., 34 Hun, 33.

Cited, 82 Hun, 157; 63 St. Rep. 756; 31 Supp. 307.

Quinn v. Metropolitan Life Ins. Co.,

10 App. Div. 483; 75 St. Rep. 1420; 41 Supp. 1060.

Quinn v. Neeson, 48 St. Rep. 570; 21 Supp. 106.

Cited, Evidence—Pleadings—Admissions—Severance.

77 Hun, 475; (60 St. Rep. 672; 29 Supp. 103).

Quinn v. New York, 16 App. Div. 408; 79 St. Rep. 7; 45 Supp. 7.

Quinn v. O'Keeffe, 9 App. Div. 68; 75 St. Rep. 578; 41 Supp. 116.

Quinn v. Power, 87 N. Y. 535.

Cited, Master and Servant—Violation of Orders by Servant—Effect on Master's Liability.

54 St. Rep. 155; (23 Supp. 308). 8 Misc. 263; (59 St. Rep. 395; 28 Supp. 711). 81 Hun, 360; (63 St. Rep. 145; 30 Supp. 890). 16 App. Div. 178; (78 St. Rep. 661; 44 Supp. 66.). 23 Supp. 308. 71 Hun, 433; (54 St. Rep. 530; 24 Supp. 979).

Quinn v. Royal Ins. Co., 81 Hun, 207; 62 St. Rep. 738; 30 Supp. 714.

Cited, Statute of Limitations — Enlargement by Contract.

9 App. Div. 348; (75 St. Rep. 722; 41 Supp. 310).

Quinn & Nolan Beverwyck B. Co. v.

Hart, 48 Hun, 393; 16 St. Rep. 321; 1 Supp. 388.

Cited, Chattel Mortgage—Void—Creditor's Rights.

81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693).

Quintard v. De Wolf, 34 Barb. 97.

Cited, Contract — Statute of Frauds—Payment of Another's Debts—Original Undertaking—Consideration.

72 Hun, 494; (64 St. Rep. 858; 25 Supp. 195). 70 Hun, 464; (53 St. Rep. 699; 24 Supp. 381). 13 Misc. 639; (69 St. Rep. 152; 34 Supp. 928).

Quintard v. Newton, 5 Robt. 72.

Cited, Pleading — Unnecessary Allegation—Effect.

10 Misc. 463; (64 St. Rep. 28; 31 Supp. 451).

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Raabe v. Squier, 5 Misc. 220; 54 St. Rep. 824; 25 Supp. 463.

Reversed, 148 N. Y. 81.

Cited, Referee's Findings—Exceptions—Availability.

13 Misc. 220; (68 St. Rep. 116; 34 Supp. 237).

Raabe v. Squier, 148 N. Y. 81.

Cited, Trial—Direction of Verdict—Inferences From Evidence.

148 N. Y. 619. 4 App. Div. 481; (38 Supp. 684).

Statute of Frauds—Promise to Pay Debt of Another.

6 App. Div. 410; (39 Supp. 668). 8 App. Div. 52; (40 Supp. 435).

Race v. Dada. See *Race v. Gilbert*.

Race v. Gilbert, 102 N. Y. 298; 1 St. Rep. 661.

Cited, Referee—Drawing Deed—Fee—To Whom Chargeable.

62 St. Rep. 529; (31 Supp. 143; 24 Civ. Pro. 108).

Race v. Stewart, 5 App. Div. 598; 39 Supp. 438.

Cited, Boundaries—Natural and Artificial.

10 App. Div. 141; (75 St. Rep. 1175; 41 Supp. 778).

Race v. Union Ferry Co., 138 N. Y. 644; 53 St. Rep. 9.

Reversing, 46 St. Rep. 325; 19 Supp. 675.

Cited, Carriers—Passengers—Appliances—Negligence.

9 Misc. 270; (61 St. Rep. 516; 29 Supp. 740).

Evidence—Presumptions—Negligence—Occurrence of Accident.

6 Misc. 324; (56 St. Rep. 254; 26 Supp. 797).

Carriers—Ferryman—Liability.

D. 13 Misc. 111; (68 St. Rep. 106; 34 Supp. 121). D. 13 Misc. 107; (58 St. Rep. 103; 34 Supp. 119).

Rach's Mashing P. Co. v. Seitz, 9 App. Div. 626; 75 St. Rep. 1506; 41 Supp. 1129.

Racine v. N. Y. C. & H. R. R. Co., 70 Hun, 453; 53 St. Rep. 680; 24 Supp. 388.

Ract v. Duviard-Dime, 21 St. Rep. 736; 4 Supp. 156.

Cited, Account Stated—Impeachment—Severance.

74 Hun, 390; (56 St. Rep. 390; 26 Supp. 462).

Radcliff v. Brooklyn, Mayor of, 4 N. Y. 195.

Distinguished, Waters—Diversion—Municipal Corporations.

66 Hun, 572; (50 St. Rep. 100; 21 Supp. 837).

Cited, Damages—Injury to Real Property—Temporary Annoyances.

79 Hun, 482; (51 St. Rep. 461; 29 Supp. 1002).

Easement—Light and Air—Destruction or Impairment.

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Eminent Domain—Consequential Injuries.

135 N. Y. 411; (48 St. Rep. 424). 17 Misc. 393; (39 Supp. 1079). 20 Misc. 479; (79 St. Rep. 779; 45 Supp. 779).

Highways—Change of Grade—Compensation.

142 N. Y. 122; (58 St. Rep. 627). 136 N. Y. 537; (49 St. Rep. 809). 151 N. Y. 162. 2 App. Div. 101; (73 St. Rep. 178; 37 Supp. 562).

Nuisance—Statutory Sanction.

139 N. Y. 501; (54 St. Rep. 799). 84 Hun, 283; (65 St. Rep. 718; 32 Supp. 443).

Public Improvements—Consequential Damages.

49 St. Rep. 261; (20 Supp. 932). 13 App. Div. 189; (77 St. Rep. 311; 43 Supp. 311).

Trespass—Resulting from Acts on Adjoining Land.

2 Misc. 435; (51 St. Rep. 219; 22 Supp. 186).

Rademacher v. Greenwich Ins. Co., of New York, 75 Hun, 83; 57 St. Rep. 739; 27 Supp. 155.

Cited, Insurance—Conditions Precedent.

8 App. Div. 356; (40 Supp. 818).

Radley v. Connell, 79 Hun, 603; 61 St. Rep. 487; 29 Supp. 813.

Radley v. Kuhn, 97 N. Y. 26.

Cited, Trusts—Accumulation—Annuities—Gross Sum.

140 N. Y. 535; (56 St. Rep. 474).

Estates—Remainders—Vesting.

1 App. Div. 337; (72 St. Rep. 647; 37 Supp. 307).

Devises—Suspension of Power of Alienation.

13 Misc. 349; (68 St. Rep. 520; 34 Supp. 563).

Radley v. Riker, 80 Hun, 353; 61 St. Rep. 844; 30 Supp. 130.

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Radt v. Rosenfeld, 20 Misc. 312; 79 St. Rep. 847; 45 Supp. 847.
Affirming, 19 Misc. 717.

Radway v. Briggs, 37 N. Y. 256.
Cited, Wharves—New York City—As Highways.
78 Hun, 395; (60 St. Rep. 786; 29 Supp. 227).

Radway v. Graham, 4 Abb. 488.
Cited, Right of Appeal—Receiving Benefit of Order—Effect.
91 Hun, 334; (72 St. Rep. 104; 36 Supp. 1002).
16 Misc. 57; (73 St. Rep. 86; 37 Supp. 637).

Rafalsky v. Boehm, 1 Misc. 87; 48 St. Rep. 641; 20 Supp. 374.
Distinguished, Pleading—Bill of Particulars—Denial of Performance of Contract.
2 Misc. 453; (51 St. Rep. 165; 21 Supp. 1034).

Cited, Pleadings—Bill of Particulars—Contract.
7 Misc. 227; (58 St. Rep. 22; 27 Supp. 262).

Rafferty, Matter of, 14 App. Div. 55; 77 St. Rep. 760; 43 Supp. 760.

Rafferty v. Williams, 34 Hun, 544.
Cited, Pleading—Amendments—New Cause of Action.

8 Misc. 477; (60 St. Rep. 605; 29 Supp. 550).
Pleading—Answer—Determining Rights of Defendants as Between Themselves.
5 Misc. 422; (26 Supp. 710).

Rafolovitz v. American Tobacco Co., 23 Supp. 274; 29 Abb. N. C. 406.

Rafolovitz v. American Tobacco Co., 73 Hun, 87; 57 St. Rep. 144; 25 Supp. 1036.

Cited, Pleading—Sufficiency—Rule.
8 Misc. 646; (61 St. Rep. 58; 29 Supp. 1044).

Rafter v. Tagliabue, 21 Supp. 107.

Rafferty v. Central Park N. & E. R. Co., 14 Misc. 560; 70 St. Rep. 693; 35 Supp. 1067.

Raht v. Attrill, 106 N. Y. 423.
Cited, Receivers—Preferred Claims—Payment.

D. 11 App. Div. 259; (76 St. Rep. 216; 42 Supp. 216).

Railway Age & Northwestern Railroader v. Pryibil, 18 Misc. 561; 76 St. Rep. 697; 42 Supp. 697.

Railroad Equipment Co. v. Blair, 145 N. Y. 607; 71 St. Rep. 360.

Affirming, 53 St. Rep. 936; 25 Supp. 1133.

Cited, Judgment Roll—Admissibility.

11 App. Div. 389; (76 St. Rep. 939; 42 Supp. 939).

Railway Equip. & Pub. Co. v. Lincoln Nat. Bank, 82 Hun, 8; 63 St. Rep. 338; 31 Supp. 44.

Raines v. New York Press Co., 92 Hun, 515; 72 St. Rep. 197; 37 Supp. 45.
Cited, Libel—Pleading—Irrelevant Allegations—Effect.

2 App. Div. 51; (72 St. Rep. 548; 37 Supp. 188).

Raines v. Totman, 64 How. 493.

Cited, Evidence—Burden of Proof—Single witness Not Corroborated—Effect.

14 Misc. 602; (71 St. Rep. 445; 36 Supp. 453).

Rainey, Matter of, 5 Misc. 367; 26 Supp. 892.

Cited, Supplementary Proceedings—Receiver—Right to Demand Accounting Against Legatee.

10 Misc. 200; (63 St. Rep. 603; 31 Supp. 201).

Rainey v. N. Y. C. & H. R. R. Co., 63 Hun, 495; 52 St. Rep. 677; 23 Supp. 80.

Cited, Evidence—Sufficiency—Signals at Railway Crossing.

74 Hun, 145; (56 St. Rep. 310; 26 Supp. 221).

Rainsford v. Temple, 2 Misc. 454; 51 St. Rep. 144; 21 Supp. 1039.

Modified, 3 Misc. 294; 52 St. Rep. 257; 22 Supp. 937.

Rainsford v. Temple, 3 Misc. 294; 52 St. Rep. 257; 22 Supp. 937.

Modifying, 2 Misc. 454; (51 St. Rep. 144; 21 Supp. 1039).

Ralli v. Equitable Mutual Fire Ins. Corporation, 16 Misc. 357; 74 St. Rep. 383; 38 Supp. 87.

Reversing, 15 Misc. 692; 40 Supp. 1148.

Ralli v. Hillyer, 15 Misc. 692; 40 Supp. 1148.

Cited, Insurance—Restrictions as to Right to Sue—Validity.

17 App. Div. 41; (78 St. Rep. 889; 44 Supp. 889). 18 Misc. 593; (76 St. Rep. 236; 42 Supp. 236). 19 Misc. 243; (76 St. Rep. 995; 42 Supp. 995).

Ralli v. White, 20 Misc. 635.

Rallings v. Pitman, 49 Super. 307.

Cited, Supplementary Proceedings—Second Order—Jurisdiction.

11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro. 270).

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Ralph v. Eldridge, 137 N. Y. 525; 51 St. Rep. 168.

Reversing, 58 Hun, 203; 34 St. Rep. 191; 11 Supp. 840.

Cited, Contract—Guaranty—Indemnity. 7 Misc. 66; (57 St. Rep. 527; 27 Supp. 405).

Ramaley v. Leland, 43 N. Y. 539.

Cited, Innkeepers—Loss of Property—Liability.

90 Hun, 190, 192; (70 St. Rep. 538; 35 Supp. 742).

Ramsey v. Gedney, 57 How. 217.

Cited, Supplementary Proceedings — Money in City Treasury — Amenability to Creditors.

10 Misc. 334; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 168).

Ramsdale, Matter of, v. Orleans County, Supervisors of, 8 App. Div. 550; 40 Supp. 840.

Ramsdell, Matter of, 20 St. Rep. 446; 3 Supp. 499.

Cited, Evidence—Burden of Proof—Testamentary Capacity.

71 Hun, 499; (54 St. Rep. 899; 24 Supp. 1056).

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Ramsden v. Ramsden, 28 Hun, 235.

Cited, Husband and Wife—Divorce—Alimony.

5 App. Div. 498; (39 Supp. 37).

Ramsden v. Ramsden, 91 N. Y. 281.

Cited, Husband and Wife—Divorce—Alimony.

7 Misc. 581; (58 St. Rep. 397; 28 Supp. 156; 31 Abb. N. C. 239).

Ramsey v. Erie R. Co., 8 Abb. N. S. 174.

Cited, Notice—As Effecting Exercise of Legal Right.

150 N. Y. 432; (3 Ann. Cas. 366).

Ramsey v. Robinson, 86 Hun, 511; 67 St. Rep. 685; 33 Supp. 910.

Cited, Courts — Limited Jurisdiction — Judgments.

19 Misc. 599; (78 St. Rep. 316; 44 Supp. 316).

Ramsey v. Timayenis, 70 Hun, 598; 54 St. Rep. 353; 24 Supp. 76.

Ramsey v. Wilkie, 36 St. Rep. 864; 13 Supp. 554.

Cited, Landlord and Tenant—Liability of Tenant to Repair—Covenant to.

6 Misc. 156; (26 Supp. 875).

Ramson v. N. Y. & Erie R. Co., 15 N. Y. 415.

Cited, Damages—For Pain and Suffering—Under General Allegation in Action for Personal Injuries.

1 Misc. 354; (48 St. Rep. 665; 20 Supp. 685).

Rand v. Massachusetts Benefit Life Ass'n, 18 Misc. 336; 76 St. Rep. 26; 42 Supp. 26.

Randall, Matter of, 80 Hun, 229, 61 St. Rep. 640; 29 Supp. 1019.

Reversed, 152 N. Y. 508.

Cited, Wills—Construction — Legacies — Adjustment.

11 App. Div. 352; (76 St. Rep. 1010; 42 Supp. 1010).

Randall Matter of, 152 N. Y. 508.

Cited, Surrogate's Court — Limitation of Powers.

20 Misc. 537.

Randall v. Carman, 89 Hun, 84; 69 St. Rep. 466; 35 Supp. 53.

Randall v. Carpenter, 88 N. Y. 293.

Cited, Injunction—Dissolution—Damages—Counsel Fees.

76 Hun, 38; (59 St. Rep. 628; 27 Supp. 589).

Injunction — Damages From— Counsel Fee—Necessity—Expense of Reference.

71 Hun, 386; (55 St. Rep. 54; 25 Supp. 35). 84 Hun, 557, 558, 559; (65 St. Rep. 847, 848; 32 Supp. 726).

Randall v. Dusenbury, 51 How. 367.

Affirmed, 41 Super. 456.

Cited, Judgment—Enforcement—Direction for Payment Out of Fund—Execution.

50 St. Rep. 416; (21 Supp. 562; 23 Civ. Pro. 53).

Randall v. Kingsland, 53 How. 512.

Cited, Trial—Question for Jury—Value of Professional Services.

1 Misc. 346; (48 St. Rep. 780; 20 Supp. 718).

Randall v. National Ice Co., 138 N. Y. 644; 53 St. Rep. 930.

Affirming, 46 St. Rep. 787; 19 Supp. 633.

Randall v. New York Elevated R. Co., 76 Hun, 427; 59 St. Rep. 352; 27 Supp. 1062.

Affirmed, 149 N. Y. 211.

Cited, Appeal—Certificate of Evidence—Omissions—Effect.

83 Hun, 8; (64 St. Rep. 196; 31 Supp. 561). 83 Hun. 10; (64 St. Rep. 326; 31 Supp. 613).

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Randall v. New York Elevated R. Co., 149 N. Y. 211.

Cited, Appeal—Resort to Opinions of Court Below.

19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070).

Randall v. Packard, 142 N. Y. 47; 58 St. Rep. 415.

Affirming, 1 Misc. 344; 48 St. Rep. 778; 20 Supp. 716.

Cited, Attorney's Fees.

92 Hun, 123; (71 St. Rep. 809; 36 Supp. 641). 16 Misc. 652; (75 St. Rep. 129; 40 Supp. 733).

Randall v. Randall, 74 Hun, 348; 56 St. Rep. 374; 26 Supp. 407.

Randall v. Randall, 114 N. Y. 499; 23 St. Rep. 845.

Cited, New Trial—When Not Directed—Reception of Improper Evidence.

76 Hun, 589; (58 St. Rep. 275; 28 Supp. 217).

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12 Misc. 344; (67 St. Rep. 354; 33 Supp. 565).

Randall v. Sanders, 87 N. Y. 578.

Cited, Real Estate—Agreement—Subsequent Contract—Defeasance.

139 N. Y. 126; (54 St. Rep. 648). 149 N. Y. 131.

Actions—Trespass—Maintenance.

87 Hun, 582; (68 St. Rep. 632; 34 Supp. 550). 12 App. Div. 616; (77 St. Rep. 117; 43 Supp. 117).

Randall v. Sherman, 131 N. Y. 669; 43 St. Rep. 923.

Cited, Reference — Compulsory — Long Account.

73 Hun, 575; (56 St. Rep. 201; 26 Supp. 185). 1 Misc. 382; (49 St. Rep. 122). 126 N. Y. 510; (49 St. Rep. 748). 70 Hun, 72; (53 St. Rep. 444; 23 Supp. 1104). 137 N. Y. 618; (51 St. Rep. 167). 75 Hun, 289; (58 St. Rep. 218; 26 Supp. 1075). 147 N. Y. 229; (69 St. Rep. 523; 2 Ann. Cas. 271). 1 App. Div. 36; (71 St. Rep. 678; 36 Supp. 748). 1 App. Div. 308; (72 St. Rep. 523; 37 Supp. 248).

Randall v. Sweet, 1 Den. 460.

Cited, Infant's Estate — Liability for Necessaries.

10 Misc. 548; (64 St. Rep. 124; 31 Supp. 441).

Randall v. Van Vechten, 19 Johns. 60.

Cited, Corporations—Acts of Agents—Liability on Contract.

3 App. Div. 602; (73 St. Rep. 857; 38 Supp. 239).

Randall v. Van Wagenan, 115 N. Y. 527; 26 St. Rep. 438.

Cited, Attorneys—Lien for Costs.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073). 88 Hun, 514; (68 St. Rep. 583; 34 Supp. 785; 2 Ann. Cas. 194).

Randell, Matter of, 8 Supp. 652.

Cited, Executors — Accounting—Charges — Good Will of Business.

74 Hun, 334; (56 St. Rep. 330; 26 Supp. 686). 24 Supp. 135.

Randolf v. New York, 53 How. 68; 2 Wait, Prac. 443.

Cited, Pleading—Reply—Service — Practice.

15 Misc. 26; (71 St. Rep. 481; 36 Supp. 430; 25 Civ. Pro. 144).

Randolph v. Murray, 73 Hun, 572; 56 St. Rep. 224; 26 Supp. 182.

Randolph v. Susquehanna Water-Power & Paper Co., 12 App. Div. 479; 76 St. Rep. 411; 42 Supp. 411.

Ranger v. Bacon, 3 Misc. 95; 51 St. Rep. 604; 22 Supp. 551.

Cited, Lease—Surrender—Proof.

11 Misc. 319; (65 St. Rep. 289; 32 Supp. 160).

Rank v. Grote, 110 N. Y. 12.

Cited, Deed Absolute—Proof of Trust.

145 N. Y. 664; (71 St. Rep. 315).

Ranken v. Janes, 1 App. Div. 272; 72 St. Rep. 561; 37 Supp. 159.

Ranken v. Janes, 10 App. Div. 400; 75 St. Rep. 1506; 41 Supp. 1129.

Rankin v. Pine, 4 Abb. 309.

Cited, Appeal—Case—Failure to Serve—Effect.

76 Hun, 606; (59 St. Rep. 437; 28 Supp. 221; 23 Civ. Pro. 394). 20 Misc. 512.

Rann v. Home Ins. Co., Col. O., 59 N. Y. 387.

Cited, Insurance—Policy—Contra Preferentem.

13 App. Div. 480; (77 St. Rep. 337; 43 Supp. 337). 11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866).

Ranney v. McMullen, 5 Abb. N. C. 246.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Evidence — Sufficiency — Reformation of Contract.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

*Duplicate Citations in Parenthesis.***Ranney v. People**, 22 N. Y. 413.

Cited, False Pretenses—Indictment—Sufficiency.

66 Hun, 576; (50 St. Rep. 249; 21 Supp. 820). 82 Hun, 412; (63 St. Rep. 587; 31 Supp. 269).

Ranney v. Peyser, 83 N. Y. 1.

Cited, Foreclosure—Receivers—Appointment.

85 Hun, 455; (66 St. Rep. 292; 32 Supp. 831).

Ranous v. Hughes, 19 Misc. 46; 76 St. Rep. 519; 42 Supp. 519.

Ranscht v. Wright, 9 App. Div. 108; 75 St. Rep. 569; 41 Supp. 108.

Ransom v. Mack, 2 Hill, 587.

Cited, Notice—Dishonor—Service by Mail—Sufficiency.

D. 2 Misc. 231; (50 St. Rep. 590; 22 Supp. 364).

Ransom v. Van Deventer, 41 Barb. 307.

Cited, Assignment for Creditors—Intent. 61 St. Rep. 656; (29 Supp. 1052.) 82 Hun, 55; (63 St. Rep. 370; 31 Supp. 70).

Ransom v. Wheelwright, 17 Misc. 141; 39 Supp. 342.

Reversing, 16 Misc. 682; 37 Supp. 1022.

Cited, Sales—Commissions.

19 Misc. 107.

Ransom v. Wheelwright, 18 Misc. 571.

Reversed, 19 Misc. 106; 77 St. Rep. 244; 43 Supp. 244.

Ransom v. Wheelwright, 19 Misc. 106; 77 St. Rep. 244; 43 Supp. 244.

Cited, Appeal—Letters—Exclusion.

20 Misc. 87; (79 St. Rep. 70; 45 Supp. 70).

Ransom v. Wheelwright, 73 St. Rep. 514; 37 Supp. 1022.

Cited, 76 St. Rep. 1132; (42 Supp. 1132).

Ranson v. Wheelwright, 76 St. Rep. 1131; 42 Supp. 1131.

Ranson v. Miner, 3 Sandf. 692.

Cited, Levy—Choses in Action Not Subject to.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

Rapalee v. Stewart, 27 St. Rep. 810.

Cited, Estoppel—Equitable—Accepting Benefits of Assignment.

61 St. Rep. 655; (29 Supp. 1051).

Rapalje v. Hall, 1 Sandf. Ch. 399.

Cited, Interest—Liability of Assignee.

4 Misc. 139; (53 St. Rep. 121; 23 Supp. 602).

Interest—Trust—Mingling Funds.

140 N. Y. 617; (56 St. Rep. 488). 135 N. Y. 133; (48 St. Rep. 386).

Rapalye v. Prince, 4 Hill, 119.

Cited, Trial—Verdict—Quotient.

3 Misc. 325; (52 St. Rep. 216; 23 Supp. 25).

Judgment—Effect on One Not Party.

2 App. Div. 583; (3 Ann. Cas. 119).

Rapalye v. Rapalye, 27 Barb. 610.

Cited, Wills—Direction to Pay Debts—When Lands Not Relieved.

24 Supp. 875; (30 Abb. N. C. 229).

Rapid Safety Filter Co. v. Wyckoff,

20 Misc. 17; 78 St. Rep. 601; 44 Supp. 601.

Cited, 79 St. Rep. 1028; (45 Supp. 1028).

Rapid Safety Filter Co. of N. Y. v. Wyckoff, 19 Misc. 351; 77 St. Rep. 490;

43 Supp. 490.

Cited, 79 St. Rep. 1028; (45 Supp. 1028).

Rapid Safety Filter Co. of N. Y. v. Wyckoff, 20 Misc. 429; 79 St. Rep.

1028; 45 Supp. 1028.

Rapid Transit Ferry Co., Matter of,

19 Misc. 409; 77 St. Rep. 538; 43 Supp. 538.

Modified, 15 App. Div. 530.

Rapid Transit Ferry Co., Matter of, 15 App. Div. 530.

Rapid Transit Railroad Commissioners, Matter of, 5 App. Div. 290; 39 Supp. 750.

Raplee v. Wilkin, 5 Week Dig. 560.

Cited, Pleadings—Considered Together.

41 Supp. 648; (25 Civ. Pro. 278).

Rappelyea v. Russell, 1 Daly, 214.

Cited, Executors—Accounting—Funeral Expenses.

1 Misc. 246; (54 St. Rep. 300; 23 Supp. 149). 15 App. Div. 83; (78 St. Rep. 296; 44 Supp. 296). 15 Misc. 599; (72 St. Rep. 818; 38 Supp. 189). 15 App. Div. 97; (78 St. Rep. 308; 44 Supp. 308). 18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381).

Raplee, Matter of, 66 Hun, 558; 50 St. Rep. 239; 21 Supp. 801.

Affirmed, 141 N. Y. 553; 57 St. Rep. 865.

Cited, Evidence—Opinions—Mental Soundness.

5 Misc. 205; (25 Supp. 113).

Raplee, Matter of, 50 St. Rep. 239; 21 Supp. 801.

Cited, Wills—Probate—Evidence—Sufficiency.

85 Hun, 588; (66 St. Rep. 780; 33 Supp. 155).

Duplicate Citations in Parenthesis.

Rapps v. Gottlieb, 142 N. Y. 164; 58 St. Rep. 636.

Affirming, 67 Hun, 115; 51 St. Rep. 195; 22 Supp. 52.

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15 App. Div. 44; (78 St. Rep. 118; 44 Supp. 118).

Mortgage—Assignee—Rights.

12 Misc. 330; (65 St. Rep. 785; 33 Supp. 643; 1 Ann Cas. 357).

Rapps v. Gottlieb, 67 Hun, 115; 51 St. Rep. 195; 22 Supp. 52.

Cited, Equity—Cloud on Title—Cancellation.

16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Rasin v. Ammidown, 15 Hun, 422.

Cited, Corporations—Insolvency—Preference—Intent.

4 App. Div. 352; (74 St. Rep. 206; 38 Supp. 578).

Ratcliff v. Gray, 3 Keyes, 510.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Rathbone v. Hooney, 58 N. Y. 463.

Cited, Estoppel—By Record — Judgment—Privacy.

7 Misc. 14; (56 St. Rep. 843; 27 Supp. 335). 84 Hun, 532; (66 St. Rep. 331; 32 Supp. 856).

Judgment—Conclusiveness — Representative Capacity.

5 Misc. 310; (25 Supp. 1108). 79 Hun, 530; (61 St. Rep. 568; 29 Supp. 878). 135 N. Y. 324; (48 St. Rep. 372). 153 N. Y. 173; 82 Hun, 149; (63 St. Rep. 766; 31 Supp. 317).

Rathbone v. McConnell, 21 N. Y. 466.

Cited, Costs — Issue of Title — When Raised.

78 Hun, 594; (60 St. Rep. 763; 29 Supp. 211).

Rathbone v. N. Y. C. & H. R. R. Co.,

140 N. Y. 48; 55 St. Rep. 306.

Reversing, 52 St. Rep. 933; 23 Supp. 1148.

Rathbone v. Warren, 10 Johns. 597.

Cited, Contracts — Binding Effect — Mutuality.

86 Hun, 552; (67 St. Rep. 532; 33 Supp. 787).

Bail—As Sureties.

3 App. Div. 272; (73 St. Rep. 696; 38 Supp. 202).

Rathbone v. Wirth, 6 App. Div. 277; 40 Supp. 535.

Affirmed, 150 N. Y. 459.

Rathbone v. Wirth, 150 N. Y. 459.

Cited, Constitutional Law—Town Officers—Power of Legislature to Appoint.

151 N. Y. 500. 17 App. Div. 169; (79 St. Rep. 349; 45 Supp. 349). 79 St. Rep. 425; (45 Supp. 425).

Common Council—Appointment—Violation of Constitution.

D. 152 N. Y. 383, 387.

Statutes—Presumption — Constitutional-ity.

14 App. Div. 487; (77 St. Rep. 1038; 43 Supp. 1038).

Rathbun v. Acker, 18 Barb. 393.

Cited, Notice—What is Sufficient.

17 Misc. 536; (40 Supp. 447). 20 Misc 597.

Rathbun v. Northern C. R. Co., 50 N. Y. 656.

Cited, Limitation of Action—Foreign Corporations.

76 Hun, 447; (59 St. Rep. 182; 28 Supp. 106).

Rathbun v. Payne, 19 Wend. 399.

Cited, Negligence—Contributory—Highways.

5 Misc. 426; (26 Supp. 712).

Rathbun v. Rathbun, 6 Barb. 98.

Cited, Deeds—Delivery to Clerk for Record.

79 Hun, 524; (61 St. Rep. 595; 29 Supp. 907).

Rathbun v. Rathbun, 3 How. 139.

Cited, Reference — Compulsory — Collateral Matters.

1 Misc. 378; (49 St. Rep. 120; 20 Supp. 866). 136 N. Y. 509; (49 St. Rep. 748).

Trial — Mode of Taking Evidence in Equity Cases.

1 Misc. 373; (49 St. Rep. 120).

Rathbun v. Snow, 15 Daly, 141; 22 St. R. p. 227; 3 Supp. 925.

Affirmed, 123 N. Y. 343; 33 St. Rep. 606.

Cited, 8 Misc. 679; (58 St. Rep. 875; 28 Supp. 1139).

Rathbun v. Snow, 123 N. Y. 343; 33 St. Rep. 600.

Affirming, 22 St. Rep. 227.

Cited, Corporation—Officers — Apparent Authority—By Laws.

61 St. Rep. 119. 138 N. Y. 479; (53 St. Rep. 66). 143 N. Y. 436; (62 St. Rep. 447). 61 St. Rep. 119; (30 Supp. 251). 11 Misc. 365; (65 St. Rep. 298; 32 Supp. 151).

Rattagliata v. Hubbell, 7 Misc. 103; 57 St. Rep. 482; 27 Supp. 469.

Duplicate Citations in Parenthesis.

Rattoon v. Overacker, 8 Johns. 126.
Cited, Executors—Conduct of Estate—
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142 N. Y. 204; (58 St. Rep. 456; 31 Abb.
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Decedent's Estates—Moneys—Title.

145 N. Y. 617; (71 St. Rep. 367).

Ratzer v. Ratzer, 2 Abb. N. C. 461.

Cited, Supplemental Pleadings—Avail-
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11 Misc. 396; (65 St. Rep. 451; 32 Supp.
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Raube v. Squier, 148 N. Y. 81.

Cited, Practice—Non-suit—Amendment
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Raubicheck v. Snedecor, 5 Misc. 595;

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Affirmed, 6 Misc. 638; 56 St. Rep. 898; 26
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Raubitschek v. Blank, 80 N. Y. 478.

Cited, Vendor and Purchaser—Statute of
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19 Misc. 651; (78 St. Rep. 415; 44 Supp. 415).

Rauenstein v. N. Y., Lackawanna

& W. R. Co., 136 N. Y. 628; 49 St.
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Cited, Consequential Damages—Grade
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6 App. Div. 331, 337; (40 Supp. 522, 527).

D. 6 App. Div. 345; (40 Supp. 532).

Raupp, Matter of, 10 Misc. 300; 64 St.

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Rausch v. Rausch, 64 St. Rep. 490; 31

Supp. 786.

Rauth v. New York Elevated R.

Co., 23 Supp. 750; 23 Civ. Pro. 95.

Rauth v. Davenport, 60 Hun, 70; 37 St.

Rep. 664; 14 Supp. 69.

Cited, Landlord and Tenant—Covenant
of Landlord—Repairs—Failure to Make—
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14 Misc. 441; (70 St. Rep. 732; 35 Supp.
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776). 78 St. Rep. 584; (44 Supp. 584).

Rauth v. Scheer, 20 Misc. 689.

Raven v. Smith, 53 St. Rep. 857; 24
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Raven, v. Smith, 71 Hun, 197; 54 St.

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Cited, Mechanic's Lien—Cumulative Rem-
edy—Action on Debt.

79 Hun, 210; (61 St. Rep. 167; 29 Supp.
625). 87 Hun, 91; (67 St. Rep. 651; 33 Supp.
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Raven v. Smith, 76 Hun, 63; 59 St. Rep.
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Raven v. Smith, 78 Hun; 260; 60 St. Rep.
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Raven v. Smith, 87 Hun, 90; 67 St. Rep.
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Rawitser v. Pettingill, 142 N. Y. 622;
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Affirming, 49 St. Rep. 462; 21 Supp. 69.

Rawlings v. Alexander, 8 Misc. 514;
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Rawls v. American Life Ins. Co., 36
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Cited, Insurance—Life — Nature of Con-
tract—Indemnity.

8 Misc. 506; (59 St. Rep. 415; 28 Supp.
768). 138 N. Y. 381. (52 St. Rep. 879; 36
Abb. N. C. 220).

Rawls v. American Life Ins. Co., 27
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Cited, Insurance — Evidence — Declara-
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83 Hun, 323; (64 St. Rep. 667; 31 Supp.
940).

Rawson v. Grow, 4 L. D. Smith, 18.

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3 Misc. 125; (23 Supp. 995).

Rawson v. Holland, 59 N. Y. 611.

Cited, Carriers—Connecting—Delivery to.
66 Hun, 204; (49 St. Rep. 315; 21 Supp.
120). 89 Hun, 495; (70 St. Rep. 237; 35
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37 Supp. 948).

Rawson v. Lampman, 5 N. Y. 456.

Cited, Conveyance—Passive Trust—Ef-
fect.

89 Hun, 557; (69 St. Rep. 31; 35 Supp.
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Rawson v. Penn. R. Co., 2 Abb. N. S.
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Cited, Principal and Agent—Undisclosed
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17 Misc. 728; (65 St. Rep. 105; 31 Supp.
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Rawson v. Van Riper, 1 T. & C. 370.

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67 Hun, 180; (51 St. Rep. 452; 22 Supp.
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Ray, Matter of, 13 Misc. 480; 70 St. Rep.
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Ray v. Keene, 79 St. Rep. 896; 45 Supp.
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*Duplicate Citations in Parenthesis.***Raymond v. Bearnard**, 12 Johns. 274.

Cited, Assumpsit—Express Contract.
4 Misc. 80; (52 St. Rep. 138; 23 Supp. 780).

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4 Misc. 77; (53 St. Rep. 173; 23 Supp. 599).

Raymond v. Brooks, 59 How. 383.

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1 Misc. 90; (48 St. Rep. 33; 20 Supp. 372).

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2 Misc. 344; (50 St. Rep. 608; 21 Supp. 1013).

Raymond v. Cowdrey, 19 Misc. 34; 76 St. Rep. 557; 42 Supp. 557.**Raymond v. Dayton**, 4 Dem. 333.

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3 Misc. 397; (24 Supp. 851).

Raymond v. Hanford, 6 T. & C. 312.

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4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

Raymond v. Hogan, 10 App. Div. 189; 75 St. Rep. 1347; 41 Supp. 971.**Raymond v. Loyl**, 10 Barb. 483.

Cited, Parent and Child — Necessaries — Third Person.

8 Misc. 647; (61 St. Rep. 60; 29 Supp. 1045). 85 Hun, 30; (66 St. Rep. 111; 32 Supp. 603; 1 Ann. Cas. 296).

Raymond v. Richmond, 76 N. Y. 106.

Cited, Appeal — Security—Effect of Failure to Give.

3 Misc. 57; (51 St. Rep. 836; 22 Supp. 559; 23 Supp. 140; 29 Abb. N. C. 478).

Raymond v. Richmond, 78 N. Y. 381.

Cited, Judgments — Effect on Third Persons.

145 N. Y. 611; (71 St. Rep. 363)

Raymond v. Richmond, 88 N. Y. 671.

Cited, Trial—Instructions—Repetition.

2 Misc. 27; (49 St. Rep. 518; 21 Supp. 438). 77 Hun, 505; (60 St. Rep. 549; 28 Supp. 1081). 4 Misc. 563; (25 Supp. 788).

Raymond v. Rochester Trust & Safe Deposit Co., 75 Hun, 239; 58 St. Rep. 682; 27 Supp. 1.**Raymond v. Squire**, 11 Johns. 47.

Cited, Principal and Agent—Power of Attorney—Revocation.

8 Misc. 226; (59 St. Rep. 453; 28 Supp. 568; 23 Civ. Pro. 442). 149 N. Y. 95.

Raynor, Matter of, 44 St. Rep. 468; 18 Supp. 426.

Cited, Wills—Duties and Obligations of Testator—Intention.

9 Misc. 679; (62 St. Rep. 424; 30 Supp. 847).

Raynor v. Hoagland, 33 Super. 11.

Cited, Complaint — Motion to Dismiss — Untenable Grounds—Effect.

18 Misc. 554; (41 Supp. 877).

Raynor v. Lyon, 46 Hun, 227; 11 St. Rep. 500.

Cited, Covenants—Running With Land—Availability.

74 Hun, 583; (57 St. Rep. 41; 26 Supp. 605). 24 Supp. 789; (30 Abb. N. C. 271). 18 Misc. 113; (41 Supp. 40).

Raynor v. Raynor, 94 N. Y. 248.

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Raynor v. Timerson, 46 Barb. 518.

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Raynor v. Timerson, 51 Barb. 517.

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71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Razy v. Whittick, 75 Hun, 303; 56 St. Rep. 776; 27 Supp. 55.**Read, Matter of**, 17 Misc. 195; 40 Supp. 974.**Read, Matter of**, 41 Hun, 95.

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Cited, Written Contract—Parol Evidence to Vary.

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Duplicate Citations in Parenthesis.

Read v. Brayton, 72 Hun, 633; 54 St. Rep. 869; 25 Supp. 186.

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Read v. Brayton, 143 N. Y. 342; 62 St. Rep. 333.

Read v. Buffalo, 3 Keyes, 447.

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139 N. Y. 511; (54 St. Rep. 814).

Read v. Buffalo, 74 N. Y. 463.

Cited, Interest—Modification of Agreement as to.

139 N. Y. 521; (54 St. Rep. 805).

Read v. French, 28 N. Y. 285.

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7 Misc. 100; (57 St. Rep. 99; 27 Supp. 401).

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Read v. Knell, 69 Hun, 541; 53 St. Rep. 342; 23 Supp. 941.

Affirmed, 143 N. Y. 484; 62 St. Rep. 847.

Read v. Knell, 143 N. Y. 484; 62 St. Rep. 847.

Read v. Lambert, 10 Abb. N. S. 428.

Cited, Tender—When Excused.

18 Misc. 187; (75 St. Rep. 852; 41 Supp. 455).

Read v. Lozin, 31 Hun, 286.

Cited, Appeal—When Estopped to Appeal.

1 Misc. 377; (49 St. Rep. 119; 20 Supp. 865).

Motion and Orders—Invalidity—When Available.

1 Misc. 381; (49 St. Rep. 122; 20 Supp. 868).

Reference—Compulsory—Long Account.

1 Misc. 383; (49 St. Rep. 123).

90 Hun, 279; (70 St. Rep. 601; 35 Supp. 935). 74 Hun, 161; (56 St. Rep. 300; 26 652).

Read v. Marine Bank of Buffalo, 136 N. Y. 454; 49 St. Rep. 675.

Reversing, 42 St. Rep. 161; 17 Supp. 326.

Cited, Bills and Notes—Payment of—Failure to Produce—Indemnity.

80 Hun, 210; (61 St. Rep. 777; 30 Supp. 32). 143 N. Y. 346; (62 St. Rep. 334).

Read v. Metropolitan Life Ins. Co., 17 Misc. 307; 40 Supp. 374.

Read v. Nichols, 118 N. Y. 224; 28 St. Rep. 867.

Cited, Appeal—Exceptions to Instructions—Sufficiency.

139 N. Y. 493; (54 St. Rep. 837). 1 Misc. 138; (48 St. Rep. 651; 20 Supp. 678). 91 Hun, 500; (70 St. Rep. 862; 36 Supp. 260; 25 Civ. Pro. 115).

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10 App. Div. 384; (75 St. Rep. 1378; 41 Supp. 1010). D. 14 App. Div. 53; (77 St. Rep. 1001; 43 Supp. 1001).

Read v. Patterson, 128 N. Y. 130; 45 St. Rep. 793.

Cited, Decedent's Estate—Liability of Devisee for Debts of Testator.

73 Hun, 432; (56 St. Rep. 33; 26 Supp. 448).

Read v. Patterson, 134 N. Y. 123; 45 St. Rep. 793.

Cited, Heirs—Liability for Debts of Decedent.

15 Misc. 534; (74 St. Rep. 293; 37 Supp. 1128; 25 Civ. Pro. 318).

Read v. Simon, 153 N. Y. 403.

Reversing, 92 Hun, 607.

Read v. Spaulding, 30 N. Y. 630.

Cited, Carriers—Freight—Acceptance—Destruction.

68 Hun, 601; (52 St. Rep. 583; 23 Supp. 233). 11 Misc. 682; (67 St. Rep. 355; 33 Supp. 567). 13 Misc. 91; (68 St. Rep. 193; 34 Supp. 146).

Read v. Williams, 125 N. Y. 560; 35 St. Rep. 409.

Cited, Equity — Jurisdiction — Complete Relief—Trusts.

8 Misc. 392; (59 St. Rep. 557; 28 Supp. 627).

Trusts—Designation of Beneficiary—Sufficiency.

8 Misc. 628; (61 St. Rep. 262; 29 Supp. 952). 68 Hun, 414; (52 St. Rep. 659; 22 Supp. 1020). 147 N. Y. 110; (69 St. Rep. 405; 408). 83 Hun, 453, 456; (29 Supp. 952, 954). 92 Hun, 99; (71 St. Rep. 760; 33 Supp. 565).

Wills — Perpetuities — Illegal Suspension of Alienation.

1 Misc. 443; (23 Supp. 152).

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74 Hun, 357; (56 St. Rep. 367; 23 Supp. 152).

Reade v. Livingston, 3 Johns. Ch. 500, 501.

Cited, Fraudulent Conveyances—Interest.

20 Misc. 500; (79 St. Rep. 738; 45 Supp. 738).

Reading v. Lamphier, 31 St. Rep. 53; 9 Supp. 596.

Cited, Conversion — Demand — Necessity.

4 Misc. 301; (53 St. Rep. 451; 24 Supp. 105).

Duplicate Citations in Parenthesis.

Reading Braid Co. v. Stewart, 19 Misc. 431; 77 St. Rep. 1129; 43 Supp. 1129.

Affirmed, 20 Misc. 86; 79 St. Rep. 69; 45 Supp. 69.

Reading Braid Co. v. Stewart, 20 Misc. 86; 79 St. Rep. 69; 45 Supp. 69.

Ready v. New York, 144 N. Y. 63.

Cited, Common Council—Compelling Action—Mandamus.

18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

Real v. People, 42 N. Y. 270.

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143 N. Y. 373; (62 St. Rep. 360).

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Cited, Bill of Particulars—Affidavits—Sufficiency.

19 Misc. 478; (77 St. Rep. 1112; 43 Supp. 1112).

Reaney v. Standard Oil Co. of N. Y., 10 App. Div. 326; 75 St. Rep. 1164; 41 Supp. 768.

Reardon v. New York Con. Card Co., 51 Super. 134.

Cited, Master and Servant—Dangerous Machinery—Minors.

11 Misc. 550; (94 St. Rep. 447; 32 Supp. 750).

Receivership of Columbian Ins. Co., Matter of, 3 Abb. Ct. App. Dec. 239.

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12 App. Div. 324; (76 St. Rep. 57; 42 Supp. 57).

Reciprocity Bank, Matter of, 22 N. Y. 9.

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2 Misc. 228; (52 St. Rep. 273; 23 Supp. 752). 145 N. Y. 92; (64 St. Rep. 538).

Reck v. Phoenix Ins. Co., 130 N. Y. 160; 41 St. Rep. 250.

Cited, Trial—Taking Case from Jury.

3 Misc. 453; (52 St. Rep. 504; 23 Supp. 184).

Recka v. Ocean S. S. Co. of Savannah, 3 Misc. 526; 52 St. Rep. 417; 23 Supp. 3.

Recor v. Blackburn, 71 Hun, 54; 54 St. Rep. 305; 24 Supp. 692.

Record v. Saratoga Springs, Village of, 46 Hun, 448; 12 St. Rep. 395; 27 Week. Dig. 500.

Cited, Evidence—Physicians—Privilege.

3 Misc. 456; (52 St. Rep. 500; 23 Supp. 165; 30 Abb. N. C. 78). 91 Hun, 500; (70 St. Rep. 861; 36 Supp. 259; 25 Civ. Pro. 114). 148 N. Y. 94; (25 Civ. Pro. 174; 2 Ann. Cas. 298).

Evidence—Physical Condition.

18 Misc. 29; (75 St. Rep. 515; 41 Supp. 57).

Record v. Saratoga Springs, Village of, 120 N. Y. 646.

Cited, Evidence—Physicians—Privilege.

148 N. Y. 94; (25 Civ. Pro. 174; 2 Ann. Cas. 298).

Rector v. Clark, 78 N. Y. 21.

Cited, Public Officer—Action Against—Misfeasance.

143 N. Y. 165; (62 St. Rep. 189).

Rector v. Pierce, 3 T. & C., 416.

Cited, Negligence—Question of Law.

11 App. Div. 269; (76 St. Rep. 154; 42 Supp. 154).

Rector v. Ridgwood Ice Co., 38 Hun, 293.

Affirmed, 101 N. Y. 656.

Cited, Actions—Venue—Where Laid.

12 App. Div. 603; (77 St. Rep. 112; 43 Supp. 112).

Rector etc. of Christ's Church v. Mack, 93 N. Y. 488.

Cited, Mortgage—Foreclosure—What Acquired by Purchaser on.

3 Misc. 24; (51 St. Rep. 129; 22 Supp. 180). D. 2 App. Div. 238; (73 St. Rep. 467; 37 Supp. 735). 8 App. Div. 573; (75 St. Rep. 325; 40 Supp. 929). 152 N. Y. 468. D. 71 Hun, 302; (54 St. Rep. 743; 24 Supp. 1001). 17 App. Div. 149; (79 St. Rep. 300; 45 Supp. 300).

Mortgage — Foreclosure — Easement — Right of Dominant Proprietor.

16 App. Div. 263; (78 St. Rep. 622; 44 Supp. 622).

Rector etc. Church of the Ascension v. Buckhart, 3 Hill, 193.

Cited, Trespass of Inanimate Objects.

4 App. Div. 200; (74 St. Rep. 198; 38 Supp. 555).

Rector, Etc., St. James' Church v. Huntington, 82 Hun, 125; 63 St. Rep. 382; 31 Supp. 91.

Cited, Complaint—Dismissal on Opening of Counsel.

Duplicate Citations in Parenthesis.

11 App. Div. 436; (76 St. Rep. 327; 42 Supp. 327).

Religious Societies—Church Discipline—Review By Courts.

20 Misc. 239; (79 St. Rep. 792; 45 Supp. 792). 79 St. Rep. 766; (45 Supp. 766).

Pleading—Demurrer—Effect.

10 App. Div. 133; (75 St. Rep. 1063; 41 Supp. 674).

Rector, Etc., of St. Mark's Church v. Teed, 44 Hun, 349; 8 St. Rep. 841. *Affirmed*, 120 N. Y. 583; 31 St. Rep. 908.

Cited, Contracts—Consideration—Compromise of Disputed Claim.

66 Hun, 172; (49 St. Rep. 153; 21 Supp. 128).

Rector, Etc., of St. Mark's Church v. Teed, 120 N. Y. 583; 31 St. Rep. 908.

Cited, Contracts—For Benefit of Third Person—Availability.

8 Misc. 316; (59 St. Rep. 283; 28 Supp. 739). 2 Misc. 322; (50 St. Rep. 584; 21 Supp. 1022; 30 Abb. N.C. 160). 92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609). 11 Misc. 583; (66 St. Rep. 340; 32 Supp. 1085).

Contracts—Consideration—Forbearance.

17 Misc. 618; (75 St. Rep. 72; 40 Supp. 670).

Rector, Etc. of Trinity Church v. Higgins, 48 N. Y. 532.

Distinguished, Contracts—Breach—Nominal Damage.

144 N. Y. 187; (63 St. Rep. 88).

Cited, Contracts—Indemnity.

1 App. Div. 218; (72 St. Rep. 659; 37 Supp. 182). 16 Misc. 814; (39 Supp. 416).

Rector etc. of Trinity Church v. Vanderbilt, 98 N. Y. 170.

Cited, Statute of Limitations—When It Begins to Run.

16 Misc. 404; (73 St. Rep. 607; 38 Supp. 517; 25 Civ. Pro. 315).

Reddin v. Lawlor, 13 Misc. 211; 68 St. Rep. 87; 34 Supp. 230.

Reddington v. Mariposa Land and Mining Co., 19 Hun, 405.

Cited, Principal and Agent—Managing Agent—What Constitutes.

136 N. Y. 346; (50 St. Rep. 9). 85 Hun, 404; (66 St. Rep. 476; 32 Supp. 993; 2 Ann. Cas 70)

Writ and Process—Service—Corporations—Managing Agent.

29 Supp. 1094.

Redfern v. Cornell, 6 App. Div. 436; 39 Supp. 656.

Redfield, Matter of, 71 Hun, 344; 55 St. Rep. 19; 25 Supp. 3.

Cited, Decedent's Estates—Creditors—Meaning.

13 Misc. 757; (69 St. Rep. 576; 35 Supp. 259).

Redfield v. Redfield, 110 N. Y. 671; 18 St. Rep. 530.

Cited, Findings—Ambiguity—Effect.

85 Hun, 183; (66 St. Rep. 165; 32 Supp. 597). 16 Misc. 361; (74 St. Rep. 381; 33 Supp. 84).

Redfield v. Redfield, 126 N. Y. 466; 38 St. Rep. 516.

Cited, Wills—Construction—Effect of Codicil.

9 Misc. 144; (59 St. Rep. 745; 29 Supp. 31). 151 N. Y. 277.

Redfield v. U. N. & S. R. Co., 25 Barb. 54.

Cited, Realty—Possession.

147 N. Y. 464; (70 St. Rep. 59).

Redford v. Snow, 46 Hun, 370.

Cited, Justices' Court—Adjournment.

83 Hun, 466; (64 St. Rep. 646; 31 Supp. 909). 9 App. Div. 28; (75 St. Rep. 599; 41 Supp. 141). 14 App. Div. 10; (77 St. Rep. 641; 43 Supp. 641).

Redhead v. Parkway Driving Club, 7 Misc. 275; 58 St. Rep. 534; 27 Supp. 887.

Affirmed, 148 N. Y. 471.

Redhead v. The Parkway Driving Club, 148 N. Y. 471.

Redington v. New York O. & W. R. Co., 84 Hun, 231; 65 St. Rep. 804; 33 Supp. 535.

Cited, Railroads—Equipment—Negligence.

88 Hun, 270; (68 St. Rep. 261; 34 Supp. 666).

Redman v. Hendricks, 1 Sandf. 32.

Cited, Replevin—Right of Possession.

88 Hun, 235; (68 St. Rep. 721; 34 Supp. 800).

Redmond, Matter of, 5 Misc. 369; 55 St. Rep. 150; 25 Supp. 381.

Cited, Voters and Elections—Primaries—Nominations—Regularity—Effect on Courts.

55 St. Rep. 156; (25 Supp. 386). 81 Hun, 406; (63 St. Rep. 125; 30 Supp. 966). D. 9 App. Div. 242; (41 Supp. 504, 505). 31 Supp. 114.

Redmond v. Buckley, 49 St. Rep. 10. 20 Supp. 969.

Duplicate Citations in Parenthesis.

Redmond v. Enfield Manufacturing Co., 13 Abb. N. S. 332.

Cited, Foreign Corporations—Receivers—Jurisdiction to Appoint.

17 Misc. 328; (39 Supp. 964). 18 Misc. 552, 553; (41 Supp. 876, 877).

Redmond v. Hoge, 3 Hun, 171.

Cited, Corporations—Foreign—Receiver.

4 Misc. 519; (54 St. Rep. 134; 24 Supp. 700; 23 Civ. Pro. 194). 12 Misc. 56; (66 St. Rep. 685; 33 Supp. 51). 18 Misc. 553; 41 Supp. 877).

Redmond v. Industrial Benefit Ass'n, 78 Hun, 104; 60 St. Rep. 531; 28 Supp. 1075.

Affirmed, 150 N. Y. 167.

Redmond v. Industrial Benefit Ass'n, 150 N. Y. 167.

Redmond v. Liverpool etc. S. S. Co., 46 N. Y. 578.

Cited, Carriers—Goods—Liability.

10 Misc. 130; (62 St. Rep. 471; 30 Supp. 904).

Redmond v. New York, 125 N. Y. 632; 35 St. Rep. 917; 26 Abb. N. C. 341.

Cited, Payment—Involuntary — Right to Recover.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1029). 69 Hun, 372; (52 St. Rep. 790; 23 Supp. 664). 135 N. Y. 464; (48 St. Rep. 437). 151 N. Y. 18. 91 Hun, 216, 217; (71 St. Rep. 135, 136; 36 Supp. 212).

Redmond v. New York and Philadelphia Steamboat Co., 46 N. Y. 578.

Cited, Carriers—Consignments—Liability.

90 Hun, 557; (71 St. Rep. 35; 36 Supp. 27).

Redner v. Jewett, 72 Hun, 598; 54 St. Rep. 774; 25 Supp. 273.

Cited, Arrest—Civil Actions.

88 Hun, 410; (68 St. Rep. 782; 34 Supp. 845). 10 Misc. 351; (63 St. Rep. 413; 31 Supp. 23; 24 Civ. Pro. 171).

Redner v. Lehigh & Hudson R. Co., 73 Hun, 562; 56 St. Rep. 230; 26 Supp. 1050.

Affirmed, 148 N. Y. 733.

Reed, Matter of, See Knapp, Matter of.

Reed, Matter of, 2 Connolly 403; 20 Supp. 91.

Cited, Wills—Testamentary Capacity — Drunkenness.

7 Misc. 224; (57 St. Rep. 848; 27 Supp. 651). 15 Misc. 311, 313; (73 St. Rep. 436; 37 Supp. 760).

Reed v. Champagne, 5 Week. Dig. 227. *Cited*, Contempt — Ex parte Orders — Effect.

7 App. Div. 533; (40 Supp. 264).

Reed v. Chilson, 142 N. Y. 152; 58 St. Rep. 623.

Affirming, 40 St. Rep. 960; 16 Supp. 744.

Cited, Courts — Special Appearance — Effect.

16 Misc. 544; (74 St. Rep. 132; 38 Supp. 787). 17 Misc. 564; (75 St. Rep. 94; 40 Supp. 690).

Reed v. Crowe, 13 Daily 165.

Cited, Bailees—Negligence —Presumption.

19 Misc. 191. 20 Misc. 602.

Reed v. Fargo, 26 St. Rep. 587; 7 Supp. 185.

Cited, Carriers — Freight — Liability — Limitation.

68 Hun, 606; (52 St. Rep. 586; 23 Supp. 236).

Reed v. Farr, 35 N. Y. 113.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 50; 24 Supp. 1122). 71 Hun, 295; (54 St. Rep. 739; 24 Supp. 998). D. 2 App. Div. 488; (74 St. Rep. 440; 38 Supp. 12). D. 71 Hun, 306; (54 St. Rep. 746; 24 Supp. 1004). 5 App. Div. 600; (39 Supp. 439). 13 App. Div. 159; (77 St. Rep. 331; 43 Supp. 331). 15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157).

Reed v. Gannon, 50 N. Y. 345.

Cited, Vendor and Purchaser—Liens—Notice—Bona Fide's.

147 N. Y. 596; (70 St. Rep. 352). 85 Hun, 287; (66 St. Rep. 468; 32 Supp. 984). D. 86 Hun, 254; (66 St. Rep. 753; 33 Supp. 237).

Reed v. Hayt, 51 Super. 121.

Affirmed, 109 N. Y. 659; 17 St. Rep. 137.

Cited, Pleadings—Denial—Sufficiency.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Reed v. McConnell, 62 Hun, 153; 41 St. Rep. 815; 16 Supp. 586.

Cited, Statute of Frauds—Availability.

83 Hun, 405; (64 St. Rep. 668; 31 Supp. 879).

Reed v. McConnell, 101 N. Y. 270; 1 St. Rep. 23.

Cited, Evidence—Opinion—Profits on Contract.

4 Misc. 118; (53 St. Rep. 463; 23 Supp. 897).

D. 4 Misc. 123; (53 St. Rep. 467; 23 Supp. 900).

Duplicate Citations in Parenthesis.

Reed v. McConnell, 133 N. Y. 425; 45 St. Rep. 227.

Cited, Appeal—Judgment—Review.

152 N. Y. 169. 89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317).

Statute of Frauds—Availability.

83 Hun, 405; (64 St. Rep. 668; 31 Supp. 879).

Pleading—Variance—Relief—Waiver.

69 Hun, 494; (52 St. Rep. 723; 23 Supp. 413) 6. Misc. 345; (56 St. Rep. 247; 26 Supp. 907). 7 Misc. 630; (58 St. Rep. 364; 28 Supp. 35; 23 Civ. Pro. 344); 9 Misc. 96; (59 St. Rep. 694; 29 Supp. 6). 6 Misc. 89; (55 St. Rep. 488; 26 Supp. 42). D. 8 App. Div. 613; (40 Supp. 476).

Reed v. McCourt, 41 N. Y. 435.

Cited, Deeds—Description—Practical Location.

71 Hun, 332; (53 St. Rep. 51; 24 Supp. 1125).

Reed v. New York, 50 St. Rep. 758.

Reed v. Photo-gravure Co., 38 St. Rep. 467; 13 Supp. 798.

Cited, Bills and Notes—Indorsement—Irregular—Effect.

16 Misc. 567; (74 St. Rep. 117; 38 Supp. 777).

Reed v. Randall, 29 N. Y. 358.

Cited, Sale—Acceptance—Waiver of Defects.

68 Hun, 248; (52 St. Rep. 386; 22 Supp. 973). 69 Hun, 434; (52 St. Rep. 615; 22 Supp. 353). 79 Hun, 55; (61 St. Rep. 184; 29 Supp. 640). 69 Hun, 434; (52 St. Rep. 615; 22 Supp. 353). D. 140 N. Y. 203; (55 St. Rep. 581). 149 N. Y. 148. 6 App. Div. 4; (39 Supp. 463). 10 Misc. 648; (65 St. Rep. 218; 32 Supp. 123).

Reed v. Reed, 52 N. Y. 651.

Cited, Judgment—Affirmance—Right of Lower Court to Vacate.

82 Hun, 424; (63 St. Rep. 583; 31 Supp. 266).

Reed v. Reed, 107 N. Y. 545; 12 St. Rep. 481.

Cited, Courts—Jurisdiction.

71 Hun, 526; (54 St. Rep. 889; 24 Supp. 1034).

Reed v. Sands, 37 Barb. 185.

Cited, Assignee—Rights.

12 App. Div. 233; (77 St. Rep. 773; 43 Supp. 773).

Reed v. Schmit, 39 Hun, 223.

Cited, Constitutional Law—Amendment of City Charter.

69 Hun, 145; (53 St. Rep. 330; 23 Supp. 420). 10 Misc. 246; (62 St. Rep. 465; 30 Supp. 823).

Reed v. Stryker, 6 Abb. 109.

Cited, Creditor's Action—Pleading—Unity of Action.

92 Hun, 25; (72 St. Rep. 832; 37 Supp. 887).

Reed v. Stryker, 4 Abb. Ct. App. Dec. 26; 12 Abb. 47.

Cited, Creditor's Action—Pleading—Unity of Action.

8 App. Div. 45; (40 Supp. 456). 92 Hun, 25; (72 St. Rep. 832; 37 Supp. 887).

Reed v. Third Ave. R. Co., 14 Misc. 458; 35 Supp. 1115.

Reed v. Trowbridge, 106 N. Y. 657; 8 St. Rep. 676.

Cited, Judgment—Amount—Appealability.

144 N. Y. 696; (71 St. Rep. 348).

Reed v. Underhill, 12 Barb. 113.

Cited, Wills—Power to Sell Lands for Debts—Exercise Unnecessary—Effect.

3 Misc. 440; (52 St. Rep. 328; 23 Supp. 172).

Wills—Power of Sale—Devisees—Election.

79 Hun, 100; (61 St. Rep. 136; 29 Supp. 656).

Reed v. United States Express Co., 48 N. Y. 462.

Cited, Carriers—Damage to Goods—Agreement to Indemnify—Effect.

1 App. Div. 63; (72 St. Rep. 224; 37 Supp. 70).

Reed v. Warner, 5 Paige, 650.

Cited, Principal and Agent—Conflict of Interest—Purchase from Principal.

8 Misc. 359; (59 St. Rep. 592; 28 Supp. 705).

Reed v. Williams, 125 N. Y. 560.

Cited, Trusts—Validity.

79 St. Rep. 623; (45 Supp. 623).

Reed v. Zimmerman, 4 Misc. 143; 53 St. Rep. 178; 23 Supp. 877.

Affirming, 1 Misc. 189; 48 St. Rep. 637; 20 Supp. 665.

Reeder v. Sayre, 70 N. Y. 180.

Cited, Appeal—Conforming Pleadings to Proof.

9 Misc. 177; (60 St. Rep. 637; 29 Supp. 713).

Appeal—Defective Proof—Presumption.

142 N. Y. 649; (59 St. Rep. 169).

Pleading—Amendment.

7 Misc. 518; (27 Supp. 996).

Duplicate Citations in Parenthesis.

66 Hun, 198; (49 St. Rep. 181; 21 Supp. 228). 10 Misc. 8; (62 St. Rep. 656; 30 Supp. 541). 10 Misc. 126; (62 St. Rep. 515; 30 Supp. 942). 10 Misc. 158; (62 St. Rep. 522; 31 Supp. 4).

Outgoing Crops—Right to—Custom.

17 App. Div. 211; (79 St. Rep. 365; 45 Supp. 365).

Contracts — Statute of Frauds — Verbal Lease for One Year.

139 N. Y. 389; (54 St. Rep. 664; 30 Abb. N. C. 429). 18 Misc. 71, 72; (75 St. Rep. 485; 41 Supp. 30, 32).

Reens v. Mail & Express Pub. Co.,
10 Misc. 122; 62 St. Rep. 511; 30 Supp. 913.

Affirmed, 150 N. Y. 582.

Cited, 30 Supp. 916.

Reese v. Boese, 92 N. Y. 632.

Cited, Appeal—Case—Settlement and Certification.

73 Hun, 377; (55 St. Rep. 919; 26 Supp. 193).

Reeve v. Crosby, 3 Redf. 74.

Cited, Wills—Execution—Sufficiency.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154).

Surrogate—Testimony on Probate—Expiration of Surrogate's Term—Effect.

12 Misc. 258; (63 St. Rep. 694; 34 Supp. 640).

Reeve v. Gallivan, 89 Hun, 59; 68 St. Rep. 836; 34 Supp. 1000.

Reeves, Matter of, 1 Supp. 17.

Cited, Executors and Administrators—Accounting—Costs and Disbursements.

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Reeves v. Hyde, 14 St. Rep. 639; 14 Daly, 431.

Cited, Evidence—Expert, as to Damages or Values—Weight and Effect.

24 Supp. 919; (30 Abb. N. C. 73).

Professional Services—Attorney's Fees—Estimation.

13 Misc. 318; (68 St. Rep. 362; 34 Supp. 458).

Professional Services — Estimation — Expert Witnesses.

18 Misc. 142; (41 Supp. 1095). 19 Misc. 167.

Reeves v. Kimball, 40 N. Y. 299.

Cited, Estoppel—Statements to Third Persons.

70 Hun, 528; (54 St. Rep. 51; 24 Supp. 396).

Contracts—Assignee—Rights.

81 Hun, 106; (62 St. Rep. 690; 31 Supp. 729).

Reeves v. Pierson, 23 Hun, 185.

Cited, Bills and Notes—Delivery in Blank—Authority to Fill—Implied.

79 Hun, 598; (61 St. Rep. 519; 29 Supp. 840).

Reformed Church of Gallupville v. Schoolcraft, 65 N. Y. 134.

Cited, Benevolent Societies—Alienation of Realty—Leave of Court.

138 N. Y. 457; (53 St. Rep. 21).

Easements—Abandonment.

142 N. Y. 182; (58 St. Rep. 645).

Reformed Presbyterian Church of New York, Matter of, 7 How. 476.

Cited, Corporations—Franchises—Forfeiture.

5 App. Div. 7; (38 Supp. 1118).

Regan v. Borst, 11 Misc. 92; 66 St. Rep. 193; 32 Supp. 810.

Regan v. Fosdick, 18 Misc. 556; 76 St. Rep. 471; 42 Supp. 471.

Reversed, 19 Misc. 489; 77 St. Rep. 1102; 43 Supp. 1102; 3 Ann. Cas. 376.

Regan v. Fosdick, 19 Misc. 489; 77 St. Rep. 1102; 43 Supp. 1102; 3 Ann. Cas. 376.

Regan v. Traube, 16 Daly, 152; 9 Supp. 495.

Cited, Judge's Order—Validity.

14 App. Div. 216; (77 St. Rep. 468; 43 Supp. 468).

Reger v. Rochester R. Co., 2 App. Div. 5; 73 St. Rep. 209; 37 Supp. 520.

Regina v. Oddy, 2 Denison Cr. Cas. 272.

Cited, Evidence—Stolen Goods—Possession of Other Stolen Goods.

69 St. Rep. 38.

Regner v. Glens Falls, S. H. & F. E. St. R. Co., 74 Hun, 202; 56 St. Rep. 300; 26 Supp. 625.

Rehberg v. New York, 91 N. Y. 137.

Cited, Appeal—Review of Non-Suit—Inferences.

2 Misc. 72; (49 St. Rep. 629; 21 Supp. 783). 69 Hun, 477; (52 St. Rep. 638; 23 Supp. 450). 147 N. Y. 482; (70 St. Rep. 69). D. 4 App. Div. 607; (39 Supp. 149).

Highways — Obstruction — Liability of Municipality—Notice.

73 Hun, 447; (56 St. Rep. 46; 26 Supp. 645). 143 N. Y. 164; (62 St. Rep. 188). 6 Misc. 583; (57 St. Rep. 828; 27 Supp. 304). 49 St. Rep. 270; (21 Supp. 140). 86 Hun, 435; (67 St. Rep. 632; 33 Supp. 902). 4 App. Div. 345; (74 St. Rep. 515; 38 Supp. 649). 9 App. Div. 65; (75 St. Rep. 604; 41 Supp. 146). 16 Misc. 316; (73 St. Rep. 673; 38 Supp. 310).

Duplicate Citations in Parenthesis.

Rehfeldt v. Brooklyn, 138 N. Y. 663;
53 St. Rep. 932.

Affirming, 46 St. Rep. 302; 18 Supp. 750.

Rehler v. Western N. Y. & Penn. R. Co., 23 St. Rep. 311; 8 Supp. 236.

Cited, Railroads—Fences—Barbed Wire.
69 Hun, 595; (53 St. Rep. 539; 23 Supp. 927).

Rehn v. Weiss, 8 Misc. 525; 59 St. Rep. 271; 28 Supp. 772.

Rehry v. Newburgh, City of, 60 St. Rep. 250; 28 Supp. 916.

Reich v. Cochran, 74 Hun, 551; 37 St. Rep. 159; 26 Supp. 443.

Affirmed, 151 N. Y. 122.

Cited, 20 Misc. 625.

Judgments—Collateral Attack.

79 St. Rep. 637; (45 Supp. 637).

Reich v. Cochran, 151 N. Y. 122; 3 Ann. Cas. 344.

Cited, 20 Misc. 625.

Judgment—Res Adjudicata.

16 App. Div. 488; (78 St. Rep. 919; 44 Supp. 919). 20 Misc. 148; (79 St. Rep. 719; 45 Supp. 719). 20 Misc. 148; (79 St. Rep. 719; 45 Supp. 719).

Reich v. Colwell Lead Co., 50 St. Rep. 298; 21 Supp. 495.

Reich v. McCrea, 37 St. Rep. 620; 13 Supp. 650.

Cited, Damages—Measure—Failure to Take Board as Agreed.

6 Misc. 209; (56 St. Rep. 697; 26 Supp. 538).

Reich v. Peck, 83 Hun, 214; 63 St. Rep. 806; 31 Supp. 391.

Affirmed, 152 N. Y. 640.

Reich v. Reich, 6 Misc. 628; 58 St. Rep. 19; 27 Supp. 137.

Reich v. Union R. Co. of New York, 78 Hun, 417; 60 St. Rep. 450; 28 Supp. 1105.

Cited, Negligence—Infants.

145 N. Y. 199; (64 St. Rep. 592). 2 App. Div. 317; (73 St. Rep. 21; 37 Supp. 971).

Reichenbach v. Spethmann, 5 Month. Law Bull. 42.

Cited, Attachment—Affidavit by Attorney or Agent—Sufficiency of.

76 Hun, 358; (58 St. Rep. 482; 27 Supp. 803; 31 Abb. N. C. 202).

Reichert v. Backenstross, 71 Hun, 516; 55 St. Rep. 125; 24 Supp. 1009.

Cited, Damages—Measure—Flooding of Lands.

77 Hun, 606; (60 St. Rep. 486; 28 Supp. 1045).

Reichert v. Buffalo Springs & Gear Co., 15 Misc. 222; 71 St. Rep. 173; 36 Supp. 402.

Reichmann v. Nelson, 13 Misc. 502; 69 St. Rep. 120; 34 Supp. 953.

Reid v. Defendorf, 87 Hun, 40; 67 St. Rep. 678; 33 Supp. 954.

Reid v. Farrar, 6 St. Rep. 199; 26 Week. Dig. 248.

Cited, Contracts—Implied—To Pay for Services to Member of Family.

68 Hun, 384; (52 St. Rep. 315; 22 Supp. 947).

Reid v. New York, 56 Hun, 156.

Cited, Assessments—Water Rate.

152 N. Y. 331.

Reid v. New York, 68 Hun, 110; 52 St. Rep. 69; 22 Supp. 623.

Affirmed, 189 N. Y. 534; 54 St. Rep. 841.

Cited, Carriers—Negligence—Question of Fact.

145 N. Y. 515; (65 St. Rep. 378).

Statutes—Amendments—Effect on Vested Rights.

69 Hun, 570; (53 St. Rep. 254; 23 Supp. 961). 7 App. Div. 152. 14 Misc. 148; (70 St. Rep. 366; 35 Supp. 859).

Reid v. New York, 139 N. Y. 534; 54 St. Rep. 841.

Affirming, 68 Hun, 110; 52 St. Rep. 69; 22 Supp. 623.

Cited, Carriers—Negligence—Question of Fact.

145 N. Y. 515; (65 St. Rep. 378).

Reid v. New York, 21 Supp. 717.

Reid v. N. Y., New Haven & H. R. Co., 136 N. Y. 638; 49 St. Rep. 913.

Affirming, 44 St. Rep. 688; 17 Supp. 801.

Reid v. Ripley, 14 Supp. 124.

Cited, Highways—Unsafe Condition—Accident.

17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146).

Reid v. Terwilliger, 116 N. Y. 530; 27 St. Rep. 563.

Cited, Damages—Exemplary—Proof.

69 Hun, 510; (52 St. Rep. 627; 23 Supp. 397).

Reid v. Vanderheyden, 5 Cow. 719.

Cited, Appeal—Extent of Review—Decision in Appellant's Favor.

7 Misc. 695; (58 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 379).

Executors—Accounting—Attacking—Who May—Necessity of Interest.

69 Hun, 487; (52 St. Rep. 729; 23 Supp. 727).

Duplicate Citations in Parenthesis.

- Reid v. Young**, 7 App. Div. 400; 39 Supp. 899.
- Reigner v. Spang**, 5 App. Div. 237; 39 Supp. 127.
- Reiher v. Moellner**, 10 Misc. 43; 63 St. Rep. 179; 30 Supp. 431.
- Reilley v. Duffy**, 4 Dem. 336.
Cited, Decedent's Estates—Judicial Settlement—Interest of Applicant.
17 Misc. 495; (75 St. Rep. 672; 41 Supp. 262).
- Reilly v. Albany**, 112 N. Y. 30; 20 St. Rep. 560.
Affirming, 40 Hun, 405.
Cited, Municipal Contracts—Payment.
82 Hun, 71; (63 St. Rep. 504; 31 Supp. 189). 11 App. Div. 381; (76 St. Rep. 96; 42 Supp. 96). 11 Misc. 460; (66 St. Rep. 21; 32 Supp. 740).
- Reilly v. Albany**, 40 Hun, 405; *Affirmed*, 112 N. Y. 30.
Cited, Municipal Contracts—Right of Suit.
151 N. Y. 115.
- Reilly v. Asphalt Paving Co.**, 16 Misc. 65; 73 St. Rep. 232; 37 Supp. 638.
- Reilly v. Atlas Iron Construction Co.**, 83 Hun, 196; 64 St. Rep. 332; 31 Supp. 618.
- Reilly v. Atlas Iron Construction Co.**, 3 App. Div. 363; 73 St. Rep. 641; 38 Supp. 485.
Cited, Negligence—Proximate Cause.
20 Misc. 35; (79 St. Rep. 324; 45 Supp. 324).
- Reilly v. Delaware & H. C. Co.**, 102 N. Y. 383; 2 St. Rep. 419.
Cited, Appeal—Review of Discretionary Determination.
70 Hun, 60; (53 St. Rep. 554; 23 Supp. 954). 77 Hun, 91; (59 St. Rep. 865; 28 Supp. 312). 150 N. Y. 269; 92 Hun, 377; (71 St. Rep. 843; 36 Supp. 549). 92 Hun, 51; (71 St. Rep. 154; 36 Supp. 384).
- Reilly v. Dodge**, 131 N. Y. 153.
Cited, Malicious Prosecution—Probable Cause—Jury.
135 N. Y. 384; (48 St. Rep. 477).
- Reilly v. Freeman**, 1 App. Div. 560; 73 St. Rep. 224; 37 Supp. 570.
- Reilly v. Gray**, 77 Hun, 402; 60 St. Rep. 45; 28 Supp. 811.
Cited, Constitutional Law—Lottery—What Is.
61 St. Rep. 115; (30 Supp. 222). 152 N. Y. 17; D. 87 Hun, 255; (67 St. Rep. 433; 33 Supp. 760). 39 Supp. 867.
- Reilly v. Lee**, 85 Hun, 315; 66 St. Rep. 460; 32 Supp. 976.
- Reilly v. Lee**, 41 St. Rep. 559; 16 Supp. 313.
Cited, Trial—Taking Case from Jury.
3 Misc. 453; (52 St. Rep. 504; 23 Supp. 184).
- Reilly v. Manhattan R. Co.**, 86 Hun, 144; 67 St. Rep. 136; 33 Supp. 391.
- Reilly v. Merritt**, 12 Misc. 111; 66 St. Rep. 715; 33 Supp. 58.
- Reilly v. Parker**, 11 Misc. 68; 65 St. Rep. 108; 31 Supp. 1014.
- Reilly v. Poerschke**, 14 Misc. 466; 72 St. Rep. 260; 36 Supp. 1111.
- Reilly v. Poerschke**, 19 Misc. 612; 78 St. Rep. 422; 44 Supp. 422.
Affirming, 18 Misc. 750.
- Reilly v. Sabater**, 77 St. Rep. 383; 43 Supp. 383; 26 Civ. Pro. 34.
- Reilly v. Sicilian Asphalt Pav. Co.**, 14 App. Div. 242; 77 St. Rep. 536; 43 Supp. 536.
- Reilly v. Sisson**, 31 Hun, 572.
Cited, Attachment—Affidavit—Sufficiency—Cause of Action.
73 Hun, 291; (57 St. Rep. 748; 26 Supp. 414). 3 Misc. 68; (51 St. Rep. 773; 22 Supp. 696).
- Reilly v. Third Ave. R. Co.**, 14 Misc. 445; 70 St. Rep. 1733; 35 Supp. 1030.
Affirmed, 16 Misc. 11; 73 St. Rep. 289; 37 Supp. 593.
- Reilly v. Third Ave. R. Co.**, 16 Misc. 11; 73 St. Rep. 289; 37 Supp. 593.
- Reilly v. Tullis**, 10 Daly 283.
Cited, Attorneys—Liability for Expenses Incurred in Action.
2 Misc. 262; (50 St. Rep. 768; 21 Supp. 968).
- Reiner v. Jones**, 3 Misc. 406; 52 St. Rep. 329; 23 Supp. 185.
- Reiners v. Brandhorst**, 59 How. 91.
Cited, Pleading—Construction—Demurrer.
14 Misc. 482; (70 St. Rep. 434; 35 Supp. 698). 79 St. Rep. 768; (45 Supp. 768).
- Reinhardt v. Fritzsche**, 69 Hun, 565
53 St. Rep. 251; 23 Supp. 958.
Cited, Statutes—Repealing Effect—Revision.
72 Hun, 631; (55 St. Rep. 280; 25 Supp. 199).

Duplicate Citations in Parenthesis.

Reining v. Buffalo, 102 N. Y. 308; 2 St. Rep. 10.

Cited, Municipal Corporations—Demand of Claims—As Condition Precedent to Action.

4 Misc. 106; (53 St. Rep. 464; 23 Supp. 897). 135 N. Y. 370; (48 St. Rep. 484). 70 Hun, 592; (53 St. Rep. 744; 24 Supp. 185). 151 N. Y. 226. 6 App. Div. 129; (40 Supp. 582). 16 Misc. 304; (74 St. Rep. 387; 38 Supp. 90). 71 Hun, 27; (53 St. Rep. 850; 24 Supp. 616).

Reining v. New York, Lackawanna & Western R. Co., 128 N. Y. 157; 40 St. Rep. 392.

Affirming, 35 St. Rep. 731; 13 Supp. 238.

Cited, Highways — Rights of Abutter—Occupation by Railroad Structure.

78 Hun, 477; (60 St. Rep. 748; 29 Supp. 190). 143 N. Y. 140; (62 St. Rep. 142).

90 Hun, 86; (70 St. Rep. 219; 35 Supp. 558). 6 App. Div. 339; (40 Supp. 528).

Railroads — Construction — Changing Grade of Street—Liability to Abutter.

136 N. Y. 531; (49 St. Rep. 895). 151 N. Y. 161. 89 Hun, 435; (70 St. Rep. 160; 35 Supp. 509). 17 App. Div. 59; (78 St. Rep. 846; 44 Supp. 846).

Reiper v. Nichols, 31 Hun, 491.

Cited, Trial—Question of Fact—Proximate Cause.

79 Hun, 505; (61 St. Rep. 259; 29 Supp. 949).

Reis v. Rhode, 34 Hun, 161.

Cited, Officers—Equity—Power to Inquire into Legality of Election, etc.

1 Misc. 122; (48 St. Rep. 698; 20 Supp. 703).

Reis v. Rhode, 6 Civ. Pro. 406.

Cited, Title to Office—Determination.

12 Misc. 401; (68 St. Rep. 121; 34 Supp. 242).

Reiss v. N. Y. Steam Co., 128 N. Y. 103; 38 St. Rep. 842.

Cited, Evidence—Burden of Proof—Defect in Spark Arrester.

67 Hun, 645; (51 St. Rep. 475; 22 Supp. 565).

Master and Servant—Appliances.

11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835).

Reiss v. N. Y. Steam Co., 35 St. Rep. 86; 12 Supp. 557.

Cited, Damages—Compensation—Interest.

16 Misc. 615; (73 St. Rep. 814; 38 Supp. 342).

Reitz v. Reitz, 80 N. Y. 538.

Cited, Actions—Accrual—Statute of Limitation.

153 N. Y. 241. 86 Hun, 402; (67 St. Rep. 231; 33 Supp. 478).

Trustee—Title—Resulting Trust.

90 Hun, 505; (71 St. Rep. 403; 36 Supp. 67). 11 Misc. 260; (64 St. Rep. 256; 32 Supp. 837).

Reliance Marine Ins. Co. v. Herbert, 87 Hun, 285; 67 St. Rep. 464; 33 Supp. 819.

Cited, Evidence—Opinion of Judge—Admissibility.

10 App. Div. 346; (75 St. Rep. 1202; 41 Supp. 803).

Reliance Marine Ins. Co. v. Herbert, 3 App. Div. 593; 74 St. Rep. 29; 38 Supp. 373.

Relyea v. Beaver, 34 Barb. 547.

Cited, Pleading—Common Law—What Provable.

87 Hun, 531; (68 St. Rep. 651; 34 Supp. 488).

Remington v. Van Ingen, 6 Misc. 215; 56 St. Rep. 600; 26 Supp. 878.

Affirmed, 9 Misc. 128; 59 St. Rep. 704; 29 Supp. 301.

Remington v. Van Ingen, 9 Misc. 128; 59 St. Rep. 704; 29 Supp. 301.

Affirming, 6 Misc. 215; 56 St. Rep. 600; 26 Supp. 878.

Remington Paper Co. v. London Assur. Corp. of England, 12 App. Div. 218; 77 St. Rep. 431; 43 Supp. 431.

Remington Paper Co. v. O'Brien, 18 Week. Dig. 209.

Cited, Costs — Taxation — Review—Evidence.

7 App. Div. 140; (40 Supp. 299).

Remington Paper Co. v. O'Dougherty, 36 Hun, 79.

Cited, Fraudulent Conveyances — Impeachment.

75 Hun, 522; (57 St. Rep. 351; 27 Supp. 731). 149 N. Y. 121. 62 St. Rep. 874; (29 Supp. 1146). 86 Hun, 419; (67 St. Rep. 177; 33 Supp. 520). 80 Hun, 481; (62 St. Rep. 368; 30 Supp. 516).

Remington Paper Co. v. O'Dougherty, 65 N. Y. 570.

Cited, Corporations — Creation — De Facto.

4 Misc. 175; (53 St. Rep. 216; 23 Supp. 677).

Religious Society—Incorporations—Proof. 49 St. Rep. 469; (21 Supp. 90).

*Duplicate Citations in Parenthesis.***Remington Paper Co. v. O'Dougherty**, 81 N. Y. 474.

Cited, Cloud on Title — When Action to Remove Lies.

136 N. Y. 526; (49 St. Rep. 822). 67 Hun, 107; (51 St. Rep. 551; 22 Supp. 21).

Deeds — Acknowledgment — Sufficiency.

15 App. Div. 248; (78 St. Rep. 173; 44 Supp. 173). 149 N. Y. 79.

Judgments—Executions—Ratification.

148 N. Y. 280.

Actions in Rem—Effect.

152 N. Y. 196.

Remington Paper Co. v. O'Dougherty, 96 N. Y. 666.

Affirming, 32 Hun, 255.

Cited, Attachment—Recovery of Costs.

D. 14 App. Div. 467; (77 St. Rep. 807; 43 Supp. 807).

Rommel v. Townsend, 83 Hun, 353; 64 St. Rep. 845; 31 Supp. 985.**Remsen v. Brinckerhoff**, 26 Wend. 325.

Cited, Wills—Execution — Essential Elements.

17 Misc. 503; (75 St. Rep. 1455; 41 Supp. 208).

Remsen v. Graves, 44 N. Y. 471.

Cited, Bills and Notes — Endorsement—Invalidity as Defense.

77 Hun, 88; (59 St. Rep. 861; 28 Supp. 314).

Remsen v. Hay, 14 Week. Dig. 443.

Cited, Evidence — Communication Between Husband and Wife—Res Gestae.

9 Misc. 83; (59 St. Rep. 751; 29 Supp. 38).

Remsen v. Metropolitan El. R. Co., 9 App. Div. 533; 75 St. Rep. 985; 41 Supp. 593.**Remsen v. Metropolitan El. R. Co.**, 79 St. Rep. 536; 45 Supp. 536.**Remsen v. People**, 43 N. Y. 6.

Cited, Evidence—Character.

5 Misc. 555; (26 Supp. 59). 2 App. Div. 334; (73 St. Rep. 517; 37 Supp. 975). 11 App. Div. 498; (76 St. Rep. 758; 42 Supp. 758).

Remsen v. People, 57 Barb. 324.

Cited, Evidence—Character.

2 App. Div. 334; (73 St. Rep. 517; 37 Supp. 975).

Remsen v. Reese, 72 Hun, 370; 55 St. Rep. 484; 25 Supp. 350.**Remsen v. Wheeler**, 105 N. Y. 573; 8 St. Rep. 202.

Cited, Constitutional Law — Taxation or Assessment—Notice—Necessity of.

22 Supp. 529; (30 Abb. N. C. 102). 152 N. Y. 331; 83 Hun, 187; (64 St. Rep. 147; 31 Supp. 593). 92 Hun, 206, 207; (71 St. Rep. 554, 555; 36 Supp. 522, 523). 1 App. Div. 21; (71 St. Rep. 679; 36 Supp. 749). 79 St. Rep. 883; (45 Supp. 883). 10 App. Div. 584; (76 St. Rep. 65; 42 Supp. 65). 13 Misc. 696; 698; (69 St. Rep. 173, 174; 34 Supp. 1092, 1093).

Remsen v. Wheeler, 3 Silv. Ct. App. 43; 31 St. Rep. 385; 121 N. Y. 685.

Cited, Appeal — Case — Completeness of Evidence—Necessity.

5 Misc. 213; (54 St. Rep. 796; 25 Supp. 466; 23 Civ. Pro. 226).

Renard v. Fiedler, 3 Duer. 318.

Cited, Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030).

Renaud v. Conselyea, 5 Abb. 346.

Cited, Mortgage—Representative Capacity — Notice.

D. 15 Misc. 114; (71 St. Rep. 9; 36 Supp. 269).

Renaud v. O'Brien, 35 N. Y. 99.

Cited, Execution—Return.

18 Misc. 632; (77 St. Rep. 684; 43 Supp. 684).

Renaud v. Sampson, 12 N. Y. 561.

Cited, Written Contract — Evidence of Prior Parol Negotiations.

88 Hun, 339; (68 St. Rep. 545; 34 Supp. 727). 19 Misc. 544; (77 St. Rep. 1094; 43 Supp. 1094).

Renfrew v. McDonald, 11 Hun, 254.

Cited, Contracts—Cancellation—Pari Delicto—Confidential Relation.

78 Hun, 499; (61 St. Rep. 240; 29 Supp. 559).

Renihan v. Dennin, 103 N. Y. 573; 4 St. Rep. 261; 18 Abb. N. C. 101.

Cited, Evidence—Privileged Communications—Physicians.

73 Hun, 561; (56 St. Rep. 232; 26 Supp. 344). 85 Hun, 579; (66 St. Rep. 829; 33 Supp. 201; 24 Civ. Pro. 418; 2 Ann. Cas. 79). 8 App. Div. 147; (40 Supp. 489).

Renner v. Meyer, 6 Supp. 535; 22 Abb. N. C. 438.

Cited, Supplementary Proceedings—Record—Filing.

67 St. Rep. 290; (33 Supp. 412; 1 Ann. Cas. 403).

Rennie, Matter of. See Lamb, Matter of.

Duplicate Citations in Parenthesis.

Rennie, v. Bean, 24 Hun, 123.

Cited, General Assignments—Requisites.
20 Misc. 627.

Renninger v. N. Y. C. & H. R. R. Co., 11 App. Div. 565; 76 St. Rep. 813; 42 Supp. 813.

Reno v. Millspaugh, 14 Hun, 229.

Cited, Appeal—Justice's Court—New Trial.
92 Hun, 187; (71 St. Rep. 645; 36 Supp. 592).

Reno v. Pinder, 20 N. Y. 298.

Cited, Justice's Court—Jurisdiction—Return of Process.
7 Misc. 136; (57 St. Rep. 104; 27 Supp. 393).

Rensselaer Glass Factory v. Ried, 5 Cow. 587.

Cited, Interest—Unliquidated Account.
53 St. Rep. 669.

Rensselaer & S. R. Co. v. Davis, 43 N. Y. 137.

Cited, Special Proceedings—What Are.
61 St. Rep. 626; (29 Supp. 1030). 80 Hun, 247; (29 Supp. 1030). 68 Hun, 255; (52 St. Rep. 188; 22 Supp. 969). 80 Hun, 247, 248; (29 Supp. 1031).
Eminent Domain—Pleadings.
73 Hun, 12; (57 St. Rep. 111; 25 Supp. 1085).

Costs—Special—Proceedings—Taxation.
9 Misc. 509; (61 St. Rep. 81; 30 Supp. 344). 10 Misc. 651; (65 St. Rep. 261; 32 Supp. 182; 24 Civ. Pro. 120).

Renwick v. Morris, 3 Hill, 621.

Cited, Contract—Enforcement—Punitive Enactments as Affecting.
8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533).

Renwick v. Morris, 7 Hill, 575.

Cited, Nuisance—Public—Abatement.
6 Misc. 522; (56 St. Rep. 849; 27 Supp. 168). 89 Hun, 252.
Statutory Rights—Remedy.
16 App. Div. 20; (78 St. Rep. 798; 44 Supp. 798).

Renwick v. N. Y. El. R. Co., 39 St. Rep. 381; 15 Supp. 149.

Cited, Elevated Railroads—Injunctive Relief—Fee Damages.
24 Supp. 911.
Equity—Retaining Jurisdiction for Complete Relief.
74 Hun, 445; (57 St. Rep. 191; 26 Supp. 841).

Republic of Honduras v. Soto, 112 N. Y. 310; 20 St. Rep. 749; 16 Civ. Pro. 270.

Cited, Costs—Security for—Non-resident—Deposit—Additional Security.
9 Misc. 692; (62 St. Rep. 124; 30 Supp. 547; 24 Civ. Pro. 83).
Costs—Security For—Interpleader.
1 Misc. 219; (49 St. Rep. 79; 20 Supp. 878).

Requa v. Domestic Pub. Co., 11 Misc. 322; 65 St. Rep. 220; 32 Supp. 125.

Requa v. Holmes, 16 N. Y. 193.

Cited, Actions—Abatement—Revival.
20 Misc. 320; (79 St. Rep. 850; 45 Supp. 850).

Requa v. Irvin, 78 St. Rep. 771; 44 Supp. 771.

Requa v. Rea, 2 Paige, 341.

Cited, Judicial Sales—Purchaser—Authority of Court.
84 Hun, 298; (65 St. Rep. 610; 32 Supp. 411).

Requa v. Rochester, 45 N. Y. 129.

Cited, Municipal Corporations—Negligence—Notice
92 Hun, 310; (72 St. Rep. 395; 36 Supp. 873).
Streets—Dedication—Acceptance.
39 Supp. 17.

Requard v. Theiss, 18 Misc. 563; 76 St. Rep. 460; 42 Supp. 460.

Affirmed, 19 Misc. 480; 77 St. Rep. 1066; 43 Supp. 1066.

Requard v. Theiss, 19 Misc. 480; 77 St. Rep. 1066; 43 Supp. 1066.

Rettig, Matter of, 68 St. Rep. 264; 34 Supp. 339.

Rettig v. Fifth Ave. Trans. Co., 6 Misc. 328; 56 St. Rep. 235; 26 Supp. 896.
Affirmed, 144 N. Y. 715.

Cited, Master and Servant—Liability of Master to Servant—As to Places.
8 Misc. 657; (59 St. Rep. 538; 29 Supp. 1124; 31 Abb. N. C. 426). 11 Misc. 642; (66 St. Rep. 347; 32 Supp. 922).

Distinguished, 13 Misc. 55; (68 St. Rep. 99; 34 Supp. 115).

Reuben v. Andorsky, 30 St. Rep. 764; 15 Supp. 817.

Cited, Special Term—Discretionary Order—Review.
88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658).

*Duplicate Citations in Parenthesis.***Reubens v. Joel**, 13 N. Y. 488.*Cited*, Equity—How Distinguished from Law.

140 N. Y. 186; (55 St. Rep. 585).

Fraudulent Conveyance—Attack by Creditor—Necessity of Judgment.

60 St. Rep. 75.

Revelski v. Drosch, 6 App. Div. 190.
39 Supp. 1009.**Revere Copper Co. v. Dimmock**, 29 Hun, 299.*Cited*, Costs — Taxation— Discretionary Motion for New Trial.

24 Supp. 804.

Revere Copper Co. v. Dimmock, 90 N. Y. 33.*Cited*, Foreign Judgments—Validity.

81 Hun, 459; (63 St. Rep. 619; 31 Supp. 317).

Reves v. Hyde, 14 Daly 431; 14 St. Rep. 689; 13 Civ. Pro. 323.*Cited*, Value of Services—Expert Testimony—Conclusiveness.

75 St. Rep. 1442.

Revoir v. Barton, 71 Hun, 457; 54 St. Rep. 535; 24 Supp. 985.**Rexford v. Knight**, 11 N. Y. 308.*Cited*, Eminent Domain—Taking Possession.

80 Hun, 389; (62 St. Rep. 55; 30 Supp. 328).

Rexford v. Marquis, 7 Lans. 249.*Cited*, Deeds — Construction—Exception of Way.

78 Hun, 145; (60 St. Rep. 176; 28 Supp. 970).

Rexford v. State, 105 N. Y. 229; 7 St. Rep. 10.*Cited*, Judgment—Conclusiveness Upon State of Proceedings Against State Officers.

137 N. Y. 376; (50 St. Rep. 647).

State—Claims—Arising in Navigation of Canals—Liability.

140 N. Y. 482; (56 St. Rep. 455). D. 13 App. Div. 35; (77 St. Rep. 106; 43 Supp. 106).

Rexter v. Starin, 73 N. Y. 601.*Cited*, Trial—Instructions to Jury—Sufficiency.

4 Misc. 569; (25 Supp. 789). 9 Misc. 111; (59 St. Rep. 731; 29 Supp. 47). 9 App. Div. 79; (75 St. Rep. 581; 41 Supp. 124). 12 App. Div. 504; (76 St. Rep. 247; 42 Supp. 247).

Rey v. Equitable Life Assur. Soc. of U. S., 16 App. Div. 194; 78 St. Rep. 745; 44 Supp. 745.**Reydel v. Reydel**, 10 Misc. 273; 63 St. Rep. 437; 31 Supp. 1.**Reynal v. Thebaud**, 3 Misc. 187; 54 St. Rep. 145; 23 Supp. 615.**Reynolds, Matter of**. See *People v. Squiers*.**Reynolds, Matter of**, 4 Dem. 68.*Cited*, Wills—Execution—Making Mark —Probate—Proof of Mark.

58 St. Rep. 799; (27 Supp. 961). 76 Hun, 2; (58 St. Rep. 732; 27 Supp. 957).

Wills—Probate—Witnesses.

1 Misc. 263; (54 St. Rep. 240; 22 Supp. 1062).

Reynolds, Matter of, 124 N. Y. 388; 36 St. Rep. 332.*Cited*, Contracts—Construction — Group of General and Particular Words.

72 Hun, 83; (55 St. Rep. 866; 25 Supp. 620).

Wills—Construction—Particular Words.

83 Hun, 348; (64 St. Rep. 852; 31 Supp. 992). 153 N. Y. 159.

Reynolds, Matter of, 10 App. Div. 415; 76 St. Rep. 1; 42 Supp. 1.**Reynolds, Matter of**, 21 Supp. 592.**Reynolds v. Aetna Life Ins. Co.**, 6 App. Div. 254; 39 Supp. 885.*Cited*, Two or More Claimants—Payment to One—Effect.

6 App. Div. 253; (39 Supp. 1116).

Equity—Decision—Judgment.

13 App. Div. 117; (77 St. Rep. 305; 43 Supp. 305). 79 St. Rep. 384; (45 Supp. 384).

Reynolds v. Aetna Life Ins. Co., 16 App. Div. 74; 78 St. Rep. 591; 44 Supp. 691.**Reynolds v. Aetna Life Ins. Co.**, 11 App. Div. 99; 76 St. Rep. 2058; 42 Supp. 1058.*Cited*, Supplemental Pleading—When Allowed.

16 App. Div. 75; (73 St. Rep. 691; 44 Supp. 691).

Reynolds v. Bank of Mt. Vernon, 6 App. Div. 62; 39 Supp. 623.**Reynolds v. Champlain Transit Co.**, 9 How. 7.*Cited*, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Reynolds v. City Nat. Bank of Watertown, 71 Hun, 386; 55 St. Rep. 45; 24 Supp. 1134.*Affirmed*, 151 N. Y. 641.*Cited*, Appeal—Referee's Findings—Review of Evidence.

4 App. Div. 448; (74 St. Rep. 237; 38 Supp. 608).

*Duplicate Citations in Parenthesis.***Reynolds v. Collins**, 3 Hill, 36.

Cited, Decedent's Estate—Claims—Limitation.

146 N. Y. 144; (66 St. Rep. 275; 2 Ann. Cas. 43).

Reynolds v. Collins, 3 Hill, 441.

Cited, Executors—Costs—Payment.

88 Hun, 131; (68 St. Rep. 683; 34 Supp. 627).

Reynolds v. Craus, 42 St. Rep. 624; 16 Supp. 792.

Cited, Pleading — Answer—Sham—Denial.

4 Misc. 507; (25 Supp. 871).

Pleading—Answer—False—Sham—Striking Out.

5 Misc. 511; (58 St. Rep. 106; 25 Supp. 970).

Reynolds v. Darling, 42 Barb. 418.

Cited, Sheriff's Deed—To What Time it Relates.

4 App. Div. 197; (74 St. Rep. 177; 38 Supp. 558).

Reynolds v. Denslow, 80 Hun, 359; 61 St. Rep. 818; 30 Supp. 77.**Reynolds v. Ellis**, 103 N. Y. 115.

Cited, Assignments—Equitable Rights.

83 Hun, 396; (64 St. Rep. 786; 31 Supp. 877).

Chattels—Creditors' Rights—Assertion.

18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Chattel Mortgage—Mortgagor's Power of Sale—Effect.

89 Hun, 86; (69 St. Rep. 468; 35 Supp. 54).

Reynolds v. Empire Lumber Co., 85 Hun, 470; 66 St. Rep. 712; 33 Supp. 111.

Cited, Checks—When Full Payment.

148 N. Y. 330.

Reynolds v. Everett, 67 Hun, 294; 50 St. Rep. 889; 22 Supp. 306.

Affirmed, 141 N. Y. 189; 63 St. Rep. 89.

Reynolds v. Everett, 144 N. Y. 189; 63 St. Rep. 89.

Affirming, 67 Hun, 294; 50 St. Rep. 889; 22 Supp. 306

Cited, Injunction—Restraining Attempted Unlawful Acts.

91 Hun, 493; (71 St. Rep. 388; 36 Supp. 305).

Reynolds v. Haywood, 77 Hun, 131; 59 St. Rep. 47; 28 Supp. 467.**Reynolds v. Horton**, 67 Hun, 122; 51 St. Rep. 545; 22 Supp. 18.

Affirmed, 141 N. Y. 585; 58 St. Rep. 865.

Reynolds v. Kaplan, 3 App. Div. 420; 74 St. Rep. 99; 38 Supp. 764.**Reynolds v. Kneeland**, 139 N. Y. 616; 54 St. Rep. 931.

Affirming, 63 Hun, 233; 44 St. Rep. 458; 17 Supp. 895.

Reynolds v. Lawton, 62 Hun, 596; 43 St. Rep. 578; 17 Supp. 432.

Cited, Statute of Frauds—Original or Collateral Promise.

13 Misc. 235; (68 St. Rep. 16; 34 Supp. 61).

Reynolds v. Manhattan Athletic Club, 2 Misc. 581; 51 St. Rep. 431; 21 Supp. 982.**Reynolds v. Miller**, 79 Hun, 113; 61 St. Rep. 10; 29 Supp. 405.

Affirmed, 151 N. Y. 624.

Cited, Evidence — Failure to Accept — Effect on Appeal.

82 Hun, 234; (64 St. Rep. 797; 31 Supp. 976).

Reynolds v. Moore, 14 Misc. 571.

Reversed, 1 App. Div. 105; 72 St. Rep. 225; 37 Supp. 72.

Reynolds v. New York Loan Banking Co., 69 St. Rep. 259; 35 Supp. 80.**Reynolds v. N. Y. C. & H. R. R. Co.**, 58 N. Y. 248.

Cited, Evidence—Burden of Proof — Contributory Negligence.

69 Hun, 391; (52 St. Rep. 697; 23 Supp. 630). 3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752). 139 N. Y. 282; (54 St. Rep. 494). 1 Misc. 226; (49 St. Rep. 214; 20 Supp. 889). 151 N. Y. 73. 87 Hun, 466; (68 St. Rep. 454; 34 Supp. 375). D. 87 Hun, 479; (68 St. Rep. 457; 34 Supp. 378). 13 Misc. 20; (68 St. Rep. 163; 34 Supp. 92). 14 Misc. 281; (70 St. Rep. 254; 35 Supp. 833). 2 App. Div. 818; (73 St. Rep. 22; 37 Supp. 972). 145 N. Y. 200; (64 St. Rep. 593).

Reynolds v. New York Security Trust Co., 69 St. Rep. 54; 34 Supp. 890.**Reynolds v. Niagara Falls**, 81 Hun, 353; 63 St. Rep. 118; 30 Supp. 954.

Cited, Evidence—Physician — Probable Consequences of Injury.

7 App. Div. 603; (74 St. Rep. 738; 40 Supp. 177).

Statutes—Construction.

19 Misc. 598; (78 St. Rep. 316; 44 Supp. 316).

Reynolds v. Patten, 5 Misc. 211; 54 St. Rep. 830; 25 Supp. 100.

Cited, 19 Misc. 157; (62 St. Rep. 514; 30 Supp. 1051).

Duplicate Citations in Parenthesis.

Reynolds v. Patten, 10 Misc. 155; 62 St. Rep. 513; 30 Supp. 1050.

Affirming, 3 Misc. 623; 52 St. Rep. 940; 23 Supp. 1164.

Reynolds v. Reynolds, 20 Misc. 254; 79 St. Rep. 338; 45 Supp. 338.

Reynolds v. Reynolds, 48 Hun, 142; 15 St. Rep. 464.

Cited, Landlord and Tenant—Occupancy on Shares—Cotenancy.

1 Misc. 242; 53 St. Rep. 58; 23 Supp. 130). 69 Hun, 20; (52 St. Rep. 554; 23 Supp. 230). 75 Hun, 215; (58 St. Rep. 667; 27 Supp. 115; 31 Abb. N. C. 236). 10 Misc. 489; (65 St. Rep. 252; 32 Supp. 173).

Reynolds v. Reynolds, 16 N. Y. 257.

Cited, Legacies—Charging Upon Land. 18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1103).

Reynolds v. Reynolds, 3 Wend. 244.

Cited, Pleading—Actions Against Executor or Administrator—Misjoinder of Counts. 146 N. Y. 140; (66 St. Rep. 273; 2 Ann. Cas. 38).

Reynolds v. Robinson, 64 N. Y. 589.

Cited, Husband and Wife—Services of Wife—Recovery by Her.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431). 69 St. Rep. 371; (35 Supp. 159). 75 Hun, 376; (58 St. Rep. 610; 27 Supp. 86). 77 Hun, 609; (61 St. Rep. 332; 29 Supp. 82!). 86 Hun, 25; (66 St. Rep. 771; 33 Supp. 145). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 669).

Contracts—Implied—To Pay for Services of Member of Family.

68 Hun, 384; (52 St. Rep. 315; 22 Supp. 947). 136 N. Y. 622; (49 St. Rep. 76).

Evidence—Expert—Hypothetical Questions.

136 N. Y. 9; (48 St. Rep. 824). 136 N. Y. 518; (49 St. Rep. 697). 82 Hun, 403; (63 St. Rep. 559; 31 Supp. 253). 88 Hun, 52; (68 St. Rep. 291; 34 Supp. 508). 90 Hun, 8; (69 St. Rep. 852; 35 Supp. 364). 4 App. Div. 442; (74 St. Rep. 157; 38 Supp. 665). 12 Misc. 15; (66 St. Rep. 533; 33 Supp. 37). 82 Hun, 404; (63 St. Rep. 559; 31 Supp. 253). 13 Misc. 601; (5 Supp. 159).

Reynolds v. Robinson, 82 N. Y. 103.

Distinguished, Husband and Wife—Services of Wife—Recovery by Her.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431).

Cited, Evidence—Declarations of Testator—Intention.

79 Hun, 529; (61 St. Rep. 567; 29 Supp. 879). 20 Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Reynolds v. Robinson, 110 N. Y. 654; 18 St. Rep. 235; 2 Silv. Ct. App. 99.

Cited, Contract—Consideration—Parol Evidence to Explain.

7 Misc. 432; (57 St. Rep. 650; 27 Supp. 974). 145 N. Y. 665; (71 St. Rep. 316).

Evidence—Parol Concerning Writing—Conditions Precedent.

5 Misc. 351; (55 St. Rep. 163; 25 Supp. 517). 6 Misc. 382; (56 St. Rep. 407; 26 Supp. 751).

1 Misc. 169; (48 St. Rep. 675; 20 Supp. 632). 142 N. Y. 359; (59 St. Rep. 27). 15 App. Div. 64; (78 St. Rep. 145; 44 Supp. 145). 19 Misc. 311; (78 St. Rep. 479; 44 Supp. 479). 20 Misc. 205; (79 St. Rep. 750; 45 Supp. 750).

Reynolds v. Shuler, 5 Cow. 323.

Cited, Action—Conversion—Availability.

3 App. Div. 559; (38 Supp. 415). 18 Misc. 186; (75 St. Rep. 851; 41 Supp. 454).

Reynolds v. Sisson, 78 Hun, 595; 61 St. Rep. 446; 29 Supp. 492.

Reynolds v. Spencer, 92 Hun, 275; 71 St. Rep. 681; 36 Supp. 750.

Reynolds v. Strong, 82 Hun, 202; 63 St. Rep. 778; 31 Supp. 329.

Reynolds v. Van Beuren, 10 Misc. 703; 64 St. Rep. 633; 31 Supp. 827.

Reynolds v. Ward, 5 Wend. 502.

Cited, Principal and Surety—Contract Without Consideration—Effect on Surety.

15 Misc. 544; (74 St. Rep. 562; 38 Supp. 109).

Reynolds v. Webster, 55 St. Rep. 6; 24 Supp. 1133.

Reynolds v. Westchester Fire Ins. Co., 8 App. Div. 193; 40 Supp. 336.

Reynolds Card Mfg. Co. v. N. Y. Bank N. Co., 91 Hun, 463; 71 St. Rep. 687; 36 Supp. 756.

Reynolds Co. See A. L. & J. J. Reynolds Co.

R. F. H. v. S. H., 40 Barb. 9.

Cited, Husband and Wife—Divorce—Affirmative Relief to Defendant.

67 Hun, 386; (51 St. Rep. 824; 22 Supp. 265; 23 Civ. Pro. 101).

Rheel v. Hicks, 25 N. Y. 289.

Cited, Payment—Mistake of Fact—Recovery.

9 App. Div. 404; (75 St. Rep. 893; 41 Supp. 499).

Rheinfelt v. Dahlmau, 18 Misc. 558; 76 St. Rep. 465; 42 Supp. 465.

Affirmed, 19 Misc. 162.

Rheinfeldt v. Dahlman, 19 Misc. 162.

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Rheinstrom v. Weir, 5 App. Div. 109;
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Rhinebeck, Village of, Matter of,
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Cited, Highways—Alteration of Streets.
142 N. Y. 150; (58 St. Rep. 622).

Rhinebeck & C. R. Co., Matter of,
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Rhineland, Matter of, 68 N. Y. 105.
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Rhiner v. Sweet, 2 Lans. 386.

Cited, Partnership — Accounting — Rule
For.
68 Hun, 175; (52 St. Rep. 79; 22 Supp.
680).

Rhines v. Royalton, Town of, 11 St.
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Cited, Highways—Duties and Liabilities
of Town—Commissioners.
80 Hun, 105; (61 St. Rep. 793; 30 Supp. 27).

**Rhing v. Broadway & Seventh Ave.
R. Co.**, 53 Hun, 321; 25 St. Rep. 563;
6 Supp. 641.

Cited, Error in Judgment—Liability For.
D. 12 Misc. 516; (67 St. Rep. 368; 33 Supp.
675).

Rhoades v. Card, 16 App. Div. 261; 78
St. Rep. 621; 44 Supp. 621.

Rhoades v. Freeman, 9 App. Div. 20;
75 St. Rep. 593; 41 Supp. 135.

Cited, Ejectment—Adverse Possession.
17 App. Div. 255; (79 St. Rep. 562; 45
Supp. 562).

Rhoads v. Woods, 41 Barb. 471.

Cited, Replevin—Limited Interest—Dam-
ages.
11 Misc. 174; (66 St. Rep. 544; 32 Supp.
1090).

Rhodes v. Carr, 88 Hun, 219; 68 St.
Rep. 541; 34 Supp. 722.

Cited, Appeal—Offer of Judgment—Costs.
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Rhodes v. Linderman, 43 St. Rep.
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Cited, Contempt — Violation of Injunc-
tion.
67 Hun, 255; (50 St. Rep. 904; 22 Supp.
426; 23 Civ. Pro. 120).

Rhodes v. N. Y. C. & H. R. R. Co.,
8 Misc. 366; 59 St. Rep. 596; 28 Supp.
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Rhodes v. Rhodes, 3 Sandf. Ch. 279.
Cited, Statute of Frauds—Pleading.
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**Rhodes v. Utica & I. & E. R. R.
Co.**, 5 Hun, 344.

Cited, Railroads — Failure to Maintain
Fences—Liability for Cattle.
81 Hun, 285; (62 St. Rep. 747; 30 Supp.
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Rice v. Barrett, 102 N. Y. 161.

Cited, Wills—Invalid Clauses—Failure of
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684).

Rice v. Bliss, 66 How. 186.

Cited, Landlord and Tenant — Lease —
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8 Misc. 307; (59 St. Rep. 280; 23 Supp.
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Rice v. Bruff, 87 Hun, 511; 68 St. Rep.
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Cited, Judgments — Collateral Attack—
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79 St. Rep. 637; (45 Supp. 637).

Rice v. Buffalo Steele House Co., 17
App. Div. 462; 79 St. Rep. 277; 45 Supp.
277.

Rice v. Childs, 28 Hun, 303.

Cited, Costs—Effect of Payment of Debt.
18 Misc. 686; (76 St. Rep. 17, 18, 19; 42
Supp. 17, 18, 19; 3 Ann. Cas. 323).

Rice v. Daly, 49 St. Rep. 321; 20 Supp.
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Rice v. Davis, 7 Lans. 393.

Cited, Sheriff's Sale — Regularity — Pre-
sumption.
12 Misc. 492; (67 St. Rep. 393; 33 Supp.
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Rice v. Ehele, 55 N. Y. 518.

Cited, Contempt—Punishment for—Com-
mitment.
80 Hun, 77; (61 St. Rep. 768; 30 Supp. 17).
19 Misc. 421; (77 St. Rep. 1138; 43 Supp. 1138).

Rice v. Grange, 131 N. Y. 149; 42 St.
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Cited, Pleading — Counterclaim — Avail-
ability.
14 Misc. 483; (70 St. Rep. 434; 35 Supp.
699).

Rice v. Groves, 70 Hun, 74; 53 St. Rep.
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Duplicate Citations in Parenthesis.

Rice v. Harbeson, 63 N. Y. 493.

Cited, Conflict of Laws — Comity — Enforcement of Rights.

7 Misc. 582; (58 St. Rep. 395; 28 Supp. 156; 31 Abb. N. C. 238).

Rice v. King, 7 Johns. 20.

Cited, Judgment—Conclusiveness—Extent.

135 N. Y. 136; (48 St. Rep. 388).

Rice v. Manley, 66 N. Y. 82.

Cited, Contracts—Avoidance—Frauds.

17 Misc. 171; (40 Supp. 972). 20 Misc. 525.

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17 Misc. 279; (40 Supp. 371).

Rice v. Motley, 24 Hun, 143.

Cited, Evidence—Personal Transaction with Deceased—Deposition.

8 Misc. 459; (60 St. Rep. 607; 29 Supp. 1103).

Rice v. O'Connor, 10 Abb. 362.

Cited, Pleading—Answer—Counterclaim—Time of Acquiring.

77 Hun, 463; (60 St. Rep. 406; 28 Supp. 871).

Rice v. Post, 78 Hun, 547; 61 St. Rep. 229; 29 Supp. 553.

Rice v. Rockefeller, 124 N. Y. 174.

Cited, Corporations—Complete Transfer of Stock—Effect.

4 App. Div. 605; (39 Supp. 147).

Corporations—Stockholder's Actions.

17 App. Div. 360; (79 St. Rep. 189; 45 Supp. 189).

Rice v. Tyler. See Gardner, Matter of.

Rice v. Tylor, 23 Supp. 429.

Cited, Wills—Construction—Devise with Power to Sell—Limitations Over.

5 Misc. 14; (24 Supp. 771).

Riceman v. Havemeyer, 84 N. Y. 647.

Cited, Negligence—Contributory—Freedom From.

3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752).

Rich v. Baker, 3 Den. 79.

Cited, Unlawful Detention of Property—Remedies.

D. 4 Misc. 95; (53 St. Rep. 82; 23 Supp. 860).

Rich v. Doyenn, 85 Hun, 510; 67 St. Rep. 84; 33 Supp. 341.

Rich v. Manhattan R. Co., 7 Misc. 733; 58 St. Rep. 48; 27 Supp. 1129.

Affirmed, 150 N. Y. 542.

Rich v. Manhattan R. Co., 138 N. Y. 668; 58 St. Rep. 346.

Cited, 149 N. Y. 599.

Rich v. Manhattan R. Co., 150 N. Y. 542.

Rich v. Manhattan R. Co., 46 St. Rep. 673; 19 Supp. 543.

Distinguished, Eminent Domain—Single Lots.

87 Hun, 106; (67 St. Rep. 653; 33 Supp. 975).

Rich v. Markham, 92 Hun, 78; 73 St. Rep. 300; 37 Supp. 602.

Rich v. N. Y. C. & H. R. R. Co., 87 N. Y. 382.

Cited, Carriers—Duties—Contract Obligation.

13 Misc. 91; (68 St. Rep. 192; 34 Supp. 145).

Torts and Contracts—Relation.

68 St. Rep. 879.

Rich v. N. Y. C. & H. R. R. Co., 68 St. Rep. 879.

Rich v. Niagara Savings Bank, 3 Hun, 481; 5 T. & C. 598.

Cited, Action—Form of Remedies — Election—Effect.

6 Misc. 160; (27 Supp. 218). 13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Rich v. Rich, 50 Hun, 199; 19 St. Rep. 384; 2 Supp. 770.

Cited, Tenants in Commons—Liability For Use and Occupation to Co-tenants.

10 Misc. 212; (64 St. Rep. 7; 31 Supp. 424).

13 Misc. 529; (68 St. Rep. 738; 34 Supp. 695).

Rich v. Rich, 88 Hun, 566; 68 St. Rep. 823; 34 Supp. 854.

Rich v. Rich, 16 Wend. 663.

Cited, Evidence — Verdict — When Directed.

18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510).

Rich v Roberts, 10 Supp. 915; 18 Civ. Pro. 205.

Cited, Judgment—On Offer—Partnership.

56 St. Rep. 77; (25 Supp. 936).

Rich v. Sargent Granite Co., 60 St. Rep. 875.

Affirming, 59 St. Rep. 882.

Rich v. Sargent Granite Co., 61 St. Rep. 852; 23 Civ. Pro. 369; 30 Supp. 139.

Rich v. Tiffany, 2 App. Div. 25; 72 St. Rep. 683; 37 Supp. 330.

Cited, Corporations—Incapacity to Take Realty—Objection—Who May Raise.

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Richards, Matter of, 15 Abb. N. S. 6.

Cited, Guardians—Purchase of Ward's Realty.

20 Misc. 537.

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Richard v. Boland, 5 Misc. 552; 26 Supp. 57.

Richards v. Angell, 50 St. Rep. 280; 21 Supp. 646.

Richards v. Brice, 15 Daly, 144; 22 St. Rep. 289; 3 Supp. 941.

Cited, Appeal—From Final Judgment—Reviewing Interlocutory.

51 St. Rep. 811; (22 Supp. 281).

Richards v. Crocker, 49 St. Rep. 242. *Affirmed*, 60 St. Rep. 875.

Richards v. Day, 137 N. Y. 183; 50 St. Rep. 889.

Reversing, 45 St. Rep. 722; 18 Supp. 733.

Richards v. Goldberg, 7 Misc. 388, 57 St. Rep. 565; 27 Supp. 919.

Richards v. Hayes, 12 Misc. 44; 66 St. Rep. 529; 33 Supp. 30.

Richards v. Hayes, 17 App. Div. 422; 79 St. Rep. 234; 45 Supp. 234.

Richards v. La Tourette, 119 N. Y. 54; 28 St. Rep. 609.

Cited, Insolvency and Assignment—Equitable Off-set.

135 N. Y. 226; (47 St. Rep. 867). 12 App. Div. 598; (76 St. Rep. 1080; 42 Supp. 1080). 70 Hun, 162; (53 St. Rep. 921; 24 Supp. 207).

Set-off and Counterclaim—In Equity—Necessity of Demand.

136 N. Y. 167; (49 St. Rep. 103).

Richards v. Littell, 11 Misc. 637; 66 St. Rep. 345; 32 Supp. 919.

Modified, 16 Misc. 339; 38 Supp. 73.

Richards v. Littell, 16 Misc. 339; 36 Supp. 73.

Cited, Personalty—Fraud—Courts—Jurisdiction.

17 Misc. 373; (39 Supp. 1096).

Courts Not of Record—Equitable Relief Counterclaims.

18 Misc. 421; (75 St. Rep. 842; 41 Supp. 437). 19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

Richards v. Millard, 56 N. Y. 574.

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18 Misc. 180; (75 St. Rep. 966; 41 Supp. 576). 20 Misc. 314, (79 St. Rep. 843; 45 Supp. 848).

Richards v. N. W. Prot. Dutch Ch., 32 Barb. 42.

Cited, Burial Rights—Power of Legislature Over.

80 Hun, 269; (62 St. Rep. 32; 30 Supp. 158). 80 Hun, 271; (62 St. Rep. 33; 30 Supp. 159).

Richards v. Reed, 6 Misc. 217; 56 St. Rep. 539; 26 Supp. 540.

Cited, Pleading—Counterclaim—Demurrer.

14 Misc. 483; (70 St. Rep. 434; 35 Supp. 699)

Richards v. Ross, 83 Hun, 390; 64 St. Rep. 779; 31 Supp. 905.

Richards v. Sanford, 78 Hun, 133; 60 St. Rep. 250; 28 Supp. 956.

Richards v. Stokes, 1 App. Div. 305; 72 St. Rep. 526; 37 Supp. 246.

Cited, Reference—Compulsory—Long Account.

5 App. Div. 207; (39 Supp. 207).

Richards v. Walton, 12 Johns. 434.

Cited, Judgments—Entire—Affirmance or Reversal.

152 N. Y. 504.

Richards v. Warring, 1 Keyes, 576.

Cited, Notes—Non-negotiable—Indorsement—Effect.

81 Hun, 36, 37, 38; (62 St. Rep. 540, 541, 542; 30 Supp. 607, 608, 609). 87 Hun, 261; (67 St. Rep. 474; 33 Supp. 829).

Richards v. Warring, 4 Abb. Ct. App. Dec. 53.

Cited, 16 Misc. 568; (74 St. Rep. 118; 38 Supp. 777).

Richards v. Washburn, 14 App. Div. 237; 77 St. Rep. 615; 43 Supp. 615.

Richards v. Westcott, 2 Bosw. 589.

Cited, Common Carriers—Who Are.

15 Misc. 95; (71 St. Rep. 830; 36 Supp. 809).

Richardson, Matter of, 2 Misc. 288; 23 Supp. 978.

Richardson, Matter of, 8 Misc. 140; 59 St. Rep. 483; 29 Supp. 1079.

Richardson, Matter of, N. Y. Law J. 1893.

Cited, Taxes—Inheritance—What Statutes Governs.

9 Misc. 226; (61 St. Rep. 293).

Richardson, Matter of, 81 Hun, 425; 63 St. Rep. 201; 30 Supp. 1008.

Richardson, Matter of, 83 Hun, 147; 63 St. Rep. 858; 31 Supp. 411.

Richardson v. Ainsworth, 20 How. 521.

Cited, Title—Assignment—Notice.

12 Misc. 628; (68 St. Rep. 133; 34 Supp. 254; 25 Civ. Pro. 46).

Richardson v. Bates, 23 How. 516.

Cited, Writ and Process—Service by Publication—Completion.

7 Misc. 524; (64 St. Rep. 374; 27 Supp. 1007).

Duplicate Citations in Parenthesis.

Richardson v. Brown, 1 Cow 255.

Cited, Actions—Adjournment—Stipulation for—Binding Effect of.

3 Misc. 124; (23 Supp. 995).

Richardson v. Davidson, 5 Supp. 617.

Cited, District Court—Jurisdiction.

20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Richardson v. Harms, 11 Misc. 254 ;

64 St. Rep. 575; 66 St. Rep. 191.

Richardson v. Hartmann, 68 Hun, 9 ;

52 St. Rep. 42; 22 Supp. 615.

Cited, Appeal—Absence of Order Denying Motion for New Trial.

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Richardson v. Hughitt, 76 N. Y. 55.

Cited, Partnership — Participation in Profits.

7 Misc. 304; (58 St. Rep. 552; 28 Supp. 136). 40 Supp. 226.

Partnership—What Constitutes — Retention of Percentage of Sales in Lieu of Rent.

7 Misc. 668; (58 St. Rep. 809; 28 Supp. 13).

Partnership—Parties.

16 Misc. 75; (73 St. Rep. 251; 37 Supp. 706).

Richardson v. Levi, 69 Hun, 432; 52 St.

Rep. 614; 22 Supp. 352.

Richardson v. N. Y. C. & H. R. R.

Co., 45 N. Y. 846.

Cited, Railroads—Negligence — Question of Fact.

D. 57 St. Rep. 469; (27 Supp. 1043).

Richardson v. N. Y. C. & H. R. R.

Co., 133 N. Y. 563.

Cited, Railroads — Negligence — Question of Fact.

20 Misc. 295; (79 St. Rep. 668; 45 Supp. 668).

Richardson v. Northrup, 56 Barb.

105.

Cited, Libel and Slander — Mitigation—Provocation.

77 Hun, 510; (60 St. Rep. 764; 29 Supp. 110).

Richardson v. Pulver, 63 Barb. 67.

Cited, Statutes—Repealing Clause—Effect.

8 App. Div. 574; (75 St. Rep. 326; 40 Supp. 930).

Richardson v. Reid, 3 Supp. 224.

Cited, Mechanic's Lien — Abandonment by Contractor—Materials Used by Owner—Personal Liability.

2 Misc. 275; (23 Supp. 776).

Richardson v. Thedford, 5 App. Div.

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Richardson v. Thurber, 104 N. Y. 606;

6 St. Rep. 489.

Affirming, 39 Hun, 537.

Cited, Assignments for Creditors—Impeachment.

145 N. Y. 226; (64 St. Rep. 605).

Assignments—Preferences.

79 St. Rep. 632; (45 Supp. 632).

Richardson v. Van Ness, 53 Hun, 267;

25 St. Rep. 60; 6 Supp. 618.

Cited, Master and Servant—Liability of Master to Third Person—For Acts of Agent—Negligence of Agent—Driving.

8 Misc. 437; (53 St. Rep. 855; 28 Supp. 679).

Richardson v. Van Voorhis, 20 St.

Rep. 667; 3 Supp. 599.

Cited, New Trial—Verdict Contrary to Law—Exceptions.

6 Misc. 181; (26 Supp. 769; 31 Abb. N. C. 69).

Richardson v. Virtue, 2 Hun, 208.

Cited, Evidence—Burden of Proof—Want of Probable Cause—Malice—Malicious Prosecution.

5 Misc. 554; (26 Supp. 58).

Richardson v. Wilton, 4 Sandf. 708.

Cited, Pleading—Answer—Denial.

16 Misc. 335; (39 Supp. 721).

Richard Taylor Co. v. Cannon, 73 St.

Rep. 237; 37 Supp. 643.

Richardson & Boynton Co. v. Rich-

ardson & Morgan Co., 27 St. Rep.

808; 8 Supp. 52.

Cited, Injunction—Trade-marks—Imitation.

68 Hun, 517; (52 St. Rep. 777; 23 Supp. 27).

Riche v. Martin, 1 Misc. 285; 48 St.

Rep. 757; 20 Supp. 693.

Cited, Appeal—Objection to Evidence—Sufficiency.

7 Misc. 189; (57 St. Rep. 542; 27 Supp. 315). 20 Misc. 305; (79 St. Rep. 805; 45 Supp. 805).

Richmond v. Brewster, 2 Supp. 400.

Cited, New Trial—Grounds of—Injustice—Exception.

5 Misc. 25; (25 Supp. 144).

Richmond v. Foote, 3 Lans. 244.

Cited, Contracts — Performance—Default as to Time—Waiver—Notice of Enforcement of Forfeiture.

77 Hun, 386; (60 St. Rep. 399; 28 Supp. 552).

Richmond v. N. Y. C. & H. R. R.

Co., 8 App. Div. 382; 75 St. Rep. 196;

40 Supp. 812.

Duplicate Citations in Parenthesis.

Richmond v. Niagara Fire Ins. Co.,
79 N. Y. 230.

Cited, Insurance—Waiver of Conditions—Knowledge of Inconsistent Facts.

137 N. Y. 396; (50 St. Rep. 682). 78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252). 149 N. Y. 484. 13 App. Div. 480; (77 St. Rep. 337; 43 Supp. 337).

Pleadings—Answer—General Denial—Affirmative Defenses.

9 Misc. 158; (59 St. Rep. 658; 29 Supp. 27).

Richmond v. Roberts, 7 Johns. 319.

Cited, Bonds—Indemnity—When Void.
11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

Richmond v. Second Ave. R. Co., 9 Misc. 355; 60 St. Rep. 629; 29 Supp. 583.

Richmond v. Second Ave. R. Co., 76 Hun, 233; 59 St. Rep. 113; 27 Supp. 780.

Cited, Contributory Negligence—Submission to Jury.

5 App. Div. 34; (39 Supp. 70).

Richmond v. Union Steamboat Co.,
87 N. Y. 240.

Cited, Carriers—When Freight Earned.
49 St. Rep. 731; (20 Supp. 796).

Richmond v. Woolfolk, 50 St. Rep. 530; 22 Supp. 1049.

Richmond County, Supr's of, v. Ellis, 59 N. Y. 620.

Cited, Municipal Corporations—Officers—Reimbursements—Counsel Fees.

71 Hun, 544; (54 St. Rep. 913; 24 Supp. 1078).

Taxes—Payment—Recovery.

7 App. Div. 155; (74 St. Rep. 681; 40 Supp. 124).

Supervisors—Accounts—Allowance.

86 Hun, 554, 555; (67 St. Rep. 534; 33 Supp. 788).

Richmond County, Supr's of, v. Van Clief, 1 Hun, 454.

Affirmed, 60 N. Y. 645.

Cited, Supervisors—Claims—Audit.

19 Misc. 99; (77 St. Rep. 976; 43 Supp. 976).

Richmond County Supr's of, v. Wandel, 59 N. Y. 645; 6 Lans. 33.

Cited, Supervisors—Claims—Audit—Conclusions.

19 Misc. 99; (77 St. Rep. 976; 43 Supp. 976).

Richmondville Union Seminary v. McDonald, 34 N. Y. 379.

Cited, Appeal—Objection Not Taken Below.

2 Misc. 151; (50 St. Rep. 214; 21 Supp. 630; 29 Abb. N. C. 436).

Contracts—Consideration—Sufficiency.

8 App. Div. 567; (40 Supp. 914).

Richter v. Poppenhausen, 42 N. Y. 373.

Cited, Actions—Joint Parties—Death of One—Effect.

7 App. Div. 169; (74 St. Rep. 662; 40 Supp. 48).

Rickerson v. German - American Ins. Co., 85 Hun, 266; 66 St. Rep. 430; 32 Supp. 1026.

Cited, 6 App. Div. 551; (39 Supp. 548).

Rickerson v. German - American Ins. Co., 6 App. Div. 550; 39 Supp. 547.

Rickerson v. Hartford Fire Ins. Co., 149 N. Y. 307.

Reversing, 78 Hun, 616; 59 St. Rep. 882; 28 Supp. 1110.

Cited, Insurance—Ambiguity—Parol—Evidence.

6 App. Div. 551; (39 Supp. 548). 17 Misc. 119; (39 Supp. 360).

Rickerson v. Raeder, 4 Abb. Ct. App. Dec. 60.

Cited, Mortgage—Release—Effect.

79 St. Rep. 639; (45 Supp. 639).

Ricketts v. Livingston, 2 Johns. Cas. 100.

Cited, Legacy—Effect on Legatee's Debt to Testator.

15 Misc. 178; (72 St. Rep. 142; 37 Supp. 38).

Ricketts v. Baltimore & Ohio R. Co., 59 N. Y. 637.

Cited, Carriers—Liability—Exemption.

1 App. Div. 63; (72 St. Rep. 224; 37 Supp. 71).

Ridabock v. Metropolitan El. R. Co.,
8 App. Div. 309; 75 St. Rep. 336; 40 Supp. 938.

Riddell v. Cornell, 69 Hun, 605; 53 St. Rep. 398; 24 Supp. 3;

Riddell v. Riddell, 85 Hun, 482; 66 St. Rep. 702; 33 Supp. 99.

Cited, 35 Supp. 1115.

Riddell v. Travis, 35 Supp. 1115.

Ridden v. Thrall, 125 N. Y. 572; 35 St. Rep. 913.

Cited, Gifts—Causa Mortis—Sufficiency.

76 Hun, 463; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 160). 70 Hun, 567; (53 St. Rep. 671; 24 Supp. 268). 3 Misc. 277; (52 St. Rep. 393; 22 Supp. 781). 85 Hun, 437; (66 St. Rep. 232; 32 Supp. 902). 86 Hun, 173;

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(67 St. Rep. 66; 33 Supp. 323). 17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842). 10 Misc. 452; (63 St. Rep. 327; 31 Supp. 86). 18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517). 20 Misc. 257, (79 St. Rep. 340; 45 Supp. 340). 78 St. Rep. 842; 44 Supp. 842). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995). 92 Hun, 456; (72 St. Rep. 417; 36 Supp. 1008). D. 16 App. Div. 556; (78 St. Rep. 999; 44 Supp. 999).

Riddle v. Westfield, 65 Hun, 432; 48 St. Rep. 48; 20 Supp. 359.

Cited, Municipality—Defective Highways—Notice.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. Supp. 738).

Ridenour v. Brooklyn, Board of Education of, 15 Misc. 418; 72 St. Rep. 155; 37 Supp. 109.

Rider v. Foggan, 37 St. Rep. 438; 14 Supp. 59.

Cited, Pleading—Counterclaim—Availability.

11 Misc. 87; (66 St. Rep. 197; 32 Supp. 815; 24 Civ. Pro. 216).

Rider v. Legg, 51 Barb. 260.

Cited, Wills—Execution—Proof—Sufficiency.

13 Misc. 472; (68 St. Rep. 745; 34 Supp. 710; 25 Civ. Pro. 32).

Rider v. Miller, 86 N. Y. 507.

Cited, Evidence—Material Witness—Omission to Call—Effect.

88 Hun, 213; (68 St. Rep. 702; 34 Supp. 721). Witness—Testimony as to Nationality. 79 St. Rep. 616; (45 Supp. 616).

Rider v. Mt. Vernon, 87 Hun, 27; 67 St. Rep. 567; 33 Supp. 745.

Rider v. Rulison, 74 Hun, 239; 55 St. Rep. 680; 26 Supp. 234.

Rider v. Stryker, 63 N. Y. 136.

Cited, Eminent Domain—Compensation. 8 App. Div. 255; (75 St. Rep. 20; 40 Supp. 624).

Rider v. White, 65 N. Y. 54.

Cited, Animals—Injuries by Vicious—Knowledge—Proof.

140 N. Y. 227; (55 St. Rep. 412).

Rider Ave., Matter of, 36 Hun, 645. *Affirmed*, 99 N. Y. 683.

Cited, Streets—Opening—Discontinuance.

82 Hun, 582; (64 St. Rep. 364; 31 Supp. 733).

Rider Life Raft Co., v. Roach, 97 N. Y. 878.

Cited, Corporations—Ultra Vires—Availability.

71 Hun, 567; (55 St. Rep. 98; 25 Supp. 135). 56 St. Rep. 428; (26 Supp. 289). D. 151 N. Y. 46. 9 Misc. 615; (62 St. Rep. 92; 30 Supp. 427). 13 Misc. 690; (69 St. Rep. 212; 35 Supp. 16).

Joint Obligation—Liability.

7 Misc. 470; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 358).

Ridert v. Blumenkrohn, 1 Misc. 7; 48 St. Rep. 517; 20 Supp. 614.

Ridgway v. Bacon, 68 Hun, 506; 52 St. Rep. 600; 22 Supp. 1016.

Cited, Appeal—Demurrer—From What Taken.

1 App. Div. 319; (72 St. Rep. 454; 37 Supp. 390).

Ridgway v. Bacon, 72 Hun, 211; 55 St. Rep. 345; 25 Supp. 651.

Ridgway v. Grace, 2 Misc. 293; 50 St. Rep. 326; 21 Supp. 934.

Ridgway v. Symons, 14 Misc. 78; 69 St. Rep. 552; 35 Supp. 197; 25 Civ. Pro. 23.

Ridgway v. Symons, 14 App. Div. 98; 74 St. Rep. 606; 38 Supp. 895.

Ridley v. Manhattan R. Co., 72 Hun, 164; 55 St. Rep. 473; 25 Supp. 380.

Ried v. Albany County, Sup'rs. of, 128 N. Y. 364.

Cited, Statutes—Enforcement—Limitations—Reasonable Time.

135 N. Y. 167; (48 St. Rep. 135).

Riegelman v. Third Ave. R. Co., 9 Misc. 51; 59 St. Rep. 667; 29 Supp. 299.

Rieger v. Fahy's Watch Case Co., 13 Supp. 788.

Cited, Actions—Costs.

18 Misc. 600; (76 St. Rep. 699; 42 Supp. 699).

Rieger v. Swan, 1 Misc. 484; 49 St. Rep. 924; 22 Supp. 747.

Reversed, 3 Misc. 632; 52 St. Rep. 939; 23 Supp. 1160.

Rieger v. Swan, 2 Misc. 467; 51 St. Rep. 140; 21 Supp. 1037.

Reversed, 51 St. Rep. 943; 22 Supp. 1128.

Riegle, Matter of, 10 Misc. 491; 65 St. Rep. 247; 32 Supp. 168.

Riegle v. Bratt, 78 Hun, 532; 61 St. Rep. 5; 29 Supp. 400.

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Rielly v. Lee, 41 St. Rep. 559; 16 Supp. 313.

Cited, Trial—Direction of Verdict—Request of Both Parties.

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Riendeau v. Bullock, 147 N. Y. 269; 69 St. Rep. 702.

Reversing, 43 St. Rep. 876.

Riendeau v. Vieu, 50 St. Rep. 309; 21 Supp. 501.

Rieser, Matter of, 19 Hun, 202.

Affirmed, 81 N. Y. 629.

Cited, General Assignment—Partnership Debts—Creditor's Rights.

82 Hun, 55, 57; (63 St. Rep. 370; 31 Supp. 70).

Riester v. N. Y. C. & H. R. R. Co., 16 App. Div. 216; 78 St. Rep. 739; 44 Supp. 739.

Rigdon v. Allegany Lumber Co., 37 St. Rep. 514; 13 Supp. 871.

Affirmed, 131 N. Y. 668; 43 St. Rep. 964.

Cited, Master and Servant—Safety of Structures and Appliances.

78 Hun, 237; (59 St. Rep. 880; 28 Supp. 821).

Master and Servant—Safety of Place of Labor—Duty of Employer to Inspect.

72 Hun, 488; (54 St. Rep. 855; 25 Supp. 444).

Riggs v. Buckley, 74 St. Rep. 277; 37 Supp. 1095.

Riggs v. Chapin, 27 St. Rep. 268; 7 Supp. 765.

Cited, Mechanic's Lien—Consent of Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020). 20 Misc. 556.

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2 Misc. 275; (23 Supp. 776).

Riggs v. Commercial Mut. Ins. Co., 125 N. Y. 7; 34 St. Rep. 465.

Cited, Insurance—Insurable Interest—Insurer's Liability.

71 Hun, 371; (55 St. Rep. 9; 24 Supp. 1132). 152 N. Y. 135.

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9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).

Riggs v. Cragg, 89 N. Y. 479.

Cited, Surrogate's Court—Powers—Limitation on.

70 Hun, 478; (53 St. Rep. 796; 24 Supp. 287). 137 N. Y. 408; (51 St. Rep. 3; 29 Abb.

N. C. 477). 8 Misc. 582; (60 St. Rep. 691; 29 Supp. 1090). 4 Misc. 370; (25 Supp. 829). 5 Misc. 140; (25 Supp. 705). 9 Misc. 386; (61 St. Rep. 681; 30 Supp. 275). 90 Hun, 113; (90 St. Rep. 394; 35 Supp. 629). 17 Misc. 489; (75 St. Rep. 682; 41 Supp. 271). 24 Civ. Pro. 78; (29 Supp. 1090). 20 Misc. 537.

Executors and Administrators—Settlement—Power of Surrogate to Construe Will.

3 Misc. 588; (24 Supp. 708). 73 Hun, 356; (56 St. Rep. 3; 26 Supp. 929). 14 App. Div. 451; (77 St. Rep. 920; 43 Supp. 920).

Riggs v. Denniston, 3 Johns. Cas. 198.

Cited, Evidence—Privileged Communications—Attorney and Client.

77 Hun, 579; (60 St. Rep. 517; 28 Supp. 1037).

Riggs v. Murray, 2 Johns. Ch. 565.

Cited, Assignment for Creditors—Preferences.

6 Misc. 463; (27 Supp. 911).

Riggs v. Palmer, 115 N. Y. 506; 26 St. Rep. 198.

Cited, Statutes—Construction—Intention of Law Makers.

7 Misc. 417; (57 St. Rep. 827; 27 Supp. 984). 23 Supp. 801. 141 N. Y. 244; (56 St. Rep. 810). 147 N. Y. 169; (69 St. Rep. 412). 152 N. Y. 447. 19 Misc. 593; (78 St. Rep. 407; 44 Supp. 407). 15 App. Div. 249; (78 St. Rep. 173; 44 Supp. 173). 12 Misc. 624; (68 St. R-p. 85; 34 Supp. 228).

148 N. Y. 153; (2 Ann. Cas. 421).

Property—Title Through Crime.

D. 16 App. Div. 479; (78 St. Rep. 956; 44 Supp. 956).

Wills—Procuring Death of Testator—Effect on Guilty Legatee.

88 Hun, 391; (68 St. Rep. 752; 34 Supp. 814; 2 Ann. Cas. 121). 16 Misc. 444, 447; (74 St. Rep. 238; 38 Supp. 612).

Riggs v. Pursell, 66 N. Y. 193.

Cited, Judicial Sale—Relief from Bid—Defects in Title—Notice.

73 Hun, 201; (56 St. Rep. 72; 25 Supp. 948). 5 App. Div. 83, 85, 86; (38 Supp. 817).

Riggs v. Pursell, 74 N. Y. 370.

Cited, Motions and Orders—As Res Adjudicata—Renewals—Leave.

74 Hun, 188; (56 St. Rep. 552; 26 Supp. 350). 14 Misc. 180; (69 St. Rep. 811; 35 Supp. 331). 81 Hun, 458, 459; (63 St. Rep. 618; 31 Supp. 216). 10 App. Div. 569; (76 St. Rep. 83; 42 Supp. 83).

Judicial Sales—Relief of Purchaser.

5 App. Div. 86; (38 Supp. 819).

Duplicate Citations in Parenthesis.

Rigney v. Rigney, 127 N. Y. 403; 40 St. Rep. 210.

Cited, Constitutional Law—Due Process of Law—Procedure.

84 Hun, 634; (57 St. Rep. 227; 26 Supp. 957). 17 Misc. 238; (39 Supp. 715).

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50 St. Rep. 220. 82 Hun, 185, 183; (64 St. Rep. 803; 31 Supp. 981). 86 Hun, 394; (67 St. Rep. 217; 33 Supp. 503). 90 Hun, 237; (69 St. Rep. 637; 35 Supp. 282). 92 Hun, 164. (71 St. Rep. 551; 36 Supp. 520). 4 App. Div. 530, 531; (40 Supp. 444).

Rikel v. Ferguson, 25 St. Rep. 960; 5 Supp. 774.

Cited, Master and Servant—Risks Assumed—Negligence of Master.

11 Misc. 550; (64 St. Rep. 447; 32 Supp. 750).

Riker v. Cornwell, 113 N. Y. 115; 23 St. Rep. 151.

Cited, Wills—Lapsed Legacies—When Fall Into Residue.

3 Misc. 176; (23 Supp. 840). 69 Hun, 486; (52 St. Rep. 728; 23 Supp. 727). 68 Hun, 441; (52 St. Rep. 676; 23 Supp. 100). 144 N. Y. 625; (64 St. Rep. 219). 146 N. Y. 131; (66 St. Rep. 268). 153 N. Y. 254. 79 St. Rep. 625; (45 Supp. 625).

Riker v. Cromwell, 7 St. Rep. 316.

Cited, Wills—Construction—Intention as Touchstone.

53 St. Rep. 841; (24 Supp. 351).

Riker v. Curtis, 10 Misc. 125; 62 St. Rep. 514; 30 Supp. 940.

Riker v. Curtis, 16 Misc. 682; 73 St. Rep. 611; 37 Supp. 1023.

Affirmed, 17 Misc. 134; (39 Supp. 340).

Riker v. Curtis, 17 Misc. 134; 39 Supp. 340.

Riker v. Leo, 115 N. Y. 93.

Cited, Wills — Construction — Intent of Testator.

11 Misc. 224; (65 St. Rep. 308; 32 Supp. 168).

Riker v. Leo, 133 N. Y. 519.

Cited, Wills—Words — Whether Mandatory or Advisory.

19 Misc. 473; (78 St. Rep. 1041; 44 Supp. 1041).

Riker v. Mahoney, 2 Misc. 522; 51 St. Rep. 600; 23 Supp. 389.

Affirmed, 142 N. Y. 667; 60 St. Rep. 871.

Riley, Matter of, 4 Misc. 338; 24 Supp. 309.

Cited, Wills — Construction — Trust Provisions—Validity.

9 Misc. 626; (62 St. Rep. 244; 30 Supp. 853)

Riley v. Albany Sav. Bank, 103 N. Y. 669.

Cited, Contracts—Executed—With Lunatics—Effect.

88 Hun, 121; (68 St. Rep. 277; 34 Supp. 591).

Riley v. Albany Sav. Bank, 36 Hun, 513.

Cited, Contracts—Executed—With Lunatics—Effect.

88 Hun, 120; (68 St. Rep. 277; 34 Supp. 590).

Riley v. Black, 1 Misc. 288; 48 St. Rep. 759; 20 Supp. 695.

Cited, Appeal — Review of Facts — Conflict of Evidence.

8 Misc. 297; (59 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 437). 10 Misc. 127; (62 St. Rep. 516; 30 Supp. 942). 18 Misc. 55; (75 St. Rep. 440; 40 Supp. 1123).

Riley v. Cheeseman, 75 Hun, 387; 57 St. Rep. 699; 27 Supp. 453.

Cited, Tender—Sufficiency.

84 Hun, 177; (65 St. Rep. 652; 32 Supp. 466). 18 Misc. 227; (75 St. Rep. 869; 41 Supp. 478).

Riley v. Corwin, 17 Hun, 597.

Cited, Pleading—New Cause of Action—Referee.

76 Hun, 447; (59 St. Rep. 182; 28 Supp. 106).

Riley v. Diggs, 2 Dem. 184.

Cited, Wills—Description Of Devisee or Legatee—Corporations.

3 Misc. 484; (23 Supp. 746).

Riley v. Eastchester, Town of, 18 App. Div. 94; 79 St. Rep. 448; 45 Supp. 448.

Riley v. Hallett, 31 Supp. 1132.

Riley v. New York, 96 N. Y. 331.

Cited, Estoppel—Equitable—Employees—Compensation.

142 N. Y. 106; (58 St. Rep. 447).

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87 Hun, 579; (68 St. Rep. 668; 34 Supp. 556).

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87 Hun, 577; (68 St. Rep. 666; 34 Supp. 554).

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10 Misc. 702; (64 St. Rep. 493; 31 Supp. 789).

Riley v. Riley, 73 Hun, 575; 57 St. Rep. 270; 26 Supp. 164.

Riley v. Riley, 83 Hun, 398; 64 St. Rep. 423; 31 Supp. 753.

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Riley v. Riley, 141 N. Y. 409; 57 St. Rep. 573.

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Cited, 83 Hun, 400; (64 St. Rep. 424; 31 Supp. 754).

Riley v. Sexton, 32 Hun, 245.

Cited, Conclusions of Law—Exception—Sufficiency.

10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

Riley v. Western Union Tel. Co.,

6 Misc. 221; 56 St. Rep. 528; 26 Supp. 532.

Affirmed, 8 Misc. 217; 59 St. Rep. 227; 28 Supp. 581.

Riley v. Western Union Tel. Co.,

8 Misc. 217; 59 St. Rep. 227; 28 Supp. 581.

Affirming, 6 Misc. 221; 53 St. Rep. 528; 26 Supp. 532.

Rima v. Rossie Iron Works, 120 N. Y. 433; 31 St. Rep. 590.

Cited, Courts—Jurisdiction.

71 Hun, 526; (54 St. Rep. 890; 24 Supp. 1034).

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77 Hun, 493; (60 St. Rep. 21; 28 Supp. 806).

Rinaldo v. Hausmann, 52 How. 190.

Cited, Vendor and Purchaser—Defects in Title—Recovery of Purchase Money—Tender of Performance.

2 Misc. 493; (24 Supp. 926).

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8 Misc. 129; (59 St. Rep. 523; 28 Supp. 486).

Rinchey v. Stryker, 28 N. Y. 45.

Cited, Attachment—Property Fraudulently Transferred.

136 N. Y. 257; (49 St. Rep. 380). 81 Hun, 345; (63 St. Rep. 139; 30 Supp. 887).

Rindge v. Judson, 24 N. Y. 64.

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1 Misc. 333; (48 St. Rep. 706; 20 Supp. 680). 14 Misc. 231; (70 St. Rep. 255; 35 Supp. 834).

Ring v. Cohoes, City of, 77 N. Y. 83.

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73 Hun, 128; (56 St. Rep. 65; 25 Supp. 957).

Cited, Highways—Defects—Negligence—Proximate Cause.

76 Hun, 177; (57 St. Rep. 301; 27 Supp. 587). 8 Misc. 412; (59 St. Rep. 494; 28 Supp. 674). D. 12 App. Div. 389; (76 St. Rep. 747; 42 Supp. 747). 9 App. Div. 65; (75 St. Rep. 603; 41 Supp. 145).

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1 Misc. 135; (48 St. Rep. 767; 20 Supp. 645). 4 App. Div. 347; (74 St. Rep. 516. 517; 38 Supp. 650, 651). 17 App. Div. 48; (78 St. Rep. 967; 44 Supp. 967). 11 Misc. 133; (65 St. Rep. 113; 31 Supp. 1020). 12 Misc. 51; (66 St. Rep. 730; 33 Supp. 73). 13 Misc. 442; (68 St. Rep. 377; 34 Supp. 474).

Ring v. Gibbs, 26 Wend. 502.

Cited, Attachment—Undertaking—Liabilities of Sureties on—Defense—Irregularity.

6 Misc. 306; (58 St. Rep. 148; 26 Supp. 792).

Ring v. Steele, 4 Abb. Ct. App. Dec. 68.

Cited, Consideration—Recital—Effect.

10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 338).

Ring v. Wheeler, 7 Cow. 725.

Cited, Libel and Slander—Privilege of Counsel.

153 N. Y. 219. 84 Hun, 120; (65 St. Rep. 647; 32 Supp. 462; 1 Ann. Cas. 331).

Ringle v. Matthiessen, 10 App. Div. 274; 75 St. Rep. 1337; 41 Supp. 962.

Cited, Mechanic's Lien—Actions to Enforce.

15 App. Div. 138; (78 St. Rep. 374; 44 Supp. 374). 17 App. Div. 375; (79 St. Rep. 226; 45 Supp. 226).

Ringle v. Matthiessen, 17 App. Div. 374; 79 St. Rep. 226; 45 Supp. 226.

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Ringle v. Wallis Iron Works, 4 Misc. 15; 24 Supp. 757.

Modified and Affirmed, 76 Hun, 449; 59 St. Rep. 177; 28 Supp. 107.

Ringle v. Wallis Iron Works, 16 Misc. 167; 38 Supp. 875; 25 Civ. Pro. 261.

Ringle v. Wallis Iron Works, 76 Hun, 449; 59 St. Rep. 177; 28 Supp. 107.

Affirmed, 149 N. Y. 439.

Ringle v. Wallis Iron Works, 81 Hun, 279; 66 St. Rep. 494; 32 Supp. 1011.

Cited, 86 Hun, 156; (33 Supp. 400).

Ringle v. Wallis Iron Works, 81 Hun, 153; 67 St. Rep. 145; 33 Supp. 398.

Cited, 41 Supp. 962.

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Ringle v. Wallis Iron Works, 149 N. Y. 439.

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Rinn v. Electric Power Co., of Staten Island, 3 App. Div. 305; 73 St. Rep. 802; 38 Supp. 345.

Riordan v. First Pres. Church of Tremont, 6 Misc. 84; 55 St. Rep. 396; 26 Supp. 38.

Affirming, 3 Misc. 553; 52 St. Rep. 524; 23 Supp. 323.

Cited, Contracts—Benefit of Third Person.

92 Hun, 139; (71 St. Rep. 729; 36 Supp. 558). 13 Misc. 236; (68 St. Rep. 16; 34 Supp. 61)

Riordan v. Ocean Steamship Co., 124 N. Y. 655; 36 St. Rep. 476.

Cited, Contributory Negligence—Proof. 83 Hun, 122; (64 St. Rep. 270; 31 Supp. 633).

Riordan v. Ocean Steamship Co., 32 St. Rep. 328; 11 Supp. 56.

Affirmed, 124 N. Y. 655; 36 St. Rep. 476.

Cited, Master and Servant—Liability of Master.

4 Misc. 162; (3 St. Rep. 196; 23 Supp. 789). 13 Misc. 176; (68 St. Rep. 26; 34 Supp. 71).

Ripley v. Ætna Ins. Co., 30 N. Y. 136.

Cited, Insurance—Conditions—Waiver. 49 St. Rep. 555. 1 App. Div. 38; (71 St. Rep. 794; 36 Supp. 627). 19 Misc. 65, 66; (77 St. Rep. 171, 172; 43 Supp. 171, 172).

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9 App. Div. 7; (75 St. Rep. 429; 40 Supp. 1115).

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9 Misc. 258; (60 St. Rep. 580).

Ripley v. Astor Insurance Co., 17 How. 444.

Cited, Insurance — Claims — To Whom Available.

7 App. Div. 586; (40 Supp. 307).

Ripley v. Benedict, 4 Cow. 19.

Cited 6 Misc. 421; (27 Supp. 301).

Ripley v. Hazelton, 3 Daly, 329.

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3 Misc. 68; (51 St. Rep. 774; 22 Supp. 697).

Ripley v. Jaussen, 9 Misc. 474; 61 St. Rep. 121; 29 Supp. 1148.

Cited, Judgments—Reversal—When Authorized.

10 Misc. 750; (64 St. Rep. 620; 31 Supp. 813).

Ripley v. Second Ave. R. Co., 8 Misc. 449; 59 St. Rep. 37; 28 Supp. 683.

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Affirmed, 7 Misc. 133; 57 St. Rep. 102; 27 Supp. 392.

Risk v. Uffelman, 7 Misc. 133; 57 St. Rep. 102; 27 Supp. 392.

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Risley, Matter of, 10 Daly 44.

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6 Misc. 527; (56 St. Rep. 743; 27 Supp. 417).

Risley v. Brown, 67 N. Y. 160.

Cited, Bonds—Indemnity—Discharge. 138 N. Y. 207; (52 St. Rep. 147).

Risley v. Indianapolis, Bloomington & W. R. Co., 62 N. Y. 240.

Cited, Principal and Agent—Contracts—Participation of Agent in—Voidability as to Principal.

72 Hun, 208; (55 St. Rep. 631; 25 Supp. 372).

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17 Misc. 711; (40 Supp. 909).

Risley v. Phoenix Bank, 83 N. Y. 318.

Cited, Action—By One Joint Owner for Share of Demand.

4 Misc. 110; (53 St. Rep. 458; 23 Supp. 891).

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72 Hun, 401; (55 St. Rep. 469; 25 Supp. 569). 3 App. Div. 216; (73 St. Rep. 863; 33 Supp. 254). 12 Misc. 22; (66 St. Rep. 721; 33 Supp. 64). 14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384). 19 Misc. 97; (78 St. Rep. 88; 44 Supp. 88). 17 Misc. 136; (39 Supp. 342).

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Risley v. Rice, 40 Hun, 585.

Cited, Ejectment—Defense.

9 App. Div. 24; (75 St. Rep. 595; 41 Supp. 137).

Risley v. Smith, 64 N. Y. 576.

Cited, Contracts—Defense—Setting Up One's Own Default.

74 Hun, 61; (56 St. Rep. 146; 26 Supp. 136). 1 App. Div. 609; (73 St. Rep. 182; 37 Supp. 470). 17 Misc. 344; (39 Supp. 1068).

Risley v. Van De Linder, 17 Misc. 661; 41 Supp. 402.

Risley v. Wightman, 13 Hun, 163.

Cited, Pleading—Title—Amendment.

92 Hun, 429; (72 St. Rep. 107; 36 Supp. 1005).

Ritch, Matter of, 76 Hun, 36; 59 St. Rep. 623; 27 Supp. 613.

Ritch v. Hawxhurst, 114 N. Y. 512; 23 St. Rep. 919.

Affirming, 1 St. Rep. 563.

Cited, Wills — Construction — Intent of Testator.

3 Misc. 173; (23 Supp. 838). 144 N. Y. 73; (63 St. Rep. 43).

Ritch v. Smith, 82 N. Y. 627.

Cited, Agency — Authority—Contracts—Ratification.

70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281). 14 Misc. 325; (70 St. Rep. 682; 35 Supp. 1056). 75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533). 69 Hun, 364; (52 St. Rep. 695; 23 Supp. 627).

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Ritchie, Matter of, 18 Misc. 341; 40 Supp. 1106

Cited, Excise—Granting — Location of Buildings.

18 Misc. 657; (77 St. Rep. 717; 43 Supp. 717).

Ritchie v. Putnam, 13 Wend. 524.

Cited, Aliens—Naturalization—Collateral Attack On.

8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 416).

Ritchie v. Seaboard National Bank, 12 Misc. 146; 66 St. Rep. 357; 32 Supp. 1073.

Ritchie v. Talcott, 10 Misc. 412; 63 St. Rep. 598; 31 Supp. 196.

Ritchmyer v. Morss, 3 Keyes, 349.

Cited, Chattels—When Fixtures.

79 St. Rep. 639; (45 Supp. 639).

Ritt v. Washington Marine & Fire Ins. Co., 41 Barb. 353.

Cited, Insurance—Agents — Acting for Both Parties—Reinsurance.

138 N. Y. 449; (53 St. Rep. 13).

Ritten v. Griffith, 16 Hun, 454.

Distinguished, Summons—Service—Publication—Optional Personal Service.

71 Hun, 53; (53 St. Rep. 864; 24 Supp. 597; 23 Civ. Pro. 197).

Rittenhouse v. Independent Line of Telegraph, 44 N. Y. 263.

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4 Misc. 541; (54 St. Rep. 246; 24 Supp. 825).

Ritter v. Devine, 80 Hun, 303; 62 St. Rep. 29; 30 Supp. 155.

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Ritter v. Phillips, 53 N. Y. 586.

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77 Hun, 602; (60 St. Rep. 459; 28 Supp. 1029).

Ritterband v. Baggett, 5 Abb. N. C. 67.

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15 App. Div. 101; (78 St. Rep. 277; 44 Supp. 277).

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10 App. Div. 565; (76 St. Rep. 99; 42 Supp. 99). 73 St. Rep. 808; (38 Supp. 129).

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Rivenburgh v. Henness, 4 Lans. 208.

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8 App. Div. 517; (75 St. Rep. 155; 40 Supp. 781).

Riverside Ave., Matter of, 83 Hun, 50; 64 St. Rep. 366; 31 Supp. 735.

Rives v. Michaels, 16 Misc. 57; 73 St. Rep. 238; 37 Supp. 644.

Rix v. Hunt, 16 App. Div. 540, 78 St. Rep. 988; 44 Supp. 988.

Roach v. New York & Erie Ins. Co., 30 N. Y. 546.

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9 App. Div. 7; (75 St. Rep. 430; 40 Supp. 1115).

Roach v. Ogdensburg, 80 Hun, 467; 62 St. Rep. 282; 30 Supp. 450.

Duplicate Citations in Parenthesis.

- Roach v. Ogdensburg**, 91 Hun, 9; 71 St. Rep. 221; 36 Supp. 112.
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- Roades v. Larson**, 50 St. Rep. 551; 21 Supp. 855.
- Roarty v. McDermott**, 84 Hun, 527; 66 St. Rep. 328; 32 Supp. 853.
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- Roarty v. McDermott**, 89 Hun, 511; 69 St. Rep. 753; 35 Supp. 308.
- Roarty v. McDermott**, 146 N. Y. 296; 66 St. Rep. 654.
- Robb v. Hackley**, 23 Wend. 50.
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- Robb v. Montgomery**, 20 Johns. 15.
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- Robb v. Osgoodby**, 20 Misc. 622.
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- Robbins v. Arend**, 1 Misc. 510; 49 St. Rep. 923; 20 Supp. 992.
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- Robbins v. Arendt**, 4 Misc. 196; 53 St. Rep. 483; 23 Supp. 1019.
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* 10 Misc. 379; (64 St. Rep. 121; 31 Supp. 438).
- Robbins v. Arendt**, 6 Misc. 594; 56 St. Rep. 897; 25 Supp. 1142.
- Robbins v. Arendt**, 56 St. Rep. 281; 25 Supp. 1142.
- Robbins v. Arendt**, 148 N. Y. 673.
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- Robbins v. Beers**, 49 St. Rep. 360; 21 Supp. 221.
- Robbins v. Codman**, 4 E. D. Smith, 315.
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- Robbins v. Dillaye**, 33 Barb. 78.
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- Robbins v. Downey**, 45 St. Rep. 279.
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- Robbins v. Ferris**, 5 Hun, 286.
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12 App. Div. 49; (76 St. Rep. 225; 42 Supp. 225).
- Robbins v. Fuller**, 24 N. Y. 570.
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- Robbins v. Mount**, 33 How. 24.
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- Robbins v. Robbins**, 89 N. Y. 251.
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- Robbins v. Robbins**, 133 N. Y. 597; 44 St. Rep. 684.
Cited, Malicious Prosecution—Termination.
2 Misc. 305; (51 St. Rep. 570; 21 Supp. 999). 84 Hun, 140; (66 St. Rep. 401; 32 Supp. 1069). 11 App. Div. 329; (76 St. Rep. 956; 42 Supp. 956).
- Robbins v. Springfield Fire and Marine Ins. Co.**, 79 Hun, 117; 61 St. Rep. 371; 29 Supp. 513.
Affirmed, 149 N. Y. 477.
Cited, Conditions—Waiver—Insurance—Knowledge of Agent.
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7 App. Div. 578; (40 Supp. 302).
- Robbins v. Springfield Fire and Marine Ins. Co.**, 149 N. Y. 477.
Cited, Insurance—Conditions—Waiver—Knowledge of Agent.
15 App. Div. 222; (78 St. Rep. 181; 44 Supp. 181). D. 9 App. Div. 357; (75 St. Rep. 733; 41 Supp. 320). 10 App. Div. 485; (75 St. Rep. 1422; 41 Supp. 1061). 11 App. Div. 71; (76 St. Rep. 622; 42 Supp. 622). 16 App. Div. 600; (78 St. Rep. 979; 44 Supp. 979).
- Robens v. Barrett**, 66 Hun, 189; 49 St. Rep. 172; 21 Supp. 124.
Affirmed, 143 N. Y. 673; 63 St. Rep. 867.

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Roberge v. Winne, 71 Hun, 172; 54 St. Rep. 193; 24 Supp. 562.

Roberge v. Winne, 75 Hun, 597; 59 St. Rep. 616; 27 Supp. 601.

Roberge v. Winne, 144 N. Y. 709; 71 St. Rep. 284.

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Robert v. Baumgarten, 126 N. Y. 336; 37 St. Rep. 482.

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16 Misc. 585; (74 St. Rep. 483; 38 Supp. 806).

Robert v. Corning, 89 N. Y. 225.

Cited, Estates—Suspension of Alienation.

136 N. Y. 135; (48 St. Rep. 837). 10 Misc. 257; (63 St. Rep. 241; 30 Supp. 986). 148 N. Y. 526. 5 App. Div. 323; (39 Supp. 245). 16 Misc. 394; (39 Supp. 531).

Wills—Trusts—Income of Estate.

3 Misc. 471; (23 Supp. 737). 9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278). 153 N. Y. 66). 144 N. Y. 379; (63 St. Rep. 685). 144 N. Y. 576; (64 St. Rep. 241).

Trusts—Testamentary—Implied.

9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278).

Robert v. Ditmas, 7 Wend. 522.

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7 Misc. 346; (58 St. Rep. 518; 28 Supp. 84).

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Robert v. Ogdensburgh & Lake Champlain R. Co., 29 Hun, 154.

Cited, Evidence—Demonstrative—Physical Examination—Compulsory.

67 Hun, 514; (51 St. Rep. 260; 22 Supp. 518).

Robert v. Sadler, 104 N. Y. 229; 5 St. Rep. 594.

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Highways—Soil—Right of Removal.

D. 86 Hun, 432; (67 St. Rep. 626; 33 Supp. 897).

Robert v. Thompson, 16 Misc. 638; 40 Supp. 754.

Robert Gere Bank v. Inman, 51 Hun, 97; 24 St. Rep. 160; 5 Supp. 457.

Cited, Pleading—Answer—Sham.

2 Misc. 178; (49 St. Rep. 721; 21 Supp. 584; 23 Civ. Pro. 58). 74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 15 Misc. 512; (58

St. Rep. 107; 25 Supp. 970). 15 Misc. 404, 406; (72 St. Rep. 37, 38; 36 Supp. 1090, 1091). 4 App. Div. 424; (74 St. Rep. 792; 38 Supp. 859).

Pleading—Denial—Sufficiency.

11 Misc. 623; (66 St. Rep. 177; 32 Supp. 794). 76 Hun, 574; (58 St. Rep. 241; 28 Supp. 234). 8 App. Div. 28; (75 St. Rep. 401; 40 Supp. 1018).

Robert Gere Bank v. Inman, 115 N. Y. 650.

Cited, Pleading—Answer.

15 Misc. 404; (72 St. Rep. 37; 36 Supp. 1090).

Roberts, Matter of, 74 Hun, 630; 57 St. Rep. 201; 23 Supp. 838.

Roberts, Matter of, 70 N. Y. 5.

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90 Hun, 235; (69 St. Rep. 636; 35 Supp. 282).

Roberts v. Albany & W. Stockbridge R. Co., 25 Barb. 662.

Cited, Supplementary Proceedings—Receiver's Title—Property.

75 St. Rep. 282; (40 Supp. 887).

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8 App. Div. 559; (40 Supp. 887).

Roberts v. Baumgarten, 110 N. Y. 330; 18 St. Rep. 162.

Cited, Adverse Possession—Land Under Water.

138 N. Y. 45; (51 St. Rep. 687).

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141 N. Y. 398; (57 St. Rep. 614).

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10 Misc. 184; (62 St. Rep. 91; 30 Supp. 940). 14 Misc. 477; (70 St. Rep. 362; 35 Supp. 845).

Roberts v. Baumgarten, 126 N. Y. 336; 37 St. Rep. 482.

Cited, Ejectment—Stipulation for Judgment Absolute—New Trial.

141 N. Y. 375; (57 St. Rep. 444). 16 Misc. 479; (39 Supp. 934).

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4 Misc. 119; (53 St. Rep. 464; 23 Supp. 897).

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Roberts v. Buckley. See Roberts & Co. v. Buckley.

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15 App. Div. 127; (78 St. Rep. 332; 44 Supp. 332).

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18 Misc. 108, 110, 111; (41 Supp. 835, 446, 437) 18 Misc. 111; (41 Supp. 837).

Roberts v. Cary, 84 Hun, 328; 65 St. Rep. 632; 32 Supp. 563.

Roberts v. Cobb, 103 N. Y. 600.

Cited, Contracts—Consideration.

8 App. Div. 567; (75 St. Rep. 307; 40 Supp. 914.)

Roberts v. Cullen, 40 St. Rep. 672; 16 Supp. 517.

Cited, Pleading — Bill of Particulars—Office of.

3 Misc. 502; (51 St. Rep. 87; 22 Supp. 385). 9 Misc. 106; (59 St. Rep. 686; 29 Supp. 25). 82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496).

Roberts v. Derby, 68 Hun, 299; 52 St. Rep. 95; 23 Supp. 34.

Roberts v. Doty, 31 Hun, 128.

Cited, Action—Discontinuance—By Client—Objection of Attorney.

67 Hun, 647; (51 St. Rep. 230; 22 Supp. 344).

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5 Misc. 77; (24 Supp. 738; 23 Civ. Pro. 204).

Roberts v. Ellwood, 116 N. Y. 651; 26 St. Rep. 727.

Cited, Money had and Received.

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42). 18 Misc. 60; (75 St. Rep. 478; 41 Supp. 25).

Roberts v. Ely, 113 N. Y. 128; 22 St. Rep. 185.

Cited, Limitation of Action — When Barred.

73 Hun, 112; (56 St. Rep. 126; 25 Supp. 881). 2 Misc. 2 3; (23 Supp. 974). 60 St. Rep. 75. 140 N. Y. 158; (55 St. Rep. 261). 141 N. Y. 218; (56 St. Rep. 822).

Money had and Received—Pleading — Evidence.

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42). 49 St. Rep. 421; (20 Supp. 827). 145 N. Y. 375; (55 St. Rep. 782). 1 Misc. 476; (49 St. Rep. 881; 21 Supp. 465). 1 Misc. 480; (50 St. Rep. 889; 21 Supp. 472). 10 Misc. 234; (63 St. Rep. 251; 30 Supp. 1061). 11 Misc. 57; (63 St. Rep. 450; 31 Supp. 856). 11 Misc. 250, 252; (65 St. Rep. 856; 32 Supp.

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Roberts v. Fisher, 43 N. Y. 159.

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1 Misc. 179; (48 St. Rep. 673; 20 Supp. 690).

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Roberts v. Fowler, 3 E. D. Smith, 632.

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7 Misc. 21; (57 St. Rep. 505; 27 Supp. 390).

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9 Misc. 152; (59 St. Rep. 662; 29 Supp. 71). 90 Hun, 588; (70 St. Rep. 649; 35 Supp. 976). 16 App. Div. 618; (78 St. Rep. 1058; 44 Supp. 1058). 20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323).

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7 Misc. 180; (57 St. Rep. 547; 27 Supp. 349)

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12 App. Div. 452; (76 St. Rep. 715; 42 Supp. 715).

Roberts v. Johnstown Bank, 38 St.

Rep. 563; 14 Supp. 432.

Cited, New Trial—Newly Discovered Evidence—Affidavits.

84 Hun, 589; (66 St. Rep. 327; 32 Supp. 852). 17 App. Div. 129; (79 St. Rep. 156; 45 Supp. 156). 66 St. Rep. 328.

Roberts v. Mathews, 18 Abb. 199.

Cited, Injunctions—When Granted.

D. 4 App. Div. 581; (74 St. Rep. 831; 38 Supp. 1020).

Roberts v. New York El. R. Co., 12 Misc. 345; 67 St. Rep. 386; 33 Supp. 685.

Roberts v. New York El. R. Co., 128 N. Y. 455; 40 St. Rep. 451.

Cited, Elevated Railways—Injunction or Damages—Gist of Action.

1 Misc. 378; (49 St. Rep. 121; 20 Supp. 863). 1 Misc. 378; (49 St. Rep. 120). 24 Supp. 912.

Evidence—Opinions—Experts.

71 Hun, 363; (55 St. Rep. 19; 24 Supp. 1138). 142 N. Y. 38; (58 St. Rep. 440). 51 St. Rep. 535; (22 Supp. 22). 77 Hun, 141; (59 St. Rep. 39; 28 Supp. 465). 83 Hun, 525; (65 St. Rep. 123; 32 Supp. 86). 12 Misc. 15; (66 St. Rep. 536; 33 Supp. 37).

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Evidence—Expert—Amount of Damage—Value of Property—Elevated Railroads.

138 N. Y. 552; (53 St. Rep. 183). 142 N. Y. 176; (58 St. Rep. 641). 7 Misc. 628; (58 St. Rep. 810; 23 Supp. 150; 31 Abb. N. C. 270). 3 Misc. 431; (52 St. Rep. 447; 23 Supp. 169). 1 Misc. 120; (48 St. Rep. 681; 20 Supp. 723). 6 Misc. 430; (58 St. Rep. 584; 27 Supp. 133). 147 N. Y. 514; (70 St. Rep. 89). D. 147 N. Y. 318; (69 St. Rep. 685). 144 N. Y. 118; (63 St. Rep. 20). 149 N. Y. 399.

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3 Misc. 52; (51 St. Rep. 767; 22 Supp. 944). 8 Misc. 18; (59 St. Rep. 308; 28 Supp. 69).

Distinguished, 92 Hun, 36; (72 St. Rep. 236; 36 Supp. 903). 3 App. Div. 255; (73 St. Rep. 698; 38 Supp. 205). 2 App. Div. 481; (74 St. Rep. 282; 37 Supp. 1100).

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14 Misc. 506; (70 St. Rep. 714; 35 Supp. 1069).

Equity—Administration of Complete Relief.

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Roberts v. New York & New Eng. R. Co., 64 St. Rep. 167; 31 Supp. 577.

Roberts v. Ogdensburgh & Lake Champlain R. Co., 29 Hun, 154.

Cited, **Evidence—Exhibition of Injured Parts.**

13 Misc. 404; (68 St. Rep. 877; 34 Supp. 1144).

Roberts v. Rundel, 3 Sandf. 707.

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D 4 Misc. 95; (53 St. Rep. 82; 23 Supp. 860).

Roberts v. Safety Buggy Co., 1 App. Div. 74; 72 St. Rep. 270; 36 Supp. 1094.

Roberts v. Stuyvesant Safe Deposit Co., 123 N. Y. 57; 33 St. Rep. 175.

Cited, **Warehousemen—Delivery to Owner—Defense as to Bailor.**

6 Misc. 232; (56 St. Rep. 537; 26 Supp. 544).

Roberts v. Summit Park Co., 72 Hun, 458; 54 St. Rep. 778; 25 Supp. 297.

Roberts v. Tobias, 120 N. Y. 1; 30 St. Rep. 189.

Cited, **Appeal—Necessity of Exceptions.** 73 Hun, 615; (55 St. Rep. 170; 25 Supp. 186). 9 Misc. 98; (59 St. Rep. 695; 29 Supp. 6). 10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

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5 Misc. 25; (25 Supp. 144). 12 App. Div. 175; (76 St. Rep. 576; 42 Supp. 576). 15 Misc. 259; (71 St. Rep. 493; 36 Supp. 443).

Roberts v. Tobias, 120 N. Y. 665; 31 St. Rep. 950.

Cited, **Appeal—Exceptions—Necessity.**

70 Hun, 474; (53 St. Rep. 625; 24 Supp. 428).

Roberts v. Union Elevated R. Co., 84 Hun, 437; 65 St. Rep. 599; 32 Supp. 387.

Roberts v. Vietor, 130 N. Y. 585; 42 St. Rep. 729.

Cited, 80 Hun, 59; (29 Supp. 874). 145 N. Y. 222; (64 St. Rep. 602).

Distinguished, **Assignment for Creditors—Mistake in Naming Creditor.**

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Roberts v. Wells & Co., 4 App. Div. 395; 74 St. Rep. 529; 38 Supp. 845.

Roberts v. White, 73 N. Y. 375.

Cited, **Injunction—Damages—Duty to Keep Down.**

8 Misc. 245; (59 St. Rep. 220; 23 Supp. 546). 11 App. Div. 293; (76 St. Rep. 71; 42 Supp. 71).

Distinguished, 17 App. Div. 516; (79 St. Rep. 586; 45 Supp. 586).

Motions and Orders—Irregularity—Waiver.

6 Misc. 377; (56 St. Rep. 402; 26 Supp. 756).

Roberts & Co. v. Buckley, 80 Hun, 58; 61 St. Rep. 561; 29 Supp. 873.

Affirmed, 145 N. Y. 215; 64 St. Rep. 60.

Roberts & Co. v. Buckley, 145 N. Y. 215; 64 St. Rep. 600.

Cited, **Assignments—Validity—Interpretation.**

86 Hun, 421; (67 St. Rep. 178; 33 Supp. 522). 8 App. Div. 38; (40 Supp. 399).

Roberts & Co. v. Vietor, 54 Hun, 461. *Cited*, 80 Hun, 59; (20 Supp. 874).

Robertson v. Barnum, 29 Hun, 657.

Cited, **Costs—Security—Laches.**

70 St. Rep. 381; (35 Supp. 608; 25 Civ. Pro. 55).

Robertson v. Bennett, 44 Super. 66.

Cited, **New Trial—Excessive Damages—Rulings of Court—Libel.**

6 Misc. 168; (27 Supp. 124).

Robertson v. Bullions, 11 N. Y. 243.

Cited, **Appeal—Judgment—What Reviewed.**

149 N. Y. 548. 91 Hun, 61; (71 St. Rep. 631; 36 Supp. 827).

Religious Corporations—Motion—Review by Courts.

20 Misc. 239; (79 St. Rep. 792; 45 Supp. 792).

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Robertson v. Bullions, 9 Barb. 64.

Cited, Church—Definition.

18 Misc. 660; (77 St. Rep. 719; 43 Supp. 719).

Robertson v. Hay, 12 Misc. 7; 66 St. Rep. 530; 33 Supp. 31.

Robertson v. Ins. Co. of Pa., 137 N. Y. 530; 50 St. Rep. 930.

Robertson v. Metropolitan Ins. Co., 88 N. Y. 541.

Cited, Estoppel — What Constitutes — Knowledge—Circumstance.

9 Misc. 81; (59 St. Rep. 550; 29 Supp. 720). 12 Misc. 136; (66 St. Rep. 737; 33 Supp. 80).

Insurance—Breach of Condition—Waiver.

78 Hun, 193; (60 St. Rep. 256; 28 Supp. 945). 12 Misc. 505; (67 St. Rep. 575; 33 Supp. 661).

Robertson v. Lawton, 91 Hun, 67; 71 St. Rep. 87; 36 Supp. 175.

Robertson v. McKibbin, 20 Misc. 658.

Robertson v. Merz Universal Extractor & Construction Co., 2 App. Div. 575; 74 St. Rep. 352; 37 Supp. 1054.

Robertson v. Murray, 73 Hun, 490; 56 St. Rep. 35; 26 Supp. 480.

Robertson v. Nat'l Steamship Co., 139 N. Y. 416; 54 St. Rep. 689.

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Robertson v. Nat'l Steamship Co., 1 App. Div. 61; 72 St. Rep. 223; 37 Supp. 69.

Robertson v. New Hampshire Ins. Co., 137 N. Y. 530; 50 St. Rep. 930.

Affirming, 42 St. Rep. 452; 16 Supp. 842.

Robertson v. New York, 7 Misc. 645; 58 St. Rep. 391; 28 Supp. 13.

Affirmed, 149 N. Y. 609.

Cited, Injuries—Necessary and Probable Consequences.

D. 14 App. Div. 40; (77 St. Rep. 993; 43 Supp. 993).

Robertson v. New York, 149 N. Y. 609.

Cited, Injuries — Necessary and Probable Consequences.

14 App. Div. 40; (77 St. Rep. 993; 43 Supp. 993).

Robertson v. New York Press Co., 2 App. Div. 49; 72 St. Rep. 547; 37 Supp. 187.

Robertson v. Ongley Electric Co., 82 Hun, 585; 64 St. Rep. 342; 31 Supp. 605.

Affirmed, 146 N. Y. 20; 65 St. Rep. 757.

Robertson v. Ongley Electric Co., 146 N. Y. 20; 65 St. Rep. 757.

Cited, Contracts—Construction.

D. 153 N. Y. 61.

Robertson v. Robertson, 9 Daly, 44.

Cited, Pleadings — Amendments — Of Course—Causes of Action.

8 Misc. 97; (60 St. Rep. 160; 28 Supp. 1007; 23 Civ. Pro. 403; 31 Abb. N. C. 255).

10 Misc. 72; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 86; 1 Ann. Cas. 41).

Robertson v. Sayre, 25 St. Rep. 449; 6 Supp. 649.

Cited, Statute of Uses and Trusts.

83 Hun, 364; (64 St. Rep. 778; 31 Supp. 905).

Robertson v. Sayre, 134 N. Y. 97; 45 St. Rep. 588.

Cited, Statute of Uses and Trusts.

83 Hun, 364; (64 St. Rep. 778; 31 Supp. 905).

Robertson v. Sully, 2 App. Div. 152; 73 St. Rep. 554; 37 Supp. 935.

Robeson v. Central R. Co. of New Jersey, 76 Hun, 444; 59 St. Rep. 180; 28 Supp. 104.

Robins, v. Ackerly, 91 N. Y. 98.

Cited, Co-tenancy—Exclusive Occupation by Lessee of One Co-tenant.

73 Hun, 511; (58 St. Rep. 182; 26 Supp. 307).

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15 App. Div. 269; (78 St. Rep. 215; 44 Supp. 215).

Robins v. McClure, 100 N. Y. 328.

Cited, Decedent's Estates—Rights of Administrator.

144 N. Y. 562; (64 St. Rep. 251). 82 Hun, 102; (63 St. Rep. 606; 31 Supp. 204).

Robinson, Matter of, 57 Hun, 395; 32 St. Rep. 720.

Cited, Wills—Meaning of Words—Children.

71 Hun, 83; (54 St. Rep. 229; 24 Supp. 591).

Robinson, Matter of, 21 Wend. 672.

Cited, Attachment — Affidavit — Sufficiency.

17 Misc. 243; (40 Supp. 1066).

Robinson v. Bank of Attica, 21 N. Y. 406.

Cited, Assignment for Creditors—Corporations—Right to.

4 Misc. 245; (24 Supp. 693).

Corporation — Insolvency — Creditors — Preference.

79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661). 7 App. Div. 110. 9 App. Div. 303; (75 St. Rep. 645; 41 Supp. 196). 15 Misc. 400 (73 St. Rep. 411; 37 Supp. 824).

Duplicate Citations in Parenthesis.

Robinson v. Bank of Newburne, 81 N. Y. 393.

Cited, Corporations—Insolvency.

92 Hun, 301; (71 St. Rep. 773; 36 Supp. 707).

Robinson v. Bank of Newburne, 95 N. Y. 637.

Cited, Corporations—Transfer of Stock—Refusal to Make—Effect.

17 App. Div. 240; (79 St. Rep. 572; 45 Supp. 572).

Robinson v. Beard, 140 N. Y. 107; 55 St. Rep. 302.

Affirming, 52 St. Rep. 931;

Robinson v. Brennan, 11 Hun, 268.

Cited Sheriffs—Instructions as to Process—Jurisdiction Under.

73 Hun, 396; (58 St. Rep. 85; 26 Supp. 560).

Robinson v. Brennan, 90 N. Y. 208.

Cited, Attorney and Client—Dissolution of Relation.

152 N. Y. 170.

Robinson v. Chamberlain, 34 N. Y. 389.

Cited, Contracts—Benefit of Third Person—Availability.

78 Hun, 151; (60 St. Rep. 205; 28 Supp. 990). 66 Hun, 357; (50 St. Rep. 41; 21 Supp. 291). 60 St. Rep. 113. 11 App. Div. 125; (76 St. Rep. 1041; 42 St. Rep. 1041).

Public Officers—Negligence—Liability.

149 N. Y. 502. 82 Hun, 80; (63 St. Rep. 322; 31 Supp. 90).

Robinson v. Cornish, 36 St. Rep. 39; 12 Supp. 929.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 431; 23 Civ. Pro. 40). 7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331). 7 Misc. 46; (57 St. Rep. 62; 27 Supp. 355).

Robinson v. Cushman, 2 Den. 149.

Cited, Decedent's Estate—Memorandum Effect.

1 App. Div. 67; (72 St. Rep. 25; 36 Supp. 1082).

Robinson v. Fay, 46 St. Rep. 369; 19 Supp. 120.

Cited, Corporations—Trustees—Liability for Debts—Judgment Against Corporation.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22).

Robinson v. Ficken, 10 Misc. 758; 65 St. Rep. 214; 32 Supp. 118.

Cited, Judgment—Not Supported by Proof.

14 Misc. 579; (70 St. Rep. 724; 35 Supp. 1080).

Robinson v. Ficken, 10 Misc. 771; 62 St. Rep. 516; 30 Supp. 1134.

Cited, 10 Misc. 772; 62 St. Rep. 516.

Robinson v. Fowler, Town of, 80 Hun, 101; 61 St. Rep. 791; 30 Supp. 25.

Cited, Towns—Highways—Defects.

88 Hun, 527; (69 St. Rep. 34; 34 Supp. 971).

Robinson v. Frost, 14 Barb. 536.

Cited, Tort-Feasors—Contribution.

16 App. Div. 619; (78 St. Rep. 1059; 44 Supp. 1059).

Conversion—Defense—Evidence.

16 Misc. 356; (38 Supp. 76).

Robinson v. Gedney, 138 N. Y. 622; 51 St. Rep. 934.

Robinson v. Gilroy, 10 Misc. 205, 62 St. Rep. 85; 30 Supp. 411.

Robinson v. Govers, 67 Hun, 317; 51 St. Rep. 802; 22 Supp. 249.

Reversed, 138 N. Y. 425; 52 St. Rep. 925.

Robinson v. Govers, 138 N. Y. 425; 52 St. Rep. 925; 30 Abb. N. C. 241.

Reversing, 65 Hun, 571; 48 St. Rep. 562; 20 Supp. 511.

Cited, Partition—Death of Life Tenant Pending—Disposition of Interest.

60 St. Rep. 101.

Robinson v. Grannis, 67 St. Rep. 25; 33 Supp. 291.

Robinson v. Gray, 17 Misc. 341; 39 Supp. 1066.

Affirming, 16 Misc. 683; 38 Supp. 1148.

Robinson v. Hall, 35 Hun, 214.

Cited, Judgment—Irregularity—Remedy. 7 Misc. 3; (57 St. Rep. 844; 27 Supp. 320).

Robinson v. Heimbecker, 4 Misc. 606; 54 St. Rep. 240; 24 Supp. 701.

Robinson v. Hunt, 88 Hun, 285; 68 St. Rep. 596; 34 Supp. 794.

Robinson v. Jewett, 116 N. Y. 40; 26 St. Rep. 387.

Cited Contract—Consideration—Legal Obligation.

3 Misc. 384; (54 St. Rep. 150; 23 Supp. 303). 151 N. Y. 505. 10 App. Div. 353; (41 Supp. 888).

Robinson v. Kine, 70 N. Y. 147.

Cited, Deeds—Boundaries—Distances.

5 App. Div. 600; (39 Supp. 439).

Robinson v. Klein, 62 St. Rep. 73; 30 Supp. 262; 31 Abb. N. C. 481.

Robinson v. Lewis, 6 Misc. 37; 56 St. Rep. 620; 25 Supp. 1004.

Affirmed, 7 Misc. 536; 58 St. Rep. 334; 27 Supp. 989.

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Robinson v. Lewis, 7 Misc. 536; 58 St. Rep. 334; 27 Supp. 989.

Cited, Evidence—Experts.

19 Misc. 168.

Robinson v. Manhattan R. Co., 5 Misc. 209; 54 St. Rep. 792; 25 Supp. 91.

Cited, Risks—Assumption.

10 Misc. 711; (64 St. Rep. 616; 31 Supp. 808).

Robinson v. Marks, 19 Hun, 325.

Cited, Costs—Liquidation—Failure to Plead.

8 Misc. 623; (61 St. Rep. 335; 29 Supp. 824).

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150 N. Y. 187.

Robinson v. Metropolitan Ins. Co., 1 App. Div. 269; 72 St. Rep. 653; 37 Supp. 146.

Cited, Insurance—False Answers—Liability of Agent.

10 App. Div. 534; (76 St. Rep. 349; 42 Supp. 349).

Robinson v. N. Y. C. & H. R. R. Co., 66 N. Y. 11.

Cited, Negligence—Imputed.

4 App. Div. 499. 92 Hun, 153; (71 St. Rep. 723; 36 Supp. 699). 3 App. Div. 428; (74 St. Rep. 141; 38 Supp. 800). 12 App. Div. 159; (76 St. Rep. 669; 42 Supp. 669).

Robinson v. N. Y. L. E. & W. R. Co., 18 Supp. 788; 46 St. Rep. 35.

Cited, Evidence—Opinion in Former Trial—Admissibility.

19 Misc. 363; (77 St. Rep. 502; 43 Supp. 503).

Robinson v. Oceanic Steam Navigation Co., 56 Super. 108; 16 St. Rep. 583; 1 Supp. 418; 15 Civ. Pro. 188.

Affirmed, 112 N. Y. 315; 20 St. Rep. 741; 16 Civ. Pro. 225.

Cited Causes of Action—Situs—For Negligence.

2 Misc. 510; (51 St. Rep. 85; 22 Supp. 384; 23 Civ. Pro. 109).

Robinson v. Oceanic Steam Navigation Co., 112 N. Y. 315; 20 St. Rep. 741; 16 Civ. Pro. 225.

Cited, Actions—In Tort—Parties—Non-Residents.

77 Hun, 314; (59 St. Rep. 826; 28 Supp. 429). 76 Hun, 311; (59 St. Rep. 86; 27 Supp. 689). 62 St. Rep. 70; (30 Supp. 295; 23 Civ. Pro. 351). 8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 437, 443). 14 App. Div. 249; (77 St. Rep. 430; 43 Supp. 430). 17 Misc. 147; (39 Supp. 411). 66 St. Rep. 154; (32 Supp. 874; 24 Civ. Pro. 235). 20 Misc. 686.

Courts—Jurisdiction.

19 Misc. 599. (78 St. Rep. 317; 44 Supp. 317). 91 Hun, 501; (70 St. Rep. 863; 36 Supp. 261; 25 Civ. Pro. 116).

Robinson v. Pacific Fire Ins. Co., 1 Hun, 395.

Cited, Insurance—Premium—Prepayment—Waiver.

D. 8 App. Div. 108; (40 Supp. 464).

Robinson v. Passavant, 73 Hun, 138; 56 St. Rep. 875; 26 Supp. 128.

Robinson v. Plimpton, 25 N. Y. 484.

Cited, Appeal—Sureties—Liability.

146 N. Y. 253; (66 St. Rep. 613).

Robinson v. Preswick, 3 Edw. Ch. 247.

Cited, Fixtures—Mortgagor and Mortgagee—Rule.

8 Misc. 336; (59 St. Rep. 869; 29 Supp. 1108; 31 Abb. N. C. 387).

Robinson v. Raynor, 28 N. Y. 494.

Cited, Contract—Implied.

63 Hun, 384; (52 St. Rep. 315; 22 Supp. 947). 83 Hun, 405; (64 St. Rep. 668; 31 Supp. 879). 11 Misc. 333; (65 St. Rep. 294; 32 Supp. 147).

Contract—Services—Agreed Compensation by Will.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431). 136 N. Y. 622; (49 St. Rep. 76). 19 Misc. 94; (77 St. Rep. 972; 43 Supp. 972).

Surrogate's Court—Extent of Review by Appellate Court.

10 App. Div. 594; (76 St. Rep. 134; 42 Supp. 134).

Robinson v. Ryan, 25 N. Y. 320.

Cited, Mortgage—Foreclosure—Defect of Parties—Purchaser.

139 N. Y. 161; (54 St. Rep. 668).

Robinson v. Schmitt, 79 St. Rep. 253; 45 Supp. 253.

Robinson v. Sinclair, 1 Den. 628.

Cited, Security for Costs—Laches.

86 Hun, 500; (67 St. Rep. 536; 33 Supp. 790).

Robinson v. Smith, 3 Paige, 222.

Cited, Corporation—Rights of Minority Stockholders.

72 Hun, 390; (55 St. Rep. 67; 25 Supp. 583; 31 Abb. N. C. 29). 71 Hun, 44; (54 St. Rep. 299; 24 Supp. 516). 81 Hun, 123; (62 St. Rep. 658; 30 Supp. 702; 1 Ann. Cas. 29). 81 Hun, 192; (62 St. Rep. 704; 30 Supp. 760). 83 Hun, 551; (65 St. Rep. 48; 31 Supp. 1071). 11 Misc. 212; (66 St. Rep. 575; 32 Supp. 1120). 11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Corporations—Liability of Directors—Accounting—Form of Action—When Equitable.

95 St. Rep. 380; (28 Supp. 606).

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Robinson v. Smith, 13 Abb. 359.

Cited, Wills—Execution—Sufficiency.

16 Misc. 209; (38 Supp. 1128).

Robinson v. Smith, 25 St. Rep. 647; 7 Supp. 38.

Cited, Damages—Equity Actions.

85 Hun, 66; (65 St. Rep. 861; 32 Supp. 641).

Robinson v. Springfield Iron Co., 39 Hun, 634.

Cited, Statute of Frauds—Promise to Pay Debt of Another.

8 App. Div. 52; (40 Supp. 435).

Robinson v. Stewart, 10 N. Y. 189.

Cited, Fraudulent Conveyances—Consideration.

75 Hun, 527; (57 St. Rep. 351; 27 Supp. 732). 4 App. Div. 213; (74 St. Rep. 192; 38 Supp. 549).

Robinson v. Wards Exr's, 8 Johns. 86.

Cited, Actions in Rem—Foreign Judgments—Validity.

152 N. Y. 204.

Robitzek v. Hect, 3 Civ. Pro. 156.

Cited, Costs—Fees of Witnesses not Called.

8 Misc. 423; (59 St. Rep. 36; 28 Supp. 664).

Roblee v. Barss. See *Stevens v. Barss*.

Roblee v. Gallentine, 19 Week. Dig. 153.

Cited, Contract—Implied—Board and Services—Near Relatives.

5 Misc. 159; (25 Supp. 721).

Roblee v. Indian Lake, Town of, 11

App. Div. 435; 76 St. Rep. 326; 42 Supp. 326.

Roblin v. Long, 60 How. 200.

Cited, Judgments—Foreign—Enforcement.

7 Misc. 580; (58 St. Rep. 396; 28 Supp. 155; 31 Abb. N. C. 237).

Roby v. American Central Ins. Co.,

11 St. Rep. 93.

Cited, Insurance—Preliminary Proofs—Conclusiveness.

8 Misc. 616; (60 St. Rep. 831; 29 Supp. 325).

Roby v. American Central Ins. Co.,

120 N. Y. 510; 31 St. Rep. 560.

Cited, Insurance—Conditions—Waiver.

140 N. Y. 28; (55 St. Rep. 382). 137 N. Y. 397; (50 St. Rep. 682). 61 St. Rep. 721; (29 Supp. 1126). 49 St. Rep. 140; (21 Supp. 31). 150 N. Y. 194. 80 Hun, 602; (29 Supp. 1126). 90 Hun, 334; (70 St. Rep. 310; 35 Supp. 867). 11 App. Div. 414; (76 St. Rep. 287; 42 Supp. 287). 12 Misc. 503, 504; (67 St. Rep. 574; 33 Supp. 660).

Roby v. N. Y. C. & H. R. R. Co., 142 N. Y. 176; 58 St. Rep. 642.

Reversing, 65 Hun, 532; 48 St. Rep. 201; 20 Supp. 551.

Roby v. Yates, 70 Hun, 35; 53 St. Rep. 535; 23 Supp. 1108.

Roca v. Byrne, 68 Hun, 502; 52 St. Rep. 477; 22 Supp. 1039.

Affirmed, 145 N. Y. 182; 64 St. Rep. 587.

Roca v. Byrne, 145 N. Y. 182; 64 St. Rep. 587.

Cited, Sales—Following Proceeds.

150 N. Y. 218. 151 N. Y. 15.

Roche v. Brooklyn City & N. R. Co.

105 N. Y. 294; 7 St. Rep. 361.

Distinguished, Evidence—Declarations—Pain.

1 Misc. 353; (48 St. Rep. 664; 20 Supp. 684).

Cited, Bodily Pain.

76 Hun, 177; (57 St. Rep. 301; 27 Supp. 588). 77 Hun 498; (60 St. Rep. 594; 28 Supp. 1014). 8 App. Div. 158; (40 Supp. 479).

Roche v. McCaldin, 1 Misc. 174; 48 St. Rep. 695; 20 Supp. 688.

Roche v. Ward, 7 How. 416.

Cited, Practice—Motions—Irregularity—Effect.

82 Hun, 438; (64 St. Rep. 357; 31 Supp. 742).

Rochelle v. Lang, 75 Hun, 608; 59 St. Rep. 616; 27 Supp. 600.

Cited, Ordinances—Setting Aside by the Court.

87 Hun, 66; (67 St. Rep. 682; 33 Supp. 952).

Rochester, Matter of, 110 N. Y. 159; 17 St. Rep. 146.

Cited, Eminent Domain—Interest of Mortgagee in Compensation.

136 N. Y. 90.

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3 Misc. 439; (52 St. Rep. 327; 23 Supp. 172). 5 Misc. 477; (26 Supp. 334). 136 N. Y. 106; (48 St. Rep. 892). 146 N. Y. 34; (65 St. Rep. 776). 89 Hun, 556; (69 St. Rep. 730; 35 Supp. 313).

Distinguished, 83 Hun, 262; (64 St. Rep. 144; 31 Supp. 590). 18 Misc. 147; (41 Supp. 1103).

Rochester, Matter of, 136 N. Y. 83; 49 St. Rep. 85.

Affirming, 45 St. Rep. 940.

Cited, Eminent Domain—Rights in Award.

88 Hun, 278; (68 St. Rep. 251; 34 Supp. 420).

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Rochester, Matter of, 137 N. Y. 243; 50 St. Rep. 699.

Affirming, 48 St. Rep. 358.

Rochester, Matter of, 8 App. Div. 609; 40 Supp. 1007.

Rochester v. Campbell, 123 N. Y. 405; 34 St. Rep. 77.

Cited, Highways—Ice on Sidewalks—Liability of Owner.

72 Hun, 240; (55 St. Rep. 441; 25 Supp. 392). 6 Misc. 301; (58 St. Rep. 296; 26 Supp. 1110). 81 Hun, 150; (62 St. Rep. 641; 30 Supp. 688). 81 Hun, 443; (63 St. Rep. 260; 30 Supp. 1123).

Statute—Injury from Non-Compliance—Redress Against Offender.

70 Hun, 534; (53 St. Rep. 789; 24 Supp. 405). 11 Misc. 55; (63 St. Rep. 450; 31 Supp. 855). 11 Misc. 198; (65 St. Rep. 153; 32 Supp. 96).

Municipal Corporations—Duty to Repair Sidewalks and Streets.

1 App. Div. 425; (72 St. Rep. 607; 37 Supp. 282). 10 Misc. 378; (64 St. Rep. 120; 31 Supp. 437). 9 Misc. 15; (59 St. Rep. 699; 29 Supp. 15).

Municipal Corporations—Damages Against—Right of Contribution from Abutting Owners.

82 Hun, 79; (63 St. Rep. 331, 332; 31 Supp. 89, 90).

Distinguished, 9 App. Div. 281; (75 St. Rep. 909; 41 Supp. 520).

Rochester v. Jones, 4 N. Y. 497.

Cited, Mortgages—Oral—Validity.

149 N. Y. 96.

Rochester v. Montgomery, 72 N. Y. 65.

Cited, Judgments—Effect on Indemnitors.

144 N. Y. 66; (71 St. Rep. 304). 149 N. Y. 151. 11 Misc. 56; (63 St. Rep. 451; 31 Supp. 855). 71 St. Rep. 304. 70 Hun, 254; (54 St. Rep. 4; 24 Supp. 299). 81 Hun, 150; (62 St. Rep. 60; 30 Supp. 687). 11 Misc. 55; (63 St. Rep. 450; 31 Supp. 855).

Municipal Corporations—Actions Against—Necessary Facts—Proof.

1 App. Div. 425; (72 St. Rep. 608; 37 Supp. 282). 81 Hun, 443; (63 St. Rep. 260; 30 Supp. 1123).

Rochester v. Quintard, 136 N. Y. 221; 49 St. Rep. 329.

Affirming, 65 Hun, 460; 48 St. Rep. 142.

Rochester v. Rush, Town of, 80 N. Y. 302.

Cited, Municipal Corporations—Property—Taxability.

90 Hun, 122; (70 St. Rep. 403; 35 Supp. 638).

Rochester v. Simpson, 57 Hun, 36; 32 St. Rep. 732.

Cited, Health—Nuisance—Abatement.

140 N. Y. 22; (55 St. Rep. 427).

Rochester Bar Association v. Dorothy, 152 N. Y. 596.

Affirming, 8 App. Div. 611; 41 Supp. 1112.

Rochester City Bank v. Elwood, 21 N. Y. 88.

Cited, Bank Officials—Neglect of Duty—Liability.

17 Misc. 210; (40 Supp. 1039).

Rochester Distilling Co. v. Deven-dorf, 72 Hun, 428; 54 St. Rep. 871; 25 Supp. 200.

Cited, Actions—Fraud—Election of Remedies.

83 Hun, 355; (64 St. Rep. 846; 31 Supp. 986). 11 App. Div. 231, 232; (76 St. Rep. 972, 973; 42 Supp. 972, 973).

Rochester Distilling Co. v. Deven-dorf, 72 Hun, 622; 54 St. Rep. 864; 25 Supp. 529.

Rochester Distilling Co. v. O'Brien, 72 Hun, 462; 55 St. Rep. 149; 25 Supp. 281.

Cited, Counterclaim—Availability—Pleading.

7 Misc. 434; (57 St. Rep. 572; 27 Supp. 941). 85 Hun, 556; (66 St. Rep. 707; 33 Supp. 105). 16 Misc. 389; (73 St. Rep. 809; 38 Supp. 130).

Rochester Distilling Co. v. Rasey, 65 Hun, 512; 48 St. Rep. 301; 20 Supp. 583.

Cited, Chattel Mortgage—Crops—When Valid.

82 Hun, 392; (63 St. Rep. 792; 31 Supp. 343).

Rochester Distilling Co. v. Rasey, 142 N. Y. 570; 60 St. Rep. 284.

Affirming, 65 Hun, 512; 48 St. Rep. 301; 20 Supp. 583.

Cited, 88 Hun, 588; (34 Supp. 901).

Chattel Mortgages—Things Not in Existence—Effect.

82 Hun, 391; (63 St. Rep. 792; 31 Supp. 342). 17 Misc. 22; (39 Supp. 871). 69 St. Rep. 65. 19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706). 13 Misc. 740; (69 St. Rep. 232; 35 Supp. 3).

Distinguished, 9 App. Div. 90; (75 St. Rep. 500; 41 Supp. 44).

Duplicate Citations in Parenthesis.

Rochester Electric Railway Co., Matter of, 123 N. Y. 351; 33 St. Rep. 695.

Cited Eminent Domain—Railroads—Consent—Exercise of Franchise.

71 St. Rep. 675; (33 Supp. 745). 15 App. Div. 197; (78 St. Rep. 733; 34 Supp. 733). 92 Hun, 462. 83 Hun, 410; (64 St. Rep. 417; 31 Supp. 746). 89 Hun, 215; (69 St. Rep. 17; (34 Supp. 1046).

Rochester, H. & L. R. Co. v. N. Y., L. E. & W. R. Co., 48 Hun, 190; 15 St. Rep. 686.

Cited, Contempt—Violation of Injunction.

67 Hun, 255; (50 St. Rep. 903; 22 Supp. 426; 23 Civ. Pro. 115). 80 Hun, 441; (62 St. Rep. 291; 30 Supp. 460).

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78 Hun, 297; (60 St. Rep. 241; 28 Supp. 960). 78 Hun, 33; (60 St. Rep. 496; 28 Supp. 1031). 72 Hun, 603; (54 St. Rep. 764; 25 Supp. 265). D. 12 Misc. 483; (67 St. Rep. 384; 33 Supp. 682). 16 Misc. 5; (73 St. Rep. 240; 37 Supp. 646). D. 60 St. Rep. 260.

Rochester, H. & L. R. Co. v. N. Y., L. E. & W. R. Co., 110 N. Y. 128; 16 St. Rep. 833.

Affirming, 8 St. Rep. 237.

Cited, Railroads—Location of Road—Effect.

16 Misc. 425; (74 St. Rep. 77; 38 Supp. 453).

Rochester Lamp Company v. Brigham, 1 App. Div. 490; 72 St. Rep. 467; 37 Supp. 402.

Rochester Land Co. v. Raymond, 4 App. Div. 600; 39 Supp. 145.

Rochester Lantern Co. v. Stiles & Parker Press Co., 135 N. Y. 209; 47 St. Rep. 842.

Cited, Appeal—Absence of Case—Findings of Fact—Conclusions of Law.

139 N. Y. 329; (54 St. Rep. 618). 73 Hun, 238; (57 St. Rep. 27; 25 Supp. 1024). 147 N. Y. 580; (70 St. Rep. 344). 3 App. Div. 88; (38 Supp. 918). 11 App. Div. 318; (76 St. Rep. 573; 42 Supp. 573).

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13 Misc. 621; (69 St. Rep. 150; 34 Supp. 925). 143 N. Y. 288; (62 St. Rep. 338).

Rochester Printing Co. v. Kellogg, 137 N. Y. 555; 50 St. Rep. 931.

Affirming, 44 St. Rep. 47; 17 Supp. 279.

Rochester R. Co. v. Robinson, 133 N. Y. 242; 44 St. Rep. 872.

Cited, Pleading—Statutory Action and Proceedings—Sufficiency.

66 Hun, 212; (19 St. Rep. 50; 20 Supp. 939). 75 Hun, 428; (57 St. Rep. 345; 27 Supp. 684). 135 N. Y. 252; (48 St. Rep. 242). 83 Hun, 411; (64 St. Rep. 418; 31 Supp. 747). 1 App. Div. 141; (73 St. Rep. 539; 37 Supp. 997). 3 App. Div. 172; (73 St. Rep. 732; 38 Supp. 392).

Pleading—Sufficiency—Legal Effect.

86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Rochester Savings Bank v. Averell, 26 Hun, 643.

Cited, Corporations—Mortgage—Assent of Stockholders.

7 Misc. 212; (58 St. Rep. 40; 27 Supp. 679). 2 App. Div. 20; (72 St. Rep. 502; 27 Supp. 446).

Rochester Savings Bank v. Averell, 96 N. Y. 467.

Cited, Corporations—Mortgage—Assent of Stockholders.

7 Misc. 211; (58 St. Rep. 41; 27 Supp. 679). 2 App. Div. 20; (72 St. Rep. 502; 37 Supp. 446). 3 App. Div. 338; (73 St. Rep. 736; 38 Supp. 397). 17 App. Div. 156; (79 St. Rep. 143; 45 Supp. 143). 13 Misc. 742; (69 St. Rep. 233; 35 Supp. 4).

Rochester Water Com'rs, Matter of, 66 N. Y. 413.

Cited, Statutes—Amendment—Repealing Effect.

77 Hun, 378; (60 St. Rep. 414; 28 Supp. 875).

Statutes—Repeal of Repealing Act—Effect.

136 N. Y. 376; (49 St. Rep. 655). 150 N. Y. 206. 1 App. Div. 343; (72 St. Rep. 675; 37 Supp. 424).

Eminent Domain—Acquiring Franchise.

143 N. Y. 617; (62 St. Rep. 817). 148 N. Y. 111.

Rochester & Genesee Valley R. Co. v. Clarke Nat. Bank, 60 Barb. 234.

Cited, Officers—De Facto—Basis of Right to Act.

79 Hun, 77; (61 St. Rep. 179; 29 Supp. 634).

Rochester & H. V. R. Co. v. City of Rochester, 17 App. Div. 257; 79 St. Rep. 687; 45 Supp. 687.

Duplicate Citations in Parenthesis.

Rochester & Kettle Falls Land Co. v. Davis, 79 Hun, 69; 61 St. Rep. 661.

Cited, Specific Performance.

8 App. Div. 366; (75 St. Rep. 183; 40 Supp. 802).

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8 App. Div. 367; (75 St. Rep. 184; 40 Supp. 803).

Rochester & Kettle Falls Land Co.

v. Raymond, 4 App. Div. 600; 39 Supp. 145.

Rochester & Kettle Falls Land Co.

v. Roe, 7 App. Div. 366; 40 Supp. 72.

Rochester & Kettle Falls Land Co.

v. Roe, 8 App. Div. 360; 75 St. Rep. 179; 40 Supp. 799.

Cited, Specific Performance—Discretion of Court.

79 St. Rep. 395; (45 Supp. 395).

Rock v White, 86 Hun, 501; 67 St. Rep.

515; 33 Supp. 769.

Rockaway Park Improvement Co.,

Matter of, 83 Hun, 263; 63 St. Rep. 801; 31 Supp. 386.

Rockfeller v. Donnelly, 8 Cow. 623.

Cited, Guardians—Bonds—Discharge.

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Rockwell, Matter of, 17 Misc. 670; 41 Supp. 431.

Rockwell, Matter of, 31 St. Rep. 22; 9 Supp. 696.

Cited, Appeal—Review—Entirety.

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Rockwell v. Brown, 54 N. Y. 210.

Cited, Evidence—Parol to Vary Writing—Consideration

69 Hun, 549; (53 St. Rep. 342; 24 Supp. 15).

Rockwell v. Carpenter, 25 Hun, 529.

Cited, Trial—Decision—Modification—Power of Special Term.

71 Hun, 524; (54 St. Rep. 889; 24 Supp. 1033). 92 Hun, 485; (72 St. Rep. 436; 36 Supp. 1034). 14 Misc. 173; (70 St. Rep. 691; 35 Supp. 1066).

Sending Case Back to Referee—Power of Court.

92 Hun, 84; (71 St. Rep. 806; 36 Supp. 638).

Rockwell v. Hobby, 2 Sandf. Ch. 9.

Cited, Equitable Mortgage—Deposit of Title Deeds.

81 Hun, 105; (62 St. Rep. 690; 30 Supp. 728).

Statute of Frauds—Part Performance.

13 Misc. 75; (68 St. Rep. 196; 34 Supp. 149).

Rockwell v. Hurst, 36 St. Rep. 735; 13 Supp. 290.

Cited, Contracts—Performance—Prevention—Effect.

17 Misc. 344; (39 Supp. 1068). 19 Misc. 103.

Rockwell v. McGovern, 69 N. Y. 294.

Cited, Conveyances—Consideration—How Determined.

3 App. Div. 291; (38 Supp. 1070).

Rockwell v. Nearing, 35 N. Y. 302.

Cited, Eminent Domain—Proceedings—Review by Courts.

89 Hun, 299; (69 St. Rep. 280; 35 Supp. 164).

Rockwell v. Peck, 13 App. Div. 621; 77

St. Rep. 196; 43 Supp. 196.

Rockwell v. Raymond, 5 Supp. 642.

Cited, Local Courts—Jurisdiction.

12 App. Div. 69; (76 St. Rep. 860; 42 Supp. 860); 17 App. Div. 174; (79 Supp. 352; 45 Supp. 352).

Rockwell v. Third Ave. R. Co., 64 Barb. 438.

Affirmed, 53 N. Y. 625.

Cited, Damages—For Personal Injury—Measure of Question for Jury.

8 Misc. 659; (59 St. Rep. 540; 29 Supp. 1123; 31 Abb. N. C. 430).

Railroads—Negligence—Original Construction.

13 Misc. 311; (68 St. Rep. 725; 34 Supp. 700).

Rocky Mountain Nat. Bank v. Bliss, 89 N. Y. 338.

Cited, Corporations—Stockholders—Corporate Debts—Exhaustion of Remedy Against Corporation.

79 Hun, 105; (61 St. Rep. 182; 29 Supp. 637).

Foreign Judgments—Validity Here.

143 N. Y. 572; (62 St. Rep. 783; 1 Ann. Cas. 23). 12 App. Div. 477; (76 St. Rep. 37; 42 Supp. 37).

Rodee v. Detroit Fire & Marine Ins.

Co., 74 Hun, 146; 56 St. Rep. 393; 26 Supp. 242.

Roderick v. Whitson, 51 Hun, 620; 4 Supp. 112; 22 St. Rep. 858.

Cited, 16 Misc. 636; (39 Supp. 111).

Villages—Power to Adopt Ordinances.

13 Misc. 607; (69 St. Rep. 267; 35 Supp. 189). 20 Misc. 130; (79 St. Rep. 829; 45 Supp. 829).

*Duplicate Citations in Parenthesis.***Roderigas v. East River Savings Inst.**, 63 N. Y. 460.

Cited, Judgments—Conclusiveness until Reversed.

84 Hun. 140; (66 St. Rep. 401; 32 Supp. 1068). 135 N. Y. 70; (47 St. Rep. 872). 146 N. Y. 331; (66 St. Rep. 641). 77 Hun. 232; (59 St. Rep. 389; 28 Supp. 356; 23 Civ. Pro. 433).

Trial—Question of Fact—Residence.

8 Misc. 297; (59 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 444). 91 Hun. 498; (70 St. Rep. 860; 36 Supp. 258; 25 Civ. Pro. 112).

Roderigas v. East River Savings Inst., 78 N. Y. 316.

Cited, Surrogates' Courts—Jurisdiction—Collateral—Conclusiveness.

135 N. Y. 73; (47 St. Rep. 872).

Surrogates' Court—Jurisdiction—Executors—Appointment—Conclusiveness.

77 Hun. 232; (59 St. Rep. 389; 28 Supp. 356; 23 Civ. Pro. 433).

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119 Misc. 669; (78 St. Rep. 1105; 44 Supp. 1105).

Rodermund v. Clark, 46 N. Y. 354.

Cited, Action—Choice of Remedies—Conclusiveness.

9 Misc. 114; (59 St. Rep. 733; 29 Supp. 49). 4 Misc. 150; (53 St. Rep. 118; 23 Supp. 687). 4 Misc. 155; (53 St. Rep. 206; 23 Supp. 874). 80 Hun. 237; (61 St. Rep. 648; 29 Supp. 1049). 10 App. Div. 428; (75 St. Rep. 1435; 41 Supp. 1089). 17 Misc. 27; (39 Supp. 258). 17 Misc. 384; (39 Supp. 1063).

Rodgers v. Adriatic F. Ins. Co., 87 Hun. 384; 63 St. Rep. 474; 34 Supp.

323; 2 Ann. Cas. 137.

Affirmed, 143 N. Y. 34.

Rodgers v. Adriatic F. Ins. Co., 148 N. Y. 34.

Cited, Corporations—Foreign Dissolutions—Payment of Judgments.

18 Misc. 426; (75 St. Rep. 1418; 41 Supp. 1058).

Rodgers v. Clement, 15 App. Div. 561; 78 St. Rep. 516; 44 Supp. 516.**Rodgers v. Dill**, 6 Hill. 415.

Cited, Equity—Power to Sell Infants' Estate.

147 N. Y. 570; (70 St. Rep. 338).

Rodgers v. Earle, 5 Misc. 164; 24 Supp. 913; 23 Civ. Pro. 220.

Cited, City Court—Equitable Jurisdiction.

11 Misc. 638; (66 St. Rep. 345; 32 Supp. 919). 18 Misc. 421; (75 St. Rep. 842; 41 Supp. 437). 16 Misc. 341; (38 Supp. 74).

Rodgers v. People, 86 N. Y. 360.

Cited, Burglary—Apartment House. 51 St. R. p. 187; (22 Supp. 221).

Rodi v. Rutger Fire Ins. Co., 6 Bosw. 23.

Cited, Pleading—Sufficiency—Assault.

73 St. Rep. 663; (38 Supp. 296; 16 Misc. 536).

Rodman v. Henry, 17 N. Y. 432.

Cited, Supplementary Proceedings—Disputed Title to Property—Necessity of Action to Determine.

6 Misc. 468; (59 St. Rep. 655; 27 Supp. 626). 3 App. Div. 589; (73 St. Rep. 720; 25 Civ. Pro. 322; 38 Supp. 226; 2 Ann. Cas. 37). 3 Misc. 118; (23 Supp. 1056). 2 Misc. 403; (50 St. Rep. 586; 21 Supp. 980).

Rodney Hunt Machine Co. v. Stewart, 57 Hun. 545; 33 St. Rep. 189; 11 Supp. 448.

Cited, Conditional Sales—Title.

15 Misc. 171; (72 St. Rep. 173; 37 Supp. 21).

Rodrian v. New York, New Haven & Hartford R. Co., 125 N. Y. 526; 35 St. Rep. 814.

Distinguished, Railroads—Negligence—Contributory—Vigilance.

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Cited, 12 App. Div. 593; (77 St. Rep. 87; 43 Supp. 87). 145 N. Y. 207; (64 St. Rep. 596). 85 Hun. 113; (66 St. Rep. 34; 32 Supp. 651). 8 App. Div. 141; (40 Supp. 473). 18 Misc. 505; (76 St. Rep. 1078; 42 Supp. 1078).

Roe v. Barker, 82 N. Y. 431.

Cited, Contracts—Benefit of Third Person—Availability.

74 Hun. 234; (56 St. Rep. 326; 26 Supp. 624).

Roe v. Boyle, 81 N. Y. 305.

Followed, 136 N. Y. 620.

Cited, Reference—Disputed Claim—Decedent's Estate—Procedure.

56 St. Rep. 432; (26 Supp. 95).

Reference—Disputed Claim—Special Proceeding.

77 Hun. 571; (60 St. Rep. 515; 28 Supp. 1036). 85 Hun. 122; (66 St. Rep. 24; 32 Supp. 638; 2 Ann. Cas. 48). D. 76 Hun 58; (59 St. Rep. 149; 27 Supp. 667). 67 Hun 522; (50 St. Rep. 849; 22 Supp. 467).

Action and Special Proceedings—Distinguished.

14 App. Div. 56; (77 St. Rep. 761; 43 Supp. 761).

*Duplicate Citations in Parenthesis.***Roe v. Conway**, 74 N. Y. 231.

Cited, Contracts—Rescission—Effect on Prior Payments.

2 Misc. 368; (51 St. Rep. 211; 22 Supp. 376; 30 Abb. N. C. 12).

Covenants—Action for Rent—Destruction of Premises.

9 App. Div. 285; (75 St. Rep. 907; 41 Supp. 512). 18 Misc. 461; (76 St. Rep. 1122; 42 Supp. 1122).

Roe v. Crimmins, 8 Misc. 496; 59 St. Rep. 410; 28 Supp. 750.

Reversed, 10 Misc. 711; 64 St. Rep. 615; 31 Supp. 807.

Roe v. Crimmins, 10 Misc. 711; 64 St. Rep. 615; 31 Supp. 807.**Roe v. Hallett**, 34 Hun, 128.

Cited, Bills and Notes—Liability of Endorser of Non-Negotiable Paper.

66 Hun, 351; (50 St. Rep. 667; 21 Supp. 506).

Roe v. Hanson, 5 Lans. 304.

Cited, Evidence—Damages—Conversion—Price.

50 St. Rep. 836; (22 Supp. 340). 72 Hun, 293; (55 St. Rep. 755; 25 Supp. 420).

Roe v. Hume, 72 Hun, 1; 55 St. Rep. 336; 25 Supp. 576.**Roe v. Nichols**, 5 App. Div. 472; 38 Supp. 1100.**Roe v. Roc**, 14 Hun, 612.

Cited, Evidence—Findings—Review.

88 Hun, 208; (68 St. Rep. 397; 34 Supp. 668).

Roe v. Strong, 107 N. Y. 350; 12 St. Rep. 56.

Cited, Adverse Possession—Land Under Water.

138 N. Y. 46; (51 St. Rep. 681). 5 App. Div. 430, 431; (39 Supp. 253).

Waters—Land Under—Grant of Adjoining.

138 N. Y. 36; (51 St. Rep. 687).

Grants—Easements—Implication.

D. 71 Hun, 308; (54 St. Rep. 747; 24 Supp. 1006).

Adverse Possession—Sufficiency.

14 Misc. 376; (71 St. Rep. 417; 36 Supp. 80).

Roe v. Strong, 119 N. Y. 316; 29 St. Rep. 504.

Cited, Adverse Possession—Sufficiency.

143 N. Y. 527; (62 St. Rep. 821). 14 Misc. 375, 376; (71 St. Rep. 416, 417; 36 Supp. 79, 80).

Roe v. Vingut, 17 St. Rep. 123.

Affirmed, 117 N. Y. 204; 27 St. Rep. 238.

Cited, Wills—Construction—Intention as Touchstone.

53 St. Rep. 841; (24 Supp. 351).

Roe v. Vingut, 117 N. Y. 204; 27 St. Rep. 238.

Cited, Wills—Construction.

23 Supp. 369. 3 Misc. 174; (23 Supp. 838). 145 N. Y. 367; (64 St. Rep. 823). 8 App. Div. 193; (40 Supp. 438). D. 79 St. Rep. 1121; (45 Supp. 1121).

Wills—Suspension of Alienation.

67 Hun, 113; (51 St. Rep. 624; 22 Supp. 41).

Roe v. Vingut, 21 Abb. N. C. 404; 17 St. Rep. 123; 1 Supp. 914.

Cited, Wills—Trusts for Infant—Validity.

3 App. Div. 611; (73 St. Rep. 773; 38 Supp. 404).

Roeber v. Dawson, 15 Civ. Pro. 417; 3 Supp. 122.

Cited, Execution Against Person—Irregular Judgment.

19 Misc. 360; (77 St. Rep. 512; 43 Supp. 512).

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Affirmed, 89 Hun. 254; 34 Supp. 1147.

Roeding v. Sons of Moses, 11 Supp. 712.

Cited, Benefit Societies—Restoration to Membership.

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Roehr v. Liebmann, 9 App. Div. 247; 75 St. Rep. 851; 41 Supp. 489; 3 Ann. Cas. 297.**Roemer v. Striker**, 2 Misc. 573; 21 Supp. 1090.

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Roemer v. Striker, 142 N. Y. 134; 58 St. Rep. 615.

Cited, Pleading—Proof Under—General Denial

78 Hun, 221; (60 St. Rep. 261; 28 Supp. 904). 13 Misc. 516; (69 St. Rep. 114; 34 Supp. 948). 16 Misc. 356; (38 Supp. 76).

Roessel v. Rosenberg, 10 Misc. 38; 62 St. Rep. 772; 30 Supp. 812.

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Rogers, Matter of, 71 Hun, 120; 54 St. Rep. 199; 24 Supp. 623.

Rogers, Matter of, 69 St. Rep. 251; 35 Supp. 72.

Rogers, Matter of, 16 Supp. 197.

Cited Surrogates' Courts—Jurisdiction—Settlement of Trusts, Matters of Accounting, etc.

1 Misc. 494; (23 Supp. 292).

Rogers, Matter of, 10 App. Div. 593; 76 St. Rep. 133; 42 Supp. 133.

Rogers, Matter of, 7 Cow. 526.

Cited, Public Bodies—Rights of Majority. 31 Supp. 587.

Rogers Ave., Matter of, 22 Supp. 27.

Rogers v. Ackerman, 22 Barb. 134.

Cited, Sale—Warranty—Quality—What Constitutes.

9 Misc. 464; (61 St. Rep. 88; 30 Supp. 229).

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10 App. Div. 604; (76 St. Rep. 371; 42 Supp. 371). 11 App. Div. 170; (76 St. Rep. 372; 42 Supp. 372). 14 App. Div. 584; (77 St. Rep. 1101; 43 Supp. 1101). 16 App. Div. 468; (78 St. Rep. 936; 44 Supp. 936).

Rogers v. Arnold, 12 Wend. 30.

Cited, Personal Property—Torts Concerning—Title in Third Person as Defense.

141 N. Y. 5; (56 St. Rep. 479).

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8 App. Div. 422; (75 St. Rep. 238; 40 Supp. 847).

Rogers v. Barker, 31 Barb. 447.

Cited, Nuisance—Health Officer—Destruction of Property.

140 N. Y. 10; (55 St. Rep. 421).

Rogers v. Beach, 18 Wend. 533.

Cited, Writ and Process—Service of—Fraction of Day.

79 Hun, 440; (61 St. Rep. 344; 29 Supp. 810). 150 N. Y. 229.

Rogers v. Beard, 20 How. 282.

Cited, Reference—Report and Findings.

9 Misc. 95; (59 St. Rep. 694; 29 Supp. 5).

Rogers v. Buffalo, 123 N. Y. 173; 33 St. Rep. 55.

Cited, Constitutional Law—Oaths of Office.

74 Hun, 292; (55 St. Rep. 880; 26 Supp. 228). 6 App. Div. 317; (40 Supp. 560).

Constitutional Law—Civil Service—Right to Office.

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Rogers v. Decker, 131 N. Y. 490; 43 St. Rep. 781.

Cited, Corporations—Trustees—Liability.

6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22). 18 Misc. 724; (77 St. Rep. 675; 43 Supp. 675). 147 N. Y. 609. D. 4 Misc. 479; (54 St. Rep. 333; 24 Supp. 571).

Societies—Trustees—Liability.

88 Hun, 256; (68 St. Rep. 699; 34 Supp. 719). 5 Misc. 256; (25 Supp. 94).

Affirmance Without Opinion—Effect.

80 Hun, 418; (62 St. Rep. 95; 30 Supp. 341).

Rogers v. Decker, 141 N. Y. 490; 43 St. Rep. 781.

Cited, Corporations—Trustees—Liability.

147 N. Y. 611; (71 St. Rep. 257).

Rogers v. Degán, 10 Abb. 313.

Cited, Costs—Taxation—Two Trial Fees.

23 Supp. 674; (23 Civ. Pro. 114).

Rogers v. Dill, 6 Hill 415.

Cited, Infants—Sale of Real Estate—Courts of Jurisdiction—Infants.

24 Supp. 682. 20 Misc. 212; (79 St. Rep. 372; 45 Supp. 372).

Rogers v. Dwight, 71 Hun, 547; 54 St. Rep. 920; 25 Supp. 39.

Rogers v. Evarts, 17 Supp. 264.

Cited, Injunction—Strikers.

91 Hun, 493; (71 St. Rep. 388; 36 Supp. 306).

Rogers v. Hanfield, 12 St. Rep. 671.

Cited, Injunction—Temporary—Blasting.

49 St. Rep. 530; (21 Supp. 165).

Rogers v. Hardy, 14 Misc. 220; 70 St. Rep. 466; 35 Supp. 671.

Cited, Trial—Discretion of Verdict—Effect.

17 Misc. 389; (39 Supp. 1084).

Rogers v. Jones, 1 Wend. 237.

Cited, Judgment—Conclusiveness—Civil Penalty of Ordinance—Criminal Prosecution.

6 Misc. 581; (57 St. Rep. 831; 27 Supp. 302).

Waters—Land Under—Title.

138 N. Y. 36; (51 St. Rep. 681). 5 App. Div. 429; (39 Supp. 252). 15 App. Div. 269; (78 St. Rep. 215; 44 Supp. 215).

*Duplicate Citations in Parenthesis.***Rogers v. King**, 66 Barb. 495.*Cited*, Counterclaim—Lien as.

72 Hun, 464; (55 St. Rep. 150; 25 Supp. 283).

Rogers v. King, 8 Paige, 210.*Cited*, Executors—Accounting—Courts—Jurisdiction.

89 Hun, 579; (69 St. Rep. 650; 35 Supp. 295).

Judgment—Res Adjudicata.

16 App. Div. 488; (78 St. Rep. 919; 44 Supp. 919).

Rogers v. Keeland, 10 Wend. 218.*Cited*, Contracts — Statute of Frauds—Guaranty—Consideration.

61 St. Rep. 605; (29 Supp. 854). 80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854).

Principal and Agent—Ratification.

140 N. Y. 649; (55 St. Rep. 822). 13 Misc. 629; (69 St. Rep. 163; 34 Supp. 938).

Rogers v. Kneeland, 13 Wend. 114.*Cited*, Contracts—Construction—Implication.

80 Hun, 84; (61 St. Rep. 748; 30 Supp. 47).

Rogers v. Maguire, 75 Hun, 133; 57 St.

Rep. 793; 27 Supp. 276.

Rogers v. McGuire, 90 Hun, 455; 72 St.

Rep. 187; 37 Supp. 76.

Affirmed, 153 N. Y. 343.**Rogers v. Murdock**, 45 Hun, 30; 9 St.

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Cited, Limitation of Action—Statute Affects Remedy Only.

54 St. Rep. 843; (24 Supp. 347). 15 Misc. 176; (72 St. Rep. 142; 37 Supp. 37). 72 Hun, 533; (55 St. Rep. 129; 25 Supp. 637). 14 Misc. 171; (70 St. Rep. 438; 35 Supp. 702). 15 Misc. 177; (72 St. Rep. 142; 37 Supp. 38).

Rogers v. Murray, 110 N. Y. 658; 18 St.

Rep. 588.

Cited, Evidence—Declarations.

8 Misc. 503; (59 St. Rep. 412; 28 Supp. 764). 18 Misc. 433; (76 St. Rep. 26; 42 Supp. 26).

Rogers v. N. Y. & Brooklyn Bridge, Trustees of, 11 App. Div. 141; 76 St.

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Rogers v. New York & Texas Land Co., 10 Misc. 614; 65 St. Rep. 332; 32

Supp. 209.

Affirmed, 86 Hun, 618; 66 St. Rep. 874; 33 Supp. 1133.*Cited*, 33 Supp. 841.**Rogers v. New York & Texas Land Co.**, 87 Hun, 107; 67 St. Rep. 452; 33

Supp. 840.

Rogers v. New York & Texas Land Co., 134 N. Y. 197; 48 St. Rep. 263.*Cited*, Bonds—Negotiability—Covenants in Collateral Instrument—Availability.

72 Hun, 79; (55 St. Rep. 863; 25 Supp. 617).

Mortgage — Conveyances Absolute in Form.

71 Hun, 352, (55 St. Rep. 13; 24 Supp. 1128).

Judgment—Extent of Relief—Answer.

71 Hun, 352; (55 St. Rep. 12; 24 Supp. 1128). 1 App. Div. 152; (72 St. Rep. 716; 37 Supp. 418).

Rogers v. O'Brien, 1 App. Div. 397; 72 St. Rep. 747; 37 Supp. 358.**Rogers v. O'Brien**, 153 N. Y. 357.*Affirming*, 7 App. Div. 612; 39 Supp. 1131.**Rogers v. Patterson**, 4 Paige, 409.*Cited*, Trusts—Investment on Mortgage—Conveyance of Equity to Trustee—Nature of Trust Fund—Distribution Upon Death of Beneficiary.

66 Hun, 349; (50 St. Rep. 53; 21 Supp. 201).

Rogers v. Patterson, 79 Hun, 483; 61 St. Rep. 278; 29 Supp. 963.*Affirmed*, 150 N. Y. 560.*Cited*, Decedent's Estates — Claims — Enforcement.

17 Misc. 651; (40 Supp. 774).

Rogers v. Patterson, 87 Hun, 219; 67 St. Rep. 759; 33 Supp. 1022.**Rogers v. Pell**, 89 Hun, 159; 69 St. Rep. 213; 33 Supp. 17.**Rogers v. Rockwood**, 36 St. Rep. 919; 13 Supp. 939.*Cited*, Motions and Orders—Effect of Retention of Motion Papers.

65 Hun, 381; (51 St. Rep. 898; 22 Supp. 814).

Rogers v. Rogers, 111 N. Y. 228; 19 St. Rep. 94.*Cited*, Trusts—Control of Court—Appointment of Trustee.

137 N. Y. 515; (51 St. Rep. 268). 147 N. Y. 568; (70 St. Rep. 336). 83 Hun, 423; (64 St. Rep. 747; 31 Supp. 952). 11 Misc. 267; (65 St. Rep. 813; 32 Supp. 488; 86 Hun, 288).

Rogers v. Rogers, 4 Paige, 516.*Cited*, Husband and Wife—Agreement to Live Apart.

5 Misc. 556; (26 Supp. 30). 13 Misc. 593; (71 St. Rep. 597; 36 Supp. 821).

*Duplicate Citations in Parenthesis.***Rogers v. Rogers**, 3 Wend. 503.*Cited*, Equity—Wills—Setting Aside.

89 Hun, 364; (69 St. Rep. 788; 35 Supp. 402; 25 Civ. Pro. 134).

Debts—Payment—Personalty.

15 Misc. 569; (72 St. Rep. 810; 38 Supp. 181).

Rogers v. Rogers, 14 Wend. 131.*Cited*, Jurors—Disqualification.

2 App. Div. 380; (73 St. Rep. 473; 37 Supp. 775).

Rogers v. Sinsheimer, 50 N. Y. 646.*Cited*, Party Walls.

D. 14 App. Div. 429; (77 St. Rep. 1021; 43 Supp. 1021). 13 Misc. 225; (68 St. Rep. 83; 34 Supp. 226).

Rogers v. Straub, 75 Hun, 264; 58 St. Rep. 287; 26 Supp. 1066.**Rogers v. Tilley**, 20 Barb. 639.*Cited*, Wills—Devise and Legacy—Discharge of Mortgage—Sale of Term of Years. 4 Misc. 48; (25 Supp. 80).**Rogers v. Union R. Co. of N. Y.**, 10 Misc. 57; 63 St. Rep. 162; 30 Supp. 855.*Cited*, Municipal Contracts—Constitutionality.

12 Misc. 287; (67 St. Rep. 820; 33 Supp. 1117). 3 App. Div. 194; (73 St. Rep. 634; 38 Supp. 479).

Rogers v. Vosburg, 87 N. Y. 228.*Cited*, Pleading—Answer—Affirmative Defense—Sham.

76 Hun, 573; (58 St. Rep. 240; 28 Supp. 233).

Rogers v. Warner, 8 Johns. 119.*Cited*, Guaranties—Construction.

16 App. Div. 118; (79 St. Rep. 128; 45 Supp. 128).

Rogers v. Weir, 34 N. Y. 463.*Cited*, Bailment—Delivery to Owner—Conversion as to Bailor.

73 Hun, 402; (55 St. Rep. 926; 26 Supp. 208).

Rogers v. Wendell, 54 Hun, 540; 28 St. Rep. 301; 7 Supp. 781; 8 Supp. 515.*Cited*, Receivers—Management of Property—Executory Contracts.

9 Misc. 133; (59 St. Rep. 726; 29 Supp. 76). 1 App. Div. 116; (72 St. Rep. 221; 37 Supp. 68). 13 App. Div. 194; (77 St. Rep. 398; 43 Supp. 398).

Rogers v. Wheeler, 52 N. Y. 262.*Cited*, Carriers—Freight—Acceptance—Destruction.

68 Hun, 601; (52 St. Rep. 583; 23 Supp. 233). 20 Misc. 687.

Practice—Referee's Report—Sending Back.

92 Hun, 84; (71 St. Rep. 806; 36 Supp. 638).

Rogers v. Wiley, 131 N. Y. 527.*Cited*, Brokers—Stocks—Sale—Margins.

67 Hun, 1; (50 St. Rep. 488; 21 Supp. 693).

Rogers Locomotive & Machine Works v. Kelly, 19 Hun, 399.*Cited*, Assignments—Rights of Beneficiaries.

3 App. Div. 59; (74 St. Rep. 850; 38 Supp. 1037).

Rogers Locomotive & Machine Works v. Kelly, 88 N. Y. 234.*Cited*, Insolvency—Rights of Lienors.

143 N. Y. 264; (62 St. Rep. 155).

Roget v. Merrit, 2 Caines, 117.*Cited*, Specific Performance—Contracts—Sufficiency.

19 Misc. 582; (77 St. Rep. 677; 43 Supp. 677).

Rohe v. Third Ave. R. Co., 10 Misc. 740; 64 St. Rep. 500; 31 Supp. 797.**Rohrbach v. Germania Fire Ins. Co.**, 62 N. Y. 47.*Cited*, Insurance—Warranties—Breach.

14 App. Div. 147; (77 St. Rep. 530; 43 Supp. 530). 17 Misc. 117; (39 Supp. 358).

Roland v. Pinckney, 8 Misc. 458; 60 St. Rep. 606; 29 Supp. 1102.**Roldan v. Power**, 14 Misc. 480; 70 St. Rep. 432; 35 Supp. 697.**Roll v. Northern Central R. Co.**, 15 Hun, 496; 80 N. Y. 647.*Cited*, Injuries—Perilous Situation—Contributory Negligence.

90 Hun, 3; (69 St. Rep. 740; 35 Supp. 353). 90 Hun, 562; (71 St. Rep. 31; 36 Supp. 23).

4 App. Div. 554; (74 St. Rep. 823; 38 Supp. 1012). D. 57 St. Rep. 470; (27 Supp. 1044).

Rollin v. Cross, 45 N. Y. 766.*Cited*, Mechanic's Lien—Ownership Intermediate Sale and Delivery of Deed.

4 Misc. 148; (53 St. Rep. 484; 23 Supp. 1020). 148 N. Y. 675.

Mechanic's Lien—Right to—Assignment of Debt.

140 N. Y. 359; (55 St. Rep. 745).

Rollins v. Griffin, 7 Misc. 232; 58 St. Rep. 19; 27 Supp. 269.**Rollin v. Pickett**, 2 Hill, 552.*Cited*, Statute of Frauds—Description—Sufficiency.

82 Hun, 102; (63 St. Rep. 605; 31 Supp. 203).

Rollings v. Levering, 18 App. Div. 223; 79 St. Rep. 942; 45 Supp. 942.**Rollins v. Barnes**, 11 App. Div. 150; 76 St. Rep. 954; 42 Supp. 954.

*Duplicate Citations in Parenthesis.***Rollins v. Breed**, 54 Hun, 485.*Cited*, Unlawful Fishing—Penalty.

19 Misc. 133.

Rollwagen v. Rollwagen, 63 N. Y. 504.*Cited*, Wills—Suit to Establish—Prior Will.

6 Misc. 499; (27 Supp. 245).

Wills—Testamentary Capacity;

83 Hun, 331; (64 St. Rep. 377; 31 Supp. 691). 18 Misc. 150; (75 St. Rep. 1444; 41 Supp. 1097).

Rolph, Matter of, 29 St. Rep. 64; 9 Supp. 293.*Cited*, Infants — Expenditures for—Recovery—Proof.

90 Hun, 387; (70 St. Rep. 631; 35 Supp. 917). 2 App. Div. 78; (72 St. Rep. 767; 37 Supp. 231).

Rolston v. Central Park, North & East River R. Co., 20 Misc. 656.**Romaine, Matter of**, 127 N. Y. 80; 38 St. Rep. 76.*Cited*, Taxes—Collateral Inheritance—What is Subj ct of.

137 N. Y. 83; (50 St. Rep. 84). 77 Hun, 213; (59 St. Rep. 768; 28 Supp. 352). 77 Hun, 327; (59 St. Rep. 770; 28 Supp. 331). 6 Misc. 207; (57 St. Rep. 835; 27 Supp. 288). 137 N. Y. 408; (51 St. Rep. 3; 29 Abb N. C. 477). 3 App. Div. 479; (73 St. Rep. 787; 38 Supp. 326). D. 2 App. Div. 601; (38 Supp. 138). 144 N. Y. 12; (62 St. Rep. 858). 2 App. Div. 594; (73 St. Rep. 816; 38 Supp. 133). 13 Misc. 659; (38 Supp. 103). 16 Misc. 90; (74 St. Rep. 491; 38 Supp. 812). D. 150 N. Y. 22. D. 150 N. Y. 11. 79 St. Rep. 882; (45 Supp. 882). 150 N. Y. 40; (3 Ann. Cas. 178). 150 N. Y. 29. 1 App. Div. 548; (73 St. Rep. 205; 37 Supp. 478).

Romaine v. Beacon Lithographic Co., 13 Misc. 122; 68 St. Rep. 108; 34 Supp. 124.**Romaine v. Bowdoin**, 70 Hun, 366; 54 St. Rep. 115; 24 Supp. 67.**Romaine v. Brewster**, 6 Misc. 531; 58 St. Rep. 17; 27 Supp. 138.*Reversed*, 10 Misc. 120; 62 St. Rep. 517; 30 Supp. 948; 24 Civ. Pro. 121.**Romaine v. Brewster**, 10 Misc. 120; 62 St. Rep. 517; 30 Supp. 948; 24 Civ. Pro. 121.*Cited*, 12 Misc. 650; (33 Supp. 1134).*Pleading*—Counterclaim—Availability.

10 Misc. 746; (64 St. Rep. 613; 31 Supp. 805; 24 Civ. Pro. 244; 1 Ann. Cas. 191). 17 Misc. 161; (39 Supp. 322).

Romaine v. Brewster, 12 Misc. 650; 66 St. Rep. 874; 33 Supp. 1134.**Romaine v. Chauncey**, 129 N. Y. 566; 42 St. Rep. 267; 15 Supp. 198.*Cited*, Equity — Jurisdiction—Alimony—Surplus Income—Debts of Wife.

79 Hun, 271; (60 St. Rep. 570; 29 Supp. 441). 71 Hun, 365; (55 St. Rep. 10; 24 Supp. 1130). 149 N. Y. 527, 529. 82 Hun, 122, 123; (63 St. Rep. 489, 490; 31 Supp. 167, 168).

Divorce—Alimony—Nature.

79 St. Rep. 404; (45 Supp. 404). D. 12 App. Div. 238, 239; (76 St. Rep. 441, 442; 42 Supp. 441, 442) 14 App. Div. 544; (77 St. Rep. 943; 43 Supp. 943).

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150 N. Y. 272.

Romaine v. Decker, 11 App. Div. 20; 77 St. Rep. 79; 43 Supp. 79.**Roman Catholic Church of Transfiguration v. Niles**, 86 Hun, 221; 66 St. Rep. 759; 33 Supp. 243.**Roman Catholic Orphan Asylum v. Strain**, 2 Bradf. 34.*Cited*, Gifts—Validity.

8 App. Div. 49; (74 St. Rep. 864; 40 Supp. 424).

Romano v. Irsch, 4 Misc. 621; 53 St. Rep. 696; 23 Supp. 967.*Affirmed*, 7 Misc. 147; 57 St. Rep. 498; 27 Supp. 246.**Romano v. Irsch**, 7 Misc. 147; 57 St. Rep. 493; 27 Supp. 246.**Rome Exchange Bank v. Eames**, 1 Keyes, 588.*Cited*, Pleading—Failure to Plead—Proof of New Cause of Action.

9 Misc. 96; (59 St. Rep. 694; (29 Supp. 6).

Rome Exchange Bank v. Eames, 4 Abb. Ct. App. Dec. 83.*Cited*, Judgments—Effect Inter partes.

14 App. Div. 122; (77 St. Rep. 514; 43 Supp. 514).

Rome Savings Bank v. Kramer, 32 Hun, 270.*Affirmed*, 102 N. Y. 331; 1 St. Rep. 694.*Cited*, Banks—Savings Banks—Contracts—In Violation of Statutory Restriction.

66 Hun, 541; (50 St. Rep. 271; 21 Supp. 645).

Rome Savings Bank v. Krug, 102 N. Y. 331; 1 St. Rep. 694.*Cited*, Contracts—Invalid by Statute—Right of Parties.

76 Hun, 173; (57 St. Rep. 332; 27 Supp. 568).

Rome, W. & O. R. R. Co. v. Smith, 39 Hun, 332.*Cited*, Illegal Tax—Injunction.

6 App. Div. 275; (39 Supp. 782).

Duplicate Citations in Parenthesis.

Romeyn v. Sickles, 108 N. Y. 650; 1 Silv. Ct. App. 594; 28 Week. Dig. 396; 13 St. Rep. 864.

Distinguished, Pleading — Variance—Effect.

73 Hun, 338; (55 St. Rep. 921; 26 Supp. 270).

Cited, Pleading—Variance—Effect.

10 Misc. 127; (62 St. Rep. 516; 30 Supp. 942). 18 Misc. 11; (40 Supp. 1132). 19 Misc. 512; (77 St. Rep. 1127; 43 Supp. 1127).

17 Misc. 153 39; (Supp. 335). 13 Misc. 93; (68 St. Rep. 194; 34 Supp. 147). 3 Misc. 99; (51 St. Rep. 603; 22 Supp. 369). 4 Misc. 80; (53 St. Rep. 138; 23 Supp. 780). 2 Misc. 124; (49 St. Rep. 130; 21 Supp. 462). 6 Misc. 345; (56 St. Rep. 247; 26 Supp. 907). 4 Misc. 529; (54 St. Rep. 126; 24 Supp. 821). 87 Hun, 191; (67 St. Rep. 451; 33 Supp. 807). 10 Misc. 127; (62 St. Rep. 516; 30 Supp. 942).

Pleading—Amendment.

3 Misc. 254; (51 St. Rep. 910; 22 Supp. 758). 7 Misc. 694; (58 St. Rep. 331; 28 Supp. 2; 23 Civ. Pro. 378). 7 Misc. 631; (58 St. Rep. 364; 28 Supp. 35; 23 Civ. Pro. 343). 86 Hun, 308; (67 St. Rep. 215; 33 Supp. 501). 85 Hun, 60; (66 St. Rep. 62; 32 Supp. 678). 13 Misc. 14; (67 St. Rep. 845; 33 Supp. 994).

Judgment—Conformity to Pleadings and Proof.

4 Misc. 601; (54 St. Rep. 135; 24 Supp. 559). 4 Misc. 171; (53 St. Rep. 223; 23 Supp. 883).

Ronald v. Mutual Reserve Fund L. Ass'n, 132 N. Y. 378; 44 St. Rep. 407; 23 Abb. N. C. 271.

Cited, Associations—Officers—Authority—Receipt—Waiver.

76 Hun, 538; (58 St. Rep. 271; 28 Supp. 180).

Insurance—Policy—Forfeiture—Waiver.

75 Hun, 596; (58 St. Rep. 730; 27 Supp. 1112). 75 Hun, 88; (57 St. Rep. 742; 27 Supp. 160). 49 St. Rep. 140; (21 Supp. 31). 150 N. Y. 195. 24 Supp. 747. 82 Hun, 382; (63 St. Rep. 556; 31 Supp. 238). 15 Misc. 344, 348; (73 St. Rep. 323, 325; 37 Supp. 624, 627). 79 St. Rep. 1100; (45 Supp. 1100).

Roney v. Aldrich, 44 Hun, 320; 7 St. Rep. 669.

Cited, New Trial—Costs.

51 St. Rep. 942; (23 Supp. 1134).

Rood v. N. Y. & Erie R. Co., 18 Barb. 80.

Cited, Trespass—Possession Sufficient to Support.

77 Hun, 495; (60 St. Rep. 22; 28 Supp. 807).

Rood v. Watson, 54 Hun, 85; 26 St. Rep. 487; 7 Supp. 212.

Cited, Executory Devise—Validity—Absolute Power in First Taker.

10 Misc. 26; (62 St. Rep. 267; 30 Supp. 805).

Rook v. New Jersey & Penn. Concentrating Works, 76 Hun, 54; 59 St. Rep. 610; 27 Supp. 623.

Affirmed, 148 N. Y. 758.

Cited, Master and Servant—Negligence of Master—Effect.

87 Hun, 430; (68 St. Rep. 463; 34 Supp. 312).

Rooks v. Houston, W. S. & P. F. R. Co., 10 App. Div. 98; 75 St. Rep. 1225; 41 Supp. 824.

Cited, Street Railroads—Control of Cars.

11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885).

Roome v. Jennings, 1 Misc. 193; 48 St. Rep. 516; 20 Supp. 614.

Reversed, 2 Misc. 257; 50 St. Rep. 335; 21 Supp. 939.

Roome v. Jennings, 2 Misc. 357; 50 St. Rep. 335; 21 Supp. 939.

Affirmed, 3 Misc. 413; 52 St. Rep. 507; 23 Supp. 666.

Cited, Fraud—Contracts—Remedy—Rescission or Damages.

72 Hun, 33; (55 St. Rep. 196; 25 Supp. 287).

Roome v. Jennings, 3 Misc. 413; 52 St. Rep. 507; 23 Supp. 666.

Affirmed, 144 N. Y. 659.

Roome v. Jennings, 55 St. Rep. 217; 25 Supp. 461.

Roome v. Jennings, 69 St. Rep. 842; 29 Supp. 685.

Roome v. Nicholson, 8 Abb. N. S. 343.

Cited, Pleading—Answer—Sham.

10 Misc. 305; (63 St. Rep. 176; 30 Supp. 948; 24 Civ. Pro. 105).

Roome v. Phillips, 24 N. Y. 463.

Cited, Statutes—Construction—"And" for "Or."

144 N. Y. 74; (63 St. Rep. 43).

Estates—Vested Remainders.

1 App. Div. 336; (72 St. Rep. 646; 37 Supp. 307).

Roome v. Philips, 27 N. Y. 357.

Distinguished, Executors and Administrators—Power to Convey Land.

135 N. Y. 593; (49 St. Rep. 15).

Cited, Executors—Will Annexed—Power to Convey.

135 N. Y. 593; (49 St. Rep. 15).

*Duplicate Citations in Parenthesis.***Roome v. Webb**, 3 How. 327.

Cited, Injunction—Preliminary—Complaint as Affidavit.

7 Misc. 126; (57 St. Rep. 71; 27 Supp. 344).

Rooney, Matter of, 3 Redf. 15.

Cited, Executors—Accounting—Funeral Expenses.

54 St. Rep. 300; (23 Supp. 149).

Rooney v. Stearns, 17 Week. Dig. 322.

Cited, Fixtures—Rights of Bona Fide Purchasers.

20 Misc. 362; (79 St. Rep. 929; 45 Supp. 929).

Roos, Matter of, 4 Misc. 232; 24 Supp. 862.**Roosa v. Saugerties & W. T. R. Co.**, 8 How. 237.

Cited Pleading—Striking Out—When Motion to be Made.

68 Hun, 332; (51 St. Rep. 898; 22 Supp. 814).

Roosa v. Saugerties & W. T. R. Co., 12 How. 297.

Cited, Referee—Decision—Setting Aside. 1 App. Div. 106; (12 St. Rep. 225; 37 Supp. 75). 14 Misc. 573; (72 St. Rep. 227; 37 Supp. 73).

Roosa v. Smith, 17 Hun, 138.

Cited, Appeal—Review of Findings of Fact.

51 St. Rep. 331; (22 Supp. 84). 140 N. Y. 253; (55 St. Rep. 542). 71 Hun, 343; (55 St. Rep. 42; 25 Supp. 2). 71 Hun, 300; (55 St. Rep. 47; 24 Supp. 1134). 71 Hun, 575; (55 St. Rep. 123; 24 Supp. 995). 71 Hun, 610; (55 St. Rep. 32; 25 Supp. 31). 82 Hun, 162; (63 St. Rep. 747; 31 Supp. 298). 3 App. Div. 50; (74 St. Rep. 361; 37 Supp. 1062). 4 App. Div. 448; (74 St. Rep. 237; 38 Supp. 608).

Roosevelt, Matter of, 76 Hun, 257; 59 St. Rep. 100; 27 Supp. 741.

Affirmed, 143 N. Y. 120; 62 St. Rep. 130.

Roosevelt, Matter of, 143 N. Y. 120; 62 St. Rep. 130.

Cited, Collateral Inheritance Tax—Contingent Interest.

143 N. Y. 334; (62 St. Rep. 248). 152 N. Y. 100. 85 Hun, 246; (66 St. Rep. 304; 32 Supp. 909). 91 Hun, 63; (71 St. Rep. 633; 36 Supp. 829).

Roosevelt, Matter of, Surr. Dec. 1892, 222.

Cited, Taxes—Transfer Tax—What Liable to.

5 Misc. 442; (26 Supp. 891).

Roosevelt v. Bull's Head Bank, 45 Barb. 579.

Cited, Tender—How Made Effective.

6 Misc. 321; (56 St. Rep. 249; 26 Supp. 795). 75 Hun, 389; (57 St. Rep. 700; 27 Supp. 454). 16 Misc. 436; (39 Supp. 736).

Roosevelt v. Carpenter, 28 Barb. 426.

Cited, Decedent's Estate—Action Against Heirs.

9 App. Div. 166; (75 St. Rep. 502; 41 Supp. 46).

Roosevelt v. Carow, 6 Barb. 190.

Cited, Deeds—Delivery—What Constitutes.

79 Hun, 524; (61 St. Rep. 594; 29 Supp. 906). 79 Hun, 524; (61 St. Rep. 595; 29 Supp. 906).

Roosevelt v. Draper, 23 N. Y. 318.

Cited, Municipal Corporation—Liability—Property—Taxpayers' Right of Action.

9 Misc. 612; (62 St. Rep. 90; 30 Supp. 425).

Roosevelt v. Dreyer, 12 Daly, 370.

Cited, Contracts—Pawnbrokers.

19 Misc. 535; (77 St. Rep. 1068; 43 Supp. 1068).

Roosevelt v. Ellithorp, 10 Paige, 415.

Cited, Discovery and Inspection—Of Papers of Adversary.

2 Misc. 169; (29 St. Rep. 618; 21 Supp. 619).

Roosevelt v. Godard, 52 Barb. 533.

Cited, Statutes—Construction—Constitutionality—Presumption.

22 Supp. 534; (30 Abb. N. C. 110). 14 Misc. 339; (71 St. Rep. 74; 36 Supp. 126).

Roosevelt v. Land & River Impvt Co., 11 Misc. 595; 67 St. Rep. 304; 33 Supp. 536.

Modified and Affirmed, 3 App. Div. 563; 74 St. Rep. 1; 38 Supp. 242.

Roosevelt v. Land & River Impvt Co., 3 App. Div. 563; 74 St. Rep. 1; 38 Supp. 242.**Roosevelt v. Smith**, 17 Misc. 323; 40 Supp. 381.**Roosevelt Hospital v. New York**, 84 N. Y. 108.

Cited, Local Improvements—Assessments.

90 Hun, 123; (70 St. Rep. 472; 35 Supp. 638). 144 N. Y. 477; (63 St. Rep. 731). 13 App. Div. 141; (77 St. Rep. 302; 43 Supp. 302).

Duplicate Citations in Parenthesis.

Roosevelt Hospital v. N. Y. Elevated R. Co., 50 St. Rep. 456; 21 Supp. 205.

Cited, Evidence — Competency — Photographs.

75 Hun, 256; (58 St. Rep. 678; 27 Supp. 53).

Roosevelt v. N. Y. & Harlem R. Co., 45 Barb. 554; 30 How. 226.

Cited, Pleading—Tender — Effect — Verdict.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293).

Root v. Alexander, 142 N. Y. 663; 60 St. Rep. 869.

Affirming, 63 Hun, 557; (45 St. Rep. 57; 18 Supp. 632; 28 Abb. N. C. 390).

Root v. Borst, 142 N. Y. 62; 58 St. Rep. 421.

Reversing, 47 St. Rep. 799; 20 Supp. 189.
Distinguished, Appeal—Disregard of Errors

88 Hun, 233; (68 St. Rep. 264; 34 Supp. 339).

Cited, Evidence—Declarations—As Part of Res Gestae—Influence on Jury

79 Hun, 595; (61 St. Rep. 534; 29 Supp. 917).

Root v. Brown, 4 Hun, 797.

Cited Witness — Impachment — Contradictory Statements.

1 Misc. 284; (48 St. Rep. 668; 20 Supp. 705). 2 Misc. 327; (51 St. Rep. 586; 21 Supp. 996).

Root v. Great Western Railway Co., 65 Barb. 619; 1 T. & C. 10.

Affirmed, 55 N. Y. 636.

Cited, Actions—Courts—Jurisdiction.

91 Hun, 498; (70 St. Rep. 860; 33 Supp. 258; 25 Civ. Pro. 112).

Corporations—Admissions—Proof.

11 App. Div. 146; (76 St. Rep. 1050; 42 Supp. 1050).

Root v. French, 13 Wend. 572.

Cited, Property — Transfer — Rights of Bona Fide Purchaser.

81 Hun, 59; (62 St. Rep. 251; 30 Supp. 484).

Root v. King, 7 Cow. 613.

Cited, Libel—Justification—Reputation.

71 Hun, 491; (54 St. Rep. 907; 24 Supp. 1064).

Trial—Verdict—Reduction—Libel.

74 Hun, 298; (56 St. Rep. 420; 26 Supp. 691).

Root v. Long Island R. Co., 114 N. Y. 300; 23 St. Rep. 226.

Affirming, 1 St. Rep. 503.

Cited, Carriers — Compensation — Sufficiency.

143 N. Y. 278; (62 St. Rep. 327).

Carriers—Freight — Discrimination — Rates.

6 Misc. 572; (57 St. Rep. 790; 27 Supp. 291).

Root v. Lowndes, 6 Hill, 518.

Cited, Evidence—Malice—Slander.

135 N. Y. 610; (48 St. Rep. 393).

Evidence—Relevancy—Libel—Repetition.

138 N. Y. 242; (52 St. Rep. 338). 144 N. Y. 150; (63 St. Rep. 72).

Root v. New York & New England R. Co., 76 Hun, 23; 59 St. Rep. 613; 27 Supp. 611.

Cited, 83 Hun, 111; (63 St. Rep. 842; 31 Supp. 358).

Carriers—Contract for Transportation.

16 Misc. 35; (73 St. Rep. 567; 37 Supp. 948).

Root v. York & New England R. Co., 83 Hun, 111; 63 St. Rep. 841; 31 Supp. 357.

Root v. Sherwood, 6 Johns. 68.

Cited, Trial—Verdict—Interest—Correction.

7 Misc. 8; (57 St. Rep. 82; 27 Supp. 325)

Root v. Strang, 77 Hun, 14; 59 St. Rep. 258; 28 Supp. 273.

Root v. Taylor, 20 Johns. 137.

Cited, Pleading—General Denial—Set Off.

142 N. Y. 244; (58 St. Rep. 770). D. 142 N. Y. 256; (58 St. Rep. 778).

142 N. Y. 236; (58 St. Rep. 770).

Root v. Van Duzen, 32 Hun, 63.

Cited, Action—Discontinuance—By Client—Objection of Attorney.

67 Hun, 647; (51 St. Rep. 230; 22 Supp. 344).

Attorneys—Lien—Resort to Court for Protection—Necessity.

5 Misc. 77; (24 Supp. 738; 23 Civ. Pro. 204).

Root v. Wadhams, 107 N. Y. 384; 12 St. Rep. 30.

Reversing, 35 Hun, 57.

Cited, Appurtenance—Creation.

16 Misc. 378; (74 St. Rep. 383; 38 Supp. 86).

*Duplicate Citations in Parenthesis.***Root v. Wagner**, 30 N. Y. 9.

Cited, Sheriffs—Instructions as to Process—Justification Under.

73 Hun, 396; (58 St. Rep. 85; 26 Supp. 560).

Stipulations—Waiver of Statutory Provisions—Time to Appeal.

6 Misc. 514; (57 St. Rep. 713; 27 Supp. 434).

Root v. Wright, 84 N. Y. 72.

Cited, Evidence—Privileged Communications—Attorney and Client.

77 Hun, 574; (60 St. Rep. 517; 28 Supp. 1037). 82 Hun, 384; (63 St. Rep. 596; 31 Supp. 278). 17 App. Div. 245; (79 St. Rep. 575; 45 Supp. 575).

Rorke v. Thomas, 56 N. Y. 559.

Cited, Corporations—Trustees—Liability for Debts—Costs of Suit Against Corporation.

74 Hun, 331; (55 St. Rep. 896; 26 Supp. 555).

Root v. Zaller, 2 Supp. 742.

Cited, Instruments—Signing—Knowledge of Contents.

18 Misc. 44; (75 St. Rep. 452; 40 Supp. 1134).

Roosen v. Clonin, 13 App. Div. 190; 77 St. Rep. 395; 43 Supp. 395.

Ropes v. Arnold, 81 Hun, 476; 63 St. Rep. 190; 30 Supp. 997.

Ropes v. Arnold, 66 St. Rep. 306; 32 Supp. 911.

Roraback v. Stebbins, 4 Abb. Ct. App. Dec. 100.

Cited, Tax Sale—Failure of Title—Avoidance.

12 App. Div. 325; (76 St. Rep. 58; 42 Supp. 58).

Rorer v. Kellogg, Daily Reg. Jan. 17, '85.

Cited, Brokers—Commissions.

11 Misc. 344; (65 St. Rep. 559; 32 Supp. 266).

Rorke v. Societe Des Huiles D'Olive De Nice, 14 App. Div. 173; 77 St. Rep. 548; 43 Supp. 548.

Rorke v. Thomas, 56 N. Y. 559.

Cited, Corporations—Directors—Statutory Liability—Conditions Precedent.

16 App. Div. 584; (78 St. Rep. 1001; 44 Supp. 1001). 9 App. Div. 312; (75 St. Rep. 639; 41 Supp. 191; 3 Ann. Cas. 390).

Rosa v. Butterfield, 33 N. Y. 665.

Cited, Corporations—Foreign—Application of Local Statutes to.

3 Misc. 61; (51 St. Rep. 864; 22 Supp. 544). Sureties—Release.

D. 151 N. Y. 45.

Rosa v. Jenkins, 31 Hun, 384.

Cited, Costs—In Equity—Review of Discretion.

71 Hun, 547; (54 St. Rep. 915; 24 Supp. 1079). 56 St. Rep. 433; (26 Supp. 96). 88 Hun, 229; (68 St. Rep. 259; 34 Supp. 665). 92 Hun, 84; (71 St. Rep. 806; 36 Supp. 633).

Mortgage—Foreclosure—Costs.

152 N. Y. 617. 3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1071).

Rosboro v. Peck, 48 Barb. 92.

Cited, Contracts—Fraud—Parol Proof.

82 Hun, 385; (63 St. Rep. 596; 31 Supp. 279).

Contracts—Consideration—Explanation.

86 Hun, 66; (66 St. Rep. 816; 33 Supp. 118).

Rose v. Boston & Albany R. Co., 58 N. Y. 217.

Cited, Railroads—Negligence—Burden of Proof.

136 N. Y. 81; (48 St. Rep. 845). 12 Misc. 221; (66 St. Rep. 859; 33 Supp. 267).

Rose v. Bunn, 21 N. Y. 275.

Cited, Deeds—Construction—Exception and Reservation.

72 Hun, 411; (55 St. Rep. 290; 25 Supp. 339).

Rose v. Butler, 69 Hun, 140; 53 St. Rep. 405; 23 Supp. 375.

Rose v. Chadwick, 9 App. Div. 311; 75 St. Rep. 638; 41 Supp. 190; 3 Ann. Cas. 389.

Cited, Corporations—Directors—Actions Against.

14 App. Div. 410; (77 St. Rep. 1028; 43 Supp. 1028). 16 App. Div. 584; (78 St. Rep. 1001; 44 Supp. 1001).

Rose v. Clark, 8 Paige, 574.

Cited, Evidence—Presumption—Marriage—Cohabitation.

24 Supp. 920.

Rose v. Hatch, 125 N. Y. 427; 35 St. Rep. 443; 6 Supp. 158.

Cited, Life Tenants—Charging Land for Support.

67 Hun, 246; (50 St. Rep. 818; 22 Supp. 200).

Wills—Construction—Devise—Life Estate—Words of Enlargement.

5 Misc. 20; (25 Supp. 60). 5 Misc. 14; (24 Supp. 771).

Will—Construction—Limitation of Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431). 143 N. Y. 502; (32 St. Rep. 848).

Duplicate Citations in Parenthesis.

Rose v. Hawley, 118 N. Y. 502; 30 St. Rep. 6.

Affirming, 45 Hun, 592; 10 St. Rep. 360.

Cited, Real Property—Condition Subsequent—Following the Estate.

69 Hun, 323; (53 St. Rep. 312; 23 Supp. 453).

Rose v. Hawley, 133 N. Y. 315; 45 St. Rep. 119.

Reversing, 39 St. Rep. 985.

Cited, Judgments—Res Adjudicata—Subsequent Cause of Action.

81 Hun, 442; (63 St. Rep. 260; 30 Supp. 1123).

Appeal—Review of Judgment—Burden on Appellant.

152 N. Y. 169.

Rose v. Hawley, 141 N. Y. 366; 57 St. Rep. 441.

Affirming, 69 Hun, 614; 53 St. Rep. 403; 23 Supp. 373.

Cited, Judgments—Res Adjudicata—Subsequent Action.

146 N. Y. 208; (66 St. Rep. 590; 2 Ann. Cas. 21). 85 Hun, 17; (66 St. Rep. 128; 32 Supp. 618). 12 App. Div. 549, 551; (76 St. Rep. 422, 423; 42 Supp. 422, 423). 16 Misc. 477; (39 Supp. 933).

Rose v. Henry, 37 Hun, 397.

Cited, Execution—Transcript from Justice—Outlawed Judgment.

7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 298).

Limitation of Action—Effect.

53 St. Rep. 843; (24 Supp. 347).

Rose v. Post, 56 N. Y. 603.

Cited, Bonds—Assessing Damages—Counsel Fees.

82 Hun, 334; (64 St. Rep. 107; 31 Supp. 508).

Rose v. Rose, 7 Barb. 174.

Cited, Deeds—Delivery to Grantee.

79 Hun, 524; (61 St. Rep. 595; 29 Supp. 908).

Rose v. Rose, 6 Dem. 26.

Cited, Executors and Administrators—Accounting—Proof of and Vouchers for Payments.

23 Supp. 851.

Rose v. Rose, 4 Abb. Ct. App. Dec. 108.

Cited, Perpetuities—Contingent Suspension.

73 Hun, 299; (58 St. Rep. 69; 26 Supp. 427). 146 N. Y. 199; (66 St. Rep. 586).

Rose v. Smith, 4 Cow 17.

Cited, Verdict—Setting Aside—Intoxicants Given to Jurors.

10 Misc. 437; (64 St. Rep. 13; 31 Supp. 460).

Rose v. Stewart, 77 Hun, 306; 59 St. Rep. 184; 28 Supp. 318.

Roseberry v. Nixon, 58 Hun, 121; 33 St. Rep. 981; 11 Supp. 523.

Cited, Trial—Submission to Jury—Sufficiency of Evidence.

77 Hun, 463; (60 St. Rep. 597; 28 Supp. 1011). 92 Hun, 39; (71 St. Rep. 801; 36 Supp. 634).

Roseboom v. Roseboom, 15 Hun, 309.

Cited, Absolute Devise—Cutting Down.

11 Misc. 312; (65 St. Rep. 434; 32 Supp. 268).

Roseboom v. Roseboom, 81 N. Y. 356.

Cited, Wills—Construction—Life Estate, 75 Hun, 432; (57 St. Rep. 342; 27 Supp. 676).

Wills—Construction—Vesting of Estate. 142 N. Y. 439; (59 St. Rep. 814).

Wills—Devise—Construction—Cutting Down by Subsequent Language.

73 Hun, 488; (56 St. Rep. 30; 26 Supp. 395).

78 Hun, 206; (60 St. Rep. 214; 28 Supp. 966).

144 N. Y. 297; (63 St. Rep. 721). 152 N. Y.

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42 Supp. 149) 10 Misc. 26; (62 St. Rep. 267;

30 Supp. 805).

3 App. Div. 438, 440; (39 Supp. 513). 19

Misc. 473; (78 St. Rep. 1040; 44 Supp.

1040). 13 Misc. 371; (69 St. Rep. 484; 35

Supp. 111). 11 Misc. 312; (65 St. Rep. 434;

32 Supp. 268).

Rosebrooks v. Dinsmore, 5 Abb. N. S. 59.

Cited, Appeal—Failure to Except in Court Below—Effect.

19 Misc. 193.

Rosen v. Rose, 13 Misc. 565; 68 St. Rep. 370; 34 Supp. 467; 2 Ann. Cas. 194.

Cited, Statute of Frauds—Part Performance.

17 Misc. 159; (39 Supp. 328).

Rosen v. Stein, 54 Hun, 179; 7 Supp. 368.

Cited, Malicious Prosecution—Evidence—Sufficiency.

17 Misc. 92; (39 Supp. 834).

Rosenbaum, Matter of, 119 N. Y. 24.

Cited, Municipal Contracts—Award—Subsequent Modification.

7 App. Div. 507; (40 Supp. 237).

Rosenbaum v. Gunter, 2 E. D. Smith, 415.

Cited, Contracts—Statute of Frauds—Sufficiency of Writing—Consideration—Specialty.

80 Hun, 70; (61 St. Rep. 606; 29 Supp. 855).

Duplicate Citations in Parenthesis.

- Rosenberg v. Block**, 118 N. Y. 329; 28 St. Rep. 928.
Reversing, 1 St. Rep. 646.
Cited, Actions—Money Had and Received—Availability.
 88 Hun. 420; (68 St. Rep. 761; 34 Supp. 823).
- Rosenberg v. Boehm**, 56 St. Rep. 76; 25 Supp. 936.
- Rosenberg v. Courtney**, 8 Misc. 616; 60 St. Rep. 823; 29 Supp. 327.
- Rosenberg v. Flack**, 32 St. Rep. 449; 10 Supp. 759.
Cited, Action — Parties — Intervention — Replevin — Execution Debtor — Costs — Security—Intervention of Party.
 8 Misc. 618; (60 St. Rep. 824; 29 Supp. 328).
- Rosenberg v. Hammerstein**, 12 App. Div. 579; 76 St. Rep. 42; 42 Supp. 42.
- Rosenberg v. Rosenberg**, 40 Hun. 91.
Cited, Gifts—Inter vivos—Sufficiency.
 16 Misc. 411; (39 Supp. 727).
 Trusts—Creation—Validity.
 D. 50 St. Rep. 296; (21 Supp. 531).
- Rosenberg v. Salomon**, 144 N. Y. 92; 63 St. Rep. 62; 1 Ann. Cas. 11.
Cited, Actions—Parties—Intervention.
 83 Hun. 397; (64 St. Rep. 788; 31 Supp. 878).
 85 Hun. 500; (67 St. Rep. 114; 33 Supp. 365).
 4 App. Div. 54, 55, 59; (38 Supp. 631, 25 Civ. Pro. 333, 339). 17 Misc. 297; (40 Supp. 372). 18 Misc. 174; (75 St. Rep. 844; 41 Supp. 439). 15 App. Div. 439; (78 St. Rep. 436; 44 Supp. 486). 5 App. Div. 620; (40 Supp. 1145). 12 Misc. 619; (67 St. Rep. 92; 33 Supp. 213).
 5 App. Div. 620; (40 Supp. 1145). 8 App. Div. 587, 588; (40 Supp. 915, 916). 14 Misc. 302; (70 St. Rep. 684; 35 Supp. 1059; 25 Civ. Pro. 125; 2 Ann. Cas. 213).
- Rosenhain v. Galligan**, 5 App. Div. 49; 74 St. Rep. 135; 38 Supp. 713.
- Rosenkranz v. Haas**, 1 Misc. 220; 49 St. Rep. 222; 20 Supp. 880.
- Rosenplaenter v. Roessle**, 54 N. Y. 262.
Cited, Statutes—Construction.
 150 N. Y. 83; (3 Ann. Cas. 209).
 Innkeepers — Liability — Statutes—Construction.
 90 Hun. 190; (70 St. Rep. 537; 35 Supp. 741).
- Rosenquist v. Canary**, 15 Misc. 148; 72 St. Rep. 422; 36 Supp. 979.
Cited, 20 Misc. 47; (79 St. Rep. 343; 45 Supp. 343).
- Rosenquist v. Canary**, 20 Misc. 46; 79 St. Rep. 342; 45 Supp. 342.
- Rosensteil v. Van Cott**, 5 App. Div. 128; 39 Supp. 53.
- Rosenstein v. Fox**, 9 Misc. 449; 61 St. Rep. 122; 30 Supp. 258.
Reversed, 150 N. Y. 354.
- Rosenstein v. Fox**, 150 N. Y. 354.
Cited, Appeal—Opinion of Trial Court—Effect.
 151 N. Y. 172.
- Rosenstock v. Hoggarty**, 13 Supp. 228.
Cited, Evidence—Books of Account.
 17 Mi. c. 84; (39 Supp. 854).
- Rosenthal v. Grouse**, 12 Daly. 529.
Cited, Appeal—What Appealable — Final Orders.
 9 Misc. 457; (61 St. Rep. 105; 30 Supp. 239; 24 Civ. Pro. 48). 13 Misc. 242; (68 St. Rep. 14; 34 Supp. 59; 25 Civ. Pro. 260).
- Rosenthal v. Plumb**, 25 Hun. 336.
Cited, Limitation of Action—Interruption of Statute—Insolvency Proceedings.
 5 Misc. 487; (26 Supp. 736).
- Rosenwald v. Hammerstein**, 12 Daly. 377.
Cited, Appeal—Discretionary Determination—Amendment of Pleading.
 7 Misc. 187; (57 St. Rep. 543; 27 Supp. 318).
 77 Hun. 508; (60 St. Rep. 763; 29 Supp. 109).
 82 Hun. 434; (64 St. Rep. 110; 31 Supp. 511).
- Rosenwald v. Phoenix Ins. Co.**, 50 Hun. 172; 3 Supp. 215.
Cited, Insurance—Arbitration — Applicability.
 12 App. Div. 43; (76 St. Rep. 542; 42 Supp. 542).
- Rosepaugh v. Vredenburg**, 16 Hun. 60.
Cited, Verbal Contract—Recovery Under.
 83 Hun. 405; (64 St. Rep. 668; 31 Supp. 880).
- Roslyn Heights Land & Improvement Co. v. Burrows**, 76 Hun. 62
 59 St. Rep. 609; 27 Supp. 622.
- Ross v. Butler**, 57 Hun. 110; 32 St. Rep. 212; 10 Supp. 444; 19 Civ. Pro. 152.
Cited, Judgment—Enforcement — Direction for Payment Out of Fund—Execution.
 50 St. Rep. 417; (21 Supp. 562; 23 Civ. Pro. 48).
- Ross v. Caywood**, 16 App. Div. 591; 78 St. Rep. 985; 44 Supp. 985.
- Ross v. Curtis**, 30 Barb. 238.
Affirmed, 31 N. Y. 606.
Cited, Actions—Money Had and Received.
 4 App. Div. 374; (74 St. Rep. 253; 38 Supp. 735).

Duplicate Citations in Parenthesis.

Ross v. Duffy, 12 St. Rep. 584.

Cited, Pleading — Inconsistent Defenses.

12 Misc. 213; (67 St. Rep. 893; 34 Supp. 16).
19 Misc. 4; (76 St. Rep. 882; 42 Supp. 882).

Ross v. Ferris, 18 Hun, 210.

Cited, Pleading — Extension of Time — Effect on Sureties.

13 App. Div. 452; (77 St. Rep. 603; 43 Supp. 603).

Ross v. Harden, 42 Super. 427.

Cited, Practice—Motion for New Trial — Effect on Order that Exceptions be Heard in Appellate Court First Instance.

81 Hun. 563; (63 St. Rep. 341; 31 Supp. 48; 24 Civ. Pro. 163).

Ross v. Hardin, 79 N. Y. 84.

Cited, Decedent's Estates— Liability for Services.

19 Misc. 94; (77 St. Rep. 972; 43 Supp. 972).

Ross v. Hurd, 71 N. Y. 14.

Cited, Bills and Notes — Demand and Notice—Promise by Drawer or Indorser.

4 Misc. 69; (53 St. Rep. 127; 23 Supp. 784).

Ross v. Konor, 2 Supp. 169; 17 St. Rep. 465.

Cited, Courts — Jurisdiction — Non-Residents.

16 App. Div. 623; (78 St. Rep. 1061; 44 Supp. 1061).

Ross v. Mather, 51 N. Y. 108.

Cited, Pleading—Evidence—Proof of Different Cause of Action from that Alleged.

21 Supp. 591. 149 N. Y. 617; (71 St. Rep. 368).

Pleading—Complaint—Action for Fraud — Requirements.

7 Misc. 321; (57 St. Rep. 463; 27 Supp. 906). 4 App. Div. 230, 231; (74 St. Rep. 196; 38 Supp. 552; 553).

Ross v. Ross, 6 Hun, 182.

Cited, Contracts — Services — Implied Promise to Pay—Quantum Meruit.

6 Misc. 506; (57 St. Rep. 708; 27 Supp. 429). 1 Misc. 252; (51 St. Rep. 513; 22 Supp. 913). 13 Misc. 597; (69 St. Rep. 368; 35 Supp. 156).

Evidence—Conversation with Decedent—Exclusion.

92 Hun, 274; (72 St. Rep. 316; 36 Supp. 954).

Ross v. Ross, 31 Hun, 140.

Cited, Appeal—Review of Referee's Findings—Divorce.

73 Hun, 262; (57 St. Rep. 238; 26 Supp. 267). 7 Misc. 308; (58 St. Rep. 555; 28 Supp. 136; 23 Civ. Pro. 386).

Reference — Report — Sending Back for Further Proof.

79 Hun, 243; (61 St. Rep. 33; 29 Supp. 362).

Ross v. Simon, 28 St. Rep. 147; 8 Supp. 2.

Cited, Mechanic's Lien—Property Under Lease—Consent of Owner—Knowledge and Acquiescence.

59 St. Rep. 552; (28 Supp. 649).

Ross v. Simon, 9 Supp. 536.

Cited, Mechanic's Lien—Enforcement.

20 Misc. 556.

Ross v. Terry, 63 N. Y. 613.

Cited, Pleading—Complaint—Ejectment — Irrelevant Allegations.

70 Hun, 488; (54 St. Rep. 60; 24 Supp. 257). 73 Hun, 387; (58 St. Rep. 77; 26 Supp. 454). 148 N. Y. 134. 18 Misc. 247; (75 St. Rep. 1002; 41 Supp. 609).

Ross v. Verman, 6 App. Div. 246; 39 Supp. 1031.

Ross v. Wigg, 34 Hun, 192.

Cited, 12 Misc. 468; (68 St. Rep. 136; 34 Supp. 257).

Foreign Laws—Procedure—Comity.

1 Misc. 57; (48 St. Rep. 551; 21 Supp. 732). 148 N. Y. 25.

Ross v. Wigg, 100 N. Y. 243.

Cited, Appeal—Who May be Heard—Substantial Rights.

59 St. Rep. 551; (29 Supp. 1152).

Ross v. Willett, 76 Hun, 211; 58 St. Rep. 694; 27 Supp. 785.

Ross v. Wood, 70 N. Y. 8.

Cited, Judgment—Vacation—Fraud.

71 Hun, 524; (54 St. Rep. 888; 24 Supp. 1033). 87 Hun, 515; (68 St. Rep. 511; 34 Supp. 504). 89 Hun, 118; (69 St. Rep. 471; 35 Supp. 58).

Rossoau v. Bleau, 131 N. Y. 177; 42 St. Rep. 871.

Cited, Executors—Settlement of Estate—Debts Preferred to Testamentary Gifts.

133 N. Y. 422; (52 St. Rep. 886)

Evidence—Confidential Communication—Waiver.

78 Hun, 227; (60 St. Rep. 224; 28 Supp. 956). 72 Hun, 497; (54 St. Rep. 773; 25 Supp. 270). 49 St. Rep. 367; (21 Supp. 351). 148 N. Y. 92; (25 Civ. Pro. 172; 2 Ann. Cas. 296). 151 N. Y. 204; (3 Ann. Cas. 296). 9 App. Div. 57; (75 St. Rep. 566; 41 Supp. 105).

Roskam v. Curtis, 15 App. Div. 190; 78 St. Rep. 198; 44 Supp. 198.

Rosso v. Second Ave. R. Co., 13 App. Div. 375; 77 St. Rep. 216; 43 Supp. 216.

Duplicate Citations in Parenthesis.

Rost v. Brooklyn Heights R. Co., 10 App. Div. 477; 75 St. Rep. 1423; 41 Supp. 1069.

Cited, New Trial—Prejudicing Jury. 20 Misc. 125; (7) St. Rep. 809; 45 Supp. 809).

Roth v. Buffalo & State Line R. Co., 34 N. Y. 548.

Cited, Carriers — Passenger—Baggage—Removal.

69 Hun, 480; (52 St. Rep. 618; 23 Supp. 416). 81 Hun, 474; (63 St. Rep. 216; 30 Supp. 1022). 84 Hun, 538; (66 St. Rep. 323; 32 Supp. 849).

Roth v. Haviland, 19 Misc. 317; 78 St. Rep. 474; 44 Supp. 474.

Roth v. Metropolitan Street R. Co., 13 Misc. 213; 68 St. Rep. 113; 34 Supp. 232.

Roth v. Palmer, 27 Barb. 652.

Cited, Vendor and Vendee—Fraud—Election.

13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Pleading—Torts—Waiver.

86 Hun, 307; (67 St. Rep. 214; 33 Supp. 500).

Roth v. Rochester, 90 Hun, 606; 69 St. Rep. 747; 35 Supp. 336

Roth v. Wells, 29 N. Y. 471.

Cited, Execution — Lien — To What Attaches—When Effectual.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

Judicial Sale — Conduct — Protection of Purchaser.

141 N. Y. 5; (56 St. Rep. 480).

Judicial Sale — Personal Property — Absence of Levy—Property Not in View.

2 Misc. 163; (50 St. Rep. 222; 21 Supp. 629).

Rothery v. New York Rubber Co., 24 Hun, 172.

Affirmed, 90 N. Y. 30.

Cited, Costs—Extra Allowance—Computation.

3 App. Div. 21; (73 St. Rep. 532; 37 Supp. 990).

Rothery v. New York Rubber Co., 90 N. Y. 30.

Cited, Actions—Costs and Disbursements.

86 Hun, 572, 573; (67 St. Rep. 684; 33 Supp. 908).

Rothmiller v. Stein, 9 Misc. 167; 60 St. Rep. 646; 23 Supp. 707.

Rothmiller v. Stein, 143 N. Y. 581; 62 St. Rep. 788.

Affirming, 8 Misc. 137; 29 Supp. 707.

Rothschild v. Frank, 16 Misc. 621; 39 Supp. 54.

Reversed, 14 App. Div. 399; 77 St. Rep. 951; 43 Supp. 951.

Rothschild v. Frank, 14 App. Div. 399; 77 St. Rep. 951; 43 Supp. 951.

Rothschild v. Grand Trunk R. Co., 30 St. Rep. 642; 10 Supp. 36.

Cited, Pleading—Description of Parties—Corporations—Mode of Raising Defense to —Motion.

8 Misc. 9; (58 St. Rep. 804; 28 Supp. 66; 23 Civ. Pro. 392).

Rothschild v. Grand Trunk R. Co., 38 St. Rep. 869; 14 Supp. 807.

Cited, Pleading — Complaint — Corporations—Incorporation—Demurrer.

8 Misc. 356; (59 St. Rep. 591; 28 Supp. 695).

Rothschild v. Mack, 42 Hun, 72.

Cited, Insolvency and Assignment—Equitable Offset.

135 N. Y. 225; (47 St. Rep. 867).

Rothschild v. Mack, 115 N. Y. 1; 23 St. Rep. 922.

Cited, Actions — Money Had and Received.

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42). 137 N. Y. 176; (50 St. Rep. 379).

Actions—Tort—Set-off

12 App. Div. 598; (76 St. Rep. 1080; 42 Supp. 1080). 79 St. Rep. 504; (45 Supp. 504). 14 App. Div. 435; (77 St. Rep. 828; 43 Supp. 828).

Rothschild v. Mooney, 36 St. Rep. 565; 13 Supp. 125.

Cited, Attachments—Affidavits—Recitals — Sufficiency.

76 Hun, 565; (58 St. Rep. 246; 28 Supp. 213). 76 Hun, 124; (57 St. Rep. 478; 27 Supp. 824).

Rothschild v. Rio Grande Western R. Co., 59 Hun, 454; 37 St. Rep. 44; 13 Supp. 361.

Disapproved, Pleading—Foreign Laws—Sufficiency.

74 Hun, 526; (56 St. Rep. 721; 26 Supp. 829; 31 Abb. N. C. 143).

Cited, Pleading—Complaint—Compliance With Statute.

78 Hun, 386; (60 St. Rep. 743; 29 Supp. 186). 50 St. Rep. 310; (21 Supp. 502).

Rothschild v. Rio Grande Western R. Co., 84 Hun, 103; 65 St. Rep. 193; 32 Supp. 37.

Cited, 79 St. Rep. 1147; (45 Supp. 1147)

Duplicate Citations in Parenthesis.

Rothschild v. Rio Grande Western R. Co., 9 App. Div. 406; 75 St. Rep. 703; 41 Supp. 293.

Cited, Appeal—Case—Making Complete—Practice.

11 App. Div. 626; (77 St. Rep. 762; 42 Supp. 762).

Rothschild v. Rio Grande Western R. Co., 79 St. Rep. 1147; 45 Supp. 1147.

Rothschild v. Rio Grande Western R. Co., 18 Supp. 548.

Cited, 79 St. Rep. 1147; (45 Supp. 1147).

Rothschild v. Salomon, 52 Hun, 486; 24 St. Rep. 20; 5 Supp. 865.

Cited, Insolvency—Assignment for Creditors—Fraud—Withholding Assets.

3 Misc. 497; (23 Supp. 985). 3 App. Div. 300; (74 St. Rep. 26; 38 Supp. 370). 18 Misc. 408; (76 St. Rep. 777; 42 Supp. 777).

Rothschild v. Whitman, 132 N. Y. 472.

Cited, Pleading—Counterclaim—Sufficiency.

5 App. Div. 519; (38 Supp. 1076).

Rothschild v. Zucker, 139 N. Y. 624; 54 St. Rep. 932; See 53 St. Rep. 939.

Rothwell v. Paine, 9 Civ. Pro. 128.

Distinguished, Arrest—Civil—Liability on Undertaking.

2 Misc. 424; (50 St. Rep. 763; 21 Supp. 1027; 23 Civ. Pro. 152).

Rottenberg v. Segelke, 6 Misc. 3; 58 St. Rep. 120; 25 Supp. 997.

Affirmed, 148 N. Y. 734.

Rotter v. Goerlitz, 34 St. Rep. 1001; 12 Supp. 210; 16 Daly, 484.

Cited, Landlord and Tenant—Covenants. 14 Misc. 341; (70 St. Rep. 456; 35 Supp. 681).

Rottenberg v. Segelke, 6 Misc. 3; 58 St. Rep. 120; 25 Supp. 997.

Rouge v. Rouge, 14 Misc. 421; 70 St. Rep. 256; 35 Supp. 836; 25 Civ. Pro. 102; 2 Ann. Cas 376.

Affirmed, 15 Misc. 36; 71 St. Rep. 487; 36 Supp. 436.

Rouge v. Rouge, 15 Misc. 36; 71 St. Rep. 487; 36 Supp. 436.

Rouget v. Haight, 57 Hun, 119; 32 St. Rep. 452; 10 Supp. 753.

Cited, Pleading—Definiteness.

67 Hun, 433; (51 St. Rep. 309; 22 Supp. 122). 10 Misc. 29; (63 St. Rep. 243; 30 Supp. 1053).

Rouget v. Haight, 61 St. Rep. 13; 29 Supp. 408.

Roulston v. McClelland, 2 E. D. Smith, 60.

Cited, Bailees—Tender of Goods—Effect. 17 Misc. 397; (39 Supp. 1042).

Roulston v. Roulston, 5 Misc. 569; 26 Supp. 667.

Affirmed, 78 Hun, 609; 59 St. Rep. 885; 28 Supp. 1117.

Roulston v. Roulston, 64 N. Y. 652.

Cited, Trusts—Resulting—When Arise.

4 App. Div. 237; (74 St. Rep. 180; 38 Supp. 561).

Round Lake Association v. Kellogg, 141 N. Y. 348; 57 St. Rep. 433.

Affirming, 47 St. Rep. 668; 20 Supp. 261.

Roundey v. Stillwell, 19 Misc. 415; 77 St. Rep. 1132; 43 Supp. 1132.

Rounds v. Delaware, Lack. & West. R. Co., 64 N. Y. 129.

Cited, Master and Servant—Liability of Master—Torts of Servant.

4 Misc. 397; (53 St. Rep. 567; 24 Supp. 111).

9 Misc. 6; (59 St. Rep. 674; 29 Supp. 52; 61

St. Rep. 851). 13 Misc. 403; (68 St. Rep.

123; 34 Supp. 244). 17 Misc. 90; (39 Supp.

833). 80 Hun, 277; (30 Supp. 138). 81 Hun,

360; (63 St. Rep. 145; 30 Supp. 890). 92 Hun,

606; (70 St. Rep. 898; 36 Supp. 1121). 16 App.

Div. 96; (78 St. Rep. 1066; 44 Supp. 1166).

Roup v. Bradner, 19 Hun, 513.

Cited, Executors—Accounting—Limitation.

15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Rourke v. Regnault, 11 Misc. 622; 66 St. Rep. 177; 32 Supp. 794.

Rouse v. Goodman, 8 Misc. 691; 58 St. Rep. 830; 28 Supp. 524.

Rouse v. Printers' Exchange Co., 12 Misc. 114; 66 St. Rep. 693; 33 Supp. 55.

Rouse v. Whited, 25 N. Y. 170.

Cited, Evidence—Declarations—Conversations—Entirety.

61 St. Rep. 618; (29 Supp. 867). 80 Hun,

39; (29 Supp. 867). 82 Hun, 264; (63 St.

Rep. 507; 31 Supp. 1921).

Rouss v. McDowell, 88 Hun, 532; 68 St. Rep. 710; 34 Supp. 776.

Roussel v. St. Nicholas Ins. Co., 41 Super. 279.

Cited, Actions—Real Party in Interest.

83 Hun, 397; (64 St. Rep. 787; 31 Supp. 878). 7 App. Div. 586; (40 Supp. 307).

Rousso v. Vontrin, 41 How. 8.

Cited, New Trial—Costs.

16 Misc. 515; (74 St. Rep. 46; 38 Supp. 526).

Duplicate Citations in Parenthesis.

Routledge v. Worthington Co., 119 N. Y. 592; 30 St. Rep. 195.

Cited, Evidence — Parol — Concerning Writing—Part Performance—Entirety of Contract.

73 Hun, 313; (58 St. Rep. 63; 26 Supp. 377).

Evidence—Written Contracts—Parol.

7 Misc. 702; (58 St. Rep. 369; 28 Supp. 25). 151 N. Y. 569. 76 Hun, 551; (58 St. Rep. 233; 28 Supp. 235). 84 Hun, 500; (65 S. Rep. 473; 32 Supp. 316). 10 Misc. 459; (64 St. Rep. 34; 31 Supp. 458). 85 Hun, 74; (66 St. Rep. 29; 32 Supp. 646). 15 Misc. 131; (71 St. Rep. 502; 36 Supp. 487). 17 Misc. 158; (39 Supp. 328). 16 Misc. 530; (38 Supp. 981).

Rowan v. Kelsey, 18 Barb. 484; 2 Keyes, 594; 4 Abb. Ct. App. Dec. 125.

Cited, Ejectment—When Proper Remedy.

79 Hun, 215; (61 St. Rep. 139; 29 Supp. 659).

Rowan v. Lytle, 11 Wend. 616.

Cited, Contracts—Statute of Frauds—Release of Term of Years.

74 Hun, 98; (56 St. Rep. 224; 26 Supp. 404).

Rowe v. Auburn Bank, 51 N. Y. 674.

Cited, Actions—Common Counts.

11 Misc. 244; (65 St. Rep. 306; 32 Supp. 165). 2 App. Div. 528; (74 St. Rep. 276; 37 Supp. 1094).

Rowe v. Brooklyn Life Ins. Co., 11 App. Div. 532; 76 St. Rep. 646; 42 Supp. 646.

Rowe v. Brooklyn Life Ins. Co., 16 Misc. 323; 38 Supp. 621.

Rowe v. Comley, 11 Daly, 317; 1 City Ct. Rep. 466; 16 Week. Dig. 343; 2 Civ. Pro. 424.

Cited, Appeal—Common Pleas — Review of Evidence.

4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880). 1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708). 9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 3 Misc. 71; (51 St. Rep. 857; 22 Supp. 555). 4 Misc. 136; (53 St. Rep. 224; 23 Supp. 997). 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 573; 31 Abb. N. C. 439). 8 Misc. 270; (59 St. Rep. 202; 28 Supp. 715). 9 Misc. 164; (60 St. Rep. 634; 29 Supp. 720).

Husband and Wife — Services of Wife—Recovery by Her.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431).

Trial—Argument of Counsel—Reference to Pleadings.

3 Misc. 629; (52 St. Rep. 519; 23 Supp. 324).

Appeal—Evidence—Review.

10 Misc. 146; (62 St. Rep. 479; 30 Supp. 915). 13 Misc. 168; (68 St. Rep. 96; 34 Supp. 112). 17 Misc. 555; (75 St. Rep. 103; 40 Supp. 697). 19 Misc. 11. (76 St. Rep. 869; 42 Supp. 869). 19 Misc. 271; (78 St. Rep. 252; 44 Supp. 252). 19 Misc. 483; (77 St. Rep. 1071; 43 Supp. 1071). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

Rowe v. N. Y. C. & H. R. R. Co., 82 Hun, 153; 63 St. Rep. 753; 31 Supp. 204.

Rowe v. Richardson, 5 Barb. 385.

Cited, Attachment—Sale Under — Priority of Liens.

79 Hun, 149; (61 St. Rep. 358; 29 Supp. 766; 24 Civ. Pro. 36).

Rowe v. Smith, 45 N. Y. 230.

Cited, Husband and Wife — Liability of Husband for Wife's Torts.

9 Misc. 36; (59 St. Rep. 545; 29 Supp. 295; 31 Abb. N. C. 314). 135 N. Y. 209; (48 St. Rep. 415). 81 Hun, 240; (62 St. Rep. 665; 30 Supp. 709).

Rowe v. Stevens, 53 N. Y. 621.

Cited, Brokers—Real Estate—Acting for Both Principals—Recovery.

9 Misc. 67; (59 St. Rep. 680; 29 Supp. 16). 86 Hun, 209; (67 St. Rep. 55; 33 Supp. 313). 15 App. Div. 537; (78 St. Rep. 574; 44 Supp. 574). 16 App. Div. 323; (78 St. Rep. 674; 44 Supp. 674).

Rowe v. Stevens, 44 How. 10.

Cited, Appeal—Refusal of Non-suit—Waiver by Not Renewing Motion of Asking Direction of Verdict.

1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683).

Appeal—First Questioning Sufficiency of Evidence on.

6 Misc. 373; (56 St. Rep. 403; 26 Supp. 758).

1 Misc. 337; (48 St. Rep. 666; 20 Supp. 708). 1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 10 Misc. 396; (63 St. Rep. 526; 31 Supp. 134).

Rowell v. Janvrin, 69 Hun, 305; 53 St. Rep. 312; 23 Supp. 481.

Cited, Pleading—Amendment—Allowance.

91 Hun, 422, 424; (70 St. Rep. 797; 36 Supp. 223, 224).

Rowell v. Janvrin, 138 N. Y. 656; 53 St. Rep. 931.

Cited, 91 Hun, 323; (70 St. Rep. 797; 36 Supp. 224).

Rowell v. Janvrin, 151 N. Y. 60.

Reversing, 79 Hun, 614; (62 St. Rep. 867; 29 Supp. 1149).

16 App. Div. 249; (78 St. Rep. 709; 44 Supp. 709).

Duplicate Citations in Parentheses.

Rowell v. Lambert, 66 Hun, 4; 49 St. Rep. 197; 20 Supp. 822.

Cited, Corporations—Directors—Liability.

147 N. 601; (70 St. Rep. 353).

85 Hun, 41; (66 St. Rep. 134; 32 Supp. 624). 87 Hun, 289, 291; (67 St. Rep. 769, 770; 33 Supp. 1032, 1033).

Rowell v. Moeller, 91 Hun, 421; 70 St. Rep. 797; 36 Supp. 223.

Rowerdink v. Bitner, 72 Hun, 561; 72 St. Rep. 300; 36 Supp. 1027.

Rowland, Matter of, 5 Dem. 216.

Cited, Executors and Administrators—Accounting—Counsel Fees, etc.

23 Supp. 1048.

Executors and Administrators—Accounting—Vouchers for Payments.
23 Supp. 850.

Rowland v. Howard, 75 Hun, 1; 56 St. Rep. 722; 26 Supp. 1018.

Cited, Evidence—Sufficiency—Claims Against Decedent's Estate.

4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 666). 1 App. Div. 184; (27 Supp. 244). 15 Misc. 538; (74 St. Rep. 558; 38 Supp. 106).

Rowland v. Miller, 139 N. Y. 93; 54 St. Rep. 465.

Affirming, 46 St. Rep. 967.

Cited, Covenants—Running With Land—Restrictions—Offensive Business.

141 N. Y. 355; (57 St. Rep. 436). 19 Misc. 228; (72 St. Rep. 199; 43 Supp. 199).

Rowland v. New York, 83 N. Y. 372.

Cited, Officers—Public—Who Are.

69 Hun, 294; (53 St. Rep. 235; 23 Supp. 485). 146 N. Y. 293; (66 St. Rep. 652). 84 Hun, 52; (65 St. Rep. 191; 32 Supp. 35). 17 Misc. 669; (41 Supp. 470).

Rowland v. Rowland, 141 N. Y. 485; 57 St. Rep. 595.

Affirming, 75 Hun, 585; 57 St. Rep. 652; 27 Supp. 606.

Cited, Reference—Long Account.

148 N. Y. 587; (3 Ann. Cas. 63). 90 Hun, 279; (70 St. Rep. 601; 35 Supp. 935).

Rowland v. Sprowls, 50 St. Rep. 921; 21 Supp. 895.

Rowland v. Sworts, 43 St. Rep. 951; 17 Supp. 399.

Cited, Fixtures—Rights of Mortgagee.

50 St. Rep. 922; (21 Supp. 896).

Rowles v. Hoare, 61 Barb. 266.

Cited, Attachment—Vacation—Rights of Party to Succeed.

79 Hun, 408; (61 St. Rep. 503; 29 Supp. 797). 2 App. Div. 555; (74 St. Rep. 467; 38 Supp. 38).

Rowley v. Empire Ins. Co., 4 Abb. Ct. App. Dec. 131; 36 N. Y. 550.

Cited, Insurance—Warranty—Breach—Waiver.

10 Misc. 406; (63 St. Rep. 523; 31 Supp. 131). 16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509).

Insurance—Agent's Authority—Extent.

17 Misc. 116; (39 Supp. 357).

Rowley v. Gibbs, 14 Johns. 385.

Cited, Interest—On Damages.

135 N. Y. 104; (48 St. Rep. 368). 11 Misc. 59; (63 St. Rep. 44; 31 Supp. 838).

Rowley v. Nat. Bank of Deposit, 18 Supp. 545

Cited, 18 Misc. 749.

Pleading—Sufficiency—Check—Failure to Pay.

20 Misc. 92; (79 St. Rep. 68; 45 Supp. 68). 78 St. Rep. 333, 334; (44 Supp. 333, 334).

Rowley v. Swift, 67 Hun, 95; 51 St. Rep. 377; 22 Supp. 35.

Roy v. Baucus, 43 Barb. 310.

Cited, Execution—Supplementary Proceeding—Property Claimed by Third Person.

2 Misc. 403; (50 St. Rep. 536; 21 Supp. 980). 12 Misc. 628; (63 St. Rep. 133; 34 Supp. 254; 25 Civ. Pro. 46).

Roy v. Targee, 7 Wend. 359.

Cited, Bastardy—Trial de novo in County Court.

15 App. Div. 45; (78 St. Rep. 112; 44 Supp. 112).

Royal Baking Powder Co. v. Jenkins, 2 Month Law Bul. 53.

Cited, Pleading—Redundancy—Who May Complain of.

1 Misc. 128; (48 St. Rep. 662; 20 Supp. 651).

Royce v. Adams, 123 N. Y. 402; 33 St. Rep. 623.

Cited, Courts—Concurrent Jurisdiction.

86 Hun, 196, 198; (67 St. Rep. 129, 130; 33 Supp. 383, 385).

Royce v. Jones, 23 Hun, 452.

Cited, Costs—Separate Defendants.

81 Hun, 363; (63 St. Rep. 150; 30 Supp. 896; 1 Ann. Cas. 19).

Royce v. Watrous, 73 N. Y. 597.

Cited, Estoppel—Equitable—In Aid of Fraud.

3 Misc. 544; (52 St. Rep. 415; 23 Supp. 15). D. 75 St. Rep. 1346; (41 Supp. 970). D. 10 App. Div. 61; (41 Supp. 970). 8 App. Div. 539; (40 Supp. 884).

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Royer Wheel Co. v. Fielding, 101 N. Y. 504.

Cited, Mortgage—Validity—By Voluntary Grantee to Secure Debts of Insolvent Grantor.

73 Hun, 351; (55 St. Rep. 744; 26 Supp. 196). 80 Hun, 483, 484; (62 St. Rep. 369; 30 Supp. 517, 518).

Assignment for Creditors—Effect of Specific Assignments.

3 App. Div. 302; (74 St. Rep. 27; 38 Supp. 371).

Royer Wheel Co. v. Frost, 13 Daly, 233.

Cited, Trust—Mortgage—Validity.

80 Hun, 483; (62 St. Rep. 369; 30 Supp. 517).

Rozell v. Andrews, 103 N. Y. 150; 3 St. Rep. 53.

Cited, Obstruction in Highway—Action to Recover—Availability.

9 App. Div. 50; (75 St. Rep. 583; 41 Supp. 125). 92 Hun, 131; (72 St. Rep. 387; 36 Supp. 865).

Rozelle v. Rose, 3 App. Div. 132; 39 Supp. 363.

Cited, Master and Servant—Master's Duty.

15 App. Div. 262; (78 St. Rep. 200; 44 Supp. 200).

Rozen v. Dry Dock, East Broadway & B. R. Co., 7 Misc. 130; 58 St. Rep. 8; 27 Supp. 337.

Ruben v. Lewis, 20 Misc. 583.

Rubens v. Ludgate Hill S. S. Co., 17 St. Rep. 17; 2 Supp. 30; 21 Abb. N. C. 464.

Cited, Pleadings—Complaint—Motion to Make More Definite and Certain.

59 St. Rep. 381; (28 Supp. 607).

Rubens v. Ludgate Hall S. S. Co., 60 St. Rep. 875.

Affirming, 48 St. Rep. 732; 20 Supp. 481.

Rubens v. Prindle, 44 Barb. 336.

Cited, Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 295; (49 St. Rep. 256; 20 Supp. 923).

Rubenstein v. Kahn, 5 Misc. 408; 55 St. Rep. 392; 25 Supp. 760.

Rubino v. Force, 13 Misc. 77; 69 St. Rep. 170; 24 Supp. 946.

Affirmed, 153 N. Y. 651.

Rubino v. Scott, 118 N. Y. 662.

Cited, Evidence—Value of Services.

18 Misc. 372; (75 St. Rep. 1038; 41 Supp. 652).

Ruckman v. Astor, 9 Paige, 517.

Cited, Mortgage—Foreclosure—Rents—Application of.

85 Hun, 61; (66 St. Rep. 63; 32 Supp. 679).

Ruckman v. Bryan, 3 Den, 340.

Cited, Contracts—Racing—Validity.

D. 87 Hun, 254, 255; (67 St. Rep. 432, 433; 33 Supp. 759, 760).

Ruckman v. Pitcher, 1 N. Y. 392.

Cited, Contracts—Illegality—Enforcement.

8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533). 14 Misc. 59; (69 St. Rep. 621; 35 Supp. 246).

Ruckman v. Ruckman, 58 How. 278.

Cited, Husband and Wife—Abandonment—Refusal to Return.

5 Misc. 557; (26 Supp. 31). 17 Misc. 268; (40 Supp. 320).

Rudd v. Davis, 3 Hill, 287.

Affirmed, 7 Hill, 529.

Cited, Trial—Withdrawing Case from Jury—Preponderance of Evidence.

137 N. Y. 426; (51 St. Rep. 68). 20 Misc. 680.

Rudd v. Davis, 7 Hill, 529.

Cited, Trial—Direction of Verdict—When Proper.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 175).

Rudd v. Robinson, 126 N. Y. 113; 36 St. Rep. 500.

Cited, Evidence—Books of Corporation—As Against Trustees of.

75 Hun, 13; (56 St. Rep. 880; 26 Supp. 1029). 91 Hun, 609; (71 St. Rep. 190; 36 Supp. 353).

Ruff v. Rinaldo, 55 N. Y. 664.

Cited, Damages—Measure—Building Contract—Delay.

50 St. Rep. 299; (21 Supp. 496). 8 Misc. 260; (59 St. Rep. 200; 28 Supp. 549).

Ruffin v. Ruggiero, 10 Misc. 739; 64 St. Rep. 632; 31 Supp. 826.

Rugg v. Rugg, 21 Hun, 383.

Affirmed, 83 N. Y. 592.

Cited, Wills—Witnesses—Executors as.

71 Hun, 502; (54 St. Rep. 901; 24 Supp. 1059).

Rugg v. Rugg, 83 N. Y. 592.

Cited, Wills—Execution—Proof—Failure of Witnesses to Recollect.

85 Hun, 586; (66 St. Rep. 779; 33 Supp. 153). 13 Misc. 469; (68 St. Rep. 743; 34 Supp. 708; 25 Civ. Pro. 29). 15 Misc. 201; (72 St. Rep. 146; 37 Supp. 42).

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Ruggles v. American C. Ins. Co., 114 N. Y. 415; 23 St. Rep. 847.

Cited, Agency—Revocation — Third Persons—Insurance.

78 Hun, 85; (60 St. Rep. 821; 29 Supp. 335). Agent—Private Instructions—Effect.

13 App. Div. 445; (77 St. Rep. 624; 43 Supp. 624).

Partnership—Liability as to Third Parties—Agents.

7 Misc. 143; (57 St. Rep. 533; 27 Supp. 386).

Insurance—Contracts with Agent—Effect.

151 N. Y. 92. 92 Hun, 194, (71 St. Rep. 132; 36 Supp. 331).

Ruggles v. Chapman, 59 N. Y. 163.

Cited, Creditors—Vested Rights — Preservation of Lien.

143 N. Y. 264; (62 St. Rep. 155).

Superintendent of Insurance — Power of Court to Compel Transfer of Securities.

147 N. Y. 28; (69 St. Rep. 335). 81 Hun, 500, 501; (63 St. Rep. 478, 479; 31 Supp. 156, 157).

Ruggles v. Fogg, 7 How. 324.

Cited, Costs—Offer of Judgment — More Favorable Recovery—Counterclaim.

8 Misc. 622; (61 St. Rep. 334; 29 Supp. 823).

Pleading—Service—Priority—Answer and Offer of Judgment.

77 Hun, 593; (60 St. Rep. 497; 28 Supp. 1047).

Ruggles v. Lawson, 13 Johns. 285.

Cited, Deeds—Delivery—Sufficiency.

68 Hun, 495; (52 St. Rep. 652; 22 Supp. 1004). 145 N. Y. 283; (64 St. Rep. 702). 80 Hun, 426; (62 St. Rep. 115; 30 Supp. 361).

Ruhl v. Phillips, 48 N. Y. 125.

Cited, Property—Transfer — Fraudulent.

86 Hun, 341; (67 St. Rep. 157; 33 Supp. 458).

Ruland v. Canfield Pub. Co., 18 Civ. Pro. 282; 10 Supp. 913.

Cited, Writ and Process—Service—Corporations—Managing Agent.

72 Hun, 603; (54 St. Rep. 764; 25 Supp. 264). D. 12 Misc. 483; (67 St. Rep. 384; 33 Supp. 862).

Ruloff's Case, 11 Abb. N. S. 245.

Cited, Witness—Cross-examination—Failure to Appear for.

67 Hun, 189; (51 St. Rep. 404; 22 Supp. 95).

Ruloff v. People, 45 N. Y. 213.

Cited, Evidence—Photographs—Verification.

59 St. Rep. 458; (21 Supp. 206). D. 10 Misc. 717; (64 St. Rep. 619; 31 Supp. 812).

Witness—Accused as—Failure to Testify—Inference.

140 N. Y. 497; (56 St. Rep. 433). D. 150 N. Y. 309.

Criminal Law—Evidence—Implements—Admissibility.

7 App. Div. 333; (40 Supp. 112).

Rummel v. New York, Lack. & West. R. Co., 9 Supp. 404.

Cited, Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 821.

Rumpf v. Perkins, 14 Misc. 437.

Rumsey, Matter of, 45 St. Rep. 453.

Cited, Negligence—Liability of Executor. 20 Misc. 507.

Rumsey v. Briggs, 139 N. Y. 323; 54 St. Rep. 616.

Reversing, 63 Hun, 11; 44 St. Rep. 28; 17 Supp. 562.

Cited, Agents—Acting Within Scope of Employment—Effect on Principal.

79 St. Rep. 653; (45 Supp. 653).

Rumsey v. N. Y. & N. E. R. Co. 63 Hun, 200; 45 St. Rep. 33; 17 Supp. 672.

Cited, Actions — Damages — Equitable — Measure.

85 Hun, 67; (65 St. Rep. 862; 32 Supp. 642).

Rumsey v. N. Y. & N. E. R. Co., 50 St. Rep. 253; 21 Supp. 193.

Rumsey v. N. Y. & N. E. R. Co., 114 N. Y. 423; 23 St. Rep. 928.

Cited, Railroads—Acquisition of Land—Water—Patent—Validity.

135 N. Y. 93; (48 St. Rep. 379).

Waters—Land Under—Title of State.

71 Hun, 119; (53 St. Rep. 876; 24 Supp. 530).

Waters—Riparian Rights—Grant of Right of Way Along Shore to Railway.

71 Hun, 158; (54 St. Rep. 370; 23 Supp. 928; 30 Abb. N. C. 89). 144 N. Y. 88, 87, 90; (53 St. Rep. 59, 62). 30 Supp. 94.

Rumsey v. N. Y. & N. E. R. Co., 130 N. Y. 88; 40 St. Rep. 583.

Cited, Laws—Passage—Certificate of Presiding Officer—Effect.

90 Hun, 323; (70 St. Rep. 594; 35 Supp. 928). 148 N. Y. 556.

Rumsey v. N. Y. & N. E. R. Co., 133 N. Y. 79; 44 St. Rep. 248.

Cited, Evidence—Opinions—Rental Values.

77 Hun, 141; (59 St. Rep. 40; 28 Supp. 465).

Waters—Land Under—Rights of Upland Owner.

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71 Hun, 119; (53 St. Rep. 876; 24 Supp. 531). 141 N. Y. 95; (56 St. Rep. 653). 71 Hun, 162; (54 St. Rep. 865; 23 Supp. 931; 30 Abb. N. C. 89). 61 St. Rep. 814. 144 N. Y. 87. (63 St. Rep. 60). 150 N. Y. 156. 80 Hun, 311; (30 Supp. 94). 10 App. Div. 298; (75 St. Rep. 1313; 41 Supp. 941). D. 10 App. Div. 303; (75 St. Rep. 1317; 41 Supp. '44). 18 App. Div. 602; (76 St. Rep. 139; 42 Supp. 139). 13 App. 107; (76 St. Rep. 1064; 42 Supp. 1064). 14 App. Div. 480; (77 St. Rep. 932; 43 Supp. 932). 39 Supp. 9.

Rumsy v. N. Y. & N. E. R. Co., 136 N. Y. 543; 49 St. Rep. 683.
Reversing, 63 Hun, 200; 45 St. Rep. 33; 17 Supp. 672.
Cited, Water—Land Under—Rights of Riparian Owners.
144 N. Y. 87; (63 St. Rep. 59). 30 Supp. 94.

Rumsey v. N. Y. & N. E. R. Co., 137 N. Y. 563; 50 St. Rep. 933.
Affirming, 63 Hun, 200; 45 St. Rep. 33; 17 Supp. 672.

Rumsey v. People, 19 N. Y. 41.
Cited, Legislature—Powers—Apportionment.
135 N. Y. 491; (47 St. Rep. 709).
Legislature—Powers—Restriction.
13 Misc. 718; (70 St. Rep. 243; 35 Supp. 822).

Runberg v. Johnson, 11 Civ. Pro. 283.
Cited, Lunatic—Right to Maintain Action.
7 App. Div. 348; (39 Supp. 942).

Rundell v. Butler, 7 Barb. 260.
Cited, Slander—Pleading—Sufficiency.
11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Rundell v. Lakey, 40 N. Y. 513.
Cited, Taxes—When Personal Liability Attaches.
67 Hun, 322; (51 St. Rep. 822; 22 Supp. 214). 10 App. Div. 586; (76 St. Rep. 67; 42 Supp. 67). 12 App. Div. 322; (76 St. Rep. 55; 42 Supp. 55).

Rundle v. Allison, 34 N. Y. 180.
Cited, 71 Hun, 547; (54 St. Rep. 915; 24 Supp. 1079).
Equity—Limitation of Action—Effect on Legal Right.
19 Misc. 331; (78 St. Rep. 269; 44 Supp. 269).
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4 Misc. 138; (53 St. Rep. 120; 23 Supp. 601).

Runge v. Esau, 6 Misc. 147; 56 St. Rep. 409; 26 Supp. 33.
Cited, Pleading—Amendments—District Courts.
7 Misc. 322; (67 St. Rep. 462; 27 Supp. 907). 9 Misc. 152; (59 St. Rep. 662; 29 Supp. 71). 13 Misc. 233; (67 St. Rep. 871; 34 Supp. 16).

Runt v. Herring, 2 Misc. 105; 49 St. Rep. 126; 21 Supp. 244.
Cited, Contracts—Validity—Public Policy—Restraint of Legal Procedure.
3 Misc. 540; (52 St. Rep. 412; 23 Supp. 12).

Runyan v. Mersereau, 11 Johns. 534.
Cited, Mortgage—Assignment—Delivery.
152 N. Y. 162.

Runyan v. Nichols, 11 Johns. 548.
Cited, Malpractice—Proof—General Issue.
83 Hun, 236, 237; (64 St. Rep. 213, 214; 31 Supp. 581, 582).

Ruopp v. Ruopp, 35 Supp. 251.
Cited, Husband and Wife—Separation—Alimony.
13 Misc. 726; (69 St. Rep. 567; 35 Supp. 250).

Rupp v. Blanchard, 34 Barb. 627.
Cited, Assignment—Parol—Validity.
17 Misc. 136; (39 Supp. 341).

Ruppaner, Matter of, 7 App. Div. 11; 39 Supp. 763.

Ruppaner, Matter of, 9 App. Div. 422; 75 St. Rep. 1456; 41 Supp. 212.

Ruppaner, Matter of, 15 Misc. 654; 72 St. Rep. 680; 37 Supp. 429; 25 Civ. Pro. 158.
Affirmed, 9 App. Div. 422; 41 Supp. 212.

Ruppel v. Manhattan R. Co., 13 Daly, 11.
Cited, Evidence—Sufficiency—Railroad Fires.
67 Hun, 637; (51 St. Rep. 107; 22 Supp. 477).

Ruppert v. Haug, 87 N. Y. 141.
Cited, Attachment—Affidavit of Agent.
50 St. Rep. 829; (22 Supp. 873).
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51 St. Rep. 42; (22 Supp. 1097).

Ruse v. Mutual Benefit Life Ins. Co., 23 N. Y. 516.
Cited, Insurance—Lack of Insurable Interest—Effect.
1 App. Div. 419; (72 St. Rep. 656; 37 Supp. 280). 8 App. Div. 190; (40 Supp. 450, 452).

Ruser v. Union Distillery Co., 4 Misc. 268; 53 St. Rep. 317; 24 Supp. 101.
Affirmed, 7 Misc. 396; 57 St. Rep. 555; 27 Supp. 920.

Ruser v. Union Distilling Co., 7 Misc. 396; 57 St. Rep. 555; 27 Supp. 920.

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Rush v. Wagner, 34 St. Rep. 798; 12 Supp. 2.

Cited, Contract—Substantial Compliance—Recovery—Deductions.

9 Misc. 479; (61 St. Rep. 103; 30 Supp. 241).

Rusk v. Van Benschoten, 1 How. 149.

Cited, Time—Fractions of a Day.

7 Misc. 715; (58 St. Rep. 322; 28 Supp. 29).

Rusko, Matter of, 34 Hun, 334.

Cited, Decedent's Estates—Estoppel.

14 Misc. 356; (71 St. Rep. 68; 36 Supp. 120).

Rusling v. Union Pipe & Const. Co.,

5 App. Div. 448; 39 Supp. 216.

Russ v. Stratton, 8 Misc. 6; 59 St. Rep. 384; 28 Supp. 392.

Russ v. Stratton, 11 Misc. 565; 66 St. Rep. 96; 32 Supp. 767.

Russell, Matter of. See *Stewart, Matter of*.

Russell v. Allerton, 108 N. Y. 288; 13 St. Rep. 629.

Cited, Contracts—Construction—Reasonableness.

4 Misc. 127; (53 St. Rep. 209; 23 Supp. 1018). 146 N. Y. 24; (65 St. Rep. 759). 77 Hun, 517; (60 St. Rep. 661; 29 Supp. 91). 148 N. Y. 248. 13 App. Div. 516; (77 St. Rep. 671; 43 Supp. 671). 13 Misc. 197; (68 St. Rep. 216; 34 Supp. 130). 15 Misc. 29; (71 St. Rep. 495; 36 Supp. 444; 2 Ann. Cas. 342). 20 Misc. 406. 18 Misc. 281; (41 Supp. 1038). D. 153 N. Y. 57. 20 Misc. 649. 4 App. Div. 597; (73 St. Rep. 652; 38 Supp. 495). 12 Misc. 306; (67 St. Rep. 842; 34 Supp. 41). 34 Supp. 41. 77 St. Rep. 671; (43 Supp. 671).

Russell, v. Brownell, 20 Week. Dig. 504.

Cited, Equity—Contracts—Mistake.

16 Misc. 624; (39 Supp. 57).

Russell v. Buckhout, 87 Hun, 46; 68 St. Rep. 150; 34 Supp. 271.

Cited, Master and Servant—Relation Between—Establishment.

13 App. Div. 511; (77 St. Rep. 701; 43 Supp. 701).

Russell v. Burton, 66 Barb. 539.

Cited, Contracts—Avoidance—Public Policy.

81 Hun, 183; (62 St. Rep. 697; 30 Supp. 700). 19 Misc. 21; (76 St. Rep. 772; 42 Supp. 772).

Russell v. Butterfield, 21 Wend. 300.

Cited, Damages—Extent of Compensation—Conversion of Chattels by Vendor—Vendee's Interest.

1 Misc. 430; (50 St. Rep. 565; 21 Supp. 424). 11 Misc. 174; (66 St. Rep. 545; 32 Supp. 1090)

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12 Misc. 92; (66 St. Rep. 669; 32 Supp. 1132).

Russell v. Canastota, Village of, 98 N. Y. 496.

Cited, Municipality—Highways—Repair.

66 Hun, 360; (50 St. Rep. 42; 21 Supp. 293). 82 Hun, 77; (63 St. Rep. 330; 31 Supp. 89).

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135 N. Y. 102; (48 St. Rep. 366).

Russell v. Carrington, 42 N. Y. 118.

Cited, Sale—Transfer of Title—Goods From an Ascertained Lot—Measurement.

9 Misc. 354; (60 St. Rep. 621; 29 Supp. 703).

Russell v. Cook, 3 Hill, 504.

Cited, Contracts—Consideration—Compromise of Disputed Claim.

66 Hun, 172; (49 St. Rep. 153; 21 Supp. 128).

Russell v. Dean, 30 Hun, 242.

Cited, Execution—Exemption—Assertion of Right.

15 Misc. 531; (74 St. Rep. 307; 37 Supp. 1186).

Russell v. Freer, 56 N. Y. 67.

Cited, Bonds—Delivery—Effect on Sureties.

4 App. Div. 250; (73 St. Rep. 611; 38 Supp. 520).

Russell v. Gibbs, 5 Cow. 390.

Cited, Attachment—Sale Under—Priority of Liens.

79 Hun, 149; (61 St. Rep. 358; 29 Supp. 766; 24 Civ. Pro. 36).

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Russell v. Lytle, 6 Wend. 390.

Cited, Accord and Satisfaction—Sufficiency.

8 App. Div. 59; (40 Supp. 428). 15 Misc. 220; (71 St. Rep. 590; 36 Supp. 789).

Russell v. McCall, 141 N. Y. 437; 57 St. Rep. 623.

Reversing, 68 Hun, 44; 52 St. Rep. 53; 22 Supp. 615.

Cited, 10 App. Div. 429; (75 St. Rep. 1436; 41 Supp. 1089).

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13 Misc. 154, 155; (68 St. Rep. 75, 76; 34 Supp. 84).

*Duplicate Citations in Parenthesis.***Russell v. Minor**, 22 Wend. 659.*Cited*, Personal Property—Passing of Title.

15 App. Div. 159; (78 St. Rep. 204; 44 Supp. 204).

Russell v. New Jersey Steamboat Co., 10 Misc. 593; 66 St. Rep. 221; 32 Supp. 824.*Cited*, Negligence—Explosive Gases.

33 Supp. 792.

Russell v. New York, 2 Den. 461.*Cited*, Destruction of Property—Public Necessity—Remedy.

3 Misc. 37; (53 St. Rep. 45; 22 Supp. 334).

Russell v. New York, 1 Daly, 266.*Cited*, Municipal Corporations—Demand of Claims—As Condition Precedent to Action

4 Misc. 119; (53 St. Rep. 464; 23 Supp. 897).

Russell v. New York Cent. & Hud.**R. R. Co.**, 12 App. Div. 160; 76 St. Rep. 6 8; 42 Supp. 678.**Russell v. Pistor**, 7 N. Y. 171.*Cited*, Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 295; (49 St. Rep. 256; 20 Supp. 922).

Deeds—Record—Notice.

85 Hun, 82; (66 St. Rep. 45; 32 Supp. 661).

Russell v. Randall, 123 N. Y. 436.*Cited*, Practice—Motion for New Trial—Newly Discovered Evidence—How Made.

5 App. Div. 37; (30 Supp. 72) 11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231, 233).

Motions—Objections not Raised—Effect on Appeal.

81 Hun, 163; (62 St. Rep. 663; 30 Supp. 707). 82 Hun, 267; (63 St. Rep. 561; 31 Supp. 255).

Russell v. Randall, 30 St. Rep. 452; 9 Supp. 327.*Cited*, Motions—Objections Not Raised—Effect on Appeal.

11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231). 81 Hun, 163; (62 St. Rep. 663; 30 Supp. 707).

Russell v. Rogers, 10 Wend. 473.*Cited*, Assignment for Creditors—Composition Agreement—Additional Security to Creditor.

142 N. Y. 407; (59 St. Rep. 795).

Russell v. Ruckman, 3 E. D. Smith, 419.*Cited*, Pleading—Supplemental Answer.

7 Misc. 561; (58 St. Rep. 513; 28 Supp. 9; 23 Civ. Pro. 364).

Russell v. Russell, 36 N. Y. 581.*Cited*, Trusts—Dealing With Trust Estate—Duty to Beneficiaries.

81 Hun, 176; (62 St. Rep. 680; 30 Supp. 695).

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6 App. Div. 607; (39 Supp. 974). 20 Misc. 235; (79 St. Rep. 537; 45 Supp. 537).

Russell v. Scott, 9 Cow. 279.*Cited*, Dams—Rights of Riparian Owner.

91 Hun, 88; (71 St. Rep. 164; 36 Supp. 168).

Russell v. Somerville, 10 Abb. N. C. 395.*Cited*, Attorneys—Lien—Enforcement.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Russell v. Whipple, 2 Cow. 536.*Cited*, Promissory Notes—What Are.

88 Hun, 539; (68 St. Rep. 827; 34 Supp. 858).

Russell v. Willette, 80 Hun, 497; 62 St. Rep. 389; 30 Supp. 490.**Russell v. Winne**, 37 N. Y. 591.*Cited*, Chattel Mortgage—Validity—Void in Part—Effect.

9 Misc. 681; (62 St. Rep. 268; 30 Supp. 556).

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73 Hun, 351; (55 St. Rep. 764; 26 Supp. 196).

Russell v. Wolff, 19 Misc. 536; 77 St. Rep. 1077; 43 Supp. 1077.**Russell Mfg. Co. v. New Haven Steamboat Co.**, 50 N. Y. 121.*Cited*, Carriers—Freight—Negligence—Presumption From Injury.

2 Misc. 553; (22 Supp. 890). 20 Misc. 588.

Russo v. Yuzolino, 19 Misc. 28; 76 St. Rep. 482; 42 Supp. 482.**Rust v. Eckler**, 41 N. Y. 488.*Cited*, Sale—Acceptance—Waiver of Defects.

68 Hun, 248; (52 St. Rep. 386; 22 Supp. 973).

Rust v. Hauselt, 8 Abb. N. C. 148.*Cited*, Oral Stipulation—Effect.

146 N. Y. 279; (66 St. Rep. 629; 2 Ann. Cas. 85).

Rutger's Female College v. Tallman, 3 Misc. 561; 24 Supp. 771.*Affirmed*, 82 Hun, 20; 63 St. Rep. 481; 31 Supp. 159.**Rutger's Female College v. Tallman**, 82 Hun, 20; 63 St. Rep. 481; 31 Supp. 159.

*Duplicate Citations in Parenthesis.***Rutherford v. Holmes**, 5 Hun, 317.*Affirmed*, 66 N. Y. 368.*Cited*, Contempt—Punishment

14 Misc. 395; (72 St. Rep. 258; 25 Civ. Pro. 120; 2 Ann. Cas. 268).

Rutherford v. Krause, 8 Misc. 547; 60 St. Rep. 679; 29 Supp. 797; 24 Civ. Pro. 1034.**Rutherford v. Madrid**, 5 Misc. 572; 26 Supp. 573.*Reversed*, 77 Hun, 545; 60 St. Rep. 391; 28 Supp. 923.**Rutherford v. Madrid**, 77 Hun, 545; 60 St. Rep. 391; 28 Supp. 923.*Cited*, 83 Hun, 613; 64 St. Rep. 871; 31 Supp. 1126.

Receivers—Security for Costs—When Required.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790). 14 Misc. 79; (69 St. Rep. 552; 35 Supp. 197; 25 Civ. Pro. 24).

Rutherford v. Schattman, 119 N. Y. 604; 28 St. Rep. 847.*Affirming*, 1 St. Rep. 1015.*Cited*, Evidence—Res Inter Alios—Effect. 12 Misc. 17; (66 St. Rep. 537; 33 Supp. 39).**Rutherford v. Soop**, 85 Hun, 119; 66 St. Rep. 22; 32 Supp. 636; 2 Ann. Cas. 47.*Cited*, Claims—Reference—Statute—Construction.

13 App. Div. 24; (77 St. Rep. 115; 43 Supp. 11').

Rutter v. Boyd, 3 Abb. N. C. 6.*Cited*, Attachment—Certificate of Property Attached.

67 St. Rep. 314; (33 Supp. 546; 24 Civ. Pro. 246).

Rutter v. Germicide Co. of N. Y., 70 Hun, 403; 14 St. Rep. 8; 24 Supp. 215.*Cited*, Sales—Fraud.

80 Hun, 219; (61 St. Rep. 759; 30 Supp. 38).

Rutty v. Consolidated Fruit Jar Co., 52 Hun, 492; 24 St. Rep. 640; 6 Supp. 23.*Cited*, Pleading—Amendment—On Trial. 74 Hun, 376; (56 St. Rep. 329; 26 Supp. 616).

Trial — Conformity of Pleading and Proofs.

4 Misc. 171; (53 St. Rep. 223; 23 Supp. 883).

Rutzkowski v. George, 92 Hun, 412; 71 St. Rep. 855; 36 Supp. 762.**Ruyter v. Reid**, 121 N. Y. 498; 31 St. Rep. 387.*Affirming*, 22 St. Rep. 200.*Cited*, Foreclosure — Mortgages—Subsequent Lienors.

4 App. Div. 196; (74 St. Rep. 177; 38 Supp. 557).

Ryalls, Matter of, 74 Hun, 205; 56 St. Rep. 291; 26 Supp. 815.*Cited*, 80 Hun, 461, 462; (62 St. Rep. 288; 30 Supp. 456).

Decedent's Estate—Value—Inventory as Basis.

82 Hun, 113; (64 St. Rep. 164; 31 Supp. 575).

Ryalls, Matter of, 80 Hun, 459; 62 St. Rep. 287; 30 Supp. 455.**Ryan, Matter of**, 6 Misc. 478; 56 St. Rep. 794; 27 Supp. 169.**Ryan, Matter of**, 70 Hun, 164; 53 St. Rep. 922; 24 Supp. 273.**Ryan, Matter of**, 70 Hun, 149; 53 St. Rep. 926; 24 Supp. 277.*Affirmed*, 141 N. Y. 550; 57 St. Rep. 865.**Ryan, Matter of**, 143 N. Y. 528; 62 St. Rep. 822.*Affirming*, 40 St. Rep. 988.**Ryan, Matter of**. See *People v. Conlin*.**Ryan v. Buchanan**, 37 Hun, 425.*Cited*, Employment of Children—Statutory Duty.

11 Misc. 550; (64 St. Rep. 448; 32 Supp. 750).

Ryan v. Conroy, 85 Hun, 544; 67 St. Rep. 73; 33 Supp. 330.**Ryan v. Dox**, 34 N. Y. 307.*Cited*, Specific Performance — Contracts Relating to Land—Statute of Frauds.

55 St. Rep. 297; (25 Supp. 453; 30 Abb. N. C. 443). 87 Hun, 76; (67 St. Rep. 647; 33 Supp. 965). 151 N. Y. 336. 69 Hun, 576; (53 St. Rep. 337; 23 Supp. 1136). 6 Misc. 15; (58 St. Rep. 135; 25 Supp. 995). 16 Misc. 463; (39 Supp. 922). 85 Hun, 145; (65 St. Rep. 663; 32 Supp. 478).

Ryan v. Fowler, 24 N. Y. 410.*Cited*, Master and Servant — Duty of Master—Defects—Knowledge.

9 Misc. 98; (62 St. Rep. 223, 224; 29 Supp. 711). 9 Misc. 159; (59 St. Rep. 681; 29 Supp. 14).

Ryan v. H. W. Johns Mfg Co., 46 St. Rep. 305; 18 Supp. 754.*Cited*, Master and Servant — Instructions in Use of Machinery.

1 Misc. 389; (49 St. Rep. 641; 21 Supp. 427). 76 St. Rep. 1109; (42 Supp. 1109).

Duplicate Citations in Parenthesis

Ryan v. Jones, 2 Misc. 65; 49 St. Rep. 140; 20 Supp. 842.

Cited, Landlord and Tenant—Abandonment by Tenant—When Justified.

7 Misc. 725; (58 St. Rep. 330; 28 Supp. 45). 13 Misc. 248; (98 St. Rep. 201; 34 Supp. 157). 16 Misc. 377; (74 St. Rep. 382; 38 Supp. 86). 18 Misc. 192; (75 St. Rep. 701; 41 Supp. 291). 18 Misc. 233; (75 St. Rep. 785; 41 Supp. 375).

Ryan v. Knorr, 19 Hun, 540.

Cited, Indian Lands—Leases—Confirmation.

75 Hun, 396; (57 St. Rep. 686; 27 Supp. 443). 5 Misc. 127; (25 Supp. 727).

Ryan v. Long Island R. Co., 22 St. Rep. 655; 4 Supp. 381.

Cited, Railroads—Negligence—Signals.

80 Hun, 396; (62 St. Rep. 51; 30 Supp. 242).

Ryan v. Manhattan, 121 N. Y. 126; 30 St. Rep. 624.

Cited, Carriers—Passenger—Station Platforms—Openings—Negligence.

70 Hun, 184; (53 St. Rep. 902; 24 Supp. 45). 9 Misc. 270; (61 St. Rep. 516; 29 Supp. 740). 5 App. Div. 352; (39 Supp. 311). 10 App. Div. 369; (75 St. Rep. 1304; 41 Supp. 933). D. 13 Misc. 107; (68 St. Rep. 103; 34 Supp. 119). 13 Misc. 314, 315; (68 St. Rep. 727; 34 Supp. 702).

Ryan v. McElroy, 15 App. Div. 216; 78 St. Rep. 196; 44 Supp. 196.

Ryan v. Miller, 12 Daly, 77.

Affirmed, 99 N. Y. 665.

Cited, Negligence—Proximate Cause.

19 Misc. 142; 20 Misc. 34; (79 St. Rep. 324; 45 Supp. 324).

Ryan v. New York, 86 Hun, 223; 66 St. Rep. 853; 33 Supp. 260.

Cited, 40 Supp. 227.

Ryan v. New York, 91 Hun, 470; 70 St. Rep. 778; 36 Supp. 315.

Cited, 7 App. Div. 337; (40 Supp. 227).

Ryan v. New York, 13 St. Rep. 550.

Cited, Highways—Defects—Implied Knowledge.

49 St. Rep. 269; (21 Supp. 140).

Ryan v. New York, 7 App. Div. 336; 40 Supp. 227.

Ryan v. N. Y. C. & H. R. R. Co., 35 N. Y. 210.

Cited, Negligence—Proximate Cause.

76 Hun, 139; (57 St. Rep. 455; 27 Supp. 850).

143 N. Y. 189; (62 St. Rep. 169).

10 App. Div. 384, (75 St. Rep. 1378; 41 Supp. 1010). 20 Misc. 33; (79 St. Rep. 323; 45 Supp. 323).

Ryan v. N. Y. C. & H. R. R. Co., 88 Hun, 239; 68 St. Rep. 260; 34 Supp. 665).

Ryan v. N. Y. C. & H. R. R. Co., 17 App. Div. 221; 79 St. Rep. 542; 45 Supp. 512.

Ryan v. Parr, 40 St. Rep. 946; 16 Supp. 289.

Cited, Appeal—From Justice's Court—Award of New Trial.

69 Hun, 436; (52 St. Rep. 616).

Ryan v. People, 79 N. Y. 593.

Cited, Witness—Credibility—Charge of Crime.

3 App. Div. 123; (39 Supp. 394). 14 Misc. 536; (70 St. Rep. 706; 35 Supp. 1088).

Ryan v. Pistone, 89 Hun, 78; 69 St. Rep. 259; 35 Supp. 81.

Ryan v. Potter, 4 Civ. Pro. 80.

Cited, Costs—Security for—When Required.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790).

Ryan v. Rand, 9 St. Rep. 523; 20 Abb. N. C. 313.

Cited, Contracts—Form—In Representative Capacity.

5 Misc. 299; (56 St. Rep. 726; 25 Supp. 468). 10 Misc. 235; (63 St. Rep. 381; 31 Supp. 112).

Ryan v. Ward, 48 N. Y. 204.

Cited, Compromise and Settlement—What Is.

71 Hun, 559; (54 St. Rep. 893; 24 Supp. 1038). 19 Misc. 175; (77 St. Rep. 222; 43 Supp. 222). 88 Hun, 347; (68 St. Rep. 390; 24 Supp. 401). 148 N. Y. 330.

Evidence—Presumption—Payment—Notes and Receipts—Conclusiveness.

74 Hun, 179; (56 St. Rep. 356; 26 Supp. 620). 151 N. Y. 102. 2 App. Div. 95; (73 St. Rep. 216; 37 Supp. 526).

Ryan v. Waule, 63 N. Y. 57.

Cited, Appeal—Right—Regulated by Statute.

3 Misc. 514; (52 St. Rep. 417; 23 Supp. 7). Statutes—When Take Effect.

18 Misc. 194; (75 St. Rep. 703; 41 Supp. 293).

Ryan v. Wilson, 87 N. Y. 471.

Cited, Animals—On Leased Farms—Injuries by.

67 Hun, 629; (51 St. Rep. 226; 22 Supp. 566).

Ryckman v. Delavan, 25 Wend. 186.

Cited, Libel—Personal Application.

14 Misc. 417; (70 St. Rep. 439; 35 Supp. 704).

Duplicate Citations in Parenthesis.

Ryder, Matter of, 129 N. Y. 640; 41 St. Rep. 557.

Cited, Executors and Administrators—Accounting—Claims of Personal Representative.

49 St. Rep. 325; (21 Supp. 906). 1 Misc. 38; (23 Supp. 908). 4 Misc. 35; (23 Supp. 834).

Ryder Matter of, 11 Paige, 185.

Cited, Parent and Child—Liability of Parent for Necessaries

85 Hun, 30; (66 St. Rep. 111; 32 Supp. 603; 1 Ann. Cas. 295).

Ryder v. Brooklyn El. R. Co., 89 Hun, 29; 69 St. Rep. 435; 35 Supp. 42.

Ryder v. Duffy, 73 Hun, 605; 56 St. Rep. 836; 26 Supp. 369.

Ryers, Matter of, 72 N. Y. 1.

Cited, Judicial Officers—Interest in Proceedings.

4 App. Div. 407; (39 Supp. 613). 90 Hun, 181; (70 St. Rep. 296; 35 Supp. 792). 85 Hun, 607; (67 St. Rep. 6; 33 Supp. 168).

Appeal—Extent of Review—Decision of Commissioners Under Drainage Act.

77 Hun, 480; (30 St. Rep. 670; 29 Supp. 101). 74 St. Rep. 358; (37 Supp. 1059, 1060)

Drains—Commissioners—Expenses.

69 Hun, 608; (53 St. Rep. 542; 23 Supp. 946).

Drainage Laws—Effect.

3 App. Div. 35, 36; (37 Supp. 1059).

Police Power—Limitation on.

149 N. Y. 201. 19 Misc. 493; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381). 153 N. Y. 196.

Ryers v. Hedges, 1 Hill, 646.

Cited, Actions—Costs—Liability of Beneficiary in Action.

12 Misc. 63; (66 St. Rep. 690; 33 Supp. 88; 24 Civ. Pro. 397; 1 Ann. Cas. 283).

Ryerson v. Ryerson, 27 St. Rep. 945; 7 Supp. 726.

Cited, Appeal—Review of Referee's Findings—Divorce.

73 Hun, 262; (57 St. Rep. 288; 26 Supp. 267). Husband and Wife—Divorce—Referee's Decision—Confirmation.

7 Misc. 308; (58 St. Rep. 555; 28 Supp. 138; 23 Civ. Pro. 390).

Rysphan v. Goldberg, 8 Misc. 442; 59 St. Rep. 578; 28 Supp. 657.

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Sabater v. Sabater, 7 App. Div. 70; 39 Supp. 958.

Sabin v. Grand Lodge of A. O. U. W., 28 St. Rep. 45; 8 Supp. 185

Affirmed, 134 N. Y. 423; 47 St. Rep. 903.

Cited, Associations—Mutual Benefit—Certificate—Change of Beneficiary.

79 Hun, 496; (61 St. Rep. 535; 29 Supp. 919).

Sabin v. Kendrick, 2 App. Div. 96; 73 St. Rep. 213; 37 Supp. 524; 25 Civ. Pro. 280.

Sabin v. Phinney, 134 N. Y. 433; 47 St. Rep. 903.

Cited, Benefit Societies—Insurable Interest—Designating Beneficiary.

83 Hun, 395, 396; (64 St. Rep. 786, 787; 31 Supp. 877). 87 Hun, 164; (67 St. Rep. 462; 33 Supp. 817). 17 Misc. 745; (41 Supp. 410).

Sackett v. Andross, 5 Hill, 327.

Cited, Statutes—Construction—Retrospective Operation.

13 App. Div. 73; (77 St. Rep. 402; 43 Supp. 412).

Sackett v. Newton, 10 How. 560.

Cited, Execution—Supplementary Proceedings—Jurisdiction.

3 Misc. 118; (23 Supp. 1056). 15 Misc. 447; (72 St. Rep. 668; 37 Supp. 198). 16 Misc. 616; (40 Supp. 744; 25 Civ. Pro. 392).

Sackett v. Sackett, 14 St. Rep. 251.

Cited, Contracts—Enforcement—Benefit of Third Person.

92 Hun, 268; (72 St. Rep. 403; 33 Supp. 881; 3 Ann. Cas. 28).

Sackett v. Spencer, 29 Barb. 180.

Cited, Promissory Notes—Due Bills.

88 Hun, 539; (68 St. Rep. 827; 34 Supp. 858).

Sackett v. Thomas, 4 App. Div. 447; 74 St. Rep. 236; 38 Supp. 608.

Cited, Appeal—Referee's Findings—Evidence—Review.

13 App. Div. 547; (77 St. Rep. 664; 43 Supp. 664).

Sackett Street, Matter of Improvement of, 74 N. Y. 95.

Cited, Statutes—Local Bills—Title—Separation of Void Provisions.

90 Hun, 320; (70 St. Rep. 592; 35 Supp. 926). 148 N. Y. 554.

Sacketts Harbor Bank v. Codd, 18 N. Y. 240.

Cited, Banks—Contracts in Violation of Statutory Restriction.

66 Hun, 541; (51 St. Rep. 271; 21 Supp. 645).

Duplicate Citations in Parenthesis.

Sacketts Harbor Bank v. Codd, 18 N. Y. 240.

Cited, Corporations—Advances for Benefit of—Liability.

71 Hun, 570; (55 St. Rep. 100; 25 Supp. 137).

Sackett & Wilhelm's Lithographing Co. v. Comstock, 4 App. Div. 615; 39 Supp. 458.

Sadler v. Lyon, 62 St. Rep. 527; 31 Supp. 141; 24 Civ. Pro. 105.

Safety Electric Const. Co. v. Creamer, 84 Hun, 570; 67 St. Rep. 244; 33 Supp. 411.

Safety Electric Const. Co. v. Creamer, 47 St. Rep. 214; 19 Supp. 747.

Cited, 67 St. Rep. 245; (33 Supp. 412).

Safety Steam-Generator Co. v. Dickson Mfg. Co., 61 Hun, 335; 40 St. Rep. 691; 16 Supp. 32.

Cited, Costs—Extra Allowance.

4 App. Div. 446; (74 St. Rep. 606; 38 Supp. 895).

Safford v. Green Island, Village of, 74 Hun, 306; 56 St. Rep. 269; 26 Supp. 689.

Cited, Municipal Corporations—Icy Sidewalks—Contributory Negligence.

13 App. Div. 501; (77 St. Rep. 698; 43 Supp. 698).

Safford v. Safford, 27 Supp. 640; 31 Abb. N. C. 73.

Sage v. Brooklyn, 89 N. Y. 189.

Cited, Constitutional Law—Eminent Domain—Sufficiency of Provision for Compensation.

67 Hun, 596; (51 St. Rep. 93; 22 Supp. 433). 72 Hun, 594; (54 St. Rep. 882; 25 Supp. 160).

Highway—Establishment—State or Municipal Improvement.

22 Supp. 29.

Statute—Construction—Constitutionally Favored.

22 Supp. 534; (30 Abb. N. C. 110). 15 App. Div. 256; (78 St. Rep. 178; 44 Supp. 178).

Municipal Contracts—Contractor—Enforcing Payment.

82 Hun, 72; (63 St. Rep. 504; 31 Supp. 189). 11 App. Div. 382; (76 St. Rep. 96; 42 Supp. 96). 11 Misc. 460; (66 St. Rep. 21; 32 Supp. 740).

Sage v. Burton, 84 Hun, 267; 66 St. Rep. 576; 32 Supp. 1122.

Cited, Checks—Payment—Agents' Authority.

7 App. Div. 175; (40 Supp. 116).

Sage v. Burton, 56 St. Rep. 671; 24 Supp. 130.

Sage v. Culver, 71 Hun, 42; 54 St. Rep. 297; 24 Supp. 514.

Affirmed, 147 N. Y. 241; 69 St. Rep. 524.

Sage v. Culver, 147 N. Y. 241; 69 St. Rep. 524.

Cited, Pleadings—Construction.

2 App. Div. 227; (73 St. Rep. 395; 37 Supp. 731). 15 App. Div. 490; (78 St. Rep. 506; 44 Supp. 506). 17 Misc. 726; (41 Supp. 447). 19 Misc. 288; (78 St. Rep. 383; 44 Supp. 383).

Corporations—Directors—Abuse of Trust—Stockholder's Action.

150 N. Y. 427; (3 Ann. Cas. 364). 9 App. Div. 272; (75 St. Rep. 956; 41 Supp. 567). 17 Misc. 223; (40 Supp. 1043). 11 App. Div. 520; (77 St. Rep. 43; 43 Supp. 43).

Sage v. Lake Shore & Mich. S. R. Co., 70 N. Y. 220.

Cited, Corporations—Stockholder—Right to Examine Stock Books—Mandamus.

12 Misc. 468; (68 St. Rep. 135; 34 Supp. 257).

Sage v. New York, 10 App. Div. 294; 75 St. Rep. 1310; 41 Supp. 938.

Sage v. Shepard & Morse Lumber Co., 76 Hun, 134; 57 St. Rep. 329; 27 Supp. 559.

Affirmed, 143 N. Y. 623; 60 St. Rep. 873.

Sage v. Shepard & Morse Lumber Co., 4 App. Div. 290; 39 Supp. 449.

Sage v. Sherman, 2 N. Y. 417.

Cited, Widow—Dower in Partnership Lands.

85 Hun, 483; (66 St. Rep. 702; 33 Supp. 100). 10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Sage v. Wheeler, 3 App. Div. 38; 74 St. Rep. 402; 37 Supp. 1107.

Sage v. Woodin, 66 N. Y. 578.

Cited, Execution—Dormant—Revival.

74 Hun, 52; (56 St. Rep. 163; 26 Supp. 184).

Sahr v. Scholle, 89 Hun, 42; 69 St. Rep. 453; 35 Supp. 97.

Sailly v. Elmore, 2 Paige Ch. 497.

Cited, Courts—Equitable—Jurisdiction. 1 Misc. 459; (49 St. Rep. 609; 21 Supp. 791).

Salamanca v. Cattaraugus County, 81 Hun, 282; 62 St. Rep. 753; 30 Supp. 790.

Duplicate Citations in Parenthesis.

Saling v. German Savings Bank, 27 St. Rep. 975; 7 Supp. 642; 15 Daly, 386.
Cited, Banks—Savings Banks—Possession of Pass Book—Forged Order—Negligence of Teller.

50 St. Rep. 275; (21 Supp. 655). 6 Misc. 111; (57 St. Rep. 856; 26 Supp. 15).

Savings Bank—Payment of Deposit—Negligence.

17 Misc. 578; (75 St. Rep. 67; 40 Supp. 665).

Salinger v. Lusk, 7 How. 430.

Cited, Pleadings—Denial—Sufficiency.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Salisbury, Matter of, 19 Misc. 340; 78 St. Rep. 291; 44 Supp. 291.

Salisbury, Matter of, 24 St. Rep. 413; 6 Supp. 932.

Cited, Motions—Laches.

8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 418).

Salisbury, Matter of, 3 Johns. Ch. 347.

Disapproved, Equity — Power Over Infant's Property.

147 N. Y. 570; (70 St. Rep. 338).

Salisbury v. Bennett, 25 Civ. Pro. 306.

Salisbury v. Binghamton Pub. Co., 85 Hun, 99; 66 St. Rep. 35; 32 Supp. 652.

Cited, 32 Supp. 657.

Salisbury v. Howe, 87 N. Y. 128.

Cited, Appeal — Change of Theory On—Questions Not Raised Below — Trial — Purpose of.

75 Hun, 576; (58 St. Rep. 599; 27 Supp. 590). 77 Hun, 131; (50 St. Rep. 271; 28 Supp. 892).

Actions—Fraud—Pleading.

145 N. Y. 617; (71 St. Rep. 368). 4 App. Div. 231; (74 St. Rep. 197; 38 Supp. 553).

Fraud—Scienter.

11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333).

Salisbury v. Morss, 7 Lans. 359.

Affirmed, 55 N. Y. 675.

Cited, Limitation of Action—Liability of Devisee for Debts of Testator.

73 Hun, 432; (56 St. Rep. 32; 26 Supp. 448).

Salisbury v. Scott, 6 Johns. 329.

Cited, Reference—Questions of Law—Indication on Application.

4 Misc. 423; (53 St. Rep. 517; 24 Supp. 333).

Salisbury v. Stinson, 10 Hun, 242.

Cited, Payment—Pleading—Proof.

14 App. Div. 200; (77 St. Rep. 542; 43 Supp. 542).

Salisbury v. Strong, 66 St. Rep. 39; 32 Supp. 656.

Sallade v. Gerlach, 26 St. Rep. 594; 7 Supp. 181.

Affirmed, 132 N. Y. 548; 43 St. Rep. 567.

Cited, Enforcement—Negotiable Paper—Evidence.

15 Misc. 293; (72 St. Rep. 431; 36 Supp. 986).

Salles v. Butler, 27 N. Y. 638.

Cited, Appeal—Time—Limit.

D. 87 Hun, 42; (67 St. Rep. 679; 33 Supp. 956).

Salmon v. Gedney, 75 N. Y. 479.

Cited, Appeal — Review — Correction of Record.

143 N. Y. 555; (62 St. Rep. 801). 17 Misc. 589; (75 St. Rep. 87; 40 Supp. 683).

Salmon v. Jobbins, 10 App. Div. 624; 75 St. Rep. 1326; 41 Supp. 952.

Salomon v. Heichel, 4 Dem. 176.

Disapproved, Limitation of Action—Executors—Short Statutes—Publication of Notice.

60 St. Rep. 132; (28 Supp. 451; 23 Civ. Pro. 427).

Salomon v. Lawrence, 52 Super. 154.

Cited, Wills—Construction—Intent of Testator.

11 Misc. 224; (65 St. Rep. 308; 32 Supp. 168).

Salt v. Ensign, 79 Hun, 107; 61 St. Rep. 139; 29 Supp. 659.

Cited, Corporations—Preferential Transfer.

11 Misc. 500; (64 St. Rep. 465; 32 Supp. 723).

Salt Springs Nat. Bank v. Crabtree, 40 Supp. 1148.

Salt Springs Nat. Bank v. Fancher, 92 Hun, 327; 71 St. Rep. 672; 36 Supp. 742.

Salt Springs Nat. Bank v. Sloan, 135 N. Y. 371; 48 St. Rep. 470.

Cited, Trial—Question of Fact—Diligence—Sureties.

138 N. Y. 205; (52 St. Rep. 145).

Negligence—Question for Jury.

4 App. Div. 393; (38 Supp. 855). D. 82 Hun, 446; (64 St. Rep. 795; 31 Supp. 973). 18 App. Div. 71; (79 St. Rep. 446; 45 Supp. 446).

*Duplicate Citations in Parenthesis.***Salter v. Ham**, 31 N. Y. 321.*Cited*, Partnership—Intent of Parties.

2 App. Div. 350, 353; (73 St. Rep. 430, 432; 37 Supp. 754, 756).

Actions — Accounting — Principal and Agent.

18 Misc. 333; (76 St. Rep. 111; 42 Supp. 111). 40 Supp. 226.

Salter v. Parkhurst, 2 Daly, 240.*Cited*, Action—Removal from District Court to Common Pleas—Eff ct.

3 Misc. 330; (53 St. Rep. 632; 23 Civ. Pro. 90; 23 Supp. 335). 11 Misc. 316; (65 St. Rep. 499; 32 Supp. 291).

Courts—District Courts—Lack of Equity Jurisdiction.

1 Misc. 96; (47 St. Rep. 121; 19 Supp. 660).

Salter v. Utica & B. R. Co., 59 N. Y. 631.*Cited*, Evidence—Opinion and Conclusions—Movement of Trains.

80 Hun, 200; (61 St. Rep. 806; 30 Supp. 64). 4 App. Div. 557; (74 St. Rep. 825; 38 Supp. 1014). 6 App. Div. 267; (39 Supp. 999). 7 App. Div. 604; (74 St. Rep. 738; 40 Supp. 178).

Contributory Negligence—Question for Jury.

4 App. Div. 496; (38 Supp. 668).

Salter v. Utica & B. R. Co., 83 N. Y. 42.*Cited*, Negligence—Question for Jury.

4 App. Div. 497; (38 Supp. 668). 81 Hun, 154; (62 St. Rep. 735; 30 Supp. 752). D. 57 St. Rep. 469; (27 Supp. 1043).

Salter v. Sheppard, 11 Week. Dig. 189.*Cited*, Motions—Dismissal of Appeal—Time—Sufficiency.

12 Misc. 87; (66 St. Rep. 697; 33 Supp. 96). 12 Misc. 88; (66 St. Rep. 863; 33 Supp. 176).

Saltus v. Belford Co., 133 N. Y. 499; 45 St. Rep. 872.*Cited*, Injunction—Contracts—Restricting Manufacture.

2 Misc. 177; (50 St. Rep. 520; 21 Supp. 615)

Patents—Invalidity as Affecting Royalty.

2 Misc. 147; (50 St. Rep. 522; 21 Supp. 633).

Patents—Royalties—License—Repudiation.

7 Misc. 408; (58 St. Rep. 49; 27 Supp. 966). 14 Misc. 62; (69 St. Rep. 566; 35 Supp. 250).

Saltzberg v. Mandelbaum, 89 Hun, 497; 70 St. Rep. 673; 35 Supp. 1014.**Saltzman v. Brooklyn City R. Co.**, 73 Hun, 567; 56 St. Rep. 220; 26 Supp. 311.*Affirmed*, 148 N. Y. 745.*Cited*, Street Cars—Crowding—Injuries to Passengers.

85 Hun, 410; (66 St. Rep. 427; 32 Supp. 1022).

Saltzman v. Northrop, 18 Misc. 353; 75 St. Rep. 1047; 41 Supp. 547.**Sammet v. Monsheimer**, 27 Supp. 279.**Samson v. Freedman**, 102 N. Y. 699; 2 St. Rep. 434*Cited*, Account Stated—Impeachment—Fraud.

144 N. Y. 688; (71 St. Rep. 342). 12 Misc. 197; (67 St. Rep. 93; 33 Supp. 273).

Samson v. Rose, 65 N. Y. 411.*Cited*, Forcible Entry and Detainer—Liability—True Owner.

69 Hun, 591; (53 St. Rep. 389; 23 Supp. 920).

Emblements—Termination of Estate—Effect.

17 App. Div. 211; (79 St. Rep. 365; 45 Supp. 365).

Samuel v. Fidelity & C. Co. of N. Y.,

76 Hun, 308; 59 St. Rep. 96; 27 Supp. 741.

Affirmed, 150 N. Y. 583.**Samuels v. Evening Mail Association**, 6 Hun, 5.*Cited*, Libel—Offer of Retraction—How Made Available.

3 Misc. 320; (52 St. Rep. 402; 22 Supp. 770).

Samuels v. Evening Mail Association, 9 Hun, 288.*Reversed*, 75 N. Y. 604.*Cited*, Libel—Malice—Pleading.

68 Hun, 479; (52 St. Rep. 655; 23 Supp. 105). 49 St. Rep. 495; (20 Supp. 763). 6 Misc. 164; (27 Supp. 121). 1 App. Div. 432; (72 St. Rep. 567; 37 Supp. 116).

20 Misc. 208; (79 St. Rep. 754; 45 Supp. 754). 16 Misc. 189; (72 St. Rep. 754; 37 Supp. 253).

Samuels v. Evening Mail Association, 52 N. Y. 625.*Cited*, Libel—Malice—Exemplary Damages—Pleading.

67 St. Rep. 501; (33 Supp. 848; 24 Civ. Pro. 255).

Samuely, Matter of, 18 Misc. 341; 40 Supp. 1106.*Cited*, License—Abandonment of Premises.

18 Misc. 348; (40 Supp. 1111).

Duplicate Citations in Parenthesis.

Sanborn v. Lefferts, 58 N. Y. 179.

Cited, Corporations—Directors—Penal Liability—Closing Business.

81 Hun. 270, 271; (62 St. Rep. 765, 766; 30 Supp. 802 803; 1 Ann. Cas. 58).

San C. Po, Matter of, 7 Misc. 471; 28 Supp. 383.

Sand v. Henrietta Church, 152 N. Y. 174.

Reversing, 82 Hun. 615; 64 St. Rep. 880; 31 Supp. 1133

Sander v. Harris, 37 St. Rep. 594; 14 Supp. 37; 20 Civ. Pro. 258.

Cited, Process—Service—Exemption.

10 Misc. 290, 292; (63 St. Rep. 244, 245; 80 Supp. 1054, 1055; 24 Civ. Pro. 128).

Sanders. Matter of, 4 Misc. 343; 54 St. Rep. 247; 24 Supp. 317.

Sanders, Matter of, 82 Hun. 62; 63 St. Rep. 364; 31 Supp. 65.

Sanders v. Cooper, 115 N. Y. 279; 26 St. Rep. 272.

Reversing, 6 St. Rep. 168.

Cited, Insurance—Terms of Policy—Evidence—Parol to Vary.

89 Hun. 286; (71 St. Rep. 570; 36 Supp. 573). 13 App. Div. 381; (77 St. Rep. 337; 43 Supp. 337).

Sanders v. Downs, 141 N. Y. 422; 57 St. Rep. 580.

Cited, Statutes—Strict Observance.

152 N. Y. 210. 11 App. Div. 514; (76 St. Rep. 806; 42 Supp. 80).

Taxes—Occupied Lands—Against Whom Taxable.

80 Hun. 282; (61 St. Rep. 848; 30 Supp. 135). 62 St. Rep. 118; (30 Supp. 364).

Sanders v. Gillispie, 59 N. Y. 250.

Cited, Contracts—Statute of Fraud—To Answer for Debt of Another.

72 Hun. 509; (54 St. Rep. 767; 25 Supp. 214). 145 N. Y. 449; (65 St. Rep. 388).

Sanders v. Lake Shore & Mich. S. R. Co., 94 N. Y. 641.

Cited, Interest—As Damages.

4 Misc. 140; (53 St. Rep. 122; 23 Supp. 603). 14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454). 10 App. Div. 182; (75 St. Rep. 1263; 41 Supp. 895).

Sanders v. Parshall, 67 Hun. 105; 51 St. Rep. 551; 22 Supp. 20.

Affirmed, 142 N. Y. 679; 60 St. Rep. 872.

Sanders v. Pottlitzer Bros. Fruit Co., 70 Hun. 597; 53 St. Rep. 645; 25 Supp. 257.

Reversed, 144 N. Y. 209; 63 St. Rep. 76.

Sanders v. Pottlitzer Bros. Fruit Co., 144 N. Y. 209; 63 St. Rep. 76.

Cited, Contracts—Stipulations to Contract—Sufficiency.

3 App. Div. 549; (74 St. Rep. 38; 38 Supp. 382). 4 App. Div. 419; (74 St. Rep. 532; 38 Supp. 849). 7 App. Div. 116; (40 Supp. 101). Contracts—Sufficiency—Lex Loci. 150 N. Y. 322.

Sanders v. Riedinger, 19 Misc. 289; 77 St. Rep. 127; 43 Supp. 127.

Sanders v. Smith, 5 Misc. 1; 25 Supp. 125.

Sanders v. Souter, 126 N. Y. 193; 37 St. Rep. 1.

Cited, Pleading—Complaint—Construction of Allegations on Demurrer.

139 N. Y. 467; (54 St. Rep. 724). 1 Misc. 194; (48 St. Rep. 516; 20 Supp. 614). 9 Misc. 59; (59 St. Rep. 683; 29 Supp. 2). 141 N. Y. 151; (56 St. Rep. 677). 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601). 16 Misc. 483; (74 St. Rep. 232; 25 Civ. Pro. 347; 38 Supp. 604).

14 Misc. 514; (70 St. Rep. 771; 33 Supp. 13). 11 Misc. 141; (65 St. Rep. 116; 31 Supp. 1022; 24 Civ. Pro. 304). 11 App. Div. 335; 76 St. Rep. 1113; 42 Supp. 1113). 147 N. Y. 245; (69 St. Rep. 525). 8 Misc. 476; (60 St. Rep. 604; 29 Supp. 549).

Attachment—Affidavits—Sufficiency.

3 Misc. 69; (51 St. Rep. 774, 22 Supp. 697).

Surrogate's Courts—Jurisdiction.

71 Hun. 347; (55 St. Rep. 21; 25 Supp. 5). 152 N. Y. 519. 86 Hun. 196; (67 St. Rep. 128; 33 Supp. 383). 20 Misc. 537. 138 N. Y. 201; (52 St. Rep. 143).

Sanders v. Souter, 136 N. Y. 97; 49 St. Rep. 63.

Affirming, 42 St. Rep. 437; 17 Supp. 141.

Sanders v. Townsend, 11 Abb. N. C. 217.

Cited, Costs—Taxation—New Trial—To Abide the Event of Action.

24 Supp. 805.

Sanders v. Yonkers, 63 N. Y. 489.

Cited, Equity—Jurisdiction—Threatened Cloud on Title.

141 N. Y. 361; (57 St. Rep. 438). 10 Misc. 75; (63 St. Rep. 474; 31 Supp. 152).

Sanderson, Matter of, 9 Misc. 574; 62 St. Rep. 225; 30 Supp. 848.

Cited, Wills—Execution—Sufficiency.

17 Misc. 503; (41 Supp. 208).

*Duplicate Citations in Parenthesis.***Sanderson v. Caldwell**, 45 N. Y. 398.*Cited*, Libel—Innuendoes.

71 Hun, 487; (54 St. Rep. 904; 24 Supp. 1062). 90 Hun, 170; (70 St. Rep. 533; 35 Supp. 737).

Libel—Question for Jury.

14 Misc. 417; (70 St. Rep. 439; 35 Supp. 704).

Slander — Words Spoken in Business Character.

78 St. Rep. 82; (44 Supp. 82).

Sandford v. Chase, 3 Cow. 381.*Cited*, Writ and Process—Service—Privilege—Witness.

135 N. Y. 590; (49 St. Rep. 906; 30 Abb. N. C. 60).

Sandford v. Goodwin, 20 Civ. Pro. 276.*Cited*, Contempt—Supplementary Proceedings — Disposing of After Acquired Property.

3 Misc. 295; (52 St. Rep. 258; 22 Supp. 988).

Sandford v. Handy, 23 Wend. 260.*Cited*, Fraud—Sale—False Statements.

139 N. Y. 294; (54 St. Rep. 497). 82 Hun, 297; (64 St. Rep. 76; 31 Supp. 490).

Sandford v. Mickles, 4 Jones, 224.*Cited*, Negotiable Instruments—Parol Evidence to Impeach.

D. 4 Misc. 481; (54 St. Rep. 334; 24 Supp. 572).

Sandford v. Sandford, 40 Hun, 540; 2 St. Rep. 133; 9 Civ. Pro. 239.*Cited*, Contempt—Civil—Punishment.

6 Misc. 120; (57 St. Rep. 861; 26 Supp. 52). 67 Hun, 259; (50 St. Rep. 907; 22 Supp. 424; 23 Civ. Pro. 125). 80 Hun, 76; (61 St. Rep. 767; 30 Supp. 17). D. 80 Hun, 452; (62 St. Rep. 292; 30 Supp. 467).

Sandford v. Travers, 40 N. Y. 140.*Cited*, Foreclosure—Covenants—Breach—Effect.

13 App. Div. 187; (77 St. Rep. 357; 43 Supp. 357).

Sandham v. Nye, 9 Misc. 541; 62 St. Rep. 198; 30 Supp. 552.**Sandiford v. Frost**, 9 App. Div. 55; 75 St. Rep. 564; 41 Supp. 103.**Sandison, Matter of**, 72 Hun, 163; 25 Supp. 694.**Sandman v. Seaman**, 84 Hun, 337; 65 St. Rep. 602; 32 Supp. 338.**Sands v. Calkins**, 30 How. 1.*Cited*, Pleading—Amendment—Relation to Commencement of Action.

79 Hun, 61; (61 St. Rep. 177; 29 Supp. 648).

Sands v. Church, 70 Hun, 483; 54 St. Rep. 58; 24 Supp. 251.**Sands v. Church**, 6 N. Y. 347.*Cited*, Usury—Waiver.

91 Hun, 569; (72 St. Rep. 358; 36 Supp. 837).

Sands v. Codwise, 4 Johns. 536.*Cited*, Practice—Judgments and Orders—Review.

149 N. Y. 548.

Conveyances—Avoidance — Recoupment for Repairs.

10 App. Div. 474; (76 St. Rep. 306; 42 Supp. 30).

Sands v. Craft, 10 Abb. 216.*Cited*, Decedent's Estates — Referable Claims.

13 App. Div. 23; (77 St. Rep. 114; 43 Supp. 114).

Sands v. Geltson, 15 Johns. 511.*Cited*, Limitation of Action—Interruption of Statute—Payment.

5 Misc. 214, (54 St. Rep. 796; 25 Supp. 467; 23 Civ. Pro. 227).

Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 425; (52 St. Rep. 630; 23 Supp. 470). 14 App. Div. 267; (77 St. Rep. 472; 43 Supp. 472).

Sands v. Hill, 55 N. Y. 18.*Cited*, Corporations — Insolvency—Transfer of Assets—Effect.

81 Hun, 277; (62 St. Rep. 762; 30 Supp. 798).

Sands v. Hughes, 53 N. Y. 287.*Cited*, Adverse Possession — Title—Sufficiency.

85 Hun, 37; (66 St. Rep. 137; 32 Supp. 626). 85 Hun, 564, 569; (66 St. Rep. 799, 800; 33 Supp. 127). 18 App. Div. 122; (79 St. Rep. 731; 45 Supp. 731).

Sands v. Miner, 16 App. Div. 347; 78 St. Rep. 894; 44 Supp. 894.**Sands v. St. Johns**, 36 Barb. 628.*Affirmed*, 29 How. 574.*Cited*, Pleading—Statute of Limitations—Anticipating Defense.

1 App. Div. 326; (72 St. Rep. 587; 37 Supp. 261). 8 App. Div. 155; (40 Supp. 512). 77 St. Rep. 383; (43 Supp. 383).

Sands v. Sparling, 82 Hun, 401; 63 St. Rep. 558; 31 Supp. 251.*Cited*, Evidence—§829 Code of Civil Procedure.

88 Hun, 211; (68 St. Rep. 398; 34 Supp. 670).

Duplicate Citations in Parenthesis.

Sands v. Taylor, 5 Johns. 395.

Cited, Sale—Vendor in Possession—Re-Sale

79 Hun, 553; (61 St. Rep. 571; 29 Supp. 883).

Sandy Hill, Village of, v. Akin, 77 Hun, 537; 60 St. R. p. 396; 28 Supp. 889.

Sanford v. American, Dist. Tel. Co., 6 Misc. 534; 58 St. Rep. 16; 27 Supp. 142; 31 Abb. N. C. 147.

Reversed, 13 Misc. 88; 68 St. Rep. 191; 34 Supp. 144.

Cited, 13 Misc. 91; (68 St. Rep. 192; 34 Supp. 144).

Sanford v. American Dist. Tel. Co., 13 Misc. 88; 68 St. Rep. 191; 34 Supp. 144.

Sanford v. Barney, 50 Hun, 108; 4 Supp. 500.

Cited, Partners—Interest.

15 App. Div. 563; (78 St. Rep. 518; 44 Supp. 518).

Sanford v. Bennett, 24 N. Y. 20.

Cited, Statutes—Retroactive Effect.

141 N. Y. 165; (56 St. Rep. 683). 69 Hun, 571; (53 St. Rep. 255; 23 Supp. 962). D. 11 App. Div. 370; (76 St. Rep. 928; 42 Supp. 928).

Sanford v. Commercial Travelers Mut. A. Ass'n, of America, 86 Hun, 380; 67 St. Rep. 225; 33 Supp. 512. *Affirmed*, 147 N. Y. 326; 69 St. Rep. 689; 2 Ann. Cas. 285.

Cited, Stipulation—Ousting Courts of Jurisdiction—Effect

14 Misc. 502, 503; (70 St. Rep. 687; 35 Supp. 1062). 15 Misc. 610; (73 St. Rep. 119; 37 Supp. 493).

Sanford v. Commercial Travelers Mut. A. Ass'n, of America, 147 N. Y. 326; 69 St. Rep. 689; 2 Ann. Cas. 285.

Cited, Courts—Ouster of Jurisdiction.

15 Misc. 610; (73 St. Rep. 118; 37 Supp. 492).

Sanford v. Ellithorp, 95 N. Y. 48.

Cited, Instruments—Execution—Evidence—Declarations.

16 Misc. 185; (38 Supp. 1134).

Sanford v. Ellithorp, 14 Week. Dig. 154.

Cited, Evidence—Objection to—Specification.

85 Hun, 56; (66 St. Rep. 60; 32 Supp. 676).

Sanford v. Goodell, 7 Misc. 334; 58 St. Rep. 562; 28 Supp. 129.

Reversed, 82 Hun, 369; 64 St. Rep. 90; 31 Supp. 490.

Sanford v. Goodell, 82 Hun, 369; 64 St. Rep. 90; 31 Supp. 490.

Sanford v. Granger, 12 Barb. 392.

Cited, Courts—Lack of Jurisdiction—Objection—Availability.

13 Misc. 243; (68 St. Rep. 15; 34 Supp. 59; 25 Civ. Pro. 261).

Decedent's Estates—Funeral Expenses—Payment.

15 Misc. 535; (74 St. Rep. 298; 37 Supp. 123; 25 Civ. Pro. 319).

Sanford v. Jackson, 10 Paige, 266.

Cited, Wills—Dower Rights.

14 App. Div. 572; (77 St. Rep. 901; 43 Supp. 901).

Sanford v. McLean, 3 Paige, 117.

Cited, Subrogation—Volunteer.

148 N. Y. 511.

Sanford v. Sanford, 45 N. Y. 723.

Cited, Gifts—Validity.

8 App. Div. 192; (40 Supp. 341). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Sanford v. Sanford, 58 N. Y. 69.

Cited, Gifts—Validity.

8 App. Div. 192; (40 Supp. 341). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Sanford v. Sanford, 62 N. Y. 553.

Cited, Actions—Limitation.

135 N. Y. 163; (48 St. Rep. 133). 149 N. Y. 68. 11 Misc. 229; (66 St. Rep. 555; 32 Supp. 1101). 9 App. Div. 347; (75 St. Rep. 722; 41 Supp. 310). D. 9 App. Div. 350; (75 St. Rep. 728; 41 Supp. 315).

Actions—Limitations—Lunatics and Idiots.

7 App. Div. 349; (39 Supp. 943). 16 App. Div. 499; (78 St. Rep. 903; 44 Supp. 903).

Sanford v. Sanford, 61 Barb. 293.

Cited, Advancement.

143 N. Y. 217; (62 St. Rep. 165). 90 Hun, 461; (72 St. Rep. 191; 37 Supp. 79).

Sanford v. Standard Oil Co., 118 N. Y.

571; 29 St. Rep. 855.

Cited, Master and Servant—Servants of Different Masters.

83 Hun, 198; (64 St. Rep. 333; 31 Supp. 619). 90 Hun, 68; (70 St. Rep. 204; 35 Supp. 533). 13 App. Div. 260; (77 St. Rep. 88; 43 Supp. 88). 11 Misc. 539; (64 St. Rep. 468; 32 Supp. 743).

Sanford v. Story, 15 Misc. 536; 74 St. Rep. 557; 38 Supp. 104.

Sanger v. Eastwood, 19 Wend. 514.

Cited, Conveyances—Notice—Effect.

15 Misc. 172; (72 St. Rep. 173; 37 Supp. 21).

Duplicate Citations in Parenthesis.

Sanger v. French, 91 Hun, 599; 71 St. Rep. 603; 36 Supp. 653.

Sanger v. French, 1 App. Div. 323; 72 St. Rep. 655; 37 Supp. 148.

Sanger v. Rothschild, 123 N. Y. 577; 34 St. Rep. 258.

Affirming, 19 St. Rep. 345.

Cited, Insurance—Beneficiary—Designation.

87 Hun, 165; (67 St. Rep. 463; 33 Supp. 817).

Sang Shing v. Sire, 15 Misc. 139; 71 St. Rep. 454; 36 Supp. 466.

Sann v. H. W. Jones Mfg. Co., 16 App. Div. 252; 73 St. Rep. 641; 44 Supp. 641.

Sanquirico v. Benedeth, 1 Barb. 315.
Cited, Specific Performance—Contracts for Service.

67 Hun, 303; (50 St. Rep. 895; 22 Supp. 312).

San Reno Hotel Co. v. Brennan, 46 St. Rep. 827; 19 Supp. 276

Cited, Injunction—Summary Proceedings.

12 Misc. 307; (67 St. Rep. 843; 34 Supp. 42). 34 Supp. 42.

Sansone v. Alexander, 16 Misc. 368; 38 Supp. 66.

Santa Eulalia S. M. Co., Matter of, 115 N. Y. 657; 4 Supp. 174.

Affirming, 2 St. Rep. 221.

Cited, Corporations—Dissolution—Schedules—Omission of Items—Effect.

9 App. Div. 549; (41 Supp. 917).

Saratoga County, Board of Supervisors of, v. Deyoe, 77 N. Y. 219.

Cited, Equity—Multiplicity of Suits.

72 Hun, 329; (55 St. Rep. 198; 25 Supp. 428). 60 St. Rep. 154; (28 Supp. 481). 11 App. Div. 464, 465; (76 St. Rep. 382, 383; 42 Supp. 382, 383). 18 Misc. 161; (41 Supp. 1067).

Saratoga County, Board of Supervisors of, v. Seaburg, 11 Abb. N. C. 461.

Cited, Interpleader—Relief.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 25 Civ. Pro. 292).

Saratoga County Nat. Bank v. King, 44 N. Y. 87.

Cited, Contracts—Illegality—Restraint of Trade.

8 Misc. 206; (58 St. Rep. 840; 28 Supp. 532). 145 N. Y. 274; (64 St. Rep. 697). 91 Hun, 541; (70 St. Rep. 830; 36 Supp. 255).

Saratoga Electric R. Co., Matter of, 58 Hun, 287; 12 Supp. 318.

Cited, Railroads—Eminent Domain—Consent.

15 App. Div. 197; (78 St. Rep. 733; 44 Supp. 733).

Saratoga Gas & Electric Light Co. v. Town, 67 Hun, 645; 51 St. Rep. 229; 22 Supp. 342.

Saratoga & W. R. R. Co. v. McCoy, 9 How. 339.

Cited, Costs—Extra Allowance—Power to Grant.

20 Misc. 564.

Sardinia, Town of, v. Butler, 78 Hun, 527; 61 St. Rep. 380; 29 Supp. 481.

Cited, Highways—Encroachments—Notice—Sufficiency.

11 Misc. 148; (64 St. Rep. 455; 32 Supp. 635).

Sardinia, Town of, v. Butler, 149 N. Y. 505.

Sares v. Matthews, 39 St. Rep. 920; 15 Supp. 510.

Cited, Offer of Judgment—Nullity—Effect.

9 App. Div. 400; (75 St. Rep. 886; 41 Supp. 494).

Sarat v. Utica, I. & E. R. Co., 102 N. Y. 681.

Cited, Personal Property—Conversion—Transfer to Third Party.

85 Hun, 166; (66 St. Rep. 116; 32 Supp. 607).

Sargent v. ———, 5 Cow. 106.

Cited, Verdict—Impeachment—Affidavit of Jurors.

91 Hun, 200; (71 St. Rep. 128; 36 Supp. 326). 79 St. Rep. 902; (45 Supp. 902).

Sargent v. Sargent Granite Co., 3 Misc. 325; 52 St. Rep. 517; 23 Supp. 886.

Reversed, 6 Misc. 384; 56 St. Rep. 335; 26 Supp. 737; 31 Abb. N. C. 131.

Cited, Costs—Demurrer—Partial Success.

26 Supp. 734; (23 Civ. Pro. 188).

Saril v. Payne, 1 Supp. 15.

Cited, Affidavits—Irregularity—Effect.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 303).

Sarles v. Sarles, 19 Abb. N. C. 322.

Cited, Widow—Dower—Election.

83 Hun, 371; (64 St. Rep. 733; 31 Supp. 962).

Sarsfield v. Healey, 50 Barb. 245.

Cited, Landlord and Tenant—Terms—Recovery of Possession—Tenant at Will—Notice.

8 Misc. 351; (59 St. Rep. 595; 28 Supp. 688).

Duplicate Citations in Parenthesis.

Sarsfield v. Vaughner, 38 Barb. 444.

Cited, Equity—Jurisdiction—Amount Involved.

74 Hun, 377; (56 St. Rep. 330; 26 Supp. 617).

Sartwell v. Field, 68 N. Y. 341.

Cited, Attachment — Issuance—Discretion.

14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1070). 70 St. Rep. 258; (25 Civ. Pro. 105; 2 Ann. Cas. 379).

Sasserath v. Metzgar, 58 St. Rep. 804; 27 Supp. 959; 30 Abb. N. C. 407.

Cited, Covenants—Of Seizin—Breach—Encroachments.

9 Misc. 135; (59 St. Rep. 714; 29 Supp. 282).

Saterlee v. Groot, 6 Cow. 33.

Cited, Action—Change of Venue—Affidavits—Necessity of Witnesses.

70 Hun, 518; (53 St. Rep. 617; 24 Supp. 132).

Satterly v. Winne, 101 N. Y. 218.

Cited, Highways — Establishment — Record of.

6 Misc. 201; (27 Supp. 871).

Satterthwaite v. Vreeland, 3 Hun, 152.

Distinguished, Brokers — Real Estate—Commissions.

21 Supp. 444.

Cited, Brokers — Termination of Authority—Good Faith.

6 Misc. 95; (55 St. Rep. 403; 26 Supp. 8).

Sattler v. Hallock, 15 App. Div. 500; 78 St. Rep. 543; 44 Supp. 543.

Sauer v. Angle Lamp Co., 15 Misc. 685; 36 Supp. 1132.

Sauer v. New York, 10 App. Div. 267; 75 St. Rep. 1332; 41 Supp. 957.

Sauerborn v. N. Y. C. & H. R. R. Co., 69 Hun, 429; 52 St. Rep. 784; 23 Supp. 478.

Affirmed, 141 N. Y. 553; 57 St. Rep. 865.

Cited, Trial—Question of Fact—Contributory Negligence.

75 Hun, 459; (57 St. Rep. 682; 27 Supp. 507).

Saulsbury v. Ithaca, 94 N. Y. 27.

Cited, Highways—Defective Sidewalks—Liability of Municipality.

137 N. Y. 370; (50 St. Rep. 801). 82 Hun, 77; (63 St. Rep. 330; 31 Supp. 88). 92 Hun, 310; (72 St. Rep. 395; 36 Supp. 873). 18 Misc. 510; (41 Supp. 990).

Saumby v. Rochester, 72 Hun, 439; 54 St. Rep. 770; 25 Supp. 1136.

Reversed, 145 N. Y. 81; 64 St. Rep. 534.

Saumby v. Rochester, 145 N. Y. 81; 64 St. Rep. 534.

Saunders, Matter of, 4 Misc. 28; 23 Supp. 829.

Saunders v. Agricultural Ins. Co., 2 App. Div. 223; 73 St. Rep. 380; 37 Supp. 769.

Saunders v. N. Y. C. & H. R. R. Co., 71 Hun, 153; 54 St. Rep. 364; 23 Supp. 927; 30 Abb. N. C. 88.

Modified and Affirmed, 144 N. Y. 75; 63 St. Rep. 53.

Saunders v. N. Y. C. & H. R. R. Co., 135 N. Y. 613; 48 St. Rep. 381.

Cited, Lands—Under Water—Possession. 1 App. Div. 253; (72 St. Rep. 690; 37 Supp. 337).

Saunders v. N. Y. C. & H. R. R. Co., 144 N. Y. 75; 63 St. Rep. 53.

Cited, State—Title to Sea Coast—Control Over.

144 N. Y. 406; (63 St. Rep. 647). 150 N. Y. 156. 90 Hun, 322; (70 St. Rep. 593; 35 Supp. 927).

Riparian Owners—Easements.

D. 10 App. Div. 303; (75 St. Rep. 1317; 41 Supp. 945). 39 Supp. 9.

Saunders v. Springsteen, 4 Wend. 429.

Cited, Taxes—Where Taxable — Lands Divided by Town and County Lines.

69 Hun, 538; (53 St. Rep. 293; 24 Supp. 7).

Saurez v. Sun Mut. Ins. Co., 2 Sandf. 482.

Cited, Insurance — Constructive Total Loss of Vessel—Valuation in Policy.

72 Hun, 287; (55 St. Rep. 751; 25 Supp. 417).

Sauter v. N. Y. C. & H. R. R. Co., 6 Hun, 446.

Cited, Injuries—Proximate Cause.

D. 14 App. Div. 44; (77 St. Rep. 996; 43 Supp. 996).

Sauter v. N. Y. C. & H. R. R. Co., 66 N. Y. 50.

Cited, Evidence — Relevancy — Personal Injuries—Death from Surgical Operation.

6 Misc. 328; (56 St. Rep. 232; 26 Supp. 903). 14 App. Div. 37; (77 St. Rep. 991; 43 Supp. 991). D. 14 App. Div. 44; (77 St. Rep. 995; 43 Supp. 995). 15 App. Div. 166; (78 St. Rep. 246; 44 Supp. 246).

*Duplicate Citations in Parenthesis.***Savacool v. Boughton**, 5 Wend. 170.

Cited, Sheriff — Execution of Process — Validity of on Face.

79 Hun, 139; (61 St. Rep. 351; 29 Supp. 759; 24 Civ. Pro. 22).

Savage v. Allen, 54 N. Y. 458.

Cited, Equity—Adequate Remedy at Law Pledged.

67 Hun, 305; (50 St. Rep. 897; 22 Supp. 314).

Injunction—Perpetual Stay of Prior Action.

139 N. Y. 118; (54 St. Rep. 642). 5 Misc. 50; (25 Supp. 75).

Injunction—When Granted — Remedy at Law.

8 Misc. 300; (59 St. Rep. 284; 28 Supp. 739). 144 N. Y. 60; (63 St. Rep. 631). 20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Mortgage—Foreclosure—Senior Liens.

79 Hun, 98; (61 St. Rep. 144; 29 Supp. 666).

Savage v. Buffalo, 59 Hun, 606; 14 Supp. 101.

Cited, Assessors—Authority.

78 St. Rep. 322; (44 Supp. 322).

Savage v. Buffalo, 131 N. Y. 568.

Cited, Assessors—Jurisdiction.

78 St. Rep. 322; (44 Supp. 322).

Savage v. Burnham, 17 N. Y. 561.

Cited, Wills—Trusts—Creation—Validity.

3 Misc. 470; (23 Supp. 737). 14 Misc. 162; (69 St. Rep. 560; 35 Supp. 205). 82 Hun, 485; (64 St. Rep. 192; 31 Supp. 557). 89 Hun, 558; (69 St. Rep. 732; 35 Supp. 345). 9 App. Div. 513; (75 St. Rep. 1058; 41 Supp. 669). 17 App. Div. 307; (79 St. Rep. 204; 45 Supp. 204). 14 App. Div. 575; (77 St. Rep. 902; 43 Supp. 902). 140 N. Y. 536; (56 St. Rep. 475). 8 Misc. 121; (58 St. Rep. 745; 28 Supp. 372).

Trusts—Solidarity—Severance.

140 N. Y. 143; (55 St. Rep. 549).

13 App. Div. 345; (77 St. Rep. 19; 43 Supp. 19). D. 66 Hun, 441; (50 St. Rep. 297; 21 Supp. 532).

Wills—Devise — Equitable Conversion—When Operative.

7 Misc. 26; (57 St. Rep. 75; 27 Supp. 312).

5 App. Div. 322; (39 Supp. 244).

Wills—Devise to Class—Survivorship.

82 Hun, 475; (64 St. Rep. 360; 31 Supp. 729). 152 N. Y. 484. 14 App. Div. 134; (77 St. Rep. 580; 43 Supp. 580).

Wills—Construction— Intent of Testator.

82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Wills—Dower—Bequest in Lieu of — Election.

1 Misc. 274; (22 Supp. 1071). 5 App. Div. 137; (39 Supp. 61).

Savage v. Cock, 17 Abb. 403.

Cited, Issues — Justice Court — Amendment on Appeal—Practice.

87 Hun, 537; (68 St. Rep. 671; 34 Supp. 291).

Savage v. Corn. Ex. F. & I. Ins. Co., 4 Bosw. 1.

Cited, Pleading—Real Party in Interest—Proof—Availability.

13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177). 144 N. Y. 612; (64 St. Rep. 254).

Savage v. Corn Ex. F. & I. Ins. Co., 36 N. Y. 655.

Cited, Pleading—Real Party in Interest—Proof—Availability.

13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Savage v. Faulhaber, 70 St. Rep. 265; 35 Supp. 804.**Savage v. Howard Ins. Co.**, 52 N. Y. 502.

Cited, Insurance—Fire—Conditions as to Unconditional and Sole Ownership—Incumbrances.

1 Misc. 116; (48 St. Rep. 654; 20 Supp. 647).

Savage v. Murphy, 34 N. Y. 508.

Cited, Fraudulent Conveyances—Attack. 9 App. Div. 114; (75 St. Rep. 497; 41 Supp. 41).

Savage v. Neely, 8 App. Div. 316; 75 St. Rep. 346; 40 Supp. 946.**Savage v. O'Neill**, 44 N. Y. 298.

Cited, Husband and Wife—Property—Transactions Between—Conveyance—Consideration.

7 Misc. 464; (59 St. Rep. 873; 28 Supp. 390).

Foreign State—Common Law—Presumption.

90 Hun, 106; (70 St. Rep. 409; 35 Supp. 614). 15 Misc. 298; (73 St. Rep. 441; 37 Supp. 764).

Savage v. Putnam, 32 N. Y. 501.

Cited, Partnership—Dissolution—Liability of Partners on Firm Obligation.

84 Hun, 355; (65 St. Rep. 467; 32 Supp. 310).

Savage v. Relyea, 3 How. 276.

Cited, Orders—To Show Cause—Appealability.

D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp. 352).

Savage v. Sherman, 87 N. Y. 277.

Cited, Trustees — Commissions — When Payable.

73 Hun, 55; (56 St. Rep. 104; 25 Supp. 935).

Duplicate Citations in Parenthesis.

Savall v. Waulful, 16 Supp. 219; 21 Civ. Pro. 18.

Affirmed, 63 Hun, 627; 19 Supp. 1007.

Cited, Replevin—Right of Action—Right of Possession.

4 Misc. 93; (53 St. Rep. 77; 23 Supp. 859).
52 St. Rep. 934; (25 Supp. 1129). D. 4
Misc. 99; (53 St. Rep. 84; 23 Supp. 862).

Savell v. Casler, 52 St. Rep. 934; 25
Supp. 1129.

Savercool v. Wilsey, 5 App. Div. 562;
39 Supp. 413.

Savings Ass'n of St. Louis v. O'Brien, 51 Hun, 45; 20 St. Rep. 826;
3 Supp. 764.

Cited, Corporations — Shareholders —
Knowledge of Laws—Presumption.

84 Hun, 190; (65 St. Rep. 319; 32 Supp.
195).

Sawyer, Matter of, 7 App. Div. 198; 40
Supp. 294.

Sawyer, Matter of, 31 Abb. N. C. 342;
29 Supp. 1097.

Cited, Assignments—Employees—Prefer-
ence.

79 St. Rep. 634; (45 Supp. 634).

Sawyer v. Bennett, 49 St. Rep. 774; 20
Supp. 835.

Sawyer v. Chambers, 44 Barb. 42.

Cited, Notes—Failure of Consideration—
Defense.

4 App. Div. 257; (74 St. Rep. 51; 38 Supp.
502).

Sawyer v. Cubby, 73 Hun, 299; 58 St.
Rep. 68; 26 Supp. 426.

Reversed, 146 N. Y. 192; 66 St. Rep. 583.

Sawyer v. Cubby, 146 N. Y. 192; 66 St.
Rep. 583.

Sawyer v. Hopgood, 13 St. Rep. 711.

Cited, Sureties—Estoppel.

90 Hun, 78; (69 St. Rep. 848; 35 Supp.
455).

Sawyer v. Warner, 15 Barb. 285.

Cited, Pleading—General Denial—Issues
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49 St. Rep. 562; (20 Supp. 912).

Sawyer Lumber Co. v. Bussell, See
W. H. Sawyer Lumber Co., v. Bussell.

Sawyer, Wallace & Co., Matter of,
61 St. Rep. 736; 29 Supp. 1097; 31 Abb.
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Saxton v. N. Y. Elevated R. Co., 139
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Reversing, 65 Hun, 619; 47 St. Rep. 186;
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Saxton v. N. Y. Elevated R. Co., 12
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Saxton v. N. Y. Elevated R. Co., 44
St. Rep. 832; 18 Supp. 188.

Cited, Railroads—Evidence—Hearsay.

14 Misc. 285; (70 St. Rep. 444; 35 Supp.
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Sayer v. Kirchof, 3 Misc. 245; 51 St.
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Sayles v. Best, 49 St. Rep. 460; 20 Supp.
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Sayles v. Best, 140 N. Y. 368; 55 St. Rep.
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Cited, Wills—Execution—Power of Sale
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79 Hun, 100; (61 St. Rep. 136; 29 Supp.
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Surrogate's Courts—Accounting Parties.

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Sayles v. Central Nat. Bank of Rome,
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Sayles v. DeGraff, 82 Hun, 73; 63 St.
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Cited, Referee—Report—Setting Aside.

12 App. Div. 179; (76 St. Rep. 836; 42
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Sayles v. Jourdan, 19 St. Rep. 349; 2
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Cited, Receivers—Actions.

1 App. Div. 116; 72 St. Rep. 220; 37 Supp.
68). 20 Misc. 344; (79 St. Rep. 752; 45 Supp.
752).

Sayles v. Kerr, 4 App. Div. 150; 74 St.
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Sayles v. Murphy, 8 Civ. Pro. 325.

Cited, Constables—Fees.

16 Misc. 434; (39 Supp. 735).

Sayles v. Nat. Water Purifying Co.,
141 N. Y. 603; 58 St. Rep. 866.

Affirming, 41 St. Rep. 856; 16 Supp. 555.

Sayles v. Olmstead, 66 Barb. 590.

Cited, Money—Payment—Presumption.

11 App. Div. 555; (76 St. Rep. 645; 42
Supp. 645).

Sayles v. Sims, 73 N. Y. 551.

Cited, Sureties—Contribution.

85 Hun, 298; (66 St. Rep. 482; 32 Supp.
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Sayre v. Frazer, 47 Barb. 26.

Cited, Orders—Discretion—Review.

82 Hun, 434; (64 St. Rep. 111; 31 Supp.
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Sayre v. State, 123 N. Y. 291; 33 St. Rep. 156.

Cited, Tort—Unliquidated Damages—Interest.

135 N. Y. 105; (48 St. Rep. 36^o). 82 Hun, 198; (64 St. Rep. 6; 31 Supp. 418).

Sayre v. Townsend, 15 Wend. 647.

Cited, Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 350; 25 Supp. 679). 148 N. Y. 107.

Sayres v. Miller, 10 Civ. Pro. 69.

Cited, Actions—Default—Effect.

79 St. Rep. 637; (45 Supp. 637).

Scaggs v. Delaware & H. C. Co., 74 Hun, 198; 56 St. Rep. 319; 26 Supp. 323.

Reversed, 145 N. Y. 201; 64 St. Rep. 594.

Scaggs v. Delaware & H. C. Co., 145 N. Y. 201; 64 St. Rep. 594.

Cited, Railroads—Accidents—Crossings.

13 App. Div. 535; (77 St. Rep. 1010; 43 Supp. 1010).

Scammon, Matter of, 87 Hun, 384; 34 Supp. 323.

Scanlan v. Watertown, 14 App. Div. 1; 77 St. Rep. 618; 43 Supp. 618.

Scanlon v. H. B. Claffin Co., 6 Misc. 595; 56 St. Rep. 344; 25 Supp. 1149.

Scarff v. Metcalf, 107 N. Y. 211; 11 St. Rep. 396.

Cited, Chattel Mortgage—Earnings of Vessel.

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135 N. Y. 6; (47 St. Rep. 850). 13 App. Div. 263; (77 St. Rep. 91; 43 Supp. 91). 17 Misc. 94, 96; (39 Supp. 425, 428).

Scattergood v. Wood, 14 Hun, 269.

Affirming, 79 N. Y. 263.

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19 Misc. 640; (78 St. Rep. 412; 44 Supp. 412).

Scerco v. Smith, 16 Misc. 102; 38 Supp. 570.

Schad v. Security Mut. Life Ass'n of Binghamton, 11 App. Div. 487; 76 St. Rep. 314; 42 Supp. 314.

Schaefer v. Henkel, 75 N. Y. 378.

Cited, Action—Parties—On Bond to Agents.

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2 Misc. 261; (50 St. Rep. 766; 21 Supp. 968).

Schaefer v. Henkel, 75 N. Y. 378.

10 App. Div. 133; (75 St. Rep. 1052; 41 Supp. 674).

Evidence—Parol—Modification—Sealed Instrument.

5 Misc. 300; (56 St. Rep. 727; 25 Supp. 469).

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Shaeffler v. Miehl, 13 Misc. 520; 68 St. Rep. 735; 34 Supp. 694.

Schaettler v. Gardiner, 47 N. Y. 404.

Cited, Courts—Lack of Jurisdiction—Effect.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 325). 7 Misc. 37; (57 St. Rep. 91; 27 Supp. 384). 90 Hun, 531; (71 St. Rep. 40; 26 Supp. 33). 12 App. Div. 17; (76 St. Rep. 178; 42 Supp. 178). 2 App. Div. 415; (73 St. Rep. 545; 37 Supp. 1002).

Schaefer v. Reilley, 50 N. Y. 61.

Cited, Mortgage—Rights of Assignee—Estoppel.

79 Hun, 60; (61 St. Rep. 176; 29 Supp. 647).

Schaefer v. Brooklyn, 19 Supp. 173.

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87 Hun, 37; (67 St. Rep. 612; 33 Supp. 860).

Schaefer v. New York, 12 App. Div. 384; 76 St. Rep. 744; 42 Supp. 744.

Schaefer v. Reilly, 50 N. Y. 61.

Cited, Mortgage—Assignment—Rights of Assignee.

3 App. Div. 251; (74 St. Rep. 14; 38 Supp. 258). 11 Misc. 603; (67 St. Rep. 309; 33 Supp. 541).

Schaff v. Miles, 10 Misc. 395; 63 St. Rep. 526; 31 Supp. 134.

Schaffer v. Jones, 1 Misc. 74; 48 St. Rep. 408; 20 Supp. 531.

Schaffer v. Second Ave. R. Co., 1 App. Div. 48; 72 St. Rep. 31; 36 Supp. 1046.

Schalk v. Norris, 7 Misc. 20; 57 St. Rep. 505; 27 Supp. 390.

Schalscha v. Third Ave. R. Co., 19 Misc. 141.

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Schanda v. Sulzberger, 7 App. Div. 221; 40 Supp. 116.

Schantz v. Oakman, 10 App. Div. 151; 75 St. Rep. 1140; 41 Supp. 746.

Scharf v. Warren-Scharf Asphalt Paving Co., 5 App. Div. 439; 39 Supp. 197.

Scharf v. Warren-Scharf Asphalt Paving Co., 15 App. Div. 480.

Schaum v. Equitable Gaslight Co., 15 App. Div. 74; 78 St. Rep. 284; 44 Supp. 284.

Schecker v. Woolsey, 2 App. Div. 52; 72 St. Rep. 631; 37 Supp. 292.

Schedlinsky v. Budweiser Brewing Co., 17 App. Div. 470; 79 St. Rep. 174; 45 Supp. 174.

Scheffield v. Smith, 59 St. Rep. 454; 28 Supp. 517.

Scheffel v. Hatch, 70 Hun, 597; 53 St. Rep. 655; 25 Supp. 240.

Scheidler, Matter of, 75 Hun, 185; 58 St. Rep. 596; 27 Supp. 7.

Affirmed, 142 N. Y. 668; 60 St. Rep. 870.

Cited, Surrogate Court—Judicial Settlement—Surcharging Account.

8 App. Div. 345; (40 Supp. 793).

Schell, Matter of, 58 Hun, 440; 34 St. Rep. 928; 12 Supp. 790.

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12 Misc. 42; (66 St. Rep. 533; 33 Supp. 34).

Schell v. Devlin, 82 N. Y. 333.

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76 Hun, 127; (57 St. Rep. 328; 27 Supp. 565).

Schell v. Erie Railway, 51 Barb. 368.

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D. 74 Hun, 191; (56 St. Rep. 554; 26 Supp. 351).

Schell v. Lowe, 75 Hun, 43; 58 St. Rep. 179; 26 Supp. 991; 23 Civ. Pro. 300.

Cited, Actions—Interpleader.

85 Hun, 391; (66 St. Rep. 295; 32 Supp. 904). 12 App. Div. 80; (77 St. Rep. 361; 43 Supp. 361).

Schell v. Merkle, 75 Hun, 74; 57 St. Rep. 836; 26 Supp. 1021.

Reversed, 144 N. Y. 544.

Schell v. New York, 128 N. Y. 67; 33 St. Rep. 442.

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Cited, Attorney and Client—Paying Over Money to Client—Order of Court.

12 Misc. 42, 44; (66 St. Rep. 533, 534; 33 Supp. 31, 35).

Schell v. Plumb, 55 N. Y. 592.

Cited, Damages—Measure—Breach of Contract.

66 Hun, 178; (49 St. Rep. 41; 20 Supp. 928). 10 Misc. 675; (64 St. Rep. 294; 31 Supp. 669; 1 Ann Cas. 272). 2 Misc. 380; (59 St. Rep. 597; 21 Supp. 1098).

Witnesses—Impeachment—Contradictory Statements.

8 Misc. 540; (59 St. Rep. 267; 28 Supp. 743).

Schelley v. Diehl, 13 Week. Dig. 228.

Cited, General Exception—Availability.

90 Hun, 562; (71 St. Rep. 31; 36 Supp. 24).

Schemerhorn v. Vanderhayden, 1 Johns. 139.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 85; (55 St. Rep. 396; 26 Supp. 39). 5 App. Div. 359; (39 Supp. 231). 20 Misc. 483.

Schen v. Benedict, 116 N. Y. 510; 27 St. Rep. 526.

Cited, Carriers—Removal of Goods—Question of Fact.

90 Hun, 557; (71 St. Rep. 35; 36 Supp. 28).

Schenck v. Andrews, 46 N. Y. 589.

Cited, Corporations—Issuance of Stock for Property—Effect.

85 Hun, 41; (66 St. Rep. 134; 32 Supp. 624). 3 App. Div. 275; (73 St. Rep. 852; 38 Supp. 234). 151 N. Y. 65.

Schenck v. Andrews, 57 N. Y. 133.

Cited, Corporations—Issuance of Stock for Property—Effect.

85 Hun, 41; (66 St. Rep. 134; 32 Supp. 624). 3 App. Div. 275; (73 St. Rep. 852; 38 Supp. 234). 151 N. Y. 65. 11 Misc. 495; (64 St. Rep. 462; 32 Supp. 720).

Schenck v. Dart, 22 N. Y. 420.

Cited, Wills—Probate—Appeal—Incompetent Evidence.

67 Hun, 415; (51 St. Rep. 785; 22 Supp. 293).

Schenck v. Ellingwood, 3 Edw. Ch. 175.

Cited, Powers in Trust—Execution—Presumption.

85 Hun, 569; (66 St. Rep. 799; 33 Supp. 126).

Schenck v. Erwin, 63 Hun, 104; 43 St. Rep. 862; 17 Supp. 616.

Cited, Supplementary Proceedings—Third Party Order—Jurisdiction.

88 Hun, 218; (68 St. Rep. 716; 34 Supp. 781).

*Duplicate Citations in Parenthesis.***Schenck v. Marx**, 125 N. Y. 703.*Cited*, Judgments — Appealability — Amount in Controversy.

146 N. Y. 382; (71 St. Rep. 370).

Schenck v. Rickaby, 14 Supp. 444.*Cited*, Costs—Executors—Referred Claim—Certificate.

72 Hun, 457; (54 St. Rep. 864; 25 Supp. 301).

Schenck v. Warner, 37 Barb. 258.*Cited*, Evidence—Declarations—Deceased Persons.

141 N. Y. 230; (56 St. Rep. 806). 71 Hun, 401; (55 St. Rep. 37; 25 Supp. 30). 81 Hun, 303; (62 St. Rep. 751; 30 Supp. 787).

Schenectady v. Furman, 61 Hun, 171; 39 St. Rep. 975; 15 Supp. 724.*Cited*, Municipal Corporations—Taking of Land—Compensation.

145 N. Y. 487; (65 St. Rep. 363).

Municipal Corporations — Pleading — Counterclaim.

17 App. Div. 248; (79 St. Rep. 588; 45 Supp. 588).

Schenectady v. Furman, 78 Hun, 87; 60 St. Rep. 812; 29 Supp. 269.*Affirmed*, 145 N. Y. 482; 65 St. Rep. 361.**Schenectady v. Furman**, 145 N. Y. 482; 65 St. Rep. 361.**Schenectady v. Union College**, 66 Hun, 179; 49 St. Rep. 161; 21 Supp. 147.*Reversed*, 144 N. Y. 241; 63 St. Rep. 104.**Schenectady v. Union College**, 144 N. Y. 241; 63 St. Rep. 104.**Schenectady & S. Plank Road Co. v. Thatcher**, 11 N. Y. 102.*Cited*, Appeal—From Denial of Non-suit—Defective or Insufficient Proof—Cure by Subsequently Introducing Evidence.

1 Misc. 131; (48 St. Rep. 764; 20 Supp. 643). 1 Misc. 291; (48 St. Rep. 761; 20 Supp. 696). 1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683). 16 Misc. 434; (39 Supp. 734). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 997). 2 Misc. 310; (51 St. Rep. 574; 21 Supp. 1103). 2 Misc. 437; (51 St. Rep. 580; 21 Supp. 956).

Trial—Evidence—Order of Proof—Statement of Counsel.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 600).

Schenectady Stove Co. v. Holbrook, 101 N. Y. 45.*Cited*, Contract—Meeting of Minds—Offer—Withdrawal.

7 Misc. 682; (58 St. Rep. 363; 28 Supp. 148).

Schencke v. Rowell, 3 Abb. N. C. 42.*Cited*, Contracts—Building—Performance—Certificates—Impeachment.

7 Misc. 42; (57 St. Rep. 90; 27 Supp. 383).

Schendel v. Silver, 63 Hun, 330; 44 St. Rep. 401; 18 Supp. 1.*Affirmed*, 139 N. Y. 644; 54 St. Rep. 933.*Cited*, Trademarks—Descriptive Combination.

7 Misc. 462; (59 St. Rep. 871; 28 Supp. 389).

Schepp v. Carpenter, 51 N. Y. 602.*Cited*, Bills and Notes—Accommodation Bona Fide Transferæ—Precedent Debt.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26).

Scherer v. Holly Mfg. Co., 86 Hun, 37; 66 St. Rep. 833; 3 Supp. 205.**Scherer v. Hopkins**, 42 St. Rep. 189; 16 Supp. 863.*Cited*, Removal of Action—Motion.

14 Misc. 27; (69 St. Rep. 380; 35 Supp. 136).

Scherff v. Jacobi, 71 Hun, 391; 55 St. Rep. 39; 25 Supp. 37.**Schermerhorn v. Cotting**, 131 N. Y. 48.*Cited*, Trust—Perpetuity.

74 Hun, 300; (56 St. Rep. 271; 26 Supp. 670). 50 St. Rep. 291; (21 Supp. 532); 3 Misc. 477; (23 Supp. 741). 79 Hun, 510; (61 St. Rep. 588; 29 Supp. 899). 145 N. Y. 121; (64 St. Rep. 560). D. 66 Hun, 434; (50 St. Rep. 297; 21 Supp. 532).

Schermerhorn v. Farley, 58 Hun, 66; 33 St. Rep. 900; 11 Supp. 466.*Cited*, Principal and Agent—Powers of Agent—To Receive Payment—Discharging Indebtedness.

75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533).

Schermerhorn v. Merrill, 1 Barb. 511.*Cited*, Injunction—When Granted.

82 Hun, 283, 284; (64 St. Rep. 71, 72; 31 Supp. 472).

Schermerhorn v. Mt. McGregor R. Co., 69 Hun, 512; 52 St. Rep. 892; 23 Supp. 417.**Schermerhorn v. Niblo**, 2 Bosw. 161.*Cited*, Specific Performance—Debts of Ancestor—Effect.

19 Misc. 582; (77 St. Rep. 677; 43 Supp. 677).

Schermerhorn v. Prouty, 80 N. Y. 317.*Cited*, Mortgage—Foreclosure—Referee's Fees.

62 St. Rep. 529; (31 Supp. 142; 24 Civ. Pro. 107).

Schermerhorn v. Schermerhorn, 3 Caines, 190.*Cited*, Judgments—Set-Off.

73 St. Rep. 361; (38 Supp. 172).

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Schermerhorn v. Talman, 14 N. Y. 93.

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12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Schermerhorn v. Vanderheyden, 1 Johns. 189.

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85 Hun. 550; (67 St. Rep. 43; 33 Supp. 359). 92 Hun. 553; (38 Supp. 1047).

Schepp v. Carpenter, 51 N. Y. 602.

Cited, Notes—Diversion of Proceeds.

90 Hun. 117; (70 St. Rep. 517; 35 Supp. 652).

Scherrer v. Hopper, 45 St. Rep. 638; 18 Supp. 459.

Cited, Mechanic's Lien—Bond to Discharge—Enforcement—Judgment Against Debtor.

73 Hun. 176; (57 St. Rep. 148; 25 Supp. 1100). 3 Misc. 277; (51 St. Rep. 907; 23 Supp. 326). 145 N. Y. 247; (64 St. Rep. 686; 1 Ann. Cas. 224). 10 Misc. 540; (64 St. Rep. 24; 31 Supp. 447; 1 Ann. Cas. 116).

Scherrer v. Music Hall Co., 18 Supp. 449.

Cited, Mechanic's Lien—Discharge by Bond.

19 Misc. 616; (78 St. Rep. 425; 44 Supp. 425).

Schettler v. Smith, 41 N. Y. 328.

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8 Misc. 121; (58 St. Rep. 745; 28 Supp. 872). 3 App. Div. 325; (73 St. Rep. 728; 38 Supp. 389). 13 Misc. 433; (68 St. Rep. 413; 34 Supp. 635).

Trust—Validity—Perpetuity.

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Schick v. Brooklyn City R. Co., 32 St. Rep. 245; 10 Supp. 528.

Cited, Evidence—Preponderance—What Is.

8 Misc. 448; (58 St. Rep. 851; 28 Supp. 687).

Schieck v. Herzog, 7 Misc. 546; 58 St. Rep. 50; 27 Supp. 988.

Schieffelin v. Hawkins, 1 Daly. 289.

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19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

Schieffelin v. Stewart, 1 Johns. Ch. 620.

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5 Misc. 134; (25 Supp. 731). 15 Misc. 570; (72 St. Rep. 811; 38 Supp. 182).

Schierloh v. Schierloh, 14 Hun. 572.

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Schierloh v. Schierloh, 72 Hun. 150; 55 St. Rep. 348; 25 Supp. 676.

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Schierloh v. Schierloh, 148 N. Y. 103.

Schiffer v. Dietz, 83 N. Y. 300.

Cited, Contracts—Fraud—Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 939). 17 Misc. 606; (75 St. Rep. 55; 40 Supp. 654). 13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958). 17 App. Div. 122; (40 Supp. 103).

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12 App. Div. 607; (76 St. Rep. 1083; 42 Supp. 1083).

Schiffer v. Lauterbach, 7 App. Div. 223; 74 St. Rep. 651; 40 Supp. 40.

Schild v. Central Park, North and East R. Co., 133 N. Y. 446; 45 St. Rep. 656.

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Schildwachter v. New York, 12 Misc. 52; 66 St. Rep. 672; 33 Supp. 41; 24 Civ. Pro. 391.

Schile v. Brokhahus, 80 N. Y. 614.

Cited, Appeal—Exceptions—Different Grounds Urged at Trial.

1 Misc. 294; (48 St. Rep. 763; 20 Supp. 698).

Damages—Measure—Loss of Profits.

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Schillinger Fire Proof C. & A. Co.

v. Arnott, 86 Hun. 182; 67 St. Rep. 86; 33 Supp. 343.

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Schillinger Fire Proof C. & A. Co.

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6 Misc. 92; (55 St. Rep. 400; 26 Supp. 24). 86 Hun. 183; (33 Supp. 345).

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Co. v. Arnott, 152 N. Y. 584.

Schimpf v. Sliter, 64 Hun. 463; 46 St. Rep. 225; 19 Supp. 644.

Cited, Accidents—Errors of Judgment—When Excusable.

D. 12 Misc. 516; (67 St. Rep. 368; 33 Supp. 675).

Schindler v. Euell, 45 How. 33.

Cited, Partners—Assumption of Debts—Statute of Frauds.

19 Misc. 161.

Schintzer v. Adelson, 8 Daly. 269.

Cited, Appeal—From District Court—Review of Evidence.

1 Misc. 163; (48 St. Rep. 686; 20 Supp. 635). 13 Misc. 278; (68 St. Rep. 18; 34 Supp. 63).

Schisgal v. Wronkow, 18 Misc. 445; 76 St. Rep. 43; 42 Supp. 43.

Schiuter v. Bowery Sav. Bank, 117 N. Y. 125; 26 St. Rep. 922.

Cited, Executors—Foreign—Discharge of Decedent's Claim.

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Schlachter v. Hopkins, 84 Hun. 402; 65 St. Rep. 562; 33 Supp. 364.

Schlee v. N. Y. C. & Hudson River

R. Co., 13 Misc. 649; 69 St. Rep. 152; 34 Supp. 928.

Schlegel v. Winckel, 2 Dem. 232.

Cited, Judicial Settlement—Sureties—Supplemental Citation.

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Schlesinger v. David Meyer Brew-

ing Co., 20 Misc. 353; 79 St. Rep. 964; 45 Supp. 964.

Schlichting v. Wintgen, 25 Hun. 626.

Cited, Homicide—Death—Common Law Rule—Civil Cases.

14 App. Div. 36; (77 St. Rep. 990; 43 Supp. 990).

Schliermann v. Hammond Type-Writer Co., 11 Misc. 546; 64 St. Rep. 445; 32 Supp. 748.

Cited, Master and Servant—Dangerous Machines—Assumption of Risks.

20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Schloss v. Schloss, 14 App. Div. 333; 77 St. Rep. 788; 43 Supp. 788.

Schloemer v. Schloemer, 49 N. Y. 82.

Cited, Divorce—Proceedings to Determine Alimony—Expenses—To Whom Chargeable.

18 Misc. 79; (75 St. Rep. 975; 41 Supp. 584).

Schloss v. Schloss, 14 App. Div. 333; 43 Supp. 788.

Cited, Corporation—Execution Against Receiver.

15 App. Div. 449; (78 St. Rep. 514; 44 Supp. 514).

Schluter v. Bowery Savings Bank,

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Cited, Gift—Of Bank Deposit—Possession of Book.

3 Misc. 269; (51 St. Rep. 904; 22 Supp. 937).

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74 Hun. 526; (56 St. Rep. 721; 26 Supp. 829; 31 Abb. N. C. 143).

Schmalz v. Mead, 125 N. Y. 188; 34 St. Rep. 779.

Cited, Mechanic's Liens—Consent of Owner of Realty—How Shown.

137 N. Y. 193; (50 St. Rep. 388). 139 N. Y. 199; (54 St. Rep. 464). 59 St. Rep. 554; (38 Supp. 650). 11 Misc. 96; (66 St. Rep. 195; 32 Supp. 813). 19 Misc. 63; (77 St. Rep. 170; 43 Supp. 170). 84 Hun. 258; (64 St. Rep. 864; 31 Supp. 1104). 88 Hun. 3; (68 St. Rep. 289; 34 Supp. 506). 14 App. Div. 568, 570; (77 St. Rep. 1054, 1056; 43 Supp. 1054, 1056).

Mechanic's Lien—Notice—Omission of Owner's Name.

7 Misc. 534; (27 Supp. 999). 83 Hun. 258; (64 St. Rep. 864; 31 Supp. 1104). 10 Misc. 189; (62 St. Rep. 437; 30 Supp. 1043).

Schmalz v. Mead, 15 Daly. 223; 23 St. Rep. 117; 4 Supp. 614.

Affirmed, 125 N. Y. 188; 34 St. Rep. 779.

Cited, Mechanic's Lien—Consent of Owner.

10 Misc. 376; (64 St. Rep. 118; 31 Supp. 435).

Duplicate Citations in Parenthesis.

Schmeer v. Gas Light Co. of Syracuse, 147 N. Y. 529; 70 St. Rep. 92.

Reversing, 56 St. Rep. 892; 26 Supp. 1128.

Cited, Gas Companies—Negligence—Degree of Care.

15 App. Div. 76; (78 St. Rep. 285; 44 Supp. 285). 17 Misc. 627; (75 St. Rep. 75; 40 Supp. 673).

Schmeig v. Kochersberger, 18 Misc. 617; 77 St. Rep. 748; 43 Supp. 748.

Schmerenbeck v. Funke, 45 St. Rep. 30; 17 Supp. 717.

Cited, Principal and Agent—General Agent—Authority—Private Instructions.

3 Misc. 364; (52 St. Rep. 431; 23 Supp. 123).

Schmidberger v. Bloner, 66 Hun, 527; 50 St. Rep. 286; 21 Supp. 481.

Schmidt, Matter of, 77 Hun, 201; 59 St. Rep. 772; 28 Supp. 350.

Cited, Testamentary Guardians—Right to Appoint.

3 App. Div. 156; (73 St. Rep. 684; 38 Supp. 194). 70 St. Rep. 431; (35 Supp. 658; 25 Civ. Pro. 43).

Schmidt v. Blood, 9 Wend. 268.

Cited, Lien—Of Artisan on Chattel.

3 Misc. 97; (51 St. Rep. 606; 22 Supp. 550).

Schmidt v. Brown, 80 Hun, 183; 61 St. Rep. 831; 30 Supp. 68.

Cited, Verdict—Setting Aside.

19 Misc. 270; (78 St. Rep. 251; 44 Supp. 251).

Schmidt v. Cohn, 12 Daly, 134.

Cited, New Trial—Denial—Renewal of Application.

18 Misc. 194; (75 St. Rep. 703; 41 Supp. 293).

Schmidt v. Cook, 1 Misc. 227; 49 St. Rep. 213; 20 Supp. 889.

Cited, Negligence—Unnecessarily Exposing to Hazard.

D. 9 Misc. 421; (61 St. Rep. 704; 30 Supp. 198).

Schmidt v. Cook, 4 Misc. 85; 53 St. Rep. 84; 23 Supp. 799; 30 Abb. N. C. 285.

Reversing, 1 Misc. 227; 49 St. Rep. 213; 20 Supp. 889.

Cited, Master and Servant—Risks Assumed—Obviousness—Minors.

7 Misc. 13; (56 St. Rep. 843; 27 Supp. 335).

Negligence—Children—Attractions.

7 Misc. 647; (58 St. Rep. 393; 28 Supp. 14). 12 Misc. 449, 452, 454; (67 St. Rep. 330, 332, 333; 33 Supp. 624, 626, 627).

Contributory Negligence.

84 Hun, 59; (65 St. Rep. 23; 31 Supp. 1083).

Schmidt v. Cook, 10 Misc. 787; 63 St. Rep. 875; 30 Supp. 1135.

Affirmed, 12 Misc. 449; 67 St. Rep. 330; 33 Supp. 624.

Schmidt v. Cook, 12 Misc. 449; 67 St. Rep. 330; 33 Supp. 624.

Schmidt v. Eiseman, 6 Misc. 264; 58 St. Rep. 133; 26 Supp. 766.

Schmidt v. Garfield Nat. Bank, 64 Hun, 298; 46 St. Rep. 639; 19 Supp. 252.

Affirmed, 138 N. Y. 631; 51 St. Rep. 935.

Cited, Estoppel—Equitable—Unauthorized Act of Agent—Negligence in Preventing.

68 Hun, 219; (52 St. Rep. 92; 22 Supp. 806).

Schmidt v. Hensuer, 4 Dem. 275

Cited, Judicial Settlement—Interest of Petitioner.

75 St. Rep. 672.

Schmidt v. Keehn, 10 Supp. 267.

Cited, Evidence—Omission to Testify—Inference.

7 App. Div. 590; (40 Supp. 311).

Schmidt v. Livingston, 16 Misc. 554; 74 St. Rep. 264; 38 Supp. 746.

Schmidt v. Livingston, 19 Misc. 353; 77 St. Rep. 494; 43 Supp. 494.

Affirmed, 20 Misc. 324; 79 St. Rep. 915; 45 Supp. 915.

Schmidt v. Livingston, 20 Misc. 324; 79 St. Rep. 915; 45 Supp. 915.

Schmidt v. Mackie, 9 Week. Dig. 228.

Cited, Costs—Conditional for the Amendment of Pleading—Payment of—Retaxing.

6 Misc. 8; (58 St. Rep. 122; 26 Supp. 66).

Schmidt v. Manhattan R. Co., 11 Misc. 18; 63 St. Rep. 459; 31 Supp. 832.

Schmidt v. Nelke Art Lith. Co., 16 Misc. 300; 74 St. Rep. 308; 37 Supp. 1138.

Reversed, 17 Misc. 124; 39 Supp. 353.

Schmidt v. Nelke Art Lith. Co., 17 Misc. 124; 39 Supp. 353.

Cited, Corporations—Incorporation—Pleading.

19 Misc. 657; (78 St. Rep. 428; 41 Supp. 428).

Schmidt v. N. Y. El. R. Co., 2 App. Div. 481; 74 St. Rep. 281; 37 Supp. 1100

Schmidt v. Hoffman, 18 Misc. 225; 75 St. Rep. 868; 41 Supp. 477.

Duplicate Citations in Parenthesis.

Schmidt v. Reed, 132 N. Y. 108; 43 St. Rep. 490.

Affirming, 31 St. Rep. 395; 9 Supp. 705.

Cited, Contracts—Time as Essence of.

4 Misc. 442; (54 St. Rep. 142; 24 Supp. 698). 86 Hun, 19; (67 St. Rep. 236; 33 Supp. 404). 11 Misc. 560; (66 St. Rep. 102; 32 Supp. 773).

Schmidt v. Reed, 31 St. Rep. 395; 9 Supp. 705.

Affirmed, 132 N. Y. 108; 43 St. Rep. 490.

Cited, Vendor and Purchaser—Rights of Parties—Rescission of Contract—Time as Essence of.

8 Misc. 130; (59 St. Rep. 524; 28 Supp. 487).

Schmidt v. Rochester Lithograph & Printing Co., 31 St. Rep. 258; 9 Supp. 267.

Cited, Action—Change of Venue—Discretion of Court.

76 Hun, 119; (57 St. Rep. 382; 27 Supp. 834). 88 Hun, 253; (68 St. Rep. 622; 34 Supp. 658).

Schmidt v. Steinway & Hunters Point R. Co., 132 N. Y. 566; 43 St. Rep. 683.

Cited, Street Railways—Duty of Drivers—Obstructions.

2 Misc. 540; (51 St. Rep. 592; 22 Supp. 882).

Schmieder v. Kingsley, 6 Misc. 107; 55 St. Rep. 689; 28 Supp. 31.

Cited, Evidence—Conclusive by Contract—Failure to Read.

7 Misc. 132; (58 St. Rep. 10; 27 Supp. 338).

Schmitt v. Dry Dock R., Co., 2 City Ct. Rep. 359; 3 St. Rep. 257.

Cited, Evidence—Negligence—Proof of Alterations After Accident.

1 Misc. 5; (48 St. Rep. 508; 20 Supp. 613).

Schmitt v. Metropolitan Life Ins. Co., 13 App. Div. 120; 77 St. Rep. 318; 43 Supp. 318.

Schmitt v. National Life Ass'n, 84 Hun, 128; 65 St. Rep. 737; 32 Supp. 513.

Cited, Insurance—Proofs of Death—As Evidence.

13 Misc. 269; (68 St. Rep. 225; 34 Supp. 174).

Schmittler v. Simon, 25 Hun, 76.

Cited, Contract—Parties—Liability—Representative Capacity.

19 Misc. 555; (77 St. Rep. 400; 43 Supp. 400).

Schmittler v. Simon, 101 N. Y. 554.

Cited, Assignment—Equitable—Orders.

2 Misc. 414; (50 St. Rep. 586; 21 Supp. 981).

Contracts—Form—In Representative Capacity—Effect.

5 Misc. 299; (56 St. Rep. 725; 25 Supp. 469). 1 Misc. 406; (49 St. Rep. 876; 20 Supp. 947). 88 Hun, 93; (68 St. Rep. 687; 34 Supp. 632; 2 Ann. Cas. 155). 20 Misc. 242; (79 St. Rep. 795; 55 Supp. 795). 1 App. Div. 117; (72 St. Rep. 221; 37 Supp. 68). 9 Misc. 231; (61 St. Rep. 297; 30 Supp. 285). 13 App. Div. 194; (77 St. Rep. 398; 43 Supp. 399). 14 Misc. 245; (70 St. Rep. 455; 35 Supp. 720). 12 Misc. 541; (74 St. Rep. 560; 38 Supp. 107). D. 76 Hun, 59; (59 St. Rep. 150; 27 Supp. 668). 15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190).

Evidence—Parol—Conditions Precedent.

7 Misc. 154; (57 St. Rep. 501; 27 Supp. 365).

Schmittler v. Simon, 114 N. Y. 176; 23 St. Rep. 160.

Cited, Evidence—Parol—Defeasance of Contract.

2 Misc. 220; (52 St. Rep. 271; 23 Supp. 666).

Evidence—Parol—In Aid of Writing.

5 Misc. 299; (56 St. Rep. 726; 25 Supp. 468). 73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265). 135 N. Y. 629; (48 St. Rep. 446). 151 N. Y. 568. 14 Misc. 245; (70 St. Rep. 455; 35 Supp. 720). 76 St. Rep. 565; (42 Supp. 565).

Contracts—In Representative Character—Effect.

14 Misc. 241; (70 St. Rep. 452; 35 Supp. 718).

Schmitz v. Langaar, 88 N. Y. 503.

Cited, Executors and Administrators—Judgment Against—Priorities.

23 Supp. 843.

Guaranty—Termination—New Firm.

139 N. Y. 270; (54 St. Rep. 554).

Schnaderbeck v. Worth, 8 Abb. 37.

Cited, Counterclaim—Torts.

70 Hun, 26; (53 St. Rep. 441; 23 Supp. 1123).

Schneck v. Marx, 125 N. Y. 703; 34 St. Rep. 607.

Cited, Appeal—To Court of Appeals—Amount Involved.

71 St. Rep. 870.

Schneider, Matter of, 1 App. Div. 39; 36 Supp. 972.

Schneider v. Hill, 19 Misc. 56; 76 St. Rep. 879; 42 Supp. 879.

Duplicate Citations in Parenthesis.

Schneider v. Jacobi, 1 Duer, 694.

Cited, Pleading — Service — Priority — Answer and Offer of Judgment.

77 Hun, 593; (60 St. Rep. 497; 28 Supp. 1047).

Schneider v. Leizman, 57 Hun, 561; 33 St. Rep. 351; 11 Supp. 434.

Cited, Summary Proceedings—Defective Petition—Effect.

16 Misc. 320; (73 St. Rep. 570; 37 Supp. 951). 20 Misc. 193; (78 St. Rep. 1053; 44 Supp. 1053).

Schneider v. Rochester, 8 Misc. 652; 61 St. Rep. 63; 29 Supp. 1005.

Reversed, 90 Hun, 171; 70 St. Rep. 290; 35 Supp. 786.

Schneider v. Rochester, 90 Hun, 171; 70 St. Rep. 290; 35 Supp. 786.

Schneider v. Second Ave. R. Co., 133 N. Y. 583; 44 St. Rep. 680.

Cited, Evidence—Opinions—Experts.

142 N. Y. 38; (58 St. Rep. 440). 83 Hun, 525; (65 St. Rep. 123; 32 Supp. 86).

Street Railway—Duty of Drivers—Obstructions.

2 Misc. 540; (51 St. Rep. 591; 22 Supp. 382).

Accidents—Error of Judgment—Effect.

148 N. Y. 186.

Schneider v. Second Ave. R. Co., 39 St. Rep. 370; 15 Supp. 556.

Cited, Appeal—Evidence of Co-Defendant—Objection to—Availability.

76 Hun, 185; (57 St. Rep. 310; 27 Supp. 564).
Appeal—Presumptions — In Support of Verdict.

49 St. Rep. 459; (21 Supp. 101).

Schneider v. U. S. Life Ins. Co., 123 N. Y. 109.

Cited, Insurance—Husband as Agent of Wife.

16 Misc. 328; (38 Supp. 624).

Schnitzer v. Schaefer, 10 App. Div. 173; 75 St. Rep. 1277; 41 Supp. 908.

Schnitzer v. Willner, 5 Misc. 418; 25 Supp. 960.

Affirmed, 7 Misc. 497; 58 St. Rep. 45; 27 Supp. 970.

Schnitzer v. Willner, 7 Misc. 497; 58 St. Rep. 45; 27 Supp. 970.

Schnitzpahn v. Davis Sewing Machine Co., 19 Misc. 621; 78 St. Rep. 385; 44 Supp. 385.

Schnugg v. N. Y. El. R. Co., 6 Misc. 325; 56 St. Rep. 251; 27 Supp. 798.

Cited, Trial—Findings—Extent of Detail—Isolated Facts.

7 Misc. 557; (57 St. Rep. 732; 27 Supp. 878).

Schoeffin v. Calkins, 5 Misc. 159; 25 Supp. 696.

Schoellkopf v. Ohmeis, 11 Misc. 253; 65 St. Rep. 857; 64 St. Rep. 611; 32 Supp. 736; 1 Ann. Cas. 112.

Schoen v. Dry Dock E. B. & B. Co., 9 Supp. 709.

Cited, Negligence — Proximate Cause—Burden of Proof.

D. 14 App. Div. 41; (77 St. Rep. 994; 43 Supp. 994).

Schoen v. Wagner, 1 App. Div. 293; 72 St. Rep. 536; 37 Supp. 367.

Schoenberg v. Taylor, 9 App. Div. 236; 41 Supp. 491.

Schoener v. Lissauer, 107 N. Y. 111; 11 St. Rep. 368.

Distinguished, Limitation of Action—Equitable—Continuing Rights.

142 N. Y. 6; (58 St. Rep. 428).

Cited, Equity—Jurisdiction—To Remove Cloud on Title.

79 Hun, 540; (61 St. Rep. 555; 29 Supp. 937). 67 Hun, 250; (50 St. Rep. 821; 22 Supp. 202). 16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22). 153 N. Y. 240.

Limitation of Action—When Barred—Removal of Cloud on Title.

78 Hun, 611; (60 St. Rep. 3; 28 Supp. 833).

Schoenholtz v. Third Ave. R. Co., 14 Misc. 461; 70 St. Rep. 773; 36 Supp. 15.

Reversed, 16 Misc. 7; 73 St. Rep. 263; 37 Supp. 682.

Schoenholtz v. Third Ave. R. Co., 16 Misc. 7; 73 St. Rep. 263; 37 Supp. 682.

Schoenrock v. Farley, 49 Super. 302.

Cited, Pleading — General Denial—Proof Under.

16 Misc. 356; (38 Supp. 76).

Schofield v. Adams, 12 Hun, 366.

Cited, Wills—Legacies—Abatement.

5 Misc. 130; (25 Supp. 729).

Schofield v. Scott, 20 St. Rep. 815; 3 Supp. 496.

Cited, Assignment for Creditors — Presentment of Claims as Bar to Attack on Assignment.

68 Hun, 485; (52 St. Rep. 667; 23 Supp. 29).

Schoharie County, Supervisors of, v. Pindar, 3 Laus. 8.

Cited, Pleading—Authority to Sue.

40 Supp. 842. 8 App. Div. 225; (40 Supp. 314).

*Duplicate Citations in Parenthesis.***Scholey v. Halsey**, 72 N. Y. 578.*Cited*, Judgment—Reversal—Recovery of Money Paid in Satisfaction.

74 Hun, 431; (57 St. Rep. 210; 26 Supp. 591).

Scholey v. Mumford, 60 N. Y. 498.*Cited*, Contracts—Duress.

2 Misc. 203; (49 St. Rep. 522; 21 Supp. 270). 11 Misc. 690; (67 St. Rep. 360; 33 Supp. 571).

Scholl v. Albany & R. I. & S. Co., 101 N. Y. 602.*Cited*, Carriers—Demurrage—Liability of Consignee.

67 Hun, 140; (51 St. Rep. 544; 22 Supp. 614). 142 N. Y. 399; (59 St. Rep. 788). 10 App. Div. 405; (75 St. Rep. 1201; 41 Supp. 802).

Scholl v. Broadway R. Co. of Brooklyn, 137 N. Y. 566; 50 St. Rep. 933.*Affirming*, 43 St. Rep. 770; 17 Supp. 755.**Scholle v. Scholle**, 101 N. Y. 167.*Cited*, Trusts—Purchases by Trustees—Avoidance.

8 Misc. 642; (60 St. Rep. 134; 29 Supp. 1027; 31 Abb. N. C. 412). 80 Hun, 424; (62 St. Rep. 114; 30 Supp. 359). 13 Misc. 730; (69 St. Rep. 564; 35 Supp. 209).

Scholle v. Scholle, 113 N. Y. 261; 23 St. Rep. 171.*Cited*, Wills—Power to Sell—Construction.

136 N. Y. 110; (48 St. Rep. 891).

Wills—Conversion.

81 Hun, 20; (62 St. Rep. 263; 30 Supp. 570). 6 App. Div. 607; (39 Supp. 974). 7 App. Div. 9; (39 Supp. 798). 15 Misc. 380; (71 St. Rep. 584; 36 Supp. 669). 18 Misc. 436; (75 St. Rep. 1188; 41 Supp. 790). 18 App. Div. 193; (79 St. Rep. 872; 45 Supp. 872).

Schomaker, Matter of, 15 Misc. 648; 73 St. Rep. 356; 38 Supp. 167.**Schoonmaker, Matter of**. See *Evans v. Schoonmaker*.**Schoonmaker v. Blass**, 88 Hun, 179; 68 St. Rep. 392; 34 Supp. 424.*Cited*, Pleading—Amendment—Review.

3 App. Div. 425; (74 St. Rep. 148; 38 Supp. 655).

Schoonmaker v. Bonnie, 20 St. Rep. 428; 3 Supp. 492.*Cited*, Appeal—Review—Power to Modify

3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 233). 16 App. Div. 470; (78 St. Rep. 938; 44 Supp. 938).

Schoonmaker v. Hoyt, 72 Hun, 407; 55 St. Rep. 287; 25 Supp. 337.*Reversed*, 148 N. Y. 425.**Schoonmaker v. Hoyt**, 148 N. Y. 425.*Cited*, Contracts—Construction—Apparent Intent.

149 N. Y. 56. 14 App. Div. 589; (78 St. Rep. 31; 44 Supp. 31). D. 15 App. Div. 36; (78 St. Rep. 110; 44 Supp. 110).

Schoonmaker v. Spencer, 54 N. Y. 366.*Cited*, Appeal—Justice's Courts—Sustaining Conclusions.

92 Hun, 526; (72 St. Rep. 432; 36 Supp. 1030). 10 Misc. 292; (63 St. Rep. 245; 30 Supp. 1055; 24 Civ. Pro. 130).

Schoonmaker v. Van Wyck, 31 Barb. 457.*Cited*, Executors—Conveyance to of Land in Payment of Mortgage on—Rights of Estate in Land.

78 Hun, 190; (60 St. Rep. 267; 28 Supp. 927). 82 Hun, 147; (63 St. Rep. 764; 31 Supp. 316).

Schoonmaker v. Vervalen, 9 Hun, 138.*Cited*, Sales—Passing Title—Failure to Deliver.

16 App. Div. 604; (78 St. Rep. 971; 44 Supp. 971).

Schoonoven v. Beach, 23 Week. Dig. 348.*Cited*, Slander—Construction of Words—Question for Jury.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Schopen v. Baldwin, 83 Hun, 234; 64 St. Rep. 212; 31 Supp. 581.*Cited*, Pleading—General Denial—Proof under—Misfeasance of Servant.

17 App. Div. 407; (79 St. Rep. 228; 45 Supp. 228).

Schorestene v. Iselin, 69 Hun, 250; 53 St. Rep. 347; 23 Supp. 557.**Schork v. Moritz**, 24 St. Rep. 898; 6 Supp. 554.*Cited*, Pleading—Amendment on Trial.

6 Misc. 149; (56 St. Rep. 410; 26 Supp. 34).

Schout v. Conkey Ave. Sav. & Loan Ass'n., 11 M. sc. 454; 66 St. Rep. 76; 32 Supp. 713.*Affirmed*, 87 Hun, 568.**Schram v. Werner**, 81 Hun, 561; 63 St. Rep. 340; 31 Supp. 47; 24 Civ. Pro. 161.*Cited*, Appeal—Review—Direction of Verdict.

84 Hun, 166; (65 St. Rep. 684; 32 Supp. 556).

Schram v. Werner, 85 Hun, 293; 66 St. Rep. 479; 32 Supp. 995.

Duplicate Citations in Parenthesis.

Schrank v. Rochester R. Co., 83
290; 64 St. Rep. 754; 31 Supp. 922.

**Schrauth v. Dry Dock Savings
Bank**, 86 N. Y. 390.

Cited, Execution—Supplementary Pro-
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son.

2 Misc. 403; (50 St. Rep. 586; 21 Supp.
980) 12 Misc. 628; (68 St. Rep. 133; 34 Supp.
254; 25 Civ. Pro. 46).

Schreiber, Matter of, 22 St. Rep. 892;
5 Supp. 47.

Cited, Wills—Testamentary Capacity—
Confirmed Drunkards.

5 Misc. 203; (25 Supp. 112).

Schreiber v. New York, 11 Misc. 551;
64 St. Rep. 451; 32 Supp. 744.

Schreiber v. Schreiber, 3 Misc. 411; 52
St. Rep. 436; 23 Supp. 299.

**Schreiner v. N. Y. C. & H. R. R.
Co.**, 12 App. Div. 551; 76 St. Rep. 163;
42 Supp. 163.

Schreyer v. New York, 39 Super. 1.
Cited, Pleadings—Admissions—Effect.
13 Misc. 516; (49 St. Rep. 113; 34 Supp.
947).

Schribner v. Beach, 4 Den. 448.

Cited, Assault—Right to Resist.

18 App. Div. 234; (79 St. Rep. 949; 45
Supp. 949).

**Schrieber v. New York Driving
Club**, 15 Misc. 632; 72 St. Rep. 701; 37
Supp. 348.

Reversed, 17 Misc. 131; (39 Supp. 348).

**Schrieber v. New York Driving
Club**, 17 Misc. 131; 39 Supp. 348.

Schrieber v. Sanford, 18 App. Div. 158;
79 St. Rep. 442; 45 Supp. 442.

Schumpton v. Eschwege. See Alfred
Shumpton & Sons v. Eschwege.

Schriver v. Johnstown, Village of,
71 Hun, 232; 54 St. Rep. 573; 24 Supp.
1083.

Affirmed, 148 N. Y. 758.

Cited, Municipal Corporations—Duties
and Liabilities—Sewers—Outlets.

77 Hun, 605; (50 St. Rep. 485; 28 Supp.
1044).

Schroeder v. Becker, 22 Week. Dig.
261.

Cited, Practice—Pleading—Sufficiency—
Statement of Facts.

82 Hun, 138; (63 St. Rep. 391; 31 Supp.
100).

Schroeder v. Gurney, 73 N. Y. 430.

Cited, Equity—Cloud on Title—Removal.

16 App. Div. 387; (79 St. Rep. 25; 45
Supp. 25).

Schroeder v. Post, 3 App. Div. 411; 38
Supp. 677.

Schroeppe v. Corning, 6 N. Y. 107.
Cited, Action—Election of Remedies—
Tort and Contract.

2 Misc. 118; (49 St. Rep. 230).

Schroeppe v. Dingman, 17 Week.
Dig. 257.

Cited, Chattel Mortgages—Mortgageable
Interest—Title in Lessor.

80 Hun, 294; (61 St. Rep. 831; 30 Supp.
92).

Schroeter v. Schroeter, 23 Hun, 230.

Cited, Appeal—Review of Referee's Find-
ings—Divorce.

73 Hun, 262; (57 St. Rep. 288; 26 Supp.
267).

Husband and Wife—Divorce—Referee's
Decision—Confirmation.

7 Misc. 308; (53 St. Rep. 355; 28 Supp.
138; 23 Civ. Pro. 386).

**Schron v. Staten Island Electric
R. Co.**, 16 App. Div. 111; 79 St. Rep.
124; 45 Supp. 124.

Schryer v. Fenton, 15 App. Div. 158; 78
St. Rep. 203; 44 Supp. 203.

**Schryver v. Metropolitan Life Ins.
Co.**, 29 Supp. 1092.

Schuehle v. Reiman, 86 N. Y. 270.

Cited, Courts—Conflict of Authority—Ex-
clusiveness of Jurisdiction First Acquired.

9 Misc. 651; (62 St. Rep. 269; 30 Supp.
481).

Equity—Restraining Actions at Law.

143 N. Y. 269; (62 St. Rep. 533).

Schular v. Hudson River R. Co., 38
Barb. 653.

Cited, Master and Servant—Liability of
Master to Third Person—For Acts of Agent
—Negligence of Agent—Driving.

8 Misc. 437; (58 St. Rep. 855; 28 Supp.
679).

Schulberg v. Gutterman, 8 Misc. 502;
59 St. Rep. 412; 28 Supp. 763.

Schuler, Matter of, 24 Supp. 847.

Schuler v. Roberts, 49 St. Rep. 811; 21
Supp. 27.

Schuler v. Third Ave. R. Co., 1 Misc.
351; 48 St. Rep. 673; 20 Supp. 683.

Cited, Damages—Personal Injuries—Pe-
rsonal Recoverable For.

3 Misc. 307; (52 St. Rep. 119; 22 Supp.
933). 8 Misc. 90; (58 St. Rep. 817; 28
Supp. 599). 18 Misc. 29; (75 St. Rep. 516; 41
Supp. 53).

Evidence—Damages—Pain and Suffering.

8 Misc. 231; (59 St. Rep. 447; 28 Supp.
723). 11 Misc. 417; (65 St. Rep. 440; 32
Supp. 256).

Duplicate Citations in Parenthesis.

Schulman v. Houston, West St. & Pavonia Ferry R. Co., 15 Misc. 30; 71 St. Rep. 489; 36 Supp. 439.

Schult v. Moll, 132 N. Y. 122; 43 St. Rep. 484.

Cited, Wills—Devise of Estate in Fee. 67 Hun, 248; (50 St. Rep. 819; 22 Supp. 203). 75 Hun, 432; (57 St. Rep. 340; 27 Supp. 676). 16 Misc. 101; (72 St. Rep. 530; 37 Supp. 250).

Schulte v. Lestershire Boot & Shoe Co., 88 Hun, 226; 68 St. Rep. 258; 34 Supp. 663.

Cited, Costs—Equity—Appeal—Review. 3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1072).

Schulter v. Bowery Sav. Bank, 117 N. Y. 125; 26 St. Rep. 922.

Cited, Trusts—Creation—Sufficiency. 88 Hun, 15; (68 St. Rep. 492; 34 Supp. 485).

Schultheis v. McInerny, 37 St. Rep. 537; 13 Supp. 684.

Distinguished, Reference—Report—Alteration.

66 Hun, 453; (50 St. Rep. 461; 21 Supp. 241).

Cited, Referees—Findings of Fact. 70 St. Rep. 178; (35 Supp. 480; 25 Civ. Pro. 62).

Schults v. Pulver, 11 Wend. 361.

Cited, Executors—Neglect of Duty—Effect.

13 Misc. 377; (69 St. Rep. 488; 35 Supp. 115; 25 Civ. Pro. 81).

Schults v. Third Ave. R. Co., 47 Super. 285.

Cited, New Trial—To Impeach Adversary's Witnesses.

12 App. Div. 410; (76 St. Rep. 942; 42 Supp. 942).

Schultz v. Cohen, 13 Misc. 638; 69 St. Rep. 151; 34 Supp. 927.

Schultz v. Griffin, 5 Misc. 499; 26 Supp. 713.

Cited, Brokers—Commissions—Right to. 17 Misc. 404; (39 Supp. 1058).

Schultz v. Hoagland, 85 N. Y. 464.

Cited, Fraudulent Conveyances—Impeachment—Evidence.

86 Hun, 421; (67 St. Rep. 178; 33 Supp. 522). 13 Misc. 447; (70 St. Rep. 142; 35 Supp. 530).

Schultz v. N. Y. C. & H. R. R. Co., 69 Hun, 515; 53 St. Rep. 149; 23 Supp. 509.

Affirmed, 143 N. Y. 670; 63 St. Rep. 867.

Schultz v. Pulver, 11 Wend. 361.

Cited, Executors—Conduct of Estate—Collection of Debts—Liability.

5 Misc. 564; (26 Supp. 724). 16 Misc. 175; (38 Supp. 1136).

Schultz v. Rohe, 4 Misc. 384; 53 St. Rep. 576; 24 Supp. 118.

Schultz v. Schultz, 35 N. Y. 653.

Cited, Wills—Failure to Find—Effect.

88 Hun, 108; (68 St. Rep. 649; 34 Supp. 586). 72 St. Rep. 127; (37 Supp. 94).

Schultz v. Schultz, 89 N. Y. 644.

Reversing, 27 Hun, 26.

Cited, Husband and Wife—Actions Against Other—Tort.

9 Misc. 35; (59 St. Rep. 544; 29 Supp. 295; 31 Abb. N. C. 318).

Evidence—Witnesses—Hostility.

146 N. Y. 327; (66 St. Rep. 639).

Pleading—Damages—Amendment on Appeal.

2 App. Div. 476; (74 St. Rep. 345; 37 Supp. 1047).

Schultz v. Third Ave. R. Co., 46 Super. 211.

Reversed, 89 N. Y. 242.

Cited, Damages for Personal Injury—Measure of—Question for Jury.

8 Misc. 659; (59 St. Rep. 540; 29 Supp. 1125; 31 Abb. N. C. 426).

Schultz v. Third Ave. R. Co., 47 Super. 285.

Cited, New Trial—New Evidence—Probable Effect.

79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769).

Schultze v. Rodewald, 1 Abb. N. C. 365.

Cited, Pleading—Answer—False—Sham—Striking Out.

5 Misc. 512; (58 St. Rep. 106; 25 Supp. 970).

Schulz v. Rohe, 149 N. Y. 132.

Reversing, 8 Misc. 638; 59 St. Rep. 892; 28 Supp. 1148.

Cited, Master and Servant—Risks—Assumption.

20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Schulz v. Second Ave. R. Co., 12 App. Div. 445; 76 St. Rep. 710; 42 Supp. 710.

Schulze v. Sims Lumber Co., 14 App. Div. 274; 77 St. Rep. 463; 43 Supp. 463.

Duplicate Citations in Parenthesis.

Schumacher v. Mather, 133 N. Y. 590; 44 St. Rep. 754.

Cited, Sales—Fraud — Representations—Opinions—Effect.

3 Misc. 26; (51 St. Rep. 126; 22 Supp. 179). 79 Hun, 218; (61 St. Rep. 400; 29 Supp. 504). 8 Misc. 111; (90 Hun, 223; 59 St. Rep. 512; 28 Supp. 623). 82 Hun, 297; (64 St. Rep. 75; 31 Supp. 489) 74 Hun, 70; (56 St. Rep. 177; 26 Supp. 360).

Schumacher v. Waring, 7 Misc. 161; 57 St. Rep. 539; 27 Supp. 325.

Cited, Evidence—Weight—How Determined.

12 App. Div. 180; (76 St. Rep. 837; 42 Supp. 837).

Appeal—From District Court—Evidence—Review—Reversal.

12 Misc. 457; (67 St. Rep. 326; 33 Supp. 620). 13 Misc. 264; (67 St. Rep. 830; 34 Supp. 4). 14 Misc. 344; (70 St. Rep. 461; 35 Supp. 684).

Shuneman v. Paradise, 46 How. 426.

Cited, Infants—Liability for Torts.

2 Misc. 237; (50 St. Rep. 763; 21 Supp. 1007).

Schuster v. Dutchess County Ins. Co., 102 N. Y. 260; 1 St. Rep. 415.

Cited, Insurance—On Real and Personal Property—Severance.

69 Hun, 505; (52 St. Rep. 719; 23 Supp. 402).

Insurance—Policy Covering Distinct Subjects—Partial Breach—Effect of.

1 Misc. 117; (48 St. Rep. 655; 20 Supp. 647).

Insurance—Prohibition of Encumbrance—Divisibility.

66 Hun, 223; (49 St. Rep. 9; 21 Supp. 51).

Schuster v. Ganzenmuller, 17 Misc. 308; 40 Supp. 1148.

Reversed, 18 Misc. 16; 75 St. Rep. 431; 40 Supp. 1116.

Schuster v. Ganzenmuller, 18 Misc. 16; 75 St. Rep. 431; 40 Supp. 1116.

Schutz v. Morette, 81 Hun, 518; 63 St. Rep. 428; 31 Supp. 39.

Reversed, 146 N. Y. 137; 66 St. Rep. 271; 2 Ann. Cas. 35.

Schutz v. Morette, 146 N. Y. 137; 66 St. Rep. 271; 2 Ann. Cas. 35.

Cited, Decedent's Estates —Presentment of Claims—Silence of Executor—Effect.

152 N. Y. 326. 1 App. Div. 326; (72 St. Rep. 588; 37 Supp. 261). 16 App. Div. 37; (78 St. Rep. 807; 44 Supp. 807)

Executors — Actions Against—In Representative Capacity.

19 Misc. 217; (78 St. Rep. 421; 44 Supp. 421).

Schuyler v. Busbey, 68 Hun, 474; 52 St. Rep. 652; 10 Supp. 102.

Affirmed, 142 N. Y. 680; 60 St. Rep. 872.

Schuyler v. Curtis, 27 Abb. N. C. 387; 40 St. Rep. 289; 15 Supp. 787.

Affirmed, 64 Hun, 594; 19 Supp. 264.

Distinguished, Injunction — Enjoining Erection of Statute in Honor of Deceased Person.

30 Abb. N. C. 373.

Cited, Injunction—When Granted—Publication of Portrait.

6 Misc. 291; (26 Supp. 909).

Schuyler v. Curtis, 24 Supp. 509; 30 Abb. N. C. 376.

Affirmed, 70 Hun, 598; 54 St. Rep. 936; 24 Supp. 512.

Schuyler v. Curtis, 147 N. Y. 434; 70 St. Rep. 15.

Reversing, 70 Hun, 598; 54 St. Rep. 936; 24 Supp. 512.

Cited, Right of Privacy—Available.

39 Supp. 516.

Schuyler v. Englert, 10 Daly, 463.

Distinguished, Arrest—Civil—Liability on Undertaking.

2 Misc. 424; (50 St. Rep. 763; 21 Supp. 1027; 23 Civ. Pro. 152).

Schuyler v. Pelissier, 3 Edw. 191.

Cited, Injunction — Legal Proceedings — Federal Courts.

69 Hun, 466; (52 St. Rep. 900; 24 Supp. 222).

Schuyler v. Ross, 37 St. Rep. 805; 13 Supp. 944.

Distinguished, Accord and Satisfaction.

88 Hun, 347; (68 St. Rep. 390; 34 Supp. 401).

Schuyler v. Smith, 51 N. Y. 309.

Cited, Landlord and Tenant — Lease — Holding Over—Presumption—Liability of Tenant.

5 Misc. 264; (25 Supp. 106). 77 Hun, 200; (59 St. Rep. 763; 28 Supp. 354). 1 App. Div. 454; (72 St. Rep. 481; 37 Supp. 377). 18 Misc. 71, 73; (75 St. Rep. 486; 41 Supp. 31, 32). 18 Misc. 191; (75 St. Rep. 700; 41 Supp. 290). 1 App. Div. 506; (72 St. Rep. 614; 37 Supp. 289). 9 App. Div. 594; (75 St. Rep. 1099; 41 Supp. 709; 3 Ann. Cas. 342). 11 Misc. 347; (65 St. Rep. 276; 32 Supp. 134). 12 Misc. 350; (67 St. Rep. 349; 33 Supp. 635). 19 Misc. 525, 526; (77 St. Rep. 1062, 1063; 43 Supp. 1062, 1063; 3 Ann. Cas. 374). 20 Misc. 596; 18 App. Div. 291; (79 St. Rep. 840; 45 Supp. 840). 65 St. Rep. 786; (33 Supp. 655).

Trial—Dismissal of Answer on.

Duplicate Citations in Parenthesis.

4 Misc. 82; (53 St. Rep. 71; 23 Supp. 854).

Reference—Powers of Referee.

13 Misc. 96; (63 St. Rep. 74; 34 Supp. 82). 69 St. Rep. 626; (36 Supp. 659).

Schuyler Steam Tow Boat Co., Matter of, 136 N. Y. 169; 48 St. Rep. 830.

Affirming, 64 Hun, 384; 46 St. Rep. 963; 19 Supp. 565.

Cited, Courts—Appointment of Receivers—Power to Restrain Attachments.

1 App. Div. 377; (72 St. Rep. 587; 37 Supp. 312).

Receivers—Title.

12 App. Div. 493; (76 St. Rep. 803; 42 Supp. 803).

16 App. Div. 151; (79 St. Rep. 102; 45 Supp. 102). D. 16 App Div. 405; (79 St. Rep. 18; 45 Supp. 18). 13 Misc. 491; (70 St. Rep. 138; 35 Supp. 526).

Schwab v. Furniss, 4 Sandf. 704.

Cited, Pleading—Demurrer to Answer—Challenging Complaint on.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).

Schwab v. Kaughbran, 42 St. Rep. 407; 17 Supp. 926.

Cited, Assignment for Creditors—Fraud of Assignor.

20 Misc. 71; (78 St. Rep. 442; 44 Supp. 442).

Schwab v. People, 4 Hun, 520.

Cited, Indictment—Illegal Sale of Liquor—Proof of License—Burden.

83 Hun, 158; (64 St. Rep. 115; 31 Supp. 565).

Schwabeland v. Buchler, 8 Misc. 86; 58 St. Rep. 831; 28 Supp. 523.

Schwabeland v. Buchler, 10 Misc. 773; 63 St. Rep. 526; 31 Supp. 143.

Schwabeland v. Holahan, 6 Misc. 623; 56 St. Rep. 600; 26 Supp. 880.

Affirmed, 10 Misc. 176; 62 St. Rep. 518; 30 Supp. 910.

Schwabeland v. Holahan, 10 Misc. 176; 62 St. Rep. 518; 30 Supp. 910.

Schwander v. Birge, 33 Hun, 186.

Cited, Trial—Question of Fact—Negligence.

9 Misc. 100; (62 St. Rep. 224; 29 Supp. 712).

Schwander v. Birge, 46 Hun, 66; 10 St. Rep. 802.

Cited, Evidence—Experts.

87 Hun, 537; (68 St. Rep. 633; 34 Supp. 575). 64 St. Rep. 116; (31 Supp. 433).

Schwann v. Clark, 7 Misc. 242; 58 St. Rep. 24; 27 Supp. 262.

Affirmed, 9 Misc. 117; 59 St. Rep. 706; 29 Supp. 289.

Schwann v. Clark, 9 Misc. 117; 59 St. Rep. 706; 29 Supp. 289.

Affirming, 7 Misc. 242; 58 St. Rep. 24; 27 Supp. 262.

Cited, Defenses—Statute of Frauds—Omission to Plead—Effect.

18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381).

Schwanzer v. Brooklyn Heights R. Co., 18 App. Div. 205; 79 St. Rep. 889; 45 Supp. 889.

Schwartz v. Allen, 24 St. Rep. 912; 7 Supp. 5.

Cited, Evidence—Documentary—Entries by Decedents.

49 St. Rep. 562; (20 Supp. 912).

Mechanic's Lien—Notice—Verification.

66 Hun, 134; (48 St. Rep. 880; 21 Supp. 56). 3 Misc. 92; (51 St. Rep. 755; 22 Supp. 545).

Schwartz v. Hyman, 107 N. Y. 562; 12 St. Rep. 478.

Cited, Guaranty—Contracts of—Rules of Construction.

1 Misc. 334 (18 St. Rep. 707; 20 Supp. 680). 2 App. Div. 586; (74 St. Rep. 446; 37 Supp. 17).

14 Misc. 233; (70 St. Rep. 256; 35 Supp. 835).

Schwartz v. McKenzie, 7 Misc. 565; 58 St. Rep. 358; 28 Supp. 87.

Schwartz v. Oppold, 74 N. Y. 307.

Cited, Pleading—Answer—General Denial—Proof.

141 N. Y. 345 (57 St. Rep. 431). 144 N. Y. 359, 360; (63 St. Rep. 664, 665; 1 Ann. Cas. 164).

Pleading—Verification—Waiver.

90 Hun, 185; (70 St. Rep. 663; 35 Supp. 948).

Schwartz v. Scott, 70 St. Rep. 380; 35 Supp. 607; 25 Civ. Pro. 53.

Schwartz v. Weber, 103 N. Y. 658; 3 St. Rep. 611.

Cited, Appeal—Case—Failure to Serve—Effect.

76 Hun, 606; (59 St. Rep. 437; 28 Supp. 221; 23 Civ. Pro. 393). 11 App. Div. 318; (76 St. Rep. 573; 42 Supp. 573). 16 App. Div. 103; (79 St. Rep. 119; 45 Supp. 119). 12 Misc. 87; (66 St. Rep. 697; 33 Supp. 96).

Schwartz v. Wechler, 2 Misc. 67; 49 St. Rep. 145; 20 Supp. 861; 23 Civ. Pro. 21.

Cited, Appeal—Review of Facts and Verdict—Conclusiveness—Conflicting Evidence.

Duplicate Citations in Parenthesis.

4 Misc. 522; (54 St. Rep. 121; 24 Supp. 731). 7 Misc. 318; (57 St. Rep. 553; 27 Supp. 903). 7 Misc. 318; (57 St. Rep. 552; 27 Supp. 906). 7 Misc. 708; (58 St. Rep. 334; 28 Supp. 36). 9 Misc. 127; (59 St. Rep. 701; 29 Supp. 279). 9 Misc. 498; (61 St. Rep. 129; 30 Supp. 231). 10 Misc. 123; (62 St. Rep. 512; 30 Supp. 914). 10 Misc. 750; (64 St. Rep. 620; 31 Supp. 813).

Associations—Actions Against.

13 App. Div. 225; (77 St. Rep. 218; 43 Supp. 218).

Justice's Court—Jurisdiction—New Trial.

7 Misc. 183; (57 St. Rep. 525; 27 Supp. 322). 12 Misc. 159; (66 St. Rep. 359; 32 Supp. 1075). 9 Misc. 72; (59 St. Rep. 688; 29 Supp. 67). 13 Misc. 242; (68 St. Rep. 14; 34 Supp. 59; 25 Civ. Pro. 260).

Schwartz v. Wood, 51 St. Rep. 4; 21 Supp. 1053.

Schween v. Greenberg, 76 Hun, 354; 59 St. Rep. 184; 27 Supp. 760.

Schweigert, Matter of, 17 Misc. 186; 75 St. Rep. 380; 40 Supp. 979.

Schwemmer v. Stratton, 49 St. Rep. 537; 22 Supp. 523.

Cited, Appeal—From Justices' Court—Costs—Payment.

89 Hun, 192; (69 St. Rep. 238; 35 Supp. 9).

Schwenck v. Naylor, 102 N. Y. 683.

Cited, Contracts—Avoidance—Fraud.

14 Misc. 521; (70 St. Rep. 701; 35 Supp. 1084).

Schwencke v. Haffner, 18 App. Div. 182; 79 St. Rep. 937; 45 Supp. 937.

Schwerin v. McKie, 51 N. Y. 180.

Cited, Bailments—Failure to Deliver—Effect.

148 N. Y. 620.

Schwieb v. N. Y. C. & H. R. R. Co., 90 N. Y. 558.

Cited, Trial—Witnesses—Failure to Call—Effect.

6 Misc. 262; (58 St. Rep. 129; 26 Supp. 761). 85 Hun, 93; (66 St. Rep. 73; 32 Supp. 689). 88 Hun, 214; (68 St. Rep. 702; 34 Supp. 722). 7 App. Div. 590; (40 Supp. 311). 13 App. Div. 330; (77 St. Rep. 204; 43 Supp. 204). 10 Misc. 671; (64 St. Rep. 299; 31 Supp. 674).

Negligence—Questions of Fact.

5 App. Div. 31; (39 Supp. 68).

Schwinger v. Hickok, 53 N. Y. 280.

Cited, Execution—Sale Under—Rights of Bona Fide Purchaser.

148 N. Y. 134.

Schwinger v. Raymond, 83 N. Y. 192.

Cited, Trial—Inconsistent Findings—Appeal—Review of.

73 Hun, 338; (55 St. Rep. 919; 26 Supp. 270). 9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6).

Pleading—Counterclaim—Failure to Set Up—Effect.

81 Hun, 131; (62 St. Rep. 634; 30 Supp. 681).

Schwinger v. Raymond, 105 N. Y.

648; 7 St. Rep. 544; 26 Week. Dig. 286;

1 Silv. Ct. App. 395.

Cited, Appeal—Extent of Review—Exceptions.

7 Misc. 669; (58 St. Rep. 381; 28 Supp. 42). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708). 1 Misc. 364; (48 St. Rep. 785; 20 Supp. 637). 2 Misc. 425; (50 St. Rep. 610; 21 Supp. 989). 7 Misc. 66 (57 St. Rep. 527; 27 Supp. 405). 8 Misc. 270; (59 St. Rep. 202; 28 Supp. 716). 9 Misc. 67; (59 St. Rep. 681; 29 Supp. 15). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 997). 9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6). 150 N. Y. 221. 8 Misc. 292; (59 St. Rep. 208; 28 Supp. 572; 31 Abb. N. C. 437). 3 Misc. 71; (51 St. Rep. 857; 22 Supp. 555). 10 Misc. 141; (62 St. Rep. 479; 30 Supp. 915). 1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683). 4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880). 9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 1 Misc. 283; (48 St. Rep. 667; 20 Supp. 705). 13 Misc. 15; (67 St. Rep. 845; 33 Supp. 995). 14 Misc. 287; (70 St. Rep. 465; 35 Supp. 688). 10 Misc. 389; (64 St. Rep. 114; 31 Supp. 431). 13 Misc. 188; (67 St. Rep. 865; 34 Supp. 10). 13 Misc. 168; (68 St. Rep. 97; 34 Supp. 112). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

Trial—Defect of Proof—Cure—Waiver.

2 Misc. 437; (51 St. Rep. 580; 21 Supp. 957).

Appeal—General Term—Reversal on Evidence.

9 Misc. 83; (59 St. Rep. 751; 29 Supp. 37). 19 Misc. 482; (77 St. Rep. 1071; 43 Supp. 1071). 19 Misc. 55; (76 St. Rep. 826; 42 Supp. 836). 19 Misc. 167.

Scidmore v. Smith, 13 Johns. 323.

Cited, Contract—Illegal—Enforcement—Punitive Enactment as Effecting.

8 Misc. 208; (58 St. Rep. 841; 28 Supp. 533).

Sciolina v. Erie Preserving Co., 151 N. Y. 50; 3 Ann. Cas. 237.

Sciolina v. Erie Preserving Co., 7 App. Div. 417; 39 Supp. 916.

Scobell v. Block, 82 Hun, 223; 64 St. Rep. 796; 31 Supp. 975.

Duplicate Citations in Parenthesis.

Scotfield v. Churchill, 72 N. Y. 565.

Cited, Bonds—Of Trustees—Adjudication Against Principal—Conclusiveness on Surety.

70 Hun, 327; (54 St. Rep. 40; 24 Supp. 443). 152 N. Y. 503.

Scotfield v. Doscher, 72 N. Y. 491.

Cited, Mortgage—Foreclosure—Prior Judgment for Debt.

69 Hun, 418; (52 St. Rep. 636; 23 Supp. 468).

Scotfield v. Hernandez, 47 N. Y. 313.

Cited, Reference—Non-suit—Exception—Review.

148 N. Y. 85. 10 Misc. 724; (64 St. Rep. 639; 31 Supp. 818).

Scotfield v. Spaulding, 54 Hun, 523; 28 St. Rep. 108; 7 Supp. 927.

Cited, Appeal—Review of Facts—Fraudulent Conveyance.

77 Hun, 471; (60 St. Rep. 543; 28 Supp. 1079).

Evidence—Testimony in Supplementary Proceedings—Against Whom Admissible.

68 Hun, 597; (52 St. Rep. 593; 23 Supp. 243).

Evidence—Admissions During Action.

2 Misc. 327; (51 St. Rep. 586; 21 Supp. 996).

Evidence—Declarations—Of Grantor in Fraudulent Conveyance.

73 Hun, 420; (53 St. Rep. 38; 26 Supp. 921). 82 Hun, 400; (63 St. Rep. 566; 31 Supp. 262).

Scotfield v. Van Sycle, 23 How. 97.

Cited, Pleading—Answer—Non-joinder of Parties.

76 Hun, 231; (59 St. Rep. 124; 27 Supp. 737).

Scotfield v. Warren, 13 Misc. 209; 68 St. Rep. 225; 34 Supp. 175.

Scotfield v. Whitelegge, 49 N. Y. 259.

Cited, Pleading—Form—Conclusions. 8 Misc. 225; (59 St. Rep. 452; 28 Supp. 567; 23 Civ. Pro. 440). 14 Misc. 550; (70 St. Rep. 719; 35 Supp. 1074).

Pleadings—Omissions—Effect.

10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Conversion—Demand—Necessity.

D. 4 Misc. 97; (53 St. Rep. 83; 23 Supp. 861).

Complaint—Dismissal—Discretion.

10 Misc. 166; (62 St. Rep. 484; 30 Supp. 830).

Scott, Matter of, 89 Hun, 93; 69 St. Rep. 89; 34 Supp. 1031.

Affirmed, 148 N. Y. 588; 3 Ann Cas. 1.

Scott, Matter of, 148 N. Y. 588; 3 Ann. Cas. 1.

Cited, Corporations—Insolvency—Preferences to Employees.

79 St. Rep. 632, 633, 635; (45 Supp. 632, 633, 635).

Scott v. Baudett, 41 St. Rep. 675; 16 Supp. 409.

Cited, Attachment—Affidavits—Sufficiency.

50 St. Rep. 494; (21 Supp. 749). 18 Misc. 643; (77 St. Rep. 776; 43 Supp. 776).

Scott v. Brown, 24 Hun, 620.

Cited, Actions—Survivability.

79 St. Rep. 713; (45 Supp. 713).

Scott v. Calladine, 79 Hun, 79; 61 St. Rep. 172; 29 Supp. 630.

Affirmed, 145 N. Y. 639; 67 St. Rep. 900.

Scott v. Central Park, N. & E. R. Co., 53 Hun, 414; 24 St. Rep. 754; 6 Supp. 382.

Cited, Carriers—Assault on Passenger.

10 Misc. 19; (62 St. Rep. 644; 30 Supp. 532).

Scott v. Central Park, N. & E. R. Co., 13 St. Rep. 551.

Cited, Appeal—Conflict of Evidence.

49 St. Rep. 271; (21 Supp. 141).

Scott v. Delahunt, 65 N. Y. 128.

Cited, Lien—Of Artisan on Chattel.

3 Misc. 98; (51 St. Rep. 607; 22 Supp. 550).

Liens—Repairs to Mortgaged Chattel.

2 Misc. 195; (49 St. Rep. 572; 21 Supp. 265).

Scott v. Depeyster, 1 Edw. Ch. 513.

Cited, Agents—Misfeasance—Liability.

17 Misc. 210; (40 Supp. 1039).

Scott v. Eagle Fire Ins. Co., 7 Paige, 198.

Cited, Corporations—Stock and Stockholders—Rights of—Dividends—Actions to Enforce.

9 Misc. 594; (62 St. Rep. 239; 30 Supp. 871).

Scott v. Guernsey, 48 N. Y. 106.

Cited, Co-tenants—Accounting—Use and Occupation—Rents and Profits.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353). 152 N. Y. 110. 80 Hun, 528, 533; (62 St. Rep. 608, 611).

Wills—Meaning of Words—Children—When Grandchildren Included.

140 N. Y. 605; (56 St. Rep. 493).

Wills—Construction—Disinheriting Heirs.

Duplicate Citations in Parenthesis.

60 St. Rep. 522; (28 Supp. 1051). 81 Hun, 94; (62 St. Rep. 638; 30 Supp. 685). 3 App. Div. 40; (74 St. Rep. 404; 37 Supp. 1109). 79 St. Rep. 958; (45 Supp. 958).

Wills—Construction—"Heirs."

86 Hun, 110; (68 St. Rep. 46; 34 Supp. 202).

Deed—Construction—Recitals.

9 Misc. 643; (62 St. Rep. 220; 30 Supp. 434).

Estates—Vesting.

79 St. Rep. 626; (45 Supp. 626).

Scott v. Guernsey, 60 Barb. 163.

Affirmed, 48 N. Y. 106.

Cited, Partition—Jurisdiction—Complete Relief.

137 N. Y. 124; (50 St. Rep. 171).

Scott v. Guernsey, 48 N. Y. 106.

Cited, Wills — Construction — Intent of Testator.

11 Misc. 438; (57 St. Rep. 422; 33 Supp. 420).

Estates—Repairs—Allowance.

30 Supp. 634, 637.

Scott v. Haines, 3 Misc. 153; 51 St. Rep. 489; 22 Supp. 711.

Scott v. Haverstraw Clay & Brick Co., 135 N. Y. 141; 48 St. Rep. 110.

Cited, Landlord and Tenant — Lease—Covenants — Orders of Health Department.

9 Misc. 50; (59 St. Rep. 710; 29 Supp. 279).

Scott v. Hopkins, 41 Hun, 637; 2 St. Rep. 324.

Distinguished, Principal and Agent — Payment to Agent—Validity.

1 App. Div. 522; (72 St. Rep. 611; 37 Supp. 86).

Scott v. McMillan, 76 N. Y. 141; 16 St. Rep. 795; 4 Supp. 434.

Cited, Executors—Contracts—Liability of Estate.

9 Misc. 232; (61 St. Rep. 297; 30 Supp. 205)

Party Walls—Agreement — Covenants as to—Rights of Grantee.

6 Misc. 351; (26 Supp. 914). 135 N. Y. 319; (48 St. Rep. 78). 11 Misc. 10; (63 St. Rep. 445; 31 Supp. 852; 1 Ann. Cas. 334, 335).

Scott v. Meeker, 20 Hun, 161.

Cited, Lost Instruments — Destruction — Estoppel.

27 Supp. 285.

Scott v. Metropolitan El. R. Co., 2 Misc. 150; 50 St. Rep. 214; 21 Supp. 630; 29 Abb. N.C. 435.

Affirmed, 140 N.Y. 623; 55 St. Rep. 930.

Scott v. Montells, 109 N. Y. 1; 14 St. Rep. 21.

Cited, Landlord and Tenant—Damages—Deposit.

16 Misc. 84; (73 St. Rep. 82; 37 Supp. 632). 18 Misc. 449; (75 St. Rep. 1367; 41 Supp. 996).

Scott v. Morgan, 94 N. Y. 508.

Cited, Appeal—Questions Not Raised Below.

9 Misc. 120; (59 St. Rep. 708; 29 Supp. 290).

Attachment—Lien—Legal Title.

13 Misc. 492; (70 St. Rep. 139; 35 Supp. 527).

Scott v. New York, L. E. & W. R. Co., 50 St. Rep. 500.

Scott v. Onderdonk, 14 N. Y. 9.

Cited, Cloud on Title—What Is—Removal.

70 Hun, 424; (53 St. Rep. 689; 24 Supp. 466). 92 Hun, 44; (71 St. Rep. 749; 36 Supp. 695). 16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Scott v. Parker, 25 St. Rep. 885; 5 Supp. 453.

Cited, Bills and Notes—Parties.

87 Hun, 260; (67 St. Rep. 473; 33 Supp. 828).

Scott v. Penn. R. Co., 130 N. Y. 679.

Cited, 14 Misc. 642; (70 St. Rep. 897; 35 Supp. 1119).

Scott v. Scott, 6 Misc. 174; 57 St. Rep. 756; 27 Supp. 152.

Scott v. Scott, 148 N. Y. 588.

Scott v. Scott, 2 App. Div. 240; 74 St. Rep. 240; 38 Supp. 613.

Scott v. Shufeldt, 5 Paige, 43.

Cited, Husband and Wife—Marriage—Annulment—Fraud—Pretended Pregnancy.

3 Misc. 219; (52 St. Rep. 645; 23 Supp. 598). 8 Misc. 591; (60 St. Rep. 695; 29 Supp. 1114; 31 Abb. N. C. 325). 17 Misc. 330; (40 Supp. 1010; 3 Ann. Cas. 200).

Scott v. Simes, 10 Bosw. 314.

Cited, Gifts—Title in Settlor—Rights of Beneficiary.

8 App. Div. 192; (40 Supp. 341). 8 App. Div. 49; (74 St. Rep. 864; 40 Supp. 424).

Scott v. Stebbins, 27 Hun, 335.

Affirmed, 91 N. Y. 605.

Cited, Legacies—Charge Upon Land.

8 App. Div. 351; (75 St. Rep. 176; 40 Supp. 798).

*Duplicate Citations in Parenthesis.***Scott v. Stebbins**, 91 N. Y. 605.*Cited*, Wills — Construction—Legacies—Charge Upon Real Estate.

8 Misc. 149; (59 St. Rep. 508; 28 Supp. 604). 8 Misc. 194; (59 St. Rep. 481; 29 Supp. 1084). 138 N. Y. 421; (52 St. Rep. 886). 80 Hun, 375; (61 St. Rep. 796; 30 Supp. 3).

Scott v. Stevenson, 3 Hun, 352.*Cited*, Evidence—Agency—Acts and Declarations of Agent.

49 St. Rep. 44. 79 Hun, 544; (61 St. Rep. 551; 29 Supp. 932).

Scott v. Stockwell, 65 How. 249.*Cited*, Pleading—Reply.

8 Misc. 225; (59 St. Rep. 452; 28 Supp. 567; 23 Civ. Pro. 434).

Scott v. Sun Printing & Pub. Co., 74 Hun, 284; 56 St. Rep. 419; 26 Supp. 690.*Cited*, New Trial—Excessive Damages.

77 Hun, 509; (60 St. Rep. 761; 29 Supp. 107). 9 Misc. 429; (61 St. Rep. 734; 29 Supp. 1060). 86 Hun, 473; (67 St. Rep. 321; 33 Supp. 690). 16 App. Div. 483; (78 St. Rep. 867; 44 Supp. 867).

Scott v. Sweeney, 34 Hun, 292.*Cited*, Master and Servant — Co-Servants—Risks Assumed.

16 Misc. 226; (73 St. Rep. 295; 37 Supp. 598).

Scott v. Third Ave. R. Co., 41 St. Rep. 152.*Cited*, Street Railroads—Crossing Streets—Contributory Negligence.

145 N. Y. 199; (64 St. Rep. 593). D. 91 Hun, 38; (71 St. Rep. 399; 36 Supp. 112).

Scott v. Twombly, 20 Misc. 652.**Scott v. Warner**, 2 Lans. 49.*Cited*, Contract—Rescission—Mutual Mistake.

12 Misc. 142; (66 St. Rep. 360; 32 Supp. 1076).

Scott v. Yeandle, 20 Misc. 89; 79 St. Rep. 87; 45 Supp. 87.*Affirming*, 19 Misc. 713.**Scott Stamp & C. Co., v. J. W. Scott Co.**, 58 Super. 379; 15 Supp. 325.*Cited*, Trademarks — Use of Family Names.

8 Misc. 382; (60 St. Rep. 167; 29 Supp. 1111). 10 Misc. 582; (65 St. Rep. 330; 32 Supp. 206).

Scotti v. Behsmann, 81 Hun, 604; 63 St. Rep. 184; 30 Supp. 990.**Scovel v. Roosevelt**, 5 Redf. 121.*Cited*, Wills—Construction — Shares — Accretion—Capital or Income.

67 St. Rep. 661; (33 Supp. 980).

Scovill v. Griffith, 12 N. Y. 509.*Cited*, Carriers—Non-Delivery of Goods—Damages.

19 Misc. 532; (7 St. Rep. 1125; 43 Supp. 1125; 3 Ann. Cas. 405).

Scoville v. Landon, 50 N. Y. 686.*Cited*, Notes—Possession—Proof of Title.

16 Misc. 493; (33 Supp. 969).

Scoville v. Post, 3 Edw. 203.*Cited*, Evidence—Presumption — Burden of Proof—Gifts Causa Mortis.

76 Hun 463; (58 St. Rep. 707; 28 Supp. 96; 31 Abb. N. C. 160). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995). 17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842).

Executus de Son Tort—Accounting.

145 N. Y. 617; (71 St. Rep. 367).

Scragg v. Scragg, 18 Supp. 487.*Cited*, Divorce—Jurisdiction.

90 Hun, 237; (69 St. Rep. 637; 35 Supp. 283).

Seranton v. Booth, 29 Barb. 171.*Cited*, Contracts—Implied Terms.

136 N. Y. 609; (50 St. Rep. 56).

Scribner v. Jacobs, 31 St. Rep. 794; 9 Supp. 856.*Cited*, Damages—Measure—Building Contract—Delay.

50 St. Rep. 299; (21 Supp. 496).

Damages—Measure—Rental Value.

4 Misc. 190; (53 St. Rep. 178; 23 Supp. 886).

Scribner v. Levy, 23 St. Rep. 354; 4 Supp. 918.*Cited*, Counterclaim—Failure to Reply—Unliquidated—Necessity of Proof.

4 Misc. 194; (53 St. Rep. 487; 23 Supp. 1027).

Scripture v. Scripture, 70 Hun, 432; 54 St. Rep. 53; 24 Supp. 301.**Scriver v. Smith**, 100 N. Y. 471.*Cited*, Easements — Grants — Appurtenances.

151 N. Y. 399. 84 Hun, 298; (65 St. Rep. 610; 32 Supp. 411).

Riparian Owners—Water Rights—Easements.

86 Hun, 456, 460; (67 St. Rep. 714, 718 33 Supp. 938, 941). 91 Hun, 274; (71 St. Rep. 108; 36 Supp. 94).

Scrymser v. Phelps, 33 Hun, 474.*Cited*, Adjoining Parcels—Easements—Implication.

16 App. Div. 418; (79 St. Rep. 35; 44 Supp. 35).

Sudder v. New York, 60 St. Rep. 858; 29 Supp. 422.*Affirmed*, 146 N. Y. 245; 66 St. Rep. 609 2 Ann. Cas. 88.

Duplicate Citations in Parenthesis.

Scudder v. New York, 146 N. Y. 245; 66 St. Rep. 609; 2 Ann. Cas. 88.

Cited, Actions—Assessments—Vacation. 151 N. Y. 22.

Scully v. N. Y., L. E. & W. R. Co., 80 Hun, 197; 61 St. Rep. 804; 30 Supp. 61. *Affirmed*, 151 N. Y. 672.

Cited, Moving Trains—Boarding—Negligence.

82 Hun, 39; (63 St. Rep. 477; 31 Supp. 155).

Evidence—Movement of Trains—Speed.

4 App. Div. 557; (74 St. Rep. 825; 38 Supp. 1014). 6 App. Div. 267; (39 Supp. 999). 7 App. Div. 603; (74 St. Rep. 738; 40 Supp. 177).

Scully v. Sanders, 44 Super. 89.

Cited, Deeds—Deliver—Sufficiency.

68 Hun, 494; (52 St. Rep. 651; 22 Supp. 1003).

Seaboard Nat. Bank v. Burleigh, 74 Hun, 400; 57 St. Rep. 247; 26 Supp. 587.

Seabury, Matter of, 1 App. Div. 231; 72 St. Rep. 620; 37 Supp. 308.

Affirmed, 153 N. Y. 443.

Seabury v. Hungerford, 2 Hill, 80.

Cited, Negotiable Instruments—Accommodation—Endorsements—Effect.

16 Misc. 568; (74 St. Rep. 118; 38 Supp. 777).

Seagrist, Matter of, 11 Misc. 188; 66 St. Rep. 549; 32 Supp. 1095.

Affirmed, 1 App. Div. 615; 73 St. Rep. 88; 37 Supp. 496.

Seagrist, Matter of, 1 App. Div. 615; 73 St. Rep. 88; 37 Supp. 496.

Affirmed, 153 N. Y. 682.

Cited, Wills—Avoidance—Undue Influence.

4 App. Div. 4; (73 St. Rep. 793; 38 Supp. 332).

Seagrist, Matter of, 8 App. Div. 298; 75 St. Rep. 339; 40 Supp. 940.

Seaman, Matter of, 147 N. Y. 69; 69 St. Rep. 316.

Reversing, 66 St. Rep. 875; 33 Supp. 1134.

Cited, Inheritance Tax—Remainders.

149 N. Y. 546, 549. 153 N. Y. 9. 153 N. Y. 228. D. 2 App. Div. 598; (38 Supp. 136). 7 App. Div. 341; (40 Supp. 1020). 11 App. Div. 223; (77 St. Rep. 420; 43 Supp. 420). 79 St. Rep. 884; (45 Supp. 884).

Inheritance Tax—Estates—When Taxable.

19 Misc. 395, 397; (78 St. Rep. 350, 352; 44 Supp. 350, 352).

Estates—Remainders—Vesting.

17 Misc. 254; (40 Supp. 1063).

Seaman v. Becar, 15 Misc. 616; 38 Supp. 69.

Seaman v. Dickinson, Matter of, 1 App. Div. 19; 36 Supp. 748.

Seaman v. Duryea, 11 N. Y. 324.

Cited, Contempt—Procedure—Commitment.

67 Hun, 37; (51 St. Rep. 28; 21 Supp. 678). 15 Misc. 365; (72 St. Rep. 472; 37 Supp. 408; 25 Civ. Pro. 142).

Seaman v. Hasbrouck, 35 Barb. 151.

Cited, Conveyances—Husband and Wife—Fraud.

86 Hun, 26; (66 St. Rep. 771; 33 Supp. 146).

Seaman v. Hicks, 8 Paige, 655.

Cited, Highways—Filing Map by Authorities—Subsequent Improvements by Owner. 136 N. Y. 583; (49 St. Rep. 700).

Seaman v. Koehler, 122 N. Y. 646; 33 St. Rep. 729.

Cited, Evidence—Presumption—Proof Peculiarly in Party's Control.

9 Misc. 188; (61 St. Rep. 79; 29 Supp. 738).

2 Misc. 81; (49 St. Rep. 635; 21 Supp. 788).

3 Misc. 308; (52 St. Rep. 123; 22 Supp. 934).

8 Misc. 231; (59 St. Rep. 447; 28 Supp. 723).

6 Misc. 536; (56 St. Rep. 12; 27 Supp. 138).

14 App. Div. 525; (77 St. Rep. 937; 43 Supp. 937). 11 Misc. 124; (62 St. Rep. 512; 30 Supp. 914).

30 Supp. 914).

Seaman v. Low, 4 Bosw. 337.

Cited, Bill of Particulars—Office of.

15 Misc. 415; (71 St. Rep. 786; 36 Supp. 619; 25 Civ. Pro. 190).

Seaman v. McReynolds, 52 Super. 543.

Cited, Motion and Orders—Renewal.

68 Hun, 389; (52 St. Rep. 204; 22 Supp. 86.). 74 Hun, 188; (56 St. Rep. 552; 26 Supp. 350).

Seaman v. Ward, 1 Hilt. 52.

Cited, Justice of the Peace—Non-suit.

90 Hun, 543; (71 St. Rep. 32; 36 Supp. 25).

Seaman v. Whitehead, 78 N. Y. 306.

Cited, Executors—Conduct of Estate—Accounting—Expenses.

5 Misc. 139; (25 Supp. 705).

Searing v. Saratoga Springs, 110 N. Y. 643.

Cited, § 834 Code of Civil Procedure—Waiver.

25 Civ. Pro. 174.

Searl v. American Tobacco Co., 12

Misc. 201; 67 St. Rep. 91; 33 Supp. 271.

Duplicate Citations in Parenthesis.

Searles v. Brace, 19 Abb. N. C. 10.

Cited, Wills—Debts Chargeable on Lands—Mortgage, When Included.
24 Supp. 879; (30 Abb. N. C. 234).

Searles v. Cronk, 38 How. 320.

Cited, Appeal—Reversal—Right to Nominal Damages Only.

4 Misc. 134; (53 St. Rep. 171; 23 Supp. 864; 30 Abb. N. C. 309).

Searles v. Manhattan Railway Co., 101 N. Y. 661.

Cited, Proximate Cause—Negligence—Two Causes—Burden of Proof.

71 Hun, 262; (54 St. Rep. 434; 24 Supp. 1016). 89 Hun, 291; (69 St. Rep. 438; 35 Supp. 45). 1 Misc. 135; (48 St. Rep. 767; 20 Supp. 645). 78 Hun, 551; (61 St. Rep. 169; 29 Supp. 627). 67 Hun, 645; (51 St. Rep. 475; 22 Supp. 565). 5 Misc. 304; (25 Supp. 756). D. 140 N. Y. 319; (55 St. Rep. 647). 5 Misc. 271; (27 Supp. 898). 67 Hun, 634; (51 St. Rep. 104; 23 Supp. 475). 9 Misc. 403; (31 St. Rep. 69; 29 Supp. 1076). 5 Misc. 447; (26 Supp. 803). 73 Hun, 128; (56 St. Rep. 65; 25 Supp. 957). 19 Misc. 277. 4 App. Div. 347; (74 St. Rep. 516; 38 Supp. 650). 3 App. Div. 14. (73 St. Rep. 549; 37 Supp. 930). 13 App. Div. 499; (77 St. Rep. 697; 43 Supp. 697). 11 App. Div. 375; (76 St. Rep. 233; 42 Supp. 233). D. 14 App. Div. 50; (77 St. Rep. 999; 43 Supp. 999). 18 Misc. 246; (75 St. Rep. 1011; 41 Supp. 608). 17 App. Div. 592; (79 St. Rep. 477; 45 Supp. 477).

Searles v. Viets, 2 T. & C. 224.

Cited, False Imprisonment—What Constitutes.

60 St. Rep. 215; (28 Supp. 905).

Sears v. Conover, 4 Abb. Ct. App. Dec. 179.

Cited, Contracts—Refusal to Perform—Effect.

20 Misc. 93; (79 St. Rep. 69; 45 Supp. 69).

Sears v. Grand Lodge, Etc., United Workmen, 20 Misc. 53; 79 St. Rep. 331; 45 Supp. 331.

Sears v. Sears, 9 Civ. Pro. 432.

Cited, Summons—Amendment
41 Supp. 212; (25 Civ. Pro. 383).

Sears v. Shafer, 6 N. Y. 268.

Cited, Wills—Execution—Undue Influence—Presumption.

15 Misc. 213; (72 St. Rep. 761; 37 Supp. 226).

Seaside & Brooklyn Bridge El. R. Co., Matter of, 83 Hun, 143; 64 St. Rep. 266; 31 Supp. 630.

Seasongood v. Fleming, 74 Hun, 639; 57 St. Rep. 203; 26 Supp. 831.

Seaver v. Hodgkin, 63 How. 128.

Cited, Pleadings—Construction on Demurrer.

17 Misc. 726; (41 Supp. 447).

Seaver v. New York, 7 Hun, 331.

Cited, Municipal Corporations—Relief of from Defaults in Actions.

2 Misc. 409; (50 St. Rep. 616; 21 Supp. 965).

Sebald v. Mulholland, 6 Misc. 349; 26 Supp. 913.

Affirmed, 11 Misc. 714; 64 St. Rep. 630; 31 Supp. 863.

Cited, Statutes—Legal Remedy—Resort to Equity.

D. 78 St. Rep. 326; (44 Supp. 326).

Sebald v. Mulholland, 11 Misc. 714; 64 St. Rep. 630; 31 Supp. 863.

Sebley v. Nichols, 32 How. 182.

Cited, Costs—Stenographer's Fees—Preparing Case.

75 Hun, 510; (57 St. Rep. 685; 27 Supp. 513). 8 App. Div. 310; (75 St. Rep. 337; 40 Supp. 939). 67 St. Rep. 406; (33 Supp. 583; 24 Civ. Pro. 403).

Sebring v. Stryker, 10 Misc. 289; 63 St. Rep. 243; 30 Supp. 1053; 24 Civ. Pro. 126.

Second Methodist Episcopal Church v. Humphrey, 142 N. Y. 137; 58 St. Rep. 616.

Affirming, 49 St. Rep. 467; 21 Supp. 89.

Second Methodist Episcopal Church of Greenwich v. Humphrey, 49 St. Rep. 467; 21 Supp. 89.

Affirmed, 142 N. Y. 137; 58 St. Rep. 613.

Cited, County Clerk—Certificate—Irregularity—Effect.

12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Second National Bank of Allentown v. Pottier & S. Mfg. Co., 18 St. Rep. 954; 56 Super. 216; 2 Supp. 644.

Cited, Principal and Agent—Authority of Agent—apparent—Liability of Principal.
8 Misc. 267; (59 St. Rep. 397; 28 Supp. 542). 82 Hun, 543; (64 St. Rep. 203; 31 Supp. 525).

Second National Bank of New York v. Curtiss, 2 App. Div. 508; 74 St. Rep. 323; 37 Supp. 1028.

Affirmed, 153 N. Y. 681.

Secor v. Clark, 117 N. Y. 350; 27 St. Rep. 169.

Reversing, 16 St. Rep. 812.

Cited, Threats—Legal Rights—Duress.

13 Misc. 321; (68 St. Rep. 367; 34 Supp. 464).

Duplicate Citations in Parenthesis.

Secor v. Harris, 18 Barb. 425.

Cited, Libel—Per se.

16 App. Div. 481; (78 St. Rep. 865; 44 Supp. 865).

Secor v. Pelham Manor, Trustees of, 6 App. Div. 236; 39 Supp. 993.

Cited, Railroads — Condemnation Proceedings—Validity.

18 Misc. 275; (41 Supp. 1053).

Secor v. Sturgis, 16 N. Y. 548.

Cited, Action—Separate Actions—Same Casualty—Remedy.

70 Hun. 48; (53 St. Rep. 437; 23 Supp. 1075). 14 App. Div. 244; (77 St. Rep. 537; 43 Supp. 537).

Judgment — Conclusiveness — Indivisible Demand.

76 Hun. 310; (59 St. Rep. 98; 27 Supp. 743).

Judgment—What Matters Concluded—Special Contract—Extras.

3 Misc. 154; (51 St. Rep. 489; 22 Supp. 712).

Secor v. Weed, 7 Robt. 67.

Cited, Malicious Prosecution—Want of Probable Cause—Allegation of.

8 App. Div. 334; (75 St. Rep. 217; 40 Supp. 830).

Security Life Ins. Co., Matter of,

31 Hun. 36.

Affirmed, 95 N. Y. 654.

Cited, Receivers — Compensation—Extra Allowance.

50 St. Rep. 461; (31 Supp. 238).

Sedgwick v. Stanton, 14 N. Y. 269.

Cited, Contracts—Public Policy.

140 N. Y. 387; (55 St. Rep. 730). 3 Misc. 544; (53 St. Rep. 415; 23 Supp. 15). 80 Hun. 85; (61 St. Rep. 750; 30 Supp. 48).

Contracts—Champerty and Maintenance.

9 App. Div. 138; (75 St. Rep. 605; 41 Supp. 147).

Seebeck, Matter of, 63 Hun. 179; 44 St. Rep. 280; 17 Supp. 676.

Cited, Wills — Construction—Rights of Survivors.

82 Hun. 474; (64 St. Rep. 359; 31 Supp. 729).

Seebeck, Matter of, 140 N. Y. 241; 55 St. Rep. 377.

Reversing, 50 St. Rep. 936.

Cited, Wills—Legacies—Vesting.

21 Supp. 1123.

Wills—Construction—Estate—Vesting.

91 Hun. 126. 131; (71 St. Rep. 18, 21; 36 Supp. 134, 138). 11 Misc. 435; (67 St. Rep. 20; 33 Supp. 418). 5 App. Div. 159; (38 Supp. 1098).

Seeley v. Bisgrove, 83 Hun. 293; 64 St. Rep. 650; 31 Supp. 914.

Cited, Improper Communications of Judge with Jury—Effect.

92 Hun. 198; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20).

Seeley v. N. Y. National Ex. Bank, 78 N. Y. 608; 8 Daly. 405.

Cited, Corporations — Stockholders — Rights of—Dividends.

9 Misc. 594; (62 St. Rep. 239; 30 Supp. 871). D. 87 Hun. 440; (68 St. Rep. 70; 34 Supp. 222).

Seeley v. N. Y. C. & H. R. R. Co., 102 N. Y. 719.

Cited, Negligence—Questions of Fact.

17 App. Div. 48; (78 St. Rep. 967; 44 Supp. 967).

Seeley v. N. Y. C. & H. R. R. Co., 8 App. Div. 402; 75 St. Rep. 261; 40 Supp. 866.

Cited, Contributory Negligence — Questions of Fact.

13 App. Div. 487, 488; (77 St. Rep. 393, 394; 43 Supp. 393, 394). 18 Misc. 505. (76 St. Rep. 1078; 42 Supp. 1078).

Seelig v. Metropolitan St. Ry. Co., 18 Misc. 363; 41 Supp. 656.

Segal v. Ensler, 16 Misc. 43; 73 St. Rep. 135; 37 Supp. 694.

Segelken v. Meyer, 94 N. Y. 473.

Cited, 84 Hun. 393; (65 St. Rep. 715; 32 Supp. 441).

Pleading—Complaint—Contract or Tort. 17 Misc. 306; (40 Supp. 378). 1 App. Div. 156; (72 St. Rep. 422; 36 Supp. 978). 20 Misc. 591.

Seguine v. Schultz, 31 How. 398.

Cited, Health—Quarantine—Location.

3 Misc. 36; (53 St. Rep. 45; 22 Supp. 334).

Seguine v. Seguine, 4 Abb. Ct. App. Dec. 191; 3 Keyes, 363.

Cited, 1 Misc. 261; (54 St. Rep. 239; 22 Supp. 1061).

Wills—Probate—Capacity — Execution—Undue Influence.

9 Misc. 523; (61 St. Rep. 676; 30 Supp. 389).

1 Misc. 46; (22 Supp. 1057). 3 Misc. 576; (23 Supp. 759). 19 Misc. 205. (77 St. Rep. 1142; 43 Supp. 1142). 17 Misc. 198; (75 St. Rep. 376; 40 Supp. 976).

Seguine v. Spaeth, 14 Misc. 349; 70 St. Rep. 323; 35 Supp. 847.

Seidlinger v. Brooklyn City R. Co., 28 Hun. 503.

Cited, Street Railroads—Wagons on track — Negligence.

3 App. Div. 262; (73 St. Rep. 614; 38 Supp. 458). 5 App. Div. 494; (38 Supp. 1078).

Duplicate Citations in Parenthesis.

Seidlinger v. Brooklyn City R. Co., 97 N. Y. 642.

Cited, Street Railroads—Wagons on Track—Negligence.

3 App. Div. 262; (73 St. Rep. 614; 38 Supp. 458).

Seifert v. Brooklyn, 101 N. Y. 136.

Cited, Eminent Domain—When Statutory Compensation Exclusive.

66 Hun, 219; (49 St. Rep. 55; 21 Supp. 45).

Municipality — Corporate Powers — Responsibility.

54 St. Rep. 573; (24 Supp. 1084).

Municipal Corporations — Improvements — Defective Plans.

67 Hun, 264; (51 St. Rep. 380; 22 Supp. 228). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Waters—Diversions — Municipal Corporation.

66 Hun, 573; (50 St. Rep. 100; 21 Supp. 837). 84 Hun, 276; (65 St. Rep. 578; 32 Supp. 372). 3 App. Div. 381; (38 Supp. 990). 11 App. Div. 122; (76 St. Rep. 577; 42 Supp. 577).

Municipal Corporations—Nuisance — Liability.

84 Hun, 282; (65 St. Rep. 717; 32 Supp. 443). 17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367).

Seifret v. Kraft, 13 Civ. Pro. 321.

Cited, Replevin—Complaint—Sufficiency.

88 Hun, 20; (68 St. Rep. 292; 34 Supp. 509).

Seligman v. Keeler, 4 Misc. 528; 54 St. Rep. 125; 24 Supp. 821.

Cited, Appeal—Change of Theory on.

7 Misc. 317; (57 St. Rep. 552; 27 Supp. 902).

Bailment — Hire — Care — Liability of Bailee.

7 Misc. 121; (57 St. Rep. 544; 27 Supp. 249).

Seiser Bros. Co. v. Potter Produce Co., 62 St. Rep. 69; 30 Supp. 294; 23 Civ. Pro. 348.

See Selzer Bros. Co.

Seiter v. Straub, 1 Dem. 264.

Cited, Wills — Testamentary Capacity — Undue Influence.

15 Misc. 358; (73 St. Rep. 3; 37 Supp. 924).

Seitz, Matter of, 16 Misc. 522; 74 St. Rep. 770; 40 Supp. 206.

Affirmed, 17 App. Div. 1; 78 St. Rep. 836; 44 Supp. 833.

Seitz, Matter of, 17 App. Div. 1; 78 St. Rep. 833; 44 Supp. 833.

Seitz, Matter of. See Manhardt, Matter of.

Seitz v. Dry Dock, Etc., R. Co., 16 Daly, 264; 32 St. Rep. 56; 10 Supp. 1.

Cited, Damages—Personal Injuries—Loss of Wages.

6 Misc. 76; (55 St. Rep. 493; 26 Supp. 12).

Selchow v. Baker, 93 N. Y. 59.

Cited, Trademarks — What May Be — Words and Expressions.

5 Misc. 84; (4 Supp. 894). 67 St. Rep. 315; (33 Supp. 443). 67 Hun, 478; (50 St. Rep. 839; 22 Supp. 493). 7 Misc. 462; (59 St. Rep. 871; 28 Supp. 389). 60 St. Rep. 85.

Selden v. Delaware & Hudson Canal Co., 29 N. Y. 634.

Cited, New Trial—Discretion as to Granting or Refusing.

1 Misc. 313; (48 St. Rep. 784; 20 Supp. 716). 84 Hun, 398; (65 St. Rep. 555; 32 Supp. 357; 24 Civ. Pro. 287).

Seligman v. Dudley, 14 Hun, 186.

Cited, Bonds—To Pay Insurance Premiums—Plea of Non Damificatus.

2 Misc. 381; (50 St. Rep. 598; 21 Supp. 1099).

Selignan v. Falk, 13 Civ. Pro. 77.

Cited, Attachment—Certificate of Interest.

67 St. Rep. 314; (33 Supp. 546; 24 Civ. Pro. 266).

Seligman v. Hahn, 4 Misc. 625; 53 St. Rep. 534; 23 Supp. 969.

Affirmed, 7 Misc. 65; 57 St. Rep. 527; 27 Supp. 405.

Seligman v. Hahn, 7 Misc. 65; 57 St. Rep. 527; 27 Supp. 405.

Seligman v. Schmidt, 3 Misc. 630; 52 St. Rep. 520; 23 Supp. 319.

Sellick, Matter of, 111 N. Y. 284; 19 St. Rep. 601.

Cited, Executors — Accounting—Amendment.

24 Supp. 91.

Executors—Commissions—When Right to Accrues.

140 N. Y. 265; (55 St. Rep. 410). 51 St. Rep. 735.

Trustees—Commissions—When Payable.

73 Hun, 55; (56 St. Rep. 103; 25 Supp. 935).

Selleck v. Langdon & Co., 55 Hun, 19; 28 St. Rep. 326; 8 Supp. 573.

Cited, Negligence—Proximate Cause.

76 Hun, 139; (57 St. Rep. 455; 27 Supp. 850).

Duplicate Citations in Parenthesis.

Sells, Matter of, 15 App. Div. 571; 78 St. Rep. 570; 44 Supp. 570.

Selover v. Coe, 63 N. Y. 438.

Cited, Executors—Rejection of Claim—Effect.

60 St. Rep. 133; (38 Supp. 451; 23 Civ. Pro. 428). 9 App. Div. 167; (75 St. Rep. 503; 41 Supp. 46).

Decedent's Estates—Heirs and Devisees—Statutory Liability.

88 Hun, 427; (68 St. Rep. 777; 34 Supp. 839).

Selover v. Lockwood, 50 St. Rep. 228; 21 Supp. 661.

Selover v. Wisner, 37 How. 176.

Cited, New Trial—Costs.

16 Misc. 515; (38 Supp. 526). 74 St. Rep. 46.

Selpho v. Brooklyn, 5 App. Div. 529; 39 Supp. 520.

Selser Bros. Co. v. Potter Produce Co., 77 Hun, 313; 59 St. Rep. 826; 28 Supp. 428.

Cited, Attachments — Affidavits — Sufficiency.

18 Misc. 642; (77 St. Rep. 776; 43 Supp. 776). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336). 66 St. Rep. 154; (32 Supp. 874; 24 Civ. Pro. 235).

Selser Bros. Co. v. Potter Produce Co., 80 Hun, 554; 62 St. Rep. 408; 30 Supp. 527.

Affirmed, 144 N. Y. 646.

Selser Bros. Co. v. Potter Produce Co., 30 Supp. 294; 23 Civ. Pro. 348.

Cited, 80 Hun, 554; (62 St. Rep. 408; 30 Supp. 527).

Selye v. Zimmer, 137 N. Y. 533; 50 St. Rep. 933.

Affirming, 40 St. Rep. 604; 15 Supp. 881.

Semken, Matter of, 13 Misc. 483; 70 St. Rep. 168; 35 Supp. 471.

Seneca County Bank v. Carlinghouse, 4 How. 174.

Cited, Pleadings — Amendments — Of Course—When in Time.

8 Misc. 96; (60 St. Rep. 160; 28 Supp. 1006; 23 Civ. Pro. 402; 31 Abb. N. C. 253).

Pleading — Amendment — Relation to Commencement of Action.

79 Hun, 61; (51 St. Rep. 177; 29 Supp. 648).

Seneca County Bank v. Neass, 3 N. Y. 442.

Cited, Bills and Notes—Accommodation—Transfer of.

80 Hun, 212; (61 St. Rep. 778; 30 Supp. 34). 16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

Seneca County Board of Sup'rs. v. Allen, 99 N. Y. 532.

Cited, County Treasurers—Compensation—Constitutionality.

4 App. Div. 191; (74 St. Rep. 597; 38 Supp. 913).

Seneca Falls v. Zalinski, 8 Hun, 571.

Cited, Indemnitors — Liability — How Fixed.

81 Hun, 150; (63 St. Rep. 640; 30 Supp. 687). 11 Misc. 56; (63 St. Rep. 451; 31 Supp. 855).

Seneca Nation v. Christie, 126 N. Y. 122; 37 St. Rep. 64.

Cited, Indian Lands—Leases—Railroads. 75 Hun, 400; (57 St. Rep. 689; 27 Supp. 446).

Seneca Nation v. Hawley, 32 Hun, 288.

Cited, Costs—Second Taxation of Costs Paid as Terms.

2 Misc. 501; (51 St. Rep. 92; 22 Supp. 388; 23 Civ. Pro. 98). 84 Hun, 236; (65 St. Rep. 747; 32 Supp. 547).

Senecal v. Thousand Island Steamship Co., 79 Hun, 574; 61 St. Rep. 572; 29 Supp. 884.

Sensone v. Alexander, 74 St. Rep. 434.

Sentennis v. Ladew, 140 N. Y. 463; 55 St. Rep. 831.

Affirming, 54 St. Rep. 935; 24 Supp. 1141.

Cited, Waiver—Constitutional and Statutory Rights.

143 N. Y. 26; (60 St. Rep. 366). 149 N. Y. 161. 80 Hun, 417; (62 St. Rep. 94; 30 Supp. 340). 82 Hun, 267; (63 St. Rep. 561; 31 Supp. 255). 83 Hun, 189; (64 St. Rep. 145; 31 Supp. 591).

Costs—Extra Allowance.

4 App. Div. 446; (74 St. Rep. 606; 38 Supp. 895).

Judge—Disqualification—Effect.

4 App. Div. 403; (39 Supp. 610).

Sergeant v. London & Liverpool G. Ins. Co., 85 Hun, 31; 66 St. Rep. 162; 32 Supp. 594.

Serven v. Lowerre, 3 Misc. 113; 25 Supp. 1052.

Cited, Supplementary Proceedings—Title—Trial.

19 Misc. 485; (77 St. Rep. 1083; 43 Supp. 1083).

Serviss v. McDonnell, 107 N. Y. 260; 12 St. Rep. 485; 27 Week. Dig. 473.

Cited, Partnership—Assumption of Debts—Rights of Creditors.

4 Misc. 525; (54 St. Rep. 130; 24 Supp. 735). 147 N. Y. 532; (70 St. Rep. 345).

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Partnership—Incoming Partner—Liability for Debts.

68 Hun, 5; (52 St. Rep. 459; 22 Supp. 831). 69 Hun, 496; (52 St. Rep. 629; 23 Supp. 414). 135 N. Y. 602; (48 St. Rep. 826). 19 Misc. 161.

Sessions v. Elwell, 71 Hun, 612; 54 St. Rep. 363; 24 Supp. 599.

Sessions v. N. Y., L. E. & W. R. Co., 78 Hun, 541; 61 St. Rep. 170; 29 Supp. 628.

Sessions v. Palmeter, 75 Hun, 268; 53 St. Rep. 289; 26 Supp. 1076.

Cited, Attorney and Client—Compensation.

83 Hun, 341; (64 St. Rep. 850; 31 Supp. 989).

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16 App. Div. 129; (79 St. Rep. 116; 45 Supp. 116).

Seth Thomas Clock Co. v. Wemple, 133 N. Y. 323.

Cited, Foreign Corporations—Carrying on Business Here.

8 App. Div. 204; (40 Supp. 418).

Seton v. Clark, 137 N. Y. 627; 51 St. Rep. 931.

Affirming, 42 St. Rep. 561; 16 Supp. 771.

Seventeenth St., Matter of, 1 Wend. 262.

Cited, Eminent Domain—Procedure—Abandonment—Title of Owner.

142 N. Y. 314; (59 St. Rep. 4).

Eminent Domain—Street—Title to.

84 Hun, 213; (65 St. Rep. 751; 32 Supp. 551).

Severance v. Griffiths, 2 Lans. 38.

Cited, Mortgage—Absence of Bond—Remedy of Mortgagee.

4 Misc. 32; (23 Supp. 832). 17 Misc. 647; (74 St. Rep. 756; 40 Supp. 195).

Severn v. Nat. State Bank of Troy, 18 Hun, 228.

Cited, Witnesses—Competency—Death of Other Party.

6 Misc. 88; (55 St. Rep. 399; 26 Supp. 41).

Seward v. Rochester, 109 N. Y. 164; 15 St. Rep. 193.

Affirming, 39 Hun, 44.

Cited, Contracts—Recovery—Arbitration—Conditions Precedent.

92 Hun, 305; (71 St. Rep. 784; 36 Supp. 718). 4 App. Div. 395; (38 Supp. 856).

Sewell v. Butler, 16 App. Div. 77; 78 St. Rep. 1074; 44 Supp. 1074.

Sewell v. Cohoes, City of, 75 N. Y. 45.
Cited, Highways—Defective Sidewalk—Liability of Municipality—Informal Establishment.

137 N. Y. 370; (50 St. Rep. 801). 12 App. Div. 122; (76 St. Rep. 222; 42 Supp. 222). 92 Hun, 308; (72 St. Rep. 394; 36 Supp. 871). D. 12 App. Div. 388; (76 St. Rep. 746, 747; 42 Supp. 746, 747).

Evidence—Negligence—Subsequent Conduct—Effect.

12 Misc. 415; (67 St. Rep. 574; 33 Supp. 704).

Sewell v. Lathop, 67 Hun, 651; 51 St. Rep. 943; 23 Supp. 1154.

Cited, New Trial—Costs.

16 Misc. 513, 514; (38 Supp. 525, 526). 74 St. Rep. 45, 46.

Sexton v. Breeze, 135 N. Y. 337; 48 St. Rep. 525.

Affirming, 57 Hun, 1; 32 St. Rep. 262; 10 Supp. 510.

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20 Misc. 386; (79 St. Rep. 606; 45 Supp. 606).

Sexton v. Zett, 44 N. Y. 430.

Cited, Highways—Excavations—Negligence.

8 Misc. 49; (59 St. Rep. 458; 28 Supp. 515). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Seybolt v. New York, Lake Erie & W. R. Co., 95 N. Y. 562.

Cited, Evidence—Sufficiency—Degree.

67 Hun, 546; (51 St. Rep. 339; 22 Supp. 485). 4 Misc. 566; (25 Supp. 787). 10 Misc. 287; (63 St. Rep. 272; 30 Supp. 1084).

Evidence—Res Ipsa Loquitur.

87 Hun, 170; (65 St. Rep. 629; 32 Supp. 592). 7 App. Div. 407; (39 Supp. 1017).

Evidence—Question of Fact.

86 Hun, 41; (66 St. Rep. 825; 33 Supp. 207).

Contracts—No New Consideration—Effect.

20 Misc. 200; (79 St. Rep. 864; 45 Supp. 864).

Seymour v. Ashenden, 13 Civ. Pro. 255.

Cited Costs—Conditional for the Amendment of Pleading—Payment of—Retaxing. 6 Misc. 8; (58 St. Rep. 122; 26 Supp. 66).

Seymour v. Butler, 3 Bradf. 193.

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5 Misc. 129; (25 Supp. 728). 7 App. Div. 17; (40 Supp. 497).

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Seymour v. C. & N. F. R. Co., 25 Barb. 284.

Cited, After Acquired Lands—Mortgage—Validity.

88 Hun, 589; (69 St. Rep. 66; 34 Supp. 902). 9 App. Div. 89; (79 St. Rep. 499; 41 Supp. 43).

Seymour v. Cowing, 1 Keyes, 532; 4 Abb. Ct. App. Dec. 200.

Cited, Evidence—Parol as to Writing—Explanation.

73 Hun, 309; (57 St. Rep. 280; 26 Supp. 282). 73 Hun, 380; (57 St. Rep. 291; 26 Supp. 264). 153 N. Y. 133.

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8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726).

Seymour v. De Lancey, 6 Johns. Ch. 222.

Cited; Specific Performance—Discretion as to Granting.

24 Supp. 791; (20 Abb. N. C. 273). 149 N. Y. 22. 81 Hun, 186; (62 St. Rep. 690; 30 Supp. 728). 8 App. Div. 367; (75 St. Rep. 184; 40 Supp. 803). 79 St. Rep. 395; (45 Supp. 395).

Seymour v. Delancey, 3 Cow. 445.

Cited, Specific Performance — Discretion of Court.

81 Hun, 102; (62 St. Rep. 690; 30 Supp. 728).

Seymour v. Fellows, 77 N. Y. 173.

Cited, Witness—Examination—Hypothetical Question.

68 Hun, 207; (52 St. Rep. 94; 22 Supp. 844). 88 Hun, 52; (68 St. Rep. 291; 31 Supp. 508). 92 Hun, 184; (71 St. Rep. 528; 36 Supp. 499). 82 Hun, 404; (63 St. Rep. 559; 31 Supp. 253). 16 Misc. 505; (38 Supp. 975). 17 Misc. 332; (74 St. Rep. 855; 40 Supp. 65). 90 Hun, 8; (69 St. Rep. 852; 35 Supp. 364).

Seymour v. Lake Shore & M. S. R. Co., 12 App. Div. 300; 76 St. Rep. 92; 42 Supp. 92.

Seymour v. Lewis, 19 Wend. 512.

Cited, Payment — What Constitutes — Taking of Notes.

80 Hun, 210; (61 St. Rep. 776; 30 Supp. 32).

Seymour v. McDonald, 4 Sandf. Ch. 502.

Cited, Covenants—Violation—Injunction. 148 N. Y. 672.

Seymour v. McKinstry, 106 N. Y. 230; 8 St. Rep. 580.

Cited, Fraud—Vendor's Lien—Waiver.

79 Hun, 220; (61 St. Rep. 401; 29 Supp. 505).

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Vendor and Vendee—Fraud—Transfer of Title—Effect.

12 App. Div. 197, 198; (76 St. Rep. 833; 42 Supp. 833).

Vendor and Purchaser—Vendor's Lien—Unpaid Purchase Money.

75 Hun, 454; (59 St. Rep. 647; 27 Supp. 535). 141 N. Y. 468; (57 St. Rep. 607). 85 Hun, 83; (66 St. Rep. 45; 32 Supp. 662).

Seymour v. McKinstry, 11 St. Rep. 760.

Cited, Notice—Real Property—Possession.

140 N. Y. 348; (55 St. Rep. 727).

Seymour v. Mutual Reserve Fund Life Ass'n., 14 Misc. 151; 70 St. Rep. 301; 35 Supp. 793.

Seymour, Matter of. See O'Hara, Matter of.

Seymour v. Picus, 9 Misc. 48; 59 St. Rep. 709; 29 Supp. 277.

Seymour v. Salamanca, 137 N. Y. 364; 50 St. Rep. 799.

Affirming, 35 St. Rep. 799; 14 Supp. 947.

Cited, Municipal Corporations—Highways—Defects—Notice.

92 Hun, 310; (73 St. Rep. 395; 36 Supp. 873).

Seymour v. Spring Forest Cemetery Ass'n., 144 N. Y. 333; 63 St. Rep. 672.

Cited, 4 App. Div. 36; 74 St. Rep. 246; 38 Supp. 728.

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75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533).

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Seymour v. Spring Forest Cemetery Ass'n., 45 St. Rep. 520; 19 Supp. 94.

Cited, 4 App. Div. 364; (38 Supp. 727).

Reference—Report—Further Proceedings Another Reference.

57 St. Rep. 663; (27 Supp. 460).

4 App. Div. 371; (38 Supp. 727). 87 Hun, 222; (67 St. Rep. 766; 33 Supp. 1030).

Seymour v. Spring Forest Cemetery Ass'n., 4 App. Div. 359; 74 St. Rep. 245; 38 Supp. 726.

Seymour v. Sturgess, 26 N. Y. 134.

Cited, Corporations—Stockholders—Subscription—Liability.

7 App. Div. 368, 369; (40 Supp. 73, 74).

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Seymour v. Wilson, 14 N. Y. 567.

Cited, Assignments—Fraud—Intent.

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Seymour v. Wilson, 19 N. Y. 417.

Cited, Fraudulent Conveyances—Consideration—Prior Indebtedness.

75 Hun, 521; (57 St. Rep. 359; 27 Supp. 730).

Seymour v. Wyckoff, 10 N. Y. 213.

Cited, Principal and Agent—Ratification.

71 Hun, 558; (54 St. Rep. 893; 24 Supp. 1038).

Sgobel v. Cappadonia, 8 App. Div. 303; 75 St. Rep. 345; 40 Supp. 946.

Shafarman v. Jacobs, 15 Misc. 10; 71 St. Rep. 479; 36 Supp. 428.

Shafer, Matter of, 60 St. Rep. 476.

Affirming, 59 St. Rep. 109.

Shaffer v. Lee, 8 Barb. 412.

Cited, Damages—Measure—Breach of Contract for Support.

66 Hun, 178; (49 St. Rep. 41; 20 Supp. 928).

Damages—Measure—Contract—Entirety of Recovery.

2 Misc. 380; (50 St. Rep. 597; 21 Supp. 1038).

Shaffer v. Riseley, 114 N. Y. 23; 23 St. Rep. 168.

Cited, Prisoners—Civil—Discharge of—Application for—Sufficiency—Schedule of Property.

7 Misc. 467; (58 St. Rep. 512; 27 Supp. 992; 23 Civ. Pro. 331).

Shakespeare v. Markham, 10 Hun, 311.

Cited, Contracts—Implied—To Pay for Services of Members of Family.

68 Hun, 384; (52 St. Rep. 315; 22 Supp. 947).

Shakespeare v. Markham, 72 N. Y. 400.

Cited, Surrogate's Court—Jurisdiction—Claims of Executors.

6 Misc. 503; (57 St. Rep. 706; 27 Supp. 427). 2 Misc. 222; (54 St. Rep. 273; 23 Supp. 768). 152 N. Y. 514.

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17 App. Div. 10; (78 St. Rep. 836; 44 Supp. 842). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995). 17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842).

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Shaler & Hall Quarry Co. v. Bliss, 27 N. Y. 297.

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9 App. Div. 300; (41 Supp. 194).

Shanahan v. Shanahan, 55 Super. 339; 14 St. Rep. 732.

Cited, Landlord and Tenant—Lease—Holding Over—Liability of Tenant.

5 Misc. 265; (35 Supp. 103). 12 Misc. 350; (67 St. Rep. 349; 33 Supp. 655; 2 Ann. Cas. 27). 19 Misc. 525, 526; (77 St. Rep. 1062, 1063; 43 Supp. 1062, 1063; 3 Ann. Cas. 374). 65 St. Rep. 786; (33 Supp. 655).

Shangle v. Hallock, 6 App. Div. 55; 39 Supp. 619.

Cited, Wills—Remainders—Vesting.

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Shank v. Glens Falls Ins. Co., 4 App. Div. 516; 74 St. Rep. 623; 40 Supp. 14.

Shanks v. Magnolia Metal Co., 89 Hun, 486; 69 St. Rep. 822; 35 Supp. 385.

Shanley v. Union R. Co. of N. Y., 14 Misc. 442; 70 St. Rep. 734; 35 Supp. 1030.

Shannon, Matter of, 11 App. Div. 581; 76 St. Rep. 670; 42 Supp. 670.

Shannon v. Burr, 1 Hilt. 39.

Cited, Landlord and Tenant—Trespass by Landlord—Effect.

16 Misc. 321; (73 St. Rep. 571; 37 Supp. 951).

Shannon v. Comstock, 21 Wend. 457.

Cited, Damages—Breach of Charter Party—Delay—Setting Off Increase in Rate of Freight.

6 Misc. 143; (55 St. Rep. 696; 26 Supp. 37).

Shannon v. Howell, 36 Hun, 47.

Cited, Trustees—Liability—Statute of Limitations.

139 N. Y. 469; (54 St. Rep. 725).

Shannon v. Pentz, 1 App. Div. 331; 72 St. Rep. 643; 37 Supp. 304.

Shannon v. Pickell, 2 St. Rep. 160.

Cited, Partition—Adverse Possession—Complete Relief.

137 N. Y. 128; (50 St. Rep. 173).

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77 Hun, 428; (60 St. Rep. 50; 28 Supp. 802). 88 Hun, 392; (68 St. Rep. 753; 34 Supp. 815; 2 Ann. Cas. 122).

Duplicate Citations in Parenthesis.

Shaped Seamless Stocking Co. v. Snow-Church Co., 19 Misc. 421; 78 St. Rep. 221; 44 Supp. 222; 26 Civ. Pro. 188.

Affirmed, 20 Misc. 319; 79 St. Rep. 849; 45 Supp. 849.

Shaped Seamless Stocking Co. v. Snow, Church & Co., 20 Misc. 319; 79 St. Rep. 849; 45 Supp. 849.

Shapiro v. Burns, 7 Misc. 418; 53 S. Rep. 479; 27 Supp. 980; 31 Abb. N. C. 144; 23 Civ. Pro. 365.

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18 Misc. 569; (76 St. Rep. 461; 42 Supp. 461).

Shapiro v. Jacoves, 18 Misc. 473; 76 St. Rep. 91; 42 Supp. 91.

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Shapley v. Abbott, 42 N. Y. 443.

Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 424; (52 St. Rep. 630; 23 Supp. 470). 136 N. Y. 410; (49 St. Rep. 685). 4 App. Div. 477; (74 St. Rep. 488; 38 Supp. 810). 15 Misc. 612; (33 St. Rep. 119; 37 Supp. 494).

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143 N. Y. 429; (62 St. Rep. 438). 11 App. Div. 476; (76 St. Rep. 360; 42 Supp. 360). 19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Sharkey v. Mansfield, 90 N. Y. 227.

Cited, Limitation of Action—Mistake—Demand.

7 Misc. 446; (57 St. Rep. 640; 27 Supp. 1014).

Sharp, Matter of, 56 N. Y. 257.

Cited, Municipal Assessments—Jurisdiction—Rights—Owners.

149 N. Y. 298.

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Sharp v. Johnson, 4 Hill, 92.

Cited, Eminent Domain—Strict Compliance with Statute.

76 Hun, 89; (57 St. Rep. 474; 27 Supp. 845). 11 App. Div. 514; (76 St. Rep. 806; 42 Supp. 806). 152 N. Y. 210.

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144 N. Y. 477; (63 St. Rep. 731).

Sharp v. New York, 31 Barb. 578.

Cited, Attorney and Client—Judgments—Negligence of Attorney—Relief by Court. 17 Misc. 235; (40 Supp. 1055).

Sharp v. Rose, 49 St. Rep. 420; 20 Supp. 826.

Affirmed, 139 N. Y. 652; 54 St. Rep. 934.

Sharp v. Spier, 4 Hill, 76.

Cited, Statutes—Derogation of Property Rights—Construction.

150 N. Y. 89; (3 Ann. Cas. 208). 152 N. Y. 210. 11 App. Div. 514; (76 St. Rep. 806; 42 Supp. 806).

Public Officers—Judicial Determination. 14 App. Div. 496; (77 St. Rep. 1045; 43 Supp. 1045).

Eminent Domain—Local Assessments—Contribution.

144 N. Y. 477; (63 St. Rep. 731).

Sharpe v. Freeman, 45 N. Y. 802.

Cited, Trial—Incompetent Evidence—Effect.

139 N. Y. 385; (54 St. Rep. 661; 30 Abb. N. C. 424). 90 Hun, 6; (69 St. Rep. 851; 35 Supp. 362). D. 90 Hun, 599; (70 St. Rep. 567; 35 Supp. 993).

Sharpe v. Milwaukee Mechanics' Ins. Co., 8 App. Div. 354; 75 St. Rep. 202; 40 Supp. 817.

Cited, Insurance—Proofs of Loss—Waiver. 15 App. Div. 234; (78 St. Rep. 203; 44 Supp. 203).

Sharpsteen v. Livonia Salt & Mining Co., 3 App. Div. 144; 74 St. Rep. 479; 38 Supp. 49.

Sharpsteen v. Tillou, 3 Cow. 651.

Cited, Trusts—Extinction—Lapse of Time. 140 N. Y. 103; (55 St. Rep. 311).

Shattuck v. Bascom, 105 N. Y. 39; 6 St. Rep. 775.

Cited, Deed—Absolute in Form—Security for Debt—Effect.

80 Hun, 206; (61 St. Rep. 800; 30 Supp. 7). Mortgage—Absolute Conveyance—Reconveyance.

66 Hun, 228; (49 St. Rep. 135; 20 Supp. 910). 88 Hun, 356; (68 St. Rep. 576; 34 Supp. 758).

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11 Misc. 205; (65 St. Rep. 158; 32 Supp. 101). 30 Supp. 302.

Shattuck v. Lamb, 65 N. Y. 499.

Cited, Evidence—Declarations—Official Reports.

8 Misc. 584; (60 St. Rep. 583; 29 Supp. 1120).

Shaver v. Ehle, 16 Johns. 201.

Cited, Evidence—Papers—Identification. 148 N. Y. 486.

Shaver v. Eldred, 38 Hun, 632.

Cited, 66 St. Rep. 783; (33 Supp. 159).

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Shaver v. Eldred, 86 Hun, 51; 66 St. Rep. 783; 33 Supp. 158.

Cited, Costs—Imposition—Authority. 16 Misc. 333; (39 Supp. 732).

Shaver v. Eldred, 114 N. Y. 236; 23 St. Rep. 293.

Cited, Waters—Appropriation by State. 149 N. Y. 503.

Shaver v. Eldred, 15 Supp. 930.

Cited, 33 Supp. 159.

Shaver v. M'Graw, 12 Wend. 558.

Cited, Action—Ejectment—Servant in Possession.

151 N. Y. 496.

Shaw v. Broadbent, 129 N. Y. 114; 41 St. Rep. 499.

Cited, Judgment—Conclusiveness—Omission of Condition Precedent.

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Judgments—As Res Adjudicata.

146 N. Y. 208; (66 St. Rep. 589; 2 Ann. Cas. 21) 149 N. Y. 152. 82 Hun, 151; (63 St. Rep. 392; 31 Supp. 101). 18 App. Div. 33; (79 St. Rep. 402; 45 Supp. 402).

Shaw v. Bryant, 65 Hun, 57; 47 St. Rep. 227; 19 Supp. 618.

Cited, 90 Hun, 375.

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74 Hun, 376; (56 St. Rep. 529; 26 Supp. 616). 81 Hun, 183; (62 St. Rep. 697; 30 Supp. 700).

Shaw v. Bryant, 90 Hun, 374; 70 St. Rep. 612; 35 Supp. 909.

Shaw v. Crawford, 10 Johns. 236.

Cited, Waters—Navigable—Easements.

75 Hun, 566; (59 St. Rep. 639; 27 Supp. 539). 16 App. Div. 532; (78 St. Rep. 1016; 44 Supp. 1016).

Shaw v. Grant, 49 St. Rep. 404; 20 Supp. 785.

Cited, 90 Hun, 375.

Shaw v. Jewett, 86 N. Y. 616.

Cited, Railroads—Crossings—Duty to Look.

79 Hun, 549; (61 St. Rep. 61; 29 Supp. 873). 85 Hun, 112; (66 St. Rep. 33; 32 Supp. 651) 85 Hun, 157; (65 St. Rep. 665; 32 Supp. 480) 7 App. Div. 518; (40 Supp. 255). 8 App. Div. 142; (40 Supp. 474). 18 Misc. 504; (76 St. Rep. 1078; 42 Supp. 1078).

Shaw v. Kellogg, 74 Hun, 256; 56 St. Rep. 371; 26 Supp. 418.

Shaw v. Lambert, 14 App. Div. 265; 77 St. Rep. 470; 43 Supp. 470.

Shaw v. Lenke, 1 Daly, 487.

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Shaw v. Mansfield, 10 Misc. 760; 64 St. Rep. 501; 31 Supp. 798.

Shaw v. Outwater, 77 Hun, 87; 59 St. Rep. 859; 28 Supp. 312.

Shaw v. Potsdam, 11 App. Div. 508; 76 St. Rep. 779; 42 Supp. 779.

Shaw v. Republic Life Ins. Co., 69 N. Y. 286.

Cited, Contracts—Performance—Refusal—Effect.

4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697). 147 N. Y. 235; (69 St. Rep. 521), 12 Misc. 139; (66 St. Rep. 738; 33 Supp. 82). 79 St. Rep. 69; (45 Supp. 69).

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Insurance—Recovery—Conditions Precedent.

13 App. Div. 448; (77 St. Rep. 626; 43 Supp. 626).

Payment—By Acceptance of Note—Presumption.

1 Misc. 177; (48 St. Rep. 672; 20 Supp. 690).

Shaw v. Saranac Horse Nail Co., 78 Hun, 7; 60 St. Rep. 804; 29 Supp. 254

Modified and Affirmed, 144 N. Y. 220; 63 St. Rep. 94.

Shaw v. Saranac Horse Nail Co., 144 N. Y. 220; 63 St. Rep. 94.

Shaw v. Shaw, 5 Misc. 497; 26 Supp. 715.

Shaw v. Sheldon, 103 N. Y. 667; 3 St. Rep. 679; 25 Week. Dig. 45; 1 Silv. Ct. App. 191.

Cited, Master and Servant—Assumption of Risks.

50 St. Rep. 834; (22 Supp. 346). 1 Misc. 306; (48 St. Rep. 772; 90 Supp. 712). 11 App. Div. 274; (76 St. Rep. 118; 42 Supp. 118).

Master and Servant—Risks Assumed—Knowledge of Defects.

70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406). 3 Misc. 529; (52 St. Rep. 419; 23 Supp. 5). 4 Misc. 501; (54 St. Rep. 340; 24 Supp. 555). 72 Hun, 406; (55 St. Rep. 286; 25 Supp. 207). 12 App. Div. 53; (76 St. Rep. 183; 42 Supp. 183). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835).

Shaw v. Weber, 79 Hun, 307; 61 St. Rep. 430; 29 Supp. 437.

Affirmed, 151 N. Y. 655.

Cited, Release—Impeachment.

16 App. Div. 205; (78 St. Rep. 722; 44 Supp. 722).

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Shay, Matter of, 39 St. Rep. 856; 15 Supp. 488.

Cited, Officers — Veterans — Reinstatement—Laches.

84 Hun, 503; (66 St. Rep. 153; 32 Supp. 873). 15 Misc. 14; (72 St. Rep. 268; 36 Supp. 1119).

Shay v. National Benefit Soc., 54 Hun, 109; 26 St. Rep. 579; 7 Supp. 287.

Cited, Insurance—Forfeiture—Waiver.

87 Hun, 205; (67 St. Rep. 754; 33 Supp. 1068). 87 Hun, 597; (68 St. Rep. 524; 34 Supp. 567).

Shea v. Cornish, 23 Supp. 168.

Shea v. Sun Printing and Publishing Ass'n., 14 Misc. 415; 70 St. Rep. 438; 35 Supp. 7.3.

Sheehan v National Steamship Co., 66 Hun, 48; 49 St. Rep. 484.

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Shearer v. Field, 6 Misc. 189; 27 Supp. 29.

Shearman v. Henderson, 12 Hun, 170.

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9 Misc. 69 (59 St. Rep. 691; 29 Supp. 12). 18 Misc. 575; (76 St. Rep. 480; 42 Supp. 480).

New Trial—Under § 999 Court of Civil Procedure.

3 App. Div. 54, 56; (73 St. Rep. 849, 850; 38 Supp. 231, 232). 73 Hun, 427; (55 St. Rep. 174; 25 Supp. 155).

Shearman v. N. Y. Central Mills, 1 Abb. 187.

Cited, Pleading—Denials—Sufficiency.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Shearman v. Niagara Fire Ins. Co., 46 N. Y. 526.

Cited, Insurance—Change of Interest.

136 N. Y. 335; (49 St. Rep. 671). 10 Misc. 372; (63 St. Rep. 423, 31 Supp. 34).

Sheary v. Adams, 18 Hun, 181.

Cited, Sureties—Defenses.

20 Misc. 659.

Sheehan v. Butler, 24 Week. Dig. 168; 40 Hun, 634.

Cited, Offer of Judgment—Costs.

148 N. Y. 292. 88 Hun, 220; (68 St. Rep. 541; 34 Supp. 723).

Sheehan v. Carvalho, 12 App. Div. 430; 76 St. Rep. 222; 42 Supp. 222.

Sheehan v. Edgar, 58 N. Y. 631.

Cited, Damages—For Pain and Suffering —Under General Allegation in Action for Personal Injuries.

1 Misc. 354; (48 St. Rep. 665; 20 Supp. 685).

Damages—Measure of—Personal Injuries —Resulting Damages—Future.

8 Misc. 90; (58 St. Rep. 817; 28 Supp. 599).

Streets—Wagons—Degree of Care.

11 App. Div. 277; (76 St. Rep. 115; 42 Supp. 115).

Sheehan v. Fleetham, 34 St. Rep. 665; 12 Supp. 158.

Cited, Evidence—Declarations—Partnership.

49 St. Rep. 306; (21 Supp. 129).

Sheehan v. Fleetham, 49 St. Rep. 305; 21 Supp. 128.

Sheehan v. Golden, 85 Hun, 462; 66 St. Rep. 711; 33 Supp. 109.

Sheehan v. Hamilton, 2 Keyes, 304.

Cited, Ejectment—Defense.

20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052). 17 Misc. 427; (39 Supp. 714).

Sheehan v. N. Y. C. & H. R. R. Co., 91 N. Y. 332.

Cited, Master and Servant—Liability of Master to Servant—Acts of Master—Fellow Servant—Negligence.

142 N. Y. 424; (59 St. Rep. 806). 15 App. Div. 108; (78 St. Rep. 279; 44 Supp. 279).

Master and Servant—Railroads—Rules.

1 Misc. 426; (49 St. Rep. 638; 21 Supp. 429).

Sheehan v. Pierce, 70 Hun, 22; 53 St. Rep. 438; 23 Supp. 1119.

Sheehan v. Treasurer of Long Island City, 11 Misc. 487; 67 St. Rep. 277; 33 Supp. 428.

Sheehy v. Burger, 63 N. Y. 558.

Cited, Streets—Wagons—Degree of Care.

11 App. Div. 277; (76 St. Rep. 115; 42 Supp. 115).

Sheehy v. Utah N. & C. S. Co., 15 Misc. 21; 72 St. Rep. 6; 36 Supp. 777.

Sheffield v. Early. See *Sheffield v. Robinson*.

Sheffield v. Robinson, 73 Hun, 173; 57 St. Rep. 146; 25 Supp. 1098.

Cited, Mechanic's Lien—Resort to Bond.

145 N. Y. 247; (64 St. Rep. 686). 10 Misc. 540; (64 St. Rep. 25; 31 Supp. 448). 86 Hun, 184; (67 St. Rep. 88; 33 Supp. 345).

Sureties—Bond—Estoppel.

39 Supp. 94.

Mechanic's Lien—Enforcement—Lis Pendens—Deposit of Money in Court.

7 Misc. 618; (58 St. Rep. 795; 27 Supp. 956).

Duplicate Citations in Parenthesis.

Sheffield v. Robinson, 80 Hun, 555; 63 St. Rep. 723; 30 Supp. 799.

Cited, Appeal—Demurrer.

85 Hun, 106; (66 St. Rep. 34; 32 Supp. 652).

81 Hun, 82; (62 St. Rep. 764; 30 Supp. 800). 85 Hun, 106; (66 St. Rep. 34; 32 Supp. 652).

Bond—Validity—Estoppel.

13 Misc. 63; (68 St. Rep. 189; 34 Supp. 143).

Sheffield v. Rochester & Syracuse R. Co., 21 Barb. 339.

Cited, Witness—Cross-examination—Failure to Appear for.

67 Hun, 188; (51 St. Rep. 403; 22 Supp. 95).

Sheffield v. Smith, 8 Misc. 43; 59 St. Rep. 454; 28 Supp. 517.

Sheffield Farms Co. v. Burr, 11 Misc. 633; 65 St. Rep. 881; 32 Supp. 1149.

Sheffield Farms Co. v. Burr, 13 Misc. 51; 68 St. Rep. 29; 34 Supp. 74.

Shehan v. Mohar, 17 Hun, 129.

Cited, Partition—Right to—Realty or Personality.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353). 20 Misc. 246; (79 St. Rep. 1011; 45 Supp. 1011).

Shelby v. Sun Printing & Publishing Ass'n, 38 Hun, 474.

Affirmed, 109 N. Y. 611; 14 St. Rep. 919.

Cited, Libel—What is Per Se.

69 Hun, 360; (52 St. Rep. 794; 23 Supp. 654). 89 Hun, 193; (69 St. Rep. 258; 35 Supp. 80).

Shelby Steel-Tube Co. v. Burgess Gun Co., 8 App. Div. 444; 75 St. Rep. 267; 40 Supp. 871.

Cited, Foreign Corporations—Actions—Certificate.

18 Misc. 425; (75 St. Rep. 1418; 41 Supp. 1058).

Sheldon, Matter of, 141 N. Y. 559; 57 St. Rep. 866.

Sheldon v. Adams, 18 Abb. 405; 41 Barb. 54; 27 How. 179.

Cited, Pleading—Amendment—Laches.

56 St. Rep. 57; (25 Supp. 807).

Sheldon v. Allerton, 2 Sandf. 630.

Cited, Costs—Extra Allowance.

14 Misc. 426; (71 St. Rep. 486; 36 Supp. 435).

Sheldon v. Atlantic Fire & Marine Ins. Co., 26 N. Y. 460.

Cited, Insurance—Payment of First Premium—Recital of Policy—Waiver.

71 Hun, 106; (54 St. Rep. 83; 24 Supp. 595).

8 App. Div. 109; (40 Supp. 464).

Sheldon v. Baumann, 79 St. Rep. 1016; 45 Supp. 1016.

Shelden v. Benham, 4 Hill, 129.

Cited, Bills and Notes—Protest—Service of Notice—Sufficiency.

7 App. Div. 415; (74 St. Rep. 763; 40 Supp. 199).

Sheldon v. Button, 5 Hun, 110.

Cited, Husband and Wife—Services of Wife—Recovery by Her.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431).

Sheldon v. Clark, 1 Johns. 513.

Cited, Statutes—Pleading—Provisos and Exceptions.

151 N. Y. 67.

Sheldon v. Dodge, 4 Den. 217.

Cited, Assignment for Creditors—Provision for Counsel Fees After Transfer—Validity of.

7 Misc. 570; (58 St. Rep. 806; 28 Supp. 266).

Sheldon v. Edwards, 35 N. Y. 279.

Cited, Judgment—Conclusiveness—As to Parties.

8 Misc. 298; (59 St. Rep. 213; 28 Supp. 576; 31 Abb. N. C. 445).

Titles—Merger.

152 N. Y. 165.

Fixtures—Agreements.

79 St. Rep. 639; (45 Supp. 639).

Sheldon v. Ferris, 45 Barb. 124.

Cited, Death—Presumption.

20 Misc. 250. 20 Misc. 250; (79 St. Rep. 968; 45 Supp. 968).

Sheldon v. Haxtun, 91 N. Y. 124.

Cited, Usury—Cancellation of Obligation—New Agreement.

72 Hun, 325; (55 St. Rep. 529; 25 Supp. 355). 15 App. Div. 78; (78 St. Rep. 286; 44 Supp. 286).

Sheldon v. Heaton, 78 Hun, 50; 60 St. Rep. 818; 29 Supp. 275.

Cited, Pleading—Answer—Denial—Sufficiency.

1 App. Div. 582; (73 St. Rep. 155; 37 Supp. 539). 16 Misc. 235; (39 Supp. 723).

Sheldon v. Heaton, 88 Hun, 535; 68 St. Rep. 825; 34 Supp. 856.

Sheldon v. Hoy, 11 How. 11.

Cited, Contracts—Descriptio Personae.

2 App. Div. 575; (74 St. Rep. 424; 37 Supp. 1077; 3 Ann. Cas. 114).

Sheldon v. Hudson R. R. Co., 14 N. Y. 218.

Cited, Evidence—Sufficiency—Railroad Fires.

67 Hun, 634; (51 St. Rep. 104; 22 Supp. 474). 67 Hun, 641; (51 St. Rep. 472; 22 Supp. 563).

Duplicate Citations in Parenthesis.

Sheldon v. Mirick, 70 Hun, 41; 53 St. Rep. 500; 23 Supp. 1081.

Reversed, 144 N. Y. 498; 64 St. Rep. 67.

Sheldon v. Mirick, 144 N. Y. 498; 64 St. Rep. 67.

Sheldon v. Mott, 84 Hun, 608; 66 St. Rep. 501; 32 Supp. 667.

Sheldon v. Mott, 70 St. Rep. 894; 35 Supp. 1117.

Sheldon v. Quinlen, 5 Hill, 441.
Cited, Appeal—Affirmance in Part.
152 N. Y. 504.

Sheldon v. Sheldon, 84 Hun, 422; 65 St. Rep. 693; 32 Supp. 419.

Sheldon v. Sheldon, 133 N. Y. 1; 44 St. Rep. 260.

Cited, Evidence—Accounting and Settlement—Giving Note.

74 Hun, 140; (56 St. Rep. 306; 26 Supp. 239). 4 App. Div. 463; (74 St. Rep. 155; 38 Supp. 662).

Limitation of Action—When Statute Runs—Demand—Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822). 140 N. Y. 158; (55 St. Rep. 261). 90 Hun, 98; (69 St. Rep. 788; 35 Supp. 368).

Mortgage—Satisfaction Piece—Presumption of Payment.

140 N. Y. 637; (55 St. Rep. 557).

Wills—Construction—Parol—Evidence.

20 Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Wills—Legacy to Creditor—Satisfaction of Debt.

50 St. Rep. 879; (21 Supp. 335). 141 N. Y. 82; (56 St. Rep. 543).

Sheldon v. Sheldon, 33 St. Rep. 754; 11 Supp. 477.

Cited, Evidence—Documentary—Entries by Decedent.

49 St. Rep. 562; (20 Supp. 912).

Sheldon v. Sherman, 42 N. Y. 484.

Cited, Trespass by Inanimate Objects—Liability of Owner.

77 Hun, 429; (60 St. Rep. 40; 28 Supp. 799). 4 App. Div. 201; (74 St. Rep. 199; 38 Supp. 556).

Sheldon v. Skinner, 4 Wend. 525.

Cited, Injuries—Liability of Co-owners.

67 Hun, 630; (51 St. Rep. 227; 22 Supp. 567). 143 N. Y. 445; (62 St. Rep. 452).

Sheldon v. Stryker, 27 How. 387.

Cited, New Trial—Newly Discovered Evidence—Laches.

7 App. Div. 405; (39 Supp. 1020).

Sheldon v. Van Buskirk, 2 N. Y. 473.

Cited, Sheriff—Execution of Process—Validity of on Face.

79 Hun, 139; (61 St. Rep. 351; 29 Supp. 759; 24 Civ. Pro. 22).

Sheldon v. Wakely, 3 Law Bul. 94.

Cited, Writ and Process—Privilege—Parties and Witnesses.

55 St. Rep. 873; (26 Supp. 330).

Sheldon v. Williams, 52 Barb. 183.

Cited, Appeal—Judgments—Conclusiveness.

16 App. Div. 469; (78 St. Rep. 937; 44 Supp. 937).

Sheldon v. Wood, 2 Bosw. 267.

Cited, Witness—Cross-examination—Discretion of Court.

88 Hun, 367; (18 St. Rep. 796; 34 Supp. 863).

Depositions—Sufficiency.

9 App. Div. 599; (75 St. Rep. 996; 41 Supp. 603).

Sheldon H. B. Co. v. Eickemeyer H. B. M. Co., 90 N. Y. 607.

Cited, Corporations—Ultra Vires Acts—Ratification.

11 Misc. 457; (66 St. Rep. 78; 32 Supp. 715).

Shellington v. Howland, 53 N. Y. 371.

Cited, Corporations—Stockholders—Corporate Debts—Exhaustion of Remedy Against Corporation.

79 Hun, 106; (61 St. Rep. 183; 29 Supp. 638). 145 N. Y. 95; (64 St. Rep. 540). 152 N. Y. 124.

Corporations—Stockholders—Transfer of Stock—When Effective.

71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23).

Corporations—Dissolution—Preliminary Suit Against.

146 N. Y. 58; (65 St. Rep. 772). 81 Hun, 539; (63 St. Rep. 219; 30 Supp. 1025).

Shelmire v. Williams & Clarks Fertilizer Co., 68 Hun, 196; 52 St. Rep. 88; 22 Supp. 347.

Shelthar v. Gregory, 2 Wend. 422.

Cited, Husband and Wife—Agreements for Separation—Validity.

16 App. Div. 615; (78 St. Rep. 976; 44 Supp. 976).

Shelton v. Merchants' Despatch T. Co., 59 N. Y. 258.

Cited, Principal and Agent—Authority of Agent—Shipment.

76 Hun, 24; (59 St. Rep. 613; 27 Supp. 111). 88 Hun, 152; (68 St. Rep. 303; 34 Supp. 520). 16 Misc. 35; (73 St. Rep. 567; 37 Supp. 948).

*Duplicate Citations in Parenthesis.***Shepard v. Buffalo, N. Y. & Erie R. Co.,** 35 N. Y. 641.

Cited, Railroads—Failure to Fence—Contributory Negligence.

11 App. Div. 377; (76 St. Rep. 234; 42 Supp. 234).

Actions—Defenses—Duty of Third Party Availability.

18 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Shepard v. Metropolitan El. R. Co.,

82 Hun, 527; 64 St. Rep. 173; 31 Supp. 537.

Cited, Easements—Severance.

13 App. Div. 385; (77 St. Rep. 39; 43 Supp. 39).

Shepard v. Manhattan R. Co., 117 N. Y. 442; 27 St. Rep. 705.

Cited, Action — Parties — Bringing in—Conveyance of Premises Pending Action for Injuries to.

60 St. Rep. 171; (28 Supp. 484). 13 App. Div. 386; (77 St. Rep. 39; 43 Supp. 39).

Actions—Joinder of Causes.

10 App. Div. 517; (75 St. Rep. 1438; 41 Supp. 1091). 78 St. Rep. 920; (44 Supp. 920).

Equity—Retaining Jurisdiction for Complete Relief—Multiplicity of Suits.

141 N. Y. 285; (57 St. Rep. 402). 135 N. Y. 244; (47 St. Rep. 834). 84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574). 84 Hun, 185; (65 St. Rep. 795; 32 Supp. 572). 85 Hun, 66; (65 St. Rep. 861; 32 Supp. 641). 16 App. Div. 452; (79 St. Rep. 66; 45 Supp. 66).

Elevated Railways—Prayer for Injunctive Relief—Accessory Right to Past Damages.

1 Misc. 156; (48 St. Rep. 712; 20 Supp. 626).

Trial—Right to Jury—Damages.

8 Misc. 458; (59 St. Rep. 573; 28 Supp. 683).

Railroads — Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325).

Realty—Damages—To What Time Allowable.

91 Hun, 192; (72 St. Rep. 309; 36 Supp. 936).

Shepard v. Manhattan R. Co., 131 N. Y. 215; 43 St. Rep. 117.

Cited, Actions—Equity—Jury Trial.

1 Misc. 460; (49 St. Rep. 610; 21 Supp. 791). 1 Misc. 379; (49 St. Rep. 121; 20 Supp. 867). 1 Misc. 156; (48 St. Rep. 712; 20 Supp. 626). 8 Misc. 423; (59 St. Rep. 36; 28 Supp. 664). 5 Misc. 167; (24 Supp. 915;

23 Civ. Pro. 220). 136 N. Y. 512; (49 St. Rep. 750). 144 N. Y. 178; (63 St. Rep. 84). 12 Misc. 44; (67 St. Rep. 354; 33 Supp. 565). 81 Hun, 7; (62 St. Rep. 582; 30 Supp. 581). 148 N. Y. 355. 149 N. Y. 173.

Shepard v. Parker, 36 N. Y. 517.

Cited, Witness—Disparaging Questions—Discretion of Court.

7 App. Div. 605; (74 St. Rep. 740; 40 Supp. 179).

Shepard v. Philbrick, 2 Den. 174;

Cited, Foreclosure—Growing Crop.

135 N. Y. 391; (48 St. Rep. 527).

Shepard v. Shepard, 2 Misc. 566; 24 Supp. 773.**Shepard v. Shepard,** 7 Johns. Ch. 57.

Cited, Husband and Wife—Gifts—Rights of Creditors

7 Misc. 466; (59 St. Rep. 874; 28 Supp. 392). 5 App. Div. 366; (39 Supp. 236).

D. 5 App. Div. 371; (39 Supp. 240).

Ante-Nuptial Contracts—Priority.

20 Misc. 483.

Contracts—Benefit of Third Party—Right to Sue.

92 Hun, 268; (72 St. Rep. 403; 36 Supp. 881; 3 Ann. Cas. 28).

Shepard v. Squire, 76 Hun, 598; 58 St.

Rep. 247; 28 Supp. 218; 23 Civ. Pro. 403.

Shepard v. Stebbins, 48 Hun, 247; 17 St. Rep. 900.

Cited, Guardian and Ward—Expenditures of Guardian—Allowance.

2 App. Div. 78; (72 St. Rep. 767; 37 Supp. 231). 90 Hun, 387; (70 St. Rep. 621; 35 Supp. 917). 10 Misc. 548; (64 St. Rep. 124; 31 Supp. 441).

Shepard v. Wright, 35 Hun, 444.

Cited, Judgment — Foreign — Defendant Not Personally Served — Effect In Personam.

50 St. Rep. 220.

Shepherd v. Burt, 3 Duer. 645.

Cited, Security for Costs—When To Be Filed.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790).

Shepherd v. McEvers, 4 Johns. Ch. 136.

Cited, Trustees—Duties—Election of Remedies.

81 Hun, 176; (62 St. Rep. 680; 30 Supp. 695).

Shepherd v. Moodhe, 8 Misc. 607; 61 St. Rep. 52; 29 Supp. 392.

Reversed, 150 N. Y. 183.

Shepherd v. Moodhe, 150 N. Y. 183.

*Duplicate Citations in Parenthesis.***Shepherd v. People**, 19 N. Y. 533.*Cited*, Criminal Law—Proof—Degree.

77 Hun, 504; (60 St. Rep. 548; 28 Supp. 1084). 11 App. Div. 499; (76 St. Rep. 759; 42 Supp. 759).

Shepherd v. People, 25 N. Y. 406.*Cited*, Criminal Law—Ex post Facto Statute—Reduction of Penalty.

70 Hun, 118; (54 St. Rep. 188; 24 Supp. 199). 140 N. Y. 491; (56 St. Rep. 459).

Shepherd's Fold of Protestant Church v. New York, 96 N. Y. 137.*Cited*, Poor—Aid to Charitable Corporation by Municipality.

74 Hun, 41; (56 St. Rep. 196; 26 Supp. 295). 141 N. Y. 128; (56 St. Rep. 668).

Payment of Public Moneys—Limitations On.

149 N. Y. 375. 152 N. Y. 411.

Sheppard v. Steele, 43 N. Y. 52.*Cited*, Payment—Application of.

77 Hun, 179; (58 St. Rep. 726; 28 Supp. 420). 87 Hun, 14; (67 St. Rep. 497; 33 Supp. 881). 20 Misc. 614; (79 St. Rep. 1131; 45 Supp. 1131).

Jury Trial—Constitutional Right.

13 App. Div. 201; (77 St. Rep. 568; 43 Supp. 368).

Sherburne v. Taft, 49 St. Rep. 771; 20 Supp. 757.*Affirmed*, 58 St. Rep. 674.**Sherburne v. Taft**, 58 St. Rep. 674.*Affirming*, 49 St. Rep. 771; 20 Supp. 757.**Sheridan v. Andrews**, 49 N. Y. 478.*Cited*, Lis Pendens—Filing Notice—Reasons for.

136 N. Y. 575; (50 St. Rep. 25).

Sheridan v. Andrews, 80 N. Y. 648.*Cited*, Appeal—Right of Trial Court to Modify Judgment After Affirmance.

82 Hun, 424; (63 St. Rep. 583; 31 Supp. 266). 16 App. Div. 469; (78 St. Rep. 938; 44 Supp. 938). 11 Misc. 270; (65 St. Rep. 436; 32 Supp. 252).

Sheridan v. Brooklyn & N.R.R. Co., 36 N. Y. 39.*Cited*, Negligence—Proximate Cause.

20 Misc. 34; (79 St. Rep. 324; 45 Supp. 324).

Negligence—Question of Fact for Jury.

91 Hun, 87; (71 St. Rep. 103; 36 Supp. 167).

Railroads—Riding on Platform—Effect.

7 App. Div. 315; (40 Supp. 995).

Sheridan v. Charlick, 4 Daly, 338.*Cited*, Master and Servant—Liability for Acts of Servant.

8 Misc. 440; (58 St. Rep. 856; 28 Supp. 681). 16 App. Div. 178; (78 St. Rep. 661; 44 Supp. 661). 11 Misc. 33; (63 St. Rep. 446; 31 Supp. 8'2).

Sheridan v. Genet, 1 Civ. Pro. 309.*Cited*, Costs—Taxation—New Trial—To Abide Event of Action.

24 Supp. 805.

Sheridan v. Houghton, 6 Abb. N. C. 234.*Cited*, Wills—Execution—Proof—Sufficiency.

19 Misc. 337; (78 St. Rep. 356; 44 Supp. 356).

Sheridan v. House, 4 Keyes, 569.*Cited*, Real Property—Life Estates in—Remainder—Possession—Right to.

9 Misc. 644; (62 St. Rep. 220; 30 Supp. 435). 73 Hun, 490; (56 St. Rep. 13; 26 Supp. 438). 10 App. Div. 165; (75 St. Rep. 1239; 41 Supp. 868). 10 App. Div. 579; (76 St. Rep. 417; 42 Supp. 417).

Sheridan v. Jackson, 72 N. Y. 170.*Cited*, Complaint—Dismissal on Opening—Effect.

88 Hun, 102; (68 St. Rep. 530; 34 Supp. 607). 14 Misc. 514; (70 St. Rep. 771; 33 Supp. 13). 8 App. Div. 194; (40 Supp. 337).

Sheridan v. New York, 12 Misc. 47; 66 St. Rep. 728; 33 Supp. 71.*Cited*, Appeal—Review—Failure to Except—Effect.

14 Misc. 500; (70 St. Rep. 723; 35 Supp. 1079).

Sheridan v. New York, 8 Hun, 424.*Cited*, Trial—Question for Jury—Credibility of Party.

75 Hun, 50; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 149).

Sheridan v. New York, 68 N. Y. 30.*Cited*, Appeal—Reversal of Findings—Insufficiency of Evidence.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717).

Assignment—Of Claim—Interest of Assignee.

68 Hun, 322; (52 St. Rep. 101; 22 Supp. 896). 4 Misc. 539; (54 St. Rep. 123; 24 Supp. 828). 6 Misc. 139; (56 St. Rep. 235; 26 Supp. 9). 8 Misc. 511; (59 St. Rep. 409; 28 Supp. 759). 67 Hun, 228; (50 St. Rep. 774, 22 Supp. 724). 6 App. Div. 467; (39 Supp. 690). 10 Misc. 226; (63 St. Rep. 250; 30 Supp. 1060). 14 Misc. 13; (69 St. Rep. 498; 35 Supp. 126). 17 Misc. 706; (41 Supp. 518). 18 Misc. 180; (75 St. Rep. 967; 41 Supp. 576). 18 Misc. 246; (75 St. Rep. 1002; 41 Supp. 608). 78 St. Rep. 378; (44 Supp. 378). 18 Misc. 588; (76 St. Rep. 240; 42 Supp. 240). 20 Misc. 578.

Duplicate Citations in Parenthesis.

- Sheridan v. Presas**, 18 Misc. 180; 75 St. Rep. 847; 41 Supp. 451.
- Sheridan v. Smith**, 2 Hill, 538.
Cited, Tender—Payment Into Court—Waiver.
16 Misc. 436; (39 Supp. 736). 89 Hun, 572; (70 St. Rep. 117; 35 Supp. 549).
- Sheridan v. Willis**, 6 App. Div. 132; 89 Supp. 884.
- Sheridan Electric Light Co. v. Chat-ham Nat. Bank**, 52 Hun, 575; 24 St. Rep. 622; 5 Supp. 529.
Cited, Corporations—Officers—Salaries.
49 St. Rep. 160; (20 Supp. 983).
Corporations — Officers—Transaction of Business.
83 Hun, 23; (64 St. Rep. 380; 31 Supp. 694). 12 Misc. 584; (67 St. Rep. 805; 33 Supp. 1102).
- Sherman, Matter of**, 70 Hun, 465; 53 St. Rep. 710; 24 Supp. 283.
- Sherman, Matter of**, 153 N. Y. 1.
Affirming, 15 App. Div. 628.
- Sherman v. Adirondack R. Co.**, 92 Hun, 39; 71 St. Rep. 746; 36 Supp. 692.
Cited, 8 App. Div. 621; (40 Supp. 1149).
- Sherman v. Adirondack Railway Co.**, 8 App. Div. 621; 40 Supp. 1149.
- Sherman v. Billings, Kings & Co.**, 90 Hun, 544; 71 St. Rep. 405; 36 Supp. 69.
- Sherman v. Boehm**, 13 Daly, 42; 7 Civ. Pro. 34.
Cited, Pleading—Answer—False—Sham—Striking Out.
5 Misc. 511; (58 St. Rep. 106; 25 Supp. 969). 16 Misc. 335; (39 Supp. 722).
- Sherman v. Delaware, L. & W. R. Co.**, 106 N. Y. 542; 11 St. Rep. 318.
Cited, Evidence — Declarations—As Res Gestae.
4 Misc. 403; (53 St. Rep. 666; 24 Supp. 143).
- Sherman v. Engel**, 18 Misc. 484; 75 St. Rep. 1335; 41 Supp. 959.
- Sherman v. Green**, 90 Hun, 462; 71 St. Rep. 77; 36 Supp. 53; 25 Civ. Pro. 191.
- Sherman v. Grinnell**, 70 Hun, 354; 53 St. Rep. 813; 24 Supp. 59.
- Sherman v. Henderson**, 12 Hun, 170.
Cited, New Trial—Against Evidence.
11 Misc. 236; (32 Supp. 784).
- Sherman v. Hudson River R. Co.**, 64 N. Y. 254.
Cited, Reference—Report and Findings—Effect of.
- 75 Hun, 200; (58 St. Rep. 670; 27 Supp. 47).
- Carriers—Non-delivery—Damages.
19 Misc. 532; (77 St. Rep. 1125; 43 Supp. 1125; 3 Ann. Cas. 404).
- Sherman v. Jenkins**, 70 Hun, 593; 53 St. Rep. 780; 24 Supp. 186.
Cited, Evidence—Burden of Proof—Invalidity of Assignment for Creditors.
78 Hun, 119; (60 St. Rep. 500; 28 Supp. 1058).
- Sherman v. Kane**, 86 N. Y. 57.
Cited, Adverse Possession—Continuity—Duration.
3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796). 49 St. Rep. 474; (21 Supp. 93).
Deeds—Description — Practical Location—Prescription.
71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125). 13 Misc. 208; (67 St. Rep. 870; 34 Supp. 15). D 2 App. Div. 488; (74 St. Rep. 440; 38 Supp. 12).
- Vendor and Purchaser—Title—Adverse Possession.
66 Hun, 328; (50 St. Rep. 257; 21 Supp. 345).
- Sherman v. McIntyre**, 7 Hun, 592.
Cited, Evidence—Presumption—Accounting and Settlement—Giving Note.
74 Hun, 140; (56 St. Rep. 306; 26 Supp. 239).
- Sherman v. McKeon**, 38 N. Y. 266.
Cited, Waiver—Statutory Provisions in Party's Favor.
4 Misc. 119; (53 St. Rep. 464; 23 Supp. 897). 151 N. Y. 265. 16 Misc. 585; (74 St. Rep. 483; 38 Supp. 806).
Conveyances—General and Particular Descriptions—Which Prevails.
15 App. Div. 270; (78 St. Rep. 215; 44 Supp. 215).
- Sherman v. Oneonta, Village of**, 49 St. Rep. 267; 21 Supp. 137.
Affirmed, 142 N. Y. 637; 60 St. Rep. 867.
Cited, Highways—Condition of—Obstructions—Liability of Municipality.
73 Hun, 445; (56 St. Rep. 44; 26 Supp. 644). 86 Hun, 435; (67 St. Rep. 631; 33 Supp. 902). 79 Hun, 557; (61 St. Rep. 531; 29 Supp. 914).
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86 Hun, 433; (67 St. Rep. 632; 33 Supp. 903).
- Municipal Corporations—Presentation of Claims—Availability.
15 Misc. 194; (72 St. Rep. 134; 37 Supp. 2).
Trial—Question of Fact—Contributory Negligence.

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77 Hun, 442; (60 St. Rep. 675; 29 Supp. 106). 86 Hun, 470; (67 St. Rep. 618; 33 Supp. 948). 88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738). 13 App. Div. 504; (77 St. Rep. 660; 43 Supp. 660).

Sherman v. Parish, 53 N. Y. 483.

Cited, Estoppel—Equitable—Acquiescence—Management of Trust.

72 Hun, 279; (55 St. Rep. 363; 25 Supp. 588).

Actions—Parties—Bringing in.

81 Hun, 194; (62 St. Rep. 706; 30 Supp. 762).

83 Hun, 397; (64 St. Rep. 787; 31 Supp. 878).

Sherman v. Pope, 106 N. Y. 664; 8 St. Rep. 710.

Cited, Action—Leave to Sue as Poor Person—Security for Costs as Affecting.

7 Misc. 419; (58 St. Rep. 479; 27 Supp. 980; 31 Abb. N. C. 145; 23 Civ. Pro. 367).

Sherman v. Robertson, 88 Hun, 40; 68 St. Rep. 154; 34 Supp. 275.

Sherman v. Rochester & Syracuse R. Co., 17 N. Y. 153.

Cited, Master and Servant—Master's Liability—Co-Servant.

135 N. Y. 12; (47 St. Rep. 854). 145 N. Y. 196; (64 St. Rep. 578). 15 App. Div. 244; (78 St. Rep. 236; 44 Supp. 236).

Sherman v. Rogers, 70 Hun, 425; 54 St. Rep. 61; 24 Supp. 390.

Sherman v. Scott, 27 Hun, 331.

Cited, Decedent's Estates—Trusts—Implication.

18 Misc. 522; (76 St. Rep. 1088; 42 Supp. 1088).

Sherman v. Shisler, 6 Misc. 203; 27 Supp. 215.

Cited, Courts of Record—Costs—Allowance.

83 Hun, 220; (38 St. Rep. 542; 34 Supp. 723).

Sherman v. Wright, 49 N. Y. 227.

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Cited, Specific Performance—Discretion of Court.

8 App. Div. 367; (75 St. Rep. 184; 40 Supp. 803). 10 App. Div. 553; (76 St. Rep. 438; 42 Supp. 438). 79 St. Rep. 395; (45 Supp. 395).

Sherred v. Cisco, 4 Sandf. 480.

Cited, Party Wall—Ownership.

D. 71 Hun, 308; (54 St. Rep. 747; 24 Supp. 1005).

Sherrill v. Christ Church, 121 N. Y. 791; 31 St. Rep. 896.

Cited, Taxes—Collateral Inheritance—In General.

137 N. Y. 210; (50 St. Rep. 407)

Sherry v. Cary, 13 Civ. Pro. 256.

Cited, Costs—Taxation—Review—Papers. 7 App. Div. 140; (40 Supp. 299).

Sherry v. Frecking, 4 Duer. 456.

Cited, Ejectment—When Lies—Overhanging Wall.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 407).

Sherry v. N. Y. C. & H. R. R Co., 104 N. Y. 652; 5 St. Rep. 374.

Cited, Railroads—Crossings—Duty to Look—Proof.

79 Hun, 548; (61 St. Rep. 561; 29 Supp. 872). 85 Hun, 113; (66 St. Rep. 34; 32 Supp. 651). 8 App. Div. 142; (40 Supp. 473).

Trial—Questions of Fact—Negligence.

66 Hun, 284; (49 St. Rep. 280; 21 Supp. 160). 85 Hun, 157; (65 St. Rep. 665; 32 Supp. 480).

Non-suit—Plaintiff's Evidence—Inference.

85 Hun, 108; (66 St. Rep. 30; 32 Supp. 647). 12 App. Div. 452; (76 St. Rep. 715; 42 Supp. 715).

Sherwell, Matter of, 125 N. Y. 376; 35 St. Rep. 403.

Cited, Surrogate—Jurisdiction—Extent in Inheritance Tax Proceedings.

137 N. Y. 407; (51 St. Rep. 3; 29 Abb. N. C. 477).

Taxes—Collateral Inheritance—What is Subject of.

137 N. Y. 83; (50 St. Rep. 84)

Sherwood, Matter of, See Townsend, Matter of.

Sherwood, Matter of, 63 St. Rep. 856; 31 Supp. 409.

Sherwood v. Agricultural Ins. Co. of Watertown, 10 Hun, 593.

Cited, Insurance—Proofs of Loss—Failure to Furnish—Effect.

9 App. Div. 345; (75 St. Rep. 721; 41 Supp. 308).

Sherwood v. Agricultural Ins. Co. of Watertown, 73 N. Y. 447.

Cited, Insurance—Proofs of Loss—Failure to Furnish—Effect.

9 App. Div. 345; (75 St. Rep. 721; 41 Supp. 308).

Sherwood v. American Bible Soc., 4 Abb. Ct. App. Dec. 227.

Cited, Wills—Trusts—Beneficiaries.

79 Hun, 623; (45 Supp. 623).

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Cited, Supplementary Proceedings — Against Corporations.

140 N. Y. 448; (55 St. Rep. 795; 23 Civ. Pro. 249). 4 Misc. 519; (54 St. Rep. 134; 24 Supp. 699; 23 Civ. Pro. 194).

Sherwood v. Crane, 9 Misc. 715; 60 St. Rep. 843; 29 Supp. 1149.

Affirmed, 12 Misc. 83; 66 St. Rep. 517; 33 Supp. 17.

Sherwood v. Crane, 12 Misc. 83; 66 St. Rep. 517; 33 Supp. 17.

Cited, Contracts — Construction — Contra Preferentem.

17 Misc. 144; (39 Supp. 345).

Sherwood v. Graves, 83 Hun, 153; 64 St. Rep. 324; 31 Supp. 660.**Sherwood v. Harbeck,** 13 App. Div. 133; 76 St. Rep. 1045; 42 Supp. 1045.**Sherwood v. Hauser,** 94 N. Y. 626.

Cited, Appeal—Review of Evidence—Conflict—Effect.

142 N. Y. 210; (58 St. Rep. 652). 1 Misc. 140; (48 St. Rep. 722; 20 Supp. 629). 86 Hun, 423; (67 St. Rep. 179; 33 Supp. 523). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 668).

Sherwood v. Houtman, 73 Hun, 544; 57 St. Rep. 271; 26 Supp. 150.**Sherwood v. Metropolitan R. Co.,** 36 St. Rep. 195; 12 Supp. 852.

Cited, Evidence—Opinions—Expert—Real Property—Rental Values.

7 Misc. 628; (58 St. Rep. 810; 28 Supp. 150; 31 Abb. N. C. 269).

Sherwood v. N. Y., O. & W. R. Co., 86 Hun, 556; 67 St. Rep. 517; 33 Supp. 771.**Sherwood v. Saratoga & Washington R. Co.,** 15 Barb. 650.

Cited, Justice's Court — Adjournment — Delay Before Proceeding to Trial on Adjourned Day.

1 Misc. 497; (23 Supp. 134). 11 Misc. 454; (67 St. Rep. 418; 33 Supp. 417; 24 Civ. Pro. 431). 15 Misc. 174; (72 St. Rep. 170; 37 Supp. 18).

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20 Misc. 368; (79 St. Rep. 924; 45 Supp. 924).

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Sherwood v. Travelers Ins. Co., on **Hartford,** 12 Daly, 137.

Cited, Appeal—From Justice's Court—Costs—Payment.

89 Hun, 192; (69 St. Rep. 238; 35 Supp. 9).

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Cited, Courts — Contempts — Punishment.

D. 80 Hun, 458; (62 St. Rep. 303, 304; 30 Supp. 471). 14 Misc. 595; (72 St. Rep. 258; 25 Civ. Pro. 119; 2 Ann. Cas. 268).

Shether v. Sherman, 65 How. 9.

Cited, Wills—Legacies—Specific.

19 Misc. 214; (77 St. Rep. 1149; 43 Supp. 1149).

Shidlovsky v. Cashman, 20 Misc. 404; 79 St. Rep. 1041; 45 Supp. 1041.**Shields v. Bush,** 76 Hun, 226; 59 St. Rep. 132; 27 Supp. 754.**Shields v. Clement,** 12 Misc. 506; 67 St. Rep. 370; 33 Supp. 676.**Shields v. N. Y. C. & H. R. R. Co.,** 133 N. Y. 557.

Cited, Master and Servant—Risks Assumed.

10 App. Div. 313; (75 St. Rep. 1193; 41 Supp. 795).

Shields v. Pettee, 2 Sandf. 262.

Cited, Sales—Breach—Warranty.

17 Misc. 608; (75 St. Rep. 79; 40 Supp. 676).

Shields v. Robins, 12 Misc. 332; 65 St. Rep. 788; 33 Supp. 639.**Shields v. Robins,** 3 App. Div. 582; 73 St. Rep. 708; 38 Supp. 214.**Shields v. Russell,** 66 Hun, 226; 49 St. Rep. 134; 20 Supp. 909.

Modified, 112 N. Y. 290; 58 St. Rep. 858.

Shields v. Russell, 142 N. Y. 290; 58 St. Rep. 858.

Modifying, 66 Hun, 226; 49 St. Rep. 134; 20 Supp. 909.

Shields v. Sullivan, 3 Dem. 296.

Cited, Executors and Administrators—Accounting—Counsel Fees—When Allowed.

3 Misc. 396; (24 Supp. 851). 5 Misc. 141; (25 Supp. 707). 86 Hun, 12; (66 St. Rep. 763; 33 Supp. 138).

Shiels v. Wortmann, 126 N. Y. 650; 37 St. Rep. 134.

Cited, Railroads—Crossing—Failure to See Trains.

65 St. Rep. 66; (31 Supp. 1036).

Shillak v. White, 136 N. Y. 625; 49 St. Rep. 913.

Affirming, 38 St. Rep. 483; 14 Supp. 637.

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2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464). 3 Misc. 94; (51 St. Rep. 609; 22 Supp. 371).

Shing v. Sire, 15 Misc. 139; 36 Supp. 466.

Shipherd v. Crowell, 1 App. Div. 212; 72 St. Rep. 648; 37 Supp. 135.

Shipman, Matter of, 53 Hun, 511; 25 St. Rep. 5; 6 Supp. 276.

Cited, Executors—Nature of Estate Taken by.

2 Misc. 281; (23 Supp. 972).

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Shipman, Matter of, 82 Hun, 108; 64 St. Rep. 161; 31 Supp. 571.

Shipman, Matter of, 22 Abb. N. C. 289; 5 Supp. 559.

Cited, Husband and Wife—Services—Liability of Wife.

18 Misc. 141; (41 Supp. 1094).

Shipman v. Bank of State of N. Y., 126 N. Y. 318; 37 St. Rep. 376.

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73 Hun, 242; (57 St. Rep. 31; 25 Supp. 1028).

Cited, Account Stated—Impeachment—Depositor's Account With Bank.

6 Misc. 62; (56 St. Rep. 602; 26 Supp. 887). 9 Misc. 365; (60 St. Rep. 627; 29 Supp. 700).

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50 St. Rep. 274; (21 Supp. 654).

Bills and Notes—Fictitious Payee—Rights of Holder.

140 N. Y. 561; (56 St. Rep. 501). 67 Hun, 382; (51 St. Rep. 920; 22 Supp. 257). 82 Hun, 561; (64 St. Rep. 177; 31 Supp. 542).

Principal and Agent—Agent Acting Beyond Scope of Authority—Effect.

151 N. Y. 11.

Banks—Signatures to Checks—Duty to Ascertain.

10 Misc. 682; (64 St. Rep. 495; 31 Supp. 792).

Shipman v. Beers, 2 Abb. N. C. 435.

Cited, Easements—Ancient Lights—Destruction or Impairment—Adjoining Owners.

4 Misc. 49; (53 St. Rep. 637; 23 Supp. 826). 23 Supp. 824.

Shipman v. Kelley, 9 App. Div. 316; 75 St. Rep. 743; 41 Supp. 328.

Affirming, 16 Misc. 673; 74 St. Rep. 225; 38 Supp. 597

Cited, Sureties—Extension of Time—Effect.

14 App. Div. 18; (77 St. Rep. 658; 43 Supp. 658).

Shipman v. Lansing, 25 Hun, 290.

Cited, Partnership—Set-Off.

19 Misc. 685; (78 St. Rep. 1055; 44 Supp. 1055).

Shipman v. Learn, 92 Hun, 558; 72 St. Rep. 73; 36 Supp. 969.

Shipman v. Long Island R. Co., 17 Misc. 102; 39 Supp. 498.

Affirmed, 11 App. Div. 46; 41 Supp. 1131.

Shipman v. Rollins, 98 N. Y. 311.

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76 Hun, 434; (58 St. Rep. 231; 27 Supp. 1033). 9 App. Div. 605; (75 St. Rep. 1132; 41 Supp. 739). 8 App. Div. 352; (75 St. Rep. 177; 40 Supp. 798).

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86 Hun, 423; (67 St. Rep. 180; 33 Supp. 523).

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3 Misc. 484; (23 Supp. 746).

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Shires v. Fonda, Johnstown & Gloversville R. Co., 80 Hun, 92; 62 St. Rep. 4; 30 Supp. 175.

Cited, 86 Hun, 508, 510; (67 St. Rep. 552, 553; 33 Supp. 730, 731).

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91 Hun, 7; (71 St. Rep. 424; 36 Supp. 87). 11 App. Div. 275; (76 St. Rep. 119; 42 Supp. 119).

Shirley v. Bennett, 6 Lans. 512.

Cited, Infant—Recovery for Services.

92 Hun, 274; (72 St. Rep. 317; 36 Supp. 954).

Shirley v. Sugar Refinery, 2 Edw. Ch. 505.

Cited, Vendor—Lien—Security—Waiver. 141 N. Y. 468; (57 St. Rep. 606).

Shoe and Leather Bank v. Thompson, 18 Abb. 413.

Cited, Libel—Corporation—Special Damage—Credit.

73 Hun, 84; (57 St. Rep. 115; 25 Supp. 1031).

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Shoemaker v. Benedict, 11 N. Y. 176.

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Shoemaker v. Shoemaker, 11 Abb. N. C. 80.

Cited, Easements—Implication.

16 App. Div. 418; (79 St. Rep. 35; 45 Supp. 35). 18 Misc. 518; (41 Supp. 988).

Shorer v. Times Printing and Pub. Co., 119 N. Y. 483.

Cited, Corporations—Order to Try Issues—When Necessary.

19 Misc. 687; (78 St. Rep. 1103; 44 Supp. 1103).

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Shorter v. Mackey, 13 App. Div. 20; 77 St. Rep. 112; 43 Supp. 112.

Shorter v. People, 2 N. Y. 193.

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Shortsleeves v. N. Y. C. & H. R. R.

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Shotwell v. Smith, 3 Edw. Ch. 588.

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Shrader, Matter of, 63 Hun, 36; 42 St. Rep. 166.

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9 Misc. 200; (61 St. Rep. 292; 30 Supp. 215; 24 Civ. Pro. 59).

Shrady v. Logan, 17 Misc. 329; 40 Supp. 1010; 3 Ann. Cas. 198.

Shreve, Crump & Low Co. v. Holbrook, 87 Hun, 621; 68 St. Rep. 468; 34 Supp. 317.

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3 Misc. 254; (51 St. Rep. 910; 22 Supp. 758).

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13 Misc. 239; (68 St. Rep. 110; 34 Supp. 126).

Shrimpton & Sons v. Eschwege, 10 App. Div. 56; 75 St. Rep. 1342; 41 Supp. 966.

Cited, Possession of Property—Presumption of Title.

14 App. Div. 426; (77 St. Rep. 1019; 43 Supp. 1019).

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59 St. Rep. 516; (29 Supp. 1123). 34 Supp. 663. 14 Misc. 479; (70 St. Rep. 363; 35 Supp. 846). 81 Hun, 262; (62 St. Rep. 756; 30 Supp. 793).

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Shufelt v. Cramer, 20 Johns 309.

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3 Misc. 418; (52 St. Rep. 448; 23 Supp. 187). 4 Misc. 587; (25 Supp. 848).

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Cited, Legacies—Charge on Land.

18 Misc. 147; (75 St. Rep. 1451; 41 Supp. 1103).

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Shultes v. Sickles, 70 Hun, 479; 53 St. Rep. 700; 24 Supp. 145.

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3 App. Div. 175; (73 St. Rep. 689; 38 Supp. 352; 3 Ann. Cas. 111). 16 App. Div. 501; (78 St. Rep. 906; 44 Supp. 906).

Shults v. Andrews, 54 How. 380.

Cited, Process—Service—Privilege.

10 Misc. 291; (63 St. Rep. 245; 30 Supp. 1054; 24 Civ. Pro. 129).

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11 Misc. 379; (65 St. Rep. 291; 32 Supp. 162; 24 Civ. Pro. 270).

Shultz v. Chatfield, 17 Misc. 264; 40 Supp. 1081.

Shultz v. Hoagland, 85 N. Y. 464.

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80 Hun. 61; (61 St. Rep. 563; 29 Supp. 875). 18 Misc. 111; (41 Supp. 836). 18 Misc. 111; (41 Supp. 837).

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6 Misc. 273; (58 St. Rep. 133; 26 Supp. 765). 2 Misc. 530; (24 Supp. 883). 145 N. Y. 224; (64 St. Rep. 603).

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3 Misc. 497; (23 Supp. 985). 14 Misc. 161; (69 St. Rep. 741; 35 Supp. 354). 72 St. Rep. 804; (38 Supp. 175).

Shultz v. Mead, 8 Supp. 663.

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18 Misc. 55; (75 St. Rep. 440; 40 Supp. 1123).

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9 Misc. 104; (59 St. Rep. 719; 29 Supp. 36).

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Shumway v. Cooper, 16 Barb. 556.

Cited, Surrogate—Control of Executors—Limitation of Power.

89 Hun, 51; (69 St. Rep. 429; 35 Supp. 35).

Shumway v. Stillman, 6 Wend. 447.

Cited, Judgment—Foreign Jurisdiction. 50 St. Rep. 220. 17 Misc. 237, 233; (39 Supp. 715, 716). 17 Misc. 483; (75 St. Rep. 817; 41 Supp. 416).

Shute v. Dorr, 5 Wend. 204.

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5 Misc. 158; (25 Supp. 721).

Shuttleworth v. Winter, 55 N. Y. 624.

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D 12 Misc. 519; (67 St. Rep. 370; 33 Supp. 675).

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3 Misc. 422; (52 St. Rep. 438; 23 Supp. 155). 5 Misc. 501; (26 Supp. 715). 6 Misc. 95; (55 St. Rep. 403; 26 Supp. 8). 67 Hun, 424; (51 St. Rep. 652; 22 Supp. 254). 6 Misc. 309; (56 St. Rep. 250; 26 Supp. 799). 2 Misc. 335; (51 St. Rep. 428; 21 Supp. 975). 66 Hun, 490; (50 St. Rep. 160; 21 Supp. 364). 8 Misc. 371; (59 St. Rep. 584; 28 Supp. 699). 137 N. Y. 506; (51 St. Rep. 179). 139 N. Y. 280; (54 St. Rep. 653). 141 N. Y. 520; (57 St. Rep. 719). 16 Misc. 392; (74 St. Rep. 310; 38 Supp. 54). 6 Misc. 58; (55 St. Rep. 928; 26 Supp. 86). 12 Misc. 433; (67 St. Rep. 276; 33 Supp. 614). 13 Misc. 119; (68 St. Rep. 201; 34 Supp. 154). 6 Misc. 214; (56 St. Rep. 534; 26 Supp. 532). 19 Misc. 499; (77 St. Rep. 1109; 43 Supp. 1109). 19 Misc. 520; (77 St. Rep. 1058; 43 Supp. 1058). 11 Misc. 113; (65 St. Rep. 117; 31 Supp. 994). 4 App. Div. 33; (38 Supp. 676). 16 App. Div. 323; (78 St. Rep. 674; 44 Supp. 674). 84 Hun, 290; (65 St. Rep. 541; 32

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16 Misc. 387; (38 Supp. 82).

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9 App. Div. 303; (75 St. Rep. 645; 41 Supp. 196). 72 St. Rep. 804; (38 Supp. 175).

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18 St. Rep. 834; 3 Supp. 8; 24 J. & S.
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Cited, Inter-pleader—Availability.

89 Hun, 385; (69 St. Rep. 784; 25 Civ. Pro.
292; 35 Supp. 399; 2 Ann. Cas. 224).

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12 Misc. 53; (66 St. Rep. 673; 33 Supp.
42; 24 Civ. Pro. 392).

Sibley v. Howard, 3 Den. 72.

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2 App. Div. 2; (72 St. Rep. 498; 37 Supp.
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Sibley v. New York Times Pub. Co.,
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604.

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92 Hun, 605; (71 St. Rep. 173; 36 Supp.
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Sickle v. Marsh, 44 How. 91.

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14 Misc. 231; (70 St. Rep. 255; 35 Supp.
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Sickles v. Canary, 8 App. Div. 308; 75
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Sickles v. Combs, 10 Misc. 551; 65 St.
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Cited, Property—Illegal Seizure—Injunction.

2 App. Div. 472; (74 St. Rep. 342; 37
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Sickles v. Flanagan, 79 N. Y. 224.

Cited, 85 Hun, 56; (66 St. Rep. 60; 32
Supp. 676).

Sickles v. Gillies, 45 How. 94.

Cited, Appeal—First Questioning Sufficiency of Evidence on.

6 Misc. 373; (56 St. Rep. 403; 26 Supp.
758).

Sickles v. Gould, 51 How. 22.

Cited, Personal Property—Action Against Trespasser or Wrongdoer—Sufficiency of Plaintiff Title or Possession.

1 Misc. 239; (23 Supp. 133).

Sickles v. Herold, 11 Misc. 583; 66 St.
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Sickles v. Herold, 15 Misc. 116; 71 St.
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Modified and Affirmed, 149 N. Y. 332.

Sickles v. Herold, 149 N. Y. 332.

Sickels v. Pattison, 14 Wend. 257.

Cited, Entire Contract—Part Performance—Recovery.

16 Misc. 451, 452; (73 St. Rep. 341, 342;
38 Supp. 153).

Sickles v. Manhattan Gas Light Co., 64 How. 33.

Cited, Gas Companies—Removing Meters—Restraint.

7 App. Div. 479; (39 Supp. 1113).

Sickles v. Mather, 20 Wend. 72.

Cited, Evidence—Documentary—Account Books—Keeping of Clerks.

80 Hun, 3; (61 St. Rep. 486; 29 Supp.
812).

Sickles v. New Jersey Ice Co., 80
Hun, 213; 61 St. Rep. 761; 30 Supp. 10.

Reversed, 153 N. Y. 83.

Sickles v. New Jersey Ice Co., 153
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Sickles v. Richardson, 23 Hun, 559.

Cited, Corporation—Stock—Rights of Pledgee.

19 Misc. 567; (77 St. Rep. 552; 43 Supp.
552).

Sickles v. Sharp, 13 Johns. 497.

Cited, Statutes—Penal—Construction.

16 App. Div. 61; (78 St. Rep. 1079; 44
Supp. 1079).

Sickles v. Sullivan, 47 St. Rep. 82; 19
Supp. 749.

Affirmed, 136 N. Y. 649; 49 St. Rep. 915.

Distinguished, Levy—What Subject to—Choses in Action.

2 Misc. 405; (50 St. Rep. 537; 21 Supp.
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Side v. Brenneman, 7 App. Div. 273;
74 St. Rep. 612; 40 Supp. 3.

Sidney Glass Works v. A. S. Barnes & Co., 86 Hun, 374; 67 St. Rep. 221; 33
Supp. 508.

Cited, Contracts—Acceptance—Sufficiency.

79 St. Rep. 1129; (45 Supp. 1129).

Sidway v. Sidway, 26 St. Rep. 898; 7
Supp. 421.

Cited, Evidence—Sufficiency—Reformation of Contract.

7 Misc. 593; (58 St. Rep. 505; 23 Supp.
491).

Sidwell v. Greig, 17 Misc. 165; 40 Supp.
958.

Duplicate Citations in Parenthesis.

Sieburg v. Massachusetts Ben. Life Ass'n., 87 Hun, 199; 67 St. Rep. 750; 33 Supp. 1064.

Siedenbach v. Riley, 111 N. Y. 560.
Cited, Fraudulent Sales—Burden of Proof.

19 Misc. 165.

Simermeyer v. New York, 16 App. Div. 445; 79 St. Rep. 40; 45 Supp. 40.

Siefke v. Manhattan R. Co., 39 St. Rep. 355; 14 Supp. 763.

Cited, Actions—Equity—Assignment of Damages—Effect.

83 Hun, 153; (64 St. Rep. 137; 31 Supp. 584).

Siefke v. Siefke, 3 Misc. 81; 51 St. Rep. 761; 22 Supp. 546.

Cited, Pleading — Denial — Burden of Proof.

12 Misc. 457; (67 St. Rep. 326; 33 Supp. 620).

Appeal—Evidence—Review.

13 Misc. 265; (67 St. Rep. 860; 34 Supp. 4).

Siefke v. Siefke, 5 Misc. 406; 55 St. Rep. 388; 25 Supp. 762.

Cited, Appeal—Weight of Evidence—Test.

7 Misc. 161; (57 St. Rep. 539; 27 Supp. 325).

12 Misc. 103; (66 St. Rep. 862; 33 Supp. 175).

Witness—Credibility.

9 Misc. 497; (61 St. Rep. 100; 30 Supp. 225).

Siefke v. Siefke, 6 App. Div. 472; 39 Supp. 601.

Siegel v. Gould, 7 Lans. 177.

Cited, Brokers—Double Commissions,

6 Misc. 374; (56 St. Rep. 404; 26 Supp. 758).

Siebert v. Abbott, 72 Hun, 243; 55 St. Rep. 698; 25 Supp. 590.

Siegmán v. Keeler, 4 Misc. 528; 54 St. Rep. 125; 24 Supp. 821.

Siegmán v. Keeler, 6 Misc. 593; 56 St. Rep. 897; 25 Supp. 1148.

Cited, Re-argument—Granting.

12 Misc. 637; (65 St. Rep. 871; 32 Supp. 1140).

Siegmán v. Keeler, 56 St. Rep. 285; 25 Supp. 1148.

Siegrist v. Holloway, 7 Civ. Pro. 58.

Cited, Costs—Taxation—Discretionary—Motion for New Trial.

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Sieling v. Clark, 18 Misc. 464; 75 St. Rep. 1360; 41 Supp. 982.

Simon v. Austin, 33 Barb. 9.

Cited, Fraudulent Conveyances—Statute of Uses and Trusts.

11 Misc. 269; (64 St. Rep. 256; 32 Supp. 837).

Simon v. Schurck, 29 N. Y. 598.

Cited, Trustee—Naked Title—Statute of Uses and Trusts

90 Hun, 505; (71 St. Rep. 403; 36 Supp. 67). 11 Misc. 260; (64 St. Rep. 256; 32 Supp. 837).

Sier v. Bache, 7 Misc. 165; 57 St. Rep. 494; 27 Supp. 255.

Cited, Principal and Agent—Evidence—Declarations.

61 St. Rep. 100; (30 Supp. 225).

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11 Misc. 427; (65 St. Rep. 299; 32 Supp. 152).

Siewart v. Hamel, 91 N. Y. 199.

Cited, Usury—Purchase of Security—Effect.

17 Misc. 639, 640; (74 St. Rep. 642, 643; 40 Supp. 32, 33).

Sigel v. Sigel, 19 Supp. 906.

Discredited, Husband and Wife—Divorce—Alimony—Conditional Upon Waiver of Jury Trial.

68 Hun, 369; (51 St. Rep. 884; 22 Supp. 860).

Sigua Iron Co. v. Brown, 79 St. Rep. 989; 45 Supp. 989.

Silber v. Sire, 15 Misc. 683; 36 Supp. 472.

Silberman v. Clark, 96 N. Y. 522.

Cited, Custom or Usage—Evidence of—Admissibility.

1 Misc. 180; (48 St. Rep. 688; 20 Supp. 640). 4 Misc. 171; (53 St. Rep. 222; 23 Supp. 883). 19 Misc. 287; (77 St. Rep. 72; 43 Supp. 72).

Silberman v. Fretz, 15 Misc. 449; 73 St. Rep. 329; 38 Supp. 151.

Affirmed, 12 App. Div. 328; 76 St. Rep. 559; 42 Supp. 559).

Silberman v. Fretz, 12 App. Div. 328; 76 St. Rep. 559; 42 Supp. 559.

Silberstein v. Wm. Wicke Co., 22 Supp. 170.

Silberstein v. Wm. Wicke Co., 22 Supp. 171.

Silkman v. Yonkers, Water Com'rs of, 71 Hun, 37; 54 St. Rep. 81; 24 Supp. 806.

Affirmed, 152 N. Y. 327.

Silkman v. Yonkers, Water Com'rs of, 152 N. Y. 327.

Sill v. Corning, 15 N. Y. 297.

Cited, Local Courts—Jurisdiction.

12 App. Div. 71; (76 St. Rep. 863; 42 Supp. 863). 16 App. Div. 40; (78 St. Rep. 786; 44 Supp. 786). 17 App. Div. 174; (79 St. Rep. 352; 45 Supp. 352).

Duplicate Citations in Parenthesis.

Sill v. Rood, 15 Johns. 230.

Cited, General Issue—Proof Under.

83 Hun. 236; (64 St. Rep. 213; 31 Supp. 581).

Sillcocks v. Gallaudet, 66 Hun. 522; 50 St. Rep. 283; 21 Supp. 552.

Sillcocks v. Manhattan R. Co., 10 Misc. 259; 64 St. Rep. 112; 31 Supp. 428.

Cited, Elevated Railroads — Damages — Measure.

10 Misc. 723; (64 St. Rep. 639; 31 Supp. 817).

Sillick v. Mason, 2 Barb. Ch. 79.

Cited, Actions—Reaching Trust Funds.

149 N. Y. 527, 529. 3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 366; 3 Ann. Cas. 161).

Sillman v. Albany & Troy Steamboat Co., 53 St. Rep. 160; 23 Supp. 195.

Sillman v. Paine, 70 Hun. 459; 53 St. Rep. 712; 24 Supp. 344.

Sillman v. Wing, 7 Hill. 159.

Cited, Equity—Mistake of Law—When Relieved Against.

141 N. Y. 50; (56 St. Rep. 570). 19 Misc. 514; (77 St. Rep. 1128; 43 Supp. 1128). 10 Misc. 628; (35 St. Rep. 341; 32 Supp. 217).

Taxes—Recovery of Paid.

69 Hun. 362; (52 St. Rep. 790; 23 Supp. 664).

Silling, Matter of, 17 St. Rep. 801; 2 Supp. 637.

Cited, Wills—Contestants—Payment of Costs.

12 Misc. 324; (67 St. Rep. 341; 33 Supp. 635).

Sullivan v. Miller, 106 N. Y. 635.

Cited, Chattel Mortgage—Avoidance—General Creditors—Rights.

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Silsbury v. McCoon, 3 N. Y. 379.

Cited, Conversion—Following Property—Change of Form.

138 N. Y. 377; (52 St. Rep. 876; 30 Abb. N. C. 215). 71 Hun. 574; (55 St. Rep. 123; 24 Supp. 995). 88 Hun. 85; (68 St. Rep. 548; 34 Supp. 730; 2 Ann. Cas. 277). 11 App. Div. 386; (76 St. Rep. 498; 42 Supp. 498).

Silver v. Casey, 137 N. Y. 562; 50 St. Rep. 933.

Affirming, 41 St. Rep. 339; 18 Supp. 102.

Silver v. Sire, 71 St. Rep. 460; 36 Supp. 472.

Silver v. Western Assurance Co. of Toronto, 3 App. Div. 572; 73 St. Rep. 796; 38 Supp. 335.

Silver Lake Bank v. North, 4 Johns. 370.

Cited, Foreign Corporations — Right to Sue.

12 Misc. 232; (67 St. Rep. 786; 33 Supp. 1082).

Silverman v. Foreman, 3 E. D. Smith, 322.

Cited, Trial—Conduct—Reception of Evidence—Rebuttal.

79 Hun. 573; (61 St. Rep. 540; 29 Supp. 924).

Silverman v. Simons, 14 Misc. 222; 70 St. Rep. 474; 35 Supp. 668.

Silverman v. Simons, 15 Misc. 64; 71 St. Rep. 498; 36 Supp. 447.

Silvey v. Lindsay, 107 N. Y. 55; 11 St. Rep. 185.

Cited, Domicile—Residence.

53 St. Rep. 142. 11 Misc. 613; (66 St. Rep. 354; 32 Supp. 929; 24 Civ. Pro. 316).

Voters and Election—Residence.

143 N. Y. 106; (60 St. Rep. 476).

84 Hun. 54; (65 St. Rep. 74; 31 Supp. 1014). D. 84 Hun. 613; (66 St. Rep. 5; 32 Supp. 693). 146 N. Y. 287; (66 St. Rep. 619). 14 Misc. 216; (71 St. Rep. 517; 35 Supp. 594).

Simar v. Canaday, 53 N. Y. 298.

Cited, Dower—Action for.

75 Hun. 560; (59 St. Rep. 615; 27 Supp. 598). 147 N. Y. 386; (70 St. Rep. 37). 81 Hun. 261; (62 St. Rep. 755; 30 Supp. 793). 84 Hun. 394; (65 St. Rep. 551; 32 Supp. 353).

Fraud—Misrepresentations — Opinions—Intent.

5 Misc. 348; (55 St. Rep. 506; 25 Supp. 528). 8 Misc. 111; (59 St. Rep. 512; 28 Supp. 621). 90 Hun. 221; (28 Supp. 621). 3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 233).

Simers v. Saltus, 3 Den. 214.

Cited, Landlord and Tenant — Lease—Eviction.

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Simis, Matter of, 11 App. Div. 24; 76 St. Rep. 282; 42 Supp. 282.

Simis v. Brookfield, 13 Misc. 569; 68 St. Rep. 738; 34 Supp. 695.

Simis v. McElroy, 12 App. Div. 434; 76 St. Rep. 290; 42 Supp. 290.

Simis v. McElroy, 39 St. Rep. 224; 15 Supp. 19.

Cited, 12 App. Div. 435; (76 St. Rep. 291; 42 Supp. 291).

Duplicate Citations in Parenthesis.

Simis v. New York, Lackawanna & W. R. Co., 1 Misc. 179; 48 St. Rep. 687; 20 Supp. 639.

Simis v. Wissel, 10 App. Div. 323; 75 St. Rep. 1392; 41 Supp. 1024.

Simmonds v. Simmonds, 6 Week. Dig. 263.

Cited, Injunction—Damages—Proof.
14 Misc. 190; (70 St. Rep. 195; 35 Supp. 465).

Simmons, Matter of, 30 St. Rep. 446; 9 Supp. 352.

Cited, Wills—Execution—Sufficiency.
15 Misc. 201; (72 St. Rep. 146; 37 Supp. 42).

Simmons v. Brooklyn, 1 App. Div. 630; 36 Supp. 1133.

Simmons v. Burrell, 8 Misc. 388; 59 St. Rep. 554; 23 Supp. 625.

Cited, Adoption—Right of Inheritance.
6 App. Div. 110; (74 St. Rep. 670; 40 Supp. 56).

Simmons v. Central N. E. & W. R. Co., 21 Supp. 1109.

Simmons v. Cloonan, 81 N. Y. 557.

Cited, Estates — Appurtenances — When Granted.

15 N. Y. 399. 148 N. Y. 437. 19 Misc. 522; (77 St. Rep. 1080; 42 Supp. 1080). 79 St. Rep. 644; (45 Supp. 644).

Simmons v. Craig, 137 N. Y. 550; 50 St. Rep. 212.

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Cited, Judgment—Entry—Settlement.
3 Misc. 429; (52 St. Rep. 445; 23 Supp. 167). 14 Misc. 513; (70 St. Rep. 691; 35 Supp. 1066).

Simmons v. Everson, 124 N. Y. 319; 36 St. Rep. 265.

Cited, Highways — Interference — Liability.

72 Hun, 242; (55 St. Rep. 442; 25 Supp. 393).

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9 Misc. 14; (59 St. Rep. 698; 29 Supp. 17).

4 App. Div. 200; (74 St. Rep. 199; 38 Supp. 555).

Simmons v. Fairchild, 42 Barb. 404.

Cited, Pleading—Separate Counts—Sufficiency.

8 App. Div. 237; (79 St. Rep. 768; 45 Supp. 768).

Simmons v. Havens, 101 N. Y. 427.

Cited, Evidence—Competency—Whole of Transaction.

79 Hun, 564; (61 St. Rep. 578; 29 Supp. 891).

Witnesses—Competency—Death of Other Party.

68 Hun, 583; (52 St. Rep. 576; 23 Supp. 253). 140 N. Y. 286; (55 St. Rep. 640). 68 Hun, 235; (51 St. Rep. 875; 22 Supp. 881). 6 App. Div. 536; (39 Supp. 551). 13 Misc. 487; (70 St. Rep. 193; 35 Supp. 496).

Simmons v. Hazard, 58 Hun, 119; 33 St. Rep. 838; 11 Supp. 511.

Followed, Depositions—Examination of Party Before Trial—Affidavit of Attorney.
65 Hun, 612; (48 St. Rep. 291; 20 Supp. 509; 23 Civ. Pro. 15).

Simmons v. Hazard, 65 Hun, 612; 48 St. Rep. 290; 20 Supp. 503; 23 Civ. Pro. 15.

Simmons v. Moore, 100 N. Y. 149.

Cited, Contract—Agent—Lack of Authority—Effect.
19 Misc. 192.

Simmons v. Peters, 85 Hun, 93; 66 St. Rep. 64; 32 Supp. 680.

Cited, Negligence — When Question of Law.

4 App. Div. 487; (38 Supp. 697).

Simmons v. Poughkeepsie & E. R. Co., 2 App. Div. 117; 73 St. Rep. 148; 37 Supp. 532.

Simmons v. Sisson, 26 N. Y. 264.

Cited, Witnesses—Competency—Death of Other Party—Bystander.

68 Hun, 591; (52 St. Rep. 575; 23 Supp. 252).

Simmons v. Simmons, 21 Abb. N. C. 469; 4 Supp. 221.

Cited, Husband and Wife—Enticement of Husband—Damage.

11 App. Div. 22; (77 St. Rep. 80; 43 Supp. 80).

Simmons v. Sines, 4 Abb. Ct. App. Dec. 246.

Cited, Way of Necessity—Duration.
150 N. Y. 147. 18 Misc. 516; (41 Supp. 987).

Simms v. Brooklyn, 87 Hun, 35; 67 St. Rep. 611; 33 Supp. 859.

Simms v. Brooklyn, 147 N. Y. 703.

Cited, 149 N. Y. 584.

Simon v. Aldine Pub. Co., 14 Daly, 279; 8 St. R. p. 377; 12 Civ. Pro. 290.

Cited, Contempt — Civil — False Justification of Sureties.

9 Misc. 174; (60 St. Rep. 640; 29 Supp. 716; 24 Civ. Pro. 43).

Contempt—Civil—Sham Answer.

14 Misc. 596; (72 St. Rep. 257; 25 Civ. Pro. 121; 2 Ann. Cas. 269).

Duplicate Citations in Parenthesis.

Simon v. O'Brien, 87 Hun, 160; 67 St. Rep. 460; 33 Supp. 815.

Simon v. Schmidt, 41 Hun, 318; 2 St. Rep. 388.

Cited, Mortgage—Conveyances Absolute in Form.

71 Hun, 352; (55 St. Rep. 12; 24 Supp. 1128).

Simon v. Simon, 15 Misc. 515; 74 St. Rep. 286; 37 Supp. 1121.

Affirmed, 6 App. Div. 469; 39 Supp. 573.

Simon v. Simon, 6 App. Div. 469; 39 Supp. 573.

Cited, Husband and Wife—Separation—Validity.

17 Misc. 269; (40 Supp. 320).

Simon v. Vanderveer, 84 Hun, 452; 65 St. Rep. 599; 32 Supp. 394.

Cited, Land Contract—Marketable Title—*Lis Pendens*.

10 App. Div. 542; (76 St. Rep. 61; 42 Supp. 61).

Simon v. Wood, 17 Misc. 607; 75 St. Rep. 78; 40 Supp. 675.

Simonds v. Catlin, 2 Caines, 61.

Cited, Judicial Sale—*Bona Fide Purchaser*—Notice—Attorney.

9 Misc. 324; (60 St. Rep. 446; 30 Supp. 261). 10 Misc. 393; (63 St. Rep. 412; 31 Supp. 128).

Simons v. Brooklyn, 1 App. Div. 630; 36 Supp. 1133.

Cited, Municipal Liability—Conditions Precedent.

6 App. Div. 129; (40 Supp. 582).

Simons v. De Bare, 4 Bosw. 547.

Cited, Courts—Jurisdiction—Facts Appearing on Record.

16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Simons v. Goldbach, 56 Hun, 204; 31 St. Rep. 118; 9 Supp. 359.

Affirmed, 123 N. Y. 637; 33 St. Rep. 1028.

Cited, Assignment for Creditors—Confession of Judgment—Fraud in—Validity.

59 St. Rep. 519; (28 Supp. 590). 74 Hun, 545; (56 St. Rep. 853; 26 Supp. 635). 148 N. Y. 278.

Simonson v. Blake, 12 Abb. 331.

Cited, Judgment—By Default—Limited to Demand of Complaint—Foreclosure.

54 St. Rep. 270; (23 Supp. 809).

Simonson v. Elmer, 21 Abb. N. C. 225.

Cited, Wills—Executors—Appointment.

10 App. Div. 511; (76 St. Rep. 280, 281; 42 Supp. 280, 281).

Simonson v. Falihee, 25 Hun, 570.

Cited, Release—Irregular Recording—Effect.

12 Misc. 496; (67 St. Rep. 396; 33 Supp. 671).

Simonson v. Kissick, 4 Daly, 143.

Cited, Brokers—Commissions—Complete Contract.

3 Misc. 425; (52 St. Rep. 440; 23 Supp. 156).

11 Misc. 377; (65 St. Rep. 425; 32 Supp. 244).

Simonson v. New York Ins. Co., 141 N. Y. 12; 56 St. Rep. 574.

Reversing, 46 St. Rep. 962

Simonson v. Waller, 14 Misc. 95; 69 St. Rep. 556; 35 Supp. 201.

Reversed, 9 App. Div. 503; 75 St. Rep. 1050; 41 Supp. 662.

Simonson v. Waller, 9 App. Div. 503; 75 St. Rep. 1050; 41 Supp. 662.

Cited, Wills—Lapsed Legacy—Disposition.

14 App. Div. 134; (77 St. Rep. 580; 43 Supp. 586).

Simonton v. Barrell, 21 Wend. 362.

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79 Hun, 465; (61 St. Rep. 251; 29 Supp. 984).

Simpkins v. Taylor, 81 Hun, 467; 63 St. Rep. 491; 31 Supp. 169.

Simpson, Matter of, 2 Redf. 29.

Cited, Wills—Validity—Execution—Making Mark—Probate—Proof of Mark.

58 St. Rep. 799; (27 Supp. 961).

Simpson v. Brooklyn Heights R. Co., 70 St. Rep. 469; 35 Supp. 674.

Simpson v. Budd, 9 St. Rep. 489

Cited, Examination of Party Before Trial—Discretion of Court.

12 Misc. 211; (67 St. Rep. 892; 34 Supp. 25).

Simpson v. Central Vt. R. Co., 5 App. Div. 614; 39 Supp. 464.

Cited, Railroads—Rules—Observance.

14 App. Div. 72; (77 St. Rep. 760; 43 Supp. 760).

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Cited, Fraud—Transfers Induced by—Rights of *Bona Fide Transferees*.

51 St. Rep. 173; (21 Supp. 717) 88 Hun, 600, 601; (68 St. Rep. 704, 705; 34 Supp. 770, 771).

92 Hun, 214; (72 St. Rep. 276; 36 Supp. 1053). 12 App. Div. 197; (76 St. Rep. 832; 42 Supp. 832).

14 Misc. 175, 176; (69 St. Rep. 813, 814; 35 Supp. 384).

Duplicate Citations in Parenthesis.

Estoppel—Equitable.

9 Misc. 639; (62 St. Rep. 110; 30 Supp. 355).

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8 Misc. 128; (59 St. Rep. 533; 28 Supp. 486).

Simpson v. Downing, 23 Wend. 316.

Cited, Adverse Possession—Constructive Possession—True Title.

139 N. Y. 445; (54 St. Rep. 704). 80 Hun, 289; (62 St. Rep. 38; 30 Supp. 168).

Simpson v. French, 6 Dem. 108.

Cited, Wills—Construction—Power of Disposition.

84 Hun, 126; (65 St. Rep. 683; 32 Supp. 554).

Simpson v. Gerken, 79 St. Rep. 1100; 45 Supp. 1100.

Simpson v. Hart, 1 Johns. 91.

Cited, Judgment—Set-off.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Simpson v. Hornbeck, 3 Lans. 53.

Cited, Erroneous Judgment—Money Paid Under—Recovery.

90 Hun, 566; (70 St. Rep. 666; 35 Supp. 1006).

Simpson v. Masson, 11 Misc. 351; 65 St. Rep. 278; 32 Supp. 136.

Simpson v. McKay, 3 T. & C. 65.

Distinguished, Actions—Consolidation.

69 St. Rep. 70; (34 Supp. 906).

Simpson v. N. Y., N. H. & H. R. Co., 16 Misc. 613; 73 St. Rep. 812; 38 Supp. 341.

Simpson v. New York Rubber Co., 80 Hun, 415; 62 St. Rep. 93; 30 Supp. 339.

Cited, Master and Servants—Risks—Statutory Safeguards—Waiver.

85 Hun, 98; (66 St. Rep. 68; 32 Supp. 633). 5 App. Div. 503; (38 Supp. 1092). 13 Misc. 401; (68 St. Rep. 118; 34 Supp. 239).

Simpson v. R., W. & O. R. Co., 48 Hun, 113; 15 St. Rep. 539.

Cited, Justice's Judgment—Amendments—Power of County Court.

87 Hun, 537; (68 St. Rep. 671; 34 Supp. 291). 88 Hun, 383; (68 St. Rep. 773; 34 Supp. 835).

Simpson v. Rourke, 13 Misc. 230; 67 St. Rep. 867; 34 Supp. 11.

Distinguished, Bailees—Liability.

17 Misc. 376; (39 Supp. 1040).

Simpson v. Rowan, 13 Civ. Pro. 206.

Cited, Costs—Term Fees—Causes on Calendar.

62 St. Rep. 107; (30 Supp. 348; 31 Abb. N. C. 479).

Sims v. Humphrey, 4 Den. 185.

Cited, Landlord and Tenant—Summary Proceedings—Jurisdiction by Consent.

70 Hun, 133; (54 St. Rep. 104; 24 Supp. 55). 12 Misc. 151; (66 St. Rep. 512; 83 Supp. 12).

Sims v. Sims, 12 Hun, 231.

Cited, New Trial—Impeachment of Witnesses.

12 App. Div. 410; (76 St. Rep. 410; 76 St. Rep. 942; 42 Supp. 942).

Sims v. U. S. Trust Co., 35 Hun, 533.

Cited, Custom—As Term of Contract.

2 Misc. 356; (51 St. Rep. 583; 21 Supp. 1100).

Sims v. U. S. Trust Co., 103 N. Y. 472; 4 St. Rep. 205.

Cited, Brokers—Liability—Money Received.

7 Misc. 325; (57 St. Rep. 560; 27 Supp. 916).

Distinguished, 149 N. Y. 519.

Simson v. Brown, 68 N. Y. 355.

Cited, Contracts—For Benefit of Third Person—Availability.

78 Hun, 150; (60 St. Rep. 205; 28 Supp. 989).

Simon v. Chadwick, 20 Week. Dig. 35.

Cited, Trial—Reception of Evidence Partially Competent—Objection.

71 Hun, 441; (54 St. Rep. 541; 24 Supp. 984).

Simson v. Hart, 14 Johns. 75.

Cited, Judgments—Set-off.

73 St. Rep. 361; (38 Supp. 172).

Simon v. Satterlee, 6 Hun, 305.

Affirmed, 64 N. Y. 657.

Cited, Lien—Assignment as Collateral—Enforcement.

72 Hun, 214; (55 St. Rep. 347; 25 Supp. 654).

Simon v. Satterlee, 64 N. Y. 657.

Cited, Collateral—Assignment—Enforcement.

12 App. Div. 46; (76 St. Rep. 544; 42 Supp. 544).

Sinclair v. Fuller, 9 App. Div. 297; 75 St. Rep. 641; 41 Supp. 193.

Cited, 41 Supp. 1109.

Sinclair v. Hollister, 41 St. Rep. 349; 16 Supp. 529.

Cited, Right of Action—Extinction—Revival.

Duplicate Citations in Parenthesis.

- 66 Hun, 405; (50 St. Rep. 132; 21 Supp. 397; 29 Abb. N. C. 400; 23 Civ. Pro. 10). 89 Hun, 423; (69 St. Rep. 794; 35 Supp. 408). 14 Misc. 611; (71 St. Rep. 450; 33 Supp. 463). **Sinclair v. Hollister**, 12 Misc. 655; 35 Supp. 1117.
Affirmed, 14 Misc. 607; 71 St. Rep. 448; 35 Supp. 460.
Sinclair v. Hollister, 14 Misc. 607; 71 St. Rep. 448; 36 Supp. 460.
Sinclair v. Jackson, 8 Co. 543.
Cited, Lease—Invalidity—Rights of Purchaser.
 15 Misc. 138; (71 St. Rep. 827; 36 Supp. 805).
Sinclair v. Tallmadge, 35 Barb. 603.
Cited, Contracts—Building—Delay—Installments.
 3 Misc. 547; (52 St. Rep. 483; 23 Supp. 328).
 Contracts — Performance — Conditions—Waiver.
 4 Misc. 440; (54 St. Ref. 140; 24 Supp. 697). D. 140 N. Y. 206; (55 St. Rep. 583).
 Referee's Findings—Conflicting Evidence—Review.
 82 Hun, 162; (63 St. Rep. 747; 31 Supp. 298).
Sindram v. People, 88 N. Y. 196.
Cited, Trial—Comments of Court On Evidence
 139 N. Y. 82; (54 St. Rep. 427). 68 Hun, 20; (52 St. Rep. 239; 22 Supp. 640). 153 N. Y. 34. 3 App. Div. 384; (3 App. Cas. 155). 6 App. Div. 396; (39 Supp. 647). 18 Misc. 467; (75 St. Rep. 1362; 41 Supp. 985).
Singer, Matter of, 19 Misc. 679; 78 St. Rep. 606; 44 Supp. 606.
Singer v. Effler, 16 Misc. 334; 39 Supp. 720.
Singer Manufacturing Co. v. Coon, 9 Misc. 465; 61 St. Rep. 124; 30 Supp. 232.
Singer Manufacturing Co., v. Drummond, 40 Hun, 260.
Cited, Agreement—Violation—Defense.
 85 Hun, 214; (63 St. Rep. 308; 32 Supp. 912).
Singleton v. Home Insurance Co., 121 N. Y. 644; 31 St. Rep. 906.
Reversing, 29 St. Rep. 998.
Cited, Offer of Judgment—Costs.
 3 App. Div. 29; (74 St. Rep. 419; 37 Supp. 1073). 73 St. Rep. 870; (39 Supp. 1126).
Singleton v. Phoenix Insurance Co., 132 N. Y. 298; 44 St. Rep. 414.
Affirming, 32 St. Rep. 594.
 14 Misc. 650; (70 St. Rep. 250; 35 Supp. 829).
Singleton v. Prudential Ins. Co., 11 App. Div. 403; 76 St. Rep. 446; 42 Supp. 446.
Singleton v. Smith, 2 St. Rep. 173.
Cited, Executors, Etc. — Settlement Among Beneficiaries—Effect.
 24 Supp. 98.
Sing Sing, Main Street, Matter of, 98 N. Y. 454.
Cited, Statutes — Construction — Adoption—Amendment.
 3 Misc. 56; (51 St. Rep. 336; 22 Supp. 559; 23 Civ. Pro. 140; 29 Abb. N. C. 480). D. 2 Misc. 234; (50 St. Rep. 591; 22 Supp. 366).
 Statutes—Repealing Effect—Special Application of General Act.
 8 Misc. 136; (60 St. Rep. 151; 28 Supp. 648). 41 Supp. 281; (25 Civ. Pro. 352).
Sing Sing P. Co. v. Seabury, 43 Hun, 611.
Cited, Injunction—Violation—Damages.
 12 App. Div. 89; (76 St. Rep. 1038; 42 Supp. 1038).
Sinn v. Sinn, 3 Misc. 598; 52 St. Rep. 855; 23 Supp. 339.
Affirmed, 140 N. Y. 636; 55 St. Rep. 931.
Sinnette v. Hoddick, 10 Misc. 586; 64 St. Rep. 30; 31 Supp. 453.
Sinsheimer v. United Garment Workers of A., 5 Misc. 448; 26 Supp. 152.
Sinsheimer v. United Garment Workers of A., 77 Hun, 215; 59 St. Rep. 503; 28 Supp. 321.
Reversing, 5 Misc. 448; 26 Supp. 752.
Cited, Employees—Intimidation—Injunction—Vacation.
 91 Hun, 493; (71 St. Rep. 388; 36 Supp. 306).
Sipfle v. Isham, 137 N. Y. 561; 50 St. Rep. 932.
Affirming, 36 St. Rep. 762; 12 Supp. 873.
Sippel v. Macklin, 2 Dem. 219.
Cited, Executors and Administrators—Execution Against—When Authorized.
 23 Supp. 844.
Sipperly v. Baucus, 24 N. Y. 46.
Cited, Surrogate's Court—Jurisdiction—Incidental Powers.
 4 Misc. 370; (25 Supp. 829).
Sipperly v. Stewart, 50 Barb. 62.
Cited, Customs—When Obligatory.
 20 Misc. 234; (79 St. Rep. 789; 45 Supp. 789).
Sipperly v. Warner, 9 How. 332.
Cited, Costs—Case on Calendar—Necessity.
 62 St. Rep. 107; (30 Supp. 348; 31 Abb. N. C. 478).

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Cited, State—Subjection to Jurisdiction of Courts—Consent.

140 N. Y. 482; (56 St. Rep. 455).

State—Responsibility for Acts of Officers.

D. 13 App. Div. 35; (77 St. Rep. 106; 43 Supp. 106).

Sire v. Merrick, 6 Supp. 661; 15 Daly 346.

Cited, Judgment—Justices — Avoidance.
11 Misc. 419; (65 St. Rep. 880; 32 Supp. 1148).

Sire v. Rumbold, 39 St. Rep. 85; 14 Supp. 925.

Cited, Evidence—Parol Concerning Writing—Condition Precedent.

5 Misc. 351; (55 St. Rep. 163; 25 Supp. 516).

Siriani v. Deutsch, 12 Misc. 213; 67 St. Rep. 892; 34 Supp. 26.**Sisco v. Lehigh & H. R. R. Co.**, 75 Hun, 582; 59 St. Rep. 162; 27 Supp. 671.
Reversed, 145 N. Y. 296; 64 St. Rep. 708.**Sisco v. Lehigh & H. R. R. Co.**, 145 N. Y. 296; 64 St. Rep. 708.

Cited, Master and Servant—Appliances.
9 App. Div. 525; (14 Misc. 419; 70 St. Rep. 418; 35 Supp. 761).

Sisson v. Hibbard, 75 N. Y. 542.

Cited, Fixtures—Agreement to Treat as Personalty.

8 App. Div. 571; (75 St. Rep. 323; 40 Supp. 927). 79 St. Rep. 639; (45 Supp. 639).

Sisson v. Lawrence, 25 How. 435.

Cited, Practice—Extending Time to Answer.

14 Misc. 182; (69 St. Rep. 812) 35 Supp. 382).

Sistare v. Cushing, 4 Hun, 503.

Cited, Partnership—Dissolution—Assignment of Interest.

78 Hun, 112; (60 St. Rep. 802; 29 Supp. 251).

Sistare v. Heckscher, 45 St. Rep. 699; 18 Supp. 475.

Cited, Contracts—Cancellation—Duress—Fraud.

50 St. Rep. 460; (21 Supp. 244). D. 1 App. Div. 229; (72 St. Rep. 541; 37 Supp. 373).

Sistare v. Olcott, 22 St. Rep. 564; 5 Supp. 114.

Cited, New Trial—New Evidence—Probable Effect on Result.

50 St. Rep. 475; (21 Supp. 700). 82 Hun, 48; (63 St. Rep. 485; 31 Supp. 163).

Sisters of Charity of St. Vincent de Paul v. Kelly, 67 N. Y. 409.

Cited, Wills—Validity—Execution.

9 Misc. 577; (62 St. Rep. 227; 30 Supp. 850). 153 N. Y. 264. 84 Hun, 582; (66 St. Rep. 320; 32 Supp. 846). D. 90 Hun, 143, 145; (70 St. Rep. 263, 264; 35 Supp. 802, 803). 13 Misc. 299; (69 St. Rep. 189; 34 Supp. 1122). 15 Misc. 201; (72 St. Rep. 146; 37 Supp. 42). 17 Misc. 502; (75 St. Rep. 1454; 41 Supp. 207).

Sisters of the Poor of St. Francis v. New York, 51 Hun, 355; 20 St. Rep. 985; 3 Supp. 433.

Affirmed, 112 N. Y. 677.

Cited, Taxes — Assessment — Correction — Finality.

142 N. Y. 351; (59 St. Rep. 23). 87 Hun, 197; (67 St. Rep. 730; 33 Supp. 1044). 6 App. Div. 498; (39 Supp. 566). 7 App. Div. 151. 150 N. Y. 56. 14 Misc. 148; (70 St. Rep. 366; 35 Supp. 858).

Taxes—Residence.

73 Hun, 98; (56 St. Rep. 79; 25 Supp. 917).

Taxes — Whom Taxable — Domicile of Party—Situs of Property.

8 Misc. 15; (58 St. Rep. 310; 23 Supp. 80).

Sitterly v. Gregg, 90 N. Y. 686.

Cited, Cross-examination—Extent.

12 Misc. 60; (66 St. Rep. 683; 33 Supp. 49).

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17 Misc. 159; (39 Supp. 329).

Sixth Ave. R. Co. v. Gilbert El. R. Co., 3 Abb. N. C. 372.

Cited, Statutes—Construction — Contemporary History.

4 Misc. 547; (54 St. Rep. 207; 24 Supp. 744).

Sixth Ave. R. Co. v. Gilbert El. R. Co., 71 N. Y. 430.

Cited, Appeal—Effect on Judgment.

74 Hun, 184; (56 St. Rep. 549; 26 Supp. 348).

Sixth Ave. R. Co. v. Kerr, 72 N. Y. 330.

Cited, Corporations—Charter Contracts—Exclusive Privileges and Perpetual Property Rights.

24 Supp. 814; (30 Abb. N. C. 53).

Sixth Ave. R. Co. v. Metropolitan El. R. Co., 138 N. Y. 548; 53 St. Rep. 181.

Affirming, 46 St. Rep. 961.

Cited, Appeal — Abstract Error—Damages.

139 N. Y. 322; (54 St. Rep. 422).

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Damages—Elevated Railway—Easements
Apart From F.e.

5 Misc. 241; (54 St. Rep. 786).

Damages—Erroneous Findings—Effect.

144 N. Y. 119; (63 St. Rep. 21). 11 App.
Div. 563; (76 St. Rep. 594; 42 Supp. 594).

Sixth Ave. R. Co. v. New York, 63
Hun, 271; 43 St. Rep. 759; 17 Supp. 903.

Cited, Injunction—Municipal Assessment,
60 St. Rep. 859; (29 Supp. 423).

**Sixth Nat. Bank of New York v. Lor-
rillard Brick Works**, 136 N. Y. 667;
50 St. Rep. 929.

Affirming, 61 Super. 29; 46 St. Rep. 235;
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**Sixth Nat. Bank of New York v. Lor-
rillard Brick Works Co.**, 61
Super. 29; 46 St. Rep. 235; 18 Supp.
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Cited, Bills and Notes—Transferees—Bo-
na Fide Holders—Diversion.

74 Hun, 447; (57 St. Rep. 186; 26 Supp.
823).

Sixty-Seventh St., Matter of, 60 How.
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Cited, Boundaries—On Highways—Side
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Sizer v. Burt, 4 Den. 426.

Cited, Witness—Opinions—Limitation of
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50 St. Rep. 261; (21 Supp. 298).

Sizer v. Ray, 87 N. Y. 220.

Cited, Contracts—Validity — Dissolution
of Firm.

91 Hun, 420; (72 St. Rep. 382; 36 Supp.
861).

Skaarup v. Stover, 56 Hun, 86; 9 Supp.
92.

Cited, Master and Servant—Disregard of
Instructions—Effect.

76 St. Rep. 1108; (42 Supp. 1108).

Skaats, Matter of, 74 Hun, 462; 56 St.
Rep. 698; 26 Supp. 491.

Skancateles Paper Co. v. State, 144
N. Y. 579; 64 St. Rep. 220.

Skeel v. Spraker, 8 Paige, 182.

Cited, Mortgage—Payment—Inverse Or-
der of Alienation.

9 App. Div. 231; (75 St. Rep. 652; 41 Supp.
243).

Skellinger v. Yendes, 12 Wend. 306.

Cited, Justice's Court—Jurisdiction—Con-
stables' Bonds.

5 Misc. 530; (58 St. Rep. 110; 25 Supp.
983).

Skelly, Matter of, 18 Misc. 719; 77 St.
Rep. 964; 43 Supp. 964.

Skelly v. Metropolitan El. R. Co.,
1 App. Div. 51; 72 St. Rep. 158; 37
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Skelly v. New York El. R. Co., 7
Misc. 88; 57 St. Rep. 63; 27 Supp. 304.
Affirmed, 148 N. Y. 747.

Skelton v. Larkin, 82 Hun, 388; 63 St.
Rep. 553; 31 Supp. 234.

Skenandoa Cotton Co. v. Lefferts,
142 N. Y. 683; 60 St. Rep. 872.

Affirming, 36 St. Rep. 63; 13 Supp. 33.

Skidmore v. Anchor Brewing Co.,
142 N. Y. 655; 60 St. Rep. 870.

Affirming, 51 St. Rep. 937; 21 Supp. 1125.

Skidmore v. Collier, 8 Hun, 50.

Cited, Partnership—Sharing in Profits.

79 St. Rep. 435; (45 Supp. 455).

Skidmore v. Post, 32 Hun, 54.

Cited, Decedent's Estates—Claims—Refer-
ence.

90 Hun, 130; (70 St. Rep. 511; 35 Supp.
647). 13 App. Div. 23; (77 St. Rep. 114; 43
Supp. 114).

Skillman, Matter of, 10 Misc. 642; 66
St. Rep. 140; 32 Supp. 780.

Skilton v. Payne, 18 Misc. 332; 76 St.
Rep. 111; 42 Supp. 111.

Skinner v. Dayton, 5 Johns Ch. 191.

Cited, Judgment—Default — Irregularity
—Setting Aside—Laches.

7 Misc. 523; (64 St. Rep. 373; 27 Supp.
1007).

Skinner v. Hannan, 81 Hun, 376; 63
St. Rep. 180; 30 Supp. 987.

Skinner v. Noyes, 7 Robt. 228.

Cited, Co-Defendants — Process—Failure
to Serve on All—Effect.

67 St. Rep. 243; (33 Supp. 413; 24 Civ. Pro.
249).

Skinner v. Odenbach, 81 Hun, 315; 62
St. Rep. 598; 30 Supp. 624.

Skinner v. Odenbach, 85 Hun, 595; 67
St. Rep. 102; 33 Supp. 282.

Skinner v. Oettinger, 14 Abb. 109.

Cited, Attachment—Right to Levy.

81 Hun, 346; (63 St. Rep. 140; 30 Supp.
888).

Skinner v. Powers, 1 Wend. 451.

Cited, Libel—Justification — Sufficiency,
49 St. Rep. 775; (20 Supp. 836).

**Skinner v. Prospect Park & C. I. R.
Co.**, 51 St. Rep. 554; 22 Supp. 30.

Affirmed, 140 N. Y. 621; 55 St. Rep. 929.

Duplicate Citations in Parenthesis.

Skinner v. Smith, 56 Hun, 437; 31 St. Rep. 448; 10 Supp. 81.

Cited, Corporations—Dissolution—Directors' Liability.

81 Hun, 146; (62 St. Rep. 698; 30 Supp. 734; 1 Ann. Cas. 70).

Skinner v. Smith, 134 N. Y. 240; 47 St. Rep. 528.

Cited, Corporations — Acquiescence of Stockholder—Effect.

74 Hun, 305; (56 St. Rep. 417; 26 Supp. 649). 17 App. Div. 361; (79 St. Rep. 189; 45 Supp. 189). 10 Misc. 165; (62 St. Rep. 483; 30 Supp. 829). 10 Misc. 316; (63 St. Rep. 131; 30 Supp. 972).

Corporations — Powers — Contracts—Repudiation—Rights of Third Parties.

4 Misc. 572; (25 Supp. 795). 90 Hun, 407; (70 St. Rep. 488; 35 Supp. 691). 91 Hun, 458; (71 St. Rep. 165; 36 Supp. 394). 12 App. Div. 211; (76 St. Rep. 788; 42 Supp. 788).

Corporations—Right to Wind Up Its Affairs.

14 App. Div. 389; (78 St. Rep. 20; 44 Supp. 20).

Skinner v. Steele, 88 Hun, 307; 68 St. Rep. 566; 34 Supp. 748.

Cited, Examination of Witness Before Trial—Privilege of Witness.

17 Misc. 31; (40 Supp. 768).

Skinner v. Tibbitts, 13 Civ. Pro. 370.

Cited, Lunatics—Actions in Behalf of—In Whose Name.

93 Hun, 483; (56 St. Rep. 16; 26 Supp. 441). 3 App. Div. 393; (74 St. Rep. 168; 38 Supp. 708).

Skinner v. Tinker, 34 Barb. 333.

Cited, Foreign Laws—Enforcement Here—Comity.

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Contracts—Refusal to Perform—Effect.

79 St. Rep. 725; (45 Supp. 725).

Skinner v. Walter A. Wood Mowing & Reaping Machine Co., 140 N. Y. 217; 55 St. Rep. 568.

Affirming, 47 St. Rep. 506; 20 Supp. 251.

Cited, Patents—Royalties—License—Repudiation.

7 Misc. 409; (58 St. Rep. 49; 27 Supp. 966).

14 Misc. 62; (69 St. Rep. 567; 35 Supp. 250).

Skinner v. White, 69 Hun, 82; 52 St. Rep. 736; 23 Supp. 383.

Skinner v. White, 69 Hun, 127; 52 St. Rep. 737; 23 Supp. 384.

Cited, Costs—Conditional for the Amendment of Pleading—Payment of—Retaxing.

6 Misc. 8; (58 St. Rep. 132; 26 Supp. 66).
Costs—Interlocutory Judgment on Demurrer—Items.

75 Hun, 365; (56 St. Rep. 766; 27 Supp. 84; 23 Civ. Pro. 295).

Skinner Engine Co. v. Old Staten Island Dyeing Establishment, 8 Misc. 75; 58 St. Rep. 832; 28 Supp. 598.
Reversed, 12 Misc. 71; 66 St. Rep. 676; 33 Supp. 82.

Skinner Engine Co. v. Old Staten Island Dyeing Establishment, 12 Misc. 71; 66 St. Rep. 676. 33 Supp. 82.
Cited, Notes—Bona Fide Holders—Precedent Debt.

16 Misc. 556; (74 St. Rep. 266; 38 Supp. 748).

Skinnion v. Kelley, 18 N. Y. 355.

Cited, Judgments—Jurisdictional Fact—Omission—Effect.

16 Misc. 321; (73 St. Rep. 571; 37 Supp. 951).

Skipworth v. Deyell, 83 Hun, 307; 64 St. Rep. 725; 31 Supp. 918.

Skudera v. Metropolitan Life Ins. Co., 17 Misc. 367; 39 Supp. 1059.

Slacer v. Field Engineering Co., 4 Misc. 493; 54 St. Rep. 335; 24 Supp. 550.

Cited, Master and Servant—Appliances—Risks of Servant.

12 App. Div. 52; (76 St. Rep. 1109; 42 Supp. 1109).

Slade v. Van Vechten, 11 Paige, 21.

Cited, Assignee—Rights as Purchaser.

144 N. Y. 343; (63 St. Rep. 675). 12 App. Div. 233; (77 St. Rep. 773; 43 Supp. 773).

Slater, Matter of, 17 Misc. 474; 75 St. Rep. 922; 41 Supp. 534.

Slater v. Adler, 8 Misc. 310; 59 St. Rep. 281; 28 Supp. 729.

Slater v. Church, 11 App. Div. 307; 76 St. Rep. 389; 42 Supp. 389.

Slater v. Drescher, 72 Hun, 425; 55 St. Rep. 172; 25 Supp. 153.

Cited, Appeal — Review of Verdict — Abuse of Discretion.

9 Misc. 69; (59 St. Rep. 691; 29 Supp. 12).

Slater v. Holt, 10 St. Rep. 257.

Cited, Brokers—Commissions.

D. 6 App. Div. 98; (39 Supp. 482).

Slater v. Jewett, 85 N. Y. 61.

Cited, Master and Servant—Negligence of Co-servants.

5 Misc. 323; (25 Supp. 815). 142 N. Y. 421; (59 St. Rep. 804). 147 N. Y. 516; (70 St. Rep. 80). 81 Hun, 168; (62 St. Rep. 672; 30 Supp. 739). 36 Hun, 97; (68 St. Rep. 42;

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34 Supp. 198). 11 App. Div. 455; (76 St. Rep. 346; 42 Supp. 246). 6 Misc. 332; (56 St. Rep. 238; 26 Supp. 899). 77 Hun, 394; (60 St. Rep. 409; 28 Supp. 886). 12 Misc. 46; (66 St. Rep. 580; 33 Supp. 31). 14 App. Div. 71; (77 St. Rep. 760; 43 Supp. 760).

Railroads—Duty to Make Rules

1 App. Div. 181; (72 St. Rep. 560; 37 Supp. 159).

Slater v. McGuire, 137 N. Y. 614; 51 St. Rep. 930.

Affirming, 42 St. Rep. 20; 16 Supp. 682.

Slater v. Mersereau, 64 N. Y. 133.

Cited, Master and Servant — Liability for Acts of Independent Contractor.

2 Misc. 320; (50 St. Rep. 582; 21 Supp. 1021; 30 Abb. N. C. 170).

Negligence—Proximate Cause.

12 App. Div. 95; (76 St. Rep. 1033; 42 Supp. 1033).

Slattery v. Haskin, 3 App. Div. 48; 74 St. Rep. 360; 37 Supp. 1061.

Slattery v. Schwannecke, 118 N. Y. 543.

Cited, Principal and Agent—Knowledge Imputed to Principal.

150 N. Y. 137. 2 App. Div. 243; (74 St. Rep. 242; 38 Supp. 615).

Slauson v. Watkins, 86 N. Y. 597.

Cited, Equity—Remedy at Law.

9 Misc. 418; (61 St. Rep. 702; 30 Supp. 191).

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16 Misc. 314; (39 Supp. 416).

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66 Hun, 295; (49 St. Rep. 256; 20 Supp. 923). 87 Hun, 152; (67 St. Rep. 775; 33 Supp. 1072).

Slauson v. Watkins, 95 N. Y. 369.

Cited, Order—Compelling Payment of Costs—Appealability.

12 Misc. 63; (66 St. Rep. 689; 33 Supp. 87; 24 Civ. Pro. 396).

Slavin v. Mansfield, 77 Hun, 535; 60 St. Rep. 393; 28 Supp. 921.

Slavin v. New York, 152 N. Y. 45.

Slayton v. Hemken, 91 Hun, 582; 70 St. Rep. 824; 36 Supp. 249.

Slee v. Bloom, 19 Johns. 456.

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Cited, Corporations — Dissolution — Surrender.

79 Hun, 106; (61 St. Rep. 183; 29 Supp. 638).

Slee v. Manhattan Co., 1 Paige, 48.

Cited, Action — Parties—Foreclosure—Assignor of Mortgage.

72 Hun, 201; (55 St. Rep. 481; 25 Supp. 350).

Assignment—As Collateral—Rights of Assignor on Foreclosure.

69 Hun, 41; (52 St. Rep. 827; 23 Supp. 441).

Mortgage—Redemption—Time.

81 Hun, 262; (62 St. Rep. 756; 30 Supp. 793).

Mortgage — Redemption — Costs—Payment.

85 Hun, 57; (66 St. Rep. 61; 32 Supp. 677).

Sleeman v. Hotchkiss, 36 St. Rep. 540; 13 Supp. 98.

Cited, Pleading—Amendment—Changing Cause of Action.

66 Hun, 197; (49 St. Rep. 180; 21 Supp. 2.8).

Sleeper v. Sleeper, 142 N. Y. 625; 60 St. Rep. 867.

Affirming, 65 Hun, 454; 48 St. Rep. 41; 20 Supp. 339.

Sleeper v. Van Middlesworth, 4 Den. 431.

Cited, Witnesses—Impeachment.

147 N. Y. 656; (71 St. Rep. 265).

Slevin v. Wallace, 64 Hun, 288; 46 St. Rep. 629.

Affirmed, 144 N. Y. 635.

Slingerland v. Bronk, 47 How. 408.

Cited, Judgment—Reversal—Grounds.

91 Hun, 61; (71 St. Rep. 632; 36 Supp. 828).

Slingerland v. Norton, 58 Hun, 578; 35 St. Rep. 426; 12 Supp. 647.

Cited, Evidence — Relevancy — Negotiations for Compromise.

68 Hun, 31; (52 St. Rep. 66; 22 Supp. 676). 11 Misc. 425; (65 St. Rep. 121; 32 Supp. 128).

Sloan v. Case, 10 Wend. 370.

Cited, Constables—Return of Execution—Failure—Effect.

92 Hun, 413; (71 St. Rep. 856; 36 Supp. 763).

Sloan v. Baird, 12 App. Div. 481; 76 St. Rep. 38; 42 Supp. 38.

Sloan v. Huntington, 8 App. Div. 93; 40 Supp. 393.

Sloan v. N. Y. C. R. Co., 45 N. Y. 125.

Cited, Evidence—Physician's Privilege.

3 Misc. 456; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 83).

Evidence—Witnesses—Inconsistent Statements.

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85 Hun, 140; (65 St. Rep. 669; 32 Supp. 512). 88 Hun, 341; (68 St. Rep. 546; 34 Supp. 728). 12 Misc. 60; (66 St. Rep. 683; 33 Supp. 49).

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16 Misc. 632; (40 Supp. 989).

Sloane, Matter of, 19 App. Div. 411.
Affirmed, 154 N. Y. 109.

Sloane v. Elmer, 64 N. Y. 201.
Cited, Master and Servant—Liability.
85 Hun, 302; (66 St. Rep. 384; 32 Supp. 954).

Sloane v. Martin, 77 Hun, 249; 59 St. Rep. 828; 28 Supp. 332.
Affirmed, 145 N. Y. 524; 65 St. Rep. 356.

Sloane v. Martin, 145 N. Y. 524; 65 St. Rep. 356.

Sloane v. Martin, 24 Supp. 661.
Cited, Official Acts — Irregularity — Effect—Submission to Jury.
12 Misc. 492; (67 St. Rep. 393; 33 Supp. 668).

Sloane v. New York Elevated R. Co., 137 N. Y. 595; 50 St. Rep. 705.
Reversing, 63 Hun, 300; 44 St. Rep. 583; 17 Supp. 769.

Slocovich v. Orient Mut. Ins. Co., 108 N. Y. 56; 12 St. Rep. 806.
Cited, Appeal—Expert Witness—Conclusiveness of Trial Court's Decision—Qualification and Competency of.

1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 7 Misc. 180; (57 St. Rep. 547; 27 Supp. 349).

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9 Misc. 56; (59 St. Rep. 666; 29 Supp. 74).

Evidence — Presumption — Innocence — Crime of Fraud—Civil Action.

6 Misc. 273; (58 St. Rep. 133; 26 Supp. 765).

Slocum v. Barry, 38 N. Y. 46.
Cited, Trustees—Charging with Costs—Motion—Notice.

18 Misc. 437; (75 St. Rep. 1188; 41 Supp. 790).

Slocum v. English, 2 Hun, 78.
Affirmed, 62 N. Y. 494.
Cited, Executors — Creditor's Rights Against Land—Limitation.

69 Hun, 163; (52 St. Rep. 539; 23 Supp. 379).

Slocum v. English, 62 N. Y. 494.
Cited, Executors—Sale of Land to Pay Debts—Limitation.

3 Misc. 439; (52 St. Rep. 327; 23 Supp. 172).

Slocum v. Gilman, 84 Hun, 405; 65 St. Rep. 532; 32 Supp. 297.

Slocum v. Great Western Railway Co., 67 N. Y. 208.

Cited, Carriers—Connecting Carriers—Loss of Baggage.

66 Hun, 460; (50 St. Rep. 425; 21 Supp. 320). 16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Sloman v. Schmidt, 8 Abb. 5.
Cited, Pleading—Complaint—Sufficiency—Assumpsit—Common Counts.

4 Misc. 78; (53 St. Rep. 173; 23 Supp. 599).

Smadbeck v. Sisoon, 31 Hun, 582.
Cited, Attachment — Affidavit — Sufficiency—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 417).

Smaldone v. Insurance Co. of N. A., 15 App. Div. 232; 78 St. Rep. 201; 44 Supp. 201.

Small v. Bladworth, 1 Misc. 507; 48 St. Rep. 937; 20 Supp. 663.

Small v. Brooklyn City & Newtown R. Co., 10 Misc. 266; 63 St. Rep. 316; 30 Supp. 1076.
Affirmed, 151 N. Y. 631.

Small v. Herkimer Mfg. Co., 2 N. Y. 330.

Cited, Corporations—Stock Subscriptions—Liability.

79 St. Rep. 990; (45 Supp. 990).

Small v. McChesney, 3 Cow. 19.
Cited, Time—Fractions of a Day.

7 Misc. 715; (58 St. Rep. 322; 28 Supp. 29). 79 Hun, 410; (61 St. Rep. 344; 29 Supp. 810). 150 N. Y. 229.

Smalley v. Fulton Bank, 87 Hun, 79; 67 St. Rep. 505; 33 Supp. 882.

Smallwood v. Schwietering, 10 Misc. 103; 63 St. Rep. 514; 31 Supp. 149.

Smallwood v. Schwietering, 12 Misc. 645; 66 St. Rep. 875; 33 Supp. 1134.

Smart v. Haring, 14 Hun, 276.
Cited, Dower—Release—Consideration.

75 Hun, 561; (59 St. Rep. 615; 27 Supp. 598).

Smart v. Smart, 97 N. Y. 559.
Cited, Mortgage—Assumption of Debt by Heir.

71 Hun, 324; (55 St. Rep. 4; 25 Supp. 123).

Smedes v. Bank of Utica, 20 Johns. 372.

Cited, Banks—Collections—Liability.
11 Misc. 289; (65 St. Rep. 446; 32 Supp. 271).

Duplicate Citations in Parenthesis.

Smedis v. Brooklyn & R. B. R. Co., 88 N. Y. 13.

Cited, Appeal—Instructions Given and Refused—Exceptions, Sufficiency of.

1 Mi c. 138; (48 St. Rep. 651); 20 Supp. 678). 139 N. Y. 493; (54 St. Rep. 837). 19 Misc. 105). 89 Hun, 76; (63 St. Rep. 835; 34 Supp. 1072). 91 Hun, 500; (70 St. Rep. 862; 36 Supp. 260; 25 Civ. Pro. 115).

Trial—Requests to Charges—Definiteness. 71 Hun, 441; (54 St. Rep. 541; 24 Supp. 985).

Smiddy, Matter of, 47 St. Rep. 409; 19 Supp. 949.

Cited, Municipal Corporations—Sewers—Damages.

84 Hun, 284; (65 St. Rep. 718; 32 Supp. 444).

Smidt v. Dessar, 13 Misc. 254; 63 St. Rep. 205; 34 Supp. 158.

Smidt v. Jackson, 11 Hun, 361.

Cited, Mortgage—Deed Absolute—Foreclosure.

15 App. Div. 282; (78 St. Rep. 591; 44 Supp. 591).

Smiley v. Fry, 100 N. Y. 262.

Cited, Deposit—Statute of Limitations—Demand.

88 Hun, 537; (68 St. Rep. 825; 34 Supp. 857). 4 App. Div. 462; (74 St. Rep. 154; 33 Supp. 661).

Smillie v. Quinn, 90 N. Y. 492.

Cited, Insurance—On Husband's Life—Nature as Property.

71 Hun, 396; (55 St. Rep. 33; 25 Supp. 27).

Insurance—On Life of Husband—Assignment.

60 St. Rep. 156; (28 Supp. 483). 86 Hun, 529; (67 St. Rep. 688; 33 Supp. 913). 19 Misc. 590; (78 St. Rep. 1047; 44 Supp. 1047).

Smith, Matter of, 1 Misc. 253; 22 Supp. 1085.

Cited, Principal Debt—Receipt—Effect on Interest.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321).

Smith, Matter of, 1 Misc. 269; 22 Supp. 1087.

Cited, Executors and Administrators—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 397; (24 Supp. 851).

Smith, Matter of, 13 Misc. 592; 71 St. Rep. 596; 36 Supp. 820.

Smith, Matter of, 14 Misc. 169; 70 St. Rep. 436; 35 Supp. 701.

Smith, Matter of, 18 Misc. 139; 75 St. Rep. 1440; 41 Supp. 1093.

Smith, Matter of, 68 Hun, 530; 52 St. Rep. 772; 23 Supp. 87.

Smith, Matter of, 77 Hun, 134; 59 St. Rep. 56; 28 Supp. 476.

Cited, Inheritance Tax—Exemption.

80 Hun, 539; (62 St. Rep. 571; 30 Supp. 583).

Smith, Matter of, 84 Hun, 465; 65 St. Rep. 474; 32 Supp. 317.

Reversed, 146 N. Y. 68; 66 St. Rep. 241.

Smith, Matter of, 85 Hun, 359; 32 Supp. 943.

Smith, Matter of, 89 Hun, 606; 34 Supp. 1057.

Smith, Matter of, 90 Hun, 568; 36 Supp. 40.

Affirmed, 148 N. Y. 187.

Smith, Matter of, 95 N. Y. 516.

Cited, Appeal—Surrogate's Decree—Extent of Review—Improper Evidence—Reversal—When Proper.

71 Hun, 503; (74 St. Rep. 901; 24 Supp. 1059). 10 App. Div. 375; (41 Supp. 1003). 89 Hun, 143; (63 St. Rep. 869; 34 Supp. 1138). 67 Hun, 415; (51 St. Rep. 784; 22 Supp. 292). 67 Hun, 240; (50 St. Rep. 778; 22 Supp. 99). 17 App. Div. 270; (79 St. Rep. 565; 45 Supp. 566). D. 17 App. Div. 273; (79 St. Rep. 567; 45 Supp. 567).

Evidence—Presumptions—Undue Influence—As Affected by Relation of Parties.

140 N. Y. 258; (55 St. Rep. 545). 67 Hun, 413; (51 St. Rep. 784; 22 Supp. 293). 1 Misc. 261; (22 Supp. 1061). 9 Misc. 181; (60 St. Rep. 644; 29 Supp. 586). 54 St. Rep. 239; (22 Supp. 1061). 71 Hun, 29; (53 St. Rep. 873; 24 Supp. 505). 70 Hun, 127; (53 St. Rep. 810; 24 Supp. 75). 3 Misc. 578; (23 Supp. 759). 50 St. Rep. 676; (21 Supp. 350). 84 Hun, 515; (61 St. Rep. 734; 32 Supp. 449). 79 St. Rep. 1055; (45 Supp. 1055). 17 Misc. 199; (40 Supp. 977). 84 Hun, 32; (65 St. Rep. 86; 31 Supp. 1056).

Evidence—Personal Transactions With Decedent.

84 Hun, 524; (65 St. Rep. 611; 32 Supp. 401).

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16 Misc. 186; (33 Supp. 1134). 71 Hun, 503; (54 St. Rep. 902; 24 Supp. 1059).

Smith, Matter of, 99 N. Y. 424.

Cited, Taxes—Void Assessments—Enforcement—Remedy.

77 Hun, 226; (59 St. Rep. 823; 28 Supp. 366). 135 N. Y. 463; (48 St. Rep. 467). 151 N. Y. 22.

Duplicate Citations in Parenthesis.

Smith, Matter of, 131 N. Y. 239; 43 St. Rep. 271.

Cited, Willk—Construction—Gift of Income.

71 Hun. 16; (53 St. Rep. 866; 24 Supp. 578).

Wills—Estates—Vesting—Contingency.
147 N. Y. 354; (39 St. Rep. 696).

Smith, Matter of, 146 N. Y. 68; 66 St. Rep. 241.

Cited, Quarantine—Contagious Disease—Habeas Corpus.

11 App. Div. 13; (76 St. Rep. 260; 42 Supp. 260), 19 Misc. 495; (77 St. Rep. 1107; 43 Supp. 1107; 3 Ann. Cas. 382).

Smith, Matter of, 153 N. Y. 124.

Smith, Matter of, 19 St. Rep. 898.

Cited, Wills—Intent of Testator—Presumption.

15 Misc. 569; (72 St. Rep. 810; 38 Supp. 181).

Smith, Matter of, 3 St. Rep. 187.

Cited, Evidence—Undue Influence—Opportunity for—Wills.

5 Misc. 183; (24 Supp. 858).

Smith, Matter of, 5 St. Rep. 380.

Cited, Taxes—Inheritance—Exemption.

9 Misc. 228; (61 St. Rep. 294; 30 Supp. 387).

Smith, Matter of, 52 St. Rep. 267; 23 Supp. 762.

Smith, Matter of, 53 St. Rep. 658; 24 Supp. 928.

Smith, Matter of, 69 St. Rep. 29; 34 Supp. 1057.

Smith, Matter of, 17 Abb. N. C. 78.

Cited, Gift—Of Bank Deposit—Possession of Book.

3 Misc. 268; (51 St. Rep. 908; 22 Supp. 936).

Smith v. Acker, 23 Wend. 653.

Cited, Sales—Fraud—Proof.

11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333). 19 Misc. 165.

Smith v. A. D. Farmer Type-Founding Co., 18 Misc. 434; 75 St. Rep. 1186; 41 Supp. 788.

Cited, 79 St. Rep. 194; (45 Supp. 194).

Smith v. A. D. Farmer Type-Founding Co., 16 App. Div. 438; 79 St. Rep. 192; 45 Supp. 192.

Smith v. Aetna Life Ins. Co., 5 Lans. 545.

Cited, Insurance—Policy—Construction—Who is Assured.

73 Hun. 369; (55 St. Rep. 899; 26 Supp. 251); 40 Supp. 451.

Smith v. Aetna Life Ins. Co., 49 N. Y. 211.

Cited, Appeal—General Term—Necessity of Exceptions.

2 Misc. 331; (51 St. Rep. 416; 21 Supp. 961).

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75 Hun. 246; (58 St. Rep. 613; 27 Supp. 52). 77 Hun. 77; (59 St. Rep. 833; 28 Supp. 293). 12 App. Div. 5; (76 St. Rep. 181; 42 Supp. 181). 7 Misc. 51; (57 St. Rep. 531; 27 Supp. 367). 88 Hun. 208; (68 St. Rep. 397; 34 Supp. 668). 19 Misc. 482; (77 St. Rep. 1071; 43 Supp. 1071). 6 App. Div. 48; (39 Supp. 617). 81 Hun. 114; (62 St. Rep. 635; 30 Supp. 682). 82 Hun. 157; (63 St. Rep. 755; 31 Supp. 306). 11 Misc. 236; (64 St. Rep. 450; 32 Supp. 784).

Smith v. Agricultural Fire Ins. Co., 118 N. Y. 518; 29 St. Rep. 810.

Cited, Insurance—Policy—Prohibition of Encumbrance—Divisibility—Severance.

66 Hun. 223; (49 St. Rep. 9; 21 Supp. 51). 72 Hun. 524; (55 St. Rep. 222; 25 Supp. 441). 81 Hun. 375; (63 St. Rep. 147; 30 Supp. 893). 17 Misc. 350; (39 Supp. 1072). Insurance—Representations—Ownership of Property.

69 Hun. 504; (52 St. Rep. 719; 23 Supp. 402).

Smith v. Albany, City of, 61 N. Y. 444.

Cited, Executors—Accounting—Services—Compensation.

9 Misc. 299; (61 St. Rep. 314; 30 Supp. 268).

Smith v. Alker, 102 N. Y. 87.

Cited, Contract—Certificate of Third Party as Condition of Recovery—Unjust Refusal.

137 N. Y. 379; (50 St. Rep. 649). 4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 86 Hun. 337; (67 St. Rep. 168; 33 Supp. 533). 11 Misc. 50; (63 St. Rep. 470; 31 Supp. 846). 14 Misc. 408; (70 St. Rep. 759; 35 Supp. 1038).

Contracts—Substantial Performance.

82 Hun. 161; (63 St. Rep. 746; 31 Supp. 297).

Smith v. Allt, 4 Abb. N. C. 205.

Cited, Landlord and Tenant—Holding Over—Effect.

10 Misc. 661; (64 St. Rep. 305; 31 Supp. 680).

Smith v. American Society for Prevention of Cruelty to Animals, 7 Misc. 158; 57 St. Rep. 549; 27 Supp. 315.

Duplicate Citations in Parenthesis.

Smith v. American Turquoise Co.,
77 Hun, 192; 59 St. Rep. 830; 28 Supp.
329.

Smith v. Anderson, 57 Hun, 72; 10
Supp. 278.

Cited, Banks—Liability of Trustees.
79 St. Rep. 654; (45 Supp. 654).

Smith v. Argall, 6 Hill, 479.

*Cited, Partnership—Special Partner—
When Deemed General.*

145 N. Y. 494; (65 St. Rep. 366; 1 Ann.
Cas. 373).

Smith v. Arnold, 33 Hun, 484.

Cited, Papers—Defects—Amendment.
87 Hun, 262; (67 St. Rep. 474; 33 Supp.
829).

Attachments—Affidavits—Sufficiency.
87 Hun, 274; (67 St. Rep. 470; 33 Supp.
825). 17 Misc. 243; (40 Supp. 1067).

Smith v. Athens, City of, 74 Hun, 26;
57 St. Rep. 743; 26 Supp. 180.

Cited, Pleadings—Amendment.
87 Hun, 178; (67 St. Rep. 723; 33 Supp.
1035).

Smith v. Babcock, 3 App. Div. 6; 73
St. Rep. 14; 37 Supp. 965.

Cited, 79 St. Rep. 621; (45 Supp. 621).

Smith v. Bailey, 14 App. Div. 283; 77
St. Rep. 856; 43 Supp. 856.

Smith v. Banker, 3 How. 141.

*Cited, Costs—Discontinuance—Discretion
—Review.*

53 St. Rep. 741; (24 Supp. 246).
Actions—Statutes—Repeal.
90 Hun, 210; (70 St. Rep. 553; 35 Supp.
891).

Smith v. Barnard, 148 N. Y. 420.

Affirming, 73 Hun, 616; 26 Supp. 1128.

Smith v. Barnes, 9 Misc. 363; 60 St. Rep.
631; 29 Supp. 692; 24 Civ. Pro. 49.

*Cited, Parties—Stipulation—Enforce-
ment.*

85 Hun, 609; (67 St. Rep. 8; 33 Supp.
170). 18 Misc. 415; (41 Supp. 1120).

Smith v. Baum, 67 How. 267.

Cited, Attorneys—Lien—Enforcement.
9 Misc. 406; (61 St. Rep. 694; 29 Supp.
1073). 18 Misc. 44; (75 St. Rep. 453; 40
Supp. 1134).

Smith v. Beach, 5 App. Div. 624; 39
Supp. 351.

Smith v. Beattie, 31 N. Y. 542.

Cited, Bill of Sale—When Mortgage.
149 N. Y. 131.

Smith v. Belden, 60 N. Y. 642.

*Cited, Appeal—Review of Discretionary
Determination.*

2 Misc. 181; (49 St. Rep. 720; 21 Supp.
583; 29 Abb. N. C. 429; 23 Civ. Pro. 40).

Smith v. Benson, 1 Hill, 176.

*Cited, Lands—Buildings—Several Own-
ership.*

153 N. Y. 102. 12 Misc. 148; (66 St. Rep.
715; 33 Supp. 57).

Smith v. Bodine, 74 N. Y. 50.

*Cited, Accounting—When Allowed—Par-
ticipation in Profits.*

75 Hun, 24; (58 St. Rep. 192; 26 Supp.
1053; 31 Abb. N. C. 186). 9 App. Div. 161;
(75 St. Rep. 608; 41 Supp. 150).

*Agents—Accounting—Action for—
Against Principal.*

18 Misc. 333; (76 St. Rep. 111; 42 Supp.
111).

Smith v. Bown, 75 Hun, 231; 58 St.
Rep. 605; 27 Supp. 11.

*Cited, Insurance—Policy—Application—
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78 Hun, 106; (60 St. Rep. 532; 28 Supp.
1076).

Smith v. Bowen, 35 N. Y. 83.

Cited, Trusts—Consideration—Avoidance.
10 Misc. 636; (66 St. Rep. 216; 32 Supp.
819).

Smith v. Boyd, 101 N. Y. 472.

*Cited, Notary's Certificate—Construc-
tion.*

D. 89 Hun, 161; (69 St. Rep. 215; 35 Supp.
19). 12 Misc. 490; (67 St. Rep. 391; 33 Supp.
667).

Smith v. Bradhurst, 18 Misc. 516; 41
Supp. 1002.

Smith v. Brady, 17 N. Y. 173.

Cited, Contract.
8 Misc. 216; (59 St. Rep. 488; 28 Supp.
579).

*Contract—Building—Architect's Certif-
icate—Conclusiveness.*

70 Hun, 527; (54 St. Rep. 50; 24 Supp.
395). 4 Misc. 56; (53 St. Rep. 76; 23 Supp.
606). D. 140 N. Y. 206; (5 St. Rep. 583).
11 Misc. 50; (63 St. Rep. 470; 31 Supp. 846).
13 Misc. 196; (68 St. Rep. 216; 34 Supp. 130).

*Contract—Building—Performance—
Waiver.*

140 N. Y. 198; (55 St. Rep. 578). 86 Hun,
603; (67 St. Rep. 565; 31 Supp. 743), 6 App.
Div. 4; (39 Supp. 463). 3 App. Div. 233;
(73 St. Rep. 639; 38 Supp. 483).

Contracts—Entire—Recovery.

16 Misc. 450; (73 St. Rep. 310; 38 Supp.
152).

*Duplicate Citations in Parenthesis.***Smith v. Briggs**, 3 Den. 73.*Cited*, Contract—Building—Performance—Architect's Certificate—Conclusiveness.

70 Hun, 527; (54 St. Rep. 50; 24 Supp. 393). 7 Misc. 38; (57 St. Rep. 87; 27 Supp. 380)

Smith v. Britt, 8 Week. Dig. 76.*Cited*, Representative—Costs—Discon'nuance.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Smith v. Britton, 45 How. 428.*Cited*, Judgment—Assignment—Leave of Court.

67 St. Rep. 582; (33 Supp. 713; 24 Civ. Pro. 333).

Smith v. Brooklyn, 6 App. Div. 134; 39 Supp. 990.**Smith v. Brooklyn Savings Bank**, 101 N. Y. 58.*Cited*, Banking—Payment to Wrong Person—Liability.

135 N. Y. 562; (48 St. Rep. 564).

Savings Bank—Pass Book.

6 Misc. 112; (57 St. Rep. 858; 26 Supp. 15). 17 Misc. 579; (75 St. Rep. 68; 40 Supp. 665).

Smith v. Brown, 17 Barb. 431.*Cited*, Contracts—Performance—Excuse—Pleading.

15 App. Div. 384; (78 St. Rep. 77; 44 Supp. 77).

Smith v. Brush, 8 Johns. 65.*Cited*, New Trial—Newly Discovered Evidence.

16 Misc. 122; (38 Supp. 829).

Smith v. Buchanan, 5 Dem. 169.*Cited*, Executors—Accounting—Compensation—Two or More.

7 Misc. 729; (59 St. Rep. 527; 28 Supp. 497). 24 Supp. 99.

Smith v. Buffalo, 90 Hun, 118; 70 St. Rep. 400; 35 Supp. 635.**Smith v. Buffalo**, 39 Supp. 881.**Smith v. Buffalo R. & P. R. R. Co.**, 72 Hun, 545; 55 St. Rep. 223; 25 Supp. 638.*Affirmed*, 148 N. Y. 727.**Smith v. Bubler**, 121 N. Y. 213.*Cited*, Taxation—Sale and Redemption—Notice to Redeem—Necessity of—Comptroller's Certificate.

22 Supp. 537; (30 Abb. N. C. 115).

Smith v. Burch, 93 N. Y. 228.*Cited*, Wills—Construction—Money.

136 N. Y. 210; (49 St. Rep. 116).

Smith v. Campbell, 75 Hun, 155; 58 St. Rep. 182; 26 Supp. 1087.**Smith v. Caputo**, 14 Misc. 9; 69 St. Rep. 409; 35 Supp. 127.**Smith v. Central Trust Co.**, 12 App. Div. 278; 76 St. Rep. 740; 42 Supp. 740.**Smith v. Chase**, 90 Hun, 99; 70 St. Rep. 411; 35 Supp. 615.**Smith v. Chase**, 50 St. Rep. 915; 21 Supp. 896.**Smith v. Chenoweth**, 14 Daly. 166.*Cited*, Set-Off—Judgments.

72 St. Rep. 805; (38 Supp. 176; 1 Ann. Cas. 193). 73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Smith v. Christopher, 3 Hun, 585.*Cited*, Witnesses—Death of Other Party—Removal of Bar.

67 Hun, 417; (51 St. Rep. 786; 23 Supp. 292).

Smith v. Church, 5 Hun, 109.*Cited*, Parent and Child—Necessaries—Third Persons—Father's Obligations.

8 Misc. 650; (61 St. Rep. 61; 29 Supp. 1046). 85 Hun, 29; (66 St. Rep. 110; 32 Supp. 602; 1 Ann. Cas. 295).

Smith v. Clarkstown, 69 Hun, 155; 52 St. Rep. 526; 23 Supp. 245.**Smith v. Clews**, 114 N. Y. 190; 23 St. Rep. 166.*Cited*, Contracts—Construction—Usage—Resort to Evidence.

72 Hun, 561; (55 St. Rep. 236; 25 Supp. 537). 144 N. Y. 422; (63 St. Rep. 655). 2 Mi. c. 356; (51 St. Rep. 583; 21 Supp. 1101). 87 Hun, 455; (68 St. Rep. 327; 34 Supp. 394). 16 Misc. 51; (73 St. Rep. 274; 37 Supp. 655).

Sales—Fraud—Effect.

4 App. Div. 294; (39 Supp. 451). 10 Misc. 71; (62 St. Rep. 264; 31 Supp. 150). 16 Misc. 381; (74 St. Rep. 312; 38 Supp. 58).

Smith v. Coe, 29 N. Y. 666.*Cited*, Mechanic's Lien—Sub-contractor's Lien—Validity.

20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78).

Smith v. Collier, 3 St. Rep. 172.*Cited*, Affidavit—Venue—Omission—Effect.

85 Hun, 35; (65 St. Rep. 842; 32 Supp. 588; 1 Ann. Cas. 303).

Smith v. Consumers' Ice Co., 52 Super. 430.*Cited*, Damages—Measure of—Negligence—Injury to Animals.

9 Misc. 154; (59 St. Rep. 664; 29 Supp. 72).

Duplicate Citations in Parenthesis.

Smith v. Cooper, 27 Hun, 565.

Cited, Chattel Mortgage—Avoidance.

19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706).

Smith v. Co-Operative Dress Ass'n, 12 Daly, 304.

Cited, Principal and Agent — Scope of Agency.

92 Hun, 248; (71 St. Rep. 775; 36 Supp. 710)

Smith v. Corn, 3 Misc. 545; 52 St. Rep. 481; 23 Supp. 326.

Smith v. Cornell, 111 N. Y. 554; 20 St. Rep. 116.

Cited, Taxes—When Payable by Executors.

144 N. Y. 477; (63 St. Rep. 730).

Smith v. Cornell University, 79 St. Rep. 640; 45 Supp. 640.

Smith v. Countryman, 30 N. Y. 655.

Cited, Fraud—Sale—False Statement of Cost.

139 N. Y. 294; (54 St. Rep. 497). 82 Hun, 297; (64 St. Rep. 76; 31 Supp. 490). 18 Misc. 224; (75 St. Rep. 798; 41 Supp. 387). 18 Misc. 645; (77 St. Rep. 750; 43 Supp. 750).

Trial—Dismissal of Answer on.

4 Misc. 81; (53 St. Rep. 71; 23 Supp. 854).

Smith v. Cowan, 3 App. Div. 230; 73 St. Rep. 638; 38 Supp. 482.

Cited, Contracts—Damages — Prejudicial Evidence.

18 Misc. 209; (75 St. Rep. 783; 41 Supp. 373).

Smith v. Cramer, 14 Week. Dig. 107.

Cited, Taxes—Assessment—Entirety.

67 Hun, 223; (51 St. Rep. 360; 22 Supp. 902).

Smith v. Cranford, 84 Hun, 318; 65 St. Rep. 581; 32 Supp. 375.

Smith v. Crocker, 3 App. Div. 471; 73 St. Rep. 749; 38 Supp. 268.

Cited, 14 App. Div. 246; (77 St. Rep. 428; 43 Supp. 428).

Smith v. Crocker, 14 App. Div. 245; 77 St. Rep. 427; 43 Supp. 427.

Cited, Actions — Non-residents—Contracts—Entertainment of Jurisdiction.

17 App. Div. 326; (79 St. Rep. 214; 45 Supp. 214). 17 App. Div. 327; (79 St. Rep. 215; 45 Supp. 215).

Smith v. Cross, 85 Hun, 58; 66 St. Rep. 61; 32 Supp. 677.

Smith v. Cross, 90 N. Y. 549.

Cited, Witnesses—Competency—Transactions with Decedent—Interest.

77 Hun, 65; (53 St. Rep. 44; 28 Supp. 471).

Smith v. Danvers, 5 Sandf. 669.

Cited, Partnership Property—When Considered Personality.

10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Smith v. Danzig, 3 Civ. Pro. 127.

Cited, Receivers — Appointment—When Proper.

6 Misc. 561; (57 St. Rep. 521; 27 Supp. 522). 150 N. Y. 122; (3 Ann. Cas. 254).

Smith v. Danzig, 64 How. 320.

Cited, Corporations—Directors—Resignation—Effect.

16 Misc. 49; (73 St. Rep. 275; 37 Supp. 656).

Smith v. Dederick, 18 Misc. 507; 76 St. Rep. 1119; 42 Supp. 1119.

Smith v. Dittenhoffer, 1 City Ct. 143.

Cited, Judgments—Res Adjudicata.

13 Misc. 431; (68 St. Rep. 411; 34 Supp. 683). 14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 25 Civ. Pro. 146; 2 Ann. Cas. 164).

Smith v. Dittman, 16 Daly, 427; 34 St. Rep. 303; 11 Supp. 769.

Cited, Evidence — Expressions of Pain, etc.—Action for Personal Injuries.

1 Misc. 353; (48 St. Rep. 664; 20 Supp. 684).

Smith v. Dodge, 19 St. Rep. 292; 3 Supp. 866.

Cited, Agency—Proof — Declarations of Agents.

18 Misc. 433; (76 St. Rep. 26; 42 Supp. 26).

Smith v. Duffy, 1 How. N. S. 340.

Cited, Conveyances—When Fraudulent —Proof.

12 App. Div. 186; (76 St. Rep. 841; 43 Supp. 841).

Smith v. Dygert, 12 Barb. 613.

Cited, Negligence—Driving—Keeping o the Right.

2 Misc. 240; 51 St. Rep. 419, 21 Supp. 953). 9 App. Div. 70; (75 St. Rep. 575; 41 Supp. 117).

Smith v. Edwards, 23 Hun, 223.

Cited, 74 Hun, 301; (56 St. Rep. 272; 26 Supp. 672). 39 Hun, 309; (69 St. Rep. 290; 35 Supp. 173).

Smith v. Edwards, 88 N. Y. 92.

Cited, Perpetuities—Suspension of Alienation.

140 N. Y. 546; (56 St. Rep. 512; 31 Abb. N. C. 89). 13 Misc. 433; (68 St. Rep. 413; 34 Supp. 685). 7 App. Div. 439; 40 Supp. 1024).

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Wills—Ascertained Beneficiaries.

79 St. Rep. 625; (45 Supp. 625).

Wills—Construction—"General Fund."

14 App. Div. 380; (77 St. Rep. 878; 43 Supp. 878).

Wills—Construction—Direction for Future Division.

66 Hun, 497; (50 St. Rep. 423; 21 Supp. 406). 76 Hun, 432; (58 St. Rep. 230; 27 Supp. 1032). 11 Misc. 435; (67 St. Rep. 420; 33 Supp. 419). 78 Hun, 523; (61 St. Rep. 9; 29 Supp. 404). 3 App. Div. 42; 74 St. Rep. 405; 37 Supp. 1110). 6 App. Div. 59; (39 Supp. 621). 147 N. Y. 354; (69 St. Rep. 696). 9 App. Div. 604; (75 St. Rep. 1132; 41 Supp. 739). 10 Misc. 640; (65 St. Rep. 451; 32 Supp. 225). 11 Misc. 434; (67 St. Rep. 420; 33 Supp. 418). 87 Hun, 485; (69 St. Rep. 97; 34 Supp. 1017). 144 N. Y. 73; (63 St. Rep. 42). 145 N. Y. 538; (65 St. Rep. 343). 147 N. Y. 74; (69 St. Rep. 317). 15 Misc. 376; (72 St. Rep. 828; 38 Supp. 431). 20 Misc. 251; 20 Misc. 251; (79 St. Rep. 968; 45 Supp. 968).

Smith v. Emery, 11 App. Div. 10; 76 St. Rep. 258; 42 Supp. 258.

Smith v. Empire Transportation Co., 89 Hun, 588; 70 St. Rep. 120; 35 Supp. 534.

Cited, Master and Servant—Fellow Servants—Liability of Master.

6 App. Div. 36; (39 Supp. 456). 9 App. Div. 133; (75 St. Rep. 588; 41 Supp. 131). 11 App. Div. 454; (76 St. Rep. 345; 42 Supp. 345). 15 App. Div. 107; (78 St. Rep. 278; 44 Supp. 278). 20 Misc. 35; (79 St. Rep. 325; 45 Supp. 325).

Smith v. Erwin, 77 N. Y. 466.

Cited, Execution—Dormant—Revival.

74 Hun, 52; (56 St. Rep. 163; 26 Supp. 184).

Negotiable Notes—Holder—Duty to Endorser.

85 Hun, 207; (66 St. Rep. 488; 32 Supp. 1003). 13 App. Div. 452; (77 St. Rep. 602; 43 Supp. 602).

Smith v. Farmer Type Founding Co., 17 Misc. 311; 40 Supp. 356.

Modified, 13 Misc. 434; 41 Supp. 788.

Reversed, 16 App. Div. 438.

Smith v. Faulkner, 48 Hun, 186; 15 St. Rep. 637.

Cited, Champertor's Deed—Avoidance.

1 App. Div. 416; (72 St. Rep. 496; 37 Supp. 441).

Smith v. Fellows, 26 Hun, 384.

Cited, Pleading—Construction—Validity on Demurrer.

11 App. Div. 99; (76 St. Rep. 855; 42 Supp. 855). 11 Misc. 140; (65 St. Rep. 116; 31 Supp. 1022; 24 Civ. Pro. 304).

Smith v. Fellows, 41 Super. 36.

Cited, Husband and Wife—Agency—Presumption.

50 St. Rep. 168; (21 Supp. 370).

Mortgage—Cloud on Title—Removal.

16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Smith v. Felton, 43 N. Y. 419.

Cited, Counterclaim—In Equity.

136 N. Y. 167; (49 St. Rep. 103). 19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

Smith v. Ferris, 1 Daly, 18.

Cited, Insurance—Preliminary Proofs of Loss—Conclusiveness.

3 Misc. 460; (52 St. Rep. 443; 23 Supp. 181).

Smith v. Ferris, 70 Hun, 445; 53 St. Rep. 605; 24 Supp. 258.

Reversed, 143 N. Y. 495; 62 St. Rep. 841.

Smith v. Ferris, 143 N. Y. 495; 62 St. Rep. 841.

Smith v. Fingar, 1 Alb. Law. J. 101.

Cited, Assault and Battery—Defilement—Consent—Damages.

75 Hun, 392; (57 St. Rep. 691; 27 Supp. 440).

Smith v. Fisher, 10 Misc. 625; 65 St. Rep. 339; 32 Supp. 216.

Affirmed, 87 Hun, 129; 67 St. Rep. 745; 33 Supp. 1059.

Smith v. Fisher, 87 Hun, 129; 67 St. Rep. 745; 33 Supp. 1059.

Smith v. Flannery, 53 St. Rep. 159; 23 Supp. 201.

Smith v. Fleischman, 17 App. Div. 532; 79 St. Rep. 553; 45 Supp. 553.

Smith v. Floyd, 140 N. Y. 337; 55 St. Rep. 735.

Affirming, 71 Hun, 56; 53 St. Rep. 858; 24 Supp. 610.

Cited, Trust—Power in—Death of Donee—Title.

142 N. Y. 374; (58 St. Rep. 819). 153 N. Y. 143.

Smith v. Fogarty, 6 Civ. Pro. 366.

Cited, 15 Misc. 691.

Smith v. Foote, 81 Hun, 128; 62 St. Rep. 633; 30 Supp. 679.

Smith v. Fox, 18 Misc. 729; 76 St. Rep. 20; 42 Supp. 20.

Duplicate Citations in Parenthesis.

Smith v. Frankfield, 13 Hun, 489.

Cited, Appeal — Judgment—Reversal—Subsequent Proceedings—New Trial.

76 Hun, 61; (39 St. Rep. 612; 27 Supp. 612).

Smith v. Frankfield, 77 N. Y. 414.

Cited, Judgment—Reversal—Effect.

7 Misc.476; (28 Supp. 387) 10 Misc. 499; (63 St. Rep. 623; 31 Supp. 194).

Smith v. Frost, 70 N. Y. 65.

Cited, Trusts—Bonds—Conversion.

10 Misc. 108; (62 St. Rep. 499; 30 Supp. 936).

Smith v. Gault, 5 Law Bull. 54.

Cited, Mechanic's Lien — Foreclosure—Commencement of Action.

9 Misc. 381; (61 St. Rep. 484; 30 Supp. 255).

Smith v. Gebhardt, 5 Misc. 588; 56 St.

Rep. 904; 25 Supp. 1146.

Smith v. Genet, 2 City Ct. 88.

Cited, Landlord and Tenant—Liability of Tenant in Possession.

18 Misc. 72; (75 St. Rep. 486; 41 Supp. 31).

Smith v. Glens Falls Ins. Co., 62 N. Y. 85.

Cited, Insurance—Breach of Condition—Waiver.

78 Hun, 193; (60 St. Rep. 256; 28 Supp. 945). 92 Hun, 535; (72 St. Rep. 201; 37 Supp. 58).

Smith v. Gould, 84 Hun, 325; 65 St. Rep. 579; 32 Supp. 373.

Smith v. Gouraud, 76 Hun, 343; 59 St. Rep. 91; 27 Supp. 717.

Smith v. Grant, 15 N. Y. 590.

Cited, Appeal—Settlement of Case.

79 St. Rep. 318; (45 Supp. 318).

Smith v. Grant, 3 St. Rep. 255; 11 Civ. Pro. 354.

Cited, Appeal—Leave to Amend—Recitals in Order Granting—Conclusiveness of.

1 Misc. 1; (48 St. Rep. 637; 20 Supp. 616).

Appeal — Certificate of Judge — Conclusiveness of.

1 Misc. 2; (48 St. Rep. 637; 20 Supp. 616).

Smith v. Grant, 17 How. 381.

Cited, Appeal—Court of Appeals—Case—Sufficiency.

64 St. Rep. 624; (31 Supp. 844).

Smith v. Greenwich, 80 Hun, 118; 30 Supp. 56.

Affirmed, 145 N. Y. 649; 71 St. Rep. 319.

Smith v. Greenwich, 145 N. Y. 649; 71 St. Rep. 319.

Smith v. Greenwich, 146 N. Y. 372.

Smith v. Greenwich, 61 St. Rep. 786; 30 Supp. 56.

Smith v. Gugerty, 4 Barb. 614.

Cited, Contracts—Performance.

72 Hun, 174; (55 St. Rep. 675; 25 Supp. 377). 17 Misc. 360; (39 Supp. 1088).

Smith v. Gun, 35 St. Rep. 427; 12 Supp. 808.

Cited, Trial — Instructions — Failure to Produce Witnesses.

8 Misc. 450; (59 St. Rep. 38; 28 Supp. 684).

Evidence—Sufficiency—Burden of Proof.

11 Misc. 345; (65 St. Rep. 460; 32 Supp. 266). D. 11 Misc. 717; (63 St. Rep. 872; 34 Supp. 1140). 79 St. Rep. 491; (45 Supp. 491).

Smith v. Hall, 67 N. Y. 48.

Cited, Pleading—Counterclaim—Availability.

143 N. Y. 547; (62 St. Rep. 796). 144 N. Y. 612; (64 St. Rep. 254). 5 App. Div. 63; (38 Supp. 1051.)

Pleading—General Denial—Proof Under.

13 Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Smith v. Harris, 7 St. Rep. 479.

Cited, Fraud—Proof—Parol Evidence.

16 Misc. 382; (33 Supp. 72).

Smith v. Hayes, 10 App. Div. 245; 75 St. Rep. 1328; 41 Supp. 954.

Smith v. Hildenbrand, 15 Misc. 129; 71 St. Rep. 500; 36 Supp. 485.

Smith v. Hill, 22 Barb. 656.

Cited, Appeal—Failure to Raise Point Below—Effect.

152 N. Y. 283.

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15 Misc. 531; (74 St. Rep. 307; 37 Supp. 1136).

Smith v. Helmer, 7 Barb. 416.

Cited, Eminent Domain—Possession Pending Proceedings and Before Compensation.

66 Hun, 319; (49 St. Rep. 54; 21 Supp. 45). 66 Hun, 210; (49 St. Rep. 600; 21 Supp. 133).

Smith v. Hilton, 50 Hun, 236; 19 St. Rep. 340; 2 Supp. 820.

Cited, Pleading — Counterclaim — New Cause of Action—Effect.

5 Misc. 423; (26 Supp. 710). 85 Hun, 528; (67 St. Rep. 79; 33 Supp. 336). 85 Hun, 84; (66 St. Rep. 46; 32 Supp. 663). 8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549). 87 Hun, 340; (68 St. Rep. 431; 34 Supp. 301).

Duplicate Citations in Parenthesis.

Smith v. Home Ins. Co., 14 St. Rep. 106; 47 Hun, 30; 28 Week. Dig. 198.

Cited, Insurance—Conditions Precedent—Recovery—Waiver.

1 Misc. 114; (48 St. Rep. 655; 20 Supp. 647). 7 App. Div. 594; (40 Supp. 313). 8 App. Div. 356; (40 Supp. 818). 19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Smith v. Homer, 15 Misc. 403; 72 St. Rep. 37; 36 Supp. 1689.

Smith v. Hubert, 83 Hun, 503; 65 St. Rep. 16; 31 Supp. 1076.

Smith v. Ijams, 70 Hun, 155; 53 St. Rep. 915; 24 Supp. 202.

Affirmed, 141 N. Y. 552; 57 St. Rep. 865.

Smith v. Ingersoll-Sergeant Rock Drill Co., 7 Misc. 374; 27 Supp. 907. *Reversed*, 12 Misc. 5; 66 St. Rep. 727; 33 Supp. 70.

Smith v. Ingersoll-Sergeant Rock Drill Co., 12 Misc. 5; 66 St. Rep. 727; 33 Supp. 70.

Smith v. Ingham University, 76 Hun, 605; 59 St. Rep. 437; 28 Supp. 220; 23 Civ. Pro. 393.

Smith v. Jackson, 2 Edw. Ch. 28.

Cited, Partner—Purchase of Lands—Effect.

10 Misc. 430; (63 St. Rep. 321; 31 Supp. 80).

Smith v. Janes, 20 Wend. 192.

Cited, Bills and Notes—Checks—Indorsement—Presentment.

9 Misc. 383; (61 St. Rep. 673; 30 Supp. 204).

Smith v. Johnston, 30 How. 374.

Cited, Appeal—From Justice's Judgment—Return, Conclusiveness of and Evidence to Contradict.

3 Misc. 125; (23 Supp. 995).

Smith v. Johnson, 22 St. Rep. 593; 5 Supp. 128.

Cited, Pleading — Bill of Particulars — When Granted.

75 Hun, 286; (58 St. Rep. 200; 26 Supp. 1007). 82 Hun, 359; (64 St. Rep. 95; 31 Supp. 497).

Smith v. Kearney, 2 Barb. Ch. 533.

Cited, Wills — Legacy — Remission of Debt.

15 Misc. 178; (72 St. Rep. 142; 37 Supp. 38).

Smith v. Keepers, 5 Civ. Pro. 61.

Cited, Trial—Calendar—Advancement of Cause on.

2 Misc. 479; (51 St. Rep. 143; 22 Supp. 80).

Smith v. Kelley, 31 Hun, 387.

Cited, Foreclosure—Receiver of Rents and Profits.

6 App. Div. 248; (39 Supp. 1032).

Smith v. Kerr, 49 Hun, 29; 17 St. Rep. 351; 1 Supp. 454.

Cited, Papers—Service—Sufficiency.

8 Misc. 621; (61 St. Rep. 334; 29 Supp. 823). 147 N. Y. 623; (71 St. Rep. 263; 2 Ann. Cas. 417). 10 Misc. 309; (63 St. Rep. 586; 31 Supp. 285).

Smith v. Kerr, 108 N. Y. 31; 13 St. Rep. 115.

Cited, 138 N. Y. 93; (51 St. Rep. 663).

Landlord and Tenant — Surrender of Lease.

3 Misc. 96; (51 St. Rep. 604; 22 Supp. 551).

Covenant Under Seal — Modification — Parol—Unexecuted Agreement.

83 Hun, 116; (63 St. Rep. 838; 31 Supp. 354).

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8 App. Div. 347; (75 St. Rep. 173; 40 Supp. 795).

Smith v. Kidd, 68 N. Y. 130.

Cited, Agency—Authority — Contracts—Modification.

70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281).

Alteration of Instruments—By Stranger —Effect.

138 N. Y. 360; (52 St. Rep. 884).

Agents — Authority — To Receive Payment.

7 Misc. 459; (25 Supp. 88). 75 Hun, 452; (59 St. Rep. 645; 27 Supp. 533).

Smith v. Kiniry, 86 Hun, 541; 67 St. Rep. 516; 34 Supp. 770.

Smith v. Knapp, 18 Week. Dig. 95.

Cited, Mistake—Correction—Reformation of Contract—Proof Required.

3 Misc. 384; (54 St. Rep. 150; 23 Supp. 303).

Smith v. Knapp, 30 N. Y. 581.

Cited, Execution—Against Person—Release from Imprisonment.

72 Hun, 611; (54 St. Rep. 775; 25 Supp. 275).

Smith v. Laird, 44 Hun, 530; 9 St. Rep. 376.

Cited, Pleading — Construction—Answer and Demurrer—Office of.

8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549).

Smith v. Lavelle, 13 Misc. 528; 68 St. Rep. 737; 34 Supp. 695.

Duplicate Citations in Parenthesis.

Smith v. Law, 21 N. Y. 296.

Cited, Corporations—Power to Borrow Money.

7 Misc. 111; (57 St. Rep. 487; 27 Supp. 388).

Smith v. Lawrence, 66 Hun, 362; 50 St. Rep. 44; 21 Supp. 379.

Smith v. Lawrence, 11 Paige, 206.

Cited, Executors—Action Against Co-Executor for Claim of Estate.

75 Hun, 134; (57 St. Rep. 794; 27 Supp. 276).

Smith v. Lee, 2 T. & C. 591.

Cited, Trusts—Deposit in Name of Another.

69 Hun, 283; (53 St. Rep. 374; 23 Supp. 575).

Smith v. Leo, 92 Hun, 242; 72 St. Rep. 314; 36 Supp. 949.

Smith v. Lippincott, 49 Barb. 398.

Cited, Pleading—Variance—Contract—Quantum Meruit.

73 Hun, 338; (55 St. Rep. 921; 26 Supp. 270).

Smith v. Lockwood, 136 N. Y. 654; 49 St. Rep. 916.

Affirming, 46 St. Rep. 244; 18 Supp. 781.

Smith v. Lockwood, 10 Johns. 366.

Cited, Notes—Maturity—Discharge.

17 Misc. 384; (39 Supp. 1063).

Smith v. Lockwood, 13 Barb. 209.

Cited, Prohibitory Statutes—Actions—By Individual.

87 Hun, 283; (67 St. Rep. 744; 33 Supp. 1057).

Smith v. Long, 12 Abb. N. C. 113.

Cited, Pleading—Amendment—On Appeal.

70 Hun, 488; (54 St. Rep. 59; 24 Supp. 256).

Smith v. Long Island R. Co., 102 N. Y. 190; 1 St. Rep. 403.

Cited, Services—Implied Promise to Pay.

9 Misc. 301; (61 St. Rep. 314; 30 Supp. 269). 18 Misc. 78; (75 St. Rep. 975; 41 Supp. 584). 152 N. Y. 254. 3 App. Div. 454; (74 St. Rep. 33; 38 Supp. 377). 83 Hun, 535; (65 St. Rep. 144; 32 Supp. 87).

Smith v. Longmire, 15 W. Dig. 353.

Cited, Witness—Credibility—Cross-examination—Discretion.

18 Misc. 248; (75 St. Rep. 1003; 41 Supp. 610).

Smith v. Luce, 14 Wend. 237.

Cited, Attachment—Affidavit—Sufficiency.

17 Misc. 243; (40 Supp. 1066).

Smith v. Mack, 70 Hun, 517; 53 St. Rep. 616; 24 Supp. 131.

Cited, Venue—Convenience of Witnesses.

5 App. Div. 557, 558; (39 Supp. 435). 15 App. Div. 93; (78 St. Rep. 290; 44 Supp. 290).

Smith v. Manhattan R. Co., 138 N. Y. 623; 51 St. Rep. 934.

Affirming, 45 St. Rep. 865; 18 Supp. 759.

Smith v. Marvin, 27 N. Y. 137.

Cited, Usury—Waiver.

151 N. Y. 335.

Smith v. Martin A. F. C. H. Co., 47 St. Rep. 26; 19 Supp. 285.

Cited, Corporation—Money Received—Liability.

82 Hun, 543; (64 St. Rep. 203; 31 Supp. 525).

Smith v. Matteson, 41 Hun, 216; 4 St. Rep. 204.

Cited, Negligence—Personal Injuries.

85 Hun, 91; (66 St. Rep. 72; 32 Supp. 687).

Smith v. Matthews, 6 Misc. 162; 27 Supp. 120

Smith v. Matthews, 9 Misc. 427; 61 St. Rep. 732; 29 Supp. 1058.

Reversed, 152 N. Y. 152.

Smith v. Matthews, 152 N. Y. 152.

Cited, Bill of Particulars—Specification.

85 Hun, 629; (67 St. Rep. 79; 33 Supp. 336).

Exceptions—Sufficiency—Charge of Court.

20 Misc. 86; (79 St. Rep. 91; 45 Supp. 91).

Smith v. Maxfield, 9 Misc. 42; 59 St. Rep. 669; 29 Supp. 63.

Cited, Landlord and Tenant—Rent—Agreement—Validity.

18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Smith v. McCluskey, 45 Barb. 610.

Cited, Appeal—Review—Conflicting Evidence.

92 Hun, 105, 106; (72 St. Rep. 338, 339; 36 Supp. 912).

Contracts—Damages—Recovery.

13 App. Div. 540; (77 St. Rep. 731; 43 Supp. 731).

Smith v. McGovern, 65 N. Y. 574.

Cited, Brokers—Commission—"Procuring Cause."

4 App. Div. 35; (38 Supp. 675). 19 Misc. 488; (77 St. Rep. 1060; 43 Supp. 1060).

Duplicate Citations in Parenthesis.

Smith v. McGowan, 3 Barb. 404.

Cited, Papers—Alteration—Effect.

92 Hun, 496; (73 St. Rep. 776; 37 Supp. 240).

Smith v. McMillan, 90 Hun, 542; 71 St. Rep. 32; 36 Supp. 24.

Smith v. McQuade, 59 Hun, 374; 36 St. Rep. 556; 13 Supp. 62.

Distinguished, Execution — Supplementary Proceedings—Order to Transfer Property to Sheriff or Receiver.

3 Misc. 119; (23 Supp. 1056).

Smith v. Mechanics' & Traders' Ins. Co., 32 N. Y. 399.

Cited, Insurance—Forfeiture—Change of Occupancy.

74 Hun, 156; (56 St. Rep. 297; 26 Supp. 648).

Smith v. Metropolitan St. R. Co., 15 Misc. 158; 35 Supp. 1062.

Cited, Damages—Negligence—Rights of Next of Kin.

20 Misc. 65; (73 St. Rep. 431; 44 Supp. 431; 3 Ann. Cas. 386).

Smith v. Metropolitan St. R. Co., 7 App. Div. 253; 74 St. Rep. 706; 40 Supp. 148.

Cited, Street Railroads—Control of Cars.

11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 885). 10 App. Div. 362; (75 St. Rep. 1385; 41 Supp. 1018).

Smith v. Metropolitan St. R. Co., 15 Misc. 158; 70 St. Rep. 687; 35 Supp. 1062

Smith v. Miller, 43 N. Y. 171.

Cited, Bills and Notes—Checks—Indorsement—Presentment for Payment.

9 Misc. 383; (61 St. Rep. 673; 30 Supp. 264). 16 Misc. 318; (39 Supp. 395; 25 Civ. Pro. 405).

Smith v. Miller, 52 N. Y. 545.

Cited, Bills and Notes—Demand—Notice—Release of Sureties.

70 Hun, 348; (54 St. Rep. 8; 24 Supp. 267). 16 Misc. 318; (39 Supp. 396; 25 Civ. Pro. 406).

Smith v. Molleson, 74 Hun, 606; 57 St. Rep. 250; 26 Supp. 653.

Smith v. Molleson, 148 N. Y. 241.

Cited, Suretyship—Contracts—Construction.

39 Supp. 94.

Smith v. Mott, 53 St. Rep. 346; 23 Supp. 940.

Smith v. Moulson, 83 Hun, 147; 68 St. Rep. 530; 34 Supp. 607.

Cited, Appeal — Absence of Exception—Effect.

1 App. Div. 601; (73 St. Rep. 196; 37 Supp. 561).

Smith v. Mulford, 42 Hun, 347.

Cited, Witness — Impeachment — Available Questions.

3 App. Div. 128; (39 Supp. 394).

Smith v. Munroe, 1 App. Div. 77; 37 Supp. 62.

Cited, Assignment for Creditors — Secret Agreement—Effect.

16 App. Div. 260; (78 St. Rep. 624; 44 Supp. 624).

Smith v. Munroe, 1 App. Div. 77; 72 St. Rep. 215; 37 Supp. 62.

Smith v. Murray, 1 Dem. 34.

Cited, Surrogate's Court — Jurisdiction — Claims of Legatee.

9 Misc. 387; (61 St. Rep. 682; 30 Supp. 275). 20 Misc. 160; (79 St. Rep. 910; 45 Supp. 910).

Smith v. Murray, 1 Dem. Sur. 34.

Cited, Decedent's Estates — Legatees — Debts—Estate—Effect.

15 Misc. 177; (72 St. Rep. 342; 37 Supp. 38).

Smith v. National Benefit Society, 123 N. Y. 85; 33 St. Rep. 67.

Affirming, 22 St. Rep. 852.

Cited, Mutual Benefit Societies — Beneficiary—Rights.

24 Supp. 933; 30 Abb. N. C. 134.

87 Hun, 164; (67 St. Rep. 462; 33 Supp. 817). 83 Hun, 395; (64 St. Rep. 786; 31 Supp. 877).

83 Hun, 218; (64 St. Rep. 292; 31 Supp. 666). 6 App. Div. 177; (39 Supp. 1010).

Fraud—Evidence.

19 Misc. 611; (78 St. Rep. 400; 44 Supp. 400).

Evidence — Insurance — Declarations.

83 Hun, 323; (64 St. Rep. 667; 31 Supp. 940).

Conspiracy—Proof.

143 N. Y. 470; (62 St. Rep. 837).

Smith v. Nelson, 62 N. Y. 286.

Cited, Judgment—Vacation—Fraud.

71 Hun, 523; (54 St. Rep. 888; 24 Supp. 1033). 81 Hun, 430; (63 St. Rep. 205; 30 Supp. 1011). 1 App. Div. 30; (71 St. Rep. 561; 36 Supp. 529).

Smith v. Newburgh, 77 N. Y. 130.

Cited, Municipal Contracts—Void by Charter—Effect.

7 App. Div. 508; (40 Supp. 237). D. 7 App. Div. 514; (40 Supp. 242).

Smith v. Newland, 9 Hun, 553.

Cited, Appeal—Case — Sufficiency — Presumption in Favor of Judgment.

20 Misc. 370; (79 St. Rep. 756; 45 Supp. 756).

*Duplicate Citations in Parenthesis.***Smith v. New York**, 37 N. Y. 518.

Cited, Officers—Salary—Right to Recover Salary Paid to Intruder.

74 Hun, 520; (57 St. Rep. 213; 26 Supp. 587).

Office—Definition.

11 Misc. 99; (65 St. Rep. 165; 32 Supp. 109).

Smith v. New York, 66 N. Y. 295.

Cited, Drains and Sewers—Overflow—Liability of Municipality.

78 Hun, 245; (60 St. Rep. 5; 28 Supp. 827). 11 Misc. 554; (64 St. Rep. 453; 32 Supp. 746) 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Highways—Defects—Notice to Municipality—Implied.

6 Misc. 583; (57 St. Rep. 828; 27 Supp. 304). 18 Misc. 511; (41 Supp. 991).

Land and Buildings—Several Owners.

153 N. Y. 102.

Smith v. New York, 82 Hun, 570; 64 St. Rep. 487; 31 Supp. 783.

Affirmed, 145 N. Y. 641.

Smith v. New York, 12 App. Div. 391; 76 St. Rep. 522; 42 Supp. 522.

Cited, Municipal Contracts—Certificate—Conclusiveness.

16 App. Div. 409; (79 St. Rep. 8; 45 Supp. 8).

Smith v. New York, 17 App. Div. 438; 79 St. Rep. 239; 45 Supp. 239.**Smith v. N. Y. C. R. Co.**, 43 Barb. 225. *Affirmed*, 41 N. Y. 620.

Cited, Carriers—Connecting—Goods—Condition—Presumption.

9 Misc. 187; (61 St. Rep. 79; 29 Supp. 738). 2 App. Div. 296; (72 St. Rep. 855; 37 Supp. 910). 16 Misc. 371; (74 St. Rep. 385; 38 Supp. 89).

Evidence—Burden of Proof—Negative Facts.

87 Hun, 545; (68 St. Rep. 37; 34 Supp. 285).

Smith v. N. Y. C. R. Co., 41 N. Y. 620. *Cited*, Carriers—Goods—Condition—Presumption.

16 Misc. 371; (74 St. Rep. 385; 38 Supp. 89).

Smith v. N. Y. C. R. Co., 4 Keyes, 180.

Cited, Sale—Of Goods to Be Manufactured.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463).

Smith v. New York, Central Trust Co. of, 7 App. Div. 278; 74 St. Rep. 711; 40 Supp. 152.**Smith v. N. Y. C. & H. R. R. Co.**, 78 Hun, 524; 61 St. Rep. 235; 29 Supp. 540.**Smith v. N. Y. C. & H. R. R. Co.**, 88 Hun, 468; 69 St. Rep. 76; 34 Supp. 881.

Affirmed, 153 N. Y. 664.

Smith v. N. Y. C. & H. R. R. Co., 19 N. Y. 127.

Cited, Master and Servant—Risks Assumed—Co-Employees.

85 Hun, 150; (66 St. Rep. 87; 32 Supp. 629).

Smith v. N. Y. C. & H. R. R. Co., 24 N. Y. 222.

Cited, Carriers—Holder of Pass—Rights as Passenger.

146 N. Y. 294; (66 St. Rep. 653).

Smith v. N. Y. C. & H. R. R. Co., 137 N. Y. 562; 50 St. Rep. 933.

Affirming, 44 St. Rep. 55; 17 Supp. 400.

Smith v. N. Y. C. & H. R. R. Co., 38 Supp. 666.

Reversed, 4 App. Div. 493; 39 Supp. 1119.

Smith v. N. Y. Stock & Produce Clearing House Co., 70 Hun, 597; 53 St. Rep. 649; 25 Supp. 261.**Smith v. N. Y. & Harlem R. Co.**, 19 N. Y. 127.

Cited, Railroads—Adoption of Improved Appliances.

67 Hun, 635; (51 St. Rep. 105; 22 Supp. 475). 10 App. Div. 15; (75 St. Rep. 989; 41 Supp. 597).

Trial—Question of Fact—Negligence—Defective Car Step.

3 Misc. 50; (51 St. Rep. 435; 22 Supp. 713).

Master and Servant—Risks Assumed.

15 App. Div. 245; (78 St. Rep. 236; 44 Supp. 236).

Smith v. N. Y. & Oswego Midland R. Co., 63 N. Y. 58.

Cited, Waters—Riparian Rights—Grant of Railway Right of Way—Access.

71 Hun, 163; (54 St. Rep. 370; 23 Supp. 928).

Smith v. Nicoll, 91 Hun, 173; 71 St. Rep. 184; 36 Supp. 347.**Smith v. Niver**, 2 Barb. 180.

Cited, Landlord and Tenant—Release of Tenant.

18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Duplicate Citations in Parenthesis.

Smith v. Northrup, 80 Hun, 65; 61 St. Rep. 602; 29 Supp. 851.

Affirmed, 145 N. Y. 627.

Cited, Guaranty—Consideration—Expression.

19 Misc. 662; (78 St. Rep. 511; 44 Supp. 511).

Smith v. O'Donnell, 15 Misc. 98; 71 St. Rep. 432; 36 Supp. 480.

Smith v. Oliphant, 2 Sandf. 306.

Cited, Infants—Necessaries.

10 Misc. 548; (64 St. Rep. 124; 31 Supp. 441).

Smith v. Orser, 42 N. Y. 132.

Cited, Attachment—Joint Debtors—Property Subject to Seizure.

141 N. Y. 139; (56 St. Rep. 673). 15 App. Div. 163; (78 St. Rep. 196; 44 Supp. 196).

Smith v. Parsons, 146 N. Y. 116; 66 St. Rep. 263.

Cited, Legacy—Accumulation of Income—Vesting.

2 App. Div. 532; (74 St. Rep. 269; 37 Supp. 1086). 19 Misc. 406; (78 St. Rep. 347; 44 Supp. 347).

Smith v. Patten, 9 Abb. N. S. 205.

Cited, Decedent's Estate—Claims—Reference.

13 App. Div. 23; (77 St. Rep. 114; 43 Supp. 114).

Smith v. Pennington, 12 App. Div. 378; 76 St. Rep. 45; 42 Supp. 45.

Smith v. People, 47 N. Y. 330.

Cited, Statutes—Construction—Intent.

66 Hun, 132; (49 St. Rep. 47; 21 Supp. 49). 69 Hun 570; (53 St. Rep. 255; 23 Supp. 961). 77 Hun, 377; (60 St. Rep. 413; 28 Supp. 275). 135 N. Y. 289; (47 St. Rep. 826). 49 St. Rep. 47. 147 N. Y. 167; (69 St. Rep. 411). 148 N. Y. 77. 150 N. Y. 207. 9 App. Div. 460; (75 St. Rep. 762; 41 Supp. 345). 150 N. Y. 275. 89 Hun, 312; (60 St. Rep. 549; 35 Supp. 194). 19 Misc. 342; (78 St. Rep. 292; 44 Supp. 292). 91 Hun, 154; (71 St. Rep. 693; 36 Supp. 536). 16 App. Div. 537; (78 St. Rep. 1020; 44 Supp. 1020). 91 Hun, 155; (71 St. Rep. 693; 36 Supp. 536). 1 App. Div. 343; (72 St. Rep. 675; 37 Supp. 424). 3 App. Div. 349; (73 St. Rep. 776; 38 Supp. 316). 79 St. Rep. 775; (45 Supp. 775).

Fraud—By Bank Checks.

18 Misc. 465; (75 St. Rep. 1361; 41 Supp. 983).

Indictment—Statement—Sufficiency.

11 App. Div. 546; (76 St. Rep. 635; 42 Supp. 635).

Statute—Right of Action—Repeal.

90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891).

Smith v. People, 53 N. Y. 111.

Cited, Larceny—Artifice.

66 Hun, 68; (49 St. Rep. 729; 20 Supp. 779).

Larceny—Possession by Fraud—Subsequent Appropriation.

137 N. Y. 522; (51 St. Rep. 289).

Smith v. People's Mut. Ben. Society, 64 Hun, 534; 46 St. Rep. 10; 19 Supp. 432.

Cited, Insurance—Benefit Societies—Pool.

73 Hun, 323; (56 St. Rep. 6; 26 Supp. 188).

Smith v. Pelott, 44 St. Rep. 242; 18 Supp. 301.

Cited, Trial—Non-suit—Weighing Evidence.

74 Hun, 273; (56 St. Rep. 412; 26 Supp. 426).

Smith v. Perine, 121 N. Y. 376; 31 St. Rep. 294.

Cited, Contract—For Benefit of Third Person—Availability.

74 Hun, 232; (56 St. Rep. 324; 26 Supp. 622).

Distinguished, 85 Hun, 550; 67 St. Rep. 43; 33 Supp. 359.

Smith v. Platt, 96 N. Y. 635.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 39). 150 N. Y. 269.

Smith v. Poillon, 23 Hun, 628.

Affirmed, 87 N. Y. 590.

Cited, Bills and Notes—Prior Endorsers—Protest—Notice.

9 Misc. 88; (59 St. Rep. 690; 29 Supp. 62).

Smith v. Post, 2 Edw. Ch. 523.

Cited, Wills—Devise—Of Rents and Profits—What Passes.

140 N. Y. 143; (55 St. Rep. 551). 3 App. Div. 48; (74 St. Rep. 429; 37 Supp. 1082).

Smith v. Proctor, 130 N. Y. 319.

Cited, Town Bonds—Vote of Electors.

20 Misc. 654. 20 Misc. 517; (79 St. Rep. 914; 45 Supp. 914).

Smith v. Pryor, 16 Daly, 169; 30 St. Rep. 553; 9 Supp. 636.

Cited, Appeal—Extent of Review—Weight of Evidence

8 Misc. 292; (59 St. Rep. 209; 28 Supp. 572; 31 Abb. N. C. 439). 9 Misc. 184; (60 St. Rep. 634; 29 Supp. 720). 4 Misc. 184; (53 St. Rep. 191; 23 Supp. 880). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 997). 10 Misc. 146. (62 St. Rep. 479; 30 Supp. 915). 1 Misc.

Duplicate Citations in Parenthesis.

338; (48 St. Rep. 666; 20 Supp. 708). 1 Misc. 287; (48 St. Rep. 758; 20 Supp. 694). 1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 2 Misc. 425; (50 St. Rep. 610; 21 Supp. 989). 7 Misc. 66; (57 St. Rep. 527; 27 Supp. 405). 8 Misc. 270; (59 St. Rep. 202; 28 Supp. 715). 1 Misc. 283; (48 St. Rep. 667; 20 Supp. 705). 9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). 2 Misc. 386. 51 St. Rep. 221; 21 Supp. 991). 2 Misc. 438; (51 St. Rep. 580; 21 Supp. 957). 10 Misc. 989; (64 St. Rep. 114; 31 Supp. 431). 13 Misc. 168; (48 St. Rep. 96; 34 Supp. 112). D. 2 Misc. 230; (50 St. Rep. 589; 22 Supp. 364). 75 St. Rep. 103.

Smith v. Prudential Ins. Co. of America, 10 App. Div. 148; 75 St. Rep. 1296; 41 Supp. 925.

Smith v. Rathbun, 75 N. Y. 122.

Cited, Order—Acceptance—Attack — Effect.

13 Misc. 61; (68 St. Rep. 189; 34 Supp. 142).

Smith v. Read, 6 Daly. 33.

Cited, Boarding House—Liability for Loss of Boarder's Goods.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 822). 17 Misc. 401; (39 Supp. 1083).

Smith v. Reeves, 33 How. 183.

Cited, Pledge—Conversion—Damages.

90 Hun, 553; (70 St. Rep. 667; 35 Supp. 1008).

Smith v. Reich, 80 Hun, 287; 62 St. Rep. 37; 30 Supp. 167.

Affirmed, 151 N. Y. 642.

Smith v. Reid, 134 N. Y. 568; 48 St. Rep. 156.

Cited, Cloud on Title — Evidence — Removal.

67 Hun, 250; (50 St. Rep. 820; 22 Supp. 200). 79 Hun, 540; (61 St. Rep. 555; 29 Supp. 937). 86 Hun, 594; (67 St. Rep. 567; 33 Supp. 745). 153 N. Y. 240.

Evidence — Presumption — Judgment — Service.

24 Supp. 672.

Fraudulent Conveyance—Proof.

74 Hun, 378; (56 St. Rep. 330; 26 Supp. 617). 7 Misc. 600; (59 St. Rep. 294; 28 Supp. 128). 79 St. Rep. 650; (45 Supp. 650). 18 Misc. 116; (41 Supp. 113). 9 App. Div. 115; (75 St. Rep. 497; 41 Supp. 42). 16 App. Div. 388; (79 St. Rep. 25; 45 Supp. 25). 79 St. Rep. 651; (45 Supp. 651).

Smith v. Remington, 42 Barb. 75.

Cited, Limitation of Action—Decedent's Estate—Proceeding to Enforce Payment of Claims against.

70 Hun, 66; (53 St. Rep. 511; 23 Supp. 1107). 15 Misc. 559; (37 Supp. 1131; 74 St. Rep. 301).

Smith v. Reno, 6 How. 124.

Cited, Injunction — Vacation of—Contempt for Violating.

6 Misc. 412; (27 Supp. 175).

Smith v. Rentz, 73 Hun, 195; 56 St. Rep. 128; 25 Supp. 914.

Cited, New Trial—Newly Discovered Evidence.

88 Hun, 517; (69 St. Rep. 75; 34 Supp. 912).

Smith v. Rentz, 131 N. Y. 169; 42 St. Rep. 879.

Cited, Evidence—Account Books—Cash Transactions.

49 St. Rep. 562; (20 Supp. 912).

Evidence—Notice to Adverse Party to Produce Document—Effect of.

1 Misc. 192; (48 St. Rep. 639; 20 Supp. 666).

Smith v. Revels, 79 Hun, 213; 61 St. Rep. 138; 29 Supp. 658.

Smith v. Reynolds, 8 Hun, 128.

Cited, Intoxicating Liquors—Unlawful Sale—By Agent Without Authority—Receipt of Proceeds by Principal.

67 Hun, 580; (50 St. Rep. 845; 22 Supp. 479).

Smith v. Roberts, 91 N. Y. 470.

Cited, Mortgage—Foreclosure—Judgment as Bar.

144 N. Y. 239; (63 St. Rep. 103).

Estates—Merger.

152 N. Y. 165. 92 Hun, 218; (71 St. Rep. 201; 36 Supp. 363). 9 App. Div. 212; (75 St. Rep. 696; 41 Supp. 286).

Smith v. Robertson, 89 N. Y., 555.

Cited, Wills—After-Born Children—Provisions for.

78 Hun, 539; (60 St. Rep. 771; 29 Supp. 216). 144 N. Y. 562; (64 St. Rep. 251).

Smith v. Robinson, 30 Hun, 269.

Cited, Executors—Contracts—Validity.

88 Hun, 224; (68 St. Rep. 618; 34 Supp. 655).

Smith v. Robinson Bros. Lumber Co., 88 Hun, 148; 63 St. Rep. 301; 34 Supp. 518.

Smith v. Robson, 6 Misc. 604; 56 St. Rep. 606; 26 Supp. 884.

Reversed, 148 N. Y. 252.

Smith v. Robson, 148 N. Y. 252.

Cited, Contracts—Employment—Custom. 19 Misc. 7; (76 St. Rep. 910; 42 Supp. 910).

Smith v. Rochester, 38 Hun, 612.

Affirmed, 104 N. Y. 674; 7 St. Rep. 867.

Cited, 88 Hun, 614; (35 Supp. 1113).

Injunction—Diversion of Water—Riparian Owner.

Duplicate Citations in Parenthesis.

79 Hun, 153; (61 St. Rep. 191; 29 Supp. 730). 49 St. Rep. 310; (131 Supp. 123). 148 N. Y. 358; 13 App. Div. 44; (77 St. Rep. 30; 43 Supp. 30).

Injunction—Trespass — Pecuniary Damage.

76 Hun, 285; (58 St. Rep. 600; 27 Supp. 759).

Smith v. Rochester, 79 Hun, 174; 61 St. Rep. 215; 29 Supp. 539.

Affirmed, 150 N. Y. 581.

Cited, 88 Hun, 613; (69 St. Rep. 385; 34 Supp. 1127).

Municipal Corporations — Liability—Notice.

D. 88 Hun, 613; (69 St. Rep. 385; 34 Supp. 1127).

Smith v. Rochester, 76 N. Y. 506.

Cited, Municipal Corporations—Liability for Acts of Agents and Departments.

6 Misc. 235; (26 Supp. 1095). 9 Misc. 350; (61 St. Rep. 248; 29 Supp. 593). 78 Hun, 152; (60 St. Rep. 207; 28 Supp. 991). 79 Hun, 126; (61 St. Rep. 396; 29 Supp. 499). 61 St. Rep. 713; (29 Supp. 1132). 147 N. Y. 58; (69 St. Rep. 309). 80 Hun, 163; (61 St. Rep. 713; 29 Supp. 1132). 1 App. Div. 201; (72 St. Rep. 546; 37 Supp. 186). 10 Misc. 666; (64 St. Rep. 302; 31 Supp. 677).

Smith v. Rochester, 92 N. Y. 463.

Cited, 88 Hun, 614; (35 Supp. 1113).

State—Title to Navigable Streams and Tidewaters.

144 N. Y. 406; (63 St. Rep. 647). 9 App. Div. 184; (75 St. Rep. 550; 41 Supp. 89). 9 App. Div. 153; (75 St. Rep. 634; 41 Supp. 186).

Grants by State—Construction.

92 Hun, 34.

Municipal Corporations—Officers—Omissions of Duty—Effect.

149 N. Y. 502.

Eminent Domain—Diversion of Waters.

86 Hun, 460; (67 St. Rep. 718; 33 Supp. 941).

Smith v. Rochester, 104 N. Y. 674.

Cited, 88 Hun, 614; (35 Supp. 1113).

Smith v. Rogers, 42 Hun, 110; 3 St. Rep. 380.

Affirmed, 118 N. Y. 675; 28 St. Rep. 981.

Cited, Vendor and Purchaser—Conveyance by Vendor Pending Contract—Effect.

71 Hun, 482; (54 St. Rep. 408; 24 Supp. 1014).

Contracts—Breach — Readiness to Perform.

15 App. Div. 53; (78 St. Rep. 157; 44 Supp. 157).

Smith v. Rodgers, 17 Johns. 340.

Cited, Partners—Release—Consideration. 14 App. Div. 522; (77 St. Rep. 890; 43 Supp. 890).

Smith v. Roome, 20 Misc. 8; 78 St. Rep. 784; 44 Supp. 784.

Smith v. Rosenthal, 11 How. 442.

Cited, Affidavits—Attorneys—Sufficiency.

18 Misc. 631; (77 St. Rep. 728; 43 Supp. 728).

Smith v. Ryan, 66 N. Y. 352.

Cited, Limitation of Action—Removal of Bar—Payment—By Whom to be Made.

71 Hun, 323; (55 St. Rep. 3; 25 Supp. 122). 141 N. Y. 493; (57 St. Rep. 584). 82 Hun, 322; (64 St. Rep. 80; 31 Supp. 482). 4 App. Div. 257; (74 St. Rep. 51; 38 Supp. 502). 16 Misc. 403; (78 St. Rep. 607; 25 Civ. Pro. 314; 38 Supp. 516).

Smith v. Ryan, 29 St. Rep. 672.

Affirmed, 130 N. Y. 653; 41 St. Rep. 950.

Cited, Highways—Defective Sidewalk—Liability of Owner.

49 St. Rep. 563; (20 Supp. 915). 10 Misc. 282; (63 St. Rep. 318; 30 Supp. 1078).

Pedestrian—Passing Over Defective Sidewalk.

13 App. Div. 503; (77 St. Rep. 659; 43 Supp. 659).

Smith v. St. Lawrence County Board of Supervisors, 148 N. Y. 187.

Cited, Civil Service Law—Enforcement. 148 N. Y. 365.

Smith v. St. Philip's Church, Rector, Etc., 107 N. Y. 610.

Cited, Contracts—Arbitration Clause — Validity.

12 App. Div. 429; (76 St. Rep. 410; 42 Supp. 410).

Smith v. Sage, 5 Misc. 257; 25 Supp. 103.

Smith v. Sanborn, 11 Johns. 59.

Cited, Remedies—Election.

16 Misc. 109; (74 St. Rep. 494; 38 Supp. 815).

Smith v. Sanger, 4 N. Y. 577.

Cited, Adverse Possession—Occupancy.

138 N. Y. 44; (51 St. Rep. 687).

Smith v. Satterlee, 130 N. Y. 677; 41 St. Rep. 711.

Cited, Evidence — Relevancy— Offer of Compromise.

4 Misc. 298; (53 St. Rep. 429; 23 Supp. 1030). 144 N. Y. 507; (64 St. Rep. 40).

Distinguished, 11 Misc. 425; (65 St. Rep. 121; 32 Supp. 128). D. 19 Misc. 425.

Duplicate Citations in Parenthesis.

Smith v. Savin, 141 N. Y. 315; 57 St. Rep. 417.

Affirming, 69 Hun, 311; 53 St. Rep. 378; 23 Supp. 568; 30 Abb. N. C. 192.

Cited, Stocks — Pleading — Rights of Pledgor.

150 N. Y. 218. 8 App. Div. 41; (40 Supp. 393). 10 App. Div. 429; (75 St. Rep. 1436; 41 Supp. 1089).

Smith v. Scholtz, 68 N. Y. 41.

Cited, Real Property — Remainders — Alienation.

73 Hun, 480; (56 St. Rep. 13; 26 Supp. 428). Wills—Meaning of Words.

140 N. Y. 540; (56 St. Rep. 477). 11 Misc. 439; (67 St. Rep. 423; 33 Supp. 424).

Smith v. Seattle, Lake Shore & E. R. Co., 72 Hun, 202; 55 St. Rep. 627; 25 Supp. 368.

Smith v. Seattle, Lake Shore & E. R. Co., 49 St. Rep. 805; 20 Supp. 784.

Smith v. Second Nat. Bank of New York, 70 Hun, 357; 54 St. Rep. 181; 24 Supp. 419.

Smith v. Sergeant, 67 Barb. 243.

Cited, Evidence — Burden of Proof — Affirmative Defenses.

9 Misc. 267; (61 St. Rep. 319; 29 Supp. 743).

Smith v. Sheltering Arms, 89 Hun, 70; 69 St. Rep. 273; 85 Supp. 62.

Smith v. Simmons, 49 St. Rep. 302; 21 Supp. 47.

Cited, Appeal — Review of Evidence — Necessity of Motion For New Trial.

50 St. Rep. 836; (22 Supp. 340).

Smith v. Skinner, 1 How. 123.

Cited, Costs — Discontinuance — Bankruptcy of Defendant.

12 Misc. 54; (66 St. Rep. 673; 24 Civ. Pro. 393; 33 Supp. 42).

Smith v. Slosson, 89 Hun, 568; 70 St. Rep. 114; 35 Supp. 547.

Smith v. Smith, 7 Misc. 305; 58 St. Rep. 552; 28 Supp. 136; 23 Civ. Pro. 386.

Smith v. Smith, 26 Hun, 573.

Cited, Malicious Prosecution—Pleading—Sufficiency.

8 App. Div. 334; (75 St. Rep. 217; 40 Supp. 831).

Smith v. Smith, 35 Hun, 378.

Cited, Husband and Wife — Alimony — Ascertainment—Expenses.

18 Misc. 79; (75 St. Rep. 975; 41 Supp. 584).

Smith v. Smith, 51 Hun, 164; 20 St. Rep. 597; 4 Supp. 669.

Cited, Contract—Specific Performance — Part Performance.

2 Misc. 140; (50 St. Rep. 224; 21 Supp. 613). 81 Hun, 105; (63 St. Rep. 690; 30 Supp. 728). 82 Hun, 102; (63 St. Rep. 606; 31 Supp. 204).

Smith v. Smith, 83 Hun, 381; 64 St. Rep. 756; 31 Supp. 924.

Cited, Contracts—Performance—Dependent Covenants.

15 App. Div. 58; (78 St. Rep. 156; 44 Supp. 156).

Smith v. Smith, 89 Hun, 610; 70 St. Rep. 217; 35 Supp. 556.

Smith v. Smith, 79 N. Y. 634.

Cited, Estoppel— By Judgment — When Arises.

6 Misc. 194; (27 Supp. 32). 75 Hun, 149; (58 St. Rep. 173; 26 Supp. 1064). 85 Hun, 15, 16; (66 St. Rep. 127, 128; 32 Supp. 616, 617). 149 N. Y. 152. 85 Hun, 68; (65 St. Rep. 863; 32 Supp. 643).

Smith v. Smith, 125 N. Y. 234; 34 St. Rep. 857

Cited, Fraudulent Conveyances—Transactions Between Husband and Wife.

75 Hun, 522; (57 St. Rep. 350; 27 Supp. 731).

Vendor's Lien.

144 N. Y. 112, 113; (63 St. Rep. 67, 68). 85 Hun, 144; (65 St. Rep. 663; 32 Supp. 478). 90 Hun, 130; (70 St. Rep. 511; 35 Supp. 647). 81 Hun, 106; (62 St. Rep. 690; 30 Supp. 728).

Smith v. Smith, 134 N. Y. 62; 45 St. Rep. 591.

Cited, Fraud—Negligence of Party Defrauded.

73 Hun, 439; (56 St. Rep. 25; 26 Supp. 337).

Smith v. Smith, 136 N. Y. 313; 49 St. Rep. 398.

Affirming, 39 St. Rep. 46; 14 Supp. 461.

Cited, Assignments—Impeachment.

145 N. Y. 226; (64 St. Rep. 605).

Smith v. Smith, 141 N. Y. 29; 56 St. Rep. 583.

Cited, Wills— Construction — Residuary Clause.

9 App. Div. 200; (75 St. Rep. 656; 41 Supp. 246).

Smith v. Smith, 142 N. Y. 656; 60 St. Rep. 870.

Affirming, 58 St. Rep. 552; 28 Supp. 136.

Duplicate Citations in Parenthesis.

Smith v. Smith, 39 St. Rep. 46; 14 Supp. 461.

Cited, Assignment for Creditors—Preferences.

49 St. Rep. 464; (21 Supp. 70).

Smith v. Smith, 4 App. Div. 227; 74 St. Rep. 194; 38 Supp. 551.

Smith v. Smith, 34 St. Rep. 116; 11 Supp. 630.

Cited, Attorney and Client—Relation Between—Burden to Establish Fairness.

12 App. Div. 186; (76 St. Rep. 841; 42 Supp. 841).

Smith v. Smith, 13 App. Div. 207; 77 St. Rep. 257; 43 Supp. 257.

Smith v. Smith, 43 Super. 140.

Cited, Appeal—From Order—Papers Recited in Order.

15 Misc. 259; (71 St. Rep. 493; 36 Supp. 443).

Smith v. Smith, 2 Johns. 235.

Cited, Contract—For Chattels—Breach—Damages—Payment in Money.

72 Hun, 160; (55 St. Rep. 176; 25 Supp. 401). 148 N. Y. 41.

Smith v. Smith, 4 Paige, 271.

Cited, Wills—Description—Of Devisee or Legatee—Corporations.

3 Misc. 483; (23 Supp. 745).

Smith v. Smith, 4 Paige, 432.

Cited, Divorce — Defenses — Counter Charge.

70 Hun, 437; (54 St. Rep. 56; 24 Supp. 304). 19 Misc. 238; (78 St. Rep. 221; 44 Supp. 221).

Husband and Wife—Divorce — Adultery Pending Suit.

67 Hun, 386; (51 St. Rep. 823; 22 Supp. 264; 23 Civ. Pro. 104).

Facts—Presumption of Continuance.

16 Misc. 61; (73 St. Rep. 133; 37 Supp. 692).

Smith v. Smith, 10 Paige, 470.

Cited, Partition — Right to — Realty or Personalty.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353). 20 Misc. 247; (79 St. Rep. 1012; 45 Supp. 1012).

Smith v. Spalding, 30 How. 339.

Cited, Motions—Res Adjudicata — Leave to Renew.

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

Smith v. Starr, 4 Hun, 124.

Cited, Guaranty — Assignability — New Firm.

139 N. Y. 270; (54 St. Rep. 554).

Smith v. Storm, 6 Misc. 627; 58 St. Rep. 573; 27 Supp. 143.

Smith v. Sweeny, 35 N. Y. 291.

Cited, Principal and Agent — Ratification — Effect on Principal's Liability.

2 Misc. 400; (21 Supp. 952).

Smith v. Syracuse, 17 App. Div. 63; 78 St. Rep. 852; 44 Supp. 852.

Cited, 17 App. Div. 21; (78 St. Rep. 861; 44 Supp. 861).

Smith v. Taber, 46 Hun, 313; 14 St. Rep. 644.

Cited, Chattel Mortgage — Description of Property.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

Chattel Mortgage—Future Crops.

51 St. Rep. 36; (22 Supp. 1100). 82 Hun, 390; (63 St. Rep. 792; 31 Supp. 342).

Chattel Mortgage—Potential Existence.

83 Hun, 396; (64 St. Rep. 786; 31 Supp. 877).

Smith v. Talmadge, 3 Law Bull. 97.

Cited, Depositions — Commission for Oral Examination.

51 St. Rep. 228; (22 Supp. 469; 23 Civ. Pro. 112).

Smith v. Tate, 5 Misc. 257; 25 Supp. 603.

Smith v. Third Ave. R. Co., 10 App. Div. 409; 75 St. Rep. 1354; 41 Supp. 977.

Smith v. Thompson, 1 Cow. 221.

Cited, Trial—Jurors—Separation—Effect. 10 Misc. 442; (64 St. Rep. 16; 31 Supp. 463).

Smith v. Tim, 14 Abb N. C. 447. Note.

Cited, Acknowledgment — Certificate of. 49 St. Rep. 468; (21 Supp. 90).

Smith v. Tozer, 42 Hun, 22; 3 St. Rep. 363.

Cited, Supplementary Proceedings — Right to Institute—Pursuance of Statute.

81 Hun, 99; (62 St. Rep. 551; 30 Supp. 618). 7 App. Div. 530; (40 Supp. 262).

Smith v. Tracy, 36 N. Y. 79.

Cited, Principal and Agent—Ratification. 50 St. Rep. 63; (21 Supp. 954). 82 Hun, 219; (63 St. Rep. 751; 31 Supp. 302). 17 Misc. 154; (39 Supp. 315).

Sales—Agents—Warranty.

151 N. Y. 489.

Smith v. Truslow, 84 N. Y. 660.

Cited, Release—Action to Reform—When Lies—Evidence.

135 N. Y. 189; (48 St. Rep. 247).

Mortgage—Conveyance—Liability.

90 Hun, 203; (70 St. Rep. 531; 35 Supp. 735).

*Duplicate Citations in Parenthesis.***Smith v. Ulman**, 26 Hun, 336.

Cited. Witnesses—Competency—Death of Other Party—Bystander—Interest.

68 Hun, 588; (52 St. Rep. 579; 23 Supp. 255).

Smith v. Unangst, 20 Misc. 564.

Affirming, 19 Misc. 711.

Smith v. Union Milk Co., 70 Hun, 348; 53 St. Rep. 891; 24 Supp. 79.

Affirmed, 143 N. Y. 622; 60 St. Rep. 873.

Cited, Attachment—Foreign Corporations—Affidavits—Sufficiency.

62 St. Rep. 69; (30 Supp. 295; 23 Civ. Pro. 350). 77 Hun, 314; (59 St. Rep. 826; 28 Supp. 429). 8 App. Div. 447; (75 St. Rep. 269; 40 Supp. 872).

Attachment—Jurisdiction—Sufficiency of Statement.

84 Hun, 116; (65 St. Rep. 4; 31 Supp. 1108; 1 Ann. Cas. 316). 66 St. Rep. 153; (32 Supp. 874; 24 Civ. Pro. 235).

Corporations—Contracts—Estoppel.

82 Hun, 71; (63 St. Rep. 504; 31 Supp. 188). 7 App. Div. 508; (40 Supp. 238).

Smith v. Van Ostrand, 64 N. Y. 278.

Cited, Appeal—From Dismissal of Complaint—Answer Disregarded.

67 Hun, 246; (50 St. Rep. 817; 22 Supp. 100).

Life Tenants—Possession.

6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153). 141 N. Y. 27; (56 St. Rep. 582). 19 Misc. 208; (77 St. Rep. 1144; 43 Supp. 1144). 11 App. Div. 172; (76 St. Rep. 614; 42 Supp. 614).

Executors—Rights and Duties—As to Life Tenancy.

2 Misc. 281; (23 Supp. 972).

Wills—Construction—Devise—Life Estates—Limitations Over—Validity.

9 Misc. 625; (62 St. Rep. 244; 30 Supp. 852). 69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431). 84 Hun, 127; (65 St. Rep. 683; 32 Supp. 555). 5 Misc. 19; (25 Supp. 60). 8 App. Div. 27; (75 St. Rep. 396; 40 Supp. 1012).

Smith v. Velie, 60 N. Y. 106.

Cited, Accounts—Settlement—Interest.

82 Hun, 198; 64 St. Rep. 6; 31 Supp. 418).

Master and Servant—Contract of Hiring—Duration.

11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

Smith v. Wagner, 4 Misc. 623; 53 St. Rep. 179; 28 Supp. 812.**Smith v. Wagner**, 9 Misc. 122; 59 St. Rep. 710. 28 Supp. 812.

Cited, Landlord and Tenant—Assignee of Lease—Liability.

14 App. Div. 312; (77 St. Rep. 1051; 43 Supp. 1051).

Smith v. Wagner, 7 Misc. 739; 58 St. Rep. 34; 27 Supp. 423.

Affirmed, 9 Misc. 122; 59 St. Rep. 710, 29 Supp. 284.

Smith v. Wagner, 9 Misc. 123; 59 St. Rep. 710; 28 Supp. 284.

Affirming, 7 Misc. 739; 58 St. Rep. 34; 27 Supp. 423.

Smith v. Ware, 13 Johns. 257.

Cited, Contracts—Primary Benefit—Effect on Subsequent Promise.

11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

Smith v. Webb, 1 Barb. 230.

Cited, Evidence—Declarations—Of Assignor of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598).

Smith v. Weston, 81 Hun, 87; 62 St. Rep. 623; 30 Supp. 649; 24 Civ. Pro. 141.**Smith v. Weston**, 88 Hun, 25; 68 St. Rep. 513; 34 Supp. 557.

Cited, Note—Accommodation Endorser—Notice.

16 Misc. 567; (74 St. Rep. 118; 38 Supp. 777). 88 Hun, 31; (68 St. Rep. 515, 516; 34 Supp. 559).

Smith v. White, 23 N. Y. 572.

Cited, Action—Removal from District Court to Common Pleas—Effect.

3 Misc. 330; (53 St. Rep. 632; 23 Supp. 336; 23 Civ. Pro. 90). 11 Misc. 316; (65 St. Rep. 499; 32 Supp. 291).

Smith v. White, 19 St. Rep. 164; 2 Supp. 855.

Cited, Contracts—Payments—Checks.

20 Misc. 70; (78 St. Rep. 442; 44 Supp. 442).

Smith v. White, 7 Hill, 520.

Cited, Actions—Discontinuance—Without Costs.

10 Misc. 305; (63 St. Rep. 176; 30 Supp. 948; 24 Civ. Pro. 105).

Smith v. White Plains Village of, 67 Hun, 81; 51 St. Rep. 625; 22 Supp. 450.**Smith v. Williams**, 13 Misc. 761; 69 St. Rep. 611; 35 Supp. 236.

Duplicate Citations in Parenthesis.

Smith v. Wise, 132 N. Y. 172; 43 St. Rep. 719.

Cited, Assignment for Creditors—Accounting by Assignee—Counsel Fees and Disbursements.

76 Hun, 386; (58 St. Rep. 469; 27 Supp. 791).

Smith v. Zalinski, 26 Hun, 225.

Affirmed, 94 N. Y. 519.

Cited, Actions—Transfer of Interest—Order of Court—Effect on Title.

71 St. Rep. 25; (33 Supp. 17; 25 Civ. Pro. 165). 14 Misc. 428; (71 St. Rep. 484; 36 Supp. 433).

Smith v. Zalinski, 94 N. Y. 519.

Cited, Motions and Orders—Renewal.

63 Hun, 389; (52 St. Rep. 205; 22 Supp. 860). 14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

Actions—Transfer of Interest—Conclusiveness of Order as to Title.

81 Hun, 458; (63 St. Rep. 618; 31 Supp. 216). 14 Misc. 428; (71 St. Rep. 484; 36 Supp. 433). 20 Misc. 67; (78 St. Rep. 433; 44 Supp. 433; 3 Ann. Cas. 388).

Smith, Perkins & Co. v. Wilson, 76 Hun, 565; 58 St. Rep. 245; 28 Supp. 212.

Cited, Attachment—Affidavit—Sufficiency.

15 Misc. 412; (72 St. Rep. 253; 36 Supp. 894; 25 Civ. Pro. 204; 2 Ann. Cas. 367).

Smith & Briggs Brass Works v. Kahn, 18 Misc. 597; 76 St. Rep. 478; 42 Supp. 478.

Smith & Son's Carpet Co. See A. Smith & Son's Carpet Co.

Affirmed, 148 N. Y. 745.

Smithers v. Steiner, 13 Misc. 517; 68 St. Rep. 406; 34 Supp. 678; 2 Ann. Cas. 174.

Cited, Realty—Unmerchantable Title—Encroachment in Highway.

16 Misc. 386; (38 Supp. 82).

Smyles v. Hastings, 22 N. Y. 217.

Cited, Easement—How Acquired—Extent of.

135 N. Y. 346; (48 St. Rep. 66).

Deeds—Description—Road as Boundary—Rights of Grantee in.

78 Hun, 143; (60 St. Rep. 174; 28 Supp. 968). 9 App. Div. 111; (75 St. Rep. 670; 41 Supp. 109).

Smyth v. International L. Ins. Co., 35 How. 126.

Cited, Taxes—Assessment—Review—Collateral Impeachment.

8 Misc. 13; (58 St. Rep. 308; 28 Supp. 79).

Smyth v. McCool, 22 Hun, 595.

Cited, Contract—Specific Performance—As to Real Estate—Defective Title—Encroaching Wall.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 407). 13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

Smyth v. Monroe, 84 N. Y. 354.

Cited, Contracts—Fraud—Avoidance.

148 N. Y. 429; (62 St. Rep. 438)

Insurance Company—Insolvency—Right of Receiver to Securities.

147 N. Y. 28; (69 St. Rep. 335).

Smyth v. Marsich, 4 App. Div. 171; 38 Supp. 932.

Smyth v. Sturges, 108 N. Y. 495; 13 St. Rep. 801.

Affirming, 30 Hun, 89.

Cited, Vendor and Purchaser—Conditions Precedent—Performance by Vendor.

11 Misc. 557; (66 St. Rep. 100; 32 Supp. 772).

Specific Performance—Lien—Right to Removal.

18 App. Div. 66; (79 St. Rep. 395; 45 Supp. 395).

Snaith v. Smith, 5 Misc. 593; 56 St. Rep. 524; 25 Supp. 513.

Affirmed, 7 Misc. 37; 57 St. Rep. 86; 27 Supp. 379.

Snaith v. Smith, 7 Misc. 37; 57 St. Rep. 86; 27 Supp. 379.

Cited, Appeal—Case—Certificate—Review.

9 Misc. 450; (61 St. Rep. 123; 30 Supp. 259).

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11 Misc. 50; (63 St. Rep. 470; 31 Supp. 846). 11 Misc. 136; (65 St. Rep. 54; 31 Supp. 1024). 19 Misc. 560; (78 St. Rep. 875; 44 Supp. 875).

Snebley v. Conner, 78 N. Y. 218.

Cited, Appeal—Extent of Review—Opinion Below.

78 Hun, 103; (60 St. Rep. 537; 28 Supp. 1075).

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138 N. Y. 613; (51 St. Rep. 659).

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143 N. Y. 555; (62 St. Rep. 801). 146 N. Y. 345; (66 St. Rep. 649).

Sneck v. Travelers' Ins. Co., 81 Hun, 331; 63 St. Rep. 157; 30 Supp. 881.

Sneck v. Travelers' Ins. Co., 88 Hun, 94; 68 St. Rep. 658; 34 Supp. 545.

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Cited, Fixtures — Mortgage and Mortgage—Rule.

8 Misc. 386; (59 St. Rep. 869; 29 Supp. 1108; 31 Abb. N. C. 387). 20 Misc. 362; (79 St. Rep. 929; 45 Supp. 929).

Snell v. Levitt, 39 Hun, 227.

Cited, Easements—Notice.

82 Hun, 548; (64 St. Rep. 206; 31 Supp. 528).

Snell v. Levitt, 110 N. Y. 595; 18 St. Rep. 611.

Cited, Easements—Abandonment.

137 N. Y. 326; (50 St. Rep. 721). 139 N. Y. 26; (54 St. Rep. 412). 142 N. Y. 481; (58 St. Rep. 644). 147 N. Y. 371; (70 St. Rep. 29). 84 Hun, 509; (65 St. Rep. 493; 32 Supp. 334). 20 Misc. 529.

Snell v. Rogers, 70 Hun, 462; 53 St. Rep. 698; 24 Supp. 379.**Snell v. Tuttle**, 44 Hun, 324; 7 St. Rep. 615.

Cited, Wills—Ademption—What Constitutes—Intention of Donor.

1 Misc. 64; (23 Supp. 139).

Wills—Life Estate—Direction For Sale—Remainder.

3 Misc. 47; (51 St. Rep. 135; 22 Supp. 358).

Snelling, Matter of, 78 Hun, 211; 60 St. Rep. 239; 23 Supp. 942.

Affirmed, 145 N. Y. 599.

Snelling, Matter of, 136 N. Y. 515; 49 St. Rep. 695.

Reversing, 44 St. Rep. 477; 17 Supp. 683.

Cited, Appeal—Surrogate's Decree—Reversal—Effect.

10 App. Div. 375; (41 Supp. 1009).

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78 Hun, 48; (60 St. Rep. 504; 28 Supp. 1066). 15 Misc. 316; (73 St. Rep. 439; 37 Supp. 762).

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5 Misc. 185; (24 Supp. 864). 63 St. Rep. 499; 82 Hun, 50; (31 Supp. 178). 18 Misc. 152; (41 Supp. 1098). 11 App. Div. 587; (76 St. Rep. 673; 42 Supp. 673). 18 App. Div. 117; (79 St. Rep. 614; 45 Supp. 614).

Hypothetical Questions—Availability.

90 Hun, 8; (69 St. Rep. 852; 35 Supp. 364). 12 Misc. 15; (66 St. Rep. 536; 33 Supp. 37).

Snider v. Snider, 11 App. Div. 171; 76 St. Rep. 613; 42 Supp. 613.**Sniffen v. Koechling**, 45 Super. 61.

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Disapproved. Actions—Parties—Bringing in—Conveyance of Premises Pending Action for Injuries to.

60 St. Rep. 171; (28 Supp. 484).

Snook v. Lord, 56 N. Y. 605.

Cited, Principal and Agent — Relation — Declaration of Agent.

7 Misc. 167; (57 St. Rep. 495; 27 Supp. 256). 18 Misc. 22; (75 St. Rep. 494; 41 Supp. 37).

Snow, Matter of, 12 Misc. 562; 68 St. Rep. 239; 34 Supp. 189.**Snow v. Cable**, 19 Hun, 280.

Cited, Husband and Wife — Services of Wife—Recovery by Her.

79 Hun, 306; (60 St. Rep. 864; 29 Supp. 431).

Snow v. Church, 13 App. Div. 108; 76 St. Rep. 1072; 42 Supp. 1072.**Snow v. Hamilton**, 90 Hun, 157; 70 St. Rep. 279; 35 Supp. 775.

Cited, Action to Determine Validity of Will—Persons Interested.

9 App. Div. 489; (75 St. Rep. 689; 41 Supp. 277).

Snow v. Pulitzer, 66 Hun, 329; 49 St. Rep. 911; 21 Supp. 296.

Affirmed, 142 N. Y. 263; 58 St. Rep. 782.

Snow v. Pulitzer, 142 N. Y. 263; 58 St. Rep. 782.

Affirming, 66 Hun, 329; 49 St. Rep. 911; 21 Supp. 296.

Snow, Church & Co. v. Hall, 19 Misc. 655; 78 St. Rep. 427; 44 Supp. 427.**Snow, Church & Co. v. Reichman**, 18 Misc. 234; 75 St. Rep. 799; 41 Supp. 387.**Snow, Church & Co. v. Schlesinger**, 14 Misc. 627; 69 St. Rep. 495; 35 Supp. 122.**Snowden v. Noah**, Hopk. Ch. 347.

Cited, Injunctions—When Granted.

D. 4 App. Div. 581; (74 St. Rep. 830; 38 Supp. 1020).

Snyder, Matter of, 21 Supp. 430.**Snyder, Matter of**, 103 N. Y. 178.

Cited, Executors — Payment — Enforcement.

1 App. Div. 30; (71 St. Rep. 561; 36 Supp. 529).

Snyder, Matter of, 12 App. Div. 139; 76 St. Rep. 1065; 42 Supp. 1065.**Snyder v. Church**, 70 Hun, 428; 53 St. Rep. 674; 24 Supp. 337.

Affirmed, 149 N. Y. 587.

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Snyder v. Gardner, 13 Misc. 626; 69 St. Rep. 161; 34 Supp. 936.

Cited, Principal and Agent—Unauthorized Acts of Agent—When Principal Bound.

79 St. Rep. 621; (45 Supp. 621).

Snyder v. Hughes, 27 Hun, 373.

Cited, Appeal—Justice's Court—Costs.
148 N. Y. 291.

Snyder v. Launt, 1 App. Div. 142; 72 St. Rep. 706; 37 Supp. 408.

Snyder v. Lindsey, 92 Hun, 432; 72 St. Rep. 439; 36 Supp. 1037.

Snyder v. Seaman, 2 App. Div. 258; 73 St. Rep. 137; 37 Supp. 696.

Snyder v. Sherman, 88 N. Y. 656.

Cited, Appeal—Harmless Error.
50 St. Rep. 752; (21 Supp. 813). 1 App. Div. 622; (73 St. Rep. 88; 37 Supp. 501). 17 App. Div. 270; (79 St. Rep. 565; 45 Supp. 565).

Snyder v. Snyder, 96 N. Y. 88.

Cited, Appeal—Opinion—Reference to.
88 Hun, 212; (68 St. Rep. 701; 34 Supp. 721).

Snyder v. Snyder, 60 How. 368.

Cited, Burial Rights.
1 App. Div. 553; (73 St. Rep. 192; 37 Supp. 472; 3 Ann. Cas. 84). 10 Misc. 495; (65 St. Rep. 249; 32 Supp. 171).

Snyder v. Sponable, 1 Hill, 567.

Cited, Tenancy by Entirety—Mortgage by Husband.

67 Hun, 232; (50 St. Rep. 730; 22 Supp. 797).

Snyder v. White, 6 How. 321.

Cited, Motion—Decision—Res Adjudicata.

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

Sobel, Matter of, 8 Supp. 707.

Cited Eminent Domain—Award—Effect.
79 St. Rep. 648; (45 Supp. 648).

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Societa Italiana Di Beneficenza v. Sulzer, 138 N. Y. 468; 52 St. Rep. 904.

Cited, Pleading—Defenses—Consistency.
78 Hun, 52; (60 St. Rep. 819; 29 Supp. 276). 78 Hun, 81; (60 St. Rep. 796; 29 Supp. 266). 13 Misc. 517; (69 St. Rep. 114; 34 Supp. 948). 19 Misc. 3; (76 St. Rep. 882; 42 Supp. 882).

Societe des Huiles D'Olive de Nice v. Rorke, 82 Hun, 611; 63 St. Rep. 345; 31 Supp. 51.

Societe Des Huiles D'Olive de Nice v. Rorke, 5 App. Div. 157; 39 Supp. 28.

Society for Reformation, etc., v. Diers, 10 Abb. N. S. 216.

Cited, Statute—Construction—Meaning of Words.

70 Hun, 245; (54 St. Rep. 560).

Socorro Mountain Min. Co. v. Preston, 17 Misc. 220; 40 Supp. 1040.

Soderman v. Troy Steel & Iron Co., 70 Hun, 449; 53 St. Rep. 678; 24 Supp. 401.

Reversed, 145 N. Y. 427; 65 St. Rep. 352.

Soderman v. Kemp, 145 N. Y. 427; 65 St. Rep. 352.

Sohn, Matter of, 53 St. Rep. 839; 24 Supp. 350.

Solarz v. Manhattan R. Co., 8 Misc. 655; 59 St. Rep. 537; 29 Supp. 1123; 31 Abb. N. C. 426.

Affirmed, 11 Misc. 715; 32 Supp. 1149.

Soldiers' Orphan Home of St. Louis v. Sage, 11 Misc. 159; 67 St. Rep. 293; 33 Supp. 549; 1 Ann. Cas. 106.

Affirmed, 85 Hun, 617; 32 Supp. 1150.

Solinger v. Earle, 82 N. Y. 393.

Cited Composition with Creditors—Secret Advantage.

66 Hun, 36; (49 St. Rep. 434; 20 Supp. 781). 142 N. Y. 413; (59 St. Rep. 799).

Solley v. McGeorge, 101 N. Y. 569; 57 St. Rep. 867.

Affirming, 56 St. Rep. 882; 25 Supp. 1121.

Solomon v. Continental Ins. Co., 11 Misc. 513; 66 St. Rep. 105; 32 Supp. 759.

Solomon v. Manhattan R. R. Co., 103 N. Y. 437; 3 St. Rep. 636.

Cited, Carriers—Passenger—Contributory Negligence—Boarding Moving Train.
5 Misc. 211; (54 St. Rep. 794; 25 Supp. 92). 9 Misc. 60; (59 St. Rep. 685; 29 Supp. 3). 78 Hun, 253; (60 St. Rep. 217; 28 Supp. 865). D. 151 N. Y. 430; 80 Hun, 405; (62 St. Rep. 60; 31 Supp. 334). 82 Hun, 37; (63 St. Rep. 476; 31 Supp. 154). 5 App. Div. 29; (39 Supp. 67). 11 Misc. 415; (65 St. Rep. 459; 32 Supp. 255).

Street Railroads—Passengers—Contributory Negligence.

92 Hun, 148; (71 St. Rep. 153; 36 Supp. 383).

Solomon v. Vallette, 9 Misc. 389; 61 St. Rep. 683; 30 Supp. 193.

Reversed, 152 N. Y. 147.

Cited, Master and Servant—Discharge of Servant—Damages—Recovery.

10 Misc. 674; (64 St. Rep. 294; 31 Supp. 668; 1 Ann. Cas. 272).

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Solomon v. Vallette, 152 N. Y. 147.

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Cited, Alteration of Instruments — By Stranger—Effect.

138 N. Y. 360; (52 St. Rep. 834).

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4 Misc. 574; (25 Supp. 796).

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140 N. Y. 258; (55 St. Rep. 545).

Soltau v. Gerdau, 119 N. Y. 380; 29 St. Rep. 395.

Cited, Larceny — Distinguished From False Pretenses.

66 Hun, 69; (49 St. Rep. 729; 20 Supp. 779).

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4 App. Div. 294, 296; (39 Supp. 451, 453).

Soltau v. Goodyear Vulcanite Co., 12 Misc. 131; 66 St. Rep. 734; 33 Supp. 77.

Cited, Actions—Sales—Default.

16 Misc. 30; (73 St. Rep. 262; 36 Supp. 681). 19 Misc. 37; (76 St. Rep. 872; 42 Supp. 872).

Somers v. Metropolitan El. R. Co., 129 N. Y. 576; 42 St. Rep. 247.

Cited, Damages—Elevated Railway.

5 Misc. 244; (54 St. Rep. 788). 10 Misc. 261; (64 St. Rep. 113; 31 Supp. 430).

Somerville, Matter of, 2 Connolly, 86; 20 Supp. 76.

Cited, Gifts—Delivery—Sufficiency.

20 Misc. 258; (79 St. Rep. 341; 45 Supp. 341).

Somerville v. Crook, 9 Hun, 664.

Cited, Evidence—Objections—Sufficiency.

85 Hun, 56; (66 St. Rep. 60; 32 Supp. 676)

Sommer v. Bavarian Star Brewing Co., 6 Misc. 413; 26 Supp. 865.

Affirmed, 8 Misc. 268; 59 St. Rep. 228; 28 Supp. 571.

Cited, Duress—Joining in Lease—Effect.

1 App. Div. 350; (37 Supp. 392).

Sommer v. Bavarian Star Brewing Co., 8 Misc. 268; 59 St. Rep. 228; 28 Supp. 571.

Sommer v. Greenberg, 60 St. Rep. 852; 29 Supp. 602.

Sommer v. Oppenheim, 19 Misc. 605; 78 St. Rep. 396; 44 Supp. 396.

Affirming, 18 Misc. 736.

Sommer v. Ditmars, 20 Misc. 511.

Sommers v. N. Y. El. R. Co., 60 Hun, 148; 38 St. Rep. 419; 14 Supp. 619.

Cited, Equitable Action—Assignment—Effect.

83 Hun, 153; (64 St. Rep. 137; 31 Supp. 584).

Sonenberg v. Levy, 12 Misc. 154; 66 St. Rep. 667; 32 Supp. 1130.

Sooysmith & Co. v. Venner, 7 App. Div. 242; 74 St. Rep. 648; 40 Supp. 38.

Soper v. Brown, 136 N. Y. 244; 49 St. Rep. 206.

Affirming, 65 Hun, 155; 47 St. Rep. 376; 20 Supp. 30.

Cited, Wills—Construction—"Issue."

3 Misc. 195; (53 St. Rep. 49; 23 Supp. 208). 148 N. Y. 687.

Wills—Construction — Devise Over—Default of Issue.

67 Hun, 276; (50 St. Rep. 824; 22 Supp. 243).

Soper v. Halsey, 85 Hun, 464; 66 St. Rep. 707; 33 Supp. 105.

Sorenson v. Balaban, 11 App. Div. 164; 76 St. Rep. 654; 42 Supp. 654.

Sorg & Co. v. Crouse. See P. J. Sorg & Co. v. Crouse.

Soria v. Davidson, 53 Supp. 52; 9 Civ. Pro. 23.

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91 Hun, 497; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110).

Soulden v. Cook, 4 Wend. 217.

Cited, Judgment—Setting Aside—Irregularity—Lapse of Time.

7 Misc. 523; (27 Supp. 1007). 64 St. Rep. 373.

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8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 416).

Soule, Matter of, 46 Hun, 661; 12 St. Rep. 692.

Cited, Pleadings—Amendment.

92 Hun, 429; (72 St. Rep. 107; 36 Supp. 1005).

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5 App. Div. 596; (39 Supp. 430).

Soule, Matter of, 72 Hun, 594; 55 St. Rep. 250; 25 Supp. 270.

Soule, Matter of, 19 St. Rep. 532; 3 Supp. 259; 22 Abb. N. C. 236.

Cited, Wills—Probate—Revocation.

73 Hun, 115; (56 St. Rep. 135; 25 Supp. 941). 15 Misc. 656, 657; (72 St. Rep. 681, 682; 37 Supp. 431; 25 Civ. Pro. 160, 162).

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9 App. Div. 380; (41 Supp. 487). 9 App. Div. 380; (41 Supp. 487).

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Cited, Affidavit — Irregularity — Sufficiency.

31 Supp. 470.

Soule v. Dixon, 17 St. Rep. 360; 1 Supp. 697.

Cited, Covenants—Breach—Damages.

83 Hun, 478; (65 St. Rep. 82; 31 Supp. 1054).

Soule v. Ludlow, 3 Hun, 503.

Cited, Mortgage—Foreclosure—By Advertisement—Relief from.

69 Hun, 37; (52 St. Rep. 832; 23 Supp. 438. D. 69 Hun, 47; (52 St. Rep. 832; 23 Supp. 445).

Soule v. Osterhoudt, 20 Week. Dig. 67.

Cited, New Trial—Surprise—Absence of Witness.

3 Misc. 20; (50 St. Rep. 570; 21 Supp. 777).

Soule v. Union Bank, 45 Barb. 111; 30 How. 105.

Cited, Damages—Covenant to Insure.

89 Hun, 331; (69 St. Rep. 860; 35 Supp. 451).

Soule v. Veyrac, 13 Misc. 167; 68 St. Rep. 96; 34 Supp. 112.

Affirming, 10 Misc. 791; 31 Supp. 1133.

Cited, Appeal—Motion for New Trial—Review.

16 Misc. 565; (38 Supp. 941). 20 Misc. 303; (79 St. Rep. 804; 45 Supp. 804).

Souls v. Cornell, 15 App. Div. 161; 78 St. Rep. 194; 44 Supp. 194.**Sourwine v. Truscott**, 17 Hun, 432.

Cited, Contracts—Meeting of Minds.

1 Misc. 296; (43 St. Rep. 669; 20 Supp. 709).

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10 Misc. 363; (63 St. Rep. 436; 31 Supp. 21). 17 Misc. 158; (39 Supp. 327).

Sourwine v. Truscott, 25 Hun, 67.

Cited, Appeal—Reduction of Verdict—Effect.

7 App. Div. 345; (39 Supp. 937).

South Brooklyn Sawmill Co. v. Cronin, 91 Hun, 229; 72 St. Rep. 307; 36 Supp. 934.**South Buffalo Nat. Gas Co. v. Bain**, 9 Misc. 425; 61 St. Rep. 706; 30 Supp. 264.**South Dakota v. McChesney**, 87 Hun, 293; 68 St. Rep. 442; 34 Supp. 362.

Cited, Pleadings—Denial—Sufficiency.

89 Hun, 485; (69 St. Rep. 772; 25 Supp. 372).

South Danvers Nat. Bank v. Stevens, 5 App. Div. 392; 39 Supp. 293.

Cited, Assignment for Creditors—Avoidance.

16 App. Div. 260; (78 St. Rep. 624; 44 Supp. 624).

South Hampton, Trustees, etc., of, v. Jessup, 10 App. Div. 456; 76 St. Rep. 4; 42 Supp. 4.**South Hampton, Trustees, etc., of, v. Mecox Bay Oyster Co.**, 116 N. Y. 1.

Cited, Waters—Title to Land Under.

15 App. Div. 269; (78 St. Rep. 215; 44 Supp. 215). 151 N. Y. 471.

South Market Street, Matter of, 67 Hun, 594; 51 St. Rep. 93; 22 Supp. 432.**South Market Street, Matter of**, 76 Hun, 85; 57 St. Rep. 471; 27 Supp. 843.**South Market Street, Matter of**, 80 Hun, 246; 61 St. Rep. 626; 29 Supp. 1030.**Southmayd v. Jackson**, 15 Misc. 476; 72 St. Rep. 781; 37 Supp. 201.**South Pub. Co. v. Fire Ass'n of Phil.**, 67 Hun, 41; 51 St. Rep. 29; 21 Supp. 675.

Affirmed, 137 N. Y. 610; 51 St. Rep. 930.

Cited, Corporations—Summons—Service—Sufficiency.

81 Hun, 212; (62 St. Rep. 741; 30 Supp. 718).

South Seventh Street, Matter of, 48 Barb. 12.

Cited, Eminent Domain—Commissioners—Award.

18 App. Div. 196; (79 St. Rep. 787; 45 Supp. 787).

South St. Paul Street, Matter of, 85 Hun, 473; 66 St. Rep. 766; 33 Supp. 141.**Southard v. Becker**, 15 Misc. 436; 73 St. Rep. 5; 37 Supp. 927.**Southard v. Benner**, 72 N. Y. 424.

Cited, Definitions — Creditors — Chattel Mortgage Act.

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10 Misc. 692; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 339).

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Southard v. Brooklyn, 1 App. Div. 175; 72 St. Rep. 649; 37 Supp. 136.

Southard v. Curley, 134 N. Y. 148; 45 St. Rep. 778.

Cited, Contract — Reformation — Sufficiency of Evidence.

78 Hun, 467; (60 St. Rep. 777; 29 Supp. 233, 242). 6 Misc. 273; (58 St. Rep. 132; 26 Supp. 765). 4 Misc. 567; (25 Supp. 788) 149 N. Y. 58. 81 Hun, 463; (63 St. Rep. 492; 31 Supp. 170). 13 App. Div. 465; (77 St. Rep. 613; 43 Supp. 613). 93 Hun, 117; (71 St. Rep. 768; 36 Supp. 703). 93 Hun, 305; (72 St. Rep. 721; 37 Supp. 455). 2 App. Div. 115; (73 St. Rep. 257; 37 Supp. 676). 1 App. Div. 195; (72 St. Rep. 658; 37 Supp. 181).

Evidence—Degree—Gifts.

20 Misc. 257; (79 St. Rep. 341; 45 Supp. 341).

Southard v. Moss, 2 Misc. 121; 49 St. Rep. 225; 20 Supp. 848.

Affirmed, 141 N. Y. 607; 58 St. Rep. 866.

Southard v. Myers, 141 N. Y. 607; 58 St. Rep. 867.

Affirming, 50 St. Rep. 939; 21 Supp. 1129.

Southard v. Rexford, 6 Cow. 259.

Cited, Discovery—Exemption from Testifying—Privilege of Witness.

9 App. Div. 222; (41 Supp. 163).

Southern Boulevard R. Co., Matter of, 58 Hun, 497; 35 St. Rep. 550.

Cited, Condemnation—Constitutionality. 146 N. Y. 355; (69 St. Rep. 184). 87 Hun, 619; 143 N. Y. 257; (62 St. Rep. 151).

Southern Boulevard R. Co., Matter of, 87 Hun, 619; 66 St. Rep. 875; 33 Supp. 1135.

Reversed, 143 N. Y. 352; 69 St. Rep. 183.

Southern Boulevard R. Co., Matter of, 128 N. Y. 93.

Cited, 148 N. Y. 258; (62 St. Rep. 151).

Southern Boulevard R. Co., Matter of, 141 N. Y. 532; 57 St. Rep. 818.

Cited, 143 N. Y. 258; (62 St. Rep. 151).

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143 N. Y. 259; (62 St. Rep. 152).

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144 N. Y. 443; (64 St. Rep. 36).

Southern Boulevard R. Co., Matter of, 143 N. Y. 253; 62 St. Rep. 150.

Cited, Appeal—Eminent Domain—Jurisdiction—Review.

147 N. Y. 346; (69 St. Rep. 678). 146 N. Y. 355, 356; (69 St. Rep. 184).

Southern Boulevard R. Co., Matter of, 146 N. Y. 352; 69 St. Rep. 183.

Southern Boulevard R. Co. v. People's Traction Co., 16 Misc. 263; 39 Supp. 266.

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Southern Central R. Co. v. Moravia, Town of, 61 Barb. 180.

Cited, Interest as Damages—Payment of Principal Debt.

10 App. Div. 473; (76 St. Rep. 305; 42 Supp. 305). 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 321).

Southern Cotton Oil Co. v. Prudential Fire Ass'n, 78 Hun, 373; 60 St. Rep. 127; 29 Supp. 128.

Southern Life Ins. Co. v. Packer, 17 N. Y. 51.

Cited, 56 St. Rep. 503.

Southwick v. First Nat. Bank of Memphis, 84 N. Y. 420.

Cited, Banking — Deposits—Collections—Credit.

9 Misc. 348; (60 St. Rep. 612; 29 Supp. 1104).

Bills and Notes—Payment — Satisfaction of Debt.

141 N. Y. 385; (57 St. Rep. 599).

Limitation of Action—Mistake—Demand.

7 Misc. 446; (57 St. Rep. 640; 27 Supp. 1014).

Payment—Money of Third Person — Recovery by Owner.

139 N. Y. 457; (54 St. Rep. 710). 11 App. Div. 83; (76 St. Rep. 983; 42 Supp. 983).

Pleading—Material Allegations — Uncontroverted by Answer—Effect.

9 Misc. 390; (61 St. Rep. 684; 30 Supp. 193).

Pleading—Variance—Effect.

75 Hun, 372; (57 St. Rep. 695; 27 Supp. 449). 6 Misc. 345; (56 St. Rep. 247; 26 Supp. 907). 10 Misc. 8; (62 St. Rep. 656; 33 Supp. 541). 13 Misc. 93; (68 St. Rep. 194; 34 Supp. 147). 3 Misc. 254; (51 St. Rep. 910; 22 Supp. 758).

Principal and Agent — Knowledge of Agent—Notice to Principal.

11 Misc. 83; (59 St. Rep. 476; 29 Supp. 598; 31 Abb. N. C. 403).

Southwick v. Hayden, 7 Cow. 334.

Cited, Evidence—Parol—To Explain Receipt.

1 Misc. 178; (48 St. Rep. 672; 20 Supp. 690).

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Southwick v. Southwick, 49 N. Y. 510.

Cited, S statutes—Affecting Remedies—Effect.

8 Misc. 14; (58 St. Rep. 309; 28 Supp. 79). 18 Misc. 194; (75 St. Rep. 703; 41 Supp. 293). 149 N. Y. 545. 14 Misc. 434; (70 St. Rep. 259; 25 Civ. Pro. 103; 2 Ann. Cas. 379). 145 N. Y. 585; (65 St. Rep. 524).

Southworth, Matter of, 5 Hun, 55.

Cited, Statutes—Repeal of Prior Statutes. 90 Hun, 214; (70 St. Rep. 555; 35 Supp. 893). 13 Misc. 550; (70 St. Rep. 211; 35 Supp. 590).

Southworth v. Bennett, 58 N. Y. 659.

Cited, Disparaging Questions—Discretion of Court.

7 App. Div. 606; (74 St. Rep. 740; 40 Supp. 179).

Souzer v. De Meyer, 2 Paige, 574.

Cited, Actions—Equity—Limitations.

15 Misc. 558; (74 St. Rep. 300; 37 Supp. 1130).

Spalding v. People, 7 Hill, 301.

Cited, Habeas Corpus—Scope of Writ—To Review Determination.

8 Misc. 167; (60 St. Rep. 142; 28 Supp. 506).

Spalding v. Rosa, 71 N. Y. 40.

Cited, Assignment—Personal Contract.

2 Misc. 543; (53 St. Rep. 68; 24 Supp. 123).

Contract—Performance—Destruction of Subject Matter.

4 Misc. 436; (54 St. Rep. 268; 24 Supp. 363).

Contracts—Termination—Skilled Labor—Death of Party.

4 Misc. 101; (53 St. Rep. 133; 23 Supp. 1011). 144 N. Y. 305; (63 St. Rep. 704).

Contracts—Performance—Excuse.

143 N. Y. 452; (63 St. Rep. 457). 149 N. Y. 493.

Spalding v. Vandercook, 2 Wend. 431.

Cited, Contracts—Failure of Consideration—Set-Off.

91 Hun, 372; (70 St. Rep. 836; 36 Supp. 184).

Spann v. Erie Boatman's Trans.

Co., 11 Misc. 680; 67 St. Rep. 355; 33 Supp. 566.

Spannocchia v. Loew, 87 Hun, 167; 67 St. Rep. 763; 33 Supp. 1050.

Sparks v. Siebrecht, 79 St. Rep. 993; 45 Supp. 993.

Sparling v. Wack, 13 Misc. 261; 68 St. Rep. 11; 34 Supp. 55.

Sparman v. Keim, 83 N. Y. 245

Cited, Infants—Contracts—Avoidance.

63 Hun, 566; (52 St. Rep. 592; 23 Supp. 241). 88 Hun, 295; (68 St. Rep. 400; 34 Supp. 671).

Pleading—Complaint—Contracts—Effect of Allegations Sounding in Tort.

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42). 89 Hun, 110; (68 St. Rep. 830; 34 Supp. 1068).

Sparman v. Keim, 9 Abb. N. C. 1.

Cited, False Representations—Promises.

16 Misc. 3; (73 St. Rep. 271; 37 Supp. 668).

Sparman v. Keim, 83 N. Y. 245.

Cited, Pleading—Allegations of Fraud—Surplusage.

19 Misc. 193.

Sparrow v. Kingman, 1 N. Y. 243.

Cited, Deed—Quit Claim—What Passes.

149 N. Y. 450.

Spaulding, Matter of, 10 App. Div.

100; 75 St. Rep. 1388; 41 Supp. 1022.

Spaulding v. American Wood-

Board Co., 5 App. Div. 620; 39 Supp. 203; 25 Civ. Pro. 376.

Spaulding v. Arnold, 125 N. Y. 194; 34 St. Rep. 980.

Cited, Limitation of Action—Counties—Sinking Fund.

87 Hun, 609; (68 St. Rep. 527; 37 Supp. 570).

Spaulding v. Arnold, 24 St. Rep. 879; 24 Supp. 336

Cited, Limitation—Counties—Sinking Fund.

87 Hun, 609, 610; (63 St. Rep. 527, 528).

Spaulding v. Fierle, 83 Hun, 17; 67 St. Rep. 235; 33 Supp. 402.

Cited, Vendor and Purchaser—Failure of Consideration—Vendee's Remedy.

92 Hun, 391; (72 St. Rep. 280; 36 Supp. 1057).

Spaulding v. Hallenbeck, 35 N. Y. 204.

Cited, Contracts—Assumption of Indebtedness.

15 App. Div. 31; (78 St. Rep. 107; 44 Supp. 107).

Spaulding v. Jarvis, 32 Hun, 621

Cited, Negligence—Contributory—Injury by Street Cars.

5 Misc. 427; (26 Supp. 713).

Spaulding v. Strang, 37 N. Y. 135.

Cited, Assignment for Creditors—Preferences.

1 App. Div. 81; (72 St. Rep. 217; 37 Supp. 64).

*Duplicate Citations in Parenthesis.***Spaulding v. Strang**, 38 N. Y. 9.*Cited*, Assignment for Creditors—Preferences.

1 App. Div. 81; (72 St. Rep. 217; 37 Supp. 64).

Spaulding v. Tucker & Carter C.

Co., 13 Misc. 398; 68 St. Rep. 117; 34 Supp. 237.

Affirmed, 153 N. Y. 660.**Spaulding v. Waverly, Village of**,

12 App. Div. 594; 78 St. Rep. 112; 44 Supp. 112.

Spaulding v. Wright Universal**Electric Co.**, 5 Misc. 591; 25 Supp. 1145.**Spear v. Cutter**, 5 Barb. 486.*Cited*, Injunction—Trespass Upon Land.
147 N. Y. 589; (69 St. Rep. 666).**Spear v. Tinkham**, 2 Barb. Ch. 211.*Cited*, Executors—Accounting—Interest
5 Misc. 134; (25 Supp. 731).

Life Tenant and Remainderman—Rights—Conversion.

146 N. Y. 103; (66 St. Rep. 255). 16 Misc. 248; (39 Supp. 191).

Spears, Matter of, 10 Misc. 635; 66 St.

Rep. 215; 32 Supp. 819.

Affirmed, 89 Hun, 49; 69 St. Rep. 428; 35 Supp. 35.**Spears, Matter of**, 89 Hun, 49; 69 St.

Rep. 428; 35 Supp. 35.

Spears v. Matthews, 66 N. Y. 127.*Cited*, Injunction—Temporary—After Judgment.

76 Hun, 21; (59 St. Rep. 153; 27 Supp. 662).

Injunction—Temporary—Jurisdiction.

78 Hun, 159; (60 St. Rep. 197; 28 Supp. 982). D. 136 N. Y. 266; (49 St. Rep. 385).

Spears v. New York, 72 N. Y. 442.*Cited*, Pleading—Supplemental Answer—Right to.

8 Misc. 495; (59 St. Rep. 402; 28 Supp. 756). 17 App. Div. 531; (79 St. Rep. 706; 45 Supp. 146).

Statutes—Construction—Mandatory or Directory.

90 Hun, 42; (70 St. Rep. 132; 35 Supp. 520; 25 Civ. Pro. 178).

Spears v. Willis, 69 Hun, 403; 52 St. Rep. 723; 23 Supp. 549.*Followed*, 59 St. Rep. 885; (28 Supp. 1118).**Spears v. Willis**, 151 N. Y. 443.*Affirming*, 78 Hun, 609; 59 St. Rep. 885; 28 Supp. 1118.**Speckles v. Sax**, 1 E. D. Smith, 253.*Cited*, Landlord and Tenant—Lease—Covenants—Repairs—Abandonment.

7 Misc. 725; (58 St. Rep. 330; 28 Supp. 45).

Landlord and Tenant—Agreement to Repair—Validity.

16 Misc. 529; (38 Supp. 980).

Speer v. Phoenix Mut. L. Ins. Co., 36 Hun, 322.*Cited*, Insurance—Wrongful Forfeiture—Remedies of Insured.

17 Misc. 368; (39 Supp. 1060).

Speer v. Brooklyn, 139 N. Y. 6; 54 St. Rep. 416.*Cited*, Municipal Corporations—Obstructions in Street—Liability.

19 Misc. 456; (78 St. Rep. 559; 44 Supp. 559).

Speer v. New Utrecht, Town of, 49 Hun, 294; 17 St. Rep. 727; 2 Supp. 426.*Cited*, Easement—Right of Way—Adverse User.

62 St. Rep. 25; (30 Supp. 113).

Speer v. New Utrecht, Town of, 121 N. Y. 420; 31 St. Rep. 414.*Cited*, Highways—Establishment—User.
78 Hun, 284; (60 St. Rep. 227; 28 Supp. 860).

84 Hun, 445; (65 St. Rep. 559; 32 Supp. 360). 92 Hun, 130; (72 St. Rep. 387; 36 Supp. 865). 9 App. Div. 42; (75 St. Rep. 558; 41 Supp. 98). 150 N. Y. 148. 39 Supp. 14.

Highways—Dedication—Acceptance.

144 N. Y. 324; (63 St. Rep. 714). 86 Hun, 14; (67 St. Rep. 111; 33 Supp. 361). 6 App. Div. 105; (39 Supp. 637). 39 Supp. 10.

Assessment—Unauthorized Course.

11 App. Div. 227; (77 St. Rep. 459; 43 Supp. 459).

Spektorsky v. American N. S. C. & D. A. Co., 39 Supp. 73.**Spellman v. Bannigan**, 36 Hun, 174.*Cited*, Damages—Measure—Landlord and Tenant—Failure to Repair.

5 Misc. 4; (25 Supp. 126).

Spelman v. Fisher Iron Co., 56 Barb. 151.*Cited*, Master and Servant—Hazardous Employment—Instruction.

15 Misc. 156; (72 St. Rep. 256; 36 Supp. 1106).

Spelman v. Freedman, 131 N. Y. 421; 42 St. Rep. 531.*Cited*, Assignment for Creditors—Validity—Preferences.

138 N. Y. 442; (53 St. Rep. 16; 30 Abb. N. C. 248). 79 Hun, 233; (61 St. Rep. 26; 29 Supp. 399).

Duplicate Citations in Parenthesis.

Fraudulent Conveyance—Confessed Judgment—Preferences.

3 Misc. 499; (23 Supp. 987). 149 N. Y. 124.

Assignment for Creditors—Excessive Preferences—Creditor's Remedy.

146 N. Y. 40; (65 St. Rep. 764). D 1 App. Div. 476; (73 St. Rep. 165; 37 Supp. 549). 15 App. Div. 114; (78 St. Rep. 300; 44 Supp. 300).

Spelman v. Terry, 74 N. Y. 448.

Cited, Judgment—Conclusiveness—Omission of Condition Precedent.

141 N. Y. 375; (57 St. Rep. 444). 146 N. Y. 209; (66 St. Rep. 590; 2 Ann. Cas. 22).

Spence v. Beck, 1 Hilt. 276.

Cited, Appeal — From Justice's Judgment—Return—Conclusiveness of and Evidence to Contradict.

3 Misc. 125; (23 Supp. 995).

Spence v. Chambers, 39 Hun, 193.

Cited, Appeal—From Surrogate's Decree—Case.

69 Hun, 406; (52 St. Rep. 844; 23 Supp. 650).

Appeal — Record—When Certificate of Completeness of Evidence Necessary.

2 Misc. 188; (49 St. Rep. 714; 21 Supp. 589). 86 Hun, 438; (67 St. Rep. 628; 33 Supp. 899).

Spence v. Simis, 137 N. Y. 616; 51 St. Rep. 167.

Reversing, 1 Misc. 384; 49 St. Rep. 636; 22 Supp. 76.

Cited, Reference—Long Account.

139 N. Y. 205; (54 St. Rep. 607). 75 Hun, 289; (58 St. Rep. 218; 26 Supp. 1076).

Reference—Account—Payment.

73 Hun, 575; (56 St. Rep. 201; 26 Supp. 185).

Reference — Long Account—Action for Legal Services and Disbursements.

70 Hun, 72; (53 St. Rep. 444; 23 Supp. 1104). 1 App. Div. 36; (71 St. Rep. 678; 36 Supp. 748).

Spencer, Matter of, 8 Misc. 193; 59 St. Rep. 480; 29 Supp. 1083.

Spencer, Matter of, 21 St. Rep. 145; 4 Supp. 395.

Cited, Taxes—Inheritance—In Loco Parentis.

1 Misc. 454; (51 St. Rep. 516; 22 Supp. 1078). 11 Misc. 697; (67 St. Rep. 402; 33 Supp. 580). 69 St. Rep. 331; (34 Supp. 1123). 91 Hun, 141; (71 St. Rep. 639; 36 Supp. 543).

Spencer v. Barnett, 35 N. Y. 94.

Cited, Mechanic's Lien—Construction of Statute.

139 N. Y. 197; (54 St. Rep. 463). 1 Misc. 332; (48 St. Rep. 700; 20 Supp. 672).

Mechanic's Liens—Time for Filing Notice—Effect of Delay.

2 Misc. 235; (50 St. Rep. 759; 21 Supp. 971).

Spencer v. Carr, 45 N. Y. 406.

Cited, Estoppel — Equitable — Infants—Representations as to Title—Fraud.

71 Hun, 415; (54 St. Rep. 376; 24 Supp. 949).

Trust—Implied—For Benefit of Infant.

11 Misc. 259; (64 St. Rep. 255; 32 Supp. 836).

Spencer v. Citizens Mut. Life Ins. Co., 3 Misc. 458; 52 St. Rep. 442; 23 Supp. 179.

Affirmed, 142 N. Y. 505; 60 St. Rep. 96.

Spencer v. Citizens Mut. Life Ins. Ass'n., 142 N. Y. 505; 60 St. Rep. 96.

Cited, Evidence—Burden of Proof—Breach of Warranty.

3 App. Div. 317; (73 St. Rep. 742; 38 Supp. 261). 150 N. Y. 530.

Insurance—Statements in Proofs—Conclusiveness.

149 N. Y. 488.

Spencer v. Kilmer, 151 N. Y. 390.

Reversing, 80 Hun, 605; 63 St. Rep. 875; 30 Supp. 1135.

Cited, Deeds — Appurtenances — Water Rights.

20 Misc. 449

Spencer v. McGowen, 13 Wend. 256.

Cited, Personal Property—Retaking by Own Act.

4 Misc. 93; (53 St. Rep. 73; 23 Supp. 856).

Replevin—Right of Action — Revoking Offer of Sale—Demand—Possession.

4 Misc. 90; (53 St. Rep. 80; 23 Supp. 856).

Spencer v. McManus, 5 Misc. 267; 27 Supp. 896.

Affirmed, 82 Hun, 318; 63 St. Rep. 500; 31 Supp. 185.

Spencer v. McManus, 82 Hun, 318; 63 St. Rep. 500; 31 Supp. 185.

Cited, Negligence—Overflow of Water.

16 Misc. 47; (73 St. Rep. 260; 37 Supp. 67'). 17 Misc. 596; (75 St. Rep. 84; 40 Supp. 680).

Spencer v. Merchant, 100 N. Y. 585.

Cited, 13 Misc. 696; (34 Supp. 1092).

Taxes—Validity—Confirmation by Statute.

Duplicate Citations in Parenthesis.

139 N. Y. 133; (54 St. Rep. 511). 10 App. Div. 584; (76 St. Rep. 65; 42 Supp. 65). 151 N. Y. 20.

Taxes—Assessment—Benefit—Question of Fact.

147 N. Y. 679; (70 St. Rep. 848; 36 Supp. 194).

Taxes—Assessment—Territory Benefited—Legislature.

1 App. Div. 21; (71 St. Rep. 679; 36 Supp. 749). 78 St. Rep. 320; (44 Supp. 320).

Spencer v. Myers, 73 Hun, 274; 58 St. Rep. 70; 26 Supp. 871.

Affirmed, 150 N. Y. 269.

Spencer v. Myers, 150 N. Y. 269.

Cited, Ordinances—Construction—Intent. 14 App. Div. 559; (77 St. Rep. 1090; 43 Supp. 1090).

Spencer v. Myers, 26 Supp. 371.

Cited, Insurance—Assignment.

13 App. Div. 532; (77 St. Rep. 650; 43 Supp. 650).

Spencer v. N. Y. C. & H. R. R. Co., 67 Hun, 196; 51 St. Rep. 386; 22 Supp. 100.

Cited, Railroads—Crossings — Blocking Frogs.

67 Hun, 209; (51 St. Rep. 392; 22 Supp. 106).

Spencer v. Spencer, 95 N. Y. 353.

Cited, Mortgage—Absence of Bond—Remedy of Mortgagee.

4 Misc. 32; (23 Supp. 832).

Mortgage—Personal Judgment.

70 Hun, 504; (53 St. Rep. 756; 24 Supp. 454).

Spencer v. State, 135 N. Y. 619; 48 St. Rep. 442.

Spencer v. Stevens, 18 Misc. 112; 41 Supp. 39.

Spengman v. Alter, 7 Misc. 61; 57 St. Rep. 82; 27 Supp. 406.

Cited, Negligence—Dangerous Premises—Uncovered Opening.

14 App. Div. 605; (77 St. Rep. 1117; 43 Supp. 1117).

Sperb v. McCoun, 110 N. Y. 605; 18 St. Rep. 613.

Cited, Counterclaim—Availability—Trustee of Express Trust.

9 Misc. 73; (59 St. Rep. 689; 29 Supp. 67).

Sperb v. Metropolitan Elevated R. Co., 61 Hun, 539; 41 St. Rep. 155; 16 Supp. 392.

Reversed, 137 N. Y. 155; 50 St. Rep. 204.

Cited, Damages — Elevated Railway—Running of Trains.

59 St. Rep. 457; (21 Supp. 206).

Sperb v. Metropolitan Elevated R. Co., 137 N. Y. 155; 50 St. Rep. 204.

Cited, Eminent Domain — Award for Damages—Nature as Realty.

140 N. Y. 166; (55 St. Rep. 256).

Damages — Elevated Railway—Running Trains.

3 Misc. 51; (51 St. Rep. 766; 22 Supp. 944). 10 Misc. 139; (62 St. Rep. 493; 30 Supp. 922). 90 Hun, 86; (70 St. Rep. 220; 35 Supp. 559).

Sperb v. Metropolitan El. R. Co., 137 N. Y. 596; 50 St. Rep. 664.

Cited, Damages—Elevated Railroads—Off. Setting Benefits.

73 Hun, 253; (57 St. Rep. 118; 25 Supp. 1049).

Sperling v. Boll, 10 App. Div. 290; 75 St. Rep. 1256; 41 Supp. 889.

Sperling v. Isaac, 13 Daly. 275.

Cited, Landlord and Tenant—Attornment—Validity and Effect of.

1 Misc. 166; (48 St. Rep. 709; 20 Supp. 688).

Sperling v. Levy, 1 Daly. 95.

Cited, Undertaking on Appeal—Action on —Defense.

89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414).

Sperling v. Levy, 10 Abb. 426.

Cited, Supplementary Proceedings—Return of Execution.

18 Misc. 632; (77 St. Rep. 684; 43 Supp. 684).

Spero v. Schultz, 14 App. Div. 423; 77 St. Rep. 1016; 43 Supp. 1016.

Sperry v. Baldwin, 46 Hun, 120.

Cited, Agency—Misappropriation.

12 App. Div. 232; (77 St. Rep. 773; 43 Supp. 773).

Sperry v. Hellman, 37 St. Rep. 253; 13 Supp. 899; 20 Civ. Pro. 218.

Cited, Costs—Security for—Undertaking on Arrest.

26 Supp. 740; (23 Civ. Pro. 239). 1 Misc. 299; (48 St. Rep. 695; 20 Supp. 726).

Sperry v. Hellman, 2 Misc. 414; 51 St. Rep. 577; 21 Supp. 1014.

Sperry v. Major, 1 E. D. Smith, 361.

Cited, Action—Appearance—Omitted Service—Waiver.

7 Misc. 122; (57 St. Rep. 512; 27 Supp. 311).

Duplicate Citations in Parenthesis.

Sperry v. Miller, 16 N. Y. 407.

Cited, Appeal—Construction of Charge to Jury.

6 Misc. 335; (56 St. Rep. 240; 26 Supp. 990). 9 Misc. 14; (59 St. Rep. 731; 29 Supp. 47). 92 Hun, 363; (71 St. Rep. 548; 36 Supp. 517). 18 Misc. 461; (76 St. Rep. 1122; 42 Supp. 1122). 19 Misc. 166.

Landlord and Tenant—Rent.

152 N. Y. 158.

Sperry v. Reynolds, 65 N. Y. 179.

Cited, Attorneys—Authority to Appear—Justice's Court.

2 Misc. 153; (50 St. Rep. 536; 23 Supp. 160; 23 Civ. Pro. 75).

Attorneys—Unauthorized Appearance—Relief.

66 Hun, 258; (49 St. Rep. 478; 21 Supp. 170).

Principal and Agent—Authority.

5 Misc. 122; (35 Supp. 743).

Justice's Court — Return — What Must Show.

11 Misc. 454; (67 St. Rep. 419; 33 Supp. 417; 24 Civ. Pro. 431).

Spicer v. Rablee, 4 App. Div. 471; 74 St. Rep. 484; 38 Supp. 806.

Spicer v. Slade, 9 Johns. 359.

Cited, Highways—Encroachments—Removal—Notice—Description.

78 Hun, 531; (61 St. Rep. 382; 29 Supp. 483). 149 N. Y. 509.

Spicer v. Snyder, 34 St. Rep. 376; 12 Supp. 744.

Cited, Assignment—Equitable—Collateral.

49 St. Rep. 312; (21 Supp. 157).

Spicer v. Snyder, 49 St. Rep. 311; 21 Supp. 157.

Spicer v. Spicer, 16 Abb. N. S. 112.

Cited, Husband and Wife—Void Marriage—Existing Spouse.

27 Supp. 640; (31 Abb. N. C. 74).

Trusts—Enforcement.

10 Misc. 527; (64 St. Rep. 772).

Spicer v. Spicer, 54 Super. 280.

Cited, Witness—Competency—Transactions with Decedent.

3 Misc. 282; (52 St. Rep. 396; 22 Supp. 784).

Spicer v. Waters, 65 Barb. 227.

Cited, Bona Fides—Burden of Proof.

8 App. Div. 572; (75 St. Rep. 325; 40 Supp. 929). 15 App. Div. 45; (78 St. Rep. 119; 44 Supp. 119).

Spickerman v. McChesney, 111 N. Y. 686.

Cited, Appeal—Objections First Raised.

79 St. Rep. 316; (45 Supp. 316).

Spiehler v. Asiel, 83 Hun, 223; 64 St. Rep. 137; 31 Supp. 584.

Spiero v. Metropolitan Street R. Co., 14 Misc. 21; 69 St. Rep. 495; 35 Supp. 123.

Spies v. Damm, 54 How. 293.

Cited, Landlord and Tenant—Rights of Lower Tenant in Floor Lights.

3 Misc. 222; (52 St. Rep. 648; 23 Supp. 528).

Spies v. Michelsen, 2 App. Div. 226; 73 St. Rep. 394; 37 Supp. 720.

Spies v. Michelsen, 15 Misc. 414; 71 St. Rep. 785; 36 Supp. 619; 25 Civ. Pro. 188.

Spies v. Voss, 16 Daly, 171; 30 St. Rep. 548; 9 Supp. 532.

Cited, Landlord and Tenant—Lease—Surrender—Acceptance of Keys.

2 Misc. 65; (49 St. Rep. 141; 20 Supp. 843). 18 Misc. 192; (75 St. Rep. 701; 41 Supp. 291).

Spingarn v. Rosenfeld, 4 Misc. 523; 54 St. Rep. 128; 24 Supp. 733.

Cited, Evidence—Parol—Writing.

10 Misc. 188; (62 St. Rep. 486; 30 Supp. 1042).

Contracts—For Benefit of Third Parties—Availability.

6 Misc. 86; (55 St. Rep. 397; 26 Supp. 40). 19 Misc. 161.

Spinner v. N. Y. C. R. Co., 6 Hun, 600. *Affirmed*, 67 N. Y. 153.

Cited, Railroads—Stock—Gates.

4 App. Div. 224; (74 St. Rep. 216; 38 Supp. 588).

Spinner v. N. Y. C. R. Co., 67 N. Y. 153.

Cited, Railroads—Stock—Gateways.

D. 4 App. Div. 226; (74 St. Rep. 218; 33 Supp. 590).

Spinrad v. Finelite, 6 Misc. 259; 58 St. Rep. 129; 26 Supp. 761.

Spiridon v. Watson, 50 Super. 494.

Cited, Trial—Submission of Issues—Waiver.

11 App. Div. 462; (76 St. Rep. 353; 42 Supp. 353).

Spitalera v. Second Ave. R. Co., 73 Hun, 37; 56 St. Rep. 90; 25 Supp. 919.

Spitz v. Mut. Life Ass'n of America, 5 Misc. 245; 54 St. Rep. 818; 25 Supp. 469.

Cited, Insurance—Fraud in Application—Forfeiture.

13 Misc. 191; (68 St. Rep. 81; 34 Supp. 172).

Duplicate Citations in Parenthesis.

Spitz v. Toucey, 47 Hun, 639.

Cited, Reference—Report—Time of Filing and Taking Exceptions.
21 Supp. 796.

Spitzer v. Nassau Newspaper Delivery Express Co., 20 Misc. 327; 79 St. Rep. 682; 45 Supp. 682.

Spitzli v. Dulan, 18 Misc. 121; 41 Supp. 852.

Split Rock Cable Road Co., Matter of, 128 N. Y. 408.

Cited, Eminent Domain—Private Use.
16 App. Div. 539; (78 St. Rep. 1021; 44 Supp. 1021).

Splittorf v. State, 108 N. Y. 205; 13 St. Rep. 472.

Cited, Negligence—Dangerous Structure—Invitation—Trespassers.

67 Hun, 608; (51 St. Rep. 243; 22 Supp. 444). 7 Misc. 647; (58 St. Rep. 393; 28 Supp. 14). 78 Hun, 3; (60 St. Rep. 540; 28 Supp. 1098). 145 N. Y. 301; (64 St. Rep. 712).

State—Subjection to Jurisdiction of Courts—Consent.

140 N. Y. 482; (56 St. Rep. 455).

Trial—Questions for Jury—Contributory Negligence—Knowledge.

71 Hun, 452; (54 St. Rep. 383; 24 Supp. 970).

Spofford v. Pearsall, 138 N. Y. 57; 51 St. Rep. 668.

Spofford v. Rowan, 3 St. Rep. 272.

Affirmed, 124 N. Y. 108; 35 St. Rep. 66.

Cited, Pleading—Set Off.

19 Misc. 16; (76 St. Rep. 844; 42 Supp. 844).

Spofford v. Rowan, 124 N. Y. 168; 35 St. Rep. 65.

Cited, Pleading—Counterclaim—Joint and Several Causes.

14 Misc. 483; (70 St. Rep. 434; 35 Supp. 699). 1 App. Div. 73; (72 St. Rep. 28; 36 Supp. 1042). 3 App. Div. 55; (73 St. Rep. 849; 38 Supp. 231).

Spofford v. Rowan, 14 Daly, 236.

Cited, 12 Misc. 636; (65 St. Rep. 883; 32 Supp. 1150).

Spofford v. Texas Land Co., 41 Super. 228.

Cited, Costs—Extra Allowance—Computation.

3 Misc. 241; (51 St. Rep. 906; 22 Supp. 772). 3 App. Div. 21; (73 St. Rep. 532; 37 Supp. 990).

Spooner, Matter of, 86 Hun, 9; 66 St. Rep. 762; 33 Supp. 136.

Spooner, Matter of, 21 Supp. 479.

Cited, 33 Supp. 137.

Spooner v. Brooklyn City R. Co., 54 N. Y. 230.

Cited, Carriers—Passenger—Contributory Negligence—Riding in Dangerous Position—Necessity.

9 Misc. 274; (61 St. Rep. 324; 29 Supp. 748). 7 App. Div. 315; (40 Supp. 95).

Spooner v. Delaware, Lackawanna & W. R. Co., 115 N. Y. 22; 23 St. Rep. 554.

Cited, Railroads—Persons on Track—Speed—Stopping Trains—Negligence.

75 Hun, 460; (57 St. Rep. 683; 27 Supp. 507).

Amendment—Title of Action.

5 App. Div. 63; (38 Supp. 1050).

Negligence—Contributory—Assistance in Peril.

16 App. Div. 257; (78 St. Rep. 643; 44 Supp. 643).

Spooner v. Keeler, 51 N. Y. 527.

Cited, Evidence—Mitigating Facts—Slander and Libel.

16 App. Div. 82; (78 St. Rep. 1074; 44 Supp. 1074).

Spoor v. Newell, 3 Hill, 307.

Cited, Assumpsit—Conversion—Proof.

86 Hun, 308; (67 St. Rep. 215; 33 Supp. 501).

Spotten v. Keeler, 22 Abb. N. C. 105.

Cited, Statute of Frauds—Sale—Change of Possession.

19 Misc. 164.

Sprague, Matter of, 125 N. Y. 732; 35 St. Rep. 450.

Cited, Appeal—Surrogate's Decree—Requests to Find—Exceptions.

74 Hun, 631; (57 St. Rep. 202; 26 Supp. 89).

Sprague v. Bartholdi Hotel Co., 68 Hun, 555; 52 St. Rep. 663; 22 Supp. 1090.

Sprague v. Blake, 20 Wend. 61.

Cited, Sale—Acceptance—Waiver of Defects.

D. 140 N. Y. 205; (55 St. Rep. 583). 10 Misc. 142; (62 St. Rep. 469; 30 Supp. 930).

Sale—Warranty—Rights of Vendee.

9 App. Div. 310; (75 St. Rep. 633; 41 Supp. 185).

Sprague v. Butterworth, 22 Hun, 502.

Cited, Examination Before Trial—Privilege.

88 Hun, 311; (68 St. Rep. 569; 34 Supp. 751).

Duplicate Citations in Parenthesis.

Sprague v. Cochran, 70 Hun, 512; 53 St. Rep. 617; 24 Supp. 369.

Reversed, 144 N. Y. 104; 63 St. Rep. 63.

Cited, Limitation — Mistake — When Action Accrues.

1 App. Div. 125; (72 St. Rep. 222; 37 Supp. 69).

Sprague v. Cochran, 84 Hun, 240; 65 St. Rep. 630; 32 Supp. 572.

Sprague v. Cochran, 144 N. Y. 104; 63 St. Rep. 63.

Cited, Statute of Frauds—Agreements Respecting Lands.

13 Misc. 75; (68 St. Rep. 196; 34 Supp. 149). 144 N. Y. 711; (71 St. Rep. 286). 153 N. Y. 241.

Sprague v. Dunton, 14 Hun, 490.

Cited, Appeal—Discretion.

17 Misc. 148; (39 Supp. 333).

Sprague v. Eccleston, 1 Lans. 74.

Cited, Bastards — Support — Who May Institute Action.

8 App. Div. 517; (75 St. Rep. 155; 40 Supp. 781).

Sprague v. Jones, 9 Paige, 395.

Cited, Courts—Chancery—Jurisdiction—Foreclosure—Personal Judgment.

135 N. Y. 278; (48 St. Rep. 87).

Judgment—Entry—Form—Correction.

3 Misc. 429; (52 St. Rep. 446; 23 Supp. 167).

Sprague v. Rochester, 88 Hun, 613; 69 St. Rep. 384; 34 Supp. 1126.

Sprague v. Sprague, 80 Hun, 285; 61 St. Rep. 862; 30 Supp. 162.

Cited, 78 St. Rep. 552; (44 Supp. 552).

Sprague v. Western Union Tel. Co., 6 Daly, 200.

Affirmed, 67 N. Y. 590.

Cited, Damages — Measure—Contracts—Consequential.

4 Misc. 541; (54 St. Rep. 246; 24 Supp. 825).

Telegraphs — Messages — Transmission — Negligence.

6 Misc. 226; (56 St. Rep. 531; 26 Supp. 535).

Sprague Nat. Bank v. Haulenbeek, 16 St. Rep. 786; 1 Supp. 629.

Cited, Evidence—Sufficiency — Bills and Notes—Production.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26).

Sprights v. Hawley, 39 N. Y. 441.

Cited, Chattels—Title — Transfer — Possession.

73 St. Rep. 591; (38 Supp. 542). 4 App. Div. 616; (75 St. Rep. 341; 40 Supp. 943). D. 4 App. Div. 617; (75 St. Rep. 343; 40 Supp. 944). 13 Misc. 186; (67 St. Rep. 864; 34 Supp. 9). 145 N. Y. 618; (71 St. Rep. 368).

Spratt, Matter of, 4 App. Div. 1; 73 St. Rep. 790; 38 Supp. 329.

Cited, Wills and Deeds—Execution—Undue Influence.

79 St. Rep. 274; (45 Supp. 274). 79 St. Rep. 1055; (45 Supp. 1055).

Spratt, Matter of, 11 Misc. 218; 66 St. Rep. 546; 32 Supp. 1092.

Reversing, 4 App. Div. 1; 73 St. Rep. 790; 38 Supp. 329.

Spratt, Matter of, 79 St. Rep. 273; 45 Supp. 273.

Spring v. Bowne, 89 Hun, 10; 69 St. Rep. 439; 35 Supp. 46.

Spring v. Day, 44 How. 390.

Cited, Costs—New Trial.

12 Misc. 387; (67 St. Rep. 404; 33 Supp. 582; 24 Civ. Pro. 404). 67 St. Rep. 406; (33 Supp. 583; 24 Civ. Pro. 403). 16 Misc. 333; (39 Supp. 732).

Spring v. Delaware, Lack. & West. R. Co., 88 Hun, 385; 68 St. Rep. 821; 34 Supp. 810.

Spring v. Sandford, 7 Paige, 550.

Cited, Vendor and Purchaser — Rights of Parties—Title.

24 Supp. 663.

Spring v. Short, 90 N. Y. 538.

Cited, Assignment for Creditors — Fraudulent Conveyances—Who May Sue.

86 Hun, 420; (67 St. Rep. 177; 33 Supp. 521). 18 Misc. 408; (76 St. Rep. 777; 42 Supp. 777).

Mortgage—Purchase Money—Priority.

13 App. Div. 186; (77 St. Rep. 356; 43 Supp. 356).

Springer v. Bien, 128 N. Y. 99; 38 St. Rep. 848.

Cited, Res Adjudicata—Findings.

86 Hun, 414; (67 St. Rep. 174; 33 Supp. 517).

Springer v. Dwyer, 50 N. Y. 19.

Cited, Principal and Surety—Rights of Surety—Set-Off by Principal—Availability to Surety.

75 Hun, 261; (58 St. Rep. 287; 26 Supp. 1017). 12 Misc. 78; (66 St. Rep. 675; 33 Supp. 44).

Duplicate Citations in Parenthesis.

- Springer v. Westcott**, 78 Hun, 365; 60 S. Rep. 713; 29 Supp. 149.
- Springer v. Westcott**, 87 Hun, 190; 67 St. Rep. 449; 33 Supp. 805.
Distinguished, Pleading—Variance.
19 Misc. 499; (77 St. Rep. 1109; 43 Supp. 1109).
- Springer v. Westcott**, 2 App. Div. 295.
72 St. Rep. 855; 37 Supp. 909.
- Springfield Fire & Marine Ins. Co. v. Keeseville, Village of**, 80 Hun, 162; 61 St. Rep. 711; 29 Supp. 1130.
Reversed, 148 N. Y. 46.
- Springfield Fire & Marine Ins. Co. v. Keeseville, Village of**, 6 Misc. 233; 26 Supp. 1094.
Reversed, 80 Hun, 162; 61 St. Rep. 711; 29 Supp. 1130.
- Springfield Fire & Marine Ins. Co. v. Keeseville, Village of**, 148 N. Y. 46.
Cited, Municipal Corporations — Public and Private Duties.
1 App. Div. 201; (72 St. Rep. 546; 37 Supp. 186).
Distinguished, Municipality — Liability for Acts.
78 St. Rep. 1117; (44 Supp. 1117).
- Springport, Town of, v. Teutonia Sav. Bank**, 75 N. Y. 397.
Cited, Equity—Multiplicity of Actions.
11 App. Div. 465; (76 St. Rep. 383; 42 Supp. 383).
- Springs v. Bowery Nat. Bank**, 63 Hun, 505; 45 St. Rep. 327.
Cited, Evidence—Sufficiency — Appointment of Receiver.
75 Hun, 99; (56 St. Rep. 708; 26 Supp. 864).
- Springsteen v. Samson**, 32 N. Y. 703.
Cited, Contracts—Construction.
1 Misc. 335; (48 St. Rep. 707; 20 Supp. 681). 12 Misc. 307; (67 St. Rep. 843; 34 Supp. 42).
- Springville Mfg. Co. v. Lincoln**, 16 Daly, 324; 32 St. Rep. 668; 11 Supp. 75.
Cited, Assignment for Creditors—What Passes—Factors.
7 Misc. 128; (57 St. Rep. 73; 27 Supp. 345).
Factors—Under del Credere Agreement—Liability for Moneys Received in Fiduciary Capacity.
7 Misc. 584; (58 St. Rep. 506; 28 Supp. 5; 31 Abb. N. C. 102).
- Sproul v. Conkling**, 20 Misc. 114; 79 St. Rep. 1; 45 Supp. 1.
- Sproul v. Resolute Fire Ins. Co.**, 1 Lans. 71.
Cited, Appeal—New Trial—Case.
11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231).
- Spruck v. McRoberts**, 139 N. Y. 193; 54 St. Rep. 461.
Cited, Mechanic's Lien—Limited Application.
144 N. Y. 522; (64 St. Rep. 48). 10 Misc. 376; (64 St. Rep. 119; 31 Supp. 435).
Mechanic's Lien—Consent.
11 Misc. 96; (66 St. Rep. 195; 32 Supp. 813). 152 N. Y. 29.
Mechanic's Lien—Trespasser.
84 Hun, 259; (64 St. Rep. 864; 31 Supp. 110). 83 Hun, 259; (64 St. Rep. 864; 31 Supp. 1105).
- Spruck v. McRoberts**, 45 St. Rep. 624; 19 Supp. 128.
Cited, Mechanic's Lien—Property Under Lease—Consent of Owner—Knowledge and Acquiescence.
59 St. Rep. 554; (28 Supp. 650).
Mechanic's Lien — Subcontractor — Personal Claim Against Owner.
2 Misc. 271; (28 Supp. 773).
Mechanic's Lien—Validity—Omission of Owner's Name.
7 Misc. 534; (27 Supp. 999).
- Squier v. Norris**, 1 Lans. 282.
Cited, Contracts—Under Seal—Who Liable.
87 Hun, 62; (67 St. Rep. 885; 33 Supp. 1016).
- Squier v. Townshend**, 2 City Ct. 142.
Cited, Party Walls—Covenants as to—Rights of Grantee.
6 Misc. 351; (28 Supp. 914). 11 Misc. 11; (63 St. Rep. 445; 31 Supp. 852; 1 Ann. Cas. 334).
- Squire v. Cartwright**, 67 Hun, 218; 51 St. Rep. 356; 22 Supp. 899.
Cited, Villages — Taxes—Authority of Trustees.
82 Hun, 89; (63 St. Rep. 496; 31 Supp. 174).
- Squire v. McDonald**, 2 Misc. 422; 50 St. Rep. 762; 21 Supp. 1025; 23 Civ. Pro 150.
Cited, Arrest—Undertaking—Final Decision.
2 Misc. 577; (51 St. Rep. 221; 21 Supp. 1027).
- Squire v. McDonald**, 138 N. Y. 554; 51 St. Rep. 269.
Cited, Appeal—To Court of Appeals.
10 Misc. 738; (65 St. Rep. 215; 32 Supp. 120)

Duplicate Citations in Parenthesis.

Squire v. Preston, 82 Hun, 88; 63 St. Rep. 495; 31 Supp. 174.

Squire v. Senia, 2 Misc. 577; 51 St. Rep. 220; 21 Supp. 1027.

Squire v. Senia, 53 St. Rep. 269.

Squires v. Abbott, 61 N. Y. 530.

Cited, Evidence—Memoranda.

150 N. Y. 392.

Squires v. Pinkney, 13 St. Rep. 749.

Cited, Covenants—Party Wall—Personal Contract.

11 Misc. 11; (63 St. Rep. 445; 31 Supp. 852; 1 A.N. Cas. 335).

Squires v. Seward, 16 How. 478.

Cited, Pleading—Answer—General Denial of Trespass—Issue as to Title.

77 Hun, 495; (60 St. Rep. 22; 28 Supp. 807).

St. Clair Paper Mfg. Co. v. Brown,

16 App. Div. 317; 78 St. Rep. 625; 44 Supp. 625.

St. Francis Hospital v. Schreck, 3

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Cited, Trusts—Beneficiary—Designation.

1 App. Div. 163; (73 St. Rep. 25; 37 Supp. 922).

St. Jacob's Lutheran Church of Eden, Trustees of, v. Bly, 73 N. Y. 323.

Cited, Religious Society—Incorporation—Proof.

49 St. Rep. 469; (21 Supp. 90)

St. John v. Benedict, 6 Johns. Ch. 111.

Cited, Specific Performance—Matter of Right—Judicial Discretion.

6 Misc. 318; (58 St. Rep. 301; 26 Supp. 1108).

St. John v. Coates, 140 N. Y. 634; 55 St. Rep. 930.

St. John v. American Mut. Life Ins. Co., 2 Duer. 419.

Affirmed, 13 N. Y. 31.

Cited, Insurance—Life—Assignment.

1 App. Div. 419; (72 St. Rep. 606; 37 Supp. 280).

St. John v. Griffith, 1 Abb. 39.

Cited, Pleading—Striking Out—Irrelevancy.

2 Misc. 346; (50 St. Rep. 761; 21 Supp. 1028).

St. John v. McKee, 2 Dem. 236.

Cited, Executors and Administrators—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 397; (24 Supp. 851). 1 Misc. 280; (22 Supp. 1074). 23 Supp. 1048. 5 Misc. 139; (25 Supp. 705). 13 Misc. 377; (69 St. Rep. 489; 35 Supp. 114; 25 Civ. Pro. 80).

St. John v. Northrup, 23 Barb. 26.

Cited, Pleading—Complaint—Sufficiency 92 Hun, 242; (72 St. Rep. 314; 33 Supp. 949).

St. John v. Palmer, 5 Hill, 599.

Cited, Landlord and Tenant—Lease—Eviction.

24 Supp. 475.

St. John v. Potter, 46 St. Rep. 883; 19 Supp. 230.

Cited, Contract—Building—Architect's Certificate.

1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672). 7 Misc. 19; (57 St. Rep. 479; 27 Supp. 351).

Evidence—Parol—Building Contract—Drawings and Specifications.

7 Misc. 19; (27 Supp. 350).

St. John v. Skinner, 44 How. 198.

Cited, Appeal—Refusal of Non-suit—Waiver by Not Renewing Motion or Asking Direction of Verdict.

1 Misc. 329; (48 St. Rep. 705; 20 Supp. 683).

Appeal—Sufficiency of Evidence—When Conceded.

1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708). 1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 10 Misc. 399; (63 St. Rep. 226; 31 Supp. 134).

St. John v. Spaulding, 1 T. & C. 483.

Cited, Recording Act—What Conveyances.

86 Hun, 509; (67 St. Rep. 512; 33 Supp. 766).

St. John v. Sweeney, 59 How. 175.

Cited, Party Wall—Rights of Parties.

72 Hun, 378; (55 St. Rep. 185; 25 Supp. 366).

Party Wall—Windows.

71 Hun, 301; (54 St. Rep. 741; 24 Supp. 1000).

St. Lawrence State Hospital, Matter of, 13 App. Div. 436; 77 St. Rep. 608; 43 Supp. 608.

St. Lawrence State Hospital v. Fowler, 15 Misc. 159; 72 St. Rep. 164; 37 Supp. 12.

Cited, 37 Supp. 16.

St. Lawrence State Hospital v. Fowler, 15 Misc. 165; 72 St. Rep. 168; 37 Supp. 16.

Affirmed, 13 App. Div. 436; 77 St. Rep. 608; 43 Supp. 603.

St. Lawrence & A. R. Co., Matter of, 66 Hun, 306; 49 St. Rep. 598; 21 Supp. 131.

Duplicate Citations in Parenthesis.

St. Lawrence & A. R. Co., Matter of, 133 N. Y. 270; 45 St. Rep. 207.

Cited, Constitutional Law—Eminent Domain—Possession Pending Proceedings.

66 Hun, 309; (49 St. Rep. 600; 21 Supp. 132). 8 App. Div. 477; (75 St. Rep. 110; 40 Supp. 709).

St. Lawrence & A. R. Co. v. De Camp, 52 St. Rep. 10; 23 Supp. 544.

St. Louis Stamping Co. v. Piper, 12 Misc. 270; 67 St. Rep. 314; 33 Supp. 443.

St. Luke's Home v. Association for Indigent Females, 52 N. Y. 191.

Cited, Wills—Description of Devisee or Legatee.

3 Misc. 480; (23 Supp. 743). 9 Misc. 528; (61 St. Rep. 680; 30 Supp. 393).

St. Nicholas Bank v. State National Bank, 128 N. Y. 26; 37 St. Rep. 829.

Cited, Bills and Notes — Presentation — Diligence.

138 N. Y. 497; (53 St. Rep. 114).

St. Nicholas Terrace, Matter of 76 Hun, 209; 59 St. Rep. 109; 27 Supp. 765.

Affirmed, 143 N. Y. 621; 60 St. Rep. 476.

St. Nicholas Terrace, Matter of, 143 N. Y. 621; 60 St. Rep. 476.

St. Peter v. Denison, 58 N. Y. 416.

Cited, Proximate Cause—Blasting.

79 Hun, 504; (61 St. Rep. 258; 29 Supp. 948).

Trespass—Blasting.

10 App. Div. 440, 442; (75 St. Rep. 1431; 41 Supp. 1085, 1086; 3 Ann. Cas. 326, 327).

Officers—Public—Negligence — Liability.

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St. Thomas Church v. Board of Exercise of New York City, 49 St. Rep. 367; 20 Supp. 831.

St. Vincent Female Orphan Asylum v. Troy, City of, 76 N. Y. 108.

Cited, Highways—Encroachment—Abatement.

141 N. Y. 336; (57 St. Rep. 426). 4 App. Div. 567; (73 St. Rep. 603; 38 Supp. 512). 39 Supp. 19.

Staal v. Grand St. & Newtown R. Co., 107 N. Y. 625.

Cited, Damages—Measure — Negligence—Loss of Time.

67 Hun, 269; (51 St. Rep. 384; 22 Supp. 232).

Staats v. Bristow, 73 N. Y. 264.

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141 N. Y. 139; (56 St. Rep. 673).

Staats v. Garrett, 21 Week. Dig. 39.

Cited, New Trial—Time of Making Motion—Waiver.

79 St. Rep. 484; (45 Supp. 484).

Staats v. Ten Eyck, Executors of, 3 Caines, 111.

Cited, Damages—Measure — Eviction of Vendee.

73 Hun, 294; (57 St. Rep. 282; 26 Supp.

301). 66 Hun, 159; (49 St. Rep. 138; 20 Supp. 969).

Interest—Breach of Covenant Against Incumbrances.

68 Hun, 76; (52 St. Rep. 224; 22 Supp. 597).

Stabenau v. Atlantic Ave. R. Co. of Brooklyn, 15 App. Div. 408; 78 St.

Rep. 36; 44 Supp. 36.

Stacey v. Metropolitan Elevated St. R. Co., 15 App. Div. 534; 78 St. Rep.

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Stack v. Bangs, 6 Lans. 262.

Cited, Bridges—Defective—Proof.

11 App. Div. 126; (76 St. Rep. 1042; 42 Supp. 1042).

Stack v. Brooklyn, 9 Misc. 260; 61 St. Rep. 319; 29 Supp. 743.

Affirmed, 150 N. Y. 335.

Stack v. Brooklyn, 150 N. Y. 335.

Stackpole v. Robbins, 47 Barb. 212.

Affirmed, 48 N. Y. 665.

Cited, Evidence—Parol—Consideration in Deed.

D. 147 N. Y. 472; (70 St. Rep. 65).

Stackus v. N. Y. C. & H. R. R. Co., 79 N. Y. 464.

Cited, Non-suit—Dismissal of Complaint, When Proper.

1 Misc. 100; (48 St. Rep. 676; 20 Supp. 691). 62 St. Rep. 233; (29 Supp. 711).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 73; (49 St. Rep. 630; 21 Supp. 783). 51 St. Rep. 550; (21 Supp. 1108). D. 57 St. Rep. 471; (27 Supp. 1045). 11 Misc. 538; (64 St. Rep. 468; 32 Supp. 743). 92 Hun, 310; (72 St. Rep. 395; 36 Supp. 87?). 5 App. Div. 31; (39 Supp. 68). D. 6 App. Div. 184; (39 Supp. 1027). 9 App. Div. 108; (75 St. Rep. 611; 41 Supp. 153). 11 App. Div. 270; (76 St. Rep. 154; 42 Supp. 154).

Stacy v. Graham, 14 N. Y. 492.

Distinguished, Witness—Contradiction of Agent by Principal.

2 Misc. 98; (49 St. Rep. 711; 20 Supp. 847).

Cited, Limitation of Action—When Statute Runs—Demand — Money Had and Received.

141 N. Y. 218; (56 St. Rep. 822). 4 App. Div. 238; (74 St. Rep. 181; 38 Supp. 562).

Duplicate Citations in Parenthesis.

Stacy v. Phelps, 47 Hun, 54.

Cited, Negligence—Proof—Sufficiency.
13 App. Div. 501; (77 St. Rep. 698; 43 Supp. 698).

Stafford, Matter of, 3 Misc. 106; 51 St. Rep. 832; 22 Supp. 706.

Stafford, Matter of, 11 Misc. 436; 67 St. Rep. 421; 33 Supp. 419.

Stafford v. Azbell, 6 Misc. 89; 55 St. Rep. 487; 26 Supp. 41.

Stafford v. Azbell, 8 Misc. 316; 59 St. Rep. 237; 28 Supp. 733.

Stafford v. Morning Journal Ass'n, 142 N. Y. 598, 60 St. Rep. 309.

Stafford v. Morning Journal Ass'n, 68 Hun, 467; 52 St. Rep. 595; 22 Supp. 1008.

Affirmed, 143 N. Y. 548; 60 St. Rep. 309.

Stafford v. People, 1 Park. Crim. 474.
Cited, Seduction—What Constitutes.
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Stafford v. Richardson, 15 Wend. 304.
Cited, Limitation of Action—Demand.
16 Misc. 319; (39 Supp. 396; 25 Civ. Pro. 406).

Stafford v. Roof, 9 Cow. 626.
Cited, Infants—Actions by.
68 Hun, 594; (52 St. Rep. 591; 23 Supp. 241).

Infants—Contracts—Avoidance.
68 Hun, 594; (52 St. Rep. 591; 23 Supp. 241). 88 Hun, 295; (68 St. Rep. 400; 34 Supp. 671).

Stafford v. Van Rensselaer, 9 Cow. 316.

Cited, Vendor and Purchaser—Vendor's Lien.
75 Hun, 454; (59 St. Rep. 647; 27 Supp. 535).

Stafford v. Williams & Kellogg, 4 Den. 182.

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1 Misc. 497; (23 Supp. 134).

Stagg, Matter of, 6 Civ. Pro. 88.
Cited, Limitation—Executors—Accounting.
15 Misc. 560; (74 St. Rep. 302; 37 Supp. 1131).

Stagg v. Jackson, 1 N. Y. 206.
Cited, Wills—Equitable Conversion.
16 Misc. 203, (74 St. Rep. 537; 38 Supp. 948). 8 App. Div. 352, 353; (75 St. Rep. 177, 178; 40 Supp. 793, 799). 16 App. Div. 398; (79 St. Rep. 59; 45 Supp. 59). 16 App. Div. 445; (79 St. Rep. 196; 45 Supp. 196).

Stahl v. Wadsworth, 13 Civ. Pro. 32.
Cited, Attorneys—Lien—Enforcement.
18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Stahlberger v. New Hartford Leather Co., 92 Hun, 243; 71 St. Rep. 773; 36 Supp. 708.

Staiger v. Theiss, 19 Misc. 170.

Staigher v. Schultz, 3 Abb. N. S. 377.
Cited, Costs—In Equity.
49 St. Rep. 276; (21 Supp. 58).

Stainer v. Tysen, 3 Hill, 279.
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12 App. Div. 307; (76 St. Rep. 394; 42 Supp. 394).

Stalker v. McDonald, 6 Hill, 93.
Cited, Mortgage — Recording Before Prior Deed—Adjustment—Bona Fides.
135 N. Y. 47; (48 St. Rep. 255).

Stall v. Catskill Bank, 18 Wend. 466.
Cited, Bills and Notes—Endorsement—Accommodation.
20 Misc. 302; (79 St. Rep. 802; 45 Supp. 802).

Stall v. Wilbur, 77 N. Y. 158.
Cited, Executors—Accounting—Assets—Annual Crops.
140 N. Y. 392; (55 St. Rep. 666).
Personal Property—Growing Crop.
135 N. Y. 391; (48 St. Rep. 527).

Stallknecht v. Pennsylvania R. Co., 13 Hun, 451.
Cited, Negligence—Wrongful Death—Foreign Statute.
12 App. Div. 33; (76 St. Rep. 174; 42 Supp. 174).

Stallman v. New York Steam Co., 17 App. Div. 397; 79 St. Rep. 161; 45 Supp. 161.

Stamford, Village of, v. Fisher, 140 N. Y. 187; 55 St. Rep. 405.

Stamm v. Bostwick, 122 N. Y. 48; 33 St. Rep. 293.
Cited, Descent—Aliens.
72 Hun, 221; (55 St. Rep. 204; 25 Supp. 413).

Stammers v. Macomb, 2 Wend. 454.
Cited, Husband and Wife—Wife as Agent—Presumption.
7 Misc. 119; (57 St. Rep. 541; 27 Supp. 248).

Stamp v. Franklin, 75 Hun, 373; 58 St. Rep. 608; 27 Supp. 84.
Affirmed, 144 N. Y. 607; 64 St. Rep. 251.

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Stamp v. Franklin, 144 N. Y. 607; 64 St. Rep. 251.

Cited, Husband and Wife—Wife's Services—Who Entitled to.

88 Hun, 210; (88 St. Rep. 398; 34 Supp. 669). 13 Misc. 601; (69 St. Rep. 371; 35 Supp. 159).

Stamp v. Franklin, 35 St. Rep. 828; 12 Supp. 391.

Cited, Husband and Wife—Services of Wife—To Third Persons—Who Entitled to Recover.

77 Hun, 609; (61 St. Rep. 332; 29 Supp. 821). 77 Hun, 18; (59 St. Rep. 261; 28 Supp. 275).

Stamp v. Herpich, 8 St. Rep. 446.

Cited, Evidence—Sufficiency—Intent to Defraud Creditors—Threats of Preferential Assignment.

73 Hun, 352; (55 St. Rep. 765; 26 Supp. 197). 70 Hun, 16; (53 St. Rep. 286; 23 Supp. 1133).

Stampfer v. Stampfer, 33 St. Rep. 807; 11 Supp. 588.

Cited, Husband and Wife—Divorce—Allowance for Expenses of Action.

67 Hun, 493; (50 St. Rep. 846; 22 Supp. 569).

Stanard v. Eldridge, 16 Johns. 255.

Cited, Damages—Covenant Against Encumbrances.

83 Hun, 477; (65 St. Rep. 81; 31 Supp. 1052). 8 App. Div. 183; (40 Supp. 317; 3 Ann. Cas. 245).

Deeds—Covenants.

18 Misc. 397; (41 Supp. 442).

Standard Fashion Co. of N. Y. v. Ostrom, 16 App. Div. 220; 78 St. Rep. 666; 44 Supp. 666.

Standard Oil Co. v. Amazon Ins. Co., 79 N. Y. 506.

Cited, Appeal—Exception—Necessity.

4 Misc. 400; (53 St. Rep. 516; 23 Supp. 1065). 144 N. Y. 383; (63 St. Rep. 691). 3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 54). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

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77 Hun, 397; (60 St. Rep. 420; 28 Supp. 882). 82 Hun, 47; (63 St. Rep. 484; 31 Supp. 163). 15 Misc. 258; (71 St. Rep. 493; 36 Supp. 442).

Appeal—Granting New Trial—Exception.

3 Misc. 232; (51 St. Rep. 868; 22 Supp. 748). 10 Misc. 726; (65 St. Rep. 104; 31 Supp. 1010). 8 App. Div. 452; (75 St. Rep. 185; 40

Supp. 760). 12 App. Div. 175; (76 St. Rep. 576; 43 Supp. 576). 17 App. Div. 86; (78 St. Rep. 818; 44 Supp. 818).

Appeal—Record—What Reviewable.

19 Misc. 483; (77 St. Rep. 1071; 43 Supp. 1071).

Standard Oil Co. v. Triumph Ins. Co., 64 N. Y. 85.

Cited, Appeal—Harmless Error.

10 Misc. 183; (62 St. Rep. 49); 30 Supp. 937). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

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Cited, Appeal—Findings of Fact.

20 Misc. 85; (79 St. Rep. 91; 45 Supp. 91).

Standen v. Brown, 83 Hun, 610; 64 St. Rep. 170; 31 Supp. 525.

Standen v. New Rochelle Water Co., 91 Hun, 272; 33 Supp. 92.

Standish v. Brady, 18 Misc. 371; 75 St. Rep. 1037; 41 Supp. 651.

Standring v. Moore, 16 Misc. 106; 74 St. Rep. 492; 33 Supp. 813.

Stanfield, Matter of, 135 N. Y. 292; 47 St. Rep. 813.

Affirming, 64 Hun, 277; 46 St. Rep. 346; 8 Supp. 913.

Cited, Interest—Legacy.

80 Hun, 548; (62 St. Rep. 622; 30 Supp. 618). 19 Misc. 256; (78 St. Rep. 223; 44 Supp. 223).

Stanfield, Matter of, Surr. Dec. 1892, p. 237.

Cited, Executors and Administrators—Temporary—Compensation—Specific Bequests.

7 Misc. 263; (59 St. Rep. 373; 27 Supp. 1009).

Stanfield v. Knickerbocker Trust Co., 1 App. Div. 593; 73 St. Rep. 297; 37 Supp. 600.

Stanley v. National Union Bank, 115 N. Y. 122; 23 St. Rep. 938.

Cited, Chattel Mortgage—Validity—Creditors.

81 Hun, 174, 175; (62 St. Rep. 678, 679; 30 Supp. 693, 695).

Insolvent Debtors—Right to Prefer Creditors.

11 Misc. 2; (63 St. Rep. 452; 31 Supp. 851).

Husband and Wife—Possession.

147 N. Y. 464; (70 St. Rep. 59).

Parent and Child—Emancipation.

92 Hun, 274; (72 St. Rep. 316; 36 Supp. 954).

Duplicate Citations in Parenthesis.

Stanley v. Pollard, 5 Misc. 490; 55 St. Rep. 157; 25 Supp. 766.

Cited, Injunction—Covenants Not to Engage in Business.

12 Misc. 472; (67 St. Rep. 610; 33 Supp. 858).

Stanley v. Whitney, 47 Barb. 526.

Cited, Usury—Substituted Security.

1 App. Div. 576; (72 St. Rep. 490; 37 Supp. 435).

Stannard v. Eytinge, 5 Robt. 92.

Cited, Pleading—Complaint—Sufficiency.

16 Misc. 536; (73 St. Rep. 663; 38 Supp. 296).

Stannard v. Hubbell, 123 N. Y. 520; 34 St. Rep. 413.

Cited, Judgment—Conclusiveness—As to Immaterial Facts.

137 N. Y. 262; (50 St. Rep. 791). 86 Hun, 415; (67 St. Rep. 174; 33 Supp. 517). 18 App. Div. 33; (79 St. Rep. 402; 45 Supp. 402)

Judgment—Amendment.

80 Hun, 464; (62 St. Rep. 277; 30 Supp. 414). 92 Hun, 459; (72 St. Rep. 322; 36 Supp. 951). 92 Hun, 465; (72 St. Rep. 436; 36 Supp. 1034).

Stannard's Corners Rural Cemetery Ass'n v. Brandes, 14 Misc. 270; 70 St. Rep. 674; 35 Supp. 1015.

Stanton, Matter of, 18 St. Rep. 807.

Cited, Executors—Accounting—Liability for Costs.

12 Misc. 325; (67 St. Rep. 341; 33 Supp. 635).

Stanton v. Allen, 5 Den. 434.

Cited, Contracts—Validity—Restraint of Trade.

139 N. Y. 264; (54 St. Rep. 522). 80 Hun, 86; (61 St. Rep. 750; 30 Supp. 48). 145 N. Y. 274; (64 St. Rep. 697).

Stanton v. Gohler, 16 Misc. 383; 74 St. Rep. 432; 38 Supp. 64.

Stanton v. Hennessey, 78 Hun, 287; 60 St. Rep. 254; 23 Supp. 855.

Affirmed, 150 N. Y. 564.

Stanton v. Hennessy, 61 St. Rep. 157; 29 Supp. 615.

Stanton v. King, 76 N. Y. 585.

Cited, Appeal—Costs—Separate Appeals by One Notice.

3 Misc. 263; (52 St. Rep. 252; 22 Supp. 1053).

Attorneys—Lien of—For Services to Trust Estate.

50 S. Rep. 677; (21 Supp. 230).

Executors and Trustees—Contracts—Increased Liability.

D. 76 Hun, 59; (59 St. Rep. 150; 27 Supp. 668).

Stanton v. Miller, 14 Hun, 383.

Cited, Damages—Agreement Relating to Land.

62 St. Rep. 282; (30 Supp. 450).

Stanton v. Miller, 79 N. Y. 620.

Cited, Damage—Agreement to Convey Land.

62 St. Rep. 282; (30 Supp. 450).

Stanton v. Miller, 58 N. Y. 192.

Cited, Specific Performance—Contracts—Statute of Frauds—Definiteness.

68 Hun, 263; (52 St. Rep. 277; 22 Supp. 1001). 3 App. Div. 489; (74 St. Rep. 64; 38 Supp. 441). 18 Misc. 547; (41 Supp. 1003).

Stanton v. Missouri Pacific R. Co., 2 Supp. 298.

Cited, Pleading—Joinder of Causes—Demurrer.

90 Hun, 360; (70 St. Rep. 658; 35 Supp. 943).

Stanton v. New Rochelle Water Co., 71 St. Rep. 107; 36 Supp. 92.

Stanton v. Small, 3 Sandf. 230.

Cited, Sale—Executory.

18 App. Div. 151; (79 St. Rep. 435; 45 Supp. 435).

Stanton v. Supreme C. of C. M. B. Ass'n, 8 Misc. 366; 60 St. Rep. 447; 29 Supp. 390.

Stanton v. Taylor, Town of, 136 N. Y. 664; 49 St. Rep. 848.

Stanton v. U. S. Pipe-Line Co., 90 Hun, 35; 70 St. Rep. 394; 35 Supp. 629; 25 Civ. Pro. 189.

Stanton v. Wetherwax, 13 Barb. 259.

Cited, Will—Testamentary Capacity—Delusions.

18 Misc. 151; (75 St. Rep. 1447; 41 Supp. 1100).

Stape v. People, 85 N. Y. 890.

Cited, Witness—Cross-Examination—Scope.

153 N. Y. 221.

Stapenhorst v. Wolff, 65 N. Y. 596.

Cited, Appeal—Change of Theory on.

4 Misc. 529; (54 St. Rep. 126; 24 Supp. 822). 1 Misc. 323; (49 St. Rep. 701; 20 Supp. 672).

Stapf v. Loewer's Gambrinus Brewery Co., 1 App. Div. 405; 72 St. Rep. 578; 37 Supp. 256.

Stapf v. Loewer's Gambrinus Brewery Co., 151 N. Y. 646.

Staples v. Fairchild, 3 N. Y. 41.

Cited, Courts—Necessity of Proof of Jurisdiction.

136 N. Y. 396; (49 St. Rep. 835). 16 Misc. 321; (73 St. Rep. 570; 37 Supp. 951).

Duplicate Citations in Parenthesis.

Staples v. Fenton, 5 Hun, 172.

Cited, Possession—Notice.

12 App. Div. 198; (76 St. Rep. 833; 42 Supp. 833).

Staples v. Hager, 11 App. Div. 631; 76 St. Rep. 458; 42 Supp. 458.

Staples v. Nott, 128 N. Y. 403.

Cited, Contracts—Foreign Law.

9 App. Div. 514; (75 St. Rep. 1058; 41 Supp. 670).

Staples v. Parker, 41 Barb. 648.

Cited, Stipulations—Enforcement.

9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).

Staples v. Greenwich Ins. Co., 15 Misc. 642; 72 St. Rep. 700; 37 Supp. 347.

Stapleton v. Greenwich Ins. Co., 16 Misc. 483; 38 Supp. 973.

Stapleton v. Mayer, 17 Misc. 67; 39 Supp. 845.

Stapleton v. Newburgh, City of, 9 App. Div. 39; 75 St. Rep. 557; 41 Supp. 96.

Star Steamship Co. v. Mitchell, 1 Abb. N. C. 396.

Cited, Pleading—Intent—Fraud.

12 Misc. 506; (67 St. Rep. 370; 33 Supp. 676).

Starbird v. Barrons, 38 N. Y. 230.

Cited, Contract—Rescission—Election of.

4 Misc. 439; (54 St. Rep. 140; 24 Supp. 696).

Starbird v. Barrons, 43 N. Y. 200.

Cited, Appeal—Prejudicial Error.

17 Misc. 160; (39 Supp. 329).

Starbird v. Burrows, 60 N. Y. 615.

Cited, Damages—Measure—Contract.

2 Misc. 381; (50 St. Rep. 598; 21 Supp. 1098).

Starbuck v. Housatonic R. Co., 83

Hun, 534; 65 St. Rep. 143; 32 Supp. 87.

Affirmed, 152 N. Y. 251.

Starbuck v. Murray, 5 Wend. 148.

Cited, Judgment—Collateral Attack.

87 Hun, 183, 183; (67 St. Rep. 779, 780; 33 Supp. 1076). 17 Misc. 238; (39 Supp. 716). 17 Misc. 483; (75 St. Rep. 817; 41 Supp. 413).

Starbuck v. Phoenix Ins. Co. of Brooklyn, 10 App. Div. 198; 75 St. Rep. 1270; 41 Supp. 901.

Starbuck v. Phoenix Ins. Co. of Brooklyn, 79 St. Rep. 995; 45 Supp. 995.

Starin v. Edson, 112 N. Y. 206; 20 St. Rep. 898.

Cited, Municipal Corporations—Liability—Property—Taxpayer's Right of Action.

9 Misc. 612; (62 St. Rep. 90; 30 Supp. 425).

Ultra Vires—As Defense to Executed Contract.

56 St. Rep. 428; (26 Supp. 289). 131 N. Y.

37. D. 151 N. Y. 46.

Municipal Corporations—Sale of Franchise—Authority.

9 Misc. 615; (62 St. Rep. 92; 30 Supp. 427).

Starin v. Genoa, 23 N. Y. 439.

Cited, Bonds—Town—Bona Fides.

83 Hun, 99; (63 St. Rep. 816; 31 Supp. 403).

Constitutionality — Statutes — Referendum.

8 App. Div. 256; (75 St. Rep. 21; 40 Supp. 625).

Starin v. Kelly, 88 N. Y. 418;

Cited, Evidence — Burden of Proof — Fraudulent Conveyance.

80 Hun, 204; (61 St. Rep. 798; 30 Supp. 5).

85 Hun, 481; (66 St. Rep. 742; 33 Supp. 131).

88 Hun, 601; (68 St. Rep. 705; 34

Supp. 771). 87 Hun, 555; (69 St. Rep. 461;

35 Supp. 143). 8 App. Div. 117; (40 Supp. 483).

Evidence—Relevancy—Fraud.

4 Misc. 302; (53 St. Rep. 452; 24 Supp. 105).

Fraudulent Conveyance — Judgments — Creditor's Knowledge of Fraudulent Intent.

74 Hun, 546; (56 St. Rep. 854; 26 Supp. 635).

76 Hun, 541; (58 St. Rep. 262; 28

Supp. 207). 87 Hun, 242; (67 St. Rep. 727;

33 Supp. 1041; 1 Ann. Cas. 396). 143 N. Y.

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Fraudulent Conveyances—Grantee—Protection.

D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).

D. 84 Hun, 340; (65 St. Rep. 633; 31 Supp. 340).

Fraudulent Conveyance—Transaction Between Husband and Wife—Consideration.

59 St. Rep. 332; (27 Supp. 1030) 89 Hun,

602; (69 St. Rep. 646; 35 Supp. 291).

Starin v. Kelly, 47 Super. 288.

Affirmed, 88 N. Y. 418.

Cited, New Trial—New Evidence—Impeaching Witness.

79 Hun, 158; (61 St. Rep. 361; 29 Supp. 769).

Trial—Reception of Evidence.

10 Misc. 124; (62 St. Rep. 512; 30 Supp. 914).

Duplicate Citations in Parenthesis.

Starin v. New York, 106 N. Y. 82; 8 St. Rep. 637.

Cited, Attorneys—Lien for Costs—Decedent's Estate.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Starin v. People, 45 N. Y. 333.

Cited, Evidence—Declarations—Conversations—Entirety.

80 Hun. 39; (61 St. Rep. 618; 29 Supp. 867).

Stark v. Robson, 2 App. Div. 615; 74 St. Rep. 478; 38 Supp. 48.

Stark v. Boswell, 6 Hill, 405.

Cited, Evidence—Declarations of Assignor.

15 Misc. 292; (72 St. Rep. 430; 36 Supp. 986).

Stark v. Grant, 42 St. Rep. 36; 16 Supp. 526.

Cited, Appeal—Extent of Review—Verdict.

7 Misc. 669; (58 St. Rep. 381; 28 Supp. 42).

Starkey v. Kelly, 50 N. Y. 676.

Cited, Damages—Measure—Goods Destroyed.

5 Misc. 272; (27 Supp. 899).

Starks v. People, 5 Den. 106.

Cited, Witness—Cross Examination—Interest—Contradiction.

136 N. Y. 520; (49 St. Rep. 698).

Trial—Witness—Interest.

146 N. Y. 327; (66 St. Rep. 639).

Starkweather v. Quigley, 7 Hun. 29.

Cited, Trespass—Trespass Damages.

3 App. Div. 333; (73 St. Rep. 779; 33 Supp. 319).

Starr v. Bennett, 5 Hill, 303.

Cited, Fraud—When Actionable.

89 Hun. 58; (69 St. Rep. 6; 34 Supp. 1062). 18 Misc. 645; (77 St. Rep. 750; 43 Supp. 750).

Starr v. Francis, 22 Wend. 633.

Cited, Stay—Nullity of Acts Pending.

16 Misc. 565; (38 Supp. 941).

Starr v. Peck, 1 Hill, 270.

Cited, Evidence—Presumption—Innocence—Crime or Fraud—Civil Action.

6 Misc. 273; (58 St. Rep. 133; 26 Supp. 765).

Starr v. Starr, 132 N. Y. 154.

Cited, Wills—Construction.

17 Misc. 192; (75 St. Rep. 385; 40 Supp. 984).

Starr Cash Car Co. v. Reinhardt, 2 Misc. 116; 49 St. Rep. 228; 20 Supp. 872.

Starr Cash Car Co. v. Reinhardt, (Misc. 365; 56 St. Rep. 404; 26 Supp. 746).

Modifying, 3 Misc. 625; 23 Supp. 733.

Cited, Costs—Appeal.

12 Misc. 25; (66 St. Rep. 719; 33 Supp. 62; 24 Civ. Pro. 354; 1 Ann. Cas. 240). 12 Misc. 388; (67 St. Rep. 405; 33 Supp. 582; 24 Civ. Pro. 406). 19 Misc. 429; (77 St. Rep. 1141; 43 Supp. 1141).

Stastney v. Second Ave. R. Co., 138 N. Y. 609; 51 St. Rep. 932.

Startwell v. Field, 68 N. Y. 341.

Cited, Attachment—Matter of Right.

14 Misc. 424; (35 Supp. 837).

Startz v. Pennsylvania & N. Y. Canal & R. Co., 136 N. Y. 639; 49 St. Rep. 914.

State v. Kings County, 125 N. Y. 312; 34 St. Rep. 782.

Cited, Taxes—Assessment—Hearing.

1 App. Div. 21; (71 St. Rep. 679; 36 Supp. 749).

State Bank of Lock Haven v. Smith, 85 Hun. 200; 66 St. Rep. 483; 32 Supp. 999.

State Bank of N. Y. v. Postal, 12 Misc. 546; 67 St. Rep. 873; 34 Supp. 18.

State Bank of Rock Valley v. Andrews, 2 Misc. 394; 51 St. Rep. 123; 21 Supp. 948.

Cited, Corporations—Trustees—Liability for Debts—Judgment Against Corporation. 6 Misc. 79; (55 St. Rep. 491; 26 Supp. 22). 9 App. Div. 312; (75 St. Rep. 639; 41 Supp. 191; 3 Ann. Cas. 390).

State Trust Co., Matter of, 68 Hun. 97; 52 St. Rep. 45; 22 Supp. 601.

State Trust Co. v. Casio Co., 5 App. Div. 381; 39 Supp. 258.

Cited, Chattel Mortgage—Validity.

18 Misc. 328; (41 Supp. 1).

Chattel Mortgage—Refiling.

18 Misc. 330; (41 Supp. 3).

State Trust Co. v. Casino Co., 18 Misc. 327; 41 Supp. 1.

Affirmed, 19 App. Div. 344.

Staten Island Dyeing Establishment v. Skinner & Co., 75 Hun. 116; 53 St. Rep. 185; 26 Supp. 1100.

Staten Island R. T. Co., Matter of, 47 Hun. 396; 14 St. Rep. 924.

Cited, Eminent Domain—Damages—Review.

83 Hun. 144; (64 St. Rep. 267; 31 Supp. 630). 11 Misc. 693; (66 St. Rep. 224; 32 Supp. 827). 85 Hun. 443; (66 St. Rep. 229; 32 Supp. 899).

Duplicate Citations in Parenthesis.

- Staten Island R. T. Co., Matter of**, 103 N. Y. 251; 3 St. Rep. 48.
Cited, Eminent Domain—Easements. 142 N. Y. 182; (58 St. Rep. 645). 86 Hun, 346; (67 St. Rep. 616; 33 Supp. 916).
 Eminent Domain—Railroads—Necessity. 17 App. Div. 260; (79 St. Rep. 688; 45 Supp. 688).
- Stationary Flagman, Matter of**, 56 St. Rep. 147; 26 Supp. 293.
- Staub v. Henry**, 18 Misc. 99; 41 Supp. 831.
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- Staub v. Myers**, 16 App. Div. 476.
- Staubsandt v. Lennon**, 3 Misc. 90; 51 St. Rep. 754; 22 Supp. 544.
Affirmed, 142 N. Y. 666; 60 St. Rep. 871.
Cited, Mechanic's Lien—Notice—Verification. 5 Misc. 220; (54 St. Rep. 785; 25 Supp. 478).
- Stay v. Du Bois**, 74 Hun, 134; 55 St. Rep. 686; 26 Supp. 240.
- Steam Navigation Co. v. Weed**, 17 Barb. 378.
Cited, Contracts—Executed—To Whom Invalidity Available. 73 Hun, 451; (56 St. Rep. 22; 26 Supp. 478).
- Stearn v. Hesdorfer**, 9 Misc. 134; 59 St. Rep. 713; 29 Supp. 281.
- Stearns, Matter of**, 31 St. Rep. 960; 9 Supp. 748.
Cited, Administrator—Temporary—Who Appointed. 10 Misc. 214; (64 St. Rep. 9; 31 Supp. 425).
- Stearns v. Eaton**, 17 Supp. 687.
Cited, Supplementary Proceedings—When Order Granted. 3 Misc. 118; (23 Supp. 1056).
- Stearns v. Field**, 90 N. Y. 640.
Cited, Accord and Satisfaction—Disputed Claim. 3 Misc. 416; (52 St. Rep. 507).
 Evidence—Hypothetical Questions—Assumption. 9 Misc. 284; (61 St. Rep. 143; 29 Supp. 723). 144 N. Y. 5; (63 St. Rep. 17). 9 App. Div. 73; (75 St. Rep. 577; 41 Supp. 120).
- Stearns v. Gage**, 79 N. Y. 102.
Cited, Evidence—Sufficiency—Knowledge of Transferee in Fraud of Creditors. 51 St. Rep. 17; (21 Supp. 717).
 Fraudulent Conveyance—Good Faith on Part of Grantee. 76 Hun, 541; (58 St. Rep. 262; 28 Supp. 207).
 Mortgage—Unrecorded—Knowledge of Grantee of Mortgage.
- 72 Hun, 448; (55 St. Rep. 274; 25 Supp. 29).
- Fraudulent Conveyance—Notice to Purchaser for Value. 136 N. Y. 105; (49 St. Rep. 85). 85 Hun, 288, 289; (66 St. Rep. 469, 470; 32 Supp. 986).
 D. 86 Hun, 254; (63 St. Rep. 753; 33 Supp. 237). 147 N. Y. 597; (70 St. Rep. 352). 8 App. Div. 117; (40 Supp. 483). 152 N. Y. 293.
- Stearns v. Tew**, 6 Misc. 404; 27 Supp. 26.
- Stebbins v. Brown**, 65 Barb. 272.
Cited, Referee—Misconduct—Setting Aside Report. 14 Misc. 573; (72 St. Rep. 226; 37 Supp. 73).
- Stebbins v. Hume**, 16 St. Rep. 128; 1 Supp. 131.
Followed, 5 App. Div. 620; (72 St. Rep. 868; 38 Supp. 1145).
- Stebbins v. Kay**, 123 N. Y. 31; 33 St. Rep. 72.
Cited, Municipal Corporations—Improvements—Assessments. 69 Hun, 506; (52 St. Rep. 619; 23 Supp. 424).
 Taxes—Local Improvements—Statute—Compliance. 139 N. Y. 481; (54 St. Rep. 728). 10 Misc. 76; (63 St. Rep. 475; 31 Supp. 152). 30 Supp. 302.
- Stebbins v. Oneida, Village of**, 23 St. Rep. 702; 5 Supp. 483; 1 Silv. S. Ct. 240.
Cited, Highways—Obstructions—Liability of Municipality. 73 Hun, 445; (56 St. Rep. 44; 26 Supp. 644).
- Steck v. Colorado Fuel & Iron Co.**, 142 N. Y. 236; 58 St. Rep. 765.
Cited, Reference—Compulsory—Long Account. 90 Hun, 425; (70 St. Rep. 540; 35 Supp. 745). 20 Misc. 155; (79 St. Rep. 817; 45 Supp. 817).
- Steckler v. Godillot**, 17 Misc. 236; 40 Supp. 364.
- Stedeker v. Bernard**, 102 N. Y. 327; 2 St. Rep. 16.
Cited, Judgment—Form—Joint or Several. 6 Misc. 78; (55 St. Rep. 490; 26 Supp. 21). 11 Misc. 624; (66 St. Rep. 346; 32 Supp. 921). 16 Misc. 19; (73 St. Rep. 278; 37 Supp. 659; 25 Civ. Pro. 256). 16 App. Div. 618; (78 St. Rep. 1058; 44 Supp. 1058).

Duplicate Citations in Parenthesis.

Stedman v. Batchelor, 49 Hun, 390; 19 St. Rep. 518; 3 Supp. 580.

Cited, Juror—Qualification.

88 Hun, 296; (68 St. Rep. 402; 34 Supp. 673).

Stedman v. Davis, 93 N. Y. 32.

Cited, Non residents—Knowledge of Law—Presumption.

11 App. Div. 415; (76 St. Rep. 288; 42 Supp. 288).

Stedman v. Ranney, 80 Hun, 37; 61 St. Rep. 617; 29 Supp. 866.

Stedman v. Rome, 88 Hun, 279; 68 St. Rep. 555; 34 Supp. 737.

Steel v. Rosenberg, 67 St. Rep. 586; 33 Supp. 716; 24 Civ. Pro. 340

Steel v. Benham, 84 N. Y. 634.

Cited, Chattel Mortgage and Sale—Change of Possession.

81 Hun, 175; (62 St. Rep. 679; 30 Supp. 694). 15 Misc. 524; (74 St. Rep. 421; 37 Supp. 1075; 2 Ann. Cas. 413). 19 Misc. 134. 20 Misc. 397.

Steele v. Lord, 70 N. Y. 280.

Cited, Evidence—Private Letters—Destruction of—Parol Evidence of Contents.

8 Misc. 272; (59 St. Rep. 203; 28 Supp. 717).

Steele v. Lord, 28 Hun, 27.

Cited, Judgment—Merger.

17 Misc. 383; (39 Supp. 1062).

Steele v. Oswego Mfg. Co., 15 Wend. 265.

Cited, Bills and Notes—Negotiability—Seal

149 N. Y. 536.

Steele v. Raphael, 37 St. Rep. 621; 13 Supp. 664.

Cited, Attachment—Affidavit.

88 Hun, 370; (68 St. Rep. 706; 34 Supp. 828; 2 Ann. Cas. 209).

Steele v. Sturges, 5 Abb. 442.

Cited, Courts—Conflict—State and Federal—Exclusiveness of Jurisdiction First Acquired—Receivers.

136 N. Y. 176; (48 St. Rep. 833).

Steele v. Ward, 30 Hun, 555.

Cited, Evidence.

51 St. Rep. 941; (23 Supp. 1149).

Steele v. Wells, 49 St. Rep. 646; 20 Supp. 736.

Steele v. White, 2 Paige, 478.

Cited, Appeal—Extent of Review—Decision in Appellant's Favor.

7 Misc. 695; (53 St. Rep. 332; 28 Supp. 3; 23 Civ. Pro. 375).

Steen v. Niagara Fire Ins. Co., 89 N. Y. 315.

Cited, Limitation of Actions—When Statute Runs—Notice—Claims Against Municipality.

77 Hun, 38; (59 St. Rep. 443; 28 Supp. 330).

Limitation—Insurance—Commencement of Action.

89 Hun, 458; (69 St. Rep. 721; 35 Supp. 323). 15 Misc. 613; (73 St. Rep. 119; 37 Supp. 494). D. 9 App. Div. 357; (75 St. Rep. 733; 41 Supp. 320). D. 107 App. Div. 287; (75 St. Rep. 1413; 41 Supp. 1049).

Steenburg v. Miller, 11 App. Div. 286; 76 St. Rep. 333; 42 Supp. 333.

Steere v. Steere, 5 Johns Ch. 1.

Cited, Trusts—Declaration—Sufficiency. 79 Hun, 498; (61 St. Rep. 537; 29 Supp. 920).

Steers v. Brooklyn, 101 N. Y. 51.

Cited, Waters—Riparian Rights—Accretion—Artificial.

71 Hun, 162; (54 St. Rep. 365; 23 Supp. 930; 30 Abb. N. C. 88). 144 N. Y. 83; (63 St. Rep. 57).

Steers v. Laird, 3 Misc. 408; 53 St. Rep. 497; 23 Supp. 158.

Steers v. Liverpool, N. Y. & Philadelphia Steamship Co., 57 N. Y. 1.

Cited, Carriers—Passenger—Baggage—Conditions in Ticket.

6 Misc. 538; (57 St. Rep. 863; 27 Supp. 141). 13 Misc. 36; (68 St. Rep. 175; 34 Supp. 100).

Carriers—Limitation of Liability by Contract.

137 N. Y. 463; (51 St. Rep. 270).

Carriers—Passenger—Limitations in Tickets—Notice.

72 Hun, 8; (55 St. Rep. 717; 25 Supp. 580). Evidence—Presumption—Reading Before Execution.

7 Misc. 132; (58 St. Rep. 10; 27 Supp. 338). Pleadings—Answer—Non-resident.

91 Hun, 498; (70 St. Rep. 860; 36 Supp. 258; 25 Civ. Pro. 112).

Appeal—Objections First Raisable on.

66 Hun, 218; (49 St. Rep. 54; 21 Supp. 45).

Steets v. New York Elevated R. Co., 79 Hun, 238; 61 St. Rep. 29; 29 Supp. 356.

Steffen v. Schaefer, 39 St. Rep. 796; 15 Supp. 493.

Cited, Libel and Slander—Justification—Answer.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Steffens v. Steffens, 16 Daly, 363; 33 St. Rep. 643; 11 Supp. 424.

Cited, Evidence—Admissions—Weight. 5 Misc. 497; (55 St. Rep. 389; 25 Supp. 763).

Duplicate Citations in Parenthesis.

- Stegman v. Hollingsworth**, 62 Hun, 620; 42 St. Rep. 910; 16 Supp. 820.
Cited, 6 App. Div. 610; (39 Supp. 1132).
- Stegman v. Hollingsworth**, 6 App. Div. 609; 39 Supp. 1132.
- Stehlin v. Stehlin**, 67 Hun, 110; 51 St. Rep. 622; 22 Supp. 40.
- Stein v. Steindler**, 1 Misc. 414; 49 St. Rep. 450; 20 Supp. 839.
- Steinam v. Bell**, 7 Misc. 318; 57 St. Rep. 462; 27 Supp. 905.
Cited, Fraud—Constituents.
 12 Misc. 145; (66 St. Rep. 663; 32 Supp. 1129).
 Pleading—Amendment.
 13 Misc. 233; (67 St. Rep. 871; 34 Supp. 16).
 Pleading—Denial.
 13 Misc. 129; 68 St. Rep. 207; 34 Supp. 161).
 20 Misc. 332; (79 St. Rep. 807; 45 Supp. 807).
- Steinam v. Strauss**, 137 N. Y. 561; 50 St. Rep. 932.
- Steinam v. Strauss**, 44 St. Rep. 380.
Affirmed, 137 N. Y. 561.
Cited, Judgment—Jurisdiction—Burden of Proof.
 20 Misc. 475.
- Stein v. Bell**, 5 Misc. 587; 25 Supp. 1140.
- Stein v. Scheuer**, 15 App. Div. 5; 77 St. Rep. 1112; 43 Supp. 1112.
- Steinbach v. Columbian Ins. Co.**, 2 Caines, 129.
Cited, New Trial—New Evidence—Cumulative.
 16 Misc. 122; (38 Supp. 828).
- Steinback v. Diepenbrock**, 1 App. Div. 417; 72 St. Rep. 605; 37 Supp. 279.
Cited, Insurance—Policy—Distribution.
 5 App. Div. 102; (74 St. Rep. 512; 38 Supp. 646).
- Steinback v. Diepenbrock**, 5 App. Div. 208; 39 Supp. 137.
Cited, Appeal—Stay—Undertaking.
 8 App. Div. 67; (75 St. Rep. 333; 40 Supp. 935). 17 Misc. 544; (75 St. Rep. 698; 41 Supp. 288).
- Steinbach v. Relief Fire Ins. Co.**, 77 N. Y. 498.
Cited, Election—Inconsistent Remedies.
 17 Misc. 384; (39 Supp. 1063).
- Steinberg v. Rosenthal**, 17 Misc. 53; 73 St. Rep. 877; 39 Supp. 1132.
- Steinberg v. Tyler**, 3 Misc. 25; 51 St. Rep. 125; 22 Supp. 178.
- Steinbock v. Evans**, 122 N. Y. 551; 34 St. Rep. 138.
Cited, Injunction—Undertaking—Final Determination.
 78 Hun, 178; (60 St. Rep. 245; 28 Supp. 939).
 Principal and Surety—Discharge—Extension.
 138 N. Y. 206; (52 St. Rep. 146). 13 App. Div. 452; (77 St. Rep. 603; 43 Supp. 603).
- Steine v. Fargo**. See *Steiner v. Merchants' Despatch Trans. Co.*
- Steiner v. Fourth Presbyterian Church**, 17 App. Div. 500; 79 St. Rep. 524; 45 Supp. 524.
- Steiner v. Hellman**, 7 App. Div. 248; 74 St. Rep. 617; 40 Supp. 36.
- Steiner v. Merchants' Despatch Trans. Co.**, 3 App. Div. 450; 73 St. Rep. 858; 33 Supp. 240.
- Steinert v. Metropolitan El. R. Co.**, 12 Misc. 370; 67 St. Rep. 303; 33 Supp. 560.
- Steinert v. Sobey**, 14 App. Div. 505; 78 St. Rep. 146; 44 Supp. 146.
- Steinfeld v. Levy**, 16 Abb. N. S. 26.
Cited, Contracts—Promise of Marriage—Consideration.
 82 Hun, 291; (54 St. Rep. 81; 31 Supp. 484).
- Steinhardt v. Baker**, 20 Misc. 470.
- Steinhardt v. Buel**, 1 Misc. 295; 48 St. Rep. 663; 20 Supp. 706.
- Steinhardt v. Turk**, 18 Misc. 350; 75 St. Rep. 1510; 41 Supp. 1132.
- Steinhart v. Doellner**, 34 Super. 218.
Cited, Contracts—To Pay Debt of Another—Statute of Frauds.
 19 Misc. 161.
- Steinhaeuser v. Mason**, 135 N. Y. 635; 48 St. Rep. 467.
- Steinbaeuser v. Mason**, 138 N. Y. 621; 51 St. Rep. 931.
- Steinhausen v. Preferred Mut. Accident Ass'n**, 59 Hun, 336; 36 St. Rep. 70; 13 Supp. 33.
Cited, Evidence—Admissions and Declarations—Of Wife Before Marriage—Admissibility as Against Husband.
 24 Supp. 933; (30 Abb. N. C. 136).
 Evidence—Declarations of Insured.
 69 Hun, 17; (52 St. Rep. 553; 23 Supp. 217). 83 Hun, 321; (61 St. Rep. 666; 31 Supp. 939).
 Evidence—Declarations of Decedent.
 18 Misc. 143; (75 St. Rep. 1442; 41 Supp. 1095).

Duplicate Citations in Parenthesis.

Steinle v. Bell, 13 Abb. N. S. 171.

Cited, Publication—Computation of Period.

2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969).

Writ and Process—Service by Publication—Proof of Non-residence.

7 Misc. 521; (64 St. Rep. 372; 27 Supp. 1006).

Steinway v. Steinway & Sons, 10 Misc. 563; 65 St. Rep. 262; 32 Supp. 183.

Steinway v. Steinway & Sons, 17 Misc. 43; 40 Supp. 718.

Steinway v. Steinway & Sons, 68 Hun, 430; 52 St. Rep. 660; 22 Supp. 945; 29 Abb. N. C. 457

Cited, Pleading—Reply—When Required. 73 Hun, 80; (57 St. Rep. 136; 25 Supp. 1070). 79 Hun, 390; (61 St. Rep. 509; 29 Supp. 772).

Steinway v. Steinway & Sons, 74 Hun, 423; 57 St. Rep. 254; 23 Supp. 657.

Steinway v. Steinway & Sons, 2 App. Div. 301; 73 St. Rep. 418; 37 Supp. 742.

Steinweg v. Biel, 16 Misc. 47; 73 St. Rep. 259; 37 Supp. 678.

Steinweg v. Erie R. Co., 43 N. Y. 123. *Cited*, Railroads—Adoption of Improved Appliances.

67 Hun, 634; (51 St. Rep. 105; 22 Supp. 475). 12 Misc. 118; (66 St. Rep. 695; 33 Supp. 94).

Railroads—Use of Appliance to Avoid Fires.

67 Hun, 470; (51 St. Rep. 116; 22 Supp. 449). 140 N. Y. 318; (55 St. Rep. 646);

Steitz v. Priddis, 81 Hun, 229; 62 St. Rep. 742; 30 Supp. 762.

Steiverman v. White, 49 Super. 523.

Cited, Negligence—Contributory.

2 Misc. 75; (49 St. Rep. 631; 21 Supp. 783).

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2 Misc. 74; (49 St. Rep. 631; 21 Supp. 783).

Stelz v. Shreck, 128 N. Y. 263; 40 St. Rep. 267.

Cited Husband and Wife—Tenancy by Entirety.

10 Misc. 25; (62 St. Rep. 266; 30 Supp. 804). 82 Hun, 204; (63 St. Rep. 778; 31 Supp. 330).

Stenson v. Koch, 152 N. Y. 87.

Stenson v. Koch, 5 App. Div. 621; 39 Supp. 1133.

Affirmed. 172 N. Y. 87.

Stenton v. Jerome, 54 N. Y. 490.

Cited, Account Stated.

67 Hun, 390; (51 St. Rep. 314; 22 Supp. 127). 16 Misc. 630; (40 Supp. 988).

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89 Hun, 347; (68 St. Rep. 390; 34 Supp. 401). 19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Stephani, Matter of, 75 Hun, 188; 58 St. Rep. 185; 26 Supp. 1039.

Stephen v. Stevens, 49 St. Rep. 850; 21 Supp. 721.

Cited, Master and Servant—Acts of Co-employee.

4 Misc. 165; (53 St. Rep. 198; 23 Supp. 791).

Stephen v. Woodruff, 79 St. Rep. 712; 45 Supp. 712.

Stephens v. Aulls, 3 T. & C. 781.

Cited, Injunction—Sale of Good Will.

8 Misc. 301; (59 St. Rep. 285; 28 Supp. 738).

Stephens v. Bacon, 7 N. Y. Law J. 1.

Cited, Master and Servant—Liability of Servant—To Third Persons—Negligence.

75 Hun, 443; (57 St. Rep. 664; 27 Supp. 503).

Stephens v. Brooklyn, Board of Education of, 79 N. Y. 183.

Cited, Banking—Deposits—Collections—Credits.

9 Misc. 346; (60 St. Rep. 612; 29 Supp. 1104).

Bills and Notes—Payment—Satisfaction of Debt.

141 N. Y. 385; (57 St. Rep. 599).

Principal and Agent—Knowledge of Agent—Notice to Principal.

11 Misc. 83; (59 St. Rep. 476; 29 Supp. 598; 31 Abb. N. C. 400).

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7 Misc. 512; (60 St. Rep. 63; 28 Supp. 784). 82 Hun, 521; (64 St. Rep. 211; 31 Supp. 533). 147 N. Y. 191; (69 St. Rep. 537; 2 Ann. Cas. 291).

Payment—Money of Third Person—Recovery by Owner.

139 N. Y. 456; (54 St. Rep. 710). 11 App. Div. 83; (76 St. Rep. 983; 42 Supp. 983).

Stephens v. Ely, 14 App. Div. 202; 77 St. Rep. 762; 43 Supp. 762.

Stephens v. Fox, 83 N. Y. 313.

Dis'inguished, Corporations—Stockholders—Primary Liability for Debts.

2 Misc. 396; (51 St. Rep. 124; 21 Supp. 949).

Cited, Judgment—Conclusiveness.

143 N. Y. 211; (62 St. Rep. 163).

*Duplicate Citations in Parenthesis.***Stephens v. Hudson Valley Knitting Co.**, 48 St. Rep. 814; 20 Supp. 916.*Cited*, Damages—Excessiveness—Torts.

74 Hun, 287; (56 St. Rep. 420; 26 Supp. 691). 86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

69 Hun, 350; (52 St. Rep. 712; 23 Supp. 634).

Stephens v. Hudson Valley Knitting Co., 69 Hun, 375; 52 St. Rep. 795; 23 Supp. 658.*Affirmed*, 143 N. Y. 633; 60 St. Rep. 875.*Cited*, Master and Servant — Defective Appliance—Knowledge of Master.

71 Hun, 591; (55 St. Rep. 116; 24 Supp. 1107).

Stephens v. Humphries, 49 St. Rep. 782; 20 Supp. 812.**Stephens v. Humphries**, 135 N. Y. 637; 48 St. Rep. 930.**Stephens v. Humphries**, 73 Hun, 199; 56 St. Rep. 70; 25 Supp. 946.*Affirmed*, 141 N. Y. 586; 58 St. Rep. 865.**Stephens v. Meriden Britannia Co.**, 13 App. Div. 268; 77 St. Rep. 226; 43 Supp. 226.*Cited*, Chattel Mortgage—Unfiled—Attack by Receiver.

20 Misc. 390.

Stephens v. McNeill, 26 Barb. 657.*Cited*, Bills and Notes—Possession—Presumption.

1 App. Div. 389; (72 St. Rep. 633; 37 Supp. 294).

Stephens v. Page, 4 Misc. 517; 54 St. Rep. 133; 24 Supp. 698; 23 Civ. Pro. 191.**Stephens v. People**, 19 N. Y. 549.*Cited*, Trial—Jury—Misconduct.

10 Misc. 439; (64 St. Rep. 14; 31 Supp. 461).

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D. 15 Misc. 284; (72 St. Rep. 13; 36 Supp. 784).

Stephens v. Perrine, 69 Hun, 578; 53 St. Rep. 261; 24 Supp. 21.*Affirmed*, 143 N. Y. 481; 62 St. Rep. 843.*Cited*, Chattel Mortgage—Failure to File—Creditors.

81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693). 81 Hun, 202; (62 St. Rep. 683; 30 Supp. 720).

Stephens v. Perrine, 143 N. Y. 481; 62 St. Rep. 843; 1 Ann. Cas. 81.*Cited*, Chattel Mortgage—Failure to File—Creditors.

86 Hun, 360; (67 St. Rep. 154; 33 Supp. 456). 92 Hun, 212, 213; (72 St. Rep. 275, 276; 36 Supp. 1052, 1053). 15 Misc. 530; (74 St. Rep. 306; 37 Supp. 1136). 8 App. Div. 38; (40 Supp. 400). 18 Misc. 457, 458; (76 St. Rep. 85; 42 Supp. 85). 13 App. Div. 13; (77 St. Rep. 377; 43 Supp. 377). 13 App. Div. 271; (77 St. Rep. 229; 45 Supp. 229). 20 Misc. 390.

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92 Hun, 605; (72 St. Rep. 313; 36 Supp. 910). 1 App. Div. 148; (72 St. Rep. 713; 37 Supp. 415). 91 Hun, 570; (72 St. Rep. 359; 36 Supp. 838). 20 Misc. 394; 153 N. Y. 109.

Stephens v. Reynolds, 6 N. Y. 454.*Cited*, Lease—Agricultural Lands—Term. 40 Supp. 1015.**Stephens v. Santee**, 49 N. Y. 35.*Cited*, Evidence — Documentary — Transcript of Judgment.

5 Misc. 533; (58 St. Rep. 111; 25 Supp. 985).

Officers—Public—Reconsideration of Determination.

144 N. Y. 482; (63 St. Rep. 739).

Stephens v. Van Buren, 1 Paige, 479.*Cited*, Interest—Liability of Assignee.

4 Misc. 138; (53 St. Rep. 120; 23 Supp. 601).

Stephens v. Vroman, 18 Barb. 250.*Cited*, Evidence—Confession of Party—Effect.

5 Misc. 568; (26 Supp. 727).

Stephens v. Wider, 32 N. Y. 351.*Cited*, Appeal—Reversal—Nominal Damages.

79 Hun, 212; (61 St. Rep. 157; 29 Supp. 614). 4 Misc. 135; (53 St. Rep. 171; 23 Supp. 865; 30 Abb. N. C. 310). 76 Hun, 500; (59 St. Rep. 336; 27 Supp. 1091).

Stephenson v. Equitable Gaslight Co., 14 Supp. 67.*Cited*, Negligence—Contributory—Defective Sidewalks.

13 App. Div. 572; (77 St. Rep. 817; 43 Supp. 817).

Stephenson v. Hanson, 4 Civ. Pro. 104.*Cited*, Costs—Security—Non-resident.

12 Misc. 548; (67 St. Rep. 875; 34 Supp. 20). 13 Misc. 144; (68 St. Rep. 100; 34 Supp. 116).

Stephenson v. Short, 92 N. Y. 433.*Cited*, Wills — Corporations — Powers to Take—Void Bequests.

77 Hun, 303; (59 St. Rep. 166; 28 Supp. 405). 82 Hun, 498; (64 St. Rep. 135; 31 Supp. 521). 2 App. Div. 27; (72 St. Rep. 685; 37 Supp. 332). D. 151 N. Y. 344.

Duplicate Citations in Parenthesis.

Ster v. Tuety, 45 Hun, 49.

Cited, Evidence—Negligence—Other Accidents.

5 App. Div. 580; (39 Supp. 332).

Sterett v. Denver & Rio Grande R. Co., 17 Hun, 316.

Cited, Writ and Process—Service—Corporations—Managing Agent.

136 N. Y. 346; (50 St. Rep. 9. 29 Supp. 1094) 85 Hun, 404; (66 St. Rep. 476; 32 Supp. 993; 2 Ann. Cas. 70).

Sterger v. Van Sicklen, 132 N. Y. 499; 44 St. Rep. 863.

Cited, Negligence—Dangerous Premises—Licensee.

78 Hun, 396; (60 St. Rep. 787; 29 Supp. 227). 7 Misc. 274; (58 St. Rep. 533; 27 Supp. 893). 71 St. Rep. 471; (36 Supp. 420). 4 App. Div. 137; (74 St. Rep. 97; 38 Supp. 762). 4 App. Div. 486; (38 Supp. 687). 11 App. Div. 593; (76 St. Rep. 598; 42 Supp. 598).

Sterling, Matter of, 9 Misc. 224; 61 St. Rep. 292; 30 Supp. 385.

Sterling v. Jaudon, 48 Barb. 459.

Cited, Partnership—Payment With Firm Check—Notice.

11 App. Div. 84; (76 St. Rep. 984; 42 Supp. 934).

Stern v. Drinker, 2 E. D. Smith, 401.

Cited, Pleading—Demurrer to Cause of Action—Truth of Facts Alleged in Complaint Presumed.

27 Supp. 931; (30 Abb. N. C. 450).

Stern v. Eisner, 51 Hun, 224; 21 St. Rep. 388; 4 Supp. 406.

Cited, Witnesses—Competency—Death of Party—Bystander—Interest.

68 Hun, 586; (52 St. Rep. 579; 23 Supp. 255).

Stern v. Florence Sewing Machine Co., 53 How. 478.

Cited, Assignment for Creditors—Rent of Premises—Occupation by Assignee.

4 Misc. 202; (53 St. Rep. 489; 23 Supp. 1024). 9 Misc. 124; (59 St. Rep. 712; 29 Supp. 235).

Stern v. Frommer, 10 Misc. 219; 63 St. Rep. 207; 30 Supp. 1067.

Stern v. Kareski, 12 Misc. 144; 63 St. Rep. 665; 32 Supp. 128.

Stern v. Ladew, 51 St. Rep. 456; 23 Supp. 116.

Stern v. Meyer, 9 Misc. 102; 59 St. Rep. 717; 29 Supp. 34.

Stern v. Newman, 17 Misc. 567; 75 St. Rep. 47; 40 Supp. 648.

Sternberger, v. Bernheimer, 121 N. Y. 194; 30 St. Rep. 751.

Cited, Joint Debtors—Service of Process on One—Judgment.

141 N. Y. 138; (56 St. Rep. 673).

Sternberger v. McGovern, 56 N. Y. 12.

Cited, Specific Performance—Enforcement—Damages.

6 Misc. 245; (27 Supp. 79).

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7 Misc. 44; (57 St. Rep. 91; 27 Supp. 384). 143 N. Y. 247; (62 St. Rep. 174). 15 Misc. 426; (73 St. Rep. 60; 37 Supp. 847). 2 App. Div. 548; (74 St. Rep. 373; 38 Supp. 5). 7 App. Div. 231; (74 St. Rep. 657; 40 Supp. 46). 151 N. Y. 383.

Pleading—Legal and Equitable Relief.

16 App. Div. 456; (79 St. Rep. 45; 45 Supp. 45).

Sternberger v. Metropolitan Elevated R. Co., 2 Misc. 113; 49 St. Rep. 231; 20 Supp. 857.

Cited, Damages—Nominal—Rental—Elevated Railroads.

4 Misc. 135; (53 St. Rep. 171; 23 Supp. 865).

Sterne v. Bentley, 3 How. 331.

Cited, Judgment—Offer—Necessity of Writing.

8 Misc. 621; (61 St. Rep. 334; 29 Supp. 823).

Sterne v. Talbott, 89 Hun, 368; 69 St. Rep. 824; 35 Supp. 412.

Sternfeld v. Park Ins. Co., 50 Hun, 262; 19 St. Rep. 333; 2 Supp. 766.

Cited, Insurance—Damages—False Statement.

87 Hun, 418; (68 St. Rep. 495; 34 Supp. 334).

Sterns Paper Co. v. Johnson, 18 Supp. 490.

Cited, Attachment—Vacating—Rights of Party to Succeed.

79 Hun, 408; (61 St. Rep. 503; 29 Supp. 797).

Sternwald v. Siegel, 7 Misc. 70; 57 St. Rep. 491; 27 Supp. 375.

Cited, Appeal—Motion to Dismiss.

10 Misc. 146; (62 St. Rep. 479; 30 Supp. 915). 89 Hun, 142; (72 St. Rep. 53; 36 Supp. 157).

Sterrett v. Third Nat. Bank, 122 N. Y. 659; 34 St. Rep. 241; 3 Silv. Ct. App. 136.

Cited, Appeal—Exception—Sufficiency of Objection.

7 Misc. 495; (58 St. Rep. 55; 28 Supp. 18). 150 N. Y. 399; (3 Ann. Cas. 266).

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9 Misc. 992; (59 St. Rep. 749; 29 Supp. 33). 151 N. Y. 129; (3 Ann. Cas. 348). 151 N. Y. 266.

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141 N. Y. 520; (57 St. Rep. 719). 141 N. Y. 166; (56 St. Rep. 684).

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8 Misc. 282; (59 St. Rep. 233; 28 Supp. 713). 16 Misc. 381; (74 St. Rep. 312; 38 Supp. 58).

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Sterritt v. Flannery, 11 App. Div. 629; 76 St. Rep. 349; 42 Supp. 349.

Sterry v. Arden, 1 Johns. Ch. 261.

Cited, Contractors—Consideration—Marriage.

D. 86 Hun, 256; (66 St. Rep. 755; 33 Supp. 239).

Sterry v. New York El. R. Co, 129 N. Y. 619.

Cited, Railroads—Damages—Subsequent Purchaser.

8 App. Div. 620; (75 St. Rep. 424; 40 Supp. 1104).

Stettheimer v. Killip, 75 N. Y. 282.

Cited, Evidence—Sufficiency—Reformation of Contract.

3 Misc. 383; (54 St. Rep. 150; 23 Supp. 302).

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Cited, Attachment—Vacation—Moving Papers.

87 Hun, 274; (67 St. Rep. 470; 33 Supp. 825). 87 Hun, 262; (67 St. Rep. 474; 33 Supp. 829). 16 App. Div. 187; (78 St. Rep. 670; 44 Supp. 670). 17 Misc. 243; (40 Supp. 1067).

Steuben County Bank v. Alberger, 78 N. Y. 252.

Cited, Appeal—Extent of Review—Attachment.

142 N. Y. 217; (58 St. Rep. 459; 31 Abb. N. C. 205). 11 Misc. 266; (65 St. Rep. 430; 32 Supp. 248).

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88 Hun, 371; (68 St. Rep. 767; 34 Supp. 829).

Attachment—Affidavits—Information and Belief.

67 Hun, 204; (51 St. Rep. 519; 22 Supp. 65). 57 St. Rep. 319; (24 Supp. 644). 87 Hun, 275; (67 St. Rep. 470; 33 Supp. 825). 90 Hun, 567; (70 St. Rep. 543; 35 Supp. 881). 16 Misc. 167; (72 St. Rep. 136; 37 Supp. 3). 3 App. Div. 254; (73 St. Rep. 679; 38 Supp.

354). 17 Misc. 243; (40 Supp. 1066). 18 Misc. 643; (77 St. Rep. 776; 43 Supp. 776). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336). 18 Misc. 664; (77 St. Rep. 738; 43 Supp. 738).

Steuben County Bank v. Matthewson, 5 Hill, 249.

Cited, Contract—Legality—Public Policy.

5 Misc. 501; (26 Supp. 526). 86 Hun, 21; (67 St. Rep. 106; 32 Supp. 287).

Steubing v. New York Elevated R. Co., 138 N. Y. 658; 53 St. Rep. 186; 30 Abb. N. C. 319.

Cited, 145 N. Y. 280; (64 St. Rep. 700).

Damages—Elevated Railway—Easements Apart from Fee

5 Misc. 241; (54 St. Rep. 786). 76 Hun, 429; (59 St. Rep. 359; 27 Supp. 1067).

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7 Misc. 557; (57 St. Rep. 732; 27 Supp. 878). 79 Hun, 448; (61 St. Rep. 275; 29 Supp. 991). 6 Misc. 325; (56 St. Rep. 252; 26 Supp. 798). 7 Misc. 88; (57 St. Rep. 68; 27 Supp. 309). 9 Misc. 659; (30 Supp. 549).

Stevens v. Commercial Insurance Mutual Co., 26 N. Y. 397.

Cited, Insurance—Warranty—Forfeiture. 1 App. Div. 95; (72 St. Rep. 21; 36 Supp. 1078).

Stevens, Matter of, 70 Hun, 243; 54 St. Rep. 559; 24 Supp. 780.

Stevens, Matter of, 20 Misc. 157; 79 St. Rep. 908; 45 Supp. 908.

Stevens v. Armstrong, 6 N. Y. 435.

Cited, Negligence—Of Third Person—Liability.

82 Hun, 320; (63 St. Rep. 100; 31 Supp. 186). 151 N. Y. 415.

Stevens v. Barringer, 13 Wend. 639

Cited, Interest—Suspension of Right to. 10 App. Div. 473; (76 St. Rep. 305; 42 Supp. 305).

Stevens v. Barss, 74 Hun, 388; 56 St. Rep. 390; 26 Supp. 461.

Stevens v. Brennan, 79 N. Y. 254.

Cited, Bona Fide Purchasers—Consideration—Antecedent Debt.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 202).

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68 Hun, 288; (52 St. Rep. 196; 22 Supp. 855).

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11 Misc. 80; (59 St. Rep. 473; 29 Supp. 596; 31 Abb. N. C. 404).

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64 St. Rep. 116; (31 Supp. 433). 85 Hun, 180; (65 St. Rep. 723; 32 Supp. 579). 85 Hun, 56; (66 St. Rep. 60; 32 Supp. 676). 18 Misc. 215; (75 St. Rep. 903; 41 Supp. 508).

Stevens v. Buffalo & N. Y. R. Co., 31 Barb. 590.

Cited, Chattel Mortgage—Failure to File—Notice—Priority of Levy.

136 N. Y. 322; (49 St. Rep. 743).

Stevens v. Central Nat. Bank of Boston, 52 St. Rep. 932; 23 Supp. 1149.

Stevens v. Central Nat. Bank of Boston, 69 Hun, 460; 52 St. Rep. 625; 24 Supp. 219.

Affirmed, 144 N. Y. 50; 63 St. Rep. 625.

Stevens v. Central Nat. Bank of Boston, 144 N. Y. 50; 63 St. Rep. 625.

Cited, 144 N. Y. 332; (63 St. Rep. 668).

Judgment—Foreign—Restraint of Enforcement.

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79 St. Rep. 638; (45 Supp. 638).

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18 Misc. 546; (77 St. Rep. 797; 43 Supp. 797).

Stevens v. Cheney, 36 Hun, 1.

Cited, Civil Damage Act—Who May Sue.

90 Hun, 47; (70 St. Rep. 399; 35 Supp. 634).

Stevens v. Corn Exchange Bank, 3 Hun, 147.

Cited, Bills and Notes—Bona Fide Holder—Equities.

8 App. Div. 5; (74 St. Rep. 755; 40 Supp. 192).

Stevens v. Dewey, 13 App. Div. 312; 77 St. Rep. 130; 43 Supp. 130.

Stevens v. Glover, 83 N. Y. 611.

Cited, Appeal—From Judgment by Default.

2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 430; 23 Civ. Pro. 38).

Appeal—Review of Discretionary Determination.

2 Misc. 180; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 430; 23 Civ. Pro. 40). 14 Misc. 119; (69 St. Rep. 633; 35 Supp. 248; 25 Civ. Pro. 90; 2 Ann. Cas. 246).

Stevens v. Hauser, 39 N. Y. 302.

Cited, Limitation—Assignee in Bankruptcy.

82 Hun, 41; (63 St. Rep. 633; 31 Supp. 287).

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89 Hun, 128; (69 St. Rep. 2; 34 Supp. 1086).

Stevens v. Huber, 3 Misc. 599; 52 St. Rep. 816; 23 Supp. 343.

Stevens v. Hyde, 32 Barb. 171.

Cited, Sale—Rescission.

92 Hun, 264; (71 St. Rep. 754; 36 Supp. 615; 3 Ann. Cas. 50).

Stevens v. King, 16 App. Div. 377; 78 St. Rep. 893; 44 Supp. 893.

Stevens v. Lord, 84 Hun, 353; 65 St. Rep. 466; 32 Supp. 309.

Cited, Limitation of Action—Acknowledgment.

11 App. Div. 556; (76 St. Rep. 646; 42 Supp. 646).

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19 Misc. 684; (78 St. Rep. 1055; 44 Supp. 1055).

Stevens v. Low, 2 Hill, 132.

Cited, Damages—Measure—Conversion.

10 Misc. 588, 589; (64 St. Rep. 31, 32; 31 Supp. 454).

Stevens v. Melcher, 80 Hun, 514; 62 St. Rep. 599; 39 Supp. 625.

Affirmed, 152 N. Y. 551.

Cited, Repairs—Life Tenant and Remainderman.

84 Hun, 477; (65 St. Rep. 621; 32 Supp. 405).

Stevens v. Melcher, 25 St. Rep. 978; 6 Supp. 811.

Cited, Trustees—Contracts—Authority.

80 Hun, 546; (62 St. Rep. 621; 30 Supp. 647).

Stevens v. Melcher, 152 N. Y. 551.

Stevens v. Metropolitan Life Ins. Co., 2 Misc. 584; 51 St. Rep. 575; 21 Supp. 1024.

Affirmed, 142 N. Y. 627; 60 St. Rep. 867.

Stevens v. Metropolitan Life Ins. Co., 13 App. Div. 16; 77 St. Rep. 60; 43 Supp. 60.

Stevens v. Middleton, 14 Week. Dig. 126.

Cited, Orders—Vacation—Defects Not Specified.

86 Hun, 267; (67 St. Rep. 85; 33 Supp. 343). 18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Stevens v. New York, 84 N. Y. 296.

Cited, Action—Union of Legal and Equitable Grounds of Relief.

4 Misc. 111; (53 St. Rep. 459; 23 Supp. 892). 8 Misc. 487; (59 St. Rep. 257; 29 Supp. 314; 23 Civ. Pro. 443; 31 Abb. N. C. 430). 81 Hun, 191; (62 St. Rep. 704; 30 Supp. 760).

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12 Misc. 507; (67 St. Rep. 370; 33 Supp. 676). 3 App. Div. 89; (38 Supp. 919).

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Stevens v. New York Elevated R. Co., 31 St. Rep. 404; 9 Supp. 707.

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75 Hun, 510; (57 St. Rep. 685; 27 Supp. 513). 67 St. Rep. 406; (33 Supp. 583; 24 Civ. Pro. 403). 8 App. Div. 310; (75 St. Rep. 337; 40 Supp. 939).

Stevens v. New York Elevated R. Co., 130 N. Y. 95; 40 St. Rep. 632.

Cited, Elevated Railroads — Maintenance and Operation—Rights of Abutting Owners —Past Damages.

9 Misc. 660; (30 Supp. 549).

Stevens v. Ogden, 30 N. Y. 182; 41 St. Rep. 331.

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67 Hun, 104; (51 St. Rep. 406; 22 Supp. 37). 10 Misc. 311; (63 St. Rep. 534; 31 Supp. 186).

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136 N. Y. 620; (49 St. Rep. 261).

Mechanic's Lien—Assignment of Fund—Subsequent Liens.

75 Hun, 371; (57 St. Rep. 694; 27 Supp. 448). 61 St. Rep. 652; (29 Supp. 1041). 143 N. Y. 150; (62 St. Rep. 147). 89 Hun, 71; (69 St. Rep. 275; 35 Supp. 63). 15 App. Div. 388; (78 St. Rep. 165; 44 Supp. 165). D. 15 App. Div. 388; (78 St. Rep. 169; 44 Supp. 169).

Mechanic's Lien—Limited Application.

144 N. Y. 522; (64 St. Rep. 48).

Mechanic's Lien — Sub-contractor—Payment.

88 Hun, 240; (68 St. Rep. 284; 34 Supp. 600).

Mechanic's Lien—Preference—Creditors.

3 App. Div. 251; (74 St. Rep. 17; 38 Supp. 259).

Supplementary Proceedings—Violation of Orders.

15 Misc. 640; (72 St. Rep. 679; 37 Supp. 428).

Stevens v. Orton, 18 Misc. 538; 77 St. Rep. 792; 43 Supp. 792.

Cited, Bonds—Continuing Obligation.

D. 15 App. Div. 180; (78 St. Rep. 185; 44 Supp. 185).

Stevens v. Reynolds, 54 Hun, 419; 29 St. Rep. 497; 7 Supp. 771.

Reversed, 130 N. Y. 182; 41 St. Rep. 331.

Cited, Mechanic's Lien—Payment in Advance—Labor and Materials.

61 St. Rep. 653; (29 Supp. 1043).

Stevens v. Stevens. See *Stevens v. Melcher*.

Stevens v. Stevens, 54 Hun, 490; 27 St. Rep. 602; 8 Supp. 47.

Cited, Witnesses—Competency—Husband and Wife—Adultery.

73 Hun, 263; (57 St. Rep. 288; 26 Supp. 267).

Stevens v. Stevens, 69 Hun, 332; 53 St. Rep. 238; 23 Supp. 520.

Stevens v. Stevens, 2 Redf. 265.

Cited, Surrogate's Court—Jurisdiction—Claims of Executors.

6 Misc. 503; (57 St. Rep. 706; 27 Supp. 427).

Stevens v. Trask, 44 St. Rep. 649; 18 Supp. 117.

Cited, Evidence—Weight and Sufficiency.

11 Misc. 345; (65 St. Rep. 460; 32 Supp. 266). 14 Misc. 601; (71 St. Rep. 445; 36 Supp. 458). 79 St. Rep. 491; (45 Supp. 491).

Stevens v. Union Trust Co. of N. Y.

See *Harrison v. Union Trust Co. of N. Y.*

Stevens v. Union Trust Co. of N. Y., 57 Hun, 498; 33 St. Rep. 130.

Followed, 52 St. Rep. 932; 23 Supp. 1147.

Stevens v. Union Trust Co. of N. Y., 80 Hun, 463; 62 St. Rep. 276; 30 Supp. 443.

Stevens v. Veriane, 2 Lans. 90.

Cited, Appeal—Costs—Discretion.

72 St. Rep. 436; (36 Supp. 1034).

Stevens v. Watson, 4 Abb. Ct. App. Dec. 302.

Cited, Mortgage—After Acquired Property.

88 Hun, 589; (67 St. Rep. 66; 34 Supp. 902). 9 App. Div. 89; (75 St. Rep. 499; 41 Supp. 43).

Stevens v. Webb, 4 Civ. Pro. 64.

Cited, Pleading—Bill of Particulars—Scope.

2 Misc. 503; (51 St. Rep. 87; 22 Supp. 386).

Stevenson, Matter of, 77 Hun, 203; 59 St. Rep. 765; 28 Supp. 362.

Stevenson, Matter of, 86 Hun, 325; 67 St. Rep. 207; 33 Supp. 493.

Stevenson v. Dunn, 3 Misc. 554; 52 St. Rep. 523; 23 Supp. 322.

Stevenson v. Jewett, 16 Hun, 210.

Cited, Master and Servant—Master's Duty to Inspect Appliances.

73 Hun, 472; (56 St. Rep. 42; 26 Supp. 389).

Duplicate Citations in Parenthesis.

- Stevenson v. Kaiser**, 59 St. Rep. 515; 29 Supp. 1122.
- Stevenson v. Lesley**, 70 N. Y. 512.
Cited, Executors and Administrators—Duty as to Repairing—Paying Taxes, etc. 23 Supp. 1045.
 Trusts—Solidarity—Severance. 140 N. Y. 146; (55 St. Rep. 549).
 Wills—Devise to Class—Who Included. 66 Hun, 607; (50 St. Rep. 373; 22 Supp. 84). 143 N. Y. 130; (62 St. Rep. 134).
 Trusts—Extent of Trustee's Title. 140 N. Y. 146; (55 St. Rep. 549). 147 N. Y. 568; (70 St. Rep. 336).
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- Stevenson v. McNitt**, 27 How. 335.
Cited, Waiver. 79 St. Rep. 484; (45 Supp. 484).
- Stevenson v. New York Life Ins. Co.**, 10 App. Div. 233; 75 St. Rep. 1340; 41 Supp. 964.
Cited, Interpleader—When Allowed. 20 Misc. 404; (79 St. Rep. 1033; 45 Supp. 1033).
- Stevenson v. N. Y., L. E. & W. R. Co.**, 49 Hun, 169; 16 St. Rep. 787; 1 Supp. 670.
Cited, Costs—Security—Laches. 70 St. Rep. 381; (35 Supp. 608; 25 Civ. Pro. 54).
- Stevenson v. Stevenson**, 34 Hun, 157.
Cited, Husband and Wife — Alimony—Taking to Pay Wife's Debts. 71 Hun, 365; (55 St. Rep. 10; 24 Supp. 1130).
- Stevenson Co., Matter of**. See Thomas Robert Stevenson Co.
- Stevenson Brewing Co. v. Culbertson**, 75 St. Rep. 1404.
 See David Stevenson Brewing Co.
- Stever v. N. Y. C. & H. R. R. Co.**, 7 App. Div. 392; 39 Supp. 944.
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- Steves v. Oswego & Syracuse R. Co.**, 18 N. Y. 422.
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- Steward, Matter of**, 90 Hun, 94; 69 St. Rep. 766; 35 Supp. 366.
Cited, Injunction—Covenants—Enforcement. 6 Misc. 412; (27 Supp. 175). 2 App. Div. 472; (74 St. Rep. 342; 37 Supp. 1045).
- Stewart, Matter of**, 7 Robt. 635.
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- Stewart, Matter of**, 59 Hun, 618; 36 St. Rep. 56; 13 Supp. 219.
Cited, Wills—Testamentary Capacity. 5 Misc. 186; (24 Supp. 860). 5 Misc. 201; (25 Supp. 111).
- Stewart, Matter of**, 77 Hun, 564; 60 St. Rep. 505; 28 Supp. 1048.
Cited, Executors—Summary Proceedings to Recover Property—Collection of Debts. 11 App. Div. 290; (76 St. Rep. 346; 43 Supp. 346).
- Stewart, Matter of**, 39 St. Rep. 801; 15 Supp. 601.
Cited, Wills—Testamentary Capacity. 5 Misc. 186; (24 Supp. 860).
- Stewart, Matter of**, 131 N. Y. 274; 43 St. Rep. 171.
Cited, Taxes—Inheritance — Contingent Interests. 142 N. Y. 223; (58 St. Rep. 350). 65 St. Rep. 256; (32 Supp. 177).
 Taxes—Inheritance—Remainders. 73 Hun, 189; (56 St. Rep. 115; 25 Supp. 912). 153 N. Y. 9.
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- Surrogate—Jurisdiction — Extent in Inheritance Tax Proceedings. 137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477). 79 St. Rep. 883; (45 Supp. 883).
- Stewart, Matter of**, 135 N. Y. 413; 48 St. Rep. 434.
Cited, Appeal—Review of Facts. 4 App. Div. 3; (73 St. Rep. 791; 38 Supp. 331).
- Stewart v. Ahrenfeldt**, 4 Den. 189.
Cited, Contracts — Consideration—Compromise of Disputed Claim. 66 Hun, 172; (49 St. Rep. 153; 21 Supp. 128). 2 App. Div. 407; (73 St. Rep. 9; 37 Supp. 961).
- Stewart v. Arendt**, 16 Misc. 45; 73 St. Rep. 265; 37 Supp. 684.
- Stewart v. Arendt**, 74 St. Rep. 371; 38 Supp. 3.
- Stewart v. Beale**, 7 Hun, 405.
Cited, Action—In Aid of Execution — When Lies 91 Hun, 72; (71 St. Rep. 90; 36 Supp. 176).
 Chattel Mortgage—Attack by Creditor—Conditions Precedent. 5 App. Div. 390; (39 Supp. 285). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Duplicate Citations in Parenthesis.

Stewart v. Blatchley, 8 Misc. 472 60;
St. Rep. 602; 29 Supp. 547.
Affirmed, 77 Hun, 425; 60 St. Rep. 48; 28
Supp. 806.

Stewart v. Bramhall, 74 N. Y. 85.

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17 Misc. 130; (39 Supp. 419).
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**Stewart v. Brooklyn & Crosstown
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Cited, Carriers—Assault by Servant on
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1 Misc. 369; (49 St. Rep. 723; 21 Supp.
458). 11 App. Div. 174; (76 St. Rep. 606;
42 Supp. 606).

Conversion—What Constitutes—Bailee—
Acts of Servants of.

8 Misc. 263; (59 St. Rep. 395; 23 Supp.
711).

Stewart v. Brown, 37 N. Y. 350.

Cited, Statutes—Construction—Liberal-
ity.

4 Misc. 364; (53 St. Rep. 848; 24 Supp.
323).

Stewart v. Crysler, 100 N. Y. 378.

Cited, Taxes—Assessment—Compliance
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141 N. Y. 426; (57 St. Rep. 582).

Taxes—Occupied Lands—Against Whom
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80 Hun, 282; (61 St. Rep. 848; 30 Supp.
35). 11 Misc. 504; (67 St. Rep. 282; 33
Supp. 431).

Taxes—Sale—Redemption—Occupancy.

67 Hun, 593; (51 St. Rep. 355; 22 Supp.
460).

Stewart v. Doughty, 9 Johns. 108.

Cited, Personal Property—Growing
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135 N. Y. 392; (43 St. Rep. 527).

Stewart v. Drake, 46 N. Y. 449.

Cited, Conversion—Stocks.

17 App. Div. 331; (79 St. Rep. 220; 45
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Stewart v. Eden, 2 Caines, 121.

Cited, Bills and Notes—Protest—Deceased
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91 Hun, 240; (72 St. Rep. 56; 36 Supp.
156). 7 App. Div. 412, 413, 415, 416; (74
St. Rep. 761, 762, 763; 40 Supp. 197, 199,
200).

Stewart v. Ellice, 2 Paige, 604.

Cited, Costs—Payment of Debt.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17;
3 Ann. Cas. 322).

Stewart v. Fidelity Loan Ass'n, 19
Misc. 49; 76 St. Rep. 705; 42 Supp.
705.

Stewart v. Forst, 15 Misc. 621; 72 St.
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Stewart v. Gardiner, 3 How. 156.

Cited, Reference—Compulsory—Collat-
eral Matters.

1 Misc. 380; (49 St. Rep. 121; 20 Supp.
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Stewart v. Hamilton, 3 Robt 162; 18
Abb. 293.

Cited, Trial—Dismissal of Complaint.

14 Misc. 515; (70 St. Rep. 771; 33 Supp.
13).

Stewart v. Howard, 15 Barb. 26.

Cited, Writ and Process—Service—Privi-
lege—Waiver.

10 Misc. 291; (63 St. Rep. 245; 30 Supp.
1054; 24 Civ. Pro. 129).

Stewart v. Isidor, 5 Abb. N. S. 68.

Cited, Supplementary Proceedings—Pri-
orities.

8 App. Div. 558; (75 St. Rep. 282; 40
Supp. 887).

Creditors' Action—Lien—When Acquired.

8 App. Div. 563; (75 St. Rep. 286; 40
Supp. 891).

Stewart v. J. Harper Bonnell Co., 20
Misc. 174; 79 St. Rep. 735; 45 Supp.
735.

Stewart v. Keating, 15 Misc. 44; 72 St.
Rep. 340; 36 Supp. 913.

Stewart v. Keteltas, 9 Bosw. 261.

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Cited, Building Contracts—Certificate—
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11 Misc. 50; (63 St. Rep. 470; 31 Supp.
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Stewart v. Keteltas, 36 N. Y. 388.

Cited, Contracts—Building—Performance
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7 Misc. 38; (57 St. Rep. 87; 27 Supp. 380).
86 Hun, 338; (67 St. Rep. 163; 33 Supp.
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Stewart v. Long Island R. Co., 103
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Cited, Landlord and Tenant—Lease—As-
signment—Sub-Lease.

6 Misc. 396; (56 St. Rep. 334; 26 Supp.
741). 9 Misc. 123; (59 St. Rep. 712; 29 Supp.
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Supp. 3). 14 App. Div. 312; (77 St. Rep.
1051; 43 Supp. 1051).

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82 Hun, 535; (64 St. Rep. 336; 31 Supp.
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*Duplicate Citations in Parentheses.***Stewart v. Metropolitan B'd of Health**, 33 How. 3.*Affirmed*, 34 How. 31.*Cited*, Costs—Allowance—Motion.

9 Misc. 511; (61 St. Rep. 82; 30 Supp. 347).

Stewart v. Metropolitan St. R. Co., 20 Misc. 605.**Stewart v. Morse**, 79 N. Y. 629.*Cited*, Trial—Findings by Court or Referee—Facts Not Conclusively Established.

1 Misc. 140; (48 St. Rep. 722; 20 Supp. 629). 148 N. Y. 514.

Stewart v. New York, 15 App. Div. 548; 78 St. Rep. 575; 44 Supp. 575.**Stewart v. N. Y., Ontario & Western R. Co.**, 28 St. Rep. 215; 8 Supp. 19.*Cited*, Master and Servant—Liability of Master to Servant—Dangerous Material.

80 Hun, 103; (61 St. Rep. 791; 30 Supp. 26).

Stewart v. Patrick, 68 N. Y. 450.*Cited*, Ejectment—Parties—Husband and Wife.

81 Hun, 241; (62 St. Rep. 665; 30 Supp. 709).

Stewart v. Paton, 29 Supp. 770; 23 Civ. Pro. 286.**Stewart v. Petree**, 55 N. Y. 621.*Cited*, Usury—Compound Interest.

86 Hun, 362; (67 St. Rep. 190; 33 Supp. 482).

Stewart v. Porter Man'fg Co., 13 St. Rep. 220.*Cited*, Highways—Objects in—Frightening Teams.

71 Hun, 434; (54 St. Rep. 551; 24 Supp. 980).

Stewart v. Smith, 17 Wend. 517.*Cited*, Justice's Court—Return—Jurisdictional Facts.

20 Misc. 73; (79 St. Rep. 410; 45 Supp. 410).

Stewart v. Stern, 12 Misc. 638; 66 St. Rep. 669; 32 Supp. 1133.**Stewart v. Stone**, 127 N. Y. 500; 40 St. Rep. 314.*Cited*, Contracts—Breach—Time.

6 Misc. 142; (55 St. Rep. 695; 26 Supp. 36).

Contracts—Breach—Recovery of Damages.

92 Hun, 106; (72 St. Rep. 339; 36 Supp. 912). 16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Contracts—Performance—Destruction of Subject Matter.

9 App. Div. 15; (75 St. Rep. 420; 40 Supp. 1100). 18 Misc. 208; (75 St. Rep. 782; 41 Supp. 372).

Evidence—Burden of Proof—Shifting.

3 Misc. 461; (52 St. Rep. 443; 23 Supp. 181). 9 App. Div. 38; (75 St. Rep. 556; 41 Supp. 96). 19 Misc. 207; (75 St. Rep. 781; 41 Supp. 371). 19 Misc. 639; (78 St. Rep. 411; 44 Supp. 411).

Contracts—Sale or Bailment.

15 App. Div. 503; (78 St. Rep. 545; 44 Supp. 545).

Stewart v. Travis, 10 How. 148.*Cited*, Pleading—Reply.

11 Misc. 87; (66 St. Rep. 197; 32 Supp. 815; 24 Civ. Pro. 216).

Stewart v. Union Mut. Life Ins. Co., 76 Hun, 267; 59 St. Rep. 118; 27 Supp. 724.**Stich v. Samek**, 19 Misc. 534; 77 St. Rep. 1068; 43 Supp. 1068.**Stickney v. Billings**, 30 Hun, 304.*Cited*, Evidence—Declarations—Absence of Other Party.

79 Hun, 594; (61 St. Rep. 533; 29 Supp. 917).

Evidence—Declarations—As Part of Res Gestae—Influence on Jury.

79 Hun, 595; (61 St. Rep. 534; 29 Supp. 917).

Stickney v. Ward, 20 Misc. 667.**Stiebeling v. Lockhaus**, 21 Hun, 457.*Cited*, Pleading—Bill of Particulars.

17 Misc. 277; (40 Supp. 384).

Stiefel v. Berlin, 20 Misc. 194; 79 St. Rep. 746; 45 Supp. 746.**Stiefel v. New York Novelty Co.**, 12 App. Div. 266; 76 St. Rep. 511; 42 Supp. 511.**Stiefel v. New York Novelty Co.**, 14 App. Div. 371; 77 St. Rep. 1012; 43 Supp. 1012.**Stieglitz v. Belding**, 20 Misc. 297; 79 St. Rep. 670; 45 Supp. 670.*Reversing*, 20 Misc. 714.*Cited*, Insurance—Lloyd's Policy—Restrictions.

20 Misc. 636.

Stierle v. Union Railway Co., 11 Misc. 124; 65 St. Rep. 102; 31 Supp. 1008.**Stierle v. Union Railway Co.**, 13 Misc. 134; 68 St. Rep. 236; 34 Supp. 185.

Duplicate Citations in Parenthesis.

Stifter v. Boggs, 15 Misc. 623; 72 St. Rep. 798; 37 Supp. 219.

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18 Misc. 365; (75 St. Rep. 939; 41 Supp. 551).

Stiger, Matter of, 7 Misc. 268; 58 St. Rep. 529; 28 Supp. 163.

Stile, Matter of, 3 Supp. 137.

Cited, Wills—Charitable Devise — Beneficiaries.

73 St. Rep. 25; (37 Supp. 922).

Stiles v. Benjamin, 92 Hun, 102; 72 St. Rep. 336; 36 Supp. 91).

Stiles v. Hooker, 7 Cow. 268.

Cited, Water Courses—Riparian Rights.

91 Hun, 88; (71 St. Rep. 104; 36 Supp. 168).

Still v. Holbrook, 23 Hun, 517.

Cited, Limitation of Action — Partnership.

1 App. Div. 564; (73 St. Rep. 227; 37 Supp. 573).

Stillings v. Haggerty, 12 Supp. 813.

Affirmed, 126 N. Y. 638.

Cited, Estoppel—In Pais.

6 App. Div. 52; (39 Supp. 740).

Stillman v. Associated Lace Makers' Company, 14 Misc. 503; 70 St. Rep. 715; 35 Supp. 1071.

Cited, Service—Corporations—Officers.

16 Misc. 5; (73 St. Rep. 241; 39 Supp. 647).

Stillman v. Brush Electric Light Co. of Rochester, 92 Hun, 504; 72 St. Rep. 201; 37 Supp. 49.

Stillman v. Mitchell, 2 Robt. 523.

Cited, Brokers—Commissions.

16 Misc. 392; (74 St. Rep. 310; 38 Supp. 54).

Stillman v. Northrup, 109 N. Y. 473; 16 St. Rep. 417.

Cited, Evidence — Burden of Proof — Usury.

138 N. Y. 624; (52 St. Rep. 152). 92 Hun, 384; (71 St. Rep. 712; 36 Supp. 692). 17 Misc. 641; (74 St. Rep. 644; 40 Supp. 34). 19 Misc. 436; (77 St. Rep. 1136; 43 Supp. 1136). 150 N. Y. 364.

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20 Misc. 386; (79 St. Rep. 605; 45 Supp. 605).

Stillman v. Squire, 1 Den. 327.

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10 Misc. 179; (62 St. Rep. 520; 30 Supp. 912).

Stillwater v. Stillwater, 24 Civ. Pro. 124; 30 Supp. 961.

Stillwell v. Kennedy, 51 Hun, 114; 24 St. Rep. 140; 5 Supp. 407.

Cited, Writ and Process—Personal Service—When Required.

5 Misc. 112; (25 Supp. 737).

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15 Misc. 298; (73 St. Rep. 442; 37 Supp. 765).

Stillwell, Matter of, 139 N. Y. 337; 54 St. Rep. 491.

Cited, Judgment—Collateral — Impeachment.

78 Hun, 57; (60 St. Rep. 493; 28 Supp. 1089).

Stillwell, Matter of, 69 St. Rep. 381; 34 Supp. 1123.

Stillwell v. Carpenter, 59 N. Y. 414.

Cited, Surrogate's Court—Jurisdiction.

4 Misc. 370; (25 Supp. 830). 15 App. Div. 287; (78 St. Rep. 586; 44 Supp. 586). 14 App. Div. 451; (77 St. Rep. 920; 43 Supp. 920). 20 Misc. 537. 152 N. Y. 516.

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1 App. Div. 30; (71 St. Rep. 561; 36 Supp. 530).

Stillwell v. Carpenter, 62 N. Y. 639; 2 Abb. N. C. 238.

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11 Misc. 162; (67 St. Rep. 295; 33 Supp. 551; 1 Ann. Cas. 110). 89 Hun, 308; (69 St. Rep. 289; 35 Supp. 172). 2 App. Div. 575; (74 St. Rep. 424; 37 Supp. 1077; 3 Ann. Cas. 114).

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5 Misc. 153; (25 Supp. 718).

Stillwell v. Mills, 19 Johns. 304.

Cited, Guardians—Accounting—Fraudulent Settlement.

138 N. Y. 201; (52 St. Rep. 143).

Stillwell v. Mutual Life Ins. Co., 72 N. Y. 385.

Cited, New Trial — Verdict Against Weight of Evidence.

2 Misc. 49; (51 St. Rep. 52; 21 Supp. 1083).

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17 Misc. 175; (40 Supp. 997).

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11 Misc. 318; (65 St. Rep. 289; 32 Supp. 160).

Stilwell v. Ocean Steamship Co., 5 App. Div. 212; 39 Supp. 131.

Stilwell v. Stilwell, 81 Hun, 392; 63 St. Rep. 136; 30 Supp. 961; 1 Ann. Cas. 31.

Cited, Offer of Judgment—Acceptance — Modification.

150 N. Y. 188.

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15 Misc. 125; (71 St. Rep. 839; 36 Supp. 816).

Stilwell v. Priest, 85 N. Y. 649.

Cited, Appeal—Review of Discretionary Determination—Examination of Party Before Trial.

7 Misc. 4; (57 St. Rep. 78; 27 Supp. 331).

Stilwell v. Swarthout, 81 N. Y. 109.

Cited, Realty—Proceedings to Sell—Irregularities.

17 Misc. 478; (75 St. Rep. 925; 41 Supp. 537).

Stimmel v. Swan, 16 Misc. 495; 74 St. Rep. 553; 38 Supp. 463.

Affirmed, 17 Misc. 354; 39 Supp. 1074.

Stimmel v. Swan, 17 Misc. 354; 39 Supp. 1074.

Stimson v. Van Pelt, 66 Barb. 151.

Cited, Pleading—Joint Liability.

85 Hun, 129; (65 St. Rep. 654; 32 Supp. 469).

Stimson v. Vroman, 99 N. Y. 74.

Cited, Wills—Construction—Intent—Circumstances.

141 N. Y. 60; (56 St. Rep. 593). 5 Misc. 172; (25 Supp. 724). 79 Hun, 529; (61 St. Rep. 567; 29 Supp. 879). 82 Hun, 430; 63 St. Rep. 564; 31 Supp. 258). 11 Misc. 224; (65 St. Rep. 308; 32 Supp. 168). 5 App. Div. 136; (39 Supp. 60). 152 N. Y. 487.

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92 Hun, 457; (72 St. Rep. 418; 36 Supp. 1008).

Stimson v. Wrigley, 86 N. Y. 332.

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72 Hun, 266; (55 St. Rep. 721; 25 Supp. 64').

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8 App. Div. 381; (75 St. Rep. 195; 40 Supp. 811). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

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81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693).

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Stinson v. New York C. R. Co., 32 N. Y. 333.

Cited, Negligence — Railroads — Duty to Contractor's Employees.

81 Hun, 158; (62 St. Rep. 688; 30 Supp. 725).

Stirn v. Hemken, 72 Hun, 91; 55 St. Rep. 759; 25 Supp. 583.

Stirn v. Hoffman House Co., 7 Misc. 241; 58 St. Rep. 32; 27 Supp. 271.

Affirmed, 8 Misc. 246; 59 St. Rep. 229; 28 Supp. 724.

Stirn v. Hoffman House Co., 8 Misc. 246; 59 St. Rep. 229; 28 Supp. 724.

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10 Misc. 159; (62 St. Rep. 522; 31 Supp. 4).

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14 Misc. 324; (70 St. Rep. 681; 33 Supp. 1056).

Stirna v. Beebe, 11 App. Div. 206; 76 St. Rep. 614; 42 Supp. 614.

Stitt v. Little, 63 N. Y. 427.

Cited, False Representations — Reliance.

11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333).

Stitt v. Rowley, 37 How. 179.

Cited, Costs—New Trial.

16 Misc. 515; (74 St. Rep. 46; 38 Supp. 526).

Stock v. LeBoutiller, 18 Misc. 349; 75 St. Rep. 649; 41 Supp. 649.

Affirmed, 19 Misc. 112.

Stock v. LeBoutiller, 19 Misc. 112.

Stockbridge, Matter of, 10 Daly, 33.

Cited, Assignment for Creditors — Assignee—Leave to Sue.

13 Misc. 72; (68 St. Rep. 199; 34 Supp. 151).

Stocker v. Partridge, 2 Robt. 193.

Cited, Contracts—Statute of Frauds—Sales—Sufficiency of Writing—Price.

72 Hun, 117; (55 St. Rep. 540; 25 Supp. 308; 30 Abb N. C. 441).

*Duplicate Citations in Parenthesis.***Stocking v. Hunt**, 3 Den. 274.*Cited*, Statutes—Repeal—Effect on Remedies.

4 Misc. 120; (53 St. Rep. 465; 23 Supp. 898).

Stockton v. Roger, 15 Misc. 468; 72 St.

Rep. 793; 37 Supp. 213.

Affirmed, 17 Misc. 138; 39 Supp. 400.**Stockton v. Rogers**, 17 Misc. 138; 39 Supp. 400.**Stockwell, Matter of**, 17 Misc. 108; 75 St. Rep. 130; 40 Supp. 734.**Stockwell v. Nat. Bank of Malone**, 36 Hun, 583.*Cited*, Execution—Exemptions.

77 Hun, 28; (59 St. Rep. 834; 28 Supp. 285). 83 Hun, 464; (65 St. Rep. 69; 31 Supp. 1039).

Stockwell v. Veitch, 38 Barb. 650; 15 Abb. 412.*Cited*, Taxes—Possession.

4 App. Div. 586; (74 St. Rep. 631; 40 Supp. 22).

Stoddard v. Brazell, 92 Hun, 607; 73 St. Rep. 877; 39 Supp. 1113.**Stoddard v. Hart**, 23 N. Y. 556.*Cited*, Contract, Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491).

Mortgage—Equitable.

18 App. Div. 204; (79 St. Rep. 976; 45 Supp. 976).

Stoddard v. McAuliffe, 81 Hun, 524; 63 St. Rep. 427; 31 Supp. 38.*Affirmed*, 151 N. Y. 671.**Stoddard v. Onondaga Annual Conference**, 12 Barb. 573.*Cited*, Pleading—Demurrer—Recourse to Prior Pleadings.

19 Misc. 216; (78 St. Rep. 420; 44 Supp. 420).

Stoddard v. Saratoga Springs, Village of, 127 N. Y. 261; 38 St. Rep. 683.*Cited*, Municipal Corporations — Duties and Liabilities—Sewers—Outlets.

77 Hun, 605; (60 St. Rep. 485; 28 Supp. 1044). 84 Hun, 282; (65 St. Rep. 717; 32 Supp. 443). 17 App. Div. 209; (79 St. Rep. 367; 45 Supp. 367).

Municipality — Corporate Powers — Responsibility.

71 Hun, 234; (54 St. Rep. 573; 24 Supp. 1084). 10 Misc. 666; (64 St. Rep. 302; 31 Supp. 677; 1 Ann. Cas. 363).

Municipal Corporations — Improvements — Defective Plans.

67 Hun, 266; (51 St. Rep. 382; 22 Supp. 230). 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Stoddard v. Whiting, 46 N. Y. 627.*Cited*, Appeal—Record — Law — Fact — Review—Presumptions.

135 N. Y. 213; (47 St. Rep. 844). 3 App. Div. 88; (38 Supp. 918).

Mortgage—Advancements—Trustee.

88 Hun, 356; (68 St. Rep. 577; 34 Supp. 759).

Stodder v. New York, L. E. & W. R. Co., 50 Hun, 221; 2 Supp. 780.*Cited*, Evidence — Negligence — Subsequent Condition.

D. 10 Misc. 717; (64 St. Rep. 619; 31 Supp. 812).

Stoebr, Matter of, 23 Supp. 280.*Cited*, Guardians—Disputed Claim—Jurisdiction of Surrogate's Court.

9 Misc. 241; (61 St. Rep. 303; 30 Supp. 212).

Stokes v. Atlantic Avenue R. Co.,

89 Hun, 2; 69 St. Rep. 23; 34 Supp. 1051;

2 Ann. Cas. 248.

Cited, Judgment—Of Dismissal—Conclusiveness.

13 App. Div. 602; (77 St. Rep. 631; 43 Supp. 631).

Stokes v. Houghton, 16 App. Div. 381; 79 St. Rep. 21; 45 Supp. 21.**Stokes v. Hyde**, 14 App. Div. 530; 78 St. Rep. 132; 44 Supp. 132.**Stokes v. Johnson**, 57 N. Y. 673.*Cited*, Specific Performance—Defective Title—Encroaching Wall.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 407).

Vendors — Defective Title — Encroachment.

27 Supp. 959. 13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

Specific Performance—Defense — Defective Title—Question of Fact.

149 N. Y. 21.

Stokes v. Mackay, 140 N. Y. 640; 55 St. Rep. 815.*Cited*, Trial—Questions of Law and Fact.

82 Hun, 450; (64 St. Rep. 403; 31 Supp. 707). 147 N. Y. 227; (69 St. Rep. 515). 151 N. Y. 470.

Agency—Estoppel.

148 N. Y. 659.

Stokes v. Mackay, 82 Hun, 449; 64 St. Rep. 403; 31 Supp. 706.*Affirmed*, 147 N. Y. 223; 69 St. Rep. 515.**Stokes v. Mackay**, 147 N. Y. 223; 69 St. Rep. 515.*Cited*, Tender—Excuse.

18 Misc. 187; (75 St. Rep. 852; 41 Supp. 455).

Duplicate Citations in Parenthesis.

Stokes v. Mackay, 46 St. Rep. 940; 19 Supp. 918.

Cited, 82 Hun, 449; (64 St. Rep. 403; 31 Supp. 707).

Stokes v. Pease, 79 Hun, 304; 60 St. Rep. 865; 29 Supp. 430.

Stokes v. People, 53 N. Y. 164.

Cited, Evidence—Relevancy—Homicide—Previous Conduct of Deceased.

138 N. Y. 86; (51 St. Rep. 730).

Trial—Questions of Fact—Criminal Intent.

9 Misc. 448; (61 St. Rep. 70; 29 Supp. 1038). 148 N. Y. 33.

Witnesses—Cross-examination—Collateral Matters.

68 Hun, 19; (52 St. Rep. 239; 22 Supp. 639). 20 Misc. 428; (79 St. Rep. 1031; 45 Supp. 1031).

Appeal—Prejudicial Error.

147 N. Y. 478; (70 St. Rep. 68). 148 N. Y. 494.

Stokes v. Recknagel, 38 Super. 368.

Cited, Contracts—Entire—Divisible by Acts.

16 Misc. 451; (73 St. Rep. 341; 38 Supp. 153).

Sale—Defects—Objections.

17 Misc. 139; (39 Supp. 401).

Stokes v. Stickney, 96 N. Y. 323.

Cited, Action—Penal—Enforcement of Statutory Liability.

86 Hun, 323; (67 St. Rep. 198; 33 Supp. 485). 18 Misc. 100, 101; (41 Supp. 832).

Stokes v. Stokes, 72 Hun, 372; 55 St. Rep. 177; 25 Supp. 405.

Cited, Pleading—Bill of Particulars.

9 App. Div. 616; (75 St. Rep. 1225; 41 Supp. 824).

Stokes v. Stokes, 75 Hun, 193; 58 St. Rep. 187; 26 Supp. 1025.

Reversed, 148 N. Y. 708.

Stokes v. Stokes, 76 Hun, 314; 59 St. Rep. 187; 28 Supp. 165.

Cited, Appeal—Demurrer.

13 Misc. 323; (68 St. Rep. 363; 34 Supp. 459). 18 Misc. 596; (76 St. Rep. 472; 42 Supp. 472).

Stokes v. Stokes, 87 Hun, 152; 67 St. Rep. 760; 33 Supp. 1024.

Cited, 91 Hun, 606; (71 St. Rep. 188; 36 Supp. 351). D. 91 Hun. 611; (71 St. Rep. 192; 36 Supp. 354).

Stokes v. Stokes, 91 Hun, 605; 71 St. Rep. 187; 36 Supp. 350.

Stokes v. Stokes, 148 N. Y. 708.

Stokes v. Stokes, 148 N. Y. 764.

Affirmed, 11 Misc. 716; 34 Supp. 1149.

Cited, Contracts—Specific Performance.

8 App. Div. 370; (75 St. Rep. 187; 40 Supp. 805).

Stokes v. Stokes, 31 Abb. N. C. 464; 62 St. Rep. 39; 30 Supp. 153.

Stokes v. Weston, 69 Hun, 608; 53 St. Rep. 544; 24 Supp. 26.

Affirmed, 141 N. Y. 558; 57 St. Rep. 866.

Reversed, 142 N. Y. 433; 59 St. Rep. 811.

Stokes v. Weston, 142 N. Y. 433; 59 St. Rep. 811.

Cited, Wills—Construction—Devise—Contingency of Death.

144 N. Y. 74; (63 St. Rep. 44). 144 N. Y. 299; (63 St. Rep. 723). 13 Misc. 346; (68 St. Rep. 518; 34 Supp. 561). 8 App. Div. 66; (40 Supp. 409). 147 N. Y. 355; (69 St. Rep. 697).

Wills—Construction—Vesting Favored. 13 Misc. 348; (68 St. Rep. 519; 34 Supp. 562).

Wills—Construction—Equality.

79 St. Rep. 958; (45 Supp. 958).

Stoll v. Reel, 11 Misc. 461; 65 St. Rep. 858; 32 Supp. 737.

Stone, Matter of. See Torrance, Matter of.

Stone, Matter of, 3 Cow. 380.

Cited, Action—Stay—Multiplicity of Suits—Insolvency of Party.

6 Misc. 421; (27 Supp. 301).

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71 Hun, 212; (54 St. Rep. 211; 24 Supp. 519).

Stone v. Browning, 51 N. Y. 211.

Cited, Sale—Acceptance—Sufficiency

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464).

Stone v. Browning, 68 N. Y. 598.

Cited, Contracts—Statute of Frauds—Sales—Sufficiency of Writing—Price.

72 Hun, 117; (55 St. Rep. 539; 25 Supp. 308; 30 Abb. N. C. 441).

Sale—Acceptance—Sufficiency.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 464). 15 Misc. 470; (72 St. Rep. 794; 37 Supp. 214).

Stone v. Cohen, 4 App. Div. 175; 74 St. Rep. 41; 38 Supp. 755.

Stone v. Croton Bridge & Mfg Co., 77 Hun, 99; 59 St. Rep. 53; 28 Supp. 443.

Duplicate Citations in Parenthesis.

Stone v. Dry Dock R. Co., 115 N. Y. 104; 23 St. Rep. 551.

Cited, Negligence—Contributory—Children.

75 Hun. 457; (57 St. Rep. 681; 27 Supp. 506). 15 App. Div. 560; (78 St. Rep. 526; 44 Supp. 526). 153 N. Y. 273.

Trial—Question of Fact—Negligence—Collision Between Vehicle and Pedestrian.

9 Misc. 282; (61 St. Rep. 323; 29 Supp. 747). 14 App. Div. 517; (77 St. Rep. 1024; 43 Supp. 1024).

Trial—Question for Jury—Negligence—Sui Juris.

4 Misc. 293; (53 St. Rep. 455; 24 Supp. 140). 2 Misc. 80; (49 St. Rep. 634; 21 Supp. 767). 10 Misc. 543; (64 St. Rep. 126; 31 Supp. 443). 12 Misc. 454; (67 St. Rep. 333; 33 Supp. 627). 14 Misc. 613; (71 St. Rep. 451; 36 Supp. 464). 1 App. Div. 206; (72 St. Rep. 719; 37 Supp. 448). 6 App. Div. 101; (39 Supp. 743). D. 10 App. Div. 264; (75 St. Rep. 1148; 41 Supp. 754). 14 App. Div. 517; (77 St. Rep. 1024; 43 Supp. 1024).

Stone v. Flower, 47 N. Y. 566.

Cited, Trial—Direction of Verdict—Effect.

66 Hun. 622; (48 St. Rep. 197; 20 Supp. 562).

Appeal—Direction of Verdict—Reversal.

145 N. Y. 237; (64 St. Rep. 718).

Stone v. Franklin Fire Ins. Co., 105 N. Y. 543.

Cited, Insurance—Cancellation of Policy—Notice.

13 App. Div. 525; (77 St. Rep. 636; 43 Supp. 636).

Stone v. Frost, 61 N. Y. 614.

Cited, Contract—Rescission—Tender.

92 Hun. 392; (72 St. Rep. 281; 36 Supp. 1058).

Evidence—Consideration—Assignment.

18 Misc. 180; (75 St. Rep. 967; 41 Supp. 576). 18 Misc. 246; (75 St. Rep. 1001; 41 Supp. 608).

Stone v. Frost, 6 Lans. 440.

Cited, Contracts—Rescission—Offer to Return.

92 Hun. 392; (72 St. Rep. 281; 36 Supp. 1058).

Stone v. Hayes, 3 Den. 575.

Cited, Principal and Agent—Agent Acting for Himself—Liability of Principal.

139 N. Y. 151; (54 St. Rep. 476).

Stone v. New York, 25 Wend. 157.

Cited, Certiorari—Return.

13 Misc. 538; (70 St. Rep. 477; 35 Supp. 659).

Certiorari—Review of Official Action.

7 App. Div. 294; (39 Supp. 1118).

Stone v. Poland, 58 Hun. 21; 11 Supp. 498.

Cited, 62 St. Rep. 733; (30 Supp. 750).

Stone v. Poland, 81 Hun. 132; 62 St. Rep. 731; 30 Supp. 748.

Stone v. Poughkeepsie, 15 App. Div. 582; 78 St. Rep. 609; 44 Supp. 609.

Stone v. Pratt, 90 Hun. 39; 70 St. Rep. 131; 35 Supp. 519; 25 Civ. Pro. 176.

Cited, Affidavit—Amendment—Replevin.

18 Misc. 662; (77 St. Rep. 736; 43 Supp. 736).

Attachment—Warrant—Alternative Grounds.

17 Misc. 272; (40 Supp. 355).

Stone v. Scripture, 4 Lans. 186.

Cited, Executors—Foreign—Authority—Discharge of Decedent's Claims.

21 Supp. 912; (29 Abb. N. C. 473).

Stone v. Sprague, 20 Barb. 509.

Cited, Contracts—Performance—Tender.

82 Hun. 452; (64 St. Rep. 404; 31 Supp. 708).

Contracts—Performance—Oral Extension.

147 N. Y. 409; (70 St. Rep. 49).

Stone v. State of New York, 138 N. Y. 124; 51 St. Rep. 718.

Stone v. Thaden, 16 Daly. 280; 32 St. Rep. 296; 10 Supp. 236.

Cited, Appeal—From District Court—Review of Evidence.

1 Misc. 163; (43 St. Rep. 686; 20 Supp. 635).

Stone v. Western Transportation Co., 38 N. Y. 240.

Cited, Trial—Instructions—Exceptions—Extent of Review.

8 Misc. 294; (59 St. Rep. 210; 28 Supp. 574; 31 Abb. N. C. 440).

Stonebridge v. Perkins, 141 N. Y. 1; 56 St. Rep. 478.

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Stoneman v. Erie R. Co., 52 N. Y. 429.

Distinguished, Carriers—Passenger—Extra Baggage.

66 Hun. 461; (50 St. Rep. 427; 21 Supp. 321).

Cited, Carriers—Passenger—Merchandise as Baggage.

72 Hun. 11; (55 St. Rep. 719; 25 Supp. 582). 6 Misc. 391; (56 St. Rep. 409; 26 Supp. 753). 16 Misc. 614; (73 St. Rep. 813; 38 Supp. 342).

Duplicate Citations in Parenthesis.

Stono v. Weiller, 128 N. Y. 655; 40 St. Rep. 434.

Cited, Fraud—Contracts—Remedy—Rescission or Damages.

72 Hun, 32; (55 St. Rep. 195; 25 Supp. 287).

Stopp v. Fitchburg R. Co., 80 Hun, 178; 61 St. Rep. 629; 29 Supp. 1008.

Cited, Railroads—Crossings—Contributory Negligence.

90 Hun, 481; (71 St. Rep. 227; 36 Supp. 59).

Storck v. Metropolitan E. R. Co., 131 N. Y. 514; 43 St. Rep. 730.

Cited, Elevated Railways—Damages—Rise of Value.

1 Misc. 158; (48 St. Rep. 713; 20 Supp. 626). 59 St. Rep. 355; (27 Supp. 1064). 10 Misc. 261; (64 St. Rep. 113; 31 Supp. 430). 147 N. Y. 305; (69 St. Rep. 662).

5 Misc. 244; (54 St. Rep. 788; 25 Supp. 84).
Evidence—Relevancy—Damage—Elevated Railroads—Rental of Contiguous Property.

55 St. Rep. 188; (26 Supp. 128).

Storey v. Brennan, 15 N. Y. 524.

Cited, Witness—Unimpeached—Weight of Testimony.

19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

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51 St. Rep. 518; (23 Supp. 282).

Storm, Matter of, 10 Misc. 296; 31 Supp. 684.

Storm v. Bennett, 91 Hun, 302; 36 Supp. 290.

Storm v. Davenport, 1 Sandf. Ch. 135.

Cited, Assignment—Rights of Parties.

5 App. Div. 41; (74 St. Rep. 641; 40 Supp. 31).

Storm v. Livingston, 6 Johns. 44.

Cited, Conversion—What Constitutes—Demand.

75 Hun, 93; (58 St. Rep. 153; 26 Supp. 1038).

Storm v. New York & New England R. Co., 83 Hun, 86; 63 St. Rep. 819; 31 Supp. 370.

Storm v. New York E. R. Co., 82 Hun, 11; 63 St. Rep. 351; 31 Supp. 13.

Cited, Elevated Railways—Damages—Reduction of Rents.

D. 2 App. Div. 403; (73 St. Rep. 529; 37 Supp. 937).

Storm v. Vandenburg, 71 St. Rep. 59; 36 Supp. 290.

Storm v. Waddell, 2 Sandf. Ch. 494.

Cited, Supplementary Proceedings—Priority Obtained—Lien—Equitable Assets.

2 Misc. 406; (50 St. Rep. 583; 21 Supp. 982). 8 App. Div. 558, 559; (40 Supp. 886, 888). 153 N. Y. 172.

Supplementary Proceedings—Object.

143 N. Y. 571; (62 St. Rep. 782; 1 Ann. Cas. 23).

Fraudulent Conveyance—Attack—Receiver.

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136 N. Y. 173; (48 St. Rep. 831).

Storrs v. Barker, 6 Johns. Ch. 166.

Cited, Estoppel—Equitable—Title to Land.

71 Hun, 330; (55 St. Rep. 49; 24 Supp. 1123). 52 St. Rep. 851. 3 App. Div. 202; (73 St. Rep. 705; 38 Supp. 212).

Storrs v. Flint, 46 Super. 498.

Cited, Pleading—Variance—Omission.

75 Hun, 372; (57 St. Rep. 695; 27 Supp. 449).

Storrs v. Utica, 17 N. Y. 104.

Cited, Master and Servant—Independent Contractor—Negligence.

137 N. Y. 104; (50 St. Rep. 190). 82 Hun, 389; (63 St. Rep. 554; 31 Supp. 235). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Municipal Corporation—When Liable for Acts of Contractor.

2 Misc. 319; (50 St. Rep. 582; 21 Supp. 1020; 30 Abb. N. C. 158). 14 App. Div. 4; (77 St. Rep. 620; 43 Supp. 620).

Story v. Conger, 36 N. Y. 673.

Cited, Contracts—Sale of Land—Deed.

82 Hun, 207; (63 St. Rep. 781; 31 Supp. 332).

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Cited, Contracts—Prohibited by Statute—Enforcement.

8 Misc. 320; (59 St. Rep. 246; 28 Supp. 531).

Story v. Furman, 25 N. Y. 214.

Cited, Statutes—Effect of Repeal on Existing Rights.

2 Misc. 5; (49 St. Rep. 593; 21 Supp. 1089).
Corporations—Stockholder's Liability.

D. 4 Misc. 479; (54 St. Rep. 333; 24 Supp. 571).

Duplicate Citations in Parenthesis.

Story v. N. Y. Elevated R. Co., 90 N. Y. 122; 11 Abb. N. C. 236.

Distinguished, Railroads—Restoration of Highway at Crossing.

66 Hun, 380; (50 St. Rep. 671; 21 Supp. 504).

Cited, Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 821.

Highways—Rights of Abutters—Change of Grade.

138 N. Y. 170; (51 St. Rep. 842).

Injunction—Operation of Elevated Railway—Pending Condemnation Proceedings.

76 Hun, 80; (57 St. Rep. 653; 27 Supp. 493).

Waters—Rights of Riparian Owners—Access.

61 St. Rep. 855; (30 Supp. 94).

Constitutional Law—Powers of Legislature—Taking Private Property—Compensation.

24 Supp. 953; 1 App. Div. 439; (73 St. Rep. 102; 37 Supp. 509). 6 App. Div. 331; (40 Supp. 524). 151 N. Y. 162.

Railroads—Occupation of Highway—Liability to Abutters.

136 N. Y. 536; (49 St. Rep. 898). 137 N. Y. 158; (50 St. Rep. 205). 9 Misc. 554; (61 St. Rep. 108; 30 Supp. 401). 9 Misc. 618; (62 St. Rep. 83; 30 Supp. 430). 14 Misc. 296; (70 St. Rep. 443; 35 Supp. 708). 6 App. Div. 18; (39 Supp. 526). 150 N. Y. 155.

Easements—Of Abutters in Highway.

139 N. Y. 23; (54 St. Rep. 411). 71 Hun, 290; (54 St. Rep. 736; 24 Supp. 1100). 24 Supp. 908. 153 N. Y. 407; (48 St. Rep. 422).

Highways—Rights of Abutters—Access—Light and Air.

71 Hun, 153; (54 St. Rep. 370; 23 Supp. 928). 72 Hun, 97; (55 St. Rep. 635; 25 Supp. 555). 138 N. Y. 191; (52 St. Rep. 158). 143 N. Y. 140; (62 St. Rep. 142). 83 Hun, 146; (64 St. Rep. 268; 31 Supp. 631). 88 Hun, 61; (68 St. Rep. 634; 34 Supp. 597). 8 App. Div. 238; (75 St. Rep. 6; 40 Supp. 611).

Railroads—Condemnation Proceedings—Injunction.

14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

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83 Hun, 429; (64 St. Rep. 671; 31 Supp. 883).

Story v. New York & Harlem R. Co., 6 N. Y. 85.

Cited, 146 N. Y. 67; (65 St. Rep. 756). 91 Hun, 447; (70 St. Rep. 812; 36 Supp. 238; 2 Ann. Cas. 317; 25 Civ. Pro. 156). 152 N. Y. 504.

Story v. Salomon, 71 N. Y. 420.

Cited, Contracts—Stock Gambling—Validity.

49 Supp. 374; (20 Supp. 820). 86 Hun, 439; (67 St. Rep. 629; 33 Supp. 900).

Story v. United Life & A. Ins. Ass'n., 4 Supp. 373.

Cited, Insurance—False Statement—Forfeiture.

11 App. Div. 248; (76 St. Rep. 231; 42 Supp. 231).

Story v. United Life & A. Ins. Ass'n., 125 N. Y. 761

Cited, Insurance—Misrepresentation—Forfeiture.

11 App. Div. 248; (76 St. Rep. 231; 42 Supp. 231).

Story v. Williamsburgh M. M. B. Ass'n., 95 N. Y. 474.

Cited, Appeal—Immaterial Errors.

1 Misc. 324; (48 St. Rep. 702; 20 Supp. 673). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Mutual Benefit Societies—Designation of Beneficiary.

6 Misc. 436; (58 St. Rep. 576; 27 Supp. 131). 10 Misc. 34; (63 St. Rep. 174; 30 Supp. 826).

Stott v. Churchill, 15 Misc. 80; 71 St. Rep. 441; 36 Supp. 476.

Stott v. New York, L. E. & W. R. Co., 50 St. Rep. 50; 21 Supp. 353.

Affirmed, 142 N. Y. 635; 60 St. Rep. 867.

Stoughton v. Lewis, 2 How. N. S. 331.

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Stoughton v. Lynch, 2 Johns. Ch. 209.

Cited, Interest—Computation—Running Accounts.

75 Hun, 523; (57 St. Rep. 351; 27 Supp. 732).

Stourbridge v. Brooklyn City R. Co., 9 App. Div. 129; 75 St. Rep. 586; 41 Supp. 128.

Stout v. Betts, 74 Hun, 266; 56 St. Rep. 356; 26 Supp. 809.

Stout v. Jones, 9 St. Rep. 570.

Affirmed, 120 N. Y. 638.

Cited, Building Contracts—Waiver.

11 Misc. 52; (63 St. Rep. 471; 31 Supp. 847). 14 Misc. 407; (70 St. Rep. 759; 35 Supp. 1037).

Stout v. People, 4 Park. Cr. 71, 132.

Cited, Evidence—Relevancy—Collateral Offense—As Showing Motive.

73 Hun, 20; (57 St. Rep. 13; 25 Supp. 1053).

Duplicate Citations in Parenthesis.

Stoutenburg v. Humphrey, 9 App. Div. 27; 75 St. Rep. 598; 41 Supp. 140.
Cited, Justice's Court—Adjournments.
 14 App. Div. 11; (77 St. Rep. 641; 43 Supp. 641).

Stouter v. Manhattan R. Co., 127 N. Y. 661; 3 Silv. Ct. App. 472; 38 St. Rep. 162.

Cited, Appeal—Objection to Evidence—Sufficiency.

7 Misc. 67; (57 St. Rep. 528; 27 Supp. 406).
 7 Misc. 112; (57 St. Rep. 438; 27 Supp. 389).
 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 572; 31 Abb. N. C. 439). 11 Misc. 389; (65 St. Rep. 310; 32 Supp. 282). 13 Misc. 249; (68 St. Rep. 204; 34 Supp. 157). 18 Misc. 224; (75 St. Rep. 799; 41 Supp. 387).

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9 Misc. 284; (61 St. Rep. 143; 29 Supp. 723).

Stover v. Chasse, 6 Misc. 394; 56 St. Rep. 333; 26 Supp. 740.

Cited, Landlord and Tenant—Lease—Assignment.

13 Misc. 127; (67 St. Rep. 859; 34 Supp. 3).

Stover v. Chasse, 9 Misc. 45; 59 St. Rep. 671; 29 Supp. 291.

Stover v. Eyclesheimer, 46 Barb. 84; 3 Keyes, 620.

Cited, Assignment—Property in Expectancy—Equity.

138 N. Y. 506; (53 St. Rep. 106). 72 Hun, 455; (55 St. Rep. 249; 25 Supp. 228; 31 Abb. N. C. 83). 79 Hun, 497; (61 St. Rep. 536; 29 Supp. 920). 146 N. Y. 19; (65 St. Rep. 572).

Stover v. People, 56 N. Y. 315.

Cited, Trial—Failure to Produce Evidence—Effect.

D. 80 Hun, 228.

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83 Hun, 253, 254; (63 St. Rep. 828, 829; 31 Supp. 330, 331). 91 Hun, 623; (71 St. Rep. 655; 36 Supp. 602).

Evidence—Good Character—Weight.

11 App. Div. 498; (76 St. Rep. 758; 42 Supp. 758).

Stow v. Chapin, 21 St. Rep. 38; 4 Supp. 496.

Cited, Trust Fund—Surplus—Right of Creditors to Reach.

3 App. Div. 282; (74 St. Rep. 23; 38 Supp. 367; 3 Ann. Cas. 161).

Stow v. Stacey, 30 St. Rep. 308; 9 Supp. 1.

Cited, Evidence—Sufficiency—Fraudulent Intent.

6 Misc. 170; (37 Supp. 125). 4 App. Div. 384; (74 St. Rep. 788; 38 Supp. 852).

Stow v. Tift, 15 Johns. 457.

Cited, Mortgage—Purchase—Priority.

13 App. Div. 186; (77 St. Rep. 356; 43 Supp. 356).

Stowell, Matter of, 15 Misc. 533; 73 St. Rep. 296; 37 Supp. 1127; 25 Civ. Pro. 316.

Stowell v. Chamberlain, 60 N. Y. 272.

Cited, Judgment—Conclusiveness—Extent.

73 Hun, 284; (57 St. Rep. 275; 26 Supp. 298). 75 Hun, 375; (58 St. Rep. 610; 27 Supp. 86). 85 Hun, 21; (66 St. Rep. 131; 32 Supp. 620). 89 Hun, 550; (69 St. Rep. 647; 35 Supp. 293). 17 Misc. 383; (39 Supp. 1062). 19 Misc. 363; (77 St. Rep. 504; 43 Supp. 504). 16 App. Div. 489; (78 St. Rep. 916; 44 Supp. 916). 17 App. Div. 317; (79 St. Rep. 251; 45 Supp. 251).

Stowell v. Hazlett, 57 N. Y. 637.

Cited, Appeal—To General Term—Judgment Absolute, Power to Render.

1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697).

Stowell v. Otis, 71 N. Y. 36.

Cited, Personal Property—Torts Concerning—Title in Third Person as Defense.

141 N. Y. 5; (56 St. Rep. 479). 1 Misc. 240; (23 Supp. 133).

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8 App. Div. 378; (75 St. Rep. 193; 40 Supp. 809).

Stowell v. Stowell. See McIntyre v. McIntyre.

Stowell v. Volney, Overseers of the Poor of, 5 Den. 98.

Cited, Bastards—Compelling Support.

8 App. Div. 517; (75 St. Rep. 155; 40 Supp. 781).

Stowers v. Gilbert, 85 Hun, 468; 66 St. Rep. 703; 33 Supp. 101.

Strack v. Hurd, 41 St. Rep. 777; 16 Supp. 566; 28 Abb. N. C. 142.

Cited, Contracts—Building—Non-payment of Installment—Effect.

3 Misc. 548; (52 St. Rep. 484; 23 Supp. 328).

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2 Misc. 368; (51 St. Rep. 211; 22 Supp. 376; 30 Abb. N. C. 12).

Strader v. New York, L. E. & W. R. Co., 86 Hun, 613; 67 St. Rep. 434; 33 Supp. 761.

Strait v. National Harrow Co., 18 Supp. 224.

Cited, Contracts—Illegal—Executory—Release.

77 Hun, 48; (59 St. Rep. 72; 28 Supp. 463).

Duplicate Citations in Parenthesis.

Strakosch v. Press Publishing Co., 53 Hun, 503; 25 St. Rep. 189; 6 Supp. 246.

Cited, Depositions—Examination of Defendant to Frame Complaint—Grounds.

7 Misc. 5; (57 St. Rep. 79; 27 Supp. 331).

Strakosch v. Wray, 6 Misc. 207; 56 St. Rep. 607; 26 Supp. 537.

Stranahan v. Sea View R. Co., 84 N. Y. 308.

Cited, Railroads — Locomotive Steam Power and Steam as Motive Power Distinguished.

66 Hun, 370; (50 St. Rep. 864; 21 Supp. 1048).

Strasburger, Matter of, 132 N. Y. 128; 43 St. Rep. 553.

Cited, Lunatic—Committee—Rights Over Realty.

90 Hun, 504; (71 St. Rep. 403; 36 Supp. 67). D. 4 App. Div. 359; (38 Supp. 576).

Strassner v. New York, 6 App. Div. 370; 39 Supp. 669.

Stratford v. Jones, 97 N. Y. 586.

Cited, Appeal — Review of Facts—Conflict of Evidence.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726).

Straub v. N. Y., Grand Lodge of A. O. U. W. of, 2 App. Div. 138; 73 St. Rep. 426; 37 Supp. 750.

Straub v. Henry, 78 St. Rep. 954; 44 Supp. 954.

Straus v. Chicago Glycerine Co., 46 Hun, 2 6; 11 St. Rep. 359.

Affirmed, 108 N. Y. 654; 13 St. Rep. 902.

Cited, Attachment—Non-residents — Demands Against Foreign Corporations.

138 N. Y. 222; (52 St. Rep. 169).

Courts—Jurisdiction—Subject Matter Outside State.

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Straus v. Kreis, 6 Civ. Pro. 77.

Cited, Arrest—Civil—Complaint.

20 Misc. 405; (79 St. Rep. 1042; 45 Supp. 1042).

Straus v. Sage, 5 Misc. 255; 25 Supp. 93.

Cited, Pleading—Necessity to Allege — Statutes.

10 Misc. 695; (65 St. Rep. 102; 31 Supp. 1007; 1 Ann. Cas. 343).

Straus v. Sage, 10 Misc. 118; 62 St. Rep. 520; 30 Supp. 905.

Straus v. Straus, 67 Hun, 491; 50 St. Rep. 845; 22 Supp. 567.

Cited, Husband and Wife — Divorce — Counsel Fees—Enforcement of Payment—Final Judgment.

73 Hun, 194; (56 St. Rep. 119; 25 Supp. 869).

Straus v. Tradesmen's Nat. Bank, 122 N. Y. 379; 33 St. Rep. 638.

Cited, Banks—Special Deposits—Control Over—Liability for.

77 Hun, 167; (58 St. Rep. 716; 28 Supp. 411). 82 Hun, 521; (64 St. Rep. 211; 31 Supp. 533).

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3 Misc. 150, 151; (51 St. Rep. 505; 23 Supp. 311).

Strausburgh v. New York, 87 N. Y. 452.

Cited, Taxes—Assessment—Vacation.

81 Hun, 313; (27 Supp. 214).

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7 App. Div. 153.

Strauss v. Newburgh Electric R. Co., 6 App. Div. 264; 39 Supp. 998.

Cited, Evidence — Negligence — Subsequent Condition.

17 App. Div. 186; (79 St. Rep. 360; 45 Supp. 360).

Strauss v. Trotter, 6 Misc. 77; 55 St. Rep. 489; 26 Supp. 20.

Cited, Corporations—Liability of Trustees — Conditions Precedent.

9 App. Div. 312; (75 St. Rep. 639; 41 Supp. 191).

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10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Strauss v. Vogt, 53 St. Rep. 588; 24 Supp. 483; 23 Civ. Pro. 251.

Strauss v. Vogt, 4 Misc. 612; 54 St. Rep. 142; 25 Supp. 801.

Straut, Matter of, 126 N. Y. 201.

Cited, Trustees—Estate.

79 St. Rep. 624; (45 Supp. 624).

Streat v. Rothschild, 12 Daly, 95.

Cited, Reference—Compulsory.

1 Misc. 381; (49 St. Rep. 122; 20 Supp. 868).

Strebelle v. The J. H. Furber Co., 2 Misc. 450; 51 St. Rep. 163; 21 Supp. 1032.

Cited, Pleading — Bill of Particulars — Contract—Non-performance.

7 Misc. 228; (58 St. Rep. 22; 27 Supp. 267).

Duplicate Citations in Parentheses.

Street, Matter of, 74 St. Rep. 34.

Streeter v. Shultz, 45 Hun, 406; 10 St. Rep. 115.

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Cited, Co-tenancy—Rights of Co-tenants. 2 App. Div. 457; (74 St. Rep. 331; 37 Supp. 1035).

Steppone v. Lennon, 143 N. Y. 626; 60 St. Rep. 477.

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Cited, Evidence—Parol—In Aid of Writing.

8 App. Div. 104; (40 Supp. 406). 12 App. Div. 619; (77 St. Rep. 133; 43 Supp. 133).

Stricker v. Wakeman, 13 Abb. 85.

Cited, Courts—Powers—Relief—Adaptation.

81 Hun, 381; (63 St. Rep. 182; 30 Supp. 989).

Strickland, Matter of, 10 Misc. 486; 65 St. Rep. 250; 32 Supp. 171.

Strickland, Matter of, 5 Supp. 851.

Cited, Executor—Accounting—Illegal Claims.

5 Misc. 156; (25 Supp. 720).

Strickland v. Leggett, 50 St. Rep. 451; 21 Supp. 356.

Striker v. Mott, 28 N. Y. 82.

Cited, 79 St. Rep. 1013; (45 Supp. 1013).
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75 Hun, 555; (58 St. Rep. 735; 27 Supp. 855). 149 N. Y. 450.

Striker v. Mott, 6 Wend. 465.

Cited, Appeal—Judgment—Void.

15 Misc. 169; (72 St. Rep. 171; 37 Supp. 19).

Stringer, Matter of, 67 Hun, 107; 22 Supp. 44.

Stringfield v. Fields, 13 Daly. 171.

Cited, Appeal—Reviewing Discretionary Determination—Opening Default.

7 Misc. 46; (57 St. Rep. 62; 27 Supp. 355).

Stringham v. Hilton, 111 N. Y. 188; 19 St. Rep. 621.

Cited, Master and Servant—Liability of Master—Appliances.

75 Hun, 284; (58 St. Rep. 201; 26 Supp. 1069). 76 Hun, 577; (58 St. Rep. 260; 28 Supp. 188). 77 Hun, 393; (60 St. Rep. 408; 28 Supp. 886). 9 Misc. 396; (61 St. Rep. 638; 29 Supp. 1064). 67 Hun, 200; 51 St. Rep. 388; 22 Supp. 102). 142 N. Y. 34; (58 St. Rep. 437). 1 Misc. 305; (48 St. Rep. 771; 20 Supp. 712). 6 Misc. 323; (56 St. Rep. 254; 26 Supp. 797). 11 Misc. 5; (63 St. Rep. 463; 31

Supp. 835). 86 Hun, 39; (66 St. Rep. 835; 33 Supp. 206). 12 Misc. 339; (67 St. Rep. 337; 33 Supp. 631). 13 Misc. 176; (68 St. Rep. 26; 34 Supp. 71). 88 Hun, 320; (68 St. Rep. 420; 34 Supp. 409). 9 App. Div. 526; 14 Misc. 419; (70 St. Rep. 419; 35 Supp. 761); 92 Hun, 78; (71 St. Rep. 236; 36 Supp. 341). 7 App. Div. 421; (39 Supp. 918).

Master and Servant—Risks of Hazardous Service.

54 St. Rep. 222; (34 Supp. 536).

Master and Servant—Machinery—Knowledge of Dangerous Condition.

4 Misc. 162; (53 St. Rep. 196; 23 Supp. 788).

Master and Servant—Liability of Master—Duty to Warn and Instruct.

75 Hun, 213; (58 St. Rep. 666; 27 Supp. 18).

Stringham v. St. Nicholas Ins. Co.,

4 Abb. Ct. App. Dec. 315.

Evidence—Declarations of Agent—To Show Agency.

79 Hun, 544; (61 St. Rep. 551; 29 Supp. 932).

Stringham v. Stewart, 100 N. Y. 516.

Cited, Master and Servant—Places and Machinery—Delegation of Authority to Co-Servants.

77 Hun, 394; (50 St. Rep. 409; 28 Supp. 886). 13 Misc. 7; (68 St. Rep. 238; 34 Supp. 188).

Strobel, Matter of, 39 Supp. 169.

Strobel v. Brownell, 16 Misc. 657; 40 Supp. 702.

Strobel v. New York, 15 Misc. 115; 71 St. Rep. 837; 36 Supp. 814.

Strobel v. Ochse, 14 Misc. 522; 70 St. Rep. 707; 35 Supp. 1089.

Strobridge Lith. Co. v. Crane, 35 St. Rep. 473; 12 Supp. 898.

Cited, Injunction—Services—Contract—Legal Remedy.

66 Hun, 509; (50 St. Rep. 125; 21 Supp. 315).

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12 Misc. 79; (66 St. Rep. 675; 33 Supp. 44).

Strohm v. N. Y. L. & W. R. Co., 96 N. Y. 305.

Cited, Evidence—Expert—Results of Injuries.

73 Hun, 513; (56 St. Rep. 190; 26 Supp. 163). 3 Misc. 457; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 80). 81 Hun, 355; (63 St. Rep. 120; 30 Supp. 955). 85 Hun, 305; (66 St. Rep. 386; 32 Supp. 956). 13 Misc. 656; (69 St. Rep. 143; 24 Supp. 924). 15 Misc. 72; (71 St. Rep. 498; 36 Supp. 447). 1 App. Div. 210; (72 St. Rep. 739; 37 Supp. 132). 7

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App. Div. 397; (89 Supp. 946). 9 App. Div. 74; (75 St. Rep. 578; 41 Supp. 120). 13 App. Div. 174; (77 St. Rep. 264; 43 Supp. 264). 16 App. Div. 289; (78 St. Rep. 616; 44 Supp. 616). 17 App. Div. 53; (78 St. Rep. 969; 44 Supp. 969).

Damages—Personal Injuries—Results.

5 App. Div. 96; (74 St. Rep. 83; 38 Supp. 791). 19 Misc. 505; (77 St. Rep. 1095; 43 Supp. 1095).

Stromberg v. Rubenstein, 19 Misc. 647; 78 St. Rep. 405; 44 Supp. 405.

Strong, Matter of, 5 Misc. 433; 55 St. Rep. 78; 25 Supp. 790.

Strong v. Brooklyn, 68 N. Y. 1.

Cited, Eminent Domain—Easements.

142 N. Y. 182; (58 St. Rep. 642).

Strong v. Brooklyn Crosstown R. Co., 93 N. Y. 426.

Cited, Corporations—Dividends.

D. 87 Hun, 441; (68 St. Rep. 70; 34 Supp. 222).

Strong v. Dollner, 2 Sandf. 444.

Cited, Mortgage—Foreclosure—When Purchaser Becomes Owner.

4 Misc. 198; (53 St. Rep. 484; 23 Supp. 1020).

Strong v. Dwight, 11 Abb. N. S. 319.

Cited, Witness—Impeachment—Contradictory Statements.

1 Misc. 283; (48 St. Rep. 668; 20 Supp. 706).

Strong v. Hardenburgh, 25 How. 438.

Cited, Default—Service of Case—To What Court Application Made.

16 App. Div. 103; (79 St. Rep. 119; 45 Supp. 119).

Strong v. Harris, 84 Hun, 314; 32 Supp. 349.

Cited, Executors—Accounting—Equity.

13 App. Div. 24; (77 St. Rep. 115; 43 Supp. 115).

Strong v. Lyon, 63 N. Y. 172.

Cited, Contract—Construction—When Doubtful or Ambiguous—Intent—How Ascertained.

1 Misc. 335; (48 St. Rep. 707; 20 Supp. 681).

Strong v. Moul, 22 St. Rep. 762; 4 Supp. 299.

Cited, Husband and Wife—Husband's Liability for Necessaries.

84 Hun, 200; (65 St. Rep. 743; 32 Supp. 543). 92 Hun, 371; (71 St. Rep. 580; 26 Supp. 667).

Strong v. North American Fire Ins. Co., 1 Alb. Law. J. 162.

Cited, Insurance—Conditions as to Unconditional and Sole Ownership—Incumbrances.

1 Misc. 114; (43 St. Rep. 651; 20 Supp. 647).

Strong v. Prentice Brown Stone Co., 6 Misc. 57; 55 St. Rep. 927; 26 Supp. 85.

Affirmed, 10 Misc. 380; 63 St. Rep. 527; 31 Supp. 144.

Strong v. Prentice Brown Stone Co., 10 Misc. 380; 63 St. Rep. 527; 31 Supp. 144.

Strong v. Sheffield, 66 Hun, 349; 50 St. Rep. 665; 21 Supp. 505.

Affirmed, 144 N. Y. 392; 63 St. Rep. 701.

Cited, Bills and Notes—Endorser—Rights Against Endorsee.

73 Hun, 517; (56 St. Rep. 165; 26 Supp. 101). 83 Hun, 194; (63 St. Rep. 811; 31 Supp. 398).

Strong v. Sheffield, 144 N. Y. 392; 63 St. Rep. 701.

Cited, Contracts—For Benefit of Third Person—Consideration.

14 App. Div. 404; (77 St. Rep. 954; 43 Supp. 954).

Strong v. Smith, 15 Hun, 222.

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17 Misc. 719; (40 Supp. 911).

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17 App. Div. 242; (79 St. Rep. 573; 45 Supp. 573).

Strong v. Sproul, 53 N. Y. 497.

Cited, Pleadings—Striking out for Frivolity.

50 St. Rep. 745; (21 Supp. 677). 1 Misc. 299; (48 St. Rep. 695; 20 Supp. 726). 1 App. Div. 582; (73 St. Rep. 155; 37 Supp. 539).

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12 Mi. c. 214; (67 St. Rep. 893; 34 Supp. 26).

Strong v. Strong, 84 Hun, 314; 65 St. Rep. 548; 32 Supp. 349.

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Strong v. Strong, 102 N. Y. 69.

Cited, Action—Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 939). 61 St. Rep. 648; (29 Supp. 1049).

Contracts—Fraud—Remedies.

88 Hun, 541; (68 St. Rep. 708; 34 Supp. 774). 11 App. Div. 619; (76 St. Rep. 168; 42 Supp. 168).

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72 Hun, 430; (54 St. Rep. 872; 25 Supp. 201). 7 App. Div. 122; (40 Supp. 103).

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8 Misc. 483; (60 St. Rep. 169; 29 Supp. 583; 31 Abb. N. C. 416).

Strong v. Strong, 3 Robt. 669; 28 How. 432.

Cited, Husband and Wife—Divorce—Adultery Pending Suit.

67 Hun, 386; (51 St. Rep. 824; 22 Supp. 265; 23 Civ. Pro. 104).

Strong v. Strong, 1 Abb. N. S. 233.

Cited, Pleading—Bill of Particulars—Divorce.

76 Hun, 588; (58 St. Rep. 274; 28 Supp. 215).

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85 Hun, 126; (66 St. Rep. 214; 32 Supp. 593).

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Co., 11 Misc. 430; 65 St. Rep. 219; 32 Supp. 124.

Strong v. Waters, 80 Hun, 73; 61 St. Rep. 807; 30 Supp. 64.**Stroub v. Manhattan R. Co.**, 15 Supp. 135.

Cited, Elevated Railroads—Maintenance and Operation—Injunction—Fee Damage.

24 Supp. 910.

Strough v. Jefferson County, Board of Sup'rs of, 119 N. Y. 212; 28 St. Rep. 967.

Cited, Counties—Claims Against—Necessity of Presentation and Audit—Of Town for Misapplied Railroad Taxes.

137 N. Y. 177; (50 St. Rep. 379).

Limitation of Action—When Statute Runs—Misapplication by County of Railroad Taxes of Bonded Town.

127 N. Y. 177; (50 St. Rep. 380). 87 Hun, 609; (68 St. Rep. 527; 34 Supp. 570).

Taxes—Railroads—Rights of Bonded Towns.

136 N. Y. 407; (49 St. Rep. 686). 89 Hun, 584, 587; (69 St. Rep. 641; 35 Supp. 286, 288).

Counties—Officers—Misappropriation of Funds—Liability.

11 App. Div. 220; (77 St. Rep. 149; 43 Supp. 149).

Strough v. Wilder, 119 N. Y. 530; 30 St. Rep. 86.

Cited, Deeds—Unacknowledged—Title Under.

71 Hun, 455; (54 St. Rep. 402; 24 Supp. 946).

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6 App. Div. 85; (39 Supp. 495).

Strube v. Leutzbach, 12 Misc. 216; 66 St. Rep. 856; 33 Supp. 264.**Strusburgh v. New York**, 87 N. Y. 452.

Cited, Taxes—Assessment—Review of.

7 Misc. 206; (56 St. Rep. 530; 27 Supp. 214).

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14 Misc. 150; (70 St. Rep. 367; 35 Supp. 860)

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Cited, Appeal—Elevated Railway Cases—Harmless Error.

7 Misc. 88; (57 St. Rep. 68; 27 Supp. 309). 13 Misc. 219; (68 St. Rep. 213; 34 Supp. 233). 14 Misc. 314; (70 St. Rep. 459; 35 Supp. 768).

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7 Misc. 54; (57 St. Rep. 510; 27 Supp. 340).

Struthers v. Pearce, 51 N. Y. 357.

Cited, Partnership—Private Contract of Partner—Inconsistency With Partnership Business.

69 Hun, 413; (52 St. Rep. 727; 23 Supp. 553).

Struthers v. Pearce, 51 N. Y. 365.

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66 Hun, 126; (49 St. Rep. 809; 20 Supp. 906).

Struthers v. Smith, 85 Hun, 261; 66 St. Rep. 299; 32 Supp. 905.

Cited, Contracts—Consideration—Discharge.

13 App. Div. 559; (77 St. Rep. 687; 43 Supp. 687).

Strutt v. Brooklyn & R. B. R. Co.,

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Struver v. Ocean Ins. Co., 2 Hilt. 475.

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Stryker, Matter of, 73 Hun, 327; 55 St. Rep. 903; 26 Supp. 209.

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91 Hun, 315; (71 St. Rep. 558; 36 Supp. 526; 3 Ann. Cas. 5). 17 App. Div. 196; (79 St. Rep. 355; 45 Supp. 355). 79 St. Rep. 633, 634; (45 Supp. 633, 634).

*Duplicate Citations in Parenthesis.***Stryker v. Bergen**, 16 Wend. 490.

Cited, Appeal—Conflict of Evidence—Reversal.

11 App. Div. 631; (76 St. Rep. 458; 42 Supp. 458).

Stryker v. Cassidy, 76 N. Y. 50.

Cited, Mechanic's Lien—Architect.

3 App. Div. 207; (73 St. Rep. 804; 38 Supp. 347).

Stryker v. Schuyler, 20 St. Rep. 452; 3 Supp. 513.

Cited, Contract—Reformation—Mistake.

50 St. Rep. 551; (21 Supp. 880).

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7 Misc. 593; (58 St. Rep. 505; 28 Supp. 491).

Stuart v. Binsse, 10 Bosw. 436.

Cited, Pleading—Answer—Failure to Deny—Effect as Admission—Damages—Torts.

74 Hun, 558; (57 St. Rep. 235; 26 Supp. 630).

Stuart v. Blatchley, 77 Hun, 425; 60 St. Rep. 48; 28 Supp. 800.

Affirming, 8 Misc. 472; 60 St. Rep. 602; 29 Supp. 547.

Stuart v. Brown, 11 App. Div. 492; 76 St. Rep. 365; 42 Supp. 365.**Stuart v. Foster**, 18 Abb. 305.

Cited, Limitation of Action—Acknowledgment—Including Claim Against Executor in Inventory.

1 Misc. 252; (51 St. Rep. 513; 22 Supp. 913).

Stuart v. Mutual Reserve F. L. Ass'n, 78 Hun, 191; 60 St. Rep. 255; 28 Supp. 944.**Stuart v. Palmer**, 74 N. Y. 183.

Cited, 12 Misc. 465; 67 St. Rep. 834; 34 Supp. 32.

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67 Hun, 597; (51 St. Rep. 95; 22 Supp. 434). 144 N. Y. 403; (63 St. Rep. 648). 6 App. Div. 313; (40 Supp. 558). 150 N. Y. 494. 153 N. Y. 194.

Constitutional Law—Police Power.

145 N. Y. 43; (64 St. Rep. 512; 1 Ann. Cas. 247).

Constitutional Law—Deprivation of Liberty or Property—Notice—Due Process.

140 N. Y. 7; (55 St. Rep. 419). 9 Misc. 609; (61 St. Rep. 670. 671; 30 Supp. 369, 370). 83 Hun, 411; (64 St. Rep. 418; 31 Supp. 747). 84 Hun, 389; (65 St. Rep. 708; 32 Supp. 433). 87 Hun, 56; (67 St. Rep. 486; 33 Supp. 870). 13 Misc. 23; (67 St. Rep. 851; 33 Supp. 1001). 90 Hun, 179; (70 St. Rep. 295; 35 Supp. 791). 90 Hun, 495; (71 St. Rep. 232; 36 Supp. 63). 17 Misc. 539; (40 Supp. 449). 13 App. Div. 200; (77 St. Rep. 367; 43 Supp. 367). 19 Misc. 450; (77 St. Rep. 708; 43 Supp. 708).

Constitutional Law—Taxes and Assessment—Notice.

22 Supp. 529; (30 Abb. N. C. 102). 73 Hun, 201; (60 St. Rep. 210; 28 Supp. 950). 83 Hun, 187; (64 St. Rep. 147; 31 Supp. 593). 1 App. Div. 20; (71 St. Rep. 679; 36 Supp. 749). 3 App. Div. 169; (73 St. Rep. 719; 38 Supp. 224). 15 App. Div. 11; (78 St. Rep. 48; 44 Supp. 48). 17 App. Div. 605; (79 St. Rep. 838; 45 Supp. 838). 79 St. Rep. 883; (45 Supp. 883).

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92 Hun, 206; (71 St. Rep. 553; 36 Supp. 522). 151 N. Y. 20.

Stuart v. Simpson, 1 Wend. 376.

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67 Hun, 302; (50 St. Rep. 895; 22 Supp. 311).

Stubbs v. Ripley, 39 Hun, 626.

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67 Hun, 254; (50 St. Rep. 903; 22 Supp. 425; 23 Civ. Pro. 118).

Stubbs v. Stubbs, 11 Week. Dig. 244.

Cited, Default—Waiver.

79 St. Rep. 484; (45 Supp. 484).

Stuber v. McEntee, 142 N. Y. 200; 58 St. Rep. 455; 31 Abb. N. C. 246.

Cited, Master and Servant—Negligence—Orders.

9 Misc. 10; (59 St. Rep. 739; 29 Supp. 22).

Master and Servant—Safe Place.

89 Hun, 593; (70 St. Rep. 123; 35 Supp. 537). D 5 App. Div. 433; (39 Supp. 306).

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11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849). 19 Misc. 401; (77 St. Rep. 855; 43 Supp. 855).

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3 App. Div. 10; (73 St. Rep. 17; 37 Supp. 968).

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20 Misc. 64; (78 St. Rep. 431; 44 Supp. 431; 3 Ann. Cas. 385).

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Stuber v. McEntee, 47 St. Rep. 294; 19 Supp. 900.

Cited, Accord and Satisfaction — What Constitutes.

11 App. Div. 352; (76 St. Rep. 1010; 42 Supp. 1010).

Stuber v. Schuartz, 1 City Ct. R. 110.

Cited, Pleading—Reply—Misnomer.

11 Misc. 577; (66 St. Rep. 179; 32 Supp. 799).

Stubing v. Metropolitan Life Ins. Co., 60 St. Rep. 258; 28 Supp. 960.

Stuckey v. Mathes, 24 Hun, 461.

Cited, Contracts—Of Lunatic—Availability.

12 Misc. 200; (67 St. Rep. 94; 33 Supp. 275).

Studeor v. Gouverneur, Village of, 15 App. Div. 229; 78 St. Rep. 122; 44 Supp. 122.

Studer v. Bleistein, 115 N. Y. 316; 26 St. Rep. 400.

Affirming, 48 Hun, 577; 15 St. Rep. 908; 1 Supp. 190.

Cited, Sale—Implied Warranty of Quality—Inspection.

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Sale—Inspection—Acceptance.

79 Hun, 55; (61 St. Rep. 184; 29 Supp. 640). D. 140 N. Y. 205; (55 St. Rep. 583). 149 N. Y. 151.

Studwell v. Baxter, 33 Hun, 331.

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Studwell v. Mut. Benefit Life Ass'n of America, 139 N. Y. 615; 54 St. Rep. 930.

Studwell v. Shapter, 54 N. Y. 249.

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20 Misc. 244; (79 St. Rep. 796; 45 Supp. 796).

Stull v. Westfall, 25 Hun, 1.

Cited, Injunction—Preliminary — Defect in Complaint for—Affidavits.

8 Misc. 300; (59 St. Rep. 284; 28 Supp. 738). 12 Misc. 303; (67 St. Rep. 840; 34 Supp. 39). 20 Misc. 193; (73 St. Rep. 1053; 44 Supp. 1053).

Stumpe, Matter of, 4 App. Div. 282; 39 Supp. 469.

Sturges v. Hart, 84 Hun, 409; 55 St. Rep. 695; 32 Supp. 422.

Sturges v. Newcombe, 12 Misc. 371; 67 St. Rep. 301; 33 Supp. 558.

Sturges v. Vanderbilt, 73 N. Y. 384.

Cited, Corporations—Dissolution—Effect on Pending Action.

82 Hun, 305; (63 St. Rep. 788; 31 Supp. 338; 24 Civ. Pro. 203). 67 St. Rep. 549; (33 Supp. 726; 24 Civ. Pro. 399). 87 Hun, 388; (68 St. Rep. 477; 34 Supp. 326; 2 Ann. Cas. 139). 87 Hun, 390; (68 St. Rep. 478; 34 Supp. 327; 2 Ann. Cas. 141). 17 Misc. 328; (39 Supp. 964). 14 App. Div. 324; (77 St. Rep. 840; 43 Supp. 840). 148 N. Y. 38.

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10 Misc. 692; (65 St. Rep. 99; 31 Supp. 1005; 1 Ann. Cas. 339).

Sturgess v. Bissell, 46 N. Y. 462.

Cited, Damages—Carriers—Failure to Deliver Goods.

19 Misc. 531; (77 St. Rep. 1124; 43 Supp. 1124; 3 Ann. Cas. 404).

Sturgis v. Spofford, 45 N. Y. 446.

Cited, Statutes—Repeal—Effect on Existing Remedies.

69 Hun, 570; (53 St. Rep. 254; 23 Supp. 961).

Constitutional Law — Office — Appointment.

8 App. Div. 255; (75 St. Rep. 20; 40 Supp. 624).

Penalties—Successive.

7 App. Div. 480; (39 Supp. 1114). 19 Misc. 132.

Sturgis v. Spofford, 58 N. Y. 103.

Cited, Appeal—Denial of Costs.

13 Misc. 77; (68 St. Rep. 229; 34 Supp. 179; 25 Civ. Pro. 36).

Sturm v. Atlantic Mut. Ins. Co., 63 N. Y. 77.

Cited, Witness—Cross-examination—Failure to Appear for.

67 Hun, 188; (51 St. Rep. 403; 22 Supp. 94).

Commission—Errors—Waiver.

9 App. Div. 569; (75 St. Rep. 996; 41 Supp. 603).

Sturtevant v. Ballard, 9 Johns. 337.

Cited, Conveyance—Fraudulent — Legality.

13 App. Div. 14; (77 St. Rep. 378; 43 Supp. 378).

Sturtevant v. Orser, 24 N. Y. 538.

Cited, Sale — Rescission — Recovery of Price.

19 Misc. 538; (77 St. Rep. 1079; 43 Supp. 1079).

Duplicate Citations in Parenthesis.

Sturtevant v. Sturtevant, 20 N. Y. 39.
Cited, Evidence—Parol—Deed as Mortgage—Trust.

69 Hun, 11; (52 St. Rep. 548; 23 Supp. 225).

Trusts—Parol—Legality.

87 Hun, 76; (67 St. Rep. 647; 33 Supp. 964).

Stuyvesant v. Davis, 9 Paige, 427.

Cited, Landlord and Tenant—Lease—Termination—Summary Proceedings.

9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

Stuyvesant v. Hall, 2 Barb. Ch. 151.

Cited, Mortgages—On Different Parcels Subject to Lien of Whole—Sale—Marshaling of Assets.

77 Hun, 85; (59 St. Rep. 840; 28 Supp. 295).

Stuyvesant v. Neil, 67 How. 16.

Cited, Wills—Powers—Execution.

15 Misc. 55; (72 St. Rep. 347; 36 Supp. 920).

Stuyvesant v. New York El. R. Co.,
4 App. Div. 159; 74 St. Rep. 223; 38 Supp. 595.

Cited, Trial—Objections—Sufficiency.

14 App. Div. 473; (77 St. Rep. 848; 43 Supp. 848).

Stuyvesant v. Tompkins, 9 Johns. 61.

Cited, Trespass—Civil—Who May Bring Action—Party in Possession.

75 Hun, 237; (58 St. Rep. 659; 27 Supp. 40).

Sturtz v. Fischer, 15 Misc. 410; 72 St. Rep. 252; 36 Supp. 893; 25 Civ. Pro. 202;

2 Ann. Cas. 365.

Cited, Attachment—Vacation—Practice.

15 Misc. 413; (72 St. Rep. 33; 25 Civ. Pro. 194).

Sturtz v. Fischer, 79 St. Rep. 1009; 45 Supp. 1009.

Styler v. Long Island R. Co., 75 Hun, 547; 58 St. Rep. 727; 27 Supp. 1113.

Cited, Appeal—Verdict—Conclusiveness.

9 Misc. 498; (62 St. Rep. 129; 30 Supp. 231). 8 Misc. 449; (58 St. Rep. 851; 28 Supp. 686).

Styles v. Blume, 12 Misc. 421; 67 St. Rep. 326; 33 Supp. 620.

Styles v. Blume, 61 St. Rep. 131; 30 Supp. 409.

Styles v. Fuller, 101 N. Y. 622.

Cited, Action—Determination of Rights—Time.

18 Misc. 683; (76 St. Rep. 15; 42 Supp. 15; 3 Ann. Cas. 320). 148 N. Y. 345.

Suarez, Matter of, 3 Dem. 164.

Cited, Executors—Removal.

8 Misc. 143; (59 St. Rep. 484; 29 Supp. 1081).

Suarez v. De Montigny, 12 Misc. 259; 67 St. Rep. 27; 33 Supp. 292.

Affirmed, 1 App. Div. 494; 73 St. Rep. 95; 37 Supp. 503.

Cited, Notice—Recitals in Deed.

3 App. Div. 296; (38 Supp. 1074).

Suarez v. De Montigny, 10 App. Div. 494; 73 St. Rep. 95; 37 Supp. 503.

Affirmed, 153 N. Y. 678.

Suarez v. Manhattan R. Co., 39 St. Rep. 549; 15 Supp. 222.

Cited, 14 App. Div. 440; (77 St. Rep. 875; 43 Supp. 875).

Damages—Elevated Railway—Easements—Passage of Trains.

137 N. Y. 161; (50 St. Rep. 207).

Suburban Rapid Transit Co., Matter of, 38 Hun, 553.

Cited, Eminent Domain—Procedure—Petition—Alleging Failure to Agree.

50 St. Rep. 258; (21 Supp. 489).

Suburban Rapid Transit Co. v. New York, 128 N. Y. 510; 40 St. Rep. 498.

Cited, Eminent Domain—What Subject To—Property Already Appropriated to Public Use.

73 Hun, 260; (58 St. Rep. 82; 26 Supp. 567).

Statutes—Construction—Existing Rights. 69 Hun, 570; (53 St. Rep. 255; 23 Supp. 961).

Railroads—Franchise—When Complete. 15 App. Div. 591; (78 St. Rep. 826; 44 Supp. 826).

Railroads—Line of Construction—Exclusiveness.

16 Misc. 425; (74 St. Rep. 77; 38 Supp. 453).

Sudlow v. Knox, 7 Abb. N. S. 411.

Cited, Contempt—Supplementary Proceedings—Amount of Fine.

3 Misc. 560; (52 St. Rep. 516; 23 Supp. 314).

Contempt—Fine—Proof.

14 Misc. 190; (70 St. Rep. 195; 35 Supp. 465).

Sudlow v. Warshing, 108 N. Y. 520; 13 St. Rep. 812.

Cited, Evidence—Presumptive Acknowledgment.

71 Hun, 228; (54 St. Rep. 578; 24 Supp. 991). 149 N. Y. 79.

Duplicate Citations in Parenthesis.

Sugarman v. Manhattan Elevated R. Co., 42 St. Rep. 30; 16 Supp. 533.

Cited, Evidence—Sufficiency—Railroad Fires.

67 Hun, 637; (51 St. Rep. 107; 22 Supp. 477).

Sugden v. Magnolia Metal Co., 8 App. Div. 288; 75 St. Rep. 356; 40 Supp. 956.

Suhrada v. Third Ave. R. Co., 14 App. Div. 361; 77 St. Rep. 904; 43 Supp. 904.

Suitor v. Kent, 12 App. Div. 599; 77 St. Rep. 137; 43 Supp. 137.

Sullivan v. Brewster, 1 E. D. Smith; 631; 8 How. 207.

Cited, Mechanic's Lien—Contract—Completion.

4 Misc. 58; (53 St. Rep. 76; 23 Supp. 607).

Sullivan v. Brooks, 8 Misc. 532; 59 St. Rep. 273; 28 Supp. 1150.

Cited, Trial—Submission to Jury—Consent.

18 Misc. 192; (7 St. Rep. 701; 41 Supp. 291).

Sullivan v. Brooks, 10 Misc. 368; 63 St. Rep. 425; 31 Supp. 36.

Cited, Trial—Submission to Jury—Effect.

18 Misc. 206; (75 St. Rep. 780; 41 Supp. 370). 20 Misc. 90; (79 St. Rep. 88; 45 Supp. 83).

Trial—Defects in Proof—Cure.

20 Misc. 561.

Sullivan v. Decker, 1 E. D. Smith, 699.

Cited, Mechanic's Lien—Enforcement—Parties—In Court Not of Record.

5 Misc. 227; (54 St. Rep. 791; 25 Supp. 332).

Sullivan v. Dunham, 10 App. Div. 438; 75 St. Rep. 1430; 41 Supp. 1083; 3 Ann. Cas. 324.

Sullivan v. Fosdick, 10 Hun, 173.

Cited, Interest—Contract—Maturity—Rate After.

5 Misc. 197; (25 Supp. 659).

Sullivan v. Frazer, 4 Robt. 616.

Cited, Action—Appearance—Justice's Court.

5 Misc. 123; (25 Supp. 744).

Courts—Jurisdiction—Non-residence—Waiver.

16 App. Div. 623; (78 St. Rep. 1061; 44 Supp. 1061).

Sullivan v. Gilroy, Law J. July 3, 1889.

Affirmed, 55 Hun, 285; 8 Supp. 401.

Cited, Civil Service—Veterans—Who Entitled to Preference.

13 Misc. 567; (68 St. Rep. 403; 34 Supp. 674).

Sullivan v. Gilroy, 55 Hun, 285; 28 St. Rep. 566.

Cited, Pleading—Answer—Denial of Information or Knowledge.

137 N. Y. 552; (50 St. Rep. 213).

Officers—Preference—Veterans.

15 App. Div. 597; (78 St. Rep. 683; 44 Supp. 683). 20 Misc. 210; (79 St. Rep. 48; 45 Supp. 48).

Officers—Public—"Salary and Wages."

34 Supp. 675.

Sullivan v. Hamilton, 13 App. Div. 140; 77 St. Rep. 302; 43 Supp. 302.

Sullivan v. Industrial Benefit Ass'n, 73 Hun, 319; 56 St. Rep. 4; 26 Supp. 186.

Sullivan v. McManus, 79 St. Rep. 1079; 45 Supp. 1079.

Sullivan v. Metropolitan Ins. Co., 36 St. Rep. 38; 12 Supp. 923.

Cited, Insurance—False Representations—Knowledge of Agent

9 Misc. 260; (60 St. Rep. 581; 30 Supp. 207).

Insurance—False Statements—Forfeiture.

20 Misc. 232; (79 St. Rep. 415; 45 Supp. 415).

Sullivan v. Miller, 106 N. Y. 635; 11 St. Rep. 312.

Cited, Fraudulent Conveyances—Who Can Assail.

67 Hun, 147; (51 St. Rep. 742; 23 Supp. 226). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Sullivan v. New York, 68 Hun, 544; 52 St. Rep. 557; 22 Supp. 1041.

Sullivan v. New York, 47 How. 491.

Cited, Municipal Corporations—Officers. 30 Supp. 406.

Sullivan v. New York, 48 How. 238.

Cited, Municipal Corporations—Officers. 30 Supp. 406.

Sullivan v. N. Y. Elevated R. Co., 14 Misc. 426; 71 St. Rep. 482; 36 Supp. 432.

Sullivan v. N. Y. & Rosendale Cement Co., 119 N. Y. 348; 29 St. Rep. 757.

Cited, Trial—Questions of Fact.

135 N. Y. 384; (48 St. Rep. 477).

Pleading—Misjoinder of Parties—Demurrer—Waiver.

79 Hun, 540; (61 St. Rep. 555; 29 Supp. 936).

Sullivan v. Presdee, 9 Daly, 552.

Cited, Courts—Local—Jurisdiction—Non-residents.

20 Misc. 337; (79 St. Rep. 924; 45 Supp. 924).

Duplicate Citations in Parenthesis.

Sullivan v. Sing Sing, President, etc., of, 122 N. Y. 389; 33 St. Rep. 722.

Cited, 81 Hun, 398; (63 St. Rep. 743; 31 Supp. 294).

Sullivan v. Sullivan, 41 Super. 519.

Cited, Husband and Wife—Divorce—Alimony—Agreement.

9 Misc. 514; (61 St. Rep. 96; 30 Supp. 339).

Reference — Compulsory—To Take Testimony.

136 N. Y. 509; (49 St. Rep. 748).

Sullivan v. Syracuse, City of, 77 Hun, 440; 70 St. Rep. 674; 29 Supp. 105.

Cited, Municipal Corporations—Notice of Claim.

86 Hun, 472; (67 St. Rep. 620; 33 Supp. 949). 88 Hun, 283; (63 St. Rep. 557; 34 Supp. 739). 16 Misc. 304; (74 St. Rep. 387; 38 Supp. 91).

Sullivan v. Third Ave. R. Co., 79 St. Rep. 1083; 45 Supp. 1083.

Sullivan v. Tioga R. Co., 44 Hun, 304; 7 St. Rep. 627; 12 Civ. Pro. 301.

Affirmed, 112 N. Y. 643; 21 St. Rep. 827.

Cited, Railroads — Crossings — Signals — Negligence.

74 Hun, 38; (56 St. Rep. 212; 26 Supp. 401).

Evidence—Negligence—Absence of Flagman.

85 Hun, 159; (65 St. Rep. 667; 32 Supp. 482).

Administrators — Bond — Collateral Attack.

85 Hun, 192; (65 St. Rep. 726; 32 Supp. 581).

Master and Servant—Fellow Servants—Who Are.

83 Hun, 198; (64 St. Rep. 333; 31 Supp. 619). 85 Hun, 149; (66 St. R. p. 87; 32 Supp. 629).

Distinguished, Railroads — Injuries to Employee — Contributory Negligence — Question of Fact.

79 Hun, 563; (70 St. Rep. 114; 35 Supp. 546).

Sullivan v. Tioga R. Co., 112 N. Y. 643; 21 St. Rep. 827.

Cited, Master and Servant—Co-Servants—Who Are.

85 Hun, 149; (66 St. Rep. 87; 32 Supp. 629).

Negligence — Personal Injuries — Treatment.

15 App. Div. 167; (78 St. Rep. 246; 44 Supp. 246).

Sullivan v. Union R. Co., 7 App. Div. 238; 40² Supp. 84.

Sully v. Schmitt, 147 N. Y. 248; 69 St. Rep. 527; 3 Ann. Cas. 71.

Cited, Landlord and Tenant—Eviction.

16 Misc. 54; (73 St. Rep. 265; 37 Supp. 684). 18 Misc. 232; (75 St. Rep. 784; 41 Supp. 374).

Sulyewski v. Windholz, 9 Misc. 498; 61 St. Rep. 129; 30 Supp. 230.

Sulz v. Mutual Reserve Fund Loan Ass'n, 7 Misc. 593; 58 St. Rep. 754; 28 Supp. 263.

Affirmed, 83 Hun, 139; 64 St. Rep. 881; 31 Supp. 1133.

Sulz v. Mutual Reserve Fund Life Ass'n, 83 Hun, 139; 64 St. Rep. 881; 31 Supp. 1133.

Reversed, 145 N. Y. 563; 65 St. Rep. 513.

Sulz v. Mutual Reserve Fund Loan Ass'n, 145 N. Y. 563; 65 St. Rep. 513. *Cited*, Comity.

12 Misc. 564; (68 St. Rep. 241; 34 Supp. 189).

Insurance—Policy—Who May Enforce.

90 Hun, 533; (71 St. Rep. 708; 36 Supp. 689).

Insurance—"Legal Representatives."

5 App. Div. 102; (74 St. Rep. 512; 38 Supp. 646).

Sulzbacker v. Dickie, 6 Daly, 469.

Cited, Master and Servant—Independent Contractor—Torts.

6 Misc. 343; (56 St. Rep. 245; 26 Supp. 906).

Sulzbacher v. J. Cawthra & Company, Limited, 14 Misc. 541; 70 St. Rep. 766; 36 Supp. 8.

Affirmed, 148 N. Y. 755.

Distinguished, Attachment — Affidavit — Amendment.

41 Supp. 203; (25 Civ. Pro. 366).

Sumner v. Buel, 12 Johns. 475.

Cited, Libel—Designation.

83 Hun, 221; (64 St. Rep. 158; 31 Supp. 568; 1 Ann. Cas. 210). 14 Misc. 329; (70 St. Rep. 357; 35 Supp. 840).

Sumner v. Skinner, 80 Hun, 201; 61 St. Rep. 797; 30 Supp. 4.

Affirmed, 149 N. Y. 597.

Cited, Fraudulent Conveyance — What Constitutes.

86 Hun, 419; (67 St. Rep. 177; 33 Supp. 520).

Sunderlin, Matter of, 74 Hun, 210; 56 St. Rep. 332; 26 Supp. 358.

Duplicate Citations in Parenthesis.

Sunderlin v. Hollister, 4 App. Div. 478; 38 Supp. 682.

Cited, Negligence—Dangerous Premises. 11 App. Div. 594; (76 St. Rep. 598; 42 Supp. 598).

Sun Mutual Ins. Co. v. Dwight, 1 Hilt. 50.

Cited, Appeal—Case—Failure to File—Abandonment.

76 Hun, 607; (59 St. Rep. 438; 28 Supp. 221; 23 Civ. Pro. 395).

Sun Printing & Publishing Ass'n v. New York, 8 App. Div. 230; 75 St. Rep. 1; 40 Supp. 607.

Affirmed, 152 N. Y. 257.

Sun Printing & Publishing Ass'n v. New York, 152 N. Y. 257.

Supplee v. Sayre, 51 Hun, 30; 20 St. R-p. 554; 3 Supp. 627.

Cited, Executors—Disputed Claim—Costs. 88 Hun, 314; (63 St. Rep. 580; 34 Supp. 762).

Surdam v. Cornell, 116 N. Y. 305.

Cited, Real Property—Remainders—Contingent—Vesting.

2 Misc. 560; (24 Supp. 775). 10 App. Div. 165; (75 St. R-p. 1239; 41 Supp. 868).

Susman v. Whyard, 71 Hun, 215; 54 St. Rep. 758; 25 Supp. 222.

Reversed, 149 N. Y. 127.

Susman v. Whyard, 149 N. Y. 127.

Suspension Bridge, Village of, v. Bedford, 10 St. Rep. 850.

Cited, Attorneys—Authority.

88 Hun, 562; (68 St. Rep. 785; 34 Supp. 847).

Susquehanna Bank v. Broome County, Sup'rs of, 25 N. Y. 312.

Cited Injunction—Collection of Tax—Erroneous Assessment.

7 Misc. 203; (56 St. Rep. 518; 27 Supp. 213). 31 Hun, 311; (27 Supp. 213). 6 App. Div. 275; (39 Supp. 782)

Susquehanna Valley Bank v. Loomis, 85 N. Y. 207.

Cited, Bills and Notes—Alteration—Bona Fide Holder.

7 Misc. 230; (58 St. Rep. 26; 27 Supp. 274).

Sussdorf v. Schmidt, 55 N. Y. 319

Cited, Brokers—Real Estate—Commissions—When Earned

141 N. Y. 520; (57 St. Rep. 719). 21 Supp. 442. 6 Misc. 94; (55 St. Rep. 403; 26 Supp. 8). 6 Misc. 214; (56 St. Rep. 534; 26 Supp. 531). 16 Misc. 392; (74 St. R p 310; 33 Supp. 54). D. 6 App. Div. 97; (39 Supp. 431). 18 App. Div. 38; (79 St. Rep. 388; 45 Supp. 388).

Brokers—Real Estate—Double Retainer.

2 Misc. 336; (51 St. Rep. 428; 21 Supp. 975).

Pleading — Variance — Contract—Quantum Meruit.

73 Hun, 338; (55 St. Rep. 931; 26 Supp. 270). 12 Misc. 126; (66 St. Rep. 679; 33 Supp. 46).

Sussman v. Mason, 10 Misc. 20; 62 St. Rep. 656; 30 Supp. 542.

Susz v. Forst, 4 Dem. 346.

Cited, Surrogate—Jurisdiction—Construction of Wills.

67 St. Rep. 412; (33 Supp. 423; 24 Civ. Pro. 258).

Suteliffe, Matter of, 83 Hun, 324; 64 St. Rep. 656; 31 Supp. 929.

Sutherland v. Bradner, 34 Hun, 519.

Cited, Attachment—Impeachment—Supplemental Affidavits.

51 St. Rep. 42; (22 Supp. 1097).

Sutherland v. Bradner, 116 N. Y. 410; 26 St. Rep. 854.

Cited, Fraudulent—Conveyance—Return of Remainder.

80 Hun, 482; (62 St. Rep. 368; 30 Supp. 516).

Sutherland v. Brooklyn, 87 Hun, 82; 67 St. Rep. 642; 33 Supp. 959.

Cited, Taxes—Sale—Surplus.

10 App. Div. 396; (75 St. Rep. 1156; 41 Supp. 761).

Sutherland v. McKinney, 10 Supp. 876.

Cited, Justice's Court — Jurisdiction—Constable's Bonds.

5 Misc. 530; (58 St. Rep. 110; 25 Supp. 983).

Sutherland v. Morris, 45 Hun, 259; 10 St. Rep. 348.

Cited, Contract—Building—Conditions—Estimates of Extras.

77 Hun, 337; (60 St. Rep. 31; 28 Supp. 842).

Sutherland v. Olcott, 95 N. Y. 93.

Cited, Corporations—Changes in Capital Stock.

13 Misc. 222; (68 St. Rep. 115; 34 Supp. 236).

Sutherland v. Troy & Boston R. Co., 28 St. Rep. 201; 8 Supp. 83.

Reversed, 125 N. Y. 737; 35 St. Rep. 853.

Cited, Master and Servant—Fellow Servants—Train Despatcher and Engineer.

49 St. Rep. 150; (21 Supp. 208).

Duplicate Citations in Parenthesis.

Sutherland v. Troy & Boston R.Co., 125 N. Y. 737; 35 St. Rep. 853.

Cited, Master and Servant—Care in Selecting Co-Servants—Railroads.

69 Hun, 26; (52 St. Rep. 817; 23 Supp. 460).

Master and Servant—Fellow Servant—Train Despatcher.

142 N. Y. 424; (59 St. Rep. 806).

Sutherland v. Troy & Boston R. Co., 56 St. Rep. 397; 26 Supp. 237.

Sutorius v. North, 36 St. Rep. 873; 13 Supp. 557; 20 Civ. Pro. 162.

Cited, Costs—Security for—Undertaking on Arrest.

26 Supp. 740; (23 Civ. Pro. 239).

Sutorius v. North, 1 Misc. 298. 48 St. Rep. 694; 20 Supp. 726.

Sutphen v. Fowler, 9 Paige, 280.

Cited, Specific Performance—Judgment. 81 Hun, 106; (62 St. Rep. 690; 30 Supp. 728).

Sutphen v. Lash, 10 Hun, 120.

Cited, Costs—Items—Trial Fee—Discontinuance at Call of Calendar.

49 St. Rep. 303; (20 Supp. 967).

Sutphen v. North Hempstead, Town of, 80 Hun, 409; 61 St. Rep. 842; 30 Supp. 128.

Sutphin v. Seebas, 12 Daly, 139.

Cited, Landlord and Tenant—Abandonment.

17 Misc. 605; (75 St. Rep. 55; 40 Supp. 654).

Sutro v. Manhattan R. Co., 137 N. Y. 592; 50 St. Rep. 701.

Cited, Damages—Elevated Railway—Easements Apart from Fee.

3 Misc. 249; (52 St. Rep. 253; 22 Supp. 791). 3 Misc. 611; (52 St. Rep. 255; 22 Supp. 793). 3 Misc. 618; (52 St. Rep. 257; 22 Supp. 795). 5 Misc. 241; (54 St. Rep. 786). 7 Misc. 54; (57 St. Rep. 510; 27 Supp. 340). 75 Hun, 65; (58 St. Rep. 163; 26 Supp. 995).

Damages—Elevated Railway—Benefits.

139 N. Y. 322; (54 St. Rep. 422). 144 N. Y. 118; (63 St. Rep. 20). D. 147 N. Y. 320; (69 St. Rep. 637). 8 App. Div. 620; (75 St. Rep. 425; 40 Supp. 1104).

Damages—Elevated Railway—Fee and Past Damages.

81 Hun, 608, 609; (63 St. Rep. 200). 91 Hun, 203; (71 St. Rep. 118; 36 Supp. 334). 3 App. Div. 265; (73 St. Rep. 725; 38 Supp. 386).

Evidence—Judicial Notice—Effect of Presence of Elevated Railway.

7 Misc. 91; (57 St. Rep. 65; 27 Supp. 306).

Sutter v. Fauble, 25 Hun, 195.

Cited, Action—Irregularity in Commencement—How Raised.

85 Hun, 173; (65 St. Rep. 840; 32 Supp. 586).

Sutter v. Vandervear, 123 N. Y. 652; 34 St. Rep. 211; 3 Silv. Ct. App. 129.

Cited, Appeal—Extent of Review—Exceptions.

6 Misc. 96; (55 St. Rep. 494; 26 Supp. 13).

Appeal—Verdict—Conclusiveness as to Facts.

7 Misc. 643; (58 St. Rep. 347; 28 Supp. 55; 31 Abb. N. C. 284). 1 Misc. 293; (48 St. Rep. 762; 20 Supp. 697). 8 Misc. 298; (59 St. Rep. 213; 28 Supp. 576). 10 Misc. 657; (64 St. Rep. 496; 31 Supp. 793). 12 Misc. 18; (66 St. Rep. 524; 33 Supp. 25). 13 Misc. 46; (68 St. Rep. 92; 34 Supp. 89). 14 Misc. 320; (70 St. Rep. 326; 35 Supp. 850). 7 App. Div. 578; (40 Supp. 302).

Sutton, Matter of, 15 Misc. 659; 38 Supp. 102.

Affirmed, 3 App. Div. 208; 73 St. Rep. 758; 38 Supp. 277.

Sutton, Matter of, 3 App. Div. 208; 73 St. Rep. 758; 38 Supp. 277.

Affirmed, 149 N. Y. 618.

Sutton v. Newton, 15 Abb. N. C. 452.

Cited, Costs—Disbursements—Disputed Claim—Statutory Reference—Executors.

8 Misc. 470; (60 St. Rep. 601; 29 Supp. 670).

Sutton v. N. Y. C. & H. R. R. Co., 66 N. Y. 243.

Cited, Negligence—Trespassers and Licensees.

7 Misc. 647; (58 St. Rep. 393; 28 Supp. 14). 5 App. Div. 19; (39 Supp. 286).

Trial—Questions of Law and Fact—Negligence.

50 St. Rep. 834; (22 Supp. 346). 10 App. Div. 261; (75 St. Rep. 1146; 41 Supp. 752). 3 App. Div. 75; (38 Supp. 1043).

Sutton v. N. Y. Lake Erie & W. R. Co., 50 St. Rep. 514; 21 Supp. 312.

Affirmed, 142 N. Y. 623; 60 St. Rep. 867.

Cited, Master and Servant—Master's Failure to Furnish Competent Fellow Servant.

Sutton v. Ray, 73 N. Y. 482.

Cited, Appeal—To Court of Appeals—From Reversal on Facts—Probate of Will. 141 N. Y. 171; (56 St. Rep. 686).

Suydam, Matter of, 84 Hun, 514; 65 St. Rep. 733; 32 Supp. 449.

Affirmed, 152 N. Y. 639.

Duplicate Citations in Parenthesis.

Suydam v. Barber, 18 N. Y. 468.

Cited, Judgment—Joint Debtors

89 Hun, 48; (69 St. Rep. 229; 35 Supp. 34).

Suydam v. Dunton, 84 Hun, 506; 65 St. Rep. 491; 32 Supp. 333.

Suydam v. Jackson, 54 N. Y. 450.

Cited, Landlord and Tenant — Covenant to Repair—Scope.

9 Misc. 328; (30 Supp. 211). 8 Misc. 303; (59 St. Rep. 286; 28 Supp. 736) 16 Misc. 3; (73 St. Rep. 271; 37 Supp. 668). 19 Misc. 310; (78 St. Rep. 478; 44 Supp. 478).

Landlord and Tenant—Rent—Excuse.

8 App. Div. 55; (40 Supp. 426). 18 Misc. 230; (75 St. Rep. 912; 41 Supp. 522). 18 Misc. 233; (75 St. Rep. 785; 41 Supp. 274).

Suydam v. Jenkins, 3 Sandf. 614.

Cited, Damages — Compensatory — Replevin.

11 Misc. 60; (63 St. Rep. 440; 31 Supp. 838).

Suydam v. Moore, 8 Barb. 358.

Cited, Negligence — Of Servant — Joint Liability.

14 Misc. 501; (70 St. Rep. 723; 35 Supp. 1079).

Svenson v. Atlantic Mail Steamship Co., 57 N. Y. 108.

Cited, Master and Servant—Fellow Servants.

72 Hun, 615; (55 St. Rep. 169; 25 Supp. 186). 11 Misc. 539; (64 St. Rep. 468; 32 Supp. 743). 90 Hun, 68; (70 St. Rep. 204; 35 Supp. 533). 13 App. Div. 260; (77 St. Rep. 88; 43 Supp. 88).

Svenson v. Atlantic Mail Steamship Co., 33 Super. 277.

Affirmed, 57 N. Y. 108.

Cited, 8 Misc. 441; (58 St. Rep. 858; 28 Supp. 682).

Swain v. Schieffelin, 34 St. Rep. 888; 12 Supp. 155.

Cited, Damages.

16 Misc. 590; (74 St. Rep. 145; 38 Supp. 804).

Swain v. Schieffelin, 134 N. Y. 471; 47 St. Rep. 910.

Cited, Contracts—Breach—Damages.

143 N. Y. 288; (62 St. Rep. 338). 81 Hun, 131; (62 St. Rep. 635; 30 Supp. 681). 84 Hun, 313; (65 St. Rep. 561; 32 Supp. 363). 13 Misc. 622; (69 St. Rep. 150; 34 Supp. 926).

Sale—Warranty.

4 App. Div. 97; (74 St. Rep. 497; 38 Supp. 546).

Swain v. Thompson, 6 Misc. 209; 56 St. Rep. 524; 26 Supp. 536.

Swaine v. Perine, 5 Johns. Ch. 482.

Cited, Dower—Protection—Equity.

84 Hun, 395; (65 St. Rep. 552; 32 Supp. 353).

Swamp Lands, Matter of Draining Certain, 5 Hun, 116.

Cited, Appeal—Proceedings to Drain Land—Review.

37 Supp. 1059.

Swan, Matter of, 97 N. Y. 492.

Cited, Appeal—Extent of Review—Laying Out Highway.

77 Hun, 480; (60 St. Rep. 670; 29 Supp. 101).

Swan v. Bank of Produce, 24 Hun, 277.

Cited, Trusts—Notice.

12 Misc. 264; (67 St. Rep. 30; 33 Supp. 296).

Swan v. Jackson, 55 Hun, 194; 7 Supp. 821.

Cited, Negligence—Liability of Third Person.

13 Misc. 394; (63 St. Rep. 128; 34 Supp. 249).

Swan v. Long Island R. Co., 79 Hun, 612; 61 St. Rep. 28; 29 Supp. 337.

Cited, Damages—Personal Injuries—Excessive Verdict.

86 Hun, 265; (66 St. Rep. 864; 33 Supp. 190).

Swan v. Long Island R. Co., 86 Hun, 265; 66 St. Rep. 864; 33 Supp. 190.

Swan v. Morgan, 83 Hun, 378; 68 St. Rep. 768; 34 Supp. 829.

Swan v. Mutual Reserve Fund Life Ass'n, 17 Misc. 722; 41 Supp. 444.

Swan Lamp Mfg. Co. v. Brush-Swan E. L. Co., 46 St. Rep. 535; 18 Supp. 869.

Cited, Pleading—Complaint—Contracts—Quantum Meruit.

73 Hun, 509; (53 St. Rep. 207; 26 Supp. 382).

Swann v. Smith, 14 Daly, 114.

Cited, Inkeepers—Theft of Guests' Property—Contributory Negligence.

90 Hun, 192; (70 St. Rep. 539; 35 Supp. 713).

Swanson v. Cooke, 45 Barb. 574.

Cited, Judgment—Gold—Premium.

82 Hun, 115; (64 St. Rep. 165; 31 Supp. 576).

Duplicate Citations in Parenthesis.

Swart, Matter of, 2 Silv. S. Ct. 585; 25 St. Rep. 88; 6 Supp. 608.

Cited, Executors and Administrators—Accounting—Costs and Disbursements—Counsel Fees.

3 Misc. 397; (24 Supp. 851). 5 Misc. 142; (25 Supp. 707). 23 Supp. 1048.

Swart v. Boughton, 35 Hun, 281.

Cited, Pleading—Construction—Prayer for Relief.

1 Misc. 387; (49 St. Rep. 640; 22 Supp. 77). 2 Misc. 515; (51 St. Rep. 594; 22 Supp. 396). 10 Misc. 695; (65 St. Rep. 101; 31 Supp. 1007; 1 Ann. Cas. 342). 88 Hun, 85; (68 St. Rep. 548; 34 Supp. 730; 2 Ann. Cas. 276). 14 Misc. 114; (69 St. Rep. 620; 35 Supp. 245). 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887).

Swart v. Rickard, 74 Hun, 333; 56 St. Rep. 377; 26 Supp. 408.

Reversed, 148 N. Y. 264.

Swart v. Rickard, 148 N. Y. 264.

Swarthout v. New Jersey Steamboat Co., 48 N. Y. 209.

Cited, Negligence—Compliance with Statute—Effect on Liability.

12 App. Div. 572; (76 St. Rep. 200; 42 Supp. 200).

Swarthout v. Ranier, 67 Hun, 241; 50 St. Rep. 814; 22 Supp. 198.

Affirmed, 143 N. Y. 499; 62 St. Rep. 848.

Cited, Equity—Jurisdiction—To Remove Cloud on Title.

79 Hun, 540; (61 St. Rep. 555; 29 Supp. 937).

Swarthout v. Ranier, 143 N. Y. 499; 62 St. Rep. 848.

Cited, Cloud on Title—Removal.

16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Swartout v. New York Central R. Co., 7 Hun, 571.

Cited, Evidence—Expert—Competency.

10 Misc. 737; (64 St. Rep. 506; 31 Supp. 804).

Swartout v. Willingham, 6 Misc. 179; 26 Supp. 769; 31 Abb. N. C. 66.

Swartwout v. Dickelman, 12 Hun, 358.

Cited, Malicious Prosecution—Termination of Criminal Action.

11 App. Div. 330; (76 St. Rep. 956; 42 Supp. 956).

Swartwout v. Payne, 19 Johns. 294.

Cited, Bills and Notes—Usury.

83 Hun, 420; (64 St. Rep. 742; 31 Supp. 946).

Sweeley, Matter of, 12 Misc. 174; 67 St. Rep. 257; 33 Supp. 369.

Affirmed, 146 N. Y. 401.

Cited, Civil Service Law—Veterans.

89 Hun, 296; (69 St. Rep. 278; 35 Supp. 163).

Civil Service Law—Execution—Additional Legislation.

13 Misc. 462; (68 St. Rep. 612; 34 Supp. 649). 152 N. Y. 355.

Constitutionality—Civil Service Acts—Veterans.

14 App. Div. 488; (77 St. Rep. 1039; 43 Supp. 1039). 148 N. Y. 224. D. 152 N. Y. 394.

Sweeley v. Wilson, 146 N. Y. 401.

Cited, Civil Service Laws—Execution—Additional Legislation.

152 N. Y. 355.

Civil Service Laws—Veterans.

D. 152 N. Y. 394.

Sweeney v. Berlin & Jones Envelope Co., 101 N. Y. 520.

Cited, Master and Servant—Liability of Master to Servant—Places—Appliances.

142 N. Y. 34; (58 St. Rep. 437). 11 Misc. 5; (63 St. Rep. 463; 31 Supp. 835). 20 Misc. 52; (78 St. Rep. 267; 44 Supp. 267).

Master and Servant—Risks Assumed—Appliances—Safeguards.

72 Hun, 444; (54 St. Rep. 867; 25 Supp. 189). 6 Misc. 324; (56 St. Rep. 254; 26 Supp. 797).

Master and Servant—Risks Assumed—Knowledge.

3 Misc. 528; (52 St. Rep. 418; 23 Supp. 4). 67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102). 6 Misc. 264; (58 St. Rep. 131; 26 Supp. 763). 75 Hun, 326; (58 St. Rep. 215; 26 Supp. 1013; 31 Abb. N. C. 294). 80 Hun, 417; (62 St. Rep. 94; 30 Supp. 340). 10 Misc. 339; (63 St. Rep. 518; 31 Supp. 137). 12 Misc. 222; (66 St. Rep. 860; 33 Supp. 268).

Master and Servant—Perfection of Appliances and Methods.

4 Misc. 502; (54 St. Rep. 341; 24 Supp. 556). 88 Hun, 321; (68 St. Rep. 420; 34 Supp. 410). 13 Misc. 664; (69 St. Rep. 160; 34 Supp. 936).

Sweeney v. Buffalo, City of, 137 N. Y. 556; 50 St. Rep. 931.

Sweeney v. Page, 64 Hun, 172; 46 St. Rep. 163; 18 Supp. 890.

Cited, Master and Servant—Assumed Risks—Fellow Servants.

9 Misc. 401; (61 St. Rep. 691; 29 Supp. 1075).

Duplicate Citations in Parenthesis.

Sweeney v. Peaslee, 42 St. Rep. 485; 17 Supp. 225.

Cited, Usury—Purchase.

17 Misc. 640; (74 St. Rep. 643; 40 Supp. 33).

Usury—Proof—Burden.

17 Misc. 641; (74 St. Rep. 644; 40 Supp. 33).

Sweeney v. St. John, 28 Hun, 634.

Cited, Party Wall—Windows.

71 Hun, 301; (54 St. Rep. 741; 24 Supp. 1000).

Sweeney v. Sturgis, 24 Hun, 162.

Cited, Deposition—Examination to Frame Complaint.

70 Hun, 540; (53 St. Rep. 741; 24 Supp. 241). 15 Misc. 414; (72 St. Rep. 33; 25 Civ. Pro. 195).

Sweeney v. Vacuum Oil Co., 3 App. Div. 615; 74 St. Rep. 392; 38 Supp. 96.

Sweeney v. Warren, 127 N. Y. 426; 40 St. Rep. 304.

Cited, Executors and Administrators—Power to Sell Land—Termination.

50 St. Rep. 813; (21 Supp. 885). 91 Hun, 337; (70 St. Rep. 807; 36 Supp. 232). 18 Misc. 436; (75 St. Rep. 1188; 41 Supp. 790).

Wills—Construction—Power of Sale—Presumption.

142 N. Y. 163; (53 St. Rep. 306). 79 St. Rep. 625; (45 Supp. 625).

Wills—Power of Sale—Devises.

72 Hun, 183; (55 St. Rep. 322; 25 Supp. 545).

Sweeney v. White, 10 Misc. 29; 63 St. Rep. 242; 30 Supp. 1051.

Sweeney v. Wilson, 79 St. Rep. 1117; 45 Supp. 1117.

Sweeney v. New York, 43 St. Rep. 642; 17 Supp. 797.

Cited, Appeal—Sufficiency of Evidence—Reversal.

4 App. Div. 427; (74 St. Rep. 785; 38 Supp. 857).

New Trial—Verdict Contrary to Evidence.

8 Misc. 448; (58 St. Rep. 851; 28 Supp. 686).

Sweeney v. Warren, 127 N. Y. 426.

Cited, Wills—Legacies—Charge Upon Land.

18 Misc. 635; (76 St. Rep. 604; 42 Supp. 604).

Sweet v. Buffalo, 92 Hun, 404; 71 St. Rep. 854; 36 Supp. 760.

Sweet v. Burnett, 136 N. Y. 204; 49 St. Rep. 113.

Affirming, 65 Hun, 159; 47 St. Rep. 766; 20 Supp. 24.

Sweet v. Chapman, 7 Hun, 576.

Cited, Bills and Notes—Usury.

83 Hun, 420; (64 St. Rep. 742; 31 Supp. 947).

Sweet v. Marvin, 2 App. Div. 1; 72 St. Rep. 497; 37 Supp. 442.

Sweet v. Merry, 109 N. Y. 83.

Cited, Jurisdiction—Appraisal.

D. 78 St. Rep. 329; (44 Supp. 329).

Sweet v. Metropolitan Street R. Co., 18 Misc. 355; 75 St. Rep. 937; 41 Supp. 549.

Sweet v. Morrison, 103 N. Y. 235; 2 St. Rep. 781.

Cited, Partnership—Accounting—Rule For.

68 Hun, 175; (52 St. Rep. 79; 22 Supp. 680).

Sweet v. Morrison, 116 N. Y. 19; 26 St. Rep. 445.

Cited, Contracts—Certificate—Conclusiveness.

86 Hun, 365; (67 St. Rep. 150; 33 Supp. 450). 89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317). 11 App. Div. 477; (76 St. Rep. 361; 42 Supp. 361). 12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524). 13 App. Div. 418; (77 St. Rep. 13; 43 Supp. 13). 13 App. Div. 19; (77 St. Rep. 63; 43 Supp. 63).

Arbitration—Award—Conclusiveness.

12 App. Div. 224; (77 St. Rep. 434; 43 Supp. 434).

Actions—Conditions Precedent.

73 St. Rep. 524; (37 Supp. 982; 16 Misc. 222; 3 Ann. Cas. 122).

Sweet v. Mowry, 71 Hun, 381; 55 St. Rep. 51; 25 Supp. 32.

Cited, Injunction—Damages.

84 Hun, 557, 558; (65 St. Rep. 847; 32 Supp. 726).

Sweet v. Mowry, 49 St. Rep. 262; 20 Supp. 924.

Affirmed, 138 N. Y. 650; 53 St. Rep. 87.

Sweet v. Mowry, 138 N. Y. 650; 53 St. Rep. 87.

Sweet v. Norris, 45 Hun, 595; 12 Civ. Pro. R. 175.

Affirmed, 110 N. Y. 668; 18 St. Rep. 1028.

Cited, 66 St. Rep. 873; (33 Supp. 1133).

Execution Against Person—Vacation,

10 Misc. 351; (63 Misc. 413; 31 Supp. 23; 24 Civ. Pro. 171). 88 Hun, 410; (63 St. Rep. 722; 34 Supp. 845).

Sweet v. Norris, 110 N. Y. 668; 18 St. Rep. 1028.

Cited, Execution—Against Person—Release From Imprisonment.

Duplicate Citations in Parenthesis.

72 Hun, 601; (54 St. Rep. 776; 25 Supp. 275). 88 Hun, 410; (68 St. Rep. 782; 34 Supp. 845).

10 Misc. 351; (63 St. Rep. 413; 31 Supp. 23; 24 Civ. Pro. 171).

Sweet v. Syracuse, 129 N. Y. 316; 38 St. Rep. 933.

Cited, Municipal Corporations—Constitutional Restriction of Indebtedness.

136 N. Y. 225; (49 St. Rep. 331).

Statutes and Constitution—Construction—Contemporaneous Circumstances.

77 Hun, 409; (60 St. Rep. 47; 23 Supp. 815). 13 Misc. 457; (59 St. Rep. 609; 34 Supp. 646). 14 Misc. 339; (71 St. Rep. 74; 36 Supp. 126).

Waters — Public — Rights of Riparian Owners.

144 N. Y. 199; (64 St. Rep. 230). 86 Hun, 457; (67 St. Rep. 710; 33 Supp. 934)

Municipal Corporation—Acquirement of Water Privileges.

36 Hun, 459; (67 St. Rep. 717; 33 Supp. 940).

Statutes—Constitutionality—Plurality of Subjects.

139 N. Y. 513; (54 St. Rep. 816). 90 Hun, 485; (71 St. Rep. 46; 36 Supp. 38). 2 App. Div. 364; (73 St. Rep. 389; 37 Supp. 714). 11 App. Div. 149; (76 St. Rep. 900; 42 Supp. 900).

Statutes — Construction—Constitutionality.

66 Hun, 183; (49 St. Rep. 163; 21 Supp. 150). 8 Misc. 134; (60 St. Rep. 150; 23 Supp. 647). 8 Misc. 210; (58 St. Rep. 842; 28 Supp. 534). 90 Hun, 484; (71 St. Rep. 45; 36 Supp. 37).

Sweet v. Tuttle, 14 N. Y. 465.

Cited, Appeal—Objection Not Taken Below.

2 Misc. 151; (50 St. Rep. 214; 29 Abb. N. C. 435; 21 Supp. 630).

Evidence—Opinions and Conclusions.

79 Hun, 439; (61 St. Rep. 453; 29 Supp. 1025). 14 Misc. 331, 332; (70 St. Rep. 358; 35 Supp. 841).

Judgment—Conclusiveness—As to Immaterial Facts.

137 N. Y. 268; (50 St. Rep. 791).

Judgment - Conclusiveness—Lack of Jurisdiction.

8 Misc. 299; (59 St. Rep. 214; 28 Supp. 577; 31 Abb. N. C. 446).

Pleading—Answer—Failure to Set up Non-joinder of Parties.

87 Hun, 544; (68 St. Rep. 36; 34 Supp. 284).

Sweetland, Matter of, 47 St. Rep. 287; 20 Supp. 310.

Cited, Tax—Transfer—Exemptions.

11 Misc. 699; (67 St. Rep. 403; 33 Supp. 581).

Sweetland v. Buell, 89 Hun, 543; 66 St. Rep. 733; 35 Supp. 346.

Sweetman v. Prince, 63 Barb. 256.

Cited, Trial—Jury—Adherence to Instructions.

86 Hun, 484; (69 St. Rep. 466; 35 Supp. 53).

Sweetman v. Prince, 26 N. Y. 224.

Cited, Contracts — Fraud—Election of Remedies.

13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Sweetser v. Metropolitan Life Ins. Co., 8 Misc. 251; 59 St. Rep. 249; 28 Supp. 543.

Sweetzer v. Cameron, 3 Misc. 71; 51 St. Rep. 856; 22 Supp. 555.

Cited, Appeal—Review of Facts.

19 Misc. 10; (76 St. Rep. 868; 43 Supp. 868). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

Sweetzer v. Kember, 11 Misc. 107; 65 St. Rep. 118; 31 Supp. 995.

Swezey v. Prudential Life Ins. Co., 3 Misc. 608; 51 St. Rep. 765; 22 Supp. 1054.

Swezy v. McBrair, 89 Hun, 155; 69 St. Rep. 240; 35 Supp. 11.

Swezy v. Thayer, 1 Duer. 286.

Cited, Incompetent Persons—Real Estate—Sale of—Purpose of Statute.

75 Hun, 451; (59 St. Rep. 644; 27 Supp. 532).

Swenarton v. Hancock, 22 Hun, 43.

Cited, Executors—Accounting—Vouchers.

5 Misc. 141; (25 Supp. 706).

Swenarton v. Shupe, 40 Hun, 41; 9 Civ. Pro. 402.

Cited, Contempt—Civil—Punishment.

67 Hun, 259; (50 St. Rep. 906; 22 Supp. 429; 23 Civ. Pro. 125). 80 Hun, 76; (61 St. Rep. 787; 30 Supp. 17).

Swenson v. Brooklyn Heights R. Co., 15 Misc. 69; 71 St. Rep. 496; 36 Supp. 445.

Swenson v. Mahopac Iron Ore Co., 24 St. Rep. 4; 6 Supp. 520.

Cited, Master and Servant—Liability of Master—Elevators.

4 Misc. 166; (53 St. Rep. 199; 23 Supp. 791).

Duplicate Citations in Parenthesis.

Swezey v. Lott, 21 N. Y. 491.

Cited, Execution—Duty and Liability of Executing Officer—Failure to Return—Defenses.

24 Supp. 820.

Swift, Matter of, 47 St. Rep. 47; 19 Supp. 292.

Cited, Collateral Inheritance Tax—Exemption.

3 Misc. 391; (24 Supp. 716).

Swift, Matter of, 16 Supp. 193.

Affirmed, 137 N. Y. 77; 50 St. Rep. 81.

Cited, Tax—Transfer—Appraisalment—Deductions.

20 Misc. 532.

Swift, Matter of, 137 N. Y. 77; 50 St. Rep. 81.

Cited, Surrogate—Jurisdiction—Extent in Inheritance Tax Proceedings.

137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477).

Cited, Taxes—Inheritance—Chattels Outside State.

3 Misc. 163; (51 St. Rep. 266; 23 Supp. 286). 142 N. Y. 223; (58 St. Rep. 350). 144 N. Y. 12; (62 St. Rep. 859).

Taxes—Inheritance—On What Imposed.

141 N. Y. 484; (57 St. Rep. 594). 4 Misc. 593; (25 Supp. 992). 5 Misc. 174; (25 Supp. 700).

Taxes—Inheritance—Nature of.

73 Hun, 590; (56 St. Rep. 161; 26 Supp. 192). 143 N. Y. 330; (62 St. Rep. 246). 85 Hun, 247; (66 St. Rep. 305; 32 Supp. 909). 147 N. Y. 75; (69 St. Rep. 318). 3 App. Div. 210; (73 St. Rep. 759; 38 Supp. 278). 3 App. Div. 478; (73 St. Rep. 786; 38 Supp. 325). 79 St. Rep. 884; (45 Supp. 834). 149 N. Y. 313. D. 150 N. Y. 16, 22.

Taxes—Inheritance—Appraisalment.

6 Misc. 426; (57 St. Rep. 833; 27 Supp. 286). 153 N. Y. 6; 1 App. Div. 548; (73 St. Rep. 205; 37 Supp. 478). D. 2 App. Div. 601; (38 Supp. 139). 150 N. Y. 6, 7; (3 Ann. Cas. 169).

Taxes—Inheritance—Personalty—Residence.

77 Hun, 213; (59 St. Rep. 768; 28 Supp. 352). 77 Hun, 327; (59 St. Rep. 771; 28 Supp. 332).

Swift v. Hart, 35 Hun, 128.

Cited, Assignment for Creditors—Preferences—Validity.

62 St. Rep. 874; (29 Supp. 1147).

Assignment for Creditors—Fraudulent Conveyances—Who May Sue.

18 Misc. 408; (76 St. Rep. 777; 42 Supp. 777).

Swift v. Hart, 12 Barb. 530.

Cited, Chattel Mortgage—Removal From Files by Mortgagee.

71 Hun, 553; (54 St. Rep. 923; 25 Supp. 46).

Trial—Question of Fact—Fraudulent Conveyance.

19 Misc. 165.

Swift v. Massachusetts Mut. Life Ins. Co., 63 N. Y. 186.

Cited, Evidence—Declarations—Insurance.

83 Hun, 323; (64 St. Rep. 667; 31 Supp. 940).

Swift v. New York, 83 N. Y. 528.

Cited, Municipal Corporations—Non-payment for Services—Mandamus.

18 Misc. 538; (76 St. Rep. 549; 42 Supp. 549).

Swift v. Opdyke, 43 Barb. 274.

Cited, Contract—Performance—Counterclaim.

70 Hun, 581; (53 St. Rep. 831; 24 Supp. 307). 16 Misc. 452; (73 St. Rep. 341; 38 Supp. 153).

Swift v. Pacific Mail Steamship Co.,

106 N. Y. 206; 8 St. Rep. 602.

Cited, Carriers—Passengers—Connecting Lines—Contract to Carry—Liability.

9 Misc. 415; (61 St. Rep. 700; 29 Supp. 1069).

Swift v. Poughkeepsie, City of, 37 N. Y. 511.

Cited, Taxes—Assessment—Review—Collateral Impeachment.

8 Misc. 13; (58 St. Rep. 308; 28 Supp. 81). 144 N. Y. 493; (64 St. Rep. 64).

Taxes—Assessment—Recovery of Money Paid.

144 N. Y. 496; (64 St. Rep. 66).

Taxes—Assessment—Review—Mode.

13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

Swift v. Staten Island R. T. R. Co.,

123 N. Y. 645; 33 St. Rep. 604; 3 Silv.

Ct. App. 184.

Cited, Negligence—Contributory—Children.

67 Hun, 217; (51 St. Rep. 399; 22 Supp. 112). 4 Misc. 87; (53 St. Rep. 86; 23 Supp. 800; 30 Abb. N. C. 290). D. 6 App. Div. 123; (39 Supp. 1026). 12 App. Div. 555; (76 St. Rep. 166; 42 Supp. 166).

Railroads—Crossings—Signals—Negligence.

74 Hun, 38; (56 St. Rep. 212; 26 Supp. 401).

Trial—Question of Fact—Contributory Negligence.

Duplicate Citations in Parenthesis.

71 Hun, 507; (55 St. Rep. 84; 24 Supp. 1092). 12 Misc. 454; (67 St. Rep. 333; 33 Supp. 627). 4 App. Div. 496; (38 Supp. 668).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 25; (49 St. Rep. 517; 21 Supp. 437). 69 Hun, 68; (52 St. Rep. 748; 23 Supp. 194). 72 Hun, 606; (55 St. Rep. 143; 25 Supp. 245).

Swift v. Staten Island R. T. R. Co.,

135 N. Y. 650; 48 St. Rep. 931.

Swift v. Swift, 88 Hun, 551; 68 St. Rep. 749; 34 Supp. 852.

Swift v. Swift, 5 App. Div. 587; 39 Supp. 384.

Swift v. Wells, 2 How. 79.

Cited, Reference—Long Account.

139 N. Y. 205; (54 St. Rep. 607).

Swift v. Wheeler, 46 Hun, 580; 12 St. Rep. 737.

Cited, Costs — Security for — Practice — Notice.

8 Misc. 99; (60 St. Rep. 161; 28 Supp. 1004).

Swikehard v. Michaels, 8 Misc. 568; 60 St. Rep. 682; 29 Supp. 777.

Affirmed, 81 Hun, 325; 29 Supp. 777.

Swikehard v. Michaels, 81 Hun, 325; 29 Supp. 777.

Affirmed, 144 N. Y. 684.

Swinarton v. LeBoutiller, 7 Misc. 639; 58 St. Rep. 345; 28 Supp. 53; 31 Abb. N. C. 281.

Affirmed, 148 N. Y. 752.

Cited, Negligence — Dangerous Premises and Appliances—Liability of Owner.

4 App. Div. 485; (38 Supp. 686). D. 6 App. Div. 185; (39 Supp. 1028).

Swinburne v. Swinburne, 28 N. Y. 565.

Cited, Trustees—Dealing With Trust Estate—Benefits.

80 Hun, 233; (61 St. Rep. 643; 29 Supp. 1021).

Swinerton v. Columbian Ins. Co., 37 N. Y. 174.

Cited, Evidence—Judicial Notice—Resort to Documents.

7 Misc. 719; (58 St. Rep. 324; 28 Supp. 32). 14 Misc. 257; (70 St. Rep. 252; 35 Supp. 831).

Switzer v. Norton, 3 App. Div. 173; 73 St. Rep. 687; 38 Supp. 350; 3 Ann. Cas. 109.

Swords v. Edgar, 59 N. Y. 28.

Cited, Negligence — Dangerous Premises — Who Liable.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Swords v. Owen, 34 Super. 277.

Cited, Contracts—Validity—In Violation of Criminal Statute.

9 Misc. 379; (61 St. Rep. 483; 30 Supp. 25).

Sykes v. Temple, 69 Hun, 448; 52 St. Rep. 779; 23 Supp. 425.

Cited, Appeal—Harmless Error.

18 Misc. 209; (75 St. Rep. 783; 41 Supp. 373).

Sylvester v. Crohan, 138 N. Y. 494; 53 St. Rep. 113.

Affirming, 63 Hun, 509; 45 St. Rep. 320; 32; 18 Supp. 546.

Sylvester v. Ralston, 31 Barb. 286.

Cited, Guardian — In socage — Powers — Lease.

13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95, 25 Civ. Pro. 108).

Sylvester v. Wheeler, 74 Hun, 382; 56 St. Rep. 421; 26 Supp. 411.

Syms v. New York, 50 Super. 289.

Cited, Limitation of Action—When Barred — Reformation of Instrument.

70 Hun, 513; (53 St. Rep. 619; 24 Supp. 370).

Syms v. New York, 105 N. Y. 153; 6 St. Rep. 830.

Cited, Reformation—Fraud and Mistake. 81 Hun, 471; (63 St. Rep. 494; 31 Supp. 172)

Syms v. Vyse, 2 St. Rep. 106.

Cited, Evidence—Burden of Proof—Failure to Sustain.

68 Hun, 198; (52 St. Rep. 89; 23 Supp. 847). 11 Misc. 345; (65 St. Rep. 460; 32 Supp. 266).

D. 11 Misc. 717; (68 St. Rep. 872; 34 Supp. 1140). 14 Misc. 602; (71 St. Rep. 446; 36 Supp. 458). 79 St. Rep. 491; (45 Supp. 491).

Syracuse v. Benedict, 86 Hun, 343; 67 St. Rep. 614; 33 Supp. 944.

Syracuse v. Cornwell, 141 N. Y. 569; 57 St. Rep. 867.

Syracuse v. Glenside Woolen Mills, 73 Hun, 431; 56 St. Rep. 9; 26 Supp. 429.

Syracuse v. Skaneateles Paper Co., 67 St. Rep. 718; 33 Supp. 943.

Syracuse v. Skaneateles Paper Co., 67 St. Rep. 720; 33 Supp. 943.

Syracuse v. Skaneateles Paper Co., 67 St. Rep. 721; 33 Supp. 944.

Syracuse v. Stacey, 86 Hun, 441; 67 St. Rep. 704; 33 Supp. 929.

Followed, 67 St. Rep. 719; (33 Supp. 942; 67 St. Rep. 720; (33 Supp. 944). 67 St. Rep. 721. (33 Supp. 944).

Duplicate Citations in Parenthesis.

Condemnation Proceedings—Practice
86 Hun. 347; (67 St. Rep. 616; 33 Supp. 946). 13 App. Div. 602; (77 St. Rep. 631; 43 Supp. 631).

Waters—Public—Rights of Riparian Owners.

15 App. Div. 171; (78 St. Rep. 283; 44 Supp. 283).

Syracuse v. Stacey, 67 St. Rep. 719; 33 Supp. 942.

Cited, Waters—Rights of Riparian Owners.
91 Hun. 274; (71 St. Rep. 108; 36 Supp. 94).

Syracuse v. Stacey, 67 St. Rep. 720; 33 Supp. 943

Syracuse, Binghamton & N. Y. R. Co. v. Collins, 57 N. Y. 641.

Cited, Bills and Notes—Presentation.
138 N. Y. 497; (53 St. Rep. 114). 12 Misc. 21; (66 St. Rep. 720; 33 Supp. 63).

Syracuse, Binghamton & N. Y. R. Co. v. Collins, 3 Lans. 29.

Cited, Bills and Notes—Presentation.
16 Misc. 318; (39 Supp. 396; 25 Civ. Pro. 406).

Syracuse, Chenango & N. Y. R. Co., 91 N. Y. 1.

Cited, Corporations—Unauthorized Acts—Availability.
20 Misc. 488.

Syracuse Chilled Plow Co. v. Wing, 85 N. Y. 421.

Cited, Fraudulent Conveyances—Consideration—Prior Indebtedness.
75 Hun. 521; (57 St. Rep. 350; 27 Supp. 730).

Conveyance—When Fraudulent.
92 Hun. 605; (72 St. Rep. 313; 36 Supp. 940).

Syracuse City Bank v. Tallmadge, 31 Barb. 201.

Cited, Foreclosure—Rents and Profits—Rights of Mortgagee.
6 App. Div. 248; (39 Supp. 1032).

Syracuse Moulding Co. v. Squires, 39 St. Rep. 824; 15 Supp. 321.

Cited, Justice's Court—Attorneys—Authority—How Shown.
88 Hun. 562; (68 St. Rep. 785; 34 Supp. 847).

Syracuse Pressed Brick Co. v. Syracuse, 10 Misc. 306; 63 St. Rep. 534; 31 Supp. 283.

Syracuse Savings Bank v. Holden, 105 N. Y. 415; 8 St. Rep. 29.

Cited, Deeds and Wills—Construction.
49 St. Rep. 246; (20 Supp. 956). 89 Hun. 557; (69 St. Rep. 731; 35 Supp. 344). 3 App. Div. 290; (38 Supp. 1069).

Syracuse Savings Bank v. Seneca Falls, Town of, 86 N. Y. 317.

Cited, Statute—Repeal—Effect on Existing Rights and Remedies.

71 Hun. 279; (54 St. Rep. 490; 24 Supp. 1023).

Syracuse Savings Bank v. Syracuse C. & N. Y. R. Co., 88 N. Y. 110.

Cited, Appeal—Order Confirming Sale.
2 App. Div. 20; (72 St. Rep. 501; 37 Supp. 446).

Syracuse Solar Salt Co. v. Rome Watertown & O. R. Co., 67 Hun. 153; 51 St. Rep. 520; 22 Supp. 321.

Cited, 11 App. Div. 560; (76 St. Rep. 592; 42 Supp. 592). 92 Hun. 34; (72 St. Rep. 237; 36 Supp. 902).

Railroads—Unlawful Occupation—Remedies.
92 Hun. 36; (72 St. Rep. 238; 36 Supp. 903).

Syracuse Solar Salt Co. v. Rome Watertown & O. R. Co., 11 App. Div. 557; 76 St. Rep. 596; 42 Supp. 590.

Syracuse Water Co. v. Syracuse, City of, 116 N. Y. 167; 26 St. Rep. 364.

Cited, Municipal Corporation—Water Company—Exclusive Franchise.

73 Hun. 506; (56 St. Rep. 233; 26 Supp. 199). 143 N. Y. 611, 614, 615; (62 St. Rep. 813, 814, 816). 16 App. Div. 505, 506; (78 St. Rep. 878, 879; 44 Supp. 878, 879).

Syuchar v. Workingmen's Co-Op. Ass'n, 14 Misc. 10; 69 St. Rep. 497; 35 Supp. 125.

Szerlip v. Bair, 20 Misc. 588.

Szuchy v. Hillside Coal & Iron Co., 150 N. Y. 219; 72 St. Rep. 730; 37 Supp. 457; 3 Ann. Cas. 269.

Cited, Appeal—Court of Appeals—Statute
151 N. Y. 57.

Appeal—Review of Facts—Court of Appeals.

151 N. Y. 321. 152 N. Y. 436.

T

Taaks v. Schmidt, 19 How. 413.

Cited, Injunction—Damages by—Final Determination.

70 Hun, 12; (53 St. Rep. 260; 23 Supp. 936).

Trial—Discontinuance.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Tabb v. United Electrical Light & Power Co., 11 Misc. 409; 65 St. Rep. 286; 32 Supp. 142.

Tabor v. Erie County, Sup'rs of, 131 N. Y. 432; 43 St. Rep. 177.

Cited, Military Service—Substitutes—Reimbursement.

13 Misc. 712; (69 St. Rep. 286; 35 Supp. 170).

Tabor v. Manhattan R. Co., 14 Misc. 189; 70 St. Rep. 194; 35 Supp. 465.

Affirmed, 148 N. Y. 743.

Taber v. New York El. R. Co., 8 Misc. 17; 28 Supp. 68.

Affirmed, 149 N. Y. 593.

Cited, 34 Supp. 31.

Taber v. New York El. R. Co., 12 Misc. 460; 67 St. Rep. 830; 34 Supp. 29.

Reversed, 14 Misc. 189; 70 St. Rep. 194; 35 Supp. 465.

Tabor v. Hoffman, 41 Hun, 5.

Cited, Injunction—Trade Secrets—Employees.

D. 4 App. Div. 579; (74 St. Rep. 829; 38 Supp. 1018)

Tabor v. Hoffman, 118 N. Y. 30; 27 St. Rep. 756.

Cited, Injunction—Trade Secrets—Employees.

79 Hun, 193; (62 St. Rep. 103; 20 Supp. 115). D. 4 App. Div. 579; (74 St. Rep. 829; 38 Supp. 1018).

Authors and Inventor—Rights.

84 Hun, 18; (65 St. Rep. 202; 32 Supp. 45).

Tabor v. New York El. R. Co., 8 Misc. 17; 59 St. Rep. 307; 28 Supp. 68.

Tabor v. Robinson, 36 Barb. 483.

Cited, Injunction—Prevention of Waste. 66 Hun, 193; (49 St. Rep. 174; 21 Supp. 126).

Tabor v. Van Tassell, 86 N. Y. 642.

Cited, Appeal—Harmless Error—Test—Admission of Evidence.

4 Misc. 391; (53 St. Rep. 519; 24 Supp. 331).

Evidence—Declarations—Vendor.

9 Misc. 183; (60 St. Rep. 643; 29 Supp. 535).

Tabor v. Willetts, 1 App. Div. 285; 72 St. Rep. 768; 37 Supp. 233.

Affirmed, 153 N. Y. 663.

Cited, Wills—Power of Sale—Defeat by Devisees.

18 Misc. 436; (75 St. Rep. 1187; 41 Supp. 789).

Tacke, Matter of, 17 St. Rep. 805; 3 Supp. 198.

Cited, Surrogate's Court—Costs—Who Liable.

12 Misc. 325; (67 St. Rep. 341; 33 Supp. 633).

T. A. Vulcan v. Myers, 58 Hun, 161; 34 St. Rep. 122; 11 Supp. 663.

Cited, Trademarks—Similarity—Deception.

7 Misc. 58; (57 St. Rep. 86; 27 Supp. 372).

Pleading—Answer—Incorporation.

68 Hun, 31; (52 St. Rep. 65; 22 Supp. 675).

T. A. Vulcan v. Myers, 139 N. Y. 364; 54 St. Rep. 603.

Affirming, 46 St. Rep. 962.

Cited, Trademarks—Similarity—Deception.

7 Misc. 58; (57 St. Rep. 86; 27 Supp. 372).

Taft, Matter of, 28 St. Rep. 315; 8 Supp. 202.

Cited, Executors—Accounting—Vouchers for Payments.

23 Supp. 850.

Executors—Compensation.

13 Misc. 72; (69 St. Rep. 656; 35 Supp. 301).

Taft v. Brewster, 9 Johns. 334.

Cited, Bills and Notes—Persons Not Named—Liability.

139 N. Y. 311; (54 St. Rep. 591). 82 Hun, 175; (63 St. Rep. 775; 31 Supp. 327).

Taft v. Brooklyn Heights R. Co., 14 Misc. 390; 70 St. Rep. 750; 35 Supp. 1042.

Taft v. Chapman, 50 N. Y. 445.

Cited, Bona Fide Purchasers—Consideration—Antecedent Debt.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 202).

Taggard, Matter of, 138 N. Y. 610; 51 St. Rep. 933.

Taggard v. Roosevelt, 2 E. D. Smith; 100.

Cited, Contracts—Statute of Frauds—Leases.

3 Misc. 607; (51 St. Rep. 605; 22 Supp. 552).

Duplicate Citations in Parenthesis.

Taggart v. Fox, 11 Daly, 159.

Cited, Evidence — Books of Account—Clerk.

13 App. Div. 208; (77 St. Rep. 258; 43 Supp. 258).

Taggart v. Murray, 53 N. Y. 233.

Cited, Real Property — Remainders—Alienation.

73 Hun. 480; (56 St. Rep. 13; 26 Supp. 438).

Wills—Construction — Devise—Life Estate—Terminated by Re-marriage.

4 Misc. 561; (25 Supp. 844).

Wills—Construction—Intent.

3 Misc. 174; (23 Supp. 838). 16 App. Div. 400; (79 St. Rep. 60; 45 Supp. 60). D. 79 St. Rep. 1121; (45 Supp. 1121).

Taggart v. Wade, 49 Hun, 265; 17 St. Rep. 646; 1 Supp. 900.

Cited, Mortgages—Foreclosure—Redemption.

81 Hun, 261; (62 St. Rep. 755; 30 Supp. 793).

Dower—Inchoate—Protection.

147 N. Y. 386; (70 St. Rep. 37).

Taiter v. Lees, 55 St. Rep. 738.

Taintor v. Hemingway, 83 N. Y. 610.

Cited, Evidence—Parol—Consideration. 83 Hun, 401; (64 St. Rep. 426; 31 Supp. 755).

Taintor v. Hemmingway, 18 Hun, 458.

Cited, Evidence—Parol — Consideration.

83 Hun, 401; (64 St. Rep. 426; 31 Supp. 755).

Taintor v. Prendergast, 3 Hill, 72.

Cited, Agency — Undisclosed Principal—Right to Sue.

11 Misc. 348; (65 St. Rep. 276; 32 Supp. 134).

Tait v. Tait, 3 Misc. 218; (52 St. Rep. 645; 23 Supp. 597).

Talamo v. Spitzmiller, 120 N. Y. 37; 30 St. Rep. 186.

Cited, Landlord and Tenant — Lease — Term.

15 Misc. 136; (71 St. Rep. 826; 36 Supp. 804). 18 Misc. 70; (72 St. Rep. 485; 41 Supp. 30, 31).

Talbert v. Storum, 50 St. Rep. 267; 21 Supp. 719.

Cited, Consideration—Instrument Under Seal—Estoppel.

88 Hun, 450; (68 St. Rep. 789; 34 Supp. 877; 2 Ann. Cas. 199).

Talbert v. Storum, 7 App. Div. 456; 39 Supp. 1047.

Talbot v. Cruger, 72 Hun, 30; 55 St. Rep. 194; 25 Supp. 285.

Talbot v. Cruger, 81 Hun, 504; 63 St. Rep. 205; 30 Supp. 1011.

Affirmed, 151 N. Y. 117.

Talbot v. Cruger, 151 N. Y. 117.

Cited, Landlord and Tenant — Fixtures—Ownership.

14 App. Div. 209; (77 St. Rep. 767; 43 Supp. 767).

Talbot v. Doran & Wright Co., 30 St. Rep. 558; 9 Supp. 478; 16 Daly, 174; 18 Civ. Pro. 304.

Cited, Deposition — Examination Before Trial—Books and Papers.

12 Misc. 68; (67 St. Rep. 14; 33 Supp. 179; 24 Civ. Pro. 328).

Talbot v. New York & H. R. Co., 78 Hun, 473; 60 St. Rep. 745; 29 Supp. 187.

Affirmed, 151 N. Y. 155.

Cited, 17 App. Div. 59; (78 St. Rep. 846; 44 Supp. 846).

Talbot v. N. Y. & H. R. Co., 151 N. Y. 155.

Talcot v. Commercial Ins. Co., 2 Johns, 124.

Cited, New Trial — After Two Identical Verdicts—Weight of Evidence.

53 St. Rep. 658; (25 Supp. 242).

Trial—Verdict—Setting Aside.

7 Misc. 51; (57 St. Rep. 530; 27 Supp. 367). 11 App. Div. 396; (76 St. Rep. 1124; 42 Supp. 1124).

Talcott, Matter of, 3 App. Div. 578; 73 St. Rep. 809; 38 Supp. 338.

Talcott v. American Credit Indemnity Co., 81 Hun, 577; 63 St. Rep. 256; 30 Supp. 1118.

Cited, Attachment — Foreign Corporations.

66 St. Rep. 153; (32 Supp. 874; 24 Civ. Pro. 235).

Talcott v. Buffalo, 125 N. Y. 280; 34 St. Rep. 871.

Cited, Contract—Illegality—Payment of Public Money to Monopoly.

5 Misc. 392; (26 Supp. 933).

Injunction—When Granted — Municipal Corporations—Municipal Acts—Discretion.

9 Misc. 612; (62 St. Rep. 91; 30 Supp. 425).

10 Misc. 210; (62 St. Rep. 89; 30 Supp. 415).

3 App. Div. 183, 190; (73 St. Rep. 626, 632; 38 Supp. 471). 16 Misc. 424; (74 St. Rep. 75; 38 Supp. 452).

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48 St. Rep. 345; (20 Supp. 473).

Duplicate Citations in Parenthesis.

Pleading—Illegality—Facts—Conclusions.
7 Misc. 199; (56 St. Rep. 515; 27 Supp. 210). 81 Hun, 308.

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71 Hun, 422; (54 St. Rep. 387; 24 Supp. 965). 67 Hun, 260; (50 St. Rep. 908; 22 Supp. 430; 23 Civ. Pro. 127). 12 Misc. 289; (67 St. Rep. 822; 33 Supp. 1118). 89 Hun, 261; (68 St. Rep. 853, 857, 863; 34 Supp. 1075, 1079, 1083). 14 Misc. 263; (70 St. Rep. 680; 35 Supp. 1004). D. 152 N. Y. 367.

Municipal Corporations—Taxpayer's Action—Enjoinment of Official Acts—Burden.
3 App. Div. 186; (73 St. Rep. 628; 38 Supp. 473).

Talcott v. Burnstein, 13 St. Rep. 552.

Cited, Motions and Orders—Renewal of Motion—Leave of Judge.

50 St. Rep. 357; (21 Supp. 827). 68 Hun, 389; (52 St. Rep. 204; 22 Supp. 861).

Talcott v. Canton Mills, 30 Supp. 421;
31 Abb. N. C. 97.

Talcott v. Cowdry, 16 Misc. 487; 38 Supp. 1149.

Affirmed, 17 Misc. 333; 39 Supp. 1076.

Talcott v. Cowdry, 17 Misc. 333; 39 Supp. 1076.

Talcott v. Einstein, 12 Week. Dig. 441.
Cited, Sale—Rescission—Fraud During Delivery.

50 St. Rep. 141; (21 Supp. 275).

Talcott v. Harder, 119 N. Y. 536; 30 St. Rep. 90.

Cited, Conveyance — Pending Action—Validity.

11 Misc. 2; (63 St. Rep. 452; 31 Supp. 851).

Talcott v. Hess, 31 Hun, 282.

Cited, Insolvency—Assignment for Creditors—Fraudulent—Withholding Assets.

3 Misc. 495; (23 Supp. 985).

Talcott v. Levy, 47 St. Rep. 399; 20 Supp. 440.

Affirmed, 3 Misc. 615; 51 St. Rep. 946; 23 Supp. 1162.

Cited, Fraudulent Conveyance — Deed Withholding from Record—Badge of Fraud.
3 Misc. 495; (23 Supp. 934).

Talcott v. Levy, 3 Misc. 615; 51 St. Rep. 946; 23 Supp. 1162.

Affirmed, 143 N. Y. 636; 60 St. Rep. 996.

Talcott v. Levy, 143 N. Y. 636; 60 St. Rep. 875.

Talcott v. National Credit Ins. Co.,
9 App. Div. 433; 75 St. Rep. 690; 41 Supp. 281.

Talcott v. Olcott, Mfg. Co., 11 Week. Dig. 141.

Cited, Corporations—Officers—Compensation—Unofficial Services.

49 St. Rep. 560; (20 Supp. 983).

Corporations—Officers—Special Corporations.

3 Misc. 326; (52 St. Rep. 518; 23 Supp. 887).

Talcott v. Thomas, 50 St. Rep. 621; 21 Supp. 1064.

Talcott v. Wabash R. Co., 66 Hun, 456; 50 St. Rep. 423; 21 Supp. 318.

Cited, 89 Hun, 494; (70 St. Rep. 235; 35 Supp. 575).

Carriers—Baggage — Merchandise — Liability,

16 Misc. 614; (73 St. Rep. 813; 33 Supp. 322).

Talcott v. Wabash R. Co., 89 Hun, 493;
70 St. Rep. 235; 35 Supp. 574.

Tallapossa Lumber Co. v. Holbert,
5 App. Div. 559; 39 Supp. 432; 3 Ann. Cas. 238.

Cited, Corporations—Foreign—Certificate—Doing Business.

20 Misc. 127; (79 St. Rep. 715; 45 Supp. 715).

Tallcot v. Moore, 6 Hun, 106.

Cited, Injunction—Trademarks.

92 Hun, 67; (71 St. Rep. 156; 36 Supp. 335).

Tallinger v. Mandeville, 48 Hun, 152
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Cited, Husband and Wife—Separation Agreement.

16 App. Div. 615; (78 St. Rep. 975; 44 Supp. 975).

Tallinger v. Mandeville, 113 N. Y. 427.

Cited Contracts — Rescission — Restoration.

12 App. Div. 226; (77 St. Rep. 435; 43 Supp. 435).

Tallmadge v. East River Bank, 26 N. Y. 105.

Cited, Covenant — Restricting Use of Land—Deed.

24 Supp. 787; (30 Abb. N. C. 267).

Real Property—Restrictions—Parol Agreement.

6 Misc. 256; (26 Supp. 1092). 148 N. Y. 672.

Covenants — Running With the Land—Grantee—Enforcement.

141 N. Y. 355; (57 St. Rep. 436). 3 App. Div. 201; (73 St. Rep. 704; 38 Supp. 211).

Tallmadge v. Lounsbury, 50 St. Rep. 531; 21 Supp. 908.

Duplicate Citations in Parenthesis.

Tallmadge v. Press Pub. Co., 131 N. Y. 535, 565.

Cited, Trial—Right to Open and Close.
6 App. Div. 588; (39 Supp. 542).

Tallmadge v. Seaman, 9 Misc. 303; 61 St. Rep. 73; 30 Supp. 304.

Cited, Tax—Inheritance—Conveyance.
10 Misc. 479; (65 St. Rep. 254; 32 Supp. 175).

Distinguished, Tax—Inheritance — Jurisdiction.

86 Hun, 202; (67 St. Rep. 133; 33 Supp. 388).

Tallmadge v. Wallis, 25 Wend. 107.

Cited, Damages—Failure of Title.
83 Hun, 403; (68 St. Rep. 817; 34 Supp. 806).

Tallmage, Matter of, 20 Week Dig. 69.
Cited, Wills—Construction—Contingency of Death.

69 Hun, 612; (53 St. Rep. 547; 24 Supp. 28).

Tallman v. Atlantic Marine & Fire Ins. Co., 4 Abb. Ct. App. Dec. 345.

Cited, Insurance—Policy — Conditions—Transfers.

70 Hun, 491; (53 St. Rep. 746; 24 Supp. 385).

Tallman v. Bernhard, 75 Hun, 30; 58 St. Rep. 597; 27 Supp. 6; 31 Abb. N. C. 84; 23 Civ. Pro. 284.

Cited, Costs—Demurrer.
67 St. Rep. 330; (33 Supp. 623; 24 Civ. Pro. 408). 19 Misc. 264; (78 St. Rep. 253; 44 Supp. 253).

Tallman v. Earle, 3 Misc. 76; 51 St. Rep. 755; 23 Supp. 17.

Cited, Landlord and Tenant—Eviction—Untenantability.

10 Misc. 121; (62 St. Rep. 518; 30 Supp. 950; 24 Civ. Pro. 123). 18 Misc. 232; (75 St. Rep. 784; 41 Supp. 374).

Tallman v. Earle, 37 St. Rep. 271; 13 Supp. 805.

Cited, Contracts—Modification or Discharge.

13 Misc. 123; (68 St. Rep. 109; 34 Supp. 125). 18 Misc. 485; (75 St. Rep. 1335; 41 Supp. 960).

Tallman v. Green, 3 Sandf. 437.

Cited, Vendor and Purchaser—Misrepresentation—Relief.

89 Hun, 59; (69 St. Rep. 6; 34 Supp. 1062).

Tallman v. Kimball, 74 Hun, 279; 56 St. Rep. 345; 26 Supp. 811.

Tallman v. Metropolitan El. R. Co., 16 St. Rep. 684; 2 Supp. 130.

Cited, Damages—Amount—Uncertainty—Conjecture.

71 Hun, 235; (54 St. Rep. 576; 24 Supp. 1086).

Tallman v. Metropolitan El. R. Co., 121 N. Y. 119; 30 St. Rep. 491.

Cited, Damages—Measure—Possible Uses of Land.

136 N. Y. 545; (49 St. Rep. 684). 91 Hun, 192; (72 St. Rep. 310; 36 Supp. 937).

Injunction—Right to Real Property—Trespass.

24 Supp. 954.

Tallman v. Murphy, 120 N. Y. 345; 31 St. Rep. 483.

Cited, Landlord and Tenant—Eviction—Untenantability.

3 Misc. 78; (51 St. Rep. 757; 23 Supp. 19).

6 Misc. 533; (58 St. Rep. 18; 27 Supp. 139).

10 Misc. 121; (62 St. Rep. 518; 30 Supp. 950; 24 Civ. Pro. 123). 16 Misc. 377; (74 St. Rep. 382; 38 Supp. 86). 17 Misc. 605; (75 St. Rep. 54; 40 Supp. 654). 18 Misc. 232; (75 St. Rep. 784; 41 Supp. 374).

Landlord and Tenant—Eviction, What Constitutes and Sufficiency of Evidence.

1 Misc. 196; (48 St. Rep. 720; 20 Supp. 699).

Landlord and Tenant—Injury to Tenement—Effect on Covenant for Rent.

3 Misc. 234; (51 St. Rep. 866; 22 Supp. 706).

Landlord and Tenant—Failure to Repair—Abandonment—Justification.

7 Misc. 725; (58 St. Rep. 330; 28 Supp. 45).

Landlord and Tenant—Repairs.

7 Misc. 743; (57 St. Rep. 643; 27 Supp. 1018).

Tallman v. Tallman, 3 Misc. 465; 23 Supp. 784.

Cited, Wills—Construction—Life Estate to Widow.

75 Hun, 436; (57 St. Rep. 342; 27 Supp. 676).

Tallman v. White, 2 N. Y. 66.

Cited, Taxes—Sale—Deed—Erroneous Description.

11 App. Div. 515; (76 St. Rep. 807; 42 Supp. 807). 18 Misc. 324; (76 St. Rep. 1003; 42 Supp. 1003).

Tallmadge v. Lane, 17 Misc. 731; 41 Supp. 413.

Tallmadge v. Sanitary Security Co., 2 App. Div. 44; 72 St. Rep. 522; 37 Supp. 177.

Duplicate Citations in Parenthesis.

Talmadge v. Seaman, 9 Misc. 303; 61 St. Rep. 73; 30 Supp. 304.

Reversed, 85 Hun, 242; 63 St. Rep. 302; 32 Supp. 906.

Talmadge v. Seaman, 85 Hun, 242; 66 St. Rep. 302; 32 Supp. 906.

Cited, Taxes—Transfer—Remainders.

11 App. Div. 222; (77 St. Rep. 420; 43 Supp. 420).

Talmage v. Hunting, 29 N. Y. 447.

Cited, Highways—Opening—Designation of Width.

20 Misc. 274; (79 St. Rep. 831; 45 Supp. 831).

Talmage v. Pell, 7 N. Y. 328.

Cited, Corporations—Advances for Benefit—Liability.

71 Hun, 570; (55 St. Rep. 100; 25 Supp. 137).

Talmage v. Pell, 9 Paige, 410.

Cited, Action—Abatement—Corporations—Dissolution

82 Hun, 305; (63 St. Rep. 787; 31 Supp. 338; 24 Civ. Pro. 203; 1 Ann. Cas. 139).

Talmage v. Third Nat. Bank, 91 N. Y. 531.

Cited, Security—Debts.

17 Misc. 530; (40 Supp. 875).

Talman v. Dorthy, 68 Hun, 329; 52 St. Rep. 183; 22 Supp. 888.

Tammien v. Clause, 67 Barb. 430.

Cited, Consideration—Part Payment of Demand.

16 Misc. 557; (74 St. Rep. 266; 38 Supp. 748).

Tamsen v. Shaefer, 108 N. Y. 604.

Cited, Vendor and Purchaser—Breach—Recovery of Price—Tender.

148 N. Y. 562; (3 Ann. Cas. 24).

Tanenbaum v. Feist, 6 Misc. 368; 56 St. Rep. 340; 26 Supp. 748.

Affirming, 3 Misc. 631; 23 Supp. 319.

Tange v. New York & N. J. I. Co., 59 St. Rep. 674; 29 Supp. 1150.

Tannenbaum v. Armeny, 81 Hun, 581; 63 St. Rep. 348; 31 Supp. 55.

Tannenbaum v. Gottlieb, 14 App. Div. 105; 77 St. Rep. 469; 43 Supp. 469.

Tannenbaum v. Marsellus, 3 Misc. 351; 52 St. Rep. 426; 22 Supp. 938.

Tannenbaum v. Rosswog, 22 Abb. N. C. 346; 6 Supp. 578.

Cited, Attachment—Property Fraudulently Transferred.

136 N. Y. 261; (49 St. Rep. 382).

Tanner v. Buffalo R. Co., 72 Hun, 465; 54 St. Rep. 776; 25 Supp. 242.

Tanner v. Marsh, 53 Barb. 438.

Cited, Appeal—Review of Discretionary Determination.

70 Hun, 60; (53 St. Rep. 554; 23 Supp. 954). 92 Hun, 377; (71 St. Rep. 846; 36 Supp. 549).

Tappan, Matter of Highway at, 64 St. Rep. 262; 31 Supp. 625.

Tappan v. Brown, 9 Wend. 175.

Cited, Contract—Public Policy—Division of Official Fees.

70 Hun, 546; (53 St. Rep. 612; 24 Supp. 373). 144 N. Y. 451; (63 St. Rep. 733).

Tappan v. State, 146 N. Y. 44; 65 St. Rep. 767.

Tarbell v. Griggs, 3 Paige. 207.

Cited, Creditors—Fraudulent Conveyance—Attack—Judgment.

12 App. Div. 477; (76 St. Rep. 37; 42 Supp. 37).

Tarbell v. Royal Exchange Shipping Co., 110 N. Y. 170; 17 St. Rep. 153.

Cited, Carriers—Liability—Baggage and Property of Passengers—Delivery.

8 Misc. 215; (59 St. Rep. 487; 28 Supp. 578). 10 Misc. 130, 131; (62 St. Rep. 471, 472; 30 Supp. 904). 90 Hun, 577, 558; (71 St. Rep. 35; 36 Supp. 27).

Pleading—Variance—Waiver.

144 N. Y. 712; (71 St. Rep. 287). 18 Misc. 205; (75 St. Rep. 779; 41 Supp. 370).

Tarbell v. West, 86 N. Y. 280.

Cited, Mortgage—Of Interest in Partnership Property.

70 Hun, 502; (53 St. Rep. 755; 24 Supp. 453).

Partnership—Chattel Nature of Partner's Interest.

53 St. Rep. 889; (25 Supp. 133).

Partnership—Sale of Individual's Interest—Rights of Vendee.

146 N. Y. 74; (55 St. Rep. 265). 9 App. Div. 180; (75 St. Rep. 585; 41 Supp. 127.)

Conveyance—Defective—Equitable Title. 4 App. Div. 13; (73 St. Rep. 673; 38 Supp. 306).

Tarrytown, Village of, v Pocontico Water Works Co., 15 St. Rep. 816; 1 Supp. 394.

Cited, Injunction—Irreparable Injury.

67 Hun, 101; (51 St. Rep. 370; 21 Supp. 1111).

Tartaglio, Matter of, 12 Misc. 245; 67 St. Rep. 825; 33 Supp. 1121.

Tasker v. Ryan, 4 App. Div. 616; 75 St. Rep. 340; 40 Supp. 942.

Duplicate Citations in Parenthesis.

Tasker v. Ryan, 73 St. Rep. 589.

Tasker v. Wallace, 6 Daly, 364.

Cited, Amendment—Misnomer.

11 Misc. 253; (64 St. Rep. 611; 65 St. Rep. 858; 32 Supp. 737; 1 Ann. Cas. 113). 20 Mi-c. 79; (79 St. Rep. 90; 45 Supp. 90).

Tate v. McCormick, 23 Hun, 218.

Cited, Appeal—Motion for New Trial.

11 Misc. 249; (66 St. Rep. 516; 33 Supp. 16). 3 App. Div. 54; (73 St. Rep. 850; 38 Supp. 233).

Tattersall v. Hass, 1 Hilt. 56.

Cited. Appeal—Discretionary Determination—Amendment of Pleading.

7 Misc. 187; (57 St. Rep. 543; 27 Supp. 318).

Taube v. Dry Dock E. B. & B. R. Co., 67 St. Rep. 823; 33 Supp. 1119.

Taussin v. Hart, 49 N. Y. 301.

Cited, Action—Election of Remedies—Effect.

2 Misc. 259; (50 St. Rep. 336; 21 Supp. 940).

Taussig v. Hart, 58 N. Y. 425.

Cited, Brokers—Stocks—Possession of Certificate for Customer.

53 St. Rep. 652; (25 Supp. 263.) 17 App. Div. 331; (79 St. Rep. 220; 45 Supp. 220).

Principal and Agent—Conflict of Interest—Purchase from Principal.

8 Misc. 359; (49 St. Rep. 592; 28 Supp. 705).

Tauziede v. Jumel, 139 N. Y. 431; 53 St. Rep. 4.

Taylor v. Gould, 10 Barb. 388.

Cited, Wills—Devise—Vesting of Estate—Death of Life Tenant.

79 Hun, 510; (61 St. Rep. 588; 29 Supp. 901).

Taylor, Matter of, 6 Misc. 277; 27 Supp. 232.

Taylor, Matter of, 8 Misc. 159; 60 St. Rep. 136; 28 Supp. 500.

Taylor, Matter of, 80 Hun, 589; 62 St. Rep. 570; 30 Supp. 582.

Taylor, Matter of, 150 N. Y. 242.

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Taylor, Matter of, 49 St. Rep. 644; 20 Supp. 960.

Taylor, Matter of, 31 St. Rep. 987; 11 Supp. 189; 25 Abb. N. C. 143.

Cited, Officers—Oath of Office—Effect of Omission.

73 Hun, 406; (55 St. Rep. 772; 26 Supp. 232).

Taylor, Matter of, 3 App. Div. 244; 73 St. Rep. 805; 38 Supp. 348.

Taylor v. Allen, 36 Barb. 294.

Cited, Surety—Discharge—Extension.

9 App. Div. 329; (75 St. Rep. 759; 41 Supp. 342).

Taylor v. Atlantic Mutual Ins. Co., 37 N. Y. 275.

Cited, Wharves—New York City—As Highways.

78 Hun, 395; (60 St. Rep. 786; 29 Supp. 227). 17 Misc. 717; (40 Supp. 1096).

Taylor v. Baldwin, 14 Abb. 166.

Cited, Receiver—Action Against—Absence of Leave—Remedy.

72 Hun, 635; (54 St. Rep. 870; 25 Supp. 188). Action—Leave of Court—Committee of Lunatic.

16 App. Div. 493; (78 St. Rep. 902; 44 Supp. 932).

Taylor v. Baldwin, 10 Barb. 582.

Cited, Co-tenants—Repairs—Liability.

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Taylor v. Barnes, 69 N. Y. 430.

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66 Hun, 159; (49 St. Rep. 138; 20 Supp. 969).

Taylor v. Bates, 5 Cow. 376.

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141 N. Y. 218; (56 St. Rep. 822).

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18 App. Div. 175; 79 St. Rep. 939; 45 Supp. 939.

Taylor v. Bernard, 71 Hun, 207; 54 St. Rep. 306; 24 Supp. 525.

Affirmed, 144 N. Y. 654; 64 St. Rep. 868.

Taylor v. Betsford, 13 Johns. 487.

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79 Hun, 27; (61 St. Rep. 243; 29 Supp. 562). 81 Hun, 101; (62 St. Rep. 627; 30 Supp. 653). 92 Hun, 197; (71 St. Rep. 540; 36 Supp. 510, 3 Ann. Cas. 20). 15 Misc. 449; (72 St. Rep. 670; 37 Supp. 200).

Taylor v. Blue Ridge Marble Co., 83 Hun, 30; 64 St. Rep. 128; 31 Supp. 513.

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78 St. Rep. 920; (44 Supp. 920).

Taylor v. Bolton, 4 Misc. 609; 24 Supp. 916.

Taylor v. Bradley, 39 N. Y. 129.

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4 Misc. 354; (54 St. Rep. 259; 24 Supp. 355). Damages—Measure of—Breach of Contract.

142 N. Y. 188; (58 St. Rep. 647). 75 Hun, 229; (58 St. Rep. 669; 27 Supp. 9; 31 Abb. N. C. 215). 80 Hun, 415; (62 St. Rep. 66; 30 Supp. 291).

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1 Misc. 242; (53 St. Rep. 58; 23 Supp. 131).
10 Misc. 438; (65 St. Rep. 252; 32 Supp. 173).

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Taylor v. Brooklyn El. R. Co., 119 N. Y. 561; 30 St. Rep. 111.

Cited, Tender—Money Paid in Court.

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Taylor v. Bulmetto, 79 St. Rep. 383; 45 Supp. 383.

Taylor v. Carpenter, 2 Sandf. Ch. 603.

Cited, Injunction—Trade Mark.

10 Misc. 272; (63 St. Rep. 316; 30 Supp. 1076).

Taylor v. Chamberlain, 6 App. Div. 38; 39 Supp. 737.

Taylor v. Church, 8 N. Y. 452.

Cited, Damages—Libel.

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Taylor v. Dodd, 58 N. Y. 335.

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8 App. Div. 352; (75 St. Rep. 177; 40 Supp. 798).

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5 Misc. 264; (25 Supp. 330).

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Taylor v. Enoch Morgan's Sons Co., 124 N. Y. 184; 35 St. Rep. 68.

Cited, Agency—Compensation of Agent.

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Taylor v. Everett, 2 How. 23.

Cited, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

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10 Misc. 442; (64 St. Rep. 17; 31 Supp. 463).

Taylor v. Fleet, 4 Barb. 95.

Cited, Vendor and Purchaser—Fraud—Relief.

89 Hun, 58; (69 St. Rep. 6; 34 Supp. 1062).

Taylor v. Geer, 77 Hun, 611; 59 St. Rep. 888; 28 Supp. 1124.

Taylor v. Grand Lodge of A. O. U. W. of New York, 73 Hun, 612; 61 St. Rep. 510; 29 Supp. 773.

Affirmed, 148 N. Y. 751.

Taylor v. Granite S. P. Ass'n, 136 N. Y. 343; 50 St. Rep. 7.

Cited, Writ and Process—Service—Corporations—Managing Agent.

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Taylor v. Guest, 58 N. Y. 262.

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2 Misc. 259; (50 St. Rep. 337; 21 Supp. 940). 84 Hun, 252; (65 St. Rep. 845; 32 Supp. 700).

Taylor v. Hopper, 2 Hun, 646.

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Taylor v. Hopper, 62 N. Y. 649.

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Taylor v. Kirkover, 2 Misc. 42; 51 St. Rep. 48; 21 Supp. 1081.

Taylor v. Long Island R. Co., 16 App. Div. 1; 78 St. Rep. 820; 44 Supp. 820.

Taylor v. Manhattan R. Co., 53 Hun, 305; 25 St. Rep. 226; 6 Supp. 488.

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Taylor v. New York, 82 N. Y. 10.

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8 Misc. 151; (59 St. Rep. 385; 29 Supp. 304).

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Taylor v. New York, 83 N. Y. 625.

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76 Hun, 144; (57 St. Rep. 322; 27 Supp. 510).

Taylor v. Nostrand, 134 N. Y. 108; 45 St. Rep. 397.

Cited, Agency — Unauthorized Acts — Agent's Liability.

92 Hun, 401; (71 St. Rep. 575; 36 Supp. 660). 19 Misc. 192.

Taylor v. Nussbaum, 2 Duer. 302.

Cited, Accord and Satisfaction—Disputed Claim.

3 Misc. 416; (52 St. Rep. 507).

Taylor v. People, 12 Hun, 212.

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Taylor v. Pinckney, 3 St. Rep. 158; 12 Civ. Pro. 107.

Cited, Pleading—Variance — Contract — Quantum Meruit.

73 Hun, 337; (55 St. Rep. 931; 26 Supp. 270).

Taylor v. Porter, 4 Hill, 140.

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17 Misc. 539; (40 Supp. 499).

Taylor v. Port Jefferson Milling Co., 84 Hun, 610; 65 St. Rep. 342; 32 Supp. 307.

Taylor v. Ranney, 4 Hill, 619.

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14 Misc. 504; (70 St. Rep. 716; 35 Supp. 1071).

Taylor v. Richards, 9 Bosw. 679.

Cited, Pleading—Answer—Permission — Allegations.

86 Hun, 498; (67 St. Rep. 520; 33 Supp. 774).

Taylor v. Root, 4 Abb. Ct. App. Dec. 382; 4 Keyes, 335.

Cited, Contracts—Definition.

78 Hun, 22; (60 St. Rep. 483; 28 Supp. 1081).

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76 Hun, 426; (59 St. Rep. 351; 27 Supp. 1048).

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Taylor v. Smith, 29 St. Rep. 365; 8 Supp. 519.

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8 App. Div. 28; (75 St. Rep. 401; 40 Supp. 1018).

Taylor v. Smith, 11 Supp. 29.

Cited, Venue—Change—Laches.

5 App. Div. 620; (39 Supp. 204; 25 Civ. Pro. 376).

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Taylor v. Taylor, 26 Supp. 246.

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147 N. Y. 632; (71 St. Rep. 262; 2 Ann. Cas. 419).

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8 App. Div. 307; (75 St. Rep. 388; 40 Supp. 995).

Taylor v. Welsh, 92 Hun, 272; 72 St. Rep. 316; 36 Supp. 952.

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4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 663).

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8 Misc. 103; (60 St. Rep. 164; 29 Supp. 1079).

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Taylor v. Wing, 84 N. Y. 471.

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71 Hun, 451; (54 St. Rep. 333; 24 Supp. 970). 92 Hun, 367; (71 St. Rep. 538; 36 Supp. 509). 20 Misc. 570.

74 Hun, 307; (56 St. Rep. 269; 26 Supp. 669). 72 Hun, 544; (55 St. Rep. 243; 25 Supp. 447). 83 Hun, 252, 254; (62 St. Rep. 808, 809; 31 Supp. 396, 397). 4 App. Div. 220; (73 St. Rep. 577; 38 Supp. 539). 4 App. Div. 326; (74 St. Rep. 211; 38 Supp. 583).

Taylor Iron & Steel Co., Matter of, v. Higgins, 137 N. Y. 605; 49 St. Rep. 645.

Taylor & Allen, Matter of, 8 App. Div. 395; 40 Supp. 839.

Teall v. Consolidated Electric Light Co., 119 N. Y. 654.

Cited, Pleading—Contract—Effect of Admission.

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1 Misc. 460; (49 St. Rep. 610; 21 Supp. 791).

Teasdale v. Malone, 17 App. Div. 185; 79 St. Rep. 360; 45 Supp. 360.

Teaz v. Chrystie, 2 E. D. Smith, 621; 2 Abb. 109.

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85 Hun, 480; (66 St. Rep. 741; 33 Supp. 130).

Tebbetts v. Dowd, 23 Wend. 379.

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4 Misc. 69; (53 St. Rep. 127; 23 Supp. 784). 16 App. Div. 213; (78 St. Rep. 649; 44 Supp. 649).

Tebo v. Brooklyn, 134 N. Y. 341; 47 St. Rep. 757.

Cited, Municipal Corporations—Boundaries—Long Island City—Low Water Mark.

78 Hun, 140; (60 St. Rep. 192; 28 Supp. 973).

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Tebo v. Jordan, 73 Hun, 218; 57 St. Rep. 149; 25 Supp. 1070.

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Tebo v. Jordan, 147 N. Y. 387; 70 St. Rep. 38.

Cited, Shipping—Pilots—Unlicensed.

19 Misc. 275.

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Cited, Contracts—Conditional Promise—Enforcement—Proof.

11 Misc. 630; (66 St. Rep. 174; 32 Supp. 791).

Teckmeyer v. Supreme Council, Royal Templars of Temperance, 4 App. Div. 537; 74 St. Rep. 632; 40 Supp. 23.

Tedesco v. Oppenheimer, 15 Misc. 522; 74 St. Rep. 420; 37 Supp. 1073; 2 Ann. Cas. 411.

Teed, Matter of, 59 Hun, 63; 35 St. Rep. 531; 12 Supp. 642.

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2 App. Div. 28; (72 St. Rep. 686; 37 Supp. 333).

Teed, Matter of, 76 Hun, 567; 58 St. Rep. 235; 28 Supp. 203.

Cited, Wills—Devise and Legacy—Value.

2 App. Div. 28; (72 St. Rep. 686; 37 Supp. 333).

Teed v. Morton, 60 N. Y. 502.

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3 Misc. 175; (23 Supp. 839).

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66 Hun, 607; (50 St. Rep. 373; 22 Supp. 34). 143 N. Y. 130; (62 St. Rep. 134).

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54 St. Rep. 30; (24 Supp. 230).

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Teel v. Yost, 128 N. Y. 387.

Cited, Judgment — Foreign—Conclusiveness.

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Teerpenning v. Corn Exchange Ins. Co., 43 N. Y. 279.

Cited, Evidence—Opinion — Legal Conclusion.

66 Hun, 277; (49 St. Rep. 318; 21 Supp. 551).

Teeter v. Teeter, 47 St. Rep. 579; 20 Supp. 259.

Affirmed, 142 N. Y. 650; 60 St. Rep. 870.

Cited, Appeal—Review of Facts — Conflict of Evidence.

71 Hun, 575; (55 St. Rep. 123; 24 Supp. 996). 49 St. Rep. 271; (21 Supp. 141). 4 App. Div. 448; (74 St. Rep. 237; 38 Supp. 609).

Teeter v. United Life & Accident Ins. Co., 11 App. Div. 259; 76 St. Rep. 119; 42 Supp. 119.

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19 Misc. 669; (78 St. Rep. 1105; 44 Supp. 1105).

Tefft v. Munson, 57 N. Y. 97.

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88 Hun, 425; (68 St. Rep. 775; 34 Supp. 838). 10 App. Div. 141; (75 St. Rep. 1175; 41 Supp. 779).

Tehan v. Tehan, 83 Hun, 368; 64 St. Rep. 731; 31 Supp. 961.

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11 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369).

Teller v. Randall, 26 How. 155.

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2 Misc. 403; (50 St. Rep. 596; 21 Supp. 980).

Tenant v. Dupley, 68 Hun, 225; 51 St. Rep. 893; 22 Supp. 876.

Tendrup v. Stephenson Co., 51 Hun, 462; 21 St. Rep. 487; 3 Supp. 882.

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69 Hun, 377; (52 St. Rep. 796; 23 Supp. 657).

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Cited, Mortgage — Trust Relation of Parties.

69 Hun, 42; (52 St. Rep. 828; 23 Supp. 441).

Ten Eyck v. Craig, 62 N. Y. 406.

Cited, Trusts — Transactions Between Trustee and Cestui Que Trust.

80 Hun, 233; (61 St. Rep. 643; 29 Supp. 1022). 146 N. Y. 241; (66 St. Rep. 606).

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11 App. Div. 180; (76 St. Rep. 894; 42 Supp. 894).

Ten Eyck v. Holmes, 3 Sandf. Ch. 428.

Cited, Costs—In Equity—Partial Success.

71 Hun, 547; (54 St. Rep. 915; 24 Supp. 1079).

Ten Eyck v. Rector, etc. of Protestant E. Church, 141 N. Y. 588; 58 St. Rep. 866.

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Ten Eyck v. Sayers, 76 Hun, 37; 59 St. Rep. 627; 27 Supp. 588.

Ten Eyck v. Warwick, 75 Hun, 562; 59 St. Rep. 636; 27 Supp. 536.

Ten Eyck v. Warwick, 63 St. Rep. 165; 30 Supp. 859; 24 Civ. Pro. 6.

Ten Eyck v. Whitbeck, 69 Hun, 450; 52 St. Rep. 715; 23 Supp. 463.

Cited, 91 Hun, 636; (70 St. Rep. 672; 35 Supp. 1013).

Ten Eyck v. Whitbeck, 91 Hun, 636; 70 St. Rep. 672; 35 Supp. 1013.

Ten Eyck v. Whitbeck, 39 St. Rep. 634; 15 Supp. 418.

Cited, 91 Hun, 636; (70 St. Rep. 672; 35 Supp. 1013).

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Ten Eyck v. Whitbeck, 135 N. Y. 40; 48 St. Rep. 251.

Cited, 91 Hun, 636; (70 St. Rep. 672; 35 Supp. 1013).

Vendors—Bona Fide Purchasers—Donee. 8 Misc. 645; (60 St. Rep. 136; 29 Supp. 1027; 3 Abb. N. C. 416).

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10 App. Div. 559; (76 St. Rep. 338; 42 Supp. 338).

Tennant v. Dudley, 144 N. Y. 504; 64 St. Rep. 38.

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Cited, Evidence—Attempted Compromise.

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85 Hun, 586; (66 St. Rep. 778; 33 Supp. 153).

Tenney v. Berger, 93 N. Y. 524.

Cited, Attorneys—Relation to Client—Compensation.

75 Hun, 270; (58 St. Rep. 290; 26 Supp. 1077). 83 Hun, 341; (64 St. Rep. 850; 31 Supp. 989). 16 App. Div. 129; (79 St. Rep. 115; 45 Supp. 115).

Appeal—Immaterial Errors.

1 Misc. 324; (48 St. Rep. 702; 20 Supp. 673). 13 Misc. 257; (68 St. Rep. 88; 34 Supp. 85). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153). 14 Misc. 512; (70 St. Rep. 691; 35 Supp. 1065). 13 Misc. 246; (75 St. Rep. 1001; 41 Supp. 608).

Tenth Nat. Bank v. Darragh, 1 Hun, 111.

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9 Misc. 471; (61 St. Rep. 128; 30 Supp. 237). 20 Misc. 683.

Tenth Nat. Bank v. New York, 4 Hun, 429.

Affirmed, 80 N. Y. 660.

Cited, Interest—By Way of Penalty—Satisfaction of Principal—Effect.

1 Misc. 256; (22 Supp. 1087). 14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454).

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Ter Kuile v. Maraland, 81 Hun, 420; 63 St. Rep. 355; 31 Supp. 5.

Terminal Railway Co. of Buffalo, Matter of, 16 App. Div. 515; 78 St. Rep. 1012; 44 Supp. 1012.

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Cited, Eminent Domain—Award—Interested Commissioners.

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Terrell v. Strong, 14 Misc. 253; 70 St. Rep. 676; 35 Supp. 1000.

Terrett v. Crombie, 6 Lans. 82.

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Terrey v. Smith, 47 Hun, 333; 14 St. Rep. 551.

Cited, Waters—Grant—Use—Quantity.

74 Hun, 17; (56 St. Rep. 741; 26 Supp. 148).

Terry v. Bale, 1 Dem. 452.

Cited, Contract—Implied—Board and Services—Near Relatives.

5 Misc. 157; (25 Supp. 721).

Terry v. Dayton, 31 Barb. 519.

Cited, Executors—Accounting—Personal Claims Against Estate—Validity—Proof.

4 Misc. 36; (23 Supp. 885). 5 Misc. 565; (26 Supp. 725).

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4 Misc. 360; (54 St. Rep. 255; 24 Supp. 316).

Terry v. Horne, 59 Hun, 492; 37 St. Rep. 59; 13 Supp. 353.

Cited, Trial—Dismissal of Complaint.

77 Hun, 589; (60 St. Rep. 519; 28 Supp. 1026). 10 Misc. 724; (64 St. Rep. 639; 31 Supp. 818).

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Cited, Railroads—Negligence—Trains at Station.

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Railroads—Injuries to Passengers—Duty to Observe.

8 App. Div. 482; (75 St. Rep. 161; 40 Supp. 785).

Terry v. McNiel, 58 Barb. 241.

Cited, Commissions—Irrresponsive Answer.

81 Hun, 539; (63 St. Rep. 212; 30 Supp. 1019).

Terry v. Moore, 3 Misc. 285; 52 St. Rep. 406; 22 Supp. 785.

Terry v. Moore, 3 Misc. 290; 52 St. Rep. 403; 22 Supp. 788.

Cited, Mistake—Of Law—Relief.

12 Misc. 642; (67 St. Rep. 500; 33 Supp. 846).

Terry v. Moore, 12 App. Div. 396; 76 St. Rep. 57; 42 Supp. 51.

Terry v. Moore, 12 Misc. 641; 67 St. Rep. 499; 33 Supp. 846.

Terry v. Munger, 49 Hun, 560; 18 St. Rep. 506; 2 Supp. 348.

Cited, Action — Election of Remedy — Knowledge.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 201).

Terry v. Munger, 121 N. Y. 161; 30 St. Rep. 746.

Cited, Action—Choice of Remedies—Effect.

80 Hun, 238; (61 St. Rep. 648; 29 Supp. 1049). 141 N. Y. 443; (57 St. Rep. 628). 9 Misc. 114; (59 St. Rep. 733; 29 Supp. 49). 79 Hun, 60; (61 St. Rep. 176; 29 Supp. 647).

Action—Election of Remedies—Tort and Contract.

2 Misc. 119; (49 St. Rep. 230; 20 Supp. 874). 1 Misc. 387; (49 St. Rep. 640; 22 Supp. 78). 72 Hun, 431; (54 St. Rep. 872; 25 Supp. 202). 86 Hun, 308; (67 St. Rep. 214; 33 Supp. 501). 144 N. Y. 712; (71 St. Rep. 286). 16 Misc. 55; (73 St. Rep. 85; 37 Supp. 626). 4 App. Div. 297; (39 Supp. 454). 10 App. Div. 428; (75 St. Rep. 1435; 41 Supp. 1089). 17 Misc. 27; (39 Supp. 258). 8 App. Div. 154; (40 Supp. 511). 20 Misc. 296; (79 St. Rep. 760; 45 Supp. 760).

Terry v. Rothschild, 83 Hun, 486; 65 St. Rep. 14; 31 Supp. 1119.

Terry v. Wait, 56 N. Y. 91.

Cited, Appeal—Subsequent—Conclusiveness of Prior Decision.

141 N. Y. 583; (60 St. Rep. 323). 13 Misc. 417; (69 St. Rep. 361; 35 Supp. 150).

Terry v. Wheeler, 25 N. Y. 520.

Cited, Evidence—Parol—Note or Memorandum—Explanation.

76 Hun, 554; (58 St. Rep. 233; 28 Supp. 235).

Sale—Transfer of Title—Goods from an Ascertained Lot—Measurement.

9 Misc. 354; (60 St. Rep. 621; 29 Supp. 703).

Terry v. Wiggins, 47 N. Y. 512.

Cited, Real Property — Remainders — Alienation.

73 Hun, 480; (56 St. Rep. 14; 26 Supp. 439).

Wills—Construction—Life Estate.

136 N. Y. 243; (49 St. Rep. 205). 5 Misc. 19; (25 Supp. 6).

Wills—Construction—Life Estate—Power to Sell.

5 Misc. 13; (24 Supp. 770).

Will—Construction—Limitation of Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431). 19 Misc. 208; (77 St. Rep. 1144; 43 Supp. 1144).

Terwilligar v. Ontario, Carbondale & Scranton R. Co., 73 Hun, 335; 55 St. Rep. 919; 26 Supp. 268.

Reversed, 149 N. Y. 86.

Terwilligar v. Ontario, Carbondale & Scranton R. Co., 149 N. Y. 86.

Terwilliger v. Brown, 44 N. Y. 237.

Cited, Sale—Judicial — Non-Compliance with Statute—Effect.

92 Hun, 8; (73 St. Rep. 13; 37 Supp. 965). 10 App. Div. 608; (76 St. Rep. 357; 42 Supp. 357).

Terwilliger v. Industrial Benefit Ass'n, 83 Hun, 320; 64 St. Rep. 665; 31 Supp. 938.

Cited, Evidence — Declarations — Decedent.

18 Misc. 143; (75 St. Rep. 1442; 41 Supp. 1095).

Terwilliger v. Terwilliger, 27 Supp. 284.

Terwilliger v. Wands, 17 N. Y. 54.

Cited, Label and Slander—Repetition.

92 Hun, 518; (72 St. Rep. 199; 37 Supp. 47).

Teschemacher v. Lenz, 82 Hun, 594 64 St. Rep. 178; 31 Supp. 543.

*Duplicate Citations in Parenthesis.***Thacher v. Bancroft**, 15 Abb. 243.*Cited*, Action—Abatement—Effect.

D. 14 App. Div. 331; (77 St. Rep. 845; 43 Supp. 845).

Thacher v. Hope Cemetery Ass'n,

79 Hun, 222; 61 St. Rep. 217; 29 Supp. 568.

Affirmed, 146 N. Y. 381; 71 St. Rep. 369.**Thacher v. Hope Cemetery Ass'n**,

46 Hun, 594.

Cited, Judgment—Relief.

1 App. Div. 282; (72 St. Rep. 696; 37 Supp. 343).

Thacher v. Hope Cemetery Ass'n,

126 N. Y. 507; 38 St. Rep. 510.

Cited, 146 N. Y. 381; 71 St. Rep. 369.**Thacher v. Hope Cemetery Ass'n**,

146 N. Y. 381; 71 St. Rep. 369.

Thacker v. Henderson, 63 Barb. 271.*Cited*, Guardian—Powers Over Ward's Realty.

13 Misc. 41; (68 St. Rep. 165; 34 Supp. 95; 25 Civ. Pro. 107). D. 4 App. Div. 358; (38 Supp. 575).

Thalheimer v. Hays, 42 Hun, 93; 3 St. Rep. 441.*Cited*, Res Adjudicata—Motion.

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381).

Thalheimer v. Klapetsky, 36 St. Rep. 116; 12 Supp. 941.*Distinguished*, Witness—Impeachment by Party Calling.

92 Hun, 329; (71 St. Rep. 673; 36 Supp. 743).

Thalheimer v. Lempert, 1 Supp. 470.*Cited*, Landlord and Tenant—Eviction.

18 Misc. 232; (75 St. Rep. 784; 41 Supp. 374).

Thallhimer v. Brinckerhoff, 4 Wend. 394.*Cited*, Evidence—Acts and Declarations of Agent.

9 Misc. 181; (60 St. Rep. 643; 29 Supp. 585). 11 Misc. 431; (65 St. Rep. 220; 32 Supp. 125). 19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Evidence—Declaration of Party After Transaction.

75 Hun, 418; (58 St. Rep. 614; 27 Supp. 89).

Thames Loan & Trust Co. v. Hagemeyer, 17 App. Div. 533; 79 St. Rep. 594; 45 Supp. 594.**Thames & Mersey Marine Ins. Co. v. Dimmick**, 51 St. Rep. 41; 22 Supp. 1096.*Cited*, Attachment—Warrant—Amendment.

90 Hun, 421; (70 St. Rep. 132; 35 Supp. 521; 25 Civ. Pro. 179).

Attachment—Grounds not Mentioned—Availability.

16 Misc. 166; (72 St. Rep. 135; 37 Supp. 3).

Thaule v. Krekeler, 81 N. Y. 428.*Cited*, Evidence—Burden of Proof—Want of Probable Cause—Malice—Malicious Prosecution.

5 Misc. 554; (26 Supp. 58). 14 App. Div. 341; (77 St. Rep. 908; 43 Supp. 908).

Malicious Prosecution—Constituents.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 1000).

Trial—Questions of Law and Fact—Probable Cause.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 1000).

Thayer v. Clark, 48 Barb. 243.*Affirmed*, 41 N. Y. 620; 4 Abb. Ct. App. Dec. 391.*Cited*, Guardians—Bonds—Discharge.

138 N. Y. 201; (52 St. Rep. 142).

Thayer v. Fenton, 22 Week. Dig. 85.*Cited*, Deeds—Description—Sufficiency.

68 Hun, 494; (52 St. Rep. 651; 22 Supp. 1003).

Thayer v. Finton, 108 N. Y. 394; 13 St. Rep. 778.*Cited*, Deeds—Construction—Intention as Guide.

60 St. Rep. 319. 144 N. Y. 352; (63 St. Rep. 641).

Conveyances—Description—What Passes.

82 Hun, 406; (63 St. Rep. 569; 31 Supp. 239). 8 App. Div. 375; (75 St. Rep. 157; 40 Supp. 783).

Thayer v. Gile, 42 Hun, 268; 5 St. Rep. 103.*Cited*, Pleading—Complaint—Sufficiency.

75 Hun, 428; (57 St. Rep. 345; 27 Supp. 684). 86 Hun, 308; (67 St. Rep. 214; 33 Supp. 501). 1 App. Div. 133; (73 St. Rep. 57; 37 Supp. 845).

Thayer v. Humphreys, 69 Hun, 343; 53 St. Rep. 3-6; 23 Supp. 531.**Thayer v. Lewis**, 4 Den. 269.*Cited*, Costs—Towns—Excise Cases.

73 Hun, 429; (56 St. Rep. 625; 26 Supp. 931).

Thayer v. Manley, 73 N. Y. 305.*Cited*, Damages—Measure—Conversion of Note.

136 N. Y. 161; (48 St. Rep. 857).

*Duplicate Citations in Parenthesis.***Thayer v. Marsh**, 75 N. Y. 340.

Cited, Appeal—Objections First Raisable on.

66 Hun, 218; (49 St. Rep. 54; 21 Supp. 45).

16 Misc. 381; (74 St. Rep. 312; 38 Supp. 58).
Mortgage—Assumption by Grantee—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Trial—Motion for Non-suit—Statement of Grounds.

141 N. Y. 166; (56 St. Rep. 684). 141 N. Y. 520; (57 St. Rep. 719).

Thayer v. McNaughton, 117 N. Y. 111; 26 St. Rep. 843; 18 Civ. Pro. 3.

Cited, Action—Long Account—Compulsory Reference.

139 N. Y. 205; (54 St. Rep. 607). 136 N. Y. 510; (49 St. Rep. 749). 1 Misc. 381; (49 St. Rep. 122; 20 Supp. 868). 73 Hun, 491; (56 St. Rep. 37; 26 Supp. 481).

Reference—Compulsory—Affidavit for—Sufficiency.

75 Hun, 289; (58 St. Rep. 218; 26 Supp. 1076).

Reference—Compulsory—Collateral Facts. 49 St. Rep. 301; (21 Supp. 46).

Reference—Compulsory—Equity Actions. 141 N. Y. 488; (57 St. Rep. 596). 9 App. Div. 622; (75 St. Rep. 511; 41 Supp. 53).

Reference—Long Account—Possibility. 74 Hun, 160; (56 St. Rep. 299; 26 Supp. 652).

Reference—Long Account—What is. 137 N. Y. 617; (51 St. Rep. 167).

Thayer Mfg. Co. v. Steinau, 58 How. 315.

Cited, New Trial—New Evidence—Case. 11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231).

Theall v. Yonkers, 21 Hun, 265.

Cited, Towns—Bridges—Liability.

87 Hun, 544; (68 St. Rep. 36; 34 Supp. 284).

Thebaud v. Great Western Ins. Co., 84 Hun, 1; 65 St. Rep. 24; 31 Supp. 1084.

Cited, Insurance—Marine—Seaworthiness.

16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509).

Thebaud v. Great Western Ins. Co., 5 Supp. 623.

Cited, 31 Supp. 1084.

Thebaud v. Phoenix Ins. Co.

Cited, Insurance—Marine—Seaworthiness.

84 Hun, 2; (65 St. Rep. 24; 31 Supp. 1081).

Thelberg v. National Starch Mfg Co., 2 App. Div. 173; 73 St. Rep. 452; 37 Supp. 738.**Theological Seminary of Auburn v. Calhoun**, 25 N. Y. 423.

Cited, Wills—Probate—Subscribing Witnesses.

15 Misc. 201; (72 St. Rep. 146; 37 Supp. 42). 17 Misc. 190; (75 St. Rep. 384; 40 Supp. 982). D. 9 App. Div. 568; (41 Supp. 701).

Therasson v. McSpedon, 2 Hilt. 1.

Cited, Contracts—For Benefit of Third Parties—Availability.

6 Misc. 85; (55 St. Rep. 396; 26 Supp. 39). 86 Hun, 26; (66 St. Rep. 771; 33 Supp. 146).

Thierry v. Crawford, 33 Hun, 366.

Cited, Attorneys—Authority—Appeal—Substitution.

3 Misc. 418; (52 St. Rep. 448; 23 Supp. 187).

Thiesselin v. Rossett, 3 Abb. N. S. 54.

Cited, Reference—Termination.

83 Hun, 493; (65 St. Rep. 189; 32 Supp. 32; 24 Civ. Pro. 253).

Third Ave. R. Co. v. Ebling, 100 N. Y. 98.

Cited, Appeal—From Judgment—What Questions Reviewed.

4 Misc. 173; (53 St. Rep. 215; 23 Supp. 675). 50 St. Rep. 836; (22 Supp. 340). 11 Misc. 387; (65 St. Rep. 309; 32 Supp. 281). 1 App. Div. 409; (72 St. Rep. 635; 37 Supp. 296).

Appeal—From Ruling on Motion for New Trial; What Errors of Law Reviewable.

1 Misc. 4; (48 St. Rep. 508; 20 Supp. 612).

Appeal—Necessity of Exceptions.

49 St. Rep. 302; (21 Supp. 48).

Third Ave. R. Co. v. New York, 54 N. Y. 159.

Discredited, Costs—Consolidation of Actions.

3 Misc. 112; (52 St. Rep. 213; 23 Supp. 683; 23 Civ. Pro. 89; 30 Abb. N. C. 133).

Cited, Action—Stay—Pending Other Action.

139 N. Y. 489; (56 St. Rep. 802). 143 N. Y. 269; (62 St. Rep. 533).

Third Great Western Turnpike Road Co. v. Loomis, 32 N. Y. 127.

Cited, Witnesses—Cross-Examination—Extent—Disparagement.

139 N. Y. 84; (54 St. Rep. 429). 88 Hun, 368; (68 St. Rep. 797; 34 Supp. 863). 2 App. Div. 382; (73 St. Rep. 475; 37 Supp. 777).

Duplicate Citations in Parenthesis.

Third M. E. Church of Brooklyn, Matter of, 67 Hun, 86; 51 St. Rep. 406; 21 Supp. 1105.

Affirmed, 142 N. Y. 638; 60 St. Rep. 866.

Third Nat. Bank of Buffalo v. Cornes, 1 Silv. Ct. App. 167; 2 St. Rep. 543.

Cited, Appeal—Common Pleas—Weight of Evidence.

4 Misc. 143; (53 St. Rep. 178; 23 Supp. 878).

Third Nat. Bank, of Buffalo v. Guenther, 123 N. Y. 568; 34 St. Rep. 478.

Cited, Assignment for Creditors—Preferences—Husband as Preferred Creditor—Payment.

75 Hun, 522; (57 St. Rep. 351; 27 Supp. 731). Husband and Wife—Possession.

147 N. Y. 464; (70 St. Rep. 59).

Third Nat. Bank of Malone v. Shields, 55 Hun, 274; 28 St. Rep. 505; 8 Supp. 298.

Cited, Surety—Defense — Securities and Principal's Responsibility.

89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414).

Third Nat. Bank of New York, Matter of, 65 St. Rep. 35; 31 Supp. 1093.

Third Nat. Bank of New York v. Merchants' Nat. Bank, 76 Hun, 475; 59 St. Rep. 359; 27 Supp. 1070.

Cited, Banks—Forgery—Notice.

10 Misc. 681; (64 St. Rep. 494; 31 Supp. 791).

Thirty-Fourth Street R. Co., Matter of, 102 N. Y. 343; 2 St. Rep. 33.

Cited, Street Railways—Right of Way—Construction—Consent.

68 Hun, 238; (52 St. Rep. 297; 22 Supp. 820). 89 Hun, 261; (68 St. Rep. 855; 34 Supp. 1077). 88 Hun, 606; (69 St. Rep. 107; 34 Supp. 995). 17 Misc. 717; (40 Supp. 1096). 13 App. Div. 283; (77 St. Rep. 177; 43 Supp. 177).

Tholen v. Brooklyn City R. Co., 10 Misc. 283; 63 St. Rep. 269; 30 Supp. 1081.

Affirmed, 151 N. Y. 627.

Cited, 63 St. Rep. 273; (30 Supp. 1085).

Tholen v. Brooklyn City R. Co., 63 St. Rep. 273; 30 Supp. 1085.

Thomas, Matter of, 3 Misc. 388; 24 Supp. 713.

Thomas v. Allen, 1 Hill, 145.

Cited, Contract—To Pay the Debt of Another—Indemnity.

7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364).

Thomas v. Bartow, 48 N. Y. 193.

Cited, Damages—Duty to Keep Down.

137 N. Y. 229; (50 St. Rep. 797).

Contracts — For Sale of Land — Assignment—Warranty.

92 Hun, 391; (72 St. Rep. 280; 36 Supp. 1057).

Thomas v. Bennett, 56 Barb. 197.

Cited, Guardians—In Socage—Authority.

138 N. Y. 342; (52 St. Rep. 863).

Thomas v. Brackney, 17 Barb. 654.

Cited, Trespass—Nominal Damages.

4 Misc. 133; (53 St. Rep. 170; 23 Supp. 864; 30 Abb. N. C. 308).

Thomas v. Cameron, 16 Wend. 579.

Cited, Executors — Powers Before Appointment.

79 St. Rep. 455; (45 Supp. 455).

Thomas v. Cauldwell, 58 St. Rep. 142 26 Supp. 785.

Thomas v. Chapman, 45 Barb. 98.

Cited, Trial—Verdict — Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 24).

Misconduct—Appraisers — Effect on Appraisal.

13 Misc. 511; (69 St. Rep. 117; 34 Supp. 951).

Thomas v. Croswell, 7 Johns. 264.

Cited, Libel—What is Per Se—Obloquy Less than Crime.

69 Hun, 358; (52 St. Rep. 793; 23 Supp. 652).

Evidence — Reiteration—Libel and Slander.

144 N. Y. 150; (63 St. Rep. 72).

Thomas v. Dickinson, 67 Hun, 350; 51 St. Rep. 645; 22 Supp. 260.

Cited, Fraud—Sale—Unmatured Obligation—Remedies.

84 Hun, 49; (65 St. Rep. 239; 32 Supp. 77).

Thomas v. Dickinson, 47 St. Rep. 209; 19 Supp. 600.

Cited, Fraud—Sale—Unmatured Obligation—Restoration.

84 Hun, 49; (65 St. Rep. 239; 32 Supp. 77).

Thomas v. Dickinson, 12 N. Y. 364.

Cited, Contracts—Statute of Frauds—Performance—Compensation.

72 Hun, 632; (55 St. Rep. 285; 25 Supp. 164).

Duplicate Citations in Parenthesis.

Thomas v. Dickinson, 33 Supp. 786; 11 Supp. 436.

Cited, Attachment — Affidavit—Knowl edge.

17 Misc. 243; (40 Supp. 1066). 17 Misc. 737; (40 Supp. 1069; 3 Ann. Cas. 203). 9 App. Div. 587; (75 St. Rep. 1115; 41 Supp. 715).

Thomas v. Evans, 50 Hun, 441; 3 Supp. 297.

Cited, Costs—Taxation—Discretionary—Motion for New Trial.

24 Supp. 804.

Thomas v. Evans, 105 N. Y. 601; 8 St. Rep. 647.

Cited, Equity—Relief—Doing Equity.

9 Misc. 324; (60 St. Rep. 446, 30 Supp. 261).

Apportionment — Life Tenant and Remainderman.

80 Hun, 539; (62 St. Rep. 616; 30 Supp. 642). 16 Misc. 106; (72 St. Rep. 743; 37 Supp. 354). 17 Misc. 690; (75 St. Rep. 935; 41 Supp. 546). 152 N. Y. 566.

Thomas v. Fleury, 26 N. Y. 26.

Cited, Contracts—Performance — Certificate—Arbitrary Refusal.

137 N. Y. 379; (50 St. Rep. 649). 4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999).

Contract—To Erect Building—Architect's Certificate.

1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672).

Pleading—Complaint—Contracts—Certificate of Performance.

141 N. Y. 202; (56 St. Rep. 814).

Vendor and Purchaser—Title Required—Satisfaction.

3 Misc. 371; (52 St. Rep. 436; 23 Supp. 348).

Thomas v. Fuller, 68 Hun, 361; 51 St. Rep. 884; 22 Supp. 862.

Thomas v. Gage, 141 N. Y. 506; 57 St. Rep. 591.

Thomas v. Grand View Beach R. Co., 76 Hun, 601; 58 St. Rep. 256; 28 Supp. 201.

Cited, Equity—Continuous Trespass—Relief.

85 Hun, 66; (65 St. Rep. 862; 32 Supp. 641).

Thomas v. Henges, 131 N. Y. 453; 43 St. Rep. 288.

Cited, Negligence—Dangerous Structure—Dock.

71 Hun, 41; (54 St. Rep. 63; 24 Supp. 513).

Thomas v. Keeler, 52 Hun, 318; 23 St. Rep. 436; 5 Supp. 359.

Cited, Appeal—Review of Discretionary Determination.

70 Hun, 60; (53 St. Rep. 554; 23 Supp. 954). 92 Hun, 51; (71 St. Rep. 154; 36 Supp. 384). 92 Hun, 377; (71 St. Rep. 849; 36 Supp. 549). 17 Misc. 664; (41 Supp. 404).

Thomas v. Kelsey, 30 Barb. 268.

Cited, Payment—Application by Court—Age of Debt—Unsecured Demand.

139 N. Y. 125; (54 St. Rep. 647).

Thomas v. Kenyon, 1 Daly, 132.

Cited, Negligence —Imputed—Accidents —Streets—Contributory.

9 Misc. 53; (59 St. Rep. 669; 29 Supp. 300).

Thomas v. Kingsland, 108 N. Y. 616;

12 St. Rep. 100; 1 Silv. Ct. App. 562; 28 Week. Dig. 4.

Cited, Landlord and Tenant—Covenant to Repair—Notice.

3 Misc. 407; (52 St. Rep. 330; 23 Supp. 186).

Thomas v. Leland, 24 Wend. 65.

Cited, Taxation—Legislative Power.

92 Hun, 206; (71 St. Rep. 553; 36 Supp. 522). 148 N. Y. 79.

Thomas v. Merchants' Bank, 9 Paige 216.

Cited, Supplementary proceedings—Judgment.

143 N. Y. 572; (62 St. Rep. 783; 1 Ann. Cas. 23).

Thomas v. Montauk Fire Ins. Co., 12 St. Rep. 738.

Cited, Insurance—Transfer—Subrogation.

77 Hun, 476; (60 St. Rep. 672; 29 Supp. 102).

Thomas v. Musical Mutual Protective Union, 121 N. Y. 45; 30 St. Rep. 533.

Cited, Associations—Injunction by members—Exhaustion of Remedy Within Rules.

60 St. Rep. 305.

Injunction—Expulsion from Club—Exhaustion of Remedy Within.

68 Hun 567; (53 St. Rep. 774; 23 Supp. 65).

84 Hun, 450; (65 St. Rep. 545; 32 Supp. 416).

Injunction—Jurisdiction—Irreparable Injury.

30 Abb. N. C. 412; (26 Supp. 918) 14 Misc. 496; (71 St. Rep. 790; 36 Supp. 623).

Equity — Jurisdiction—Remedy at Law.

76 Hun, 603; (58 St. Rep. 257; 28 Supp. 202). 149 N. Y. 173.

*Duplicate Citations in Parenthesis.***Thomas v. Nelson**, 69 N. Y. 118.

Cited, Landlord and Tenant—Lease—Surrender.

2 Misc. 65; (49 St. Rep. 141; 20 Supp. 843).
7 Misc. 724; (58 St. Rep. 329; 28 Supp. 44).
11 Misc. 323; (65 St. Rep. 221; 32 Supp. 126).
11 Misc. 348; (65 St. Rep. 277; 33 Supp. 135).
Landlord and Tenant—Void Lease—Term.
18 Misc. 72; (75 St. Rep. 486; 41 Supp. 31).
3 App. Div. 603; (73 St. Rep. 858, 38 Supp. 246).

Pleading—Amendment—After Judgment—Omissions.

7 Misc. 518; (27 Supp. 996).

Thomas v. New York, 28 Hun, 110;

Cited, Trial—Questions for Jury—Contributory Negligence—Knowledge.

71 Hun, 452; (54 St. Rep. 383; 24 Supp. 970).

Thomas v. New York Life Ins. Co., 99 N. Y. 250.

Cited, Appeal—Judgment.

144 N. Y. 460; (63 St. Rep. 737).

Thomas v. New York Life Ins. Co., 50 Super. 225.

Cited, Executors—Powers Before Probate.
79 St. Rep. 455; 45 Supp. 455).

Thomas v. N. Y. & Greenwood Lake R. Co., 139 N. Y. 163; 54 St. Rep. 498.

Cited, Pleading—Complaint—Sufficiency—Bonds.

89 Hun, 320; (70 St. Rep. 227; 35 Supp. 567).

Thomas v. Pardee, 12 Hun, 151.

Cited, Life Tenants—Charging Land for Support.

67 Hun, 246; (50 St. Rep. 818; 22 Supp. 200).

Wills—Construction—Life Estate—Power to Sell.

5 Misc. 13; (24 Supp. 770).

Thomas v. People, 34 N. Y. 351.

Cited, Contract—Rescission—Fraud.

6 Misc. 357; (26 Supp. 911)

Indictment—False Representations.

11 App. Div. 546; (76 St. Rep. 635; 42 Supp. 635).

Thomas v. People, 19 Wend. 480.

Cited, Courts—Special Sessions—Jurisdiction.

D. 86 Hun, 74; (67 St. Rep. 83; 33 Supp. 340).

Thomas v. Robinson, 3 Wend. 267.

Cited, Pleading—Judgment.

91 Hun, 188; (71 St. Rep. 183; 36 Supp. 346).

Judgment—Foreign—Conclusiveness.

17 Misc. 237; (39 Supp. 715).

Judgment—Foreign—Action on.

17 Misc. 571; (75 St. Rep. 60; 40 Supp. 659).

Thomas v. Sabagian, 32 St. Rep. 1057; 10 Supp. 874.

Cited, Mechanic's Lien—Abandonment by Contractor—Materials Used by Owner—Personal Liability.

2 Misc. 273; (23 Supp. 774).

Mechanic's Lien—Enforcement—Personal Judgment.

7 Misc. 44; (57 St. Rep. 91; 27 Supp. 384).

Thomas v. Schumacher, 17 App. Div. 441; 79 St. Rep. 166; 45 Supp. 166.**Thomas v. Scutt**, 52 Hun, 343; 5 Supp. 365.

Affirmed, 127 N. Y. 133.

Cited, Evidence—Parol—To Vary Writing.

13 App. Div. 595; (77 St. Rep. 680; 43 Supp. 680).

Thomas v. Schutt, 127 N. Y. 133; 38 St. Rep. 692.

Cited, Evidence—Parol—In Aid of Writing.

5 Misc. 300; (56 St. Rep. 726; 25 Supp. 469). 73 Hun, 313; (58 St. Rep. 64; 26 Supp. 377). 1 Misc. 95; (47 St. Rep. 120; 19 Supp. 660). 8 Misc. 375; (59 St. Rep. 586; 28 Supp. 701). 149 N. Y. 315. 151 N. Y. 568.

Evidence—Parol—To Vary Writing.

71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23). 2 Misc. 220; (52 St. Rep. 271; 23 Supp. 666). 76 Hun, 5; (59 St. Rep. 611; 27 Supp. 624). 76 Hun, 555; (58 St. Rep. 234; 28 Supp. 236). 2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1095). 4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882). D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 633). 151 N. Y. 262.

Evidence—Parol—Negotiations Previous to Writings.

77 Hun, 358; (60 St. Rep. 38; 28 Supp. 847). 144 N. Y. 421; (63 St. Rep. 655). 12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1077). 3 App. Div. 487; (74 St. Rep. 62; 38 Supp. 439).

Evidence—Parol—Collateral Agreement.

85 Hun, 74; (66 St. Rep. 29; 32 Supp. 647). D. 3 App. Div. 496; (74 St. Rep. 69; 38 Supp. 446). 16 Misc. 529; (38 Supp. 980).

Thomas v. Smith, 75 Hun, 573; 58 St. Rep. 597; 27 Supp. 589.

Cited, Action—Remedy for Wrong.

8 Misc. 549; (60 St. Rep. 680; 29 Supp. 789; 24 Civ. Pro. 4).

Statute—Violation—Remedy.

8 Misc. 651; (61 St. Rep. 62; 29 Supp. 1047).

Duplicate Citations in Parenthesis.

Thomas v. Snyder, 43 Hun, 14; 6 St. Rep. 592; 25 Week, Dig. 443.

Cited, Wills—Construction—Life Estate to Widow.

75 Hun, 436; (57 St. Rep. 342; 27 Supp. 676).

Wills—Construction—Preserving Estate. 4 Misc. 461; (25 Supp. 844).

Wills—Construction—Prevention of Intestacy.

73 Hun, 488; (56 St. Rep. 29; 26 Supp. 395). 53 St. Rep. 841; (24 Supp. 352). D. 67 Hun, 281; (50 St. Rep. 827; 22 Supp. 247).

Thomas v. Snyder, 77 Hun, 365; 60 St. Rep. 415; 28 Supp. 877.

Thomas v. Societa Italiana di Mutuo Soccorso, 10 Misc. 746; 64 St. Rep. 622; 31 Supp. 815.

Thomas v. Stevens, 4 Johns. Ch. 607.

Cited, Evidence — Parol — To Explain Latent Ambiguity in Will.

3 Misc. 479; (23 Supp. 743).

Thomas v. Stewart, 132 N. Y. 590; 43 St. Rep. 881.

Cited, Contracts—Building—Non-payment of Installment—Effect.

3 Misc. 543; (52 St. Rep. 484; 23 Supp. 328).

Contracts — Performance — Certificate — Arbitrary Refusal of.

4 Misc. 126; (53 St. Rep. 213; 23 Supp. 999). 86 Hun, 185; (67 St. Rep. 88; 33 Supp. 346).

Contracts — Building — Performance — Modification.

86 Hun, 335; (67 St. Rep. 166; 33 Supp. 532).

Thomas v. Thomas, 18 Hun, 481.

Cited, Appeal—Time—Powers of Court.

D. 87 Hun, 42; (67 St. Rep. 679; 33 Supp. 956). 1 App. Div. 8; (71 St. Rep. 670; 36 Supp. 740).

Thomas v. Thomas, 131 N. Y. 205; 42 St. Rep. 873.

Cited, Banks—Recovery by Depositor on Outstanding Certificate of Deposit.

136 N. Y. 461; (49 St. Rep. 677).

Insurance—Beneficiary—Trust.

17 Misc. 741; (41 Supp. 407).

Thomas v. Thomas, 9 App. Div. 487; 41 Supp. 276.

Thomas v. Troy City Nat. Bank, 19 Misc. 470; 78 St. Rep. 1039; 44 Supp. 1039.

Thomas v. Union R. Co. of N. Y. City, 18 App. Div. 183; 79 St. Rep. 920; 45 Supp. 920.

Thomas v. Utica & Black R. R. Co., 97 N. Y. 245.

Cited, Railroads — Fences — Injury to Stock.

72 Hun, 470; (54 St. Rep. 763; 25 Supp. 230).

Thomas v. Walford, 49 Hun, 145; 16 St. Rep. 764; 1 Supp. 610.

Cited, Life Tenants — Personality — Security.

141 N. Y. 27; (56 St. Rep. 582).

Wills—Construction—Life Estate—Power to Sell.

5 Misc. 12; (24 Supp. 769).

Wills — Construction — Life Estate—Enlargement.

5 Misc. 19; (25 Supp. 60). 81 Hun, 119; (62 St. Rep. 675; 30 Supp. 690). 84 Hun, 126; (65 St. Rep. 683; 32 Supp. 554). 19 Misc. 209; (77 St. Rep. 1145; 43 Supp. 1145).

Thomas v. Weed, 14 Johns. 255.

Cited, Actions—Tort—Interest.

135 N. Y. 105; (48 St. Rep. 368).

Thomas v. Westchester County, Sup'rs of, 115 N. Y. 47; 23 St. Rep. 851.

Cited, Payment — What Constitutes — Mutual Mistake of Fact.

75 Hun, 453; (59 St. Rep. 646; 27 Supp. 534).

Thomas v. Winchester, 6 N. Y. 397.

Cited, Negligence—Proximate Cause.

137 N. Y. 6; (50 St. Rep. 7). 13 Misc. 394; (68 St. Rep. 127; 34 Supp. 249). 17 Misc. 600; (75 St. Rep. 63; 40 Supp. 661).

Proximate Cause—Mistake in Dispensation of Poisons.

79 Hun, 505; (61 St. Rep. 259; 29 Supp. 948).

Thomas Adams Co. v. Albert, 87 Hun, 471; 68 St. Rep. 479; 34 Supp. 328.

Thomas Loan & Trust Co. v. Hill, 4 Dem. 250.

Cited, Surrogate's Court—Decree—Power to Open, Vacate, etc.

3 Misc. 394; (24 Supp. 718).

Thomas Roberts Stevenson Co. v. Aldrich, 2 Misc. 576; 51 St. Rep. 614.

Thomas Roberts Stevenson Co. v. Fox, 19 Misc. 177.

Thomas Roberts Stevenson Co. v. Tacker, 14 Misc. 297; 70 St. Rep. 459; 35 Supp. 682.

Thommen v. Jewelers' & T's Co. of N. Y., 15 Misc. 473; 72 St. Rep. 758; 37 Supp. 222.

Duplicate Citations in Parenthesis.

- Thompson, Matter of**, 18 Misc. 143; 75 St. Rep. 1449; 41 Supp. 1101.
- Thompson, Matter of**, 85 Hun, 438; 66 St. Rep. 226; 32 Supp. 897.
- Thompson, Matter of**, 89 Hun, 32; 69 St. Rep. 234; 35 Supp. 6.
Affirmed, 148 N. Y. 743.
- Thompson, Matter of**, 121 N. Y. 277.
Cited, Eminent Domain—Commissioners—Determination.
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- Thompson, Matter of**, 127 N. Y. 463; 40 St. Rep. 200.
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3 Misc. 337; (52 St. Rep. 7; 22 Supp. 738).
Evidence—Opinions—Experts—Value—Real Property—Rental and Sales.
7 Misc. 627; (58 St. Rep. 810; 28 Supp. 149; 31 Abb. N. C. 270).
Evidence—Elevated Railways—Damages—Other Property.
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- Thompson, Matter of**, 10 App. Div. 40; 75 St. Rep. 1133; 41 Supp. 740.
Cited, Partnership—Dissolution—Creditors.
18 Misc. 670; (77 St. Rep. 742; 43 Supp. 742). 14 App. Div. 334; (77 St. Rep. 788; 43 Supp. 788). 15 App. Div. 449; (78 St. Rep. 514; 44 Supp. 514).
- Thompson, Matter of**, 1 Wend. 43.
Cited, Attachment—Non-residence—Domicile.
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2 Misc. 420; (50 St. Rep. 763; 22 Supp. 75). 90 Hun, 235; (69 St. Rep. 636; 35 Supp. 281). 13 App. Div. 249; (76 St. Rep. 1098; 42 Supp. 1098).
- Thompson v. Berry**, 3 Johns. Ch. 395.
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- Thompson v. Blanchard**, 4 N. Y. 303.
Cited, Estoppel.
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- Thompson v. Buffalo R. Co.**, 145 N. Y. 196; 64 St. Rep. 591.
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Cited, Street Railways—Pedestrians—Right of Way.
14 Misc. 615; (71 St. Rep. 453; 36 Supp. 465).
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15 App. Div. 560; (78 St. Rep. 526; 44 Supp. 526).
- Thompson v. Burchell**, 48 Super. 537.
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- Thompson v. Burhans**, 61 N. Y. 52.
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67 Hun, 593; (51 St. Rep. 356; 22 Supp. 460).
Adverse Possession—What Constitutes.
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Taxes—Sale—Void.
18 Misc. 324; (76 St. Rep. 1002; 42 Supp. 1002). 8 App. Div. 222; (40 Supp. 459).
- Thompson v. Burhans**, 79 N. Y. 93.
Cited, Adverse Possession—Actual Possession.
139 N. Y. 445; (54 St. Rep. 704). 143 N. Y. 527; (62 St. Rep. 821). 1 App. Div. 255; (72 St. Rep. 691; 37 Supp. 338).
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3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).
Taxes—Redemption—Occupancy.
67 Hun, 593; (51 St. Rep. 356; 22 Supp. 460).
- Thompson v. Button**, 14 Johns. 84.
Cited, Contracts—Rescission—Sale—Bringing Replevin.
140 N. Y. 597; (56 St. Rep. 498).
- Thompson v. Carmichael**, 3 Sandf. Ch. 120.
Cited, Descent and Distribution—Advancement—What Constitutes—Statute Construed.
1 Misc. 63; (23 Supp. 138). 86 Hun, 612; (67 St. Rep. 514; 33 Supp. 768).
- Thompson v. Chick**, 92 Hun, 510; 72 St. Rep. 212; 37 Supp. 59.
- Thompson v. Cox**, 20 Misc. 421; 79 St. Rep. 1046; 45 Supp. 1046.

Duplicate Citations in Parenthesis.

Thompson v. Dater, 57 Hun, 316; 32 St. Rep. 361; 10 Supp. 63.

Cited, Attachment—Affidavit—Sufficiency—Fraudulent Intent.

70 Hun, 15; (53 St. Rep. 286; 23 Supp. 1133).

Thompson v. Denner, 16 App. Div. 160; 78 St. Rep. 723; 44 Supp. 723.

Thompson v. Erie R. Co., 45 N. Y. 468.

Cited, Pleading—Answer—Sham—Striking Out.

4 Misc. 507; (25 Supp. 870). 5 Misc. 511; (58 St. Rep. 106; 25 Supp. 969). 78 Hun, 51; (60 St. Rep. 819; 29 Supp. 276). 15 Misc. 407; (72 St. Rep. 39; 36 Supp. 1090). 4 App. Div. 424; (74 St. Rep. 792; 38 Supp. 859). 10 App. Div. 175; (75 St. Rep. 1278; 41 Supp. 909). 13 App. Div. 183; (77 St. Rep. 304; 43 Supp. 304).

Thompson v. Fairfield, 50 St. Rep. 472; 21 Supp. 712.

Thompson v. Fargo, 49 N. Y. 188.

Cited, Carriers—Liability of Consignee for Freight.

67 Hun, 139; (51 St. Rep. 543; 22 Supp. 614).

Thompson v. Gould, 16 Abb. N. S. 424.

Cited, Pleading—Complaint—Allegations of Damages.

16 Misc. 173; (74 St. Rep. 365; 37 Supp. 1066; 25 Civ. Pro. 232). 20 Misc. 546.

Thompson v. Halbert, 109 N. Y. 329; 15 St. Rep. 513.

Cited, Pleading—Partial Defense.

49 St. Rep. 775; (30 Supp. 836). 67 St. Rep. 591; (33 Supp. 690; 24 Civ. Pro. 348).

Thompson v. Hardman, 6 Johns. Ch. 436.

Cited, Sale—Judicial—Power of Court.

92 Hun, 7; (73 St. Rep. 12; 37 Supp. 964).

Thompson v. Hazard, 120 N. Y. 634; 30 St. Rep. 653.

Cited, Appeal—Exceptions.

10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

Thompson v. Heidenrich, 66 How. 391.

Cited, Action—Change of Venue—Demand for—Proper County.

57 St. Rep. 381; (27 Supp. 833). 8 App. Div. 621; (40 Supp. 1149).

Thompson v. Hicks, 1 App. Div. 275; 72 St. Rep. 693; 37 Supp. 340.

Thompson v. Kearney, 12 St. Rep. 682.

Cited, Pleading—Answer—Separate Defense.

3 Misc. 261; (52 St. Rep. 173; 22 Supp. 763; 23 Civ. Pro. 148).

Thompson v. Kearney, 14 St. Rep. 686; 14 Daly, 436.

Cited, Appeal—To Court of Appeals—Leave for—When Application Too Late.

6 Misc. 594; (56 St. Rep. 624; 26 Supp. 18).

Thompson v. Ketcham, 8 Johns. 190.

Cited, Evidence—Parol—To Vary Writing.

12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1077).

Thompson v. Krider, 8 How. 248.

Distinguished, Trial—Bringing on—Delay.

12 Misc. 207; (67 St. Rep. 830; 34 Supp. 29; 1 Ann. Cas. 325).

Thompson v. Leslie, 14 Supp. 472.

Cited, Sale—Title—Transfer.

15 App. Div. 159; (78 St. Rep. 204; 44 Supp. 204).

Thompson v. Lumley, 50 How. 105.

Cited, Malicious Prosecution—Malice—Proof.

2 Misc. 316; (51 St. Rep. 571; 21 Supp. 1000).

Thompson v. Lumley, 7 Daly, 74.

Cited, Damages—Assessment—Rights of Defendant.

10 Misc. 676, 679; (64 St. Rep. 295; 297; 31 Supp. 670, 672; 1 Ann. Cas. 272).

Thompson v. Mamakating, Town of, 37 Hun, 400.

Cited, Bonds—Towns—Notice.

83 Hun, 102; (63 St. Rep. 818; 31 Supp. 406).

Thompson v. Mamakating, Town of, 106 N. Y. 674; 11 St. Rep. 881.

Cited, Towns—Bonds—Equities—Notice.

83 Hun, 102; (63 St. Rep. 818; 31 Supp. 406).

Thompson v. Manhattan R. Co., 130 N. Y. 360.

Cited, Trespass—Realty—Who May Sue.

17 App. Div. 510; (79 St. Rep. 515; 45 Supp. 515).

Thompson v. Manhattan R. Co., 11 App. Div. 182; 76 St. Rep. 896; 42 Supp. 896.

Cited, Evidence—Personal Injuries—Result.

D. 14 App. Div. 46; (77 St. Rep. 997; 43 Supp. 997).

Thompson v. Menck, 22 How. 431.

Cited, Trial—Verdict—Setting Aside.

7 Misc. 51; (7 St. Rep. 531; 27 Supp. 367).

*Duplicate Citations in Parenthesis.***Thompson v. N. Y. C. & H. R. R. Co.,** 110 N. Y. 636; 16 St. Rep. 869;

2 Silv. Ct. App. 82.

Cited, Railroads—Crossings—Signals—Negligence.

74 Hun, 38; (56 St. Rep. 212; 26 Supp. 400). 49 St. Rep. 57. 92 Hun, 151; (71 St. Rep. 722; 36 Supp. 698).

Trial—Questions of Law and Fact—Negligence—Railway Crossing.

2 Misc. 25; (49 St. Rep. 517; 21 Supp. 487).

Thompson v. New York El. R. Co.,

16 App. Div. 449; 79 St. Rep. 64; 45 Supp. 64.

Thompson v. Otis, 42 Barb. 461.*Cited*, Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030).

Thompson v. People, 23 Wend. 537.*Cited*, Corporations—Forfeiture—Dissolution.

143 N. Y. 466; (59 St. Rep. 787).

Corporation—Control Over by Courts.

19 Misc. 251; (78 St. Rep. 44; 44 Supp. 44).

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19 Misc. 252; (78 St. Rep. 44; 44 Supp. 44).

Thompson v. Pine, 5 Hun, 647.*Cited*, Appeal—From Justice's Court—Pleadings.

92 Hun, 187; (71 St. Rep. 645; 36 Supp. 592).

Pleading—Counterclaim—Sham.

92 Hun, 2; (73 St. Rep. 41; 37 Supp. 914).

Thompson v. Poor, 23 Supp. 570.*Cited*, Evidence—Parol—To Vary Writing.

79 St. Rep. 660; (45 Supp. 660).

Thompson v. Schermerhorn, 6 N. Y. 92.*Cited*, Municipal Corporations—Powers—Delegation.

3 App. Div. 368; (38 Supp. 522). 19 Misc. 447; (77 St. Rep. 706; 43 Supp. 706).

Thompson v. Seastedt, 6 T. & C. 80.*Cited*, Wills—Execution—Publication.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154). 9 App. Div. 382; (75 St. Rep. 879; 41 Supp. 488).

Thompson v. Shepherd, 9 Johns. 261.*Discredited*, Costs—Consolidation of Actions.

3 Misc. 112 (52 St. Rep. 213; 23 Supp. 683; 23 Civ. Pro. 89; 30 Abb. N. C. 133).

Thompson v. Sheridan, 80 Hun, 33; 61 St. Rep. 618; 29 Supp. 838.**Thompson v. Simpson,** 128 N. Y. 270; 40 St. Rep. 164.*Cited*, Estoppel—Equitable.

136 N. Y. 45; (49 St. Rep. 33). 67 Hun, 166; (51 St. Rep. 520; 22 Supp. 328). 1 Misc. 71; (23 Supp. 143). 88 Hun, 425. 426; (68 St. Rep. 776, 777; 34 Supp. 838, 839). 151 N. Y. 209.

Estoppel—In Pais—Declarations.

49 St. Rep. 171; (21 Supp. 97). 143 N. Y. 509; (62 St. Rep. 807).

Insurance—Fire—Insurable Interest.

135 N. Y. 305; (47 St. Rep. 866).

Appeal—Direction of Verdict—Presumption.

13 App. Div. 380; (77 St. Rep. 189; 43 Supp. 189).

Trial—Request to Direct Verdict.

88 Hun, 26; (68 St. Rep. 514; 34 Supp. 557). 147 N. Y. 705; (69 St. Rep. 713). 91 Hun, 296; (71 St. Rep. 62; 36 Supp. 294). 17 Misc. 389; (39 Supp. 1084). 151 N. Y. 463.

Thompson v. Skinner, 7 Johns. 556.*Cited*, Limitation of Motion—When Barred—Variation of Naturalization.

8 Misc. 433; (60 St. Rep. 169; 29 Supp. 582; 31 Abb. N. C. 417).

Thompson v. Stanley, 73 Hun, 248; 56

St. Rep. 139; 25 Supp. 890.

Thompson v. Stanley, 20 Supp. 317; 29 Abb. N. C. 11.*Cited*, Appeal—From Order Disposing of Demurrer—Necessity of Filed Decision.

1 Misc. 424; (50 St. Rep. 567; 21 Supp. 249).

Thompson v. Stanley, 21 Supp. 573.**Thompson v. Stauley,** 22 Supp. 897.*Cited*, Costs—Demurrer.

83 Hun, 92; (63 St. Rep. 814; 31 Supp. 402).

Thompson v. Stevens, 62 N. Y. 634.*Cited*, Wills—Execution Publication.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154). 9 App. Div. 382; (75 St. Rep. 880; 41 Supp. 488).

Thompson v. St. Nicholas Nat.**Bank,** 113 N. Y. 325; 22 St. Rep. 929.*Cited*, Payment—Application

5 Misc. 218; (54 St. Rep. 832; 25 Supp. 102). 139 N. Y. 125; (54 St. Rep. 647).

Pledge—Rights of Parties—Notice.

69 Hun, 315; (53 St. Rep. 381; 30 Abb. N. C. 197; 23 Supp. 571). 141 N. Y. 328; (57 St. Rep. 424).

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88 Hun, 235; (68 St. Rep. 722; 34 Supp. 800).

Duplicate Citations in Parenthesis.

Thompson v. Taylor, 13 Hun, 201.

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15 Misc. 259; (71 St. Rep. 493; 36 Supp. 44f.).

Thompson v. Thompson, 52 Hun, 456
24 St. Rep. 108, 5 Supp. 604.

Cited, Husband and Wife—Divorce—Alimony—Surplus Income—Trust Estate.

79 Hun, 273; (60 St. Rep. 572; 29 Supp. 443). 149 N. Y. 529

Thompson v. Thompson, 21 Barb. 107;

Cited, Wills — Testamentary Capacity—Insane Delusions.

5 Misc. 204; (25 Supp. 113).

Thompson v. Thompson, 1 Bradf. 24.

Cited, Executors and Administrators—Inventory—Power of Surrogate to Require.

66 Hun, 120; (49 St. Rep. 427; 20 Supp. 825).

Thompson v. U. S. Loan Commissioners, 79 N. Y. 54.

Cited, Mortgage—State—Default—Remedy of Mortgagor.

12 Misc. 361; (67 St. Rep. 389; 33 Supp. 688).

Thompson v. Van Vechten, 27 N. Y. 568.

Cited, Chattel Mortgage—Failure to File—Rights of Creditor.

69 Hun, 579; (53 St. Rep. 262; 24 Supp. 22). 86 Hun, 360; (67 St. Rep. 155; 33 Supp. 456). 5 App. Div. 385, 390; (39 Supp. 260, 264). 8 App. Div. 571; (75 St. Rep. 324; 40 Supp. 928). 18 Misc. 458; (76 St. Rep. 85; 42 Supp. 85).

Definition—Creditors—Chattel Mortgage Act.

136 N. Y. 322; (49 St. Rep. 743).

Chattel Mortgage—Bona Fides—Pre-existing Debt.

15 Misc. 172; (72 St. Rep. 173; 37 Supp. 21).

Thompson v. Vroman, 66 Hun, 245;
49 St. Rep. 537; 21 Supp. 180.

Cited, Appeal—Review of Fact—Conflict of Evidence.

71 Hun, 343; (55 St. Rep. 42; 25 Supp. 2). 71 Hun, 390; (55 St. Rep. 47; 24 Supp. 1136). 4 App. Div. 448; (74 St. Rep. 237; 38 Supp. 609). 4 App. Div. 419; (74 St. Rep. 533; 38 Supp. 850). 4 App. Div. 427; (74 St. Rep. 785; 38 Supp. 857).

Thompson v. Welde, 10 App. Div. 125;
75 St. Rep. 1220; 41 Supp. 819.

Thompson v. Whitmarsh, 100 N. Y. 35.

Cited, Executors—Liability for Costs.

88 Hun, 130; (68 St. Rep. 681; 34 Supp. 626).

Executors—Contracts — Personal Liability.

88 Hun, 93; (68 St. Rep. 687; 34 Supp. 632; 2 Ann. Cas. 155).

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13 App. Div. 624; (76 St. Rep. 963; 42 Supp. 963).

Thompson v. Wood, 1 Hilt. 93.

Cited, Master and Servant—Discharge of Servant—Damages—Measure of.

9 Misc. 393; (61 St. Rep. 685; 30 Supp. 194).

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10 Misc. 678; (64 St. Rep. 297; 31 Supp. 671; 1 Ann. Cas. 274).

Thompson Co. v. Queen City Cycle Co., 16 App. Div. 522; 78 St. Rep. 1049;
44 Supp. 1049.

Thompson, Town of, v. Norris, 11 Abb. N. C. 163.

Cited, Injunction—Legal Proceedings—Federal Courts.

52 St. Rep. 900; (24 Supp. 223).

Thomson, Matter of, 86 Hun, 405; 67 St. Rep. 193; 33 Supp. 467.

Affirmed, 147 N. Y. 701.

Cited, Condemnation Proceedings—Compensation.

16 App. Div. 536; (78 St. Rep. 1019; 44 Supp. 1019).

Thomson v. Bank of British N. A.,
82 N. Y. 1.

Cited, Appeal — Findings — Requests — Necessity—Reversal.

5 Misc. 223; (54 St. Rep. 826; 25 Supp. 465).

Trial—Findings by Court or Referee—Facts not Conclusively Established.

1 Misc. 140; (48 St. Rep. 722; 20 Supp. 629). 148 N. Y. 514.

Trial—Omission to Find—Request.

8 Misc. 258; (59 St. Rep. 199; 28 Supp. 548).

Banks—Banking—Certification of Checks—Liability of Bank For.

77 Hun, 169; (58 St. Rep. 718; 28 Supp. 412).

Payment—Check.

7 App. Div. 174; (40 Supp. 115).

Thomson v. Harris, 88 Hun, 478; 69 St. Rep. 80; 34 Supp. 885.

Duplicate Citations in Parenthesis.

Thomson v. Hill, 87 Hun, 111; 67 St. Rep. 456; 33 Supp. 810.

Thomson v. MacGregor, 81 N. Y. 592.
Cited, Bonds—Of Trustees—Conclusiveness of Decree Against Principal on Surety. 70 Hun, 326; (54 St. Rep. 36; 24 Supp. 439).

Thomson v. Manhattan R. Co., 75 Hun, 548; 59 St. Rep. 621; 27 Supp. 618.

Thomson v. Poor, 57 Hun, 285; 32 St. Rep. 371; 10 Supp. 597.

Followed, Estoppel—Equitable. 51 St. Rep. 353; (22 Supp. 573).

Thomson v. Poor, 51 St. Rep. 350; 22 Supp. 570.

Reversed, 147 N. Y. 402; 70 St. Rep. 47.

Thomson v. Poor, 147 N. Y. 402; 70 St. Rep. 47.

Cited, 5 App. Div. 623; (72 St. Rep. 869; 38 Supp. 1145).

Thomson v. Sanders, 118 N. Y. 252; 28 St. Rep. 994.

Cited, Pleading—Counterclaim.

81 Hun, 424; (63 St. Rep. 358; 31 Supp. 8).
Judgment—Conclusiveness—Extent. 151 N. Y. 128; (3 Ann. Cas. 348).

Thomson v. Smith, 63 N. Y. 301.

Cited, Vendor and Purchaser—Tender of Deed.

10 App. Div. 552; (76 St. Rep. 437; 42 Supp. 437).

Thomson v. Thompson, 1 Bradf. 24.

Cited, Partnership—Estate of Deceased Partner.

4 Misc. 355; (54 St. Rep. 259; 24 Supp. 356).
Inventory—Correctness—Presumption.

82 Hun, 113; (34 St. Rep. 164; 31 Supp. 574).

Thomson v. Thomson, 55 How. 494.

Cited, Guardian — Testamentary — Appointment—Right.

5 Misc. 294; (35 Supp. 833).

Thomson v. Tracy, 60 N. Y. 31.

Cited, Writ of Prohibition—Restraint of Judicial Acts.

15 App. Div. 540; (78 St. Rep. 556; 44 Supp. 556).

Thomson-Houston Electric Co. v. Durant Land Improvement Co.,
4 Misc. 207; 53 St. Rep. 467; 23 Supp. 900.

Affirming, 2 Misc. 182; 22 Supp. 1134.

Thomson-Houston Electric Co. v. Durant Land Improvement Co.,
144, N. Y. 34; 63 St. Rep. 8.

Affirming, 4 Misc. 207; 53 St. Rep. 467; 3 Supp. 900.

Cited, Damages—Breach of Covenant to Repair.

15 Misc. 3; (72 St. Rep. 5; 36 Supp. 776).
19 Misc. 312; (78 St. Rep. 479, 480; 44 Supp. 479, 480).

Thon v. Rochester R. Co., 29 Supp. 675.

Cited, 83 Hun, 443; (62 St. Rep. 642; 30 Supp. 621).

Thon v. Rochester R. Co., 83 Hun, 443; 62 St. Rep. 642; 30 Supp. 620.

Thorburn v. Durra, 19 Misc. 70; 76 St. Rep. 878; 42 Supp. 878.

Thorington v. Merrick, 101 N. Y. 5.

Cited, Attachment—Affidavit—Counterclaims.

51 St. Rep. 829; (22 Supp. 298).

Attachment—Equitable Action.

147 N. Y. 160; (69 St. Rep. 422; 24 Civ. Pro. 31; 2 Ann. Cas. 357).

Thorman v. Polya, 37 St. Rep. 257; 13 Supp. 823.

Cited, Accord and Satisfaction—By Innovation—Cited as to History of Case.

1 Misc. 177; (48 St. Rep. 672; 20 Supp. 689).

Thorman v. Polya, 1 Misc. 176; 48 St. Rep. 671; 20 Supp. 689.

Thorn v. Beard, 135, N. Y. 643; 43 St. Rep. 580.

Thorn v. Beard, 139 N. Y. 482; 54 St. Rep. 807.

Affirming, 71 Hun, 112; 54 St. Rep. 69; 24 Supp. 621; 23 Civ. Pro. 188.

Thorn v. Fellows, 5 Week. Dig. 473.

Cited, Supplementary Proceedings—Receiver—After Acquired Property.

83 Hun, 130; (64 St. Rep. 265; 31 Supp. 629).

Thorn v. Garner, 113 N. Y. 198.

Cited, Legacies—Interest.

7 App. Div. 18; (40 Supp. 497). 19 Misc. 254; (78 St. Rep. 222; 44 Supp. 222).

Thorn v. Hall, 10 App. Div. 412; 75 St. Rep. 1413; 41 Supp. 1054.

Thorn v. Hicks, 7 Cow. 697.

Cited, Chattel Mortgage — Earnings of Vessel.

138 N. Y. 505; (53 St. Rep. 105).

Thorn v. Knapp, 42 N. Y. 474.

Cited, Damages—Exemplary—Breach of Promise.

4 Misc. 399; (53 St. Rep. 516; 23 Supp. 1064). D. 1 Misc. 202; (50 St. Rep. 914; 21 Supp. 772).

Damages—Libel—Reiteration.

144 N. Y. 150; (63 St. Rep. 72).

Duplicate Citations in Parenthesis.

Thorn v. Mayer, 12 Misc. 487; 67 St. Rep. 389; 33 Supp. 664.

Thorn v. Roods, 47 Hun, 434; 14 St. Rep. 345.

Critised and Distinguished, Appeal — From Justice's Judgment—Notice of. 23 Supp. 673.

Appeal — Justice's Court—Amendment. 1 App. Div. 8; (71 St. Rep. 670; 36 Supp. 740).

Thorn v. Smith, 21 Wend. 365.

Cited, Evidence—Declarations—Partnership.

49 St. Rep. 306; (21 Supp. 129).

Thorn v. Sutherland, 123 N. Y. 236; 33 St. Rep. 408.

Cited, Deed—Absolute in Form—Security for Debt.

80 Hun, 206; (61 St. Rep. 800; 30 Supp. 7).

Mortgage—Absolute Conveyance.

66 Hun, 223; (49 St. Rep. 135; 20 Supp. 910).

Thorn v. Whitbeck, 11 Misc. 171; 66 St. Rep. 543; 32 Supp. 1088.

Thorne, Matter of, 7 Supp. 198.

Cited, Evidence—Undue Influence — Opportunity for—Wills.

5 Misc. 183; (24 Supp. 858).

Thorne v. French, 4 Misc. 436; 54 St. Rep. 137; 24 Supp. 694.

Affirmed, 143 N. Y. 679.

Cited, Trial—Inconsistent Positions.

18 Misc. 78; (75 St. Rep. 975; 41 Supp. 584).

Thorne v. Lehigh Valley R. Co., 88 Hun, 141; 68 St. Rep. 308; 34 Supp. 525.

Cited, Railroads—Fencing — Lessor and Lessee.

8 App. Div. 393; (75 St. Rep. 166, 167; 40 Supp. 789, 790).

Thorne v. Turck, 94 N. Y. 90.

Cited, Appeal—Immaterial Errors.

1 Misc. 324; (48 St. Rep. 702; 20 Supp. 673). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Extortion — Attempt — Animus of Accused.

75 Hun, 71; (57 St. Rep. 21; 25 Supp. 1075).

False Imprisonment—Proof—Question for Jury.

17 Misc. 88; (39 Supp. 83.).

Thornington v. Merrick, 101 N. Y. 5.

Cited, Attachment—When Lies—Accounting.

79 Hun, 145; (61 St. Rep. 335; 29 Supp. 763).

Thornley v. Thornley, 3 Misc. 597; 52 St. Rep. 940; 23 Supp. 337.

Affirming, 143 N. Y. 668.

Thornton v. Rogers, 75 Hun, 243; 58 St. Rep. 611; 27 Supp. 50.

Thornton v. St. Paul & Chicago R. Co., 6 Daly, 511.

Cited, Judgment—Constitution of Judgment Roll.

70 Hun, 515; (53 St. Rep. 674; 24 Supp. 130).

Thornton v. Tuttle, 7 St. Rep. 801.

Cited, Attorneys—Authority.

41 Supp. 280; (25 Civ. Pro. 351).

Thorp v. Adams, 33 St. Rep. 797; 11 Supp. 479.

Cited, Writ and Process—Service—Privilege—Parties and Witnesses.

55 St. Rep. 874; (26 Supp. 330).

Thorp v. Amos, 1 Sandf. Ch. 26.

Cited, Executors—De Son Tort.

145 N. Y. 617; (71 St. Rep. 367).

Thorp v. Carvalho, 14 Misc. 554; 70 St. Rep. 760; 36 Supp. 1.

Thorp v. Heyman, 16 Misc. 591; 74 St. Rep. 260; 38 Supp. 742.

Thorp v. Keokuk Coal Co., 48 N. Y. 253.

Cited, Contract for Benefit of Third Person—To Whom Available.

50 St. Rep. 164; (21 Supp. 360).

Partnership—Assumption of Party's Debts—Rights of Creditors.

4 Misc. 525; (54 St. Rep. 129; 24 Supp. 734).

Thorp v. Ross, 4 Keyes, 546.

Cited, Contracts—Prevention of Performance—Recovery.

70 St. Rep. 421; (35 Supp. 764).

Thorp v. Stewart, 44 Hun, 232; 8 St. Rep. 289.

Cited, Vendor and Purchaser—Agreement to Devise Land—Quieting Equitable Title of Devisee.

2 Misc. 142; (50 St. Rep. 225; 21 Supp. 614).

Thorp v. Thorp, 90 N. Y. 602.

Cited, Marriage—Foreign—Validity.

17 Misc. 485; (75 St. Rep. 819; 41 Supp. 417).

Thorpe v. N. Y. C. & H. R. R. Co. 76 N. Y. 402.

Cited, Master and Servant—Negligence—When Doctrine of Respondent Superior Applies.

137 N. Y. 257; (50 St. Rep. 711). 20 Misc. 461; (79 St. Rep. 539; 45 Supp. 539).

Duplicate Citations in Parenthesis.

Thorpe v. Philbin, 15 Daly, 155; 22 St. Rep. 27; 3 Supp. 939.

Cited, Counterclaim—Connection With Adverse Claim.

2 Misc. 117; (49 St. Rep. 229; 20 Supp. 827).

Thrall, Matter of, 12 App. Div. 235; 76 St. Rep. 439; 42 Supp. 439.

Affirmed, 153 N. Y. 644.

Cited, Divorce—Alimony—Abatement of Action.

19 Misc. 653; (78 St. Rep. 409; 44 Supp. 409).

Thrall v. Thrall, 83 Hun, 188; 64 St. Rep. 145; 31 Supp. 591.

Throop v. Hatch, 3 Abb. 23.

Cited, Pleading—Necessity to Plead—Foreign Statute.

80 Hun, 16; (61 St. Rep. 493; 29 Supp. 834).

Throop v. Hatch Lithographing Co., 58 Hun, 149; 33 St. Rep. 880.

Affirmed, 125 N. Y. 530; 35 St. Rep. 816.

Cited, Corporations—Officer—Preference. 92 Hun, 175; (74 St. Rep. 213; 38 Supp. 586).

Throop v. Hatch Lithographing Co., 125 N. Y. 530; 35 St. Rep. 816.

Cited, Corporations—Insolvency—Creditors—Preference.

79 Hun, 110; (61 St. Rep. 141; 29 Supp. 661). 11 Misc. 500; (64 St. Rep. 465; 32 Supp. 722). 145 N. Y. 444; (65 St. Rep. 386). 92 Hun, 175; (74 St. Rep. 214). 15 App. Div. 341; (78 St. Rep. 56; 44 Supp. 56). 78 St. Rep. 378; (44 Supp. 378). 15 App. Div. 119; (78 St. Rep. 380; 44 Supp. 380).

Corporations—Insolvency—What Constitutes.

91 Hun, 454; (71 St. Rep. 162; 36 Supp. 391).

Throop Grain Cleaner Co. v. Smith, 34 Hun, 91; 3 How. N. S. 290.

Cited, Conveyance—Fraudulent—Attack by Creditors.

91 Hun, 507; (71 St. Rep. 602; 36 Supp. 651; 25 Civ. Pro. 299).

Throop Grain Cleaner Co. v. Smith, 110 N. Y. 83; 16 St. Rep. 831.

Cited, Assignment—Equitable—Orders.

2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981). 17 App. Div. 447; (79 St. Rep. 171; 45 Supp. 171).

Conveyance—Fraudulent—Attack by Creditors.

91 Hun, 507; (71 St. Rep. 602; 36 Supp. 651; 25 Civ. Pro. 299).

Thurber v. Blanck, 50 N. Y. 80.

Cited, Attachment—Property Fraudulently Transferred.

136 N. Y. 259; (49 St. Rep. 381). 81 Hun, 345; (63 St. Rep. 139; 30 Supp. 887). 88 Hun, 171; (35 Supp. 533). 148 N. Y. 260; (3 Ann. Cas. 90).

Thurber v. Chambers, 60 N. Y. 29.

Cited, Appeal—Order.

12 Misc. 403; (67 St. Rep. 596; 33 Supp. 694).

Thurber v. Chambers, 66 N. Y. 42.

Cited, Wills—Construction—Provisions for Widow.

82 Hun, 430; (63 St. Rep. 564; 31 Supp. 258). 13 Misc. 371; (69 St. Rep. 484; 35 Supp. 111). 152 N. Y. 487.

Wills—Construction—"Heirs."

11 Misc. 439; (67 St. Rep. 423; 33 Supp. 421). 151 N. Y. 248.

Thurber v. Harlem Bridge, Morrisania & Fordham R. Co., 60 N. Y. 326.

Cited, Appeal—Review of Facts—Necessity of Motion for New Trial.

1 Misc. 207; (49 St. Rep. 40; 20 Supp. 897). 79 St. Rep. 819; (45 Supp. 819).

Trial—Questions of Law and Fact—Negligence.

2 Misc. 73; (49 St. Rep. 632; 21 Supp. 786). 9 Misc. 282; (61 St. Rep. 323; 29 Supp. 747). 62 St. Rep. 223; (29 Supp. 711).

Trial—Questions of Fact—Contributory Negligence.

67 Hun, 210; (51 St. Rep. 393; 22 Supp. 107). 75 Hun, 459; (57 St. Rep. 682; 27 Supp. 507). 88 Hun, 282; (68 St. Rep. 556; 34 Supp. 738).

Trial—Questions of Law and Fact—Negligence—Children in Street.

2 Misc. 73; (49 St. Rep. 633; 21 Supp. 783). 10 Misc. 545; (64 St. Rep. 23; 31 Supp. 446).

Trial—Question for Jury—Conflicting Inferences.

18 Misc. 68; (75 St. Rep. 483; 41 Supp. 28).

Negligence—Contributory—Children.

15 App. Div. 560; (78 St. Rep. 526; 44 Supp. 526).

Thurber v. Stimmel, 1 Supp. 162.

Cited, 39 Supp. 1075.

Thurber v. Townsend, 22 N. Y. 517.

Cited, Husband and Wife—Curtesy—Defeat.

149 N. Y. 85.

Duplicate Citations in Parenthesis.

Thurfjell v. Witherbee, 70 Hun, 401;
54 St. Rep. 96; 24 Supp. 278.

Cited, Venue—Change—Affidavit.

81 Hun, 79; (62 St. Rep. 404; 30 Supp. 523)
83 Hun, 34; (64 St. Rep. 335; 31 Supp. 610).
5 App. Div. 557; (39 Supp. 435). 5 App. Div.
112; (74 St. Rep. 843; 38 Supp. 1031). 8 App.
Div. 619; (75 St. Rep. 344; 40 Supp. 945).

**Thuringer v. N. Y. C. & H. R. R.
Co.**, 71 Hun, 526; 55 St. Rep. 87; 24
Supp. 1087.

Cited, Highways—Negligence—Question
of Fact.

82 Hun, 35; (63 St. Rep. 861; 31 Supp.
420).

Husband and Wife—Wife's Services—
Rights of Husband.

19 Misc. 510; (77 St. Rep. 1099; 43 Supp.
1099).

**Thuringer v. N. Y. C. & H. R. R.
Co.**, 82 Hun, 33; 63 St. Rep. 860; 31
Supp. 419.

Thurman v. Anderson, 30 Barb. 621.

Cited, Ejectment—Defense—Equitable.

17 Misc. 427; (39 Supp. 714).

Thurman v. Cameron, 24 Wend. 87.

Cited, Evidence—Certificate of Acknowledgment—Weight.

149 N. Y. 79.

Thurman v. Fiske, 30 How. 397.

Cited, Costs—Taxation—Fees—Stipulation
of Parties.

9 Misc. 101; (59 St. Rep. 720; 29 Supp.
75).

Thurston v. Cornell, 38 N. Y. 281.

Cited, Witness—Intent.

11 App. Div. 442; (76 St. Rep. 323; 42
Supp. 323). D. 11 App. Div. 445; (76 St. Rep.
325; 42 Supp. 325).

Thurston v. E. P. Wilbur Trust Co.,
7 Misc. 392; 57 St. Rep. 561; 27 Supp.
923.

Thurston v. Fairman, 9 Hun, 584.

Cited, Contract—Public Policy—Division
of Official Fees.

53 St. Rep. 612.

Thwing v. Thwing, 18 How. 458.

Cited, Action—Parties—Substitution.

14 Misc. 303; (70 St. Rep. 685; 35 Supp.
1060; 25 Civ. Pro. 127; 2 Ann. Cas. 215).

Tibbits v. Cumberston, 39 Hun, 456.

Cited, Dedication—Of Streets and Alleys
—Acceptance.

23 Supp. 821.

Tibbits v. Percy, 24 Barb. 39.

Cited, Pleading—Misjoinder of Causes of
Action—Demurrer.

7 Misc. 470; (58 St. Rep. 511; 27 Supp. 994;
23 Civ. Pro. 358). 9 App. Div. 248; (75 St.
Rep. 882; 41 Supp. 490; 3 Ann. Cas. 299).

Contracts—Written—Merger of Oral Ne-
gotiations.

19 Misc. 544; (77 St. Rep. 1094; 43 Supp.
1094).

Tibbs v. Morris, 44 Barb. 138.

Cited, Evidence—Parol as to Writing—
Mortgage.

135 N. Y. 548; (48 St. Rep. 543).

Tickel v. Quinn, 1 Dem. 425.

Cited, Executors and Administrators—
Accounting—Vouchers for Payments.

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Executors and Administrators—Account-
ing—Funeral Expenses.

1 Misc. 31; (22 Supp. 1082). 2 Misc. 383;
(51 St. Rep. 588; 21 Supp. 1009).

Executors—Accounting—Reimburse-
ment.

10 App. Div. 597; (76 St. Rep. 136; 42
Supp. 136).

Tiebout, Matter of, 19 Week. Dig. 570.

Cited, Receivers—Corporations—Inspection
of Books—Rights of Stockholders to.

5 Misc. 13; (25 Supp. 130).

Tiemeyer v. Turnquist, 85 N. Y. 516.

Cited, Husband and Wife—Necessaries—
Wife's Liability.

92 Hun, 370, 372; (71 St. Rep. 580, 581; 36
Supp. 666, 667). 88 Hun, 51; (68 St. Rep.
290; 34 Supp. 507).

Appeal—Exceptions—Grounds.

19 Misc. 508; (77 St. Rep. 1097; 43 Supp.
1097).

Tienken, Matter of, 60 Hun, 417; 39

St. Rep. 883; 15 Supp. 470.

Affirmed, 131 N. Y. 391; 43 St. Rep. 184.

Cited, Wills—Life Estate—Direction for
Sale—Remainder.

3 Misc. 47; (51 St. Rep. 135; 22 Supp.
358).

Tienken, Matter of, 131 N. Y. 391; 43

St. Rep. 184.

Cited, Real Estate—Remainder—Trust—
Descent.

74 Hun, 354; (56 St. Rep. 365; 26 Supp.
303).

Wills—Devise—Contingency of Death.

144 N. Y. 299; (63 St. Rep. 723). 8 App.
Div. 66; (40 Supp. 409).

Wills—Construction.

144 N. Y. 75; (63 St. Rep. 44).

Wills—Legacies and Remainders—Vest-
ing.

Duplicate Citations in Parenthesis.

140 N. Y. 248; (55 St. Rep. 380). 91 Hun, 126, 131; (71 St. Rep. 17; 36 Supp. 134) 6 App. Div. 59; (39 Supp. 621). 17 Misc. 253; (40 Supp. 1062). 79 St. Rep. 872; (45 Supp. 872).

Wills—Gift to Children—Who Take.

5 App. Div. 159; (38 Supp. 1098).

Wills—Devise—How Beneficiaries Hold.

71 St. Rep. 21; (36 Supp. 138).

Tiernan v. Wilson, 6 Johns. Ch. 411.

Cited, Judgment—Vacation for Fraud.

144 N. Y. 62; (63 St. Rep. 632).

Equity—Relief Against Proceedings Under Execution.

10 Misc. 553; (65 St. Rep. 260; 32 Supp. 181).

Tierney v. N. Y. C. & H. R. R. Co.,

76 N. Y. 305.

Cited, Carriers—Perishable Goods—Duty of Carrier.

11 Misc. 368; (65 St. Rep. 125; 32 Supp. 2). 12 Misc. 118; (66 St. Rep. 695; 33 Supp. 94). 85 Hun, 521; (66 St. Rep. 774; 33 Supp. 149).

Carriers—Freight—Delay—Liability.

86 Hun, 558; (67 St. Rep. 518; 33 Supp. 772).

Tierney v. Syracuse, Binghamton

& N. Y. R. Co., 85 Hun, 146; 66 St.

Rep. 85; 32 Supp. 627.

Tiers v. New York, 74 Hun, 452; 57 St.

Rep. 255; 26 Supp. 688.

Tiers v. Tiers, 98 N. Y. 568.

Cited, Equity—Jurisdiction—Trusts.

8 Misc. 393; (59 St. Rep. 557; 28 Supp. 628).

Wills—Construction—Contingent Remainders—Validity.

7 Misc. 624; (59 St. Rep. 314; 28 Supp. 586).

Wills—Trusts—Severance.

82 Hun, 486; (64 St. Rep. 193; 31 Supp. 558). 13 App. Div. 345; (77 St. Rep. 19; 43 Supp. 19).

Wills—Construction—Devise and Legacy—Suspension of the Power of Alienation.

8 Misc. 123; (58 St. Rep. 746; 28 Supp. 373). 11 Misc. 673, 674; (67 St. Rep. 362, 363; 33 Supp. 573, 574).

Wills—Construction—Perpetuities—Limitation Over.

3 Misc. 477; (23 Supp. 741). 7 App. Div. 439; (75 St. Rep. 410; 40 Supp. 1024).

Tiffany v. Lord, 65 N. Y. 310.

Cited, Damages—Conversion.

18 App. Div. 100; (79 St. Rep. 406; 45 Supp. 406).

Tiffany v. St. John, 65 N. Y. 314.

Cited, Appeal—Denial of Non-suit—Cure by Subsequently Introducing Evidence.

1 Misc. 329; (48 St. Rep. 705; 20 Supp. 682). 1 Misc. 131; (48 St. Rep. 764; 20 Supp. 643). 1 Misc. 291; (48 St. Rep. 761; 20 Supp. 696).

2 Misc. 310; (51 St. Rep. 574; 21 Supp. 1003). 2 Misc. 437; (51 St. Rep. 580; 21 Supp. 956). 4 Misc. 186; (53 St. Rep. 224; 23 Supp. 997). 19 Misc. 51; (76 St. Rep. 706; 42 Supp. 706). 20 Misc. 554. 20 Misc. 561.

Trial—Evidence—Order of Proof—Statement of Counsel.

4 Misc. 78; (53 St. Rep. 174; 23 Supp. 600).

Tiffany & Co., Matter of, 80 Hun, 486;

62 St. Rep. 394; 30 Supp. 494.

Tift v. Barton, 4 Den. 171.

Cited, Execution—Sale—Presence of Property.

2 App. Div. 473; (74 St. Rep. 342; 37 Supp. 1045).

Tift v. Blomberg, 49 Super. 323.

Cited, Pleading—Answer—Supplemental.

11 Misc. 396; (65 St. Rep. 451; 32 Supp. 276). 16 App. Div. 76; (78 St. Rep. 692; 44 Supp. 692).

Tift v. Buffalo, 82 N. Y. 204.

Cited, Statutes—Validating—To What Extent Effective.

71 Hun, 317; (54 St. Rep. 754; 25 Supp. 66). 90 Hun, 126; (70 St. Rep. 405; 35 Supp. 640). 92 Hun, 207, 209; (71 St. Rep. 554, 556; 36 Supp. 523, 525). 10 App. Div. 583; (76 St. Rep. 64; 42 Supp. 64).

Tift v. Horton, 53 N. Y. 377.

Cited, Fixtures—What Constitute.

86 Hun, 312; (67 St. Rep. 202; 33 Supp. 488). 15 Misc. 173; (72 St. Rep. 174; 37 Supp. 22). 8 App. Div. 570; (75 St. Rep. 323; 40 Supp. 927). 79 St. Rep. 639; (45 Supp. 639).

Tift v. Porter, 8 N. Y. 516.

Cited, Wills—Construction—Legacies—General—Bank Stock.

5 Misc. 170; (25 Supp. 723). 19 Misc. 213; (77 St. Rep. 1148; 43 Supp. 1148).

Tighe v. Morrison, 116 N. Y. 263; 26 St. Rep. 178.

Cited, Contracts—Statute of Frauds—To Answer for Debt of Another.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 214). 145 N. Y. 449; (65 St. Rep. 388).

Mortgage—Assumption of Debt by Heir.

71 Hun, 324; (55 St. Rep. 4; 25 Supp. 123).

Duplicate Citations in Parenthesis.

Tighe v. Pope, 16 Hun, 180.

Cited, Pleading — Amendment — Misnomer.

82 Hun, 577; (64 St. Rep. 369; 31 Supp. 739; 24 Civ. Pro. 117; 1 Ann. Cas. 33). 92 Hun, 421; (72 St. Rep. 107; 36 Supp. 1005).

Tilden, Matter of, 93 N. Y. 434.

Cited, Surrogate's Court — Decrees of—Infants Appearing by Guardian.

78 Hun, 302; (61 St. Rep. 599; 29 Supp. 911).

Surrogate—Opening Decree—Limitation. 136 N. Y. 231; (49 St. Rep. 389). 4 Misc. 39; (54 St. Rep. 276; 23 Supp. 847).

Surrogate's Courts — Powers — Opening Decree—Grounds.

72 Hun, 597; (55 St. Rep. 252; 25 Supp. 272). 4 Misc. 39; (23 Supp. 847). 3 Misc. 394; 24 Supp. 718). 9 Misc. 623; (62 St. Rep. 243; 30 Supp. 851). 82 Hun, 422; (63 St. Rep. 583; 31 Supp. 265). 8 App. Div. 313; (40 Supp. 940).

Tilden, Matter of, 67 How. 447; 19 Week. Dig. 128.

Cited, Appeal—Review of Surrogate's Decrees—Vacation of Probate.

73 Hun, 435; (56 St. Rep. 34; 26 Supp. 470).

Tilden v. Green, 130 N. Y. 29; 40 St. Rep. 512.

Cited. 18 Misc. 691; (77 St. Rep. 859; 43 Supp. 859).

Trust—Creation—Uncertainty as to Beneficiary

68 Hun, 414; (52 St. Rep. 658; 22 Supp. 1020). 85 Hun, 12; (66 St. Rep. 124; 32 Supp. 614). 147 N. Y. 109, 115; (69 St. Rep. 404, 409). 92 Hun, 99; (71 St. Rep. 760; 36 Supp. 565). 79 St. Rep. 624; (45 Supp. 624).

Wills—Powers—Nature, and Not Execution of, Determines Validity.

1 Misc. 444; (23 Supp. 152).

Wills—Trust—Provisions Under—Validity—Divisibility.

76 Hun, 472; (58 St. Rep. 705; 27 Supp. 1096). 13 Misc. 434; (68 St. Rep. 414; 34 Supp. 686). 13 App. Div. 345; (77 St. Rep. 19; 43 Supp. 19).

Tilden v. New York, 56 Barb. 340.

Cited, Carriers—Liability—Baggage and Property of Passenger—Contract for.

8 Misc. 217; (59 St. Rep. 488; 28 Supp. 579).

Tiley v. Thousand Island Hotel Co., 9 Hun, 424.

Cited, Mechanic's Lien—Construction of Statute.

139 N. Y. 197; (54 St. Rep. 463).

Tilden v. Tilden, 8 App. Div. 99; 40 Supp. 403.

Cited, Evidence—Parol—To Explain Writing.

12 App. Div. 619; (77 St. Rep. 133; 43 Supp. 133).

Tilford v. New York, 1 App. Div. 199; 72 St. Rep. 545; 37 Supp. 185.

Affirmed, 153 N. Y. —.

Tilley v. Hudson River R. Co., 29 N. Y. 252.

Cited, Damages—Excessive—Personal Injuries.

80 Hun, 307; (62 St. Rep. 47; 30 Supp. 319).

Tillinghast v. Merrill, 77 Hun, 481; 60 St. Rep. 549; 28 Supp. 1089.

Cited, Officers—Public Sureties—Liability—Deposits—Failure of Bank.

92 Hun, 17; (72 St. Rep. 833; 37 Supp. 890).

Tillinghast v. Merrill, 151 N. Y. 135.

Cited, Officers—Liability—Loss of Funds.

15 App. Div. 510; (78 St. Rep. 529; 44 Supp. 529). 20 Misc. 265; (79 St. Rep. 663; 45 Supp. 663). 152 N. Y. 361.

Officers—Non-Payment of Funds—Remedies.

19 Misc. 469; (78 St. Rep. 570; 44 Supp. 570).

Tillman, Matter of, See Fuller, Matter of.

Tillman v. Davis, 95 N. Y. 17.

Cited, Legal Representatives—Who Are. 15 Misc. 63; (72 St. Rep. 403; 36 Supp. 885).

Heirs—Widow Not.

11 App. Div. 172; (76 St. Rep. 614; 42 Supp. 614).

Tillotson v. Cheethan, 2 Johns. 63.

Cited, Trial—Verdict—Reduction—Libel. 74 Hun, 288; (56 St. Rep. 420; 26 Supp. 691).

Tillotson v. Nye, 88 Hun, 101; 68 St. Rep. 529; 34 Supp. 606.

Tillotson v. Preston, 3 Johns. 229.

Cited, Interest—By Way of Penalty—Satisfaction of Principal.

1 Misc. 256; (22 Supp. 1087). 39 Supp. 882. 18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 331). 14 App. Div. 154; (77 St. Rep. 454; 43 Supp. 454).

Tillotson v. Race, 22 N. Y. 122.

Cited, Evidence — Parol — To Explain Will.

15 Misc. 319; (73 St. Rep. 123; 37 Supp. 584).

*Duplicate Citations in Parenthesis.***Tillon v. Clinton & Essex Mut. Co.,**
7 Barb. 564.*Cited*, Bills and Notes—Alteration—Burden of Proof.

3 App. Div. 355; (73 St. Rep. 762; 38 Supp. 281; 3 Ann. Cas. 333).

Tillou v. Kingston Mut. Ins. Co. 7 Barb. 570.*Cited*, Evidence—Burden of Proof—Consent to Alteration of Instrument.

138 N. Y. 358; (52 St. Rep. 883).

Tillson v. Clark 45 Barb. 178.*Cited*, Libel and Slander—Answer—Sufficiency.

1 App. Div. 428; (72 St. Rep. 757). 16 App. Div. 83; (78 St. Rep. 1074; 44 Supp. 1074).

Tillson v. Terwilliger, 56 N. Y. 273.*Cited*, Evidence—Declarations—As Res Gestae.

4 Misc. 402; (53 St. Rep. 665; 24 Supp. 143).

Distinguished, Sale—Conditional—Title.

8 App. Div. 381; (75 St. Rep. 195; 40 Supp. 811).

Tilton v. Alcott, 16 Barb. 598.*Cited*, Accord and Satisfaction—Tender and Acceptance.

15 Misc. 220; (71 St. Rep. 590; 36 Supp. 789).

Tilton v. Beacher, 59 N. Y. 176.*Cited*, Appeal—Extent of Review—Power of Court Below to Amend Pleadings.

9 Misc. 337; (60 St. Rep. 630; 29 Supp. 589).

Pleading—Bill of Particulars—When Granted.

1 Misc. 88; (48 St. Rep. 641; 20 Supp. 375). 75 Hun. 286; (58 St. Rep. 200; 26 Supp. 1007).

Appeal—Review of Facts.

143 N. Y. 555; (62 St. Rep. 801).

Pleading—When Indefinite.

10 Misc. 29; (63 St. Rep. 243; 30 Supp. 1053).

Tilton v. Williams, 11 Johns. 403.*Cited*, Executors—Personal Judgment—Permission.

88 Hun. 131; (68 St. Rep. 682; 34 Supp. 627).

Tilyou v. Gravesend, Town of, 104 N. Y. 356, 5 St. Rep. 725.*Cited*, 3 App. Div. 82; (74 St. Rep. 837; 38 Supp. 1025).**Tilyou v. Reynolds**, 108 N. Y. 558; 13 St. Rep. 853.*Cited*, Estoppel—Executor's Authority—Joining in Execution of Lease.

1 Misc. 196; (49 St. Rep. 80; 20 Supp. 877).

Landlord and Tenant—Denial of Landlord's Title.

51 St. Rep. 540; (32 Supp. 136).

49 St. Rep. 80; (30 Supp. 877). 3 App. Div. 82; (74 St. Rep. 836; 38 Supp. 1025).

Contracts—Of Incompetent Person—Avoidance.

12 Misc. 200; (67 St. Rep. 94; 33 Supp. 275).

Landlord and Tenant—Rent—Excuse.

12 App. Div. 103; (76 St. Rep. 1030; 42 Supp. 1030).

Tim v. Smith, 3 Civ. Pro. 347.*Affirmed*, Id. 416; 93 N. Y. 87.*Cited*, Affidavits—Taken Without State—Authentication.

2 Misc. 439; (51 St. Rep. 119; 21 Supp. 973).

Tim v. Smith, 93 N. Y. 87.*Cited*, Attachment—Affidavits—Existence of Lien.

79 Hun. 85; (61 St. Rep. 363; 29 Supp. 509).

Attachment—Affidavit—Knowledge.

9 App. Div. 586; (75 St. Rep. 1105; 41 Supp. 715).

Arrest—Civil—Affidavits—Sufficiency.

68 Hun. 62; (52 St. Rep. 231; 22 Supp. 719).

Timlin v. Standard Oil Co., 126 N. Y. 514; 37 St. Rep. 906.*Cited*, Notice—Imputed—Negligence.

7 Misc. 117; (57 St. Rep. 516; 27 Supp. 415).

Landlord and Tenant—Dangerous Premises—Landlord's Liability.

12 Misc. 452; (67 St. Rep. 332; 33 Supp. 626). D. 6 App. Div. 182; (39 Supp. 1025). 13 App. Div. 361; (77 St. Rep. 241; 43 Supp. 241).

Timmermann v. O'Neill, 13 App. Div. 551; 77 St. Rep. 1165; 43 Supp. 1165.**Timolat v. S. J. Held Co.**, 17 Misc. 556; 75 St. Rep. 97; 40 Supp. 692.**Timolat v. S. J. Held Company**, 72 St. Rep. 796; 37 Supp. 217.**Timolat v. S. J. Held Company**, 15 Misc. 630; 72 St. Rep. 800; 37 Supp. 221.**Timony v. Brooklyn City & Newtown R. Co.**, 10 Misc. 261; 63 St. Rep. 311; 30 Supp. 1071.*Affirmed*, 145 N. Y. 648; 67 St. Rep. 868.*Cited*, Street Railways—Negligence—Question of Fact.

Duplicate Citations in Parenthesis.

10 Misc. 545; (64 St. Rep. 23; 31 Supp. 446). 10 App. Div. 364; (75 St. Rep. 1386; 41 Supp. 1019)..

Street Railways—Negligence—Question of Fact.

10 App. Div. 364; (75 St. Rep. 1386; 41 Supp. 1019).

Timpson v. Allen, 7 Misc. 323; 57 St. Rep. 558; 27 Supp. 915.

Cited, Principal and Agent—Authority of Agent—Liability of Principal.

8 Misc. 265; (59 St. Rep. 396; 28 Supp. 541).

Timpson v. Allen, 149 N. Y. 513.

Timpson v. New York, 5 App. Div. 424; 39 Supp. 248.

Trindale v. Powell, 88 Hun, 193; 68 St. Rep. 622; 34 Supp. 659.

Tingue v. Port Chester, Village of, 101 N. Y. 294; 1 St. Rep. 9.

Cited, Municipal Corporations—Assessments—Improvements—Consent of Abutters.

60 St. Rep. 510; (28 Supp. 1024).

Public Improvements—Assessment—Legality.

135 N. Y. 463; (48 St. Rep. 437). 6 App. Div. 139; (39 Supp. 138).

Tinker v. Metropolitan El. R. Co., 81 Hun, 591; 63 St. Rep. 208; 30 Supp. 1014.

Tinker v. N. Y., Ontario & W. R. Co., 71 Hun, 431; 54 St. Rep. 528; 24 Supp. 977.

Cited, 92 Hun, 270; 71 St. Rep. 840; 36 Supp. 673.

Highways—Obstructions—Frightening Horses—Liability.

11 App. Div. 277; (76 St. Rep. 114; 42 Supp. 114). 15 App. Div. 231; (78 St. Rep. 123; 44 Supp. 123).

Tinker v. N. Y., Ontario & W. R. Co., 92 Hun, 269; 71 St. Rep. 840; 36 Supp. 672.

Cited, Highways—Obstructions—Fright to Horses—Liability.

15 App. Div. 231; (78 St. Rep. 123; 44 Supp. 123).

Tinkey v. Langdon, 13 Week. Dig. 384.

Cited, Supplementary Proceedings—Receiver—Realty.

7 App. Div. 531; (40 Supp. 263).

Tinkey v. Langdon, 60 How. 180.

Cited, Contempt—Fine—Proof.

14 Misc. 190; (70 St. Rep. 195; 35 Supp. 465).

Contempt—Delivery of Property.

19 Misc. 485; (77 St. Rep. 1082; 43 Supp. 1082).

Tinkham v. Borst, 31 Barb. 407.

Cited, Corporations—Insolvent—Assets in Hands of Third Person—Creditors.

17 Misc. 328; (39 Supp. 963).

Tinkham v. Knox, 46 St. Rep. 20; 18 Supp. 433.

Affirmed, 2 Misc. 579; 51 St. Rep. 580; 21 Supp. 954.

Cited, Brokers—Employment—Commission.

11 Misc. 344; (65 St. Rep. 459; 32 Supp. 266).

Tinkham v. Knox, 2 Misc. 579; 51 St. Rep. 580; 21 Supp. 954.

Cited, Brokers—Employment—Compensation.

11 Misc. 344; (65 St. Rep. 459; 32 Supp. 266).

Tinney v. Pierrepont, 79 St. Rep. 977; 45 Supp. 977.

Tinney v. Stebbins, 28 Barb. 290.

Cited, Partition—Right to—Realty or Personality.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353).

Tinslar v. May, 8 Wend. 561.

Cited, Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030).

Tinsley v. Jemison, 1 App. Div. 37; 71 St. Rep. 792; 36 Supp. 626.

Tinsley v. Jemison, 11 App. Div. 623; 78 St. Rep. 1130; 44 Supp. 1130.

Tipton v. Feitner, 20 N. Y. 423.

Cited, Contracts—Construction—Entirety and Separableness.

142 N. Y. 341; (59 St. Rep. 18). 11 Misc. 429; (65 St. Rep. 272; 32 Supp. 130). 14 Misc. 326; (70 St. Rep. 682; 35 Supp. 1057). 16 Misc. 451; (73 St. Rep. 341; 33 Supp. 153). 8 App. Div. 604; (75 St. Rep. 406; 40 Supp. 1021).

Contract—Performance—Counterclaim.

70 Hun, 581; (53 St. Rep. 831; 24 Supp. 307). 5 App. Div. 594; (39 Supp. 372). 12 App. Div. 331; (76 St. Rep. 561; 42 Supp. 561).

Sale—Contract—Completion.

79 Hun, 116; (61 St. Rep. 12; 29 Supp. 408).

Tisdale v. Delaware & Hudson Canal Co., 116 N. Y. 416.

Cited, Evidence—Pleading as—Not Considered in Favor of Pleader.

21 Supp. 106.

Duplicate Citations in Parenthesis.

Tisdale v. Moore, 8 Hun, 19.

Cited, Mechanic's Lien—Foreclosure—Defense.

85 Hun, 480; (66 St. Rep. 741; 33 Supp. 181).

Tisdell v. New Hampshire Fire Ins. Co., 11 Misc. 20; 65 St. Rep. 306; 32 Supp. 166.

Cited, Insurance — Cancellation — Premium—Return.

2 App. Div. 330; (73 St. Rep. 71; 37 Supp. 858).

Tito v. Seabury, 18 Misc. 283; 41 Supp. 1041.

Titsworth v. Winnegar, 51 Barb. 148.

Cited, Warehousemen—Degree of Care. 20 Misc. 602.

Titus, Matter of, 50 St. Rep. 636; 21 Supp. 724.

Titus v. Glens Falls Ins. Co., 81 N. Y. 410.

Cited, Contracts—Performance — Conditions—Waiver.

4 Misc. 440; (54 St. Rep. 140; 24 Supp. 697).

Insurance—Conditions—Waiver.

140 N. Y. 28; (55 St. Rep. 382). 12 Misc. 502, 503, 504; (67 St. Rep. 373, 374; 33 Supp. 659, 660). 15 App. Div. 621; (78 St. Rep. 770; 44 Supp. 770).

Insurance—Forfeiture—Waiver.

137 N. Y. 397; (50 St. Rep. 682). 50 St. Rep. 36; (21 Supp. 204). 68 Hun, 308; (52 St. Rep. 280; 23 Supp. 41). 80 Hun, 602; (61 St. Rep. 721; 29 Supp. 1126). 10 Misc. 160; (62 St. Rep. 524; 31 Supp. 5). 87 Hun, 205; (67 St. Rep. 755; 33 Supp. 1068). 90 Hun, 334; (70 St. Rep. 310; 35 Supp. 867). 92 Hun, 31; (71 St. Rep. 716; 36 Supp. 562). 16 Misc. 329; (38 Supp. 625). 92 Hun, 260; (72 St. Rep. 307; 36 Supp. 934). 15 Misc. 343, 344; (73 St. Rep. 322, 323; 37 Supp. 624). 10 App. Div. 227, 228; (75 St. Rep. Rep. 1066; 41 Supp. 676, 677). 11 App. Div. 414; (76 St. Rep. 287; 42 Supp. 287). 11 App. Div. 408; (76 St. Rep. 450; 42 Supp. 450). 150 N. Y. 194.

Titus v. Great Western T. Road, 5 Lans. 250.

Affirmed, 61 N. Y. 237.

Distinguished, Corporations — Officers—Authority—Warehouse Receipt to Self.

70 Hun, 154; (53 St. Rep. 906; 24 Supp. 408).

Titus v. Great Western T. Road, 61 N. Y. 237.

Cited, Corporations—Officers—Authority.

137 N. Y. 242; (50 St. Rep. 716). 143 N. Y. 564; (62 St. Rep. 779).

Titus v. New Scotland, Town of, 90 Hun, 468; 70 St. Rep. 644; 35 Supp. 971.

Cited, Highways—Defective—Injuries to Traveler—Contributory Negligence.

11 App. Div. 268; (76 St. Rep. 153; 42 Supp. 153).

Titus v. New Scotland, Town of, 11 App. Div. 266; 76 St. Rep. 152; 42 Supp. 152.

Titus v. Orvis, 16 N. Y. 617.

Cited, Appeal—Opinion of Trial Judge.

18 Misc. 652; (77 St. Rep. 974; 43 Supp. 974).

Titus v. Poole, 60 Hun, 1; 38 St. Rep. 672; 14 Supp. 678.

Cited, Limitation of Action—Executors—Short Statute.

71 Hun, 596; (55 St. Rep. 120; 25 Supp. 57).

Titus v. Poole, 73 Hun, 383; 58 St. Rep. 75; 26 Supp. 451.

Affirmed, 145 N. Y. 414; 65 St. Rep. 344.

Titus v. Poole, 145 N. Y. 414; 65 St. Rep. 344.

Cited, Sale—Warranty.

16 Misc. 589; (74 St. Rep. 144; 38 Supp. 803).

Titus v. Sumner, 44 N. Y. 266.

Cited, Evidence — Relevancy — Slander — Remoteness.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109).

Libel and Slander—Reiteration.

144 N. Y. 150; (63 St. Rep. 72).

T. New Manufacturing Co. v. Galway, 26 Supp. 950; 23 Civ. Pro. 239.

Toben v. Manhattan Savings Institution, 3 Misc. 628; 52 St. Rep. 942; 23 Supp. 1165.

Tobey v. Barber, 5 Johns. 68.

Cited, Payment—Acceptance of Note—Presumption—Refusal.

1 Misc. 177; (48 St. Rep. 672; 20 Supp. 690).

Consideration—Acceptance of Note for Debt.

9 App. Div. 328; (75 St. Rep. 758; 41 Supp. 342).

Tobey v. Hudson, City of, 49 Hun, 818; 17 St. Rep. 454; 2 Supp. 180.

Cited, Negligence—Concurring Causes.

71 Hun, 262; (54 St. Rep. 484; 24 Supp. 1016).

Tobey v. Webster, 3 Johns. 468.

Cited, Trespass—Civil—Who May Bring Action—Party in Possession.

75 Hun, 237; (58 St. Rep. 659; 27 Supp. 40).

*Duplicate Citations in Parenthesis.***Tobias v. Broadway & Seventh Ave.**

R. Co., 39 St. Rep. 183; 14 Supp. 641.

Cited, Parties—Poor Person—Infants.

12 Misc. 460; (63 St. Rep. 135; 34 Supp. 256; 24 Civ. Pro. 401).

Tobias v. Ketchum, 32 N. Y. 319.

Cited, Trusts—Testamentary—Implied.

9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278). 13 Misc. 345; (68 St. Rep. 517; 34 Supp. 560).

Wills—Trusts—Income of Estate.

3 Misc. 471; (23 Supp. 737). 24 Supp. 94. 153 N. Y. 66

Wills—Dower—Bequest in Lieu of—Election.

1 Misc. 274; (22 Supp. 1071). 5 App. Div. 137; (39 Supp. 61). 14 App. Div. 575; (77 St. Rep. 903; 43 Supp. 903).

Tobias v. Lissberger, 105 N. Y. 404; 8 St. Rep. 43.

Cited, Contract—Clauses—Materiality.

139 N. Y. 357; (54 St. Rep. 615).

Contract—Construction—Time.

9 Misc. 420; (59 St. Rep. 708; 29 Supp. 291). 10 Misc. 647; (65 St. Rep. 217; 32 Supp. 122).

Tobin v. Kirk, 56 St. Rep. 77; 25 Supp. 931.**Tobin v. Kirk**, 73 Hun, 229; 57 St. Rep. 798; 25 Supp. 931.**Tobin v. Manhattan Savings Institution**, 6 Misc. 110; 57 St. Rep. 856; 26 Supp. 14

Affirming, 3 Misc. 628; 52 St. Rep. 942; 23 Supp. 1165.

Cited, Banks — Savings — Payment to Wrong Person.

17 Misc. 576, 578; (75 St. Rep. 65, 67; 40 Supp. 663, 665).

Tobin v. Sykes, 71 Hun, 469; 54 St. Rep. 399; 24 Supp. 943.**Tocci v. Arata**, 16 Daly, 494; 35 St. Rep. 42; 12 Supp. 287.

Cited, Evidence — Parol — Incomplete Writing.

14 Misc. 349; (70 St. Rep. 323; 35 Supp. 847).

Tocci v. New York, 73 Hun, 46; 57 St. Rep. 151; 25 Supp. 1089.

Cited, Constitutional Law — Railroads—Construction — Contribution by Municipality.

8 App. Div. 248; (75 St. Rep. 14; 40 Supp. 619).

Tocci v. Powell, 9 App. Div. 283; 75 St. Rep. 905; 41 Supp. 511.**Toch v. Toch**, 8 Misc. 145; 59 St. Rep. 506; 28 Supp. 602.

Affirmed, 81 Hun, 410; 63 St. Rep. 197; 30 Supp. 1003.

Toch v. Toch, 81 Hun, 410; 63 St. Rep. 197; 30 Supp. 1003.**Toch v. Toch**, 8 App. Div. 299; 75 St. Rep. 352; 40 Supp. 952.**Toch v. Toch**, 9 App. Div. 501; 75 St. Rep. 772; 41 Supp. 353.

Cited, Costs—Extra Allowance — Power of Court.

20 Misc. 564.

Tochman v. Brown, 33 Super. 409.

Cited, Appeal—Construction of Charge to Jury.

6 Misc. 337; (56 St. Rep. 241; 26 Supp. 902).

Todd v. Eighmie, 4 App. Div. 9; 73 St. Rep. 671; 38 Supp. 304.**Todd v. Eighmie**, 10 App. Div. 142; 75 St. Rep. 1379; 41 Supp. 1013.**Todd v. Gamble**, 67 Hun, 38; 51 St. Rep. 619; 21 Supp. 739.

Cited, Damages — Contracts—Price and Market Value.

58 St. Rep. 145; (26 Supp. 788).

Damages—Prevention of Completion of Contract—Construction of Machinery.

58 St. Rep. 145; (26 Supp. 788).

Todd v. Gamble, 74 Hun, 569; 57 St. Rep. 256; 26 Supp. 662.

Affirmed, 148 N. Y. 382.

Todd v. Gamble, 148 N. Y. 382.**Todd v. Monell**, 19 Hun, 362.

Cited, Conveyance—Fraudulent—Consideration—Support of Grantor.

4 App. Div. 213; (74 St. Rep. 192; 38 Supp. 549).

Todd v. Nelson, 109 N. Y. 316.

Cited, Trial—Facts Assumed—Proof.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370). 18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510).

Todd v. Shelbourne, 8 Hun, 510.

Cited, Bills and Notes—Indorse—Extent of Recovery on Invalid Instrument.

67 Hun, 468; (51 St. Rep. 328; 22 Supp. 153). 8 App. Div. 7; (74 St. Rep. 755; 40 Supp. 193).

Todd v. Troy, 61 N. Y. 506.

Cited, Municipal Corporations—Icy Sidewalks—Liability.

4 App. Div. 221; (73 St. Rep. 587; 38 Supp. 538). 15 App. Div. 584; (78 St. Rep. 610; 44 Supp. 610).

Municipal Corporation—Defective Sidewalks—Notice.

18 Misc. 511; (41 Supp. 991).

Duplicate Citations in Parenthesis.

Todd v. Union Dime Savings Inst., 118 N. Y. 337; 28 St. Rep. 697.

Cited, Deed—Record—Seal.

12 Misc. 491; (67 St. Rep. 392; 33 Supp. 667).

Conveyance — Defective — Validity Between Parties.

4 App. Div. 13; (73 St. Rep. 673; 38 Supp. 306).

Todd v. Union Dime Savings Inst., 128 N. Y. 636.

Cited, Vendor and Purchaser—Rights of Parties—Title.

24 Supp. 663.

Todd v. Vaughn, 90 Hun, 70; 69 St. Rep. 861; 35 Supp. 457.

Todd v. Weber, 95 N. Y. 181.

Distinguished, Action—Parties—Separation—Agreement.

68 Hun, 539; (52 St. Rep. 564; 22 Supp. 1005).

Cited, Contracts — Consideration — Immoral—Seduction.

70 Hun, 114; (54 St. Rep. 186; 24 Supp. 197).

Contract—When Available to third Person.

2 Misc. 321; (50 St. Rep. 583; 21 Supp. 1022; 30 Abb. N. C. 158). 8 Misc. 316; (59 St. Rep. 253; 28 Supp. 739). 85 Hun, 550; (67 St. Rep. 43; 33 Supp. 359). 92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609). 92 Hun, 268; (72 St. Rep. 403; 36 Supp. 881; 3 Ann. Cas. 28) 5 App. Div. 359; (39 Supp. 231). D. 5 App. Div. 372; (39 Supp. 240). 20 Misc. 483.

Bastards—Support—Father's Liability.

8 App. Div. 516; (75 St. Rep. 155; 40 Supp. 780).

Tode v. Gross, 127 N. Y. 480; 40 St. Rep. 300.

Cited, Contracts—Validity—Restraint of Trade.

5 Misc. 492; (55 St. Rep. 158; 25 Supp. 767). 143 N. Y. 439; (62 St. Rep. 449).

Toerge v. Toerge, 9 App. Div. 194; 75 St. Rep. 6.3; 41 Supp. 244.

Toher v. Lappine, 9 Misc. 204; 60 St. Rep. 853; 29 Supp. 603.

Tole v. Hardy, 6 Cow. 333.

Cited, Wills—Alteration—How Effected.

10 Misc. 533; (64 St. Rep. 775).

Toles v. Adee, 84 N. Y. 222.

Cited, Sureties—Bail.

3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 201).

Toles v. Adee, 91 N. Y. 562.

Cited, Principal and Surety—Discharge of Surety—Diligence in Proceeding Against Principal.

70 Hun, 23; (74 St. Rep. 37; 24 Supp. 440).

Toles v. Haven, 57 How. 516.

Cited, Master and Servant—Discharge of Servant—Damages—Measure of.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194).

Tolk v. Lapin, 61 St. Rep. 130; 30 Supp. 223.

Toll v. Thomas, 15 How. 315.

Cited, Costs—Taxation—Admitted Items.

16 Misc. 513; (74 St. Rep. 45; 38 Supp. 525).

Tolles v. Wood, 99 N. Y. 616; 16 Abb. N. C. 1.

Cited, Trusts—Assignment of Income.

5 Misc. 493; (26 Supp. 718). 82 Hun, 124; (63 St. Rep. 491; 31 Supp. 169). 15 App. Div. 239; (78 St. Rep. 188; 44 Supp. 188).

Trusts — Surplus Income — Creditors' Right to.

79 Hun, 271; (60 St. Rep. 571; 29 Supp. 442). 3 App. Div. 282; (74 St. Rep. 23; 38 Supp. 367; 3 Ann. Cas 161). 149 N. Y. 527, 529.

Trusts—Surplus Income—How Determined.

82 Hun, 123; (63 St. Rep. 490; 31 Supp. 168). 4 App. Div. 323; (74 St. Rep. 189; 38 Supp. 570).

Tolman v. Heading, 11 App. Div. 264; 76 St. Rep. 217; 42 Supp. 217.

Tolman v. Syracuse, B. & N. Y. R. Co., 31 Hun, 397.

Cited, Costs—Extra Allowance—Computation.

52 St. Rep. 13; (23 Supp. 546).

Costs—Extra Allowance—Indemnity.

86 Hun, 474; (67 St. Rep. 636; 33 Supp. 889).

Appeal—Costs—Extra Allowance.

86 Hun, 475; (67 St. Rep. 636; 33 Supp. 889). 88 Hun, 348; (63 St. Rep. 390; 34 Supp. 401). 92 Hun, 54, 55; (71 St. Rep. 741, 742; 36 Supp. 729, 730). 4 App. Div. 447; (74 St. Rep. 606; 38 Supp. 895).

Tolman v. Syracuse, B. & N. Y. R. Co., 92 N. Y. 353.

Cited, Costs—Security for—Executors.

51 St. Rep. 377; (23 Supp. 46). 6 Misc. 265; (58 St. Rep. 135; 26 Supp. 766).

Appeal—Record—What Reviewable.

17 Misc. 255; (40 Supp. 1064). 148 N. Y. 510.

Appeal—Want of Power in Lower Court.

143 N. Y. 555; (62 St. Rep. 801). 16 Misc. 7; (73 St. Rep. 287; 37 Supp. 688). 17 Misc. 589; (75 St. Rep. 87; 40 Supp. 633).

Duplicate Citations in Parenthesis.

Tolman v. Syracuse, B. & N. Y. R. Co., 98 N. Y. 198.

Cited, Negligence—Contributory—Showing Freedom From.

50 St. Rep. 834; (22 Supp. 346). 83 Hun, 122, 124; (64 St. Rep. 270, 271; 31 Supp. 633, 634). D. 87 Hun, 469; (68 St. Rep. 457; 34 Supp. 378). 88 Hun, 477; (69 St. Rep. 44; 34 Supp. 982). 12 App. Div. 590; (77 St. Rep. 85; 43 Supp. 85).

Trial—Question of Fact—Contributory Negligence.

79 Hun, 548; (61 St. Rep. 561; 29 Supp. 872). 87 Hun, 466; (68 St. Rep. 454; 34 Supp. 375).

Tomaselli v. John Griffiths Cycle Corp., 9 App. Div. 127; 75 St. Rep. 509; 41 Supp. 51.

Distinguished, Master and Servant—Defective Appliances—Master's Liability.

79 St. Rep. 875; (45 Supp. 875).

Cited, Master and Servant—Appliances—Delegation.

79 St. Rep. 943; (45 Supp. 943).

Tombs v. Rochester & S. R. Co., 18 Barb. 583.

Cited, Waiver—Statutory Right.

16 Misc. 527; (74 St. Rep. 637; 40 Supp. 27).

Tome v. Gerlach, 60 St. Rep. 875.

Tomkins v. Clune, 6 App. Div. 76; 39 Supp. 466.

Tomko v. Central R. Co. of N. J., 1 App. Div. 269; 72 St. Rep. 651; 37 Supp. 144.

Tomlinson v. New York, 23 How. 452.

Cited, Reference—Report and Findings.

9 Misc. 95; (59 St. Rep. 694; 29 Supp. 5).

Tomlinson v. New York, 44 N. Y. 601.

Cited, Appeal — Error — Presumptions Favoring Judgment.

20 Misc. 370; (79 St. Rep. 756; 45 Supp. 756).

Tomkins, Matter of, 19 Supp. 647.

Cited, Surrogate's Court—Jurisdiction—To Open and vacate Decrees.

4 Misc. 39; (23 Supp. 847).

Tompkins, Matter of, 9 Misc. 436; 61 St. Rep. 742; 30 Supp. 382.

Tompkins v. Dudley, 25 N. Y. 272.

Cited, Contracts — Performance—Excuse—Destruction of Subject Matter.

91 Hun, 433; (72 St. Rep. 362; 36 Supp. 841). 92 Hun, 464; (72 St. Rep. 435; 36 Supp. 1033). 17 Misc. 390; (39 Supp. 1085). 9 App. Div. 13; (75 St. Rep. 418; 40 Supp. 1099). 152 N. Y. 134.

Contracts — Breach — Recovery of Payments.

92 Hun, 106; (72 St. Rep. 337; 33 Supp. 912).

Tompkins v. Fonda, 4 Paige, 448.

Cited, Dower — Before Assignment — Widow's Rights.

D. 72 St. Rep. 450; (37 Supp. 387).

Tompkins v. Hunter, 149 N. Y. 117.

Affirming, 75 Hun, 612; 59 St. Rep. 890; 28 Supp. 1132.

Cited, Common Law — Abrogation by Statute—Extent.

11 App. Div. 304; (76 St. Rep. 932; 42 Supp. 932).

Tompkins v. Hunter, 24 Supp. 8.

Cited, Conveyance — Fraudulent — Payment of Just Debt.

11 Misc. 2; (63 St. Rep. 452; 31 Supp. 851).

Tompkins v. Hyatt, 28 N. Y. 347.

Cited, Vendor and Purchaser—Disputing Vendor's Title.

9 App. Div. 24; (75 St. Rep. 595; 41 Supp. 137).

Tompkins v. Ives, 3 Abb. N. S. 267.

Cited, Pleading — Service—Priority—Answer and Offer of Judgment.

77 Hun, 594; (60 St. Rep. 497; 28 Supp. 1048).

Tompkins v. Ives, 36 N. Y. 75.

Cited, Costs — Offer of Judgment — More Favorable Recovery—Counterclaim.

8 Misc. 622; (61 St. Rep. 335; 29 Supp. 823).

Judgment—Offer—Acceptance—Effect.

150 N. Y. 188.

Tompkins v. New York, 14 App. Div.

536; 77 St. Rep. 878; 43 Supp. 878.

Tompkins v. Sheehan, 82 Hun, 345; 63

St. Rep. 544; 31 Supp. 225.

Tompkins v. Smith, 62 How. 499; 48 Super. 113.

Affirmed, 89 N. Y. 602.

Cited, Arrest—Action for Money Lost in Gambling.

16 App. Div. 479; (78 St. Rep. 955; 44 Supp. 955). D. 16 App. Div. 479; (78 St. Rep. 956; 44 Supp. 956).

Tompkins v. Snow, 63 Barb. 525.

Cited, Title—Vendors—Dispute by Vendee.

9 App. Div. 25; (75 St. Rep. 595; 41 Supp. 138).

Tompkins v. Tompkins, 78 Hun, 220; 60 St. Rep. 260; 28 Supp. 903.

Tompkins v. Tompkins, 68 St. Rep. 846; 34 Supp. 1032.

Tompkins v. Verplanck, 10 App. Div. 572; 76 St. Rep. 412; 42 Supp. 412.

Duplicate Citations in Parenthesis.

Tompkins County, Board of Supervisors of, v. Bristol, 15 Hun, 116.
Affirmed, 99 N. Y. 316.

Cited, Evidence—Declarations—Official Reports.

8 Misc. 584; (60 St. Rep. 583; 29 Supp. 1120).

Tompkins County, Supervisors of, v. Bristol, 99 N. Y. 316.

Cited, Public Officers—Bond—Breach.
77 Hun, 485; (60 St. Rep. 553; 28 Supp. 1093).

Tompkins County Nat. Bank v. Bunnell & Eno. Inv. Co., 8 App. Div. 90; 74 St. Rep. 857; 40 Supp. 411.

Toms v. Buffalo Creek R. Co., 70 Hun, 84; 53 St. Rep. 640; 23 Supp. 1112.

Tonawanda R. Co. v. Munger, 5 Den. 255.

Cited, Tort—Negligence—Contributory.
7 Misc. 654; (58 St. Rep. 340; 28 Supp. 153). 82 Hun, 310; (63 St. Rep. 572; 31 Supp. 242). D. 10 Misc. 715; (64 St. Rep. 618; 31 Supp. 810).

Tonawanda R. Co. v. Munger, 4 N. Y. 349.

Cited, Tort—Negligence—Contributory.
D. 10 Misc. 715; (64 St. Rep. 618; 31 Supp. 810).

Tone v. Brace, 11 Paige, 566.

Cited, Landlord and Tenant—Lease—Covenants—Implied—Quiet Enjoyment.
24 Supp. 474.

Tone v. Doelger, 6 Robt. 251.

Cited, Contracts—Performance—Excuse.
149 N. Y. 494.

Tone v. New York, 70 N. Y. 157.

Cited, Municipal Corporations—Liability—Acts of Agents and Officers.

9 Misc. 350; (61 St. Rep. 248; 29 Supp. 593). 17 App. Div. 208; (79 St. Rep. 366; 45 Supp. 366).

Officers—Public—Failure to Act—Personal Liability.

66 Hun, 146; (48 St. Rep. 876; 20 Supp. 974).

Tonge v. Newell, 16 App. Div. 500; 73 St. Rep. 906; 44 Supp. 906.

Tonjes v. Tonjes, 14 App. Div. 542; 77 St. Rep. 941; 43 Supp. 941.

Tonkins v. New York Ferry Co., 47 Hun, 562; 14 St. Rep. 874.

Cited, Negligence—Appliance—Unusual Accident.

D. 81 Hun, 550; (33 St. Rep. 291; 30 Supp. 1103).

Tonnele v. Hall, 4 N. Y. 140.

Cited, Statutes—Construction—Intent.

80 Hun, 370; (62 St. Rep. 62; 30 Supp. 336). 16 App. Div. 537; (78 St. Rep. 1020; 44 Supp. 1020).

Wills—Validity—Attached Papers.

90 Hun, 141; (70 St. Rep. 261; 35 Supp. 80).

Toof v. Bently, 5 Wend. 276.

Cited, Justice's Court—Execution—Time of Return.

84 Hun, 168; (65 St. Rep. 735; 32 Supp. 451).

Tooker v. Arnoux, 76 N. Y. 397.

Cited, Appeal—Extent of Review—Exceptions—No Cause of Action.

76 Hun, 558; (58 St. Rep. 249; 28 Supp. 190).

Trial—Dismissal on Pleadings.

4 Misc. 82; (53 St. Rep. 71; 23 Supp. 854). 10 Misc. 166; (62 St. Rep. 484; 30 Supp. 830).

Pleading—Defective Complaint—Cure by Answer.

10 Misc. 163; (62 St. Rep. 482; 30 Supp. 828).

Pleading—Complaint—Allegations—Conditions Precedent.

82 Hun, 364; (64 St. Rep. 83; 31 Supp. 485). 11 Misc. 392; (65 St. Rep. 427; 32 Supp. 245). 20 Misc. 699.

Appeal—Waiver of Defect in Complaint—Failure to Object to Evidence.

62 St. Rep. 223; (29 Supp. 711). 13 Misc. 57; (68 St. Rep. 21; 34 Supp. 66).

Tooker v. Booth, 7 Misc. 421; 57 St. Rep. 648; 27 Supp. 974.

Tooker v. Booth, 8 Misc. 304; 59 St. Rep. 282; 28 Supp. 727.

Cited, Appeal—Review of Facts.

14 Misc. 519; (70 St. Rep. 715; 35 Supp. 1070).

Tooker v. Gormer, 2 Hilt. 71.

Cited, Evidence—Admissions During Action.

2 Misc. 327; (51 St. Rep. 586; 21 Supp. 996).

Tooker v. Rinaldo, 11 Hun, 154.

Cited, Reference—Compulsory—Foreclosure of Mechanic's Lien.

7 App. Div. 306; (40 Supp. 274).

Toole v. Oneida County, Sup'ers of,

16 Misc. 653; 72 St. Rep. 161; 37 Supp. 9; 25 Civ. Pro. 267.

Affirmed, 13 App. Div. 471; 77 St. Rep. 1160; 43 Supp. 1160.

Cited, Pension—Exemptions.

15 Misc. 163; (72 St. Rep. 167; 37 Supp. 15). 13 App. Div. 471; (77 St. Rep. 1160; 43 Supp. 1160).

Duplicate Citations in Parenthesis.

Toole v. Oneida County, Sup'rs of,
13 App. Div. 471; 77 St. Rep. 1160; 43
Supp. 1160.

Toole v. Toole, 112 N. Y. 333; 20 St. Rep.
753.

*Cited, Vendor and Purchaser—Doubtful
Title—Specific Performance.*

14 Misc. 473; (71 St. Rep. 757; 36 Supp.
618). 79 St. Rep. 938; (45 Supp. 938).

Tooley v. Bacon, 70 N. Y. 34.

*Cited, Appeal—Immaterial Error—Wrong
Reason for Correct Ruling.*

1 Misc. 144; (48 St. Rep. 726; 20 Supp.
631). 11 Misc. 340; (65 St. Rep. 125; 32
Supp. 3).

*Appeal—Incompetent Evidence—Specific
Objection.*

1 Misc. 297; (48 St. Rep. 670; 20 Supp.
707). 10 Misc. 394; (63 St. Rep. 406; 31
Supp. 122). 64 St. Rep. 116; (31 Supp. 433).
85 Hun, 180; (65 St. Rep. 723; 32 Supp.
579). 13 Misc. 2; (67 St. Rep. 846; 33 Supp.
996). 18 Misc. 366; (75 St. Rep. 940; 41 Supp.
552).

Appeal—Objections Not Taken Below.

3 Misc. 337; (52 St. Rep. 7; 22 Supp.
736). 19 Misc. 168.

*Appeal—Objections to Evidence—What
Available.*

2 Misc. 97; (49 St. Rep. 711; 20 Supp.
847). 2 Misc. 115; (49 St. Rep. 233; 20 Supp.
858). 7 Misc. 192; (57 St. Rep. 538; 27 Supp.
330). 12 Misc. 61; (66 St. Rep. 684; 33 Supp.
50).

Tooley v. Dibble, 2 Hill, 641.

*Cited, Deeds—Delivery to Third Person—
Effect—Intention.*

79 Hun, 523; (61 St. Rep. 594; 21 Supp.
907).

Toomey v. Albany, 38 St. Rep. 91; 14
Supp. 572.

*Cited, Municipal Corporations—Liability
—Acts of Public Nature.*

79 Hun, 126; (61 St. Rep. 396; 29 Supp.
499). 15 App. Div. 230; (78 St. Rep. 123;
44 Supp. 123).

**Toomey v. Delaware, L. & W. R.
Co.,** 2 Misc. 82; 49 St. Rep. 623; 21
Supp. 448.

Affirmed, 4 Misc. 392; 53 St. Rep. 567; 24
Supp. 108.

Cited, Damages—Adequacy.

10 Misc. 229; (63 St. Rep. 253; 30 Supp.
1063).

**Toomey v. Delaware, L. & W. R.
Co.,** 4 Misc. 392; 53 St. Rep. 567; 24
Supp. 108.

Affirmed, 147 N. Y. 709; 70 St. Rep. 878.

Followed, 6 Misc. 599; (56 St. Rep. 894).

Toplitz v. King Bridge Co., 20 Misc.
576.

Affirming, 20 Misc. 720.

Toplitz v. Ullman, 2 Misc. 130; 49 St.
Rep. 226; 20 Supp. 863.

*Cited, Damages—Measure—Wrongful Dis-
charge of Employee.*

68 Hun, 10; (52 St. Rep. 42; 22 Supp.
646). 10 Misc. 679; (64 St. Rep. 297; 31
Supp. 672; 1 Ann. Cas. 274).

Topping, Matter of, 60 Hun, 116; 14
Supp. 495; 38 St. Rep. 560; 20 Civ. Pro.
357.

*Cited, Executors and Administrators—
Accounting—Vouchers for Payments.*
23 Supp. 850.

Topping v. Lynch, 2 Robt. 484.

*Cited, Chattel Mortgage and Sale —
Change of Possession.*

15 Misc. 524; (74 St. Rep. 421; 37 Supp.
1075; 2 Ann. Cas. 413). 19 Misc. 164. 20
Misc. 397.

Torbett v. Goodwin, 62 Hun, 407; 42
St. Rep. 323; 17 Supp. 46.

Cited, Corporations—Trustees—Liability.
11 Misc. 528, 529; (64 St. Rep. 457, 458; 32
Supp. 747, 748).

Torkington, Matter of, 79 Hun, 128;
61 St. Rep. 426; 29 Supp. 433.

Torney, Matter of, 7 Misc. 260; 57 St.
Rep. 465; 27 Supp. 913; 23 Civ. Pro. 333.
Affirmed, 11 Misc. 21; 32 Supp. 277.

Torney v. Stiner, 11 Misc. 291; 32 Supp.
277.

**Toronto Gen. Trust Co. v. Chicago,
B. & Q. R. Co.,** 52 Hun, 190.

*Cited, Contracts—Breach—Place of Per-
formance—Right of Action.*

8 Misc. 295; (59 St. Rep. 211; 28 Supp.
574; 31 Abb. N. C. 442). 12 Misc. 234; (67
St. Rep. 787; 33 Supp. 1084). 8 App. Div.
448; (75 St. Rep. 270; 40 Supp. 873).

*Courts — Want of Jurisdiction — How
Raised.*

12 Misc. 231; (67 St. Rep. 785; 33 Supp.
1082).

**Toronto Gen'l Trust Co. v. Chicago
B. & Q. R. Co.,** 123 N. Y. 37.

*Cited, Executors and Trustees — Foreign
—Right to Sue.*

19 Misc. 462; (78 St. Rep. 564; 44 Supp.
564). D. 2 App. Div. 291; (37 Supp. 903).
D. 2 App. Div. 597; (38 Supp. 136).

*Executors and Trustees—Foreign—Recog-
nization.*

D. 150 N. Y. 34.

Duplicate Citations in Parenthesis.

Toronto Gen'l Trust Co. v. Nat. Bank of Commerce in N. Y., 138 N. Y. 657; 53 St. Rep. 931.

Affirming, 64 Hun, 1; 46 St. Rep. 52; 18 Supp. 593.

Torrance, Matter of, 15 Misc. 317; 73 St. Rep. 121; 37 Supp. 583.

Torrance v. Third Nat. Bank of Buffalo, 70 Hun, 44; 53 St. Rep. 434; 23 Supp. 1073.

Torrey v. Bank, 9 Paige, 618.

Cited, Lands — Purchase — Confidential Re'ation.

14 Misc. 93; (69 St. Rep. 559; 35 Supp. 272). 14 App. Div. 534; (78 St. Rep. 135; 44 Supp. 135). 151 N. Y. 340.

Conveyance—Recitals—Effect.
4 App. Div. 12; (73 St. Rep. 672; 38 Supp. 305).

Torrey v. Black, 3 Week. Dig. 131.

Cited, Limitation of Action—Infants.
11 Misc. 386; (65 St. Rep. 296; 32 Supp. 149).

Torrey v. Black, 58 N. Y. 185.

Cited, Contracts—Consideration—Effect of Seal.

50 St. Rep. 269; (21 Supp. 721). 145 N. Y. 662; (71 St. Rep. 314).

Guardian and Ward — Infant's Real Estate—Powers of Guardian Over.

76 Hun, 190; (57 St. Rep. 337; 27 Supp. 577).

Damages—Measure—Conversion.
2 Misc. 244; (51 St. Rep. 423; 21 Supp. 1006).

Conveyance—Impeachment — Burden of Proof.

143 N. Y. 504; (62 St. Rep. 850).

Torrey v. Torrey, 14 N. Y. 430.

Cited, Life Tenants—Duration of Term Created by.

6 Misc. 380; (56 St. Rep. 339; 26 Supp. 745).

Torrey v. Waters, 69 Hun, 614; 53 St. Rep. 402; 23 Supp. 1145.

Followed, 59 St. Rep. 885; (28 Supp. 1116).

Torrey v. Willard, 55 Hun, 78; 28 St. Rep. 641; 8 Supp. 392.

Cited, Schools — Taxes—Collection—Action for.

74 Hun, 345; (55 St. Rep. 894; 23 Supp. 519).

Taxes—Assessment—Collection.

75 Hun, 427; (57 St. Rep. 344; 27 Supp. 683).

Totten v. Phipps, 52 N. Y. 354.

Cited, Landlord and Tenant—Liability of Tenants to Each Other—Negligence.

8 Misc. 311; (59 St. Rep. 282; 28 Supp. 729).

Totten v. Read, 32 St. Rep. 46; 10 Supp. 318.

Cited, Evidence—Relevancy—Breach of Promise—Defendant's Property.

4 Misc. 390; (53 St. Rep. 519; 24 Supp. 330).

Toucey v. Schnell, 15 Misc. 350; 72 St. Rep. 858; 37 Supp. 879.

Toulandon v. Lachenmeyer, 1 Sweeny, 45.

Cited, Statutes—Foreign—Proof.

6 App. Div. 40; (39 Supp. 738).

Toumey v. O'Reilly, Skeelly & Fogarty Co., 142 N. Y. 678; 60 St. Rep. 82.

Affirming, 3 Misc. 302; 52 St. Rep. 119; 22 Supp. 930.

Tousey, Matter of, 2 App. Div. 569; 74 St. Rep. 319; 37 Supp. 1025.

Tousey v. Roberts, 114 N. Y. 312; 23 St. Rep. 223.

Cited, Trial — Withdrawing Case from Jury—Scintilla of Evidence.

69 Hun, 102; (52 St. Rep. 602; 23 Supp. 258; 30 Abb. N. C. 145).

Trial—Question of Fact—Negligence.

85 Hun, 97; (66 St. Rep. 67; 32 Supp. 683).

Tousley v. Mowers, 14 Misc. 125; 70 St. Rep. 331; 35 Supp. 855.

Cited, Justice's Court—Judgment—Entry.
2 App. Div. 3; (72 St. Rep. 498; 37 Supp. 443).

Tower v. Hale, 46 Barb. 361.

Cited, Deeds—Description of Parties—Association.

141 N. Y. 364; (57 St. Rep. 440). 1 App. Div. 25; (71 St. Rep. 845; 36 Supp. 738). 2 App. Div. 576; (74 St. Rep. 424; 37 Supp. 1077; 3 Ann. Cas. 115).

Tower v. Utica & S. R. Co., 7 Hill, 47.

Cited, Carriers—Sleeping Car Companies—Liability—Passenger's Personal Effects.

9 Misc. 27; (59 St. Rep. 721; 29 Supp. 57).

Towle v. Remsen, 70 N. Y. 303.

Cited, Constitutional Law—Police Power—Children.

79 Hun, 533; (61 St. Rep. 581; 29 Supp. 894).

Real Property—Grant—Conditions Subsequent—Forfeiture.

79 Hun, 490; (61 St. Rep. 474; 29 Supp. 1004).

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Grant—Conditions Subsequent—Assignability of Grantor's Interest.

151 N. Y. 152.

Lands Under Water—Adverse Possession—Municipality.

5 App. Div. 430; (39 Supp. 253).

Lands—Title—City of New York.

10 App. Div. 295; (75 St. Rep. 1812; 41 Supp. 939). D. 10 App. Div. 300; (75 St. Rep. 1315; 41 Supp. 943).

Towler v. Towler, 142 N. Y. 371; 58 St. Rep. 818.

Affirming, 65 Hun, 457; 48 St. Rep. 39; 20 Supp. 342.

Town v. Needham, 3 Paige, 545.

Cited, Covenants—Running With Land—Divisibility.

142 N. Y. 89; (58 St. Rep. 415).

Estoppel—Silence—Title.

69 Hun, 529; (52 St. Rep. 851).

Co-tenants—Adverse Possession.

89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348).

Cc-tenants—Improvements—Who Entitled to.

152 N. Y. 109.

Towns v. R., W. & O. R. Co., 28 St. Rep. 124; 8 Supp. 137.

Cited, Railroads—Accident at Crossing—Negligence—Questions of Fact.

82 Hun, 171; (63 St. Rep. 771; 31 Supp. 32). 85 Hun, 113; (66 St. Rep. 34; 32 Supp. 651).

Railroads—Negligence—Crossings—Signals.

92 Hun, 151; (71 St. Rep. 722; 36 Supp. 698).

Townsend, Matter of, 75 Hun, 593; 59 St. Rep. 618; 27 Supp. 603.

Townsend, Matter of, 83 Hun, 200; 63 St. Rep. 856; 31 Supp. 409.

Townsend, Matter of, 39 N. Y. 171.

Cited, Eminent Domain—Corporations—Foreign.

143 N. Y. 416; (62 St. Rep. 431).

Eminent Domain—Public Use—Legislation.

16 App. Div. 510; (78 St. Rep. 932; 44 Supp. 932).

Townsend v. Auld, 8 Misc. 516; 59 St. Rep. 274; 28 Supp. 746.

Reversed, 10 Misc. 343; 63 St. Rep. 418; 31 Supp. 29; 24 Civ. Pro. 181.

Townsend v. Auld, 10 Misc. 343; 63 St. Rep. 418; 31 Supp. 29; 24 Civ. Pro. 181.

Townsend v. Bargy, 57 N. Y. 665.

Cited, Replevin—Damages in—Value of Property.

79 Hun, 545; (61 St. Rep. 552; 29 Supp. 933).

Townsend v. Bell, 62 Hun 306; 42 St. Rep. 229; 17 Supp. 210.

Cited, Injunction—Continuing Trespass. 54 St. Rep. 573; (24 Supp. 1084). 13 App. Div. 45; (77 St. Rep. 30; 43 Supp. 30).

Waters—Riparian Rights—Reasonable Use.

70 Hun, 559; (53 St. Rep. 615; 24 Supp. 194).

Townsend v. Bell, 70 Hun, 557; 53 St. Rep. 614; 24 Supp. 193.

Townsend v. Bogert, 126 N. Y. 370; 37 St. Rep. 448.

Cited, Partition—Pleading—Demurrer—Parties.

66 Hun, 512; (50 St. Rep. 150; 21 Supp. 398).

88 Hun, 394; (68 St. Rep. 754; 34 Supp. 816; 2 Ann Cas. 123).

Pleading—Complaint—Equity—Unknown Interest of Parties.

71 Hun, 40; (53 St. Rep. 874; 24 Supp. 496). 17 Misc. 697; (41 Supp. 475).

Equity—Multiplicity of Suits.

84 Hun, 243; (65 St. Rep. 632; 32 Supp. 574).

Townsend v. Colorado Fuel & Iron Co., 16 App. Div. 314; 78 St. Rep. 849; 44 Supp. 849.

Townsend v. Coon, 7 Civ. Pro. 56.

Cited, Pleading—Separate Statement and Numbering—Demurrer.

15 Misc. 235; (71 St. Rep. 472; 36 Supp. 422).

Townsend v. Corning, 23 Wend. 435.

Cited, Powers—Execution—In Individual Name.

92 Hun, 35.

Townsend v. Felthousen, 90 Hun, 89;

70 St. Rep. 124; 35 Supp. 538.

Townsend v. Goewey, 19 Wend. 424.

Cited, Partnership—Services—Implied Promise to Pay.

9 Misc. 299; (61 St. Rep. 314; 30 Supp. 268).

Townsend v. Hendricks, 40 How. 143.

Cited, Reference—Long Account—Interposed by Counterclaim.

142 N. Y. 248; (58 St. Rep. 772). D. 142 N. Y. 260; (58 St. Rep. 780, 781).

Townsend v. Hillman, 18 Civ. Pro. 213; 9 Supp. 629.

Cited, Trial—Notice of—Effect and How Defeated.

1 Supp. 13; (48 St. Rep. 515; 20 Supp. 660).

Duplicate Citations in Parenthesis.

Townsend v. Masterton, Smith & Sinclair Stone D. Co., 15 N. Y. 587.

Cited, Stipulations—Enforcement.

9 Misc. 370; (60 St. Rep. 632; 29 Supp. 693; 24 Civ. Pro. 52).

Stipulations—Relief From.

3 Misc. 464; (52 St. Rep. 512; 23 Supp. 188).

Townsend v. McDonald, 12 N. Y. 381.

Cited, Waters—New Course—Rights of Riparian Owners.

15 App. Div. 172; (78 St. Rep. 284; 44 Supp. 284).

Townsend v. Narragansett F. & M. Ins. Co., 36 Super. 72.

Affirmed, 56 N. Y. 655.

Cited, Evidence—Offers of Settlement—Insurance.

7 App. Div. 593; (40 Supp. 312).

Townsend v. New York, 77 N. Y. 542.

Cited, Cloud on Title—When Removable.

67 Hun, 248; (0 St. Rep. 819; 22 Supp. 202) 139 N. Y. 219; (54 St. Rep. 674).

Townsend v. N. Y. C. & H. R. R. Co., 56 N. Y. 295.

Cited, Carriers—Passenger—Ejection for Non-payment of Fare.

4 Misc. 396; (53 St. Rep. 570; 24 Supp. 110). 3 Misc. 347; (52 St. Rep. 4; 22 Supp. 741). 91 Hun, 343; (71 St. Rep. 863; 36 Supp. 769).

Carriers—Passenger—Transfer—Mistake in Ticket—Ejection.

79 Hun, 36; (61 St. Rep. 195; 29 Supp. 735).

Damages—Exemplary—Act of Servant.

79 Hun, 39; (61 St. Rep. 195; 29 Supp. 736). 20 Misc. 209; (79 St. Rep. 754; 45 Supp. 754).

Townsend v. N. Y. C. & H. R. R. Co., 6 T. & C. 495.

Cited, Carriers—Passenger—Transfer—Mistake in Ticket—Ejection.

79 Hun, 36; (61 St. Rep. 197; 29 Supp. 735).

Townsend v. New York Life Ins. Co., 4 Civ. Pro. 398.

Cited, References—Claims Against Decedent's Estate—Referee's Authority.

5 Misc. 570; (26 Supp. 668).

Pleading—Amendments—Special Proceedings.

77 Hun, 572; (60 St. Rep. 516; 28 Supp. 1036).

Pleading—Bill of Particulars—Reference—Claims Against Decedent.

85 Hun, 122; (66 St. Rep. 25; 32 Supp. 638; 2 Ann. Cas. 49).

Townsend v. Pell, 3 Dem. 367.

Cited, Courts—Jurisdiction—Foreign Estate—Prior Distribution.

20 Misc. 78; (79 St. Rep. 823; 45 Supp. 823).

Townsend v. Rackham, 68 Hun, 231;

51 St. Rep. 872; 22 Supp. 878.

Affirmed, 143 N. Y. 516; 62 St. Rep. 851.

Townsend v. Rackham, 143 N. Y. 516;

62 St. Rep. 851.

Cited, Contracts—For Benefit of Third Person—Availability.

85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660). 85 Hun, 551; (37 St. Rep. 44; 33 Supp. 360). 90 Hun, 78; (69 St. Rep. 849; 35 Supp. 456). 92 Hun, 469; (71 St. Rep. 851; 36 Supp. 551). 92 Hun, 604; (72 St. Rep. 88; 36 Supp. 1068). 92 Hun, 268; (72 St. Rep. 404; 36 Supp. 881; 3 Ann. Cas. 28). 5 App. Div. 363; (39 Supp. 234). 92 Hun, 553; (38 Supp. 1047). 11 App. Div. 424; (76 St. Rep. 342; 42 Supp. 342). 14 App. Div. 14; (77 St. Rep. 655; 43 Supp. 655). 150 N. Y. 233.

Trust—Creation.

88 Hun, 16, 17; (68 St. Rep. 492, 493; 34 Supp. 485, 486).

Deed—Record—Evidence of Delivery.

12 Misc. 498; (67 St. Rep. 397; 33 Supp. 672).

Townsend v. Simpson, 13 Week. Dig. 450.

Cited, Judgment—Discharge—Bankruptcy.

9 Misc. 103; (59 St. Rep. 717; 29 Supp. 35).

Townsend v. Stearns, 32 N. Y. 209.

Cited, Assignment for Creditors—Rule of Construction.

6 Misc. 464; (27 Supp. 911). 145 N. Y. 224; (64 St. Rep. 603). 15 App. Div. 127; (78 St. Rep. 332; 44 Supp. 332).

Townsend v. Stewart, 53 St. Rep. 147; 23 Supp. 638.

Townsend v. Tolhurst, 57 Hun, 40; 32 St. Rep. 21; 10 Supp. 378.

Cited, Execution—Transcript from Justice—Outlawed Judgment.

7 Misc. 219; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 299). 8 App. Div. 340; (75 St. Rep. 202; 40 Supp. 816). 17 App. Div. 185; (79 St. Rep. 297; 45 Supp. 297). 7 Misc. 219; (58 St. Rep. 572; 27 Supp. 647; 23 Civ. Pro. 370).

Judgment—Lien—Duration.

50 St. Rep. 276; (21 Supp. 576).

Judgment—Lien—Duration—Transcript of Justice's.

6 Misc. 401; (56 St. Rep. 631; 26 Supp. 777). 27 Supp. 438.

*Duplicate Citations in Parenthesis.***Townsend v. Whitney**, 75 N. Y. 425.*Cited*, Principal and Surety—Subrogation.

77 Hun, 582; (60 St. Rep. 538; 28 Supp. 1042). 3 App. Div. 270; (73 St. Rep. 694; 38 Supp. 201)

Surrogate—Decree—Modification.

1 App. Div. 30; (71 St. Rep. 561; 36 Supp. 530).

Townsend v. Work, 79 Hun, 381; 61 St. Rep. 497; 29 Supp. 791.**Townsend Manufacturing Co v. Foster**, 51 Barb. 346.*Cited*, Appeal—Verdict—Reversal.

12 App. Div. 5; (76 St. Rep. 181; 42 Supp. 181).

Townshend v. Frommer, 125 N. Y. 446; 36 St. Rep. 153.*Cited*, Action—Parties—Foreclosure.

63 Hun, 383; (49 St. Rep. 358; 21 Supp. 495).

Mortgage Foreclosure—Necessary Parties—Vested Interests—Trustees.

79 Hun, 293; (60 St. Rep. 563; 29 Supp. 384; 31 Abb. N. C. 471).

Trust—Trust Deeds—Future Estates.

142 N. Y. 30; (58 St. Rep. 454).

Townshend v. Frommer, 25 St. Rep. 358; 5 Supp. 442.*Cited*, Ejectment—Equitable Rights.

92 Hun, 91; (71 St. Rep. 145; 36 Supp. 375).

Townshend v. Norris, 7 Hun, 239.*Cited*, Pleading—Complaint—Time.

91 Hun, 496; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110).

Townshend v. Thomson, 139 N. Y. 152; 54 St. Rep. 665.*Cited*, Mortgage—Rights of Mortgagee in Possession.

139 N. Y. 476; (54 St. Rep. 730).

Mortgage—Assignment by Mortgagee.

1 App. Div. 413; (72 St. Rep. 494; 37 Supp. 439).

Tozer v. N. Y. & H. R. R. Co., 105 N. Y. 659; 8 St. Rep. 56.*Cited*, Appeal—General Objection to Evidence—When Sufficient.

1 Misc. 121; (48 St. Rep. 682; 20 Supp. 723).

Tozer v. N. Y. C. & H. R. R. Co., 105 N. Y. 617; 6 St. Rep. 447.*Cited*, Evidence—Opinion—Result of Injuries.

13 Misc. 656; (69 St. Rep. 148; 34 Supp. 924). 15 Misc. 72; (71 St. Rep. 498; 36 Supp. 447). 7 App. Div. 397; (39 Supp.

33 Supp. 1127.

Tracey v. Altmyer, 46 N. Y. 598.*Cited*, Appeal—Extent of Review—Harmless Error.

9 Misc. 166; (60 St. Rep. 636; 29 Supp. 722). 13 Misc. 116; (68 St. Rep. 200; 34 Supp. 153).

Appeal—Rulings on Evidence—Burden to Show Error.

1 Misc. 174; (48 St. Rep. 683; 20 Supp. 654). 10 Misc. 183; (62 St. Rep. 490; 30 Supp. 939).

New Trial—New Evidence—Practice.

4 Misc. 509; (26 Supp. 278).

Tracy, Matter of, 11 St. Rep. 103.*Cited*, Evidence—Presumptions—Validity of Wills.

5 Misc. 200; (25 Supp. 110).

Wills—Mental Capacity—General Standards of.

3 Misc. 574; (23 Supp. 757).

Wills—Probate—Undue Influence—Unequal Distribution of Estate.

5 Misc. 184; (24 Supp. 858). 16 Misc. 183; (38 Supp. 1132).

Tracy, Matter of, 1 App. Div. 113; 72 St. Rep. 219; 37 Supp. 65.*Affirmed*, 149 N. Y. 608.**Tracy v. First Nat. Bank of Selma**, 37 N. Y. 523.*Cited*, Receivers—Corporations—Suits by and Against.

7 Misc. 361; (58 St. Rep. 686; 27 Supp. 686).

Jurisdiction—Admission.

14 Misc. 22; (69 St. Rep. 496; 35 Supp. 124).

Tracy v. Frost, 32 St. Rep. 907; 11 Supp. 561.*Cited*, Executors—Liability for Funeral Expenses.

2 App. Div. 16; (73 St. Rep. 237; 37 Supp. 641).

Tracy v. G. H. Hammond Co., 5 App. Div. 39; 74 St. Rep. 640; 40 Supp. 30.**Tracy v. Hartman**, 1 Hilton, 350.*Cited*, Appeal—Review of Findings of Fact.

69 Hun, 427; (52 St. Rep. 778; 23 Supp. 421).

Tracy v. Reynolds, 7 How. 327.*Cited*, Vacation of Citation—When and by Whom May be Made.

5 App. Div. 596; (39 Supp. 430).

Action—Rights of Persons not Made Parties.

16 App. Div. 620, 621; (78 St. Rep. 1059, 1060).

*Duplicate Citations in Parenthesis.***Tracy v. Shannon**, 3 Supp. 245.*Cited*, Appeal—Judgment by Default.

20 Misc. 339; (79 St. Rep. 925; 45 Supp. 925).

Tracy v. Suydam, 30 Barb. 110.*Cited*, Executors—Reference of Claim — Practice.

85 Hun, 121; (66 St. Rep. 24; 32 Supp. 637; 2 Ann. Cas. 48).

Tracy v. Talmage, 14 N. Y. 162.*Cited*, Contracts — Illegality—Parties in Pari Delicto.

6 Misc. 573; (57 St. Rep. 790; 27 Supp. 292). 13 Misc. 354; (69 St. Rep. 475; 35 Supp. 102). 8 App. Div. 431, 432; (75 St. Rep. 245; 40 Supp. 853).

Contracts—Illegal—Relief.

35 Supp. 102.

Tracy v. Tracy, 15 Barb. 503.*Cited*, Wills — Construction—Legacies — Charge Upon Real Estate — Intention of Testator.

8 Misc. 149; (59 St. Rep. 508; 28 Supp. 604).

Tracy v. Tracy, 59 Hun, 1; 35 St. Rep. 167; 12 Supp. 665.*Cited*, Pleading—Necessity to Plead — Former Judgment.

7 Misc. 707; (58 St. Rep. 366; 28 Supp. 42).

Tracy v. Troy & Boston R. Co., 38 N. Y. 433.*Cited*, Railroads — Fences — Lessor and Lessee.

8 App. Div. 393; (75 St. Rep. 166; 40 Supp. 790).

Tracy v. Yates, 18 Barb. 152.*Cited*, Corporations—Failure to Pay in Capital Stock—Liability of Stockholders.

5 Misc. 552; (58 St. Rep. 101; 25 Supp. 981).

Traders' Nat. Bank v. Parker, 130 N. Y. 415; 42 St. Rep. 506.*Cited*, Bills and Notes—Consideration—Extension of Time.

79 Hun, 533; (61 St. Rep. 545; 29 Supp. 925). 14 Misc. 318; (70 St. Rep. 325; 35 Supp. 849).

Contracts—Consideration — Compromise.

85 Hun, 262; (66 St. Rep. 300; 32 Supp. 906). 85 Hun, 377; (66 St. Rep. 436; 32 Supp. 1032). 14 Misc. 2; (69 St. Rep. 298; 35 Supp. 182). 17 Misc. 383; (39 Supp. 1062). 13 App. Div. 559; (77 St. Rep. 688; 43 Supp. 688).

Trial—Findings of Fact—Conflicting — Which Control.

83 Hun, 219; (64 St. Rep. 292; 31 Supp. 667). 85 Hun, 183; (66 St. Rep. 165; 32 Supp. 1043).

Tradesmen's Nat. Bank v. Bank of Commerce, 6 App. Div. 358; 39 Supp. 554.**Tradesman's Nat. Bank of New York, v. Young**, 15 App. Div. 109;

78 St. Rep. 297; 44 Supp. 297.

Tragman v. Littlefield, 45 St. Rep. 673; 18 Supp. 583.*Cited*, Attorneys—Contract with Client—Good Faith.

68 Hun, 593; (52 St. Rep. 589; 23 Supp. 239).

Train v. Friedman, 4 Civ. Pro. 109.*Cited*, Pleading—Bill of Particulars—Knowledge of Applicant.

74 Hun, 348; (56 St. Rep. 380; 26 Supp. 458).

Train v. Holland Purchase Ins Co., 62 N. Y. 598.*Cited*, Appeal—Direction of Verdict—Exceptions.

89 Hun, 338; (69 St. Rep. 820; 35 Supp. 376)

Trial—Withdrawal of Case from Jury.

91 Hun, 87; (71 St. Rep. 103; 36 Supp. 167).

Insurance—Policy—Cancellation.

92 Hun, 194; (71 St. Rep. 132; 36 Supp. 331).

Train v. Taylor, 51 Hun, 215; 21 St. Rep. 47; 4 Supp. 492.*Cited*, Conspiracy—Several Liability.

67 Hun, 339; (51 St. Rep. 442; 22 Supp. 134).

Traitteur v. Livingston, 37 St. Rep. 368; 13 Supp. 603.*Cited*, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 582; 29 Abb. N. C. 426; 23 Civ. Pro. 37).

Trankla v. McLean, 18 Misc. 221; 75 St. Rep. 796; 41 Supp. 385.*Cited*, Agency — Personal Liability of Agent.

19 Misc. 288; (77 St. Rep. 73; 43 Supp. 73).

Traphagen v. Burt, 67 N. Y. 30.*Cited*, Contracts—Statute of Frauds—Speculation in Land.

73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

Traux v. Thorn, 2 Barb. 156.*Cited*, Champerty—Judicial Sales.

9 App. Div. 57; (41 Supp. 105).

Trasselli v. Allen, 14 Misc. 183; 70 St. Rep. 167; 35 Supp. 469.**Travelers' Ins. Co. v. Healey**, 19 Misc. 584; 78 St. Rep. 1013; 44 Supp. 1043.

Duplicate Citations in Parenthesis.

Travelers' Ins. Co. v. Healey, 86 Hun, 524; 67 St. Rep. 686; 33 Supp. 911.

Cited, 19 Misc. 585; (78 St. Rep. 1044; 44 Supp. 1044).

Travelers' Ins. Co. v. Healey, 60 St. Rep. 151; 28 Supp. 478.

Cited, 19 Misc. 585; (78 St. Rep. 1044; 44 Supp. 1044).

Traver, Matter of, 9 Misc. 621; 62 St. Rep. 242; 30 Supp. 851.

Traver v. Halsted, 23 Wend. 66.

Cited, Contracts—Performance—Excuse. 20 Misc. 93; (79 St. Rep. 69; 45 Supp. 69).

Traver v. Purdy, 55 St. Rep. 295; 25 Supp. 452; 30 Abb. N. C. 443.

Travers v. Satterlee, 51 St. Rep. 458; 22 Supp. 118.

Travis, Matter of, 85 Hun, 420; 66 St. Rep. 205; 32 Supp. 887.

Travis, Matter of, 10 Misc. 298; 64 St. Rep. 310; 31 Supp. 686.

Affirmed, 85 Hun, 420; 66 St. Rep. 205; 32 Supp. 887.

Travis, Matter of, 19 Misc. 393; 78 St. Rep. 349; 44 Supp. 349.

Travis, Matter of, 55 How. 347.

Cited, Courts—Special Sessions—Jurisdiction.

D. 86 Hun, 73; (67 St. Rep. 83; 33 Supp. 340).

Travis v. Callon, 23 Supp. 194.

Travis v. Ehlers, 84 Hun, 427; 65 St. Rep. 575; 32 Supp. 369.

Travis v. Lee, 34 St. Rep. 233; 11 Supp. 841.

Cited, Husband and Wife—Necessaries—Husband's Liability.

84 Hun, 200; (65 St. Rep. 743; 32 Supp. 543).

Travis v. Myers, 67 N. Y. 542.

Cited, Action—Stay—Pending Other Action—Non-parties.

139 N. Y. 489; (51 St. Rep. 802). 5 App. Div. 266; (39 Supp. 155).

Action—Notice of Proceedings—Creditors.

16 Misc. 192; (74 St. Rep. 811; 38 Supp. 1001).

Travis v. Phelps, 86 Hun, 593; 67 St. Rep. 566; 33 Supp. 744.

Travis v. Post, 89 Hun, 607; 68 St. Rep. 882; 34 Supp. 1149.

Travis v. Scriba, 12 Hun, 391.

Cited, Married Women—Separate Estate—Liability.

87 Hun, 2; (67 St. Rep. 509; 33 Supp. 763). 17 Misc. 542; (40 Supp. 738).

Travis v. Tobias, 7 How. 90.

Cited, Joint Debtors—Non-residents—Judgment Against One—Effect.

16 App. Div. 619; (78 St. Rep. 1059; 44 Supp. 1059).

Travis v. Travis, 48 Hun, 343; 15 St. Rep. 874; 1 Supp. 357.

Reversed, 122 N. Y. 449; 34 St. Rep. 42.

Cited, Motions—Ex Parte—Extension of Time to Answer.

14 Misc. 182; (69 St. Rep. 812; 35 Supp. 382).

Travis v. Travis, 122 N. Y. 449; 34 St. Rep. 42.

Cited, Appeal—Review of Facts.

86 Hun, 438; (67 St. Rep. 628; 33 Supp. 899).

Traynor v. Murtagh, 10 App. Div. 627; 75 St. Rep. 1512; 41 Supp. 1133.

Treacy v. Hecker, 51 How. 69.

Cited, Fraud—False Representations—Actionable.

9 Misc. 97; (59 St. Rep. 695; 29 Supp. 6).

Treadwell v. Archer, 76 N. Y. 196.

Cited, Usury—Substituted Securities.

12 Misc. 439; (37 St. Rep. 366; 33 Supp. 592). 1 App. Div. 576; (72 St. Rep. 490; 37 Supp. 435).

Bills and Notes—Usury—Bona Fide Holder.

16 App. Div. 326; (78 St. Rep. 638; 44 Supp. 638).

Treadwell v. Deming, 10 Misc. 232; 63 St. Rep. 246; 30 Supp. 1055.

Treadwell v. Hoffman, 5 Daly, 207.

Discredited, Evidence—Notarial Certificate.

10 Misc. 344; (63 St. Rep. 419; 31 Supp. 30; 24 Civ. Pro. 182).

Treadwell v. Inslee, 120 N. Y. 458; 31 St. Rep. 534.

Cited, Adverse Possession—Openness—Knowledge of Servant Owner.

70 Hun, 543; (53 St. Rep. 750; 24 Supp. 189).

Treadwell v. Van Schaick, 30 Barb. 444.

Cited, Taxes—Water Rates—Notice—Levy.

71 Hun, 38; (54 St. Rep. 81; 24 Supp. 807). 152 N. Y. 331.

Treanor v. Eichon, 74 Hun, 58; 56 St. Rep. 225; 26 Supp. 314.

Cited, Statutes—Construction—Local or General.

16 App. Div. 512; (78 St. Rep. 933; 44 Supp. 933).

Duplicate Citations in Parenthesis.

Treanor v. Manhattan R. Co., 41 St. Rep. 614; 16 Supp. 536; 28 Abb. N. C. 47; 21 Civ. Pro. 364.

Cited, Evidence—Physicians—Privilege. 3 Misc. 455; (52 St. Rep. 499; 23 Supp. 164; 30 Abb. N. C. 81). 148 N. Y. 93; (25 Civ. Pro. 173; 2 Ann. Cas. 297).

Trial—Question for Jury—Negligence.

1 Misc. 505; (49 St. Rep. 234; 21 Supp. 2).

Trebilcox v. McAlpine, 46 Hun, 469; 11 St. Rep. 847.

Cited, Evidence—Documentary—Foreign Judgment.

10 Misc. 108; (62 St. Rep. 499; 30 Supp. 936).

Tredwell v. Brooklyn, 11 App. Div. 224; 77 St. Rep. 458; 43 Supp. 458.

Tredwell v. Doucourt, 18 App. Div. 219; 79 St. Rep. 946; 45 Supp. 946.

Trelford v. Coney Island & B. R. Co., 5 App. Div. 464; 39 Supp. 20.

Cited, 40 Supp. 1150.

Trelford v. Coney Island & B. R. Co., 6 App. Div. 204; 40 Supp. 1150.

Tremain v. Cohoes Company, 2 N. Y. 163.

Cited, Nuisance—Blasting—Negligence.

80 Hun, 297; (61 St. Rep. 830; 30 Supp. 90). D. 8 App. Div. 613; (40 Supp. 476).

Tremain v. Guardian Mut. Life Ins. Co., 11 Hun, 286.

Cited, Action—Discontinuance.

35 Hun, 103; (66 St. Rep. 37; 32 Supp. 655).

Tremain v. Richardson, 68 N. Y. 617.

Cited, Contract—Illegal—Enforcement—Punitive Enactment as Effecting.

8 Misc. 208; (53 St. Rep. 841; 28 Supp. 533).

Tremaine v. Mortimer, 128 N. Y. 1; 38 St. Rep. 740.

Cited, Chattel Mortgage—Default—Title to Property.

138 N. Y. 504; (53 St. Rep. 104).

Chattel Mortgage—Failure to File—Sale of Chattel on Execution.

70 Hun, 56; (53 St. Rep. 434; 23 Supp. 1081).

Chattel Mortgage—Failure to File—Rights of Creditors—Possession by Mortgagee.

69 Hun, 582; (53 St. Rep. 264; 24 Supp. 24). 81 Hun, 173; (62 St. Rep. 678; 30 Supp. 693). 143 N. Y. 482; (62 St. Rep. 846; 1 Ann. Cas. 84). 8 App. Div. 39; (40 Supp. 400). 20 Misc. 389. 153 N. Y. 109.

Assignment for Creditors—Unfiled Chattel Mortgage—Creditors.

20 Misc. 393.

Tremper v. Conklin, 44 Barb. 456.

Cited, Action—Parties—Corporations—Answer—Waiver.

9 Misc. 598; (63 St. Rep. 241; 30 Supp. 813).

Tremper v. Conklin, 44 N. Y. 58.

Cited, Action—Parties—Capacity—Waiver.

9 Misc. 598; (62 St. Rep. 241; 30 Supp. 873).

Trench v. Chenango County Mut. Ins. Co., 7 Hill, 122.

Cited, Insurance, Fire—Policy Covering Distinct Subjects—Partial Breach, Effect of.

1 Misc. 117; (49 St. Rep. 655; 20 Supp. 647).

Trenkmann v. Schneider, 17 Misc. 299; 40 Supp. 375.

Trenkmann v. Schneider, 20 Misc. 225; 79 St. Rep. 411; 45 Supp. 411.

Trenndlich v. Hall, 7 Civ. Pro. 62.

Cited, Pleading—Form—Two or More Causes of Action.

9 Misc. 309; (61 St. Rep. 668; 30 Supp. 311).

Trenor v. Le Count, 84 Hun, 426; 65 St. Rep. 610; 32 Supp. 412.

Trenton Banking Co. v. Duncan, 86 N. Y. 221.

Cited, Estoppel—Equitable—Deceit as Element—Acquiescence.

71 Hun, 329; (55 St. Rep. 49; 24 Supp. 1123).

Estoppel—Equitable—Title to Land.

136 N. Y. 45; (49 St. Rep. 33). 67 Hun, 162; (51 St. Rep. 526; 22 Supp. 326). 143 N. Y. 509; (62 St. Rep. 807).

Estoppel—Laches.

7 App. Div. 371; (40 Supp. 75).

Estoppel—Equitable—Representations—Title to Land—Failure to Consult Records.

71 Hun, 416; (54 St. Rep. 377; 24 Supp. 950).

Records—Absence of Chattel Mortgage From File—Judgment Creditors.

71 Hun, 551; (54 St. Rep. 926; 25 Supp. 44).

Records—Judgment—Interest in Land—Effects.

1 App. Div. 171; (73 St. Rep. 74; 37 Supp. 861).

Trevett v. Barnes, 110 N. Y. 500; 18 St. Rep. 533.

Cited, Appeal—Extent of Review—Jurisdiction.

80 Hun, 176; (61 St. Rep. 783; 30 Supp. 53).

Appeal—To Court of Appeals—Title to Land

150 N. Y. 549.

Duplicate Citations in Parenthesis.

Trevor v. Wood, 36 N. Y. 307.

Cited, Contracts—Consummation—Mail-
ing.

149 N. Y. 391.

Contracts—Locus.

150 N. Y. 322.

Tribune Association, Matter of, 13
Misc. 326; 68 St. Rep. 363; 34 Supp.
459.

Tribune Association v. Sleeman, 8
St. Rep. 343.

Cited, Writ and Process—Service—Ex-
emption—Witness.

78 Hun, 502; (61 St. Rep. 235; 29 Supp.
568).

Tribune Association v. Smith, 40
Super. 81.

Cited, Appeal—Conditional Order.

92 Hun, 503; (72 St. Rep. 93; 36 Supp.
989).

**Tribune Association v. Sun Print-
ing & P. Association**, 7 Hun, 175.

Cited, Injunction—Trespass.

67 Hun, 308; (50 St. Rep. 899; 22 Supp.
316).

Trier v. Hermann, 115 N. Y. 163; 24
St. Rep. 552.

Cited, Judgment—Entry—On Offer—Ser-
vice of Summons.

67 Hun, 148; (51 St. Rep. 744; 22 Supp.
223).

Trigg v. Hitz, 17 Abb. 436.

Cited, Interpleader—Ignorance of Claim-
ant's Rights.

2 Misc. 444; (51 St. Rep. 566; 22 Supp.
188).

Trimble v. Dzieduzyiki, 57 How. 208.

Cited, Wills—Validity—Law of Domicile.

9 Misc. 439, 440; (61 St. Rep. 744; 30 Supp.
384).

Trimble v. Kilgannon, 12 Misc. 459; 68
St. Rep. 134; 34 Supp. 256; 24 Civ. Pro.
400.

Trimble v. Stilwell, 4 E. D. Smith,
512.

Cited, Trial—Re-opening Case.

11 Misc. 18; (63 St. Rep. 454; 31 Supp.
871). 13 Misc. 96; (68 St. Rep. 73; 34 Supp.
82).

Trimble v. Thorn, 16 Johns. 152.

Cited, Bills and Notes—Demand and No-
tice—Promise by Drawer or Indorser.

4 Misc. 69; (53 St. Rep. 127; 23 Supp.
784).

Trimm v. Marsh, 54 N. Y. 599.

Cited, Mortgage—Possession—Legal
Title.

135 N. Y. 391; (48 St. Rep. 526). 20 Misc.
386; (79 St. Rep. 606; 45 Supp. 606).

Mortgage—Rights of Mortgagee in Pos-
session.

87 Hun, 85; (67 St. Rep. 643; 33 Supp.
960). 12 Misc. 586; (68 St. Rep. 345; 34
Supp. 440; 24 Civ. Pro. 422). 11 App Div.
180; (76 St. Rep. 894; 42 Supp. 894).

Trimmer v. Rochester, 130 N. Y. 401;
42 St. Rep. 382.

Cited, Taxes—Erroneous Assessment—
Setting Aside.

77 Hun, 188; (59 St. Rep. 501; 28 Supp.
348).

Trinity Church v. Cook, 11 Abb. 371.

Cited, Landlord and Tenant—Assessment
—Tenant's Liability.

17 Misc. 644; (40 Supp. 1093).

Trinity Church v. Higgins, 48 N. Y.
532.

Cited, Bonds—To Pay Insurance Pre-
miums—Plea Non-damnificatus.

2 Misc. 381; (50 St. Rep. 598; 21 Supp.
1099).

Tripler v. New York, 125 N. Y. 617; 36
St. Rep. 141.

Cited, Taxes—Recovery of Paid—Coer-
cion.

135 N. Y. 463; (48 St. Rep. 437). 91 Hun,
216; (71 St. Rep. 135; 36 Supp. 212). 151
N. Y. 18, 22.

Taxes—Void Assessments—Lien—Vacat-
ing.

77 Hun, 227; (59 St. Rep. 824; 28 Supp.
366).

Municipal Corporations—Assessment—Ir-
regularities.

82 Hun, 571; (64 St. Rep. 488; 31 Supp.
784). 144 N. Y. 497; (64 St. Rep. 67).

Tripler v. New York, 139 N. Y. 1; 54
St. Rep. 419.

Cited, Municipal Corporations—Assess-
ments—Recovery After Payment.

79 Hun, 483; (61 St. Rep. 250; 29 Supp.
981).

Municipal Corporations—Assessment—Ir-
regularities.

144 N. Y. 497; (64 St. Rep. 67). 82 Hun,
571; (64 St. Rep. 488; 31 Supp. 784).

Tripp v. Cook, 26 Wend. 143.

Cited, Mortgage—Enforcement—Judg-
ment—Re-sale—Inadequacy of Price

76 Hun, 596; (58 St. Rep. 254; 28 Supp.
195).

Duplicate Citations in Parenthesis.

Tripp v. Kirmes, 16 St. Rep. 600; 2 Supp. 19.

Cited, Evidence—Declarations—Declarations of Agent to Establish Agency.

7 Misc. 501; (58 St. Rep. 797; 27 Supp. 950).

Tripp v. Pulver, 2 Hun, 511.

Cited, Pleading—Complaint—Conversion.

14 Misc. 315; (70 St. Rep. 748; 35 Supp. 1053).

Tripp v. Riley, 15 Barb. 333.

Cited, Partition—Right to—Realty or Personality.

4 Misc. 351; (54 St. Rep. 257; 24 Supp. 353).

Tripp v. Provident Fund Society, 3 Misc. 445; 52 St. Rep. 322; 23 Supp. 173.

Affirmed, 140 N. Y. 23; 55 St. Rep. 380.

Cited Insurance—Notice—Limitation.

9 App. Div. 346; (75 St. Rep. 721; 41 Supp. 308).

Tripp v. Provident Fund Society, 140 N. Y. 23; 55 St. Rep. 380.

Cited, Insurance—Conditions—Construction.

11 Misc. 39; (63 St. Rep. 466; 31 Supp. 866).

Insurance—Conditions—Performance—Delay—Excuse.

9 App. Div. 351, 362; (75 St. Rep. 725, 729; 41 Supp. 313, 316).

Insurance—Forfeiture—Waiver.

80 Hun, 602; (61 St. Rep. 721; 29 Supp. 1126). 90 Hun, 535; (71 St. Rep. 709; 36 Supp. 689). 11 App. Div. 414; (76 St. Rep. 287; 42 Supp. 287). 16 App. Div. 601; (78 St. Rep. 979; 44 Supp. 979). 150 N. Y. 195.

Trolan v. Rogers, 79 Hun, 507; 61 St. Rep. 586; 29 Supp. 899.

Trolan v. Rogers, 83 Hun, 922; 68 St. Rep. 774; 34 Supp. 836.

Trope v. Saratoga Ass'n, etc., 36 St. Rep. 127; 12 Supp. 518.

Cited, Action—Change of Venue—Locus in quo.

70 Hun, 519; (53 St. Rep. 617; 24 Supp. 132).

Trost v. Hinman, 68 Hun, 94; 52 St. Rep. 39; 22 Supp. 612.

Troteky v. Forty-Second St. & Grand St. Ferry R. Co., 73 Hun, 26; 57 St. Rep. 155; 25 Supp. 1054.

Trotter v. Hughes, 12 N. Y. 74.
Cited, Mortgage—Assumption by Grantee—Availability.

73 Hun, 289; (57 St. Rep. 749; 26 Supp. ...)

Troup v. Smith's Ex'rs, 20 Johns. 33.

Cited, Limitation of Action—When Action Accrues—Fraud.

77 St. Rep. 384; (43 Supp. 384).

Trow v. Shannon, 8 Daly 239.

Cited, Witness—Competency—Transaction With Decedent.

8 Misc. 83; (58 St. Rep. 829; 28 Supp. 597).

Trow v. Shannon, 78 N. Y. 416.

Cited, Gifts—Inter Vivos—Prima Facie Proof.

16 App. Div. 546; (78 St. Rep. 993; 44 Supp. 993).

Trowbridge v. Didier, 4 Duer. 448.

Cited, Pleading—Variance of Copy from Original.

2 Misc. 209; (49 St. Rep. 588; 21 Supp. 257).

Writ and Process—Title—Copy Controlling—Discrepancy.

29 Supp. 1105; (23 Civ. Pro. 320).

Trowbridge v. Harrison, 50 St. Rep. 525; 21 Supp. 917.

Trowbridge v. Hayes, 79 St. Rep. 635; 45 Supp. 635.

Trowbridge v. Horan, 78 N. Y. 439.

Cited, Taxes—Assessment—Personalty—Heirs of Decedent.

77 Hun, 538; (60 St. Rep. 391; 23 Supp. 889). 5 App. Div. 522; (38 Supp. 1089).

Trowbridge v. Metcalf, 5 App. Div. 318; 39 Supp. 241.

Cited, Wills—Conversion—Equitable.

17 App. Div. 309; (79 St. Rep. 205; 45 Supp. 205).

Trow's P. & B. Co. v. Hart, 85 N. Y. 500.

Cited, Attachment—Vacation—Papers.

87 Hun, 274; (67 St. Rep. 470; 33 Supp. 825). 87 Hun, 262; (67 St. Rep. 474; 33 Supp. 829). 17 Misc. 243; (40 Supp. 1067).

Troxell v. Haynes, 16 Abb. N. S. 1.

Cited, Damages—Counsel Fees.

82 Hun, 334; (64 St. Rep. 107; 31 Supp. 508). 84 Hun, 558; (65 St. Rep. 848; 32 Supp. 726).

Troy v. Troy & Lansingburgh R. Co., 3 Lans. 270.

Affirmed, 49 N. Y. 657.

Cited, Bonds—Indemnity—Contractor—Recovery Against Obligees—Fault of Obligor.

70 Hun, 254; (54 St. Rep. 4; 24 Supp. 299).

Troy v. Troy & Lansingburgh R. Co., 49 N. Y. 657.

Cited, Evidence—Judgment—Roll—Action on Bond.

81 Hun, 443; (63 St. Rep. 260; 30 Supp. 1123).

Duplicate Citations in Parenthesis.

Troy Carriage Co. v. Simson, 15 Misc. 424; 73 St. Rep. 58; 37 Supp. 846.

Affirmed, 12 App. Div. 626; 77 St. Rep. 1166; 43 Supp. 1166.

Troy Carriage Works v. Muxlow, 16 Misc. 561; 38 Supp. 938.

Troy Carriage Works v. Muxlow, 15 Misc. 696; 73 St. Rep. 612; 37 Supp. 1023.

Affirmed, 16 Misc. 561; 38 Supp. 938.

Troy City Bank v. Lauman, 19 N. Y. 477.

Cited, Bills and Notes—Place of Payment—Alteration.

81 Hun, 206; (62 St. Rep. 708; 30 Supp. 767).

Troy Mfg Co. v. Star Knitting Co., 67 Hun, 611; 51 St. Rep. 346; 22 Supp. 435.

Affirmed, 143 N. Y. 635; 60 St. Rep. 875.

Troy Waste Mfg Co. v. Harrison, 73 Hun, 528; 56 St. Rep. 183; 26 Supp. 109.

Discredited, Assignment for Creditors — Corporations.

17 Misc. 443; (41 Supp. 204).

Troy Waste Mfg Co. v. Saxony Woolen Mills, 4 Misc. 245; 24 Supp. 633.

Troy & Boston R. Co. v. H. T. & W. R. Co., 86 N. Y. 107.

Cited, Injunction—Jurisdiction—Irreparable Injury.

26 Supp. 918; (30 Abb. N. C. 412). 14 Misc. 496; (71 St. Rep. 790; 36 Supp. 623). 149 N. Y. 173.

Injunction—Only Equitable Relief Obtainable by.

67 Hun, 309; (50 St. Rep. 909; 22 Supp. 317).

Injunction—Trespass.

148 N. Y. 354. 148 N. Y. 470.

Corporations—Powers—Lease.

D. 151 N. Y. 44.

Troy & Boston R. Co. v. Lee, 13 Barb. 169.

Cited, Eminent Domain—Award—Vacation for Inadequacy.

78 Hun, 261; (60 St. Rep. 238; 28 Supp. 911).

Eminent Domain—Damages—Test.

6 App. Div. 336; (40 Supp. 525).

Eminent Domain — Commissioners — Award.

18 App. Div. 195; (79 St. Rep. 786; 45 Supp. 786).

Troy & Boston R. Co. v. Tibbitts, 11 How. 168.

Cited, Pleading — Amendment — New Cause of Action—Conditions—Costs.

6 Misc. 364; (27 Supp. 225).

Troy & Lansingburgh R. Co. v. Kane, 72 N. Y. 614.

Cited, Taxes—Collector's Warrant—Irregularity not Patent.

7 Misc. 201; (56 St. Rep. 517; 27 Supp. 211). 7 Misc. 201; (81 Hun, 309; 56 St. Rep. 517; 27 Supp. 211).

Taxes—Assessment—Review—Mode.

7 Misc. 206; (81 Hun, 313; 56 St. Rep. 520; 27 Supp. 214).

Troy & Rutland R. Co. v. Kerr, 17 Barb. 581.

Cited, Trial—Burden of Proof—Pleadings.

19 Misc. 4; (76 St. Rep. 883; 42 Supp. 883).

Truax v. Slater, 86 N. Y. 630.

Cited, Assignment—Oral—Payment.

72 Hun, 401; (55 St. Rep. 469; 25 Supp. 569).

Evidence—Declarations—Assignor.

86 Hun, 478; (67 St. Rep. 508; 33 Supp. 886). 87 Hun, 555; (69 St. Rep. 461; 35 Supp. 143).

Truax v. Thorn, 2 Barb. 156.

Cited, Pretended Titles—Judicial Sales.

75 St. Rep. 566.

Trubee v. Alden, 6 Hun, 75.

Cited, Action—Abatement—Foreign Attachment.

6 Misc. 387; (56 St. Rep. 337; 26 Supp. 739; 31 Abb. N. C. 131).

True v. Sibley, 61 St. Rep. 200; 29 Supp. 704.

Trueb v. N. Y. Asbestos Mfg Co.,

16 Misc. 482; 74 St. Rep. 231; 38 Supp.

604; 25 Civ. Pro. 347.

Truesdell v. Bourke, 80 Hun, 55; 61

St. Rep. 600; 29 Supp. 849.

Reversed, 145 N. Y. 612; 71 St. Rep. 364.

Truesdell v. Bourke, 145 N. Y. 612; 71

St. Rep. 364.

Reversing, 80 Hun, 55; 61 St. Rep. 600; 29 Supp. 849.

Cited, Fraud—Recovery.

4 App. Div. 231; (74 St. Rep. 196; 38 Supp. 553).

Truesdell v. Chumar, 75 Hun, 416; 58

St. Rep. 613; 27 Supp. 87.

Truesdell v. Sarles, 104 N. Y. 164; 5 St. Rep. 565; 25 Week. Dig. 378.

Cited, Fraudulent Conveyance—Consideration.

Duplicate Citations in Parenthesis.

85 Hun, 286; (66 St. Rep. 468; 32 Supp. 984). 86 Hun, 247; (66 St. Rep. 750; 33 Supp. 240).

Evidence—Transaction with Decedent.

90 Hun, 131; (70 St. Rep. 512; 35 Supp. 647).

Pleading—Variance.

69 Hun, 494; (52 St. Rep. 723; 23 Supp. 413).

Trull v. Granger, 8 N. Y. 115.

Distinguished, Landlord and Tenant—Holding Over—Lease to Third Person—Rights of Parties.

14 Misc. 30; (69 St. Rep. 374; 35 Supp. 146; 25 Civ. Pro. 88; 2 Ann. Cas. 144).

Cited, Damages—Deprivation of Possession Under Lease.

152 N. Y. 473.

Truman v. Lombard, 10 App. Div. 430; 76 St. Rep. 262; 42 Supp. 262.

Trumbull v. Chesapeake & Ohio R. Co., 18 Misc. 732; 76 St. Rep. 1134; 42 Supp. 1134.

Trumbull v. Gibbons, 3 City Hall Rec. 97.

Cited, Libel—Liability of Printer.

153 N. Y. 219.

Trumpbour v. Trumpbour, 70 Hun, 571; 53 St. Rep. 607; 24 Supp. 212.

Affirmed, 144 N. Y. 652; 64 St. Rep. 889.

Truscott v. King, 6 N. Y. 147.

Cited, Equity—Remedy at Law—Necessity of Pleading.

8 Misc. 489; (59 St. Rep. 258; 29 Supp. 342; 23 Civ. Pro. 449; 31 Abb. N. C. 436) 137 N. Y. 470; (51 St. Rep. 274). 67 Hun, 305; (50 St. Rep. 897; 22 Supp. 314). 78 Hun, 442; (60 St. Rep. 757; 61 St. Rep. 646; 29 Supp. 204). 143 N. Y. 277; (62 St. Rep. 327). 84 Hun, 86; (65 St. Rep. 208; 32 Supp. 51).

Trial—Jury—Equity Cases—Waiver.

138 N. Y. 460; (53 St. Rep. 23).

Evidence—Parol — Mortgage — Explanation—Purpose.

76 Hun, 556; (58 St. Rep. 235; 28 Supp. 236).

Mortgage — Future Advances—Intervening Lien.

138 N. Y. 54; (51 St. Rep. 733).

Truslow, Matter of, 140 N. Y. 599; 56 St. Rep. 491.

Trust v. Delaplaine, 3 E. D. Smith, 219.
Cited, Appeal—From Justice's Judgment—Return—Conclusiveness of and Evidence to Contradict.

3 Misc. 125; (23 Supp. 996).

Trust v. Pirsson; 1 Hiit. 292.

Cited, Lien—Private Storage.

10 App. Div. 565; (76 St. Rep. 99; 42 Supp. 99).

Trust & Deposit Co. of Onondaga v. Pratt, 25 Hun, 23.

Cited, Appeal—When Appeal Lies—Order Sustaining Demurrer.

9 Misc. 338; (60 St. Rep. 609; 29 Supp. 705).

Trustees, etc. of Diocese of Central N. Y. v. Colgrove, 4 Hun, 362.

Cited, Wills—Construction.

20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606).

Tryon v. Baker, 7 Lans. 511.

Cited, Action — Election of Remedies — Tort and Contract.

2 Misc. 118; (49 St. Rep. 230; 20 Supp. 873).

Tubbs v. Caswell, 8 Wend. 129.

Cited, Pleading—Demurrer to Answer — Challenging Complaint on.

6 Misc. 80; (55 St. Rep. 491; 26 Supp. 22).

Tubbs v. Embree, 89 Hun, 475; 69 St. Rep. 720; 35 Supp. 820.

Tubridy v. Wright, 7 Misc. 403; 58 St. Rep. 52; 27 Supp. 978.

Affirmed, 144 N. Y. 519; 64 St. Rep. 46.

Tubridy v. Wright, 144 N. Y. 519; 64 St. Rep. 46.

Cited, Mechanic's Lien—Restrictions.

15 App. Div. 389; (78 St. Rep. 165; 44 Supp. 165).

Tuchband v. Chicago & A. R. Co., 115 N. Y. 437; 26 St. Rep. 440.

Cited, Service — Foreign Corporations — Managing Agent.

85 Hun, 406, 407; (66 St. Rep. 477, 478; 32 Supp. 994; 2 Ann. Cas. 70).

Tuck v. Manning, 53 Hun, 455; 25 St. Rep. 130; 6 Supp. 140.

Cited, Attorneys—Substitution.

1 App. Div. 388; (72 St. Rep. 617; 37 Supp. 292). 16 App. Div. 130; (79 St. Rep. 116; 45 Supp. 116).

Tuck v. Manning, 137 N. Y. 630; 51 St. Rep. 932.

Affirming, 63 Hun, 345; 44 St. Rep. 391; 17 Supp. 915; 22 Civ. Pro. 94.

Tucker v. E. L. Goodsell Co., 14 App. Div. 89; 77 St. Rep. 460; 43 Supp. 460.

Tucker v. Gilman, 121 N. Y. 189; 30 St. Rep. 629.

Cited, Corporations — Sale of Stock—Liability of Vendee for Debts of Vendor.

5 Misc. 554; (58 St. Rep. 101; 25 Supp. 981).

Duplicate Citations in Parenthesis.

Corporations—Stockholders—Liability for Corporate Debts—After Sale of Stock.

4 Misc. 476; (54 St. Rep. 333; 24 Supp. 569). D. 4 App. Div. 608; (39 Supp. 149).

Tucker v. Manhattan R. Co., 78 Hun, 439; 60 St. Rep. 756; 61 St. Rep. 644; 29 Supp. 202

Cited, Pleading — Equitable Action — Remedy at Law—Necessity to Plead.

84 Hun, 90; (65 St. Rep. 210; 32 Supp. 53).

Pleading—Equitable Action—Remedy at Law—Necessity to Plead.

8 App. Div. 366; (75 St. Rep. 183; 40 Supp. 802).

Tucker v. McDermott, 2 Redf. 312.

Cited, Executors and Administrators — Accounting — Costs — When Chargeable Against.

1 Misc. 279; (22 Supp. 1074).

Tucker v. McLean, 142 N. Y. 624; 60 St. Rep. 867.

Tucker v. Meeks, 2 Sweeny, 736.

Cited, Contracts — Construction—Intent.

3 App. Div. 288; (38 Supp. 1068).

Tucker v. Mutual Ben. L. Ins. Co., 50 Hun, 50; 23 St. Rep. 957; 4 Supp. 505.

Cited, Insurance—Accident—Violent and Accidental Death.

11 Misc. 41; (63 St. Rep. 468; 31 Supp. 868). 82 Hun, 274; (63 St. Rep. 796; 31 Supp. 347). 92 Hun, 258; (72 St. Rep. 306; 36 Supp. 933).

Tucker v. Mutual Ben. L. Ins. Co., 121 N. Y. 718.

Cited, Insurance — Accident—Accidental Death.

82 Hun, 274; (63 St. Rep. 796; 31 Supp. 347).

Tucker v. N. Y. C. & H. R. R. Co., 124 N. Y. 308; 36 St. Rep. 272.

Cited, Evidence—Burden of Proof—Contributory Negligence.

74 Hun, 144; (56 St. Rep. 309; 26 Supp. 220).

Evidence—Burden of Proof—Sui Juris.
153 N. Y. 273.

Trial—Questions of Law and Fact — Age At Which Infant Sui Generis.

2 Misc. 79; (49 St. Rep. 634; 21 Supp. 787).

Master and Servant — Risks Assumed — Obviousness—Minors.

7 Misc. 11; (56 St. Rep. 841; 27 Supp. 333). D. 2 App. Div. 64; (72 St. Rep. 505; 37 Supp. 319). 12 App. Div. 53; (75 St. Rep. 183; 42 Supp. 183).

Negligence—Contributory—Children.

71 Hun, 507; (55 St. Rep. 84; 24 Supp. 1092). 67 Hun, 216; (51 St. Rep. 398; 22 Supp. 112). 1 Misc. 229; (49 St. Rep. 215; 20 Supp. 889). 4 Misc. 87; (53 St. Rep. 86; 23 Supp. 800; 30 Abb. N. C. 290). 145 N. Y. 200; (64 St. Rep. 593). D. 8 App. Div. 490; (75 St. Rep. 212; 40 Supp. 826).

Railroads—Crossings—Contributory Negligence.

73 Hun, 35; (57 St. Rep. 9; 25 Supp. 1011). 81 Hun, 156; (61 St. Rep. 710; 29 Supp. 1129). 80 Hun, 182; (61 St. Rep. 632; 29 Supp. 1010). 91 Hun, 36; (71 St. Rep. 398; 36 Supp. 111). 10 App. Div. 64; (75 St. Rep. 1308; 41 Supp. 936).

Tucker v. Pennsylvania R. Co., 10 Misc. 35; 62 St. Rep. 771; 30 Supp. 811.

Reversed, 11 Misc. 366; 65 St. Rep. 124 32 Supp. 1.

Tucker v. Pennsylvania R. Co., 11 Misc. 366; 65 St. Rep. 124; 32 Supp. 1.

Cited, Carriers — Freight — Perishable — Cars.

12 Misc. 118; (33 Supp. 94).

Tucker v. Pennsylvania R. Co., 12 Misc. 117; 66 St. Rep. 694; 33 Supp. 93.

Cited, Carriers — Freight — Exemptions from Liability.

20 Misc. 587.

Tucker v. Pfau, 70 Hun, 59; 53 St. Rep. 553; 23 Supp. 953.

Cited, Appeal—Extent of Review—Discretionary Matters.

77 Hun, 91; (59 St. Rep. 866; 28 Supp. 312). 81 Hun, 163; (62 St. Rep. 662; 30 Supp. 706). 92 Hun, 51; (71 St. Rep. 154; 36 Supp. 384). 92 Hun, 377; (71 St. Rep. 849; 36 Supp. 549). 9 App. Div. 208; (75 St. Rep. 788; 41 Supp. 377; 3 Ann. Cas. 358). 17 Misc. 664; (41 Supp. 405).

Tucker v. Staunton, 20 Week. Dig. 43.

Cited, Partnership—Services of Partner—Implied Promise to Pay.

9 Misc. 301; (61 St. Rep. 315; 30 Supp. 269).

Tucker v. Tucker, 4 Keyes, 136; 4 Abb. Ct. App. Dec. 428.

Cited, Surrogate's Court—Jurisdiction—Disputed Claim.

4 Misc. 370; (25 Supp. 829).

Executors — Disputed Claim — Account Stated.

16 App. Div. 37; (78 St. Rep. 807; 44 Supp. 807).

*Duplicate Citations in Parenthesis.***Tucker v. Tucker**, 5 N. Y. 408.*Cited*, Wills—Construction—Giving Effect to Valid Parts.

24 Supp. 878; (30 Abb. N. C. 233).

Wills—Suspension of Alienation.

69 Hun, 440; (52 St. Rep. 702; 23 Supp. 454).

Tucker v. Tucker, 45 St. Rep. 458; 18 Supp. 629.*Cited*, Wills—Execution — Undue Influence.

15 Misc. 214; (72 St. Rep. 762; 37 Supp. 226).

Tucker v. United Life & A. Ins. Ass'n, 133 N. Y. 548; 44 St. Rep. 100.*Cited*, Insurance — Application — Subsequent Illness—Misrepresentation.

78 Hun, 108; (60 St. Rep. 534; 28 Supp. 1078).

Tucker v. Werner, 2 Misc. 193; 49 St. Rep. 571; 21 Supp. 264.**Tuerk Hydraulic Power Co. v. Tuerk**, 92 Hun, 65; 71 St. Rep. 154; 36 Supp. 384.*Cited*, Appeal—Equity Action — Objections to Evidence.

14 App. Div. 627; (77 St. Rep. 985; 43 Supp. 985).

Tuers v. Tuers, 100 N. Y. 196.*Cited*, Real Property—Powers of Tenant in Common.

2 Misc. 173; (49 St. Rep. 627; 21 Supp. 636).

Appeal—Objections Not Raised Below.

15 Misc. 639; (72 St. Rep. 796; 37 Supp. 217).

Pleading—Contract—Allegations of Tort.

4 App. Div. 231; (74 St. Rep. 197; 38 Supp. 553).

Tufts v. Bristed, 4 Duer. 607.*Cited*, Action—On Judgment—Leave of Court.

17 App. Div. 247; (79 St. Rep. 587; 45 Supp. 587).

Tugman v. National Steamship Co., 76 N. Y. 207.*Cited*, Carriers—When Freight Earned.

49 St. Rep. 731; (20 Supp. 797).

Tulane, Matter of, 51 Hun, 213; 21 St. Rep. 191; 4 Supp. 36.*Cited*, Personal Property — Status for Transmission by Decedent.

3 Misc. 162; (51 St. Rep. 266; 23 Supp. 286).

Tuller v. Howard, 17 Misc. 105; 40 Supp. 739.**Tullis v. Bushnell**, 65 How. 465.*Cited*, Attorneys—Lien—Enforcement.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134)

Tully v. New York & Texas S. S. Co., 10 App. Div. 463; 76 St. Rep. 29; 42 Supp. 29.**Tully v. People**, 67 N. Y. 15.*Cited*, Indictment—Description of Offense—Language of Statute.

79 Hun, 51; (61 St. Rep. 198; 29 Supp. 642).

Tumbridge v. Read, 22 St. Rep. 764; 3 Supp. 908.*Cited*, Evidence—Parol to Vary Writing—Prior Conversations—Objections on Trial.

4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882).

Tunison v. Tunison, 4 Bradf. 138.*Cited*, Wills—Testamentary Capacity—Origination of Provisions.

56 St. Rep. 711; (25 Supp. 316).

Tunstall v. Winton, 31 Hun, 219.*Cited*, Attorneys—Costs—Off-Set.

84 Hun, 247; (65 St. Rep. 836; 32 Supp. 507; 1 Ann. Cas. 270). 11 App. Div. 471; (76 St. Rep. 330; 42 Supp. 330).

Tuomey v. O'Reilly, Skelly & Fogarty Co., 3 Misc. 302; 52 St. Rep. 119; 22 Supp. 930.*Cited*, Ownership — Evidence of — Presumption.

8 Misc. 231; (59 St. Rep. 447; 28 Supp. 723). 10 Misc. 124; (62 St. Rep. 512; 30 Supp. 914).

Trial—Reception of Evidence—Motion to Strike Out—Grounds.

7 Misc. 55; (57 St. Rep. 511; 27 Supp. 341). 8 Misc. 292; (59 St. Rep. 209; 28 Supp. 572; 31 Abb. N. C. 438).

Turenne v. Washburne, 47 St. Rep. 206; 17 Supp. 753.*Cited*, Statute of Frauds—Contract for Benefit of Third Person.

6 App. Div. 410; (39 Supp. 668).

Turfjell v. Witherbee, 70 Hun, 401; 54 St. Rep. 96; 24 Supp. 278.*Followed*, Action—Change of Venue—Affidavits—As to Testimony.

56 St. Rep. 104; (25 Supp. 866)

Turfler, Matter of, 78 Hun, 258; 61 St. Rep. 283; 29 Supp. 1151.**Turfler, Matter of**, 1 Misc. 58; 23 Supp. 135**Turfler, Matter of**, 24 Supp. 91.**Turhune v. Brookfield**, 1 Redf. 220.*Cited*, Wills—Probate—Who May Contest.

4 App. Div. 431; (39 Supp. 509).

*Duplicate Citations in Parenthesis.***Turk v. Ridge**, 41 N. Y. 201.

Cited, Contracts—For Benefit of Third Person—Availability.

78 Hun, 150; (60 St. Rep. 205; 28 Supp. 989). 150 N. Y. 556.

Turl, Matter of, 5 App. Div. 621; 38 Supp. 1149.**Turley v. North American Fire Ins. Co.**, 25 Wend. 374.

Cited, Insurance—Policy—Proof of Loss—Nearest Notary.

63 Hun, 306; (52 St. Rep. 279; 23 Supp. 41). 143 N. Y. 77; (60 St. Rep. 463).

Turnbull v. Bowyer, 40 N. Y. 456.

Cited, Bills and Notes—Rights of Transferee—Indorser's Contract.

76 Hun, 478; (59 St. Rep. 360; 27 Supp. 1072). 10 Misc. 682; (64 St. Rep. 495; 31 Supp. 791). 2 App. Div. 515; (74 St. Rep. 452; 38 Supp. 23).

Turner v. Bayles, 5 App. Div. 623; 39 Supp. 518.**Turner v. Boyce**, 11 Misc. 503; 67 St. Rep. 281; 33 Supp. 433.

Cited, Taxes — Sale — Non-Compliance With Statute.

18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528). 18 Misc. 324; (76 St. Rep. 1002; 42 Supp. 1002).

Taxes—Sale—Deed—Notice to Redeem.
17 App. Div. 256; (79 St. Rep. 563; 45 Supp. 563).

Turner v. Brown, 6 Hun, 331.

Cited, Gift—Delivery—Necessity.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781).

Turner v. Burrows, 5 Wend. 541.

Cited, Insurance, Fire—Condition of Title—Duty of Insured to Disclose Interest, Incumbrances, etc.

1 Misc. 118; (48 St. Rep. 656; 20 Supp. 648).

Turner v. Conant, 18 Abb. N. C. 160.

Cited, Equity — Retaining Jurisdiction For Complete Relief — Bringing in Additional Parties.

5 Misc. 50; (25 Supp. 75).

Turner v. Craighead, 83 Hun, 112; 63 St. Rep. 853; 31 Supp. 369.

Cited, Animals—Vicious—Notice.

14 Misc. 499; (70 St. Rep. 722; 35 Supp. 1078).

Animals—Vicious—Owner's Liability.

2 App. Div. 143; (73 St. Rep. 490; 37 Supp. 889).

Turner v. Honsinger, 31 How. 66.

Cited, Costs—Offer of Judgment—More Favorable Recovery—Counterclaim.

8 Misc. 622; (61 St. Rep. 335; 29 Supp. 823).

Turner v. Howard, 10 App. Div. 555; 76 St. Rep. 335; 42 Supp. 335.**Turner v. Kouwenhoven**, 100 N. Y. 115.

Cited, Evidence—Presumption — Performance of Duty.

4 Misc. 530; (54 St. Rep. 127; 24 Supp. 822). 5 Misc. 249; (54 St. Rep. 820; 25 Supp. 472). 80 Hun, 427; (62 St. Rep. 56; 30 Supp. 330). 10 Misc. 117; (62 St. Rep. 474; 30 Supp. 934). 17 Misc. 123; (39 Supp. 331).

Master and Servant—Machinery and Appliances—Presumption of Performance of Duty by Master.

1 Misc. 308; (48 St. Rep. 773; 20 Supp. 713).

Pleading—Complaint—Sufficiency — Presumption.

8 Misc. 230; (59 St. Rep. 446; 28 Supp. 722).

Turner v. Newburgh, City of, 109 N. Y. 301; 15 St. Rep. 93; 28 Week, Dig. 479.

Cited, Evidence — Competency — Objection—Waiver.

135 N. Y. 455; (48 St. Rep. 428). 11 Misc. 333; (65 St. Rep. 414; 32 Supp. 233). 19 Misc. 508; (77 St. Rep. 1097; 43 Supp. 1097).

Evidence—Expert—Medical Opinions.

3 Misc. 457; (52 St. Rep. 501; 23 Supp. 165; 30 Abb. N. C. 84). 6 Misc. 338; (56 St. Rep. 242; 26 Supp. 902). 9 Misc. 284; (61 St. Rep. 148; 29 Supp. 723). 87 Hun, 589; (68 St. Rep. 639; 34 Supp. 576). 13 Misc. 656; (69 St. Rep. 148; 34 Supp. 924). 9 App. Div. 74; (75 St. Rep. 578; 41 Supp. 120). 13 App. Div. 174; (77 St. Rep. 264; 43 Supp. 264). 20 Misc. 434; (79 St. Rep. 1046; 45 Supp. 1046).

Highways — Defects — Care Required of Travelers.

51 St. Rep. 408; (22 Supp. 38).

Negligence—Defective Machinery — Presumption.

10 Misc. 737; (64 St. Rep. 506; 31 Supp. 803).

Highways—Defects and Obstacles—Condition of Streets—Duty and Liability of Municipality.

77 Hun, 465; (60 St. Rep. 598; 28 Supp. 1012). 49 St. Rep. 270; (21 Supp. 141). 74 Hun, 454; (57 St. Rep. 256; 26 Supp. 690).

Duplicate Citations in Parenthesis.

Highways — Obstructions — Liability of Person Causing.

82 Hun, 389; (63 St. Rep. 554; 31 Supp. 235).

Highways—Improvement — Necessity of Guards.

66 Hun, 360; (50 St. Rep. 42; 21 Supp. 293).

Municipal Corporations—Improvements—Defective Plans—Liability.

11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

Highways — Liability for Defects—Contributory Negligence.

80 Hun, 215; (61 St. Rep. 762; 30 Supp. 11).

Highways—Defects — Municipality—Notice.

135 N. Y. 102; (48 St. Rep. 366).

Turner v. Roby, 3 N. Y. 193.

Cited, Pleading — Judgment — Facts Showing Jurisdiction.

91 Hun, 188; (71 St. Rep. 183; 36 Supp. 346). 16 App. Div. 186; (78 St. Rep. 669; 44 Supp. 669).

Turner v. Satterlee, 7 Cow. 480.

Cited, Set-off—Judgments.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas. 196).

Turner v. Smith, 1 Abb. N. S. 304.

Cited, Injunction—Adequate Remedy at Law.

10 Misc. 533; (65 St. Rep. 260; 30 Supp. 131).

Turner v. Weston, 133 N. Y. 650; 45 St. Rep. 301.

Cited, Appeal—Exceptions—Availability.

5 Misc. 213; (54 St. Rep. 796; 25 Supp. 466; 23 Civ. Pro. 226). 10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17).

Appeal — What Questions Considered—Exceptions.

4 Misc. 55; (53 St. Rep. 74; 23 Supp. 605).

Turney v. Van Gelder, 68 Hun, 481; 52 St. Rep. 664; 23 Supp. 27.

Affirmed, 143 N. Y. 632; 60 St. Rep. 876.

Turnow v. Hochstadter, 7 Hun, 80.

Cited, Contracts—Statute of Frauds—Performance Within Year — Quantum Meruit.

67 Hun, 475; (51 St. Rep. 335; 22 Supp. 488).

Turton v. N. Y. Recorder Co., 3 Misc. 314; 52 St. Rep. 398; 22 Supp. 766.

Affirmed, 144 N. Y. 144; 63 St. Rep. 69.

Cited, Libel—Definition.

14 Misc. 416; (70 St. Rep. 438; 35 Supp. 703).

Turton v. N. Y. Recorder Co., 144

N. Y. 144; 63 St. Rep. 69.

Cited, Libel—Innuendo.

147 N. Y. 633; (71 St. Rep. 249).

Libel—Construction of Words—Ordinary Meaning.

5 App. Div. 612; (75 St. Rep. 390; 40 Supp. 1006).

Tusch v. German Savings Bank, 20 Misc. 571.

Affirming, 20 Misc. 720.

Tuska v. O'Brien, 68 N. Y. 446.

Cited, Judgment—Conclusiveness—Extent of.

136 N. Y. 475; (49 St. Rep. 843).

Tuska v. Wood, 81 Hun, 79; 62 St. Rep. 403; 30 Supp. 523.

Cited, Venue—Change—Affidavit.

5 App. Div. 557; (39 Supp. 435).

Tuthill v. Goss, 69 St. Rep. 454; 35 Supp. 136.

Tuthill v. Long Island R. Co., 75 Hun, 556; 58 St. Rep. 195; 26 Supp. 1029.

Tuthill v. Long Island R. Co., 81 Hun, 616; 63 St. Rep. 135; 30 Supp. 959.

Tuthill v. Morris, 81 N. Y. 94.

Cited, Equity—Relief—Doing Equity.

9 Misc. 324; (60 St. Rep. 446; 30 Supp. 261).

Tender—Keeping Good.

75 Hun, 339; (57 St. Rep. 700; 27 Supp. 454). 18 Misc. 421; (75 St. Rep. 843; 41 Supp. 437).

Tuthill v. Skidmore, 124 N. Y. 148; 35 St. Rep. 226.

Cited, Evidence—Relevancy—Insolvency—Dishonor of Note—Judgment by Default.

6 Misc. 48; (56 St. Rep. 622; 25 Supp. 1006).

Trial—Election of Cause of Action.

10 Misc. 662; (64 St. Rep. 305; 31 Supp. 630).

Tuthill v. Tracy, 31 N. Y. 157.

Cited, Mortgage—Foreclosure—Extinction of Equity of Redemption.

69 Hun, 38; (52 St. Rep. 825; 23 Supp. 439).

85 Hun, 453; (66 St. Rep. 208; 32 Supp. 890).

Tuthill v. United Life Ins. Ass'n, 50 St. Rep. 266; 21 Supp. 191.

Tuthill v. Wilson, 90 N. Y. 423.

Cited, Principal and Agent — Liability of Agent to Third Persons — Undisclosed Principal.

24 Supp. 799.

Agency—Instrument Executed by Agent — Who Liable.

17 Misc. 647; (74 St. Rep. 757; 40 Supp. 195).

Agency—Undisclosed Principal — Election.

19 Misc. 643; (78 St. Rep. 396; 44 Supp. 396).

*Duplicate Citations in Parenthesis.***Tuttle v. Beebe**, 8 Johns. 152.

Cited, Pleading—General Issue — Notice of Set-Off.

142 N. Y. 256; (58 St. Rep. 770). D. 142 N. Y. 256, 258; (58 St. Rep. 773, 779).

Tuttle v. Dennis, 11 Supp. 602

Cited, Justice's Court — Appeal — Judgment.

7 Misc. 477; (28 Supp. 387).

Tuttle v. Hunt, 2 Cow. 436.

Dis'inguished, Justice's Court—Summons—Service.

11 Misc. 452; (67 St. Rep. 417; 33 Supp. 415; 24 Civ. Pro. 428).

Tuttle v. Jackson, 6 Wend. 213.

Cited, Record—Conveyance During Possession of Another—Notice.

82 Hun, 547; (64 St. Rep. 205; 31 Supp. 528).

Champerly—Conveyance Pending Litigation—Judicial Sale.

9 App. Div. 57; (75 St. Rep. 566; 41 Supp. 105).

Tuttle v. People, 36 N. Y. 431.

Cited, Execution of Instrument—Proof.

89 Hun, 398; (69 St. Rep. 845; 35 Supp. 433).

Tuttle v. Robinson, 91 Hun, 187; 71 St.

Rep. 183; 36 Supp. 346.

Tuttle v. Smith, 14 How. 395.

Cited, Judgment — Rendition — Application to Court.

2 Misc. 206; (49 St. Rep. 524; 21 Supp. 271).

Tweddell v. New York Life Ins. &

T. Co., 82 Hun, 603; 64 St. Rep. 351; 31 Supp. 764.

Tweed v. Davis, 1 Hun, 252.

Cited, Appeal—Minutes of Referee—Correctness of—By Whom Determined.

71 Hun, 449; (54 St. Rep. 548; 25 Supp. 15).

Case—On Appeal—How Made Up.

79 St. Rep. 319; (45 Supp. 319).

Tweedy v. United Life Ins. Ass'n, 67

St. Rep. 245; 33 Supp. 412; 24 Civ. Pro. 259.

Twenty-Sixth Ward Bank of Brook-

lyn v. Stearns, 7 Misc. 276; 58 St. Rep. 533; 27 Supp. 883.

Affirmed, 148 N. Y. 515.

Twenty-Sixth Ward Bank of Brook-

lyn v. Stearns, 148 N. Y. 515.

Twenty-Third St. Bap. Ch. v. Cornell, 117 N. Y. 601; 28 St. Rep. 482.

Cited, Contracts — Consideration — Meritorious.

78 Hun, 125; (60 St. Rep. 186; 28 Supp. 994).

Contracts—Consideration—Past.

11 Misc. 370; (65 St. Rep. 463; 32 Supp. 238).

Twogood v. New York, 102 N. Y. 216

Cited, Municipal Corporations—Notice—Policeman.

4 App. Div. 345; (74 St. Rep. 515; 38 Supp. 649).

Twoombly v. Cassidy, 82 N. Y. 155.

Cited, Principal and Surety—Subrogation—Assignment.

77 Hun, 582; (60 St. Rep. 538; 28 Supp.

1042). 84 Hun, 300; (65 St. Rep. 613; 32

Supp. 414). 88 Hun, 504; (68 St. Rep. 584;

34 Supp. 786; 2 Ann. Cas. 168).

Twomley v. Central Park, North & East R. R. Co., 69 N. Y. 158.

Cited, Negligence — Contributory — Sudden Peril.

69 Hun, 478; (52 St. Rep. 638; 23 Supp.

451). 81 Hun, 154; (62 St. Rep. 735; 30

Supp. 752). 90 Hun, 3, (69 St. Rep. 740;

35 Supp. 353). 90 Hun, 562; (71 St. Rep.

31; 36 Supp. 24). 4 App. Div. 497; (38

Supp. 668).

Tyack v. Bromley, 4 Edw. Ch. 258.

Cited, Injunction—When Granted—Statutory Rights and Privileges.

4 Misc. 328; (24 Supp. 658).

Tyler v. Aetna Ins. Co., 12 Wend. 507.

Cited, Insurance, Fire—Condition of Title—Duty of Insured to Disclose Interest, Incumbrances, etc.

1 Misc. 118; (48 St. Rep. 656; 20 Supp. 648).

Insurance—Fire—Other Insurance.

71 St. Rep. 570; (36 Supp. 573).

Insurance—Policy—Attachment.

17 Misc. 66; (39 Supp. 839).

Tyler v. Ames, 6 Lans. 280.

Cited, Master and Servant—Satisfaction—Discharge.

6 Misc. 638; (56 St. Rep. 342; 27 Supp.

342). 9 App. Div. 483; (41 Supp. 327).

Contracts—Performance—Satisfaction.

15 Misc. 29; (71 St. Rep. 496; 36 Supp.

445; 2 Ann. Cas. 342). 34 Supp. 293.

Tyler v. Gardiner, 35 N. Y. 559.

Cited, Evidence—Burden of Proof—Undue Influence.

67 Hun, 531; (48 St. Rep. 452). 56 St.

Rep. 714; (25 Supp. 318). 83 Hun, 331; (64

St. Rep. 377; 31 Supp. 691).

Duplicate Citations in Parenthesis.

Wills—Probate—Contest—Sufficiency of Evidence.

6 Misc. 499; (27 Supp. 245).

Wills—Suit to Establish—Prior Will.

5 Misc. 73; (25 Supp. 714).

Wills—Validity—Testamentary Capacity—Undue Influence.

78 Hun. 48; (60 St. Rep. 504; 28 Supp. 1065). 15 Misc. 214; (72 St. Rep. 762; 37 Supp. 237). 1 App. Div. 619; (13 St. Rep. 91; 37 Supp. 499). 18 App. Div. 120; (79 St. Rep. 616; 45 Supp. 616).

Tyler v. Hildreth, 77 Hun. 580; 60 St. Rep. 537; 28 Supp. 1042.

Tyler v. Hoornbeck, 48 Barb. 197.

Cited, New Trial—As Matter of Right—Surprise.

2 Misc. 548; (23 Supp. 635; 23 Civ. Pro. 156). New Trial—Discretion.

82 Hun. 48; (63 St. Rep. 486; 31 Supp. 164).

Tyler v. Third Ave. R. Co., 18 Misc. 165; 75 St. Rep. 913; 41 Supp. 523.

Cited, Appeal—Verdict—Amount—Review.

19 Misc. 501; (78 St. Rep. 26; 44 Supp. 26).

Tyler v. Tompkins County, Supervisors of, 60 Hun. 566; 39 St. Rep. 835; 15 Supp. 366.

Cited, Special Surrogate—Compensation.

82 Hun. 107; (63 St. Rep. 364; 31 Supp. 64; 24 Civ. Pro. 155).

Tyler v. Tyler, 80 Hun. 406; 62 St. Rep. 57; 20 Supp. 330.

Tyler v. Willis, 33 Barb. 327.

Cited, Creditor's Action—Return of Execution.

18 Misc. 632; (77 St. Rep. 684; 43 Supp. 684).

Tyng v. Commercial Warehouse Co., 58 N. Y. 308.

Cited, Trial—Issues Outside Pleadings.

3 Misc. 254; (51 St. Rep. 909; 22 Supp. 757).

Tyng v. Halsted, 74 N. Y. 604.

Cited, Appeal—Discretionary Determination.

141 N. Y. 95; (56 St. Rep. 653).

Tyson v. Blake, 22 N. Y. 558.

Cited, Life Tenants—Personalty—Possession—Security.

141 N. Y. 28; (56 St. Rep. 582). 6 Misc. 177; (57 St. Rep. 758; 27 Supp. 153). 19 Misc. 84; (77 St. Rep. 973; 43 Supp. 973).

Wills—Construction—Bequest for Life.

67 Hun. 274; (50 St. Rep. 823; 22 Supp. 242).

Wills—Devise—Of Fee—Appropriate Words.

73 Hun. 488; (56 St. Rep. 30; 26 Supp. 396).

Tyson v. Post, 108 N. Y. 217; 13 St. Rep. 503.

Cited, Fixture—Lamps—Title.

9 Misc. 476; (61 St. Rep. 111; 30 Supp. 221).

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15 Misc. 172; (72 St. Rep. 174; 37 Supp. 22).

8 App. Div. 571; (75 St. Rep. 3231; 40 Supp. 927). 79 St. Rep. 639; (45 Supp. 639).

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Ubedell v. Root, 3 Abb. 142; 1 Hilt. 173.

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2 Misc. 90; (49 St. Rep. 126; 20 Supp. 877).

D. 87 Hun. 159; (67 St. Rep. 765; 33 Supp. 1028).

Udell v. Sarafian, 19 Misc. 542; 77 St. Rep. 1092; 43 Supp. 1092.

Uhl v. Loughran, 22 St. Rep. 459; 4 Supp. 827.

Cited, Trustees—Violation of Statute—Power of Court.

92 Hun. 8; (73 St. Rep. 13; 37 Supp. 964).

Uhl v. Neuberger, 11 Week. Dig. 296.

Cited, Supplementary Proceedings—Time of Commencement—Limitation.

5 Misc. 487; (26 Supp. 736).

Uhland v. Uhland, 59 St. Rep. 655; 27 Supp. 647.

Uhlfelder v. Tamsen, 15 App. Div. 436; 78 St. Rep. 484; 44 Supp. 484.

Uhlfelder v. Tamsen, 17 Misc. 296; 40 Supp. 372.

Reversed, 18 Misc. 173; 75 St. Rep. 844; 41 Supp. 438.

Uhlfelder v. Tamsen, 18 Misc. 173; 75 St. Rep. 844; 41 Supp. 438.

Reversed, 15 App. Div. 436.

Uhlman v. Day, 38 Hun. 298.

Cited, Contracts—Offer and Acceptance.

79 St. Rep. 1129; (45 Supp. 1129).

Uhlman v. N. Y. Life Ins. Co., 109 N. Y. 421; 16 St. Rep. 371.

Cited, Assignment—Equitable—Tontine Insurance Fund.

139 N. Y. 180; (54 St. Rep. 506).

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2 App. Div. 111; (73 St. Rep. 218; 37 Supp. 528). 18 Misc. 333; (76 St. Rep. 111; 42 Supp. 111).

Duplicate Citations in Parenthesis.

Uhlmann v. Brownell, 19 St. Rep. 18; 3 Supp. 699.

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91 Hun, 635; (70 St. Rep. 642; 35 Supp. 970).

Uhlmann v. Uhlmann, 17 Abb. N. C. 236.

Cited, Husband and Wife — Abandonment.

15 Misc. 517; (74 St. Rep. 288; 37 Supp. 1123).

Uhrig v. Williamsburg City Fire Ins. Co., 101 N. Y. 362.

Cited, Insurance — Conditions — Offer of Arbitration of Loss.

75 Hun, 87; (57 St. Rep. 741; 27 Supp. 157).

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17 Misc. 122; (39 Supp. 330).

Ulbricht v. Ulbricht, 89 Hun, 479; 69 St. Rep. 723; 35 Supp. 324.

Uline v. N. Y. C. & H. R. R. Co., 79 N. Y. 175.

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2 Misc. 521; (51 St. Rep. 600; 22 Supp. 387; 23 Civ. Pro. 100). 20 Misc. 510.

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18 Misc. 248; (75 St. Rep. 1003; 41 Supp. 610).

Uline v. N. Y. C. & H. R. R. Co., 101 N. Y. 98.

Cited, Damages—Diversion of Water—For What Period Recoverable.

50 St. Rep. 518; (21 Supp. 221). 11 App. Div. 22; (76 St. Rep. 577; 42 Supp. 577).

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77 Hun, 606; (60 St. Rep. 486; 28 Supp. 1045).

Damages — Measure — Continuing Trespass.

71 Hun, 368; (55 St. Rep. 29; 25 Supp. 25). 85 Hun, 67; (65 St. Rep. 862; 33 Supp. 642).

91 Hun, 192; (72 St. Rep. 310; 36 Supp. 937).

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135 N. Y. 411; (48 St. Rep. 424). 49 St. Rep. 261; (20 Supp. 932).

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66 Hun, 380; (50 St. Rep. 671; 21 Supp. 504).

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136 N. Y. 535; (49 St. Rep. 899). 151 N. Y. 162.

Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325). 92 Hun, 35; (72 St. Rep. 238; 36 Supp. 903).

Nuisance—Statutory Sanction—Railroad Structure.

78 Hun, 477; (60 St. Rep. 747; 29 Supp. 190).

Equity—Jurisdiction—Existence of Adequate Legal Remedy.

26 Supp. 917; (30 Abb. N. C. 412).

Trespass—Presumption of Continuance.

82 Hun, 549; (64 St. Rep. 206; 31 Supp. 529). 13 App. Div. 189; (77 St. Rep. 310; 43 Supp. 310). 152 N. Y. 44.

Ullman, Matter of, 137 N. Y. 403; 51 St. Rep. 1; 29 Abb. N. C. 473.

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Cited, Surrogate's Court—Jurisdiction—Extent in Inheritance Tax Proceedings.

10 Misc. 534; (64 St. Rep. 776). 86 Hun. 201; (67 St. Rep. 132; 33 Supp. 387). 151 N. Y. 343.

Ullman v. Jacobs, 86 Hun, 186; 66 St. Rep. 804; 33 Supp. 248.

Ulmer v. Minster, 16 Misc. 42; 73 St. Rep. 260; 37 Supp. 679.

Ulrich v. N. Y. C. & H. R. R. Co., 108 N. Y. 80.

Cited, Carriers — Passenger — Sleeping Cars—Degree of Care.

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Ulrich v. Ulrich, 136 N. Y. 120; 49 St. Rep. 33.

Cited, Contracts—Implied—To Pay for Services of Member of Family.

68 Hun, 384; (52 St. Rep. 315; 22 Supp. 947). 86 Hun, 327; (67 St. Rep. 208; 33 Supp. 495).

Ulrich v. Ulrich, 42 St. Rep. 216; 17 Supp. 721; 60 Super. 237.

Reversed, 136 N. Y. 120; 49 St. Rep. 33.

Cited, Contracts—Implied—Board and Services—Near Relatives.

5 Misc. 157; (25 Supp. 721).

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75 Hun, 4; (56 St. Rep. 724; 26 Supp. 1020). 85 Hun, 487; (66 St. Rep. 765; 33 Supp. 140). 91 Hun, 93; (71 St. Rep. 705; 36 Supp. 685).

Ulster County Bank v. McFarlan, 5 Hill, 452.

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Ulster County Savings Bank v. Ostrander, 15 App. Div. 173; 78 St. Rep. 181; 44 Supp. 181.

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Ulster County Savings Institution v. Young, 15 App. Div. 181; 78 St. Rep. 493; 44 Supp. 493.

Unckles v. Colgate, 72 Hun, 119; 55 St. Rep. 522; 25 Supp. 672.

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Cited, Trade Trust—Illegality—Remedy to Defrauded Member.

18 Misc. 646; (77 St. Rep. 750; 43 Supp. 750).

Unckles v. Colgate, 148 N. Y. 529.

Unckles v. Hentz, 18 Misc. 644; 77 St. Rep. 749; 43 Supp. 749.

Unckles v. Hentz, 79th St. Rep. 894; 45 Supp. 894.

Underhill, Matter of, 17 Misc. 19; 39 Supp. 575.

Underhill, Matter of, 32 Hun, 449.

Cited, Eminent Domain—Commissioners—Misconduct—Removal.

69 Hun, 602; (54 St. Rep. 551; 23 Supp. 945).

Underhill, Matter of, 1 Con. 457; 9 Supp. 457.

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15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131, 1133).

Underhill, Matter of, 117 N. Y. 471; 27 St. Rep. 720.

Cited, County Court—Jurisdiction—Equity Powers—Assignment for Creditors.

5 Misc. 114; (25 Supp. 738).

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140 N. Y. 430; (55 St. Rep. 804). 144 N. Y. 278; (63 St. Rep. 695). 86 Hun, 327; (67 St. Rep. 203; 33 Supp. 495). 17 Misc. 489; (75 St. Rep. 682; 41 Supp. 271). D. 67 Hun, 279; (50 St. Rep. 827; 22 Supp. 246). 152 N. Y. 514.

Surrogate's Court—Jurisdiction—Assumption Without Objection—Effect.

71 Hun, 345; (55 St. Rep. 20; 25 Supp. 4).

Surrogate's Court—Jurisdiction—Statutory.

5 Misc. 140; (25 Supp. 705). 13 Misc. 757; (69 St. Rep. 576; 35 Supp. 259). 20 Misc. 537.

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15 App. Div. 287; (78 St. Rep. 586; 44 Supp. 586).

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18 Misc. 380; (69 St. Rep. 490; 35 Supp. 116; 25 Civ. Pro. 84).

Underhill, Matter of, 3 Supp. 205.

Cited, Wills—Trusts—Validity—Disregarding Parts to Validate.

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79 St. Rep. 624; (45 Supp. 624).

Underhill, Matter of, 2 Connolly, 262; 20 Supp. 134.

Cited, Tax—Transfer—Exemptions.

10 Misc. 643; (66 St. Rep. 141; 32 Supp. 781).

Underhill v. Collins, 39 St. Rep. 795; 15 Supp. 495.

Cited, Landlord and Tenant—Judgment—Res Adjudicata.

9 App. Div. 116; (75 St. Rep. 534; 41 Supp. 73).

Underhill v. Collins, 132 N. Y. 269; 43 St. Rep. 785.

Cited, Landlord and Tenant—Abandonment—Reletting—Recovery of Difference.

89 Hun, 145; (69 St. Rep. 238; 35 Supp. 10). 9 App. Div. 116; (75 St. Rep. 534; 41 Supp. 73). 18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).

Underhill v. Crawford, 29 Barb. 664; 18 How. 112.

Cited, Action—Revival—Effect Upon Defendant.

71 St. Rep. 26; (33 Supp. 18; 25 Civ. Pro. 166). 14 Misc. 429; (71 St. Rep. 484; 36 Supp. 433). 20 Misc. 67; (78 St. Rep. 433; 44 Supp. 43; 3 Ann. Cas. 388).

Underhill v. Dennis, 9 Paige, 202.

Cited, Judges—Disqualification—Relationship to Guardian Ad Litem.

69 Hun, 367; (52 St. Rep. 700; 23 Supp. 638).

Underhill v. Jackson, 1 Barb. Ch. 73.

Cited, Lunatic—Committee—Rights Over Ward's Realty.

90 Hun, 505; (71 St. Rep. 403; 36 Supp. 67).

Underhill v. Manhattan R. Co., 18 Supp. 43.

Cited, Elevated Railroads—Maintenance and Operation—Injunction—Fee Damage.
24 Supp. 910.

*Duplicate Citations in Parenthesis.***Underhill v. Newburger**, 4 Redf. 499.

Cited, Executors—Accounting—Personal Claim Against Estate—Establishment of.

5 Misc. 565; (26 Supp. 725). 4 Misc. 36; (23 Supp. 835).

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16 App. Div. 36; (78 St. Rep. 806; 44 Supp. 806).

Underhill v. N. Y. & Hudson R. Co., 21 Barb. 489.

Cited, New Trial—Grounds — Improper Testimony—Prejudice.

9 Misc. 182; (60 St. Rep. 644; 29 Supp. 586).

Underhill v. Nichols, 8 Week. Dig. 276.

Cited, Appeal—Exceptions.

88 Hun, 147; (68 St. Rep. 530; 34 Supp. 608).

Underhill v. Phillips, 10 Hun, 591.

Cited, Bills and Notes—Consideration—Alleging and Proving.

84 Hun, 599; (66 St. Rep. 145; 32 Supp. 865).

Underhill v. Saratoga & W. R. Co., 20 Barb. 455.

Cited, Deeds — Condition Subsequent—Grantor's Estate.

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78; 39 Supp. 468; 25 Civ. Pro. 374.

Underwood v. Curtis, 127 N. Y. 523; 40 St. Rep. 255.

Cited, Trust—Perpetuity.

74 Hun, 301; (56 St. Rep. 272; 26 Supp. 672). 13 Misc. 433; (68 St. Rep. 413; 34 Supp. 685). 7 App. Div. 439; (75 St. Rep. 410; 40 Supp. 1024). 79 St. Rep. 625; (45 Supp. 625).

Trusts—Validity — Separate Remainders.

7 Misc. 625; (59 St. Rep. 314; 28 Supp. 586).

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84 Hun, 336; (65 St. Rep. 638; 32 Supp. 568). 17 Misc. 431; (41 Supp. 229).

Wills—Equitable Conversion.

136 N. Y. 134; (48 St. Rep. 837). 49 St. Rep. 461; (30 Supp. 952). 7 Misc. 26; (57 St. Rep. 75; 27 Supp. 312). 13 Misc. 345; (68 St. Rep. 517; 34 Supp. 560). 79 St. Rep. 1070; (45 Supp. 1070). D. 50 St. Rep. 298; (21 Supp. 533).

Underwood v. Green, 42 N. Y. 140.

Cited, Nuisance—Health Officers — Destruction of Property.

140 N. Y. 10; (55 St. Rep. 421).

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84 Hun, 214; (63 St. Rep. 752; 32 Supp. 552).

Underwood v. Farmers Joint Stock Ins. Co., 57 N. Y. 500.

Cited, Insurance—Proofs of Loss — Condition Precedent.

85 Hun, 33; (66 St. Rep. 163; 32 Supp. 595). 89 Hun, 38; (69 St. Rep. 251; 35 Supp. 72).

Insurance—Conditions—Waiver.

17 Misc. 63; (39 Supp. 836). 7 App. Div. 594; (40 Supp. 313).

Waiver—Conditions Precedent.

19 Misc. 65; (77 St. Rep. 171; 43 Supp. 171).

Underwood v. Smith, 135 N. Y. 661; 48 St. Rep. 933.**Underwood v. Stuyvesant**, 19 Johns. 181.

Cited, Easements—Right of Way—Necessity.

1 App. Div. 447; (73 St. Rep. 108; 37 Supp. 515).

Underwood v. Sutcliffe, 10 Hun, 453.

Cited, Execution — Supplementary Proceedings—Appointment of Receiver—Irregularities.

79 Hun, 383; (61 St. Rep. 499; 29 Supp. 793).

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5 Misc. 365; (26 Supp. 92).

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20 Misc. 519.

Underwood v. Sutcliffe, 21 Hun, 357.

Cited, Judgments—Correction.

92 Hun, 83; (71 St. Rep. 805; 36 Supp. 638).

Underwood v. Sutcliffe, 77 N. Y. 58.

Distinguished, Supplementary Proceedings—Receiver—Void Chattel Mortgage.

143 N. Y. 483; (62 St. Rep. 846; 1 Ann. Cas. 81). 20 Misc. 391.

Unger v. Forty-Second Street R. Co., 51 N. Y. 497.

Cited, Negligence—Driving — Degree of Care.

7 Misc. 105; (57 St. Rep. 483; 27 Supp. 411). 13 Misc. 135; (68 St. Rep. 237; 34 Supp. 185).

Negligence — Prima Facie — Absence of Driver.

6 App. Div. 171; (39 Supp. 472).

Unger v. Jacobs, 7 Hun, 220.

Cited, Evidence — Parol — Independent Oral Agreement.

85 Hun, 73; (66 St. Rep. 28; 32 Supp. 646). 15 Misc. 132; (71 St. Rep. 503; 36 Supp. 487).

Duplicate Citations in Parenthesis.

Unger v. People's Ins. Co., 4 Daly, 96.

Cited, Insurance—Defense—False Statement.

87 Hun, 419; (68 St. Rep. 486; 34 Supp. 335). 17 Misc. 352; (39 Supp. 1074).

Unglish v. Marvin, 55 Hun, 45; 28 St. Rep. 68; 8 Supp. 283.

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75 Hun, 215; (53 St. Rep. 667; 27 Supp. 115; 31 Abb. N. C. 226). 17 App. Div. 211; (79 St. Rep. 365; 45 Supp. 365).

Union Bank v. Mott, 19 How. 267.

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6 Misc. 364; (27 Supp. 225).

Union Bank of Louisiana v. Coster, 3 N. Y. 203.

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80 Hun, 69; (61 St. Rep. 605; 29 Supp. 854). 81 Hun, 206; (62 St. Rep. 708; 30 Supp. 766).

Guaranty—Contracts of—Rules of Construction.

1 Misc. 333; (48 St. Rep. 706; 20 Supp. 680). Guaranty—Default—Notice.

D. 16 App. Div. 124; (79 St. Rep. 133; 45 Supp. 133).

Letter of Credit—General—Acceptance—Effect.

87 Hun, 34; (67 St. Rep. 503; 33 Supp. 752).

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90 Hun, 78; (69 St. Rep. 848; 35 Supp. 455).

Union Bank of Rochester v. Gilbert,

83 Hun, 417; 64 St. Rep. 740; 31 Supp. 945.

Union College, Matter of, 129 N. Y. 308; 41 St. Rep. 640.

Cited, Constitutional Law—Taxation or Assessment—Necessity of Notice.

22 Supp. 529; (30 Abb. N. C. 100). 1 App. Div. 21; (71 St. Rep. 679; 36 Supp. 749). 10 App. Div. 584; (76 St. Rep. 65; 42 Supp. 65).

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13 Misc. 698; (69 St. Rep. 174; 34 Supp. 1093).

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92 Hun, 206; (71 St. Rep. 553; 36 Supp. 522).

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Union College v. Coughlin, 89 Hun, 171; 69 St. Rep. 221; 35 Supp. 25.

Union College v. Wheeler, 61 N. Y. 83.

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55 St. Rep. 6; (24 Supp. 1133).

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79 Hun, 60; (61 St. Rep. 176; 29 Supp. 647).

Union Dime Savings Inst. v. Duryea, 67 N. Y. 84.

Cited, Mortgage—Chattel—Bona Fides.

14 Misc. 3; (69 St. Rep. 298; 35 Supp. 182).

Union Dime Savings Inst. v. Feltz, 25 Abb. N. C. 357; 21 St. Rep. 723; 4 Supp. 607.

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20 Misc. 278; (79 St. Rep. 421; 45 Supp. 421).

Union Dime Savings Inst. v. Nепpert. See **Union Dime Sav. Inst. v. Feltz**.

Union Dime Savings Inst. v. Wilmot, 94 N. Y. 221.

Cited, Usury.

17 Misc. 639, 640; (74 St. Rep. 642, 643; 40 Supp. 32; 33). 15 App. Div. 45; (78 St. Rep. 118; 44 Supp. 118).

Union El. R. Co. of Brooklyn, Matter of, 112 N. Y. 61; 20 St. Rep. 498.

Cited, Constitutional Law — Property Rights—Notice of Proceedings.

22 Supp. 533; (30 Abb. N. C. 100). 83 Hun, 411; (64 St. Rep. 418; 31 Supp. 747). 3 App. Div. 369; (38 Supp. 523).

Constitutional Law — Due Process—Notice.

14 Misc. 380; (71 St. Rep. 28; 33 Supp. 21). 13 App. Div. 200; (77 St. Rep. 367; 43 Supp. 367).

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3 App. Div. 369; (38 Supp. 523).

Eminent Domain—Delegation of Authority—Private Corporations.

75 Hun, 591; (59 St. Rep. 161; 27 Supp. 669).

Eminent Domain—Proceedings in Rem. 17 App. Div. 260; (79 St. Rep. 689; 45 Supp. 689).

*Duplicate Citations in Parenthesis.***Union El. R. Co., of Brooklyn, Matter of, 113 N. Y. 275.***Cited, Railroads—Right of Construction—Exercise—Time.*

D. 16 App. Div. 245; (78 St. Rep. 763; 44 Supp. 763).

Union Ferry Co., Matter of, 98 N. Y. 139.*Cited, Constitutional Law—Construction—Intent.*

135 N. Y. 291; (47 St. Rep. 827).

Statutes—Constitutionality—Local Bills.

139 N. Y. 531; (54 St. Rep. 841).

Eminent Domain—Exercise—Legislature.

86 Hun, 461; (67 St. Rep. 708; 33 Supp. 941). 14 Misc. 194; (70 St. Rep. 197; 35 Supp. 468).

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16 Misc. 425; (74 St. Rep. 77; 38 Supp. 453).

Union Free School Dist. No. 1 v. Cunningham, 139 N. Y. 608; 54 St. Rep. 929.**Union Hotel Co. v. Hersee, 79 N. Y. 454.***Cited, Corporations—Liability of Stockholders—Change by Amendment of Statute.*
2 Misc. 228; (52 St. Rep. 273; 23 Supp. 752).**Union Ins. Co. v. Van. Rensselaer, 4 Paige, 85.***Cited, Costs—Extra Allowance—To Guardians Ad Litem.*

66 Hun, 129; (49 St. Rep. 810; 20 Supp. 907).

Union Ins. Co. v. Van Rensselaer, 4 Paige, 85.*Cited, Costs—Allowance to Guardian.*

12 Misc. 347; (67 St. Rep. 388; 33 Supp. 687).

Union Ins. Co. of Philadelphia v. Central Trust Co., 36 St. Rep. 435; 13 Supp. 17.*Cited* 87 Hun, 142; (66 St. Rep. 300; 32 Supp. 839; 24 Civ. Pro. 220).**Union Ins. Co. of Philadelphia v. Central Trust Co., 87 Hun, 140; 66 St. Rep. 303; 32 Supp. 838; 24 Civ. Pro. 219.****Union Mfg. Co., of Norwalk v. Lounsbury, 41 N. Y. 363.***Distinguished, Patents — Royalties — Agreement for—Necessity.*

60 St. Rep. 294.

Cited, Contract—For Royalty on Patented Article—Continuance.

68 Hun, 193; (52 St. Rep. 117; 22 Supp. 953).

Union Nat. Bank v. Kupper, 63 N. Y. 617.*Cited, Judgment—Entry—Settlement.*

3 Misc. 429; (52 St. Rep. 445; 23 Supp. 167). 19 Misc. 363; (77 St. Rep. 504; 43 Supp. 504).

Union Nat. Bank of Albany v. Warner, 12 Hun, 306.*Cited, Fraudulent Conveyance — Setting Aside—Practice.*

14 App. Div. 316; (77 St. Rep. 802; 43 Supp. 802).

Union Nat. Bank of Chicago v. Chapman, 7 App. Div. 450; 39 Supp. 1051.**Union Nat. Bank of Pittsburgh v. Wheeler, 60 N. Y. 612.***Cited, Corporations—Foreign — Application of Local Statutes to.*

3 Misc. 61; (51 St. Rep. 864; 22 Supp. 544). Surety—Liability—Non Liability of Principal.

D. 151 N. Y. 45.

Union Nat. Bank of Rahway v. Underhill, 102 N. Y. 336; 2 St. Rep. 48.*Cited, Partnership — Notes — Object of Partnership—Power of Partner.*

139 N. Y. 330; (54 St. Rep. 619). 13 Misc. 319; (68 St. Rep. 357; 34 Supp. 452). 14 Misc. 564; (70 St. Rep. 717; 35 Supp. 1072). 20 Misc. 25; (78 St. Rep. 782; 44 Supp. 782).

Union Nat. Bank of Troy v. Sixth Nat. Bank, 43 N. Y. 452.*Cited, Payment—Mistake—Recovery.*

8 App. Div. 5; (74 St. Rep. 753; 40 Supp. 191).

Union Nut & Bolt Co. v. Doherty, 20 Misc. 23; 78 St. Rep. 781; 44 Supp. 781.**Union Paper Collar Co. v. Met. C. Co., 3 Daly, 171.***Cited, Deposition—Discovery and Inspection.*

13 Misc. 50; (68 St. Rep. 9; 34 Supp. 53).

Union Square Bank of New York v. Hellerson, 90 Hun, 262; 70 St. Rep. 313; 35 Supp. 871.**Union Square Bank of New York v. Riechmann, 53 St. Rep. 352; 23 Supp. 531.****Union Square Bank v. Reichman, 38 Supp. 38.***Cited, Attachment—Undertaking — Sheriff's Fees.*

16 Misc. 152; (73 St. Rep. 664; 38 Supp. 293).

Union Square Bank of New York v. Reichmann, 9 App. Div. 596; 75 St. Rep. 994; 41 Supp. 602.

Duplicate Citations in Parenthesis.

Union Steamboat Co. v. Buffalo, 82 N. Y. 351.

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73 Hun, 99; (56 St. Rep. 80; 25 Supp. 917). 66 Hun, 123; (49 St. Rep. 602; 20 Supp. 821). 87 Hun, 343; (68 St. Rep. 150; 34 Supp. 270).

Union Stove Works v. Arnoux, 6 Misc. 64; 56 St. Rep. 604; 26 Supp. 83.

Affirmed, 7 Misc. 701; 58 St. Rep. 367; 28 Supp. 23.

Union Stove Co. v. Arnoux, 7 Misc. 700; 58 St. Rep. 367; 28 Supp. 23.

Union Trust Co. v. Monticello & P. J. R. Co., 63 N. Y. 311.

Cited, Bonds—Railroads—Interest Coupons—Rights of Holder.

17 App. Div. 215; (79 St. Rep. 494; 45 Supp. 494).

Union Trust Co. v. Olmsted, 102 N. Y. 729; 2 St. Rep. 506.

Cited, Foreclosure—Judgment—Amendment.

80 Hun, 464; (62 St. Rep. 277; 30 Supp. 444).

Mortgage Foreclosure—Part of Premises Without State—Compelling Conveyance.

144 N. Y. 332; (63 St. Rep. 671).

Union Trust Co. v. Whiton, 17 Hun, 593.

Cited, Costs—Extra Allowance—Only One Granted.

54 St. Rep. 323; (24 Supp. 486; 30 Abb. N. C. 283).

Costs—Taxation—Discretionary—Motion for New Trial.

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Union Trust Co. v. Whiton, 78 N. Y. 491.

Cited, Motions and Orders—Construction of Order—As to Costs.

50 St. Rep. 556; (22 Supp. 43).

Union Trust Co. v. Whiton, 97 N. Y. 172.

Cited, Evidence—Parol—To Explain Writing.

3 Misc. 256; (52 St. Rep. 125; 23 Supp. 940). 73 Hun, 381; (57 St. Rep. 291; 26 Supp. 265).

Evidence—Parol—Defeasance of Contract.

2 Misc. 221; (52 St. Rep. 271; 23 Supp. 666).

Union Turnpike Co. v. Jenkins, 1 Caines, 381.

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9 Misc. 425; (61 St. Rep. 706).

United Building & Loan Bank v. Bartlett, 2 Misc. 479; 51 St. Rep. 159; 22 Supp. 172.

United Glass Co. v. Vary, 152 N. Y. 121.

Affirming, 79 Hun, 103; 61 St. Rep. 181; 29 Supp. 636.

United Lines Tel. Co. v. Grant, 137 N. Y. 7; 49 St. Rep. 883.

Cited, Taxes—Regularity of Warrant—Protection of Officer—Enforcing.

7 Misc. 205; (56 St. Rep. 519; 27 Supp. 214). 7 Misc. 205; (81 Hun, 313; 56 St. Rep. 519; 27 Supp. 214).

Taxes—Assessment—Review—Certiorari.

13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

Officers—Public—Acts Under Unconstitutional Law—Relief.

6 App. Div. 277; (39 Supp. 783).

United States, Matter of, 96 N. Y. 227.

Cited, Eminent Domain—Compensation.

8 App. Div. 253; (75 St. Rep. 20; 40 Supp. 624).

United States v. Engeman, 27 Abb. N. C. 141.

Cited, Eminent Domain—Extent of Compensation.

137 N. Y. 99; (50 St. Rep. 184).

United States v. Lathrop, 17 Johns. 4.

Cited, Courts—Criminal Jurisdiction—Offenses Against United States.

141 N. Y. 275; (57 St. Rep. 396)

United States v. Reid, 4 Civ. Pro. 1.

Cited, Penalty—Arrest.

16 App. Div. 478; (78 St. Rep. 955; 44 Supp. 955).

United States Cordage Co. v. Wall's Sons Rope Co., 90 Hun, 429, 70 St. Rep. 602; 35 Supp. 978.

United States Illuminating Co. v. Grant, 55 Hun, 222; 7 Supp. 788.

Cited, Nuisance—Public—Abatement.

9 App. Div. 432; (75 St. Rep. 771; 41 Supp. 353).

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United States Illuminating Co. v. Fisk, 78 Hun, 328; 60 St. Rep. 718; 29 Supp. 154.

United States Life Ins. Co. v. Jordan, 46 Hun, 201; 11 St. Rep. 488.

Cited, Default—Admissions.

13 Misc. 204; (68 St. Rep. 235; 34 Supp. 185; 25 Civ. Pro. 4).

*Duplicate Citations in Parenthesis.***United States Life Ins. Co. v. Poillon**, 6 Supp. 370.*Cited*, Mortgages—Foreclosure—Deficiency—Leave to Sue.

D. 5 App. Div. 185.

United States Life Ins. Co. v. Salmon, 91 Hun, 535; 71 St. Rep. 667; 36 Supp. 830.**United States Mortgage Co., Matter of**, 83 Hun, 572; 65 St. Rep. 134, 32 Supp. 11.**United States Nat. Bank v. Ewing**, 131 N. Y. 506; 43 St. Rep. 775.*Cited*, Bills and Notes—Accommodation Restrictions as to Use.

78 Hun, 308; (57 St. Rep. 280; 26 Supp. 262). 14 Misc. 319; (70 St. Rep. 325; 35 Supp. 849, 851).

Bills and Notes—Bona Fide Transferee—Precedent Debts.

3 Misc. 64; (51 St. Rep. 776; 22 Supp. 554).

United States Nat. Bank v. Underwood, 2 App. Div. 342; 73 St. Rep. 50; 37 Supp. 888.*Cited*, Partnership—Dissolution—Effect Upon Third Person.

7 App. Div. 170; (74 St. Rep. 663; 40 Supp. 50).

United States Pipe Line Co., Matter of, 16 App. Div. 188; 78 St. Rep. 713; 44 Supp. 713.**United States Reflector Co. v. Rush-ton**, 7 Daly, 410.*Cited*, Sale—Acceptance.

17 Misc. 139; (39 Supp. 401).

United States Trust Co. v. Black, 9 Misc. 653; 62 St. Rep. 284; 30 Supp. 453.*Affirmed*, 83 Hun, 612; 64 St. Rep. 882; 31 Supp. 1134.**United States Trust Co. v. Black**, 146 N. Y. 1; 65 St. Rep. 564.**United States Trust Co. v. Black**, 31 Supp. 1134.**United States Trust Co. v. Mutual Benefit Life Ins. Co.**, 115 N. Y. 152; 24 St. Rep. 1.*Cited*, Insurance—Beneficiaries—Vested Interest.

86 Hun, 537; (67 St. Rep. 694; 33 Supp. 19). 15 Misc. 62; (72 St. Rep. 407; 36 Supp. 885). 17 Misc. 175; (40 Supp. 99').

United States Trust Co. v. New York, 77 Hun, 82; 59 St. Rep. 496; 28 Supp. 344.*Affirmed*, 144 N. Y. 488; 64 St. Rep. 62.*Cited*, Taxes—Corporations—Payment—Recovery.

7 App. Div. 155; (74 St. Rep. 681; 40 124).

United States Trust Co. v. New York, 144 N. Y. 488; 64 St. Rep. 62.*Cited*, Taxes—Payment—Recovery.

14 Misc. 150; (70 St. Rep. 367; 35 Supp. 860). 7 App. Div. 154; (40 Supp. 124).

Certiorari—When Lies—Judicial Functions.

17 App. Div. 606; (79 St. Rep. 838; 45 Supp. 838).

United States Trust Co. v. N. Y., W. S. & B. Ry. Co., 101 N. Y. 478.*Cited*, Equity—Sequestration—Property of Corporation.

143 N. Y. 263; (62 St. Rep. 155).

Receiver—Corporations—Mortgage Foreclosure.

D. 11 App. Div. 258; (76 St. Rep. 216; 42 Supp. 216).

United States Trust Co. v. O'Brien, 143 N. Y. 284; 62 St. Rep. 336.*Cited*, Damages—Nominal Award.

12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71).

Damages—Contract—Breach.

13 Misc. 621; (69 St. Rep. 150; 34 Supp. 923).

12 App. Div. 489; (76 St. Rep. 902; 42 Supp. 902).

United States Trust Co. v. Roche, 116 N. Y. 120; 26 St. Rep. 394.*Distinguished*, Trusts—Sale of Estate—Notice.

78 Hun, 320; (60 St. Rep. 733; 29 Supp. 169).

Cited, Trustees—Necessaries—Expenditures.

84 Hun, 477; (65 St. Rep. 621; 32 Supp. 406).

12 Misc. 321; (67 St. Rep. 547; 33 Supp. 722; 24 Civ. Pro. 375).

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18 Misc. 701; (77 St. Rep. 867; 43 Supp. 867).

Cited, Mortgage—Foreclosure—Necessary Parties—Vested Estates.

79 Hun, 293; (60 St. Rep. 563; 29 Supp. 385; 31 Abb. N. C. 471).

United States Trust Co. v. Schliep, 59 St. Rep. 867; 28 Supp. 382; 31 Abb. N. C. 52; 23 Civ. Pro. 264.**United States Trust Co. v. Stanton**, 76 Hun, 32; 59 St. Rep. 601; 27 Supp. 614.

Duplicate Citations in Parenthesis.

United States Trust Co. v. Stanton, 139 N. Y. 531; 54 St. Rep. 816.

Affirming, 66 Hun, 632; 50 St. Rep. 676; 21 Supp. 229.

Cited, Counterclaim — Availability — Trustee of Express Trusts.

9 Misc. 73; (59 St. Rep. 689; 29 Supp. 67).

United States Trust Co. v. United States F. Ins. Co. See *Empire City Bank*, Matter of.

United States Trust Co. v. United States F. Ins. Co., 18 N. Y. 199.

Cited, Corporations — Liability of Stockholders — Change by Amendment of Statute.

2 Misc. 223; (52 St. Rep. 273; 23 Supp. 752).

United States Vinegar Co. v. Foehrenbach, 74 Hun, 435; 57 St. Rep. 261; 26 Supp. 632.

Affirmed, 148 N. Y. 58.

United States Vinegar Co. v. Foehrenbach, 148 N. Y. 58.

United States Vinegar Co. v. Schlegel, 67 Hun, 336; 51 St. Rep. 453.

Affirmed, 143 N. Y. 537; 62 St. Rep. 826; 22 Supp. 407.

Cited, Corporations — Subscriptions — Illegal Object.

51 St. Rep. 936. 51 St. Rep. 918; (22 Supp. 412).

Evidence — Documentary — Charter of Foreign Corporation — Certification.

74 Hun, 436; (57 St. Rep. 261; 26 Supp. 632).

United States Vinegar Co. v. Schlegel, 143 N. Y. 537; 62 St. Rep. 826.

Cited, 148 N. Y. 63.

Trial — Error — Cure.

11 Misc. 389; (65 St. Rep. 310; 32 Supp. 282).

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18 Misc. 22; (75 St. Rep. 494; 41 Supp. 37). 18 Misc. 218; (75 St. Rep. 905; 41 Supp. 510). 19 Misc. 156. 20 Misc. 312; (79 St. Rep. 887; 45 Supp. 887).

Appeal — Errors in Reception of Evidence — Exception — Waiver.

147 N. Y. 425; (70 St. Rep. 11). 18 Misc. 36; (75 St. Rep. 462; 41 Supp. 11).

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18 Misc. 426; (75 St. Rep. 1418; 41 Supp. 1058). 17 Misc. 303; (40 Supp. 361).

Universal Bag Co. v. Fensley, 18 Misc. 408; 76 St. Rep. 776; 42 Supp. 776.

Universal Fashion Co. v. Skinner, 64 Hun, 293; 46 St. Rep. 633; 19 Supp. 62.

Cited, Estoppel — By Stipulation in Contract — To Set Up Fraud.

3 Misc. 539; (52 St. Rep. 412; 23 Supp. 11). 143 N. Y. 429; (62 St. Rep. 438).

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15 Misc. 132; (71 St. Rep. 502; 36 Supp. 487).

Untermyer v. Beinhauer, 105 N. Y. 521; 8 St. Rep. 1; 26 Week. Dig. 428.

Cited, Action — Nature of — Test — Complaint.

77 Hun, 369; (60 St. Rep. 417; 28 Supp. 878).

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139 N. Y. 205; (54 St. Rep. 607). D. 143 N. Y. 260; (58 St. Rep. 780).

Reference — Compulsory — Long Account — Collaterally Involved.

139 N. Y. 452; (54 St. Rep. 706).

Reference — Counterclaim.

73 Hun, 184; (56 St. Rep. 125; 25 Supp. 872). 142 N. Y. 260; (58 St. Rep. 773).

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52 St. Rep. 934; (25 Supp. 1128).

Updike, Matter of, 9 Misc. 171; 60 St. Rep. 638; 29 Supp. 715; 24 Civ. Pro. 40.

Upington v. Corrigan, 79 Hun, 488; 61 St. Rep. 473; 29 Supp. 1002.

Affirmed, 151 N. Y. 143.

Upington v. Corrigan, 151 N. Y. 143.

Upington v. Keenan, 50 St. Rep. 474; 21 Supp. 699.

Cited, Trial — Question of Fact — Credibility of Witness.

4 Misc. 511; (26 Supp. 280).

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81 Hun, 77; (62 St. Rep. 548; 30 Supp. 615).

Upington v. Pooler, 47 St. Rep. 30; 19 Supp. 438.

Affirmed, 139 N. Y. 619; 54 St. Rep. 931.

Cited, Appeal — Case — Certification — Statement of Completeness of Evidence.

4 Misc. 191; (53 St. Rep. 225; 23 Supp. 681). 7 Misc. 34; (57 St. Rep. 507; 27 Supp. 377).

6 Misc. 328; (58 St. Rep. 142; 26 Supp. 785). 73 Hun, 168; (57 St. Rep. 131; 25 Supp. 1062).

4 Misc. 188; (53 St. Rep. 177; 23 Supp. 884). 9 Misc. 450; (61 St. Rep. 122; 30 Supp. 258).

2 App. Div. 342; (73 St. Rep. 68; 37 Supp. 855).

Upper Nyack M. E. Church v. Bennett, 73 Hun, 585; 56 St. Rep. 521; 26 Supp. 341.

Duplicate Citations in Parenthesis.

Uppington v. Corrigan, 69 Hun, 320; 53 St. Rep. 310; 23 Supp. 451.

Upton, Matter of, 89 N. Y. 67.

Cited, Statutes—Local—Title.
10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822).

Upton v. Badeau, 3 Bradf. 13.

Cited, Executors — Accounting — Profits Arising from Trust Estate.
24 Supp. 135.

Trusts—Trustees; Dealing with Property for Own Advantage.
23 Supp. 1051.

Uptegrove v. Central R. Co. of N. J., 14 Misc. 460; 70 St. Rep. 896; 35 Supp. 1118.

Affirmed, 16 Misc. 14; 73 St. Rep. 278; 37 Supp. 659.

Uptegrove v. Central R. Co. of N. J., 16 Misc. 14; 73 St. Rep. 278; 37 Supp. 659.

Uptegrove v. Central R. Co. of N. J., 74 St. Rep. 372; 38 Supp. 4.

Upton v. Bernstein, 76 Hun, 516; 59 St. Rep. 365; 27 Supp. 1078.

Upton v. Electric Construction & Supply Co., 89 Hun, 502; 69 St. Rep. 838; 35 Supp. 426.

Upton v. Upton, 51 Hun, 184; 21 St. Rep. 559; 4 Supp. 936.

Cited, Libel and Slander — Meaning of Words—Question for Jury.
11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Uransky v. Dry Dock, E. B. & B. R. Co., 118 N. Y. 304; 28 St. Rep. 711.

Cited, Husband and Wife — Rights of Husband—Wife's Services.
9 Misc. 37; (59 St. Rep. 546; 29 Supp. 294; 31 Abb. N. C. 320). 19 Misc. 509; (77 St. Rep. 1098; 43 Supp. 1098).

Uransky v. Dry Dock, E. B. & B. R. Co., 37 St. Rep. 543; 13 Supp. 670.

Cited, Witnesses—Credibility — Question of Fact.
9 Misc. 116; (59 St. Rep. 734; 29 Supp. 50).

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10 Misc. 50; (62 St. Rep. 769; 30 Supp. 809).

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16 Misc. 14; (73 St. Rep. 292; 37 Supp. 595). 5 App. Div. 155; (39 Supp. 42).

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77 Hun, 604; (60 St. Rep. 485; 28 Supp. 1044).

Cited, 11 Misc. 553; (64 St. Rep. 452; 32 Supp. 745).

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67 Hun, 626; (51 St. Rep. 114; 22 Supp. 472). 80 Hun, 469, 471; (62 St. Rep. 283, 284; 30 Supp. 452).

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60 St. Rep. 250; (28 Supp. 916). 14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540).

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135 N. Y. 443; (48 St. Rep. 464).

Urquhart v. Ogdensburg, 97 N. Y. 238.

Cited, Municipal Corporations—Streets—Plan of Construction.

80 Hun, 470; (62 St. Rep. 284; 30 Supp. 452).

Municipal Corporations—Streets—Notice.
18 Misc. 510; (41 Supp. 990).

Municipal Corporations—Defective Streets—Liability.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738). 14 App. Div. 158; (77 St. Rep. 540; 43 Supp. 540).

Utica, Matter of, 73 Hun, 256; 58 St. Rep. 80; 26 Supp. 564.

Utica Bank v. Kibbe, 7 Cow. 424.

Cited, D. 80 Hun, 452; (62 St. Rep. 299; 30 Supp. 467).

Utica C. & S. V. R. Co. Matter of, 56 Barb. 456.

Discredited, Damages — Railroads — Noise.

83 Hun, 145; (64 St. Rep. 267; 31 Supp. 631).

Utica C. & S. V. R. Co. v. Gates, 8 App. Div. 181; 40 Supp. 316; 3 Ann. Cas. 242.

Utica Ins. Co. v. Bloodgood, 4 Wend. 652.

Cited, Limitation of Action — Stipulation.

4 App. Div. 478; (74 St. Rep. 489; 36 Supp. 810).

Utica Ins. Co. v. Lynch, 11 Paige, 520.

Cited, Executors — Mingling Property—Liability.

74 Hun, 367; (56 St. Rep. 352; 26 Supp. 688).

*Duplicate Citations in Parenthesis.***Utica Ins. Co. v. Scott**, 19 Johns. 1.*Cited*, Contracts — Invalid by Statute — Right of Parties.

76 Hun, 173; (57 St. Rep. 332; 27 Supp. 568). 151 N. Y. 37.

Utica Ins. Co. v. Toledo Ins. Co., 17 Barb. 132.*Cited*, Insurance — Agents — Acting for Both Parties—Reinsurance.

138 N. Y. 449; (53 St. Rep. 13).

Utter v. Gifford, 25 How. 289.*Cited*, Costs—Title to Real Estate.

14 Misc. 550; (70 St. Rep. 719; 35 Supp. 1075).

Utter v. Nelligan, 92 Hun, 185; 71 St. Rep. 644; 36 Supp. 591.**Utter v. Richmond**, 112 N. Y. 610; 21 St. Rep. 818.*Cited*, Damages — Closing Highway — Award—Subsequent Conveyance.

139 N. Y. 409; (54 St. Rep. 684).

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3 Misc. 33; (50 St. Rep. 574; 21 Supp. 779). 136 N. Y. 90; (49 St. Rep. 88). 88 Hun, 277; (68 St. Rep. 251; 34 Supp. 420).

Utter v. Stuart, 30 Barb. 20.*Cited*, Contracts—Rescission.

82 Hun, 196; (64 St. Rep. 4; 31 Supp. 417).

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V— Matter of, 10 App. Div. 491; 76 St. Rep. 268; 42 Supp. 268.**Vahue v. N. Y. C. & H. R. R. Co.**, 18 App. Div. 452; 46 Supp. 359.*Cited*, Railroads—Crossing Obscured by Smoke—Contributory Negligence.

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Vail v. Broadway R. Co. of Brooklyn, 6 Misc. 20; 58 St. Rep. 124; 26 Supp. 59; 31 Abb. N. C. 56.*Affirmed*, 147 N. Y. 377; 70 St. Rep. 33.*Cited*, Carriers — Passenger—Riding on Platform of Street Car.

9 Misc. 278; (61 St. Rep. 151; 29 Supp. 726). 92 Hun, 147; (71 St. Rep. 152; 36 Supp. 382).

Damages— Excessiveness — Personal Injuries.

9 Misc. 275; (61 St. Rep. 324; 29 Supp. 748). 86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

Vail v. Broadway R. Co. of Brooklyn, 147 N. Y. 377; 70 St. Rep. 33; 2 Ann. Cas. 317.*Cited*, Carriers — Passenger — Riding on Platform.

71 St. Rep. 152; (36 Supp. 382). 5 App. Div. 493; (38 Supp. 1078). 18 Misc. 385; (75 St. Rep. 1044; 41 Supp. 657).

Statutes—Penal—Strict Construction.

20 Misc. 608.

Vail v. Foster, 4 N. Y. 312.*Cited*, Principal and Surety—Collateral Securities—Right of Creditors to.

79 Hun, 399; (61 St. Rep. 346; 29 Supp. 783). 149 N. Y. 364.

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141 N. Y. 468; (57 St. Rep. 607).

Vail v. Hamilton, 20 Hun, 355.*Affirmed*, 85 N. Y. 453.*Cited*, Conveyance—Fraudulent—Attack by Receiver.

20 Misc. 391.

Vail v. Hamilton, 85 N. Y. 453.*Cited*, Conveyance — Fraudulent — Receiver.

2 App. Div. 19; (72 St. Rep. 501; 37 Supp. 446).

Corporations—Mortgage—Consent.

2 App. Div. 20; (72 St. Rep. 502; 37 Supp. 446). 3 App. Div. 338; (73 St. Rep. 736; 38 Supp. 397).

Vail v. Jersey Little Falls Mfg. Co., 32 Barb. 564.*Cited*, Contracts — Termination — Removal.

76 Hun, 179; (57 St. Rep. 324; 27 Supp. 571).

Contracts—Employment—Continuance—Presumption.

87 Hun, 398; (68 St. Rep. 428; 34 Supp. 305; 2 Ann. Cas. 157).

Vail v. Judson, 4 E. D. Smith, 165.*Cited*, Evidence — Declarations — Of Agent.

19 Misc. 66; (77 St. Rep. 172; 43 Supp. 172).

Vail v. Knapp, 49 Barb. 299.*Cited*, Injunction—Legal Proceedings — Foreign Courts.

69 Hun, 466; (52 St. Rep. 900; 24 Supp. 223). 16 App. Div. 73; (78 St. Rep. 690; 44 Supp. 690).

Vail v. Long Island R. Co., 106 N. Y. 283; 8 St. Rep. 700.*Cited*, Appeal—Issues Not Raised Below.

2 Misc. 43; (51 St. Rep. 49; 21 Supp. 1082).

Real Property—Grant of—Breach of Condition—Subsequent Rights of Grantor.

79 Hun, 491; (61 St. Rep. 475; 29 Supp. 1004). 151 N. Y. 152.

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144 N. Y. 551; (64 St. Rep. 246).

Vail v. Owen, 19 Barb. 22.

Cited, Taxes—Assessment—Exemption—Apportionment.

80 Hun, 125; (61 St. Rep. 803; 30 Supp. 61).

Vail v. Reynolds, 118 N. Y. 297; 28 St. Rep. 707.

Cited, Damage—Fraudulent Representations—Value.

74 Hun, 112; (53 St. Rep. 380; 26 Supp. 362).

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11 Misc. 564; (66 St. Rep. 183; 32 Supp. 801).

Contracts—Fraud—Remedies.

84 Hun, 48; (65 St. Rep. 239; 32 Supp. 76).
 87 Hun, 62; (67 St. Rep. 885; 33 Supp. 1016).
 16 Misc. 441; (74 St. Rep. 228; 38 Supp. 601).
 79 St. Rep. 628; (45 Supp. 628). 151 N. Y. 234.

Contracts—Rescission—Restoration.

8 App. Div. 196; (30 Supp. 338). 12 App. Div. 226; (77 St. Rep. 434; 43 Supp. 434).

Fraud—What Constitutes.

14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084).

79 St. Rep. 629; (45 Supp. 629).

Vale v. Bliss, 50 Barb. 358.

Cited, Negligence—Imputed—Persons Non Sui Juris—Dangerous Structure.

78 Hun, 5; (60 St. Rep. 542; 28 Supp. 1099).

Vale v. Brooklyn Cross-Town Railroad, 12 Civ. Pro. 102.

Cited, Venue—Change—Answer—Default.

5 App. Div. 620; (39 Supp. 104; 25 Civ. Pro. 376).

Valentine, Matter of, 1 Misc. 491; 23 Supp. 289.

Valentine, Matter of, 5 Misc. 479; 26 Supp. 716.

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Valentine, Matter of, 72 N. Y. 184.

Cited, Incompetent Persons—Conveyance of Realty.

147 N. Y. 573; (70 St. Rep. 340).

Valentine, Matter of, 136 N. Y. 623; 49 St. Rep. 58.

Valentine v. Applebee, 87 Hun, 1; 67 St. Rep. 509; 33 Supp. 762.

Valentine v. Austin, 124 N. Y. 400; 36 St. Rep. 400.

Cited, Appeal—What Reviewable.

62 St. Rep. 874; (29 Supp. 1146).

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12 App. Div. 197; (76 St. Rep. 833; 42 Supp. 833).

Valentine v. Belden, 20 Hun, 537.

Cited, Executors—Conveyance to of Land in Payment of Mortgage on—Rights of Estate in Land.

78 Hun, 190; (60 St. Rep. 267; 28 Supp. 927). 82 Hun, 147; (63 St. Rep. 764; 31 Supp. 316).

Real Property—Purchase on Foreclosure by Mortgagee's Personal Representative—Title—Power to Sell.

66 Hun, 347; (50 St. Rep. 52; 21 Supp. 200).

Valentine v. Broadway & S. A. R. Co., 16 St. Rep. 602; 4 Supp. 481.

Cited, Damages—Excessive—Personal Injuries.

82 Hun, 157; (63 St. Rep. 756; 31 Supp. 307).

Valentine v. Healey, 86 Hun, 259; 66 St. Rep. 802; 33 Supp. 246.

Followed, 1 App. Div. 505; 72 St. Rep. 614; 37 Supp. 288.

Valentine v. Healey, 1 App. Div. 502; 72 St. Rep. 612; 37 Supp. 287.

Valentine v. Jackson, 9 Wend. 307.

Cited, Executors—Powers Before Appointment.

79 St. Rep. 455; (45 Supp. 455).

Valentine v. Kelly, 54 Hun, 78; 26 St. Rep. 481; 7 Supp. 184.

Cited, Justice's Court—Communication With Jury.

83 Hun, 294; (64 St. Rep. 651; 31 Supp. 915). 92 Hun, 197; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20).

Valentine v. Lunt, 51 Hun, 554; 22 St. Rep. 847; 3 Supp. 906.

Cited, Pleading—Demurrer—Separate Defenses.

84 Hun, 246; (65 St. Rep. 835; 32 Supp. 506; 1 Ann. Cas. 269). 86 Hun, 497; (67 St. Rep. 519; 33 Supp. 774).

Deeds—Lunacy.

88 Hun, 119; (68 St. Rep. 276; 34 Supp. 590).

Valentine v. Lunt, 115 N. Y. 496; 26 St. Rep. 254.

Cited, Fraud—Transfers Induced By—Rights of Bona Fide Transferees.

Duplicate Citations in Parenthesis.

51 St. Rep. 17; (21 Supp. 717). 88 Hun, 120; (68 St. Rep. 277; 34 Supp. 590). 12 App. Div. 197; (76 St. Rep. 833; 42 Supp. 833).

Pleading—Complaint—Sufficiency—Interest of Party.

8 Misc. 269; (59 St. Rep. 229; 28 Supp. 571).

Vendor and Purchaser—Rights of Parties—Defective Title—Lis Pendens.

8 Misc. 128; (59 St. Rep. 523; 28 Supp. 486).

Valentine v. Myer's Sanitary Depot, 36 Hun, 201.

Cited, Appearance—How Made.

74 St. Rep. 776; (38 Supp. 882; 1 Ann. Cas. 408).

Valentine v. Northrop, 12 Wend. 494.

Cited, Evidence—Acts and Declarations of Party—Rights in Property.

79 Hun, 511; (61 St. Rep. 589; 29 Supp. 901).

Valentine v. Richardt, 126 N. Y. 272; 37 St. Rep. 12.

Cited, Action—Form of—Relief—When Action Equitable.

59 St. Rep. 380; (28 Supp. 606).

Cloud on Title—When Suit Lies to Remove.

79 Hun, 526; (61 St. Rep. 596; 29 Supp. 909).

Equity—Enforcing Rights in Instruments.

140 N. Y. 255; (55 St. Rep. 543).

Equity—Complete Relief—Directing Money Judgment.

61 St. Rep. 339; (29 Supp. 827; 31 Abb. N. C. 308). 80 Hun, 576; (62 St. Rep. 585; 30 Supp. 592). 1 App. Div. 151; (72 St. Rep. 715; 37 Supp. 417). 14 App. Div. 374; (77 St. Rep. 1014; 43 Supp. 1014).

Equity—Retaining Jurisdiction for Complete Relief.

138 N. Y. 459; (53 St. Rep. 23). 77 Hun, 472; (60 St. Rep. 544; 28 Supp. 1080). 7 Misc. 376; (27 Supp. 909). 144 N. Y. 179; (63 St. Rep. 85). 84 Hun, 147; (65 St. Rep. 807; 32 Supp. 538). 3 App. Div. 312; (73 St. Rep. 757; 38 Supp. 276).

Fraud—What Constitutes.

79 St. Rep. 628; (45 Supp. 628).

Valentine v. Schreiber, 3 App. Div. 235; 73 St. Rep. 838; 38 Supp. 417.

Valentine v. Valentine, 3 Dem. 597.

Disapproved, Evidence—Burden of Proof—As to Necessity and Reasonableness of Disbursements by Executors.

23 Supp. 1048.

Valentine v. Valentine, 4 Redf. 265.

Cited, Executors and Administrators—Accounting—Funeral Expenses.

3 Misc. 179; (23 Supp. 842).

Valentine v. Van Wagner, 37 Barb. 60.

Cited, Mortgage—Enforcement—Default of Interest.

77 Hun, 383; (60 St. Rep. 398; 28 Supp. 850).

Valiente v. Bryan, 66 How. 302.

Cited, Trial—Communication with Jury.

17 Misc. 79; (39 Supp. 851).

Valis v. Vanderbilt, 78 St. Rep. 267; 44 Supp. 267.

Cited, Master and Servant—Risks Assumed.

78 St. Rep. 266; (44 Supp. 266).

Vallen v. McGuire, 49 Hun, 594; 13 St. Rep. 410; 2 Supp. 381.

Cited, Appeal—Justice's Court—Misconduct of Justice—Affidavits.

79 Hun, 25; (61 St. Rep. 242; 29 Supp. 561).

Valloton v. Seignett, 2 Abb. 121.

Cited, Injunction—Right to—Adequate Remedy at Law.

5 Misc. 166; (24 Supp. 914).

Valton v. National Fund Life Assurance Co., 20 N. Y. 32.

Cited, Insurance—Assignment.

1 App. Div. 419; (72 St. Rep. 606; 37 Supp. 280).

Van Aernam v. Bleistein, 102 N. Y. 355; 2 St. Rep. 470.

Cited, Trial—Submission to Jury—Exceptions—Necessity.

8 Misc. 248; (59 St. Rep. 230; 28 Supp. 726).

Van Aerman v. Granger, 86 Hun, 476; 67 St. Rep. 507; 33 Supp. 885.

Van Aiken v. New York, 18 App. Div. 89; 79 St. Rep. 467; 45 Supp. 467.

Van Alen v. American Nat. Bank, 52 N. Y. 1.

Cited, Money—Misappropriation by Agent—Following.

7 Misc. 512; (60 St. Rep. 63; 28 Supp. 784). 68 Hun, 505; (52 St. Rep. 479; 22 Supp. 1041). 145 N. Y. 186; (64 St. Rep. 591). 11 Misc. 251, 253; (65 St. Rep. 856, 857; 32 Supp. 735, 736). 150 N. Y. 218.

Sale—Fraud in—Following Property.

11 Misc. 80; (59 St. Rep. 473; 29 Supp. 596; 31 Abb. N. C. 404). 88 Hun, 85; (68 St. Rep. 548; 34 Supp. 730; 2 Ann. Cas. 277).

Duplicate Citations in Parenthesis.

Trusts—Implied—Deposit of Moneys—Certificate.

9 Misc. 81; (59 St. Rep. 551; 29 Supp. 720). 147 N. Y. 193; (69 St. Rep. 538; 2 Ann. Cas. 292).

Trusts — Misapplication — Following Funds.

138 N. Y. 376; (52 St. Rep. 875; 30 Abb. N. C. 213). 31 Abb. N. C. 7. 86 Hun, 296; (67 St. Rep. 49; 33 Supp. 307). 11 Misc. 598; (67 St. Rep. 306; 33 Supp. 539).

Van Allen v. Vanderpool, 6 Johns. 69.

Cited, Factors—Powers—To Give Credit. 31 Abb. N. C. 97; (30 Supp. 423).

Van Allan v. Gordon, 92 Hun, 500; 36 Supp. 987.

Van Allen, Matter of, 37 Barb. 225.

Cited, Receivers—Powers.

10 Misc. 686; (65 St. Rep. 95; 31 Supp. 1001; 1 Ann. Cas. 337).

Van Allen v. Allen, 1 Hilt. 524.

Cited, Evidence—Parol—To Vary Writing.

12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1076).

Van Allen v. Gordon, 83 Hun, 379; 64 St. Rep. 781; 31 Supp. 907.

Cited, 36 Supp. 987.

Van Allen v. Mooers, 5 Barb. 110.

Cited, Wills—Construction of—Life Estate—To what Property Limited.

1 Misc. 29; (22 Supp. 1081). 75 Hun, 436; (57 St. Rep. 342; 27 Supp. 676).

Van Allen v. N. Y. Elevated R. Co., 3 Misc. 53; 51 St. Rep. 767; 22 Supp. 704.

Affirmed, 144 N. Y. 174; 63 St. Rep. 82.

Cited, Equity—Retaining Jurisdiction for Complete Relief.

74 Hun, 445; (57 St. Rep. 191; 26 Supp. 841). 7 Misc. 376; (27 Supp. 909).

Van Allen v. New York El. R. Co., 144 N. Y. 174; 63 St. Rep. 82.

Cited, Equity—Judgment.

1 App. Div. 152; (72 St. Rep. 716; 37 Supp. 418).

Equity—Retaining Jurisdiction for Complete Relief.

85 Hun, 67; (65 St. Rep. 863; 32 Supp. 642). 90 Hun, 112; (70 St. Rep. 393; 35 Supp. 628).

Jury Trial—Legal and Equitable Causes.

12 App. Div. 265; (76 St. Rep. 509; 42 Supp. 509).

Distinguished, Action—Parties—Conveyance of Premises.

13 App. Div. 316; (77 St. Rep. 39; 43 Supp. 39).

Van Allen v. Rogers, 5 Misc. 420; 26 Supp. 708.

Van Alst v. Hunter, 5 Johns. Ch. 148.

Cited, Wills — Testamentary Capacity — Age—Physical Condition.

56 St. Rep. 711; (25 Supp. 315).

Van Alstyne v. Commercial Bank of Albany, 4 Abb. Ct. App. Dec. 449.

Cited, Banks—Recovery by Depositary on Outstanding Certificate of Deposit.

136 N. Y. 460; (49 St. Rep. 680).

Van Alstyne v. Cook, 25 N. Y. 489.

Cited, Judgments—Irregularity — Omission to Sign—Effect.

75 Hun, 151; (58 St. Rep. 174; 26 Supp. 1065).

Partnership—Limited—Receiver — Legal Remedy of Creditors.

72 Hun, 227; (55 St. Rep. 707; 25 Supp. 249).

Receivers — Appointment — Vesting of Title.

136 N. Y. 173; (48 St. Rep. 831).

Creditor's Action—Lien—When Acquired. 153 N. Y. 172.

Van Alstyne v. Dearborn, 2 Wend. 586.

Cited, Attorneys—Privilege.

18 Misc. 374; (75 St. Rep. 1045; 41 Supp. 658).

Van Alstyne v. Erwine, 11 N. Y. 331.

Cited, Attachment — Affidavits — Sufficiency.

50 St. Rep. 829; (22 Supp. 874).

Attachment—Grounds—Petition in the Disjunctive.

75 Hun, 339; (58 St. Rep. 211; 26 Supp. 1005). 15 Misc. 412; (72 St. Rep. 253; 36 Supp. 894; 25 Civ. Pro. 204; 2 Ann. Cas. 367).

Van Alstyne v. Smith, 82 Hun, 382; 63 St. Rep. 595; 31 Supp. 277.

Van Alstyne v. Van Alstyne, 28 N. Y. 375.

Cited, Wills — Construction — Advancement.

90 Hun, 460; (72 St. Rep. 191; 37 Supp. 79).

Wills—Codicil—Re-publication.

11 App. Div. 343; (76 St. Rep. 152; 42 Supp. 152).

Van Alstyne v. Van Slyck, 10 Barb. 383.

Cited, Contracts—Execution—Seals.

5 App. Div. 449; (39 Supp. 217).

*Duplicate Citations in Parenthesis.***Van Amburgh v. Baker**, 81 N. Y. 46.*Cited*, Corporations—Annual Report.

81 Hun, 270; (62 St. Rep. 765; 30 Supp. 802; 1 Ann. Cas. 58).

Van Amburgh v. Kramer, 16 Hun, 205.*Distinguished*, Contracts—Consideration—Executory Gift.

78 Hun, 125; (60 St. Rep. 186; 28 Supp. 994).

Cited, 9 App. Div. 213; (75 St. Rep. 696; 41 Supp. 287).**Vanamee, Matter of**, 119 N. Y. 646.*Cited*, Corporations—Receiver—Notice to Attorney-General.

14 Misc. 166; (70 St. Rep. 6; 35 Supp. 358).

Van Antwerp, Matter of, 56 N. Y. 261.*Cited*, Statutes—Subject—Title.

90 Hun, 520; (70 St. Rep. 592; 35 Supp. 926). 148 N. Y. 554.

Taxes—Assessment—Remedial Statutes.

92 Hun, 205; (71 St. Rep. 553; 36 Supp. 522).

Taxes — Special Assessments — Taxing Power.

3 App. Div. 168; (73 St. Rep. 719; 38 Supp. 224). 78 St. Rep. 320; (44 Supp. 320).

Van Antwerp v. Linton, 89 Hun, 417; 69 St. Rep. 762; 35 Supp. 318.**Van Arsdale v. King**, 152 N. Y. 69.*Reversing*. 87 Hun, 617; 67 St. Rep. 611; 33 Supp. 858.**Van Axté v. Fisher**, 117 N. Y. 401; 27 St. Rep. 257.*Cited*, Wills—Construction—Vesting.

3 App. Div. 42; (74 St. Rep. 405; 37 Supp. 1110). 148 N. Y. 305.

Van Beil v. Prescott, 82 N. Y. 630.*Cited*, Trademark — Application of Another's Device.

67 Hun, 478; (50 St. Rep. 839; 22 Supp. 493).

Van Bergen v. Bradley, 36 N. Y. 316.*Cited*, Evidence—Records—Election Returns.

80 Hun, 341; (62 St. Rep. 18; 30 Supp. 106).

Records—Public—Presumption.

12 App. Div. 615; (77 St. Rep. 117; 43 Supp. 117).

Van Bergen v. Lehmaier, 72 Hun, 301;

55 St. Rep. 532; 25 Supp. 356.

Van Beuren v. Dash, 30 N. Y. 393.*Cited*, Definitions—Descendants.

54 St. Rep. 27; (24 Supp. 229).

Wills—Devise—Invalidity in Part—Intestacy.

7 Misc. 339; (58 St. Rep. 565; 28 Supp. 132). 82 Hun, 373; (64 St. Rep. 92; 31 Supp. 493).

Van Beuren v. Van Gaasbeck, 4 Cow. 496.*Cited*, Bonds—Interest On.

5 Misc. 197; (25 Supp. 659).

Van Beuren v. Wotherspoon, 12 App.

Div. 421; 76 St. Rep. 404; 42 Supp. 404.

Van Bokkelen v. Berdell, 130 N. Y.

141; 41 St. Rep. 312.

Cited, Appeal—Case—Evidence—Finding of Fact.

4 Misc. 54; (53 St. Rep. 74; 23 Supp. 604).

Appeal — Finding Without Evidence — Error of Law.

4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882). 74 Hun, 209; (56 St. Rep. 294; 26 Supp. 817).

Appeal — Record — When Certificate of Completeness of Evidence Necessary.

2 Misc. 188; (49 St. Rep. 714; 21 Supp. 599).

Appeal—Exception to Sufficiency of Evidence—Duty of Respondent to Supply Material Evidence.

1 Misc. 318; (48 St. Rep. 717; 20 Supp. 675). 150 N. Y. 361.

Witnesses — Impeachment — Conviction for Crime.

7 Misc. 508; (60 St. Rep. 173; 28 Supp. 496). 3 App. Div. 128; (39 Supp. 394).

Van Bokkelen v. Mass. Benefit Life

Ass'n, 90 Hun, 330; 70 St. Rep. 307; 35 Supp. 865.

Van Bokkelen v. Taylor, 62 N. Y. 105.*Distinguished*, Evidence—Parol — Conditional Delivery of Specialty.

142 N. Y. 365; (59 St. Rep. 31).

Van Bokkelin v. Ingersoll, 5 Wend.

315.

Cited, Appeal—Judgment.

152 N. Y. 504.

Van Bracklin v. Fonda, 12 Johns. 468.*Cited*, Sale—Caveat Emptor.

143 N. Y. 592; (62 St. Rep. 793).

Van Brocklen v. Smeallie, 64 Hun, 467; 19 Supp. 788.*Cited*, Vendor and Purchaser—Breach of Contract—Damages.

19 Misc. 583; (77 St. Rep. 678; 43 Supp. 678).

Duplicate Citations in Parenthesis.

Van Brocklen v. Smeallie, 140 N. Y. 70; 55 St. Rep. 263.

Reversing, 64 Hun, 467; 46 St. Rep. 230; 19 Supp. 788.

Cited, Damages—Contract—Sale.

32 Hun, 526; (64 St. Rep. 392; 31 Supp. 706). 19 Misc. 583; (77 St. Rep. 678; 43 Supp. 678).

Sale—Possession—Vendor's Lien.

79 Hun, 553; (61 St. Rep. 570; 29 Supp. 893). 91 Hun, 369; (70 St. Rep. 834; 36 Supp. 182).

Sale—Breach by Vendee—Vendor's Remedies.

12 Misc. 543; (67 St. Rep. 272; 33 Supp. 610). D. 87 Hun, 337; (68 St. Rep. 62; 34 Supp. 214).

Contracts—Breach—Re-sale.

87 Hun, 561; (68 St. Rep. 490; 34 Supp. 493). 4 App. Div. 457; (38 Supp. 798).

Van Brocklin v. Van Brocklin, 17 App. Div. 226, 79 St. Rep. 541; 45 Supp. 541.

Van Brunt v. Day, 81 N. Y. 251.

Cited, Evidence—Parol Concerning Writing—Part Performance—Entirety of Oral Contract.

73 Hun, 313; (58 St. Rep. 63; 26 Supp. 377).

Evidence—Parol—Collateral Agreement. 147 N. Y. 466; (70 St. Rep. 61).

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13 App. Div. 597; (77 St. Rep. 682; 43 Supp. 682).

Van Brunt v. Ferguson.

Cited, Supervisors—Legislation—Delegation

3 App. Div. 368; (38 Supp. 522).

Van Brunt v. Flatbush, 128 N. Y. 50; 37 St. Rep. 824.

Cited, Highways—Easement—Passage.

143 N. Y. 142; (62 St. Rep. 142).

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6 App. Div. 14; (39 Supp. 523).

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10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822).

Van Brunt v. Van Brunt, 111 N. Y. 178; 19 St. Rep. 251.

Cited, Cotenancy—Personalty.

140 N. Y. 104; (55 St. Rep. 312). 150 N. Y. 93.

Wills—Legacy—Vested.

79 St. Rep. 625; (45 Supp. 625).

Van Buren, Matter of, 19 Misc. 373.

Van Buren v. Fishkill & Matteawan Water Works Co., 50 Hun, 448; 21 St. Rep. 438; 3 Supp. 336.

Cited, Damages—Measure—Nuisance.

69 Hun, 527; (52 St. Rep. 850).

Van Buren v. Fort, 4 Wend. 209.

Cited, Action—Discontinuance.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Van Bussum v. Metropolitan Life Ins. Co., 16 Misc. 40; 73 St. Rep. 285; 37 Supp. 665.

Cited, Costs—Appeal—Taxation.

20 Misc. 355; (79 St. Rep. 966; 45 Supp. 966).

Van Caasbeck v. Saugerties, 82 Hun, 415; 63 St. Rep. 838; 31 Supp. 354.

Van Camp v. Fowler, 59 Hun, 311; 36 St. Rep. 580; 13 Supp. 1.

Cited, Equity—Jurisdiction—Trusts.

8 Misc. 323; (59 St. Rep. 557; 28 Supp. 628).

Van Camp v. Fowler, 41 St. Rep. 80.

Affirmed, 133 N. Y. 60; 44 St. Rep. 930.

Cited, Estoppel—Mutuality—Judgment.

63 Hun, 314; (49 St. Rep. 565; 20 Supp. 980).

Van Camp v. Searle, 79 Hun, 134; 61 St. Rep. 349; 29 Supp. 757; 24 Civ. Pro. 16.

Affirmed, 147 N. Y. 150; 69 St. Rep. 417; 2 Ann. Cas. 351.

Cited, Attachment—Lien—Levy.

81 Hun, 345; (63 St. Rep. 139; 30 Supp. 888).

Van Camp v. Searle, 147 N. Y. 150; 69 St. Rep. 417; 2 Ann. Cas. 351.

Cited, Trusts—Accounting.

7 App. Div. 68; (39 Supp. 972).

Van Camp Packing Co. v. McGuire, 86 Hun, 210; 66 St. Rep. 838; 33 Supp. 210.

Van Campen v. Knight, 63 Barb. 205.

Affirmed, 65 N. Y. 580.

Cited, Contract—Performance—Time Waiver.

7 Misc. 607; (58 St. Rep. 760; 27 Supp. 868).

Contracts—Rescission—Offer of Performance.

13 App. Div. 541; (77 St. Rep. 731; 43 Supp. 731).

Van Clief v. Van Vechten, 48 Hun, 304; 15 St. Rep. 896; 1 Supp. 99.

Cited, Mechanic's Lien—Substantial Performance.

82 Hun, 161; (63 St. Rep. 745; 31 Supp. 297).

Duplicate Citations in Parenthesis.

Van Clief v. Van Vechten, 55 Hun, 467; 29 St. Rep. 378; 8 Supp. 760.

Cited, Statutes — Repeal — Revival by Amendment.

77 Hun, 379; (60 St. Rep. 415; 28 Supp. 876).

Van Clief v. Van Vechten, 130 N. Y. 571; 42 St. Rep. 736.

Followed, Liens—Mechanic's — Sub-Contractor—Indebtedness to Contractor.

Cited, 50 St. Rep. 508; (21 Supp. 225). 19 Misc. 546; (77 St. Rep. 1067; 43 Supp. 1067). 20 Misc. 106; (79 St. Rep. 78; 45 Supp. 78). Liens—Mechanic's—To What Attaches.

136 N. Y. 619; (49 St. Rep. 25). 149 N. Y. 561.

Mechanic's Lien—Default of Contractor—Completion by Owner—Effect.

7 Misc. 618; (58 St. Rep. 794; 27 Supp. 955). 66 Hun, 263; (49 St. Rep. 475; 21 Supp. 218). 75 Hun, 507; (57 St. Rep. 678; 27 Supp. 510). 22 Supp. 511. 1 App. Div. 364; (72 St. Rep. 515; 37 Supp. 328). 149 N. Y. 445.

Mechanic's Lien — Filing Before Completion.

3 Misc. 48; (51 St. Rep. 436; 22 Supp. 714).

Mechanic's Lien — Of Sub-contractor—When Effective—To What Attaches.

2 Misc. 271; (23 Supp. 773). 139 N. Y. 347; (54 St. Rep. 622).

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4 Misc. 55; (53 St. Rep. 75; 23 Supp. 604). 89 Hun, 72; (69 St. Rep. 275; 35 Supp. 64).

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82 Hun, 161; (63 St. Rep. 746; 31 Supp. 297). 17 Misc. 360; (39 Supp. 1088). 149 N. Y. 444.

Trial—Questions of Fact — Substantial Performance of Contract.

60 St. Rep. 299.

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77 Hun, 379; (60 St. Rep. 415; 28 Supp. 876).

Van Cort v. Van Cort, 4 Edw. Ch. 621.

Cited, Witness—Cross-Examination—Discretion.

88 Hun, 367; (68 St. Rep. 796; 34 Supp. 863).

Van Cortlandt v. Kip, 1 Hill, 590.

Cited, Wills—Codicil—Re-publication.

11 App. Div. 343; (76 St. Rep. 152; 43 Supp. 152).

Van Cortlandt v. Laidley, 59 Hun, 161; 11 Supp. 148.

Cited, Wills—Remainder — Who Take—Aliens.

11 App. Div. 361; (70 St. Rep. 923; 42 Supp. 923). D. 11 App. Div. 366, 367, 371; (76 St. Rep. 926, 928; 42 Supp. 926, 928).

Van Cortlandt v. Nevert. See Van Cortlandt v. Laidley.

Van Cortlandt v. Tozer 17 Wend. 338.

Cited, Acknowledgment—Who May Take—Practice.

15 App. Div. 249; (78 St. Rep. 173; 44 Supp. 173).

Van Cott v. Hill, 11 App. Div. 89; 76 St. Rep. 1060; 42 Supp. 1060.

Van Cott v. Prentice, 104 N. Y. 45; 5 St. Rep. 654.

Cited, Trusts — Creation—Declaration—Sufficiency.

140 N. Y. 121; (55 St. Rep. 375).

Trusts—Creation—Reservation of Power of Control.

80 Hun, 148; (61 St. Rep. 637; 29 Supp. 1016). 83 Hun, 176; (64 St. Rep. 151; 31 Supp. 597). 1 App. Div. 263; (72 St. Rep. 756; 37 Supp. 255).

Trusts—Creation—Perpetuities.

D. 50 St. Rep. 295; (21 Supp. 531).

Wills—Accumulation—Survivorship.

13 Misc. 346; (68 St. Rep. 518; 34 Supp. 561).

Van Cott v. Van Brunt, 82 N. Y. 535.

Cited, Corporations — Contracts With Trustees.

66 Hun, 86; (49 St. Rep. 190; 20 Supp. 795). 15 Misc. 195; (72 St. Rep. 236; 36 Supp. 901).

Corporations—Stockholders—Liability on Unpaid Stock.

7 App. Div. 371; (40 Supp. 75).

Corporations—Railroad—Watered Stock.

9 App. Div. 275; (75 St. Rep. 959; 41 Supp. 570).

Van Da Linda v. Stevens, 9 App. Div. 179; 41 Supp. 126.

Vandekar v. Reeves, 40 Hun, 430.

Cited, Statute of Frauds—Lease—Surrender.

10 Misc. 655; (64 St. Rep. 500; 31 Supp. 797).

Vandenburg v. Greenbush, Village of, 66 N. Y. 1.

Cited, Statutes—Repealing Effect—General on Local.

73 Hun, 584; (56 St. Rep. 192; 26 Supp. 287). 8 Misc. 136; (60 St. Rep. 151; 28 Supp. 648). 9 Misc. 263; (61 St. Rep. 321;

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29 Supp. 745). 10 Misc. 247; (62 St. Rep. 466; 30 Supp. 823). 81 Hun, 327; (63 St. Rep. 121; 30 Supp. 956). 144 N. Y. 411; (63 St. Rep. 650). 16 Misc. 384; (74 St. Rep. 433; 38 Supp. 65). 13 App. Div. 592; (77 St. Rep. 457; 43 Supp. 457). D. 86 Hun, 84; (67 St. Rep. 121; 33 Supp. 352).

Statutes—Repeal of Repealing Act—Effect.

7 Misc. 715; (58 St. Rep. 323; 28 Supp. 30. 136 N. Y. 368; (49 St. Rep. 653).

Vandenburgh v. Truax, 4 Den. 464.

Cited, Negligence—To What Consequences Liability Extends.

77 Hun, 363; (60 St. Rep. 403; 28 Supp. 863).

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79 Hun, 504; (61 St. Rep. 258; 29 Supp. 948). 19 Misc. 142.

Vandenburgh v. Van Rensselaer, 6 Paige, 147.

Cited, Time—Computation.

17 App. Div. 597; (79 St. Rep. 306; 45 Supp. 306).

Vandenburgh v. Van Valkenburgh, 8 Barb. 217.

Cited, Pleading—Replevin.

83 Hun, 20; (68 St. Rep. 292; 34 Supp. 509).

Vandenheuvel v. United Insurance Co., 2 Caines Cas. 217; 2 Johns. Cas. 127, 451.

Cited, Judgment—Foreign—Conclusiveness.

49 St. Rep. 731; (20 Supp. 797). 84 Hun, 523; (65 St. Rep. 617; 32 Supp. 400).

Vandenmerk v. Porter, 40 Hun, 397.

Cited, Highways—Establishment—Abandonment.

6 Misc. 202; (27 Supp. 871).

Highways—What Constitutes.

147 N. Y. 663; (71 St. Rep. 268).

Vanderback v. Rochester, 46 Hun, 87.

Cited, Highways—Abandonment—Streets. 6 Misc. 201; (27 Supp. 871).

Vanderbeck v. Rochester, 122 N. Y. 285; 33 St. Rep. 881.

Cited, Equity—Mistake of Law—When Relieved Against.

141 N. Y. 50; (56 St. Rep. 570. 10 Misc. 638; (65 St. Rep. 341; 32 Supp. 217). 18 Misc. 131; (40 Supp. 1075). 19 Misc. 514; (77 St. Rep. 1128; 43 Supp. 1128).

Vanderbilt, Matter of, 3 Redf. 384.

Cited, Wills—Execution—Delusions.

15 Misc. 317; (73 St. Rep. 440; 37 Supp. 763).

Vanderbilt v. Eagle Iron Works, 25 Wend. 665.

Cited, Contract—Performance—Sufficiency—Waiver.

9 Misc. 113; (59 St. Rep. 732; 29 Supp. 48).

Vanderbilt v. Mathis, 5 Duer. 304.

Cited, Malicious Prosecution—Want of Probable Cause—Pleading.

8 App. Div. 335; (75 St. Rep. 219; 40 Supp. 832).

Vanderbilt v. Schreyer, 81 N. Y. 646.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 409; (50 St. Rep. 615; 21 Supp. 964).

Courts—Power Over Judgments.

2 Misc. 409; (50 St. Rep. 615; 21 Supp. 964). 66 Hun, 404; (50 St. Rep. 132; 29 Abb. N. C. 402; 21 Supp. 397; 23 Civ. Pro. 13). 5 Misc. 115; (25 Supp. 739). 9 App. Div. 98; (75 St. Rep. 539; 41 Supp. 78). 14 App. Div. 220; (77 St. Rep. 561; 43 Supp. 561). D. 14 App. Div. 227; (77 St. Rep. 566; 43 Supp. 563).

Vanderbilt v. Schreyer, 91 N. Y. 392.

Cited, Contracts—Difficulty of Performance—Increased Compensation.

3 Misc. 384; (54 St. Rep. 150; 23 Supp. 303).

Contracts—Performance—Imposition of Conditions

6 Misc. 589; (57 St. Rep. 853; 27 Supp. 630).

Contracts—Consideration—Sufficiency.

71 Hun, 267; (54 St. Rep. 583; 24 Supp. 1030). 20 Misc. 200; (79 St. Rep. 864; 45 Supp. 864). D. 71 Hun, 270; (54 St. Rep. 596; 24 Supp. 1030).

Evidence—Parol to Vary Writing—Consideration of Sealed Instrument.

2 Misc. 375; (50 St. Rep. 594; 21 Supp. 1034).

Vanderheyden v. Young, 11 Johns. 150.

Cited, Judges—Who Are.

4 App. Div. 405; (39 Supp. 611).

Vanderheyden v. Mallory, 1 N. Y. 452.

Cited, Husband and Wife—Power of Wife Over Separate Estate at Common Law.

140 N. Y. 65; (55 St. Rep. 316).

Vanderhoef v. Agricultural Ins. Co. of Watertown, 46 Hun, 323; 12 St. Rep. 341.

Cited, Insurance—Fire—Conditions—Occupancy.

92 Hun, 227; (72 St. Rep. 399; 36 Supp. 877).

Duplicate Citations in Parenthesis.

- Vanderhoff, Matter of**, 15 Misc. 434;
72 St. Rep. 354; 36 Supp. 833.
Affirmed, 3 App. Div. 339; 38 Supp. 651.
Cited, Officers—Removal—Proceedings to
Reinstate—Laches.
6 App. Div. 469; (39 Supp. 699).
- Vanderheyden v. Reid**, 1 Hopk. Ch.
408.
Cited, Wills—Determination of Validity
—Jury Trial.
89 Hun, 364; (35 Supp. 402; 25 Civ. Pro.
134).
- Van Derkar v. Reusselaer & Sara-
toga R. Co.**, 13 Barb. 390.
Cited, Statutes—Repeal—Effect on Vested
Rights.
67 Hun, 490; (51 St. Rep. 253; 22 Supp.
484). 69 Hun, 571; (53 St. Rep. 255; 23
Supp. 962).
- Vanderkemp v. Shelton**, 11 Paige, 28.
Cited, Action — Parties — Foreclosure —
Prior Mortgagee.
69 Hun, 423; (52 St. Rep. 838; 23 Supp.
462).
- Van Derlip v. Keyser**, 68 N. Y. 443.
Cited, Trial—Effect of Failure to Express-
ly Dispose of Motion for Non-suit.
137 N. Y. 364; (50 St. Rep. 730).
- Van Dermoor, Matter of**, 42 Hun, 326;
3 St. Rep. 713.
Cited, Executors—Assets—Life Insurance
—Inheritance Tax.
68 Hun, 152; (52 St. Rep. 48; 22 Supp.
608).
Executors—Insurance Payable to Widow
—Not Assets of Estate.
80 Hun, 110; (61 St. Rep. 772; 30 Supp.
21).
- Van Dermoor v. Van Dermoor**, 80
Hun, 107; 61 St. Rep. 770; 30 Supp. 19.
Cited, Husband and Wife—Agreement in
Lieu of Dower—Proceeds of Insurance Pol-
icy—Right to.
- Vanderpoel v. Gorman**, 140 N. Y. 563;
56 St. Rep. 503.
Reversing, 3 Misc. 57; 51 St. Rep. 862; 22
Supp. 541.
Cited, Statutes—Construction—Granting
Privileges to Corporations.
31 Abb. N. C. 287; (62 St. Rep. 74; 30
Supp. 274).
Statutes—Application to Foreign Corpora-
tions.
17 Misc. 328; (39 Supp. 964).
Assignment for Creditors—Corporations.
72 St. Rep. 804; (38 Supp. 175). 17 Misc.
443; (41 Supp. 204). 17 App. Div. 284; (79
St. Rep. 681; 45 Supp. 681). D. 152 N. Y.
66.
Foreign States—Laws—Presumption.
90 Hun, 106; (70 St. Rep. 409; 35 Supp.
614).
- Vanderpoel v. Loew**, 112 N. Y. 167; 20
St. Rep. 654.
Cited, Wills—Construction—Perpetuities
—Vested Interests—Remainder.
76 Hun, 433; (58 St. Rep. 230; 27 Supp.
1033). 3 Misc. 477; (33 Supp. 741). 11
Misc. 673; (67 St. Rep. 362; 33 Supp. 573).
D. 50 St. Rep. 296; (21 Supp. 531).
Wills—Construction—Vested Estates.
6 App. Div. 491; (39 Supp. 651).
Wills—Construction—Avoidance of Intes-
tacy.
16 App. Div. 397; (79 St. Rep. 58; 45
Supp. 58).
- Vanderpoel v. Loew**, 7 St. Rep. 304.
Cited, Wills—Construction—Intention as
Touchstone.
53 St. Rep. 841; (24 Supp. 331).
- Vanderpool v. Husson**, 28 Barb. 196.
Cited, Negligence—Presumption.
84 Hun, 113; (65 St. Rep. 223; 32 Supp.
60).
Highways—Obstructions During Building
—Nuisance.
10 App. Div. 384; (75 St. Rep. 1378; 41
Supp. 1010).
- Vanderpool v. Smith**, 1 Daly, 311.
Cited, Landlord and Tenant—Eviction—
Retention of a Portion of Premises.
7 Misc. 724; (58 St. Rep. 329; 28 Supp.
44).
- Vanderslice v. Newton**, 4 N. Y. 130.
Cited, Pleading — Answer — Failure to
Deny — Effect as Admission — Damages —
Torte.
74 Hun, 558; (57 St. Rep. 235; 25 Supp.
630).
- Vanderveer v. Suydam**, 83 Hun, 116;
63 St. Rep. 835; 31 Supp. 392.
Affirmed, 151 N. Y. 673.
- Vandervoort v. Gould**, 36 N. Y. 639.
Cited, Adverse Possession—Husband and
Wife.
3 Misc. 8; (53 St. Rep. 630; 23 Supp.
796).
- Vanderwerken v. Brown**, 33 Hun,
234.
Cited, Appeal—From Justice's Court—
Offer of Payment—Costs.
73 Hun, 596; (56 St. Rep. 142; 26 Supp.
436; 23 Civ. Pro. 269). 148 N. Y. 291.

Duplicate Citations in Parenthesis.

Vanderwerker v. People, 5 Wend. 530.

Cited, Evidence—Judicial Notice—Location of Streets.

7 Misc. 91; (57 St. Rep. 64; 27 Supp. 305).

Van Derzee, Matter of, 73 Hun, 532; 56 St. Rep. 157; 26 Supp. 121.

Cited, Limitation of Action—Accounting of Guardian.

Vanderzee v. McGregor, 12 Wend. 545.

Cited, Libel and Slander — Privileged Communications.

138 N. Y. 523; (53 St. Rep. 97).

Vanderzee v. Slingerland, 103 N. Y. 47; 2 St. Rep. 732

Cited, Wills — Construction — Contingent Bequest.

67 Hun, 275; (50 St. Rep. 823; 22 Supp. 243).

Wills — Construction — Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27). 142 N. Y. 437; (59 St. Rep. 813). 11 App. Div. 341; (76 St. Rep. 150; 42 Supp. 150).

Wills—Construction—Devise Over—Contingent Upon Death of Devisee—When Operative.

78 Hun, 204; (60 St. Rep. 212; 28 Supp. 964).

Wills—Construction—Limitation Over on Failure of Issue.

137 N. Y. 434; (51 St. Rep. 62).

Wills—Construction—Survivorship.

136 N. Y. 231; (49 St. Rep. 335). 135 N. Y. 141; (48 St. Rep. 66). 145 N. Y. 358; (64 St. Rep. 818). 84 Hun, 260; (65 St. Rep. 799; 32 Supp. 530). 147 N. Y. 355; (69 St. Rep. 697).

3 App. Div. 42; (74 St. Rep. 405; 37 Supp. 1110). 8 App. Div. 66, 67; (40 Supp. 409, 410). D. 67 Hun, 280; (50 St. Rep. 827; 22 Supp. 246).

Wills—Construction—Disinheritance.

11 Misc. 439; (67 St. Rep. 422; 33 Supp. 421).

Van Deusen, v. Sweet, 51 N. Y. 378.

Cited, Trusts—Declaration of — Conveyance by One Individually to Himself as Trustee.

5 Misc. 312; (25 Supp. 1109).

Contracts—Of Lunatic.

68 Hun, 118; (68 St. Rep. 275; 34 Supp. 589). 19 Misc. 75; (78 St. Rep. 93; 44 Supp. 93)

Courts—Inferior—Jurisdictional Facts.

16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Van Deusen v. Young, 29 N. Y. 9.

Cited, Trespass — Cutting Trees—Trespass Damages.

5 Misc. 66; (25 Supp. 119). 3 App. Div. 331; (73 St. Rep. 778; 38 Supp. 317).

Van Deuser v. Elmira, Cortland & Northern R. Co., 75 Hun, 487; 57 St. Rep. 355; 27 Supp. 474.

Van Deventer v. Long Island City, 139 N. Y. 133; 54 St. Rep. 510.

Cited, Replevin—As Remedy for Property Taken for Taxes.

7 Misc. 203; (56 St. Rep. 518; 27 Supp. 213). 7 Misc. 203. 81 Hun, 311; (56 St. Rep. 518; 27 Supp. 213).

Taxes—Assessment—Certiorari.

13 Misc. 701; (69 St. Rep. 176; 34 Supp. 1095).

Taxes — Local Improvements — Assessment.

78 St. Rep. 323; (44 Supp. 323).

Vandevort, Matter of, 62 Hun, 612; 17 Supp. 316.

Cited, Surrogate—Jurisdiction—Construction of Will.

8 App. Div. 344; (75 St. Rep. 170; 40 Supp. 792).

Vandevort, Matter of, 8 App. Div. 341; 40 Supp. 791.

Van Dewater v. Kelsey, 1 N. Y. 533.

Cited, Injunction—Temporary — Discretionary.

49 St. Rep. 317; (31 Supp. 147).

Vandewater v. N. Y. & New England R. Co., 135 N. Y. 583; 49 St. Rep. 55.

Reversing, 63 Hun, 186; 43 St. Rep. 420; 17 Supp. 652.

Cited, Railroads—Crossings—Signals.

67 Hun, 210; (51 St. Rep. 394; 22 Supp. 108).

8 App. Div. 125; (40 Supp. 485). 20 Misc. 295; (79 St. Rep. 668; 45 Supp. 669).

Vandewater v. N. Y. & New England R. Co., 74 Hun, 32; 56 St. Rep. 208; 26 Supp. 397.

Van De Wiele v. Callanan, 7 Daly, 386.

Cited, Pleading — Complaint—Want of Probable Cause—Malicious Prosecution.

8 App. Div. 335; (75 St. Rep. 218; 40 Supp. 831).

Van Dolsen v. Abendroth, 1 City Ct. R. 469.

Cited, Partnership—Limited—False Affidavit.

8 Misc. 555; (41 Supp. 992).

*Duplicate Citations in Parenthesis.***Van Doren v. Balty**, 11 Hun, 239.*Cited*, Real Property—Powers of Tenant in Common.

2 Misc. 173; (49 St. Rep. 626; 21 Supp. 636).

Van Doren v. Jelliffe, 1 Misc. 354; 48 St. Rep. 784; 20 Supp. 636.*Cited*, Appeal—Evidence.

13 Misc. 163; (68 St. Rep. 96; 34 Supp. 112).

Van Doren v. Liebman, 34 St. Rep. 752.*Cited*, Notice—By Mail—Presumption of Receipt.

D. 2 Misc. 232; (50 St. Rep. 590; 22 Supp. 365).

Van Dusen v. Lake Shore & M. S. R. Co., 12 St. Rep. 351.*Cited*, Evidence—Incompetency of Employee.

85 Hun, 188; (65 St. Rep. 810; 32 Supp. 485)

Van Duzer v. Elmira, Cortland & Northern R. Co., 75 Hun, 487; 57 St. Rep. 355; 27 Supp. 474.*Affirmed*, 152 N. Y. 634.**Van Duzer v. Howe**, 21 N. Y. 531.*Cited*, Bills and Notes—Signing and Delivery of in Blank—Liability—Power to Fill Blanks.

79 Hun, 598; (61 St. Rep. 520; 29 Supp. 839).

Usury—Accommodation—Indorsement

4 App. Div. 587; (74 St. Rep. 54; 38 Supp. 505).

Van Dyck v. McQuade, 85 N. Y. 616.*Cited*, Pleading—Counterclaim—Receiver.

12 Misc. 57; (66 St. Rep. 686; 33 Supp. 52).

Van Dyck v. McQuade, 86 N. Y. 38.*Cited*, Corporations—Dividends—What Applicable to.

52 St. Rep. 454; (22 Supp. 592).

Corporations—Liability of Trustee For Failure to File Report—Presumptions.

137 N. Y. 344; (50 St. Rep. 645).

Banks—Savings—Laws Governing.

81 Hun, 183; (62 St. Rep. 702; 30 Supp. 758).

Statutes—Penal—Strict Construction.

10 Misc. 695; (65 St. Rep. 101; 30 Supp. 1007; 1 Ann. Cas. 342).

Van Dyke, Matter of, 44 Hun, 394; 9 St. Rep. 187.*Cited*, Executors—Accounting—Limitation.

9 Misc. 234; (71 St. Rep. 299; 30 Supp. 287). 10 Misc. 199; (63 St. Rep. 602; 31 Supp. 201). 15 Misc. 559; (74 St. Rep. 301; 37 Supp. 1131-1133).

Vandyke v. MaGuire, 57 N. Y. 429.*Cited*, Pleading—Admissions.

11 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369).

Van Dyke v. N. Y. State Banking Co., 18 Misc. 661; 77 St. Rep. 735; 43 Supp. 735.**Van Epps v. Dilaye**, 6 Barb. 244.*Cited*, Payment—What Constitutes—Taking of Notes.

80 Hun, 210; (61 St. Rep. 777; 30 Supp. 32).

Van Epps v. Harnes, 88 Hun, 229; 63 St. Rep. 231; 34 Supp. 337.*Cited*, Appeal—Review of Facts.

92 Hun, 122; (71 St. Rep. 809; 36 Supp. 641).

Appeal—Harmless Error.

18 Misc. 246; (75 St. Rep. 1001; 41 Supp. 608).

Van Epps v. Harrison, 5 Hill, 63.*Cited*, Fraud—Sale—False Statement of Cost.

139 N. Y. 294; (54 St. Rep. 497). 82 Hun, 297; (64 St. Rep. 76; 31 Supp. 490).

Van Epps v. Van Deusen, 4 Paige, 64.*Cited*, Action—Parties—Bringing in Necessary.

72 Hun, 392; (55 St. Rep. 69; 25 Supp. 564; 31 Abb. N. C. 39).

Infant—Real Estate—Intruder Upon—Liability.

76 Hun, 189; (57 St. Rep. 336; 27 Supp. 576).

Van Epps v. Van Epps, 9 Paige, 237.*Cited*, Trusts—Trustees—Conduct of Estate—Dealing With Property For Own Advantage.

23 Supp. 1052. 80 Hun, 233; (61 St. Rep. 643; 29 Supp. 1022). 24 Supp. 135. 11

Misc. 484; (67 St. Rep. 319; 33 Supp. 448).

14 Misc. 93; (69 St. Rep. 589; 35 Supp. 272). 89 Hun, 258; (67 St. Rep. 219; 33

Supp. 448).

Van Epps v. Van Epps, 6 Barb. 320.*Cited*, Evidence—Adultery—Sufficiency.

3 App. Div. 539; (73 St. Rep. 748; 38 Supp. 264).

Van Etten v. Newton, 15 Daly, 538; 25 St. Rep. 751; 6 Supp. 531.*Affirmed*, 134 N. Y. 143; 45 St. Rep. 768.*Cited*, Evidence—Parol—Want of Consideration.

52 St. Rep. 125; (22 Supp. 940).

Shipping—Loading—Delay—Demurrage.

6 Misc. 141; (55 St. Rep. 695; 26 Supp. 36).

Duplicate Citations in Parenthesis.

Van Etten v. Newton, 134 N. Y. 143;
45 St. Rep. 768.

Cited, Shipping—Charter Party—Demur-
rage—Consignee.

142 N. Y. 399; (59 St. Rep. 791).

Van Etten v. Van Etten, 69 Hun, 499;
52 St. Rep. 624; 23 Supp. 711.

Cited, Courts—Inferior—Want of Juris-
diction—Judgment.

19 Misc. 598; (78 St. Rep. 316; 44 Supp.
316).

Van Gieson, Matter of, 47 Hun, 5; 14
St. Rep. 117.

Cited, Wills—Validity—Execution—Mak-
ing Mark—Probate—Proof of Mark.

53 St. Rep. 800; (27 Supp. 962).

Appeal—Surrogate—Conflicting Evi-
dence.

88 Hun, 292; (68 St. Rep. 418; 34 Supp.
408).

Wills—Subscribing Witness—Compe-
tency

13 Misc. 299; (69 St. Rep. 189; 34 Supp.
1122). 16 App. Div. 140; (79 St. Rep. 124;
45 Supp. 124).

Van Gelder v. Hallenbeck, 18 St. Rep.

19; 2 Supp. 252; 15 Civ. Pro. 333.

Cited, Costs—Trial Fees—When Taxable.
23 Supp. 674; (23 Civ. Pro. 113).

Van Gelder v. Van Gelder, 13 Hun,
118.

Cited, Costs—Amount—Demurrer.

88 Hun, 53; (68 St. Rep. 550, 34 Supp.
732).

Van Gelder v. Van Gelder, 81 N. Y.
625.

Cited, Evidence—Declarations—Of As-
signor of Chose in Action.

141 N. Y. 68; (56 St. Rep. 598).

Van Gelder v. Van Gelder, 84 N. Y.
658.

Cited, Appeal—Costs.

49 St. Rep. 264; (20 Supp. 924). 12 App.
Div. 268; (76 St. Rep. 616; 42 Supp. 616).

Van Giesen v. Van Giesen, 10 N. Y.
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Cited, Pleading—Complaint—Bills and
Notes—Non-Payment.

2 Misc. 297; (50 St. Rep. 329; 21 Supp.
929).

Van Giessen v. Bridgford, 83 N. Y.
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Cited, Surety—Discharge.

16 Misc. 675; (74 St. Rep. 226; 38 Supp.
598).

Van Guysling v. Van Kuren, 35 N. Y.
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Cited, Wills—Mental and Testamentary
Capacity—General Standards.

3 Misc. 573; (23 Supp. 757). 5 Misc. 200;
(25 Supp. 113). 5 Misc. 185; (24 Supp. 859).
90 Hun, 241; (72 St. Rep. 570; 37 Supp.
118). 16 Misc. 177, 182; (38 Supp. 1132,
1137). 17 Misc. 553; (75 St. Rep. 679; 41
Supp. 268). 18 Misc. 151; (75 St. Rep.
1445; 41 Supp. 1098).

Wills—Testamentary Capacity—Age—
Physical Condition.

56 St. Rep. 711; (25 Supp. 315). 83 Hun,
330; (64 St. Rep. 377; 31 Supp. 691).

Van Hagen v. Van Rensselaer, 13
Johns. 420.

Cited, Contracts—Construction—General
Terms.

146 N. Y. 23; (65 St. Rep. 759).

Van Heusen v. Radcliff, 17 N. Y.
580.

Cited, Assignment for Creditors—What
Passes—Equities.

7 Misc. 127; (57 St. Rep. 72; 27 Supp. 345).
12 App. Div. 233; (77 St. Rep. 773; 43 Supp.
773). 20 Misc. 394.

Van Hoesen v. Benham, 15 Wend. 164.

Cited, Deed—Champtertous—Validity Be-
tween Parties.

87 Hun, 53; (67 St. Rep. 484; 33 Supp. 868).

Van Hoffman v. Ward, 4 Redf. 244.

Cited, Domicile—Residence.

11 Misc. 613; (66 St. Rep. 354; 32 Supp.
929; 24 Civ. Pro. 317).

Van Hoozer v. Corey, 34 Barb. 9.

Cited, Chattel Mortgages—Mortgageable
Interest—Crops—Title in Lessor.

80 Hun, 294; (61 St. Rep. 831; 30 Supp. 92).
82 Hun, 391; (63 St. Rep. 792; 31 Supp. 342).

Contracts—Subject Matter—Possibility.

83 Hun, 396; (64 St. Rep. 786; 31 Supp.
877).

Van Horn v. Kermit, 4 E. D. Smith,
453.

Cited, Carrier—Duties and Liability—As
to Passenger—Baggage and Property—Con-
tributory Negligence.

9 Misc. 27; (59 St. Rep. 721; 29 Supp. 56).

Van Horne v. Campbell, 100 N. Y.
287.

Cited, Wills—Construction—Devise with
Power to Sell—Limitation Over.

5 Misc. 13; (24 Supp. 770). 10 Misc. 26,
27; (62 St. Rep. 267; 30 Supp. 805). 11
Misc. 311, 312; (65 St. Rep. 433, 434; 32
Supp. 268). 14 App. Div. 535; (78 St. Rep.
136; 44 Supp. 136).

Duplicate Citations in Parenthesis.

Wills—Construction—Giving Effect to Entire Language.

73 Hun, 489; (26 St. Rep. 30; 26 Supp. 396).

Wills—Construction—Life Estates — Enlargement—Words of.

5 Misc. 19; (25 Supp. 60). 19 Misc. 209; (77 St. Rep. 1145. 43 Supp. 1145).

Wills—Devise—Extent of Estate—Limitation Over.

9 Misc. 231; (61 St. Rep. 309; 30 Supp. 278).

Appeal—To Court of Appeals—General Term.

10 Misc. 738; (65 St. Rep. 215; 33 Supp. 120).

Van Horne v. Fonda, 5 Johns. Ch. 388.

Cited, Trusts — Trustees — Dealing with Trust Estate for Own Benefit.

80 Hun, 233; (61 St. Rep. 643; 29 Supp. 1021). 24 Supp. 135. 89 Hun, 546; (69 St. Rep. 734; 35 Supp. 347). 2 App. Div. 456; (74 St. Rep. 330; 37 Supp. 1034).

Executor—De Son Tort.

145 N. Y. 617; (71 St. Rep. 367).

Van Houten, Matter of, 11 App. Div. 208; 76 St. Rep. 919; 42 Supp. 919.

Van Houten, Matter of, 15 Misc. 196; 72 St. Rep. 141; 37 Supp. 39.

Van Houten, Matter of, 17 Misc. 415; 75 St. Rep. 659; 41 Supp. 250.

Reversed, 11 App. Div. 208; 76 St. Rep. 919; 42 Supp. 919.

Van Houten, Matter of, 18 Misc. 524; 76 St. Rep. 1115; 42 Supp. 1115.

Reversed, 18 App. Div. 309; 79 St. Rep. 836; 45 Supp. 836.

Van Houten, Matter of, 18 App. Div. 309; 79 St. Rep. 836; 45 Supp. 836.

Van Houten v. Fleischmann, 1 Misc. 130; 48 St. Rep. 763; 20 Supp. 643.

Affirmed, 142 N. Y. 624; 60 St. Rep. 867.

Cited, Trial—Defects in Proof — Subsequent Cure.

12 Misc. 48; (66 St. Rep. 728; 33 Supp. 72).

Negligence—Proximate Cause—Question of Fact.

12 Misc. 51; (66 St. Rep. 730; 33 Supp. 74).

Van Houten v. Fleischmann, 142 N. Y. 624; 60 St. Rep. 867.

Cited, Negligence — Proximate Cause—Question of Fact.

12 Misc. 51; (66 St. Rep. 730; 33 Supp. 74).

Van Houten v. Pye, 87 Hun, 19; 67 St. Rep. 536; 33 Supp. 838.

Followed, 70 St. Rep. 912; (36 Supp. 1134).

Van Houten v. Pye, 70 St. Rep. 912; 36 Supp. 1134.

Van Ingen v. Hilton, 91 Hun, 373; 71 St. Rep. 683; 36 Supp. 752.

Affirmed, 149 N. Y. 590.

Van Ingen v. Mail and Express Publishing Co., 14 Misc. 326; 70 St. Rep. 355; 35 Supp. 833.

Van Ingen v. Snyder, 24 Hun, 81.

Cited, Appeal—Notice—What Reviewed Under.

4 Misc. 474; (54 St. Rep. 348; 24 Supp. 496).

Van Ingen v. Star Company, 1 App. Div. 429; 72 St. Rep. 565; 37 Supp. 114.

Van Ingen v. Whitman, 62 N. Y. 513.

Cited, Partnership—Limited—Creation—Contribution of Special Partner—Payment in Cash.

75 Hun, 81; (58 St. Rep. 153; 26 Supp. 962). 72 Hun, 236; (55 St. Rep. 714; 25 Supp. 254).

Partnership—Limited—Liability as General Partners.

145 N. Y. 494; (65 St. Rep. 368; 1 Ann. Cas. 373). 18 Misc. 555; (41 Supp. 992). 15 App. Div. 476; (78 St. Rep. 488; 44 Supp. 489).

Van Inwegen v. New York, Lake Erie & W. R. Co., 76 Hun, 53; 59 St. Rep. 289; 28 Supp. 169.

Van Keuren v. Corkins, 4 Hun, 129.

Affirmed, 66 N. Y. 77.

Cited, Mortgage—Payment by Mortgagor to Mortgagee—Assignment—Notice.

80 Hun, 209; (61 St. Rep. 776; 30 Supp. 32).

Van Keuren v. Corkins, 66 N. Y. 77.

Cited, Mortgage—Assignment—Payment to Mortgagee.

80 Hun, 209; (30 Supp. 32).

Van Keuren v. Miller, 71 Hun, 68; 54 St. Rep. 229; 24 Supp. 580.

Affirmed, 144 N. Y. 636; 64 St. Rep. 869.

Van Keuren v. Miller, 78 Hun, 173; 60 St. Rep. 202; 28 Supp. 971.

Affirmed, 149 N. Y. 583.

Van Keuren v. Parmelee, 2 N. Y. 523.

Cited, Limitation — Payment—One Joint Obligor.

82 Hun, 322; (64 St. Rep. 80; 31 Supp. 482). 145 N. Y. 63; (64 St. Rep. 524).

Duplicate Citations in Parenthesis.

Limitation — Acknowledgment — Payment.

84 Hun, 356; (65 St. Rep. 468; 32 Supp. 311).

Van Keuren v. Van Keuren, 88 Hun, 450; 68 St. Rep. 883; 34 Supp. 1150.

Van Kleeck v. Dutchess County R. Co., 78 Hun, 263; 60 St. Rep. 261; 28 Supp. 902.

Van Koughnet v. Dennie, 68 Hun, 179; 51 St. Rep. 877; 22 Supp. 823.

Cited, Estoppel — Equitable — Assistance in Former Suit.

75 Hun, 376; (58 St. Rep. 610; 27 Supp. 87).

Van Leuvin v. Lyke, 1 N. Y. 515.

Cited, Animals — Injury by — Scienter.

77 Hun, 577; (60 St. Rep. 452; 28 Supp. 1024). 85 Hun, 91; (66 St. Rep. 72; 32 Supp. 688).

Animals — Trespass — Liability of Owner.

79 Hun, 503; (61 St. Rep. 257; 29 Supp. 947).

Pleading — Sufficiency — Injury From Animals.

13 App. Div. 5; (77 St. Rep. 130; 43 Supp. 130).

Van Loan v. Farmers' Mutual Fire Ins. Ass'n, 90 N. Y. 281.

Distinguished, Insurance — Agent — Authority.

88 Hun, 463; (68 St. Rep. 811; 34 Supp. 874).

Van Loan v. Willis, 13 Daly, 281.

Cited, Chattel Mortgage — Default — Waiver.

2 App. Div. 469; (74 St. Rep. 339; 37 Supp. 1042).

Van Mater v. Burns, 76 Hun, 3; 59 St. Rep. 610; 27 Supp. 624.

Cited, Fraudulent Conveyance — Proof — Statements of Interested Parties.

7 Misc. 600; (59 St. Rep. 294; 28 Supp. 128).

Evidence — Parol — Collateral Agreement.

D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683).

Vann v. Rouse, 94 N. Y. 401.

Cited, Landlord and Tenant — Injury to Tenement — Effect on Covenant for Rent.

3 Misc. 234; (51 St. Rep. 866; 22 Supp. 706).

Van Ness, Matter of, 17 App. Div. 581; 79 St. Rep. 576; 45 Supp. 576.

Van Ness v. Bush, 14 Abb. 33.

Cited, Pleading — Amendment — Time.

4 Misc. 378; (25 Supp. 821).

Van Nest Land & Imp'vt Co. v. New York & Westchester Water Co., 7 App. Div. 295; 40 Supp. 212.

Van Nostrand, Matter of, 3 Misc. 396; 24 Supp. 850.

Cited, Executors — Accounting — Counsel Fees and Disbursements.

19 Misc. 379; (78 St. Rep. 361; 44 Supp. 361).

Van Nostrand, Matter of, 78 Hun, 351; 60 St. Rep. 725; 29 Supp. 112.

Van Nostrand, Matter of, See Bronson, Matter of.

Van Nostrand v. Marvin, 16 App. Div. 28; 78 St. Rep. 679; 44 Supp. 679.

Van Nostrand v. Moore, 52 N. Y. 12.

Cited, Wills — Construction — Irreconcilable Conflict Between Provisions.

1 Misc. 30; (22 Supp. 1082).

Wills — Construction — Severance.

13 Misc. 433; (68 St. Rep. 418; 34 Supp. 685).

Wills — Construction — Conflict with Statute — Presumption.

3 App. Div. 611; (73 St. Rep. 773; 38 Supp. 404).

Van Nostrand v. New York, Lake Erie & W. R. Co., 78 Hun, 549; 61 St. Rep. 167; 29 Supp. 625.

Van Nuys v. Terhune, 3 Johns. Cas. 81.

Cited, Witness — Competency — Interest.

149 N. Y. 84.

Van Pelt v. Van Pelt, 30 Barb. 134.

Cited, Wills — Harsh Terms — Presumption.

16 Misc. 183; (38 Supp. 1133).

Van Olinda v. Hall, 82 Hun, 357; 64 St. Rep. 94; 31 Supp. 495.

Cited, Bill of Particulars — Affidavit by Attorney.

13 Misc. 322; (68 St. Rep. 366; 34 Supp. 462).

Van Olinda v. Hall, 88 Hun, 452; 68 St. Rep. 711; 34 Supp. 777.

Van Orden v. Krouse, 89 Hun, 1; 68 St. Rep. 839; 34 Supp. 1004.

Van Orden v. Morris, 18 Misc. 579; 76 St. Rep. 473; 42 Supp. 473.

Affirmed, 19 Misc. 497; 77 St. Rep. 1108; 43 Supp. 1108.

Van Orden v. Morris, 19 Misc. 497; 77 St. Rep. 1108; 43 Supp. 1108.

Van Orden v. Van Orden, 10 Johns. 30.

Cited, Action — Election of Remedies — Conversion.

4 Misc. 150; (53 St. Rep. 118; 23 Supp. 687).

Duplicate Citations in Parenthesis.

Van Order v. Van Order, 8 Hun, 315.
Cited, Husband and Wife—Separation Agreement.

13 Misc. 593; (71 St. Rep. 597; 36 Supp. 821).

Van Orman v. Van Orman, 34 St. Rep. 824; 11 Supp. 931.

Cited, Wills—Undue Influence—Jury Trial.

83 Hun, 331; (64 St. Rep. 378; 31 Supp. 691).

Van Orsdall v. Hazard, 3 Hill, 243.

Cited, Corporations — Officers — Resignation.

2 Misc. 184; (49 St. Rep. 716; 21 Supp. 765; 23 Civ. Pro. 33).

Van Ostrand v. Wallkill Valley R. Co., 46 St. Rep. 456; 19 Supp. 621.

Cited, Railroads — Fires — Negligence — Question of Fact.

4 App. Div. 470; (74 St. Rep. 152; 38 Supp. 658).

Van Patten v. Schenectady Street R. Co., 80 Hun, 494; 62 St. Rep. 378; 30 Supp. 501.

Cited, Negligence—Contributory.

11 App. Div. 275; (76 St. Rep. 119; 42 Supp. 119).

Van Pelt v. Otter, 2 Sweeny, 202.

Cited, Appeal—Presumption.

91 Hun, 497; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110).

Van Pelt v. Van Pelt, 30 Barb. 134.

Cited, Wills—Undue Influence—Burden of Proof.

15 Misc. 216; (72 St. Rep. 762; 37 Supp. 228).

Van Rensselaer v. Brice, 4 Paige, 174.

Cited, Pleading—Answer—Relevancy.

26 Supp. 731; (23 Civ. Pro. 183).

Van Rensselaer v. Chadwick, 7 How. 297.

Cited, Justice's Court—Jurisdiction—Defective Service—Dismissal of Action.

5 Misc. 120; (25 Supp. 742).

Van Rensselaer v. Jewett, 2 N. Y. 135.

Cited, Interest—Contract—Default.

66 Hun, 169; (48 St. Rep. 881; 21 Supp. 80).

Van Rensselaer v. Kidd, 5 How. 242.

Cited, Costs—Extra Allowance—When Application Made.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

Van Rensselaer v. Mould, 77 Hun, 553; 60 St. Rep. 394; 28 Supp. 901.

Cited, Appeal—Inconsistent Positions.

11 Misc. 174; (66 St. Rep. 545; 32 Supp. 1090).

Ice—Wrongful Appropriation—Right to Damages.

11 Misc. 199; (65 St. Rep. 153; 32 Supp. 97).

Van Rensselaer v. Penniman, 6 Wend. 569.

Cited, Landlord and Tenant—Surrender of Lease—When Termination of Estate.

76 Hun, 305; (57 St. Rep. 803; 27 Supp. 778).

Van Rensselaer v. Poucher, 5 Den. 35.

Cited, Real Property—Estates in—Vesting of Fee.

9 Misc. 644; (62 St. Rep. 221; 30 Supp. 435).

Van Rensselaer v. Radcliff, 10 Wend. 639.

Cited, Trespass—Civil—Who May Bring Action—Title—Possession.

75 Hun, 237; (58 St. Rep. 660; 27 Supp. 40).

Van Rensselaer's Executors v. Roberts, 5 Den. 470.

Cited, Payment—Application—Joint and Individual Indebtedness of Payor.

136 N. Y. 201; (49 St. Rep. 111).

Van Rensselaer v. Van Rensselaer, 113 N. Y. 207; 22 St. Rep. 947.

Cited, Equity—Enforcing Rights in Instruments.

140 N. Y. 255; (55 St. Rep. 543).

Equity—Retaining Jurisdiction for Complete Relief.

138 N. Y. 459; (53 St. Rep. 23). 4 Misc. 437; (54 St. Rep. 139; 24 Supp. 695). 14 App. Div. 374; (77 St. Rep. 1014; 43 Supp. 1014).

Wills—Legacy—Charge on Land.

81 Hun, 119; (62 St. Rep. 675; 30 Supp. 690).

Van Rensselaer v. Witbeck, 7 N. Y. 517.

Cited, Writ and Process—Void—Protection to Officer.

137 N. Y. 11; (49 St. Rep. 887).

Affidavit—Form—Compliance with Statute.

50 Supp. 302.

Duplicate Citations in Parenthesis.

Van Rensselaer v. Witbeck, 7 Barb. 133.

Discredited, Taxes—Sale—Misdescription of Premises.

11 App. Div. 516; (76 St. Rep. 808; 42 Supp. 808).

Van Rensselaer v. Wright, 56 Hun, 39; 29 St. Rep. 468; 8 Supp. 885.

Cited, Landlord and Tenant—Rent—Payment.

4 App. Div. 317; (74 St. Rep. 164; 38 Supp. 705).

Van Rensselaer v. Wright, 121 N. Y. 626; 31 St. Rep. 897.

*Cited, Ejectment—Execution—When Is-
suable.*

70 Hun, 481; (53 St. Rep. 701; 24 Supp. 146). 4 App. Div. 317; (74 St. Rep. 164; 38 Supp. 705).

Ejectment—Judgment — Termination of Lease.

D. 4 App. Div. 317; (39 Supp. 989).

Ejectment—Non-payment of Rent—Redemption.

4 App. Div. 318; (39 Supp. 989).

Adverse Possession—What Constitutes.

D. 12 App. Div. 116; (76 St. Rep. 537; 42 Supp. 537).

Van Riper, Matter of, 20 Wend. 614.

*Cited, Corporations — Liability — Stock-
holders.*

84 Hun, 190; (65 St. Rep. 318; 32 Supp. 195).

Van Riper v. Poppenhauser, 43 N. Y. 68.

*Cited, Costs—Executors—Equity—Refer-
ence.*

56 St. Rep. 433; (26 Supp. 96).

*Partnership—Limited—Liability of Estate
of Special Partner.*

18 Misc. 556; (41 Supp. 992). 16 App. Div. 331; (78 St. Rep. 619; 44 Supp. 619).

Van Saun v. Farley, 4 Daly, 167.

*Cited, Executors—Limitation of Actions
on Claims—Notice of Rejection, Necessity.*

1 Misc. 10; (48 St. Rep. 513; 20 Supp. 662).

Van Schaack v. Saunders, 32 Hun, 515.

*Cited, Executors—Powers Before Pro-
bate.*

150 N. Y. 58.

**Van Schaick v. Hudson River R.
Co.**, 43 N. Y. 527.

*Cited, Negligence—Contributory—Unex-
pected Movement of Cars.*

92 Hun, 60; (71 St. Rep. 765; 36 Supp. 569).

Van Schaick v. Ramsey, 90 Hun, 550; 70 St. Rep. 666; 35 Supp. 1006.

Van Schaick v. Van Buren, 70 Hun, 575; 53 St. Rep. 827; 24 Supp. 306.

Cited, Contracts—Uncertainty.

77 Hun, 556; (60 St. Rep. 395; 28 Supp. 923).

Van Schaick v. Winne, 16 Barb. 89.

Cited, Pleading—Conclusions of Law.

8 App. Div. 58; (40 Supp. 427).

**Van Schoick v. Niagara Fire Ins.
Co.**, 68 N. Y. 434.

Cited, Insurance—Conditions—Notice.

135 N. Y. 302; (47 St. Rep. 863).

*Insurance—Inconsistent Facts — Knowl-
edge of Agent.*

66 Hun, 549; (49 St. Rep. 869; 21 Supp. 666). 66 Hun, 225; (49 St. Rep. 10; 21 Supp. 52).

*Insurance — Waiver of Conditions—
Knowledge of Agent.*

137 N. Y. 396; (50 St. Rep. 682). 78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252). 84 N. Y. 505; (65 St. Rep. 698; 32 Supp. 425).

*Insurance—Policy — Avoidance—Mistake
of Agent.*

70 Hun, 491; (53 St. Rep. 746; 24 Supp. 386). 7 App. Div. 582; (40 Supp. 305).

Insurance—Fire—Conditions—Waiver.

142 N. Y. 387; (59 St. Rep. 779). 79 Hun, 120; (61 St. Rep. 372; 29 Supp. 515). 15 App. Div. 621; (78 St. Rep. 770; 44 Supp. 770). 149 N. Y. 484.

Insurance—Mistake—Reformation.

7 App. Div. 586; (40 Supp. 308).

Evidence—Parol—Insurance—Warranty.

84 Hun, 8; (65 St. Rep. 28; 31 Supp. 1083). 16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509).

Van Schoeyck v. Backus, 9 Hun, 68.

*Cited, Contracts—Employment—Statute
of Frauds.*

11 Misc. 383; (65 St. Rep. 294; 32 Supp. 147).

Van Schuyler v. Mulford, 59 N. Y. 426.

*Cited, Wills—Suspension of Power of
Alienation.*

82 Hun, 374; (64 St. Rep. 92; 31 Supp. 493). 82 Hun, 485; (64 St. Rep. 192; 31 Supp. 557). 13 App. Div. 351; (77 St. Rep. 24; 43 Supp. 24). D. 13 App. Div. 353; (77 St. Rep. 26; 43 Supp. 26).

Wills—Trusts—Severance.

13 Misc. 434; (68 St. Rep. 413; 34 Supp. 685).

Duplicate Citations in Parenthesis.

Van Sickel v. Ilsley, 75 Hun, 537; 58 St. Rep. 731; 27 Supp. 1113.

Affirmed, 149 N. Y. 569.

Cited, Master and Servant—Negligence—Fellow Servants.

2 App. Div. 63; (72 St. Rep. 504; 37 Supp. 318)

Master and Servant—Negligence—Appliances.

2 App. Div. 72; (72 St. Rep. 511; 37 Supp. 325). 3 App. Div. 383; (39 Supp. 247). 5 App. Div. 66; (38 Supp. 1052).

Master and Servant—Risks Assumed.

D. 2 App. Div. 68; (72 St. Rep. 508; 37 Supp. 322).

Van Sickle v. Atlantic Ave. R. Co., 12 Misc. 217; 66 St. Rep. 857; 33 Supp. 265.

Van Sickler v. Graham, 7 How. 208.

Cited, Costs—Disputed Claim—Disbursements—Reference—Executors.

8 Misc. 470; (60 St. Rep. 601; 29 Supp. 671).

Van Slooten v. Dodge, 145 N. Y. 327; 64 St. Rep. 632.

Cited, Executors—Increasing Liability of Estate.

4 App. Div. 477; (74 St. Rep. 489; 38 Supp. 810).

Executors—Claims Against Estate—Reference.

13 App. Div. 23, 24; (77 St. Rep. 114, 115; 43 Supp. 114, 115).

Van Slooten v. Wheeler, 76 Hun, 55; 59 St. Rep. 147; 27 Supp. 666.

Reversed, 145 N. Y. 327; 64 St. Rep. 682.

Van Slooten v. Wheeler, 50 St. Rep. 36; 21 Supp. 336.

Van Slooten v. Wheeler, 110 N. Y. 624; 55 St. Rep. 554.

Cited, Evidence — Sufficiency — Claims Against Estate.

91 Hun, 92; (71 St. Rep. 705; 36 Supp. 685). 4 App. Div. 461; (74 St. Rep. 153; 38 Supp. 660). 4 App. Div. 443; (74 St. Rep. 158; 38 Supp. 666). 15 Misc. 538; (38 Supp. 106). 39 Supp. 552.

Van Slyck v. Snell, 6 Lans. 299.

Cited, Animals — On Leased Farm — Injuries by.

67 Hun, 629; (51 St. Rep. 226; 22 Supp. 566).

Van Slyke v. Hyatt, 46 N. Y. 259.

Cited, Motions and Orders — To Amend Irregular Proceedings — Prayer for Wrong Relief.

1 Misc. 76; (48 St. Rep. 410; 20 Supp. 532).

Pleading—Relief Under.

7 Misc. 562; (58 St. Rep. 514; 28 Supp. 10; 23 Civ. Pro. 365). 10 Misc. 204; 63 St. Rep. 177; 30 Supp. 946; 24 Civ. Pro. 91). 12 Misc. 64; (66 St. Rep. 690; 33 Supp. 89; 24 Civ. Pro. 398; 1 Ann. Cas. 284). 14 Misc. 303; (70 St. Rep. 685; 35 Supp. 1060; 25 Civ. Pro. 127; 2 Ann. Cas. 214).

Reference—Report and Findings.

9 Misc. 95; (59 St. Rep. 694; 29 Supp. 5).

Van Steenberg v. Bigelow, 3 Wend. 43.

Cited, Appeal—Determination of Referee—Highways.

147 N. Y. 663; (71 St. Rep. 268).

Van Steenburgh v. Tobias, 17 Wend. 562.

Cited, Damages—Amount — Uncertainty—Conjecture.

71 Hun, 235; (54 St. Rep. 576; 24 Supp. 1086).

Pleading — Demurrer — When Lies—Misjoinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20).

Van Suan v. Farley, 4 Daly, 165

Cited, Limitation of Action — Claim Against Decedent's Estate—Rejection.

2 Misc. 358; (51 St. Rep. 121; 21 Supp. 994).

Van Sycles v. Perry, 3 Robt. 621.

Cited, Pleading — Complaint — Amendment.

10 Misc. 72; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 86; 1 Ann. Cas. 41).

Van Tassel v. Beecher, 8 Misc. 26; 59 St. Rep. 308; 28 Supp. 73.

Van Tassel v. Capron, 1 Den. 250.

Cited, Libel—Actionable Per Se—Official Character.

76 Hun, 490; (58 St. Rep. 486; 27 Supp. 1047). 78 St. Rep. 82; (44 Supp. 82).

Van Tassel v. Greenwich Ins. Co., 72 Hun, 141; 55 St. Rep. 431; 25 Supp. 301.

Cited, 151 N. Y. 133.

Insurance—Reasonable Time — Question of Law.

D. 11 Misc. 519; (66 St. Rep. 109; 32 Supp. 762).

Van Tassel v. Greenwich Ins. Co., 151 N. Y. 130.

Reversing, 83 Hun, 612; 64 St. Rep. 882; 31 Supp. 1134.

Van Tassel v. N. Y., L. E. & W. R. Co., 142 N. Y. 634; 60 St. Rep. 867.

Duplicate Citations in Parenthesis.

Van Tassel v. Manhattan Eye & Ear Hospital, 39 St. Rep. 781; 15 Supp. 620.

Cited, Negligence — Hospitals — Employees.

89 Hun, 74; (69 St. Rep. 431; 35 Supp. 37; 2 Ann. Cas. 365).

Van Tassel v. Marks, 4 N. Y. Law. Bull. 19.

Cited, Arrest—Vacation.

D. 16 App. Div. 480; (78 St. Rep. 956; 44 Supp. 956).

Van Tassel v. Williams, 76 Hun, 503; 59 St. Rep. 369; 27 Supp. 1067.

Cited, Notice—Defective Condition.

10 Misc. 736; (64 St. Rep. 505; 31 Supp. 803).

Van Tassell v. New York, Lake Erie & Western R. Co., 1 Misc. 299; 48 St. Rep. 767; 20 Supp. 708.

Affirmed, 143 N. Y. 634; 60 St. Rep. 867.

Cited, 14 Misc. 561; (70 St. Rep. 693; 35 Supp. 1068).

Witness—Cross-Examination.

11 Misc. 325; (65 St. Rep. 232; 32 Supp. 140).

Van Tine v. Crane, 1 Wend. 524.

Cited, Partnership—Liability of Partners—Nature.

86 Hun, 347; (67 St. Rep. 617; 33 Supp. 946).

Van Tine v. Nims, 3 Abb. 39.

Cited, Municipal Corporations—Common Council—Powers—Witnesses.

16 Misc. 136; (74 St. Rep. 546; 38 Supp. 956).

Van Tuyl v. Gardener, 8 Misc. 468; 60 St. Rep. 599; 29 Supp. 669.

Van Tuyl v. Westchester Fire Ins. Co., 55 N. Y. 657.

Cited, Insurance—Policy—Reformation.

7 App. Div. 586; (40 Supp. 308).

Van Valen v. Lapham, 5 Duer. 689.

Cited, Pleading—Answer—Counterclaim—Time of Acquiring.

77 Hun, 468; (60 St. Rep. 406; 28 Supp. 871).

Van Valen v. Schermerhorn, 22 How. 416.

Cited, Evidence—Presumptions—Recording of Deeds—Parol Evidence.

79 Hun, 525; (61 St. Rep. 598; 29 Supp. 908).

Infants—Contracts—Disaffirmance.

59 St. Rep. 516; (29 Supp. 1122).

Mortgage—Recovery—Delivery.

77 Hun, 612; (61 St. Rep. 364; 29 Supp. 786).

Van Valkenburgh v. American Popular Life Ins. Co., 70 N. Y. 605.

Cited, Burden of Proof—Violation of Conditions—Insurance.

5 Misc. 252; (54 St. Rep. 822; 25 Supp. 474). 82 Hun, 272; (63 St. Rep. 795; 31 Supp. 346).

Van Valkenburg v. Croffut, 15 Hun, 147.

Cited, Contracts—Statute of Frauds—Performance—Compensation.

72 Hun, 632; (55 St. Rep. 285; 25 Supp. 164).

Van Valkenburgh v. Lenox Fire Ins. Co., 51 N. Y. 465.

Cited, Insurance—Cancellation of Policy—Notice.

13 App. Div. 523; (77 St. Rep. 635; 43 Supp. 635).

Van Valkenburgh v. Watson, 13 Johns. 480.

Cited, Parent and Child—Obligation to Support—Third Person—Promise.

8 Misc. 649; (61 St. Rep. 61; 29 Supp. 1046). 85 Hun, 29, 30; (66 St. Rep. 110, 111; 32 Supp. 602; 1 Ann. Cas. 294). 18 Misc. 452; (76 St. Rep. 9; 42 Supp. 9).

Van Vechten v. Hopkins, 5 Johns. 211.

Cited, Libel—Designation of Person.

14 Misc. 329; (70 St. Rep. 357; 35 Supp. 840).

Van Vechten v. McKone, 69 Hun, 510; 52 St. Rep. 622; 23 Supp. 428.

Van Vechten v. Pruyn, 13 N. Y. 549.

Cited, Bills and Notes—Notice of Protest—Service.

D. 2 Misc. 231; (50 St. Rep. 590; 22 Supp. 364).

Van Vechten v. Van Vechten, 47 St. Rep. 511; 20 Supp. 140.

Cited, Witness—Transaction With Decedent.

15 Misc. 290; (72 St. Rep. 429; 36 Supp. 985).

Van Vleck v. Enos, 88 Hun, 348; 68 St. Rep. 572; 34 Supp. 754.

Van Vleet v. Jones, 75 Hun, 340; 58 St. Rep. 291; 26 Supp. 1082.

Van Vleet v. McCarn, 18 St. Rep. 73; 2 Supp. 675.

Cited, Evidence—Sufficiency—Gift.

4 Misc. 567; (25 Supp. 787). 17 App. Div. 10; (78 St. Rep. 842; 44 Supp. 842). D. 16 App. Div. 551; (78 St. Rep. 995; 44 Supp. 995).

Duplicate Citations in Parenthesis.

- Van Vliet, Matter of**, 5 Misc. 169; 25 Supp. 722.
- Van Voorhis v. Brintnall**, 86 N. Y. 18.
Cited, Marriage—Foreign—Validity.
92 Hun, 417; (71 St. Rep. 665; 36 Supp. 611). 17 Misc. 485; (75 St. Rep. 819; 41 Supp. 417).
- Van Voorhis v. Budd**, 39 Barb. 479.
Cited, Name—Middle Letter as Part.
69 Hun, 16; (52 St. Rep. 552; 23 Supp. 216).
Taxes—Assessment—Name.
11 Misc. 236; (65 St. Rep. 813; 32 Supp. 488). 86 Hun, 287.
- Van Voorhis v. Kelly**, 65 How. 500.
Cited, Equity—Jurisdiction—Retaining for Complete Relief.
69 Hun, 244; (53 St. Rep. 353; 23 Supp. 588).
- Van Voorhis v. Webster**, 85 Hun, 591; 66 St. Rep. 793; 33 Supp. 121.
Cited, Partnership—Rights of Special Partner.
11 App. Div. 313; (76 St. Rep. 504; 42 Supp. 504).
- Van Vranken v. Clifton Springs**, 86 Hun, 67; 67 St. Rep. 72; 33 Supp. 329.
- Van Vranken v. Schenectady, City of**, 31 Hun, 516
Cited, Statutes—Repral—Implication—Subsequent Amendment.
77 Hun, 377; (60 St. Rep. 413; 28 Supp. 874)
- Van Wagenen v. Genesee F. P. S. & L. Ass'n**, 88 Hun, 43; 68 St. Rep. 498; 34 Supp. 491.
- Van Wagner v. Central N. E. & W. R. Co.**, 80 Hun, 278; 62 St. Rep. 35; 30 Supp. 165.
- Van Wagener v. Royce**, 21 Supp. 191.
- Van Wagener v. Terrett**, 27 Barb. 181.
Cited, Assignment—Equitable—Orders—Performance by Drawer.
67 Hun, 64; (51 St. Rep. 376; 22 Supp. 18).
- Van Wagonen, Matter of**, 69 Hun, 365; 52 St. Rep. 699; 23 Supp. 636.
- Van Wert, Matter of**, 3 Misc. 563; 24 Supp. 719.
Cited, Executors—Accounting—Limitation
15 Misc. 560; (74 St. Rep. 302; 37 Supp. 1131).
- Van Wert v. St. Paul Fire and Marine Ins. Co.**, 90 Hun, 465; 71 St. Rep. 223; 36 Supp. 54.
Cited, Insurance—Policy—Cancellation.
8 App. Div. 110; (40 Supp. 463).
- Van Wert v. St. Paul Fire & Marine Ins. Co.**, 8 App. Div. 107; 40 Supp. 463.
- Van Wickle v. Baron**, 5 App. Div. 130; 39 Supp. 85.
- Van Wickle v. Mechanics & Traders Ins. Co.**, 97 N. Y. 350.
Cited, 14 Misc. 650; (70 St. Rep. 250; 35 Supp. 829).
- Van Wie v. Loomis**, 77 Hun, 399; 60 St. Rep. 51; 28 Supp. 803.
- Van Winkle v. Bacon**, 73 St. Rep. 879; 39 Supp. 1134.
- Van Woert v. Albany & S. R. Co.**, 67 N. Y. 538.
Cited, Contract—Interpretation—Time of Performance.
77 Hun, 516; (60 St. Rep. 661; 29 Supp. 91). 40 Supp. 1016.
Contracts—Statute of Frauds—Part Performance—Sale.
6 Misc. 97; (55 St. Rep. 494; 26 Supp. 13).
Sale—Acceptance.
17 Misc. 140; (39 Supp. 401).
- Van Wormer v. Albany**, 15 Wend. 262.
Cited, Constitutional Law—Police Power—Protection of Public Health.
6 Misc. 520; (56 St. Rep. 849; 27 Supp. 167). 89 Hun, 251.
Board of Health—Powers.
19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas 381).
- Van Wyck, Matter of**, 1 Barb. Ch. 565.
Cited, Executors—Powers Over Real Estate.
16 Misc. 246; (39 Supp. 189).
- Van Wyck v. Allen**, 69 N. Y. 61.
Cited, Sale—Implied Warranty.
4 App. Div. 97; (74 St. Rep. 497; 38 Supp. 546).
- Van Wyck v. Aspinwall**, 17 N. Y. 190.
Cited, Libel and Slander—Privileged Communications.
138 N. Y. 523; (53 St. Rep. 97). 5 App. Div. 608; (39 Supp. 461).
- Van Wyck v. Baker**, 16 Hun, 168.
Cited, Fraudulent Conveyances—To Creditor—Allowing to Stand as Security.
75 Hun, 520; (57 St. Rep. 349; 27 Supp. 730). D. 68 Hun, 291; (52 St. Rep. 198; 22 Supp. 857).
- Van Wyck v. Bloodgood**, 1 Bradf. 154.
Cited, Wills—Legacy—Lapse.
14 App. Div. 132; (77 St. Rep. 579; 43 Supp. 579).

*Duplicate Citations in Parenthesis.***Van Wyck v. Brasher**, 81 N. Y. 260*Cited*, Wills—Capacity—Drunkness.

15 Misc. 311; (73 St. Rep. 436; 37 Supp. 759). 16 Misc. 244; (39 Supp. 188).

Wills—Capacity—Drunkness — Burden of Proof.

15 Misc. 313; (73 St. Rep. 437; 37 Supp. 760). 17 Misc. 551; (75 St. Rep. 677; 41 Supp. 266).

Van Wyck v. Guthrie, 4 Duer. 268.*Affirmed*, 17 N. Y. 190.*Cited*, Pleading — Answer—Sufficiency—Libel—Jurisdiction.

79 Hun, 571; (61 St. Rep. 538; 29 Supp. 922).

Van Wyck v. Hardy, 39 How. 392.*Cited*, Forthwith—Definition.

14 Misc. 126; (70 St. Rep. 332; 35 Supp. 856). 2 App. Div. 3; (72 St. Rep. 498; 37 Supp. 443).

Van Wyck v. Lent, 33 Hun, 301.*Cited*, Highway — Encroachments — Removal by Commissioner.

67 Hun, 292; (50 St. Rep. 771; 22 Supp. 423).

Van Wyck v. Seward, 18 Wend. 375.*Cited*, Creditors—Who Are—Contingent Liability.

89 Hun, 566; (70 St. Rep. 119; 35 Supp. 551). 18 Misc. 117; (41 Supp. 115).

Van Wyck v. Watters, 81 N. Y. 352.*Cited*, Usury—Gratuity to Agent.

17 Misc. 130; (39 Supp. 419).

Usury—Burden of Proof.

150 N. Y. 364.

Van Wyck v. Wright, 18 Wend. 157.*Cited*, Evidence — Documentary — Deeds of Third Persons—Reference to Map.

50 St. Rep. 354; (21 Supp. 329).

Van Wycklen v. Brooklyn, 118 N. Y. 424; 29 St. Rep. 790.*Cited*, Expert—Evidence — Opinions and Conclusions—Matters of Fact.

75 Hun, 606; (59 St. Rep. 625; 27 Supp. 595). 51 St. Rep. 535; (22 Supp. 22). 142 N. Y. 38; (58 St. Rep. 440). 83 Hun, 525; (65 St. Rep. 123; 32 Supp. 86). 11 App. Div. 14; (76 St. Rep. 261; 42 Supp. 261). 16 App. Div. 577; (78 St. Rep. 952; 44 Supp. 952). 16 Misc. 338; (38 Supp. 79). 6 App. Div. 74; (39 Supp. 744). 79 St. Rep. 1078; (45 Supp. 1072). D. 69 Hun, 178; (52 St. Rep. 741; 22 Supp. 359).

Witness—Expert—Cross-Examination.

11 App. Div. 88; (76 St. Rep. 847; 42 Supp. 847).

Waters—Drawing Off — Excavation on Adjoining Land—Liability.

141 N. Y. 524; (57 St. Rep. 721).

Van Zandt v. Cobb, 12 How. 244.*Cited*, Discovery—The Right—Discretion.

5 Misc. 494; (55 St. Rep. 160; 25 Supp. 801).

Van Zandt v. Furlong, 44 St. Rep. 384; 18 Supp. 54.*Cited*, Principal and Agent — Agent's Authority—Implied.

7 Misc. 606; (58 St. Rep. 759; 27 Supp. 867).

Van Zandt v. Van Zaudt, 26 St. Rep. 963; 7 Supp. 706; 17 Civ. Pro. 448.*Cited*, Interpleader—Availability.

89 Hun, 385; (69 St. Rep. 784; 35 Supp. 399; 25 Civ. Pro. 292; 2 Ann. Cas. 224).

Varet v. New York Ins. Co., 7 Paige, 560.*Cited*, Courts — Equitable Jurisdiction — Deprivation of.

1 Misc. 459; (49 St. Rep. 609; 21 Supp. 791).

Varian v. Johnson, 108 N. Y. 645; 13 St. Rep. 651.*Cited*, Building—Contract—Waiver.

14 Misc. 408; (70 St. Rep. 759; 35 Supp. 1038).

Varick v. Smith, 5 Paige 137.*Cited*, Eminent Domain—Expediency—Legislature.

86 Hun, 458; (67 St. Rep. 716; 33 Supp. 940).

Waters—Diversion—Compensation.

86 Hun, 460; (67 St. Rep. 718; 33 Supp. 941).

Varnum v. Hart, 119 N. Y. 101; 28 St. Rep. 262.*Cited*, Corporations—Insolvency—Creditors—Preference.

79 Hun, 110; 61 St. Rep. 141; 29 Supp. 661). 81 Hun, 276; (62 St. Rep. 782; 30 Supp. 798). 145 N. Y. 443; (65 St. Rep. 385). 87 Hun, 604; (68 St. Rep. 657; 34 Supp. 545). 15 Misc. 401; (73 St. Rep. 411; 37 Supp. 824). 4 App. Div. 102; (74 St. Rep. 609; 38 Supp. 898). 7 App. Div. 111.

12 App. Div. 494; (76 St. Rep. 804; 42 Supp. 804). 15 App. Div. 341; (78 St. Rep. 56; 44 Supp. 56).

Corporations—Insolvent—Receiver — Attachment—Priority.

8 App. Div. 302; (40 Supp. 1139).

Varnum v. Wheeler, 9 Civ. Pro. 421.*Cited*, Costs—Stenographer's Fees—Preparing Case.

75 Hun, 510; (57 St. Rep. 685; 27 Supp. 513).

*Duplicate Citations in Parenthesis.***Vartie v. Underwood**, 18 Barb. 561.

Cited, Husband and Wife—Wife's Realty—Contracts Relating to.

138 N. Y. 300; (52 St. Rep. 370).

Mortgage—Foreclosure—Judgment—Deficiency.

9 Misc. 640; (62 St. Rep. 110; 30 Supp. 357).

Vassar, Matter of, 127 N. Y. 1.

Cited, Tax—Inheritance—Time of Appraisal.

8 App. Div. 61; (40 Supp. 568). 152 N. Y. 101.

Vassar v. Camp, 11 N. Y. 441.

Cited, Contract—Offer—Conditional Acceptance.

9 Misc. 78; (59 St. Rep. 748; 29 Supp. 288).

Contracts—When Binding.

144 N. Y. 214; (63 St. Rep. 79). 149 N. Y. 391.

Contracts—Locus.

150 N. Y. 322.

Vaughan v. Havens, 8 Johns. 109.

Cited, Pleading—General Issue and Notice of Special Matter.

D. 142 N. Y. 257; (58 St. Rep. 779).

Vaughn v. Buffalo, R. & P. R. Co.,

72 Hun, 471; 54 St. Rep. 782; 25 Supp. 246.

Cited, Railroads—Restoration of Highway.

151 N. Y. 442.

Vaughn v. Lego, 17 St. Rep. 279; 1 Supp.

689; 15 Civ. Pro. 164.

Cited, Pleading—Amendment—On Trial.

6 Misc. 149; (56 St. Rep. 410; 26 Supp. 34).

Vaughn v. Port Chester, Village of,

115 N. Y. 637; 23 St. Rep. 994.

Cited, Taxes—Unlawful Assessment—Recovery of Tax Paid.

74 Hun, 431; (57 St. Rep. 210; 26 Supp. 591).

Vaughn v. Port Chester, Village of,

135 N. Y. 460; 48 St. Rep. 436.

Affirming, 60 Hun, 401; 39 St. Rep. 792; 15 Supp. 474.

Cited, Taxes—Payment—Recovery.

91 Hun, 216; (71 St. Rep. 135; 36 Supp. 212). 151 N. Y. 18.

Vaughn v. Strong, 66 Hun, 273; 49 St.

Rep. 317; 21 Supp. 550.

Vaughn v. Strong, 66 Hun, 278; 49 St.

Rep. 319; 21 Supp. 154.

Cited, Costs—Against Personal Representatives.

83 Hun, 406; (64 St. Rep. 669; 31 Supp. 880).

Vaughn v. Strong, 22 St. Rep. 369; 4 Supp. 686.

Cited, Evidence—Documentary—Entries by Decedents.

49 St. Rep. 562; (20 Supp. 912).

Vaupell v. Woodward, 2 Sandf. 143.

Cited, Contract—Impeachment—Validity.

77 Hun, 294; (59 St. Rep. 756; 28 Supp. 337).

Pleadings—Answer—Statute of Frauds—Waiver.

139 N. Y. 386; (54 St. Rep. 662; 30 Abb. N. C. 419)

Vaus v. Middlebrook, 3 St. Rep. 277.

Cited, Libel and Slander—Meaning of Words—Question for Jury.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Vedder, Matter of, 14 St. Rep. 470.

Cited, Wills — Testamentary Capacity—Delusions.

15 Misc. 317; (37 St. Rep. 440; 37 Supp. 763).

Vedder, Matter of, 42 St. Rep. 300; 17 Supp. 93.

Cited, Wills—Bequest of Income—Increment.

85 Hun, 574; (66 St. Rep. 826; 33 Supp. 198).

Vedder, Matter of. See Clark, Matter of.**Vedder v. Fellows**, 20 N. Y. 126.

Cited, Trial—Questions of Law—Reasonableness of Regulations—Railroads.

79 Hun, 35; (61 St. Rep. 195; 29 Supp. 734). 14 App. Div. 496; (77 St. Rep. 1045; 43 Supp. 1045). 151 N. Y. 241; (3 Ann. Cas. 316).

Vedder v. Van Buren, 14 Hun, 250.

Cited, Damages—Measure—Conversion.

5 Misc. 25; (25 Supp. 144). D. 16 App. Div. 474; (78 St. Rep. 941; 44 Supp. 941).

Vedder v. Vedder, 1 Den. 257.

Cited, Nuisance—Liability of Occupant.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 182).

Veeder v. Baker, 83 N. Y. 163.

Cited, Res Adjudicata—Motion.

14 Misc. 180; (69 St. Rep. 811; 35 Supp. 381). 150 N. Y. 333; (3 Ann. Cas. 262).

Corporations — Trustees' Liability — Penalty.

92 Hun, 337; (72 St. Rep. 710; 37 Supp. 412). 18 Misc. 101; (41 Supp. 832).

Veeder v. Little Falls, Village of,

100 N. Y. 843.

Cited, Municipal Corporations — Un guarded Embankment—Liability.

79 St. Rep. 1116; (45 Supp. 1116).

*Duplicate Citations in Parenthesis.***Veeder v. Mudgett**, 95 N. Y. 295.

Cited, Corporations—Stock Issued for Services.

49 St. Rep. 498; (20 Supp. 745).

Corporation—Stockholder's Liability.

89 Hun, 567; (70 St. Rep. 119; 35 Supp. 552). 151 N. Y. 65.

Estoppel—Written Instrument.

135 N. Y. 334; (48 St. Rep. 249). 16 App. Div. 164; (78 St. Rep. 726; 44 Supp. 726).

Veeder v. Relyea, 70 Hun, 541; 53 St. Rep. 749; 24 Supp. 188.

Vega v. French, 79 Hun, 364; 61 St. Rep. 438; 29 Supp. 450.

Cited, Trial—Question of Fact.

8 App. Div. 611; (41 Supp. 1134).

Veiller v. Brown, 1 Law Bull. 49.

Cited, Parties—Substitution—Receiver.

20 Misc. 320; (79 St. Rep. 850; 45 Supp. 850).

Veiller v. Oppenheim, 75 Hun, 21; 58 St. Rep. 190; 26 Supp. 1051; 31 Abb. N. C. 181.

Cited, Discovery and Inspection — When Granted.

12 Misc. 4, 5; (66 St. Rep. 523, 524; 33 Supp. 24; 25). 89 Hun, 613; (69 St. Rep. 755; 35 Supp. 310).

Veit v. Dill, 78 Hun, 171; 60 St. Rep. 262; 28 Supp. 937.

Venice v. Woodruff, 62 N. Y. 462.

Cited, Depositions — Preliminary Examination—Perpetuating Testimony.

9 Misc. 418; (61 St. Rep. 702; 30 Supp. 191).

Equity — Relief — Offer to do Equity — Pleading.

9 Misc. 325; (60 St. Rep. 447; 30 Supp. 262).

Equity — Jurisdiction — Multiplicity of Suits.

11 App. Div. 465; (76 St. Rep. 383; 42 Supp. 383).

Equity — Jurisdiction — Cancellation of Instrument.

16 App. Div. 391; (79 St. Rep. 27; 45 Supp. 27).

Mortgage—Foreclosure—Senior Liens.

79 Hun, 98; (61 St. Rep. 144; 29 Supp. 666).

Towns—Bonds—Equities.

83 Hun, 99; (63 St. Rep. 816; 31 Supp. 403).

Vergennes Bank v. Cameron, 7 Barb. 143.

Cited, Bills and Notes — Accommodation Indorsement—Notice.

20 Misc. 302; 79 St. Rep. 802; 45 Supp. 802).

Vermilya v. Beatty, 6 Barb. 429.

Cited, Executors — Foreign — Right to Sue.

13 App. Div. 326; (77 St. Rep. 143; 43 Supp. 143).

Vermilyea v. Palmer, 52 N. Y. 471.

Cited, New Trial—For Matters Pertaining to Verdict—Substantial Error.

76 Hun, 590; (58 St. Rep. 276; 28 Supp. 217).

Trial—Verdict—Power of Court Over.

69 Hun, 524; (52 St. Rep. 847). 86 Hun, 145; (67 St. Rep. 126; 33 Supp. 381).

Appeal—New Trial—Exceptions.

10 Misc. 726; (65 St. Rep. 104; 31 Supp. 1010).

Appeal—To Court of Appeal—Review of Facts.

13 App. Div. 127; (76 St. Rep. 1101; 42 Supp. 1101)

Appeal—Equity Cases—Errors in Admission of Evidence.

19 Misc. 201; (77 St. Rep. 66; 43 Supp. 66).

Vermilyea v. Vermilyea, 14 How. 470.

Cited, Divorce—Pleading.

20 Misc. 645.

Vermont Marble Works v. Wilkes, 62 St. Rep. 121; 30 Supp. 381.

Vernam v. Smith, 15 N. Y. 327.

Cited, Landlord and Tenant—Lease—Covenants—Implied.

3 App. Div. 83; (74 St. Rep. 837; 38 Supp. 1026).

Vernier v. Knauth, 7 App. Div. 57; 39 Supp. 784.

Vernon v. Gillen Printing Co., 16 Misc. 507; 39 Supp. 172.

Vernon v. Manhattan Co., 22 Wend. 183.

Cited, Partnership—Dissolution—Notice.

14 Misc. 609; (71 St. Rep. 448; 36 Supp. 461).

Vernon v. Palmer, 48 Super. 231.

Cited, Corporations—Stockholder's Liability—Debt.

86 Hun, 324; (67 St. Rep. 199; 33 Supp. 486).

Vernon v. Vernon, 53 N. Y. 351.

Cited, Life Tenants—Charging Land for Support.

67 Hun, 247; (50 St. Rep. 818; 22 Supp. 200).

Trusts—Testamentary—Implied.

9 Misc. 290; (61 St. Rep. 308; 30 Supp. 278).

Wills—Trusts—Income of Estate.

Duplicate Citations in Parenthesis.

3 Misc. 471; (23 Supp. 737).
Wills—Construction—Prevention of Intestacy.

73 Hun, 488; (56 St. Rep. 29; 26 Supp. 395).
53 St. Rep. 841; (24 Supp. 352). 4 Misc. 561;
(25 Supp. 344). 15 Misc. 320; (73 St. Rep.
123; 37 Supp. 584).

3 App. Div. 439; (39 Supp. 513).

Wills—Provision for Widow—When in
Lieu of Dower.

5 App. Div. 137; (39 Supp. 61). 14 App.
Div. 574; (77 St. Rep. 902; 43 Supp. 903).

Distinguished, Wills—Power of Sale—
Equitable Conversion.

79 St. Rep. 872; (45 Supp. 872).

Varnum v. Wheeler, 35 Hun, 53.

Cited, Waters—Diversion.

75 Hun, 424; (57 St. Rep. 346; 27 Supp 740).

**Verona Central Cheese Co. v. Mur-
taugh**, 50 N. Y. 314.

Cited, Statutes—Construction—Penal.

49 St. Rep. 177; (21 Supp. 340). 138 N. Y.
415; (53 St. Rep. 3). 14 Misc. 594; (72 St.
Rep. 257; 25 Civ. Pro. 118; 2 Ann. Cas.
268).

Statutes—Penal—Intent.

10 Misc. 462; (64 St. Rep. 27; 31 Supp. 451).

Verplanck, Matter of, 91 N. Y. 439.

Cited, Surrogate—Jurisdiction—Account-
ing—Determining Validity of Devise.

137 N. Y. 403; (51 St. Rep. 3; 29 Abb.
N. C. 473).

Surrogate's Court — Jurisdiction — Con-
struction of Wills.

73 Hun, 366; (56 St. Rep. 3; 26 Supp.
929). 71 Hun, 346; (55 St. Rep. 21; 25
Supp. 4). 8 Misc. 576, 583; (60 St. Rep.
688, 692; 29 Supp. 1085, 1090; 24 Civ. Pro.
71, 78). 17 Misc. 495; (75 St. Rep. 672; 41
Supp. 362).

Wills—Construction—Perpetuities—Lim-
itation Over.

3 Misc. 477; (23 Supp. 741).

Wills—Devise to Class—Who Included.

66 Hun, 607; (50 St. Rep. 373; 22 Supp.
34).

Trusts—Solidarity—Severance.

140 N. Y. 145; (55 St. Rep. 550).

Verplanck v. De Went, 10 Hun, 611.

Cited, Wills—Advancements—Interest.

15 Misc. 372; (72 St. Rep. 825; 28 Supp.
428).

Verplanck v. Kendall, 45 Super. 525.
Cited, Reference—Long Account—Char-
acter of Complaint.

142 N. Y. 251; (58 St. Rep. 775).

**Verplanck v. Mercantile Insurance
Co.**, 1 Edw. Ch. 84.

Cited, Corporations—Dissolution—Mode.
14 App. Div. 397; (78 St. Rep. 25; 44 Supp.
25).

**Verplanck v. Mercantile Insurance
Co.**, 2 Paige, 438.

Cited, Receivers—Powers—Appointment
of Deputy.

18 Misc. 390; (75 St. Rep. 1039; 41 Supp.
653).

Verplanck v. Sterry, 12 Johns. 536.

Cited, Conveyance—Fraudulent—Consid-
eration.

20 Misc. 501; (79 St. Rep. 739; 45 Supp.
739).

Verplanck v. Van Buren, 76 N. Y. 247.

Cited, Conspiracy—Common Law.

67 Hun, 338; (51 St. Rep. 442; 22 Supp.
133).

Conspiracy—When Actionable.

11 Misc. 212; (66 St. Rep. 575; 32 Supp.
1120).

Equity—Jurisdiction—Fraud.

72 Hun, 88; (55 St. Rep. 870; 25 Supp.
623).

Judgment—Collateral Attack.

87 Hun, 515; (68 St. Rep. 510; 34 Supp.
504).

Verplanck v. Verplanck, 22 Hun, 104.

Cited, Partition—Receivers—When Ap-
pointed.

5 Misc. 420; (26 Supp. 336).

Ver Valens, Matter of, 24 Supp. 133.

Vessell v. Marx, 10 Mi. c. 46; 62 St. Rep.
767; 30 Supp. 806.

Vestner v. Findlay, 10 Misc. 410; 63 St.
Rep. 519; 31 Supp. 138.

Viadero v. Viadero, 7 Hun, 313.

Cited, Attachment — Immaterial Irregu-
larity.

51 St. Rep. 44; (23 Supp. 1098).

Viall v. Leavens, 39 Hun, 291.

Cited, Witness—Competency — Transac-
tions with Decedent.

3 Misc. 282; (52 St. Rep. 396; 22 Supp.
783).

Viany v. Ferran, 5 Abb. N. S. 110.

Cited, Arbitration—Failure to Carry Out
—Assessment by Court.

12 App. Div. 429 (76 St. Rep. 410; 42
Supp. 410).

Vibbard v. Roderick, 51 Barb. 616.

Cited, Estoppel—Equitable—Partnership.
59 St. Rep. 886; (28 Supp. 1118).

*Duplicate Citations in Parenthesis.***Viburt v. Frost**, 3 Abb. 119.

Cited, Supplementary Proceedings—Jurisdiction—Consent.

13 Misc. 389; (75 St. Rep. 1041; 41 Supp. 654).

Pleading—Parties—Capacity to Sue—Demurrer.

18 Misc. 427; (75 St. Rep. 1419; 41 Supp. 1059).

Vick v. N. Y. C. & H. R. R. Co., 95 N. Y. 267.

Cited, Master and Servant—Negligence of Co-employee—Who are Fellow Servants.

71 Hun, 294; (54 St. Rep. 485; 24 Supp. 1073).

Vickers v. Battershall, 84 Hun, 496; 65 St. Rep. 470; 32 Supp. 314.

Cited, Evidence—Parol—In Aid of Writing.

13 Misc. 47; (68 St. Rep. 93; 32 Supp. 90).

Victory v. Baker, 67 N. Y. 366.

Cited, Negligence—Private Structures—Trespassers.

78 Hun, 168; (60 St. Rep. 184; 28 Supp. 980).

Negligence—Trespassers and Licensees;

7 Misc. 647; (58 St. Rep. 393; 28 Supp. 14). 87 Hun, 358; (68 St. Rep. 313; 34 Supp. 381).

Victory Webb P. & F. M. Mfg Co. v. Beecher, 26 Hun, 48.

Affirmed, 97 N. Y. 651.

Cited, Corporations—Liability of Trustees.

11 Misc. 528; (64 St. Rep. 457; 32 Supp. 747).

Statutes—Repeal—Effect on Existing Remedy.

90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891).

Victory Webb P. & F. M. Mfg Co. v. Beecher, 97 N. Y. 651.

Cited, Corporations—Trustees' Liability—Annual Report.

13 Misc. 759; (69 St. Rep. 301; 35 Supp. 185). 16 Misc. 401; (73 St. Rep. 605; 38 Supp. 514; 25 Civ. Pro. 311).

Corporations—Trustees' Liability—Repeal of Remedy.

150 N. Y. 205.

Victory Webb P. & F. M. Mfg Co. v. Beecher, 55 How. 193.

Cited, Pleadings—Counterclaim.

5 Misc. 260; (25 Supp. 105).

Pleading—Complaint—Reference to Other Counts.

79 St. Rep. 768; (45 Supp. 768).

Vidrard v. Fradneburg, 53 How. 339.

Cited, Attorney—Authority—Discharge from Body Executions.

79 Hun, 405; (61 St. Rep. 251; 29 Supp. 984).

Vidvard v. Powers, 34 Hun, 221.

Cited, Evidence—Fraudulent Conveyance—Declarations of Grantor.

77 Hun, 471; (60 St. Rep. 544; 28 Supp. 1080). 87 Hun, 556; (69 St. Rep. 462; 35 Supp. 144).

Evidence—Declarations of Assignor.

86 Hun, 478; (67 St. Rep. 508; 33 Supp. 886).

Viele v. Judson, 82 N. Y. 32.

Cited, Estoppel—Equitable—By Silence.

137 N. Y. 339; (50 St. Rep. 786). 141 N. Y. 52; (56 St. Rep. 571). 1 Misc. 184; (48 St. Rep. 691; 20 Supp. 687). 67 Hun, 165; (51 St. Rep. 528; 22 Supp. 328). 15 Misc. 578; (72 St. Rep. 816; 38 Supp. 187).

Vielie v. Osgood, 8 Barb. 130.

Cited, Religious Society—Incorporation—Proof.

49 St. Rep. 469; (21 Supp. 90).

Vieller v. Oppenheim, 58 St. Rep. 190;

26 Supp. 1: 51; 31 Abb. N. C. 181.

Cited, Deposition—Discovery and Inspection.

13 Misc. 50; (68 St. Rep. 8; 34 Supp. 53).

Viotor, Matter of, 20 Misc. 289; 79 St.

Rep. 800; 45 Supp. 800.

Reversing, 20 Misc. 13; 78 St. Rep. 603; 44 Supp. 603.

Viotor v. Bauer, 11 St. Rep. 531.

Cited, Appeal—Objections to Evidence Not Taken Below.

3 Misc. 337; (52 St. Rep. 8; 22 Supp. 738).

Viotor v. Bauer, 70 Hun, 246; 53 St.

Rep. 907; 24 Supp. 428.

Affirmed, 143 N. Y. 672.

Viotor v. Goldberg, 6 Misc. 46; 56 St.

Rep. 620; 25 Supp. 1005.

Viotor v. Halstead, 14 Supp. 516.

Cited, Costs—Extra Allowance—Demurrer.

19 Misc. 411; (78 St. Rep. 263; 44 Supp. 263).

Viotor v. Henlein, 34 Hun, 562.

Cited, Conveyance—Fraudulent.

17 Misc. 338; (39 Supp. 1092).

Viotor v. Levy, 72 Hun, 263; 55 St. Rep.

720; 25 Supp. 644.

Affirmed, 148 N. Y. 739.

Cited, Evidence—Burden of Proof—Fraud.

59 St. Rep. 521; (28 Supp. 591).

*Duplicate Citations in Parenthesis.***Victor v. Nichols**, 13 St. Rep. 461.

Cited, Assignment for Creditors—Retention of Property by Assignor.

3 App. Div. 301; (74 St. Rep. 26; 38 Supp. 370).

Victor v. Nichols, 114 N. Y. 617.

Cited, Assignment for Creditors—Retention of Property by Assignor.

3 App. Div. 301; (74 St. Rep. 26; 38 Supp. 370).

Victor v. Richards Co., 20 Misc. 13; 78

St. Rep. 603; 44 Supp. 603.

Victor v. Stroock, 5 Supp. 659.

Cited, Statute of Frauds—Sale—Acceptance.

17 Misc. 139; (39 Supp. 401).

Victor v. Stroock, 7 Supp. 959.

Cited, 39 Supp. 401.

Viets v. Union National Bank of Troy, 101 N. Y. 563.

Cited, Limitation of Action—Action for Moneys Wasted.

83 Hun, 548; (65 St. Rep. 47; 31 Supp. 1070).

Banks—Deposit—Principal and Agent.

11 Misc. 251; (65 St. Rep. 856; 32 Supp. 735).

Lunatic — Committee — Protection of Ward's Interests.

18 Misc. 290; (41 Supp. 159).

Vilas v. Allentown Rolling Mills, 84

Hun, 21; 65 St. Rep. 229; 32 Supp. 67.

Vilas v. Jones, 1 N. Y. 274.

Cited, Usury — Defense — When Interposed.

88 Hun, 103; (68 St. Rep. 530; 84 Supp. 607).

Vilas v. McBride, 136 N. Y. 634; 49 St. Rep. 913.**Vilas v. Page**, 106 N. Y. 439; 11 St. Rep. 416.

Cited, Receivers—Management of Property—Executory Contracts.

9 Misc. 133; (59 St. Rep. 726; 29 Supp. 76). 1 App. Div. 117; (72 St. Rep. 220; 37 Supp. 680).

Vilas v. Plattsburg & Montreal R. Co., 123 N. Y. 440; 34 St. Rep. 67; 19

Civ. Pro. 333.

Cited, Action—Appearance—Attorney—Non-Resident.

75 Hun, 190; (58 St. Rep. 187; 26 Supp. 1041).

Attorneys—Authority to Appear—Presumption.

2 Misc. 153; (50 St. Rep. 536; 23 Supp. 160; 23 Civ. Pro. 75).

Attorneys—Unauthorized Appearance—Relief.

66 Hun, 258; (49 St. Rep. 478; 21 Supp. 170). 144 N. Y. 294; (63 St. Rep. 720). 87 Hun, 186; (67 St. Rep. 782; 33 Supp. 1078). 1 App. Div. 530; (73 St. Rep. 79; 37 Supp. 630).

Judgment—Default—Vacation—Service of Summons.

7 Misc. 99; (57 St. Rep. 98; 27 Supp. 400).

Mortgage—Purchaser—Notice.

88 Hun, 436; (69 St. Rep. 136; 34 Supp. 967).

Vilas v. Vanderbilt, 20 Misc. 51.**Vilas National Bank v. Barnard**, 77

Hun, 554; 60 St. Rep. 395; 28 Supp. 922.

Vilmar v. Schall, 61 N. Y. 564.

Cited, Pleading—Complaint—Contracts—Effect of Allegations Sounding in Tort.

6 Misc. 90; (55 St. Rep. 488; 26 Supp. 42).

Principal and Agent—Accounting.

72 Hun, 583; (55 St. Rep. 245; 25 Supp. 285).

Deposition—Waiver of Irregularities.

20 Misc. 256; (79 St. Rep. 340; 45 Supp. 340).

Vincent v. Conklin, 1 E. D. Smith 203.

Cited, Pledge—Conversion.

18 Misc. 186; (75 St. Rep. 851; 41 Supp. 455).

Vincent v. Newhouse, 83 N. Y. 505.

Cited, Wills—Devise—Equitable Conversion—When Operative.

136 N. Y. 134; (48 St. Rep. 836). 7 Misc. 26; (57 St. Rep. 75; 27 Supp. 312).

Wills—Devise to Class—How Take.

143 N. Y. 131; (32 St. Rep. 1.5).

Wills—Construction—Survivorship.

147 N. Y. 354; (69 St. Rep. 696).

Vincent v. Sands, 33 Super. 511.

Affirmed, 58 N. Y. 673.

Cited, Corporations—Trustees' Liability—Debts.

9 App. Div. 300; (75 St. Rep. 643; 41 Supp. 194).

Vincent v. Cook, 4 Hun, 318.

Cited, Negligence—Impute—Injuries—In Passing Along Streets.

5 Misc. 303; (25 Supp. 755).

Negligence—Dangerous Premises—Burden.

4 App. Div. 357; (74 St. Rep. 202; 38 Supp. 574).

Nuisance—What is—Awnings.

9 Misc. 15; (59 St. Rep. 699; 29 Supp. 17).

Evidence—Objections.

18 Misc. 215; (75 St. Rep. 903; 41 Supp. 508).

Duplicate Citations in Parenthesis.

Vinton v. Cattaraugus County, Board of Supervisors of, 89 Hun, 582; 69 St. Rep. 640; 35 Supp. 285.

Cited, Counties—Liability for Treasurer's Misappropriation.

11 App. Div. 220; (77 St. Rep. 149; 43 Supp. 149).

Vischer v. Vischer, 12 Barb. 640.

Cited, Divorce—Foreign—Validity.

90 Hun, 236; (69 St. Rep. 637; 35 Supp. 282).

Visscher v. Wesley, 3 Dem. 301.

Cited, Limitation of Action—Removal of Bar—Debts Against Decedent—Admission of Judgment in Accounting.

7 Misc. 267; (58 St. Rep. 528; 27 Supp. 1012).

Vitmark v. New York El. R. Co., 149 N. Y. 393.

Cited, Evidence — Rents of Adjoining Premises—Elevated Railways.

14 App. Div. 472; (77 St. Rep. 847; 43 Supp. 847).

Vitto v. Farley, 6 App. Div. 431; 39 Supp. 683; 3 Ann. Cas. 308.

Vitto v. Farley, 15 App. Div. 329; 78 St. Rep. 1; 44 Supp. 1.

Vitto v. Farley, 15 Misc. 153; 72 St. Rep. 254; 36 Supp. 1105.

Vitto v. Farley, 36 Supp. 1105.

Cited, 39 Supp. 684.

Voak v. Northern Central R. Co., 75 N. Y. 320.

Cited, Negligence — Contributory — Sudden Peril.

90 Hun, 3; (69 St. Rep. 740; 35 Supp. 353). 90 Hun, 562; (71 St. Rep. 31; 36 Supp. 23).

Negligence—Error of Judgment.

D. 12 Misc. 516; (67 St. Rep. 368; 33 Supp. 674).

Voegel v. Ronalds, 83 Hun, 114; 63 St. Rep. 837; 31 Supp. 353.

Cited, Statute of Fraud—Lease—Term. 13 Misc. 565; (34 Supp. 468; 2 Ann. Cas. 195).

Contracts — Under Seal — Parol Modification.

11 App. Div. 3; (76 St. Rep. 386; 42 Supp. 386).

Voessing v. Voessing, 4 Redf. 360.

Cited, Guardian and Ward—Rights of Guardian—Encroachment on Ward's Estate—Reimbursement.

4 Misc. 369; (25 Supp. 829). 92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609).

Vogel v. Lehritter, 139 N. Y. 223; 54 St. Rep. 595.

Affirming, 64 Hun, 308; 46 St. Rep. 340; 18 Supp. 923.

Nogel v. New York, 92 N. Y. 10.

Cited, Municipal Corporations—Liability — Public Improvements.

14 App. Div. 138; (77 St. Rep. 449; 43 Supp. 449).

Vogel v. Schlueter, 73 Hun, 595; 56 St. Rep. 141; 26 Supp. 435; 23 Civ. Pro. 256.

Cited, Appeal — From Justice's Court—Costs.

148 N. Y. 292.

Vogel v. Whitmore, 72 Hun, 417; 54 St. Rep. 882; 25 Supp. 202.

Affirmed, 149 N. Y. 595.

Cited, Mechanic's Lien—Joint Contract. 14 Misc. 523; (70 St. Rep. 707; 35 Supp. 1090).

Voght v. Buffalo, 133 N. Y. 463; 45 St. Rep. 739.

Cited, Municipal Corporations—Common Council—Powers.

82 Hun, 70; (63 St. Rep. 503; 31 Supp. 183).

Municipal Corporations—Taxes—Assessment—Relief.

90 Hun, 121; (70 St. Rep. 402; 35 Supp. 637).

Vogle v. Kirby, 18 St. Rep. 287; 4 Supp. 99.

Cited, Pleading—Complaint—Sufficiency. 11 Misc. 141; (65 St. Rep. 116; 31 Supp. 1022; 24 Civ. Pro. 304).

Vogt Mfg. & Coach Lace Co. v. Oettinger, 88 Hun, 52; 68 St. Rep. 549; 34 Supp. 731.

Vogt Mfg. & Coach Lace Co. v. Oettinger, 88 Hun, 83; 68 St. Rep. 547; 34 Supp. 729; 2 Ann. Cas. 275.

Voisin v. Commercial Mutual Ins. Co., 67 Hun, 365; 51 St. Rep. 635; 22 Supp. 348.

Voisin v. Commercial Mutual Ins. Co., 90 Hun, 392; 70 St. Rep. 315; 35 Supp. 873.

Voisin v. Commercial Mutual Ins. Co., 123 N. Y. 120; 33 St. Rep. 160.

Cited, Appeal—Order Denying New Trial. 10 Misc. 726; (65 St. Rep. 103; 31 Supp. 1009). 12 Misc. 24; (66 St. Rep. 718; 33 Supp. 61; 24 Civ. Pro. 351; 1 Ann. Cas. 238).

*Duplicate Citations in Parenthesis.***Volans v. Owen**, 74 N. Y. 526.

Cited, Intoxicating Liquors—Civil Damage Act—Policy of—Common Law.

141 N. Y. 164; (56 St. Rep. 683). 69 Hun. 569; (53 St. Rep. 254; 23 Supp. 960).

Volckers v. Sturke, 18 Misc. 457; 76 St. Rep. 84; 42 Supp. 84.**Volk v. Bergman**, 14 Misc. 443; 70 St. Rep. 729; 35 Supp. 1025.**Volkening v. Brandt**, 14 Misc. 156; 70 St. Rep. 305; 35 Supp. 797.**Volkening v. De Graaf**, 81 N. Y. 268.

Cited, Appeal—Amendment of Pleadings. 151 N. Y. 337.

Volker v. Metropolitan Life Ins. Co., 1 Misc. 374; 50 St. Rep. 199; 21 Supp. 456.

Cited, Insurance — Life — Conditions — Health of Insured.

13 Misc. 269; (68 St. Rep. 225; 34 Supp. 175).

Volkman v. Feldmann, 42 Super. 44.

Cited, Fraud—Representations of Third Person.

19 Misc. 285; (77 St. Rep. 70; 43 Supp. 70).

Volkmar v. Manhattan R. Co., 134 418; 47 St. Rep. 631.

Cited, Evidence—Burden of Proof—Ordinary Care—Negligence.

6 Misc. 297; (58 St. Rep. 150; 26 Supp. 793).

Evidence—Presumptions— Negligence — Falling Object.

1 Misc. 505; (49 St. Rep. 234. 21 Supp. 2).

4 Misc. 290; (53 St. Rep. 453; 23 Supp. 1032).

5 Misc. 303; (25 Supp. 755). 10 Misc. 705;

(64 St. Rep. 634; (31 Supp. 828). 12 Misc.

335; (65 St. Rep. 790; 33 Supp. 641). 18 Misc.

25; (75 St. Rep. 512; 41 Supp. 55).

Evidence—Prima Facie — Negligence — Unexplained Accident.

6 App. Div. 120; (39 Supp. 418). 17 Misc. 594; (40 Supp. 679).

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12 Misc. 19; (66 St. Rep. 526; 33 Supp. 26).

86 Hun. 41; (66 St. Rep. 835; 33 Supp. 207).

14 Misc. 552; (70 St. Rep. 764; 33 Supp. 6).

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Witness — Interest — Employee.

17 Misc. 628; (75 St. Rep. 76; 40 Supp. 673).

Voltz v. Blackmar, 64 N. Y. 440.

Cited, Damages—Exemplary.

4 Misc. 400; (53 St. Rep. 516; 23 Supp. 1065).

Evidence—Of Malice or Want of Probable Cause—Action For False Imprisonment.

1 Misc. 151; (48 St. Rep. 658; 20 Supp. 702).

Malicious Prosecution—Malice.

2 Misc. 305; (51 St. Rep. 570; 21 Supp. 1000).

Agency—Authority—Contracts Favoring Agent.

D. 75 Hun. 62; (56 St. Rep. 867; 26 Supp. 1060).

Von Atziuger v. N. Y. C. & H. R. R. Co., 83 Hun. 120; 64 St. Rep. 269; 31 Supp. 632.**Von Hatten v. Scholl**, 10 App. Div. 32; 72 St. Rep. 2; 36 Supp. 771; 25 Civ. Pro. 247.**Von Hermanni v. Wagner**, 81 Hun. 431; 63 St. Rep. 185; 30 Supp. 991.

Cited, Executors — Disputed Claim — Reference—Amendment.

85 Hun. 589; (66 St. Rep. 820; 33 Supp. 115; 2 Ann. Cas. 53).

Von Hesse v. Mackaye, 55 Hun. 365; 29 St. Rep. 228; 8 Supp. 894.

Affirming, 121 N. Y. 694; 31 St. Rep. 994.

Cited, Writ and Process—Service—Publication—Chattels Within State.

67 Hun. 287; (51 St. Rep. 364; 22 Supp. 89).

Attachment—Mode of Levy — Insurance Policy.

19 Misc. 602; (78 St. Rep. 371; 44 Supp. 371).

Von Hesse v. Mackaye, 136 N. Y. 114; 49 St. Rep. 76.

Affirming, 62 Hun. 458; 43 St. Rep. 16; 17 Supp. 55.

Cited, Trusts—Creation—Reservation of Power of Control.

80 Hun. 148; (61 St. Rep. 638; 29 Supp. 1016).

90 Hun. 73; (69 St. Rep. 863; 35 Supp. 459).

Von Kamen v. Roes, 48 St. Rep. 920.

Cited, Landlord and Tenant — Lease — Termination—Summary Proceedings.

9 Misc. 489; (61 St. Rep. 99; 30 Supp. 244).

Von Latham v. Libby, 38 Barb. 339.

Cited, False Imprisonment—Sufficiency of Information—Criminal Law.

66 Hun. 232; (48 St. Rep. 814; 20 Supp. 914).

74 Hun. 342; (56 St. Rep. 378; 26 Supp. 410).

Von Rhade v. Von Rhade, 2 T. & C. 491.

Cited, Courts — Non-compliance With Statute—Irregularities.

2 App. Div. 414; (37 Supp. 1002).

*Duplicate Citations in Parenthesis.***Von Sachs v. Kretz**, 72 N. Y. 548.

Cited, Evidence—Declarations of Grantor.
11 Misc. 388; (65 St. Rep. 310; 32 Supp. 282). 87 Hun, 556; (69 St. Rep. 462; 35 Supp. 143).

Limitation of Action—Receiver.

4 App. Div. 121; (74 St. Rep. 112; 38 Supp. 771).

Von Schoening v. Buchanan, 14 Abb. 185.

Cited, Appeal—Reversal—Right to Nominal Damages Only.

4 Misc. 135; (53 St. Rep. 171; 23 Supp. 865; 30 Abb. N. C. 309).

Von Wien v. Scottish Union & Nat. Ins. Co., 118 N. Y. 94; 27 St. Rep. 934.

Distinguished, Insurance — Policy—Cancellation.

92 Hun, 193; (71 St. Rep. 131; 36 Supp. 330).

Voorhees, Matter of, 6 Dem. 162.

Cited, Wills—Interlineation.

90 Hun, 141; (70 St. Rep. 261; 35 Supp. 800).

Voorhees v. Burchard, 55 N. Y. 98.

Cited, Appeal—What First Raisable on—Variance.

75 Hun, 372; (57 St. Rep. 695; 27 Supp. 449). 86 Hun, 96; (68 St. Rep. 41; 34 Supp. 198).

Easements — Mill Property — Right of Way.

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147 N. Y. 502; (70 St. Rep. 79).

Voorhees v. De Meyer, 2 Barb. 37.

Cited, Contracts—Reformation—Mistake—Quantity of Land.

79 Hun, 205; (61 St. Rep. 215; 29 Supp. 538).

Voorhees v. Earl, 2 Hill, 288.

Cited, Contracts—Rescission.

92 Hun, 392; (72 St. Rep. 281; 36 Supp. 1058).

Voorhees v. Kings County Elevated R. Co., 3 Misc. 18; 50 St. Rep. 569; 21 Supp. 775.**Voorhees v. McGinnis**, 48 N. Y. 278.

Cited, Fixtures—What are—Canvass Tapestries—Tests.

8 Misc. 387; (59 St. Rep. 870; 29 Supp. 1108; 31 Abb. N. C. 390).

Fixtures—What are—Intent.

86 Hun, 312; (67 St. Rep. 202; 33 Supp. 488). 88 Hun, 591; (69 St. Rep. 67; 34 Supp. 904).

Fixtures—What are—Removable Nature.

92 Hun, 333; (72 St. Rep. 302; 36 Supp. 930). 8 App. Div. 570; (75 St. Rep. 323; 40 Supp. 927). 79 St. Rep. 639; (45 Supp. 639).

Voorhees v. Presbyterian Church at Amsterdam, 17 Barb. 103.

Cited, Religious Societies—Rights of Pew Owners—New Edifice.

52 St. Rep. 641; (23 Supp. 1015).

Voorhis, Matter of, 125 N. Y. 765; 37 St. Rep. 173.

Cited, Wills—Execution—Publication.

85 Hun, 587; (66 St. Rep. 779; 33 Supp. 154).

Wills — Execution — Compliance with Statute—Substantial.

13 Misc. 468; (68 St. Rep. 742; 34 Supp. 707; 25 Civ. Pro. 27).

Voorhis v. Childs, 17 N. Y. 354.

Cited, Partnership—Rights of Surviving Partner.

85 Hun, 14; (66 St. Rep. 126; 32 Supp. 615).

Pleading—Parties—Representative of Deceased Partner.

7 App. Div. 169; (74 St. Rep. 662; 40 Supp. 49), 18 Misc. 556; (41 Supp. 992).

Voorhis v. Olmstead, 66 N. Y. 113.

Cited, Transfer—Unauthorized—Title.

86 Hun, 106; (68 St. Rep. 247; 34 Supp. 196).

Vorzimer v. Shapiro, 6 Misc. 143; 55 St. Rep. 692; 26 Supp. 53.

Cited, Appeal—District Court—Review of Facts.

12 Misc. 155; (66 St. Rep. 667; 32 Supp. 1130).

Pleading—Justice's Court—Verified Complaint—Action for Fraud—Proving Case.

8 Misc. 106; (61 St. Rep. 746; 29 Supp. 1092).

Vosburgh v. Diefendorf, 119 N. Y. 357; 29 St. Rep. 448.

Cited, Bills and Notes—Bona Fide Holders—Who Are.

77 Hun, 454; (60 St. Rep. 654; 29 Supp. 84).

Bills and Notes—Transferees—Bona Fide Holders—Diversion.

74 Hun, 447; (57 St. Rep. 185; 26 Supp. 823). 150 N. Y. 66.

Evidence — Burden of Proof—Bills and Notes—Bona Fides.

Duplicate Citations in Parenthesis.

49 St. Rep. 791; (21 Supp. 24). 81 Hun, 452; (63 St. Rep. 362; 31 Supp. 62). 145 N. Y. 506; (65 St. Rep. 373). 88 Hun, 6; (63 St. Rep. 503; 34 Supp. 497).

Trial—Questions of Law and Fact—Bona Fides of Transfer of Note.

49 St. Rep. 871; (21 Supp. 657). 148 N. Y. 705.

Trial—Sufficiency of Evidence to Go to Jury—Bona Fides.

68 Hun, 592; (52 St. Rep. 589; 23 Supp. 239).

Vosburgh v. Lake Shore & Michigan Southern R. Co., 94 N. Y. 374.

Cited, Master and Servant—Dangerous Premises.

8 App. Div. 386; (75 St. Rep. 199; 40 Supp. 814).

Vosburgh v. Teator, 32 N. Y. 561.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Boundaries—Location by Agreement—Conclusiveness.

82 Hun, 229; (63 St. Rep. 593; 31 Supp. 275).

Vosburgh v. Thayer, 12 Johns. 461.

Cited, Evidence—Documentary—Account Books.

80 Hun, 3; (61 St. Rep. 486; 29 Supp. 812). D. 13 Misc. 637; (69 St. Rep. 166; 34 Supp. 941).

Evidence—Documentary—Books of Account Against Deceased Debtor.

50 St. Rep. 254; (21 Supp. 22^d).

Vose v. Cockcroft, 44 N. Y. 415.

Cited, Appeal—Objections First Raisable On.

66 Hun, 218; (49 St. Rep. 54; 21 Supp. 45) 3 App. Div. 188; (73 St. Rep. 630; 38 Supp. 475). 79 St. Rep. 316; (45 Supp. 316).

Trial—Stipulations—Effect.

5 Misc. 165; (24 Supp. 914; 23 Civ. Pro. 220).

Waiver—Constitutional and Legal Rights.

90 Hun, 185; (70 St. Rep. 663; 35 Supp. 949). 3 App. Div. 382; (38 Supp. 921). 18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528). 151 N. Y. 265.

Vose v. Florida R. Co., 50 N. Y. 369.

Cited, Collateral Security—Disposition of—Effect—Surety.

136 N. Y. 161; (48 St. Rep. 857).

Vose v. Hamilton Mutual Ins. Co., 39 Barb. 302.

Cited, Insurance—Double.

13 App. Div. 483; (77 St. Rep. 338; 43 Supp. 338).

Vose v. Willard, 47 Barb. 320.

Cited, Taxes—Assessment—Review—Refusal to Answer.

7 Misc. 301; (58 St. Rep. 549; 28 Supp. 144). 83 Hun, 378; (64 St. Rep. 753; 31 Supp. 958).

Vought v. Williams, 120 N. Y. 253; 30 St. Rep. 899.

Cited, Vendor and Purchaser—Marketable Title.

79 Hun, 102; (61 St. Rep. 137; 29 Supp. 658). 13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176). 12 App. Div. 436; (76 St. Rep. 292; 42 Supp. 292). 24 Supp. 661; 143 N. Y. 247; (62 St. Rep. 173). 82 Hun, 214; (63 St. Rep. 786; 31 Supp. 337). 12 Misc. 173; (66 St. Rep. 507; 33 Supp. 7). 15 Misc. 384; (71 St. Rep. 586; 36 Supp. 672). 79 St. Rep. 379; (45 Supp. 879). 149 N. Y. 21.

Vendor and Purchaser—Title Required—Satisfaction—Approved by Third Party.

3 Misc. 370; (52 St. Rep. 435; 23 Supp. 347). 6 Misc. 136; (58 St. Rep. 7; 26 Supp. 50).

Voullaire v. Wise, 19 Misc. 659; 78 St. Rep. 510; 44 Supp. 510.

Vowell v. Twenty-Third St. R. Co.,

14 Misc. 538; 70 St. Rep. 700; 35 Supp. 1082; 2 Ann. Cas. 368.

Vowers, Matter of, 113 N. Y. 569; 23 St. Rep. 715.

Cited, Wills—Construction—Remainder. 71 Hun, 58; (53 St. Rep. 859; 24 Supp. 611).

Wills—Construction—Devise to Deceased Persons—Implications.

5 Misc. 559; (25 Supp. 1110). 11 Misc. 440; (67 St. Rep. 424; 33 Supp. 422).

Wills—Gift to Widow—When in Lieu of Dower.

5 App. Div. 138; (39 Supp. 62).

Vreeland v. Pratt, 42 St. Rep. 582; 17 Supp. 307.

Cited, Chattel Mortgage—Failure to File—Rights of Creditor.

69 Hun, 579; (53 St. Rep. 262; 24 Supp. 22). 15 Misc. 530; (74 St. Rep. 306; 37 Supp. 1136).

Definitions—Creditors—Unfiled Chattel Mortgage.

136 N. Y. 320; (49 St. Rep. 742).

Vrendenburgh v. Hendricks, 17 Barb. 179.

Cited, False Imprisonment—Sufficiency of Affidavit for Warrant—Information and Belief.

74 Hun, 341; (56 St. Rep. 378; 26 Supp. 410).

Duplicate Citations in Parenthesis.

Vredenburg v. Pall, 7 Misc. 567; 58 St. Rep. 359; 28 Supp. 88.

Vroman v. Houston, West St. & Pavonia Ferry R. Co., 7 Misc. 234; 58 St. Rep. 23; 27 Supp. 257.

Vrooman v. Rogers, 132 N. Y. 167; 43 St. Rep. 564.

Cited, Wharves—Injury to Vessel—Liability.

60 St. Rep. 299.

Vroom v. Ditmas, 4 Paige, 525.

Cited Mortgages—Foreclosure—Redemption—Terms.

85 Hun, 57; (66 St. Rep. 61; 32 Supp. 677).

Vroom v. Van Horne, 10 Paige, 557.

Cited, Executors—Acts Before Appointment—Subsequent Revocation.

8 App. Div. 339; (75 St. Rep. 163; 40 Supp. 787).

Vrooman v. Dunlap, 30 Barb. 203.

Cited, Mortgage—Absence of Bond—Remedy of Mortgagee.

4 Misc. 32; (23 Supp. 832).

Mortgage — Foreclosure — Deficiency — Who Liable.

17 Misc. 647; (71 St. Rep. 753; 40 Supp. 195).

Vrooman v. Jackson, 6 Hun, 326.

Cited, Nuisance — Abatement—Cornices and Gutters.

58 St. Rep. 805; (27 Supp. 960; 30 Abb. N. C. 409).

Pleading—Amendment—New Cause of Action.

91 Hun, 423; (70 St. Rep. 798; 36 Supp. 224).

Vrooman v. King, 36 N. Y. 477.

Cited, Evidence—Declarations—Of Grantors.

141 N. Y. 229; (56 St. Rep. 806). 142 N. Y. 159; (58 St. Rep. 626).

Vrooman v. Turner, 69 N. Y. 280.

Cited Contracts—For Benefit of Third Person—Availability.

140 N. Y. 548; (56 St. Rep. 514; 31 Abb. N. C. 86). 78 Hun, 150; (60 St. Rep. 205; 28 Supp. 989). 90 Hun, 79; (69 St. Rep. 849; 35 Supp. 455). 92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609). 92 Hun, 268; (72 St. Rep. 404; 36 Supp. 881; 3 Ann. Cas. 28). 5 App. Div. 358, 364; (39 Supp. 230, 234). 14 App. Div. 14; (77 St. Rep. 655; 43 Supp. 655). 19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424). 20 Misc. 488. (40 Supp. 450).

Contracts—When Available to Third Person—Consideration.

2 Misc. 322; (50 St. Rep. 184; 21 Supp. 1023; 30 Abb. N. C. 173). 143 N. Y. 94; (60 St. Rep. 471). D. 5 App. Div. 370; (39 Supp. 239). 11 App. Div. 424; (76 St. Rep. 342; 42 Supp. 342).

Mortgage — Assumption by Grantee—Availability.

73 Hun, 289; (57 St. Rep. 749; 26 Supp. 415).

Partnership — Assumption of Partners Debts—Rights of Creditors.

4 Misc. 426; (54 St. Rep. 129; 24 Supp. 735). 85 Hun, 80; (66 St. Rep. 43; 32 Supp. 660).

Covenants—Breach—When Enforced.

135 N. Y. 222; (48 St. Rep. 396).

Vrooman v. Weed, 2 Barb. 330.

Cited, Conveyance—Parcel or Part.

D. 153 N. Y. 59.

Vroome v. Van Horne, 10 Paige, 549.

Cited, Executors—Foreign—Authority—Discharge of Decedent's Claims.

21 Supp. 912; (29 Abb. N. C. 471).

Vulcan v. Myers, 58 Hun, 161; 34 St. Rep. 122; 11 Supp. 663.

Cited, Pleading—Answer—Incorporation.

68 Hun, 31; (52 St. Rep. 65; 22 Supp. 675). 11 Misc. 428; (65 St. Rep. 272; 32 Supp. 129). 69 St. Rep. 191; (34 Supp. 1101; 25 Civ. Pro. 69).

Vulcan v. Myers, 139 N. Y. 364; 54 St. Rep. 603.

See T. A. Vulcan v. Myers.

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Wachsmann v. Columbia Bank of City of N. Y., 6 Misc. 62; 56 St. Rep. 601; 26 Supp. 885.

Affirmed, 8 Misc. 280; 59 St. Rep. 280; 28 Supp. 711.

Wachsmann v. Columbia Bank, of City of N. Y., Misc. 280; 59 St. Rep. 232; 28 Supp. 711.

Cited, Bills and Notes—Forgery—Bank.

10 Misc. 632; (64 St. Rep. 495; 31 Supp. 792).

Wachtel v. Noah Widows Orphans' Ben. Soc., 84 N. Y. 28.

Cited, Fraternal Societies—Proceedings to Expel Member—Trial.

13 Misc. 682; (69 St. Rep. 597; 35 Supp. 218). 8 App. Div. 596; (35 Supp. 218).

Wachter, Matter of, 16 Misc. 137; 38 Supp. 941.

Wachter v. Quenzer, 29 N. Y. 547.

Cited, Pleading—Answer—Libel.

Duplicate Citations in Parenthesis.

79 Hun, 22; (61 St. Rep. 437; 29 Supp. 449). 79 Hun, 571; (61 St. Rep. 538; 29 Supp. 922). 16 App. Div. 83; (78 St. Rep. 1074; 44 Supp. 1074).

Wadd v. Hazelton, 137 N. Y. 215; 50 St. Rep. 400.

Reversing, 62 Hun, 602; 43 St. Rep. 686; 17 Supp. 410.

Cited, Gift—What Constitutes—Bank Deposit.

8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424).

Trusts—Creation.

140 N. Y. 121; (55 St. Rep. 375). 80 Hun, 157; (61 St. Rep. 639; 29 Supp. 1018). 10 Misc. 454; (63 St. Rep. 329; 31 Supp. 87). 4 App. Div. 311; (39 Supp. 507).

Wade v. DeLeyer, 63 N. Y. 318.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 432; 23 Civ. Pro. 40).

Wade v. Kalbfleisch, 58 N. Y. 282.

Cited, Action — Abatement—Breach of Contract of Marriage.

19 Misc. 226; (78 St. Rep. 244; 44 Supp. 244).

Action—Abatement—Wrongful Death.

20 Misc. 65; (78 St. Rep. 431; 44 Supp. 431; 3 Ann. Cas. 375).

Wade v. Wheeler, 3 Lans. 201.

Affirmed, 47 N. Y. 658.

Cited, Carriers—Freight — Acceptance—Destruction.

63 Hun, 601; (52 St. Rep. 583; 23 Supp. 233).

Wademan v. Albany & S. R. Co., 51 N. Y. 568.

Cited, Railroads—Farm Crossings—When Proper.

78 Hun, 264; (60 St. Rep. 262; 28 Supp. 902).

Railroads—Duty Respecting Highways.

92 Hun, 130; (72 St. Rep. 387; 36 Supp. 865).

Specific Performance — Award of Damages.

63 Hun, 198; (49 St. Rep. 181; 21 Supp. 228).

Wadley, Matter of, 29 Hun, 12.

Cited, Mandamus — Peremptory — When Granted.

71 Hun, 241; (54 St. Rep. 565; 24 Supp. 1045).

Wadsworth v. Allcott, 6 N. Y. 64.

Cited, Evidence—Custom.

8 App. Div. 538; (75 St. Rep. 250; 40 Supp. 857).

Wadsworth v. Jewelers' & Traders' Co., 132 N. Y. 540.

Cited, Contracts—Interpretation—Life Insurance Policies.

24 Supp. 931.

Wadsworth v. Lyon, 93 N. Y. 201.

Cited, Mortgage—Subsequent Conveyance — Land as Primary Fund.

9 App. Div. 167; (75 St. Rep. 503; 41 Supp. 47).

Surety—Discharge—Merger.

66 St. Rep. 887; (33 Supp. 209).

Wadsworth v. Sharpsteen, 8 N. Y. 588.

Cited, Contracts—Of Incompetent Person.

19 Misc. 75; (78 St. Rep. 93; 44 Supp. 93).

Wadsworth v. Wadsworth, 12 N. Y. 376.

Cited, Wills—Devise—Aliens—After-born Children.

D. 11 App. Div. 367; (76 St. Rep. 926; 42 Supp. 926).

Waerber v. Rosenstein, 6 App. Div. 447; 39 Supp. 593.

Waerber v. Talbot, 81 Hun, 595; 63 St. Rep. 426; 31 Supp. 37.

Waffle v. Goble, 53 Barb. 517.

Cited, Attachment—Vacation — Trepass. 7 Misc. 399; (57 St. Rep. 557; 27 Supp. 922).

Attachment—Service of Summons.

147 N. Y. 622; (71 St. Rep. 262; 2 Ann. Cas. 419).

Waffle v. New York Central R. Co., 58 Barb. 413.

Cited, Waters—Surface—Change of Flow. 3 App. Div. 161; (73 St. Rep. 781; 38 Supp. 321).

Waffle v. Vanderheyden, 8 Paige, 45.

Cited, Appearance—Right of Person Not Served with Process.

67 St. Rep. 246; (33 Supp. 413; 24 Civ. Pro. 249).

Wagener v. Butler, 7 Misc. 17; 27 Supp. 350.

Wager v. Link, 134 N. Y. 122; 45 St. Rep. 581.

Followed, 62 St. Rep. 870; (29 Supp. 1150).

Cited, Mortgage—Assumption by Grantee — Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416). 150 N. Y. 553.

Contracts—For Benefit of Third Person—Availability.

150 N. Y. 238.

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Wager v. Link, 62 St. Rep. 870; 29 Supp. 1150.

Wager v. Link, 150 N. Y. 549.

Affirming, 80 Hun, 601; 62 St. Rep. 870; 29 Supp. 1150.

Wager v. Troy Union R. Co., 25 N. Y. 526.

Cited, Deeds—What Passes—Bounded by Streets.

80 Hun, 291; (61 St. Rep. 837; 30 Supp. 125, 126).

Ejectment—When Proper Remedy—Possession of Land by Railroad.

76 Hun, 603; (58 St. Rep. 257; 28 Supp. 202).

Highways—Ownership of Fee.

73 Hun, 598; (56 St. Rep. 228; 26 Supp. 104).

Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325).

Wager v. Wager, 89 N. Y. 161.

Cited, Equity—Jurisdiction—Wills.

139 N. Y. 218; (54 St. Rep. 673). 3 Misc. 471; (23 Supp. 737). 10 Misc. 576; (65 St. Rep. 270; 32 Supp. 191). 84 Hun, 317; (65 St. Rep. 349; 32 Supp. 351). 86 Hun, 196; (67 St. Rep. 128; 33 Supp. 383). 13 App. Div. 24; (77 St. Rep. 115; 43 Supp. 115).

Wills—Construction—Partial Intestacy—Trust.

8 Misc. 392; (59 St. Rep. 557; 28 Supp. 628).

Wills—Action to Determine Validity—Who May Bring.

90 Hun, 161; (70 St. Rep. 282; 35 Supp. Supp. 778).

Wager v. Wager, 69 N. Y. 164.

Cited, Wills—Construction—Giving Effect to Entire Language.

78 Hun, 489; (56 St. Rep. 30; 26 Supp. 396).

Wills—Construction—Survivorship.

11 App. Div. 342; (76 St. Rep. 151; 42 Supp. 151).

Waggoner v. Jermaine, 3 Den. 306.

Cited, Nuisance—Liability of Creator—Effect of Conveyance.

141 N. Y. 527; (57 St. Rep. 722).

Nuisance—Liability of Person Maintaining.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 182).

Wagner, Matter of, 52 Hun, 23; 22 St. Rep. 208.

Affirmed, 119 N. Y. 28; 28 St. Rep. 266.

Cited, Executors—Release.

73 Hun, 130; (57 St. Rep. 297; 27 Supp. 573).

Executors—Accounting—Who May Institute.

11 App. Div. 453; (76 St. Rep. 1011; 42 Supp. 1011).

Surrogate—Jurisdiction—Release.

11 App. Div. 351; (76 St. Rep. 1009; 42 Supp. 1009).

Wagner, Matter of, 119 N. Y. 28; 28 St. Rep. 266.

Cited, Executors—Release by Beneficiary—As Bar of Accounting.

141 N. Y. 546; (57 St. Rep. 825).

Executors—Accounting—Dismissal of Proceeding.

92 Hun, 480; (72 St. Rep. 415; 36 Supp. 1075). 6 App. Div. 413; (39 Supp. 579). 9 App. Div. 494; (41 Supp. 324). 11 App. Div. 353; (76 St. Rep. 1011; 42 Supp. 1011). 152 N. Y. 518.

Surrogate's Court—Jurisdiction—Validity of Release of Share.

71 Hun, 348; (55 St. Rep. 22; 25 Supp. 5). 11 App. Div. 351; (76 St. Rep. 1009; 42 Supp. 1009).

Surrogate's Court—Direction of Testamentary Trustees.

140 N. Y. 615; (56 St. Rep. 487).

Surrogate's Court—Jurisdiction—Limited. 20 Misc. 537.

Surrogate—Jurisdiction—Accounting—Determining Validity of Devise.

137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477).

Wagner v. Collis, 7 App. Div. 203; 74 St. Rep. 731; 40 Supp. 171.

Cited, Officers—Removal—Veterans.

D. 12 App. Div. 541; (76 St. Rep. 401; 42 Supp. 401).

Wagner v. Daly, 67 Hun, 477; 50 St. Rep. 839; 22 Supp. 493.

Wagner v. Harriott, 10 St. Rep. 709.

Cited, Contracts—Of Lunatic.

12 Misc. 200; (67 St. Rep. 94; 33 Supp. 275).

Wagner v. Jones, 77 N. Y. 590.

Cited, Trial—Objections and Exceptions.

7 Misc. 23; (57 St. Rep. 506; 27 Supp. 391).

Wagner v. Jones, 7 Daly, 375.

Cited, Appeal—Denial of New Trial—Review of Facts.

11 Misc. 332; (65 St. Rep. 293; 32 Supp. 146).

Wagner v. Kingsley, 55 St. Rep. 689; 26 Supp. 31.

Duplicate Citations in Parenthesis.

Wagner v. Long Island R. Co., 2 Hun, 633.

Cited, Waters—Surface—Change of Flow. 3 App. Div. 161; (38 Supp. 321).

Wagner v. New York El. R. Co., 79 Hun, 445; 61 St. Rep. 273; 29 Supp. 990.

Wagner v. Perry, 47 Hun, 516.

Cited, Cloud on Title—Filing Maps.

90 Hun, 261; (70 St. Rep. 267; 35 Supp. 807).

Wahl v. Barnum, 116 N. Y. 87; 26 St. Rep. 457.

Cited, Appeal—Findings.

85 Hun, 183; (66 St. Rep. 165; 32 Supp. 597).

Contracts—Consideration — Compromise.

85 Hun, 262; (66 St. Rep. 300; 32 Supp. 906). 85 Hun, 377; (66 St. Rep. 436; 32 Supp. 1032). 11 Misc. 248; (66 St. Rep. 515; 33 Supp. 15). 77 St. Rep. 687; (43 Supp. 687). 20 Misc. 55; (79 St. Rep. 332; 45 Supp. 332).

Wahle v. McMillan, 2 Misc. 343; 50 St. Rep. 607; 21 Supp. 1012.

See 1 Misc. 89; (48 St. Rep. 32; 20 Supp. 372).

Wahlig v. Standard Pump Mfg. Co., 25 St. Rep. 864; 5 Supp. 420.

Cited, Corporations—Powers—Accommodation Indorsement.

90 Hun, 368; (70 St. Rep. 560; 35 Supp. 897).

Wailing v. Toll, 9 Johns. 140.

Cited, Justice's Court—Discontinuance—Non-appearance of Plaintiff.

89 Hun, 182; (68 St. Rep. 848; 34 Supp. 1035).

Wainman v. Hampton, 110 N. Y. 429; 18 St. Rep. 320.

Cited, Partition—Possession—Practice.

137 N. Y. 123; (50 St. Rep. 173).

Tenancy in Common—What Constitutes. 79 St. Rep. 770; (45 Supp. 770).

Wainright v. Low, 49 Hun, 283; 17 St. Rep. 693; 1 Supp. 786.

Cited, Depositions—Commission for Oral Examination.

51 St. Rep. 228; (22 Supp. 469; 23 Civ. Pro. 112).

Wainwright v. Queens County Water Co., 78 Hun, 146; 60 St. Rep. 204; 28 Supp. 987.

Wait v. Agricultural Ins. Co., 13 Hun, 371.

Cited, Trial — Withdrawing Case From Jury—Conflict of Evidence.

67 Hun, 520; (51 St. Rep. 49; 22 Supp. 575).

Insurance—Conditions—Vacancy.

92 Hun, 227; (72 St. Rep. 398; 36 Supp. 876).

Wait v. Borne, 123 N. Y. 592; 34 St. Rep. 344.

Cited, Partnership—Liability as to Third Parties—Agents.

7 Misc. 143; (57 St. Rep. 533; 27 Supp. 386).

Agency—Authority—Warranty.

10 Misc. 142; (62 St. Rep. 470; 30 Supp. 930). 151 N. Y. 489.

Agency—Liability of Principal for Agent's Acts.

79 St. Rep. 656; (45 Supp. 656).

Damages—Sale—Warranty.

90 Hun, 549; (71 St. Rep. 409; 36 Supp. 7.).

Bill of Particulars—Restriction of Proof.

17 Misc. 630; (75 St. Rep. 57; 40 Supp. 656).

Wait v. Jameson, 15 Abb. N. C. 282.

Cited, Indian Lands—Leases—Confirmation.

75 Hun, 399; (57 St. Rep. 688; 27 Supp. 445).

Wait v. Ray, 67 N. Y. 36.

Cited, Schools—Officers—Liability for Wrongful Discharge of Teacher.

15 Misc. 423; (72 St. Rep. 158; 37 Supp. 112).

Wait v. Van Allen, 22 N. Y. 319.

Cited, Appeal—Time—Justice's Court.

D. 87 Hun, 42; (67 St. Rep. 679; 33 Supp. 956).

Wait v. Wait, 4 N. Y. 95.

Cited, Statutes—Construction—Expressio Unius.

74 Hun, 345; (55 St. Rep. 894; 26 Supp. 518).

Waite, Matter of, 99 N. Y. 433.

Cited, Assignment—For Creditors—Foreign—Domestic Attachment Against Assignor.

55 St. Rep. 562.

Statutes—Foreign—Recognition.

148 N. Y. 25.

Waite v. Barry, 12 Wend. 377.

Cited, Arbitration—Award—Necessity of Finality.

137 N. Y. 297; (50 St. Rep. 690).

Duplicate Citations in Parenthesis.

Waite v. F. J. Kaldenberg Co., 68 Hun, 528; 52 St. Rep. 595; 22 Supp. 1006.

Waite v. Leggett, 8 Cow. 195.

Cited, Payment—Under Mistake—Recovery.

77 Hun, 603; (60 St. Rep. 459; 28 Supp. 1030).

Wakefield v. American S. Co., 13 Daly, 349.

Cited, Appeal—Review of Discretionary Determination.

2 Misc. 181; (49 St. Rep. 720; 21 Supp. 583; 29 Abb. N. C. 431; 23 Civ. Pro. 40).

Wakefield v. Fargo, 90 N. Y. 213.

Cited, Corporations—Dissolution—Preferences—Wages of Employees—Who Are.

73 Hun, 333; (55 St. Rep. 907; 26 Supp. 211). 91 Hun, 315; (71 St. Rep. 558; 36 Supp. 526; 3 Ann. Cas. 5). 79 St. Rep. 631, 632, 633; 45 Supp. 631, 632, 633).

Statute—Penal—Strict Construction.

24 Supp. 937; (30 Abb. N. C. 125).

Corporations — Manufacturing — Act of 1848—Application of Provisions to.

24 Supp. 937; (30 Abb. N. C. 124).

Wakefield Rattan Co. v. Tappan, 70 Hun, 405; 53 St. Rep. 703; 24 Supp. 430.

Cited, False Representations—Of Agent—Sales.

D. 80 Hun, 227; (61 St. Rep. 759; 30 Supp. 44).

Wakefield Rattan Co. v. Tappan, 80 Hun, 219; 61 St. Rep. 753; 30 Supp. 38.

Wakely v. Davidson, 26 N. Y. 387.

Cited, Waters—Grant—Use—Quantity.

74 Hun, 16; (56 St. Rep. 741; 26 Supp. 147). 69 Hun, 474; (52 St. Rep. 841; 23 Supp. 399). 148 N. Y. 439.

Wakeman v. Dalley, 51 N. Y. 27.

Cited, Fraud—Representations — Knowledge—Reliance.

72 Hun, 315; (55 St. Rep. 355; 25 Supp. 684). 70 Hun, 413; (53 St. Rep. 708; 34 Supp. 435). 13 Misc. 148; (63 St. Rep. 20; 34 Supp. 65). 11 App. Div. 486; (76 St. Rep. 333; 42 Supp. 333).

Wakeman v. Everett, 41 Hun, 278; 2 St. Rep. 643.

Cited, Executors—Suits Affecting Estate—Counterclaims.

8 Misc. 151; (59 St. Rep. 385; 29 Supp. 304).

Wakeman v. Hazleton, 3 Barb. Ch. 148.

Cited, Executors — Torts—Personal Liability.

20 Misc. 507.

Wakeman v. Sherman, 9 N. Y. 85.

Cited, Limitation of Action—Removal of Bar—Acknowledgment—Sufficiency.

69 Hun, 424; (52 St. Rep. 630; 23 Supp. 470).

Contracts — Conditional Promise—Condition Precedent.

11 Misc. 630; (66 St. Rep. 174; 32 Supp. 791).

Wakeman v. Wheeler & Wilson Mfg. Co., 101 N. Y. 205.

Cited, Damages — Measure—Contract—Entirety of Recovery.

2 Misc. 380; (50 St. Rep. 598; 21 Supp. 1098). 77 Hun, 292; (59 St. Rep. 755; 28 Supp. 336). 142 N. Y. 188; (58 St. Rep. 647).

Damages—Measure—Breach of Contract—Loss of Profits.

50 St. Rep. 505; (21 Supp. 308). 75 Hun, 230; (58 St. Rep. 669; 27 Supp. 9; 31 Abb. N. C. 218). 66 Hun, 331; (49 St. Rep. 912; 21 Supp. 297). 69 Hun, 29; (53 St. Rep. 37; 23 Supp. 624). 80 Hun, 415; (52 St. Rep. 66; 30 Supp. 291). 14 Misc. 548; (70 St. Rep. 769; 33 Supp. 10). 16 Misc. 590; (74 St. Rep. 146; 38 Supp. 804). 7 App. Div. 261; (40 Supp. 89). D. 4 Misc. 123; (53 St. Rep. 467; 23 Supp. 900).

Damages — Breach of Contract — Uncertainty of Amount.

143 N. Y. 289; (62 St. Rep. 339). 10 Misc. 675; (64 St. Rep. 294; 31 Supp. 669; 1 Ann. Cas. 272). 84 Hun, 313; (65 St. Rep. 561; 32 Supp. 383). 12 Misc. 6; (66 St. Rep. 727; 33 Supp. 71). 13 App. Div. 103; (77 St. Rep. 314; 43 Supp. 314).

Damages—Breach of Contract—How Established.

12 App. Div. 489; (76 St. Rep. 902; 42 Supp. 902).

Evidence—Opinion—Profits on Contract.

4 Misc. 118; (53 St. Rep. 463; 23 Supp. 897).

Wakeman v. Wilbur, 21 St. Rep. 556; 4 Supp. 938.

Cited, Highways—Limits—User.

78 Hun, 559; (61 St. Rep. 423; 29 Supp. 523).

Wakeman v. Wilbur, 147 N. Y. 657; 71 St. Rep. 266.

Cited, Highways—Obstruction—Nuisance—Abatement.

4 App. Div. 567; (73 St. Rep. 603; 38 Supp. 512).

Walbourn v. Hingston, 86 Hun, 63; 66 St. Rep. 814; 33 Supp. 117.

Cited, Release—Avoidance.

18 Misc. 44; (75 St. Rep. 453; 40 Supp. 1134).

Duplicate Citations in Parenthesis.

- Walbridge v. Graham**, 1 Misc. 397; 49 St. Rep. 879; 20 Supp. 896.
- Walbridge v. J. Dewing Pub. Co.**, 24 Supp. 602.
- Walbridge v. Simon**, 13 Misc. 634; 69 St. Rep. 164; 34 Supp. 939.
Cited, Evidence — Account Books — Authentication.
79 St. Rep. 375; (45 Supp. 375).
- Walcutt v. Gaskins**, 18 Misc. 118; 41 Supp. 678.
- Waldele v. N. Y. C. & H. R. R. Co.**, 95 N. Y. 274.
Cited, Evidence—Declarations—Res Gestae.
73 Hun, 64; (56 St. Rep. 111; 25 Supp. 899). 56 St. Rep. 714; (25 Supp. 318). 143 N. Y. 423; (62 St. Rep. 435). 14 Misc. 285; (70 St. Rep. 444; 35 Supp. 709). 20 Misc. 387; (79 St. Rep. 606; 45 Supp. 606). 149 N. Y. 162.
- Waldele v. N. Y. C. & H. R. R. Co.**, 4 App. Div. 549; 74 St. Rep. 819; 38 Supp. 1009.
Cited, Railroads — Crossings—Contributory Negligence.
8 App. Div. 331; (75 St. Rep. 191; 40 Supp. 808). 18 Misc. 505; (76 St. Rep. 1078; 42 Supp. 1078). 20 Misc. 294; (79 St. Rep. 668; 45 Supp. 668)
Negligence—Contributory—Sudden Peril.
19 Misc. 645; (78 St. Rep. 418; 44 Supp. 418).
- Walden v. Davison**, 11 Wend. 65.
Cited, Payment—Application.
77 Hun, 179; (58 St. Rep. 725; 28 Supp. 419).
- Walden v. N. Y. Firemen Ins. Co.**, 12 Johns. 128.
Cited, Vessel—Seaworthiness—Competent Officers.
67 Hun, 295; (51 St. Rep. 321; 22 Supp. 157).
- Waldheim v. John Hancock Mut. Life Ins. Co.**, 8 Misc. 506; 59 St. Rep. 413; 28 Supp. 766.
- Waldheim v. Sonnenstrahl**, 8 Misc. 219; 59 St. Rep. 235; 28 Supp. 582.
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- Waldie v. Brooklyn El. R. Co.**, 69 St. Rep. 433; 35 Supp. 40.
- Waldorf v. Simpson**, 15 App. Div. 297; 78 St. Rep. 921; 44 Supp. 921.
- Waldron, Matter of**, 13 Johns. 418.
Cited, Children—Custody.
82 Hun, 187; (64 St. Rep. 804; 31 Supp. 983).
- Waldron, Matter of**, 19 Misc. 333; 78 St. Rep. 353; 44 Supp. 353.
- Waldron v. Baker**, 4 E. D. Smith, 440.
Cited, Assignment—Choses in Action.
17 Misc. 137; (39 Supp. 342).
- Waldron v. McComb**, 1 Hill, 111.
Cited, Power of Sale—Right to Mortgage or Pledge.
144 N. Y. 224; (63 St. Rep. 95).
- Waldron v. Ritchings**, 3 Daly, 288; 9 Abb. N. S. 359.
Cited, Statutes—Foreign—Recognition.
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Corporations—Stockholders—Reliance on Statements of Officers.
9 Misc. 169; (60 St. Rep. 647; 29 Supp. 710).
Evidence—Presumption—Laws of Other States.
27 Supp. 930; (30 Abb. N. C. 453).
- Waldron v. Waldron**, 4 Bradf. 114.
Cited, Wills—Direction to Pay Debts—What Debts and Incumbrances Included.
24 Supp. 876; (30 Abb. N. C. 229).
- Waldron v. Walker**, 43 St. Rep. 605; 18 Supp. 292.
Cited, Supplementary Proceedings — When Order Granted.
3 Misc. 118; (23 Supp. 1056).
Supplementary Proceedings — Disputed Ownership.
3 App. Div. 589; (73 St. Rep. 720; 25 Civ. Pro. 322; 38 Supp. 226; 3 Ann. Cas. 37).
- Wales Mfg. Co. v. Lazzaro**, 18 Misc. 352; 75 St. Rep. 1513; 41 Supp. 1134.
Reversed, 19 Misc. 477; 77 St. Rep. 1110; 43 Supp. 1110.
Cited, Pleading—Bill of Particulars.
77 St. Rep. 1111; (43 Supp. 1111).
- Wales Mfg. Co. v. Lazzaro**, 19 Misc. 477; 77 St. Rep. 1110; 43 Supp. 1110.
- Walford v. Harris**, 78 Hun, 341; 59 St. Rep. 527; 29 Supp. 123.
- Walford v. Harris**, 78 Hun, 346; 60 St. Rep. 738; 29 Supp. 126.
- Walkam v. Henry**, 7 Misc. 532; 27 Supp. 997.
Cited, Mechanic's Lien—Mistake in Owner's Name.
10 Misc. 189; (62 St. Rep. 487; 30 Supp. 1043).

Duplicate Citations in Parenthesis.

Walker, Matter of, 136 N. Y. 20; 48 St. Rep. 893.

Cited, Surrogate's Courts—Jurisdiction—Disputed Debts.

71 Hun, 347; (55 St. Rep. 22; 25 Supp. 5).
Surrogate's Court—Jurisdiction—Assumption Without Objection—Effect.

71 Hun, 347; (55 St. Rep. 22; 25 Supp. 5).
88 Hun, 377; (68 St. Rep. 771; 34 Supp. 833).

Courts—Want of Jurisdiction—Consent—Effect.

19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).

Jurisdiction—Absence—Validity of Acts.
143 N. Y. 165; (62 St. Rep. 189). 92 Hun, 7; (73 St. Rep. 12; 37 Supp. 964).

Walker v. American Cent. Ins. Co., 143 N. Y. 167; 62 St. Rep. 191.

Cited, Pleading — Counterclaim — What Constitutes.

2 App. Div. 122; (73 St. Rep. 296; 37 Supp. 599). 16 Misc. 389; (73 St. Rep. 809; 38 Supp. 130). 18 Misc. 545; (77 St. Rep. 796; 43 Supp. 796).

Pleading — Counterclaim—Equitable Action.

17 App. Div. 248; (79 St. Rep. 588; 45 Supp. 588).

Walker v. American Cent. Ins. Co., 50 St. Rep. 245; 21 Supp. 751.

Walker v. Anglo Am. & T. Co., 72 Hun, 334; 55 St. Rep. 54; 25 Supp. 432.

Walker v. Beecher, 15 Misc. 149; 71 St. Rep. 458; 36 Supp. 470.

Walker v. Caywood, 31 N. Y. 51.

Cited, Highways—Abandonment.
6 Misc. 202; (27 Supp. 871).

Highways—Limits—User.
78 Hun, 559; (61 St. Rep. 423; 39 Supp. 523).

Highways—Obstructions—Removal—Notice.

11 Misc. 149; (64 St. Rep. 455; 32 Supp. 635).

Highways —Obstructions—Removal—Delay.

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Walker v. Chilson, 65 Hun, 529; 20 Supp. 527.

Cited, Service — Insufficient Time — Return of Papers.

9 App. Div. 400; (75 St. Rep. 886; 41 Supp. 494).

Walker v. Dunsbaugh, 20 N. Y. 170.

Cited, Appeal — Unprejudicial Error — Leading Questions.

1 Misc. 362; (48 St. Rep. 786; 20 Supp. 638). 18 Misc. 36; (75 St. Rep. 462; 41 Supp. 12).

Evidence—Declarations—Title to Land.

18 Misc. 320; (76 St. R. p. 1030; 42 Supp. 1000).

Walker v. Erie R. Co., 63 Barb. 260.

Cited, Damages—Personal Injury—Measure—Question for Jury.

8 Misc. 659; (59 St. Rep. 540; 29 Supp. 1125; 31 Abb. N. C. 430). 85 Hun, 92; (66 St. Rep. 73; 32 Supp. 689).

Walker v. Gardener, 8 Misc. 468; 60 St. Rep. 599; 29 Supp. 669.

Walker v. Granite Bank, 44 Barb. 39.
Cited, Deposition—Discovery and Inspection.

84 Hun, 152; (65 St. Rep. 837; 32 Supp. 509).

Walker v. Hubert, 6 Misc. 123; 57 St. Rep. 855; 26 Supp. 46.

Walker v. Isaacs, 36 Hun, 233.

Cited, Execution—Amendment.

79 Hun, 466; (61 St. Rep. 252; 29 Supp. 935).

Walker v. McNulty, 19 Misc. 701; 79 St. Rep. 42; 45 Supp. 42.

Walker v. Millard, 29 N. Y. 375.

Cited, Pleading—Counterclaim.

85 Hun, 318; (66 St. Rep. 462; 32 Supp. 978).

Walker v. Moseley, 5 Den. 102.

Cited, Courts — Inferior — Judgment — Jurisdictional Facts.

16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Walker v. Pease, 17 Misc. 415; 41 Supp. 219.

Walker v. People, 88 N. Y. 81.

Cited, Evidence—Insanity—Burden.

149 N. Y. 328.

Walker v. Phoenix Ins. Co., of Hartford, 89 Hun, 333; 69 St. Rep. 817; 35 Supp. 374.

Cited, Insurance—Conditions—Waiver.

8 App. Div. 360; (40 Supp. 821).

Walker v. Porter, 49 St. Rep. 849; 21 Supp. 723.

Walker v. Scott, 3 Misc. 329; 53 St. Rep. 632; 23 Supp. 334; 23 Civ. Pro. 90.

Cited, Appeal — Removal of Cause — Amendment.

7 Misc. 561; (58 St. Rep. 513; 28 Supp. 9; 23 Civ. Pro. 364).

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11 Misc. 316; (65 St. Rep. 499; 32 Supp. 291).

*Duplicate Citations in Parenthesis.***Walker v. Swayzee**, 3 Abb. 138.*Cited*, Damages—Measure—Landlord—Failure to Repair.

5 Misc. 3; (25 Supp. 126). 15 Misc. 3; (72 St. Rep. 5; 36 Supp. 776).

Walker v. Tamsen, 77 St. Rep. 507; 43 Supp. 507.**Walker v. Taylor**, 15 Div. App. 452; 78 St. Rep. 446; 44 Supp. 446.**Walker v. Wainwright**, 16 Barb. 486.*Cited*, Religious Corporations—Government—Interference by Courts.

82 Hun, 131; (63 St. Rep. 386; 31 Supp. 95). 18 App. Div. 238; (79 St. Rep. 766; 45 Supp. 766).

Walker v. Walker, 82 N. Y. 260.*Cited*, Contempt—Punishment.

145 N. Y. 138; (64 St. Rep. 546). 13 Misc. 297; (69 St. Rep. 210; 34 Supp. 1120). 6 App. Div. 590; (39 Supp. 805).

Walker v. Wilson, 8 Bosw. 586.*Cited*, Intent—Absence—As Defense to Act.

16 Misc. 321; (73 St. Rep. 571; 37 Supp. 951).

Wall v. Buffalo Water Works Co., 18 N. Y. 119.*Cited*, Pleading—Answer—Negative Pregnant—Remedy—Waiver.

75 Hun, 407; (56 St. Rep. 745; 27 Supp. 61). 142 N. Y. 206; (58 St. Rep. 458; 31 Abb. N. C. 253).

Wall v. Bulger, 46 Hun, 346.*Cited*, Pleading—Complaint—Construction on Demurrer.

17 Misc. 359; (39 Supp. 1087). 19 Misc. 615; (78 St. Rep. 424; 44 Supp. 424).

Wall v. D., L. & W. R. R. Co., 54

Hun, 454; 28 St. Rep. 132.

Affirmed, 124 N. Y. 727; 35 St. Rep. 995.*Cited*, Master and Servant—Habitual Violation of Duty.

145 N. Y. 407; (64 St. Rep. 842).

Wall v. Emigrant Industrial Savings Bank, 64 Hun, 249; 46 St. Rep. 601; 19 Supp. 194.*Cited*, Banks—Saving—Deposit—Payment to Wrong Person.

17 Misc. 580; (40 Supp. 666).

Walls v. Jones, 45 St. Rep. 687; 18 Supp. 674.*Cited*, Master and Servant—Risks—Precautions—Negligence.

5 Misc. 333; (55 St. Rep. 212; 25 Supp. 511). 12 Misc. 333; (65 St. Rep. 789; 33 Supp. 640).

Wall v. Kellogg's Ex'rs, 16 N. Y. 385.*Cited*, Executors—Liability—Representative or Personal.

76 Hun, 57; (59 St. Rep. 143; 27 Supp. 667). 145 N. Y. 331; (64 St. Rep. 684). D. 76 Hun, 59; (59 St. Rep. 150; 27 Supp. 668).

Wall v. U. S. Illuminating Co., 21 St. Rep. 105; 4 Supp. 697.*Cited*, Brokers—Commissions—Completion of Sale.

11 Misc. 377; (65 St. Rep. 425; 32 Supp. 243).

Wall Street, Matter of, 17 Barb. 617.*Cited*, Highways—Filing Map by Authorities—Subsequent Improvements by Owner. 136 N. Y. 583; (49 St. Rep. 700).

Highways—Establishment—Compensation—Buildings Erected Pending Proceedings.

22 Supp. 39.

Wallace v. Baring, 2 App. Div. 501; 74 St. Rep. 425; 37 Supp. 1078; 3 Ann. Cas. 16.**Wallace v. Bassett**, 41 Barb. 92.*Cited*, Statutes—Repeal—By Implication. 16 Misc. 618; (40 Supp. 745; 25 Civ. Pro. 393).**Wallace v. Bennett**, 1 Abb. N. C. 478.*Cited*, Pleading—Libel and Slander.

11 Misc. 13; (63 St. Rep. 459; 31 Supp. 857).

Wallace v. Berdell, 97 N. Y. 13.*Cited*, Deed—Delivery—Conditions.

142 N. Y. 363; (59 St. Rep. 30).

Wallace v. Berdell, 101 N. Y. 13.*Cited*, Ejectment—Judgment—Damages.

76 Hun, 604; (58 St. Rep. 258; 28 Supp. 202).

Wallace v. Blake, 30 St. Rep. 248; 8 Supp. 862.*Cited*, Trial—Affirmative Defense—Burden of Proof.

12 Misc. 444; (67 St. Rep. 599; 33 Supp. 698).

Wallace v. Castle, 14 Hun, 106.*Cited*, Factors—Under Del Credere Agreement—Liability for Moneys Received.

7 Misc. 583; (58 St. Rep. 506; 28 Supp. 5; 31 Abb. N. C. 102).

Wallace v. Castle, 68 N. Y. 373.*Cited*, Appeal—Vacation of Attachment. 11 Misc. 295; (65 St. Rep. 429; 32 Supp. 248).

*Duplicate Citations in Parenthesis.***Wallace v. Central Vermont R. Co.,**

138 N. Y. 302; 52 St. Rep. 351.

Cited, Railroads—Operation—Bridges.

80 Hun, 396; (62 St. Rep. 51; 30 Supp. 324).

Negligence — Contributory — Injuries to Brakeman—Overhead Obstructions.

10 Misc. 339; (63 St. Rep. 518; 31 Supp. 137). 88 Hun, 363; (68 St. Rep. 763; 34 Supp. 825). 11 App. Div. 596; (76 St. Rep. 600; 42 Supp. 600).

Wallace v. Devlin, 36 Hun, 275.*Cited*, Master and Servant—Discharge—Damages—Measure.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194).

Contracts—Employment—Term.

82 Hun, 461; (64 St. Rep. 486; 31 Supp. 782).

Wallace v. Dimmick, 24 Hun, 635.*Cited*, Summons—Irregularities.

41 Supp. 212; (25 Civ. Pro. 383).

Wallace v. Dimmony, 10 Misc. 47; 63

St. Rep. 178; 30 Supp. 830.

Affirmed, 11 Misc. 317; 65 St. Rep. 288; 32 Supp. 159.**Wallace v. Dinniny,** 11 Misc. 317; 65

St. Rep. 288; 32 Supp. 159.

Followed, 12 Misc. 636; 65 St. Rep. 882; 32 Supp. 1150.**Wallace v. Dinniny,** 12 Misc. 635; 65

St. Rep. 882; 32 Supp. 1150.

Wallace v. Feely, 61 How. 225.*Affirmed*, 88 N. Y. 616.*Cited*, Statutes—Construction—Directory and Mandatory Words.

18 Misc. 175; (41 Supp. 440).

Wallace v. Lent, 1 Daly, 481.*Cited*, Landlord and Tenant—Occupation Under Promise to Repair—Liability for Rent.

5 Misc. 347; (55 St. Rep. 498; 25 Supp. 528). 11 Misc. 117; (65 St. Rep. 116; 31 Supp. 993). 13 Misc. 148; (68 St. Rep. 20; 34 Supp. 65).

Wallace v. Long Island R. Co., 12 Hun, 460.*Cited*, Corporations—Contracts — Directors.

89 Hun, 321; (70 St. Rep. 228; 35 Supp. 568). 15 Misc. 194; (72 St. Rep. 235; 36 Supp. 901). 8 App. Div. 172; (40 Supp. 504).

Wallace v. Morss, 5 Hill, 391.*Cited*, Infants—Liability for Torts.

2 Misc. 237; (50 St. Rep. 768; 21 Supp. 1007).

Wallace v. Nodine, 57 Hun, 289.*Cited*, Statute of Frauds—Sale—Fraudulent—Question for Jury.

19 Misc. 165.

Wallace v. Payne, 9 App. Div. 34; 75

St. Rep. 572; 41 Supp. 111.

Cited, Equity—Jurisdiction—Remedy at Law.

14 App. Div. 599; (77 St. Rep. 1119; 43 Supp. 1119).

Wallace v. Payne, 14 App. Div. 597; 77

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Wallace v. Straus, 113 N. Y. 238; 22 St.

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Cited, Witness—Competency—Interest.

50 St. Rep. 362; (21 Supp. 883). 77 Hun, 6; (59 St. Rep. 421; 28 Supp. 225).

Witnesses — Competency — Transaction With Decedent—Contingent Interest.

77 Hun, 68; (59 St. Rep. 44; 28 Supp. 471). 16 App. Div. 549; (78 St. Rep. 995; 44 Supp. 995).

Execution—Levy After Death of Debtor.

8 Misc. 420; (59 St. Rep. 390; 60 St. Rep. 444; 28 Supp. 666). 145 N. Y. 342; (64 St. Rep. 812; 24 Civ. Pro. 297).

Realty—Recovery—Title.

4 App. Div. 340; (74 St. Rep. 591; 38 Supp. 907).

Wallace v. Vacuum Oil Co., 128 N. Y.

579; 38 St. Rep. 441.

Cited, Evidence—Opinion—Personal Injuries.

13 Misc. 656; (69 St. Rep. 148; 34 Supp. 924). 13 App. Div. 174; (77 St. Rep. 264; 43 Supp. 264).

Trial — Objections to Evidence — Sufficiency.

19 Misc. 505, 506; (77 St. Rep. 1094, 1095; 43 Supp. 1094, 1995). 7 App. Div. 398; (39 Supp. 947).

Wallace v. Walsh, 125 N. Y. 25; 34 St.

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Cited, Corporations—Strict Construction of Statutory Penalty for Failure to File Report.

137 N. Y. 344. (50 St. Rep. 645).

Wallace, Muller & Co. v. Valentine,

10 Misc. 645; 65 St. Rep. 216; 32 Supp. 121.

Wallach, Matter of, 2 Ann. Cas. 322.

See Berthold v. Wallach.

Wallach v. Manhattan R. Co., 60 St.

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Cited, Attachment—Affidavit—Information and Belief.

19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336).

Wallach v. Van Schaick, 76 Hun, 611; 59 St. Rep. 188; 28 Supp. 168.**Wallack v. Society for Relief of J. D. in N. Y. City**, 62 N. Y. 23.

Cited, Injunction—Stay of Prior Action. 139 N. Y. 118; (54 St. Rep. 642). 20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

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6 App. Div. 275; (39 Supp. 782).

Waller v. Harris, 20 Wend. 555.

Cited, Courts—Powers—Unjust or Inadequate Legislation.

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Waller v. Hebron, 5 App. Div. 577; 39 Supp. 381.

Cited, Highways—Slight Defects—Liability of Town.

11 App. Div. 358; (76 St. Rep. 107; 42 Supp. 10).

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79 St. Rep. 449; (45 Supp. 449).

Highways—Absence of Barriers—Burden.

17 App. Div. 161; (79 St. Rep. 146; 45 Supp. 146).

Waller v. Howell, 20 Misc. 236; 79 St. Rep. 790; 45 Supp. 790.**Waller v. New York**, 144 N. Y. 579. 64 St. Rep. 221.

Cited, Waters—Rights of Riparian Owners.

86 Hun, 457, 459; (67 St. Rep. 715, 717; 33 Supp. 939, 940). 15 App. Div. 170; (78 St. Rep. 282; 44 Supp. 282).

149 N. Y. 504.

Wallerstein v. American S. Co., 40 St. Rep. 578; 15 Supp. 954.

Cited, Pleading—Answer—Sufficiency—When Raised.

8 Misc. 476; (60 St. Rep. 604; 29 Supp. 549).

Wallerstein v. Columbia Ins. Co., 44 N. Y. 204.

Cited, Insurance—Constructive Loss of Vessel—Valuation in Policy.

72 Hun, 288; (55 St. Rep. 751; 24 Supp. 417).

Walling v. Miller, 108 N. Y. 173; 13 St. Rep. 93.

Cited, Receivers—Actions Against—Contempt.

72 Hun, 635; (54 St. Rep. 870; 25 Supp. 187). 88 Hun, 493; (69 St. Rep. 78; 34 Supp. 853).

Receivers—Injunction.

1 App. Div. 377; (72 St. Rep. 582; 37 Supp. 312).

Execution—Lien—Receiver—Priority.

7 App. Div. 552; (74 St. Rep. 706; 40 Supp. 147). 34 Supp. 884.

Wallis, Matter of, 6 Cow. 581.

Cited, Contempt—Personal Service.

D. 80 Hun, 452; (62 St. Rep. 299; 30 Supp. 467).

Wallis v. Randall, 16 Hun, 33.

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Cited, Evidence—Relevancy—Test.

73 Hun, 382; (57 St. Rep. 292; 26 Supp. 265).

Wallman v. Society of Concord, 45 N. Y. 483.

Cited, Contracts—Performance—Time—Waiver—Default.

4 Misc. 440; (54 St. Rep. 141; 24 Supp. 697).

Walls v. Bailey, 49 N. Y. 484.

Cited, Custom—As Term of Contract.

2 Misc. 356; (51 St. Rep. 583; 21 Supp. 1100). 91 Hun, 41; (71 St. Rep. 115; 36 Supp. 100). 19 Misc. 7; (76 St. Rep. 909; 42 Supp. 909). 19 Misc. 285; (77 St. Rep. 72; 43 Supp. 72). 20 Misc. 323; (79 St. Rep. 685; 45 Supp. 685).

Custom—Knowledge.

20 Misc. 234; (79 St. Rep. 789; 45 Supp. 789).

Evidence—Custom.

6 Misc. 210; (56 St. Rep. 525; 26 Supp. 537). 3 Misc. 244; (52 St. Rep. 138; 22 Supp. 942). 87 Hun, 455; (68 St. Rep. 327; 34 Supp. 394). 149 N. Y. 316.

Walls v. Rochester R. Co., 92 Hun, 581; 72 St. Rep. 250; 36 Supp. 1102.**Wallsworth v. McCullough**, 10 Johns. 93.

Cited, Bastards—Proceedings to Compel Support—Who May Institute.

8 App. Div. 517; (75 St. Rep. 155; 40 Supp. 781).

Walradt, Matter of, 13 App. Div. 142; 77 St. Rep. 379; 43 Supp. 379.**Walradt v. Maynard**, 3 Barb. 584.

Cited, Attorneys—Authority After Judgment.

49 St. Rep. 603; (20 Supp. 757).

Walradt v. Phoenix Ins. Co. of Hartford, 136 N. Y. 375; 49 St. Rep. 666.

Affirming, 64 Hun, 129; 45 St. Rep. 908; 19 Supp. 293.

Cited, Insurance—Forfeiture—Change of Occupancy.

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74 Hun, 157; (56 St. Rep. 297; 26 Supp. 648).

Insurance—Conditions—Change of Ownership.

78 Hun, 115; (60 St. Rep. 804; 29 Supp. 253). 144 N. Y. 198; (63 St. Rep. 92). 149 N. Y. 386.

Walrath, Matter of, 69 Hun, 403; 52 St. Rep. 843; 23 Supp. 648.

Walrath v. Abbott, 75 Hun, 445; 59 St. Rep. 641; 27 Supp. 529.

Followed, 92 Hun, 606; (73 St. Rep. 879; 39 Supp. 1134).

Walrath v. Abbott, 85 Hun, 181; 66 St. Rep. 164; 32 Supp. 596.

Walrath v. Abbott, 92 Hun, 606; 73 St. Rep. 879; 39 Supp. 1134.

Walrath v. Redfield, 18 N. Y. 457.

Cited, Actions—Tort—Interest.

135 N. Y. 105; (48 St. Rep. 368).

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60 St. Rep. 320.

Walrath v. Richie, 5 Lans. 362.

Cited, Contracts — Statute of Frauds—Sale—Payment—Agreement to Apply Price on Prior Debt.

73 Hun, 339; (55 St. Rep. 922; 26 Supp. 271).

Walrath v. Thompson, 4 Hill, 200.

Cited, Evidence—Parol—In Aid of Writing.

3 Misc. 518; (52 St. Rep. 496; 23 Supp. 334). 92 Hun, 553; (38 Supp. 1047).

Walrod v. Ball, 9 Barb. 271.

Cited, Bills and Notes—Value—Presumption.

19 Misc. 130; (77 St. Rep. 535; 43 Supp. 535).

Walrod v. Shuler, 2 N. Y. 134.

Cited, Justice's Court—Judgment—Remission of.

7 Misc. 138; (57 St. Rep. 105; 27 Supp. 395). 23 Supp. 673.

Walsh v. Bowery Savings Bank, 15 Daly, 403; 28 St. Rep. 402; 7 Supp. 669.

Cited, Gift—Causa Mortis—Of Bank Deposit.

3 Misc. 283; (52 St. Rep. 397; 22 Supp. 784).

Walsh v. Brooklyn El.R. Co., 76 Hun, 24; 59 St. Rep. 620; 27 Supp. 605.

Walsh v. Buffalo, 92 Hun, 438; 72 St. Rep. 99; 36 Supp. 997.

Cited, Municipal Corporations—Personal Injuries—Notice of Claim.

17 App. Div. 114; (78 St. Rep. 944; 44 Supp. 944).

Walsh v. Buffalo, 17 App. Div. 112; 78 St. Rep. 942; 44 Supp. 942.

Walsh v. Campbell, 1 App. Div. 631; 72 St. Rep. 531; 37 Supp. 362.

Walsh v. Campbell, 2 App. Div. 617; 73 St. Rep. 423; 37 Supp. 746.

Walsh v. Commercial Steam Laundry Co., 11 Misc. 3; 63 St. Rep. 461; 31 Supp. 833.

Cited, Master and Servant—Risks Assumed—Minors.

11 Misc. 549; (64 St. Rep. 447; 32 Supp. 750).

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14 Misc. 469; (70 St. Rep. 729; 35 Supp. 1025).

Walsh v. Durkin, 12 Johns. 99.

Cited, Action—Abatement—By Other Action—Foreign Court.

138 N. Y. 218; (52 St. Rep. 166).

Walsh v. Fitchburg R. Co., 67 Hun, 604; 51 St. Rep. 240; 22 Supp. 441.

Cited, Negligence—Dangerous Premises—Licensee.

71 St. Rep. 471; (36 Supp. 421). 15 Misc. 255.

Walsh v. Fitchburg R. Co., 78 Hun, 1; 60 St. Rep. 539; 28 Supp. 1097.

Reversed, 145 N. Y. 301; 64 St. Rep. 711.

Cited, Damages—Excessive—Personal Injuries.

86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

Walsh v. Fitchburg R. Co., 145 N. Y. 301; 64 St. Rep. 711.

Cited, Negligence — Dangerous Premises—Notice.

D. 6 App. Div. 183; (39 Supp. 1026).

Walsh v. Hartford Ins. Co., 73 N. Y. 5.

Cited, Insurance — Policy — Waiver of Terms by Agents.

136 N. Y. 552; (50 St. Rep. 21). 142 N. Y. 386; (59 St. Rep. 779). 7 App. Div. 584; (40 Supp. 306).

Insurance — Inconsistent Facts — Knowledge of Agent.

66 Hun, 225; (49 St. Rep. 10; 21 Supp. 52).

Principal and Agent — Authority — Contracts.

69 Hun, 545; (53 St. Rep. 289; 23 Supp. 949). 13 App. Div. 445; (77 St. Rep. 624; 43 Supp. 624). 14 App. Div. 550; (77 St. Rep. 850; 43 Supp. 850). 149 N. Y. 519. 520.

Duplicate Citations in Parenthesis.

Walsh v. Kelly, 40 N. Y. 556.

Cited, Trial—Instructions—Exceptions—Extent of Review.

8 Misc. 294; (59 St. Rep. 210; 28 Supp. 574; 31 Abb. N. C. 440).

Walsh v. Manhattan R. Co., 8 Misc. 1; 59 St. Rep. 309; 28 Supp. 72.

Walsh v. Manhattan R. Co., 13 Misc. 505; 68 St. Rep. 414; 34 Supp. 686.

Walsh v. Matchett, 6 Misc. 114; 58 St. Rep. 1; 26 Supp. 43.

Walsh v. McArdle, 78 Hun, 411; 60 St. Rep. 734; 29 Supp. 169.

Walsh v. Mead, 8 Hun, 387.

Cited, Nuisance—Awnings.

9 Misc. 15; (59 St. Rep. 699; 29 Supp. 17).

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9 Misc. 33; (29 St. Rep. 725; 29 Supp. 60).

Walsh v. Mutual L. Ins. Co., 133 N. Y. 408; 45 St. Rep. 123.

Cited, Insurance — Benefit of Wife — Death of Beneficiary—Right of Action.

8 Misc. 509; (59 St. Rep. 415; 28 Supp. 769).

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71 Hun, 398; (55 St. Rep. 35; 25 Supp. 28).

Insurance—Policy—Who Entitled to Proceeds.

145 N. Y. 580; (65 St. Rep. 522). 15 Misc. 62; (72 St. Rep. 407; 36 Supp. 885). 17 Misc. 175; (40 Supp. 997). 19 Misc. 591; (78 St. Rep. 1048; 44 Supp. 1045).

Walsh v. Nat. Broadway Bank, 11 Misc. 249; 65 St. Rep. 855; 32 Supp. 734.

Affirmed, 13 Misc. 3; 67 St. Rep. 848; 33 Supp. 998.

Walsh v. Nat. Broadway Bank, 13 Misc. 3; 67 St. Rep. 842; 33 Supp. 998.

Walsh v. New York, 107 N. Y. 220; 11 St. Rep. 401; 27 Week. Dig. 233.

Cited, Municipal Corporations—Liability for Acts of Agents—Notice.

76 Hun, 396; (59 St. Rep. 192; 28 Supp. 124).

Highways — Defects — Municipality — Notice.

135 N. Y. 102; (48 St. Rep. 366).

Walsh v. New York, 113 N. Y. 142.

Cited, Municipal Corporations—Constructing Boards—Contracts of—Mandamus to Compel the Awarding of.

5 Misc. 42; (25 Supp. 54).

Walsh v. N. Y. Floating D. Dock Co., 77 N. Y. 448.

Cited, Wharves—Use and Occupation.

12 App. Div. 23; (76 St. Rep. 610; 42 Supp. 610). 151 N. Y. 477.

Walsh v. New York & Brooklyn Bridge, Trustees of, 96 N. Y. 427.

Cited, Municipal Corporations—Liability—Private Property of City—Injury to Employee.

80 Hun, 167; (61 St. Rep. 713; 29 Supp. 1132).

Walsh v. People, 88 N. Y. 458.

Cited, Evidence—Photographs.

139 N. Y. 83; (54 St. Rep. 428).

Walsh v. Powers, 43 N. Y. 23.

Cited, Contracts—Of Infants—Acceptance of Benefits.

86 Hun, 372; (67 St. Rep. 228; 33 Supp. 475).

Contracts — Of Infants — Ratification — Burden of Proof.

13 App. Div. 546; 548; (77 St. Rep. 664, 665; 43 Supp. 664, 665).

Walsh v. Reinhart & Co., 20 Misc. 407.

Walsh v. Rutgers Fire Ins. Co., 13 Abb. 33.

Cited, Mortgage—Foreclosure—Rights of Lienors Not Parties to.

138 N. Y. 145; (51 St. Rep. 851; 30 Abb. N. C. 341).

Walsh v. Ryan, 1 Bradf. 433.

Cited, Wills—Probate—Who May Contest.

4 App. Div. 431; (39 Supp. 509).

Walsh v. Schultz, 67 How. 186; 12 Daly, 103.

Cited, Appeal—Reviewing Discretionary Determination.

7 Misc. 46; (57 St. Rep. 62; 27 Supp. 355). 2 Misc. 181; (49 St. Rep. 720; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 40). 16 Misc. 6; (73 St. Rep. 286; 37 Supp. 687).

Appeal—To General Term C. P.—Scope of Review.

3 Misc. 71; (51 St. Rep. 857; 23 Supp. 555). 1 Misc. 360; (48 St. Rep. 785; 20 Supp. 637). 1 Misc. 338; (48 St. Rep. 666; 20 Supp. 708).

Walsh v. Schulz, 6 Civ. Pro. 126.

Cited, Appeal—When Lies.

11 Misc. 295; (35 St. Rep. 429; 32 Supp. 248).

Walsh v. Sexton, 55 Barb. 251.

Cited, Gift—Causa Mortis—Certificate of Deposit.

16 Misc. 179; (33 Supp. 1138).

Duplicate Citations in Parenthesis.

Walsh v. Waldron, 135 N. Y. 650; 48 St. Rep. 931.

Affirming, 63 Hun, 315; 43 St. Rep. 613; 17 Supp. 829.

Walsh v. Walsh, 66 Hun, 297; 49 St. Rep. 237; 20 Supp. 933.

Affirmed, 143 N. Y. 662; 63 St. Rep. 867.

Walsh v. Walsh, 4 Misc. 448; 54 St. Rep. 158; 24 Supp. 335.

Walsh v. Washington Mutual Life Ins. Co., 32 N. Y. 427.

Cited, Insurance—Proofs of Loss—Sufficiency.

10 Misc. 170; (62 St. Rep. 506; 30 Supp. 1046).

Walter v. Fowler, 85 N. Y. 621.

Cited, Pleading—Striking Out—Irrelevance—Obviousness.

54 St. Rep. 235; (25 Supp. 601). 85 Hun, 528; (67 St. Rep. 78; 33 Supp. 335). 67 St. Rep. 590; (33 Supp. 689; 24 Civ. Pro. 346).

Walter v. Lockwood, 23 Barb. 228.

Cited, Pleading—Complaint—Ejectment. 90 Hun, 508; (70 St. Rep. 643; 35 Supp. 964).

Walter v. Walter, 3 Abb. N. C. 12.

Cited, Partition—Sale of Entire Tract. 50 St. Rep. 883; (21 Supp. 203).

Waltermire v. Waltermire, 110 N. Y. 183; 17 St. Rep. 175.

Cited, Divorce—Cruel and Inhuman Treatment.

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980).

Waltermire v. Westover, 14 N. Y. 16.

Cited, Execution—Transcript from Justice's Court—Outlawed Judgment.

7 Misc. 218; (58 St. Rep. 572; 27 Supp. 646; 23 Civ. Pro. 299). 8 App. Div. 340; (40 Supp. 816). 17 App. Div. 184; (79 St. Rep. 297; 45 Supp. 297).

Judgment Lien—Duration—Transcript of Justice's.

6 Misc. 401; (56 St. Rep. 631; 26 Supp. 776). 27 Supp. 436.

Limitation of Action—Operation and—Effect of Statute.

78 Hun, 307; (60 St. Rep. 178; 28 Supp. 978).

Walters, Matter of, 84 Hun, 457; 65 St. Rep. 479; 32 Supp. 322.

Cited, Health—Vaccination—Compulsion. 65 St. Rep. 479; (32 Supp. 321).

Walthear v. Pennsylvania Fire Ins. Co., 2 App. Div. 328; 73 St. Rep. 70; 37 Supp. 857.

Cited, Insurance—Cancellation—Notice. 13 App. Div. 524; (77 St. Rep. 635; 43 Supp. 635).

Walther v. American Dist. Tel. Co., 11 Misc. 71; 66 St. Rep. 21; 32 Supp. 751.

Walton v. Chadwick, 6 Misc. 293; 58 St. Rep. 145; 26 Supp. 789.

Walton v. Cronly, 14 Wend. 64.

Cited, Landlord and Title—Covenants by Lessee—Assignment.

11 Misc. 124; (66 St. Rep. 220; 32 Supp. 824; 24 Civ. Pro. 195).

Walton v. Howard, 1 Dem. 103.

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3 Misc. 158; (23 Supp. 977).

Walton v. James, 11 Week. Dig. 508.

Cited, Appeal—Objection Not Raised on Trial.

18 Misc. 204; (75 St. Rep. 779; 41 Supp. 369).

Walton v. Kane, 4 Misc. 296; 53 St. Rep. 429; 23 Supp. 1029.

Walton v. Mather, 4 Misc. 261; 53 St. Rep. 716; 24 Supp. 307.

Cited, 31 Supp. 111.

15 Misc. 453; (72 St. Rep. 177; 37 Supp. 27).

Walton v. Mather, 10 Misc. 216; 63 St. Rep. 380; 31 Supp. 111.

Cited, Pleading—Amendment—Terms.

11 Misc. 719; (64 St. Rep. 875; 31 Supp. 1129). 19 Misc. 346; (77 St. Rep. 500; 43 Supp. 500). 12 Misc. 80; (66 St. Rep. 686; 33 Supp. 52). 20 Misc. 675.

Walton v. Mather, 15 Misc. 453; 72 St. Rep. 177; 37 Supp. 26.

Affirmed, 16 Misc. 546; 74 St. Rep. 131; 38 Supp. 782.

Walton v. Mather, 16 Misc. 546; 74 St. Rep. 131; 38 Supp. 782.

Walton v. Meeks, 120 N. Y. 79.

Cited, Vendor and Title—Unmarketable Title—Damages.

19 Misc. 554; (77 St. Rep. 400; 43 Supp. 400).

Walton v. Rafel, 7 Misc. 663; 58 St. Rep. 807; 28 Supp. 10.

Walton v. Stafford, 14 App. Div. 310; 77 St. Rep. 1049; 43 Supp. 1049.

Walton v. Walton, 1 Keyes. 15; 4 Abb. Ct. App. Dec. 512; 2 Abb. N. S. 428.

Cited, Attachment—Accounting—Personal Representatives Executor.

79 Hun, 146; (61 St. Rep. 356; 29 Supp. 764; 24 Civ. Pro. 32).

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81 Hun, 413; (63 St. Rep. 199; 30 Supp. 1000).

Duplicate Citations in Parenthesis.

- Walton v. Agricultural Ins. Co.**, 116 N. Y. 317; 26 St. Rep. 780.
Cited, Insurance—Fire—Change of Title. 144 N. Y. 198; (63 St. Rep. 91).
- Walts v. Nichols**, 32 Hun, 276.
Cited, Attachment—Affidavit—Sufficiency—Cause of Action. 73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416). 67 Hun, 204; (51 St. Rep. 519; 22 Supp. 65).
- Wambaugh v. Gates**, 11 Paige, 505.
Cited Action—Parties—Enforcement of Lien For Debt of Ancestor. 61 St. Rep. 280; (29 Supp. 966).
- Wamsley v. Darragh**, 12 Misc. 199.
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- Wamsley v. Darragh**, 14 Misc. 566; 70 St. Rep. 719; 35 Supp. 1075.
- Wamsley v. H. L. Horton, Co.**, 17 Misc. 327; 39 Supp. 963.
Affirmed, 12 App. Div. 312; 76 St. Rep. 767; 42 Supp. 767.
- Wamsley v. H. L. Horton & Co.**, 68 Hun, 549; 52 St. Rep. 767; 23 Supp. 85.
- Wamsley v. H. L. Horton & Co.**, 77 Hun, 317; 59 St. Rep. 473; 28 Supp. 423.
- Wamsley v. H. L. Horton & Co.**, 87 Hun, 347; 68 St. Rep. 458; 34 Supp. 306.
- Wamsley v. H. L. Horton & Co.**, 139 N. Y. 656; 54 St. Rep. 934.
- Wamsley v. H. L. Horton & Co.**, 12 App. Div. 312; 76 St. Rep. 767; 42 Supp. 767.
Affirmed, 153 N. Y. 687.
- Wandell, Matter of**, 32 Hun, 545.
Cited, Guardians—Accounting—Allowance for Maintenance and Education. 4 Misc. 370; (25 Supp. 830).
- Wandell, Matter of**, 12 Misc. 382; 67 St. Rep. 350; 33 Supp. 561.
- Wandelt v. Cohen**, 15 Misc. 90; 71 St. Rep. 834; 36 Supp. 811.
- Wangler v. Swift**, 90 N. Y. 38.
Cited, Appeal—Attitude Inconsistent with that on Trial. 1 Misc. 324; (48 St. Rep. 701; 20 Supp. 672).
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- Wangner, Matter of**, 74 Hun, 352; 56 St. Rep. 365; 26 Supp. 302.
- Wannamaker v. Rochester**, 44 St. Rep. 45; 17 Supp. 321.
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Cited, Master and Servant—Places Outside of Duties—Negligence. 76 Hun, 582; (58 St. Rep. 231; 28 Supp. 199).
Master and Servant—Dangerous Place—Acts of Another Servant. 86 Hun, 41; (66 St. Rep. 836; 33 Supp. 208). D. 3 App. Div. 617; (74 St. Rep. 399; 38 Supp. 102).
- Wannamaker v. Rochester**, 137 N. Y. 529; 50 St. Rep. 930.
Cited, 86 Hun, 41; (66 St. Rep. 836; 33 Supp. 208).
- Wanterburg v. Mather**, 16 Wend. 611.
Cited, Misnomer. 1 Ann. Cas. 113.
- Wanzer v. Cary**, 76 N. Y. 526.
Cited, Assignment of Collaterals—Effect on Debt. 18 Misc. 187; (41 Supp. 455).
- Warburton v. Camp**, 112 N. Y. 683; 21 St. Rep. 853.
Cited, Trial—Sufficiency of Evidence to Go to Jury—Authority of Agent. 3 Misc. 363; (52 St. Rep. 430; 23 Supp. 122).
- Warburton v. Camp**, 55 Super. 290.
Cited, Evidence—Parol—Trust. 3 App. Div. 60; (36 Supp. 1037).
- Ward, Matter of**, 48 St. Rep. 613; 20 Supp. 606; 29 Abb. N. C. 187.
Cited, Elections—Voting—Students. D. 84 Hun, 613; (66 St. Rep. 5; 32 Supp. 693).
- Ward, Matter of**, 10 Misc. 424; 63 St. Rep. 342; 31 Supp. 49.
- Ward v. Atlantic & P. T. Co.**, 71 N. Y. 81.
Cited, Negligence—Sufficiency of Structure—Unusual Storms. 78 Hun, 568; (61 St. Rep. 245; 29 Supp. 564).
Negligence—Dangerous Premises—Fall of Pole. 4 App. Div. 200; (74 St. Rep. 199; 38 Supp. 555).
- Ward v. Aylesworth**, 9 Wend. 281.
Cited, Taxes—Where Taxable—Lands Divided by Town and County Lines. 69 Hun, 538; (53 St. Rep. 293; 24 Supp. 7).
- Ward v. Boyce**, 80 Hun, 499; 62 St. Rep. 390; 30 Supp. 491.
Affirmed, 152 N. Y. 191.

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Ward v. Boyce, 152 N. Y. 191.

Ward v. Burgher, 90 Hun, 540; 70 St. Rep. 635; 35 Supp. 961.

Ward v. Central Park, N. & E. R. Co., 2 Sweeny, 701.

Cited, Appeal—Case—Failure to File—Abandonment.

76 Hun, 607; (59 St. Rep. 438; 28 Supp. 221; 23 Civ. Pro. 395).

Ward v. Clark, 2 Johns. 10.

Cited, Pleading—Complaint—Slander.

81 Hun, 50; (62 St. Rep. 563; 30 Supp. 585).

Ward v. Craig, 87 N. Y. 550.

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72 Hun, 463; (55 St. Rep. 150; 25 Supp. 282). 3 App. Div. 590; (73 St. Rep. 721, 722; 25 Civ. Pro. 322; 38 Supp. 226; 3 Ann. Cas. 38).

Appeal—Exceptions—Availability.

10 Misc. 366; (63 St. Rep. 432; 31 Supp. 17). 13 Misc. 221; (68 St. Rep. 116; 34 Supp. 237).

Ward v. Dewey, 16 N. Y. 519.

Cited, Cloud on Title—What Is—Removal.

70 Hun, 424; (53 St. Rep. 689; 24 Supp. 466). 16 App. Div. 384; (79 St. Rep. 22; 45 Supp. 22).

Ward v. Ford, 4 Redf. 34.

Cited, Executors—Compensation—Third Person Employed to Transact Ordinary Business.

1 Misc. 33; (22 Supp. 1084).

Ward v. Hudson R. Building Co.,

125 N. Y. 230; 34 St. Rep. 934.

Cited, Contracts—Difficulty of Performance—Compensation.

3 Misc. 384; (54 St. Rep. 150; 23 Supp. 303).

Contracts—Performance—Forfeiture.

69 St. Rep. 294; (35 Supp. 178).

Contracts—Breach—Liquidated Damages.

69 St. Rep. 296; (35 Supp. 180). 20 Misc. 48; (79 St. Rep. 343; 45 Supp. 343).

Contract—Breach—Recovery of Moneys Paid.

92 Hun, 106; (72 St. Rep. 229; 36 Supp. 912).

Counterclaim—Damages for Delay Under Building Contract

2 Misc. 276; (23 Supp. 776).

Ward v. Isbill, 73 Hun, 550; 56 St. Rep. 185; 26 Supp. 141.

Ward v. James, 8 Hun, 526.

Cited, Appeal—Stay—Effect.

2 Misc. 186; (49 St. Rep. 718; 23 Civ. Pro. 36; 21 Supp. 76).

Ward v. Kelsey, 14 Abb. 106.

Cited, Injunction—Preliminary—Mandatory.

8 Misc. 302; (59 St. Rep. 285; 28 Supp. 738). 14 App. Div. 391; (78 St. Rep. 21; 44 Supp. 21).

Ward v. Kilpatrick, 85 N. Y. 413.

Cited, Appeal—What First Raisable on—Incompetency of Evidence.

6 Misc. 127; (55 St. Rep. 698; 26 Supp. 7). 3 Misc. 337; (52 St. Rep. 7; 22 Supp. 738). 77 Hun, 142; (59 St. Rep. 40; 28 Supp. 466). 1 Misc. 437; (51 St. Rep. 53; 21 Supp. 916).

Trial—Exceptions—Incompetency of Witness.

64 St. Rep. 116; (31 Supp. 433).

Appeal—Harmless Error.

13 Misc. 257; (68 St. Rep. 88; 34 Supp. 85).

Mechanic's Lien—Enforcement—Lis Pendens.

73 Hun, 175; (57 St. Rep. 148; 25 Supp. 1099).

Mechanic's Lien—Enforcement—Deposit of Fund.

23 Civ. Pro. 28; (23 Supp. 126). 7 Misc. 618; (58 St. Rep. 795; 27 Supp. 956). 5 App. Div. 261; (39 Supp. 136).

Mechanic's Lien—Remedies Against Sureties on Bond to Discharge.

23 Supp. 126.

Mechanic's Lien—Enforcement—Bond.

145 N. Y. 247; (64 St. Rep. 687; 1 Ann. 225). 13 Misc. 63; (68 St. Rep. 190; 34 Supp. 143).

Fixtures — What Constitute — Cooking Range.

15 App. Div. 46; (78 St. Rep. 119; 44 Supp. 119).

Ward v. Krumm, 54 How. 95.

Cited, Tenancy by Entirety—Payment of Whole Consideration by One Tenant.

67 Hun, 235; (50 St. Rep. 783; 22 Supp. 799).

Ward v. Metropolitan Elevated R. Co., 152 N. Y. 39.

Ward v. Metropolitan Elevated R. Co., 82 Hun, 545; 64 St. Rep. 204; 31 Supp. 527.

Affirmed, 152 N. Y. 39.

Ward v. Newell, 42 Barb. 482.

Cited, Partnership — Limited — Firm Name.

145 N. Y. 492; (65 St. Rep. 365; 1 Ann. Cas. 373). 82 Hun, 30; (63 St. Rep. 773; 31 Supp. 324).

Duplicate Citations in Parenthesis.

- Ward v. New York**, 79 St. Rep. 891; 45 Supp. 891.
- Ward v. N. Y. C. & H. R. R. Co.**, 47 N. Y. 29.
Cited, Damages—Measure—Contract.
 2 Misc. 381; (50 St. Rep. 598; 21 Supp. 1098).
- Ward v. New York L. Ins. Co.**, 78 Hun, 363; 60 St. Rep. 744; 29 Supp. 186.
- Ward v. New York & Harlem R. Co.**, 79 Hun, 390; 61 St. Rep. 362; 29 Supp. 784.
Cited, Street Railways—Duty of Motor-man—Vehicles.
 11 App. Div. 155; (76 St. Rep. 885; 42 Supp. 835).
- Ward v. People**, 6 Hill, 144.
Cited, Witness—Privilege—Personal.
 9 App. Div. 222; (75 St. Rep. 619; 41 Supp. 168).
- Ward v. Petrie**, 92 Hun, 605; 72 St. Rep. 313; 36 Supp. 940.
- Ward v. Plato**, 23 Hun, 403.
Cited, Trial — Jury — Waiver — Equity Case—Damages.
 69 Hun, 522; (52 St. Rep. 846).
- Ward v. Rochester Electric R. Co.**, 43 St. Rep. 84; 17 Supp. 427.
Affirmed, 141 N. Y. 561; 57 St. Rep. 866.
Cited, Negligence—Contributory — Street Railroads—Driving on Tracks.
 8 Misc. 365; (59 St. Rep. 600; 28 Supp. 698).
- Ward v. Roy**, 69 N. Y. 96.
Cited, Action—Appearance — Notice of Retainer—Effect.
 142 N. Y. 155; (58 St. Rep. 624).
 Attorneys—Authority.
 13 App. Div. 607; (77 St. Rep. 987; 43 Supp. 987).
 Costs—Action Commenced Without Authority.
 84 Hun, 180; (65 St. Rep. 717; 32 Supp. 442).
- Ward v. Ruckman**, 34 Barb. 419.
Cited, Master and Servant — Relation—Termination.
 3 Misc. 517; (52 St. Rep. 496; 23 Supp. 333).
- Ward v. Ruckman**, 36 N. Y. 26.
Cited, Vessels—Joint Owners—Rights.
 143 N. Y. 452; (62 St. Rep. 458).
- Ward v. Southfield**, 102 N. Y. 287; 1 St. Rep. 689.
Cited, Judgment—Vacation—Fraud.
 71 Hun, 524; (54 St. Rep. 888; 24 Supp. 1033). 11 Misc. 450; (65 St. Rep. 419; 32 Supp. 221). 87 Hun, 515; (68 St. Rep. 510; 34 Supp. 504). 91 Hun, 49; (71 St. Rep. 380; 36 Supp. 298). 12 App. Div. 410, 416; (76 St. Rep. 942, 947; 42 Supp. 942, 947).
 Judgment—Conclusiveness—Strangers.
 7 Misc. 654; (59 St. Rep. 340; 28 Supp. 153).
 Towns—Liability for Acts of Officers.
 88 Hun, 524; (69 St. Rep. 32; 34 Supp. 970).
- Ward v. Stahl**, 81 N. Y. 406.
Cited, Contracts—Of Surety—Strict Construction.
 9 App. Div. 333; (41 Supp. 335). 15 App. Div. 174; (78 St. Rep. 183; 44 Supp. 183). D. 15 App. Div. 188; (78 St. Rep. 496; 44 Supp. 496).
- Ward v. Van Bokkelen**, 2 Paige, 299.
Cited, Action—Parties—Foreclosure—Assignor of Mortgage.
 72 Hun, 201; (55 St. Rep. 481; 25 Supp. 350).
- Ward v. Vanderbilt**, 4 Abb. Ct. App. Dec. 521; 34 How. 144.
Cited, Pleading—Complaint — Personal Injuries.
 8 Misc. 230; (59 St. Rep. 447; 28 Supp. 722).
- Ward v. Ward**, 105 N. Y. 68; 6 St. Rep. 798.
Cited, Trusts—Validity—Duration.
 3 Misc. 165; (51 St. Rep. 563; 23 Supp. 288).
 Wills—Construction—Power to Sell—Estate Taken.
 6 Misc. 379; (56 St. Rep. 338; 26 Supp. 745).
 Wills—Construction — Trust Provisions.
 75 Hun, 241; (58 St. Rep. 683; 27 Supp. 2). 12 Misc. 319; (67 St. Rep. 545; 33 Supp. 720; 24 Civ. Pro. 3:2). 13 Misc. 345; (68 St. Rep. 517; 34 Supp. 560). 3 App. Div. 292; (38 Supp. 1071).
 Wills—Construction — Executors—When Deemed Trustees.
 153 N. Y. 66.
- Ward v. Ward**, 21 Supp. 795.
- Ward v. Ward**, 23 Supp. 903; 23 Civ. Pro. 61.
- Ward v. Ward**, N. Y. Law Journal, Nov. 19, 1892.
Cited, Costs—Motion—Disbursements.
 2 Misc. 190; (50 St. Rep. 200; 21 Supp. 586).
- Ward v. Warren**, 15 Hun, 600.
Cited, Trial — Verdict — Special—New Trial.
 76 Hun, 591; (58 St. Rep. 276; 28 Supp. 217)

*Duplicate Citations in Parenthesis.***Ward v. Warren**, 82 N. Y. 265.

Cited, Adverse Possession—Continuity—Duration.

3 Misc. 7; (53 St. Rep. 629; 23 Supp. 796).

Adverse Possession—Openness — Knowledge of Servient Owner.

70 Hun, 543; (53 St. Rep. 750; 24 Supp. 189). 86 Hun, 385; (67 St. Rep. 188; 33 Supp. 474).

Evidence—Burden of Proof—User by License.

68 Hun, 272; (52 St. Rep. 380; 22 Supp. 993).

Ward v. Wordsworth, 1 E. D. Smith, 598.

Cited, Attorneys—Lien—Enforcement.

9 Misc. 564; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 57; 1 Ann. Cas. 76).

Ward & Co. v. Ward, 40 St. Rep. 792; 15 Supp. 913.

See *Marcus Ward & Co. v. Ward*.

Cited, Partnership — Name — Use by Others.

15 App. Div. 529; (78 St. Rep. 538; 44 Supp. 538).

Wardell v. Fosdick, 13 Johns. 325.

Cited, Fraud—Remedies of Vendee—Rescission—Action for Damages.

50 St. Rep. 437; (21 Supp. 409).

Warden v. Frost, 35 Hun, 141.

Cited, Judgment — Assignment — Offsetting Costs of Other Party.

72 Hun, 627; (56 St. Rep. 431; 25 Supp. 857). 72 St. Rep. 805; (38 Supp. 176; 1 Ann. Cas. 193).

Wardener v. Metropolitan Street R. Co., 72 St. Rep. 741.**Wardlaw v. New York**, 137 N. Y. 194; 50 St. Rep. 410.

Cited, Officers—Suspension or Discharge.

11 Misc. 308; (65 St. Rep. 443; 32 Supp. 259). 152 N. Y. 233. D. 70 Hun, 210; (54 St. Rep. 101; 24 Supp. 2).

87 Hun, 298; (68 St. Rep. 272; 34 Supp. 347).

Wardlaw v. New York, 23 Supp. 669; 30 Abb. N. C. 129.**Ware, Matter of**, 25 N. Y. 425.

Cited, Wills—Probate — Non-recollection of Witnesses.

17 Misc. 190; (40 Supp. 982).

Ware v. Dos Passos, 4 App. Div. 32; 38 Supp. 673.

Cited, Brokers—Commission—Procuring Cause.

19 Misc. 488; (77 St. Rep. 1060; 43 Supp. 1060).

Warfield v. N. Y., L. E. & W. R. Co., 8 App. Div. 479; 75 St. Rep. 158; 40 Supp. 783.**Warfield v. Watkins**, 30 Barb. 395.

Cited, Costs—Acceptance of Debt.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 3 Ann. Cas. 322).

Warfield v. Weeks, 12 Misc. 590; 67 St. Rep. 796; 33 Supp. 1093.**Waring, Matter of**, 7 Misc. 502; 58 St. Rep. 797; 28 Supp. 393.**Waring, Matter of**, 99 N. Y. 114.

Cited, Trust—Existence—Appointment of Successor of Trustee.

71 Hun, 66; (54 St. Rep. 197; 24 Supp. 542). 85 Hun, 13; (66 St. Rep. 125; 32 Supp. 614).

Trustees—Appointment of New—Power of Court.

12 App. Div. 344; (76 St. Rep. 866; 42 Supp. 866).

Waring, Matter of, 1 App. Div. 29; 71 St. Rep. 560; 38 Supp. 529.**Waring v. Indemnity Fire Ins. Co.**, 45 N. Y. 606.

Cited, Insurance—To Whom Available—Interest of Insured.

71 Hun, 310; (55 St. Rep. 8; 24 Supp. 1132).

Waring v. McKinley, 62 Barb. 612.

Cited, Appeal—What Appealable—Final Orders.

9 Misc. 457; (61 St. Rep. 106; 30 Supp. 239; 24 Civ. Pro. 48).

Justice's Court—Jurisdiction—Defective Service—Dismissal of Action.

5 Misc. 120; (25 Supp. 742). 19 Misc. 33; (76 St. Rep. 640; 42 Supp. 640).

Waring v. Smith, 2 Barb. Ch. 119.

Cited, Mortgage—Nature of Interest.

71 Hun, 119; (53 St. Rep. 875; 24 Supp. 530).

Alteration—By Stranger—Bills and Notes.

15 App. Div. 302; (78 St. Rep. 924; 44 Supp. 924).

Waring v. United States Telegraph Co., 4 Daly, 233.

Cited, New Trial—Improper Testimony—Prejudice.

9 Misc. 183; (60 St. Rep. 644; 29 Supp. 586).

Evidence—Letters.

12 Misc. 130; (66 St. Rep. 726; 33 Supp. 69). 20 Misc. 323; (79 St. Rep. 685; 45 Supp. 685).

Waring v. Waring, 3 Abb. 246.

Cited, Decedent—Debts of Ancestor—Lien.

61 St. Rep. 279; (29 Supp. 964)

Duplicate Citations in Parenthesis.

Waring v. Yale, 1 Hun, 492.

Cited, Action—Stay—Injunction.

78 Hun, 21; (59 St. Rep. 153; 27 Supp. 662).

Warmesley v. Darragh, 12 Misc. 199; 67

St. Rep. 93; 33 Supp. 274.

Warn v. N. Y. C. & H. R. R. Co.,

80 Hun, 71; 61 St. Rep. 585; 29 Supp. 897.

Cited, Master and Servant—Appliances—Risks Assumed.

85 Hun, 98; (66 St. Rep. 67; 32 Supp. 683).

Master and Servant—Rules—Risks Assumed.

92 Hun, 93; (71 St. Rep. 122; 36 Supp. 337).

Warn v. N. Y. C. & H. R. R. Co., 92

Hun, 91; 71 St. Rep. 129; 36 Supp. 336.

Warne v. Stanton, 12 App. Div. 623; 77

St. Rep. 1167; 43 Supp. 1167.

Warner v. Babcock, 9 App. Div. 398;

75 St. Rep. 885; 41 Supp. 493

Warner v. Blakeman, 36 Barb. 501.

Cited, Mortgage—Foreclosure by Advertisement—Effect.

69 Hun, 35; (52 St. Rep. 823; 23 Supp. 437).

Warner v. Blakeman, 4 Keyes, 487.

Cited, Evidence—Circumstantial—Series of Fraudulent Acts.

3 Misc. 496; (23 Supp. 993).

Warner v. Durant, 76 N. Y. 133.

Cited, Wills—Construction—Time.

78 Hun, 523; (61 St. Rep. 9; 29 Supp. 404). 76 Hun, 432; (58 St. Rep. 230; 27 Supp. 1033). 11 Misc. 434; (67 St. Rep. 420; 33 Supp. 418). 147 N. Y. 74; (61 St. Rep. 317). 91 Hun, 128; (71 St. Rep. 18; 36 Supp. 135). 15 Misc. 376; (72 St. Rep. 828; 38 Supp. 431). 3 App. Div. 42; (74 St. Rep. 405; 37 Supp. 1110). 6 App. Div. 53; (39 Supp. 621). 9 App. Div. 605; 75 St. Rep. 1132; 41 Supp. 739). 20 Misc. 251; (79 St. Rep. 968; 45 Supp. 968).

Wills—Construction—Direction for Future Division

66 Hun, 497; (50 St. Rep. 423; 21 Supp. 405).

Wills—Legacies—Lapse.

70 Hun, 278; (54 St. Rep. 29; 24 Supp. 230). 10 Misc. 640; (65 St. Rep. 461; 32 Supp. 225).

Warner v. Erie Railway Co., 39 N. Y. 468.

Cited, Master and Servant—Dangerous Condition—Master's Liability.

8 App. Div. 385; (40 Supp. 814).

Warner v. Fourth Nat. Bank, 115

N. Y. 251; 26 St. Rep. 213.

Cited, Attachment—Levy—Pledged Property.

53 St. Rep. 368; (23 Supp. 577).

Attachment—Lien—Levy.

79 Hun, 148; (61 St. Rep. 358; 29 Supp. 766; 24 Civ. Pro. 35). 14 Misc. 383; (70 St. Rep. 745; 35 Supp. 1050; 25 Civ. Pro. 158).

Attachment—Manner of Levy—Manual Delivery.

61 St. Rep. 834; (30 Supp. 147; 23 Civ. Pro. 339).

Warner v. Hitchins, 5 Barb. 666.

Cited, Landlord and Tenant—Destruction of Building During Term—Covenants for Surrender in Good Order.

49 St. Rep. 97.

Warner v. Hoffman, 4 Edw. Ch. 381.

Cited, Husband and Wife—Power of Wife Over Separate Estate at Common Law.

140 N. Y. 66; (55 St. Rep. 317).

Warner v. Jaffray, 96 N. Y. 248.

Cited, Assignment for Creditors—By Non-resident—Effect on Property in Other States.

140 N. Y. 239; (51 St. Rep. 112; 22 Supp. 461). 90 Hun, 106; (70 St. Rep. 410; 35 Supp. 614).

Assignment for Creditors—Foreign—Domestic—Attachment by Foreign Creditor.

55 St. Rep. 565.

Statutes—Foreign—Recognition.

148 N. Y. 25.

Conflict of Laws—Contracts—Personal Property.

3 Misc. 60; (51 St. Rep. 864; 22 Supp. 543).

Warner v. Lake, 14 Supp. 10.

Affirmed, 140 N. Y. 619; 55 St. Rep. 925.

Cited, Fraudulent Conveyances—Intent to Delay Creditors.

6 App. Div. 115; (39 Supp. 476).

Warner v. Lake, 140 N. Y. 619; 55 St. Rep. 929.

Warner v. Lee, 6 N. Y. 144.

Cited, Bills and Notes—Collecting Agent—Advances.

81 Hun, 493; (63 St. Rep. 303; 30 Supp. 1115).

Warner v. Miller, 13 Hun, 654.

Cited, Principal and Agent—Master of Vessel—Liability of Owner on Contracts of.

67 Hun, 622; (50 St. Rep. 850; 22 Supp. 448).

Duplicate Citations in Parenthesis.

Warner v. Miller, 17 Abb. N. C. 221.

Cited, Husband and Wife—Enticement of Husband—Wife's Right to Sue.

11 App. Div. 22; (77 St. Rep. 80; 43 Supp. 80).

Warner v. N. Y. C. & H. R. R. Co., 44 N. Y. 465.

Cited, Evidence—Relevancy—Negligence—Previous Carefulness.

72 Hun, 198; (55 St. Rep. 175; 25 Supp. 379).

Evidence—Relevancy—Habits—Previous Intoxication.

79 Hun, 578; (61 St. Rep. 575; 29 Supp. 887).

Evidence—Attendant Circumstances—Contributory Negligence.

1 Misc. 135; (48 St. Rep. 767; 20 Supp. 646).

Street Railways—Superior Right of Way—Obstructions.

2 Misc. 539; (51 St. Rep. 591; 22 Supp. 381).

Trial—Questions of Fact—Negligence.

2 Misc. 74; (49 St. Rep. 630; 21 Supp. 784).

Negligence—Contributory—Failure to Show Freedom From.

87 Hun, 466; (63 St. Rep. 454; 34 Supp. 375). D. 87 Hun, 469; (68 St. Rep. 457; 34 Supp. 378).

Warner v. N. Y. C. & H. R. R. Co., 52 N. Y. 437.

Cited, Trial—Verdict—Correction—Sending Jury Back For.

7 Misc. 508; (60 St. Rep. 172; 28 Supp. 496). 10 App. Div. 477; (76 St. Rep. 7; 42 Supp. 7).

Warner v. Paine, 2 Sandf. 195.

Cited, Libel and Slander—Privilege of Counsel.

153 N. Y. 220.

Warner v. People, 2 Den. 272.

Cited, Officers—Appointment—Legislative Power.

6 App. Div. 313; (40 Supp. 557). 17 App. Div. 170; (79 St. Rep. 350; 45 Supp. 350). 150 N. Y. 492.

Warner v. Press Publishing Co., 132 N. Y. 181; 43 St. Rep. 633.

Cited, Damages—Exemplary—Libel.

49 St. Rep. 496; (20 Supp. 764). 6 Misc. 164; (27 Supp. 121). 81 Hun, 246; (62 St. Rep. 670; 30 Supp. 714). 78 St. Rep. 1111; (44 Supp. 1111). 152 N. Y. 158.

Libel—Per Se—What is.

68 Hun, 471; (52 St. Rep. 598; 22 Supp. 1011).

Libel—Malice—Presumption.

86 Hun, 434; (69 St. Rep. 466; 35 Supp. 52). 16 Misc. 189; (72 St. Rep. 754; 37 Supp. 253).

Warner v. Racey, 20 Johns. 74.

Cited, Justice's Court—Jurisdiction—Constable's Bonds.

5 Misc. 530; (58 St. Rep. 109; 25 Supp. 983).

Warner v. Randolph, Village of, 79 St. Rep. 1112; 45 Supp. 1112.

Warner v. United States Land Investment Co., 53 Hun, 312; 6 Supp. 411.

Cited, Pleading—Answer—Denial.

16 Misc. 335; (39 Supp. 722).

Warner v. Van Alstyne, 3 Paige, 513.

Cited, Vendors—Lien.

75 Hun, 454; (59 St. Rep. 647; 27 Supp. 535).

Warner v. Warner, 6 Misc. 249; 57 St. Rep. 763; 27 Supp. 160.

Warner v. Warner, 57 St. Rep. 736; 27 Supp. 160.

Cited, Action—Abatement—Another Action Pending.

80 Hun, 393; (62 St. Rep. 46; 30 Supp. 318).

Warner v. Warren, 46 N. Y. 228.

Cited, Fraudulent Conveyance—Husband to Wife—Preferences.

3 Misc. 496; (23 Supp. 984).

Warner v. Watson, 4 Misc. 12; 23 Supp. 922.

Warner v. Western Transportation Co., 5 Robt. 490.

Cited, Appeal—New Trial—Case.

81 Hun, 163; (62 St. Rep. 663; 30 Supp. 707). 11 Misc. 358; (65 St. Rep. 503; 32 Supp. 296; 24 Civ. Pro. 231).

Warner v. Will, 5 Misc. 329; 56 St. Rep. 55; 25 Supp. 749.

Warnier v. Boessneck, 5 App. Div. 240; 39 Supp. 141.

Warren v. Banning, 50 St. Rep. 810; 21 Supp. 883.

Modified, 140 N. Y. 227; 55 St. Rep. 376.

Cited, Vendors—Title—Litigation.

72 Hun, 182; (55 St. Rep. 325; 25 Supp. 518).

Warren v. Bigelow Blue Stone Co., 74 Hun, 304; 56 St. Rep. 416; 26 Supp. 649.

Duplicate Citations in Parenthesis.

Warren v. Buckley, 2 Abb. N. C. 323.
Cited, Costs—Extra Allowance—Computation.

4 App. Div. 342; (74 St. Rep. 592; 38 Supp. 903).

Warren v. Campbell, 37 St. Rep. 762; 14 Supp. 165.

Cited, Appeal—Amendment of Return.
10 Misc. 754; (64 St. Rep. 631; 31 Supp. 825).

Courts—Removal of Cause—Right to.

14 Misc. 27; (69 St. Rep. 380; 35 Supp. 136).

Warren v. Chase, 8 Misc. 520; 59 St. Rep. 416; 28 Supp. 765.

Warren v. Clement, 24 Hun, 472.

Cited, Highways—Defects—Liability of Town—Absence of Funds.

67 Hun, 626; (51 St. Rep. 114; 22 Supp. 472). 2 App. Div. 24; (72 St. Rep. 688; 37 Supp. 335).

Warren v. Dennett, 13 Misc. 329; 68 St. Rep. 366; 34 Supp. 462.

Warren v. Dennett, 17 Misc. 86; 39 Supp. 830.

Warren v. Doolittle, 5 Cow. 678.

Cited, Damages—Trespass—Practice
16 Misc. 322; (73 St. Rep. 572; 37 Supp. 952).

Warren v. Durant, 76 N. Y. 133.

Cited, Wills—Contingent Devise—Vesting.

147 N. Y. 354; (69 St. Rep. 696).

Warren v. Haight, 62 Barb. 490.

Cited, Witness—Credibility—Effect on—Of Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937).

Warren v. People, 3 Parker Crim. 544.

Cited, Constitutional Law—Deprivation of Jury Trial.

13 App. Div. 203; (77 St. Rep. 369; 43 Supp. 369). 153 N. Y. 194.

Warren v. Sabin, 1 Lans. 79.

Cited, Fences—Division Line.

82 Hun, 152; (63 St. Rep. 392; 31 Supp. 101).

Warren v. Van Pelt, 4 E. D. Smith, 202.

Cited, Sale—Warranty—Quality—What Constitutes.

9 Misc. 464; (61 St. Rep. 87; 30 Supp. 229).

Warren v. Warren, 8 Misc. 189; 59 St. Rep. 390; 29 Supp. 313.

Warren Chem. & Mfg. Co. v. Holbrook, 118 N. Y. 586; 29 St. Rep. 848.

Cited, Sale—Of Goods to be Manufactured.

2 Misc. 126; (49 St. Rep. 132; 21 Supp. 463). 17 Misc. 732; (41 Supp. 414). 11 App. Div. 305; (76 St. Rep. 932; 42 Supp. 932).

Statute of Frauds—Performance Within Year.

11 Misc. 383; (65 St. Rep. 294; 32 Supp. 147).

Warren-Scharf Asphalt Paving Co. v. Dunn, 8 App. Div. 205; 40 Supp. 203.

Warrin v. Baldwin, 105 N. Y. 534; 8 St. Rep. 22.

Cited, Contract—Illegality—Payment of Public Money to Monopoly.

5 Misc. 392; (26 Supp. 933).

Taxes—Unauthorized Acts of Officers—Right of Taxpayer.

82 Hun, 90; (63 St. Rep. 496; 31 Supp. 175).

Warring v. Keeler, 11 Misc. 451; 67 St. Rep. 417; 33 Supp. 415; 24 Civ. Pro. 427.

Cited, Courts—Local—Summons—Service by Plaintiff.

17 Misc. 666; (41 Supp. 412).

Warsaw Water Works Co. v. Warsaw, 4 App. Div. 509; 74 St. Rep. 638; 40 Supp. 28.

Warsaw Water Works Co. v. Warsaw, 16 App. Div. 502; 78 St. Rep. 876; 44 Supp. 876.

Warsawer v. Hotchkiss, 27 Supp. 491.

Wart v. Koan, 67 St. Rep. 92; 33 Supp. 272.

Washbon v. Cope, 67 Hun, 272; 50 St. Rep. 821; 22 Supp. 241.

Reversed, 144 N. Y. 287; 63 St. Rep. 716.

Cited, Wills—Construction—Contingency of Death—Life Estate.

69 Hun, 611; (53 St. Rep. 546; 24 Supp. 27).

Washbon v. Cope, 144 N. Y. 287; 63 St. Rep. 716.

Cited, Wills—Devise in Fee—Cutting Down.

87 Hun, 116; (67 St. Rep. 457; 33 Supp. 813). 11 App. Div. 340; (76 St. Rep. 149; 42 Supp. 149). 19 Misc. 473; (78 St. Rep. 1040; 44 Supp. 1040).

Wills—Devise—Contingency of Death.

145 N. Y. 359; (64 St. Rep. 818). 147 N. Y. 355; (69 St. Rep. 697). 8 App. Div. 66; (40 Supp. 408).

Duplicate Citations in Parenthesis.

Judgment—Collateral Attack.

87 Hun, 185; (67 St. Rep. 782; 33 Supp. 1078), 1 App. Div. 530; (73 St. Rep. 79; 37 Supp. 630).

Washburn, Matter of, 12 Misc. 242; 67 St. Rep. 895; 34 Supp. 44.

Washburn, Matter of. See Waring, Matter of

Washburn, Matter of, 4 Johns. Ch. 106.

Cited, Statutes—Construction—Expressio Unius.

74 Hun, 345; (55 St. Rep. 894; 26 Supp. 518).

Washburn v. Burnham, 63 N. Y. 132.

Cited, Cloud on Title—What Constitutes—Removal.

16 App. Div. 386; (79 St. Rep. 24; 45 Supp. 24).

Washburn v. Carthage Nat. Bank, 86 Hun, 396, 399; 33 Supp. 505.

Cited, Attachment—Affidavit—Knowledge.

17 Misc. 737; (40 Supp. 1069; 3 Ann. Cas. 203).

Washburn v. Carthage Nat. Bank, 86 Hun, 396; 67 St. Rep. 218; 33 Supp. 505.

Washburn v. Cooke, 3 Den. 110.

Cited, Libel and Slander—Privileged Communications.

138 N. Y. 523; (53 St. Rep. 97).

Washburn v. Cordis, 1 Misc. 427; 50 St. Rep. 563; 21 Supp. 422.

Washburn v. Dettinger, 76 Hun, 141; 57 St. Rep. 320; 27 Supp. 540.

Washburn v. Franklin, 35 Barb. 599.

Cited, Taxes—Assessment—Collection—Demand.

8 Misc. 14; (53 St. Rep. 309; 28 Supp. 79). Statutes—Repeal—Effect on Existing Remedies.

90 Hun, 210; (70 St. Rep. 553; 35 Supp. 891). 8 App. Div. 574; (40 Supp. 930).

Washburn v. Mott, 34 St. Rep. 145; 12 Supp. 111; 19 Civ. Pro. 439.

Cited, Attorneys—Lien—Enforcement.

5 Misc. 77; (24 Supp. 733; 23 Civ. Pro. 207). 18 Misc. 44; (40 Supp. 1134).

Attorneys—Lien—Notice.

66 St. Rep. 201; (32 Supp. 818; 24 Civ. Pro. 239).

Washington v. Staten Island R. T. R. Co., 68 Hun, 87; 52 St. Rep. 29; 22 Supp. 599.

Washington Bank of Westerly v. Palmer, 2 Sandf. 686.

Cited, Witness—Transaction With Decedent—Interest.

79 St. Rep. 1099; (45 Supp. 1099).

Washington Cemetery v. Prospect Park & C. I. R. Co., 68 N. Y. 591.

Cited, Easement—Extent.

6 Misc. 200; (27 Supp. 870).

Washington Ins. Co. v. Price, Hopk. Ch. 1.

Cited, Officers—Judicial—Disqualification.

39 Supp. 609.

Washington Life Ins. Co. v. Clason, 16 App. Div. 434; 79 St. Rep. 27; 45 Supp. 27.

Washington Life Ins. Co. v. Fleischer, 10 Hun, 117.

Cited, Mortgage—Foreclosure—Rents and Profits—Who Entitled to.

6 App. Div. 248; (39 Supp. 1032).

Washington Park, Matter of Commissioners of, 53 N. Y. 144.

Cited, Eminent Domain—Right to Discontinue Proceedings.

27 Supp. 847.

Washington St. Asylum & Park R. Co., Matter of, 115 N. Y. 442; 26 St. Rep. 504.

Cited, Statutes—Construction—Long and Uninterrupted Practice Under.

22 Supp. 534; (30 Abb. N. C. 111). 12 Misc. 534; (67 St. Rep. 255; 33 Supp. 599). 90 Hun, 120; (70 St. Rep. 401; 35 Supp. 636). D. 150 N. Y. 514.

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86 Hun, 83; (67 St. Rep. 120; 33 Supp. 350).

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6 Misc. 24; (58 St. Rep. 126; 26 Supp. 62; 31 Abb. N. C. 61).

Washoe Tool Manufacturing Co. v. Hibernia Fire Ins. Co., 7 Hun, 74.

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Cited, Pleading—Supplemental Complaint.

71 St. Rep. 26; (33 Supp. 18; 25 Civ. Pro. 166). 14 Misc. 429; (71 St. Rep. 485; 36 Supp. 434).

Insurance—Prepayment of Premium—Waiver.

8 App. Div. 109; (40 Supp. 464).

Duplicate Citations in Parenthesis.

Washoe Tool Manufacturing Co. v. Hibernia Fire Ins. Co., 66 N. Y. 613.

Cited, Pleading — Supplemental Complaint.

14 Misc. 429; (71 St. Rep. 485; 36 Supp. 434).
Insurance—Prepayment—Waiver.
8 App. Div. 109; (40 Supp. 464).

Wasilewski v. Wendell, 9 St. Rep. 518.
Cited, Appeal—Verdict—Vacation.
15 Misc. 258; (71 St. Rep. 493; 36 Supp. 442).

Wasmer v. Delaware, Lackawanna & Western R. Co., 80 N. Y. 212.

Cited, Nuisance — Liability of Person Maintaining.

13 Misc. 141; (68 St. Rep. 232; 34 Supp. 181). 16 Misc. 611; (74 St. Rep. 819; 38 Supp. 1008).

Negligence—Construction of Car Tracks.

13 Misc. 312; (68 St. Rep. 725; 34 Supp. 701).

Wasmuth v. Butler, 86 Hun, 1; 66 St. Rep. 710; 33 Supp. 108.

Wass v. Stephens, 128 N. Y. 123; 38 St. Rep. 882.

Cited, Malicious Prosecution—Probable Cause.

2 Misc. 305; (51 St. Rep. 571; 21 Supp. 1002). 50 St. Rep. 831; (22 Supp. 336). 5 Misc. 554; (26 Supp. 58).

Trespass — Criminal — “Willfully” Defined.

141 N. Y. 543; (57 St. Rep. 823). 79 Hun, 586; (61 St. Rep. 533; 29 Supp. 896).

Ordinances — Violation — Information—Willful Act.

16 Misc. 636; (39 Supp. 111).

Wasserberg v. Cunard S. Co., 8 Misc. 78; 58 St. Rep. 833; 28 Supp. 520.

Wassinger v. Fennel, 13 Civ. Pro. 286.
Cited, Costs—Security—Receiver.

86 Hun, 500; (67 St. Rep. 535; 33 Supp. 790)

Water Commissioners of Amsterdam, Matter of, 104 N. Y. 677.

See Amsterdam, Matter of Water Com'rs of.

Cited, Costs—Taxation—New Trial—To Abide Event of Action.

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Waterbury v. Egan, 3 Misc. 355; 52 St. Rep. 421; 23 Supp. 115.

Waterbury v. Eldridge, 24 St. Rep. 429; 5 Supp. 324.

Cited, Attorneys—Collections—Rights of Client.

1 App. Div. 115; (72 St. Rep. 220; 37 Supp. 67).

Waterbury v. Graham, 4 Sandf. 215.

Cited, Judgment—Bar—Surety.

18 App. Div. 81; (79 St. Rep. 472; 45 Supp. 472).

Waterbury v. Mather, 16 Wend. 611.

Cited, Courts—Jurisdiction — Service of Process—Wrong Name.

11 Misc. 254; (65 St. Rep. 858; 64 St. Rep. 612; 32 Supp. 737). 11 Misc. 576; (66 St. Rep. 179; 32 Supp. 796).

Waterbury v. Sturtevant, 18 Wend. 353.

Cited, Fraudulent Conveyance—Intent—Grantee.

19 Misc. 135. D. 14 App. Div. 626; (77 St. Rep. 983; 43 Supp. 983).

Waterbury v. Tucker & Carter Cordage Co., 152 N. Y. 610.

Waterbury v. Waterbury, 76 Hun, 51; 59 St. Rep. 289; 27 Supp. 1114.

Affirmed, 143 N. Y. 625; 60 St. Rep. 876.

Waterbury v. Westervelt, 9 N. Y. 598.

Cited, Conveyance — Fraudulent—Validity Between Parties.

14 App. Div. 122; (77 St. Rep. 514; 43 Supp. 514).

Waterbury Manufacturing Co. v. Krause, 1 Hilt. 560.

Cited, Action — Appearance by Person Not Served.

16 App. Div. 621; (78 St. Rep. 1060; 44 Supp. 1060).

Waterford, Board of Education of, v. First Nat. Bank of Richfield Springs, 70 Hun, 520; 54 St. Rep. 46; 24 Supp. 392.

Waterford and Whitehall Turnpike v. People, 9 Barb. 161.

Cited, Nuisance—Construction of Highway.

66 Hun, 244; (49 St. Rep. 482; 21 Supp. 174).

Waterloo, Trustees of Presbyterian Soc. of, v. Auburn & R. R. Co., 3 Hill, 567.

Cited, Highways — Unauthorized Use—Rights of Abutter.

6 App. Div. 15; (39 Supp. 523). 11 App. Div. 216; (76 St. Rep. 953; 42 Supp. 953). D. 8 App. Div. 284, 285; (40 Supp. 645, 646).

Waterloo Woolen Mfg Co. v. Shanahan, 128 N. Y. 345; 40 St. Rep. 95.

Cited, Statutes — Constitutionality — Effects as Tests.

8 Misc. 571; (60 St. Rep. 684; 29 Supp. 779). 81 Hun, 329; (29 Supp. 779).

Duplicate Citations in Parenthesis.

Waterman v. American Pin Co., 19 Misc. 638; 78 St. Rep. 410; 44 Supp. 410.

Waterman v. New York, 7 Daly, 489.
Cited, Officers—Public—Compensation—Extra.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 759).

Waterman v. Webster, 108 N. Y. 157; 13 St. Rep. 527; 28 Week. Dig. 158.

Cited, Mortgage—Satisfaction—Trustee. 73 Hun, 93; (56 St. Rep. 106; 25 Supp. 902).

Waterman v. Whitney, 11 N. Y. 157.

Cited, Wills—Execution—Declarations of Testator.

78 Hun, 46; (60 St. Rep. 503; 28 Supp. 1064). 13 Misc. 471; (68 St. Rep. 744; 34 Supp. 709; 25 Civ. Pro. 31). 16 Misc. 184; (38 Supp. 1133).

Waters v. Clark, 22 How. 104.

Cited, Pleading—Complaint—Action for Rent.

13 App. Div. 124; (77 St. Rep. 59; 43 Supp. 59).

Waters v. Crawford, 2 T. & C. 602.

Cited, Summary Proceedings—Redemption—Terms.

18 Misc. 417; (75 St. Rep. 839; 41 Supp. 434).

Waters v. Curtis, 13 Daly, 179.

Cited, Appeal—Extent of Review—Questions of Procedure.

7 Misc. 541; (58 St. Rep. 316; 28 Supp. 61; 23 Civ. Pro. 355).

Waters v. Langdon, 40 Barb. 408.

Cited, Courts—Local—Jurisdiction.

79 Hun, 91; (61 St. Rep. 160; 29 Supp. 618). 12 App. Div. 64, 68; (76 St. Rep. 857, 860; 42 Supp. 857, 860).

Waters v. Manhattan R. Co., 66 Hun, 60; 49 St. Rep. 194; 20 Supp. 831.

Waters v. Marrin, 13 Daly, 57.

Cited, Trial—Submission to Jury—Exceptions.

8 Misc. 248; (59 St. Rep. 231; 28 Supp. 726).

Waters v. Shayne, 32 St. Rep. 435; 10 Supp. 772.

Cited, Deposition—Examination Before Trial.

88 Hun, 309; (68 St. Rep. 568; 34 Supp. 749).

Waters v. Shepherd, 14 Hun, 223.

Cited, Reference—Report—Rendition—Alteration.

66 Hun, 454; (50 St. Rep. 461; 21 Supp. 242).

Waters v. Travis, 9 Johns. 450.

Cited, Vendor and Purchaser—Joint Owner—Specific Performance. 71 St. Rep. 294

Waters v. Waters, 7 Misc. 519; 64 St. Rep. 371; 27 Supp. 1004.

Watertown Bank & L. Co. v. Mix, 51 N. Y. 558.

Cited, Trial—Instruction in Absence of Counsel.

79 Hun, 27; (61 St. Rep. 243; 29 Supp. 562). 137 N.Y. 438; (51 St. Rep. 78). 6 Misc. 115; (58 St. Rep. 2; 26 Supp. 44). 92 Hun, 197; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20). 15 Misc. 449; (72 St. Rep. 670; 37 Supp. 200).

Watertown, Board of Public Works of, Matter of, 67 Hun, 190; 51 St. Rep. 531; 22 Supp. 112.

Affirmed, 144 N. Y. 440.

Watertown Nat. Bank v. Westchester Water Works Co., 19 Misc. 685; 78 St. Rep. 1101; 34 Supp. 1101.

Watertown Paper Co. v. West, 3 App. Div. 451; 73 St. Rep. 846; 38 Supp. 229.

Cited, Pleading—Bill of Particulars—Premature Motion.

17 Misc. 277; (40 Supp. 384). 17 App. Div. 329; (79 St. Rep. 268; 45 Supp. 268).

Watertown Thermometer Co. v. Pool, 51 Hun, 157; 20 St. Rep. 592.

Cited, Contracts—Restraint of Trade.

143 N. Y. 439; (62 St. Rep. 449).

Watertown, Trustees of, v. Cowen, 4 Paige, 510.

Cited, Covenant—In Deed—As to Existence of Street or Easement.

3 Misc. 406; (24 Supp. 691).

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73 Hun, 583; (56 St. Rep. 235; 26 Supp. 423).

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23 Supp. 822.

Highways—Rights of Abutters—Access.

138 N. Y. 191; (52 St. Rep. 158). 71 Hun, 290; (54 St. Rep. 736; 24 Supp. 1100).

Watervliet Turnpike Co. v. McKean, 6 Hill, 616.

Cited, Statutes—Construction—Severance.

14 App. Div. 559; (77 St. Rep. 1090; 43 Supp. 1090).

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9 App. Div. 461; (75 St. Rep. 762; 41 Supp. 345).

Duplicate Citations in Parenthesis.

Watkins v. Atlantic Ave. R. Co., 20 Hun, 237.

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72 Hun, 606; (55 St. Rep. 148; 25 Supp. 245).

Watkins v. Cousall, 1 E. D. Smith, 65.

Cited, Witness—Credibility—Assignor.

20 Misc. 20; (78 St. Rep. 776; 44 Supp. 776).

Watkins v. Jones, 78 Hun, 496; 61 St. Rep. 237; 29 Supp. 557.

Watkins, Village of, v. Hillerman, 73 Hun, 317; 55 St. Rep. 901; 26 Supp. 252.

Watkins v. Peters, 20 Misc. 655.

Watkins v. Reynolds, 123 N. Y. 211; 33 St. Rep. 173.

Cited, Wills—Trusts—Termination—Vesting in Cestui que Trust.

81 Hun, 570; (63 St. Rep. 610; 31 Supp. 208). 92 Hun, 9; (73 St. Rep. 14; 37 Supp. 965). D. 91 Hun, 409; (70 St. Rep. 788; 36 Supp. 324).

Watkins v. Watkins & Turner Lumber Co., 17 Misc. 227; 40 Supp. 1042

Affirmed, 11 App. Div. 517; 77 St. Rep. 41; 43 Supp. 41.

Watkins v. Watkins & Turner Lumber Co., 11 App. Div. 517; 77 St. Rep. 41; 43 Supp. 41.

Watson, Matter of, 69 N. Y. 536.

Cited, Penal Statute—Construction—Contempt.

14 Misc. 594; (72 St. Rep. 258; 25 Civ. Pro. 117; 36 Supp. 1108; 2 Ann. Cas. 268).

Watson, Matter of, 39 St. Rep. 42; 14 Supp. 465.

Cited, Wills—Testamentary Capacity—Confirmed Drunkard.

5 Misc. 203; (25 Supp. 112).

Watson v. Blossom, 18 St. Rep. 726; 4 Supp. 489.

Cited, Contracts—Validity—Public Policy.

77 Hun, 88; (59 St. Rep. 861; 28 Supp. 313).

Watson v. Boston Woven C. Co., 75 Hun, 115; 58 St. Rep. 194; 26 Supp. 1101.

Watson v. Broadway & Seventh Ave. R. Co., 6 St. Rep. 538; 18 St. Rep. 1029.

Cited, Trial—Question for Jury—Negligence—Management of Street Car.

72 Hun, 606; (55 St. Rep. 148; 25 Supp. 245).

Watson v. Brooklyn City Railroad Co., 14 Misc. 405; 70 St. Rep. 757; 35 Supp. 1039.

Affirmed, 103 N. Y. 687.

Cited, Damages—Wrongful Death of Child—Recovery in One Action.

16 Misc. 677; (39 Supp. 113; 25 Civ. Pro. 250).

Watson v. Cone, 50 St. Rep. 508; 21 Supp. 224.

Watson v. Depeyster & Co., 1 Caines, 66.

Cited, Costs—Effect of Acceptance of Principal.

18 Misc. 685; (76 St. Rep. 17; 42 Supp. 17; 8 Ann. Cas. 322).

Watson v. Fitzsimons, 5 Duer. 629.

Cited, Supplementary Proceedings—Contempt—Delivery of Property—Order.

19 Misc. 485; (7 St. Rep. 1083; 43 Supp. 1083).

Watson v. Hazard, 3 Code R. 218.

Cited, Pleading—Joinder of Causes—Slander and False Imprisonment.

6 App. Div. 173; (39 Supp. 1029).

Watson v. King, 73 Hun, 340; 55 St. Rep. 766; 26 Supp. 177.

Affirmed, 144 N. Y. 704.

Watson v. Le Row, 6 Barb. 481.

Cited, Trusts—Resulting—Presumption—Advancement—Husband and Wife.

79 Hun, 82; (61 St. Rep. 173; 29 Supp. 632).

Watson v. Manhattan R. Co., 53 Super. 137.

Cited, Trial—Right to Jury—Equitable Relief.

2 Misc. 165; (50 St. Rep. 216; 21 Supp. 793).

Watson v. McLaren, See Watson's Executors v. Laren.

Watson v. Met. El. R. Co., 29 St. Rep. 513; 8 Supp. 533.

Cited, Elevated Railroads—Injunction—Fee Damage.

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14 Misc. 192, 193; (70 St. Rep. 196; 35 Supp. 467).

Watson v. Nelson, 69 N. Y. 536.

Cited, Appeal—Who May Take—Stranger to Action.

14 Misc. 22; (69 St. Rep. 496; 35 Supp. 124).

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14 Misc. 594; (72 St. Rep. 258; 25 Civ. Pro. 118).

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Watson v. Oswego St. R. Co., 7 Misc. 562; 58 St. Rep. 356; 28 Supp. 84.

Cited, Trial—Failure to Produce Evidence—Inferences.

7 App. Div. 590; (40 Supp. 311).

Watson v. Randall, 20 Wend. 201.

Cited, Contracts—Consideration.

D. 90 Hun, 602; (70 St. Rep. 569; 35 Supp. 995).

Watson v. Russell, 5 Misc. 352; 55 St. Rep. 506; 25 Supp. 517.

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Watson v. Russell, 7 Misc. 636; 58 St. Rep. 373; 28 Supp. 26.

Reversed, 149 N. Y. 388.

Cited, Evidence—Custom.

8 Misc. 273; (59 St. Rep. 204; 28 Supp. 717).

Damages—Contract of Employment—Cancellation.

10 Misc. 679; (64 St. Rep. 297; 1 Ann. Cas. 275).

Watson v. Russell, 149 N. Y. 388.

Cited, Damages—Contract of Employment—Breach.

19 Misc. 7; (76 St. Rep. 910; 42 Supp. 910).

Watson v. Watson. See *Watson*, Matter of.

Watson's Executors v. McLaren, 19 Wend. 565.

Cited, Bonds—Negotiability—Covenants in Collateral Instrument—Availability.

72 Hun, 72; (55 St. Rep. 859; 25 Supp. 617).

Guaranty—Consideration.

80 Hun, 67; (61 St. Rep. 604; 29 Supp. 853).

Guaranty—General—Acceptance—Effect.

87 Hun, 34; (67 St. Rep. 503; 33 Supp. 752).

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18 Misc. 347; 75 St. Rep. 1002; 41 Supp. 609).

Watt v. Crawford, 11 Paige, 470.

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85 Hun, 102; (66 St. Rep. 36; 32 Supp. 654).

Watt v. Rogers, 2 Abb. 261.

Cited, Contract—Conditions Precedent—Performance.

6 Misc. 315; (58 St. Rep. 298; 26 Supp. 1106).

Wattengel v. Schultz, 11 Misc. 165; 65 St. Rep. 148; 32 Supp. 91.

Watters v. Weed, 72 St. Rep. 318; 36 Supp. 955.

Watts v. Adler, 130 N. Y. 646; 41 St. Rep. 325.

Cited, Equity—Remedy at Law—Necessity of Pleading.

78 Hun, 442; (60 St. Rep. 757; 61 St. Rep. 646; 29 Supp. 204). 136 N. Y. 474; (49 St. Rep. 842). 8 Misc. 489; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436). 76 Hun, 604; (58 St. Rep. 258; 28 Supp. 203). 14 App. Div. 373; (77 St. Rep. 1013; 43 Supp. 1013).

Watts v. Beard, 79 St. Rep. 873; 45 Supp. 873.

Watts v. Coffin, 11 Johns. 495.

Cited, Landlord and Tenant—Eviction—Effect on Rent.

19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Watts v. Hempstead, Board of Education of, etc., 9 App. Div. 143; 75 St. Rep. 599; 41 Supp. 141.

Watts v. Wilcox, 43 St. Rep. 417; 17 Supp. 647.

Affirmed, 133 N. Y. 672; 45 St. Rep. 930.

Cited, Depositions—Of Party Before Trial—Right to.

49 St. Rep. 526; (21 Supp. 190; 23 Civ. Pro. 68).

Watts-Campbell Co. v. Yuengling, 51 Hun, 302; 21 St. Rep. 186; 3 Supp. 869.

Affirmed, 125 N. Y. 1; 34 St. Rep. 255.

Cited, Fixtures—What Constitute.

82 Hun, 225; (64 St. Rep. 797; 31 Supp. 976).

Watts-Campbell Co. v. Yuengling, 125 N. Y. 1; 34 St. Rep. 255.

Distinguished, Mechanic's Lien—Notice of Performance and Acceptance.

1 Misc. 327; (48 St. Rep. 704; 20 Supp. 674).

Cited, Fixtures—Treatment as Personality.

79 St. Rep. 639; (45 Supp. 639).

Waugh v. Waugh, 28 N. Y. 94.

Cited, Appeal—Questions Not Raised Below.

17 Misc. 140; (39 Supp. 402).

Wavel v. Wiles, 24 N. Y. 635.

Cited, Appeal—Review of Discretionary Determination.

70 Hun, 60; (53 St. Rep. 554; 23 Supp. 954). 77 Hun, 91; (59 St. Rep. 866; 28 Supp. 312). 92 Hun, 377; (71 St. Rep. 848; 36 Supp. 549).

Waverly Co. v. Worthington Co., 4 Misc. 447; 53 St. Rep. 520; 24 Supp. 331.

Duplicate Citations in Parenthesis.

Waverly Water Works, Matter of, 85 N. Y. 478.

Cited, Appeal—Discretionary Determination.

141 N. Y. 95; (58 St. Rep. 653).

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27 Supp. 847; 76 Hun, 91; (57 St. Rep. 475).

Wavle v. Wavle, 9 Hun, 125.

Cited, Damages—Adequacy.

2 Misc. 84; (49 St. Rep. 625; 21 Supp. 449). 10 Misc. 229; (63 St. Rep. 252; 30 Supp. 1063).

Way, Matter of, 6 Misc. 484; 27 Supp. 235.

Affirmed, 86 Hun, 420; 33 Supp. 1135.

Waydell v. Luer, 5 Hill, 448.

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Waydell v. Luer, 3 Den. 410.

Cited, Payment—What Constitutes—Taking of Notes.

80 Hun, 210; (61 St. Rep. 777; 30 Supp. 32). 16 Misc. 556; (74 St. Rep. 266; 38 Supp. 748).

Wayland v. Tysen, 45 N. Y. 281.

Cited, Pleading—Answer—Sham.

74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 5 Misc. 510; (58 St. Rep. 102; 25 Supp. 969). 4 Misc. 507; (25 Supp. 870). 76 Hun, 574; (58 St. Rep. 241; 28 Supp. 234). 78 Hun, 51; (60 St. Rep. 819; 29 Supp. 276). 88 Hun, 602. 15 Misc. 404, 407; (72 St. Rep. 37, 39; 36 Supp. 1090).

Wayne County Sav. Bank v. Low, 81 N. Y. 566.

Cited, Conflict of Laws—Contracts—Law Governing.

7 App. Div. 453, (39 Supp. 1053). 150 N. Y. 322.

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40 Supp. 226.

W. D. Wilson Printing Ink Co. v. Bowker, 42 St. Rep. 34; 16 Supp. 523.

Cited, Partnership—Relation—Sharing in Profits.

12 Misc. 124; (66 St. Rep. 678; 33 Supp. 45).

Weatherby, Matter of, 76 St. Rep. 642; 42 Supp. 642.

Weatherby v. Wood, 29 How. 404.

Cited, Judgment—By Default—Availability.

12 Misc. 507; (67 St. Rep. 370; 33 Supp. 676).

Weaver v. Barden, 49 N. Y. 286.

Cited, Bona Fide Purchasers—Consideration—Antecedent Debt.

72 Hun, 431; (54 St. Rep. 872; 25 Supp. 212). 10 App. Div. 559; (76 St. Rep. 338; 42 Supp. 338). 135 N. Y. 49; (48 St. Rep. 256).

Mortgage Unrecorded—Bona Fide Purchaser

49 St. Rep. 279; (21 Supp. 164).

Pleading—General Denial—Proof Under.

78 Hun, 221; (60 St. Rep. 261; 28 Supp. 904). 11 App. Div. 531; (76 St. Rep. 813; 42 Supp. 813). 17 Misc. 239; (39 Supp. 716).

Weaver v. Bentley, 1 Caines, 47.

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8 App. Div. 604; (75 St. Rep. 406; 40 Supp. 1021).

Weaver v. Bonnell, 15 Misc. 456; 72 St. Rep. 791; 37 Supp. 212.

Weaver v. Brydges, 85 Hun, 503; 66 St. Rep. 742; 33 Supp. 132.

Weaver v. Devendorf, 3 Den. 117.

Cited, Taxes—Erroneous and Illegal Assessment Distinguished.

7 Misc. 202; (6 St. Rep. 517; 27 Supp. 212). 7 Misc. 202; (81 Hun, 310; 56 St. Rep. 517; 27 Supp. 212).

Taxes—Exemption—Apportionment.

80 Hun, 125; (61 St. Rep. 803; 30 Supp. 61).

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139 N. Y. 138; (54 St. Rep. 512).

Weaver v. Edwards, 39 Hun, 233.

Cited, Mortgage—Cancellation—Fraud.

18 Misc. 132; (49 Supp. 1076).

Weaver v. Ely, 83 N. Y. 89.

Cited, Costs—Extra Allowance—Amount.

66 Hun, 126; (49 St. Rep. 809; 20 Supp. 906). 8 App. Div. 72; (40 Supp. 462).

Weaver v. Emigrant Industrial Sav. Bank, 17 Abb. N. C. 82.

Cited, Trusts—Deposit in Name of Another.

69 Hun, 283; (53 St. Rep. 374; 23 Supp. 575).

Weaver v. Farrington, 6 Misc. 54; 56 St. Rep. 523; 26 Supp. 78.

Affirmed, 7 Misc. 405; 58 St. Rep. 58; 27 Supp. 971.

Weaver v. Farrington, 7 Misc. 405; 58 St. Rep. 58; 27 Supp. 971.

Weaver v. Grant, 56 Hun, 103; 29 St. Rep. 920; 9 Supp. 73.

Cited, Witnesses — Credibility—Question of Fact.

9 Misc. 113; (59 St. Rep. 734; 29 Supp. 50).

Duplicate Citations in Parenthesis.

Weaver v. Haviland, 68 Hun, 376; 52 St. Rep. 311; 22 Supp. 1012.

Affirmed, 142 N. Y. 534; 60 St. Rep. 73.

Cited, Limitation of Action—When Statute Runs—Fraud.

71 Hun, 615; (55 St. Rep. 95; 24 Supp. 1080).

Pleading—Equitable Actions—Defenses—Remedy at Law.

76 Hun, 604; (58 St. Rep. 258; 28 Supp. 203).

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75 Hun, 266; (58 St. Rep. 288; 26 Supp. 1067).

Weaver v. Haviland, 142 N. Y. 534.

Cited, Conveyances—Fraudulent—Avoidance.

79 St. Rep. 650; (45 Supp. 650).

Weaver v. White, 46 St. Rep. 467; 19 Supp. 616.

Cited, Appeal—Review of Non-Suit.

66 Hun, 243; (49 St. Rep. 482; 21 Supp. 173).

Webb, Matter of, 11 Hun, 124.

Cited, Foreign Executors—Right to Sue and be Sued.

13 App. Div. 326; (77 St. Rep. 143; 43 Supp. 143).

Webb, Matter of, 24 How. 247.

Cited, Pleading—Provisos.

151 N. Y. 68.

Webb v. Buckelow, 82 N. Y. 555.

Cited, Judgments—Conclusiveness.

146 N. Y. 209; (66 St. Rep. 590; 2 Ann. Cas. 22). 81 Hun, 459; (63 St. Rep. 618; 31 Supp. 217).

Webb v. Dill, 18 Abb. 264.

Cited, Judgment—Offer of—Signature of Attorney.

8 Misc. 621; (61 St. Rep. 334; 29 Supp. 823).

Webb v. Foster, 45 Super. 311.

Cited, Pleading—Answer—Affirmative Defense—Sham.

76 Hun, 573; (58 St. Rep. 240; 28 Supp. 233). 5 Misc. 511; (58 St. Rep. 102; 25 Supp. 969). 74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 88 Hun, 602; (68 St. Rep. 706; 34 Supp. 771). 12 Misc. 458; (68 St. Rep. 134; 34 Supp. 255). 15 Misc. 406; (72 St. Rep. 39; 36 Supp. 1098).

Webb v. Milne, 10 Civ. Pro. 27.

Disapproved, Attorneys—Authority—Appeal—Substitution.

3 Misc. 418; (52 St. Rep. 448; 23 Supp. 187).

Webb v. Morrison, 92 Hun, 605; 72 St. Rep. 720; 37 Supp. 449.

Webb v. Odell, 49 N. Y. 583.

Cited, Sale—Implied Warranty.

73 Hun, 387; (58 St. Rep. 77; 26 Supp. 454). 148 N. Y. 134.

Trial—Dismissal of Complaint—Motion for—Grounds.

9 Misc. 158; (59 St. Rep. 658; 29 Supp. 27). 18 Misc. 554; (41 Supp. 877).

Webb v. Pettingill, 142 N. Y. 622; 60 St. Rep. 867.

Affirming, 49 St. Rep. 462; 21 Supp. 69.

Webb v. R., W. & O. R. Co., 49 N. Y. 420.

Cited, Railroads—Fires—Negligence.

143 N. Y. 189; (62 St. Rep. 169). 86 Hun, 465; (67 St. Rep. 542; 33 Supp. 887). D. 140 N. Y. 319; (55 St. Rep. 647). 10 App. Div. 384; (75 St. Rep. 1378; 41 Supp. 10.0).

Damages—Proximate Cause.

D. 14 App. Div. 39; (77 St. Rep. 992; 43 Supp. 992).

Webb v. Staves, 1 App. Div. 145; 72 St. Rep. 711; 37 Supp. 414.

Webb v. Thomas, 49 St. Rep. 462; 21 Supp. 69.

Webb v. Vanderbilt, 39 Super. 4.

Cited, Actions—Corporations—Stockholders—Parties.

17 Misc. 727; (41 Supp. 448).

Webb v. Van Zandt, 16 Abb. 190.

Cited, Defenses—Pendency of Another Action.

86 Hun, 547; (67 St. Rep. 522; 33 Supp. 777).

Webber v. Blunt, 19 Wend. 190.

Cited, Bonds—Avoidance—Public Policy.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

Webber v. Gotthold, 8 Misc. 503; 59 St. Rep. 416; 28 Supp. 763.

Webber v. Piper, 109 N. Y. 496; 16 St. Rep. 423.

Cited, Master and Servant—Risks Assumed by Servant.

50 St. Rep. 558; (21 Supp. 822). 5 Misc. 324; (25 Supp. 815). 151 N. Y. 422. 2 App. Div. 63; (72 St. Rep. 504; 37 Supp. 318). 20 Misc. 53; (78 St. Rep. 267; 44 Supp. 267). 78 St. Rep. 266; (44 Supp. 266).

Master and Servant—Negligence of Co-employee—Who Are Fellow Servants.

71 Hun, 294; (54 St. Rep. 485; 24 Supp. 1073). 16 Misc. 223; (73 St. Rep. 293; 37 Supp. 596). 9 App. Div. 133; (41 Supp. 131). 12 Misc. 341, 343; (67 St. Rep. 339, 340; 33 Supp. 633, 634). 13 Misc. 55; (68 St. Rep. 98; 34 Supp. 114).

*Duplicate Citations in Parenthesis.***Webber v. Spannhake**, 2 Redf. 258.*Cited*, Husband — Liability for Wife's Necessaries.

18 Misc. 141; (41 Supp. 1094).

Webber v. Vincent, 29 St. Rep. 603; 9 Supp. 101.*Cited*, Damages—Excessiveness—Tests.

77 Hun, 509; (60 St. Rep. 764; 29 Supp. 110).

Weber v. Bridgman, 113 N. Y. 600; 23 St. Rep. 674.*Cited*, Principal and Agent—Principal's Death—Termination of Agency.

139 N. Y. 237; (54 St. Rep. 459). 12 Misc. 139; (66 St. Rep. 739; 33 Supp. 82).

Appeal—Evidence—Reversal.

152 N. Y. 168.

Weber v. Butler, 81 Hun, 244; 62 St. Rep. 669; 30 Supp. 713.**Weber v. Forgetston**, 39 Supp. 1135.**Weber v. Germania Fire Ins. Co.**, 16 App. Div. 596; 78 St. Rep. 976; 44 Supp. 976.**Weber v. Hearn**, 7 App. Div. 306; 40 Supp. 273.**Weber v. Huerstel**, 11 Misc. 214; 66 St. Rep. 564; 32 Supp. 1109.**Weber v. N. Y. C. & H. R. R. Co.**, 58 N. Y. 451.*Cited*, Railroads — Crossings — Duty of Traveler.

78 Hun, 211; (6) St. Rep. 181; 28 Supp. 975).

Railroads—Crossings—Signals.

49 St. Rep. 57. 75 Hun, 529; (57 St. Rep. 654; 27 Supp. 497). D. 57 St. Rep. 469; (27 Supp. 1043). 8 App. Div. 125; (40 Supp. 485). 13 Misc. 134; (68 St. Rep. 237; 34 Supp. 185). 20 Misc. 364; (79 St. Rep. 926; 45 Supp. 926).

Railroads — Contributory Negligence — Question for Jury.

85 Hun, 157; (65 St. Rep. 665; 32 Supp. 480).

Weber v. Sampson, 6 Duer. 358.*Cited*, Chattel Mortgage — Earnings of Vessel.

138 N. Y. 505; (53 St. Rep. 105).

Weber v. Third Ave. R. Co., 12 App. Div. 512; 76 St. Rep. 789; 42 Supp. 789.*Cited*, Injuries — Death — Proximate Cause.

13 App. Div. 172; (77 St. Rep. 262; 43 Supp. 262). D. 14 App. Div. 43; (77 St. Rep. 995; 43 Supp. 995).

Weber v. Weber, 58 How. 255.*Cited*, Trusts—Voluntary—Enforcement.

15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281).

Webster v. Bond, 9 Hun, 437.*Cited*, Action—Equitable Defense.

5 Misc. 167; (24 Supp. 915; 23 Civ. Pro. 220). 8 App. Div. 615; (40 Supp. 599). 8 App. Div. 587; (40 Supp. 915). 8 App. Div. 615; (40 Supp. 599).

Actions—Parties—Bringing In.

D. 4 App. Div. 60; (38 Supp. 631; 25 Civ. Pro. 341).

Webster v. Clark, 51 St. Rep. 808; 22 Supp. 279.**Webster v. Elmira, Cortland & Northern R. Co.**, 85 Hun, 167; 65 St. Rep. 628; 32 Supp. 590.*Cited*, Negligence—Res ipsa loquitur.

7 App. Div. 457; (39 Supp. 1017).

Webster v. Hudson River R. Co., 38 N. Y. 260.*Cited*, Negligence—Proximate Cause.

20 Misc. 33, 34; (79 St. Rep. 323, 324; 45 Supp. 323, 324).

Webster v. Kings County Trust Co., 145 N. Y. 275; 64 St. Rep. 698.**Webster v. Kings County Trust Co.**, 80 Hun, 420; 62 St. Rep. 112; 30 Supp. 357.*Affirmed*, 145 N. Y. 275; 64 St. Rep. 698.*Cited*, Real Estate—Sales—Incumbrances.

3 App. Div. 392; (38 Supp. 707). 13 Misc. 520; (68 St. Rep. 737; 34 Supp. 694). 19 Misc. 554; (77 St. Rep. 399; 43 Supp. 399). 79 St. Rep. 395; (45 Supp. 395).

Webster v. Kings County Trust Co., 145 N. Y. 275; 64 St. Rep. 689.*Cited*, Specific Performance — Incumbrances.

13 Misc. 224; (68 St. Rep. 83; 34 Supp. 226). 10 App. Div. 139; (75 St. Rep. 1174; 41 Supp. 777). 13 Misc. 518; (68 St. Rep. 407; 34 Supp. 679; 2 Ann. Cas. 176).

Webster v. Lawrence, 47 Hun, 565; 15 St. Rep. 140.*Cited*, Corporations—Receivers—Attachment.

82 Hun, 378; (63 St. Rep. 791; 31 Supp. 341). 88 Hun, 399; (68 St. Rep. 758; 34 Supp. 819). 12 Misc. 276; (66 St. Rep. 505; 33 Supp. 4). 18 Misc. 670; (77 St. Rep. 742; 43 Supp. 742).

Webster v. Rome, Watertown & Ogdensburg R. Co., 40 Hun, 161.*Cited*, Railroads—Question of Fact for Jury.

92 Hun, 147; (71 St. Rep. 152; 36 Supp. 382).

Railroads—Appliances.

88 Hun, 322; (68 St. Rep. 421; 34 Supp. 410).

Duplicate Citations in Parenthesis.

Webster v. Van Steenburgh, 46 Barb. 211.

Cited, Real Property—Conveyance—Consideration.

135 N. Y. 46; (48 St. Rep. 254).

Webster v. Zielly, 52 Barb. 482.

Cited, Statute of Frauds—Memorandum—Sufficiency.

10 Misc. 698; (64 St. Rep. 643; 31 Supp. 822).

Wechselmann v. Trotina, 70 St. Rep. 457; 35 Supp. 683.

Wedge v. McMahon, 141 N. Y. 537; 58 St. Rep. 865.

Affirming, 33 St. Rep. 951; 11 Supp. 459.

Weed, Matter of, 10 Misc. 628; 66 St. Rep. 137; 32 Supp. 777.

Weed v. Aldrich, 5 T. & C. 105.

Cited, Wills—Construction—Power of Disposition.

84 Hun, 126; (65 St. Rep. 682; 32 Supp. 554).

Weed v. Ballston Spa, Village of, 76 N. Y. 329;

Cited, Evidence—Presumption—Safety of Highway.

141 N. Y. 250; (56 St. Rep. 813). D. 90 Hun, 473; (70 St. Rep. 647; 35 Supp. 974).

Weed v. Barney, 45 N. Y. 344.

Cited, Carriers—As Warehousemen

9 App. Div. 173; (41 Supp. 85).

Weed v. Bergstrasser, 2 Monthly Law Bul. 55.

Cited, Judgment—On Offer—Partnership.

56 St. Rep. 77; (25 Supp. 936).

Weed v. Brush, 89 Hun, 62; 68 St. Rep. 851; 34 Supp. 1025.

Weed v. Burt, 78 N. Y. 191.

Cited, Master and Servant—Discharge—Damages—Measure of.

9 Misc. 392; (61 St. Rep. 685; 30 Supp. 194). 6 Misc. 316; (58 St. Rep. 299; 26 Supp. 1107). 152 N. Y. 149.

Weed v. Fire Ass'n of Phil., 137 N. Y. 567; 50 St. Rep. 933;

Affirming, 42 St. Rep. 477; 17 Supp. 206.

Weed v. Hamburgh-Bremen F. Ins. Co., 133 N. Y. 394; 45 St. Rep. 105.

Followed, 137 N. Y. 567; 50 St. Rep. 934.

Cited, Insurance—Forfeiture—Waiver.

13 App. Div. 526; (77 St. Rep. 637; 43 Supp. 637). 11 Misc. 517; (66 St. Rep. 108; 32 Supp. 761).

Weed v. Lee, 50 Barb. 354.

Cited, Appeal—Judgment—Correction.

92 Hun, 414; (71 St. Rep. 857; 36 Supp. 763).

Weed v. London & L. Fire Ins. Co., 116 N. Y. 106; 26 St. Rep. 414.

Cited, Insurance—Breach of Conditions by Insured—Rights of Mortgagee.

141 N. Y. 223; (56 St. Rep. 803).

Insurance—Forfeiture—Waiver.

82 Hun, 381, 382; (63 St. Rep. 556, 557; 31 Supp. 238). 15 App. Div. 621; (78 St. Rep. 770; 44 Supp. 770).

Weed v. N.Y. C. & H. R. R. Co., 91 Hun, 293; 71 St. Rep. 113; 36 Supp. 98.

Weed v. Paine, 31 Hun, 10.

Cited, Costs—Extra Allowance—Amount.

66 Hun, 127; (49 St. Rep. 809; 20 Supp. 907). 12 Misc. 347; (67 St. Rep. 388; 33 Supp. 687).

Weed v. Tucker, 19 N. Y. 422.

Cited, Statutes—Remedial—Construction of.

5 Misc. 102; (24 Supp. 832)

Weed v. Weed, 94 N. Y. 243.

Cited, Judgment—Vacation—Mistake of Law.

66 Hun, 404; (50 St. Rep. 131; 21 Supp. 396; 29 Abb. N. C. 404; 23 Civ. Pro. 13). 14 Misc. 511; (70 St. Rep. 640; 35 Supp. 1065).

Mistake—Of Law—Induced by Other Party—Relief.

3 Misc. 293; (52 St. Rep. 405; 22 Supp. 790).

Weed v. Whitehead, 1 App. Div. 192; 72 St. Rep. 655; 37 Supp. 178.

Weekes v. McCormick, 16 App. Div. 432; 79 St. Rep. 30; 45 Supp. 30.

Weeks, Matter of, 5 Dem. 194.

Cited, Executors—Accounting—Costs and Disbursements.

5 Misc. 158; (23 Supp. 977).

Executors—Compensation—Renunciation.

13 Misc. 751; (69 St. Rep. 572; 35 Supp. 255).

Weeks v. Binns, 85 Hun, 70; 66 St. Rep. 26; 32 Supp. 644.

Cited, Evidence—Parol to Vary Writing.

13 Misc. 47; (68 St. Rep. 93; 34 Supp. 90). 15 Misc. 131; (71 St. Rep. 502; 36 Supp. 487).

Weeks v. Cornell, 104 N. Y. 325; 5 St. Rep. 632.

Affirming, 39 Hun, 643.

Cited, Actions—Evidence—Weight.

146 N. Y. 160; (66 St. Rep. 280).

Weeks v. Cornwall, 19 Abb. N. C. 356.

Cited, Receivers—Auxiliary—Duties.

10 Misc. 686; (65 St. Rep. 93; 31 Supp. 1001; 1 Ann. Cas. 337). 10 Misc. 687; (65 St. Rep. 95; 31 Supp. 1002).

*Duplicate Citations in Parenthesis.***Weeks v. Ellis**, 2 Barb. 320.

Cited, Officers—De Facto — Rights and Powers.

70 Hun, 5; (53 St. Rep. 449; 23 Supp. 952).

Weeks v. Esler, 68 Hun, 518; 52 St. Rep. 758; 23 Supp. 54.

Affirmed, 143 N. Y. 374; 62 St. Rep. 360.

Cited, Bills and Notes—Sealed—Effect.

72 Hun, 375; (55 St. Rep. 181; 25 Supp. 449). 81 Hun, 35; (62 St. Rep. 540; 30 Supp. 607).

Weeks v. Esler, 143 N. Y. 374; 62 St. Rep. 360.

Cited, Notes—Corporations — Seal — Effect.

149 N. Y. 534.

Weeks v. Fox, 3 T. & C. 354.

Cited, Evidence—Denial of Recollection—Effect.

8 App. Div. 159; (40 Supp. 480).

Weeks v. Hart, 24 Hun, 181.

Cited, Appeal—Case—Polling Jury — Exceptions.

16 Misc. 25; (73 St. Rep. 135; 37 Supp. 694).

Weeks v. Love, 50 N. Y. 563.

Cited, Action—Parties—Resort to Trustees for Corporate Debts.

72 Hun, 329; (55 St. Rep. 198; 25 Supp. 428). D. 7 App. Div. 386; (40 Supp. 216).

Weeks v. Lyon, 18 Barb. 530.

Cited, Justice — Adjournment — Irregularity—Waiver.

16 Misc. 143; (74 St. Rep. 543; 38 Supp. 958).

Weeks v. O'Brien, 13 Misc. 503; 68 St. Rep. 415; 34 Supp. 687.**Weeks v. O'Brien**, 20 Misc. 48; 79 St. R-p. 740; 45 Supp. 740.**Weeks v. O'Brien**, 141 N. Y. 199; 53 St. Rep. 813.

Reversing, 35 St. Rep. 463; 12 Supp. 720.

Cited, Actions—Conditions Precedent — Architect's Certificate.

143 N. Y. 148; (62 St. Rep. 146). 149 N. Y. 562. 90 Hun, 276; (70 St. Rep. 627; 35 Supp. 955). 13 Misc. 504; (68 St. Rep. 416; 34 Supp. 688).

Contracts—Deduction.

149 N. Y. 445

Weeks v. Southwick, 12 How. 170.

Cited, Injunction—Damages by — Final Determination.

70 Hun, 12; (53 St. Rep. 256; 23 Supp. 935).

Weeks v. Tones, 16 Hun, 349.

Cited, Complaint—Failure to File—Effect—Lis Pendens.

5 App. Div. 310; (39 Supp. 216). 7 App. Div. 81; (39 Supp. 976; 25 Civ. Pro. 400).

Weeks v. Weeks, 16 Abb. N. C. 143.

Cited, Wills — Construction—Intent of Testator.

11 Misc. 224; (65 St. Rep. 308; 32 Supp. 168).

Weems v. Shaughnessy, 70 Hun, 175; 54 St. Rep. 101; 24 Supp. 271.

Cited, Bills and Notes — Rights of Assignee After Maturity.

16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

Weet v. Brockport, Village of, 16 N. Y. 161.

Cited, Municipal Corporations—Liability for Torts of Officers.

78 Hun, 150; (60 St. Rep. 205; 28 Supp. 990).

Municipal Corporations—Highways—Liability.

84 Hun, 401; (65 St. Rep. 660; 32 Supp. 475). 13 Misc. 632; (69 St. Rep. 129; 34 Supp. 961).

Weetjen v. St. Paul R. Co., 4 Hun, 529.

Cited, Bonds—Negotiability — Covenants in Collateral Instrument—Availability.

72 Hun, 79; (55 St. Rep. 863; 25 Supp. 617).

Partners — Notice to One — Effect on Others.

145 N. Y. 134; (64 St. Rep. 544).

Wegener v. Butler, 3 Misc. 154; 51 St. Rep. 492; 22 Supp. 692.

Affirmed, 7 Misc. 17; 57 St. Rep. 478; 27 Supp. 350.

Wegener v. Butler, 7 Misc. 17; 57 St. Rep. 478; 27 Supp. 350.**Wegman v. Childs**, 41 N. Y. 159.

Cited, Actions—Pendency—Judgments—Satisfaction.

81 Hun, 99; (62 St. Rep. 551; 30 Supp. 618; 1 Ann. Cas. 151) 81 Hun, 110; (62 St. Rep. 630; 30 Supp. 656).

Wehle v. Butler, 61 N. Y. 245.

Cited, Attachment—Cure of Prior Wrongful Taking.

7 Misc. 400; (57 St. Rep. 558; 27 Supp. 922).

Wehle v. Conner, 83 N. Y. 231.

Cited, Attorneys—Lien—Enforcement—Parties.

5 Misc. 77; (24 Supp. 738; 23 Civ. Pro. 204).

Duplicate Citations in Parenthesis.

Wehle v. Haviland, 42 How. 399.

Cited, Appeal—General Term—Necessity of Exceptions.

2 Misc. 331; (51 St. Rep. 416; 21 Supp. 961). 11 Misc. 248; (66 St. Rep. 516; 33 Supp. 16). 19 Misc. 482; (77 St. Rep. 1070; 43 Supp. 1070).

Wehle v. Haviland, 69 N. Y. 448.

Cited, Damages—Conversion.

1 Misc. 429; (50 St. Rep. 564; 21 Supp. 423). 76 Hun, 542; (58 St. Rep. 262; 28 Supp. 207). 2 Misc. 244; (51 St. Rep. 423; 21 1006). 12 Misc. 156; (66 St. Rep. 667; 32 Supp. 1131).

Wehle v. Loewy, 2 Misc. 345; 50 St. Rep. 760; 21 Supp. 1027.

Wehle v. Spelman, 1 Hun, 634.

Cited, Evidence—Statement of Agent—Effect.

19 Misc. 285; (77 St. Rep. 71; 43 Supp. 71).

Wehle v. United States Mut. Ass'n, 11 Misc. 36; 63 St. Rep. 464; 31 Supp. 865.

Affirmed, 153 N. Y. 116.

Cited, Insurance — Contracts — Construction.

20 Misc. 638.

Wehle v. United States Mut. Ass'n, 153 N. Y. 116.

Wehrhane, Matter of, 40 Hun, 542.

Cited, Wills—Bequests—Name of Legatee—Sufficiency.

1 App. Div. 162; (73 St. Rep. 25; 37 Supp. 921).

Wehrkamp v. Willet, 1 Daly, 4.

Cited, New Trial—False Testimony—Discovery of After Trial.

1 Misc. 349; (48 St. Rep. 790; 20 Supp. 720).

Wehrkamp v. Willet, 4 Abb. Ct. App. Dec. 548.

Cited, Witness—Impeachment—Evidence—Admissibility.

10 Misc. 389; (64 St. Rep. 114; 31 Supp. 431). 10 Misc. 390; (64 St. Rep. 115; 31 Supp. 432).

Wehrum v. Kuhn, 61 N. Y. 623.

Cited, Contracts — Consideration — Compromise of Disputed Claim.

66 Hun, 172; (49 St. Rep. 153).

Weichsel v. Spear, 47 Super. 223.

Cited, Pleading—Complaint—Sufficiency—Title.

16 Misc. 358; (74 St. Rep. 384; 38 Supp. 88).

Weidman v. Sibley, 16 App. Div. 616; 78 St. Rep. 1057; 44 Supp. 1057.

Weidner v. Weidner, 85 Hun, 432; 66 St. Rep. 211; 32 Supp. 894.

Weigand v. Sichel, 4 Abb. Ct. App. Dec. 595.

Cited, Pleading—Fraud.

86 Hun, 207; (67 St. Rep. 214; 33 Supp. 500).

Weigley v. Kneeland, 18 App. Div. 47; 79 St. Rep. 388; 45 Supp. 388.

Weigmann v. Sire, 139 N. Y. 615; 54 St. Rep. 930.

Affirming, 43 St. Rep. 27; 16 Supp. 701.

Weil, Matter of, 83 N. Y. 543.

Cited, Assessments—"Work in Progress."

82 Hun, 572; (64 St. Rep. 488; 31 Supp. 784).

Weil v. Dry Dock, E. B. & R. R. Co., 119 N. Y. 147; 28 St. Rep. 944.

Cited, Appeal—Review of Non-Suit.

2 Misc. 73; (49 St. Rep. 629; 21 Supp. 783). 147 N. Y. 482; (70 St. Rep. 69).

Trial—Questions of Law and Fact—Conflicting Evidence.

1 Misc. 470; (49 St. Rep. 616; 21 Supp. 455).

Trial—Questions of Fact—Negligence—Children.

2 Misc. 73; (49 St. Rep. 629; 21 Supp. 783). 75 Hun, 458; (57 St. Rep. 681; 27 Supp. 506). 92 Hun, 310; (72 St. Rep. 395; 36 Supp. 873). 12 App. Div. 154; (76 St. Rep. 666; 42 Supp. 666).

Weil v. Hill, 71 Hun, 133; 54 St. Rep. 75; 24 Supp. 521.

Weil v. Kempf, 12 Civ. Pro. 379.

Cited, Appeal—Undertaking—Action on.

89 Hun, 372; (69 St. Rep. 826; 35 Supp. 415). 12 Misc. 36; (66 St. Rep. 692; 33 Supp. 90).

Weil v. Levy, 80 Hun, 382; 61 St. Rep. 841; 30 Supp. 127.

Weil v. Martin, 24 Hun, 645; 1 Civ. Pro. 133.

Cited, Judgment—Amendment—Power and Time of.

23 Supp. 750; (23 Civ. Pro. 96). 7 Misc. 518; (27 Supp. 996). 1 App. Div. 33; (72 St. Rep. 2; 36 Supp. 772; 25 Civ. Pro. 248). 10 Misc. 655; (64 St. Rep. 510; 31 Supp. 797).

Weil v. McDonald, 21 Week. Dig. 440.

Cited, Assignment for Creditors—What Passes—Lease.

9 Misc. 123; (59 St. Rep. 711; 29 Supp. 285).

Duplicate Citations in Parenthesis.

- Weiler v. Equitable Aid Union**, 92 Hun, 277; 71 St. Rep. 842; 36 Supp. 734.
Cited, Corporations—By-Laws—Changing Vested Rights.
 18 Misc. 286; (41 Supp. 643). 19 Misc. 183.
- Weiler v. Manhattan R. Co.**, 53 Hun, 372; 25 St. Rep. 543; 6 Supp. 320.
Cited, Railroads — Negligence—Question of Fact.
 145 N. Y. 515; (65 St. Rep. 318). D. 10 Misc. 714; (64 St. Rep. 617; 31 Supp. 810).
- Weiler v. Newbach**, 47 Hun, 163; 13 St. Rep. 451.
Cited, Statutes—Construction.
 12 Misc. 625; (63 St. Rep. 86; 34 Supp. 229).
- Weiler v. O'Brien**, 23 Supp. 366.
- Weill v. Close**, 139 N. Y. 618; 54 St. Rep. 931.
Affirming, 44 St. Rep. 662; 18 Supp. 382.
- Weill v. Hecht**, 14 Misc. 230; 70 St. Rep. 254; 35 Supp. 834.
- Weill v. Malone**, 91 Hun, 261; 71 St. Rep. 62; 36 Supp. 114.
- Weill v. Metropolitan R. Co.**, 10 Misc. 72; 63 St. Rep. 170; 30 Supp. 833; 24 Civ. Pro. 85.
- Weinckie v. N. Y. C. & H. R. R. Co.**, 39 St. Rep. 584.
Cited, Statutes — Construction — Constitutionality.
 150 N. Y. 444.
- Weinstein v. Golding**, 17 Misc. 613; 75 St. Rep. 84; 40 Supp. 680.
Cited, Brokers—Commissions.
 19 Misc. 499; (77 St. Rep. 1103; 43 Supp. 1109).
- Weinstock v. Levison**, 37 St. Rep. 561; 14 Supp. 64.
Cited, Infants — Real Estate — Sale — Validity.
 15 Misc. 587; (72 St. Rep. 120; 37 Supp. 87). 19 Misc. 430; (77 St. Rep. 1131; 43 Supp. 1131).
- Weir v. Aetna Ins. Co.**, 91 Hun, 217; 70 St. Rep. 790; 36 Supp. 216.
- Weir v. Fitzgerald**, 2 Bradf. 43.
Cited, Wills—Establishment—Prior Will.
 6 Misc. 499; (27 Supp. 245).
- Weisemair v. Buffalo**, 57 Hun, 48; 32 St. Rep. 755; 10 Supp. 569.
Cited, Mechanic's Lien—Sub-contractor—Completion by Owner.
 75 Hun, 507; (57 St. Rep. 678; 27 Supp. 510).
- Weismer v. Douglas**, 64 N. Y. 91.
Cited, Laws — Constitutionality — Presumption.
 8 App. Div. 241; (40 Supp. 614).
 Municipal Corporations—Private Enterprises.
 D. 8 App. Div. 286; (40 Supp. 647).
- Weiss v. Ashman**, 11 Misc. 377; 65 St. Rep. 290; 32 Supp. 161; 24 Civ. Pro. 268.
- Weiss v. Bloch**, 3 Misc. 455; 51 St. Rep. 149; 21 Supp. 1077.
Reversed, 3 Misc. 639; 52 St. Rep. 938; 23 Supp. 1158.
- Weiss v. Morrell**, 7 Misc. 539; 58 St. Rep. 315; 28 Supp. 59; 23 Civ. Pro. 352.
- Weiss v. Morrell**, 7 Misc. 541; 58 St. Rep. 319; 28 Supp. 61.
- Weiss v. Strauss**, 39 St. Rep. 78; 14 Supp. 776.
Cited, Appeal—Facts—Review—Conflict of Evidence.
 1 Misc. 173; (48 St. Rep. 682; 20 Supp. 653). 2 Misc. 65; (49 St. Rep. 141; 20 Supp. 843). 2 Misc. 71; (49 St. Rep. 148; 23 Civ. Pro. 27). 2 Misc. 61; (49 St. Rep. 712; 20 Supp. 869). 6 Misc. 153; (56 St. Rep. 282; 26 Supp. 3). 7 Misc. 123; (57 St. Rep. 513; 27 Supp. 311). 7 Misc. 166; (57 St. Rep. 495; 27 Supp. 256). 7 Misc. 191; (57 St. Rep. 536; 27 Supp. 329). 7 Misc. 182; (57 St. Rep. 536; 27 Supp. 339). 7 Misc. 187; (57 St. Rep. 543; 27 Supp. 377). 7 Misc. 318; (57 St. Rep. 552; 27 Supp. 902). 7 Misc. 189; (57 St. Rep. 542; 27 Supp. 315). 7 Misc. 708; (58 St. Rep. 334; 28 Supp. 36). 7 Misc. 313; (57 St. Rep. 553; 27 Supp. 903). 9 Misc. 127; (59 St. Rep. 701; 29 Supp. 280). 8 Misc. 324; (59 St. Rep. 251; 28 Supp. 555). 8 Misc. 327; (59 St. Rep. 245; 28 Supp. 556). 8 Misc. 329; (59 St. Rep. 247; 28 Supp. 569). 8 Misc. 338; (59 St. Rep. 242; 28 Supp. 564). 9 Misc. 155; (59 St. Rep. 660; 29 Supp. 26). 9 Misc. 498; (61 St. Rep. 129; 30 Supp. 231). 11 Misc. 413; (65 St. Rep. 288; 32 Supp. 144). 10 Misc. 424; (63 St. Rep. 521; 31 Supp. 14). 11 Misc. 422; (65 St. Rep. 285; 32 Supp. 142). 12 Misc. 619; (66 St. Rep. 670; 32 Supp. 1133). 13 Misc. 259; (68 St. Rep. 90; 34 Supp. 87). 13 Misc. 263; (68 St. Rep. 12; 34 Supp. 53). 13 Misc. 234; (67 St. Rep. 872; 34 Supp. 16). 13 Misc. 235; (68 St. Rep. 16; 34 Supp. 60). 14 Misc. 623; (69 St. Rep. 495; 35 Supp. 123).
- Weiss v. Tennant**, 2 Misc. 213; 49 St. Rep. 593; 21 Supp. 252.

*Duplicate Citations in Parenthesis.***Weisser v. Denison**, 10 N. Y. 68.

Cited, Banks—Forged Checks—Duty of Depositor—Estoppel.

6 Misc. 62; (56 St. Rep. 602; 26 Supp. 886).

Banking—Vouchers—Depositors—Negligence.

8 Misc. 281; (59 St. Rep. 233; 28 Supp. 712). 10 Misc. 683; (64 St. Rep. 495; 31 Supp. 792).

Accounts—Impeachment—Fraud.

144 N. Y. 688; (71 St. Rep. 342).

Principal and Agent—Notice to Agent—Effect on Principal.

151 N. Y. 10.

Weisser v. Maitland, 3 Sandf. 318.

Cited, Written and Printed Matter—Preference of Written.

14 Misc. 198; (70 St. Rep. 430; 35 Supp. 657).

Weitkamp v. Loehr, 53 Super. 79.

Cited, Domicile—Residence.

2 Misc. 422; (50 St. Rep. 764; 22 Supp. 75). 69 Hun, 310; (53 St. Rep. 352; 23 Supp. 530).

Welch, Matter of, 74 N. Y. 299.

Cited, Guardian—Custody of Ward—Welfare as Test.

9 Misc. 242; (61 St. Rep. 304; 30 Supp. 213)

Welch v. Allen, 21 Wend. 147.

Cited, Wills—Power of Appointment—Residuary Estate.

79 Hun, 432; (61 St. Rep. 467; 29 Supp. 999).

Welch v. Gallagher, 2 Dem. 40.

Cited, Guardians—Disputed Claims—Jurisdiction of Surrogate's Court.

9 Misc. 241; (61 St. Rep. 303; 20 Supp. 212). 4 Misc. 368; (25 Supp. 828). 51 St. Rep. 561; (23 Supp. 281).

Welch v. Importer & Traders Nat.

Bank, 122 N. Y. 177; 33 St. Rep. 452.

Cited, Corporations—Mortgage—Assent of Stockholders.

7 Misc. 212; (58 St. Rep. 41; 27 Supp. 680). 17 App. Div. 156, 157; (79 St. Rep. 143, 144; 45 Supp. 143, 144).

Corporations—Ultra Vires Acts—Assent of Shareholders.

2 App. Div. 304; (73 St. Rep. 420; 37 Supp. 744).

Welch v. Manhattan Elevated R. Co., 29 St. Rep. 511; 12 Supp. 545.

Cited, Elevated Railroads—Damages to Property, Easements—Reduction of Enhanced Value.

1 Misc. 112; (48 St. Rep. 680; 20 Supp. 649).

Welch v. Pullman Palace Car Co., 16 Abb. N. S. 352.

Cited, Carriers—Sleeping Car Companies—Liability—Passenger's Personal Effect.

9 Misc. 28; (59 St. Rep. 721; 29 Supp. 57).

Welch v. St. Patrick's Ch. Society of Rochester. See *Early v. St. Patrick's Ch. Society of Rochester*.

Welch v. Seligman, 72 Hun, 138; (55 St. Rep. 477; 25 Supp. 363).

Welch v. Wilson, 101 N. Y. 254.

Cited, Sidewalks—Obstructions—Effect.

4 App. Div. 142; (74 St. Rep. 130; 38 Supp. 781).

Welch v. Winterburn, 14 Hun, 518.

Cited, Order of Arrest—Vacation—Affidavits.

2 App. Div. 338; (73 St. Rep. 63; 37 Supp. 850; 3 Ann. Cas. 42).

Weld v. N. Y. Lake Erie & W. R. Co., 68 Hun, 249; 52 St. Rep. 184; 22 Supp. 974.**Welde v. Henderson**, 10 Civ. Pro. 214.

Cited, Summons—Irregularity—Effect.

41 Supp. 212; (25 Civ. Pro. 383).

Weldon v. De Lisle, 8 App. Div. 610; 75 St. Rep. 1514; 41 Supp. 1134.

Weldon v. Third Ave. R. Co., 3 App. Div. 370; 73 St. Rep. 699; 38 Supp. 206.

Welker v. N. Y. Elevated R. Co., 38 Supp. 1049.

Welland Canal Co. v. Hathaway, 8 Wend. 480.

Cited, Estopples—Binding Effect—Mutuality.

3 App. Div. 83, 84; (74 St. Rep. 837, 838; 38 Supp. 1026). 3 App. Div. 84; (74 St. Rep. 833; 38 Supp. 1026).

Wellenhoffer v. N. Y., Lake Erie & W. R. Co., 50 St. Rep. 111; 21 Supp. 866.

Weller v. Bartlett, 79 St. Rep. 626; 45 Supp. 626.

Weller v. Weller, 4 Hun, 195.

Cited, Evidence—Declarations of Decedent.

67 Hun, 240; (50 St. Rep. 777; 22 Supp. 99). 10 App. Div. 374; (41 Supp. 1008).

Weller v. Weller, 44 Hun, 172.

Cited, Conveyances—Avoidance—Undue Influence.

16 App. Div. 615; (78 St. Rep. 976; 44 Supp. 976).

*Duplicate Citations in Parenthesis***Welch v. Platt**, 32 Hun, 194.*Cited*, Appeal—Demurrer—Judgment.

68 Hun, 507; (52 St. Rep. 601; 22 Supp. 1016).

Welles v. March, 30 N. Y. 344.*Cited*, Assignment For Creditors — Who May Make—Co-Partners—Consent.

78 Hun, 118; (60 St. Rep. 600; 28 Supp. 1058).

12 Misc. 621; (68 St. Rep. 255; 34 Supp. 424).

Welles v. Webster, 9 How. 251.*Cited*, Discovery and Inspection — Of Papers of Adversary.

2 Misc. 170; (49 St. Rep. 618; 21 Supp. 619).

Welles v. Yates, 44 N. Y. 525.*Cited*, Contracts — Reformation—Fraud.

70 Hun, 513; (53 St. Rep. 619; 24 Supp. 370). 79 Hun, 47; (61 St. Rep. 134; 29 Supp. 654). 135 N. Y. 190; (48 St. Rep. 247).

Welling v. Ivoroyd Mfg. Co., 15 App.

Div. 116; 78 St. Rep. 374; 44 Supp. 374.

Cited, Corporations—Insolvency—Illegal Preferences—Relief Against.

15 App. Div. 524.

Welling v. Welling, 3 Dem. 511.*Cited*, Executors—Compensation—Two or More

7 Misc. 729; (59 St. Rep. 527; 28 Supp. 497).

Wellington v. Classon, 18 How. 10.*Cited*, Actions—Appearance—Effect.

7 Misc. 428; (57 St. Rep. 651; 27 Supp. 976; 23 Civ. Pro. 347).

Actions — Joint Parties — Right to be Brought in.

16 App. Div. 621; (73 St. Rep. 1060; 44 Supp. 1060).

Actions—Discontinuance—Costs.

12 Misc. 54; (66 St. Rep. 673; 33 Supp. 42; 24 Civ. Pro. 393).

Wellington v. Morey, 90 N. Y. 656.*Cited*, Actions—Litigating Questions Not Within Issues—Effect on Appeal.

18 Misc. 205; (41 Supp. 370).

Wellman v. Miner, 19 Misc. 644; 78 St. Rep. 417; 44 Supp. 417.*Cited*, Master and Servant—Negligence—Liability of Master.

17 App. Div. 111; (78 St. Rep. 945; 44 Supp. 945).

Wellman v. Sun Printing & Publishing Co., 66 Hun, 331; 50 St. Rep. 254; 21 Supp. 577.**Wells, Matter of**, 113 N. Y. 396.*Cited*, Wills—Construction—Lapses—Devises.

152 N. Y. 485.

Wells, Matter of, 4 St. Rep. 878.*Cited*, Relatives — Services—Compensation.

86 Hun, 329; (67 St. Rep. 210; 33 Supp. 496).

Wells v. Alexandre, 130 N. Y. 642; 41 St. Rep. 334.*Cited*, Contrasts—Offer and Acceptance.

73 Hun, 88; (57 St. Rep. 145; 25 Supp. 1037).

Contracts — Supplies — Delivery as Required.

4 Misc. 421; (53 St. Rep. 583; 24 Supp. 128).

Contract—Meeting of Minds—Subject Matter—Sufficient Definition—Quantity.

50 St. Rep. 365; (21 Supp. 889).

Wells v. Brooklyn City R. Co., 58 Hun, 389; 34 St. Rep. 636; 12 Supp. 67.*Cited*, Railroads—Crossing—Negligence.

10 Misc. 3; (62 St. Rep. 646; 30 Supp. 534).

Wells v. Brooklyn, 9 App. Div. 61; 75 St. Rep. 601; 41 Supp. 143.*Cited*, Streets—Obstruction—Nuisance.

10 App. Div. 386; (41 Supp. 873).

Wells v. Brooklyn, 16 Misc. 314; 73 St. Rep. 677; 33 Supp. 309.*Reversed*, 9 App. Div. 61; 75 St. Rep. 601; 41 Supp. 143.**Wells v. Buffalo**, 14 Hun, 438.*Cited*, Statutes—Constitutionality—Applicability.

150 N. Y. 443.

Wells v. Cox, 1 Daly, 515.*Cited*, Trial—Verdict—Interest—Correction.

7 Misc. 8; (57 St. Rep. 81; 27 Supp. 325).

Wells v. Evans, 20 Wend. 252.*Cited*, Claims—Release—Validity.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 311).

Wells v. Garbutt, 132 N. Y. 430.*Cited*, Lands — Conveyance — Implied Easements.

16 App. Div. 418; (79 St. Rep. 35; 45 Supp. 35).

Wells v. Henshaw, 3 Bosw. 625.*Cited*, Counterclaim—Individual or Representative Capacity.

9 Misc. 71; (59 St. Rep. 687; 29 Supp. 66).

Wells v. Higgins, 132 N. Y. 459.*Cited*, Appeal—Exceptions—Availability. 19 Misc. 105.

Duplicate Citations in Parenthesis.

Wells v. Howell, 19 Johns. 385.

Cited, Animals — Trespass—Liability of Owner.

79 Hun, 503; (61 St. Rep. 257; 29 Supp. 947).

Wells v. Jewett, 11 How. 242.

Cited, Pleading—Demurrer — Misjoinder of Parties.

9 Misc. 19; (59 St. Rep. 698; 29 Supp. 20).

Wells v. Kelsey, 37 N. Y. 143.

Cited, Evidence — Relevancy — Value—Purchase Price.

4 Misc. 106; (53 St. Rep. 212, 23 Supp. 1009). 81 Hun, 177; (62 St. Rep. 681; 30 Supp. 696). 15 App. Div. 99; (78 St. Rep. 275; 44 Supp. 275).

Wells v. Lane, 15 Wend. 99.

Cited, Parol Submission to Arbitration—Effect.

7 App. Div. 449; (39 Supp. 1050).

Wells v. Miller, 66 N. Y. 255.

Cited, Sureties—Contribution.

85 Hun, 298; (66 St. Rep. 482; 32 Supp. 994).

Wells v. Monihan, 129 N. Y. 161; 41 St. Rep. 409.

Cited, Pleading — Defense — Statute of Frauds.

139 N. Y. 388; (54 St. Rep. 663; 30 Abb. N. C. 427). 2 Misc. 125; (49 St. Rep. 131; 21 Supp. 463). 2 Misc. 362; (50 St. Rep. 334; 21 Supp. 940). 51 St. Rep. 337; (22 Supp. 489). 77 Hun, 293; (59 St. Rep. 754; 28 Supp. 335). 2 Misc. 145; (50 St. Rep. 227; 21 Supp. 636). 2 Misc. 296; (50 St. Rep. 328; 21 Supp. 935). 11 Misc. 106; (65 St. Rep. 118; 31 Supp. 995). 90 Hun, 591; (70 St. Rep. 562; 35 Supp. 988). 13 Misc. 639; (69 St. Rep. 152; 34 Supp. 927). 18 Misc. 238; (75 St. Rep. 792; 41 Supp. 381). 89 Hun, 571; (70 St. Rep. 115; 35 Supp. 548).

Associations — Regulations — Ouster of Jurisdiction of Courts.

86 Hun, 381; (67 St. Rep. 225; 33 Supp. 513).

Wells v. Padget, 8 Barb. 323.

Cited, Pleadings — Damages—Aggravation.

15 Misc. 628; (72 St. Rep. 800; 37 Supp. 221).

Wells v. Porter, 7 Wend. 119.

Cited, Landlord and Tenant—Distress—Redemption—Effect.

11 Misc. 54; (63 St. Rep. 450; 31 Supp. 854).

Wells v. Saliva, Town of, 71 Hun, 559; 55 St. Rep. 95; 25 Supp. 134.

Distinguished, Town—Claims—Adjudication.

85 Hun, 118; (66 St. Rep. 53; 32 Supp. 671).

Wells v. Salina, Town of, 119 N. Y. 280; 29 St. Rep. 732.

Reversing, 49 Hun, 610.

Cited, Municipal Corporations—Powers—Limitation on.

85 Hun, 116; (66 St. Rep. 52; 32 Supp. 669). 14 Misc. 220; (70 St. Rep. 383; 35 Supp. 610). 20 Misc. 653.

Wells v. Seeley, 47 Hun, 109; 13 St. Rep. 239.

Cited, Will—Construction—Limitation of Disposition by Legatees.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431).

Wills — Constructions — Life Estate—Words of Enlargement.

5 Misc. 20; (25 Supp. 60).

Wills — Construction — Life Estates—Limitations Over.

9 Misc. 625; (62 St. Rep. 244; 30 Supp. 852). 84 Hun, 127; (65 St. Rep. 683; 32 Supp. 554).

Wells v. Sibley, 138 N. Y. 607; 51 St. Rep. 932.

Affirming, 45 St. Rep. 940.

Wells v. Smith, 7 Paige, 22.

Cited, Contracts—Performance—Time—When of the Essence.

70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281).

Wells v. Smith, 2 Edw. Ch. 78.

Cited, Contracts—Performance—Time—When of the Essence.

70 Hun, 571; (53 St. Rep. 780; 24 Supp. 281). 145 N. Y. 155; (64 St. Rep. 569).

Wells v. Steam Nav. Co., 2 N. Y. 204.

Cited, Carriers—Degree of Care—Tugs.

7 Misc. 657; (58 St. Rep. 385; 28 Supp. 51).

Wells v. Steam Nav. Co., 8 N. Y. 375.

Cited, Shipping—Tugs—Care Required.

67 Hun, 395; (61 St. Rep. 321; 22 Supp. 157).

Wells v. Steinway R. Co., 18 App. Div. 180; 79 St. Rep. 864; 45 Supp. 864.

Wells v. Tolman, 88 Hun, 433; 68 St. Rep. 777; 34 Supp. 840.

Wells v. Wells, 88 N. Y. 323.

Cited, Perpetuities—What is Unlawful Suspension.

79 Hun, 509; (61 St. Rep. 537; 29 Supp. 900). D. 50 St. Rep. 293; (21 Supp. 533). 3 Misc. 477; (23 Supp. 741).

Duplicate Citations in Parenthesis.

Wells v. Wells, 10 St. Rep. 248.

Cited, Divorce — Alimony — Power to Award.

14 App. Div. 544; (77 St. Rep. 942; 43 Supp. 942).

Wells v. Wells, 24 Supp. 874; 30 Abb. N. C. 225.

Wells v. Wells, 8 App. Div. 422; 75 St. Rep. 224; 40 Supp. 836

Wells v. World's Dispensary Medical Ass'n, 9 St. Rep. 452.

Cited, Physicians—Skill Required.

67 Hun, 513; (51 St. Rep. 259; 22 Supp. 517).

Wells v. World's Dispensary Medical Ass'n, 120 N. Y. 630.

Cited, Appeal—Litigating Question Not Within Issues—Effect.

18 Misc. 205; (75 St. Rep. 779; 41 Supp. 370). 20 Misc. 592. 14 Misc. 516; (70 St. Rep. 772; 33 Supp. 14). 144 N. Y. 712; (71 St. Rep. 286). 151 N. Y. 260.

Wells Ave. Sewer, Matter of, 46 Hun, 534.

Cited, Special Proceedings—What are—Taking Lands for Sewer Purposes.

80 Hun, 247, 248; (61 St. Rep. 627; 29 Supp. 1030).

Wells, Fargo & Co. v. Wellsville, C. & P. C. R. Co., 12 App. Div. 47; 76 St. Rep. 225; 42 Supp. 225.

Welsh v. Cochran, 63 N. Y. 181.

Cited, Attorney—Process — Liability for Issuance.

19 Misc. 352; (63 St. Rep. 414; 31 Supp. 24; 24 Civ. Pro. 173). 11 Misc. 578; (66 St. Rep. 180; 32 Supp. 797). 12 Misc. 38; (66 St. Rep. 538; 33 Supp. 29).

Welsh v. Darragh, 52 N. Y. 590.

Cited, Action—Nature of — Test — Complaint.

77 Hun, 369; (60 St. Rep. 417; 28 Supp. 878).

Reference—Compulsory — Determined by Complaint.

142 N. Y. 248; (58 St. Rep. 780). 139 N. Y. 207; (54 St. Rep. 607).

Reference—Long Account.

73 Hun, 492; (56 St. Rep. 37; 26 Supp. 481). 2 Misc. 88; (49 St. Rep. 124; 20 Supp. 875). D. 142 N. Y. 260; (58 St. Rep. 780, 781).

Welsh v. Fallihee, 75 Hun, 308; 56 St. Rep. 777; 27 Supp. 81.

Welsh v. German American Bank 73 N. Y. 424.

Distinguished, Estoppel—Equitable—Acquiescence.

73 Hun, 242; (57 St. Rep. 31; 25 Supp. 1028).

Cited, Account Stated—Impeachment—Fraud.

9 Misc. 365; (60 St. Rep. 627; 29 Supp. 700). 6 Misc. 63; (56 St. Rep. 602; 26 Supp. 887). 144 N. Y. 688; (71 St. Rep. 342).

Banking—Vouchers—Depositors — Negligence.

8 Misc. 282; (59 St. Rep. 233; 28 Supp. 712)

Principal and Agent—Notice to Agent—Effect.

151 N. Y. 11.

Welsh v. Murray, 2 App. Div. 205; 72 St. Rep. 862; 37 Supp. 882.

Welsh v. New York El. R. Co., 32 St. Rep. 35; 12 Supp. 545.

Cited, Appeal—Modification of Judgment.

3 Misc. 337; (52 St. Rep. 7; 22 Supp. 737)

Damages—Elevated Railway—Benefits.

3 Misc. 336; (52 St. Rep. 7; 22 Supp. 737).

Welsh v. New York El. R. Co., 40 St. Rep. 990.

Cited, Appeal—Re-argument.

2 Misc. 63; (49 St. Rep. 350; 20 Supp. 845).

Welsh v. Reinhardt, 20 Misc. 407; 75 St. Rep. 1026; 45 Supp. 1026.

Welsh v. Schuyler, 6 Daly, 412.

Cited, Tenancy—Assignment—Presumption—Rebuttal.

82 Hun, 536; (64 St. Rep. 337; 31 Supp. 612).

Welsh v. Taylor, 50 Hun, 137; 2 Supp. 815.

Cited, Easements—Right of Way—Remedy for Disturbance

23 Supp. 824.

Welsh v. Taylor, 134 N. Y. 450.

Cited, Dedication—Of Streets and Alleys—Acceptance.

23 Supp. 821.

Estoppel—Equitable—Silence.

6 Misc. 354; (26 Supp. 916).

Easement—Right of Way—Appurtenant.

71 Hun, 290; (54 St. Rep. 736; 24 Supp. 1100). 79 St. Rep. 644; (45 Supp. 644).

Easements—Extinguishment.

147 N. Y. 344; (69 St. Rep. 677). 84 Hun, 509; (65 St. Rep. 493; 32 Supp. 334). 3 App. Div. 241; (73 St. Rep. 813; 38 Supp. 423). 9 App. Div. 220; (75 St. Rep. 623; 41 Supp. 175). 20 Misc. 529.

Duplicate Citations in Parenthesis.

Welsh v. Wilson, 101 N. Y. 254; 1 St. Rep. 19.

Cited, Highways — Obstruction — Temporary — Nuisance — Unloading Merchandise.

6 Misc. 342; (56 St. Rep. 245; 26 Supp. 905). 1 Misc. 470; (49 St. Rep. 616; 21 Supp. 455).

Weltman v. Posenecker, 18 Misc. 599; 76 St. Rep. 699; 42 Supp. 699.

Reversed, 19 Misc. 592; 78 St. Rep. 406; 44 Supp. 406; 26 Civ. Pro. 238.

Weltman v. Posenecker, 19 Misc. 592; 78 St. Rep. 406; 44 Supp. 406; 26 Civ. Pro. 238.

Welton v. Divine, 20 Barb. 9.

Cited, Trusts — Resulting — Presumption — Advancement — Husband and Wife.

79 Hun, 82; (61 St. Rep. 173; 29 Supp. 632).

Welton v. Holmes, 26 Week. Dig. 24.

Cited, Replevin — Demand.

73 St. Rep. 591; (38 Supp. 542). D. 4 App. Div. 617; (40 Supp. 944).

Welton v. Welton, 4 Abl. Ct. App. Dec. 512.

Cited, Trusts — Investments in Individual Name of Trustee.

5 Misc. 311; (25 Supp. 1108).

Wemple v. Glavin, 5 Abb. N. C. 360.

Cited, Jail Liberties — Sureties — Escape.

79 St. Rep. 722; (45 Supp. 722).

Wemple v. Hildreth, 10 Daly, 481.

Affirmed, 94 N. Y. 644.

Cited, Fraud — When Actionable — Without Damage.

2 Misc. 259; (50 St. Rep. 337; 21 Supp. 940).

Wemple v. McManus, 59 Super. 418; 39 St. Rep. 141; 15 Supp. 86.

Cited, Brokers — Agreement to Divide Commissions — Availability to Principal.

3 Misc. 556; (52 St. Rep. 523; 23 Supp. 316).

Wendel v. New York Elevated R. Co., 1 App. Div. 633; 37 Supp. 1150.

Wendell v. Brooklyn, 29 Barb. 204.

Cited, Municipal Corporations — Officers — Extra Compensation.

14 Misc. 277; (70 St. Rep. 426; 35 Supp. 759).

Wendell v. Crandall, 1 N. Y. 491.

Cited, Real Property — Estates in — Vesting of Fee.

9 Misc. 644; (62 St. Rep. 221; 30 Supp. 435).

Wendell v. New York, 4 Keyes, 261; 4 Abb. Ct. App. Dec. 583.

Cited, Trial — Question of Fact — Negligence — Guarding Excavation in Highway.

79 Hun, 43; (61 St. Rep. 188; 29 Supp. 652).

Wendell v. N. Y. C. & H. R. R. Co., 91 N. Y. 420.

Cited, Negligence — Contributory — Children.

71 Hun, 507; (55 St. Rep. 84; 24 Supp. 1092). 1 Misc. 228; (49 St. Rep. 214; 20 Supp. 889). 84 Hun, 59; (65 St. Rep. 23; 31 Supp. 1083). 7 App. Div. 599; (74 St. Rep. 734; 40 Supp. 174). 145 N. Y. 200; (64 St. Rep. 593). 84 Hun, 158; (65 St. Rep. 646; 32 Supp. 461).

Railroads — Negligence — Contributory.

6 Misc. 383; (56 St. Rep. 398; 26 Supp. 755). 86 Hun, 523; (67 St. Rep. 670; 33 Supp. 989). 11 Misc. 321; (65 St. Rep. 301; 32 Supp. 154).

Railroads — Travellers — Crossing Tracks.

7 App. Div. 256; (74 St. Rep. 709; 40 Supp. 150). D. 80 Hun, 266; (61 St. Rep. 861; 30 Supp. 171). 1 App. Div. 206; (72 St. Rep. 719; 37 Supp. 448).

Wendell v. People, 8 Wend. 183.

Cited, Deeds — Description — Construction — Location.

73 Hun, 375; (55 St. Rep. 911; 26 Supp. 158).

Deed From State — Sufficient Conveyance.

12 App. Div. 613; (77 St. Rep. 116; 43 Supp. 116).

Evidence — Documentary — Deeds of Third Persons — Reference to Map.

50 St. Rep. 354; (21 Supp. 829).

Deeds — Construction — View of Premises.

49 St. Rep. 470; (21 Supp. 91).

Wendell v. Van Rensselaer, 1 Johns. Ch 344.

Cited, Estoppel — Availability.

49 St. Rep. 171; (21 Supp. 96). 3 App. Div. 202; (73 St. Rep. 705; 38 Supp. 212).

Estoppel — Equitable — Title to Land.

67 Hun, 162; (51 St. Rep. 55; 22 Supp. 326). 69 Hun, 529; (52 St. Rep. 851).

Wendler v. Equitable Life Assurance of the United States, 79 St. Rep. 866; 45 Supp. 866.

Wendler Machine Co., Matter of, 2 App. Div. 16; 72 St. Rep. 499; 37 Supp. 444.

Duplicate Citations in Parenthesis.

Wendover Ave. Matter of, 48 St. Rep. 868; 20 Supp. 563.

Cited, Highways—Establishment—Assessments—New York City.

74 Hun, 565; (57 St. Rep. 35; 26 Supp. 858). 8 App. Div. 295, 297; (40 Supp. 949, 951).

Wendt v. Craig, 69 St. Rep. 712; 35 Supp. 426.

Wenman v. Mohawk Ins. Co., 13 Wend. 267.

Cited, Bills and Notes—On Demand.

79 Hun, 266; (60 St. Rep. 560; 29 Supp. 351).

Limitation of Action — When Statute Runs.

70 Hun, 160; (53 St. Rep. 919; 24 Supp. 205). D. 9 App. Div. 350; (41 Supp. 315).

Wennemer v. Braender, 139 N. Y. 614; 54 St. Rep. 930.

Affirming, 46 St. Rep. 966.

Wennerstrom v. Kelly, 7 Misc. 173; 57 St. Rep. 522; 27 Supp. 326

Cited, Evidence — Failure to Produce — Presumption.

7 Misc. 494; (58 St. Rep. 14; 28 Supp. 18). 8 Misc. 231; (59 St. Rep. 447; 28 Supp. 723).

Evidence — Interested Parties — Conclusiveness.

9 Misc. 165; (60 St. Rep. 635; 29 Supp. 721). 9 Misc. 188; (61 St. Rep. 79; 29 Supp. 738). 79 St. Rep. 657; (45 Supp. 657).

Wensley v. Randolph, 9 Misc. 457; 61 St. Rep. 131; 30 Supp. 239.

Cited, Appeal — Interlocutory Orders—District Court.

13 Misc. 158; (66 St. Rep. 358; 32 Supp. 1074). 13 Misc. 242; (68 St. Rep. 14; 34 Supp. 59; 25 Civ. Pro. 259). 13 Misc. 245; (67 St. Rep. 12; 34 Supp. 57).

Wenstrom Electric Light Co. v. Bloomer, 85 Hun, 389; 66 St. Rep. 293; 32 Supp. 903.

Cited, § 820 Code of Civil Procedure—Intpleader.

13 App. Div. 80; (77 St. Rep. 361; 43 Supp. 361).

Went v. Methodist Protestant Church of Williamsburgh, 80

Hun, 266; 62 St. Rep. 31; 30 Supp. 157.

Affirmed, 150 N. Y. 577.

Wentz, Matter of, 9 Misc. 240; 61 St. Rep. 302; 30 Supp. 211.

Wentzler v. Ross, 59 How. 397.

Cited, Affidavit—Failure to Allege Age—Effect.

17 Misc. 272; (40 Supp. 355).

Wenzler v. People, 58 N. Y. 516.

Cited, Statutes — Constitutionality—Plurality of Subjects.

139 N. Y. 513; (54 St. Rep. 816).

Constitutional Law—Police Justices.

15 Misc. 499; (72 St. Rep. 288; 36 Supp. 10 5). 153 N. Y. 80.

Wenzlick v. McCotter, 87 N. Y. 122.

Cited, Landlord and Tenant—Liability of Landlord—Streets—Ice and Snow.

6 Misc. 301; (58 St. Rep. 294; 26 Supp. 1110). 82 Hun, 79; (63 St. Rep. 332; 31 Supp. 90).

Nuisance—Liability of Owner of Premises—Notice to Abate.

140 N. Y. 21; (55 St. Rep. 426). 9 App. Div. 281; (41 Supp. 520). 17 App. Div. 192; (79 St. Rep. 370; 45 Supp. 370).

Werely v. Persons, 28 N. Y. 344.

Cited, Evidence—Expressions of Pain, etc.—Action for Personal Injuries.

1 Misc. 353; (48 St. Rep. 664; 20 Supp. 684).

Werle v. Long Island R. Co., 98 N. Y. 650.

Cited, Carriers—Passenger—Contributory Negligence—Riding in Dangerous Position

—Necessity.

9 Misc. 274; (61 St. Rep. 324; 29 Supp. 748). 149 N. Y. 341. 88 Hun, 467; (68 St. Rep. 794; 34 Supp. 860). 92 Hun, 145; (71 St. Rep. 151; 36 Supp. 381). 16 App. Div. 148.

Werner v. Braunstein, 20 Misc. 341; 79 St. Rep. 757; 45 Supp. 757.

Werner v. Brooklyn El. R. Co., 11 App. Div. 86; 76 St. Rep. 846; 42 Supp. 846.

Werner v. Rochester, 77 Hun, 33; 59 St. Rep. 439; 28 Supp. 236.

Affirmed, 149 N. Y. 563.

Cited, Municipal Corporations—Defects in Highway—Notice—Sufficiency.

86 Hun, 472; (67 St. Rep. 620; 33 Supp. 949). 83 Hun, 283; (68 St. Rep. 557; 34 Supp. 739).

Werner v. Rochester, 149 N. Y. 563.

Cited, Appeal—Point Not Taken Below.

18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).

Werner v. Tach, 119 N. Y. 632.

Cited, Appeal—Undertaking—Effect.

5 App. Div. 537; (39 Supp. 487; 25 Civ. Pro. 387). 76 St. Rep. 457; (42 Supp. 457).

Werner v. Winterbottom, 1 Supp. 417.

Cited, Animals—Ferocious Dogs—Liability of Owner.

17 App. Div. 142; (79 St. Rep. 158; 45 Supp. 158).

Duplicate Citations in Parenthesis.

Wersebe v. Broadway & Seventh Ave. R. Co., 1 Misc. 472; 49 St. Rep. 619; 21 Supp. 637.

Cited, Trial—Reception of Evidence—Reversal.

79 Hun, 516; (61 St. Rep. 543; 29 Supp. 944).

Wescott v. Thompson, 13 N. Y. 363.

Cited, Sale—Contents of Packages—Title to Packages.

49 St. Rep. 369; (20 Supp. 783).

Wesley, Matter of, 136 N. Y. 638, 49 St. Rep. 913.

Affirming, 43 St. Rep. 952; 17 Supp. 304.

Wesley, Matter of, 43 St. Rep. 952; 17 Supp. 304.

Cited, Wills—Bequests to Corporations—Validity.

3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

Wessels v. Boettcher, 69 Hun, 303; 53 St. Rep. 313; 23 Supp. 480.

Affirmed, 138 N. Y. 654; 53 St. Rep. 931.

Cited, Attachment—Affidavits—Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 417).

Wessels v. Boettcher, 142 N. Y. 212; 58 St. Rep. 613.

Affirming, 56 St. Rep. 885.

Cited, Attachment—Irregularity—Effect.

10 Misc. 349; (63 St. Rep. 411; 31 Supp. 127; 24 Civ. Pro. 200).

Wessels v. Carr, 16 Misc. 440; 74 St. Rep. 227; 38 Supp. 600.

Wessels v. Carr, 6 Supp. 535; 22 Abb. N. C. 464.

Cited, Costs—Trial Fee—Inquest.

4 Misc. 261; (53 St. Rep. 180; 23 Supp. 812). 7 Misc. 543; (58 St. Rep. 320; 28 Supp. 61).

Wessels v. Carr, 15 App. Div. 360; 78 St. Rep. 114; 44 Supp. 114.

Wesson v. Chamberlain, 3 N. Y. 331.

Cited, Execution—Against Person—Second—Escape.

79 Hun, 465; (61 St. Rep. 252; 29 Supp. 984).

Wesson v. Chapman, 76 Hun, 592; 58 St. Rep. 252; 28 Supp. 192.

Wesson v. Chapman, 77 Hun, 144; 59 St. Rep. 44; 28 Supp. 431.

Wesson v. Judd, 1 Abb. 254.

Cited, Pleading—Denial of Knowledge or Information—Effect of.

74 Hun, 425; (57 St. Rep. 255; 26 Supp. 659).

West, Matter of, 40 Hun, 291.

Affirmed, 111 N. Y. 687.

17 Misc. 525; (75 St. Rep. 832; 41 Supp. 428).

Cited, Executors and Administrators—Removal—Discretion of Surrogate.

88 Hun, 301; (68 St. Rep. 265; 34 Supp. 341).

West, Matter of, 24 Week. Dig. 383.

Cited, Executors—Accounting—Expenses—Litigation.

5 Misc. 146; (25 Supp. 710).

West v. American Exchange Bank, 44 Barb. 175.

Cited, Pleadings—Denial—Sufficiency.

11 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369).

West v. Bacon, 13 App. Div. 271; 77 St. Rep. 206; 43 Supp. 206.

West v. First Nat. Bank of Elmira, 20 Hun, 408.

Cited, Banks—Pass-books—Estoppel.

79 St. Rep. 656; (45 Supp. 656).

West v. Kiersted, 15 Week. Dig. 549.

Cited, Custom—Effect on Rule of Law.

76 Hun, 184; (57 St. Rep. 309; 27 Supp. 563).

West v. Lynch, 1 City Ct. R. 227.

Cited, Trial—Verdict—Interest—Correction.

7 Misc. 8; (57 St. Rep. 81; 27 Supp. 335).

West v. Lynch, 7 Daly, 245.

Cited, Witness—Credibility—Questions—Competency.

3 App. Div. 128; (39 Supp. 394).

West v. Mapes, 14 Week. Dig. 92.

Cited, Surrogate—Temporary Administrator—When Proper.

10 Misc. 214; (64 St. Rep. 9; 31 Supp. 425).

West v. N. Y. C. & H. R. R. Co., 17 App. Div. 116; 79 St. Rep. 93; 45 Supp. 93.

West v. O'Neill, 14 Misc. 236; 35 Supp. 714.

West v. Place, 4 Misc. 19; 23 Supp. 1089.

West v. Place, 80 Hun, 255; 61 St. Rep. 765; 30 Supp. 14.

West v. Utica, City of, 71 Hun, 540; 54 St. Rep. 911; 24 Supp. 1075.

Cited, Costs—Equity.

85 Hun, 57, 58; (66 St. Rep. 61; 32 Supp. 677). 3 App. Div. 28; (74 St. Rep. 48; 37 Supp. 1072). 7 App. Div. 358; (40 Supp. 70).

Duplicate Citations in Parenthesis.

West v. Van Tuyl, 119 N. Y. 620; 2 Silv. Ct. App. 501; 28 St. Rep. 549.

Cited, Appeal—Exceptions — Findings—Requests.

5 Misc. 222; (54 St. Rep. 825; 25 Supp. 464). 8 Misc. 258; (59 St. Rep. 199; 28 Supp. 548)

Evidence—Documentary—Books of Account Against Deceased Debtor.

50 St. Rep. 254; (21 Supp. 226).

West v. Van Tuyl, 17 St. Rep. 273; 1 Supp. 718.

Cited, Evidence—Books of Account—Admissibility.

83 Hun, 309; (64 St. Rep. 726; 31 Supp. 919).

West v. Wright, 86 Hun, 436; 67 St. Rep. 627; 33 Supp. 898.

West End Savings & Loan Ass'n v. Degan, 39 Supp. 414.

West Point Iron Co. v. Reymert, 45 N. Y. 703.

Cited, Injunction—Diversion of Water.

49 St. Rep. 310; (21 Supp. 123).

West River Bank v. Taylor, 34 N. Y. 128.

Cited, Bills and Notes—Prior Endorsers—Protest—Notice.

9 Misc. 88; (59 St. Rep. 690; 29 Supp. 62).

West Shore R. Co., Matter of, 64 How. 216.

Cited, Eminent Domain—Procedure—Petition—Alleging Failure to Agree.

50 St. Rep. 258; (21 Supp. 489).

West Side Bank v. Meehan, 49 St. Rep. 606; 20 Supp. 766.

Cited, Evidence — Sufficiency — Fraudulent Intent.

6 Misc. 170; (27 Supp. 125).

West Side Bank v. Pugsley, 47 N. Y. 368.

Cited, Supplementary Proceedings—Conflicting Claims.

3 Misc. 118; (23 Supp. 1056). 2 Misc. 403; (50 St. Rep. 586; 21 Supp. 980). 3 App. Div. 589; (73 St. Rep. 720; 38 Supp. 226; 25 Civ. Pro. 322; 3 Ann. Cas. 37). 12 Misc. 628; (68 St. Rep. 133; 34 Supp. 254; 25 Civ. Pro. 46).

West Side Savings Bank v. Newton, 76 N. Y. 616; 57 How. 152.

Cited, Landlord and Tenant—Eviction, What Constitutes and Sufficiency of Evidence of.

1 Misc. 106; (48 St. Rep. 720; 20 Supp. 699). 2 Misc. 66; (49 St. Rep. 142; 20 Supp. 843).

West Side R. Co. v. New York, Lake Erie & R. W. Co., 141 N. Y. 549; 57 St. Rep. 865.

Affirming, 54 St. Rep. 938; 26 Supp. 1129.

Westbrook v. Gleason, 79 N. Y. 23.

Cited, Mortgage—Effect of Record on Rights of Assignee.

137 N. Y. 339; (50 St. Rep. 785).

Mortgage—Bona Fide Purchasers.

88 Hun, 359; (68 St. Rep. 579; 34 Supp. 760).

Westchester County, Superintendent of Poor, Matter of, 6 App. Div. 144; 39 Supp. 878

Westchester Hardwood Co. v. Manhattan Electric L. Co., 10 Misc. 415; 63 St. Rep. 521; 31 Supp. 140.

Westcott, Matter of, 11 Misc. 589; 67 St. Rep. 414; 33 Supp. 426.

Westcott v. Fargo, 61 N. Y. 542.

Cited, Joint Stock Associations—Officers—Corporations—Sale.

20 Misc. 217; (79 St. Rep. 363; 45 Supp. 363).

Westcott v. Thompson, 16 N. Y. 613.

Cited, Appeal—Court of Appeals—Case—Sufficiency.

64 St. Rep. 624; (31 Supp. 844).

Westcott v. Thompson, 18 N. Y. 363.

Cited, Bailment—Optional Return—Sale.

139 N. Y. 50; (54 St. Rep. 441).

Westerfield v. Price, 80 Hun, 401; 62 St. Rep. 110; 30 Supp. 856.

Westerfield v. Radde, 7 Daly, 326.

Cited, 8 Misc. 679; (58 St. Rep. 875; 28 Supp. 1139).

Corporations—Officers — Authority—By-Laws.

61 St. Rep. 120; (30 Supp. 250).

Westerlo v. De Witt, 36 N. Y. 340.

Cited, Appeal—Review of Findings of Fact—Conflict of Evidence.

71 Hun, 343; (55 St. Rep. 42; 25 Supp. 2). 1 Misc. 140; (48 St. Rep. 722; 20 Supp. 628). 80 Hun, 434; (61 St. Rep. 823; 30 Supp. 83). 86 Hun, 362; (67 St. Rep. 190; 33 Supp. 481). 86 Hun, 423; (67 St. Rep. 179; 33 Supp. 523). 88 Hun, 209; (68 St. Rep. 397; 34 Supp. 668). 14 Misc. 520; (70 St. Rep. 701; 35 Supp. 1084).

Gifts—Causa Mortis—Sufficiency.

10 Misc. 452; (63 St. Rep. 328; 31 Supp. 88). 18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517).

Western v. Genesee Mut. Ins. Co., 12 N. Y. 258.

Cited, Statutes—Interpretation.

16 App. Div. 571; (78 St. Rep. 949; 44 Supp. 949).

*Duplicate Citations in Parenthesis.***Western Ins. Co. v. Eagle Fire Ins. Co.**, 1 Paige, 284.

Cited, Action — Parties — Foreclosure — Prior Mortgage.

69 Hun, 423; (52 St. Rep. 838; 23 Supp. 462).

Western Nat. Bank, Matter of, Law Journal, Apr. 9, 1892.

Cited, Supplementary Proceedings — Property Claimed by Third Person.

2 Misc. 403; (50 St. Rep. 586; 21 Supp. 980).

Western Nat. Bank of N. Y. v. Flanagan, 11 Misc. 445; 32 Supp. 1151.

Affirmed, 14 Misc. 317; 70 St. Rep. 324; 35 Supp. 848.

Western Nat. Bank of N. Y. v. Flanagan, 14 Misc. 317; 70 St. Rep. 324; 35 Supp. 848.**Western Nat. Bank of N. Y. v. Flanagan**, 14 Misc. 641; 70 St. Rep. 896; 35 Supp. 1118.**Western Nat. Bank v. Wood**, 46 St. Rep. 649; 19 Supp. 81.

Reversing, 42 St. Rep. 675; 18 Supp. 718.
Cited, Evidence — Sufficiency — Bills and Notes — Production.

6 Misc. 83; (55 St. Rep. 395; 26 Supp. 26)

Western Nat. Bank v. Wood, 1 Misc. 314; 43 St. Rep. 777; 20 Supp. 642.**Western N. Y. Life Ins. Co. v. Clinton**, 66 N. Y. 326.

Cited, Principal and Surety — Fraud of Principal on Surety — Effect on Innocent Third Person.

137 N. Y. 313; (50 St. Rep. 652).
Contracts — Construction — Sureties — Evidence.

D 15 App. Div. 178; (78 St. Rep. 184; 44 Supp. 184).

Western R. Co. v. Bayne, 75 N. Y. 1.

Cited, Damages — Measure — Conversion.
2 Misc. 255; (50 St. Rep. 343; 21 Supp. 952). 18 Misc. 608; (77 St. Rep. 506; 43 Supp. 506). 19 Misc. 131; (77 St. Rep. 536; 43 Supp. 536).

Equity — Possession of Scrip.
1 App. Div. 628; (72 St. Rep. 535; 37 Supp. 367).

Western R. Co. v. Nolan, 48 N. Y. 513.

Cited, Injunction — Collection of Tax — Erroneous Assessment.

7 Misc. 204; (56 St. Rep. 518; 27 Supp. 213). 7 Misc. 204; (81 Hun, 311; 56 St. Rep. 518; 27 Supp. 213). 6 App. Div. 275; (39 Supp. 782).

Taxes — Assessment — Review — Collateral Impeachment.

8 Misc. 13.

Actions — Parties — Trustees and Beneficiaries.

144 N. Y. 61; (63 St. Rep. 631). 18 Misc. 546; (77 St. Rep. 797; 43 Supp. 797).

Western Trans. Co. v. Barber, 56 N. Y. 544.

Cited, Bailment — Delivery to Owner — Conversion as to Bailor.

73 Hun, 402; (55 St. Rep. 925; 26 Supp. 208). 6 Misc. 232; (56 St. Rep. 537; 26 Supp. 544).

Western Trans. Co. v. Scheu, 19 N. Y. 408.

Cited, Corporations — Residence — Taxation.

73 Hun, 99; (56 St. Rep. 80; 25 Supp. 917). 87 Hun, 342; (68 St. Rep. 150; 34 Supp. 270).

Western Trans. & Coal Co. of Mich. v. Kilderhouse, 87 N. Y. 430.

Cited, Usury — Indictment — Sufficiency.
10 Misc. 105; (63 St. Rep. 399; 31 Supp. 115).

Westervelt v. Agrumaria Sicula Societa Anonima di Transporti Marittimi, 58 Hun, 147; 33 St. Rep. 833; 11 Supp. 340.

Cited, Attachment — Affidavit — Sufficiency — Cause of Action.

73 Hun, 291; (57 St. Rep. 751; 26 Supp. 416). 14 Misc. 547; (70 St. Rep. 768; 33 Supp. 10). 16 Misc. 174; (74 St. Rep. 365; 37 Supp. 1067; 25 Civ. Pro. 233).

Damages — Pleading — Sufficiency.

11 Misc. 297; (65 St. Rep. 430; 32 Supp. 249).

Westervelt v. Gregg, 12 N. Y. 202.

Cited, Due Process.

D. 11 App. Div. 369; (76 St. Rep. 927; 42 Supp. 927). 17 Misc. 539; (40 Supp. 449).

Westervelt v. Westervelt, 46 Super. 292.

Cited, Trial — Confusion of Remedies — Verdict Subject to Opinion of Court — Review of Exceptions in First Instance.

8 Misc. 429; (59 St. Rep. 571; 28 Supp. 672).

Westfall v. Hudson R. Fire Ins. Co., 2 Duer. 490.

Cited, Insurance — Warranty — Breach — Effect.

1 App. Div. 95; (72 St. Rep. 21).

Westfall v. Jones, 23 Barb. 9.

Cited, Assignee — Title.

14 Misc. 176; (69 St. Rep. 814; 35 Supp. 384).

*Duplicate Citations in Parenthesis.***Westfall v. Peacock**, 63 Barb. 209.

Cited, Vendor and Purchaser—Rights of Purchaser.

141 N. Y. 236; (69 St. Rep. 521).

Westfall v. Preston, 49 N. Y. 34°.

Cited, Taxes—Substantial Compliance with Statute—Sufficient.

22 Supp. 535; (30 Abb. N. C. 112). 13 Misc. 704; (69 St. Rep. 178; 34 Supp. 1097).

Divesting of Property Rights—Strict Compliance with Statute.

11 App. Div. 514; (76 St. Rep. 806; 42 Supp. 806).

Weston, Matter of, 91 N. Y. 501.

Cited, Wills—Personalty—Conversion.

20 Misc. 138; (79 St. Rep. 733; 45 Supp. 733).

Weston v. Barker, 12 Johns. 274.

Cited, Action—Form—Against Trustee.

2 Ann. Cas. 357.

Weston v. Brown, 71 St. Rep. 624; 36 Supp. 675.**Weston v. Goodrich**, 86 Hun, 194; 67 St. Rep. 127; 33 Supp. 382.**Weston v. Goodrich**, 12 App. Div. 250; 76 St. Rep. 729; 42 Supp. 729.**Weston v. Ives**, 97 N. Y. 222.

Cited, Associations—By-Laws—Effect.

149 N. Y. 427.

Weston v. Newburgh, City of, 67 Hun, 127; 51 St. Rep. 414; 22 Supp. 22.**Weston v. Ryley**, 15 Misc. 638; 72 St. Rep. 795; 37 Supp. 216.**Weston v. Stoddard**, 137 N. Y. 119; 50 St. Rep. 169.

Affirming, 60 Hun, 290; 38 St. Rep. 46; 14 Supp. 580.

Cited, Pleading—Answer—Co-defendants.

8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549).

Actions—Partition.

148 N. Y. 155; (2 Ann. Cas. 423). 82 Hun, 237; (63 St. Rep. 532; 31 Supp. 233). 83 Hun, 392; (63 St. Rep. 753; 34 Supp. 815; 2 Ann. Cas. 121).

Weston v. Syracuse, 82 Hun, 67; 63 St. Rep. 501; 31 Supp. 186.

Cited, Municipal Corporations—Contracts Acceptance—Effect.

7 App. Div. 508; (40 Supp. 238). D. 7 App. Div. 510; (40 Supp. 239). 11 Misc. 460; (66 St. Rep. 21; 32 Supp. 740).

14 Misc. 637; (70 St. Rep. 887; 35 Supp. 1110).

Weston v. Troy, City of, 139 N. Y. 281; 54 St. Rep. 493.

Reversing, 46 St. Rep. 963.

Cited, Evidence—Contributory Negligence—Burden of Proof.

78 Hun, 17; (60 St. Rep. 800; 29 Supp. 249). 7 Misc. 14; (56 St. Rep. 843; 27 Supp. 335). 140 N. Y. 311; (55 St. Rep. 642). 141 N. Y. 249; (56 St. Rep. 812). 77 Hun, 526; (60 St. Rep. 344; 28 Supp. 888). 80 Hun, 412; (61 St. Rep. 843; 30 Supp. 130). 80 Hun, 218; (61 St. Rep. 764; 30 Supp. 13). 82 Hun, 37; (63 St. Rep. 476; 31 Supp. 154). 151 N. Y. 73. 81 Hun, 153; (62 St. Rep. 735; 30 Supp. 752). 15 App. Div. 583; (78 St. Rep. 609; 44 Supp. 609). 10 Misc. 712; (64 St. Rep. 616; 31 Supp. 809). 13 Misc. 180; (68 St. Rep. 28; 34 Supp. 73). 83 Hun, 122; (64 St. Rep. 270; 31 Supp. 633). 85 Hun, 26; (66 St. Rep. 168; 32 Supp. 600). 86 Hun, 96, 99; (68 St. Rep. 41, 43; 34 Supp. 198, 200). 11 App. Div. 274; (76 St. Rep. 118; 42 Supp. 118). 12 App. Div. 385; (76 St. Rep. 744; 42 Supp. 744). 79 St. Rep. 730; (45 Supp. 730). 13 Misc. 158; (68 St. Rep. 31; 34 Supp. 77). 17 Misc. 156; (39 Supp. 337).

Obstructions—Highways—Liability.

14 App. Div. 5; (77 St. Rep. 621; 43 Supp. 621). 4 App. Div. 221; (73 St. Rep. 587; 38 Supp. 53°). 79 St. Rep. 994; (45 Supp. 994).

Weston v. Turner, 22 Supp. 141.**Weston v. Watts**, 45 Hun, 219; 9 St. Rep. 779.

Cited, Receiver—Restoration of Property After Reversal—Commissions.

140 N. Y. 330; (55 St. Rep. 743).

Weston v. Wright, 1 Robt. 312.

Cited, Chattel Mortgage—Earnings of Vessel.

138 N. Y. 505; (53 St. Rep. 105).

Westover v. Aetna Life Ins. Co., 99 N. Y. 56.

Cited, Evidence—Physicians—Privilege. 3 Misc. 456; (52 St. Rep. 500; 23 Supp. 165; 30 Abb. N. C. 83)

Westphal v. Carter, 1 Misc. 403; 49 St. Rep. 874; 20 Supp. 945.**Westurn, Matter of**, 152 N. Y. 93.**Westurn Matter of**, 5 App. Div. 595; 39 Supp. 429.**Westurn, Matter of**, 8 App. Div. 59; 40 Supp. 567.

Reversed, 152 N. Y. 93.

*Duplicate Citations in Parenthesis.***Wetmore v. Brooklyn Gas Light Co.**, 42 N. Y. 384.*Cited*, Wharves—Public Easements.

13 App. Div. 106; (76 St. Rep. 1064; 42 Supp. 1064) 14 App. Div. 480; (77 St. Rep. 931; 43 Supp. 931). 39 Supp. 10.

Wetmore v. Brooks, 44 St. Rep. 327; 18 Supp. 852.*Cited*, Gift—Delivery—Necessity.

3 Misc. 278; (52 St. Rep. 393; 22 Supp. 781).

Wetmore v. Bruce, 118 N. Y. 319; 28 St. Rep. 687.*Cited*, Incumbrance—What is.

136 N. Y. 582; (49 St. Rep. 700). 68 Hun. 73; 52 St. Rep. 223; (22 Supp. 596).

Vendors — Incumbrances — Building Restrictions.

67 Hun. 47; (51 St. Rep. 797; 22 Supp. 206).

Easements—Restrictions.

3 App. Div. 238; (73 St. Rep. 841; 38 Supp. 420).

Wetmore v. Carryl, 5 Redf. 544.*Cited*, Evidence—Presumption and Burden of Proof—Alterations in Will.

3 Misc. 569; (23 Supp. 754).

Wills—Alterations—Effect.

9 Misc. 528; (61 St. Rep. 679; 30 Supp. 393). 92 Hun. 496; (72 St. Rep. 776; 37 Supp. 240).

Wetmore v. Hegeman, 88 N. Y. 69.*Cited*, Actions—Parties—Assignment for Creditors.

3 App. Div. 60; (74 St. Rep. 850; 38 Supp. 1(38)).

Wetmore v. Jaffray, 9 Hun. 140.*Cited*, Contracts—Breach—Notification in Advance of Refusal to Perform.

4 Misc. 435; (53 St. Rep. 587; 24 Supp. 117).

Damages—Measure—Contracts — Profits.

71 Hun. 195; (54 St. Rep. 73; 24 Supp. 567).

Damages — Measure — Failure to Take Board as Agreed.

6 Misc. 208; (56 St. Rep. 697; 26 Supp. 538).

Wetmore v. Parker, 52 N. Y. 450.*Cited*, Executors—Accounting—Counsel Fees.

5 Misc. 142; (25 Supp. 707). 84 Hun. 566; (66 St. Rep. 150; 32 Supp. 870).

Wills—Bequests—Charitable Uses.

75 Hun. 78; (57 St. Rep. 838. 26 Supp. 1023). 144 N. Y. 549; (64 St. Rep. 245). 3 App. Div. 47; (74 St. Rep. 429; 37 Supp. 1082).

Wills—Perpetuities—Suspension of Alienation.

1 Misc. 444; (23 Supp. 152).

Wills—Codicil—Construction.

9 Mi c. 143; (59 St. Rep. 744; 29 Supp. 30).

Wills—Construction—Trusts.

144 N. Y. 548; (64 St. Rep. 240). 12 App. Div. 275; (76 St. Rep. 906; 42 Supp. 906). 144 N. Y. 550; (64 St. Rep. 246).

Wills—Construction—Death of Testator.

90 Hun. 460; (72 St. Rep. 187; 37 Supp. 79). 13 Misc. 346; (68 St. Rep. 518; 34 Supp. 561).

Wetmore v. Porter, 92 N. Y. 76.*Cited*, Counterclaim—Availability—Trustee of Express Trust.

9 Misc. 73; (59 St. Rep. 689; 29 Supp. 67).

Pleading—Relief Under—Demand for — Effect on Demurrer.

9 Misc. 319; (60 St. Rep. 427; 30 Supp. 151). 2 Misc. 515; (51 St. Rep. 594; 22 Supp. 396). 17 App. Div. 35; (78 St. Rep. 887; 44 Supp. 887). 7 Misc. 652; (58 St. Rep. 339; 28 Supp. 152). 5 App. Div. 623; (39 Supp. 520). 11 App. Div. 336; (76 St. Rep. 1115; 42 Supp. 1115). 14 Misc. 514; (70 St. Rep. 771; 33 Supp. 13). 11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080). 15 Misc. 110; (71 St. Rep. 7; 36 Supp. 267).

Executors—Actions Against.

14 Misc. 301; (70 St. Rep. 683; 35 Supp. 1058; 25 Civ. Pro. 124). 15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190).

Wetmore v. St. Luke's Hospital, 56 Hun. 313; 31 St. Rep. 334; 9 Supp. 753.*Cited*, Wills—Legacies—Lapse—Who Entitled to.

76 Hun. 97; (57 St. Rep. 385; 27 Supp. 831). 9 Misc. 654; (62 St. Rep. 285; 30 Supp. 453). 64 St. Rep. 882; (31 Supp. 1134).

Wetmore v. Tracy, 14 Wend. 250.*Cited*, Highway — Encroachments — Removal by Commissioner.

67 Hun. 292; (50 St. Rep. 771; 22 Supp. 423).

Wetmore v. Wetmore, 79 Hun. 268; 60 St. Rep. 569; 29 Supp. 440.*Affirming*, 8 Misc. 51; 58 St. Rep. 751; 28 Supp. 377; 31 Abb. N. C. 239.**Wetmore v. Wetmore**, 137 N. Y. 623; 51 St. Rep. 274.**Wetmore v. Wetmore**, 149 N. Y. 520.
Affirming, 79 Hun. 268; 60 St. Rep. 569; 29 Supp. 440.*Cited*, Alimony — Enforcement—Sequestration.

D. 12 App. Div. 240; (76 St. Rep. 442; 42 Supp. 42). 14 App. Div. 545; (77 St. Rep. 942; 43 Supp. 942). 79 St. Rep. 404; (45 Supp. 404).

Duplicate Citations in Parenthesis.

Wetterwulgh v. Knickerbocker B. Ass'n, 2 Bosw. 381.

Cited, Building Associations — Membership—Termination—Effect.
13 Misc. 692; (35 Supp. 14).

Weyant v. N. Y. & Harlem R. Co., 3 Duer. 360.

Cited, Master and Servant—Liability of Master to Third Persons—For Negligent Acts of Servant.

8 Misc. 437; (58 St. Rep. 855; 28 Supp. 679).

Railroads—Lessee — Liability for Negligence.

D. 12 Misc. 484; (67 St. Rep. 385; 33 Supp. 683).

Weyburn v. White, 22 Barb. 82.

Cited, Actions—Wagers—Recovery.

86 Hun, 440; (67 St. Rep. 630; 33 Supp. 901).

Weyer v. Beach, 14 Hun, 231.

Cited, Contract—Statute of Frauds—Payment of Another's Debt—Original Undertaking—Consideration.

72 Hun, 494; (54 St. Rep. 858; 25 Supp. 195).

Weyer v. Beach, 79 N. Y. 409.

Cited, Mechanic's Lien — Enforcement—Personal Judgment.

3 Misc. 276; (51 St. Rep. 907; 23 Supp. 326). 16 Misc. 104; (38 Supp. 572).

Weyerhauser v. Dun, 109 N. Y. 150.

Distinguished, Bills and Notes — Alterations—Bona Fide Holders.

7 Misc. 230; (53 St. Rep. 26; 27 Supp. 273).

Cited, Bills and Notes—Blanks—Authority to Fill Up.

75 Hun, 304; (56 St. Rep. 759; 27 Supp. 100). 79 Hun, 598; (61 St. Rep. 519; 29 Supp. 838).

Principal—Liability.

17 Misc. 335; (39 Supp. 1077).

Weyh v. Boylan, 85 N. Y. 394.

Cited, Mortgage—Usury—Estoppel.

11 Misc. 462; (65 St. Rep. 859; 32 Supp. 738).

Weyman v. People, 4 Hun, 511.

Cited, Evidence—Criminal Law—Intent—Proof.

79 St. Rep. 952; (45 Supp. 952).

Weymouth v. Broadway & Seventh Ave. R. Co., 2 Misc. 506; 51 St. Rep. 612; 22 Supp. 1047.

Affirmed, 142 N. Y. 681; 60 St. Rep. 872.

Cited, Carriers—Passenger — Riding on Platform of Street Car.

9 Misc. 278; (61 St. Rep. 151; 29 Supp. 726). 147 N. Y. 380; (70 St. Rep. 34).

Weymouth v. Broadway & Seventh Ave. R. Co., 142 N. Y. 681; 60 St. Rep. 872.

Cited, Railroads—Riding on Platform—Effect.

147 N. Y. 380; (70 St. Rep. 34).

Whale v. McMillen, 1 Misc. 89; 48 St. Rep. 32; 20 Supp. 372.

Cited, Evidence — Examination Before Trial.

88 Hun, 310; (68 St. Rep. 569; 34 Supp. 750).

Whalen v. Citizens' Gas Light Co., 10 Misc. 281; 63 St. Rep. 317; 30 Supp. 1077.

Reversed, 151 N. Y. 70.

Whalen v. Citizens' Gas Light Co., 151 N. Y. 70.

Cited, Municipal Corporations — Defective Highways—Contributory Negligence.

14 App. Div. 7; (77 St. Rep. 622; 43 Supp. 622). 79 St. Rep. 730; (45 Supp. 730). 79 St. Rep. 994; (45 Supp. 994).

Actions—Contributory Negligence—Necessity of Proof.

17 App. Div. 179; (79 St. Rep. 303; 45 Supp. 303).

Whalen v. Gloucester, 4 Hun, 27.

Cited, Landlord—Defective Sidewalk — Duty to Repair.

13 App. Div. 358; (77 St. Rep. 239; 43 Supp. 239).

Whalen v. N.Y.C. & H. R.R. Co., 58 Hun, 431; 35 St. Rep. 556; 12 Supp. 527.

Cited, Railroads—Crossings — Contributory Negligence.

85 Hun, 159; (65 St. Rep. 667; 32 Supp. 482).

Whalen v. N. Y. C. & H. R. R. Co., 15 Supp. 941.

Cited, Railroads—Crossings — Contributory Negligence.

79 St. Rep. 1111; (45 Supp. 1111).

Whalen v. Sprague Electric El. Co., 1 App. Div. 264; 72 St. Rep. 519; 37 Supp. 174.

Cited, Master and Servant—Appliances—Liability.

8 App. Div. 438; (75 St. Rep. 296; 40 Supp. 899).

Wharton v. Winch, 140 N. Y. 287; 55 St. Rep. 652.

Reversing, 46 St. Rep. 187; 19 Supp. 477.

Whatling v. Nash, 41 Hun, 579; 5 St. Rep. 189.

Cited, Trespass—Civil—Aggravation.

71 Hun, 453; (54 St. Rep. 463).

Duplicate Citations in Parenthesis.

Wheadon v. Huntington, 83 Hun, 371; 64 St. Rep. 648; 31 Supp. 912.

Wheadon v. Olds, 20 Wend. 174.

Cited, Account—Impeachment.

144 N. Y. 688; (71 St. Rep. 342).

Wheat v. Lord, 72 Hun, 447; 55 St. Rep. 273; 25 Supp. 208.

Wheat v. Rice, 97 N. Y. 296.

Cited, Contracts—For Benefit of Third Person—Availability.

74 Hun, 166; (56 St. Rep. 290; 26 Supp. 600). 6 Misc. 86; (55 St. Rep. 397; 26 Supp. 39).

Partnership—Assumption—Debts—Rights of Creditors.

4 Misc. 526; (54 St. Rep. 130; 24 Supp. 735). 68 Hun, 5; (52 St. Rep. 459; 22 Supp. 831).

Wheatfield v. Beal, 17 Misc. 61; 39 Supp. 834.

Reversed, 17 Misc. 584; 75 St. Rep. 107; 40 Supp. 700

Wheatfield v. Beal, 17 Misc. 584; 75 St. Rep. 107; 40 Supp. 700.

Wheatfield, Town of, v. Tonawanda R. Co., 92 Hun, 460; 71 St. Rep. 674; 36 Supp. 744.

Wheatland v. Pryor, 133 N. Y. 97; 44 St. Rep. 311.

Affirming, 38 St. Rep. 947.

Cited, 12 Misc. 23; (66 St. Rep. 721; 33 Supp. 64).

Wheaton v. Baker, 14 Barb. 594.

Cited, Remedies—Election

151 N. Y. 234. 13 Misc. 579; (69 St. Rep. 126; 34 Supp. 958).

Contracts—Rescission—Tender.

92 Hun, 392; (72 St. Rep. 281; 36 Supp. 1058).

Wheaton v. Gates, 16 N. Y. 396.

Cited, Pledge—Conditions—Sale—Choses in Action.

6 Misc. 557; (57 St. Rep. 519; 27 Supp. 519).

Wheaton v. Rice, 97 N. Y. 296.

Cited, Contracts—Benefits of Third Party.

147 N. Y. 582; (70 St. Rep. 345).

Whedon v. Hogan, 8 Misc. 323; 59 St. R p. 250; 28 Supp. 554.

Wheeler Matter of, 1 Misc. 450; 51 St. Rep. 513; 22 Supp. 1070.

Cited, Taxes—Inheritance—What Liable. 5 Misc. 441; (26 Supp. 890).

Disapproved.

14 Misc. 413; (71 St. Rep. 509; 36 Supp. 451).

Wheeler, Matter of, 10 Misc. 55; 63 St. Rep. 161; 30 Supp. 854.

Wheeler, Matter of, 46 Hun, 64; 10 St. Rep. 864.

Cited, Surrogates—Power to Construe Wills.

67 St. Rep. 412; (33 Supp. 423; 24 Civ. Pro. 258).

Wheeler, Matter of, 56 St. Rep. 709; 25 Supp. 313.

Wheeler, Matter of, 22 Supp. 1075.

Cited, Inheritance Tax—Exemptions—Members of Testator's Family.

91 Hun, 141; (71 St. Rep. 639; 36 Supp. 543).

Wheeler v. Allen, 51 N. Y. 37.

Cited, Actions—Replevin—Maintenance

1 App. Div. 627; (72 St. Rep. 535; 37 Supp. 367).

Wheeler v. Bell, 88 Hun, 100; 68 St. Rep. 884; 34 Supp. 1150.

Wheeler v. Billings, 38 N. Y. 263.

Cited, Pleading—Answer—Denials—Extent of Proof Under.

2 Misc. 187; (51 St. Rep. 222; 21 Supp. 992). 141 N. Y. 345; (57 St. Rep. 431).

Evidence—Consideration—Parol Evidence to Explain.

83 Hun, 402; (64 St. Rep. 426; 31 Supp. 756). 147 N. Y. 466; (70 St. Rep. 61). 8 App. Div. 426; (75 St. Rep. 227; 40 Supp. 838). 16 Misc. 314; (39 Supp. 416).

Exceptions—Sufficiency.

10 Misc. 366; (63 St. Rep. 452; 31 Supp. 17).

Wheeler v. Britton, 137 N. Y. 628; 51 St. Rep. 931.

Affirming, 45 St. Rep. 39; 17 Supp. 749.

Wheeler v. Clark, 58 N. Y. 267.

Cited, Deeds—Lands Subject to Highway—Closing Highway—Rights of Adjacent Owners.

139 N. Y. 408; (54 St. Rep. 683). 9 App. Div. 220; (75 St. Rep. 623; 41 Supp. 175).

Wheeler v. Clutterbuck, 52 N. Y. 67.

Cited, Descent—Ancestors—Whole Blood.

68 St. Rep. 245; (34 Supp. 194).

Wheeler v. Connecticut Mutual Life Insurance Co., 16 Hun, 317.

Cited, Insurance—Omission of Company—Effect.

9 App. Div. 345; (75 St. Rep. 721; 41 Supp. 308).

Wheeler v. Connecticut Mutual Life Insurance Co., 82 N. Y. 543.

Cited, Contracts—Performance—Excuses—Impracticability.

68 Hun, 333; (52 St. Rep. 286; 22 Supp. 95).

Duplicate Citations in Parenthesis.

Actions—Limitation by Stipulation—Effect.

9 App. Div. 348; (75 St. Rep. 722; 41 Supp. 310).

Premiums — Non-payment — Insanity—Availability.

9 App. Div. 363; (75 St. Rep. 726; 41 Supp. 313).

Wheeler v. Curtis, 11 Wend. 653.

Cited, Pleading—Answer—Demurrer to—Sufficiency of Complaint.

61 St. Rep. 612; (29 Supp. 861).

Distinguished, 80 Hun, 29; (29 Supp. 861).

Joint Contractors — Discharge of One—Effect.

86 Hun, 206; (67 St. Rep. 53; 33 Supp. 310).

Wheeler v. Dakin, 12 How. 537.

Cited, Judgments—Actions on—Pleading—Sufficiency.

91 Hun, 189; (71 St. Rep. 183; 36 Supp. 347). 67 St. Rep. 583; (33 Supp. 713; 24 Civ. Pro. 333).

Wheeler v. Eastwood, 88 Hun, 160; 68 St. Rep. 297; 34 Supp. 513.

Cited, Decedent's Estates—Claims Against—Proof.

19 Misc. 385; (78 St. Rep. 366; 44 Supp. 366).

Wheeler v. Houston, 52 N. Y. 641.

Cited, Constitutional Rights—Waiver.

18 Misc. 650; (76 St. Rep. 528; 42 Supp. 528).

Wheeler v. Lampman, 14 Johns. 481.

Cited, Action — Appearance — Justice's Court.

5 Misc. 123; (25 Supp. 744). 11 Misc. 454; (67 St. Rep. 418; 33 Supp. 417; 24 Civ. Pro. 431). 20 Misc. 73; (79 St. Rep. 410; 45 Supp. 410).

Wheeler v. Lawson, 103 N. Y. 40; 2 St. Rep. 791.

Cited, Chattel Mortgage—Failure to File—Rights of Creditors—Possession by Mortgagee.

69 Hun, 583; (53 St. Rep. 264; 24 Supp. 24). 143 N. Y. 482; (62 St. Rep. 846; 1 Ann. Cas. 84).

Personal Property—Action Against Trespasser or Wrongdoer—Sufficiency of Plaintiff's Title on Possession.

1 Misc. 240; (23 Supp. 133). 8 App. Div. 378; (75 St. Rep. 193; 40 Supp. 809). 8 App. Div. 380; (75 St. Rep. 195; 40 Supp. 811).

Trespass—Defense—Title in Third Person.

77 Hun, 491; (60 St. Rep. 22; 28 Supp. 807). 15 App. Div. 160; (78 St. Rep. 204; 44 Supp. 204).

Wheeler v. Millar, 90 N. Y. 353.

Cited, Corporation — Stockholders — Liability on Subscription.

71 Hun, 377; (55 St. Rep. 27; 25 Supp. 23). 17 App. Div. 157; (79 St. Rep. 144; 45 Supp. 144).

Corporations—Liability of Stockholders—Certificate of Full Payment.

66 Hun, 7; (49 St. Rep. 198; 20 Supp. 823). 16 App. Div. 520; (78 St. Rep. 1032; 44 Supp. 1032).

Pleading — Complaint — Anticipation of Defense.

71 Hun, 394; (55 St. Rep. 41; 25 Supp. 39).

Wheeler v. Mowers, 16 Misc. 143; 74 St. Rep. 540; 38 Supp. 950.

Wheeler v. Mowers, 16 Misc. 331; 39 Supp. 731.

Wheeler v. Newbould, 16 N. Y. 392.

Cited, Pledge—Rights of Pledgee.

141 N. Y. 326; (57 St. Rep. 422). 6 Misc. 556; (57 St. Rep. 518; 27 Supp. 519). D. 87 Hun, 72; (67 St. Rep. 641; 33 Supp. 959). 8 App. Div. 41; (40 Supp. 393). 18 Misc. 183, 186; (41 Supp. 451, 455).

Evidence—Custom—Availability.

8 App. Div. 528; (75 St. Rep. 250; 40 Supp. 857).

Wheeler v. New York & Harlem R. Co., 24 Barb. 414.

Cited, Justice's Court—Jurisdiction—Defective Service—Dismissal of Action.

5 Misc. 120; (25 Supp. 742).

Wheeler v. N. Y. C. & H. R. R. Co., 67 Hun, 639; 51 St. Rep. 471; 22 Supp. 561.

Wheeler v. Oceanic Steam Nav. Co., 52 Hun, 75; 22 St. Rep. 590; 5 Supp. 101.

Distinguished, Carriers—Passenger—Baggage—Conditions in Ticket.

6 Misc. 538; (57 St. Rep. 863; 27 Supp. 141).

Wheeler v. Oceanic Steam Nav. Co., 72 Hun, 5; 55 St. Rep. 715; 25 Supp. 578.

Affirmed, 149 N. Y. 576

Wheeler v. Oceanic Steam Nav. Co., 125 N. Y. 155; 34 St. Rep. 863.

Cited, Carriers—Freight—For What Casualties Excused.

59 St. Rep. 487; (28 Supp. 578).

Wheeler v. Raymond, 5 Cow. 231.

Cited, Pleading—General Denial—Set-off. 142 N. Y. 244; (53 St. Rep. 770).

*Duplicate Citations in Parenthesis.***Wheeler v. Raymond**, 8 Cow. 311.

Cited, Action—Abatement—By Other Action—Foreign Attachment.

3 Misc. 329; (52 St. Rep. 519; 23 Supp. 888); 6 Misc. 385; (56 St. Rep. 335; 26 Supp. 737; 31 Abb. N. C. 134).

Foreign Judgments—Validity.

17 Misc. 237; (39 Supp. 715).

Wheeler v. Reynolds, 66 N. Y. 227.

Cited, Specific Performance—Contracts Relating to Land—Statute of Frauds.

55 St. Rep. 297; (25 Supp. 453; 30 Abb. N. C. 447). 82 Hun, 102; (63 St. Rep. 605; 31 Supp. 204). 82 Hun, 104; (63 St. Rep. 607; 31 Supp. 205). 85 Hun, 145; (65 St. Rep. 664; 32 Supp. 478). 87 Hun, 76, 78; (67 St. Rep. 647, 648; 33 Supp. 965, 966). 2 App. Div. 455; (74 St. Rep. 329; 37 Supp. 1033).

Trusts—Parol—Establishment.

84 Hun, 484; (65 St. Rep. 597; 32 Supp. 392).

Wheeler v. Roberts, 7 Cow. 536.

Cited, Statutes—Repeal of Repealing Law—Effect.

7 Misc. 717; (58 St. Rep. 323; 28 Supp. 30).

Wheeler v. Robinson, 86 Hun, 561; 67 St. Rep. 697; 33 Supp. 921.**Wheeler v. Ruckman**, 51 N. Y. 391.

Cited, Complaint—Dismissal—Effect.

92 Hun, 83; (71 St. Rep. 805; 36 Supp. 637). 14 Misc. 539; (70 St. Rep. 700; 35 Supp. 1083; 2 Ann. Cas. 370).

Wheeler v. Scofield, 67 N. Y. 311.

Cited, Mechanic's Lien—Abandonment by Contractor—Completion by Owner.

140 N. Y. 362; (55 St. Rep. 747). 69 St. Rep. 292; (35 Supp. 177).

Wheeler v. Scully, 50 N. Y. 667.

Cited, Summons—Service—Unknown Defendant.

8 Misc. 607; (61 St. Rep. 55; 29 Supp. 395).

Wheeler v. Spinola, 54 N. Y. 377.

Cited, Adverse Possession—Sufficiency.

143 N. Y. 526; (62 St. Rep. 821).

Wheeler v. Sweet, 137 N. Y. 435; 51 St. Rep. 77.

Reversing, 43 St. Rep. 225; 16 Supp. 836.

Cited, Appeal—Exceptions—Review.

144 N. Y. 383; (63 St. Rep. 691). 15 Misc. 258; (71 St. Rep. 493; 36 Supp. 442).

Trial—Instructions—Absence of Counsel.

92 Hun, 198; (71 St. Rep. 540; 36 Supp. 510; 3 Ann. Cas. 20).

Wheeler v. Vanderveer, 88 Hun, 233;

68 St. Rep. 721; 34 Supp. 799.

Wheeler v. Warner, 47 N. Y. 519.

Cited, Action—Right—Demand—Note Payable on Demand.

79 Hun, 534; (61 St. Rep. 546; 29 Supp. 926).

Limitation of Actions—Note Payable on Demand.

79 Hun, 266; (60 St. Rep. 560; 29 Supp. 351).

Wheeler v. Watertown St. Railway

Co., 59 St. Rep. 888; 28 Supp. 1124.

Affirmed, 145 N. Y. 639.

Distinguished, Railroads—Wayfarers—Contributory Negligence.

92 Hun, 148; (71 St. Rep. 153; 36 Supp. 382).

Wheeler v. Webster, 1 E. D. Smith, 1;

Cited, Limitation of Action—Non-residents.

71 Hun, 597; (55 St. Rep. 122; 25 Supp. 58).

Wheeler v. Wheeler, 18 St. Rep. 445; 2 Supp. 496

Cited, Witness—Competency—Death of Other Party.

79 Hun, 31; (61 St. Rep. 206; 29 Supp. 529).

Witness—Interest.

17 Misc. 123; (39 Supp. 331).

Wheeler v. Wheeler, 9 Cow. 34.

Cited, Executors—Contracts—Enforcement.

8 App. Div. 545; (75 St. Rep. 254; 40 Supp. 861). 15 Misc. 541; (74 St. Rep. 560; 38 Supp. 107).

Wheeler & Wilson Mfg. Co. v.

Elbersson, 84 Hun, 501; 65 St. Rep. 538; 32 Supp. 303.

Wheeler & Wilson Mfg. Co. v.

Jacobs, 2 Misc. 236; 50 St. Rep. 767; 21 Supp. 1006.

Wheelock, Matter of, 21 St. Rep. 369; 3 Supp. 890.

Cited, Assessments—Laws—Construction.

86 Hun, 268, 271; (67 St. Rep. 35, 36; 33 Supp. 300, 301).

Wheelock v. Hotchkiss, 18 How. 468.

Cited, Costs—Allowance—Motion.

9 Misc. 511; (61 St. Rep. 82; 30 Supp. 347). 86 Hun, 54; (66 St. Rep. 785; 32 Supp. 160).

Wheelock v. Lee, 15 Abb. N. S. 24.

Cited, Action—Appearance—Effect.

138 N. Y. 162; (51 St. Rep. 839).

*Duplicate Citations in Parenthesis.***Wheelock v. Lee**, 74 N. Y. 495.*Cited*, Action—Appearance—Effect.

7 Misc. 428; (57 St. Rep. 651; 27 Supp. 976; 23 Civ. Pro. 347). 12 App. Div. 71; (76 St. Rep. 863; 42 Supp. 863). 16 App. Div. 619, 628; (78 St. Rep. 1059, 1065; 44 Supp. 1059, 1065).

Equity — Retention for Legal Relief — Right to.

139 N. Y. 460; (53 St. Rep. 24). 5 App. Div. 623; (39 Supp. 520). 8 Misc. 489; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436). 16 App. Div. 456; (79 St. Rep. 45; 45 Supp. 45).

Trial—Notice of—Effect as Waiver.

67 Hun, 387; (51 St. Rep. 824; 22 Supp. 266; 23 Civ. Pro. 105).

Wheelock v. Noonan, 108 N. Y. 179; 13 St. Rep. 110.*Distinguished*, Injunction — Jurisdiction — Remedy at Law.

26 Supp. 918; (30 Abb. N. C. 412).

Cited, Equity—Jurisdiction—Remedy at Law.

76 Hun, 603; (58 St. Rep. 257; 28 Supp. 202).

License—To Enter Upon Land—Excessive Exercise—Effect.

3 Misc. 75; (51 St. Rep. 602; 22 Supp. 379).

Wheelock v. Noonan, 55 Super. 302; 13 St. Rep. 316.*Cited*, Contempt—Civil—Punishment.

67 Hun, 259; (50 St. Rep. 907; 22 Supp. 429; 23 Civ. Pro. 125).

Wheelock v. Tanner, 39 N. Y. 481.*Cited*, Statute of Limitations—Suspension.

10 App. Div. 473; (76 St. Rep. 305; 42 Supp. 305).

Wheelwright v. Rhoades, 28 Hun, 57.*Cited*, Executors—Commissions — When Right to Accrues.

140 N. Y. 265; (55 St. Rep. 410).

Executors—Commissions—Appropriation of Before Allowance by Court.

24 Supp. 99.

Executors—Commissions—Assignment.

51 St. Rep. 558; (22 Supp. 20).

Interest—Fiduciary Officers—Commissions in Advance.

51 St. Rep. 739.

Wheelwright v. Wheelwright, 2 Redf. 501.*Cited*, Executors—Commissions — Appropriation of Before Allowance by Court.

24 Supp. 99.

Interest — Fiduciary Officers — Commissions in Advance.

51 St. Rep. 739.

Whelan v. Ansonia Clock Co., 97 N. Y. 293.*Cited*, Contracts — Part Performance — Recovery.

11 Misc. 407; (65 St. Rep. 283; 32 Supp. 157). 9 App. Div. 13; (75 St. Rep. 419; 40 Supp. 1099) 12 Misc. 103; (63 St. Rep. 862; 33 Supp. 175). 17 Misc. 360; (39 Supp. 1088).

Whelan v. Lynch, 60 N. Y. 469.*Cited*, Principal and Agent — Liability For Acts of Agent.

79 St. Rep. 620; (45 Supp. 620).

Whelan v. Gorton, 15 Misc. 625; 72 St. Rep. 697; 37 Supp. 344.**Whelen v. Halcomb**, 18 Misc. 611; 76 St. Rep. 1135; 42 Supp. 1135.**Whipple v. Christian**, 15 Hun, 321.*Affirmed*, 80 N. Y. 523.*Cited*, Mechanic's Lien Laws — Construction.

17 App. Div. 99; (78 St. Rep. 871; 44 Supp. 871).

Whipple v. Christian, 80 N. Y. 523*Cited*, Statutes—Repeal—Special by General.

9 Misc. 263; (61 St. Rep. 321; 29 Supp. 745). 8 Misc. 136 (60 St. Rep. 151; 28 Supp. 648). 81 Hun, 357; (63 St. Rep. 121; 30 Supp. 956). 86 Hun, 81; (67 St. Rep. 119; 33 Supp. 349). 10 Misc. 247; (32 St. Rep. 466; 30 Supp. 823).

Statutes—Repeal — Implication — Subsequent Amendment.

77 Hun, 377; (60 St. Rep. 413; 28 Supp. 874).

Whipple v. Foot, 2 Johns. 418.*Cited*, Personal Property—Growing Crops. 135 N. Y. 391; (48 St. Rep. 527).**Whispell v. Whispell**, 4 Barb. 217.*Cited*, Husband and Wife—Cruelty—Condonement.

82 Hun, 184; (64 St. Rep. 801; 31 Supp. 980)

Whisten v. Brengall, 16 Misc. 37; 73 St. Rep. 400; 37 Supp. 813.**Whitaker v. Brown**, 8 Wend. 490.*Cited*, Evidence—Declarations—Of Mortgagor of Title—Bona Fide Purchaser.

3 Misc. 521; (52 St. Rep. 494; 23 Supp. 3).

Whitaker v. Brown, 16 Wend. 505.*Cited*, Partnership—Notes—Liability for Borrowed Money.

14 Misc. 564; (70 St. Rep. 717; 35 Supp. 1072).

Whitaker v. Burrows, 71 Hun, 478; 54 St. Rep. 405; 24 Supp. 1011.

Duplicate Citations in Parenthesis.

Whitaker v. Des'osse, 7 Bosw. 678.

Cited, Orders—Appealability.

88 Hun, 328; (68 St. Rep. 572; 34 Supp. 753; 2 Ann. Cas. 136).

Whitaker v. Eighth Ave. R. Co., 51 N. Y. 295.

Cited, Evidence—Declarations—Res Gestae.

78 Hun, 64; (56 St. Rep. 111; 25 Supp. 899).

Street Railways—Tracks—Rights of Travelers.

3 Misc. 522; (52 St. Rep. 486; 23 Supp. 21).

Whitaker v. Masterton, 106 N. Y. 277; 8 St. Rep. 888.

Cited, Corporations—Creation—Fictitious Value—Trustees—Liability of.

75 Hun, 346; (58 St. Rep. 295; 26 Supp. 1086).

Statutes—Penal—Strict Construction.

24 Supp. 936; (30 Abb. N. C. 122). 187 N. Y. 344; (50 St. Rep. 645). 13 Misc. 43; (68 St. Rep. 163; 34 Supp. 93). 19 Misc. 266; (78 St. Rep. 382; 44 Supp. 332).

Whitaker v. Whitaker, 52 N. Y. 368.

Cited, Contracts—Consideration—Executory Gift.

78 Hun, 124; (60 St. Rep. 185; 28 Supp. 994). 146 N. Y. 94; (66 St. Rep. 249).

Husband and Wife—Right to Wife's Services.

88 Hun, 90; (68 St. Rep. 684; 34 Supp. 629; 2 Ann. Cas. 151).

Whitaker v. White, 51 St. Rep. 787; 22 Supp. 240.

Whitaker v. White, 69 Hun, 258; 53 St. Rep. 243; 23 Supp. 487.

Whitbeck v. Cook, 15 Johns. 483.

Cited, Deeds—Covenants—Breach.

18 Misc. 397; (41 Supp. 442). 84 Hun, 298; (65 St. Rep. 610; 32 Supp. 411).

Whitbeck v. N. Y. C. R. Co., 36 Barb. 644.

Cited, Damages—Measure—Injury to Fruit Trees.

74 Hun, 380; (56 St. Rep. 303; 26 Supp. 595).

Whitbeck v. Van Ness, 11 Johns. 408.

Cited, Bills and Notes—Effect as payment.

70 Hun, 347; (54 St. Rep. 7; 24 Supp. 266).

Witcher v. Holland Water Works Co., 142 N. Y. 626; 50 St. Rep. 867.

Affirming, 48 St. Rep. 196; 20 Supp. 560.

Whitcomb v. Whitcomb, 92 Hun, 413; 71 St. Rep. 661; 36 Supp. 637.

White, Matter of, 6 Dem. 375; 15 St. Rep. 729.

Cited, Evidence—Burden of Proof—Executors—Expenditures.

23 Supp. 1048.

Wills—Undue Influence—Unequal Distribution.

5 Misc. 184; (24 Supp. 858). 1 App. Div. 618; (73 St. Rep. 90; 37 Supp. 499). 18 Misc. 241; (41 Supp. 390).

White, Matter of, 12 Abb. N. C. 348.

Cited, District Courts—Jurisdiction—Ousting by Plea of Title—Summary Proceedings.

62 St. Rep. 71; (30 Supp. 297; 23 Civ. Pro. 421).

White, Matter of, 23 St. Rep. 882; 5 Supp. 295.

Affirmed, 121 N. Y. 406; 31 St. Rep. 528.

Cited, Wills—Testamentary Capacity—Insane Delusion.

71 Hun, 500; (54 St. Rep. 899; 24 Supp. 1060).

Wills—Undue Influence.

9 App. Div. 381; (75 Supp. 878; 41 Supp. 487).

White, Matter of, 121 N. Y. 406; 31 St. Rep. 528.

Cited, Appeal—Surrogate's Decree—Extent of Review—Improper Evidence.

71 Hun, 503; (54 St. Rep. 899; 24 Supp. 1060).

Wills—Testamentary Capacity.

18 Misc. 154; (75 St. Rep. 1448; 41 Supp. 1100).

White v. Anthony, 23 N. Y. 164.

Cited, 90 Hun, 254; (70 St. Rep. 264; 35 Supp. 804).

White v. Ashton, 51 N. Y. 280.

Cited, Estoppel—Availability,

1 Misc. 296; (48 St. Rep. 669; 20 Supp. 707). 7 App. Div. 500; (40 Supp. 232).

White v. Balta, 7 Misc. 311; 57 St. Rep. 552; 27 Supp. 902.

White v. Balta, 7 Misc. 662; 58 St. Rep. 377; 28 Supp. 3.

Cited, Appeal—To Court of Appeals—Allowance.

12 Misc. 636; (65 St. Rep. 883; 32 Supp. 1150).

White v. Benjamin, 3 Misc. 490; 23 Supp. 981.

Affirmed, 8 Misc. 684.

Cited, Assignment for Creditors—Validation.

59 St. Rep. 519; (28 Supp. 589). 18 Misc. 110; (41 Supp. 836). 72 St. Rep. 804; (38 Supp. 177).

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- Sale—Fraud—Proof of.
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- White v. Ellisburg, Town of**, 79 St. Rep. 1122; 45 Supp. 1122.
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- White v. Goodson Type C. & S. M. Co.**, 68 St. Rep. 719; 34 Supp. 797; 24 Civ. Pro. 411.
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4 Misc. 131; (53 St. Rep. 209; 23 Supp.
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White v. Jones, 1 Abb. 328.

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79 St. Rep. 317; (45 Supp. 317).

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66 Hun, 331; (49 St. Rep. 912; 21 Supp. 297). 50 St. Rep. 505; (21 Supp. 308). 84 Hun, 313; (65 St. Rep. 561; 32 Supp. 363).

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69 Hun, 45; (52 St. Rep. 830; 23 Supp. 444). 19 Misc. 67; (77 St. Rep. 172; 43 Supp. 172). 79 St. Rep. 656; (45 Supp. 616)

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White v. Molloy, 9 App. Div. 101; 75 St. Rep. 613; 41 Supp. 162.

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5 Misc. 494; (55 St. Rep. 159; 25 Supp. 801).

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White v. Rasines, 50 St. Rep. 458; 21 Supp. 243.

White v. Reid, 70 Hun, 197; 54 St. Rep. 21; 24 Supp. 290.

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White v. Rintoul, 108 N. Y. 222; 13 St. Rep. 495.

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5 Misc. 5; (25 Supp. 127).

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White v. Twitchings, 26 Hun, 503.

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3 Misc. 4; (53 St. Rep. 627; 23 Supp. 794). 79 Hun, 80; (61 St. Rep. 172; 29 Supp. 631). 13 Misc. 594; (71 St. Rep. 598; 36 Supp. 821).

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White v. Wood, 129 N. Y. 527; 42 St. Rep. 174.

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50 St. Rep. 937; (21 Supp. 1124).

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White's Bank of Buffalo v. Farthing, 101 N. Y. 344; 1 St. Rep. 15.

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78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252). 142 N. Y. 387; (59 St. Rep. 779). 149 N. Y. 484. 151 N. Y. 92. 12 Misc. 12; (66 St. Rep. 522; 33 Supp. 23). 17 Misc. 117; (39 Supp. 358).

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12 Misc. 233; (67 St. Rep. 78); 33 Supp. 1083).

Whitehead v. Halsey, 3 Misc. 378; 52 St. Rep. 263; 22 Supp. 923.

Whitehead v. New York Life Ins. Co., 102 N. Y. 143.

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86 Hun, 537; (67 St. Rep. 694; 33 Supp. 919). 15 Misc. 62; (72 St. Rep. 407; 36 Supp. 885). 5 App. Div. 101; (74 St. Rep. 512; 38 Supp. 646). 17 Misc. 175; (40 Supp. 998). 79 St. Rep. 1008; (45 Supp. 1008).

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1 Misc. 292; (48 St. Rep. 761; 20 Supp. 697). 1 Misc. 500; (49 St. Rep. 707; 20 Supp. 950).

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Whitehead v. N. Y. Life Ins. Co., 102 N. Y. 143; 1 St. Rep. 344.

Cited, Insurance—By Husband on Wife's Life.

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Whitehead v. O'Sullivan, 12 Misc. 577; 67 St. Rep. 801; 33 Supp. 1098.

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Whiteman v. New York, 21 Hun, 117.

Cited, Contract—Building—Architect's Certificate—Conclusiveness.

70 Hun, 527; 54 St. Rep. 50; 24 Supp. 395). 7 Misc. 42; (57 St. Rep. 90; 27 Supp. 383). 8 Misc. 627; (61 St. Rep. 838; 30 Supp. 192). 12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524).

White Rock Lime & Cement Co. v. Dick, 60 St. Rep. 843; 29 Supp. 681.

Whiteside v. Connolly, 78 St. Rep. 1134; 44 Supp. 1134.

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Whiteside v. Noyac Cottage Ass'n, 84 Hun, 555; 65 St. Rep. 846; 32 Supp. 724.

Whiteside v. Noyac Cottage Ass'n, 142 N. Y. 585; 60 St. Rep. 303.

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Cited, Actions—Counsel Fees.

10 App. Div. 181; (75 St. Rep. 1262; 41 Supp. 894).

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3 Misc. 225; (51 St. Rep. 869; 22 Supp. 750). 148 N. Y. 26. 12 App. Div. 33; (76 St. Rep. 174; 42 Supp. 174). 87 Hun, 411; (68 St. Rep. 435; 34 Supp. 361). 12 App. Div. 522; (76 St. Rep. 796; 42 Supp. 796). 20 Misc. 65; (78 St. Rep. 431; 44 Supp. 431; 3 Ann. Cas. 335).

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Whiting, Matter of, 150 N. Y. 27; 3 Ann. Cas. 173.

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1 Misc. 266; (22 Supp. 918).

Whitlock v. Brighton, 2 App. Div. 21;
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Whitlock v. Washburn, 62 Hun, 369;
43 St. Rep. 4; 17 Supp. 60.

Cited, Contracts—Ratification.

16 Misc. 87; (73 St. Rep. 253; 37 Supp.
672).

Trusts—Creation.

79 St. Rep. 1070; (45 Supp. 1070).

Whitman v. Foley, 125 N. Y. 651; 36
St. Rep. 133.

Cited, Appeal—What First Raisable on—Sufficiency of Pleading.

71 Hun, 559; (60 St. Rep. 282; 28 Supp.
933).

Witnesses—Competency—Interest.

77 Hun, 6; (59 St. Rep. 421; 28 Supp.
226). 78 Hun, 536; (61 St. Rep. 7; 29 Supp.
403). 92 Hun, 450; (72 St. Rep. 72; 36 Supp.
969). 5 App. Div. 564; (39 Supp. 414). 13
Misc. 274; (68 St. Rep. 227; 34 Supp. 177).

Whitman v. Johnson, 10 Misc. 725; 65
St. Rep. 103; 31 Supp. 1009.

Cited, Agents—Personal Liability.

18 Misc. 67; (41 Supp. 28). 18 Misc. 79. (75
St. Rep. 976; 41 Supp. 585). 18 Misc. 462; (75
St. Rep. 1324; 41 Supp. 951). 19 Misc. 288;
(77 St. Rep. 73; 43 Supp. 73). 40 Supp. 1147.

Whitman v. Johnson, 10 Misc. 730; 64
St. Rep. 613; 31 Supp. 805.

Whitman v. Johnson, 12 Misc. 23; 66
St. Rep. 717; 33 Supp. 60; 24 Civ. Pro.
350; 1 Ann. Cas. 238.

Whitman v. Nicoll, 16 Abb. N. S. 329.

Cited, Appeal—When Lies—Order Sustaining Demurrer.

9 Misc. 337; (60 St. Rep. 608; 29 Supp.
705).

Whitmark v. Lorton, 8 Supp. 480.

Cited, Chattels—Conversion.

19 Misc. 640; (78 St. Rep. 412; 44 Supp.
412).

Whitmarsh v. Hall, 3 Den. 375.

Cited, Contracts—Infants—Recovery.

88 Hun, 287; (69 St. Rep. 597; 34 Supp.
795).

Whitmarsh v. Littlefield, 46 Hun, 418;
11 St. Rep. 815

Cited, Damages—Keeping Down—Breach of Contract.

68 Hun, 172; (52 St. Rep. 68; 22 Supp.
607).

Whitmore v. New York, 5 Hun, 195.

Affirmed, 67 N. Y. 21.

Cited, Public Officers—Justice of District Court.

15 App. Div. 550; (78 St. Rep. 577; 44
Supp. 577).

Duplicate Citations in Parenthesis.

- Whitmore v. New York**, 67 N. Y. 21.
Cited, Judicial Officers—Clerks.
 32 Supp. 280.
- Whitmore v. Tarrytown, Village of**,
 137 N. Y. 409; 51 St. Rep. 69.
Reversing, 42 St. Rep. 25; 16 Supp. 740.
Cited, Highways—Grade of Street—
 Establishment—Usage.
 142 N. Y. 125; (58 St. Rep. 629).
- Whitney, Matter of**, 75 Hun, 581; 59
 St. Rep. 156; 27 Supp. 657
Affirmed, 142 N. Y. 531; 60 St. Rep. 110.
- Whitney, Matter of**, 142 N. Y. 531; 60
 St. Rep. 110.
Affirming, 75 Hun, 581; 59 St. Rep. 156;
 27 Supp. 657.
- Whitney, Matter of**, 90 Hun, 138; 70
 St. Rep. 259; 35 Supp. 798.
Reversed, 153 N. Y. 259.
- Whitney, Matter of**, 153 N. Y. 259.
- Whitney, Matter of**, 9 App. Div. 621;
 40 Supp. 1151.
- Whitney v. Allaire**, 4 Den. 554.
Cited, Action—Election of Remedies—
 Effect.
 2 Misc. 259; (50 St. Rep. 336; 21 Supp.
 939). 151 N. Y. 234. 1 App. Div. 250; (72
 St. Rep. 625; 37 Supp. 144).
- Whitney v. Nat. Bank of Potsdam**,
 45 N. Y. 305.
Cited, Negotiable Instruments—Indor-
 ser's Contract.
 18 Misc. 247; (75 St. Rep. 1002; 41 Supp.
 609).
- Whitney v. Black River Ins. Co.**, 72
 N. Y. 117.
Cited, Insurance—Construction of Policy
 —Increase of Hazard.
 71 Hun, 355; (55 St. Rep. 30; 25 Supp.
 36).
 Insurance—Policy—Conditions—Occu-
 pancy—Operation.
 70 Hun, 493; (53 St. Rep. 748; 24 Supp.
 387). 147 N. Y. 485; (70 St. Rep. 71).
- Whitney v. Britton**, 16 App. Div. 457;
 79 St. Rep. 1150; 45 Supp. 1150.
- Whitney v. Cammann**, 137 N. Y. 342;
 50 St. Rep. 644.
Affirming, 45 St. Rep. 570; 18 Supp. 200.
Cited, Statutes—Penal—Construction.
 9 Misc. 374; (60 St. Rep. 617; 29 Supp.
 707).
- Whitney v. Crim**, 1 Hill, 61.
Cited, Pleading—Misjoinder—Waiver.
 85 Hun, 501; (66 St. Rep. 830; 33 Supp.
 202).
- Whitney v. Davis**, 88 Hun, 163; 70 St.
 Rep. 143; 35 Supp. 531.
Affirmed, 148 N. Y. 256; 3 Ann. Cas. 88.
Cited, Creditors—Attachment.
 91 Hun, 508; (71 St. Rep. 602; 36 Supp.
 652; 25 Civ. Pro. 300).
- Whitney v. Davis**, 148 N. Y. 256; 3 Ann.
 Cas. 88.
- Whitney v. Deniston**, 2 T. & C. 471.
Cited, Attachment—Increase of Security.
 13 App. Div. 237; (77 St. Rep. 194; 43
 Supp. 194).
- Whitney v. Ferris**, 10 Johns. 66.
Cited, Partnership—Proof—Declaration of
 Partner.
 13 Misc. 133; (68 St. Rep. 78; 34 Supp. 168).
- Whitney v. Groot**, 24 Wend. 82.
Cited, Guaranty—Continuing—Construc-
 tion.
 142 N. Y. 210; (58 St. Rep. 652).
- Whitney v. Hirsch**, 39 Hun, 325.
Cited, Attachments—Affidavits—Suffi-
 ciency.
 77 Hun, 315; (59 St. Rep. 827; 28 Supp.
 430). 18 Misc. 642; (77 St. Rep. 776; 43
 Supp. 776).
- Whitney v. Martine**, 88 N. Y. 535.
Cited, Agents—Investment of Funds—
 Negligence.
 11 App. Div. 92; (76 St. Rep. 1062; 42
 Supp. 1062). 79 St. Rep. 620; (45 Supp.
 620).
- Whitney v. McKinney**, 7 Johns. Ch.
 144.
Cited, Action—Parties—Foreclosure—As-
 signor of Mortgage.
 72 Hun, 201; (55 St. Rep. 481; 25 Supp.
 350).
- Whitney v. McLean**, 4 App. Div. 449;
 38 Supp. 793.
Cited, Contracts—Construction by Jury—
 Effect.
 12 App. Div. 172; (76 St. Rep. 583; 42
 Supp. 583).
- Whitney v. Phoenix**, 4 Redf. 180.
Cited, Executors—Commissioner—Appro-
 priation of Before Allowance by Court.
 24 Supp. 99.
 Interest—Fiduciary Officers—Commis-
 sions in Advance.
 51 St. Rep. 739.
- Whitney v. Roe**, 75 Hun, 508; 57 St.
 Rep. 683; 27 Supp. 511.
- Whitney v. Saxe**, 15 Civ. Pro. 450; 18
 St. Rep. 1020; 2 Supp. 653.
Cited, Appeal—Costs—Affirmance of Or-
 der at General Term.
 8 Misc. 81; (58 St. Rep. 815; 28 Supp.
 1149).

Duplicate Citations in Parenthesis.

Whitney v. Slauson, 30 Barb. 276.

Cited, Conversion.

20 Misc. 324; (79 St. Rep. 686; 45 Supp. 686).

Whitney v. Snyder, 2 Lans. 477.

Cited, Principal and Surety — Negligence as Affecting Sureties—Liability to Innocent Third Person.

137 N. Y. 313; (50 St. Rep. 652).

Whitney v. Sutton, 10 Wend. 412.

Cited, Sale — Warranty — What Constitutes—Question of Fact.

9 Misc. 464; (61 St. Rep. 88; 30 Supp. 229).

Whitney v. Thomas, 23 N. Y. 281.

Cited, Taxes — Assessments—Avoidance.

10 App. Div. 586; (76 St. Rep. 66; 42 Supp. 66).

Whitney v. Ticonderoga, 53 Hun, 214; 24 St. Rep. 950; 6 Supp. 844.

Cited, Pleading—Construction.

8 Misc. 223; (59 St. Rep. 451; 28 Supp. 566; 23 Civ. Pro. 438).

Pleading—Admissions—Effect.

12 Misc. 374; (65 St. Rep. 778; 33 Supp. 644).

Municipality — Duty to Keep Streets Free From Obstructions.

11 App. Div. 276; (76 St. Rep. 114; 42 Supp. 114).

Whitney v. Ticonderoga, 127 N. Y. 40; 37 St. Rep. 135.

Cited, Witnesses—Failure to Testify.

7 Misc. 565; (58 St. Rep. 358; 28 Supp. 86). 7 Misc. 600; (59 St. Rep. 294; 28 Supp. 129). 7 App. Div. 590; (40 Supp. 310).

Damages—Defective Highways.

88 Hun, 526; (69 St. Rep. 34; 34 Supp. 971).

Whitney v. Townsend, 7 Hun, 233.

Cited, Appeal—Extension of Time.

11 Misc. 125; (65 St. Rep. 102; 31 Supp. 1008).

Whitney v. Townsend, 67 N. Y. 40.

Cited, Appeal—Extent of Review—Questions of Procedure.

7 Misc. 539, 541; (58 St. Rep. 316; 28 Supp. 61; 23 Civ. Pro. 355).

Whitney v. Whitney, 63 Hun, 59; 43 St. Rep. 841; 18 Supp. 3.

Cited, Equity — Jurisdiction — Complete Relief—Trusts.

8 Misc. 392; (59 St. Rep. 556; 28 Supp. 627).

Wills—Legatee—Description.

3 App. Div. 48; (74 St. Rep. 429; 37 Supp. 1082).

Whitney v. Whitney, 76 Hun, 585; 58 St. Rep. 272; 28 Supp. 214.

Cited, Divorce—Practice.

92 Hun, 386; (72 St. Rep. 277; 36 Supp. 1054).

Whitney v. Whitney, 4 App. Div. 597; 39 Supp. 1136.

Affirming, 15 Misc. 72; 72 St. Rep. 113; 36 Supp. 891.

Cited, Husband and Wife — Agreement for Separation—Effect.

16 App. Div. 615; (78 St. Rep. 975; 44 Supp. 975).

Whitney v. Wright, 15 Wend. 172.

Cited, Lands—Possession—Sufficiency.

14 Misc. 376; (71 St. Rep. 417; 36 Supp. 80).

Whitney Arms Co. v. Barlow, 63 N. Y. 62.

Cited, Corporations—Ultra Vires—Availability.

137 N. Y. 423; (51 St. Rep. 66). 79 Hun, 74; (61 St. Rep. 665). 1 Misc. 147; (48 St. Rep. 777; 20 Supp. 641). 9 Misc. 615; (62 St. Rep. 92; 30 Supp. 427). 144 N. Y. 341; (63 St. Rep. 674). 8 App. Div. 432; (75 St. Rep. 246; 40 Supp. 853). 14 App. Div. 408; (77 St. Rep. 1027; 43 Supp. 1027). 92 Hun, 280; (71 St. Rep. 843; 36 Supp. 736). 151 N. Y. 37. 13 Misc. 353; 355; (69 St. Rep. 474, 475; (35 Supp. 101, 102). 13 Misc. 690; (69 St. Rep. 212; 35 Supp. 16). D. 151 N. Y. 46. 86 Hun, 324; (67 St. Rep. 199; 33 Supp. 485).

Corporation—Liability of Trustees.

137 N. Y. 344; (50 St. Rep. 645). 75 Hun, 346; (58 St. Rep. 295; 26 Supp. 1086).

Whitney Arms Co. v. Barlow, 68 N. Y. 34.

Cited, 11 Misc. 528; (64 St. Rep. 457; 32 Supp. 747).

Whiton v. Harmon, 54 Hun, 552; 27 St. Rep. 641; 8 Supp. 119.

Cited, Wills—Conditions—Public Policy — Separation from Wife.

60 St. Rep. 526; (28 Supp. 1054).

Whiton v. Snyder, 88 N. Y. 299.

Cited, Husband and Wife—Wife's Ownership.

13 Misc. 211; (68 St. Rep. 87; 34 Supp. 230).

Whitson v. Whitson, 53 N. Y. 479.

Cited, Wills—Construction — Income or Annuity.

153 N. Y. 66. 82 Hun, 428, 429; (63 St. Rep. 562; 31 Supp. 256). 82 Hun, 430; (63 St. Rep. 564; 31 Supp. 258).

Trusts—Expenses—Payment.

83 Hun, 117; (64 St. Rep. 166; 31 Supp. 577).

Duplicate Citations in Parenthesis.

Whitaker v. Burrows, 71 Hun, 478; 54 St. Rep. 405; 24 Supp. 1011.

Cited, Void Agreement—Recovery Under.

85 Hun, 144; (65 St. Rep. 663; 32 Supp. 477).

Whittaker v. Delaware & Hudson Canal Co., 49 Hun, 400; 22 St. Rep. 405; 3 Supp. 576.

Cited, Appeal—Exceptions—Necessity.

70 Hun, 474; (53 St. Rep. 625; 24 Supp. 428). 66 Hun, 178; (49 St. Rep. 41; 20 Supp. 928). 77 Hun, 605; (60 St. Rep. 486; 28 Supp. 1045). 10 Misc. 726; (65 St. Rep. 104; 31 Supp. 1010). 15 Misc. 258; (71 St. Rep. 493; 36 Supp. 442).

Appeal—Trial on Erroneous Theory—Effect.

8 App. Div. 452; (40 Supp. 760). 12 App. Div. 175; (76 St. Rep. 576; 42 Supp. 576). 17 App. Div. 87; (78 St. Rep. 818; 44 Supp. 818).

Negligence—Proximate and Concurrent Causes of Accident—Question for Jury.

1 Misc. 135; (48 St. Rep. 767; 20 Supp. 645). 13 App. Div. 501; (77 St. Rep. 698; 43 Supp. 698).

Whittaker v. Delaware & Hudson Canal Co., 126 N. Y. 544; 38 St. Rep. 523.

Cited, Master and Servant—Selection of Co-employees—Competency.

77 Hun, 523; (60 St. Rep. 275; 28 Supp. 900). 145 N. Y. 407; (64 St. Rep. 842). 92 Hun, 94; (71 St. Rep. 122; 36 Supp. 338).

Master and Servant—Liability of Master to Servant—Oversight—Rules.

61 St. Rep. 585; (29 Supp. 897). 1 Misc. 303; (48 St. Rep. 769; 20 Supp. 711). 80 Hun, 72; (29 Supp. 897).

Whittaker v. N. Y. & Harlem R. Co., 13 Abb. N. C. 11.

Cited, Appeal—Extent of Review—Collateral Matters.

9 Misc. 563; (62 St. Rep. 85; 30 Supp. 416; 24 Civ. Pro. 56; 1 Ann. Cas. 76).

Whittaker v. N. Y. & Harlem R. Co., 54 Super. 8; 11 Civ. Pro. 189.

Cited, Attorneys—Lien For Costs—Decedent's Estate.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Whittemore v. Farrington, 76 N. Y. 452.

Cited, Evidence—Sufficiency—Reformation of Contract.

3 Misc. 333; (54 St. Rep. 150; 23 Supp. 302).

Insurance—Cancellation After Unknown Loss—Rebate.

138 N. Y. 93; (51 St. Rep. 664).

Whittemore v. Judd L. & S. Oil Co., 124 N. Y. 565; 36 St. Rep. 881.

Affirming, 32 St. Rep. 316.

Cited, Claims—Release—Effect.

92 Hun, 338; (72 St. Rep. 709; 37 Supp. 413).

Whitten v. Fitzwater, 129 N. Y. 626; 41 St. Rep. 379.

Cited, Trial—Erroneous Charge—Correction.

9 Misc. 362; (60 St. Rep. 616; 29 Supp. 698).

Sale—Fraud—Intent.

59 St. Rep. 472; (29 Supp. 595; 31 Abb. N. C. 403). 50 St. Rep. 141; (21 Supp. 275). 11 Misc. 78.

Whittlesey v. Delaney, 73 N. Y. 571.

Cited, Judgments—Setting Aside—Fraud.

144 N. Y. 62; (63 St. Rep. 632). 89 Hun, 118; (69 St. Rep. 471; 35 Supp. 58). 12 App. Div. 15; (67 St. Rep. 176; 42 Supp. 176).

Actions—Receivers—Authority.

10 Misc. 689; (65 St. Rep. 97; 31 Supp. 1003; 1 Ann. Cas. 338).

Pleading—Judgment—Fraud.

145 N. Y. 319; (64 St. Rep. 677).

Whittlesey v. Frantz, 74 N. Y. 456.

Cited, Courts—Judgments—Collateral—Attack.

143 N. Y. 515; (62 St. Rep. 805). 145 N. Y. 337; (64 St. Rep. 808).

Whitworth v. Erie R. Co., 87 N. Y. 413.

Cited, Carriers—Liability—Burden of Proof.

86 Hun, 558; (67 St. Rep. 518; 33 Supp. 772).

Wholey v. Kane, 16 App. Div. 166; 78 St. Rep. 649; 44 Supp. 649.

W. H. Sawyer Lumber Co., v. Bussell, 84 Hun, 114; 65 St. Rep. 3; 31 Supp. 1107; 1 Ann. Cas. 343.

Cited, 87 Hun, 619; (66 St. Rep. 868; 33 Supp. 1128).

Pleading—Foreign Corporations—Certificate—Necessity.

13 App. Div. 15; (77 St. Rep. 379; 43 Supp. 379). 13 Misc. 129; (68 St. Rep. 207; 34 Supp. 160). 18 Misc. 424; (75 St. Rep. 1417; 41 Supp. 1057).

Wiberly v. Matthews, 91 N. Y. 648.

Cited, Arbitration—Notice and Hearing—Right of Parties to.

6 Misc. 417; (27 Supp. 295). 13 Misc. 198; (68 St. Rep. 217; 34 Supp. 131).

Duplicate Citations in Parenthesis.

Wibert v. New York & Erie R. Co., 12 N. Y. 245.

Cited, Carriers—Transportation—Reasonable Time.

89 Hun, 206; (69 St. Rep. 221; 35 Supp. 25).

Wickes v. Adirondack Co., 2 Hun, 112.

Cited, Property—Possession—Effect.

88 Hun, 235; (68 St. Rep. 722; 34 Supp. 800).

Wickham v. Freeman, 12 Johns, 183.

Cited, Trespass—Who May Bring Action—Title—Possession.

75 Hun, 237; (58 St. Rep. 660; 27 Supp. 40).

Wickham v. Weil, 43 St. Rep. 155; 17 Supp. 518.

Cited, Pleading—Counterclaim—Under-taking.

78 Hun, 21; (60 St. Rep. 483; 28 Supp. 1061). 89 Hun, 372; (69 St. Rep. 826; 35 Supp. 415).

Wicks v. Moniban, 130 N. Y. 232; 41 St. Rep. 256.

Affirming, 28 St. Rep. 39.

Cited, Covenants—Submission to Arbitration—Effect.

86 Hun, 381; (67 St. Rep. 225; 33 Supp. 513).

Wicks v. Thompson, 129 N. Y. 634; 41 St. Rep. 510; 38 St. Rep. 340.

Cited, Appeal—Exceptions—Necessity.

144 N. Y. 383; (63 St. Rep. 691).

Widmayer v. Widmayer, 76 Hun, 251; 59 St. Rep. 102; 27 Supp. 773.

Cited, Courts—Jurisdiction.

86 Hun, 196, 198; (67 St. Rep. 129, 130; 33 Supp. 383, 385).

Wiechers v. Central Trust Co. of New York, 80 Hun, 573; 62 St. Rep. 585; 30 Supp. 595.

Wiedmer v. New York El. R. Co., 41 Hun, 284.

Cited, Evidence—Burden of Proof—Negligence.

5 Misc. 269; (37 Supp. 897).

Wiegel, Matter of. See *Farian, Matter of.*

Wiegman v. Morimura, 9 Misc. 715; 60 St. Rep. 844.

Affirmed, 12 Misc. 37; 66 St. Rep. 537; 33 Supp. 39.

Wiegmann v. Morimura, 12 Misc. 37; 66 St. Rep. 537; 33 Supp. 39.

Wiener, Matter of, 75 St. Rep. 414; 40 Supp. 1027.

Wiener v. Morange, 7 Daly, 446.

Distinguished, Appeal—Dismissal—As Bar to Second.

77 Hun, 388; (60 St. Rep. 401; 28 Supp. 854).

Wiener v. N. Y. El. R. Co., 138 N. Y.

673; 53 St. Rep. 932.

Affirming, 42 St. Rep. 785; 16 Supp. 913.

Wigand v. Dejonge, 18 Hun, 405.

Cited, Pleading—Bill of Particulars—Knowledge of Applicant.

74 Hun, 348; (56 St. Rep. 380; 26 Supp. 458).

Wigand v. Sichel, 3 Keyes, 120; 33 How. 174.

Cited, Pleading—Non-joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 147; 23 Civ. Pro. 25).

Pleading—Dilatory Defense—Strictness.

6 Mi.-c. 385; (56 St. Rep. 335; 26 Supp. 737; 31 Abb.N. C. 134).

Wiggins v. Armstrong, 2 Johns. Ch. 144.

Cited, Equity—Fraud—Creditors—Necessity of Judgment and Execution.

135 N. Y. 630; (48 St. Rep. 450).

Wiggins v. King, 91 Hun, 340; 71 St. Rep. 861; 36 Supp. 768.

Wiggins v. McCleary, 49 N. Y. 346.

Cited, Damages—Eminent Domain—Fee of Street—Private Easement.

73 Hun, 583; (56 St. Rep. 235; 26 Supp. 423). 141 N. Y. 301; (57 St. Rep. 410). 86 Hun, 429; (67 St. Rep. 624; 33 Supp. 895).

Dedication—Of Streets and Alleys—Acceptance.

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Wiggins v. Tallmadge, 11 Barb. 457.

Cited, Dedication of Streets and Alleys—Acceptance.

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Wihnyk v. Second Ave. R. Co., 14

App. Div. 515; 77 St. Rep. 1023; 43 Supp. 1023.

Wilber v. Dwyer, 69 Hun, 507; 52 St. Rep. 625; 23 Supp. 395.

Wilber v. N. Y. C. & H. R. R. Co., 8 App. Div. 138; 40 Supp. 471.

Cited, 79 St. Rep. 761; (45 Supp. 761).

Railroads—Crossing—Negligence.

18 Misc. 504; (76 St. Rep. 1078; 42 Supp. 1078).

Wilber v. N. Y. C. & H. R. R. Co., 79 St. Rep. 761; (45 Supp. 761.)

Wilber v. Wilber, 83 Hun, 203; 64 St. Rep. 325; 31 Supp. 661.

Duplicate Citations in Parenthesis.

Wilber v. Williams, 4 App. Div. 444; 74 St. Rep. 604; 38 Supp. 893.

Cited, Costs—Extra Allowance—Discretion.

8 App. Div. 71; (40 Supp. 461).

Wilber v. Williamsburgh Ins. Co., 15 St. Rep. 802; 1 Supp. 312.

Cited, Insurance—Proofs of Loss—Service—Waiver.

13 App. Div. 527; (77 St. Rep. 638; 43 Supp. 638).

Wilbur v. Cartwright, 44 Barb. 536.

Cited, Sale—Warranty—Quality.

9 Misc. 464; (61 St. Rep. 87; 30 Supp. 228).

Wilbur v. Collin, 4 App. Div. 417; 74 St. Rep. 531; 38 Supp. 848.

Wilbur v. Delaware, Lack. & West. R. Co., 85 Hun, 155; 65 St. Rep. 664; 32 Supp. 479.

Cited, Railroads—Crossing—Absence of Flagman.

8 App. Div. 142; (40 Supp. 474). 4 App. Div. 552; (74 St. Rep. 821; 38 Supp. 1011).

Wilbur v. Warren, 104 N. Y. 192; 5 St. Rep. 602.

Cited, 16 Misc. 318; (39 Supp. 395; 25 Civ. Pro. 405).

Contract—Consideration—Meritorious.

78 Hun, 125; (60 St. Rep. 186; 28 Supp. 994).

Mortgage—Assumption by Grantee—Availability.

73 Hun, 290; (57 St. Rep. 750; 26 Supp. 416).

Mortgage—Assumption by Grantee—Land the Primary Fund.

66 Hun, 296; (49 St. Rep. 256; 20 Supp. 920). 3 App. Div. 313; (73 St. Rep. 757; 38 Supp. 276). 9 App. Div. 167; (75 St. Rep. 504; 41 Supp. 47).

Wilbur v. White, 56 How. 321.

Cited, Costs—Assignee.

18 Misc. 437; (41 Supp. 790).

Wilckens v. Willett, 1 Keyes, 524.

Cited, Void Order—Effect on *She. iff.*

88 Hun, 410; (68 St. Rep. 783; 34 Supp. 845).

Wilcock v. Curtis, 1 Code R. 96.

Cited, Order—Extension of Time to Answer.

14 Misc. 182; (69 St. Rep. 812; 33 Supp. 382).

Wilcox, Matter of, 11 Civ. Pro. 115.

Cited, Executors and Administrators—Accounting—Costs and Disbursements.

3 Misc. 158; (23 Supp. 978).

Wilcox, Matter of, 1 Misc. 55; 48 St. Rep. 549; 21 Supp. 780.

Wilcox v. Bread, 92 Hun, 9; 73 St. Rep. 28; 37 Supp. 867.

Wilcox v. Campbell, 106 N. Y. 325; 8 St. Rep. 885.

Cited, Covenants—Running with the Land—Effect.

137 N. Y. 230; (50 St. Rep. 798).

Mortgage—Principal and Surety.

88 Hun, 437; (69 St. Rep. 136; 24 Supp. 968).

Wilcox v. Daggett, 15 Week. Dig. 208.

Cited, New Trial—Motion—Costs.

5 App. Div. 38; (39 Supp. 72). 11 Misc. 338; (65 St. Rep. 417; 32 Supp. 236). 12 Misc. 53; (66 St. Rep. 673; 33 St. Rep. 42; 24 Civ. Pro. 392). 73 St. Rep. 360; (38 Supp. 171; 1 Ann. Cas. 406).

Wilcox v. Gilchrist, 85 Hun, 1; 66 St. Rep. 117; 32 Supp. 608.

Cited, Trusts—Creation—Beneficiaries.

3 App. Div. 292; (38 Supp. 1071).

Wilcox v. Green, 23 Barb. 639.

Cited, Evidence—Breach of Promise—Acts of Plaintiff.

71 Hun, 440; (54 St. Rep. 541; 24 Supp. 984).

Evidence—Res Gestae.

149 N. Y. 162.

Wilcox v. Hawley, 31 N. Y. 648.

Cited, Statutes—Construction—Liberality.

4 Misc. 364; (53 St. Rep. 848; 24 Supp. 323).

Wilcox v. Howe, 59 Hun, 268; 36 St. Rep. 303.

Cited, Attachment—Levy—Sufficiency.

14 Misc. 531; (74 St. Rep. 307; 37 Supp. 1137).

Wilcox v. Howell, 44 N. Y. 398.

Cited, Estoppel—Sufficiency.

3 Misc. 539; (52 St. Rep. 412; 23 Supp. 12). 143 N. Y. 429; (62 St. Rep. 438).

Wilcox v. N. Y., L. E. & W. R. Co., 88 Hun, 263; 68 St. Rep. 563; 34 Supp. 744.

Cited, Contributory Negligence—Question of Fact for Jury.

4 App. Div. 487; (38 Supp. 687). 4 App. Div. 496; (38 Supp. 668). 79 St. Rep. 1114; 45 Supp. 1114).

Wilcox v. Palmeter, 2 Hun, 517.

Cited, Pleading—New Matter—Reply—Justice's Court.

9 Misc. 57; (59 St. Rep. 666; 29 Supp. 74).

Duplicate Citations in Parenthesis.

Wilcox v. Payne, 28 St. Rep. 712; 8 Supp. 407.

Cited, Fraudulent Conveyances — Confessed Judgment — Preferences.
3 Misc. 502; (23 Supp. 988).

Wilcox v. Pratt, 125 N. Y. 688; 34 St. Rep. 475.

Cited, Co-tenants—As Partners.

4 Misc. 353; (54 St. Rep. 258; 24 Supp. 355). 14 App. Div. 172; (77 St. Rep. 559; 43 Supp. 559). 18 App. Div. 78; (79 St. Rep. 430; 45 Supp. 430).

Wilcox v. Quinby, 56 St. Rep. 173.

Wilcox v. Quinby, 73 Hun, 524; 56 St. Rep. 193; 26 Supp. 114.

Wilcox v. Rochester, 129 N. Y. 247; 41 St. Rep. 511.

Cited, Taxes—Personal Property — Residence.

69 Hun, 459; (53 St. Rep. 143; 23 Supp. 549). 14 Misc. 590; (71 St. Rep. 738; 36 Supp. 727).

Wilcox v. Rome, Watertown & Ogdensburg R. Co., 39 N. Y. 358.

Cited, 92 Hun, 566; (72 St. Rep. 327; 36 Supp. 944).

Wilcox v. Selleck, 92 Hun, 37; 71 St. Rep. 800; 36 Supp. 633.

Cited, Witness—Testimony—Question for Jury.

3 App. Div. 50; (74 St. Rep. 361; 37 Supp. 1062). 7 App. Div. 215; (74 St. Rep. 694; 40 Supp. 136).

Wilcox v. Smith, 5 Wend. 231.

Cited, Officers—De Facto—Collateral Impachment of Acts.

79 Hun, 77; (61 St. Rep. 179; 29 Supp. 634).

Wilcox v. Smith, 26 Barb. 316.

Cited, Judgment—Amendment.

9 Misc. 406; (61 St. Rep. 694; 29 Supp. 1073).

Executors—Payment to Guardian—When Allowed.

85 Hun, 195; (65 St. Rep. 728; 32 Supp. 584).

Executors—Duty to Set Up Statute of Limitations.

4 App. Div. 476; (74 St. Rep. 488; 38 Supp. 809).

Surrogate—Power to Award Costs.

20 Misc. 319; (79 St. Rep. 665; 45 Supp. 665).

Wilcox v. Wilcox, 48 Barb. 327.

Cited, Co-tenants—Tenants in Possession—Liability for Rent.

86 Hun, 260; (66 St. Rep. 803; 33 Supp. 247).

Wilcox v. Wilcox, 46 Hun, 32.

Cited, Civil Action—Presumption of Innocence.

15 App. Div. 192; (78 St. Rep. 239; 44 Supp. 239).

Wilcox v. Williams, 92 Hun, 250; 72 St. Rep. 327; 36 Supp. 944.

Wilcox v. Wood, 9 Wend. 346.

Cited, Landlord and Tenant—Lease—Expiration.

76 Hun, 68; (59 St. Rep. 620; 27 Supp. 605). 17 App. Div. 599; (79 St. Rep. 307; 45 Supp. 307).

Wilcox Silver Plate Co. v. Barclay, 48 Hun, 54; 14 St. Rep. 879.

Cited, New Trial—New Evidence—Discretion.

50 St. Rep. 475; (21 Supp. 700). 4 App. Div. 333; (74 St. Rep. 184; 38 Supp. 565).

Wilder v. Ballou, 63 Hun, 118; 43 St. Rep. 514; 17 Supp. 625.

Cited, Limitation of Action—Executors—Short Statute.

71 Hun, 596; (55 St. Rep. 120; 25 Supp. 57).

Wilder v. Boynton, 63 Barb. 547.

Cited, Actions—Discontinuance—Discretion.

85 Hun, 101; (66 St. Rep. 36; 32 Supp. 653).

Wilder v. Metropolitan St. R. Co., 10 App. Div. 364; 75 St. Rep. 1302; 41 Supp. 931.

Wilder v. New York Bank Note Co., 15 Misc. 459; 72 St. Rep. 782; 37 Supp. 203.

Affirmed, 16 Misc. 355; 38 Supp. 75.

Wilder v. New York Bank Note Co., 16 Misc. 355; 38 Supp. 75.

Wilder v. Peabody, 21 Hun, 376.

Cited, New Trial—Grounds—Improper Testimony—Prejudice.

9 Misc. 182; (60 St. Rep. 214; 29 Supp. 586). 86 Hun, 464; (67 St. Rep. 639; 33 Supp. 892).

Wilder v. Ranney, 95 N. Y. 7.

Cited, Executors—Powers—Severalty.

71 Hun, 398; (15 St. Rep. 35; 25 Supp. 28).

Equitable Conversion—Availability.

15 Misc. 659; (38 Supp. 103).

Wilder v. Winne, 6 Cow. 284.

Cited, Debtor—Transfer of Assets—Effect.

87 Hun, 551; (69 St. Rep. 458; 35 Supp. 139).

Willey v. Robinson, 85 Hun, 362; 66 St. Rep. 423; 32 Supp. 1018.

Duplicate Citations in Parenthesis.

Wilds v. Hudson R. R. Co., 24 N. Y. 430.

Cited, Trial — Withdrawing Case From Jury—Preponderance of Evidence.

137 N. Y. 426; (51 St. Rep. 68). 19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Wile & Brickner Co. v. Rochester & Kettle Falls Land Co., 4 Misc. 570; 25 Supp. 794.

Wiles v. Provost, 6 App. Div. 1: 39 Supp. 461.

Wiles v. Suydam, 64 N. Y. 173.

Cited, Pleading—Demurrer—Joinder of Causes of Action.

7 Misc. 208; (58 St. Rep. 38; 27 Supp. 677). 7 Misc. 469; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 357). 82 Hun, 368; (64 St. Rep. 85; 31 Supp. 475). 87 Hun, 604; (68 St. Rep. 657; 34 Supp. 545). 10 App. Div. 517; (75 St. Rep. 1438; 41 Supp. 1091).

Corporations—Directors—Liability.

147 N. Y. 609; (71 St. Rep. 255). 19 Misc. 267; (78 St. Rep. 383; 44 Supp. 383). 13 Misc. 759, 760; (69 St. Rep. 301, 302; 35 Supp. 185, 186). 15 Misc. 235; (71 St. Rep. 472; 36 Supp. 422). 18 Misc. 100; (41 Supp. 832).

Wiles Laundering Co. v. Hahlo, 105 N. Y. 234; 7 St. Rep. 1.

Cited, Liens—Labor on Chattel.

2 Misc. 194; (49 St. Rep. 572; 21 Supp. 265). 3 Misc. 98; (51 St. Rep. 606; 22 Supp. 550).

Statutes—Repeal—Effect.

91 Hun, 157; (71 St. Rep. 695; 36 Supp. 538).

Wiley, Matter of, 119 N. Y. 642; 29 St. Rep. 787.

Cited, Guardian—Death of—Rights of Administrator

2 Misc. 352; (50 St. Rep. 602; 22 Supp. 73).

Wiley v. Goodsell, 3 App. Div. 452; 74 St. Rep. 32; 38 Supp. 376.

Wiley v. Long Island R. Co., 76 Hun, 29; 59 St. Rep. 157; 27 Supp. 722.

Affirmed, 144 N. Y. 717.

Wiley v. Long Island R. Co., 88 Hun, 177; 68 St. Rep. 425; 34 Supp. 415.

Cited, Appeal—Motion—Laches—Effect.

4 App. Div. 447; (74 St. Rep. 606; 38 Supp. 895).

Wiley v. Rouse's Point, 86 Hun, 495; 67 St. Rep. 519; 33 Supp. 773.

Wiley v. Slater, 22 Barb. 506.

Cited, Appeal—Conflicting Evidence—Review.

84 Hun, 451; (65 St. Rep. 587; 32 Supp. 381).

Animals—Fighting with one Another—Recovery.

14 Misc. 370; (71 St. Rep. 413; 36 Supp. 82).

Wilhelm v. Federgreen, 2 App. Div. 483; 74 St. Rep. 436; 38 Supp. 8.

Cited, Realty—Marketable Title—Adverse Possession.

4 App. Div. 426; (77 St. Rep. 1019; 43 Supp. 1019).

Realty—Marketable Title.

15 App. Div. 59; (78 St. Rep. 157; 44 Supp. 157).

Wilhelm v. Wilken, 75 Hun, 523; 58 St. Rep. 733; 27 Supp. 853.

Affirmed, 149 N. Y. 447.

Wilhelm v. Wilken, 149 N. Y. 447.

Wilkes, Matter of, 62 St. Rep. 224; 30 Supp. 431.

Wilkes v. Harper, 2 Barb. 338.

Cited, Equity — Enforcement of Lien—Priority.

79 Hun, 406; (61 St. Rep. 507; 29 Supp. 801).

Subrogation—Surety.

72 Hun, 509; (54 St. Rep. 767; 25 Supp. 217).

Wilkes v. Harper, 1 N. Y. 586,

Cited, Debts—Payment—Subrogation.

15 Misc. 204; (72 St. Rep. 185; 37 Supp. 34).

Wilkes v. New York, 79 N. Y. 621.

Cited, Illegal Assessments — Taxes — Recovery.

144 N. Y. 496; (64 St. Rep. 66).

Wilkes v. Rogers, 6 Johns. 566.

Cited, Decedent's Estates — Children — Maintenance.

92 Hun, 445; (71 St. Rep. 663; 36 Supp. 609).

Wilkie v. Bolster, 3 E. D. Smith, 327.

Cited, Negligence—Res Ipsa Loquitur.

D. 9 Misc. 12; (59 St. Rep. 740; 29 Supp. 23).

Wilkin v. Raplee, 52 N. Y. 243.

Cited, Practice—Judgments.

14 Misc. 186; (70 St. Rep. 518; 35 Supp. 654; 25 Civ. Pro. 146; 2 Ann. Cas. 164).

Wilkin v. Wilkin, 1 Johns. Ch. 111.

Cited, Pleading—Relief Under — General Prayer For.

61 St. Rep. 441; (20 Supp. 455).

Duplicate Citations in Parenthesis.

Wilkins v. Earle, 44 N. Y. 172.

Cited, Witness — Credibility — Effect of Falsity in One Point.

2 Misc. 246; (50 St. Rep. 338; 21 Supp. 937). 20 Misc. 303; (79 St. Rep. 804; 45 Supp. 804).

Evidence—Presumption—Continuance.

17 App. Div. 186; (79 St. Rep. 360; 45 Supp. 360). 16 Misc. 61; (73 St. Rep. 133; 37 Supp. 692).

Wilkins v. New York, 9 Misc. 610; 62 St. Rep. 89; 30 Supp. 424.

Wilkinson v. Davies, 146 N. Y. 25; 65 65 St. Rep. 760.

Wilkinson v. First Nat. Fire Ins. Co., 72 N. Y. 499.

Cited, Insurance — Life—Policy—Limitation of Action.

8 Misc. 252; (59 St. Rep. 249; 28 Supp. 543). 81 Hun, 209, 210; (62 St. Rep. 739; 30 Supp. 716). 83 Hun, 397; (64 St. Rep. 788; 31 Supp. 878). 9 App. Div. 341, 348; (75 St. Rep. 717, 722; 41 Supp. 305, 310). D. 9 App. Div. 353, 362; (75 St. Rep. 725, 730; 41 Supp. 313, 317).

Wilkinson v. Gill, 74 N. Y. 63.

Cited, Contracts—Lottery Ticket;—Illegality—Recovery.

8 Misc. 202; (58 St. Rep. 837; 28 Supp. 530).

Statutes—Penal Liability.

18 Misc. 103; (41 Supp. 834).

Will, Matter of, 3 Misc. 179; 54 St. Rep. 270; 23 Supp. 827.

Will v. Postal Cable Tel. Co., 3 App. Div. 22; 73 St. Rep. 552; 37 Supp. 933; 3 Ann. Cas. 123.

Cited, Contracts — Agency — Agent of Promisor Made Agent of Promisee—Effect.

17 Misc. 120; (39 Supp. 360).

Willard, Matter of, 9 Supp. 555.

Cited, Executors—Accounting—Commissioners—Appropriation of Before Allowance by Court.

24 Supp. 99.

Willard v. Bridge, 4 Barb. 361.

Cited, Conversion—What Constitutes—Acts of Bailee.

8 Misc. 262; (59 St. Rep. 394; 28 Supp. 710).

Pleading—Objection—How Taken.

83 Hun, 501, 503; (66 St. Rep. 830, 831; 33 Supp. 202, 203).

Willard, v. Holmes, Booth & Haydens, 2 Misc. 303; 51 St. Rep. 569; 21 Supp. 998.

Reversed, 142 N. Y. 492; 60 St. Rep. 89.

Cited, Malicious Prosecution—In General.

2 Misc. 585; (51 St. Rep. 576; 21 Supp. 1025).

Trial—Question of Law—Probable Cause.
5 Misc. 554; (26 Supp. 59).

Willard v. Holmes, Booth & Haydens, 142 N. Y. 492; 60 St. Rep. 89.

Willard v. Stone, 7 Cow. 22.

Cited, Promise of Marriage—Consideration.

19 Misc. 648; (78 St. Rep. 405; 44 Supp. 405).

Willard v. Warren, 17 Wend. 262.

Cited, Trespass—Damages.

16 Misc. 323; (73 St. Rep. 572; 37 Supp. 952).

Willard v. White, 56 Hun, 581; 32 St. Rep. 131; 10 Supp. 170.

Cited, Evidence—Presumption—Brokers Account—Party in Interest.

7 Misc. 326; (57 St. Rep. 560; 27 Supp. 916).

Pledge—By Agent—Redemption by Principal.

79 Hun, 357; (61 St. Rep. 385; 29 Supp. 487).

Conversion—Following Assets.

150 N. Y. 218.

Willcocks, Matter of, 7 Cow. 402.

Cited, Common Council — Vote—Sufficiency.

150 N. Y. 474.

Willcox v. Smith, 26 Barb. 316.

Cited, Executors — Accounting — Vouchers.

23 Supp. 850. 5 Misc. 139; (25 Supp. 705).

Willcox & Gibbs Sewing Machine Co. v. Himes, 50 St. Rep. 489; 21 Supp. 760.

Willcox & Gibbs Sewing Machine Co. v. Himes, 90 Hun, 347; 70 St. Rep. 368; 35 Supp. 861.

Willdigg v. Brooklyn, 80 Hun, 602; 61 St. Rep. 815; 30 Supp. 75.

Willets, Matter of, 6 Dem. 435; 17 St. Rep. 780; 2 Supp. 668; 15 Civ. Pro. 290.

Cited, Executors—Accounting—Costs and Disbursements.

3 Misc. 159; (23 Supp. 977).

Willets, Matter of, 112 N. Y. 289; 20 St. Rep. 735.

Affirming, 9 St. Rep. 321.

Cited, Trustees—Commission.

9 App. Div. 293; (15 Misc. 552; 73 St. Rep. 129; 37 Supp. 590).

Willets v. Van Alst, 26 How. 326.

Cited, Judicial Sales—Completion.

19 Misc. 41; (76 St. Rep. 875; 42 Supp. 875).

*Duplicate Citations in Parenthesis.***Willets v. Willets**, 35 Hun. 401.*Cited*, Taxes—Inheritance—Exemptions.
4 Misc. 231; (25 Supp. 109).**Willett v. People**, 27 Hun. 469.*Cited*, Trial—Reception of Evidence—
Confessions—Question for Court.
61 St. Rep. 527; (29 Supp. 846). 80 Hun. 47.**William H. Sawyer Lumber Co. v. Russell**, 84 Hun. 114; 31 Supp. 1107.*Cited*, 87 Hun. 619.**William Ottman & Co. v. Cooper**,
63 St. Rep. 274; 30 Supp. 1086.**William Ottman Co. v. Martin**, 16
Misc. 490; 38 Supp. 966.**William & Anthony Sts., Matter of**,
19 Wend. 678.*Cited*, Commissioners—Award—Review.
8 App. Div. 295; (40 Supp. 949). 11 Misc.
693; (66 St. Rep. 224; 32 Supp. 828).**Williams, Matter of**, Surr. Dec., Dec.
1888; 308.*Cited*, Pleading—Amendment—Surro-
gate's Practice—Reference Under.
4 Misc. 378; (25 Supp. 821).**Williams, Matter of**, 1 Connolly 99; 17
St. Rep. 839; 2 Supp. 669; 15 Civ Pro.
270.*Cited*, Executors—Accounting—Costs
and Disbursements.

3 Misc. 158; (23 Supp. 977).

Williams, Matter of, 19 Supp. 778.*Cited*, Evidence—Burden of Proof—Force
or Coercion of Testator.

5 Misc. 183; (24 Supp. 858).

Evidence—Of Undue Influence—Actual
Exertion of and not Mere Motive and Op-
portunity Must be Shown.

5 Misc. 577; (23 Supp. 759).

Wills—Undue Influence—Disinheritance
of Heir—Draftsmen as Beneficiary.7 Misc. 225; (57 St. Rep. 849; 27 Supp.
652). 5 Misc. 75; (25 Supp. 716).**Williams, Matter of**, 1 Misc. 35; 22
Supp. 906.**Williams, Matter of**, 1 Misc. 440; 23
Supp. 150.**Williams, Matter of**, 6 Misc. 512; 57
St. Rep. 711; 27 Supp. 433.**Williams, Matter of**, 141 N. Y. 572; 57
St. Rep. 867.*Affirming*, 46 St. Rep. 791.**Williams v. Aetna Life Ins. Co.**, 8
St. Rep. 567.*Cited*, Interpleader—Availability.69 Hun. 399; (53 St. Rep. 147; 23 Supp.
660). 16 Misc. 277; (74 St. Rep. 581; 38
Supp. 128).Interpleader—Affidavit For—Sufficiency
of—Doubts as to Successful Party.75 Hun. 46; (58 St. Rep. 181; 26 Supp.
994; 23 Civ. Pro. 304).**Williams v. Allen**, 2 Hun. 377.*Cited*, Reference—Long Account.73 Hun. 492; (56 St. Rep. 37; 26 Supp.
481). 142 N. Y. 251; (58 St. Rep. 775).**Williams v. Brooklyn El. R. Co.**, 126
N. Y. 96.*Cited*, Trial—Summing Up—Irrelevant
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Supp. 136)**Williams v. Boyle**, 1 Misc. 364; 48 St.
Rep. 713; 20 Supp. 720.*Cited*, Pleading—Answer—Demurrer to
—Sufficiency of Complaint.61 St. Rep. 612; (29 Supp. 861) 11 Misc.
185; (66 St. Rep. 333; 32 Supp. 1078). 80
Hun. 28; (29 Supp. 861).

Equitable and Legal Rights—Availability.

10 Misc. 165; (62 St. Rep. 483; 30 Supp.
829).**Williams v. Boynton**, 71 Hun. 309; 54
St. Rep. 748; 25 Supp. 60.*Affirmed*, 147 N. Y. 426; 70 St. Rep. 11.**Williams v. Boynton**, 147 N. Y. 426; 70
St. Rep. 11.*Cited*, Public Officers—Actions—Main-
tenance.

150 N. Y. 499.

Public Officers—Ignoring Constitution—
Presumption.

6 App. Div. 301; (40 Supp. 549).

Williams v. Briggs, 16 Alb. Law J. 387.*Cited*, Chattel Mortgage—Future Crops.51 St. Rep. 36; (22 Supp. 1100). 82 Hun,
392; (63 St. Rep. 792; 31 Supp. 343).**Williams v. Brooklyn El. R. Co.**,
126 N. Y. 96.*Cited*, Verdict—Setting Aside—Improper
Summing up.16 App. Div. 93; (79 St. Rep. 136; 45
Supp. 136). 20 Misc. 304; (79 St. Rep. 804;
45 Supp. 804).**Williams v. Brooklyn Dist. Tel.
Co.**, 12 Misc. 565; 67 St. Rep. 602; 33
Supp. 849.**Williams v. Cameron**, 26 Barb. 172.*Cited*, Incompetent Person—Committee—
Suit Against.18 Misc. 407; (76 St. Rep. 776; 42 Supp.
776).**Williams v. Carrington**, 1 Hilt. 515.*Cited*, Debts—Receipt of Part—Effect.19 Misc. 175; (77 St. Rep. 222; 43 Supp.
222).

Duplicate Citations in Parenthesis.

Williams v. Carroll, 2 Hilt. 438.

Cited, Courts—District Courts—Lack of Equity Jurisdiction.

1 Misc. 96; (47 St. Rep. 121; 19 Supp. 660).

Williams v. Charlier, 15 App. Div.

128; 78 St. Rep. 225; 44 Supp. 225.

Williams v. Clements, 137 N. Y. 660;

50 St. Rep. 932.

Affirming, 46 St. Rep. 448; 19 Supp. 613.

Williams v. Colwell, 14 App. Div. 26;

77 St. Rep. 720; 43 Supp. 720.

Williams v. Colwell, 18 Misc. 399; 77

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Affirmed, 14 App. Div. 26; 77 St. Rep. 1167; 43 Supp. 1167.

Williams v. Culhane, 22 St. Rep. 42;

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Cited, Mechanic's Lien—Notice—Verification.

2 Misc. 440; (51 St. Rep. 119; 21 Supp. 973).

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16 Misc. 320; (73 St. Rep. 570; 37 Supp. 951).

Williams v. Delaware, L. & W. R. Co., 39 Hun, 431.

Cited, Master and Servant—Risks of Hazardous Service.

71 Hun, 130. 92 Hun, 342; (72 St. Rep. 333; 36 Supp. 928).

Williams v. Delaware, L. & W. R. Co., 92 Hun, 219; 71 St. Rep. 218; 36

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Williams v. Delaware, L. & W. R. Co., 116 N. Y. 628; 27 St. Rep. 760.

Cited, Master and Servant—Servant's Assumption of Risks.

67 Hun, 199; (51 St. Rep. 388; 22 Supp. 102).

12 Misc. 222; (66 St. Rep. 860; 33 Supp. 268). 13 Misc. 180; (68 St. Rep. 28; 34

Supp. 74). 50 St. Rep. 835; (22 Supp. 346). 70 Hun, 535; (53 St. Rep. 789; 24 Supp. 406).

9 Misc. 401; (61 St. Rep. 691; 29 Supp. 1075). 88 Hun, 320; (68 St. Rep. 420; 34

Supp. 410). 10 Misc. 339; (63 St. Rep. 518; 31 Supp. 137).

Negligence—Contributory.

72 Hun, 406; (55 St. Rep. 287; 25 Supp. 208). 11 App. Div. 595, 596; (76 St. Rep.

599, 600; 42 Supp. 599, 600). 4 Misc. 166; (53 St. Rep. 198; 23 Supp. 791). 128 N. Y.

306; (52 St. Rep. 353).

Williams v. Delaware, L. & W. R. Co., 127 N. Y. 643.

Cited, Appeal—Defective Record.

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Williams v. Dodge, 8 Misc. 317; 59 St. Rep. 288; 28 Supp. 729.

Williams v. Dodge, 13 Misc. 227; 68 St. Rep. 371; 34 Supp. 468.

Williams v. Duanesburgh, Town of, 66 N. Y. 129.

Cited, Statutes—Validating—To What Extent Effective.

71 Hun, 317; (54 St. Rep. 754; 25 Supp. 66).

Williams v. Edison Electric I. Co., 43 St. Rep. 126; 16 Supp. 857.

Cited, Assignment—Equitable—Orders. 2 Misc. 404; (50 St. Rep. 586; 21 Supp. 981).

Williams v. Empire Woolen Co., 7 App. Div. 345; 39 Supp. 941.

Cited, Lunatics—Suits Against.

16 App. Div. 499; (78 St. Rep. 903; 44 Supp. 903).

Williams v. Finch, 2 Barb. 208.

Cited, Services—When Promise of Payment Not Implied.

86 Hun, 330; (67 St. Rep. 211; 33 Supp. 497).

Williams v. Fitch, 18 N. Y. 546.

Cited, Contract—For Benefit of Third Person—Availability.

74 Hun, 232; (56 St. Rep. 325; 26 Supp. 623). 18 Misc. 59; (75 St. Rep. 478; 41

Supp. 24).

Erroneous Evidence—New Trial.

17 Misc. 160; (39 Supp. 329). 19 Misc. 201; (77 St. Rep. 66; 43 Supp. 66).

Evidence—Privileged Communications—Attorney and Client.

77 Hun, 574; (60 St. Rep. 517; 28 Supp. 1037). 8 App. Div. 147; (40 Supp. 489).

Wills—Trustee *ex Maleficio*.

151 N. Y. 323, 332. 10 Misc. 527; (64 St. Rep. 772).

Williams v. Fisher, 8 Misc. 314; 59 St. Rep. 232; 28 Supp. 739.

Williams v. Folsom, 52 Hun, 68; 5 Supp. 211.

Cited, Examination Before Trial—Availability.

6 App. Div. 463; (39 Supp. 573).

Williams v. Folsom, 54 Hun, 308; 27 St. Rep. 375; 7 Supp. 568.

Cited, Depositions—Of Adversary Before Trial—Necessity.

3 Misc. 515; (52 St. Rep. 495; 23 Supp. 351). 88 Hun, 309; (68 St. Rep. 568, 569; 34 Supp. 749, 750).

Duplicate Citations in Parenthesis.

Williams v. Folsom, 57 Hun, 128; 32 St. Rep. 455; 10 Supp. 895.

Cited, Pleading — Complaint — Definiteness—Fraud.

67 Hun, 434; (51 St. Rep. 310; 22 Supp. 123).

Pleading—Striking Out — Irrelevancy — Obviousness.

54 St. Rep. 235; (25 Supp. 601). 2 Misc. 346; (50 St. Rep. 761; 21 Supp. 1028). 85 Hun, 523; (67 St. Rep. 78; 33 Supp. 335) 7 App. Div. 166; (39 Supp. 1104).

Williams v. Folsom, 37 St. Rep. 635; 13 Supp. 712.

Cited, Pleading — Bill of Particulars—Loss of Patronage.

78 Hun, 504; (61 St. Rep. 164; 29 Supp. 622).

Williams v. Freeman, 83 N. Y. 551.

Cited, Wills—Power of Appointment—Limitation.

79 Hun, 430; (61 St. Rep. 466; 29 Supp. 998).

Wills — Memorandum of Testator — Effect.

10 Misc. 533; (64 St. Rep. 775).

Wills—Construction—Extrinsic Facts.

20 Misc. 385; (79 St. Rep. 604; 45 Supp. 604).

Williams v. Freeman, 98 N. Y. 577.

Cited, Wills—Construction — Remainder.

70 Hun, 278; (54 St. Rep. 29; 24 Supp. 230).

Williams v. Gardiner, 58 Hun, 508; 12 Supp. 612.

Cited, Infants—Negligence—Imputed.

12 App. Div. 158; (76 St. Rep. 668; 42 Supp. 668).

Williams v. Guile, 117 N. Y. 343; 27 St. Rep. 251.

Cited, Gift—Causa Mortis—Declarations of Donor.

3 Misc. 284; (52 St. Rep. 397; 22 Supp. 785). 18 Misc. 625; (76 St. Rep. 517; 42 Supp. 517).

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19 Misc. 68; (77 St. Rep. 173; 43 Supp. 173).

Williams v. Gillies, 75 N. Y. 197.

Cited, Contracts—Personal Liability.

17 Misc. 643; (74 St. Rep. 756; 40 Supp. 195).

Williams v. Glenoy, 16 N. Y. 389.

Cited, Value—Evidence—Account Stated.

13 Misc. 27; (73 St. Rep. 244; 37 Supp. 610)

Williams v. Haddock, 78 Hun, 429; 60 St. Rep. 422; 29 Supp. 199.

Affirmed, 145 N. Y. 144; 64 St. Rep. 564.

Williams v. Haddock, 145 N. Y. 144; 64 St. Rep. 564.

Williams v. Hayes, 20 N. Y. 58.

Cited, Referee—Opening Case.

13 Misc. 96; (68 St. Rep. 74; 34 Supp. 82).

Williams v. Hayes, 49 St. Rep. 916.

Williams v. Hays, 143 N. Y. 442; 62 St. Rep. 451.

Cited, 2 App. Div. 185; (73 St. Rep. 393; 37 Supp. 709).

Williams v. Hays, 2 App. Div. 133; 73 St. Rep. 382; 37 Supp. 708.

Williams v. Hays, 23 St. Rep. 489; 5 Supp. 667.

Cited, Supplemental Pleading—Right to Serve.

11 Misc. 395; (65 St. Rep. 451; 32 Supp. 276). 12 Misc. 212; (67 St. Rep. 824; 33 Supp. 1121).

Williams v. Holden, 4 Wend, 223.

Cited, Taxes—Personal Estate of Decedent—Possession and Con rol.

8 Misc. 36; (58 St. Rep. 750; 28 Supp. 653).

Williams v. Huber, 5 Misc. 488; 55 St. Rep. 158; 25 Supp. 327.

Williams v. Hutchinson, 3 N. Y. 312.

Cited, Contracts — Implied—Payment for Services—Relatives.

4 Misc. 359; (54 St. Rep. 254; 24 Supp. 315). 6 Misc. 506; (57 St. Rep. 708; 27 Supp. 429). 86 Hun, 328; (67 St. Rep. 209; 33 Supp. 496). 10 Misc. 634; (66 St. Rep. 217; 32 Supp. 821). 11 Misc. 370; (65 St. Rep. 463; 32 Supp. 328). 11 Misc. 333; (65 St. Rep. 294; 32 Supp. 147). 19 Misc. 94; (77 St. Rep. 972; 43 Supp. 972). 13 Misc. 597; (69 St. Rep. 368; 35 Supp. 157).

Williams v. Ingersoll, 89 N. Y. 508.

Cited, Assignment—Priority—Notice.

5 Misc. 237; (54 St. Rep. 834; 25 Supp. 335). 147 N. Y. 283; (69 St. Rep. 674).

Attachment—Jurisdiction—Situs of Res.

138 N. Y. 218; (52 St. Rep. 167). 152 N. Y. 204. 3 App. Div. 592; (73 St. Rep. 722; 38 Supp. 226; 25 Civ. Pro. 321; 3 Ann. Cas. 38)

Assignment—Equitable.

1. 9 N. Y. 179; (54 St. Rep. 506). 9 Misc. 97; (78 St. Rep. 89; 44 Supp. 89).

Attorneys—Lien.

137 N. Y. 540; (50 St. Rep. 31).

Contracts — Construction — Surrounding Circumstances.

147 N. Y. 289; (69 St. Rep. 672).

Williams v. Insurance Co. of North America, 9 How. 365.

Cited, Pleading—Complaint—Sufficiency—Insurance.

77 Hun, 475; (60 St. Rep. 672; 29 Supp. 103).

Duplicate Citations in Parenthesis.

Williams v. Londe, 74 Hun, 425; 57 St. Rep. 180; 26 Supp. 703.

Williams v. Lewis, 13 App. Div. 130; 77 St. Rep. 255; 43 Supp. 255.

Williams v. Lindblom, 68 Hun, 173; 52 St. Rep. 78; 22 Supp. 678.

Affirmed, 142 N. Y. 682; 60 St. Rep. 872.

Cited, Partnership—Accounting.
10 Misc. 155; (62 St. Rep. 525; 30 Supp. 944).

Williams v. Lindblom, 87 Hun, 303; 34 Supp. 1151.

Williams v. Lindblom, 90 Hun, 370; 70 St. Rep. 297; 35 Supp. 812.

Williams v. Lindblom, 142 N. Y. 682; 60 St. Rep. 872.

Cited, 143 N. Y. 675.

Williams v. Lindblom, 143 N. Y. 675; 63 St. Rep. 93.

Williams v. Marshall, 42 Barb. 524.

Cited, Contracts—Suretyship—Construction.

89 Hun, 47; (69 St. Rep. 238; 35 Supp. 33).

Williams v. Matthews, 3 Cow. 252.

Cited, Bills and Notes—Rights of Transferees After Dishonor.

4 Misc. 72; (53 St. Rep. 128; 23 Supp. 786). 16 Misc. 613; (73 St. Rep. 596; 38 Supp. 528).

Williams v. Montgomery, 16 Hun, 50.

Cited, Deeds—Description—Practical Location—Prescription.

71 Hun, 332; (55 St. Rep. 51; 24 Supp. 1125).

Williams v. Montgomery, 68 Hun, 416; 52 St. Rep. 470; 22 Supp. 1033.

Williams v. Montgomery, 26 Supp. 703.

Williams v. Montgomery, 60 N. Y. 648.

Cited, Appeal—To Court of Appeals—Misconduct of Trial Court.

137 N. Y. 440; (51 St. Rep. 79).

New Trial—Discretion as to Granting or Refusing.

1 Misc. 313; (48 St. Rep. 784; 20 Supp. 716). 8 Misc. 548; (23 Supp. 685; 23 Civ. Pro. 156).

Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 214; 23 Supp. 24). 1 Misc. 397; (49 St. Rep. 879; 20 Supp. 899). 25 Supp. 437.

Judgment—Modification—Matters in Pais.

145 N. Y. 551; (65 St. Rep. 506).

Williams v. Montgomery, 148 N. Y. 519.

Williams v. Murray, 32 How. 187; 2 Abb. N. S. 292.

Cited, Appeal—Costs—From Inferior Courts.

20 Misc. 617.

Williams v. New York, 105 N. Y. 419; 7 St. Rep. 529.

Cited, Wharves—New York Water Front—Private Ownership—Duty of City.

78 Hun, 168; (60 St. Rep. 183; 28 Supp. 980). 135 N. Y. 262; (47 St. Rep. 820). 5 App. Div. 428; (39 Supp. 251). 13 Misc. 361; (68 St. Rep. 142; 34 Supp. 267).

Williams v. N. Y. Central R. Co., 16 N. Y. 97.

Cited, Railroads—Construction in Highway—Rights of Abutters.

67 Hun, 161; (51 St. Rep. 525; 22 Supp. 325). D. 86 Hun, 431; (67 St. Rep. 626; 33 Supp. 897). D. 8 App. Div. 284; (40 Supp. 645). 11 App. Div. 216; (76 St. Rep. 953; 42 Supp. 953). 11 App. Div. 561; (76 St. Rep. 592; 42 Supp. 592).

Eminent Domain—Damages.

85 Hun, 66; (65 St. Rep. 861; 32 Supp. 641). 14 Misc. 294, 296; (70 St. Rep. 443; 35 Supp. 707).

Williams v. N. Y., L. E. & W. R. Co., 2 Misc. 30; 49 St. Rep. 568; 21 Supp. 259.

Williams v. Peabody, 8 Hun, 271.

Cited, Remaindermen—Action for Waste.
24 Civ. Pro. 191.

Williams v. People, 24 N. Y. 405.

Cited, Criminal Law—Punishment—Variance in Localities.

67 Hun, 526; (51 St. Rep. 345; 22 Supp. 871). 4 App. Div. 190; (74 St. Rep. 596; 38 Supp. 912).

Williams v. People's Fire Ins. Co., 57 N. Y. 274.

Cited, Trial—Issues Outside Pleadings.

3 Misc. 254; (51 St. Rep. 909; 22 Supp. 757).

Williams v. Purdy, 6 Paige, 166.

Cited, Executors—Accounting—Verification of Claim by Creditor.

4 Misc. 360; (54 St. Rep. 255; 24 Supp. 316).

Executors—Personal Claim Against Estate—Establishment of.

5 Misc. 565; (26 Supp. 725). 4 Misc. 36; (23 Supp. 835). 19 Misc. 387. 78 St. Rep. 368; (44 Supp. 368).

Williams v. Reserve Fund Live Stock Ins. Co., 19 Misc. 515; 77 St. Rep. 1083; 43 Supp. 1083.

Duplicate Citations in Parenthesis.

Williams v. Rightmyer, 88 Hun, 372; 68 St. Rep. 764; 34 Supp. 826; 2 Ann. Cas. 160.

Williams v. Sargeant, 46 N. Y. 481.

Cited, Evidence — Declarations—Against Interest.

2 Misc. 327; (51 St. Rep. 586; 21 Supp. 997).

Witness — Impeachment — Contradictory Statements.

1 Misc. 284; (48 St. Rep. 668; 20 Supp. 706).

General Objections—Effect on Appeal.

85 Hun, 180; (65 St. Rep. 723; 32 Supp. 579).

Williams v. Second Congregational Society, 64 Hun, 163; 18 Supp. 820.

Cited, Wills—Perpetuities—Suspension of Alienation.

1 Misc. 444; (23 Supp. 152).

Williams v. Sheldon, 10 Wend. 654.

Cited, Documents—Proof of Sealing.

12 Misc. 490; (67 St. Rep. 392; 33 Supp. 667).

Williams v. Shelly, 37 N. Y. 375.

Cited, Execution — To What Attaches — When Effectual.

2 Misc. 405; (50 St. Rep. 587; 21 Supp. 981).

Williams v. Sholto, 4 Sandf. 641.

Cited, Writ and Process—Title Controlling as to Court.

29 Supp. 1105; (23 Civ. Pro. 320).

Williams v. Slote, 70 N. Y. 601.

Cited, Pleading—Complaint—Contracts—Quantum Meruit.

73 Hun, 509; (56 St. Rep. 207; 26 Supp. 382).

Williams v. Smith, 2 Hill, 301.

Cited, Mortgage—Recording Before Prior Deed—Adjustment—Bona Fides.

135 N. Y. 47; (48 St. Rep. 255).

Notes—Bona Fide Purchasers.

10 Misc. 502; (63 St. Rep. 622; 31 Supp. 196).

Williams v. Thorn, 11 Paige, 459.

Cited, Mortgage—By Mortgagee.

70 Hun, 505; (53 St. Rep. 757; 24 Supp. 455).

Williams v. Thorn, 70 N. Y. 270.

Cited, Trusts — Personality or Realty — Assimilation of Rules.

140 N. Y. 534; (56 St. Rep. 474).

Trusts—Rents and Profits—Availability to Creditors of Cestui Que Trust.

140 N. Y. 105; (55 St. Rep. 313). 79 Hun, 271; (60 St. Rep. 571; 39 Supp. 442). 6 Misc. 468; (59 St. Rep. 654; 27 Supp. 626). 3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 368; 3 Ann. Cas. 160). 149 N. Y. 527, 529, 530. 82 Hun, 123; (63 St. Rep. 490, 31 Supp. 168). 4 App. Div. 323; (74 St. Rep. 189; 38 Supp. 570).

Williams v. Thorn, 81 N. Y. 381.

Cited, 3 App. Div. 281; (74 St. Rep. 22; 38 Supp. 363).

Williams v. Thorp, 8 Cow. 201.

Cited, Actions—Compromise—Effect.

144 N. Y. 507; (64 St. Rep. 40).

Williams v. Tilt, 36 N. Y. 319.

Cited, Contracts—Usury—Avoidance.

151 N. Y. 335. 91 Hun, 568; (72 St. Rep. 358; 36 Supp. 837).

Williams v. Townsend, 31 N. Y. 411.

Cited, Mortgage — Trust Relation of Parties to.

69 Hun, 42; (52 St. Rep. 828; 23 Supp. 441). 141 N. Y. 313; (57 St. Rep. 416). 146 N. Y. 241; (66 St. Rep. 606).

Williams v. United States Mut. Accident Ass'n of N. Y., 82 Hun, 268; 63 St. Rep. 793; 31 Supp. 343.

Cited, Insurance—Voluntary Exposure to Danger.

7 App. Div. 429; (39 Supp. 915).

Williams v. United States Mut. Accident Ass'n, 133 N. Y. 366; 45 St. Rep. 238.

Cited, Insurance—Voluntary Exposure to Danger.

7 App. Div. 429; (39 Supp. 915). 82 Hun, 270, 276; (63 St. Rep. 798; 31 Supp. 344).

Williams v. Vanderbilt, 28 N. Y. 217.

Cited, Damages—Proximate Cause.

92 Hun, 464; (72 St. Rep. 435; 36 Supp. 1033). 14 App. Div. 38; (77 St. Rep. 991; 43 Supp. 991).

Williams v. Van Valkenburg, 16 How. 144.

Cited, Process — Service — Irregularity — Effect.

147 N. Y. 623; (71 St. Rep. 262; 2 Ann. Cas. 417).

Williams v. Walker, 2 Sandf. Ch. 325.

Cited, 10 Misc. 431; (63 St. Rep. 322; 31 Supp. 80).

Attorneys—Relation to Client—Authority — To Receive Payment.

7 Misc. 458; (25 Supp. 88).

*Duplicate Citations in Parenthesis.***Williams v. Walker**, 9 St. Rep. 60.*Affirmed*, 116 N. Y. 688.*Cited*, Appeal—First Raising Question on—Credibility of Witness.

8 Misc. 248; (59 St. Rep. 231; 28 Supp. 726).

Williams v. Wayne County, Board of Supervisors of, 78 N. Y. 561.*Cited*, Taxes—Assessment—Non-residents.

56 St. Rep. 793; (27 Supp. 205). D. 151 N. Y. 19.

Taxes—Jurisdiction of County Court.

144 N. Y. 231; (63 St. Rep. 99). 16 Misc. 131; (74 St. Rep. 545; 38 Supp. 955).

Williams v. Western Union T. Co., 93 N. Y. 162.*Cited*, Corporations—Stockholders—Dividends.

9 Misc. 594; (62 St. Rep. 289; 30 Supp. 871). 52 St. Rep. 452; (22 Supp. 590). 6 App. Div. 67; (39 Supp. 626). 10 App. Div. 619; (76 St. Rep. 494; 42 Supp. 494). 4 App. Div. 289; (39 Supp. 448).

Corporations—Capital Stock.

78 Hun. 66; (60 St. Rep. 664; 29 Supp. 94). 82 Hun. 315; (63 St. Rep. 575; 31 Supp. 246). D. 87 Hun. 439; (68 St. Rep. 69; 34 Supp. 221). 11 Misc. 495, 497; (64 St. Rep. 462, 463; 32 Supp. 719, 721).

Appeal—Reversal—Several Defendants—Effect.

14 App. Div. 630; (77 St. Rep. 588; 43 Supp. 588).

Williams v. Western U. Tel. Co., 93 N. Y. 640.*Cited*, Orders—Appealability.

16 Misc. 6; (73 St. Rep. 286; 37 Supp. 687).

Williams v. Whedon, 109 N. Y. 333; 15 St. Rep. 265.*Cited*, Partnership—Survivors—Duties.

3 Misc. 132; (23 Supp. 1061). 4 Misc. 445; (53 St. Rep. 564; 24 Supp. 358). 141 N. Y. 447; (57 St. Rep. 627). 137 N. Y. 56; (50 St. Rep. 80). 68 Hun. 50; (52 St. Rep. 57; 22 Supp. 619). 13 Misc. 155; (68 St. Rep. 76; 34 Supp. 84). 79 St. Rep. 453; (45 Supp. 453).

Assignments for Creditors—Preferences.

149 N. Y. 121. 86 Hun. 419; (67 St. Rep. 177; 33 Supp. 520). 11 Misc. 2; (63 St. Rep. 452; 31 Supp. 850).

Williams v. Williams, 14 Misc. 79; 69 St. Rep. 580; 35 Supp. 263.**Williams v. Williams**, 8 N. Y. 525.*Cited*, Wills—Bequests—Charitable Uses.

75 Hun. 78; (57 St. Rep. 888; 26 Supp. 1023). 12 App. Div. 274; (76 St. Rep. 906; 42 Supp. 906). 8 Misc. 394; (59 St. Rep. 558; 28 Supp. 629).

Trusts—To be Administered Abroad—Charitable Uses.

136 N. Y. 143; (48 St. Rep. 842).

Trusts—Void Direction for Accumulation—Effect.

140 N. Y. 536; (56 St. Rep. 475).

Legacy—Falsa Causa.

144 N. Y. 549, 550; (64 St. Rep. 244, 245).

Wills—Construction—Severance.

82 Hun. 373; (64 St. Rep. 92; 31 Supp. 493).

Williams v. Williams, 130 N. Y. 193; 41 St. Rep. 280.*Cited*, Husband and Wife—Divorce—Invalid—Subsequent Marriage.

2 Misc. 559; (51 St. Rep. 509; 22 Supp. 192). 82 Hun. 185, 186; (64 St. Rep. 303; 31 Supp. 981). 86 Hun. 394; (67 St. Rep. 217; 33 Supp. 503). 90 Hun. 236; (69 St. Rep. 637; 35 Supp. 282). 1 App. Div. 573; (73 St. Rep. 221; 37 Supp. 482). 4 App. Div. 531; (40 Supp. 445).

Husband and Wife—Abandonment.

6 App. Div. 470; (39 Supp. 574).

15 Misc. 518; (74 St. Rep. 289; 37 Supp. 1123). 17 Misc. 269; (40 Supp. 321).

Williams v. Williams, 142 N. Y. 156; 58 St. Rep. 625.*Affirming*, 49 St. Rep. 919; 22 Supp. 1118.*Cited*, Evidence—Conveyance—Declarations—Admissibility.

10 App. Div. 342; (41 Supp. 950).

Williams v. Williams, 25 St. Rep. 183; 6 Supp. 645.*Cited*, Husband and Wife—Divorce—Allowance for Expenses of Action.

67 Hun. 493; (50 St. Rep. 846; 22 Supp. 569).

Husband and Wife—Divorce—Counsel Fees—Enforcement of Payment—Final Judgment.

73 Hun. 194; (56 St. Rep. 119; 25 Supp. 869).

Williams v. Wilson, 17 Misc. 317; 75 St. Rep. 451; 40 Supp. 350.*Reversed*, 18 Misc. 42; 40 Supp. 1132.**Williams v. Wilson**, 18 Misc. 42; 40 Supp. 1132.**Williams v. Woodard**, 2 Wend. 487.*Cited*, Lease—Assignment—Effect.

20 Misc. 116; (79 St. Rep. 3; 45 Supp. 3).

Williamsburgh Savings Bank v. Solon, Town of, 65 Hun. 166; 20 Supp. 27.*Cited*, Trial—Request for Direction of Verdict—Effect.

13 App. Div. 380; (77 St. Rep. 189; 43 Supp. 189).

Duplicate Citations in Parenthesis

Williamsburgh Savings Bank v. Solon, Town of, 136 N. Y. 465; 49 St. Rep. 840.

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77 Hun, 13; (59 St. Rep. 832; 28 Supp. 281).

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142 N. Y. 81; (58 St. Rep. 410). 75 Hun, 149; (58 St. Rep. 173; 26 Supp. 1064). 79 Hun, 333; (60 St. Rep. 588; 29 Supp. 349). 141 N. Y. 583; (60 St. Rep. 323).

Pleading—Equitable Actions—Defenses—Remedy at Law.

76 Hun, 604; (53 St. Rep. 258; 28 Supp. 203). 14 App. Div. 373; (77 St. Rep. 1013; 43 Supp. 1013).

Bonds—Seal—Effect.

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Limitation of Action—Coupons.

80 Hun, 120; (61 St. Rep. 787; 30 Supp. 57). 4 App. Div. 367; (74 St. Rep. 248; 38 Supp. 730).

Bonds—Coupons—Interest.

12 App. Div. 211; (76 St. Rep. 789; 42 Supp. 789).

Williamson, Matter of, 1 ConvoLy, 139; 9 Supp. 476.

Cited, Will—Construction—Limitation of Disposition by Legatee.

69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431). 84 Hun, 127; (65 St. Rep. 683; 32 Supp. 555).

Williamson v. Banning, 86 Hun, 203; 66 St. Rep. 819; 33 Supp. 259.

Williamson v. Brown, 15 N. Y. 354.

Cited, Evidence — Presumption — Good Faith—Notice—Rebuttal.

72 Hun, 502; (54 St. Rep. 861; 25 Supp. 239).

Sales—Duty of Purchaser—Caveat Emp-tor.

59 St. Rep. 476; (29 Supp. 599; 31 Abb. N. C. 409). 70 Hun, 21; (53 St. Rep. 398; 23 Supp. 1112). 8 Misc. 643; (60 St. Rep. 134; 29 Supp. 1028; 31 Abb. N. C. 413) 72 Hun, 448; (55 St. Rep. 274; 25 Supp. 209). 152 N. Y. 293. 83 Hun, 75; (63 St. Rep. 855; 31 Supp. 408). 85 Hun, 82; (66 St. Rep. 44; 32 Supp. 661). 85 Hun, 287, 288, 289; (66 St. Rep. 468, 469, 470; 32 Supp. 984, 985, 986). D. 86 Hun, 250, 251, 253, 254; (66 St. Rep. 753; 33 Supp. 234, 237). 3 App. Div. 296; (38 Supp. 1074). 11 Misc. 85. 19 Misc. 569, 570; (77 St. Rep. 554; 43 Supp. 554).

Williamson v. Field, 2 Barb. Ch. 231.

Cited, Injunction—Vacation — Contempt for Violating.

6 Misc. 412; (27 Supp. 175).

Williamson v. Lawrence, 8 Misc. 71; 53 St. Rep. 834; 28 Supp. 594.

Williamson v. Parision, 1 Johns. Ch. 389.

Cited, Husband and Wife — Marriage — Validity — Other Spouse Living — Good Faith.

27 Supp. 641; (31 Abb. N. C. 73).

Williamson v. Williamson, 6 Paige, 298.

Cited, Legacies—Gift of Interest—From What Time Computed.

5 Misc. 126; (25 Supp. 727). 80 Hun, 548; (62 St. Rep. 622; 30 Supp. 648). 7 App. Div. 15; (40 Supp. 495).

Wills—Legacies—Priority.

5 Misc. 126; (25 Supp. 727).

Williamson v. Williamson, 2 Redf. 449.

Cited, Wills—Execution—Sufficiency.

6 App. Div. 212; (39 Supp. 811).

Willink v. Vandever, 1 Barb. 599.

Cited, Trusts — Trustees—Dealing With Property for Own Advantage.

23 Supp. 1052. 24 Supp. 135.

Willis, Matter of, 30 Hun, 13.

Cited, Taxes — Assessment — Interest—Sale for Non-payment—Validity.

5 Misc. 190; (25 Supp. 816).

Willis, Matter of, 44 St. Rep. 470; 18 Supp. 412.

Cited, Assignment for Creditors — To What Debts Applicable.

70 Hun, 59; (53 St. Rep. 558; 23 Supp. 1094).

Willis v. Bellamy, 53 Super. 94.

Cited, Lis Pendens—Mode of Cancellation.

24 Supp. 922; (30 Abb. N. C. 305).

Willis v. Chipp, 9 How. 568.

Cited, Actions—Settlement.

76 St. Rep. 19; (42 Supp. 19).

Willis v. Fairchild, 51 Super. 405.

Cited, Pleading — Complaint — Demand for Relief.

2 Misc. 515; (51 St. Rep. 594; 22 Supp. 396).

Willis v. Gehlert, 34 Hun, 566.

Cited, Taxation—Notice of Redemption—Sufficiency.

22 Supp. 534; (30 Abb. N. C. 111). 5 Misc. 190; (25 Supp. 816). 152 N. Y. 210.

*Duplicate Citations in Parenthesis.***Willis v. Green**, 5 Hill, 232.

Cited, Bills and Notes—Charging Indorsers—Notice—Sufficiency.

91 Hun, 240; (72 St. Rep. 56; 36 Supp. 156). 7 App. Div. 414; (74 St. Rep. 762; 40 Supp. 199).

Willis v. Long Island R. Co., 34 N. Y. 679.

Distinguished, Carriers—Passengers—Unsafe Place—What Is.

92 Hun, 146; (71 St. Rep. 152; 36 Supp. 381). 149 N. Y. 341.

Cited, Master and Servant—Negligence.

13 Misc. 164; (68 St. Rep. 187; 34 Supp. 140).

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5 App. Div. 30, 34; (39 Supp. 67, 70).

Willis v. Mott, 36 N. Y. 486.

Cited, Wills—Execution—Sufficiency.

87 Hun, 350; (68 St. Rep. 427; 34 Supp. 303). 13 Misc. 299; (69 St. Rep. 189; 34 Supp. 1122). 14 Misc. 490; (71 St. Rep. 593; 36 Supp. 820). 17 Misc. 190; (40 Supp. 982).

Willis v. O'Brien, 35 Super. 536.

Cited, Replevin—Right of Action—Right to Possession.

4 Misc. 90; (53 St. Rep. 79; 23 Supp. 862).

Willis v. Sharp, 113 N. Y. 586; 23 St. Rep. 670.

Cited, Contracts—Form—In Representative Capacity.

5 Misc. 299; (56 St. Rep. 726; 25 Supp. 468). 12 Misc. 321; (67 St. Rep. 547; 33 Supp. 722; 24 Civ. Pro. 375).

Executors—Debts Incurred by—Liability of Estate.

74 Hun, 366; (56 St. Rep. 352; 26 Supp. 688). 4 Misc. 376; (25 Supp. 820). 135 N. Y. 434; (48 St. Rep. 448). 1 App. Div. 117; (72 St. Rep. 221; 37 Supp. 68). 20 Misc. 507. 20 Misc. 242; (79 St. Rep. 795; 45 Supp. 795).

Pleading—Separate Cause of Action—Numbering—Waiver.

53 St. Rep. 369; (23 Supp. 577).

Willis v. Smith, 91 N. Y. 297.

Cited, Gift—Savings Bank Deposit—What Constitutes.

74 Hun, 55; (56 St. Rep. 171; 26 Supp. 322). 147 N. Y. 46; (69 St. Rep. 303; 2 Ann. Cas. 246). 1 App. Div. 262; (72 St. Rep. 755; 37 Supp. 254). 80 Hun, 149; (61 St. Rep. 638; 29 Supp. 1017). D. 50 St. Rep. 295; (21 Supp. 531). 11 App. Div. 628; (41 Supp. 982). 15 App. Div. 69; (78 St. Rep. 281; 44 Supp. 281).

Willis v. Weaver, 58 N. Y. 631.

Cited, Appeal—Review—Entry of Order.

11 Misc. 382; (65 St. Rep. 293; 32 Supp. 116).

Willis v. Webster, 1 App. Div. 301; 72 St. Rep. 743; 37 Supp. 354.**Willitts v. Waite**, 25 N. Y. 577.

Cited, Assignment for Creditors—Foreign—Domestic Attachments Against Assignor. 55 St. Rep. 562. 88 Hun, 399; (68 St. Rep. 758; 34 Supp. 820).

Willocks, Matter of, 7 Cow. 402.

Cited, Corporations—Majority Acting.

6 App. Div. 312; (40 Supp. 557).

Willoughby v. Fredonia Nat. Bank,

63 Hun, 275; 52 St. Rep. 387; 23 Supp. 46.

Willoughby v. Jenks, 20 Wend. 96.

Cited, Streets—Dedication.

144 N. Y. 323; (63 St. Rep. 713).

Willover v. First Nat. Bank of Olean, 40 Hun, 184.

Cited, Pleading—Answer—Demurrer—Sufficiency of Complaint.

61 St. Rep. 611; (29 Supp. 860). 80 Hun, 28; (29 Supp. 860).

Willover v. Hill, 72 N. Y. 36.

Cited, Libel and Slander—Mitigation—Pleading.

77 Hun, 508; (60 St. Rep. 763; 29 Supp. 109). 79 Hun, 563; (61 St. Rep. 578; 29 Supp. 890). 14 Misc. 332; (70 St. Rep. 359; 35 Supp. 842).

Wills v. Brooklyn, 75 St. Rep. 601.

See *Wells v. Brooklyn*.

Willse v. Whitaker, 22 Hun, 242.

Cited, Evidence—Parol to Vary Writing. 12 Misc. 157; (66 St. Rep. 332; 32 Supp. 1077).

Willson v. Willson, 2 Dem. 462.

Cited, Executors—Accounting—Counsel Fees.

23 Supp. 1048. 3 Misc. 397; (24 Supp. 851). 1 Misc. 280; (22 Supp. 1074).

Willson & Adams Co. v. Schorpp, 16 Supp. 823.

Cited, Reference—Report—Power to Cancel or Set Aside.

21 Supp. 796.

Willy v. Mulledy, 78 N. Y. 310.

Cited, Elevators—Omission of Statutory Guards.

70 Hun, 535; (53 St. Rep. 789; 24 Supp. 405). 148 N. Y. 378.

Landlord and Tenant—Defective Stairs—Injuries to Tenant's Caller.

3 Misc. 21; (50 St. Rep. 572; 21 Supp. 776).

Master and Servant—Duty of Servant to Examine Premises.

Duplicate Citations in Parenthesis.

67 Hun, 489; (51 St. Rep. 251; 22 Supp. 432).

Statute — Imposing Public Duty — To Whom Breach Available.

74 Hun, 135; (55 St. Rep. 687; 26 Supp. 241). 70 Hun, 534; (53 St. Rep. 789; 24 Supp. 405). 12 App. Div. 359; (76 St. Rep. 158; 42 Supp. 153). 13 Misc. 498; (68 St. Rep. 409; 34 Supp. 631; 2 Ann. Cas. 181). 16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Wilmerding v. Jarmulowsky, 85 Hun, 285; 66 St. Rep. 467; 32 Supp. 983.

Wilmerding v. McKesson, 103 N. Y. 329; 3 St. Rep. 108.

Cited, Interest—Trustees—Liability.

4 Misc. 140; (53 St. Rep. 122; 23 Supp. 603).

Trusts—Liability for Acts of Co trustee.

72 Hun, 280; (55 St. Rep. 364; 25 Supp. 589). 85 Hun, 516; (66 St. Rep. 782; 33 Supp. 159).

Wilmerding v. Mooney, 11 Abb. 283.

Cited, Attachment—Fraudulent Disposal of Property.

54 St. Rep. 144; (25 Supp. 806).

Wilmore v. Flack, 16 Week. Dig. 236.

Reversed, 96 N. Y. 512.

Cited, Pleading—Answer — Demurrer to — Sufficiency of Complaint.

80 Hun, 27; (61 St. Rep. 611; 29 Supp. 860).

Wilmore v. Flack, 96 N. Y. 512.

Reversing, 16 Week. Dig. 236.

Cited, Appeal—To General Term of Common Pleas—Review of Evidence.

2 Misc. 425; (50 St. Rep. 610; 21 Supp. 989).

Appeal—Denial of New Trial.

2 Misc. 438; (51 St. Rep. 580; 21 Supp. 957). 2 Misc. 386; (51 St. Rep. 221; 21 Supp. 991). 9 Misc. 147; (59 St. Rep. 736; 29 Supp. 69). D. 2 Misc. 230; (50 St. Rep. 589; 22 Supp. 364). 13 Misc. 168; (58 St. Rep. 97; 34 Supp. 112).

Judgment — Relief Against—Grounds—Lack of Jurisdiction—When Available.

8 Misc. 296; (59 St. Rep. 212; 28 Supp. 575; 31 Abb. N. C. 443). 80 Hun, 27; (29 Supp. 860). 19 Misc. 599; (78 St. Rep. 317; 44 Supp. 317).

Wilmurt v. McGrane, 16 App. Div. 412; 79 St. Rep. 32; 45 Supp. 32.

Wilsey v. Callanan, 49 St. Rep. 530; 21 Supp. 165.

Wilsey v. Dennis, 44 Barb. 354.

Cited, Evidence—Presumptions—Recording of Deeds—Parol Evidence.

79 Hun, 525; (61 St. Rep. 596; 29 Supp. 908).

Wilsey v. Franklin, 57 Hun, 382; 32 St. Rep. 711; 10 Supp. 833.

Cited, Contracts—Implied—To Pay for Services of Members of Family.

68 Hun, 384; (52 St. Rep. 315; 22 Supp. 947).

Wilshusen v. Binns, 19 Misc. 547; 77 St. Rep. 1085; 43 Supp. 1085.

Wilson, Matter of, 76 Hun, 1; 58 St. Rep. 732; 27 Supp. 957.

Cited, Wills — Execution—Sufficiency—Mark of Testator.

15 Misc. 212; (73 St. Rep. 760; 37 Supp. 225).

Wilson, Matter of, 92 Hun, 318; 72 St. Rep. 404; 36 Supp. 882.

Wilson, Matter of, 103 N. Y. 374; 3 St. Rep. 613.

Cited, Costs—Probate of Will—Contest.

71 Hun, 504; (54 St. Rep. 902; 24 Supp. 1059).

Witness—Competency—Death of Other Party—Release of Interest.

140 N. Y. 285; (55 St. Rep. 639).

Wills—Witnesses—Executors as.

71 Hun, 503; (54 St. Rep. 902; 24 Supp. 1059).

Wilson, Matter of, 10 App. Div. 371; 41 Supp. 1006.

Wilson, Matter of, 2 Civ. Pro. 343.

Cited, Attorneys—Lien.

9 Misc. 406; (61 St. Rep. 692; 29 Supp. 1073). 63 St. Rep. 165; (30 Supp. 859; 24 Civ. Pro. 63).

Wilson v. Abrahams, 1 Hill, 207.

Cited, Jurors—Misconduct—Effect.

10 Misc. 441; (64 St. Rep. 16; 31 Supp. 462).

Wilson v. Baptist Ed. Soc. of N. Y., 10 Barb. 308.

Cited, Contracts—Consideration—Executory Gift.

78 Hun, 124; (60 St. Rep. 185; 28 Supp. 993).

Wilson v. Blumenthal, 8 Misc. 528; 59 St. Rep. 417; 28 Supp. 770.

Wilson v. Boasberg, 1 Misc. 436; 51 St. Rep. 53; 21 Supp. 915.

Wilson v. Brentwood Hotel Co., 16 Misc. 48; 73 St. Rep. 274; 37 Supp. 655.

Cited, Orders—Discretion — Appealability.

17 Misc. 558; (40 Supp. 694).

Duplicate Citations in Parenthesis.

Wilson v. Broadway & Seventh Ave. R. Co., 8 Misc. 450; 60 St. Rep. 60; 28 Supp. 781.

Cited, Verdict—Setting Aside—Excessive Damages.

86 Hun, 473; (67 St. Rep. 621; 33 Supp. 950).

Witness—Failure to Call—Presumption.

79 St. Rep. 657; (45 Supp. 657).

Wilson v. Brooklyn El. R. Co., 130 N. Y. 675; 30 St. Rep. 240; 9 Supp. 277.

Cited, Corporations—Officers—Personal Interest—Notice of to One Dealing With.

74 Hun, 495; (57 St. Rep. 55; 26 Supp. 489).

Wilson v. Clancy, 6 App. Div. 449; 39 Supp. 658.

Wilson v. Cummings, 4 Misc. 429; 53 St. Rep. 584; 24 Supp. 115.

Wilson v. Deen, 74 N. Y. 531.

Cited, Contract—Reformation—Extent of Relief.

7 Misc. 592; (58 St. Rep. 505; 28 Supp. 491). 80 Hun, 352; (62 St. Rep. 41; 30 Supp. 313).

Evidence—Parol to Vary Writing.

2 Misc. 377; (50 St. Rep. 596; 21 Supp. 1096). 4 Misc. 169; (53 St. Rep. 221; 23 Supp. 882). 79 Hun, 67; (61 St. Rep. 146; 29 Supp. 668). 144 N. Y. 421; (63 St. Rep. 655). 150 N. Y. 410. D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683). 10 Misc. 458; (64 St. Rep. 34; 31 Supp. 457). 14 Misc. 253; (35 Supp. 715). 16 Misc. 529; (38 Supp. 980).

Wilson v. Dickel, 7 App. Div. 175; 74 St. Rep. 657; 40 Supp. 45.

Wilson v. Doran, 110 N. Y. 101; 16 St. Rep. 852.

Cited, Tender—When Allowable.

9 Misc. 47; (59 St. Rep. 673; 29 Supp. 293). 89 Hun, 573; (70 St. Rep. 117; 35 Supp. 549). 16 Misc. 436; (39 Supp. 736).

Wilson v. Eastman & Mandeville Co., 56 Hun, 194; 30 St. Rep. 409; 9 Supp. 189; 18 Civ. Pro. 267.

Cited, Pleading—Answer—Sham—Striking Out.

74 Hun, 350; (56 St. Rep. 391; 26 Supp. 491). 5 Misc. 513; (58 St. Rep. 102; 25 Supp. 971). 17 Misc. 33; (39 Supp. 211).

Wilson v. Field, 14 Week. Dig. 378.

Cited, Arrest—Civil—Liability of Sureties.

6 Misc. 439; (58 St. Rep. 302; 26 Supp. 1111).

Wilson v. Goit, 17 N. Y. 442.

Cited, Slander—Actionable Per Se.

11 App. Div. 167; (76 St. Rep. 656; 42 Supp. 656).

Wilson v. Hawke, 82 Hun, 439; 64 St. Rep. 789; 31 Supp. 963.

Wilson v. Heath, 68 Hun, 209; 52 St. Rep. 109; 22 Supp. 833.

Wilson v. Holden, 16 Abb. 133.

Cited, Contracts—Breach—Damages—Measure.

19 Misc. 583; (77 St. Rep. 678; 43 Supp. 678).

Wilson v. Hudson River Water P. & P. Co., 71 Hun, 292; 54 St. Rep. 484; 24 Supp. 1072.

Wilson v. Imperial Electric Light Co., 20 Misc. 547.

Affirming, 20 Misc. 715.

Wilson v. Kings County El. R. Co., 114 N. Y. 487; 24 St. Rep. 81.

Cited, Corporations—Officers—Authority—Contracts.

5 Misc. 325; (56 St. Rep. 54; 25 Supp. 817). 61 St. Rep. 119; (30 Supp. 251). 91 Hun, 207; (72 St. Rep. 46; 36 Supp. 146).

Wilson v. Law, 7 St. Rep. 672.

Cited, Possession—Presumption of Ownership.

86 Hun, 478; (67 St. Rep. 508; 33 Supp. 885).

Wilson v. Lawrence, 13 Hun, 238.

Cited, Insurance—On Husband's Life—Assignment—Foreign Policy.

73 Hun, 280; (58 St. Rep. 75; 26 Supp. 375).

Wilson v. Lester, 64 Barb. 431.

Cited, New Trial—Verdict Contrary to Evidence—Terms.

3 Misc. 101; (51 St. Rep. 770; 22 Supp. 699). 84 Hun, 431, 432; (65 St. Rep. 619, 620; 32 Supp. 403, 404).

Agents—Authority—Limitation.

11 Misc. 319; (65 St. Rep. 289; 32 Supp. 160). 13 Misc. 192; (75 St. Rep. 700; 41 Supp. 291).

Wilson v. Lewiston Mill Company, 74 Hun, 612; 57 St. Rep. 203; 26 Supp. 847.

Affirmed, 150 N. Y. 314.

Wilson v. Lewiston Mill Company, 150 N. Y. 314.

*Duplicate Citations in Parenthesis.***Wilson v. Little**, 2 N. Y. 443.*Cited*, Pledges.

79 Hun, 590; (61 St. Rep. 557; 29 Supp. 939). 18 Misc. 187; (41 Supp. 455) 19 Misc. 588; (78 St. Rep. 1046; 44 Supp. 1046).

Pledge—Sale—Validity.

1 App. Div. 297; (72 St. Rep. 598; 37 Supp. 273).

Wilson v. Manhattan R. Co., 2 Misc.

127; 49 St. Rep. 116; 20 Supp. 852.

Affirmed, 144 N. Y. 632; 64 St. Rep. 869.**Wilson v. Marion**, 147 N. Y. 589; 70 St. Rep. 349.*Cited*, Bills and Notes—Notice — Sufficiency.

8 App. Div. 563; (40 Supp. 890).

Wilson v. Marion, 25 Supp. 1066.**Wilson v. Marryatt**, 75 St. Rep. 1373; 41 Supp. 1006.**Wilson v. Martin**, 1 Den. 602.*Cited*, Damages — Measures — Failure to Take Board as Agreed.

6 Misc. 209; (56 St. Rep. 697; 26 Supp. 538).

Wilson v. McGregor, 34 St. Rep. 775; 12 Supp. 39.*Cited*, Actions — Personal Injuries — Attachment.

14 Misc. 422; (70 St. Rep. 257; 25 Civ. Pro. 103; 3 Ann. Cas. 377).

Wilson v. Metropolitan El. R. Co., 120 N. Y. 145; 30 St. Rep. 787.*Cited*, Bills and Notes—Consideration—Services.

5 Misc. 549; (35 Supp. 976).

Corporations — Officers — Personal Dealings—Notice as to Authority.

75 Hun, 57; (56 St. Rep. 864; 26 Supp. 1057) 72 Hun, 383; (55 St. Rep. 183; 25 Supp. 451). 4 Misc. 574; (35 Supp. 796). 150 N. Y. 67. D. 150 N. Y. 75. 12 App. Div. 205; (76 St. Rep. 784; 42 Supp. 784).

Principal and Agent—Agent Acting for Himself—Liability of Principal.

139 N. Y. 151; (54 St. Rep. 476).

Bills and Notes—Inquiry—Effect.

148 N. Y. 622.

Wilson v. New York, 1 Den. 595.*Cited*, Municipal Officers—Discretion.

1 App. Div. 259; (72 St. Rep. 594; 37 Supp. 268).

Municipal Officers—Misfeasance—Actions Against.

143 N. Y. 165; (62 St. Rep. 189).

Municipal Corporations — Consequential Damages—Liability.

84 Hun, 276; (65 St. Rep. 578; 32 Supp. 372).

Wilson v. New York El. R. Co., 9

Misc. 657; 30 Supp. 547.

Affirmed, 150 N. Y. 576.**Wilson v. Niagara City Land Co.**, 79

Hun, 162; 61 St. Rep. 374; 29 Supp. 517.

Wilson v. Parshall, 129 N. Y. 223; 41 St. Rep. 376.*Cited*, Mortgage—Conveyance Absolute in Form—Proof.

3 Misc. 598; (52 St. Rep. 940; 23 Supp. 337).

Wilson v. People, 4 Park Cr. 619.*Cited*, Trial—Verdict—Impeachment by Evidence of Jurors.

3 Misc. 323; (52 St. Rep. 215; 23 Supp. 23).

Wilson v. Press Publishing Co., 14

Misc. 514; (70 St. Rep. 770; 36 Supp. 12).

Wilson v. Randall, 67 N. Y. 338.*Cited*, Compromise and Settlement—Disputed Claim.

74 Hun, 70; (56 St. Rep. 177; 26 Supp. 260).

Contracts—Merger—Conveyance.

148 N. Y. 430.

Wilson v. Ritson, 10 Misc. 786; 63 St. Rep. 309; 30 Supp. 1068.**Wilson v. Robertson**, 21 N. Y. 587.*Cited*, Assignment—Preference.

135 N. Y. 602; (48 St. Rep. 826). 72 Hun, 2; (55 St. Rep. 337; 25 Supp. 576). 82 Hun, 55; (63 St. Rep. 370; 31 Supp. 70).

Wilson v. Rocke, 58 N. Y. 642.*Cited*, Notes—Proof of Fraud—Effect.

145 N. Y. 507; (65 St. Rep. 373).

Wilson v. Simpson, 89 N. Y. 619.*Cited*, Partnership—Rights of Survivors

79 St. Rep. 455; (45 Supp. 455).

Wilson v. Smith, 59 Super. 380; 39 St. Rep. 156; 14 Supp. 628.*Cited*, Pleading—Amendments.

10 Misc. 73; (63 St. Rep. 171; 30 Supp. 834; 24 Civ. Pro. 87; 1 Ann. Cas. 41).

Wilson v. Steers, 18 Misc. 364; 75 St. Rep. 938; 41 Supp. 550.**Wilson v. Tailer**, 7 App. Div. 232; 40 Supp. 77.**Wilson v. Taylor**, 8 Daly 253.*Cited*, Landlord and Tenant—Summary Proceedings—Notice to quit.

3 Misc. 99; (51 St. Rep. 603; 22 Supp. 369) 5 App. Div. 592; (39 Supp. 370). 18 Misc. 72; (41 Supp. 32). 18 Misc. 191; (75 St. Rep. 700; 41 Supp. 290).

Contracts—Duration.

11 Misc. 382; (65 St. Rep. 293; 32 Supp. 146).

*Duplicate Citations in Parenthesis.***Wilson v. Troup**, 2 Cow. 195.

Cited, Trusts—Construction—Intention.
142 N. Y. 376; (58 St. Rep. 830).

Assignment—Equitable—Power of Attorney.

8 Misc. 227; (59 St. Rep. 453; 28 Supp. 568, 23 Civ. Pro. 442).

Wilson v. Troy, City of, 135 N. Y. 96; 48 St. Rep. 364.

Affirming, 60 Hun, 183; 38 St. Rep. 382; 14 Supp. 726.

Cited, Interest—On Damages.

4 Misc. 120; (53 St. Rep. 465; 23 Supp. 898).

Master and Servant—Master's Business—Notice of Danger.

71 Hun, 434; (54 St. Rep. 531; 24 Supp. 980).

Negligence—Question of Fact.

88 Hun, 281; (68 St. Rep. 556; 34 Supp. 738).

Municipality—Duty to Guard Highway.

14 Misc. 526; (70 St. Rep. 697.)

Wilson v. Susquehanna Turnpike Co., 21 Barb. 68.

Cited, Statutory Liability — Violation—Effect.

16 Misc. 610; (74 St. Rep. 818; 38 Supp. 1008).

Wilson v. Underhill, 83 Hun, 233; 64 St. Rep. 139; 31 Supp. 585.**Wilson v. White**, 109 N. Y. 59; 14 St. Rep. 46.

Cited, Wills—Meaning of Words—Issue.
140 N. Y. 540; (56 St. Rep. 477).

Wills—Construction—Legacies — Vesting.
3 App. Div. 42; (74 St. Rep. 405; 37 Supp. 1110).

Wilson v. Webber. See Wilson v. Whitmore.**Wilson v. Whitmore**, 92 Hun, 466; 71 St. Rep. 849; 36 Supp. 550.

Cited, Sureties—Contract—Construction.
9 App. Div. 321; (41 Supp. 331).

Municipal Contracts—Right of Action on Contractor's Bond.

14 App. Div. 15; (77 St. Rep. 656; 43 Supp. 656).

Wilson v. Wilson, 13 Barb. 252.

Cited, Descent—Debts of Ancestor—Lien—Devise,

61 St. Rep. 278; (29 Supp. 964). 74 Hun, 278; (56 St. Rep. 288; 26 Supp. 579).

Wilson v. Wilson, 4 Keyes, 413; 4 Abb. Ct. App. Dec. 621.

Cited, Principal and Agent—Conflict of Interest—Purchase from Principal.

8 Misc. 359; (59 St. Rep. 592; 28 Supp. 705).

Wilson v. Wyandance Springs Imp. Co., 4 Misc. 605; 54 St. Rep. 242; 24 Supp. 557.

Cited, Witness—Credibility—Party.

7 Misc. 634; (58 St. Rep. 379; 28 Supp. 39). 13 Misc. 217; (68 St. Rep. 113; 34 Supp. 231).

Wilson Bros. W. & T. Co. v. Daggett, 9 Civ. Pro. 408.

Cited, Assignment for Creditors—Presentation of Claims—As Bar as to Attack an Assignment.

68 Hun, 484; (52 St. Rep. 666). 61 St. Rep. 655; (29 Supp. 1051).

Wilson Mfg. Co. v. Schwind, 5 Misc. 205; 25 Supp. 808.**Wilson Printing Ink Co. v. Ford**, 6 Misc. 624; 56 St. Rep. 538; 26 Supp. 538.**Wilson & Greis, Matter of**, 2 Civ. Pro. 343. See Wilson, Matter of.**Wiltsie, Matter of**, 5 Misc. 150; 25 Supp. 733.**Wiltsie v. Shaw**, 100 N. Y. 191.

Cited, Legacies—Charging Upon Realty—Intent of Testator.

2 App. Div. 151; (73 St. Rep. 415; 37 Supp. 830).

Wiltsie v. Wiltsie, 12 St. Rep. 144.

Cited, Moneys—Demand—Limitation.

4 App. Div. 463; (74 St. Rep. 155; 38 Supp. 662)

Winans v. Huston, 6 Wend. 471.

Disapproved, Contracts—Not to Sue—Effect.

72 Hun, 149; (55 St. Rep. 517; 25 Supp. 651).

Winans v. Jaques, 10 Daly, 487.

Cited, Brokers—Sale of Lands—Commissions—When Earned.

21 Supp. 443. 13 Misc. 120, 121; (68 St. Rep. 202, 203; 34 Supp. 155).

Winans v. Peebles, 32 N. Y. 423.

Cited, Husband and Wife—Conveyances Between.

3 Misc. 4; (53 St. Rep. 627; 23 Supp. 794). 79 Hun, 80; (61 St. Rep. 172; 29 Supp. 631). 75 Hun, 436; (57 St. Rep. 343; 27 Supp. 676). 7 Misc. 466; (59 St. Rep. 874; 28 Supp. 392).

Winans v. Winans, 124 N. Y. 140; 34 St. Rep. 850.

Cited, Action — Discontinuance—Voluntary.

67 Hun, 647; (51 St. Rep. 230; 22 Supp. 344).

51 St. Rep. 912; (22 Supp. 452).

Duplicate Citations in Parenthesis.

Winant v. Hines, 14 Daly. 187; 6 St. Rep. 261.

Cited, Landlord and Tenant—Lease—Surrender—Acceptance of Keys.

2 Misc. 65; (49 St. Rep. 141; 20 Supp. 843).

Landlord and Tenant—Lease—Abandonment—Reletting.

35 Hun, 511; (37 St. Rep. 85; 33 Supp. 342).

Winch v. Andrews, 7 Misc. 73; 57 St. Rep. 496; 27 Supp. 374.

Winch v. Farmers' Loan & Trust Co., 11 Misc. 390; 65 St. Rep. 426; 32 Supp. 244.

Winch v. Farmers' Loan & Trust Co., 12 Misc. 291; 67 St. Rep. 99; 33 Supp. 279.

Winch v. Third Ave. R. Co., 12 Misc. 403; 67 St. Rep. 322; 33 Supp. 615.

Winch v. Third Ave. R. Co., 14 Misc. 642; 70 St. Rep. 897; 35 Supp. 1119.

Winch v. Farmers' Loan & Trust Co., 11 Misc. 390; 32 Supp. 244.

Cited, Contracts—Consideration—Sufficiency.

17 Misc. 151; (39 Supp. 339).

Winchell v. Argus Co., 69 Hun, 354; 52 St. Rep. 790; 23 Supp. 650.

Cited, Libel Per Se—Alleging Special Damages.

74 Hun, 241; (55 St. Rep. 681; 26 Supp. 235).

Winchell v. Hicks, 18 N. Y. 558.

Cited, Contracts—Building—Performance.

3 Misc. 237; (52 St. Rep. 131; 22 Supp. 760).

Principal and Surety—Relation of Sureties.

68 Hun, 374; (52 St. Rep. 178; 22 Supp. 850).

Sureties—Limitation of Action—Reviv- ing.

145 N. Y. 64; (64 St. Rep. 524; 1 Ann. Cas. 201). 82 Hun, 323; (64 St. Rep. 80; 31 Supp. 482). 16 Misc. 403; (73 St. Rep. 607; 25 Civ. Pro. 314; 33 Supp. 516).

Trial—Submission to Jury—Exception—Necessity.

8 Misc. 248; (59 St. Rep. 231; 28 Supp. 726). 85 Hun, 571; (66 St. Rep. 800; 33 Supp. 128). 89 Hun, 547; (69 St. Rep. 735; 35 Supp. 348). 92 Hun, 403; (71 St. Rep. 576; 36 Supp. 662).

Winchell v. Winchell, 100 N. Y. 159.

Cited, Contracts—Statute of Frauds—Land Contracts—Part Performance.

77 Hun, 3; (59 St. Rep. 419; 28 Supp. 224). 82 Hun, 102; (63 St. Rep. 605; 31 Supp. 203).

Winchester v. Browne, 37 St. Rep. 542; 13 Supp. 655.

Cited, Courts—Jurisdiction—Non-Residents.

76 Hun, 312; (59 St. Rep. 87; 27 Supp. 689).

Windecker v. Mut. Life Ins. Co., 12 App. Div. 73; 77 St. Rep. 358; 43 Supp. 358.

Windmuller v. Pope, 107 N. Y. 674; 12 St. Rep. 292.

Cited, Contract—Performance—Refusal of Other Party.

67 Hun, 39; (51 St. Rep. 620; 21 Supp. 740). 137 N. Y. 486; (51 St. Rep. 284).

Damages—Measure—Breach of Contract to Manufacture.

58 St. Rep. 145; (26 Supp. 788). 148 N. Y. 384.

Windover v. Troy R. Co., 4 App. Div. 202; 74 St. Rep. 218; 38 Supp. 591.

Cited, Master and Servant—Risks Assumed.

78 St. Rep. 286; (44 Supp. 266).

Windsor v. Delaware & Hudson C. Co., 92 Hun, 127; 72 St. Rep. 385; 36 Supp. 863.

Windt v. German Reformed Church, 4 Sandf. Ch. 471.

Cited, Burial Rights.

80 Hun, 269, 271; (62 St. Rep. 31, 33; 30 Supp. 158, 159).

Winegard, Matter of, 78 Hun, 58; 60 St. Rep. 507; 28 Supp. 1039.

Winegard v. Fanning, 76 Hun, 170; 57 St. Rep. 330; 27 Supp. 566.

Winegar v. Fowler, 82 N. Y. 315.

Cited, Estoppel—Equitable—Effect—Reliance.

61 St. Rep. 653; (29 Supp. 1043). D. 9 App. Div. 417; (41 Supp. 591).

Winegard v. Kromer, 5 Misc. 54; 25 Supp. 48.

Modified and Affirmed, 78 Hun, 58; 28 Supp. 1039.

Cited, Certiorari—Return—Certified copy.

76 Hun, 119; (57 St. Rep. 377; 27 Supp. 323).

*Duplicate Citations in Parenthesis.***Wines v. New York**, 70 N. Y. 613.

Cited, Appeal—Receiving Evidence on—Authentication of Document.

68 Hun, 116; (52 St. Rep. 82; 22 Supp. 682).

Appeal—Attitude Inconsistent with that on Trial.

1 Misc. 324; (48 St. Rep. 701; 20 Supp. 672).

Wing, Matter of, 83 Hun, 284; 64 St. Rep. 736; 31 Supp. 941.

Cited, Courts—Appointment of Committee—Jurisdiction.

16 App. Div. 499; (78 St. Rep. 903; 44 Supp. 930).

Wing v. Bliss, 138 N. Y. 643; 53 St. Rep. 930.

Affirming, 28 St. Rep. 198; 8 Supp. 500.

Wing v. De La Riouda, 131 N. Y. 432; 43 St. Rep. 305.

Cited, Costs—Extra Allowance—Number.

135 N. Y. 75; (47 St. Rep. 876).

Ejectment—New Trial—Change of Referee.

76 Hun, 160; (57 St. Rep. 302; 27 Supp. 552). 148 N. Y. 295; (3 Ann. Cas. 52).

Judgment—Lien—Duration.

75 Hun, 501; (57 St. Rep. 675; 27 Supp. 467).

Wing v. Disse, 15 Hun, 190.

Cited, Supplementary Proceedings—Receiver's Title.

7 App. Div. 530, 531; (40 Supp. 262, 263).

Wing v. New York & Erie R. Co., 1 Hill, 243.

Cited, Carriers—Non-delivery—Submission of Facts to Jury.

12 Misc. 118; (66 St. Rep. 695; 33 Supp. 94).

Wing v. Rogers, 138 N. Y. 361; 52 St. Rep. 888.

Reversing, 62 Hun., 383; 42 St. Rep. 331; 17 Supp. 153.

Cited, Appeal—Undertaking—Liability on—Consideration.

6 Misc. 578; (57 St. Rep. 787; 27 Supp. 221). 150 N. Y. 536.

Wingrove v. German Savings Bank, 2 App. Div. 479; 74 St. Rep. 273; 37 Supp. 1092.

Winkemeier v. Winkemeier, 11 App. Div. 199; 76 St. Rep. 586; 42 Supp. 586.

Winkemeier v. Winkemeier, 11 App. Div. 201; 76 St. Rep. 583; 42 Supp. 583.

Winkler v. Schlager, 64 Hun, 83; 45 St. Rep. 507; 19 Supp. 110.

Cited, Husband and Wife—Living Expenses—Liability of Wife.

75 Hun, 521; (57 St. Rep. 349; 27 Supp. 728). 88 Hun, 51; (68 St. Rep. 290; 34 Supp. 507). 92 Hun, 370; (71 St. Rep. 580; 36 Supp. 666).

Winkler v. Summers, 22 Abb. N. C. 80; 5 Supp. 723.

Cited, Common Council—Bids—Acceptance.

14 Misc. 262; (70 St. Rep. 679; 35 Supp. 1003).

Winne v. Brundage, 40 Supp. 225.

Winne v. Fanning, 19 Misc. 410; 78 St. Rep. 262; 44 Supp. 262.

Winne v. Hills, 91 Hun, 89; 71 St. Rep. 702; 26 Supp. 683.

Winne v. Houghtaling, 84 Hun, 166; 65 St. Rep. 734; 32 Supp. 450.

Winne v. Niagara Fire Ins. Co., 91 N. Y. 185.

Cited, Compromise and Satisfaction—When and Upon Whom Binding.

77 Hun, 477; (60 St. Rep. 674; 29 Supp. 105).

Insurance—Right of Mortgagee.

7 App. Div. 586; (40 Supp. 307).

Winner v. Lathrop, 67 Hun, 511; 51 St. Rep. 258; 22 Supp. 516.

Winnie v. McDonald, 39 N. Y. 233.

Cited, Contracts—Divisibility.

16 Misc. 451; (73 St. Rep. 341; 38 Supp. 153).

Winsdor v. Delaware, L. & W. R. Co., 92 Hun, 127.

Cited, Highways—Obstructions—Removal.

4 App. Div. 567; (73 St. Rep. 603; 38 Supp. 512).

Winslow, Matter of, 12 Misc. 254; 68 St. Rep. 692; 34 Supp. 637.

Winslow v. Carthage, W. & S. H. R. Co., 68 St. Rep. 550; 34 Supp. 732.

Winslow v. Carthage, W. & S. H. R. Co., 82 Hun, 220; 65 St. Rep. 141; 32 Supp. 56.

Winslow v. Clark, 47 N. Y. 261.

Cited, Mortgage—Foreclosure—Defect of Parties—Purchaser.

139 N. Y. 161; (54 St. Rep. 665).

Mortgage—Redemption.

81 Hun, 261; (62 St. Rep. 755; 30 Supp. 793).

Winslow v. Miller, 10 App. Div. 406; 75 St. Rep. 1428; 41 Supp. 1073.

Duplicate Citations in Parenthesis.

Winsor, Matter of, 5 Dem. 340.

Cited, Guardian and Ward—Encroachment on Ward's Estate—Reimbursement.
4 Misc. 369; (25 Supp. 829).

Winsted Bank v. Webb, 39 N. Y. 325.

Cited, Usurious Contract—Valid Security—Enforcement.

15 Misc. 425; (73 St. Rep. 60; 37 Supp. 847).

Winston v. English, 44 How. 398.

Cited, Examination Before Trial—When Available.

15 Misc. 414; (72 St. Rep. 33; 36 Supp. 1048; 25 Civ. Pro. 195).

Winter v. Coit, 7 N. Y. 288.

Cited, Estoppel—Inconsistent Claims.

4 Misc. 441; (54 St. Rep. 141; 24 Supp. 697).

Winter v. Crosstown St. R. of Buffalo, 8 Misc. 362; 59 St. Rep. 598; 28 Supp. 695.

Cited, Appeal—Exceptions—Review.

150 N. Y. 362. 2 App. Div. 108; (73 St. Rep. 147; 37 Supp. 531).

Criticised, Railroads—Use of Tracks by Wagons—Degree of Care.

11 App. Div. 154; (76 St. Rep. 885; 42 Supp. 885).

Winter v. Livingston, 13 Johns. 54.

Cited, Action—Election of Remedies—Conversion.

4 Misc. 150; (53 St. Rep. 118; 23 Supp. 637).

Winterfield v. Second Ave. R. Co.,

49 St. Rep. 435; 20 Supp. 801.

Wintermeyer v. Sherwood, 60 St.

Rep. 131; 28 Supp. 449; 23 Civ. Pro. 422.

Wintermute v. Clark, 5 Sandf. 242.

Cited, Innkeepers—Loss of Baggage—Liability.

17 Misc. 401; (39 Supp. 1083).

Wintermute v. Light, 46 Barb. 278.

Cited, Real Property — Conveyance — Growing Crops.

135 N. Y. 391; (48 St. Rep. 527).

Winters v. Manhattan R. Co., 15 Misc.

8; 72 St. Rep. 3; 36 Supp. 772.

Winters v. McCarthy, 2 Abb. N. C. 357.

Cited, Supplementary Proceeding—Office and Effect of Order.

3 Misc. 118; (23 Supp. 1056).

Winters v. McMahon, 23 Week. Dig. 119.

Cited, Evidence—Value.

82 Hun, 404; (63 St. Rep. 560; 31 Supp. 254).

Infants—Contracts—Recovery.

88 Hun, 287; (68 St. Rep. 597; 34 Supp. 795).

Winterson v. Hitchings, 9 Misc. 322;

60 St. Rep. 445; 30 Supp. 260.

Affirmed, 10 Misc. 396; 63 St. Rep. 411; 31 Supp. 127.

Cited, Judgments—Satisfaction.

13 Misc. 204; (68 St. Rep. 235; 34 Supp. 185; 25 Civ. Pro. 4).

Winterson v. Hitchings, 10 Misc. 396;

63 St. Rep. 411; 31 Supp. 127.

Cited, Judgments—Satisfaction—Restitution.

13 Misc. 204; (68 St. Rep. 235; 34 Supp. 185; 25 Civ. Pro. 5).

Winterson v. Hitchings, 13 Misc. 201;

68 St. Rep. 233; 34 Supp. 183; 25 Civ. Pro. 1.

Cited, Judgment—Default.

79 St. Rep. 637; (45 Supp. 637).

Winterson v. Hitchings, 73 St. Rep.

360; 88 Supp. 171; 1 Ann. Cas. 192.

Cited, Assignee of Judgment—Rights.

17 Misc. 77; (39 Supp. 856).

Winterson v. Wilson, 75 St. Rep. 362;

40 Supp. 961.

Winthrop v. Manhattan R. Co., 17

App. Div. 509; 79 St. Rep. 515; 45 Supp. 515.

Winthrop v. Welling, 2 App. Div. 229;

73 St. Rep. 461; 37 Supp. 729.

Wintringham v. Hayes, 3 Misc. 604; 52

St. Rep. 858; 23 Supp. 338.

Reversed, 144 N. Y. 1; 63 St. Rep. 16.

Wintringham v. Hayes, 144 N. Y. 1;

63 St. Rep. 16.

Wintringham v. Rosenthal, 22 Hun, 580.

Cited, Shares — Subscription — Enforcement.

7 App. Div. 368; (40 Supp. 75).

Wintringham v. Whitney, 1 App. Div.

219; 72 St. Rep. 660; 37 Supp. 188.

Wintringham v. Wintringham, 20

Johns. 296.

Cited, Provisional Remedies — Setting Aside.

81 Hun, 345; (63 St. Rep. 139; 30 Supp. 888).

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Supervisors of, 90 Hun, 205; 70 St. Rep. 549; 35 Supp. 887.

Wise v. Gessner, 47 Hun, 306; 14 St. Rep. 268.

Cited, Pleading — Construction—Answer and Demurrer—Offices of.

8 Misc. 475; (60 St. Rep. 604; 29 Supp. 549).

Duplicate Citations in Parenthesis.

Wise v. Grant, 49 St. Rep. 439; 20 Supp. 828.

Reversed, 140 N. Y. 593; 55 St. Rep. 496.

Cited, Replevin—Right of Action—Right to Possession.

4 Misc. 90; (53 St. Rep. 84; 23 Supp. 862). D. 4 Misc. 98; (13 St. Rep. 84; 23 Supp. 862).

Wise v. Grant, 140 N. Y. 593; 56 St. Rep. 496.

Reversing, 49 St. Rep. 439; 20 Supp. 828.

Cited, Sale—Fraud—Rescission.

80 Hun, 222; (61 St. Rep. 755; 30 Supp. 40). 142 N. Y. 648; (59 St. Rep. 169). 81 Hun, 59; (62 St. Rep. 251; 30 Supp. 483; 30 Ann. Cas. 7). 84 Hun, 44; (65 St. Rep. 74; 31 Supp. 1045). 85 Hun, 292; (66 St. Rep. 430; 32 Supp. 1025). 85 Hun, 463; (66 St. Rep. 712; 33 Supp. 110). 58 St. Rep. 832; (28 Supp. 524). 61 St. Rep. 648; (29 Supp. 1049). 8 Misc. 74; (58 St. Rep. 835; 28 Supp. 596). 77 Hun, 534; (60 St. Rep. 270; 28 Supp. 892). 60 St. Rep. 853; (29 Supp. 603).

Replevin—For Property in Hands of Sheriff—Defenses—Right to Levy.

8 Misc. 88; (58 St. Rep. 532; 28 Supp. 524). 9 Misc. 632. 80 Hun, 238. 87 Hun, 487; (62 St. Rep. 208; 30 Supp. 418). 145 N. Y. 560; (66 St. Rep. 511). 87 Hun, 491, 492; (62 St. Rep. 211; 30 Supp. 421). 92 Hun, 262; (71 St. Rep. 752; 36 Supp. 614; 3 Ann. Cas. 48). 3 App. Div. 558; (73 St. Rep. 835; 38 Supp. 414). 14 App. Div. 436; (77 St. Rep. 829; 43 Supp. 829). 15 Misc. 11; (71 St. Rep. 480; 36 Supp. 429). 78 St. Rep. 774; (44 Supp. 774). 67 St. Rep. 586; (33 Supp. 717; 24 Civ. Pro. 341).

Wise v. L. & C. Wise Co., 12 App. Div. 319; 76 St. Rep. 54; 42 Supp. 54.

Affirmed, 153 N. Y. 507.

Wise v. Phoenix Ins. Co., 101 N. Y. 637; 1 St. Rep. 20.

Cited, Evidence — Secondary — Memoranda.

73 Hun, 389; (58 St. Rep. 79; 26 Supp. 455).

Wise v. Rider, 68 St. Rep. 716; 34 Supp. 782.

Wise v. Rosenblatt, 16 Daly. 496; 30 St. Rep. 858; 9 Supp. 500.

Cited, Judgment—Conformity to Pleadings and Proof.

4 Misc. 601; (54 St. Rep. 135; 24 Supp. 559).

Wise v. Rosenblatt, 34 St. Rep. 1005; 12 Supp. 288.

Cited, Judgment—Conformity to Pleadings and Proof.

4 Misc. 601; (54 St. Rep. 135; 24 Supp. 559).

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14 Misc. 349; (70 St. Rep. 323; 35 Supp. 847).

Wiseman v. Lucksinger, 84 N. Y. 31
Cited, Easements—Creation—License.

139 N. Y. 24; (54 St. Rep. 411). 10 App. Div. 458; (76 St. Rep. 5; 42 Supp. 5). 12 Misc. 304; (67 St. Rep. 841; 34 Supp. 40). 2 App. Div. 232; (73 St. Rep. 462; 37 Supp. 730). 12 Misc. 305, 306; (67 St. Rep. 841, 842; 34 Supp. 41, 42). 67 Hun, 167; (51 St. Rep. 530; 23 Supp. 329). 52 St. Rep. 851.

Wisner v. Ocumpaugh, 71 N. Y. 113.

Cited, Chattel Mortgage — Description of Property.

69 Hun, 512; (52 St. Rep. 623; 23 Supp. 428).

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140 N. Y. 182; (55 St. Rep. 385).

Wiswall v. Hall, 3 Paige, 313.

Cited, Pleading — Equitable Action — Remedy at Law—Answer.

8 Misc. 489; (59 St. Rep. 258; 29 Supp. 345; 23 Civ. Pro. 449; 31 Abb. N. C. 436).

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151 N. Y. 477.

Wiswall v. McGowan, Hoff. Ch. 125.

Cited, Actions — Equity — Retention to Award Damages.

143 N. Y. 247; (63 St. Rep. 174). 2 App. Div. 547; (74 St. Rep. 373; 38 Supp. 5).

Witbeck v. Van Rensselaer, 64 N. Y. 27.

Cited, Ejectment—Lease—Attornment.

70 Hun, 482; (53 St. Rep. 702; 24 Supp. 146).

Witbeck v. Waine, 16 N. Y. 532.

Cited, Contracts—Modification—Parol.

148 N. Y. 430. 18 Misc. 456; (75 St. Rep. 1337; 41 Supp. 962).

Witbeck v. Waine, 8 How. 433.

Cited, Appeal — Exceptions — Resettlement.

88 Hun, 304; (68 St. Rep. 587; 34 Supp. 768). 64 St. Rep. 624; (31 Supp. 844).

Witcher v. Holland Water Works Co., 66 Hun, 619; 48 St. Rep. 196.

Affirmed, 142 N. Y. 626.

Cited, Highways—Easement.

6 App. Div. 14; (39 Supp. 524). 62 St. Rep. 275; (30 Supp. 442).

Witcher v. Hornthall, 67 St. Rep. 887; 33 Supp. 1018.

Duplicate Citations in Parenthesis.

- Witcher v. Jones**, 137 N. Y. 599; 51 St. Rep. 929.
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- Witcher v. Jones**, 43 St. Rep. 151; 17 Supp. 491.
Affirmed, 137 N. Y. 599; 51 St. Rep. 929.
Cited, Libel—Per se.
 14 Misc. 329; (70 St. Rep. 357; 35 Supp. 840). 14 Misc. 416; (70 St. Rep. 439; 35 Supp. 703). 7 App. Div. 590; (40 Supp. 811).
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 14 Misc. 332; (70 St. Rep. 359; 35 Supp. 842).
- Witcher v. Jones**, 23 St. Rep. 1007; 5 Supp. 917.
Cited, Witness — Examination Before Trial.
 11 Misc. 520; (64 St. Rep. 469; 32 Supp. 741).
- Witcher v. Tribune Ass'n, Matter of**, 59 Super. 224; 28 St. Rep. 364; 14 Supp. 290.
Cited, 11 Misc. 520; (64 St. Rep. 469; 32 Supp. 741).
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 90 Hun, 344; (70 St. Rep. 492; 35 Supp. 694; 25 Civ. Pro. 95).
- Witham v. Thomas**, 50 St. Rep. 884; 21 Supp. 176.
- Witherbee v. Meyer**, 84 Hun, 146; 65 St. Rep. 806; 32 Supp. 537.
Cited, Pleading—Specific Performance—Demand for.
 9 App. Div. 121; (75 St. Rep. 544; 41 Supp. 83).
- Witherbee v. Paris**, 67 Hun, 620; 50 St. Rep. 849; 22 Supp. 447.
- Witherbee v. Witherbee**, 17 App. Div. 181; 70 St. Rep. 297; 45 Supp. 297.
- Witherhead v. Allen**, 4 Abb. Ct. App. Dec. 628.
Cited, Associations—Suing Association as Condition Precedent to Action Against Members.
 2 Misc. 69; (49 St. Rep. 146; 23 Civ. Pro. 24).
 Pleading—Complaint—Bills and Notes—Non-Payment.
 2 Misc. 297; (50 St. Rep. 329; 21 Supp. 929).
- Witheril v. Mosher**, 9 Hun, 412.
Cited, Statutes — Construction — Public Officers—Time for Official Action.
 67 Hun, 180; (51 St. Rep. 452; 22 Supp. 420).
- Witherow v. Slayback**, 11 Misc. 526; 64 St. Rep. 456; 32 Supp. 746.
- Witkowski v. Paramore**, 93 N. Y. 467.
Cited, Appeal—Review of Discretionary Determination.
 2 Misc. 181; (49 St. Rep. 719; 21 Supp. 582; 29 Abb. N. C. 431; 23 Civ. Pro. 39).
 Appeal—Review of Determination as to Bill of Particulars.
 3 Misc. 74; (51 St. Rep. 602; 22 Supp. 379).
 Pleading — Bill of Particulars — When Granted—Note Payable to Bearer.
 75 Hun, 286; (58 St. Rep. 200; 26 Supp. 1007).
- Witmark v. N. Y. Elevated R. Co.**, 76 Hun, 302; 57 St. Rep. 801; 27 Supp. 777.
Affirmed, 149 N. Y. 393.
Cited, Lease — Renewal—Effect.
 87 Hun, 189; (67 St. Rep. 666).
- Witmark v. N. Y. Elevated R. Co.**, 149 N. Y. 393.
Cited, Appeal—Course of Trial Below—Effect.
 18 Misc. 205; (75 St. Rep. 780; 41 Supp. 370).
- Witt v. New York**, 5 Robt. 248; 6 Id. 441.
Cited, Landlord and Tenant — Lease—Holding Over—Liability of Tenant.
 5 Misc. 263; (25 Supp. 106). 18 Misc. 73; (41 Supp. 32). 18 Misc. 191; (75 St. Rep. 700; 41 Supp. 290).
 19 Misc. 525; (77 St. Rep. 1062; 43 Supp. 1062; 3 Ann. Cas. 402). 12 Misc. 350; (67 St. Rep. 310; 33 Supp. 655; 2 Ann. Cas. 27). 65 St. Rep. 786.
- Wittaker v. Delaware & H. C. Co. President**, 126 N. Y. 544; 38 St. Rep. 523.
Affirmed, 34 St. Rep. 822.
Cited, Railroads — Appliances—Duty to Furnish.
 4 App. Div. 205; (74 St. Rep. 220; 38 Supp. 593).
- Witte v. Brooklyn City R. Co.**, 4 Misc. 286; 53 St. Rep. 334; 23 Supp. 1028.
Affirmed, 143 N. Y. 667; 63 St. Rep. 867.
Cited, Street Railway—Right to Drive on Track.
 9 Misc. 272; (61 St. Rep. 325; 29 Supp. 749). 3 App. Div. 261; (73 St. Rep. 614; 38 Supp. 457).
- Wittenberg v. Friederichs**, 8 App. Div. 433; 75 St. Rep. 292; 40 Supp. 895.
- Wittenberg v. Seitz**, 8 App. Div. 439; 75 St. Rep. 296; 40 Supp. 899.

Duplicate Citations in Parenthesis.

Witter, Matter of, 15 Supp. 133.

Cited, Wills—Validity—Law of Domicile.
9 Misc. 439; (61 St. Rep. 744; 30 Supp. 384).

Witthaus v. Schack, 105 N. Y. 332; 7 St. Rep. 345.

Reversing, 38 Hun, 560.

Cited, Dower—Nature of Right.
10 App. Div. 396; (41 Supp. 762). 13 Misc. 76; (68 St. Rep. 197; 34 Supp. 150). 14 Misc. 624; (71 St. Rep. 828; 36 Supp. 806).

Witthaus v. Starin, 12 Daly, 226.

Cited, Landlord and Tenant—Lease—Proof.

18 Misc. 488; (41 Supp. 1040).

Witty v. Acton, 58 Hun, 552; 35 St. Rep. 949; 12 Supp. 757.

Cited, Landlord and Tenant—Holding Over—Summary Proceedings.

9 Misc. 46; (59 St. Rep. 672; 29 Supp. 292).

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14 Misc. 347; (70 St. Rep. 471; 35 Supp. 678). 18 Misc. 418; (75 St. Rep. 839; 41 Supp. 435).

Witty v. Campbell, 44 N. Y. 410.

Cited, Replevin—Nature—Ex-delicto.

6 Misc. 394; (56 St. Rep. 400; 26 Supp. 744).

Witty v. Matthews, 52 N. Y. 512.

Cited, Landlord and Tenant—Repairs.

5 Misc. 5; (25 Supp. 127). 6 Misc. 156; (26 Supp. 875). 79 Hun, 67; (61 St. Rep. 146; 29 Supp. 668). 15 App. Div. 297; (78 St. Rep. 584; 44 Supp. 584). 12 Misc. 242; (67 St. Rep. 894; 34 Supp. 43). 16 Misc. 530; 38 Supp. 980).

Witzel v. Third Ave R. Co., 3 Misc.

561; 51 St. Rep. 521; 23 Supp. 317.

Reversed, 6 Misc. 635; 56 St. Rep. 896; 25 Supp. 1142.

Wiwiowski v. Lake Shore & M. S. R. Co., 124 N. Y. 420; 36 St. Rep. 405.

Cited, Evidence—Proof—Contributory Negligence.

7 Misc. 650; (8 St. Rep. 395; 28 Supp. 17). 7 Misc. 13; (56 St. Rep. 843; 27 Supp. 335). 3 Misc. 228; (51 St. Rep. 871; 22 Supp. 752). 74 Hun, 144; 56 St. Rep. 309; 26 Supp. 220). 77 Hun, 441; (60 St. Rep. 675; 29 Supp. 106). 77 Hun, 526; (60 St. Rep. 344; 28 Supp. 888). 83 Hun, 122; (64 St. Rep. 270; 31 Supp. 633). 8 App. Div. 330; (40 Supp. 808). 10 Misc. 282; (63 St. Rep. 318; 30 Supp. 1078). 6 Misc. 384; (56 St. Rep. 398; 26 Supp. 755). 4 Misc. 166; (53 St. Rep. 199; 23 Supp. 791). 69 Hun, 483; (52 St. Rep. 839; 23 Supp. 432). 12 App. Div. 591; (77 St. Rep. 85; 43 Supp.

85). 17 App. Div. 179; (79 St. Rep. 303; 45 Supp. 303). 13 Misc. 20; (68 St. Rep. 162; 34 Supp. 92). 14 Misc. 281; (70 St. Rep. 253; 254; 35 Supp. 833). 10 Misc. 339; (63 St. Rep. 519; 31 Supp. 137). 4 App. Div. 487; (38 Supp. 688). 92 Hun, 148; (71 St. Rep. 153; 36 Supp. 383).

Imminent Peril—Contributory Negligence.

5 App. Div. 34; (39 Supp. 70).

W. J. Johnston Co. v. Hunt, 66 Hun, 504; 50 St. Rep. 124; 21 Supp. 314.

Affirmed, 142 N. Y. 621; 60 St. Rep. 867.

Wm. Anson Wood M. & Reaper Co. v. Thayer, 50 Hun, 516; 3 Supp. 465.

Cited, Sales—Warranty.

88 Hun, 248; (68 St. Rep. 561; 34 Supp. 743).

Woelrich v. Fettretch, 21 St. Rep. 56; 4 Supp. 326.

Cited, Mechanic's Lien—Abandonment by Contractor—Materials Used by Owner—Personal Liability.

2 Misc. 273; (23 Supp. 776).

Woerishoffer v. North River Const. Co., 99 N. Y. 398.

Cited, Depositions—Of Party Before Trial—Discretionary.

2 Misc. 344; (50 St. Rep. 608; 21 Supp. 1013).

Corporations—Dissolution—Receiver-ship.

82 Hun, 377; (63 St. Rep. 790; 31 Supp. 341). 1 App. Div. 377; (72 St. Rep. 582; 37 Supp. 312).

Woerishoffer v. North River Const. Co., 6 Civ. Pro. 113.

Cited, Corporations—Receivers.

10 Misc. 686, 688; (65 St. Rep. 95, 96; 31 Supp. 1001, 1002; 1 Ann. Cas. 337).

Woerz v. Radamacher, 120 N. Y. 62.

Cited, Executors—Authority—Power of Sale.

6 App. Div. 607; (39 Supp. 974). 20 Misc. 235; (79 St. Rep. 537; 45 Supp. 537).

Trusts—Resulting.

17 Misc. 699; (41 Supp. 477).

W. O. Hickok Mt'g Co. v. Blackhall, 88 Hun, 80; 68 St. Rep. 675; 34 Supp. 620.

Affirmed, 152 N. Y. 646.

Wohlfahrt v. Beckert, 92 N. Y. 490.

Cited, Trial—Questions for Jury—Credibility—Interest

75 Hun, 50; (56 St. Rep. 859; 27 Supp. 117; 31 Abb. N. C. 153). 76 Hun, 4; (59 St. Rep. 611; 27 Supp. 624).

*Duplicate Citations in Parenthesis.***Witness—Credibility—Interest.**

3 Misc. 244; (52 St. Rep. 138; 22 Supp. 943). 7 Misc. 174; (57 St. Rep. 533; 27 Supp. 327). 7 Misc. 178; (57 St. Rep. 547; 27 Supp. 348). 7 Misc. 162; (57 St. Rep. 540; 27 Supp. 326). 140 N. Y. 666; (55 St. Rep. 842). 85 Hun, 47; (66 St. Rep. 50; 32 Supp. 666). 4 App. Div. 225; (74 St. Rep. 217; 38 Supp. 590). 5 App. Div. 155; (39 Supp. 42). 11 Misc. 616; (66 St. Rep. 356; 32 Supp. 931; 24 Civ. Pro. 319). 16 Misc. 551; (74 St. Rep. 172; 38 Supp. 712). 20 Misc. 20; (78 St. Rep. 776; 44 Supp. 776).

Wolcott v. Holcomb, 31 N. Y. 126.

Cited, Costs—Orders—Appealability.

12 Misc. 63, 64; (66 St. Rep. 659, 690; 33 Supp. 87, 88; 24 Civ. Pro. 396; 1 Ann. Cas. 283).

Wolcott v. Sullivan, 1 Edw. 399.

Cited, Pleadings—Answer—Set-off in Equity—Mutuality.

139 N. Y. 119; (54 St. Rep. 643).

Wolf v. Arminus Copper Mine Co.,

6 Misc. 562; 59 St. Rep. 647; 27 Supp. 642.

Wolf v. Buttner, 6 Misc. 119; 57 St. Rep. 861; 26 Supp. 52.

Cited, Orders—Substantial Right—Appealability.

10 Misc. 334; (63 St. Rep. 409; 31 Supp. 125; 24 Civ. Pro. 167; 1 Ann. Cas. 80). 12 Misc. 63; (66 St. Rep. 690; 33 Supp. 88; 24 Civ. Pro. 396; 1 Ann. Cas. 283). 12 Misc. 407; (67 St. Rep. 324; 33 Supp. 618). 15 Misc. 439; (72 St. Rep. 790; 37½ Supp. 210).

Wolf v. Farley, 40 St. Rep. 808.

Cited, Witness—Credibility—Party.

7 Misc. 684; (58 St. Rep. 379; 28 Supp. 39). 10 Misc. 178; (62 St. Rep. 519; 30 Supp. 911).

Wolf v. Goodhue Insurance Co., 43 Barb. 400.

Cited, Verdict—Conclusiveness.

18 Misc. 633; (40 Supp. 996). 91 Hun, 497; (70 St. Rep. 859; 36 Supp. 257; 25 Civ. Pro. 110). 19 Misc. 270; (78 St. Rep. 250; 44 Supp. 250).

Wolf v. Kilpatrick, 101 N. Y. 146.

Cited, Highways—Sidewalks—Obstruction—Liability of Owner.

6 Misc. 345; (56 St. Rep. 246; 26 Supp. 907).

Nuisance—Liability of Landlord.

4 Misc. 86; (53 St. Rep. 85; 23 Supp. 800; 30 Abb. N. C. 289). 11 App. Div. 190; (76 St. Rep. 654; 42 Supp. 654). 13 App. Div. 359; (77 St. Rep. 240; 43 Supp. 240).

Wolf v. Selling, 25 Supp. 963.**Wolfe, Matter of**, 66 Hun, 389; 50 St. Rep. 115; 21 Supp. 515; 29 Abb. N. C. 340.

Reversed, 137 N. Y. 205; 50 St. Rep. 406; 29 Abb. N. C. 451.

Wolfe, Matter of, 137 N. Y. 205; 50 St. Rep. 406; 29 Abb. N. C. 451.

Reversing, 66 Hun, 389; 50 St. Rep. 115; 21 Supp. 515; 29 Abb. N. C. 340.

Cited, Surrogate—Jurisdiction—Extent in Inheritance Tax Proceeding.

137 N. Y. 408; (51 St. Rep. 3; 29 Abb. N. C. 477). 151 N. Y. 343. 86 Hun, 200; (67 St. Rep. 132; 33 Supp. 387). 137 N. Y. 407; (51 St. Rep. 3; 29 Abb. N. C. 476).

Taxes—Inheritance—Reappraisal.

52 St. Rep. 268; (23 Supp. 764).

Wolfe, Matter of, See Chapman, Matter of.**Wolfe v. Burke**, 56 N. Y. 115.

Cited, Courts of Co-ordinate Jurisdiction—Injunction.

20 Misc. 192; (78 St. Rep. 1052; 44 Supp. 1052).

Wolfe v. Conkey Ave., S. & L. Ass'n, 75 Hun, 201; 58 St. Rep. 656; 27 Supp. 44.

Cited, Loan Associations—Withdrawals.

11 Misc. 455; (66 St. Rep. 77; 32 Supp. 714).

Affirmed, 87 Hun, 568. 15 Misc. 429; (72 St. Rep. 476; 37 Supp. 166).

Wolfe v. Frost, 4 Sandf. Ch. 72.

Cited, Covenant—Creating Easement or Servitude—When Purchaser Take Subject To.

24 Supp. 788; (30 Abb. N. C. 269).

Wolfe v. Goulard, 18 How. 64.

Cited, Injunctions—When Granted.

D. 4 App. Div. 581; (74 St. Rep. 831; 38 Supp. 1020).

Wolfe v. Horn, 12 Misc. 100; 66 St. Rep. 860 33Supp. 173.**Wolfe v. Howes**, 20 N. Y. 197.

Cited, Contracts—Personal Service.

144 N. Y. 305; (63 St. Rep. 704). 16 App. Div. 121; (79 St. Rep. 130; 45 Supp. 130). 9 App. Div. 14, 16; (75 St. Rep. 419, 421; 40 Supp. 1100, 1101).

Contracts—Performance—Excuse.

19 Misc. 492; (77 St. Rep. 1105; 43 Supp. 1105; 3 Ann. Cas. 381).

Wolfe v. Knight, 15 Misc. 438; 72 St. Rep. 790; 37 Supp. 210.

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Wolfe v. Security Fire Ins. Co., 39 N. Y. 49.

Cited, Insurance—Subject of—How Determined.

3 App. Div. 68; (38 Supp. 988).

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18 Misc. 217; (75 St. Rep. 904; 41 Supp. 509).

Wolfe v. Van Nostrand, 2 N. Y. 570.

Cited, Costs—Extra Allowance—Numerous Appeals.

54 St. Rep. 333; (24 Supp. 496; 30 Abb. N. C. 284).

Wolters v. Duffield, 55 St. Rep. 485; 25 Supp. 374.

Wolff v. Horn, 9 Misc. 100; 59 St. Rep. 719; 29 Supp. 75.

Wolff v. Hyass, 11 Misc. 561; 66 St. Rep. 181; 32 Supp. 798.

Wolfskiel v. Sixth Ave. R. Co., 38 N. Y. 49.

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71 Hun. 434; (54 St. Rep. 531; 24 Supp. 980).

Wollreich v. Fettretch, 4 Supp. 326.

Cited, Mechanic's Lien—Abandonment—Effect.

69 St. Rep. 292; (35 Supp. 176).

Wolstenholme v. Wolstenholme File Mfg. Co., 64 N. Y. 272.

Cited, Appeal—Judgment—Reversal.

152 N. Y. 504. 146 N. Y. 67; (65 St. Rep. 756).

Wolters v. Schultz, 1 Misc. 196; 50 St. Rep. 910; 21 Supp. 768.

Wood, Matter of, 9 Misc. 507; 61 St. Rep. 80; 30 Supp. 344.

Wood, Matter of, 70 Hun. 230; 53 St. Rep. 804; 24 Supp. 64.

Wood, Matter of, 29 St. Rep. 298; 8 Supp. 884.

Cited, Surrogate's Court—Vacation of Decrees.

73 Hun. 436; (56 St. Rep. 35; 26 Supp. 471).

Wood, Matter of, 15 St. Rep. 722.

Cited, Wills—Power of Surrogate to Construe.

67 St. Rep. 412; (33 Supp. 423; 24 Civ. Pro. 258).

Wood, Matter of, 2 Cow. 29.

Cited, "Office"—Meaning.

146 N. Y. 293; (66 St. Rep. 651).

Wood v. American Fire Ins. Co., 78 Hun. 109; 60 St. Rep. 800; 29 Supp. 250.

Affirmed, 149 N. Y. 382.

Wood v. American Fire Ins. Co., 149 N. Y. 382.

Cited, Insurance—Forfeiture—Waiver.

11 App. Div. 408; (76 St. Rep. 449; 42 Supp. 449). 15 App. Div. 222; (78 St. Rep. 180; 44 Supp. 180). 15 App. Div. 234; (78 St. Rep. 203; 44 Supp. 203).

Wood v. Amory, 105 N. Y. 278.

Cited, Judgments—Attack—Fraud.

12 App. Div. 17; (76 St. Rep. 178; 42 Supp. 178).

Wood v. Auburn & R. R. Co., 8 N. Y. 160.

Cited, Principal and Agent—Agent's Authority—Inference of From Course of Dealing.

1 Misc. 109; (48 St. Rep. 660; 20 Supp. 679).

Wood v. Baker, 60 Hun. 337; 14 Supp. 821.

Cited, Appeal—Judgment—Correction.

16 App. Div. 472; (78 St. Rep. 940; 44 Supp. 940).

Mortgage—Redemption—Time.

19 Misc. 332; (78 St. Rep. 270; 44 Supp. 270).

Wood v. Bishop, 5 Cow. 414.

Cited, Action—Change of Venue—Convenience of Witnesses—Equal Number.

75 Hun. 557; (58 St. Rep. 195; 26 Supp. 1030).

Wood v. Blodgett, 49 Hun. 64; 17 St. Rep. 295; 2 Supp. 304; 15 Civ. Pro. 114.

Cited, Costs—Security for—Practice—Notice.

8 Misc. 99; (60 St. Rep. 162; 28 Supp. 1004).

Wood v. Brooklyn, 14 Barb. 425.

Cited, Actions—Penalties—Mode of Trial.

153 N. Y. 194. 13 App. Div. 203; (77 St. Rep. 369; 43 Supp. 369).

Wood v. Brooklyn City R. Co., 5 App. Div. 492; 38 Supp. 1077.

Wood v. Brown, 34 N. Y. 337.

Cited, Courts—Power Over Decedent's Estates.

69 Hun. 336; (53 St. Rep. 240; 23 Supp. 523). 15 App. Div. 545; (78 St. Rep. 554; 44 Supp. 554). 15 Misc. 562; (74 St. Rep. 303; 37 Supp. 1133).

Wood v. Byington, 2 Barb. Ch. 387.

Cited, Decedent's Estates—Liability for Costs.

15 Misc. 535; (74 St. Rep. 298; 37 Supp. 1128; 25 Civ. Pro. 318).

*Duplicate Citations in Parenthesis.***Wood v. Chapin**, 13 N. Y. 509.

Cited, Evidence—Parol to Vary Writing—Receipts.

2 Misc. 378; (50 St. Rep. 596; 21 Supp. 1096).

Real Property—Records—Bona Fide Purchaser—Expressed Consideration.

73 Hun, 553; (56 St. Rep. 187; 26 Supp. 143). 17 App. Div. 149; (79 St. Rep. 301; 45 Supp. 301). 89 Hun, 545; (69 St. Rep. 734; 35 Supp. 347). 4 App. Div. 13; (73 St. Rep. 674; 38 Supp. 306). 10 App. Div. 558; (76 St. Rep. 338; 42 Supp. 338).

Wood v. Derrickson, 1 Hilt. 410.

Cited, Appeal—Undertaking—Action on. 89 Hun, 371; (69 St. Rep. 826; 35 Supp. 414).

Wood v. Erie R. Co., 72 N. Y. 196.

Cited, Statutes — Construction — Penal Strictly Construed.

138 N. Y. 415; (53 St. Rep. 3). 5 App. Div. 142; (39 Supp. 82).

Wood v. Fisk, 63 N. Y. 245.

Cited, Bonds—Indemnity—Discharge.

138 N. Y. 207; (52 St. Rep. 147).

Principal and Surety—Undertaking for Costs.

1 Misc. 501; (49 St. Rep. 708; 20 Supp. 951).

Wood v. Furtick, 16 Misc. 289; 39 Supp. 173.

Reversed, 17 Misc. 561; 40 Supp. 687.

Wood v. Furtick, 17 Misc. 561; 40 Supp. 687.**Wood v. Gilboa, Town of**, 76 Hun, 175; 57 St. Rep. 300; 27 Supp. 586.

Affirmed, 146 N. Y. 383.

Cited, Highways — Maintenance—Negligence.

82 Hun, 417; (63 St. Rep. 839; 31 Supp. 355). 5 App. Div. 581; (39 Supp. 383).

Wood v. Gordon, 44 St. Rep. 640; 18 Supp. 109.

Cited, Landlord and Tenant — Holding Over—Effect.

18 App. Div. 293; (79 St. Rep. 840; 45 Supp. 840).

Wood v. Hall, 61 St. Rep. 201; 29 Supp. 672.**Wood v. Hamilton**, 14 Daly, 41; 1 St. Rep. 779.

Cited, Domicile—Residence.

2 Misc. 422; (50 St. Rep. 764; 22 Supp. 75). 69 Hun, 310; (53 St. Rep. 352; 23 Supp. 530).

Wood v. Harper, 85 Hun, 457; 66 St. Rep. 160; 32 Supp. 880.**Wood v. Harper**, 9 App. Div. 229; 41 Supp. 242.**Wood v. Henry**, 40 N. Y. 124.

Cited, Body Execution—Power of Court Over Prisoner.

88 Hun, 262; (68 St. Rep. 555; 34 Supp. 736).

Wood v. Hope, 2 Abb. N. C. 186.

Cited, Reference—Long Account—Character of Complaint.

142 N. Y. 251; (58 St. Rep. 775).

Wood v. Jackson, 8 Wend. 9.

Cited, Judgments — Conclusiveness — Effect on Stranger.

10 Misc. 397; (63 St. Rep. 412; 31 Supp. 128).

Wood v. Keyes, 8 Paige, 365.

Cited, Wills—Equitable Conversion—Distribution.

74 Hun, 355; (56 St. Rep. 366; 26 Supp. 303).

Wills—Remainder—Disposal.

86 Hun, 110; (68 St. Rep. 46; 34 Supp. 202).

Wood v. Knapp, 100 N. Y. 109.

Cited, Publication — Computation of Period.

2 Misc. 263; (50 St. Rep. 767; 21 Supp. 969). 6 App. Div. 238; (39 Supp. 994).

Wood v. Lafayette, 46 N. Y. 484.

Cited, Boundaries—Dispute—Settlement.

82 Hun, 229; (63 St. Rep. 593; 31 Supp. 275).

Wood v. Lafayette, 68 N. Y. 181.

Cited, 86 Hun, 430; (67 St. Rep. 624; 33 Supp. 895).

Actions—Trespass—Maintenance.

87 Hun, 583; (68 St. Rep. 662; 34 Supp. 550). 89 Hun, 10; (69 St. Rep. 271; 35 Supp. 59).

Wood v. Lary, 124 N. Y. 83; 35 St. Rep. 53; 20 Civ. Pro. 136.

Cited, Appeal—Judgment on Pleadings. 53 St. Rep. 154; (23 Supp. 818).

Appeal — Exceptions — Findings — Requests.

5 Misc. 222; (54 St. Rep. 825; 25 Supp. 464). 8 Misc. 258; (59 St. Rep. 199; 28 Supp. 548).

Pleading—Demurrer—Judgment on—Direction for Decision.

71 Hun, 2; (53 St. Rep. 876; 24 Supp. 784; 23 Civ. Pro. 209). 61 St. Rep. 5; (29 Supp. 432).

Trial—Findings, by Court or Referee—Separate Findings of Fact.

Duplicate Citations in Parenthesis.

21 Supp. 754 148 N. Y. 85. 13 App. Div. 443; (77 St. Rep. 601; 43 Supp. 601).

Trial by Referee—Decision.

D. 87 Hun, 159; (67 St. Rep. 765; 33 Supp. 1028). 88 Hun, 459; (68 St. Rep. 787; 34 Supp. 875).

Wood v. Mather, 38 Barb. 473.

Affirmed, 44 N. Y. 256.

Cited, Guardian—Transfer of Property.

20 Misc. 539.

Wood v. Mitchen, 92 N. Y. 375.

Cited, Wills—Construction—Ambiguity—Disinheriting Heir.

3 Misc. 438; (52 St. Rep. 326; 23 Supp. 171).

Wills—Construction—Gift of Income—Accumulations—Children of the Half-blood.

75 Hun, 160; (58 St. Rep. 184; 26 Supp. 1090).

Wood v. Mitchell, 117 N. Y. 439; 27 St. Rep. 704.

Cited, Judgment—Confession—Sufficiency of Statement.

74 Hun, 52; (56 St. Rep. 163; 26 Supp. 184).

71 Hun, 134; (54 St. Rep. 76; 24 Supp. 522).

151 N. Y. 539. 4 App. Div. 217; (73 St. Rep. 593; 38 Supp. 543).

Wood v. Mitchell, 137 N. Y. 567; 50 St. Rep. 933.

Affirming, 44 St. Rep. 694; 17 Supp. 782.

Wood v. Mitchell, 44 St. Rep. 694; 17 Supp. 782.

Cited, Judgment—Fraud.

87 Hun, 239; (67 St. Rep. 725; 33 Supp. 1039; 1 Ann. Cas. 394).

Wood v. Moorhouse, 1 Lans. 405.

Affirmed, 45 N. Y. 368.

Cited, Realty—Sale Under Execution—Validity.

92 Hun, 157; (71 St. Rep. 147; 36 Supp. 377).

Wood v. Morehouse, 45 N. Y. 368.

Cited, Officers—Official Duty—Presumption of Performance of.

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Hun, 125; (61 St. Rep. 802; 30 Supp. 60). 84

Hun, 281; (65 St. Rep. 91; 32 Supp. 385).

12 Misc. 491; (67 St. Rep. 392; 33 Supp. 668).

Wood v. Munson, 70 Hun, 468; 53 St. Rep. 621; 24 Supp. 287.

Wood v. Nesbit, 47 St. Rep. 34; 19 Supp. 423.

Dismissing, 62 Hun, 445; 42 St. Rep. 778; 16 Supp. 918.

Cited, Actions—Simulated Issues—Effect.

14 Misc. 352; (71 St. Rep. 76; 36 Supp. 127). 10 App. Div. 506; (76 St. Rep. 277; 42 Supp. 277).

Wood v. Northwestern Ins. Co., 46 N. Y. 421.

Cited, Insurance—Policy—Conditions—Transfers.

70 Hun, 491; (53 St. Rep. 746; 24 Supp. 385).

Wood v. Oakley, 11 Paige, 400.

Cited, Statutes—Construction—Effect on Contracts.

13 App. Div. 73; (77 St. Rep. 402; 43 Supp. 402).

Wood v. Orser, 25 N. Y. 348.

Cited, Actions—Replevin—Maintenance.

88 Hun, 235; (68 St. Rep. 722; 34 Supp. 800). 74 St. Rep. 476; (38 Supp. 45).

Wood v. People, 1 Hun, 381.

Cited, Evidence—Judicial Notice—Political Divisions of State.

72 Hun, 578; (55 St. Rep. 143; 25 Supp. 234).

Wood v. People, 53 N. Y. 511.

Cited, Indictment—Describing Offense—Crime and Acts.

67 Hun, 567; (51 St. Rep. 481; 22 Supp. 581).

Wood v. Phillips, 43 N. Y. 152.

Cited, Co-tenancy—Exclusive Occupation by Lessee of One Co-tenant.

73 Hun, 511; (56 St. Rep. 182; 26 Supp. 308). 15 Misc. 191; (72 St. Rep. 233; 36

Supp. 898). 16 Misc. 323; (73 St. Rep. 572; 37 Supp. 952).

Wood v. Phillips, 11 Abb. N. S. 1.

Cited, Actions—Verdict—Death of Party—Effect.

6 App. Div. 482; (39 Supp. 684; 3 Ann. Cas. 309). 14 Misc. 115; (69 St. Rep. 300; 35

Supp. 184; 25 Civ. Pro. 71).

Wood v. Poughkeepsie Ins. Co., 32 N. Y. 619.

Cited, Evidence—Relevancy—Similar Transactions.

139 N. Y. 524; (54 St. Rep. 807).

Insurance—Forfeiture—Waiver.

D. 16 App. Div. 201; (78 St. Rep. 750; 44 Supp. 750).

Wood v. Powell, 3 App. Div. 318; 73 St. Rep. 689; 38 Supp. 196.

Wood v. Rabe, 96 N. Y. 414.

Cited, Equity—Confidential Relations—Wrongs.

145 N. Y. 318; (64 St. Rep. 677). 13 Misc. 384; (68 St. Rep. 130; 34 Supp. 252).

Trusts—Constructive—Statute of Frauds.

69 Hun, 577; (53 St. Rep. 337; 23 Supp. 1136).

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Specific Performance—Contracts Relating to Land—Statute of Frauds.

72 Hun, 157; (55 St. Rep. 352; 25 Supp. 681). 84 Hun, 485; (65 St. Rep. 597; 32 Supp. 392). 2 App. Div. 458; (74 St. Rep. 332; 37 Supp. 1036).

Wood v. Raydure, 39 Hun, 144; 9 Civ. Pro. 96.

Cited, Pleading—Answer—Denial on Information and Belief.

5 Misc. 509; (58 St. Rep. 102; 25 Supp. 970). 7 Misc. 320; (57 St. Rep. 463; 27 Supp. 906).

Wood v. Reed, 62 St. Rep. 23; 30 Supp. 112.

Wood v. Richardson, 91 Hun, 332; 72 St. Rep. 103; 36 Supp. 1001.

Wood v. Robinson, 22 N. Y. 564.

Cited, Creditor's Bill—Liens—Priority. 135 N. Y. 179; (47 St. Rep. 830.)

Trusts—Resulting—Payment of Part of Consideration of Conveyance.

72 Hun, 155; (55 St. Rep. 351; 25 Supp. 680).

Mortgage—As Collateral—Effect.

1 App. Div. 191; (72 St. Rep. 558; 37 Supp. 157).

Conveyances — Consideration — Sufficiency.

10 App. Div. 559; (76 St. Rep. 338; 42 Supp. 338).

Wood v. Rusco, 4 Redf. 380.

Cited, Executors—Accounting—Verification of Claim by Creditor.

4 Misc. 360; (54 St. Rep. 255; 24 Supp. 316).

Executors—Accounting—Personal Claims Against Estate—Validity—Proof.

4 Misc. 36; (23 Supp. 835). 19 Misc. 387; (78 St. Rep. 368; 44 Supp. 368).

Wood v. Seely, 32 N. Y. 105.

Cited, Estoppel—Availability to Privies. 69 Hun, 528; (52 St. Rep. 851). 15 App. Div. 45; (78 St. Rep. 118; 44 Supp. 118).

Wood v. Sheehan, 68 N. Y. 365.

Cited, Contracts — Construction From Whole Instrument.

17 Misc. 532; (40 Supp. 877).

Wood v. Sidney Sash, Blind & Furniture Co., 80 Hun, 604; 64 St. Rep. 884; 31 Supp. 1135.

Wood v. Sidney, Sash, Blind & Furniture Co., 92 Hun, 22; 72 St. Rep. 830; 37 Supp. 885.

Cited, Equity—Creditor's Bill.

8 App. Div. 45; (40 Supp. 456). 11 App. Div. 531; (77 St. Rep. 44; 43 Supp. 44).

Wood v. Swift, 81 N. Y. 31.

Cited, Reference—Change of Parties Pending—Effect

73 Hun, 484; (56 St. Rep. 17; 26 Supp. 442). 9 App. Div. 260; (75 St. Rep. 890; 41 Supp. 497). 15 App. Div. 437; (78 St. Rep. 484; 44 Supp. 484).

Wood v. Taylor, 9 Misc. 640; 62 St. Rep. 219; 30 Supp. 433.

Affirmed, 11 Misc. 713; 64 St. Rep. 884; 35 Supp. 1135.

Wood v. Third Ave. R. Co., 13 Misc. 308; 68 St. Rep. 723; 34 Supp. 698.

Wood v. Third Ave. R. Co., 91 Hun, 276; 70 St. Rep. 828; 36 Supp. 253.

Wood v. Tunnicliff, 74 N. Y. 43.

Cited, Executors—Arbitration.

92 Hun, 293; (71 St. Rep. 778; 36 Supp. 713).

Actions—Against Executors.

15 Misc. 601; (72 St. Rep. 819; 38 Supp. 190).

Wood v. Vandenburg, 6 Paige, 277.

Cited, Execution — Accounting—Funeral Expenses.

3 Misc. 178; (23 Supp. 841). 89 Hun, 579; (69 St. Rep. 650; 35 Supp. 295).

Wood v. Watertown, City of, 58 Hun, 298; 34 St. Rep. 808; 11 Supp. 864.

Cited, Damages—Measure—Negligence—Loss of Time.

67 Hun, 270; (51 St. Rep. 385; 22 Supp. 232).

Master and Servant—Independent Contractors.

70 Hun, 473; (53 St. Rep. 625; 24 Supp. 427)

14 App. Div. 4; (77 St. Rep. 619; 43 Supp. 619).

Wood v. Whiting, 21 Barb. 190.

Cited, Pleading—Denial—Sufficiency.

14 App. Div. 398; (76 St. Rep. 369; 42 Supp. 369).

Wood v. Wood, 2 Paige, 108.

Cited, Pleading—Bill of Particulars—Divorce.

76 Hun, 588; (58 St. Rep. 274; 28 Supp. 215).

Wood v. Wood, 7 Misc. 579; 58 St. Rep. 395; 28 Supp. 154; 31 Abb. N. C. 235.

Wood v. Wood, 83 N. Y. 575.

Cited, Husband and Wife—Conversion of Husband's Property by Wife.

66 Hun, 398; (49 St. Rep. 364; 21 Supp. 306).

Land—Ouster—Allowance for Improvements.

10 App. Div. 474; (73 St. Rep. 305; 42 Supp. 305).

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Cited, Trusts—Alienation — Powers of Court.

136 N. Y. 331; (49 St. Rep. 674). 14 App. Div. 574; (77 St. Rep. 902; 43 Supp. 902).

Wood v. Wood, 26 Barb. 356.

Cited, Limitation of Action—Liability of Devisee for Debts of Testator.

73 Hun, 432; (56 St. Rep. 32; 26 Supp. 448).

Wood v. Young, 141 N. Y. 211; 56 St. Rep. 820.

Cited, Limitation of Action—Demand.

141 N. Y. 411; (57 St. Rep. 575). 5 App. Div. 535; (39 Supp. 379). 7 App. Div. 465; (39 Supp. 1022).

Possession of Money—Obligation to Pay Over.

4 App. Div. 238; (74 St. Rep. 181; 38 Supp. 562). 4 App. Div. 464; (74 St. Rep. 155; 38 Supp. 662).

Woodard, Matter of, 13 St. Rep. 161.

Cited, Executors—Accounting—Costs and Disbursements.

3 Misc. 153; (23 Supp. 977).

Woodard v. Foster, 64 Hun, 147; 45 St. Rep. 77; 18 Supp. 827.

Affirmed, 138 N. Y. 674; 53 St. Rep. 933.

Cited, Evidence—Parol to Vary Writing.

66 Hun, 589; (50 St. Rep. 560; 21 Supp. 832). 77 Hun, 337; (60 St. Rep. 38; 28 Supp. 840). 85 Hun, 74; (66 St. Rep. 29; 32 Supp. 647). D. 13 App. Div. 599; (77 St. Rep. 683; 43 Supp. 683). 79 St. Rep. 660; (45 Supp. 660).

Woodard v. New York, Lake Erie & W. R. Co., 106 N. Y. 369; 11 St. Rep. 169.

Cited, Negligence — Contributory—Driving Before Car.

6 Misc. 333; (56 St. Rep. 398; 26 Supp. 755).

Railroads—Crossings — Negligence—Contributory.

80 Hun, 182; (61 St. Rep. 632; 29 Supp. 1010). 61 St. Rep. 710; (29 Supp. 1129). 80 Hun, 156; (61 St. Rep. 710; 29 Supp. 1129). 87 Hun, 99; (67 St. Rep. 678; 33 Supp. 954). 89 Hun, 597; (70 St. Rep. 145; 35 Supp. 542).

Negligence—Contributory—Proof.

83 Hun, 122; (64 St. Rep. 270; 31 Supp. 633).

Woodbridge v. Marks, 5 App. Div. 604; 40 Supp. 728.

Cited, Nuisance—Vicious Dogs.

17 App. Div. 140; (79 St. Rep. 157; 45 Supp. 157).

Woodbridge v. Marks, 14 Misc. 368; 71 St. Rep. 417; 36 Supp. 81.

Affirmed, 5 App. Div. 604; 40 Supp. 728.

Woodbridge v. Marks, 17 App. Div. 139; 79 St. Rep. 156; 45 Supp. 156.**Woodbridge Co. v. Charles E. Hires Co.**, 79 St. Rep. 991; 45 Supp. 991.**Woodbury, Matter of**, 13 Misc. 474; 70 St. Rep. 182; 35 Supp. 4 5.**Woodbury v. Deloss**, 65 Barb. 501.

Cited, Pleading — Demurrer — Construction of Pleading.

18 App. Div. 239; (79 St. Rep. 768; 45 Supp. 763).

Woodcock v. Bennet, 1 Cow. 711.

Cited, Executors—Liability—Representative or Personal.

76 Hun, 57; (59 St. Rep. 148; 27 Supp. 667).

Process—Vacation—Irregularity.

10 Misc. 348; (63 St. Rep. 411; 31 Supp. 127; 24 Civ. Pro. 198).

Worden v. Sartwell, 86 Hun, 617; 37 Supp. 162.**Wooden v. Strew**, 10 How. 48.

Cited, Pleadings—Facts—Sufficiency.

20 Misc. 282; (79 St. Rep. 346; 45 Supp. 846).

Wooden v. Western N. Y. & P. R. Co., 5 Misc. 537; 58 St. Rep. 112; 25 Supp. 977.**Wooden v. Western N. Y. & P. R. Co.**, 126 N. Y. 10; 36 St. Rep. 387.

Cited, Conflict of Laws—Death by Negligence.

3 Misc. 225; (51 St. Rep. 869; 22 Supp. 750). 77 Hun, 101; (59 St. Rep. 55; 28 Supp. 447). 86 Hun, 395; (67 St. Rep. 218; 33 Supp. 504). 12 App. Div. 30, 32, 33; (76 St. Rep. 171, 173, 174; 42 Supp. 171, 173, 174).

Death by Negligence—Beneficiaries.

148 N. Y. 26; 20 Misc. 65; (78 St. Rep. 431; 44 Supp. 431; 3 Ann. Cas. 386).

Wooden v. Western N. Y. & P. R. Co., 147 N. Y. 508; 70 St. Rep. 83.

Reversing, 58 St. Rep. 112; 25 Supp. 977.

Woodford v. Bucklin, 14 Hun, 444.

Cited, Costs—In Equity.

49 St. Rep. 276; (21 Supp. 58).

Reference—Costs—Review of Award.

56 St. Rep. 433; (26 Supp. 96).

Reference — Discretion of Referee — Review.

88 Hun, 229; (68 St. Rep. 259; 34 Supp. 664). 3 App. Div. 28; (74 St. Rep. 418; 37 Supp. 1871).

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Woodford v. Rasbach, 6 Civ. Pro. 315.
Cited, Attorneys — Power to Satisfy Judgments.

13 App. Div. 607; (77 St. Rep. 988; 43 Supp. 988).

Woodgate v. Fleet, 44 N. Y. 1.

Cited, Judgment—Conclusiveness—As to Immaterial Facts.

137 N. Y. 268; (50 St. Rep. 791). 79 St. Rep. 483; (45 Supp. 483).

Real Property—Remainders—Alienation.

73 Hun, 480; (56 St. Rep. 13; 26 Supp. 438).

Woodgate v. Fleet, 64 N. Y. 566.

Cited, Trusts—Void—Provisions—Separation.

84 Hun, 336; (65 St. Rep. 638; 32 Supp. 568).

Woodhaven Junction Land Co. v. Solly, 74 Hun, 637; 57 St. Rep. 272; 26 Supp. 150.

Reversed, 148 N. Y. 42.

Cited, 10 App. Div. 165; (75 St. Rep. 1239; 41 Supp. 863).

Woodhaven Junction Land Co. v. Solly, 148 N. Y. 42.

Woodhull v. Holmes, 10 Johns. 231.

Cited, Bills and Notes—Diversion—Bona Fides—Burden of Proof.

6 Misc. 544, (58 St. Rep. 15; 27 Supp. 228).

Woodhull v. Little, 102 N. Y. 165; 1 St. Rep. 342.

Cited, Judgment—Conclusiveness.

140 N. Y. 307; (55 St. Rep. 651). 18 Misc. 137; (76 St. Rep. 13; 42 Supp. 13). 19 Misc. 273; (78 St. Rep. 254; 44 Supp. 254).

Partition—Order of Confirmation—Effect.

137 N. Y. 516; (51 St. Rep. 269).

Woodhull v. New York, 69 Hun, 210; 53 St. Rep. 418; 23 Supp. 553.

Woodhull v. New York, 76 Hun, 390; 59 St. Rep. 189; 28 Supp. 120.

Reversed, 150 N. Y. 450.

Woodhull v. New York, 150 N. Y. 450.

Woodhull v. Rosenthal, 61 N. Y. 382.

Cited, Damages — Improvement of Property—Consent of Owner.

139 N. Y. 200; (54 St. Rep. 465).

Landlord and Tenant — Lease—Assignment—Sub-lease.

6 Misc. 396; (56 St. Rep. 334; 26 Supp. 741). 18 Misc. 127; (67 St. Rep. 859; 34 Supp. 3).

Realty—Appurtenances—What are.

16 Misc. 378; (74 St. Rep. 382; 38 Supp. 86). 19 Misc. 523; (77 St. Rep. 1081; 43 Supp. 1081).

Woodin v. Bagley, 13 Wend. 453.

Cited, Actions — Next of Kin — Availability.

11 App. Div. 353; (76 St. Rep. 1011; 45 Supp. 1011).

Woodmansee v. Rogers, 82 N. Y. 88.

Cited, Attachment—Affidavit for — Sufficiency—Motion to Vacate.

79 Hun, 138; (61 St. Rep. 350; 29 Supp. 758; 24 Civ. Pro. 21).

Woodrick v. Woodrick, 141 N. Y. 457; 57 St. Rep. 634.

Affirming, 48 St. Rep. 348; 20 Supp. 468.

Cited, Evidence—Competency.

143 N. Y. 240; (62 St. Rep. 187).

Woodruff v. Ackert, 80 Hun, 603; 61 St. Rep. 827; 30 Supp. 87.

Woodruff v. Austin, 16 Misc. 543; 74 St. Rep. 138; 38 Supp. 787.

Cited, Actions—Appearance—Effect.

20 Misc. 217; (79 St. Rep. 363; 45 Supp. 363). 17 Misc. 277; (40 Supp. 384).

Woodruff v. Austin, 15 Misc. 450; 72 St. Rep. 174; 37 Supp. 22.

Woodruff v. Bradstreet Co., 116 N. Y. 217; 26 St. Rep. 523.

Cited, Actions—Libel—Proof.

14 Misc. 417; (70 St. Rep. 439; 35 Supp. 704).

Woodruff v. Cook, 25 Barb. 505.

Cited, Pleading — Answer — Failure to Deny—Effect as Admission — Damages — Torts.

74 Hun, 558; (57 St. Rep. 235; 26 Supp. 630).

Woodruff v. Erie R. Co., 93 N. Y. 609.

Cited, Railroads—Franchise—Leases.

75 Hun, 591; (59 St. Rep. 161; 27 Supp. 669). 84 Hun, 518; (66 St. Rep. 309; 32 Supp. 857). 9 App. Div. 275; (75 St. Rep. 959; 41 Supp. 569).

Railroads—Consolidation.

69 Hun, 386; (52 St. Rep. 803; 23 Supp. 643). 71 Hun, 281; (54 St. Rep. 528; 24 Supp. 1017).

Ultra Vires—As Defense to Executed Contract.

56 St. Rep. 428; (26 Supp. 289). 144 N. Y. 341; 65 St. Rep. 674). 151 N. Y. 37. D. 151 N. Y. 47. 3 App. Div. 83, 84; (74 St. Rep. 837, 838; 38 Supp. 1026).

Woodruff v. Fisher, 17 Barb. 224.

Cited, Injunction — Preliminary — Complaint as Affidavit.

7 Misc. 126; (57 St. Rep. 71; 27 Supp. 344).

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Woodruff v. Havemeyer, 106 N. Y. 129.

Cited, Bill of Lading—Availability.
17 Misc. 161; (39 Supp. 322).

Woodruff v. Hurson, 32 Barb. 557.

Cited, Evidence—Absence of Witness—Effect
10 App. Div. 445; (76 St. Rep. 307; 42 Supp. 307).

Woodruff v. Imperial F. Ins. Co. of London, 83 N. Y. 133.

Cited, Insurance — Inconsistent Facts — Knowledge of Agent—Waiver.

66 Hun, 225; (49 St. Rep. 10; 21 Supp. 52).
78 Hun, 113; (60 St. Rep. 802; 29 Supp. 252).
66 Hun, 549; (49 St. Rep. 869; 21 Supp. 666). 137 N. Y. 396; (50 St. Rep. 682). 143 N. Y. 387; (59 St. Rep. 779). 79 Hun, 120; (61 St. Rep. 372; 29 Supp. 515). 149 N. Y. 484. 84 Hun, 8; (65 St. Rep. 28; 31 Supp. 1088). 7 App. Div. 583; (40 Supp. 305). 16 Misc. 534; (73 St. Rep. 599; 38 Supp. 509).
Insurance—Conditions—Breach.
92 Hun, 327; (72 St. Rep. 399; 36 Supp. 877).

Woodruff v. Imperial F. Ins. Co. of London, 90 N. Y. 521.

Cited, Courts — Judges — Termination of Office—Effect on Pending Actions.
139 N. Y. 145; (54 St. Rep. 558).

Woodruff v. McGrath, 32 N. Y. 255.

Cited, Trial—Harmless Error—Effect.
13 Misc. 257; (68 St. Rep. 88; 34 Supp. 85).
19 Misc. 271; (78 St. Rep. 251; 44 Supp. 251).

Woodruff v. N. Y., L. E. & W. R. Co., 129 N. Y. 27; 41 St. Rep. 193.

Cited, Trustees—Right to Fees.
81 Hun, 282; (65 St. Rep. 143; 32 Supp. 58). 87 Hun, 427; (68 St. Rep. 355; 34 Supp. 327).

Woodruff v. Paddock, 56 Hun, 288; 9 Supp. 381.

Cited, Highways—Abandonment—Failure to Work.
6 Misc. 202; (27 Supp. 871).

Woodruff v. Paddock, 130 N. Y. 61 8 42 St. Rep. 650.

Cited, Easements—Abandonment.
137 N. Y. 326; (50 St. Rep. 721).
Property Rights—Violation—Injunction.
87 Hun, 283; (67 St. Rep. 744; 33 Supp. 1057).

Easements—Prescription.

88 Hun, 195; (68 St. Rep. 623; 34 Supp. 660). 19 Misc. 580; (78 St. Rep. 1094; 44 Supp. 1094).

Woodruff v. Rochester & P. R. Co., 108 N. Y. 39; 12 St. Rep. 821.

Cited, Contract—Building—Conditions as to Estimate of Extras.

77 Hun, 350; (60 St. Rep. 32; 28 Supp. 842).

Woodruff v. Syracuse, Binghamton & N. Y. R. Co., 73 Hun, 296; 58 St. Rep. 79; 26 Supp. 421.

Woods, Matter of, 35 Hun, 60.

Cited, Life Tenants — Personalty — Security.

141 N. Y. 27; (53 St. Rep. 582).

Woods, Matter of, 5 Misc. 575; 56 St. Rep. 274; 26 Supp. 169.

Woods v. De Figanieri, 25 How. 522.

Cited, Discovery—Affidavit—Sufficiency.
86 Hun, 44; (67 St. Rep. 108; 33 Supp. 289; 2 Ann. Cas. 131).

Woods v. Francklyn, 46 St. Rep. 396; 19 Supp. 377.

Cited, Evidence—Declaration of Agent—Agency.

7 Misc. 167; (57 St. Rep. 495; 27 Supp. 256).

Woods v. Long Island R. Co., 11 App. Div. 16; 76 St. Rep. 140; 42 Supp. 140.

Cited, Railroads — Defective Appliances — Effect.

17 App. Div. 594; (79 St. Rep. 479; 45 Supp. 479).

Woods v. Madison County, Supervisors of, 136 N. Y. 403; 49 St. Rep. 685.

Reversing, 40 St. Rep. 986.

Cited, Counties—Application of Railroad Taxes of Bonded Towns.

137 N. Y. 175; (50 St. Rep. 378).

Counties — Submission of Controversy — Waiver of Defenses.

71 Hun, 425; (54 St. Rep. 389; 24 Supp. 967).

Statutory Powers — Repeal — Construction.

144 N. Y. 411; (63 St. Rep. 650). 18 App. Div. 166; (79 St. Rep. 775; 45 Supp. 775).

Woods v. Morrell, 1 Johns Ch. 103.

Cited, Pleading — Irrelevancy — Striking Out.

51 St. Rep. 598; (22 Supp. 527). 50 St. Rep. 221.

Woods v. Pangburn, 75 N. Y. 495.

Cited, Libel — Repetition — Judgment — Satisfaction.

76 Hun, 61; (59 St. Rep. 612; 27 Supp. 613).

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- Woods v. Reiss**, 78 Hun, 78; 60 St. Rep. 794; 29 Supp. 263.
Cited, Pleading—Defenses—Consistency. 78 Hun, 52; (60 St. Rep. 819; 29 Supp. 277).
- Woods v. Van Brunt**, 6 App. Div. 220; 39 Supp. 896.
- Woodside Brewing Co. v. Pacific Fire Ins. Co.**, 11 App. Div. 68; 76 St. Rep. 620; 42 Supp. 620.
- Woodward v. Bugsbee**, 2 Hun, 683.
Cited, Appeal—Leave—When Granted. 16 Misc. 363; (74 St. Rep. 370; 38 Supp. 2; 25 Civ. Pro. 288).
- Woodward v. Fuller**, 80 N. Y. 312.
Cited, Contracts—Building—Substantial Performance. 70 Hun, 225; (54 St. Rep. 14; 24 Supp. 172). 6 Misc. 314; (58 St. Rep. 298; 26 Supp. 1106). 8 Misc. 259; (59 St. Rep. 197; 28 Supp. 548). 50 St. Rep. 546; (21 Supp. 835). 149 N. Y. 444. 85 Hun, 319; (66 St. Rep. 463; 32 Supp. 979). 86 Hun, 338; (67 St. Rep. 168; 33 Supp. 534). D. 140 N. Y. 206; (55 St. Rep. 385). 17 Misc. 360; (39 Supp. 1088). 77 Hun, 347; (60 St. Rep. 30; 28 Supp. 840). 60 St. Rep. 297. 66 Hun, 264; (49 St. Rep. 476; 21 Supp. 219).
- Woodward v. James**, 115 N. Y. 346; 26 St. Rep. 147.
Cited, Insurance—Beneficiary of Benefit Certificate—Who Are "Legal Heirs." 66 Hun, 301; (49 St. Rep. 240; 20 Supp. 935).
 Wills—Construction—Intention of Testator. 143 N. Y. 131; (62 St. Rep. 135).
 Trusts—Implication. 146 N. Y. 98; (66 St. Rep. 252).
 Trusts—Who May be Trustee—Beneficiary as. 70 Hun, 324; (54 St. Rep. 38; 24 Supp. 441). D. 70 Hun, 333; (54 St. Rep. 45; 24 Supp. 447). 89 Hun, 539; (70 St. Rep. 414; 35 Supp. 618). 10 Misc. 577; (65 St. Rep. 271; 32 Supp. 192). 80 Hun, 540; (62 St. Rep. 616; 30 Supp. 642). 147 N. Y. 569; (70 St. Rep. 337).
 Wills—Estate—Expenses. 145 N. Y. 481; (65 St. Rep. 403).
- Woodward v. Jones**, 15 Misc. 1; 36 Supp. 775.
- Woodward v. Musgrave**, 14 App. Div. 291; 77 St. Rep. 830; 43 Supp. 830.
- Woodward v. Remington**, 81 Hun, 160; 62 St. Rep. 726; 30 Supp. 743.
- Woodward v. Republic Fire Ins. Co.**, 32 Hun, 365.
Cited Insurance—Policy Covering Distinct Subjects—Partial Breach—Effect of. 1 Misc. 117; (48 St. Rep. 655; 20 Supp. 647).
- Woodward v. Washburn**, 3 Den. 369.
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- Woodworth, Matter of**, 64 Hun, 522; 46 St. Rep. 432; 19 Supp. 525.
Cited, Election Law—Orders—Appealability. 81 Hun, 402; (63 St. Rep. 122, 125; 30 Supp. 963, 966). D. 9 App. Div. 242; (41 Supp. 504).
 Appeal—Abstract Questions. 16 Misc. 545; (74 St. Rep. 139; 38 Supp. 788).
- Woodworth, Matter of**, 16 Supp. 147.
Affirmed, 64 Hun, 522; 46 St. Rep. 432; 19 Supp. 525).
Cited, Voters and Elections—Primaries—Nominations—Regularity. 55 St. Rep. 155; (25 Supp. 385). 6 Misc. 448; (56 St. Rep. 783; 27 Supp. 178). 81 Hun, 406; (63 St. Rep. 125; 30 Supp. 966). D. 9 App. Div. 242; (41 Supp. 504).
- Woodworth v. Barker**, 1 Hill, 172.
Cited, Evidence—Lost Paper—Proof. 92 Hun, 422; (71 St. Rep. 579; 36 Supp. 664).
- Woodworth v. Bennett**, 43 N. Y. 273.
Cited, Contracts—Illegal—Accounting Under. 72 Hun, 125; (55 St. Rep. 526; 25 Supp. 676). 5 App. Div. 80; (74 St. Rep. 86; 38 Supp. 750).
- Woodworth v. Hodgson**, 12 Supp. 424.
Cited, Assignment for Creditors—Preferences—Taking Property for Debt—Validity. 24 Supp. 10.
- Woolbridge v. New York**, 49 How. 67.
Cited, Municipal Corporations—Liability—Acts of Agents and Departments. 6 Misc. 235; (26 Supp. 1095).
- Wooley v. Friedlander**, 143 N. Y. 626. 60 St. Rep. 873.
Affirming, 67 Hun, 321; 51 St. Rep. 821; 22 Supp. 213.
- Wooley v. Grand Street & Newtown R. Co.**, 83 N. Y. 121.
Cited, Evidence—Negligence—Condition of Tracks—Railroads. 6 Misc. 261; (58 St. Rep. 128; 26 Supp. 760).
- Woolley v. Buhler**, 73 Hun, 158; 57 St. Rep. 128; 25 Supp. 1045.
- Woolley v. Friedlander**, 67 Hun, 321; 51 St. Rep. 821; 22 Supp. 213.
- Woolley v. Loew**, 80 Hun, 294; 61 St. Rep. 825; 30 Supp. 86.

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Woolley v. Loewenstein, 83 Hun, 155; 64 St. Rep. 160; 31 Supp. 570.

Cited, Brokers — Commission — When Earned.

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Woolley v. Newcombe, 87 N. Y. 605.

Cited, Evidence—Burden of Proof—Covenant of Seizin—Breach of.

9 Misc. 135; (59 St. Rep. 714; 29 Supp. 282).

Woolley v. Woolley, 95 N. Y. 231.

Cited, Wills—Execution—Sufficiency.

88 Hun, 292; (68 St. Rep. 418; 34 Supp. 408). 6 App. Div. 212; (39 Supp. 811). 16 App. Div. 140; (79 St. Rep. 124; 45 Supp. 124). 15 Misc. 201; (72 St. Rep. 143; 37 Supp. 42).

Woolner v. Hill, 93 N. Y. 576.

Cited, Contracts—Disabling from Performance.

83 Hun, 337; (64 St. Rep. 415; 31 Supp. 745). 79 St. Rep. 725; (45 Supp. 725).

Woolsey, Matter of, 17 Misc. 547; 75 St. Rep. 674; 41 Supp. 263.

Woolsey, Matter of, 95 N. Y. 135.

Cited, Legislature—Delegation of Powers.

3 App. Div. 368; (38 Supp. 522).

Cited, Court of Appeals—Affirmance Without Opinion—Effect.

14 Misc. 428; (71 St. Rep. 483; 36 Supp. 433). 71 St. Rep. 25; (33 Supp. 17; 25 Civ. Pro. 165).

Woolsey v. Ellensville, Village of, 69 Hun, 489; 52 St. Rep. 720; 23 Supp. 410.

Cited, Pleading—Variance—Effect.

6 Misc. 345; (56 St. Rep. 247; 26 Supp. 907). 89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317).

Woolsey v. Ellensville, Village of, 84 Hun, 234; 65 St. Rep. 746; 32 Supp. 546.

Woolsey v. Ellensville, Village of, 84 Hun, 236; 65 St. Rep. 743; 32 Supp. 543.

Cited, Evidence—Subsequent Conditions.

17 App. Div. 186; (79 St. Rep. 360; 45 Supp. 360). 20 Misc. 339; (79 St. Rep. 746; 45 Supp. 746).

Certificates—As Evidence.

12 Misc. 417; (67 St. Rep. 575; 33 Supp. 705). 18 Misc. 11; (75 St. Rep. 450; 40 Supp. 1132).

Woolsey v. Funke, 121 N. Y. 87; 30 St. Rep. 768.

Cited, Contracts—Ambiguity—Construction.

72 Hun, 561; (55 St. Rep. 236; 25 Supp. 537). 85 Hun, 177; (65 St. Rep. 627; 32 Supp. 590). 86 Hun, 312; (67 St. Rep. 202; 33 Supp. 488). 89 Hun, 445; (70 St. Rep.

153; 35 Supp. 502). 2 App. Div. 262; (73 St. Rep. 140; 37 Supp. 698). 8 App. Div. 103; (40 Supp. 406). D. 15 App. Div. 180; (78 St. Rep. 185; 44 Supp. 185). 12 Misc. 307; (67 St. Rep. 843; 34 Supp. 42). 34 Supp. 42.

Woolsey v. Judd, 4 Duer. 379.

Cited, Letters—Publication—Restraining.

D. 147 N. Y. 453; (70 St. Rep. 26).

Woolsey v. Morris, 96 N. Y. 311.

Cited, Writ and Process—Protection to Officer.

137 N. Y. 11; (49 St. Rep. 887). 7 Misc. 205; (56 St. Rep. 519; 27 Supp. 214). 79 Hun, 139; (61 St. Rep. 351; 29 Supp. 759; 24 Civ. Pro. 22). 7 Misc. 205; (81 Hun, 313; 56 St. Rep. 519; 27 Supp. 214).

Woolsey v. Rondout, Trustees of, 4 Abb. Ct. App. Dec. 639; 2 Keyes, 603.

Cited, Pleading—Amendment—On Trial.

2 Misc. 408; (50 St. Rep. 615; 21 Supp. 964). 11 Misc. 393; (65 St. Rep. 428; 32 Supp. 246).

Wooster v. Bateman, 4 Misc. 431; 53 St. Rep. 562; 24 Supp. 112.

Wooster v. Bateman, 56 St. Rep. 56; 25 Supp. 806.

Wooster v. Bliss, 90 Hun, 79; 70 St. Rep. 126; 35 Supp. 514.

Wooster v. Booth, 2 Hun, 426.

Cited, Witnesses—Competency—Death of Other Person—Interest.

68 Hun, 581; (52 St. Rep. 575; 23 Supp. 252).

Wooster v. Broadway & Seventh Ave. R. Co., 72 Hun, 197; 55 St. Rep. 174; 25 Supp. 378.

Wooster v. Chamberlain, 28 Barb. 602.

Cited, Pleading—Non-joinder of Parties—Necessity of Naming.

2 Misc. 70; (49 St. Rep. 146; 23 Civ. Pro. 25).

Wooster v. W. N. Y. & P. R. Co., 40 St. Rep. 844; 16 Supp. 764.

Affirmed, 135 N. Y. 617; 48 St. Rep. 929.

Cited, Verdict—Excessive.

91 Hun, 301; (71 St. Rep. 61; 36 Supp. 294).

Worden v. Van Gieson, 6 Dem. 237.

Cited, Wills—Execution—Making Mark—Probate—Proof of Mark.

58 St. Rep. 799; (27 Supp. 962).

Work v. Beach, 35 St. Rep. 22.

Affirmed, 37 St. Rep. 547; 12 Supp. 12.

Cited, Limitation—Recovery on Promise—Proof.

11 Misc. 630; (63 St. Rep. 174; 32 Supp. 791).

Duplicate Citations in Parenthesis.

Work v. Tibbits, 87 Hun, 352; 68 St. Rep. 459; 34 Supp. 308; 2 Aun. Cas. 107.

Wormser v. Brown, 72 Hun, 93; 55 St. Rep. 633; 25 Supp. 553.
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Wormser v. Brown, 149 N. Y. 163.

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15 App. Div. 347; (78 St. Rep. 161; 44 Supp. 161). 20 Misc. 190; (79 St. Rep. 901; 45 Supp. 901).

Statutes — Construction — General and Special.

19 Misc. 593; (78 St. Rep. 407; 44 Supp. 407). 19 Misc. 617; (78 St. Rep. 425; 44 Supp. 425).

Wornam v. Frankish, 32 St. Rep. 235; 11 Supp. 351.

Cited, Courts—Reviewing Jurisdiction—Co-ordinate Courts.

5 Misc. 489; (55 St. Rep. 158; 25 Supp. 328).

Motions and Orders—Renewal of Motion—Leave of Judge.

50 St. Rep. 357; (21 Supp. 827).

Worrall v. Munn, 5 N. Y. 229.

Cited, Evidence—Parol to Vary Writing.

2 Misc. 377; (50 St. Rep. 595; 21 Supp. 1096).

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142 N. Y. 363; (59 St. Rep. 30).

Worrall v. Munn, 33 N. Y. 137.

Cited, Pleadings — Answer—Set-off in Equity—Time of Accruing.

139 N. Y. 120; (54 St. Rep. 644).

Worrall v. Parmelee, 1 N. Y. 519.

Cited, Evidence—When Not Disregarded on Appeal.

17 Misc. 160; (39 Supp. 329).

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15 Misc. 291; (72 St. Rep. 429; 36 Supp. 985).

Worth, Matter of, 3 App. Div. 443; 39 Supp. 495.

Affirmed, 149 N. Y. 622.

Worth v. Case, 42 N. Y. 362.

Cited, Bills and Notes—Consideration—Payable After Death.

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Worthington, Matter of, 141 N. Y. 9; 56 St. Rep. 561.

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Worthington v. Parker, 11 Daly 545.

Cited, Master and Servant—Independent Contractors.

70 Hun, 474; (53 St. Rep. 625; 24 Supp. 427).

Worthington Company, Matter of, 62 St. Rep. 115; 31 Supp. 362.

Worthington Company v. Pfister Book Binding Company, 3 Misc. 418; 52 St. Rep. 448; 23 Supp. 295.

Cited, Corporations—Foreign—Transfers in Contemplation of Insolvency.

5 Misc. 590; (55 St. Rep. 166; 25 Supp. 1143).

Wortman, Matter of, 2 Supp. 324.

Cited, Municipal Corporations — Officers—Removal.

84 Hun, 504; (66 St. Rep. 153; 32 Supp. 873). 72 St. Rep. 268; (36 Supp. 1119).

Wortman v. Robinson, 44 Hun, 357; 8 St. Rep. 829.

Cited, Banks—Joint Deposits — Moneys Owned Solely by One of Depositors.

1 Misc. 269; (22 Supp. 920).

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69 Hun, 54; (52 St. Rep. 813; 23 Supp. 431).

Wray v. Fedderke, 43 Super. 335.

Cited, Witnesses — Impeachment—Statements Made Out of Court.

9 Misc. 24; (59 St. Rep. 679; 29 Supp. 43).

Wray v. Halliday, 3 Law Bull. 98.

Cited, Costs—Executors—Certificate.

141 N. Y. 184; (56 St. Rep. 691).

Wright, Matter of, 42 St. Rep. 455; 16 Supp. 808.

Cited, Summary Proceedings — Tenant Holding Over—Effect.

15 Misc. 137; (71 St. Rep. 837; 36 Supp. 805).

Wright v. Austin, 56 Barb. 13.

Cited, Security — Resort to — Counterclaim.

89 Hun, 372; (69 St. Rep. 826; 35 Supp. 414).

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15 Misc. 178; (72 St. Rep. 142; 37 Supp. 38).

Wright v. Bank of Metropolis, 110 N. Y. 237; 18 St. Rep. 92.

Cited, Brokers—Sale of Stock—Notice—Measure of Damages.

141 N. Y. 403; (57 St. Rep. 617).

Pledge—Unauthorized Sale of Stock — Damages.

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141 N. Y. 329; (57 St. Rep. 423). 8 Misc. 263; (59 St. Rep. 395; 28 Supp. 711).

Contract—Interpretation—Time of Performance.

77 Hun, 516; (60 St. Rep. 661; 29 Supp. 91). Damages—Duty to Diminish.

11 App. Div. 295; (76 St. Rep. 71; 42 Supp. 71).

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90 Hun, 557; (71 St. Rep. 35; 63 Supp. 28).

Wright v. Boller, 42 Hun, 77; 3 St. Rep. 495.

Cited, Custom—Effect on Rule of Law.

76 Hun, 184; (57 St. Rep. 309; 27 Supp. 563).

Wright v. Booth, 69 N. Y. 620.

Cited, Pleading—Demurrer—Effect.

150 N. Y. 165.

Wright v. Bowne, 79 Hun, 385; 62 St. Rep. 96; 29 Supp. 1151.

Wright v. Brooklyn El. R. Co., 80 Hun, 82; 69 St. Rep. 434; 35 Supp. 39.

Wright v. Brown, 67 N. Y. 1.

Cited, Fraud—Sale—Concealment of Insolvency.

77 Hun, 371; (60 St. Rep. 418; 28 Supp. 880). 11 Misc. 78; (59 St. Rep. 472; 29 Supp. 595; 31 Abb. N. C. 402).

Appeal—Arrest—Affidavits—Review.

13 Misc. 16; (67 St. Rep. 847; 33 Supp. 997; 2 Ann. Cas. 29).

Wright v. Burritt, 17 Supp. 645.

Cited, Venue—Change—Convenience of Witnesses.

15 App. Div. 93; (78 St. Rep. 290; 44 Supp. 290).

Wright v. Butler, 6 Wend. 284.

Cited, Actions—Money Had and Received.

89 Hun, 551; (69 St. Rep. 648; 35 Supp. 293). 89 Hun, 587; (69 St. Rep. 643; 35 Supp. 288).

Wright v. Cabot, 89 N. Y. 570.

Cited, 7 Misc. 515; (28 Supp. 494).

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9 App. Div. 598; (75 St. Rep. 996; 41 Supp. 6(3)). 1 App. Div. 523; (72 St. Rep. 612; 37 Supp. 286).

Notice—Diligence.

11 Misc. 85; (59 St. Rep. 477; 29 Supp. 599; 31 Abb. N. C. 409). 12 Misc. 628; (68 St. Rep. 133; 34 Supp. 254; 25 Civ. Pro. 46).

Wright v. Cabot, 47 Super. 229.

Cited, Pledge—By Agent—Redemption by Principal.

79 Hun, 357; (61 St. Rep. 386; 29 Supp. 487).

Wright v. Cabot, 15 Week. Dig. 357.

Cited, Depositions—Irregularity—Waiver. 20 Misc. 256; (79 St. Rep. 340; 45 Supp. 340).

Wright v. Chapin, 74 Hun, 521; 56 St. Rep. 718; 26 Supp. 825; 31 Abb. N. C. 137.

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76 Hun, 316; (59 St. Rep. 188; 28 Supp. 167). 87 Hun, 144; (67 St. Rep. 776; 33 Supp. 1072).

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12 App. Div. 477; (76 St. Rep. 37; 42 Supp. 37).

Wright v. Chapin, 87 Hun, 144; 67 St. Rep. 771; 33 Supp. 1068.

Wright v. Chase, 77 Hun, 90; 59 St. Rep. 865; 28 Supp. 310.

Cited, Discretionary Order—Review.

92 Hun, 51; (71 St. Rep. 154; 36 Supp. 384).

Wright v. Deering, 2 Misc. 296; 50 St. Rep. 328; 21 Supp. 929.

Wright v. Delafield, 25 N. Y. 266.

Cited, Pleading—Variance.

69 Hun, 494; (52 St. Rep. 723; 23 Supp. 413). 8 Misc. 10; (58 St. Rep. 314; 28 Supp. 64; 23 Civ. Pro. 385). 80 Hun, 414; (62 St. Rep. 66; 30 Supp. 291). 89 Hun, 428; (69 St. Rep. 762; 35 Supp. 317).

Wright v. Deniston, 9 Misc. 79; 59 St. Rep. 549; 29 Supp. 718.

Cited, Corporations—Stockholders—Reliance on Statements of Officers.

9 Misc. 169; (60 St. Rep. 647; 29 Supp. 710).

Wright v. Deniston, 59 St. Rep. 551; 29 Supp. 1151.

Wright v. Douglass, 2 N. Y. 373.

Cited, Execution Sale—Sheriff's Deed—Effect.

4 App. Div. 197; (74 St. Rep. 177; 38 Supp. 558).

Wright v. Douglass, 7 N. Y. 564.

Cited, Trusts—Declaration—Sufficiency.

140 N. Y. 119; (55 St. Rep. 373).

Wright v. Douglass, 3 Barb. 556.

Cited, Actions—Ejectment—Maintenance.

92 Hun, 91; (71 St. Rep. 145; 36 Supp. 375).

Wright v. Douglass, 10 Barb. 97.

Cited, Foreign Judgments—Conclusiveness.

17 Misc. 237; (39 Supp. 715).

Wright v. Dugan, 15 Abb. N. C. 107.

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82 Hun, 400; (63 St. Rep. 568; 31 Supp. 262).

Duplicate Citations in Parenthesis.

- Wright v. Duke**, 91 Hun, 409; 72 St. Rep. 375; 36 Supp. 853.
- Wright v. Equitable Life Assur. Society**, 41 Super. 1.
Cited, Appeal—Incompetent Evidence—Striking Out as Cure of Error.
 1 Misc. 474; (19 St. Rep. 621; 21 Supp. 639).
- Wright v. Fleming**, 76 N. Y. 517.
Cited, Equity—Release—Injunction.
 D. 10 App. Div. 48; (75 St. Rep. 1138; 41 Supp. 745).
- Wright v. Grant**, 6 St. Rep. 362.
Cited, Evidence—Witness—Former Statements.
 18 Misc. 555; (41 Supp. 992).
- Wright v. Gregory**, 9 App. Div. 85; 41 Supp. 139.
- Wright v. Haskin Wood Vulcanizing Co.**, 76 Hun, 340; 59 St. Rep. 444; 27 Supp. 1108.
Cited, Appeal—Evidence—Review.
 86 Hun, 434; (67 St. Rep. 631; 33 Supp. 902).
- Wright v. Hunter**, 46 N. Y. 409.
Cited, Appeal—Exceptions—Review.
 150 N. Y. 221. 13 App. Div. 127; (76 St. Rep. 1101; 42 Supp. 1101). 12 Misc. 651; (67 St. Rep. 91; 33 Supp. 271).
- Wright v. John A. Robinson & Co.**, 84 Hun, 172; 65 St. Rep. 649; 33 Supp. 463.
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 18 Misc. 228; (75 St. Rep. 870; 41 Supp. 479).
- Wright v. Lecour**, 9 Week. Dig. 6.
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- Wright v. Lott**, 4 App. Div. 617; 38 Supp. 1150.
- Wright v. Miller**, 51 St. Rep. 373; 22 Supp. 24.
- Wright v. Miller**, 8 N. Y. 9.
Cited, Judgments—Fraud—Setting Aside.
 144 N. Y. 62; (63 St. Rep. 632).
- Wright v. Miller**, 147 N. Y. 362; 69 St. Rep. 709.
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- Wright v. Miller**, 3 Barb. Ch. 382.
Cited, Payment of Money Into Court—Appeal—Undertaking.
 5 App. Div. 210; (39 Supp. 138).
- Wright v. Mutual Benefit Life Ass'n**, 118 N. Y. 237; 29 St. Rep. 817.
Cited, Insurance—Forfeiture—Fraud—Limitation.
 68 Hun, 146; (52 St. Rep. 87; 22 Supp. 627).
- Wright v. Mutual Benefit Life Ass'n**, 43 Hun, 61.
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Cited, Insurance—Policy—Construction.
 9 App. Div. 341; (75 St. Rep. 717; 41 Supp. 305).
- Wright v. Mutual Benefit Life Ass'n**, 11 N. Y. 237;
Cited, Insurance—Policy—Avoidance.
 11 App. Div. 263; (76 St. Rep. 122; 42 Supp. 122).
- Wright v. N. Y. C. R. Co.**, 25 N. Y. 562.
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 3 Misc. 229; (51 St. Rep. 871; 22 Supp. 753).
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 72 Hun, 445; (54 St. Rep. 868; 25 Supp. 191). 8 App. Div. 385; (75 St. Rep. 199; 40 Supp. 814). 17 App. Div. 594; (79 St. Rep. 478; 45 Supp. 478). 15 Misc. 224; (71 St. Rep. 174; 36 Supp. 403). 13 Misc. 55; (68 St. Rep. 98; 34 Supp. 114). 1 Misc. 302; (48 St. Rep. 769; 20 Supp. 710). 73 Hun, 273; (58 St. Rep. 66; 26 Supp. 407). 139 N. Y. 305; 54 St. Rep. 552).
- Wright v. New York Elevated R. Co.**, 78 Hun, 450; 60 St. Rep. 783; 29 Supp. 223.
Cited, Realty—Damages—Measure.
 11 App. Div. 563; (76 St. Rep. 594; 42 Supp. 594).
- Wright v. Nostrand**, 53 Super. 381.
Cited, Appeal—Restitution Upon Reversal.
 2 Misc. 99; (49 St. Rep. 355; 20 Supp. 855). 90 Hun, 566; (70 St. Rep. 666; 35 Supp. 1006).
- Wright v. Nostrand**, 94 N. Y. 31.
Cited, Courts—Jurisdiction—Presumption.
 73 Hun, 286; (57 St. Rep. 276; 26 Supp. 299). 12 Misc. 9; (66 St. Rep. 532; 33 Supp. 33). 20 Misc. 196; (79 St. Rep. 747; 45 Supp. 747). 20 Misc. 519.
 Actions—Equity—Jury Trial—Discretion.
 12 Misc. 344; (67 St. Rep. 354; 33 Supp. 565).
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 9 Misc. 163; (59 St. Rep. 728; 29 Supp. 8). 77 Hun, 471; (60 St. Rep. 543; 28 Supp. 1080).
- Wright v. Nostrand**, 100 N. Y. 616.
Cited, Appeal—Restitution.
 146 N. Y. 348; (66 St. Rep. 650). 11 Misc. 270; (65 St. Rep. 433; 32 Supp. 253).
- Wright v. Nostrand**, 58 How. 184.
Cited, Stenographer's Fees—Minutes.
 20 Misc. 233; (79 St. Rep. 789; 45 Supp. 789).

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Wright v. Paige, 3 Keyes, 581.

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10 Misc. 389; (64 St. Rep. 114; 31 Supp. 431).

Wright v. Reusens, 133 N. Y. 298; 45 St. Rep. 183.

Cited, Appeal—Harmless Error.

69 Hun, 450; (53 St. Rep. 782; 23 Supp. 428). 18 Misc. 209; (75 St. Rep. 783; 41 Supp. 373).

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77 Hun, 517; (60 St. Rep. 662; 29 Supp. 91). 146 N. Y. 24; (65 St. Rep. 759).

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3 Misc. 549; (52 St. Rep. 484; 23 Supp. 329).

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143 N. Y. 148; (62 St. Rep. 146).

Practice — Evidence — Objection — Disposal.

90 Hun, 6; (69 St. Rep. 851; 35 Supp. 362).

Wright v. Reusens, 50 St. Rep. 869; 21 Supp. 485.

Wright v. Roberts, 43 Hun, 413; 6 St. Rep. 769.

Affirmed, 118 N. Y. 672; 28 St. Rep. 980.

Cited, Mechanic's Lien—Default of contractor—Completion by Owner.

66 Hun, 263; (49 St. Rep. 475; 21 Supp. 218).

Mechanic's Lien—Substantial Performance.

82 Hun, 161; (63 St. Rep. 745; 31 Supp. 413).

Wright v. Robinson & Co. See *Wright v. John A. Robinson & Co.*

Wright v. Saddler, 20 N. Y. 320.

Cited, Foreign Corporations—Title to Land—Defeasance by State.

72 Hun, 25; (55 St. Rep. 74; 25 Supp. 313).

Conveyance to Husband and Wife—Effect.

10 Misc. 25; (62 St. Rep. 266; 30 Supp. 804).

Wright v. Sanders, 28 How. 395.

Cited, Referee—Sending Back Report.

92 Hun, 84; (71 St. Rep. 806; 36 Supp. 638).

Wright v. Saunders, 65 Barb. 214.

Affirmed, 3 Keyes, 323.

Cited, Trial—Witness—Right to Believe.

79 St. Rep. 1114; (45 Supp. 1114).

Wright v. Shanahan, 149 N. Y. 495.

Affirming, 83 Hun, 615; 64 St. Rep. 884; Supp. 1135.

Wright v. Smith, 13 App. Div. 536; 77 St. Rep. 728; 43 Supp. 728.

Wright v. Syracuse, Ont. & N. Y. R. Co., 92 Hun, 32; 72 St. Rep. 236; 36 Supp. 91.

8 App. Div. 620; (75 St. Rep. 425; 40 Supp. 1104).

Wright v. Eldred, 46 Hun, 12; 11 St. Rep. 73; 27 Week. Dig. 249.

Affirmed, 137 N. Y. 553; 50 St. Rep. 931.

Wright v. Eldred, 137 N. Y. 556; 50 St. Rep. 931.

Affirming, 40 St. Rep. 928; 16 Supp. 785.

Wright v. Weeks, 25 N. Y. 153.

Cited, Contracts—Statute of Frauds—Sales—Sufficiency of Writing.

72 Hun, 117; (55 St. Rep. 539; 25 Supp. 308; 30 Abb. N. C. 437). 68 Hun, 263; (52 St. Rep. 277; 22 Supp. 1001). 82 Hun, 102; (63 St. Rep. 605; 31 Supp. 203).

Wright v. Whiting, 40 Barb. 235.

Cited, Contracts—Indemnity — Right of Action.

7 Misc. 153; (57 St. Rep. 500; 27 Supp. 364).

Wright v. Wilcox, 19 Wend. 343.

Cited, Master and Servant—Master's Liability—Co-Servant—Grade.

135 N. Y. 12; (47 St. Rep. 854). 14 Misc. 501; (70 St. Rep. 723; 35 Supp. 1079).

Wright v. Williams, 20 Hun, 320.

Cited, Estoppel—Construction of Contract—Declaration of Agent.

3 Misc. 451; (52 St. Rep. 503; 23 Supp. 184).

Wright v. Wright, 74 Hun, 138; 56 St. Rep. 305; 26 Supp. 238.

Cited, Accounts—Settlement—Presumption by Delivery of Note.

11 Misc. 342; (65 St. Rep. 458; 32 Supp. 265).

Wright v. Wright, 54 N. Y. 437.

Cited Lost Instruments—Indemnity Bond—Negotiability.

27 Supp. 286.

Pleading—Construction—Sufficiency—Relief Demanded.

7 Misc. 652; (58 St. Rep. 339; 28 Supp. 152).

Contracts—Marriage—Consideration.

D. 86 Hun, 256; (66 St. Rep. 755; 33 Supp. 239).

Wright v. Wright, 1 Cow. 598.

Cited, Executory Covenants—Meritorious Consideration.

146 N. Y. 94; (66 St. Rep. 249).

Wright v. Wright, 1 Edw. Ch. 62.

Cited, Husband and Wife—Divorce—Alimony and Counsel Fees.

4 Misc. 383; (24 Supp. 484).

*Duplicate Citations in Parenthesis.***Wright v. Wright**, 59 How. 176.

Cited, Co-Tenants—Accounting—Lien for Reimbursements.

4 Misc. 352; (54 St. Rep. 257; 24 Supp. 354).
Co-Tenants—Sale—Settlement.
151 N. Y. 510.

Wrigley, Matter of, 4 Wend. 602.

Cited, Residence.

24 Supp. 480. 4 App. Div. 305; (39 Supp. 502).

Wrigley, Matter of, 8 Wend. 134.

Cited, Domicile—Residence.

2 Misc. 422; (50 St. Rep. 763; 22 Supp. 75).

Wrought Iron B. Co. v. Attica, 119 N. Y. 204; 28 St. Rep. 973.

Cited, Statutes—Title—Subject.

10 Misc. 245; (62 St. Rep. 465; 30 Supp. 822)

W. T. Mersereau Co. v. Washburn, 6 App. Div. 404; 39 Supp. 664.**Wuensch v. Morning Journal Ass'n**, 4 App. Div. 110; 74 St. Rep. 232; 38 Supp. 608.**Wuesthoff v. Germania Life Ins. Co.**, 107 N. Y. 580.

Cited, Statutes—Construction — Mandatory or Directory.

3 App. Div. 103; (39 Supp. 390). 5 App. Div. 575; (39 Supp. 376).

Executors—Payment to—Effect.

10 Misc. 328; (63 St. Rep. 189; 30 Supp. 995).

Wunsch v. Weber, 29 Supp. 1100; 31 Abb. N. C. 365.**Wurts v. Jenkins**, 11 Barb. 546.

Cited, Executors — Action Against Co-Executors for Claim of Estate.

75 Hun, 135; (57 St. Rep. 735; 27 Supp. 277).

Wurz v. Wurz, 27 Abb. N. C. 58; 15 Supp. 720.

Cited, Husband and Wife—Estate by Entirety.

82 Hun, 203; (63 St. Rep. 778; 31 Supp. 329).

Wyatt, Matter of, 9 Misc. 285; 61 St. Rep. 305; 30 Supp. 275.**Wyckoff v. Anthony**, 9 Daly, 417.

Cited, Pledge — To What Indebtedness Applicable.

6 Misc. 82; (55 St. Rep. 394; 26 Supp. 26).

Wyckoff v. Curtis, 7 Misc. 444; 57 St. Rep. 638; 27 Supp. 1012.**Wyckoff v. Frommer**, 13 Misc. 149; 66 St. Rep. 511; 33 Supp. 11.

Cited, Landlord and Tenant—Abandonment.

17 Misc. 605; (75 St. Rep. 54; 40 Supp. 654).

Wyckoff v. Frommer, 86 St. Rep. 511.

Cited, Evidence—Eviction.

12 Misc. 152; (66 St. Rep. 513; 33 Supp. 13).

Wyckoff v. LaGrange, 12 Misc. 108; 66 St. Rep. 539; 32 Supp. 1134.**Wyckoff v. Myers**, 44 N. Y. 143.

Cited, Contracts — Performance—Certificate—Conclusiveness.

2 Misc. 355; (51 St. Rep. 582; 21 Supp. 1100). 7 Misc. 40; (57 St. Rep. 90; 27 Supp. 381). 1 Misc. 323; (48 St. Rep. 701; 20 Supp. 672). 70 Hun, 525; (54 St. Rep. 49; 24 Supp. 394). 1 Misc. 86; (48 St. Rep. 31; 20 Supp. 376). 8 Misc. 627; (61 St. Rep. 838; 30 Supp. 192). 86 Hun, 335; (67 St. Rep. 166; 33 Supp. 532). 12 App. Div. 395; (76 St. Rep. 524; 42 Supp. 524). 11 Misc. 136; (65 St. Rep. 54; 31 Supp. 1024). 19 Misc. 560; (78 St. Rep. 875; 44 Supp. 875).

Wyckoff v. Queens County Ferry Co., 52 N. Y. 31.

Cited, Carriers—Common—Ferryman.

57 St. Rep. 774; (27 Supp. 193). D. 13 Misc. 111; (68 St. Rep. 106; 34 Supp. 121).

Carriers—Liability — Unforeseen Casualties.

153 N. Y. 269.

Wyckoff v. Taylor, 13 App. Div. 240; 77 St. Rep. 31; 43 Supp. 31.**Wyckoff v. Vicary**, 75 Hun, 409; 56 St. Rep. 774; 27 Supp. 103.**Wyckoff v. Wilson**, 30 St. Rep. 384; 9 Supp. 628.

Cited, Bills and Notes — Indorsement—Prior to Delivery to Payee.

14 Misc. 465; (72 St. Rep. 261; 36 Supp. 1113). 16 Misc. 567; (74 St. Rep. 116; 38 Supp. 777).

Wyckoff v. Wilson, 36 St. Rep. 35; 1 Supp. 270.

Cited, Bills and Notes—Indorsement—Prior to Delivery to Payee.

4 Misc. 83; (53 St. Rep. 70; 23 Supp. 852). 16 Misc. 567; (74 St. Rep. 116; 38 Supp. 777).

Wyeth v. Braniff, 84 N. Y. 627.

Cited, Contracts—Usury.

17 Misc. 640; (74 St. Rep. 643; 40 Supp. 33).

Wygant v. Brown, 27 St. Rep. 4; 7 Supp. 490.

Cited, Judgment—By Default—Opening—Delay.

7 Misc. 422; (57 St. Rep. 649; 27 Supp. 975). 8 Misc. 531; (59 St. Rep. 268; 28 Supp. 770).

Duplicate Citations in Parenthesis.

Wylde v. Northern R. Co. of N. J., 53 N. Y. 156.

Cited, Evidence—Sufficiency—Operation of Railway—Name on Cars.

8 Misc. 690; (60 St. Rep. 823; 29 Supp. 327). 3 Misc. 308; (52 St. Rep. 123; 22 Supp. 934). 8 Misc. 231; (59 St. Rep. 447; 28 Supp. 723). 10 Misc. 124; (62 St. Rep. 512; 30 Supp. 914).

Evidence—Failure to Produce—Presumption.

9 Misc. 188; (61 St. Rep. 79; 29 Supp. 738). 7 App. Div. 589; (40 Supp. 310). 10 App. Div. 445; (76 St. Rep. 307; 42 Supp. 307).

Carriers—Negligence—Presumption.

13 App. Div. 46; (79 St. Rep. 382; 45 Supp. 382).

Wylie v. Marine Nat. Bank, 61 N. Y. 415.

Cited, Brokers—Real Estate—Commissions—When Earned.

141 N. Y. 520; (57 St. Rep. 718). 21 Supp. 445). 66 Hun, 490; (50 St. Rep. 160; 21 Supp. 364). 6 Misc. 58; (55 St. Rep. 928; 26 Supp. 86). 84 Hun, 290; (65 St. Rep. 541; 32 Supp. 306). 17 Misc. 364; (39 Supp. 1046). 17 Misc. 615; (75 St. Rep. 86; 40 Supp. 682). 19 Misc. 519; (77 St. Rep. 1057; 43 Supp. 1057).

Evidence—Non-suit—Review on Appeal.

D. 82 Hun, 446; (64 St. Rep. 795; 31 Supp. 973).

Wyllie v. Palmer, 137 N. Y. 248; 50 St. Rep. 706.

Affirming, 63 Hun, 8; 43 St. Rep. 92; 17 Supp. 434.

Cited, Master and Servant—Master's Liability—Act of Independent Contractor.

77 Hun, 562; (60 St. Rep. 283; 28 Supp. 920).

Master and Servant—Liability of Master to Third Persons—Acts of Agent.

8 Misc. 440; (58 St. Rep. 857; 28 Supp. 681).

Wyman v. Mitchell, 1 Cow. 32.

Cited, Judgment—As Contract.

14 App. Div. 155; (77 St. Rep. 454; 43 Supp. 454).

Wyman v. New York, 11 Wend. 486.

Cited, Highways—Rights of Abutters—Access.

138 N. Y. 191; (52 St. Rep. 158).

Highways—Dedication.

144 N. Y. 323; (63 St. Rep. 713).

Wyman v. Phoenix Mut. Life Ins. Co., 45 Hun, 184; 10 St. Rep. 36.

Cited, Insurance—Forfeiture—Waiver.

87 Hun, 205; (67 St. Rep. 754; 33 Supp. 1068).

Wyman v. Phoenix Mut. Life Ins. Co., 119 N. Y. 274; 29 St. Rep. 567.

Cited, Insurance—Payment of Premiums—Waiver of Delay.

136 N. Y. 151; (48 St. Rep. 912). 77 Hun, 385; (60 St. Rep. 399; 28 Supp. 852). 11 App. Div. 538; (76 St. Rep. 650; 42 Supp. 650).

Wyman v. Prosser, 36 Barb. 368.

Cited, Insurance Money—To Whom Descends.

9 App. Div. 344; (41 Supp. 307). D. 9 App. Div. 360; (78 St. Rep. 724; 41 Supp. 311).

Wyman v. Woodbury, 86 Hun, 277; 66 St. Rep. 845; 33 Supp. 217.

Affirmed, 153 N. Y. 243.

Wyman v. Wyman, 26 N. Y. 253.

Cited, Insurance Money—To Whom Descends.

2 App. Div. 269; (73 St. Rep. 398; 37 Supp. 812). 9 App. Div. 344; (75 St. Rep. 720; 41 Supp. 307). 11 Misc. 169; (65 St. Rep. 150; 32 Supp. 94).

Wynantskill Knitting Co. v. Murray, 90 Hun, 554; 71 St. Rep. 33; 36 Supp. 26.

Wynhamer v. People, 13 N. Y. 378.

Cited, 17 Misc. 412; (40 Supp. 1137).

Constitutional Law—Police Power—Limitations on.

136 N. Y. 584; (49 St. Rep. 701).

Intoxicating Liquors—Prohibition—Constitutionality.

4 Misc. 549; (54 St. Rep. 204; 24 Supp. 740). 10 Misc. 67; (63 St. Rep. 401; 31 Supp. 117). 17 Misc. 2; (74 St. Rep. 519; 38 Supp. 837).

Laws—Separation of Valid from Void Provisions.

19 Misc. 124; (77 St. Rep. 326; 43 Supp. 326).

Statutes—Construction—Meaning of Words.

72 Hun, 220; (55 St. Rep. 204; 25 Supp. 413).

Laws—Constitutionality.

D. 150 N. Y. 509.

Constitutional Law—Taking Property Without Due Process of Law.

136 N. Y. 343; (50 St. Rep. 15). 149 N. Y. 199. 17 Misc. 537; (40 Supp. 449).

Trial by Jury.

153 N. Y. 193. 13 App. Div. 202; (77 St. Rep. 369; 43 Supp. 369).

Wynen v. Schappert, 6 Daly, 558.

Cited, Letters—Delivery—Sufficiency.

10 Misc. 346; (63 St. Rep. 421; 31 Supp. 31; 24 Civ. Pro. 186).

*Duplicate Citations in Parenthesis.***Wynkoop v. Burger**, 12 Johns. 222.*Cited*, Easements—Grant—Presumption.

14 App. Div. 581; (77 St. Rep. 979; 43 Supp. 979). 17 Misc. 659; (40 Supp. 1030).

Wynkoop v. New York, Overseers of Poor of, 3 Johns. 15.*Cited*, Poor and Poor Laws—Settlement of Pauper.

24 Supp. 478.

Wynkoop v. Van Beuren, 63 Hun, 500; 45 St. Rep. 325; 18 Supp. 557.*Cited*, Injunction — Discontinuance — Damages.

74 Hun, 397; (57 St. Rep. 197; 26 Supp. 846). 80 Hun, 128; (61 St. Rep. 789; 30

Supp. 24). 9 App. Div. 257; (75 St. Rep. 884; 41 Supp. 492).

Wynn v. Central Park, N. & E. R. Co., 133 N. Y. 575; 14 Supp. 172.*Cited*, Evidence — Negligence — Sufficiency.

D 10 App. Div. 16; (41 Supp. 597). 153 N. Y. 82.

Wynn v. Central Park, N. & E. R. Co., 10 App. Div. 13; 41 Supp. 595.**Wynne v. Atlantic Ave. R. Co.**, 14 Misc. 394; 70 St. Rep. 737; 35 Supp. 1034.**Wyse v. Russell**, 16 Misc. 53; 73 St. Rep. 264; 37 Supp. 633.

X

Xenia Bank v. Lee, 7 Abb. 372.*Cited*, Counterclaim—Conversion.

70 Hun, 25; (53 St. Rep. 440; 23 Supp. 1122).

Xiques v. Bradstreet Company, 70 Hun, 334; 53 St. Rep. 815; 24 Supp. 48.*Affirmed*, 141 N. Y. 605; 58 St. Rep. 866.

Y

Yale v. Curtiss, 71 Hun, 436; 54 St. Rep. 538; 24 Supp. 981.*Reversed*, 151 N. Y. 598.**Yale v. Curtiss**, 151 N. Y. 598.*Cited*, Appeal — Review — Questions of Law.

20 Misc. 558.

Yale v. Dart, 36 St. Rep. 40; 13 Supp. 277; 26 Abb. N. C. 469.*Cited*, Request to go to Jury—Effect.

91 Hun, 296; (71 St. Rep. 62; 36 Supp. 294)

Yale v. Dederer, 18 N. Y. 265.*Cited*, Husband and Wife—Power of Wife Over Separate Estate at Common Law.

140 N. Y. 65; (55 St. Rep. 316).

Yale v. Demick, 20 How. 430.*Cited*, Attachment—Lien—Priority.

79 Hun, 149; (61 St. Rep. 358; 29 Supp. 767; 24 Civ. Pro. 37).

Yale v. Gwinits, 4 How. 253.*Cited*, Referee—Removal—Misconduct.

3 Misc. 443; (52 St. Rep. 321; 23 Supp. 178). 1 App. Div. 106; (72 St. Rep. 229; 37 Supp. 75). 14 Misc. 573; (72 St. Rep. 227; 37 Supp. 73).

Yale v. Matthews, 12 Abb. 379.*Cited*, Attachment—Lien—Priority.

79 Hun, 149; (61 St. Rep. 358; 29 Supp. 767; 24 Civ. Pro. 37).

Yamato Trading Co. v. Brown, 27 Hun, 248.*Cited*, Examination Before Trial—Privilege of Witness.

88 Hun, 311; (68 St. Rep. 570; 34 Supp. 751). 17 Misc. 31; (40 Supp. 768).

Yamato Trading Co. v. Hoexter, 44 Hun, 491; 9 St. Rep. 379.*Cited*, Costs—Discretion of Court.

81 Hun, 363; (63 St. Rep. 150; 30 Supp. 896; 1 Ann. Cas. 19).

Yates, Matter of, 99 N. Y. 94.*Cited*, Trial — Incompetent Evidence—Effect.

139 N. Y. 385; (54 St. Rep. 661; 30 Abb. N. C. 424). D. 90 Hun, 599; (70 St. Rep. 567; 35 Supp. 993).

Perishable Chattels—Bequest — Remainder Over—Effect.

13 Misc. 371; (69 St. Rep. 484; 35 Supp. 111).

Yates v. Fassett, 5 Den. 21.*Cited*, Action—Replevin—Possession.

8 Misc. 609; (61 St. Rep. 54; 29 Supp. 394). 150 N. Y. 189.

Yates v. Lansing, 9 Johns. 395.*Cited*, Contempt—Punishment—Inherent Power of Court.

8 Misc. 160; (60 St. Rep. 137; 28 Supp. 501).

Evidence—Presumptions—Judgments.

24 Supp. 667.

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Duplicate Citations in Parenthesis.

4 Misc. 582; (25 Supp. 749; 30 Abb. N. C. 370).

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82 Hun, 249; (63 St. Rep. 826; 31 Supp. 378).

Yates v. Lyon, 61 N. Y. 344.

Cited, Infants—Assignment for Creditors.
12 Misc. 200; (67 St. Rep. 94; 33 Supp. 275).

Yates v. McAdam, 18 Misc. 295; 76 St. Rep. 109; 42 Supp. 109.

Yates v. North, 44 N. Y. 271.

Cited, Attachment—Affidavits—Sufficiency.

6 Misc. 47; (56 St. Rep. 621; 25 Supp. 1005). 87 Hun, 262; (67 St. Rep. 474; 33 Supp. 829). 57 Hun, 274; (67 St. Rep. 470; 33 Supp. 825). 3 App. Div. 254; (73 St. Rep. 679; 38 Supp. 354). 17 Misc. 243; (40 Supp. 1066). 19 Misc. 412; (78 St. Rep. 336; 44 Supp. 336).

Yates v. People, 6 Johns. 337.

Cited, Habeas Corpus—Review—Writ of Error.

2 App. Div. 103; (73 St. Rep. 150; 37 Supp. 534; 25 Civ. Pro. 226). 10 Misc. 250; (63 St. Rep. 863; 31 Supp. 423; 1 Ann. Cas. 55)

Yates v. Root, 4 App. Div. 439; 74 St. Rep. 156; 38 Supp. 663.

Yates v. Tisdale, 3 Edw. Ch. 71.

Cited, Adverse Claims—Interpleader.
89 Hun, 385; (69 St. Rep. 785; 35 Supp. 399; 2 Ann. Cas. 224; 25 Civ. Pro. 293),

Yates v. Van De Bogert, 56 N. Y. 526.

Cited, Boundaries—Course and Distances.
15 Misc. 383; (71 St. Rep. 585; 36 Supp. 671). 14 Misc. 294; (70 St. Rep. 44; 35 Supp. 706).

Yates County Nat. Bank of Penn Yan v. Baldwin, 43 Hun, 140.

18 Misc. 187; (75 St. Rep. 852; 41 Supp. 455).

Yates County Nat. Bank v. Blake, 43 Hun, 162; 5 St. Rep. 486; 25 Week. Dig. 551.

Distinguished, Action—Change of Venue—Lien of Judgment.

70 Hun, 79; (53 St. Rep. 446; 23 Supp. 1099).

Cited, Courts—Jurisdiction—Subject of Action.

8 Misc. 241; (59 St. Rep. 225; 28 Supp. 552). D. 8 Misc. 241; (59 St. Rep. 226; 28 Supp. 553).

Yates County Nat. Bank v. Carpenter, 119 N. Y. 550; 30 St. Rep. 121.

Cited, Exemptions—Property Purchased with Pension Money.

9 Misc. 449; (62 St. Rep. 204; 30 Supp. 512). 77 Hun, 28; (59 St. Rep. 834; 28 Supp. 286). 28 Supp. 260; (23 Civ. Pro. 165). 6 Misc. 186; (27 Supp. 24). 90 Hun, 503; (71 St. Rep. 402; 36 Supp. 66). 13 App. Div. 473; (16 Misc. 655; 72 St. Rep. 161; 37 Supp. 10; 25 Civ. Pro. 270). 10 Misc. 331; (64 St. Rep. 312; 31 Supp. 687). 15 Misc. 163; (72 St. Rep. 167; 37 Supp. 15).

Yeandle v. Yeandle, 40 St. Rep. 791; 16 Supp. 49.

Cited, Appeal—Reversal—Immaterial Errors.

7 Misc. 674; (58 St. Rep. 344; 28 Supp. 59; 23 Civ. Pro. 325). 14 Misc. 508; (70 St. Rep. 692; 35 Supp. 1067).

Yellow Pine Co. v. Board of Education of Brooklyn, 15 Misc. 58; 72 St. Rep. 249; 36 Supp. 922.

Yellow Pine Co. v. Gutwillig, 20 Misc. 634.

Yeoman v. Townshend, 74 Hun, 625; 57 St. Rep. 182; 26 Supp. 606.

Yeomans v. Bell, 79 Hun, 215; 61 St. Rep. 399; 39 Supp. 502.

Reversed, 151 N. Y. 230.

Yeomans v. Bell, 151 N. Y. 230.

Yerkes v. McFadden, 141 N. Y. 136; 56 St. Rep. 672.

Reversing, 49 St. Rep. 918; 22 Supp. 1119.

Yerkes v. McFadden, 141 N. Y. 568; 57 St. Rep. 867.

Affirming, 49 St. Rep. 920; 22 Supp. 1119.

Yertore v. Wiswall, 16 How. 8.

Cited, Actions—Death by Wrongful Act—Damages—To Whom Available.

86 Hun, 395; (67 St. Rep. 218; 33 Supp. 504).

Yetter v. Westfield, 19 Misc. 328; 78 St. Rep. 268; 44 Supp. 268.

Yonkers, Matter of, 117 N. Y. 564; 28 St. Rep. 676.

Distinguished, Eminent Domain—Damages to Easements.

3 Misc. 404; (24 Supp. 690).

Waters—Riparian Rights—Access.

71 Hun, 163; (54 St. Rep. 370; 23 Supp. 928).

Yonkers, Board of Health, Matter of, 69 Hun, 110; 52 St. Rep. 742; 23 Supp. 394.

Duplicate Citations in Parenthesis.

- Yonkers, Board of Health of, v. Copcutt**, 140 N. Y. 12; 55 St. Rep. 422.
Affirming, 71 Hun, 149; 54 St. Rep. 311; 24 Supp. 625.
Cited, Health—Regulations—Nuisance. 145 N. Y. 48; (64 St. Rep. 515; 1 Ann. Cas. 249).
- Yonkers Savings Bank v. Kinsley**, 78 Hun, 186; 60 St. Rep. 264; 28 Supp. 925.
- Yonkers & N. Y. T. Co. v. Bishop**, 1 Daly, 449.
Cited, Landlord and Tenant—Prior Adjudication—Effect. 18 Misc. 449; (75 St. Rep. 1366; 41 Supp. 996).
- Yoos v. Rochester**, 92 Hun, 481; 72 St. Rep. 412; 36 Supp. 1072.
- York v. Conde**, 61 Hun, 26; 39 St. Rep. 945; 15 Supp. 380.
Cited, Trial — Questions of Fact — Contracts. 66 Hun, 318; (49 St. Rep. 546; 20 Supp. 962).
- York v. Conde**, 66 Hun, 316; 49 St. Rep. 544; 20 Supp. 961.
- York v. Conde**, 147 N. Y. 486; 70 St. Rep. 72.
Affirming, 54 St. Rep. 937; 24 Supp. 1149.
- York Haven Paper Co. v. Place**, 13 App. Div. 227; 77 St. Rep. 81; 43 Supp. 81.
- Yorks v. Steele**, 50 Barb. 397.
Cited, Estoppel — Equitable — By Testimony in Different Suit. 68 Hun, 182; (51 St. Rep. 879; 22 Supp. 826).
- Youmans v. Boomhower**, 3 T. & C. 21.
Cited, Execution—Exempt Property. 83 Hun, 464; (65 St. Rep. 69; 31 Supp. 1039).
- Youmans v. Forsyth**, 86 Hun, 370; 67 St. Rep. 227; 33 Supp. 474.
- Youmans v. Manhattan R. Co.**, 9 Misc. 329; 60 St. Rep. 613; 29 Supp. 1113.
- Youmans v. Manhattan R. Co.**, 12 Misc. 330; 65 St. Rep. 787; 33 Supp. 655.
- Youmans v. Paine**, 86 Hun, 479; 69 St. Rep. 463; 35 Supp. 50.
Reversed, 153 N. Y. 214.
- Youmans v. Paine**, 86 Hun, 479; 35 Supp. 50.
Cited, Evidence—Justification. 12 App. Div. 10; (76 St. Rep. 936; 42 Supp. 936).
- Youmans v. Smith**, 153 N. Y. 214.
Reversing, 86 Hun, 479; 69 St. Rep. 463; 35 Supp. 50.
- Youmans v. Smith**, 69 Hun, 613; 52 St. Rep. 935; 25 Supp. 1130.
Cited, 86 Hun, 480; (69 St. Rep. 463; 35 Supp. 53).
- Young, Matter of**. See Cornell, Matter of.
- Young, Matter of**, 17 Misc. 680; 41 Supp. 539.
Modified and Affirmed, 15 App. Div. 285.
Cited, D. 15 App. Div. 288; (78 St. Rep. 586; 44 Supp. 586).
- Young, Matter of**, 93 N. Y. 235.
Cited, Surrogate's Court—Jurisdiction—Construction of Instrument. 8 Misc. 576; (60 St. Rep. 687; 29 Supp. 1086; 24 Civ. Pro. 71).
Ante-Nuptial Agreements—Validity—Enforcement. 20 Misc. 482.
- Young, Matter of**, 145 N. Y. 535; 65 St. Rep. 342.
Affirming, 78 Hun, 521; 61 St. Rep. 8; 29 Supp. 403.
Cited, Wills—Remainder—Vesting. 6 App. Div. 60; (39 Supp. 631). 9 App. Div. 605; (75 St. Rep. 1132; 41 Supp. 739). 91 Hun, 126; (71 St. Rep. 17; 36 Supp. 134). 20 Misc. 251; (79 St. Rep. 968; 45 Supp. 968).
- Young v. Atlantic Ave. R. Co.**, 10 Misc. 541; 64 St. Rep. 124; 31 Supp. 441.
Cited, Railroads — Negligence — Submission to jury. 14 Misc. 399; (70 St. Rep. 755; 35 Supp. 1047).
- Young v. Brush**, 28 N. Y. 667; 18 Abb. 171.
Cited, 11 Misc. 271; (65 St. Rep. 437; 32 Supp. 253).
Executors—Duty as to Repairing—Paying Taxes, etc. 23 Supp. 1045.
Execution—Allowance for Expenses. 15 Misc. 603; (72 St. Rep. 821; 38 Supp. 192). 13 Misc. 377; (69 St. Rep. 488; 35 Supp. 114; 25 Civ. Pro. 80). 11 Misc. 271; (65 St. Rep. 437; 32 Supp. 253).
- Young v. Bush**, 36 How. 240.
Cited, Order of Discontinuance—Discretion. 85 Hun, 101; (66 St. Rep. 36; 32 Supp. 653).

Duplicate Citations in Parenthesis.

Young v. Campbell, 75 N. Y. 525.

Cited, Injunction—Discretion in Granting.

67 Hun, 309; (50 St. Rep. 900; 22 Supp. 316).

Injunction—Necessity.

8 Misc. 479; (59 St. Rep. 876; 29 Supp. 581; 31 Abb. N. C. 339).

Young v. Catlett, 6 Duer. 437.

Cited, Pleadings—Denials—Sufficiency.

11 Misc. 48; (63 St. Rep. 457; 31 Supp. 849).

Young v. Conklin, 3 Misc. 122; 23 Supp. 993.

Young v. Dake, 5 N. Y. 463.

Cited, Chattel Mortgage—Future Crops.

51 St. Rep. 37; (22 Supp. 1101).

Contracts—Statute of Frauds—Leases.

3 Misc. 607; (51 St. Rep. 605; 22 Supp. 552).

Young v. Davis, 30 N. Y. 134.

Cited, Appeal—Court of Appeals—Jurisdiction of Facts.

13 App. Div. 127; (76 St. Rep. 1101; 42 Supp. 1101). 19 Misc. 8; (76 St. Rep. 911; 42 Supp. 911).

Young v. De Mott, 1 Barb. 30.

Cited, Bill of Particulars—When Granted—Knowledge of Affiant.

82 Hun, 359; (64 St. Rep. 95; 31 Supp. 496).

Young v. Drake, 8 Hun, 61.

Cited, Corporations—Directors—Tortious Acts—Recovery by Stockholder.

18 Misc. 158; (41 Supp. 1064).

Young v. Flower, 3 Misc. 34; 53 St. Rep. 43; 22 Supp. 332.

Young v. Fowler, 73 Hun, 179; 56 St. Rep. 92; 25 Supp. 875.

Young v. Guy, 23 Hun, 1; 87 N. Y. 457.

Cited, Mortgage—Consideration.

D. 71 Hun, 270; (54 St. Rep. 586; 24 Supp. 1030).

Young v. Heermans, 66 N. Y. 374.

Cited, Fraudulent Conveyance—Rights of Creditors.

76 Hun, 560; (58 St. Rep. 251; 28 Supp. 191). 4 App. Div. 58; (38 Supp. 630; 25 Civ. Pro. 338). 4 App. Div. 213; (74 St. Rep. 192; 33 Supp. 549). 9 App. Div. 114; (75 St. Rep. 497; 41 Supp. 41). 18 Misc. 117; (41 Supp. 115). 18 Misc. 126; (41 Supp. 171).

Young v. Hill, 67 N. Y. 162.

Cited, Interest—Computation.

135 N. Y. 606; (48 St. Rep. 828). 88 Hun, 102; (68 St. Rep. 530; 34 Supp. 607).

Account Stated—Interest.

146 N. Y. 143; (66 St. Rep. 274; 2 Ann. Cas. 41).

Interest—On Detached Interest Coupons.
136 N. Y. 480; (49 St. Rep. 846).

Young v. Johnson, 46 Hun, 164; 11 St. Rep. 590.

Affirmed, 123 N. Y. 226; 33 St. Rep. 485.

Cited, Assault—Sexual Intercourse—Resistance.

75 Hun, 392; (57 St. Rep. 691; 27 Supp. 440). 145 N. Y. 324; (64 St. Rep. 680).

Young v. Johnson, 123 N. Y. 226; 33 St. Rep. 486.

Cited, Evidence—Relevancy—Character.

60 St. Rep. 311. 145 N. Y. 324; (64 St. Rep. 680). 81 Hun, 324; (62 St. Rep. 753; 30 Supp. 790). 11 App. Div. 14; (76 St. Rep. 261; 42 Supp. 261).

Young v. Leary, 49 St. Rep. 93.

Young v. Luce, 50 St. Rep. 253; 21 Supp. 225.

Young v. Macomb, Town of, 11 App. Div. 480; 76 St. Rep. 351; 42 Supp. 351.

Young v. N. Y. C. R. Co., 30 Barb. 229.

Cited, Master and Servant—Fellow Servants.

72 Hun, 615; (55 St. Rep. 169; 25 Supp. 186). 81 Hun, 158; (62 St. Rep. 688; 30 Supp. 725).

Young v. N. Y. C. & H. R. R. Co., 13 Daly, 294.

Affirmed, 103 N. Y. 678.

Cited, Railroads—Negligence—Employees.

74 Hun, 119; (56 St. Rep. 318; 26 Supp. 661). 92 Hun, 59; (71 St. Rep. 765; 36 Supp. 569).

Young v. N. Y., L. E. & W. R. Co., 107 N. Y. 500; 12 St. Rep. 285.

Cited, Railroads—Contributory Negligence.

87 Hun, 99; (67 St. Rep. 678; 33 Supp. 954). 89 Hun, 563; (70 St. Rep. 114; 35 Supp. 547).

Young v. N. Y., O. & W. R. Co., 77 Hun, 612; 59 St. Rep. 888; 28 Supp. 1125.

Cited, 85 Hun, 187; (65 St. Rep. 809; 32 Supp. 484).

Young v. Overbaugh, 76 Hun, 151; 57 St. Rep. 310; 27 Supp. 553.

Affirmed, 145 N. Y. 158; 64 St. Rep. 571.

Young v. Overbaugh, 145 N. Y. 158; 64 St. Rep. 571.

*Duplicate Citations in Parenthesis.***Young v. Scott**, 3 Hill, 32.

Cited, Action—Change of Venue—Affidavits—Necessity of Witnesses.

70 Hun, 518; (53 St. Rep. 617; 24 Supp. 132). 17 App. Div. 205; (79 St. Rep. 488; 45 Supp. 488).

Young v. Staten Island Rapid Transit Co., 8 Misc. 460; 59 St. Rep. 579; 28 Supp. 669.

Young v. Stone, 77 Hun, 395; 60 St. Rep. 419; 28 Supp. 881.

Cited, New Trial—Newly Discovered Evidence—Terms.

16 Misc. 513, 514; (38 Supp. 525, 526). 3 App. Div. 366; (74 St. Rep. 45).

New Trial—Discretion of Court.

82 Hun, 47; (63 St. Rep. 485; 31 Supp. 163). 83 Hun, 11; (64 St. Rep. 327; 31 Supp. 614). 83 Hun, 359; (65 St. Rep. 68; 31 Supp. 1037). 88 Hun, 114; (68 St. Rep. 538; 34 Supp. 615).

Young v. Western Union Tel. Co., 65 N. Y. 163.

Cited, Telegraphs—Messages—Conditions. 6 Misc. 224; (56 St. Rep. 529; 26 Supp. 534).

Young v. Whitcomb, 46 Barb. 615.

Cited, Appeal—Sufficiency of Time.

17 App. Div. 597; (79 St. Rep. 306; 45 Supp. 306).

Young v. Willet, 8 Fosc. 486.

Cited, Chattels—Damages—Measure.

11 Misc. 59; (63 St. Rep. 441; 31 Supp. 838).

Young v. Young, 2 Misc. 381; 51 St. Rep. 587; 21 Supp. 1008.**Young v. Young**, 80 N. Y. 422.

Cited, Gift—Delivery—Sufficiency.

70 Hun, 477; (53 St. Rep. 795; 24 Supp. 286). 70 Hun, 567; (53 St. Rep. 671; 24 Supp. 268). 3 Misc. 278; (52 St. Rep. 393; 22 Supp. 780). 7 Misc. 369; (59 St. Rep. 652; 27 Supp. 634).

5 Misc. 537; (58 St. Rep. 99; 25 Supp. 835). 71 Hun, 193; (54 St. Rep. 304; 24 Supp. 609). 83 Hun, 177; (64 St. Rep. 151; 31 Supp. 597). 145 N. Y. 126; (64 St. Rep. 563). 8 App. Div. 48; (74 St. Rep. 863; 40 Supp. 424). 16 Misc. 412; (39 Supp. 728). 84 Hun, 204, 205; (65 St. Rep. 741; 32 Supp. 540). 88 Hun, 17; (68 St. Rep. 493; 34 Supp. 486).

Trusts—Creation—Implied.

137 N. Y. 219; (50 St. Rep. 402). 7 Misc. 369; (59 St. Rep. 652; 27 Supp. 633). 79 Hun, 287; (61 St. Rep. 801; 29 Supp. 346). 66 Hun, 72; (49 St. Rep. 493; 20 Supp.

752). 90 Hun, 73; (69 St. Rep. 863; 35 Supp. 459). 1 App. Div. 263; (72 St. Rep. 756; 37 Supp. 255).

Trusts—Power of Revocation.

140 N. Y. 142; (55 St. Rep. 548).

Young Stone Dressing Co. v. St. James Church, 61 Barb. 489.

Cited, Assignment—Equitable—Orders. 67 Hun, 104; (51 St. Rep. 406; 22 Supp. 37).

Younger v. Duffie, 94 N. Y. 535.

Cited, Will—Signature—Place.

78 Hun, 482; (60 St. Rep. 702; 29 Supp. 138).

Youngs v. Carter, 10 Hun, 194.

Cited, Action—Right of—Ownership—Reversion.

69 Hun, 577; (53 St. Rep. 337; 23 Supp. 1137).

Dower Right—Duty of Husband.

5 App. Div. 364; (39 Supp. 235).

Youngs v. Kent, 46 N. Y. 672.

Cited, Pleadings—Striking Out for Frivolity.

50 St. Rep. 745; (21 Supp. 677). 13 Misc. 193; (68 St. Rep. 222; 34 Supp. 136). 20 Misc. 142; (79 St. Rep. 810; 45 Supp. 810).

Youngs v. Lee, 12 N. Y. 551.

Cited, Bills and Notes—Renewal—Consideration.

6 Misc. 53; (56 St. Rep. 524; 26 Supp. 79).

Bills and Notes—Rights of Transferee—Bona Fide Holders.

137 N. Y. 118; (50 St. Rep. 198). 11 Misc. 8; (63 St. Rep. 439; 31 Supp. 841). 12 Misc. 72; (66 St. Rep. 676; 33 Supp. 83).

Youngs v. Stahelin, 34 N. Y. 258.

Cited, Notes—As Payments.

16 Misc. 219; (39 Supp. 192).

Youngs v. Wilson, 27 N. Y. 351.

Cited, Mortgage—Consideration—Sufficiency.

D. 71 Hun, 270; (54 St. Rep. 586; 24 Supp. 1030).

Youngs v. Youngs, 5 Redf. 505.

Cited, Witness—Privilege—Crimination.

67 Hun, 213; (51 St. Rep. 396; 22 Supp. 109).

Witnesses—Privilege—Question for Court.

8 Misc. 176; (60 St. Rep. 147; 28 Supp. 511). 8 Misc. 158; (59 St. Rep. 466; 29 Supp. 333).

Youngs v. Youngs, 45 N. Y. 254.

Cited, Wills—Undisposed of Property—Residuary Estate.

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Zabriskie v. Cent. Vt. R. Co., 131 N. Y. 72; 42 St. Rep. 629.

Cited, Sales — Warranty — Sample — Breach — Effect.

88 Hun, 332; (63 St. Rep. 594; 34 Supp. 791). 81 Hun, 129; (62 St. Rep. 634; 30 Supp. 680). D. 140 N. Y. 203; (55 St. Rep. 581).

Zabriskie v. Smith, 13 N. Y. 322.

Cited, Action — Parties — Defect of — Waiver by Failure to Demur.

2 Misc. 249; (50 St. Rep. 329; 21 Supp. 944).

Contracts—Descendibility—Assignability.

7 Misc. 667; (58 St. Rep. 809; 28 Supp. 13). 71 Hun, 259; (54 St. Rep. 482; 24 Supp. 1075). 1 Misc. 194; (48 St. Rep. 516; 20 Supp. 614).

Pleading — Construction—On Demurrer.

141 N. Y. 151; (56 St. Rep. 677). 147 N. Y. 245; (69 St. Rep. 525).

Judge—Instruction to Jury—Sufficiency.

D. 12 Misc. 518; (67 St. Rep. 369; 33 Supp. 675).

Zacharias v. French, 10 Misc. 202; 63 St. Rep. 176; 30 Supp. 945; 24 Civ. Pro. 88; 1 Ann. Cas. 72.

Zahrt, Matter of, 94 N. Y. 605.

Cited, Life Tenants—Gross Sum—Optional Election.

78 Hun, 540; (60 St. Rep. 772; 29 Supp. 217).

Wills—Dower—Bequest in Lieu of—Election.

1 Misc. 275; (22 Supp. 1071). 14 App. Div. 576; (77 St. Rep. 903; 43 Supp. 903). 16 Misc. 105; (72 St. Rep. 743; 37 Supp. 353).

Zapp v. Miller, 109 N. Y. 51; 14 St. Rep. 77; 28 Week. Dig. 373.

Cited, Co-Tenancy — Exclusive Occupation by Co-Tenant.

73 Hun, 511; (56 St. Rep. 182; 26 Supp. 307).

Appeal—Orders—Review.

148 N. Y. 267.

Zboynski v. Brooklyn City R. Co., 10 Misc. 7; 62 St. Rep. 655; 30 Supp. 540.

Cited, Pleading—Amendment.

18 Misc. 11; (75 St. Rep. 450; 40 Supp. 1132).

Zebley v. Farmers' Loan & Trust Co., 139 N. Y. 461; 54 St. Rep. 721.

Reversing, 63 Hun, 541; 45 St. Rep. 425; 18 Supp. 526.

Cited, Limitation of Action—When Statute Runs—Trusts.

140 N. Y. 106; (55 St. Rep. 314). 86 Hun, 402; (67 St. Rep. 231; 33 Supp. 478).

Limitation—Pleading—Waiver.

147 N. Y. 248; (69 St. Rep. 526).

Pleading—Sufficiency on Demurrer.

87 Hun, 52; (67 St. Rep. 484; 33 Supp. 868). 11 App. Div. 335; (76 St. Rep. 1114; 42 Supp. 1114). 17 Misc. 697; (41 Supp. 476).

Actions—Tender—Sufficiency.

87 Hun, 173; (67 St. Rep. 739; 33 Supp. 1054). 13 App. Div. 548; (77 St. Rep. 665; 43 Supp. 665).

Zeiley v. Palisser, 80 Hun, 603; 30 Supp. 287.

Zeimer v. Stearns, 14 Misc. 7; 69 St. Rep. 376; 35 Supp. 131.

Zeller v. Powell, 17 Week. Dig. 499.

Cited, Venue—Change.

5 App. Div. 557; (39 Supp. 435).

Zelmanovitz v. Manhattan R. Co., 67 St. Rep. 405; 33 Supp. 533; 24 Civ. Pro. 402.

Cited, Trial—Costs

12 Misc. 387, 388; (67 St. Rep. 404, 405; 33 Supp. 582, 583; 24 Civ. Pro. 404, 406).

Zeltner v. Irwin, 20 Misc. 398; 79 St. Rep. 1036; 45 Supp. 1038.

Zender v. Seliger-Toothill Co., 16 Misc. 296; 74 St. Rep. 569; 38 Supp. 116.

Reversed, 17 Misc. 126; 39 Supp. 346.

Zender v. Seliger-Toothill Co., 17 Misc. 126; 39 Supp. 346.

Zenner v. Dexter, 92 Hun, 195; 71 St. Rep. 643; 36 Supp. 590.

Zeregal v. Benoist, 33 How. 129.

Cited, Attachment—Affidavit.

16 Misc. 166; (72 St. Rep. 135; 37 Supp. 3). 17 Misc. 243; (40 Supp. 1067).

Ziegele v. Richelieu & Ontario Navigation Co., 3 App. Div. 77; 74 St. Rep. 833; 38 Supp. 1022.

Cited, Wharves—License to Build.

12 App. Div. 19; (76 St. Rep. 608; 42 Supp. 608).

Ziegler v. Chapin, 126 N. Y. 342; 37 St. Rep. 490.

Cited, Contract—Illegality—Payment of Public Money to Monopoly.

5 Misc. 392; (26 Supp. 933).

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Municipal Corporations — Restraint of Waste by Tax Payers.

67 Hun, 261; (50 St. Rep. 908; 22 Supp. 430; 23 Civ. Pro. 127). 71 Hun, 423; (54 St. Rep. 387; 24 Supp. 965). 3 App. Div. 183; (73 St. Rep. 627; 38 Supp. 471).

Injunction—Municipal Acts—Discretion.

9 Misc. 612; (62 St. Rep. 91; 30 Supp. 425). 71 Hun, 542; (54 St. Rep. 911; 24 Supp. 1076). 10 Misc. 210; (62 St. Rep. 89; 30 Supp. 415). 1 App. Div. 402; (72 St. Rep. 751; 37 Supp. 361). D. 152 N. Y. 367. 89 Hun, 265; (68 St. Rep. 853; 34 Supp. 1075). 73 Hun, 506; (56 St. Rep. 234; 26 Supp. 199). 24 Supp. 810; (30 Abb. N. C. 36). 143 N. Y. 617; (62 St. Rep. 817). 148 N. Y. 111.

Ziegler v. Corwin, 12 App. Div. 60; 76 St. Rep. 855; 42 Supp. 855.

Cited, Courts—Jurisdiction—Attack.

16 App. Div. 41; (78 St. Rep. 787; 44 Supp. 787).

Ziegler v. Lamb, 5 App. Div. 47; 74 St. Rep. 856; 40 Supp. 65.

Ziegler v. Pearsall, 78 Hun, 265; 60 St. Rep. 267; 28 Supp. 905.

Ziegler v. Ziegler, 68 Hun, 177; 51 St. Rep. 891; 22 Supp. 812.

Ziehen v. Smith, 73 Hun, 571; 56 St. Rep. 213; 26 Supp. 419.

Affirming, 2 Misc. 487; 24 Supp. 922.

Ziehen v. Smith, 148 N. Y. 558; 3 Ann. Cas. 21.

Reversing, 73 Hun, 571; 56 St. Rep. 213; 26 Supp. 419.

Cited, Contracts — Performance — Conditions Precedent—Tender.

6 App. Div. 556, 557, 562; (39 Supp. 559, 560, 564). 16 App. Div. 501; (78 St. Rep. 906; 44 Supp. 906). 19 Misc. 554; (77 St. Rep. 399, 400; 43 Supp. 399, 400). 19 Misc. 582; (77 St. Rep. 678; 43 Supp. 678). 20 Misc. 530.

Zieley v. Palliser, 62 St. Rep. 62; 30 Supp. 287.

Zilkin v. Carhart, 3 Bradf. 376.

Cited, Executors—Accounting—Increase in Estate.

24 Supp. 135.

Zimmele v. American Plaster Board Co., 1 App. Div. 327; 72 St. Rep. 543; 37 Supp. 183.

Zimmer v. Black, 37 St. Rep. 312; 15 Supp. 107.

Cited, Evidence—Sufficiency—Surrender of Lease.

3 Misc. 233; (51 St. Rep. 865; 22 Supp. 705).

Landlord and Tenant — Destruction of Building—Surrender.

4 Misc. 207; (53 St. Rep. 488; 23 Supp. 1028).

Zimmer v. Hays, 8 App. Div. 34; 40 Supp. 397.

Zimmer v. N. Y. C. & H. R. R. Co., 137 N. Y. 460; 51 St. Rep. 269.

Affirming, 42 St. Rep. 63; 16 Supp. 631.

Distinguished, Carriers—Passenger—Baggage—Conditions in Ticket.

6 Misc. 538; (57 St. Rep. 863; 27 Supp. 141).

Cited, Carriers—Passenger — Limitations in Ticket—Notice.

72 Hun, 7; (55 St. Rep. 716; 25 Supp. 579).

Zimmer v. Settle, 124 N. Y. 37; 35 St. Rep. 218.

Cited, Contracts—Rescission — Effect on Prior Payments.

2 Misc. 367; (51 St. Rep. 211; 22 Supp. 375; 30 Abb. N. C. 4).

Contracts—Interpretation.

D. 15 App. Div. 178; (78 St. Rep. 184; 44 Supp. 184).

Husband and Wife—Contract of Separation—Resumption of Conjugal Relations—Effect.

13 Misc. 595; (71 St. Rep. 598; 36 Supp. 822).

Zimmerle v. American Plaster Board Co., 50 St. Rep. 756; 21 Supp. 846.

Zimmerman v. Bloch, 12 Misc. 158; 66 St. Rep. 358; 32 Supp. 1073.

Zimmerman v. Bloch, 66 St. Rep. 358; 32 Supp. 1073.

Cited, District Courts — Defaults—Opening.

13 Misc. 245; (68 St. Rep. 12; 34 Supp. 57). 19 Misc. 32; (76 St. Rep. 639; 42 Supp. 639).

Zimmerman v. German Evan. Luth.

I. Church, 11 Misc. 49; 63 St. Rep. 469; 31 Supp. 845.

Cited, Contracts—Architect's Certificate.

13 Misc. 198; (68 St. Rep. 317; 34 Supp. 131). 19 Misc. 560; (78 St. Rep. 875; 44 Supp. 875).

Zimmerman v. Kinkle, 108 N. Y. 232; 13 St. Rep. 634.

Affirmed, 6 St. Rep. 768.

Cited, Trustees—Recovery of Diverted Assets.

11 Misc. 187; (66 St. Rep. 334; 32 Supp. 1080).

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Zimmerman v. Long Island R. Co.,
14 App. Div. 562; 77 St. Rep. 883; 43
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Zimmerman v. Union R. Co of
N. Y., 3 App. Div. 219; 74 St. Rep. 18;
38 Supp. 362.

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Cited, Street Railways — Crossings —
Rights of Vehicles.
10 App. Div. 362; (75 St. Rep. 1385; 41
Supp. 1018). 16 App. Div. 85; (79 St. Rep.
109; 45 Supp. 109).

Zimmerman v. Zimmerman, 14 Supp.
444; 26 Abb. N. C. 366.

Cited, Order to Show Cause—Service—
Sufficiency.
1 App. Div. 493; (72 St. Rep. 469; 37
Supp. 405).

Zimmermann v. Gerzog, 13 App. Div.
210; 77 St. Rep. 339; 43 Supp. 339.

Zimmermann v. Heil, 86 Hun, 114; 67
St. Rep. 136; 33 Supp. 391; 2 Ann. Cas.
103.

Zimmermann v. Jourgensen, 70
Hun, 222; 54 St. Rep. 13; 24 Supp. 170.
Affirmed, 144 N. Y. 656.

Zink v. McManus, 121 N. Y. 259.

Cited, Statutes—Provisions—Necessity of
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11 App. Div. 515; (76 St. Rep. 807; 42 Supp.
807). 12 App. Div. 615; (77 St. Rep. 117;
43 Supp. 117).
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18 Misc. 324; (76 St. Rep. 1003; 42 Supp.
1003).

Zink v. McManus, 49 Hun, 583; 3 Supp.
487.

Affirmed, 121 N. Y. 259.
Cited, 13 App. Div. 456; (77 St. Rep. 600;
43 Supp. 600).

Zinke v. Estate of Zinke, 90 Hun, 127;
70 St. Rep. 509; 35 Supp. 645.

Zinn v. New Jersey Steamboat Co.,
49 N. Y. 442.

Cited, Carriers—Baggage—Loss.
16 Misc. 614; (73 St. Rep. 813; 38 Supp.
341).

Zinzow, Matter of, 18 Misc. 653; 77 St.
Rep. 714; 43 Supp. 714.

Zipp v. Barker, 6 App. Div. 609; 40
Supp. 325.

Zivi v. Einstein, 2 Misc. 177; 49 St. Rep.
720; 21 Supp. 583; 23 Civ. Pro. 56.

Reversing, 1 Misc. 212; 49 St. Rep. 224; 20
Supp. 893.

Cited, Pleading — General Denial—Sham
—Striking Out.
5 Misc. 513; (58 St. Rep. 107; 25 Supp.
970).

Zlotovsky v. Twenty-third St. R.
Co., 8 Misc. 463; 59 St. Rep. 581; 28
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406; 31 St. Rep. 499.

Affirming, 13 St. Rep. 349.

Cited, Compromise—Defence to Action—
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11 Misc. 248; (66 St. Rep. 515; 33 Supp.
15).

Zoeller v. Riley, 100 N. Y. 102.

Cited, Fraudulent Conveyance — Good
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76 Hun, 541; (58 St. Rep. 262; 28 Supp.
207). 85 Hun, 401; (66 St. Rep. 742; 33
Supp. 131). 92 Hun, 214; (72 St. Rep. 276;
36 Supp. 1058). D. 14 App. Div. 626; (77
St. Rep. 983. 43 Supp. 983).

Lien—Failure to File Complaint—Effect.

5 App. Div. 310; (39 Supp. 216).

*Mortgage—Foreclosure—Failure to Make
Proper Parties.*

17 App. Div. 149; (79 St. Rep. 300; 45
Supp. 300).

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71 Hun, 572; (55 St. Rep. 101; 25 Supp.
138). 85 Hun, 19, 20; (66 St. Rep. 130; 32
Supp. 619).

Zogbaum v. Parker, 55 N. Y. 120.

Cited, Judgments—Set-off.

73 St. Rep. 361; (38 Supp. 172; 1 Ann. Cas.
198).

Zoliewski v. N. Y. C. & H. R. R.
Co., 1 Misc. 438; 51 St. Rep. 54; 21
Supp. 916.

Affirmed, 140 N. Y. 621; 55 St. Rep. 929.

Zoller v. Grant, 19 St. Rep. 311; 3 Supp.
539.

Cited, Appeal—From Judgment — What
Questions Reviewed.

4 Misc. 173; (53 St. Rep. 215; 23 Supp.
675).

Zoller v. Kellogg, 66 Hun, 194; 49 St.
Rep. 179; 21 Supp. 226.

Zoller v. Smith, 45 Hun, 319.

Cited, Appeal—Non-suit—Inference from
Evidence.

17 Misc. 367; (74 St. Rep. 854; 40 Supp.
64; 25 Civ. Pro. 344).

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Zone v. Zone, 4 Misc. 559; 25 Supp. 843.
Zorkowski v. Astor, 13 Misc. 507; 69 St. Rep. 114; 34 Supp. 948.

Zorn v. Haake, 75 Hun, 235; 58 St. Rep. 658; 27 Supp. 38.

Zorn v. Zorn, 38 Hun, 67.

Cited, Pleading—Misjoinder of Causes of Action—Demurrer.

7 Misc. 469; (58 St. Rep. 511; 27 Supp. 994; 23 Civ. Pro. 357).

Zorn v. McParland, 8 Misc. 126; 59 St. Rep. 521; 28 Supp. 485.

Affirmed, 11 Misc. 555; 32 Supp. 770.

Cited, Contracts — Rescission—Damages—Recovery.

19 Misc. 554; (77 St. Rep. 400; 43 Supp. 400). 13 Misc. 224; (68 St. Rep. 83; 34 Supp. 226).

Zorn v. McParland, 11 Misc. 535; 66 St. Rep. 99; 32 Supp. 770.

Zorntlein v. Bram, 100 N. Y. 12.

Cited, Descent—Rights of Husband and Wife—Estates by the Entirety.

9 Misc. 664; (62 St. Rep. 414; 30 Supp. 837). 13 App. Div. 474; (16 Misc. 656; 72 St. Rep. 163; 37 Supp. 11; 25 Civ. Pro. 272). 82 Hun, 204; (63 St. Rep. 778; 31 Supp. 330).

Tenancy by Entirety — Conveyance by One Tenant.

67 Hun, 234; (50 St. Rep. 782; 22 Supp. 798).

Zrskowski v. Mach, 15 Misc. 234; 71 St. Rep. 471; 36 Supp. 421.

Zuenzer v. Minzenmair, 20 Misc. 212. 79 St. Rep. 372; 45 Supp. 372.

Zule v. Zule, 24 Wend. 76.

Cited, Covenant—Rent—Apportionment. 24 Misc. 530; (70 St. Rep. 709; 35 Supp. 1091; 2 Ann. Cas. 341).

Zunz v. Heroy, 3 Misc. 614; 52 St. Rep. 123; 23 Supp. 15.

Zwack v. N. Y., L. E. & W. R. Co., 8 App. Div. 483; 40 Sup. 821.

Zweigle v. Hohman, 75 Hun, 377; 58 St. Rep. 660; 27 Supp. 111.

Cited, Executors—Action for Accounting—When Barred.

15 Misc. 560; (74 St. Rep. 301; 37 Supp. 1131).

Zwickert, Matter of, 5 Misc. 272; 26 Supp. 773.

